

SUMMARY—Revises provisions relating to certain orders for protection against domestic violence. (BDR 3-885)

FISCAL NOTE: Effect on Local Government: No.

Effect on the State: No.

AN ACT relating to orders for protection; requiring certain temporary orders for protection against domestic violence to include certain information; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law: (1) authorizes a court to grant a temporary order for protection against domestic violence with or without notice to the adverse party; and (2) provides that an extended order for protection against domestic violence may only be granted after notice to the adverse party and a hearing on the application. Under existing law, if a court grants a temporary order for protection against domestic violence against an alleged perpetrator of domestic violence who is in custody at the time the court grants the order: (1) upon approval of the court, the signed order may be transmitted to the facility holding the alleged perpetrator; and (2) if such an order is received by the facility holding the alleged perpetrator while the alleged perpetrator is still in custody, the order must be served upon the alleged perpetrator before the alleged perpetrator is released from the facility. (NRS 33.020)



Section 1 of this bill requires that certain temporary orders for protection against domestic violence served upon an alleged perpetrator who is in custody advise the person that if the person is still in custody on the date of the hearing on the application for an extended order for protection against domestic violence, the person may contest the application by filing an affidavit with the court which states the reasons why the court should not grant the extended order. **Section 1** also requires that such temporary orders notify the person that if the person does not file an affidavit within the time specified in the temporary order and the person is still in custody on the date of the hearing on the application for an extended order for protection against domestic violence, the court may: (1) hold the hearing in the absence of the incarcerated person; and (2) grant the extended order without further input from the incarcerated person.

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

Section 1. NRS 33.030 is hereby amended to read as follows:

33.030 1. The court by a temporary order may:

- (a) Enjoin the adverse party from threatening, physically injuring or harassing the applicant or minor child, either directly or through an agent;
- (b) Exclude the adverse party from the applicant's place of residence;



(c) Prohibit the adverse party from entering the residence, school or place of employment of the applicant or minor child and order the adverse party to stay away from any specified place frequented regularly by them;

(d) If it has jurisdiction under chapter 125A of NRS, grant temporary custody of the minor child to the applicant;

(e) Enjoin the adverse party from physically injuring, threatening to injure or taking possession of any animal that is owned or kept by the applicant or minor child, either directly or through an agent;

(f) Enjoin the adverse party from physically injuring or threatening to injure any animal that is owned or kept by the adverse party, either directly or through an agent; and

(g) Order such other relief as it deems necessary in an emergency situation.

2. The court by an extended order may grant any relief enumerated in subsection 1 and:

(a) Specify arrangements for visitation of the minor child by the adverse party and require supervision of that visitation by a third party if necessary;

(b) Specify arrangements for the possession and care of any animal owned or kept by the adverse party, applicant or minor child; and

(c) Order the adverse party to:

(1) Avoid or limit communication with the applicant or minor child;

(2) Pay rent or make payments on a mortgage on the applicant's place of residence;

(3) Pay for the support of the applicant or minor child, including, without limitation, support of a minor child for whom a guardian has been appointed pursuant to chapter 159A of NRS or a



minor child who has been placed in protective custody pursuant to chapter 432B of NRS, if the adverse party is found to have a duty to support the applicant or minor child;

(4) Pay all costs and fees incurred by the applicant in bringing the action; and

(5) Pay monetary compensation to the applicant for lost earnings and expenses incurred as a result of the applicant attending any hearing concerning an application for an extended order.

3. If an extended order is issued by a justice court, an interlocutory appeal lies to the district court, which may affirm, modify or vacate the order in question. The appeal may be taken without bond, but its taking does not stay the effect or enforcement of the order.

4. A temporary or extended order must specify, as applicable, the county and city, if any, in which the residence, school, child care facility or other provider of child care, and place of employment of the applicant or minor child are located.

5. A temporary or extended order must provide notice that:

(a) Responding to a communication initiated by the applicant may constitute a violation of the protective order; and

(b) A person who is arrested for violating the order will not be admitted to bail sooner than 12 hours after the person's arrest if:

(1) The arresting officer determines that such a violation is accompanied by a direct or indirect threat of harm;

(2) The person has previously violated a temporary or extended order for protection; or

(3) At the time of the violation or within 2 hours after the violation, the person has:

(I) A concentration of alcohol of 0.08 or more in the person's blood or breath; or



(II) An amount of a prohibited substance in the person's blood or urine, as applicable, that is equal to or greater than the amount set forth in subsection 3 or 4 of NRS 484C.110.

6. In addition to the requirements prescribed by subsection 5, if an application for an extended order is filed at the same time as a temporary order issued pursuant to subsection 8 of NRS 33.020, the temporary order must:

(a) Advise the incarcerated adverse party that if the incarcerated adverse party is still in custody on the date of the hearing on the application for an extended order, the incarcerated adverse party may contest the application by filing an affidavit with the court. The affidavit must:

(1) Be filed with the court not later than 14 calendar days after the date on which the incarcerated adverse party receives service of the temporary order for protection at the facility where the incarcerated adverse party is in custody; and

(2) State the reasons why the court should not grant the extended order.

(b) Notify the incarcerated adverse party that if the incarcerated adverse party does not file the affidavit described in paragraph (a) within 14 calendar days after the date on which the incarcerated adverse party receives service of the temporary order for protection, the court may:

(1) Hold a hearing on the extended order in the absence of the incarcerated adverse party; and

(2) Grant an extended order without further input from the incarcerated adverse party.

Sec. 2. The amendatory provisions of this act apply to an order for protection against domestic violence that is issued on or after October 1, 2025.

