

Senate Bill No. 6—Committee on Judiciary

CHAPTER.....

AN ACT relating to public safety; replacing the term “ex parte order” 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 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 establishes various provisions relating to ex parte and extended orders for protection against high-risk behavior. (NRS 33.500-33.670) **Sections 1.7, 3, 7, 9, 10, 12-14 and 16-18** of this bill replace the term “ex parte order” with “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 protection against high-risk behavior. (NRS 33.560) **Section 4** of this bill requires: (1) an applicant to show that the person poses an imminent risk to the person or to others; and (2) removes the distinction between an application for an ex parte order and an application for an extended order, and instead requires the applicant to file a single application for an order for protection against high-risk behavior.

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

Section 1.3 of this bill establishes various procedures relating to hearings on an application for an order for protection against high-risk behavior. **Section 1.3:** (1) requires a hearing on the application to be held within 1 judicial day after the filing of the application; and (2) authorizes a court to issue an emergency order or an extended order under certain circumstances, to schedule a future hearing on the application under certain circumstances or to dismiss the application under certain circumstances. **Section 1.3** also: (1) authorizes a court to hold a telephonic hearing on an application for an order for protection against high-risk behavior filed by a law enforcement officer; (2) requires the hearing to be held within 1 day after the filing of the application; and (3) establishes various requirements relating to



recordings of the telephonic hearing. At any such telephonic hearing, **section 1.3** prohibits a court from issuing an extended order.

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

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

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

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

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

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

Existing law requires a law enforcement agency to return any surrendered firearm not later than 14 days after the dissolution or expiration of an ex parte or extended order for protection. (NRS 33.600) **Section 11** of this bill requires the court to: (1) issue an order for the return of any surrendered firearm of the adverse party upon the expiration or dissolution of an extended order; (2) provide a copy of the order to the adverse party and the law enforcement agency holding the surrendered firearm; and (3) cause a record of the expiration or dissolution of the order to be transmitted to the Central Repository for Nevada Records of Criminal History. **Section 8** requires a law enforcement agency to return any surrendered firearm to the adverse party not later than 14 days after: (1) the dissolution or



expiration of an emergency order; or (2) receiving an order from the court to return any firearm surrendered pursuant to an extended order.

Existing law requires a court to transmit a copy of an ex parte or extended order for protection to the appropriate law enforcement agency and to order the law enforcement agency to serve, without charge, the adverse party personally with the order. (NRS 33.620) **Section 9:** (1) requires, under certain circumstances, the court to order the appropriate law enforcement agency to serve the adverse party with, in addition to existing requirements, the application, any supplemental documents submitted to the court and notice of the hearing; (2) authorizes the court to withhold or redact certain personal identifying information from the application or any supplemental documents to be served upon the adverse party if the court determines that disclosure of the information would create a substantial threat to the applicant or any other person of bodily harm, intimidation, coercion or harassment; and (3) imposes certain duties on the court if the court withholds or redacts any personal identifying information.

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

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

EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

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

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

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

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

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

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

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

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



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

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

(2) Dismiss the verified application; or

(3) Upon the request of either party and for good cause shown, schedule a hearing in accordance with section 1.5 of this act.

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

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

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

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

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

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

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

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

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

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

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

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

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



- (1) *Issue an extended order pursuant to NRS 33.580; or*
- (2) *Dismiss the verified application.*

2. *If the court declines to issue an emergency order at the hearing described in section 1.3 of this act or upon the request of either party and for good cause shown as provided in subparagraph (3) of paragraph (b) of subsection 1 of section 1.3 of this act, the court shall, not later than 7 calendar days after the filing of the verified application pursuant to NRS 33.560, schedule a hearing to determine whether to:*

- (a) *Issue an extended order pursuant to NRS 33.580; or*
- (b) *Dismiss the verified application.*

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

4. *In order for service of an emergency order to be effectuated pursuant to NRS 33.620 or for good cause shown, the court may extend the duration of an emergency order for a period not to exceed 7 days. Notice of any such extension must be served on the adverse party by a law enforcement agency.*

Sec. 1.7. NRS 33.095 is hereby amended to read as follows:

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

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

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



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

33.500 As used in NRS 33.500 to 33.670, inclusive, *and sections 1.3 and 1.5 of this act*, unless the context otherwise requires, the words and terms defined in NRS 33.510 to 33.540, inclusive, have the meanings ascribed to them in those sections.

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

33.520 ~~["Ex parte"]~~ *"Emergency order"* means an ~~[ex parte]~~ *emergency order* for protection against high-risk behavior.

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

33.560 1. A law enforcement officer who has probable cause to believe that a person poses ~~[a]~~ *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 may file a verified application for an ~~[ex parte or extended]~~ order ~~[]~~ *for protection against high-risk behavior.*

2. A family or household member who reasonably believes that a person poses ~~[a]~~ *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 may file a verified application for an ~~[ex parte or extended order.]~~ *order for protection against high-risk behavior.*

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

(a) The name of the person seeking the order ~~[and whether he or she is requesting an ex parte order or an extended order.];~~ *for protection against high-risk behavior;*

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

(c) A detailed description of the conduct and acts that constitute high-risk behavior and the dates on which the high-risk behavior occurred ~~[]~~; *and*

(d) Any supplemental documents or information.

4. ~~[Service of]~~ *An applicant is not required to serve, or have served on its behalf, an application for an [extended] order for protection against high-risk behavior and [the] notice of the hearing [thereon must be served upon the adverse party pursuant to the Nevada Rules of Civil Procedure.] described in section 1.3 of this act, but an applicant who is a law enforcement officer may in the discretion of the officer serve the verified application and notice of the hearing on the adverse party.*



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

33.570 1. The court shall issue an ~~[ex parte]~~ **emergency** order if the court finds by a preponderance of the evidence from facts shown by a verified application filed pursuant to NRS 33.560:

(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. The court may require the person who filed the verified application or the adverse party, or both, to appear before the court before determining whether to issue an ~~[ex parte]~~ **emergency** order.

3. An ~~[ex parte]~~ **emergency** order may be issued with or without notice to the adverse party.

4. ~~[Except as otherwise provided in this subsection, a hearing must not be held by telephone. The court shall hold a hearing on the ex parte order and shall issue or deny the ex parte order on the verified application is filed or the judicial day immediately following the day the verified application is filed. If the verified application is filed by a law enforcement officer, the court may hold the hearing on the ex parte order by telephone, which must be recorded in the presence of the magistrate or in the immediate vicinity of the magistrate by a certified court reporter or by electronic means. Any such recording must be transcribed, certified by the reporter if the reporter made the recording and certified by the magistrate. The certified transcript must be filed with the clerk of the court.~~

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

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

~~—7.]~~ 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. 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:

(a) That a person poses a risk of causing *a self-inflicted injury or a personal injury* to ~~himself or herself or~~ another person by possessing ~~for 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.]~~

~~—3.]~~ 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~~ *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 ~~for 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~~ **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~~

~~(b) The law enforcement agency of the law enforcement officer who filed the verified application pursuant to NRS 33.560.~~

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 that is in his or her the 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] of the adverse party,~~ 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.

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

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

(b) After confirming that:

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

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

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

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

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

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

(b) The law enforcement agency determines that:

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

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

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



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

33.620 1. The court shall transmit, by the end of the next business day after an ~~{ex parte}~~ *emergency* or extended order is issued or renewed, a copy of the order to the appropriate law enforcement agency.

2. ~~{The}~~ *Unless the adverse party is present at the hearing described in section 1.3 of this act to receive the date of the hearing described in section 1.5 of this act in which the court will determine whether to issue an extended order, the* court shall order the appropriate law enforcement agency to serve, without charge, the adverse party personally with ~~{the ex parte or extended}~~ :

(a) *The emergency* order ;

(b) *Subject to the provisions of subsection 8, the application and any supplemental documents submitted to the court;* and

(c) *Notice of the hearing described in section 1.5 of this act.*

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

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

~~{3.}~~ 5. If, while attempting to serve the adverse party personally pursuant to subsection 2 ~~{}~~ *or 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 serve the adverse party personally and the service shall be deemed unsuccessful. If such service is unsuccessful, the law enforcement agency shall, as soon as practicable after the risk has subsided, attempt to serve the adverse party personally until the ~~{ex parte}~~ *emergency* or extended order is successfully served.

~~{4.}~~ 6. A law enforcement agency shall enforce an ~~{ex parte}~~ *emergency* or extended order without regard to the county in which the order was issued.

~~{5.}~~ 7. The clerk of the court shall issue, without fee, a copy of the ~~{ex parte}~~ *emergency* or extended order to any family or household member *or law enforcement officer* who files a verified application pursuant to NRS 33.560 or the adverse party.

8. *The court may withhold or redact from the application or any supplemental documents to be served upon the adverse party any personal identifying information of the applicant or any other person if the court determines that disclosure of the personal*



identifying information would create a substantial threat to the applicant or any other person of bodily harm, intimidation, coercion or harassment. If the court withholds or redacts any personal identifying information pursuant to this subsection, the court shall:

(a) Upon request of the adverse party, provide the adverse party or the adverse party's attorney or agent with an opportunity to interview the applicant or other person whose personal identifying information was withheld or redacted in an environment that provides for protection of the applicant or other person;

(b) Maintain any information or documents withheld or redacted pursuant to this subsection in a confidential file; and

(c) Permit the adverse party or the adverse party's attorney or agent to inspect and to copy or photograph any information or documents withheld or redacted pursuant to this subsection before the hearing described in section 1.5 of this act.

9. As used in this section, "personal identifying information" means any information which would identify a person, including, without limitation, a name, an address, a date of birth or a social security number.

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

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

(a) With a warrant; or

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

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

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

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

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

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

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



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

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

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

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

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

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

~~—3.]~~ The family or household member or law enforcement officer who filed the verified application **pursuant to NRS 33.560** or the adverse party may request in writing to appear and move for the dissolution of an ~~[ex parte]~~ **emergency** or extended order. Upon a finding by clear and convincing evidence that the adverse party no longer poses a 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, the court shall dissolve the order. If ~~[the court finds that]~~ all parties ~~[agree]~~ **stipulate** to dissolve the order, the court shall dissolve the order upon a finding of good cause.

~~[4.]~~ 2. **Upon the expiration or dissolution of an emergency or extended order, the court shall:**

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

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

(1) **The adverse party; and**

(2) **The law enforcement agency holding any such surrendered firearm; and**

(c) **Cause, on a form prescribed by the Department of Public Safety, a record of the expiration or dissolution of the order to be**



transmitted to the Central Repository for Nevada Records of Criminal History to ensure that information concerning the adverse party is removed from the Central Repository.

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

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

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

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

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

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

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

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

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

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

7. If the Central Repository for Nevada Records of Criminal History fails to remove the information as provided in subsection 6, the adverse party may bring an action to compel the removal of the information. If the adverse party prevails in the action, the court



may award the adverse party reasonable attorney's fees and costs incurred in bringing the action.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(2) An ~~ex parte~~ **emergency** order for protection against high-risk behavior pursuant to NRS 33.570.

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



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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

(a) The facts and circumstances of the crime;

(b) The criminal history of the person;

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

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

(e) Any other relevant information.

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

3. The sentence prescribed by this section:

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



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

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

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

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

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

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

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

(a) Is:

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

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

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

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

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



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

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

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

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

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

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

(b) Has been judicially declared incompetent or insane.

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

Sec. 20. NRS 33.610 is hereby repealed.

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

