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NRS 171.124 Arrest by peace officer or officer of Drug Enforcement Administration.

1. Except as otherwise provided in subsection 3 and NRS 33.320, a peace officer or an officer of the Drug Enforcement Administration designated by the Attorney General of the United States for that purpose may make an arrest in obedience to a warrant delivered to him, or may, without a warrant, arrest a person:
 - (a) For a public offense committed or attempted in his presence.
 - (b) When a person arrested has committed a felony or gross misdemeanor, although not in his presence.
 - (c) When a felony or gross misdemeanor has in fact been committed, and he has reasonable cause for believing the person arrested to have committed it.
 - (d) On a charge made, upon a reasonable cause, of the commission of a felony or gross misdemeanor by the person arrested.
 - (e) When a warrant has in fact been issued in this state for the arrest of a named or described person for a public offense, and he has reasonable cause to believe that the person arrested is the person so named or described.
2. He may also, at night, without a warrant, arrest any person whom he has reasonable cause for believing to have committed a felony or gross misdemeanor, and is justified in making the arrest, though it afterward appear that a felony or gross misdemeanor has not been committed.
3. An officer of the Drug Enforcement Administration may only make an arrest pursuant to subsections 1 and 2 for a violation of chapter 453 of NRS.
(Added to NRS by 1967, 1401; A 1975, 755; 1979, 834; 1983, 1651; 1985, 1171, 2022, 2170; 2001, 2850)

NRS 171.136 When arrest may be made.

1. If the offense charged is a felony or gross misdemeanor, the arrest may be made on any day, and at any time of day or night.
2. If it is a misdemeanor, the arrest cannot be made between the hours of 7 p.m. and 7 a.m., except:
 - (a) Upon the direction of a magistrate, endorsed upon the warrant;
 - (b) When the offense is committed in the presence of the arresting officer;
 - (c) When the person is found and the arrest is made in a public place or a place that is open to the public and:
 - (1) There is a warrant of arrest against the person; and
 - (2) The misdemeanor is discovered because there was probable cause for the arresting officer to stop, detain or arrest the person for another alleged violation or offense;
 - (d) When the offense is committed in the presence of a private person and he makes an arrest immediately after the offense is committed;
 - (e) When the offense charged is battery that constitutes domestic violence pursuant to NRS 33.018 and the arrest is made in the manner provided in NRS 171.137;
 - (f) When the offense charged is a violation of a temporary or extended order for protection against domestic violence issued pursuant to NRS 33.017 to 33.100, inclusive;

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(g) When the person is already in custody as a result of another lawful arrest; or
(h) When the person voluntarily surrenders himself in response to an outstanding warrant of arrest.

(Added to NRS by 1967, 1402; A 1977, 874; 1985, 6, 2023; 1991, 331; 1993, 119; 2001, 1431)

NRS 171.137 Arrest required for suspected battery constituting domestic violence; exceptions.

1. Except as otherwise provided in subsection 2, whether or not a warrant has been issued, a peace officer shall, unless mitigating circumstances exist, arrest a person when he has probable cause to believe that the person to be arrested has, within the preceding 24 hours, committed a battery upon his spouse, former spouse, any other person to whom he is related by blood or marriage, a person with whom he is or was actually residing, a person with whom he has had or is having a dating relationship, a person with whom he has a child in common, the minor child of any of those persons or his minor child.

2. If the peace officer has probable cause to believe that a battery described in subsection 1 was a mutual battery, he shall attempt to determine which person was the primary physical aggressor. If the peace officer determines that one of the persons who allegedly committed a battery was the primary physical aggressor involved in the incident, the peace officer is not required to arrest any other person believed to have committed a battery during the incident. In determining whether a person is a primary physical aggressor for the purposes of this subsection, the peace officer shall consider:

- (a) Prior domestic violence involving either person;
- (b) The relative severity of the injuries inflicted upon the persons involved;
- (c) The potential for future injury;
- (d) Whether one of the alleged batteries was committed in self-defense; and
- (e) Any other factor that may help the peace officer decide which person was the primary physical aggressor.

3. A peace officer shall not base his decision regarding whether to arrest a person pursuant to this section on his perception of the willingness of a victim or a witness to the incident to testify or otherwise participate in related judicial proceedings.

4. As used in this section, "dating relationship" means frequent, intimate associations primarily characterized by the expectation of affectional or sexual involvement. The term does not include a casual relationship or an ordinary association between persons in a business or social context.

(Added to NRS by 1985, 2170; A 1989, 23; 1995, 901; 1997, 1533, 1802; 1999, 486)

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