

CHAPTER.....

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 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*

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

*shall be punished by imprisonment in the state prison, except as otherwise provided in this subsection, for a term equal to and in addition to the term of imprisonment prescribed by statute for that crime. If the crime committed by the person is punishable as a category A felony or category B felony, in addition to the term of imprisonment prescribed by statute for that crime, the person shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 5 years. The sentence prescribed by this section runs concurrently or consecutively with the sentence prescribed by statute for the crime, as ordered by the court.*

*2. The court shall not grant probation to or suspend the sentence of any person convicted of attempted murder, battery 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 1 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 1 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.

3. 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 order. ~~[If the violation is accompanied by a violent physical act by the adverse party against a person protected by the order, the court shall:~~

~~—(a) Impose upon the adverse party a fine of \$1,000 or require him to perform a minimum of 200 hours of community service;~~

~~—(b) Sentence him to imprisonment for not fewer than 5 days nor more than 6 months;~~

~~—(c) Order him to reimburse the applicant, in an amount determined by the court, for all costs and attorney's fees incurred by the applicant in seeking to enforce the temporary or extended order, and for all medical expenses of the applicant and any minor child incurred as a result of the violent physical act; and~~

~~—(d) Order him to participate in and complete a program of professional counseling, at his own expense, if such counseling is available.~~

~~—2. The adverse party shall comply with the order for reimbursement of the applicant before paying a fine imposed pursuant to this section.]~~

**Sec. 4.** NRS 125.560 is hereby amended to read as follows:

125.560 ~~[(1)]~~ A person who violates a restraining order or injunction:

~~[(a)]~~ 1. That is in the nature of a temporary or extended order for protection against domestic violence; and

~~[(b)]~~ 2. That is issued in an action or proceeding brought pursuant to this Title,

is guilty of a misdemeanor, unless a more severe penalty is prescribed by law for the act that constitutes the violation of the order or injunction. For the purposes of this ~~[subsection,]~~ **section**, an order or injunction is in the nature of a temporary or extended order for protection against domestic violence if it grants relief that might be given in a temporary or extended order issued pursuant to NRS 33.017 to 33.100, inclusive.

~~[2. If the violation is accompanied by a violent physical act against a person protected by the order or injunction, the court shall:~~

~~—(a) Impose upon the person committing the act a fine of \$1,000 or require him to perform a minimum of 200 hours of community service;~~

~~—(b) Sentence him to imprisonment for not fewer than 5 days nor more than 6 months;~~

~~—(c) Order him to reimburse the person obtaining the order or injunction, in an amount determined by the court, for all costs and attorney's fees incurred by that person in seeking to enforce the order or injunction, and for all medical expenses of the person and any minor child incurred as a result of the violent physical act; and~~

~~—(d) Order him to participate in and complete a program of professional counseling, at his own expense, if such counseling is available.~~

~~—3. The person committing the violation shall comply with the order for reimbursement of the person obtaining the order or injunction before paying any fine imposed pursuant to this section.]~~