

Amendment No. 25

Senate Amendment to Senate Bill No. 7	(BDR 5-391)
Proposed by: Senate Committee on Judiciary	
Amends: Summary: Yes 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.



S.B. No. 7—Provides that the juvenile court has exclusive jurisdiction over certain orders for protection where the adverse party is a child under 18 years of age. (BDR 5-391)



SENATE BILL NO. 7—COMMITTEE ON JUDICIARY

(ON BEHALF OF THE NEVADA SUPREME COURT)

PREFILED NOVEMBER 18, 2020

Referred to Committee on Judiciary

SUMMARY—~~[Provides that the juvenile court has exclusive]~~ **Makes various changes to the jurisdiction ~~over~~ of certain courts relating to certain orders for protection where the adverse party is a child under 18 years of age. (BDR ~~5-391)~~ 1-391)**

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 courts; providing that the ~~juvenile~~ **district** court has exclusive jurisdiction over **the issuance and dissolution of** certain orders for protection where the adverse party is a child under 18 years of age; **providing that the juvenile court has exclusive jurisdiction over actions relating to the violation of certain orders for protection where the adverse party is a child under 18 years of age;** and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law authorizes the issuance of orders for protection against domestic violence, harassment in the workplace, high-risk behavior, sexual assault, and stalking, aggravated stalking or harassment. (NRS 33.017-33.100, 33.200-33.360, 33.500-33.670, 200.378, 200.591) Existing law also provides that: (1) the family court, where established, and the justice court, with certain exceptions, have concurrent jurisdiction over actions for the issuance of a temporary or extended order for protection against domestic violence; and (2) the justice court has exclusive jurisdiction over actions for the issuance of orders for protection against harassment in the workplace, high-risk behavior, sexual assault, and stalking, aggravated stalking or harassment. (NRS 3.223, 4.370)

Section 1 of this bill provides that if an order for protection against domestic violence, harassment in the workplace, high-risk behavior, sexual assault, or stalking, aggravated stalking or harassment is sought against a child who is under 18 years of age, the ~~juvenile~~ **district** court has exclusive jurisdiction over ~~the~~ **any action ~~for~~ relating to the issuance or dissolution of the order. However, section 1 provides that the juvenile court has exclusive jurisdiction over any action in which it is alleged that a child who is the adverse party to any such order has committed a delinquent act by violating a condition of the order.**

Section 2 of this bill makes conforming changes to remove jurisdiction over the issuance of such orders from other courts that have jurisdiction over the issuance of those orders under existing law.

Section 3 of this bill provides that the changes in this bill apply to an order for protection against domestic violence, harassment in the workplace, high-risk behavior, sexual assault, or

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22 stalking, aggravated stalking or harassment that is issued on or after October 1, 2021, and a
 23 court that issued such an order before October 1, 2021, retains jurisdiction over the order, all
 24 persons subject to or protected by the order, and all proceedings relating to the order.

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

1 **Section 1.** Chapter ~~[62B]~~ 3 of NRS is hereby amended by adding thereto a
 2 new section to read as follows:

3 *1. The ~~juvenile~~ district court has exclusive jurisdiction to accept an*
 4 *application for, to consider an application for, and to issue or deny the issuance*
 5 *of any of the following orders when the adverse party against whom the order is*
 6 *sought is a child who is under 18 years of age:*

7 *(a) A temporary or extended order for protection against domestic violence*
 8 *pursuant to NRS 33.017 to 33.100, inclusive.*

9 *(b) A temporary or extended order for protection against harassment in the*
 10 *workplace pursuant to NRS 33.200 to 33.360, inclusive.*

11 *(c) An ex parte or extended order for protection against high-risk behavior*
 12 *pursuant to NRS 33.500 to 33.670, inclusive.*

13 *(d) A temporary or extended order for protection against sexual assault*
 14 *pursuant to NRS 200.378.*

15 *(e) A temporary or extended order for protection against stalking, aggravated*
 16 *stalking or harassment pursuant to NRS 200.591.*

17 *2. The ~~juvenile~~ district court may, at its discretion, appoint counsel for a*
 18 *child who is the adverse party against whom an order listed in subsection 1 is*
 19 *sought.*

20 *3. If the ~~juvenile~~ district court issues an order listed in subsection 1, the*
 21 *order must be served upon:*

22 *(a) The child who is the adverse party; and*

23 *(b) The parent or guardian of the child.*

24 ~~*4. [In addition to any other required transmission of an order listed in*~~
 25 ~~*subsection 1 to the Central Repository for Nevada Records of Criminal History,*~~
 26 ~~*the court shall transmit the order to:*~~

27 ~~*(a) Any school that the child who is the adverse party attends; and*~~

28 ~~*(b) Any school that a child who is a protected party attends.*~~

29 ~~*5. The juvenile court has exclusive jurisdiction over any action in which it*~~
 30 ~~*is alleged that a child who is the adverse party in an order listed in subsection 1*~~
 31 ~~*has committed a delinquent act ~~], or is in contempt of court,~~ by violating a*~~
 32 ~~*condition set forth in the order.*~~

33 ~~*[6.] 5. If the ~~juvenile~~ district court issues an order listed in subsection 1*~~
 34 ~~*and the adverse party reaches the age of 18 years while the order is still in effect,*~~
 35 ~~*the order remains effective against the adverse party until the order expires or is*~~
 36 ~~*dissolved by the ~~juvenile~~ district court.*~~

37 ~~*[7.] 6. The ~~juvenile~~ district court shall automatically seal all records*~~
 38 ~~*related to the application for, consideration of, and issuance of an order listed in*~~
 39 ~~*subsection 1 as provided in NRS 62H.140 when the adverse party reaches the age*~~
 40 ~~*of 21 years.*~~

41 ~~*7. A district court may appoint a master to conduct the proceedings*~~
 42 ~~*described in this section.*~~

1 **Sec. 2.** NRS 4.370 is hereby amended to read as follows:

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

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

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

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

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

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

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

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

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

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

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

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

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

37 (m) Except as otherwise provided in this paragraph, in any action for the
38 issuance of a temporary or extended order for protection against domestic violence
39 pursuant to NRS 33.020. A justice court does not have jurisdiction in an action for
40 the issuance of a temporary or extended order for protection against domestic
41 violence:

42 (1) In a county whose population is 100,000 (1) more and less than
43 700,000;

44 (2) In any township whose population is 100,000 or more located within a
45 county whose population is 700,000 or more; ~~to~~

46 (3) If a district court issues a written order to the justice court requiring that
47 further proceedings relating to the action for the issuance of the order for protection
48 be conducted before the district court ~~to~~ ; or

49 (4) *Where the adverse party against whom the order is sought is under 18*
50 *years of age.*

51 (n) Except as otherwise provided in this paragraph, in any action for the
52 issuance of an ex parte or extended order for protection against high-risk behavior
53 pursuant to NRS 33.570 or 33.580. A justice court does not have jurisdiction in an

1 action for the issuance of an ex parte or extended order for protection against high-
2 risk behavior:

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

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

6 (3) If a district court issues a written order to the justice court requiring that
7 further proceedings relating to the action for the issuance of the order for protection
8 be conducted before the district court ~~or~~; *or*

9 (4) *Where the adverse party against whom the order is sought is under 18*
10 *years of age.*

11 (o) In an action for the issuance of a temporary or extended order for protection
12 against harassment in the workplace pursuant to NRS 33.200 to 33.360, inclusive
13 ~~or~~, *where the adverse party against whom the order is sought is 18 years of age*
14 *or older.*

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

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

18 (r) In any action pursuant to NRS 200.591 for the issuance of a protective order
19 against a person alleged to be committing the crime of stalking, aggravated stalking
20 or harassment ~~or~~ *where the adverse party against whom the order is sought is 18*
21 *years of age or older.*

22 (s) In any action pursuant to NRS 200.378 for the issuance of a protective
23 order against a person alleged to have committed the crime of sexual assault ~~or~~
24 *where the adverse party against whom the order is sought is 18 years of age or*
25 *older.*

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

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

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

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

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

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

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

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

48 **Sec. 3.** The amendatory provisions of this act:

49 1. Apply to an order for protection against domestic violence, harassment in
50 the workplace, high-risk behavior, sexual assault, or stalking, aggravated stalking or
51 harassment that is issued on or after October 1, 2021.

52 2. Do not apply to an order for protection against domestic violence,
53 harassment in the workplace, high-risk behavior, sexual assault, or stalking,

1 aggravated stalking or harassment that is issued before October 1, 2021, and a court
2 that issued such an order before October 1, 2021, retains jurisdiction over the order,
3 all persons subject to or protected by the order, and all proceedings relating to the
4 order, regardless of whether the proceedings are conducted before, on or after
5 October 1, 2021.