

ASSEMBLY BILL NO. 51—COMMITTEE ON JUDICIARY

(ON BEHALF OF THE ATTORNEY GENERAL)

PREFILED NOVEMBER 16, 2022

Referred to Committee on Judiciary

SUMMARY—Makes various changes relating to public safety. (BDR 14-426)

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

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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 public safety; revising the period for the mandatory arrest of a person suspected of committing certain crimes against certain persons; revising the penalties for the commission of certain crimes in violation of certain orders for protection; prohibiting a court from granting probation to or suspending the sentence of a person charged with committing a battery which constitutes domestic violence under certain circumstances; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 With certain exceptions, existing law requires a peace officer to arrest a person
2 when the peace officer has probable cause to believe that the person to be arrested
3 has, within the preceding 24 hours, committed a battery which constitutes domestic
4 violence. (NRS 171.137) Existing law also requires a peace officer investigating an
5 act of domestic violence to provide a person suspected of being the victim of an act
6 of domestic violence with a written statement setting forth the circumstances under
7 which the peace officer is required to arrest the person suspected of committing the
8 act of domestic violence. (NRS 171.1225) **Section 2** of this bill requires a peace
9 officer to arrest a person suspected of committing a battery which constitutes
10 domestic violence: (1) if the peace officer encountered the person while responding
11 to the initial request for assistance relating to the battery, within 24 hours after the
12 alleged battery; or (2) if the peace officer did not encounter the person while
13 responding to the initial request for assistance relating to the battery, within 7 days
14 after the alleged battery. **Section 1** of this bill makes a conforming change to the
15 written statement a peace officer must provide to a suspected victim of domestic
16 violence.



Existing law authorizes a peace officer, whether or not a warrant has been issued, to arrest a person when the peace officer has probable cause to believe that the person to be arrested has, within the preceding 24 hours, committed a battery upon a person with whom he or she is actually residing or upon a sibling or cousin, if the person is not the custodian or guardian of the sibling or cousin. (NRS 171.1375) **Section 3** of this bill revises the period for such a discretionary arrest to be: (1) if the peace officer encountered the person while responding to the initial request for assistance relating to the battery, within 24 hours after the alleged battery; or (2) if the peace officer did not encounter the person to be arrested while responding to the initial request for assistance relating to the battery, within 7 days after the alleged battery.

Existing law provides that a person who commits a crime that is punishable as a felony in violation of certain orders for protection must, in addition to the term of imprisonment for the underlying crime, be punished by imprisonment for a minimum term of not less than 1 year and a maximum term of not more than 20 years. However, if the underlying crime is punishable as a category A or B felony, the person must be additionally punished by imprisonment for a minimum term of not less than 1 year and a maximum term of not more than 5 years. (NRS 193.166) **Section 14** of this bill provides instead that if the underlying crime is punishable as a category A or B felony, the additional period of imprisonment must be for a maximum term of not more than 20 years, but if the underlying crime is not punishable as a category A or B felony, the additional period of imprisonment must be for a maximum term of not more than 5 years.

Existing law provides that a court may not grant probation to or suspend the sentence of a person who is charged with committing a battery which constitutes domestic violence that is punishable as a misdemeanor, except that: (1) a justice court or municipal court may suspend the sentence of such a person under certain circumstances; and (2) a court may suspend the sentence of such a person to assign the person to a program for the treatment of veterans and members of the military. Existing law does not expressly prohibit a court from granting probation to or suspending the sentence of a person who is charged with committing a battery which constitutes domestic violence that is punishable as a gross misdemeanor or felony. (NRS 200.485) **Section 16** of this bill prohibits a court from granting probation to or suspending the sentence of a person who is charged with committing a battery which constitutes domestic violence that is punishable as a

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

Section 1. NRS 171.1225 is hereby amended to read as follows:

171.1225 1. When investigating an act of domestic violence, a peace officer shall:

(a) Make a good faith effort to explain the provisions of NRS 171.137 pertaining to domestic violence and advise victims of all reasonable means to prevent further abuse, including advising each person of the availability of a shelter or other services in the community.

(b) Provide a person suspected of being the victim of an act of domestic violence with a written copy of the following statements:



1 (1) My name is Officer (naming the
2 investigating officer). Nevada law requires me to inform you of the
3 following information.

4 (2) If I have probable cause to believe that a battery has been
5 committed against you, your minor child or the minor child of the
6 person believed to have committed the battery in the last 24 hours
7 by your spouse, your former spouse, any other person to whom you
8 are related by blood or marriage, a person with whom you have had
9 or are having a dating relationship or a person with whom you have
10 a child in common, *and if I encountered the person suspected of*
11 *committing the battery while responding to the initial request for*
12 *assistance relating to the battery*, I am required, unless mitigating
13 circumstances exist, to arrest the person suspected of committing the
14 battery.

15 (3) *If I have probable cause to believe that a battery has*
16 *been committed against you, your minor child or the minor child*
17 *of the person believed to have committed the battery in the last 7*
18 *days by your spouse, your former spouse, any other person to*
19 *whom you are related by blood or marriage, a person with whom*
20 *you have had or are having a dating relationship or a person with*
21 *whom you have a child in common, and if I did not encounter the*
22 *person suspected of committing the battery while responding to the*
23 *initial request for assistance relating to the battery, I am required,*
24 *unless mitigating circumstances exist, to arrest the person*
25 *suspected of committing the battery.*

26 (4) If I am unable to arrest the person suspected of
27 committing the battery, you have the right to request that the
28 prosecutor file a criminal complaint against the person. I can
29 provide you with information on this procedure. If convicted, the
30 person who committed the battery may be placed on probation,
31 ordered to see a counselor, put in jail or fined.

32 ~~{(4)}~~ (5) The law provides that you may seek a court order
33 for the protection of you, your minor children or any animal that is
34 owned or kept by you, by the person who committed or threatened
35 the act of domestic violence or by the minor child of either such
36 person against further threats or acts of domestic violence. You do
37 not need to hire a lawyer to obtain such an order for protection.

38 ~~{(5)}~~ (6) An order for protection may require the person who
39 committed or threatened the act of domestic violence against you to:

- 40 (I) Stop threatening, harassing or injuring you or your
41 children;
42 (II) Move out of your residence;
43 (III) Stay away from your place of employment;
44 (IV) Stay away from the school attended by your
45 children;



1 (V) Stay away from any place you or your children
2 regularly go;

3 (VI) Avoid or limit all communication with you or your
4 children;

5 (VII) Stop physically injuring, threatening to injure or
6 taking possession of any animal that is owned or kept by you or
7 your children, either directly or through an agent; and

8 (VIII) Stop physically injuring or threatening to injure
9 any animal that is owned or kept by the person who committed or
10 threatened the act or his or her children, either directly or through an
11 agent.

12 ~~[(6)]~~ (7) A court may make future orders for protection
13 which award you custody of your children and require the person
14 who committed or threatened the act of domestic violence against
15 you to:

16 (I) Pay the rent or mortgage due on the place in which
17 you live;

18 (II) Pay the amount of money necessary for the support of
19 your children;

20 (III) Pay part or all of the costs incurred by you in
21 obtaining the order for protection; and

22 (IV) Comply with the arrangements specified for the
23 possession and care of any animal owned or kept by you or your
24 children or by the person who committed or threatened the act or his
25 or her children.

26 ~~[(7)]~~ (8) To get an order for protection, go to room number
27 (state the room number of the office at the court) at the court,
28 which is located at (state the address of the court).
29 Ask the clerk of the court to provide you with the forms for an order
30 of protection.

31 ~~[(8)]~~ (9) If the person who committed or threatened the act
32 of domestic violence against you violates the terms of an order for
33 protection, the person may be arrested and, if:

34 (I) The arresting officer determines that such a violation
35 is accompanied by a direct or indirect threat of harm;

36 (II) The person has previously violated a temporary or
37 extended order for protection; or

38 (III) At the time of the violation or within 2 hours after
39 the violation, the person has a concentration of alcohol of 0.08 or
40 more in the person's blood or breath or an amount of a prohibited
41 substance in the person's blood or urine, as applicable, that is equal
42 to or greater than the amount set forth in subsection 3 or 4 of
43 NRS 484C.110,

44 ↪ the person will not be admitted to bail sooner than 12 hours after
45 arrest.



1 ~~(9)~~ (10) You may obtain emergency assistance or shelter
2 by contacting your local program against domestic violence at
3 (state name, address and telephone number of local
4 program) or you may call, without charge to you, the Statewide
5 Program Against Domestic Violence at (state toll-
6 free telephone number of Statewide Program).

7 2. The failure of a peace officer to carry out the requirements
8 set forth in subsection 1 is not a defense in a criminal prosecution
9 for the commission of an act of domestic violence, nor may such an
10 omission be considered as negligence or as causation in any civil
11 action against the peace officer or the officer's employer.

12 3. As used in this section:

13 (a) "Act of domestic violence" means any of the following acts
14 committed by a person against his or her spouse, former spouse, any
15 other person to whom he or she is related by blood or marriage, a
16 person with whom he or she has had or is having a dating
17 relationship, a person with whom he or she has a child in common,
18 the minor child of any of those persons or his or her minor child:

19 (1) A battery.

20 (2) An assault.

21 (3) Compelling the other by force or threat of force to
22 perform an act from which he or she has the right to refrain or to
23 refrain from an act which he or she has the right to perform.

24 (4) A sexual assault.

25 (5) A knowing, purposeful or reckless course of conduct
26 intended to harass the other. Such conduct may include, but is not
27 limited to:

28 (I) Stalking.

29 (II) Arson.

30 (III) Trespassing.

31 (IV) Larceny.

32 (V) Destruction of private property.

33 (VI) Carrying a concealed weapon without a permit.

34 (VII) Injuring or killing an animal.

35 (6) False imprisonment.

36 (7) Unlawful entry of the other's residence, or forcible entry
37 against the other's will if there is a reasonably foreseeable risk of
38 harm to the other from the entry.

39 (b) "Dating relationship" means frequent, intimate associations
40 primarily characterized by the expectation of affectional or sexual
41 involvement. The term does not include a casual relationship or an
42 ordinary association between persons in a business or social context.

43 **Sec. 2.** NRS 171.137 is hereby amended to read as follows:

44 171.137 1. Except as otherwise provided in subsection 2,
45 whether or not a warrant has been issued, a peace officer shall,



1 unless mitigating circumstances exist, arrest a person when the
2 peace officer has probable cause to believe that the person to be
3 arrested has ~~[, within the preceding 24 hours,]~~ committed a battery
4 upon his or her spouse, former spouse, any other person to whom he
5 or she is related by blood or marriage, a person with whom he or she
6 has had or is having a dating relationship, a person with whom he or she
7 has a child in common, the minor child of any of those persons,
8 his or her minor child or a person who is the custodian or guardian
9 of his or her minor child [] :

10 *(a) If the peace officer encountered the person to be arrested*
11 *while responding to the initial request for assistance relating to the*
12 *battery, within the preceding 24 hours.*

13 *(b) If the peace officer did not encounter the person to be*
14 *arrested while responding to the initial request for assistance*
15 *relating to the battery, within the preceding 7 days.*

16 2. If the peace officer has probable cause to believe that a
17 battery described in subsection 1 was a mutual battery, the peace
18 officer shall attempt to determine which person was the primary
19 physical aggressor. If the peace officer determines that one of the
20 persons who allegedly committed a battery was the primary physical
21 aggressor involved in the incident, the peace officer is not required
22 to arrest any other person believed to have committed a battery
23 during the incident. In determining whether a person is a primary
24 physical aggressor for the purposes of this subsection, the peace
25 officer shall consider:

26 (a) Prior domestic violence involving either person;

27 (b) The relative severity of the injuries inflicted upon the
28 persons involved;

29 (c) The potential for future injury;

30 (d) Whether one of the alleged batteries was committed in self-
31 defense; and

32 (e) Any other factor that may help the peace officer decide
33 which person was the primary physical aggressor.

34 3. A peace officer shall not base a decision regarding whether
35 to arrest a person pursuant to this section on the peace officer's
36 perception of the willingness of a victim or a witness to the incident
37 to testify or otherwise participate in related judicial proceedings.

38 4. Nothing in this section shall be construed to impose liability
39 upon a peace officer or his or her employer for a determination
40 made in good faith by the peace officer not to arrest a person
41 pursuant to this section.

42 5. The provisions of this section do not apply to:

43 (a) Siblings, except those siblings who are in a custodial or
44 guardianship relationship with each other; or



1 (b) Cousins, except those cousins who are in a custodial or
2 guardianship relationship with each other.

3 6. As used in this section, "dating relationship" means
4 frequent, intimate associations primarily characterized by the
5 expectation of affectional or sexual involvement. The term does not
6 include a casual relationship or an ordinary association between
7 persons in a business or social context.

8 **Sec. 3.** NRS 171.1375 is hereby amended to read as follows:

9 171.1375 1. Whether or not a warrant has been issued, a
10 peace officer may arrest a person ~~{when-the}~~ *if the* peace officer
11 ~~{has}~~ :

12 (a) *Has* probable cause to believe that the person to be arrested
13 has, within the preceding 24 hours, committed a battery upon:

14 ~~{(a)}~~ (1) A person with whom he or she is actually residing;

15 ~~{(b)}~~ (2) A sibling, if the person is not the custodian or guardian
16 of the sibling; or

17 ~~{(c)}~~ (3) A cousin, if the person is not the custodian or guardian
18 of the cousin ~~{;}~~ *and*

19 (b) *Encountered the person to be arrested while responding to*
20 *the initial request for assistance relating to the battery.*

21 2. *Whether or not a warrant has been issued, a peace officer*
22 *may arrest a person if the peace officer:*

23 (a) *Has probable cause to believe that the person to be arrested*
24 *has, within the immediately preceding 7 days, committed a battery*
25 *upon:*

26 (1) *A person with whom he or she is actually residing;*

27 (2) *A sibling, if the person is not the custodian or guardian*
28 *of the sibling; or*

29 (3) *A cousin, if the person is not the custodian or guardian*
30 *of the cousin; and*

31 (b) *Did not encounter the person to be arrested while*
32 *responding to the initial request for assistance relating to the*
33 *battery.*

34 3. Nothing in this section shall be construed to impose liability
35 upon a peace officer or his or her employer for a determination
36 made in good faith by the peace officer not to arrest a person
37 pursuant to this section.

38 **Sec. 4.** (Deleted by amendment.)

39 **Sec. 5.** (Deleted by amendment.)

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

41 **Sec. 7.** (Deleted by amendment.)

42 **Sec. 8.** (Deleted by amendment.)

43 **Sec. 9.** (Deleted by amendment.)

44 **Sec. 10.** (Deleted by amendment.)

45 **Sec. 11.** (Deleted by amendment.)



1 **Sec. 12.** (Deleted by amendment.)

2 **Sec. 13.** (Deleted by amendment.)

3 **Sec. 14.** NRS 193.166 is hereby amended to read as follows:

4 193.166 1. Except as otherwise provided in NRS 193.169, a
5 person who commits a crime that is punishable as a felony, other
6 than a crime that is punishable as a felony pursuant to subsection 6
7 of NRS 33.400, subsection 5 of NRS 200.378 or subsection 5 of
8 NRS 200.591, in violation of:

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

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

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

15 (d) An emergency or extended order for protection against high-
16 risk behavior issued pursuant to NRS 33.570 or 33.580;

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

19 (f) A temporary or extended order issued pursuant to NRS
20 200.378; or

21 (g) A temporary or extended order issued pursuant to
22 NRS 200.591,

23 ➔ shall, in addition to the term of imprisonment prescribed by
24 statute for the crime, be punished by imprisonment in the state
25 prison, except as otherwise provided in this subsection, for a
26 minimum term of not less than 1 year and a maximum term of not
27 more than ~~20~~ 5 years. If the crime committed by the person is
28 punishable as a category A felony or category B felony, in addition
29 to the term of imprisonment prescribed by statute for that crime, the
30 person shall be punished by imprisonment in the state prison for a
31 minimum term of not less than 1 year and a maximum term of not
32 more than ~~5~~ 20 years.

33 2. In determining the length of the additional penalty imposed
34 pursuant to this section, the court shall consider the following
35 information:

36 (a) The facts and circumstances of the crime;

37 (b) The criminal history of the person;

38 (c) The impact of the crime on any victim;

39 (d) Any mitigating factors presented by the person; and

40 (e) Any other relevant information.

41 ➔ The court shall state on the record that it has considered the
42 information described in paragraphs (a) to (e), inclusive, in
43 determining the length of the additional penalty imposed.

44 3. The sentence prescribed by this section:

45 (a) Must not exceed the sentence imposed for the crime; and



1 (b) Runs concurrently or consecutively with the sentence
2 prescribed by statute for the crime, as ordered by the court.

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

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

13 **Sec. 15.** (Deleted by amendment.)

14 **Sec. 16.** NRS 200.485 is hereby amended to read as follows:

15 200.485 1. Unless a greater penalty is provided pursuant to
16 subsections 2 to 5, inclusive, or NRS 200.481, a person convicted of
17 a battery which constitutes domestic violence pursuant to
18 NRS 33.018:

19 (a) For the first offense within 7 years, is guilty of a
20 misdemeanor and shall be punished by:

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

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

25 ➤ The person shall be further punished by a fine of not less than
26 \$200, but not more than \$1,000. A term of imprisonment imposed
27 pursuant to this paragraph may be served intermittently at the
28 discretion of the judge or justice of the peace, except that each
29 period of confinement must be not less than 12 consecutive hours
30 and must occur at a time when the person is not required to be at his
31 or her place of employment or on a weekend.

32 (b) For the second offense within 7 years, is guilty of a
33 misdemeanor and shall be punished by:

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

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

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



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

6 2. Unless a greater penalty is provided pursuant to subsection 3
7 or NRS 200.481, a person convicted of a battery which constitutes
8 domestic violence pursuant to NRS 33.018, if the battery is
9 committed by strangulation as described in NRS 200.481, is guilty
10 of a category C felony and shall be punished as provided in
11 NRS 193.130.

12 3. Unless a greater penalty is provided pursuant to NRS
13 200.481, a person who has been previously convicted of:

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

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

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

21 ➤ and who commits a battery which constitutes domestic violence
22 pursuant to NRS 33.018 is guilty of a category B felony and shall be
23 punished by imprisonment in the state prison for a minimum term of
24 not less than 2 years and a maximum term of not more than 15
25 years, and shall be further punished by a fine of not less than
26 \$2,000, but not more than \$5,000.

27 4. Unless a greater penalty is provided pursuant to NRS
28 200.481, a person convicted of a battery which constitutes domestic
29 violence pursuant to NRS 33.018, if the battery is committed against
30 a victim who was pregnant at the time of the battery and the person
31 knew or should have known that the victim was pregnant:

32 (a) For the first offense, is guilty of a gross misdemeanor and
33 shall be punished by imprisonment in the county jail for not less
34 than 20 days and may be further punished by a fine of not less than
35 \$500, but not more than \$1,000.

36 (b) For the second or any subsequent offense, is guilty of a
37 category B felony and shall be punished by imprisonment in the
38 state prison of a minimum term of not less than 1 year and a
39 maximum term of not more than 6 years, and may be further
40 punished by a fine of not less than \$1,000, but not more than
41 \$5,000.

42 5. Unless a greater penalty is provided pursuant to NRS
43 200.481, a person convicted of a battery which constitutes domestic
44 violence pursuant to NRS 33.018, if the battery causes substantial
45 bodily harm, is guilty of a category B felony and shall be punished



1 by imprisonment in the state prison of a minimum term of not less
2 than 1 year and a maximum term of not more than 6 years, and may
3 be further punished by a fine of not less than \$1,000, but not more
4 than \$5,000.

5 6. In addition to any other penalty, if a person is convicted of a
6 battery which constitutes domestic violence pursuant to NRS
7 33.018, the court shall:

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

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

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

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

27 (a) When evidenced by a conviction; or

28 (b) If the offense is conditionally dismissed or the judgment of
29 conviction is set aside pursuant to NRS 176A.240, 176A.260 or
30 176A.290 or dismissed in connection with successful completion of
31 a diversionary program or specialty court program,

32 ↪ without regard to the sequence of the offenses and convictions.
33 An offense which is listed in paragraph (a), (b) or (c) of subsection 3
34 that occurred on any date preceding the date of the principal offense
35 or after the principal offense constitutes a prior offense for the
36 purposes of this section when evidenced by a conviction, without
37 regard to the sequence of the offenses and convictions. The facts
38 concerning a prior offense must be alleged in the complaint,
39 indictment or information, must not be read to the jury or proved at
40 trial but must be proved at the time of sentencing and, if the
41 principal offense is alleged to be a felony, must also be shown at the
42 preliminary examination or presented to the grand jury.

43 8. In addition to any other penalty, the court may require such a
44 person to participate, at his or her expense, in a program of
45 treatment for an alcohol or other substance use disorder that has



1 be certified by the Division of Public and Behavioral Health of
2 the Department of Health and Human Services.

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

13 10. If a person is charged with committing a battery which
14 constitutes domestic violence pursuant to NRS 33.018 that is
15 punishable as a misdemeanor and may prohibit the person from
16 owning, possessing or having under his or her control or custody
17 any firearm pursuant to NRS 202.360, the person is entitled to a trial
18 by jury pursuant to subsection 1 of NRS 175.011, regardless of
19 whether the person was previously prohibited from owning,
20 possessing or having under his or her control or custody any firearm
21 pursuant to NRS 202.360.

22 11. A court ~~is~~:

23 ~~—(a) Except as otherwise provided in paragraph (b),]~~ shall not
24 grant probation to or suspend the sentence of a person ~~[described in~~
25 ~~subsection 10.] who is charged with committing a battery which~~
26 ~~constitutes domestic violence pursuant to NRS 33.018 [~~

27 ~~—(b) May grant probation to or suspend the sentence of a person~~
28 ~~described in subsection 10:~~

29 ~~—(1) As set forth in NRS 4.373 and 5.055; or~~

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

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

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

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

43 13. A person who violates any provision included in a
44 judgment of conviction or admonishment of rights issued pursuant
45 to this section concerning the surrender, sale, transfer, ownership,



1 possession, custody or control of a firearm is guilty of a category B
2 felony and shall be punished by imprisonment in the state prison for
3 a minimum term of not less than 1 year and a maximum term of not
4 more than 6 years, and may be further punished by a fine of not
5 more than \$5,000. The court must include in the judgment of
6 conviction or admonishment of rights a statement that a violation of
7 such a provision in the judgment or admonishment is a category B
8 felony and shall be punished by imprisonment in the state prison for
9 a minimum term of not less than 1 year and a maximum term of not
10 more than 6 years, and may be further punished by a fine of not
11 more than \$5,000.

12 14. As used in this section:

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

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

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

20 **Sec. 17.** (Deleted by amendment.)

21 **Sec. 18.** (Deleted by amendment.)

22 **Sec. 19.** (Deleted by amendment.)

23 **Sec. 20.** (Deleted by amendment.)

