

# Bill Draft Request 375

Provides that when a defendant is charged with the murder or manslaughter of a domestic partner, the human remains shall be automatically relinquished.

**CONSTITUTIONAL OFFICER  
BILL DRAFT REQUEST  
FOR THE  
2017 LEGISLATIVE SESSION**

**\* Name of Constitutional Officer:** Attorney General

**\* Name of Person Submitting Request:** Adam Paul Laxalt, Attorney General

**\* 1. Intent of Proposed Bill or Resolution** (Describe the problem to be solved, intended effect, and/or the goal(s) of the proposed bill or resolution – may be attached as separate document):

When a defendant is charged with the murder or manslaughter of his/her domestic partner, this bill amends NRS 259.180 to require that rights to the human remains shall be automatically relinquished and pass to the next person in order of priority in conformance with NRS 451.024(1) so that the Coroner shall have contact with, and release the body of the deceased to, the next person in order of priority.

**2. Any additional information that may be helpful in drafting the bill** (e.g., any relevant legislative measures, cases or federal or state laws – may be attached as separate document): SEE ATTACHED

**\* Required fields.**

**3. NRS Title(s), Chapter(s) and Section(s) affected and/or Nevada Constitutional provisions affected:**

NRS Title 20, Chapter 259, Section 259.180

**4. Effective Date:**

- Default (October 1, 2017)
- July 1, 2017
- January 1, 2018
- Upon Passage and Approval
- Other

**\* 5. Person(s) to be consulted if more information is needed:**

Name: Brett Kandt, Chief Deputy Attorney General

Phone Number(s): 775-684-1201

E-mail Address: [bkandt@ag.nv.gov](mailto:bkandt@ag.nv.gov)

**6. Description of any known cost to the State or a local government that would result from carrying out the changes in the bill if enacted:**

No fiscal impact

**REQUIRED PREFILING:**

**Non-Legislators:** A bill draft requested by any entity other than a legislator or a legislative committee is required to be prefiled on or before the third Wednesday of November preceding the regular legislative session. By statute, a measure that is not prefiled on or before that date is deemed to be withdrawn. There is no authority to waive this requirement.

Please submit completed Bill Draft Request form by mail to: Brenda Erdoes, Legislative Counsel, Legislative Building, 401 South Carson Street, Carson City, Nevada 89701, by e-mail at [erdoes@lcb.state.nv.us](mailto:erdoes@lcb.state.nv.us) or by fax at (775) 684-6761.

\* Required fields.

## REQUESTED LANGUAGE

**NRS 259.180 Burial of decedent; payment of expenses.**

***1. In accordance with NRS 451.024(3), if a person with authority to order the burial or cremation of the human remains of a decedent has been arrested for or charged with murder, as defined in NRS 200.010, or voluntary manslaughter, as defined in NRS 200.050, in connection with the death of the decedent, the authority of the person to order the disposition of the human remains of the decedent is automatically relinquished and passes to the next person in order of priority pursuant to subsection NRS 451.024(1).***

***2. After the inquest, if no one takes charge of the body, the coroner shall cause it to be decently buried. The expenses of the burial must be paid from the money deposited with the county treasurer or the estate of the deceased, as the case may be. If the deceased has no money or estate, or the money or estate of the deceased is insufficient to bear the entire cost of burial, the county in which the deceased is buried shall bear the cost of the burial in excess of any money or estate available.***

\* Required fields.

# Bill Draft Request 383

Amends NRS 33.100 to enhance the penalty statute for repeat violations of a domestic violence temporary protection order

**CONSTITUTIONAL OFFICER  
BILL DRAFT REQUEST  
FOR THE  
2017 LEGISLATIVE SESSION**

**\* Name of Constitutional Officer:** Attorney General

**\* Name of Person Submitting Request:** Adam Paul Laxalt, Attorney General

**\* 1. Intent of Proposed Bill or Resolution** (Describe the problem to be solved, intended effect, and/or the goal(s) of the proposed bill or resolution – may be attached as separate document):

Amend NRS 33.100 to enhance penalty statute for repeat violations of a domestic violence temporary protection order from a misdemeanor to a gross misdemeanor, and for repeat violations of a domestic violence extended protection order from a misdemeanor to a felony. This is consistent with the penalties for repeat violations of a temporary or extended order for stalking, aggravated stalking or harassment set forth in NRS 200.591.

**2. Any additional information that may be helpful in drafting the bill** (e.g., any relevant legislative measures, cases or federal or state laws – may be attached as separate document): SEE ATTACHED

**\* Required fields.**

**3. NRS Title(s), Chapter(s) and Section(s) affected and/or Nevada Constitutional provisions affected:**

NRS Title 3, Chapter 33, Section 33.100

**4. Effective Date:**

- Default (October 1, 2017)
- July 1, 2017
- January 1, 2018
- Upon Passage and Approval
- Other

**\* 5. Person(s) to be consulted if more information is needed:**

Name: Brett Kandt, Chief Deputy Attorney General

Phone Number(s): 775-684-1201

E-mail Address: [bkandt@ag.nv.gov](mailto:bkandt@ag.nv.gov)

**6. Description of any known cost to the State or a local government that would result from carrying out the changes in the bill if enacted:**

Fiscal impact unknown

**REQUIRED PREFILING:**

**Non-Legislators:** A bill draft requested by any entity other than a legislator or a legislative committee is required to be prefiled on or before the third Wednesday of November preceding the regular legislative session. By statute, a measure that is not prefiled on or before that date is deemed to be withdrawn. There is no authority to waive this requirement.

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## REQUESTED LANGUAGE

**NRS 33.100 Penalty for intentional violation of order.** A person who intentionally violates a temporary or extended order is guilty of a misdemeanor, unless a more severe penalty is prescribed by law for the act that constitutes the violation of the order:

1. *A temporary order is guilty of a gross misdemeanor.*
2. *An extended order is guilty of a category C felony and shall be punished as provided in NRS 193.130.*

\* Required fields.

# Bill Draft Request 380

Amends NRS 49.2544 to add human trafficking to the definition of "victim" for purposes of the statutory privilege set forth in NRS 49.2547. . . .

**CONSTITUTIONAL OFFICER  
BILL DRAFT REQUEST  
FOR THE  
2017 LEGISLATIVE SESSION**

**\* Name of Constitutional Officer:** Attorney General

**\* Name of Person Submitting Request:** Adam Paul Laxalt, Attorney General

**\* 1. Intent of Proposed Bill or Resolution** (Describe the problem to be solved, intended effect, and/or the goal(s) of the proposed bill or resolution – may be attached as separate document):

This bills addresses human trafficking. First, the bill amends NRS 49.2544 to add human trafficking to the definition of “victim” for purposes of the statutory privilege set forth in NRS 49.2547. Second, the bill amends NRS 201.354 to make the knowing solicitation of a child under the age of 14 for prostitution punishable as sex trafficking under NRS 201.300.

**2. Any additional information that may be helpful in drafting the bill** (e.g., any relevant legislative measures, cases or federal or state laws – may be attached as separate document): SEE ATTACHED

**\* Required fields.**

**3. NRS Title(s), Chapter(s) and Section(s) affected and/or Nevada Constitutional provisions affected:**

NRS Title 4, Chapter 49, Section 49.2544

NRS Title 15, Chapter 201, Section 201.354

**4. Effective Date:**

- Default (October 1, 2017)
- July 1, 2017
- January 1, 2018
- Upon Passage and Approval
- Other

**\* 5. Person(s) to be consulted if more information is needed:**

Name: Brett Kandt, Chief Deputy Attorney General

Phone Number(s): 775-684-1201

E-mail Address: [bkandt@ag.nv.gov](mailto:bkandt@ag.nv.gov)

**6. Description of any known cost to the State or a local government that would result from carrying out the changes in the bill if enacted:**

Fiscal impact unknown

**REQUIRED PREFILING:**

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## REQUESTED LANGUAGE

NRS 49.2544 "Victim" defined. "Victim" means a person who alleges that an act of domestic violence, *human trafficking* or sexual assault has been committed against the person.

**Chapter 49 of NRS is hereby amended by adding a new section thereto to read as follows:**

*NRS 49.25425 "Human trafficking" defined. "Human trafficking" means a violation of any provision of NRS 200.463 to 200.468, inclusive, 201.300 or 201.320, or 18 U.S.C. § 1589, 1590 or 1591.*

**NRS 201.354 Engaging in prostitution or solicitation for prostitution: Penalty; exception.**

1. It is unlawful for any person to engage in prostitution or solicitation therefor, except in a licensed house of prostitution.

2. Except as otherwise provided in subsections 3 *and* 4, a person who violates subsection 1 is guilty of a misdemeanor.

3. A person who violates subsection 1 by soliciting a child for prostitution:

(a) For a first offense, is guilty of a category E felony and shall be punished as provided in NRS 193.130, and by a fine of not more than \$5,000.

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

(c) For a third or subsequent offense, is guilty of a category C felony and shall be punished as provided in NRS 193.130. The court shall not grant probation to or suspend the sentence of a person punished pursuant to this paragraph.

4. *Any person who knowingly solicits a child less than 14 years of age for prostitution is guilty of sex trafficking and shall be punished as provided in NRS 201.300(b)(2)(I).*

\* Required fields.

# Bill Draft Request 406

Amends NRS 200.485 (1)(c) revising the penalty for subsequent convictions of battery which constitute domestic violence.

**CONSTITUTIONAL OFFICER  
BILL DRAFT REQUEST  
FOR THE  
2017 LEGISLATIVE SESSION**

**\* Name of Constitutional Officer:** Attorney General

**\* Name of Person Submitting Request:** Adam Paul Laxalt, Attorney General

**\* 1. Intent of Proposed Bill or Resolution** (Describe the problem to be solved, intended effect, and/or the goal(s) of the proposed bill or resolution – may be attached as separate document):

Pursuant to NRS 200.485(1)(c), a third conviction for battery which constitutes domestic violence within 7 years is a Category C felony. This bill makes any subsequent conviction for battery which constitutes domestic violence a Category B felony punishable by two to fifteen years in the Nevada State Prison and by a fine of not less than \$2,000 and not more than \$5,000.

**2. Any additional information that may be helpful in drafting the bill** (e.g., any relevant legislative measures, cases or federal or state laws – may be attached as separate document): SEE ATTACHED

**\* Required fields.**

**3. NRS Title(s), Chapter(s) and Section(s) affected and/or Nevada Constitutional provisions affected:**

NRS Title 15, Chapter 200, Section 200.485

**4. Effective Date:**

- Default (October 1, 2017)
- July 1, 2017
- January 1, 2018
- Upon Passage and Approval
- Other

**\* 5. Person(s) to be consulted if more information is needed:**

Name: Brett Kandt, Chief Deputy Attorney General

Phone Number(s): 775-684-1201

E-mail Address: [bkandt@ag.nv.gov](mailto:bkandt@ag.nv.gov)

**6. Description of any known cost to the State or a local government that would result from carrying out the changes in the bill if enacted:**

Fiscal impact unknown

**REQUIRED PREFILING:**

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\* Required fields.

## REQUESTED LANGUAGE

**NRS 200.485 Battery which constitutes domestic violence: Penalties; referring child for counseling; restriction against dismissal, probation and suspension; definitions.**

1. 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:

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

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

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

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

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

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

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

The person shall be further punished by a fine of not less than \$500, but not more than \$1,000.

(c) For the third and any subsequent offense within 7 years, is guilty of a category C felony and shall be punished as provided in NRS 193.130.

2. 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 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 is previously convicted of:*

*(a) A violation of NRS 200.485 that is punishable as a felony; or*

*(b) A third and any subsequent violation of a law of any other jurisdiction that prohibits the same or similar conduct as set forth in NRS 33.018;*

*and who violates the provisions of NRS 200.485 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 \$2000 nor more than \$5000.*

4. 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) Except as otherwise provided in this subsection, for the first offense within 7 years, require him to participate in weekly counseling sessions of not less than 1 1/2 hours per week for not less than 6 months, but not more than 12 months, at his expense, in a program for the treatment of persons who commit domestic violence that has been certified pursuant to NRS 228.470.

(b) Except as otherwise provided in this subsection, for the second offense within 7 years, require him to participate in weekly counseling sessions of not less than 1 1/2 hours per week for 12 months, at his expense, in a program for the treatment of persons who commit domestic violence that has been certified pursuant to NRS 228.470.

If the person resides more than 70 miles from the nearest location at which counseling services are available, the court may allow the person to participate in counseling sessions in a program for the treatment of persons who commit domestic violence that has been certified pursuant to NRS 228.470 every other week for the number of months required pursuant to paragraph (a) or (b) so long as the number of hours of counseling is not less than 6 hours per month. If the person resides in this State but the nearest location at which counseling services are available is in another state, the court may allow the person to participate in counseling in the other state in a program for the treatment of persons who commit domestic violence that has been certified pursuant to NRS 228.470.

4.5. An offense that occurred within 7 years immediately preceding the date of the principal offense or after the principal offense constitutes a prior offense for the purposes of this section when evidenced by a conviction, without regard to the sequence of the offenses and convictions. The facts concerning a prior offense must be alleged in the complaint, indictment or information, must not be read to the jury or proved at

\* Required fields.

trial but must be proved at the time of sentencing and, if the principal offense is alleged to be a felony, must also be shown at the preliminary examination or presented to the grand jury.

5-6. In addition to any other fine or penalty, the court shall order such a person to pay an administrative assessment of \$35. Any money so collected must be paid by the clerk of the court to the State Controller on or before the fifth day of each month for the preceding month for credit to the Account for Programs Related to Domestic Violence established pursuant to NRS 228.460.

6-7. In addition to any other penalty, the court may require such a person to participate, at his expense, in a program of treatment for the abuse of alcohol or drugs that has been certified by the Health Division of the Department of Health and Human Services.

7-8. 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 his ability to pay.

8-9. 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 he knows, or it is obvious, that the charge is not supported by probable cause or cannot be proved at the time of trial. A court shall not grant probation to and, except as otherwise provided in NRS 4.373 and 5.055, a court shall not suspend the sentence of such a person.

9-10. As used in this section:

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

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

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

\* Required fields.