

CHAPTER.....

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; requiring a copy of the order to be transmitted to the Central Repository for Nevada Records of Criminal History; providing that a person who knowingly violates any such order is guilty of a misdemeanor; providing a penalty; making an appropriation; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law authorizes a court under certain circumstances, before convicting and releasing a person, to impose reasonable conditions on the person as it deems necessary for certain purposes, including, without limitation, a condition that prohibits the person from contacting or attempting to contact a specific person or causing or attempting to cause another person to contact that person. (NRS 178.484, 178.4851) **Section 1** of this bill: (1) authorizes a victim to request that a court issue an order imposing a condition of release that prohibits such contact or attempted contact; (2) requires the court to consider such a request; (3) requires the court to notify a person subject to such an order of certain consequences that may result if the order is violated by the person; (4) provides that such an order, or a modification thereof, expires within 120 calendar days after its issuance; (5) authorizes the court to renew the order for good cause shown; (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 (7) provides that a person who knowingly violates an order imposing a condition that prohibits such contact or attempted contact 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 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.

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.

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 and in a manner prescribed by the Central Repository for Nevada Records of Criminal History, a copy of the order to the Central Repository.

7. A person who knowingly violates an order imposing a condition of release prohibiting contact 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.

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

(4) The acquittal of the person.

(b) "Condition of release prohibiting contact" means a condition placed on a person who is released 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~~; *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.

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

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

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

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

- (a) A court order; or
- (b) Any provision of federal or state law.

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

- (a) The total number of temporary and extended orders that were granted by the court during the calendar year to which the report pertains;
- (b) The number of temporary and extended orders that were granted to women;
- (c) The number of temporary and extended orders that were granted to men;
- (d) The number of temporary and extended orders that were vacated or expired;



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

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

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

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

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

Sec. 3. (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.

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

