

ASSEMBLY BILL NO. 11—JOINT RULES COMMITTEE

PREFILED JUNE 13, 2001

Referred to Committee of the Whole

SUMMARY—Makes various technical changes to provisions of Nevada Revised Statutes.
(BDR S-22)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: No.

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

AN ACT relating to Nevada Revised Statutes; making technical corrections to inappropriate or inaccurate provisions; clarifying ambiguous provisions; and providing other matters properly relating thereto.

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

- 1 **Section 1.** NRS 4.373 is hereby amended to read as follows:
2 4.373 1. Except as otherwise provided in subsection 2, NRS
3 211A.127 or another specific statute, or unless the suspension of a sentence
4 is expressly forbidden, a justice of the peace may suspend, for not more
5 than 1 year, the sentence of a person convicted of a misdemeanor. If the
6 circumstances warrant, the justice of the peace may order as a condition of
7 suspension that the offender:
8 (a) Make restitution to the owner of any property that is lost, damaged
9 or destroyed as a result of the commission of the offense;
10 (b) Engage in a program of ~~work for the benefit of the community;~~
11 *community service*, for not more than 200 hours;
12 (c) Actively participate in a program of professional counseling at the
13 expense of the offender;
14 (d) Abstain from the use of alcohol and controlled substances;
15 (e) Refrain from engaging in any criminal activity;
16 (f) Engage or refrain from engaging in any other conduct deemed
17 appropriate by the justice of the peace;
18 (g) Submit to a search and seizure by the chief of a department of
19 alternative sentencing, an assistant alternative sentencing officer or any
20 other law enforcement officer at any time of the day or night without a
21 search warrant; and
22 (h) Submit to periodic tests to determine whether the offender is using a
23 controlled substance or consuming alcohol.



1 2. If a person is convicted of a misdemeanor that constitutes domestic
2 violence pursuant to NRS 33.018, the justice of the peace may, after the
3 person has served any mandatory minimum period of confinement,
4 suspend the remainder of the sentence of the person for not more than 3
5 years upon the condition that the person actively participate in:

6 (a) A program of treatment for the abuse of alcohol or drugs which is
7 certified by the health division of the department of human resources;

8 (b) A program for the treatment of persons who commit domestic
9 violence that has been certified pursuant to NRS 228.470; or

10 (c) The programs set forth in paragraphs (a) and (b),
11 and that he comply with any other condition of suspension ordered by the
12 justice of the peace.

13 3. The justice of the peace may order reports from a person whose
14 sentence is suspended at such times as he deems appropriate concerning
15 the compliance of the offender with the conditions of suspension. If the
16 offender complies with the conditions of suspension to the satisfaction of
17 the justice of the peace, the sentence may be reduced to not less than the
18 minimum period of confinement established for the offense.

19 4. The justice of the peace may issue a warrant for the arrest of an
20 offender who violates or fails to fulfill a condition of suspension.

21 **Sec. 2.** NRS 5.055 is hereby amended to read as follows:

22 5.055 1. Except as otherwise provided in subsection 2, NRS
23 211A.127 or another specific statute, or unless the suspension of a sentence
24 is expressly forbidden, a municipal judge may suspend, for not more than 1
25 year, the sentence of a person convicted of a misdemeanor. If the
26 circumstances warrant, the municipal judge may order as a condition of
27 suspension that the offender:

28 (a) Make restitution to the owner of any property that is lost, damaged
29 or destroyed as a result of the commission of the offense;

30 (b) Engage in a program of ~~work for the benefit of the community;~~
31 *community service*, for not more than 200 hours;

32 (c) Actively participate in a program of professional counseling at the
33 expense of the offender;

34 (d) Abstain from the use of alcohol and controlled substances;

35 (e) Refrain from engaging in any criminal activity;

36 (f) Engage or refrain from engaging in any other conduct deemed
37 appropriate by the municipal judge;

38 (g) Submit to a search and seizure by the chief of a department of
39 alternative sentencing, an assistant alternative sentencing officer or any
40 other law enforcement officer at any time of the day or night without a
41 search warrant; and

42 (h) Submit to periodic tests to determine whether the offender is using
43 any controlled substance or alcohol.

44 2. If a person is convicted of a misdemeanor that constitutes domestic
45 violence pursuant to NRS 33.018, the municipal judge may, after the
46 person has served any mandatory minimum period of confinement,
47 suspend the remainder of the sentence of the person for not more than 3
48 years upon the condition that the person actively participate in:



1 (a) A program of treatment for the abuse of alcohol or drugs which is
2 certified by the health division of the department of human resources;

3 (b) A program for the treatment of persons who commit domestic
4 violence that has been certified pursuant to NRS 228.470; or

5 (c) The programs set forth in paragraphs (a) and (b),
6 and that he comply with any other condition of suspension ordered by the
7 municipal judge.

8 3. The municipal judge may order reports from a person whose
9 sentence is suspended at such times as he deems appropriate concerning
10 the compliance of the offender with the conditions of suspension. If the
11 offender complies with the conditions of suspension to the satisfaction of
12 the municipal judge, the sentence may be reduced to not less than the
13 minimum period of confinement established for the offense.

14 4. The municipal judge may issue a warrant for the arrest of an
15 offender who violates or fails to fulfill a condition of suspension.

16 **Sec. 3.** NRS 33.100 is hereby amended to read as follows:

17 33.100 1. A person who violates a temporary or extended order is
18 guilty of a misdemeanor, unless a more severe penalty is prescribed by law
19 for the act that constitutes the violation of the order. If the violation is
20 accompanied by a violent physical act by the adverse party against a person
21 protected by the order, the court shall:

22 (a) Impose upon the adverse party a fine of \$1,000 or require him to
23 perform a minimum of 200 hours of ~~work for the community;~~ **community**
24 **service;**

25 (b) Sentence him to imprisonment for not fewer than 5 days nor more
26 than 6 months;

27 (c) Order him to reimburse the applicant, in an amount determined by
28 the court, for all costs and attorney's fees incurred by the applicant in
29 seeking to enforce the temporary or extended order, and for all medical
30 expenses of the applicant and any minor child incurred as a result of the
31 violent physical act; and

32 (d) Order him to participate in and complete a program of professional
33 counseling, at his own expense, if such counseling is available.

34 2. The adverse party shall comply with the order for reimbursement of
35 the applicant before paying a fine imposed pursuant to this section.

36 **Sec. 4.** NRS 48.061 is hereby amended to read as follows:

37 48.061 Evidence of domestic violence as defined in NRS 33.018 and
38 expert testimony concerning the effect of domestic violence on the beliefs,
39 behavior and perception of the person alleging the domestic violence is
40 admissible in chief and in rebuttal, when determining:

41 1. Whether a person is excepted from criminal liability pursuant to
42 subsection ~~4~~ 6 of NRS 194.010, to show the state of mind of the
43 defendant.

44 2. Whether a person in accordance with NRS 200.200 has killed
45 another in self-defense, toward the establishment of the legal defense.

46 **Sec. 5.** NRS 62.129 is hereby amended to read as follows:

47 62.129 1. A child alleged to be delinquent or in need of supervision
48 may be placed under the informal supervision of a probation officer if the
49 child voluntarily admits his participation in the acts for which he was



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1 referred to the probation officer. If any of the acts would constitute a gross
2 misdemeanor or felony if committed by an adult, the child may not be
3 placed under informal supervision unless the district attorney approves of
4 the placement in writing. The probation officer must advise the child and
5 his parent, guardian or custodian that they may refuse informal supervision.
6 2. An agreement for informal supervision must be entered into
7 voluntarily and intelligently by the child with the advice of his attorney, or
8 by the child with the consent of a parent, guardian or custodian if the child
9 is not represented by counsel. The period of informal supervision must not
10 exceed 180 days. The terms of the agreement must be clearly stated in
11 writing and signed by all parties. A copy of the agreement must be given to
12 the child, the attorney for the child, if any, the child's parent, guardian or
13 custodian, and the probation officer, who shall retain a copy in his file for
14 the case. The child and his parent, guardian or custodian may terminate the
15 agreement at any time and request the filing of a petition for formal
16 adjudication.
17 3. An agreement for informal supervision may require a child to:
18 (a) Perform ~~public~~ *community* service or provide restitution to any
19 victim of the acts for which the child was referred to the probation officer;
20 (b) Participate in a program of restitution through work that is
21 established pursuant to NRS 62.2185 if the child:
22 (1) Is 14 years of age or older;
23 (2) Has never been found to be within the purview of this chapter for
24 an unlawful act that involved the use or threatened use of force or violence
25 against a victim and has never been found to have committed such an
26 unlawful act in any other jurisdiction;
27 (3) Is required to provide restitution to a victim; and
28 (4) Voluntarily agrees to participate in the program of restitution
29 through work;
30 (c) Complete a program of cognitive training and human development
31 pursuant to NRS 62.2195 if:
32 (1) The child has never been found to be within the purview of this
33 chapter; and
34 (2) The unlawful act for which the child is found to be within the
35 purview of this chapter did not involve the use or threatened use of force or
36 violence against a victim; or
37 (d) Engage in any combination of the activities set forth in paragraphs
38 (a), (b) and (c).
39 4. If an agreement for informal supervision requires a child to
40 participate in a program of restitution through work as set forth in
41 paragraph (b) of subsection 3 or complete a program of cognitive training
42 and human development as set forth in paragraph (c) of subsection 3, the
43 agreement may also require any or all of the following, in the following
44 order of priority if practicable:
45 (a) The child or the parent or guardian of the child, to the extent of his
46 financial ability, to pay the costs associated with the participation of the
47 child in the program, including, without limitation, a reasonable sum of
48 money to pay for the cost of policies of insurance against liability for
49 personal injury and damage to property during those periods in which the



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1 child participates in the program or performs work, and in the case of a
2 program of restitution through work, for industrial insurance, unless the
3 industrial insurance is provided by the employer for which the child
4 performs the work; or

5 (b) The child to work on projects or perform ~~public~~ *community*
6 service pursuant to paragraph (i) of subsection 1 of NRS 62.211 for a
7 period that reflects the costs associated with the participation of the child in
8 the program.

9 5. If a child is placed under informal supervision, a petition based upon
10 the events out of which the original complaint arose may be filed only
11 within 180 days after entry into the agreement for informal supervision. If
12 a petition is filed within that period, the child may withdraw the admission
13 he made pursuant to subsection 1. The child's compliance with all proper
14 and reasonable terms of the agreement constitute grounds for the court to
15 dismiss the petition.

16 6. A probation officer shall file annually with the court a report of the
17 number of children placed under informal supervision during the previous
18 year, the conditions imposed in each case and the number of cases that
19 were successfully completed without the filing of a petition.

20 **Sec. 6.** NRS 62.211 is hereby amended to read as follows:

21 62.211 1. Except as otherwise provided in this chapter, if the court
22 finds that a child is within the purview of this chapter, it shall so decree and
23 may:

24 (a) Place the child under supervision in his own home or in the custody
25 of a suitable person elsewhere, upon such conditions as the court may
26 determine. A program of supervision in the home may include electronic
27 surveillance of the child. The legislature declares that a program of
28 supervision that includes electronic surveillance is intended as an
29 alternative to commitment and not as an alternative to probation, informal
30 supervision or a supervision and consent decree.

31 (b) Commit the child to the custody of a public or private institution or
32 agency authorized to care for children, or place him in a home with a
33 family. In committing a child to a private institution or agency the court
34 shall select one that is required to be licensed by the department of human
35 resources to care for such children, or, if the institution or agency is in
36 another state, by the analogous department of that state. The court shall not
37 commit a female child to a private institution without prior approval of the
38 superintendent of the Caliente youth center, and shall not commit a male
39 child to a private institution without prior approval of the superintendent of
40 the Nevada youth training center.

41 (c) Order such medical, psychiatric, psychological or other care and
42 treatment as the court deems to be for the best interests of the child, except
43 as otherwise provided in this section.

44 (d) Order the parent, guardian, custodian or any other person to refrain
45 from continuing the conduct which, in the opinion of the court, has caused
46 or tended to cause the child to come within or remain under the provisions
47 of this chapter.

48 (e) If the child is less than 18 years of age, order:

49 (1) The parent, guardian or custodian of the child; and



1 (2) Any brother, sister or other person who is living in the same
2 household as the child over whom the court has jurisdiction,
3 to attend or participate in counseling, with or without the child, including,
4 but not limited to, counseling regarding parenting skills, alcohol or
5 substance abuse, or techniques of dispute resolution.

6 (f) Order the parent or guardian of the child to participate in a program
7 designed to provide restitution to the victim of an act committed by the
8 child or to perform ~~public~~ community service.

9 (g) Order the parent or guardian of the child to pay all or part of the cost
10 of the proceedings, including, but not limited to, reasonable attorney's fees,
11 any costs incurred by the court and any costs incurred in the investigation
12 of an act committed by the child and the taking into custody of the child.

13 (h) Order the suspension of the child's driver's license for at least 90
14 days but not more than 2 years. If the child does not possess a driver's
15 license, the court may prohibit the child from receiving a driver's license
16 for at least 90 days but not more than 2 years:

17 (1) Immediately following the date of the order, if the child is eligible
18 to receive a driver's license.

19 (2) After the date he becomes eligible to apply for a driver's license,
20 if the child is not eligible to receive a license on the date of the
21 order.

22 If the court issues an order suspending the driver's license of a child
23 pursuant to this paragraph, the judge shall require the child to surrender to
24 the court all driver's licenses then held by the child. The court shall, within
25 5 days after issuing the order, forward to the department of motor vehicles
26 and public safety the licenses, together with a copy of the order. If,
27 pursuant to this paragraph, the court issues an order delaying the ability of
28 a child to receive a driver's license, the court shall, within 5 days after
29 issuing the order, forward to the department of motor vehicles and public
30 safety a copy of the order. The department of motor vehicles and public
31 safety shall report a suspension pursuant to this paragraph to an insurance
32 company or its agent inquiring about the child's driving record, but such a
33 suspension must not be considered for the purpose of rating or
34 underwriting. The department of motor vehicles and public safety shall not
35 require the child to submit to the tests and other requirements which are
36 adopted by regulation pursuant to subsection 1 of NRS 483.495 as a
37 condition of reinstatement or reissuance after a suspension of his license
38 pursuant to this paragraph, unless the suspension resulted from his poor
39 performance as a driver.

40 (i) Place the child, when he is not in school, under the supervision of:

41 (1) A public organization to work on public projects;

42 (2) A public agency to work on projects to eradicate graffiti; or

43 (3) A private nonprofit organization to perform other ~~public~~
44 community service.

45 The person under whose supervision the child is placed shall keep the child
46 busy and well supervised and shall make such reports to the court as it may
47 require. As a condition of such a placement, the court may require the child
48 or his parent or guardian to deposit with the court a reasonable sum of
49 money to pay for the cost of policies of insurance against liability for



1 personal injury and damage to property or for industrial insurance, or both,
2 during those periods in which he performs the work ~~†~~ or community
3 service, unless, in the case of industrial insurance, it is provided by the
4 organization or agency for which he performs the work ~~†~~ or community
5 service.

6 (j) Permit the child to reside in a residence without the immediate
7 supervision of an adult, or exempt the child from mandatory attendance at
8 school so that the child may be employed full time, or both, if the child is
9 at least 16 years of age, has demonstrated the capacity to benefit from this
10 placement or exemption and is under the strict supervision of the juvenile
11 division.

12 (k) Require the child to provide restitution to the victim of the crime
13 which the child has committed.

14 (l) Impose a fine on the child. If a fine is imposed, the court shall
15 impose an administrative assessment pursuant to NRS 62.2175.

16 (m) If the child has not previously been found to be within the purview
17 of this chapter and if the act for which the child is found to be within the
18 purview of this chapter did not involve the use or threatened use of force or
19 violence, order the child to participate in a publicly or privately operated
20 program of sports or physical fitness that is adequately supervised or a
21 publicly or privately operated program for the arts that is adequately
22 supervised. A program for the arts may include, but is not limited to,
23 drawing, painting, photography or other visual arts, musical, dance or
24 theatrical performance, writing or any other structured activity that
25 involves creative or artistic expression. If the court orders the child to
26 participate in a program of sports or physical fitness or a program for the
27 arts, the court may order any or all of the following, in the following order
28 of priority if practicable:

29 (1) The parent or guardian of the child, to the extent of his financial
30 ability, to pay the costs associated with the participation of the child in the
31 program, including, but not limited to, a reasonable sum of money to pay
32 for the cost of policies of insurance against liability for personal injury and
33 damage to property during those periods in which the child participates in
34 the program;

35 (2) The child to work on projects or perform ~~†public†~~ community
36 service pursuant to paragraph (i) for a period that reflects the costs
37 associated with the participation of the child in the program; or

38 (3) The county in which the petition alleging the child to be
39 delinquent or in need of supervision is filed to pay the costs associated with
40 the participation of the child in the program.

41 2. If the court finds that a child who is less than 17 years of age has
42 committed a delinquent act, the court may order the parent or guardian of
43 the child to pay any fines and penalties imposed for the delinquent act. If
44 the parent or guardian is unable to pay the fines and penalties imposed
45 because of financial hardship, the court may require the parent or guardian
46 to perform community service.

47 3. In determining the appropriate disposition of a case concerning a
48 child found to be within the purview of this chapter, the court shall
49 consider whether the act committed by the child involved the use of a



1 firearm or the use or threatened use of force or violence against the victim
2 of the act and whether the child is a serious or chronic offender. If the court
3 finds that the act committed by the child involved the use of a firearm or
4 the use or threatened use of force or violence against the victim or that the
5 child is a serious or chronic offender, the court shall include the finding in
6 its order and may, in addition to the options set forth in subsections 1 and 2
7 of this section and NRS 62.213:

8 (a) Commit the child for confinement in a secure facility, including a
9 facility which is secured by its staff.

10 (b) Impose any other punitive measures the court determines to be in the
11 best interests of the public or the child.

12 4. Except as otherwise provided in NRS 62.455 and 62.570, at any
13 time, either on its own volition or for good cause shown, the court may
14 terminate its jurisdiction concerning the child.

15 5. Whenever the court commits a child to any institution or agency
16 pursuant to this section or NRS 62.213, it shall transmit a summary of its
17 information concerning the child and order the administrator of the school
18 that the child last attended to transmit a copy of the child's educational
19 records to the institution or agency. The institution or agency shall give to
20 the court any information concerning the child that the court may require.

21 6. In determining whether to place a child pursuant to this section in
22 the custody of a person other than his parent, guardian or custodian,
23 preference must be given to any person related within the third degree of
24 consanguinity to the child whom the court finds suitable and able to
25 provide proper care and guidance for the child.

26 **Sec. 7.** NRS 62.2185 is hereby amended to read as follows:

27 62.2185 1. In addition to the options set forth in NRS 62.211 and
28 62.213, the court may order a child who is found to be within the purview
29 of this chapter to participate in a program of restitution through work that
30 is established pursuant to this section if the child:

31 (a) Is 14 years of age or older;

32 (b) Has never been found to be within the purview of this chapter for an
33 unlawful act that involved the use or threatened use of force or violence
34 against a victim and has never been found to have committed such an
35 unlawful act in any other jurisdiction;

36 (c) Is ordered to provide restitution to a victim; and

37 (d) Voluntarily agrees to participate in the program of restitution
38 through work.

39 2. If the court orders a child to participate in a program of restitution
40 through work, the court may order any or all of the following, in the
41 following order of priority if practicable:

42 (a) The child or the parent or guardian of the child, to the extent of his
43 financial ability, to pay the costs associated with the participation of the
44 child in the program, including, without limitation, a reasonable sum of
45 money to pay for the cost of policies of insurance against liability for
46 personal injury and damage to property or for industrial insurance, or both,
47 during those periods in which the child participates in the program or
48 performs work, unless, in the case of industrial insurance, it is provided by
49 the employer for which the child performs the work; or



1 (b) The child to work on projects or perform ~~public~~ *community*
2 service pursuant to paragraph (i) of subsection 1 of NRS 62.211 for a
3 period that reflects the costs associated with the participation of the child in
4 the program.

5 3. A director of juvenile services may establish a program of
6 restitution through work. A program of restitution through work must:

7 (a) Include, without limitation, instruction in skills for employment and
8 work ethics; and

9 (b) Require a child who participates in the program to:

10 (1) With the assistance of the program and if practicable, seek and
11 obtain a position of employment with a public or private employer; and

12 (2) Sign an authorization form that permits money to be deducted
13 from the wages of the child to pay restitution. The director of juvenile
14 services may prescribe the contents of the authorization form and may
15 determine the amount of money to be deducted from the wages of the child
16 to pay restitution, but the director shall not require that more than 50
17 percent of the wages of the child be deducted to pay restitution.

18 4. A program of restitution through work may include, without
19 limitation, cooperative agreements with public or private employers to
20 make available positions of employment for a child who participates in the
21 program.

22 5. A director of juvenile services may terminate participation by a
23 child in a program of restitution through work for any lawful reason or
24 purpose.

25 6. A director of juvenile services may:

26 (a) Apply for, accept and expend grants, gifts, donations, bequests or
27 devises to finance a program of restitution through work in the manner
28 provided in section 2 of ~~this act~~ *Senate Bill No. 7 of the 71st session of*
29 *the Nevada Legislature*; and

30 (b) Contract with persons and public or private entities that are qualified
31 to operate or to participate in a program of restitution through work.

32 7. A director of juvenile services may designate a person to carry out
33 the provisions of this section.

34 8. The provisions of this section do not:

35 (a) Create a right on behalf of a child to participate in a program of
36 restitution through work or to hold a position of employment; or

37 (b) Establish a basis for any cause of action against the state or its
38 officers or employees for denial of the ability to participate in or for
39 removal from a program of restitution through work or for denial of or
40 removal from a position of employment.

41 **Sec. 8.** NRS 62.2195 is hereby amended to read as follows:

42 62.2195 1. In addition to any other action authorized pursuant to the
43 provisions of this chapter, the court may order a child who is found to be
44 within the purview of this chapter to complete a program of cognitive
45 training and human development pursuant to this section if:

46 (a) The child has never been found to be within the purview of this
47 chapter; and



- 1 (b) The unlawful act for which the child is found to be within the
2 purview of this chapter did not involve the use or threatened use of force or
3 violence against a victim.
- 4 2. If the court orders a child to complete a program of cognitive
5 training and human development, the court may order any or all of the
6 following, in the following order of priority if practicable:
- 7 (a) The child or the parent or guardian of the child, to the extent of his
8 financial ability, to pay the costs associated with the participation of the
9 child in the program, including, without limitation, a reasonable sum of
10 money to pay for the cost of policies of insurance against liability for
11 personal injury and damage to property during those periods in which the
12 child participates in the program;
- 13 (b) The child to work on projects or perform ~~public~~ *community*
14 service pursuant to paragraph (i) of subsection 1 of NRS 62.211 for a
15 period that reflects the costs associated with the participation of the child in
16 the program; or
- 17 (c) The county in which the petition alleging the child to be delinquent
18 or in need of supervision is filed to pay the costs associated with the
19 participation of the child in the program.
- 20 3. A program of cognitive training and human development must
21 include, without limitation, education, instruction or guidance in one or
22 more of the following subjects, as deemed appropriate by the court:
- 23 (a) Motivation.
24 (b) Habits, attitudes and conditioning.
25 (c) Self-conditioning processes.
26 (d) Developing a successful way of life.
27 (e) The process of solving problems.
28 (f) Emotions and emotional blocks.
29 (g) Assurances and demonstrative maturity.
30 (h) Family success.
31 (i) Family relationships.
32 (j) Interfamilial understanding and communications.
33 (k) Financial stability.
34 (l) Effective communications.
35 (m) Conflict resolution.
36 (n) Anger management.
37 (o) Obtaining and retaining employment.
- 38 4. A director of juvenile services may:
- 39 (a) Apply for, accept and expend grants, gifts, donations, bequests or
40 devises to finance a program of cognitive training and human development
41 in the manner provided in section 3 of ~~this act;~~ *Senate Bill No. 7 of the*
42 *71st session of the Nevada Legislature;* and
- 43 (b) Contract with persons and public or private entities that are qualified
44 to operate or to participate in a program of cognitive training and human
45 development.
- 46 5. A director of juvenile services may designate a person to carry out
47 the provisions of this section.



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1 **Sec. 9.** NRS 62.2275 is hereby amended to read as follows:
2 62.2275 1. If a child within the jurisdiction of the juvenile court is
3 found by the juvenile court to have committed:
4 (a) An unlawful act in violation of NRS 484.379 or 484.3795;
5 (b) The unlawful act of using, possessing, selling or distributing a
6 controlled substance; or
7 (c) The unlawful act of purchasing, consuming or possessing an
8 alcoholic beverage in violation of NRS 202.020,
9 the judge, or his authorized representative, shall require the child to
10 undergo an evaluation to determine if the child is an abuser of alcohol or
11 other drugs.
12 2. The evaluation of a child pursuant to this section:
13 (a) Must be conducted by:
14 (1) An alcohol and drug abuse counselor who is licensed or certified
15 or an alcohol and drug abuse counselor intern who is certified pursuant to
16 chapter 641C of NRS to make that classification; or
17 (2) A physician who is certified to make that classification by the
18 board of medical examiners,
19 who shall report to the judge the results of the evaluation and make a
20 recommendation to the judge concerning the length and type of treatment
21 required by the child.
22 (b) May be conducted at an evaluation center.
23 3. The judge shall:
24 (a) Order the child to undergo a program of treatment as recommended
25 by the person who conducted the evaluation pursuant to subsection 2.
26 (b) Require the treatment facility to submit monthly reports on the
27 treatment of the child pursuant to this section.
28 (c) Order the child, if he is at least 18 years of age or an emancipated
29 minor, or the parent or legal guardian of the child, to the extent of the
30 financial resources of the child or his parent or legal guardian, to pay any
31 charges relating to the evaluation and treatment of the child pursuant to this
32 section. If the child, or his parent or legal guardian, does not have the
33 financial resources to pay all those charges:
34 (1) The judge shall, to the extent possible, arrange for the child to
35 receive treatment from a treatment facility which receives a sufficient
36 amount of federal or state money to offset the remainder of the costs; and
37 (2) The judge may order the child to perform supervised ~~work for~~
38 ~~the benefit of the~~ community *service* in lieu of paying the charges relating
39 to his evaluation and treatment. The ~~work~~ *community service* must be
40 performed for and under the supervising authority of a county, city, town
41 or other political subdivision or agency of the State of Nevada or a
42 charitable organization that renders service to the community or its
43 residents. The court may require the child or his parent or legal guardian to
44 deposit with the court a reasonable sum of money to pay for the cost of
45 policies of insurance against liability for personal injury and damage to
46 property or for industrial insurance, or both, during those periods in which
47 the child performs the ~~work~~ *community service*, unless, in the case of
48 industrial insurance, it is provided by the authority for which he performs
49 the ~~work~~ *community service*.



1 4. A treatment facility is not liable for any damages to person or
2 property caused by a child who:
3 (a) Drives, operates or is in actual physical control of a vehicle or a
4 vessel under power or sail while under the influence of intoxicating liquor
5 or a controlled substance; or
6 (b) Engages in any other conduct prohibited by NRS 484.379,
7 484.3795, subsection 2 of NRS 488.400, NRS 488.410 or 488.420 or
8 a law of any other jurisdiction that prohibits the same or similar
9 conduct,
10 after the treatment facility has certified to his successful completion of a
11 program of treatment ordered pursuant to this section.
12 5. The provisions of this section do not prohibit a judge from:
13 (a) Requiring an evaluation to be conducted by a person who is
14 employed by a private company if the company meets the standards of the
15 health division of the department of human resources. The evaluation may
16 be conducted at an evaluation center pursuant to paragraph (b) of
17 subsection 2.
18 (b) Ordering the child to attend a program of treatment which is
19 administered by a private company.
20 6. All information relating to the evaluation or treatment of a child
21 pursuant to this section is confidential and, except as otherwise authorized
22 by the provisions of this chapter or the juvenile court, must not be
23 disclosed to any person other than the juvenile court, the child and his
24 attorney, if any, his parents or guardian, the prosecuting attorney and any
25 other person for whom the communication of that information is necessary
26 to effectuate the evaluation or treatment of the child. A record of any
27 finding that a child has violated the provisions of NRS 484.379 or
28 484.3795 must be included in the driver's record of that child for 7 years
29 after the date of the offense.
30 7. As used in this section:
31 (a) "Evaluation center" has the meaning ascribed to it in NRS 484.3793.
32 (b) "Treatment facility" has the meaning ascribed to it in
33 NRS 484.3793.
34 **Sec. 10.** NRS 62.228 is hereby amended to read as follows:
35 62.228 1. In addition to the options set forth in NRS 62.211 and
36 62.213, if a child is adjudicated delinquent pursuant to paragraph (b) of
37 subsection 1 of NRS 62.040 because he handled or possessed a firearm or
38 had a firearm under his control in violation of NRS 202.300, the court
39 shall:
40 (a) For the first offense:
41 (1) Require him to perform 200 hours of ~~public~~ **community** service
42 in the manner provided in paragraph (i) of subsection 1 of NRS 62.211;
43 and
44 (2) Suspend his driver's license for not more than 1 year or, if he
45 does not possess a driver's license, prohibit the child from receiving a
46 driver's license for not more than 1 year:
47 (I) Immediately following the date of the order, if the child is
48 eligible to receive a driver's license.



1 (II) After the date he becomes eligible to receive a driver's license,
2 if the child is not eligible to receive a license on the date of the order.
3 (b) For the second offense:
4 (1) Require him to perform at least 200 hours, but not more than 600
5 hours, of ~~public~~ **community** service in the manner provided in paragraph
6 (i) of subsection 1 of NRS 62.211; and
7 (2) Suspend his driver's license for at least 90 days but not more than
8 2 years or, if he does not possess a driver's license, prohibit the child from
9 receiving a driver's license for at least 90 days but not more than 2 years:
10 (I) Immediately following the date of the order, if the child is
11 eligible to receive a driver's license.
12 (II) After the date he becomes eligible to receive a driver's license,
13 if the child is not eligible to receive a license on the date of the order.
14 2. If the court issues an order suspending the driver's license of a child
15 pursuant to this section, the judge shall require the child to surrender his
16 driver's license to the court.
17 3. If a child is already the subject of a court order suspending or
18 delaying the issuance of his driver's license, the court shall order an
19 additional suspension or delay, as appropriate, to apply consecutively with
20 the previous order.
21 **Sec. 11.** NRS 125.560 is hereby amended to read as follows:
22 125.560 1. A person who violates a restraining order or injunction:
23 (a) That is in the nature of a temporary or extended order for protection
24 against domestic violence; and
25 (b) That is issued in an action or proceeding brought pursuant to this
26 Title,
27 is guilty of a misdemeanor, unless a more severe penalty is prescribed by
28 law for the act that constitutes the violation of the order or injunction. For
29 the purposes of this subsection, an order or injunction is in the nature of a
30 temporary or extended order for protection against domestic violence if it
31 grants relief that might be given in a temporary or extended order issued
32 pursuant to NRS 33.017 to 33.100, inclusive.
33 2. If the violation is accompanied by a violent physical act against a
34 person protected by the order or injunction, the court shall:
35 (a) Impose upon the person committing the act a fine of \$1,000 or
36 require him to perform a minimum of 200 hours of ~~work for the~~
37 **community; community service;**
38 (b) Sentence him to imprisonment for not fewer than 5 days nor more
39 than 6 months;
40 (c) Order him to reimburse the person obtaining the order or injunction,
41 in an amount determined by the court, for all costs and attorney's fees
42 incurred by that person in seeking to enforce the order or injunction, and
43 for all medical expenses of the person and any minor child incurred as a
44 result of the violent physical act; and
45 (d) Order him to participate in and complete a program of professional
46 counseling, at his own expense, if such counseling is available.
47 3. The person committing the violation shall comply with the order for
48 reimbursement of the person obtaining the order or injunction before
49 paying any fine imposed pursuant to this section.



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1 **Sec. 12.** NRS 176.087 is hereby amended to read as follows:
2 176.087 1. Except where the imposition of a specific criminal
3 penalty is mandatory, a court may order a convicted person to perform
4 supervised ~~work for the benefit of the community;~~ **community service;**
5 (a) In lieu of all or a part of any fine or imprisonment that may be
6 imposed for the commission of a misdemeanor; or
7 (b) As a condition of probation granted for another offense.
8 2. The ~~work~~ **community service** must be performed for and under the
9 supervising authority of a county, city, town or other political subdivision
10 or agency of the State of Nevada or a charitable organization that renders
11 service to the community or its residents.
12 3. The court may require the convicted person to deposit with the court
13 a reasonable sum of money to pay for the cost of policies of insurance
14 against liability for personal injury and damage to property or for industrial
15 insurance, or both, during those periods in which he performs the ~~work;~~
16 **community service**, unless, in the case of industrial insurance, it is
17 provided by the authority for which he performs the ~~work;~~ **community**
18 **service.**
19 4. The following conditions apply to any such ~~work~~ **community**
20 **service** imposed by the court:
21 (a) The court must fix the period of ~~work~~ **community service** that is
22 imposed as punishment or a condition of probation and distribute the
23 period over weekends or over other appropriate times that will allow the
24 convicted person to continue at his employment and to care for his family.
25 The period of ~~work~~ **community service** fixed by the court must not
26 exceed, for a:
27 (1) Misdemeanor, 200 hours;
28 (2) Gross misdemeanor, 600 hours; or
29 (3) Felony, 1,000 hours.
30 (b) A supervising authority listed in subsection 2 must agree to accept
31 the convicted person for ~~work~~ **community service** before the court may
32 require him to perform ~~work~~ **community service** for that supervising
33 authority. The supervising authority must be located in or be the town or
34 city of the convicted person's residence or, if that placement is not
35 possible, one located within the jurisdiction of the court or, if that
36 placement is not possible, the authority may be located outside the
37 jurisdiction of the court.
38 (c) ~~Work~~ **Community service** that a court requires pursuant to this
39 section must be supervised by an official of the supervising authority or by
40 a person designated by the authority.
41 (d) The court may require the supervising authority to report
42 periodically to the court or to a probation officer the convicted person's
43 performance in carrying out the punishment or condition of probation.
44 **Sec. 13.** NRS 176A.310 is hereby amended to read as follows:
45 176A.310 1. The court shall set the conditions of a program of
46 probation secured by a surety bond. The conditions must be appended to
47 and made part of the bond. The conditions may include, but are not limited
48 to, any one or more of the following:



- 1 (a) Submission to periodic tests to determine whether the probationer is
- 2 using any controlled substance or alcohol.
- 3 (b) Participation in a program for the treatment of the abuse of a
- 4 controlled substance or alcohol or a program for the treatment of any other
- 5 impairment.
- 6 (c) Participation in a program of professional counseling, including, but
- 7 not limited to, counseling for the family of the probationer.
- 8 (d) Restrictions or a prohibition on contact or communication with
- 9 witnesses or victims of the crime committed by the probationer.
- 10 (e) A requirement to obtain and keep employment.
- 11 (f) Submission to a program of intensive supervision.
- 12 (g) Restrictions on travel by the probationer outside the jurisdiction of
- 13 the court.
- 14 (h) Payment of restitution.
- 15 (i) Payment of fines and court costs.
- 16 (j) Supervised ~~work for the benefit of the community~~ **community**
- 17 **service.**
- 18 (k) Participation in educational courses.
- 19 2. A surety shall:
- 20 (a) Provide the facilities or equipment necessary to:
- 21 (1) Perform tests to determine whether the probationer is using any
- 22 controlled substance or alcohol, if the court requires such tests as a
- 23 condition of probation;
- 24 (2) Carry out a program of intensive supervision, if the court requires
- 25 such a program as a condition of probation; and
- 26 (3) Enable the probationer to report regularly to the surety.
- 27 (b) Notify the court within 24 hours after the surety has knowledge of a
- 28 violation of or a failure to fulfill a condition of the program of probation.
- 29 3. A probationer participating in a program of probation secured by a
- 30 surety bond shall:
- 31 (a) Report regularly to the surety; and
- 32 (b) Pay the fee charged by the surety for the execution of the bond.
- 33 **Sec. 14.** NRS 176A.540 is hereby amended to read as follows:
- 34 176A.540 1. The chief parole and probation officer may order the
- 35 residential confinement of a probationer if he believes that the probationer
- 36 poses no danger to the community and will appear at a scheduled inquiry
- 37 or court hearing.
- 38 2. In ordering the residential confinement of a probationer, the chief
- 39 parole and probation officer shall:
- 40 (a) Require the probationer to be confined to his residence during the
- 41 time he is away from his employment, ~~public~~ **community** service or other
- 42 activity authorized by the division; and
- 43 (b) Require intensive supervision of the probationer, including, without
- 44 limitation, unannounced visits to his residence or other locations where he
- 45 is expected to be to determine whether he is complying with the terms of
- 46 his confinement.
- 47 3. An electronic device approved by the division may be used to
- 48 supervise a probationer who is ordered to be placed in residential
- 49 confinement. The device must be minimally intrusive and limited in



1 capability to recording or transmitting information concerning the
2 probationer's presence at his residence, including the transmission of still
3 visual images which do not concern the probationer's activities while
4 inside his residence. A device which is capable of recording or
5 transmitting:

- 6 (a) Oral or wire communications or any auditory sound; or
7 (b) Information concerning the probationer's activities while inside his
8 residence,
9 must not be used.

10 4. The chief parole and probation officer shall not order a probationer
11 to be placed in residential confinement unless the probationer agrees to the
12 order.

13 5. Any residential confinement must not extend beyond the unexpired
14 maximum term of the original sentence.

15 **Sec. 15.** NRS 176A.660 is hereby amended to read as follows:

16 176A.660 1. If a person who has been placed on probation violates a
17 condition of his probation, the court may order him to a term of residential
18 confinement in lieu of causing the sentence imposed to be executed. In
19 making this determination, the court shall consider the criminal record of
20 the person and the seriousness of the crime committed.

21 2. In ordering the person to a term of residential confinement, the court
22 shall:

- 23 (a) Direct that he be placed under the supervision of the division;
24 (b) Require the person to be confined to his residence during the time he
25 is away from his employment, ~~public~~ community service or other activity
26 authorized by the division; and
27 (c) Require intensive supervision of the person, including, without
28 limitation, unannounced visits to his residence or other locations where he
29 is expected to be in order to determine whether he is complying with the
30 terms of his confinement.

31 3. An electronic device approved by the division may be used to
32 supervise a person ordered to a term of residential confinement. The device
33 must be minimally intrusive and limited in capability to recording or
34 transmitting information concerning the person's presence at his residence,
35 including, but not limited to, the transmission of still visual images which
36 do not concern the person's activities while inside his residence. A device
37 which is capable of recording or transmitting:

- 38 (a) Oral or wire communications or any auditory sound; or
39 (b) Information concerning the person's activities while inside his
40 residence,
41 must not be used.

42 4. The court shall not order a person to a term of residential
43 confinement unless he agrees to the order.

44 5. A term of residential confinement may not be longer than the
45 maximum term of a sentence imposed by the court.

46 **Sec. 16.** NRS 178.3975 is hereby amended to read as follows:

47 178.3975 1. The court may order a defendant to pay all or any part of
48 the expenses incurred by the county, city or state in providing the
49 defendant with an attorney which are not recovered pursuant to NRS



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1 178.398. The order may be made at the time of or after the appointment of
2 an attorney and may direct the defendant to pay the expenses in
3 installments.

4 2. The court shall not order a defendant to make such a payment unless
5 the defendant is or will be able to do so. In determining the amount and
6 method of payment, the court shall take account of the financial resources
7 of the defendant and the nature of the burden that payment will impose.

8 3. A defendant who has been ordered to pay expenses of his defense
9 and who is not willfully or without good cause in default in the payment
10 thereof may at any time petition the court which ordered the payment for
11 remission of the payment or of any unpaid portion thereof. If it appears to
12 the satisfaction of the court that payment of the amount due will impose
13 manifest hardship on the defendant or his immediate family, the court may
14 remit all or part of the amount due or modify the method of payment.

15 4. The money recovered must in each case be paid over to the city,
16 county or public defender's office which bore the expense and was not
17 reimbursed by another governmental agency.

18 5. Upon the request of a defendant, if the court finds that the defendant
19 is suitable to perform supervised ~~work for the benefit of the community,~~
20 *community service*, the court may allow the defendant to pay all or part of
21 any expenses incurred by the county, city or state in providing him with an
22 attorney by performing supervised ~~work for the benefit of the~~ community
23 *service* for a reasonable number of hours, the value of which would be
24 commensurate with such expenses incurred. The ~~work~~ *community*
25 *service* must be performed for and under the supervising authority of a
26 county, city, town or other political subdivision or agency of the State of
27 Nevada or a charitable organization that renders service to the community
28 or its residents. The court may require a defendant who requests to perform
29 community service to deposit with the court a reasonable sum of money to
30 pay for the cost of policies of insurance against liability for personal injury
31 and damage to property or for industrial insurance, or both, during those
32 periods in which he performs the ~~work,~~ *community service*, unless, in the
33 case of industrial insurance, it is provided by the authority for which he
34 performs the ~~work,~~ *community service*.

35 **Sec. 17.** NRS 193.150 is hereby amended to read as follows:

36 193.150 1. Every person convicted of a misdemeanor shall be
37 punished by imprisonment in the county jail for not more than 6 months, or
38 by a fine of not more than \$1,000, or by both fine and imprisonment,
39 unless the statute in force at the time of commission of such misdemeanor
40 prescribed a different penalty.

41 2. In lieu of all or a part of the punishment which may be imposed
42 pursuant to subsection 1, the convicted person may be sentenced to
43 perform a fixed period of ~~work for the benefit of the~~ community *service*
44 pursuant to the conditions prescribed in NRS 176.087.

45 **Sec. 18.** NRS 193.210 is hereby amended to read as follows:

46 193.210 A person is of sound mind ~~who is not an idiot and~~ who has
47 arrived at the age of 14 years, or before that age if he knew the distinction
48 between good and evil.



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1 **Sec. 19.** NRS 194.010 is hereby amended to read as follows:
2 194.010 All persons are liable to punishment except those belonging to
3 the following classes:

- 4 1. Children under the age of 8 years.
- 5 2. Children between the ages of 8 years and 14 years, in the absence of
6 clear proof that at the time of committing the act charged against them they
7 knew its wrongfulness.

8 3. ~~Idiots.~~
9 ~~4.~~ Persons who committed the act or made the omission charged
10 under an ignorance or mistake of fact, which disproves any criminal intent,
11 where a specific intent is required to constitute the offense.

12 ~~5.~~ 4. Persons who committed the act charged without being
13 conscious thereof.

14 ~~6.~~ 5. Persons who committed the act or made the omission charged,
15 through misfortune or by accident, when it appears that there was no evil
16 design, intention or culpable negligence.

17 ~~7.~~ 6. Persons, unless the crime is punishable with death, who
18 committed the act or made the omission charged under threats or menaces
19 sufficient to show that they had reasonable cause to believe, and did
20 believe, their lives would be endangered if they refused, or that they would
21 suffer great bodily harm.

22 **Sec. 20.** NRS 209.392 is hereby amended to read as follows:

23 209.392 1. Except as otherwise provided in NRS 209.3925 and
24 209.429, the director may, at the request of an offender who is eligible for
25 residential confinement pursuant to the standards adopted by the director
26 pursuant to subsection 3 and who has:

- 27 (a) Established a position of employment in the community;
 - 28 (b) Enrolled in a program for education or rehabilitation; or
 - 29 (c) Demonstrated an ability to pay for all or part of the costs of his
30 confinement and to meet any existing obligation for restitution to any
31 victim of his crime,
- 32 assign the offender to the custody of the division of parole and probation of
33 the department of motor vehicles and public safety to serve a term of
34 residential confinement, pursuant to NRS 213.380, for not longer than the
35 remainder of his sentence.

36 2. Upon receiving a request to serve a term of residential confinement
37 from an eligible offender, the director shall notify the division of parole
38 and probation. If any victim of a crime committed by the offender has,
39 pursuant to subsection 4 of NRS 213.130, requested to be notified of the
40 consideration of a prisoner for parole and has provided a current address,
41 the division of parole and probation shall notify the victim of the offender's
42 request and advise the victim that he may submit documents regarding the
43 request to the division of parole and probation. If a current address has not
44 been provided as required by subsection 4 of NRS 213.130, the division of
45 parole and probation must not be held responsible if such notification is not
46 received by the victim. All personal information, including, but not limited
47 to, a current or former address, which pertains to a victim and which is
48 received by the division of parole and probation pursuant to this subsection
49 is confidential.



- 1 3. The director, after consulting with the division of parole and
2 probation, shall adopt, by regulation, standards providing which offenders
3 are eligible for residential confinement. The standards adopted by the
4 director must provide that an offender who:
- 5 (a) Is not eligible for parole or release from prison within a reasonable
6 period;
7 (b) Has recently committed a serious infraction of the rules of an
8 institution or facility of the department;
9 (c) Has not performed the duties assigned to him in a faithful and
10 orderly manner;
11 (d) Has ever been convicted of:
12 (1) Any crime involving the use or threatened use of force or violence
13 against the victim; or
14 (2) A sexual offense;
15 (e) Has more than one prior conviction for any felony in this state or
16 any offense in another state that would be a felony if committed in this
17 state, not including a violation of NRS ~~484.3792~~ 484.379 or 484.3795;
18 (f) Has escaped or attempted to escape from any jail or correctional
19 institution for adults; or
20 (g) Has not made an effort in good faith to participate in or to complete
21 any educational or vocational program or any program of treatment, as
22 ordered by the director,
23 is not eligible for assignment to the custody of the division of parole and
24 probation to serve a term of residential confinement pursuant to this
25 section.
- 26 4. If an offender assigned to the custody of the division of parole and
27 probation pursuant to this section escapes or violates any of the terms or
28 conditions of his residential confinement:
29 (a) The division of parole and probation may, pursuant to the procedure
30 set forth in NRS 213.410, return the offender to the custody of the
31 department.
32 (b) The offender forfeits all or part of the credits for good behavior
33 earned by him before the escape or violation, as determined by the director.
34 The director may provide for a forfeiture of credits pursuant to this
35 paragraph only after proof of the offense and notice to the offender, and
36 may restore credits forfeited for such reasons as he considers proper. The
37 decision of the director regarding such a forfeiture is final.
- 38 5. The assignment of an offender to the custody of the division of
39 parole and probation pursuant to this section shall be deemed:
40 (a) A continuation of his imprisonment and not a release on parole; and
41 (b) For the purposes of NRS 209.341, an assignment to a facility of the
42 department,
43 except that the offender is not entitled to obtain any benefits or to
44 participate in any programs provided to offenders in the custody of the
45 department.
- 46 6. An offender does not have a right to be assigned to the custody of
47 the division of parole and probation pursuant to this section, or to remain in
48 that custody after such an assignment, and it is not intended that the
49 provisions of this section or of NRS 213.371 to 213.410, inclusive, create



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1 any right or interest in liberty or property or establish a basis for any cause
2 of action against the state, its political subdivisions, agencies, boards,
3 commissions, departments, officers or employees.

4 **Sec. 21.** NRS 211.244 is hereby amended to read as follows:

5 211.244 1. At any time after the conviction of a prisoner, and after
6 the financial status of the prisoner has been determined or the prisoner has
7 refused or failed to complete and sign the form required by NRS 211.242,
8 the sheriff of the county, the administrator of the department of detention
9 of an incorporated city, the person appointed to administer a city jail or the
10 administrator of an alternative program may issue a written demand to the
11 prisoner for reimbursement, pursuant to NRS 211.2415, of the expenses
12 incurred by the county or city for the prisoner's maintenance and support
13 during his period of imprisonment or assignment to an alternative program.

14 2. Except as otherwise provided in subsection 3, the prisoner shall pay
15 the total amount due when the written demand is issued. The prisoner may
16 arrange to make payments on a monthly basis. If such arrangements are
17 made, the prisoner must be provided with a monthly billing statement
18 which specifies the date on which his next payment is due.

19 3. A court may order a prisoner to perform supervised ~~work for the~~
20 ~~benefit of the~~ community *service* to satisfy the written demand for
21 reimbursement. Each hour of ~~work~~ *community service* performed by the
22 prisoner reduces the amount he owes by \$8. If the prisoner does not satisfy
23 the written demand for reimbursement within the time set by the court, the
24 district attorney for a county or the city attorney for an incorporated city
25 may file a civil action pursuant to NRS 211.245.

26 **Sec. 22.** NRS 213.15193 is hereby amended to read as follows:

27 213.15193 1. Except as otherwise provided in subsection 6, the chief
28 may order the residential confinement of a parolee if he believes that the
29 parolee does not pose a danger to the community and will appear at a
30 scheduled inquiry or hearing.

31 2. In ordering the residential confinement of a parolee, the chief shall:

32 (a) Require the parolee to be confined to his residence during the time
33 he is away from his employment, ~~public~~ *community* service or other
34 activity authorized by the division; and

35 (b) Require intensive supervision of the parolee, including, without
36 limitation, unannounced visits to his residence or other locations where he
37 is expected to be to determine whether he is complying with the terms of
38 his confinement.

39 3. An electronic device approved by the division may be used to
40 supervise a parolee who is ordered to be placed in residential confinement.
41 The device must be minimally intrusive and limited in capability to
42 recording or transmitting information concerning the presence of the
43 parolee at his residence, including, without limitation, the transmission of
44 still visual images which do not concern the activities of the parolee while
45 inside his residence. A device which is capable of recording or
46 transmitting:

47 (a) Oral or wire communications or any auditory sound; or

48 (b) Information concerning the activities of the parolee while inside his
49 residence,



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1 must not be used.

2 4. The chief shall not order a parolee to be placed in residential
3 confinement unless the parolee agrees to the order.

4 5. Any residential confinement must not extend beyond the unexpired
5 maximum term of the original sentence of the parolee.

6 6. The chief shall not order a parolee who is serving a sentence for
7 committing a battery which constitutes domestic violence pursuant to NRS
8 33.018 to be placed in residential confinement unless the chief makes a
9 finding that the parolee is not likely to pose a threat to the victim of the
10 battery.

11 **Sec. 23.** NRS 213.152 is hereby amended to read as follows:

12 213.152 1. Except as otherwise provided in subsection 6, if a parolee
13 violates a condition of his parole, the board may order him to a term of
14 residential confinement in lieu of suspending his parole and returning him
15 to confinement. In making this determination, the board shall consider the
16 criminal record of the parolee and the seriousness of the crime committed.

17 2. In ordering the parolee to a term of residential confinement, the
18 board shall:

19 (a) Require the parolee to be confined to his residence during the time
20 he is away from his employment, ~~public~~ **community** service or other
21 activity authorized by the division; and

22 (b) Require intensive supervision of the parolee, including, without
23 limitation, unannounced visits to his residence or other locations where he
24 is expected to be in order to determine whether he is complying with the
25 terms of his confinement.

26 3. An electronic device approved by the division may be used to
27 supervise a parolee ordered to a term of residential confinement. The
28 device must be minimally intrusive and limited in capability to recording
29 or transmitting information concerning the presence of the parolee at his
30 residence, including, but not limited to, the transmission of still visual
31 images which do not concern the activities of the person while inside his
32 residence. A device which is capable of recording or transmitting:

33 (a) Oral or wire communications or any auditory sound; or

34 (b) Information concerning the activities of the parolee while inside his
35 residence,
36 must not be used.

37 4. The board shall not order a parolee to a term of residential
38 confinement unless he agrees to the order.

39 5. A term of residential confinement may not be longer than the
40 unexpired maximum term of the original sentence of the parolee.

41 6. The board shall not order a parolee who is serving a sentence for
42 committing a battery which constitutes domestic violence pursuant to NRS
43 33.018 to a term of residential confinement unless the board makes a
44 finding that the parolee is not likely to pose a threat to the victim of the
45 battery.

46 **Sec. 24.** NRS 371.230 is hereby amended to read as follows:

47 371.230 Except as otherwise provided in NRS 371.1035 ~~for 482.180,~~
48 **, 482.180 or 482.181,** money collected by the department for privilege



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1 taxes and penalties pursuant to the provisions of this chapter must be
2 deposited with the state treasurer to the credit of the motor vehicle fund.

3 **Sec. 25.** NRS 387.328 is hereby amended to read as follows:

4 387.328 1. The board of trustees of each school district shall
5 establish a fund for capital projects for the purposes set forth in subsection
6 1 of NRS 387.335. The money in the fund for capital projects may be
7 transferred to the debt service fund to pay the cost of the school district's
8 debt service.

9 2. The board of trustees may accumulate money in the fund for capital
10 projects for a period not to exceed 20 years.

11 3. That portion of the vehicle privilege tax whose allocation to the
12 school district pursuant to NRS ~~482.180~~ **482.181** is based on the amount
13 of the property tax levy attributable to its debt service must be deposited in
14 the county treasury to the credit of the fund established under subsection 1
15 or the school district's debt service fund.

16 4. No money in the fund for capital projects at the end of the fiscal
17 year may revert to the county school district fund, nor may the money be a
18 surplus for any other purpose than those specified in subsection 1.

19 5. The proceeds of the taxes deposited in the fund for capital projects
20 pursuant to NRS 244.3354, 268.0962 and 375.070 may be pledged to the
21 payment of the principal and interest on bonds or other obligations issued
22 for one or more of the purposes set forth in NRS 387.335. The proceeds of
23 such taxes so pledged may be treated as pledged revenues for the purposes
24 of subsection 3 of NRS 350.020, and the board of trustees of a school
25 district may issue bonds for those purposes in accordance with the
26 provisions of chapter 350 of NRS.

27 **Sec. 26.** NRS 408.235 is hereby amended to read as follows:

28 408.235 1. There is hereby created the state highway fund.

29 2. Except as otherwise provided in subsection ~~4~~ **6** of NRS 482.180
30 and NRS 482.1805, the proceeds from the imposition of any:

31 (a) License or registration fee and other charges with respect to the
32 operation of any motor vehicle upon any public highway, city, town or
33 county road, street, alley or highway in this state; and

34 (b) Excise tax on gasoline or other motor vehicle fuel,
35 must be deposited in the state highway fund and must, except for costs of
36 administering the collection thereof, be used exclusively for administration,
37 construction, reconstruction, improvement and maintenance of highways as
38 provided for in this chapter.

39 3. The interest and income earned on the money in the state highway
40 fund, after deducting any applicable charges, must be credited to the fund.

41 4. Costs of administration for the collection of the proceeds for any
42 license or registration fees and other charges with respect to the operation
43 of any motor vehicle must be limited to a sum not to exceed 22 percent of
44 the total proceeds so collected.

45 5. Costs of administration for the collection of any excise tax on
46 gasoline or other motor vehicle fuel must be limited to a sum not to exceed
47 1 percent of the total proceeds so collected.



1 6. All bills and charges against the state highway fund for
2 administration, construction, reconstruction, improvement and maintenance
3 of highways under the provisions of this chapter must be certified by the
4 director and must be presented to and examined by the state board of
5 examiners. When allowed by the state board of examiners and upon being
6 audited by the state controller, the state controller shall draw his warrant
7 therefor upon the state treasurer.

8 **Sec. 27.** NRS 444.630 is hereby amended to read as follows:

9 444.630 1. As used in this section, "garbage" includes swill, refuse,
10 cans, bottles, paper, vegetable matter, carcass of any dead animal, offal
11 from any slaughter pen or butcher shop, trash or rubbish.

12 2. Every person who willfully places, deposits or dumps, or who
13 causes to be placed, deposited or dumped, or who causes or allows to
14 overflow, any sewage, sludge, cesspool or septic tank effluent, or
15 accumulation of human excreta, or any garbage, in or upon any street,
16 alley, public highway or road in common use, or upon any public park or
17 other public property other than property designated or set aside for such a
18 purpose by the governing body having charge thereof, or upon any private
19 property into or upon which the public is admitted by easement, license or
20 otherwise, is guilty of a misdemeanor and, if the convicted person agrees,
21 he shall be sentenced to perform 10 hours of ~~work for the benefit of the~~
22 community *service* under the conditions prescribed in NRS 176.087.

23 3. Except as otherwise provided in NRS 444.585, ownership of
24 garbage does not transfer from the person who originally possessed it until
25 it is received for transport by a person authorized to dispose of solid waste
26 pursuant to this chapter or until it is disposed of at a municipal disposal
27 site. Identification of the owner of any garbage which is disposed of in
28 violation of subsection 2 creates a reasonable inference that the owner is
29 the person who disposed of the garbage. The fact that the disposal of the
30 garbage was not witnessed does not, in and of itself, preclude the
31 identification of its owner.

32 4. All:

33 (a) Health officers and their deputies;
34 (b) Game wardens;
35 (c) Police officers of cities and towns;
36 (d) Sheriffs and their deputies;
37 (e) Other peace officers of the State of Nevada; and
38 (f) Other persons who are specifically designated by the local
39 government to do so,
40 shall, within their respective jurisdictions, enforce the provisions of this
41 section.

42 5. A district health officer or his deputy or other person specifically
43 designated by the local government to do so may issue a citation for any
44 violation of this section which occurs within his jurisdiction.

45 6. To effectuate the purposes of this section, the persons charged with
46 enforcing this section may request information from any:

47 (a) Agency of the state or its political subdivisions.
48 (b) Employer, public or private.
49 (c) Employee organization or trust of any kind.



1 (d) Financial institution or other entity which is in the business of
2 providing credit reports.

3 (e) Public utility.

4 Each of these persons and entities, their officers and employees, shall
5 cooperate by providing any information in their possession which may aid
6 in the location and identification of a person believed to be in violation of
7 subsection 2. A disclosure made in good faith pursuant to this subsection
8 does not give rise to any action for damages for the disclosure.

9 **Sec. 28.** NRS 458.320 is hereby amended to read as follows:

10 458.320 1. If the court, after a hearing, determines that a person is
11 entitled to accept the treatment offered pursuant to NRS 458.310, the court
12 shall order an approved facility for the treatment of abuse of alcohol or
13 drugs to conduct an examination of the person to determine whether he is
14 an alcoholic or drug addict and is likely to be rehabilitated through
15 treatment. The facility shall report to the court the results of the
16 examination and recommend whether the person should be placed under
17 supervision for treatment.

18 2. If the court, acting on the report or other relevant information,
19 determines that the person is not an alcoholic or drug addict, is not likely to
20 be rehabilitated through treatment or is otherwise not a good candidate for
21 treatment, he may be sentenced and the sentence executed.

22 3. If the court determines that the person is an alcoholic or drug addict,
23 is likely to be rehabilitated through treatment and is a good candidate for
24 treatment, the court may:

25 (a) Impose any conditions to the election of treatment that could be
26 imposed as conditions of probation;

27 (b) Defer sentencing until such time, if any, as sentencing is authorized
28 pursuant to NRS 458.330; and

29 (c) Place the person under the supervision of an approved facility for
30 treatment for not less than 1 year nor more than 3 years.

31 The court may require such progress reports on the treatment of the person
32 as it deems necessary.

33 4. A person who is placed under the supervision of an approved
34 facility for treatment shall pay the cost of the program of treatment to
35 which he is assigned and the cost of any additional supervision that may be
36 required, to the extent of his financial resources. The court may issue a
37 judgment in favor of the court or facility for treatment for the costs of the
38 treatment and supervision which remain unpaid at the conclusion of the
39 treatment. Such a judgment constitutes a lien in like manner as a judgment
40 for money rendered in a civil action, but in no event may the amount of the
41 judgment include any amount of the debt which was extinguished by the
42 successful completion of community service pursuant to subsection 5.

43 5. If the person who is placed under the supervision of an approved
44 facility for treatment does not have the financial resources to pay all of the
45 related costs:

46 (a) The court shall, to the extent practicable, arrange for the person to be
47 assigned to a program at a facility that receives a sufficient amount of
48 federal or state funding to offset the remainder of the costs; and



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1 (b) The court may order the person to perform supervised ~~work for the~~
2 ~~benefit of the~~ community *service* in lieu of paying the remainder of the
3 costs relating to his treatment and supervision. The ~~work~~ *community*
4 *service* must be performed for and under the supervising authority of a
5 county, city, town or other political subdivision or agency of the State of
6 Nevada or a charitable organization that renders service to the community
7 or its residents. The court may require the person to deposit with the court
8 a reasonable sum of money to pay for the cost of policies of insurance
9 against liability for personal injury and damage to property or for industrial
10 insurance, or both, during those periods in which the person performs the
11 ~~work~~ *community service*, unless, in the case of industrial insurance, it is
12 provided by the authority for which he performs the ~~work~~ *community*
13 *service*.

14 6. No person may be placed under the supervision of a facility under
15 this section unless the facility accepts him for treatment.

16 **Sec. 29.** NRS 459.735 is hereby amended to read as follows:

17 459.735 1. The contingency account for hazardous materials is
18 hereby created in the state general fund.

19 2. The commission shall administer the contingency account for
20 hazardous materials, and the money in the account may be expended only
21 for:

22 (a) Carrying out the provisions of NRS 459.735 to 459.773, inclusive;

23 (b) Carrying out the provisions of ~~Public Law 99-499 and Title I of~~
24 ~~Public Law 93-633, 42 U.S.C. §§ 11001 et seq. and 49 U.S.C. §§ 5101 et~~
25 ~~seq.~~;

26 (c) Maintaining and supporting the operations of the commission and
27 local emergency planning committees;

28 (d) Training and equipping state and local personnel to respond to
29 accidents and incidents involving hazardous materials; and

30 (e) The operation of training programs and a training center for
31 handling emergencies relating to hazardous materials and related fires
32 pursuant to NRS 477.045.

33 3. All money received by this state ~~as a result of Public Law 99-499~~
34 ~~or Title I of Public Law 93-633~~ *pursuant to 42 U.S.C. §§ 11001 et seq. or*
35 *49 U.S.C. §§ 5101 et seq.* must be deposited with the state treasurer to the
36 credit of the contingency account for hazardous materials. In addition, all
37 money received by the commission from any source must be deposited
38 with the state treasurer to the credit of the contingency account for
39 hazardous materials. The state controller shall transfer from the
40 contingency account to the operating account of the state fire marshal such
41 money collected pursuant to chapter 477 of NRS as is authorized for
42 expenditure in the budget of the state fire marshal for use pursuant to
43 paragraph (e) of subsection 2.

44 4. Upon the presentation of budgets in the manner required by law,
45 money to support the operation of the commission pursuant to this chapter,
46 other than its provision of grants, must be provided by direct legislative
47 appropriation from the state highway fund *or other legislative*
48 *authorization* to the contingency account for hazardous materials.



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1 5. The interest and income earned on the money in the contingency
2 account for hazardous materials, after deducting any applicable charges,
3 must be credited to the account.

4 6. All claims against the contingency account for hazardous materials
5 must be paid as other claims against the state are paid.

6 **Sec. 30.** NRS 481.083 is hereby amended to read as follows:

7 481.083 1. Except for the operation of the investigation division, the
8 division of emergency management, the state fire marshal division, the
9 division of parole and probation, and the capitol police division of the
10 department, money for the administration of the provisions of this chapter
11 must be provided by direct legislative appropriation from the state highway
12 fund *or other legislative authorization* upon the presentation of budgets in
13 the manner required by law.

14 2. All money provided for the support of the department and its
15 various divisions must be paid out on claims approved by the director in
16 the same manner as other claims against the state are paid.

17 **Sec. 31.** NRS 482.180 is hereby amended to read as follows:

18 482.180 1. The motor vehicle fund is hereby created as an agency
19 fund. Except as otherwise provided in subsection 4 or by a specific statute,
20 all money received or collected by the department must be deposited in the
21 state treasury for credit to the motor vehicle fund.

22 2. The interest and income on the money in the motor vehicle fund,
23 after deducting any applicable charges, must be credited to the state
24 highway fund.

25 3. Any check accepted by the department in payment of vehicle
26 privilege tax or any other fee required to be collected pursuant to this
27 chapter must, if it is dishonored upon presentation for payment, be charged
28 back against the motor vehicle fund or the county to which the payment
29 was credited *or pursuant to this section or NRS 482.181*, in the proper
30 proportion.

31 4. ~~Except as otherwise provided in subsection 6, all~~ money
32 received or collected by the department for the basic vehicle privilege tax
33 must be ~~deposited in the local government tax distribution account,~~
34 ~~created by NRS 360.660, for credit to the appropriate county pursuant to~~
35 ~~subsection 6.~~ *distributed in the manner set forth in NRS 482.181.*

36 5. Money for the administration of the provisions of this chapter must
37 be provided by direct legislative appropriation from the state highway fund
38 *or other legislative authorization*, upon the presentation of budgets in
39 the manner required by law. Out of the appropriation *or authorization*,
40 the department shall pay every item of expense.

41 6. ~~The privilege tax collected on vehicles subject to the provisions of~~
42 ~~chapter 706 of NRS and engaged in interstate or intercounty operation~~
43 ~~must be distributed among the counties in the following percentages:~~

44
45 Carson City.....1.07 percent Lincoln..... 3.12 percent
46 Churchill.....5.21 percent Lyon..... 2.90 percent
47 Clark.....22.54 percent Mineral..... 2.40 percent
48 Douglas.....2.52 percent Nye..... 4.09 percent
49 Elko.....13.31 percent Pershing..... 7.00 percent



1	Esmeralda.....	2.52 percent	Storey.....	19 percent
2	Eureka.....	3.10 percent	Washoe.....	12.24 percent
3	Humboldt.....	8.25 percent	White Pine.....	5.66 percent
4	Lander.....	3.88 percent		

5
6 ~~The distributions must be allocated among local governments within the~~
7 ~~respective counties pursuant to the provisions of NRS 482.181.~~

8 ~~7.1~~ The department shall withhold 6 percent from the amount of
9 privilege tax collected by the department as a commission. From the
10 amount of privilege tax collected by a county assessor, the state controller
11 shall credit 1 percent to the department as a commission and remit 5
12 percent to the county for credit to its general fund as commission for the
13 services of the county assessor.

14 ~~8.1~~ *All money withheld by or credited to the department pursuant to*
15 *this subsection must be used only for the administration of this chapter*
16 *as authorized by the legislature pursuant to subsection 5.*

17 7. When the requirements of this section and NRS 482.181 have been
18 met, and when directed by the department, the state controller shall transfer
19 monthly to the state highway fund any balance in the motor vehicle fund.

20 ~~9.1~~ 8. If a statute requires that any money in the motor vehicle fund
21 be transferred to another fund or account, the department shall direct the
22 controller to transfer the money in accordance with the statute.

23 **Sec. 32.** NRS 482.181 is hereby amended to read as follows:

24 482.181 1. Except as otherwise provided in subsection ~~4.1~~ 5, *after*
25 *deducting the amount withheld by the department and the amount*
26 *credited to the department pursuant to subsection 6 of NRS 482.180*, the
27 department shall certify monthly to the state board of examiners the
28 amount of the basic and supplemental privilege taxes collected for each
29 county by the department and its agents during the preceding month, and
30 that money must be distributed monthly as provided in this section.

31 2. Any supplemental privilege tax collected for a county must be
32 distributed only to the county, to be used as provided in NRS 371.045 and
33 371.047.

34 3. ~~{The distribution of the basic privilege tax within a county must be~~
35 ~~made to local governments, special districts and enterprise districts~~
36 ~~pursuant to the provisions of NRS 360.680 and 360.690.}~~ The distribution
37 of the basic privilege tax *received or collected for each county* must be
38 made to the county school district within ~~{the}~~ *each* county before ~~{the~~
39 ~~distribution of the basic privilege tax pursuant to the provisions of NRS~~
40 ~~360.680 and 360.690 and in the same ratio as all property taxes were levied~~
41 ~~in the county in the previous fiscal year, but the State of Nevada is not~~
42 ~~entitled to share in that distribution.}~~ *any distribution is made to a local*
43 *government, special district or enterprise district.* For the purpose of
44 calculating the amount of basic privilege tax to be distributed to the county
45 school district, the taxes levied by each local government, special district
46 and enterprise district are the product of its certified valuation, determined
47 pursuant to subsection 2 of NRS 361.405, and its tax rate, established
48 pursuant to NRS 361.455 for the fiscal year beginning on July 1, 1980,
49 except that the tax rate for school districts, including the rate attributable to



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1 a district's debt service, is the rate established pursuant to NRS 361.455 for
2 the fiscal year beginning on July 1, 1978, but if the rate attributable to a
3 district's debt service in any fiscal year is greater than its rate for the fiscal
4 year beginning on July 1, 1978, the higher rate must be used to determine
5 the amount attributable to debt service.

6 4. *After making the distributions set forth in subsection 3, the*
7 *remaining money received or collected for each county must be deposited*
8 *in the local government tax distribution account created by NRS 360.660*
9 *for distribution to local governments, special districts and enterprise*
10 *districts within each county pursuant to the provisions of NRS 360.680*
11 *and 360.690.*

12 5. An amount equal to any basic privilege tax distributed to a
13 redevelopment agency in the fiscal year 1987-1988 must continue to be
14 distributed to that agency as long as it exists but must not be increased.

15 ~~15-1~~ 6. The department shall make distributions of basic privilege tax
16 directly to county school districts.

17 ~~16-1~~ 7. As used in this section:

18 (a) "Enterprise district" has the meaning ascribed to it in NRS 360.620.

19 (b) "Local government" has the meaning ascribed to it in NRS 360.640.

20 (c) *"Received or collected for each county" means:*

21 *(1) For the basic privilege tax collected on vehicles subject to the*
22 *provisions of chapter 706 of NRS, the amount determined for each*
23 *county based on the following percentages:*

24

25 Carson City..... 1.07 percent	Lincoln 3.12 percent
26 Churchill..... 5.21 percent	Lyon..... 2.90 percent
27 Clark 22.54 percent	Mineral..... 2.40 percent
28 Douglas..... 2.52 percent	Nye..... 4.09 percent
29 Elko..... 13.31 percent	Pershing 7.00 percent
30 Esmeralda..... 2.52 percent	Storey..... .19 percent
31 Eureka 3.10 percent	Washoe..... 12.24 percent
32 Humboldt..... 8.25 percent	White Pine..... 5.66 percent
33 Lander..... 3.88 percent	

34

35 *(2) For all other basic and supplemental privilege tax received or*
36 *collected by the department, the amount attributable to each county*
37 *based on the county of registration of the vehicle for which the tax was*
38 *paid.*

39 (d) "Special district" has the meaning ascribed to it in NRS 360.650.

40 **Sec. 33.** NRS 484.3667 is hereby amended to read as follows:

41 484.3667 1. Except as otherwise provided in subsection 2, a person
42 who is convicted of a violation of a speed limit:

43 (a) In an area designated as a temporary traffic control zone in which
44 construction, maintenance or repair of a highway is conducted; and

45 (b) At a time when the workers who are performing the construction,
46 maintenance or repair of the highway are present,

47 shall be punished by imprisonment or by a fine, or both, for a term or an
48 amount equal to and in addition to the term of imprisonment or amount of
49 the fine, or both, that the court imposes for the primary offense. Any term



1 of imprisonment imposed pursuant to this subsection runs consecutively
2 with the sentence prescribed by the court for the crime. This subsection
3 does not create a separate offense, but provides an additional penalty for
4 the primary offense, whose imposition is contingent upon the finding of the
5 prescribed fact.

6 2. The penalty imposed for the primary offense and the additional
7 penalty imposed pursuant to subsection 1 must not exceed a total of
8 \$1,000, 6 months of imprisonment or 120 hours of ~~work for the benefit of~~
9 ~~the community~~ *community service*.

10 3. A governmental entity that designates an area as a temporary traffic
11 control zone in which construction, maintenance or repair of a highway is
12 conducted, or the person with whom the governmental entity contracts to
13 provide such service shall cause to be erected:

14 (a) A sign located before the beginning of such an area which states that
15 a double penalty will be imposed upon a person who is convicted of
16 violating the speed limit within the temporary traffic control zone;

17 (b) A sign to mark the beginning of the temporary traffic control zone;
18 and

19 (c) A sign to mark the end of the temporary traffic control zone.

20 **Sec. 34.** NRS 484.3792 is hereby amended to read as follows:

21 484.3792 1. A person who violates the provisions of NRS 484.379:

22 (a) For the first offense within 7 years, is guilty of a misdemeanor.
23 Unless he is allowed to undergo treatment as provided in NRS 484.37937,
24 the court shall:

25 (1) Except as otherwise provided in subsection 6, order him to pay
26 tuition for an educational course on the abuse of alcohol and controlled
27 substances approved by the department and complete the course within the
28 time specified in the order, and the court shall notify the department if he
29 fails to complete the course within the specified time;

30 (2) Unless the sentence is reduced pursuant to NRS 484.37937,
31 sentence him to imprisonment for not less than 2 days nor more than 6
32 months in jail, or to perform not less than 48 hours, but not more than 96
33 hours, of ~~work for the~~ community *service* while dressed in distinctive
34 garb that identifies him as having violated the provisions of NRS 484.379;
35 and

36 (3) Fine him not less than \$400 nor more than \$1,000.

37 (b) For a second offense within 7 years, is guilty of a misdemeanor.
38 Unless the sentence is reduced pursuant to NRS 484.3794, the court:

39 (1) Shall sentence him to:

40 (I) Imprisonment for not less than 10 days nor more than 6 months
41 in jail; or

42 (II) Residential confinement for not less than 10 days nor more
43 than 6 months, in the manner provided in NRS 4.376 to 4.3766, inclusive,
44 or 5.0755 to 5.078, inclusive;

45 (2) Shall fine him not less than \$750 nor more than \$1,000;

46 (3) Shall order him to perform not less than 100 hours, but not more
47 than 200 hours, of ~~work for the~~ community *service* while dressed in
48 distinctive garb that identifies him as having violated the provisions of



1 NRS 484.379, unless the court finds that extenuating circumstances exist;
2 and

3 (4) May order him to attend a program of treatment for the
4 abuse of alcohol or drugs pursuant to the provisions of
5 NRS 484.37945.

6 A person who willfully fails or refuses to complete successfully a term of
7 residential confinement or a program of treatment ordered pursuant to this
8 paragraph is guilty of a misdemeanor.

9 (c) For a third or subsequent offense within 7 years, is guilty of a
10 category B felony and shall be punished by imprisonment in the state
11 prison for a minimum term of not less than 1 year and a maximum term of
12 not more than 6 years, and shall be further punished by a fine of not less
13 than \$2,000 nor more than \$5,000. An offender so imprisoned must,
14 insofar as practicable, be segregated from offenders whose crimes were
15 violent and, insofar as practicable, be assigned to an institution or facility
16 of minimum security.

17 2. An offense that occurred within 7 years immediately preceding the
18 date of the principal offense or after the principal offense constitutes a prior
19 offense for the purposes of this section when evidenced by a conviction,
20 without regard to the sequence of the offenses and convictions. The facts
21 concerning a prior offense must be alleged in the complaint, indictment or
22 information, must not be read to the jury or proved at trial but must be
23 proved at the time of sentencing and, if the principal offense is alleged to
24 be a felony, must also be shown at the preliminary examination or
25 presented to the grand jury.

26 3. A person convicted of violating the provisions of NRS 484.379
27 must not be released on probation, and a sentence imposed for violating
28 those provisions must not be suspended except, as provided in NRS 4.373,
29 5.055, 484.37937 and 484.3794, that portion of the sentence imposed that
30 exceeds the mandatory minimum. A prosecuting attorney shall not dismiss
31 a charge of violating the provisions of NRS 484.379 in exchange for a plea
32 of guilty, guilty but mentally ill or nolo contendere to a lesser charge or for
33 any other reason unless he knows or it is obvious that the charge is not
34 supported by probable cause or cannot be proved at the time of trial.

35 4. A term of confinement imposed pursuant to the provisions of this
36 section may be served intermittently at the discretion of the judge or justice
37 of the peace, except that a person who is convicted of a second or
38 subsequent offense within 7 years must be confined for at least one
39 segment of not less than 48 consecutive hours. This discretion must be
40 exercised after considering all the circumstances surrounding the offense,
41 and the family and employment of the offender, but any sentence of 30
42 days or less must be served within 6 months after the date of conviction or,
43 if the offender was sentenced pursuant to NRS 484.37937 or 484.3794 and
44 the suspension of his sentence was revoked, within 6 months after the date
45 of revocation. Any time for which the offender is confined must consist of
46 not less than 24 consecutive hours.

47 5. Jail sentences simultaneously imposed pursuant to this section and
48 NRS 482.456, 483.560 or 485.330 must run consecutively.



1 6. If the person who violated the provisions of NRS 484.379 possesses
2 a driver's license issued by a state other than the State of Nevada and does
3 not reside in the State of Nevada, in carrying out the provisions of
4 subparagraph (1) of paragraph (a) or (b) of subsection 1, the court shall:

5 (a) Order the person to pay tuition for and submit evidence of
6 completion of an educational course on the abuse of alcohol and controlled
7 substances approved by a governmental agency of the state of his residence
8 within the time specified in the order; or

9 (b) Order him to complete an educational course by correspondence on
10 the abuse of alcohol and controlled substances approved by the department
11 within the time specified in the order,
12 and the court shall notify the department if the person fails to complete the
13 assigned course within the specified time.

14 7. If the defendant was transporting a person who is less than 15 years
15 of age in the motor vehicle at the time of the violation, the court shall
16 consider that fact as an aggravating factor in determining the sentence of
17 the defendant.

18 8. As used in this section, unless the context otherwise requires,
19 "offense" means:

20 (a) A violation of NRS 484.379 or 484.3795;

21 (b) A homicide resulting from driving or being in actual physical
22 control of a vehicle while under the influence of intoxicating liquor or a
23 controlled substance or resulting from any other conduct prohibited by
24 NRS 484.379 or 484.3795; or

25 (c) A violation of a law of any other jurisdiction that prohibits the same
26 or similar conduct as set forth in paragraph (a) or (b).

27 **Sec. 35.** NRS 484.37937 is hereby amended to read as follows:

28 484.37937 1. Except as otherwise provided in subsection 2, a person
29 who is found guilty of a first violation of NRS 484.379 may, at that time or
30 any time before he is sentenced, apply to the court to undergo a program of
31 treatment for alcoholism or drug abuse which is certified by the health
32 division of the department of human resources for at least 6 months. The
33 court shall authorize that treatment if:

34 (a) The person is diagnosed as an alcoholic or abuser of drugs by:

35 (1) An alcohol and drug abuse counselor who is licensed or certified
36 pursuant to chapter 641C of NRS to make that diagnosis; or

37 (2) A physician who is certified to make that diagnosis by the board
38 of medical examiners;

39 (b) He agrees to pay the cost of the treatment to the extent of his
40 financial resources; and

41 (c) He has served or will serve a term of imprisonment in jail of 1 day,
42 or has performed or will perform 48 hours of ~~work for the community.~~
43 *community service.*

44 2. A person may not apply to the court to undergo a program of
45 treatment pursuant to subsection 1 if, within the immediately preceding 7
46 years, he has been found guilty of:

47 (a) A violation of NRS 484.3795;

48 (b) A homicide resulting from driving or being in actual physical
49 control of a vehicle while under the influence of intoxicating liquor or a



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1 controlled substance or resulting from any other conduct prohibited by
2 NRS 484.379 or 484.3795; or

3 (c) A violation of a law of any other jurisdiction that prohibits the same
4 or similar conduct as set forth in paragraph (a) or (b).

5 3. For the purposes of subsection 1, a violation of a law of any other
6 jurisdiction that prohibits the same or similar conduct as NRS 484.379
7 constitutes a violation of NRS 484.379.

8 4. A prosecuting attorney may, within 10 days after receiving notice of
9 an application for treatment pursuant to this section, request a hearing on
10 the question of whether the offender is eligible to undergo a program of
11 treatment for alcoholism or drug abuse. The court shall order a hearing on
12 the application upon the request of the prosecuting attorney or may order a
13 hearing on its own motion. The hearing must be limited to the question of
14 whether the offender is eligible to undergo such a program of treatment.

15 5. At the hearing on the application for treatment, the prosecuting
16 attorney may present the court with any relevant evidence on the matter. If
17 a hearing is not held, the court shall decide the matter upon affidavits and
18 other information before the court.

19 6. If the court grants an application for treatment, the court shall:

20 (a) Immediately sentence the offender and enter judgment accordingly.

21 (b) Suspend the sentence of the offender for not more than 3 years upon
22 the condition that the offender be accepted for treatment by a treatment
23 facility, that he complete the treatment satisfactorily and that he comply
24 with any other condition ordered by the court.

25 (c) Advise the offender that:

26 (1) If he is accepted for treatment by such a facility, he may be placed
27 under the supervision of the facility for a period not to exceed 3 years and
28 during treatment he may be confined in an institution or, at the discretion
29 of the facility, released for treatment or supervised aftercare in the
30 community.

31 (2) If he is not accepted for treatment by such a facility or he fails to
32 complete the treatment satisfactorily, he shall serve the sentence imposed
33 by the court. Any sentence of imprisonment must be reduced by a time
34 equal to that which he served before beginning treatment.

35 (3) If he completes the treatment satisfactorily, his sentence will be
36 reduced to a term of imprisonment which is no longer than that provided
37 for the offense in paragraph (c) of subsection 1 and a fine of not more than
38 the minimum fine provided for the offense in NRS 484.3792, but the
39 conviction must remain on his record of criminal history.

40 7. The court shall administer the program of treatment pursuant to the
41 procedures provided in NRS 458.320 and 458.330, except that the court:

42 (a) Shall not defer the sentence, set aside the conviction or impose
43 conditions upon the election of treatment except as otherwise provided in
44 this section.

45 (b) May immediately revoke the suspension of sentence for a violation
46 of any condition of the suspension.

47 8. The court shall notify the department, on a form approved by the
48 department, upon granting the application of the offender for treatment and
49 his failure to be accepted for or complete treatment.



1 **Sec. 36.** NRS 484.3794 is hereby amended to read as follows:
2 484.3794 1. Except as otherwise provided in subsection 2, a person
3 who is found guilty of a second violation of NRS 484.379 within 7 years
4 may, at that time or any time before he is sentenced, apply to the court to
5 undergo a program of treatment for alcoholism or drug abuse which is
6 certified by the health division of the department of human resources for at
7 least 1 year if:
8 (a) He is diagnosed as an alcoholic or abuser of drugs by:
9 (1) An alcohol and drug abuse counselor who is licensed or certified
10 pursuant to chapter 641C of NRS to make that diagnosis; or
11 (2) A physician who is certified to make that diagnosis by the board
12 of medical examiners;
13 (b) He agrees to pay the costs of the treatment to the extent of his
14 financial resources; and
15 (c) He has served or will serve a term of imprisonment in jail of 5 days,
16 and if required pursuant to NRS 484.3792, has performed or will perform
17 not less than 50 hours, but not more than 100 hours, of ~~work for the~~
18 ~~community~~ **community service**.
19 2. A person may not apply to the court to undergo a program of
20 treatment pursuant to subsection 1 if, within the immediately preceding 7
21 years, he has been found guilty of:
22 (a) A violation of NRS 484.3795;
23 (b) A homicide resulting from driving or being in actual physical
24 control of a vehicle while under the influence of intoxicating liquor or a
25 controlled substance or resulting from any other conduct prohibited by
26 NRS 484.379 or 484.3795; or
27 (c) A violation of a law of any other jurisdiction that prohibits the same
28 or similar conduct as set forth in paragraph (a) or (b).
29 3. For the purposes of subsection 1, a violation of a law of any other
30 jurisdiction that prohibits the same or similar conduct as NRS 484.379
31 constitutes a violation of NRS 484.379.
32 4. A prosecuting attorney may, within 10 days after receiving notice of
33 an application for treatment pursuant to this section, request a hearing on
34 the matter. The court shall order a hearing on the application upon the
35 request of the prosecuting attorney or may order a hearing on its own
36 motion.
37 5. At the hearing on the application for treatment, the prosecuting
38 attorney may present the court with any relevant evidence on the matter. If
39 a hearing is not held, the court shall decide the matter upon affidavits and
40 other information before the court.
41 6. If the court determines that an application for treatment should be
42 granted, the court shall:
43 (a) Immediately sentence the offender and enter judgment accordingly.
44 (b) Suspend the sentence of the offender for not more than 3 years upon
45 the condition that the offender be accepted for treatment by a treatment
46 facility, that he complete the treatment satisfactorily and that he comply
47 with any other condition ordered by the court.
48 (c) Advise the offender that:



1 (1) If he is accepted for treatment by such a facility, he may be placed
2 under the supervision of the facility for a period not to exceed 3 years and
3 during treatment he may be confined in an institution or, at the discretion
4 of the facility, released for treatment or supervised aftercare in the
5 community.

6 (2) If he is not accepted for treatment by such a facility or he fails to
7 complete the treatment satisfactorily, he shall serve the sentence imposed
8 by the court. Any sentence of imprisonment must be reduced by a time
9 equal to that which he served before beginning treatment.

10 (3) If he completes the treatment satisfactorily, his sentence will be
11 reduced to a term of imprisonment which is no longer than that provided
12 for the offense in paragraph (c) of subsection 1 and a fine of not more than
13 the minimum provided for the offense in NRS 484.3792, but the conviction
14 must remain on his record of criminal history.

15 7. The court shall administer the program of treatment pursuant to the
16 procedures provided in NRS 458.320 and 458.330, except that the court:

17 (a) Shall not defer the sentence, set aside the conviction or impose
18 conditions upon the election of treatment except as otherwise provided in
19 this section.

20 (b) May immediately revoke the suspension of sentence for a violation
21 of a condition of the suspension.

22 8. The court shall notify the department, on a form approved by the
23 department, upon granting the application of the offender for treatment and
24 his failure to be accepted for or complete treatment.

25 **Sec. 37.** NRS 484.641 is hereby amended to read as follows:

26 484.641 1. It is unlawful to drive a passenger car manufactured after:

27 (a) January 1, 1968, on a highway unless it is equipped with at least two
28 lap-type safety belt assemblies for use in the front seating positions.

29 (b) January 1, 1970, on a highway, unless it is equipped with a lap-type
30 safety belt assembly for each permanent seating position for passengers.
31 This requirement does not apply to the rear seats of vehicles operated by a
32 police department or sheriff's office.

33 (c) January 1, 1970, unless it is equipped with at least two shoulder-
34 harness-type safety belt assemblies for use in the front seating positions.

35 2. Any person driving and any passenger 5 years of age or older who
36 rides in the front or back seat of any vehicle described in subsection 1,
37 having an unladen weight of less than 6,000 pounds, on any highway, road
38 or street in this state shall wear a safety belt if one is available for his
39 seating position.

40 3. A citation must be issued to any driver or to any adult passenger
41 who fails to wear a safety belt as required by subsection 2. If the passenger
42 is a child 5 years of age or older but under 18 years, a citation must be
43 issued to the driver for his failure to require that child to wear the safety
44 belt, but if both the driver and that child are not wearing safety belts, only
45 one citation may be issued to the driver for both violations. A citation may
46 be issued pursuant to this subsection only if the violation is discovered
47 when the vehicle is halted or its driver arrested for another alleged
48 violation or offense. Any person who violates the provisions of subsection
49 2 shall be punished by a fine of not more than \$25 or by a sentence to



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1 perform a certain number of hours of ~~work for the community.~~
2 *perform community service.*

3 4. A violation of subsection 2:

4 (a) Is not a moving traffic violation under NRS 483.473.

5 (b) May not be considered as negligence or as causation in any civil
6 action or as negligent or reckless driving under NRS 484.377.

7 (c) May not be considered as misuse or abuse of a product or as
8 causation in any action brought to recover damages for injury to a person
9 or property resulting from the manufacture, distribution, sale or use of a
10 product.

11 5. The department shall exempt those types of motor vehicles or
12 seating positions from the requirements of subsection 1 when compliance
13 would be impractical.

14 6. The provisions of subsections 2 and 3 do not apply:

15 (a) To a driver or passenger who possesses a written statement by a
16 physician certifying that he is unable to wear a safety belt for medical or
17 physical reasons;

18 (b) If the vehicle is not required by federal law to be equipped with
19 safety belts;

20 (c) To an employee of the United States Postal Service while delivering
21 mail in the rural areas of this state;

22 (d) If the vehicle is stopping frequently, the speed of that vehicle does
23 not exceed 15 miles per hour between stops and the driver or passenger is
24 frequently leaving the vehicle or delivering property from the vehicle; or

25 (e) To a passenger riding in a means of public transportation, including
26 a taxi, school bus or emergency vehicle.

27 7. It is unlawful for any person to distribute, have for sale, offer for
28 sale or sell any safety belt or shoulder harness assembly for use in a motor
29 vehicle unless it meets current minimum standards and specifications of the
30 United States Department of Transportation.

31 **Sec. 38.** NRS 616A.195 is hereby amended to read as follows:

32 616A.195 Any person:

33 1. Less than 18 years of age who is subject to the jurisdiction of the
34 juvenile division of the district court and who has been ordered by the
35 court to ~~work for a community.~~ *perform community service*, upon
36 compliance by the supervising authority; or

37 2. Eighteen years of age or older who has been ordered by any court to
38 perform ~~work for a~~ community *service* pursuant to NRS 176.087, upon
39 compliance by the convicted person or the supervising
40 authority,

41 while engaged in that work, shall be deemed, for the purpose of chapters
42 616A to 616D, inclusive, of NRS, an employee of the supervising authority
43 at a wage of \$50 per month, and is entitled to the benefits of those chapters.

44 **Sec. 39.** NRS 630.352 is hereby amended to read as follows:

45 630.352 1. Any member of the board, except for an advisory
46 member serving on a panel of the board hearing charges, may participate in
47 the final order of the board. If the board, after a formal hearing, determines
48 from a preponderance of the evidence that a violation of the provisions of
49 this chapter or of the regulations of the board has occurred, it shall issue



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1 and serve on the physician charged an order, in writing, containing its
2 findings and any sanctions.

3 2. If the board determines that no violation has occurred, it shall
4 dismiss the charges, in writing, and notify the physician that the charges
5 have been dismissed. If the disciplinary proceedings were instituted against
6 the physician as a result of a complaint filed against him, the board may
7 provide the physician with a copy of the complaint, including the name of
8 the person, if any, who filed the complaint.

9 3. Except as otherwise provided in subsection 4, if the board finds that
10 a violation has occurred, it may by order:

11 (a) Place the person on probation for a specified period on any of the
12 conditions specified in the order;

13 (b) Administer to him a public reprimand;

14 (c) Limit his practice or exclude one or more specified branches of
15 medicine from his practice;

16 (d) Suspend his license for a specified period or until further order of
17 the board;

18 (e) Revoke his license to practice medicine;

19 (f) Require him to participate in a program to correct alcohol or drug
20 dependence or any other impairment;

21 (g) Require supervision of his practice;

22 (h) Impose a fine not to exceed \$5,000;

23 (i) Require him to perform ~~public~~ **community** service without
24 compensation;

25 (j) Require him to take a physical or mental examination or an
26 examination testing his competence;

27 (k) Require him to fulfill certain training or educational requirements;
28 and

29 (l) Require him to pay all costs incurred by the board relating to his
30 disciplinary proceedings.

31 4. If the board finds that the physician has violated the provisions of
32 NRS 439B.425, the board shall suspend his license for a specified period or
33 until further order of the board.

34 **Sec. 40.** NRS 630A.510 is hereby amended to read as follows:

35 630A.510 1. Any member of the board who was not a member of the
36 investigative committee, if one was appointed, may participate in the final
37 order of the board. If the board, after a formal hearing, determines that a
38 violation of the provisions of this chapter or the regulations adopted by the
39 board has occurred, it shall issue and serve on the person charged an order,
40 in writing, containing its findings and any sanctions imposed by the board.
41 If the board determines that no violation has occurred, it shall dismiss the
42 charges, in writing, and notify the person that the charges have been
43 dismissed.

44 2. If the board finds that a violation has occurred, it may by order:

45 (a) Place the person on probation for a specified period on any of the
46 conditions specified in the order.

47 (b) Administer to the person a public reprimand.

48 (c) Limit the practice of the person or exclude a method of treatment
49 from the scope of his practice.



- 1 (d) Suspend the license of the person for a specified period or until
- 2 further order of the board.
- 3 (e) Revoke the license of the person to practice homeopathic medicine.
- 4 (f) Require the person to participate in a program to correct a
- 5 dependence upon alcohol or a controlled substance, or any other
- 6 impairment.
- 7 (g) Require supervision of the person's practice.
- 8 (h) Impose an administrative fine not to exceed \$10,000.
- 9 (i) Require the person to perform ~~public~~ **community** service without
- 10 compensation.
- 11 (j) Require the person to take a physical or mental examination or an
- 12 examination of his competence to practice homeopathic medicine.
- 13 (k) Require the person to fulfill certain training or educational
- 14 requirements.
- 15 (l) Require the person to pay the costs of the investigation and hearing.
- 16 **Sec. 41.** NRS 631.350 is hereby amended to read as follows:
- 17 631.350 1. Except as otherwise provided in NRS 631.271 and
- 18 631.347, the board may:
- 19 (a) Refuse to issue a license to any person;
- 20 (b) Revoke or suspend the license or renewal certificate issued by it to
- 21 any person;
- 22 (c) Fine a person it has licensed;
- 23 (d) Place a person on probation for a specified period on any conditions
- 24 the board may order;
- 25 (e) Issue a public reprimand to a person;
- 26 (f) Limit a person's practice to certain branches of dentistry;
- 27 (g) Require a person to participate in a program to correct alcohol or
- 28 drug abuse or any other impairment;
- 29 (h) Require that a person's practice be supervised;
- 30 (i) Require a person to perform ~~public~~ **community** service without
- 31 compensation;
- 32 (j) Require a person to take a physical or mental examination or an
- 33 examination of his competence;
- 34 (k) Require a person to fulfill certain training or educational
- 35 requirements;
- 36 (l) Require a person to reimburse a patient; or
- 37 (m) Any combination thereof,
- 38 upon proof satisfactory to the board that the person has engaged in any of
- 39 the activities listed in subsection 2.
- 40 2. The following activities may be punished as provided in
- 41 subsection 1:
- 42 (a) Engaging in the illegal practice of dentistry or dental hygiene;
- 43 (b) Engaging in unprofessional conduct; or
- 44 (c) Violating any regulations adopted by the board or the provisions of
- 45 this chapter.
- 46 3. The board may delegate to a hearing officer or panel its authority to
- 47 take any disciplinary action pursuant to this chapter, impose and collect
- 48 fines therefor and deposit the money therefrom in banks, credit unions or
- 49 savings and loan associations in this state.



1 4. If a hearing officer or panel is not authorized to take disciplinary
2 action pursuant to subsection 3 and the board deposits the money collected
3 from the imposition of fines with the state treasurer for credit to the state
4 general fund, it may present a claim to the state board of examiners for
5 recommendation to the interim finance committee if money is needed to
6 pay attorney's fees or the costs of an investigation, or both.

7 **Sec. 42.** NRS 706.211 is hereby amended to read as follows:

8 706.211 All money collected by the department under the provisions
9 of NRS 706.011 to 706.861, inclusive, must be deposited in the state
10 treasury for credit to the motor vehicle fund. Except as otherwise provided
11 in NRS 482.180 , **482.181** and this chapter, all money collected under the
12 provisions of NRS 706.011 to 706.861, inclusive, must be used for the
13 construction, maintenance and repair of the public highways of this state.

14 **Sec. 43.** Section 1 of Assembly Bill No. 225 of the 71st session of the
15 Nevada Legislature is hereby amended to read as follows:

16 Section 1. Chapter 241 of NRS is hereby amended by adding
17 thereto a new section to read as follows:

18 *1. A public body shall not consider at a meeting whether to:*

19 *(a) Take administrative action against a person; or*

20 *(b) Acquire real property owned by a person by the exercise of*
21 *the power of eminent domain,*
22 *unless the public body has given written notice to that person of the*
23 *time and place of the meeting.*

24 *2. The written notice required pursuant to subsection 1 must be:*

25 *(a) Delivered personally to that person at least 5 working days*
26 *before the meeting; or*

27 *(b) Sent by certified mail to the last known address of that person*
28 *at least 21 working days before the meeting.*

29 *A public body must receive proof of service of the written notice*
30 *provided to a person pursuant to this section before the public body*
31 *may consider a matter set forth in subsection 1 relating to that*
32 *person at a meeting.*

33 *3. The written notice provided in this section is in addition to the*
34 *notice of the meeting provided pursuant to NRS 241.020.*

35 *4. For the purposes of this section, real property shall be*
36 *deemed to be owned only by the natural person or entity listed in the*
37 *records of the county in which the real property is located to whom*
38 *or which tax bills concerning the real property are sent.*

39 **Sec. 44.** Section 7 of Assembly Bill No. 444 of the 71st session of the
40 Nevada Legislature is hereby amended to read as follows:

41 Sec. 7. NRS 645.633 is hereby amended to read as follows:

42 645.633 *1.* The commission may take action pursuant to NRS
43 645.630 against any person subject to that section who is guilty of:

44 ~~1-1~~ *(a)* Willfully using any trade name, service mark or insignia of
45 membership in any real estate organization of which the licensee is
46 not a member, without the legal right to do so.

47 ~~1-2~~ *(b)* Violating any order of the commission, any agreement
48 with the division, any of the provisions of this chapter, chapter 116,



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119, 119A, 119B, 645A or 645C of NRS or any regulation adopted thereunder.

~~14.1~~ (c) Paying a commission, compensation or a finder's fee to any person for performing the services of a broker, broker-salesman or salesman who has not secured his license pursuant to this chapter. This subsection does not apply to payments to a broker who is licensed in his state of residence.

~~14.1~~ (d) A felony, or has entered a plea of guilty, guilty but mentally ill or nolo contendere to a charge of felony or any crime involving fraud, deceit, misrepresentation or moral turpitude.

~~15.1~~ (e) Guaranteeing, or having authorized or permitted any person to guarantee, future profits which may result from the resale of real property.

~~16.1~~ (f) Failure to include a fixed date of expiration in any written brokerage agreement or to leave a copy of the brokerage agreement with the client.

~~17.1~~ (g) Accepting, giving or charging any undisclosed commission, rebate or direct profit on expenditures made for a client.

~~18.1~~ (h) Gross negligence or incompetence in performing any act for which he is required to hold a license pursuant to this chapter, chapter 119, 119A or 119B of NRS.

~~19.1~~ (i) Any other conduct which constitutes deceitful, fraudulent or dishonest dealing.

~~110.1~~ (j) Any conduct which took place before he became licensed, which was in fact unknown to the division and which would have been grounds for denial of a license had the division been aware of the conduct.

~~111.1~~ (k) Knowingly permitting any person whose license has been revoked or suspended to act as a real estate broker, broker-salesman or salesman, with or on behalf of the licensee.

~~112.1~~ (l) Recording or causing to be recorded a claim pursuant to the provisions of NRS 645.8701 to 645.8811, inclusive, that is determined by a district court to be frivolous and made without reasonable cause pursuant to NRS 645.8791.

2. ~~{Action may also be taken}~~ *The commission may take action pursuant to NRS 645.630 against a person who is subject to that section for the suspension or revocation of a real estate broker's, broker-salesman's or salesman's license issued to him by any other jurisdiction.*

3. *The commission may take action pursuant to NRS 645.630 against any person who:*

(a) *Holds a permit to engage in property management issued pursuant to NRS 645.6052; and*

(b) *In connection with any property for which the person has obtained a written brokerage agreement to manage the property pursuant to NRS 645.6056;*

(1) *Is convicted of violating any of the provisions of NRS 202.470;*



(2) *Has been notified in writing by the appropriate governmental agency of a potential violation of NRS 244.360, 244.3603 or 268.4124, and has failed to inform the owner of the property of such notification; or*

(3) *Has been directed in writing by the owner of the property to correct a potential violation of NRS 244.360, 244.3603 or 268.4124, and has failed to correct the potential violation, if such corrective action is within the scope of the person's duties pursuant to the written brokerage agreement.*

4. *The division shall maintain a log of any complaints that it receives relating to activities for which the commission may take action against a person holding a permit to engage in property management pursuant to subsection 3.*

5. *On or before February 1 of each odd-numbered year, the division shall submit to the director of the legislative counsel bureau a written report setting forth, for the previous biennium:*

(a) *Any complaints included in the log maintained by the division pursuant to subsection 4; and*

(b) *Any disciplinary actions taken by the commission pursuant to subsection 3.*

Sec. 45. Assembly Bill No. 574 of the 71st session of the Nevada Legislature is hereby amended by adding thereto a new section to read as follows:

Sec. 4. 1. This section and section 3 of this act become effective upon passage and approval.

2. Sections 1 and 2 of this act become effective on October 1, 2001.

Sec. 46. Section 1 of Senate Bill No. 37 of the 71st session of the Nevada Legislature is hereby amended to read as follows:

Section 1. NRS 62.129 is hereby amended to read as follows:

62.129 1. A child alleged to be delinquent or in need of supervision may be placed under the informal supervision of a probation officer if the child voluntarily admits his participation in the acts for which he was referred to the probation officer. If any of the acts would constitute a gross misdemeanor or felony if committed by an adult, the child may not be placed under informal supervision unless the district attorney approves of the placement in writing. The probation officer must advise the child and his parent, guardian or custodian that they may refuse informal supervision.

2. An agreement for informal supervision must be entered into voluntarily and intelligently by the child with the advice of his attorney, or by the child with the consent of a parent, guardian or custodian if the child is not represented by counsel. The period of informal supervision must not exceed 180 days. The terms of the agreement must be clearly stated in writing and signed by all parties. A copy of the agreement must be given to the child, the attorney for the child, if any, the child's parent, guardian or custodian, and the probation officer, who shall retain a copy in his file for the case. The child and his parent, guardian or custodian may terminate the



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1 agreement at any time and request the filing of a petition for formal
2 adjudication.

3 3. An agreement for informal supervision may require a child to:

4 (a) Perform community service or provide restitution to any victim
5 of the acts for which the child was referred to the probation officer;

6 (b) Participate in a program of restitution through work that is
7 established pursuant to NRS 62.2185 if the child:

8 (1) Is 14 years of age or older;

9 (2) Has never been found to be within the purview of this
10 chapter for an unlawful act that involved the use or threatened use of
11 force or violence against a victim and has never been found to have
12 committed such an unlawful act in any other jurisdiction;

13 (3) Is required to provide restitution to a victim; and

14 (4) Voluntarily agrees to participate in the program of restitution
15 through work;

16 (c) Complete a program of cognitive training and human
17 development pursuant to NRS 62.2195 if:

18 (1) The child has never been found to be within the purview of
19 this chapter; and

20 (2) The unlawful act for which the child is found to be within
21 the purview of this chapter did not involve the use or threatened use of
22 force or violence against a victim; or

23 (d) Engage in any combination of the activities set forth in
24 paragraphs (a), (b) and (c).

25 4. If an agreement for informal supervision requires a child to
26 participate in a program of restitution through work as set forth in
27 paragraph (b) of subsection 3 or complete a program of cognitive
28 training and human development as set forth in paragraph (c) of
29 subsection 3, the agreement may also require any or all of the
30 following, in the following order of priority if practicable:

31 (a) The child or the parent or guardian of the child, to the extent of
32 his financial ability, to pay the costs associated with the participation
33 of the child in the program, including, without limitation, a reasonable
34 sum of money to pay for the cost of policies of insurance against
35 liability for personal injury and damage to property during those
36 periods in which the child participates in the program or performs
37 work, and in the case of a program of restitution through work, for
38 industrial insurance, unless the industrial insurance is provided by the
39 employer for which the child performs the work; or

40 (b) The child to work on projects or perform community service
41 pursuant to paragraph (i) of subsection 1 of NRS 62.211 for a period
42 that reflects the costs associated with the participation of the child in
43 the program.

44 5. If a child is placed under informal supervision, a petition based
45 upon the events out of which the original complaint arose may be
46 filed only within 180 days after entry into the agreement for informal
47 supervision. If a petition is filed within that period, the child may
48 withdraw the admission he made pursuant to subsection 1. The child's



1 compliance with all proper and reasonable terms of the agreement
2 constitute grounds for the court to dismiss the petition.

3 6. ~~At~~ *Upon the request of the court, a* probation officer shall file
4 ~~annually~~ with the court a report of the number of children placed
5 under informal supervision during the previous year, the conditions
6 imposed in each case and the number of cases that were successfully
7 completed without the filing of a petition.

8 **Sec. 47.** Section 21 of Senate Bill No. 59 of the 71st session of the
9 Nevada Legislature is hereby amended to read as follows:

10 Sec. 21. NRS 371.230 is hereby amended to read as follows:

11 371.230 Except as otherwise provided in NRS 371.1035, 482.180
12 or 482.181, money collected by the department for ~~privilege~~
13 *governmental services* taxes and penalties pursuant to the provisions
14 of this chapter must be deposited with the state treasurer to the credit
15 of the motor vehicle fund.

16 **Sec. 48.** Section 29 of Senate Bill No. 59 of the 71st session of the
17 Nevada Legislature is hereby amended to read as follows:

18 Sec. 29. NRS 387.328 is hereby amended to read as follows:

19 387.328 1. The board of trustees of each school district shall
20 establish a fund for capital projects for the purposes set forth in
21 subsection 1 of NRS 387.335. The money in the fund for capital
22 projects may be transferred to the debt service fund to pay the cost of
23 the school district's debt service.

24 2. The board of trustees may accumulate money in the fund for
25 capital projects for a period not to exceed 20 years.

26 3. That portion of the ~~vehicle privilege~~ *governmental services*
27 tax whose allocation to the school district pursuant to NRS 482.181 is
28 based on the amount of the property tax levy attributable to its debt
29 service must be deposited in the county treasury to the credit of the
30 fund established under subsection 1 or the school district's debt
31 service fund.

32 4. No money in the fund for capital projects at the end of the
33 fiscal year may revert to the county school district fund, nor may the
34 money be a surplus for any other purpose than those specified in
35 subsection 1.

36 5. The proceeds of the taxes deposited in the fund for capital
37 projects pursuant to NRS 244.3354, 268.0962 and 375.070 may be
38 pledged to the payment of the principal and interest on bonds or other
39 obligations issued for one or more of the purposes set forth in NRS
40 387.335. The proceeds of such taxes so pledged may be treated as
41 pledged revenues for the purposes of subsection 3 of NRS 350.020,
42 and the board of trustees of a school district may issue bonds for those
43 purposes in accordance with the provisions of chapter 350 of NRS.

44 **Sec. 49.** Section 30 of Senate Bill No. 59 of the 71st session of the
45 Nevada Legislature is hereby amended to read as follows:

46 Sec. 30. NRS 482.180 is hereby amended to read as follows:

47 482.180 1. The motor vehicle fund is hereby created as an
48 agency fund. Except as otherwise provided in subsection 4 or by a
49 specific statute, all money received or collected by the department



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1 must be deposited in the state treasury for credit to the motor vehicle
2 fund.

3 2. The interest and income on the money in the motor vehicle
4 fund, after deducting any applicable charges, must be credited to the
5 state highway fund.

6 3. Any check accepted by the department in payment of ~~vehicle~~
7 ~~privilege~~ *the governmental services* tax or any other fee required to
8 be collected pursuant to this chapter must, if it is dishonored upon
9 presentation for payment, be charged back against the motor vehicle
10 fund or the county to which the payment was credited pursuant to this
11 section or NRS 482.181, in the proper proportion.

12 4. Except as otherwise provided in subsection 6, all money
13 received or collected by the department for the basic ~~vehicle~~
14 ~~privilege~~ *governmental services* tax must be distributed in the
15 manner set forth in NRS 482.181.

16 5. Money for the administration of the provisions of this chapter
17 must be provided by direct legislative appropriation from the state
18 highway fund or other legislative authorization, upon the presentation
19 of budgets in the manner required by law. Out of the appropriation or
20 authorization, the department shall pay every item of expense.

21 6. The department shall withhold 6 percent from the amount of
22 ~~privilege~~ *the governmental services* tax collected by the department
23 as a commission. From the amount of ~~privilege~~ *the governmental*
24 *services* tax collected by a county assessor, the state controller shall
25 credit 1 percent to the department as a commission and remit 5
26 percent to the county for credit to its general fund as commission for
27 the services of the county assessor. All money withheld by or credited
28 to the department pursuant to this subsection must be used only for
29 the administration of this chapter as authorized by the legislature
30 pursuant to subsection 5.

31 7. When the requirements of this section and NRS 482.181 have
32 been met, and when directed by the department, the state controller
33 shall transfer monthly to the state highway fund any balance in the
34 motor vehicle fund.

35 8. If a statute requires that any money in the motor vehicle fund
36 be transferred to another fund or account, the department shall direct
37 the controller to transfer the money in accordance with the statute.

38 **Sec. 50.** Section 31 of Senate Bill No. 59 of the 71st session of the
39 Nevada Legislature is hereby amended to read as follows:

40 Sec. 31. NRS 482.181 is hereby amended to read as follows:

41 482.181 1. Except as otherwise provided in subsection 5, after
42 deducting the amount withheld by the department and the amount
43 credited to the department pursuant to subsection 6 of NRS 482.180,
44 the department shall certify monthly to the state board of examiners
45 the amount of the basic and supplemental ~~privilege~~ *governmental*
46 *services* taxes collected for each county by the department and its
47 agents during the preceding month, and that money must be
48 distributed monthly as provided in this section.



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2. Any supplemental ~~privilege~~ *governmental services* tax collected for a county must be distributed only to the county, to be used as provided in NRS 371.045 and 371.047.

3. The distribution of the basic ~~privilege~~ *governmental services* tax received or collected for each county must be made to the county school district within each county before any distribution is made to a local government, special district or enterprise district. For the purpose of calculating the amount of *the* basic ~~privilege~~ *governmental services* tax to be distributed to the county school district, the taxes levied by each local government, special district and enterprise district are the product of its certified valuation, determined pursuant to subsection 2 of NRS 361.405, and its tax rate, established pursuant to NRS 361.455 for the fiscal year beginning on July 1, 1980, except that the tax rate for school districts, including the rate attributable to a district's debt service, is the rate established pursuant to NRS 361.455 for the fiscal year beginning on July 1, 1978, but if the rate attributable to a district's debt service in any fiscal year is greater than its rate for the fiscal year beginning on July 1, 1978, the higher rate must be used to determine the amount attributable to debt service.

4. After making the distributions set forth in subsection 3, the remaining money received or collected for each county must be deposited in the local government tax distribution account created by NRS 360.660 for distribution to local governments, special districts and enterprise districts within each county pursuant to the provisions of NRS 360.680 and 360.690.

5. An amount equal to any basic ~~privilege~~ *governmental services* tax distributed to a redevelopment agency in the fiscal year 1987-1988 must continue to be distributed to that agency as long as it exists but must not be increased.

6. The department shall make distributions of *the* basic ~~privilege~~ *governmental services* tax directly to county school districts.

7. As used in this section:

(a) "Enterprise district" has the meaning ascribed to it in NRS 360.620.

(b) "Local government" has the meaning ascribed to it in NRS 360.640.

(c) "Received or collected for each county" means:

(1) For the basic ~~privilege~~ *governmental services* tax collected on vehicles subject to the provisions of chapter 706 of NRS, the amount determined for each county based on the following percentages:

Carson City.....	1.07 percent	Lincoln	3.12 percent
Churchill.....	5.21 percent	Lyon	2.90 percent
Clark.....	22.54 percent	Mineral	2.40 percent
Douglas	2.52 percent	Nye	4.09 percent
Elko	13.31 percent	Pershing.....	7.00 percent
Esmeralda.....	2.52 percent	Storey19 percent



Eureka	3.10 percent	Washoe	12.24 percent
Humboldt.....	8.25 percent	White Pine	5.66 percent
Lander	3.88 percent		

(2) For all other basic and supplemental ~~privilege~~ *governmental services* tax received or collected by the department, the amount attributable to each county based on the county of registration of the vehicle for which the tax was paid.

(d) "Special district" has the meaning ascribed to it in NRS 360.650.

Sec. 51. Section 37 of Senate Bill No. 91 of the 71st session of the Nevada Legislature is hereby amended to read as follows:

Sec. 37. NRS 630.352 is hereby amended to read as follows:

630.352 1. Any member of the board, except for an advisory member serving on a panel of the board hearing charges, may participate in the final order of the board. If the board, after a formal hearing, determines from a preponderance of the evidence that a violation of the provisions of this chapter or of the regulations of the board has occurred, it shall issue and serve on the physician charged an order, in writing, containing its findings and any sanctions.

2. If the board determines that no violation has occurred, it shall dismiss the charges, in writing, and notify the physician that the charges have been dismissed. If the disciplinary proceedings were instituted against the physician as a result of a complaint filed against him, the board may provide the physician with a copy of the complaint . ~~including the name of the person, if any, who filed the complaint.~~

3. Except as otherwise provided in subsection 4, if the board finds that a violation has occurred, it may by order:

(a) Place the person on probation for a specified period on any of the conditions specified in the order;

(b) Administer to him a public reprimand;

(c) Limit his practice or exclude one or more specified branches of medicine from his practice;

(d) Suspend his license for a specified period or until further order of the board;

(e) Revoke his license to practice medicine;

(f) Require him to participate in a program to correct alcohol or drug dependence or any other impairment;

(g) Require supervision of his practice;

(h) Impose a fine not to exceed \$5,000;

(i) Require him to perform community service without compensation;

(j) Require him to take a physical or mental examination or an examination testing his competence;

(k) Require him to fulfill certain training or educational requirements; and

(l) Require him to pay all costs incurred by the board relating to his disciplinary proceedings.



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1 4. If the board finds that the physician has violated the provisions
2 of NRS 439B.425, the board shall suspend his license for a specified
3 period or until further order of the board.

4 **Sec. 52.** Section 11 of Senate Bill No. 424 of the 71st session of the
5 Nevada Legislature is hereby amended to read as follows:

6 Sec. 11. NRS 444.635 is hereby amended to read as follows:

7 444.635 1. Except as otherwise provided in NRS 445C.010 to
8 445C.120, inclusive, a person convicted of violating NRS 444.555
9 and, in addition to the penalty imposed ~~under~~ *pursuant to* NRS 444.583
10 or 444.630, any person convicted of violating NRS 444.583 or
11 444.630 is liable for a civil penalty ~~of~~ upon each such conviction.

12 2. Except as otherwise provided in NRS 445C.010 to 445C.120,
13 inclusive, a court before whom a defendant is convicted of a violation
14 of *the provisions of* NRS 444.555, 444.583 or 444.630, shall order the
15 defendant ~~to pay a civil penalty which is at least \$250 but not more~~
16 ~~than \$2,000.~~ :

17 (a) *For a first offense, to pay a civil penalty which is at least \$500*
18 *but not more than \$5,000.*

19 (b) *For a second offense, to pay a civil penalty which is at least*
20 *\$1,000 but not more than \$5,500.*

21 (c) *For a third offense, to pay a civil penalty which is at least*
22 *\$1,500 but not more than \$6,000.*

23 (d) *For any subsequent offense, to pay a civil penalty which is at*
24 *least \$500 more than the most recent previous civil penalty that the*
25 *defendant was ordered to pay pursuant to this subsection.*

26 3. If so provided by the court, ~~the~~ *a* penalty *imposed pursuant*
27 *to this section* may be paid in installments.

28 ~~{3. The health authority or division of environmental protection of~~
29 ~~the state department of conservation and natural resources}~~

30 4. *The solid waste management authority* may attempt to collect
31 all such penalties and installments which are in default in any manner
32 provided by law for the enforcement of a judgment.

33 ~~4.~~ 5. Each court which receives money ~~under~~ *pursuant to* the
34 provisions of this section shall forthwith remit the money to the
35 division of environmental protection *of the state department of*
36 *conservation and natural resources* or, if the health authority
37 initiated the action, the district health department which shall deposit
38 the money with the state treasurer for credit in a separate account in
39 the state general fund or with the county treasurer for deposit in an
40 account for the district health department, as the case may be. Money
41 so deposited must be ~~used~~ :

42 (a) *Used* only to pay ~~rewards~~ :

43 (1) *Rewards* pursuant to NRS 444.640 ~~for for~~ ;

44 (2) *For education regarding the unlawful disposal of solid*
45 *waste;*

46 (3) *For the cleaning up of dump sites; and*

47 (4) *For the management of solid waste ; and* ~~paid~~

48 (b) *Paid* as other claims against the state or local governments are
49 paid.



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1 **Sec. 53.** NRS 488.407 is hereby repealed.

2 **Sec. 54.** This act becomes effective upon passage and approval.

3 **Sec. 55.** The legislative counsel shall:

- 4 1. In preparing the reprint and supplements to the Nevada Revised
5 Statutes, appropriately change any references to “work for the benefit of
6 the community,” “work for the community,” “work for a community,”
7 “public service” or other similar term to refer to community service.
8 2. In preparing supplements to the Nevada Administrative Code,
9 appropriately change any references to “work for the benefit of the
10 community,” “work for the community,” “work for a community,” “public
11 service” or other similar term to refer to community service.

TEXT OF REPEALED SECTION

488.407 Operation of vessel under the influence of intoxicating liquor or controlled substance: Implied consent to evidentiary test; refusal to submit to test; manner of testing.

1. Except as otherwise provided in subsections 5 and 6, a person who operates or is in actual physical control of a vessel under power or sail on the waters of this state shall be deemed to have given his consent to an evidentiary test of his blood, urine, breath or other bodily substance for the purpose of determining the concentration of alcohol in his blood or breath or the presence of a controlled substance when such a test is administered at the direction of a peace officer having reasonable grounds to believe that the person to be tested was operating or exercising actual physical control of a vessel under power or sail while under the influence of intoxicating liquor or a controlled substance.

2. If a person refuses to submit to such a test as directed by a peace officer, evidence of that refusal is admissible in any criminal action to determine whether the person was operating or exercising actual physical control of a vessel under power or sail while under the influence of intoxicating liquor or a controlled substance.

3. The person to be tested must be informed that his refusal to submit to the test is admissible pursuant to subsection 2.

4. Any person who is dead, unconscious or otherwise in a condition rendering him incapable of refusal shall be deemed not to have withdrawn his consent, and any such test may be administered whether or not the person is informed that evidence of his refusal to submit to the test is admissible.

5. Any person who is afflicted with hemophilia or with a heart condition requiring the use of an anticoagulant as determined by a physician is exempt from any blood test which may be required pursuant to this section, but may be required to submit to a test of his breath or urine.

6. Except as otherwise provided in subsection 9, if the concentration of alcohol in the blood or breath of the person to be tested is in issue, he may refuse to submit to a blood test if means are reasonably available to



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perform a breath test. If the person requests a blood test and the means are reasonably available to perform a breath test, and he is subsequently convicted, he must pay for the cost of the substituted test, including the fees and expenses of witnesses in court.

7. If the presence of a controlled substance in the blood of the person is in issue, the officer may direct him to submit to a blood or urine test, or both, in addition to the breath test.

8. Except as otherwise provided in subsections 5 and 7, a peace officer shall not direct a person to submit to a urine test.

9. Except as otherwise provided in this subsection, a person who refuses to submit to a test required by this section must not be tested. If an officer has reasonable cause to believe that:

(a) The person to be tested was operating or in actual physical control of a vessel while under the influence of intoxicating liquor or a controlled substance; and

(b) The person thereby caused the death or substantial bodily harm of another,

the officer may direct that reasonable force be used to the extent necessary to obtain samples of blood from the person to be tested. Not more than three such samples may be taken during the 5-hour period immediately following the time of the initial arrest. In such a circumstance, the officer is not required to provide the person with a choice of tests for determining the concentration of alcohol in his blood or breath or presence of a controlled substance in his blood.

