

SENATE BILL NO. 147—COMMITTEE ON JUDICIARY

(ON BEHALF OF THE COMMITTEE TO CONDUCT AN INTERIM STUDY OF ISSUES RELATING TO PRETRIAL RELEASE OF DEFENDANTS IN CRIMINAL CASES)

FEBRUARY 25, 2021

Referred to Committee on Judiciary

SUMMARY—Establishes provisions relating to conditions of release that prohibit the contact or attempted contact of certain persons. (BDR 14-377)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: No.

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

AN ACT relating to criminal procedure; authorizing a victim to request that a court issue an order imposing a condition of release that prohibits the contact or attempted contact of certain persons; requiring the court to consider such a request; requiring the court to notify a person subject to such an order of certain consequences that may be imposed on the person for violating the order; establishing provisions relating to the expiration and renewal of such an order; requiring a copy of the order to be transmitted to the Central Repository for Nevada Records of Criminal History; providing that a person who knowingly violates any such order is guilty of a misdemeanor; providing a penalty; making an appropriation; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 Existing law authorizes a court under certain circumstances, before convicting
2 and releasing a person, to impose reasonable conditions on the person as it deems
3 necessary for certain purposes, including, without limitation, a condition that
4 prohibits the person from contacting or attempting to contact a specific person or
5 causing or attempting to cause another person to contact that person.
6 (NRS 178.484, 178.4851) **Section 1** of this bill: (1) authorizes a victim to request
7 that a court issue an order imposing a condition of release that prohibits such



8 contact or attempted contact; (2) requires the court to consider such a request; (3)
9 requires the court to notify a person subject to such an order of certain
10 consequences that may result if the order is violated by the person; (4) provides that
11 such an order, or a modification thereof, expires within 120 calendar days after its
12 issuance; (5) authorizes the court to renew the order for good cause shown; (6)
13 requires a court to transmit to the Central Repository for Nevada Records of
14 Criminal History a copy of an order imposing, modifying, suspending or canceling
15 a condition that prohibits such contact or attempted contact; and (7) provides that a
16 person who knowingly violates an order imposing a condition that prohibits such
17 contact or attempted contact is guilty of a misdemeanor. **Section 2** of this bill
18 makes a conforming change to indicate the proper placement of **section 1** in the
19 Nevada Revised Statutes.

20 Existing law requires the Repository for Information Concerning Orders for
21 Protection to contain certain records within the Central Repository for Nevada
22 Records of Criminal History of certain temporary and extended orders for
23 protection. (NRS 179A.350) **Section 2.5** of this bill requires the Repository for
24 Information Concerning Orders for Protection to contain records relating to the
25 issuance, modification, suspension or cancellation of an order prohibiting the
26 contact or attempted contact of a specific person.

27 **Section 4** of this bill makes an appropriation from the State General Fund to the
28 Central Repository for Nevada Records of Criminal History for the costs of
29 computer programming to carry out the provisions of this bill.

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

1 **Section 1.** Chapter 178 of NRS is hereby amended by adding
2 thereto a new section to read as follows:

3 *1. Before a court makes a determination of bail concerning a*
4 *person, a victim may request that a court issue an order imposing*
5 *a condition of release prohibiting contact.*

6 *2. A court shall consider a request described in subsection 1.*

7 *3. Upon the issuance of an order imposing a condition of*
8 *release prohibiting contact, the court shall notify the person*
9 *subject to the order that violating the order may result in:*

10 *(a) The person being charged with a misdemeanor;*

11 *(b) The modification or addition of any condition of release;*

12 *(c) The revocation of bail and remand of the person to*
13 *custody; or*

14 *(d) The imposition of any other penalty prescribed by law.*

15 *4. An order imposing a condition of release prohibiting*
16 *contact, and any modification thereof, expires within such time,*
17 *not to exceed 120 calendar days, as the court fixes.*

18 *5. The court may, before the expiration of an order imposing*
19 *a condition of release prohibiting contact and upon motion or at*
20 *the discretion of the court, after notice and a hearing, renew the*
21 *order for good cause shown.*



1 6. After the court issues an order imposing, modifying,
2 suspending or canceling a condition of release prohibiting
3 contact, the court shall transmit, as soon as practicable and in a
4 manner prescribed by the Central Repository for Nevada Records
5 of Criminal History, a copy of the order to the Central Repository.

6 7. A person who knowingly violates an order imposing a
7 condition of release prohibiting contact is guilty of a
8 misdemeanor.

9 8. Nothing in this section shall be construed to require a
10 court to receive a request pursuant to subsection 1 before issuing
11 an order imposing a condition of release prohibiting contact.

12 9. As used in this section:

13 (a) "Cancel" includes, without limitation, any act that would
14 effectively terminate a condition of release prohibiting contact,
15 including, without limitation:

16 (1) The dismissal of the action or proceeding against the
17 person;

18 (2) A prosecuting attorney declining to prosecute the
19 person;

20 (3) The conviction of the person; or

21 (4) The acquittal of the person.

22 (b) "Condition of release prohibiting contact" means a
23 condition placed on a person who is released pending trial that
24 prohibits the person from contacting or attempting to contact a
25 specific person or from causing or attempting to cause another
26 person to contact that person on the person's behalf.

27 **Sec. 2.** NRS 178.483 is hereby amended to read as follows:

28 178.483 As used in NRS 178.483 to 178.548, inclusive, *and*
29 *section 1 of this act*, unless the context otherwise requires,
30 "electronic transmission," "electronically transmit" or
31 "electronically transmitted" means any form or process of
32 communication not directly involving the physical transfer of paper
33 or another tangible medium which:

34 1. Is suitable for the retention, retrieval and reproduction of
35 information by the recipient; and

36 2. Is retrievable and reproducible in paper form by the recipient
37 through an automated process used in conventional commercial
38 practice.

39 **Sec. 2.5.** NRS 179A.350 is hereby amended to read as
40 follows:

41 179A.350 1. The Repository for Information Concerning
42 Orders for Protection is hereby created within the Central
43 Repository.



1 2. Except as otherwise provided in subsection 10, the
2 Repository for Information Concerning Orders for Protection must
3 contain a complete and systematic record of all:

4 (a) Temporary and extended orders for protection against
5 domestic violence issued or registered in the State of Nevada and all
6 Canadian domestic-violence protection orders registered in the State
7 of Nevada, including, without limitation, any information received
8 pursuant to NRS 33.095;

9 (b) Temporary and extended orders for protection against
10 stalking, aggravated stalking or harassment issued in this State
11 pursuant to NRS 200.599; ~~and~~

12 (c) Temporary and extended orders for protection against a
13 person alleged to have committed the crime of sexual assault issued
14 in this State pursuant to NRS 200.37835 ~~and~~; *and*

15 *(d) Orders imposing, modifying, suspending or canceling a*
16 *condition of release prohibiting contact issued in this State*
17 *pursuant to section 1 of this act.*

18 3. The records contained in the Repository for Information
19 Concerning Orders for Protection must be kept in accordance with
20 the regulations adopted by the Director of the Department.

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

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

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

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

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

42 8. On or before July 1 of each year, the Director of the
43 Department shall submit to the Director of the Legislative Counsel
44 Bureau a written report concerning all temporary and extended
45 orders for protection issued pursuant to NRS 33.020, 200.378 and



1 200.591 during the previous calendar year that were transmitted to
2 the Repository for Information Concerning Orders for Protection.
3 The report must include, without limitation, information for each
4 court that issues temporary or extended orders for protection
5 pursuant to NRS 33.020, 200.378 and 200.591, respectively,
6 concerning:

7 (a) The total number of temporary and extended orders that were
8 granted by the court during the calendar year to which the report
9 pertains;

10 (b) The number of temporary and extended orders that were
11 granted to women;

12 (c) The number of temporary and extended orders that were
13 granted to men;

14 (d) The number of temporary and extended orders that were
15 vacated or expired;

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

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

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

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

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

28 **Sec. 3.** (Deleted by amendment.)

29 **Sec. 4.** 1. There is hereby appropriated from the State
30 General Fund to the Central Repository for Nevada Records of
31 Criminal History within the Records, Communications and
32 Compliance Division of the Department of Public Safety the sum of
33 \$44,522 for the costs of computer programming to carry out the
34 provisions of this act.

35 2. Any remaining balance of the appropriation made by
36 subsection 1 must not be committed for expenditure after June 30,
37 2023, by the entity to which the appropriation is made or any entity
38 to which money from the appropriation is granted or otherwise
39 transferred in any manner, and any portion of the appropriated
40 money remaining must not be spent for any purpose after
41 September 15, 2023, by either the entity to which the money was
42 appropriated or the entity to which the money was subsequently
43 granted or transferred, and must be reverted to the State General
44 Fund on or before September 15, 2023.



1 **Sec. 5.** 1. This section and section 4 of this act become
2 effective upon passage and approval.
3 2. Sections 1 to 3, inclusive, of this act become effective on
4 October 1, 2021.

