

ASSEMBLY BILL NO. 14—COMMITTEE ON JUDICIARY

(ON BEHALF OF THE NEVADA SUPREME COURT)

PREFILED NOVEMBER 15, 2018

Referred to Committee on Judiciary

SUMMARY—Revises provisions governing court orders for protection when certain children are involved. (BDR 5-499)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: No.

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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 courts; providing the juvenile court with exclusive jurisdiction to grant or issue temporary or extended orders for protection when certain children are involved; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Under existing law, the district court or, under certain circumstances, the justice court may grant or issue a temporary or extended order for protection against: (1) domestic violence; (2) harassment in the workplace; (3) a person alleged to have committed the crime of sexual assault; (4) a person alleged to be committing the crime of stalking, aggravated stalking or harassment; or (5) a person alleged to have committed or alleged to be committing a crime involving physical, mental or sexual abuse of a child when brought by a parent or guardian on behalf of the child. (NRS 33.017-33.100, 33.200-33.360, 33.400, 200.378, 200.591)

Existing law also provides that the district court has exclusive jurisdiction in proceedings concerning certain children and, when exercising such jurisdiction, is designated as the juvenile court. (NRS 62B.300) Generally, the juvenile court has exclusive jurisdiction over proceedings concerning a child who is alleged or adjudicated: (1) to have committed a delinquent act; or (2) to be in need of supervision. (NRS 62B.320, 62B.330) When a proceeding concerning such a child falls within the exclusive jurisdiction of the juvenile court, another court may not exercise jurisdiction over the child regarding that matter, unless the juvenile court certifies the child for proper criminal proceedings as an adult or transfers the case to another court. (NRS 62B.310)

For the purposes of the juvenile court’s exclusive jurisdiction, existing law defines the term “child” to include: (1) a person who is less than 18 years of age;



21 and (2) under certain circumstances, a person who is less than 21 years of age.
22 However, existing law also excludes, exempts and removes certain children from
23 the juvenile court's exclusive jurisdiction. (NRS 62A.030, 62B.300-62B.410)

24 **Section 2** of this bill provides that the juvenile court has exclusive jurisdiction
25 to grant or issue any temporary or extended orders for protection when: (1) a child
26 is the applicant for such an order or a person applies for such an order on behalf of
27 a child; or (2) a child is the adverse party against whom such an order is requested.
28 For the purposes of **section 2**, a "child" is defined as a person who: (1) is less than
29 18 years of age; and (2) is subject to the exclusive jurisdiction of the juvenile court
30 and is not otherwise excluded, exempted or removed from that jurisdiction for any
31 reason. **Sections 1 and 3-8** of this bill make conforming changes. (NRS 4.370,
32 33.020, 33.270, 33.400, 62A.030, 200.378, 200.591)

33 **Section 9** of this bill provides that this bill: (1) applies only to temporary or
34 extended orders of protection granted or issued by a court on or after October 1,
35 2019; and (2) does not apply to temporary or extended orders of protection granted
36 or issued by a court before October 1, 2019, and a court that granted or issued such
37 an order retains its jurisdiction over the order, all persons subject to or protected by
38 the order and all proceedings relating to the order, regardless of whether the
39 proceedings are conducted before, on or after October 1, 2019.

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

1 **Section 1.** NRS 62A.030 is hereby amended to read as
2 follows:

3 62A.030 1. ~~["Child"]~~ *Except as otherwise provided in*
4 *section 2 of this act, "child" means:*

5 (a) A person who is less than 18 years of age;

6 (b) A person who is less than 21 years of age and subject to the
7 jurisdiction of the juvenile court for an unlawful act that was
8 committed before the person reached 18 years of age; or

9 (c) A person who is otherwise subject to the jurisdiction of the
10 juvenile court as a juvenile sex offender pursuant to the provisions
11 of NRS 62F.205 to 62F.360, inclusive.

12 2. The term does not include:

13 (a) A person who is excluded from the jurisdiction of the
14 juvenile court pursuant to NRS 62B.330;

15 (b) A person who is transferred to the district court for criminal
16 proceedings as an adult pursuant to NRS 62B.335; or

17 (c) A person who is certified for criminal proceedings as an
18 adult pursuant to NRS 62B.390 or 62B.400.

19 **Sec. 2.** Chapter 62B of NRS is hereby amended by adding
20 thereto a new section to read as follows:

21 *1. The juvenile court has exclusive jurisdiction to grant or*
22 *issue any temporary or extended order of protection when:*

23 *(a) A child is the applicant for such an order or a person*
24 *applies for such an order on behalf of a child; or*



1 (b) *A child is the adverse party against whom such an order is*
2 *requested.*

3 2. *As used in this section:*

4 (a) *“Child” means a person who:*

5 (1) *Is less than 18 years of age; and*

6 (2) *Is subject to the exclusive jurisdiction of the juvenile*
7 *court and is not otherwise excluded, exempted or removed from*
8 *that jurisdiction for any reason.*

9 (b) *“Temporary or extended order for protection” includes,*
10 *without limitation, any temporary or extended order for:*

11 (1) *Protection against domestic violence pursuant to*
12 *NRS 33.020.*

13 (2) *Protection against harassment in the workplace*
14 *pursuant to NRS 33.270.*

15 (3) *Protection of a child pursuant to NRS 33.400.*

16 (4) *Protection against a person alleged to have committed*
17 *the crime of sexual assault pursuant to NRS 200.378.*

18 (5) *Protection against a person alleged to be committing the*
19 *crime of stalking, aggravated stalking or harassment pursuant to*
20 *NRS 200.591.*

21 **Sec. 3.** NRS 4.370 is hereby amended to read as follows:

22 4.370 1. Except as otherwise provided in subsection 2, justice
23 courts have jurisdiction of the following civil actions and
24 proceedings and no others except as otherwise provided by specific
25 statute:

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

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

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

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

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



1 (f) To take and enter judgment on the confession of a defendant,
2 when the amount confessed, exclusive of interest, does not exceed
3 \$15,000.

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

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

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

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

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

19 (l) In actions for a fine imposed for a violation of
20 NRS 484D.680.

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

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

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

30 (3) If a district court issues a written order to the justice court
31 requiring that further proceedings relating to the action for the
32 issuance of the order for protection be conducted before the district
33 court ~~{}~~; *or*

34 (4) *If the juvenile court has jurisdiction pursuant to section*
35 *2 of this act.*

36 (n) ~~{}~~ *Except as otherwise provided in section 2 of this act, in*
37 *an action for the issuance of a temporary or extended order for*
38 *protection against harassment in the workplace pursuant to NRS*
39 *33.200 to 33.360, inclusive.*

40 (o) In small claims actions under the provisions of chapter 73 of
41 NRS.

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

44 (q) ~~{}~~ *Except as otherwise provided in section 2 of this act, in*
45 *any action pursuant to NRS 200.591 for the issuance of a protective*



1 order against a person alleged to be committing the crime of
2 stalking, aggravated stalking or harassment.

3 (r) ~~HH~~ *Except as otherwise provided in section 2 of this act, in*
4 any action pursuant to NRS 200.378 for the issuance of a protective
5 order against a person alleged to have committed the crime of sexual
6 assault.

7 (s) In actions transferred from the district court pursuant to
8 NRS 3.221.

9 (t) ~~HH~~ *Except as otherwise provided in section 2 of this act, in*
10 any action for the issuance of a temporary or extended order
11 pursuant to NRS 33.400.

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

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

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

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

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

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

36 **Sec. 4.** NRS 33.020 is hereby amended to read as follows:

37 33.020 1. ~~HH~~ *Except as otherwise provided in section 2 of*
38 *this act, if* it appears to the satisfaction of the court from specific
39 facts shown by a verified application that an act of domestic
40 violence has occurred or there exists a threat of domestic violence,
41 the court may grant a temporary or extended order. A temporary or
42 extended order must not be granted to the applicant or the adverse
43 party unless the applicant or the adverse party has requested the
44 order and has filed a verified application that an act of domestic
45 violence has occurred or there exists a threat of domestic violence.



1 2. The court may require the applicant or the adverse party, or
2 both, to appear before the court before determining whether to grant
3 the temporary or extended order.

4 3. A temporary order may be granted with or without notice to
5 the adverse party. An extended order may only be granted after
6 notice to the adverse party and a hearing on the application.

7 4. A hearing on an application for an extended order must be
8 held within 45 days after the date on which the application for the
9 extended order is filed. If the adverse party has not been served
10 pursuant to NRS 33.060 or 33.065 and fails to appear at the hearing,
11 the court may, upon a showing that law enforcement, after due
12 diligence, has been unable to serve the adverse party or that the
13 adverse party has sought to avoid service by concealment, set a date
14 for a second hearing which must be held within 90 days after the
15 date on which the first hearing was scheduled.

16 5. If the adverse party has not been served pursuant to NRS
17 33.060 or 33.065 and fails to appear on the date set for a second
18 hearing on an application for an extended order pursuant to
19 subsection 4, the court may, upon a showing that law enforcement,
20 after due diligence, has been unable to serve the adverse party or
21 that the adverse party has sought to avoid service by concealment,
22 set a date for a third hearing which must be held within 90 days after
23 the date on which the second hearing was scheduled.

24 6. The court shall rule upon an application for a temporary
25 order within 1 judicial day after it is filed.

26 7. If it appears to the satisfaction of the court from specific
27 facts communicated by telephone to the court by an alleged victim
28 that an act of domestic violence has occurred and the alleged
29 perpetrator of the domestic violence has been arrested and is
30 presently in custody pursuant to NRS 171.137, the court may grant a
31 temporary order. Before approving an order under such
32 circumstances, the court shall confirm with the appropriate law
33 enforcement agency that the applicant is an alleged victim and that
34 the alleged perpetrator is in custody. Upon approval by the court, the
35 signed order may be transmitted to the facility where the alleged
36 perpetrator is in custody by electronic or telephonic transmission to
37 a facsimile machine. If such an order is received by the facility
38 holding the alleged perpetrator while the alleged perpetrator is still
39 in custody, the order must be personally served by an authorized
40 employee of the facility before the alleged perpetrator is released.
41 The court shall mail a copy of each order issued pursuant to this
42 subsection to the alleged victim named in the order and cause the
43 original order to be filed with the court clerk on the first judicial day
44 after it is issued.



1 8. In a county whose population is 52,000 or more, the court
2 shall be available 24 hours a day, 7 days a week, including
3 nonjudicial days and holidays, to receive communications by
4 telephone and for the issuance of a temporary order pursuant to
5 subsection 7.

6 9. In a county whose population is less than 52,000, the court
7 may be available 24 hours a day, 7 days a week, including
8 nonjudicial days and holidays, to receive communications by
9 telephone and for the issuance of a temporary order pursuant to
10 subsection 7.

11 10. The clerk of the court shall inform the protected party upon
12 the successful transfer of information concerning the registration to
13 the Central Repository for Nevada Records of Criminal History as
14 required pursuant to NRS 33.095.

15 **Sec. 5.** NRS 33.270 is hereby amended to read as follows:

16 33.270 1. ~~[The]~~ *Except as otherwise provided in section 2 of*
17 *this act, the* court may issue a temporary order for protection against
18 harassment in the workplace if it appears to the satisfaction of the
19 court from specific facts shown by a verified application filed
20 pursuant to NRS 33.250 that harassment in the workplace has
21 occurred.

22 2. Except as otherwise provided in subsection 4, a temporary
23 order for protection against harassment in the workplace must not be
24 issued without notice to the person who allegedly committed the
25 harassment. A temporary order for protection against harassment in
26 the workplace must not be issued without the giving of security by
27 the employer in an amount determined by the court to be sufficient
28 to pay for such costs and damages as may be incurred or suffered by
29 the person who allegedly committed the harassment if the person
30 who allegedly committed the harassment is found to have been
31 wrongfully enjoined or restrained.

32 3. The court may require the employer or the person who
33 allegedly committed the harassment, or both, to appear before the
34 court before determining whether to issue the temporary order for
35 protection against harassment in the workplace.

36 4. A court may issue a temporary order for protection against
37 harassment in the workplace without written or oral notice to the
38 person who allegedly committed the harassment or the person's
39 attorney only if:

40 (a) A verified application is accompanied by an affidavit that
41 contains specific facts which clearly show that immediate and
42 irreparable injury, loss or damage will result to the employer, an
43 employee of the employer while the employee performs the duties
44 of the employee's employment or a person who is present at the
45 workplace of the employer before the person who allegedly



1 committed the harassment or the person's attorney can be heard in
2 opposition; and

3 (b) The employer and the employer's attorney, if any, set forth
4 in the affidavit:

5 (1) The efforts, if any, that have been made to give notice to
6 the person who allegedly committed the harassment; and

7 (2) The facts supporting waiver of notice requirements.

8 5. A temporary order for protection against harassment in the
9 workplace that is granted, with or without notice, must expire not
10 later than 15 days after the date on which the order is issued, unless
11 extended pursuant to subsections 6 and 7.

12 6. If a temporary order for protection against harassment in the
13 workplace is granted, with or without notice, the employer or the
14 employer's authorized agent may apply for an extended order for
15 protection against harassment in the workplace by filing a verified
16 application for an extended order for protection against harassment
17 in the workplace. If such an application is filed, the temporary order
18 remains in effect until the hearing on the application for an extended
19 order is held. The application must:

20 (a) In addition to the information required by subsection 2 of
21 NRS 33.250, set forth the facts that provide the basis for granting an
22 extended order for protection against harassment in the workplace;

23 (b) Be filed before the expiration of the temporary order for
24 protection against harassment in the workplace;

25 (c) Be heard as soon as reasonably possible and not later than 10
26 days after the date on which the application is filed with the court
27 unless the court determines that there are compelling reasons to hold
28 the hearing at a later date; and

29 (d) Be dismissed if the court finds that the temporary order for
30 protection against harassment in the workplace which is the basis of
31 the application has been dissolved or has expired.

32 7. At the hearing on an application filed pursuant to subsection
33 6, the employer must present evidence sufficient to support the
34 granting of the application for an extended order for protection
35 against harassment in the workplace. At the hearing, the court may:

36 (a) Dissolve or modify the temporary order for protection
37 against harassment in the workplace; or

38 (b) Grant an extended order for protection against harassment in
39 the workplace.

40 8. If granted, an extended order for protection against
41 harassment in the workplace expires within such time, not to exceed
42 1 year, as the court fixes.

43 9. Upon 2 days' notice to an employer who obtained a
44 temporary order for protection against harassment in the workplace
45 without notice or on such shorter notice to the employer as the court



1 may prescribe, the person who allegedly committed the harassment
2 may appear and move the dissolution or modification of the
3 temporary order for protection against harassment in the workplace.
4 Upon the filing of such a motion, the court shall proceed to hear and
5 determine the motion as expeditiously as the ends of justice require.
6 At the hearing, the court may dissolve, modify or extend the order.

7 10. The court may award costs and reasonable attorney's fees
8 to the prevailing party in a matter brought pursuant to this section.

9 11. If a court issues an extended order for protection against
10 harassment in the workplace, an interlocutory appeal lies to the
11 district court, which may affirm, modify or vacate the order in
12 question. The appeal may be taken without bond, but its taking does
13 not stay the effect or enforcement of the order.

14 **Sec. 6.** NRS 33.400 is hereby amended to read as follows:

15 33.400 1. ~~Has~~ *Except as otherwise provided in section 2 of*
16 *this act, in* addition to any other remedy provided by law, the parent
17 or guardian of a child may petition any court of competent
18 jurisdiction on behalf of the child for a temporary or extended order
19 against a person who is 18 years of age or older and who the parent
20 or guardian reasonably believes has committed or is committing a
21 crime involving:

22 (a) Physical or mental injury to the child of a nonaccidental
23 nature; or

24 (b) Sexual abuse or sexual exploitation of the child.

25 2. If such an order on behalf of a child is granted, the court
26 may direct the person who allegedly committed or is committing the
27 crime to:

28 (a) Stay away from the home, school, business or place of
29 employment of the child and any other location specifically named
30 by the court.

31 (b) Refrain from contacting, intimidating, threatening or
32 otherwise interfering with the child and any other person
33 specifically named by the court, who may include, without
34 limitation, a member of the family or the household of the child.

35 (c) Comply with any other restriction which the court deems
36 necessary to protect the child or to protect any other person
37 specifically named by the court, who may include, without
38 limitation, a member of the family or the household of the child.

39 3. If a defendant charged with committing a crime described in
40 subsection 1 is released from custody before trial or is found guilty
41 or guilty but mentally ill during the trial, the court may issue a
42 temporary or extended order or provide as a condition of the release
43 or sentence that the defendant:



1 (a) Stay away from the home, school, business or place of
2 employment of the child against whom the alleged crime was
3 committed and any other location specifically named by the court.

4 (b) Refrain from contacting, intimidating, threatening or
5 otherwise interfering with the child against whom the alleged crime
6 was committed and any other person specifically named by the
7 court, who may include, without limitation, a member of the family
8 or the household of the child.

9 (c) Comply with any other restriction which the court deems
10 necessary to protect the child or to protect any other person
11 specifically named by the court, who may include, without
12 limitation, a member of the family or the household of the child.

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

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

18 (b) A hearing is held on the petition.

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

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

27 (a) A temporary order is guilty of a gross misdemeanor.

28 (b) An extended order is guilty of a category C felony and shall
29 be punished as provided in NRS 193.130.

30 7. Any court order issued pursuant to this section must:

31 (a) Be in writing;

32 (b) Be personally served on the person to whom it is directed;
33 and

34 (c) Contain the warning that violation of the order:

35 (1) Subjects the person to immediate arrest.

36 (2) Is a gross misdemeanor if the order is a temporary order.

37 (3) Is a category C felony if the order is an extended order.

38 **Sec. 7.** NRS 200.378 is hereby amended to read as follows:

39 200.378 1. ~~It~~ **Except as otherwise provided in section 2 of**
40 **this act, in** addition to any other remedy provided by law, a person
41 who reasonably believes that the crime of sexual assault has been
42 committed against him or her by another person may petition any
43 court of competent jurisdiction for a temporary or extended order
44 directing the person who allegedly committed the sexual assault to:



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

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

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

14 2. If a defendant charged with a crime involving sexual assault
15 is released from custody before trial or is found guilty at the trial,
16 the court may issue a temporary or extended order or provide as a
17 condition of the release or sentence that the defendant:

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

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

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

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

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

36 (b) A hearing is held on the petition.

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

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

45 (a) A temporary order is guilty of a gross misdemeanor.



1 (b) An extended order is guilty of a category C felony and shall
2 be punished as provided in NRS 193.130.

3 6. Any court order issued pursuant to this section must:

4 (a) Be in writing;

5 (b) Be personally served on the person to whom it is directed;
6 and

7 (c) Contain the warning that violation of the order:

8 (1) Subjects the person to immediate arrest.

9 (2) Is a gross misdemeanor if the order is a temporary order.

10 (3) Is a category C felony if the order is an extended order.

11 7. A temporary or extended order issued pursuant to this
12 section must provide notice that a person who is arrested for
13 violating the order will not be admitted to bail sooner than 12 hours
14 after the arrest if:

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

17 (b) The person has previously violated a temporary or extended
18 order for protection; or

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

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

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

26 **Sec. 8.** NRS 200.591 is hereby amended to read as follows:

27 200.591 1. ~~It~~ *Except as otherwise provided in section 2 of*
28 *this act, in* addition to any other remedy provided by law, a person
29 who reasonably believes that the crime of stalking, aggravated
30 stalking or harassment is being committed against him or her by
31 another person may petition any court of competent jurisdiction for
32 a temporary or extended order directing the person who is allegedly
33 committing the crime to:

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

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

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



1 member of the family or the household of the victim of the alleged
2 crime.

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

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

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

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

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

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

26 (b) A hearing is held on the petition.

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

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

35 (a) A temporary order is guilty of a gross misdemeanor.

36 (b) An extended order is guilty of a category C felony and shall
37 be punished as provided in NRS 193.130.

38 6. Any court order issued pursuant to this section must:

39 (a) Be in writing;

40 (b) Be personally served on the person to whom it is directed;
41 and

42 (c) Contain the warning that violation of the order:

43 (1) Subjects the person to immediate arrest.

44 (2) Is a gross misdemeanor if the order is a temporary order.

45 (3) Is a category C felony if the order is an extended order.



1 7. A temporary or extended order issued pursuant to this
2 section must provide notice that a person who is arrested for
3 violating the order will not be admitted to bail sooner than 12 hours
4 after the person's arrest if:

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

7 (b) The person has previously violated a temporary or extended
8 order for protection; or

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

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

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

16 **Sec. 9.** The provisions of this act:

17 1. Apply only to a temporary or extended order of protection
18 granted or issued by a court on or after October 1, 2019; and

19 2. Do not apply to a temporary or extended order of protection
20 granted or issued by a court before October 1, 2019, and a court that
21 granted or issued such an order retains its jurisdiction over the order,
22 all persons subject to or protected by the order and all proceedings
23 relating to the order, regardless of whether the proceedings are
24 conducted before, on or after October 1, 2019.



