

DISCLAIMER

Electronic versions of the exhibits in these minutes may not be complete.

This information is supplied as an informational service only and should not be relied upon as an official record.

Original exhibits are on file at the Legislative Counsel Bureau Research Library in Carson City.

Contact the Library at (775) 684-6827 or library@lcb.state.nv.us.

Abbi Silver's proposed changes.

A.B. 107

ASSEMBLY BILL NO. 107—COMMITTEE ON JUDICIARY

(ON BEHALF OF THE ATTORNEY GENERAL)

FEBRUARY 13, 2003

Referred to Committee on Judiciary

SUMMARY—Provides additional penalty for committing certain crimes in violation of temporary or extended order for protection. (BDR 15-285)

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

EXPLANATION - Matter in *bold italics* is new; matter between brackets (~~inserted material~~) is material to be omitted.

AN ACT relating to crimes; providing an additional penalty for committing a felony in violation of a temporary or extended order for protection; prohibiting a court from granting probation to a person who commits such a crime; and providing other matters properly relating thereto.

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

- 1 **Section 1.** Chapter 193 of NRS is hereby amended by adding
- 2 thereto a new section to read as follows:
- 3 **1. Except as otherwise provided in NRS 193.169, a person**
- 4 **who commits a crime that is punishable as a felony, other than a**
- 5 **crime that is punishable as a felony pursuant to subsection 5 of**
- 6 **NRS 200.591, in violation of:**
- 7 **(a) A temporary or extended order for protection against**
- 8 **domestic violence issued pursuant to NRS 33.020;**
- 9 **(b) An order for protection against harassment in the**
- 10 **workplace issued pursuant to NRS 33.270;**
- 11 **(c) An order for protection against domestic violence issued in**
- 12 **an action or proceeding brought pursuant to title 11 of NRS; or**



- A B 1 0 7 -

ASSEMBLY JUDICIARY

DATE: 3/10/03 ROOM: 3138 EXHIBIT X

SUBMITTED BY: ABBI SILVER

1 of 4

1 (d) A temporary or extended order issued pursuant to
 2 NRS 200.591,
 3 shall be punished by imprisonment in the state prison for a term
 4 equal to and in addition to the term of imprisonment prescribed by
 5 statute for that crime. The sentence prescribed by this section runs
 6 consecutively with the sentence prescribed by statute for the crime.

7 2. The court shall not grant probation to or suspend the
 8 sentence of any person convicted of attempted murder which
 9 involves the use of a deadly weapon, attempted murder which
 10 results in substantial bodily harm, battery which involves the use
 11 of a deadly weapon, or battery which results in substantial bodily
 12 harm if an additional term of imprisonment may be imposed for
 13 that primary offense pursuant to this section.

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

17 Sec. 2. NRS 193.169 is hereby amended to read as follows:

18 193.169 1. A person who is sentenced to an additional term
 19 of imprisonment pursuant to the provisions of subsection 1 of NRS
 20 193.161, NRS 193.162, 193.163, 193.165, 193.167, 193.1675,
 21 193.168 or 453.3345 or section 1 of this act must not be sentenced
 22 to an additional term of imprisonment pursuant to any of the other
 23 listed sections even if the person's conduct satisfies the
 24 requirements for imposing an additional term of imprisonment
 25 pursuant to another one or more of those sections.

26 2. A person who is sentenced to an alternative term of
 27 imprisonment pursuant to subsection 2 of NRS 193.161 must not be
 28 sentenced to an additional term of imprisonment pursuant to
 29 subsection 1 of NRS 193.161, NRS 193.162, 193.163, 193.165,
 30 193.167, 193.1675, 193.168 or 453.3345 or section 1 of this act
 31 even if the person's conduct satisfies the requirements for imposing
 32 an additional term of imprisonment pursuant to another one or more
 33 of those sections.

34 3. This section does not:

35 (a) Affect other penalties or limitations upon probation or
 36 suspension of a sentence contained in the sections listed in
 37 subsection 1 or 2.

38 (b) Prohibit alleging in the alternative in the indictment or
 39 information that the person's conduct satisfies the requirements of
 40 more than one of the sections listed in subsection 1 or 2 and
 41 introducing evidence to prove the alternative allegations.

42 Sec. 3. NRS 33.100 is hereby amended to read as follows:

43 33.100 1. A person who violates a temporary or extended
 44 order is guilty of a misdemeanor, unless a more severe penalty is
 45 prescribed by law for the act that constitutes the violation of the

→ Add
 "Attempt
 Murder"



X 204

1 order. ~~(f) Except for a violation of this section, this section~~
 2 ~~applies if the violation is accompanied by a violent physical act~~
 3 ~~against a person protected by the order or injunction, the court shall~~
 4 ~~impose upon the person committing the offense a fine of \$1,000~~
 5 ~~or require him to perform a minimum of 200 hours of community~~
 6 ~~service;~~
 7 ~~(b) Some courts may impose a fine not lower than 5 days nor~~
 8 ~~more than 6 months;~~
 9 ~~(c) Orders for costs and attorney's fees obtained by~~
 10 ~~the applicant in seeking to enforce the temporary restraining order,~~
 11 ~~and for all medical expenses of the applicant and any minor child~~
 12 ~~of the applicant, shall be enforceable as a judgment, and~~
 13 ~~(d) Orders to participate in and complete a program of~~
 14 ~~professional counseling at his own expense, if such counseling is~~
 15 ~~available.~~
 16 ~~2. The adverse party shall comply with the order for~~
 17 ~~reimbursement of the applicant before paying a fine imposed~~
 18 ~~pursuant to this section.~~

delete
 this is not a mist. if sub(1) applies.

20 Sec. 4. NRS 125.560 is hereby amended to read as follows:
 21 125.560 1. A person who violates a restraining order or
 22 injunction:

- 23 (a) That is in the nature of a temporary or extended order for
 - 24 protection against domestic violence; and
 - 25 (b) That is issued in an action or proceeding brought pursuant to
 - 26 this Title,
- 27 is guilty of a misdemeanor, unless a more severe penalty is
 28 prescribed by law for the act that constitutes the violation of the
 29 order or injunction. For the purposes of this subsection, an order or
 30 injunction is in the nature of a temporary or extended order for
 31 protection against domestic violence if it grants relief that might be
 32 given in a temporary or extended order issued pursuant to NRS
 33 33.017 to 33.100, inclusive.

34 2. ~~(f) Except for a violation of this section, this section~~
 35 ~~applies if the violation is accompanied by a violent physical act~~
 36 ~~against a person protected by the order or injunction, the court shall~~
 37 ~~impose upon the person committing the offense a fine of \$1,000~~
 38 ~~or require him to perform a minimum of 200 hours of community~~
 39 ~~service;~~
 40 ~~(b) Some courts may impose a fine not lower than 5 days nor~~
 41 ~~more than 6 months;~~
 42 ~~(c) Orders for costs and attorney's fees obtained by~~
 43 ~~the applicant in seeking to enforce the temporary restraining order,~~
 44 ~~and for all medical expenses of the applicant and any minor child~~

delete
 +
 sub (3.)
 delete.
 too.



X 3&4

1 ~~order or injunction, and all medical expenses of the person and~~
 2 ~~any minor child, as a result of the violent physical act, and~~
 3 ~~(c) Order, by the court, to enter in and complete a program of~~
 4 ~~professional counseling, at the person's expense, if such counseling is~~
 5 ~~available.~~
 6 ~~(2) The person committing the violation shall comply with the~~
 7 ~~order for reimbursement of the person obtaining the order or~~
 8 ~~injunction before paying any fine imposed pursuant to this section.~~

} delete

"violent act"

Violation of sub(1)

should not be misdemeanor treatment - should be Felony enhancement!



X of 4