

(Reprinted with amendments adopted on April 22, 2019)

FIRST REPRINT

A.B. 19

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.

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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 orders for protection; revising provisions relating to service of process of temporary and extended orders for protection against domestic violence; 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 a person alleged to have committed the crime of sexual assault, orders for protection against stalking, aggravated stalking or harassment and orders for protection against 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 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 Finally, existing law defines the crime of sexual assault and authorizes a court to
9 issue a temporary or extended order for protection against a person alleged to have
10 committed the crime of sexual assault. (NRS 200.366, 200.378)

11 Existing law requires a law enforcement agency to personally serve the adverse
12 party with a temporary order for protection against domestic violence. (NRS
13 33.060) **Section 1.3** of this bill revises the service of process requirements for
14 temporary and extended orders for protection against domestic violence. **Section**
15 **1.3** requires a law enforcement agency to attempt to serve an adverse party
16 personally with a temporary order. If the law enforcement agency is unable to
17 personally serve the temporary order on the adverse party, **section 1.3** requires the
18 law enforcement agency to leave a notice at the adverse party's residence stating
19 that the adverse party may respond to the notice within 24 hours. **Section 1.3**
20 provides that if personal service of the temporary order is unsuccessful three times,
21 the applicant for the temporary order may petition the court to order the law
22 enforcement agency to serve the adverse party at his or her place of employment. If
23 service at the place of employment is unsuccessful, **section 1.3** authorizes the
24 applicant to petition the court to order the law enforcement agency to serve the
25 adverse party by an alternative service method pursuant to the Nevada Rules of
26 Civil Procedure.

27 Existing law authorizes a person to serve a copy of an application of an
28 extended order for protection against domestic violence and notice of the hearing
29 thereof on the adverse party: (1) pursuant to the Nevada Rules of Civil Procedure;
30 or (2) at the adverse party's place of employment under certain circumstances.
31 Existing law provides that if the adverse party is served at his or her place of
32 employment, the copy of the application and notice of the hearing must be served
33 with a copy of the temporary order for protection against domestic violence. (NRS
34 33.060, 33.065) **Section 1.7** of this bill removes the requirement to serve the copy
35 of the temporary order at the adverse party's place of employment.

36 **Section 1.3** provides that if a temporary and extended order for protection
37 against domestic violence are filed at the same time or the extended order for
38 protection is filed before law enforcement has been able to successfully serve the
39 temporary order, then the extended order will be served with the temporary order in
40 the manner set forth in **section 1.3**.

41 Existing law requires temporary and extended orders for protection against
42 domestic violence to contain certain information. (NRS 33.030) **Section 1** of this
43 bill requires a temporary or extended order for protection against domestic violence
44 to include a notice to the adverse party that responding to a communication by the
45 protected party may constitute a violation of the order.

46 Existing law also provides that an extended order for protection against
47 domestic violence and an extended order for protection against stalking, aggravated
48 stalking or harassment expire after not more than 1 year. (NRS 33.080, 200.594)
49 **Sections 2 and 13** of this bill provide that such extended orders for protection
50 expire after not more than 2 years. **Sections 2 and 13** require the court to enter a
51 finding of fact providing the basis for the imposition of an extended order for a
52 period of greater than 1 year. **Sections 2 and 13** also authorize the protected party
53 or the adverse party at any time while an extended order is effective to move a
54 court to modify or dissolve an extended order because of changed circumstances of
55 the parties.

56 Under existing law, a person is guilty of a misdemeanor for intentionally
57 violating a temporary or extended order for protection against domestic violence.
58 (NRS 33.100) **Section 4** of this bill provides that a person who intentionally
59 violates such an extended order and who has never previously violated an order is
60 guilty of a misdemeanor. **Section 4** increases the penalty for intentionally violating
61 such an extended order to: (1) a gross misdemeanor if the person has previously



62 violated such an order one time; or (2) a category D felony if the person has
63 previously violated such an order two or more times. **Section 6** of this bill makes
64 conforming changes.

65 Existing law requires the Repository for Information Concerning Orders for
66 Protection Against Domestic Violence to contain records within the Central
67 Repository for Nevada Records of Criminal History of temporary and extended
68 orders for protection against domestic violence and certain other information. (NRS
69 179A.350) **Section 8** of this bill changes the name of the Repository for
70 Information Concerning Orders for Protection Against Domestic Violence to the
71 Repository for Information Concerning Orders for Protection. **Section 8** also
72 requires the Repository for Information Concerning Orders for Protection to
73 maintain records within the Central Repository of all temporary and extended
74 orders for protection against stalking, aggravated stalking or harassment and all
75 temporary and extended orders for protection against a person alleged to have
76 committed the crime of sexual assault. **Sections 10.3 and 10.7** of this bill require
77 certain persons to transmit such orders to the Central Repository for transfer to the
78 Repository for Information Concerning Orders for Protection.

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

1 **Section 1.** NRS 33.030 is hereby amended to read as follows:

2 33.030 1. The court by a temporary order may:

3 (a) Enjoin the adverse party from threatening, physically
4 injuring or harassing the applicant or minor child, either directly or
5 through an agent;

6 (b) Exclude the adverse party from the applicant's place of
7 residence;

8 (c) Prohibit the adverse party from entering the residence,
9 school or place of employment of the applicant or minor child and
10 order the adverse party to stay away from any specified place
11 frequented regularly by them;

12 (d) If it has jurisdiction under chapter 125A of NRS, grant
13 temporary custody of the minor child to the applicant;

14 (e) Enjoin the adverse party from physically injuring,
15 threatening to injure or taking possession of any animal that is
16 owned or kept by the applicant or minor child, either directly or
17 through an agent;

18 (f) Enjoin the adverse party from physically injuring or
19 threatening to injure any animal that is owned or kept by the adverse
20 party, either directly or through an agent; and

21 (g) Order such other relief as it deems necessary in an
22 emergency situation.

23 2. The court by an extended order may grant any relief
24 enumerated in subsection 1 and:



1 (a) Specify arrangements for visitation of the minor child by the
2 adverse party and require supervision of that visitation by a third
3 party if necessary;

4 (b) Specify arrangements for the possession and care of any
5 animal owned or kept by the adverse party, applicant or minor child;
6 and

7 (c) Order the adverse party to:

8 (1) Avoid or limit communication with the applicant or
9 minor child;

10 (2) Pay rent or make payments on a mortgage on the
11 applicant's place of residence;

12 (3) Pay for the support of the applicant or minor child,
13 including, without limitation, support of a minor child for whom a
14 guardian has been appointed pursuant to chapter 159A of NRS or a
15 minor child who has been placed in protective custody pursuant to
16 chapter 432B of NRS, if the adverse party is found to have a duty to
17 support the applicant or minor child;

18 (4) Pay all costs and fees incurred by the applicant in
19 bringing the action; and

20 (5) Pay monetary compensation to the applicant for lost
21 earnings and expenses incurred as a result of the applicant attending
22 any hearing concerning an application for an extended order.

23 3. If an extended order is issued by a justice court, an
24 interlocutory appeal lies to the district court, which may affirm,
25 modify or vacate the order in question. The appeal may be taken
26 without bond, but its taking does not stay the effect or enforcement
27 of the order.

28 4. A temporary or extended order must specify, as applicable,
29 the county and city, if any, in which the residence, school, child care
30 facility or other provider of child care, and place of employment of
31 the applicant or minor child are located.

32 5. A temporary or extended order must provide notice that ~~(a)~~ :

33 *(a) Responding to a communication initiated by the applicant*
34 *may constitute a violation of the protective order; and*

35 *(b) A person who is arrested for violating the order will not be*
36 *admitted to bail sooner than 12 hours after the person's arrest if:*

37 ~~(a)~~ (1) The arresting officer determines that such a violation is
38 accompanied by a direct or indirect threat of harm;

39 ~~(b)~~ (2) The person has previously violated a temporary or
40 extended order for protection; or

41 ~~(c)~~ (3) At the time of the violation or within 2 hours after the
42 violation, the person has:

43 ~~(+)~~ (1) A concentration of alcohol of 0.08 or more in the
44 person's blood or breath; or



1 ~~(2)~~ (II) An amount of a prohibited substance in the
2 person's blood or urine, as applicable, that is equal to or greater than
3 the amount set forth in subsection 3 or 4 of NRS 484C.110.

4 **Sec. 1.3.** NRS 33.060 is hereby amended to read as follows:

5 33.060 1. The court shall transmit, by the end of the next
6 business day after the order is issued, a copy of the temporary or
7 extended order to the appropriate law enforcement agency which
8 has jurisdiction over the residence, school, child care facility or
9 other provider of child care, or place of employment of the applicant
10 or the minor child.

11 2. The court shall order the appropriate law enforcement
12 agency to serve, without charge, the adverse party personally with
13 the temporary order . ~~[and to file with or mail to the clerk of the~~
14 ~~court proof of service by the end of the next business day after~~
15 ~~service is made. Service]~~ *If after due diligence, the law*
16 *enforcement agency has attempted and been unable to personally*
17 *serve the adverse party with the temporary order, the law*
18 *enforcement agency shall leave a notice in a conspicuous place at*
19 *the last known address of the adverse party. The notice must*
20 *include, without limitation, a statement that contains the following*
21 *information:*

22 (a) *That the adverse party must contact the law enforcement*
23 *agency within 24 hours of the attempted personal service and the*
24 *exact time in which the 24-hour period expires; and*

25 (b) *The contact information for the law enforcement agency,*
26 *including, without limitation, the phone number of the law*
27 *enforcement agency.*

28 3. *If the adverse party responds to the notice pursuant to*
29 *subsection 2, the law enforcement agency must obtain the*
30 *necessary information from the adverse party to serve the adverse*
31 *party personally with the temporary order.*

32 4. *If after due diligence, the law enforcement agency has*
33 *attempted and been unable to serve the adverse party with*
34 *personal service of the temporary order three times and the*
35 *adverse party has not responded to the notices pursuant to*
36 *subsection 2, the applicant may petition the court to order the law*
37 *enforcement agency to serve the adverse party with the temporary*
38 *order at his or her place of employment, if applicable. The petition*
39 *must include, without limitation, affidavits, declarations or other*
40 *evidence setting forth specific facts demonstrating:*

41 (a) *That the law enforcement agency, with due diligence,*
42 *attempted to locate and personally serve the adverse party three*
43 *times and left corresponding notices at his or her place of*
44 *residence after each attempted service pursuant to subsection 2;*
45 *and*



1 (b) *The contact information of the adverse party, including,*
2 *without limitation, the known or last known phone number and*
3 *residential address of the adverse party and the name and*
4 *commercial address of his or her place of employment.*

5 5. *If the adverse party is unemployed or after due diligence,*
6 *the law enforcement agency has attempted and been unable to*
7 *serve the adverse party with the temporary order at his or her*
8 *place of employment pursuant to subsection 4, the applicant may*
9 *petition the court to order the law enforcement agency to serve the*
10 *adverse party by an alternative service method pursuant to the*
11 *Nevada Rules of Civil Procedure.*

12 6. *Except as otherwise provided in subsection 7, service* of an
13 application for an extended order and the notice of any hearing
14 thereon must be served upon the adverse party:

- 15 (a) Pursuant to the Nevada Rules of Civil Procedure; or
- 16 (b) In the manner provided in NRS 33.065.

17 ~~[3.]~~ 7. *If the applicant files an application for an extended*
18 *order at the same time as his or her application for a temporary*
19 *order or before such time that a law enforcement agency is able to*
20 *successfully serve the temporary order on the adverse party, the*
21 *application for the extended order and notice of the hearing*
22 *thereon must be served with the temporary order in accordance*
23 *with the procedures set forth in subsections 1 to 5, inclusive,*
24 *regardless of whether the law enforcement agency has commenced*
25 *service of the temporary order pursuant to subsections 1 to 5,*
26 *inclusive.*

27 8. A law enforcement agency shall enforce a temporary or
28 extended order without regard to the county in which the order was
29 issued.

30 ~~[4.]~~ 9. The clerk of the court shall issue, without fee, a copy of
31 the temporary or extended order to the applicant and the adverse
32 party.

33 **Sec. 1.7.** NRS 33.065 is hereby amended to read as follows:

34 33.065 1. If the current address where the adverse party
35 resides is unknown and the law enforcement agency has made at
36 least two attempts to personally serve the adverse party at the
37 adverse party's current place of employment ~~[.]~~ *with a copy of the*
38 *application for an extended order and the notice of the hearing*
39 *thereon,* the law enforcement agency or a person designated by the
40 law enforcement agency may serve the adverse party by:

41 (a) Delivering a copy of the application for an extended order ~~[.]~~
42 *and* the notice of hearing thereon ~~[and a copy of the temporary~~
43 ~~order]~~ to the current place of employment of the adverse party; and

44 (b) Thereafter, mailing a copy of the application for an extended
45 order ~~[.]~~ *and* the notice of hearing thereon ~~[and a copy of the~~



1 ~~temporary order~~ to the adverse party at the adverse party's current
2 place of employment.

3 2. Delivery pursuant to paragraph (a) of subsection 1 must be
4 made by leaving a copy of the documents specified at the current
5 place of employment of the adverse party with the manager of the
6 department of human resources or another similar person. Such a
7 person shall:

8 (a) Accept service of the documents and make a reasonable
9 effort to deliver the documents to the adverse party;

10 (b) Identify another appropriate person who will accept service
11 of the documents and who shall make a reasonable effort to deliver
12 the documents to the adverse party; or

13 (c) Contact the adverse party and arrange for the adverse party
14 to be present at the place of employment to accept service of the
15 documents personally.

16 3. After delivering the documents to the place of employment
17 of the adverse party, a copy of the documents must be mailed to the
18 adverse party by first-class mail to the place of employment of the
19 adverse party in care of the employer.

20 4. The adverse party shall be deemed to have been served 10
21 days after the date on which the documents are mailed to the
22 adverse party.

23 5. Upon completion of service pursuant to this section, the law
24 enforcement agency or the person designated by the law
25 enforcement agency who served the adverse party in the manner set
26 forth in this section shall file with or mail to the clerk of the court
27 proof of service in this manner.

28 6. An employer is immune from civil liability for any act or
29 omission with respect to accepting service of documents, delivering
30 documents to the adverse party or contacting the adverse party and
31 arranging for the adverse party to accept service of the documents
32 personally pursuant to this section, if the employer acts in good faith
33 with respect to accepting service of documents, delivering
34 documents to the adverse party or contacting the adverse party and
35 arranging for the adverse party to accept service of the documents
36 personally.

37 **Sec. 2.** NRS 33.080 is hereby amended to read as follows:

38 33.080 1. A temporary order expires within such time, not to
39 exceed 30 days, as the court fixes. If an application for an extended
40 order is filed within the period of a temporary order or at the same
41 time that an application for a temporary order is filed, the temporary
42 order remains in effect until:

43 (a) The hearing on the extended order is held; or



1 (b) If the court schedules a second or third hearing pursuant to
2 subsection 4 or 5 of NRS 33.020, the date on which the second or
3 third hearing on an application for an extended order is held.

4 2. On 2 days' notice to the party who obtained the temporary
5 order, the adverse party may appear and move its dissolution or
6 modification, and in that event the court shall proceed to hear and
7 determine such motion as expeditiously as the ends of justice
8 require.

9 3. An extended order expires within such time, not to exceed ~~1~~
10 ~~year,~~ **2 years**, as the court fixes. A temporary order may be
11 converted by the court, upon notice to the adverse party and a
12 hearing, into an extended order effective for not more than ~~1~~
13 ~~year,~~ **2 years**.

14 **4. A court shall enter a finding of fact providing the basis for**
15 **the imposition of an extended order effective for more than 1 year.**

16 **5. At any time while the extended order is in effect, the party**
17 **who obtained the extended order or the adverse party may appear**
18 **and move for its dissolution or modification based on changes of**
19 **circumstance of the parties, and in that event the court shall**
20 **proceed to hear and determine such motion as expeditiously as the**
21 **ends of justice require.**

22 **6. This section must not be construed to affect the right of an**
23 **adverse party to an interlocutory appeal pursuant to NRS 33.030.**

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

25 33.085 1. Except as otherwise provided in subsection 2, an
26 order for protection against domestic violence issued by the court of
27 another state, territory or Indian tribe within the United States,
28 including, without limitation, any provisions in the order related to
29 custody and support, is valid and must be accorded full faith and
30 credit and enforced by the courts of this state as if it were issued by
31 a court in this state, regardless of whether the order has been
32 registered in this state, if the court in this state determines that:

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

36 (b) The adverse party was given reasonable notice and an
37 opportunity to be heard before the order was issued or, in the case of
38 an ex parte order, the adverse party was given reasonable notice and
39 an opportunity to be heard within the time required by the laws of
40 the issuing state, territory or tribe and, in any event, within a
41 reasonable time after the order was issued.

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



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

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

6 ↪ the court shall refuse to enforce the order against the applicant
7 and may determine whether to issue its own temporary or extended
8 order.

9 3. A law enforcement officer shall enforce an order for
10 protection against domestic violence issued by the court of another
11 state, territory or Indian tribe and shall make an arrest for a violation
12 thereof in the same manner that a law enforcement officer would
13 make an arrest for a violation of a temporary or extended order
14 issued by a court of this state unless it is apparent to the officer that
15 the order is not authentic on its face. An officer shall determine that
16 an order is authentic on its face if the order contains:

17 (a) The names of the parties;

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

19 (c) Information indicating that the court which issued the order
20 had legal authority to issue the order as evidenced by a certified
21 copy of the order, a file-stamped copy of the order, an authorized
22 signature or stamp of the court which issued the order or another
23 indication of the authority of the court which issued the order.

24 ↪ An officer may determine that any other order is authentic on its
25 face.

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

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

32 (b) An order for protection against domestic violence that is
33 included in the Repository for Information Concerning Orders for
34 Protection [~~Against Domestic Violence~~] pursuant to NRS 33.095 or
35 in any national crime information database;

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

39 (d) An examination of the totality of the circumstances
40 concerning the existence of a valid and effective order for protection
41 against domestic violence, including, without limitation, the
42 statement of a person protected by the order that the order remains
43 in effect.

44 5. The fact that an order has not been registered or included in
45 the Repository for Information Concerning Orders for Protection



1 ~~[Against Domestic Violence]~~ in the Central Repository for Nevada
2 Records of Criminal History pursuant to NRS 33.095 or in any
3 national crime information database is not grounds for a law
4 enforcement officer to refuse to enforce the terms of the order unless
5 it is apparent to the officer that the order is not authentic on its face.

6 6. A court or law enforcement officer who enforces an order
7 for protection against domestic violence issued by the court of
8 another state, territory or Indian tribe based upon a reasonable belief
9 that the order is valid or who refuses to enforce such an order based
10 upon a reasonable belief that the order is not valid and the employer
11 of such a law enforcement officer are immune from civil and
12 criminal liability for any action taken or not taken based on that
13 belief.

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

15 33.100 A person who intentionally violates ~~[a]~~:

16 1. A temporary ~~[or extended]~~ order is guilty of a misdemeanor .
17 ~~[, unless a more severe penalty is prescribed by law for the act that~~
18 ~~constitutes the violation of the order.]~~

19 2. *An extended order and:*

20 (a) *Who has not previously violated an extended order is guilty*
21 *of a misdemeanor;*

22 (b) *Who has previously violated an extended order one time is*
23 *guilty of a gross misdemeanor; or*

24 (c) *Who has previously violated an extended order two or more*
25 *times is guilty of a category D felony and shall be punished as*
26 *provided in NRS 193.130.*

27 *↳ Each act that constitutes a violation of the temporary or*
28 *extended order may be prosecuted as a separate violation of the*
29 *order.*

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

31 33.143 1. Except as otherwise provided in subsection 4 and
32 NRS 33.146, a law enforcement officer shall enforce a Canadian
33 domestic-violence protection order and shall make an arrest for a
34 violation thereof in the same manner that a law enforcement officer
35 would make an arrest for a violation of a temporary or extended
36 order issued by a court of this State unless it is apparent to the
37 officer that the order is not authentic on its face. An officer shall
38 determine that an order is authentic on its face if the order contains:

39 (a) The names of the parties;

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

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



1 ↪ An officer may determine that any other order is authentic on its
2 face.

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

6 (a) A copy of the order that has been provided to the officer;

7 (b) An order that is included in the Repository for Information
8 Concerning Orders for Protection ~~[Against Domestic Violence]~~
9 pursuant to NRS 33.095 or in any national crime information
10 database;

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

14 (d) An examination of the totality of the circumstances
15 concerning the existence of a valid and effective order, including,
16 without limitation, the statement of a person protected by the order
17 that the order remains in effect.

18 3. The fact that a Canadian domestic-violence protection order
19 has not been registered or included in the Repository for
20 Information Concerning Orders for Protection ~~[Against Domestic
21 Violence]~~ in the Central Repository for Nevada Records of Criminal
22 History pursuant to NRS 33.095 or in any national crime
23 information database is not grounds for a law enforcement officer to
24 refuse to enforce the terms of the order unless it is apparent to the
25 officer that the order is not authentic on its face.

26 4. If a law enforcement officer determines that an otherwise
27 valid Canadian domestic-violence protection order cannot be
28 enforced because the adverse party has not been notified of or
29 served with the order, the officer shall notify the protected person
30 that the officer will make reasonable efforts to contact the adverse
31 party, consistent with the safety of the protected person. After notice
32 to the protected person and consistent with the safety of the
33 protected person, the law enforcement officer shall make a
34 reasonable effort to inform the adverse party of the order, notify the
35 adverse party of the terms of the order, provide a record of the order,
36 if available, to the adverse party and allow the adverse party a
37 reasonable opportunity to comply with the order before the officer
38 enforces the order.

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

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

43 125.560 ~~[A]~~

44 **1.** A person who *intentionally* violates a restraining order or
45 injunction ~~[-~~



1 ~~1. That~~ *that* is in the nature of a temporary or extended order
2 for protection against domestic violence [;] and

3 ~~[2. That that~~ is issued in an action or proceeding brought
4 pursuant to this title [;

5 ~~is guilty of]~~ *shall be punished:*

6 (a) *Where the order or injunction is in the nature of a*
7 *temporary order for protection against domestic violence, for a*
8 *misdemeanor . [; unless a more severe penalty is prescribed by law*
9 *for the act that constitutes the violation of the order or injunction.]*

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

12 (1) *The person has not previously violated an extended*
13 *order for protection against domestic violence, for a misdemeanor;*

14 (2) *The person has previously violated an extended order*
15 *for protection against domestic violence one time, for a gross*
16 *misdemeanor; or*

17 (3) *The person has previously violated an extended order*
18 *for protection against domestic violence two or more times, for a*
19 *category D felony and shall be punished as provided in*
20 *NRS 193.130.*

21 2. For the purposes of this section, an order or injunction is in
22 the nature of a temporary or extended order for protection against
23 domestic violence if it grants relief that might be given in a
24 temporary or extended order issued pursuant to NRS 33.017 to
25 33.100, inclusive.

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

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

28 179A.350 1. The Repository for Information Concerning
29 Orders for Protection ~~[Against Domestic Violence]~~ is hereby created
30 within the Central Repository.

31 2. Except as otherwise provided in subsection ~~[6;]~~ 10, the
32 Repository for Information Concerning Orders for Protection
33 ~~[Against Domestic Violence]~~ must contain a complete and
34 systematic record of all ~~[temporary]~~ :

35 (a) *Temporary* and extended orders for protection against
36 domestic violence issued or registered in the State of Nevada and all
37 Canadian domestic-violence protection orders registered in the State
38 of Nevada, ~~[in accordance with regulations adopted by the Director~~
39 ~~of the Department.]~~ including, without limitation, any information
40 received pursuant to NRS 33.095 [;];

41 (b) *Temporary and extended orders for protection against*
42 *stalking, aggravated stalking or harassment issued in this State*
43 *pursuant to section 10.7 of this act; and*



1 (c) *Temporary and extended orders for protection against a*
2 *person alleged to have committed the crime of sexual assault*
3 *issued in this State pursuant to section 10.3 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 sections 10.3 and 10.7 of this act* must be entered
9 in the 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] must~~ be accessible by computer at all times to each agency of
15 criminal justice . ~~[-~~

16 ~~—4.]~~
17 6. *The Repository for Information Concerning Orders for*
18 *Protection shall retain all records of an expired temporary or*
19 *extended order for protection unless such an order is sealed by a*
20 *court of competent jurisdiction.*

21 7. *The existence of a record of an expired temporary or*
22 *extended order for protection in the Repository for Information*
23 *Concerning Orders for Protection does not prohibit a person from*
24 *obtaining a firearm or a permit to carry a concealed firearm*
25 *unless such conduct violates:*

26 (a) *A court order; or*

27 (b) *Any provision of federal or state law.*

28 8. On or before July 1 of each year, the Director of the
29 Department shall submit to the Director of the Legislative Counsel
30 Bureau a written report concerning all temporary and extended
31 orders for protection ~~against domestic violence~~ issued pursuant to
32 NRS 33.020 , *200.378 and 200.591* during the previous calendar
33 year that were transmitted to the Repository for Information
34 Concerning Orders for Protection . ~~Against Domestic Violence.]~~
35 The report must include, without limitation, information for each
36 court that issues temporary or extended orders for protection
37 ~~against domestic violence~~ *pursuant to NRS 33.020, 200.378 and*
38 *200.591, respectively,* concerning:

39 (a) The total number of temporary and extended orders that were
40 granted by the court ~~pursuant to NRS 33.020~~ during the calendar
41 year to which the report pertains;

42 (b) The number of temporary and extended orders that were
43 granted to women;

44 (c) The number of temporary and extended orders that were
45 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 ~~[5.]~~ **9.** The information provided pursuant to subsection ~~[4]~~ **8**
8 must include only aggregate information for statistical purposes and
9 must exclude any identifying information relating to a particular
10 person.

11 ~~[6.]~~ **10.** 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 ~~[7.]~~ **11.** As used in this section, “Canadian domestic-violence
16 protection order” has the meaning ascribed to it in NRS 33.119.

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

18 **Sec. 10.** Chapter 200 of NRS is hereby amended by adding
19 thereto the provisions set forth as sections 10.3 and 10.7 of this act.

20 **Sec. 10.3.** *Any time a court issues a temporary or extended*
21 *order for protection against a person alleged to have committed*
22 *the crime of sexual assault and any time a person serves such an*
23 *order, or receives any information or takes any other action*
24 *pursuant to this section and NRS 200.378 to 200.3783, inclusive,*
25 *the court or person, as applicable, shall cause to be transmitted, in*
26 *the manner prescribed by the Central Repository for Nevada*
27 *Records of Criminal History, any information required by the*
28 *Central Repository in a manner which ensures that*
29 *the information is received by the Central Repository by the end of*
30 *the next business day.*

31 **Sec. 10.7.** *Any time a court issues a temporary or extended*
32 *order for protection against stalking, aggravated stalking or*
33 *harassment and any time a person serves such an order, or*
34 *receives any information or takes any other action pursuant to this*
35 *section and NRS 200.571 to 200.601, inclusive, the court or*
36 *person, as applicable, shall cause to be transmitted, in the manner*
37 *prescribed by the Central Repository for Nevada Records of*
38 *Criminal History, any information required by the Central*
39 *Repository in a manner which ensures that the information is*
40 *received by the Central Repository by the end of the next business*
41 *day.*

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

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



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

2 200.594 1. A temporary order issued pursuant to NRS
3 200.591 expires within such time, not to exceed 30 days, as the
4 court fixes. If a petition for an extended order is filed within the
5 period of a temporary order, the temporary order remains in effect
6 until the hearing on the extended order is held.

7 2. On 2 days' notice to the party who obtained the temporary
8 order, the adverse party may appear and move its dissolution or
9 modification, and in that event the court shall proceed to hear and
10 determine such motion as expeditiously as the ends of justice
11 require.

12 3. An extended order expires within such time, not to exceed ~~[1~~
13 ~~year.] 2 years~~, as the court fixes. A temporary order may be
14 converted by the court, upon notice to the adverse party and a
15 hearing, into an extended order effective for no more than ~~[1~~
16 ~~year.] 2 years~~.

17 4. *The court shall enter a finding of fact providing the basis*
18 *for the imposition of an extended order effective for more than 1*
19 *year.*

20 5. *At any time while the extended order is in effect, the party*
21 *who obtained the extended order or the adverse party may appear*
22 *and move for its dissolution or modification based on changes of*
23 *circumstance of the parties, and in that event the court shall*
24 *proceed to hear and determine such motion as expeditiously as the*
25 *ends of justice require.*

26 6. *This section must not be construed to limit the adverse*
27 *party to an interlocutory appeal pursuant to NRS 200.591.*

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

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



