

**Amendment No. 837**

Assembly Amendment to Senate Bill No. 147 Second Reprint (BDR 14-377)

**Proposed by:** Assembly Committee on Judiciary

**Amendment Box:** Replaces Amendment No. 823.

**Amends:** Summary: No Title: Yes Preamble: No Joint Sponsorship: No Digest: Yes

ASSEMBLY ACTION		Initial and Date		SENATE ACTION		Initial and Date			
Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____	Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____
Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____	Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____
Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____	Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____

EXPLANATION: Matter in (1) *blue bold italics* is new language in the original bill; (2) variations of green bold underlining is language proposed to be added in this amendment; (3) ~~red strikethrough~~ is deleted language in the original bill; (4) ~~purple double strikethrough~~ is language proposed to be deleted in this amendment; (5) orange double underlining is deleted language in the original bill proposed to be retained in this amendment.

NCA/BAW



Date: 5/30/2021

S.B. No. 147—Establishes provisions relating to conditions of release that prohibit the contact or attempted contact of certain persons.  
(BDR 14-377)





SENATE BILL NO. 147—COMMITTEE ON JUDICIARY

(ON BEHALF OF THE COMMITTEE TO CONDUCT AN INTERIM STUDY OF ISSUES RELATING TO PRETRIAL RELEASE OF DEFENDANTS IN CRIMINAL CASES)

FEBRUARY 25, 2021

Referred to Committee on Judiciary

SUMMARY—Establishes provisions relating to conditions of release that prohibit the contact or attempted contact of certain persons. (BDR 14-377)

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

~

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

AN ACT relating to criminal procedure; authorizing a victim to request that a court issue an order imposing a condition of release that prohibits the contact or attempted contact of certain persons; requiring the court to consider such a request; requiring the court to notify a person subject to such an order of certain consequences that may be imposed on the person for violating the order; establishing provisions relating to the expiration and renewal of such an order; ~~imposing a condition of release that prohibits the contact or attempted contact of certain persons;~~ requiring a copy of ~~an~~ the order ~~imposing a condition of release that prohibits the contact or attempted contact of certain persons;~~ to be transmitted to the Central Repository for Nevada Records of Criminal History; providing that a person who knowingly violates any such order ~~may be punished for unlawful trespass and dealt with for contempt of court; revising the acts constituting unlawful trespass;~~ is guilty of a misdemeanor; providing a penalty; making an appropriation; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 Existing law authorizes a court under certain circumstances, before convicting and  
2 releasing a person, to impose reasonable conditions on the person as it deems necessary for  
3 certain purposes, including, without limitation, a condition that prohibits the person from  
4 contacting or attempting to contact a specific person or causing or attempting to cause another  
5 person to contact that person. (NRS 178.484, 178.4851) **Section 1** of this bill: (1) authorizes a  
6 victim to request that a court issue an order imposing a condition of release that prohibits such  
7 contact or attempted contact; (2) requires the court to consider such a request; (3) requires  
8 the court to notify a person subject to such an order of certain consequences that may  
9 result if the order is violated by the person; (4) provides that such an order, ~~imposing a~~

~~condition of release that prohibits such contact or attempted contact,~~ or a modification thereof, expires within 120 calendar days after ~~the~~ its issuance ~~of the order, (4) ; (5)~~ ; (5) authorizes the court to renew the order for good cause shown; ~~(5) ; (6)~~ (6) requires a court to transmit to the Central Repository for Nevada Records of Criminal History a copy of an order imposing, modifying, suspending or canceling a condition that prohibits such contact or attempted contact; and ~~(6) ; (7)~~ (7) provides that a person who knowingly violates an order imposing a condition that prohibits such contact or attempted contact ~~may be punished for unlawful trespass and dealt with as for contempt of court.~~ is guilty of a misdemeanor. **Section 2** of this bill makes a conforming change to indicate the proper placement of **section 1** in the Nevada Revised Statutes.

~~Existing law makes it a misdemeanor for a person to go upon the land or into any building of another in certain circumstances, including willfully going or remaining on land or in a building after being warned by the owner or occupant thereof not to trespass. (NRS 207.200) Section 3 of this bill extends the acts which constitute such unlawful conduct to include being on public or private property in violation of an order imposing a condition of release prohibiting contact.~~

Existing law requires the Repository for Information Concerning Orders for Protection to contain certain records within the Central Repository for Nevada Records of Criminal History of certain temporary and extended orders for protection. (NRS 179A.350) Section 2.5 of this bill requires the Repository for Information Concerning Orders for Protection to contain records relating to the issuance, modification, suspension or cancellation of an order prohibiting the contact or attempted contact of a specific person.

**Section 4** of this bill makes an appropriation from the State General Fund to the Central Repository for Nevada Records of Criminal History for the costs of computer programming to carry out the provisions of this bill.

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

**Section 1.** Chapter 178 of NRS is hereby amended by adding thereto a new section to read as follows:

*1. Before a court makes a determination of bail concerning a person, a victim may request that a court issue an order imposing a condition of release prohibiting contact.*

*2. A court shall consider a request described in subsection 1.*

*3. Upon the issuance of an order imposing a condition of release prohibiting contact, the court shall notify the person subject to the order that violating the order may result in:*

*(a) The person being charged with a misdemeanor;*

*(b) The modification or addition of any condition of release;*

*(c) The revocation of bail and remand of the person to custody; or*

*(d) The imposition of any other penalty prescribed by law.*

*4. An order imposing a condition of release prohibiting contact, and any modification thereof, expires within such time, not to exceed 120 calendar days, as the court fixes.*

~~(4) 5.~~ *5. The court may, before the expiration of an order imposing a condition of release prohibiting contact and upon motion or at the discretion of the court, after notice and a hearing, renew the order for good cause shown.*

~~(5) 6.~~ *6. After the court issues an order imposing, modifying, suspending or canceling a condition of release prohibiting contact, the court shall transmit, as soon as practicable ~~for~~ and in a manner prescribed by the Central Repository for Nevada Records of Criminal History, a copy of the order to the Central Repository ~~for Nevada Records of Criminal History.~~*

~~6.] 7.~~ 7. A person who knowingly violates an order imposing a condition of release prohibiting contact ~~may be~~

~~(a) Punished for unlawful trespass pursuant to NRS 207.200, and~~

~~(b) Dealt with as for contempt of court.~~

~~7.]~~ 7.] is guilty of a misdemeanor.

8. Nothing in this section shall be construed to require a court to receive a request pursuant to subsection 1 before issuing an order imposing a condition of release prohibiting contact.

~~8.]~~ 9. As used in this section:

(a) "Cancel" includes, without limitation, any act that would effectively terminate a condition of release prohibiting contact, including, without limitation:

(1) The dismissal of the action or proceeding against the person;

(2) A prosecuting attorney declining to prosecute the person;

(3) The conviction of the person; or

~~(3)]~~ (4) The acquittal of the person.

(b) "Condition of release prohibiting contact" means a condition placed on a person who is released ~~before conviction pursuant to NRS 178.484 or 178.485]~~ pending trial that prohibits the person from contacting or attempting to contact a specific person or from causing or attempting to cause another person to contact that person on the person's behalf.

**Sec. 2.** NRS 178.483 is hereby amended to read as follows:

178.483 As used in NRS 178.483 to 178.548, inclusive, and section 1 of this act, unless the context otherwise requires, "electronic transmission," "electronically transmit" or "electronically transmitted" means any form or process of communication not directly involving the physical transfer of paper or another tangible medium which:

1. Is suitable for the retention, retrieval and reproduction of information by the recipient; and

2. Is retrievable and reproducible in paper form by the recipient through an automated process used in conventional commercial practice.

**Sec. 2.5.** NRS 179A.350 is hereby amended to read as follows:

179A.350 1. The Repository for Information Concerning Orders for Protection is hereby created within the Central Repository.

2. Except as otherwise provided in subsection 10, the Repository for Information Concerning Orders for Protection must contain a complete and systematic record of all:

(a) Temporary and extended orders for protection against domestic violence issued or registered in the State of Nevada and all Canadian domestic-violence protection orders registered in the State of Nevada, including, without limitation, any information received pursuant to NRS 33.095;

(b) Temporary and extended orders for protection against stalking, aggravated stalking or harassment issued in this State pursuant to NRS 200.599; ~~and]~~

(c) Temporary and extended orders for protection against a person alleged to have committed the crime of sexual assault issued in this State pursuant to NRS 200.37835 ~~];~~ and

(d) Orders imposing, modifying, suspending or canceling a condition of release prohibiting contact issued in this State pursuant to section 1 of this act.

3. The records contained in the Repository for Information Concerning Orders for Protection must be kept in accordance with the regulations adopted by the Director of the Department.

1 4. Information received by the Central Repository pursuant to NRS 33.095,  
2 200.37835 and 200.599, and section 1 of this act must be entered in the Repository  
3 for Information Concerning Orders for Protection.

4 5. The information in the Repository for Information Concerning Orders for  
5 Protection must be accessible by computer at all times to each agency of criminal  
6 justice.

7 6. The Repository for Information Concerning Orders for Protection shall  
8 retain all records of an expired temporary or extended order for protection and all  
9 records of an expired, suspended or cancelled order imposing a condition of  
10 release prohibiting contact, unless any such ~~firearm~~ order is sealed by a court of  
11 competent jurisdiction.

12 7. The existence of a record of an expired temporary or extended order for  
13 protection or a record of an expired, suspended or cancelled order imposing a  
14 condition of release prohibiting contact in the Repository for Information  
15 Concerning Orders for Protection does not prohibit a person from obtaining a  
16 firearm or a permit to carry a concealed firearm unless such conduct violates:

17 (a) A court order; or

18 (b) Any provision of federal or state law.

19 8. On or before July 1 of each year, the Director of the Department shall  
20 submit to the Director of the Legislative Counsel Bureau a written report  
21 concerning all temporary and extended orders for protection issued pursuant to  
22 NRS 33.020, 200.378 and 200.591 during the previous calendar year that were  
23 transmitted to the Repository for Information Concerning Orders for Protection.  
24 The report must include, without limitation, information for each court that issues  
25 temporary or extended orders for protection pursuant to NRS 33.020, 200.378 and  
26 200.591, respectively, concerning:

27 (a) The total number of temporary and extended orders that were granted by  
28 the court during the calendar year to which the report pertains;

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

30 (c) The number of temporary and extended orders that were granted to men;

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

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

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

37 9. The information provided pursuant to subsection 8 must include only  
38 aggregate information for statistical purposes and must exclude any identifying  
39 information relating to a particular person.

40 10. The Repository for Information Concerning Orders for Protection must  
41 not contain any information concerning an event that occurred before October 1,  
42 1998.

43 11. As used in this section, "Canadian domestic-violence protection order"  
44 has the meaning ascribed to it in NRS 33.119.

45 **Sec. 3.** ~~NRS 207.200 is hereby amended to read as follows:~~

46 ~~207.200 1. Unless a greater penalty is provided pursuant to NRS 200.603,~~  
47 ~~any person who, under circumstances not amounting to a burglary:~~

48 ~~(a) Goes upon the land or into any building of another with intent to vex or~~  
49 ~~annoy the owner or occupant thereof, or to commit any unlawful act; [or]~~

50 ~~(b) Willfully goes or remains upon any land or in any building after having~~  
51 ~~been warned by the owner or occupant thereof not to trespass [,]; or~~

52 ~~(c) Is found on private or public property in violation of an order imposing a~~  
53 ~~condition of release prohibiting contact issued pursuant to section 1 of this act,~~

~~is guilty of a misdemeanor. The meaning of this subsection is not limited by subsections 2 and 4.~~

~~2. A sufficient warning against trespassing, within the meaning of this section, is given by any of the following methods:~~

~~(a) Painting with fluorescent orange paint:~~

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

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

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

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

~~(b) Fencing the area;~~

~~(c) Posting "no trespassing" signs or other notice of like meaning at:~~

~~(1) Intervals of such a distance as is necessary to ensure that at least one such sign would be within the direct line of sight of a person standing next to another such sign, but at intervals of not more than 500 feet; and~~

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

~~(d) Using the area as cultivated land; or~~

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

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

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

~~5. As used in this section:~~

~~(a) "Cultivated land" means land that has been cleared of its natural vegetation and is presently planted with a crop.~~

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

~~(c) "Guest" means any person entertained or to whom hospitality is extended, including, but not limited to, any person who stays overnight. The term does not include a tenant as defined in NRS 118A.170.] **(Deleted by amendment.)**~~

**Sec. 4.** 1. There is hereby appropriated from the State General Fund to the Central Repository for Nevada Records of Criminal History within the Records, Communications and Compliance Division of the Department of Public Safety the sum of \$44,522 for the costs of computer programming to carry out the provisions of this act.

2. Any remaining balance of the appropriation made by subsection 1 must not be committed for expenditure after June 30, 2023, by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 15, 2023, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 15, 2023.

**Sec. 5.** 1. This section and section 4 of this act become effective upon passage and approval.

1           2. Sections 1, ~~2 and~~ 3, inclusive, of this act become effective on October  
2           1, 2021.