

Attachment Five (5)

Committee on Domestic Violence Agenda
December 4, 2018

Contents: AB19, AB60 & AB41

REQUIRES TWO-THIRDS MAJORITY VOTE
(§§ 12-14, 17, 19, 23-35)

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 domestic violence.
(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 domestic violence; revising the definition of domestic violence; providing a legislative declaration concerning stalking; increasing certain penalties relating to battery which constitutes domestic violence; imposing an administrative assessment on certain unlawful acts that constitute domestic violence; requiring such administrative assessments to be deposited into the Account for Programs Related to Domestic Violence; revising the definition of stalking; increasing certain penalties related to stalking; revising the duties and quorum requirements of the Committee on Domestic Violence; 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.
5 Existing law prohibits certain conduct which is defined as the crime of stalking.
6 (NRS 200.575) **Section 9** of this bill provides a legislative declaration concerning
7 certain findings regarding stalking.
8 Existing law provides that during the penalty hearing of a defendant who has
9 been found guilty or guilty but mentally ill of murder of the first degree, the State
10 generally may introduce evidence of certain additional aggravating circumstances.



11 The jury may only impose a sentence of death if it finds at least one aggravating
12 circumstance and finds that no mitigating circumstances exist which are sufficient
13 to outweigh any aggravating circumstance that is found. (NRS 175.552, 175.554)
14 Existing law sets forth the circumstances by which murder of the first degree may
15 be aggravated. (NRS 200.033) **Section 10** of this bill adds an additional
16 circumstance where the murder involved an act that constitutes domestic violence,
17 the victim was pregnant at the time of the murder and the defendant knew or should
18 have known that the victim was pregnant.

19 When a person is convicted of battery that constitutes domestic violence,
20 existing law requires the court to order the person to pay an administrative
21 assessment of \$35 to be deposited in the Account for Programs Related to Domestic
22 Violence. (NRS 200.485) **Sections 12-14, 17, 19 and 23-35** of this bill require the
23 court to order such an administrative assessment be paid if a person is convicted of
24 certain unlawful acts that constitute domestic violence, including, sexual assault,
25 false imprisonment, assault, stalking, pandering, burglary, home invasion, coercion,
26 trespassing and certain provisions related to arson and larceny and unlawful acts
27 related to injuring or killing an animal. **Section 40** of this bill requires such
28 administrative assessments to be deposited with the State Controller for credit to
29 the Account.

30 Under existing law, a person convicted of a battery which constitutes domestic
31 violence, for the first offense, is guilty of a misdemeanor and shall be punished by:
32 (1) imprisonment in a city or county jail or detention center for not less than 2 days,
33 but not more than 6 months; (2) community service; and (3) a fine of not less than
34 \$200 and not more than \$1,000. Existing law authorizes a court to impose the term
35 of imprisonment intermittently, except that each period of confinement cannot last
36 less than 4 consecutive hours and cannot be served when the person is required to
37 be at his or her place of employment. (NRS 200.485) **Section 15** of this bill
38 increases the fine to \$400 and requires the court to impose intermittent confinement
39 of not less than 2 consecutive days regardless of whether the person is required to
40 be at his or her place of employment for the first offense of such an act.

41 Additionally, under existing law, a person convicted for his or her second
42 offense of battery which constitutes domestic violence is guilty of a misdemeanor
43 and is required to be imprisoned in a city or county jail or detention facility for not
44 less than 10 days and not more than 6 months and pay a fine of \$500. (NRS
45 200.485) **Section 15** increases the minimum term of imprisonment to 30 days and
46 increases the fine to \$750.

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

51 Under existing law, a person convicted of battery which constitutes domestic
52 violence where the battery was committed by strangulation is guilty of a category C
53 felony and a fine of not more than \$15,000, if authorized by the court. (NRS
54 200.485) **Section 15** increases the penalty to a category B felony and authorizes a
55 court to impose a fine of not less than \$1,000 and not more than \$15,000.

56 **Section 15** also provides a penalty for a battery which constitutes domestic
57 violence where the act was committed against a victim who was pregnant at the
58 time of such a battery. Under **section 15**, a person who commits such a battery: (1)
59 for the first or second offense is guilty of a gross misdemeanor; and (2) for the third
60 or any subsequent offense is guilty of a category B felony and authorizes the court
61 to impose a minimum fine of not less than \$1,000 and not more than \$15,000.
62 **Section 6** of this bill also authorizes a court to impose an additional penalty of a
63 minimum term of imprisonment of 1 year and a maximum term of 10 years on any
64 person who commits a third or any subsequent offense.



65 **Section 15** also provides that if a person is convicted of a battery which
66 constitutes domestic violence, where such a battery causes substantial bodily harm
67 to the victim, the person: (1) is guilty of a category B felony; and (2) the court is
68 authorized to impose a fine of \$1,000 to \$15,000. **Section 15** further requires a
69 court to consider the presence of a child during the commission of a battery that
70 constitutes domestic violence as an aggravating factor in determining the sentence
71 of such a person.

72 Existing law provides that a person who, without lawful authority, willfully or
73 maliciously engages in conduct that would cause a reasonable person to feel
74 terrorized, frightened, intimidated, harassed or fearful for the immediate safety of a
75 family or household member, and the conduct actually causes the victim to feel
76 such emotions, is guilty of the crime of stalking. Existing law makes such a crime
77 punishable as a misdemeanor for the first offense, and as a gross misdemeanor for
78 any subsequent offense. (NRS 200.575) **Section 17** of this bill revises the definition
79 of stalking to: (1) provide that the course of conduct must be directed at the victim;
80 and (2) clarify that the conduct would cause the victim to be fearful of his or her
81 immediate safety. **Section 17** also increases the penalty for a third or any
82 subsequent offense of stalking to a category C felony and authorizes a court to
83 impose a fine of not more than \$5,000.

84 Existing law requires the Attorney General to appoint a Committee on
85 Domestic Violence whose duties include, among other things: (1) increasing
86 awareness of domestic violence within the State; and (2) reviewing certain
87 programs related to the treatment of persons who commit domestic violence and
88 making recommendations concerning those programs to the Division of Public and
89 Behavioral Health of the Department of Health and Human Services. Existing law
90 also requires a quorum of six members of the Committee for voting purposes. (NRS
91 228.470) **Section 41** of this bill: (1) eliminates the duty to review and make
92 recommendations concerning such treatment programs; (2) requires a quorum of
93 six members for all purposes; and (3) authorizes the Committee to adopt
94 regulations necessary to carry out its duties.

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

1 **Section 1.** NRS 33.018 is hereby amended to read as follows:
2 33.018 1. Domestic violence occurs when a person commits
3 one of the following acts against or upon the person's spouse or
4 former spouse, any other person to whom the person is related by
5 blood or marriage, any other person with whom the person has had
6 or is having a dating relationship, any other person with whom the
7 person has a child in common, the minor child of any of those
8 persons, the person's minor child or any other person who has been
9 appointed the custodian or legal guardian for the person's minor
10 child:
11 (a) A battery.
12 (b) An assault.
13 (c) ~~Compelling the other person by force or threat of force to~~
14 ~~perform an act from which the other person has the right to refrain~~
15 ~~or to refrain from an act which the other person has the right to~~
16 ~~perform.] Coercion pursuant to NRS 207.190.~~



- 1 (d) A sexual assault.
- 2 (e) A knowing, purposeful or reckless course of conduct
- 3 intended to harass the other person. Such conduct may include, but
- 4 is not limited to:
- 5 (1) Stalking.
- 6 (2) Arson.
- 7 (3) Trespassing.
- 8 (4) Larceny.
- 9 (5) Destruction of private property.
- 10 (6) Carrying a concealed weapon without a permit.
- 11 (7) Injuring or killing an animal.
- 12 (8) *Burglary.*
- 13 (9) *An invasion of the home.*
- 14 (f) A false imprisonment.
- 15 (g) ~~[Unlawful entry of the other person's residence, or forcible~~
- 16 ~~entry against the other person's will if there is a reasonably~~
- 17 ~~foreseeable risk of harm to the other person from the entry.]~~
- 18 *Pandering.*
- 19 2. As used in this section, "dating relationship" means
- 20 frequent, intimate associations primarily characterized by the
- 21 expectation of affectional or sexual involvement. The term does not
- 22 include a casual relationship or an ordinary association between
- 23 persons in a business or social context.
- 24 **Sec. 2.** NRS 174.227 is hereby amended to read as follows:
- 25 174.227 1. A court on its own motion or on the motion of the
- 26 district attorney may, for good cause shown, order the taking of a
- 27 videotaped deposition of:
- 28 (a) A victim of sexual abuse as that term is defined in
- 29 NRS 432B.100;
- 30 (b) A prospective witness in any criminal prosecution if the
- 31 witness is less than 14 years of age; or
- 32 (c) A victim of sex trafficking as that term is defined in
- 33 subsection ~~2~~ 3 of NRS 201.300. There is a rebuttable presumption
- 34 that good cause exists where the district attorney seeks to take the
- 35 deposition of a person alleged to be the victim of sex trafficking.
- 36 ↪ The court may specify the time and place for taking the
- 37 deposition and the persons who may be present when it is taken.
- 38 2. The district attorney shall give every other party reasonable
- 39 written notice of the time and place for taking the deposition. The
- 40 notice must include the name of the person to be examined. On the
- 41 motion of a party upon whom the notice is served, the court:
- 42 (a) For good cause shown may release the address of the person
- 43 to be examined; and
- 44 (b) For cause shown may extend or shorten the time.



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

6 4. Except as limited by NRS 174.228, the court may allow the
7 videotaped deposition to be used at any proceeding in addition to or
8 in lieu of the direct testimony of the deponent. It may also be used
9 by any party to contradict or impeach the testimony of the deponent
10 as a witness. If only a part of the deposition is offered in evidence
11 by a party, an adverse party may require the party to offer all of it
12 which is relevant to the part offered and any party may offer other
13 parts.

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

15 174.228 A court may allow a videotaped deposition to be used
16 instead of the deponent's testimony at trial only if:

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

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

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

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

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

29 2. In the case of a victim of sex trafficking as that term is
30 defined in subsection ~~1~~ 3 of NRS 201.300:

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

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

37 3. In all cases:

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

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

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



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

4 (e) The deponent testifies under oath.

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

6 176A.413 1. Except as otherwise provided in subsection 2, if
7 a defendant is convicted of stalking with the use of an Internet or
8 network site, electronic mail, text messaging or any other similar
9 means of communication pursuant to subsection ~~3~~ 4 of NRS
10 200.575, an offense involving pornography and a minor pursuant to
11 NRS 200.710 to 200.730, inclusive, or luring a child or a person
12 with mental illness through the use of a computer, system or
13 network pursuant to paragraph (a) or (b) of subsection 4 of NRS
14 201.560 and the court grants probation or suspends the sentence, the
15 court shall, in addition to any other condition ordered pursuant to
16 NRS 176A.400, order as a condition of probation or suspension that
17 the defendant not own or use a computer, including, without
18 limitation, use electronic mail, a chat room or the Internet.

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

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

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

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

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

38 4. As used in this section:

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

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

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

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



1 **Sec. 5.** NRS 179D.0357 is hereby amended to read as follows:
2 179D.0357 “Crime against a child” means any of the following
3 offenses if the victim of the offense was less than 18 years of age
4 when the offense was committed:

5 1. Kidnapping pursuant to NRS 200.310 to 200.340, inclusive,
6 unless the offender is the parent or guardian of the victim.

7 2. False imprisonment pursuant to NRS 200.460, unless the
8 offender is the parent or guardian of the victim.

9 3. Involuntary servitude of a child pursuant to NRS 200.4631,
10 unless the offender is the parent or guardian of the victim.

11 4. An offense involving sex trafficking pursuant to subsection
12 ~~2~~ 3 of NRS 201.300 or prostitution pursuant to NRS 201.320.

13 5. An attempt to commit an offense listed in this section.

14 6. An offense committed in another jurisdiction that, if
15 committed in this State, would be an offense listed in this section.
16 This subsection includes, without limitation, an offense prosecuted
17 in:

18 (a) A tribal court.

19 (b) A court of the United States or the Armed Forces of the
20 United States.

21 7. An offense against a child committed in another jurisdiction,
22 whether or not the offense would be an offense listed in this section,
23 if the person who committed the offense resides or has resided or is
24 or has been a student or worker in any jurisdiction in which the
25 person is or has been required by the laws of that jurisdiction to
26 register as an offender who has committed a crime against a child
27 because of the offense. This subsection includes, without limitation,
28 an offense prosecuted in:

29 (a) A tribal court.

30 (b) A court of the United States or the Armed Forces of the
31 United States.

32 (c) A court having jurisdiction over juveniles.

33 **Sec. 6.** Chapter 193 of NRS is hereby amended by adding
34 thereto a new section to read as follows:

35 1. *Except as otherwise provided in NRS 193.169, any person*
36 *who commits a crime of battery that constitutes domestic violence*
37 *pursuant to NRS 33.018 against a victim who was pregnant at the*
38 *time of the battery and the person knew or should have known that*
39 *the victim was pregnant, shall, in addition to the term of*
40 *imprisonment prescribe by statute for the crime, be punished by*
41 *imprisonment in the state prison for a minimum term of not less*
42 *than 1 year and a maximum term of not more than 10 years.*

43 2. *In determining the length of the additional penalty*
44 *imposed pursuant to this section, the court shall consider the*
45 *following information:*



- 1 (a) *The facts and circumstances of the crime;*
2 (b) *The criminal history of the person;*
3 (c) *The impact of the crime on any victim; and*
4 (d) *Any other relevant information.*
5 3. *A sentence imposed pursuant to this section:*
6 (a) *Must not exceed the sentence imposed for the crime; and*
7 (b) *Runs consecutively with the sentence prescribed by statute*
8 *for the crime.*
9 4. *This section does not create a separate offense but provides*
10 *an additional penalty for the primary offense, whose imposition is*
11 *contingent upon the finding of the prescribed fact.*
12 **Sec. 7.** NRS 193.1675 is hereby amended to read as follows:
13 193.1675 1. Except as otherwise provided in NRS 193.169,
14 any person who willfully violates any provision of NRS 200.030,
15 200.050, 200.280, 200.310, 200.366, 200.380, 200.400, 200.460 to
16 200.465, inclusive, paragraph (b) of subsection 2 of NRS 200.471,
17 NRS 200.481 which is punishable as a felony, NRS 200.508,
18 200.5099, subsection ~~4~~ 3 of NRS 200.575, NRS 205.010 to
19 205.025, inclusive, 205.060, 205.067, 205.075, NRS 205.0832
20 which is punishable as a felony, NRS 205.220, 205.226, 205.228,
21 205.270, 206.150, NRS 206.330 which is punishable as a felony or
22 NRS 207.190 because the actual or perceived race, color, religion,
23 national origin, physical or mental disability, sexual orientation or
24 gender identity or expression of the victim was different from that
25 characteristic of the perpetrator may, in addition to the term of
26 imprisonment prescribed by statute for the crime, be punished by
27 imprisonment in the state prison for a minimum term of not less
28 than 1 year and a maximum term of not more than 20 years. In
29 determining the length of any additional penalty imposed, the court
30 shall consider the following information:
31 (a) The facts and circumstances of the crime;
32 (b) The criminal history of the person;
33 (c) The impact of the crime on any victim;
34 (d) Any mitigating factors presented by the person; and
35 (e) Any other relevant information.
36 ↪ The court shall state on the record that it has considered the
37 information described in paragraphs (a) to (e), inclusive, in
38 determining the length of any additional penalty imposed.
39 2. A sentence imposed pursuant to this section:
40 (a) Must not exceed the sentence imposed for the crime; and
41 (b) Runs consecutively with the sentence prescribed by statute
42 for the crime.
43 3. This section does not create a separate offense but provides
44 an additional penalty for the primary offense, whose imposition is
45 contingent upon the finding of the prescribed fact.



1 **Sec. 8.** NRS 193.169 is hereby amended to read as follows:
2 193.169 1. A person who is sentenced to an additional term
3 of imprisonment pursuant to the provisions of subsection 1 of NRS
4 193.161, NRS 193.162, 193.163, 193.165, 193.166, 193.167,
5 193.1675, 193.1677, 193.168, subsection 1 of NRS 193.1685, NRS
6 453.3335, 453.3345, 453.3351 or subsection 1 of NRS 453.3353 *or*
7 *section 6 of this act* must not be sentenced to an additional term of
8 imprisonment pursuant to any of the other listed sections even if the
9 person's conduct satisfies the requirements for imposing an
10 additional term of imprisonment pursuant to another one or more of
11 those sections.

12 2. A person who is sentenced to an alternative term of
13 imprisonment pursuant to subsection 3 of NRS 193.161, subsection
14 3 of NRS 193.1685 or subsection 2 of NRS 453.3353 must not be
15 sentenced to an additional term of imprisonment pursuant to
16 subsection 1 of NRS 193.161, NRS 193.162, 193.163, 193.165,
17 193.166, 193.167, 193.1675, 193.1677, 193.168, 453.3335,
18 453.3345 or 453.3351 *or section 6 of this act* even if the person's
19 conduct satisfies the requirements for imposing an additional term
20 of imprisonment pursuant to another one or more of those sections.

21 3. This section does not:

22 (a) Affect other penalties or limitations upon probation or
23 suspension of a sentence contained in the sections listed in
24 subsection 1 or 2.

25 (b) Prohibit alleging in the alternative in the indictment or
26 information that the person's conduct satisfies the requirements of
27 more than one of the sections listed in subsection 1 or 2 and
28 introducing evidence to prove the alternative allegations.

29 **Sec. 9.** Chapter 200 of NRS is hereby amended by adding
30 thereto a new section to read as follows:

31 **1. *The Legislature hereby finds and declares that stalking:***

32 **(a) *Is a serious problem in this State and nationwide.***

33 **(b) *Involves severe intrusions on the personal privacy and***
34 ***autonomy of its victims.***

35 **(c) *Is a crime that causes a long-lasting impact on the quality***
36 ***of life of the victim, and creates risks to the security and safety of***
37 ***the victim and others, even in the absence of express threats of***
38 ***physical harm.***

39 **(d) *Often becomes increasingly violent over time.***

40 **2. *It is therefore within the public interest that the Legislature***
41 ***enact provisions to:***

42 **(a) *Recognize the dangerous nature of stalking as well as the***
43 ***strong connections between stalking and sexual assault.***



1 ***(b) Encourage effective intervention by the criminal justice***
2 ***system before stalking escalates into behavior that has serious or***
3 ***lethal consequences.***

4 ***(c) Permit the criminal justice system to hold perpetrators of***
5 ***stalking accountable for a wide range of acts, communications***
6 ***and conduct.***

7 ***(d) Recognize that stalking includes, without limitation, a***
8 ***pattern of following, observing or monitoring the victim or***
9 ***committing violent or intimidating acts against the victim,***
10 ***regardless of the means.***

11 **Sec. 10.** NRS 200.033 is hereby amended to read as follows:

12 200.033 The only circumstances by which murder of the first
13 degree may be aggravated are:

14 1. The murder was committed by a person under sentence of
15 imprisonment.

16 2. The murder was committed by a person who, at any time
17 before a penalty hearing is conducted for the murder pursuant to
18 NRS 175.552, is or has been convicted of:

19 (a) Another murder and the provisions of subsection 12 do not
20 otherwise apply to that other murder; or

21 (b) A felony involving the use or threat of violence to the person
22 of another and the provisions of subsection 4 do not otherwise apply
23 to that felony.

24 ➤ For the purposes of this subsection, a person shall be deemed to
25 have been convicted at the time the jury verdict of guilt is rendered
26 or upon pronouncement of guilt by a judge or judges sitting without
27 a jury.

28 3. The murder was committed by a person who knowingly
29 created a great risk of death to more than one person by means of a
30 weapon, device or course of action which would normally be
31 hazardous to the lives of more than one person.

32 4. The murder was committed while the person was engaged,
33 alone or with others, in the commission of, or an attempt to commit
34 or flight after committing or attempting to commit, any robbery,
35 arson in the first degree, burglary, invasion of the home or
36 kidnapping in the first degree, and the person charged:

37 (a) Killed or attempted to kill the person murdered; or

38 (b) Knew or had reason to know that life would be taken or
39 lethal force used.

40 5. The murder was committed to avoid or prevent a lawful
41 arrest or to effect an escape from custody.

42 6. The murder was committed by a person, for himself or
43 herself or another, to receive money or any other thing of monetary
44 value.



1 7. The murder was committed upon a peace officer or
2 firefighter who was killed while engaged in the performance of his
3 or her official duty or because of an act performed in his or her
4 official capacity, and the defendant knew or reasonably should have
5 known that the victim was a peace officer or firefighter. For the
6 purposes of this subsection, "peace officer" means:

7 (a) An employee of the Department of Corrections who does not
8 exercise general control over offenders imprisoned within the
9 institutions and facilities of the Department, but whose normal
10 duties require the employee to come into contact with those
11 offenders when carrying out the duties prescribed by the Director of
12 the Department.

13 (b) Any person upon whom some or all of the powers of a peace
14 officer are conferred pursuant to NRS 289.150 to 289.360, inclusive,
15 when carrying out those powers.

16 8. The murder involved torture or the mutilation of the victim.

17 9. The murder was committed upon one or more persons at
18 random and without apparent motive.

19 10. The murder was committed upon a person less than 14
20 years of age.

21 11. The murder was committed upon a person because of the
22 actual or perceived race, color, religion, national origin, physical or
23 mental disability, sexual orientation or gender identity or expression
24 of that person.

25 12. The defendant has, in the immediate proceeding, been
26 convicted of more than one offense of murder in the first or second
27 degree. For the purposes of this subsection, a person shall be
28 deemed to have been convicted of a murder at the time the jury
29 verdict of guilt is rendered or upon pronouncement of guilt by a
30 judge or judges sitting without a jury.

31 13. The person, alone or with others, subjected or attempted to
32 subject the victim of the murder to nonconsensual sexual penetration
33 immediately before, during or immediately after the commission of
34 the murder. For the purposes of this subsection:

35 (a) "Nonconsensual" means against the victim's will or under
36 conditions in which the person knows or reasonably should know
37 that the victim is mentally or physically incapable of resisting,
38 consenting or understanding the nature of his or her conduct,
39 including, but not limited to, conditions in which the person knows
40 or reasonably should know that the victim is dead.

41 (b) "Sexual penetration" means cunnilingus, fellatio or any
42 intrusion, however slight, of any part of the victim's body or any
43 object manipulated or inserted by a person, alone or with others, into
44 the genital or anal openings of the body of the victim, whether or
45 not the victim is alive. The term includes, but is not limited to, anal



1 intercourse and sexual intercourse in what would be its ordinary
2 meaning.

3 14. The murder was committed on the property of a public or
4 private school, at an activity sponsored by a public or private school
5 or on a school bus while the bus was engaged in its official duties by
6 a person who intended to create a great risk of death or substantial
7 bodily harm to more than one person by means of a weapon, device
8 or course of action that would normally be hazardous to the lives of
9 more than one person. For the purposes of this subsection, "school
10 bus" has the meaning ascribed to it in NRS 483.160.

11 15. The murder was committed with the intent to commit,
12 cause, aid, further or conceal an act of terrorism. For the purposes of
13 this subsection, "act of terrorism" has the meaning ascribed to it in
14 NRS 202.4415.

15 *16. The murder involved an act that constitutes domestic*
16 *violence pursuant to NRS 33.018 and:*

17 *(a) The victim was pregnant at the time of the murder; and*
18 *(b) The defendant knew or should have known that the victim*
19 *was pregnant.*

20 **Sec. 11.** NRS 200.364 is hereby amended to read as follows:

21 200.364 As used in NRS 200.364 to 200.3788, inclusive,
22 unless the context otherwise requires:

23 1. "Forensic laboratory" has the meaning ascribed to it in
24 NRS 176.09117.

25 2. "Forensic medical examination" has the meaning ascribed to
26 it in NRS 217.300.

27 3. "Genetic marker analysis" has the meaning ascribed to it in
28 NRS 176.09118.

29 4. "Offense involving a pupil or child" means any of the
30 following offenses:

31 (a) Sexual conduct between certain employees of a school or
32 volunteers at a school and a pupil pursuant to NRS 201.540.

33 (b) Sexual conduct between certain employees of a college or
34 university and a student pursuant to NRS 201.550.

35 (c) Sexual conduct between certain employees or contractors of
36 or volunteers for an entity which provides services to children and a
37 person under the care, custody, control or supervision of the entity
38 pursuant to NRS 201.555.

39 5. "Perpetrator" means a person who commits a sexual offense,
40 an offense involving a pupil or child or sex trafficking.

41 6. "Sex trafficking" means a violation of subsection ~~12~~ 3 of
42 NRS 201.300.

43 7. "Sexual assault forensic evidence kit" means the forensic
44 evidence obtained from a forensic medical examination.

45 8. "Sexual offense" means any of the following offenses:



- 1 (a) Sexual assault pursuant to NRS 200.366.
2 (b) Statutory sexual seduction pursuant to NRS 200.368.
3 9. "Sexual penetration" means cunnilingus, fellatio, or any
4 intrusion, however slight, of any part of a person's body or any
5 object manipulated or inserted by a person into the genital or anal
6 openings of the body of another, including sexual intercourse in its
7 ordinary meaning. The term does not include any such conduct for
8 medical purposes.
9 10. "Statutory sexual seduction" means ordinary sexual
10 intercourse, anal intercourse or sexual penetration committed by a
11 person 18 years of age or older with a person who is 14 or 15 years
12 of age and who is at least 4 years younger than the perpetrator.
13 11. "Victim" means a person who is a victim of a sexual
14 offense, an offense involving a pupil or child or sex trafficking.
15 12. "Victim of sexual assault" has the meaning ascribed to it in
16 NRS 217.280.
17 **Sec. 12.** NRS 200.366 is hereby amended to read as follows:
18 200.366 1. A person is guilty of sexual assault if he or she:
19 (a) Subjects another person to sexual penetration, or forces
20 another person to make a sexual penetration on himself or herself or
21 another, or on a beast, against the will of the victim or under
22 conditions in which the perpetrator knows or should know that the
23 victim is mentally or physically incapable of resisting or
24 understanding the nature of his or her conduct; or
25 (b) Commits a sexual penetration upon a child under the age of
26 14 years or causes a child under the age of 14 years to make a sexual
27 penetration on himself or herself or another, or on a beast.
28 2. Except as otherwise provided in subsections 3 and 4, a
29 person who commits a sexual assault is guilty of a category A
30 felony and shall be punished:
31 (a) If substantial bodily harm to the victim results from the
32 actions of the defendant committed in connection with or as a part
33 of the sexual assault, by imprisonment in the state prison:
34 (1) For life without the possibility of parole; or
35 (2) For life with the possibility of parole, with eligibility for
36 parole beginning when a minimum of 15 years has been served.
37 (b) If no substantial bodily harm to the victim results, by
38 imprisonment in the state prison for life with the possibility of
39 parole, with eligibility for parole beginning when a minimum of 10
40 years has been served.
41 3. Except as otherwise provided in subsection 4, a person who
42 commits a sexual assault against a child under the age of 16 years is
43 guilty of a category A felony and shall be punished:



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- 1 (a) If the crime results in substantial bodily harm to the child, by
2 imprisonment in the state prison for life without the possibility of
3 parole.
- 4 (b) Except as otherwise provided in paragraph (c), if the crime
5 does not result in substantial bodily harm to the child, by
6 imprisonment in the state prison for life with the possibility of
7 parole, with eligibility for parole beginning when a minimum of 25
8 years has been served.
- 9 (c) If the crime is committed against a child under the age of 14
10 years and does not result in substantial bodily harm to the child, by
11 imprisonment in the state prison for life with the possibility of
12 parole, with eligibility for parole beginning when a minimum of 35
13 years has been served.
- 14 4. A person who commits a sexual assault against a child under
15 the age of 16 years and who has been previously convicted of:
- 16 (a) A sexual assault pursuant to this section or any other sexual
17 offense against a child; or
- 18 (b) An offense committed in another jurisdiction that, if
19 committed in this State, would constitute a sexual assault pursuant
20 to this section or any other sexual offense against a child,
21 ➤ is guilty of a category A felony and shall be punished by
22 imprisonment in the state prison for life without the possibility of
23 parole.
- 24 5. The provisions of this section do not apply to a person who
25 is less than 18 years of age and who commits any of the acts
26 described in paragraph (b) of subsection 1 if the person is not more
27 than 2 years older than the person upon whom the act was
28 committed unless:
- 29 (a) The person committing the act uses force or threatens the use
30 of force; or
- 31 (b) The person committing the act knows or should know that
32 the victim is mentally or physically incapable of resisting or
33 understanding the nature of his or her conduct.
- 34 6. *In addition to any other fine or penalty, if the court finds*
35 *that a person convicted of sexual assault pursuant to this section*
36 *committed the crime against a person listed in subsection 1 of*
37 *NRS 33.018, the court shall order the convicted person to pay an*
38 *administrative assessment of \$35. Any money so collected must be*
39 *paid by the clerk of the court to the State Controller on or before*
40 *the fifth day of each month for the preceding month for credit to*
41 *the Account for Programs Related to Domestic Violence*
42 *established pursuant to NRS 228.460.*
- 43 7. For the purpose of this section, "other sexual offense against
44 a child" means any act committed by an adult upon a child
45 constituting:



- 1 (a) Incest pursuant to NRS 201.180;
- 2 (b) Lewdness with a child pursuant to NRS 201.230;
- 3 (c) Sado-masochistic abuse pursuant to NRS 201.262; or
- 4 (d) Luring a child using a computer, system or network pursuant
- 5 to NRS 201.560, if punished as a felony.

6 **Sec. 13.** NRS 200.460 is hereby amended to read as follows:

7 200.460 1. False imprisonment is an unlawful violation of the
8 personal liberty of another, and consists in confinement or detention
9 without sufficient legal authority.

10 2. A person convicted of false imprisonment shall pay all
11 damages sustained by the person so imprisoned, and, except as
12 otherwise provided in this section, is guilty of a gross misdemeanor.

13 3. Unless a greater penalty is provided pursuant to subsection
14 4, if the false imprisonment is committed:

15 (a) By a prisoner in a penal institution without a deadly weapon;
16 or

17 (b) By any other person with the use of a deadly weapon,
18 ↪ the person convicted of such a false imprisonment is guilty of a
19 category B felony and shall be punished by imprisonment in the
20 state prison for a minimum term of not less than 1 year and a
21 maximum term of not more than 6 years.

22 4. Unless a greater penalty is provided pursuant to subsection
23 5, if the false imprisonment is committed by using the person so
24 imprisoned as a shield or to avoid arrest, the person convicted of
25 such a false imprisonment is guilty of a category B felony and shall
26 be punished by imprisonment in the state prison for a minimum
27 term of not less than 1 year and a maximum term of not more than
28 15 years.

29 5. If the false imprisonment is committed by a prisoner who is
30 in lawful custody or confinement with the use of a deadly weapon,
31 the person convicted of such a false imprisonment is guilty of a
32 category B felony and shall be punished by imprisonment in the
33 state prison for a minimum term of not less than 1 year and a
34 maximum term of not more than 20 years.

35 *6. In addition to any other fine or penalty, if the court finds*
36 *that a person convicted of false imprisonment pursuant to this*
37 *section committed the crime against a person listed in subsection 1*
38 *of NRS 33.018, the court shall order the convicted person to pay*
39 *an administrative assessment of \$35. Any money so collected must*
40 *be paid by the clerk of the court to the State Controller on or*
41 *before the fifth day of each month for the preceding month for*
42 *credit to the Account for Programs Related to Domestic Violence*
43 *established pursuant to NRS 228.460.*

44 **Sec. 14.** NRS 200.471 is hereby amended to read as follows:

45 200.471 1. As used in this section:



- 1 (a) "Assault" means:
2 (1) Unlawfully attempting to use physical force against
3 another person; or
4 (2) Intentionally placing another person in reasonable
5 apprehension of immediate bodily harm.
6 (b) "Fire-fighting agency" has the meaning ascribed to it in
7 NRS 239B.020.
8 (c) "Officer" means:
9 (1) A person who possesses some or all of the powers of a
10 peace officer;
11 (2) A person employed in a full-time salaried occupation of
12 fire fighting for the benefit or safety of the public;
13 (3) A member of a volunteer fire department;
14 (4) A jailer, guard or other correctional officer of a city or
15 county jail;
16 (5) A justice of the Supreme Court, judge of the Court of
17 Appeals, district judge, justice of the peace, municipal judge,
18 magistrate, court commissioner, master or referee, including a
19 person acting pro tempore in a capacity listed in this subparagraph;
20 (6) An employee of this State or a political subdivision of
21 this State whose official duties require the employee to make home
22 visits;
23 (7) A civilian employee or a volunteer of a law enforcement
24 agency whose official duties require the employee or volunteer to:
25 (I) Interact with the public;
26 (II) Perform tasks related to law enforcement; and
27 (III) Wear identification, clothing or a uniform that
28 identifies the employee or volunteer as working or volunteering for
29 the law enforcement agency;
30 (8) A civilian employee or a volunteer of a fire-fighting
31 agency whose official duties require the employee or volunteer to:
32 (I) Interact with the public;
33 (II) Perform tasks related to fire fighting or fire
34 prevention; and
35 (III) Wear identification, clothing or a uniform that
36 identifies the employee or volunteer as working or volunteering for
37 the fire-fighting agency; or
38 (9) A civilian employee or volunteer of this State or a
39 political subdivision of this State whose official duties require the
40 employee or volunteer to:
41 (I) Interact with the public;
42 (II) Perform tasks related to code enforcement; and
43 (III) Wear identification, clothing or a uniform that
44 identifies the employee or volunteer as working or volunteering for
45 this State or a political subdivision of this State.



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

20 (e) "School employee" means a licensed or unlicensed person
21 employed by a board of trustees of a school district pursuant to NRS
22 391.100 or 391.281.

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

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

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

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

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

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

32 (a) If paragraph (c) or (d) does not apply to the circumstances of
33 the crime and the assault is not made with the use of a deadly
34 weapon or the present ability to use a deadly weapon, for a
35 misdemeanor.

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

41 (c) If paragraph (d) does not apply to the circumstances of the
42 crime and if the assault is committed upon an officer, a provider of
43 health care, a school employee, a taxicab driver or a transit operator
44 who is performing his or her duty or upon a sports official based on
45 the performance of his or her duties at a sporting event and the



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

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

25 *3. In addition to any other fine or penalty, if the court finds*
26 *that a person convicted of assault pursuant to this section*
27 *committed the crime against a person listed in subsection 1 of*
28 *NRS 33.018, the court shall order the convicted person to pay an*
29 *administrative assessment of \$35. Any money so collected must be*
30 *paid by the clerk of the court to the State Controller on or before*
31 *the fifth day of each month for the preceding month for credit to*
32 *the Account for Programs Related to Domestic Violence*
33 *established pursuant to NRS 228.460.*

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

35 200.485 1. Unless a greater penalty is provided pursuant to
36 ~~subsection~~ *subsections 2 ~~or 3~~ to 5, inclusive*, or NRS 200.481, a
37 person convicted of a battery which constitutes domestic violence
38 pursuant to NRS 33.018:

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

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

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



1 ↳ The person shall be further punished by a fine of not less than
2 ~~[\$200,] \$400~~, but not more than \$1,000. A term of imprisonment
3 imposed pursuant to this paragraph may be served intermittently at
4 the discretion of the judge or justice of the peace, except that each
5 period of confinement must be not less than ~~[4] 2~~ consecutive ~~[hours~~
6 ~~and must occur at a time when the person is not required to be at his~~
7 ~~or her place of employment or on a weekend.] days.~~

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

10 (1) Imprisonment in the city or county jail or detention
11 facility for not less than ~~[10] 30~~ days, but not more than 6 months;
12 and

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

15 ↳ The person shall be further punished by a fine of not less than
16 ~~[\$500,] \$750~~, but not more than \$1,000.

17 (c) For the third offense within 7 years, is guilty of a category
18 ~~[C] B~~ felony and shall be punished ~~[as provided in NRS 193.130.]~~
19 ~~by imprisonment in the state prison for a minimum term of not~~
20 ~~less than 1 year and a maximum term of not more than 10 years,~~
21 ~~and may be further punished by a fine of not less than \$1,000, but~~
22 ~~not more than \$15,000.~~

23 2. Unless a greater penalty is provided pursuant to subsection 3
24 or NRS 200.481, a person convicted of a battery which constitutes
25 domestic violence pursuant to NRS 33.018, if the battery is
26 committed by strangulation as described in NRS 200.481, is guilty
27 of a category ~~[C] B~~ felony and shall be punished ~~[as provided in~~
28 ~~NRS 193.130] by imprisonment in the state prison of a minimum~~
29 ~~term of not less than 1 year and a maximum term of not more than~~
30 ~~10 years, and may be further punished by a fine of not less than~~
31 ~~\$1,000, but not more than \$15,000. If the battery by strangulation~~
32 ~~results in substantial bodily harm to an unborn child of the victim,~~
33 ~~the court shall consider this fact as an aggravating factor in~~
34 ~~determining the sentence of the defendant.~~

35 3. Unless a greater penalty is provided pursuant to NRS
36 200.481, a person who has been previously convicted of:

37 (a) A battery which constitutes domestic violence pursuant to
38 NRS 33.018 that is punishable as a felony pursuant to paragraph (c)
39 of subsection 1 or subsection 2 ~~[4] or 5~~; or

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

42 ↳ and who commits a battery which constitutes domestic violence
43 pursuant to NRS 33.018 is guilty of a category B felony and shall be
44 punished by imprisonment in the state prison for a minimum term of
45 not less than 2 years and a maximum term of not more than 15



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

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

9 (a) *For the first or second offense, is guilty of a gross*
10 *misdemeanor.*

11 (b) *For the third or any subsequent offense, is guilty of a*
12 *category B felony and shall be punished by imprisonment in the*
13 *state prison of a minimum term of not less than 1 year and a*
14 *maximum term of not more than 10 years, and may be further*
15 *punished by a fine of not less than \$1,000, but not more than*
16 *\$15,000.*

17 5. *Unless a greater penalty is provided pursuant to subsection*
18 *2 or 3 or NRS 200.481, a person convicted of a battery which*
19 *constitutes domestic violence pursuant to NRS 33.018, if the*
20 *battery causes substantial bodily harm, is guilty of a category B*
21 *felony and shall be punished by imprisonment in the state prison*
22 *of a minimum term of not less than 1 year and a maximum term of*
23 *not more than 10 years, and may be further punished by a fine of*
24 *not less than \$1,000, but not more than \$15,000.*

25 6. *If a battery pursuant to this section was committed in the*
26 *presence of a child under 18 years of age, the court shall consider*
27 *this fact as an aggravated factor in determining the sentence of*
28 *the defendant.*

29 7. In addition to any other penalty, if a person is convicted of a
30 battery which constitutes domestic violence pursuant to NRS
31 33.018, the court shall:

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

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

43 ➤ If the person resides in this State but the nearest location at which
44 counseling services are available is in another state, the court may
45 allow the person to participate in counseling in the other state in a



1 program for the treatment of persons who commit domestic violence
2 that has been certified pursuant to NRS 439.258.

3 ~~15.1~~ 8. Except as otherwise provided in this subsection, an
4 offense that occurred within 7 years immediately preceding the date
5 of the principal offense or after the principal offense constitutes a
6 prior offense for the purposes of this section:

7 (a) When evidenced by a conviction; or

8 (b) If the offense is conditionally dismissed pursuant to NRS
9 176A.290 or dismissed in connection with successful completion of
10 a diversionary program or specialty court program,

11 ↪ without regard to the sequence of the offenses and convictions.

12 An offense which is listed in paragraph (a) or (b) of subsection 3
13 that occurred on any date preceding the date of the principal offense
14 or after the principal offense constitutes a prior offense for the
15 purposes of this section when evidenced by a conviction, without
16 regard to the sequence of the offenses and convictions. The facts
17 concerning a prior offense must be alleged in the complaint,
18 indictment or information, must not be read to the jury or proved at
19 trial but must be proved at the time of sentencing and, if the
20 principal offense is alleged to be a felony, must also be shown at the
21 preliminary examination or presented to the grand jury.

22 ~~16.1~~ 9. In addition to any other fine or penalty, the court shall
23 order such a person to pay an administrative assessment of \$35. Any
24 money so collected must be paid by the clerk of the court to the
25 State Controller on or before the fifth day of each month for the
26 preceding month for credit to the Account for Programs Related to
27 Domestic Violence established pursuant to NRS 228.460.

28 ~~17.1~~ 10. In addition to any other penalty, the court may require
29 such a person to participate, at his or her expense, in a program of
30 treatment for the abuse of alcohol or drugs that has been certified by
31 the Division of Public and Behavioral Health of the Department of
32 Health and Human Services.

33 ~~18.1~~ 11. If it appears from information presented to the court
34 that a child under the age of 18 years may need counseling as a
35 result of the commission of a battery which constitutes domestic
36 violence pursuant to NRS 33.018, the court may refer the child to an
37 agency which provides child welfare services. If the court refers a
38 child to an agency which provides child welfare services, the court
39 shall require the person convicted of a battery which constitutes
40 domestic violence pursuant to NRS 33.018 to reimburse the agency
41 for the costs of any services provided, to the extent of the convicted
42 person's ability to pay.

43 ~~19.1~~ 12. If a person is charged with committing a battery which
44 constitutes domestic violence pursuant to NRS 33.018, a
45 prosecuting attorney shall not dismiss such a charge in exchange for



1 a plea of guilty, guilty but mentally ill or nolo contendere to a lesser
2 charge or for any other reason unless the prosecuting attorney
3 knows, or it is obvious, that the charge is not supported by probable
4 cause or cannot be proved at the time of trial. Except as otherwise
5 provided in this subsection, a court shall not grant probation to or
6 suspend the sentence of such a person. A court may grant probation
7 to or suspend the sentence of such a person:

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

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

12 ~~10.1~~ **13.** In every judgment of conviction or admonishment of
13 rights issued pursuant to this section, the court shall:

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

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

21 ~~11.1~~ **14.** A person who violates any provision included in a
22 judgment of conviction or admonishment of rights issued pursuant
23 to this section concerning the surrender, sale, transfer, ownership,
24 possession, custody or control of a firearm is guilty of a category B
25 felony and shall be punished by imprisonment in the state prison for
26 a minimum term of not less than 1 year and a maximum term of not
27 more than 6 years, and may be further punished by a fine of not
28 more than \$5,000. The court must include in the judgment of
29 conviction or admonishment of rights a statement that a violation of
30 such a provision in the judgment or admonishment is a category B
31 felony and shall be punished by imprisonment in the state prison for
32 a minimum term of not less than 1 year and a maximum term of not
33 more than 6 years, and may be further punished by a fine of not
34 more than \$5,000.

35 ~~12.1~~ **15.** As used in this section:

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

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

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

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

44 200.571 1. A person is guilty of harassment if:

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



- 1 (1) To cause bodily injury in the future to the person
2 threatened or to any other person;
- 3 (2) To cause physical damage to the property of another
4 person;
- 5 (3) To subject the person threatened or any other person to
6 physical confinement or restraint; or
- 7 (4) To do any act which is intended to substantially harm the
8 person threatened or any other person with respect to his or her
9 physical or mental health or safety; and
- 10 (b) The person by words or conduct places the person receiving
11 the threat in reasonable fear that the threat will be carried out.
- 12 2. Except where the provisions of subsection 2 , ~~for~~ 3 or 4 of
13 NRS 200.575 are applicable, a person who is guilty of harassment:
- 14 (a) For the first offense, is guilty of a misdemeanor.
- 15 (b) For the second or any subsequent offense, is guilty of a gross
16 misdemeanor.
- 17 3. The penalties provided in this section do not preclude the
18 victim from seeking any other legal remedy available.
- 19 **Sec. 17.** NRS 200.575 is hereby amended to read as follows:
- 20 200.575 1. A person who, without lawful authority, willfully
21 or maliciously engages in a course of conduct *directed towards a*
22 *victim* that would cause a reasonable person to feel terrorized,
23 frightened, intimidated, harassed or fearful for *his or her immediate*
24 *safety or* the immediate safety of a family or household member,
25 and that actually causes the victim to feel terrorized, frightened,
26 intimidated, harassed or fearful for *his or her immediate safety or*
27 the immediate safety of a family or household member, commits the
28 crime of stalking. Except where the provisions of subsection 2 , ~~for~~
29 3 or 4 are applicable, a person who commits the crime of stalking:
- 30 (a) For the first offense, is guilty of a misdemeanor.
- 31 (b) For ~~any subsequent~~ *the second* offense, is guilty of a gross
32 misdemeanor.
- 33 (c) *For the third or any subsequent offense, is guilty of a*
34 *category C felony and shall be punished by imprisonment in the*
35 *state prison for a minimum term of not less than 2 years and a*
36 *maximum term of not more than 5 years, and may be further*
37 *punished by a fine of not more than \$5,000.*
- 38 2. *Except as otherwise provided in subsection 3 or 4 and*
39 *unless a more severe penalty is prescribed by law, a person who*
40 *commits the crime of stalking where the victim is under the age of*
41 *16:*
- 42 (a) *For the first offense, is guilty of a gross misdemeanor.*
- 43 (b) *For the second offense, is guilty of a category C felony and*
44 *shall be punished by imprisonment in the state prison of a*
45 *minimum term of not less than 2 years and a maximum term of*



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

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

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

17 ~~3.~~ **4.** A person who commits the crime of stalking with the
18 use of an Internet or network site, electronic mail, text messaging or
19 any other similar means of communication to publish, display or
20 distribute information in a manner that substantially increases the
21 risk of harm or violence to the victim shall be punished for a
22 category C felony as provided in NRS 193.130.

23 **5.** *It is not a defense to a prosecution for any acts described in*
24 *this section that the person who commits the crime of stalking:*

25 *(a) Was not given actual notice that the course of conduct was*
26 *unwanted; or*

27 *(b) Did not intend to cause the victim to feel terrorized,*
28 *frightened, intimidated, harassed or fearful for his or her*
29 *immediate safety or the immediate safety of a family or household*
30 *member.*

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

35 ~~4.~~ **7.** Except as otherwise provided in subsection 2 of NRS
36 200.571, a criminal penalty provided for in this section may be
37 imposed in addition to any penalty that may be imposed for any
38 other criminal offense arising from the same conduct or for any
39 contempt of court arising from the same conduct.

40 ~~5.~~ **8.** *In addition to any other fine or penalty, if the court*
41 *finds that a person convicted of the crime of stalking pursuant to*
42 *this section committed the crime against a person listed in*
43 *subsection 1 of NRS 33.018, the court shall order the convicted*
44 *person to pay an administrative assessment of \$35. Any money so*
45 *collected must be paid by the clerk of the court to the State*



1 *Controller on or before the fifth day of each month for the*
2 *preceding month for credit to the Account for Programs Related to*
3 *Domestic Violence established pursuant to NRS 228.460.*

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

9 ~~16.1~~ 10. If the court includes such a finding in a judgment of
10 conviction or admonishment of rights issued pursuant to this
11 section, the court shall:

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

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

19 ~~17.1~~ 11. A person who violates any provision included in a
20 judgment of conviction or admonishment of rights issued pursuant
21 to this section concerning the surrender, sale, transfer, ownership,
22 possession, custody or control of a firearm is guilty of a category B
23 felony and shall be punished by imprisonment in the state prison for
24 a minimum term of not less than 1 year and a maximum term of not
25 more than 6 years, and may be further punished by a fine of not
26 more than \$5,000. The court must include in the judgment of
27 conviction or admonishment of rights a statement that a violation of
28 such a provision in the judgment or admonishment is a category B
29 felony and shall be punished by imprisonment in the state prison for
30 a minimum term of not less than 1 year and a maximum term of not
31 more than 6 years, and may be further punished by a fine of not
32 more than \$5,000.

33 ~~18.1~~ 12. The penalties provided in this section do not preclude
34 the victim from seeking any other legal remedy available.

35 ~~19.1~~ 13. As used in this section:

36 (a) "Course of conduct" means a pattern of conduct which
37 consists of ~~1a series of~~ *two or more* acts over *a period of* time ,
38 *however short*, that evidences a continuity of purpose directed at a
39 specific person.

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

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

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



1 (e) *“Reasonable person” means a reasonable person under*
2 *like circumstances to the victim.*

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

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

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

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

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

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

24 **Sec. 18.** NRS 201.230 is hereby amended to read as follows:

25 201.230 1. A person is guilty of lewdness with a child if he
26 or she:

27 (a) Is 18 years of age or older and willfully and lewdly commits
28 any lewd or lascivious act, other than acts constituting the crime of
29 sexual assault, upon or with the body, or any part or member
30 thereof, of a child under the age of 16 years, with the intent of
31 arousing, appealing to, or gratifying the lust or passions or sexual
32 desires of that person or of that child; or

33 (b) Is under the age of 18 years and willfully and lewdly
34 commits any lewd or lascivious act, other than acts constituting the
35 crime of sexual assault, upon or with the body, or any part or
36 member thereof, of a child under the age of 14 years, with the intent
37 of arousing, appealing to, or gratifying the lust or passions or sexual
38 desires of that person or of that child.

39 2. Except as otherwise provided in subsections 4 and 5, a
40 person who commits lewdness with a child under the age of 14
41 years is guilty of a category A felony and shall be punished by
42 imprisonment in the state prison for life with the possibility of
43 parole, with eligibility for parole beginning when a minimum of 10
44 years has been served, and may be further punished by a fine of not
45 more than \$10,000.



1 3. Except as otherwise provided in subsection 4, a person who
2 commits lewdness with a child who is 14 or 15 years of age is guilty
3 of a category B felony and shall be punished by imprisonment in the
4 state prison for a minimum term of not less than 1 year and a
5 maximum term of not more than 10 years and may be further
6 punished by a fine of not more than \$10,000.

7 4. Except as otherwise provided in subsection 5, a person who
8 commits lewdness with a child and who has been previously
9 convicted of:

10 (a) Lewdness with a child pursuant to this section or any other
11 sexual offense against a child; or

12 (b) An offense committed in another jurisdiction that, if
13 committed in this State, would constitute lewdness with a child
14 pursuant to this section or any other sexual offense against a child,
15 ➔ is guilty of a category A felony and shall be punished by
16 imprisonment in the state prison for life without the possibility of
17 parole.

18 5. A person who is under the age of 18 years and who commits
19 lewdness with a child under the age of 14 years commits a
20 delinquent act.

21 6. For the purpose of this section, "other sexual offense against
22 a child" has the meaning ascribed to it in subsection ~~6~~ 7 of
23 NRS 200.366.

24 **Sec. 19.** NRS 201.300 is hereby amended to read as follows:

25 201.300 1. A person who without physical force or the
26 immediate threat of physical force, induces an adult to unlawfully
27 become a prostitute or to continue to engage in prostitution, or to
28 enter any place within this State in which prostitution is practiced,
29 encouraged or allowed for the purpose of sexual conduct or
30 prostitution is guilty of pandering which is a category C felony and
31 shall be punished as provided in NRS 193.130. This subsection does
32 not apply to the customer of a prostitute.

33 2. *In addition to any other fine or penalty, if the court finds*
34 *that a person convicted of pandering pursuant to subsection 1*
35 *committed the crime against a person listed in subsection 1 of*
36 *NRS 33.018, the court shall order the convicted person to pay an*
37 *administrative assessment of \$35. Any money so collected must be*
38 *paid by the clerk of the court to the State Controller on or before*
39 *the fifth day of each month for the preceding month for credit to*
40 *the Account for Programs Related to Domestic Violence*
41 *established pursuant to NRS 228.460.*

42 3. A person:

43 (a) Is guilty of sex trafficking if the person:

44 (1) Induces, causes, recruits, harbors, transports, provides,
45 obtains or maintains a child to engage in prostitution, or to enter any



1 place within this State in which prostitution is practiced, encouraged
2 or allowed for the purpose of sexual conduct or prostitution;

3 (2) Induces, recruits, harbors, transports, provides, obtains or
4 maintains a person by any means, knowing, or in reckless disregard
5 of the fact, that threats, violence, force, intimidation, fraud, duress
6 or coercion will be used to cause the person to engage in
7 prostitution, or to enter any place within this State in which
8 prostitution is practiced, encouraged or allowed for the purpose of
9 sexual conduct or prostitution;

10 (3) By threats, violence, force, intimidation, fraud, duress,
11 coercion, by any device or scheme, or by abuse of any position of
12 confidence or authority, or having legal charge, takes, places,
13 harbors, induces, causes, compels or procures a person to engage in
14 prostitution, or to enter any place within this State in which
15 prostitution is practiced, encouraged or allowed for the purpose of
16 sexual conduct or prostitution; or

17 (4) Takes or detains a person with the intent to compel the
18 person by force, violence, threats or duress to marry him or her or
19 any other person.

20 (b) Who is found guilty of sex trafficking:

21 (1) An adult is guilty of a category B felony and shall be
22 punished by imprisonment in the state prison for a minimum term of
23 not less than 3 years and a maximum term of not more than 10
24 years, and may be further punished by a fine of not more than
25 \$10,000.

26 (2) A child:

27 (I) If the child is less than 14 years of age when the
28 offense is committed, is guilty of a category A felony and shall be
29 punished by imprisonment in the state prison for life with the
30 possibility of parole, with eligibility for parole beginning when a
31 minimum of 15 years has been served, and may be further punished
32 by a fine of not more than \$20,000.

33 (II) If the child is at least 14 years of age but less than 16
34 years of age when the offense is committed, is guilty of a category
35 A felony and shall be punished by imprisonment in the state prison
36 for life with the possibility of parole, with eligibility for parole
37 beginning when a minimum of 10 years has been served, and may
38 be further punished by a fine of not more than \$10,000.

39 (III) If the child is at least 16 years of age but less than 18
40 years of age when the offense is committed, is guilty of a category
41 A felony and shall be punished by imprisonment in the state prison
42 for life with the possibility of parole, with eligibility for parole
43 beginning when a minimum of 5 years has been served, and may be
44 further punished by a fine of not more than \$10,000.



1 ~~3-~~ 4. A court shall not grant probation to or suspend the
2 sentence of a person convicted of sex trafficking a child pursuant to
3 subsection ~~2-~~ 3.

4 ~~4-~~ 5. Consent of a victim of pandering or sex trafficking to
5 an act of prostitution is not a defense to a prosecution for any of the
6 acts prohibited by this section.

7 ~~5-~~ 6. In a prosecution for sex trafficking a child pursuant to
8 subsection ~~2-~~ 3, it is not a defense that the defendant did not
9 have knowledge of the victim's age, nor is reasonable mistake of
10 age a valid defense to a prosecution conducted pursuant to
11 subsection ~~2-~~ 3.

12 **Sec. 20.** NRS 201.301 is hereby amended to read as follows:

13 201.301 1. A person is guilty of facilitating sex trafficking if
14 the person:

15 (a) Facilitates, arranges, provides or pays for the transportation
16 of a person to or within this State with the intent of:

17 (1) Inducing the person to engage in prostitution in violation
18 of subparagraph (1), (2) or (3) of paragraph (a) of subsection ~~2-~~ 3
19 of NRS 201.300;

20 (2) Inducing the person to enter any place within this State in
21 which prostitution is practiced, encouraged or allowed for the
22 purpose of sexual conduct or prostitution in violation of
23 subparagraph (1), (2) or (3) of paragraph (a) of subsection ~~2-~~ 3 of
24 NRS 201.300; or

25 (3) If the person is a child, using the person for any act that is
26 prohibited by NRS 200.710 or 200.720;

27 (b) Sells travel services that facilitate the travel of another
28 person to this State with the knowledge that the other person is
29 traveling to this State for the purpose of:

30 (1) Engaging in sexual conduct with a person who has been
31 induced to engage in sexual conduct or prostitution in violation of
32 subparagraph (1), (2) or (3) of paragraph (a) of subsection ~~2-~~ 3 of
33 NRS 201.300;

34 (2) Soliciting a child who has been induced to engage in
35 sexual conduct or prostitution in violation of subparagraph (1), (2)
36 or (3) of paragraph (a) of subsection ~~2-~~ 3 of NRS 201.300; or

37 (3) Engaging in any act involving a child that is prohibited
38 by NRS 200.710 or 200.720; or

39 (c) Travels to or within this State by any means with the intent
40 of engaging in:

41 (1) Sexual conduct with a person who has been induced to
42 engage in sexual conduct or prostitution in violation of
43 subparagraph (1), (2) or (3) of paragraph (a) of subsection ~~2-~~ 3 of
44 NRS 201.300, with the knowledge that such a person has been
45 induced to engage in such sexual conduct or prostitution; or



1 (2) Any act involving a child that is prohibited by NRS
2 200.710 or 200.720.

3 2. A person who is found guilty of facilitating sex trafficking is
4 guilty of a category B felony and:

5 (a) If the victim is 18 years of age or older, shall be punished by
6 imprisonment in the state prison for a minimum term of not less
7 than 1 year and a maximum term of not more than 6 years.

8 (b) If the victim is less than 18 years of age, shall be punished
9 by imprisonment in the state prison for a minimum term of not less
10 than 3 years and a maximum term of not more than 10 years.

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

12 201.352 1. If a person is convicted of a violation of
13 subsection ~~2~~ 3 of NRS 201.300 or NRS 201.320, the victim of the
14 violation is a child when the offense is committed and physical force
15 or violence or the immediate threat of physical force or violence is
16 used upon the child, the court may, in addition to the term of
17 imprisonment prescribed by statute for the offense and any fine
18 imposed pursuant to subsection 2, impose a fine of not more than
19 \$500,000.

20 2. If a person is convicted of a violation of subsection ~~2~~ 3 of
21 NRS 201.300 or NRS 201.320, the victim of the offense is a child
22 when the offense is committed and the offense also involves a
23 conspiracy to commit a violation of subsection ~~2~~ 3 of NRS
24 201.300 or NRS 201.320, the court may, in addition to the
25 punishment prescribed by statute for the offense of a provision of
26 subsection ~~2~~ 3 of NRS 201.300 or NRS 201.320 and any fine
27 imposed pursuant to subsection 1, impose a fine of not more than
28 \$500,000.

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

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

34 202.360 1. A person shall not own or have in his or her
35 possession or under his or her custody or control any firearm if the
36 person:

37 (a) Has been convicted in this State or any other state of a
38 misdemeanor crime of domestic violence as defined in 18 U.S.C. §
39 921(a)(33);

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



1 (c) Has been convicted of a violation of NRS 200.575 or a law
2 of any other state that prohibits the same or substantially similar
3 conduct and the court entered a finding in the judgment of
4 conviction or admonishment of rights pursuant to subsection ~~15~~ 9 of
5 NRS 200.575;

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

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

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

14 (e) Is a fugitive from justice;

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

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

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

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

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

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

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

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

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

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

39 3. As used in this section:

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

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



1 **Sec. 23.** NRS 205.010 is hereby amended to read as follows:
2 205.010 **1.** A person who willfully and maliciously sets fire
3 to or burns or causes to be burned, or who aids, counsels or procures
4 the burning of any:

5 ~~H-1~~ **(a)** Dwelling house or other structure or mobile home,
6 whether occupied or vacant; or

7 ~~F-2~~ **(b)** Personal property which is occupied by one or more
8 persons,

9 ↳ whether the property of the person or of another, is guilty of
10 arson in the first degree which is a category B felony and shall be
11 punished by imprisonment for a minimum term of not less than 2
12 years and a maximum term of not more than 15 years, and may be
13 further punished by a fine of not more than \$15,000.

14 **2.** *In addition to any other fine or penalty, if the court finds*
15 *that a person convicted of arson pursuant to this section*
16 *committed the crime as provided in NRS 33.018, the court shall*
17 *order the convicted person to pay an administrative assessment of*
18 *\$35. Any money so collected must be paid by the clerk of the*
19 *court to the State Controller on or before the fifth day of each*
20 *month for the preceding month for credit to the Account for*
21 *Programs Related to Domestic Violence established pursuant to*
22 *NRS 228.460.*

23 **Sec. 24.** NRS 205.015 is hereby amended to read as follows:

24 205.015 **1.** A person who willfully and maliciously sets fire
25 to or burns or causes to be burned, or who aids, counsels or procures
26 the burning of any abandoned building or structure, whether the
27 property of the person or of another, is guilty of arson in the second
28 degree which is a category B felony and shall be punished by
29 imprisonment in the state prison for a minimum term of not less
30 than 1 year and a maximum term of not more than 10 years, and
31 may be further punished by a fine of not more than \$10,000.

32 **2.** *In addition to any other fine or penalty, if the court finds*
33 *that a person convicted of arson pursuant to this section*
34 *committed the crime as provided in NRS 33.018, the court shall*
35 *order such a person to pay an administrative assessment of \$35.*
36 *Any money so collected must be paid by the clerk of the*
37 *court to the State Controller on or before the fifth day of each*
38 *month for the preceding month for credit to the Account for*
39 *Programs Related to Domestic Violence established pursuant to*
40 *NRS 228.460.*

41 **Sec. 25.** NRS 205.020 is hereby amended to read as follows:

42 205.020 **1.** A person who willfully and maliciously sets fire
43 to or burns or causes to be burned, or who aids, counsels or procures
44 the burning of:



1 ~~H-1~~ (a) Any unoccupied personal property of another which has
2 the value of \$25 or more;

3 ~~I-1~~ (b) Any unoccupied personal property owned by him or her
4 in which another person has a legal interest; or

5 ~~J-1~~ (c) Any timber, forest, shrubbery, crops, grass, vegetation
6 or other flammable material not his or her own,

7 ➤ is guilty of arson in the third degree which is a category D felony
8 and shall be punished as provided in NRS 193.130.

9 *2. In addition to any other fine or penalty, if the court finds
10 that a person convicted of arson pursuant to this section
11 committed the crime as provided in NRS 33.018, the court shall
12 order such a person to pay an administrative assessment
13 of \$35. Any money so collected must be paid by the clerk of the
14 court to the State Controller on or before the fifth day of each
15 month for the preceding month for credit to the Account for
16 Programs Related to Domestic Violence established pursuant to
17 NRS 228.460.*

18 **Sec. 26.** NRS 205.025 is hereby amended to read as follows:

19 205.025 1. A person who willfully and maliciously attempts
20 to set fire to or attempts to burn or to aid, counsel or procure the
21 burning of any of the buildings or property mentioned in NRS
22 205.010, 205.015 and 205.020, or who commits any act preliminary
23 thereto or in furtherance thereof, is guilty of arson in the fourth
24 degree which is a category D felony and shall be punished as
25 provided in NRS 193.130, and may be further punished by a fine of
26 not more than \$5,000.

27 *2. In addition to any other fine or penalty, if the court finds
28 that a person convicted of arson pursuant to this section
29 committed the crime as provided in NRS 33.018, the court shall
30 order such a person to pay an administrative assessment
31 of \$35. Any money so collected must be paid by the clerk of the
32 court to the State Controller on or before the fifth day of each
33 month for the preceding month for credit to the Account for
34 Programs Related to Domestic Violence established pursuant to
35 NRS 228.460.*

36 *3. In any prosecution under this section the placing or
37 distributing of any inflammable, explosive or combustible material
38 or substance, or any device in any building or property mentioned in
39 NRS 205.010, 205.015 and 205.020, in an arrangement or
40 preparation eventually to set fire to or burn the building or property,
41 or to procure the setting fire to or burning of the building or
42 property, is prima facie evidence of a willful attempt to burn or set
43 on fire the property.*



1 **Sec. 27.** NRS 205.060 is hereby amended to read as follows:
2 205.060 1. Except as otherwise provided in subsection ~~5~~ **6**,
3 a person who, by day or night, enters any house, room, apartment,
4 tenement, shop, warehouse, store, mill, barn, stable, outhouse or
5 other building, tent, vessel, vehicle, vehicle trailer, semitrailer or
6 house trailer, airplane, glider, boat or railroad car, with the intent to
7 commit grand or petit larceny, assault or battery on any person or
8 any felony, or to obtain money or property by false pretenses, is
9 guilty of burglary.
10 2. Except as otherwise provided in this section, a person
11 convicted of burglary is guilty of a category B felony and shall be
12 punished by imprisonment in the state prison for a minimum term of
13 not less than 1 year and a maximum term of not more than 10 years,
14 and may be further punished by a fine of not more than \$10,000. A
15 person who is convicted of burglary and who has previously been
16 convicted of burglary or another crime involving the forcible entry
17 or invasion of a dwelling must not be released on probation or
18 granted a suspension of sentence.
19 3. Whenever a burglary is committed on a vessel, vehicle,
20 vehicle trailer, semitrailer, house trailer, airplane, glider, boat or
21 railroad car, in motion or in rest, in this State, and it cannot with
22 reasonable certainty be ascertained in what county the crime was
23 committed, the offender may be arrested and tried in any county
24 through which the vessel, vehicle, vehicle trailer, semitrailer, house
25 trailer, airplane, glider, boat or railroad car traveled during the time
26 the burglary was committed.
27 4. A person convicted of burglary who has in his or her
28 possession or gains possession of any firearm or deadly weapon at
29 any time during the commission of the crime, at any time before
30 leaving the structure or upon leaving the structure, is guilty of a
31 category B felony and shall be punished by imprisonment in the
32 state prison for a minimum term of not less than 2 years and a
33 maximum term of not more than 15 years, and may be further
34 punished by a fine of not more than \$10,000.
35 5. *In addition to any other fine or penalty, if the court finds*
36 *that a person convicted of burglary pursuant to this section*
37 *committed the crime as provided in NRS 33.018, the court shall*
38 *order such a person to pay an administrative assessment*
39 *of \$35. Any money so collected must be paid by the clerk of the*
40 *court to the State Controller on or before the fifth day of each*
41 *month for the preceding month for credit to the Account for*
42 *Programs Related to Domestic Violence established pursuant to*
43 *NRS 228.460.*
44 6. The crime of burglary does not include the act of entering a
45 commercial establishment during business hours with the intent to



* A B 6 0 *

1 commit petit larceny unless the person has previously been
2 convicted:

3 (a) Two or more times for committing petit larceny within the
4 immediately preceding 7 years; or

5 (b) Of a felony.

6 **Sec. 28.** NRS 205.067 is hereby amended to read as follows:

7 205.067 1. A person who, by day or night, forcibly enters an
8 inhabited dwelling without permission of the owner, resident or
9 lawful occupant, whether or not a person is present at the time of the
10 entry, is guilty of invasion of the home.

11 2. A person convicted of invasion of the home is guilty of a
12 category B felony and shall be punished by imprisonment in the
13 state prison for a minimum term of not less than 1 year and a
14 maximum term of not more than 10 years, and may be further
15 punished by a fine of not more than \$10,000. A person who is
16 convicted of invasion of the home and who has previously been
17 convicted of burglary or invasion of the home must not be released
18 on probation or granted a suspension of sentence.

19 3. Whenever an invasion of the home is committed on a vessel,
20 vehicle, vehicle trailer, semitrailer, house trailer, airplane, glider,
21 boat or railroad car, in motion or in rest, in this State, and it cannot
22 with reasonable certainty be ascertained in what county the crime
23 was committed, the offender may be arrested and tried in any county
24 through which the conveyance, vessel, boat, vehicle, house trailer,
25 travel trailer, motor home or railroad car traveled during the time the
26 invasion was committed.

27 4. A person convicted of invasion of the home who has in his
28 or her possession or gains possession of any firearm or deadly
29 weapon at any time during the commission of the crime, at any time
30 before leaving the structure or upon leaving the structure, is guilty
31 of a category B felony and shall be punished by imprisonment in the
32 state prison for a minimum term of not less than 2 years and a
33 maximum term of not more than 15 years, and may be further
34 punished by a fine of not more than \$10,000.

35 5. *In addition to any other fine or penalty, if the court finds*
36 *that a person convicted of an invasion of the home pursuant to*
37 *this section committed the crime as provided in NRS 33.018, the*
38 *court shall order such a person to pay an administrative*
39 *assessment of \$35. Any money so collected must be paid by the*
40 *clerk of the court to the State Controller on or before the fifth day*
41 *of each month for the preceding month for credit to the Account*
42 *for Programs Related to Domestic Violence established pursuant*
43 *to NRS 228.460.*

44 6. As used in this section:



1 (a) "Forcibly enters" means the entry of an inhabited dwelling
2 involving any act of physical force resulting in damage to the
3 structure.

4 (b) "Inhabited dwelling" means any structure, building, house,
5 room, apartment, tenement, tent, conveyance, vessel, boat, vehicle,
6 house trailer, travel trailer, motor home or railroad car in which the
7 owner or other lawful occupant resides.

8 **Sec. 29.** NRS 205.222 is hereby amended to read as follows:

9 205.222 1. Unless a greater penalty is imposed by a specific
10 statute, a person who commits grand larceny in violation of NRS
11 205.220 shall be punished pursuant to the provisions of this section.

12 2. If the value of the property involved in the grand larceny is
13 less than \$3,500, the person who committed the grand larceny is
14 guilty of a category C felony and shall be punished as provided in
15 NRS 193.130.

16 3. If the value of the property involved in the grand larceny is
17 \$3,500 or more, the person who committed the grand larceny is
18 guilty of a category B felony and shall be punished by imprisonment
19 in the state prison for a minimum term of not less than 1 year and a
20 maximum term of not more than 10 years, and by a fine of not more
21 than \$10,000.

22 4. *In addition to any other fine or penalty, if the court finds*
23 *that a person who committed grand larceny pursuant to NRS*
24 *205.220 committed the crime as provided in NRS 33.018, the court*
25 *shall order such a person to pay an administrative assessment of*
26 *\$35. Any money so collected must be paid by the clerk of the*
27 *court to the State Controller on or before the fifth day of each*
28 *month for the preceding month for credit to the Account for*
29 *Programs Related to Domestic Violence established pursuant to*
30 *NRS 228.460.*

31 5. In addition to any other penalty, the court shall order the
32 person who committed the grand larceny to pay restitution.

33 ~~5.1~~ 6. If the grand larceny involved a sale in violation of
34 subsection 3 or 4 of NRS 205.220, all proceeds from the sale are
35 subject to forfeiture.

36 **Sec. 30.** NRS 205.226 is hereby amended to read as follows:

37 205.226 1. A person who intentionally steals, takes and
38 carries away a firearm owned by another person commits grand
39 larceny of a firearm.

40 2. A person who commits grand larceny of a firearm is guilty
41 of a category B felony and shall be punished by imprisonment in the
42 state prison for a minimum term of not less than 1 year and a
43 maximum term of not more than 10 years, and by a fine of not more
44 than \$10,000.



1 3. *In addition to any other fine or penalty, if the court finds*
2 *that a person convicted of grand larceny of a firearm pursuant to*
3 *this section committed the crime as provided in NRS 33.018, the*
4 *court shall order such a person to pay an administrative*
5 *assessment of \$35. Any money so collected must be paid by the*
6 *clerk of the court to the State Controller on or before the fifth day*
7 *of each month for the preceding month for credit to the Account*
8 *for Programs Related to Domestic Violence established pursuant*
9 *to NRS 228.460.*

10 4. In addition to any other penalty, the court shall order the
11 person who committed the grand larceny of the firearm to pay
12 restitution.

13 **Sec. 31.** NRS 205.228 is hereby amended to read as follows:

14 205.228 1. A person who intentionally steals, takes and
15 carries away, drives away or otherwise removes a motor vehicle
16 owned by another person commits grand larceny of a motor vehicle.

17 2. Except as otherwise provided in subsection 3, a person who
18 commits grand larceny of a motor vehicle is guilty of a category C
19 felony and shall be punished as provided in NRS 193.130.

20 3. If the prosecuting attorney proves that the value of the motor
21 vehicle involved in the grand larceny is \$3,500 or more, the person
22 who committed the grand larceny of the motor vehicle is guilty of a
23 category B felony and shall be punished by imprisonment in the
24 state prison for a minimum term of not less than 1 year and a
25 maximum term of not more than 10 years, and by a fine of not more
26 than \$10,000.

27 4. *In addition to any other fine or penalty, if the court finds*
28 *that a person convicted of grand larceny of a motor vehicle*
29 *pursuant to this section committed the crime as provided in NRS*
30 *33.018, the court shall order such a person to pay an*
31 *administrative assessment of \$35. Any money so collected must be*
32 *paid by the clerk of the court to the State Controller on or before*
33 *the fifth day of each month for the preceding month for credit to*
34 *the Account for Programs Related to Domestic Violence*
35 *established pursuant to NRS 228.460.*

36 5. In addition to any other penalty, the court shall order the
37 person who committed the grand larceny of the motor vehicle to pay
38 restitution.

39 **Sec. 32.** NRS 205.240 is hereby amended to read as follows:

40 205.240 1. Except as otherwise provided in NRS 205.220,
41 205.226, 205.228, 475.105 and 501.3765, a person commits petit
42 larceny if the person:

43 (a) Intentionally steals, takes and carries away, leads away or
44 drives away:



1 (1) Personal goods or property, with a value of less than
2 \$650, owned by another person;

3 (2) Bedding, furniture or other property, with a value of less
4 than \$650, which the person, as a lodger, is to use in or with his or
5 her lodging and which is owned by another person; or

6 (3) Real property, with a value of less than \$650, that the
7 person has converted into personal property by severing it from real
8 property owned by another person.

9 (b) Intentionally steals, takes and carries away, leads away,
10 drives away or entices away one or more domesticated animals or
11 domesticated birds, with an aggregate value of less than \$650,
12 owned by another person.

13 2. Unless a greater penalty is provided pursuant to NRS
14 205.267, a person who commits petit larceny is guilty of a
15 misdemeanor. In addition to any other penalty, the court shall order
16 the person to pay restitution.

17 3. *In addition to any other fine or penalty, if the court finds*
18 *that a person convicted of petit larceny pursuant to this section*
19 *committed the crime as provided in NRS 33.018, the court shall*
20 *order such a person to pay an administrative assessment*
21 *of \$35. Any money so collected must be paid by the clerk of the*
22 *court to the State Controller on or before the fifth day of each*
23 *month for the preceding month for credit to the Account for*
24 *Programs Related to Domestic Violence established pursuant to*
25 *NRS 228.460.*

26 **Sec. 33.** NRS 206.150 is hereby amended to read as follows:

27 206.150 1. Except as otherwise provided in subsections ~~1~~ 3
28 and ~~3~~ 4, any person who willfully and maliciously kills, maims or
29 disfigures any animal belonging to another, or exposes any poison
30 or noxious substance with intent that it should be taken by the
31 animal is guilty of a category D felony and shall be punished as
32 provided in NRS 193.130, and may be further punished by a fine of
33 not more than \$10,000.

34 2. *In addition to any other fine or penalty, if the court finds*
35 *that a person convicted pursuant to this section committed the*
36 *crime as provided in NRS 33.018, the court shall order such a*
37 *person to pay an administrative assessment of \$35. Any money so*
38 *collected must be paid by the clerk of the court to the State*
39 *Controller on or before the fifth day of each month for the*
40 *preceding month for credit to the Account for Programs Related to*
41 *Domestic Violence established pursuant to NRS 228.460.*

42 3. Except as otherwise provided in NRS 205.220, a person who
43 willfully and maliciously kills an estray or one or more head of
44 livestock, without the authority to do so, is guilty of a category C
45 felony and shall be punished as provided in NRS 193.130.



1 ~~3~~ 4. The provisions of subsection 1 do not apply to any
2 person who kills a dog pursuant to NRS 575.020.

3 **Sec. 34.** NRS 207.190 is hereby amended to read as follows:

4 207.190 1. It is unlawful for a person, with the intent to
5 compel another to do or abstain from doing an act which the other
6 person has a right to do or abstain from doing, to:

7 (a) Use violence or inflict injury upon the other person or any of
8 the other person's family, or upon the other person's property, or
9 threaten such violence or injury;

10 (b) Deprive the person of any tool, implement or clothing, or
11 hinder the person in the use thereof; or

12 (c) Attempt to intimidate the person by threats or force.

13 2. A person who violates the provisions of subsection 1 shall
14 be punished:

15 (a) Where physical force or the immediate threat of physical
16 force is used, for a category B felony by imprisonment in the state
17 prison for a minimum term of not less than 1 year and a maximum
18 term of not more than 6 years, and may be further punished by a fine
19 of not more than \$5,000.

20 (b) Where no physical force or immediate threat of physical
21 force is used, for a misdemeanor.

22 *3. In addition to any other fine or penalty, if the court finds*
23 *that a person who violated the provisions of subsection 1*
24 *committed the crime against a person listed in subsection 1 of*
25 *NRS 33.018, the court shall order the person who violated the*
26 *provisions of subsection 1 to pay an administrative assessment of*
27 *\$35. Any money so collected must be paid by the clerk of the*
28 *court to the State Controller on or before the fifth day of each*
29 *month for the preceding month for credit to the Account for*
30 *Programs Related to Domestic Violence established pursuant to*
31 *NRS 228.460.*

32 **Sec. 35.** NRS 207.200 is hereby amended to read as follows:

33 207.200 1. Unless a greater penalty is provided pursuant to
34 NRS 200.603, any person who, under circumstances not amounting
35 to a burglary:

36 (a) Goes upon the land or into any building of another with
37 intent to vex or annoy the owner or occupant thereof, or to commit
38 any unlawful act; or

39 (b) Willfully goes or remains upon any land or in any building
40 after having been warned by the owner or occupant thereof not to
41 trespass,

42 is guilty of a misdemeanor. The meaning of this subsection is not
43 limited by subsections ~~3~~ and ~~4~~ 5.

44 2. *In addition to any other fine or penalty, if the court finds*
45 *that a person convicted of trespassing pursuant to this section*



1 *committed the crime as provided in NRS 33.018, the court shall*
2 *order such a person to pay an administrative assessment*
3 *of \$35. Any money so collected must be paid by the clerk of the*
4 *court to the State Controller on or before the fifth day of each*
5 *month for the preceding month for credit to the Account for*
6 *Programs Related to Domestic Violence established pursuant to*
7 *NRS 228.460.*

8 **3.** A sufficient warning against trespassing, within the meaning
9 of this section, is given by any of the following methods:

10 (a) If the land is used for agricultural purposes or for herding or
11 grazing livestock, by painting with fluorescent orange paint:

12 (1) Not less than 50 square inches of the exterior portion of a
13 structure or natural object or the top 12 inches of the exterior portion
14 of a post, whether made of wood, metal or other material, at:

15 (I) Intervals of such a distance as is necessary to ensure
16 that at least one such structure, natural object or post would be
17 within the direct line of sight of a person standing next to another
18 such structure, natural object or post, but at intervals of not more
19 than 1,000 feet; and

20 (II) Each corner of the land, upon or near the boundary;
21 and

22 (2) Each side of all gates, cattle guards and openings that are
23 designed to allow human ingress to the area;

24 (b) If the land is not used in the manner specified in paragraph
25 (a), by painting with fluorescent orange paint not less than 50 square
26 inches of the exterior portion of a structure or natural object or the
27 top 12 inches of the exterior portion of a post, whether made of
28 wood, metal or other material, at:

29 (1) Intervals of such a distance as is necessary to ensure that
30 at least one such structure, natural object or post would be within the
31 direct line of sight of a person standing next to another such
32 structure, natural object or post, but at intervals of not more than
33 200 feet; and

34 (2) Each corner of the land, upon or near the boundary;

35 (c) Fencing the area; or

36 (d) By the owner or occupant of the land or building making an
37 oral or written demand to any guest to vacate the land or building.

38 ~~3.~~ **4.** It is prima facie evidence of trespass for any person to
39 be found on private or public property which is posted or fenced as
40 provided in subsection ~~2.~~ **3** without lawful business with the owner
41 or occupant of the property.

42 ~~4.~~ **5.** An entryman on land under the laws of the United States
43 is an owner within the meaning of this section.

44 ~~5.~~ **6.** As used in this section:



1 (a) "Fence" means a barrier sufficient to indicate an intent to
2 restrict the area to human ingress, including, but not limited to, a
3 wall, hedge or chain link or wire mesh fence. The term does not
4 include a barrier made of barbed wire.

5 (b) "Guest" means any person entertained or to whom
6 hospitality is extended, including, but not limited to, any person
7 who stays overnight. The term does not include a tenant as defined
8 in NRS 118A.170.

9 **Sec. 36.** NRS 207.205 is hereby amended to read as follows:

10 207.205 1. It is unlawful for any person to post such land
11 within the meaning of subsection ~~1~~ 3 of NRS 207.200 unless the
12 person has:

13 (a) Obtained written authorization from the owner or occupant
14 of the land, or any building thereon, to do so unless the person is the
15 owner or occupant.

16 (b) Placed the name and address of the owner or occupant on
17 each sign.

18 2. Any person violating any of the provisions of subsection 1 is
19 guilty of a misdemeanor.

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

21 213.1258 1. Except as otherwise provided in subsection 2, if
22 the Board releases on parole a prisoner convicted of stalking with
23 the use of an Internet or network site, electronic mail, text
24 messaging or any other similar means of communication pursuant to
25 subsection ~~1~~ 4 of NRS 200.575, an offense involving pornography
26 and a minor pursuant to NRS 200.710 to 200.730, inclusive, or
27 luring a child or a person with mental illness through the use of a
28 computer, system or network pursuant to paragraph (a) or (b) of
29 subsection 4 of NRS 201.560, the Board shall, in addition to any
30 other condition of parole, require as a condition of parole that the
31 parolee not own or use a computer, including, without limitation,
32 use electronic mail, a chat room or the Internet.

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

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

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

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

43 3. Except as otherwise provided in subsection 1, if the Board
44 releases on parole a prisoner convicted of an offense that involved
45 the use of a computer, system or network, the Board may, in



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1 addition to any other condition of parole, require as a condition of
2 parole that the parolee not own or use a computer, including,
3 without limitation, use electronic mail, a chat room or the Internet.

4 4. As used in this section:

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

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

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

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

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

11 217.070 1. "Victim" means:

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

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

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

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

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

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

27 (g) A person who is physically injured or killed as the direct
28 result of an act of international terrorism as defined in 18 U.S.C. §
29 2331(1); or

30 (h) A person who is trafficked in violation of subsection ~~4~~ 3 of
31 NRS 201.300.

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

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

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

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

38 217.180 1. Except as otherwise provided in subsection 2, in
39 determining whether to make an order for compensation, the
40 compensation officer shall consider the provocation, consent or any
41 other behavior of the victim that directly or indirectly contributed to
42 the injury or death of the victim, the prior case or social history, if
43 any, of the victim, the need of the victim or the dependents of the
44 victim for financial aid and other relevant matters.



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

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

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

10 (b) Insurance;

11 (c) The employer of the victim; or

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

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

24 5. As used in this section:

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

26 (b) "Public source or program of assistance" means:

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

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

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

31 (c) "Sex trafficking" means a violation of subsection ~~2~~ 3 of
32 NRS 201.300.

33 (d) "Sexual assault" has the meaning ascribed to it in
34 NRS 200.366.

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

36 228.460 1. The Account for Programs Related to Domestic
37 Violence is hereby created in the State General Fund. Any
38 administrative assessment imposed and collected pursuant to NRS
39 200.366, 200.460, 200.471, 200.485, 200.575, 201.300, 205.010,
40 205.015, 205.020, 205.025, 205.060, 205.067, 205.222, 205.226,
41 205.228, 205.240, 206.150, 207.190 and 207.200 must be deposited
42 with the State Controller for credit to the Account.

43 2. The Ombudsman for Victims of Domestic Violence:

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



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

- 3 (1) The Committee;
4 (2) Training law enforcement officers, attorneys and
5 members of the judicial system about domestic violence;
6 (3) Assisting victims of domestic violence and educating the
7 public concerning domestic violence; and
8 (4) Carrying out the duties and functions of his or her office.

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

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

13 228.470 1. The Attorney General shall appoint a Committee
14 on Domestic Violence comprised of the Attorney General or a
15 designee of the Attorney General and:

- 16 (a) One staff member of a program for victims of domestic
17 violence;
18 (b) One staff member of a program for the treatment of persons
19 who commit domestic violence;
20 (c) One representative from an office of the district attorney
21 with experience in prosecuting criminal offenses;
22 (d) One representative from an office of the city attorney with
23 experience in prosecuting criminal offenses;
24 (e) One law enforcement officer;
25 (f) One provider of mental health care;
26 (g) Two victims of domestic violence;
27 (h) One justice of the peace or municipal judge; and
28 (i) Any other person appointed by the Attorney General.

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

33 2. The Committee shall:

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

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

41 ~~(e)~~ Review and evaluate existing programs provided to peace
42 officers for training related to domestic violence and make
43 recommendations to the Peace Officers' Standards and Training
44 Commission regarding such training;



1 ~~[(d)]~~ (c) To the extent that money is available, provide financial
2 support to programs for the prevention of domestic violence in this
3 State;
4 ~~[(e)]~~ (d) Study and review all appropriate issues related to the
5 administration of the criminal justice system in rural Nevada with
6 respect to offenses involving domestic violence, including, without
7 limitation, the availability of counseling services; and
8 ~~[(f)]~~ (e) Submit on or before March 1 of each odd-numbered
9 year a report to the Director of the Legislative Counsel Bureau for
10 distribution to the regular session of the Legislature. In preparing the
11 report, the Committee shall solicit comments and recommendations
12 from district judges, municipal judges and justices of the peace in
13 rural Nevada. The report must include, without limitation:
14 (1) A summary of the work of the Committee and
15 recommendations for any necessary legislation concerning domestic
16 violence; and
17 (2) All comments and recommendations received by the
18 Committee.
19 3. The Attorney General or the designee of the Attorney
20 General is the Chair of the Committee.
21 4. The Committee shall annually elect a Vice Chair, Secretary
22 and Treasurer from among its members.
23 5. The Committee shall meet regularly at least three times in
24 each calendar year and may meet at other times upon the call of the
25 Chair. Any six members of the Committee constitute a quorum. ~~For~~
26 ~~the purpose of voting.~~ A majority vote of the quorum is required to
27 take action with respect to any matter.
28 6. At least one meeting in each calendar year must be held at a
29 location within the Fourth Judicial District, Fifth Judicial District,
30 Sixth Judicial District, Seventh Judicial District or Eleventh Judicial
31 District.
32 7. The Attorney General shall provide the Committee with
33 such staff as is necessary to carry out the duties of the Committee.
34 8. While engaged in the business of the Committee, each
35 member and employee of the Committee is entitled to receive the
36 per diem allowance and travel expenses provided for state officers
37 and employees generally.
38 9. *The Committee may adopt regulations necessary to carry*
39 *out its duties pursuant to NRS 228.470 to 228.497, inclusive.*
40 **Sec. 42.** NRS 432.157 is hereby amended to read as follows:
41 432.157 1. The Office of Advocate for Missing or Exploited
42 Children is hereby created within the Office of the Attorney
43 General. The Advocate for Missing or Exploited Children may be
44 known as the Children's Advocate.



- 1 2. The Attorney General shall appoint the Children's Advocate.
2 The Children's Advocate is in the unclassified service of the State.
- 3 3. The Children's Advocate:
- 4 (a) Must be an attorney licensed to practice law in this state;
5 (b) Shall advise and represent the Clearinghouse on all matters
6 concerning missing or exploited children in this state; and
7 (c) Shall advocate the best interests of missing or exploited
8 children before any public or private body.
- 9 4. The Children's Advocate may:
- 10 (a) Appear as an amicus curiae on behalf of missing or exploited
11 children in any court in this state;
12 (b) If requested, advise a political subdivision of this state
13 concerning its duty to protect missing or exploited children;
14 (c) Recommend legislation concerning missing or exploited
15 children; and
16 (d) Investigate and prosecute any alleged crime involving the
17 exploitation of children, including, without limitation, sex
18 trafficking in violation of subsection ~~4~~ 3 of NRS 201.300 or a
19 violation of NRS 201.320.
- 20 5. Upon request by the Children's Advocate, a district attorney
21 or local law enforcement agency in this state shall provide all
22 information and assistance necessary to assist the Children's
23 Advocate in carrying out the provisions of this section.
- 24 6. The Children's Advocate may apply for any available grants
25 and accept gifts, grants, bequests, appropriations or donations to
26 assist the Children's Advocate in carrying out his or her duties
27 pursuant to this section. Any money received by the Children's
28 Advocate must be deposited in the Special Account for the Support
29 of the Office of Advocate for Missing or Exploited Children, which
30 is hereby created in the State General Fund.
- 31 7. Interest and income earned on money in the Special Account
32 must be credited to the Special Account.
- 33 8. Money in the Special Account may only be used for the
34 support of the Office of Advocate for Missing or Exploited Children
35 and its activities pursuant to subsection ~~4~~ 3 of NRS 201.300, NRS
36 201.320 and 432.150 to 432.220, inclusive.
- 37 9. Money in the Special Account must remain in the Special
38 Account and must not revert to the State General Fund at the end of
39 any fiscal year.
- 40 **Sec. 43.** NRS 432B.640 is hereby amended to read as follows:
41 432B.640 1. Upon receiving a referral from a court pursuant
42 to subsection ~~4~~ 11 of NRS 200.485, an agency which provides
43 child welfare services may, as appropriate, conduct an assessment to
44 determine whether a psychological evaluation or counseling is
45 needed by a child.



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

6 (a) Conduct the evaluation or counseling; or

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

9 **Sec. 44.** NRS 493.103 is hereby amended to read as follows:

10 493.103 1. Except as otherwise provided in subsection 2, a
11 person who owns or lawfully occupies real property in this State
12 may bring an action for trespass against the owner or operator of an
13 unmanned aerial vehicle that is flown at a height of less than 250
14 feet over the property if:

15 (a) The owner or operator of the unmanned aerial vehicle has
16 flown the unmanned aerial vehicle over the property at a height of
17 less than 250 feet on at least one previous occasion; and

18 (b) The person who owns or occupies the real property notified
19 the owner or operator of the unmanned aerial vehicle that the person
20 did not authorize the flight of the unmanned aerial vehicle over the
21 property at a height of less than 250 feet. For the purposes of this
22 paragraph, a person may place the owner or operator of an
23 unmanned aerial vehicle on notice in the manner prescribed in
24 subsection ~~2~~ 3 of NRS 207.200.

25 2. A person may not bring an action pursuant to subsection 1
26 if:

27 (a) The unmanned aerial vehicle is lawfully in the flight path for
28 landing at an airport, airfield or runway.

29 (b) The unmanned aerial vehicle is in the process of taking off
30 or landing.

31 (c) The unmanned aerial vehicle was under the lawful operation
32 of:

33 (1) A law enforcement agency in accordance with
34 NRS 493.112.

35 (2) A public agency in accordance with NRS 493.115.

36 (d) The unmanned aerial vehicle was under the lawful operation
37 of a business registered in this State or a land surveyor if:

38 (1) The operator is licensed or otherwise approved to operate
39 the unmanned aerial vehicle by the Federal Aviation
40 Administration;

41 (2) The unmanned aerial vehicle is being operated within the
42 scope of the lawful activities of the business or surveyor; and

43 (3) The operation of the unmanned aerial vehicle does not
44 unreasonably interfere with the existing use of the real property.



1 3. A plaintiff who prevails in an action for trespass brought
2 pursuant to subsection 1 is entitled to recover treble damages for any
3 injury to the person or the real property as the result of the trespass.
4 In addition to the recovery of damages pursuant to this subsection, a
5 plaintiff may be awarded reasonable attorney's fees and costs and
6 injunctive relief.

7 **Sec. 45.** The amendatory provisions of sections 6 and 7 of this
8 act apply to an offense committed on or after July 1, 2019.

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

Ⓢ



ASSEMBLY BILL NO. 41—COMMITTEE ON JUDICIARY

(ON BEHALF OF THE ATTORNEY GENERAL)

PREFILED NOVEMBER 16, 2018

Referred to Committee on Judiciary

SUMMARY—Revises provisions governing the fictitious address program for victims of certain crimes. (BDR 16-418)

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

~

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

AN ACT relating to victims of crime; requiring additional entities to accept fictitious addresses from certain victims of crime; prohibiting the disclosure of certain identifying information of such victims by the additional entities; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 Existing law authorizes the Division of Child and Family Services of the
2 Department of Health and Human Services to issue a fictitious address to an adult
3 person, a parent or guardian acting on behalf of a child or a guardian acting on
4 behalf of an incapacitated person who has been a victim of domestic violence,
5 human trafficking, sexual assault or stalking who applies for the issuance of a
6 fictitious address. (NRS 217.462-217.471) Existing law also prohibits the Division
7 from disclosing the name, the confidential address or fictitious address of a
8 participant, except in certain circumstances. (NRS 217.464) **Section 1** of this bill
9 requires any public or private entity to allow the use of a fictitious address upon the
10 request of a participant who has received a fictitious address issued by the Division.
11 **Section 1** also prohibits such entities from disclosing the same information
12 prohibited from disclosure by the Division and expands the protected information
13 to include the telephone number and image of the person with the fictitious address.



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

1 **Section 1.** NRS 217.464 is hereby amended to read as follows:
2 217.464 1. If the Division approves an application, the
3 Division shall:

- 4 (a) Designate a fictitious address for the participant; and
5 (b) Forward mail that the Division receives for a participant to
6 the participant.

7 2. *Upon request of a participant, any private or public entity*
8 *in this State to which the participant is required to provide an*
9 *address shall allow the participant to use the fictitious address*
10 *issued by the Division. Such entities, include, without limitation:*

- 11 (a) *Employers;*
12 (b) *Schools or institutions of higher education; and*
13 (c) *Utility and other service providers.*

14 3. The Division *and any entity to which a participant provides*
15 *a fictitious address pursuant to this section* shall not make any
16 records containing the name, *telephone number*, confidential
17 address, ~~or~~ fictitious address *or image* of ~~the~~ the participant
18 available for inspection or copying, unless:

19 (a) The address is requested by a law enforcement agency, in
20 which case the Division *or entity* shall make the address available to
21 the law enforcement agency; or

22 (b) The Division *or entity* is directed to do so by lawful order of
23 a court of competent jurisdiction, in which case the Division *or*
24 *entity* shall make the address available to the person identified in the
25 order.

26 ~~3-~~ 4. If a pupil is attending or wishes to attend a public
27 school that is located in a school district other than the school
28 district in which the pupil resides as authorized by NRS 392.016,
29 the Division shall, upon request of the public school that the pupil is
30 attending or wishes to attend, inform the public school of whether
31 the pupil is a participant and whether the parent or legal guardian
32 with whom the pupil resides is a participant. The Division shall not
33 provide any other information concerning the pupil or the parent or
34 legal guardian of the pupil to the public school.

35 **Sec. 2.** This act becomes effective on July 1, 2019.



ASSEMBLY BILL NO. 19—COMMITTEE ON JUDICIARY

(ON BEHALF OF THE ATTORNEY GENERAL)

PREFILED NOVEMBER 15, 2018

Referred to Committee on Judiciary

SUMMARY—Revises provisions related to certain temporary and extended orders for protection. (BDR 3-417)

FISCAL NOTE: Effect on Local Government: May have Fiscal Impact.
Effect on the State: Yes.

~

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

AN ACT relating to orders for protection; revising provisions relating to service of process of certain temporary and extended orders for protection; increasing the duration that certain temporary and extended orders for protection remain effective; increasing the penalty for certain violations of temporary and extended orders for protection against domestic violence; renaming the Repository for Information Concerning Orders for Protection Against Domestic Violence to the Repository for Information Concerning Orders for Protection; requiring the Repository for Information Concerning Orders for Protection to include certain information and other records relating to orders for protection against stalking, aggravated stalking or harassment and orders for protection against domestic violence; authorizing courts to admit character evidence of the past sexual conduct of a petitioner in hearings on petitions for orders for protection against stalking, aggravated stalking or harassment for certain purposes; revising certain provisions relating to evidence; 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 and authorizes a court to issue a temporary



3 or extended order for protection against domestic violence. (NRS 33.018, 33.020,
4 33.030) Existing law also defines certain unlawful acts that constitute stalking,
5 aggravated stalking or harassment when committed against certain persons and
6 authorizes a court to issue a temporary or extended order for protection against
7 stalking, aggravated stalking or harassment. (NRS 200.571, 200.575, 200.591)

8 Existing law requires a law enforcement agency to personally serve the adverse
9 party with a temporary order for protection against domestic violence. (NRS
10 33.060) Existing law also requires that a temporary or extended order for protection
11 against stalking, aggravated stalking or harassment be personally served on the
12 person to whom it is directed. (NRS 200.591) **Sections 1 and 12** of this bill require
13 service of process of temporary orders for protection against domestic violence and
14 orders for protection against stalking, aggravated stalking or harassment,
15 respectively, to take priority over other types of service, unless otherwise required
16 by law.

17 Existing law also provides that, under certain circumstances, temporary orders
18 for protection against domestic violence and temporary orders for protection
19 against stalking, aggravated stalking or harassment expire after 30 days. (NRS
20 33.080, 200.594) **Sections 2 and 13** of this bill provide that such temporary orders
21 for protection against domestic violence and orders for protection against stalking,
22 aggravated stalking or harassment, respectively, expire after 45 days.

23 Existing law also provides that an extended order for protection against
24 domestic violence and an extended order for protection against stalking, aggravated
25 stalking or harassment expire after not more than 1 year. (NRS 33.080, 200.594)
26 **Sections 2 and 13** of this bill provide that such extended orders for protection
27 expire after not more than 5 years.

28 Under existing law, a person is guilty of a misdemeanor for intentionally
29 violating a temporary or extended order for protection against domestic violence.
30 (NRS 33.100) **Section 4** of this bill increases the penalty for intentionally violating
31 such an extended order to: (1) a gross misdemeanor if the person has not previously
32 violated such an order; or (2) a category D felony if the person has previously
33 violated such an order. **Sections 6 and 7** of this bill make conforming changes.

34 Existing law requires the Repository for Information Concerning Orders for
35 Protection Against Domestic Violence to contain records within the Central
36 Repository for Nevada Records of Criminal History of temporary and extended
37 orders for protection against domestic violence and certain other information. (NRS
38 179A.350) **Section 8** of this bill changes the name of the Repository for
39 Information Concerning Orders for Protection Against Domestic Violence to the
40 Repository for Information Concerning Orders for Protection. **Section 8** also
41 requires the Repository for Information Concerning Orders for Protection to
42 maintain records within the Central Repository of all temporary and extended
43 orders for protection against stalking, aggravated stalking or harassment. **Section**
44 **10** of this bill requires certain persons to transmit such orders to the Central
45 Repository for transfer to the Repository for Information Concerning Orders for
46 Protection.

47 Existing law authorizes a court to admit evidence of character in certain limited
48 situations and provides that such evidence is admissible by testimony as to the
49 reputation or in the form of an opinion. (NRS 48.045, 48.055) **Section 11** of this
50 bill prohibits the introduction of testimony as to the reputation or an opinion related
51 to the past sexual conduct of a petitioner for an order for protection against stalking,
52 aggravated stalking or harassment. **Section 11** further provides that specific
53 instances of the past sexual conduct of the petitioner may be admissible under
54 limited circumstances.



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

1 **Section 1.** NRS 33.060 is hereby amended to read as follows:
2 33.060 1. The court shall transmit, by the end of the next
3 business day after the order is issued, a copy of the temporary or
4 extended order to the appropriate law enforcement agency which
5 has jurisdiction over the residence, school, child care facility or
6 other provider of child care, or place of employment of the applicant
7 or the minor child.
8 2. The court shall order the appropriate law enforcement
9 agency to serve, without charge, the adverse party personally with
10 the temporary order . ~~and to~~ *Service of the temporary order on the*
11 *adverse party must be given priority over other service by the law*
12 *enforcement agency to which priority is not otherwise given by*
13 *specific statute. The law enforcement agency shall* file with or mail
14 to the clerk of the court proof of service by the end of the next
15 business day after service is made. Service of an application for an
16 extended order and the notice of any hearing thereon must be served
17 upon the adverse party:
18 (a) Pursuant to the Nevada Rules of Civil Procedure; or
19 (b) In the manner provided in NRS 33.065.
20 3. A law enforcement agency shall enforce a temporary or
21 extended order without regard to the county in which the order was
22 issued.
23 4. The clerk of the court shall issue, without fee, a copy of the
24 temporary or extended order to the applicant and the adverse party.
25 **Sec. 2.** NRS 33.080 is hereby amended to read as follows:
26 33.080 1. A temporary order expires within such time, not to
27 exceed ~~30~~ *45* days, as the court fixes. If an application for an
28 extended order is filed within the period of a temporary order or at
29 the same time that an application for a temporary order is filed, the
30 temporary order remains in effect until:
31 (a) The hearing on the extended order is held; or
32 (b) If the court schedules a second or third hearing pursuant to
33 subsection 4 or 5 of NRS 33.020, the date on which the second or
34 third hearing on an application for an extended order is held.
35 2. On *2* days' notice to the party who obtained the temporary
36 order, the adverse party may appear and move its dissolution or
37 modification, and in that event the court shall proceed to hear and
38 determine such motion as expeditiously as the ends of justice
39 require.
40 3. An extended order expires within such time, not to exceed ~~1~~
41 ~~year,~~ *5 years*, as the court fixes. A temporary order may be
42 converted by the court, upon notice to the adverse party and a



1 hearing, into an extended order effective for not more than ~~1 year.~~
2 **5 years.**

3 **Sec. 3.** NRS 33.085 is hereby amended to read as follows:

4 33.085 1. Except as otherwise provided in subsection 2, an
5 order for protection against domestic violence issued by the court of
6 another state, territory or Indian tribe within the United States,
7 including, without limitation, any provisions in the order related to
8 custody and support, is valid and must be accorded full faith and
9 credit and enforced by the courts of this state as if it were issued by
10 a court in this state, regardless of whether the order has been
11 registered in this state, if the court in this state determines that:

12 (a) The issuing court had jurisdiction over the parties and the
13 subject matter under the laws of the State, territory or Indian tribe in
14 which the order was issued; and

15 (b) The adverse party was given reasonable notice and an
16 opportunity to be heard before the order was issued or, in the case of
17 an ex parte order, the adverse party was given reasonable notice and
18 an opportunity to be heard within the time required by the laws of
19 the issuing state, territory or tribe and, in any event, within a
20 reasonable time after the order was issued.

21 2. If the order for protection against domestic violence issued
22 by the court of another state, territory or Indian tribe is a mutual
23 order for protection against domestic violence and:

24 (a) No counter or cross-petition or other pleading was filed by
25 the adverse party; or

26 (b) A counter or cross-petition or other pleading was filed and
27 the court did not make a specific finding of domestic violence by
28 both parties,

29 ➔ the court shall refuse to enforce the order against the applicant
30 and may determine whether to issue its own temporary or extended
31 order.

32 3. A law enforcement officer shall enforce an order for
33 protection against domestic violence issued by the court of another
34 state, territory or Indian tribe and shall make an arrest for a violation
35 thereof in the same manner that a law enforcement officer would
36 make an arrest for a violation of a temporary or extended order
37 issued by a court of this state unless it is apparent to the officer that
38 the order is not authentic on its face. An officer shall determine that
39 an order is authentic on its face if the order contains:

40 (a) The names of the parties;

41 (b) Information indicating that the order has not expired; and

42 (c) Information indicating that the court which issued the order
43 had legal authority to issue the order as evidenced by a certified
44 copy of the order, a file-stamped copy of the order, an authorized



1 signature or stamp of the court which issued the order or another
2 indication of the authority of the court which issued the order.

3 ➤ An officer may determine that any other order is authentic on its
4 face.

5 4. In enforcing an order for protection against domestic
6 violence issued by the court of another state, territory or Indian tribe
7 or arresting a person for a violation of such an order, a law
8 enforcement officer may rely upon:

9 (a) A copy of an order for protection against domestic violence
10 that has been provided to the officer;

11 (b) An order for protection against domestic violence that is
12 included in the Repository for Information Concerning Orders for
13 Protection ~~{Against Domestic Violence}~~ pursuant to NRS 33.095 or
14 in any national crime information database;

15 (c) Oral or written confirmation from a law enforcement agency
16 or court in the jurisdiction in which the order for protection against
17 domestic violence was issued that the order is valid and effective; or

18 (d) An examination of the totality of the circumstances
19 concerning the existence of a valid and effective order for protection
20 against domestic violence, including, without limitation, the
21 statement of a person protected by the order that the order remains
22 in effect.

23 5. The fact that an order has not been registered or included in
24 the Repository for Information Concerning Orders for Protection
25 ~~{Against Domestic Violence}~~ in the Central Repository for Nevada
26 Records of Criminal History pursuant to NRS 33.095 or in any
27 national crime information database is not grounds for a law
28 enforcement officer to refuse to enforce the terms of the order unless
29 it is apparent to the officer that the order is not authentic on its face.

30 6. A court or law enforcement officer who enforces an order
31 for protection against domestic violence issued by the court of
32 another state, territory or Indian tribe based upon a reasonable belief
33 that the order is valid or who refuses to enforce such an order based
34 upon a reasonable belief that the order is not valid and the employer
35 of such a law enforcement officer are immune from civil and
36 criminal liability for any action taken or not taken based on that
37 belief.

38 **Sec. 4.** NRS 33.100 is hereby amended to read as follows:

39 33.100 ~~{A}~~ *Unless a more severe penalty is prescribed by law*
40 *for the act that constitutes a violation of the temporary or extended*
41 *order, any person who intentionally violates {a} :*

42 1. A temporary ~~{or extended}~~ order is guilty of a misdemeanor .
43 ~~{, unless a more severe penalty is prescribed by law for the act that~~
44 ~~constitutes the violation of the order.}~~

45 2. *An extended order and:*



- 1 (a) *Who has not previously violated an extended order, is*
2 *guilty of a gross misdemeanor; or*
3 (b) *Who has previously violated an extended order, is guilty of*
4 *a category D felony and shall be punished as provided in*
5 *NRS 193.130.*

6 **Sec. 5.** NRS 33.143 is hereby amended to read as follows:

7 33.143 1. Except as otherwise provided in subsection 4 and
8 NRS 33.146, a law enforcement officer shall enforce a Canadian
9 domestic-violence protection order and shall make an arrest for a
10 violation thereof in the same manner that a law enforcement officer
11 would make an arrest for a violation of a temporary or extended
12 order issued by a court of this State unless it is apparent to the
13 officer that the order is not authentic on its face. An officer shall
14 determine that an order is authentic on its face if the order contains:

- 15 (a) The names of the parties;
16 (b) Information indicating that the order has not expired; and
17 (c) Information indicating that the court which issued the order
18 had legal authority to issue the order as evidenced by a certified
19 copy of the order, a file-stamped copy of the order, an authorized
20 signature or stamp of the court which issued the order or another
21 indication of the authority of the court which issued the order.

22 ↪ An officer may determine that any other order is authentic on its
23 face.

24 2. In enforcing a Canadian domestic-violence protection order
25 or arresting a person for a violation of such an order, a law
26 enforcement officer may rely upon:

- 27 (a) A copy of the order that has been provided to the officer;
28 (b) An order that is included in the Repository for Information
29 Concerning Orders for Protection ~~{Against Domestic Violence}~~
30 pursuant to NRS 33.095 or in any national crime information
31 database;

32 (c) Oral or written confirmation from a law enforcement agency
33 or court in which the order was issued that the order is valid and
34 effective; or

35 (d) An examination of the totality of the circumstances
36 concerning the existence of a valid and effective order, including,
37 without limitation, the statement of a person protected by the order
38 that the order remains in effect.

39 3. The fact that a Canadian domestic-violence protection order
40 has not been registered or included in the Repository for
41 Information Concerning Orders for Protection ~~{Against Domestic~~
42 ~~Violence}~~ in the Central Repository for Nevada Records of Criminal
43 History pursuant to NRS 33.095 or in any national crime
44 information database is not grounds for a law enforcement officer to



1 refuse to enforce the terms of the order unless it is apparent to the
2 officer that the order is not authentic on its face.

3 4. If a law enforcement officer determines that an otherwise
4 valid Canadian domestic-violence protection order cannot be
5 enforced because the adverse party has not been notified of or
6 served with the order, the officer shall notify the protected person
7 that the officer will make reasonable efforts to contact the adverse
8 party, consistent with the safety of the protected person. After notice
9 to the protected person and consistent with the safety of the
10 protected person, the law enforcement officer shall make a
11 reasonable effort to inform the adverse party of the order, notify the
12 adverse party of the terms of the order, provide a record of the order,
13 if available, to the adverse party and allow the adverse party a
14 reasonable opportunity to comply with the order before the officer
15 enforces the order.

16 5. If a law enforcement officer determines that a person is a
17 protected person, the officer shall inform him or her of available
18 local victims' services.

19 **Sec. 6.** NRS 125.560 is hereby amended to read as follows:

20 125.560 ~~+~~

21 *1. Unless a more severe penalty is prescribed by law for an*
22 *act that constitutes a violation of a restraining order or injunction,*
23 *any person who intentionally violates a restraining order or*
24 *injunction* ~~+~~

25 ~~1. That~~ *that* is in the nature of a temporary or extended order
26 for protection against domestic violence ~~+~~ and ~~+~~

27 ~~2. That~~ *that* is issued in an action or proceeding brought
28 pursuant to this title ~~+~~

29 ~~is guilty of~~ *shall be punished:*

30 (a) *Where the order or injunction is in the nature of a*
31 *temporary order for protection against domestic violence, for a*
32 *misdemeanor . ~~+, unless a more severe penalty is prescribed by law~~*
33 *for the act that constitutes the violation of the order or injunction.* ~~+~~

34 (b) *Where the order or injunction is in the nature of an*
35 *extended order for protection against domestic violence and:*

36 (1) *The person has not previously violated an extended*
37 *order for protection against domestic violence, for a gross*
38 *misdemeanor; or*

39 (2) *The person has previously violated an extended order*
40 *for protection against domestic violence, for a category D felony*
41 *and shall be punished as provided in NRS 193.130.*

42 2. For the purposes of this section, an order or injunction is in
43 the nature of a temporary or extended order for protection against
44 domestic violence if it grants relief that might be given in a



1 temporary or extended order issued pursuant to NRS 33.017 to
2 33.100, inclusive.

3 **Sec. 7.** NRS 171.136 is hereby amended to read as follows:

4 171.136 1. If the offense charged is a felony or gross
5 misdemeanor, the arrest may be made on any day, and at any time of
6 day or night.

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

9 (a) Upon the direction of a magistrate, endorsed upon the
10 warrant;

11 (b) When the offense is committed in the presence of the
12 arresting officer;

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

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

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

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

22 (e) When the arrest is made in the manner provided in
23 NRS 171.137;

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

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

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

31 **Sec. 8.** NRS 179A.350 is hereby amended to read as follows:

32 179A.350 1. The Repository for Information Concerning
33 Orders for Protection ~~{Against Domestic Violence}~~ is hereby created
34 within the Central Repository.

35 2. Except as otherwise provided in subsection ~~{6,}~~ **9**, the
36 Repository for Information Concerning Orders for Protection
37 ~~{Against Domestic Violence}~~ must contain a complete and
38 systematic record of all ~~{temporary}~~ :

39 (a) *Temporary* and extended orders for protection against
40 domestic violence issued or registered in the State of Nevada and all
41 Canadian domestic-violence protection orders registered in the State
42 of Nevada, ~~{in accordance with regulations adopted by the Director~~
43 ~~of the Department,}~~ including, without limitation, any information
44 received pursuant to NRS 33.095 ~~{,}~~ **and**



1 ***(b) Temporary and extended orders for protection against***
2 ***stalking, aggravated stalking or harassment issued in this State***
3 ***pursuant to section 10 of this act.***
4 ***3. The records contained in the Repository for Information***
5 ***Concerning Orders for Protection must be kept in accordance with***
6 ***the regulations adopted by the Director of the Department.***
7 ***4. Information received by the Central Repository pursuant to***
8 ***NRS 33.095 and section 10 of this act*** must be entered in the
9 Repository for Information Concerning Orders for Protection
10 ~~***{Against Domestic Violence}***~~ not later than 8 hours after it is
11 received by the Central Repository.
12 ~~***{3.}***~~ ***5. The information in the Repository for Information***
13 ***Concerning Orders for Protection*** ~~***{Against Domestic Violence***~~
14 ~~***must***~~ :
15 ***(a) Must*** be accessible by computer at all times to each agency
16 of criminal justice ~~***{***~~
17 ~~***—4.}***~~ ***and***
18 ***(b) Upon request, may be provided to any agency of the***
19 ***Federal Government.***
20 ***6. The existence of a record of an expired temporary or***
21 ***extended order for protection in the Repository for Information***
22 ***Concerning Orders for Protection does not prohibit a person from***
23 ***obtaining a firearm or a permit to carry a concealed firearm***
24 ***unless such conduct violates:***
25 ***(a) A court order; or***
26 ***(b) Any provision of federal or state law.***
27 ***7. On or before July 1 of each year, the Director of the***
28 ***Department shall submit to the Director of the Legislative Counsel***
29 ***Bureau a written report concerning all temporary and extended***
30 ***orders for protection*** ~~***{against domestic violence}***~~ issued pursuant to
31 ***NRS 33.020 and 200.591*** during the previous calendar year that
32 were transmitted to the Repository for Information Concerning
33 Orders for Protection . ~~***{Against Domestic Violence.}***~~ The report
34 must include, without limitation, information for each court that
35 issues temporary or extended orders for protection ~~***{against domestic***~~
36 ~~***violence}***~~ ***pursuant to NRS 33.020 and 200.591, respectively,***
37 ***concerning:***
38 ***(a) The total number of temporary and extended orders that were***
39 ***granted by the court*** ~~***{pursuant to NRS 33.020}***~~ during the calendar
40 year to which the report pertains;
41 ***(b) The number of temporary and extended orders that were***
42 ***granted to women;***
43 ***(c) The number of temporary and extended orders that were***
44 ***granted to men;***



1 (d) The number of temporary and extended orders that were
2 vacated or expired;

3 (e) The number of temporary orders that included a grant of
4 temporary custody of a minor child; and

5 (f) The number of temporary and extended orders that were
6 served on the adverse party.

7 ~~15.1~~ 8. The information provided pursuant to subsection ~~14.1~~ 7
8 must include only aggregate information for statistical purposes and
9 must exclude any identifying information relating to a particular
10 person.

11 ~~16.1~~ 9. The Repository for Information Concerning Orders for
12 Protection ~~{Against Domestic Violence}~~ must not contain any
13 information concerning an event that occurred before October 1,
14 1998.

15 ~~17.1~~ 10. As used in this section, "Canadian domestic-violence
16 protection order" has the meaning ascribed to it in NRS 33.119.

17 **Sec. 9.** NRS 193.166 is hereby amended to read as follows:

18 193.166 1. Except as otherwise provided in NRS 193.169, a
19 person who commits a crime that is punishable as a felony, other
20 than a crime that is punishable as a felony pursuant to subsection 6
21 of NRS 33.400, subsection 5 of NRS 200.378 or subsection ~~15.1~~ 6 of
22 NRS 200.591, in violation of:

23 (a) A temporary or extended order for protection against
24 domestic violence issued pursuant to NRS 33.020;

25 (b) An order for protection against harassment in the workplace
26 issued pursuant to NRS 33.270;

27 (c) A temporary or extended order for the protection of a child
28 issued pursuant to NRS 33.400;

29 (d) An order for protection against domestic violence issued in
30 an action or proceeding brought pursuant to title 11 of NRS;

31 (e) A temporary or extended order issued pursuant to NRS
32 200.378; or

33 (f) A temporary or extended order issued pursuant to
34 NRS 200.591,

35 ➤ shall, in addition to the term of imprisonment prescribed by
36 statute for the crime, be punished by imprisonment in the state
37 prison, except as otherwise provided in this subsection, for a
38 minimum term of not less than 1 year and a maximum term of not
39 more than 20 years. If the crime committed by the person is
40 punishable as a category A felony or category B felony, in addition
41 to the term of imprisonment prescribed by statute for that crime, the
42 person shall be punished by imprisonment in the state prison for a
43 minimum term of not less than 1 year and a maximum term of not
44 more than 5 years.



1 2. In determining the length of the additional penalty imposed
2 pursuant to this section, the court shall consider the following
3 information:

- 4 (a) The facts and circumstances of the crime;
- 5 (b) The criminal history of the person;
- 6 (c) The impact of the crime on any victim;
- 7 (d) Any mitigating factors presented by the person; and
- 8 (e) Any other relevant information.

9 ↪ The court shall state on the record that it has considered the
10 information described in paragraphs (a) to (e), inclusive, in
11 determining the length of the additional penalty imposed.

12 3. The sentence prescribed by this section:

- 13 (a) Must not exceed the sentence imposed for the crime; and
- 14 (b) Runs concurrently or consecutively with the sentence
15 prescribed by statute for the crime, as ordered by the court.

16 4. The court shall not grant probation to or suspend the
17 sentence of any person convicted of attempted murder, battery
18 which involves the use of a deadly weapon, battery which results in
19 substantial bodily harm or battery which is committed by
20 strangulation as described in NRS 200.481 or 200.485 if an
21 additional term of imprisonment may be imposed for that primary
22 offense pursuant to this section.

23 5. This section does not create a separate offense but provides
24 an additional penalty for the primary offense, whose imposition is
25 contingent upon the finding of the prescribed fact.

26 **Sec. 10.** Chapter 200 of NRS is hereby amended by adding
27 thereto a new section to read as follows:

28 *Any time a court issues a temporary or extended order for*
29 *protection against stalking, aggravated stalking or harassment and*
30 *any time a person serves such an order, or receives any*
31 *information or takes any other action pursuant to this section and*
32 *NRS 200.571 to 200.601, inclusive, the court or person, as*
33 *applicable, shall cause to be transmitted, in the manner prescribed*
34 *by the Central Repository for Nevada Records of Criminal History,*
35 *any information required by the Central Repository in a manner*
36 *which ensures that the information is received by the Central*
37 *Repository by the end of the next business day.*

38 **Sec. 11.** NRS 200.591 is hereby amended to read as follows:

39 200.591 1. In addition to any other remedy provided by law,
40 a person who reasonably believes that the crime of stalking,
41 aggravated stalking or harassment is being committed against him or
42 her by another person may petition any court of competent
43 jurisdiction for a temporary or extended order directing the person
44 who is allegedly committing the crime to:



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

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

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

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

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

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

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

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

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

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

38 4. *Notwithstanding any other provision of law, in any hearing*
39 *on a petition for an extended order pursuant to this section:*

40 (a) *Testimony as to the reputation or an opinion of the*
41 *petitioner concerning his or her previous sexual conduct is*
42 *inadmissible.*

43 (b) *If the adverse party desires to present evidence of any*
44 *specific instance of previous sexual conduct of the petitioner, the*
45 *court must first determine that such evidence is relevant towards*



1 *the issue of the credibility of the petitioner or it is material to a fact*
2 *at issue and the probative value outweighs any prejudicial effect.*
3 *If the court makes such a determination, it may admit evidence of*
4 *the specific instance of previous sexual conduct of the petitioner*
5 *for the purpose of proving:*

- 6 (1) *Consensual sexual conduct with the adverse party;*
7 (2) *The origin of semen, pregnancy or disease; or*
8 (3) *False allegations made by the petitioner in support of a*
9 *previous petition for an order for protection against the adverse*
10 *party.*

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

16 ~~15.1~~ 6. Unless a more severe penalty is prescribed by law for
17 the act that constitutes the violation of the order, any person who
18 intentionally violates:

- 19 (a) A temporary order is guilty of a gross misdemeanor.
20 (b) An extended order is guilty of a category C felony and shall
21 be punished as provided in NRS 193.130.

22 ~~16.1~~ 7. Any court order issued pursuant to this section must:

- 23 (a) Be in writing;
24 (b) Be personally served on the person to whom it is directed;
25 and
26 (c) Contain the warning that violation of the order:
27 (1) Subjects the person to immediate arrest.
28 (2) Is a gross misdemeanor if the order is a temporary order.
29 (3) Is a category C felony if the order is an extended order.

30 ~~17.1~~ 8. A temporary or extended order issued pursuant to this
31 section must provide notice that a person who is arrested for
32 violating the order will not be admitted to bail sooner than 12 hours
33 after the person's arrest if:

- 34 (a) The arresting officer determines that such a violation is
35 accompanied by a direct or indirect threat of harm;
36 (b) The person has previously violated a temporary or extended
37 order for protection; or
38 (c) At the time of the violation or within 2 hours after the
39 violation, the person has:

- 40 (1) A concentration of alcohol of 0.08 or more in his or her
41 blood or breath; or
42 (2) An amount of a prohibited substance in his or her blood
43 or urine, as applicable, that is equal to or greater than the amount set
44 forth in subsection 3 or 4 of NRS 484C.110.



1 **Sec. 12.** NRS 200.592 is hereby amended to read as follows:

2 200.592 1. The payment of all costs and official fees must be
3 deferred for any person who petitions a court for a temporary or
4 extended order pursuant to NRS 200.591. After any hearing and not
5 later than final disposition of such an application or order, the court
6 shall assess the costs and fees against the adverse party, except that
7 the court may reduce them or waive them, as justice may require.

8 2. The clerk of the court shall provide a person who petitions
9 the court for a temporary or extended order pursuant to NRS
10 200.591 and the adverse party, free of cost, with information about
11 the:

12 (a) Availability of temporary and extended orders pursuant to
13 NRS 200.591;

14 (b) Procedure for filing an application for such an order; and

15 (c) Right to proceed without legal counsel.

16 3. A person who obtains an order pursuant to NRS 200.591
17 must not be charged any fee to have the order served in this State.

18 4. *If a law enforcement agency is designated to serve such an*
19 *order pursuant to NRS 200.591, service of the order must be given*
20 *priority over other service by the law enforcement agency to which*
21 *priority is not otherwise given by specific statute.*

22 **Sec. 13.** NRS 200.594 is hereby amended to read as follows:

23 200.594 1. A temporary order issued pursuant to NRS
24 200.591 expires within such time, not to exceed ~~30~~ 45 days, as the
25 court fixes. If a petition for an extended order is filed within the
26 period of a temporary order, the temporary order remains in effect
27 until the hearing on the extended order is held.

28 2. On 2 days' notice to the party who obtained the temporary
29 order, the adverse party may appear and move its dissolution or
30 modification, and in that event the court shall proceed to hear and
31 determine such motion as expeditiously as the ends of justice
32 require.

33 3. An extended order expires within such time, not to exceed ~~1~~
34 ~~year,~~ 5 years, as the court fixes. A temporary order may be
35 converted by the court, upon notice to the adverse party and a
36 hearing, into an extended order effective for no more than ~~1-year,~~
37 5 years.

38 **Sec. 14.** The provisions of subsection 1 of NRS 218D.380 do
39 not apply to any provision of this act which adds or revises a
40 requirement to submit a report to the Legislature.

41 **Sec. 15.** This act becomes effective on July 1, 2019.

