

Attachment Three (3)

Committee on Domestic Violence
Legislative Subcommittee
December 11, 2019

Contents: Draft List of Legislative Changes

	Bill and NRS	Changes to NRS (adds, changes, or takes out/ section it applies to. written change)	Potential Information Sources
AB 19			
	33.030	Adds 5a: A temporary or extended order must provide notice that (a) "response to a communication initiated by applicant may constitute a violation of the TPO"	
	33.060	Adds 2, 2a,b, 3,4, 4a,b, 5, 7. If after due diligence, the LE agency has attempted but been unsuccessful to personally serve adverse party, the LE agency can leave a notice in a conspicuous place. The notice must include: instruction and contact info; if adverse party responds then LE must personally serve the order; after 3 attempts at serving, can serve at place of employment; if all else fails, may serve according to Nevada Rules of Civil Procedure; if applicant applies for EPO at same time, LE will serve both protection orders	
	33.065	Section 1: If current address of adverse party in unknown and the law enforcement agency has made at least two attempts to personally serve at the adverse parties current place of employment " with a copy of the application for an EO and notice of hearing" the LE agency may then serve the adverse party by (a) delivering a copy of the application to the current place of employment (b) thereafter, mailing a copy of the application and the notice of	
	33.080	Changes section 3: Extended protection order are increased from 1year to 2years Adds section 4,5,6. court shall enter basis for extending an order for more than 1 year; at any time an applicant can dissolve or modify the extended order based on circumstances; this section must not be construed to affect the right of the adverse party according to NRS	
	33.100	A temporary order violation is guilty of a misdemeanor. An extended order violation with no previous violations is guilty of a misdemeanor, a previous violation is guilty of a misdemeanor and if two or more violations is guilty of a category D felony.	
	125.560	A person who intentionally violates a restraining order or injunction; for a temporary restraining order shall be punished for a misdemeanor; for an extended restraining order with no previous violation shall be punished for a misdemeanor; with one previous violation for a gross misdemeanor, and with two or more violation a category D felony.	
	179A.350	The Repository for Information Concerning Orders for Protection(RICOP) shall retain all records of expired orders unless sealed by a court; the existence of a record of expired protection orders does not prohibit a person from obtaining a fire arm or a permit to conceal carry; unless it violates a court order or federal or state provision;	

	200.594	Changes section 3. Extends protection order from 1year to 2years Adds 4,5,6. court shall enter a fact provided basis for extending an order for more than one year; at any time the applicant can dissolve or modify the EPO based on circumstances; this sect must not be construed to limit the adverse party to an interlocutory appeal NRS	
AB 41			
	217.464	Adds 2, 2a,b, 3,3b,c, 5. upon written request, allows the participant to use a fictitious address issued by the Division and entity shall not retain a record unless; the entity is required by federal, state, or local law or; provision of service is impossible without the address; if the entity retains the record of the confidential address, it can only be used to the extent that it is required; (3) gov entity or service to which a participant provides a fictitious address pursuant to this section shall not make records of telephone numb, or image; gov entity or service (2X); Division, gov entity, service is required by federal or state law; (5) defines "gov entity"	
AB 60			
	33.018	Various changes to defintion of domestic violence: Changes 1c. Compelling the other person by force... to "Coercion pursuant to NRS 207.190 Adds 1e8,9 "burglary, an invasion of the home" Changes 1g. Unlawful entry of the other person's residence... to pandering Adds 2, 2a,b. provisions of this section do not apply to; siblings, except those in a custodial relationship or; cousins, except those in a custodial relationship.	
	171	Adds new section 1, 1a,b, 2. whether or not there is a warrant, an officer may arrest a person when the person is believed to have committed battery upon; a roommate,; a sibling if the person is not guardian or; a cousin if the person is not guardian; (2) nothing in this sec shall be construed to impose liability on officer or employer if there is no arrest made in good faith.	
	171.137	Takes out 1. "a person with whom he or she is or was actually residing" to the list of who peace officers may arrest with probaly cause/without a warrant and adds "or a person who is the custodian or guardian of his or her minor child" nothing shall be construed to impose liability on officer or employer if no arrest is made in good faith; provisions of this section do not apply to; siblings, except those in a custodial relationship or; cousins, except those in a custodial relationship.	

176	<p>Adds new section 1, 2, 3, 3a,b. in addition to other fine or penalty, the court can; (1) enter a finding in the judgment of conviction; order the person to pay a \$35 fee for dv programs; (3)require for the ; (a) first offense within 7yrs for the person to participate in weekly counseling -described-; second offense within 7yrs for the person to participate in counseling - described.</p>	
200.485	<p>Battery which constitutes domestic violence: Adds 1b2. a term of imprisonment imposed may be served intermittently by the judge, each period of confinement must not be less than 12 consecutive hours and must occur at a time when the person is not at work or on a weekend.</p> <p>changes 1c. For third offense in 7 years changed punishment form category C to category B felony; punished by imprisonment in the state prison for 1 to 6 years and fined \$1000 to \$5000.</p> <p>Adds 4, 4a,b, 5. charges if domestic violence battery is committed against a pregnant victim; first offense is gross misdemeanor; second and subsequent is category B felony; (5) domestic violence battery resulting in bodily harm is category B felony.</p> <p>If domestic violence battery consittutes substantial bodily harmm, guilty of a catergory B felony</p>	
200.575	<p>A person commits stalking when they willfully and maliciously engage in course of conduct towards a victim that would cause a reasonable person under similar circumstance to feel terrorized, frightened, intimidated, harassed, or fearful for their immediate safety of the immediate safety of a family or household member. The first offense of stalking is guilty of a misdemeanor, for the second offense guilty of a gross misdemanor, for the third or any subsequent offense is guilty of a category C felony. Stalking committed afainst a victim that is under the age of 16 and the person is 5 or more year old than the victim is guilty of a gross misdemeanor for the first offense, a category C felony for the seconf offense and a category B felony for the third or subsequent offense.</p>	
217.180	<p>Victims of crime "If the case invovles a victim of domestic violence, sexual assault, facilitating sex trafficking, or sex trafficking, the compensation officer shall not consider the provocation, consent or any other behavior of the victim that directly or indirectly contributed to the injury or death of the victim"</p>	

	228.460	Any 'fee' imposed and collected for the Account for Programs Related to Domestic Violence must be deposited with the State Controller for credit to the Account.	
	228.470	The AG shall appoint a subcommittee of the members from the Committee on Domestic Violence to carry out duties as needed.	
	481.091	Prosecutors who as part of their normal job prosecute person for domestic violence may request that the Department display an alternate address on the person's driver license.	
AB 134			
	49.2545	Changes definition of victim advocate to include a person who works for a program of a university, state college or community college within the Nevada System of Higher Education or a program of a tribal organization which.	
	49.2546	Clarifies that confidential communications includes all records concerning the victim and the services provided to the victim which are within possession of the program of a university, state college or community college within the Nevada system of Higher Education, or the program of a tribal organization.	
AB 216			
	226	Adds new section 1, 2, 2a,b,c, 3, 3a,b,c,d, 4. (1) State Treasurer shall create and maintain a statewide database of sources of financial assistance for people pursuing higher ed; (2) database includes, without limitation; list of any program, scholarships, grant, student loan assistance; contact info of ea person administering ea financial assistance program; demographic requirements listed in database; (3) state treasurer; shall make database public on website maintained by state treasurer; shall establish a toll-free telephone number and means of electronic communication for assistance; may employ staff to maintain, support, and promote the database; may accept sources of money to carry out the provisions of this section; (4) AG shall establish a program to market and conduct outreach to victims of dv or human trafficking to connect them with the database. AG may also accept sources of money to carry out the provisions of this act.	
AB 336			

	217		
		Adds sections 2 through 10.	
	sect. 2	unless context requires, the words and terms defined in sections 3-7 of this act have the meanings described in those sections.	
	sect. 3	"Certification" means the certification of a Form I-918, Supplement B, U Nonimmigrant Status Certification, as required by 8 U.S.C. § 1184(p) regarding a Form I-918, Petition for U Nonimmigrant Status by a certifying agency.	
	sect. 4	"Certifying agency" means a state or local LE agency; prosecutor; judge or; any other governmental agency that has criminal, civil or administrative investigative or prosecutorial authority.	
	sect. 5	"Certifying official" means head of certifying agency or; person who has been designated to complete a certification.	
	sect. 6	"Criminal activity" means an offense for which the elements are substantially similar to an offense described in 8 U.S.C. § 1101(a)(15)(U)(iii) or the attempt, solicitation or conspiracy to commit such an offense.	
	sect. 7	"Petitioner" means a person who requests a certification	

	sect. 8	1, 1a,b, 2, 2a,b, 3, 3a,b,c,d, 4. (1) upon a request for certification from a petitioner, the certifying agency will determine; was the victim of criminal activity and; is helpful to the investigation; (2) If a certifying agency determines that a petitioner satisfies the requirements, they shall complete and sign the cert which needs to include; nature of criminal activity; helpfulness of petitioner (3) the certifying agency shall not consider; period of time between criminal activity and request for cert; whether there is an active investigation; whether a formal statement of charged was filed or; whether there was prosecution or conviction (4) there is rebuttable presumption that a petitioner has been helpful, unless they refuse or fail to provide reasonable assistance requested by LE.	
	sect. 9	Certifying agency shall process a cert request withing 90 days unless the petitioner is 20 years old or party to a federal immigration proceeding for his or her removal, in which case the certifying agency has 14 days to process the request.	
	sect. 10	1, 1a,b, 2, 2a,b, 3, 3a,b,c,d, 4. (1) certifying agency shall not; disclose immigration status of petitioner unless mandated by federal law or petitioner consents; withdraw cert unless the petitioner refuses to assist (2) certifying agency shall develop protocol to assist petitioners; who have limited English skills; who are deaf, hard of hearing or speach impaired (3) By Jan 1 of ea year, certifying agencies will report to the Director of the LCB that sets forth; numb of requests recieved by certifying agency; numb of certs completed; numb of certs denied; for ea denial, the reasons for that denial (4) nothing in this section shall be construed to relieve any obligation on prosecuting attornies or LE.	
AB 410			
	33.080	Temporary orders are extended from 30 to 45 days	
AB 422			

	178.494	A person detained as a material witness must be brought before a judge as soon as practicable, but not later than 72 hours after the beginning of the detention. The judge will consider the least restrictive means to secure the person's presence. An individual who is detained that is a victim of domestic or sexual violence, must be brought before the judge no later than 24 hours after being detained, the determination may be made over the phone. The victim must also have an attorney appointed to them. If it is determined that the detention should continue, the judge should schedule the case in which the material witness will testify as soon as possible.	
	50.205	When a witness is arrested in a subpoena, the court must appoint an attorney. The witness must be seen before a judge within 72 hours to determine if the detention should continue. A person detained as a victim of domestic or sexual violence must be seen by a judge would be seen within 24 hours.	
AB 534			
	217	Creates new sections 1,2,3,4,5: The Department of Health and Human Services shall (1) develop a state plan for victims of crime and ensure that services coordinate their efforts and use the same data; (2) shall consult with each of its divisions and agencies which administer a fund; (3) may consult with any agency which provides support for victims of crime; (4) shall make any forms used to provide compensation available on a website; (5) shall develop a survey to determine effectiveness of various methods for providing compensation to victims of crimes and identify barriers.	
	217.038	makes language conforming changes - Eligible 'victim' means a person who is injured or killed as the direct result of a crime. Removed the word physically injured	
	217.100	Any person eligible for victims of crime compensation must apply not later than 24 months after the injury or death for which compensation is being claimed	
	217.117	makes language conforming changes	

	217.130	<p>makes language conforming changes -Takes out "with the approval...prescribing"</p> <p>Adds 1, 1a,c, 2, 3a,b,c,d, 4, 5, 6, 7. (1) state plan for services must include without limitation rules and regulations; establishing the eligibility requirements for receiving compensation; providing for admin hearings to address appeals of the decisions of appeals officers pursuant to NRS 217.117 (2) Department must give 30 days notice before changing any rule in the state plan (3) notice of intent to act upon a rule must; include a statement of need and purpose of proposed rule, description of subjects, issues involved, time and place where people can present their views; include a statement identifying the entities that will be financially affected including the local go; state ea address at which the rule may be inspected and copied; be mailed to all people who have requested to be on a mailing list (4) all interested people must have reasonable opportunity to submit data, reviews, or arguments on the proposed rule and the Department will consider them fully (5) Department shall keep and make available minutes and audio recordings of public hearings (6) ob objection to any rule on the ground of noncompliance with requirements in this section may not be made more than 2yrs after effective date (7) Department shall submit a copy of the rule to the LCB.</p>	
	217.180	<p>In determine whether to make an order for victims of crime compensation, the compensation office shall award compensation unless the injury or death of the victim was substantially attributed to a wrongful act of the victims or substantially provoked by the victim</p> <p style="text-align: right;">In cases pertaining to</p> <p>domestic violence, sexual assault, or sex trafficking, the compensation officer shall not consider the wrongful act provocation.</p>	
SB 97			
	193	<p>Adds new section: A person cannot claim that their violence or alleged state of passion is objectively reasonable after making the discovery of or knowledge of or potential disclosure of the actual or perceived sexual orientation, gender identify or expression of the victim.</p>	
SB 143			
	202	<p>Creates section 2 and 7 to establish the Background Check Initiative. A background check must be completed before each sale or transfer of a firearm from private sellers.</p>	

	179A.140	Section3(c) The central repository shall not charge a fee for information provided to a person who is required to conduct a background check.	
SB 218			
	33.020	Amends sections 1: "A court shall only consider whether the act of domestic violence or the threat thereof satisfies the requirements of NRS 33.018 without considering any other factor in the its determinations to grant temporary or extended order.	
	33.100	Section 3: A temporary protection violation order is guilty of a misdemeanor. An extended order violation is guilty of: a misdeamor with no prior violations; of a gross misdemeanor with one prior violation; a category D felony with two or more violations.	
	125.560	Amends section 1: A person who intentially violates a temporary restraining order for protection against domestic violence shall be punished for a misdemeanor. For an extended protection order against domestic violence, a person who intentionally violates the order will be punished for; a misdemeanor if no previous violations; a gross misdemeanor is a previous violation; category D felony if two or more previous violations.	
	200.485	Adds Section 3 (b) A person who is guilty of domestic violence battery committed with a deadly weapon is guilty of category B felony and shall be punished by imprisonment is state prison for a minimum of 2 years and maximum term of not more than 15 years and shall be fined between \$2000-\$5000	