

Amendment No. 669

Assembly Amendment to Senate Bill No. 7 First Reprint	(BDR 1-391)
Proposed by: Assembly Committee on Judiciary	
Amendment Box: Replaces Amendment No. 533.	
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—Makes various changes to the jurisdiction of certain courts relating to certain orders for protection where the adverse party is a child under 18 years of age. (BDR 1-391)



SENATE BILL NO. 7—COMMITTEE ON JUDICIARY
(ON BEHALF OF THE NEVADA SUPREME COURT)

PREFILED NOVEMBER 18, 2020

Referred to Committee on Judiciary

SUMMARY—Makes various changes ~~[to the jurisdiction of certain courts]~~ relating to certain orders for protection where the adverse party is a child under 18 years of age. (BDR 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 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; establishing procedures relating to orders declaring that the basis no longer exists for certain orders for protection be transmitted to the Central Repository for Nevada Records of Criminal History if 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 district court has exclusive jurisdiction over any action 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

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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.

If an order for protection against domestic violence, harassment in the workplace, high-risk behavior, sexual assault or stalking, aggravated stalking or harassment is issued against a child under 18 years of age and information concerning the order for protection is transmitted to the Central Repository for Nevada Records of Criminal History, section 2.7 of this bill authorizes the child to petition a court for an order declaring that the basis no longer exists for the information to be transmitted to the Central Repository. Section 2.7 also establishes procedures relating to: (1) the grant of such a petition; and (2) the removal of the petitioned information from the Central Repository. Finally, section 2.7 establishes procedures relating to the circumstances under which the Central Repository fails to comply with the order to remove the petitioned information. Section 2.3 of this bill makes a conforming change relating to the petition for and the issuance of an order declaring that the basis no longer exists for an order for protection against high-risk behavior.

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 stalking, aggravated stalking or harassment that is issued on or after October 1, 2021, and a court that issued such an order before October 1, 2021, retains jurisdiction over the order, all 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:

Section 1. Chapter 3 of NRS is hereby amended by adding thereto a new section to read as follows:

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

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

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

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

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

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

2. The district court ~~[may, at its discretion,]~~ shall appoint counsel for a child who is the adverse party against whom an order listed in subsection 1 is sought ~~[,]~~ upon:

(a) The issuance of any ex parte or temporary order listed in subsection 1; or

(b) Notice of an adversarial hearing on an application for an order listed in subsection 1.

3. If the district court issues an order listed in subsection 1, the order must be served upon:

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

(b) The parent or guardian of the child.

4. The juvenile court has exclusive jurisdiction over any action in which it is alleged that a child who is the adverse party in an order listed in subsection 1 has committed a delinquent act by violating a condition set forth in the order.

1 5. *If the district court issues an order listed in subsection 1 and the adverse*
2 *party reaches the age of 18 years while the order is still in effect, the order*
3 *remains effective against the adverse party until the order expires or is dissolved*
4 *by the district court.*

5 6. *The district court shall automatically seal all records related to the*
6 *application for, consideration of ~~§§~~ and issuance of an order listed in subsection*
7 *1 as provided in NRS 62H.140 upon the dissolution or expiration of the order or*
8 *when the adverse party reaches the age of ~~18~~ 18 years ~~§§~~, whichever is earlier,*
9 *unless, at such a time, the order is still in effect, in which case the records must*
10 *be automatically sealed by the district court upon the expiration or dissolution of*
11 *the order.*

12 7. *A district court may appoint a master to conduct the proceedings*
13 *described in this section.*

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

15 4.370 1. Except as otherwise provided in subsection 2, justice courts have
16 jurisdiction of the following civil actions and proceedings and no others except as
17 otherwise provided by specific statute:

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

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

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

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

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

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

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

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

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

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

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

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

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

1 the issuance of a temporary or extended order for protection against domestic
2 violence:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

10 **Sec. 2.3. NRS 33.650 is hereby amended to read as follows:**

11 33.650 1. Any time that a court issues an ex parte or extended order or
12 renews an extended order and any time that a person serves such an order or
13 receives any information or takes any other action pursuant to NRS 33.500 to
14 33.670, inclusive, the person shall, by the end of the next business day:

15 (a) Cause to be transmitted, in the manner prescribed by the Central Repository
16 for Nevada Records of Criminal History, any information required by the Central
17 Repository in a manner which ensures that the information is received by the
18 Central Repository; and

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

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

23 3. A petition brought pursuant to subsection 2 must be filed in the court which
24 issued the ex parte or extended order.

25 4. The court shall grant the petition and issue the order described in
26 subsection 2 if the court finds that the basis for the ex parte or extended order no
27 longer exists.

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

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

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

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

44 **9. If an adverse party to the ex parte or extended order is a child under the**
45 **age of 18 years, the provisions of section 2.7 of this act govern petitions for and**
46 **the issuance of orders declaring that the basis for an ex parte or extended order**
47 **no longer exists.**

48 **Sec. 2.7. Chapter 62H of NRS is hereby amended by adding thereto a**
49 **new section to read as follows:**

50 **1. Upon the submission of information relating to any of the following**
51 **orders for protection where the adverse party is a child under the age of 18 years**
52 **to the Central Repository for Nevada Records of Criminal History, the adverse**

1 party may petition a court for an order declaring that the basis no longer exists
2 for such information to be transmitted to the Central Repository:

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

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

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

9 (d) A temporary or extended order for protection against sexual assault
10 pursuant to NRS 200.378.

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

13 2. A petition brought pursuant to subsection 1 must be filed in the court
14 which issued the order for protection.

15 3. The court shall grant the petition and issue the order described in
16 subsection 1 if the court finds that the basis for the order for protection no longer
17 exists.

18 4. The court, upon granting the petition and entering an order pursuant to
19 this section, shall cause, on a form prescribed by the Department of Public
20 Safety, a record of the order to be transmitted to the Central Repository for
21 Nevada Records of Criminal History.

22 5. Within 5 business days after receiving a record of an order transmitted
23 pursuant to subsection 4, the Central Repository for Nevada Records of Criminal
24 History shall take reasonable steps to ensure that the information concerning the
25 adverse party is removed from the Central Repository.

26 6. If the Central Repository for Nevada Records of Criminal History fails to
27 remove the information as provided in subsection 5, the adverse party may bring
28 an action to compel the removal of the information. If the adverse party prevails
29 in the action, the court may award the adverse party reasonable attorney's fees
30 and costs incurred in bringing the action.

31 7. If a petition brought pursuant to subsection 1 is denied, the adverse party
32 may petition for a rehearing not sooner than 2 years after the date of the denial
33 of the petition.

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

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

38 2. Do not apply to an order for protection against domestic violence,
39 harassment in the workplace, high-risk behavior, sexual assault, or stalking,
40 aggravated stalking or harassment that is issued before October 1, 2021, and a court
41 that issued such an order before October 1, 2021, retains jurisdiction over the order,
42 all persons subject to or protected by the order, and all proceedings relating to the
43 order, regardless of whether the proceedings are conducted before, on or after
44 October 1, 2021.