
ASSEMBLY BILL NO. 216—ASSEMBLYMEMBER HARDY

PREFILED FEBRUARY 3, 2025

Referred to Committee on Judiciary

SUMMARY—Revises provisions relating to domestic violence.
(BDR 14-181)

FISCAL NOTE: Effect on Local Government: May have Fiscal Impact.
Effect on the State: Yes.

CONTAINS UNFUNDED MANDATE (§ 2)
(NOT REQUESTED BY AFFECTED LOCAL GOVERNMENT)

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

AN ACT relating to domestic violence; requiring a peace officer who investigates an act of domestic violence to conduct a lethality assessment under certain circumstances; requiring a peace officer who conducts a lethality assessment to take certain actions based upon the results of the assessment; requiring the Director of the Department of Public Safety to prescribe the form on which the results of a lethality assessment must be reported to the Department; requiring the Department to provide certain supportive services and develop certain training relating to lethality assessments; requiring the Administrative Office of the Courts to make the training concerning lethality assessments available to certain persons; requiring certain written reports prepared by a peace officer who investigates an act of domestic violence to include the results of a lethality assessment; authorizing a court to consider the results of a lethality assessment in reviewing the custody status of certain persons; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

- 1 Existing law requires a peace officer investigating an act of domestic violence
- 2 to provide certain information to a person suspected of being a victim of an act of
- 3 domestic violence. (NRS 171.1225) **Section 2** of this bill requires a peace officer
- 4 investigating an act of domestic violence to complete a lethality assessment form



5 for a person suspected of being a victim of an act of domestic violence if the peace
6 officer has probable cause to believe that the person believed to have committed the
7 act of domestic violence is: (1) his or her spouse or former spouse; (2) a person
8 with whom he or she had or is having a dating relationship; or (3) a person with
9 whom he or she has a child in common. **Section 2** also requires a peace officer who
10 completes a lethality assessment form to submit the results of the lethality
11 assessment to the Department of Public Safety while at the scene of the
12 investigation or as soon as practicable after leaving the scene.

13 **Section 1** of this bill requires a peace officer who completes a lethality
14 assessment form to take certain actions based upon the results of the lethality
15 assessment. **Section 1** also: (1) requires the Director of the Department to prescribe
16 the form on which the results of a lethality assessment conducted pursuant to
17 **section 2** must be submitted; and (2) sets forth certain requirements for the form.
18 Finally, **section 1** requires the: (1) Department to provide certain supportive
19 services and develop certain training relating to lethality assessments; and (2)
20 Administrative Office of the Courts to make the training available to certain
21 persons who have regular and routine contact with the results of lethality
22 assessments.

23 Existing law requires a peace officer who investigates an act of domestic
24 violence to prepare and submit to certain persons a written report of the
25 investigation. (NRS 171.1227) **Section 3** of this bill requires a peace officer who
26 investigates an act of domestic violence to include in the written report of the
27 investigation the results of a lethality assessment conducted pursuant to **section 2**.

28 Existing law requires a court to consider certain factors in reviewing the
29 custody status of a person. (NRS 178.4853) **Section 4** of this bill authorizes the
30 court to include the results of a lethality assessment when considering these factors.

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

1 **Section 1.** Chapter 171 of NRS is hereby amended by adding
2 thereto a new section to read as follows:

3 *1. The Director of the Department shall prescribe the form on*
4 *which the results of a lethality assessment conducted pursuant to*
5 *NRS 171.1225 must be reported. The form must include, without*
6 *limitation, the following questions:*

7 *(a) Has the aggressor ever used a weapon against you or*
8 *threatened to use a weapon against you?*

9 *(b) Has the aggressor ever threatened to kill you or your*
10 *children?*

11 *(c) Do you believe that the aggressor will try to kill you?*

12 *(d) Has the aggressor ever tried to choke you?*

13 *(e) Does the aggressor have a gun or can the aggressor easily*
14 *get a gun?*

15 *(f) Is the aggressor violently or constantly jealous or does the*
16 *aggressor control most of your daily activities?*

17 *(g) Did you leave or separate from the aggressor after*
18 *cohabitating with the aggressor or being married to the aggressor?*

19 *(h) Is the aggressor unemployed?*



1 (i) *Has the aggressor ever attempted suicide?*

2 (j) *Do you have a child in common with the aggressor that the*
3 *aggressor believes is not the aggressor's biological child?*

4 (k) *Does the aggressor ever follow you, spy on you or send you*
5 *threatening messages?*

6 (l) *Is there anything that I have not asked about that worries*
7 *you about your safety, and, if so, what worries you?*

8 2. *A peace officer shall take the action described in*
9 *subsection 3 if:*

10 (a) *A person for whom the peace officer completes a lethality*
11 *assessment form responds in the affirmative to:*

12 (1) *Any of the questions set forth in paragraphs (a) to (d),*
13 *inclusive, of subsection 1; or*

14 (2) *At least four of the questions set forth in paragraphs (e)*
15 *to (k), inclusive, of subsection 1; or*

16 (b) *Based upon the response of the person to the question set*
17 *forth in paragraph (l) of subsection 1, the peace officer believes*
18 *the person is in a potentially lethal situation.*

19 3. *Upon receiving a response to the lethality assessment*
20 *described in subsection 2, the peace officer completing the form*
21 *shall:*

22 (a) *Advise the person that the results of the lethality*
23 *assessment indicate that he or she is in a potentially lethal*
24 *situation;*

25 (b) *Provide the person with a domestic violence card that*
26 *contains information about appropriate counseling or other*
27 *supportive services available in the community in which the*
28 *person resides; and*

29 (c) *Refer the person to a victim's advocate who primarily*
30 *provides services to victims of domestic violence.*

31 4. *If a person does not or is unable to provide information to*
32 *a peace officer sufficient to allow the peace officer to complete the*
33 *lethality assessment form or refuses to accept a domestic violence*
34 *card provided pursuant to subsection 3, the peace officer shall*
35 *document this information on the lethality assessment form.*

36 5. *The Department shall:*

37 (a) *Provide prompt analytical support to a peace officer who*
38 *submits the results of a lethality assessment pursuant to subsection*
39 *1 of NRS 171.1225;*

40 (b) *Create and maintain a database of information collected*
41 *pursuant to paragraph (d) of subsection 1 of NRS 171.1225; and*

42 (c) *Develop training on the lethality assessment form and*
43 *protocols described in this section.*

44 6. *The Administrative Office of the Courts shall make the*
45 *training developed by the Department pursuant to subsection 5*



1 available to any person who, during the scope of his or her
2 employment, has regular and routine contact with the results of a
3 lethality assessment.

4 7. The Director of the Department may adopt regulations as
5 he or she deems necessary to carry out the provisions of this
6 section.

7 8. As used in this section:

8 (a) "Department" means the Department of Public Safety.

9 (b) "Victim's advocate" means a person who has completed
10 relevant training and who, with or without compensation, works
11 for:

12 (1) A program of a university, state college or community
13 college within the Nevada System of Higher Education which
14 provides assistance to victims;

15 (2) A program of a tribal organization which provides
16 assistance to victims;

17 (3) An organization which provides assistance to victims; or

18 (4) A nonprofit organization which provides assistance to
19 victims.

20 **Sec. 2.** NRS 171.1225 is hereby amended to read as follows:

21 171.1225 1. When investigating an act of domestic violence,
22 a peace officer shall:

23 (a) Make a good faith effort to explain the provisions of NRS
24 171.137 pertaining to domestic violence and advise victims of all
25 reasonable means to prevent further abuse, including advising each
26 person of the availability of a shelter or other services in the
27 community.

28 (b) Provide a person suspected of being the victim of an act of
29 domestic violence with a written copy of the following statements:

30 (1) My name is Officer (naming the
31 investigating officer). Nevada law requires me to inform you of the
32 following information.

33 (2) If I have probable cause to believe that a battery has been
34 committed against you, your minor child or the minor child of the
35 person believed to have committed the battery in the last 24 hours
36 by your spouse, your former spouse, any other person to whom you
37 are related by blood or marriage, a person with whom you have had
38 or are having a dating relationship or a person with whom you have
39 a child in common, and if I had a face-to-face encounter with the
40 person suspected of committing the battery that was of sufficient
41 duration to determine whether probable cause existed while
42 responding to the initial incident or call for service, I am required,
43 unless mitigating circumstances exist, to arrest the person suspected
44 of committing the battery.



1 (3) If I have probable cause to believe that a battery has been
2 committed against you, your minor child or the minor child of the
3 person believed to have committed the battery in the last 7 days by
4 your spouse, your former spouse, any other person to whom you are
5 related by blood or marriage, a person with whom you have had or
6 are having a dating relationship or a person with whom you have a
7 child in common, and if I did not have a face-to-face encounter with
8 the person suspected of committing the battery that was of sufficient
9 duration to determine whether probable cause existed while
10 responding to the initial incident or call for service, I am required,
11 unless mitigating circumstances exist, to arrest the person suspected
12 of committing the battery.

13 (4) If I am unable to arrest the person suspected of
14 committing the battery, you have the right to request that the
15 prosecutor file a criminal complaint against the person. I can
16 provide you with information on this procedure. If convicted, the
17 person who committed the battery may be placed on probation,
18 ordered to see a counselor, put in jail or fined.

19 (5) The law provides that you may seek a court order for the
20 protection of you, your minor children or any animal that is owned
21 or kept by you, by the person who committed or threatened the act
22 of domestic violence or by the minor child of either such person
23 against further threats or acts of domestic violence. You do not need
24 to hire a lawyer to obtain such an order for protection.

25 (6) An order for protection may require the person who
26 committed or threatened the act of domestic violence against you to:

27 (I) Stop threatening, harassing or injuring you or your
28 children;

29 (II) Move out of your residence;

30 (III) Stay away from your place of employment;

31 (IV) Stay away from the school attended by your
32 children;

33 (V) Stay away from any place you or your children
34 regularly go;

35 (VI) Avoid or limit all communication with you or your
36 children;

37 (VII) Stop physically injuring, threatening to injure or
38 taking possession of any animal that is owned or kept by you or
39 your children, either directly or through an agent; and

40 (VIII) Stop physically injuring or threatening to injure
41 any animal that is owned or kept by the person who committed or
42 threatened the act or his or her children, either directly or through an
43 agent.



1 (7) A court may make future orders for protection which
2 award you custody of your children and require the person who
3 committed or threatened the act of domestic violence against you to:

4 (I) Pay the rent or mortgage due on the place in which
5 you live;

6 (II) Pay the amount of money necessary for the support of
7 your children;

8 (III) Pay part or all of the costs incurred by you in
9 obtaining the order for protection; and

10 (IV) Comply with the arrangements specified for the
11 possession and care of any animal owned or kept by you or your
12 children or by the person who committed or threatened the act or his
13 or her children.

14 (8) To get an order for protection, go to room number
15 (state the room number of the office at the court) at the court, which
16 is located at (state the address of the court). Ask the
17 clerk of the court to provide you with the forms for an order of
18 protection.

19 (9) If the person who committed or threatened the act of
20 domestic violence against you violates the terms of an order for
21 protection, the person may be arrested and, if:

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

24 (II) The person has previously violated a temporary or
25 extended order for protection; or

26 (III) At the time of the violation or within 2 hours after
27 the violation, the person has a concentration of alcohol of 0.08 or
28 more in the person's blood or breath or an amount of a prohibited
29 substance in the person's blood or urine, as applicable, that is equal
30 to or greater than the amount set forth in subsection 3 or 4 of
31 NRS 484C.110,

32 ↪ the person will not be admitted to bail sooner than 12 hours after
33 arrest.

34 (10) You may obtain emergency assistance or shelter by
35 contacting your local program against domestic violence at
36 (state name, address and telephone number of local
37 program) or you may call, without charge to you, the Statewide
38 Program Against Domestic Violence at (state toll-
39 free telephone number of Statewide Program).

40 *(c) Complete a lethality assessment form for a person*
41 *suspected of being the victim of domestic violence if the peace*
42 *officer has probable cause to believe that the person believed to*
43 *have committed the act of domestic violence is:*

44 *(1) His or her spouse or former spouse;*



1 (2) *A person with whom he or she had or is having a dating*
2 *relationship; or*

3 (3) *A person with whom he or she has a child in common.*

4 (d) *Except as otherwise provided in this paragraph, submit the*
5 *results of the lethality assessment to the Department of Public*
6 *Safety while at the scene of the investigation. If a peace officer is*
7 *not reasonably able to submit the results of the lethality*
8 *assessment while at the scene of an investigation, the peace officer*
9 *shall submit the results of the lethality assessment to the*
10 *Department as soon as practicable after leaving the scene.*

11 2. The failure of a peace officer to carry out the requirements
12 set forth in subsection 1 is not a defense in a criminal prosecution
13 for the commission of an act of domestic violence, nor may such an
14 omission be considered as negligence or as causation in any civil
15 action against the peace officer or the officer's employer.

16 3. As used in this section:

17 (a) "Act of domestic violence" means any of the following acts
18 committed by a person against his or her spouse, former spouse, any
19 other person to whom he or she is related by blood or marriage, a
20 person with whom he or she has had or is having a dating
21 relationship, a person with whom he or she has a child in common,
22 the minor child of any of those persons or his or her minor child:

23 (1) A battery.

24 (2) An assault.

25 (3) Compelling the other by force or threat of force to
26 perform an act from which he or she has the right to refrain or to
27 refrain from an act which he or she has the right to perform.

28 (4) A sexual assault.

29 (5) A knowing, purposeful or reckless course of conduct
30 intended to harass the other. Such conduct may include, but is not
31 limited to:

32 (I) Stalking.

33 (II) Arson.

34 (III) Trespassing.

35 (IV) Larceny.

36 (V) Destruction of private property.

37 (VI) Carrying a concealed weapon without a permit.

38 (VII) Injuring or killing an animal.

39 (6) False imprisonment.

40 (7) Unlawful entry of the other's residence, or forcible entry
41 against the other's will if there is a reasonably foreseeable risk of
42 harm to the other from the entry.

43 (b) "Dating relationship" means frequent, intimate associations
44 primarily characterized by the expectation of affectional or sexual



1 involvement. The term does not include a casual relationship or an
2 ordinary association between persons in a business or social context.

3 (c) *“Lethality assessment form” means the form prescribed by*
4 *the Director of the Department of Public Safety pursuant to*
5 *section 1 of this act.*

6 **Sec. 3.** NRS 171.1227 is hereby amended to read as follows:

7 171.1227 1. If a peace officer investigates an act that
8 constitutes domestic violence pursuant to NRS 33.018, the peace
9 officer shall prepare and submit a written report of the investigation
10 to the peace officer’s supervisor or to another person designated by
11 the peace officer’s supervisor, regardless of whether the peace
12 officer makes an arrest.

13 2. If the peace officer investigates a mutual battery that
14 constitutes domestic violence pursuant to NRS 33.018 and finds that
15 one of the persons involved was the primary physical aggressor, the
16 peace officer shall include in the report:

17 (a) The name of the person who was the primary physical
18 aggressor; and

19 (b) A description of the evidence which supports the peace
20 officer’s finding.

21 3. *If the peace officer investigates an act that constitutes*
22 *domestic violence pursuant to NRS 33.018, the peace officer shall*
23 *include in the report the results of any lethality assessment*
24 *conducted pursuant to NRS 171.1225.*

25 4. If the peace officer does not make an arrest, the peace officer
26 shall include in the report the reason the peace officer did not do so.

27 ~~4.~~ 5. The information contained in a report made pursuant to
28 subsections 1 ~~and~~, 2 and 3 must be:

29 (a) Aggregated each month; and

30 (b) Forwarded to each jurisdiction to the Central Repository for
31 Nevada Records of Criminal History not later than the 15th day of
32 the following month.

33 ~~5.~~ 6. The Director of the Department of Public Safety shall
34 prescribe the form on which the information described in subsection
35 ~~4~~ 5 must be reported to the Central Repository. In addition to the
36 information required pursuant to subsections 1 , 2 and ~~2~~ 3, the
37 form must also require the inclusion of the following information
38 from each report:

39 (a) The gender, age and race of the persons involved;

40 (b) The relationship of the persons involved;

41 (c) The date and time of day of the offense;

42 (d) The number of children present, if any, at the time of the
43 offense;

44 (e) Whether or not an order for protection against domestic
45 violence was in effect at the time of the offense;



1 (f) Whether or not any weapons were used during the
2 commission of the offense;

3 (g) Whether or not any person required medical attention;

4 (h) Whether or not any person was given a domestic violence
5 card that contains information about appropriate counseling or other
6 supportive services available in the community in which that person
7 resides;

8 (i) Whether or not the primary physical aggressor, if identified,
9 was arrested and, if not, any mitigating circumstances explaining
10 why an arrest was not made; and

11 (j) Whether or not any other person was arrested.

12 **Sec. 4.** NRS 178.4853 is hereby amended to read as follows:

13 178.4853 In reviewing the custody status of a person, the court
14 at a minimum shall consider the following factors concerning the
15 person:

16 1. The length of residence in the community;

17 2. The status and history of employment;

18 3. Relationships with the person's spouse and children, parents
19 or other family members and with close friends;

20 4. Reputation, character and mental condition;

21 5. Prior criminal record, including, without limitation, any
22 record of appearing or failing to appear after release on bail or
23 without bail;

24 6. The identity of responsible members of the community who
25 would vouch for the reliability of the person;

26 7. The nature of the offense with which the person is charged,
27 the apparent probability of conviction and the likely sentence,
28 insofar as these factors relate to the risk of not appearing;

29 8. The nature and seriousness of the danger to the alleged
30 victim, any other person or the community that would be posed by
31 the person's release **[H]**, *the consideration of which may include a*
32 *review of the results of a lethality assessment conducted pursuant*
33 *to NRS 171.1225;*

34 9. The likelihood of more criminal activity by the person after
35 release; and

36 10. Any other factors concerning the person's ties to the
37 community or bearing on the risk that the person may willfully fail
38 to appear.

39 **Sec. 5.** The provisions of NRS 354.599 do not apply to any
40 additional expenses of a local government that are related to the
41 provisions of this act.

42 **Sec. 6.** This act becomes effective upon passage and approval
43 for the purposes of adopting any regulations and performing any
44 other preparatory administrative tasks that are necessary to carry out



1 the provisions of this act and on October 1, 2025, for all other
2 purposes.

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