

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 “ex parte order” to “temporary order”; making various changes relating to 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:

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

8 **Sections 1, 3, 7, 9, 10, 12-14 and 16-18** of this bill replace the term “ex parte
9 order” with “temporary order.” **Section 19** of this bill requires the term changes to



10 be construed as having the same meaning for judicial interpretations entered before
11 the effective date of this bill.

12 Existing law requires a court to issue an ex parte or extended order if the court
13 under certain circumstances finds that: (1) the person poses an imminent risk of
14 causing personal injury to himself or herself or another person by possessing or
15 having under his or her custody or control or by purchasing or otherwise acquiring
16 any firearm; (2) the person engaged in high-risk behavior; and (3) less restrictive
17 options have been exhausted or are not effective. (NRS 33.570, 33.580) **Sections 5**
18 **and 6** of this bill remove custody of a firearm from the list of factors a court may
19 consider in finding whether a person poses an imminent risk to himself or herself or
20 another person.

21 Existing law requires a court to consider the facts from a verified application in
22 determining whether to grant an ex parte or extended order. (NRS 33.570, 33.580)
23 **Sections 5 and 6** authorize the court to consider any additional information
24 presented to the court in making such a determination. **Section 5** removes the
25 requirement in existing law that a court hold a hearing on an ex parte order.
26 (NRS 33.570)

27 Additionally, existing law authorizes a court to hold a telephonic hearing on an
28 ex parte order under certain circumstances. Existing law requires that: (1) the
29 telephonic hearing be recorded, in the presence of a magistrate or within the
30 vicinity of a magistrate, by a certified court reporter or by electronic means; and (2)
31 the recording of the telephonic hearing be transcribed, certified by the court
32 reporter, if applicable, and certified by the magistrate. (NRS 33.570) **Section 5**
33 removes the requirement that the recording of the telephonic hearing be made in the
34 presence or vicinity of a magistrate. **Section 5** also: (1) authorizes a court to rule on
35 an application for a temporary order by telephone; and (2) requires the
36 communications of such a ruling to be recorded by a court reporter or
37 contemporaneously recorded by alternative means. Finally, **section 5** requires a
38 judicial officer, not a magistrate, to certify the transcript of the telephonic
39 determination.

40 **Section 5** also authorizes a court to issue an extended order, in lieu of
41 determining whether to issue a temporary order, if: (1) the application for the
42 extended order was filed before the determination on the application for the
43 temporary order; (2) proper notice was afforded to the adverse party; and (3) the
44 court holds a hearing on the application for the extended order. **Section 15** of this
45 bill makes a conforming change to authorize a court to receive certain
46 communications and for the issuance of such an order outside normal business
47 hours.

48 Existing law requires an adverse party to surrender his or her firearm after an
49 ex parte or extended order is issued by a court to: (1) a law enforcement agency
50 designated by the court in the order; or (2) a person, who does not reside with the
51 adverse party, designated by the court in the order. (NRS 33.600) **Section 8** of this
52 bill requires any firearm in the possession of the adverse party to be surrendered to
53 the law enforcement agency of the officer who filed the application for the
54 temporary or extended order.

55 Existing law requires the law enforcement agency holding any surrendered
56 firearm to provide the adverse party with a receipt which includes a description of
57 each firearm being held by the law enforcement agency. Existing law requires the
58 adverse party to provide the original receipt to the court within 72 hours or 1
59 business day, whichever is later, after surrendering any such firearm. (NRS 33.600)
60 **Section 8** instead requires the adverse party to provide the original receipt to the
61 court within 1 business day after the surrender of any firearm.

62 Existing law provides that: (1) an ex parte order expires after 7 days, or if an
63 extended order is filed within the period of an ex parte order, the ex parte order
64 remains in effect until the hearing on the extended order is held; and (2) an



65 extended order expires after 1 year. (NRS 33.640) Existing law requires a law
66 enforcement agency to return any surrendered firearm not later than 14 days after
67 the dissolution or expiration of an ex parte or extended order for protection. (NRS
68 33.600) **Section 11** of this bill requires the court to: (1) issue an order for the return
69 of any surrendered firearm of the adverse party upon the expiration or dissolution
70 of an extended order; and (2) provide a copy of the order to the adverse party and
71 the law enforcement agency holding the surrendered firearm. **Section 8** requires a
72 law enforcement agency to return any surrendered firearm to the adverse party not
73 later than 30 days after: (1) the dissolution or expiration of a temporary order; or (2)
74 receiving an order from the court to return any firearm surrendered pursuant to an
75 extended order.

76 Existing law requires a court to dissolve an ex parte or extended order for
77 protection if all parties agree to the dissolution of the order, upon a finding of good
78 cause. (NRS 33.640) **Section 11** instead requires the court to dissolve the order if
79 all parties stipulate to the dissolution, upon a finding of good cause.

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

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

- 1 **Section 1.** NRS 33.095 is hereby amended to read as follows:
2 33.095 1. Any time that a court issues a temporary or
3 extended order and any time that a person serves such an order,
4 registers such an order, registers a Canadian domestic-violence
5 protection order or receives any information or takes any other
6 action pursuant to NRS 33.017 to 33.100, inclusive, or NRS 33.110
7 to 33.158, inclusive, the person shall cause to be transmitted, in the
8 manner prescribed by the Central Repository for Nevada Records of
9 Criminal History, any information required by the Central
10 Repository in a manner which ensures that the information is
11 received by the Central Repository by the end of the next business
12 day.
13 2. Any time that a court issues ~~an ex parte~~ a temporary or
14 extended order pursuant to NRS 33.570 or 33.580, the court shall
15 cause to be transmitted, in the manner prescribed by the Central
16 Repository for Nevada Records of Criminal History, any
17 information required by the Central Repository in a manner which
18 ensures that the information is received by the Central Repository
19 by the end of the next business day.
20 3. As used in this section, “Canadian domestic-violence
21 protection order” has the meaning ascribed to it in NRS 33.119.



1 **Sec. 2.** NRS 33.500 is hereby amended to read as follows:
2 33.500 As used in NRS 33.500 to 33.670, inclusive, unless the
3 context otherwise requires, the words and terms defined in NRS
4 33.510 ~~{to 33.540, inclusive,}~~ , **33.520 and 33.530** have the
5 meanings ascribed to them in those sections.

6 **Sec. 3.** NRS 33.520 is hereby amended to read as follows:
7 33.520 ~~["Ex parte]~~ **"Temporary** order" means ~~[an ex parte]~~ **a**
8 **temporary** order for protection against high-risk behavior.

9 **Sec. 4.** NRS 33.560 is hereby amended to read as follows:
10 33.560 1. A law enforcement officer who has probable cause
11 to believe that a person poses a risk of causing personal injury to
12 himself or herself or another person by possessing ~~{or having under~~
13 ~~his or her custody or control or by}~~ , **controlling**, purchasing or
14 otherwise acquiring any firearm may file a verified application for
15 ~~[an ex parte]~~ **a temporary** or extended order.

16 2. ~~[A family or household member who reasonably believes~~
17 ~~that a person poses a risk of causing personal injury to himself or~~
18 ~~herself or another person by possessing or having under his or her~~
19 ~~custody or control or by purchasing or otherwise acquiring any~~
20 ~~firearm may file a verified application for an ex parte or extended~~
21 ~~order.~~

22 ~~—3.]~~ A verified application filed pursuant to this section must
23 include, without limitation:

24 (a) The name of the person seeking the order and whether he or
25 she is requesting ~~[an ex parte]~~ **a temporary** order or ~~[an]~~ extended
26 order;

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

29 (c) A detailed description of the conduct and acts that constitute
30 high-risk behavior and the dates on which the high-risk behavior
31 occurred.

32 ~~[4. Service of an application for an extended order and the~~
33 ~~notice of hearing thereon must be served upon the adverse party~~
34 ~~pursuant to the Nevada Rules of Civil Procedure.]~~

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

36 33.570 1. ~~{The}~~ **Except as otherwise provided in subsection**
37 **4, the** court shall issue ~~[an ex parte]~~ **a temporary** order if the court
38 finds by a preponderance of the evidence from facts shown by a
39 verified application filed pursuant to NRS 33.560 ~~{;}~~ **and any**
40 **additional information provided to the court:**

41 (a) That a person poses an imminent risk of causing personal
42 injury to himself or herself or another person by possessing ~~{or~~
43 ~~having under his or her custody or control or by}~~ , **controlling**,
44 purchasing or otherwise acquiring any firearm;

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



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

3 2. The court may require the person who filed the verified
4 application or the adverse party, or both, to appear before the court
5 before determining whether to issue ~~{an ex parte}~~ *a temporary* order.

6 3. ~~{An ex parte}~~ *A temporary* order may be issued with or
7 without notice to the adverse party.

8 4. ~~{Except as otherwise provided in this subsection, a hearing
9 must not be held by telephone.}~~ *If an application for an extended
10 order is filed before a determination is made by the court on an
11 application for a temporary order that concerns the same adverse
12 party, the court may issue an extended order pursuant to NRS
13 33.580 in lieu of determining whether to issue the temporary order
14 if notice was provided to the adverse party and a hearing is held
15 on the application for the extended order.*

16 5. The court shall ~~{hold a hearing on the ex parte order and
17 shall}~~ issue or deny the ~~{ex parte}~~ *temporary* order on the day the
18 verified application is filed or the judicial day immediately
19 following the day the verified application is filed. ~~{If the verified
20 application is filed by a law enforcement officer, the}~~

21 6. *The* court may ~~{hold the hearing}~~ *rule* on the ~~{ex parte}~~
22 *application for a temporary* order by telephone, *the*
23 *communications of* which must be recorded ~~{in the presence of the
24 magistrate or in the immediate vicinity of the magistrate}~~ by a
25 certified court reporter or *recorded contemporaneously* by
26 ~~{electronic}~~ *alternative* means. Any such recording must be
27 transcribed, certified by the reporter if the reporter made the
28 recording and certified by ~~{the magistrate.}~~ *a judicial officer*. The
29 certified transcript must be filed with the clerk of the court.

30 ~~{5.}~~ 7. In a county whose population is 100,000 or more, the
31 court shall be available 24 hours a day, 7 days a week, including
32 nonjudicial days and holidays, to receive communications by
33 telephone and for the issuance of ~~{an ex parte}~~ *a temporary* order
34 pursuant to subsection ~~{4.}~~ 6.

35 ~~{6.}~~ 8. In a county whose population is less than 100,000, the
36 court may be available 24 hours a day, 7 days a week, including
37 nonjudicial days and holidays, to receive communications by
38 telephone and for the issuance of ~~{an ex parte}~~ *a temporary* order
39 pursuant to subsection ~~{4.}~~ 6.

40 ~~{7.}~~ 9. The clerk of the court shall inform the applicant and the
41 adverse party upon the successful transfer of information concerning
42 the registration to the Central Repository for Nevada Records of
43 Criminal History as required pursuant to NRS 33.095.



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

2 33.580 1. The court shall issue an extended order if the court
3 finds by clear and convincing evidence from facts shown by a
4 verified application filed pursuant to NRS 33.560 ~~{:}~~ **and any**
5 **additional information provided to the court:**

6 (a) That a person poses a risk of causing personal injury to
7 himself or herself or another person by possessing ~~for having under~~
8 ~~his or her custody or control or by~~ , **controlling**, purchasing or
9 otherwise acquiring any firearm;

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

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

13 2. A hearing on an application for an extended order must be
14 held within 7 calendar days after the date on which the application
15 for the extended order is filed.

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

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

21 33.590 Each ~~ex parte~~ **temporary** or extended order issued
22 pursuant to NRS 33.570 or 33.580 must:

23 1. Require the adverse party to surrender any firearm in his or
24 her possession ~~for under his or her custody~~ or control in the manner
25 set forth in NRS 33.600.

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

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

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

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

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

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

39 8. Include the following statement:

40 **WARNING**

41 This is an official court order. If you disobey this order, you
42 may be arrested and prosecuted for the crime of violating ~~an~~
43 ~~ex parte~~ **a temporary** or extended order and any other crime
44 that you may have committed in disobeying this order.
45



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 in his or her possession or under his or her ~~[custody or]~~ control to the ~~[appropriate]~~ 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.] of the law enforcement officer who filed the verified application.~~

2. ~~[If the court orders the adverse party to surrender any firearm to a law enforcement agency pursuant to paragraph (a) of subsection 1.] At the time any firearm is surrendered,~~ the law enforcement agency shall provide the adverse party with a receipt which includes a description of each firearm surrendered and the adverse party shall, not later than ~~[72 hours or]~~ 1 business day ~~;~~ ~~whichever is later,]~~ after surrendering any such firearm, provide the original receipt to the court. The law enforcement agency shall store any such firearm or may contract with a licensed firearm dealer to provide storage.

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

~~—4.]~~ If there is probable cause to believe that the adverse party has not surrendered any firearm in his or her possession or under his or her ~~[custody or]~~ control, ~~[within the time set forth in subsections 2 and 3, the court may issue and deliver to]~~ any law enforcement officer *may apply to the court for* a search warrant which authorizes the officer to enter and search any place where there is probable cause to believe any such firearm is located and seize the firearm.

~~[5.]~~ 4. If, while executing a search warrant pursuant to subsection ~~[4.]~~ 3, the health or safety of the officer or the adverse party is put at risk because of any action of the adverse party, the law enforcement officer is under no duty to continue to attempt to execute the search warrant and the execution of the warrant shall be deemed unsuccessful. If such execution is unsuccessful, the law enforcement agency shall, as soon as practicable after the risk has subsided, attempt to execute the search warrant until the search warrant is successfully executed.



1 ~~[6.]~~ 5. A law enforcement agency shall return any surrendered
2 or seized firearm to the adverse party:

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

5 (b) After confirming that:

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

8 (2) Any ~~[ex parte or extended]~~ *temporary* order issued
9 pursuant to NRS 33.570 ~~[or 33.580]~~ is dissolved or no longer in
10 effect ~~[;]~~ *or a court has issued an order to return the surrendered*
11 *firearms pursuant to NRS 33.640, as applicable;* and

12 (c) As soon as practicable but not more than ~~[14]~~ 30 days after
13 the dissolution *or expiration* of ~~[an ex parte or extended]~~ *the*
14 *temporary* order ~~[;~~

15 ~~—7.]~~ *or receiving the order to return the surrendered firearms*
16 *pursuant to NRS 33.640, as applicable.*

17 6. If a person other than the adverse party claims title to any
18 firearm surrendered or seized pursuant to this section and he or she
19 is determined by the law enforcement agency to be the lawful
20 owner, the firearm must be returned to him or her, if:

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

24 (b) The law enforcement agency determines that:

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

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

29 ~~[8.]~~ 7. As used in this section, “licensed firearm dealer” means
30 a person licensed pursuant to 18 U.S.C. § 923(a).

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

32 33.620 1. The court shall transmit, by the end of the next
33 business day after ~~[an ex parte]~~ *a temporary* or extended order is
34 issued or renewed, a copy of the order to the appropriate law
35 enforcement agency.

36 2. The court shall order the appropriate law enforcement
37 agency to serve, without charge, the adverse party personally with
38 the ~~[ex parte]~~ *temporary* or extended order and *the law enforcement*
39 *agency shall* file with or mail to the clerk of the court proof of
40 service by the end of the next business day after service is made.

41 3. If, while attempting to serve the adverse party personally
42 pursuant to subsection 2, the health or safety of the officer or the
43 adverse party is put at risk because of any action of the adverse
44 party, the law enforcement officer is under no duty to continue to
45 attempt to serve the adverse party personally and the service shall be



1 deemed unsuccessful. If such service is unsuccessful, the law
2 enforcement agency shall, as soon as practicable after the risk has
3 subsided, attempt to serve the adverse party personally until the ~~ex~~
4 ~~parte~~ *temporary* or extended order is successfully served.

5 4. A law enforcement agency shall enforce ~~an ex parte~~ *a*
6 *temporary* or extended order without regard to the county in which
7 the order was issued.

8 5. The clerk of the court shall issue, without fee, a copy of the
9 ~~ex parte~~ *temporary* or extended order to any ~~family or household~~
10 ~~member~~ *law enforcement officer* who files a verified application
11 pursuant to NRS 33.560 or the adverse party.

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

13 33.630 1. Whether or not a violation of ~~an ex parte~~ *a*
14 *temporary* or extended order occurs in the presence of a law
15 enforcement officer, the officer may arrest and take into custody an
16 adverse party:

17 (a) With a warrant; or

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

20 (1) An order has been issued pursuant to NRS 33.570 or
21 33.580 against the adverse party;

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

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

25 2. If a law enforcement officer cannot verify that the adverse
26 party was served with a copy of the application and ~~ex parte~~
27 *temporary* or extended order, the officer shall:

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

30 (b) Inform the adverse party that he or she has notice of the
31 provisions of the order and that a violation of the order will result in
32 his or her arrest;

33 (c) Inform the adverse party of the location of the court that
34 issued the original order and the hours during which the adverse
35 party may obtain a copy of the order; and

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

39 3. Information concerning the terms and conditions of the ~~ex~~
40 ~~parte~~ *temporary* or extended order, the date and time of any notice
41 provided to the adverse party and the name and identifying number
42 of the law enforcement officer who gave the notice must be
43 provided in writing to the applicant and noted in the records of the
44 law enforcement agency and the court.



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

2 33.640 1. ~~{An ex parte}~~ *A temporary* order expires within
3 such time, not to exceed 7 days, as the court fixes. If a verified
4 application for an extended order is filed within the period of ~~{an ex~~
5 ~~parte}~~ *a temporary* order or at the same time as an application for
6 ~~{an ex parte}~~ *a temporary* order pursuant to NRS 33.560, the ~~{ex~~
7 ~~parte}~~ *temporary* order remains in effect until the hearing on the
8 extended order is held.

9 2. An extended order expires within such time, not to exceed 1
10 year, as the court fixes.

11 3. The ~~{family or household member or}~~ law enforcement
12 officer who filed the verified application or the adverse party may
13 request in writing to appear and move for the dissolution of ~~{an ex~~
14 ~~parte}~~ *a temporary* or extended order. Upon a finding by clear and
15 convincing evidence that the adverse party no longer poses a risk of
16 causing personal injury to himself or herself or another person by
17 possessing ~~{or having under his or her custody or control or by}~~ ,
18 *controlling*, purchasing or otherwise acquiring any firearm, the
19 court shall dissolve the order. If ~~{the court finds that}~~ all parties
20 ~~{agree}~~ *stipulate* to dissolve the order, the court shall dissolve the
21 order upon a finding of good cause.

22 4. *Upon the expiration or dissolution of an extended order,*
23 *the court shall:*

24 (a) *Order the return of any firearm surrendered by the adverse*
25 *party; and*

26 (b) *Provide a copy of the order to:*

27 (1) *The adverse party; and*

28 (2) *The law enforcement agency holding any such*
29 *surrendered firearm.*

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

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

37 33.650 1. Any time that a court issues ~~{an ex parte}~~ *a*
38 *temporary* or extended order or renews an extended order and any
39 time that a person serves such an order or receives any information
40 or takes any other action pursuant to NRS 33.500 to 33.670,
41 inclusive, the person shall, by the end of the next business day:

42 (a) Cause to be transmitted, in the manner prescribed by the
43 Central Repository for Nevada Records of Criminal History, any
44 information required by the Central Repository in a manner which



1 ensures that the information is received by the Central Repository;
2 and

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

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

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

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

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

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

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

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

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

32 33.660 1. A person shall not file a verified application for ~~an~~
33 ~~ex parte~~ a temporary or extended order:

34 (a) Which he or she knows or has reason to know is false or
35 misleading; or

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

37 2. A person who violates the provisions of subsection 1 is
38 guilty of a misdemeanor.

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

40 33.670 A person who intentionally violates ~~an ex parte~~ a
41 temporary or extended order is, unless a more severe penalty is
42 prescribed by law for the act that constitutes the violation of the
43 order, guilty of a misdemeanor.



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

2 1.130 1. No court except a justice court or a municipal court
3 shall be opened nor shall any judicial business be transacted except
4 by a justice court or municipal court on Sunday, or on any day
5 declared to be a legal holiday according to the provisions of NRS
6 236.015, except for the following purposes:

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

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

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

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

14 (1) A temporary order pursuant to subsection 8 of NRS
15 33.020; or

16 (2) ~~[An ex parte]~~ *A temporary* order for protection against
17 high-risk behavior pursuant to NRS 33.570 ~~[]~~ *or an extended order*
18 *for protection against high-risk behavior pursuant to NRS 33.580*
19 *that is issued in the manner described in subsection 4 of*
20 *NRS 33.570.*

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

26 That the affiant has good reason to believe, and does
27 believe, that it will be too late for the purpose of acquiring a
28 lien by the writ to wait until subsequent day for the issuance
29 of the same.
30

31
32 All proceedings instituted, and all writs issued, and all official acts
33 done on any of the days above specified, under and by virtue of this
34 section, shall have all the validity, force and effect of proceedings
35 commenced on other days, whether a lien be obtained or a levy
36 made under and by virtue of the writ.

37 2. Nothing herein contained shall affect private transactions of
38 any nature whatsoever.

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

40 4.370 1. Except as otherwise provided in subsection 2, justice
41 courts have jurisdiction of the following civil actions and
42 proceedings and no others except as otherwise provided by specific
43 statute:

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



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

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

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

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

18 (f) To take and enter judgment on the confession of a defendant,
19 when the amount confessed, exclusive of interest, does not exceed
20 \$15,000.

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

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

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

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

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

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

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

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



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

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

7 (n) Except as otherwise provided in this paragraph, in any action
8 for the issuance of ~~an ex parte~~ a temporary or extended order for
9 protection against high-risk behavior pursuant to NRS 33.570 or
10 33.580. A justice court does not have jurisdiction in an action for the
11 issuance of ~~an ex parte~~ a temporary or extended order for
12 protection against high-risk behavior:

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

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

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

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

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

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

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

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

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

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

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

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

43 3. Justice courts have jurisdiction of all misdemeanors and no
44 other criminal offenses except as otherwise provided by specific
45 statute. Upon approval of the district court, a justice court may



1 transfer original jurisdiction of a misdemeanor to the district court
2 for the purpose of assigning an offender to a program established
3 pursuant to NRS 176A.250 or, if the justice court has not
4 established a program pursuant to NRS 176A.280, to a program
5 established pursuant to that section.

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

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

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

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

18 193.166 1. Except as otherwise provided in NRS 193.169, a
19 person who commits a crime that is punishable as a felony, other
20 than a crime that is punishable as a felony pursuant to subsection 6
21 of NRS 33.400, subsection 5 of NRS 200.378 or subsection 5 of
22 NRS 200.591, in violation of:

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

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

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

29 (d) ~~[An ex parte]~~ *A temporary* or extended order for protection
30 against high-risk behavior issued pursuant to NRS 33.570 or 33.580;

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

33 (f) A temporary or extended order issued pursuant to NRS
34 200.378; or

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

37 ➤ shall, in addition to the term of imprisonment prescribed by
38 statute for the crime, be punished by imprisonment in the state
39 prison, except as otherwise provided in this subsection, for a
40 minimum term of not less than 1 year and a maximum term of not
41 more than 20 years. If the crime committed by the person is
42 punishable as a category A felony or category B felony, in addition
43 to the term of imprisonment prescribed by statute for that crime, the
44 person shall be punished by imprisonment in the state prison for a



1 minimum term of not less than 1 year and a maximum term of not
2 more than 5 years.

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

- 6 (a) The facts and circumstances of the crime;
- 7 (b) The criminal history of the person;
- 8 (c) The impact of the crime on any victim;
- 9 (d) Any mitigating factors presented by the person; and
- 10 (e) Any other relevant information.

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

14 3. The sentence prescribed by this section:

- 15 (a) Must not exceed the sentence imposed for the crime; and
- 16 (b) Runs concurrently or consecutively with the sentence
17 prescribed by statute for the crime, as ordered by the court.

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

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

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

29 202.3657 1. Any person who is a resident of this State may
30 apply to the sheriff of the county in which he or she resides for a
31 permit on a form prescribed by regulation of the Department. Any
32 person who is not a resident of this State may apply to the sheriff of
33 any county in this State for a permit on a form prescribed by
34 regulation of the Department. Application forms for permits must be
35 furnished by the sheriff of each county upon request.

36 2. A person applying for a permit may submit one application
37 and obtain one permit to carry all handguns owned by the person.
38 The person must not be required to list and identify on the
39 application each handgun owned by the person. A permit is valid for
40 any handgun which is owned or thereafter obtained by the person to
41 whom the permit is issued.

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



1 (a) Is:

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

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

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

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

10 (b) Is not prohibited from possessing a firearm pursuant to NRS
11 202.360; and

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

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

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

21 ↪ Such a course must include instruction in the use of handguns
22 and in the laws of this State relating to the use of a firearm. A sheriff
23 may not approve a course in firearm safety pursuant to subparagraph
24 (1) unless the sheriff determines that the course meets any standards
25 that are established by the Nevada Sheriffs' and Chiefs' Association
26 or, if the Nevada Sheriffs' and Chiefs' Association ceases to exist,
27 its legal successor.

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

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

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

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

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

39 (1) Been convicted of violating the provisions of NRS
40 484C.110; or

41 (2) Participated in a program of treatment pursuant to NRS
42 176A.230 to 176A.245, inclusive.

43 (e) Has been convicted of a crime involving the use or
44 threatened use of force or violence punishable as a misdemeanor
45 under the laws of this or any other state, or a territory or possession



1 of the United States at any time during the immediately preceding 3
2 years.

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

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

8 (h) Is currently subject to ~~an ex parte~~ a temporary or extended
9 order for protection against high-risk behavior issued pursuant to
10 NRS 33.570 or 33.580.

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

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

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

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

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

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

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

34 6. If the sheriff receives notification submitted by a court or
35 law enforcement agency of this or any other state, the United States
36 or a territory or possession of the United States that a permittee or
37 an applicant for a permit has been charged with a crime involving
38 the use or threatened use of force or violence, the conviction for
39 which would require the revocation of a permit or preclude the
40 issuance of a permit to the applicant pursuant to this section,
41 the sheriff shall suspend the person's permit or the processing of the
42 person's application until the final disposition of the charges against
43 the person. If a permittee is acquitted of the charges, or if the
44 charges are dropped, the sheriff shall restore his or her permit
45 without imposing a fee.



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

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

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

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

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

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

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

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

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

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

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

34 **Sec. 19.** 1. Sections 1, 3, 4, 5, 7 and 9 to 18, inclusive, of this
35 act shall be construed as making amendments to provisions of state
36 law for the purpose of substituting the term "temporary order" for
37 "ex parte order."

38 2. Any judicial interpretation of a state law that is rendered,
39 issued or entered before July 1, 2021, which includes an
40 interpretation of the term "ex parte order" which is amended by or
41 as a result of this act to refer instead to "temporary order" shall be
42 deemed to have the same meaning as though the term had remained
43 unchanged.

44 **Sec. 20.** NRS 33.540 and 33.610 are hereby repealed.

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



TEXT OF REPEALED SECTIONS

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.

