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**BILL NO. 2020-19**

**ORDINANCE NO. 6741**

AN ORDINANCE TO AMEND LVMC 10.32.020, PERTAINING TO THE CRIME OF BATTERY WHICH CONSTITUTES DOMESTIC VIOLENCE, TO UPDATE PENALTY PROVISIONS TO CONFORM TO CHANGES IN STATE LAW THAT BECOME EFFECTIVE JULY 1, 2020, AND TO PROVIDE FOR OTHER RELATED MATTERS.

Proposed by: Bradford R. Jerbic, City Attorney

Summary: Amends LVMC 10.32.020, pertaining to the crime of battery which constitutes domestic violence, to update penalty provisions to conform to changes in State law that become effective July 1, 2020.

THE CITY COUNCIL OF THE CITY OF LAS VEGAS DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1: Title 10, Chapter 32, Section 20, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

**10.32.020:** (A) A person convicted of a battery which constitutes domestic violence pursuant to LVMC 10.32.010:

(1) For the first offense within seven years, is guilty of a misdemeanor and shall be sentenced to:

(a) Imprisonment in the City jail or detention facility for not less than two days, but not more than six months; and

(b) Perform not less than forty-eight hours, but not more than one hundred twenty hours, of community service.

→The person shall be further punished by a fine of not less than two hundred dollars, but not more than one thousand dollars. A term of imprisonment imposed pursuant to this Paragraph (1) may be served intermittently at the discretion of the judge, except that each period of confinement must be not less than twelve consecutive hours and must occur at a time when the person is not required to be at his or her place of employment or on a weekend.

(2) For the second offense within seven years, is guilty of a misdemeanor and

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1 shall be sentenced to:

2 (a) Imprisonment in the City jail or detention facility for not less than  
3 twenty days, but not more than six months; and

4 (b) Perform not less than one hundred hours, but not more than two  
5 hundred hours, of community service.

6 →The person shall be further punished by a fine of not less than five hundred dollars, but not more than one  
7 thousand dollars. A term of imprisonment imposed pursuant to this Paragraph (2) may be served  
8 intermittently at the discretion of the judge, except that each period of confinement must not be less than  
9 twelve consecutive hours and must occur at a time when the person is not required to be at his or her place  
10 of employment or on a weekend.

11 (B) In addition to any other penalty, if a person is convicted of a battery which  
12 constitutes domestic violence pursuant to LVMC 10.32.010, the court shall:

13 (1) For the first offense within seven years, require the person to participate in  
14 weekly counseling sessions of not less than one and one-half hours per week for not less than six months,  
15 [but not more than twelve months,] at his or her expense, in a program for the treatment persons who commit  
16 domestic violence that has been certified pursuant to NRS 439.258.

17 (2) For the second offense within seven years, require the person to participate  
18 in weekly counseling sessions of not less than one and one-half hours per week for not less than twelve  
19 months, at his or her expense, in a program for the treatment of persons who commit domestic violence that  
20 has been certified pursuant to NRS 439.258.

21 →If the person resides in this State but the nearest location at which counseling services are available is in  
22 another state, the court may allow the person to participate in counseling in the other state in a program for  
23 the treatment of persons who commit domestic violence that has been certified pursuant to NRS 439.258.

24 (C) Except as otherwise provided in this Subsection, an offense that occurred within  
25 seven years immediately preceding the date of the principal offense or after the principal offense constitutes  
26 a prior offense for the purposes of this section:

1 (1) When evidenced by a conviction; or  
2 (2) If the offense is conditionally dismissed pursuant to NRS 176A.290 or  
3 dismissed in connection with successful completion of a diversionary program or specialty court program;  
4 →without regard to the sequence of the offenses and convictions. The facts concerning a prior offense must  
5 be alleged in the complaint, must not be read to the trier of fact or proved at trial but must be proved at the  
6 time of sentencing.

7 (D) In addition to any other fine or penalty, the court shall order such a person to pay an  
8 administrative assessment of thirty-five dollars. Any money so collected must be paid by the clerk of the  
9 court to the State Controller on or before the fifth day of each month for the preceding month for credit to  
10 the Account for Programs Related to Domestic Violence established pursuant to NRS 228.460.

11 (E) In addition to any other penalty, the court may require such a person to participate,  
12 at his or her expense, in a program of treatment for the [abuse] use of alcohol or drugs that has been certified  
13 by the Division of Public and Behavioral Health of the Department of Health and Human Services.

14 (F) If it appears from information presented to the court that a child under the age of  
15 eighteen years may need counseling as a result of the commission of a battery which constitutes domestic  
16 violence pursuant to LVMC 10.32.010, the court may refer the child to an agency which provides child  
17 welfare services. If the court refers a child to an agency which provides child welfare services, the court shall  
18 require the person convicted of a battery which constitutes domestic violence pursuant to LVMC 10.32.010  
19 to reimburse the agency for the costs of any services provided, to the extent of the convicted person's ability  
20 to pay.

21 (G) If a person is charged with committing a battery which constitutes domestic violence  
22 pursuant to LVMC 10.32.010, a prosecuting attorney shall not dismiss such a charge in exchange for a plea  
23 of guilty, guilty but mentally ill or nolo contendere to a lesser charge or for any other reason unless the  
24 prosecuting attorney knows, or it is obvious, that the charge is not supported by probable cause or cannot be  
25 proved at the time of trial. Except as otherwise provided in this Subsection, a court shall not grant probation  
26 to or suspend the sentence of such a person. A court may grant probation to or suspend the sentence of such

1 a person:

2 (1) As set forth in NRS 5.055; or

3 (2) To assign the person to a program for the treatment of veterans and members  
4 of the military pursuant to NRS 176A.290 if the charge is for a first offense punishable as a misdemeanor.

5 (H) As used in this Section:

6 (1) "Agency which provides child welfare services" has the meaning ascribed  
7 to it in NRS 432B.030.

8 (2) "Battery" has the meaning ascribed to it in paragraph (a) of subsection 1 of  
9 NRS 200.481.

10 (3) "Offense" includes a battery which constitutes domestic violence pursuant  
11 to LVMC 10.32.010 or a violation of the law of any other jurisdiction that prohibits the same or similar  
12 conduct.

13 SECTION 2: This Ordinance shall be effective as of July 1, 2020.

14 SECTION 3: If any section, subsection, subdivision, paragraph, sentence, clause or phrase  
15 in this ordinance or any part thereof is for any reason held to be unconstitutional or invalid or ineffective by  
16 any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the  
17 remaining portions of this ordinance or any part thereof. The City Council of the City of Las Vegas hereby  
18 declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase  
19 thereof irrespective of the fact that any one or more sections, subsections, subdivisions, paragraphs,  
20 sentences, clauses or phrases be declared unconstitutional, invalid or ineffective.

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SECTION 4: All ordinances or parts of ordinances or sections, subsections, phrases, sentences, clauses or paragraphs contained in the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, in conflict herewith are hereby repealed.

PASSED, ADOPTED and APPROVED this 17<sup>th</sup> day of June, 2020.


APPROVED:

By   
CAROLYN E. GOODMAN, Mayor

ATTEST:

  
LUANN D. HOLMES, MMC  
City Clerk

APPROVED AS TO FORM:

 5-19-2020  
Val Steed, Date  
Deputy City Attorney

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The above and foregoing ordinance was first proposed and read by title to the City Council on the 3<sup>rd</sup> day of June, 2020, and referred to a committee for recommendation; hereafter the committee reported favorably on said ordinance on the 17<sup>th</sup> day of June, 2020, which as a regular meeting of said Council; that at said regular meeting, the proposed ordinance was read by title to the City Council and adopted by the following vote:

VOTING "AYE": Mayor Goodman and Councilmembers Fiore, Anthony, Crear, Knudsen, Seaman and Diaz  
VOTING "NAY": None  
EXCUSED: None  
ABSTAINED: None

APPROVED:

  
CAROLYN G. GOODMAN, Mayor

ATTEST:

  
LUANN D. HOLMES, MMC City Clerk

AFFIDAVIT OF PUBLICATION

STATE OF NEVADA)  
COUNTY OF CLARK) SS:

RECEIVED  
CITY CLERK

2020 JUN 15 P 3: 33

LV CITY CLERK  
495 S MAIN ST  
LAS VEGAS NV 89101

Account # 22515  
Ad Number 0001106146

Leslie McCormick, being 1st duly sworn, deposes and says: That she is the Legal Clerk for the Las Vegas Review-Journal and the Las Vegas Sun, daily newspapers regularly issued, published and circulated in the City of Las Vegas, County of Clark, State of Nevada, and that the advertisement, a true copy attached for, was continuously published in said Las Vegas Review-Journal and / or Las Vegas Sun in 1 edition(s) of said newspaper issued from 06/04/2020 to 06/04/2020, on the following days:

06 / 04 / 20

**BILL NO. 2020-19**

AN ORDINANCE TO AMEND LVMC 10.32.020, PERTAINING TO THE CRIME OF BATTERY WHICH CONSTITUTES DOMESTIC VIOLENCE, TO UPDATE PENALTY PROVISIONS TO CONFORM TO CHANGES IN STATE LAW THAT BECAME EFFECTIVE JULY 1, 2020, AND TO PROVIDE FOR OTHER RELATED MATTERS.

Proposed by:  
Bradford R. Jerbic, City Attorney

Summary: Amends LVMC 10.32.020, pertaining to the crime of battery which constitutes domestic violence, to update penalty provisions to conform to changes in State law that become effective July 1, 2020.

At the City Council meeting of June 3, 2020

BILL NO. 2020-19 WAS READ BY TITLE AND REFERRED TO A RECOMMENDING COMMITTEE

COPIES OF THE COMPLETE ORDINANCE ARE AVAILABLE FOR PUBLIC INFORMATION IN THE OFFICE OF THE CITY CLERK, 2ND FLOOR, 495 SOUTH MAIN STREET, LAS VEGAS, NEVADA

PUB: June 4, 2020  
LV Review-Journal

*[Signature]*  
/s/ \_\_\_\_\_  
LEGAL ADVERTISEMENT REPRESENTATIVE

Subscribed and sworn to before me on this 4th day of June, 2020

Notary *[Signature]*  
\_\_\_\_\_



AFFIDAVIT OF PUBLICATION

STATE OF NEVADA)  
COUNTY OF CLARK) SS:

RECEIVED  
CITY CLERK

2020 JUN 29 A 11: 43

LV CITY CLERK  
495 S MAIN ST  
LAS VEGAS NV 89101

Account # 22515  
Ad Number 0001108316

Leslie McCormick, being 1st duly sworn, deposes and says: That she is the Legal Clerk for the Las Vegas Review-Journal and the Las Vegas Sun, daily newspapers regularly issued, published and circulated in the City of Las Vegas, County of Clark, State of Nevada, and that the advertisement, a true copy attached for, was continuously published in said Las Vegas Review-Journal and / or Las Vegas Sun in 1 edition(s) of said newspaper issued from 06/20/2020 to 06/20/2020, on the following days:

06 / 20 / 20

BILL NO. 2020-19  
ORDINANCE NO. 6741

AN ORDINANCE TO AMEND LVMC 10.32.020, PERTAINING TO THE CRIME OF BATTERY WHICH CONSTITUTES DOMESTIC VIOLENCE, TO UPDATE PENALTY PROVISIONS TO CONFORM TO CHANGES IN STATE LAW THAT BECOME EFFECTIVE JULY 1, 2020, AND TO PROVIDE FOR OTHER RELATED MATTERS.

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Summary: Amends LVMC 10.32.020, pertaining to the crime of battery which constitutes domestic violence, to update penalty provisions to conform to changes in State law that become effective July 1, 2020.

The above and foregoing ordinance was first proposed and read by title to the City Council on the 3rd day of June, 2020, and referred to a committee for recommendation; thereafter the committee reported favorably on said ordinance on the 17th day of June, 2020, which was a regular meeting of said City Council; and that at said regular meeting the proposed ordinance was read by title to the City Council as first introduced and adopted by the following vote:

VOTING "AYE": Mayor Goodman and Councilmembers Flore, Anthony, Crear, Knudsen, Seaman and Diaz  
VOTING "NAY": NONE  
EXCUSED: NONE

COPIES OF THE COMPLETE ORDINANCE ARE AVAILABLE FOR PUBLIC INFORMATION IN THE OFFICE OF THE CITY CLERK, 2ND FLOOR, 495 SOUTH MAIN STREET, LAS VEGAS, NEVADA

PUB: June 20, 2020  
LV Review-Journal

*[Signature]*  
LEGAL ADVERTISEMENT REPRESENTATIVE

Subscribed and sworn to before me on this 22nd day of June, 2020

Notary *[Signature]*

