

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.

~

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

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:

- 1 Existing law establishes various provisions relating to ex parte and extended
2 orders for protection against high-risk behavior. (NRS 33.500-33.670) **Sections 1, 7,**
3 **3, 7, 9, 10, 12-14 and 16-18** of this bill replace the term “ex parte order” with
4 “emergency order.” **Section 19** of this bill requires the term changes to be
5 construed as having the same meaning for judicial interpretations that are rendered,
6 issued or entered before the effective date of this bill.
- 7 Existing law authorizes a family or household member who reasonably
8 believes, or a law enforcement officer who has probable cause to believe, that a
9 person poses a risk of causing personal injury to himself or herself or another
10 person by possessing or purchasing a firearm, to file a verified application for an ex
11 parte or extended order for protection against high-risk behavior. (NRS 33.560)
12 **Section 4** of this bill requires: (1) an applicant to show that the person poses an



13 imminent risk to the person or to others; and (2) removes the distinction between an
14 application for an ex parte order and an application for an extended order, and
15 instead requires the applicant to file a single application for an order for protection
16 against high-risk behavior.

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

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

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

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

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

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

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



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

74 Existing law requires a law enforcement agency to return any surrendered
75 firearm not later than 14 days after the dissolution or expiration of an ex parte or
76 extended order for protection. (NRS 33.600) **Section 11** of this bill requires the
77 court to: (1) issue an order for the return of any surrendered firearm of the adverse
78 party upon the expiration or dissolution of an extended order; and (2) provide a
79 copy of the order to the adverse party and the law enforcement agency holding the
80 surrendered firearm. **Section 8** requires a law enforcement agency to return any
81 surrendered firearm to the adverse party not later than 14 days after: (1) the
82 dissolution or expiration of an emergency order; or (2) receiving an order from the
83 court to return any firearm surrendered pursuant to an extended order.

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

40 (2) *Dismiss the verified application.*

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



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

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

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

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

13 33.095 1. Any time that a court issues a temporary or
14 extended order and any time that a person serves such an order,
15 registers such an order, registers a Canadian domestic-violence
16 protection order or receives any information or takes any other
17 action pursuant to NRS 33.017 to 33.100, inclusive, or NRS 33.110
18 to 33.158, inclusive, the person shall cause to be transmitted, in the
19 manner prescribed by the Central Repository for Nevada Records of
20 Criminal History, any information required by the Central
21 Repository in a manner which ensures that the information is
22 received by the Central Repository by the end of the next business
23 day.

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

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

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

34 33.500 As used in NRS 33.500 to 33.670, inclusive, *and*
35 *sections 1.3 and 1.5 of this act*, unless the context otherwise
36 requires, the words and terms defined in NRS 33.510 to 33.540,
37 inclusive, have the meanings ascribed to them in those sections.

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

39 33.520 ~~["Ex parte"]~~ *“Emergency order”* means an ~~[ex parte]~~
40 *emergency* order for protection against high-risk behavior.

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

42 33.560 1. A law enforcement officer who has probable cause
43 to believe that a person poses ~~[a]~~ *an imminent* risk of causing *a self-*
44 *inflicted injury or a* personal injury to ~~[himself or herself or]~~
45 another person by possessing ~~[or having under his or her custody or~~



1 ~~control or by~~, **controlling**, purchasing or otherwise acquiring any
2 firearm may file a verified application for an ~~[ex parte or extended]~~
3 order ~~[]~~ **for protection against high-risk behavior.**

4 2. A family or household member who reasonably believes that
5 a person poses ~~[a]~~ **an imminent** risk of causing **a self-inflicted**
6 **injury or a** personal injury to ~~[himself or herself or]~~ another person
7 by possessing ~~[or having under his or her custody or control or by]~~
8 **controlling**, purchasing or otherwise acquiring any firearm may file
9 a verified application for an ~~[ex parte or extended order.]~~ **order for**
10 **protection against high-risk behavior.**

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

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

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

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

22 **(d) Any supplemental documents or information.**

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

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

32 33.570 1. The court shall issue an ~~[ex parte]~~ **emergency** order
33 if the court finds by a preponderance of the evidence from facts
34 shown by a verified application filed pursuant to NRS 33.560:

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

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

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

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



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

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

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

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

26 ~~—7.]~~ The clerk of the court shall inform the applicant and the
27 adverse party upon the successful transfer of information concerning
28 the registration to the Central Repository for Nevada Records of
29 Criminal History as required pursuant to NRS 33.095.

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

31 33.580 1. The court shall issue an extended order if the court
32 finds by clear and convincing evidence from facts shown by a
33 verified application filed pursuant to NRS 33.560:

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

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

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

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



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

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

6 33.590 Each ~~[ex parte]~~ *emergency* or extended order issued
7 pursuant to NRS 33.570 or 33.580 must:

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

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

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

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

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

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

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

24 8. Include the following statement:

25
26 **WARNING**

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

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

32 33.600 1. After a court orders an adverse party to surrender
33 any firearm pursuant to NRS 33.590, the adverse party shall,
34 immediately after service of the order ~~[-~~

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

38 (a) *The* law enforcement agency designated by the court in the
39 order ~~[- or~~

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



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

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

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

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

28 ~~[[5.]]~~ 4. If, while executing a search warrant pursuant to
29 subsection ~~[[4.]]~~ 3, the health or safety of the officer or the adverse
30 party is put at risk because of any action of the adverse party, the
31 law enforcement officer is under no duty to continue to attempt to
32 execute the search warrant and the execution of the warrant shall be
33 deemed unsuccessful. If such execution is unsuccessful, the law
34 enforcement agency shall, as soon as practicable after the risk has
35 subsided, attempt to execute the search warrant until the search
36 warrant is successfully executed.

37 ~~[[6.]]~~ 5. A law enforcement agency shall return any surrendered
38 or seized firearm to the adverse party:

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

41 (b) After confirming that:

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

44 (2) Any ~~[[ex parte or extended]]~~ *emergency* order issued
45 pursuant to NRS 33.570 ~~[[or 33.580]]~~ is dissolved or no longer in



1 effect ~~[;]~~ *or a court has issued an order to return the surrendered*
2 *firearms pursuant to NRS 33.640, as applicable;* and

3 (c) As soon as practicable but not more than 14 days after the
4 dissolution *or expiration* of ~~[an ex parte or extended]~~ *the*
5 *emergency order* ~~[;~~
6 ~~—7.]~~ *or receiving the order to return the surrendered firearms*
7 *pursuant to NRS 33.640, as applicable.*

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

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

16 (b) The law enforcement agency determines that:

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

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

21 ~~[8.]~~ 7. As used in this section, “licensed firearm dealer” means
22 a person licensed pursuant to 18 U.S.C. § 923(a).

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

24 33.620 1. The court shall transmit, by the end of the next
25 business day after an ~~[ex parte]~~ *emergency* or extended order is
26 issued or renewed, a copy of the order to the appropriate law
27 enforcement agency.

28 2. ~~[The]~~ *Unless the adverse party is present at the hearing*
29 *described in section 1.3 of this act to receive the date of the*
30 *hearing described in section 1.5 of this act in which the court will*
31 *determine whether to issue an extended order, the court shall order*
32 *the appropriate law enforcement agency to serve, without charge,*
33 *the adverse party personally with the* ~~[ex parte or extended]~~
34 *emergency order and notice of the hearing described in section 1.5*
35 *of this act.*

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

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

43 ~~[3.]~~ 5. If, while attempting to serve the adverse party
44 personally pursuant to subsection 2 ~~[;]~~ *or 3*, the health or safety of
45 the officer or the adverse party is put at risk because of any action of



1 the adverse party, the law enforcement officer is under no duty to
2 continue to attempt to serve the adverse party personally and the
3 service shall be deemed unsuccessful. If such service is
4 unsuccessful, the law enforcement agency shall, as soon as
5 practicable after the risk has subsided, attempt to serve the adverse
6 party personally until the ~~ex parte~~ *emergency* or extended order is
7 successfully served.

8 ~~4.~~ 6. A law enforcement agency shall enforce an ~~ex parte~~
9 *emergency* or extended order without regard to the county in which
10 the order was issued.

11 ~~5.~~ 7. The clerk of the court shall issue, without fee, a copy of
12 the ~~ex parte~~ *emergency* or extended order to any family or
13 household member *or law enforcement officer* who files a verified
14 application pursuant to NRS 33.560 or the adverse party.

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

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

20 (a) With a warrant; or

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

23 (1) An order has been issued pursuant to NRS 33.570 or
24 33.580 against the adverse party;

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

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

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

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

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

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

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

42 3. Information concerning the terms and conditions of the ~~ex~~
43 *parte* *emergency* or extended order, the date and time of any notice
44 provided to the adverse party and the name and identifying number
45 of the law enforcement officer who gave the notice must be



1 provided in writing to the applicant and noted in the records of the
2 law enforcement agency and the court.

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

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

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

12 ~~—3.]~~ The family or household member or law enforcement
13 officer who filed the verified application *pursuant to NRS 33.560*
14 or the adverse party may request in writing to appear and move for
15 the dissolution of an ~~[ex parte]~~ *emergency* or extended order. Upon
16 a finding by clear and convincing evidence that the adverse party no
17 longer poses ~~[a]~~ *an imminent* risk of causing *a self-inflicted injury*
18 *or a personal injury to [himself or herself or]* another person by
19 possessing ~~[or having under his or her custody or control or by]~~ ,
20 *controlling*, purchasing or otherwise acquiring any firearm, the
21 court shall dissolve the order. If ~~[the court finds that]~~ all parties
22 ~~[agree]~~ *stipulate* to dissolve the order, the court shall dissolve the
23 order upon a finding of good cause.

24 ~~[4.]~~ 2. *Upon the expiration or dissolution of an extended*
25 *order, the court shall:*

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

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

29 (1) *The adverse party; and*

30 (2) *The law enforcement agency holding any such*
31 *surrendered firearm.*

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

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

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

44 (a) Cause to be transmitted, in the manner prescribed by the
45 Central Repository for Nevada Records of Criminal History, any



1 information required by the Central Repository in a manner which
2 ensures that the information is received by the Central Repository;
3 and

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

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

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

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

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

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

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

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

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

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

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

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

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

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

41 33.670 A person who intentionally violates an ~~ex parte~~
42 **emergency** or extended order is, unless a more severe penalty is
43 prescribed by law for the act that constitutes the violation of the
44 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]~~ **emergency** order for protection against
17 high-risk behavior pursuant to NRS 33.570.

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

23
24 That the affiant has good reason to believe, and does
25 believe, that it will be too late for the purpose of acquiring a
26 lien by the writ to wait until subsequent day for the issuance
27 of the same.

28
29 All proceedings instituted, and all writs issued, and all official acts
30 done on any of the days above specified, under and by virtue of this
31 section, shall have all the validity, force and effect of proceedings
32 commenced on other days, whether a lien be obtained or a levy
33 made under and by virtue of the writ.

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

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

37 4.370 1. Except as otherwise provided in subsection 2, justice
38 courts have jurisdiction of the following civil actions and
39 proceedings and no others except as otherwise provided by specific
40 statute:

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

43 (b) In actions for damages for injury to the person, or for taking,
44 detaining or injuring personal property, or for injury to real property
45 where no issue is raised by the verified answer of the defendant



1 involving the title to or boundaries of the real property, if the
2 damage claimed does not exceed \$15,000.

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

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

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

15 (f) To take and enter judgment on the confession of a defendant,
16 when the amount confessed, exclusive of interest, does not exceed
17 \$15,000.

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

41 3. Justice courts have jurisdiction of all misdemeanors and no
42 other criminal offenses except as otherwise provided by specific
43 statute. Upon approval of the district court, a justice court may
44 transfer original jurisdiction of a misdemeanor to the district court
45 for the purpose of assigning an offender to a program established



1 pursuant to NRS 176A.250 or, if the justice court has not
2 established a program pursuant to NRS 176A.280, to a program
3 established pursuant to that section.

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

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

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

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

16 193.166 1. Except as otherwise provided in NRS 193.169, a
17 person who commits a crime that is punishable as a felony, other
18 than a crime that is punishable as a felony pursuant to subsection 6
19 of NRS 33.400, subsection 5 of NRS 200.378 or subsection 5 of
20 NRS 200.591, in violation of:

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

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

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

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

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

31 (f) A temporary or extended order issued pursuant to NRS
32 200.378; or

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

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



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

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

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

12 3. The sentence prescribed by this section:

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

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

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

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

27 202.3657 1. Any person who is a resident of this State may
28 apply to the sheriff of the county in which he or she resides for a
29 permit on a form prescribed by regulation of the Department. Any
30 person who is not a resident of this State may apply to the sheriff of
31 any county in this State for a permit on a form prescribed by
32 regulation of the Department. Application forms for permits must be
33 furnished by the sheriff of each county upon request.

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

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

44 (a) Is:

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



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

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

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

8 (b) Is not prohibited from possessing a firearm pursuant to NRS
9 202.360; and

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

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

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

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

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

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

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

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

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

37 (1) Been convicted of violating the provisions of NRS
38 484C.110; or

39 (2) Participated in a program of treatment pursuant to NRS
40 176A.230 to 176A.245, inclusive.

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



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

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

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

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

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

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

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

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

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

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

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

44 7. An application submitted pursuant to this section must be
45 completed and signed under oath by the applicant. The applicant's



1 signature must be witnessed by an employee of the sheriff or
2 notarized by a notary public. The application must include:

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

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

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

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

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

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

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

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

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

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

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

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

42 **Sec. 20.** NRS 33.610 is hereby repealed.

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



TEXT OF REPEALED SECTION

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.

