

SENATE BILL NO. 227—SENATORS SPEARMAN; D. HARRIS
AND SCHEIBLE

MARCH 8, 2023

JOINT SPONSORS: ASSEMBLYMEN GONZÁLEZ; D’SILVA
AND TAYLOR

Referred to Committee on Judiciary

SUMMARY—Revises provisions relating to crimes. (BDR 15-17)

FISCAL NOTE: Effect on Local Government: May have Fiscal Impact.
Effect on the State: Yes.

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EXPLANATION – Matter in ***bolded italics*** is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to crimes; providing that a person who etches, paints, draws or displays a symbol of hate under certain circumstances is guilty of the crime of intimidation; requiring a juvenile court to take certain actions concerning a child who is adjudicated delinquent for committing the crime of intimidation; authorizing a court to issue certain orders for protection against intimidation; requiring the prosecuting attorney and clerk of the court to take certain actions in a trial brought against a person on the charge of intimidation under certain circumstances; providing for the early termination of a rental agreement by certain victims of intimidation; authorizing certain victims of intimidation to bring a civil action to recover damages resulting from the intimidation; providing penalties; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

- 1 **Section 1** of this bill defines the term “symbol of hate” to mean a symbol,
2 image or object that expresses animus on the basis of race, color, religion, ancestry,
3 disability, sex, sexual orientation, national origin or gender identity or expression.
4 **Section 1** provides that a person who etches, paints, draws or otherwise places or
5 displays a symbol of hate on public property or in plain view of the public with the
6 intent to cause a person to feel threatened or intimidated, deprive a person of any



* S B 2 2 7 *

constitutional right or retaliate against a person for exercising any such right is guilty of the crime of intimidation. **Section 1** makes the crime of intimidation punishable as a misdemeanor for the first offense, a category E felony for the second offense and a category D felony for any subsequent offense.

With certain exceptions, existing law grants the juvenile court exclusive jurisdiction over a child who is alleged or adjudicated to have committed a delinquent act. In general, under existing law, a child commits a delinquent act if the child commits an act designated as a criminal offense. (NRS 62B.330) Because a child who violates **section 1** commits such an act, the juvenile court has exclusive jurisdiction over such a child. In addition to any other action the juvenile court is authorized or required to take concerning a child who is adjudicated delinquent, if a child is adjudicated delinquent for the crime of intimidation, **section 10** of this bill requires the juvenile court to: (1) order the suspension of the driver's license of the child; or (2) if the child does not possess a driver's license, prohibit the child from applying for a driver's license for a period of time. With limited exception, **section 10** also requires the juvenile court to order the child to participate in a program designed to reduce prejudice and promote empathy and respect for diversity. **Section 11** of this bill makes a conforming change to indicate the proper placement of **section 10** in the Nevada Revised Statutes.

Existing law: (1) deems harassment, stalking or aggravated stalking to have been committed where the conduct occurred or where the person who was affected by the conduct was located at the time that the conduct occurred; and (2) authorizes a person who reasonably believes that the crime of harassment, stalking or aggravated stalking is being committed against him or her to petition a court for an order for protection against the person allegedly committing the act. (NRS 200.581, 200.591) **Section 2** of this bill deems intimidation to have been committed where the conduct occurred or where the person who was affected by the conduct was located at the time that the conduct occurred. **Section 3** of this bill authorizes a person who reasonably believes that the crime of intimidation is being committed against him or her to petition a court for an order for protection against the person allegedly committing the crime of intimidation. **Sections 4, 6, 7, 9, 12, 13 and 16-21** of this bill make conforming changes related to the issuance of orders for protection against intimidation.

Existing law requires the prosecuting attorney in any trial brought against a person on a charge of stalking, aggravated stalking or harassment to inform the alleged victim of the final disposition of the case. Existing law also requires the clerk of the court to take certain action if the defendant in any such trial is found guilty and certain other requirements are met. (NRS 200.601) **Section 5** of this bill makes these requirements applicable to the prosecuting attorney and clerk of the court in any trial brought against a person on the charge of intimidation.

Existing law authorizes a person who has suffered injury as the proximate result of the commission of certain crimes by a perpetrator who was motivated by certain characteristics of the injured person to bring a civil action to recover his or her actual damages and punitive damages. (NRS 41.690) **Section 8** of this bill adds to the list of such crimes for which such a person may bring a civil action the crime of intimidation pursuant to **section 1**.

Existing law provides for the early termination of a rental agreement if a tenant, cotenant or household member is a victim of domestic violence, harassment, sexual assault or stalking. (NRS 118A.345) **Section 14** of this bill additionally provides for the early termination of a rental agreement if a tenant, cotenant or household member is a victim of the crime of intimidation. **Section 15** of this bill makes conforming changes related to the early termination of rental agreements.



1 WHEREAS, As stated by John Lewis, “We have an obligation to
2 condemn speech that is racist, bigoted, anti-Semitic, or hateful”; and

3 WHEREAS, Hangman’s nooses have been frequently used
4 throughout American history to kill and intimidate Black Americans
5 and enforce white supremacy; and

6 WHEREAS, The hangman’s noose, therefore, serves as a
7 powerful visual symbol of the violence perpetrated against Black
8 Americans and others in this country; and

9 WHEREAS, The display of a hangman’s noose shows support for
10 the segregation and subjugation of Black Americans, epitomizing
11 discrimination in this country; and

12 WHEREAS, In recent years, hangman’s nooses have appeared
13 with alarming frequency at factories, universities and other public
14 and private places across the United States; and

15 WHEREAS, Hangman’s nooses have been discovered at two
16 major construction sites in Las Vegas, Nevada in the past 3 years;
17 and

18 WHEREAS, The swastika was adopted by Nazi Germany during
19 its reign of terror that included the extermination of 6 million Jews
20 during the Holocaust; and

21 WHEREAS, In this State, we have in our communities survivors
22 of the Holocaust, children of such survivors and brave liberators of
23 the Nazi camps where symbols such as the Nazi swastika flourished;
24 and

25 WHEREAS, The use of the Nazi swastika legitimizes anti-
26 Semitism; and

27 WHEREAS, Anti-Semitic hatred and violence still exist today,
28 both internationally and in the United States; and

29 WHEREAS, In recent years, there have been a number of mass
30 shootings and attacks on synagogues motivated by anti-Semitic
31 sentiment, including the attack on the Tree of Life Synagogue in
32 Pittsburgh, Pennsylvania, which killed 11 people and wounded 6
33 others; and

34 WHEREAS, Certain symbols, such as the hangman’s noose or
35 Nazi swastika, have a long and pernicious history of symbolizing
36 impending violence which would reasonably cause a person to fear
37 imminent harm; and

38 WHEREAS, We must condemn the use of certain symbols of the
39 past in order to move forward; now, therefore,



THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 200 of NRS is hereby amended by adding thereto a new section to read as follows:

1. A person who etches, paints, draws or otherwise places or displays a symbol of hate on public property or in plain view of the public with the intent to cause a person to feel threatened or intimidated, deprive a person of any right secured by the United States Constitution or the Nevada Constitution or retaliate against a person for exercising any such right commits the crime of intimidation.

2. A person who violates subsection 1:

(a) For the first offense, is guilty of a misdemeanor.

(b) For a second offense, is guilty of a category E felony and shall be punished as provided in NRS 193.130.

(c) For a third or subsequent offense, is guilty of a category D felony and shall be punished as provided in NRS 193.130.

3. A criminal penalty provided for in this section may be imposed in addition to any penalty that may be imposed for any other criminal offense arising from the same conduct or for any contempt of court arising from the same conduct.

4. The penalties provided in this section do not preclude the victim from seeking any other legal remedy available.

5. Nothing in this section shall be construed to prohibit a person from engaging in any constitutionally protected exercise of free speech.

6. As used in this section, "symbol of hate" means a symbol, image or object that expresses animus on the basis of race, color, religion, ancestry, disability, sex, sexual orientation, national origin or gender identity or expression, and includes, without limitation, a hangman's noose or Nazi swastika.

Sec. 2. NRS 200.581 is hereby amended to read as follows:

200.581 Harassment, stalking , ~~for~~ aggravated stalking *or intimidation* shall be deemed to have been committed where the conduct occurred or where the person who was affected by the conduct was located at the time that the conduct occurred.

Sec. 3. NRS 200.591 is hereby amended to read as follows:

200.591 1. In addition to any other remedy provided by law, a person who reasonably believes that the crime of stalking, aggravated stalking , ~~for~~ harassment *or intimidation* is being committed against him or her by another person may petition any court of competent jurisdiction for a temporary or extended order directing the person who is allegedly committing the crime to:



(a) Stay away from the home, school, business or place of employment of the victim of the alleged crime and any other location specifically named by the court.

(b) Refrain from contacting, intimidating, threatening or otherwise interfering with the victim of the alleged crime and any other person named in the order, including, without limitation, a member of the family or the household of the victim of the alleged crime.

(c) Comply with any other restriction which the court deems necessary to protect the victim of the alleged crime or to protect any other person named in the order, including, without limitation, a member of the family or the household of the victim of the alleged crime.

2. If a defendant charged with a crime involving harassment, stalking, ~~for~~ aggravated stalking *or intimidation* is released from custody before trial or is found guilty at the trial, the court may issue a temporary or extended order or provide as a condition of the release or sentence that the defendant:

(a) Stay away from the home, school, business or place of employment of the victim of the alleged crime and any other location specifically named by the court.

(b) Refrain from contacting, intimidating, threatening or otherwise interfering with the victim of the alleged crime and any other person named in the order, including, without limitation, a member of the family or the household of the victim of the alleged crime.

(c) Comply with any other restriction which the court deems necessary to protect the victim of the alleged crime or to protect any other person named in the order, including, without limitation, a member of the family or the household of the victim of the alleged crime.

3. A temporary order may be granted with or without notice to the adverse party. An extended order may be granted only after:

(a) Notice of the petition for the order and of the hearing thereon is served upon the adverse party pursuant to the Nevada Rules of Civil Procedure; and

(b) A hearing is held on the petition.

4. If an extended order is issued by a justice court, an interlocutory appeal lies to the district court, which may affirm, modify or vacate the order in question. The appeal may be taken without bond, but its taking does not stay the effect or enforcement of the order.

5. Unless a more severe penalty is prescribed by law for the act that constitutes the violation of the order, any person who intentionally violates:



- 1 (a) A temporary order is guilty of a gross misdemeanor.
2 (b) An extended order is guilty of a category C felony and shall
3 be punished as provided in NRS 193.130.
4 6. Any court order issued pursuant to this section must:
5 (a) Be in writing;
6 (b) Be personally served on the person to whom it is directed;
7 and
8 (c) Contain the warning that violation of the order:
9 (1) Subjects the person to immediate arrest.
10 (2) Is a gross misdemeanor if the order is a temporary order.
11 (3) Is a category C felony if the order is an extended order.
12 7. A temporary or extended order issued pursuant to this
13 section must provide notice that a person who is arrested for
14 violating the order will not be admitted to bail sooner than 12 hours
15 after the person's arrest if:
16 (a) The arresting officer determines that such a violation is
17 accompanied by a direct or indirect threat of harm;
18 (b) The person has previously violated a temporary or extended
19 order for protection; or
20 (c) At the time of the violation or within 2 hours after the
21 violation, the person has:
22 (1) A concentration of alcohol of 0.08 or more in his or her
23 blood or breath; or
24 (2) An amount of a prohibited substance in his or her blood
25 or urine, as applicable, that is equal to or greater than the amount set
26 forth in subsection 3 or 4 of NRS 484C.110.
27 **Sec. 4.** NRS 200.599 is hereby amended to read as follows:
28 200.599 Any time a court issues a temporary or extended order
29 for protection against stalking, aggravated stalking, ~~for~~ harassment
30 **or intimidation** and any time a person serves such an order, or
31 receives any information or takes any other action pursuant to NRS
32 200.571 to 200.601, inclusive, **and section 1 of this act**, the court or
33 person, as applicable, shall cause to be transmitted, in the manner
34 prescribed by the Central Repository for Nevada Records of
35 Criminal History, any information required by the Central
36 Repository in a manner which ensures that the information is
37 received by the Central Repository by the end of the next business
38 day.
39 **Sec. 5.** NRS 200.601 is hereby amended to read as follows:
40 200.601 1. The prosecuting attorney in any trial brought
41 against a person on a charge of harassment, stalking, ~~for~~
42 aggravated stalking **or intimidation** shall inform the alleged victim
43 of the final disposition of the case.
44 2. If the defendant is found guilty and the court issues an order
45 or provides a condition of the sentence restricting the ability of the



defendant to have contact with the victim or witnesses, the clerk of the court shall:

(a) Keep a record of the order or condition of the sentence; and

(b) Provide a certified copy of the order or condition of the sentence to the victim and other persons named in the order.

Sec. 6. NRS 3.2201 is hereby amended to read as follows:

3.2201 1. The district court has exclusive jurisdiction to accept an application for, to consider an application for, and to issue or deny the issuance of any of the following orders when the adverse party against whom the order is sought is a child who is under 18 years of age:

(a) A temporary or extended order for protection against domestic violence pursuant to NRS 33.017 to 33.100, inclusive.

(b) A temporary or extended order for protection against harassment in the workplace pursuant to NRS 33.200 to 33.360, inclusive.

(c) An emergency or extended order for protection against high-risk behavior pursuant to NRS 33.500 to 33.670, inclusive.

(d) A temporary or extended order for protection against sexual assault pursuant to NRS 200.378.

(e) A temporary or extended order for protection against stalking, aggravated stalking , ~~for~~ harassment *or intimidation* pursuant to NRS 200.591.

2. The district court shall appoint counsel for a child who is the adverse party against whom an order listed in subsection 1 is sought upon:

(a) The issuance of any emergency or temporary order listed in subsection 1; or

(b) Notice of an adversarial hearing on an application for an order listed in subsection 1.

3. If the district court issues an order listed in subsection 1, the order must be served upon:

(a) The child who is the adverse party; and

(b) The parent or guardian of the child.

4. The juvenile court has exclusive jurisdiction over any action in which it is alleged that a child who is the adverse party in an order listed in subsection 1 has committed a delinquent act by violating a condition set forth in the order.

5. If the district court issues an order listed in subsection 1 and the adverse party reaches the age of 18 years while the order is still in effect, the order remains effective against the adverse party until the order expires or is dissolved by the district court.

6. The district court shall automatically seal all records related to the application for, consideration of and issuance of an order listed in subsection 1 as provided in NRS 62H.140 upon the



dissolution or expiration of the order or when the adverse party reaches the age of 18 years, whichever is earlier, unless, at such a time, the order is still in effect, in which case the records must be automatically sealed by the district court upon the expiration or dissolution of the order.

7. A district court may appoint a master to conduct the proceedings described in this section.

Sec. 7. NRS 4.370 is hereby amended to read as follows:

4.370 1. Except as otherwise provided in subsection 2, justice courts have jurisdiction of the following civil actions and proceedings and no others except as otherwise provided by specific statute:

(a) In actions arising on contract for the recovery of money only, if the sum claimed, exclusive of interest, does not exceed \$15,000.

(b) In actions for damages for injury to the person, or for taking, detaining or injuring personal property, or for injury to real property where no issue is raised by the verified answer of the defendant involving the title to or boundaries of the real property, if the damage claimed does not exceed \$15,000.

(c) Except as otherwise provided in paragraph (l), in actions for a fine, penalty or forfeiture not exceeding \$15,000, given by statute or the ordinance of a county, city or town, where no issue is raised by the answer involving the legality of any tax, impost, assessment, toll or municipal fine.

(d) In actions upon bonds or undertakings conditioned for the payment of money, if the sum claimed does not exceed \$15,000, though the penalty may exceed that sum. Bail bonds and other undertakings posted in criminal matters may be forfeited regardless of amount.

(e) In actions to recover the possession of personal property, if the value of the property does not exceed \$15,000.

(f) To take and enter judgment on the confession of a defendant, when the amount confessed, exclusive of interest, does not exceed \$15,000.

(g) Of actions for the possession of lands and tenements where the relation of landlord and tenant exists, when damages claimed do not exceed \$15,000 or when no damages are claimed.

(h) Of actions when the possession of lands and tenements has been unlawfully or fraudulently obtained or withheld, when damages claimed do not exceed \$15,000 or when no damages are claimed.

(i) Of suits for the collection of taxes, where the amount of the tax sued for does not exceed \$15,000.



(j) Of actions for the enforcement of mechanics' liens, where the amount of the lien sought to be enforced, exclusive of interest, does not exceed \$15,000.

(k) Of actions for the enforcement of liens of owners of facilities for storage, where the amount of the lien sought to be enforced, exclusive of interest, does not exceed \$15,000.

(l) In actions for a civil penalty imposed for a violation of NRS 484D.680.

(m) Except as otherwise provided in this paragraph, in any action for the issuance of a temporary or extended order for protection against domestic violence pursuant to NRS 33.020. A justice court does not have jurisdiction in an action for the issuance of a temporary or extended order for protection against domestic violence:

(1) In a county whose population is 100,000 or more and less than 700,000;

(2) In any township whose population is 100,000 or more located within a county whose population is 700,000 or more;

(3) If a district court issues a written order to the justice court requiring that further proceedings relating to the action for the issuance of the order for protection be conducted before the district court; or

(4) Where the adverse party against whom the order is sought is under 18 years of age.

(n) Except as otherwise provided in this paragraph, in any action for the issuance of an emergency or extended order for protection against high-risk behavior pursuant to NRS 33.570 or 33.580. A justice court does not have jurisdiction in an action for the issuance of an emergency or extended order for protection against high-risk behavior:

(1) In a county whose population is 100,000 or more but less than 700,000;

(2) In any township whose population is 100,000 or more located within a county whose population is 700,000 or more;

(3) If a district court issues a written order to the justice court requiring that further proceedings relating to the action for the issuance of the order for protection be conducted before the district court; or

(4) Where the adverse party against whom the order is sought is under 18 years of age.

(o) In an action for the issuance of a temporary or extended order for protection against harassment in the workplace pursuant to NRS 33.200 to 33.360, inclusive, where the adverse party against whom the order is sought is 18 years of age or older.



(p) In small claims actions under the provisions of chapter 73 of NRS.

(q) In actions to contest the validity of liens on mobile homes or manufactured homes.

(r) In any action pursuant to NRS 200.591 for the issuance of a protective order against a person alleged to be committing the crime of stalking, aggravated stalking, ~~for~~ harassment *or intimidation* where the adverse party against whom the order is sought is 18 years of age or older.

(s) In any action pursuant to NRS 200.378 for the issuance of a protective order against a person alleged to have committed the crime of sexual assault where the adverse party against whom the order is sought is 18 years of age or older.

(t) In actions transferred from the district court pursuant to NRS 3.221.

(u) In any action for the issuance of a temporary or extended order pursuant to NRS 33.400.

(v) In any action seeking an order pursuant to NRS 441A.195.

(w) In any action to determine whether a person has committed a civil infraction punishable pursuant to NRS 484A.703 to 484A.705, inclusive.

2. The jurisdiction conferred by this section does not extend to civil actions, other than for forcible entry or detainer, in which the title of real property or mining claims or questions affecting the boundaries of land are involved.

3. Justice courts have jurisdiction of all misdemeanors and no other criminal offenses except as otherwise provided by specific statute. Upon approval of the district court, a justice court may transfer original jurisdiction of a misdemeanor to the district court for the purpose of assigning an offender to a program established pursuant to NRS 176A.250 or, if the justice court has not established a program pursuant to NRS 176A.280, to a program established pursuant to that section.

4. Except as otherwise provided in subsections 5, 6 and 7, in criminal cases the jurisdiction of justices of the peace extends to the limits of their respective counties.

5. A justice of the peace may conduct a pretrial release hearing for a person located outside of the township of the justice of the peace.

6. In the case of any arrest made by a member of the Nevada Highway Patrol, the jurisdiction of the justices of the peace extends to the limits of their respective counties and to the limits of all counties which have common boundaries with their respective counties.



7. Each justice court has jurisdiction of any violation of a regulation governing vehicular traffic on an airport within the township in which the court is established.

Sec. 8. NRS 41.690 is hereby amended to read as follows:

1. A person who has suffered injury as the proximate result of the willful violation of the provisions of NRS 200.030, 200.050, 200.280, 200.310, 200.366, 200.380, 200.400, 200.460, 200.463, 200.4631, 200.464, 200.465, 200.467, 200.468, 200.471, 200.481, 200.508, 200.5099, 200.571, 200.575, 202.448, 203.010, 203.020, 203.030, 203.060, 203.080, 203.090, 203.100, 203.110, 203.119, 205.010 to 205.025, inclusive, 205.060, 205.067, 205.075, 205.0832, 205.220, 205.226, 205.228, 205.240, 205.270, 205.2715, 205.274, 205.2741, 206.010, 206.040, 206.125, 206.140, 206.150, 206.200, 206.310, 206.330, 207.180, 207.190, 207.200, 207.210 or 392.915 *or section 1 of this act* by a perpetrator who was motivated by the injured person's actual or perceived race, color, religion, national origin, physical or mental disability, sexual orientation or gender identity or expression may bring an action for the recovery of his or her actual damages and any punitive damages which the facts may warrant. If the person who has suffered injury prevails in an action brought pursuant to this subsection, the court shall award the person costs and reasonable attorney's fees.

2. The liability imposed by this section is in addition to any other liability imposed by law.

3. As used in this section, "gender identity or expression" has the meaning ascribed to it in NRS 193.0148.

Sec. 9. NRS 62C.020 is hereby amended to read as follows:

62C.020 1. A child must not be released from custody sooner than 12 hours after the child is taken into custody if the child is taken into custody for committing a battery that constitutes domestic violence pursuant to NRS 33.018, unless the peace officer or probation officer who has taken the child into custody determines that the child does not otherwise meet the criteria for secure detention and:

(a) Respite care or another out-of-home alternative to secure detention is available for the child;

(b) An out-of-home alternative to secure detention is not necessary to protect the victim from injury; or

(c) Family services are available to maintain the child in the home and the parents or guardians of the child agree to receive those family services and to allow the child to return to the home.

2. A child must not be released from custody sooner than 12 hours after the child is taken into custody if the child is taken into custody for violating a temporary or extended order for protection against domestic violence issued pursuant to NRS 33.017 to 33.100,



1 inclusive, or for violating a restraining order or injunction that is in
2 the nature of a temporary or extended order for protection against
3 domestic violence issued in an action or proceeding brought
4 pursuant to title 11 of NRS, or for violating a temporary or extended
5 order for protection against stalking, aggravated stalking, ~~for~~
6 harassment *or intimidation* issued pursuant to NRS 200.591 or for
7 violating a temporary or extended order for protection against sexual
8 assault issued pursuant to NRS 200.378 and:

9 (a) The peace officer or probation officer who has taken the
10 child into custody determines that such a violation is accompanied
11 by a direct or indirect threat of harm;

12 (b) The child has previously violated a temporary or extended
13 order for protection of the type for which the child has been taken
14 into custody; or

15 (c) At the time of the violation or within 2 hours after the
16 violation, the child has:

17 (1) A concentration of alcohol of 0.08 or more in his or her
18 blood or breath; or

19 (2) An amount of a prohibited substance in his or her blood
20 or urine, as applicable, that is equal to or greater than the amount set
21 forth in subsection 3 or 4 of NRS 484C.110.

22 3. For the purposes of this section, an order or injunction is in
23 the nature of a temporary or extended order for protection against
24 domestic violence if it grants relief that might be given in a
25 temporary or extended order issued pursuant to NRS 33.017 to
26 33.100, inclusive.

27 **Sec. 10.** Chapter 62E of NRS is hereby amended by adding
28 thereto a new section to read as follows:

29 *1. In addition to any other action authorized or required*
30 *pursuant to the provisions of this title, if a child is adjudicated*
31 *delinquent for the unlawful act of intimidation in violation of*
32 *section 1 of this act, the juvenile court shall:*

33 *(a) Order the suspension of the driver's license of the child for*
34 *6 months. If the child does not possess a driver's license, the*
35 *juvenile court shall prohibit the child from applying for a driver's*
36 *license for 6 months:*

37 *(1) Immediately following the date of the order, if the child*
38 *is eligible to apply for a driver's license; or*

39 *(2) After the date the child becomes eligible to apply for a*
40 *driver's license, if the child is not eligible to apply for a driver's*
41 *license on the date of the order.*

42 *(b) Except as otherwise provided in subsection 4, order the*
43 *child to participate in a program designed to reduce prejudice and*
44 *promote empathy and respect for diversity.*



2. If the child is already the subject of a court order suspending or delaying the issuance of the driver's license of the child, the juvenile court shall order the additional suspension or delay required by subsection 1, as appropriate, to apply consecutively with the previous order.

3. If the juvenile court finds that a suspension or delay in the issuance of the driver's license of a child pursuant to this section would cause or is causing a severe or undue hardship to the child or his or her immediate family and that the child is otherwise eligible to receive a driver's license, the juvenile court may order the Department of Motor Vehicles to issue a restricted driver's license to the child pursuant to NRS 483.490.

4. The juvenile court shall not order the participation of a child in a program pursuant to subsection 1 if the program charges a fee for participation.

Sec. 11. NRS 62E.500 is hereby amended to read as follows:

62E.500 1. The provisions of NRS 62E.500 to 62E.730, inclusive ~~H~~, and section 10 of this act:

(a) Apply to the disposition of a case involving a child who is adjudicated delinquent.

(b) Except as otherwise provided in NRS 62E.700 and 62E.705, do not apply to the disposition of a case involving a child who is found to have committed a minor traffic offense.

2. If a child is adjudicated delinquent:

(a) The juvenile court may issue any orders or take any actions set forth in NRS 62E.500 to 62E.730, inclusive, and section 10 of this act, that the juvenile court deems proper for the disposition of the case; and

(b) If required by a specific statute, the juvenile court shall issue the appropriate orders or take the appropriate actions set forth in the statute.

Sec. 12. NRS 62H.035 is hereby amended to read as follows:

62H.035 1. Upon the submission of information relating to any of the following orders for protection where the adverse party is a child under the age of 18 years to the Central Repository for Nevada Records of Criminal History, the adverse party may petition a court for an order declaring that the basis no longer exists for such information to be transmitted to the Central Repository:

(a) A temporary or extended order for protection against domestic violence pursuant to NRS 33.017 to 33.100, inclusive.

(b) A temporary or extended order for protection against harassment in the workplace pursuant to NRS 33.200 to 33.360, inclusive.

(c) An emergency or extended order for protection against high-risk behavior pursuant to NRS 33.500 to 33.670, inclusive.



(d) A temporary or extended order for protection against sexual assault pursuant to NRS 200.378.

(e) A temporary or extended order for protection against stalking, aggravated stalking , ~~for~~ harassment *or intimidation* pursuant to NRS 200.591.

2. A petition brought pursuant to subsection 1 must be filed in the court which issued the order for protection.

3. The court shall grant the petition and issue the order described in subsection 1 if the court finds that the basis for the order for protection no longer exists.

4. The court, upon granting the petition and entering an order pursuant to this section, shall cause, on a form prescribed by the Department of Public Safety, a record of the order to be transmitted to the Central Repository for Nevada Records of Criminal History.

5. Within 5 business days after receiving a record of an order transmitted pursuant to subsection 4, the Central Repository for Nevada Records of Criminal History shall take reasonable steps to ensure that the information concerning the adverse party is removed from the Central Repository.

6. If the Central Repository for Nevada Records of Criminal History fails to remove the information as provided in subsection 5, the adverse party may bring an action to compel the removal of the information. If the adverse party prevails in the action, the court may award the adverse party reasonable attorney's fees and costs incurred in bringing the action.

7. If a petition brought pursuant to subsection 1 is denied, the adverse party may petition for a rehearing not sooner than 2 years after the date of the denial of the petition.

Sec. 13. NRS 67.060 is hereby amended to read as follows:

67.060 1. Except as otherwise provided in subsection 3, the Supreme Court shall adopt rules and procedures for conducting trials by jury in civil actions in the justice courts that are designed to limit the length of trials.

2. The rules and procedures adopted pursuant to this section may provide for:

(a) Restrictions on the amount of discovery requested by each party;

(b) The use of a jury composed of not more than six persons and not less than four persons; and

(c) A specified limit on the amount of time each party may use to present his or her case.

3. This section does not apply to:

(a) An action for the possession of lands and tenements where the relation of landlord and tenant exists, when damages claimed do not exceed \$10,000 or when no damages are claimed.



(b) An action when the possession of lands and tenements has been unlawfully or fraudulently obtained or withheld, when damages claimed do not exceed \$10,000 or when no damages are claimed.

(c) An action for the issuance of a temporary or extended order for protection against domestic violence.

(d) An action for the issuance of a temporary or extended order for protection against harassment in the workplace pursuant to NRS 33.200 to 33.360, inclusive.

(e) A small claims action brought under the provisions of chapter 73 of NRS.

(f) An action pursuant to NRS 200.591 for the issuance of a protective order against a person alleged to be committing the crime of stalking, aggravated stalking, ~~harassment~~ **or intimidation**.

(g) An action pursuant to NRS 200.378 for the issuance of a protective order against a person alleged to have committed sexual assault.

Sec. 14. NRS 118A.345 is hereby amended to read as follows:

118A.345 1. Notwithstanding any provision in a rental agreement to the contrary, if a tenant, cotenant or household member is the victim of domestic violence, harassment, sexual assault, ~~stalking~~ **or intimidation**, the tenant or any cotenant may terminate the rental agreement by giving the landlord written notice of termination effective at the end of the current rental period or 30 days after the notice is provided to the landlord, whichever occurs sooner.

2. In the case of a termination of a rental agreement pursuant to this section on the grounds that a tenant, cotenant or household member is a victim of domestic violence, the written notice provided to a landlord pursuant to subsection 1 must describe the reason for the termination of the rental agreement and be accompanied by:

(a) A copy of an order for protection against domestic violence issued to the tenant, cotenant or household member who is the victim of domestic violence;

(b) A copy of a written report from a law enforcement agency indicating that the tenant, cotenant or household member notified the law enforcement agency of the domestic violence; or

(c) A copy of a written affidavit in the form prescribed pursuant to NRS 118A.347 and signed by a qualified third party acting in his or her official capacity stating that the tenant, cotenant or household member is a victim of domestic violence and identifying the adverse party.

3. In the case of a termination of a rental agreement pursuant to this section on the grounds that a tenant, cotenant or household



1 member is a victim of harassment, sexual assault , ~~for~~ stalking ~~H~~ or
2 *intimidation*, the written notice provided to a landlord pursuant to
3 subsection 1 must describe the reason for the termination of the
4 rental agreement and be accompanied by:

5 (a) A copy of a written report from a law enforcement agency
6 indicating that the tenant, cotenant or household member notified
7 the law enforcement agency of the harassment, sexual assault , ~~for~~
8 stalking ~~H~~ or *intimidation*, as applicable; or

9 (b) A copy of a temporary or extended order issued pursuant to
10 NRS 200.378 or 200.591, as applicable.

11 4. A tenant or cotenant may terminate a rental agreement
12 pursuant to this section only if the actions, events or circumstances
13 that resulted in the tenant, cotenant or household member becoming
14 a victim of domestic violence, harassment, sexual assault , ~~for~~
15 stalking or *intimidation* occurred within the 90 days immediately
16 preceding the written notice of termination to the landlord.

17 5. A tenant or cotenant who terminates a rental agreement
18 pursuant to this section is only liable, if solely or jointly liable for
19 purposes of the rental agreement, for any rent owed or required to be
20 paid through the date of termination and any other outstanding
21 obligations. If the tenant or cotenant has prepaid rent that would
22 apply for the rental period in which the rental agreement is
23 terminated, the landlord may retain the prepaid rent and no refund is
24 due to the tenant or cotenant unless the amount of the prepaid rent
25 exceeds what is owed for that rental period. Except as otherwise
26 provided in NRS 118A.242, if the tenant or cotenant has paid a
27 security deposit, the deposit must not be withheld for the early
28 termination of the rental agreement if the rental agreement is
29 terminated pursuant to this section.

30 6. A person who is named as the adverse party may be civilly
31 liable for all economic losses incurred by a landlord for the early
32 termination of a rental agreement pursuant to this section, including,
33 without limitation, unpaid rent, fees relating to early termination,
34 costs for the repair of any damages to the dwelling and any
35 reductions in or waivers of rent previously extended to the tenant or
36 cotenant who terminates the rental agreement pursuant to this
37 section.

38 7. A landlord shall not provide to an adverse party any
39 information concerning the whereabouts of a tenant, cotenant or
40 household member if the tenant or cotenant provided notice
41 pursuant to subsection 1.

42 8. If a tenant or cotenant provided notice pursuant to
43 subsection 1, the tenant, the cotenant or a household member may
44 require the landlord to install a new lock onto the dwelling if the
45 tenant, cotenant or household member pays the cost of installing the



new lock. A landlord complies with the requirements of this subsection by:

(a) Rekeying the lock if the lock is in good working condition; or

(b) Replacing the entire locking mechanism with a new locking mechanism of equal or superior quality.

9. A landlord who installs a new lock pursuant to subsection 8 may retain a copy of the new key. Notwithstanding any provision in a rental agreement to the contrary, the landlord shall:

(a) Refuse to provide a key which unlocks the new lock to an adverse party.

(b) Refuse to provide to an adverse party, whether or not that party is a tenant, cotenant or household member, access to the dwelling to reclaim property unless a law enforcement officer is present.

10. This section shall not be construed to limit a landlord's right to terminate a rental agreement for reasons unrelated to domestic violence, harassment, sexual assault , ~~for~~ stalking ~~or~~ **intimidation**.

11. Notwithstanding any other provision of law, the termination of a rental agreement pursuant to this section:

(a) Must not be disclosed, described or characterized as an early termination by a current landlord to a prospective landlord; and

(b) Is not required to be disclosed as an early termination by a tenant or cotenant to a prospective landlord.

12. As used in this section:

(a) "Adverse party" means a person who is named in an order for protection against domestic violence, harassment, sexual assault , ~~for~~ stalking ~~or~~ **intimidation**, a written report from a law enforcement agency or a written statement from a qualified third party and who is alleged to be the cause of the early termination of a rental agreement pursuant to this section.

(b) "Cotenant" means a tenant who, pursuant to a rental agreement, is entitled to occupy a dwelling that another tenant is also entitled to occupy pursuant to the same rental agreement.

(c) "Domestic violence" means the commission of any act described in NRS 33.018.

(d) "Harassment" means a violation of NRS 200.571.

(e) "Household member" means any person who is related by blood or marriage and is actually residing with a tenant or cotenant.

(f) **"Intimidation" means a violation of section 1 of this act.**

(g) "Qualified third party" means:

(1) A physician licensed to practice in this State;

(2) A psychiatrist licensed to practice medicine in this State and certified by the American Board of Psychiatry and Neurology,



1 Inc. or the American Osteopathic Board of Neurology and
2 Psychiatry of the American Osteopathic Association;

3 (3) A psychologist licensed to practice in this State;

4 (4) A social worker licensed to practice in this State;

5 (5) A registered nurse holding a master's degree in the field
6 of psychiatric nursing and licensed to practice professional nursing
7 in this State;

8 (6) A marriage and family therapist or clinical professional
9 counselor licensed to practice in this State pursuant to chapter 641A
10 of NRS;

11 (7) Any person who:

12 (I) Is employed by an agency or service which advises
13 persons regarding domestic violence or refers them to persons or
14 agencies where their request and needs can be met and who is
15 licensed to provide health care pursuant to the provisions of title 54
16 of NRS, or is a member of the board of directors or serves as the
17 executive director of an agency or service which advises persons
18 regarding domestic violence or refers them to persons or agencies
19 where their request and needs can be met;

20 (II) Has received training relating to domestic violence;
21 and

22 (III) Is a resident of this State; or

23 (8) Any member of the clergy of a church or religious society
24 or denomination that is recognized as exempt under section
25 501(c)(3) of the Internal Revenue Code of 1986, 26 U.S.C. § 501
26 (c)(3), who has been chosen, elected or appointed in conformity
27 with the constitution, canons, rites, regulations or discipline of the
28 church or religious society or denomination and who is a resident of
29 this State.

30 ~~(g)~~ (h) “Sexual assault” means a violation of NRS 200.366.

31 ~~(h)~~ (i) “Stalking” means a violation of NRS 200.575.

32 **Sec. 15.** NRS 118A.510 is hereby amended to read as follows:

33 118A.510 1. Except as otherwise provided in subsection 3,
34 the landlord may not, in retaliation, terminate a tenancy, refuse to
35 renew a tenancy, increase rent or decrease essential items or services
36 required by the rental agreement or this chapter, or bring or threaten
37 to bring an action for possession if:

38 (a) The tenant has complained in good faith of a violation of a
39 building, housing or health code applicable to the premises and
40 affecting health or safety to a governmental agency charged with the
41 responsibility for the enforcement of that code;

42 (b) The tenant has complained in good faith to the landlord or a
43 law enforcement agency of a violation of this chapter or of a
44 specific statute that imposes a criminal penalty;



(c) The tenant has organized or become a member of a tenant's union or similar organization;

(d) A citation has been issued resulting from a complaint described in paragraph (a);

(e) The tenant has instituted or defended against a judicial or administrative proceeding or arbitration in which the tenant raised an issue of compliance with the requirements of this chapter respecting the habitability of dwelling units;

(f) The tenant has failed or refused to give written consent to a regulation adopted by the landlord, after the tenant enters into the rental agreement, which requires the landlord to wait until the appropriate time has elapsed before it is enforceable against the tenant;

(g) The tenant has complained in good faith to the landlord, a government agency, an attorney, a fair housing agency or any other appropriate body of a violation of NRS 118.010 to 118.120, inclusive, or the Fair Housing Act of 1968, 42 U.S.C. §§ 3601 et seq., or has otherwise exercised rights which are guaranteed or protected under those laws;

(h) The tenant or, if applicable, a cotenant or household member, is a victim of domestic violence, harassment, sexual assault, ~~for~~ stalking or intimidation or terminates a rental agreement pursuant to NRS 118A.345; or

(i) Except as otherwise provided in NRS 118A.315, the tenant is a federal worker, tribal worker, state worker or household member of such a worker and the tenant pays rent during the time specified in subsection 2 of NRS 118A.310. As used in this paragraph, "household member" has the meaning ascribed to it in NRS 40.0025.

2. If the landlord violates any provision of subsection 1, the tenant is entitled to the remedies provided in NRS 118A.390 and has a defense in any retaliatory action by the landlord for possession.

3. A landlord who acts under the circumstances described in subsection 1 does not violate that subsection if:

(a) The violation of the applicable building, housing or health code of which the tenant complained was caused primarily by the lack of reasonable care by the tenant, a member of his or her household or other person on the premises with his or her consent;

(b) The tenancy is terminated with cause;

(c) A citation has been issued and compliance with the applicable building, housing or health code requires alteration, remodeling or demolition and cannot be accomplished unless the tenant's dwelling unit is vacant; or

(d) The increase in rent applies in a uniform manner to all tenants.



1 ➡ The maintenance of an action under this subsection does not
2 prevent the tenant from seeking damages or injunctive relief for the
3 landlord's failure to comply with the rental agreement or maintain
4 the dwelling unit in a habitable condition as required by this chapter.

5 4. As used in this section:

6 (a) "Cotenant" has the meaning ascribed to it in NRS 118A.345.

7 (b) "Domestic violence" has the meaning ascribed to it in
8 NRS 118A.345.

9 (c) "Harassment" means a violation of NRS 200.571.

10 (d) "Household member" has the meaning ascribed to it in
11 NRS 118A.345.

12 (e) *"Intimidation" means a violation of section 1 of this act.*

13 (f) "Sexual assault" means a violation of NRS 200.366.

14 ~~(f)(g)~~ (g) "Stalking" means a violation of NRS 200.575.

15 **Sec. 16.** NRS 176A.510 is hereby amended to read as follows:

16 176A.510 1. The Division shall adopt a written system of
17 graduated sanctions for parole and probation officers to use when
18 responding to a technical violation of the conditions of probation.
19 The system must:

20 (a) Set forth a menu of presumptive sanctions for the most
21 common violations, including, without limitation, failure to report,
22 willful failure to pay fines and fees, failure to participate in a
23 required program or service, failure to complete community service
24 and failure to refrain from the use of alcohol or controlled
25 substances.

26 (b) Take into account factors such as responsivity factors
27 impacting a person's ability to successfully complete any conditions
28 of supervision, the severity of the current violation, the person's
29 previous criminal record, the number and severity of any previous
30 violations and the extent to which graduated sanctions were imposed
31 for previous violations.

32 2. The Division shall establish and maintain a program of
33 initial and ongoing training for parole and probation officers
34 regarding the system of graduated sanctions.

35 3. Notwithstanding any rule or law to the contrary, a parole and
36 probation officer shall use graduated sanctions established pursuant
37 to this section when responding to a technical violation.

38 4. A parole and probation officer intending to impose a
39 graduated sanction shall provide the supervised person with notice
40 of the intended sanction. The notice must inform the person of any
41 alleged violation and the date thereof and the graduated sanction to
42 be imposed.

43 5. The failure of a supervised person to comply with a sanction
44 may constitute a technical violation of the conditions of probation.



6. The Division may not seek revocation of probation for a technical violation of the conditions of probation until all graduated sanctions have been exhausted. If the Division determines that all graduated sanctions have been exhausted, the Division shall submit a report to the court or Board outlining the reasons for the recommendation of revocation and the steps taken by the Division to change the supervised person's behavior while in the community, including, without limitation, any graduated sanctions imposed before recommending revocation.

7. As used in this section:

(a) "Absconding" has the meaning ascribed to it in NRS 176A.630.

(b) "Responsivity factors" has the meaning ascribed to it in NRS 213.107.

(c) "Technical violation" means any alleged violation of the conditions of probation that does not constitute absconding and is not the commission of a:

(1) New felony or gross misdemeanor;

(2) Battery which constitutes domestic violence pursuant to NRS 200.485;

(3) Violation of NRS 484C.110 or 484C.120;

(4) Crime of violence that is punishable as a misdemeanor;

(5) Harassment pursuant to NRS 200.571 or stalking or aggravated stalking pursuant to NRS 200.575;

(6) Violation of a temporary or extended order for protection against domestic violence issued pursuant to NRS 33.017 to 33.100, inclusive, a restraining order or injunction that is in the nature of a temporary or extended order for protection against domestic violence issued in an action or proceeding brought pursuant to title 11 of NRS, a temporary or extended order for protection against stalking, aggravated stalking, ~~for~~ harassment *or intimidation* issued pursuant to NRS 200.591 or a temporary or extended order for protection against sexual assault pursuant to NRS 200.378; or

(7) Violation of a stay away order involving a natural person who is the victim of the crime for which the supervised person is being supervised.

➤ The term does not include termination from a specialty court program.

Sec. 17. NRS 176A.630 is hereby amended to read as follows:

176A.630 1. If the probationer is arrested, by or without warrant, in another judicial district of this state, the court which granted the probation may assign the case to the district court of that district, with the consent of that court. The court retaining or thus acquiring jurisdiction shall cause the defendant to be brought before it and consider the system of graduated sanctions adopted pursuant



1 to NRS 176A.510, if applicable. Upon determining that the
2 probationer has violated a condition of probation, the court shall, if
3 practicable, order the probationer to make restitution for any
4 necessary expenses incurred by a governmental entity in returning
5 the probationer to the court for violation of the probation. If the
6 court finds that the probationer committed a violation of a condition
7 of probation by committing a new felony or gross misdemeanor,
8 battery which constitutes domestic violence pursuant to NRS
9 200.485, violation of NRS 484C.110 or 484C.120, crime of violence
10 that is punishable as a misdemeanor, harassment pursuant to NRS
11 200.571, stalking or aggravated stalking pursuant to NRS 200.575,
12 violation of a stay away order involving a natural person who is the
13 victim of the crime for which the probationer is being supervised,
14 violation of a temporary or extended order for protection against
15 domestic violence issued pursuant to NRS 33.017 to 33.100,
16 inclusive, a restraining order or injunction that is in the nature of a
17 temporary or extended order for protection against domestic
18 violence issued in an action or proceeding brought pursuant to title
19 11 of NRS, a temporary or extended order for protection against
20 stalking, aggravated stalking , ~~for~~ harassment *or intimidation*
21 issued pursuant to NRS 200.591 or a temporary or extended order
22 for protection against sexual assault pursuant to NRS 200.378 or by
23 absconding, the court may:

- 24 (a) Continue or revoke the probation or suspension of sentence;
 - 25 (b) Order the probationer to a term of residential confinement
26 pursuant to NRS 176A.660;
 - 27 (c) Order the probationer to undergo a program of regimental
28 discipline pursuant to NRS 176A.780;
 - 29 (d) Cause the sentence imposed to be executed; or
 - 30 (e) Modify the original sentence imposed by reducing the term
31 of imprisonment and cause the modified sentence to be executed.
- 32 The court shall not make the term of imprisonment less than the
33 minimum term of imprisonment prescribed by the applicable penal
34 statute. If the Chief Parole and Probation Officer recommends that
35 the sentence of a probationer be modified and the modified sentence
36 be executed, the Chief Parole and Probation Officer shall provide
37 notice of the recommendation to any victim of the crime for which
38 the probationer was convicted who has requested in writing to be
39 notified and who has provided a current address to the Division. The
40 notice must inform the victim that he or she has the right to submit
41 documents to the court and to be present and heard at the hearing to
42 determine whether the sentence of a probationer who has violated a
43 condition of probation should be modified. The court shall not
44 modify the sentence of a probationer and cause the sentence to be
45 executed until it has confirmed that the Chief Parole and Probation



Officer has complied with the provisions of this paragraph. The Chief Parole and Probation Officer must not be held responsible when such notification is not received by the victim if the victim has not provided a current address. All personal information, including, but not limited to, a current or former address, which pertains to a victim and which is received by the Division pursuant to this paragraph is confidential.

2. If the court finds that the probationer committed one or more technical violations of the conditions of probation, the court may:

- (a) Continue the probation or suspension of sentence;
- (b) Order the probationer to a term of residential confinement pursuant to NRS 176A.660;
- (c) Temporarily revoke the probation or suspension of sentence and impose a term of imprisonment of not more than:
 - (1) Thirty days for the first temporary revocation;
 - (2) Ninety days for the second temporary revocation; or
 - (3) One hundred and eighty days for the third temporary revocation; or

(d) Fully revoke the probation or suspension of sentence and impose imprisonment for the remainder of the sentence for a fourth or subsequent revocation.

3. Notwithstanding any other provision of law, a probationer who is arrested and detained for committing a technical violation of the conditions of probation must be brought before the court not later than 15 calendar days after the date of arrest and detention. If the person is not brought before the court within 15 calendar days, the probationer must be released from detention and returned to probation status. Following a probationer's release from detention, the court may subsequently hold a hearing to determine if a technical violation has occurred. If the court finds that such a technical violation occurred, the court may:

- (a) Continue probation and modify the terms and conditions of probation; or
- (b) Fully or temporarily revoke probation in accordance with the provisions of subsection 2.

4. The commission of one of the following acts by a probationer must not, by itself, be used as the only basis for the revocation of probation:

- (a) Consuming any alcoholic beverage.
- (b) Testing positive on a drug or alcohol test.
- (c) Failing to abide by the requirements of a mental health or substance use treatment program.
- (d) Failing to seek and maintain employment.
- (e) Failing to pay any required fines or fees.
- (f) Failing to report any changes in residence.



5. As used in this section:

(a) "Absconding" means that a person is actively avoiding supervision by making his or her whereabouts unknown to the Division for a continuous period of 60 days or more.

(b) "Technical violation" means any alleged violation of the conditions of probation that does not constitute absconding and is not the commission of a:

(1) New felony or gross misdemeanor;

(2) Battery which constitutes domestic violence pursuant to NRS 200.485;

(3) Violation of NRS 484C.110 or 484C.120;

(4) Crime of violence that is punishable as a misdemeanor;

(5) Harassment pursuant to NRS 200.571 or stalking or aggravated stalking pursuant to NRS 200.575;

(6) Violation of a temporary or extended order for protection against domestic violence issued pursuant to NRS 33.017 to 33.100, inclusive, a restraining order or injunction that is in the nature of a temporary or extended order for protection against domestic violence issued in an action or proceeding brought pursuant to title 11 of NRS, a temporary or extended order for protection against stalking, aggravated stalking, ~~for~~ harassment **or intimidation** issued pursuant to NRS 200.591 or a temporary or extended order for protection against sexual assault pursuant to NRS 200.378; or

(7) Violation of a stay away order involving a natural person who is the victim of the crime for which the probationer is being supervised.

➤ The term does not include termination from a specialty court program.

Sec. 18. NRS 178.484 is hereby amended to read as follows:

178.484 1. Except as otherwise provided in this section, a person arrested for an offense other than murder of the first degree must be admitted to bail.

2. A person arrested for a felony who has been released on probation or parole for a different offense must not be admitted to bail unless:

(a) A court issues an order directing that the person be admitted to bail;

(b) The State Board of Parole Commissioners directs the detention facility to admit the person to bail; or

(c) The Division of Parole and Probation of the Department of Public Safety directs the detention facility to admit the person to bail.

3. A person arrested for a felony whose sentence has been suspended pursuant to NRS 4.373 or 5.055 for a different offense or who has been sentenced to a term of residential confinement



pursuant to NRS 4.3762 or 5.076 for a different offense must not be admitted to bail unless:

(a) A court issues an order directing that the person be admitted to bail; or

(b) A department of alternative sentencing directs the detention facility to admit the person to bail.

4. A person arrested for murder of the first degree may be admitted to bail unless the proof is evident or the presumption great by any competent court or magistrate authorized by law to do so in the exercise of discretion, giving due weight to the evidence and to the nature and circumstances of the offense.

5. A person arrested for a violation of NRS 484C.110, 484C.120, 484C.130, 484C.430, 488.410, 488.420 or 488.425 who is under the influence of intoxicating liquor must not be admitted to bail or released on the person's own recognizance unless the person has a concentration of alcohol of less than 0.04 in his or her breath. A test of the person's breath pursuant to this subsection to determine the concentration of alcohol in his or her breath as a condition of admission to bail or release is not admissible as evidence against the person.

6. A person arrested for a violation of NRS 484C.110, 484C.120, 484C.130, 484C.430, 488.410, 488.420 or 488.425 who is under the influence of a controlled substance, is under the combined influence of intoxicating liquor and a controlled substance, or inhales, ingests, applies or otherwise uses any chemical, poison or organic solvent, or any compound or combination of any of these, to a degree which renders the person incapable of safely driving or exercising actual physical control of a vehicle or vessel under power or sail must not be admitted to bail or released on the person's own recognizance sooner than 12 hours after arrest.

7. A person arrested for a battery that constitutes domestic violence pursuant to NRS 33.018 must not be admitted to bail sooner than 12 hours after arrest. If the person is admitted to bail more than 12 hours after arrest, without appearing personally before a magistrate or without the amount of bail having been otherwise set by a magistrate or a court, the amount of bail must be:

(a) Three thousand dollars, if the person has no previous convictions of battery that constitute domestic violence pursuant to NRS 33.018 and there is no reason to believe that the battery for which the person has been arrested resulted in substantial bodily harm or was committed by strangulation;

(b) Five thousand dollars, if the person has:

(1) No previous convictions of battery that constitute domestic violence pursuant to NRS 33.018, but there is reason to



1 believe that the battery for which the person has been arrested
2 resulted in substantial bodily harm or was committed by
3 strangulation; or

4 (2) One previous conviction of battery that constitutes
5 domestic violence pursuant to NRS 33.018, but there is no reason to
6 believe that the battery for which the person has been arrested
7 resulted in substantial bodily harm or was committed by
8 strangulation; or

9 (c) Fifteen thousand dollars, if the person has:

10 (1) One previous conviction of battery that constitutes
11 domestic violence pursuant to NRS 33.018 and there is reason to
12 believe that the battery for which the person has been arrested
13 resulted in substantial bodily harm or was committed by
14 strangulation; or

15 (2) Two or more previous convictions of battery that
16 constitute domestic violence pursuant to NRS 33.018.

17 ➡ The provisions of this subsection do not affect the authority of a
18 magistrate or a court to set the amount of bail when the person
19 personally appears before the magistrate or the court, or when a
20 magistrate or a court has otherwise been contacted to set the amount
21 of bail. For the purposes of this subsection, a person shall be
22 deemed to have a previous conviction of battery that constitutes
23 domestic violence pursuant to NRS 33.018 if the person has been
24 convicted of such an offense in this State or has been convicted of
25 violating a law of any other jurisdiction that prohibits the same or
26 similar conduct.

27 8. A person arrested for violating a temporary or extended
28 order for protection against domestic violence issued pursuant to
29 NRS 33.017 to 33.100, inclusive, or for violating a restraining order
30 or injunction that is in the nature of a temporary or extended order
31 for protection against domestic violence issued in an action or
32 proceeding brought pursuant to title 11 of NRS, or for violating a
33 temporary or extended order for protection against stalking,
34 aggravated stalking , ~~for~~ harassment *or intimidation* issued
35 pursuant to NRS 200.591, or for violating a temporary or extended
36 order for protection against sexual assault pursuant to NRS 200.378
37 must not be admitted to bail sooner than 12 hours after arrest if:

38 (a) The arresting officer determines that such a violation is
39 accompanied by a direct or indirect threat of harm;

40 (b) The person has previously violated a temporary or extended
41 order for protection of the type for which the person has been
42 arrested; or

43 (c) At the time of the violation or within 2 hours after the
44 violation, the person has:



(1) A concentration of alcohol of 0.08 or more in the person's blood or breath; or

(2) An amount of a prohibited substance in the person's blood or urine, as applicable, that is equal to or greater than the amount set forth in subsection 3 or 4 of NRS 484C.110.

9. If a person is admitted to bail more than 12 hours after arrest, pursuant to subsection 8, without appearing personally before a magistrate or without the amount of bail having been otherwise set by a magistrate or a court, the amount of bail must be:

(a) Three thousand dollars, if the person has no previous convictions of violating a temporary or extended order for protection against domestic violence issued pursuant to NRS 33.017 to 33.100, inclusive, or of violating a restraining order or injunction that is in the nature of a temporary or extended order for protection against domestic violence issued in an action or proceeding brought pursuant to title 11 of NRS, or of violating a temporary or extended order for protection against stalking, aggravated stalking, ~~for~~ harassment **or intimidation** issued pursuant to NRS 200.591, or of violating a temporary or extended order for protection against sexual assault pursuant to NRS 200.378;

(b) Five thousand dollars, if the person has one previous conviction of violating a temporary or extended order for protection against domestic violence issued pursuant to NRS 33.017 to 33.100, inclusive, or of violating a restraining order or injunction that is in the nature of a temporary or extended order for protection against domestic violence issued in an action or proceeding brought pursuant to title 11 of NRS, or of violating a temporary or extended order for protection against stalking, aggravated stalking, ~~for~~ harassment **or intimidation** issued pursuant to NRS 200.591, or of violating a temporary or extended order for protection against sexual assault pursuant to NRS 200.378; or

(c) Fifteen thousand dollars, if the person has two or more previous convictions of violating a temporary or extended order for protection against domestic violence issued pursuant to NRS 33.017 to 33.100, inclusive, or of violating a restraining order or injunction that is in the nature of a temporary or extended order for protection against domestic violence issued in an action or proceeding brought pursuant to title 11 of NRS, or of violating a temporary or extended order for protection against stalking, aggravated stalking, ~~for~~ harassment **or intimidation** issued pursuant to NRS 200.591, or of violating a temporary or extended order for protection against sexual assault pursuant to NRS 200.378.

➤ The provisions of this subsection do not affect the authority of a magistrate or a court to set the amount of bail when the person personally appears before the magistrate or the court or when a



1 magistrate or a court has otherwise been contacted to set the amount
2 of bail. For the purposes of this subsection, a person shall be
3 deemed to have a previous conviction of violating a temporary or
4 extended order for protection against domestic violence issued
5 pursuant to NRS 33.017 to 33.100, inclusive, or of violating a
6 restraining order or injunction that is in the nature of a temporary or
7 extended order for protection against domestic violence issued in an
8 action or proceeding brought pursuant to title 11 of NRS, or of
9 violating a temporary or extended order for protection against
10 stalking, aggravated stalking , ~~for~~ harassment *or intimidation*
11 issued pursuant to NRS 200.591, or of violating a temporary or
12 extended order for protection against sexual assault pursuant to NRS
13 200.378, if the person has been convicted of such an offense in this
14 State or has been convicted of violating a law of any other
15 jurisdiction that prohibits the same or similar conduct.

16 10. For the purposes of subsections 8 and 9, an order or
17 injunction is in the nature of a temporary or extended order for
18 protection against domestic violence if it grants relief that might be
19 given in a temporary or extended order issued pursuant to NRS
20 33.017 to 33.100, inclusive.

21 11. As used in this section, "strangulation" has the meaning
22 ascribed to it in NRS 200.481.

23 **Sec. 19.** NRS 179A.350 is hereby amended to read as follows:
24 179A.350 1. The Repository for Information Concerning
25 Orders for Protection is hereby created within the Central
26 Repository.

27 2. Except as otherwise provided in subsection 10, the
28 Repository for Information Concerning Orders for Protection must
29 contain a complete and systematic record of all:

30 (a) Temporary and extended orders for protection against
31 domestic violence issued or registered in the State of Nevada and all
32 Canadian domestic-violence protection orders registered in the State
33 of Nevada, including, without limitation, any information received
34 pursuant to NRS 33.095;

35 (b) Temporary and extended orders for protection against
36 stalking, aggravated stalking , ~~for~~ harassment *or intimidation*
37 issued in this State pursuant to NRS 200.599;

38 (c) Temporary and extended orders for protection against a
39 person alleged to have committed the crime of sexual assault issued
40 in this State pursuant to NRS 200.37835; and

41 (d) Orders imposing, modifying, suspending or canceling a
42 condition of release prohibiting contact issued in this State pursuant
43 to NRS 178.4845.



3. The records contained in the Repository for Information Concerning Orders for Protection must be kept in accordance with the regulations adopted by the Director of the Department.

4. Information received by the Central Repository pursuant to NRS 33.095, 178.4845, 200.37835 and 200.599 must be entered in the Repository for Information Concerning Orders for Protection.

5. The information in the Repository for Information Concerning Orders for Protection must be accessible by computer at all times to each agency of criminal justice.

6. The Repository for Information Concerning Orders for Protection shall retain all records of an expired temporary or extended order for protection and all records of an expired, suspended or cancelled order imposing a condition of release prohibiting contact, unless any such order is sealed by a court of competent jurisdiction.

7. The existence of a record of an expired temporary or extended order for protection or a record of an expired, suspended or cancelled order imposing a condition of release prohibiting contact in the Repository for Information Concerning Orders for Protection does not prohibit a person from obtaining a firearm or a permit to carry a concealed firearm unless such conduct violates:

- (a) A court order; or
- (b) Any provision of federal or state law.

8. The Director of the Department shall provide an electronic means to access on the Central Repository's Internet website statistical data concerning all temporary and extended orders for protection issued pursuant to NRS 33.020, 200.378 and 200.591 during the previous calendar year that were transmitted to the Repository for Information Concerning Orders for Protection. The data must include, without limitation, information for each court that issues temporary or extended orders for protection pursuant to NRS 33.020, 200.378 and 200.591, respectively, concerning:

(a) The total number of temporary and extended orders that were granted by the court during the calendar year to which the data pertains;

(b) The number of temporary and extended orders that were granted to women;

(c) The number of temporary and extended orders that were granted to men;

(d) The number of temporary and extended orders that were vacated or expired;

(e) The number of temporary orders that included a grant of temporary custody of a minor child; and

(f) The number of temporary and extended orders that were served on the adverse party.



9. The information provided pursuant to subsection 8 must include only aggregate information for statistical purposes and must exclude any identifying information relating to a particular person.

10. The Repository for Information Concerning Orders for Protection must not contain any information concerning an event that occurred before October 1, 1998.

11. As used in this section, "Canadian domestic-violence protection order" has the meaning ascribed to it in NRS 33.119.

Sec. 20. NRS 213.15101 is hereby amended to read as follows:

213.15101 1. The Division shall adopt a written system of graduated sanctions for parole and probation officers to use when responding to a technical violation of the conditions of parole. The system must:

(a) Set forth a menu of presumptive sanctions for the most common violations, including, without limitation, failure to report, willful failure to pay fines and fees, failure to participate in a required program or service, failure to complete community service and failure to refrain from the use of alcohol or controlled substances.

(b) Take into account factors such as responsivity factors impacting a person's ability to successfully complete any conditions of supervision, the severity of the current violation, the person's previous criminal record, the number and severity of any previous violations and the extent to which graduated sanctions were imposed for previous violations.

2. The Division shall establish and maintain a program of initial and ongoing training for parole and probation officers regarding the system of graduated sanctions.

3. Notwithstanding any rule or law to the contrary, a parole and probation officer shall use graduated sanctions established pursuant to this section when responding to a technical violation.

4. A parole and probation officer intending to impose a graduated sanction shall provide the supervised person with notice of the intended sanction. The notice must inform the person of any alleged violation and the date thereof and the graduated sanction to be imposed.

5. The failure of a supervised person to comply with a sanction may constitute a technical violation of the conditions of parole.

6. The Division may not seek revocation of parole for a technical violation of the conditions of parole until all graduated sanctions have been exhausted. If the Division determines that all graduated sanctions have been exhausted, the Division shall submit a report to the Board outlining the reasons for the recommendation of revocation and the steps taken by the Division to change the



supervised person's behavior while in the community, including, without limitation, any graduated sanctions imposed before recommending revocation.

7. As used in this section:

(a) "Absconding" has the meaning ascribed to it in NRS 176A.630.

(b) "Technical violation" means any alleged violation of the conditions of parole that does not constitute absconding and is not the commission of a:

(1) New felony or gross misdemeanor;

(2) Battery which constitutes domestic violence pursuant to NRS 200.485;

(3) Violation of NRS 484C.110 or 484C.120;

(4) Crime of violence as defined in NRS 200.408 that is punishable as a misdemeanor;

(5) Harassment pursuant to NRS 200.571 or stalking or aggravated stalking pursuant to NRS 200.575;

(6) Violation of a temporary or extended order for protection against domestic violence issued pursuant to NRS 33.017 to 33.100, inclusive, a restraining order or injunction that is in the nature of a temporary or extended order for protection against domestic violence issued in an action or proceeding brought pursuant to title 11 of NRS, a temporary or extended order for protection against stalking, aggravated stalking, ~~for~~ harassment **or intimidation** issued pursuant to NRS 200.591 or a temporary or extended order for protection against sexual assault pursuant to NRS 200.378; or

(7) Violation of a stay away order involving a natural person who is the victim of the crime for which the supervised person is being supervised.

➤ The term does not include termination from a specialty court program.

Sec. 21. NRS 213.1519 is hereby amended to read as follows:

213.1519 1. Except as otherwise provided in subsections 2 and 3, a parolee whose parole is revoked by decision of the Board for the commission of a new felony or gross misdemeanor, battery which constitutes domestic violence pursuant to NRS 200.485, violation of NRS 484C.110 or 484C.120, crime of violence as defined in NRS 200.408 that is punishable as a misdemeanor, harassment pursuant to NRS 200.571, stalking or aggravated stalking pursuant to NRS 200.575, violation of a stay away order involving a natural person who is the victim of the crime for which the parolee is being supervised, violation of a temporary or extended order for protection against domestic violence issued pursuant to NRS 33.017 to 33.100, inclusive, a restraining order or injunction that is in the nature of a temporary or extended order for protection



1 against domestic violence issued in an action or proceeding brought
2 pursuant to title 11 of NRS, a temporary or extended order for
3 protection against stalking, aggravated stalking, ~~for~~ harassment **or**
4 **intimidation** issued pursuant to NRS 200.591 or a temporary or
5 extended order for protection against sexual assault pursuant to NRS
6 200.378 or for absconding;

7 (a) Forfeits all credits for good behavior previously earned to
8 reduce his or her sentence pursuant to chapter 209 of NRS; and

9 (b) Must serve such part of the unexpired maximum term or the
10 maximum aggregate term, as applicable, of his or her original
11 sentence as may be determined by the Board with rehearing dates
12 scheduled pursuant to NRS 213.142.

13 ➤ The Board may restore any credits forfeited under this
14 subsection.

15 2. A parolee released on parole pursuant to subsection 1 of
16 NRS 213.1215 whose parole is revoked for having been convicted
17 of a new felony:

18 (a) Forfeits all credits for good behavior previously earned to
19 reduce his or her sentence pursuant to chapter 209 of NRS;

20 (b) Must serve the entire unexpired maximum term or the
21 maximum aggregate term, as applicable, of his or her original
22 sentence; and

23 (c) May not again be released on parole during his or her term of
24 imprisonment.

25 3. A parolee released on parole pursuant to subsection 2 of
26 NRS 213.1215 whose parole is revoked by decision of the Board for
27 a violation of any rule or regulation governing his or her conduct:

28 (a) Forfeits all credits for good behavior previously earned to
29 reduce his or her sentence pursuant to chapter 209 of NRS;

30 (b) Must serve such part of the unexpired maximum term or
31 maximum aggregate term, as applicable, of his or her original
32 sentence as may be determined by the Board; and

33 (c) Must not be considered again for release on parole pursuant
34 to subsection 2 of NRS 213.1215 but may be considered for release
35 on parole pursuant to NRS 213.1099, with rehearing dates scheduled
36 pursuant to NRS 213.142.

37 ➤ The Board may restore any credits forfeited under this
38 subsection.

39 4. If the Board finds that the parolee committed one or more
40 technical violations of the conditions of parole, the Board may:

41 (a) Continue parole supervision;

42 (b) Temporarily revoke parole supervision and impose a term of
43 imprisonment of not more than:

44 (1) Thirty days for the first temporary parole revocation;



(2) Ninety days for the second temporary parole revocation;
or

(3) One hundred and eighty days for the third temporary parole revocation; or

(c) Fully revoke parole supervision and impose the remainder of the sentence for a fourth or subsequent revocation.

5. As used in this section:

(a) "Absconding" has the meaning ascribed to it in NRS 176A.630.

(b) "Technical violation" means any alleged violation of the conditions of parole that does not constitute absconding and is not the commission of a:

(1) New felony or gross misdemeanor;

(2) Battery which constitutes domestic violence pursuant to NRS 200.485;

(3) Violation of NRS 484C.110 or 484C.120;

(4) Crime of violence as defined in NRS 200.408 that is punishable as a misdemeanor;

(5) Harassment pursuant to NRS 200.571 or stalking or aggravated stalking pursuant to NRS 200.575;

(6) Violation of a temporary or extended order for protection against domestic violence issued pursuant to NRS 33.017 to 33.100, inclusive, a restraining order or injunction that is in the nature of a temporary or extended order for protection against domestic violence issued in an action or proceeding brought pursuant to title 11 of NRS, a temporary or extended order for protection against stalking, aggravated stalking, ~~for~~ harassment *or intimidation* issued pursuant to NRS 200.591 or a temporary or extended order for protection against sexual assault pursuant to NRS 200.378; or

(7) Violation of a stay away order involving a natural person who is the victim of the crime for which the parolee is being supervised.

↪ The term does not include termination from a specialty court program.

Sec. 22. This act becomes effective upon passage and approval.

