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ASSEMBLY BILL NO. 448—COMMITTEE ON JUDICIARY

(ON BEHALF OF THE ATTORNEY GENERAL)

MARCH 21, 2003

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Referred to Committee on Judiciary

SUMMARY—Clarifies provisions governing arrest involving violation of order for protection against domestic violence. (BDR 3-448)

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

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EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

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AN ACT relating to domestic violence; clarifying the provisions governing an arrest involving a violation of an order for protection against domestic violence; 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.** NRS 33.070 is hereby amended to read as follows:  
2     33.070 1. Every temporary or extended order must include a  
3 provision ordering any law enforcement officer to arrest an adverse  
4 party if the officer has probable cause to believe that the adverse  
5 party has violated any provision of the order. *The law enforcement*  
6 *officer may make an arrest with or without a warrant and*  
7 *regardless of whether the violation occurs in his presence.*  
8     2. If a law enforcement officer cannot verify that the adverse  
9 party was served with a copy of the application and order, he shall:  
10     (a) Inform the adverse party of the specific terms and conditions  
11 of the order;  
12     (b) Inform the adverse party that he now has notice of the  
13 provisions of the order and that a violation of the order will result in  
14 his arrest; and



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1 (c) Inform the adverse party of the location of the court that  
2 issued the original order and the hours during which the adverse  
3 party may obtain a copy of the order.

4 3. Information concerning the terms and conditions of the  
5 order, the date and time of the notice provided to the adverse party  
6 and the name and identifying number of the officer who gave the  
7 notice must be provided in writing to the applicant and noted in the  
8 records of the law enforcement agency and the court.

9 **Sec. 2.** NRS 171.124 is hereby amended to read as follows:

10 171.124 1. Except as otherwise provided in subsection 3 and  
11 NRS **33.070 and** 33.320, a peace officer or an officer of the Drug  
12 Enforcement Administration designated by the Attorney General of  
13 the United States for that purpose may make an arrest in obedience  
14 to a warrant delivered to him, or may, without a warrant, arrest a  
15 person:

16 (a) For a public offense committed or attempted in his presence.

17 (b) When a person arrested has committed a felony or gross  
18 misdemeanor, although not in his presence.

19 (c) When a felony or gross misdemeanor has in fact been  
20 committed, and he has reasonable cause for believing the person  
21 arrested to have committed it.

22 (d) On a charge made, upon a reasonable cause, of the  
23 commission of a felony or gross misdemeanor by the person  
24 arrested.

25 (e) When a warrant has in fact been issued in this state for the  
26 arrest of a named or described person for a public offense, and he  
27 has reasonable cause to believe that the person arrested is the person  
28 so named or described.

29 2. He may also, at night, without a warrant, arrest any person  
30 whom he has reasonable cause for believing to have committed a  
31 felony or gross misdemeanor, and is justified in making the arrest,  
32 though it afterward appear that a felony or gross misdemeanor has  
33 not been committed.

34 3. An officer of the Drug Enforcement Administration may  
35 only make an arrest pursuant to subsections 1 and 2 for a violation  
36 of chapter 453 of NRS.

37 **Sec. 3.** This act becomes effective upon passage and approval.

