

Amendment No. 137

Assembly Amendment to Assembly Bill No. 42	(BDR 14-371)
<b>Proposed by:</b> Assembly Committee on Judiciary	
<b>Amends:</b> Summary: No Title: No Preamble: No Joint Sponsorship: No Digest: Yes	

ASSEMBLY ACTION	Initial and Date		SENATE ACTION	Initial and Date
Adopted <input type="checkbox"/>	Lost <input type="checkbox"/>	_____	Adopted <input type="checkbox"/>	Lost <input type="checkbox"/>
Concurred In <input type="checkbox"/>	Not <input type="checkbox"/>	_____	Concurred In <input type="checkbox"/>	Not <input type="checkbox"/>
Receded <input type="checkbox"/>	Not <input type="checkbox"/>	_____	Receded <input type="checkbox"/>	Not <input type="checkbox"/>

EXPLANATION: Matter in (1) *blue bold italics* is new language in the original bill; (2) variations of green bold underlining is language proposed to be added in this amendment; (3) ~~red strikethrough~~ is deleted language in the original bill; (4) ~~purple double strikethrough~~ is language proposed to be deleted in this amendment; (5) orange double underlining is deleted language in the original bill proposed to be retained in this amendment.





ASSEMBLY BILL NO. 42—COMMITTEE ON JUDICIARY

(ON BEHALF OF THE CITY OF HENDERSON)

PREFILED NOVEMBER 18, 2020

Referred to Committee on Judiciary

SUMMARY—Makes various changes relating to criminal law and criminal procedure. (BDR 14-371)

FISCAL NOTE: Effect on Local Government: May have Fiscal Impact.  
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 crimes; requiring certain batteries which constitute domestic violence to be charged with certain felonies and gross misdemeanors; expanding the courts that are required to conduct a jury trial under certain circumstances; revising various provisions relating to jury trials; authorizing the use of sound recording equipment under certain circumstances; making various changes regarding the jurisdiction of municipal courts; revising provisions governing the selection of jurors; establishing a right to a jury trial under certain circumstances; prohibiting a person convicted of a battery which constitutes domestic violence or the same or similar conduct in another jurisdiction from owning or having in his or her possession or under his or her custody or control any firearm; providing a penalty; and providing other matters properly relating thereto.

**Legislative Counsel’s Digest:**

1 In 1983, the Nevada Supreme Court held that NRS 175.011 does not establish a statutory  
2 right to a trial by jury upon demand in every case because: (1) the statute does not expressly  
3 state the Legislature’s intent to grant a substantive right to trial by jury, but rather it is only  
4 intended to establish procedural requirements; and (2) there is no constitutional right to a jury  
5 trial for “petty” offenses. (*State v. Smith*, 99 Nev. 806, 808-810 (1983)). The United States  
6 Supreme Court later ruled that an offense with a maximum period of incarceration of 6  
7 months or less is presumptively petty and to overcome that presumption a defendant must  
8 prove that any additional statutory penalties, together with the maximum period of  
9 incarceration, are so severe that they clearly reflect that the offense is serious and thus triggers  
10 a right to a jury trial pursuant to the Sixth Amendment to the United States Constitution and  
11 Section 3 of Article 1 of the Nevada Constitution. (*Blanton v. City of N. Las Vegas*, 489 U.S.  
12 538, 543 (1989)) In 2019, the Nevada Supreme Court held that a battery which constitutes  
13 domestic violence that is punishable as a misdemeanor pursuant to NRS 200.485 is a serious  
14 offense, if it imposes a limitation on the possession of a firearm, thereby triggering a  
15 constitutional right to a jury trial. The Court reasoned that Legislature elevated the seriousness  
16 of the offense when it amended NRS 202.360 in 2015, thereby limiting a person’s

17 constitutional right to bear arms by prohibiting the possession or control of any firearm by a  
18 person who has been convicted in this State or any other state of a misdemeanor crime of  
19 domestic violence as defined in 18 U.S.C. § 921(a)(33). (*Andersen v. Eighth Jud. Dist. Ct.*,  
20 135 Nev. 321, 323-324 (2019))

21 Under existing law, a person convicted of a battery which constitutes domestic violence  
22 for the first offense within 7 years is guilty of a misdemeanor and shall be punished by: (1)  
23 imprisonment in a city or county jail or detention center for not less than 2 days, but not more  
24 than 6 months; (2) community service; and (3) a fine of not less than \$200 but not more than  
25 \$1,000. (NRS 200.485) **Section 12** of this bill establishes a statutory right to a jury trial for a  
26 person charged with a battery which constitutes domestic violence that is punishable as a  
27 misdemeanor and may prohibit the person from owning, possessing or having under his or her  
28 control or custody any firearm.

29 Existing law requires certain misdemeanors which would otherwise be under the  
30 jurisdiction of a municipal court to be charged in the same criminal complaint with related  
31 felonies and gross misdemeanors in the district court. (NRS 173.115) **Section 1** of this bill  
32 additionally requires a battery which constitutes domestic violence that is punishable as a  
33 misdemeanor to be charged in the same indictment or information in district court if the  
34 battery arises out of the same act as a felony or gross misdemeanor.

35 Existing law requires that certain cases in a district court must be tried by a jury unless  
36 the defendant waives such a trial in writing with the approval of the court and the consent of  
37 the State. (NRS 175.011) **Section 2** of this bill: (1) expands the courts in which such cases  
38 must be tried by a jury, which would necessarily include a justice court and municipal court  
39 for certain cases required to be so tried by the United States Constitution, the Nevada  
40 Constitution or statute; and (2) accordingly revises the person to whom consent must be given.

41 Existing law requires the trial of a criminal action conducted in ~~{ }~~: **(1) district court to**  
42 **be tried by a jury of 12 jurors unless before verdict the parties stipulate in writing with**  
43 **the approval of the court that the jury consist of any number less than 12 but not less**  
44 **than 6; and (2) justice court to be tried by a jury of ~~{ }~~ 6 jurors.** (NRS 175.021) **Section 3** of  
45 this bill requires ~~{such a trial conducted in a municipal court also to}~~ **that all criminal**  
46 **actions, whether in district court, justice court or municipal court, must be tried by a jury**  
47 **of ~~{ }~~ 12 jurors. ~~{ }~~ unless before jury selection the parties stipulate in writing with the**  
48 **approval of the court that the jury consist of any number less than 12 but not less than 6.**

49 Existing law directs, in relation to the procedures for conducting jury trials, the State, as  
50 prosecutor, to perform certain duties. (NRS 175.051, 175.141) **Sections 4 and 5** of this bill  
51 revise the persons required to perform such duties to include any prosecuting attorney, which  
52 may include the city attorney for jury trials conducted in a municipal court. Existing law also  
53 directs, in relation to the procedures for conducting jury trials, the sheriff of each county to  
54 perform certain duties. (NRS 6.090, 175.421) **Sections 6 and 10** of this bill revise the persons  
55 required to perform such duties to include the chief of police ~~{ }~~ **or chief marshal,** as  
56 applicable.

57 Existing law requires proceedings in justice court to be recorded by the use of sound  
58 recording equipment under certain circumstances. (NRS 4.390) Existing law also specifies  
59 that certain courts are courts of record, including the municipal courts in any case in which a  
60 jury trial is required or if designated as courts of record. (NRS 1.020) **Section 7** of this bill  
61 authorizes a municipal court to record any proceeding before a jury by the use of sound  
62 recording equipment, if the municipal court has been designated as a court of record.

63 Existing law sets forth the powers and jurisdiction of municipal courts and limits such  
64 municipal courts in cities incorporated by general law to proceedings and trials that are  
65 summary and without a jury. (NRS 5.050, 266.550) **Section 8** of this bill allows municipal  
66 courts to conduct jury trials: (1) for a matter within the jurisdiction of the court; and (2) where  
67 such a trial is required pursuant to the United States Constitution, the Nevada Constitution or  
68 statute. **Section 14** of this bill allows for jury trials under such circumstances in municipal  
69 courts within cities incorporated by general law. **Section 15** of this bill similarly allows for  
70 jury trials under such circumstances in municipal courts within all incorporated cities,  
71 including those cities created pursuant to the enactment of a city charter.

72 Existing law authorizes a district court to assign a jury commissioner to select trial jurors.  
73 Existing law also requires a jury commissioner so assigned to select trial jurors from qualified  
74 electors of the county not exempt from jury duty, whether registered as voters or not. (NRS  
75 6.045) **Section 9** of this bill: (1) extends the courts authorized to assign a jury commissioner

76 to include justice courts and municipal courts, which are located in a city whose population is  
 77 220,000 or more; and (2) allows a court to contract with another court for the services  
 78 provided by a jury commissioner. **Section 16** of this bill makes a conforming change related  
 79 to the selection of jurors in a city.

80 Existing law sets forth certain fees for attendance and travel allowances for jurors  
 81 summoned or serving on a jury in a district court or justice court. (NRS 6.150) **Section 11** of  
 82 this bill extends such fees and allowances for jurors summoned to or serving on a jury in a  
 83 municipal court.

84 Existing law provides that in a county whose population is 700,000 or more  
 85 (currently Clark County), a justice of the peace must summon a sufficient number of  
 86 jurors to form a jury from the qualified electors of the county. In all other counties, a  
 87 justice of the peace may summon jurors from the city, precinct or township. (NRS  
 88 67.010) Section 11.7 of this bill provides that in all counties, jurors must be summoned  
 89 from the qualified electors of the county. Section 11.3 of this bill makes a conforming  
 90 change to reflect the change made in section 11.7.

91 Existing law prohibits certain persons from owning or having in their possession or under  
 92 their custody or control any firearm, including a person who has been convicted in this State or  
 93 or any other state of a misdemeanor crime of domestic violence as defined in 18 U.S.C. §  
 94 921(a)(33). A person who violates such a provision is guilty of a category B felony. (NRS  
 95 202.360) **Section 13** of this bill revises the list of persons so prohibited to include a person  
 96 who has been convicted of ~~the~~ **the crime of** battery which constitutes domestic violence  
 97 pursuant to NRS 200.485, or the same or substantially similar conduct in another ~~state~~  
 98 jurisdiction, committed against or upon certain persons, instead of a person who has been  
 99 convicted of a misdemeanor crime of domestic violence as defined in 18 U.S.C. § 921(a)(33).

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

1 **Section 1.** NRS 173.115 is hereby amended to read as follows:

2 173.115 1. Two or more offenses may be charged in the same indictment or  
 3 information in a separate count for each offense if the offenses charged, whether  
 4 felonies or gross misdemeanors or both, are:

5 (a) Based on the same act or transaction; or

6 (b) Based on two or more acts or transactions connected together or  
 7 constituting parts of a common scheme or plan.

8 2. Except as otherwise provided in subsection 3 ~~[a]~~:

9 (a) A misdemeanor which was committed within the boundaries of a city and  
 10 which would otherwise be within the jurisdiction of the municipal court must be  
 11 charged in the same criminal complaint as a felony or gross misdemeanor or both if  
 12 the misdemeanor is based on the same act or transaction as the felony or gross  
 13 misdemeanor. A charge of a misdemeanor which meets the requirements of this  
 14 subsection and which is erroneously included in a criminal complaint that is filed in  
 15 the municipal court shall be deemed to be void ab initio and must be stricken.

16 (b) *A battery which constitutes domestic violence that is punishable as a*  
 17 *misdemeanor pursuant to NRS 200.485 must be charged in the same indictment*  
 18 *or information in district court as a felony or gross misdemeanor or both if the*  
 19 *battery is based on the same act or transaction as the felony or gross*  
 20 *misdemeanor.*

21 3. The provisions of subsection 2 do not apply:

22 (a) To a misdemeanor based solely upon an alleged violation of a municipal  
 23 ordinance.

24 (b) If an indictment is brought or an information is filed in the district court for  
 25 a felony or gross misdemeanor or both after the convening of a grand jury.

1       **Sec. 2.** NRS 175.011 is hereby amended to read as follows:

2       175.011 1. ~~[In a district court, cases]~~ **Cases** required to be tried by jury must  
3 be so tried unless the defendant waives a jury trial in writing with the approval of  
4 the court and the consent of the ~~[State.]~~ **prosecuting attorney**. A defendant who  
5 pleads not guilty to the charge of a capital offense must be tried by jury.

6       2. ~~[It]~~ **Except as otherwise provided in subsection 1**, in a justice court, a case  
7 must be tried by jury only if the defendant so demands in writing not less than 30  
8 days before trial. Except as otherwise provided in NRS 4.390 and 4.400, if a case is  
9 tried by jury, a reporter must be present who is a certified court reporter and shall  
10 report the trial.

11       **Sec. 3.** NRS 175.021 is hereby amended to read as follows:

12       175.021 1. Trial juries for criminal actions are formed in the same manner  
13 as trial juries in civil actions.

14       2. ~~[Except as provided in subsection 3, juries]~~ **Juries** must consist of 12  
15 jurors, but at any time before ~~[verdict.]~~ **jury selection**, the parties may stipulate in  
16 writing with the approval of the court that the jury consist of any number less than  
17 12 but not less than six.

18       ~~[3. Juries must consist of six jurors for the trial of a criminal action in a~~  
19 ~~Justice Court, justice court or municipal court.]~~

20       **Sec. 4.** NRS 175.051 is hereby amended to read as follows:

21       175.051 1. If the offense charged is punishable by death or by imprisonment  
22 for life, each side is entitled to eight peremptory challenges.

23       2. If the offense charged is punishable by imprisonment for any other term or  
24 by fine or by both fine and imprisonment, each side is entitled to four peremptory  
25 challenges.

26       3. The ~~[State]~~ **prosecuting attorney** and the defendant shall exercise their  
27 challenges alternately, in that order. Any challenge not exercised in its proper order  
28 is waived.

29       **Sec. 5.** NRS 175.141 is hereby amended to read as follows:

30       175.141 The jury having been impaneled and sworn, the trial shall proceed in  
31 the following order:

32       1. If the indictment or information be for a felony, the clerk must read it and  
33 state the plea of the defendant to the jury. In all other cases this formality may be  
34 dispensed with.

35       2. The ~~[district attorney, or other counsel for the State,]~~ **prosecuting attorney**  
36 must open the cause. The defendant or the defendant's counsel may then either  
37 make the defendant's opening statement or reserve it to be made immediately prior  
38 to the presentation of evidence in the defendant's behalf.

39       3. The ~~[State]~~ **prosecuting attorney** must then offer its evidence in support of  
40 the charge, and the defendant may then offer evidence in his or her defense.

41       4. The parties may then respectively offer rebutting testimony only, unless the  
42 court, for good reasons, in furtherance of justice, permits them to offer evidence  
43 upon their original cause.

44       5. When the evidence is concluded, unless the case is submitted to the jury on  
45 either side, or on both sides, without argument, the ~~[district attorney, or other~~  
46 ~~counsel for the State,]~~ **prosecuting attorney** must open and must conclude the  
47 argument.

48       **Sec. 6.** NRS 175.421 is hereby amended to read as follows:

49       175.421 A room ~~[shall]~~ **must** be provided by the sheriff of each county, ~~for~~  
50 ~~the]~~ **chief of police of each city, or chief marshal, as applicable**, for the use of  
51 the jury upon their retirement for deliberation, with suitable furniture, fuel, lights  
52 and stationery, unless such necessities have been already furnished by the county  
53 ~~[or]~~ **city**. The court may order the sheriff, ~~for]~~ **chief of police or chief marshal** to

1 do so, and the expenses incurred by the sheriff  ~~, [for] chief of police or chief~~  
2 ~~marshal~~ in carrying the order into effect, when certified by the court,  ~~[shall be] are~~  
3 a county  ~~or city~~ charge.

4 **Sec. 7.** Chapter 5 of NRS is hereby amended by adding thereto a new section  
5 to read as follows:

6 *If a municipal court has been designated as a court of record pursuant to*  
7 *NRS 5.010, any proceeding before a jury in the municipal court may be recorded*  
8 *by using sound recording equipment.*

9 **Sec. 8.** NRS 5.050 is hereby amended to read as follows:

10 5.050 1. Municipal courts have jurisdiction of civil actions or proceedings:

11 (a) For the violation of any ordinance of their respective cities.

12 (b) To prevent or abate a nuisance within the limits of their respective cities.

13 2. Except as otherwise provided in subsection 2 of NRS 173.115, the  
14 municipal courts have jurisdiction of all misdemeanors committed in violation of  
15 the ordinances of their respective cities. Upon approval of the district court, a  
16 municipal court may transfer original jurisdiction of a misdemeanor to the district  
17 court for the purpose of assigning an offender to a program established pursuant to  
18 NRS 176A.250 or, if the municipal court has not established a program pursuant to  
19 NRS 176A.280, to a program established pursuant to that section.

20 3. The municipal courts have jurisdiction of:

21 (a) Any action for the collection of taxes or assessments levied for city  
22 purposes, when the principal sum thereof does not exceed \$2,500.

23 (b) Actions to foreclose liens in the name of the city for the nonpayment of  
24 those taxes or assessments when the principal sum claimed does not exceed \$2,500.

25 (c) Actions for the breach of any bond given by any officer or person to or for  
26 the use or benefit of the city, and of any action for damages to which the city is a  
27 party, and upon all forfeited recognizances given to or for the use or benefit of the  
28 city, and upon all bonds given on appeals from the municipal court in any of the  
29 cases named in this section, when the principal sum claimed does not exceed  
30 \$2,500.

31 (d) Actions for the recovery of personal property belonging to the city, when  
32 the value thereof does not exceed \$2,500.

33 (e) Actions by the city for the collection of any damages, debts or other  
34 obligations when the amount claimed, exclusive of costs or attorney's fees, or both  
35 if allowed, does not exceed \$2,500.

36 (f) Actions seeking an order pursuant to NRS 441A.195.

37 4. Nothing contained in subsection 3 gives the municipal court jurisdiction to  
38 determine any such cause when it appears from the pleadings that the validity of  
39 any tax, assessment or levy, or title to real property, is necessarily an issue in the  
40 cause, in which case the court shall certify the cause to the district court in like  
41 manner and with the same effect as provided by law for certification of causes by  
42 justice courts.

43 **5. *The municipal courts may hold a jury trial for any matter:***

44 **(a) *Within the jurisdiction of the municipal court; and***

45 **(b) *Required by the United States Constitution, the Nevada Constitution or***  
46 ***statute.***

47 **Sec. 9.** NRS 6.045 is hereby amended to read as follows:

48 6.045 1.  ~~[The district] A~~ court may by rule of court designate the clerk of  
49 the court, one of the clerk's deputies or another person as a jury commissioner and  
50 may assign to the jury commissioner such administrative duties in connection with  
51 trial juries and jurors as the court finds desirable for efficient administration.

52 2. If a jury commissioner is so selected, the jury commissioner shall from  
53 time to time estimate the number of trial jurors which will be required for

1 attendance on the ~~[district]~~ *designated* court and shall select that number from the  
 2 qualified electors of ~~[the]~~:

3 (a) *The county ; or*

4 (b) *The city whose population is 220,000 or more, for a municipal court,*

5 *not exempt by law from jury duty, whether registered as voters or not. The jurors*  
 6 *may be selected by computer whenever procedures to assure random selection from*  
 7 *computerized lists are established by the jury commissioner.*

8 3. The jury commissioner shall, for the purpose of selecting trial jurors,  
 9 compile and maintain a list of qualified electors from information provided by:

10 (a) A list of persons who are registered to vote in the county;

11 (b) The Department of Motor Vehicles pursuant to NRS 482.171 and 483.225;

12 (c) The Employment Security Division of the Department of Employment,  
 13 Training and Rehabilitation pursuant to NRS 612.265; and

14 (d) A public utility pursuant to NRS 704.206.

15 4. In compiling and maintaining the list of qualified electors, the jury  
 16 commissioner shall avoid duplication of names.

17 5. The jury commissioner shall:

18 (a) Keep a record of the name, occupation, address and race of each trial juror  
 19 selected pursuant to subsection 2;

20 (b) Keep a record of the name, occupation, address and race of each trial juror  
 21 who appears for jury service; and

22 (c) Prepare and submit a report to the Court Administrator which must:

23 (1) Include statistics from the records required to be maintained by the jury  
 24 commissioner pursuant to this subsection, including, without limitation, the name,  
 25 occupation, address and race of each trial juror who is selected and of each trial  
 26 juror who appears for jury service;

27 (2) Be submitted at least once a year; and

28 (3) Be submitted in the time and manner prescribed by the Court  
 29 Administrator.

30 6. The jury commissioner shall not select the name of any person whose name  
 31 was selected the previous year, and who actually served on the jury by attending in  
 32 court in response to the venire from day to day until excused from further  
 33 attendance by order of the court, unless there are not enough other suitable jurors in  
 34 the county *or city* to do the required jury duty.

35 *7. A court may contract with another court for the purpose of procuring*  
 36 *any administrative duties performed by a jury commissioner pursuant to this*  
 37 *chapter.*

38 **Sec. 10.** NRS 6.090 is hereby amended to read as follows:

39 6.090 1. Whenever trial jurors are selected by a jury commissioner, the  
 40 ~~[district]~~ judge may direct the jury commissioner to summon and assign to that  
 41 court the number of qualified jurors the jury commissioner determines to be  
 42 necessary for the formation of the petit jury. The jurors may be selected by  
 43 computer whenever procedures to assure random selection from computerized lists  
 44 have been established by the jury commissioner.

45 2. Every person named in the venire must be served by the sheriff, ~~[for the]~~  
 46 *chief of police* ~~[or]~~ *or chief marshal, as applicable,* personally or by the sheriff,  
 47 ~~[the]~~ *chief of police,* ~~[for the]~~ *chief marshal or* jury commissioner by mailing a  
 48 summons to the person, commanding the person to attend as a juror at a time and  
 49 place designated therein. Mileage is allowed only for personal service. The postage  
 50 must be paid by the sheriff, ~~[the]~~ *chief of police,* ~~[for the]~~ *chief marshal or* jury  
 51 commissioner, as the case may be, and allowed him or her as other claims against  
 52 the county ~~[or]~~ *or city.* The sheriff, ~~[for the]~~ *chief of police or chief marshal* shall  
 53 make return of the venire at least the day before the day named for their



1 appearance, after which the venire is subject to inspection by any officer or attorney  
2 of the court.

3 **Sec. 11.** NRS 6.150 is hereby amended to read as follows:

4 6.150 1. Each person summoned to attend as a grand juror or a trial juror in  
5 the district court or justice court, *or a trial juror in the municipal court*, is entitled  
6 to a fee of \$40 for each day after the second day of jury selection that the person is  
7 in attendance in response to the venire or summons, including Sundays and  
8 holidays.

9 2. Each grand juror and trial juror in the district court or justice court, *or trial*  
10 *juror in the municipal court*, actually sworn and serving is entitled to a fee of \$40  
11 a day as compensation for each day of service.

12 3. In addition to the fees specified in subsections 1 and 2, a board of county  
13 commissioners *or governing body of a city* may provide that, for each day of such  
14 attendance or service, each person is entitled to be paid the per diem allowance and  
15 travel expenses provided for state officers and employees generally.

16 4. Each person summoned to attend as a grand juror or a trial juror in the  
17 district court or justice court, *or a trial juror in the municipal court*, and each  
18 grand juror and trial juror in the district court or justice court, *or trial juror in the*  
19 *municipal court*, is entitled to receive 36.5 cents a mile for each mile necessarily  
20 and actually traveled if the home of the person summoned or serving as a juror is 30  
21 miles or more from the place of trial.

22 5. If the home of a person summoned or serving as such a juror is 65 miles or  
23 more from the place of trial and the selection, inquiry or trial lasts more than 1 day,  
24 the person is entitled to receive an allowance for lodging at the rate established for  
25 state employees, in addition to his or her daily compensation for attendance or  
26 service, for each day on which the person does not return to his or her home.

27 6. In civil cases, any fee, per diem allowance, travel expense or other  
28 compensation due each juror engaged in the trial of the cause must be paid each day  
29 in advance to the clerk of the court, or the justice of the peace, by the party who has  
30 demanded the jury. If the party paying this money is the prevailing party, the  
31 money is recoverable as costs from the losing party. If the jury from any cause is  
32 discharged in a civil action without finding a verdict and the party who demands the  
33 jury subsequently obtains judgment, the money so paid is recoverable as costs from  
34 the losing party.

35 7. The money paid by the clerk of the court to jurors for their services in a  
36 civil action or proceeding, which the clerk of the court has received from the party  
37 demanding the jury, must be deducted from the total amount due them for  
38 attendance as such jurors, and any balance is a charge against the county.

39 **Sec. 11.3.** NRS 66.020 is hereby amended to read as follows:

40 66.020 1. The court may, at any time before the trial, on motion, change the  
41 place of trial in the following cases:

42 (a) When it appears to the satisfaction of the justice before whom the action is  
43 pending, by affidavit of either party, that the justice is a material witness for either  
44 party.

45 (b) When either party makes and files an affidavit that the party believes that  
46 he or she cannot have a fair and impartial trial before the justice by reason of the  
47 interest, prejudice or bias of the justice.

48 (c) When a jury has been demanded, and either party makes and files an  
49 affidavit that he or she cannot have a fair and impartial trial on account of the bias  
50 or prejudice against him or her of the citizens of ~~the~~

51 ~~\_\_\_\_\_ (1) The city, precinct or township, if the jurors are to be summoned~~  
52 ~~pursuant to subsection 1 of NRS 67.010; or~~

1 ~~\_\_\_\_\_ (2) The~~ the county . ~~if the jurors are to be summoned pursuant to~~  
2 ~~subsection 2 of NRS 67.010.~~

3 (d) When from any cause the justice is disqualified from acting.

4 (e) When the justice is sick or unable to act.

5 2. In lieu of changing the place of trial, the justice before whom the action is  
6 pending may for any of the cases mentioned in subsection 1 call another justice of  
7 the county to conduct the trial.

8 **Sec. 11.7. NRS 67.010 is hereby amended to read as follows:**

9 67.010 1. The jury must be summoned upon an order of the justice from ~~the~~  
10 ~~except as otherwise provided in subsection 2,~~ the qualified electors ~~of the~~  
11 county, whether or not registered as voters, ~~of the city, precinct or township,~~ and  
12 not from the bystanders.

13 2. ~~In a county whose population is 700,000 or more, the~~ The justice may  
14 summon to the court ~~from the qualified electors of the county, whether or not~~  
15 ~~registered as voters, and not from the bystanders,~~ the number of qualified jurors  
16 which the justice determines is necessary for the formation of a jury.

17 **Sec. 12. NRS 200.485 is hereby amended to read as follows:**

18 200.485 1. Unless a greater penalty is provided pursuant to subsections 2 to  
19 5, inclusive, or NRS 200.481, a person convicted of a battery which constitutes  
20 domestic violence pursuant to NRS 33.018:

21 (a) For the first offense within 7 years, is guilty of a misdemeanor and shall be  
22 sentenced to:

23 (1) Imprisonment in the city or county jail or detention facility for not less  
24 than 2 days, but not more than 6 months; and

25 (2) Perform not less than 48 hours, but not more than 120 hours, of  
26 community service.

27 ➤ The person shall be further punished by a fine of not less than \$200, but not  
28 more than \$1,000. A term of imprisonment imposed pursuant to this paragraph may  
29 be served intermittently at the discretion of the judge or justice of the peace, except  
30 that each period of confinement must be not less than 12 consecutive hours and  
31 must occur at a time when the person is not required to be at his or her place of  
32 employment or on a weekend.

33 (b) For the second offense within 7 years, is guilty of a misdemeanor and shall  
34 be sentenced to:

35 (1) Imprisonment in the city or county jail or detention facility for not less  
36 than 20 days, but not more than 6 months; and

37 (2) Perform not less than 100 hours, but not more than 200 hours, of  
38 community service.

39 ➤ The person shall be further punished by a fine of not less than \$500, but not  
40 more than \$1,000. A term of imprisonment imposed pursuant to this paragraph may  
41 be served intermittently at the discretion of the judge or justice of the peace, except  
42 that each period of confinement must not be less than 12 consecutive hours and  
43 must occur at a time when the person is not required to be at his or her place of  
44 employment or on a weekend.

45 (c) For the third offense within 7 years, is guilty of a category B felony and  
46 shall be punished by imprisonment in the state prison for a minimum term of not  
47 less than 1 year and a maximum term of not more than 6 years, and may be further  
48 punished by a fine of not less than \$1,000, but not more than \$5,000.

49 2. Unless a greater penalty is provided pursuant to subsection 3 or NRS  
50 200.481, a person convicted of a battery which constitutes domestic violence  
51 pursuant to NRS 33.018, if the battery is committed by strangulation as described in  
52 NRS 200.481, is guilty of a category C felony and shall be punished as provided in  
53 NRS 193.130.

1           3. Unless a greater penalty is provided pursuant to NRS 200.481, a person  
2 who has been previously convicted of:

3           (a) A felony that constitutes domestic violence pursuant to NRS 33.018;

4           (b) A battery which constitutes domestic violence pursuant to NRS 33.018, if  
5 the battery is committed with the use of a deadly weapon as described in NRS  
6 200.481; or

7           (c) A violation of the law of any other jurisdiction that prohibits the same or  
8 similar conduct set forth in paragraph (a) or (b),

9           ↳ and who commits a battery which constitutes domestic violence pursuant to NRS  
10 33.018 is guilty of a category B felony and shall be punished by imprisonment in  
11 the state prison for a minimum term of not less than 2 years and a maximum term  
12 of not more than 15 years, and shall be further punished by a fine of not less than  
13 \$2,000, but not more than \$5,000.

14           4. Unless a greater penalty is provided pursuant to NRS 200.481, a person  
15 convicted of a battery which constitutes domestic violence pursuant to NRS 33.018,  
16 if the battery is committed against a victim who was pregnant at the time of the  
17 battery and the person knew or should have known that the victim was pregnant:

18           (a) For the first offense, is guilty of a gross misdemeanor.

19           (b) For the second or any subsequent offense, is guilty of a category B felony  
20 and shall be punished by imprisonment in the state prison of a minimum term of not  
21 less than 1 year and a maximum term of not more than 6 years, and may be further  
22 punished by a fine of not less than \$1,000, but not more than \$5,000.

23           5. Unless a greater penalty is provided pursuant to NRS 200.481, a person  
24 convicted of a battery which constitutes domestic violence pursuant to NRS 33.018,  
25 if the battery causes substantial bodily harm, is guilty of a category B felony and  
26 shall be punished by imprisonment in the state prison of a minimum term of not  
27 less than 1 year and a maximum term of not more than 6 years, and may be further  
28 punished by a fine of not less than \$1,000, but not more than \$5,000.

29           6. In addition to any other penalty, if a person is convicted of a battery which  
30 constitutes domestic violence pursuant to NRS 33.018, the court shall:

31           (a) For the first offense within 7 years, require the person to participate in  
32 weekly counseling sessions of not less than 1 1/2 hours per week for not less than 6  
33 months, at his or her expense, in a program for the treatment of persons who  
34 commit domestic violence that has been certified pursuant to NRS 439.258.

35           (b) For the second offense within 7 years, require the person to participate in  
36 weekly counseling sessions of not less than 1 1/2 hours per week for not less than  
37 12 months, at his or her expense, in a program for the treatment of persons who  
38 commit domestic violence that has been certified pursuant to NRS 439.258.

39           ↳ If the person resides in this State but the nearest location at which counseling  
40 services are available is in another state, the court may allow the person to  
41 participate in counseling in the other state in a program for the treatment of persons  
42 who commit domestic violence that has been certified pursuant to NRS 439.258.

43           7. Except as otherwise provided in this subsection, an offense that occurred  
44 within 7 years immediately preceding the date of the principal offense or after the  
45 principal offense constitutes a prior offense for the purposes of this section:

46           (a) When evidenced by a conviction; or

47           (b) If the offense is conditionally dismissed pursuant to NRS 176A.290 or  
48 dismissed in connection with successful completion of a diversionary program or  
49 specialty court program,

50           ↳ without regard to the sequence of the offenses and convictions. An offense  
51 which is listed in paragraph (a), (b) or (c) of subsection 3 that occurred on any date  
52 preceding the date of the principal offense or after the principal offense constitutes  
53 a prior offense for the purposes of this section when evidenced by a conviction,

1 without regard to the sequence of the offenses and convictions. The facts  
2 concerning a prior offense must be alleged in the complaint, indictment or  
3 information, must not be read to the jury or proved at trial but must be proved at the  
4 time of sentencing and, if the principal offense is alleged to be a felony, must also  
5 be shown at the preliminary examination or presented to the grand jury.

6 8. In addition to any other penalty, the court may require such a person to  
7 participate, at his or her expense, in a program of treatment for an alcohol or other  
8 substance use disorder that has been certified by the Division of Public and  
9 Behavioral Health of the Department of Health and Human Services.

10 9. If it appears from information presented to the court that a child under the  
11 age of 18 years may need counseling as a result of the commission of a battery  
12 which constitutes domestic violence pursuant to NRS 33.018, the court may refer  
13 the child to an agency which provides child welfare services. If the court refers a  
14 child to an agency which provides child welfare services, the court shall require the  
15 person convicted of a battery which constitutes domestic violence pursuant to NRS  
16 33.018 to reimburse the agency for the costs of any services provided, to the extent  
17 of the convicted person's ability to pay.

18 10. If a person is charged with committing a battery which constitutes  
19 domestic violence pursuant to NRS 33.018 ~~[(a)]~~:

20 *(a) That is punishable as a misdemeanor and may prohibit the person from*  
21 *owning, possessing or having under his or her control or custody any firearm*  
22 *pursuant to NRS 202.360, the person is entitled to a trial by jury pursuant to*  
23 *subsection 1 of NRS 175.011.*

24 *(b) A prosecuting attorney shall not dismiss such a charge in exchange for a*  
25 *plea of guilty, guilty but mentally ill or nolo contendere to a lesser charge or for any*  
26 *other reason unless the prosecuting attorney knows, or it is obvious, that the charge*  
27 *is not supported by probable cause or cannot be proved at the time of trial. Except*  
28 *as otherwise provided in this ~~subsection~~ paragraph, a court shall not grant*  
29 *probation to or suspend the sentence of such a person. A court may grant probation*  
30 *to or suspend the sentence of such a person:*

31 ~~[(a)]~~ (1) As set forth in NRS 4.373 and 5.055; or

32 ~~[(b)]~~ (2) To assign the person to a program for the treatment of veterans and  
33 members of the military pursuant to NRS 176A.290 if the charge is for a first  
34 offense punishable as a misdemeanor.

35 11. In every judgment of conviction or admonishment of rights issued  
36 pursuant to this section, the court shall:

37 (a) Inform the person convicted that he or she is prohibited from owning,  
38 possessing or having under his or her custody or control any firearm pursuant to  
39 NRS 202.360; and

40 (b) Order the person convicted to permanently surrender, sell or transfer any  
41 firearm that he or she owns or that is in his or her possession or under his or her  
42 custody or control in the manner set forth in NRS 202.361.

43 12. A person who violates any provision included in a judgment of conviction  
44 or admonishment of rights issued pursuant to this section concerning the surrender,  
45 sale, transfer, ownership, possession, custody or control of a firearm is guilty of a  
46 category B felony and shall be punished by imprisonment in the state prison for a  
47 minimum term of not less than 1 year and a maximum term of not more than 6  
48 years, and may be further punished by a fine of not more than \$5,000. The court  
49 must include in the judgment of conviction or admonishment of rights a statement  
50 that a violation of such a provision in the judgment or admonishment is a category  
51 B felony and shall be punished by imprisonment in the state prison for a minimum  
52 term of not less than 1 year and a maximum term of not more than 6 years, and may  
53 be further punished by a fine of not more than \$5,000.

13. As used in this section:

(a) "Agency which provides child welfare services" has the meaning ascribed to it in NRS 432B.030.

(b) "Battery" has the meaning ascribed to it in paragraph (a) of subsection 1 of NRS 200.481.

(c) "Offense" includes a battery which constitutes domestic violence pursuant to NRS 33.018 or a violation of the law of any other jurisdiction that prohibits the same or similar conduct.

**Sec. 13.** NRS 202.360 is hereby amended to read as follows:

202.360 1. A person shall not own or have in his or her possession or under his or her custody or control any firearm if the person:

(a) Has been convicted ~~in this State or any other state of a misdemeanor crime of domestic violence as defined in 18 U.S.C. § 921(a)(33);~~ of ~~the crime of battery which constitutes domestic violence pursuant to NRS 33.018;~~ 200.485, or a law of any other ~~state~~ jurisdiction that prohibits the same or substantially similar conduct ~~that~~, committed against or upon:

(1) The spouse or former spouse of the person;

(2) Any other person with whom the person has had or is having a dating relationship, as defined in NRS 33.018;

(3) Any other person with whom the person has a child in common;

(4) The parent or legal guardian of the person; or

(5) The child of the person or a child for whom the person is the legal guardian.

(b) Has been convicted of a felony in this State or any other state, or in any political subdivision thereof, or of a felony in violation of the laws of the United States of America, unless the person has received a pardon and the pardon does not restrict his or her right to bear arms;

(c) Has been convicted of a violation of NRS 200.575 or a law of any other state that prohibits the same or substantially similar conduct and the court entered a finding in the judgment of conviction or admonishment of rights pursuant to subsection 7 of NRS 200.575;

(d) Except as otherwise provided in NRS 33.031, is currently subject to:

(1) An extended order for protection against domestic violence pursuant to NRS 33.017 to 33.100, inclusive, which includes a statement that the adverse party is prohibited from possessing or having under his or her custody or control any firearm while the order is in effect; or

(2) An equivalent order in any other state;

(e) Is a fugitive from justice;

(f) Is an unlawful user of, or addicted to, any controlled substance; or

(g) Is otherwise prohibited by federal law from having a firearm in his or her possession or under his or her custody or control.

➤ A person who violates the provisions of this subsection is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 6 years, and may be further punished by a fine of not more than \$5,000.

2. A person shall not own or have in his or her possession or under his or her custody or control any firearm if the person:

(a) Has been adjudicated as mentally ill or has been committed to any mental health facility by a court of this State, any other state or the United States;

(b) Has entered a plea of guilty but mentally ill in a court of this State, any other state or the United States;

(c) Has been found guilty but mentally ill in a court of this State, any other state or the United States;

1 (d) Has been acquitted by reason of insanity in a court of this State, any other  
2 state or the United States; or

3 (e) Is illegally or unlawfully in the United States.

4 → A person who violates the provisions of this subsection is guilty of a category D  
5 felony and shall be punished as provided in NRS 193.130.

6 3. As used in this section:

7 (a) "Controlled substance" has the meaning ascribed to it in 21 U.S.C. §  
8 802(6).

9 (b) "Firearm" includes any firearm that is loaded or unloaded and operable or  
10 inoperable.

11 **Sec. 14.** NRS 266.550 is hereby amended to read as follows:

12 266.550 1. The municipal court shall have such powers and jurisdiction in  
13 the city as are now provided by law for justice courts, wherein any person or  
14 persons are charged with the breach or violation of the provisions of any ordinance  
15 of such city or of this chapter, of a police or municipal nature. ~~[The]~~ *Except as*  
16 *otherwise provided in subsection 5 of NRS 5.050, the* trial and proceedings in such  
17 cases must be summary and without a jury.

18 2. The powers of the municipal court include the power to charge and collect  
19 those fees authorized pursuant to NRS 5.073.

20 **Sec. 15.** Chapter 268 of NRS is hereby amended by adding thereto a new  
21 section to read as follows:

22 *The municipal court of an incorporated city may conduct a jury trial*  
23 *pursuant to subsection 5 of NRS 5.050.*

24 **Sec. 16.** NRS 612.265 is hereby amended to read as follows:

25 612.265 1. Except as otherwise provided in this section and NRS 239.0115,  
26 607.217 and 612.642, information obtained from any employing unit or person  
27 pursuant to the administration of this chapter and any determination as to the  
28 benefit rights of any person is confidential and may not be disclosed or be open to  
29 public inspection in any manner which would reveal the person's or employing  
30 unit's identity.

31 2. Any claimant or a legal representative of a claimant is entitled to  
32 information from the records of the Division, to the extent necessary for the proper  
33 presentation of the claimant's claim in any proceeding pursuant to this chapter. A  
34 claimant or an employing unit is not entitled to information from the records of the  
35 Division for any other purpose.

36 3. The Administrator may, in accordance with a cooperative agreement  
37 among all participants in the statewide longitudinal data system developed pursuant  
38 to NRS 400.037 and administered pursuant to NRS 223.820, make the information  
39 obtained by the Division available to:

40 (a) The Board of Regents of the University of Nevada for the purpose of  
41 complying with the provisions of subsection 4 of NRS 396.531; and

42 (b) The Director of the Department of Employment, Training and  
43 Rehabilitation for the purpose of complying with the provisions of paragraph (d) of  
44 subsection 1 of NRS 232.920.

45 4. Subject to such restrictions as the Administrator may by regulation  
46 prescribe, the information obtained by the Division may be made available to:

47 (a) Any agency of this or any other state or any federal agency charged with  
48 the administration or enforcement of laws relating to unemployment compensation,  
49 public assistance, workers' compensation or labor and industrial relations, or the  
50 maintenance of a system of public employment offices;

51 (b) Any state or local agency for the enforcement of child support;

52 (c) The Internal Revenue Service of the Department of the Treasury;

53 (d) The Department of Taxation;

1 (e) The State Contractors' Board in the performance of its duties to enforce the  
2 provisions of chapter 624 of NRS; and

3 (f) The Secretary of State to operate the state business portal established  
4 pursuant to chapter 75A of NRS for the purposes of verifying that data submitted  
5 via the portal has satisfied the necessary requirements established by the Division,  
6 and as necessary to maintain the technical integrity and functionality of the state  
7 business portal established pursuant to chapter 75A of NRS.

8 ➤ Information obtained in connection with the administration of the Division may  
9 be made available to persons or agencies for purposes appropriate to the operation  
10 of a public employment service or a public assistance program.

11 5. Upon written request made by the State Controller or a public officer of a  
12 local government, the Administrator shall furnish from the records of the Division  
13 the name, address and place of employment of any person listed in the records of  
14 employment of the Division. The request may be made electronically and must set  
15 forth the social security number of the person about whom the request is made and  
16 contain a statement signed by the proper authority of the State Controller or local  
17 government certifying that the request is made to allow the proper authority to  
18 enforce a law to recover a debt or obligation assigned to the State Controller for  
19 collection or owed to the local government, as applicable. Except as otherwise  
20 provided in NRS 239.0115, the information obtained by the State Controller or  
21 local government is confidential and may not be used or disclosed for any purpose  
22 other than the collection of a debt or obligation assigned to the State Controller for  
23 collection or owed to that local government. The Administrator may charge a  
24 reasonable fee for the cost of providing the requested information.

25 6. The Administrator may publish or otherwise provide information on the  
26 names of employers, their addresses, their type or class of business or industry, and  
27 the approximate number of employees employed by each such employer, if the  
28 information released will assist unemployed persons to obtain employment or will  
29 be generally useful in developing and diversifying the economic interests of this  
30 State. Upon request by a state agency which is able to demonstrate that its intended  
31 use of the information will benefit the residents of this State, the Administrator  
32 may, in addition to the information listed in this subsection, disclose the number of  
33 employees employed by each employer and the total wages paid by each employer.  
34 The Administrator may charge a fee to cover the actual costs of any administrative  
35 expenses relating to the disclosure of this information to a state agency. The  
36 Administrator may require the state agency to certify in writing that the agency will  
37 take all actions necessary to maintain the confidentiality of the information and  
38 prevent its unauthorized disclosure.

39 7. Upon request therefor, the Administrator shall furnish to any agency of the  
40 United States charged with the administration of public works or assistance through  
41 public employment, and may furnish to any state agency similarly charged, the  
42 name, address, ordinary occupation and employment status of each recipient of  
43 benefits and the recipient's rights to further benefits pursuant to this chapter.

44 8. To further a current criminal investigation, the chief executive officer of  
45 any law enforcement agency of this State may submit a written request to the  
46 Administrator that the Administrator furnish, from the records of the Division, the  
47 name, address and place of employment of any person listed in the records of  
48 employment of the Division. The request must set forth the social security number  
49 of the person about whom the request is made and contain a statement signed by the  
50 chief executive officer certifying that the request is made to further a criminal  
51 investigation currently being conducted by the agency. Upon receipt of such a  
52 request, the Administrator shall furnish the information requested. The

1 Administrator may charge a fee to cover the actual costs of any related  
2 administrative expenses.

3 9. In addition to the provisions of subsection 6, the Administrator shall  
4 provide lists containing the names and addresses of employers, and information  
5 regarding the wages paid by each employer to the Department of Taxation, upon  
6 request, for use in verifying returns for the taxes imposed pursuant to chapters  
7 363A, 363B and 363C of NRS. The Administrator may charge a fee to cover the  
8 actual costs of any related administrative expenses.

9 10. Upon the request of any ~~judicial district~~ judge or jury commissioner, ~~[of the~~  
10 ~~judicial district in which the county is located.]~~ the Administrator shall, in  
11 accordance with other agreements entered into with other ~~judicial district~~ courts and in  
12 compliance with 20 C.F.R. Part 603, and any other applicable federal laws and  
13 regulations governing the Division, furnish the name, address and date of birth of  
14 persons who receive benefits in any county ~~or~~ **or city** for use in the selection of trial  
15 jurors pursuant to NRS 6.045. The court or jury commissioner who requests the list  
16 of such persons shall reimburse the Division for the reasonable cost of providing  
17 the requested information.

18 11. The Division of Industrial Relations of the Department of Business and  
19 Industry shall periodically submit to the Administrator, from information in the  
20 index of claims established pursuant to NRS 616B.018, a list containing the name  
21 of each person who received benefits pursuant to chapters 616A to 616D, inclusive,  
22 or chapter 617 of NRS. Upon receipt of that information, the Administrator shall  
23 compare the information so provided with the records of the Employment Security  
24 Division regarding persons claiming benefits pursuant to this chapter for the same  
25 period. The information submitted by the Division of Industrial Relations must be  
26 in a form determined by the Administrator and must contain the social security  
27 number of each such person. If it appears from the information submitted that a  
28 person is simultaneously claiming benefits under this chapter and under chapters  
29 616A to 616D, inclusive, or chapter 617 of NRS, the Administrator shall notify the  
30 Attorney General or any other appropriate law enforcement agency.

31 12. The Administrator may request the Comptroller of the Currency of the  
32 United States to cause an examination of the correctness of any return or report of  
33 any national banking association rendered pursuant to the provisions of this chapter,  
34 and may in connection with the request transmit any such report or return to the  
35 Comptroller of the Currency of the United States as provided in section 3305(c) of  
36 the Internal Revenue Code of 1954.

37 13. The Administrator, any employee or other person acting on behalf of the  
38 Administrator, or any employee or other person acting on behalf of an agency or  
39 entity allowed to access information obtained from any employing unit or person in  
40 the administration of this chapter, or any person who has obtained a list of  
41 applicants for work, or of claimants or recipients of benefits pursuant to this  
42 chapter, is guilty of a gross misdemeanor if he or she:

43 (a) Uses or permits the use of the list for any political purpose;

44 (b) Uses or permits the use of the list for any purpose other than one authorized  
45 by the Administrator or by law; or

46 (c) Fails to protect and prevent the unauthorized use or dissemination of  
47 information derived from the list.

48 14. All letters, reports or communications of any kind, oral or written, from  
49 the employer or employee to each other or to the Division or any of its agents,  
50 representatives or employees are privileged and must not be the subject matter or  
51 basis for any lawsuit if the letter, report or communication is written, sent, delivered  
52 or prepared pursuant to the requirements of this chapter.

53 **Sec. 17.** The amendatory provisions of this act apply to any offense:



- 1           1. Committed on or after January 1, 2022; or
- 2           2. Committed before January 1, 2022, if the underlying judicial proceedings
- 3           are pending or otherwise unresolved on January 1, 2022.
- 4           **Sec. 18.** This act becomes effective on January 1, 2022.