

ASSEMBLY BILL NO. 58—COMMITTEE ON JUDICIARY

(ON BEHALF OF THE ATTORNEY GENERAL)

PREFILED NOVEMBER 17, 2016

Referred to Committee on Judiciary

SUMMARY—Revises provisions governing the penalty for repeat violations of certain orders for protection against domestic violence. (BDR 3-383)

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; increasing the penalty for intentionally violating a temporary or extended order for protection against domestic violence; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 Existing law sets forth certain unlawful acts which constitute domestic violence  
2 when committed against certain specified persons. (NRS 33.018) Existing law  
3 authorizes a court to issue a temporary or extended order for protection to protect a  
4 person listed in that statute from domestic violence. (NRS 33.020, 33.030) Under  
5 existing law, a person is guilty of a misdemeanor for intentionally violating a  
6 temporary or extended order for protection against domestic violence. (NRS  
7 33.100) This bill increases the penalty from a misdemeanor to a gross misdemeanor  
8 for intentionally violating a temporary order for protection against domestic  
9 violence and from a misdemeanor to a category C felony for intentionally violating  
10 an extended order for protection against domestic violence.

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

1 **Section 1.** NRS 33.100 is hereby amended to read as follows:  
2 33.100 ~~FA~~ *Unless a more severe penalty is prescribed by law*  
3 *for an act that constitutes a violation of a temporary or extended*  
4 *order, any* person who intentionally violates ~~fa temporary or~~  
5 ~~extended order is guilty of a misdemeanor, unless a more severe~~



1 ~~penalty is prescribed by law for the act that constitutes the violation~~  
2 ~~of the order.†~~ :

3 *1. A temporary order is guilty of a gross misdemeanor.*

4 *2. An extended order is guilty of a category C felony and*  
5 *shall be punished as provided in NRS 193.130.*

6 **Sec. 2.** NRS 125.560 is hereby amended to read as follows:

7 125.560 ~~†A†~~

8 *1. Unless a more severe penalty is prescribed by law for an*  
9 *act that constitutes a violation of a restraining order or injunction,*  
10 *any person who intentionally violates a restraining order or*  
11 *injunction †:*

12 ~~1. That† that~~ is in the nature of a temporary or extended order  
13 for protection against domestic violence †;† and †

14 ~~2. That† that~~ is issued in an action or proceeding brought  
15 pursuant to this title †;

16 ~~is guilty of a misdemeanor, unless a more severe penalty is~~  
17 ~~prescribed by law for the act that constitutes the violation of the~~  
18 ~~order or injunction.† shall be punished:~~

19 *(a) Where the order or injunction is in the nature of a*  
20 *temporary order for protection against domestic violence, for a*  
21 *gross misdemeanor.*

22 *(b) Where the order or injunction is in the nature of an*  
23 *extended order for protection against domestic violence, for a*  
24 *category C felony and shall be punished as provided in*  
25 *NRS 193.130.*

26 **2.** For the purposes of this section, an order or injunction is in  
27 the nature of a temporary or extended order for protection against  
28 domestic violence if it grants relief that might be given in a  
29 temporary or extended order issued pursuant to NRS 33.017 to  
30 33.100, inclusive.

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

32 171.136 1. If the offense charged is a felony or gross  
33 misdemeanor, the arrest may be made on any day, and at any time of  
34 day or night.

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

37 (a) Upon the direction of a magistrate, endorsed upon the  
38 warrant;

39 (b) When the offense is committed in the presence of the  
40 arresting officer;

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

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



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

4 (d) When the offense is committed in the presence of a private  
5 person and the person makes an arrest immediately after the offense  
6 is committed;

7 (e) When the offense charged is battery that constitutes domestic  
8 violence pursuant to NRS 33.018 and the arrest is made in the  
9 manner provided in NRS 171.137;

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

13 ~~(g)~~ When the person is already in custody as a result of another  
14 lawful arrest; or

15 ~~(h)~~ (g) When the person voluntarily surrenders himself or  
16 herself in response to an outstanding warrant of arrest.

17 **Sec. 4.** This act becomes effective on July 1, 2017.



