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# proposed charges.

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 - Master in bolded statics is new; master between brockets (manded 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:

Section 1. Chapter 193 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Except as otherwise provided in NRS 193.169, a person who commits a crime that is punishable as a felony, other than a crime that is punishable as a felony pursuant to subsection 5 of NRS 200.591, in violation of:

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

(b) An order for protection against harassment in the

10 workplace issued pursuant to NRS 33.270;

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



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(d) A temporary or extended order issued pursuant to NRS 200.591

shall be punished by imprisonment in the state prison for a term equal to and in addition to the term of imprisonment prescribed by statute for that crime. The sentence prescribed by this section runs consecutively with the sentence prescribed by statute for the crime.

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

3. This section does not create a separate offense but provides an additional penalty for the primary offense, whose imposition is

contingent upon the finding of the prescribed fact.

Sec. 2. NRS 193 169 is hereby amended to read as follows:

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

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

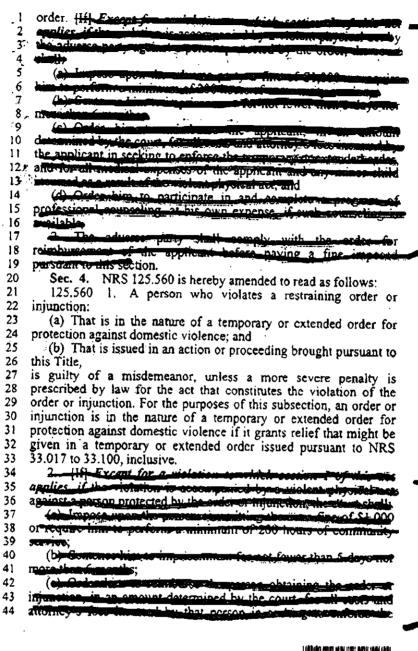
of those sections.

This section does not:

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

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

Sec. 3. NRS 33.100 is hereby amended to read as follows: 33.100 1. A person who violates a temporary or extended order is guilty of a misdemeanor, unless a more severe penalty is prescribed by law for the act that constitutes the violation of the



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