

SENATE BILL NO. 387—SENATORS RATTI, FORD, MANENDO,  
SPEARMAN, FARLEY; ATKINSON, CANCELA, CANNIZZARO,  
DENIS, PARKS, SEGERBLOM AND WOODHOUSE

MARCH 20, 2017

Referred to Committee on Judiciary

SUMMARY—Provides for the issuance of certain orders for protection. (BDR 3-839)

FISCAL NOTE: Effect on Local Government: May have Fiscal Impact.  
Effect on the State: Yes.

~

EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to protective orders; defining certain terms relating to orders for protection; providing for the issuance and enforcement of certain orders for protection against a person who is alleged to have committed certain acts that constitute a high risk; authorizing a family or household member or law enforcement officer to obtain such orders for protection; prohibiting a person from filing an application for such an order under certain circumstances; authorizing a court to issue such an order for protection in certain circumstances; prohibiting a person against whom such an order for protection is issued from possessing or having under his or her custody or control, or purchasing or otherwise acquiring, any firearm during the period the order is in effect; authorizing a person to request a hearing to move the court to dissolve such an order for protection; authorizing the renewal of such an order for protection; establishing procedures for persons subject to such an order for protection to remove certain information from the Central Repository for Nevada Records of Criminal History; providing penalties; and providing other matters properly relating thereto.



\* S B 3 8 7 R 1 \*

**Legislative Counsel's Digest:**

1 Existing law authorizes a court to issue certain temporary or extended orders  
2 for protection. (NRS 33.020, 33.270, 33.400) **Sections 2-16** of this bill enact  
3 similar provisions to provide for the issuance and enforcement of an emergency, ex  
4 parte or extended order for protection against a high-risk individual. **Section 3**  
5 defines a "high-risk individual" as a person who poses a risk of causing personal  
6 injury to himself, herself or another by possessing or having under his or her  
7 custody or control, or purchasing or otherwise acquiring, any firearm. **Section 7**  
8 authorizes a family or household member or a law enforcement officer to file a  
9 verified application to obtain certain orders for protection against a high-risk  
10 individual. **Section 7** also prohibits a family or household member from filing an  
11 application for an ex parte order for protection against a high-risk individual under  
12 certain circumstances. **Section 8** authorizes a court to issue the following orders for  
13 protection against a high-risk individual in certain circumstances: (1) an emergency  
14 order; (2) an ex parte order; or (3) an extended order. **Section 8** also requires the  
15 court to schedule a hearing within 21 days after the application for an ex parte or  
16 extended order is filed and issue a copy of the application and notice of the hearing  
17 upon the high-risk individual. **Sections 9 and 12** establish provisions relating to the  
18 contents of the order for protection and service on the high-risk individual.

19 **Section 14** establishes that the issuance of an: (1) emergency order for  
20 protection is effective for 14 days; (2) ex parte order for protection is effective for  
21 21 days; and (3) extended order for protection is effective for 1 year. **Section 14**  
22 also authorizes the court to renew an extended order for protection. And finally,  
23 **section 14** authorizes a high-risk individual, in certain circumstances, to request a  
24 hearing to move the court to dissolve the order for protection.

25 **Section 9** provides that if such an order for protection is issued, the high-risk  
26 individual is prohibited from owning or having in his or her possession or under his  
27 or her custody or control, or purchasing or otherwise acquiring, any firearm.  
28 **Section 15** authorizes a high-risk individual to petition the court to remove certain  
29 information relating to the issuance of an order for protection. **Section 16** provides  
30 that a person who violates such an order for protection is: (1) guilty of a  
31 misdemeanor; and (2) prohibited from possessing or having under his or her  
32 custody or control, or purchasing or otherwise acquiring, a firearm.

33 **Section 10** establishes provisions relating to the surrender of the high-risk  
34 individual's firearms. **Section 10** also establishes provisions relating to the return of  
35 a surrendered firearm to the person when an order for protection expires.

36 Existing law provides that a person who commits certain crimes that are  
37 punishable as a felony in violation of certain orders for protection is subject to an  
38 additional penalty. (NRS 193.166) **Section 18** includes a felony committed in  
39 violation of an emergency, ex parte or extended order for protection against a high-  
40 risk individual to the list of violations which result in an additional penalty.

---

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

1 **Section 1.** Chapter 33 of NRS is hereby amended by adding  
2 thereto the provisions set forth as sections 2 to 16, inclusive, of this  
3 act.

4 **Sec. 2.** *As used in sections 2 to 16, inclusive, of this act,*  
5 *unless the context otherwise requires, the words and terms defined*  
6 *in sections 3, 4 and 5 of this act have the meanings ascribed to*  
7 *them in those sections.*



1       **Sec. 3.** *“High-risk individual” means a person who poses a*  
2 *risk of causing personal injury to himself, herself or another*  
3 *person by possessing or having under his or her custody or*  
4 *control, or purchasing or otherwise acquiring, any firearm.*

5       **Sec. 4.** *“Family or household member” means, with respect*  
6 *to a high-risk individual, any:*

7       1. *Person related by blood, adoption or marriage, to a high-*  
8 *risk individual;*

9       2. *Person who has a child in common with a high-risk*  
10 *individual, regardless of whether the person has been married to*  
11 *the high-risk individual or has lived together with the high-risk*  
12 *individual at any time;*

13       3. *Person who resides with a high-risk individual or has*  
14 *resided with a high-risk individual within the past year;*

15       4. *Domestic partner of a high-risk individual;*

16       5. *Person who has a biological or legal parent and child*  
17 *relationship with a high-risk individual, including, without*  
18 *limitation, a natural parent, adoptive parent, stepparent, stepchild,*  
19 *grandparent or grandchild; or*

20       6. *Person who is acting or has acted as a high-risk*  
21 *individual’s guardian.*

22       **Sec. 5.** *“Order for protection against a high-risk individual”*  
23 *means an order issued pursuant to section 8 of this act.*

24       **Sec. 6.** (Deleted by amendment.)

25       **Sec. 7.** 1. *A law enforcement officer who has probable*  
26 *cause to believe that a person is a high-risk individual may file a*  
27 *verified application for an emergency order for protection against*  
28 *a high-risk individual against that person.*

29       2. *A family or household member who believes, or a law*  
30 *enforcement officer who has probable cause to believe, there is a*  
31 *substantial likelihood that a person will, in the near future, be a*  
32 *high-risk individual may file a verified application for an ex parte*  
33 *order for protection against a high-risk individual against that*  
34 *person. Any family or household member who files a verified*  
35 *application for an ex parte order, who knows or has reason to*  
36 *know that such an application is false or who files such an*  
37 *application with the intent to harass the person who is the subject*  
38 *of the application, is guilty of a misdemeanor.*

39       3. *A family or household member who reasonably believes, or*  
40 *a law enforcement officer who has probable cause to believe that a*  
41 *person is a high-risk individual may file a verified application for*  
42 *an extended order for protection against a high-risk individual*  
43 *against that person.*

44       4. *The verified application must include, without limitation:*

45       (a) *The name of the person seeking the order;*



1 (b) *The name and address, if known, of the person who is*  
2 *allegedly a high-risk individual; and*

3 (c) *A detailed description of the events that allegedly*  
4 *constituted the person being or becoming a high-risk individual*  
5 *and the dates on which these events occurred.*

6 **Sec. 8. 1.** *The court may issue an emergency order for*  
7 *protection against a high-risk individual if the court finds there is*  
8 *reasonable cause to believe from specific facts shown by a verified*  
9 *application that:*

10 (a) *The high-risk individual presents an immediate danger of*  
11 *causing personal injury to himself, herself or another person by*  
12 *possessing or having under his or her custody or control, or*  
13 *purchasing or otherwise acquiring, any firearm; and*

14 (b) *Less restrictive options have been exhausted or are not*  
15 *effective.*

16 2. *The court may issue an ex parte order for protection*  
17 *against a high-risk individual if the court finds there is good cause*  
18 *to believe from specific facts shown by a verified application that:*

19 (a) *There is a substantial likelihood shown by a preponderance*  
20 *of the evidence that the high-risk individual will, in the near*  
21 *future, cause personal injury to himself, herself or another person*  
22 *by possessing or having under his or her custody or control, or*  
23 *purchasing or otherwise acquiring, any firearm; and*

24 (b) *Less restrictive options have been exhausted or are not*  
25 *effective.*

26 3. *The court may issue an extended order for protection*  
27 *against a high-risk individual if the court finds by clear and*  
28 *convincing evidence from specific facts shown by a verified*  
29 *application that:*

30 (a) *There is a substantial likelihood that the high-risk*  
31 *individual will cause personal injury to himself, herself or another*  
32 *person by possessing or having under his or her custody or*  
33 *control, or purchasing or otherwise acquiring, any firearm; and*

34 (b) *Less restrictive options have been exhausted or are not*  
35 *effective.*

36 4. *In determining whether to issue any order for protection*  
37 *against a high-risk individual, the court may consider, without*  
38 *limitation, whether the high-risk individual:*

39 (a) *Committed any of the following acts:*

40 (1) *A threat of violence or act of violence against a person*  
41 *within the immediately preceding 6 months;*

42 (2) *A threat of violence or act of violence directed toward*  
43 *himself or herself within the immediately preceding 6 months;*



1           (3) *A violation of a temporary or extended order for*  
2 *protection against domestic violence issued pursuant to NRS*  
3 *33.020; or*

4           (4) *A pattern of violent acts or violent threats within the*  
5 *immediately preceding 12 months, including, without limitation,*  
6 *threats of violence or acts of violence by the person directed*  
7 *toward himself, herself or another person;*

8           (b) *Has a prior felony conviction;*

9           (c) *Engaged in reckless use, display or brandishing of a*  
10 *firearm;*

11           (d) *Has a history of use, attempted use or threatened use of*  
12 *physical force against another person;*

13           (e) *Has problems with the abuse of alcohol or drugs; or*

14           (f) *Has recently acquired a firearm or other deadly weapon.*

15           5. *The court may require the applicant or the high-risk*  
16 *individual, or both, to appear before the court before determining*  
17 *whether to grant an emergency or ex parte order for protection*  
18 *against a high-risk individual.*

19           6. *An emergency or ex parte order for protection against*  
20 *a high-risk individual may only be granted with notice to the high-*  
21 *risk individual. An extended order for protection against a high-*  
22 *risk individual may only be granted after notice to the*  
23 *high-risk individual and a hearing on the application. A hearing*  
24 *on an application for an extended order for protection against a*  
25 *high-risk individual must be held within 21 days after the day on*  
26 *which the application for the extended order for protection against*  
27 *a high-risk individual is filed.*

28           7. *If it appears to the satisfaction of the court from specific*  
29 *facts communicated by telephone to the court by a law*  
30 *enforcement officer that the person is a high-risk individual, the*  
31 *court may grant an emergency order for protection against the*  
32 *person.*

33           8. *In a county whose population is 52,000 or more, the court*  
34 *shall be available 24 hours a day, 7 days a week, including*  
35 *nonjudicial days and holidays, to receive communications by*  
36 *telephone and for the issuance of an emergency order for*  
37 *protection against a high-risk individual pursuant to subsection 7.*

38           9. *In a county whose population is less than 52,000, the court*  
39 *may be available 24 hours a day, 7 days a week, including*  
40 *nonjudicial days and holidays, to receive communications by*  
41 *telephone and for the issuance of an emergency order for*  
42 *protection against a high-risk individual pursuant to subsection 7.*

43           10. *The clerk of the court shall inform the applicant upon the*  
44 *successful transfer of information concerning the registration to*



1 *the Central Repository for Nevada Records of Criminal History as*  
2 *required pursuant to section 15 of this act.*

3 **Sec. 9. 1. Each order for protection against a high-risk**  
4 **individual must include:**

5 (a) *A requirement that the high-risk individual surrender any*  
6 *firearm in his or her possession or under his or her custody or*  
7 *control in the manner set forth in section 10 of this act; and*

8 (b) *A prohibition on the high-risk individual against*  
9 *possessing or having under his or her custody or control, or*  
10 *purchasing or otherwise acquiring, any firearm while the order is*  
11 *in effect.*

12 **2. The order for protection against a high-risk individual**  
13 **must:**

14 (a) *Include a provision ordering any law enforcement officer*  
15 *to arrest the person who is allegedly a high-risk individual, with or*  
16 *without a warrant, if the officer has probable cause to believe that*  
17 *the person has been served with a copy of the order and has*  
18 *violated a provision of the order;*

19 (b) *State the reasons for granting the order;*

20 (c) *Include instructions for surrendering any firearm pursuant*  
21 *to paragraph (a) of subsection 1;*

22 (d) *State the time and date on which the order expires; and*

23 (e) *Include the following statement:*

24  
25 **WARNING**

26 *This is an official court order. If you disobey this order, you*  
27 *may be arrested and prosecuted for the crime of violating an*  
28 *order for protection against a high-risk individual and any*  
29 *other crime that you may have committed in disobeying this*  
30 *order.*

31  
32 **Sec. 10. 1. After a court orders a high-risk individual to**  
33 **surrender any firearm pursuant to section 9 of this act, the high-**  
34 **risk individual shall, immediately after service of the order:**

35 (a) *Surrender any firearm in his or her possession or under*  
36 *his or her custody or control to the appropriate law enforcement*  
37 *agency designated by the court in the order; or*

38 (b) *Surrender any firearm in his or her possession under his*  
39 *or her custody or control to a person designated by the court in the*  
40 *order.*

41 **2. If the court orders the high-risk individual to surrender**  
42 **any firearm to a local law enforcement agency pursuant to**  
43 **paragraph (a) of subsection 1, the law enforcement agency shall**  
44 **provide the high-risk individual with a receipt which includes a**  
45 **description of each firearm surrendered and the high-risk**



1 individual shall, not later than 72 hours or 1 business day,  
2 whichever is later, after surrendering any such firearm, provide  
3 the receipt to the court. The local law enforcement agency shall  
4 store any such firearm or may contract with a licensed firearm  
5 dealer to provide storage.

6 3. If the court orders the high-risk individual to surrender  
7 any firearm to a person designated by the court pursuant to  
8 paragraph (b) of subsection 1, the high-risk individual shall, not  
9 later than 72 hours or 1 business day, whichever is later, after  
10 surrendering any such firearm to such a person, provide to the  
11 court and the appropriate local law enforcement agency the name  
12 and address of the person designated in the order and a written  
13 description of each firearm surrendered to the person.

14 4. If there is probable cause to believe that the high-risk  
15 individual has not surrendered any firearm in his or her  
16 possession or under his or her custody or control immediately  
17 after service of the order, the court may issue and deliver to any  
18 law enforcement officer a search warrant which authorizes the  
19 officer to enter and search any place where there is probable  
20 cause to believe any firearm is located and seize the firearm.

21 5. A local law enforcement agency shall return any  
22 surrendered or seized firearm to the high-risk individual not less  
23 than 14 days after the order expires.

24 6. As used in this section, "licensed firearm dealer" means a  
25 person licensed pursuant to 18 U.S.C. § 923(a).

26 **Sec. 11.** 1. The clerk of the court shall provide each party,  
27 free of cost, with information about the:

28 (a) Availability of orders for protection against a high-risk  
29 individual;

30 (b) Procedure for filing an application for an order for  
31 protection against a high-risk individual; and

32 (c) Right to proceed without counsel.

33 2. The clerk of the court or other person designated by the  
34 court shall assist any party in completing and filing the  
35 application, affidavit and any other paper or pleading necessary to  
36 initiate or respond to an application for an order for protection  
37 against a high-risk individual. This assistance does not constitute  
38 the practice of law, but the clerk shall not render any advice or  
39 service that requires the professional judgment of an attorney.

40 3. The clerk of the court shall not charge an applicant for an  
41 ex parte or extended order for protection against a high-risk  
42 individual for providing the applicant with a certified copy of the  
43 order for protection against a high-risk individual.

44 **Sec. 12.** 1. The court shall transmit, by the end of the next  
45 day after an order for protection against a high-risk individual is





1 issued or renewed, a copy of the order to the appropriate law  
2 enforcement agency.

3 2. The court shall order the appropriate law enforcement  
4 agency to serve, without charge, the high-risk individual  
5 personally with the order for protection against a high-risk  
6 individual and to file with or mail to the clerk of the court proof of  
7 service by the end of the next business day after service is made.  
8 Service of an application for an extended order for protection  
9 against a high-risk individual and the notice of hearing thereon  
10 must be served upon the high-risk individual pursuant to the  
11 Nevada Rules of Civil Procedure.

12 3. A law enforcement agency shall enforce an order for  
13 protection against a high-risk individual without regard to the  
14 county in which the order was issued.

15 4. The clerk of the court shall issue, without fee, a copy of the  
16 order for protection against a high-risk individual to the applicant  
17 or high-risk individual.

18 **Sec. 13.** 1. Every order for protection against a high-risk  
19 individual must include a provision ordering any law enforcement  
20 officer to arrest the high-risk individual if the officer has probable  
21 cause to believe that the high-risk individual has violated any  
22 provision of the order. The law enforcement officer may make an  
23 arrest with or without a warrant and regardless of whether the  
24 violation occurs in the officer's presence.

25 2. If a law enforcement officer cannot verify that the high-  
26 risk individual was served with a copy of the application and the  
27 order for protection against a high-risk individual, the officer  
28 shall:

29 (a) Inform the high-risk individual of the specific terms and  
30 conditions of the order;

31 (b) Inform the high-risk individual that the high-risk  
32 individual now has notice of the provisions of the order and that a  
33 violation of the order will result in his or her arrest;

34 (c) Inform the high-risk individual of the location of the court  
35 that issued the original order and the hours during which the  
36 high-risk individual may obtain a copy of the order; and

37 (d) Inform the high-risk individual of the date and time set for  
38 a hearing on an application for an extended order for protection  
39 against a high-risk individual, if any.

40 3. Information concerning the terms and conditions of the  
41 order for protection against a high-risk individual, the date and  
42 time of the notice provided to the high-risk individual and the  
43 name and identifying number of the law enforcement officer who  
44 gave the notice must be provided in writing to the applicant and  
45 noted in the records of the law enforcement agency and the court.





1       **Sec. 14. 1.** *An emergency order for protection against a*  
2 *high-risk individual expires within such time, not to exceed 14*  
3 *days, as the court fixes. Before the emergency order expires, if a*  
4 *verified application for an extended order for protection against a*  
5 *high-risk individual was filed pursuant to subsection 3 of section 7*  
6 *of this act, the court shall hold a hearing on the application for the*  
7 *extended order and may issue such an order pursuant to*  
8 *subsection 3 of section 8 of this act.*

9       2. *An ex parte order for protection against a high-risk*  
10 *individual expires within such time, not to exceed 21 days, as the*  
11 *court fixes. Before the ex parte order expires, if a verified*  
12 *application for an extended order for protection against a high-*  
13 *risk individual was filed pursuant to subsection 3 of section 7 of*  
14 *this act, the court shall hold a hearing on the application for the*  
15 *extended order and may issue such an order pursuant to*  
16 *subsection 3 of section 8 of this act.*

17       3. *An extended order for protection against a high-risk*  
18 *individual expires within such time, not to exceed 1 year, as the*  
19 *court fixes.*

20       4. *The family or household member or law enforcement*  
21 *officer who filed the verified application or the high-risk*  
22 *individual may request in writing one hearing to move the court to*  
23 *dissolve the order for protection against a high-risk individual. If*  
24 *the court finds that there is no longer clear and convincing*  
25 *evidence that the person is a high-risk individual, the court shall*  
26 *dissolve the order. The high-risk individual may request a hearing*  
27 *to move the court to dissolve the order after a renewal pursuant to*  
28 *subsection 5.*

29       5. *Not less than 3 months before the expiration of an*  
30 *extended order for protection against a high-risk individual and*  
31 *upon petition by a family or household member or law*  
32 *enforcement officer, the court may, after notice and a hearing,*  
33 *renew an extended order for protection against a high-risk*  
34 *individual. If the court finds that there is clear and convincing*  
35 *evidence that the person is a high-risk individual, the court may*  
36 *renew the order. The renewal of such an order expires within such*  
37 *time, not to exceed 1 year, as the court fixes.*

38       **Sec. 15. 1.** *Any time that a court issues or renews an order*  
39 *for protection against a high-risk individual and any time that a*  
40 *person serves such an order or receives any information or takes*  
41 *any other action pursuant to sections 2 to 16, inclusive, of this act,*  
42 *the person shall by the end of the next business day:*

43       (a) *Cause to be transmitted, in the manner prescribed by the*  
44 *Central Repository for Nevada Records of Criminal History, any*  
45 *information required by the Central Repository in a manner which*



1 ensures that the information is received by the Central Repository;  
2 and

3 (b) Transmit a copy of the order to the Attorney General.

4 2. If the Central Repository receives any information  
5 described in subsection 1, the person who is the subject of the  
6 information may petition the court for an order declaring that the  
7 basis for the information transmitted no longer exists.

8 3. A petition brought pursuant to subsection 2 must be filed  
9 in the court which issued the order for protection against a high-  
10 risk individual.

11 4. The court shall grant the petition and issue the order  
12 described in subsection 2 if the court finds that the petitioner has  
13 established that:

14 (a) The basis for the high-risk protection order concerning the  
15 petitioner no longer exists;

16 (b) The petitioner's record and reputation indicate that the  
17 petitioner is not likely to act in a manner dangerous to public  
18 safety; and

19 (c) Granting the petition requested by the petitioner pursuant  
20 to subsection 2 is not contrary to the public interest.

21 5. The court, upon entering an order pursuant to this section,  
22 shall cause, on a form prescribed by the Department of Public  
23 Safety, a record of the order to be transmitted to the Central  
24 Repository.

25 6. Within 5 business days after receiving a record of an order  
26 transmitted pursuant to subsection 5, the Central Repository shall  
27 take reasonable steps to ensure that the information concerning  
28 the petitioner is removed from the Central Repository.

29 7. If the Central Repository fails to remove the information as  
30 provided in subsection 6, the petitioner may bring an action to  
31 compel the removal of the information. If the petitioner prevails in  
32 the action, the court may award the petitioner reasonable  
33 attorney's fees and costs incurred in bringing the action.

34 8. If a petition brought pursuant to subsection 2 is denied, the  
35 petitioner may petition for a rehearing not sooner than 2 years  
36 after the date of the denial of the petition.

37 **Sec. 16.** A person who intentionally violates an order for  
38 protection against a high-risk individual is:

39 1. Unless a more severe penalty is prescribed by law for the  
40 act that constitutes the violation of the order, guilty of a  
41 misdemeanor; and

42 2. Prohibited from possessing or having under his or her  
43 custody or control, or purchasing or otherwise acquiring, a  
44 firearm for a period of 5 years.



1       **Sec. 17.** NRS 1.130 is hereby amended to read as follows:

2       1.130 1. No court except a justice court or a municipal court  
3 shall be opened nor shall any judicial business be transacted except  
4 by a justice court or municipal court on Sunday, or on any day  
5 declared to be a legal holiday according to the provisions of NRS  
6 236.015, except for the following purposes:

7       (a) To give, upon their request, instructions to a jury then  
8 deliberating on their verdict.

9       (b) To receive a verdict or discharge a jury.

10       (c) For the exercise of the power of a magistrate in a criminal  
11 action or in a proceeding of a criminal nature.

12       (d) To receive communications by telephone and for the  
13 issuance of ~~§~~;

14       (1) *A temporary order pursuant to subsection 5 of NRS*  
15 *33.020 ~~§~~ ; or*

16       (2) *An emergency order for protection against a high-risk*  
17 *individual pursuant to subsection 7 of section 8 of this act.*

18       (e) For the issue of a writ of attachment, which may be issued on  
19 each and all of the days above enumerated upon the plaintiff, or  
20 some person on behalf of the plaintiff, setting forth in the affidavit  
21 required by law for obtaining the writ the additional averment as  
22 follows:

23  
24               That the affiant has good reason to believe, and does  
25 believe, that it will be too late for the purpose of acquiring a  
26 lien by the writ to wait until subsequent day for the issuance  
27 of the same.

28  
29 All proceedings instituted, and all writs issued, and all official acts  
30 done on any of the days above specified, under and by virtue of this  
31 section, shall have all the validity, force and effect of proceedings  
32 commenced on other days, whether a lien be obtained or a levy  
33 made under and by virtue of the writ.

34       2. Nothing herein contained shall affect private transactions of  
35 any nature whatsoever.

36       **Sec. 18.** NRS 193.166 is hereby amended to read as follows:

37       193.166 1. Except as otherwise provided in NRS 193.169, a  
38 person who commits a crime that is punishable as a felony, other  
39 than a crime that is punishable as a felony pursuant to subsection 6  
40 of NRS 33.400, subsection 5 of NRS 200.378 or subsection 5 of  
41 NRS 200.591, in violation of:

42       (a) A temporary or extended order for protection against  
43 domestic violence issued pursuant to NRS 33.020;

44       (b) An order for protection against harassment in the workplace  
45 issued pursuant to NRS 33.270;



1 (c) A temporary or extended order for the protection of a child  
2 issued pursuant to NRS 33.400;

3 (d) *An emergency, ex parte or extended order for protection*  
4 *against a high-risk individual issued pursuant to section 8 of this*  
5 *act;*

6 (e) An order for protection against domestic violence issued in  
7 an action or proceeding brought pursuant to title 11 of NRS;

8 ~~(f)~~ (f) A temporary or extended order issued pursuant to NRS  
9 200.378; or

10 ~~(g)~~ (g) A temporary or extended order issued pursuant to  
11 NRS 200.591,

12 ➤ shall, in addition to the term of imprisonment prescribed by  
13 statute for the crime, be punished by imprisonment in the state  
14 prison, except as otherwise provided in this subsection, for a  
15 minimum term of not less than 1 year and a maximum term of not  
16 more than 20 years. If the crime committed by the person is  
17 punishable as a category A felony or category B felony, in addition  
18 to the term of imprisonment prescribed by statute for that crime, the  
19 person shall be punished by imprisonment in the state prison for a  
20 minimum term of not less than 1 year and a maximum term of not  
21 more than 5 years.

22 2. In determining the length of the additional penalty imposed  
23 pursuant to this section, the court shall consider the following  
24 information:

- 25 (a) The facts and circumstances of the crime;
- 26 (b) The criminal history of the person;
- 27 (c) The impact of the crime on any victim;
- 28 (d) Any mitigating factors presented by the person; and
- 29 (e) Any other relevant information.

30 ➤ The court shall state on the record that it has considered the  
31 information described in paragraphs (a) to (e), inclusive, in  
32 determining the length of the additional penalty imposed.

33 3. The sentence prescribed by this section:

- 34 (a) Must not exceed the sentence imposed for the crime; and
- 35 (b) Runs concurrently or consecutively with the sentence  
36 prescribed by statute for the crime, as ordered by the court.

37 4. The court shall not grant probation to or suspend the  
38 sentence of any person convicted of attempted murder, battery  
39 which involves the use of a deadly weapon, battery which results in  
40 substantial bodily harm or battery which is committed by  
41 strangulation as described in NRS 200.481 or 200.485 if an  
42 additional term of imprisonment may be imposed for that primary  
43 offense pursuant to this section.



1 5. This section does not create a separate offense but provides  
2 an additional penalty for the primary offense, whose imposition is  
3 contingent upon the finding of the prescribed fact.

4 **Sec. 19.** NRS 202.3657 is hereby amended to read as follows:

5 202.3657 1. Any person who is a resident of this State may  
6 apply to the sheriff of the county in which he or she resides for a  
7 permit on a form prescribed by regulation of the Department. Any  
8 person who is not a resident of this State may apply to the sheriff of  
9 any county in this State for a permit on a form prescribed by  
10 regulation of the Department. Application forms for permits must be  
11 furnished by the sheriff of each county upon request.

12 2. A person applying for a permit may submit one application  
13 and obtain one permit to carry all handguns owned by the person.  
14 The person must not be required to list and identify on the  
15 application each handgun owned by the person. A permit is valid for  
16 any handgun which is owned or thereafter obtained by the person to  
17 whom the permit is issued.

18 3. Except as otherwise provided in this section, the sheriff shall  
19 issue a permit to any person who is qualified to possess a handgun  
20 under state and federal law, who submits an application in  
21 accordance with the provisions of this section and who:

22 (a) Is 21 years of age or older;

23 (b) Is not prohibited from possessing a firearm pursuant to NRS  
24 202.360; and

25 (c) Demonstrates competence with handguns by presenting a  
26 certificate or other documentation to the sheriff which shows that  
27 the applicant:

28 (1) Successfully completed a course in firearm safety  
29 approved by a sheriff in this State; or

30 (2) Successfully completed a course in firearm safety offered  
31 by a federal, state or local law enforcement agency, community  
32 college, university or national organization that certifies instructors  
33 in firearm safety.

34 ➤ Such a course must include instruction in the use of handguns  
35 and in the laws of this State relating to the use of a firearm. A sheriff  
36 may not approve a course in firearm safety pursuant to subparagraph  
37 (1) unless the sheriff determines that the course meets any standards  
38 that are established by the Nevada Sheriffs' and Chiefs' Association  
39 or, if the Nevada Sheriffs' and Chiefs' Association ceases to exist,  
40 its legal successor.

41 4. The sheriff shall deny an application or revoke a permit if  
42 the sheriff determines that the applicant or permittee:

43 (a) Has an outstanding warrant for his or her arrest.

44 (b) Has been judicially declared incompetent or insane.



1 (c) Has been voluntarily or involuntarily admitted to a mental  
2 health facility during the immediately preceding 5 years.

3 (d) Has habitually used intoxicating liquor or a controlled  
4 substance to the extent that his or her normal faculties are impaired.  
5 For the purposes of this paragraph, it is presumed that a person has  
6 so used intoxicating liquor or a controlled substance if, during the  
7 immediately preceding 5 years, the person has been:

- 8 (1) Convicted of violating the provisions of NRS 484C.110;  
9 or  
10 (2) Committed for treatment pursuant to NRS 458.290 to  
11 458.350, inclusive.

12 (e) Has been convicted of a crime involving the use or  
13 threatened use of force or violence punishable as a misdemeanor  
14 under the laws of this or any other state, or a territory or possession  
15 of the United States at any time during the immediately preceding 3  
16 years.

17 (f) Has been convicted of a felony in this State or under the laws  
18 of any state, territory or possession of the United States.

19 (g) Has been convicted of a crime involving domestic violence  
20 or stalking, or is currently subject to a restraining order, injunction  
21 or other order for protection against domestic violence.

22 (h) *Is currently subject to an order for protection against a*  
23 *high-risk individual.*

24 (i) Is currently on parole or probation from a conviction  
25 obtained in this State or in any other state or territory or possession  
26 of the United States.

27 ~~(j)~~ (j) Has, within the immediately preceding 5 years, been  
28 subject to any requirements imposed by a court of this State or of  
29 any other state or territory or possession of the United States, as a  
30 condition to the court's:

31 (1) Withholding of the entry of judgment for a conviction of  
32 a felony; or

33 (2) Suspension of sentence for the conviction of a felony.

34 ~~(k)~~ (k) Has made a false statement on any application for a  
35 permit or for the renewal of a permit.

36 5. The sheriff may deny an application or revoke a permit if the  
37 sheriff receives a sworn affidavit stating articulable facts based upon  
38 personal knowledge from any natural person who is 18 years of age  
39 or older that the applicant or permittee has or may have committed  
40 an offense or engaged in any other activity specified in subsection 4  
41 which would preclude the issuance of a permit to the applicant or  
42 require the revocation of a permit pursuant to this section.

43 6. If the sheriff receives notification submitted by a court or  
44 law enforcement agency of this or any other state, the United States  
45 or a territory or possession of the United States that a permittee or



1 an applicant for a permit has been charged with a crime involving  
2 the use or threatened use of force or violence, the conviction for  
3 which would require the revocation of a permit or preclude the  
4 issuance of a permit to the applicant pursuant to this section,  
5 the sheriff shall suspend the person's permit or the processing of the  
6 person's application until the final disposition of the charges against  
7 the person. If a permittee is acquitted of the charges, or if the  
8 charges are dropped, the sheriff shall restore his or her permit  
9 without imposing a fee.

10 7. An application submitted pursuant to this section must be  
11 completed and signed under oath by the applicant. The applicant's  
12 signature must be witnessed by an employee of the sheriff or  
13 notarized by a notary public. The application must include:

14 (a) The name, address, place and date of birth, social security  
15 number, occupation and employer of the applicant and any other  
16 names used by the applicant;

17 (b) A complete set of the applicant's fingerprints taken by the  
18 sheriff or his or her agent;

19 (c) A front-view colored photograph of the applicant taken by  
20 the sheriff or his or her agent;

21 (d) If the applicant is a resident of this State, the driver's license  
22 number or identification card number of the applicant issued by the  
23 Department of Motor Vehicles;

24 (e) If the applicant is not a resident of this State, the driver's  
25 license number or identification card number of the applicant issued  
26 by another state or jurisdiction;

27 (f) A nonrefundable fee equal to the nonvolunteer rate charged  
28 by the Central Repository for Nevada Records of Criminal History  
29 and the Federal Bureau of Investigation to obtain the reports  
30 required pursuant to subsection 1 of NRS 202.366; and

31 (g) A nonrefundable fee set by the sheriff not to exceed \$60.

**Sec. 20.** This act becomes effective on July 1, 2018.





