

SENATE BILL NO. 80—SENATOR HARDY

PREFILED JANUARY 26, 2021

Referred to Committee on Judiciary

SUMMARY—Requires a court to take certain actions upon receiving a request for authorization to retrieve personal property made by a defendant. (BDR 14-486)

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 protective orders; requiring a court to ascertain whether a defendant is an adverse party in a protective order before authorizing the retrieval of personal property under certain circumstances; requiring the court to take certain actions if the defendant requesting such authorization to retrieve personal property is an adverse party in a protective order and the court grants the request; and providing other matters properly relating thereto.

**Legislative Counsel’s Digest:**

1 Existing law authorizes a person to obtain an order for protection against  
2 domestic violence, sexual assault, stalking, aggravated stalking and harassment.  
3 Such protective orders may prohibit the adverse party from entering the residence,  
4 school or place of employment of the protected party or to stay away from any  
5 specified place frequented regularly by the protected party. (NRS 33.017-33.100,  
6 200.378, 200.591) This bill provides that if a defendant requests that a court  
7 authorize the retrieval of his or her personal property from a specified location at  
8 which a victim of the crime allegedly committed by the defendant resides or  
9 frequents, before granting such authorization, the court must first ascertain from the  
10 Central Repository for Nevada Records of Criminal History whether the defendant  
11 is currently the adverse party in a protective order that prohibits the adverse party  
12 from being present at the specified location or from contacting a protected party  
13 who resides at or frequents the specified location. If such a protective order is in  
14 effect, this bill provides that the court must, before authorizing the retrieval of  
15 personal property from the specified location: (1) provide to the protected party  
16 notice and an opportunity to be heard; and (2) inform the protected party of his or  
17 her rights. Finally, this bill provides that if the court decides to authorize the



18 retrieval of personal property, the court must issue an order setting forth: (1) the  
19 person who is authorized to retrieve the personal property, who must not be the  
20 adverse party, unless there is no other acceptable person to retrieve the personal  
21 property; (2) the number of times the person authorized to retrieve the personal  
22 property may visit the specified location, which must not be more than a single visit  
23 unless there are exceptional circumstances; (3) the date, time and duration of any  
24 authorized visit, which must be reasonably convenient to the protected party and  
25 which date and time must be approved in advance by the protected party; and (4) if  
26 the adverse party is the person retrieving the personal property, a requirement that  
27 the adverse party be monitored during the visit by a law enforcement officer or any  
28 person designated by the protected party, if the protected party so desires.

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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  
2 thereto a new section to read as follows:

3       ***1. If a defendant requests that a court authorize the retrieval***  
4 ***of his or her personal property from a specified location, before***  
5 ***granting such authorization to retrieve personal property, the***  
6 ***court must first ascertain from the Central Repository for Nevada***  
7 ***Records of Criminal History whether the defendant is currently***  
8 ***the adverse party in a protective order that prohibits the adverse***  
9 ***party from being present at the specified location or from***  
10 ***contacting a protected party who resides at or frequents the***  
11 ***specified location.***

12       ***2. If the court ascertains from the Central Repository that***  
13 ***such a protective order is in effect, the court must, before***  
14 ***authorizing the retrieval of personal property from the specified***  
15 ***location:***

16       ***(a) Provide to the protected party notice and an opportunity to***  
17 ***be heard regarding the request for retrieval of personal property;***  
18 ***and***

19       ***(b) Inform the protected party of his or her rights pursuant to***  
20 ***this section.***

21       ***3. If, after complying with the provisions of subsection 2, the***  
22 ***court decides to authorize the retrieval of personal property from***  
23 ***the specified location, the court must issue an order setting forth:***

24       ***(a) The person who is authorized to retrieve the personal***  
25 ***property, who must not be the adverse party unless the court sets***  
26 ***forth in the order that there is no other person who is acceptable***  
27 ***to the court and the protected party to retrieve the personal***  
28 ***property;***

29       ***(b) The number of times the person who is authorized to***  
30 ***retrieve the personal property may visit the specified location,***  
31 ***which must not be more than a single visit to the specified location***



1 *unless the court sets forth in the order findings regarding the*  
2 *exceptional circumstances that warrant the need for more than a*  
3 *single visit;*

4 *(c) The date, time and duration of any authorized visit to the*  
5 *specified location to retrieve personal property, which must be*  
6 *reasonably convenient to the protected party and which date and*  
7 *time must be approved in advance by the protected party; and*

8 *(d) If the adverse party is the person retrieving the personal*  
9 *property, a requirement that the adverse party be monitored*  
10 *during the visit to the specified location by a law enforcement*  
11 *officer or any person designated by the protected party, if the*  
12 *protected party elects to have a law enforcement officer or*  
13 *designated person present to monitor the adverse party during the*  
14 *visit.*

15 **4. As used in this section:**

16 *(a) "Adverse party" means a natural person against whom a*  
17 *protective order is issued.*

18 *(b) "Protected party" means a natural person protected by a*  
19 *protective order.*

20 *(c) "Protective order" means:*

21 *(1) A temporary or extended order for protection against*  
22 *domestic violence issued pursuant to NRS 33.017 to 33.100,*  
23 *inclusive;*

24 *(2) A temporary or extended order for protection against*  
25 *stalking, aggravated stalking or harassment issued pursuant to*  
26 *NRS 200.591; or*

27 *(3) A temporary or extended order for protection against*  
28 *sexual assault pursuant to NRS 200.378.*

29 *(d) "Specified location" means a location at which a victim of*  
30 *a crime allegedly committed by a defendant resides or frequents.*

31 **Sec. 2.** NRS 178.569 is hereby amended to read as follows:

32 178.569 As used in NRS 178.569 to 178.5698, inclusive, *and*  
33 *section 1 of this act*, unless the context otherwise requires:

34 1. "Relative" has the meaning ascribed to it in NRS 217.060.

35 2. "Victim of a crime" or "victim" includes a relative of a  
36 person:

37 (a) Against whom a crime has been committed; or

38 (b) Who has been injured or killed as a direct result of the  
39 commission of a crime.

