

ASSEMBLY BILL NO. 60—COMMITTEE ON JUDICIARY

(ON BEHALF OF THE ATTORNEY GENERAL)

PREFILED NOVEMBER 19, 2018

Referred to Committee on Judiciary

SUMMARY—Revises provisions related to criminal justice.
(BDR 3-425)

FISCAL NOTE: Effect on Local Government: Increases or Newly
Provides for Term of Imprisonment in County or City
Jail or Detention Facility.
Effect on the State: Yes.

~

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

AN ACT relating to criminal justice; revising the definition of domestic violence; increasing certain penalties relating to battery which constitutes domestic violence; imposing a fee on certain unlawful acts that constitute domestic violence; requiring such fees to be deposited into the Account for Programs Related to Domestic Violence; revising the definition of stalking; increasing certain penalties related to stalking; revising provisions relating to the crime of facilitating sex trafficking; revising provisions relating to the crime of assault; revising provisions relating to the crime of battery; revising the duties and quorum requirements of the Committee on Domestic Violence; revising provisions relating to the Office of Advocate for Missing or Exploited Children; providing penalties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

- 1 Existing law sets forth certain unlawful acts that constitute domestic violence
- 2 when committed against certain persons. (NRS 33.018) **Section 1** of this bill
- 3 revises the unlawful acts that constitute domestic violence to include coercion,
- 4 burglary, home invasion and pandering. **Section 1** also provides that such acts if
- 5 committed by siblings against each other, unless those siblings are in a custodial or
- 6 guardianship relationship, or such acts if committed by cousins against each other,



unless those cousins are in a custodial or guardianship relationship, do not constitute domestic violence. **Section 22** of this bill makes a conforming change.

Existing law authorizes a court to order the videotaping of a deposition under certain circumstances. (NRS 174.227) Existing law also authorizes, under certain circumstances, the use of such a videotaped deposition instead of the deponent's testimony at trial. (NRS 174.228) **Section 2** of this bill authorizes the court to order the videotaping of a deposition of a victim of facilitating sex trafficking. **Section 3** of this bill makes a conforming change to allow such a videotaped deposition to be used instead of the deponent's testimony at trial.

When a person is convicted of battery that constitutes domestic violence, existing law requires the court to order the person to pay an administrative assessment of \$35 to be deposited in the Account for Programs Related to Domestic Violence. (NRS 200.485) **Section 3.5** of this bill requires the court to order a \$35 fee to be paid and deposited into the Account for Programs Related to Domestic Violence if a person is convicted of certain unlawful acts that constitute domestic violence. **Section 3.5** requires the court to enter a finding of fact that a person has committed an act that constitutes domestic violence in such a person's judgment of conviction. **Section 3.5** also requires the court to order such a person to attend such counseling sessions relating to the treatment of persons who commit domestic violence under certain circumstances. **Section 40** of this bill requires such fees to be deposited with the State Controller for credit to the Account.

Under existing law, a person convicted of a battery which constitutes domestic violence, for the first offense, is guilty of a misdemeanor and shall be punished by: (1) imprisonment in a city or county jail or detention center for not less than 2 days, but not more than 6 months; (2) community service; and (3) a fine of not less than \$200 and not more than \$1,000. Existing law authorizes a court to impose the term of imprisonment intermittently, except that each period of confinement cannot last less than 4 consecutive hours and cannot be served when the person is required to be at his or her place of employment. (NRS 200.485) **Section 15** of this bill requires the court to impose intermittent confinement of not less than 12 consecutive hours for the first offense of such an act.

Additionally, under existing law, a person convicted for his or her second offense of battery which constitutes domestic violence is guilty of a misdemeanor and is required to be imprisoned in a city or county jail or detention facility for not less than 10 days and not more than 6 months and pay a fine of not less than \$500 or more than \$1,000. (NRS 200.485) **Section 15** increases the minimum term of imprisonment to 20 days.

Under existing law, a person convicted for his or her third or any subsequent offense of battery which constitutes domestic violence is guilty of a category C felony. (NRS 200.485) **Section 15** increases the penalty for such an act to a category B felony.

Existing law provides that any person who has previously been convicted of a battery which constitutes domestic violence that is punishable as a felony or a conviction for a similar felony of another state and who commits a battery that constitutes domestic violence is guilty of a category B felony. (NRS 200.485) **Section 15** instead provides that a person who has previously been convicted of any felony that constitutes domestic violence or a similar offense in another state and who commits a battery which constitutes domestic violence is guilty of a category B felony.

Section 15 also provides a penalty for a battery which constitutes domestic violence where the act was committed against a victim who was pregnant at the time of such a battery. Under **section 15**, a person who commits such a battery: (1) for the first offense is guilty of a gross misdemeanor; and (2) for the second or any subsequent offense is guilty of a category B felony and authorizes the court to impose a minimum fine of not less than \$1,000 and not more than \$5,000.



Section 15 also provides that if a person is convicted of a battery which constitutes domestic violence, where such a battery causes substantial bodily harm to the victim, the person: (1) is guilty of a category B felony; and (2) the court is authorized to impose a fine of \$1,000 to \$15,000.

Existing law provides that a person is guilty of: (1) a category D felony if the person commits an assault upon an officer; and (2) a category B felony if the person commits an assault upon an officer with the use of a deadly weapon or the present ability to use a deadly weapon. (NRS 200.471) Existing law also provides that a person is guilty of: (1) a category B felony if the person commits a battery upon an officer which causes substantial bodily harm or is committed by strangulation; and (2) a gross misdemeanor if the person commits a battery upon an officer and the person knew or should have known that the victim was an officer. (NRS 200.481) **Sections 14 and 14.5** of this bill revise the definition of "officer" for such purposes to include a prosecuting attorney of an agency or political subdivision of the United States or of this State.

Existing law provides that a person who, without lawful authority, willfully or maliciously engages in conduct that would cause a reasonable person to feel terrorized, frightened, intimidated, harassed or fearful for the immediate safety of a family or household member, and the conduct actually causes the victim to feel such emotions, is guilty of the crime of stalking. Existing law makes such a crime punishable as a misdemeanor for the first offense, and as a gross misdemeanor for any subsequent offense. (NRS 200.575) **Section 17** of this bill revises the definition of stalking to: (1) provide that the course of conduct must be directed at the victim; and (2) clarify that the conduct would cause the victim to be fearful of his or her immediate safety. **Section 17** also increases the penalty for a third or any subsequent offense of stalking to a category C felony and authorizes a court to impose a fine of not more than \$5,000. **Section 17** also provides that if the crime of stalking is committed against a victim who is under the age of 16 and the person is 5 or more years older than the victim: (1) for the first offense, the person is guilty of a gross misdemeanor; (2) for the second offense, the person is guilty of a category C felony and may be further punished by a fine of not more than \$5,000; and (3) for a third or any subsequent offense, the person is guilty of a category B felony and may be further punished by a fine of not more than \$5,000.

Existing law authorizes a court to impose an additional fine of \$500,000 on certain persons who are convicted of sex trafficking or living from earnings of a prostitute. (NRS 201.352) **Section 21** of this bill similarly authorizes a court to impose an additional fine of \$500,000 on a person convicted of facilitating sex trafficking.

Existing law provides for the compensation of certain victims of crime. (NRS 217.010-217.270) **Section 38 and 39** of this bill expand the definition of "victim" to include victims of the crime of facilitating sex trafficking so that such persons may be compensated under certain circumstances.

Existing law requires the Attorney General to appoint a Committee on Domestic Violence whose duties include, among other things: (1) increasing awareness of domestic violence within the State; and (2) reviewing certain programs related to the treatment of persons who commit domestic violence and making recommendations concerning those programs to the Division of Public and Behavioral Health of the Department of Health and Human Services. Existing law also requires a quorum of six members of the Committee for voting purposes. (NRS 228.470) **Section 41** of this bill: (1) eliminates the duty to review and make recommendations concerning such treatment programs; (2) requires a quorum of six members for all purposes; and (3) authorizes the Committee to adopt regulations necessary to carry out its duties.

Under existing law, the duties of the Office of Advocate for Missing or Exploited Children of the Office of the Attorney General include investigating and



117 prosecuting any alleged crime involving the exploitation of children. (NRS
118 432.157) **Section 42** of this bill expands the Office's duties to include investigating
119 and prosecuting the crime of facilitating sex trafficking involving children.

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

1 **Section 1.** NRS 33.018 is hereby amended to read as follows:

2 33.018 1. Domestic violence occurs when a person commits
3 one of the following acts against or upon the person's spouse or
4 former spouse, any other person to whom the person is related by
5 blood or marriage, any other person with whom the person has had
6 or is having a dating relationship, any other person with whom the
7 person has a child in common, the minor child of any of those
8 persons, the person's minor child or any other person who has been
9 appointed the custodian or legal guardian for the person's minor
10 child:

11 (a) A battery.

12 (b) An assault.

13 (c) ~~[Compelling the other person by force or threat of force to~~
14 ~~perform an act from which the other person has the right to refrain~~
15 ~~or to refrain from an act which the other person has the right to~~
16 ~~perform.]~~ *Coercion pursuant to NRS 207.190.*

17 (d) A sexual assault.

18 (e) A knowing, purposeful or reckless course of conduct
19 intended to harass the other person. Such conduct may include, but
20 is not limited to:

21 (1) Stalking.

22 (2) Arson.

23 (3) Trespassing.

24 (4) Larceny.

25 (5) Destruction of private property.

26 (6) Carrying a concealed weapon without a permit.

27 (7) Injuring or killing an animal.

28 (8) *Burglary.*

29 (9) *An invasion of the home.*

30 (f) A false imprisonment.

31 (g) ~~[Unlawful entry of the other person's residence, or forcible~~
32 ~~entry against the other person's will if there is a reasonably~~
33 ~~foreseeable risk of harm to the other person from the entry.]~~
34 *Pandering.*

35 2. *The provisions of this section do not apply to:*

36 (a) *Siblings, except those siblings who are in a custodial or*
37 *guardianship relationship with each other; or*



* A B 6 0 R 2 *

1 *(b) Cousins, except those cousins who are in a custodial or*
2 *guardianship relationship with each other.*

3 3. As used in this section, "dating relationship" means
4 frequent, intimate associations primarily characterized by the
5 expectation of affectional or sexual involvement. The term does not
6 include a casual relationship or an ordinary association between
7 persons in a business or social context.

8 **Sec. 1.5.** NRS 171.137 is hereby amended to read as follows:

9 171.137 1. Except as otherwise provided in subsection 2,
10 whether or not a warrant has been issued, a peace officer shall,
11 unless mitigating circumstances exist, arrest a person when the
12 peace officer has probable cause to believe that the person to be
13 arrested has, within the preceding 24 hours, committed a battery
14 upon his or her spouse, former spouse, any other person to whom he
15 or she is related by blood or marriage, a person with whom he or she
16 is or was actually residing, a person with whom he or she has had or
17 is having a dating relationship, a person with whom he or she has a
18 child in common, the minor child of any of those persons or his or
19 her minor child ~~or~~ *or a person who is the custodian or guardian of*
20 *his or her minor child.*

21 2. If the peace officer has probable cause to believe that a
22 battery described in subsection 1 was a mutual battery, the peace
23 officer shall attempt to determine which person was the primary
24 physical aggressor. If the peace officer determines that one of the
25 persons who allegedly committed a battery was the primary physical
26 aggressor involved in the incident, the peace officer is not required
27 to arrest any other person believed to have committed a battery
28 during the incident. In determining whether a person is a primary
29 physical aggressor for the purposes of this subsection, the peace
30 officer shall consider:

31 (a) Prior domestic violence involving either person;

32 (b) The relative severity of the injuries inflicted upon the
33 persons involved;

34 (c) The potential for future injury;

35 (d) Whether one of the alleged batteries was committed in self-
36 defense; and

37 (e) Any other factor that may help the peace officer decide
38 which person was the primary physical aggressor.

39 3. A peace officer shall not base a decision regarding whether
40 to arrest a person pursuant to this section on the peace officer's
41 perception of the willingness of a victim or a witness to the incident
42 to testify or otherwise participate in related judicial proceedings.

43 4. *Nothing in this section shall be construed to impose*
44 *liability upon a peace officer or his or her employer for a*



determination made in good faith by the peace officer not to arrest a person pursuant to this section.

5. The provisions of this section do not apply to:

(a) Siblings, except those siblings who are in a custodial or guardianship relationship with each other; or

(b) Cousins, except those cousins who are in a custodial or guardianship relationship with each other.

6. As used in this section, “dating relationship” means frequent, intimate associations primarily characterized by the expectation of affectional or sexual involvement. The term does not include a casual relationship or an ordinary association between persons in a business or social context.

Sec. 2. NRS 174.227 is hereby amended to read as follows:

174.227 1. A court on its own motion or on the motion of the district attorney may, for good cause shown, order the taking of a videotaped deposition of:

(a) A victim of sexual abuse as that term is defined in NRS 432B.100;

(b) A prospective witness in any criminal prosecution if the witness is less than 14 years of age; ~~for~~

(c) A victim of sex trafficking as that term is defined in subsection 2 of NRS 201.300 ~~for~~; or

(d) A victim of facilitating sex trafficking as that term is defined in subsection 1 of NRS 201.301. There is a rebuttable presumption that good cause exists where the district attorney seeks to take the deposition of a person alleged to be the victim of sex trafficking.

➔ The court may specify the time and place for taking the deposition and the persons who may be present when it is taken.

2. The district attorney shall give every other party reasonable written notice of the time and place for taking the deposition. The notice must include the name of the person to be examined. On the motion of a party upon whom the notice is served, the court:

(a) For good cause shown may release the address of the person to be examined; and

(b) For cause shown may extend or shorten the time.

3. If at the time such a deposition is taken, the district attorney anticipates using the deposition at trial, the court shall so state in the order for the deposition and the accused must be given the opportunity to cross-examine the deponent in the same manner as permitted at trial.

4. Except as limited by NRS 174.228, the court may allow the videotaped deposition to be used at any proceeding in addition to or in lieu of the direct testimony of the deponent. It may also be used by any party to contradict or impeach the testimony of the deponent



1 as a witness. If only a part of the deposition is offered in evidence
2 by a party, an adverse party may require the party to offer all of it
3 which is relevant to the part offered and any party may offer other
4 parts.

5 **Sec. 3.** NRS 174.228 is hereby amended to read as follows:

6 174.228 A court may allow a videotaped deposition to be used
7 instead of the deponent's testimony at trial only if:

8 1. In the case of a victim of sexual abuse, as that term is
9 defined in NRS 432B.100:

10 (a) Before the deposition is taken, a hearing is held by a justice
11 of the peace or district judge who finds that:

12 (1) The use of the videotaped deposition in lieu of testimony
13 at trial is necessary to protect the welfare of the victim; and

14 (2) The presence of the accused at trial would inflict trauma,
15 more than minimal in degree, upon the victim; and

16 (b) At the time a party seeks to use the deposition, the court
17 determines that the conditions set forth in subparagraphs (1) and (2)
18 of paragraph (a) continue to exist. The court may hold a hearing
19 before the use of the deposition to make its determination.

20 2. In the case of a victim of sex trafficking as that term is
21 defined in subsection 2 of NRS 201.300 ~~or~~ *or a victim of*
22 *facilitating sex trafficking as a term is defined in subsection 1 of*
23 *NRS 201.301:*

24 (a) Before the deposition is taken, a hearing is held by a justice
25 of the peace or district judge and the justice or judge finds that cause
26 exists pursuant to paragraph (c) of subsection 1 of NRS 174.227;
27 and

28 (b) Before allowing the videotaped deposition to be used at trial,
29 the court finds that the victim is unavailable as a witness.

30 3. In all cases:

31 (a) A justice of the peace or district judge presides over the
32 taking of the deposition;

33 (b) The accused is able to hear and see the proceedings;

34 (c) The accused is represented by counsel who, if physically
35 separated from the accused, is able to communicate orally with the
36 accused by electronic means;

37 (d) The accused is given an adequate opportunity to cross-
38 examine the deponent subject to the protection of the deponent
39 deemed necessary by the court; and

40 (e) The deponent testifies under oath.

41 **Sec. 3.5.** Chapter 176 of NRS is hereby amended by adding
42 thereto a new section to read as follows:

43 *In addition to any other fine or penalty, if the court finds that a*
44 *person is guilty of committing an act that constitutes domestic*
45 *violence pursuant to NRS 33.018, the court shall:*



1 1. Enter a finding of fact in the judgment of conviction.

2 2. Order the person to pay a fee of \$35. Any money so
3 collected pursuant to subsection 1 must be paid by the clerk of the
4 court to the State Controller on or before the fifth day of each
5 month for the preceding month for credit to the Account for
6 Programs Related to Domestic Violence established pursuant to
7 NRS 228.460.

8 3. Require for the:

9 (a) First offense of any act that constitutes domestic violence,
10 the person to participate in weekly counseling sessions of not less
11 than 1 1/2 hours per week for not less than 6 months, but not more
12 than 12 months, at his or her expense, in a program for the
13 treatment of persons who commit domestic violence that has been
14 certified pursuant to NRS 439.258; or

15 (b) Second offense of any act that constitutes domestic
16 violence, the person to participate in weekly counseling sessions of
17 not less than 1 1/2 hours per week for 12 months, at his or her
18 expense, in a program for the treatment of persons who commit
19 domestic violence that has been certified pursuant to
20 NRS 439.258.

21 **Sec. 4.** NRS 176A.413 is hereby amended to read as follows:

22 176A.413 1. Except as otherwise provided in subsection 2, if
23 a defendant is convicted of stalking with the use of an Internet or
24 network site, electronic mail, text messaging or any other similar
25 means of communication pursuant to subsection ~~3~~ 4 of NRS
26 200.575, an offense involving pornography and a minor pursuant to
27 NRS 200.710 to 200.730, inclusive, or luring a child or a person
28 with mental illness through the use of a computer, system or
29 network pursuant to paragraph (a) or (b) of subsection 4 of NRS
30 201.560 and the court grants probation or suspends the sentence, the
31 court shall, in addition to any other condition ordered pursuant to
32 NRS 176A.400, order as a condition of probation or suspension that
33 the defendant not own or use a computer, including, without
34 limitation, use electronic mail, a chat room or the Internet.

35 2. The court is not required to impose a condition of probation
36 or suspension of sentence set forth in subsection 1 if the court finds
37 that:

38 (a) The use of a computer by the defendant will assist a law
39 enforcement agency or officer in a criminal investigation;

40 (b) The defendant will use the computer to provide
41 technological training concerning technology of which the
42 defendant has a unique knowledge; or

43 (c) The use of the computer by the defendant will assist
44 companies that require the use of the specific technological



1 knowledge of the defendant that is unique and is otherwise
2 unavailable to the company.

3 3. Except as otherwise provided in subsection 1, if a defendant
4 is convicted of an offense that involved the use of a computer,
5 system or network and the court grants probation or suspends the
6 sentence, the court may, in addition to any other condition ordered
7 pursuant to NRS 176A.400, order as a condition of probation or
8 suspension that the defendant not own or use a computer, including,
9 without limitation, use electronic mail, a chat room or the Internet.

10 4. As used in this section:

11 (a) "Computer" has the meaning ascribed to it in NRS 205.4735.

12 (b) "Network" has the meaning ascribed to it in NRS 205.4745.

13 (c) "System" has the meaning ascribed to it in NRS 205.476.

14 (d) "Text messaging" has the meaning ascribed to it in
15 NRS 200.575.

16 **Sec. 5.** (Deleted by amendment.)

17 **Sec. 6.** (Deleted by amendment.)

18 **Sec. 7.** (Deleted by amendment.)

19 **Sec. 8.** (Deleted by amendment.)

20 **Sec. 8.5.** NRS 199.480 is hereby amended to read as follows:

21 199.480 1. Except as otherwise provided in subsection 2,
22 whenever two or more persons conspire to commit murder, robbery,
23 sexual assault, kidnapping in the first or second degree, arson in the
24 first or second degree, involuntary servitude in violation of NRS
25 200.463 or 200.464, a violation of any provision of NRS 200.465,
26 trafficking in persons in violation of NRS 200.467 or 200.468, sex
27 trafficking in violation of NRS 201.300, *facilitating sex trafficking*
28 *in violation of NRS 201.301* or a violation of NRS 205.463, each
29 person is guilty of a category B felony and shall be punished:

30 (a) If the conspiracy was to commit robbery, sexual assault,
31 kidnapping in the first or second degree, arson in the first or second
32 degree, involuntary servitude in violation of NRS 200.463 or
33 200.464, a violation of any provision of NRS 200.465, trafficking in
34 persons in violation of NRS 200.467 or 200.468, sex trafficking in
35 violation of NRS 201.300, *facilitating sex trafficking in violation*
36 *of NRS 201.301* or a violation of NRS 205.463, by imprisonment in
37 the state prison for a minimum term of not less than 1 year and a
38 maximum term of not more than 6 years; or

39 (b) If the conspiracy was to commit murder, by imprisonment in
40 the state prison for a minimum term of not less than 2 years and a
41 maximum term of not more than 10 years,
42 ➤ and may be further punished by a fine of not more than \$5,000.

43 2. If the conspiracy subjects the conspirators to criminal
44 liability under NRS 207.400, they shall be punished in the manner
45 provided in NRS 207.400.



1 3. Whenever two or more persons conspire:

2 (a) To commit any crime other than those set forth in
3 subsections 1 and 2, and no punishment is otherwise prescribed by
4 law;

5 (b) Falsely and maliciously to procure another to be arrested or
6 proceeded against for a crime;

7 (c) Falsely to institute or maintain any action or proceeding;

8 (d) To cheat or defraud another out of any property by unlawful
9 or fraudulent means;

10 (e) To prevent another from exercising any lawful trade or
11 calling, or from doing any other lawful act, by force, threats or
12 intimidation, or by interfering or threatening to interfere with any
13 tools, implements or property belonging to or used by another, or
14 with the use or employment thereof;

15 (f) To commit any act injurious to the public health, public
16 morals, trade or commerce, or for the perversion or corruption of
17 public justice or the due administration of the law; or

18 (g) To accomplish any criminal or unlawful purpose, or to
19 accomplish a purpose, not in itself criminal or unlawful, by criminal
20 or unlawful means,

21 ➔ each person is guilty of a gross misdemeanor.

22 **Sec. 9.** (Deleted by amendment.)

23 **Sec. 10.** (Deleted by amendment.)

24 **Sec. 11.** (Deleted by amendment.)

25 **Sec. 12.** (Deleted by amendment.)

26 **Sec. 13.** (Deleted by amendment.)

27 **Sec. 14.** NRS 200.471 is hereby amended to read as follows:
28 200.471 1. As used in this section:

29 (a) "Assault" means:

30 (1) Unlawfully attempting to use physical force against
31 another person; or

32 (2) Intentionally placing another person in reasonable
33 apprehension of immediate bodily harm.

34 (b) "Fire-fighting agency" has the meaning ascribed to it in
35 NRS 239B.020.

36 (c) "Officer" means:

37 (1) A person who possesses some or all of the powers of a
38 peace officer;

39 (2) A person employed in a full-time salaried occupation of
40 fire fighting for the benefit or safety of the public;

41 (3) A member of a volunteer fire department;

42 (4) A jailer, guard or other correctional officer of a city or
43 county jail;

44 (5) *A prosecuting attorney of an agency or political*
45 *subdivision of the United States or of this State;*



(6) A justice of the Supreme Court, judge of the Court of Appeals, district judge, justice of the peace, municipal judge, magistrate, court commissioner, master or referee, including a person acting pro tempore in a capacity listed in this subparagraph;

~~[(6)]~~ (7) An employee of this State or a political subdivision of this State whose official duties require the employee to make home visits;

~~[(7)]~~ (8) A civilian employee or a volunteer of a law enforcement agency whose official duties require the employee or volunteer to:

(I) Interact with the public;

(II) Perform tasks related to law enforcement; and

(III) Wear identification, clothing or a uniform that identifies the employee or volunteer as working or volunteering for the law enforcement agency;

~~[(8)]~~ (9) A civilian employee or a volunteer of a fire-fighting agency whose official duties require the employee or volunteer to:

(I) Interact with the public;

(II) Perform tasks related to fire fighting or fire prevention; and

(III) Wear identification, clothing or a uniform that identifies the employee or volunteer as working or volunteering for the fire-fighting agency; or

~~[(9)]~~ (10) A civilian employee or volunteer of this State or a political subdivision of this State whose official duties require the employee or volunteer to:

(I) Interact with the public;

(II) Perform tasks related to code enforcement; and

(III) Wear identification, clothing or a uniform that identifies the employee or volunteer as working or volunteering for this State or a political subdivision of this State.

(d) "Provider of health care" means a physician, a medical student, a perfusionist or a physician assistant licensed pursuant to chapter 630 of NRS, a practitioner of respiratory care, a homeopathic physician, an advanced practitioner of homeopathy, a homeopathic assistant, an osteopathic physician, a physician assistant licensed pursuant to chapter 633 of NRS, a podiatric physician, a podiatry hygienist, a physical therapist, a medical laboratory technician, an optometrist, a chiropractor, a chiropractor's assistant, a doctor of Oriental medicine, a nurse, a student nurse, a certified nursing assistant, a nursing assistant trainee, a medication aide - certified, a dentist, a dental student, a dental hygienist, a dental hygienist student, a pharmacist, a pharmacy student, an intern pharmacist, an attendant on an ambulance or air ambulance, a psychologist, a social worker, a



1 marriage and family therapist, a marriage and family therapist
2 intern, a clinical professional counselor, a clinical professional
3 counselor intern, a licensed dietitian, an emergency medical
4 technician, an advanced emergency medical technician and a
5 paramedic.

6 (e) "School employee" means a licensed or unlicensed person
7 employed by a board of trustees of a school district pursuant to NRS
8 391.100 or 391.281.

9 (f) "Sporting event" has the meaning ascribed to it in
10 NRS 41.630.

11 (g) "Sports official" has the meaning ascribed to it in
12 NRS 41.630.

13 (h) "Taxicab" has the meaning ascribed to it in NRS 706.8816.

14 (i) "Taxicab driver" means a person who operates a taxicab.

15 (j) "Transit operator" means a person who operates a bus or
16 other vehicle as part of a public mass transportation system.

17 2. A person convicted of an assault shall be punished:

18 (a) If paragraph (c) or (d) does not apply to the circumstances of
19 the crime and the assault is not made with the use of a deadly
20 weapon or the present ability to use a deadly weapon, for a
21 misdemeanor.

22 (b) If the assault is made with the use of a deadly weapon or the
23 present ability to use a deadly weapon, for a category B felony by
24 imprisonment in the state prison for a minimum term of not less
25 than 1 year and a maximum term of not more than 6 years, or by a
26 fine of not more than \$5,000, or by both fine and imprisonment.

27 (c) If paragraph (d) does not apply to the circumstances of the
28 crime and if the assault is committed upon an officer, a provider of
29 health care, a school employee, a taxicab driver or a transit operator
30 who is performing his or her duty or upon a sports official based on
31 the performance of his or her duties at a sporting event and the
32 person charged knew or should have known that the victim was an
33 officer, a provider of health care, a school employee, a taxicab
34 driver, a transit operator or a sports official, for a gross
35 misdemeanor, unless the assault is made with the use of a deadly
36 weapon or the present ability to use a deadly weapon, then for a
37 category B felony by imprisonment in the state prison for a
38 minimum term of not less than 1 year and a maximum term of not
39 more than 6 years, or by a fine of not more than \$5,000, or by both
40 fine and imprisonment.

41 (d) If the assault is committed upon an officer, a provider of
42 health care, a school employee, a taxicab driver or a transit operator
43 who is performing his or her duty or upon a sports official based on
44 the performance of his or her duties at a sporting event by a
45 probationer, a prisoner who is in lawful custody or confinement or a



1 parolee, and the probationer, prisoner or parolee charged knew or
2 should have known that the victim was an officer, a provider of
3 health care, a school employee, a taxicab driver, a transit operator or
4 a sports official, for a category D felony as provided in NRS
5 193.130, unless the assault is made with the use of a deadly weapon
6 or the present ability to use a deadly weapon, then for a category B
7 felony by imprisonment in the state prison for a minimum term of
8 not less than 1 year and a maximum term of not more than 6 years,
9 or by a fine of not more than \$5,000, or by both fine and
10 imprisonment.

11 **Sec. 14.5.** NRS 200.481 is hereby amended to read as follows:

12 200.481 1. As used in this section:

13 (a) "Battery" means any willful and unlawful use of force or
14 violence upon the person of another.

15 (b) "Child" means a person less than 18 years of age.

16 (c) "Fire-fighting agency" has the meaning ascribed to it in
17 NRS 239B.020.

18 (d) "Officer" means:

19 (1) A person who possesses some or all of the powers of a
20 peace officer;

21 (2) A person employed in a full-time salaried occupation of
22 fire fighting for the benefit or safety of the public;

23 (3) A member of a volunteer fire department;

24 (4) A jailer, guard, matron or other correctional officer of a
25 city or county jail or detention facility;

26 (5) *A prosecuting attorney of an agency or political*
27 *subdivision of the United States or of this State;*

28 (6) A justice of the Supreme Court, judge of the Court of
29 Appeals, district judge, justice of the peace, municipal judge,
30 magistrate, court commissioner, master or referee, including,
31 without limitation, a person acting pro tempore in a capacity listed
32 in this subparagraph;

33 ~~[(6)]~~ (7) An employee of this State or a political subdivision
34 of this State whose official duties require the employee to make
35 home visits;

36 ~~[(7)]~~ (8) A civilian employee or a volunteer of a law
37 enforcement agency whose official duties require the employee or
38 volunteer to:

39 (I) Interact with the public;

40 (II) Perform tasks related to law enforcement; and

41 (III) Wear identification, clothing or a uniform that
42 identifies the employee or volunteer as working or volunteering for
43 the law enforcement agency;

44 ~~[(8)]~~ (9) A civilian employee or a volunteer of a fire-fighting
45 agency whose official duties require the employee or volunteer to:



(I) Interact with the public;
(II) Perform tasks related to fire fighting or fire prevention; and
(III) Wear identification, clothing or a uniform that identifies the employee or volunteer as working or volunteering for the fire-fighting agency; or

~~(9)~~ (10) A civilian employee or volunteer of this State or a political subdivision of this State whose official duties require the employee or volunteer to:

(I) Interact with the public;
(II) Perform tasks related to code enforcement; and
(III) Wear identification, clothing or a uniform that identifies the employee or volunteer as working or volunteering for this State or a political subdivision of this State.

(e) "Provider of health care" has the meaning ascribed to it in NRS 200.471.

(f) "School employee" means a licensed or unlicensed person employed by a board of trustees of a school district pursuant to NRS 391.100 or 391.281.

(g) "Sporting event" has the meaning ascribed to it in NRS 41.630.

(h) "Sports official" has the meaning ascribed to it in NRS 41.630.

(i) "Strangulation" means intentionally impeding the normal breathing or circulation of the blood by applying pressure on the throat or neck or by blocking the nose or mouth of another person in a manner that creates a risk of death or substantial bodily harm.

(j) "Taxicab" has the meaning ascribed to it in NRS 706.8816.

(k) "Taxicab driver" means a person who operates a taxicab.

(l) "Transit operator" means a person who operates a bus or other vehicle as part of a public mass transportation system.

2. Except as otherwise provided in NRS 200.485, a person convicted of a battery, other than a battery committed by an adult upon a child which constitutes child abuse, shall be punished:

(a) If the battery is not committed with a deadly weapon, and no substantial bodily harm to the victim results, except under circumstances where a greater penalty is provided in this section or NRS 197.090, for a misdemeanor.

(b) If the battery is not committed with a deadly weapon, and either substantial bodily harm to the victim results or the battery is committed by strangulation, for a category C felony as provided in NRS 193.130.

(c) If:

(1) The battery is committed upon an officer, provider of health care, school employee, taxicab driver or transit operator who



* A B 6 0 R 2 *

1 was performing his or her duty or upon a sports official based on the
2 performance of his or her duties at a sporting event;

3 (2) The officer, provider of health care, school employee,
4 taxicab driver, transit operator or sports official suffers substantial
5 bodily harm or the battery is committed by strangulation; and

6 (3) The person charged knew or should have known that the
7 victim was an officer, provider of health care, school employee,
8 taxicab driver, transit operator or sports official,

9 ➤ for a category B felony by imprisonment in the state prison for a
10 minimum term of not less than 2 years and a maximum term of not
11 more than 10 years, or by a fine of not more than \$10,000, or by
12 both fine and imprisonment.

13 (d) If the battery is committed upon an officer, provider of
14 health care, school employee, taxicab driver or transit operator who
15 is performing his or her duty or upon a sports official based on the
16 performance of his or her duties at a sporting event and the person
17 charged knew or should have known that the victim was an officer,
18 provider of health care, school employee, taxicab driver, transit
19 operator or sports official, for a gross misdemeanor, except under
20 circumstances where a greater penalty is provided in this section.

21 (e) If the battery is committed with the use of a deadly weapon,
22 and:

23 (1) No substantial bodily harm to the victim results, for a
24 category B felony by imprisonment in the state prison for a
25 minimum term of not less than 2 years and a maximum term of not
26 more than 10 years, and may be further punished by a fine of not
27 more than \$10,000.

28 (2) Substantial bodily harm to the victim results or the
29 battery is committed by strangulation, for a category B felony by
30 imprisonment in the state prison for a minimum term of not less
31 than 2 years and a maximum term of not more than 15 years, and
32 may be further punished by a fine of not more than \$10,000.

33 (f) If the battery is committed by a probationer, a prisoner who
34 is in lawful custody or confinement or a parolee, without the use of
35 a deadly weapon, whether or not substantial bodily harm results and
36 whether or not the battery is committed by strangulation, for a
37 category B felony by imprisonment in the state prison for a
38 minimum term of not less than 1 year and a maximum term of not
39 more than 6 years.

40 (g) If the battery is committed by a probationer, a prisoner who
41 is in lawful custody or confinement or a parolee, with the use of a
42 deadly weapon, and:

43 (1) No substantial bodily harm to the victim results, for a
44 category B felony by imprisonment in the state prison for a



* A B 6 0 R 2 *

1 minimum term of not less than 2 years and a maximum term of not
2 more than 10 years.

3 (2) Substantial bodily harm to the victim results or the
4 battery is committed by strangulation, for a category B felony by
5 imprisonment in the state prison for a minimum term of not less
6 than 2 years and a maximum term of not more than 15 years.

7 **Sec. 15.** NRS 200.485 is hereby amended to read as follows:

8 200.485 1. Unless a greater penalty is provided pursuant to
9 ~~[subsection]~~ *subsections 2 ~~for 3~~ to 5, inclusive,* or NRS 200.481, a
10 person convicted of a battery which constitutes domestic violence
11 pursuant to NRS 33.018:

12 (a) For the first offense within 7 years, is guilty of a
13 misdemeanor and shall be sentenced to:

14 (1) Imprisonment in the city or county jail or detention
15 facility for not less than 2 days, but not more than 6 months; and

16 (2) Perform not less than 48 hours, but not more than 120
17 hours, of community service.

18 ➤ The person shall be further punished by a fine of not less than
19 \$200, but not more than \$1,000. A term of imprisonment imposed
20 pursuant to this paragraph may be served intermittently at the
21 discretion of the judge or justice of the peace, except that each
22 period of confinement must be not less than ~~4~~ 12 consecutive
23 hours and must occur at a time when the person is not required to be
24 at his or her place of employment or on a weekend.

25 (b) For the second offense within 7 years, is guilty of a
26 misdemeanor and shall be sentenced to:

27 (1) Imprisonment in the city or county jail or detention
28 facility for not less than ~~10~~ 20 days, but not more than 6 months;
29 and

30 (2) Perform not less than 100 hours, but not more than 200
31 hours, of community service.

32 ➤ The person shall be further punished by a fine of not less than
33 \$500, but not more than \$1,000. *A term of imprisonment imposed*
34 *pursuant to this paragraph may be served intermittently at the*
35 *discretion of the judge or justice of the peace, except that each*
36 *period of confinement must not be less than 12 consecutive hours*
37 *and must occur at a time when the person is not required to be at*
38 *his or her place of employment or on a weekend.*

39 (c) For the third offense within 7 years, is guilty of a category
40 ~~C~~ B felony and shall be punished ~~as provided in NRS 193.130.~~
41 *by imprisonment in the state prison for a minimum term of not*
42 *less than 1 year and a maximum term of not more than 6 years,*
43 *and may be further punished by a fine of not less than \$1,000, but*
44 *not more than \$5,000.*



2. Unless a greater penalty is provided pursuant to subsection 3 or NRS 200.481, a person convicted of a battery which constitutes domestic violence pursuant to NRS 33.018, if the battery is committed by strangulation as described in NRS 200.481, is guilty of a category C felony and shall be punished as provided in NRS 193.130. ~~[and by a fine of not more than \$15,000.]~~

3. Unless a greater penalty is provided pursuant to NRS 200.481, a person who has been previously convicted of:

(a) ~~[A battery which]~~ *A felony that* constitutes domestic violence pursuant to NRS 33.018 ; ~~[that is punishable as a felony pursuant to paragraph (c) of subsection 1 or subsection 2.]~~ or

(b) A violation of the law of any other jurisdiction that prohibits the same or similar conduct set forth in paragraph (a),

➤ and who commits a battery which constitutes domestic violence pursuant to NRS 33.018 is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 15 years, and shall be further punished by a fine of not less than \$2,000, but not more than \$5,000.

4. Unless a greater penalty is provided pursuant to NRS 200.481, a person convicted of a battery which constitutes domestic violence pursuant to NRS 33.018, if the battery is committed against a victim who was pregnant at the time of the battery and the person knew or should have known that the victim was pregnant:

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

(b) For the second or any subsequent offense, is guilty of a category B felony and shall be punished by imprisonment in the state prison of a minimum term of not less than 1 year and a maximum term of not more than 6 years, and may be further punished by a fine of not less than \$1,000, but not more than \$5,000.

5. Unless a greater penalty is provided pursuant to NRS 200.481, a person convicted of a battery which constitutes domestic violence pursuant to NRS 33.018, if the battery causes substantial bodily harm, is guilty of a category B felony and shall be punished by imprisonment in the state prison of a minimum term of not less than 1 year and a maximum term of not more than 6 years, and may be further punished by a fine of not less than \$1,000, but not more than \$5,000.

6. In addition to any other penalty, if a person is convicted of a battery which constitutes domestic violence pursuant to NRS 33.018, the court shall:

(a) For the first offense within 7 years, require the person to participate in weekly counseling sessions of not less than 1 1/2



1 hours per week for not less than 6 months, but not more than 12
2 months, at his or her expense, in a program for the treatment of
3 persons who commit domestic violence that has been certified
4 pursuant to NRS 439.258.

5 (b) For the second offense within 7 years, require the person to
6 participate in weekly counseling sessions of not less than 1 1/2
7 hours per week for 12 months, at his or her expense, in a program
8 for the treatment of persons who commit domestic violence that has
9 been certified pursuant to NRS 439.258.

10 ➤ If the person resides in this State but the nearest location at which
11 counseling services are available is in another state, the court may
12 allow the person to participate in counseling in the other state in a
13 program for the treatment of persons who commit domestic violence
14 that has been certified pursuant to NRS 439.258.

15 ~~5.]~~ 7. Except as otherwise provided in this subsection, an
16 offense that occurred within 7 years immediately preceding the date
17 of the principal offense or after the principal offense constitutes a
18 prior offense for the purposes of this section:

19 (a) When evidenced by a conviction; or

20 (b) If the offense is conditionally dismissed pursuant to NRS
21 176A.290 or dismissed in connection with successful completion of
22 a diversionary program or specialty court program,

23 ➤ without regard to the sequence of the offenses and convictions.
24 An offense which is listed in paragraph (a) or (b) of subsection 3
25 that occurred on any date preceding the date of the principal offense
26 or after the principal offense constitutes a prior offense for the
27 purposes of this section when evidenced by a conviction, without
28 regard to the sequence of the offenses and convictions. The facts
29 concerning a prior offense must be alleged in the complaint,
30 indictment or information, must not be read to the jury or proved at
31 trial but must be proved at the time of sentencing and, if the
32 principal offense is alleged to be a felony, must also be shown at the
33 preliminary examination or presented to the grand jury.

34 ~~[6. In addition to any other fine or penalty, the court shall order~~
35 ~~such a person to pay an administrative assessment of \$35. Any~~
36 ~~money so collected must be paid by the clerk of the court to the~~
37 ~~State Controller on or before the fifth day of each month for the~~
38 ~~preceding month for credit to the Account for Programs Related to~~
39 ~~Domestic Violence established pursuant to NRS 228.460.~~

40 ~~—7.]~~ 8. In addition to any other penalty, the court may require
41 such a person to participate, at his or her expense, in a program of
42 treatment for the abuse of alcohol or drugs that has been certified by
43 the Division of Public and Behavioral Health of the Department of
44 Health and Human Services.



~~18.1~~ 9. If it appears from information presented to the court that a child under the age of 18 years may need counseling as a result of the commission of a battery which constitutes domestic violence pursuant to NRS 33.018, the court may refer the child to an agency which provides child welfare services. If the court refers a child to an agency which provides child welfare services, the court shall require the person convicted of a battery which constitutes domestic violence pursuant to NRS 33.018 to reimburse the agency for the costs of any services provided, to the extent of the convicted person's ability to pay.

~~19.1~~ 10. If a person is charged with committing a battery which constitutes domestic violence pursuant to NRS 33.018, a prosecuting attorney shall not dismiss such a charge in exchange for a plea of guilty, guilty but mentally ill or nolo contendere to a lesser charge or for any other reason unless the prosecuting attorney knows, or it is obvious, that the charge is not supported by probable cause or cannot be proved at the time of trial. Except as otherwise provided in this subsection, a court shall not grant probation to or suspend the sentence of such a person. A court may grant probation to or suspend the sentence of such a person:

(a) As set forth in NRS 4.373 and 5.055; or

(b) To assign the person to a program for the treatment of veterans and members of the military pursuant to NRS 176A.290 if the charge is for a first offense punishable as a misdemeanor.

~~110.1~~ 11. In every judgment of conviction or admonishment of rights issued pursuant to this section, the court shall:

(a) Inform the person convicted that he or she is prohibited from owning, possessing or having under his or her custody or control any firearm pursuant to NRS 202.360; and

(b) Order the person convicted to permanently surrender, sell or transfer any firearm that he or she owns or that is in his or her possession or under his or her custody or control in the manner set forth in NRS 202.361.

~~111.1~~ 12. A person who violates any provision included in a judgment of conviction or admonishment of rights issued pursuant to this section concerning the surrender, sale, transfer, ownership, possession, custody or control of a firearm is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 6 years, and may be further punished by a fine of not more than \$5,000. The court must include in the judgment of conviction or admonishment of rights a statement that a violation of such a provision in the judgment or admonishment is a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not



1 more than 6 years, and may be further punished by a fine of not
2 more than \$5,000.

3 ~~12-1~~ 13. As used in this section:

4 (a) "Agency which provides child welfare services" has the
5 meaning ascribed to it in NRS 432B.030.

6 (b) "Battery" has the meaning ascribed to it in paragraph (a) of
7 subsection 1 of NRS 200.481.

8 (c) "Offense" includes a battery which constitutes domestic
9 violence pursuant to NRS 33.018 or a violation of the law of any
10 other jurisdiction that prohibits the same or similar conduct.

11 **Sec. 16.** NRS 200.571 is hereby amended to read as follows:

12 200.571 1. A person is guilty of harassment if:

13 (a) Without lawful authority, the person knowingly threatens:

14 (1) To cause bodily injury in the future to the person
15 threatened or to any other person;

16 (2) To cause physical damage to the property of another
17 person;

18 (3) To subject the person threatened or any other person to
19 physical confinement or restraint; or

20 (4) To do any act which is intended to substantially harm the
21 person threatened or any other person with respect to his or her
22 physical or mental health or safety; and

23 (b) The person by words or conduct places the person receiving
24 the threat in reasonable fear that the threat will be carried out.

25 2. Except where the provisions of subsection 2 , ~~or~~ 3 or 4 of
26 NRS 200.575 are applicable, a person who is guilty of harassment:

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

28 (b) For the second or any subsequent offense, is guilty of a gross
29 misdemeanor.

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

32 **Sec. 17.** NRS 200.575 is hereby amended to read as follows:

33 200.575 1. A person who, without lawful authority, willfully
34 or maliciously engages in a course of conduct *directed towards a*
35 *victim* that would cause a reasonable person *under similar*
36 *circumstances* to feel terrorized, frightened, intimidated, harassed or
37 fearful for *his or her immediate safety or* the immediate safety of a
38 family or household member, and that actually causes the victim to
39 feel terrorized, frightened, intimidated, harassed or fearful for *his or*
40 *her immediate safety or* the immediate safety of a family or
41 household member, commits the crime of stalking. Except where the
42 provisions of subsection 2 , ~~or~~ 3 or 4 are applicable, a person who
43 commits the crime of stalking:

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



(b) For ~~any subsequent~~ *the second* offense, is guilty of a gross misdemeanor.

(c) For the third or any subsequent offense, is guilty of a category C felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 5 years, and may be further punished by a fine of not more than \$5,000.

2. *Except as otherwise provided in subsection 3 or 4 and unless a more severe penalty is prescribed by law, a person who commits the crime of stalking where the victim is under the age of 16 and the person is 5 or more years older than the victim:*

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

(b) For the second offense, is guilty of a category C felony and shall be punished by imprisonment in the state prison of a minimum term of not less than 2 years and a maximum term of not more than 5 years, and may be further punished by a fine of not more than \$5,000.

(c) For the third or any subsequent offense, is guilty of category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 15 years, and may be further punished by a fine of not more than \$5,000.

3. A person who commits the crime of stalking and in conjunction therewith threatens the person with the intent to cause the person to be placed in reasonable fear of death or substantial bodily harm commits the crime of aggravated stalking. A person who commits the crime of aggravated stalking shall be punished for a category B felony by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 15 years, and may be further punished by a fine of not more than \$5,000.

~~[3.]~~ 4. A person who commits the crime of stalking with the use of an Internet or network site, electronic mail, text messaging or any other similar means of communication to publish, display or distribute information in a manner that substantially increases the risk of harm or violence to the victim shall be punished for a category C felony as provided in NRS 193.130.

5. If any act engaged in by a person was part of the course of conduct that constitutes the crime of stalking and was initiated or had an effect on the victim in this State, the person may be prosecuted in this State.

~~[4.]~~ 6. Except as otherwise provided in subsection 2 of NRS 200.571, a criminal penalty provided for in this section may be imposed in addition to any penalty that may be imposed for any



1 other criminal offense arising from the same conduct or for any
2 contempt of court arising from the same conduct.

3 ~~[5-]~~ 7. If the court finds that a person convicted of stalking
4 pursuant to this section committed the crime against a person listed
5 in subsection 1 of NRS 33.018 and that the victim has an ongoing,
6 reasonable fear of physical harm, the court shall enter the finding in
7 its judgment of conviction or admonishment of rights.

8 ~~[6-]~~ 8. If the court includes such a finding in a judgment of
9 conviction or admonishment of rights issued pursuant to this
10 section, the court shall:

11 (a) Inform the person convicted that he or she is prohibited from
12 owning, possessing or having under his or her control or custody
13 any firearm pursuant to NRS 202.360; and

14 (b) Order the person convicted to permanently surrender, sell or
15 transfer any firearm that he or she owns or that is in his or her
16 possession or under his or her custody or control in the manner set
17 forth in NRS 202.361.

18 ~~[7-]~~ 9. A person who violates any provision included in a
19 judgment of conviction or admonishment of rights issued pursuant
20 to this section concerning the surrender, sale, transfer, ownership,
21 possession, custody or control of a firearm is guilty of a category B
22 felony and shall be punished by imprisonment in the state prison for
23 a minimum term of not less than 1 year and a maximum term of not
24 more than 6 years, and may be further punished by a fine of not
25 more than \$5,000. The court must include in the judgment of
26 conviction or admonishment of rights a statement that a violation of
27 such a provision in the judgment or admonishment is a category B
28 felony and shall be punished by imprisonment in the state prison for
29 a minimum term of not less than 1 year and a maximum term of not
30 more than 6 years, and may be further punished by a fine of not
31 more than \$5,000.

32 ~~[8-]~~ 10. The penalties provided in this section do not preclude
33 the victim from seeking any other legal remedy available.

34 ~~[9-]~~ 11. As used in this section:

35 (a) "Course of conduct" means a pattern of conduct which
36 consists of ~~[a series of]~~ *two or more* acts over *a period of* time, that
37 evidences a continuity of purpose directed at a specific person.

38 (b) "Family or household member" means a spouse, a former
39 spouse, a parent or other person who is related by blood or marriage
40 or is or was actually residing with the person.

41 (c) "Internet or network site" has the meaning ascribed to it in
42 NRS 205.4744.

43 (d) "Network" has the meaning ascribed to it in NRS 205.4745.



(e) *“Offense” includes, without limitation, a violation of the law of any other jurisdiction that prohibits the same or similar conduct set forth in this section.*

(f) “Text messaging” means a communication in the form of electronic text or one or more electronic images sent from a telephone or computer to another person’s telephone or computer by addressing the communication to the recipient’s telephone number.

~~[(g)]~~ (g) “Without lawful authority” includes acts which are initiated or continued without the victim’s consent. The term does not include acts which are otherwise protected or authorized by constitutional or statutory law, regulation or order of a court of competent jurisdiction, including, but not limited to:

(1) Picketing which occurs during a strike, work stoppage or any other labor dispute.

(2) The activities of a reporter, photographer, camera operator or other person while gathering information for communication to the public if that person is employed or engaged by or has contracted with a newspaper, periodical, press association or radio or television station and is acting solely within that professional capacity.

(3) The activities of a person that are carried out in the normal course of his or her lawful employment.

(4) Any activities carried out in the exercise of the constitutionally protected rights of freedom of speech and assembly.

Sec. 18. (Deleted by amendment.)

Sec. 19. (Deleted by amendment.)

Sec. 20. (Deleted by amendment.)

Sec. 21. NRS 201.352 is hereby amended to read as follows:

201.352 1. If a person is convicted of a violation of subsection 2 of NRS 201.300 , *subsection 1 of NRS 201.301* or NRS 201.320, the victim of the violation is a child when the offense is committed and physical force or violence or the immediate threat of physical force or violence is used upon the child, the court may, in addition to the term of imprisonment prescribed by statute for the offense and any fine imposed pursuant to subsection 2, impose a fine of not more than \$500,000.

2. If a person is convicted of a violation of subsection 2 of NRS 201.300 , *subsection 1 of NRS 201.301* or NRS 201.320, the victim of the offense is a child when the offense is committed and the offense also involves a conspiracy to commit a violation of subsection 2 of NRS 201.300 , *subsection 1 of NRS 201.301* or NRS 201.320, the court may, in addition to the punishment prescribed by statute for the offense of a provision of subsection 2 of NRS 201.300 , *NRS 201.301* or ~~[NRS]~~ 201.320 and any fine



1 imposed pursuant to subsection 1, impose a fine of not more than
2 \$500,000.

3 3. The provisions of subsections 1 and 2 do not create a
4 separate offense but provide an additional penalty for the primary
5 offense, the imposition of which is contingent upon the finding of
6 the prescribed fact.

7 **Sec. 22.** NRS 202.360 is hereby amended to read as follows:

8 202.360 1. A person shall not own or have in his or her
9 possession or under his or her custody or control any firearm if the
10 person:

11 (a) Has been convicted in this State or any other state of a
12 misdemeanor crime of domestic violence as defined in 18 U.S.C. §
13 921(a)(33);

14 (b) Has been convicted of a felony in this State or any other
15 state, or in any political subdivision thereof, or of a felony in
16 violation of the laws of the United States of America, unless the
17 person has received a pardon and the pardon does not restrict his or
18 her right to bear arms;

19 (c) Has been convicted of a violation of NRS 200.575 or a law
20 of any other state that prohibits the same or substantially similar
21 conduct and the court entered a finding in the judgment of
22 conviction or admonishment of rights pursuant to subsection ~~1~~ 7 of
23 NRS 200.575;

24 (d) Except as otherwise provided in NRS 33.031, is currently
25 subject to:

26 (1) An extended order for protection against domestic
27 violence pursuant to NRS 33.017 to 33.100, inclusive, which
28 includes a statement that the adverse party is prohibited from
29 possessing or having under his or her custody or control any firearm
30 while the order is in effect; or

31 (2) An equivalent order in any other state;

32 (e) Is a fugitive from justice;

33 (f) Is an unlawful user of, or addicted to, any controlled
34 substance; or

35 (g) Is otherwise prohibited by federal law from having a firearm
36 in his or her possession or under his or her custody or control.

37 ➤ A person who violates the provisions of this subsection is guilty
38 of a category B felony and shall be punished by imprisonment in the
39 state prison for a minimum term of not less than 1 year and a
40 maximum term of not more than 6 years, and may be further
41 punished by a fine of not more than \$5,000.

42 2. A person shall not own or have in his or her possession or
43 under his or her custody or control any firearm if the person:



(a) Has been adjudicated as mentally ill or has been committed to any mental health facility by a court of this State, any other state or the United States;

(b) Has entered a plea of guilty but mentally ill in a court of this State, any other state or the United States;

(c) Has been found guilty but mentally ill in a court of this State, any other state or the United States;

(d) Has been acquitted by reason of insanity in a court of this State, any other state or the United States; or

(e) Is illegally or unlawfully in the United States.

➤ A person who violates the provisions of this subsection is guilty of a category D felony and shall be punished as provided in NRS 193.130.

3. As used in this section:

(a) "Controlled substance" has the meaning ascribed to it in 21 U.S.C. § 802(6).

(b) "Firearm" includes any firearm that is loaded or unloaded and operable or inoperable.

Sec. 23. (Deleted by amendment.)

Sec. 24. (Deleted by amendment.)

Sec. 25. (Deleted by amendment.)

Sec. 26. (Deleted by amendment.)

Sec. 27. (Deleted by amendment.)

Sec. 28. (Deleted by amendment.)

Sec. 29. (Deleted by amendment.)

Sec. 30. (Deleted by amendment.)

Sec. 31. (Deleted by amendment.)

Sec. 32. (Deleted by amendment.)

Sec. 33. (Deleted by amendment.)

Sec. 34. (Deleted by amendment.)

Sec. 35. (Deleted by amendment.)

Sec. 36. (Deleted by amendment.)

Sec. 37. NRS 213.1258 is hereby amended to read as follows:

213.1258 1. Except as otherwise provided in subsection 2, if the Board releases on parole a prisoner convicted of stalking with the use of an Internet or network site, electronic mail, text messaging or any other similar means of communication pursuant to subsection ~~33~~ 4 of NRS 200.575, an offense involving pornography and a minor pursuant to NRS 200.710 to 200.730, inclusive, or luring a child or a person with mental illness through the use of a computer, system or network pursuant to paragraph (a) or (b) of subsection 4 of NRS 201.560, the Board shall, in addition to any other condition of parole, require as a condition of parole that the parolee not own or use a computer, including, without limitation, use electronic mail, a chat room or the Internet.



2. The Board is not required to impose a condition of parole set forth in subsection 1 if the Board finds that:

(a) The use of a computer by the parolee will assist a law enforcement agency or officer in a criminal investigation;

(b) The parolee will use the computer to provide technological training concerning technology of which the defendant has a unique knowledge; or

(c) The use of the computer by the parolee will assist companies that require the use of the specific technological knowledge of the parolee that is unique and is otherwise unavailable to the company.

3. Except as otherwise provided in subsection 1, if the Board releases on parole a prisoner convicted of an offense that involved the use of a computer, system or network, the Board may, in addition to any other condition of parole, require as a condition of parole that the parolee not own or use a computer, including, without limitation, use electronic mail, a chat room or the Internet.

4. As used in this section:

(a) "Computer" has the meaning ascribed to it in NRS 205.4735.

(b) "Network" has the meaning ascribed to it in NRS 205.4745.

(c) "System" has the meaning ascribed to it in NRS 205.476.

(d) "Text messaging" has the meaning ascribed to it in NRS 200.575.

Sec. 38. NRS 217.070 is hereby amended to read as follows:

217.070 1. "Victim" means:

(a) A person who is physically injured or killed as the direct result of a criminal act;

(b) A minor who was involved in the production of pornography in violation of NRS 200.710, 200.720, 200.725 or 200.730;

(c) A minor who was sexually abused, as "sexual abuse" is defined in NRS 432B.100;

(d) A person who is physically injured or killed as the direct result of a violation of NRS 484C.110 or any act or neglect of duty punishable pursuant to NRS 484C.430 or 484C.440;

(e) A pedestrian who is physically injured or killed as the direct result of a driver of a motor vehicle who failed to stop at the scene of a crash involving the driver and the pedestrian in violation of NRS 484E.010;

(f) An older person who is abused, neglected, exploited, isolated or abandoned in violation of NRS 200.5099 or 200.50995;

(g) A person who is physically injured or killed as the direct result of an act of international terrorism as defined in 18 U.S.C. § 2331(1); ~~or~~

(h) A person who is trafficked in violation of subsection 2 of NRS 201.300 ~~H~~; *or*



* A B 6 0 R 2 *

(i) *A person who is subjected to facilitating sex trafficking in violation of subsection 1 of NRS 201.301.*

2. The term includes any person who was harmed by an act listed in subsection 1, regardless of whether:

(a) The person is a resident of this State, a citizen of the United States or is lawfully entitled to reside in the United States; or

(b) The act was committed by an adult or a minor.

Sec. 39. NRS 217.180 is hereby amended to read as follows:

217.180 1. Except as otherwise provided in subsection 2, in determining whether to make an order for compensation, the compensation officer shall consider the provocation, consent or any other behavior of the victim that directly or indirectly contributed to the injury or death of the victim, the prior case or social history, if any, of the victim, the need of the victim or the dependents of the victim for financial aid and other relevant matters.

2. If the case involves a victim of domestic violence, sexual assault, *facilitating sex trafficking* or sex trafficking, the compensation officer shall not consider the provocation, consent or any other behavior of the victim that directly or indirectly contributed to the injury or death of the victim.

3. If the applicant has received or is likely to receive an amount on account of the applicant's injury or the death of another from:

(a) The person who committed the crime that caused the victim's injury or from anyone paying on behalf of the offender;

(b) Insurance;

(c) The employer of the victim; or

(d) Another private or public source or program of assistance, ➔ the applicant shall report the amount received or that the applicant is likely to receive to the compensation officer. Any of those sources that are obligated to pay an amount after the award of compensation shall pay the Board the amount of compensation that has been paid to the applicant and pay the remainder of the amount due to the applicant. The compensation officer shall deduct the amounts that the applicant has received or is likely to receive from those sources from the applicant's total expenses.

4. An order for compensation may be made whether or not a person is prosecuted or convicted of an offense arising from the act on which the claim for compensation is based.

5. As used in this section:

(a) "Domestic violence" means an act described in NRS 33.018.

(b) *"Facilitating sex trafficking" means a violation of NRS 201.301.*

(c) "Public source or program of assistance" means:

(1) Public assistance, as defined in NRS 422A.065;



(2) Social services provided by a social service agency, as defined in NRS 430A.080; or

(3) Other assistance provided by a public entity.

~~[(e)]~~ (d) "Sex trafficking" means a violation of subsection 2 of NRS 201.300.

~~[(d)]~~ (e) "Sexual assault" has the meaning ascribed to it in NRS 200.366.

Sec. 40. NRS 228.460 is hereby amended to read as follows:

228.460 1. The Account for Programs Related to Domestic Violence is hereby created in the State General Fund. Any ~~[administrative assessment]~~ fee imposed and collected pursuant to ~~[NRS 200.485]~~ section 3.5 of this act must be deposited with the State Controller for credit to the Account.

2. The Ombudsman for Victims of Domestic Violence:

(a) Shall administer the Account for Programs Related to Domestic Violence; and

(b) May expend money in the Account only to pay for expenses related to:

(1) The Committee;

(2) Training law enforcement officers, attorneys and members of the judicial system about domestic violence;

(3) Assisting victims of domestic violence and educating the public concerning domestic violence; and

(4) Carrying out the duties and functions of his or her office.

3. All claims against the Account for Programs Related to Domestic Violence must be paid as other claims against the State are paid.

Sec. 41. NRS 228.470 is hereby amended to read as follows:

228.470 1. The Attorney General shall appoint a Committee on Domestic Violence comprised of the Attorney General or a designee of the Attorney General and:

(a) One staff member of a program for victims of domestic violence;

(b) One staff member of a program for the treatment of persons who commit domestic violence;

(c) One representative from an office of the district attorney with experience in prosecuting criminal offenses;

(d) One representative from an office of the city attorney with experience in prosecuting criminal offenses;

(e) One law enforcement officer;

(f) One provider of mental health care;

(g) Two victims of domestic violence;

(h) One justice of the peace or municipal judge; and

(i) Any other person appointed by the Attorney General.



* A B 6 0 R 2 *

↪ Each appointed member serves a term of 2 years. Members may be reappointed for additional terms of 2 years. At least two members of the Committee must be residents of a county whose population is less than 100,000.

2. The Committee shall:

(a) Increase awareness of the existence and unacceptability of domestic violence in this State;

~~(b) [Review programs for the treatment of persons who commit domestic violence and make recommendations to the Division of Public and Behavioral Health of the Department of Health and Human Services for the certification of such programs pursuant to NRS 439.258;~~

~~—(c)]~~ Review and evaluate existing programs provided to peace officers for training related to domestic violence and make recommendations to the Peace Officers’ Standards and Training Commission regarding such training;

~~[(d)]~~ (c) To the extent that money is available, provide financial support to programs for the prevention of domestic violence in this State;

~~[(e)]~~ (d) Study and review all appropriate issues related to the administration of the criminal justice system in rural Nevada with respect to offenses involving domestic violence, including, without limitation, the availability of counseling services; and

~~[(f)]~~ (e) Submit on or before March 1 of each odd-numbered year a report to the Director of the Legislative Counsel Bureau for distribution to the regular session of the Legislature. In preparing the report, the Committee shall solicit comments and recommendations from district judges, municipal judges and justices of the peace in rural Nevada. The report must include, without limitation:

(1) A summary of the work of the Committee and recommendations for any necessary legislation concerning domestic violence; and

(2) All comments and recommendations received by the Committee.

3. *The Attorney General shall appoint a subcommittee of members of the Committee to carry out the duties prescribed in paragraph (b) of subsection 2.*

4. The Attorney General or the designee of the Attorney General is the Chair of the Committee.

~~[4.]~~ 5. The Committee shall annually elect a Vice Chair, Secretary and Treasurer from among its members.

~~[5.]~~ 6. The Committee shall meet regularly at least three times in each calendar year and may meet at other times upon the call of the Chair. Any six members of the Committee constitute a quorum .



~~{for the purpose of voting-}~~ A majority vote of the quorum is required to take action with respect to any matter.

~~{6-}~~ 7. At least one meeting in each calendar year must be held at a location within the Fourth Judicial District, Fifth Judicial District, Sixth Judicial District, Seventh Judicial District or Eleventh Judicial District.

~~{7-}~~ 8. The Attorney General shall provide the Committee with such staff as is necessary to carry out the duties of the Committee.

~~{8-}~~ 9. While engaged in the business of the Committee, each member and employee of the Committee is entitled to receive the per diem allowance and travel expenses provided for state officers and employees generally.

10. The Committee may adopt regulations necessary to carry out its duties pursuant to NRS 228.470 to 228.497, inclusive.

Sec. 42. NRS 432.157 is hereby amended to read as follows:

432.157 1. The Office of Advocate for Missing or Exploited Children is hereby created within the Office of the Attorney General. The Advocate for Missing or Exploited Children may be known as the Children's Advocate.

2. The Attorney General shall appoint the Children's Advocate. The Children's Advocate is in the unclassified service of the State.

3. The Children's Advocate:

- (a) Must be an attorney licensed to practice law in this state;
- (b) Shall advise and represent the Clearinghouse on all matters concerning missing or exploited children in this state; and
- (c) Shall advocate the best interests of missing or exploited children before any public or private body.

4. The Children's Advocate may:

- (a) Appear as an amicus curiae on behalf of missing or exploited children in any court in this state;
- (b) If requested, advise a political subdivision of this state concerning its duty to protect missing or exploited children;
- (c) Recommend legislation concerning missing or exploited children; and
- (d) Investigate and prosecute any alleged crime involving the exploitation of children, including, without limitation, sex trafficking in violation of subsection 2 of NRS 201.300, *a violation of subsection 1 of NRS 201.301* or a violation of NRS 201.320.

5. Upon request by the Children's Advocate, a district attorney or local law enforcement agency in this state shall provide all information and assistance necessary to assist the Children's Advocate in carrying out the provisions of this section.

6. The Children's Advocate may apply for any available grants and accept gifts, grants, bequests, appropriations or donations to assist the Children's Advocate in carrying out his or her duties



pursuant to this section. Any money received by the Children's Advocate must be deposited in the Special Account for the Support of the Office of Advocate for Missing or Exploited Children, which is hereby created in the State General Fund.

7. Interest and income earned on money in the Special Account must be credited to the Special Account.

8. Money in the Special Account may only be used for the support of the Office of Advocate for Missing or Exploited Children and its activities pursuant to subsection 2 of NRS 201.300, **subsection 1 of NRS 200.301**, NRS 201.320 and 432.150 to 432.220, inclusive.

9. Money in the Special Account must remain in the Special Account and must not revert to the State General Fund at the end of any fiscal year.

Sec. 43. NRS 432B.640 is hereby amended to read as follows:

432B.640 1. Upon receiving a referral from a court pursuant to subsection ~~8~~ **9** of NRS 200.485, an agency which provides child welfare services may, as appropriate, conduct an assessment to determine whether a psychological evaluation or counseling is needed by a child.

2. If an agency which provides child welfare services conducts an assessment pursuant to subsection 1 and determines that a psychological evaluation or counseling would benefit the child, the agency may, with the approval of the parent or legal guardian of the child:

(a) Conduct the evaluation or counseling; or

(b) Refer the child to a person that has entered into an agreement with the agency to provide those services.

Sec. 43.5. NRS 481.091 is hereby amended to read as follows:

481.091 1. The following persons may request that the Department display an alternate address on the person's driver's license, commercial driver's license or identification card:

(a) Any justice or judge in this State.

(b) Any senior justice or senior judge in this State.

(c) Any court-appointed master in this State.

(d) Any clerk of the court, court administrator or court executive officer in this State.

(e) Any ~~district attorney or attorney employed by the district attorney~~ **prosecutor** who as part of his or her normal job responsibilities prosecutes persons for:

(1) Crimes that are punishable as category A felonies; or

(2) Domestic violence.

(f) Any state or county public defender who as part of his or her normal job responsibilities defends persons for:

(1) Crimes that are punishable as category A felonies; or



1 (2) Domestic violence.

2 (g) The spouse, domestic partner or minor child of a person
3 described in paragraphs (a) to (f), inclusive.

4 (h) The surviving spouse, domestic partner or minor child of a
5 person described in paragraphs (a) to (f), inclusive, who was killed
6 in the performance of his or her duties.

7 2. A person who wishes to have an alternate address displayed
8 on his or her driver's license, commercial driver's license or
9 identification card pursuant to this section must submit to the
10 Department satisfactory proof:

11 (a) That he or she is a person described in subsection 1; and

12 (b) Of the person's address of principal residence and mailing
13 address, if different from the address of principal residence.

14 3. A person who obtains a driver's license, commercial driver's
15 license or identification card that displays an alternate address
16 pursuant to this section may subsequently submit a request to the
17 Department to have his or her address of principal residence
18 displayed on his or her driver's license, commercial driver's license
19 or identification card instead of the alternate address.

20 4. The Department may adopt regulations to carry out the
21 provisions of this section.

22 **Sec. 44.** (Deleted by amendment.)

23 **Sec. 45.** (Deleted by amendment.)

24 **Sec. 46.** This act becomes effective on July 1, 2019.

