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ASSEMBLY BILL NO. 60—COMMITTEE ON JUDICIARY

(ON BEHALF OF THE ATTORNEY GENERAL)

PREFILED NOVEMBER 18, 2020

Referred to Committee on Judiciary

SUMMARY—Makes certain provisions of a contract or settlement agreement void and unenforceable. (BDR 4-422)

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.

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AN ACT relating to witnesses; making provisions of a contract or settlement agreement that prohibit or restrict a party to the contract or settlement agreement from testifying at judicial or administrative proceedings concerning criminal conduct or sexual harassment void and unenforceable under certain circumstances; and providing other matters properly relating thereto.

**Legislative Counsel’s Digest:**

1 **Section 1** of this bill provides that a provision of a contract or settlement  
2 agreement is void and unenforceable if the provision prohibits or restricts a party to  
3 the contract or settlement agreement from testifying at a judicial or administrative  
4 proceeding concerning another party to the contract or settlement agreement and his  
5 or her commission of criminal conduct or sexual harassment. **Section 2** of this bill  
6 provides that such provisions are void and unenforceable if contained in a contract  
7 or settlement agreement entered into on or after the effective date of this bill.  
8 **Section 1** does not apply to a settlement agreement that results from successful  
9 mediation or conciliation by the Nevada Equal Rights Commission within the  
10 Department of Employment, Training and Rehabilitation.

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

1       **Section 1.** Chapter 50 of NRS is hereby amended by adding  
2 thereto a new section to read as follows:

3       **1. Except as otherwise provided in NRS 233.190, a provision**  
4 **of a contract or settlement agreement is void and unenforceable if:**

5       **(a) The provision prohibits or otherwise restricts a party to the**  
6 **contract or settlement agreement from testifying at a judicial or**  
7 **administrative proceeding when the party has been required or**  
8 **requested to testify at the proceeding pursuant to:**

9           **(1) A court order;**

10          **(2) A lawful subpoena; or**

11          **(3) A written request by an administrative agency; and**

12       **(b) The judicial or administrative proceeding described in**  
13 **paragraph (a) concerns another party to the contract or settlement**  
14 **agreement and his or her commission of:**

15           **(1) A criminal offense; or**

16           **(2) An act of sexual harassment, including, without**  
17 **limitation:**

18           **(I) Repeated, unsolicited verbal or physical contact of a**  
19 **sexual nature that is threatening in character;**

20           **(II) Discrimination on the basis of sex by an employer**  
21 **or a landlord; or**

22           **(III) Retaliation by an employer or a landlord against**  
23 **another person for the reporting of discrimination on the basis of**  
24 **sex.**

25       **2. As used in this section:**

26       **(a) "Employer" has the meaning ascribed to it in NRS 33.220.**

27       **(b) "Landlord" means an owner of real property, or the**  
28 **owner's representative, who provides a dwelling unit on the real**  
29 **property for occupancy by another for valuable consideration.**

30       **Sec. 2.** This act applies to any contract or settlement  
31 agreement entered into on or after the effective date of this act.

32       **Sec. 3.** This act becomes effective upon passage and approval.

