

SENATE BILL NO. 7—COMMITTEE ON JUDICIARY

(ON BEHALF OF THE NEVADA SUPREME COURT)

PREFILED NOVEMBER 18, 2020

Referred to Committee on Judiciary

SUMMARY—Makes various changes to the jurisdiction of certain courts relating to certain orders for protection where the adverse party is a child under 18 years of age. (BDR 1-391)

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 courts; providing that the district court has exclusive jurisdiction over the issuance and dissolution of certain orders for protection where the adverse party is a child under 18 years of age; providing that the juvenile court has exclusive jurisdiction over actions relating to the violation of certain orders for protection where the adverse party is a child under 18 years of age; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law authorizes the issuance of orders for protection against domestic violence, harassment in the workplace, high-risk behavior, sexual assault, and stalking, aggravated stalking or harassment. (NRS 33.017-33.100, 33.200-33.360, 33.500-33.670, 200.378, 200.591) Existing law also provides that: (1) the family court, where established, and the justice court, with certain exceptions, have concurrent jurisdiction over actions for the issuance of a temporary or extended order for protection against domestic violence; and (2) the justice court has exclusive jurisdiction over actions for the issuance of orders for protection against harassment in the workplace, high-risk behavior, sexual assault, and stalking, aggravated stalking or harassment. (NRS 3.223, 4.370)

Section 1 of this bill provides that if an order for protection against domestic violence, harassment in the workplace, high-risk behavior, sexual assault, or stalking, aggravated stalking or harassment is sought against a child who is under 18 years of age, the district court has exclusive jurisdiction over any action relating to the issuance or dissolution of the order. However, **section 1** provides that the juvenile court has exclusive jurisdiction over any action in which it is alleged that a



17 child who is the adverse party to any such order has committed a delinquent act by
18 violating a condition of the order. **Section 2** of this bill makes conforming changes
19 to remove jurisdiction over the issuance of such orders from other courts that have
20 jurisdiction over the issuance of those orders under existing law.

21 **Section 3** of this bill provides that the changes in this bill apply to an order for
22 protection against domestic violence, harassment in the workplace, high-risk
23 behavior, sexual assault, or stalking, aggravated stalking or harassment that is
24 issued on or after October 1, 2021, and a court that issued such an order before
25 October 1, 2021, retains jurisdiction over the order, all persons subject to or
26 protected by the order, and all proceedings relating to the order.

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

1 **Section 1.** Chapter 3 of NRS is hereby amended by adding
2 thereto a new section to read as follows:

3 *1. The district court has exclusive jurisdiction to accept an*
4 *application for, to consider an application for, and to issue or deny*
5 *the issuance of any of the following orders when the adverse party*
6 *against whom the order is sought is a child who is under 18 years*
7 *of age:*

8 *(a) A temporary or extended order for protection against*
9 *domestic violence pursuant to NRS 33.017 to 33.100, inclusive.*

10 *(b) A temporary or extended order for protection against*
11 *harassment in the workplace pursuant to NRS 33.200 to 33.360,*
12 *inclusive.*

13 *(c) An ex parte or extended order for protection against high-*
14 *risk behavior pursuant to NRS 33.500 to 33.670, inclusive.*

15 *(d) A temporary or extended order for protection against*
16 *sexual assault pursuant to NRS 200.378.*

17 *(e) A temporary or extended order for protection against*
18 *stalking, aggravated stalking or harassment pursuant to*
19 *NRS 200.591.*

20 *2. The district court may, at its discretion, appoint counsel for*
21 *a child who is the adverse party against whom an order listed in*
22 *subsection 1 is sought.*

23 *3. If the district court issues an order listed in subsection 1,*
24 *the order must be served upon:*

25 *(a) The child who is the adverse party; and*

26 *(b) The parent or guardian of the child.*

27 *4. The juvenile court has exclusive jurisdiction over any*
28 *action in which it is alleged that a child who is the adverse party in*
29 *an order listed in subsection 1 has committed a delinquent act by*
30 *violating a condition set forth in the order.*

31 *5. If the district court issues an order listed in subsection 1*
32 *and the adverse party reaches the age of 18 years while the order*



1 *is still in effect, the order remains effective against the adverse*
2 *party until the order expires or is dissolved by the district court.*

3 *6. The district court shall automatically seal all records*
4 *related to the application for, consideration of, and issuance of an*
5 *order listed in subsection 1 as provided in NRS 62H.140 when the*
6 *adverse party reaches the age of 21 years.*

7 *7. A district court may appoint a master to conduct the*
8 *proceedings described in this section.*

9 **Sec. 2.** NRS 4.370 is hereby amended to read as follows:

10 4.370 1. Except as otherwise provided in subsection 2, justice
11 courts have jurisdiction of the following civil actions and
12 proceedings and no others except as otherwise provided by specific
13 statute:

14 (a) In actions arising on contract for the recovery of money only,
15 if the sum claimed, exclusive of interest, does not exceed \$15,000.

16 (b) In actions for damages for injury to the person, or for taking,
17 detaining or injuring personal property, or for injury to real property
18 where no issue is raised by the verified answer of the defendant
19 involving the title to or boundaries of the real property, if the
20 damage claimed does not exceed \$15,000.

21 (c) Except as otherwise provided in paragraph (l), in actions for
22 a fine, penalty or forfeiture not exceeding \$15,000, given by statute
23 or the ordinance of a county, city or town, where no issue is raised
24 by the answer involving the legality of any tax, impost, assessment,
25 toll or municipal fine.

26 (d) In actions upon bonds or undertakings conditioned for the
27 payment of money, if the sum claimed does not exceed \$15,000,
28 though the penalty may exceed that sum. Bail bonds and other
29 undertakings posted in criminal matters may be forfeited regardless
30 of amount.

31 (e) In actions to recover the possession of personal property, if
32 the value of the property does not exceed \$15,000.

33 (f) To take and enter judgment on the confession of a defendant,
34 when the amount confessed, exclusive of interest, does not exceed
35 \$15,000.

36 (g) Of actions for the possession of lands and tenements where
37 the relation of landlord and tenant exists, when damages claimed do
38 not exceed \$15,000 or when no damages are claimed.

39 (h) Of actions when the possession of lands and tenements has
40 been unlawfully or fraudulently obtained or withheld, when
41 damages claimed do not exceed \$15,000 or when no damages are
42 claimed.

43 (i) Of suits for the collection of taxes, where the amount of the
44 tax sued for does not exceed \$15,000.



1 (j) Of actions for the enforcement of mechanics' liens, where the
2 amount of the lien sought to be enforced, exclusive of interest, does
3 not exceed \$15,000.

4 (k) Of actions for the enforcement of liens of owners of facilities
5 for storage, where the amount of the lien sought to be enforced,
6 exclusive of interest, does not exceed \$15,000.

7 (l) In actions for a fine imposed for a violation of
8 NRS 484D.680.

9 (m) Except as otherwise provided in this paragraph, in any
10 action for the issuance of a temporary or extended order for
11 protection against domestic violence pursuant to NRS 33.020. A
12 justice court does not have jurisdiction in an action for the issuance
13 of a temporary or extended order for protection against domestic
14 violence:

15 (1) In a county whose population is 100,000 or more and less
16 than 700,000;

17 (2) In any township whose population is 100,000 or more
18 located within a county whose population is 700,000 or more; ~~for~~

19 (3) If a district court issues a written order to the justice court
20 requiring that further proceedings relating to the action for the
21 issuance of the order for protection be conducted before the district
22 court ~~for~~; or

23 *(4) Where the adverse party against whom the order is*
24 *sought is under 18 years of age.*

25 (n) Except as otherwise provided in this paragraph, in any action
26 for the issuance of an ex parte or extended order for protection
27 against high-risk behavior pursuant to NRS 33.570 or 33.580. A
28 justice court does not have jurisdiction in an action for the issuance
29 of an ex parte or extended order for protection against high-risk
30 behavior:

31 (1) In a county whose population is 100,000 or more but less
32 than 700,000;

33 (2) In any township whose population is 100,000 or more
34 located within a county whose population is 700,000 or more; ~~for~~

35 (3) If a district court issues a written order to the justice court
36 requiring that further proceedings relating to the action for the
37 issuance of the order for protection be conducted before the district
38 court ~~for~~; or

39 *(4) Where the adverse party against whom the order is*
40 *sought is under 18 years of age.*

41 (o) In an action for the issuance of a temporary or extended
42 order for protection against harassment in the workplace pursuant to
43 NRS 33.200 to 33.360, inclusive ~~for~~, *where the adverse party*
44 *against whom the order is sought is 18 years of age or older.*



1 (p) In small claims actions under the provisions of chapter 73 of
2 NRS.

3 (q) In actions to contest the validity of liens on mobile homes or
4 manufactured homes.

5 (r) In any action pursuant to NRS 200.591 for the issuance of a
6 protective order against a person alleged to be committing the crime
7 of stalking, aggravated stalking or harassment **[H] where the adverse**
8 **party against whom the order is sought is 18 years of age or older.**

9 (s) In any action pursuant to NRS 200.378 for the issuance of a
10 protective order against a person alleged to have committed the
11 crime of sexual assault **[H] where the adverse party against whom**
12 **the order is sought is 18 years of age or older.**

13 (t) In actions transferred from the district court pursuant to
14 NRS 3.221.

15 (u) In any action for the issuance of a temporary or extended
16 order pursuant to NRS 33.400.

17 (v) In any action seeking an order pursuant to NRS 441A.195.

18 2. The jurisdiction conferred by this section does not extend to
19 civil actions, other than for forcible entry or detainer, in which the
20 title of real property or mining claims or questions affecting the
21 boundaries of land are involved.

22 3. Justice courts have jurisdiction of all misdemeanors and no
23 other criminal offenses except as otherwise provided by specific
24 statute. Upon approval of the district court, a justice court may
25 transfer original jurisdiction of a misdemeanor to the district court
26 for the purpose of assigning an offender to a program established
27 pursuant to NRS 176A.250 or, if the justice court has not
28 established a program pursuant to NRS 176A.280, to a program
29 established pursuant to that section.

30 4. Except as otherwise provided in subsections 5 and 6, in
31 criminal cases the jurisdiction of justices of the peace extends to the
32 limits of their respective counties.

33 5. In the case of any arrest made by a member of the Nevada
34 Highway Patrol, the jurisdiction of the justices of the peace extends
35 to the limits of their respective counties and to the limits of all
36 counties which have common boundaries with their respective
37 counties.

38 6. Each justice court has jurisdiction of any violation of a
39 regulation governing vehicular traffic on an airport within the
40 township in which the court is established.

41 **Sec. 3.** The amendatory provisions of this act:

42 1. Apply to an order for protection against domestic violence,
43 harassment in the workplace, high-risk behavior, sexual assault, or
44 stalking, aggravated stalking or harassment that is issued on or after
45 October 1, 2021.



1 2. Do not apply to an order for protection against domestic
2 violence, harassment in the workplace, high-risk behavior, sexual
3 assault, or stalking, aggravated stalking or harassment that is issued
4 before October 1, 2021, and a court that issued such an order before
5 October 1, 2021, retains jurisdiction over the order, all persons
6 subject to or protected by the order, and all proceedings relating to
7 the order, regardless of whether the proceedings are conducted
8 before, on or after October 1, 2021.



