Summary of Legislation

Nevada Legislature
78th Session, 2015

Nevada Supreme Court

James W. Hardesty, Chief Justice

Prepared by the
Administrative Office of the Courts
Robin L. Sweet, Director and State Court Administrator
R. Ben Graham, Governmental Relations Advisor
Stephanie M. Heying, Court Services Analyst III
-and-
John R. McCormick, Assistant Court Administrator

201 South Carson Street, Suite 250
Carson City, NV 89701
(775) 684-1700 / Fax (775) 684-1723
www.nevadajudiciary.us

September 2015

Nevada Supreme Court
2015

Chief Justice
James W. Hardesty

Associate Chief Justice
Ron D. Parraguirre

Associate Justices
Michael L. Douglas
Michael A. Cherry
Nancy M. Saitta
Mark Gibbons
Kristina Pickering

This document has been prepared by the Administrative Office of the Courts for educational purposes only, and is not intended to substitute for legal advice. Readers should conduct their own review and analysis of the law and/or seek legal advice. In no event shall the Administrative Office of the Courts, its officers, employees, or agents be liable for any damages whatsoever including, without limitation, incidental and consequential damages, lost profits, or damages resulting from the availability, use, or reliance on information contained herein, whether based on warranty, contract, tort or any other legal theory, and whether or not the Administrative Office of the Courts is advised of the possibility of such damages.

SUPREME COURT OF NEVADA
JAMES W. HARDESTY, CHIEF JUSTICE
201 SOUTH CARSON STREET
CARSON CITY, NEVADA 89701-4702
(775) 684-1590
FAX (775) 684-1593

Dear Friends and Colleagues:

The Supreme Court of Nevada is pleased to offer the Legislative Summary for the 78th Session of the Nevada Legislature. The Summary addresses some 142 bills we believe will have the most direct and noticeable impact on the judicial branch and Nevada's legal community.

While many of the measures enacted in the last Session will have a lasting impact on our citizens, I would like to highlight a few. For the first time, the Legislature added state general funding to administrative fee revenue to support Specialty Courts throughout the state. This measure will increase funding by $3,000,000 per year which represents a 65% increase over prior years.

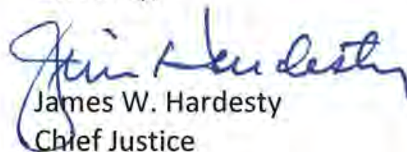
In addition, the Legislature created the new Eleventh Judicial District consisting of Pershing, Lander, and Mineral Counties; modified the jurisdictional limits for small claims and justice courts; repealed the statutory offer of judgment rule and retained the membership on the Supreme Court at 7 Justices. Of particular note, the Legislature authorized the Supreme Court to enter into a lease for the construction of a new courthouse in Las Vegas under the terms of which the Supreme Court will increase its operating space by 11,000 square feet and reduce its rent by $500,000 over the next 10 years.

The Justices of the Nevada Supreme Court would like to thank the members of the 2015 Legislature for their unanimous support of these and several other measures that will improve justice for the citizens of Nevada. I would also like to thank all the district, justice, and municipal court judges who worked tirelessly this past session on behalf of the judicial branch and contributed so much to the success of the measures that were adopted.

Finally, I would like to extend the Court's deep appreciation to R. Ben Graham, Governmental Relations Advisor; Robin Sweet, State Court Administrator; Stephanie Heying of the Administrative Office of the Courts, and John McCormick, Assistant Court Administrator for their support and advice during the Session and their work in preparing the Legislative Summary. We cannot begin to thank you enough for your effort and dedication on behalf of Nevada's Judiciary.

I hope you will find the Summary helpful in your review of the work of the 2015 Legislature.

Sincerely,



James W. Hardesty
Chief Justice

A Note from the Preparers

Thank you for taking the time to review our 2015 Nevada Legislative Session Review Document. We hope you will find it helpful in understanding, preparing for, and implementing the statutory changes enacted this year.

This document provides the most utility when it is viewed and used electronically as a PDF file. All the hyperlinks herein are active and will take you to the specified destination; be it an NRS, a specific bill, or a resource website.

On the topic of resources, this document contains a list of resources that may be useful to you. From the agencies and departments of Nevada State Government to resources for finding case law, we've included contact information for a variety of entities that may help your understanding and/or implementation of the legislation of 2015.

This document will be presented via a live webinar on the Supreme Court's website, and the webinar will also be available for viewing later:

http://dep.nvcourtsdistanceed.com/

Table of Contents

Civil

I. Construction Defects
AB125, Construction Defects 1-3

II. Estates/Probate
AB97, Wills 4
AB130, Summary Admin. Threshold 4
.

III. General
AB51, Civil Penalties re: Securities 5
SB53, Judicial Review 5
SB129, Equine Liability 5
SB134, Civil Bonds for Appeal 6
SB160, Property Liability 7
SB256, Innkeeper Liability 7
SB292, Med. Mal. 7
SB442, Arbitration 8
SB444, SLAPP Suits 9

IV. Limited Jurisdiction
AB66, JP Qualifications & Small Claims 10

Criminal

I. New Crimes
AB49, Sex Crimes 11-12
AB70, Medical Marijuana 13
AB239, Drones 13-14
AB287, Swatting 15
SB417, Telemetry and Big Game 15
SB464, Alcohol 16

II. Presentence Investigations
AB11, PSI Timeline 17

III. Post-Conviction/Corrections
AB12, Diversion Program 17
AB16, Sexual Conduct 18
AB45, Sex Offender Risk Assessment 19
AB225, Reentry Contracts 19
SB37, Electronic Monitoring 19

IV. Procedure
AB44, Judgments of Confession 20
AB48, Medicaid Fraud 21

AB108, Sex Trafficking 22
AB193, Hearsay 23
AB371, Evidence Disposal 23
SB386, Forcible Detainer 24-25
AB481, Deceptive Trade Practices 25
SB52, Search Warrants 26
SB54, Incompetent Defendants 27
SB55, Defendant at Sentencing 28
SB135, Writing and Witnesses 29
SB138, Forfeiture of Property 30
SB191, Return of Seized Property 31

V. Revised Crimes
AB114, Restitution 32
AB212, Sex Assault Statute of Limitations 33
AB214, Soliciting a Child 34
AB244, Graffiti 35
SB40, Betting 35
SB56, Graffiti 36
SB175, Justifiable Homicide & Guns 37-38
SB176, Switchblades 38
SB186, Criminal Attorney's Fees 38
SB192, Teacher Sex Offenses 39
SB197, False Liens 40
SB447, Marijuana 41

VI. Specialty Courts
AB81, Treatment 42
AB85, Counselors 43
SB84, Healthcare Providers 43
SB459, Overdose Prevention 44
SB500, Treatment Facilities 45

Studies/Advisory Commission on the Administration of Justice
SB111, NHP Body Cams 46
SB449, Advisory Commission 47

VII. Traffic/Watercraft
AB67, DUI 48-49
AB413, Proof of Insurance 49
AB188, Headlamps 49
SB2, Speed Limit 50
SB43, Buses 50
SB144, Pedestrian Safety Zones 51
SB156, Flooding 51
SB188, Accidents 52
SB245, Accidents w/ Death 53
SB263, Cop Segways 53
SB354, Motorized Wheelchairs 54
SB404, Mopeds 54
SB410, School Bus Speed 55

SB483, $100 DUI Fee 55

Elections, Campaigns, and Voting
AB23, Elections 56
AB63, Campaign Practices 57
SB5, Nonpartisan Elections 58
SB293, Unspent Campaign Funds 59
SB307, Candidate Disclosures 60

Family

I. Abandonment of Elder/Vulnerable Person
AB223, Elders 61

II. Child Welfare
AB8, Children 62
AB52, Homes 62
AB151, Adoption 63
AB167, Firearms 64
AB268, Forster Homes 64
AB324, Child Welfare 65-66
AB456, Rural Advisory Board 66
AB148, Hearing Notice 66
SB303, Children in Need of Protections 67

III. Divorce/Custody/Support
AB13, Family Support Act 68
AB92, Gestational Agreements 68
AB132, Displaced Homemakers 69
AB140, Division of Property & Alimony 70
AB263, Custody 71
AB362, Domestic Relations 72
SB388, Divorce Filing Fee 73

IV. Guardianships
AB325, Private Pro. Guardians 74-75
SB262, Guardians 76
SB384, Family Trust Cos. 77
SB394, Guardians Ad Litem 78

V. Juvenile Justice
AB46, Civil Judgments 79
AB113 Records Sealing 80
AB121, Simulated Firearms 81
AB124, Punishment Age 81
AB138, Juvenile Competency 82-83
AB153, Safe Harbor 84
AB178, Habitual Truants 85
AB267, Convicted as Adults 85
SB58, Information Sharing 86
SB212, School Disturbance 87

SB504, Bullying 87

VI. Mental Health
SB7, Involuntary Admission 88
SB35, Interstate Compact 88
SB240, Mental Health Records 89

VII. Powers of Attorney
AB128, Health Care 89

Fiscal

Insurance/Retirement
SB69, Senior Judges 90
SB406, PERS 91-92

Judicial Administration

I. Commission on Judicial Discipline
AB68, Commission 93

II. Court Records/Recordings
AB47, Repository Searches 94
AB69, Judicial Branch Reporting 94-95
AB179, Personal Information 96
AB457, Reports 97

III. Court Reporters
SB131, Compensation 98

IV. Judicial Districts
AB435, 11th JD 99

V. Miscellaneous
AB160, Court Location 100
AB168, Collective Bargaining 100
SB431, Supreme Court Building 101

VI. Notaries
AB65, Notaries 101

VII. Number of Justices
SB514, 7 Justices 102

VIII. Personnel
AB388, Military Leave 102
SB471, Medicare Subsidies 102
SB472, Affordable Health Care Act 103

Miscellaneous

IX. Other

AB120, Public School Expression ... 103
AB488, Technical Corrections ... 103
AB493, Dillon's Rule ... 104
SB60, Confidential Address Program ... 104
SB118, Sparks Muni Court ... 104
SB230, Victims of Crimes ... 105
SJR17, Victims' Bill of Rights ... 105

Real Property

I. Commercial Tenant

AB379, Notice ... 106

II. Common-Interest Community

AB141, Notice ... 141
SB306, Foreclosure ... 107-108

III. Foreclosure/Deeds of Trust

AB195, Deficiency Judgments ... 109
SB512, FMP ... 110

IV. General

SB239, Real Property ... 111

Vetoed Bills

AB326, Motor Vehicle Registration ... 112
AB472, Patriot Relief Account ... 112
SB99, Sex Offender Registration ... 112
SB161, Product Liability ... 112
SB183, Nevada Transportation Authority ... 112
SB238, City of Ely ... 112
SB296, Exemplary or Punitive Damages in Civil Actions ... 112 -113

CIVIL

I. CONSTRUCTIONAL DEFECTS

AB125 – Constructional Defects

- Enacts provisions governing the indemnification of a controlling party by a subcontractor for certain constructional defects.
- Enacts provisions governing wrap-up insurance policies or consolidated insurance programs covering certain claims for constructional defects.
- Authorizes parties to a claim for constructional defect to agree to have a judgment entered before the filing of a civil action in certain circumstances.
- Revises the definition of "constructional defect."
- Revises provisions governing info required to be provided in a notice of constructional defect.

Effective February 24, 2015

AB125 Continued

- Removes provisions authorizing claimants to give notice of common constructional defects in residences or appurtenances.
- Requires a claimant to pursue a claim under a homeowner's warranty under certain circumstances.
- Revises provisions governing the damages recovered by a claimant.
- Revises statutes of repose regarding actions for damages resulting from certain deficiencies in construction.
- Revises provisions governing the tolling of statutes of limitation and repose regarding actions for constructional defects.
- Prohibits a homeowners' association from pursuing action for a constructional defect, unless the action pertains exclusively to the common elements of association.

AB125 – Under existing law, before an owner of a residence or appurtenance or certain other persons may commence a civil action against a contractor, subcontractor, supplier or design professional for

certain defects in the residence or appurtenance, the claimant must provide notice of the defect to the contractor. Not later than 30 days after the date on which the contractor receives the notice, the contractor must forward a copy of the notice to each subcontractor, supplier or design professional whom the contractor reasonably believes is responsible for a defect specified in the notice. The subcontractor, supplier or design professional who receives the notice must inspect the alleged constructional defect and may elect to repair the defect. This bill establishes the circumstances under which a provision in a residential construction contract requiring a subcontractor to indemnify, defend or otherwise hold harmless a controlling party for the negligence or intentional acts or omissions of the controlling party is void and unenforceable. The bill also enacts provisions governing: (1) when a subcontractor‟s duty to defend a controlling party arises; (2) the manner in which a controlling party may pursue indemnification from a subcontractor when the controlling party is named as an additional insured in the commercial general liability insurance policy of the subcontractor; and (3) wrap-up insurance policies or consolidated insurance programs that cover two or more contractors or subcontractors who perform work on residential construction for risks associated with the construction. Existing law establishes a procedure by which the parties in a civil action may agree to have a judgment entered in the action in accordance with the terms and conditions of an offer of judgment. A court is prohibited from awarding costs or attorney‟s fees to a party who rejects such an offer of judgment and fails to obtain a more favorable judgment at trial. (NRS 17.115; N.R.C.P. 68) This bill establishes a similar procedure under which a person who has given notice of a constructional defect and a contractor, subcontractor, supplier or design professional who has received such a notice may agree to have a judgment entered before a civil action for the constructional defect is commenced. This bill amends the existing definition of "constructional defect" to provide that a constructional defect is a defect: (1) which presents an unreasonable risk of injury to a person or property; or (2) which is not completed in a good and workmanlike manner and proximately causes physical damage to the residence or appurtenance. This bill amends the provision of existing law requiring certain information to be included in a notice of constructional defect to require the notice to: (1) state in specific detail, rather than in reasonable detail, each defect, damage and injury to each residence or appurtenance that is subject to the notice; (2) state the exact location of each defect, damage and injury, rather than describe in reasonable detail the location of the defect; and (3) include a statement signed by the owner of the residence or appurtenance in the notice that the owner verifies that each defect, damage and injury exists in the residence or appurtenance. This bill remove a provision of existing law which authorizes one notice to be sent concerning similarly situated owners of residences or appurtenances within a single development that allegedly have common constructional defects. This bill requires a claimant and an expert who provided an opinion concerning an alleged constructional defect, or a representative of the expert who has knowledge of the alleged defect, to: (1) be present when a contractor, subcontractor, supplier or design professional conducts the required inspection of the alleged defect; and (2) identify the exact location of the alleged defect. Under existing law, if a residence or appurtenance is covered by a homeowner‟s warranty that is purchased by or on behalf of the claimant, the claimant must diligently pursue a claim under the contract. This bill: (1) prohibits a claimant from filing a notice of constructional defect or pursuing a claim for a constructional defect unless the claimant has submitted a claim under the homeowner‟s warranty and the insurer has denied the claim; and (2) provides that a claim for a constructional defect may include only the claims that have been denied under the homeowner‟s warranty. The bill further provides that statutes of limitation or repose are tolled from the time the claimant submits a claim under the homeowner‟s warranty until 30 days after the insurer denies the claim, in whole or in part. This bill removes the provision of existing law that provides that a claimant may recover reasonable attorney‟s fees as part of the claimant‟s damages in a cause of action for constructional defects. The bill also provides that certain costs recoverable as damages must have been incurred for constructional defects proven by the claimant. Existing law provides that the statutes of limitation and repose applicable to a claim for constructional defects are tolled from the time that a claimant gives notice of a claim for constructional defects until 30 days after the mediation required by existing law is concluded or waived. This bill provides that the period for which the statutes of limitation and repose are tolled may not exceed 1 year. The bill further authorizes a court to extend the tolling period if the

claimant demonstrates good cause for such an extension. Existing law generally limits the period in which an action for damages caused by a deficiency in construction of improvements to real property may be commenced after substantial completion of the improvement. These periods of limitation are known as statutes of repose, and the period set forth in each statute of repose during which an action must be commenced is: (1) for a known deficiency, 10 years after substantial completion of the improvement; (2) for a latent deficiency, 8 years after substantial completion of the improvement; and (3) for a patent deficiency, 6 years after substantial completion of the improvement. However, if a deficiency was a result of willful misconduct or was fraudulently concealed, an action may be commenced at any time after substantial completion of the improvement. This bill provides that the statute of repose for all actions for damages caused by a deficiency in construction of improvement to real property is 6 years after substantial completion of the improvement. The bill also eliminates existing provisions of law that allow such actions to be commenced within 2 years after the date of an injury which occurs during the final year of the particular period of limitation. This bill: (1) provides that the revised statutes of repose set forth in sections 17-19 apply retroactively under certain circumstances; and (2) establishes a 1-year grace period during which a person may commence an action under the existing statutes of repose, if the action accrued before the effective date of this bill. Existing law authorizes a homeowners‟ association to institute, defend or intervene in litigation or in arbitration, mediation or administrative proceedings in its own name on behalf of itself or two or more units‟ owners on matters affecting the common-interest community. In *D.R. Horton, Inc. v. Eighth Judicial District Court*, 125 Nev. 449 (2009), the Nevada Supreme Court held that existing law grants standing to a homeowners‟ association to pursue constructional defect claims on behalf of units‟ owners with respect to constructional defects in individual units. This bill provides that an association may not pursue a constructional defect claim on behalf of itself or units‟ owners, unless the claim pertains exclusively to the common elements of the association.

Effective: February 24, 2015

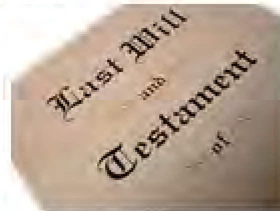
Amends: New sections in NRS Ch. 40, NRS 40.600, 40.610, 40.615, 40.635, 40.645, 40.646, 40.6462, 40.647, 40.6472, 40.648, 40.650, 40.655, 40.695, 11.202, 11.2055, 113.135, and 116.3102

Repeals: NRS 11.203, 11.204, 11.205, 11.206, and 40.6452

II. ESTATES/PROBATE

AB97 – Wills

- Wills are part of the permanent record.
- Wills are open to public inspection unless sealed under Part VII of Nevada Supreme Court Rules Governing the Sealing and Redaction of Court Records.



Effective May 27, 2015

AB97 – Existing law requires, under certain circumstances, certain persons in possession of a will to deliver or present the will to the clerk of the district court having jurisdiction over the case. This bill provides that a will which is delivered or presented to the clerk of a court becomes part of the permanent record maintained by the clerk of the court, whether or not a petition for the probate of the will is filed. This bill also provides that a will which is part of the permanent record maintained by the clerk of a court becomes a court record open to inspection unless the will is sealed pursuant to Part VII of the Nevada Supreme Court Rules.
Effective: May 27, 2015
Amends: NRS 136.050 and 239.010

AB130 – Under existing law, a court is authorized to enter an order for the summary administration of an estate if the court deems summary administration advisable and the gross value of the estate does not exceed $200,000 after deducting any encumbrances. This bill increases that amount to $300,000.
Effective: October 1, 2015
Amends: NRS 145.040, 145.110, and 146.080

III. GENERAL

AB51 – Existing law authorizes the imposition or granting of certain actions and penalties against a person who has violated any provision of state law or a regulation or order of the Administrator of the Securities Division of the Office of the Secretary of State relating to securities, including civil penalties, restitution and costs of investigation and prosecution of such a violation. This bill revises those provisions to include, if the violation was committed against an older person or vulnerable person, the imposition or granting of civil penalties, restitution and costs of investigation and prosecution in amounts equal to twice the amounts that would otherwise have been imposed or granted.
Effective July 1, 2015
Amends: New section in NRS Ch. 90, NRS 90.630, 90.640, and 90.650

AB53 – The Nevada Administrative Procedure Act sets forth the minimum procedural requirements for the adjudication procedure of agencies of the Executive Department of the State Government that are subject to the Act. This bill specifies the manner in which a petition for judicial review is required to be served. This bill extends from 30 days to 45 days the period after the service of a petition for judicial review in which certain records are required to be transmitted to the reviewing court and also imposes a duty on the party who filed the petition to transmit to the reviewing court an original or certified copy of the transcript of the evidence. Additionally, the Nevada Supreme Court recently clarified that the standard of proof that is required to be used by administrative agencies in administrative hearings is a preponderance of the evidence. (*Nassiri v. Chiropractic Physicians' Board of Nevada*, 130 Nev. Adv. Op. No. 27, 327 P.3d 487 (2014). This bill revises the standard of proof for administrative hearings in existing law to conform to the preponderance-of-the-evidence standard in the *Nassiri* opinion. This bill codifies into statute the definition of "substantial evidence" in case law for purposes of the standard for judicial review. (*See, e.g.,State Empl't Sec. Dept. v. Hilton Hotels Corp.*, 102 Nev. 606 (1986))
Effective: July 1, 2015
Amends: New section in NRS Ch. 233B, NRS 233B.030, 233B.121, 233B.123, 233B.125, 233B.127, 233B.130, 233B.131, 233B.135, 622.360, 622A.370, new section in NRS Ch. 631, 631.005, 631.255, 631.271, 631.272, 631.273, 631.274, 631.275, 631.350, 631.150, 638.145, 541.230, and 683C.130

SB129 – This bill provides immunity from civil liability to certain persons for an injury or death resulting from an inherent risk of an equine activity under certain circumstances. It further provides immunity from civil liability to those persons and nonprofit entities for causes of action for injury or death resulting from an inherent risk of an equine activity under certain circumstances.
Effective: October 1, 2015
Amends: New section in NRS Ch. 41 and 41.480

SB134 – Civil Bonds for Appeal

- This bill requires that the amount of a bond that an appellant is required to pay to secure a stay of execution of a civil judgment pending appeal must not exceed the lesser of 1) $50,000,000; or 2) the amount of the judgment.
- If the appellant is a small business, the bond must not exceed the lesser of 1) 1,000,000; or 2) the amount of the judgment.
  - Small business has the meaning ascribed to it in the Small Business Act, 15 USC §§ 631 et seq.
- If plaintiff proves by preponderance of the evidence that an appellant who posted such a bond is purposefully dissipating or diverting assets, the court may require the appellant to post a bond for the full amount of the judgment.

Effective May 30, 2015 and applies to all actions pending or filed on or after May 30, 2015.

SB134 – This bill generally requires that the amount of a bond that an appellant is required to pay to secure a stay of execution of certain judgments pending appeal must not exceed the lesser of: (1) $50,000,000; or (2) the amount of the judgment. Under this measure, if the appellant is a small business concern as defined by the federal Small Business Act, the amount of such a bond must not exceed the lesser of: (1) $1,000,000; or (2) the amount of the judgment. This bill also provides that the provisions of this bill become effective upon passage and approval and apply to all actions pending or filed on or after such effective date.
Effective: May 30, 2015
Amends: NRS 17.370 and new section in NRS Ch. 20

SB160 – The Nevada Supreme Court has adopted the principle that the owner or occupier of real property should be held to the general duty of reasonable care whenever another person is injured on that property and that determinations of liability should primarily depend on whether the owner or occupier acted reasonably under the circumstances, see: *Moody v. Manny's Auto Repair, 110 Nev., 320 (1994)*. This bill adopts this principle for determining the duty of care owed by an owner, lessee or occupant of any premises to a trespasser as it was at common law. This bill also codifies in statute what is commonly known as the "attractive nuisance doctrine." This doctrine imposes a higher standard of care on an owner, lessee or occupant toward a trespassing child who is injured by an artificial condition on the premises if: (1) the owner, lessee or occupant knows or reasonably should know that the condition is likely to attract children and involves an unreasonable risk of death or serious bodily injury; (2) the child is unlikely to appreciate the dangerousness of the condition because of his or her age; (3) the utility of maintaining the condition and eliminating the danger are slight as compared to the risk to the child; and (4) the owner, lessee or occupant fails to exercise reasonable care to eliminate the danger or to otherwise protect the trespassing child. This bill defines "public art" and it provides that, subject to certain conditions, a person who creates, sponsors, owns or produces public art or who owns, leases or occupies any estate or interest in any premises where such art is displayed is not liable for the death or injury of a person or for damage to property caused or sustained by a person who: (1) defaces or destroys, or attempts to deface or destroy, public art; (2) uses the public art in an unintended manner; or (3) fails to heed certain posted warnings or instructions concerning the public art. Finally, this bill: (1) provides that a person who jumps or otherwise removes himself or herself, by parachute or by other airborne means, from a fixed structure owned by another person or a person who knowingly delivers or retrieves another person who intends to commit, is committing or has committed such an act is deemed a trespasser for the purposes of this bill; and (2) provides that a person who violates this provision is guilty of a category E felony.
Effective: May 30, 2015
Amends: New sections in NRS Ch. 41 and new section in Ch. 207

SB256 – This bill limits the liability of an innkeeper for the loss of or damage to a motor vehicle brought by a patron onto the premises of the innkeeper, see: *Arguello v. Sunset Station, Inc., 127 Nev., Advance Opinion 29 (2011)*.
Effective: July 1, 2015
Amends: New section in NRS Ch. 651 and 651.005

SB292 – This bill provides that a board of trustees of a school district or the governing body of a charter school is not liable for any civil damages arising from any act or omission by a person employed by or volunteering at a school-based health center, and it defines "school-based health center" for such purposes. This bill revises the definition of professional negligence to incorporate provisions of the previously used definition of medical malpractice. This bill revises the definition health care provider to include certain other professionals who provide health care and to include clinics, surgery centers and other entities that employ physicians and other such persons. This bill limits the total noneconomic damages that may be awarded in an action for injury or death against a health care provider based upon professional negligence an action to $350,000, regardless of the number of plaintiffs, defendants or theories of liability. Existing law establishes a rebuttable presumption in actions for negligence against providers of medical care that the personal injury or death was caused by negligence when certain injuries are sustained. Finally, this bill provides that the rebuttable presumption does not apply in an action in which: (1) a plaintiff submits an affidavit or designates an expert witness to establish that a provider of health care deviated from the accepted standard of care; or (2) expert medical testimony is used to establish a claim of professional negligence.
Effective: June 9, 2015
Amends: New section in NRS Ch. 41, 41A.003, 41A.015, 41A.017, 41A.035, 41A.061, 41A.071, 41A.081, 41A.085, 41A.100, and 3.029
Repeals: 41A.004, 41A.009, and 41A.013

SB442 – Arbitration

- Arbitrators, may not consolidate separate proceedings or other claims unless all parties expressly agree to such consolidation.
- A court must remove an arbitrator if the court determines that the arbitrator did not disclose a fact that a reasonable person would consider as likely to affect the impartiality of the arbitrator or proceeding.
- Does not apply to self-regulatory organizations as defined in the Securities Exchange Act and the Commodity Exchange Act.

Effective June 4, 2015

7

SB442 – This bill prohibits certain arbitrators from consolidating separate arbitral proceedings or other claims unless all parties expressly agree to such consolidation. This bill requires a court to remove certain arbitrators who did not disclose such a fact from the arbitral proceeding if an award has not yet been made.

Effective: June 4, 2015

Amends: NRS 38.224, 38.227, and 38.241

SB444 – SLAPP Suits

- Modifies existing provisions regarding motions to dismiss strategic lawsuits against public participation (SLAPP) including extending the time a court has to rule such a motion as well as the standard that the motion must be considered against.
- Authorizes limited discovery on such motions and requires the court to modify deadlines related to such a motion in the interest of justice.

Effective June 8, 2015

SB444 – This bill revises provisions governing a special motion to dismiss a claim that is based upon a good faith communication in furtherance of the right to petition or the right to free speech in direct connection with an issue of public concern. It increases from 7 days to 20 judicial days the time within which a court must rule on a special motion to dismiss. This bill replaces the determination of whether a person who brought the claim has established by clear and convincing evidence a probability of prevailing on the claim and instead requires a court to determine whether the person has demonstrated with prima facie evidence a probability of prevailing on the claim. This bill also authorizes limited discovery for the purposes of allowing a party to obtain certain information necessary to meet or oppose the burden of the party who brought the claim to demonstrate with prima facie evidence a probability of prevailing on the claim. Finally, this bill requires the court to modify certain deadlines upon a finding that such a modification would serve the interests of justice.
Effective: June 8, 2015
Amends: New section in NRS Ch. 41 and 41.660

IV. LIMITED JURISDICTION

AB66 – Justice Courts

- Qualifications for Justice of the Peace
  - JP's must be attorneys in townships with population > 100,000
- Small Claims
  - Increase $7,500 to $10,000
  - Filing Fee $175
- General Civil Actions
  - Increase $10,000 to $15,000
  - Filing Fee $250

Qualifications for justice of the peace and civil actions in justice court concerning small claims become effective October 1, 2015 and civil actions in justice court other than small claims become effective January 1, 2017

AB66 – Existing law provides that in a county whose population is 700,000 or more (currently Clark County), a justice of the peace in a township whose population is 100,000 or more is required to be an attorney who: (1) is licensed and admitted to practice law in the courts of this State at the time of his or her election or appointment; and (2) has been licensed and admitted to practice law in the courts of this State, another state or the District of Columbia for not less than 5 years at any time preceding his or her election or appointment. The same requirements are imposed upon a justice of the peace in a township whose population is 250,000 or more in a county whose population is less than 700,000 (currently all counties other than Clark County). This bill revises these provisions and provides that the requirements apply to a justice of the peace in a township whose population is 100,000 or more in a county whose population is 100,000 or more (currently Clark and Washoe Counties). This bill increases the jurisdiction justice courts have in (1) certain actions in which the amount at issue does not exceed $15,000 (existing law $10,000); (2) small claims for the recovery of money only in which the amount claimed does not exceed $10,000 (existing law $7,500). The bill revises the amount each justice of the peace is required to charge and collect certain fees for various civil actions, proceedings and filings in the justice court. For actions and proceedings other than small claims, the amount of the fees charged and collected is based upon the sum claimed in the action of the proceeding. This bill provides that for the preparation and filing of an affidavit and order in a small claims action, if the sum claimed exceeds $7,500 but does not exceed $10,000, a justice of the peace is required to charge and collect a fee of $175. On the commencement of any action or proceeding other than a small claims action, if the sum claimed exceeds $10,000 but does not exceed $15,000, a justice of the peace is required to charge and collect a fee of $250.
Effective: Qualifications of justice of the peace in certain townships and civil actions in justice court concerning small claims become effective on October 1, 2015. The provisions of this bill relating to civil actions in justice court other than small claims become effective on January 1, 2017.
Amends: NRS 4.010, 4.060, 4.355, 4.370, 73.010, 482.542, and 487.039

CRIMINAL

I. NEW CRIMES

AB49 – Sex Crimes

- Establishes the Category D crime of unlawful dissemination of an intimate image of a person. (Revenge porn)
- Defines the term "intimate image."
- A person is guilty of a Category D Felony if the person demands payment or money, property, services or anything else of value from person in exchange for removing an intimate picture from public view.
- Revises provisions relating to sexual assault and abuse of a child.
- Sets forth provisions relating to expert testimony in prosecution for pandering and sex trafficking.
- Revises provisions concerning acts of open or gross lewdness, open and indecent exposure, lewdness with a child and statutory sexual seduction (Category D Felony).

Effective October 1, 2015

AB49 Continued

- Sets forth provision relating to the admissibility of evidence and expert testimony in criminal and juvenile delinquency actions.
- Prohibits a court from ordering victim of or a witness to a sexual offense to take or submit to a psychological or psychiatric exam in certain criminal or juvenile delinquency actions.
- Authorizes the court to exclude in certain circumstances the testimony of a licensed psychologist, psychiatrist or clinical worker.

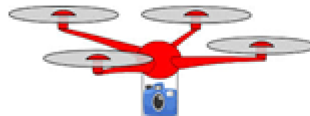
AB49 – This bill establishes the crime of unlawful dissemination of an intimate image of a person. The bill defines the term "intimate image" generally as a photograph, film, videotape or other recorded image, or any reproduction thereof, which depicts: (1) the fully exposed nipple of the female breast of another person; or (2) one or more persons engaged in sexual conduct. The bill also provides that an image which would otherwise constitute an intimate image is not an intimate image if the person depicted in the image: (1) is not clearly identifiable; (2) voluntarily exposed himself or herself in a public or commercial setting; or (3) is a public figure. This bill provides that a person commits the crime of unlawful dissemination of an intimate image and is guilty of a category D felony when, with the intent to harass, harm or terrorize another person, the person electronically disseminates or sells an intimate image which depicts the other person and the other person: (1) did not give prior consent to the electronic dissemination or sale; (2) had a reasonable expectation that the intimate image would be kept private and would not be made visible to the public; and (3) was at least 18 years of age when the intimate image was created. This bill also sets forth certain exceptions regarding when an intimate image may be lawfully electronically disseminated. A person is guilty of a category D felony if he or she demands payment of money, property, services or anything else of value from a person in exchange for removing an intimate image from public view. This bill provides that the provisions of sections 1-6 must not be construed to impose liability on an interactive computer service, as that term is defined in federal law, for any content provided by another person. on himself or herself or another, or on a beast, is guilty of sexual assault. This bill further provides that, except in certain circumstances, such provisions do not apply to a person who commits any such act upon a child under the age of 14 years if the person committing the act is less than 18 years of age and is not more than 2 years older than the person upon whom the act is committed. Existing law also provides that a person who commits any act of open or gross lewdness or who makes any open and indecent or obscene exposure of his or her person, or of the person of another, is guilty of a gross misdemeanor for the first offense and a category D felony for any subsequent offense. Under this bill, if a person commits any such offense and he or she has previously been convicted of a sexual offense, or if the person commits any such offense in the presence of a child under the age of 18 years or a vulnerable person, the person is guilty of a category D felony. Additionally, under existing law, a person who commits certain acts with a child under the age of 14 years is guilty of lewdness with a child and is guilty of a category A felony. This bill provides that a person is guilty of lewdness with a child if the person: (1) is 18 years of age or older and commits certain acts with a child under the age of 16 years; or (2) is under the age of 18 years and commits certain acts with a child under the age of 14 years. This bill also provides that if a person commits lewdness with: (1) a child under the age of 14, he or she is guilty of a category A felony; and (2) a child who is 14 or 15, he or she is guilty of a category B felony. This bill revises the definition of the term "statutory sexual seduction," and revises the penalties imposed for the crime of statutory sexual seduction. This bill revises various provisions relating to the admissibility of expert testimony and evidence in certain criminal and juvenile delinquency cases. This bill provides that in a prosecution for pandering or sex trafficking, certain expert testimony that is offered by the prosecution or defense is admissible for any relevant purpose, but certain other expert testimony cannot be offered against the defendant to prove the occurrence of an act which forms the basis of a criminal charge against the defendant. Under this bill, expert testimony offered by the prosecution or defense which concerns the behavior of a defendant in preparing a child under the age of 18 or a vulnerable person for sexual abuse by the defendant is admissible for any purpose. This bill prohibits a court in a criminal or juvenile delinquency action relating to the commission of a sexual offense from ordering a victim of or witness to a sexual offense to take or submit to a psychological or psychiatric examination. The bill also authorizes the court to exclude the testimony of a licensed psychologist, psychiatrist or clinical worker who performed a psychological or psychiatric examination on a victim or witness in certain circumstances.
Effective: October 1, 2015
Amends: New section in NRS Ch. 200, NRS 200.364, 200.366, 200.368, 200.400, 200.508, 200.604, new section in Ch. 201, 201.210, 201.220, 201.230, 201.295, 201.520, 201.540, 48.045, new section in Ch.50, 50.260, and 432B.140

AB70 – This bill provides for the administration and enforcement of various provisions relating to medical marijuana. This bill requires that a taxpayer maintain certain records and provide for the inspection of those records by the Department of Taxation or its authorized representative. A person who violates the provision is guilty of a misdemeanor. This bill denies standing to commence or maintain a proceeding for judicial review to anyone other than the person who made the disputed payment. This bill makes it a gross misdemeanor for any person to file a false or fraudulent return or engage in other conduct with intent to defraud the State or evade payment of the tax.
Effective: July 1, 2015
Amends: NRS 360.2937, 360.417, new section in NRS Ch. 372A, 372A.060, 372A.075, 372A.080, 372A.090, 372A.110, 372A.120, 372A.130, new section in Ch. 453A, 453A.117, 453A.332, 453A.340, 453A.344, and 453A.370

AB239 – Unmanned Aerial Vehicles (UAV or Drones)

- Regulates operators of unmanned aerial vehicles (UAV).
- Revises definition of "aircraft" to include UAV.
- Authorizes:
  - Law enforcement to operate UAV at certain locations with and without a warrant, under certain circumstances.
  - A public agency to operate an UAV, under certain circumstances.
- Prohibits person from:
  - Operating or using an UAV under certain circumstances and certain purposes.
  - Weaponizing an UAV. (Category C and D felony)
  - Operating an UAV near certain critical facilities and airports. (Misdemeanor)
  - Operating a UAV while under the influence of intoxicating liquor or controlled substance. (Gross misdemeanor)
- Can bring action for trespass, under certain circumstances.

Effective June 2, 2015 and October 1, 2015



AB239 – This bill revises the definition of "aircraft" to include unmanned aerial vehicles for the purpose of regulating unmanned aerial vehicles. This bill generally regulates the operators of unmanned aerial vehicles in this State in a manner similar to that of traditional aircraft by: (1) establishing the right to operate an unmanned aerial vehicle in this State, with certain exceptions; (2) clarifying that the provisions of this bill are not to be interpreted in a manner inconsistent with federal law or apply to unmanned aerial vehicles owned or operated by the Federal Government; (3) clarifying the applicability of state law to torts and crimes resulting from the operation of unmanned aerial vehicles; and (4) prohibiting a person from operating or using an unmanned aerial vehicle under certain circumstances or for certain purposes. This bill prohibits a person from weaponizing an unmanned aerial vehicle. This bill prohibits a person from operating an unmanned aerial vehicle within a certain distance from critical facilities or an airport except under certain circumstances in which the person obtains the consent of the owner of a critical facility or the airport authority of an airport or authorization from the Federal Aviation Administration. This bill authorizes a person who owns or lawfully occupies real property to bring an action for trespass against the owner or operator of an unmanned aerial vehicle under certain circumstances and provides certain exceptions to bringing such an action. This bill prescribes certain restrictions on the operation and use of unmanned aerial vehicles by law enforcement agencies and public agencies. The bill specifically

prohibits, with limited exceptions, a law enforcement agency from operating an unmanned aerial vehicle for the purpose of gathering evidence or other information at any location or upon any property in this State at which a person has a reasonable expectation of privacy without first obtaining a warrant. The bill authorizes a law enforcement agency to operate an unmanned aerial vehicle without a warrant: (1) if exigent circumstances exist and there is probable cause to believe that a person has committed, is committing or is about to commit a crime; (2) if a person consents in writing to the activity; (3) for the purpose of conducting search and rescue operations; (4) if the law enforcement agency believes that an imminent threat exists to the life and safety of an individual person or to the public at large, including the threat of an act of terrorism; and (5) upon the declaration of a state of emergency or disaster by the Governor. The bill authorizes a public agency, other than a law enforcement agency, to operate an unmanned aerial vehicle for certain public purposes as prescribed by regulations adopted by the Department of Public Safety if the public agency registers the unmanned aerial vehicle with the Department. This bill provides that any photograph, image, recording or other information acquired unlawfully by a law enforcement agency or public agency, or otherwise acquired in a manner inconsistent with the bill, and any evidence that is derived therefrom, is inadmissible in any judicial, administrative or other adjudicatory proceeding and may not be used to establish reasonable suspicion or probable cause as the basis for investigating or prosecuting a crime or offense. This bill requires the Department, to the extent that money is available for this purpose, to establish and maintain a registry of unmanned aerial vehicles that are operated by public agencies in this State and requires the Department to adopt regulations prescribing the public purposes for which an agency may operate an unmanned aerial vehicle. The bill further requires the Department to prepare and submit an annual report to the Legislature outlining the activities of public agencies with respect to the operation of unmanned aerial vehicles in this State. This bill revises provisions relating to the liability of the operator of an aircraft, including an unmanned aerial vehicle, with respect to the operation of the aircraft over heavily populated areas or public gatherings. This bill prohibits a person from operating an unmanned aerial vehicle while intoxicated or in a careless or reckless manner so as to endanger the life or property of another person.

Effective: June 2, 2015, for purposes of adopting regulations and developing policies and procedures and October 1, 2015, for all other purposes.

Amends: New section in NRS Ch. 493, NRS 493.010, 493.020, 493.050, 493.100, 493.120, and 493.130

AB287 - Swatting

- Prohibits a person from making or causing to be made certain nonemergency telephone calls under certain circumstances.
- This bill makes it a gross misdemeanor for a person to call a nonemergency number if no actual or perceived emergency exists.
- This bill also makes it a Category E Felony for a person to commit either offense if their intent is to initiate an emergency response and the emergency response initiated by that person results in the death or serious bodily injury of another.
- If convicted of Category E Felony the person is liable for any costs incurred by any governmental agency as a result of his or her conduct.

Effective October 1, 2015

AB287 – Existing law makes it a gross misdemeanor for a person to knowingly or willfully make or cause to be made any telephonic access to a system established to provide a telephone number to be used in an emergency if no actual or perceived emergency exists. This bill similarly makes it a gross misdemeanor for a person to knowingly or willfully make or cause to be made a nonemergency telephone call to report an emergency on any nonemergency telephone line maintained by a governmental entity if no actual or perceived emergency exists. This bill also makes it a category E felony for a person to commit either offense if the person intended to initiate an emergency response and the emergency response initiated by that person results in the death or serious bodily injury of another. This bill further provides that a person who is convicted of a category E felony for such an offense is liable for any costs incurred by any governmental entity as a result of his or her conduct. Finally, this bill provides that if a defendant who is charged with a violation of the provisions of this bill suffers from a mental illness or is intellectually disabled, the court may, if appropriate, assign the defendant to a program for the treatment of mental illness or intellectual disabilities.
Effective: October 1, 2015
Amends: NRS 207.245

SB417 – This bill makes using telemetry data to harass or take game mammals, game birds, or other wildlife a misdemeanor.
Effective: July 1, 2015
Amends: NRS 503.010

SB464 – Alcohol

- Outlaws powdered alcohol (misdemeanor).
- Exempts persons under 21 years of age from criminal liability for consumption or possession of alcohol if the person reasonably believes that he or she or another person needs medical assistance related to alcohol and seeks such assistance.
- Person for whom assistance is sought is also immune.
- Person must cooperate with EMTs, law enforcement, and health care providers

Effective May 29, 2015

SB464 – This bill prohibits the sale, distribution, purchase, possession or use of powdered alcohol. It exempts a person under 21 years of age from criminal liability for the consumption or possession of alcohol when the person requests emergency medical assistance for himself, herself or another person in certain circumstances, and it exempts a person for whom such assistance is requested from such criminal liability.
Effective: May 29, 2015
Amends: New section in NRS Ch. 202 and 202.020

II. PRESENTENCE INVESTIGATIONS

AB11 – Presentence Investigations

- Decreases the time limitation for disclosure of the factual content of reports of presentence investigations and recommendations by P & P from 21 working days to 14 calendar days.

Effective May 22, 2015

AB11 – This bill decreases the time limitation for disclosure of the factual content of reports of presentence investigations and certain recommendations by the Division of Parole and Probation of the Department of Public Safety from 21 working days to 14 calendar days.
Effective: May 22, 2015
Amends: NRS 176.153

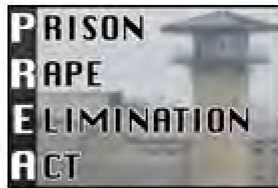
III. POST-CONVICTION/CORRECTIONS

AB12 – In 2011, the Legislature directed the Department of Corrections to establish a pilot diversion program to provide treatment for alcohol or drug abuse or mental illness to certain probation violators in lieu of revocation of probation. The pilot program was due to expire on July 1, 2015. This bill removes the prospective expiration of the authorization for the program, thereby establishing a permanent program.
Effective June 4, 2015
Amends: Statutes of Nevada

AB16 – Sexual Conduct

- An employee of or a contractor or volunteer for a prison commits sexual abuse of a prisoner or unauthorized custodial conduct if he or she voluntarily engages or attempts to engage in certain acts with certain prisoners in lawful custody or confinement.
- Revises provisions relating to voluntary sexual conduct between certain prisoners in lawful custody and confinement and other persons.
- Category D Felony
- Federal Prison Rape Elimination Act (PREA) (28 C.F.R. § 115.6)

Effective October 1, 2015



AB16 – Existing law provides that a prisoner who: (1) is in lawful custody or confinement, other than in the custody of the Division of Parole and Probation of the Department of Public Safety or residential confinement; and (2) voluntarily engages in sexual conduct with another person is guilty of a category D felony. Under federal regulations adopted pursuant to the Prison Rape Elimination Act of 2003 (42 U.S.C. §§ 15601 et seq.), which set forth national standards relating to the Act, an agency with direct responsibility for the operation of any facility that confines inmates, detainees or residents is authorized to discipline an inmate in an adult prison or jail or a resident of a community confinement facility or juvenile facility for sexual contact with a staff member of the agency only if the staff member did not consent to the contact. (28 C.F.R. §§115.78, 115.278, 115.378) This bill revises existing law to provide that a prisoner who voluntarily engages in sexual conduct with a person who is not an employee or contractor or volunteer for a prison is guilty of a category D felony. Existing law provides that a person who voluntarily engages in sexual conduct with a prisoner, who is in lawful custody or confinement, other than in the custody of the Division of Parole and Probation or residential confinement, is guilty of a category D felony. This bill provides that an employee of or a contractor or volunteer for a prison who voluntarily engages or attempts to engage in certain acts with such a prisoner, regardless of whether the prisoner consents to the act, commits either sexual abuse of a prisoner or unauthorized custodial conduct, depending on the type of act. Such an employee, contractor or volunteer who commits: (1) sexual abuse of a prisoner is guilty of a category D felony; (2) unauthorized custodial conduct by engaging in certain acts is guilty of a gross misdemeanor; or (3) unauthorized custodial conduct by attempting to engage in certain acts is guilty of a misdemeanor. The definitions of the terms "sexual abuse" and "unauthorized custodial conduct," as they are used in section 6, are based on the definition of the term "sexual abuse" as it is used for purposes of the federal regulations adopted pursuant to the Prison Rape Elimination Act. (28 C.F.R. § 115.6)

Effective October 1, 2015.

Amends: New section in NRS Ch. 212, NRS 212.187, and 200.604

AB45 – Existing law requires the Department of Corrections to assess each prisoner who has been convicted of a sexual offense to determine the prisoner�much risk to reoffend in a sexual manner. The Department must use a currently accepted standard of assessment that returns a risk level of low, moderate or high. Existing law also requires the Board to release on parole a prisoner who meets certain criteria, but the Board is not required to release on parole a prisoner who has been determined to be a high risk to reoffend in a sexual manner. This bill eliminates the requirement that the assessment return the levels of risk specified in existing law and provides that the assessment must include, without limitation, a determination of the prisoner‟s risk to reoffend in a sexual manner, including, without limitation, whether the prisoner is a high risk to reoffend in a sexual manner for the purposes of NRS 213.1215.
Effective: July 1, 2015
Amends: NRS 213.1214

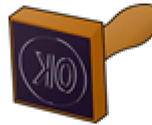
AB225 – This bill requires certain provisions to be included in contracts entered into between the Director of the Department of Corrections and public or private entities to provide certain services to offenders or parolees participating in a correctional or judicial program for reentry of offenders and parolees into the community. This bill requires such a contract to contain certain provisions concerning: (1) services that the entity will provide; (2) parolees who have completed or are currently participating in a program of services provided by the entity; (3) assessments of the risk levels and needs of offenders and parolees; and (4) annual meetings between the Director, a representative of the Division, and entities which have entered into a contract with the Director to provide such services to offenders and parolees.
Effective: October 1, 2015
Amends: NRS 209.4889

SB37 – Existing law allows some offenders who are on probation, parole, or in a program of residential confinement to be subject to electronic supervision. This bill revises provisions concerning the capabilities of an electronic device used to electronically supervise an offender to authorize the use of devices that are capable of: (1) using the Global Positioning System; (2) recording or transmitting information concerning the location of the person being monitored; and (3) producing, upon request, reports or records of the person‟s presence near or within a crime scene or prohibited area or his or her departure from a specified geographic location. This bill also maintains provisions of existing law that prohibit the use of an electronic device which is capable of recording or transmitting oral or wire communications or any auditory sound, or any information concerning the activities of an offender.
Effective: July 1, 2015
Amends: NRS 176A.440, 176A.540, 176A.660, 4.3762, 5.076, 213.124, 213.15193, 213.152, and 213.380

IV. PROCEDURE

AB44 – Judgments

- Judgment upon confession must be accompanied by a signed defendant's statement that must:
  - Authorize the entry of judge from a specific sum including costs and fees;
  - If authorizing a judgment for money, state the facts upon which the confession is based and show that the confessed sum is justly due or will become due; and
  - If entering a judgment to secure the plaintiff against contingent liability, state concisely the facts constituting the liability and show the sum confessed does not exceed that liability.
- Defendant's statement must be filed with the court and endorsed by the clerk. A judgment filed in this manner may not be amended to include additional costs.



Effective July 1, 2015

AB44 – Existing law authorizes judgments upon confession to be entered in any justice court specified in the confession. This bill requires a written statement, signed by the defendant, to accompany such a judgment. The statement must include the facts on which the confession is based and the amount of debt due or contingent liability for which the judgment will be entered. This bill further provides that the written statement must be filed with the clerk of the court, and that the judgment may not be amended to include additional costs or attorney‟s fees incurred after the date of entry of the judgment.

Effective: July 1, 2015

Amends: NRS 68.050 and 17.090

AB48 – Fraudulent Acts

- Extends period of time criminal records may not be sealed if crime is related to Medicaid.
- Federal Deficit Reduction Act of 2005 (qui tam actions) False Claim Act.
  - Revises provisions relating to incentives for bringing certain actions for false of fraudulent Medicaid claims.
- Revises provisions governing the distribution of amounts collected to private plaintiffs in actions for false claims.

Effective May 27, 2015

AB48 – This bill provides that a person who is convicted of a misdemeanor or gross misdemeanor for fraud or certain other offenses committed in connection with the State Plan for Medicaid is not entitled to file a petition for the sealing of records relating his or her conviction until at least 7 years after the date of the person‟s release from actual custody or from the date when the person is no longer under a suspended sentence, whichever occurs later. The bill requires the court to provide notice of such a petition to the Attorney General if he or she was the prosecuting attorney who prosecuted the person for the crime. The federal Deficit Reduction Act of 2005, Public Law 109-171, enacted certain provisions concerning state plans for Medicaid. Section 6031 of the Act provides financial incentives for states that enact laws establishing liability for false or fraudulent claims made to the State Plan for Medicaid. (42 U.S.C. § 1396h) To be eligible for these financial incentives, the laws of a state must contain provisions that are at least as effective at rewarding and facilitating certain qui tam actions for false or fraudulent claims as those described in the federal False Claims Act. (31 U.S.C. §§ 3730-3732) This bill amends existing law concerning the filing of false or fraudulent claims so that the laws of this State are at least as effective at rewarding and facilitating such actions as the provisions described in federal law. Under existing law, a private plaintiff who initiates a civil action against a person for filing a false claim or otherwise defrauding the State or one of its political subdivisions, commonly called a qui tam action, is entitled to receive a percentage of the amount of any penalty recovered from the defendant according to the extent of the private plaintiff‟s contribution to the conduct of the action or an amount the court trying the action otherwise determines to be reasonable. This bill reduces from 33 percent to 25 percent the maximum share of any recovery to which a private plaintiff is entitled in certain qui tam actions if the Attorney General or the Attorney General‟s designee intervenes in the action at its outset. This bill also reduces from 50 percent to 33 percent the maximum share of any recovery to which a private plaintiff is entitled in certain qui tam actions if the Attorney General or the Attorney General‟s designee does not intervene in the action at its outset.

Effective: May 27, 2015

Amends: NRS 179.245, 357.026, 357.080, 357.100, 357.120, 357.170, 357.210, and 357.250

Repeals: NRS 357.225

AB108 – Sex Trafficking

- Allows court to grant a motion to vacate a judgment if the defendant was convicted of:
  - Trespassing, loitering in a gaming area or violation of a county, city, town ordinance prohibiting loitering for the purpose of solicitation or prostitution; and
  - The defendant's participation in the offense was the result of having been a victim of sex trafficking or involuntary servitude.

Effective October 1, 2015

AB108 – Existing law allows a court to grant a motion to vacate a judgment if the defendant was convicted of engaging in or soliciting prostitution and the defendant‟s participation in the offense was the result of having been a victim of sex trafficking or involuntary servitude. This bill allows a court to grant a motion to vacate a judgment if the defendant was convicted of: (1) trespassing, loitering in a gaming area or a violation of a county, city or town ordinance prohibiting loitering for the purpose of solicitation or prostitution; and (2) the defendant‟s participation in the offense was the result of having been a victim of sex trafficking or involuntary servitude.
Effective: October 1, 2015
Amends: NRS 176.515

AB193 – Hearsay

- Revises provisions relating to the introduction of evidence at a preliminary exam or grand jury proceeding.
- Revises provisions relating to the use of audiovisual technology to present live witness testimony at a prelim or grand jury proceeding.
- Revises provisions relating to notice given to a person whose indictment is being considered by a grand jury.
- Allows certain hearsay evidence by the alleged victim of the offense only if the defendant is charged with one or more of the following offenses:
  a) A sexual offense committed against a child who is under the age of 16 if the offense is punishable as a felony.
  b) Abuse of a child pursuant to NRS 200.508 if the offense is committed against a child who is under the age of 16 and is punishable as a felony.
  c) An act which constitutes domestic violence pursuant to NRS 33.018, which is punishable as a felony and resulted in substantial bodily harm to the alleged victim.

Effective October 1, 2015

AB193 - Existing law sets forth the requirements for conducting a preliminary examination. This bill authorizes the use of certain hearsay evidence in a preliminary examination under certain circumstances. Existing law allows a witness to testify at a preliminary examination or before a grand jury through the use of audiovisual technology under certain circumstances by filing a request, subject to an objection by the opposing party and court approval, before the preliminary examination or grand jury proceeding. This bill requires the court to allow a witness to testify at a preliminary examination or before a grand jury through the use of audiovisual technology under certain circumstances. Existing law sets forth the types of evidence a grand jury can receive. This bill: (1) allows certain hearsay evidence to be offered before a grand jury in certain circumstances; and (2) provides that a statement made by a witness at any time that is inconsistent with the testimony of the witness before the grand jury may be presented to the grand jury as evidence. Existing law requires that a district attorney or peace officer serve reasonable notice upon a person whose indictment is being considered by a grand jury. This bill authorizes a person to testify before the grand jury if his or her notice of the proceeding was not adequate and requires the grand jury to redeliberate on the indictment if the person does testify.
Effective: October 1, 2015
Amends: NRS 171.196, 171.1975, 172.135, 172.138, and 172.241

AB371 – This bill establishes new procedures for the retention and destruction of certain quantities of any substance that is alleged to be marijuana which has been seized as evidence by a law enforcement agency. This bill authorizes a law enforcement agency that has seized such a substance to destroy any amount of the substance that exceeds 10 pounds without court approval if the law enforcement agency: (1) weighs the substance; (2) takes and retains certain samples of the substance for evidentiary purposes; and (3) takes photographs that reasonably demonstrate the total amount of the substance.
Effective: October 1, 2015
Amends: New section in NRS Ch. 52 and NRS 52.395

AB386 – Forcible Detainer (Squatting)

- Establishes supplemental procedures for retaking of a dwelling subject to housebreaking or unlawful entry.
- Establishes procedures for the retaking of a dwelling subject to forcible entry or forcible detainer.
- Revises provisions relating to unlawful detainer.
- Revises procedures for removing a tenant who is guilty of an unlawful detainer.
- Establishes the criminal offenses of housebreaking, unlawful entry and unlawful reentry.
- Revises definition of "forcible entry" and "forcible detainer."
- Person convicted of housebreaking is guilty of:
  - 1st offense gross misdemeanor
  - 2nd and subsequent offenses Category D Felony
- Person convicted of unlawful occupancy is guilty of:
  - Gross misdemeanor
  - If convicted 3 or more times Category D Felony
- Person convicted of unlawful reentry is guilty of:
  - Gross misdemeanor

Effective October 1, 2015

AB386 – Existing law sets forth procedures for the removal of a person who is guilty of forcible entry, forcible detainer or unlawful detainer. This bill revises provisions governing the service of a notice to surrender by: (1) providing for different posting and mailing requirements; (2) eliminating the requirement that a witness be present for service if notice is served by a sheriff, constable or licensed process server; and (3) revising the contents of proof of service that must be filed with a court. Existing law authorizes and sets forth a summary procedure for eviction of a tenant of certain types of properties who is guilty of unlawful detainer for: (1) continuing in possession of real property after the expiration of a specific term; (2) continuing in possession after expiration of a notice to surrender; (3) waste, nuisance, violation of certain lease terms and committing certain unlawful activities; and (4) failure to perform lease or agreement conditions or covenants. This bill revises this summary procedure as it relates to the contents of certain notices served upon a tenant and the commencement and conduct of court proceedings in contested cases. Existing law provides that a tenant"s neglect or failure to perform any condition or covenant of the lease or agreement under which property is held constitutes unlawful detainer and warrants the commencement of proceedings to remove the tenant. This bill revises the types of property to which these provisions apply and specifies the regular and summary procedures, if applicable, by which a landlord may remove a tenant from the property. Existing law describes conduct which constitutes forcible entry and forcible detainer. This bill revises the definitions of "forcible entry" and "forcible detainer," establish requirements relating to a notice to surrender that must be served upon a person who commits forcible entry or forcible detainer and authorize the entry of judgment for three times the amount of actual damages for such offenses under certain circumstances. This bill establishes a procedure by which an owner of a dwelling that is the object of a housebreaking or unlawful occupancy may retake possession of and change the locks on the dwelling. This bill establishes a procedure by which an occupant who has been locked out of a dwelling may seek to recover possession of the dwelling. This bill set forth the acts which constitute the criminal offenses of housebreaking, unlawful occupancy and unlawful reentry and the penalties that attach upon conviction. The bill establishes a procedure by which the owner of a dwelling that was subject to forcible entry or forcible detainer may seek to recover

possession of the dwelling. The bill repeals a provision that authorizes treble damages in a recovery for a forcible or unlawful entry to certain types of real property.
Effective: October 1, 2015
Amends: New section in NRS Ch. 40, NRS 40.215, 40.220, 40.230, 40.240, 40.2516, 40.254, 40.255, 40.260, 40.280, 40.330, 40.340, 40.350, 40.390, 40.400, 4.060, 21.130, 107.087, 116.4112, 118A.180, 118B.086, 118B.190, 118B.200, 203.110, new section in Ch.205, 315.041, and 326.070
Repeals: NRS 40.170

AB481 – Existing law authorizes a court to provide injunctive relief to prevent deceptive trade practices by a person who is not cooperating with an investigation. This bill authorizes a court to order a person who is not cooperating with an investigation to cease doing business in this State. Existing law authorizes certain sanctions against a person found to be engaging in a deceptive trade practice, including an order to cease and desist, payment of investigation and hearing costs and payment of restitution.
Effective: June 10, 2015 and July 1, 2015. Section 14 of this act expires by limitation on June 30, 2017.
Amends: NRS 598.0965, 598.0966, 598.0967, 598.097, 598.0971, 598.0975, 598.0979, 598.098, 598.0995, new section in NRS Ch. 232, and Statutes of Nevada

SB52 – Search Warrants

- Application and affidavit for search warrant may be sent to judge via secure electronic communication, and warrant may be issued electronically.
- Supreme Court may make rules governing transmission of search warrant information via secure electronic transmission.
- Allows AG or DA to apply to the Supreme or district courts to issue an order to a provider of electronic communications services to disclose the contents of a wire or electronic communication or records pertaining to a customer or subscriber of electronic communications services inline with requirements set forth in 18 USC § 2703. Signature of person required for such an order can be accepted via fax or electronic means.
- Shields provider of electronic communication services and its employees from liability related to disclosure of information pursuant to such an order.
- Electronic and wire communications can be monitored during a hostage situation w/out court order.

Effective June 9, 2015

SB52 – This bill authorizes the use of secure electronic transmission for the submission of an application and affidavit for, and the issuance by a magistrate of, a search warrant. This provides that the Supreme Court may make rules governing secure electronic transmissions for warrants. This bill authorizes the Attorney General or the district attorney to apply for an order authorizing the interception of an electronic communication, it also provides that a provider of electronic communication service, a public utility and associated persons are immune from any liability relating to the interception of a wire, electronic or oral communication made pursuant to such a court order. This bill authorizes the judge to accept a facsimile or electronic copy of the signature of any person required to give an oath or affirmation as part of an application for an order authorizing the interception of a wire, electronic or oral communication as an original signature to the application. This bill provides that the interception, listening or recording of a wire, electronic or oral communication by a peace officer or certain other persons is not unlawful if the peace officer or person is intercepting the communication of a person who has: (1) barricaded himself or herself, resulting in an imminent risk of harm to the life of another person; (2) created a hostage situation; or (3) threatened the imminent illegal use of an explosive. This bill authorizes the Nevada Supreme Court and the district courts of this State to issue orders requiring a provider of electronic communication service to disclose the contents of a wire or electronic communication or a record or other information pertaining to a subscriber to, or customer of, such service upon the application of a district attorney or the Attorney General, or their deputies, supported by an affidavit of a peace officer under the circumstances and upon the conditions prescribed by federal law, and provides that a provider of electronic communication service and associated persons are immune from any liability relating to a disclosure made pursuant to such a court order. Finally, this bill also makes definitional changes and adds references regarding electronic commination and wire taps to existing statutes.

Effective: June 9, 2015

Amends: New sections in NRS Ch. 179, 179.045, 179.410, 179.415, 179.420, 179.425, 179.430, 179.435, 179.440, 179.455, 179.460, 179.465, 179.470, 179.475, 179.485, 179.495, 179.500, 179.505, 179.515, and 199.540

SB54 – Incompetent Defendants

- If a defendant charged with a Category A felony (other than murder of sexual assault) or certain Category B felonies is found incompetent with no chance of competency or released as an outpatient, a DA may petition the court to commit such a defendant to care of DHHS. This bill provides that such a motion must be dismissed if a comprehensive risk assessment indicates that the person does not require the level of security offered by the DHHS forensic facility. This provision applies retroactively.
- A court is no longer required to find that person no longer has a mental disorder by clear and convincing evidence to discharge the person from a program of conditional release.

Effective May 28, 2015

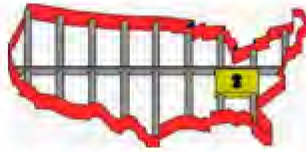
SB54 – This bill provides that if a defendant who has been: (1) found incompetent, with no substantial probability of attaining competency in the foreseeable future; and (2) released from custody or from obligations as an outpatient is charged with any category A felony other than murder or sexual assault or certain category B felonies, the court must dismiss a motion filed by a prosecuting attorney requesting a hearing to determine whether to commit the person to the custody of the Department of Health and Human Services (DHHS), if the comprehensive risk assessment indicates that the person does not require the level of security provided by a forensic facility. This bill removes the requirement that the court find that a person no longer has a mental disorder in order to discharge a person from a program of conditional release from the custody of the DHHS so long as the person is not a danger to him or herself or others. This bill also provides that the amendatory provisions of herein apply retroactively to a person who is charged with any category A felony other than murder or sexual assault or a category B felony listed in subsection 6 of NRS 178.461 if: (1) the proceedings against the person were dismissed before the effective date of this bill; and (2) on the effective date of this bill, the court has not yet ordered the commitment of the person to the custody of DHHS.

Effective: May 28, 2015

Amends: NRS 178.461 and 178.463

SB55 – Defendant Present at Sentencing

- A defendant may knowingly and voluntarily waive his or her right to be present at sentencing (except in a death penalty proceeding) if the defendant is incarcerated in another jurisdiction at the time of sentencing. This bill provides that such a waiver must now include a waiver of all procedures related to extradition from the other jurisdiction; meaning that person will be returned to the State to serve his or her sentence without an extradition warrant.



Effective October 1, 2015

SB55 – Existing law requires a criminal defendant to be present during certain criminal proceedings but allows a defendant to waive the right to be present for sentencing proceedings if the offense is not punishable by death and the defendant is incarcerated in another jurisdiction at the time of sentencing. This bill adds the requirement that such a waiver be accompanied by the defendant‟s waiver of all procedures related to extradition from the other jurisdiction. By waiving these procedures, the defendant will be returned without a warrant to complete any portion of the sentence left to be served in this State upon release from incarceration in the other state.
Effective: October 1, 2015
Amends: 178.388

SB135 – Writing to Refresh a Witness's Memory

- This bill requires a judge to determine that the interests of justice so require before allowing an adverse party to obtain, inspect, use for cross-examination or otherwise introduce in evidence a writing that a witness uses to refresh his or her memory before testifying.
- This bill amends NRS 50.125 to match Federal Rule of Evidence 612.
- See also: ***Las Vegas Sands Corp. v. Eighth Judicial Dist. Court, 130 Nev., Advance Opinion 69***

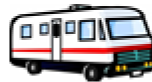
Effective October 1, 2015

SB135 – Existing law entitles an adverse party to obtain and inspect a writing that a witness uses to refresh his or her memory, either before or while testifying. Existing law also entitles the adverse party to use such a writing to cross-examine the witness, as well as introduce in evidence portions of the writing that may affect the witness‟s credibility. This bill requires a judge to determine that the interests of justice so require before allowing an adverse party to obtain, inspect, use for cross-examination or otherwise introduce in evidence a writing that a witness uses to refresh his or her memory before testifying.
Effective: October 1, 2015
Amends: NRS 50.125

SB138 – Forfeiture of Property

- Plaintiff must file a complaint for forfeiture of property within 120 days after the property has been seized if the property was seized without process.
- Forfeiture of property by law enforcement agency is prohibited unless the agency files a compliant for forfeiture in the district court in the county in which the property is located or a stipulated agreement is reached.
- A proceeding for forfeiture must be stayed pending the outcome of a criminal trial.
- If criminal charges against a defendant/claimant are denied or dismissed the property must be returned.
- Property may be forfeited under a pleas or stipulated agreement.

Effective October 1, 2015



SB138 – This bill requires each law enforcement agency to submit an annual report containing certain information relating to the seizure, forfeiture and disposition of property to the Office of the Attorney General. This bill requires a plaintiff to file a complaint for forfeiture within 120 days after property has been seized if the property was seized without process. This bill prohibits the forfeiture of property seized by a law enforcement agency unless: (1) the agency files a complaint for forfeiture in the district court for the county in which such property is located; or (2) a stipulated agreement between the parties is reached. This bill also requires that, if a criminal trial is pending, an order staying a proceeding for forfeiture remains in effect until the completion of the criminal trial. It requires seized property to be returned to a claimant if the criminal charges against the claimant have been denied or dismissed. Lastly, this bill provides for the forfeiture of property through a claimant‟s plea or a stipulated agreement reached between the claimant and the plaintiff.

Effective: October 1, 2015

Amends: New section in NRS Ch. 179, 179.1156, 179.1157, 179.1171, 179.1173

SB191 – Return of Seized Property

- Unreasonable retention by law enforcement (under the totality of circumstances) of seized property is included in the list of reasons (NRS 179.085) a person may petition a court for the return of the property. Existing reasons are related to unlawful search and seizure.
- A court may impose reasonable conditions when granting such a motion to protect access to the property and its use in later proceedings.
- If a motion is filed and there is no related criminal case, the motion shall be treated as civil compliant seeking equitable relief.

October 1, 2015

SB191 – Existing law sets forth a procedure by which a person who is aggrieved by an unlawful search and seizure of his or her property may move a court for the return of the property and the suppression of its use as evidence. This bill establishes a procedure by which a person who is aggrieved by the seizure and deprivation of property under certain other circumstances may move a court for the return of the property.

Effective: October 1, 2015

Amends: NRS 179.085

V. REVISED CRIMES

AB114 – Restitution

- Judgment requiring payment of restitution does not expire until satisfied.
- Exempts judgment from the time limitation for commencing an action or seeking the renewal.

Effective October 1, 2015 (Retroactive to any unexpired judgment)

AB114 – Existing law provides that a judgment which, among other things, requires a defendant in a criminal action to pay restitution constitutes a lien which is enforceable as a judgment in a civil action. Existing law also provides that an action upon a judgment or decree or for the renewal of such judgment or decree must be commenced within 6 years. This bill: (1) provides that a judgment requiring a defendant in a criminal action or a parent or guardian of a child to pay restitution does not expire until it is satisfied; and (2) exempts such a judgment from the time limitation for commencing an action or seeking the renewal thereof.

Effective: October 1, 2015
Amends: NRS 176.275, 176A.850, 176A.870, 11.190, 62B.420, and 213.154

AB212 – Statute of Limitations for Sexual Assault

- Increases the statute of limitation for sexual assault from 4 years after the commission of the offense to 20 years.

Effective October 1, 2015

AB212 – Existing law requires that criminal proceedings for sexual assault must commence, by way of indictment, criminal information or complaint, within 4 years after the commission of the offense. This bill provides that a prosecution for sexual assault must be commenced within 20 years after the commission of the offense.
Effective: October 1, 2015
Amends: NRS 171.085

AB214 – Solicitation

- Increases penalties for person who solicits a child for prostitution.
  - 1st Offense Category E Felony
  - 2nd Offense Category D Felony
  - 3rd and subsequent offense Category C Felony
- Further prohibits court from granting probation to, or suspending the sentence of, a person convicted of a 3rd or subsequent offense of soliciting a child for prostitution.

Effective May 27, 2015

AB214 – Existing law provides that a person who solicits a child for prostitution is guilty of a category E felony. This bill increases the penalty for this offense to make: (1) the first offense a category E felony punishable by the penalties applicable to other category E felonies and a mandatory fine of not more than $5,000; (2) the second offense a category D felony punishable by the penalties applicable to other category D felonies; and (3) the third and subsequent offense a category C felony punishable by the penalties applicable to other category C felonies. This bill further prohibits the court from granting probation to, or suspending the sentence of, a person convicted of a third or subsequent offense of soliciting a child for prostitution.
Effective: May 27, 2015
Amends: NRS 217.530, 217.540, and 201.354

AB244 – Graffiti

- Person previously convicted two or more times of placing graffiti on or otherwise defacing public or private property or has previously been convicted of a felony for such conduct, and if the person commits another such violation, regardless of the value of the loss, is guilty of a Category D Felony.

Effective October 1, 2015

AB244 – Existing law provides that a person who unlawfully places graffiti on or otherwise defaces the public or private property of another without the permission of the owner is guilty of a misdemeanor, gross misdemeanor or felony, depending on the value of the loss of the property. This bill provides that if a person has previously been convicted two or more times of placing graffiti on or otherwise defacing public or private property or has previously been convicted of a felony for such conduct, and the person commits another such violation, regardless of the value of the loss, the person is guilty of a category D felony.
Effective: October 1, 2015
Amends: NRS 206.330

SB40 – This bill provides that it is unlawful for a person to: (1) receive any compensation or reward, or any percentage or share of the money or property played, for accepting a bet or wager on the result of any event held at a track involving a horse or other animal, sporting event or other event, without having first procured, and thereafter maintaining, all required gaming licenses; (2) accept or facilitate a bet or wager on the result of any event held at a track involving a horse or other animal, sporting event or other event that is placed with a person who receives any compensation or reward, or any percentage or share of the money or property played, for accepting or facilitating such a bet or wager without having first procured, and thereafter maintaining, all required gaming licenses; or (3) transmit or deliver anything of value resulting from a bet or wager on the result of any event held at a track involving a horse or other animal, sporting event or other event with a person who receives any compensation or reward, or any percentage or share of the money or property played, for accepting or facilitating such a bet or wager without having first procured, and thereafter maintaining, all required gaming licenses. A person who violates any such provision is guilty of a category B felony.
Effective: October 1, 2015
Amends: New section in NRS Ch. 465

SB56 – Graffiti

- Revises the definition of "graffiti" to: (1) clarify that estrays and livestock are included within the scope of property to which the offense of graffiti applies; and (2) exclude certain items which are affixed to property.
- Revises "graffiti implement" to include any item that may be used to etch or deface property. (Misdemeanor)
- Authorizes the payment of restitution to a governmental agency for future expenses to abate the graffiti.
- Clarifies a governmental agency may also bring a civil action to recover damages from a person who placed graffiti if the governmental agency owns or is otherwise responsible for the damaged property.
- Authorizes a board of county commissioners/governing body of a city to provide by ordinance for the covering or removal of certain graffiti placed on residential property.
- Authorizes board of county commissioners/governing body of a city to provide by ordinance procedures in which the owner of a nonresidential property may be ordered to cover or remove certain graffiti on the owner's property.
- Expands the use of funds: (1) to purchase supplies or pay for other graffiti abatement costs incurred by the city; (2) pay for information which results in the identification, apprehension or conviction of a person who is alleged to have violated a city ordinance prohibiting graffiti or defacement of property; and (3) to be paid upon approval of the city manager, the authorized designee of the city manager or, if the city does not have a city manager, the governing body of the city.

Effective October 1, 2015

SB56 – This bill revises the definition of "graffiti" and it expanding the list of items that are considered graffiti implements which are unlawful to carry in certain places. This bill clarifies that a governmental entity may bring a civil action for damages to public property. It authorizes the governing body of a city to adopt ordinances to address covering and removing certain graffiti on residential and nonresidential property. Finally, this bill revises provisions governing money in a city‟s graffiti reward and abatement fund.

Effective: October 1, 2015

Amends: New sections in NRS Ch. 206, 206.005, 206.150, 206.335, 206.345, 244.36915, 244.3692, 244.36935, 244.3694, new sections in Ch. 268, 268.4075, 268.408, and 268.4085

SB175 – Justifiable Homicide and Firearms

- Killing a person who is trying to 'car jack' your vehicle is a justifiable homicide.
- Establishes a rebuttable presumption that a killing is justified if the person who was killed was unlawfully entering the property of another or was committing/attempt to commit a crime of violence.
- Person who is subject to an extended protection order against domestic violence may not purchase or acquire a firearm for the period the order is in affect (Cat. B Felony).
- Extends civil immunity to a person who justifiably used force to protect person/property under NV law.
- CCW reciprocity now requires a determination that the other requires training rather than a determination if the other state's requirements are equal to, or greater than, Nevada's.
- Implements state preemption regarding regulation of firearms and does away with Clark County 'blue card' firearm registration.

Effective June 2, 2015

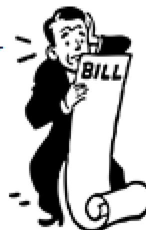
SB175 – This bill revises the definition of "justifiable homicide" to include specifically the killing of a person in defense of an occupied motor vehicle or in defense against any person who manifestly intends and endeavors to enter the occupied motor vehicle of another for the purpose of assaulting a person who is in the motor vehicle. This bill establishes a rebuttable presumption that a killing is justifiable under the standard set forth in NRS 200.130 if the person killing: (1) knew or reasonably believed that the person who was killed was entering unlawfully and with force, or attempting to enter unlawfully and with force, the habitation or property of another; (2) knew or reasonably believed that the person who was killed was committing or attempting to commit a crime of violence; and (3) did not provoke the person who was killed. This bill adds a person who has been convicted in this State or any other state of a misdemeanor crime of domestic violence, as defined in federal law, as a person who cannot own, or have in his or her possession, custody, or control, a firearm; a person who is subject to an extended order for protection against domestic violence is also subject to these provisions while the order if in effect. Existing law provides that in a civil action brought by or on behalf of a person against whom force which is intended or likely to cause death or bodily injury was used: (1) there is a presumption that the person who used such force had a reasonable fear of imminent death or bodily injury to himself or herself or another person if the person against whom such force was used was committing burglary or invasion of the home; and (2) that presumption must be overcome by clear and convincing evidence to the contrary for the civil action to be maintained. This bill extends that presumption to circumstances in which the person who used such force was in his or her motor vehicle and the other person was committing grand larceny of the motor vehicle with the use or threatened use of a deadly weapon. This bill also enacts a provision, based upon Texas law, which provides that a person is immune to civil liability for using force which is intended or likely to cause death or bodily injury if the person was justified in using such force under the applicable provisions of Nevada criminal law (Texas Civil Practice and Remedies Code § 83.001). This bill revises the determination that DPS must make and publish yearly regarding the CCW laws of other states to only determine whether each state requires a person to complete any training, class, or program. This expands

legislative preemption on firearms laws to include the carrying and storage of firearms, accessories, and ammo and the definitions of these terms. Finally, this bill eliminates the Clark County „blue card‟ handgun registration program, and makes changes related thereto.
Effective: June 2, 2015
Amends: NRS 200.120, 200.130, 202.360, 202.3688, 202.3689, new section in Ch. 33, 33.017, 41.095, 244.364, 268.418, and 269.222

SB176 – This bill removes knives which are made an integral part of a belt buckle and switchblade knives from the list of deadly weapons it is a crime to manufacture, import, sell, give, lend, or possess in Nevada. This bill revises definitions of "switchblade knife" set forth in other provisions of existing law to accommodate the change. This bill repeals a provision of existing law that authorizes a sheriff to issue a permit to allow the manufacture or sale of switchblade knives under certain circumstances. Finally, this bill removes dirks, daggers and knives which are made an integral part of a belt buckle from the list of weapons for which such a permit is required, and it adds pneumatic guns to the list of weapons that a person cannot carry in a concealed manner without a permit to do so.
Effective: July 1, 2015
Amends: NRS 202.265, 202.350, and 392.466
Note: *Due to a drafting error, this bill unintentionally removed some provisions regarding criminal penalties associated with deadly weapons. Correction of this error was approved by the Legislative Commission on August 10, 2015 pursuant to NRS 218D.720.*

SB 186 – Attorney's Fees in Criminal Cases

- This bill adopts various provisions, modeled after federal law, to enable eligible parties that prevail over the State of Nevada in a criminal action to recover some or all of their attorney's fees and litigation expenses if a court finds that the position of the State in the criminal action was vexatious, frivolous or in bad faith.
- Person represented by state/local public defender or appointed counsel is ineligible to recover costs.



Applies to any criminal actions that is pending on October 1, 2015, or which is brought on or after that date.

SB186 – This bill adopts various provisions, modeled after federal law (18 U.S.C. § 3006A), to enable eligible parties that prevail over the State of Nevada in a criminal action to recover some or all of their attorney‟s fees and litigation expenses if a court finds that the position of the State in the criminal action was vexatious, frivolous or in bad faith.
Effective: October 1, 2015 (applies to any court proceeding pending on, or filed on or after, that date)
Amends: New section in NRS Ch. 41

SB192 – Teacher Sex Offenses

- Subjects persons who are convicted of offenses involving sexual conduct between a school teacher or volunteer with a pupil (NRS 201.540) or offense related to a university employee having sexual contact with a student (NRS 201.550) to the following requirements:
  - Lifetime supervision;
  - Psychosexual evaluation/risk assessment (PSI and parole);
  - Victim/witness notification;
  - Sealing of records prohibited and;
  - Sex offender registration.

Amendatory provisions of sections 1 to 4, inclusive, 10 and 11 apply to offenses committed on or after October 1, 2015. Sections 5 to 8, inclusive, 12 and 13 apply to offenses committed before, on or after October 1, 2015.

SB192 – This bill adds to the list of sexual offenses that require a sentence of lifetime supervision, of a psychosexual evaluation, of victim and witness notification, the prohibition of records sealing, sex offender registration, and of a sexual re-offense risk assessment, (1) an offense involving sexual conduct between certain employees of or volunteers at a school and certain pupils; and (2) an offense involving sexual conduct between certain employees of a college or university and certain students. It also revises definitions related to such offenses.

Effective: October 1, 2015

Amends: NRS 176.0931, 176.133, 176A.110, 178.5698, 179.245, 179D.097, 179D.495, 201.540, 201.550, 213.107, and 213.1214

SB197 – False Liens

- Prohibits a person from filing, registering, recording, or presenting, in any public office, a lien or other encumbrance against the property of a public officer (including judges), candidate for public office, public employee, or participant in an official proceeding or a member of the immediate family of such a person if the lien or encumbrance is forged or fraudulently altered, contains a false statement of material fact, or is filed in bad faith to harass or defraud such a person.
- Filing such a false lien is a Category B Felony, and each violation carries a $20,000 civil penalty.
- A civil action may be brought by the person against whom the lien was filed to recover damages and attorney's fees and costs.
- Any encumbrance filed against personal property of one of the above named person and which is based on the performance or failure to perform an official duty is invalid unless authorized by specific statute or court order.

Effective October 1, 2015

FRAUD ALERT

SB197 – This bill prohibits a person from filing, registering, recording or presenting, in any public office, a lien or other encumbrance against the property of a public officer (including judges), candidate for public office, public employee or participant in an official proceeding or a member of the immediate family of such persons, if the lien or encumbrance is forged or fraudulently altered, contains a false statement of material fact or is filed, registered, recorded or presented in bad faith for the purpose of harassing or defrauding such persons. A person who violates this provision is guilty of a category B felony and may be punished by imprisonment in the state prison for not less than 2 years or by a fine of not more than $20,000, or both. If the person commits a second or subsequent offense, or engages in a pattern or practice of filing such liens or encumbrances, the person may be punished by imprisonment in the state prison for up to 20 years or a fine of up to $150,000, or both. This bill also provides a civil penalty of $20,000 for each violation and authorizes a person to bring a civil action for damages suffered and attorney"s fees and costs. Existing law provides that a lien filed against a public officer or employee which is based on the performance of or failure to perform an official duty is invalid unless the filing of the lien is authorized by a specific statute or court order. This bill extends such invalidity: (1) to encompass any encumbrance filed against real or personal property; and (2) to include candidates for public office, participants in official proceedings and the immediate families of public officers, candidates for public office, public employees and such participants.

Effective: October 1, 2015

Amends: New section in NRS Ch. 205, 205.395, 225.083, 225.084, and 281.405

SB447 – Marijuana

- Establishes a letter of approval for medical marijuana and makes changes to provisions regulating registry cards and letters of approval.
- Prohibits forging, counterfeiting or attempting to do so, a letter of approval for medical marijuana (Cat. C Felony).
- Prohibits the posses with intent to use a counterfeit or forged medical marijuana card or approval letter.
- Defines concentrated cannabis and revises the definition of marijuana.
- Lowers amount of marijuana possessed that constitutes trafficking, and includes concentrated cannabis in provisions regarding controlled substances.
- Makes changes and allowances related to medical marijuana establishments, and the regulation thereof.
- Medical marijuana users are not exempt from prosecution for possession of marijuana or paraphernalia on school grounds.
- Medical marijuana that is seized by law enforcement must be returned if no prosecution occurs, the charges are dismissed, or the defendant is acquitted.
- Law enforcement agencies may establish policies prohibiting employees from using medical marijuana.

Effective July 1, 2015

SB447 – This bill makes numerous changes related to marijuana. It revises the crime of counterfeiting or forging a registry identification card for the medical use of marijuana. This bill defines certain terms, including “concentrated cannabis”, and it revises the definition of marijuana for certain purposes. This bill makes it unlawful to extract concentrated cannabis. It further revises the provisions pertaining to trafficking in marijuana and concentrated cannabis. It provides for the issuance of a letter of approval to certain children that allow such children to engage in the medical use of marijuana. This bill also revises certain exemptions from state prosecution for marijuana related offenses, and revises provisions governing the return of seized marijuana, paraphernalia or related property from certain persons. This bill provides that certain records created by the Division of Public and Behavioral Health of the Department of Health and Human Services relating to the medical use of marijuana are not confidential. It authorizes the Division to issue a registry identification card, and revises provisions relating to the location and operation of medical marijuana establishments. Finally, this bill authorizes law enforcement agencies to adopt policies and procedures governing the medical use of marijuana by employees.

Effective: July 1, 2015

Amends: NRS 207.335, new sections in Ch. 453, and numerous sections of Ch. 453

VI. SPECIALTY COURTS

AB81 – Treatment Abuse of Alcohol or Drugs

- Defines the term "treatment provider."
- Authorizes a court to allow a person to complete treatment for the abuse of alcohol or drugs under the supervision of a treatment provider in another jurisdiction in certain circumstances.
- Treatment provider is required to comply with the requirements of the specialty court.

Effective July 1, 2015

AB81 – Existing law provides that in certain circumstances, an alcoholic or a drug addict who has been convicted of a crime is eligible to elect to be assigned by the court to a program of treatment for the abuse of alcohol or drugs before he or she is sentenced. If the court finds that the person is eligible to make such an election, the court is required to hold a hearing before it sentences the person to determine whether the person should receive treatment under the supervision of a state-approved facility for the treatment of alcohol or drugs. This bill defines the term "treatment provider" as a public or private agency, residential treatment center, facility for the treatment of abuse of alcohol or drugs, voluntary organization which is certified by the Division of Public and Behavioral Health of the Department of Health and Human Services, or a licensed or certified psychologist, marriage and family therapist, social worker or alcohol, drug and gambling counselor. This bill replaces certain references to the term "facility" in chapter 458 of NRS with the term "treatment provider." This bill provides that if a court places a person under the supervision of a treatment provider to receive treatment, the court may, in certain circumstances, authorize the person to complete any period of treatment remaining under the supervision of a treatment provider in another jurisdiction. This bill revises the duties of the court when the court offers the election of a treatment program to a person. This bill provides that if a person makes such an election to participate in a treatment program and the court has a specialty court for the supervision and monitoring of the person, the treatment provider must comply with the requirements of the specialty court. Existing law also allows certain offenders found guilty of driving under the influence of alcohol or a prohibited substance to apply to the court to undergo a program of treatment for alcoholism and drug abuse. This bill replaces the term "treatment facility" for the purposes of chapter 484C of NRS with the term "treatment provider." This bill also revises the duties of the court upon determining that an application for treatment should be granted. This bill generally replaces references to facilities for the treatment of abuse of alcohol or drugs in other chapters of NRS with the term "treatment provider."

Effective: July 1, 2015

Amends: NRS 453.336, 453.580, new section in NRS Ch. 458, 458.010, 458.025, 458.080, 458.125, 458.131, 458.270, 458.280, 458.300, 458.310, 458.320, 458.330, 458.350, 62A.340, 62E.620, new section in Ch. 484C, 484C.100, 484C.320, 484C.330, 484C.340, 484C.360, 484C.400, 484C.410, and 484C.460

AB85 – This bill make various changes regarding the requirements for obtaining and renewing a license or certificate as an alcohol, drug or gambling counselor or intern. This bill reduces the duration of certificates for certain counseling interns from 1 year to 6 months. This bill eliminates the 30-day grace period authorizing an otherwise qualified person to engage in the practice of counseling alcohol and drug abusers or problem gamblers without a license or certificate while his or her application is being reviewed. This bill prohibits a person who is not licensed or certified by the Board from engaging in the practice or clinical practice of counseling alcohol and drug abusers and problem gamblers.
Effective: July 1, 2015
Amends: NRS 641C.200, 641C.210, 641C.290, 641C.300, 641C.310, 641C.320, 641C.331, 641C.340, 641C.350, 641C.420, 641C.430, 641C.440, 641C.530, 641C.900, 641C.910, and Statutes of Nevada

SB84 – Providers of Health Care

- This bill includes alcohol and drug abuse counselors, social workers, and problem gambling counselors in the definition of "provider of health care."
- Inclusion in definition of "provider of health care" means alcohol and drug counselors are consider behavioral health care providers for purposes federal health care parity and are eligible to seek to become eligible to bill Medicaid.

Effective July 1, 2015

SB84 –This bill includes alcohol and drug abuse counselors, social workers, and problem gambling counselors in the definition of a "provider of health care."
Effective: July 1, 2015
Amends: New section in NRS Ch. 629, 629.011, 629.031, and 629.161

SB459 – Opioid Overdose Prevention

- Authorizes a doctor, a P.A., or an A.P.R.N. to prescribe and pharmacists to dispense opioid antagonists (e.g. Naloxone) and provides civil and criminal immunity for doing as such.
- Provides civil and criminal immunity for a person who, in good faith, seeks medical assistance for someone experiencing an alcohol or drug overdose.
- Requires pharmacists to get drug abuse education.
- Requires pharmacists to upload information regarding controlled substance prescriptions and suspected misuse into a database and must check the database before.
- Prescribed must obtain a patient utilization report from the database before prescribing controlled substances.

Effective May 5, 2015 and October 1, 2015

SB459 – This bill enacts the Good Samaritan Drug Overdose Act. This bill authorizes certain health care professionals to prescribe and dispense an opioid antagonist to certain persons under certain circumstances, and it provides immunity from civil and criminal liability and professional discipline for such prescribing and dispensing of an opioid antagonist. It provides criminal and other immunity for persons who seek medical assistance for a person who is experiencing a drug or alcohol overdose under certain circumstances. This bill authorizes certain licensing boards to require that certain persons registered by the State Board of Pharmacy receive periodic training concerning the misuse and abuse of controlled substances, and it authorizes the imposition of disciplinary action for failure to complete such training. This bill requires that certain information concerning a prescription for a controlled substance be uploaded to the database of a certain computerized program, and it revises requirements for certain persons to access a certain computerized program before initiating certain prescriptions for a controlled substance.

Effective: May 5, 2015 for regulatory and administrative purposes; and October 1, 2015, for all other purposes

Amends: New sections in NRS Ch. 40, 453.1545, new section in Ch. 630, 630.306, new section in Ch. 631, 631.3475, new section in Ch. 632, 632.320, new section in Ch. 633, 633.511, new section in Ch. 635, 635.130, new section in Ch. 636, 636.295, 639.23507, and 639.310

SB500 – Treatment Facilities

- This bill eliminates the requirement that a facility for the treatment of abuse of alcohol or drugs needs to be certified by the Division of Health and Human Services as a prerequisite to obtaining a license to operate the facility.

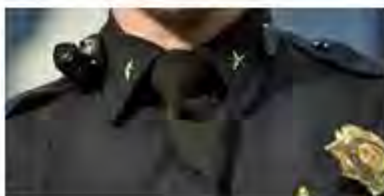
Effective July 1, 2015

SB500 – This bill eliminates the requirement that a facility for the treatment of abuse of alcohol or drugs needs to be certified by the Division of Health and Human Services as a prerequisite to obtaining a license to operate the facility.
Effective: July 1, 2015
Amends: NRS 449.0045

VII. STUDIES/ADVISORY COMMISSION ON THE ADMINISTRATION OF JUSTICE

SB111 – NHP Body Cams

- Requires the use of portable event recoding devices by certain officers employed by the Nevada Highway Patrol (NHP).
- Requires the Advisory Commission on the Administration of Justice to review the policies and procedures developed by NHP governing the use of the recording devices.



Effective June 11, 2015 and January 1, 2017

SB111 – This bill requires the use of portable event recording devices (body cams) by the uniformed officers of the Nevada Highway Patrol (NHP) and makes the recordings public records. This bill also requires the Advisory Commission on the Administration of Justice to review the policies and procedures developed by NHP related to the use of body cams.
Effective: Upon passage and approval for purposes of developing policies and procedures; July 1, 2015, for an appropriation; and January 1, 2017, for all other purposes.
Amends: New section in NRS Ch. 480, 179.425, 239.010, 331.220, 393.400, and 396.970

SB449 – Advisory Commission on the Administration of Justice

- Advisory Commission on the Administration of Justice revises the membership to include a justice of the peace or municipal judge appointed by the NJLJ.
- Commission must appoint a subcommittee to conduct an interim study on parole.

Effective July 1, 2015

SB449 – This bill revises the membership of the Advisory Commission on the Administration of Justice to include a municipal judge or justice of the peace appointed by the governing body of the Nevada Judges of Limited Jurisdiction. This bill also requires the Advisory Commission to appoint a subcommittee to conduct an interim study concerning parole.
Effective: July 1, 2015
Amends: NRS 176.0123 and Statutes of Nevada

VIII. TRAFFIC/WATERCRAFT

AB67 – Traffic (DUI)

- Specifies certain conditions under which a person is deemed not to be in physical control of a vehicle.
- Revises provisions governing the administration of certain tests for the presence of alcohol, controlled substances and prohibited substances.
- If a person fails to submit to an evidentiary test pursuant to NRS 484C.160, the license, permit or privilege to drive must be revoked pursuant to NRS 484C.220. The person is not eligible for a license, permit or privilege to drive for a period of 1 year or 3 years, if the license, permit or privilege to drive of the person has been revoked during the immediate preceding 7 years for failure to submit to an evidentiary test.
- At least 10 days before court date, defendant can object in writing to admitting affidavit or declaration into evidence. The Court shall not admit the affidavit or declaration into evidence.
- Witness fees assessed for testimony regarding blood test if convicted (hourly $50 for travel to/from; $100 for providing or waiting to provide testimony).

Effective June 9, 2015 and July 1, 2015

AB67 – Existing law makes it unlawful for a person to drive, operate or be in actual physical control of a vehicle or vessel while under the influence of intoxicating liquor or a controlled substance, or both. This bill define the term "under the influence" for the purposes of existing law relating to driving, operating or being in actual physical control of a vehicle or vessel while under the influence of intoxicating liquor or a controlled substance, or both. This bill provides that a person shall be deemed not to be in actual physical control of a vehicle if: (1) the person is asleep inside the vehicle; (2) the person is not in the driver‟s seat of the vehicle; (3) the engine of the vehicle is not running; (4) the vehicle is lawfully parked; and (5) under the facts presented, it is evident that the person could not have driven the vehicle to the location while under the influence of intoxicating liquor, a controlled substance or a prohibited substance. Existing law allows the affidavits and declarations of certain persons to be admitted as evidence during a criminal proceeding to prove certain facts relating to the testing of the blood, breath or urine of a defendant to determine the presence or concentration of alcohol or certain other substances. In a felony trial, if the defendant objects in writing to the admission of such affidavits or declarations, the court must not admit the affidavit or declaration into evidence and the prosecution may cause the witness to testify at trial concerning the information contained in the affidavit or declaration. A defendant in a misdemeanor trial, however, must also establish that: (1) there is a substantial and bona fide dispute between the prosecution and the defense regarding the facts in the declaration; and (2) it is in the best interests of justice that the witness who signed the affidavit or declaration be cross-examined. (NRS 50.315) The Nevada Supreme Court has held that the additional requirements imposed on a misdemeanor defendant under existing law violate a defendant‟s constitutional right to confront the witnesses against him or her and are therefore unconstitutional. (*City of Reno v. Howard*, 130 Nev. Adv. Op. 12, 318 P.3d 1063 (2014)) This bill eliminates the constitutional defect identified by the Nevada Supreme Court and provides instead that an affidavit or declaration must not be admitted as evidence during a misdemeanor trial to prove certain facts relating to the testing of the blood, breath or urine of a defendant to determine the presence or concentration of alcohol or certain other substances if, not later than 10 days before the date set for trial or such shorter time before the date set for trial as authorized by the court, the defendant objects in writing to

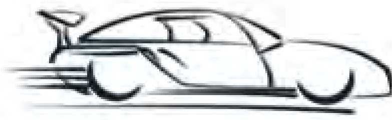
the admission of the affidavit or declaration. Under this bill, if the affidavit or declaration is not admitted into evidence, the prosecution may produce the witness to provide testimony at trial concerning the information contained in the affidavit or declaration at trial. Under existing law, a person who drives a vehicle in this State is deemed to have given his or her consent to an evidentiary test of his or her blood, urine, breath or other bodily substance to determine the concentration of alcohol in his or her blood or breath or to determine whether a controlled substance, chemical, poison, organic solvent or another prohibited substance is present. If a person who has thus given his or her "implied consent" to an evidentiary test refuses to submit to the test when directed to do so by a police officer who has reason to believe that the person was driving a vehicle or operating a vessel while under the influence of alcohol or a controlled substance, existing law authorizes the police officer to direct that reasonable force be used to obtain a sample of blood from the person to be tested. The Nevada Supreme Court has held that the consent implied by a person"s decision to drive in this State is not voluntary consent to an evidentiary blood test and, thus, existing laws that allow a police officer to obtain a blood sample from a person without a warrant and without voluntary consent are unconstitutional. (*Byars v. State*, 130 Nev. Adv. Op. No. 85, 336 P.3d 939 (2014)) This bill eliminate the constitutional defect identified by the Nevada Supreme Court and provide instead that if a person refuses to submit to an evidentiary blood test at the request of a police officer: (1) the officer may apply for a warrant or other court order directing the use of reasonable force to obtain the blood sample; and (2) the person"s driver"s license must be revoked for a certain period. This bill further authorizes the revocation of a person"s license, permit or privilege to drive if an evidentiary test reveals the presence of a detectable amount of a controlled substance or prohibited substance in his or her blood or urine for which he or she did not have a valid prescription or hold a valid registry identification card. This bill makes corresponding revisions to provisions of existing law which establish the procedure for effecting such a revocation and provide for an administrative hearing to challenge such a revocation. This bill makes comparable changes to existing law concerning the evidentiary tests of persons who operate or exercise actual physical control over vessels on the waters of this State. **Section 5** of this bill makes comparable changes to existing law concerning evidentiary tests of persons who have actual physical possession of a firearm.
Effective: June 9, 2015, and July 1, 2015
Amends: NRS 50.315, 202.257, new section in NRS Ch. 484C, 484C.010, 484C.150, 484C.160, 484C.200, 484C.210, 484C.220, 484C.230, 484C.240, 484C.250, 488.035, 488.450, 488.460, 488.470, 488.500

AB143 – Existing law requires a peace officer who stops a vehicle for violating certain traffic laws to demand proof of insurance. This bill provides that, if the evidence of insurance provided to the peace officer by the driver of the vehicle is in an electronic format displayed on a mobile electronic device, the peace officer shall not intentionally view any other content on the mobile electronic device. A violation of this prohibition would be punished as a misdemeanor under existing law.
Effective: May 25, 2015, for purposes of developing policies and procedures, and October 1, 2015, for all other purposes.
Amends: NRS 482.215, 484A.650, 485.034, and 690B.023

AB188 – This bill provides certain limitations on a headlamp or headlamps on a motorcycle or moped. A violation of these new limitations is a misdemeanor under existing law.
Effective: October 1, 2015
Amends: NRS 484D.220 and 486.281

SB2 – Increased Speed Limit

- Increases the maximum speed at which a person may operate a motor vehicle from 75 to 80 miles per hour within the existing statutory limitations.
- Expands the existing $25 fine provisions of NRS 484B.617 to 80 mph in a 75 mph zone, and 85 mph in an 80 mph zone (rural speed).



Effective October 1, 2015

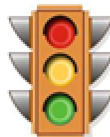
SB2 – This bill increases the maximum speed at which a person may operate a motor vehicle from 75 to 80 miles per hour subject to existing statutory requirements. This bill expands existing "rural speed" violation include traveling 80 miles per hour (mph) in a 75 mph zone, and traveling at 85 mph in an 85 mph zone.
Effective: October 1, 2015
Amends: NRS 484B.600, 484B.613, and 484B.617

SB43 – This bill revises provisions requiring the drivers of buses, school buses, or vehicles carrying hazardous materials to stop at all railroad grade crossings, and it makes it unlawful for the driver of any vehicle to fail to completely cross railroad tracks because of insufficient undercarriage clearance or because of insufficient space to drive completely through the crossing without stopping.
Effective: October 1, 2015
Amends: NRS 484B.560

SB144 – Pedestrian Safety Zones

- Local gov't. or NDOT may designate pedestrian safety zones on a highway if the findings regarding the necessity of and appropriateness of the zone are made.
- Such a zone must be marked, and a violation of a speed limit or certain other violations in a pedestrian safety zone may result in the penalty being doubled.
- Vehicles must yield right-of-way to pedestrians at intersections with a flashing yellow turn arrow.
- It is unlawful for a driver to make a U-turn or overtake and pass another vehicle in a school zone when the school speed limit is in effect and children are present.

Effective October 1, 2015



SB144 – This bill authorizes the governing body of a local government or the Department of Transportation to designate pedestrian safety zones on a highway if certain findings are made. It also provides that a person who is convicted of a violation of a speed limit or of certain other violations may be subject to a doubling of the penalty if the violation occurs in a pedestrian safety zone that is appropriately marked with signs designating the pedestrian safety zone and providing notice that additional penalties may apply in such a zone. Such a doubling of the penalty is discretionary with the court. This bill provides that at intersections with a flashing yellow turn arrow a driver must yield the right-of-way to a pedestrian. Finally, this bill makes it unlawful for a driver to make a U-turn or to overtake and pass another vehicle in a school zone or a school crossing zone when the school speed limit is in effect and children are present.
Effective: October 1, 2015
Amends: New section in NRS Ch. 484B, numerous sections of Ch. 484B, 484C.110, and 484C.120

SB156 – This bill provides that a person who drives through a roadblock established because of flooding is liable for the expenses of any emergency response required to assist the driver or any passenger, or to move or remove the vehicle from the area. It also provides an exception to this requirement, and provides a person convicted of reckless driving for driving a vehicle into an area that is temporarily covered with water may be liable for the expenses of any emergency response required to assist the driver or any passenger, or to move or remove the vehicle from the area.
Effective: July 1, 2015
Amends: New section in NRS Ch. 484B

SB188 – This bill changes the word "accident" in NRS sections to "crash." In those sections of existing law where the term "accident" is intended to include both a motor vehicle crash and an accidental incident of some other type, the word "accident" is amended by adding "and motor vehicle crash" or "and crash." This bill clarifies that, for the purposes of the Nevada Insurance Code, the term "crash" has the same meaning as previous uses of the term "accident," when used in reference to motor vehicles. Finally, this bill provides that the amendatory provisions of this bill shall be construed as non-substantive and that it is not the intent of the Nevada Legislature to modify any existing application, construction or interpretation of any statute which has been so amended.
Effective: June 1, 2015, for purposes of adopting regulations and administration and January 1, 2016, for all other provision
Amends: All sections of NRS containing "accident" as contemplated in this bill (120 pages with 151 sections)

SB245 – Accidents Resulting in Injury or Death

- Maximum term of imprisonment for leaving the scene of a injury/death accident increased from 15 to 20 years, and the sentence may not be suspended nor probation granted.
- Each person who is hurt/dies constitutes a separate offense of leaving the scene.
- Defendant may no longer offer affirmative defense that he or she consumed alcohol or drugs after driving if the person is also charged with a violation of any law requiring he or she stop at the scene of the accident, provide information, or provide assistance to persons injured in the accident.

The amendatory provisions of this act apply to an offense committed after October 1, 2015

SB245 – This bill increases the maximum term of imprisonment for a person who leaves the scene of an accident that results in bodily injury to, or the death of, a person from 15 years to 20 years, thereby making the penalties the same for leaving the scene of such an accident and driving under the influence of alcohol or a prohibited substance and proximately causing substantial bodily harm to or the death of another person. It also provides that such a person commits a separate offense for each person who is injured or dies in the accident. This bill provides that the sentence of a person convicted of such a crime may not be suspended nor may probation be granted to the person. Existing law provides that if: (1) a person drives a vehicle and proximately causes substantial bodily harm to or the death of another person; (2) the person is found by measurement within 2 hours after driving or being in actual physical control of a vehicle to have a concentration of alcohol of 0.08 or more in his or her blood or breath; and (3) consumption is proven by a preponderance of the evidence, the person may use as an affirmative defense that he or she consumed a sufficient quantity of alcohol after driving or being in actual control of the vehicle, and before his or her blood or breath was tested, to cause the person to have such a concentration of alcohol in his or her blood or breath. This bill provides that a person may not offer such an affirmative defense if the person is also charged with a violation of any of the provisions of law which require a person to: (1) stop at the scene of an accident involving death, personal injury or damage to a vehicle or other property; and (2) provide certain information and render reasonable assistance to injured persons after any such accident.
Effective: October 1, 2015
Amends: NRS 484C.430 and 484E.010

SB263 – This bill this bill exempts from the prohibition against operating a vehicle on a sidewalk a vehicle that is powered solely by electricity and designed to travel on three wheels when such a vehicle is operated: (1) as an authorized emergency vehicle; (2) by a law enforcement officer in the course of his or her duties; or (3) by a security guard in the course of his or her duties. This bill also authorizes a board of county commissioners, to protect the health and safety of the public, to enact an ordinance regulating the time, place and manner of the operation of such vehicles by a security guard.
Effective: July 1, 2015
Amends: NRS 484B.117 and 244.3571

SB354 – Motorized Wheelchairs

- Motorized wheelchairs are defined as "pedestrians" under existing statute (NRS Ch. 484A).
- This bill authorizes a pedestrian to travel onto an adjacent highway if a short section of sidewalk is missing or impassible.
- Pedestrians may use the bike lane if the area between the bike lane and sidewalk is impassable.
- The pedestrian using the bike lane must stay as close to the sidewalk as possible and return to the sidewalk as soon as practicable. Failure to do so is a misdemeanor.

Effective May 27, 2015 and January 1, 2016

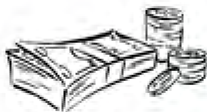
SB354 – Under existing law, a motorized wheelchair is considered a pedestrian for the purposes of various traffic laws and rules of the road. Existing law also prohibits a pedestrian from walking along and upon a highway if a sidewalk exists adjacent to the highway. This bill authorizes a pedestrian to travel onto the adjacent highway if a short section of the sidewalk is impassable or missing. Such a pedestrian may walk or otherwise travel in a lane provided for bicycles and electric bicycles if the area between the lane and the sidewalk is impassable. This bill also requires such a pedestrian to stay as close to the side of the highway near the sidewalk as possible, and to return to the sidewalk as soon as practicable. A violation of this section is a misdemeanor under existing law.
Effective: **May 27, 2015, for regulatory and administrative purposes and January 1, 2016, for all other purposes**
Amends: NRS 484B.270 and 484B.297

SB404 – This bill this bill requires the owner of a moped to register the moped once with the Department of Motor Vehicles (DMV). This bill removes the exemption of mopeds from the requirement to register a motor vehicle, trailer or semitrailer intended to be operated upon any highway in this State. This bill exempts mopeds from the requirement to maintain liability insurance. This bill requires the DMV to issue a license plate to the owner of a moped upon registration of the moped. It also requires that the license plate for a moped be distinct in appearance from the license plate for a motorcycle, and it makes provisions that allow disabled vehicle owners to obtain and use special license plates and parking stickers applicable to mopeds. Finally, this bill exempts mopeds from emissions testing requirements.
Effective: June 2, 2015, for regulatory and administrative purposes and January 1, 2017, for all other purposes
Amends: New section in NRS Ch. 482, numerous sections of Ch. 482, 484B.467, 485.185, 485.317, 248.320, 371.040, 371.060, 371.070, and 445B.760

SB410 – This bill replaces 55 miles per hour maximum speed for a school bus when transporting pupils to and from school activities with a requirement that the school bus not exceed the speed limit posted by a public authority for the portion of highway upon which the school bus is traveling. It also sets 55 mph as the maximum speed at which a pupil between 14 and 18 years of age who has a restricted license may travel.
Effective: July 1, 2015
Amends: NRS 483.270 and 484B.360

SB483 – DUI Fee

- Section 109 extends the sunset date of the $100 additional fee on misdemeanor DUIs to support specialty courts from June 30, 2015, to June 30, 2017.



Effective June 9, 2015 and July 1, 2015

SB483 – This bill revises provisions relating to governmental financial administration. Section 109 changes the sunset date on the additional $100 fee on misdemeanor DUI offenses from June 30, 2015, to June 30, 2017.
Effective: Section 109 on June 9, 2015
Amends: Section 109 – NRS 484C.515

ELECTIONS, CAMPAIGNS, AND VOTING

AB23 – Elections

- Changes the date of the general city election in certain cities that hold such elections in odd-numbered years.
- Amends provisions relating to committees for political action and independent expenditures for purposes of affecting outcome of elections.
- Revises the beginning and ending dates of the period during which certain limits apply to the amount that may be committed or contributed to a candidate of legal defense.
  - Time period changed from 30 days before the start of the regular session of the Legislature immediately after a general election for that office and ending 30 days before the start of the regular session of the Legislature immediately following the next general election for that office to January 1 immediately after a general election for an office and ends on December 31 immediately after the next general election for that office.
- Revises existing law so only voters who voted at the relevant baseline election can qualify a recall petition by signing a petition for the recall. This conforms to the Nev. Supreme Court Ruling in *Strickland v. Waymire*, 126 Nev. 230, 240 (2010).

Effective July 1, 2015 and January 1, 2016

AB23 – This bill changes the date of the general city election in certain cities that hold such elections in odd-numbered years from the first Tuesday after the first Monday in June to the second Tuesday after the first Monday in June in odd-numbered years. This bill amends provisions relating to committees for political action and independent expenditures for purposes of affecting the outcome of elections. This bill revises the time period during which certain limits apply to the amount that may be committed or contributed to a candidate or legal defense. This bill revises existing law so only voters who voted at the relevant baseline election can qualify a recall petition by signing a petition for the recall. This conforms to the Nev. Supreme Court Ruling in *Strickland v. Waymire*, 126 Nev. 230, 240 (2010).

Effective: July 1, 2015, and January 1, 2016

Amends: NRS 293.247, 293C.140, 293C.145, 294A.0055, 294A.100, 294A.230, 294A.270, 294A.280, 306.020, 350.020, 354.5982, 387.3285, Section 96 of the Charter of Boulder City, Section 5.010 of the Charter of the City of Caliente, Section 5.020 of the Charter of the City of Henderson, Section.160 of the Charter 1of the City of Las Vegas, Section 5.020 of the Charter of the City of Las Vegas, Section 5.010 of the Charter of the City of North Las Vegas, Section 5.010 of the Charter of the City of Yerington

AB63 – Campaign Practices

- Clarifies certain candidates who are elected despite ending their campaigns must file with the Secretary of State certain campaign finance reports.

Effective July 1, 2015

AB63 – A candidate for office who ends his or her campaign without officially withdrawing may simultaneously file all of the reports that are still due from the candidate, once the candidate has disposed of any unspent or excess contributions and has notified the Secretary of State that he or she is ending the campaign and will no longer accept contributions. This bill clarifies that if such a candidate is elected to office, despite ending his or her campaign, the candidate must begin filing campaign finance reports again, starting with the next report that is due after his or her election to office.
Effective: July 1, 2015
Amends: NRS 294A.350

SB5 – Nonpartisan Elections

- If a district judge is unopposed, his or her name goes directly on the general election ballot and is omitted from the primary election.
- If a candidate for supreme court justice, court of appeals judge, or district judge receives a majority of the votes cast in a primary election, that candidate will be declared the only nominee for the office and his or her name will appear on the general election ballot. (50.1 Rule)
- A candidate in a general law city primary election must receive only a majority of the votes, not some other standard, to be declared elected. City election provisions herein also apply to Carson City.

Effective October 1, 2015

SB5 – This bill makes various changes to nonpartisan offices. For example, if there is only one candidate for district court the name of that candidate is omitted from the primary ballot and is placed on the general election ballot. This bill also provides that is there are not more than twice the number of candidates to be elected to any nonpartisan office then the candidate names skip the primary and are placed on the general election ballot. This measure further provides that if a candidate receives a majority of the votes in a primary that candidate is declared elected, except in the event that a candidate for district judge, court of appeals judge, or justice receives a majority in a primary, that candidate‟s name is then the only name placed on the general election ballot. This bill also provides that the a candidate need only receive a majority of the votes cast in primary to be elected in a city election, and it brings Carson City‟s Charter in-line with others regarding nonpartisan elections.
Effective: October 1, 2015
Amends: NRS 293.260, 293C.175, and Carson City Charter

SB293 – Unspent Campaign Contributions

- A person, including a former public officer, who qualifies as a candidate by receiving one or more contributions in excess of $100 must dispose of any unspent contributions within 4 years after the date of receiving the first of those contributions if the person does not: (1) file a declaration or acceptance of candidacy; or (2) appear on an official ballot at any election held in this State.
- The bill currently requires certain former public officers who have any unspent contributions to, on or before September 30, 2017: (1) file a declaration or acceptance of candidacy, (2) appear on an official ballot at any election held in this State; or (3) dispose of the unspent contributions. The bill also provides that such former public officers are subject to campaign finance reporting requirements as long as they have any unspent contributions.

Effective October 1, 2015

SB293 – This bill provides that a person, including a former public officer, who qualifies as a candidate by receiving one or more contributions in excess of $100 must dispose of any unspent contributions within 4 years after the date of receiving the first of those contributions if the person does not: (1) file a declaration or acceptance of candidacy; or (2) appear on an official ballot at any election held in this State. This bill provides that certain former public officers who have any unspent contributions must, on or before September 30, 2017: (1) file a declaration or acceptance of candidacy; (2) appear on an official ballot at any election held in this State; or (3) dispose of the unspent contributions. It also provides that such former public officers are subject to campaign finance reporting requirements for as long as they have any unspent contributions.

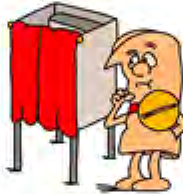
Effective: October 1, 2015

Amends: NRS 294A.005 and 294A.160

SB307 – Candidate Financial Disclosures

- Reconciles the definition of "gift" related to lobbying and for purposes of financial disclosure.
- Defines "educational or informational, meeting, event, or trip," and requires candidates and public officers (as defined in Ch. 281) to disclose such meetings, events, or trips provided for by an "interested person."
- Makes various changes to lobbying legislators.
- Applies to candidates and public officers beginning on Jan. 1, 2016.

Effective June 1, 2015 and January 1, 2016



SB307 – This bill makes uniform the definition of "gift" in the Lobbying and Financial Disclosure Acts, and it modernizes the language and removes redundant provisions in both acts. This bill establishes a definition for the term "educational or informational meeting, event or trip" that is similar for both acts. Under this bill, a gift does not include an educational or informational meeting, event or trip, but this bill requires the disclosure of such educational informational meetings, events or trips. Specifically, under this bill, lobbyists are required to disclose any expenditures made for educational or informational meetings, events or trips provided to State Legislators, and under this bill, public officers and candidates are required to disclose on their financial disclosure statements any educational or informational meetings, events or trips provided by interested persons having a substantial interest in the legislative, administrative or political action of the public officer or the candidate if elected. This bill prohibit lobbyists from knowingly or willfully giving gifts in any amount to State Legislators or members of their immediate family or staff, whether or not the Legislature is in a regular or special session. Those sections also prohibit State Legislators or members of their immediate family or staff from knowingly or willfully soliciting or accepting gifts in any amount from lobbyists, whether or not the Legislature is in a regular or special session. This bill provides that the provisions of this bill apply to public officers and candidates beginning on January 1, 2016. However, this bill states that the provisions of this bill do not apply to a financial disclosure statement that is filed by a public officer or candidate to report information for any period that ends before January 1, 2016. As a result, although most public officers will be required to file a financial disclosure statement on or before January 15, 2016, which must disclose information for the 2015 calendar year, the provisions of this bill will not apply to the information that must be disclosed for the 2015 calendar year.

Effective: June 1, 2015, for regulatory and administrative purposes and January 1, 2016, for all other purposes

Amends: New section in NRS Ch. 218H, 218H.030, 218H.050, 218H.060, 218H.210, 218H.400, 218H.930, new sections in Ch. 281, 218.558, 281.559, 281.561, 281.571, 281.572, 281.573, 281.574, 281.581, 281A.350, and 293.186

FAMILY

I. ABANDONMENT OF ELDER/VULNERABLE PERSON

AB223 – Elders

- Adds "abandonment" of older and vulnerable person as a crime.
- Defines term "abandonment" as it relates to the care of older or vulnerable persons.
- Revises the definitions for "abuse" "exploitation" and "isolation" as they relate to offenses committed upon older or vulnerable persons.
- Revises provisions concerning the reporting of abuse, neglect, exploitation, isolation, or abandonment of an older person.
- Misdemeanor

Effective October 1, 2015

AB223 – Existing law sets forth provisions concerning the abuse, neglect, exploitation or isolation of older persons and vulnerable persons. This bill generally adds the abandonment of older persons and vulnerable persons to such provisions. This bill defines the term "abandonment" to mean the: (1) desertion of an older person or a vulnerable person in an unsafe manner by a caretaker or other person with a legal duty of care; or (2) withdrawal of necessary assistance owed to an older person or a vulnerable person by a caretaker or other person with an obligation to provide services to the older person or vulnerable person. This bill provides that if data or information concerning the reports and investigation is made available in such circumstances, the name and any other identifying information of the person who made the report must be redacted before the data or information is made available.
Effective: October 1, 2015
Amends: NRS 193.167, numerous sections of Ch. 200, 207.014, 62B.270, 62G.223, 62G.353, 159.044, 159.0523, 159.0525, 159.059, 159.1999, 162A.370, 174.175, 179A.450, 217.070, 218E.760, 228.270, 228.275, 228.280, 228.495, 289.510, 424.031, 424.145, 427A.1234, 432A.170, 432B.198, 433B.183, 449.172, 449.174, 657.240, 657.250, 657.270, 673.783, 673.787, 673.797, 677.683, 677.687, 677.697, 678.771, 678.773, and 678.777

II. CHILD WELFARE

AB8 – Revises Provisions Relating to Children

- Prohibits the advertisement for placement of children for adoption or permanent free care.
- Prohibits the use of restraints on children during court proceedings.
- Creates the crime of trafficking in children.
  - New Category C Felony

Effective October 1, 2015

AB8 – This bill revises provision concerning advertisements for placement of children for adoption or permanent free care to include the advertisement through a computerized communications system, including electronic mail, an Internet website or an Internet account. This bill prohibits the use of an instrument of restraint on a child during a court proceeding, unless the restraint is necessary to prevent the child from inflicting harm on him/her or another person or to prevent the child from escaping the courtroom. The bill further requires the court to hold a hearing under certain circumstances to determine whether the use of an instrument of restraint on a child is necessary and to consider certain factors in making it determination. This bill enacts provisions prohibiting the trafficking of children. The bill provides that certain placements of a child are not prohibited, including, without limitation, the placement of a child with a relative or stepparent, the placement of a child with or by a licensed child-placing agency or agency which provides child welfare services and the placement of a child with a person that is approved by a court of competent jurisdiction. A person who violates the new section added to NRS 200 is guilty of a category C felony. A person who violates NRS 200.469 requires a court to order that a person convicted of a violation of NRS 200 pay restitution to the victim of the crime.
Effective: October 1, 2015
Amends: NRS 127.310, 200.469, and new section in NRS Ch. 62D, Ch.200

AB52 – Existing law specifies when a person is responsible for a child‟s welfare. This bill clarifies that a public or private home, institution or facility is responsible for a child‟s welfare if the child resides or receives care at the home, institution or facility.
Effective October 1, 2015
Amends: NRS 432B.130

AB151 – Adoption of Children

- Revises provisions restricting adoptions based on the ages of a child and a prospective adoptive parent.
- Revises adoption of a child by married person(s).
- Revises provisions concerning orders and decrees of adoption.
- Provides the 6-month requirement does not apply if petitioner is the stepparent of the child or is related to the child within the 3rd degree of consanguinity.

Effective October 1, 2015

AB151 – Under existing law, certain restrictions relating to the respective ages of a child and a prospective adoptive parent for adoption purposes are imposed. This bill provides that a court may disregard those age restrictions if the prospective adoptive parent is a certain family member of the child and it is in the best interest of the child and in the interest of the public. This bill provides that a married person must obtain from his or her spouse consent to an adoption, but a spouse who consents will not have any parental rights or responsibilities or be named as an adoptive parent in an order or decree of adoption except under certain circumstances. Under existing law, a court is required to grant a petition for the adoption of a child if the court finds that it is in the best interest of the child. However, an order or decree of adoption may not be made until after the child has lived for 6 months in the home of the petitioners. This bill provides that the 6-month requirement does not apply if one of the petitioners is the stepparent of the child or is related to the child within the third degree of consanguinity.
Effective: October 1, 2015
Amends: NRS 127.020, 127.030, and 127.150

AB167 – Firearms and Ammunition

- Authorizes the storage of a firearm and ammunition on the premises of a family foster home in certain circumstances.
- Agency that provides child welfare services is immune to liability for any injury caused by a firearm on the premises of a family foster home.

Effective June 10, 2015

AB167 – This bill authorizes a law enforcement officer or person who holds a permit to carry a concealed firearm to possess the firearm or ammunition on the premises of a family foster home if it is stored in a locked secure storage container except when used for certain lawful purposes, when carried lawfully, to clean or service the firearm or if the firearm or ammunition is inoperable and solely ornamental. This bill provides that an agency which provides child welfare services is immune from liability for any injury caused by a firearm that is stored on the premises of a family foster home or carried by a provider of family foster care or any other person who resides in a family foster home.
Effective: June 10, 2015
Amends: New section in NRS Ch. 424 and NRS 424.090

AB268 – This bill requires a person who is 18 years of age or older who routinely supervises a child in a foster home for whom an investigation is conducted to submit to the same background investigation by the licensing authority that licenses foster homes. In addition, if the licensing authority that licenses foster homes determines that the person has been convicted of a certain offense, the applicant or licensee is required to ensure that the person is not present in the home and may be subject to discipline for failing to do so. This bill requires a licensee to prevent any person who is 18 years of age or older who routinely supervises a child in a foster home for whom an investigation is conducted from continuing to supervise a child in the foster home upon receiving such information about the person and allows the person to correct such information.
Effective: July 1, 2015
Amends: NRS 424.031, 424.033, 424.0335, and 179A.075

AB324 – Child Welfare

- The bill lowers the age from 16 to 14 for children in State foster care to receive a copy of their credit report (complies with federal law effective 9/29/15).
- Requires law enforcement to request certain identifying information from the parent or guardian of a missing child regardless of the age.
- Includes in state law the requirement that a state agency that received info concerning a missing or abducted child who has been placed in the custody of the agency to report the info immediately to the National Center for Missing and Exploited Children and the National Crime Info Center database established by the FBI.
- Requires DCFS and DHHS to adopt certain procedures. concerning children who have run away from a foster home to comply with federal law requirements.
- Authorizes an agency who provides child welfare services that has custody of a child who is 16 years old or older to present evidence at a permanency hearing that there is a compelling reason for placing such a child in a different permanent living arrangement (complies with federal law effective 9/29/15).
- Complies with federal law that requires a judge at a permanency hearing to: (1) ask the child about his/her desired permanency outcome: (2) if the judge determines that another permanency outcome is better for the child, to explain why; and (3) if the judge determines that it is not in the best interests of the child to return home, be placed for adoption or be placed with a legal guardian or relative, provide compelling reasons for that determination. (42 U.S.C. § 675a(a)(2)).

Effective July 1, 2015

AB324 – This bill lowers the age of a child for whom an agency which provides child welfare services is required to obtain a credit report under state law from 16 years of age to 14 years of age to conform to federal law that becomes effective on September 29, 2015. (Preventing Sex Trafficking and Strengthening Families Act, Pub. L. No. 113-183, § 113) Existing state law requires a law enforcement agency to request certain identifying information from the parent or guardian of a missing child who is less than 16 years of age or has not been located within 30 days after being reported missing. Existing law also requires a law enforcement agency that receives and verifies a report of a missing child, other than a child who has run away, to immediately transmit the report to the program established by the Attorney General to coordinate activities and information in this State concerning missing or exploited children. This bill instead requires a law enforcement agency to request such information and transmit such a report for any child who has been reported missing. Existing federal law requires a state agency that receives information concerning a missing or abducted child who has been placed in the custody of the agency to report the information immediately to the National Center for Missing and Exploited Children and the National Crime Information Center database established by the Federal Bureau of Investigation. (Preventing Sex Trafficking and Strengthening Families Act, Pub. L. No. 113-183, § 104) This bill includes this requirement in state law. Existing federal law requires a state to develop and carry out specific protocols concerning children who have run away from foster care in order to receive certain federal funds. (42 U.S.C. § 671(a)(35)) This bill requires the Division of Child and Family Services of the Department of Health and Human Services to adopt regulations to implement such protocols. Existing federal law that becomes effective on September 29, 2015, prohibits the placement of a child who is under 16 years of age in a permanent placement other than with the parent of the child, the adoption of the child or referral of the child for legal guardianship. (Preventing Sex Trafficking and Strengthening Families Act, Pub. L. No. 113-183, § 112) This bill authorizes an agency which provides child welfare services that has custody of a child who is 16 years of age or older to present evidence at a permanency hearing that there is a compelling reason for placing such a child in a different permanent living arrangement. Existing federal law requires a judge at a permanency hearing to: (1) ask the child about his or her desired permanency outcome; (2) if the judge determines that another permanency outcome is better for the child, to explain why; and (3) if the judge determines that it is not in the best interests of the

child to return home, be placed for adoption or be placed with a legal guardian or relative, provide compelling reasons for that determination. (42 U.S.C. § 675a(a)(2)) Existing state law requires a judge at a permanency hearing to prepare an explicit statement of the facts upon which he or she based his or her determination regarding the best interests of the child. This bill revises this requirement to meet the federal requirements.
Effective: July 1, 2015
Amends: NRS 432.0395, 432.200, 432.205, 432B.165, 432B.190, and 432B.590

AB456 – This bill eliminates the Rural Advisory Board to Expedite Proceedings for the Placement of Children.
Effective: May 18, 2015, and July 1, 2015
Amends: NRS 432B.290 and 432B.604
Repeals: NRS 233A.101, 233A.102, 233A.103, 233A.104, 233A.106, 233A.107, 428.410, 428.420, 428.430, 428.440, 428.450, 428.460, 428.470, 428.480, 428.490, 432B.602, 540.111, 649.047, 649.049, 701.450, 701.455, 701.460, and 701.465

SB148 – 432B Hearing Notice

- Notice/summons regarding the 30-day adjudicatory hearing for a petition that a child is in need of protection must be served personally or by registered mail regardless of whether the person in custody/control of the child and/or the parent resides within or outside of Nevada.
- Provision does not apply to newborn delivered to a provider of emergency services and whose parent's location is unknown.

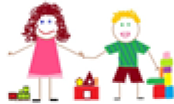
Effective October 1, 2015

SB148 – Existing law requires a court to hold an adjudicatory hearing within 30 days of the filing of a petition that a child who was removed from his or her home is in need of protection. As a result of such a hearing, the court may return the child to the custody of his or her parent or guardian or place the child in the temporary custody of a relative, a fictive kin, another suitable person or certain public or private agencies or institutions. Before such a hearing, the court is required to issue a summons to the person who has custody or control of the child. If this person is not the parent or guardian of the child, the summons must also be issued to the parent or guardian of the child. If the person summoned resides in this State, the summons must be served personally. This bill provides that if the person cannot be found in this State or does not reside in this State, the summons must be served by registered or certified mail. If the child is a newborn and was delivered to a provider of emergency services and the location of the parent is unknown, the summons must be served by publication. Except when a newborn child is delivered to a provider of emergency services and the location of the parent is unknown, this bill requires the summons to be served personally or by registered or certified mail, regardless of whether the person resides within or outside of this State.
Effective: October 1, 2015
Amends: NRS 432B.520, and 432B.580

SB303 – Children in Need of Protection

- A child **is** in need of protection if the child is in the care of person who has abused another child **unless** that person has completed a child welfare plan for services.
- A child **may be** in need of protection if the child is in the care of a person who has abused another child and **has** completed a child welfare plan for services.
- If the child has been out of the care of his or her parents for at least 12 months, the court must consider the available placement options for a child; the age of the child; and the developmental, cognitive, and psychological needs of the child before determining if the conduct of the parents meets the grounds for termination of parental rights (risk of serious physical, mental or emotional injury to the child if the child were returned to, or remains in, the home).
- Revises factors that a court must consider in order to determine neglect or the unfitness of parent to include whether the child, a sibling, or another child in the care of the parent suffered injury or a near fatality or fatality if there is no reasonable explanation and there is evidence that the injury or death would not have occurred absent abuse or neglect.
- Legislative Committee on Child Welfare and Juvenile Justice must review issues related to the provision of foster care and propose legislation regarding such issues.

Effective July 1, 2015



SB303 – This bill provides that a child is, rather than may be, in need of protection if the child is in the care of a person responsible for the welfare of the child and another child has been subjected to abuse by that person, unless the person has successfully completed a plan for services that was recommended by an agency which provides child welfare services to address the abuse of the other child. This bill also provides that a child may be in need of protection if the child is in the care of a person responsible for the welfare of the child and another child has been subjected to abuse by that person, regardless of whether the person has successfully completed such a plan for services. This bill requires a court to consider certain factors if the child has been out of the care of his or her parent or guardian for at least 12 consecutive months, before making a finding that parental conduct satisfies that provision. This bill revises the conditions a court is required to consider in determining neglect by or unfitness of a parent for the purpose of proceedings regarding the termination of parental rights. Finally, this bill requires the Legislative Committee on Child Welfare and Juvenile Justice consider issues relating to the provision of foster care and proposing legislation related thereto.
Effective: July 1, 2015
Amends: NRS 432B.330, 128.105, 128.106, 128.109, 218E.715, and 218E.720

III. DIVORCE/CUSTODY/SUPPORT

AB13 – In 1997, Nevada enacted the Uniform Interstate Family Support Act to establish the procedures and jurisdictional requirements regarding the issuance, enforcement and modification of interstate child-support and spousal-support orders. In 2009, Nevada enacted certain amendments to the Act to provide that the provisions of the Act apply to foreign support orders, foreign tribunals, and obilgees, obligors and children residing in foreign countries. The effective date of these amendments is the date on which The Hague Convention on the International Recovery of Child Support and Other Forms of Family Maintenance is ratified by the President and the United States deposits its instrument of ratification. This bill makes these amendments effective July 1, 2015, to comply with federal law requiring that the Act, as amended in 2008, be in effect in this State not later than that date as a condition for receipt of certain funds for support of enforcement efforts. (42 U.S.C. § 654 (20)(A), U2 U.S.C. § 666(f); Pub. L. No. 113-183, 128 Stat. 1919). This bill makes certain amendments to existing law to match the language of the Act.
Effective: May 27, 2015, and July 1, 2015
Amends: NRS 130.10107, 130.10127, 130.103, 130.2025, 130.304, 130.313, 130.316, 130.317, 130.501, 130.506, 130.602, 130.703, 130.704, 130.710, and Statutes of Nevada

AB92 – Existing law defines a "gestational agreement" as a contract between an intended parent or parents and a gestational carrier intended to result in a live birth. Existing law also authorizes a district court in Nevada to issue an order validating such an agreement and declaring the intended parent or parents to be the parent or parents of the resulting child. This bill requires the State Registrar of Vital Statistics, upon receipt of such a court order, to prepare and file a certificate of birth for the resulting child which shows the intended parent or parents as the parent or parents of the child and to seal and file the court order and original certificate of birth, if any. This bill also provides that unless the order was issued by a district court in Nevada for an action which was originally commenced in this State, a court order concerning a gestational agreement is not valid for any purpose in Nevada as it relates to a child born in this State.
Effective: October 1, 2015
Amends: NRS 126.161, 126.221, 126.720, and new section in NRS Ch. 440

AB132 – Displaced Homemakers

- Increases the fee from $20 to $30 for a person who commences an action for divorce in a district court.
- The fee is to be used by the Department of Employment, Training and Rehabilitation to administer the education and counseling of displaced homemakers.

Effective July 1, 2015

AB132 - Existing law requires a person who commences an action for divorce in a district court to pay a fee of $20 to the county clerk for use by the Director of the Department of Employment, Training and Rehabilitation to administer the provisions of law relating to the education and counseling of displaced homemakers. This bill increases the fee to $30. Additionally this bill requires a person who commences an action for the termination of a domestic partnership in a district court to pay such a fee.

Effective: July 1, 2015

Amends: NRS 19.033 and 388.615

AB140 – Division of Property and Alimony

- Revises provisions governing the division of property and award of alimony or spousal support in cases involving veterans with a service-connected disability.
- Unless valid premarital agreement provides otherwise, in making the disposition of community and joint tenancy property, and alimony award, the court must not:
  - Attach, levy or seize any federal disability benefits awarded to a veteran for a disability connected to his/her military service; or
  - Make an assignment of or otherwise divide any such benefits.
- The court must not consider any federal disability benefits award to a veteran for a disability connected to his/her service in the military unless a valid premarital agreement provides otherwise.

Effective October 1, 2015

AB140 – This bill provides that unless a valid premarital agreement provides otherwise, in making a disposition of the community and joint tenancy property, and in making an alimony award, the court must not: (1) attach, levy or seize any federal disability benefits awarded to a veteran for a disability connected to his or her military service; or (2) make an assignment of or otherwise divide any such benefits. This bill provides that unless a valid premarital agreement provides otherwise, in making an award of spousal support, the court must not consider any federal disability benefits awarded to a veteran for a disability connected to his or her service in the military.
Effective: October 1, 2015
Amends: New section in NRS Ch. 125, 125.150, and 125.210

AB263 – Existing law sets forth provisions concerning the custody of children as it relates to the dissolution of marriage. This bill repeals almost all of these provisions. This bill adds such repealed provisions, with certain revisions, to chapter 125C of NRS, which concerns custody and visitation of children generally. The addition of such provisions to chapter 125C of NRS expands their applicability to the custody of all children regardless of whether they were born to parents who were married or unmarried. This bill provides that absent a determination by a court regarding the custody of a child, each parent has joint legal custody and joint physical custody of the child until otherwise ordered by a court. The bill provides that if a parent has demonstrated, or has attempted to demonstrate but has had his or her efforts frustrated by the other parent, an intent to establish a meaningful relationship with a child, such a demonstration or attempted demonstration creates a presumption that joint legal and physical custody, respectively, is in the best interest of the child. This bill authorizes a court to award primary physical custody to a parent if the court determines that joint physical custody is not in the best interest of a child, and sets forth circumstances in which an award of joint physical custody is presumed not to be in the best interest of a child. This bill also sets forth the circumstances in which a court may award primary physical custody to a mother or father of a child born out of wedlock. Existing law requires a parent with primary physical custody of a child who intends to move outside this State with the child to: (1) obtain the written consent of the noncustodial parent; or (2) if the noncustodial parent refuses to give such consent, petition the court for permission to move with the child. This bill additionally requires a parent with primary physical custody of a child to take such actions if the parent intends to relocate to a place within this State that is at such a distance that would substantially impair the ability of the other parent to maintain a meaningful relationship with the child. This bill requires a parent who has joint physical custody of a child pursuant to an order, judgment or decree of a court and wants to relocate outside this State or to a place within this State that is at such a distance that would substantially impair the ability of the other parent to maintain a meaningful relationship with the child to: (1) obtain the written consent of the non-relocating parent; or (2) if the non-relocating parent refuses to give such consent, petition the court for primary physical custody of the child for the purpose of relocating. This bill also authorizes the court to award reasonable attorney‟s fees and costs to a relocating parent or custodial parent, respectively, if the non-relocating parent or noncustodial parent refused to give consent to the relocation: (1) without having reasonable grounds for such refusal; or (2) for the purpose of harassing the relocating or custodial parent. This bill requires a parent who files a petition for permission to relocate with a child to demonstrate to the court certain reasons and benefits relating to the relocation. The bill also requires the court to consider certain factors in determining whether to allow a parent to relocate with a child. Under this bill, a parent who relocates with a child without the written consent of the other parent or the permission of the court or before the court enters an order granting the parent primary physical custody of the child and permission to relocate with the child, as applicable, is guilty of a category D felony unless the parent: (1) demonstrates a compelling excuse for the relocation; or (2) relocated to protect the child or the parent from danger. Additionally, this bill provides that if a parent relocates with a child in violation of section 18: (1) the court cannot consider any post-relocation facts or circumstances regarding the welfare of the child or the relocating parent in making any determination; and (2) the non-relocating parent can recover reasonable attorney‟s fees and costs incurred as a result of the relocating parent‟s violation. This bill further provides that a parent who, pursuant to section 4, has joint legal and physical custody of a child because a court has not made a determination regarding the custody of the child is prohibited from willfully concealing or removing the child from the custody of the other parent with the specific intent to frustrate the efforts of the other parent to establish or maintain a meaningful relationship with the child. Unless a parent who takes such actions can demonstrate to the satisfaction of the court that he or she was protecting the child or himself or herself from an act that constitutes domestic violence, the parent is guilty of a category D felony.
Effective: October 1, 2015
Amends: NRS 125.040, new section in NRS Ch. 125C, 125C.200, 146.010, 200.359
Repeals: NRS 125.460, 125.465, 125.470, 125.480, 125.490, 125.500, 125.510, 125.520, and 126.031

AB362 – Domestic Relations

- Authorizes a party in certain domestic relations actions to file a postjudgment motion to obtain adjudication of certain property and liabilities that were omitted from the final decree or judgment as the result of fraud or mistake.
- Motion must be filed within 3 years after the aggrieved party discovers the facts constituting the fraud or mistake.
- Court has continuing jurisdiction to hear such a motion and must make an equal disposition of the omitted community property or liability unless the court finds that certain exceptions apply.

Effective October 1, 2015

AB362 - This bill authorizes a party in an action for divorce, separate maintenance or annulment to file a post-judgment motion to obtain an adjudication of any community property or liability that was omitted from the final decree or judgment as the result of fraud or mistake. Under this bill, such a motion must be filed within 3 years after the aggrieved party discovers the facts constituting the fraud or mistake. This bill further provides that the court has continuing jurisdiction to hear such a motion and must make an equal disposition of the omitted community property or liability unless the court finds that certain exceptions apply.
Effective: October 1, 2015
Amends: NRS 125.150

SB388 – Divorce Filing Fee

- The clerk of the court shall collect an additional fee of $129 the first time a party files a motion to modify, adjust, or enforce a final order dissolving a marriage.
- A party that files an opposition, answer, or response to the motion shall be charged an additional $57 fee.
- Money is retained in an account (does not revert) for use of the district court to acquire land for a courthouse; remodel existing facilities; buy furniture, fixtures, and equipment; acquire advanced technology, pay debt service, or establish/support a family law shelf-help center.

Effective July 1, 2015

SB388 – This bill provides that if a district court has issued a final order in a divorce action that was commenced by the parties filing a joint petition, the county clerk must charge and collect: (1) an additional fee of $129 the first time that a party files a motion to modify, adjust or enforce that final order; and (2) an additional fee of $57 the first time that the other party files an opposition, answer or response to such a motion. This bill requires that the proceeds of those additional fees must only be used for certain purposes which benefit the district court.

Effective: July 1, 2015

Amends: New section in NRS Ch. 19

IV. GUARDIANSHIPS

AB325 – Private Professional Guardians

- Requires licensing for certain persons engaged in the business of a private professional guardian.
- Establishes the requirements for the licensing and operation of a private professional guardian company.
- Adds provisions governing the appointment of certain preferred persons as adult guardians for adult wards.
- Preference in appointing guardian, whether or not person is nonresident
  - (1) A nominated person, who is a person the adult ward specifically nominated or requested as a guardian in a will, trust, or other written document executed by the adult ward while competent; or
  - (2) A relative
- Revises the existing list of persons who are preferred for appointment as a guardian to a minor to include any person recommended by:
  - (1) an agency which provides child welfare services, an agency which provides child protective services or a similar agency; or
  - (2) a guardian ad litem or court appointed special advocate who represents the minor.

Various effective dates

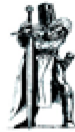
AB325 Continued

- Requires licensee to maintain certain types and levels of bonds and insurance.
- Establishes requirements for accounting, reporting and auditing of a private professional guardian company.
- Establishes procedures for handling a complaint against a private professional guardian company.
- Provides administrative and criminal penalties for violating certain provisions of the bill.
  - Gross Misdemeanor
  - Category D Felony
  - Administrative Fines $5,000 - $10,000 per violation not to exceed the greater of $250,000 or 125 % of the monetary value of all losses incurred by the private professional guardian company and its wards as the direct or indirect result of such violations.

AB325 – Existing law provides for the court appointment of a private professional guardian to act as a fiduciary for a person or estate, but does not require the private professional guardian to be licensed. This bill requires the licensing of certain persons engaging in the business of a private professional guardian and authorizes the Commissioner of Financial Institutions to adopt regulations relating to the licensing of those persons. This bill makes it unlawful for a person to act as a private professional guardian without

being licensed. This bill provides certain exceptions to the licensing and other regulatory requirements. This bill establishes the requirements and application process to obtain a license to transact the business of a private professional guardian. This bill sets forth requirements relating to the change of ownership or transfer of assets of a private professional guardian company. This bill establishes the process for the renewal of a license. This bill establishes the process for surrender of a license. This bill requires a licensee to keep a principal office in this State. This bill establishes procedures for the Commissioner to approve an out-of-state office of a private professional guardian company. This bill requires a licensee to maintain certain types and levels of bonds and insurance. This bill establishes the rights and authority of a licensee. This bill prohibits certain activities by a licensee. This bill establishes requirements for accounting, reporting and auditing of a private professional guardian company and authorize the Commissioner or a designee to inspect certain records of a private professional guardian company. This bill establishes procedures for the Commissioner to take administrative action against licensees. This bill establishes procedures for handling a complaint against a private professional guardian company. This bill provides administrative and criminal penalties for violating certain provisions of this bill. Existing law provides for the appointment, qualifications and duties of guardians for certain minor and adult wards. (Chapter 159 of NRS) Existing law prohibits a nonresident of Nevada from being appointed as a guardian for a minor or adult ward unless the person has associated a co-guardian who is a resident of Nevada or a banking corporation whose principal place of business is in Nevada. Existing law also gives preference to certain persons to be appointed as a guardian for a minor ward but does not give preference to any persons to be appointed as a guardian for an adult ward. This bill revises the circumstances under which a court is authorized to appoint a nonresident as a guardian for an adult ward. The bill eliminates existing limitations on the authority of a court to appoint a nonresident as a guardian for a minor ward. The bill also requires the court to give preference in appointing a guardian for an adult ward to the following persons in the following order, whether or not the person is a nonresident: (1) a nominated person, who is a person the adult ward specifically nominated or requested as a guardian in a will, trust or other written document executed by the adult ward while competent; or (2) a relative. If two or more nominated persons are qualified and suitable to be appointed as a guardian, the bill authorizes the court to appoint two or more co-guardians or generally requires the court to give preference to the nominated person named in a will, trust or other written document that is part of the adult‟s established estate plan, but there are certain exceptions for extraordinary circumstances. In selecting a guardian, the bill does not allow the court to give preference to a resident over a nonresident if the court determines that the nonresident would be a more qualified and suitable guardian and the adult would receive continuing care and supervision under the guardianship of the nonresident. If the court selects a nonresident guardian, the bill requires the court to order the nonresident guardian to designate a registered agent in this State. This bill revises the existing list of persons who are preferred for appointment as a guardian to a minor to include any person recommended by: (1) an agency which provides child welfare services, an agency which provides child protective services or a similar agency; or (2) a guardian ad litem or court appointed special advocate who represents the minor. This bill makes conforming changes to reflect the changes made by the other sections of this bill.
Effective: June 8, 2015, for the purposes of adopting regulations and developing policies and procedures and on January 1, 2016, for all other purposes.
Amends: New section in NRS Title 54, new section in NRS Ch. 159, NRS 159.024, 159.0595, 159.061, 159.185, 159.2024, 239.010, 253.150, 432B.4665
Repeals: NRS 159.059

SB262 – Guardians



- Sets forth circumstances in which a court may appoint a nonresident guardian.
- Requires a court to give preference in appointing a guardian for an adult ward to a person who the adult ward nominated while competent, or a relative. If two or more people are nominated, the court may appoint co-guardians.
- Public guardian appointed for adult ward if no nominee was made or the nominated person is not suitable or willing to serve.
- Preference in appointing a guardian may not be given to a resident of NV over a non-resident if the non-resident is more qualified or suitable. Non-resident guardian must have a resident agent in the State.
- Preference in appointing a guardian for a minor ward is given to a person recommended by a child welfare agency or a person recommended by a guardian ad litem or CASA who represents the child.

Effective July 1, 2015

SB262 – This bill revises the circumstances under which a court is authorized to appoint a nonresident as a guardian for an adult ward. This bill eliminates existing limitations on the authority of a court to appoint a nonresident as a guardian for a minor ward. Section 1 also requires the court to give preference in appointing a guardian for an adult ward to the following persons in the following order, whether or not the person is a nonresident: (1) a nominated person, who is a person the adult ward specifically nominated or requested as a guardian in a will, trust or other written document executed by the adult ward while competent; or (2) a relative. If two or more nominated persons are qualified and suitable to be appointed as a guardian, this bill authorizes the court to appoint two or more co-guardians or generally requires the court to give preference to the nominated person named in a will, trust or other written document that is part of the adult‟s established estate plan, but there are certain exceptions for extraordinary circumstances. In selecting a guardian, this bill does not allow the court to give preference to a resident over a nonresident if the court determines that the nonresident would be a more qualified and suitable guardian and the adult would receive continuing care and supervision under the guardianship of the nonresident. If the court selects a nonresident guardian, this bill requires the court to order the nonresident guardian to designate a registered agent in this State. This bill revises the existing list of persons who are preferred for appointment as a guardian to a minor to include any person recommended by: (1) an agency which provides child welfare services, an agency which provides child protective services or a similar agency; or (2) a guardian ad litem or court appointed special advocate who represents the minor. Finally, this bill provides for the appointment of a public guardian for an incompetent adult who failed to nominate a person for appointment as guardian while he or she was still competent or if the nominated person is not suitable or willing to serve as guardian.

Effective: July 1, 2015
Amends: New section in NRS Ch. 159, 159.0595, 159.061, 159.185, 159.2024, 253.200, and 432B.4665
Repeals: 159.059

SB384 – Family Trust Companies

- A court may appoint a guardian for minors or incompetents who are family members or beneficiaries of a trust or estate represented by a family trust company.
- If nominated in the trust instrument, a person or persons may be designated to represent and bind a beneficiary of a trust administered by a family trust company.
- Newly enacted fiduciary duties in NRS do not apply to family trust companies, provision related to family trust companies must be liberally constructed, and attorney communications with a family trust company are confidential.
- Family trust company may petition a court to seal trust documents to maintain confidentiality.
- Family trust companies are subject to the supervision of the Commissioner of Financial Institutions.
- Family trust companies enjoy a rebuttable presumption that they have acted in good faith.
- Transactions between a family trust company and a beneficiary (or family member) are not a conflict of interest, and beneficiaries shall receive an annual financial report.

Effective May 27, 2015

SB384 – This bill authorizes a court to appoint a guardian for minors or incompetents who are family members or beneficiaries of a trust or estate represented by a family trust company. This bill provides for the designation of a person to represent and bind a beneficiary of a trust administered by a family trust company. This bill provides that newly enacted duties of fiduciaries in other titles of NRS shall not apply to family trust companies, and existing provisions only apply to the extent they are not incompatible with existing law governing family trusts or any terms of the trust. This bill provides for the liberal construction of provisions relating to family trust companies to give maximum effect to the intent of the trust settlor. This bill allows a family trust company to petition a court to seal certain trust documents in a court proceeding to protect their confidentiality. This bill provides that the communications between an attorney and a family trust company are confidential and provides for the disclosure of those communications under certain circumstances. This bill provides that a licensed family trust company is subject to the supervision of the Commissioner of Financial Institutions. This bill provides that a family trust company enjoys a rebuttable presumption of good faith in their transactions and dealings. This bill provides that certain transactions by a family trust company shall be presumed to not be conflicts of interest. Finally, this bill revises certain reporting requirements for family trust companies.

Effective: May 27, 2015

Amends: New sections in NRS 669A, 669A.020, 669A.110, 669A.135, 669A.220, 669A.225, and 669A.255

SB394 – Guardians Ad Litem

- Removes existing provisions that prohibit a guardian ad litem from receiving compensation and that a guardian ad litem must be a volunteer.
- Makes changes regarding age appropriate education regarding personal safety education.

Various effective dates

SB394 – This bill removes the prohibition on a guardian ad litem receiving compensation, and it removes the requirement that a guardian ad litem be a volunteer. This bill requires pupils in public schools to be provided with age-appropriate instruction in personal safety. It also requires the Department of Education, in consultation with persons and organizations who possess knowledge and expertise in the personal safety of children, to develop age appropriate curriculum standards for teaching personal safety to children. The Department must also develop recommendations to assist a school district or a charter school to develop and implement various programs related to the personal safety of children. This bill requires the board of trustees of each school district and the governing body of each charter school to ensure that instruction on the personal safety of children be carried out as part of a course of study in health and based on the standards developed by the Department. The school district or charter school is required to determine the appropriate grade levels, course content and materials for such instruction, and the instruction must be provided by: (1) a licensed teacher; (2) an employee of the school district with special knowledge or training in the teaching of personal safety to children; (3) an employee of an agency which has as its primary purpose the teaching of personal safety to children; (4) an employee of a law enforcement agency; or (5) a volunteer of an agency which has as its primary purpose the teaching of personal safety to children who has undergone a background investigation and has special training in the teaching of personal safety. This bill also provides that the parent or guardian of each pupil to whom such instruction will be provided must be notified of such instruction and provided with an opportunity to review the instructional materials to be used and to submit a written request that the pupil be excused from the instruction, unless the course in which the instruction is provided is required for graduation.
Finally, this bill gives the Department until July 1, 2016, to develop the age-appropriate curriculum standards, and gives the board of trustees of each school district and the governing board of each charter school until July 1, 2020, to begin providing instruction in the personal safety of children.

Effective: May 27, 2015
Amends: NRS 432B.420, 432B.500, new sections in Ch. 389, and 389.018

V. JUVENILE JUSTICE

AB46 – Civil Judgments

- Repealed provisions in NRS 62B.420 requiring courts to include, as part of an adult sentence, any unpaid civil judgment including unpaid fines, administrative assessments, fees, or restitution ordered in a prior juvenile court proceeding.

Effective May 27, 2015

AB46 – Existing law authorizes a juvenile court that orders a child or a parent or guardian of a child to pay a fine, administrative assessment, fee or restitution or to make any other payment to enter a civil judgment for the amount due if the administrative assessment, fee, restitution or other payment or any part of it remains unpaid after the time established by the juvenile court for its payment. Such a judgment may be entered against: (1) the child, if the child meets certain requirements; or (2) the parent or guardian of the child. If the juvenile court enters such a civil judgment and the child or the parent or guardian of the child is convicted of a crime before he or she satisfies the civil judgment, the court sentencing the child or the parent or guardian of the child for that crime is required by existing law to include in the sentence the civil judgment or portion thereof that remains unpaid. This bill removes that requirement.
Effective: May 27, 2015
Amends: NRS 62B.420

AB113 – Sealing Juvenile Records

- Revises provisions governing the sealing of juvenile records.
- Sets forth factors the juvenile court may consider in determining if a child has been rehabilitated.
- If certain criteria is met the bill allows for permissive sealing if the applicant is younger than 18 and mandatory sealing if over 18.
- Civil judgments.
- Notification for sealing records.
- Inspection of juvenile records.

Effective October 1, 2015

AB113 – Under existing law, if a child is less than 21 years of age, the child or a probation officer on behalf of the child may petition the juvenile court for an order sealing all records relating to the child. This bill revises the requirements for such a petition to be filed. Existing law also provides that the juvenile court shall enter an order sealing all records relating to a child if the juvenile court finds that: (1) during the previous 3 years, the child has not been convicted of a felony or of any misdemeanor involving moral turpitude; and (2) the child has been rehabilitated to the satisfaction of the juvenile court. This bill instead provides that if the juvenile court makes such findings, then the juvenile court: (1) may enter an order sealing all records relating to the child if the child is less than 18 years of age; and (2) shall enter an order sealing all records relating to the child if the child is 18 years of age or older. The bill also: (1) sets forth various factors that the juvenile court may consider in determining whether a child has been rehabilitated to the satisfaction of the juvenile court; and (2) provides that if the juvenile court retains jurisdiction over a civil judgment and a person against whom the civil judgment was entered, the case caption, case number and order entering the civil judgment must not be sealed until the civil judgment is satisfied or expires. This bill include the Chief of the Youth Parole Bureau of the Division of Child and Family Services of the Department of Health and Human Services as a person who, if the circumstances warrant, is entitled to notification of the filing of a petition for the sealing of juvenile records and is authorized to testify at a hearing on the petition. Existing law further provides that the juvenile court may order the inspection of juvenile records that are sealed in certain circumstances, including if the juvenile court determines that the inspection of the records is necessary to perform bona fide outcome and recidivism studies. This bill: (1) adds to these circumstances the situation in which the person who is the subject of the records has committed an act which subjects the person to the jurisdiction of the juvenile court and which may form the basis of a civil action and a person who, in good faith, intends to bring or has brought the civil action, or any other person who is a party to the civil action, petitions the juvenile court to permit inspection of the records to obtain information relating to the person who is the subject of the records; and (2) specifies that performing bona fide outcome and recidivism studies may include using personal identifying information from sealed juvenile records to perform criminal background checks on persons who were adjudicated pursuant to title 5 of NRS.

Effective: October 1, 2015

Amends: NRS 62H.130, 62H.140, 62H.150, and 62H.170

AB121 – Existing law requires a school to suspend or expel a pupil for possessing a firearm or dangerous weapon while on the premises of any public school, attending an activity sponsored by a public school or on any school bus. This bill prohibits a school from disciplining a pupil enrolled in kindergarten or grades 1 to 8, inclusive, for simulating a firearm or dangerous weapon while playing or for wearing clothing or accessories that depict a firearm or dangerous weapon or express an opinion regarding a constitutional right to keep and bear arms except in certain circumstances.
Effective: June 5, 2015
Amends: New section in NRS 392

AB124 – Punishment for Crimes /Delinquent Acts

- Increases the age a child may be punished for a crime from 8 years of age to 10 years of age unless the child is charged with:
  - Murder
  - Certain Sexual Offenses

Effective October 1, 2015

AB124 – Under existing law, the minimum age at which a child may be punished for a crime is 8 years of age. This bill raises the minimum age at which a child may be punished to 10 years of age unless the child is charged with murder or certain sexual offenses.
Effective: October 1, 2015
Amends: NRS 48.061 and 194.010

AB138 – Juvenile Competency

- Enacts a juvenile competency standard.
- Requires juvenile court to:
  - Suspend a case if a doubt arises as to whether a child is competent.
  - Appoint certain experts to evaluate a child and provide a written report on the competence of the child.
  - Hold an expedited hearing to determine whether a child is competent upon receipt of the written reports of all appointed experts.
  - Conduct a periodic review of a child determined to be incompetent.
- Statement made by a child during an evaluation by an appointed expert is not admissible as evidence in certain proceedings unless the child introduces the statement as evidence first.
- Authorizes the juvenile court to terminate its jurisdiction in certain circumstances if a child has not attained competence and will be unable to attain competence in the foreseeable future.
- Provides that a child determined to be incompetent may not be adjudicated a delinquent child or child in need of supervision or placed under supervision of the juvenile court during the period that the child remains incompetent.

Effective October 1, 2015

AB138 – This bill enacts a juvenile competency standard. This bill provides that any time after a petition is filed and before the final disposition of a case, if doubt arises as to whether a child is competent, the juvenile court is required to suspend the case until the question of competence is determined. This bill requires a person who makes a motion for the evaluation of a child for the purpose of determining whether the child is competent to: (1) certify that the motion is being made in good faith and is based on reasonable grounds to believe that the child is incompetent; and (2) specify facts that support the motion. This bill provides that if the juvenile court suspends a case to determine whether a child is competent, the juvenile court must appoint one or more able and qualified experts, at least one of whom is a psychologist or psychiatrist, to evaluate the child and provide a written report on the competence of the child. This this bill sets forth certain considerations an expert must take into account as part of his or her evaluation, as well as certain other considerations an expert must take into account if appropriate, and sets forth certain requirements relating to the written report of an expert. This bill requires the juvenile court to hold an expedited hearing to determine whether a child is competent upon receipt of the required written reports from all experts appointed by the juvenile court. This bill authorizes the juvenile court to consider information relevant to the determination of the competence of a child and information elicited from the child only for certain purposes. This bill also provides that any statement made by a child during the course of an evaluation by an expert appointed by the juvenile court is not admissible as evidence: (1) on the issue of guilt in a delinquency proceeding, unless the child introduces the statement as evidence on the issue of guilt first; or (2) in any criminal proceeding, unless the child introduces the statement as evidence first. This bill, after the juvenile court considers the written reports of the appointed experts, any additional written reports, and testimony and other evidence presented at the hearing, the juvenile court must determine whether the child is competent. If the juvenile court determines that the child is incompetent, the juvenile court is required to make certain additional determinations and issue all necessary and appropriate recommendations and orders. This bill requires that if the juvenile court determines that a child is incompetent, the juvenile court must conduct a periodic review to determine whether the child has attained competence. After a periodic review is conducted, if the juvenile court determines that the child: (1) has attained competence, the juvenile court is required to proceed with the case; (2) has not attained competence, the juvenile court is required to order appropriate treatment; and

(3) has not attained competence and will be unable to attain competence in the foreseeable future, the juvenile court is required to hold a hearing to consider the best interests of the child and the safety of the community and determine whether to dismiss any petitions pending before the juvenile court and terminate its jurisdiction. This bill provides that if the juvenile court determines that a child is incompetent, the child may not, during the period that the child remains incompetent, be: (1) adjudicated a delinquent child or a child in need of supervision; or (2) placed under the supervision of the juvenile court.

Effective: October 1, 2015
Amends: New section in NRS 62D

AB153 – Safe Harbor

- Under certain circumstance the juvenile court must place a child who is alleged to have engaged in prostitution or the solicitation of prostitution under the supervision of the juvenile court.

Effective May 25, 2015

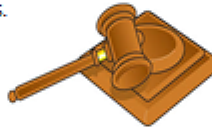
AB153 – Under existing law, the juvenile court has exclusive jurisdiction over a juvenile: (1) who is alleged or adjudicated to be in need of supervision; or (2) who is alleged or adjudicated to be delinquent because he or she has committed certain crimes. Existing law authorizes the juvenile court, under certain circumstances, to place a child under the supervision of the juvenile court pursuant to a supervision and consent decree, without a formal adjudication of delinquency, if the child is alleged to be in need of supervision or to have committed a delinquent act. This bill requires the juvenile court to place a child under the supervision of the juvenile court pursuant to a supervision and consent decree if the child is alleged to have engaged in prostitution or the solicitation of prostitution. Under this bill, the juvenile court: (1) must order that the terms and conditions of the supervision and consent decree include, without limitation, services to address the sexual exploitation of the child and any other needs of the child; and (2) may issue certain orders, including, without limitation, any placement of the child that the juvenile court finds to be in the child"s best interest. If the child is alleged to have violated the supervision and consent decree or an order of the juvenile court: (1) the allegation must be placed before the court pursuant to a motion or a request for judicial review, except that the district attorney may file a petition alleging that the child committed a delinquent act under certain circumstances; and (2) the court may issue certain orders concerning the child. This bill further requires that the juvenile court, upon successful completion of the terms and conditions of the supervision and consent decree or at the time the child reaches 18 years of age, whichever is earlier, must dismiss the petition alleging that the child engaged in prostitution or the solicitation of prostitution. However, a child who has reached 18 years of age may consent to remain under the supervision of the juvenile court for the purpose of receiving services pursuant to the decree.
Effective: May 25, 2015
Amends: New section in NRS Ch. 62C

AB178 – This bill requires the principal of a school to designate a pupil as a habitual disciplinary problem if: (1) the pupil has threatened or extorted, or attempted to threaten or extort, another pupil or employee of the school two or more times, or the pupil has a record of five suspensions from the school; and (2) the pupil has not entered into an participated in a plan of behavior. This bill removes the requirement that a pupil who is deemed a habitual disciplinary problem be suspended or expelled for at least one semester and instead authorizes the school to suspend the pupil from school for a period not to exceed one semester if the pupil is deemed a habitual disciplinary problem or expel the pupil from school under extraordinary circumstances.
Effective: October 1, 2015
Amends: NRS 392.4655 and 392.466

AB267 – Juvenile Convicted as an Adult

- Requires the court to consider the differences between juvenile and adult offenders when determining appropriate sentence for a person convicted as an adult but was less than 18 when offense committed.
- Eliminates the imposition of a sentence of life without the possibility of parole upon a person convicted of a crime committed when they were less than 18 years old.
- Eligible for parole after serving a certain number of years:
  - 15 calendar years for a prisoner serving a period of incarceration for having been convicted of an offense or offenses that did not result in the death of a victim.
  - 20 calendar years for a prisoner serving a period of incarceration for having been convicted of an offense or offenses that resulted in the death of only one victim.
  - This provision does not apply to a prisoner who is serving a period of incarceration for having been convicted of an offense or offenses that resulted in the death of two or more victims.

Effective October 1, 2015



AB267 – This bill requires a court to consider the differences between juvenile and adult offenders when determining an appropriate sentence for a person convicted as an adult for an offense committed when the person was less than 18 years of age. This bill eliminates the imposition of a sentence of life without the possibility of parole upon a person convicted of a crime committed when the person was less than 18 years of age. This bill establishes certain minimum periods of incarceration which must be served by a prisoner who was sentenced as an adult for certain offenses that were committed when he or she was less than 18 years of age before the prisoner is eligible for parole.
Effective: October 1, 2015
Amends: New section in NRS Ch. 176, NRS 176.025, new section in Ch. 213, and 213.107

SB 58 – Information Sharing

- Revises provisions concerning the release of information for a child under the jurisdiction of the juvenile court.
- Outlines who information may be shared with and under what circumstances.
- Eliminates the requirement that a request for information be in writing and revises from 3 days to 5 business days the period in which a denial of the request for the release of information must be made to the person requesting the information.
- Adds a gross misdemeanor penalty for certain persons who disseminate or make juvenile justice information public (similar to the language in NRS 432B.290).

SB58 – Existing law authorizes directors of juvenile services and the Chief of the Youth Parole Bureau, or his or her designee, to release, upon written request and good cause shown, certain information concerning a child who is within the purview of the juvenile court to certain other persons involved in the juvenile justice system. This bill specifies that juvenile justice information is confidential and may only be released under certain circumstances. The bill also revises: (1) the information that may be released; (2) the list of persons to whom the information may be released; and (3) the circumstances under which the information may be released. The bill further eliminates the requirement that a request for such information be in writing and revises from 3 days to 5 business days the period in which a denial of a request for the release of the information must be made to the person who requested the information. Finally, the bill makes it a gross misdemeanor for certain persons to disseminate or make public juvenile justice information. Existing law makes it a gross misdemeanor for certain persons to disseminate or make public information relating to child welfare services. This bill revises the list of persons who may disseminate or make public such information and the circumstances under which the information may be released.
Effective: July 1, 2015
Amends: NRS 62H.025 and 432B.290

SB212 – School Disturbance

- Expands authority of school district superintendent to modify a suspension or expulsion requirement for a student who commits battery which results in injury on a school employee, sells drugs at school, or is deemed a habitual disciplinary problem. Walks back from existing 'zero-tolerance' policy.
- Matches school disturbance statute (NRS 392.910) definition of assault with other definitions in NRS and modifies intent requirement from purposefully to maliciously.
- Repeals provision that made using vile or indecent language on school grounds a misdemeanor.

Effective July 1, 2015

SB212 – This bill expands the authority of the superintendent of schools of a school district to also modify the suspension or expulsion requirement for good cause shown if a pupil commits a battery which results in bodily injury of a school employee, sells or distributes a controlled substance or is deemed a habitual disciplinary problem. This bill matches school disturbance statute definition of assault with other definitions in NRS and modifies intent requirement from purposefully to maliciously. Finally, removes the provision which makes it unlawful for a person to disturb the peace of any public school by using vile or indecent language within the building or grounds of the school, which is currently punishable as a misdemeanor.
Effective: July 1, 2015
Amends: NRS 392.4655, 392.466, and 392.910

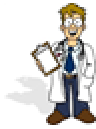
SB504 – This bill revises provisions relating to a safe and respectful learning environment in public schools (anti-bullying). Section 3 specifies that a parent or guardian of a pupil in public school may petition a court of competent jurisdiction for a writ of mandamus to compel compliance with the provisions of the bill.
Effective: July 1, 2015
Amends: New sections in NRS Ch. 388, numerous sections of Ch. 388, and several sections of Ch. 391

VI. MENTAL HEALTH

SB7 – Involuntary Mental Health Admission

- Adds a physician's assistant, under supervision, to the list of persons who may file an application for emergency admission of person into a mental health facility. A physician's assistant may also certify a person as not being mentally ill, subject to supervision.
- A physician's assistant many petition a court to involuntarily commit a person.
- Prohibits a person who is within the second degree of consanguinity from completing an application to involuntarily admit a person to a mental health facility or certify that the relative is mentally ill and a danger to him or herself or others.

Effective June 9, 2015



SB7 – This bill expands the list of persons who may file an emergency application to admit a person to a mental health facility, and may petition a court to involuntarily commit a person to include physician assistants. Physician assistants, under supervision, may also certify a person as not being mentally ill. This bill also prohibits a person who is within the second degree of consanguinity from completing an application to involuntarily admit a person to a mental health facility or certify that a relative is mentally ill and is danger to him or herself or others.
Effective: June 9, 2015
Amends: NRS 433A.145, 433A.160, 433A.170, 433A.195, 433A.197, 433A.200, 632.120, and 641B.160

SB35 – This bill ratifies and enacts the *Interstate Compact on Mental Health*. It authorizes court in a state to which a Nevada patient has been transferred to appoint a supplemental or substitute guardian.
Effective: May 27, 2015
Amends: New sections in NRS Ch. 433, 433.444, 433A.400, 433A.430, 433A.440, and 433B.140

SB240 – Mental Health Records

- Acceptance of a plea of guilty but mentally ill, a verdict of not guilty by reason of insanity, or a finding that defendant is incompetent to stand trial must be transmitted to the Central Repository within 5 days of acceptance of the plea, entry of verdict, or the finding of incompetence.
- Information required to be transmitted to the Repository by NRS 179A.075 (delinquency) must be sent within 60 days of the disposition of the case.
- A finding that a proposed ward has a mental defect must be transmitted to the Repository within 5 days of the finding.
- An order committing a person involuntarily to a mental health facility must be transmitted to the Repository within 5 days of the order becoming final (NRS 433A.310).
- A mental health professional must communicate a threat of imminent serious physical harm or death made by a patient to the subject of the threat, the correct law enforcement agency, and the parent or guardian of a minor making such a threat. In lieu of making such reports, the mental health professional may apply for involuntary commitment of the person.

Effective June 2, 2015 and October 1, 2015

SB240 – This bill requires a court to transmit to the Central Repository any order, judgment, plea or verdict concerning the involuntary admission of a person to a mental health facility, the appointment of a guardian for a person with a mental defect, a finding that person is incompetent to stand trial, a verdict acquitting a person by reason of insanity, or a plea or finding of guilty but mentally ill within 5 business days. This bill further requires that records of criminal history regarding delinquency be transmitted to the repository within 60 days of the disposition of the case. This bill requires a mental health professional must communicate a threat of imminent serious physical harm or death made by a patient to the subject of the threat, the correct law enforcement agency, and the parent or guardian of a minor making such a threat. In lieu of making such reports, the mental health professional may apply for involuntary commitment of the person. This bill also makes regarding firearms including expanding prohibitions regarding the possession of firearms by mentally ill persons and regarding legislative preemption of local government regulation of firearms.
Effective: Legislative preemption provisions on June 2, 2015, and all other provisions on October 1, 2015
Amends: NRS 174.035, 175.533, 175.539, 178.425, new section in Ch. 179A, 179A.010, 179A.075, 179A.163, 179A.165, 179A.167, 49.213, 49.245, 159.0593, 202.254, 202.360, 202.362, 244.364, 268.418, 269.222, 433A.310, 433C.130, and new section in Ch. 629

VII. POWER OF ATTORNEY

AB128 – Existing law sets forth provisions governing durable powers of attorney for health care decisions. This bill provides examples of a form for a power of attorney for health care for adults with intellectual disabilities and a form for end-of-life decisions for adults with intellectual disabilities.
Effective: June 4, 2015
Amends: New section in NRS Ch. 162A, 162A.700, 162A.710, and 162A.860

FISCAL

INSURANCE/RETIREMENT

SB69 – Judicial Retirement

- Replaces the requirement that Judicial Retirement System (JRS) judges must be 60 years old to serve as a senior judge with a requirement that the judge must be receiving a benefit that is not actuarially reduced or, if the judge is receiving a benefit that is actuarially reduced, the judge must be the age at which he or she could have retired and not had his or her benefit reduced.
- Period of time that a JRS judge must wait before becoming a senior judge reduced from 6 months to 90 days.
- Critical labor declaration no longer required for senior judges to be able to work and receive benefits.
- Senior judge program no longer sunsets.

Effective June 9, 2015 and July 1, 2015

SB69 – This bill removes the requirement that a judge in the Judicial Retirement System (JRS) must be 60 years of age in order to work as a senior judge, and replaces it with a requirement that the retired judge must be receiving: (1) a benefit that is not actuarially reduced; or (2) a benefit that is actuarially reduced but the retired justice or judge has reached the required age at which he or she could have retired with a benefit that was not actuarially reduced. This bill reduces the waiting period for a JRS judge to become a senior judge from 6 months to 90 days. This bill authorizes a retired justice or judge who is a member of the Public Employees‟ Retirement System and who accepts employment as a senior justice, senior judge, senior justice of the peace or senior municipal judge with the Nevada Court System to continue to receive allowances under the Public Employees‟ Retirement System for the duration of that employment (permanent critical labor shortage). Finally, this bill removes the provision that would have sunset the JRS senior judge program on June 30, 2015.

Effective: Sunset removal effective June 9, 2015, other provisions effective July 1, 2015

Amends: NRS 1A.360 and 286.520

SB406 – PERS

- Changes that apply to a person who joins PERS or JRS on or after July 1, 2015:
  - Member who commits a felony related to his or her public employment forfeits PERS benefits.
  - Retirement ages: 65 years old with 5 years of service, 62 years old with 10 years of service, 55 years old with 30 years of service, or any age with 33 and 1/3 years of service. Ages apply to all PERS and JRS members.
  - Purchased service credit is no longer included in calculating years of service to determine age of retirement (limited medical exception).
- Continues critical labor shortage declaration.
- Includes surviving family of certain officers who died in line of duty as eligible for certain benefits.

Effective June 1, 2015, June 9, 2015 and July 1, 2015

SB406 – This bill provides that if a person becomes a member of the Public Employees‟ Retirement System, Judicial Retirement Plan or Legislators‟ Retirement System, respectively, on or after July 1, 2015, and that member is convicted of or pleads guilty or nolo contendere to certain felonies, the member forfeits, with limited exceptions, all rights and benefits under the relevant retirement system. This bill reduces the postretirement increases for retirees who become members of the retirement systems (PERS and JRS) on or after July 1, 2015. This bill provides that a person who becomes a member of the System on or after July 1, 2015, other than a police officer or firefighter, is eligible to retire at 65 years of age if he or she has at least 5 years of service, at 62 years of age if he or she has at least 10 years of service, at 55 years of age if he or she has at least 30 years of service, and at any age if he or she has at least 33 1/3 years of service. This bill makes the eligibility requirements for retirement relating to age and service consistent between public employees and justices of the Supreme Court, judges of the Court of Appeals, district judges, justices of the peace and municipal judges. This bill provides that for a member of one of the systems, the calculation of the member‟s years of service for the purpose of determining the age at which the member may retire with an unreduced benefit must not include any year or part of a year of service credit purchased by the member or, in certain circumstances, on behalf of the member, with a limited exception if the member has a family medical emergency. This bill limits the amount of compensation used to determine the retirement benefit of a person who becomes a member of a public retirement system on or after July 1, 2015, to $200,000, plus certain adjustments based on changes in the Consumer Price Index. This bill provides that the monthly retirement allowance for each person who has an effective date of membership on or after July 1, 2015, other than a police officer or firefighter, will be determined by multiplying the member‟s average compensation by 2.25 percent for every year of service with the member‟s eligibility for service credit ceasing at 33 1/3 years of service. This bill requires members of the Plan who have an effective date of membership on or after July 1, 2015, to pay 50 percent of the required contributions to the Plan. This bill provides that the monthly retirement allowance for each person who has an effective date of membership on or after July 1, 2015, will be determined by multiplying the member‟s average compensation by 3.1591 percent for every year of service. This bill clarifies that the term “spouse” includes a domestic partner for purposes of determining eligibility to receive survivor benefits from a public retirement system. This bill also permanently continues the

"critical labor shortage." Finally, this bill includes surviving family of certain officers who died in line of duty as eligible for certain benefits.
Effective: Sections 29.6, 29.7, and 29.8 on June 1, 2015; June 9, 2015, for regulatory and administrative purposes; and July 1, 2015, for all other purposes
Amends: New sections in NRS Ch. 286, 286.510, 286.535, 286.551, 286.571, 286.5756, 286.671, 286.672, 286.679, new sections in Ch. 1A, 1A.160, 1A.180, 1A.350, 1A.400, 1A.440, 1A.530, 1A.560, new sections in Ch. 218C, 218C.450, 218C.530, and 218C.580

PERS Retirement Benefit Table

Benefit Factors	**Date of Hire Prior to January 1, 2010**	**Date of Hire On or After January 1, 2010**	**Date of Hire On or after July 1, 2015**
Benefit Eligibility	Regular Members 5 years at age 65 10 years at age 60 30 years at any age Police/Fire Members 5 years at age 65 10 years at age 55 20 years at age 50 25 years at any age	Regular Members 5 years at age 65 10 years at age 62 30 years at any age Police/Fire Members 5 years at age 65 10 years at age 60 20 years at age 50 30 years at any age	Regular Members 5 years at age 65 10 years at age 62 30 years at age 55 33.3 years at any age Police/Fire Members 5 years at age 65 10 years at age 60 20 years at age 50
Service Time Multiplier 75% maximum benefit if hired on or after July 1, 1985	2.5% prior to July 1, 2001 2.67% after July 1, 2001	2.5%	2.25% for regular 2.5% for police and fire
Purchase of Service	May purchase up to 5 years once vested and counts towards eligibility		Purchase of service does not count toward eligibility unless family medical emergency
Average Compensation	Member‟s highest 36 month average	Member‟s highest 36 month average with provisions that each 12 month period of salary may not increase greater than 10% unless promotion or assignment related	
Early Retirement Reduction	4% for each full year member is under full retirement age and prorated for each month	6% for each full year member is under full retirement age and prorated for each month	
Salary Cap Reportable to PERS	Federal Limit		$200,000/year
Post Retirement Increases (Occasionally, post retirement increases are lower than the percentages listed because they are capped by the Consumer Price Index (All Items) average for the three preceding years.)	2% in each of the 4th, 5th, & 6th years of retirement 3% in each of the 7th, 8th, & 9th years, 3.5% in the 10th, 11th, and 12th years 4% in the 13th & 14th years, 5% every year thereafter	2% in the 4th, 5th, and 6th years of retirement 3% in the 7th, 8th, & 9th years 3.5% in the 10th, 11th, & 12th years, and 4% every year thereafter	2% in each of the 4th, 5th, & 6th years of retirement 2.5% in the 7th, 8th, and 9th years, and the lesser of the CPI cap or 3% every year thereafter

JUDICIAL ADMINISTRATION

I. COMMISSION ON JUDICIAL DISCIPLINE

AB68 – Commission on Judicial Discipline

- Definition of judge expanded to include those formally serving as judge.
- Complaint/action filed must be filed in Supreme Court or considered frivolous and intended for purposes of delay.
- Appointment of justices of the peace and municipal judges to sit on the Commission.
- Revises information the Commission is required to disclose if a witness before the Commission is prosecuted for perjury committed during the course of a proceeding before the Commission.
- Revises confidentiality of deliberative sessions and proceedings.

Effective July 1, 2015

AB68 – This bill revises the definition of the term "judge" to include a person who is a former justice, judge, justice of the peace or other officer of the Judicial Branch who presides over judicial proceedings if the conduct at issue occurred while the person was serving in any such position. This bill: (1) requires that any complaint or action filed in connection with any proceeding of the Commission be filed in the Nevada Supreme Court; (2) provides that any such complaint or action filed in a court other than the Supreme Court will be presumed to be frivolous and intended solely for the purposes of delay; and (3) requires the Supreme Court to appoint two justices of the peace and two municipal judges to sit on the Commission for formal, public proceedings against a justice of the peace or a municipal judge, respectively. This bill requires appointing authorities to appoint one or more alternate members to serve on the Commission. Existing law requires that all proceedings of the Commission remain confidential until the Commission makes a determination that a reasonable probability of grounds for disciplinary action against a judge exists and the special counsel files a formal statement of charges. This bill instead requires that the existence of a proceeding of the Commission remain confidential during such time. This bill also revises the information that the Commission is required to disclose if a witness is prosecuted for perjury committed during the course of a proceeding before the Commission. Existing law also requires that all deliberative sessions of the Commission remain private. This bill requires that any minutes of such sessions remain confidential. This bill provides that, unless otherwise expressly provided by law, a determination or finding by the Commission is required to be recorded in the minutes of the proceedings of the Commission if the determination or finding is made before: (1) the filing of a formal statement of charges against a judge; or (2) the Commission decides to suspend a judge.

Effective: July 1, 2015

Amends: New section in NRS Ch. 1, NRS 1.425, 1.428, 1.440, 1.445, 1.4683, 1.4687, and 239.010

II. COURT RECORDS/RECORDING

AB47 – This bill provides for the establishment within the Central Repository of a service to conduct a name-based search of records of criminal history of an employee, prospective employee, volunteer or prospective volunteer. This bill sets forth certain requirements relating to the operation of that service, including, without limitation, provisions regarding: (1) eligibility to participate in the service; (2) fees for participation in the service; (3) the type of information that the Central Repository may release; (4) the requirements for obtaining the consent of the subject of a search for records of criminal history; (5) the authority of the Central Repository to conduct audits concerning the service; and (6) the ability of the Central Repository to terminate participation in the service under certain circumstances.
Effective: May 25, 2015
Amends: New section in NRS Ch. 179A

AB69 – Judicial Branch Reporting

- Removes existing provisions requiring the courts to recycle and allows the court to recycle to the extent reasonably possible.
- Adds electronic records to many areas of court requirements.
- NRS 3.243, 4.175, 5.045 changed to compile USJR stats.
- Date for transmitting money 5th or 15th of the month for all courts.
- Removes certain provisions including: (1) requiring the Clerk of the Supreme Court to publish a list of certain cases in a newspaper; (2) governing an offer of judgment; (3) establishing penalties for justices of the peace to keep records of certain traffic violations; and (5) requiring the Nevada Supreme Court to decide an appeal from a judgment imposing the death penalty within a certain period.
- Eliminates outdated jury requirements in NRS Chapter 6.
- Changes county clerk to clerk of the court throughout NRS Chapter 19.

Effective October 1, 2015

AB69 – Existing law requires courts, the Legislative Counsel Bureau, state agencies, school districts and Nevada System of Higher Education to recycle paper and paper products unless a waiver is granted. This bill removes existing provisions requiring a waiver of the requirement for courts to recycle and, instead, requires courts to recycle to the extent reasonably possible. This bill changes existing law to allow the Clerk of the Supreme Court to post tables of fees by conventional or electronic means and requires the table of fees to be posted on the Internet website of the Clerk. Existing law requires district courts, justice courts and municipal courts to submit to the Court Administrator a report of statistical information concerning the workload of those courts. Existing law further requires the clerk of a district court to obtain and file certain information concerning the nature of each criminal and civil case filed with the court. This bill amends these provisions to require district courts, justice courts and municipal courts to submit a report of statistical information to the Court Administrator pursuant to the uniform system for collecting and compiling statistical information concerning the State Court System which is prescribed by the Supreme Court. Existing law requires each justice of the peace to charge and collect certain fees and to pay those fees to the county treasurer not later than the first Monday of each month. This bill requires that the fees be paid on or before the fifth day of the month. Under existing law, a justice of the peace is

required to pay to the county treasurer the amount of each fine that is paid or bail that is forfeited within 30 days after such payment or forfeiture. This bill requires such payments to be made on or before the fifth day of the month immediately following the month in which the fine is paid or the bail forfeited. This bill specifically authorizes a justice of the peace to keep his or her docket in written or electronic format. Existing law authorizes jurors to be selected by a jury commissioner designated by the district court or, in counties where there is no jury commissioner, by the board of county commissioners. This bill removes provisions relating to the selection of jurors by a board of county commissioners. Under existing law, county clerks are ex officio clerks of the district court in and for their counties. (Nev. Const. Art. 4, § 32; NRS 3.250, 246.060) The Nevada Supreme Court has ruled that "[a] district court may exercise control over the court clerk's office either directly, by assuming all or part of the court clerk's functions, or indirectly, by supervising the county clerk in the performance of his or her duties as the *ex officio* court clerk." (*State ex rel. Harvey v. Second Jud. Dist. Ct.*, 117 Nev. 754, 772 (2001)) This bill changes the term "county clerk" to "clerk of the court" in various statutes relating to the fees charged for the filing of certain documents in the district court and other services provided by the clerk of a district court. Under existing law, a person may register an order for protection against domestic violence issued by a court in another state by presenting a certified copy of the order to the clerk of the court in a judicial district in which the person believes that enforcement may be necessary. This bill: (1) provides that such an order may be registered in a court of competent jurisdiction in the judicial district in which the person believes that enforcement may be necessary; and (2) authorizes a copy of such an order to be forwarded by conventional or electronic means to the appropriate law enforcement agency. Existing law requires a court, upon entering an order of probation or suspension of sentence, to direct the clerk of the court to certify a copy of the records in the case and deliver a copy of the records in the case to the Chief Parole and Probation Officer. This bill removes the requirement that the clerk certify a copy of the records and authorizes the clerk to deliver the records to the Chief in writing, by electronic means or by affording the Chief access to an electronic system necessary to retrieve the records. This bill removes provisions of existing law which require a court to provide to the Court Administrator a copy of: (1) an order of bail forfeiture; (2) an order exonerating a surety of a bail bond; and (3) an order setting aside a bail forfeiture. This bill removes certain provisions of existing law, including provisions: (1) requiring the Clerk of the Supreme Court to publish a list of certain cases in a newspaper; (2) governing an offer of judgment; (3) establishing penalties for justices of the peace and county clerks who fail to perform certain duties; (4) requiring justices of the peace to keep records of certain traffic violations; and (5) requiring the Nevada Supreme Court to decide an appeal from a judgment imposing the death penalty within a certain period.

Effective: October 1, 2015

Amends: NRS 1.115, 2.250, 3.243, 3.275, 4.063, 4.065, 4.071, 4.090, 4.100, 4.130, 4.175, 4.230, 5.045, 6.090, 6.150, 6.160, new section in NRS Ch. 19, 19.013, 19.030, 19.0302, 19.031, 19.0312, 19.0313, 19.0315, 19.033, 19.034, 19.035, 19.040, 19.050, 19.060, 19.070, 19.080, 19.090, 19.110, 33.090, 40.650, 41.260, 92A.500, 176.285, 176A.220, 178.508, 178.509, 178.512, and 178.514

Repeals: NRS 2.260, 4.110, 4.200, 4.250, 4.330, 5.075, 6.050, 6.060, 6.070, 6.080, 17.115, 19.100, and 177.267

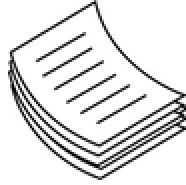
AB179 – Personal Information

- Expands definition of personal information to include such items of information as email addresses and passwords, driver's authorization card numbers, medical and health insurance id numbers, and other such information.

Effective July 1, 2015

AB179 - This bill expands the definition of "personal information" to include such items of information as electronic mail addresses and passwords, driver‟s authorization card numbers, medical and health insurance identification numbers and other similar information.
Effective: July 1, 2015
Amends: NRS 603A.040

AB457 – Reports



- Eliminates the requirement for the:
  - Court Administrator to submit a separate report relating to certain statistics regarding specialty court programs, and instead requires such statistics to be included in the annual report on court statistics.
  - Court Administrator to submit a report containing statistics on cases relating to competency, convictions and malpractice of certain licensed medical professionals.
  - Court clerks to submit such case statistics to the Office of Court Administrator.
  - Supreme Court to submit a report containing statistics on the use of arbitration and alternative dispute resolution in the court system.

Effective July 1, 2015

AB457 – This bill eliminates requirements for the Court Administrator to submit a separate report relating to certain statistics regarding specialty court programs, and instead requires such statistics to be included in the annual report on court statistics. The bill also eliminates the requirement for the Court Administrator to submit a report containing statistics on cases relating to competency, convictions and malpractice of certain licensed medical professionals. This bill eliminates the requirement that court clerks submit such case statistics to the Office of Court Administrator. Finally, this bill eliminates the requirement that the Supreme Court submit a report containing statistics on the use of arbitration and alternative dispute resolution in the court system.

Effective: July 1, 2015

Amends: NRS 1.360, 38.255, 179A.075, 179A.175, 179A.350, 213.10885, 213.10887, 235.016, 274.090, 287.230, 365.550, 417.105, 432A.190, 590.505, 630.307, 633.533, and 645.633

III. COURT REPORTERS

SB131 – Court Reporter Compensation

- Increases compensation of court reporters as listed in NRS 3.370, including daily rate, transcription fees, and civil reporting fee.
- Reporting civil and criminal testimony and proceedings when the court is sitting during traditional business hours on any day except Saturday or Sunday from $170 to $250 per day.
- Transcriptions
  - Within 24 hours $7.05 to $8.03 per page (original) and $2 to $3.62 per page for each additional copy.
  - Within 48 hours $5.62 to $6.01 per page (original) and $1.50 to $2.72 per page for each additional copy.
  - Within 4 days $4.68 to $5.01 per page (original) and $1.25 to $2.26 per page for each additional copy.
  - More than 4 days $3.55 to $3.80 per page (original) and 55 cents to $1.00 per page for each additional copy.
- Civil matters from $30 to $40 for each hour or fraction thereof spent.

Effective October 1, 2015

SB131 – This bill increases the statutory rates of compensation that must be paid to court reporters for transcription and reporting services.
Effective: October 1, 2015
Amends: NRS 3.370

IV. JUDICIAL DISTRICTS

AB435 – Judicial Districts

- Increased the number of judicial districts from 10 to 11.
- Removed Mineral County from 5th Judicial District.
- Removed Lander and Pershing County from 6th Judicial District.
- Lander, Mineral, and Pershing Counties constitute the 11th Judicial District.

Effective July 1, 2015

AB435 – This bill: (1) increases the number of judicial districts in this State from 10 to 11 judicial districts; (2) removes Mineral County from the Fifth Judicial District; (3) removes Lander and Pershing Counties from the Sixth Judicial District; and (4) provides that Lander, Mineral and Pershing Counties constitute the Eleventh Judicial District. This bill provides that there must be one district judge for the Eleventh Judicial District, and decreases the number of district judges in the Sixth Judicial District from two to one. This bill provides that the Sixth and Eleventh Judicial District Courts have concurrent jurisdiction over all matters arising from or relating to the administration of the Humboldt River Decree. The venue for any case or proceeding arising from or relating to the administration of the Humboldt River Decree must be determined on an alternating basis between the Sixth and Eleventh Judicial District Courts. This bill clarifies that this bill does not abrogate or affect the current term of office of any district judge who is serving in that office on July 1, 2015. On July 1, 2015: (1) the district judge who was serving in Department 1 of the Sixth Judicial District becomes the one district judge for the Eleventh Judicial District; (2) the district judge who was serving in Department 2 of the Sixth Judicial District continues serving as the district judge for the Sixth Judicial District; and (3) the district judges who were serving in Departments 1 and 2 of the Fifth Judicial District continue serving as the district judges for the Fifth Judicial District.
Effective: July 1, 2015
Amends: New section in NRS Ch. 3, NRS 3.010, and 3.016

V. MISCELLANEOUS

AB160 – Locations Justice and Municipal Courts May be Held

- Justice Courts must be held in their respective townships, precincts, cities, except that that a justice court may also be held:
  (a) In a court or other facility used by any other justice court located within the same county, with consent of the justice of the peace who presides over that court or other facility.
  (b) With the approval of the court, in any county or city jail or detention facility where a person whose offense or alleged offense which is subject to the jurisdiction of the court is customarily held in custody.
- Municipal courts must be held in their respective cities, except that a municipal court may also be held, with the approval of the court, in any county or city jail or detention facility where a person whose offense or alleged offense which is subject to the jurisdiction of the court is customarily held in custody.

Effective October 1, 2015

AB160 – Existing law requires justice courts to be held in their respective townships, precincts or cities, and municipal courts in their respective cities. This bill provides that justice courts and municipal courts may also be held in various other locations under certain circumstances.
Effective: October 1, 2015
Amends: NRS 1.050, 4.360, and 5.010

SB168 – This bill authorizes a local government to reopen a collective bargaining agreement during a fiscal emergency and sets forth the circumstances under which such an emergency shall be deemed to exist. The procedural requirements relating to the reopening of the agreement remain a mandatory subject of bargaining. This bill also provides, for certain governmental funds of a local government other than a school district, that a budgeted ending fund balance of not more than 25 percent of the total budgeted expenditures, less capital outlay, is not subject to negotiation and cannot be considered by a fact finder or arbitrator in determining ability to pay.
Effective: June 9, 2015
Amends: NRS 288.150 and 354.6241

SB431 – Supreme Court Building Lease

- Authorizes the Supreme Court to enter into a long-term lease for office space in Clark County that extends beyond the '16-'17 biennium.
- Supreme Court to move into new building in December of 2016.
- Public-private partnership.

Effective June 4, 2015

SB431 – This bill authorizes the Supreme Court to enter into a long-term lease for office space in Clark County that extends beyond the „16-‟17 biennium.
Effective: June 4, 2015
Amends: Statutes of Nevada

VI. NOTARIES

AB65 – This bill makes various changes to the regulation of notaries public. Existing law requires the Secretary of State to issue, upon request and the payment of certain fees, an authentication to verify that: (1) the signature of a notarial officer on a document is valid; and (2) the notarial officer holds the office indicated on the document. This bill requires a request for authentication to include a statement signed under penalty of perjury that the document will not be used to: (1) harass a person; or (2) accomplish any fraudulent, criminal or other unlawful purpose. This bill prohibits bringing a civil action against the Secretary of State on the basis that: (1) the Secretary of State has issued an authentication; and (2) the document has been used to harass a person or accomplish any fraudulent, criminal or other unlawful purpose. This bill provides that a person who uses a document for which an authentication has been issued for such unlawful purposes is guilty of a category C felony.
Effective July 1, 2015
Amends: New section in NRS Ch. 240A, NRS 240.010, 240.015, 240.018, 240.075, 240.085, 240.150, 240.1657, 240.195, 240A.030, 240A.100, 240A.110, 240A.200, and 225.083

VII. NUMBER OF JUSTICES

SB514 – Number of Justices

- Section 86 repeals the provisions that reduced the number of justices on the Supreme Court from 7 to 5 in the event of the creation of a court of appeals – keeps Supreme Court at 7 justices.

Effective July 1, 2015

SB514 – This bill makes various changes to State financial administration and makes appropriations for the support of the civil government of the State. Section 86 repeals the provisions that reduced the number of justices on the Supreme Court from 7 to 5 in the event of the creation of a court of appeals, i.e., keeps Supreme Court at 7 justices.
Effective: June 11, 2015, and July 1, 2015
Amends: Section 86 – Statutes of Nevada

VIII. PERSONNEL

AB388 – This bill changes the period during which a public officer or employee is eligible to take the specified number of days of leave of absence for military duty each year from a calendar year to a 12-month period selected by the officer‟s or employee‟s public employer.
Effective: June 4, 2015, for purposes of developing policies and procedures and July 1, 2015, for all other purposes.
Amends: NRS 281.145

SB471 – Existing law requires the payment of a subsidy from the State Retirees‟ Health and Welfare Benefits Fund for retirees enrolled in Medicare to pay for certain benefits. This bill also requires the payment of this subsidy for retirees, usually retired military servicepersons, who are enrolled in the federal TRICARE program.
Effective: July 1, 2015
Amends: NRS 287.046

SB472 – Existing federal law prohibits a waiting period of longer than 90 days for a newly hired employee to join an employer sponsored health care plan (Patient Protection and Affordable Care Act, Pub. L. No. 111-148, § 2708; 26 C.F.R. § 54.9815-2708). Existing state law creates a Public Employees‟ Benefits Program to provide group life, accident or health insurance to certain public employees, state officers and members of the Legislature in this State. Under existing law, professional employees of the Nevada System of Higher Education are eligible to enroll in the Program: (1) on the effective date of their employment contracts, if that date is the first day of the month; or (2) on the first day of the month immediately following the effective date of their employment contracts. All other public employees, state officers and members of the Legislature who may participate in the Program become eligible to enroll on the first day of the month after the completion of 90 days of full-time employment or service in office. This bill revises the date on which certain public employees, state officers and members of the Legislature become eligible to participate in the Program to: (1) the date of hire or first day of the term of office of the public employee, state officer or member of the Legislature if that date is the first day of the month; or (2) the first day of the month immediately following the date of hire or first day of the term of office of the public employee, state officer or member of the Legislature.
Effective: July 1, 2015
Amends: NRS 287.045

MISCELLANEOUS
IX. OTHER

AB120 – This bill clarifies that pupils at public schools are entitled to express themselves in a manner consistent with the rights guaranteed by the First and Fourteenth Amendments to the United States Constitution, provided that such expression does not disrupt instruction at a public school, is not used to bully or intimidate any person and is not organized, broadcast or endorsed by the public school. The bill also requires the board of trustees of each school district and the governing body of each charter school and university school for profoundly gifted pupils to adopt a grievance policy prescribing procedures for the resolution of a complaint that the rights described in section 2 have been violated.
Effective: July 1, 2015
Amends: New section in NRS Ch. 388

AB488 – This bill makes technical corrections to certain legislative measures which were previously passed during the 78th Legislative Session. Existing law requires the Department of Public Safety to prepare annually a list of states that have: (1) requirements for the issuance of a permit to carry a concealed firearm that are substantially similar to or more stringent than the requirements set forth in this State; and (2) an electronic database which identifies each individual who possesses a valid permit to carry a concealed firearm by that state and which a law enforcement officer in this State may access at all times. Section 4.5 of Senate Bill No. 175 instead requires the Department to determine whether each state requires a person to complete any training, class or program for purposes of preparing the list. This bill amends section 4.5 of Senate Bill No. 175 to remove the requirement that the Nevada Sheriffs‟ and Chiefs‟ Association must agree with the Department‟s inclusion of a state in the list. This bill amends Senate Bill No. 240 to resolve a potential conflict with Senate Bill No. 175. Sections 2-4: (1) amend several sections of Senate Bill No. 240 to make those sections identical to the corresponding sections in Senate Bill No. 175; and (2) provide that a person who is adversely affected by the enforcement of an ordinance or regulation, which is inconsistent with the rights and powers of the Legislature to regulate certain provisions relating to firearms, on or after October 1, 2015, may file suit in the appropriate court for declarative and injunctive relief and damages.
Effective: June 9, 2015
Amends: Senate Bill 175 and Senate Bill 240

AB493 – This bill authorizes the governing body of an incorporated city to exercise powers necessary or proper to address matters of local concern for the effective operation of city government (Dillon‟s Rule).
Effective: July 1, 2015
Amends: New section in NRS Ch. 268

SB60 – This bill revises related to the Office of the Attorney General including transferring the responsibility for the confidential address program, for victims of domestic violence, human trafficking, sexual assault, or stalking from the Secretary of State‟s Office to the Attorney General‟s Office.
Effective: July 1, 2015
Amends: NRS 217.462, 217.464, 217.466, 217.468, 217.471, and new section in Ch. 228

Confidential Address Program Contact:
Nevada Confidential Address Program
PO Box 2743
Carson City, NV 89702

Toll Free: 888-432-6189
Local: 775-684-5707
Fax: 775-684-1145
E-Mail: nvcap@ag.nv.gov

Web: http://ag.nv.gov/Hot_Topics/Victims/NVCAP/Confidential_Address_Program/

SB118 – Sparks Muni Court

- The administrative judge of the Sparks Municipal Court shall prescribe the salaries of court employees.
- The City Manager does not appoint or direct court employees.
- See also: ***City of Sparks vs. Sparks Mun. Court, 129 Nev., Advanced Opinion 38***

Effective May 6, 2015

SB118 – This bill conforms the Sparks City Charter with the Supreme Court‟s decision in *City of Sparks vs. Sparks Mun. Court, 129 Nev., Advance Opinion 38 (2013)*. It provides that the City manager does not appoint or direct court employees and does not set court employee salaries. These duties are the responsibility of the Administrative Judge.
Effective: May 6, 2015
Amends: Sparks City Charter

SB230 – Existing law establishes the Fund for the Compensation of Victims of Crime. The victims of certain crimes, the dependents of those victims and certain members of the victim‟s household may apply to the State Board of Examiners for compensation from the Fund for certain expenses and losses, not to exceed $100,000 per award, except that the Board may approve an additional award of not more than $50,000 after considering the amount of money remaining in the Fund and the particular circumstances of the victim. This bill removes the limit on the total amount of compensation that may be awarded.
Effective: October 1, 2015
Amends: NRS 217.200

SJR17 – Victim Bill of Rights

- Proposes to amend the Nevada Constitution to eliminate the existing provisions of Article 1, Section 8, concerning victims' rights.
- Adds new section setting forth an expanded list of such rights in the form of a victims' bill of rights.
- Modeled after the victims' bill of rights in California Constitution often referred to as Marsy's Law (Cal. Const. Art. 1, § 28).
- If the resolution passes the 2017 legislature in the exact same form, it would go on the general election ballot in 2018.

SJR17 – This resolution proposes to replaces the existing provisions regarding the rights of victims of crime found in the Nevada Constitution, with new provisions as set forth in the part of the California Constitution commonly referred to as Marsy‟s Law. The new provisions include that a victim of crime has the right to: be treated fairly and be free from intimidation, harassment, and abuse; be protected from the defendant; have victim safety considered when setting bail; have their information kept confidential; refuse interviews or depositions unless under court order; confer with the prosecutor on request; receive notice of all proceedings upon request; be heard at any proceeding; timely disposition of the case; have input in an PSI; be informed of the sentence; full and timely restitution; the prompt return of property; be informed of all post-conviction proceedings, have monetary payments made by the defendant applied to restitution first; and be informed of these rights. This resolution further provides that a victim has standing to assert these rights in any court with jurisdiction over the case and that court must rule promptly on such as assertion. The resolution also provides that a victim may file an action to compel a public officer or employee to carry out duties contained herein.
Effective: Return to 2017 Session
Amends: Nevada Constitution, Article 1, Section 8

REAL PROPERTY

I. COMMERCIAL TENANT

AB379 – Existing law prohibits a landlord from interfering in certain matters with a tenant�টs use of commercial premises. Existing law also requires a landlord or a landlord‟s agent who has changed the door locks of a commercial tenant who is delinquent in paying rent to place a written notice for a period of not less than 5 business days on the front door of the premises which states information regarding how a tenant may obtain a new key. This bill eliminates this minimum posting period. Additionally, this bill requires a landlord to provide a tenant with written notice of delinquency in paying rent and of the landlord‟s intent to change the door locks by certified mail at least 3 days before changing the door locks of the tenant. This bill authorizes a tenant to terminate the lease if the landlord or the landlord‟s agent violates the provisions of NRS 118C.200.
Effective: October 1, 2015
Amends: NRS 118C.200

II. COMMON-INTEREST COMMUNITY

AB141 – Under existing law, a homeowners‟ association or other person conducting a sale of a unit pursuant to the foreclosure of a lien is required to mail to certain parties a copy of the notice of default and election to sell. This bill removes a provision that requires a copy of the notice of default and election to sell to be mailed to holders of certain security interests only if such holders have notified the association of the existence of the security interest 30 days before the recordation of the notice.
Effective: October 1, 2015
Amends: NRS 116.31163

SB306 – Common-Interest Communities

- A limited amount of the costs related to lien enforcement may be added to the home owners association's super-priority lien.
- Association, board, officer, or employee does not need to be a licensed debt collector or contract with a collector until an NOD is filed.
- Changes procedures and notice requirements related to foreclosure and foreclosure sale on an association's lien.
- If the holder of a first security interest pays the super-priority lean no later than 5 days before foreclosure sale, the first security interest is not extinguished
- Makes changes regarding redemption of association's lien after foreclosure sale.
- An association may foreclosure on lien if the unit is subject to the Foreclosure Mediation Program (FMP) if the unit owner has not paid the amounts due to the association during the pendency of mediation.
- Trustee must notify the association if a unit is subject to FMP, and must inform the association when the trustee receives the FMP certificate.
- Requires trustees to report information to the Department of Business and Industry, and requires the Department to post the name and address of a borrower or borrower's representative to whom lien notices and FMP notices may be sent.

Effective October 1, 2015

SB306 – Under existing law, a unit-owners‟ association has a lien on a unit for certain amounts due to the association and may foreclose its lien through a non-judicial foreclosure sale. Generally, the association‟s lien is not prior to a first security interest on the unit recorded before the date on which the amount sought to be enforced became delinquent. However, the association‟s lien is prior to the first security interest on the unit to the extent of certain maintenance and abatement charges and a certain amount of assessments for common expenses. The portion of the association‟s lien that is prior to the first security interest on the unit is commonly referred to as the "super-priority lien." This bill amends various provisions governing the association‟s super-priority lien and the procedures required for an association to foreclose its lien. This bill authorizes a limited amount of the costs of enforcing the association‟s lien to be included in the super-priority lien. This bill also specifically states that an association, a member of the association‟s executive board, an officer or employee of the association or the community manager of the association is not required to be a licensed debt collection agency or contract with a licensed debt collection agency to collect amounts included in the association‟s lien until a notice and default and election to sell the unit to enforce the lien is recorded. This bill specifically states that any payment of an amount included in the association‟s lien by the holder of a subordinate lien on the unit becomes a debt due from the unit‟s owner to the holder of the lien. This bill revises provisions governing the procedures for the foreclosure of the association‟s lien. It revises provisions relating to the notice of the association‟s foreclosure required to be given to the holders of recorded security interests on the unit. Under this bill, an association is required to mail by certified mail, not later than 10 days after recording the notice of default and election to sell, a copy of the notice to each holder of a security interest recorded before the association recorded the notice. This bill also requires the association to mail by certified mail, not later than 10 days after recording notice of the foreclosure sale of the unit, a copy of the notice of sale to each holder of a security interest recorded before the association recorded the notice of sale. This measure also: (1) specifically states that the mailing of the copy of the notice of default and election to sell and the copy of the notice of sale to each holder of a recorded security interest is a condition which must be satisfied before the association may sell the unit; and (2) requires the association to record an affidavit stating the name of each holder of a recorded security interest to whom a copy of the notice of default and election to sell and notice of sale was mailed and the address to which those notices were sent. This bill further requires the publishing, posting and giving of notice of the foreclosure sale of a unit by an association in a manner similar to the

publishing, posting and giving of notice of the non-judicial foreclosure sale of real property secured by a deed of trust. This bill revises provisions relating to the foreclosure sale of a unit by an association. It requires the sale to be conducted at the same location that a non-judicial foreclosure sale of real property secured by a deed of trust must be conducted. This bill also provides that if the sale is postponed by oral proclamation, the sale must be postponed to a later date at the same time and location. However, if the date of sale has been postponed by oral proclamation three times, any new sale information must be provided by giving certain notice of the sale. Additionally, this bill requires the person conducting the sale to announce at the sale whether or not the super-priority lien has been satisfied. This bill further provides that if the holder of the first security interest pays the amount of the super-priority lien not later than 5 days before the date of sale, the foreclosure of the association"s lien does not extinguish the first security interest. It also provides that after a sale of a unit to enforce the association"s lien, the unit"s owner or a holder of a security interest on the unit may redeem the unit by paying certain amounts to the purchaser within 60 days after the sale. If the unit"s owner redeems the unit, the unit"s owner is restored to his or her ownership of the unit subject to any security interest on the unit that existed at the time of the sale. If a holder of a security interest on the unit redeems the unit, that holder becomes the owner of the unit. This bill provides that upon expiration of the redemption period, any failure to comply with the requirements of existing law for the foreclosure of the association"s lien does not affect the rights of a bona fide purchaser or encumbrancer for value. Existing law further provides that if a unit is subject to the Foreclosure Mediation Program, a unit-owners" association may not foreclose its lien on the unit until the trustee has recorded the required certificate. This bill revises the language of existing law and specifies that a unit-owners" association may foreclose its lien on a unit that is subject to the Foreclosure Mediation Program if the unit"s owner has failed to pay amounts that became due to the association during the pendency of the mediation. This bill requires the trustee under a deed of trust to notify the association that a unit is subject to the Foreclosure Mediation Program, and to notify the association that the trustee has received the required certificate from the Program. This bill requires a financial institution that is a mortgagee or beneficiary of a deed of trust under certain residential mortgage loans to provide to the Division of Financial Institutions of the Department of Business and Industry the name and street address of a person to whom: (1) a borrower or a borrower"s representative may send information and notices to facilitate a mediation under the Foreclosure Mediation Program; and (2) a unit-owners" association may mail notices concerning the association"s lien. Finally under this bill, the Division is required to maintain this information on its Internet website and provide a prominent display of, or a link to, this information on the home page of its Internet website.

Effective: October 1, 2015

Amends: NRS 116.3116, 116.31162, 116.31163, 116.311635, 116.31164, 116.31166, 166.31168, 107.086, and new section in Ch. 657

III. FORECLOSURE/DEEDS OF TRUST

AB195 – Existing law generally provides that a judgment creditor or a beneficiary of a deed of trust may obtain a deficiency judgment after a foreclosure sale or trustee‟s sale of real property if there is a deficiency of the proceeds of the sale and a balance remaining due to the judgment creditor or beneficiary. Existing law further provides that if a person acquired the right to obtain a deficiency judgment from another person, the amount of the deficiency judgment must not exceed the amount of consideration paid for that right. This bill provide that this provision applies only to deficiency judgments awarded on or after the passage and approval of this bill in a deficiency judgment proceeding to enforce: (1) any debt secured by property upon which the debtor or a guarantor or surety of the debt maintains his or her principal residence, there is not more than one residential structure and not more than four families reside; and (2) any debt secured by any other property if the promissory note or guaranty evidencing the debt was fully executed before July 1, 2011. Existing law provides that, under certain circumstances, a money judgment obtained by a creditor with a junior mortgage or lien on real property may not exceed the amount of consideration paid by the creditor for the right to enforce the obligation secured by the junior mortgage or lien. This bill provides that this limitation applies only to a money judgment awarded on or after the passage and approval of this bill in a civil action to enforce: (1) any obligation secured by a junior mortgage or lien on real property upon which the debtor or a guarantor or surety of the debt maintains his or her principal residence, there is not more than one residential structure and not more than four families reside; and (2) any obligation secured by a junior mortgage or lien on any other real property if the promissory note or guaranty evidencing the obligation was fully executed before July 1, 2011.
Effective: May 25, 2015
Amends: NRS 40.459 and 40.4636

SB512 – Foreclosure Mediation

- Repeals existing FMP statutes effective June 30, 2017, and sets December 31, 2016, as the final day to enter the program (shuts down FMP).
- FMP will not receive notice of NODs filed after December 1, 2016.
- A mortgagor, grantor, or the person who holds the title of record of an owner-occupied home may opt into the FMP program pre-NOD if:
  - A local housing agency certifies that the mortgagor, etc. is experiencing financial hardship and as risk of default;
  - The mortgagor, etc. files an election to enter the program and;
  - The mortgagor, etc. pays his or her share of the mediation fee.

Effective June 10, 2015 and expires by limitation on June 30, 2017

SB512 – This bill authorizes a mortgagor under a mortgage secured by owner-occupied housing or a grantor or the person who holds the title of record with respect to a deed of trust concerning owner-occupied housing to initiate the mediation process if: (1) a local housing counseling agency approved by the United States Department of Housing and Urban Development certifies that the mortgagor, grantor or person who holds the title of record has a documented financial hardship and is in imminent risk of default; (2) the mortgagor, grantor or other person files a form with the Mediation Administrator indicating an election to enter into mediation; and (3) the mortgagor, grantor or other person pays his or her share of the fee for the mediation. Under this bill, if the parties participate in mediation in good faith, the requirement of existing law to participate in mediation before a non-judicial foreclosure sale of the owner-occupied housing is satisfied. This bill authorizes the Court Administrator, under certain circumstances, to submit to the Interim Finance Committee a request for an allocation from the Contingency Account created by NRS 353.266 for deposit in the Account for Foreclosure Mediation. This bill repeals the existing statutes providing for the foreclosure mediation program, effective on June 30, 2017, effectively ending the program on that date. Section 1 also expires by limitation on that date. Under bill, December 31, 2016, is the last date on which a homeowner can enroll in the foreclosure mediation program. Persons initiating foreclosures after December 1, 2016, need not provide notice of the mediation program.

Effective: June 10, 2015, and June 30, 2017

Amends: New section in NRS Ch. 107, 107.080, 107.085, 107.086, 107.095, 107.450, 107.460, 107.480, 107.550, 2.125, and 40.437

IV. GENERAL

SB239 – Real Property

- Allows a title agent, title insurer, or escrow agent to make a written request to a lender to terminate an equity line of credit secured by a deed of trust or mortgage. Lender must terminate the borrower's access to credit, apply certain sums to the satisfaction of line of credit, and record a reconveyance or certificate of discharge when the balance is zero. Also allows borrower to request closure of a line of credit.
- Allows a trustee of a deed of trust to file a declaration of nonmonetary status if the trustee is named in a civil action when the trustee is named solely for acting as a trustee. Such a declaration may be opposed.
- Beneficiary of a deed of trust may substitute and act as trustee for purposes of reconveying the deed of trust.
- Within five days of a trustee's sale the trustee or bidder must conspicuously post a notice of such sale on the property. However, failure to post does effect the validity for the sale to a bona fide purchaser.
- An action to declare a trustee's sale void must be filed within 30 days of the recordation of the sale.

Effective June 1, 2015

SB239 – This bill authorizes certain persons to provide a written request to terminate an equity line of credit secured by a deed of trust or mortgage. Section 1 also requires a lender upon receipt of such notice to: (1) terminate the borrower‟s right to obtain advances under the equity line of credit; (2) apply certain sums paid to the satisfaction of the equity line of credit; and (3) record a reconveyance or certificate of discharge of the security instrument when the balance becomes zero. This bill also authorizes certain persons to provide a written instruction from a borrower to suspend and close an equity line of credit secured by a deed of trust or mortgage. This bill provides the content of the written instruction and requires a lender upon receipt of such an instruction to suspend the equity line of credit for a minimum of 30 days. When the lender is in possession of both the instruction and payment, section 1 requires the lender to: (1) close the equity line of credit; and (2) release or reconvey the property securing the equity line of credit. This bill: (1) authorizes certain trustees to file a declaration of nonmonetary status if the trustee is named as a party to a civil action under certain circumstances; and (2) authorizes a party to the action to file an objection to a trustee‟s declaration of nonmonetary status. If no such objection is timely made or if a court does not determine that an objection is valid, the trustee is no longer required to participate in the action and is not subject to any damages or attorney‟s fees or costs. Section 3 of this bill authorizes a beneficiary to substitute and act as trustee for the purpose of partially or fully reconveying a deed of trust. This bill also requires that: (1) not later than 5 days after a trustee‟s deed upon sale is recorded, the trustee or successful bidder at the trustee‟s sale must post conspicuously on the property a notice of trustee‟s sale, although failure to do so does not affect the validity of a sale to a bona fide purchaser for value without knowledge of the failure; (2) an action to declare void a trustee‟s sale must be commenced within 30 days after the recording of the trustee‟s deed upon sale or, in certain circumstances, within 90 days after the date of the sale; and (3) after the expiration of the period for commencing an action to declare void a trustee‟s sale, any failure to comply with a provision of existing law governing the exercise of the trustee‟s power of sale does not affect the rights of a bona fide purchaser.

Effective: June 1, 2015

Amends: New section in NRS Ch. 106, new section in Ch. 107, 107.028, 107.080, and 645B.340

VETOED BILLS

Vetoed

- AB326 – Motor Vehicle Registration
- AB472 – Patriot Relief Account
- SB99 – Sex Offenders (Registration)
- SB161 – Product Liability
- SB183 – Nevada Transportation Authority
- SB238 – City of Ely
- SB296 – Exemplary or Punitive Damages in Civil Actions

AB326 – This bill would have prohibited the issuance of a Classic Rod, Old Timer, Classic Vehicle, or Street Rod license plate to any vehicle older than 1996. It also would have prohibited the issuance of any such plates between July 1, 2015, and July 1, 2017.

AB472 – This bill would have establish a $1,000 limit on the amount of money from the Patriot Relief Account that a member of the National Guard could spend on text books for higher education, and it would have prohibited the Account from paying for life insurance for National Guardsmen.

SB99 – This bill would have made multiple changes regarding sex offender registration and juvenile sex offenders.

SB161 – This bill would have prohibited civil actions against sellers of defective products under certain conditions.

SB183 – This measure would have made various changes regarding the Taxi Cab Authority and motor carriers.

SB238 – This bill would have required an advisory ballot question to go before the voters of the City of Ely in June of 2017, asking whether the governments of the City of Ely and White Pine County should be consolidated.

SB296 – This bill would have prohibited a party from claiming exemplary or punitive damages in a compliant or answer at the initiation of civil action. It would have also set a process for adding such

claims later. This measure would have made the manufacturer, distributor, or seller of a defective product immune from exemplary and punitive damages in certain circumstances.

APPENDIX

Resource List

Nevada Legislature (Legislative Counsel Bureau)
Northern NV: (775) 684-6800
Southern NV: (775) 486-2626
Bills and Online NRS
http://www.leg.state.nv.us/

Nevada Judiciary
Supreme Court, AOC
Stephanie Heying
(775) 687-9815
e-mail: mailto:sheying@nvcourts.nv.gov
http://www.nevadajudiciary.us/

State Bar of Nevada
Northern NV: (775) 329-4100
Southern NV: (702) 382-2200
Toll-Free: 1-800-254-2797
http://www.nvbar.org/

State of Nevada
http://nv.gov/

Office of Governor Bryan Sandoval
Northern NV: (775) 684-5670
Southern NV: (702) 486-2500
http://nv.gov/govsandoval.aspx

Office Secretary of State Barbara Cegavske
Northern NV: (775) 684-5708
Southern NV: 486-2440
Elections Division: (775) 684-5705
http://sos.state.nv.us/index.aspx

Office of Attorney General Adam Laxalt
Northern NV: (775) 684-1100
Southern NV: (702) 486-3420
http://ag.state.nv.us/

Office of State Controller Ron Knecht
Northern NV: (775) 684-5750
Southern NV: (702) 786-3895
http://controller.nv.gov/

Office of State Treasurer Dan Schwartz
Northern NV: (775) 684-5600
Southern NV: (702) 486-4140
http://www.nevadatreasurer.gov/

Public Employees' Retirement System
Northern NV: (775) 687-4200
Southern NV: (702) 486-3900
http://www.nvpers.org/

Public Employees' Benefit Plan
(775) 684-7000
Toll-Free: 1-800-326-5496
http://pebp.state.nv.us/

Nevada Department of Business and Industry
Northern NV: (775) 684-2999
Southern NV: (702) 486-2750
http://business.nv.gov/

Nevada Department of Motor Vehicles (DMV)
Northern NV: 684-4DMV, (775) 684-4368
Southern NV: 486-4DMV, (702) 486-4368
Rural NV/Tool-Free: 1-877-368-7828
http://www.dmvnv.com/

Nevada Association of Counties (NACO)
(775) 883-7863
Provides Links to NV County Individual Websites
http://nvnaco.org/

Nevada League of Cities and Municipalities
(775) 882-2121
Provides Links to NV City Individual Websites
http://www.nvleague.org/

Case Law and Statutes:
U.S. Supreme Court
http://www.oyez.org/

NV Supreme Court Advance Opinions
http://nvcourts.gov/Supreme/Decisions/Advance_Opinions/

NV Supreme Court Law Library
(775) 684-1640
http://nvcourts.gov/lawlibrary/

LCB Publications
Electronic and Paper Resources for Purchase
(775) 684-6835
https://www.leg.state.nv.us/App/LCBStore/A/c-79-publications.aspx
Government Printing Office
United States Code, Online Access and Purchase
http://www.gpo.gov/

Legal Aid Providers:
Legal Aid Center of Southern Nevada
(702) 386-1070
http://www.lacsn.org/

Nevada Legal Services
(775) 883-0404
(800) 323-8666 (toll free)
http://www.nlslaw.net/index.html

Southern Nevada Senior Law Program
(702) 229-6596
http://www.snslp.org/

Volunteer Attorneys for Rural Nevadans
(VARN)
(775) 883-8278
(866) 448-8276 (toll free)
http://www.varn.org/

Washoe Legal Services
(775) 329-2727
http://www.washoelegalservices.org/

Washoe Senior Law Project
(775) 328-2592
http://www.washoecounty.us/seniorsrv/legal.htm