

SENATE BILL NO. 7—COMMITTEE ON JUDICIARY

(ON BEHALF OF THE NEVADA SUPREME COURT)

PREFILED NOVEMBER 18, 2020

Referred to Committee on Judiciary

SUMMARY—Makes various changes relating to certain orders for protection where the adverse party is a child under 18 years of age. (BDR 1-391)

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

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

AN ACT relating to courts; providing that the district court has exclusive jurisdiction over the issuance and dissolution of certain orders for protection where the adverse party is a child under 18 years of age; providing that the juvenile court has exclusive jurisdiction over actions relating to the violation of certain orders for protection where the adverse party is a child under 18 years of age; establishing procedures relating to orders declaring that the basis no longer exists for certain orders for protection be transmitted to the Central Repository for Nevada Records of Criminal History if the adverse party is a child under 18 years of age; and providing other matters properly relating thereto.

**Legislative Counsel’s Digest:**

1 Existing law authorizes the issuance of orders for protection against domestic  
2 violence, harassment in the workplace, high-risk behavior, sexual assault, and  
3 stalking, aggravated stalking or harassment. (NRS 33.017-33.100, 33.200-33.360,  
4 33.500-33.670, 200.378, 200.591) Existing law also provides that: (1) the family  
5 court, where established, and the justice court, with certain exceptions, have  
6 concurrent jurisdiction over actions for the issuance of a temporary or extended  
7 order for protection against domestic violence; and (2) the justice court has  
8 exclusive jurisdiction over actions for the issuance of orders for protection against  
9 harassment in the workplace, high-risk behavior, sexual assault, and stalking,  
10 aggravated stalking or harassment. (NRS 3.223, 4.370)



11 **Section 1** of this bill provides that if an order for protection against domestic  
 12 violence, harassment in the workplace, high-risk behavior, sexual assault, or  
 13 stalking, aggravated stalking or harassment is sought against a child who is under  
 14 18 years of age, the district court has exclusive jurisdiction over any action relating  
 15 to the issuance or dissolution of the order. However, **section 1** provides that the  
 16 juvenile court has exclusive jurisdiction over any action in which it is alleged that a  
 17 child who is the adverse party to any such order has committed a delinquent act by  
 18 violating a condition of the order. **Section 2** of this bill makes conforming changes  
 19 to remove jurisdiction over the issuance of such orders from other courts that have  
 20 jurisdiction over the issuance of those orders under existing law.

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

35 **Section 3** of this bill provides that the changes in this bill apply to an order for  
 36 protection against domestic violence, harassment in the workplace, high-risk  
 37 behavior, sexual assault, or stalking, aggravated stalking or harassment that is  
 38 issued on or after October 1, 2021, and a court that issued such an order before  
 39 October 1, 2021, retains jurisdiction over the order, all persons subject to or  
 40 protected by the order, and all proceedings relating to the order.

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

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

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

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

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

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

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



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

4 2. The district court shall appoint counsel for a child who is  
5 the adverse party against whom an order listed in subsection 1 is  
6 sought upon:

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

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

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

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

14 (b) The parent or guardian of the child.

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

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

23 6. The district court shall automatically seal all records  
24 related to the application for, consideration of and issuance of an  
25 order listed in subsection 1 as provided in NRS 62H.140 upon the  
26 dissolution or expiration of the order or when the adverse party  
27 reaches the age of 18 years, whichever is earlier, unless, at such a  
28 time, the order is still in effect, in which case the records must be  
29 automatically sealed by the district court upon the expiration or  
30 dissolution of the order.

31 7. A district court may appoint a master to conduct the  
32 proceedings described in this section.

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

34 4.370 1. Except as otherwise provided in subsection 2, justice  
35 courts have jurisdiction of the following civil actions and  
36 proceedings and no others except as otherwise provided by specific  
37 statute:

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

43 (3) If a district court issues a written order to the justice court  
44 requiring that further proceedings relating to the action for the



1 issuance of the order for protection be conducted before the district  
2 court ~~§~~; *or*

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

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

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 ~~§~~; *or*

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

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

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

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

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

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 ~~§~~ *where the adverse party against whom*  
36 *the order is sought is 18 years of age or older.*

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

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

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

42 2. The jurisdiction conferred by this section does not extend to  
43 civil actions, other than for forcible entry or detainer, in which the  
44 title of real property or mining claims or questions affecting the  
45 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. 2.3.** NRS 33.650 is hereby amended to read as follows:

21 33.650 1. Any time that a court issues an ex parte or  
22 extended order or renews an extended order and any time that a  
23 person serves such an order or receives any information or takes any  
24 other action pursuant to NRS 33.500 to 33.670, inclusive, the person  
25 shall, by the end of the next business day:

26 (a) Cause to be transmitted, in the manner prescribed by the  
27 Central 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 and

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

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

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

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

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



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

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

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

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

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

21 *1. Upon the submission of information relating to any of the*  
22 *following orders for protection where the adverse party is a child*  
23 *under the age of 18 years to the Central Repository for Nevada*  
24 *Records of Criminal History, the adverse party may petition a*  
25 *court for an order declaring that the basis no longer exists for*  
26 *such information to be transmitted to the Central Repository:*

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

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

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

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

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

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

41 *3. The court shall grant the petition and issue the order*  
42 *described in subsection 1 if the court finds that the basis for the*  
43 *order for protection no longer exists.*

44 *4. The court, upon granting the petition and entering an*  
45 *order pursuant to this section, shall cause, on a form prescribed by*



1 *the Department of Public Safety, a record of the order to be*  
2 *transmitted to the Central Repository for Nevada Records of*  
3 *Criminal History.*

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

9 *6. If the Central Repository for Nevada Records of Criminal*  
10 *History fails to remove the information as provided in subsection*  
11 *5, the adverse party may bring an action to compel the removal of*  
12 *the information. If the adverse party prevails in the action, the*  
13 *court may award the adverse party reasonable attorney's fees and*  
14 *costs incurred in bringing the action.*

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

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

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

23 2. Do not apply to an order for protection against domestic  
24 violence, harassment in the workplace, high-risk behavior, sexual  
25 assault, or stalking, aggravated stalking or harassment that is issued  
26 before October 1, 2021, and a court that issued such an order before  
27 October 1, 2021, retains jurisdiction over the order, all persons  
28 subject to or protected by the order, and all proceedings relating to  
29 the order, regardless of whether the proceedings are conducted  
30 before, on or after October 1, 2021.

