

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

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

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

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

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

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

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

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

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

22 (a) A program of treatment for the abuse of alcohol or drugs which is
23 certified by the bureau of alcohol and drug abuse of the rehabilitation
24 division of the department of employment, training and rehabilitation;

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

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

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

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

38 *5. Except as otherwise provided in this subsection, if a person whose*
39 *sentence is suspended violates or fails to fulfill a condition of the*
40 *suspension, the justice of the peace may revoke the suspension of the*
41 *sentence and cause all or part of the sentence to be executed. If the*

1 *person is ordered to serve only part of the sentence, the justice of the*
2 *peace may suspend the remainder of the sentence for not more than 1*
3 *year after the date on which the person violated or failed to fulfill the*
4 *condition of suspension.*

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

6 5.055 1. Except as otherwise provided in subsection 2, by specific
7 statute or unless the suspension of a sentence is expressly forbidden, a
8 municipal judge may suspend, for not more than 1 year, the sentence of a
9 person convicted of a misdemeanor. When the circumstances warrant, the
10 municipal judge may order as a condition of suspension that the offender:

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

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

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

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

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

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

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

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

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

32 (a) A program of treatment for the abuse of alcohol or drugs which is
33 certified by the bureau of alcohol and drug abuse of the rehabilitation
34 division of the department of employment, training and rehabilitation;

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

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

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

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

9 5. *Except as otherwise provided in this subsection, if a person whose*
10 *sentence is suspended violates or fails to fulfill a condition of the*
11 *suspension, the municipal judge may revoke the suspension of the*
12 *sentence and cause all or part of the sentence to be executed. If the*
13 *person is ordered to serve only part of the sentence, the municipal judge*
14 *may suspend the remainder of the sentence for not more than 1 year*
15 *after the date on which the person violated or failed to fulfill the*
16 *condition of suspension.*

17 **Sec. 3.** The amendatory provisions of this act do not apply to offenses
18 that were committed before October 1, 1999.