

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; revising the circumstances under which a prosecuting attorney is authorized to dismiss a charge of battery which constitutes domestic violence; 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  
2 statutory right to a trial by jury upon demand in every case because: (1) the statute  
3 does not expressly state the Legislature’s intent to grant a substantive right to trial  
4 by jury, but rather it is only intended to establish procedural requirements; and (2)  
5 there is no constitutional right to a jury trial for “petty” offenses. (*State v. Smith*, 99



6 Nev. 806, 808-810 (1983)). The United States Supreme Court later ruled that an  
7 offense with a maximum period of incarceration of 6 months or less is  
8 presumptively petty and to overcome that presumption a defendant must prove that  
9 any additional statutory penalties, together with the maximum period of  
10 incarceration, are so severe that they clearly reflect that the offense is serious and  
11 thus triggers a right to a jury trial pursuant to the Sixth Amendment to the United  
12 States Constitution and Section 3 of Article 1 of the Nevada Constitution. (*Blanton*  
13 *v. City of N. Las Vegas*, 489 U.S. 538, 543 (1989)) In 2019, the Nevada Supreme  
14 Court held that a battery which constitutes domestic violence that is punishable as a  
15 misdemeanor pursuant to NRS 200.485 is a serious offense, if it imposes a  
16 limitation on the possession of a firearm, thereby triggering a constitutional right to  
17 a jury trial. The Court reasoned that Legislature elevated the seriousness of the  
18 offense when it amended NRS 202.360 in 2015, thereby limiting a person's  
19 constitutional right to bear arms by prohibiting the possession or control of any  
20 firearm by a person who has been convicted in this State or any other state of a  
21 misdemeanor crime of domestic violence as defined in 18 U.S.C. § 921(a)(33).  
22 (*Andersen v. Eighth Jud. Dist. Ct.*, 135 Nev. 321, 323-324 (2019))

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

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

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

48 Existing law requires the trial of a criminal action conducted in: (1) district  
49 court to be tried by a jury of 12 jurors unless before verdict the parties stipulate in  
50 writing with the approval of the court that the jury consist of any number less than  
51 12 but not less than 6; and (2) justice court to be tried by a jury of 6 jurors. (NRS  
52 175.021) **Section 3** of this bill requires that all criminal actions, whether in district  
53 court, justice court or municipal court, must be tried by a jury of 12 jurors unless  
54 before jury selection the parties stipulate in writing with the approval of the court  
55 that the jury consist of any number less than 12 but not less than 6.

56 Existing law directs, in relation to the procedures for conducting jury trials, the  
57 State, as prosecutor, to perform certain duties. (NRS 175.051, 175.141) **Sections 4**  
58 **and 5** of this bill revise the persons required to perform such duties to include any  
59 prosecuting attorney, which may include the city attorney for jury trials conducted  
60 in a municipal court. Existing law also directs, in relation to the procedures for



61 conducting jury trials, the sheriff of each county to perform certain duties. (NRS  
62 6.090, 175.421) **Sections 6 and 10** of this bill revise the persons required to  
63 perform such duties to include the chief of police or chief marshal, as applicable.

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

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

81 Existing law authorizes a district court to assign a jury commissioner to select  
82 trial jurors. Existing law also requires a jury commissioner so assigned to select  
83 trial jurors from qualified electors of the county not exempt from jury duty, whether  
84 registered as voters or not. (NRS 6.045) **Section 9** of this bill: (1) extends the courts  
85 authorized to assign a jury commissioner to include justice courts and municipal  
86 courts, which are located in a city whose population is 220,000 or more; and (2)  
87 allows a court to contract with another court for the services provided by a jury  
88 commissioner. **Section 16** of this bill makes a conforming change related to the  
89 selection of jurors in a city.

90 Existing law sets forth certain fees for attendance and travel allowances for  
91 jurors summoned or serving on a jury in a district court or justice court. (NRS  
92 6.150) **Section 11** of this bill extends such fees and allowances for jurors  
93 summoned to or serving on a jury in a municipal court.

94 Existing law provides that in a county whose population is 700,000 or more  
95 (currently Clark County), a justice of the peace must summon a sufficient number  
96 of jurors to form a jury from the qualified electors of the county. In all other  
97 counties, a justice of the peace may summon jurors from the city, precinct or  
98 township. (NRS 67.010) **Section 11.7** of this bill provides that in all counties, jurors  
99 must be summoned from the qualified electors of the county. **Section 11.3** of this  
100 bill makes a conforming change to reflect the change made in **section 11.7**.

101 If a person is charged with committing a battery which constitutes domestic  
102 violence, existing law prohibits a prosecuting attorney from dismissing the charge  
103 in exchange for a plea of guilty, guilty but mentally ill or nolo contendere to a  
104 lesser charge, or for any other reason, unless the charge is not supported by  
105 probable cause or cannot be proved at the time of trial. (NRS 200.485) **Section 12**  
106 removes the prohibition, thereby authorizing a prosecuting attorney to dismiss a  
107 charge of battery which constitutes domestic violence under such circumstances.

108 Existing law prohibits certain persons from owning or having in their  
109 possession or under their custody or control any firearm, including a person who  
110 has been convicted in this State or any other state of a misdemeanor crime of  
111 domestic violence as defined in 18 U.S.C. § 921(a)(33). A person who violates such  
112 a provision is guilty of a category B felony. (NRS 202.360) **Section 13** of this bill  
113 revises the list of persons so prohibited to include a person who has been convicted  
114 of the crime of battery which constitutes domestic violence pursuant to NRS  
115 200.485, or the same or substantially similar conduct in another jurisdiction,



116 committed against or upon certain persons, instead of a person who has been  
117 convicted of a misdemeanor crime of domestic violence as defined in 18 U.S.C. §  
118 921(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  
3 indictment or information in a separate count for each offense if the  
4 offenses charged, whether felonies or gross misdemeanors or both,  
5 are:

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

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

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

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

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

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

25 (a) To a misdemeanor based solely upon an alleged violation of  
26 a municipal ordinance.

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

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

31 175.011 1. ~~[In a district court, cases]~~ *Cases* required to be  
32 tried by jury must be so tried unless the defendant waives a jury trial  
33 in writing with the approval of the court and the consent of the  
34 ~~[State.]~~ *prosecuting attorney.* A defendant who pleads not guilty to  
35 the charge of a capital offense must be tried by jury.

36 2. ~~[In]~~ *Except as otherwise provided in subsection 1,* in a  
37 justice court, a case must be tried by jury only if the defendant so  
38 demands in writing not less than 30 days before trial. Except as



1 otherwise provided in NRS 4.390 and 4.400, if a case is tried by  
2 jury, a reporter must be present who is a certified court reporter and  
3 shall report the trial.

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

5 175.021 1. Trial juries for criminal actions are formed in the  
6 same manner as trial juries in civil actions.

7 2. ~~{Except as provided in subsection 3, juries}~~ *Juries* must  
8 consist of 12 jurors, but at any time before ~~{verdict,}~~ *jury selection*,  
9 the parties may stipulate in writing with the approval of the court  
10 that the jury consist of any number less than 12 but not less than six.

11 ~~{3. Juries must consist of six jurors for the trial of a criminal  
12 action in a Justice Court.}~~

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

14 175.051 1. If the offense charged is punishable by death or  
15 by imprisonment for life, each side is entitled to eight peremptory  
16 challenges.

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

20 3. The ~~{State}~~ *prosecuting attorney* and the defendant shall  
21 exercise their challenges alternately, in that order. Any challenge not  
22 exercised in its proper order is waived.

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

24 175.141 The jury having been impaneled and sworn, the trial  
25 shall proceed in the following order:

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

29 2. The ~~{district attorney, or other counsel for the State,}~~  
30 *prosecuting attorney* must open the cause. The defendant or the  
31 defendant's counsel may then either make the defendant's opening  
32 statement or reserve it to be made immediately prior to the  
33 presentation of evidence in the defendant's behalf.

34 3. The ~~{State}~~ *prosecuting attorney* must then offer its  
35 evidence in support of the charge, and the defendant may then offer  
36 evidence in his or her defense.

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

40 5. When the evidence is concluded, unless the case is  
41 submitted to the jury on either side, or on both sides, without  
42 argument, the ~~{district attorney, or other counsel for the State,}~~  
43 *prosecuting attorney* must open and must conclude the argument.



1       **Sec. 6.** NRS 175.421 is hereby amended to read as follows:  
2       175.421 A room ~~shall~~ **must** be provided by the sheriff of each  
3 county, *chief of police of each city or chief marshal, as applicable,*  
4 for the use of the jury upon their retirement for deliberation, with  
5 suitable furniture, fuel, lights and stationery, unless such necessities  
6 have been already furnished by the county ~~or~~ **or city**. The court may  
7 order the sheriff, *chief of police or chief marshal* to do so, and the  
8 expenses incurred by the sheriff, *chief of police or chief marshal* in  
9 carrying the order into effect, when certified by the court, ~~shall be~~  
10 **are** a county **or city** charge.

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

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

17       **Sec. 8.** NRS 5.050 is hereby amended to read as follows:  
18       5.050 1. Municipal courts have jurisdiction of civil actions or  
19 proceedings:

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

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

23       2. Except as otherwise provided in subsection 2 of NRS  
24 173.115, the municipal courts have jurisdiction of all misdemeanors  
25 committed in violation of the ordinances of their respective cities.  
26 Upon approval of the district court, a municipal court may transfer  
27 original jurisdiction of a misdemeanor to the district court for the  
28 purpose of assigning an offender to a program established pursuant  
29 to NRS 176A.250 or, if the municipal court has not established a  
30 program pursuant to NRS 176A.280, to a program established  
31 pursuant to that section.

32       3. The municipal courts have jurisdiction of:

33       (a) Any action for the collection of taxes or assessments levied  
34 for city purposes, when the principal sum thereof does not exceed  
35 \$2,500.

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

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



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

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

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

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

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

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

16 **(b) *Required by the United States Constitution, the Nevada***  
17 ***Constitution or statute.***

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

19 6.045 1. ~~{The district}~~ A court may by rule of court designate  
20 the clerk of the court, one of the clerk's deputies or another person  
21 as a jury commissioner and may assign to the jury commissioner  
22 such administrative duties in connection with trial juries and jurors  
23 as the court finds desirable for efficient administration.

24 2. If a jury commissioner is so selected, the jury commissioner  
25 shall from time to time estimate the number of trial jurors which  
26 will be required for attendance on the ~~{district}~~ **designated** court and  
27 shall select that number from the qualified electors of ~~{the}~~ :

28 **(a) *The county ; or***

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

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

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

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

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

41 (c) The Employment Security Division of the Department of  
42 Employment, Training and Rehabilitation pursuant to NRS 612.265;  
43 and

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



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

3 5. The jury commissioner shall:

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

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

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

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

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

16 (3) Be submitted in the time and manner prescribed by the  
17 Court Administrator.

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

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

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

28 6.090 1. Whenever trial jurors are selected by a jury  
29 commissioner, the ~~[district]~~ judge may direct the jury commissioner  
30 to summon and assign to that court the number of qualified jurors  
31 the jury commissioner determines to be necessary for the formation  
32 of the petit jury. The jurors may be selected by computer whenever  
33 procedures to assure random selection from computerized lists have  
34 been established by the jury commissioner.

35 2. Every person named in the venire must be served by the  
36 sheriff, *chief of police or chief marshal, as applicable*, personally  
37 or by the sheriff ~~[or the]~~, *chief of police, chief marshal or* jury  
38 commissioner by mailing a summons to the person, commanding  
39 the person to attend as a juror at a time and place designated therein.  
40 Mileage is allowed only for personal service. The postage must be  
41 paid by the sheriff ~~[or the]~~, *chief of police, chief marshal or* jury  
42 commissioner, as the case may be, and allowed him or her as other  
43 claims against the county ~~[ ]~~ *or city*. The sheriff, *chief of police or*  
44 *chief marshal* shall make return of the venire at least the day before





1 the day named for their appearance, after which the venire is subject  
2 to inspection by any officer or attorney 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  
5 a trial juror in the district court or justice court , *or a trial juror in*  
6 *the municipal court*, is entitled to a fee of \$40 for each day after the  
7 second day of jury selection that the person is in attendance in  
8 response to the venire or summons, including Sundays and holidays.

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

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

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

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

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

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



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

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

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

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

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

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

~~—— (2) The] the county . [; if the jurors are to be summoned pursuant to subsection 2 of NRS 67.010.]~~

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

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

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

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

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

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

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

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

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

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

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



1 ↪ The person shall be further punished by a fine of not less than  
2 \$200, but not more than \$1,000. A term of imprisonment imposed  
3 pursuant to this paragraph may be served intermittently at the  
4 discretion of the judge or justice of the peace, except that each  
5 period of confinement must be not less than 12 consecutive hours  
6 and must occur at a time when the person is not required to be at his  
7 or her place of employment or on a weekend.

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

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

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

14 ↪ The person shall be further punished by a fine of not less than  
15 \$500, but not more than \$1,000. A term of imprisonment imposed  
16 pursuant to this paragraph may be served intermittently at the  
17 discretion of the judge or justice of the peace, except that each  
18 period of confinement must not be less than 12 consecutive hours  
19 and must occur at a time when the person is not required to be at his  
20 or her place of employment or on a weekend.

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

26 2. Unless a greater penalty is provided pursuant to subsection 3  
27 or NRS 200.481, a person convicted of a battery which constitutes  
28 domestic violence pursuant to NRS 33.018, if the battery is  
29 committed by strangulation as described in NRS 200.481, is guilty  
30 of a category C felony and shall be punished as provided in  
31 NRS 193.130.

32 3. Unless a greater penalty is provided pursuant to NRS  
33 200.481, a person who has been previously convicted of:

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

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

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

41 ↪ and who commits a battery which constitutes domestic violence  
42 pursuant to NRS 33.018 is guilty of a category B felony and shall be  
43 punished by imprisonment in the state prison for a minimum term of  
44 not less than 2 years and a maximum term of not more than



1 15 years, and shall be further punished by a fine of not less than  
2 \$2,000, but not more than \$5,000.

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

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

9 (b) For the second or any subsequent offense, is guilty of a  
10 category B felony and shall be punished by imprisonment in the  
11 state prison of a minimum term of not less than 1 year and a  
12 maximum term of not more than 6 years, and may be further  
13 punished by a fine of not less than \$1,000, but not more than  
14 \$5,000.

15 5. Unless a greater penalty is provided pursuant to NRS  
16 200.481, a person convicted of a battery which constitutes domestic  
17 violence pursuant to NRS 33.018, if the battery causes substantial  
18 bodily harm, is guilty of a category B felony and shall be punished  
19 by imprisonment in the state prison of a minimum term of not less  
20 than 1 year and a maximum term of not more than 6 years, and may  
21 be further punished by a fine of not less than \$1,000, but not more  
22 than \$5,000.

23 6. In addition to any other penalty, if a person is convicted of a  
24 battery which constitutes domestic violence pursuant to NRS  
25 33.018, the court shall:

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

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

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

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

45 (a) When evidenced by a conviction; or



1 (b) If the offense is conditionally dismissed pursuant to NRS  
2 176A.290 or dismissed in connection with successful completion of  
3 a diversionary program or specialty court program,

4 ↪ without regard to the sequence of the offenses and convictions.  
5 An offense which is listed in paragraph (a), (b) or (c) of subsection 3  
6 that occurred on any date preceding the date of the principal offense  
7 or after the principal offense constitutes a prior offense for the  
8 purposes of this section when evidenced by a conviction, without  
9 regard to the sequence of the offenses and convictions. The facts  
10 concerning a prior offense must be alleged in the complaint,  
11 indictment or information, must not be read to the jury or proved at  
12 trial but must be proved at the time of sentencing and, if the  
13 principal offense is alleged to be a felony, must also be shown at the  
14 preliminary examination or presented to the grand jury.

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

20 9. If it appears from information presented to the court that a  
21 child under the age of 18 years may need counseling as a result of  
22 the commission of a battery which constitutes domestic violence  
23 pursuant to NRS 33.018, the court may refer the child to an agency  
24 which provides child welfare services. If the court refers a child to  
25 an agency which provides child welfare services, the court shall  
26 require the person convicted of a battery which constitutes domestic  
27 violence pursuant to NRS 33.018 to reimburse the agency for the  
28 costs of any services provided, to the extent of the convicted  
29 person's ability to pay.

30 10. If a person is charged with committing a battery which  
31 constitutes domestic violence pursuant to NRS 33.018 ~~[,—a~~  
32 ~~prosecuting attorney shall not dismiss such a charge in exchange for~~  
33 ~~a plea of guilty, guilty but mentally ill or nolo contendere to a lesser~~  
34 ~~charge or for any other reason unless the prosecuting attorney~~  
35 ~~knows, or it is obvious, that the charge is not supported by probable~~  
36 ~~cause or cannot be proved at the time of trial. Except as otherwise~~  
37 ~~provided in this subsection, a] that is punishable as a misdemeanor~~  
38 ~~and may prohibit the person from owning, possessing or having~~  
39 ~~under his or her control or custody any firearm pursuant to NRS~~  
40 ~~202.360, the person is entitled to a trial by jury pursuant to~~  
41 ~~subsection 1 of NRS 175.011, regardless of whether the person~~  
42 ~~was previously prohibited from owning, possessing or having~~  
43 ~~under his or her control or custody any firearm pursuant to~~  
44 ~~NRS 202.360.~~

45 11. A court :



1 (a) *Except as otherwise provided in paragraph (b)*, shall not  
2 grant probation to or suspend the sentence of ~~[such]~~ a person ~~[A~~  
3 ~~court may]~~ *described in subsection 10.*

4 (b) *May* grant probation to or suspend the sentence of ~~[such]~~ a  
5 person ~~;~~

6 ~~—(a)]~~ *described in subsection 10:*

7 (1) As set forth in NRS 4.373 and 5.055; or

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

11 ~~[(1)]~~ 12. In every judgment of conviction or admonishment of  
12 rights issued pursuant to this section, the court shall:

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

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

20 ~~[(2)]~~ 13. A person who violates any provision included in a  
21 judgment of conviction or admonishment of rights issued pursuant  
22 to this section concerning the surrender, sale, transfer, ownership,  
23 possession, custody or control of a firearm is guilty of a category B  
24 felony and shall be punished by imprisonment in the state prison for  
25 a minimum term of not less than 1 year and a maximum term of not  
26 more than 6 years, and may be further punished by a fine of not  
27 more than \$5,000. The court must include in the judgment of  
28 conviction or admonishment of rights a statement that a violation of  
29 such a provision in the judgment or admonishment is a category B  
30 felony and shall be punished by imprisonment in the state prison for  
31 a minimum term of not less than 1 year and a maximum term of not  
32 more than 6 years, and may be further punished by a fine of not  
33 more than \$5,000.

34 ~~[(3)]~~ 14. As used in this section:

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

37 (b) “Battery” has the meaning ascribed to it in paragraph (a) of  
38 subsection 1 of NRS 200.481.

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

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

43 202.360 1. A person shall not own or have in his or her  
44 possession or under his or her custody or control any firearm if the  
45 person:



1 (a) Has been convicted ~~in this State or any other state of a~~  
2 ~~misdemeanor crime of domestic violence as defined in 18 U.S.C. §~~  
3 ~~921(a)(33);~~ *of the crime of battery which constitutes domestic*  
4 *violence pursuant to NRS 200.485, or a law of any other*  
5 *jurisdiction that prohibits the same or substantially similar*  
6 *conduct, committed against or upon:*

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

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

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

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

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

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

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

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

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

32 (2) An equivalent order in any other state;

33 (e) Is a fugitive from justice;

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

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

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

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



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

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

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

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

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

11 ➤ A person who violates the provisions of this subsection is guilty  
12 of a category D felony and shall be punished as provided in  
13 NRS 193.130.

14 3. As used in this section:

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

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

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

20 266.550 1. The municipal court shall have such powers and  
21 jurisdiction in the city as are now provided by law for justice courts,  
22 wherein any person or persons are charged with the breach or  
23 violation of the provisions of any ordinance of such city or of this  
24 chapter, of a police or municipal nature. ~~[The]~~ *Except as otherwise*  
25 *provided in subsection 5 of NRS 5.050, the* trial and proceedings in  
26 such cases must be summary and without a jury.

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

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

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

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

34 612.265 1. Except as otherwise provided in this section and  
35 NRS 239.0115, 607.217 and 612.642, information obtained from  
36 any employing unit or person pursuant to the administration of this  
37 chapter and any determination as to the benefit rights of any person  
38 is confidential and may not be disclosed or be open to public  
39 inspection in any manner which would reveal the person's or  
40 employing unit's identity.

41 2. Any claimant or a legal representative of a claimant is  
42 entitled to information from the records of the Division, to the  
43 extent necessary for the proper presentation of the claimant's claim  
44 in any proceeding pursuant to this chapter. A claimant or an





1 employing unit is not entitled to information from the records of the  
2 Division for any other purpose.

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

8 (a) The Board of Regents of the University of Nevada for the  
9 purpose of complying with the provisions of subsection 4 of NRS  
10 396.531; and

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

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

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

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

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

26 (d) The Department of Taxation;

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

29 (f) The Secretary of State to operate the state business portal  
30 established pursuant to chapter 75A of NRS for the purposes of  
31 verifying that data submitted via the portal has satisfied the  
32 necessary requirements established by the Division, and as  
33 necessary to maintain the technical integrity and functionality of the  
34 state business portal established pursuant to chapter 75A of NRS.

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

39 5. Upon written request made by the State Controller or a  
40 public officer of a local government, the Administrator shall furnish  
41 from the records of the Division the name, address and place of  
42 employment of any person listed in the records of employment of  
43 the Division. The request may be made electronically and must set  
44 forth the social security number of the person about whom the  
45 request is made and contain a statement signed by the proper



1 authority of the State Controller or local government certifying that  
2 the request is made to allow the proper authority to enforce a law to  
3 recover a debt or obligation assigned to the State Controller for  
4 collection or owed to the local government, as applicable. Except as  
5 otherwise provided in NRS 239.0115, the information obtained by  
6 the State Controller or local government is confidential and may not  
7 be used or disclosed for any purpose other than the collection of a  
8 debt or obligation assigned to the State Controller for collection or  
9 owed to that local government. The Administrator may charge a  
10 reasonable fee for the cost of providing the requested information.

11 6. The Administrator may publish or otherwise provide  
12 information on the names of employers, their addresses, their type  
13 or class of business or industry, and the approximate number of  
14 employees employed by each such employer, if the information  
15 released will assist unemployed persons to obtain employment or  
16 will be generally useful in developing and diversifying the economic  
17 interests of this State. Upon request by a state agency which is able  
18 to demonstrate that its intended use of the information will benefit  
19 the residents of this State, the Administrator may, in addition to the  
20 information listed in this subsection, disclose the number of  
21 employees employed by each employer and the total wages paid by  
22 each employer. The Administrator may charge a fee to cover the  
23 actual costs of any administrative expenses relating to the disclosure  
24 of this information to a state agency. The Administrator may require  
25 the state agency to certify in writing that the agency will take all  
26 actions necessary to maintain the confidentiality of the information  
27 and prevent its unauthorized disclosure.

28 7. Upon request therefor, the Administrator shall furnish to any  
29 agency of the United States charged with the administration of  
30 public works or assistance through public employment, and may  
31 furnish to any state agency similarly charged, the name, address,  
32 ordinary occupation and employment status of each recipient of  
33 benefits and the recipient's rights to further benefits pursuant to this  
34 chapter.

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



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

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

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

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

37 12. The Administrator may request the Comptroller of the  
38 Currency of the United States to cause an examination of the  
39 correctness of any return or report of any national banking  
40 association rendered pursuant to the provisions of this chapter, and  
41 may in connection with the request transmit any such report or  
42 return to the Comptroller of the Currency of the United States as  
43 provided in section 3305(c) of the Internal Revenue Code of 1954.

44 13. The Administrator, any employee or other person acting on  
45 behalf of the Administrator, or any employee or other person acting



1 on behalf of an agency or entity allowed to access information  
2 obtained from any employing unit or person in the administration of  
3 this chapter, or any person who has obtained a list of applicants for  
4 work, or of claimants or recipients of benefits pursuant to this  
5 chapter, is guilty of a gross misdemeanor if he or she:

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

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

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

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

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

19 1. Committed on or after January 1, 2022; or

20 2. Committed before January 1, 2022, if the underlying judicial  
21 proceedings are pending or otherwise unresolved on January 1,  
22 2022.

23 **Sec. 18.** This act becomes effective on January 1, 2022.

