

REQUIRES TWO-THIRDS MAJORITY VOTE (§ 3.5)

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THIRD REPRINT

A.B. 60

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.

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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 criminal justice; revising the definition of domestic violence; increasing certain penalties relating to a battery which constitutes domestic violence; revising provisions relating to the procedure for arresting a person suspected of committing a battery which constitutes domestic violence; enacting provisions relating to the procedure for arresting a person suspected of committing a battery against certain persons; 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 provisions relating to 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,
7 unless those cousins are in a custodial or guardianship relationship, do not
8 constitute domestic violence. **Section 1.5** of this bill makes a conforming change.

9 Existing law requires a peace officer, under certain circumstances, to arrest a
10 person when the officer has probable cause to believe that the person has
11 committed a battery upon: (1) a spouse; (2) a former spouse; (3) a person to whom
12 he or she is related by blood or marriage; (4) a person with whom he or she is or
13 was actually residing; (5) a person to whom he or she is in a dating relationship; (6)
14 a person with whom he or she has a child; (7) the minor child of any such person;
15 or (8) his or her minor child. (NRS 171.137) **Section 1.5** additionally requires a
16 peace officer to make such an arrest if the person committed such a battery upon
17 the custodian or guardian of the person's minor child. **Section 1.5** also removes the
18 requirement that the officer make such an arrest for a battery committed upon a
19 person with whom he or she is or was actually residing.

20 **Section 1.1** of this bill authorizes a peace officer, under certain circumstances,
21 to arrest a person when the officer has probable cause to believe that the person has
22 committed a battery within the preceding 24 hours upon: (1) a person with whom
23 he or she is actually residing; (2) a sibling, if the person is not the custodian or
24 guardian of the sibling; or (3) a cousin, if the person is not the custodian or
25 guardian of the cousin. **Sections 1.1 and 1.5** also provide that liability cannot be
26 imposed against a peace officer or his or her employer for a determination made in
27 good faith not to arrest a person suspected of committing such a battery or a battery
28 which constitutes domestic violence, as applicable. **Section 1.3** makes a
29 conforming change.

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

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

49 Under existing law, a person convicted of a battery which constitutes domestic
50 violence, for the first offense, is guilty of a misdemeanor and shall be punished by:
51 (1) imprisonment in a city or county jail or detention center for not less than 2 days,
52 but not more than 6 months; (2) community service; and (3) a fine of not less than
53 \$200 and not more than \$1,000. Existing law authorizes a court to impose the term
54 of imprisonment intermittently, except that each period of confinement cannot last



55 less than 4 consecutive hours and cannot be served when the person is required to
56 be at his or her place of employment. (NRS 200.485) **Section 15** of this bill
57 requires the court to impose intermittent confinement of not less than 12
58 consecutive hours for the first offense of such an act.

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

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

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

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

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

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

98 Existing law provides that a person who, without lawful authority, willfully or
99 maliciously engages in conduct that would cause a reasonable person to feel
100 terrorized, frightened, intimidated, harassed or fearful for the immediate safety of a
101 family or household member, and the conduct actually causes the victim to feel
102 such emotions, is guilty of the crime of stalking. Existing law makes such a crime
103 punishable as a misdemeanor for the first offense, and as a gross misdemeanor for
104 any subsequent offense. (NRS 200.575) **Section 17** of this bill revises the definition
105 of stalking to: (1) provide that the course of conduct must be directed at the victim;
106 and (2) clarify that the conduct would cause the victim to be fearful for his or her
107 immediate safety. **Section 17** also increases the penalty for a third or any
108 subsequent offense of stalking to a category C felony and authorizes a court to
109 impose a fine of not more than \$5,000. **Section 17** also provides that if the crime of



110 stalking is committed against a victim who is under the age of 16 and the person is
111 5 or more years older than the victim: (1) for the first offense, the person is guilty
112 of a gross misdemeanor; (2) for the second offense, the person is guilty of a
113 category C felony and may be further punished by a fine of not more than \$5,000;
114 and (3) for a third or any subsequent offense, the person is guilty of a category B
115 felony and may be further punished by a fine of not more than \$5,000.

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

121 Existing law provides for the compensation of certain victims of crime. (NRS
122 217.010-217.270) **Section 38 and 39** of this bill expand the definition of "victim"
123 to include victims of the crime of facilitating sex trafficking so that such persons
124 may be compensated under certain circumstances.

125 Existing law requires the Attorney General to appoint a Committee on
126 Domestic Violence whose duties include, among other things: (1) increasing
127 awareness of domestic violence within the State; and (2) reviewing certain
128 programs related to the treatment of persons who commit domestic violence and
129 making recommendations concerning those programs to the Division of Public and
130 Behavioral Health of the Department of Health and Human Services. Existing law
131 also requires a quorum of six members of the Committee for voting purposes. (NRS
132 228.470) **Section 41** of this bill: (1) authorizes the Attorney General to appoint a
133 subcommittee to carry out the Committee's duty to review and make
134 recommendations concerning such treatment programs; (2) requires a quorum of
135 six members for all purposes; and (3) authorizes the Committee to adopt
136 regulations necessary to carry out its duties.

137 Under existing law, the duties of the Office of Advocate for Missing or
138 Exploited Children of the Office of the Attorney General include investigating and
139 prosecuting any alleged crime involving the exploitation of children. (NRS
140 432.157) **Section 42** of this bill expands the Office's duties to include investigating
141 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~~



1 ~~or to refrain from an act which the other person has the right to~~
2 ~~perform.]~~ **Coercion pursuant to NRS 207.190.**

3 (d) A sexual assault.

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

7 (1) Stalking.

8 (2) Arson.

9 (3) Trespassing.

10 (4) Larceny.

11 (5) Destruction of private property.

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

13 (7) Injuring or killing an animal.

14 (8) **Burglary.**

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

16 (f) A false imprisonment.

17 (g) ~~[Unlawful entry of the other person's residence, or forcible~~
18 ~~entry against the other person's will if there is a reasonably~~
19 ~~foreseeable risk of harm to the other person from the entry.]~~

20 **Pandering.**

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

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

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

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

31 **Sec. 1.1.** Chapter 171 of NRS is hereby amended by adding
32 thereto a new section to read as follows:

33 1. **Whether or not a warrant has been issued, a peace officer**
34 **may arrest a person when the peace officer has probable cause to**
35 **believe that the person to be arrested has, within the preceding 24**
36 **hours, committed a battery upon:**

37 (a) **A person with whom he or she is actually residing;**

38 (b) **A sibling, if the person is not the custodian or guardian of**
39 **the sibling; or**

40 (c) **A cousin, if the person is not the custodian or guardian of**
41 **the cousin.**

42 2. **Nothing in this section shall be construed to impose**
43 **liability upon a peace officer or his or her employer for a**
44 **determination made in good faith by the peace officer not to arrest**
45 **a person pursuant to this section.**



1 **Sec. 1.3.** NRS 171.136 is hereby amended to read as follows:
2 171.136 1. If the offense charged is a felony or gross
3 misdemeanor, the arrest may be made on any day, and at any time of
4 day or night.

5 2. If it is a misdemeanor, the arrest cannot be made between
6 the hours of 7 p.m. and 7 a.m., except:

7 (a) Upon the direction of a magistrate, endorsed upon the
8 warrant;

9 (b) When the offense is committed in the presence of the
10 arresting officer;

11 (c) When the person is found and the arrest is made in a public
12 place or a place that is open to the public and:

13 (1) There is a warrant of arrest against the person; and

14 (2) The misdemeanor is discovered because there was
15 probable cause for the arresting officer to stop, detain or arrest the
16 person for another alleged violation or offense;

17 (d) When the offense is committed in the presence of a private
18 person and the person makes an arrest immediately after the offense
19 is committed;

20 (e) When the arrest is made in the manner provided in NRS
21 171.137 ~~[]~~ *or section 1.1 of this act;*

22 (f) When the offense charged is a violation of a temporary or
23 extended order for protection against domestic violence issued
24 pursuant to NRS 33.017 to 33.100, inclusive;

25 (g) When the person is already in custody as a result of another
26 lawful arrest; or

27 (h) When the person voluntarily surrenders himself or herself in
28 response to an outstanding warrant of arrest.

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

30 171.137 1. Except as otherwise provided in subsection 2,
31 whether or not a warrant has been issued, a peace officer shall,
32 unless mitigating circumstances exist, arrest a person when the
33 peace officer has probable cause to believe that the person to be
34 arrested has, within the preceding 24 hours, committed a battery
35 upon his or her spouse, former spouse, any other person to whom he
36 or she is related by blood or marriage, ~~[a person with whom he or
37 she is or was actually residing.]~~ a person with whom he or she has
38 had or is having a dating relationship, a person with whom he or she
39 has a child in common, the minor child of any of those persons ~~for],~~
40 his or her minor child ~~[]~~ *or a person who is the custodian or
41 guardian of his or her minor child.*

42 2. If the peace officer has probable cause to believe that a
43 battery described in subsection 1 was a mutual battery, the peace
44 officer shall attempt to determine which person was the primary
45 physical aggressor. If the peace officer determines that one of the



1 persons who allegedly committed a battery was the primary physical
2 aggressor involved in the incident, the peace officer is not required
3 to arrest any other person believed to have committed a battery
4 during the incident. In determining whether a person is a primary
5 physical aggressor for the purposes of this subsection, the peace
6 officer shall consider:

7 (a) Prior domestic violence involving either person;

8 (b) The relative severity of the injuries inflicted upon the
9 persons involved;

10 (c) The potential for future injury;

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

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

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

19 4. *Nothing in this section shall be construed to impose*
20 *liability upon a peace officer or his or her employer for a*
21 *determination made in good faith by the peace officer not to arrest*
22 *a person pursuant to this section.*

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

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

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

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

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

34 174.227 1. A court on its own motion or on the motion of the
35 district attorney may, for good cause shown, order the taking of a
36 videotaped deposition of:

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

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

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

43 (d) *A victim of facilitating sex trafficking as that term is*
44 *defined in subsection 1 of NRS 201.301.* There is a rebuttable
45 presumption that good cause exists where the district attorney seeks



1 to take the deposition of a person alleged to be the victim of sex
2 trafficking.

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

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

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

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

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

17 4. Except as limited by NRS 174.228, the court may allow the
18 videotaped deposition to be used at any proceeding in addition to or
19 in lieu of the direct testimony of the deponent. It may also be used
20 by any party to contradict or impeach the testimony of the deponent
21 as a witness. If only a part of the deposition is offered in evidence
22 by a party, an adverse party may require the party to offer all of it
23 which is relevant to the part offered and any party may offer other
24 parts.

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

26 174.228 A court may allow a videotaped deposition to be used
27 instead of the deponent's testimony at trial only if:

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

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

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

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

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

40 2. In the case of a victim of sex trafficking as that term is
41 defined in subsection 2 of NRS 201.300 ~~or~~ *or a victim of*
42 *facilitating sex trafficking as that term is defined in subsection 1*
43 *of NRS 201.301:*

44 (a) Before the deposition is taken, a hearing is held by a justice
45 of the peace or district judge and the justice or judge finds that cause



1 exists pursuant to paragraph (c) of subsection 1 of NRS 174.227;
2 and

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

5 3. In all cases:

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

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

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

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

15 (e) The deponent testifies under oath.

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

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

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

22 *2. Order the person to pay a fee of \$35. Any money so*
23 *collected must be paid by the clerk of the court to the State*
24 *Controller on or before the fifth day of each month for the*
25 *preceding month for credit to the Account for Programs Related to*
26 *Domestic Violence established pursuant to NRS 228.460.*

27 *3. Require for the:*

28 *(a) First offense within 7 years of any act which constitutes*
29 *domestic violence, the person to participate in weekly counseling*
30 *sessions of not less than 1 1/2 hours per week for not less than 6*
31 *months, but not more than 12 months, at his or her expense, in a*
32 *program for the treatment of persons who commit domestic*
33 *violence that has been certified pursuant to NRS 439.258; or*

34 *(b) Second offense within 7 years of any act which constitutes*
35 *domestic violence, the person to participate in weekly counseling*
36 *sessions of not less than 1 1/2 hours per week for 12 months, at his*
37 *or her expense, in a program for the treatment of persons who*
38 *commit domestic violence that has been certified pursuant to*
39 *NRS 439.258.*

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

41 176A.413 1. Except as otherwise provided in subsection 2, if
42 a defendant is convicted of stalking with the use of an Internet or
43 network site, electronic mail, text messaging or any other similar
44 means of communication pursuant to subsection ~~3~~ 4 of NRS
45 200.575, an offense involving pornography and a minor pursuant to



1 NRS 200.710 to 200.730, inclusive, or luring a child or a person
2 with mental illness through the use of a computer, system or
3 network pursuant to paragraph (a) or (b) of subsection 4 of NRS
4 201.560 and the court grants probation or suspends the sentence, the
5 court shall, in addition to any other condition ordered pursuant to
6 NRS 176A.400, order as a condition of probation or suspension that
7 the defendant not own or use a computer, including, without
8 limitation, use electronic mail, a chat room or the Internet.

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

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

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

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

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

28 4. As used in this section:

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

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

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

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

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

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

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

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

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

39 199.480 1. Except as otherwise provided in subsection 2,
40 whenever two or more persons conspire to commit murder, robbery,
41 sexual assault, kidnapping in the first or second degree, arson in the
42 first or second degree, involuntary servitude in violation of NRS
43 200.463 or 200.464, a violation of any provision of NRS 200.465,
44 trafficking in persons in violation of NRS 200.467 or 200.468, sex
45 trafficking in violation of NRS 201.300, *facilitating sex trafficking*



1 *in violation of NRS 201.301* or a violation of NRS 205.463, each
2 person is guilty of a category B felony and shall be punished:

3 (a) If the conspiracy was to commit robbery, sexual assault,
4 kidnapping in the first or second degree, arson in the first or second
5 degree, involuntary servitude in violation of NRS 200.463 or
6 200.464, a violation of any provision of NRS 200.465, trafficking in
7 persons in violation of NRS 200.467 or 200.468, sex trafficking in
8 violation of NRS 201.300, *facilitating sex trafficking in violation*
9 *of NRS 201.301* or a violation of NRS 205.463, by imprisonment in
10 the state prison for a minimum term of not less than 1 year and a
11 maximum term of not more than 6 years; or

12 (b) If the conspiracy was to commit murder, by imprisonment in
13 the state prison for a minimum term of not less than 2 years and a
14 maximum term of not more than 10 years,

15 ↪ and may be further punished by a fine of not more than \$5,000.

16 2. If the conspiracy subjects the conspirators to criminal
17 liability under NRS 207.400, they shall be punished in the manner
18 provided in NRS 207.400.

19 3. Whenever two or more persons conspire:

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

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

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

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

28 (e) To prevent another from exercising any lawful trade or
29 calling, or from doing any other lawful act, by force, threats or
30 intimidation, or by interfering or threatening to interfere with any
31 tools, implements or property belonging to or used by another, or
32 with the use or employment thereof;

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

36 (g) To accomplish any criminal or unlawful purpose, or to
37 accomplish a purpose, not in itself criminal or unlawful, by criminal
38 or unlawful means,

39 ↪ each person is guilty of a gross misdemeanor.

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

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

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

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

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



1 **Sec. 14.** NRS 200.471 is hereby amended to read as follows:
2 200.471 1. As used in this section:

3 (a) "Assault" means:

4 (1) Unlawfully attempting to use physical force against
5 another person; or

6 (2) Intentionally placing another person in reasonable
7 apprehension of immediate bodily harm.

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

10 (c) "Officer" means:

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

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

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

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

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

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

24 ~~(6)~~ (7) An employee of this State or a political subdivision
25 of this State whose official duties require the employee to make
26 home visits;

27 ~~(7)~~ (8) A civilian employee or a volunteer of a law
28 enforcement agency whose official duties require the employee or
29 volunteer to:

30 (I) Interact with the public;

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

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

35 ~~(8)~~ (9) A civilian employee or a volunteer of a fire-fighting
36 agency whose official duties require the employee or volunteer to:

37 (I) Interact with the public;

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

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

43 ~~(9)~~ (10) A civilian employee or volunteer of this State or a
44 political subdivision of this State whose official duties require the
45 employee or volunteer to:



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

6 (d) "Provider of health care" means a physician, a medical
7 student, a perfusionist or a physician assistant licensed pursuant to
8 chapter 630 of NRS, a practitioner of respiratory care, a
9 homeopathic physician, an advanced practitioner of homeopathy, a
10 homeopathic assistant, an osteopathic physician, a physician
11 assistant licensed pursuant to chapter 633 of NRS, a podiatric
12 physician, a podiatry hygienist, a physical therapist, a medical
13 laboratory technician, an optometrist, a chiropractor, a
14 chiropractor's assistant, a doctor of Oriental medicine, a nurse, a
15 student nurse, a certified nursing assistant, a nursing assistant
16 trainee, a medication aide - certified, a dentist, a dental student, a
17 dental hygienist, a dental hygienist student, a pharmacist, a
18 pharmacy student, an intern pharmacist, an attendant on an
19 ambulance or air ambulance, a psychologist, a social worker, a
20 marriage and family therapist, a marriage and family therapist
21 intern, a clinical professional counselor, a clinical professional
22 counselor intern, a licensed dietitian, an emergency medical
23 technician, an advanced emergency medical technician and a
24 paramedic.

25 (e) "School employee" means a licensed or unlicensed person
26 employed by a board of trustees of a school district pursuant to NRS
27 391.100 or 391.281.

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

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

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

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

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

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

37 (a) If paragraph (c) or (d) does not apply to the circumstances of
38 the crime and the assault is not made with the use of a deadly
39 weapon or the present ability to use a deadly weapon, for a
40 misdemeanor.

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



1 (c) If paragraph (d) does not apply to the circumstances of the
2 crime and if the assault is committed upon an officer, a provider of
3 health care, a school employee, a taxicab driver or a transit operator
4 who is performing his or her duty or upon a sports official based on
5 the performance of his or her duties at a sporting event and the
6 person charged knew or should have known that the victim was an
7 officer, a provider of health care, a school employee, a taxicab
8 driver, a transit operator or a sports official, for a gross
9 misdemeanor, unless the assault is made with the use of a deadly
10 weapon or the present ability to use a deadly weapon, then for a
11 category B felony by imprisonment in the state prison for a
12 minimum term of not less than 1 year and a maximum term of not
13 more than 6 years, or by a fine of not more than \$5,000, or by both
14 fine and imprisonment.

15 (d) If the assault is committed upon an officer, a provider of
16 health care, a school employee, a taxicab driver or a transit operator
17 who is performing his or her duty or upon a sports official based on
18 the performance of his or her duties at a sporting event by a
19 probationer, a prisoner who is in lawful custody or confinement or a
20 parolee, and the probationer, prisoner or parolee charged knew or
21 should have known that the victim was an officer, a provider of
22 health care, a school employee, a taxicab driver, a transit operator or
23 a sports official, for a category D felony as provided in NRS
24 193.130, unless the assault is made with the use of a deadly weapon
25 or the present ability to use a deadly weapon, then for a category B
26 felony by imprisonment in the state prison for a minimum term of
27 not less than 1 year and a maximum term of not more than 6 years,
28 or by a fine of not more than \$5,000, or by both fine and
29 imprisonment.

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

31 200.481 1. As used in this section:

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

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

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

37 (d) "Officer" means:

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

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

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

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



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

3 (6) A justice of the Supreme Court, judge of the Court of
4 Appeals, district judge, justice of the peace, municipal judge,
5 magistrate, court commissioner, master or referee, including,
6 without limitation, a person acting pro tempore in a capacity listed
7 in this subparagraph;

8 ~~(6)~~ (7) An employee of this State or a political subdivision
9 of this State whose official duties require the employee to make
10 home visits;

11 ~~(7)~~ (8) A civilian employee or a volunteer of a law
12 enforcement agency whose official duties require the employee or
13 volunteer to:

14 (I) Interact with the public;

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

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

19 ~~(8)~~ (9) A civilian employee or a volunteer of a fire-fighting
20 agency whose official duties require the employee or volunteer to:

21 (I) Interact with the public;

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

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

27 ~~(9)~~ (10) A civilian employee or volunteer of this State or a
28 political subdivision of this State whose official duties require the
29 employee or volunteer to:

30 (I) Interact with the public;

31 (II) Perform tasks related to code enforcement; and

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

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

37 (f) "School employee" means a licensed or unlicensed person
38 employed by a board of trustees of a school district pursuant to NRS
39 391.100 or 391.281.

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

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

44 (i) "Strangulation" means intentionally impeding the normal
45 breathing or circulation of the blood by applying pressure on the



1 throat or neck or by blocking the nose or mouth of another person in
2 a manner that creates a risk of death or substantial bodily harm.

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

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

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

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

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

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

18 (c) If:

19 (1) The battery is committed upon an officer, provider of
20 health care, school employee, taxicab driver or transit operator who
21 was performing his or her duty or upon a sports official based on the
22 performance of his or her duties at a sporting event;

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

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

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

33 (d) If the battery is committed upon an officer, provider of
34 health care, school employee, taxicab driver or transit operator who
35 is performing his or her duty or upon a sports official based on the
36 performance of his or her duties at a sporting event and the person
37 charged knew or should have known that the victim was an officer,
38 provider of health care, school employee, taxicab driver, transit
39 operator or sports official, for a gross misdemeanor, except under
40 circumstances where a greater penalty is provided in this section.

41 (e) If the battery is committed with the use of a deadly weapon,
42 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
45 minimum term of not less than 2 years and a maximum term of not



1 more than 10 years, and may be further punished by a fine of not
2 more than \$10,000.

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, and
7 may be further punished by a fine of not more than \$10,000.

8 (f) If the battery is committed by a probationer, a prisoner who
9 is in lawful custody or confinement or a parolee, without the use of
10 a deadly weapon, whether or not substantial bodily harm results and
11 whether or not the battery is committed by strangulation, for a
12 category B felony by imprisonment in the state prison for a
13 minimum term of not less than 1 year and a maximum term of not
14 more than 6 years.

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

18 (1) No substantial bodily harm to the victim results, for a
19 category B felony by imprisonment in the state prison for a
20 minimum term of not less than 2 years and a maximum term of not
21 more than 10 years.

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

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

27 200.485 1. Unless a greater penalty is provided pursuant to
28 ~~subsection~~ *subsections 2 ~~for 3~~ to 5, inclusive*, or NRS 200.481, a
29 person convicted of a battery which constitutes domestic violence
30 pursuant to NRS 33.018:

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

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

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

37 ➤ The person shall be further punished by a fine of not less than
38 \$200, but not more than \$1,000. A term of imprisonment imposed
39 pursuant to this paragraph may be served intermittently at the
40 discretion of the judge or justice of the peace, except that each
41 period of confinement must be not less than ~~44~~ 12 consecutive
42 hours and must occur at a time when the person is not required to be
43 at his or her place of employment or on a weekend.

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



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

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

6 ↪ The person shall be further punished by a fine of not less than
7 \$500, but not more than \$1,000. *A term of imprisonment imposed*
8 *pursuant to this paragraph may be served intermittently at the*
9 *discretion of the judge or justice of the peace, except that each*
10 *period of confinement must not be less than 12 consecutive hours*
11 *and must occur at a time when the person is not required to be at*
12 *his or her place of employment or on a weekend.*

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

19 2. Unless a greater penalty is provided pursuant to subsection 3
20 or NRS 200.481, a person convicted of a battery which constitutes
21 domestic violence pursuant to NRS 33.018, if the battery is
22 committed by strangulation as described in NRS 200.481, is guilty
23 of a category C felony and shall be punished as provided in NRS
24 193.130. ~~[and by a fine of not more than \$15,000.]~~

25 3. Unless a greater penalty is provided pursuant to NRS
26 200.481, a person who has been previously convicted of:

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

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

32 ↪ and who commits a battery which constitutes domestic violence
33 pursuant to NRS 33.018 is guilty of a category B felony and shall be
34 punished by imprisonment in the state prison for a minimum term of
35 not less than 2 years and a maximum term of not more than 15
36 years, and shall be further punished by a fine of not less than
37 \$2,000, but not more than \$5,000.

38 4. *Unless a greater penalty is provided pursuant to NRS*
39 *200.481, a person convicted of a battery which constitutes*
40 *domestic violence pursuant to NRS 33.018, if the battery is*
41 *committed against a victim who was pregnant at the time of the*
42 *battery and the person knew or should have known that the victim*
43 *was pregnant:*
44 (a) *For the first offense, is guilty of a gross misdemeanor.*



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

7 *5. Unless a greater penalty is provided pursuant to NRS*
8 *200.481, a person convicted of a battery which constitutes*
9 *domestic violence pursuant to NRS 33.018, if the battery causes*
10 *substantial bodily harm, is guilty of a category B felony and shall*
11 *be punished by imprisonment in the state prison of a minimum*
12 *term of not less than 1 year and a maximum term of not more than*
13 *6 years, and may be further punished by a fine of not less than*
14 *\$1,000, but not more than \$5,000.*

15 *6.* In addition to any other penalty, if a person is convicted of a
16 battery which constitutes domestic violence pursuant to NRS
17 33.018, the court shall:

18 (a) For the first offense within 7 years, require the person to
19 participate in weekly counseling sessions of not less than 1 1/2
20 hours per week for not less than 6 months, but not more than 12
21 months, at his or her expense, in a program for the treatment of
22 persons who commit domestic violence that has been certified
23 pursuant to NRS 439.258.

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

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

34 ~~5.7~~ **7.** Except as otherwise provided in this subsection, an
35 offense that occurred within 7 years immediately preceding the date
36 of the principal offense or after the principal offense constitutes a
37 prior offense for the purposes of this section:

38 (a) When evidenced by a conviction; or
39 (b) If the offense is conditionally dismissed pursuant to NRS
40 176A.290 or dismissed in connection with successful completion of
41 a diversionary program or specialty court program,

42 ➤ without regard to the sequence of the offenses and convictions.
43 An offense which is listed in paragraph (a) or (b) of subsection 3
44 that occurred on any date preceding the date of the principal offense
45 or after the principal offense constitutes a prior offense for the



1 purposes of this section when evidenced by a conviction, without
2 regard to the sequence of the offenses and convictions. The facts
3 concerning a prior offense must be alleged in the complaint,
4 indictment or information, must not be read to the jury or proved at
5 trial but must be proved at the time of sentencing and, if the
6 principal offense is alleged to be a felony, must also be shown at the
7 preliminary examination or presented to the grand jury.

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

14 ~~—7.] 8.~~ In addition to any other penalty, the court may require
15 such a person to participate, at his or her expense, in a program of
16 treatment for the abuse of alcohol or drugs that has been certified by
17 the Division of Public and Behavioral Health of the Department of
18 Health and Human Services.

19 ~~¶8.] 9.~~ If it appears from information presented to the court that
20 a child under the age of 18 years may need counseling as a result of
21 the commission of a battery which constitutes domestic violence
22 pursuant to NRS 33.018, the court may refer the child to an agency
23 which provides child welfare services. If the court refers a child to
24 an agency which provides child welfare services, the court shall
25 require the person convicted of a battery which constitutes domestic
26 violence pursuant to NRS 33.018 to reimburse the agency for the
27 costs of any services provided, to the extent of the convicted
28 person's ability to pay.

29 ~~¶9.] 10.~~ If a person is charged with committing a battery which
30 constitutes domestic violence pursuant to NRS 33.018, a
31 prosecuting attorney shall not dismiss such a charge in exchange for
32 a plea of guilty, guilty but mentally ill or nolo contendere to a lesser
33 charge or for any other reason unless the prosecuting attorney
34 knows, or it is obvious, that the charge is not supported by probable
35 cause or cannot be proved at the time of trial. Except as otherwise
36 provided in this subsection, a court shall not grant probation to or
37 suspend the sentence of such a person. A court may grant probation
38 to or suspend the sentence of such a person:

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

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

43 ~~¶10.] 11.~~ In every judgment of conviction or admonishment of
44 rights issued pursuant to this section, the court shall:



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

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

8 ~~11.1~~ 12. A person who violates any provision included in a
9 judgment of conviction or admonishment of rights issued pursuant
10 to this section concerning the surrender, sale, transfer, ownership,
11 possession, custody or control of a firearm is guilty of a category B
12 felony and shall be punished by imprisonment in the state prison for
13 a minimum term of not less than 1 year and a maximum term of not
14 more than 6 years, and may be further punished by a fine of not
15 more than \$5,000. The court must include in the judgment of
16 conviction or admonishment of rights a statement that a violation of
17 such a provision in the judgment or admonishment is a category B
18 felony and shall be punished by imprisonment in the state prison for
19 a minimum term of not less than 1 year and a maximum term of not
20 more than 6 years, and may be further punished by a fine of not
21 more than \$5,000.

22 ~~12.1~~ 13. As used in this section:

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

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

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

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

31 200.571 1. A person is guilty of harassment if:

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

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

35 (2) To cause physical damage to the property of another
36 person;

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

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

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

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



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

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

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

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

7 200.575 1. A person who, without lawful authority, willfully
8 or maliciously engages in a course of conduct *directed towards a*
9 *victim* that would cause a reasonable person *under similar*
10 *circumstances* to feel terrorized, frightened, intimidated, harassed or
11 fearful for *his or her immediate safety or* the immediate safety of a
12 family or household member, and that actually causes the victim to
13 feel terrorized, frightened, intimidated, harassed or fearful for *his or*
14 *her immediate safety or* the immediate safety of a family or
15 household member, commits the crime of stalking. Except where the
16 provisions of subsection 2, ~~3 or 4~~ 3 or 4 are applicable, a person who
17 commits the crime of stalking:

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

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

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

26 2. *Except as otherwise provided in subsection 3 or 4 and*
27 *unless a more severe penalty is prescribed by law, a person who*
28 *commits the crime of stalking where the victim is under the age of*
29 *16 and the person is 5 or more years older than the victim:*

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

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

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

41 3. A person who commits the crime of stalking and in
42 conjunction therewith threatens the person with the intent to cause
43 the person to be placed in reasonable fear of death or substantial
44 bodily harm commits the crime of aggravated stalking. A person
45 who commits the crime of aggravated stalking shall be punished for



1 a category B felony by imprisonment in the state prison for a
2 minimum term of not less than 2 years and a maximum term of not
3 more than 15 years, and may be further punished by a fine of not
4 more than \$5,000.

5 ~~[3.]~~ 4. A person who commits the crime of stalking with the
6 use of an Internet or network site, electronic mail, text messaging or
7 any other similar means of communication to publish, display or
8 distribute information in a manner that substantially increases the
9 risk of harm or violence to the victim shall be punished for a
10 category C felony as provided in NRS 193.130.

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

15 ~~[4.]~~ 6. Except as otherwise provided in subsection 2 of NRS
16 200.571, a criminal penalty provided for in this section may be
17 imposed in addition to any penalty that may be imposed for any
18 other criminal offense arising from the same conduct or for any
19 contempt of court arising from the same conduct.

20 ~~[5.]~~ 7. If the court finds that a person convicted of stalking
21 pursuant to this section committed the crime against a person listed
22 in subsection 1 of NRS 33.018 and that the victim has an ongoing,
23 reasonable fear of physical harm, the court shall enter the finding in
24 its judgment of conviction or admonishment of rights.

25 ~~[6.]~~ 8. If the court includes such a finding in a judgment of
26 conviction or admonishment of rights issued pursuant to this
27 section, the court shall:

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

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

35 ~~[7.]~~ 9. A person who violates any provision included in a
36 judgment of conviction or admonishment of rights issued pursuant
37 to this section concerning the surrender, sale, transfer, ownership,
38 possession, custody or control of a firearm is guilty of a category B
39 felony and shall be punished by imprisonment in the state prison for
40 a minimum term of not less than 1 year and a maximum term of not
41 more than 6 years, and may be further punished by a fine of not
42 more than \$5,000. The court must include in the judgment of
43 conviction or admonishment of rights a statement that a violation of
44 such a provision in the judgment or admonishment is a category B
45 felony and shall be punished by imprisonment in the state prison for



1 a minimum term of not less than 1 year and a maximum term of not
2 more than 6 years, and may be further punished by a fine of not
3 more than \$5,000.

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

6 ~~§~~ 11. As used in this section:

7 (a) "Course of conduct" means a pattern of conduct which
8 consists of ~~fa series of~~ *two or more* acts over *a period of* time that
9 evidences a continuity of purpose directed at a specific person.

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

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

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

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

19 (f) "Text messaging" means a communication in the form of
20 electronic text or one or more electronic images sent from a
21 telephone or computer to another person's telephone or computer by
22 addressing the communication to the recipient's telephone number.

23 ~~§~~ (g) "Without lawful authority" includes acts which are
24 initiated or continued without the victim's consent. The term does
25 not include acts which are otherwise protected or authorized by
26 constitutional or statutory law, regulation or order of a court of
27 competent jurisdiction, including, but not limited to:

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

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

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

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

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

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

42 **Sec. 20.** (Deleted by amendment.)

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

44 201.352 1. If a person is convicted of a violation of
45 subsection 2 of NRS 201.300 , *subsection 1 of NRS 201.301* or



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

7 2. If a person is convicted of a violation of subsection 2 of
8 NRS 201.300 , *subsection 1 of NRS 201.301* or NRS 201.320, the
9 victim of the offense is a child when the offense is committed and
10 the offense also involves a conspiracy to commit a violation of
11 subsection 2 of NRS 201.300 , *subsection 1 of NRS 201.301* or
12 NRS 201.320, the court may, in addition to the punishment
13 prescribed by statute for the offense of a provision of subsection 2
14 of NRS 201.300 , *NRS 201.301* or ~~NRS~~ 201.320 and any fine
15 imposed pursuant to subsection 1, impose a fine of not more than
16 \$500,000.

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

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

22 202.360 1. A person shall not own or have in his or her
23 possession or under his or her custody or control any firearm if the
24 person:

25 (a) Has been convicted in this State or any other state of a
26 misdemeanor crime of domestic violence as defined in 18 U.S.C. §
27 921(a)(33);

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

33 (c) Has been convicted of a violation of NRS 200.575 or a law
34 of any other state that prohibits the same or substantially similar
35 conduct and the court entered a finding in the judgment of
36 conviction or admonishment of rights pursuant to subsection ~~5~~ 7 of
37 NRS 200.575;

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

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

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



1 (e) Is a fugitive from justice;
2 (f) Is an unlawful user of, or addicted to, any controlled
3 substance; or

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

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

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

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

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

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

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

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

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

26 3. As used in this section:

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

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

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

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

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

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

35 **Sec. 27.** (Deleted by amendment.)

36 **Sec. 28.** (Deleted by amendment.)

37 **Sec. 29.** (Deleted by amendment.)

38 **Sec. 30.** (Deleted by amendment.)

39 **Sec. 31.** (Deleted by amendment.)

40 **Sec. 32.** (Deleted by amendment.)

41 **Sec. 33.** (Deleted by amendment.)

42 **Sec. 34.** (Deleted by amendment.)

43 **Sec. 35.** (Deleted by amendment.)

44 **Sec. 36.** (Deleted by amendment.)



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

2 213.1258 1. Except as otherwise provided in subsection 2, if
3 the Board releases on parole a prisoner convicted of stalking with
4 the use of an Internet or network site, electronic mail, text
5 messaging or any other similar means of communication pursuant to
6 subsection ~~3~~ 4 of NRS 200.575, an offense involving pornography
7 and a minor pursuant to NRS 200.710 to 200.730, inclusive, or
8 luring a child or a person with mental illness through the use of a
9 computer, system or network pursuant to paragraph (a) or (b) of
10 subsection 4 of NRS 201.560, the Board shall, in addition to any
11 other condition of parole, require as a condition of parole that the
12 parolee not own or use a computer, including, without limitation,
13 use electronic mail, a chat room or the Internet.

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

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

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

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

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

30 4. As used in this section:

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

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

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

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

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

37 217.070 1. "Victim" means:

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

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

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



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

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

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

10 (g) A person who is physically injured or killed as the direct
11 result of an act of international terrorism as defined in 18 U.S.C. §
12 2331(1); ~~to~~

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

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

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

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

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

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

23 217.180 1. Except as otherwise provided in subsection 2, in
24 determining whether to make an order for compensation, the
25 compensation officer shall consider the provocation, consent or any
26 other behavior of the victim that directly or indirectly contributed to
27 the injury or death of the victim, the prior case or social history, if
28 any, of the victim, the need of the victim or the dependents of the
29 victim for financial aid and other relevant matters.

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

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

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

39 (b) Insurance;

40 (c) The employer of the victim; or

41 (d) Another private or public source or program of assistance,
42 ↪ the applicant shall report the amount received or that the
43 applicant is likely to receive to the compensation officer. Any of
44 those sources that are obligated to pay an amount after the award of
45 compensation shall pay the Board the amount of compensation that



1 has been paid to the applicant and pay the remainder of the amount
2 due to the applicant. The compensation officer shall deduct the
3 amounts that the applicant has received or is likely to receive from
4 those sources from the applicant's total expenses.

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

8 5. As used in this section:

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

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

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

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

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

16 (3) Other assistance provided by a public entity.

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

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

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

22 228.460 1. The Account for Programs Related to Domestic
23 Violence is hereby created in the State General Fund. Any
24 ~~[administrative assessment]~~ fee imposed and collected pursuant to
25 ~~[NRS 200.485]~~ *section 3.5 of this act* must be deposited with the
26 State Controller for credit to the Account.

27 2. The Ombudsman for Victims of Domestic Violence:

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

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

32 (1) The Committee;

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

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

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

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

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

42 228.470 1. The Attorney General shall appoint a Committee
43 on Domestic Violence comprised of the Attorney General or a
44 designee of the Attorney General and:



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

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

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

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

9 (e) One law enforcement officer;

10 (f) One provider of mental health care;

11 (g) Two victims of domestic violence;

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

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

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

18 2. The Committee shall:

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

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

26 (c) Review and evaluate existing programs provided to peace
27 officers for training related to domestic violence and make
28 recommendations to the Peace Officers' Standards and Training
29 Commission regarding such training;

30 (d) To the extent that money is available, provide financial
31 support to programs for the prevention of domestic violence in this
32 State;

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

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

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



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

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

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

8 ~~4.4~~ 5. The Committee shall annually elect a Vice Chair,
9 Secretary and Treasurer from among its members.

10 ~~4.5~~ 6. The Committee shall meet regularly at least three times
11 in each calendar year and may meet at other times upon the call of
12 the Chair. Any six members of the Committee constitute a quorum .
13 ~~for the purpose of voting.~~ A majority vote of the quorum is
14 required to take action with respect to any matter.

15 ~~4.6~~ 7. At least one meeting in each calendar year must be held
16 at a location within the Fourth Judicial District, Fifth Judicial
17 District, Sixth Judicial District, Seventh Judicial District or Eleventh
18 Judicial District.

19 ~~4.7~~ 8. The Attorney General shall provide the Committee with
20 such staff as is necessary to carry out the duties of the Committee.

21 ~~4.8~~ 9. While engaged in the business of the Committee, each
22 member and employee of the Committee is entitled to receive the
23 per diem allowance and travel expenses provided for state officers
24 and employees generally.

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

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

28 432.157 1. The Office of Advocate for Missing or Exploited
29 Children is hereby created within the Office of the Attorney
30 General. The Advocate for Missing or Exploited Children may be
31 known as the Children's Advocate.

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

34 3. The Children's Advocate:

35 (a) Must be an attorney licensed to practice law in this state;

36 (b) Shall advise and represent the Clearinghouse on all matters
37 concerning missing or exploited children in this state; and

38 (c) Shall advocate the best interests of missing or exploited
39 children before any public or private body.

40 4. The Children's Advocate may:

41 (a) Appear as an amicus curiae on behalf of missing or exploited
42 children in any court in this state;

43 (b) If requested, advise a political subdivision of this state
44 concerning its duty to protect missing or exploited children;



1 (c) Recommend legislation concerning missing or exploited
2 children; and

3 (d) Investigate and prosecute any alleged crime involving the
4 exploitation of children, including, without limitation, sex
5 trafficking in violation of subsection 2 of NRS 201.300 , *a violation*
6 *of subsection 1 of NRS 201.301* or a violation of NRS 201.320.

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

11 6. The Children's Advocate may apply for any available grants
12 and accept gifts, grants, bequests, appropriations or donations to
13 assist the Children's Advocate in carrying out his or her duties
14 pursuant to this section. Any money received by the Children's
15 Advocate must be deposited in the Special Account for the Support
16 of the Office of Advocate for Missing or Exploited Children, which
17 is hereby created in the State General Fund.

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

20 8. Money in the Special Account may only be used for the
21 support of the Office of Advocate for Missing or Exploited Children
22 and its activities pursuant to subsection 2 of NRS 201.300,
23 *subsection 1 of NRS 201.301*, NRS 201.320 and 432.150 to
24 432.220, inclusive.

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

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

29 432B.640 1. Upon receiving a referral from a court pursuant
30 to subsection ~~8~~ 9 of NRS 200.485, an agency which provides child
31 welfare services may, as appropriate, conduct an assessment to
32 determine whether a psychological evaluation or counseling is
33 needed by a child.

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

39 (a) Conduct the evaluation or counseling; or

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

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

43 481.091 1. The following persons may request that the
44 Department display an alternate address on the person's driver's
45 license, commercial driver's license or identification card:



- 1 (a) Any justice or judge in this State.
2 (b) Any senior justice or senior judge in this State.
3 (c) Any court-appointed master in this State.
4 (d) Any clerk of the court, court administrator or court executive
5 officer in this State.
6 (e) Any ~~district attorney or attorney employed by the district~~
7 ~~attorney~~ **prosecutor** who as part of his or her normal job
8 responsibilities prosecutes persons for:
9 (1) Crimes that are punishable as category A felonies; or
10 (2) Domestic violence.
11 (f) Any state or county public defender who as part of his or her
12 normal job responsibilities defends persons for:
13 (1) Crimes that are punishable as category A felonies; or
14 (2) Domestic violence.
15 (g) The spouse, domestic partner or minor child of a person
16 described in paragraphs (a) to (f), inclusive.
17 (h) The surviving spouse, domestic partner or minor child of a
18 person described in paragraphs (a) to (f), inclusive, who was killed
19 in the performance of his or her duties.
20 2. A person who wishes to have an alternate address displayed
21 on his or her driver's license, commercial driver's license or
22 identification card pursuant to this section must submit to the
23 Department satisfactory proof:
24 (a) That he or she is a person described in subsection 1; and
25 (b) Of the person's address of principal residence and mailing
26 address, if different from the address of principal residence.
27 3. A person who obtains a driver's license, commercial driver's
28 license or identification card that displays an alternate address
29 pursuant to this section may subsequently submit a request to the
30 Department to have his or her address of principal residence
31 displayed on his or her driver's license, commercial driver's license
32 or identification card instead of the alternate address.
33 4. The Department may adopt regulations to carry out the
34 provisions of this section.
35 **Sec. 44.** (Deleted by amendment.)
36 **Sec. 45.** (Deleted by amendment.)
37 **Sec. 46.** This act becomes effective on July 1, 2019.



