

ASSEMBLY BILL NO. 254—COMMITTEE ON JUDICIARY

(ON BEHALF OF THE LEGISLATIVE COMMITTEE ON SENIOR CITIZENS, VETERANS AND ADULTS WITH SPECIAL NEEDS)

MARCH 7, 2023

Referred to Committee on Judiciary

SUMMARY—Provides for the issuance of certain orders and warrants relating to the protection of certain persons. (BDR 3-300)

FISCAL NOTE: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes.

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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; authorizing the issuance of an order for protection of a vulnerable adult; providing for the enforcement of such an order; providing penalties for the violation of such an order; providing an additional penalty for committing a felony in violation of such an order; authorizing the issuance of certain warrants and orders in connection with the investigation of a report of abuse, neglect, exploitation, isolation or abandonment of an older person or a vulnerable person; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law authorizes a court to issue certain orders for protection. (NRS 33.020, 33.270, 33.400, 33.570, 33.580, 200.378, 200.591) Sections 2-18 of this bill similarly establish procedures for the issuance of temporary or extended orders for protection of a vulnerable adult. Sections 3-9 of this bill set forth certain definitions relating to such orders.

Section 10 of this bill authorizes certain persons, including a vulnerable adult and certain persons acting on behalf of a vulnerable adult, to file a verified petition for the issuance of a temporary or extended order for protection of a vulnerable adult. Section 10 also authorizes the Aging and Disability Services Division of the Department of Health and Human Services and the public guardian of a county whose population is less than 100,000 (currently all counties other than Clark and Washoe Counties) to file such a petition under certain circumstances. Under section 10, if it appears to the satisfaction of the court that a person has committed



14 or is committing a prohibited act against the vulnerable adult, the court is
15 authorized to issue a temporary order or extended order. **Section 7** of this bill
16 defines "prohibited act" to mean an act of abandonment, abuse, exploitation,
17 isolation or neglect that is committed against a vulnerable adult. **Section 11** of this
18 bill sets forth the relief that the court may order by temporary order and extended
19 order.

20 **Section 12** of this bill authorizes a court to grant a temporary order with or
21 without notice to the adverse party or, if the petitioner for the temporary order is an
22 authorized person other than the vulnerable adult, the vulnerable adult. **Section 13**
23 of this bill authorizes a court to grant an extended order only after: (1) notice is
24 provided to the adverse party and, if the petitioner for the temporary order is an
25 authorized person other than the vulnerable adult, the vulnerable adult; and (2) a
26 hearing is held on the petition.

27 **Section 14** of this bill provides that: (1) a temporary order expires not later than
28 45 days after the date on which it is issued unless a petition for an extended order is
29 filed, in which case the temporary order remains in effect until the hearing on the
30 petition for the extended order is held; and (2) an extended order expires not later
31 than 5 years after the date it is issued. **Section 14** also sets forth procedures by
32 which a temporary order or an extended order that is in effect may be modified or
33 dissolved.

34 **Section 15** of this bill: (1) provides for the deferral of fees for a petitioner for a
35 temporary order or an extended order; (2) requires the clerk of the court to provide
36 certain information to each party; and (3) provides that no fee may be charged for
37 service of a temporary order or an extended order in this State.

38 **Section 16** of this bill: (1) requires each court that issues a temporary order or
39 an extended order to transmit a copy of the order to all law enforcement agencies
40 within its jurisdiction; and (2) provides for the enforcement of a temporary order or
41 an extended order by law enforcement.

42 **Section 17** of this bill requires a court that issues a temporary order or an
43 extended order and a person that serves such an order to transmit certain
44 information concerning the order to the Central Repository for Nevada Records of
45 Criminal History.

46 **Section 18** of this bill provides that an adverse party who intentionally violates
47 a temporary order is guilty of a misdemeanor. **Section 18** also provides that an
48 adverse party who intentionally violates an extended order is guilty of: (1) a
49 misdemeanor, if the adverse party has not previously violated an extended order;
50 (2) a gross misdemeanor, if the adverse party has previously violated an extended
51 order one time; and (3) a category D felony, if the adverse party has previously
52 violated an extended order two or more times.

53 Existing law provides that a person who commits certain crimes that are
54 punishable as a felony in violation of certain orders for protection is subject to an
55 additional penalty. (NRS 193.166) **Section 20** of this bill includes a felony
56 committed in violation of a temporary order or an extended order, as defined in this
57 bill, to the list of violations which result in an additional penalty.

58 Existing law: (1) requires certain persons in their professional or occupational
59 capacity to report the suspected abuse, neglect, exploitation, isolation or
60 abandonment of older persons or vulnerable persons; and (2) authorizes any other
61 person to make such a report. (NRS 200.5093) **Section 21** of this bill provides that
62 if the Division commences an investigation of such a report but is unable to
63 complete the investigation because a person has barred access to the older person or
64 vulnerable person, the Division is authorized to petition a court for: (1) a warrant to
65 enter the premises where the older person or vulnerable person resides for the
66 purposes of conducting the investigation; (2) an order enjoining the person who has
67 barred access to the older person or vulnerable person from interfering with the
68 investigation; or (3) both a warrant and an order. **Section 21** authorizes the court to



69 issue such a warrant or order if the court determines that there is probable cause to
70 believe: (1) that the older person or vulnerable person has been or is being abused,
71 neglected, exploited, isolated or abandoned; and (2) that the Division has been
72 prevented from completing its investigation by the person who has barred access to
73 the older person or vulnerable person. **Sections 19, 22 and 23** of this bill make
74 conforming changes to indicate the proper placement of **section 21** in the Nevada
75 Revised Statutes.

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 2 to 18, inclusive, of this
3 act.

4 **Sec. 2.** *As used in sections 2 to 18, inclusive, of this act,*
5 *unless the context otherwise requires, the words and terms defined*
6 *in sections 3 to 9, inclusive, of this act have the meanings ascribed*
7 *to them in those sections.*

8 **Sec. 3.** *“Adverse party” means a natural person who is*
9 *named in a petition for a temporary order or an extended order.*

10 **Sec. 4.** *“Authorized person” means:*

11 1. *A vulnerable adult, acting on his or her own behalf;*

12 2. *A guardian of a vulnerable adult, including, without*
13 *limitation, a public guardian acting as provided in subsection 2 of*
14 *section 10 of this act;*

15 3. *An attorney-in-fact for a vulnerable adult who is acting*
16 *within the authority of a power of attorney; or*

17 4. *The Division, acting as provided in subsection 2 of section*
18 *10 of this act.*

19 **Sec. 5.** *“Division” means the Aging and Disability Services*
20 *Division of the Department of Health and Human Services.*

21 **Sec. 6.** *“Extended order” means an extended order for*
22 *protection of a vulnerable adult.*

23 **Sec. 7.** *“Prohibited act” means an act of abandonment,*
24 *abuse, exploitation, isolation or neglect, as those terms are defined*
25 *in NRS 200.5092, that is committed against a vulnerable adult.*

26 **Sec. 8.** *“Temporary order” means a temporary order for*
27 *protection of a vulnerable adult.*

28 **Sec. 9.** *“Vulnerable adult” means a person who:*

29 1. *Suffers from a condition of physical or mental*
30 *incapacitation because of a developmental disability, organic*
31 *brain damage or mental illness;*

32 2. *Has one or more physical or mental limitations that restrict*
33 *the ability of the person to perform the normal activities of daily*
34 *living;*



1 3. *Is 60 years of age or older and lacks the functional, mental*
2 *or physical ability to care for himself or herself;*

3 4. *Has been adjudicated to be incapacitated pursuant to*
4 *chapter 159 of NRS;*

5 5. *Is currently admitted to a facility for long-term care, as*
6 *defined in NRS 427A.028;*

7 6. *Is currently receiving services from an agency to provide*
8 *nursing in the home, as defined in NRS 449.0015, or home or*
9 *hospice care from an entity required to be licensed under chapter*
10 *449 of NRS;*

11 7. *Is currently receiving services from a care provider, as*
12 *defined in NRS 159.014; or*

13 8. *Self-directs his or her own care and receives services from*
14 *a personal assistant acting pursuant to NRS 629.091.*

15 **Sec. 10.** 1. *In addition to any other remedy provided by law,*
16 *an authorized person may file a verified petition for a temporary*
17 *order or an extended order against a person who has committed or*
18 *is committing a prohibited act against a vulnerable adult. The*
19 *petition may be filed in the district court of:*

20 (a) *The county in which the vulnerable adult currently resides;*
21 *or*

22 (b) *The county in which the vulnerable adult formerly resided,*
23 *if the vulnerable adult left or was removed from his or her*
24 *residence in the county as a result of the commission of a*
25 *prohibited act against the vulnerable adult or to avoid the*
26 *commission of a prohibited act against the vulnerable adult.*

27 2. *If the Division has reason to believe that a person has*
28 *committed or is committing a prohibited act against a vulnerable*
29 *adult and the vulnerable adult needs the protection of a temporary*
30 *order or an extended order, the Division may:*

31 (a) *File a petition for a temporary order or an extended order*
32 *on behalf of the vulnerable adult if:*

33 (1) *The Division finds that the commission of the prohibited*
34 *act against the vulnerable adult has impaired the ability of the*
35 *vulnerable adult to appreciate and understand the circumstances*
36 *that place him or her at risk of harm; or*

37 (2) *The vulnerable adult has provided written authorization*
38 *to the Division to act on his or her behalf; or*

39 (b) *If the vulnerable adult resides in a county whose*
40 *population is less than 100,000, refer the matter to the office of the*
41 *public guardian of that county, who may file a petition on behalf*
42 *of the vulnerable adult if the public guardian determines that a*
43 *guardianship is appropriate and that a person has committed or is*
44 *committing a prohibited act against the vulnerable adult.*



1 3. *If the Division files a petition for a temporary order or an*
2 *extended order pursuant to this section, the Division:*

3 (a) *Shall comply with all applicable laws and regulations*
4 *relating to confidentiality that generally apply to the performance*
5 *of its duties; and*

6 (b) *May disclose only those facts that are necessary to provide*
7 *sufficient proof to the court that a temporary order or an extended*
8 *order should be issued.*

9 4. *The Division, the Department of Health and Human*
10 *Services, the State of Nevada and their officers and employees are*
11 *immune from criminal and civil liability for any act or omission*
12 *relating to the filing of a petition for a temporary order or an*
13 *extended order pursuant to this section.*

14 5. *Except as otherwise provided in section 11 of this act, if it*
15 *appears to the satisfaction of the court from specific facts shown*
16 *by the petition that a person has committed or is committing a*
17 *prohibited act against a vulnerable adult, the court may grant a*
18 *temporary or extended order.*

19 6. *A petition for a temporary order or an extended order may*
20 *be filed regardless of whether there is an existing judicial or*
21 *administrative action or matter pending that relates to the issues*
22 *presented in the petition.*

23 7. *Any court order issued pursuant to this section must:*

24 (a) *Be in writing; and*

25 (b) *Contain the warning that a violation of the order:*

26 (1) *Subjects the adverse party to immediate arrest.*

27 (2) *Is a misdemeanor if the order is a temporary order.*

28 (3) *Is a misdemeanor if the order is an extended order and*
29 *the adverse party has not previously violated an extended order.*

30 (4) *Is a gross misdemeanor if the order is an extended order*
31 *and the adverse party has previously violated an extended order*
32 *one time.*

33 (5) *Is a category D felony if the order is an extended order*
34 *and the adverse party has previously violated an extended order*
35 *two or more times.*

36 **Sec. 11. 1. *The court by a temporary order may:***

37 (a) *Direct the adverse party to:*

38 (1) *Refrain from committing the prohibited act against the*
39 *vulnerable adult.*

40 (2) *Stay away from the residence of the vulnerable adult*
41 *and any other location specifically ordered by the court for a*
42 *specified period or until further order of the court.*

43 (3) *Refrain from contacting, intimidating or otherwise*
44 *interfering with the vulnerable adult for a specified period or until*
45 *further order of the court.*



1 (4) Refrain from knowingly coming within, or knowingly
2 remaining within, a specified distance of the vulnerable adult or a
3 specified location.

4 (5) Provide an accounting of the income or other property
5 of the vulnerable adult.

6 (6) Refrain from transferring, selling or otherwise
7 disposing of the property of the vulnerable adult for a specified
8 period or until further order of the court.

9 (7) Stay away from any animal owned, possessed, leased,
10 kept or held by the vulnerable adult or refrain from taking,
11 transferring, encumbering, concealing, molesting, attacking,
12 striking, threatening, harming or otherwise disposing of any
13 animal owned, possessed, leased, kept or held by the vulnerable
14 adult. The court may also grant to the vulnerable adult exclusive
15 care, possession or control of the animal after a showing of good
16 cause.

17 (8) Remit payment of any filing fee and court costs,
18 including, without limitation, service fees, and reimburse the
19 vulnerable adult for costs incurred in bringing the action,
20 including, without limitation, reasonable attorney's fees.

21 (9) Comply with any other restriction which the court
22 deems necessary to protect the vulnerable adult or any other
23 person specifically named by the court, including, without
24 limitation, a member of the family or household of the vulnerable
25 adult.

26 (b) Award to vulnerable adult the exclusive use and possession
27 of the residence that the vulnerable adult and adverse party share.
28 Before granting such relief, the court must confirm that any
29 required services or persons to provide for the care of the
30 vulnerable adult that may be necessary to ensure his or her safety
31 are available to the vulnerable adult.

32 (c) Freeze any assets of the vulnerable adult held by a
33 financial institution, regardless of whether the assets are held
34 solely in the name of the vulnerable adult, solely in the name of
35 the adverse party, jointly with the adverse party, by a guardian for
36 the vulnerable adult or by a trust, except that for any assets of the
37 vulnerable adult which are held:

38 (1) By a guardian for the vulnerable adult, the court may
39 freeze the assets by temporary order only if the court is also the
40 court presiding over the guardianship proceedings concerning the
41 vulnerable adult.

42 (2) Solely in the name of the adverse party, the court may
43 freeze the assets by temporary order without notice to the adverse
44 party only if an affidavit accompanies the petition for the



1 *temporary order explaining the need to freeze such assets and the*
2 *court determines that:*

3 (I) *There is probable cause to believe that such assets*
4 *are traceable to the prohibited act committed against the*
5 *vulnerable adult;*

6 (II) *The assets are likely to be returned to the vulnerable*
7 *adult after proper proceedings; and*

8 (III) *No other adequate remedy at law is reasonably*
9 *available.*

10 (d) *Freeze any line of credit of the vulnerable adult at any*
11 *financial institution, regardless of whether the line of credit is*
12 *held solely in the name of the vulnerable adult, jointly with the*
13 *adverse party, by a guardian for the vulnerable adult or by a trust,*
14 *except that, for any line of credit held by a guardian for the*
15 *vulnerable adult, the court may freeze the line of credit by*
16 *temporary order only if the court is also the court presiding over*
17 *the guardianship proceedings concerning the vulnerable adult.*

18 (e) *If the court freezes any assets or lines of credit of the*
19 *vulnerable adult, order that specified living expenses of the*
20 *vulnerable adult continue to be paid.*

21 2. *The court by an extended order may:*

22 (a) *Grant any relief described in paragraphs (a) and (b) of*
23 *subsection 1.*

24 (b) *Direct the adverse party to return to the vulnerable adult*
25 *any money, assets or property of the vulnerable adult obtained by*
26 *the adverse party as a result of the prohibited act committed*
27 *against the vulnerable adult.*

28 **Sec. 12.** 1. *The court may grant a temporary order with or*
29 *without notice to the adverse party or, if the petitioner for the*
30 *temporary order is an authorized person other than the vulnerable*
31 *adult, the vulnerable adult.*

32 2. *A temporary order must be:*

33 (a) *Personally served upon the adverse party and, if the person*
34 *who obtained the temporary order is an authorized person other*
35 *than the vulnerable adult, the vulnerable adult; and*

36 (b) *If the order freezes any assets or lines of credit, served*
37 *either personally or by registered or certified mail, upon:*

38 (1) *The financial institution where the assets or lines of*
39 *credit are held; and*

40 (2) *If any of the assets or lines of credit are held by a trust,*
41 *each trustee of the trust.*

42 **Sec. 13.** 1. *The court may grant an extended order only*
43 *after:*

44 (a) *Notice of the petition for the order and of the hearing*
45 *thereon is served upon the adverse party and, if the petitioner for*



1 *the order is an authorized person other than the vulnerable adult,*
2 *the vulnerable adult, pursuant to the Nevada Rules of Civil*
3 *Procedure; and*

4 *(b) A hearing is held on the petition.*

5 *2. An extended order must be personally served upon on the*
6 *adverse party and, if the party who obtained the extended order is*
7 *an authorized person other than the vulnerable adult, the*
8 *vulnerable adult.*

9 **Sec. 14. 1.** *A temporary order expires not more than 45*
10 *days after the date on which the order is issued by a court. If a*
11 *petition for an extended order is filed with the court within the 45-*
12 *day period of a temporary order, the temporary order remains in*
13 *effect until the hearing on the application for an extended order is*
14 *held.*

15 *2. On 5 days' notice to all parties, a motion to modify or*
16 *dissolve a temporary order may be made by:*

17 *(a) The adverse party;*

18 *(b) If the party who obtained the order is an authorized person*
19 *other than the vulnerable adult, the vulnerable adult; or*

20 *(c) If the order freezes any assets or lines of credit:*

21 *(1) A trustee of a trust in which any such assets or lines of*
22 *credit are held; or*

23 *(2) Any other person claiming an interest in any such*
24 *assets or lines of credit.*

25 *3. If a motion is made to modify or dissolve a temporary order*
26 *pursuant to subsection 2, the court shall proceed to hear and*
27 *determine the motion as expeditiously as the ends of justice*
28 *require.*

29 *4. An extended order expires not more than 5 years after the*
30 *date on which the order is issued by a court. A temporary order*
31 *that does not grant any relief described in paragraph (c), (d) or (e)*
32 *of subsection 1 of section 11 of this act may be converted by the*
33 *court into an extended order if:*

34 *(a) Notice of the conversion and the hearing thereon is served*
35 *upon the adverse party and, if the person who obtained the*
36 *temporary order is an authorized person other than the vulnerable*
37 *adult, the vulnerable adult pursuant to the Nevada Rules of Civil*
38 *Procedure; and*

39 *(b) A hearing is held on the matter.*

40 *5. An extended order which was converted from a temporary*
41 *order pursuant to subsection 4 is effective for not more than 5*
42 *years after the date on which the temporary order was converted*
43 *by the court into an extended order.*



1 6. *At any time while an extended order is in effect, a motion*
2 *to modify or dissolve the extended order based on changes of*
3 *circumstance of the parties may be made by:*

4 (a) *The adverse party;*

5 (b) *The party who obtained the extended order; or*

6 (c) *If the party who obtained the extended order is an*
7 *authorized person other than the vulnerable adult, the vulnerable*
8 *adult.*

9 7. *If a motion is made to modify or dissolve an extended order*
10 *pursuant to subsection 6, the court shall proceed to hear and*
11 *determine the motion as expeditiously as the ends of justice*
12 *require.*

13 **Sec. 15.** 1. *The payment of all costs and official fees must*
14 *be deferred for any petitioner for a temporary order or extended*
15 *order. After any hearing and not later than the final disposition of*
16 *the petition or order, the court shall assess the costs and fees*
17 *against the adverse party, except that the court may reduce or*
18 *waive the costs and fees, as justice may require.*

19 2. *The clerk of the court shall provide each party, free of cost,*
20 *with information about the:*

21 (a) *Availability of temporary orders and extended orders;*

22 (b) *Procedure for filing an application for such an order; and*

23 (c) *Right to proceed without legal counsel.*

24 3. *No fee may be charged to have a temporary order or*
25 *extended order issued pursuant to section 10 of this act served in*
26 *this State.*

27 **Sec. 16.** 1. *Each court that issues a temporary order or an*
28 *extended order shall transmit, as soon as practicable, a copy of the*
29 *order to all law enforcement agencies within its jurisdiction. The*
30 *copy must include a notation of the date on which the order was*
31 *personally served upon the adverse party.*

32 2. *A peace officer, without a warrant, may arrest and take*
33 *into custody an adverse party when the peace officer has probable*
34 *cause to believe that:*

35 (a) *A temporary order or an extended order has been issued*
36 *against the adverse party to be arrested;*

37 (b) *The adverse party to be arrested has been served with a*
38 *copy of the order; and*

39 (c) *The adverse party to be arrested is acting in violation of the*
40 *order.*

41 3. *Any law enforcement agency in this State may enforce a*
42 *temporary order or an extended order issued pursuant to section*
43 *10 of this act.*

44 **Sec. 17.** *Any time a court issues a temporary order or an*
45 *extended order and any time a person serves such an order or*



1 *receives any information or takes any other action pursuant to*
2 *sections 2 to 18, inclusive, of this act, the court or person, as*
3 *applicable, shall cause to be transmitted, in the manner prescribed*
4 *by the Central Repository for Nevada Records of Criminal History,*
5 *any information required by the Central Repository in a manner*
6 *which ensures that the information is received by the Central*
7 *Repository by the end of the next business day.*

8 **Sec. 18.** *Unless a more severe penalty is prescribed by law for*
9 *an act that constitutes a violation of a temporary order or an*
10 *extended order, an adverse party who intentionally violates:*

11 1. *A temporary order is guilty of a misdemeanor.*

12 2. *An extended order and:*

13 (a) *Who has not previously violated an extended order is guilty*
14 *of a misdemeanor;*

15 (b) *Who has previously violated an extended order one time is*
16 *guilty of a gross misdemeanor; or*

17 (c) *Who has previously violated an extended order two or more*
18 *times is guilty of a category D felony and shall be punished as*
19 *provided in NRS 193.130.*

20 **Sec. 19.** NRS 162C.330 is hereby amended to read as follows:

21 162C.330 1. The provisions of this chapter must not be
22 construed to affect the requirement of any person to report the
23 abuse, neglect, exploitation, isolation or abandonment of an older
24 person or a vulnerable person as provided in NRS 200.5091 to
25 200.50995, inclusive ~~§~~, *and section 21 of this act.*

26 2. As used in this section, the words and terms defined in NRS
27 200.5091 to 200.50995, inclusive, *and section 21 of this act* have
28 the meanings ascribed to them in those sections.

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

30 193.166 1. Except as otherwise provided in NRS 193.169, a
31 person who commits a crime that is punishable as a felony, other
32 than a crime that is punishable as a felony pursuant to subsection 6
33 of NRS 33.400, subsection 5 of NRS 200.378 or subsection 5 of
34 NRS 200.591, *or subsection 2 of section 18 of this act* in violation
35 of:

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

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

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

42 (d) An emergency or extended order for protection against high-
43 risk behavior issued pursuant to NRS 33.570 or 33.580;

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



1 (f) A temporary or extended order issued pursuant to NRS
2 200.378; ~~or~~

3 (g) A temporary or extended order issued pursuant to NRS
4 200.591 ~~or~~; *or*

5 *(h) A temporary or extended order for protection of a*
6 *vulnerable adult issued pursuant to section 10 of this act,*

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

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

- 20 (a) The facts and circumstances of the crime;
- 21 (b) The criminal history of the person;
- 22 (c) The impact of the crime on any victim;
- 23 (d) Any mitigating factors presented by the person; and
- 24 (e) Any other relevant information.

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

28 3. The sentence prescribed by this section:

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

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

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

42 **Sec. 21.** Chapter 200 of NRS is hereby amended by adding
43 thereto a new section to read as follows:

44 *1. If the Aging and Disability Services Division of the*
45 *Department of Health and Human Services commences an*



1 investigation of a report of abuse, neglect, exploitation, isolation
2 or abandonment of an older person or a vulnerable person and the
3 Division is prevented from completing the investigation because a
4 person has barred the Division from accessing the older person or
5 vulnerable person, the Division may apply to a court for:

6 (a) A warrant to enter the premises where the older person or
7 vulnerable person resides for the purpose of conducting the
8 investigation;

9 (b) An order enjoining the person who has barred the Division
10 from accessing the older person or vulnerable person from
11 interfering with the investigation; or

12 (c) Both a warrant described in paragraph (a) and an order
13 described in paragraph (b).

14 2. An application submitted to the court pursuant to
15 subsection 1 must include, without limitation:

16 (a) An identification of the older person or vulnerable person
17 on whose behalf the investigation is being conducted;

18 (b) An identification of the person who has barred the Division
19 from accessing the older person or vulnerable person;

20 (c) For a warrant, an identification of the premises which the
21 Division seeks to enter; and

22 (d) A statement of the facts and circumstances which require
23 the issuance of the warrant or order.

24 3. The court may issue a warrant described in paragraph (a)
25 of subsection 1 or an order described in paragraph (b) of
26 subsection 1, or both, if the court determines that there is probable
27 cause to believe that:

28 (a) The older person or vulnerable person identified pursuant
29 to paragraph (a) of subsection 2 has been or is being abused,
30 neglected, exploited, isolated or abandoned; and

31 (b) The Division has been prevented from completing the
32 investigation of the report of abuse, neglect, exploitation, isolation
33 or abandonment of the older person or vulnerable person by the
34 person identified pursuant to paragraph (b) of subsection 2.

35 4. A warrant issued by the court pursuant to this section
36 must:

37 (a) Specify the premises to be entered and the older person or
38 vulnerable person to which the Division may have access; and

39 (b) Authorize an agent of the Division, accompanied by a law
40 enforcement officer and, if the Division deems it necessary, a
41 medical professional, to enter the premises and make contact with
42 the older person or vulnerable person for the purpose of
43 conducting the investigation of the report of abuse, neglect,
44 exploitation, isolation or abandonment of the older person or
45 vulnerable person.



1 **Sec. 22.** NRS 200.5092 is hereby amended to read as follows:
2 200.5092 As used in NRS 200.5091 to 200.50995, inclusive,
3 *and section 21 of this act*, unless the context otherwise requires:

4 1. “Abandonment” means:

5 (a) Desertion of an older person or a vulnerable person in an
6 unsafe manner by a caretaker or other person with a legal duty of
7 care; or

8 (b) Withdrawal of necessary assistance owed to an older person
9 or a vulnerable person by a caretaker or other person with an
10 obligation to provide services to the older person or vulnerable
11 person.

12 2. “Abuse” means willful:

13 (a) Infliction of pain or injury on an older person or a vulnerable
14 person;

15 (b) Deprivation of food, shelter, clothing or services which are
16 necessary to maintain the physical or mental health of an older
17 person or a vulnerable person;

18 (c) Infliction of psychological or emotional anguish, pain or
19 distress on an older person or a vulnerable person through any act,
20 including, without limitation:

21 (1) Threatening, controlling or socially isolating the older
22 person or vulnerable person;

23 (2) Disregarding the needs of the older person or vulnerable
24 person; or

25 (3) Harming, damaging or destroying any property of the
26 older person or vulnerable person, including, without limitation,
27 pets;

28 (d) Nonconsensual sexual contact with an older person or a
29 vulnerable person, including, without limitation:

30 (1) An act that the older person or vulnerable person is
31 unable to understand or to which the older person or vulnerable
32 person is unable to communicate his or her objection; or

33 (2) Intentional touching, either directly or through the
34 clothing, of the genitalia, anus, groin, breast, inner thigh or buttocks
35 of the older person or vulnerable person; or

36 (e) Permitting any of the acts described in paragraphs (a) to (d),
37 inclusive, to be committed against an older person or a vulnerable
38 person.

39 3. “Exploitation” means any act taken by a person who has the
40 trust and confidence of an older person or a vulnerable person or
41 any use of the power of attorney or guardianship of an older person
42 or a vulnerable person to:

43 (a) Obtain control, through deception, intimidation or undue
44 influence, over the older person’s or vulnerable person’s money,
45 assets or property with the intention of permanently depriving the



1 older person or vulnerable person of the ownership, use, benefit or
2 possession of his or her money, assets or property; or

3 (b) Convert money, assets or property of the older person or
4 vulnerable person with the intention of permanently depriving the
5 older person or vulnerable person of the ownership, use, benefit or
6 possession of his or her money, assets or property.

7 ➤ As used in this subsection, “undue influence” means the
8 improper use of power or trust in a way that deprives a person of his
9 or her free will and substitutes the objectives of another person. The
10 term does not include the normal influence that one member of a
11 family has over another.

12 4. “Isolation” means preventing an older person or a vulnerable
13 person from having contact with another person by:

14 (a) Intentionally preventing the older person or vulnerable
15 person from receiving visitors, mail or telephone calls, including,
16 without limitation, communicating to a person who comes to visit
17 the older person or vulnerable person or a person who telephones
18 the older person or vulnerable person that the older person or
19 vulnerable person is not present or does not want to meet with or
20 talk to the visitor or caller knowing that the statement is false,
21 contrary to the express wishes of the older person or vulnerable
22 person and intended to prevent the older person or vulnerable person
23 from having contact with the visitor;

24 (b) Physically restraining the older person or vulnerable person
25 to prevent the older person or vulnerable person from meeting with
26 a person who comes to visit the older person or vulnerable person;
27 or

28 (c) Permitting any of the acts described in paragraphs (a) and (b)
29 to be committed against an older person or a vulnerable person.

30 ➤ The term does not include an act intended to protect the property
31 or physical or mental welfare of the older person or vulnerable
32 person or an act performed pursuant to the instructions of a
33 physician of the older person or vulnerable person.

34 5. “Neglect” means the failure of a person or a manager of a
35 facility who has assumed legal responsibility or a contractual
36 obligation for caring for an older person or a vulnerable person or
37 who has voluntarily assumed responsibility for his or her care to
38 provide food, shelter, clothing or services which are necessary to
39 maintain the physical or mental health of the older person or
40 vulnerable person.

41 6. “Older person” means a person who is 60 years of age or
42 older.

43 7. “Protective services” means services the purpose of which is
44 to prevent and remedy the abuse, neglect, exploitation, isolation and



1 abandonment of older persons or vulnerable persons. The services
2 may include:

3 (a) The investigation, evaluation, counseling, arrangement and
4 referral for other services and assistance; and

5 (b) Services provided to an older person or a vulnerable person
6 who is unable to provide for his or her own needs.

7 8. "Vulnerable person" means a person 18 years of age or older
8 who:

9 (a) Suffers from a condition of physical or mental incapacitation
10 because of a developmental disability, organic brain damage or
11 mental illness; or

12 (b) Has one or more physical or mental limitations that restrict
13 the ability of the person to perform the normal activities of daily
14 living.

15 **Sec. 23.** NRS 200.50925 is hereby amended to read as
16 follows:

17 200.50925 For the purposes of NRS 200.5091 to 200.50995,
18 inclusive, *and section 21 of this act*, a person:

19 1. Has "reasonable cause to believe" if, in light of all the
20 surrounding facts and circumstances which are known or which
21 reasonably should be known to the person at the time, a reasonable
22 person would believe, under those facts and circumstances, that an
23 act, transaction, event, situation or condition exists, is occurring or
24 has occurred.

25 2. Acts "as soon as reasonably practicable" if, in light of all the
26 surrounding facts and circumstances which are known or which
27 reasonably should be known to the person at the time, a reasonable
28 person would act within approximately the same period under those
29 facts and circumstances.

