

SENATE BILL NO. 6—COMMITTEE ON JUDICIARY

(ON BEHALF OF THE NEVADA SUPREME COURT)

PREFILED NOVEMBER 18, 2020

Referred to Committee on Judiciary

SUMMARY—Revises provisions governing orders for protection against high-risk behavior. (BDR 3-394)

FISCAL NOTE: Effect on Local Government: No.  
Effect on the State: No.

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

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

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



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

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

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

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

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

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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**



1 *application filed pursuant to NRS 33.560 not later than 1 judicial*  
2 *day after its filing by the applicant. At the hearing the court may:*

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

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

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

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

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

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

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

15 *(2) Dismiss the verified application; or*

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

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

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

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

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

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

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

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

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

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

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



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

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

7     *(b) Unless the emergency order is dissolved pursuant to NRS*  
8 *33.640, the court shall, not later than the day that the emergency*  
9 *order expires, hold a hearing to determine whether to:*

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

11     *(2) Dismiss the verified application.*

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

19     *(a) Issue an extended order pursuant to NRS 33.580; or*

20     *(b) Dismiss the verified application.*

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

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

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

31     33.095 1. Any time that a court issues a temporary or  
32 extended order and any time that a person serves such an order,  
33 registers such an order, registers a Canadian domestic-violence  
34 protection order or receives any information or takes any other  
35 action pursuant to NRS 33.017 to 33.100, inclusive, or NRS 33.110  
36 to 33.158, inclusive, the person shall cause to be transmitted, in the  
37 manner prescribed by the Central Repository for Nevada Records of  
38 Criminal History, any information required by the Central  
39 Repository in a manner which ensures that the information is  
40 received by the Central Repository by the end of the next business  
41 day.

42     2. Any time that a court issues an ~~ex parte~~ **emergency** or  
43 extended order pursuant to NRS 33.570 or 33.580, the court shall  
44 cause to be transmitted, in the manner prescribed by the Central  
45 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 by the end of the next business day.

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

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

7 33.500 As used in NRS 33.500 to 33.670, inclusive, *and*  
8 *sections 1.3 and 1.5 of this act*, unless the context otherwise  
9 requires, the words and terms defined in NRS 33.510 to 33.540,  
10 inclusive, have the meanings ascribed to them in those sections.

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

12 33.520 ~~["Ex parte"]~~ *“Emergency order”* means an ~~[ex parte]~~  
13 *emergency* order for protection against high-risk behavior.

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

15 33.560 1. A law enforcement officer who has probable cause  
16 to believe that a person poses ~~[a]~~ *an imminent* risk of causing *a self-*  
17 *inflicted injury or a* personal injury to ~~[himself or herself or]~~  
18 another person by possessing ~~[or having under his or her custody or~~  
19 ~~control or by]~~, *controlling*, purchasing or otherwise acquiring any  
20 firearm may file a verified application for an ~~[ex parte or extended]~~  
21 order ~~[ ]~~ *for protection against high-risk behavior.*

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

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

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

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

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

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

41 4. ~~[Service of]~~ *An applicant is not required to serve, or have*  
42 *served on its behalf*, an application for an ~~[extended]~~ order *for*  
43 *protection against high-risk behavior* and ~~[the]~~ notice of *the*  
44 hearing ~~[thereon must be served upon the adverse party pursuant to~~  
45 ~~the Nevada Rules of Civil Procedure.]~~ *described in section 1.3 of*



1 *this act, but an applicant who is a law enforcement officer may in*  
2 *the discretion of the officer serve the verified application and*  
3 *notice of the hearing on the adverse party.*

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

5 33.570 1. The court shall issue an ~~[ex parte]~~ **emergency** order  
6 if the court finds by a preponderance of the evidence from facts  
7 shown by a verified application filed pursuant to NRS 33.560:

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

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

14 (c) Less restrictive options have been exhausted or are not  
15 effective.

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

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

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

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

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

44 ~~—7.]~~ The clerk of the court shall inform the applicant and the  
45 adverse party upon the successful transfer of information concerning



1 the registration to the Central Repository for Nevada Records of  
2 Criminal History as required pursuant to NRS 33.095.

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

4 33.580 1. The court shall issue an extended order if the court  
5 finds by clear and convincing evidence from facts shown by a  
6 verified application filed pursuant to NRS 33.560:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

40 8. Include the following statement:

41  
42 **WARNING**

43 This is an official court order. If you disobey this order, you  
44 may be arrested and prosecuted for the crime of violating an





1 ~~[ex parte]~~ **emergency** or extended order and any other crime  
2 that you may have committed in disobeying this order.

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

4 33.600 1. After a court orders an adverse party to surrender  
5 any firearm pursuant to NRS 33.590, the adverse party shall,  
6 immediately after service of the order ~~[-~~

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

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

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

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

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

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

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

44 ~~[5.]~~ 4. If, while executing a search warrant pursuant to  
45 subsection ~~[4.]~~ **3,** the health or safety of the officer or the adverse



1 party is put at risk because of any action of the adverse party, the  
2 law enforcement officer is under no duty to continue to attempt to  
3 execute the search warrant and the execution of the warrant shall be  
4 deemed unsuccessful. If such execution is unsuccessful, the law  
5 enforcement agency shall, as soon as practicable after the risk has  
6 subsided, attempt to execute the search warrant until the search  
7 warrant is successfully executed.

8 ~~6.~~ 5. A law enforcement agency shall return any surrendered  
9 or seized firearm to the adverse party:

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

12 (b) After confirming that:

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

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

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

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

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

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

32 (b) The law enforcement agency determines that:

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

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

37 ~~8.~~ 7. As used in this section, “licensed firearm dealer” means  
38 a person licensed pursuant to 18 U.S.C. § 923(a).

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

40 33.620 1. The court shall transmit, by the end of the next  
41 business day after an ~~ex parte~~ *emergency* or extended order is  
42 issued or renewed, a copy of the order to the appropriate law  
43 enforcement agency.

44 2. ~~The~~ *Unless the adverse party is present at the hearing*  
45 *described in section 1.3 of this act to receive the date of the*



1 *hearing described in section 1.5 of this act in which the court will*  
2 *determine whether to issue an extended order, the court shall order*  
3 *the appropriate law enforcement agency to serve, without charge,*  
4 *the adverse party personally with ~~the ex parte or extended~~ :*

5 *(a) The emergency order ;*

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

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

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

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

16 ~~3.~~ *5. If, while attempting to serve the adverse party*  
17 *personally pursuant to subsection 2 ~~1.~~ or 3, the health or safety of*  
18 *the officer or the adverse party is put at risk because of any action of*  
19 *the adverse party, the law enforcement officer is under no duty to*  
20 *continue to attempt to serve the adverse party personally and the*  
21 *service shall be deemed unsuccessful. If such service is*  
22 *unsuccessful, the law enforcement agency shall, as soon as*  
23 *practicable after the risk has subsided, attempt to serve the adverse*  
24 *party personally until the ~~ex parte~~ emergency or extended order is*  
25 *successfully served.*

26 ~~4.~~ *6. A law enforcement agency shall enforce an ~~ex parte~~*  
27 *emergency or extended order without regard to the county in which*  
28 *the order was issued.*

29 ~~5.~~ *7. The clerk of the court shall issue, without fee, a copy of*  
30 *the ~~ex parte~~ emergency or extended order to any family or*  
31 *household member or law enforcement officer who files a verified*  
32 *application pursuant to NRS 33.560 or the adverse party.*

33 *8. The court may withhold or redact from the application or*  
34 *any supplemental documents to be served upon the adverse party*  
35 *any personal identifying information of the applicant or any other*  
36 *person if the court determines that disclosure of the personal*  
37 *identifying information would create a substantial threat to the*  
38 *applicant or any other person of bodily harm, intimidation,*  
39 *coercion or harassment. If the court withholds or redacts any*  
40 *personal identifying information pursuant to this subsection, the*  
41 *court shall:*

42 *(a) Upon request of the adverse party, provide the adverse*  
43 *party or the adverse party's attorney or agent with an opportunity*  
44 *to interview the applicant or other person whose personal*  
45 *identifying information was withheld or redacted in an*



1 *environment that provides for protection of the applicant or other*  
2 *person;*

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

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

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

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

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

18 (a) With a warrant; or

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

21 (1) An order has been issued pursuant to NRS 33.570 or  
22 33.580 against the adverse party;

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

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

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

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

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

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

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

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



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

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

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

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

22       ~~{4.}~~ 2. *Upon the expiration or dissolution of an emergency or*  
23 *extended order, the court shall:*

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

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

27           (1) *The adverse party; and*

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

30       (c) *Cause, on a form prescribed by the Department of Public*  
31 *Safety, a record of the expiration or dissolution of the order to be*  
32 *transmitted to the Central Repository for Nevada Records of*  
33 *Criminal History to ensure that information concerning the*  
34 *adverse party is removed from the Central Repository.*

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

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

42       33.650 1. Any time that a court issues an ~~{ex parte}~~  
43 *emergency* or extended order or renews an extended order and any  
44 time that a person serves such an order or receives any information



1 or takes any other action pursuant to NRS 33.500 to 33.670,  
2 inclusive, the person shall, by the end of the next business day:

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

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

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

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

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

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

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

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

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

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

37 33.660 1. A person shall not file a verified application for an  
38 ~~ex parte~~ emergency or extended order:

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

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

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



1     **Sec. 14.** NRS 33.670 is hereby amended to read as follows:  
2     33.670 A person who intentionally violates an ~~ex parte~~  
3 *emergency* or extended order is, unless a more severe penalty is  
4 prescribed by law for the act that constitutes the violation of the  
5 order, guilty of a misdemeanor.

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

7     1.130 1. No court except a justice court or a municipal court  
8 shall be opened nor shall any judicial business be transacted except  
9 by a justice court or municipal court on Sunday, or on any day  
10 declared to be a legal holiday according to the provisions of NRS  
11 236.015, except for the following purposes:

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

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

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

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

19         (1) A temporary order pursuant to subsection 8 of NRS  
20 33.020; or

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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





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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

36 (f) A temporary or extended order issued pursuant to NRS  
37 200.378; or

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

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



1 to the term of imprisonment prescribed by statute for that crime, the  
2 person shall be punished by imprisonment in the state prison for a  
3 minimum term of not less than 1 year and a maximum term of not  
4 more than 5 years.

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

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

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

16 3. The sentence prescribed by this section:

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

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

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

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

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

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

44 3. Except as otherwise provided in this section, the sheriff shall  
45 issue a permit to any person who is qualified to possess a handgun



1 under state and federal law, who submits an application in  
2 accordance with the provisions of this section and who:

3 (a) Is:

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

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

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

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

12 (b) Is not prohibited from possessing a firearm pursuant to NRS  
13 202.360; and

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

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

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

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

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

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

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

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

36 (d) Has habitually used intoxicating liquor or a controlled  
37 substance to the extent that his or her normal faculties are impaired.

38 For the purposes of this paragraph, it is presumed that a person has  
39 so used intoxicating liquor or a controlled substance if, during the  
40 immediately preceding 5 years, the person has:

41 (1) Been convicted of violating the provisions of NRS  
42 484C.110; or

43 (2) Participated in a program of treatment pursuant to NRS  
44 176A.230 to 176A.245, inclusive.



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

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

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

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

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

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

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

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

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

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

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

37 6. If the sheriff receives notification submitted by a court or  
38 law enforcement agency of this or any other state, the United States  
39 or a territory or possession of the United States that a permittee or  
40 an applicant for a permit has been charged with a crime involving  
41 the use or threatened use of force or violence, the conviction for  
42 which would require the revocation of a permit or preclude the  
43 issuance of a permit to the applicant pursuant to this section,  
44 the sheriff shall suspend the person's permit or the processing of the  
45 person's application until the final disposition of the charges against



1 the person. If a permittee is acquitted of the charges, or if the  
2 charges are dropped, the sheriff shall restore his or her permit  
3 without imposing a fee.

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

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

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

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

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

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

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

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

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

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

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

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

41 2. Any judicial interpretation of a state law that is rendered,  
42 issued or entered before July 1, 2021, which includes an  
43 interpretation of the term "ex parte order" which is amended by or  
44 as a result of this act to refer instead to "emergency order" shall be



1 deemed to have the same meaning as though the term had remained  
2 unchanged.

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

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

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**TEXT OF REPEALED SECTION**

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**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.

