

ASSEMBLY BILL NO. 584—COMMITTEE ON JUDICIARY

(ON BEHALF OF DEPARTMENT OF MOTOR VEHICLES AND  
PUBLIC SAFETY—DIRECTOR'S OFFICE)

MARCH 26, 2001

Referred to Committee on Judiciary

SUMMARY—Requires posting of bond by probationers and parolees who request permission to reside in another state. (BDR 14-513)

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

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

AN ACT relating to supervision; requiring the posting of a bond by probationers and parolees who request permission to reside in another state; enacting provisions governing the forfeiture and distribution of such bonds under certain circumstances; providing for the establishment of standards and adoption of regulations concerning such bonds; 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.** Chapter 176A of NRS is hereby amended by adding  
2     thereto a new section to read as follows:  
3     1. *Unless a written waiver is granted by the chief parole and*  
4     *probation officer in accordance with the regulations adopted pursuant to*  
5     *subsection 4, a probationer who is granted permission to be supervised in*  
6     *another state pursuant to NRS 213.180 to 213.210, inclusive, must post a*  
7     *bond with the department of motor vehicles and public safety before*  
8     *leaving this state.*  
9     2. *The bond required pursuant to subsection 1 must:*  
10    (a) *Be in an amount established by the department in accordance with*  
11    *the regulations adopted pursuant to subsection 3.*  
12    (b) *Be made payable to the State of Nevada.*  
13    (c) *Be deposited with the department.*  
14    (d) *Remain in effect until forfeited or returned pursuant to this*  
15    *section.*

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- 1     3. The director of the department shall adopt regulations as are  
2     necessary to carry out the provisions of this section. The regulations  
3     must:
- 4     (a) Include, without limitation, standards for determining the amount  
5     of a bond based upon the geographical proximity of the state that will be  
6     supervising the probationer; and
- 7     (b) Provide that the amount of the bond must not be altered if the  
8     probationer subsequently requests permission to be supervised in a state  
9     other than the state for which the amount of the bond was originally  
10    established.
- 11    4. The chief parole and probation officer shall adopt regulations  
12    providing standards and procedures for the waiver of the requirement of  
13    posting a bond pursuant to this section.
- 14    5. Except as otherwise provided in subsection 6, the bond must be  
15    returned to the probationer upon:
- 16    (a) Voluntary return of the probationer to this state during the term of  
17    his supervision; or
- 18    (b) Successful completion of the term of probation.
- 19    6. If the bond of a probationer is returned to the probationer  
20    pursuant to subsection 5, deductions for the following items must be  
21    made, in the following order of priority, before any money is returned to  
22    the probationer:
- 23    (a) Restitution owed to any victim of a crime committed by the  
24    probationer.
- 25    (b) Fees owed for supervision of the probationer.
- 26    (c) Unpaid administrative assessments.
- 27    (d) Unpaid fines.
- 28    7. If a probationer absconds, commits a new offense or otherwise  
29    violates the terms and conditions of his probation, the bond must be  
30    forfeited. If the probationer is:
- 31    (a) Returned to this state, the money from the forfeited bond must be  
32    used to pay for the necessary expenses incurred by the State of Nevada  
33    for returning the probationer to this state. If any money remains after  
34    paying the costs of returning the probationer to this state, deductions for  
35    the following items must be made, in the following order of priority,  
36    before returning any money to the probationer:
- 37    (1) Restitution owed to any victim of a crime committed by the  
38    probationer.
- 39    (2) Fees owed for supervision of the probationer.
- 40    (3) Unpaid administrative assessments.
- 41    (4) Unpaid fines.
- 42    (b) Not returned to this state and issued a dishonorable discharge, the  
43    money from the forfeited bond must be distributed in the following order  
44    of priority:
- 45    (1) Restitution owed to any victim of a crime committed by the  
46    probationer.
- 47    (2) Fees owed for supervision of the probationer.
- 48    (3) Unpaid administrative assessments.
- 49    (4) Unpaid fines.

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1       (5) *Fund for the compensation of victims of crime created pursuant*  
2 *to NRS 217.260.*

3       **Sec. 2.** NRS 176A.640 is hereby amended to read as follows:

4       176A.640 The necessary expenses of returning to the court a person  
5 arrested for violation of probation are a charge against the state and must  
6 be paid *first* from *the bond, if any, posted by the probationer pursuant to*  
7 *section 1 of this act and then from the* money appropriated to the division.  
8 After the appropriation for this purpose is exhausted, money must be  
9 allocated to the division out of the reserve for statutory contingency  
10 account, upon approval by the state board of examiners, for the payment of  
11 these expenses.

12       **Sec. 3.** Chapter 213 of NRS is hereby amended by adding thereto a  
13 new section to read as follows:

14       1. *Unless a written waiver is granted by the chairman of the board in*  
15 *accordance with the regulations adopted pursuant to subsection 4, a*  
16 *parolee who is granted permission to be supervised in another state*  
17 *pursuant to NRS 213.180 to 213.210, inclusive, must post a bond with the*  
18 *department of motor vehicles and public safety before leaving this state.*

19       2. *The bond required pursuant to subsection 1 must:*

20       (a) *Be in an amount established by the department in accordance with*  
21 *the regulations adopted pursuant to subsection 3.*

22       (b) *Be made payable to the State of Nevada.*

23       (c) *Be deposited with the department.*

24       (d) *Remain in effect until forfeited or returned pursuant to this*  
25 *section.*

26       3. *The director of the department shall adopt regulations as are*  
27 *necessary to carry out the provisions of this section. The regulations*  
28 *must:*

29       (a) *Include, without limitation, standards for determining the amount*  
30 *of a bond based upon the geographical proximity of the state that will be*  
31 *supervising the parolee; and*

32       (b) *Provide that the amount of the bond must not be altered if the*  
33 *parolee subsequently requests permission to be supervised in a state other*  
34 *than the state for which the amount of the bond was originally*  
35 *established.*

36       4. *The chairman of the board shall adopt regulations providing*  
37 *standards and procedures for the waiver of the requirement of posting a*  
38 *bond pursuant to this section.*

39       5. *Except as otherwise provided in subsection 6, the bond must be*  
40 *returned to the parolee upon:*

41       (a) *Voluntary return of the parolee to this state during the term of his*  
42 *parole; or*

43       (b) *Successful completion of the term of parole.*

44       6. *If the bond of a parolee is returned to the parolee pursuant to*  
45 *subsection 5, deductions for the following items must be made, in the*  
46 *following order of priority, before any money is returned to the parolee:*

47       (a) *Restitution owed to any victim of a crime committed by the*  
48 *parolee.*

49       (b) *Fees owed for supervision of the parolee.*

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1     (c) *Unpaid administrative assessments.*

2     (d) *Unpaid fines.*

3     7. *If a parolee absconds, commits a new offense or otherwise violates*  
4 *the terms and conditions of his parole, the bond must be forfeited. If the*  
5 *parolee is:*

6     (a) *Returned to this state, the money from the forfeited bond must be*  
7 *used to pay for the necessary expenses incurred by the State of Nevada*  
8 *for returning the parolee to this state. If any money remains after paying*  
9 *the costs of returning the parolee to this state, deductions for the*  
10 *following items must be made, in the following order of priority, before*  
11 *returning any money to the parolee:*

12     (1) *Restitution owed to any victim of a crime committed by the*  
13 *parolee.*

14     (2) *Fees owed for supervision of the parolee.*

15     (3) *Unpaid administrative assessments.*

16     (4) *Unpaid fines.*

17     (b) *Not returned to this state and issued a dishonorable discharge, the*  
18 *money from the forfeited bond must be distributed in the following order*  
19 *of priority:*

20     (1) *Restitution owed to any victim of a crime committed by the*  
21 *parolee.*

22     (2) *Fees owed for supervision of the parolee.*

23     (3) *Unpaid administrative assessments.*

24     (4) *Unpaid fines.*

25     (5) *The fund for the compensation of victims of crime created*  
26 *pursuant to NRS 217.260.*

27     **Sec. 4.** NRS 213.107 is hereby amended to read as follows:

28     213.107 As used in NRS 213.107 to 213.157, inclusive, **and section 3**  
29 **of this act**, unless the context otherwise requires:

30     1. “Board” means the state board of parole commissioners.

31     2. “Chief” means the chief parole and probation officer.

32     3. “Division” means the division of parole and probation of the  
33 department of motor vehicles and public safety.

34     4. “Residential confinement” means the confinement of a person  
35 convicted of a crime to his place of residence under the terms and  
36 conditions established by the board.

37     5. “Sex offender” means any person who has been or is convicted of a  
38 sexual offense.

39     6. “Sexual offense” means:

40     (a) A violation of NRS 200.366, subsection 4 of NRS 200.400, NRS  
41 200.710, 200.720, subsection 2 of NRS 200.730, NRS 201.180, paragraph  
42 (a) or subparagraph (2) of paragraph (b) of subsection 1 of NRS 201.195,  
43 NRS 201.230 or 201.450;

44     (b) An attempt to commit any offense listed in paragraph (a); or

45     (c) An act of murder in the first or second degree, kidnapping in the first  
46 or second degree, false imprisonment, burglary or invasion of the home if  
47 the act is determined to be sexually motivated at a hearing conducted  
48 pursuant to NRS 175.547.

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1 7. “Standards” means the objective standards for granting or revoking  
2 parole or probation which are adopted by the board or the chief.

3 **Sec. 5.** NRS 213.153 is hereby amended to read as follows:

4 213.153 1. The necessary expenses of returning to the state board of  
5 parole commissioners a person arrested for violation of parole are a charge  
6 against the state and must be paid *first from the bond, if any, posted by the*  
7 *parolee pursuant to section 3 of this act and then from the* money  
8 appropriated to the division. After the appropriation for this purpose is  
9 exhausted, money must be allocated to the division out of the reserve for  
10 statutory contingency account, upon approval by the state board of  
11 examiners, for the payment of these expenses.

12 2. Upon determining that a parolee has violated a condition of his  
13 parole, the board shall, if practicable, order the parolee to make restitution  
14 for any necessary expenses incurred by a governmental entity in returning  
15 him to the board for violation of his parole.

16 **Sec. 6.** The amendatory provisions of this act apply to an offender  
17 who requests permission to transfer the responsibility of his supervision to  
18 another state pursuant to NRS 213.180 to 213.210, inclusive, on or after  
19 October 1, 2001.