

Assembly Bill No. 11—Joint Rules Committee

CHAPTER.....

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:

Section 1. NRS 4.373 is hereby amended to read as follows:

4.373 1. Except as otherwise provided in subsection 2, NRS 211A.127 or another specific statute, or unless the suspension of a sentence is expressly forbidden, a justice of the peace may suspend, for not more than 1 year, the sentence of a person convicted of a misdemeanor. If the circumstances warrant, the justice of the peace may order as a condition of suspension that the offender:

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

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

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

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

(e) Refrain from engaging in any criminal activity;

(f) Engage or refrain from engaging in any other conduct deemed appropriate by the justice of the peace;

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

(h) Submit to periodic tests to determine whether the offender is using a controlled substance or consuming alcohol.

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

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

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

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

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

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

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

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

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

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

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

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

(e) Refrain from engaging in any criminal activity;

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

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

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

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

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

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

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

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

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

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

33.100 1. A person who violates a temporary or extended order is guilty of a misdemeanor, unless a more severe penalty is prescribed by law for the act that constitutes the violation of the order. If the violation is

accompanied by a violent physical act by the adverse party against a person protected by the order, the court shall:

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

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

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

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

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

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

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

1. Whether a person is excepted from criminal liability pursuant to subsection ~~17~~ **6** of NRS 194.010, to show the state of mind of the defendant.

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

Sec. 5. 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 agreement at any time and request the filing of a petition for formal adjudication.

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

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

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

- (1) Is 14 years of age or older;
- (2) Has never been found to be within the purview of this chapter for an unlawful act that involved the use or threatened use of force or violence against a victim and has never been found to have committed such an unlawful act in any other jurisdiction;
- (3) Is required to provide restitution to a victim; and
- (4) Voluntarily agrees to participate in the program of restitution through work;

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

- (1) The child has never been found to be within the purview of this chapter; and
- (2) The unlawful act for which the child is found to be within the purview of this chapter did not involve the use or threatened use of force or violence against a victim; or

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

The person under whose supervision the child is placed shall keep the child busy and well supervised and shall make such reports to the court as it may require. As a condition of such a placement, the court may require the child or his parent or guardian to deposit with the court a reasonable sum of money to pay for the cost of policies of insurance against liability for personal injury and damage to property or for industrial insurance, or both, during those periods in which he performs the work ~~or~~ *or community service*, unless, in the case of industrial insurance, it is provided by the organization or agency for which he performs the work ~~or~~ *or community service*.

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

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

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

(m) If the child has not previously been found to be within the purview of this chapter and if the act for which the child is found to be within the purview of this chapter did not involve the use or threatened use of force or violence, order the child to participate in a publicly or privately operated

program of sports or physical fitness that is adequately supervised or a publicly or privately operated program for the arts that is adequately supervised. A program for the arts may include, but is not limited to, drawing, painting, photography or other visual arts, musical, dance or theatrical performance, writing or any other structured activity that involves creative or artistic expression. If the court orders the child to participate in a program of sports or physical fitness or a program for the arts, the court may order any or all of the following, in the following order of priority if practicable:

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

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

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

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

3. In determining the appropriate disposition of a case concerning a child found to be within the purview of this chapter, the court shall consider whether the act committed by the child involved the use of a firearm or the use or threatened use of force or violence against the victim of the act and whether the child is a serious or chronic offender. If the court finds that the act committed by the child involved the use of a firearm or the use or threatened use of force or violence against the victim or that the child is a serious or chronic offender, the court shall include the finding in its order and may, in addition to the options set forth in subsections 1 and 2 of this section and NRS 62.213:

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

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

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

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

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

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

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

- (a) Is 14 years of age or older;
- (b) Has never been found to be within the purview of this chapter for an unlawful act that involved the use or threatened use of force or violence against a victim and has never been found to have committed such an unlawful act in any other jurisdiction;
- (c) Is ordered to provide restitution to a victim; and
- (d) Voluntarily agrees to participate in the program of restitution through work.

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

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

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

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

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

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

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

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

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

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

6. A director of juvenile services may:

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

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

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

8. The provisions of this section do not:

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

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

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

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

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

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

2. If the court orders a child to complete a program of cognitive training and human development, the court may order any or all of the following, in the following order of priority if practicable:

(a) The child or the parent or guardian of the child, to the extent of his financial ability, to pay the costs associated with the participation of the child in the program, including, without limitation, a reasonable sum of money to pay for the cost of policies of insurance against liability for personal injury and damage to property during those periods in which the child participates in the program;

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

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

3. A program of cognitive training and human development must include, without limitation, education, instruction or guidance in one or more of the following subjects, as deemed appropriate by the court:

(a) Motivation.

(b) Habits, attitudes and conditioning.

- (c) Self-conditioning processes.
- (d) Developing a successful way of life.
- (e) The process of solving problems.
- (f) Emotions and emotional blocks.
- (g) Assurances and demonstrative maturity.
- (h) Family success.
- (i) Family relationships.
- (j) Interfamilial understanding and communications.
- (k) Financial stability.
- (l) Effective communications.
- (m) Conflict resolution.
- (n) Anger management.
- (o) Obtaining and retaining employment.

4. A director of juvenile services may:

(a) Apply for, accept and expend grants, gifts, donations, bequests or devises to finance a program of cognitive training and human development in the manner provided in section 3 of ~~{this act;}~~ *Senate Bill No. 7 of the 71st session of the Nevada Legislature*; and

(b) Contract with persons and public or private entities that are qualified to operate or to participate in a program of cognitive training and human development.

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

Sec. 9. NRS 62.2275 is hereby amended to read as follows:

62.2275 1. If a child within the jurisdiction of the juvenile court is found by the juvenile court to have committed:

(a) An unlawful act in violation of NRS 484.379 or 484.3795;

(b) The unlawful act of using, possessing, selling or distributing a controlled substance; or

(c) The unlawful act of purchasing, consuming or possessing an alcoholic beverage in violation of NRS 202.020, the judge, or his authorized representative, shall require the child to undergo an evaluation to determine if the child is an abuser of alcohol or other drugs.

2. The evaluation of a child pursuant to this section:

(a) Must be conducted by:

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

(2) A physician who is certified to make that classification by the board of medical examiners, who shall report to the judge the results of the evaluation and make a recommendation to the judge concerning the length and type of treatment required by the child.

(b) May be conducted at an evaluation center.

3. The judge shall:

(a) Order the child to undergo a program of treatment as recommended by the person who conducted the evaluation pursuant to subsection 2.

(b) Require the treatment facility to submit monthly reports on the treatment of the child pursuant to this section.

(c) Order the child, if he is at least 18 years of age or an emancipated minor, or the parent or legal guardian of the child, to the extent of the financial resources of the child or his parent or legal guardian, to pay any charges relating to the evaluation and treatment of the child pursuant to this section. If the child, or his parent or legal guardian, does not have the financial resources to pay all those charges:

(1) The judge shall, to the extent possible, arrange for the child to receive treatment from a treatment facility which receives a sufficient amount of federal or state money to offset the remainder of the costs; and

(2) The judge may order the child to perform supervised ~~work for the benefit of the~~ community *service* in lieu of paying the charges relating to his evaluation and treatment. The ~~work~~ *community service* must be performed for and under the supervising authority of a county, city, town or other political subdivision or agency of the State of Nevada or a charitable organization that renders service to the community or its residents. The court may require the child or his parent or legal guardian to deposit with the court a reasonable sum of money to pay for the cost of policies of insurance against liability for personal injury and damage to property or for industrial insurance, or both, during those periods in which the child performs the ~~work~~ *community service*, unless, in the case of industrial insurance, it is provided by the authority for which he performs the ~~work~~ *community service*.

4. A treatment facility is not liable for any damages to person or property caused by a child who:

(a) Drives, operates or is in actual physical control of a vehicle or a vessel under power or sail while under the influence of intoxicating liquor or a controlled substance; or

(b) Engages in any other conduct prohibited by NRS 484.379, 484.3795, subsection 2 of NRS 488.400, NRS 488.410 or 488.420 or a law of any other jurisdiction that prohibits the same or similar conduct,

after the treatment facility has certified to his successful completion of a program of treatment ordered pursuant to this section.

5. The provisions of this section do not prohibit a judge from:

(a) Requiring an evaluation to be conducted by a person who is employed by a private company if the company meets the standards of the health division of the department of human resources. The evaluation may be conducted at an evaluation center pursuant to paragraph (b) of subsection 2.

(b) Ordering the child to attend a program of treatment which is administered by a private company.

6. All information relating to the evaluation or treatment of a child pursuant to this section is confidential and, except as otherwise authorized by the provisions of this chapter or the juvenile court, must not be disclosed to any person other than the juvenile court, the child and his attorney, if any, his parents or guardian, the prosecuting attorney and any other person for whom the communication of that information is necessary to effectuate the evaluation or treatment of the child. A record of any finding that a child has violated the provisions of NRS 484.379 or

484.3795 must be included in the driver's record of that child for 7 years after the date of the offense.

7. As used in this section:

(a) "Evaluation center" has the meaning ascribed to it in NRS 484.3793.

(b) "Treatment facility" has the meaning ascribed to it in NRS 484.3793.

Sec. 10. NRS 62.228 is hereby amended to read as follows:

62.228 1. In addition to the options set forth in NRS 62.211 and 62.213, if a child is adjudicated delinquent pursuant to paragraph (b) of subsection 1 of NRS 62.040 because he handled or possessed a firearm or had a firearm under his control in violation of NRS 202.300, the court shall:

(a) For the first offense:

(1) Require him to perform 200 hours of ~~public~~ community service in the manner provided in paragraph (i) of subsection 1 of NRS 62.211; and

(2) Suspend his driver's license for not more than 1 year or, if he does not possess a driver's license, prohibit the child from receiving a driver's license for not more than 1 year:

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

(II) After the date he becomes eligible to receive a driver's license, if the child is not eligible to receive a license on the date of the order.

(b) For the second offense:

(1) Require him to perform at least 200 hours, but not more than 600 hours, of ~~public~~ community service in the manner provided in paragraph (i) of subsection 1 of NRS 62.211; and

(2) Suspend his driver's license for at least 90 days but not more than 2 years or, if he does not possess a driver's license, prohibit the child from receiving a driver's license for at least 90 days but not more than 2 years:

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

(II) After the date he becomes eligible to receive a driver's license, if the child is not eligible to receive a license on the date of the order.

2. If the court issues an order suspending the driver's license of a child pursuant to this section, the judge shall require the child to surrender his driver's license to the court.

3. If a child is already the subject of a court order suspending or delaying the issuance of his driver's license, the court shall order an additional suspension or delay, as appropriate, to apply consecutively with the previous order.

Sec. 11. NRS 125.560 is hereby amended to read as follows:

125.560 1. A person who violates a restraining order or injunction:

(a) That is in the nature of a temporary or extended order for protection against domestic violence; and

(b) That is issued in an action or proceeding brought pursuant to this Title,

is guilty of a misdemeanor, unless a more severe penalty is prescribed by law for the act that constitutes the violation of the order or injunction. For the purposes of this subsection, an order or injunction is in the nature of a

temporary or extended order for protection against domestic violence if it grants relief that might be given in a temporary or extended order issued pursuant to NRS 33.017 to 33.100, inclusive.

2. If the violation is accompanied by a violent physical act against a person protected by the order or injunction, the court shall:

(a) Impose upon the person committing the act a fine of \$1,000 or require him to perform a minimum of 200 hours of ~~work for the community;~~ *community service*;

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

(c) Order him to reimburse the person obtaining the order or injunction, in an amount determined by the court, for all costs and attorney's fees incurred by that person in seeking to enforce the order or injunction, and for all medical expenses of the person and any minor child incurred as a result of the violent physical act; and

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

3. The person committing the violation shall comply with the order for reimbursement of the person obtaining the order or injunction before paying any fine imposed pursuant to this section.

Sec. 12. NRS 176.087 is hereby amended to read as follows:

176.087 1. Except where the imposition of a specific criminal penalty is mandatory, a court may order a convicted person to perform supervised ~~work for the benefit of the community;~~ *community service*:

(a) In lieu of all or a part of any fine or imprisonment that may be imposed for the commission of a misdemeanor; or

(b) As a condition of probation granted for another offense.

2. The ~~work~~ *community service* must be performed for and under the supervising authority of a county, city, town or other political subdivision or agency of the State of Nevada or a charitable organization that renders service to the community or its residents.

3. The court may require the convicted person to deposit with the court a reasonable sum of money to pay for the cost of policies of insurance against liability for personal injury and damage to property or for industrial insurance, or both, during those periods in which he performs the ~~work;~~ *community service*, unless, in the case of industrial insurance, it is provided by the authority for which he performs the ~~work;~~ *community service*.

4. The following conditions apply to any such ~~work~~ *community service* imposed by the court:

(a) The court must fix the period of ~~work~~ *community service* that is imposed as punishment or a condition of probation and distribute the period over weekends or over other appropriate times that will allow the convicted person to continue at his employment and to care for his family. The period of ~~work~~ *community service* fixed by the court must not exceed, for a:

- (1) Misdemeanor, 200 hours;
- (2) Gross misdemeanor, 600 hours; or
- (3) Felony, 1,000 hours.

(b) A supervising authority listed in subsection 2 must agree to accept the convicted person for ~~work~~ *community service* before the court may require him to perform ~~work~~ *community service* for that supervising authority. The supervising authority must be located in or be the town or city of the convicted person's residence or, if that placement is not possible, one located within the jurisdiction of the court or, if that placement is not possible, the authority may be located outside the jurisdiction of the court.

(c) ~~Work~~ *Community service* that a court requires pursuant to this section must be supervised by an official of the supervising authority or by a person designated by the authority.

(d) The court may require the supervising authority to report periodically to the court or to a probation officer the convicted person's performance in carrying out the punishment or condition of probation.

Sec. 13. NRS 176A.310 is hereby amended to read as follows:

176A.310 1. The court shall set the conditions of a program of probation secured by a surety bond. The conditions must be appended to and made part of the bond. The conditions may include, but are not limited to, any one or more of the following:

(a) Submission to periodic tests to determine whether the probationer is using any controlled substance or alcohol.

(b) Participation in a program for the treatment of the abuse of a controlled substance or alcohol or a program for the treatment of any other impairment.

(c) Participation in a program of professional counseling, including, but not limited to, counseling for the family of the probationer.

(d) Restrictions or a prohibition on contact or communication with witnesses or victims of the crime committed by the probationer.

(e) A requirement to obtain and keep employment.

(f) Submission to a program of intensive supervision.

(g) Restrictions on travel by the probationer outside the jurisdiction of the court.

(h) Payment of restitution.

(i) Payment of fines and court costs.

(j) Supervised ~~work for the benefit of the community.~~ *community service.*

(k) Participation in educational courses.

2. A surety shall:

(a) Provide the facilities or equipment necessary to:

(1) Perform tests to determine whether the probationer is using any controlled substance or alcohol, if the court requires such tests as a condition of probation;

(2) Carry out a program of intensive supervision, if the court requires such a program as a condition of probation; and

(3) Enable the probationer to report regularly to the surety.

(b) Notify the court within 24 hours after the surety has knowledge of a violation of or a failure to fulfill a condition of the program of probation.

3. A probationer participating in a program of probation secured by a surety bond shall:

- (a) Report regularly to the surety; and
- (b) Pay the fee charged by the surety for the execution of the bond.

Sec. 14. NRS 176A.540 is hereby amended to read as follows:

176A.540 1. The chief parole and probation officer may order the residential confinement of a probationer if he believes that the probationer poses no danger to the community and will appear at a scheduled inquiry or court hearing.

2. In ordering the residential confinement of a probationer, the chief parole and probation officer shall:

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

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

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

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

(b) Information concerning the probationer's activities while inside his residence,
must not be used.

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

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

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

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

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

(a) Direct that he be placed under the supervision of the division;

(b) Require the person to be confined to his residence during the time he is away from his employment, ~~public~~ community service or other activity authorized by the division; and

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

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

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

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

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

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

178.3975 1. The court may order a defendant to pay all or any part of the expenses incurred by the county, city or state in providing the defendant with an attorney which are not recovered pursuant to NRS 178.398. The order may be made at the time of or after the appointment of an attorney and may direct the defendant to pay the expenses in installments.

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

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

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

5. Upon the request of a defendant, if the court finds that the defendant is suitable to perform supervised ~~work for the benefit of the community,~~ **community service**, the court may allow the defendant to pay all or part of any expenses incurred by the county, city or state in providing him with an attorney by performing supervised ~~work for the benefit of the~~ **community service** for a reasonable number of hours, the value of which would be commensurate with such expenses incurred. The ~~work~~ **community service** must be performed for and under the supervising authority of a county, city, town or other political subdivision or agency of the State of Nevada or a charitable organization that renders service to the community or its residents. The court may require a defendant who requests to perform community service to deposit with the court a reasonable sum of money to pay for the cost of policies of insurance against liability for personal injury and damage to property or for industrial insurance, or both, during those

periods in which he performs the ~~work,~~ *community service*, unless, in the case of industrial insurance, it is provided by the authority for which he performs the ~~work,~~ *community service*.

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

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

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

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

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

Sec. 19. NRS 194.010 is hereby amended to read as follows:

194.010 All persons are liable to punishment except those belonging to the following classes:

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

3. ~~Idiots.~~

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

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

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

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

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

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

- (a) Established a position of employment in the community;
- (b) Enrolled in a program for education or rehabilitation; or
- (c) Demonstrated an ability to pay for all or part of the costs of his confinement and to meet any existing obligation for restitution to any victim of his crime,

assign the offender to the custody of the division of parole and probation of the department of motor vehicles and public safety to serve a term of

residential confinement, pursuant to NRS 213.380, for not longer than the remainder of his sentence.

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

3. The director, after consulting with the division of parole and probation, shall adopt, by regulation, standards providing which offenders are eligible for residential confinement. The standards adopted by the director must provide that an offender who:

(a) Is not eligible for parole or release from prison within a reasonable period;

(b) Has recently committed a serious infraction of the rules of an institution or facility of the department;

(c) Has not performed the duties assigned to him in a faithful and orderly manner;

(d) Has ever been convicted of:

(1) Any crime involving the use or threatened use of force or violence against the victim; or

(2) A sexual offense;

(e) Has more than one prior conviction for any felony in this state or any offense in another state that would be a felony if committed in this state, not including a violation of NRS ~~484.3792~~ 484.379 or 484.3795;

(f) Has escaped or attempted to escape from any jail or correctional institution for adults; or

(g) Has not made an effort in good faith to participate in or to complete any educational or vocational program or any program of treatment, as ordered by the director,

is not eligible for assignment to the custody of the division of parole and probation to serve a term of residential confinement pursuant to this section.

4. If an offender assigned to the custody of the division of parole and probation pursuant to this section escapes or violates any of the terms or conditions of his residential confinement:

(a) The division of parole and probation may, pursuant to the procedure set forth in NRS 213.410, return the offender to the custody of the department.

(b) The offender forfeits all or part of the credits for good behavior earned by him before the escape or violation, as determined by the director. The director may provide for a forfeiture of credits pursuant to this

paragraph only after proof of the offense and notice to the offender, and may restore credits forfeited for such reasons as he considers proper. The decision of the director regarding such a forfeiture is final.

5. The assignment of an offender to the custody of the division of parole and probation pursuant to this section shall be deemed:

(a) A continuation of his imprisonment and not a release on parole; and

(b) For the purposes of NRS 209.341, an assignment to a facility of the department,

except that the offender is not entitled to obtain any benefits or to participate in any programs provided to offenders in the custody of the department.

6. An offender does not have a right to be assigned to the custody of the division of parole and probation pursuant to this section, or to remain in that custody after such an assignment, and it is not intended that the provisions of this section or of NRS 213.371 to 213.410, inclusive, create any right or interest in liberty or property or establish a basis for any cause of action against the state, its political subdivisions, agencies, boards, commissions, departments, officers or employees.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

2. Except as otherwise provided in subsection ~~7~~ **6** of NRS 482.180 and NRS 482.1805, the proceeds from the imposition of any:

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

(b) Excise tax on gasoline or other motor vehicle fuel,

must be deposited in the state highway fund and must, except for costs of administering the collection thereof, be used exclusively for administration, construction, reconstruction, improvement and maintenance of highways as provided for in this chapter.

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

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

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

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

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

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

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

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

4. All:

- (a) Health officers and their deputies;
- (b) Game wardens;
- (c) Police officers of cities and towns;
- (d) Sheriffs and their deputies;
- (e) Other peace officers of the State of Nevada; and

(f) Other persons who are specifically designated by the local government to do so, shall, within their respective jurisdictions, enforce the provisions of this section.

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

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

- (a) Agency of the state or its political subdivisions.
- (b) Employer, public or private.
- (c) Employee organization or trust of any kind.
- (d) Financial institution or other entity which is in the business of providing credit reports.
- (e) Public utility.

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

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

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

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

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

- (a) Impose any conditions to the election of treatment that could be imposed as conditions of probation;
- (b) Defer sentencing until such time, if any, as sentencing is authorized pursuant to NRS 458.330; and
- (c) Place the person under the supervision of an approved facility for treatment for not less than 1 year nor more than 3 years.

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

4. A person who is placed under the supervision of an approved facility for treatment shall pay the cost of the program of treatment to which he is assigned and the cost of any additional supervision that may be required, to the extent of his financial resources. The court may issue a judgment in favor of the court or facility for treatment for the costs of the treatment and supervision which remain unpaid at the conclusion of the

treatment. Such a judgment constitutes a lien in like manner as a judgment for money rendered in a civil action, but in no event may the amount of the judgment include any amount of the debt which was extinguished by the successful completion of community service pursuant to subsection 5.

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

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

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

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

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

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

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

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

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

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

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

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

3. All money received by this state ~~as a result of Public Law 99-499 or Title I of Public Law 93-633;~~ *pursuant to 42 U.S.C. §§ 11001 et seq. or 49 U.S.C. §§ 5101 et seq.* must be deposited with the state treasurer to the credit of the contingency account for hazardous materials. In addition, all money received by the commission from any source must be deposited with the state treasurer to the credit of the contingency account for hazardous materials. The state controller shall transfer from the contingency account to the operating account of the state fire marshal such

money collected pursuant to chapter 477 of NRS as is authorized for expenditure in the budget of the state fire marshal for use pursuant to paragraph (e) of subsection 2.

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

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

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

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

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

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

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

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

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

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

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

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

6. ~~{The privilege tax collected on vehicles subject to the provisions of chapter 706 of NRS and engaged in interstate or intercounty operation must be distributed among the counties in 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	Storey.....	.19 percent
Eureka.....	3.10 percent	Washoe.....	12.24 percent
Humboldt.....	8.25 percent	White Pine.....	5.66 percent
Lander.....	3.88 percent		

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

~~7.} The department shall withhold 6 percent from the amount of privilege tax collected by the department as a commission. From the amount of privilege tax collected by a county assessor, the state controller shall credit 1 percent to the department as a commission and remit 5 percent to the county for credit to its general fund as commission for the services of the county assessor.~~

~~{8.} All money withheld by or credited to the department pursuant to this subsection must be used only for the administration of this chapter as authorized by the legislature pursuant to subsection 5.~~

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

~~{9.} 8.~~ If a statute requires that any money in the motor vehicle fund be transferred to another fund or account, the department shall direct the controller to transfer the money in accordance with the statute.

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

482.181 1. Except as otherwise provided in subsection ~~{4.} 5,~~ *after deducting the amount withheld by the department and the amount credited to the department pursuant to subsection 6 of NRS 482.180,* the department shall certify monthly to the state board of examiners the amount of the basic and supplemental privilege taxes collected for each county by the department and its agents during the preceding month, and that money must be distributed monthly as provided in this section.

2. Any supplemental privilege 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 tax within a county must be made to local governments, special districts and enterprise districts pursuant to the provisions of NRS 360.680 and 360.690.}~~ The distribution of the basic privilege tax *received or collected for each county* must be made to the county school district within ~~{the}~~ *each* county before ~~{the distribution of the basic privilege tax pursuant to the provisions of NRS 360.680 and 360.690 and in the same ratio as all property taxes were levied~~

~~in the county in the previous fiscal year, but the State of Nevada is not entitled to share in that distribution.]~~ *any distribution is made to a local government, special district or enterprise district.* For the purpose of calculating the amount of basic privilege 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 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.

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

~~16-1~~ 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 tax collected on vehicles subject to the provisions of chapter 706 of NRS, the amount determined for each county based on the following percentages:

<i>Carson City..... 1.07 percent</i>	<i>Lincoln 3.12 percent</i>
<i>Churchill..... 5.21 percent</i>	<i>Lyon..... 2.90 percent</i>
<i>Clark 22.54 percent</i>	<i>Mineral..... 2.40 percent</i>
<i>Douglas..... 2.52 percent</i>	<i>Nye..... 4.09 percent</i>
<i>Elko..... 13.31 percent</i>	<i>Pershing 7.00 percent</i>
<i>Esmeralda..... 2.52 percent</i>	<i>Storey..... .19 percent</i>
<i>Eureka 3.10 percent</i>	<i>Washoe 12.24 percent</i>
<i>Humboldt..... 8.25 percent</i>	<i>White Pine..... 5.66 percent</i>
<i>Lander..... 3.88 percent</i>	

(2) For all other basic and supplemental privilege 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. 33. NRS 484.3667 is hereby amended to read as follows:

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

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

(b) At a time when the workers who are performing the construction, maintenance or repair of the highway are present, shall be punished by imprisonment or by a fine, or both, for a term or an amount equal to and in addition to the term of imprisonment or amount of the fine, or both, that the court imposes for the primary offense. Any term of imprisonment imposed pursuant to this subsection runs consecutively with the sentence prescribed by the court for the crime. This subsection does not create a separate offense, but provides an additional penalty for the primary offense, whose imposition is contingent upon the finding of the prescribed fact.

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

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

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

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

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

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

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

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

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

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

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

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

(1) Shall sentence him to:

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

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

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

(3) Shall order him to perform not less than 100 hours, but not more than 200 hours, of ~~work for the~~ community *service* while dressed in distinctive garb that identifies him as having violated the provisions of NRS 484.379, unless the court finds that extenuating circumstances exist; and

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

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

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

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

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

4. A term of confinement imposed pursuant to the provisions of this section may be served intermittently at the discretion of the judge or justice of the peace, except that a person who is convicted of a second or subsequent offense within 7 years must be confined for at least one segment of not less than 48 consecutive hours. This discretion must be exercised after considering all the circumstances surrounding the offense, and the family and employment of the offender, but any sentence of 30

days or less must be served within 6 months after the date of conviction or, if the offender was sentenced pursuant to NRS 484.37937 or 484.3794 and the suspension of his sentence was revoked, within 6 months after the date of revocation. Any time for which the offender is confined must consist of not less than 24 consecutive hours.

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

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

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

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

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

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

(a) A violation of NRS 484.379 or 484.3795;

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

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

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

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

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

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

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

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

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

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

- (a) A violation of NRS 484.3795;
- (b) A homicide resulting from driving or being in actual physical control of a vehicle while under the influence of intoxicating liquor or a controlled substance or resulting from any other conduct prohibited by NRS 484.379 or 484.3795; or
- (c) A violation of a law of any other jurisdiction that prohibits the same or similar conduct as set forth in paragraph (a) or (b).

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

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

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

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

- (a) Immediately sentence the offender and enter judgment accordingly.
- (b) Suspend the sentence of the offender for not more than 3 years upon the condition that the offender be accepted for treatment by a treatment facility, that he complete the treatment satisfactorily and that he comply with any other condition ordered by the court.

(c) Advise the offender that:

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

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

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

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

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

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

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

Sec. 36. NRS 484.3794 is hereby amended to read as follows:

484.3794 1. Except as otherwise provided in subsection 2, a person who is found guilty of a second violation of NRS 484.379 within 7 years may, at that time or any time before he is sentenced, apply to the court to undergo a program of treatment for alcoholism or drug abuse which is certified by the health division of the department of human resources for at least 1 year if:

(a) He is diagnosed as an alcoholic or abuser of drugs by:

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

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

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

(c) He has served or will serve a term of imprisonment in jail of 5 days, and if required pursuant to NRS 484.3792, has performed or will perform not less than 50 hours, but not more than 100 hours, of ~~work for the community.~~ **community service.**

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

(a) A violation of NRS 484.3795;

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

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

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

4. A prosecuting attorney may, within 10 days after receiving notice of an application for treatment pursuant to this section, request a hearing on the matter. The court shall order a hearing on the application upon the request of the prosecuting attorney or may order a hearing on its own motion.

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

6. If the court determines that an application for treatment should be granted, the court shall:

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

(b) Suspend the sentence of the offender for not more than 3 years upon the condition that the offender be accepted for treatment by a treatment

facility, that he complete the treatment satisfactorily and that he comply with any other condition ordered by the court.

(c) Advise the offender that:

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

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

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

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

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

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

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

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

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

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

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

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

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

3. A citation must be issued to any driver or to any adult passenger who fails to wear a safety belt as required by subsection 2. If the passenger is a child 5 years of age or older but under 18 years, a citation must be issued to the driver for his failure to require that child to wear the safety belt, but if both the driver and that child are not wearing safety belts, only one citation may be issued to the driver for both violations. A citation may be issued pursuant to this subsection only if the violation is discovered when the vehicle is halted or its driver arrested for another alleged

violation or offense. Any person who violates the provisions of subsection 2 shall be punished by a fine of not more than \$25 or by a sentence to perform a certain number of hours of ~~work for the community;~~ *community service*.

4. A violation of subsection 2:

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

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

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

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

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

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

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

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

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

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

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

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

616A.195 Any person:

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

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

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

Sec. 39. 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 ~~public~~ **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.

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

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

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

2. 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 the person a public reprimand.

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

- (d) Suspend the license of the person for a specified period or until further order of the board.
- (e) Revoke the license of the person to practice homeopathic medicine.
- (f) Require the person to participate in a program to correct a dependence upon alcohol or a controlled substance, or any other impairment.
- (g) Require supervision of the person's practice.
- (h) Impose an administrative fine not to exceed \$10,000.
- (i) Require the person to perform ~~public~~ **community** service without compensation.
- (j) Require the person to take a physical or mental examination or an examination of his competence to practice homeopathic medicine.
- (k) Require the person to fulfill certain training or educational requirements.
- (l) Require the person to pay the costs of the investigation and hearing.

Sec. 41. NRS 631.350 is hereby amended to read as follows:

631.350 1. Except as otherwise provided in NRS 631.271 and 631.347, the board may:

- (a) Refuse to issue a license to any person;
 - (b) Revoke or suspend the license or renewal certificate issued by it to any person;
 - (c) Fine a person it has licensed;
 - (d) Place a person on probation for a specified period on any conditions the board may order;
 - (e) Issue a public reprimand to a person;
 - (f) Limit a person's practice to certain branches of dentistry;
 - (g) Require a person to participate in a program to correct alcohol or drug abuse or any other impairment;
 - (h) Require that a person's practice be supervised;
 - (i) Require a person to perform ~~public~~ **community** service without compensation;
 - (j) Require a person to take a physical or mental examination or an examination of his competence;
 - (k) Require a person to fulfill certain training or educational requirements;
 - (l) Require a person to reimburse a patient; or
 - (m) Any combination thereof,
- upon proof satisfactory to the board that the person has engaged in any of the activities listed in subsection 2.

2. The following activities may be punished as provided in subsection 1:

- (a) Engaging in the illegal practice of dentistry or dental hygiene;
- (b) Engaging in unprofessional conduct; or
- (c) Violating any regulations adopted by the board or the provisions of this chapter.

3. The board may delegate to a hearing officer or panel its authority to take any disciplinary action pursuant to this chapter, impose and collect fines therefor and deposit the money therefrom in banks, credit unions or savings and loan associations in this state.

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

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

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

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

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

- 1. A public body shall not consider at a meeting whether to:*
 - (a) Take administrative action against a person; or*
 - (b) Acquire real property owned by a person by the exercise of the power of eminent domain,*
unless the public body has given written notice to that person of the time and place of the meeting.
- 2. The written notice required pursuant to subsection 1 must be:*
 - (a) Delivered personally to that person at least 5 working days before the meeting; or*
 - (b) Sent by certified mail to the last known address of that person at least 21 working days before the meeting.**A public body must receive proof of service of the written notice provided to a person pursuant to this section before the public body may consider a matter set forth in subsection 1 relating to that person at a meeting.*
- 3. The written notice provided in this section is in addition to the notice of the meeting provided pursuant to NRS 241.020.*
- 4. For the purposes of this section, real property shall be deemed to be owned only by the natural person or entity listed in the records of the county in which the real property is located to whom or which tax bills concerning the real property are sent.*

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

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

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

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

~~1-2~~ **(b)** Violating any order of the commission, any agreement with the division, any of the provisions of this chapter, chapter 116, 119, 119A, 119B, 645A or 645C of NRS or any regulation adopted thereunder.

~~13.1~~ (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 agreement at any time and request the filing of a petition for formal adjudication.

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

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

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

- (1) Is 14 years of age or older;
- (2) Has never been found to be within the purview of this chapter for an unlawful act that involved the use or threatened use of force or violence against a victim and has never been found to have committed such an unlawful act in any other jurisdiction;
- (3) Is required to provide restitution to a victim; and
- (4) Voluntarily agrees to participate in the program of restitution through work;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

3. Any check accepted by the department in payment of ~~vehicle privilege~~ *the governmental services* tax or any other fee required to be collected pursuant to this chapter must, if it is dishonored upon

presentation for payment, be charged back against the motor vehicle fund or the county to which the payment was credited pursuant to this section or NRS 482.181, in the proper proportion.

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

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

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

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

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

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

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

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

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.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Sec. 53. NRS 488.407 is hereby repealed.

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

Sec. 55. The legislative counsel shall:

1. In preparing the reprint and supplements to the Nevada Revised Statutes, appropriately change any references to “work for the benefit of the community,” “work for the community,” “work for a community,” “public service” or other similar term to refer to community service.

2. In preparing supplements to the Nevada Administrative Code, appropriately change any references to “work for the benefit of the community,” “work for the community,” “work for a community,” “public service” or other similar term to refer to community service.