

ASSEMBLY BILL NO. 315—ASSEMBLYMEN PARKS, MANENDO, ARBERRY,  
GIBBONS, OHRENSCHALL, ANDERSON, BACHE, BEERS, BUCKLEY,  
CHOWNING, CLABORN, COLLINS, DE BRAGA, FREEMAN,  
GIUNCHIGLIANI, GOLDWATER, HETTRICK, KOIVISTO, LEE, LESLIE,  
MCCLAIN, MORTENSON, NEIGHBORS, OCEGUERA, PERKINS,  
PRICE, SMITH AND WILLIAMS

MARCH 9, 2001

Referred to Committee on Judiciary

SUMMARY—Increases penalties for first or second offense of driving under influence of  
intoxicating liquor when concentration of alcohol in blood or breath of  
offender is 0.18 or more. (BDR 43-587)

FISCAL NOTE: Effect on Local Government: Yes.  
Effect on the State: Yes.

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

AN ACT relating to traffic laws; increasing the penalties for a first or second offense of  
driving under the influence of intoxicating liquor when the concentration of  
alcohol in the blood or breath of the offender is 0.18 or more; providing a  
penalty; and providing other matters properly relating thereto.

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

- 1     **Section 1.** NRS 482.456 is hereby amended to read as follows:  
2     482.456 1. A person who has had the registration of his motor  
3     vehicle suspended pursuant to NRS 482.451 and who drives the motor  
4     vehicle for which the registration has been suspended on a highway is  
5     guilty of a misdemeanor and shall be:  
6     (a) Punished by imprisonment in the county jail for not less than 30  
7     days nor more than 6 months; or  
8     (b) Sentenced to a term of not less than 60 days nor more than 6 months  
9     in residential confinement, and by a fine of not less than \$500 and not more  
10    than \$1,000.  
11    The provisions of this subsection do not apply if the period of suspension  
12    has expired but the person has not reinstated his registration.  
13    2. A person who has had the registration of his motor vehicle  
14    suspended pursuant to NRS 482.451 and who knowingly allows the motor



1 vehicle for which the registration has been suspended to be operated by  
2 another person upon a highway is guilty of a misdemeanor.

3 3. A person who willfully fails to return a certificate of registration or  
4 the license plates as required pursuant to NRS 482.451 is guilty of a  
5 misdemeanor.

6 4. A term of imprisonment imposed pursuant to the provisions of this  
7 section may be served intermittently at the discretion of the judge or justice  
8 of the peace, except that the full term of imprisonment must be served  
9 within 6 months after the date of conviction, and any segment of time the  
10 person is imprisoned must not consist of less than 24 hours. This discretion  
11 must be exercised after considering all the circumstances surrounding the  
12 offense, and the family and employment of the person convicted.

13 5. Jail sentences simultaneously imposed pursuant to this section and  
14 NRS 484.3792, 484.37937 or 484.3794 , *or section 3 of this act* must run  
15 consecutively.

16 **Sec. 2.** NRS 483.560 is hereby amended to read as follows:

17 483.560 1. Except as otherwise provided in subsection 2, any person  
18 who drives a motor vehicle on a highway or on premises to which the  
19 public has access at a time when his driver's license has been canceled,  
20 revoked or suspended is guilty of a misdemeanor.

21 2. Except as otherwise provided in this subsection, if the license of the  
22 person was suspended, revoked or restricted because of:

23 (a) A violation of NRS 484.379, 484.3795 or 484.384;

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

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

30 the person shall be punished by imprisonment in jail for not less than 30  
31 days nor more than 6 months or by serving a term of residential  
32 confinement for not less than 60 days nor more than 6 months, and shall be  
33 further punished by a fine of not less than \$500 nor more than \$1,000. A  
34 person who is punished pursuant to this subsection may not be granted  
35 probation, and a sentence imposed for such a violation may not be  
36 suspended. A prosecutor may not dismiss a charge of such a violation in  
37 exchange for a plea of guilty, of guilty but mentally ill or of nolo  
38 contendere to a lesser charge or for any other reason, unless in his  
39 judgment the charge is not supported by probable cause or cannot be  
40 proved at trial. The provisions of this subsection do not apply if the period  
41 of revocation has expired but the person has not reinstated his license.

42 3. A term of imprisonment imposed pursuant to the provisions of this  
43 section may be served intermittently at the discretion of the judge or justice  
44 of the peace. This discretion must be exercised after considering all the  
45 circumstances surrounding the offense, and the family and employment of  
46 the person convicted. However, the full term of imprisonment must be  
47 served within 6 months after the date of conviction, and any segment of  
48 time the person is imprisoned must not consist of less than 24 hours.



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1 4. Jail sentences simultaneously imposed pursuant to this section and  
2 NRS 484.3792, 484.37937 or 484.3794 , *or section 3 of this act* must run  
3 consecutively.

4 5. If the department receives a record of the conviction or punishment  
5 of any person pursuant to this section upon a charge of driving a vehicle  
6 while his license was:

7 (a) Suspended, the department shall extend the period of the suspension  
8 for an additional like period.

9 (b) Revoked, the department shall extend the period of ineligibility for a  
10 license, permit or privilege to drive for an additional 1 year.

11 (c) Restricted, the department shall revoke his restricted license and  
12 extend the period of ineligibility for a license, permit or privilege to drive  
13 for an additional 1 year.

14 (d) Suspended or canceled for an indefinite period, the department shall  
15 suspend his license for an additional 6 months for the first violation and an  
16 additional 1 year for each subsequent violation.

17 6. Suspensions and revocations imposed pursuant to this section must  
18 run consecutively.

19 **Sec. 3.** Chapter 484 of NRS is hereby amended by adding thereto a  
20 new section to read as follows:

21 *1. Unless a greater penalty is provided pursuant to NRS 484.3792 or*  
22 *484.3795, a person who violates the provisions of NRS 484.379 and who*  
23 *is found to have a concentration of alcohol of 0.18 or more in his blood*  
24 *or breath:*

25 *(a) For the first offense within 7 years, is guilty of a misdemeanor.*  
26 *The court shall:*

27 *(1) Except as otherwise provided in subsection 7, order him to:*

28 *(I) Pay tuition for an educational course on the abuse of alcohol*  
29 *and controlled substances approved by the department and complete the*  
30 *course within the time specified in the order, and the court shall notify*  
31 *the department if he fails to complete the course within the specified*  
32 *time; or*

33 *(II) Attend a program of treatment for the abuse of alcohol or*  
34 *drugs pursuant to the provisions of NRS 484.37945 if recommended*  
35 *pursuant to NRS 484.37943;*

36 *(2) Sentence him to imprisonment for not less than 30 days nor*  
37 *more than 6 months in jail; and*

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

39 *(b) For a second offense within 7 years, is guilty of a misdemeanor.*  
40 *The court:*

41 *(1) Shall sentence him to imprisonment for not less than 45 days*  
42 *nor more than 6 months in jail;*

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

44 *(3) Except as otherwise provided in subsection 7, may order him to*  
45 *attend a program of treatment for the abuse of alcohol or drugs pursuant*  
46 *to the provisions of NRS 484.37945.*

47 *2. A person who willfully fails or refuses to complete successfully a*  
48 *program of treatment ordered pursuant to paragraph (a) or (b) of*  
49 *subsection 1 is guilty of a misdemeanor.*



1     3. *An offense that occurred within 7 years immediately preceding the*  
2 *date of the principal offense or after the principal offense constitutes a*  
3 *prior offense for the purposes of this section when evidenced by a*  
4 *conviction, without regard to the sequence of the offenses and*  
5 *convictions. The facts concerning a prior offense must be alleged in the*  
6 *complaint, indictment or information and must not be proved at trial but*  
7 *must be proved at the time of sentencing.*

8     4. *A sentence imposed for violating the provisions of NRS 484.379*  
9 *must not be suspended except, as provided in NRS 4.373 and 5.055, that*  
10 *portion of the sentence imposed that exceeds the mandatory minimum.*

11     5. *A prosecuting attorney shall not dismiss a charge of violating the*  
12 *provisions of NRS 484.379 in exchange for a plea of guilty, guilty but*  
13 *mentally ill or nolo contendere to a lesser charge or for any other reason*  
14 *unless he knows or it is obvious that the charge is not supported by*  
15 *probable cause or cannot be proved at the time of trial.*

16     6. *Jail sentences simultaneously imposed pursuant to this section*  
17 *and NRS 482.456, 483.560 or 485.330 must run consecutively.*

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

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

27         (b) *Order the person to complete an educational course by*  
28 *correspondence on the abuse of alcohol and controlled substances*  
29 *approved by the department within the time specified in*  
30 *the order,*

31 *and the court shall notify the department if the person fails to complete*  
32 *the assigned course within the specified time.*

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

37     9. *As used in this section, unless the context otherwise requires:*

38         (a) *"Concentration of alcohol of 0.18 or more in his blood or breath"*  
39 *means 0.18 gram or more of alcohol per 100 milliliters of the blood of a*  
40 *person or per 210 liters of his breath.*

41         (b) *"Offense" means:*

42             (1) *A violation of NRS 484.379 or 484.3795;*

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

47             (3) *A violation of a law of any other jurisdiction that prohibits the*  
48 *same or similar conduct as set forth in subparagraph (1) or (2).*



1     **Sec. 4.** NRS 484.259 is hereby amended to read as follows:  
2     484.259 1. Except for the provisions of NRS 484.379 to 484.3947,  
3     inclusive, *and section 3 of this act* and any provisions made applicable by  
4     specific statute, the provisions of this chapter do not apply to persons,  
5     teams, motor vehicles and other equipment while actually engaged in work  
6     upon the surface of a highway.

7     2. The provisions of this chapter apply to the persons, teams, motor  
8     vehicles and other equipment described in subsection 1 when traveling to  
9     or from such work.

10    **Sec. 5.** NRS 484.3792 is hereby amended to read as follows:  
11    484.3792 1. ~~1A~~ *Unless a greater penalty is provided pursuant to*  
12    *NRS 484.3795 or section 3 of this act, a* person who violates the  
13    provisions of NRS 484.379:

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

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

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

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

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

30    (1) Shall sentence him to:

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

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

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

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

41    (4) ~~1May~~ *Except as otherwise provided in subsection 6, may* order  
42    him to attend a program of treatment for the abuse of alcohol or drugs  
43    pursuant to the provisions of NRS 484.37945.

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

47    (c) For a third or subsequent offense within 7 years, is guilty of a  
48    category B felony and shall be punished by imprisonment in the state  
49    prison for a minimum term of not less than 1 year and a maximum term of



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1 not more than 6 years, and shall be further punished by a fine of not less  
2 than \$2,000 nor more than \$5,000. An offender so imprisoned must,  
3 insofar as practicable, be segregated from offenders whose crimes were  
4 violent and, insofar as practicable, be assigned to an institution or facility  
5 of minimum security.

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

15 3. A person convicted of violating the provisions of NRS 484.379  
16 must not be released on probation, and a sentence imposed for violating  
17 those provisions must not be suspended except, as provided in NRS 4.373,  
18 5.055, 484.37937 and 484.3794, that portion of the sentence imposed that  
19 exceeds the mandatory minimum. A prosecuting attorney shall not dismiss  
20 a charge of violating the provisions of NRS 484.379 in exchange for a plea  
21 of guilty, guilty but mentally ill or nolo contendere to a lesser charge or for  
22 any other reason unless he knows or it is obvious that the charge is not  
23 supported by probable cause or cannot be proved at the time of trial.

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

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

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

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

47 (b) Order him to complete an educational course by correspondence on  
48 the abuse of alcohol and controlled substances approved by the department  
49 within the time specified in the order,



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1 and the court shall notify the department if the person fails to complete the  
2 assigned course within the specified time.

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

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

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

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

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

16 **Sec. 6.** NRS 484.37937 is hereby amended to read as follows:

17 484.37937 1. Except as otherwise provided in subsection 2, a person  
18 who is found guilty of a first violation of NRS 484.379 , *other than a*  
19 *violation which is punishable pursuant to section 3 of this act*, may, at  
20 that time or any time before he is sentenced, apply to the court to undergo a  
21 program of treatment for alcoholism or drug abuse which is certified by the  
22 bureau of alcohol and drug abuse in the department of human resources for  
23 at least 6 months. The court shall authorize such treatment if:

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

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

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

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

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

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

36 (a) A violation of NRS 484.3795;

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

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

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

46 4. A prosecuting attorney may, within 10 days after receiving notice of  
47 an application for treatment pursuant to this section, request a hearing on  
48 the question of whether the offender is eligible to undergo a program of  
49 treatment for alcoholism or drug abuse. The court shall order a hearing on



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1 the application upon the request of the prosecuting attorney or may order a  
2 hearing on its own motion. The hearing must be limited to the question of  
3 whether the offender is eligible to undergo such a program of treatment.

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

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

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

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

14 (c) Advise the offender that:

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

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

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

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

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

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

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

39 **Sec. 7.** NRS 484.3794 is hereby amended to read as follows:

40 484.3794 1. Except as otherwise provided in subsection 2, a person  
41 who is found guilty of a second violation of NRS 484.379 within 7 years ,  
42 *other than a violation which is punishable pursuant to section 3 of this*  
43 *act*, may, at that time or any time before he is sentenced, apply to the court  
44 to undergo a program of treatment for alcoholism or drug abuse which is  
45 certified by the bureau of alcohol and drug abuse in the department of  
46 human resources for at least 1 year if:

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

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





1 (2) A physician who is certified to make that diagnosis by the board  
2 of medical examiners;  
3 (b) He agrees to pay the costs of the treatment to the extent of his  
4 financial resources; and  
5 (c) He has served or will serve a term of imprisonment in jail of 5 days,  
6 and if required pursuant to NRS 484.3792, has performed or will perform  
7 not less than 50 hours, but not more than 100 hours, of work for the  
8 community.  
9 2. A person may not apply to the court to undergo a program of  
10 treatment pursuant to subsection 1 if, within the immediately preceding 7  
11 years, he has been found guilty of:  
12 (a) A violation of NRS 484.3795;  
13 (b) A homicide resulting from driving or being in actual physical  
14 control of a vehicle while under the influence of intoxicating liquor or a  
15 controlled substance or resulting from any other conduct prohibited by  
16 NRS 484.379 or 484.3795; or  
17 (c) A violation of a law of any other jurisdiction that prohibits the same  
18 or similar conduct as set forth in paragraph (a) or (b).  
19 3. For the purposes of subsection 1, a violation of a law of any other  
20 jurisdiction that prohibits the same or similar conduct as NRS 484.379  
21 constitutes a violation of NRS 484.379.  
22 4. A prosecuting attorney may, within 10 days after receiving notice of  
23 an application for treatment pursuant to this section, request a hearing on  
24 the matter. The court shall order a hearing on the application upon the  
25 request of the prosecuting attorney or may order a hearing on its own  
26 motion.  
27 5. At the hearing on the application for treatment, the prosecuting  
28 attorney may present the court with any relevant evidence on the matter. If  
29 a hearing is not held, the court shall decide the matter upon affidavits and  
30 other information before the court.  
31 6. If the court determines that an application for treatment should be  
32 granted, the court shall:  
33 (a) Immediately sentence the offender and enter judgment accordingly.  
34 (b) Suspend the sentence of the offender for not more than 3 years upon  
35 the condition that the offender be accepted for treatment by a treatment  
36 facility, that he complete the treatment satisfactorily and that he comply  
37 with any other condition ordered by the court.  
38 (c) Advise the offender that:  
39 (1) If he is accepted for treatment by such a facility, he may be placed  
40 under the supervision of the facility for a period not to exceed 3 years and  
41 during treatment he may be confined in an institution or, at the discretion  
42 of the facility, released for treatment or supervised aftercare in the  
43 community.  
44 (2) If he is not accepted for treatment by such a facility or he fails to  
45 complete the treatment satisfactorily, he shall serve the sentence imposed  
46 by the court. Any sentence of imprisonment must be reduced by a time  
47 equal to that which he served before beginning treatment.  
48 (3) If he completes the treatment satisfactorily, his sentence will be  
49 reduced to a term of imprisonment which is no longer than that provided



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1 for the offense in paragraph (c) of subsection 1 and a fine of not more than  
2 the minimum provided for the offense in NRS 484.3792, but the conviction  
3 must remain on his record of criminal history.

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

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

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

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

14 **Sec. 8.** NRS 484.37945 is hereby amended to read as follows:

15 484.37945 1. When a program of treatment is ordered pursuant to  
16 paragraph (b) of subsection 1 of NRS 484.3792 ~~or~~ *or paragraph (a) or (b)*  
17 *of subsection 1 of section 3 of this act*, the court shall place the offender  
18 under the clinical supervision of a treatment facility for treatment for not  
19 less than 30 days nor more than 6 months, in accordance with the report  
20 submitted to the court pursuant to subsection 3, 4 or 5 of NRS 484.37943.  
21 The court may:

22 (a) Order the offender confined in a treatment facility, then release the  
23 offender for supervised aftercare in the community; or

24 (b) Release the offender for treatment in the community,  
25 for the period of supervision ordered by the court.

26 2. The court shall:

27 (a) Require the treatment facility to submit monthly progress reports on  
28 the treatment of an offender pursuant to this section; and

29 (b) Order the offender, to the extent of his financial resources, to pay  
30 any charges for his treatment pursuant to this section. If the offender does  
31 not have the financial resources to pay all those charges, the court shall, to  
32 the extent possible, arrange for the offender to obtain his treatment from a  
33 treatment facility that receives a sufficient amount of federal or state  
34 money to offset the remainder of the charges.

35 3. A treatment facility is not liable for any damages to person or  
36 property caused by a person who:

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

40 (b) Engages in any other conduct prohibited by NRS 484.379,  
41 484.3795, subsection 2 of NRS 488.400, NRS 488.410 or 488.420 or a law  
42 of any other jurisdiction that prohibits the same or similar conduct,  
43 after the treatment facility has certified to his successful completion of a  
44 program of treatment ordered pursuant to paragraph (b) of subsection 1 of  
45 NRS 484.3792 ~~or~~ *or paragraph (a) or (b) of subsection 1 of section 3 of*  
46 *this act*.

47 **Sec. 9.** NRS 484.778 is hereby amended to read as follows:

48 484.778 The governing body of each city may enact an ordinance  
49 adopting the penalties set forth for misdemeanors in NRS 484.3792 *and*



\* A B 3 1 5 \*

1 *section 3 of this act* for similar offenses ~~under~~ *pursuant to a* city  
2 ordinance.  
3 **Sec. 10.** The amendatory provisions of this act do not apply to  
4 offenses committed before October 1, 2001.

