

SENATE BILL NO. 14—COMMITTEE ON JUDICIARY

(ON BEHALF OF THE ATTORNEY GENERAL)

PREFILED OCTOBER 31, 2024

Referred to Committee on Judiciary

SUMMARY—Revises provisions relating to criminal procedure. (BDR 14-502)

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; revising provisions governing bail; revising provisions relating to an order imposing a condition of release prohibiting contact; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 Existing law requires a person arrested for an offense other than murder of the
2 first degree to be admitted to bail, unless an exception applies. Under existing law,
3 one such exception generally prohibits a court from admitting to bail a person who
4 is arrested for a felony and, at the time of the arrest, the person was under a
5 suspended sentence for a different offense or was serving a term of residential
6 confinement for a different offense. (NRS 178.484) **Section 1** of this bill expands
7 this exception to include a person who is arrested for a battery that constitutes
8 domestic violence. **Section 1** thereby generally prohibits a court from admitting to
9 bail a person who is arrested for a battery that constitutes domestic violence if, at
10 the time of the arrest, the person was under a suspended sentence for a different
11 offense or was serving a term of residential confinement for a different offense.

12 Existing law similarly: (1) authorizes a court to revoke the bail of a defendant
13 upon a showing that the defendant committed a felony during the period of release;
14 and (2) sets forth certain requirements and procedures for any such revocation of
15 bail. (NRS 178.487) **Section 3** of this bill additionally authorizes a court to revoke
16 the bail of a defendant upon a showing that the defendant committed a battery that
17 constitutes domestic violence.

18 Existing law authorizes a court, before convicting and releasing a person, to
19 issue an order imposing a condition of release that prohibits the person from
20 contacting or attempting to contact certain persons. (NRS 178.4845) **Section 2** of
21 this bill authorizes a law enforcement officer to arrest and take into custody a
22 person if the officer has probable cause to believe that: (1) an order prohibiting



23 contact has been issued against the person; (2) the person has received certain
24 notice concerning the order; and (3) the person is acting in violation of the order.

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

1 **Section 1.** NRS 178.484 is hereby amended to read as follows:

2 178.484 1. Except as otherwise provided in this section, a
3 person arrested for an offense other than murder of the first degree
4 must be admitted to bail.

5 2. A person arrested for a felony who has been released on
6 probation or parole for a different offense must not be admitted to
7 bail unless:

8 (a) A court issues an order directing that the person be admitted
9 to bail;

10 (b) The State Board of Parole Commissioners directs the
11 detention facility to admit the person to bail; or

12 (c) The Division of Parole and Probation of the Department of
13 Public Safety directs the detention facility to admit the person to
14 bail.

15 3. A person arrested for a felony *or a battery that constitutes*
16 *domestic violence pursuant to NRS 33.018* whose sentence has
17 been suspended pursuant to NRS 4.373 or 5.055 for a different
18 offense or who has been sentenced to a term of residential
19 confinement pursuant to NRS 4.3762 or 5.076 for a different offense
20 must not be admitted to bail unless:

21 (a) A court issues an order directing that the person be admitted
22 to bail; or

23 (b) A department of alternative sentencing directs the detention
24 facility to admit the person to bail.

25 4. A person arrested for murder of the first degree may be
26 admitted to bail unless the proof is evident or the presumption great
27 by any competent court or magistrate authorized by law to do so in
28 the exercise of discretion, giving due weight to the evidence and to
29 the nature and circumstances of the offense.

30 5. A person arrested for a violation of NRS 484C.110,
31 484C.120, 484C.130, 484C.430, 488.410, 488.420 or 488.425 who
32 is under the influence of intoxicating liquor must not be admitted to
33 bail or released on the person's own recognizance unless the person
34 has a concentration of alcohol of less than 0.04 in his or her breath.
35 A test of the person's breath pursuant to this subsection to determine
36 the concentration of alcohol in his or her breath as a condition of
37 admission to bail or release is not admissible as evidence against the
38 person.



1 6. A person arrested for a violation of NRS 484C.110,
2 484C.120, 484C.130, 484C.430, 488.410, 488.420 or 488.425 who
3 is under the influence of a controlled substance, is under the
4 combined influence of intoxicating liquor and a controlled
5 substance, or inhales, ingests, applies or otherwise uses any
6 chemical, poison or organic solvent, or any compound or
7 combination of any of these, to a degree which renders the person
8 incapable of safely driving or exercising actual physical control of a
9 vehicle, a power-driven vessel or a sailing vessel under way must
10 not be admitted to bail or released on the person's own recognizance
11 sooner than 12 hours after arrest.

12 7. A person arrested for a battery that constitutes domestic
13 violence pursuant to NRS 33.018 must not be admitted to bail
14 sooner than 12 hours after arrest. If the person is admitted to bail
15 more than 12 hours after arrest, without appearing personally before
16 a magistrate or without the amount of bail having been otherwise set
17 by a magistrate or a court, the amount of bail must be:

18 (a) Three thousand dollars, if the person has no previous
19 convictions of battery that constitute domestic violence pursuant to
20 NRS 33.018 and there is no reason to believe that the battery for
21 which the person has been arrested resulted in substantial bodily
22 harm or was committed by strangulation;

23 (b) Five thousand dollars, if the person has:

24 (1) No previous convictions of battery that constitute
25 domestic violence pursuant to NRS 33.018, but there is reason to
26 believe that the battery for which the person has been arrested
27 resulted in substantial bodily harm or was committed by
28 strangulation; or

29 (2) One previous conviction of battery that constitutes
30 domestic violence pursuant to NRS 33.018, but there is no reason to
31 believe that the battery for which the person has been arrested
32 resulted in substantial bodily harm or was committed by
33 strangulation; or

34 (c) Fifteen thousand dollars, if the person has:

35 (1) One previous conviction of battery that constitutes
36 domestic violence pursuant to NRS 33.018 and there is reason to
37 believe that the battery for which the person has been arrested
38 resulted in substantial bodily harm or was committed by
39 strangulation; or

40 (2) Two or more previous convictions of battery that
41 constitute domestic violence pursuant to NRS 33.018.

42 ➤ The provisions of this subsection do not affect the authority of a
43 magistrate or a court to set the amount of bail when the person
44 personally appears before the magistrate or the court, or when a
45 magistrate or a court has otherwise been contacted to set the amount



1 of bail. For the purposes of this subsection, a person shall be
2 deemed to have a previous conviction of battery that constitutes
3 domestic violence pursuant to NRS 33.018 if the person has been
4 convicted of such an offense in this State or has been convicted of
5 violating a law of any other jurisdiction that prohibits the same or
6 similar conduct.

7 8. A person arrested for violating a temporary or extended
8 order for protection against domestic violence issued pursuant to
9 NRS 33.017 to 33.100, inclusive, or for violating a restraining order
10 or injunction that is in the nature of a temporary or extended order
11 for protection against domestic violence issued in an action or
12 proceeding brought pursuant to title 11 of NRS, or for violating a
13 temporary or extended order for protection against stalking,
14 aggravated stalking or harassment issued pursuant to NRS 200.591,
15 or for violating a temporary or extended order for protection against
16 sexual assault pursuant to NRS 200.378 must not be admitted to bail
17 sooner than 12 hours after arrest if:

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

20 (b) The person has previously violated a temporary or extended
21 order for protection of the type for which the person has been
22 arrested; or

23 (c) At the time of the violation or within 2 hours after the
24 violation, the person has:

25 (1) A concentration of alcohol of 0.08 or more in the
26 person's blood or breath; or

27 (2) An amount of a prohibited substance in the person's
28 blood or urine, as applicable, that is equal to or greater than the
29 amount set forth in subsection 3 or 4 of NRS 484C.110.

30 9. If a person is admitted to bail more than 12 hours after
31 arrest, pursuant to subsection 8, without appearing personally before
32 a magistrate or without the amount of bail having been otherwise set
33 by a magistrate or a court, the amount of bail must be:

34 (a) Three thousand dollars, if the person has no previous
35 convictions of violating a temporary or extended order for
36 protection against domestic violence issued pursuant to NRS 33.017
37 to 33.100, inclusive, or of violating a restraining order or injunction
38 that is in the nature of a temporary or extended order for protection
39 against domestic violence issued in an action or proceeding brought
40 pursuant to title 11 of NRS, or of violating a temporary or extended
41 order for protection against stalking, aggravated stalking or
42 harassment issued pursuant to NRS 200.591, or of violating a
43 temporary or extended order for protection against sexual assault
44 pursuant to NRS 200.378;



1 (b) Five thousand dollars, if the person has one previous
2 conviction of violating a temporary or extended order for protection
3 against domestic violence issued pursuant to NRS 33.017 to 33.100,
4 inclusive, or of violating a restraining order or injunction that is in
5 the nature of a temporary or extended order for protection against
6 domestic violence issued in an action or proceeding brought
7 pursuant to title 11 of NRS, or of violating a temporary or extended
8 order for protection against stalking, aggravated stalking or
9 harassment issued pursuant to NRS 200.591, or of violating a
10 temporary or extended order for protection against sexual assault
11 pursuant to NRS 200.378; or

12 (c) Fifteen thousand dollars, if the person has two or more
13 previous convictions of violating a temporary or extended order for
14 protection against domestic violence issued pursuant to NRS 33.017
15 to 33.100, inclusive, or of violating a restraining order or injunction
16 that is in the nature of a temporary or extended order for protection
17 against domestic violence issued in an action or proceeding brought
18 pursuant to title 11 of NRS, or of violating a temporary or extended
19 order for protection against stalking, aggravated stalking or
20 harassment issued pursuant to NRS 200.591, or of violating a
21 temporary or extended order for protection against sexual assault
22 pursuant to NRS 200.378.

23 ↪ The provisions of this subsection do not affect the authority of a
24 magistrate or a court to set the amount of bail when the person
25 personally appears before the magistrate or the court or when a
26 magistrate or a court has otherwise been contacted to set the amount
27 of bail. For the purposes of this subsection, a person shall be
28 deemed to have a previous conviction of violating a temporary or
29 extended order for protection against domestic violence issued
30 pursuant to NRS 33.017 to 33.100, inclusive, or of violating a
31 restraining order or injunction that is in the nature of a temporary or
32 extended order for protection against domestic violence issued in an
33 action or proceeding brought pursuant to title 11 of NRS, or of
34 violating a temporary or extended order for protection against
35 stalking, aggravated stalking or harassment issued pursuant to NRS
36 200.591, or of violating a temporary or extended order for
37 protection against sexual assault pursuant to NRS 200.378, if the
38 person has been convicted of such an offense in this State or has
39 been convicted of violating a law of any other jurisdiction that
40 prohibits the same or similar conduct.

41 10. For the purposes of subsections 8 and 9, an order or
42 injunction is in the nature of a temporary or extended order for
43 protection against domestic violence if it grants relief that might be
44 given in a temporary or extended order issued pursuant to NRS
45 33.017 to 33.100, inclusive.



1 11. As used in this section, "strangulation" has the meaning
2 ascribed to it in NRS 200.481.

3 **Sec. 2.** NRS 178.4845 is hereby amended to read as follows:

4 178.4845 1. Before a court makes a determination of bail
5 concerning a person, a victim may request that a court issue an order
6 imposing a condition of release prohibiting contact.

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

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

11 (a) The person being charged with a misdemeanor;

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

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

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

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

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

23 6. After the court issues an order imposing, modifying,
24 suspending or canceling a condition of release prohibiting contact,
25 the court shall transmit, as soon as practicable and in a manner
26 prescribed by the Central Repository for Nevada Records of
27 Criminal History, a copy of the order to the Central Repository.

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

30 8. *Whether or not a violation of an order imposing a*
31 *condition of release prohibiting contact occurs in the presence of*
32 *a law enforcement officer, the officer may, with or without a*
33 *warrant, arrest and take into custody a person if the officer has*
34 *probable cause to believe that:*

35 (a) *An order has been issued pursuant to this section against*
36 *the person;*

37 (b) *The person has received the notice required by subsection*
38 *3; and*

39 (c) *The person is acting in violation of the order.*

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

43 ~~9.~~ 10. As used in this section:



1 (a) "Cancel" includes, without limitation, any act that would
2 effectively terminate a condition of release prohibiting contact,
3 including, without limitation:

- 4 (1) The dismissal of the action or proceeding against the
5 person;
6 (2) A prosecuting attorney declining to prosecute the person;
7 (3) The conviction of the person; or
8 (4) The acquittal of the person.

9 (b) "Condition of release prohibiting contact" means a condition
10 placed on a person who is released pending trial that prohibits the
11 person from contacting or attempting to contact a specific person or
12 from causing or attempting to cause another person to contact that
13 person on the person's behalf.

14 **Sec. 3.** NRS 178.487 is hereby amended to read as follows:

15 178.487 Every release on bail with or without security is
16 conditioned upon the defendant's good behavior while so released,
17 and upon a showing that the proof is evident or the presumption
18 great that the defendant has committed a felony *or a battery that*
19 *constitutes domestic violence pursuant to NRS 33.018* during the
20 period of release, the defendant's bail may be revoked, after a
21 hearing, by the magistrate who allowed it or by any judge of the
22 court in which the original charge is pending. Pending such
23 revocation, the defendant may be held without bail by order of the
24 magistrate before whom the defendant is brought after an arrest
25 upon the second charge.



