Amendment No. 15

Assembly Amendment to Assembly Bill No. 4 First Reprint (BDR 15-31)

Proposed by: Speaker of the Assembly

Amends: Summary: No Title: Yes Preamble: No Joint Sponsorship: No Digest: Yes

Adoption of this amendment will MAINTAIN the unfunded mandate not requested by the affected local government to A.B. 4 R1 (§ 46).

ASSEMBLY ACTION			Initial and Date	SENATE ACTION			Initial and Date
Adopted ☐	Lost ☐			Adopted ☐	Lost ☐		
Concurred In ☐	Not ☐			Concurred In ☐	Not ☐		
Receded ☐	Not ☐			Receded ☐	Not ☐		

EXPLANATION: Matter in (1) ***blue bold italics*** is new language in the original bill; (2) variations of **green bold underlining** is newly added language; (3) ~~red strikethrough~~ is deleted language in the original bill; (4) ~~purple double strikethrough~~ is language proposed to be deleted in this amendment; (5) ~~***fuchsia double strikethrough***~~ is new language in the bill proposed to be deleted in this amendment; (6) orange double underlining is deleted language in the original bill that is proposed to be retained in this amendment.

SHORT FORM AMENDMENT

Sections 11, 12, 26, 27 and 36.5 of this act are the only sections affected by this amendment.

The Title of Assembly Bill No. 4 First Reprint is hereby amended as follows:

AN ACT relating to public safety; revising provisions relating to assault, battery, stalking, child sexual abuse material, domestic violence and driving under the influence of alcohol or a prohibited substance; ~~[requiring a compliance hearing after the issuance of certain orders to relinquish firearms;]~~ establishing certain unlawful acts relating to certain theft offenses involving property damage; revising provisions relating to offenders; establishing provisions relating to the creation of corridors and the adjudication and reporting of certain offenses committed within such corridors; making various changes relating to juvenile justice; prohibiting the construction of certain findings relating to actions for wrongful conviction; revising provisions relating to the sealing of records and specialty court programs; revising provisions relating to pretrial release; authorizing the Director of the Department of Corrections to establish an alternative correctional program; ~~[requiring certain city and county jails and detention centers to automatically notify consular posts regarding the detention of certain prisoners;]~~ revising provisions relating to opioid use disorder; making appropriations; providing penalties; and providing other matters properly relating thereto.

If this amendment is adopted, the Legislative Counsel's Digest will be changed as follows:

Legislative Counsel's Digest:

Existing law provides that if a person commits an assault upon an officer who is performing his or her duty and the person knew or should have known that the victim was an officer, the person is guilty of: (1) a category B felony if the assault is made with the use of a deadly weapon or the present ability to use a deadly weapon; (2) a category D felony if the person is a probationer, prisoner or parolee; or (3) if neither of those circumstances is present, a gross misdemeanor. (NRS 200.471) Additionally, existing law provides that if a person commits a battery upon an officer and the person knew or should have known that the victim was an officer, the person is guilty of: (1) a category B felony if the battery causes substantial bodily harm or is committed by strangulation; or (2) if those circumstances are not present and no greater penalty is provided by law, a gross misdemeanor. (NRS 200.481) **Sections 1 and 2** of this bill revise the definition of "officer" for the purposes of the enhanced penalties for assault or battery to include an employee of this State or a political subdivision of this State whose normal job responsibilities require the employee to: (1) interact with the public; and (2) perform tasks related to child welfare services or child protective services or tasks that expose the person to comparable danger. Additionally, **sections 1 and 2** apply the enhanced penalties to an assault or battery committed against a hospitality employee.

Existing law prohibits a person from stalking and prescribes various penalties related to the circumstance under which the offense is committed. (NRS 200.575) **Section 3** of this bill expands the unlawful acts which constitute stalking to include certain courses of conduct that would cause the victim to feel terrorized, frightened, intimidated, harassed or fearful for the immediate safety of a person in a dating relationship with the victim. **Section 3** also makes various changes to provide that stalking encompasses both acts committed in person and by

electronic means, and provides that such penalties are generally applicable to such acts regardless of medium. **Sections 25 and 45** of this bill make conforming changes related to the commission of stalking by electronic means under **section 3**.

Existing law provides that it is unlawful for a person to knowingly and willfully have in his or her possession: (1) any film, photograph or other visual representation depicting a person under the age of 16 years as the subject of a sexual portrayal or engaging in or simulating, or assisting others to engage in or simulate, sexual conduct; or (2) computer-generated child sexual abuse material. (NRS 200.730) **Section 4** of this bill revises the unit of prosecution for such an offense and prescribes that each person depicted under the age of 16 years in any film, photograph or other visual presentation and each child depicted or represented in any computer-generated child sexual abuse material, respectively, constitutes a separate offense.

Existing law establishes certain crimes making it unlawful to take or obtain property. (NRS 205.0821-205.295) **Section 7** of this bill creates a new crime which provides that if a person intentionally causes property damage to a retail establishment in the commission of a theft offense and the aggregate value of the amount involved in the theft or property damage, or any combination thereof, is $750 or more, the person is guilty of a category C felony.

~~[Existing law: (1) prescribes various circumstances in which a person is prohibited from owning, possessing or having under his or her custody or control a firearm; and (2) establishes procedures related to the surrender, sale or transfer of a firearm by certain persons who are prohibited from owning, possessing or having under their custody or control a firearm. (NRS 33.031, 33.033) Sections 11 and 26 of this bill generally require a court to schedule a compliance hearing under such circumstances to determine whether a person has complied with a court order to surrender, sell or transfer a firearm. Sections 11 and 26, however, authorize the court to cancel the compliance hearing under certain circumstances. Sections 12 and 27 of this bill apply certain related definitions in existing law to sections 11 and 26, respectively.]~~

Existing law sets forth certain unlawful acts that constitute domestic violence when committed against certain persons. (NRS 33.018) **Section 13** of this bill revises the unlawful acts that constitute domestic violence to include kidnapping as well as an attempt or solicitation to commit any unlawful act that constitutes domestic violence.

Existing law establishes provisions concerning actions for wrongful conviction. (NRS 41.900-41.970) **Section 14** of this bill provides that the entry of a certificate of innocence and the award in an action for wrongful conviction is not a finding that: (1) certain persons committed a wrongdoing; or (2) there was not probable cause under certain circumstances.

Existing law provides that if a child who is alleged to be delinquent is taken into custody and detained, the child must be given a detention hearing before the juvenile court. (NRS 62C.040) **Section 15** of this bill requires the juvenile court to order a qualified professional to evaluate the mental health of a child who: (1) is alleged to have committed certain unlawful acts involving a battery against a school employee or a child welfare professional; and (2) has, in the previous year, been taken into custody two or more times for certain battery offenses. **Section 16** of this bill makes a conforming change related to the detention of such children under **section 15**.

Existing law requires a juvenile court to suspend the driver's license of a juvenile under certain circumstances if a child is adjudicated to be in need of supervision because the child: (1) is a habitual truant; (2) committed certain unlawful acts related to tobacco; (3) committed certain unlawful acts related to a controlled substance or alcohol; or (4) placed graffiti on or defaced property. (NRS 62E.430, 62E.440, 62E.630, 62E.690) **Sections 17-20** of this bill make various changes to authorize the juvenile court to order the Department of Motor Vehicles to issue a restricted driver's license to the child if the issuance is in the best interest of the child. **Section 51** of this bill makes a conforming change regarding the circumstances under which the Department of Motor Vehicles may issue a restricted driver's license.

Existing law requires a court to discharge a defendant and dismiss the proceedings or set aside the judgment of conviction upon completion of the terms and conditions related to a program of treatment for alcohol or other substance use disorder, a program for treatment of mental illness or a program of treatment for veterans and members of the military or certain other terms and conditions. Thereafter, existing law requires the sealing of records related to the discharge, dismissal or setting aside a judgment of conviction. (NRS 176.211, 176A.240, 176A.245, 176A.260, 176A.265, 176A.290, 176A.295) **Sections 21-24** of this bill provide that the automatic record sealing provisions do not apply to such persons who were charged with certain offenses related to the abuse or neglect of a child or the abuse of an older or vulnerable person.

Existing law requires a court to release any bail at the time of sentencing, if the court has not already done so, unless the defendant owes fines and costs, in which case, the bail must be applied towards the fines and costs. (NRS 178.522, 178.528) **Section 29** of this bill provides that under these circumstances if the bail has been deposited by a person other than a surety, and upon notice and the agreement of the person, the bail must first be applied towards the payment of any restitution owed by the defendant. **Section 28** of this bill makes a conforming change related to the procedures prescribed by **section 29**.

Existing law authorizes: (1) a district attorney and any attorney employed by a district attorney to prosecute a person in a county other than the county by which the district attorney is employed for the limited purpose of conducting a pretrial release hearing; and (2) such an attorney to receive a stipend for being available on a weekend or holiday to serve as a prosecuting attorney in a pretrial release hearing. (NRS 178.760) **Section 30** of this bill similarly authorizes a city attorney in a county whose population is less than 100,000 (currently all counties except Clark and Washoe Counties) to be deputized to prosecute a person in the county that encompasses the city that employs the city attorney for the limited purpose of serving as a prosecuting attorney in a pretrial release hearing, and authorizes the city attorney to receive the stipend for such services.

Existing law authorizes the establishment of correctional programs and judicial programs for the reentry of offenders and parolees into the community. (NRS 209.4871-209.4889) **Section 33** of this bill: (1) authorizes the Director of the Department of Corrections to establish an alternative correctional program; and (2) provides for the qualification and assignment offenders to the alternative correctional program. **Section 33.5** of this bill requires the Director to submit an annual report to the Interim Finance Committee relating to the alternative correctional program. **Section 42** of this bill authorizes an offender participating in an alternative correctional program to waive his or her eligibility for, and release on, parole. **Section 43** of this bill establishes provisions related to the effect of such a waiver. **Section 44** of this bill requires the State Board of Parole Commissioners to consider the removal of an offender from an alternative correctional program in its determination of whether to release an offender on parole. **Sections 32, 35, 36 and 39-41** of this bill establish and revise various provisions concerning the alternative correctional program.

Existing law authorizes the Director of the Department of Corrections and the sheriff, chief of police or town marshal to establish programs for the treatment of prisoners with a substance use disorder using medication-assisted treatment. (NRS 209.4247, 211.400) **Sections 34 and 37** of this bill require persons who establish such programs to collaborate with the Department of Human Services if the program relates to opioid use disorder.

~~[Existing law provides that before a prisoner who is in the custody of a county or city jail or detention facility is questioned about his or her immigration status, the prisoner must be informed about the purpose of such questions. (NRS 211.007) Section 36.5 of this bill establishes procedures relating to the automatic notification of consular posts if a county or city jail or detention facility in a county whose population is 700,000 or more (currently only Clark County) believes that a prisoner is not a United States citizen. Section 36.5 additionally requires the Peace Officers' Standards and Training Commission to develop certain training materials relating to the automatic notification requirements, the rights of foreign nationals~~

~~under international law and procedures for identifying foreign nationals during the intake process.~~]

Existing law: (1) authorizes a board of county commissioners, with certain exceptions, to exercise all powers necessary or proper to address matters of local concern for the effective operation of a county government, whether or not the powers are expressly granted to the board; and (2) defines "matter of local concern" for such purposes. (NRS 244.143, 244.146) Existing law also authorizes a board of county commissioners to enact and enforce local police and sanitary ordinances and regulations that are not in conflict with the general laws and regulations of this State. (NRS 244.357) **Section 46** of this bill requires a board of county commissioners in a county whose population is 700,000 or more (currently only Clark County) to adopt an ordinance that designates the geographic boundaries of one or more corridors in which the commission of crime poses a significant risk to public safety and the economic welfare of this State due to the high concentration of tourists, visitors, employees and other persons in such corridors. **Section 46** provides that a person who is charged with, convicted of or the subject of deferred adjudication for any offense punishable as a misdemeanor: (1) for the first offense within the corridor within 2 years, may as a condition of release, sentencing, suspension of sentence or deferred adjudication, as applicable, be prohibited from entering the corridor in which the offense occurred for a period not to exceed 1 year; and (2) for a second or subsequent offense within the corridor within 2 years, must as a condition of release, sentencing, suspension of sentence or deferred adjudication, as applicable, be prohibited from entering the corridor in which the offense occurred for a period of not less than 1 year.

Section 9 of this bill authorizes a justice court, in a county wherein the board of county commissioners adopts an ordinance designating the geographic boundaries of one or more corridors pursuant to **section 46**, to establish an appropriate program for the adjudication of offenses punishable as a misdemeanor that occurred within the boundaries of such corridors.

Section 10 of this bill requires a justice court whose jurisdiction includes a corridor established pursuant to **section 46** to prepare and submit: (1) to the Legislature an annual report containing certain information regarding crimes that occur within such corridors; and (2) to the respective board of county commissioners a monthly report containing certain information regarding crimes that occur within such corridors.

Existing law requires the Department of Human Services: (1) to conduct a statewide needs assessment to determine the priorities for allocating money from the Fund for a Resilient Nevada; and (2) based on that needs assessment, to develop a statewide plan for allocating the money in the Fund. (NRS 433.732, 433.734) Existing law also prescribes specific requirements concerning the statewide needs assessment. (NRS 433.736) **Section 50** of this bill requires the statewide needs assessment to identify educational resources to be used for the training of law enforcement and other criminal justice agencies related to trauma-informed practices and medication-assisted treatment for persons with opioid use disorder. **Section 49** of this bill makes a conforming change to refer to provisions renumbered by **section 50**.

Existing law establishes provisions related to peer recovery support services. (NRS 433.622-433.641) **Section 47** of this bill requires the Department of Human Services to make available certain information relating to peer recovery support services. **Sections 48 and 56-58** of this bill make conforming changes governing the applicability of **section 47** to certain existing provisions of law related to peer support services.

Existing law sets forth various penalties involving driving or operating a vehicle or vessel under the influence of alcohol, a controlled substance or a prohibited substance under certain circumstances. (Chapter 484C of NRS, NRS 488.400-488.520) **Sections 52 and 54** of this bill provide that the prohibition on a person driving or operating a vehicle or vessel with a specific amount of marijuana or marijuana metabolite in his or her blood applies to certain offenses punishable as a felony. **Sections 53 and 55** of this bill increase the terms of imprisonment for a person who proximately causes the death of another person while driving or operating a

vehicle or vessel under the influence of alcohol or a controlled substance. Additionally, **sections 53 and 55** further provide that any such person who proximately causes the death of another person and who has previously been once or twice convicted of certain offenses relating to driving or operating a vehicle or vessel under the influence of alcohol or a controlled substance is subject to an increased penalty.

During the 2021 Legislative Session, the Legislature made an appropriation to the Department of Corrections for the reintegration of the Offender Sentence Management System into the Nevada Offender Tracking Information System. Any remaining balance of that appropriation was required to be reverted to the State General Fund on or before September 15, 2023. (Section 2 of chapter 463, Statutes of Nevada 2021, at page 2875) During the 2023 and 2025 Legislative Sessions, the Legislature extended the reversion date to September 19, 2025, and September 17, 2027, respectively. **Section 58.1** of this bill extends the reversion date to September 21, 2029.

Existing law authorizes an offender to earn certain credits to reduce the sentence of imprisonment of the offender. (NRS 209.432-209.449) During the 2023 Legislative Session, the Legislature established a revised method for awarding credits to reduce the sentence of an offender that applied to an offender sentenced to a crime committed: (1) on or after July 1, 2025; or (2) before July 1, 2025, if the offender elected to be subject to the revised method. (NRS 209.4467) During the 2025 Legislative Session, the Legislature delayed the implementation of the revised method to July 1, 2026. **Sections 58.2-58.7** of this bill further delay the implementation of the revised method to July 1, 2027. Additionally, **section 58.2** requires the Director of the Department of Corrections to calculate the credit of certain offenders who are within 2 years of completion of their minimum term or minimum aggregate term or maximum term or maximum aggregate term, as applicable, of imprisonment on or after July 1, 2027, using the revised method, and authorizes such offenders and the Director to make certain decisions affecting parole eligibility and release.

Section 59 of this bill makes an appropriation to the Interim Finance Committee for allocation to the Administrative Office of the Courts for the purpose of carrying out the provisions of this bill. **Sections 60 and 60.5** of this bill make appropriations to the Department of Corrections relating to alternative correctional programs. **Section 61** of this bill makes an appropriation to the Department of Corrections for the purpose of carrying out the provisions of this bill.

Section 11 of Assembly Bill No. 4 First Reprint is hereby amended as follows:

Sec. 11. ~~[Chapter 33 of NRS is hereby amended by adding thereto a new section to read as follows:~~

~~*1. If a court orders an adverse party to surrender, sell or transfer any firearm pursuant to NRS 33.031, the court shall require the adverse party to appear for a compliance hearing to determine whether the adverse party has complied with the provisions of the order for the surrender, sale or transfer of the firearm.*~~

~~*2. Except as otherwise provided in subsection 3, the court shall schedule the compliance hearing not earlier than 2 business days nor later than 5 business days after the issuance of the order for the surrender, sale or transfer.*~~

~~*3. If an adverse party is in custody at the time that the compliance hearing is scheduled pursuant to subsection 2, the court shall reschedule the compliance hearing to a date that is not later than 1 business day after the release of the adverse party from custody.*~~

~~*4. The court may cancel the compliance hearing if:*~~

~~*(a) The person provides the affidavit described in paragraph (d) of subsection 1 of NRS 33.033;*~~

~~*(b) The adverse party provides the receipt or other documentation required by subsection 2, 3 or 4 of NRS 33.033, as applicable; or*~~

~~*(c) The court issues a search warrant pursuant to subsection 5 of NRS 33.033.]*~~ **(Deleted by amendment.)**

Section 12 of Assembly Bill No. 4 First Reprint is hereby amended as follows:

Sec. 12. ~~[NRS 33.017 is hereby amended to read as follows:~~

~~33.017 As used in NRS 33.017 to 33.100, inclusive, *and section 11 of this act,* unless the context otherwise requires:~~

~~1. "Extended order" means an extended order for protection against domestic violence.~~

~~2. "Temporary order" means a temporary order for protection against domestic violence.]~~ **(Deleted by amendment.)**

Section 26 of Assembly Bill No. 4 First Reprint is hereby amended as follows:

Sec. 26. ~~[Chapter 178 of NRS is hereby amended by adding thereto a new section to read as follows:~~

~~*1. If a court prohibits a person from possessing a firearm as a condition of release pursuant to NRS 178.4851, the court shall require the person to appear for a compliance hearing to determine whether the person has complied with the prohibition.*~~

~~*2. The court shall schedule the compliance hearing not earlier than 2 business days nor later than 5 business days after the release of the person.*~~

~~*3. For the purpose of complying with a condition of release prohibiting the person from possessing a firearm, the person and the court may follow the procedures for:*~~

~~*(a) The surrender, sale or transfer of firearms described in NRS 202.361; and*~~

~~*(b) The cancellation of a compliance hearing described in section 5 of this act.]*~~ **(Deleted by amendment.)**

Section 27 of Assembly Bill No. 4 First Reprint is hereby amended as follows:

Sec. 27. ~~[NRS 178.483 is hereby amended to read as follows:~~

~~178.483 As used in NRS 178.483 to 178.548, inclusive, *and section 26 of this act,* unless the context otherwise requires, "electronic transmission," "electronically transmit" or "electronically transmitted" means any form or process of communication not directly involving the physical transfer of paper or another tangible medium which:~~

~~1. Is suitable for the retention, retrieval and reproduction of information by the recipient; and~~

~~2. Is retrievable and reproducible in paper form by the recipient through an automated process used in conventional commercial practice.]~~ **(Deleted by amendment.)**

Section 36.5 of Assembly Bill No. 4 First Reprint is hereby amended as follows:

Sec. 36.5. ~~[Chapter 211 of NRS is hereby amended by adding thereto a new section to read as follows:~~

~~*1. Subject to NRS 211.007, in a county whose population is 700,000 or more, if, during the intake, booking or processing of a prisoner in the custody of a city or county jail or a detention facility, a peace officer or other employee of the jail or detention facility believes that a prisoner is not a citizen of the United States, the peace officer or employee shall cause the appropriate consular post of the prisoner to be automatically notified of the detention or incarceration of the prisoner.*~~

~~*2. The notification described in subsection 1 must be made:*~~

~~*(a) In accordance with the Vienna Convention on Consular Relations and the procedures of the United States Department of State;*~~

~~*(b) In a language that is understood by the prisoner; and*~~

~~*(c) For each foreign national, regardless of whether the prisoner is from a country that is designated by the United States Department of State as subject to a mandatory consular notification or whether the prisoner requests or declines to contact the consular post.*~~

~~*3. Each county and city jail and detention facility shall adopt written policies and procedures related to the requirements of this section, which must:*~~

~~*(a) Incorporate the procedures related to automatic consular notification into any booking or intake policies of the jail or detention facility;*~~

~~*(b) Maintain documentation of each automatic consular notification, which must include, without limitation:*~~

~~*(1) The date of the notification;*~~

~~*(2) The method used for the notification; and*~~

~~*(3) The consular post that was contacted for the notification; and*~~

~~*(c) Subject to NRS 211.007, ensure availability of multilingual forms, identification tools or interpreter resources to assist in determining citizenship during the intake process.*~~

~~*4. A court may consider the failure of a county or city jail to automatically notify a consular post pursuant to subsection 1 in determining the admissibility of statements made during a custodial interrogation or in evaluating compliance with a constitutional, statutory or treaty obligation, but such a failure does not automatically require dismissal of a charge against the prisoner.*~~

~~*5. The Peace Officers Standards and Training Commission, in consultation with the Department of Public Safety, shall develop training materials and procedures for law enforcement agencies concerning:*~~

~~*(a) The requirements for automatic consular notification under this section;*~~

~~*(b) The rights of foreign nationals under international law; and*~~

~~*(c) The procedures for identifying foreign nationals during the intake process.]*~~ **(Deleted by amendment.)**