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SENATE BILL NO. 387—SENATORS RATTI, FORD, MANENDO,  
SPEARMAN, FARLEY; ATKINSON, CANCELA, CANNIZZARO,  
DENIS, PARKS, SEGERBLOM AND WOODHOUSE

MARCH 20, 2017

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Referred to Committee on Judiciary

SUMMARY—Provides for the issuance of certain orders for protection. (BDR 3-839)

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

CONTAINS UNFUNDED MANDATE (§ 10)  
(NOT REQUESTED BY AFFECTED LOCAL GOVERNMENT)

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

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AN ACT relating to protective orders; providing for the issuance and enforcement of certain orders for protection against a person who is alleged to have committed certain acts that constitute a high risk; authorizing an immediate family member or law enforcement officer to obtain such orders for protection; authorizing a court to issue such an order for protection in certain circumstances; prohibiting a person against whom such an order for protection is issued from possessing or having under his or her custody or control, or purchasing or otherwise acquiring, any firearm or ammunition during the period the order is in effect; authorizing a person to request a hearing to move the court to dissolve such an order for protection; authorizing the renewal of such an order for protection; providing penalties; and providing other matters properly relating thereto.

**Legislative Counsel’s Digest:**

1 Existing law authorizes a court to issue certain temporary or extended orders  
2 for protection. (NRS 33.020, 33.270, 33.400) **Sections 2-16** of this bill enact  
3 similar provisions to provide for the issuance and enforcement of an emergency, ex  
4 parte or extended order for protection against a high-risk offender. **Section 3**  
5 defines a “high-risk offender” as a person who poses a risk of causing personal



\* S B 3 8 7 \*

6 injury to himself, herself or another by possessing or having under his or her  
7 custody or control, or purchasing or otherwise acquiring, any firearm or  
8 ammunition. **Section 7** authorizes an immediate family member or a law  
9 enforcement officer to file a verified application to obtain certain orders for  
10 protection against a high-risk offender. **Section 8** authorizes a court to issue the  
11 following orders for protection against a high-risk offender in certain  
12 circumstances: (1) an emergency order; (2) an ex parte order; or (3) an extended  
13 order. **Section 8** also requires the court to schedule a hearing within 21 days after  
14 the application for an ex parte or extended order is filed and issue a copy of the  
15 application and notice of the hearing upon the high-risk offender. **Sections 9 and**  
16 **12** establish provisions relating to the contents of the order for protection and  
17 service on the high-risk offender.

18 **Section 14** establishes that the issuance of an: (1) emergency order for  
19 protection is effective for 14 days; (2) ex parte order for protection is effective for  
20 21 days; and (3) extended order for protection is effective for 1 year. **Section 14**  
21 also authorizes the court to renew an extended order for protection. And finally,  
22 **section 14** authorizes a high-risk offender, in certain circumstances, to request a  
23 hearing to move the court to dissolve the order for protection.

24 **Section 9** provides that if such an order for protection is issued, the high-risk  
25 offender is prohibited from owning or having in his or her possession or under his  
26 or her custody or control, or purchasing or otherwise acquiring, any firearm or  
27 ammunition. **Section 16** provides that a person who violates such an order for  
28 protection is: (1) guilty of a misdemeanor; and (2) prohibited from possessing or  
29 having under his or her custody or control, or purchasing or otherwise acquiring, a  
30 firearm or ammunition.

31 **Section 10** establishes provisions relating to the surrender of the high-risk  
32 offender's firearms or ammunition. **Section 10** authorizes a law enforcement  
33 agency to charge and collect a fee from the high-risk offender for the collection and  
34 storage of a surrendered firearm or ammunition. **Section 10** also establishes  
35 provisions relating to the return of a surrendered firearm or ammunition to the  
36 person when an order for protection expires.

37 Existing law provides that a person who commits certain crimes that are  
38 punishable as a felony in violation of certain orders for protection is subject to an  
39 additional penalty. (NRS 193.166) **Section 18** includes a felony committed in  
40 violation of an emergency, ex parte or extended order for protection against a high-  
41 risk offender to the list of violations which result in an additional penalty.

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

1 **Section 1.** Chapter 33 of NRS is hereby amended by adding  
2 thereto the provisions set forth as sections 2 to 16, inclusive, of this  
3 act.

4 **Sec. 2.** *As used in sections 2 to 16, inclusive, of this act,*  
5 *unless the context otherwise requires, the words and terms defined*  
6 *in sections 3, 4 and 5 of this act have the meanings ascribed to*  
7 *them in those sections.*

8 **Sec. 3.** *“High-risk offender” means a person who poses a*  
9 *risk of causing personal injury to himself, herself or another*  
10 *person by possessing or having under his or her custody or*



1 control, or purchasing or otherwise acquiring, any firearm or  
2 ammunition.

3 **Sec. 4.** *“Immediate family member” means a person who is*  
4 *related by blood, adoption or marriage, within the second degree*  
5 *of consanguinity or affinity to a high-risk offender.*

6 **Sec. 5.** *“Order for protection against a high-risk offender”*  
7 *means an order issued pursuant to section 8 of this act.*

8 **Sec. 6.** *A person is a high-risk offender if her or she commits*  
9 *any of the following acts:*

10 1. *A threat of violence or act of violence against a person*  
11 *within the immediately preceding 6 months;*

12 2. *A threat of violence or act of violence directed toward*  
13 *himself or herself within the immediately preceding 6 months;*

14 3. *A violation of a temporary or extended order for protection*  
15 *against domestic violence issued pursuant to NRS 33.020; or*

16 4. *A pattern of violent acts or violent threats within the*  
17 *immediately preceding 12 months, including, without limitation,*  
18 *threats of violence or acts of violence by the person directed*  
19 *toward himself, herself or another person.*

20 **Sec. 7.** 1. *A law enforcement officer who has reasonable*  
21 *cause to believe that a person is a high-risk offender may file a*  
22 *verified application for an emergency order for protection against*  
23 *a high-risk offender against that person.*

24 2. *An immediate family member or a law enforcement officer*  
25 *who believes there is a substantial likelihood that a person will, in*  
26 *the near future, be a high-risk offender may file a verified*  
27 *application for an ex parte order for protection against a high-risk*  
28 *offender against that person.*

29 3. *An immediate family member or a law enforcement officer*  
30 *who reasonably believes that a person is a high-risk offender may*  
31 *file a verified application for an extended order for protection*  
32 *against a high-risk offender against that person.*

33 4. *The verified application must include, without limitation:*

34 (a) *The name of the person seeking the order;*

35 (b) *The name and address, if known, of the person who is*  
36 *allegedly a high-risk offender; and*

37 (c) *A detailed description of the events that allegedly*  
38 *constituted the person being or becoming a high-risk offender and*  
39 *the dates on which these events occurred.*

40 **Sec. 8.** 1. *The court may issue an emergency order for*  
41 *protection against a high-risk offender if the court finds there is*  
42 *reasonable cause to believe from specific facts shown by a verified*  
43 *application that:*

44 (a) *The high-risk offender presents an immediate danger of*  
45 *causing personal injury to himself, herself or another person by*



1 *possessing or having under his or her custody or control, or*  
2 *purchasing or otherwise acquiring, any firearm or ammunition;*  
3 *and*

4 *(b) Less restrictive options have been exhausted or are not*  
5 *effective.*

6 *2. The court may issue an ex parte order for protection*  
7 *against a high-risk offender if the court finds there is good cause*  
8 *to believe from specific facts shown by a verified application that:*

9 *(a) There is a substantial likelihood that the high-risk offender*  
10 *will, in the near future, cause personal injury to himself, herself or*  
11 *another person by possessing or having under his or her custody*  
12 *or control, or purchasing or otherwise acquiring, any firearm or*  
13 *ammunition; and*

14 *(b) Less restrictive options have been exhausted or are not*  
15 *effective.*

16 *3. The court may issue an extended order for protection*  
17 *against a high-risk offender if the court finds by clear and*  
18 *convincing evidence from specific facts shown by a verified*  
19 *application that:*

20 *(a) There is a substantial likelihood that the high-risk offender*  
21 *will cause personal injury to himself, herself or another person by*  
22 *possessing or having under his or her custody or control, or*  
23 *purchasing or otherwise acquiring, any firearm or ammunition;*  
24 *and*

25 *(b) Less restrictive options have been exhausted or are not*  
26 *effective.*

27 *4. In determining whether to issue any order for protection*  
28 *against a high-risk offender, the court must consider, without*  
29 *limitation, whether the high-risk offender:*

30 *(a) Committed any of the acts described in section 6 of this act;*

31 *(b) Has a prior felony conviction;*

32 *(c) Engaged in reckless use, display or brandishing of a*  
33 *firearm;*

34 *(d) Has a history of use, attempted use or threatened use of*  
35 *physical force against another person;*

36 *(e) Has problems with the abuse of alcohol or drugs; or*

37 *(f) Has recently acquired a firearm or other deadly weapon.*

38 *5. The court may require the applicant or the high-risk*  
39 *offender, or both, to appear before the court before determining*  
40 *whether to grant an emergency or ex parte order for protection*  
41 *against a high-risk offender.*

42 *6. An emergency or ex parte order for protection against*  
43 *a high-risk offender may be granted with or without notice to the*  
44 *high-risk offender. An extended order for protection against a*  
45 *high-risk offender may only be granted after notice to the*



1 *high-risk offender and a hearing on the application. A hearing on*  
2 *an application for an extended order for protection against a high-*  
3 *risk offender must be held 21 days after the day on which the*  
4 *application for the extended order for protection against a high-*  
5 *risk offender is filed.*

6 *7. If it appears to the satisfaction of the court from specific*  
7 *facts communicated by telephone to the court by an immediate*  
8 *family member or a law enforcement officer that the person is a*  
9 *high-risk offender, the court may grant an emergency order for*  
10 *protection against the person.*

11 *8. In a county whose population is 52,000 or more, the court*  
12 *shall be available 24 hours a day, 7 days a week, including*  
13 *nonjudicial days and holidays, to receive communications by*  
14 *telephone and for the issuance of an emergency order for*  
15 *protection against a high-risk offender pursuant to subsection 7.*

16 *9. In a county whose population is less than 52,000, the court*  
17 *may be available 24 hours a day, 7 days a week, including*  
18 *nonjudicial days and holidays, to receive communications by*  
19 *telephone and for the issuance of an emergency order for*  
20 *protection against a high-risk offender pursuant to subsection 7.*

21 *10. The clerk of the court shall inform the applicant upon the*  
22 *successful transfer of information concerning the registration to*  
23 *the Central Repository for Nevada Records of Criminal History as*  
24 *required pursuant to section 15 of this act.*

25 **Sec. 9. 1. Each order for protection against a high-risk**  
26 **offender must include:**

27 *(a) A requirement that the high-risk offender surrender, sell or*  
28 *transfer any firearm or ammunition in his or her possession or*  
29 *under his or her custody or control in the manner set forth in*  
30 *section 10 of this act; and*

31 *(b) A prohibition on the high-risk offender against possessing*  
32 *or having under his or her custody or control, or purchasing or*  
33 *otherwise acquiring, any firearm or ammunition while the order is*  
34 *in effect.*

35 **2. The order for protection against a high-risk offender must:**

36 *(a) Include a provision ordering any law enforcement officer*  
37 *to arrest the person who is allegedly a high-risk offender, with or*  
38 *without a warrant, if the officer has probable cause to believe that*  
39 *the person has been served with a copy of the order and has*  
40 *violated a provision of the order;*

41 *(b) State the reasons for granting the order;*

42 *(c) Include instructions for surrendering, selling or*  
43 *transferring any firearms or ammunition pursuant to paragraph*  
44 *(b) of subsection 1;*

45 *(d) State the time and date on which the order expires; and*



1 (e) Include the following statement:  
2

3 **WARNING**

4 *This is an official court order. If you disobey this order, you*  
5 *may be arrested and prosecuted for the crime of violating an*  
6 *order for protection against a high-risk offender and any*  
7 *other crime that you may have committed in disobeying this*  
8 *order.*

9 **Sec. 10. 1.** *After a court orders a high-risk offender to*  
10 *surrender any firearm or ammunition pursuant to section 9 of this*  
11 *act, the high-risk offender shall, not later than 24 hours after*  
12 *service of the order:*

13 (a) *Surrender any firearm or ammunition in his or her*  
14 *possession or under his or her custody or control to the*  
15 *appropriate law enforcement agency designated by the court in the*  
16 *order;*

17 (b) *Surrender any firearm or ammunition in his or her*  
18 *possession under his or her custody or control to a person*  
19 *designated by the court in the order; or*

20 (c) *Sell or transfer any firearm or ammunition in his or her*  
21 *possession or under his or her custody or control to a licensed*  
22 *firearm dealer.*

23 2. *If the court orders the high-risk offender to surrender any*  
24 *firearm or ammunition to a local law enforcement agency*  
25 *pursuant to paragraph (a) of subsection 1, the law enforcement*  
26 *agency shall provide the high-risk offender with a receipt which*  
27 *includes a description of each firearm and ammunition*  
28 *surrendered and the high-risk offender shall, not later than 72*  
29 *hours or 1 business day, whichever is later, after surrendering any*  
30 *such firearm or ammunition, provide the receipt to the court.*

31 3. *If the court orders the high-risk offender to surrender any*  
32 *firearm or ammunition to a person designated by the court*  
33 *pursuant to paragraph (b) of subsection 1, the high-risk offender*  
34 *shall, not later than 72 hours or 1 business day, whichever is later,*  
35 *after surrendering any such firearm or ammunition to such a*  
36 *person, provide to the court and the appropriate local law*  
37 *enforcement agency the name and address of the person*  
38 *designated in the order and a written description of each firearm*  
39 *and ammunition surrendered to the person.*

40 4. *If the high-risk offender sells or transfers any firearm or*  
41 *ammunition to a licensed firearm dealer that is subject to an order*  
42 *pursuant to paragraph (c) of subsection 1, the high-risk offender*  
43 *shall, not later than 72 hours or 1 business day, whichever is later,*  
44 *after such a sale or transfer, provide the court and the appropriate*



1 *local law enforcement agency a receipt of such sale or transfer*  
2 *and a written description of each firearm sold or transferred.*

3 *5. If there is probable cause to believe that the high-risk*  
4 *offender has not surrendered, sold or transferred any firearm or*  
5 *ammunition in his or her possession or under his or her custody*  
6 *or control within 24 hours after service of the order, the court may*  
7 *issue and deliver to any law enforcement officer a search warrant*  
8 *which authorizes the officer to enter and search any place where*  
9 *there is probable cause to believe any firearm or ammunition is*  
10 *located and seize the firearm or ammunition.*

11 *6. A local law enforcement agency may charge and collect a*  
12 *fee from the high-risk offender for the collection and storage of a*  
13 *firearm or ammunition pursuant to this section. The fee must not*  
14 *exceed the cost incurred by the local law enforcement agency for*  
15 *such collection and storage.*

16 *7. A local law enforcement agency shall return any*  
17 *surrendered or seized firearm or ammunition to the high-risk*  
18 *offender not less than 14 days after the order expires.*

19 **Sec. 11.** *1. The clerk of the court shall provide each party,*  
20 *free of cost, with information about the:*

21 *(a) Availability of orders for protection against a high-risk*  
22 *offender;*

23 *(b) Procedure for filing an application for an order for*  
24 *protection against a high-risk offender; and*

25 *(c) Right to proceed without counsel.*

26 *2. The clerk of the court or other person designated by the*  
27 *court shall assist any party in completing and filing the*  
28 *application, affidavit and any other paper or pleading necessary to*  
29 *initiate or respond to an application for an order for protection*  
30 *against a high-risk offender. This assistance does not constitute*  
31 *the practice of law, but the clerk shall not render any advice or*  
32 *service that requires the professional judgment of an attorney.*

33 *3. The clerk of the court shall not charge an applicant for an*  
34 *ex parte or extended order for protection against a high-risk*  
35 *offender for providing the applicant with a certified copy of the*  
36 *order for protection against a high-risk offender.*

37 **Sec. 12.** *1. The court shall transmit, by the end of the next*  
38 *day after an order for protection against a high-risk offender is*  
39 *issued or renewed, a copy of the order to the appropriate law*  
40 *enforcement agency.*

41 *2. The court shall order the appropriate law enforcement*  
42 *agency to serve, without charge, the high-risk offender personally*  
43 *with the order for protection against a high-risk offender and to*  
44 *file with or mail to the clerk of the court proof of service by the*  
45 *end of the next business day after service is made. Service of an*



1 application for an extended order for protection against a high-  
2 risk offender and the notice of hearing thereon must be served  
3 upon the high-risk offender pursuant to the Nevada Rules of Civil  
4 Procedure.

5 3. A law enforcement agency shall enforce an order for  
6 protection against a high-risk offender without regard to the  
7 county in which the order was issued.

8 4. The clerk of the court shall issue, without fee, a copy of the  
9 order for protection against a high-risk offender to the applicant  
10 or high-risk offender.

11 **Sec. 13.** 1. Every order for protection against a high-risk  
12 offender must include a provision ordering any law enforcement  
13 officer to arrest the high-risk offender if the officer has probable  
14 cause to believe that the high-risk offender has violated any  
15 provision of the order. The law enforcement officer may make an  
16 arrest with or without a warrant and regardless of whether the  
17 violation occurs in the officer's presence.

18 2. If a law enforcement officer cannot verify that the high-  
19 risk offender was served with a copy of the application and the  
20 order for protection against a high-risk offender, the officer shall:

21 (a) Inform the high-risk offender of the specific terms and  
22 conditions of the order;

23 (b) Inform the high-risk offender that the high-risk offender  
24 now has notice of the provisions of the order and that a violation  
25 of the order will result in his or her arrest;

26 (c) Inform the high-risk offender of the location of the court  
27 that issued the original order and the hours during which the  
28 high-risk offender may obtain a copy of the order; and

29 (d) Inform the high-risk offender of the date and time set for a  
30 hearing on an application for an extended order for protection  
31 against a high-risk offender, if any.

32 3. Information concerning the terms and conditions of the  
33 order for protection against a high-risk offender, the date and time  
34 of the notice provided to the high-risk offender and the name and  
35 identifying number of the law enforcement officer who gave the  
36 notice must be provided in writing to the applicant and noted in  
37 the records of the law enforcement agency and the court.

38 **Sec. 14.** 1. An emergency order for protection against a  
39 high-risk offender expires within such time, not to exceed 14 days,  
40 as the court fixes.

41 2. An ex parte order for protection against a high-risk  
42 offender expires within such time, not to exceed 21 days, as the  
43 court fixes.





1       3. *An extended order for protection against a high-risk*  
2 *offender expires within such time, not to exceed 1 year, as the*  
3 *court fixes.*

4       4. *The high-risk offender may request in writing one hearing*  
5 *to move the court to dissolve the order for protection against a*  
6 *high-risk offender. If the court finds that there is no longer clear*  
7 *and convincing evidence that the person is a high-risk offender,*  
8 *the court shall dissolve the order. The high-risk offender may*  
9 *request a hearing to move the court to dissolve the order after a*  
10 *renewal pursuant to subsection 5.*

11       5. *The court may, after notice and a hearing, renew an*  
12 *extended order for protection against a high-risk offender. If the*  
13 *court finds that there is clear and convincing evidence that the*  
14 *person is a high-risk offender, the court may renew the order. The*  
15 *renewal of such an order expires within such time, not to exceed 1*  
16 *year, as the court fixes.*

17       **Sec. 15.** *Any time that a court issues or renews an order for*  
18 *protection against a high-risk offender and any time that a person*  
19 *serves such an order or receives any information or takes any*  
20 *other action pursuant to sections 2 to 16, inclusive, of this act, the*  
21 *person shall by the end of the next business day:*

22       1. *Cause to be transmitted, in the manner prescribed by the*  
23 *Central Repository for Nevada Records of Criminal History, any*  
24 *information required by the Central Repository in a manner which*  
25 *ensures that the information is received by the Central Repository;*  
26 *and*

27       2. *Transmit a copy of the order to the Attorney General.*

28       **Sec. 16.** *A person who intentionally violates an order for*  
29 *protection against a high-risk offender is:*

30       1. *Unless a more severe penalty is prescribed by law for the*  
31 *act that constitutes the violation of the order, guilty of a*  
32 *misdemeanor; and*

33       2. *Prohibited from possessing or having under his or her*  
34 *custody or control, or purchasing or otherwise acquiring, a*  
35 *firearm or ammunition for a period of 5 years.*

36       **Sec. 17.** NRS 1.130 is hereby amended to read as follows:

37       1.130 1. No court except a justice court or a municipal court  
38 shall be opened nor shall any judicial business be transacted except  
39 by a justice court or municipal court on Sunday, or on any day  
40 declared to be a legal holiday according to the provisions of NRS  
41 236.015, except for the following purposes:

42       (a) To give, upon their request, instructions to a jury then  
43 deliberating on their verdict.

44       (b) To receive a verdict or discharge a jury.



1 (c) For the exercise of the power of a magistrate in a criminal  
2 action or in a proceeding of a criminal nature.

3 (d) To receive communications by telephone and for the  
4 issuance of ~~that~~;

5 (1) *A* temporary order pursuant to subsection 5 of NRS  
6 33.020 ~~that~~; or

7 (2) *An emergency order for protection against a high-risk*  
8 *offender pursuant to subsection 7 of section 8 of this act.*

9 (e) For the issue of a writ of attachment, which may be issued on  
10 each and all of the days above enumerated upon the plaintiff, or  
11 some person on behalf of the plaintiff, setting forth in the affidavit  
12 required by law for obtaining the writ the additional averment as  
13 follows:

14  
15 That the affiant has good reason to believe, and does  
16 believe, that it will be too late for the purpose of acquiring a  
17 lien by the writ to wait until subsequent day for the issuance  
18 of the same.

19  
20 All proceedings instituted, and all writs issued, and all official acts  
21 done on any of the days above specified, under and by virtue of this  
22 section, shall have all the validity, force and effect of proceedings  
23 commenced on other days, whether a lien be obtained or a levy  
24 made under and by virtue of the writ.

25 2. Nothing herein contained shall affect private transactions of  
26 any nature whatsoever.

27 **Sec. 18.** NRS 193.166 is hereby amended to read as follows:

28 193.166 1. Except as otherwise provided in NRS 193.169, a  
29 person who commits a crime that is punishable as a felony, other  
30 than a crime that is punishable as a felony pursuant to subsection 6  
31 of NRS 33.400, subsection 5 of NRS 200.378 or subsection 5 of  
32 NRS 200.591, in violation of:

33 (a) A temporary or extended order for protection against  
34 domestic violence issued pursuant to NRS 33.020;

35 (b) An order for protection against harassment in the workplace  
36 issued pursuant to NRS 33.270;

37 (c) A temporary or extended order for the protection of a child  
38 issued pursuant to NRS 33.400;

39 (d) *An emergency, ex parte or extended order for protection*  
40 *against a high-risk offender issued pursuant to section 8 of this*  
41 *act;*

42 (e) An order for protection against domestic violence issued in  
43 an action or proceeding brought pursuant to title 11 of NRS;

44 ~~that~~ (f) A temporary or extended order issued pursuant to NRS  
45 200.378; or



1 ~~(f)~~ (g) A temporary or extended order issued pursuant to  
2 NRS 200.591,  
3 ↪ shall, in addition to the term of imprisonment prescribed by  
4 statute for the crime, be punished by imprisonment in the state  
5 prison, except as otherwise provided in this subsection, for a  
6 minimum term of not less than 1 year and a maximum term of not  
7 more than 20 years. If the crime committed by the person is  
8 punishable as a category A felony or category B felony, in addition  
9 to the term of imprisonment prescribed by statute for that crime, the  
10 person shall be punished by imprisonment in the state prison for a  
11 minimum term of not less than 1 year and a maximum term of not  
12 more than 5 years.

13 2. In determining the length of the additional penalty imposed  
14 pursuant to this section, the court shall consider the following  
15 information:

- 16 (a) The facts and circumstances of the crime;
- 17 (b) The criminal history of the person;
- 18 (c) The impact of the crime on any victim;
- 19 (d) Any mitigating factors presented by the person; and
- 20 (e) Any other relevant information.

21 ↪ The court shall state on the record that it has considered the  
22 information described in paragraphs (a) to (e), inclusive, in  
23 determining the length of the additional penalty imposed.

24 3. The sentence prescribed by this section:

- 25 (a) Must not exceed the sentence imposed for the crime; and
- 26 (b) Runs concurrently or consecutively with the sentence  
27 prescribed by statute for the crime, as ordered by the court.

28 4. The court shall not grant probation to or suspend the  
29 sentence of any person convicted of attempted murder, battery  
30 which involves the use of a deadly weapon, battery which results in  
31 substantial bodily harm or battery which is committed by  
32 strangulation as described in NRS 200.481 or 200.485 if an  
33 additional term of imprisonment may be imposed for that primary  
34 offense pursuant to this section.

35 5. This section does not create a separate offense but provides  
36 an additional penalty for the primary offense, whose imposition is  
37 contingent upon the finding of the prescribed fact.

38 **Sec. 19.** NRS 202.3657 is hereby amended to read as follows:

39 202.3657 1. Any person who is a resident of this State may  
40 apply to the sheriff of the county in which he or she resides for a  
41 permit on a form prescribed by regulation of the Department. Any  
42 person who is not a resident of this State may apply to the sheriff of  
43 any county in this State for a permit on a form prescribed by  
44 regulation of the Department. Application forms for permits must be  
45 furnished by the sheriff of each county upon request.



1 2. A person applying for a permit may submit one application  
2 and obtain one permit to carry all handguns owned by the person.  
3 The person must not be required to list and identify on the  
4 application each handgun owned by the person. A permit is valid for  
5 any handgun which is owned or thereafter obtained by the person to  
6 whom the permit is issued.

7 3. Except as otherwise provided in this section, the sheriff shall  
8 issue a permit to any person who is qualified to possess a handgun  
9 under state and federal law, who submits an application in  
10 accordance with the provisions of this section and who:

11 (a) Is 21 years of age or older;

12 (b) Is not prohibited from possessing a firearm pursuant to NRS  
13 202.360; and

14 (c) Demonstrates competence with handguns by presenting a  
15 certificate or other documentation to the sheriff which shows that  
16 the applicant:

17 (1) Successfully completed a course in firearm safety  
18 approved by a sheriff in this State; or

19 (2) Successfully completed a course in firearm safety offered  
20 by a federal, state or local law enforcement agency, community  
21 college, university or national organization that certifies instructors  
22 in firearm safety.

23 ↪ Such a course must include instruction in the use of handguns  
24 and in the laws of this State relating to the use of a firearm. A sheriff  
25 may not approve a course in firearm safety pursuant to subparagraph  
26 (1) unless the sheriff determines that the course meets any standards  
27 that are established by the Nevada Sheriffs' and Chiefs' Association  
28 or, if the Nevada Sheriffs' and Chiefs' Association ceases to exist,  
29 its legal successor.

30 4. The sheriff shall deny an application or revoke a permit if  
31 the sheriff determines that the applicant or permittee:

32 (a) Has an outstanding warrant for his or her arrest.

33 (b) Has been judicially declared incompetent or insane.

34 (c) Has been voluntarily or involuntarily admitted to a mental  
35 health facility during the immediately preceding 5 years.

36 (d) Has habitually used intoxicating liquor or a controlled  
37 substance to the extent that his or her normal faculties are impaired.  
38 For the purposes of this paragraph, it is presumed that a person has  
39 so used intoxicating liquor or a controlled substance if, during the  
40 immediately preceding 5 years, the person has been:

41 (1) Convicted of violating the provisions of NRS 484C.110;

42 or

43 (2) Committed for treatment pursuant to NRS 458.290 to  
44 458.350, inclusive.



1 (e) Has been convicted of a crime involving the use or  
2 threatened use of force or violence punishable as a misdemeanor  
3 under the laws of this or any other state, or a territory or possession  
4 of the United States at any time during the immediately preceding 3  
5 years.

6 (f) Has been convicted of a felony in this State or under the laws  
7 of any state, territory or possession of the United States.

8 (g) Has been convicted of a crime involving domestic violence  
9 or stalking, or is currently subject to a restraining order, injunction  
10 or other order for protection against domestic violence.

11 (h) *Is currently subject to an order for protection against a*  
12 *high-risk offender.*

13 (i) Is currently on parole or probation from a conviction  
14 obtained in this State or in any other state or territory or possession  
15 of the United States.

16 ~~(j)~~ (j) Has, within the immediately preceding 5 years, been  
17 subject to any requirements imposed by a court of this State or of  
18 any other state or territory or possession of the United States, as a  
19 condition to the court's:

20 (1) Withholding of the entry of judgment for a conviction of  
21 a felony; or

22 (2) Suspension of sentence for the conviction of a felony.

23 ~~(k)~~ (k) Has made a false statement on any application for a  
24 permit or for the renewal of a permit.

25 5. The sheriff may deny an application or revoke a permit if the  
26 sheriff receives a sworn affidavit stating articulable facts based upon  
27 personal knowledge from any natural person who is 18 years of age  
28 or older that the applicant or permittee has or may have committed  
29 an offense or engaged in any other activity specified in subsection 4  
30 which would preclude the issuance of a permit to the applicant or  
31 require the revocation of a permit pursuant to this section.

32 6. If the sheriff receives notification submitted by a court or  
33 law enforcement agency of this or any other state, the United States  
34 or a territory or possession of the United States that a permittee or  
35 an applicant for a permit has been charged with a crime involving  
36 the use or threatened use of force or violence, the conviction for  
37 which would require the revocation of a permit or preclude the  
38 issuance of a permit to the applicant pursuant to this section,  
39 the sheriff shall suspend the person's permit or the processing of the  
40 person's application until the final disposition of the charges against  
41 the person. If a permittee is acquitted of the charges, or if the  
42 charges are dropped, the sheriff shall restore his or her permit  
43 without imposing a fee.

44 7. An application submitted pursuant to this section must be  
45 completed and signed under oath by the applicant. The applicant's



- 1 signature must be witnessed by an employee of the sheriff or  
2 notarized by a notary public. The application must include:
- 3 (a) The name, address, place and date of birth, social security  
4 number, occupation and employer of the applicant and any other  
5 names used by the applicant;
- 6 (b) A complete set of the applicant's fingerprints taken by the  
7 sheriff or his or her agent;
- 8 (c) A front-view colored photograph of the applicant taken by  
9 the sheriff or his or her agent;
- 10 (d) If the applicant is a resident of this State, the driver's license  
11 number or identification card number of the applicant issued by the  
12 Department of Motor Vehicles;
- 13 (e) If the applicant is not a resident of this State, the driver's  
14 license number or identification card number of the applicant issued  
15 by another state or jurisdiction;
- 16 (f) A nonrefundable fee equal to the nonvolunteer rate charged  
17 by the Central Repository for Nevada Records of Criminal History  
18 and the Federal Bureau of Investigation to obtain the reports  
19 required pursuant to subsection 1 of NRS 202.366; and
- 20 (g) A nonrefundable fee set by the sheriff not to exceed \$60.





