

Amendment No. 348

Senate Amendment to Senate Bill No. 6	(BDR 3-394)
<b>Proposed by:</b> Senate Committee on Judiciary	
<b>Amends:</b> Summary: No Title: Yes Preamble: No Joint Sponsorship: No Digest: Yes	

ASSEMBLY ACTION			Initial and Date	SENATE ACTION			Initial and Date		
Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____	Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____
Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____	Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____
Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____	Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____

EXPLANATION: Matter in (1) *blue bold italics* is new language in the original bill; (2) variations of green bold underlining is language proposed to be added in this amendment; (3) ~~red strikethrough~~ is deleted language in the original bill; (4) ~~purple double strikethrough~~ is language proposed to be deleted in this amendment; (5) orange double underlining is deleted language in the original bill proposed to be retained in this amendment.





SENATE BILL NO. 6—COMMITTEE ON JUDICIARY

(ON BEHALF OF THE NEVADA SUPREME COURT)

PREFILED NOVEMBER 18, 2020

Referred to Committee on Judiciary

SUMMARY—Revises provisions governing orders for protection against high-risk behavior. (BDR 3-394)

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 public safety; ~~revising the persons authorized to file an application for an order for protection against high-risk behavior; renaming~~ **replacing the term** “ex parte order” ~~to “temporary”~~ **with “emergency order”**; making various changes relating to **applications for and** the issuance of orders for protection against high-risk behavior; revising the persons to whom an adverse party must surrender ~~his or her~~ firearms; requiring a court to order the return of any surrendered firearm of an adverse party upon the expiration of an extended order for protection against high-risk behavior; revising provisions relating to the dissolution of orders for protection against high-risk behavior; eliminating the requirement for a court clerk or designee to provide assistance to certain persons relating to such orders; and providing other matters properly relating thereto.

**Legislative Counsel’s Digest:**

~~Existing law authorizes a family or household member who reasonably believes, or a law enforcement officer who has probable cause to believe, that a person poses a risk of causing personal injury by having or purchasing a firearm, to file a verified application for an ex parte or extended order for protection against high-risk behavior. (NRS 33.560) Section 4 of this bill removes the ability of a family or household member to file an application for an ex parte or extended order for protection against high-risk behavior.~~

**Existing law establishes various provisions relating to ex parte and extended orders for protection against high-risk behavior. (NRS 33.500-33.670) Sections ~~1, 3, 7, 9, 10, 12-14 and 16-18~~ of this bill replace the term “ex parte order” with ~~“temporary”~~ “emergency order.” Section 19 of this bill requires the term changes to be construed as having the same meaning for judicial interpretations **that are rendered, issued or** entered before the effective date of this bill.**

**Existing law authorizes a family or household member who reasonably believes, or a law enforcement officer who has probable cause to believe, that a person poses a risk of causing personal injury to himself or herself or another person by possessing or purchasing a firearm, to file a verified application for an ex parte or extended order for**

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17 protection against high-risk behavior. (NRS 33.560) Section 4 of this bill requires: (1) an  
18 applicant to show that the person poses an imminent risk to the person or to others; and  
19 (2) removes the distinction between an application for an ex parte order and an  
20 application for an extended order, and instead requires the applicant to file a single  
21 application for an order for protection against high-risk behavior.

22 Existing law requires an application for an ex parte or extended order for protection  
23 to include: (1) the name of the person seeking the order; (2) the name and address, if  
24 known, of the adverse party; and (3) a detailed description of the conduct and acts  
25 constituting high-risk behavior. (NRS 33.560) In addition to the existing application  
26 requirements, section 4 requires the application to include any supplemental documents  
27 or information.

28 Section 1.3 of this bill establishes various procedures relating to hearings on an  
29 application for an order for protection against high-risk behavior. Section 1.3: (1)  
30 requires a hearing on the application to be held within 1 judicial day after the filing of  
31 the application; and (2) authorizes a court to issue an emergency order or an extended  
32 order under certain circumstances, to schedule a future hearing on the application  
33 under certain circumstances or to dismiss the application under certain circumstances.  
34 Section 1.3 also: (1) authorizes a court to hold a telephonic hearing on an application for  
35 an order for protection against high-risk behavior filed by a law enforcement officer; (2)  
36 requires the hearing to be held within 1 day after the filing of the application; and (3)  
37 establishes various requirements relating to recordings of the telephonic hearing. At any  
38 such telephonic hearing, section 1.3 prohibits a court from issuing an extended order.

39 If an emergency order was issued pursuant to section 1.3, section 1.5 of this bill: (1)  
40 provides that the emergency order expires not later than 7 days after the date of the  
41 filing of the application; and (2) requires the court to hold a hearing before the  
42 expiration of the emergency order to determine whether to issue an extended order,  
43 unless the emergency order is dissolved before such time. Section 1.5 provides that a  
44 court may extend the duration of an emergency order for a period not to exceed 7 days  
45 to effectuate service of the emergency order on the adverse party, or for good cause  
46 shown.

47 If a court schedules a future hearing pursuant to section 1.3, section 1.5: (1) requires  
48 the hearing to be scheduled within 7 days after the filing of the application; and (2)  
49 authorizes the court to issue an extended order at the scheduled hearing under certain  
50 circumstances.

51 If an extended order was issued at the hearing pursuant to section 1.3 or at the  
52 hearing pursuant to section 1.5, section 1.5 provides that the extended order expires not  
53 later than 1 year after the date of its issuance.

54 Existing law requires a court to issue an ex parte or extended order if the court under  
55 certain circumstances finds that: (1) the person poses an imminent risk of causing personal  
56 injury to himself or herself or another person by possessing or having under his or her custody  
57 or control or by purchasing or otherwise acquiring any firearm; (2) the person engaged in  
58 high-risk behavior; and (3) less restrictive options have been exhausted or are not effective.  
59 (NRS 33.570, 33.580) Sections 5 and 6 of this bill remove custody of a firearm from the list  
60 of factors a court may consider in finding whether a person poses an imminent risk ~~to himself~~  
61 ~~or herself~~ of causing a self-inflicted injury or injuring another person.

62 ~~Existing law requires a court to consider the facts from a verified application in~~  
63 ~~determining whether to grant an ex parte or extended order. (NRS 33.570, 33.580) Sections 5~~  
64 ~~and 6 authorize the court to consider any additional information presented to the court in~~  
65 ~~making such a determination. Section 5 removes the requirement in existing law that a court~~  
66 ~~hold a hearing on an ex parte order. (NRS 33.570)~~

67 ~~Additionally, existing law authorizes a court to hold a telephonic hearing on an ex parte~~  
68 ~~order under certain circumstances. Existing law requires that: (1) the telephonic hearing be~~  
69 ~~recorded, in the presence of a magistrate or within the vicinity of a magistrate, by a certified~~  
70 ~~court reporter or by electronic means; and (2) the recording of the telephonic hearing be~~  
71 ~~transcribed, certified by the court reporter, if applicable, and certified by the magistrate. (NRS~~  
72 ~~33.570) Section 5 removes the requirement that the recording of the telephonic hearing be~~  
73 ~~made in the presence or vicinity of a magistrate. Section 5 also: (1) authorizes a court to rule~~  
74 ~~on an application for a temporary order by telephone; and (2) requires the communications of~~  
75 ~~such a ruling to be recorded by a court reporter or contemporaneously recorded by alternative~~

76 means. Finally, section 5 requires a judicial officer, not a magistrate, to certify the transcript  
77 of the telephonic determination.

78 ~~Section 5 also authorizes a court to issue an extended order, in lieu of determining~~  
79 ~~whether to issue a temporary order, if: (1) the application for the extended order was filed~~  
80 ~~before the determination on the application for the temporary order; (2) proper notice was~~  
81 ~~afforded to the adverse party; and (3) the court holds a hearing on the application for the~~  
82 ~~extended order. Section 15 of this bill makes a conforming change to authorize a court to~~  
83 ~~receive certain communications and for the issuance of such an order outside normal business~~  
84 ~~hours.]~~

85 Existing law requires an adverse party to surrender his or her firearm after an ex parte or  
86 extended order is issued by a court to: (1) a law enforcement agency designated by the court  
87 in the order; or (2) a person, who does not reside with the adverse party, designated by the  
88 court in the order. (NRS 33.600) **Section 8** of this bill requires any firearm in the possession  
89 or control of the adverse party to be surrendered to : (1) a law enforcement agency  
90 designated by the court, if the application was filed by a family or household member; or  
91 (2) the law enforcement agency of the officer who filed the application for the temporary or  
92 extended order.

93 Existing law requires the law enforcement agency holding any surrendered firearm to  
94 provide the adverse party with a receipt which includes a description of each firearm being  
95 held by the law enforcement agency. Existing law requires the adverse party to provide the  
96 original receipt to the court within 72 hours or 1 business day, whichever is later, after  
97 surrendering any such firearm. (NRS 33.600) **Section 8** instead requires the adverse party to  
98 provide the original receipt to the court within 1 business day after the surrender of any  
99 firearm.

100 ~~[Existing law provides that: (1) an ex parte order expires after 7 days, or if an extended~~  
101 ~~order is filed within the period of an ex parte order, the ex parte order remains in effect until~~  
102 ~~the hearing on the extended order is held; and (2) an extended order expires after 1 year. (NRS~~  
103 ~~33.640)]~~ Existing law requires a law enforcement agency to return any surrendered firearm  
104 not later than 14 days after the dissolution or expiration of an ex parte or extended order for  
105 protection. (NRS 33.600) **Section 11** of this bill requires the court to: (1) issue an order for the  
106 return of any surrendered firearm of the adverse party upon the expiration or dissolution of an  
107 extended order; and (2) provide a copy of the order to the adverse party and the law  
108 enforcement agency holding the surrendered firearm. **Section 8** requires a law enforcement  
109 agency to return any surrendered firearm to the adverse party not later than 30 days after: (1)  
110 the dissolution or expiration of ~~the~~ an emergency order; or (2) receiving an order  
111 from the court to return any firearm surrendered pursuant to an extended order.

112 Existing law requires a court to dissolve an ex parte or extended order for protection if all  
113 parties agree to the dissolution of the order, upon a finding of good cause. (NRS 33.640)  
114 **Section 11** instead requires the court to dissolve ~~the~~ an emergency or extended order if all  
115 parties stipulate to the dissolution, upon a finding of good cause.

116 **Section 20** of this bill eliminates the requirement in existing law that the clerk of a court  
117 or another person designated by the court: (1) provide certain information to an adverse party  
118 or a family or household member who files a verified application for an ex parte or extended  
119 order; and (2) assist any person in filing an application, response or certain other documents  
120 related to an ex parte or extended order. (NRS 33.610)

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

1 Section 1. Chapter 33 of NRS is hereby amended by adding thereto the  
2 provisions set forth as sections 1.3 and 1.5 of this act.

3 Sec. 1.3. 1. Except as otherwise provided in subsection 2, a court shall  
4 hold a hearing in open court to review a verified application filed pursuant to  
5 NRS 33.560 not later than 1 judicial day after its filing by the applicant. At the  
6 hearing the court may:

1 (a) Regardless of whether notice and an opportunity to be heard has been  
2 provided to the adverse party:

3 (1) Issue an emergency order pursuant to NRS 33.570; or

4 (2) Decline to issue an emergency order, in which case, the court must:

5 (I) Schedule a hearing in accordance with section 1.5 of this act; or

6 (II) If the applicant so requests, dismiss the verified application.

7 (b) If notice and an opportunity to be heard has been provided to the adverse  
8 party:

9 (1) Issue an extended order pursuant to NRS 33.580; or

10 (2) Dismiss the verified application.

11 2. If the verified application was filed by a law enforcement officer, the  
12 court may hold a telephonic hearing to review the verified application not later  
13 than 1 day after the filing of the application. At the telephonic hearing, the court:

14 (a) May not issue an extended order pursuant to NRS 33.580.

15 (b) May, regardless of whether notice and an opportunity to be heard has  
16 been provided to the adverse party:

17 (1) Issue an emergency order pursuant to NRS 33.570; or

18 (2) Decline to issue the emergency order, in which case, the court must:

19 (I) Schedule a hearing in accordance with section 1.5 of this act; or

20 (II) If the law enforcement agency so requests, dismiss the verified  
21 application.

22 3. The telephonic hearing described in subsection 2 must be recorded  
23 contemporaneously by a certified court reporter or by electronic means. After the  
24 hearing, the recording must be transcribed, certified by a judicial officer and filed  
25 with the clerk of court.

26 4. In a county whose population is 100,000 or more, the court shall be  
27 available 24 hours a day, 7 days a week, including nonjudicial days and holidays,  
28 to conduct telephonic hearings pursuant to subsection 2.

29 5. In a county whose population is less than 100,000, the court may be  
30 available 24 hours a day, 7 days a week, including nonjudicial days and holidays,  
31 to conduct telephonic hearings pursuant to subsection 2.

32 Sec. 1.5. 1. If a court issues an emergency order at a hearing described in  
33 section 1.3 of this act:

34 (a) The emergency order expires within such time, as the court fixes, not to  
35 exceed 7 calendar days from the date that the verified application was filed by the  
36 applicant pursuant to NRS 33.560; and

37 (b) Unless the emergency order is dissolved pursuant to NRS 33.640, the  
38 court shall, not later than the day that the emergency order expires, hold a  
39 hearing to determine whether to:

40 (1) Issue an extended order pursuant to NRS 33.580; or

41 (2) Dismiss the verified application.

42 2. If the court declines to issue an emergency order at the hearing described  
43 in section 1.3 of this act, the court shall, not later than 7 calendar days after the  
44 filing of the verified application pursuant to NRS 33.560, schedule a hearing to  
45 determine whether to:

46 (a) Issue an extended order pursuant to NRS 33.580; or

47 (b) Dismiss the verified application.

48 3. If a court issues an extended order at the hearing described in this  
49 section or at the hearing described in subsection 1 of section 1.3 of this act, the  
50 extended order expires within such time, not to exceed 1 year, as the court fixes.

51 4. In order for service of an emergency order to be effectuated pursuant to  
52 NRS 33.620 or for good cause shown, the court may extend the duration of an

1 emergency order for a period not to exceed 7 days. Notice of any such extension  
2 must be served on the adverse party by a law enforcement agency.

3 ~~{Section 1.7}~~ **Sec. 1.7.** NRS 33.095 is hereby amended to read as follows:

4 33.095 1. Any time that a court issues a temporary or extended order and  
5 any time that a person serves such an order, registers such an order, registers a  
6 Canadian domestic-violence protection order or receives any information or takes  
7 any other action pursuant to NRS 33.017 to 33.100, inclusive, or NRS 33.110 to  
8 33.158, inclusive, the person shall cause to be transmitted, in the manner prescribed  
9 by the Central Repository for Nevada Records of Criminal History, any information  
10 required by the Central Repository in a manner which ensures that the information  
11 is received by the Central Repository by the end of the next business day.

12 2. Any time that a court issues an ~~ex parte~~ ~~a temporary~~ emergency or  
13 extended order pursuant to NRS 33.570 or 33.580, the court shall cause to be  
14 transmitted, in the manner prescribed by the Central Repository for Nevada  
15 Records of Criminal History, any information required by the Central Repository in  
16 a manner which ensures that the information is received by the Central Repository  
17 by the end of the next business day.

18 3. As used in this section, "Canadian domestic-violence protection order" has  
19 the meaning ascribed to it in NRS 33.119.

20 **Sec. 2.** NRS 33.500 is hereby amended to read as follows:

21 33.500 As used in NRS 33.500 to 33.670, inclusive, and sections 1.3 and 1.5  
22 of this act, unless the context otherwise requires, the words and terms defined in  
23 NRS 33.510 to 33.540, inclusive, ~~{33.520 and 33.530}~~ have the meanings ascribed  
24 to them in those sections.

25 **Sec. 3.** NRS 33.520 is hereby amended to read as follows:

26 33.520 ~~{“Ex parte “Temporary” “Emergency” order}~~ means an ~~ex parte~~ ~~a~~  
27 temporary emergency order for protection against high-risk behavior.

28 **Sec. 4.** NRS 33.560 is hereby amended to read as follows:

29 33.560 1. A law enforcement officer who has probable cause to believe that  
30 a person poses ~~{a}~~ an imminent risk of causing a self-inflicted injury or a personal  
31 injury to ~~{himself or herself or}~~ another person by possessing ~~{for having under his~~  
32 ~~or her custody or control or by}~~ , controlling, purchasing or otherwise acquiring any  
33 any firearm may file a verified application for an ~~ex parte~~ ~~a temporary~~ or  
34 extended order ~~{}~~ for protection against high-risk behavior.

35 2. A family or household member who reasonably believes that a person  
36 poses ~~{a}~~ an imminent risk of causing a self-inflicted injury or a personal injury to  
37 ~~{himself or herself or}~~ another person by possessing ~~{for having under his or her~~  
38 custody or control or by} controlling, purchasing or otherwise acquiring any  
39 firearm may file a verified application for an ~~ex parte~~ or extended order.} order for  
40 protection against high-risk behavior.

41 3. A verified application filed pursuant to this section must include, without  
42 limitation:

43 (a) The name of the person seeking the order ~~{and whether he or she is~~  
44 ~~requesting an ex parte a temporary order or an extended order.}~~ for protection  
45 against high-risk behavior;

46 (b) The name and address, if known, of the person who is alleged to pose ~~{a}~~  
47 an imminent risk pursuant to subsection 1 ~~{}~~ or 2; ~~{and}~~

48 (c) A detailed description of the conduct and acts that constitute high-risk  
49 behavior and the dates on which the high-risk behavior occurred ~~{}~~ ; and

50 (d) Any supplemental documents or information.

51 4. ~~{Service of}~~ An applicant is not required to serve, or have served on its  
52 behalf, an application for an ~~extended~~ order for protection against high-risk  
53 behavior and ~~{the}~~ notice of the hearing ~~{thereon must be served upon the adverse~~

1 ~~party pursuant to the Nevada Rules of Civil Procedure.] described in section 1.3 of~~  
 2 ~~this act, but an applicant who is a law enforcement officer may in the discretion~~  
 3 ~~of the officer serve the verified application and notice of the hearing on the~~  
 4 ~~adverse party.~~

5 **Sec. 5.** NRS 33.570 is hereby amended to read as follows:

6 33.570 1. ~~The [Except as otherwise provided in subsection 4, the]~~ court  
 7 shall issue an [ex parte a temporary] emergency order if the court finds by a  
 8 preponderance of the evidence from facts shown by a verified application filed  
 9 pursuant to NRS 33.560 ; ~~[and any additional information provided to the court.]~~

10 (a) That a person poses an imminent risk of causing a self-inflicted injury or a  
 11 personal injury to [himself or herself or] another person by possessing [or having  
 12 under his or her custody or control or by] , **controlling**, purchasing or otherwise  
 13 acquiring any firearm;

14 (b) The person engaged in high-risk behavior; and

15 (c) Less restrictive options have been exhausted or are not effective.

16 2. The court may require the person who filed the verified application or the  
 17 adverse party, or both, to appear before the court before determining whether to  
 18 issue an [ex parte a temporary] emergency order.

19 3. An [ex parte a temporary] emergency order may be issued with or without  
 20 notice to the adverse party.

21 4. ~~[Except as otherwise provided in this subsection, a hearing must not be~~  
 22 ~~held by telephone. If an application for an extended order is filed before a~~  
 23 ~~determination is made by the court on an application for a temporary order that~~  
 24 ~~concerns the same adverse party, the court may issue an extended order pursuant~~  
 25 ~~to NRS 33.580 in lieu of determining whether to issue the temporary order if~~  
 26 ~~notice was provided to the adverse party and a hearing is hold on the application~~  
 27 ~~for the extended order.~~

28 ~~5. The court shall hold a hearing on the ex parte order and shall issue or deny~~  
 29 ~~the ex parte temporary order on the verified application is filed or the judicial day~~  
 30 ~~immediately following the day the verified application is filed. If the verified~~  
 31 ~~application is filed by a law enforcement officer, the~~

32 ~~6. The court may hold the hearing rule on the ex parte application for a~~  
 33 ~~temporary order by telephone, the communications of which must be recorded in~~  
 34 ~~the presence of the magistrate or in the immediate vicinity of the magistrate by a~~  
 35 ~~certified court reporter or recorded contemporaneously by electronic alternative~~  
 36 ~~means. Any such recording must be transcribed, certified by the reporter if the~~  
 37 ~~reporter made the recording and certified by the magistrate, a judicial officer. The~~  
 38 ~~certified transcript must be filed with the clerk of the court.~~

39 ~~5. 7. In a county whose population is 100,000 or more, the court shall be~~  
 40 ~~available 24 hours a day, 7 days a week, including nonjudicial days and holidays, to~~  
 41 ~~receive communications by telephone and for the issuance of an ex parte a~~  
 42 ~~temporary order pursuant to subsection 4. 6.~~

43 ~~6. 8. In a county whose population is less than 100,000, the court may be~~  
 44 ~~available 24 hours a day, 7 days a week, including nonjudicial days and holidays, to~~  
 45 ~~receive communications by telephone and for the issuance of an ex parte a~~  
 46 ~~temporary order pursuant to subsection 4. 6.~~

47 ~~7. 9.]~~ The clerk of the court shall inform the applicant and the adverse party  
 48 upon the successful transfer of information concerning the registration to the  
 49 Central Repository for Nevada Records of Criminal History as required pursuant to  
 50 NRS 33.095.

**Sec. 6.** NRS 33.580 is hereby amended to read as follows:

33.580 1. The court shall issue an extended order if the court finds by clear and convincing evidence from facts shown by a verified application filed pursuant to NRS 33.560 ~~;~~ ~~[and any additional information provided to the court.]~~

(a) That a person poses ~~[-]~~ an imminent risk of causing a self-inflicted injury or a personal injury to ~~[himself or herself or]~~ another person by possessing ~~[or having under his or her custody or control or by]~~, controlling, purchasing or otherwise acquiring any firearm;

(b) The person engaged in high-risk behavior; and

(c) Less restrictive options have been exhausted or are not effective.

2. ~~[A hearing on an application for an extended order must be held within 7 calendar days after the date on which the application for the extended order is filed. — 2.]~~

The clerk of the court shall inform the applicant and the adverse party upon the successful transfer of information concerning the registration to the Central Repository for Nevada Records of Criminal History as required pursuant to NRS 33.095.

**Sec. 7.** NRS 33.590 is hereby amended to read as follows:

33.590 Each ~~[ex parte temporary]~~ emergency or extended order issued pursuant to NRS 33.570 or 33.580 must:

1. Require the adverse party to surrender any firearm that is in [his or her] the possession ~~[or under his or her custody]~~ or control of the adverse party in the manner set forth in NRS 33.600.

2. Prohibit the adverse party from possessing or ~~[having under his or her custody or control]~~ controlling any firearm while the order is in effect.

3. Include a provision ordering any law enforcement officer to arrest the adverse party with a warrant, or without a warrant if the officer has probable cause to believe that the person has been served with a copy of the order and has violated a provision of the order.

4. State the reasons for the issuance of the order.

5. Include instructions for surrendering any firearm as ordered by the court.

6. State the time and date on which the order expires.

7. Require the adverse party to surrender any permit issued pursuant to NRS 202.3657.

8. Include the following statement:

**WARNING**

This is an official court order. If you disobey this order, you may be arrested and prosecuted for the crime of violating an [ex parte a temporary] emergency or extended order and any other crime that you may have committed in disobeying this order.

**Sec. 8.** NRS 33.600 is hereby amended to read as follows:

33.600 1. After a court orders an adverse party to surrender any firearm pursuant to NRS 33.590, the adverse party shall, immediately after service of the order ~~[-]~~

~~— (a) Surrender —] surrender~~ any firearm that is in [his or her] the possession or ~~[under his or her custody or]~~ control of the adverse party to ~~[the appropriate] ;~~

~~— (a) The~~ law enforcement agency designated by the court in the order [-] or

~~— (b) Surrender any firearm in his or her possession or under his or her custody or control to a person, other than a person who resides with the adverse party, designated by the court in the order.] , if the verified application pursuant to NRS 33.560 was filed by a family or household member; or~~

1 *(b) The law enforcement agency of the law enforcement officer who filed the*  
2 *verified application* ~~[-]~~ *pursuant to NRS 33.560.*

3 2. ~~[-]~~ *At the time any*  
4 *firearm is surrendered,* the law enforcement agency shall provide the adverse party  
5 with a receipt which includes a description of each firearm surrendered and the  
6 adverse party shall, not later than ~~[-]~~ *72 hours or* 1 business day ~~[-]~~ *whichever is later,*  
7 after surrendering any such firearm, provide the original receipt to the court. The  
8 law enforcement agency shall store any such firearm or may contract with a  
9 licensed firearm dealer to provide storage.

10 3. ~~[-]~~ *If the court orders the adverse party to surrender any firearm to a person*  
11 *designated by the court pursuant to paragraph (b) of subsection 1, the adverse party*  
12 *shall, not later than 72 hours or 1 business day, whichever is later, after*  
13 *surrendering any such firearm, provide to the court and the appropriate law*  
14 *enforcement agency the name and address of the person designated in the order and*  
15 *a written description of each firearm surrendered.*

16 ~~[-]~~ *4.* If there is probable cause to believe that the adverse party has not  
17 surrendered any firearm *that is in* ~~[-]~~ *the* possession or ~~[-]~~ *under his or her*  
18 *custody or* control ~~[-]~~ *of the adverse party,* any law enforcement officer *may apply*  
19 *to the court for* a search warrant which authorizes the officer to enter and search  
20 any place where there is probable cause to believe any such firearm is located and  
21 seize the firearm.

22 ~~[-]~~ *4.* If, while executing a search warrant pursuant to subsection ~~[-]~~ *3,* the  
23 health or safety of the officer or the adverse party is put at risk because of any  
24 action of the adverse party, the law enforcement officer is under no duty to continue  
25 to attempt to execute the search warrant and the execution of the warrant shall be  
26 deemed unsuccessful. If such execution is unsuccessful, the law enforcement  
27 agency shall, as soon as practicable after the risk has subsided, attempt to execute  
28 the search warrant until the search warrant is successfully executed.

29 ~~[-]~~ *5.* A law enforcement agency shall return any surrendered or seized  
30 firearm to the adverse party:

31 (a) In the manner provided by the policies and procedures of the law  
32 enforcement agency;

33 (b) After confirming that:

34 (1) The adverse party is eligible to own or possess a firearm under state  
35 and federal law; and

36 (2) Any ~~[-]~~ *emergency* order issued pursuant  
37 to NRS 33.570 ~~[-]~~ *is dissolved or no longer in effect* ~~[-]~~ *or a court has*  
38 *issued an order to return the surrendered firearms pursuant to NRS 33.640, as*  
39 *applicable;* and

40 (c) As soon as practicable but not more than ~~[-]~~ *30* days after the dissolution  
41 *or expiration* of ~~[-]~~ *the* *emergency* order ~~[-]~~  
42 *or receiving the order to return the surrendered firearms pursuant to NRS*  
43 *33.640, as applicable.*

44 6. If a person other than the adverse party claims title to any firearm  
45 surrendered or seized pursuant to this section and ~~[-]~~ *the person*  
46 is determined by the law enforcement agency to be the lawful owner, the firearm must  
47 be returned to ~~[-]~~ *the lawful owner,* if:

48 (a) The lawful owner agrees to store the firearm in a manner such that the  
49 adverse party does not have access to or control of the firearm; and

50 (b) The law enforcement agency determines that:  
51  
52

1 (1) The firearm is not otherwise unlawfully possessed by the lawful owner;  
2 and

3 (2) The person is eligible to own or possess a firearm under state or federal  
4 law.

5 ~~[8.]~~ 7. As used in this section, “licensed firearm dealer” means a person  
6 licensed pursuant to 18 U.S.C. § 923(a).

7 **Sec. 9.** NRS 33.620 is hereby amended to read as follows:

8 33.620 1. The court shall transmit, by the end of the next business day after  
9 an ~~[ex parte a temporary]~~ emergency or extended order is issued or renewed, a  
10 copy of the order to the appropriate law enforcement agency.

11 2. ~~[The]~~ Unless the adverse party is present at the hearing described in  
12 section 1.3 of this act to receive the date of the hearing described in section 1.5 of  
13 this act in which the court will determine whether to issue an extended order, the  
14 court shall order the appropriate law enforcement agency to serve, without charge,  
15 the adverse party personally with the ~~[ex parte temporary or extended]~~ emergency  
16 order and ~~[the]~~ notice of the hearing described in section 1.5 of this act.

17 3. The court shall order the appropriate law enforcement agency to serve,  
18 without charge, the adverse party personally with the extended order.

19 4. The law enforcement agency shall file with or mail to the clerk of the  
20 court proof of service of the emergency order pursuant to subsection 2 or the  
21 extended order pursuant to subsection 3 by the end of the next business day after  
22 service is made.

23 ~~[2.]~~ 5. If, while attempting to serve the adverse party personally pursuant to  
24 subsection 2 ~~[.]~~ or 3, the health or safety of the officer or the adverse party is put at  
25 risk because of any action of the adverse party, the law enforcement officer is under  
26 no duty to continue to attempt to serve the adverse party personally and the service  
27 shall be deemed unsuccessful. If such service is unsuccessful, the law enforcement  
28 agency shall, as soon as practicable after the risk has subsided, attempt to serve the  
29 adverse party personally until the ~~[ex parte temporary]~~ emergency or extended  
30 order is successfully served.

31 ~~[4.]~~ 6. A law enforcement agency shall enforce an ~~[ex parte a temporary]~~  
32 emergency or extended order without regard to the county in which the order was  
33 issued.

34 ~~[5.]~~ 7. The clerk of the court shall issue, without fee, a copy of the ~~[ex parte~~  
35 temporary] emergency or extended order to any family or household member or  
36 law enforcement officer who files a verified application pursuant to NRS 33.560 or  
37 the adverse party.

38 **Sec. 10.** NRS 33.630 is hereby amended to read as follows:

39 33.630 1. Whether or not a violation of an ~~[ex parte a temporary]~~  
40 emergency or extended order occurs in the presence of a law enforcement officer,  
41 the officer may arrest and take into custody an adverse party:

42 (a) With a warrant; or

43 (b) Without a warrant if the officer has probable cause to believe that:

44 (1) An order has been issued pursuant to NRS 33.570 or 33.580 against the  
45 adverse party;

46 (2) The adverse party has been served with a copy of the order; and

47 (3) The adverse party is acting in violation of the order.

48 2. If a law enforcement officer cannot verify that the adverse party was served  
49 with a copy of the application and ~~[ex parte temporary]~~ emergency or extended  
50 order, the officer shall:

51 (a) Inform the adverse party of the specific terms and conditions of the order;

1 (b) Inform the adverse party that ~~he or she~~ the adverse party has notice of the  
 2 provisions of the order and that a violation of the order will result in his or her  
 3 arrest;

4 (c) Inform the adverse party of the location of the court that issued the original  
 5 order and the hours during which the adverse party may obtain a copy of the order;  
 6 and

7 (d) Inform the adverse party of the date and time set for a hearing on an  
 8 application for ~~an ex parte a temporary~~ emergency or extended order, if any.

9 3. Information concerning the terms and conditions of the ~~ex parte~~  
 10 ~~temporary~~ emergency or extended order, the date and time of any notice provided  
 11 to the adverse party and the name and identifying number of the law enforcement  
 12 officer who gave the notice must be provided in writing to the applicant and noted  
 13 in the records of the law enforcement agency and the court.

14 **Sec. 11.** NRS 33.640 is hereby amended to read as follows:

15 33.640 1. ~~{An ex parte a temporary order expires within such time, not to~~  
 16 ~~exceed 7 days, as the court fixes. If a verified application for an extended order is~~  
 17 ~~filed within the period of an ex parte a temporary order or at the same time as an~~  
 18 ~~application for an ex parte a temporary order pursuant to NRS 33.560, the ex parte~~  
 19 ~~temporary order remains in effect until the hearing on the extended order is held.~~

20 ~~— 2. An extended order expires within such time, not to exceed 1 year, as the~~  
 21 ~~court fixes.~~

22 ~~— 3.} The family or household member or law enforcement officer who filed the  
 23 verified application pursuant to NRS 33.560 or the adverse party may request in  
 24 writing to appear and move for the dissolution of ~~an ex parte a temporary~~  
 25 emergency or extended order. Upon a finding by clear and convincing evidence  
 26 that the adverse party no longer poses ~~{a}~~ an imminent risk of causing a self-  
 27 inflicted injury or a personal injury to ~~{himself or herself or}~~ another person by  
 28 possessing ~~{or having under his or her custody or control or by}~~ , controlling,  
 29 purchasing or otherwise acquiring any firearm, the court shall dissolve the order. If  
 30 ~~{the court finds that}~~ all parties ~~{agree}~~ stipulate to dissolve the order, the court  
 31 shall dissolve the order upon a finding of good cause.~~

32 ~~{4}~~ 2. Upon the expiration or dissolution of an extended order, the court  
 33 shall:

34 (a) Order the return of any firearm surrendered by the adverse party; and

35 (b) Provide a copy of the order to:

36 (1) The adverse party; and

37 (2) The law enforcement agency holding any such surrendered firearm.

38 ~~{5}~~ 3. Not less than 3 months before the expiration of an extended order and  
 39 upon petition by a family or household member or law enforcement officer, the  
 40 court may, after notice and a hearing, renew an extended order upon a finding by  
 41 clear and convincing evidence. Such an order expires within a period, not to exceed  
 42 1 year, as the court fixes.

43 **Sec. 12.** NRS 33.650 is hereby amended to read as follows:

44 33.650 1. Any time that a court issues ~~an ex parte a temporary~~ emergency  
 45 or extended order or renews an extended order and any time that a person serves  
 46 such an order or receives any information or takes any other action pursuant to NRS  
 47 33.500 to 33.670, inclusive, the person shall, by the end of the next business day:

48 (a) Cause to be transmitted, in the manner prescribed by the Central Repository  
 49 for Nevada Records of Criminal History, any information required by the Central  
 50 Repository in a manner which ensures that the information is received by the  
 51 Central Repository; and

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

1           2. If the Central Repository for Nevada Records of Criminal History receives  
2 any information described in subsection 1, the adverse party may petition the court  
3 for an order declaring that the basis for the information transmitted no longer exists.

4           3. A petition brought pursuant to subsection 2 must be filed in the court which  
5 issued the ~~ex parte temporary~~ emergency or extended order.

6           4. The court shall grant the petition and issue the order described in  
7 subsection 2 if the court finds that the basis for the ~~ex parte temporary~~ emergency  
8 or extended order no longer exists.

9           5. The court, upon granting the petition and entering an order pursuant to this  
10 section, shall cause, on a form prescribed by the Department of Public Safety, a  
11 record of the order to be transmitted to the Central Repository for Nevada Records  
12 of Criminal History.

13           6. Within 5 business days after receiving a record of an order transmitted  
14 pursuant to subsection 5, the Central Repository for Nevada Records of Criminal  
15 History shall take reasonable steps to ensure that the information concerning the  
16 adverse party is removed from the Central Repository.

17           7. If the Central Repository for Nevada Records of Criminal History fails to  
18 remove the information as provided in subsection 6, the adverse party may bring an  
19 action to compel the removal of the information. If the adverse party prevails in the  
20 action, the court may award the adverse party reasonable attorney's fees and costs  
21 incurred in bringing the action.

22           8. If a petition brought pursuant to subsection 2 is denied, the adverse party  
23 may petition for a rehearing not sooner than 2 years after the date of the denial of  
24 the petition.

25           **Sec. 13.** NRS 33.660 is hereby amended to read as follows:

26           33.660 1. A person shall not file a verified application for ~~an ex parte a~~  
27 temporary emergency or extended order:

28           (a) Which ~~he or she~~ the person knows or has reason to know is false or  
29 misleading; or

30           (b) With the intent to harass the adverse party.

31           2. A person who violates the provisions of subsection 1 is guilty of a  
32 misdemeanor.

33           **Sec. 14.** NRS 33.670 is hereby amended to read as follows:

34           33.670 A person who intentionally violates ~~an ex parte a temporary~~  
35 emergency or extended order is, unless a more severe penalty is prescribed by law  
36 for the act that constitutes the violation of the order, guilty of a misdemeanor.

37           **Sec. 15.** NRS 1.130 is hereby amended to read as follows:

38           1.130 1. No court except a justice court or a municipal court shall be opened  
39 nor shall any judicial business be transacted except by a justice court or municipal  
40 court on Sunday, or on any day declared to be a legal holiday according to the  
41 provisions of NRS 236.015, except for the following purposes:

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

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

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

47           (d) To receive communications by telephone and for the issuance of:

48           (1) A temporary order pursuant to subsection 8 of NRS 33.020; or

49           (2) ~~An ex parte A temporary~~ emergency order for protection against  
50 high-risk behavior pursuant to NRS 33.570 ~~for an extended order for protection~~  
51 ~~against high-risk behavior pursuant to NRS 33.580 that is issued in the manner~~  
52 ~~described in subsection 4 of NRS 33.570.]~~

1 (e) For the issue of a writ of attachment, which may be issued on each and all  
2 of the days above enumerated upon the plaintiff, or some person on behalf of the  
3 plaintiff, setting forth in the affidavit required by law for obtaining the writ the  
4 additional averment as follows:  
5

6 That the affiant has good reason to believe, and does believe, that it will  
7 be too late for the purpose of acquiring a lien by the writ to wait until  
8 subsequent day for the issuance of the same.  
9

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

14 2. Nothing herein contained shall affect private transactions of any nature  
15 whatsoever.

16 **Sec. 16.** NRS 4.370 is hereby amended to read as follows:

17 4.370 1. Except as otherwise provided in subsection 2, justice courts have  
18 jurisdiction of the following civil actions and proceedings and no others except as  
19 otherwise provided by specific statute:

20 (a) In actions arising on contract for the recovery of money only, if the sum  
21 claimed, exclusive of interest, does not exceed \$15,000.

22 (b) In actions for damages for injury to the person, or for taking, detaining or  
23 injuring personal property, or for injury to real property where no issue is raised by  
24 the verified answer of the defendant involving the title to or boundaries of the real  
25 property, if the damage claimed does not exceed \$15,000.

26 (c) Except as otherwise provided in paragraph (1), in actions for a fine, penalty  
27 or forfeiture not exceeding \$15,000, given by statute or the ordinance of a county,  
28 city or town, where no issue is raised by the answer involving the legality of any  
29 tax, impost, assessment, toll or municipal fine.

30 (d) In actions upon bonds or undertakings conditioned for the payment of  
31 money, if the sum claimed does not exceed \$15,000, though the penalty may  
32 exceed that sum. Bail bonds and other undertakings posted in criminal matters may  
33 be forfeited regardless of amount.

34 (e) In actions to recover the possession of personal property, if the value of the  
35 property does not exceed \$15,000.

36 (f) To take and enter judgment on the confession of a defendant, when the  
37 amount confessed, exclusive of interest, does not exceed \$15,000.

38 (g) Of actions for the possession of lands and tenements where the relation of  
39 landlord and tenant exists, when damages claimed do not exceed \$15,000 or when  
40 no damages are claimed.

41 (h) Of actions when the possession of lands and tenements has been unlawfully  
42 or fraudulently obtained or withheld, when damages claimed do not exceed \$15,000  
43 or when no damages are claimed.

44 (i) Of suits for the collection of taxes, where the amount of the tax sued for  
45 does not exceed \$15,000.

46 (j) Of actions for the enforcement of mechanics' liens, where the amount of the  
47 lien sought to be enforced, exclusive of interest, does not exceed \$15,000.

48 (k) Of actions for the enforcement of liens of owners of facilities for storage,  
49 where the amount of the lien sought to be enforced, exclusive of interest, does not  
50 exceed \$15,000.

51 (l) In actions for a fine imposed for a violation of NRS 484D.680.

52 (m) Except as otherwise provided in this paragraph, in any action for the  
53 issuance of a temporary or extended order for protection against domestic violence

1 pursuant to NRS 33.020. A justice court does not have jurisdiction in an action for  
2 the issuance of a temporary or extended order for protection against domestic  
3 violence:

4 (1) In a county whose population is 100,000 or more and less than  
5 700,000;

6 (2) In any township whose population is 100,000 or more located within a  
7 county whose population is 700,000 or more; or

8 (3) If a district court issues a written order to the justice court requiring that  
9 further proceedings relating to the action for the issuance of the order for protection  
10 be conducted before the district court.

11 (n) Except as otherwise provided in this paragraph, in any action for the  
12 issuance of ~~an ex parte a temporary~~ emergency or extended order for protection  
13 against high-risk behavior pursuant to NRS 33.570 or 33.580. A justice court does  
14 not have jurisdiction in an action for the issuance of ~~an ex parte a temporary~~  
15 emergency or extended order for protection against high-risk behavior:

16 (1) In a county whose population is 100,000 or more but less than 700,000;

17 (2) In any township whose population is 100,000 or more located within a  
18 county whose population is 700,000 or more; or

19 (3) If a district court issues a written order to the justice court requiring that  
20 further proceedings relating to the action for the issuance of the order for protection  
21 be conducted before the district court.

22 (o) In an action for the issuance of a temporary or extended order for protection  
23 against harassment in the workplace pursuant to NRS 33.200 to 33.360, inclusive.

24 (p) In small claims actions under the provisions of chapter 73 of NRS.

25 (q) In actions to contest the validity of liens on mobile homes or manufactured  
26 homes.

27 (r) In any action pursuant to NRS 200.591 for the issuance of a protective order  
28 against a person alleged to be committing the crime of stalking, aggravated stalking  
29 or harassment.

30 (s) In any action pursuant to NRS 200.378 for the issuance of a protective  
31 order against a person alleged to have committed the crime of sexual assault.

32 (t) In actions transferred from the district court pursuant to NRS 3.221.

33 (u) In any action for the issuance of a temporary or extended order pursuant to  
34 NRS 33.400.

35 (v) In any action seeking an order pursuant to NRS 441A.195.

36 2. The jurisdiction conferred by this section does not extend to civil actions,  
37 other than for forcible entry or detainer, in which the title of real property or mining  
38 claims or questions affecting the boundaries of land are involved.

39 3. Justice courts have jurisdiction of all misdemeanors and no other criminal  
40 offenses except as otherwise provided by specific statute. Upon approval of the  
41 district court, a justice court may transfer original jurisdiction of a misdemeanor to  
42 the district court for the purpose of assigning an offender to a program established  
43 pursuant to NRS 176A.250 or, if the justice court has not established a program  
44 pursuant to NRS 176A.280, to a program established pursuant to that section.

45 4. Except as otherwise provided in subsections 5 and 6, in criminal cases the  
46 jurisdiction of justices of the peace extends to the limits of their respective counties.

47 5. In the case of any arrest made by a member of the Nevada Highway Patrol,  
48 the jurisdiction of the justices of the peace extends to the limits of their respective  
49 counties and to the limits of all counties which have common boundaries with their  
50 respective counties.

51 6. Each justice court has jurisdiction of any violation of a regulation  
52 governing vehicular traffic on an airport within the township in which the court is  
53 established.

1       **Sec. 17.** NRS 193.166 is hereby amended to read as follows:

2       193.166 1. Except as otherwise provided in NRS 193.169, a person who  
3 commits a crime that is punishable as a felony, other than a crime that is punishable  
4 as a felony pursuant to subsection 6 of NRS 33.400, subsection 5 of NRS 200.378  
5 or subsection 5 of NRS 200.591, in violation of:

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

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

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

12       (d) ~~An *ex parte* temporary~~ emergency or extended order for protection  
13 against high-risk behavior issued pursuant to NRS 33.570 or 33.580;

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

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

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

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

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

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

29       (b) The criminal history of the person;

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

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

32       (e) Any other relevant information.

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

36       3. The sentence prescribed by this section:

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

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

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

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

49       **Sec. 18.** NRS 202.3657 is hereby amended to read as follows:

50       202.3657 1. Any person who is a resident of this State may apply to the  
51 sheriff of the county in which he or she resides for a permit on a form prescribed by  
52 regulation of the Department. Any person who is not a resident of this State may  
53 apply to the sheriff of any county in this State for a permit on a form prescribed by

1 regulation of the Department. Application forms for permits must be furnished by  
2 the sheriff of each county upon request.

3 2. A person applying for a permit may submit one application and obtain one  
4 permit to carry all handguns owned by the person. The person must not be required  
5 to list and identify on the application each handgun owned by the person. A permit  
6 is valid for any handgun which is owned or thereafter obtained by the person to  
7 whom the permit is issued.

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

12 (a) Is:

13 (1) Twenty-one years of age or older; or

14 (2) At least 18 years of age but less than 21 years of age if the person:

15 (I) Is a member of the Armed Forces of the United States, a reserve  
16 component thereof or the National Guard; or

17 (II) Was discharged or released from service in the Armed Forces of  
18 the United States, a reserve component thereof or the National Guard under  
19 honorable conditions;

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

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

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

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

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

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

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

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

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

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

44 (1) Been convicted of violating the provisions of NRS 484C.110; or

45 (2) Participated in a program of treatment pursuant to NRS 176A.230 to  
46 176A.245, inclusive.

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

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

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

4 (h) Is currently subject to ~~an *ex parte* temporary~~ emergency or extended  
5 order for protection against high-risk behavior issued pursuant to NRS 33.570 or  
6 33.580.

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

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

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

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

14 (k) Has made a false statement on any application for a permit or for the  
15 renewal of a permit.

16 (l) Has been discharged or released from service in the Armed Forces of the  
17 United States, a reserve component thereof or the National Guard under conditions  
18 other than honorable conditions and is less than 21 years of age.

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

25 6. If the sheriff receives notification submitted by a court or law enforcement  
26 agency of this or any other state, the United States or a territory or possession of the  
27 United States that a permittee or an applicant for a permit has been charged with a  
28 crime involving the use or threatened use of force or violence, the conviction for  
29 which would require the revocation of a permit or preclude the issuance of a permit  
30 to the applicant pursuant to this section, the sheriff shall suspend the person's  
31 permit or the processing of the person's application until the final disposition of the  
32 charges against the person. If a permittee is acquitted of the charges, or if the  
33 charges are dropped, the sheriff shall restore his or her permit without imposing a  
34 fee.

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

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

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

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

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

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

51 (f) If the applicant is a person described in subparagraph (2) of paragraph (a) of  
52 subsection 3, proof that the applicant:

1 (1) Is a member of the Armed Forces of the United States, a reserve  
2 component thereof or the National Guard, as evidenced by his or her current  
3 military identification card; or

4 (2) Was discharged or released from service in the Armed Forces of the  
5 United States, a reserve component thereof or the National Guard under honorable  
6 conditions, as evidenced by his or her DD Form 214, "Certificate of Release or  
7 Discharge from Active Duty," or other document of honorable separation issued by  
8 the United States Department of Defense;

9 (g) A nonrefundable fee equal to the nonvolunteer rate charged by the Central  
10 Repository for Nevada Records of Criminal History and the Federal Bureau of  
11 Investigation to obtain the reports required pursuant to subsection 1 of NRS  
12 202.366; and

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

14 **Sec. 19.** 1. Sections ~~1.7, 3, 4, 5, 7 and 9~~ to 18, inclusive, of this act  
15 shall be construed as making amendments to provisions of state law for the purpose  
16 of substituting the term ~~"temporary order"~~ **"emergency order"** for "ex parte  
17 order."

18 2. Any judicial interpretation of a state law that is rendered, issued or entered  
19 before July 1, 2021, which includes an interpretation of the term "ex parte order"  
20 which is amended by or as a result of this act to refer instead to ~~"temporary"~~  
21 **"emergency order"** shall be deemed to have the same meaning as though the term  
22 had remained unchanged.

23 **Sec. 20.** NRS ~~33.540 and~~ 33.610 ~~are~~ **is** hereby repealed.

24 **Sec. 21.** This act becomes effective on July 1, 2021.

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TEXT OF REPEALED ~~SECTIONS~~ **SECTION**

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~~[ 33.540 "Family or household member" defined. "Family or household member" means, with respect to an adverse party, any:~~

~~1. Person related by blood, adoption or marriage to the adverse party within the first degree of consanguinity;~~

~~2. Person who has a child in common with the adverse party, regardless of whether the person has been married to the adverse party or has lived together with the adverse party at any time;~~

~~3. Domestic partner of the adverse party;~~

~~4. Person who has a biological or legal parent and child relationship with the adverse party, including, without limitation, a natural parent, adoptive parent, stepparent, stepchild, grandparent or grandchild;~~

~~5. Person who is acting or has acted as a guardian to the adverse party; or~~

~~6. Person who is currently in a dating or ongoing intimate relationship with the adverse party.]~~

**33.610 Duty of court to assist parties.**

1. The clerk of the court or other person designated by the court shall provide any family or household member who files a verified application pursuant to NRS 33.560 or any adverse party, free of cost, with information about the:

(a) Availability of ex parte or extended orders;

(b) Procedures for filing an application for such an order;

(c) Procedures for modifying, dissolving or renewing such an order; and

(d) Right to proceed without counsel.

2. The clerk of the court or other person designated by the court shall assist any person in completing and filing the application, affidavit and any other paper or pleading necessary to initiate or respond to an application for an ex parte or extended order. This assistance does not constitute the practice of law, but the clerk shall not render any advice or service that requires the professional judgment of an attorney.