

Supreme Court of Nevada
ADMINISTRATIVE OFFICE OF THE COURTS

ROBIN SWEET
Director and
State Court Administrator



JOHN McCORMICK
Assistant Court Administrator
Judicial Programs and Services

RICHARD A. STEFANI
Deputy Director
Information Technology

MEETING AGENDA

Name of Organization: Judicial Council of the State of Nevada

Date and Time of Meeting: Friday, August 21, 2020, 1:30 p.m.

Place of Meeting: Remote Access via BlueJeans
(bluejeans.com or bluejeans app for videoconference)
Teleconference Dial-in: 408-419-1715 or 408-915-6290
Meeting ID: 115 454 425
Participant Passcode: 9622

Videoconference at the following location:
Supreme Court of Nevada
408 E. Clark Avenue, 1st Floor
Conference Room A & B

All participants attending via teleconference should mute their lines when not speaking; it is highly recommended that teleconference attendees use a landline and handset in order to reduce background noise.

- I. Call to Order
- II. Call of the Roll and Determination of Quorum Status
- III. Public Comment
- IV. Approval of Meeting Summary from the June 18, 2020, meeting* (*Pages 1-5*)
- V. Business and Action Items (Possible Action)
 - A. Judicial Branch Bill Draft Requests for 2021 Session of the Nevada Legislature:
 - 1. Judicial Pay Raise (*Pages 7-10*)
 - 2. Guardianship changes to Chapter 159A (*Pages 11-14*)
 - 3. Judicial Discipline – NJLJ (*Pages 15-17*)
 - 4. Protection Orders – Jurisdictional Issues (*Pages 18-28*)
 - 5. Small Claims cases – Cleaning up statutory language (*Pages 29-32*)
 - 6. Unlawful Towing – Cleaning up statutory language (*Pages 33-36*)
 - 7. High Risk Protection Order – Cleanup Language (*Pages 37-44*)

8. Statutory Language - Clean Up Bills (*Page 45*)
 - a. NRS 2.380 – Printing of Nevada Reports
 - b. NRS 3.029 – Training concerning complex issues of litigation alleging professional negligence by provider of health care.
 - c. NRS 220.110 – Contents of NRS
- B. Legislative Team Roster (*Page 46*)

VI. Discussion/Other

VII. Future Meetings

- November 19, 2020, at 3:30 p.m.

VIII. Public Comment

IX. Adjournment

Pre-Agenda Notices

- Agenda items may be taken out of order at the discretion of the Chair in order to accommodate persons appearing before the Committee/Commission and/or to aid in the time efficiency of the meeting.
- If members of the public participate in the meeting, they must identify themselves when requested under agenda item one.
- Public comment is welcomed by the Committee/Commission but may be limited to two-five minutes per person at the discretion of the Chair. Public comment is provided either at the start and end of the meeting, or after every action item, to afford members of the public an opportunity to make comments to the committee.
- Business and Action items are “for possible action” and typically include review, approval, denial, and/or postponement of specific items. Certain items may be referred to a subcommittee for additional review and action.
- We are pleased to make reasonable accommodation for the members of the public who are disabled and wish to attend the meeting. If special arrangements for the meeting are necessary, please notify Vicki Elefante (775) 687-9807 or elefante@nvcourts.nv.gov.
- This meeting is exempt from the Nevada Open Meeting Law (NRS 241.030).
- **Notice of this meeting was posted in the following locations:**
 - a. Supreme Court Building, Administrative Office of the Courts, 201, South Carson Street, Carson City
 - b. Nevada Appellate Courts Building, 408 East Clark Avenue, Las Vegas
 - c. Supreme Court Website www.nevadajudiciary.us

*Denotes items which the Commission may take action.

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MEETING SUMMARY

Name of Organization: Judicial Council of the State of Nevada

Date and Time of Meeting: Thursday, June 18, 2020, 3:30 p.m.

Place of Meeting: Remote Access via BlueJeans
(bluejeans.com or bluejeans app for videoconference)
Teleconference Number 408-419-1715 or 408-915-6290
Meeting ID: 292 423 858
Participant Passcode: 8371

MEMBERS PRESENT:

Chief Justice Kristina Pickering
Chief Judge Michael Gibbons
Chief Judge Linda Bell
Judge Bert Brown
Judge Pete Goicoechea
Steve Grierson
Judge Eileen Herrington
Judge Kevin Higgins
Judge Michael Montero
Judge Tammy Riggs
Judge Lynn Simons proxy for Chief Judge Freeman
Judge Gloria Sturman
Robin Sweet
Judge Natalie Tyrrell
Judge Michael Villani
Judge Tod Young

MEMBERS ABSENT OR EXCUSED:

Jackie Bryant
Judge Bill Henderson
Judge Diana Sullivan
Judge Gus Sullivan

OTHERS IN ATTENDANCE:

Judge Melissa Saragosa
Joe Tommasino, Esq.

AOC STAFF:

John McCormick, Assistant Court Administrator
Rick Stefani, Deputy Director
Vicki Elefante, Court Analyst
Hans Jessup, Court Research Analyst
Melody Luetkehans, Staff Attorney
James Popovich, Specialty Court Manager

Call to Order, Call of the Roll and Determination of Quorum Status

Chief Justice Pickering, Chair of the Judicial Council of the State of Nevada (JCSN) Full Council, called the meeting to order at 3:30 p.m. A quorum was declared present.

Public Comment

There was no public comment.

Approval of Meeting Summary from the November 22, 2019, meeting

Chair Pickering called for discussion and with there being none, the meeting summary for the November 22, 2019, meeting was approved.

JUDGE TOD YOUNG MADE A MOTION TO APPROVE THE MEETING SUMMARY OF THE JUDICIAL COUNCIL OF THE STATE OF NEVADA FULL COUNCIL MEETING HELD NOVEMBER 22, 2019, WITH THE AMENDMENT OF JUDGE GOICOECHEA'S FIRST NAME. THE MOTION WAS SECONDED AND PASSED UNANIMOUSLY.

Approval of Revised Model Code of Conduct

Ms. Robin Sweet reported on the *Model Code of Conduct for Judicial Employees* noting it has been revised. She commented that the National Center for Court Management revised their Model Code so the Court Administration Committee created a workgroup to look at revising the Nevada version as appropriate. Ms. Sweet drew attention to Canon 1.5, and indicated that as written, it could be considered that all traffic citations should be reported to management. The workgroup suggested adding a parenthetical (excluding traffic citations) to the last sentence. Judge Kevin Higgins suggested two alternatives a local version and a statewide version and allow the courts to adopt the version that is more suitable to their court. Ms. Sweet said that she will revise Canon 1.5 allowing two options a local and a statewide option.

Ms. Sweet reported the other revision is related to Canon 4 *Refraining from Inappropriate Political Activity* noting that this would require that a court professional, unless elected to his or her current position, take an unpaid leave of absence if he or she decides to run for elected office. She commented that some court administrators had concerns with this Canon.

JUDGE HIGGINS MADE A MOTION TO APPROVE THE MODEL CODE OF CONDUCT FOR COURT PROFESSIONALS IN THE STATE OF NEVADA TODAY AND ASK THE CHIEF JUSTICE TO DO A FINAL APPROVAL ONCE IT IS REVISED TO REFLECT TWO OPTIONS UNDER CANON 1.5. THE MOTION WAS SECONDED AND PASSED UNANIMOUSLY.

Bylaw Amendment for Specialty Court Funding Committee

Ms. Sweet reported on the ByLaw Amendment for the Specialty Court Funding Committee noting that the committee voted unanimously to change the name of the committee to the Specialty Court Funding and Policy Committee. Ms. Sweet reported that the amended name acknowledges the Committee's role in distributing funding and making policy related decisions.

JUDGE DOBRESCU MADE A MOTION TO APPROVE THE BYLAW AMENDMENT CHANGING THE SPECIALTY COURT FUNDING COMMITTEE NAME TO SPECIALTY COURT FUNDING AND POLICY COMMITTEE. THE MOTION WAS SECONDED AND PASSED UNANIMOUSLY.

High Risk Protection Order Report in USJR

Mr. Hans Jessup reported on the High Risk Protection Order reporting for the Uniform System for Judicial Records (USJR). He noted that a workgroup was formed to develop appropriate definitions and reporting worksheets for the new High Risk Protection Order cases filed in district and justice courts. Mr. Jessup reported that if adopted today, the reporting requirements would be effective July 1, 2020.

CHIEF JUDGE LINDA BELL MADE A MOTION TO APPROVE THE COLLECTION OF HIGH RISK PROTECTION ORDERS BEGINNING JULY 1, 2020. THE MOTION WAS SECONDED AND PASSED UNANIMOUSLY.

Moving Forward from COVID-19

Chief Justice Pickering updated members on the collaborative efforts being made in regards to the COVID-19 shutdown. She reported that it has been a privilege to work on several different committees with both the district courts and the limited jurisdiction courts to try and help share information and ways of addressing the Governor's directives and our court rules. Chief Justice Pickering reported on an article that she found interesting; it is study group report by the U.S. District Court Judges Association on *Moving Forward with Jury Trials in an Era with Social Distancing*. Chief Justice Pickering asked if there was any interest in trying to create a subcommittee where members could help each other with issues and concerns during the pandemic.

Judge Tod Young reported that something he has observed is that not all jurisdictions have a chief judge and sometimes within those jurisdictions there are differences and he believes there is value to having a source that provides some guidance for courthouses around the State.

Judge Lynn Simons reported that the Second JD was recently provided with a written report for each building on exactly what tasks have to be undertaken including breaks and times the HVAC system needs to turn on. She commented that her Bench found it incredible helpful. Judge Simons believes a subcommittee could work on procedures.

Chief Judge Bell reported that it doesn't seem like we have very clear delineations about what the courts' powers are during emergencies and how much we can do to manage a crisis. She noted that in Clark County there are issues with who manages the court facilities during an emergency.

Chief Justice Pickering noted that the question of authority within the crisis is a legal question but it seems that a facilities issue would fall under the umbrella of the County.

Judge Michael Montero reported that he had a conversation with a few attorneys regarding how different each jurisdiction are approaching the handling of cases. He noted that it made him think that we need to be more consistent across the State and offered to serve on such a committee.

Chief Justice Pickering reported that she would like to establish a Subcommittee on COVID-19 Response and the Subcommittee can discuss facility issues and concerns, rules, and court business. The following volunteered to serve on the committee: Chief Judge Bell, Judges Montero, Young, Higgins, Simons, and Brown. Chief Justice Pickering said Hans Jessup will staff the committee because he serves as the facility maintenance person for the Las Vegas Appellate Court.

JUDGE HIGGINS MADE A MOTION TO ESTABLISH A SUBCOMMITTEE ON COVID-19 RESPONSE. JUDGE YOUNG SECONDED THE MOTION AND IT PASSED UNANMIOSLY.

Judge Tammy Riggs recommended looking at the Nevada and Federal OSHA Standards because they were a part of Chief Judge Bell's Order. She noted that those Standards are precise recommendations or standards for things such as HVAC, plumbing systems, what settings should we be looking for with HVAC, how long the HVAC should run, etc.

Reports of Standing Committees

Court Administration Committee

Ms. Sweet reported on the Court Administration Committee noting that the committee last met in December and had successful discussions about high risk protection order forms, domestic violence jury trial, and finalized the Model Code of Conduct. She reported the next meeting is scheduled for June 25, 2020.

Court Improvement Program

Ms. Sweet reported on the Court Improvement Program noting that the staff retired in January and we now have two new employees who are doing a very good job at keeping everything going. Ms. Sweet reported that they have been working on the Nevada's Program Improvement Plan with the Division of Child and Family Services and that the Juvenile Dependency Mediation Program has only slowed a little bit during the pandemic. Ms. Sweet reported that with available funding we purchased Zoom accounts for each mediator.

Judicial Education Committee

No meeting to report.

Language Access Committee

No meeting to report.

Specialty Court Funding and Policy Committee

Mr. James Popovich reported on the Specialty Court Funding and Policy Committee noting that revenue has decreased due to COVID-19. Mr. Popovich reported that due to reduced funding the committee voted to reduce the fee funded allocations for the first and second quarters for the next fiscal year by 20 percent for the specialty court programs in Clark and Washoe County. He noted that the programs funded with general fund money will receive the same amount of funding as they did in FY20. Mr. Popovich reported the next meeting will be held on July 31, 2020, and they will be discussing the definition of recidivism.

Technology Committee

Mr. Rick Stefani reported on the Technology Committee noting they met on January 17, 2020, and the discussion centered on data governance. Mr. Stefani noted that the committee also discussed the ramifications of AB110.

Reports of Regional Council MeetingsClark Regional Judicial Council

Mr. Grierson reported on the Clark Regional Judicial Council meeting noting that this would be a good forum to discuss how to handle local issues regarding the pandemic.

North Central Judicial Council

No meeting to report.

Sierra Regional Judicial Council

Judge Young reported on the Sierra Regional Judicial Council meeting noting that they cancelled our spring meeting based largely on calendars and the pandemic. He noted the next meeting is scheduled for July 10, 2020.

South Central Regional Judicial Council

Judge Dobrescu was absent so there was no additional report.

Washoe Regional Judicial Council

Judge Simons reported on the Washoe Regional Judicial Council meeting noting that she was not present at the last meeting and provided an update of what is currently happening. Judge Simons reported that they have a consistent recovery planning committee that meets every week. She reported because of that committee they were able to obtain cleaning protocols from the Health Department.

Judge Riggs reported that they have an informal group that consists of judges of the Washoe Region and it involves all of our limited jurisdiction courts and the 2nd Judicial District Court. She noted that they are trying to achieve a coordinated movement toward opening the facilities in Washoe County.

Informational Materials

Chief Justice Pickering noted that enclosed in the meeting material is the 2020 JCSN roster, 2020 calendar of meetings, Administrative Docket Status Report, and calendar of educational activities. She reported that due to COVID-19 and budget constraints we will be moving all our judicial education programs to a virtual learning environment.

Public Comment

There was no public comment.

With there being no further discussion, the meeting was adjourned at 4:50 p.m.

Judicial Branch Bill Draft Requests for 2021 Session of the Nevada Legislature

JUDICIAL DEPARTMENT BILL DRAFT REQUEST FOR THE 2021 LEGISLATIVE SESSION

Authority: NRS 218D.175

Deadline: BDRs from the Judicial Department must be submitted by the Supreme Court by no later than September 1, 2020.

Person Submitting Request:

John McCormick

Person to Contact for Clarification or Additional Information:

Name: John McCormick

Email: jmccormick@nvcourts.nv.gov

Phone: (775) 687-9813

1. Intent of Proposed Bill or Resolution (Describe the problem to be solved, intended effect, and/or the goal(s) of the proposed bill or resolution – may be attached as separate document):

This measure is intended to raise the compensation for the justices of the Nevada Supreme Court from \$170,000 to \$200,000 per year, the compensation for judges of the Nevada Court of Appeals from \$165,000 to \$195,000 per year, and the compensation of the district court judges from \$160,000 to \$190,000 per year.

- All changes take place after 2021 depending on term date for each judicial office.
- Increases base salary \$30,000 for justices, appeals judges, and district judges.
- After initial raise to base salary, future raises would be tied to cumulative percentage increase received by state classified employees over the preceding judicial term of office.
- Longevity for court of appeals judges is eliminated for those judges whose term begins after January of 2023.
- Longevity pay for district court judges is eliminated for those judges whose term begins after January of 2027.
- Eliminates the requirement that participants in the Judicial Retirement Plan, whose effective date is after July 1, 2015, pay 50 percent of the total actuarially determined contribution rate.

Suggested language is attached.

2. If known, list any existing state law that is sought to be changed or which is affected by the measure (NRS Title(s), Chapter(s) and Section(s) affected, Statutes of Nevada Chapter(s) and Section(s) affected and/or Nevada Constitutional provision):

Title 1, NRS 1A.314, NRS 2.050, NRS 2A.080, NRS 3.030

3. Any additional information that may be helpful in drafting the bill or resolution (May include any relevant legislative measures, cases or federal laws or other supporting materials – may be attached):

4. Effective Date:

- Default (October 1, 2019)
- July 1, 2019
- January 1, 2020
- Upon Passage and Approval
- Other

5. Description of any known cost to the State or a local government that would result from carrying out the changes in the bill if enacted:

REQUIRED PREFILING:

A bill draft requested by the Supreme Court is required to be prefiled on or before November 21, 2020. By statute, such a measure that is not prefiled on or before that date is deemed to be withdrawn. There is no authority to waive this requirement.

Please submit the completed Bill Draft Request form by mail to: Brenda Erdoes, Legislative Counsel, Legislative Building, 401 South Carson Street, Carson City, Nevada 89701; by e-mail at erdoes@lcb.state.nv.us; or by fax at (775) 684-6761.

Section 1. NRS 1A.314 is hereby amended to read as follows:

1A.314 For members of the Judicial Retirement Plan who have an effective date of membership on or after July 1, 2015:

1. ~~A member must pay 50 percent of the total contribution rate that is actuarially determined for members of the Judicial Retirement Plan pursuant to NRS 1A.312.~~

2. ~~The amount described in subsection 1 must be deducted from each payroll during the period of the member's membership in the Judicial Retirement Plan and transmitted to the Board at intervals designated and upon forms prescribed by the Board. The contributions must be paid on compensation earned by a member from the member's first day of service.~~

3. The Judicial Retirement Plan shall guarantee to each member the return of at least the total contributions which the member has made and which were credited to the member's individual account. These contributions may be returned to the member, the member's estate or beneficiary or a combination thereof in monthly benefits, a lump-sum refund or both. The relevant provisions of NRS 286.430 apply to a member of the Judicial Retirement Plan who withdraws his or her contributions to the Plan pursuant to this section.

Sec. 2. NRS 2.050 is hereby amended to read as follows:

2.050 1. Until the first Monday in January ~~2009~~ 2027, the justices of the Supreme Court whose terms of office expire on the first Monday in January ~~2009~~ 2027 are entitled to receive an annual base salary of ~~\$140,000~~ \$170,000. From and after the first Monday in January ~~2009~~ 2027, their successors in office are entitled to receive an annual base salary of ~~\$170,000~~ \$200,000. *On the first Monday of January every sixth year thereafter the annual base salary of each justice of the Supreme Court must be adjusted by an amount equal to the cumulative percentage increase in the salaries of the classified employees of this State during the immediately preceding term of office of the justices of the Supreme Court.*

2. Until the first Monday in January ~~2011~~ 2023, the justices of the Supreme Court whose terms of office expire on the first Monday in January ~~2011~~ 2023 are entitled to receive an annual base salary of ~~\$140,000~~ \$170,000. From and after the first Monday in January ~~2011~~ 2023, their successors in office are entitled to receive an annual base salary of ~~\$170,000~~ \$200,000. *On the first Monday of January every sixth year thereafter the annual base salary of each justice of the Supreme Court must be adjusted by an amount equal to the cumulative percentage increase in the salaries of the classified employees of this State during the immediately preceding term of office of the justices of the Supreme Court.*

3. Until the first Monday in January ~~2013~~ 2025, the justices of the Supreme Court whose terms of office expire on the first Monday in January ~~2013~~ 2025 are entitled to receive an annual base salary of ~~\$140,000~~ \$170,000. From and after the first Monday in January ~~2013~~ 2025, their successors in office are entitled to receive an annual base salary of ~~\$170,000~~ \$200,000. *On the first Monday of January every sixth year thereafter the annual base salary of each justice of the Supreme Court must be adjusted by an amount equal to the cumulative percentage increase in the salaries of the classified employees of this State during the immediately preceding term of office of the justices of the Supreme Court.*

4. All salaries provided for in this section are payable in biweekly installments as other state officers are paid.

Sec. 3. NRS 2A.080 is hereby amended to read as follows:

2A.080 1. The annual base salary of each judge of the Court of Appeals *whose terms of office expire on the first Monday in January 2023* is \$165,000. *From and after the First Monday in January of 2023, their successors in officer are entitle to receive an annual base salary of \$195,000. On the first Monday of January every sixth year thereafter the annual base salary of each judge of the Court of Appeals must be adjusted by an amount equal to the cumulative percentage increase in the salaries of the classified employees of this State during the immediately preceding term of office of the judges of the Court of Appeals.*

2. A judge of the Court of Appeals who has served as a justice of the Supreme Court, judge of the Court of Appeals or judge of a district court, or any combination thereof, for at least 4 years is entitled to

an additional salary of 2 percent of his or her annual base salary for each year of service. The additional salary must not exceed 22 percent of his or her annual base salary. *This provision applies only to judges of the Court of Appeals whose terms of office began prior to the first Monday in January of 2023, and judges of the Court of Appeals whose terms begin thereafter are not eligible to receive an additional salary for longevity.*

3. The salary provided for in this section is payable in biweekly installments as other state officers are paid.

Sec. 4. NRS 3.030 is hereby amended to read as follows:

3.303 1. Until the first Monday in January ~~2009~~ 2027, the annual base salary of each district judge is ~~\$130,000~~ \$160,000. From and after the first Monday in January ~~2009~~ 2027, the annual base salary of each district judge is ~~\$160,000~~ \$190,000. *On the first Monday of January every sixth year thereafter the annual base salary of each district judge must be adjusted by an amount equal to the cumulative percentage increase in the salaries of the classified employees of this State during the immediately preceding term of office of the district judges.*

2. If a district judge has served in his or her office for at least 4 years, the district judge is entitled to an additional salary of 2 percent of his or her annual base salary for each year of service. The additional salary must not exceed 22 percent of his or her annual base salary. *This provision applies only to district judges whose terms of office began prior to the first Monday in January of 2027, and district judges whose terms begin thereafter are not eligible to receive an additional salary for longevity.*

3. The annual base salaries and the additional salary for longevity must be paid in biweekly installments out of the State Judicial Elected Officials Account of the Supreme Court.

4. No salary of any district judge may be paid in advance.

JUDICIAL DEPARTMENT BILL DRAFT REQUEST FOR THE 2021 LEGISLATIVE SESSION

Authority: NRS 218D.175

Deadline: BDRs from the Judicial Department must be submitted by the Supreme Court by no later than September 1, 2020.

Person Submitting Request:

John McCormick

Person to Contact for Clarification or Additional Information:

Name: John McCormick

Email: jmccormick@nvcourts.nv.gov

Phone: (775) 687-9813

- 1. Intent of Proposed Bill or Resolution** (Describe the problem to be solved, intended effect, and/or the goal(s) of the proposed bill or resolution – may be attached as separate document):

This measure makes amendments to the statutes governing minor guardianships in Nevada, and is a result of the continued work of the Supreme Court's Permanent Guardianship Commission. It brings the definition of 'home state' in Ch. 159A into line with the Uniform Child Custody Jurisdiction and Enforcement Act (NRS Ch. 125A). It clarifies the court's ability to appoint a guardian of a minor child whose home state is not Nevada when it is in the best interest of the child. Finally, it creates a statutory framework to transfer minor guardianship to another state and accept a guardianship from another state in Nevada. Suggested language is attached.

- 2. If known, list any existing state law that is sought to be changed or which is affected by the measure (NRS Title(s), Chapter(s) and Section(s) affected, Statutes of Nevada Chapter(s) and Section(s) affected and/or Nevada Constitutional provision):**

Title 13, NRS 159A.018, 159A.0487, adds 4 new sections to Ch. 159A

- 3. Any additional information that may be helpful in drafting the bill or resolution** (May include any relevant legislative measures, cases or federal laws or other supporting materials – may be attached):

4. Effective Date:

- Default (October 1, 2019)
- July 1, 2019
- January 1, 2020
- Upon Passage and Approval
- Other

5. Description of any known cost to the State or a local government that would result from carrying out the changes in the bill if enacted:

REQUIRED PREFILING:

A bill draft requested by the Supreme Court is required to be prefiled on or before November 21, 2020. By statute, such a measure that is not prefiled on or before that date is deemed to be withdrawn. There is no authority to waive this requirement.

Please submit the completed Bill Draft Request form by mail to: Brenda Erdoes, Legislative Counsel, Legislative Building, 401 South Carson Street, Carson City, Nevada 89701; by e-mail at erdoes@lcb.state.nv.us; or by fax at (775) 684-6761.

Section 1. NRS 159A.018 is hereby amended to read as follows:

159A.018 “Home state” means the state in which the proposed protected minor was physically present for at least 6 consecutive months, including any temporary absence from the state, immediately before the filing of a petition for the appointment of a guardian. ***Home state is further defined pursuant to NRS 125A, the Uniform Child Custody Jurisdiction and Enforcement Act.***

Sec. 2. NRS 159A.0487 is hereby amended to read as follows:

159A.0487 Any court of competent jurisdiction may appoint:

1. Guardians of the person, of the estate, or of the person and estate for minors whose home state is this State.
2. Guardians of the person or of the person and estate for minors who, although not residents of this State, ***or whose home state is not this State***, are physically present in this State and whose welfare ***and best interest*** requires such an appointment, ***pursuant to NRS 125A***.
3. Guardians of the estate for nonresident minors who have property within this State.
4. Guardians ad litem.

Sec. 3. Chapter 159A is hereby amended by adding thereto the provisions set forth as sections 4 to 7 of this act.

Sec. 4. 1. A guardian appointed in this State may petition the court to transfer the jurisdiction of the guardianship to another state. Notice of the petition must be given to the persons that would be entitled to notice of a petition in this State for the appointment of a guardian.

- 2. The court shall issue an order provisionally granting the petition to transfer a guardianship and shall direct the guardian or other interested party to petition for guardianship in the other state if the court finds:**
- (a) ***The protected person is physically present in, or is reasonably expected to move permanently to, the other state;***
 - (b) ***An objection to the transfer has not been made or, if an objection has been made, the objector has not established that the transfer would be contrary to the best interests of the protected person; and***
 - (c) ***The plans for care and services for the protected minor in the other state are in the best interests of the minor.***
- 3. The court shall issue a final order confirming the transfer and terminating the guardianship upon a petition for termination pursuant to NRS 159A.1905 or 159A.191 and filing of a provisional order accepting the proceeding from the court to which the proceeding is to be transferred.**

Sec. 5. 1. To transfer jurisdiction of a guardianship to this State, the guardian or other interested party must petition the court of this State for guardianship pursuant to NRS 159A.044, to accept guardianship in this State. The petition must include:

- (a) ***A certified copy of the other state's provisional order of transfer;***
- (b) ***Proof that the protected minor is physically present in, or is reasonably expected to move permanently to, this State;***

- (c) A copy of one of the forms of identification for the minor, as stated in NRS 159A.044(2)(c); and
 - (d) A copy of one of the forms of identification for the guardian(s), as stated in NRS 159A.044(2)(h).
2. Upon filing of the petition, the clerk of the court shall issue a citation setting forth a time and place for a hearing, pursuant to NRS 159A.047.
 3. Upon completion of a hearing, the court shall issue a provisional order granting a petition filed under subsection 1, unless:
 - (a) An objection is made, and the objector establishes that transfer of the proceeding would be contrary to the best interests of the protected minor; or
 - (b) The guardian or petitioner is not qualified for appointment as a guardian in this State pursuant to NRS 159A.061.
 3. The court shall issue a final order granting guardianship upon filing of a final order issued by the other state terminating proceedings in that state and transferring the proceedings to this State. The court shall determine and order whether the guardianship needs to be modified to conform to the laws of this State.
 4. In granting a petition under this section, the court shall recognize a guardianship order from the other state.

Sec. 6. 1. If a guardian has been appointed in another state and a petition for the appointment of a guardian is not pending in this State, the guardian appointed in the other state, after giving notice to the appointing court of an intent to register and the reason for registration, may petition the court to register the guardianship order in this State by filing as a foreign judgment in a court in any appropriate county of this State:

- (a) Certified copies of the order and letters of office; and
 - (b) A copy of one of the forms of identification for the guardian(s), as stated in NRS 159A.044(2)(h); and
 - (c) A copy of one of the forms of identification for the minor, as stated in NRS 159A.044(2)(c).
2. Upon filing of the petition, the clerk of the court shall issue a citation setting forth a time and place for a hearing, pursuant to NRS 159A.047.
 3. Upon completion of a hearing, and if there is no contest to the petition, the court shall issue an order granting a petition filed under subsection 1.

Sec. 7. 1. Upon registration of a guardianship, the guardian may exercise in this State all powers authorized in the order of appointment except as prohibited under the laws of this State, including maintaining actions and proceedings in this State.

2. A court of this State may grant any relief available under NRS 125A.465 to 125A.475, inclusive, and other law of this State to enforce a registered order.
3. A court of this State shall recognize and enforce, but may not modify, a registered guardianship of a court of another state.

Supreme Court of Nevada
ADMINISTRATIVE OFFICE OF THE COURTS

ROBIN SWEET
Director and
State Court Administrator



JOHN MCCORMICK
Assistant Court Administrator
Judicial Programs and Services

RICHARD A. STEFANI
Deputy Director
Information Technology

MEMORANDUM

TO: JCSN
FROM: John McCormick
DATE: August 19, 2020
SUBJECT: Judicial Discipline BDR

The Legislative Committee approved moving forward with a bill draft request to make changes to the statutes governing the Judicial Discipline Commission (NRS 1.425 to 1.4695) at its meeting on August 17, 2020.

Members of the Committee met with representatives of the Discipline Commission on August 13, 2020, and at that meeting it was decided that ongoing conversations are needed to clarify what specific statutory changes are to be offered.

As further meetings are to take place, there is no clear draft language at this point, so the Committee recommended putting forth a “place holder” request to the Legislative Counsel Bureau on or before September 1, 2020.

Towards this end, there is a generic BDR Request Form attached hereto which can be submitted with suggested language that covers the limited areas of change that all can agree to in order to establish the request and make the “place holder”.

Attachment

JUDICIAL DEPARTMENT BILL DRAFT REQUEST FOR THE 2021 LEGISLATIVE SESSION

Authority: NRS 218D.175

Deadline: BDRs from the Judicial Department must be submitted by the Supreme Court by no later than September 1, 2020.

Person Submitting Request:

John McCormick

Person to Contact for Clarification or Additional Information:

Name: John McCormick

Email: jmccormick@nvcourts.nv.gov

Phone: (775) 687-9813

1. Intent of Proposed Bill or Resolution (Describe the problem to be solved, intended effect, and/or the goal(s) of the proposed bill or resolution – may be attached as separate document):

This measure is intended to make revisions to certain statutes govern aspects of judicial discipline proceedings in the State. The changes include modifying limited jurisdiction judge representation to Commission for public proceedings regarding a justice of the peace or municipal court judge, allowing remote appearances before the Commission, setting venue for proceedings, clarifying motion practice and responses before the Commission, and clarifying the rule making process for the Commission.

Suggested language is attached.

2. If known, list any existing state law that is sought to be changed or which is affected by the measure (NRS Title(s), Chapter(s) and Section(s) affected, Statutes of Nevada Chapter(s) and Section(s) affected and/or Nevada Constitutional provision):

Title 1, NRS 1.425 to 1.4695

3. Any additional information that may be helpful in drafting the bill or resolution (May include any relevant legislative measures, cases or federal laws or other supporting materials – may be attached):

4. Effective Date:

- Default (October 1, 2019)
 July 1, 2019
 January 1, 2020
 Upon Passage and Approval
 Other

5. Description of any known cost to the State or a local government that would result from carrying out the changes in the bill if enacted:

REQUIRED PREFILING:

A bill draft requested by the Supreme Court is required to be prefiled on or before November 21, 2020. By statute, such a measure that is not prefiled on or before that date is deemed to be withdrawn. There is no authority to waive this requirement.

Please submit the completed Bill Draft Request form by mail to: Brenda Erdoes, Legislative Counsel, Legislative Building, 401 South Carson Street, Carson City, Nevada 89701; by e-mail at erdoes@lcb.state.nv.us; or by fax at (775) 684-6761.

JUDICIAL DEPARTMENT BILL DRAFT REQUEST FOR THE 2021 LEGISLATIVE SESSION

Authority: NRS 218D.175

Deadline: BDRs from the Judicial Department must be submitted by the Supreme Court by no later than September 1, 2020.

Person Submitting Request:

John McCormick

Person to Contact for Clarification or Additional Information:

Name: John McCormick

Email: jmccormick@nvcourts.nv.gov

Phone: (775) 687-9813

1. Intent of Proposed Bill or Resolution (Describe the problem to be solved, intended effect, and/or the goal(s) of the proposed bill or resolution – may be attached as separate document):

This measure is intended to bring statutory clarity around protection orders when the adverse party against whom an order is sought/issued is a child under the age of 18. This measure sets the exclusive jurisdiction to handle these type of protection order cases with the juvenile court for issuance and enforcement. It allows the juvenile court to appoint counsel for the minor adverse party at its discretion, makes provisions related to service of these orders, and provides for the automatic sealing of the records related to these orders when the adverse party turns 21 (current automatic sealing age in Ch. 62H).

The grant of exclusive jurisdiction to the juvenile court in this measure applies to protection orders against domestic violence; protection orders against stalking, aggravated stalking, and harassment, orders of protection of children, protection orders against harassment in the work place, protection orders against high-risk behavior, and protection orders against sexual assault.

Suggested language is attached.

2. If known, list any existing state law that is sought to be changed or which is affected by the measure (NRS Title(s), Chapter(s) and Section(s) affected, Statutes of Nevada Chapter(s) and Section(s) affected and/or Nevada Constitutional provision):

Title 1, NRS 4.370; Title 5, NRS Ch. 62B

3. Any additional information that may be helpful in drafting the bill or resolution (May include any relevant legislative measures, cases or federal laws or other supporting materials – may be attached):

Ohio Revised Code 2151.34 Protection order against a minor. (Attached). This section of ORC deals with the issuance of protection orders with a minor as the adverse party and can be used to assist in drafting.

4. Effective Date:

- Default (October 1, 2019)
- July 1, 2019
- January 1, 2020
- Upon Passage and Approval
- Other

5. Description of any known cost to the State or a local government that would result from carrying out the changes in the bill if enacted:

REQUIRED PREFILING:

A bill draft requested by the Supreme Court is required to be prefiled on or before November 21, 2020. By statute, such a measure that is not prefiled on or before that date is deemed to be withdrawn. There is no authority to waive this requirement.

Please submit the completed Bill Draft Request form by mail to: Brenda Erdoes, Legislative Counsel, Legislative Building, 401 South Carson Street, Carson City, Nevada 89701; by e-mail at erdoes@lcb.state.nv.us; or by fax at (775) 684-6761.

Note: The following language was drafted in order to provide a starting place for ongoing discussions regarding the best statutory amendment methodology to achieve the desired outcomes, and it is not the final language that will be submitted to LCB. Judges Robb, Voy, and Saragosa are currently working on refinements.

NRS Chapter 62B is hereby amended by adding thereto the provisions set forth in section 1 of this act.

Section 1. 1. The juvenile court shall have exclusive jurisdiction to accept an application for, consider, and issue any of the following protection orders when the adverse party against whom such an order is sought is a child under the age of 18:

- (a) A temporary or extended order against domestic violence pursuant to NRS 33.017 to 33.100;
 - (b) A temporary or extended order against harassment in the workplace pursuant to NRS 33.200 to 33.360;
 - (c) A temporary or extended order for protection of children pursuant to NRS 33.400 to 33.440;
 - (d) An ex parte or extended order for protection against high risk behavior pursuant to NRS 33.500 to 33.670;
 - (e) A temporary or extended order for protection against stalking, aggravated stalking or harassment pursuant to NRS 200.591 to 200.601; and
 - (f) A temporary or extended order for protection against sexual assault pursuant to NRS 200.591 to 200.601.
2. A temporary or extended order issued pursuant to this section must be served upon both the minor child named as the adverse party and the parent or guardian of such a child.
3. The juvenile court shall have exclusive jurisdiction when a child is alleged to have committed a delinquent act, or is alleged to be in contempt of court, by violating any condition set forth in an order listed in section 1.
4. The juvenile court may, at its discretion, appoint counsel for a child when he or she is the adverse party against one of the orders listed in section 1 is sought.
5. The juvenile court will automatically seal all of the records related to the issuance of a protection order pursuant to this section as provided in NRS 62H.140 when the child adverse party reaches the age of 21.

2151.34 Protection order against a minor.

(A) As used in this section:

(1) "Court" means the juvenile division of the court of common pleas of the county in which the person to be protected by the protection order resides.

(2) "Victim advocate" means a person who provides support and assistance for a person who files a petition under this section.

(3) "Family or household member" has the same meaning as in section [3113.31](#) of the Revised Code.

(4) "Protection order issued by a court of another state" has the same meaning as in section [2919.27](#) of the Revised Code.

(5) "Petitioner" means a person who files a petition under this section and includes a person on whose behalf a petition under this section is filed.

(6) "Respondent" means a person who is under eighteen years of age and against whom a petition is filed under this section.

(7) "Sexually oriented offense" has the same meaning as in section [2950.01](#) of the Revised Code.

(8) "Electronic monitoring" has the same meaning as in section [2929.01](#) of the Revised Code.

(9) "Companion animal" has the same meaning as in section [959.131](#) of the Revised Code.

(B) The court has jurisdiction over all proceedings under this section.

(C)

(1) Any of the following persons may seek relief under this section by filing a petition with the court:

(a) Any person on behalf of that person;

(b) Any parent or adult family or household member on behalf of any other family or household member;

(c) Any person who is determined by the court in its discretion as an appropriate person to seek relief under this section on behalf of any child.

(2) The petition shall contain or state all of the following:

(a) An allegation that the respondent engaged in a violation of section 2903.11, 2903.12, 2903.13, 2903.21, 2903.211, 2903.22, or 2911.211 of the Revised Code, committed a sexually oriented offense, or engaged in a violation of any municipal ordinance that is substantially equivalent to any of those offenses against the person to be protected by the protection order, including a description of the nature and extent of the violation;

(b) If the petitioner seeks relief in the form of electronic monitoring of the respondent, an allegation that at any time preceding the filing of the petition the respondent engaged in conduct that would cause a reasonable person to believe that the health, welfare, or safety of the person to be protected was at risk, a description of the nature and extent of that conduct, and an allegation that the respondent presents a continuing danger to the person to be protected;

(c) A request for relief under this section.

(3) The court in its discretion may determine whether or not to give notice that a petition has been filed under division (C)(1) of this section on behalf of a child to any of the following:

(a) A parent of the child if the petition was filed by any person other than a parent of the child;

(b) Any person who is determined by the court to be an appropriate person to receive notice of the filing of the petition.

(D)

(1) If a person who files a petition pursuant to this section requests an ex parte order, the court shall hold an ex parte hearing as soon as possible after the petition is filed, but not later than the next day after the court is in session after the petition is filed. The court, for good cause shown at the ex parte hearing, may enter any temporary orders, with or without bond, that the court finds necessary for the safety and protection of the person to be protected by the order. Immediate and present danger to the person to be protected by the protection order constitutes good cause for purposes of this section. Immediate and present danger includes, but is not limited to, situations in which the respondent has threatened the person to be protected by the protection order with bodily harm or in which the respondent previously has been convicted of, pleaded guilty to, or been adjudicated a delinquent child for committing a violation of section 2903.11, 2903.12, 2903.13, 2903.21, 2903.211, 2903.22, or 2911.211 of the Revised Code, a sexually oriented offense, or a violation of any municipal ordinance that is substantially equivalent to any of those offenses against the person to be protected by the protection order.

(2)

(a) If the court, after an ex parte hearing, issues a protection order described in division (E) of this section, the court shall schedule a full hearing for a date that is within ten court

days after the ex parte hearing. The court shall give the respondent notice of, and an opportunity to be heard at, the full hearing. The court also shall give notice of the full hearing to the parent, guardian, or legal custodian of the respondent. The court shall hold the full hearing on the date scheduled under this division unless the court grants a continuance of the hearing in accordance with this division. Under any of the following circumstances or for any of the following reasons, the court may grant a continuance of the full hearing to a reasonable time determined by the court:

(i) Prior to the date scheduled for the full hearing under this division, the respondent has not been served with the petition filed pursuant to this section and notice of the full hearing.

(ii) The parties consent to the continuance.

(iii) The continuance is needed to allow a party to obtain counsel.

(iv) The continuance is needed for other good cause.

(b) An ex parte order issued under this section does not expire because of a failure to serve notice of the full hearing upon the respondent before the date set for the full hearing under division (D)(2)(a) of this section or because the court grants a continuance under that division.

(3) If a person who files a petition pursuant to this section does not request an ex parte order, or if a person requests an ex parte order but the court does not issue an ex parte order after an ex parte hearing, the court shall proceed as in a normal civil action and grant a full hearing on the matter.

(E)

(1)

(a) After an ex parte or full hearing, the court may issue any protection order, with or without bond, that contains terms designed to ensure the safety and protection of the person to be protected by the protection order. The court may include within a protection order issued under this section a term requiring that the respondent not remove, damage, hide, harm, or dispose of any companion animal owned or possessed by the person to be protected by the order, and may include within the order a term authorizing the person to be protected by the order to remove a companion animal owned by the person to be protected by the order from the possession of the respondent.

(b) After a full hearing, if the court considering a petition that includes an allegation of the type described in division (C)(2)(b) of this section or the court, upon its own motion, finds upon clear and convincing evidence that the petitioner reasonably believed that the respondent's conduct at any time preceding the filing of the petition endangered the health, welfare, or safety of the person to be protected and that the respondent presents a

continuing danger to the person to be protected and if division (N) of this section does not prohibit the issuance of an order that the respondent be electronically monitored, the court may order that the respondent be electronically monitored for a period of time and under the terms and conditions that the court determines are appropriate. Electronic monitoring shall be in addition to any other relief granted to the petitioner.

(2)

(a) Any protection order issued pursuant to this section shall be valid until a date certain but not later than the date the respondent attains nineteen years of age.

(b) Any protection order issued pursuant to this section may be renewed in the same manner as the original order was issued.

(3) A court may not issue a protection order that requires a petitioner to do or to refrain from doing an act that the court may require a respondent to do or to refrain from doing under division (E)(1) of this section unless all of the following apply:

(a) The respondent files a separate petition for a protection order in accordance with this section.

(b) The petitioner is served with notice of the respondent's petition at least forty-eight hours before the court holds a hearing with respect to the respondent's petition, or the petitioner waives the right to receive this notice.

(c) If the petitioner has requested an ex parte order pursuant to division (D) of this section, the court does not delay any hearing required by that division beyond the time specified in that division in order to consolidate the hearing with a hearing on the petition filed by the respondent.

(d) After a full hearing at which the respondent presents evidence in support of the request for a protection order and the petitioner is afforded an opportunity to defend against that evidence, the court determines that the petitioner has committed a violation of section [2903.11](#), [2903.12](#), [2903.13](#), [2903.21](#), [2903.211](#), [2903.22](#), or [2911.211](#) of the Revised Code, a sexually oriented offense, or a violation of any municipal ordinance that is substantially equivalent to any of those offenses against the person to be protected by the protection order issued pursuant to division (E)(3) of this section, or has violated a protection order issued pursuant to this section or section [2903.213](#) of the Revised Code relative to the person to be protected by the protection order issued pursuant to division (E)(3) of this section.

(4) No protection order issued pursuant to this section shall in any manner affect title to any real property.

(5)

(a) A protection order issued under this section shall clearly state that the person to be protected by the order cannot waive or nullify by invitation or consent any requirement in the order.

(b) Division (E)(5)(a) of this section does not limit any discretion of a court to determine that a respondent alleged to have violated section 2919.27 of the Revised Code, violated a municipal ordinance substantially equivalent to that section, or committed contempt of court, which allegation is based on an alleged violation of a protection order issued under this section, did not commit the violation or was not in contempt of court.

(6) Any protection order issued pursuant to this section shall include a provision that the court will automatically seal all of the records of the proceeding in which the order is issued on the date the respondent attains the age of nineteen years unless the petitioner provides the court with evidence that the respondent has not complied with all of the terms of the protection order. The protection order shall specify the date when the respondent attains the age of nineteen years.

(F)

(1) The court shall cause the delivery of a copy of any protection order that is issued under this section to the petitioner, to the respondent, and to all law enforcement agencies that have jurisdiction to enforce the order. The court shall direct that a copy of the order be delivered to the respondent and the parent, guardian, or legal custodian of the respondent on the same day that the order is entered.

(2) Upon the issuance of a protection order under this section, the court shall provide the parties to the order with the following notice orally or by form:

"NOTICE

As a result of this order, it may be unlawful for you to possess or purchase a firearm, including a rifle, pistol, or revolver, or ammunition pursuant to federal law under 18 U.S.C. 922(g)(8) for the duration of this order. If you have any questions whether this law makes it illegal for you to possess or purchase a firearm or ammunition, you should consult an attorney."

(3) All law enforcement agencies shall establish and maintain an index for the protection orders delivered to the agencies pursuant to division (F)(1) of this section. With respect to each order delivered, each agency shall note on the index the date and time that it received the order.

(4) Regardless of whether the petitioner has registered the protection order in the county in which the officer's agency has jurisdiction pursuant to division (M) of this section, any officer of a law enforcement agency shall enforce a protection order issued pursuant to this section by any court in this state in accordance with the provisions of the order, including removing the respondent from the premises, if appropriate.

(G)

(1) Any proceeding under this section shall be conducted in accordance with the Rules of Civil Procedure, except that a protection order may be obtained under this section with or without bond. An order issued under this section, other than an ex parte order, that grants a protection order, or that refuses to grant a protection order, is a final, appealable order. The remedies and procedures provided in this section are in addition to, and not in lieu of, any other available civil or criminal remedies or any other available remedies under Chapter 2151. or 2152. of the Revised Code.

(2) If as provided in division (G)(1) of this section an order issued under this section, other than an ex parte order, refuses to grant a protection order, the court, on its own motion, shall order that the ex parte order issued under this section and all of the records pertaining to that ex parte order be sealed after either of the following occurs:

(a) No party has exercised the right to appeal pursuant to Rule 4 of the Rules of Appellate Procedure.

(b) All appellate rights have been exhausted.

(H) The filing of proceedings under this section does not excuse a person from filing any report or giving any notice required by section [2151.421](#) of the Revised Code or by any other law.

(I) Any law enforcement agency that investigates an alleged violation of section [2903.11](#), [2903.12](#), [2903.13](#), [2903.21](#), [2903.211](#), [2903.22](#), or [2911.211](#) of the Revised Code, an alleged commission of a sexually oriented offense, or an alleged violation of a municipal ordinance that is substantially equivalent to any of those offenses shall provide information to the victim and the family or household members of the victim regarding the relief available under this section.

(J)

(1) Subject to division (J)(2) of this section and regardless of whether a protection order is issued or a consent agreement is approved by a court of another county or by a court of another state, no court or unit of state or local government shall charge the petitioner any fee, cost, deposit, or money in connection with the filing of a petition pursuant to this section, in connection with the filing, issuance, registration, modification, enforcement, dismissal, withdrawal, or service of a protection order, consent agreement, or witness subpoena or for obtaining a certified copy of a protection order or consent agreement.

(2) Regardless of whether a protection order is issued or a consent agreement is approved pursuant to this section, the court may assess costs against the respondent in connection with the filing, issuance, registration, modification, enforcement, dismissal, withdrawal, or service of a protection order, consent agreement, or witness subpoena or for obtaining a certified copy of a protection order or consent agreement.

(K)

(1) A person who violates a protection order issued under this section is subject to the following sanctions:

(a) A delinquent child proceeding or a criminal prosecution for a violation of section 2919.27 of the Revised Code, if the violation of the protection order constitutes a violation of that section;

(b) Punishment for contempt of court.

(2) The punishment of a person for contempt of court for violation of a protection order issued under this section does not bar criminal prosecution of the person or a delinquent child proceeding concerning the person for a violation of section 2919.27 of the Revised Code. However, a person punished for contempt of court is entitled to credit for the punishment imposed upon conviction of or adjudication as a delinquent child for a violation of that section, and a person convicted of or adjudicated a delinquent child for a violation of that section shall not subsequently be punished for contempt of court arising out of the same activity.

(L) In all stages of a proceeding under this section, a petitioner may be accompanied by a victim advocate.

(M)

(1) A petitioner who obtains a protection order under this section may provide notice of the issuance or approval of the order to the judicial and law enforcement officials in any county other than the county in which the order is issued by registering that order in the other county pursuant to division (M)(2) of this section and filing a copy of the registered order with a law enforcement agency in the other county in accordance with that division. A person who obtains a protection order issued by a court of another state may provide notice of the issuance of the order to the judicial and law enforcement officials in any county of this state by registering the order in that county pursuant to section 2919.272 of the Revised Code and filing a copy of the registered order with a law enforcement agency in that county.

(2) A petitioner may register a protection order issued pursuant to this section in a county other than the county in which the court that issued the order is located in the following manner:

(a) The petitioner shall obtain a certified copy of the order from the clerk of the court that issued the order and present that certified copy to the clerk of the court of common pleas or the clerk of a municipal court or county court in the county in which the order is to be registered.

(b) Upon accepting the certified copy of the order for registration, the clerk of the court of common pleas, municipal court, or county court shall place an endorsement of registration on the order and give the petitioner a copy of the order that bears that proof of registration.

(3) The clerk of each court of common pleas, municipal court, or county court shall maintain a registry of certified copies of protection orders that have been issued by courts in other counties pursuant to this section and that have been registered with the clerk.

(N) If the court orders electronic monitoring of the respondent under this section, the court shall direct the sheriff's office or any other appropriate law enforcement agency to install the electronic monitoring device and to monitor the respondent. Unless the court determines that the respondent is indigent, the court shall order the respondent to pay the cost of the installation and monitoring of the electronic monitoring device. If the court determines that the respondent is indigent and subject to the maximum amount allowable to be paid in any year from the fund and the rules promulgated by the attorney general under section [2903.214](#) of the Revised Code, the cost of the installation and monitoring of the electronic monitoring device may be paid out of funds from the reparations fund created pursuant to section [2743.191](#) of the Revised Code. The total amount paid from the reparations fund created pursuant to section [2743.191](#) of the Revised Code for electronic monitoring under this section and sections [2903.214](#) and [2919.27](#) of the Revised Code shall not exceed three hundred thousand dollars per year. When the total amount paid from the reparations fund in any year for electronic monitoring under those sections equals or exceeds three hundred thousand dollars, the court shall not order pursuant to this section that an indigent respondent be electronically monitored.

(O) The court, in its discretion, may determine if the respondent is entitled to court-appointed counsel in a proceeding under this section.

Amended by 132nd General Assembly File No. TBD, HB 425, §1, eff. 4/8/2019.

Amended by 132nd General Assembly File No. TBD, HB 1, §1, eff. 7/6/2018.

Amended by 132nd General Assembly File No. TBD, HB 49, §101.01, eff. 9/29/2017.

Amended by 130th General Assembly File No. TBD, SB 177, §1, eff. 3/23/2015.

Amended by 130th General Assembly File No. TBD, HB 309, §1, eff. 9/17/2014.

Amended by 128th General Assembly File No. 21, HB 10, §1, eff. 6/17/2010.

Related Legislative Provision: See *128th General Assembly File No. 21, HB 10, §3*.

JUDICIAL DEPARTMENT BILL DRAFT REQUEST FOR THE 2021 LEGISLATIVE SESSION

Authority: NRS 218D.175

Deadline: BDRs from the Judicial Department must be submitted by the Supreme Court by no later than September 1, 2020.

Person Submitting Request:

John McCormick

Person to Contact for Clarification or Additional Information:

Name: John McCormick

Email: jmccormick@nvcourts.nv.gov

Phone: (775) 687-9813

1. Intent of Proposed Bill or Resolution (Describe the problem to be solved, intended effect, and/or the goal(s) of the proposed bill or resolution – may be attached as separate document):

This measure is intended to lower the monetary limit for civil cases to be filed as small claims in justice court, and make other changes, to address the unanticipated consequences of increasing the limit during the 2015 Session. Since that increase, from \$7,500 to \$10,000, the justice courts have seen a number of issues arise with small claims actions, for example, cases related to fraud, professional, negligence, and construction defect have been appearing in small claims court actions. Additionally, there has been an increase in the number of business entities, such as collection agencies choosing to file small claims, rather than general civil, actions. This bill limits the amount of small claims actions one party can file to further mitigate inappropriate use of small claims venue, and it eliminates antiquated provisions related to recovery of money in small claims and antiquated language requiring the prevailing party to make a deposit of court costs before final judgment is entered.

Suggested language is attached.

2. If known, list any existing state law that is sought to be changed or which is affected by the measure (NRS Title(s), Chapter(s) and Section(s) affected, Statutes of Nevada Chapter(s) and Section(s) affected and/or Nevada Constitutional provision):

Title 6, NRS 73.010

3. Any additional information that may be helpful in drafting the bill or resolution (May include any relevant legislative measures, cases or federal laws or other supporting materials – may be attached):

4. Effective Date:

- Default (October 1, 2019)
 July 1, 2019
 January 1, 2020
 Upon Passage and Approval
 Other

5. Description of any known cost to the State or a local government that would result from carrying out the changes in the bill if enacted:

REQUIRED PREFILING:

A bill draft requested by the Supreme Court is required to be prefiled on or before November 21, 2020. By statute, such a measure that is not prefiled on or before that date is deemed to be withdrawn. There is no authority to waive this requirement.

Please submit the completed Bill Draft Request form by mail to: Brenda Erdoes, Legislative Counsel, Legislative Building, 401 South Carson Street, Carson City, Nevada 89701; by e-mail at erdoes@lcb.state.nv.us; or by fax at (775) 684-6761.

Section 1. NRS 73.010 is hereby amended to read as follows:

73.010 1. A justice of the peace has jurisdiction and may proceed as provided in this chapter and by rules of court in all cases arising in the justice court for the recovery of money only, where the amount claimed does not exceed ~~\$10,000~~ \$7,500.00.

2. An action brought pursuant to this chapter must be filed in one of the following townships as the proper venue for the action:

- (a) The township in which the defendant named is a resident, does business or is employed at the time the cause of action arose or at the time the complaint is filed; or
- (b) In addition to any township described in paragraph (a):
 - (1) In a case involving injury to the person or property, the township where the injury was committed.
 - (2) In a case involving a person who has contracted to perform an obligation at, or relating to, a particular place, the township in which the obligation is or was to be performed. For the purposes of this subparagraph, the township in which the obligation is incurred shall be deemed to be the township in which the obligation is or was to be performed, unless there is a special contract to the contrary.

3. *The following causes of action may not be brought pursuant to this chapter:*

- (a) *Fraud;*
- (b) *Defamation, whether libel or slander;*
- (c) *Constructional defect under NRS Chapter 40;*
- (d) *Professional negligence under NRS Chapter 41A; and*
- (e) *Exemplary or punitive damages under NRS Chapter 42.*

4. *No action may be brought pursuant to this chapter by any person, firm, partnership, association, or corporation engaged, either primarily or secondarily, in the business of lending money at interest, nor may any action be brought by any collection agency, collection agent, or assignee of such a claim.*

Sec. 2. NRS 73.015 is hereby repealed:

~~In all cases for the recovery of money under the provisions of this chapter any affidavit which is required or authorized by rules of court or the general provisions of law applicable to such proceedings may be acknowledged before and certified by:~~

- ~~1. Any justice of the peace with or before whom the matter is to be filed or is pending; or~~
- ~~2. Any notary public who has been appointed by the Secretary of State and whose appointment has not expired or been revoked.]~~

Sec. 3. NRS 73.030 is hereby amended to read as follows:

~~1. The justice of the peace shall forthwith ascertain and charge as costs against the losing party and in favor of the prevailing party, without the filing of a cost bill, the costs of the proceeding as in other cases arising in justice court [, which sum when received by the justice of the peace shall be delivered to the county treasurer in the same manner as other fees are delivered by the justice of the peace.~~

~~2. The prevailing party shall deposit the amount ascertained and assessed as costs with the justice of the peace before final judgment is entered by the justice].~~

Sec. 4. Chapter 73 of NRS is hereby amended by adding thereto the provisions set forth as sections 5 and 6 of this act.

Sec. 5. 1. No person may file more than fifteen (15) actions pursuant to this chapter anywhere in the state in any calendar year.

2. Any person who files an action pursuant to this chapter shall sign an affidavit stating that he or she has not brought more than the maximum number of actions allowed under subsection (1) of this section.

3. If any party files an action in excess of the maximum number of actions allowed, that action shall be dismissed without prejudice at the cost of the plaintiff.

Sec. 6. No action covered by this chapter may be maintained or defended by the use of an expert witness or expert witness report.

JUDICIAL DEPARTMENT BILL DRAFT REQUEST FOR THE 2021 LEGISLATIVE SESSION

Authority: NRS 218D.175

Deadline: BDRs from the Judicial Department must be submitted by the Supreme Court by no later than September 1, 2020.

Person Submitting Request:

John McCormick

Person to Contact for Clarification or Additional Information:

Name: John McCormick

Email: jmccormick@nvcourts.nv.gov

Phone: (775) 687-9813

1. Intent of Proposed Bill or Resolution (Describe the problem to be solved, intended effect, and/or the goal(s) of the proposed bill or resolution – may be attached as separate document):

This measure revises the process for a justice court to handle expedited matters related to the towing of motor vehicles. It imposes a timeframe in which a compliant regarding illegal towing must be filed, and it changes the decision rendered by a court to be a declaratory judgment.

Suggested language is attached.

2. If known, list any existing state law that is sought to be changed or which is affected by the measure (NRS Title(s), Chapter(s) and Section(s) affected, Statutes of Nevada Chapter(s) and Section(s) affected and/or Nevada Constitutional provision):

Title 43, NRS 487.039

3. Any additional information that may be helpful in drafting the bill or resolution (May include any relevant legislative measures, cases or federal laws or other supporting materials – may be attached):

4. Effective Date:

- Default (October 1, 2019)
- July 1, 2019
- January 1, 2020
- Upon Passage and Approval
- Other

5. Description of any known cost to the State or a local government that would result from carrying out the changes in the bill if enacted:

REQUIRED PREFILING:

A bill draft requested by the Supreme Court is required to be prefiled on or before November 21, 2020. By statute, such a measure that is not prefiled on or before that date is deemed to be withdrawn. There is no authority to waive this requirement.

Please submit the completed Bill Draft Request form by mail to: Brenda Erdoes, Legislative Counsel, Legislative Building, 401 South Carson Street, Carson City, Nevada 89701; by e-mail at erdoes@lcb.state.nv.us; or by fax at (775) 684-6761.

Section 1. NRS 487.039 is hereby amended to read as follows:

487.039 1. *In addition to the remedy provided pursuant to paragraph (b) of subsection (1) of NRS 4.370 for civil damages, the owner of a vehicle may file a complaint for expedited relief based upon unlawful towing or immobilization of a vehicle in the justice court of the township where the property from which the vehicle was towed or on which the vehicle was immobilized is located when:*

(a) ~~If a~~ A vehicle is towed pursuant to NRS 487.037 or 487.038 or immobilized pursuant to NRS 487.0385;

(b) ~~and the~~ The owner of the vehicle believes that the vehicle was unlawfully towed or immobilized; ~~, the owner of the vehicle may file a civil action pursuant to paragraph (b) of subsection 1 of NRS 4.370 in the justice court of the township where the property from which the vehicle was towed or on which the vehicle was immobilized is located, on a form provided by the court, to determine whether the towing or immobilizing of the vehicle was lawful.~~

(c) At the time that the complaint is filed, the vehicle is being stored or is still currently immobilized as a result of the towing or immobilization; and

(d) ~~At the time that the complaint is filed, the total accrued~~ cost of towing and storing the vehicle does not exceed \$15,000.

2. *A complaint pursuant to subsection 1 must:*

(a) *Be filed within 21 days of the towing or immobilization of the vehicle; and*
(b) *Be filed against:*

(1) *The owner or person in lawful possession of the real property who authorized the tow of the vehicle and the tow company which towed the vehicle;*

(2) *The operator of an off-street parking facility who authorized the tow of the vehicle and the tow company which conducted the tow of the vehicle; or*

(3) *The owner or person in lawful possession of a multilevel parking garage or other parking structure who authorized the immobilization of the vehicle.*

3. *A complaint filed pursuant to subsection 1 that fails to meet the criteria in subsections 1 and 2 shall be dismissed by the justice court, without prejudice. Such dismissal does not affect the right of the vehicle owner to pursue civil damages.*

[3.] 4. Upon the filing of ~~a civil action~~ a complaint pursuant to subsection 1, the court shall schedule a date for a hearing. The hearing must be held not later than ~~4 working~~ 7 calendar days after the action is filed. The court shall affix the date of the hearing to the form and order a copy served by the sheriff, constable or other process server upon the ~~owner or person in lawful possession of the property who authorized the towing or immobilization of the vehicle~~ applicable defendant or defendants under subsection (2).

[4.] 5. The court shall ~~, if it determines that~~ determine whether the vehicle was ~~+~~ lawfully or unlawfully towed or immobilized.

(a) *If the court determines the vehicle was Lawfully lawfully towed, the court shall enter an order declaring the owner of the vehicle liable for to pay the cost of towing and storing the vehicle and order the person who is storing the vehicle to release the vehicle to the owner upon payment of that cost;*

(b) *If the court determines the vehicle was Unlawfully unlawfully towed, the court shall enter an order declaring the owner or person in lawful possession of the property*

who authorized the towing *liable for [to pay]* the cost of towing and storing the vehicle ~~[,] and~~
order the person who is storing the vehicle to release the vehicle to the owner immediately. ~~[and]~~
~~determine the actual cost incurred in towing and storing the vehicle;]~~

(c) *If the court determines the vehicle was [Lawfully] lawfully* immobilized, *the court shall enter an order declaring* the owner of the vehicle *liable for [to pay]* the cost of removing from the vehicle the boot, wheel clamp or other mechanical device used to immobilize the vehicle and order the person who immobilized the vehicle to remove the boot, clamp or device upon payment of that cost~~[; or]~~.

(d) *If the court determines the vehicle was [Unlawfully] unlawfully* immobilized, *the court shall enter an order declaring* the owner or person in lawful possession of the property who authorized the immobilizing *liable for [to pay]* the cost of removing the boot, clamp or device and order the person who immobilized the vehicle to remove the boot, clamp or device from the vehicle immediately.

5.6. The operator of any facility or other location where vehicles ~~[which]~~ are towed ~~[are]~~ or stored shall display conspicuously at that facility or location a sign which sets forth the provisions of this section.

JUDICIAL DEPARTMENT BILL DRAFT REQUEST FOR THE 2021 LEGISLATIVE SESSION

Authority: NRS 218D.175

Deadline: BDRs from the Judicial Department must be submitted by the Supreme Court by no later than September 1, 2020.

Person Submitting Request:

John McCormick

Person to Contact for Clarification or Additional Information:

Name: John McCormick

Email: jmccormick@nvcourts.nv.gov

Phone: (775) 687-9813

1. Intent of Proposed Bill or Resolution (Describe the problem to be solved, intended effect, and/or the goal(s) of the proposed bill or resolution – may be attached as separate document):

This measure is intended revise provisions related to the high-risk protection orders added to NRS during the last regular Session. This bill mirrors changes made in other states that have similar laws to restrict applications for such orders to members of law enforcement. It also makes a number of changes to conform the high-risk protection order statutes to the other types of protection orders that exist under Nevada Law, and to more closely align court procedure and statute.

Suggested language is attached.

2. If known, list any existing state law that is sought to be changed or which is affected by the measure (NRS Title(s), Chapter(s) and Section(s) affected, Statutes of Nevada Chapter(s) and Section(s) affected and/or Nevada Constitutional provision):

Title 3, NRS 33.520, NRS 33.540 to 33.660 inclusive

3. Any additional information that may be helpful in drafting the bill or resolution (May include any relevant legislative measures, cases or federal laws or other supporting materials – may be attached):

4. Effective Date:

- Default (October 1, 2019)
- July 1, 2019
- January 1, 2020
- Upon Passage and Approval
- Other

5. Description of any known cost to the State or a local government that would result from carrying out the changes in the bill if enacted:

REQUIRED PREFILING:

A bill draft requested by the Supreme Court is required to be prefiled on or before November 21, 2020. By statute, such a measure that is not prefiled on or before that date is deemed to be withdrawn. There is no authority to waive this requirement.

Please submit the completed Bill Draft Request form by mail to: Brenda Erdoes, Legislative Counsel, Legislative Building, 401 South Carson Street, Carson City, Nevada 89701; by e-mail at erdoes@lcb.state.nv.us; or by fax at (775) 684-6761.

Section 1. NRS 33.520 is amended to read as follows:

33.520 “~~[Ex parte]~~ **Temporary** order” means ~~[an ex parte]~~ **a temporary** order for protection against high-risk behavior.

Sec. 2. NRS 33.540 is hereby deleted

~~[“Family or household member” means, with respect to an adverse party, any: 1. Person related by blood, adoption or marriage to the adverse party within the first degree of consanguinity; 2. Person who has a child in common with the adverse party, regardless of whether the person has been married to the adverse party or has lived together with the adverse party at any time; 3. Domestic partner of the adverse party; 4. Person who has a biological or legal parent and child relationship with the adverse party, including, without limitation, a natural parent, adoptive parent, stepparent, stepchild, grandparent or grandchild; 5. Person who is acting or has acted as a guardian to the adverse party; or 6. Person who is currently in a dating or ongoing intimate relationship with the adverse party.]~~

Sec. 3. NRS 33.550 is hereby amended to read as follows:

33.550 1. High-risk behavior occurs when a person:

- (a) Uses, attempts to use or threatens the use of physical force against another person;
- (b) Communicates a threat of imminent violence toward ~~[himself or herself]~~ **the person’s self** or against another person;
- (c) Commits an act of violence directed toward ~~[himself or herself]~~ **the person’s self** or another person;
- (d) Engages in a pattern of threats of violence or acts of violence against ~~[himself or herself]~~ **the person’s self** or another person, including, without limitation, threats of violence or acts of violence that have caused another person to be in reasonable fear of physical harm to ~~[himself or herself]~~ **the person’s self**;

(e) Exhibits conduct which a law enforcement officer reasonably determines would present a serious and imminent threat to the safety of the public;

(f) Engages in conduct which presents a danger to ~~[himself or herself]~~ **the person’s self** or another person while: (1) In possession, custody or control of a firearm; or (2) Purchasing or otherwise acquiring a firearm;

(g) Abuses a controlled substance or alcohol while engaging in high-risk behavior as described in this section; or

(h) Acquires a firearm or other deadly weapon within the immediately preceding 6 months before the person otherwise engages in high-risk behavior as described in this section.

2. For the purposes of this section, a person shall be deemed to engage in high-risk behavior if ~~[he or she]~~ **the person** has previously been convicted of:

- (a) Violating a temporary or extended order for protection against domestic violence issued pursuant to NRS 33.020;
- (b) Violating a temporary or extended order for protection against sexual assault issued pursuant to NRS 200.378; or
- (c) A crime of violence, as defined in NRS 200.408, punishable as a felony.

Sec. 4. NRS 33.560 is hereby amended to read as follows:

33.560 1. A law enforcement officer **may file a verified application for a temporary or extended order if the officer** ~~[who]~~ has probable cause to believe that a person poses a risk of causing personal injury to ~~[himself or herself]~~ **the person’s self** or **to** another person by possessing, ~~[or having under his or her custody or]~~ controlling, ~~[or by]~~ purchasing or otherwise acquiring any firearm. ~~[may file a verified application for an ex parte or extended order.]~~

~~[2. A family or household member who reasonably believes that a person poses a risk of causing personal injury to himself or herself or another person by possessing or having under his or~~

~~her custody or control or by purchasing or otherwise acquiring any firearm may file a verified application for an ex parte or extended order.]~~

~~[3.]~~ 2. A verified application filed pursuant to this section must include, without limitation: (a) The name of the person seeking the order and whether he or she *the applicant* is requesting ~~an ex parte~~ *a temporary* order or an extended order;

(b) The name and address, if known, of the person *[who is]* alleged to pose a risk pursuant to subsection 1 ~~[or 2]~~; and

(c) A detailed description of the conduct and acts ~~[that constitute]~~ *constituting* high-risk behavior and the dates on which the high-risk behavior occurred.

~~**[4. Service of an application for an extended order and the notice of hearing thereon must be served upon the adverse party pursuant to the Nevada Rules of Civil Procedure.]**~~

Sec. 5. NRS 33.570 is hereby amended to read as follows:

33.570 1. The court shall issue ~~an ex parte~~ *a temporary* order if the court finds by a preponderance of the evidence from facts ~~[shown by a]~~ contained in the verified application filed pursuant to NRS 33.560 *and from any additional evidence presented at a hearing, if any:*

(a) That a person poses an imminent risk of causing personal injury to ~~[himself or herself]~~ *the person's self* or another person by possessing or having under his or her custody or control or by purchasing or otherwise acquiring any firearm;

(b) The person engaged in high-risk behavior; and

(c) Less restrictive options have been exhausted or are not effective.

2. The court may require the person who filed the verified application or the adverse party, or both, to appear before the court before determining whether to issue ~~an ex parte~~ *a temporary* order. *If the court holds a full hearing with all parties present, the court may also issue an extended order pursuant to NRS 33.580.*

3. ~~[An ex parte] A temporary~~ order may be issued with or without notice to the adverse party.

4. ~~Except as otherwise provided in this subsection, a hearing must not be held by telephone.]~~ *The court may consider a temporary application on an ex parte basis.* The court shall ~~hold a hearing on the ex parte order and shall~~ issue or deny the ~~[ex parte]~~ *temporary* order on the day the verified application is filed or the judicial day immediately following the day the verified application is filed. ~~[If the verified application is filed by a law enforcement officer, the]~~ *The* court may hold *a [the]* hearing on the ~~[ex parte]~~ order by telephone. ~~[which]~~ *The telephonic hearing* must be *contemporaneously* recorded *or reported* ~~[in the presence of the magistrate or in the immediate vicinity of the magistrate]~~ by a certified court reporter. ~~[or by electronic means. Any such]~~ *The recording or reporting* must be transcribed, certified by the reporter if ~~[the reporter made the recording]~~ reported, and certified by the *judicial officer* ~~[magistrate]~~. The certified transcript must be filed with the clerk of the court.

5. In a county whose population is 100,000 or more, the court shall be available 24 hours a day, 7 days a week, including nonjudicial days and holidays, to receive communications by telephone and for the issuance of an ~~an ex parte~~ *a temporary* order pursuant to subsection 4.

6. In a county whose population is less than 100,000, the court may be available 24 hours a day, 7 days a week, including nonjudicial days and holidays, to receive communications by telephone and for the issuance of ~~an ex parte~~ *a temporary* order pursuant to subsection 4.

7. The clerk of the court shall inform the applicant and the adverse party upon the successful transfer of information concerning the registration to the Central Repository for Nevada Records of Criminal History as required pursuant to NRS 33.095.

Sec. 6. NRS 33.580 is hereby amended to read as follows:

33.580 1. The court shall issue an extended order if the court finds by clear and convincing evidence from facts shown by a verified application filed pursuant to NRS 33.560 *and from any additional evidence presented at a hearing:*

(a) That a person poses a risk of causing personal injury to ~~himself or herself~~ *the person's self* or another person by possessing, ~~or having under his or her custody or~~ controlling, ~~or by~~ purchasing, or otherwise acquiring any firearm;

(b) The person engaged in high-risk behavior; and

(c) Less restrictive options have been exhausted or are not effective.

2. A hearing on an application for an extended order must be held within 7 calendar days after the date on which the application for the extended order is filed.

3. The clerk of the court shall inform the applicant and the adverse party upon the successful transfer of information concerning the registration to the Central Repository for Nevada Records of Criminal History as required pursuant to [NRS 33.095](#).

Sec. 7. NRS 33.590 is hereby amended to read as follows:

33.590 Each ~~ex parte~~ *temporary* or extended order issued pursuant to [NRS 33.570](#) or 33.580

must: 1. Require the adverse party to surrender any firearm in *the [his or her] possession, for under his or her* custody, or control *of the adverse party* in the manner set forth in NRS 33.600.

2. Prohibit the adverse party from possessing or ~~having under his or her~~ *maintaining* custody or control *of* any firearm while the order is in effect.

3. Include a provision ordering any law enforcement officer to arrest the adverse party with a warrant, or without a warrant if the officer has probable cause to believe that the person has been served with a copy of the order and has violated a provision of the order.

4. State the reasons for the issuance of the order.

5. Include instructions for surrendering any firearm as ordered by the court.

6. State the time and date on which the order expires.

7. Require the adverse party to surrender any permit issued pursuant to [NRS 202.3657](#).

8. Include the following statement:

WARNING This is an official court order. If you disobey this order, you may be arrested and prosecuted for the crime of violating ~~an ex parte~~ *a temporary* or extended order and any other crime that you may have committed in disobeying this order.

Sec. 8. NRS 33.600 is hereby amended to read as follows:

33.600 1. After a court orders an adverse party to surrender any firearm pursuant to [NRS 33.590](#), the adverse party shall, immediately after service of the order ~~[(a)]~~ *S* surrender any firearm in any firearm in *the [his or her] possession, for under his or her* custody, or control *of the adverse party* to the *[appropriate]* law enforcement agency ~~designated by the court in the~~ *that applied for and obtained the* order. ~~[(b)]~~ *Surrender any firearm in his or her possession or under his or her custody or control to a person, other than a person who resides with the adverse party, designated by the court in the order.]*

2. ~~If the court orders the adverse party to surrender any firearm to a law enforcement agency pursuant to paragraph (a) of subsection 1, t] At the time the firearms are surrendered,~~ the law enforcement agency shall provide the adverse party with a receipt which includes a description of each firearm surrendered. ~~[(and t)]~~ The adverse party shall ~~[(not later than 72 hours or 1 business day, whichever is later, after surrendering any such firearm,)]~~ provide the original receipt to the court *within one business day*. The law enforcement agency shall store any such firearm or may contract with a licensed firearm dealer to provide storage.

~~[(3. If the court orders the adverse party to surrender any firearm to a person designated by the court pursuant to paragraph (b) of subsection 1, the adverse party shall, not later than 72 hours~~

~~or 1 business day, whichever is later, after surrendering any such firearm, provide to the court and the appropriate law enforcement agency the name and address of the person designated in the order and a written description of each firearm surrendered.]~~

4.] If there is probable cause to believe that the adverse party has not surrendered any firearm in ~~[his or her possession or under his or her custody or control]~~ *the [his or her]* possession, ~~[or under his or her]~~ custody, or control *of the adverse party* ~~[within the time set forth in subsections 2 and 3, the court may issue and deliver to any law enforcement officer]~~ *any law enforcement agency may apply for* a search warrant which authorizes the officer to enter and search any place where there is probable cause to believe any such firearm is located and seize the firearm.

5. If, while executing a search warrant pursuant to subsection 4, the health or safety of the officer or the adverse party is put at risk because of any action of the adverse party, the law enforcement officer is under no duty to continue to attempt to execute the search warrant and the execution of the warrant shall be deemed unsuccessful. If such execution is unsuccessful, the law enforcement agency shall, as soon as practicable after the risk has subsided, attempt to execute the search warrant until the search warrant is successfully executed.

6. A law enforcement agency shall return any surrendered or seized firearm to the adverse party:

- (a) In the manner provided by the policies and procedures of the law enforcement agency;
- (b) After confirming that:

(1) The adverse party is eligible to own or possess a firearm under state and federal law; and

(2) Any ~~[ex parte]~~ *temporary* or extended order issued pursuant to NRS 33.570 or 33.580 is dissolved or no longer in effect; and

(c) As soon as practicable but not more than ~~14~~ 30 days after the dissolution of an ex parte *temporary* or extended order.

Sec. 9. NRS 33.610 is hereby deleted:

~~1. The clerk of the court or other person designated by the court shall provide any family or household member who files a verified application pursuant to NRS 33.560 or any adverse party, free of cost, with information about the: (a) Availability of ex parte or extended orders; (b) Procedures for filing an application for such an order; (c) Procedures for modifying, dissolving or renewing such an order; and (d) Right to proceed without counsel. 2. The clerk of the court or other person designated by the court shall assist any person in completing and filing the application, affidavit and any other paper or pleading necessary to initiate or respond to an application for an ex parte or extended order. This assistance does not constitute the practice of law, but the clerk shall not render any advice or service that requires the professional judgment of an attorney.]~~

Sec. 10. NRS 33.620 is hereby amended to read as follows:

33.620 1. The court shall transmit, by the end of the next business day after ~~[an ex parte]~~ *a temporary* or extended order is issued or renewed, a copy of the order to the appropriate law enforcement agency.

2. The court shall order the appropriate law enforcement agency to serve, without charge, the adverse party personally with the ~~[ex parte]~~ *temporary* or extended order. ~~[and]~~ *After service, the law enforcement officer shall file or mail [file with or mail to the clerk of the court]* proof of service *to the clerk of the court* by the end of the next business day after service is made.

3. If, while attempting to serve the adverse party personally pursuant to subsection 2, the health or safety of the officer or the adverse party is put at risk because of any action of the adverse party, the law enforcement officer is under no duty to continue to attempt to serve the adverse party personally and the service shall be deemed unsuccessful. If such service is unsuccessful, the law enforcement agency shall,

as soon as practicable after the risk has subsided, attempt to serve the adverse party personally until the **[ex parte] temporary** or extended order is successfully served.

4. A law enforcement agency shall enforce **[an ex parte] a temporary** or extended order without regard to the county in which the order was issued.

5. The clerk of the court shall issue, without fee, a copy of the ex parte or extended order to any **[family or household member] law enforcement officer** who files a verified application pursuant to NRS 33.560 or the adverse party.

Sec. 11. NRS 33.630 is hereby amended to read as follows:

33.630 1. Whether or not a violation of **[an ex parte] a temporary** or extended order occurs in the presence of a law enforcement officer, the officer may arrest and take into custody an adverse party:

(a) With a warrant; or

(b) Without a warrant if the officer has probable cause to believe that:

- (1) An order has been issued pursuant to NRS 33.570 or 33.580 against the adverse party;
- (2) The adverse party has been served with a copy of the order; and
- (3) The adverse party is acting in violation of the order.

2. If a law enforcement officer cannot verify that the adverse party was served with a copy of the application and **[ex parte] temporary** or extended order, the officer shall:

(a) Inform the adverse party of the specific terms and conditions of the order;

(b) Inform the adverse party that he or she has notice of the provisions of the order and that a violation of the order will result in his or her arrest;

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

(d) Inform the adverse party of the date and time set for a hearing on an application for **[an ex parte] a temporary** or extended order, if any.

3. Information concerning the terms and conditions of the **[ex parte] temporary** or extended order, the date and time of any notice provided to the adverse party and the name and identifying number of the law enforcement officer who gave the notice must be provided in writing to the applicant and noted in the records of the law enforcement agency and the court.

Sec. 12. NRS 33.640 is hereby amended to read as follows:

33.640 1. **[An ex parte] A temporary** order expires **[within such time, not to exceed]** 7 days, **or fewer if ordered by the court [as the court fixes]**. If a verified application for an extended order is filed **[within the period of an ex parte order or]** at the same time as an application for **a temporary [an ex parte]** order pursuant to NRS 33.560 **or prior to the expiration of the temporary order**, the **[ex parte] temporary** order remains in effect until the hearing on the extended order is held.

2. An extended order expires within **the time set by the court**, such time, not to exceed 1 year **[as the court fixes]**. **Upon expiration of the extended order, the court shall provide the adverse party with an order for return of the firearms.**

3. The **[family or household member or]** law enforcement officer who filed the verified application or the adverse party may request in writing to appear and move for the dissolution of **a temporary [an ex parte]** or extended order. Upon a finding by clear and convincing evidence that the adverse party no longer poses a risk of causing personal injury to **the adverse party's self [himself or herself]** or another person by possessing, **[or having under his or her custody or]** controlling, **[or by]** purchasing, or otherwise acquiring any firearm, the court shall dissolve the order. If **[the court finds that]** all parties **stipulate [agree]** to dissolve the order, the court shall dissolve the order upon a finding of good cause.

4. Not less than 3 months before the expiration of an extended order and upon petition by a **[family or household member or]** law enforcement officer, the court may, after notice and a hearing,

renew an extended order upon a finding by clear and convincing evidence. Such an order expires within [the time set by the court], such time, not to exceed 1 year.

Commented [MJ1]: How many times can this happen?

Sec. 13. NRS 33.650 is hereby amended to read as follows:

33.650 1. Any time that a court issues ~~an ex parte~~ a temporary or extended order or renews an extended order and any time that a person serves such an order or receives any information or takes any other action pursuant to NRS 33.500 to 33.670, inclusive, the person shall, by the end of the next business day:

(a) Cause to be transmitted, in the manner prescribed by the Central Repository for Nevada Records of Criminal History, any information required by the Central Repository in a manner which ensures that the information is received by the Central Repository; and

(b) Transmit a copy of the order to the Attorney General.

2. If the Central Repository for Nevada Records of Criminal History receives any information described in subsection 1, the adverse party may petition the court for an order declaring that the basis for the information transmitted no longer exists.

3. A petition brought pursuant to subsection 2 must be filed in the court which issued the ~~ex parte~~ temporary or extended order.

4. The court shall grant the petition and issue the order described in subsection 2 if the court finds that the basis for the ~~ex parte~~ temporary or extended order no longer exists.

5. The court, upon granting the petition and entering an order pursuant to this section, shall cause, on a form prescribed by the Department of Public Safety, a record of the order to be transmitted to the Central Repository for Nevada Records of Criminal History.

6. Within 5 business days after receiving a record of an order transmitted pursuant to subsection 5, the Central Repository for Nevada Records of Criminal History shall take reasonable steps to ensure that the information concerning the adverse party is removed from the Central Repository.

7. If the Central Repository for Nevada Records of Criminal History fails to remove the information as provided in subsection 6, the adverse party may bring an action to compel the removal of the information. If the adverse party prevails in the action, the court may award the adverse party reasonable attorney's fees and costs incurred in bringing the action.

8. If a petition brought pursuant to subsection 2 is denied, the adverse party may petition for a rehearing not sooner than 2 years after the date of the denial of the petition.

Sec. 14. NRS 33.660 is hereby amended to read as follows:

33.660 1. A person shall not file a verified application for ~~an ex parte~~ a temporary or extended order:

(a) Which ~~he or she~~ the person knows or has reason to know is false or misleading; or
(b) With the intent to harass the adverse party.

2. A person who violates the provisions of subsection 1 is guilty of a misdemeanor.

Sec. 15. NRS 33.670 is hereby amended to read as follows: NRS

33.670 A person who intentionally violates ~~an ex parte~~ 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 [~~, guilty of a misdemeanor~~].

Commented [MJ2]: Should this section be deleted?

STATUTORY CLEAN-UP LANGUAGE

NRS 2.380 Printing of Nevada Reports. The State Printer shall cause to be printed upon good paper and in a workmanlike manner, bound in buckram and delivered to the Legislative Counsel Bureau a number of copies of each volume of decisions published after February 16, 1967, not less than 750 and sufficient in the opinion of the Director of the Legislative Counsel Bureau to meet the requirements for free distribution pursuant to [NRS 345.020](#) and for sale.

[8:187:1915; A [1931, 314](#); [1949, 586](#); 1943 NCL § 5219] — (NRS A [1967, 86](#); [1969, 1518](#); [1973, 1408](#), [1453](#); [1985, 456](#); [1993, 1499](#); [1997, 9](#))

NRS 3.029 Training concerning complex issues of litigation alleging professional negligence by provider of health care.

1. The Supreme Court shall provide by court rule for mandatory appropriate training concerning the complex issues of litigation alleging professional negligence for each district judge to whom actions involving professional negligence are assigned.

2. As used in this section, “professional negligence” has the meaning ascribed to it in [NRS 41A.015](#).

(Added to NRS by [2002 Special Session, 12](#); A [2015, 2529](#))

NRS 220.110 Contents of NRS. Nevada Revised Statutes shall contain:

1. The Constitution of the United States.
2. The Constitution of the State of Nevada.
3. The laws of this state of general application.
4. A full and accurate index of the statute laws.

5. Such annotations, historical notes, Supreme Court and district court rules and other information as the Legislative Counsel deems appropriate to include.

[Part 2:304:1951; A [1953, 388](#)] — (NRS A [1963, 1022](#); [1969, 12](#))

JUDICIAL BRANCH LEGISLATIVE TEAM MEETINGS
2021 LEGISLATIVE SESSION
MEMBERSHIP ROSTER

MEMBERS AND LAYPERSONS

Justice Hardesty, Chair
Chief Justice Pickering
 Justice Gibbons
 Justice Parraguirre
 Justice Stiglich
 Justice Silver
 Justice Cadish
Chief Judge Michael Gibbons
 Judge Linda Bell
 Judge Bert Brown
 Jackie Bryant
 Steven Dobrescu
 Judge Scott N. Freeman
 Judge Elias Goicoechia
 Steven Grierson
 Judge Bill Henderson
Judge Eileen F. Herrington
 Judge Kevin Higgins
 Judge Eric Johnson
 Judge Michael Montero
 Judge Tammy Riggs
 Judge Gloria Sturman
 Judge Diana Sullivan
 Judge Gus Sullivan
 Robin Sweet
 Judge Natalie Tyrrell
 Judge Nathan Young

COURT ADMINISTRATION

Judge Joe Bonaventure
 James Conway
 Dana Hlavac
 Judge Alvin R. Kacin
 Alicia Lerud
 Andres Moses
 Judge Scott Pearson
 Judge T. Arthur Ritchie Jr.
 Judge Bridget Robb
 Judge Melissa Saragosa
 Randall Soderquist
 Carla Thompson
 Judge E. Alan Tiras
 Joe Tommasino
 Adrian Viesca
 Anita Whitehead
 Bobbie Williams

LOBBYISTS

Shelly Capurro
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