

Attachment One (1)

Committee on Domestic Violence
Legislative Subcommittee
January 15, 2020

Contents: Committee on Domestic Violence
Legislative Subcommittee Meeting Minutes
December 11, 2019

**NEVADA OFFICE OF THE ATTORNEY GENERAL
COMMITTEE ON DOMESTIC VIOLENCE (CDV)
LEGISLATIVE SUBCOMMITTEE**

Meeting Minutes

December 11, 2019 at 2:30 p.m.

Meeting Location:

Office of the Attorney General
Mock Courtroom
100 North Carson Street
Carson City, NV 89701

1. Call to order and roll call of members.
 - a. The Committee on Domestic Violence (CDV) Legislative Subcommittee meeting was called to order at 2:30 p.m.
 - b. Present
 - Chairwoman Green, April (Chairwoman Green)
 - Meuschke, Sue (Meuschke)
 - Ramos, Suzanne (Ramos)
 - Yoxsimer, Denise (Yoxsimer)
 - a. Absent
 - Scott, Annette (Scott)
 - a. Staff
 - O'Banion, Nicole (O'Banion)
 - Mouannes, Jason (Mouannes)
 - Bhalla, Asheesh (Bhalla)
 - a. Public
 - Fralick, Lori (Fralick) from the Washoe County District Attorney's Office
 - b. **Quorum established**
2. Public Comment
 - a. No Public comment
3. **For Possible Action:** Review, discussion, and possible approval of *October 24, 2019 Meeting Minutes*.

Attachment 1

 - a. **O'Banion** suggested members take a moment to review the minutes from the previous Committee on Domestic Violence (CDV) Legislative

Subcommittee meeting. Meuschke motioned to approve the meeting minutes. Seconded by Green. No further discussion. All in favor. Motion passed.

4. **For Discussion and Possible Action:** Legislative Subcommittee member Sue Meuschke, Executive Director, Nevada Coalition to End Domestic and Sexual Violence will present the Legislative Subcommittee Action Plan. The Subcommittee members will discuss the Action Plan for any changes, additions or approval as presented.

Attachment 2

- a. **Meuschke:** The Legislative Subcommittee Action Plan was included in the agenda. She discussed the three action items. The activities included the conversation we had, the webinar we had, and that we had scheduled a webinar for the whole Committee on Domestic Violence. Meuschke asked O'Banion if that was still true.
 - b. **O'Banion:** Yes, on the meeting agenda under Item 8 it is scheduled for January 28, 2019, at 10:00 am. the date of the next full Committee meeting.
 - c. **Meuschke:** We will again have that conversation and afterwards we will determine the next steps and I know there is some movement on that already. The second action step is that by June 2020, and ongoing, is to identify and track 2019 legislative changes to understand how these changes are being implemented throughout the State. We have developed a list of all of the changes that occurred in the 2019 Session, and today we will be discussing that list, making any changes that need to be made and identifying how we will move forward. You can see all the activities, the due date, and what we need to have to document our work. The third action item is by April 2020, and ongoing, create a process to review, recommend and take a position on suggested legislation for the 2021 session and again looking at the process that existed before coming up with our own specific process dates and documentation included. Meuschke asked for any questions, comments or concerns or changes to the document.
 - d. **Ramos:** Looks good Sue.
 - e. **O'Banion:** Great, if there is no further discussion or comments on the action plan, we will move on.
5. **For Discussion and Possible Action:** Legislative Subcommittee member Sue Meuschke, Executive Director, Nevada Coalition to End Domestic and Sexual Violence will present the Draft List of Legislative Changes. The Subcommittee members will discuss the list for any changes or approval of the list as presented.

Attachment 3

- a. **Meuschke:** Changes broken up by bill, the sessions, and all of the sessions that were changed are listed and there is a brief discussion of what those changes are. (She goes over the chart, and shows where you can find and track whether the changes are occurring, not occurring or back firing, Meuschke noted this can be rearranged and grouped differently.) Is this document usable, do we need to change the way we ordered this, any thoughts?
- b. **O'Banion:** What about breaking it down into topics and then it might make it easier for the committee members to volunteer to do some research per topic? If not can you share how you envision the follow up on the implementation is going on these sections.
- c. **Meuschke:** All of this is up for grabs. There are a lot of changes to Chapter 33, the protection order statute. The amount of time for the temporary and extended orders, the requirements for judges and how they are going to review certain information, and penalties. Some of the information we can try to get from the annual report from the central repository. If we get that more frequently, it would help to see if we are seeing the 45 day court orders being issued or if any data is being collected to show whether the two year extended orders are being granted. Some will be antidotal, Nevada doesn't collect a lot of data. Think about where the data does exist if it does and collect antidotal information on what is or isn't happening. I can re-categorize everything if that makes it easier to read, but I would like people to look at the different NRS sections and see if you have access to that information and are willing to help collect some data.
- d. **O'Banion:** Sure, just to make sure it is thorough. Why don't I add this to the agenda, to give time for people to really read over this list. Would the individual DA's offices be able to provide answers to some of those questions? We could break it up into either topics of what the statutes are referring to or into information sources. Do you have a contact at the central repository Sue?
- e. **Meuschke:** Not sure who is over there but will make a call and find out.
- f. **O'Banion:** Ok I have a contact also. I could set up at least a call or meeting with you (Meuschke) and I and one of the managers over at the repository to see what information we could get and that would help us determine which statutes we would need to identify other sources.
- g. **Chairwoman Green:** Hearing Master Amy Masten is keeping stats since they started doing the live hearings on the initial TPO application. Not the emergency ones issued after an arrest, but people who are walking into the courthouse are able to see a hearing master and get a determination on their TPO application and this office is now providing an attorney every day to represent as many of those people who apply for an initial hearing representation. We can easily come up with

antidotal information, in fact I have everyone keeping stats of their outcomes, not only in case management but hand written as well.

- h. **O'Banion:** What I want to remind you, April, is that it's not just for Clark County, it would just be your cases that you have that information on. We would like to get information statewide in each jurisdiction how each one of these is being implemented. If you take over one of those, take into consideration that you will have to contact other jurisdictions to try and get their data and find out if they are tracking it.
- i. **Chairwoman Green:** Ok that makes sense.
- j. **O'Banion:** Suggestions about what might be the best way or the next step to take in regards to this list. Do we just put in on hold right now until the next meeting so everyone has a chance to read over it thoroughly and make any notes on potential information sources or any additional information that they may be able to provide, does that sound like the best way to go forward Sue?
- k. **Meuschke:** I think that would be great if there is nothing else to add. We have two sources of information now. Are you working with treasures office?
- l. **O'Banion:** With the treasures office on the financial database?
- m. **Meuschke:** Right, yes
- n. **O'Banion:** I can easily reach out to them to find out where they are on the database. Once they have that completed, then yes we here at the Attorney General's Office are supposed to provide a contact person to help walk any advocates through the process so that they can then help their clients or that person is supposed to help walk any individual that may contact us that is a victim of Domestic Violence, Sexual Assault or Human Trafficking. I do need to touch base to find out where they are on creating that data and have their IT person train our staff on how to utilize that database.
- o. **Meuschke:** And I will follow up with UNR and UNLV in terms of privilege change and also ITCN to see if there is anything there. So it would be helpful to read through this carefully, identify what those changes are if you have access to the information or suggestions or who might have information on how that law is being implemented. It would be more helpful, then send this information prior to the meeting.
- p. **O'Banion:** I will make sure to send out an email requesting that information prior to having to post the agenda.
- q. **Chairwoman Green:** In the event that this becomes a very exhausted process, would it help to prioritize these different sections and laws?
- r. **O'Banion:** I think if we all read through it and identify the potential sources, then at the next meeting we can have volunteer's take big sections so that the list will be getting worked on in large chunks per each volunteer. Then we come back to report on our sections. I think the first thing is to identify the possible sources and then we will look to see

if we have been able to identify a potential source for each NRS. Once we have that and a game plan on where to get that information, then we take volunteers based on information sources so that source is only getting one phone call from our subcommittee on all the listed NRS's.

6. **For Discussion and Possible Action:** Legislative Subcommittee member Sue Meuschke, Executive Director, Nevada Coalition to End Domestic and Sexual Violence will facilitate a discussion to identify information sources to track implementation of the listed legislative changes. Subcommittee members will possibly volunteer to collect implementation information from a source on the agreed upon list.
 - a. **Meuschke:** Two things, one, I know the standardized forms committee is meeting to develop the forms for protections orders. Some of these changes we can take care of by just having a copy of the new form. So we don't have to call the courts to find out if home invasion is in the form, it should already be there. I am also happy to pull all of these changes out by NRS section if that would be easier, Chapter 33, Chapter 176, Chapter 200's?
 - b. **Ramos:** I think it would be helpful to break it out by NRS's.
 - c. **Meuschke:** I will try and get that out to Nicole by Monday
 - d. **Ramos:** That would be helpful so I could look up the Bills. I have the bills but I don't have the NRS's.
 - e. **Meuschke:** Also note, that LCB has not yet produced the revised NRS, so what you would be seeing is the old NRS from the last session. It generally takes LCB more than a year to update the acting NRS.
 - f. **O'Banion:** If you take a glance at the Bill and then at the NRS you will know if it has been updated or not.
 - g. **Ramos:** That is what I want to do, pull up the Bills and NRS and go from there.
 - h. **O'Banion:** Ok, I will send out the lost once I get that form Sue. Is there any further discussion on item 5 or 6?
7. **For Discussion:** Nicole O'Banion, Ombudsman for Domestic Violence, Sexual Assault and Human Trafficking will present the Danger Assessment for Law Enforcement (DA-LE) Description and the Danger Assessment for Law Enforcement (DA-LE) Tool which is the recommended Danger Assessment by the Jeanne Geiger Crisis Center as part of their High Risk Team Model approach.

Attachment 4

- a. **O'Banion:** I was hoping to get more information from the Jeanne Geiger Center, but they did not get back to me in time. I hopped on their website and copied their information that explained the DA-LE, which is their chosen risk assessment screening instrument to be used on the scene by law enforcement. They do specify that the DA-LE is designed to be used

in court to inform criminal justice proceedings including DA-LE. This is another piece I am cross referencing over to the court subcommittee because they are looking at ways to suggest legislative changes to the PRAT language, which require the PRAT to be done and whatever danger assessment that we all choose to be the recommend statewide danger assessment and it be attached to the PC sheet that they get when reviewing the PRAT and bail assessment. This way victims of domestic violence will be taken into consideration when setting bail, which is not being done right now. So since this committee is looking at the High Risk and Jeanne Geiger model, and this is the tool that the Jeanne Geiger recommends for the statewide law enforcement tool I just wanted to provide this to the subcommittees for further review. On the second page is shows the research behind the DA-LE. So it is a collaboration between the four most researches in the field of integrate partner homicide and Jeanne Geiger crisis center. To develop the DA-LE, Jeanne Giger partnered with Dr. Campbell of John Hopkins University School of Nursing and Dr. Jill Theresa Messing of Arizona State School of Social work. The third page is the short form danger assessment, one page tool that they recommend law enforcement officers use and then the court subcommittee is hoping to have whatever tool we decide to support statewide so they can attach the assessment to the probable cause sheet. Any comments?

- b. **Ramos:** What are the 11 questions that the DA-LE is referring to, it says there are 20 attached?
- c. **O'Banion:** Let me hop on the website right now and take a look.
(All looking through website)
- d. **Ramos:** The danger assessment is really good, but I would like to see the questions that the law enforcement officers would have to ask, the 11 questions.
- e. **O'Banion:** I will shoot them an email and ask them if I can get a copy of the 11 question law enforcement or an answer to why they say 11 and this one says 20. This is what I want to have worked out before the January 28th meeting, I want to have as many answers as possible since we are the subcommittee bringing this to the full committee. Are there any other comments or questions on item 7?
- f. **O'Banion:** Asheesh, since it says for discussion and possible action on item 5 and 6 about the legislative changes, are there any motions that need to be done for either one of those or since we are just rolling it over into the next meeting is it fine as is?
- g. **Asheesh:** Yes if you are going to move it to the next meeting and continue it then you don't need to take any action. I would only suggest taking action if you clearly wanted state the committee was making some recommendation or taking some action to change language in some uniform way. But given the conversation, I don't believe it is necessary.

8. For Information Only: the CDV's tentative future meeting dates:
 - Training Subcommittee: December 13, 2019 @ 9:00 a.m. | Location: Mock Courtroom, Carson City Office of the Attorney General
 - Court Subcommittee: December 16, 2019 @ 2:30 p.m. | Location: Conference Room 228, Carson City Office of the Attorney General
 - Committee on Domestic Violence: January 28, 2020 @ 10:00 a.m. | Location: Mock Courtroom, Carson City Office of the Attorney General via video Conference Room 4500, Las Vegas Office of the Attorney General.
 - a. **O'Banion**: Sue do you have an idea of how long you would like between this meeting and the next and any suggestions for the next meeting date?
 - b. **Meuschke**: A month
 - c. **O'Banion**: Ok so that would take us into the week of January 13th. Does Wednesday January 15th at 2:30 work for everyone or in the Morning? 9:00 am? Is there anyone that this does not work for? I will send out the calendar for invite for 9:00 am Wednesday January 15, 2020.
 - d. The deadlines for materials would be COB on January 7th.
 - e. **Meuschke**: So people need to read and make any suggestions about possible data sources by that date.
 - f. **O'Banion**: Any further discussion on item 8?

9. Public Comment
 - a. **O'Banion**: Lori did you have any comments or questions that you wanted to make about the High Risk model or anything like that?
 - b. **Fralick**: I just was curious is that something that this committee is working towards? Is that why you are doing a webinar? What is the intention of the research and the webinar, are you guys trying to move forward with this model?
 - c. **Chairwoman Green**: I am. It was an idea that was present as we are now on the investigate and research phase but given our precarious position with respect to DV homicide and inter-partner homicide, this High Risk model surely seems like something that would help reduce homicides and keep survivors more safe. That is my intention.
 - d. **O'Banion**: I agree with that. Lori you said you have done a lot of research on High Risk Models, so you guys do like what you have found out so far correct?
 - e. **Fralick**: Yes, so to back it up a few years, we looked at the risk assessment at the law enforcement level and the various tools and had talked to Las Vegas as well because they had implemented one as well. We were looking at the capacity our county had as far as having enough volunteers answering the line for DV programs. At that time I don't know that we did, but I do know we presented it to the Chief of Police in Reno and everyone bought on based on our homicides and the cases we had. We weren't able to implement it at that time due to the lack of

capacity and we didn't want to happen what happened in Vegas which victims were in holding for a long time and officers weren't able to stay on scene while they could get connected to an advocate as there was just not enough standing capacity. We have done some research and looking into the Jeanne Geiger model and presented it to the District Attorney about four months ago, and he is completely on board and now we want to move forward for sure. We think it is critical and could be a great model.

- f. **O'Banion:** Lori maybe in the next few days you and I can get on the phone and discuss the OVW grant, as it would be a funding source. And have the Jeanne Giger come and develop a protocol for the Washoe County Jurisdiction, and then once we get that fine-tuned and up and running, we can then share that statewide. Any other comments?
- g. **Fralick:** I did just email the 11 law enforcement questions because I had those from our previous research.

10. **For Possible Action:** Adjournment

- a. Meeting Adjourned

Minutes respectfully submitted by: Kristalei Wolfe

Edited by: **Nicole O'Banion**

Nevada Office of the Attorney General

Attachment Two (2)

Committee on Domestic Violence
Legislative Subcommittee
January 15, 2020

Contents: Draft List of Legislative Changes

Bill #	NRS affected
	33.030 33.060 33.065 33.080 33.085 33.100 33.143 125.560 179A.350 200
AB 19	200.594
AB 41	217.464
	33.018 171 171.136 171.137 174.227 174.228 176 176A.413 199.480 200.471 200.481 200.485 200.571 200.575 201.352 202.360 213.1258 217.070 217.180 228.460 228.470 432.157 432B.640
AB 60	481.091
	49.2545
AB 134	49.2546
AB 216	226
AB 336	217
	33.080
AB 410	200.594
	178.494
AB 422	50.205

	217 217.038 217.100 217.117 217.130 217.150 217.170 217.180 217.210 217.240 217.245 217.260 233B.039 239.010 414 414.070 630 632 633 641 641A&B
AB 534	217.030 repealed
SB 97	193
SB 143	202 179A.140 202.2531 repealed 202.2533 repealed 202.2535 repealed 202.254 repealed 202.2541 repealed 202.2543 repealed
SB 218	33.020 33.080 33.100 1.130 125.560 171.136 200.485

Bill and NRS	Changes to NRS (adds, changes, or takes out/ section it applies to. written change)	Potential Information Sources
33.030	Adds 5a: A temporary or extended order must provide notice that (a) "response to a communication initiated by applicant may constitute a violation of the TPO"	
33.060	Takes out 2. "file with or mail to the clerk proof of service by the end of next business day." Adds 2, 2a,b, 3,4, 4a,b, 5, 7. If after due diligence, the LE agency has attempted but been unsuccessful to personally serve adverse party, the LE agency can leave a notice in a conspicuous place. The notice must include: instruction and contact info; if adverse party responds then LE must personally serve the order; after 3 attempts at serving, can serve at place of employment; if all else fails, may serve according to Nevada Rules of Civil Procedure; if applicant applies for EPO at same time, LE will serve both protection orders and the EPO hearing	
33.065	Section 1: If current address of adverse party in unknown and the law enforcement agency has made at least two attempts to personally serve at the adverse parties current place of employment " with a copy of the application for an EO and notice of hearing" the LE agency may then serve the adverse party by (a) delivering a copy of the application to the current place of employment (b) thereafter, mailing a copy of the application and the notice of hearing	
33.080	Changes section 3: Extended protection order are increased from 1year to 2years Adds section 4,5,6. court shall enter basis for extending an order for more than 1 year; at any time an applicant can dissolve or modify the extended order based on circumstances; this section must not be construed to affect the right of the adverse party according to NRS 33.030.	
33.100	A temporary order violation is guilty of a misdemeanor. An extended order violation with no previous violations is guilty of a misdemeanor, a previous violation is guilty of a misdemeanor and if two or more violations is guilty of a category D felony.	
125.560	A person who intentionally violates a restraining order or injunction; for a temporary restraining order shall be punished for a misdemeanor; for an extended restraining order with no previous violation shall be punished for a misdemeanor; with one previous violation for a gross misdemeanor, and with two or more violation a category D felony.	
179A.350	The Repository for Information Concerning Orders for Protection(RICOP) shall retain all records of expired orders unless sealed by a court; the existence of a record of expired protection orders does not prohibit a person from obtaining a fire arm or a permit to conceal carry; unless it	
200.594	Changes section 3. Extends protection order from 1year to 2years Adds 4,5,6. court shall enter a fact provided basis for extending an order for more than one year; at any time the applicant can dissolve or modify the EPO based on circumstances; this sect must not be construed to limit the adverse party to an interlocutory appeal NRS 200.591.	

217.464	Adds 2, 2a,b, 3,3b,c, 5. upon written request, allows the participant to use a fictitious address issued by the Division and entity shall not retain a record unless; the entity is required by federal, state, or local law or; provision of service is impossible without the address; if the entity retains the record of the confidential address, it can only be used to the extent that it is required; (3) gov entity or service to which a participant provides a fictitious address pursuant to this section shall not make records of telephone numb, or image; gov entity or service (2X); Division, gov entity,	
33.018	Various changes to defintion of domestic violence: Changes 1c. Compelling the other person by force... to "Coercion pursuant to NRS 207.190 Adds 1e8,9 "burglary, an invasion of the home" Changes 1g. Unlawful entry of the other person's residence... to pandering Adds 2, 2a,b. provisions of this section do not apply to; siblings, except those in a custodial relationship or; cousins, except those in a custodial relationship.	
171	Adds new section 1, 1a,b, 2. whether or not there is a warrant, an officer may arrest a person when the person is believed to have committed battery upon; a roommate,; a sibling if the person is not guardian or; a cousin if the person is not guardian; (2) nothing in this sec shall be construed to impose liability on officer or employer if there is no arrest made in good faith.	
171.137	Takes out 1. "a person with whom he or she is or was actually residing" to the list of who peace officers may arrest with probaly cause/without a warrant and adds "or a person who is the custodian or guardian of his or her minor child" nothing shall be construed to impose liability on officer or employer if no arrest is made in good faith; provisions of this section do not apply to; siblings, except those in a custodial relationship or; cousins, except those in a custodial relationship.	
176	Adds new section 1, 2, 3, 3a,b. in addition to other fine or penalty, the court can; (1) enter a finding in the judgment of conviction; order the person to pay a \$35 fee for dv programs; (3)require for the ; (a) first offense within 7yrs for the person to participate in weekly counseling - described-; second offense within 7yrs for the person to participate in counseling - described.	

200.485	<p>Battery which constitutes domestic violence: Adds 1b2. a term of imprisonment imposed may be served intermittently by the judge, each period of confinement must not be less than 12 consecutive hours and must occur at a time when the person is not at work or on a weekend. changes 1c. For third offense in 7 years changed punishment form category C to category B felony; punished by imprisonment in the state prison for 1 to 6 years and fined \$1000 to \$5000. Adds 4, 4a,b, 5. charges if domestic violence battery is committed against a pregnant victim; first offense is gross misdemeanor; second and subsequent is category B felony; (5) domestic violence battery resulting in bodily harm is category B felony.</p> <p>If domestic violence battery consittutes substantial bodily harmm, guilty of a catergory B felony</p>	
200.575	<p>A person commits stalking when they willfully and maliciously engage in course of conduct towards a victim that would cause a reasonable person under similar circumstance to feel terrorized, frightened, intimidated, harassed, or fearful for their immediate safety of the immediate safety of a family or household member. The first offense of stalking is guilty of a misdemeanor, for the second offense guilty of a gross misdemeanor, for the third or any subsequent offense is guilty of a category C felony. Stalking committed against a victim that is under the age of 16 and the person is 5 or more years older than the victim is guilty of a gross</p>	
217.180	<p>Victims of crime "If the case involves a victim of domestic violence, sexual assault, facilitating sex trafficking, or sex trafficking, the compensation officer shall not consider the provocation, consent or any other behavior of the victim that directly or indirectly contributed to the injury or</p>	
228.460	<p>Any 'fee' imposed and collected for the Account for Programs Related to Domestic Violence must be deposited with the State Controller for credit to the Account.</p>	
228.470	<p>The AG shall appoint a subcommittee of the members from the Committee on Domestic Violence to carry out duties as needed.</p>	
481.091	<p>Prosecutors who as part of their normal job prosecute person for domestic violence may request that the Department display an alternate address on the person's driver license.</p>	
49.2545	<p>Changes definition of victim advocate to include a person who works for a program of a university, state college or community college within the Nevada System of Higher Education or a</p>	
49.2546	<p>Clarifies that confidential communications includes all records concerning the victim and the services provided to the victim which are within possession of the program of a university, state college or community college within the Nevada system of Higher Education, or the program of a</p>	

226	Adds new section 1, 2 ,2a,b,c, 3, 3a,b,c,d, 4. (1) State Treasurer shall create and maintain a statewide database of sources of financial assistance for people pursuing higher ed; (2) database includes, without limitation; list of any program, shoarships, grant, student loan assistance; contact info of ea person administering ea financial assistance program; demographic requirements listed in database; (3) state treasurer; shall make database public on website maintained by state treasurer; shall establish a toll-free telephone numb and means of electronic communication for assistance; may employ staff to maintain, support, and promote the database; may accept sources of money to carry out the provisos of this section; (4) AG shall establish a program to market and conduct outreach to victims of dv or human trafficking to	
217	Adds sections 2 through 10.	
217	unless context requires, the words and terms defined in sections 3-7 of this act have the meanings described in those sections.	
217	"Certification" means the certification of a Form I-918, Supplement B, U Nonimmigrant Status Certification, as required by 8 U.S.C. § 1184(p) regarding a Form I-918, Petition for U Nonimmigrant Status by a certifying agency.	
217	"Certifying agency" means a state or local LE agency; prosecutor; judge or; any other governmental agency that has criminal, civil or administrative investigative or prosecutorial	
217	"Certifying official" means head of certifying agency or; person who has been designated to complete a certification.	
217	"Criminal activity" means an offense for which the elements are substantially similar to an offense described in 8 U.S.C. § 1101(a)(15)(U)(iii) or the attempt, solicitation or	
217	"Petitioner" means a person who requests a certification	

217	1, 1a,b, 2, 2a,b, 3, 3a,b,c,d, 4. (1) upon a request for certification from a petitioner, the certifying agency will determine; was the victim of criminal activity and; is helpful to the investigation; (2) If a certifying agency determines that a petitioner satisfies the requirements, they shall complete and sign the cert which needs to include; nature of criminal activity; helpfulness of petitioner (3) the certifying agency shall not consider; period of time between criminal activity and request for cert; whether there is an active investigation; whether a formal statement of charged was filed or; whether there was prosecution or conviction (4) there is rebuttable presumption that a petitioner has been helpful, unless they refuse or fail to provide reasonable assistance requested	
217	Certifying agency shall process a cert request withing 90 days unless the petitioner is 20 years old or party to a federal immigration proceeding for his or her removal, in which case the certifying agency has 14 days to process the request.	
217	1, 1a,b, 2, 2a,b, 3, 3a,b,c,d, 4. (1) certifying agency shall not; disclose immigration status of petitioner unless mandated by federal law or petitioner consents; withdraw cert unless the petitioner refuses to assist (2) certifying agency shall develop protocol to assist petitioners; who have limited English skills; who are deaf, hard of hearing or speach impaired (3) By Jan 1 of ea year, certifying agencies will report to the Director of the LCB that sets forth; numb of requests recieved by certifying agency; numb of certs completed; numb of certs denied; for ea denial, the reasons for that denial (4) nothing in this section shall be construed to relieve any obligation on	
33.080	Temporary orders are extended from 30 to 45 days	
178.494	A person detained as a material witness must be brought before a judge as soon as practicable, but not later than 72 hours after the begining of the detention.The judge will consider the least restrictive means to secure the person's presence. An indivual who is detained that is a victim of domestic or sexual violence, must be brought before the judge no later than 24 hours after being detained, the determination may be made over the phone. The victim must also have an attorney appointed to them. If it is determined that the detention should continue, the judge should	
50.205	When a witness is arressted in a subponea, the court must appoint an attorney. The witness must be seen before a judge within 72 hours to determine if the detention should continue. A person detained as a victim of domestic or sexual violence must be seen by a judge would be seen within	
217	Creates new sections 1,2,3,4,5: The Department of Health and Human Services shall (1) develop a state plan for victims of crime and ensure that services coordinate their efforts and use the same data; (2) shal consult with each of its divisions and agencies which administer a fund; (3) may consult with any agency which provides support for victims of crime; (4) shall make any forms used to provide compensation available on a website; (5) shall develop a survey to determine effectiveness of various methods for providin compensation to victims of crimes and identify	

217.038	makes language conforming changes - Eligible 'victim' means a person who is injured or killed as the direct result of a crime. Removed the word physically injured	
217.100	Any person eligible for victims of crime compensation must apply not later than 24 months after the injury or death for which compensation is being claimed	
217.117	makes language conforming changes	
217.130	makes language conforming changes -Takes out "with the approval...prescribing" Adds 1, 1a,c, 2, 3a,b,c,d, 4, 5, 6, 7. (1) state plan for services must include without limitation rules and regulations; establishing the eligibility requirements for receiving compensation; providing for admin hearings to address appeals of the decisions of appeals officers pursuant to NRS 217.117 (2) Department must give 30 days notice before changing any rule in the state plan (3) notice of intent to act upon a rule must; include a statement of need and purpose of proposed rule, description of subjects, issues involved, time and place where people can present their views; include a statement identifying the entities that will be financially affected including the local go; state ea address at which the rule may be inspected and copied; be mailed to all people who have requested to be on a mailing list (4) all interested people must have reasonable opportunity to submit data, reviews, or arguments on the proposed rule and the Department will consider them fully (5) Department shall keep and make available minutes and audio recordings of public hearings (6) ob objection to any rule on the ground of noncompliance with	
217.180	In determine whether to make an order for victims of crime compensation, the compensation office shall award compensation unless the injury or death of the victim was substantially attributed to a wrongful act of the victims or substantially provoked by the victim In cases pertaining to domestic violence, sexual assault, or sex trafficking, the compensation officer shall not consider the wrongful act provocation.	
193	Adds new section: A person cannot claim that their violence or alleged state of passion is objectively reasonable after making the discovery of or knowledge of or potential disclosure of the actual or perceived sexual orientation, gender identify or expression of the victim.	
202	Creates section 2 and 7 to establish the Background Check Initiative. A background check must be completed before each sale or transfer of a firearm from private sellers.	
179A.140	Section3(c) The central repository shall not charge a fee for information provided to a person who is required to conduct a background check.	
33.020	Amends sections 1: "A court shall only consider whether the act of domestic violence or the threat thereof satisfies the requirements of NRS 33.018 without considering any other factor in the its determinations to grant temporary or extended order.	

33.100	Section 3: A temporary protection violation order is guilty of a misdemeanor. An extended order violation is guilty of: a misdemeanor with no prior violations; of a gross misdemeanor with one prior violation; a category D felony with two or more violations.	
125.560	Amends section 1: A person who intentionally violates a temporary restraining order for protection against domestic violence shall be punished for a misdemeanor. For an extended protection order against domestic violence, a person who intentionally violates the order will be punished for; a misdemeanor if no previous violations; a gross misdemeanor is a previous violation;	
200.485	Adds Section 3 (b) A person who is guilty of domestic violence battery committed with a deadly weapon is guilty of category B felony and shall be punished by imprisonment in state prison for a minimum of 2 years and maximum term of not more than 15 years and shall be fined between	

Chapter 33		
	33.018	Various changes to definition of domestic violence: Changes 1c. Compelling the other person by force... to "Coercion pursuant to NRS 207.190 Adds 1e8,9 "burglary, an invasion of the home" Changes 1g. Unlawful entry of the other person's residence... to pandering Adds 2, 2a,b. provisions of this section do not apply to; siblings, except those in a custodial relationship or; cousins, except those in a custodial relationship.
	33.020	Amends sections 1: "A court shall only consider whether the act of domestic violence or the threat thereof satisfies the requirements of NRS 33.018 without considering any other factor in the its determinations to grant temporary or extended order.
	33.030	Adds 5a: A temporary or extended order must provide notice that (a) "response to a communication initiated by applicant may constitute a violation of the TPO"
	33.060	Takes out 2. "file with or mail to the clerk proof of service by the end of next business day." Adds 2, 2a,b, 3,4, 4a,b, 5, 7. If after due diligence, the LE agency has attempted but been unsuccessful to personally serve adverse party, the LE agency can leave a notice in a conspicuous place. The notice must include: instruction and contact info; if adverse party responds then LE must personally serve the order; after 3 attempts at serving, can serve at place of employment; if all else fails, may serve according to Nevada Rules of Civil Procedure; if applicant applies for EPO at same time, LE will serve both protection orders and the EPO hearing
	33.065	Section 1: If current address of adverse party is unknown and the law enforcement agency has made at least two attempts to personally serve at the adverse parties current place of employment " with a copy of the application for an EO and notice of hearing" the LE agency may then serve the adverse party by (a) delivering a copy of the application to the current place of employment (b) thereafter, mailing a copy of the application and the notice of hearing
	33.080	Changes section 3: Extended protection order are increased from 1year to 2years Adds section 4,5,6. court shall enter basis for extending an order for more than 1 year; at any time an applicant can dissolve or modify the extended order based on circumstances; this section must not be construed to affect the right of the adverse party according to NRS 33.030.
	33.080	Temporary orders are extended from 30 to 45 days
	33.100	Section 3: A temporary protection violation order is guilty of a misdemeanor. An extended order violation is guilty of: a misdemeanor with no prior violations; of a gross misdemeanor with one prior violation; a category D felony with two or more violations.
	33.100	A temporary order violation is guilty of a misdemeanor. An extended order violation with no previous violations is guilty of a misdemeanor, a previous violation is guilty of a misdemeanor and if two or more violations is guilty of a category D felony.

Chapter 49		
	481.091	Prosecutors who as part of their normal job prosecutes person for domestic violence may request that the Department display an alternate address on the person's driver license.
	49.2545	Changes definition of victim advocate to include a person who works for a program of a university, state college or community college within the Nevada System of Higher Education or a program of a tribal organization which.
	49.2546	Clarifies that confidential communications includes all records concerning the victim and the services provided to the victim which are within possession of the program of a university, state college or community college within the Nevada system of Higher Education, or the program of a tribal organization.
Chapter 50		
	50.205	When a witness is arrested in a subpoena, the court must appoint an attorney. The witness must be seen before a judge within 72 hours to determine if the detention should continue. A person detained as a victim of domestic or sexual violence must be seen by a judge would be seen within 24 hours.
Chapter 125		
	125.560	Amends section 1: A person who intentionally violates a temporary restraining order for protection against domestic violence shall be punished for a misdemeanor. For an extended protection order against domestic violence, a person who intentionally violates the order will be punished for; a misdemeanor if no previous violations; a gross misdemeanor is a previous violation; category D felony if two or more previous violations.
	125.560	A person who intentionally violates a restraining order or injunction; for a temporary restraining order shall be punished for a misdemeanor; for an extended restraining order with no previous violation shall be punished for a misdemeanor; with one previous violation for a gross misdemeanor, and with two or more violation a category D felony.
Chapter 171		
	171	Adds new section 1, 1a,b, 2. whether or not there is a warrant, an officer may arrest a person when the person is believed to have committed battery upon; a roommate;; a sibling if the person is not guardian or; a cousin if the person is not guardian; (2) nothing in this sec shall be construed to impose liability on officer or employer if there is no arrest made in good faith.
	171.137	Takes out 1. "a person with whom he or she is or was actually residing" to the list of who peace officers may arrest with probable cause/without a warrant and adds "or a person who is the custodian or guardian of his or her minor child" nothing shall be construed to impose liability on officer or employer if no arrest is made in good faith; provisions of this section do not apply to; siblings, except those in a custodial relationship or; cousins, except those in a custodial relationship.
Chapter 176		

	176	Adds new section 1, 2, 3, 3a,b. in addition to other fine or penalty, the court can; (1) enter a finding in the judgment of conviction; order the person to pay a \$35 fee for dv programs; (3)require for the ; (a) first offense within 7yrs for the person to participate in weekly counseling -described-; second offense within 7yrs for the person to participate in counseling - described.
Chapter 178		
	178.494	A person detained as a material witness must be brought before a judge as soon as practicable, but not later than 72 hours after the beginning of the detention.The judge will consider the least restrictive means to secure the person's presence. An individual who is detained that is a victim of domestic or sexual violence, must be brought before the judge no later than 24 hours after being detained, the determination may be made over the phone. The victim must also have an attorney appointed to them. If it is determined that the detention should continue, the judge should schedule the case in which the material witness will testify as soon as possible.
Chapter 179A		
	179A.140	Section3(c) The central repository shall not charge a fee for information provided to a person who is required to conduct a background check.
	179A.350	The Repository for Information Concerning Orders for Protection(RICOP) shall retain all records of expired orders unless sealed by a court; the existence of a record of expired protection orders does not prohibit a person from obtaining a fire arm or a permit to conceal carry; unless it violates a court order or federal or state provision;
Chapter 193		
	193	Adds new section: A person cannot claim that their violence or alleged state of passion is objectively reasonable after making the discovery of or knowledge of or potential disclosure of the actual or perceived sexual orientation, gender identify or expression of the victim.
Chapter 200		
	200.485	Battery which constitutes domestic violence: Adds 1b2. a term of imprisonment imposed may be served intermittently by the judge, each period of confinement must not be less than 12 consecutive hours and must occur at a time when the person is not at work or on a weekend. changes 1c. For third offense in 7 years changed punishment form category C to category B felony; punished by imprisonment in the state prison for 1 to 6 years and fined \$1000 to \$5000. Adds 4, 4a,b, 5. charges if domestic violence battery is committed against a pregnant victim; first offense is gross misdemeanor; second and subsequent is category B felony; (5) domestic violence battery resulting in bodily harm is category B felony. If domestic violence battery consittutes substantial bodily harmm, guilty of a catergory B felony
	200.485	Adds Section 3 (b) A person who is guilty of domestic violence battery committed with a deadly weapon is guilty of category B felony and shall be punished by imprisonment is state prison for a minimum of 2 years and maximum term of not more than 15 years and shall be fined between \$2000-\$5000

	200.575	A person commits stalking when they willfully and maliciously engage in course of conduct towards a victim that would cause a reasonable person under similar circumstance to feel terrorized, frightened, intimidated, harassed, or fearful for their immediate safety of the immediate safety of a family or household member. The first offense of stalking is guilty of a misdemeanor, for the second offense guilty of a gross misdemeanor, for the third or any subsequent offense is guilty of a category C felony. Stalking committed against a victim that is under the age of 16 and the person is 5 or more years older than the victim is guilty of a gross misdemeanor for the first offense, a category C felony for the second offense and a category B felony for the third or subsequent offense.
	200.594	Changes section 3. Extends protection order from 1 year to 2 years Adds 4,5,6. court shall enter a fact provided basis for extending an order for more than one year; at any time the applicant can dissolve or modify the EPO based on circumstances; this section must not be construed to limit the adverse party to an interlocutory appeal NRS 200.591.
Chapter 202		
	202	Creates section 2 and 7 to establish the Background Check Initiative. A background check must be completed before each sale or transfer of a firearm from private sellers.
Chapter 217		
	217	Adds sections 2 through 10.
	217	unless context requires, the words and terms defined in sections 3-7 of this act have the meanings described in those sections.
	217	"Certification" means the certification of a Form I-918, Supplement B, U Nonimmigrant Status Certification, as required by 8 U.S.C. § 1184(p) regarding a Form I-918, Petition for U Nonimmigrant Status by a certifying agency.
	217	"Certifying agency" means a state or local LE agency; prosecutor; judge or; any other governmental agency that has criminal, civil or administrative investigative or prosecutorial authority.
	217	"Certifying official" means head of certifying agency or; person who has been designated to complete a certification.
	217	"Criminal activity" means an offense for which the elements are substantially similar to an offense described in 8 U.S.C. § 1101(a)(15)(U)(iii) or the attempt, solicitation or conspiracy to commit such an offense.
	217	"Petitioner" means a person who requests a certification

	217	1, 1a,b, 2, 2a,b, 3, 3a,b,c,d, 4. (1) upon a request for certification from a petitioner, the certifying agency will determine; was the victim of criminal activity and; is helpful to the investigation; (2) If a certifying agency determines that a petitioner satisfies the requirements, they shall complete and sign the cert which needs to include; nature of criminal activity; helpfulness of petitioner (3) the certifying agency shall not consider; period of time between criminal activity and request for cert; whether there is an active investigation; whether a formal statement of charged was filed or; whether there was prosecution or conviction (4) there is rebuttable presumption that a petitioner has been helpful, unless they refuse or fail to provide reasonable assistance requested by LE.
	217	Certifying agency shall process a cert request withing 90 days unless the petitioner is 20 years old or party to a federal immigration proceeding for his or her removal, in which case the certifying agency has 14 days to process the request.
	217	1, 1a,b, 2, 2a,b, 3, 3a,b,c,d, 4. (1) certifying agency shall not; disclose immigration status of petitioner unless mandated by federal law or petitioner consents; withdraw cert unless the petitioner refuses to assist (2) certifying agency shall develop protocol to assist petitioners; who have limited English skills; who are deaf, hard of hearing or speach impaired (3) By Jan 1 of ea year, certifying agencies will report to the Director of the LCB that sets forth; numb of requests recieved by certifying agency; numb of certs completed; numb of certs denied; for ea denial, the reasons for that denial (4) nothing in this section shall be construed to relieve any obligation on prosecuting attornies or LE.
	217	Creates new sections 1,2,3,4,5: The Department of Health and Human Services shall (1) develop a state plan for victims of crime and ensure that services coordinate their efforts and use the same data; (2) shal consult with each of its divisions and agencies which administer a fund; (3) may consult with any agency which provides support for victims of crime; (4) shall make any forms used to provide compensation available on a website; (5) shall develop a survey to determine effectiveness of various methods for providin compensation to victims of crimes and identify barriers.
	217.038	makes language conforming changes - Eligible 'victim' means a person who is injured or killed as the direct result of a crime. Removed the word physically injured
	217.100	Any person eligible for victims of crime compensation must apply not later than 24 months after the injury or death for which compensation is being claimed
	217.117	makes language conforming changes

	217.130	<p>makes language conforming changes -Takes out "with the approval...prescribing"</p> <p>Adds 1, 1a,c, 2, 3a,b,c,d, 4, 5, 6, 7. (1) state plan for services must include without limitation rules and regulations; establishing the eligibility requirements for receiving compensation; providing for admin hearings to address appeals of the decisions of appeals officers pursuant to NRS 217.117 (2) Department must give 30 days notice before changing any rule in the state plan (3) notice of intent to act upon a rule must; include a statement of need and purpose of proposed rule, description of subjects, issues involved, time and place where people can present their views; include a statement identifying the entities that will be financially affected including the local go; state ea address at which the rule may be inspected and copied; be mailed to all people who have requested to be on a mailing list (4) all interested people must have reasonable opportunity to submit data, reviews, or arguments on the proposed rule and the Department will consider them fully (5) Department shall keep and make available minutes and audio recordings of public hearings (6) ob objection to any rule on the ground of noncompliance with requirements in this section may not be made more than 2yrs after effective date (7) Department shall submit a copy of the rule to the LCB.</p>
	217.180	<p>In determine whether to make an order for victims of crime compensation, the compensation office shall award compensation unless the injury or death of the victim was substantially attributed to a wrongful act of the victims or substantially provoked by the victim</p> <p style="text-align: right;">In cases pertaining</p> <p>to domestic violence, sexual assault, or sex trafficking, the compensation officer shall not consider the wrongful act provocation.</p>
	217.180	<p>Victims of crime "If the case invovles a victim of domestic violence, sexual assault, facilitating sex trafficking, or sex trafficking, the compensation officer shall not consider the provocation, consent or any other behavior of the victim that directly or indirectly contributed to the injury or death of the victim"</p>
	217.464	<p>Adds 2, 2a,b, 3,3b,c, 5. upon written request, allows the participant to use a fictitious address issued by the Division and entity shall not retain a record unless; the entity is required by federal, state, or local law or; provision of service is impossible without the address; if the entity retains the record of the confidential address, it can only be used to the extent that it is required; (3) gov entity or service to which a participant provides a fictitious address pursuant to this section shall not make records of telephone numb, or image; gov entity or service (2X); Division, gov entity, service is required by federal or state law; (5) defines "gov entity"</p>
Chapter 226		

	226	Adds new section 1, 2 ,2a,b,c, 3, 3a,b,c,d, 4. (1) State Treasurer shall create and maintain a statewide database of sources of financial assistance for people pursuing higher ed; (2) database includes, without limitation; list of any program, shoarships, grant, student loan assistance; contact info of ea person administering ea financial assistance program; demographic requirements listed in database; (3) state treasurer; shall make database public on website maintained by state treasurer; shall establish a toll-free telephone numb and means of electronic communication for assistance; may employ staff to maintain, support, and promote the database; may accept sources of money to carry out the provisos of this section; (4) AG shall establish a program to market and conduct outreach to victims of dv or human trafficking to connet them with the database. AG may also accept sources of money to carry out the provisions of this act.
Chapter 228		
	228.460	Any 'fee' imposed and collected for the Account for Programs Realted to Domestic Violence must be deposited with the State Controller for credit to the Account.
	228.470	The AG shall appoint a subcommittee of the members from the Committee on Domestic Violence to cary out dututes as needed.

Attachment Three (3)

Committee on Domestic Violence
Legislative Subcommittee
January 15, 2020

Contents: Action Plan

Legislative Sub-Committee Action Plan

<u>Action</u>	<u>Activities</u>	<u>Due Date</u>	<u>Documentation Needed</u>
1. By April 2020 research and make recommendations regarding Domestic Violence High Risk Protection Team implementation in Nevada.	<ol style="list-style-type: none"> 1. Legislative Committee discussion - completed 2. Webinar Presentation by the Jeanne Geiger Crisis Center on their Domestic Violence High Risk Team Model to full CDV and discussion of applicability to Nevada 3. Determine next steps 	1/28/19 10:00 a.m.	<ul style="list-style-type: none"> • None
2. By June 2020 and ongoing, identify and track 2019 legislative changes to understand how these changes are being implemented throughout the state.	<ol style="list-style-type: none"> 1. Develop list of legislative changes. 2. Identify information sources to track implementation of changes – DPS, AOC, etc. 3. Report back on implementation successes and struggles 4. Identify potential changes to aid the implementation 	<p>Dec. 31st</p> <p>Dec 31st</p> <p>TBD – CDV Meeting dates</p> <p>June 30th</p>	<ul style="list-style-type: none"> • List of legislative changes • Contact/source list • Reports at each CDV Meeting • Written report
3. By April 2020 and ongoing create a process to review, recommend and take a position on suggested legislation for the 2021 session	<ol style="list-style-type: none"> 1. Review process from previous sessions. 2. Develop written process for legislative sub-committee 3. Present to CDV for approval and implementation 	<p>Dec. 31st</p> <p>Jan 31st</p> <p>Spring CDV meeting</p>	<ul style="list-style-type: none"> • Written Report