

Amendment No. 463

Senate Amendment to Senate Bill No. 147	(BDR 14-377)
Proposed by: Senate Committee on Judiciary	
Amendment Box: Replaces Amendment No. 213.	
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.

KMN/NCA



Date: 4/17/2021

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.

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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 criminal procedure; authorizing a victim to request that a ~~prosecuting attorney seek~~ **court issue** an order imposing a condition of release that prohibits the contact or attempted contact of certain persons; requiring ~~a prosecuting attorney~~ **the court** to consider such a request; **establishing provisions relating to the expiration and renewal of an order imposing a condition of release that prohibits the contact or attempted contact of certain persons;** requiring a copy of an order imposing a condition of release that prohibits the contact or attempted contact of certain persons to be transmitted to ~~certain law enforcement agencies;~~ **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;** **providing a penalty;** 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) ~~[[This]]~~ **Section 1 of this bill:** (1)
6 authorizes a victim to request that a ~~prosecuting attorney seek~~ **court issue** an order imposing
7 a condition of release that prohibits such contact or attempted contact; (2) requires the
8 ~~prosecuting attorney~~ **court** to consider such a request; and (3) **provides that an order**
9 **imposing a condition of release that prohibits such contact or attempted contact, or a**
10 **modification thereof, expires within 120 calendar days after the issuance of the order;** (4)

11 authorizes the court to renew the order for good cause shown; (5) requires a court to
 12 transmit to ~~the~~ ~~Central Repository for Nevada Records~~ ~~of Criminal History~~
 13 of Criminal History a copy of an order imposing, modifying, suspending or canceling a
 14 condition that prohibits such contact or attempted contact ~~to~~ ; and (6) provides that a person
 15 who knowingly violates an order imposing a condition that prohibits such contact or
 16 attempted contact may be punished for unlawful trespass and dealt with as for contempt
 17 of court. Section 2 of this bill makes a conforming change to indicate the proper
 18 placement of section 1 in the Nevada Revised Statutes.

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

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

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

3 1. Before a court makes a determination of bail concerning a person, a
 4 victim may request that a ~~prosecuting attorney seek~~ court issue an order
 5 imposing a condition of release prohibiting contact.

6 2. A ~~prosecuting attorney~~ court shall consider a request described in
 7 subsection 1.

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

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

14 5. After the court issues an order imposing, modifying, suspending or
 15 canceling a condition of release prohibiting contact, the court shall transmit, as
 16 soon as practicable, a copy of the order to ~~all law enforcement agencies within~~
 17 the jurisdiction of the court, the Central Repository for Nevada Records of
 18 Criminal History.

19 ~~4.~~ 6. A person who knowingly violates an order imposing a condition of
 20 release prohibiting contact may be:

21 (a) Punished for unlawful trespass pursuant to NRS 207.200; and

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

23 7. Nothing in this section shall be construed to require a ~~prosecuting~~
 24 ~~attorney~~ court to receive a request pursuant to subsection 1 before ~~seeking~~
 25 issuing an order imposing a condition of release prohibiting contact.

26 ~~5.~~ 8. As used in this section:

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

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

31 (2) The conviction of the person; or

32 (3) The acquittal of the person.

33 (b) "Condition of release prohibiting contact" means a condition placed on a
 34 person who is released before conviction pursuant to NRS 178.484 or 178.4851

1 *that prohibits the person from contacting or attempting to contact a specific*
2 *person or from causing or attempting to cause another person to contact that*
3 *person on the person's behalf.*

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

5 178.483 As used in NRS 178.483 to 178.548, inclusive, *and section 1 of this*
6 *act*, unless the context otherwise requires, “electronic transmission,” “electronically
7 transmit” or “electronically transmitted” means any form or process of
8 communication not directly involving the physical transfer of paper or another
9 tangible medium which:

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

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

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

15 207.200 1. Unless a greater penalty is provided pursuant to NRS 200.603,
16 any person who, under circumstances not amounting to a burglary:

17 (a) Goes upon the land or into any building of another with intent to vex or
18 annoy the owner or occupant thereof, or to commit any unlawful act; ~~for~~

19 (b) Willfully goes or remains upon any land or in any building after having
20 been warned by the owner or occupant thereof not to trespass ~~for~~; *or*

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

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

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

27 (a) Painting with fluorescent orange paint:

28 (1) Not less than 50 square inches of a structure or natural object or the top
29 12 inches of a post, whether made of wood, metal or other material, at:

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

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

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

37 (b) Fencing the area;

38 (c) Posting “no trespassing” signs or other notice of like meaning at:

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

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

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

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

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

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

51 5. As used in this section:

52 (a) “Cultivated land” means land that has been cleared of its natural vegetation
53 and is presently planted with a crop.

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

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