

ASSEMBLY BILL NO. 585—COMMITTEE ON JUDICIARY

(ON BEHALF OF ADMINISTRATIVE OFFICE OF THE COURTS)

MARCH 26, 2001

Referred to Concurrent Committees on Judiciary
and Ways and Means

SUMMARY—Makes various changes to provisions concerning domestic violence and driving under the influence of intoxicating liquor or controlled substances. (BDR 15-514)

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 crimes; redefining the term “battery that constitutes domestic violence” for the purpose of imposing penalties for such a crime; revising the penalties for committing a battery that constitutes domestic violence; removing the requirement that a person convicted of a first offense of driving under the influence of intoxicating liquor or controlled substances be dressed in distinctive garb while performing community service; removing the requirement that a person convicted of a second offense of driving under the influence of intoxicating liquor or controlled substances be ordered to perform community service; making various changes concerning the revocation of the driver’s license of a person convicted of a first offense of driving under the influence of intoxicating liquor or controlled substances; removing the provisions concerning the preconviction revocation of the driver’s license of a person who tests positive for driving under the influence of intoxicating liquor or controlled substances; 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 200.485 is hereby amended to read as follows:
2 200.485 1. Unless a greater penalty is provided pursuant to NRS
3 200.481, a person convicted of a battery that constitutes domestic violence
4 pursuant to ~~NRS 33.018;~~ *subsection 7:*
5 (a) For the first offense within 7 years, is guilty of a misdemeanor and
6 shall be sentenced to:
7 (1) Imprisonment in the city or county jail or detention facility for not
8 less than 2 days, but not more than 6 months; ~~and~~ *or*



1 (2) Perform not less than 48 hours, but not more than ~~120~~ 96 hours,
2 of community service.
3 The person shall be further punished by a fine of not less than \$200, but not
4 more than \$1,000. A term of imprisonment imposed pursuant to this
5 paragraph may be served intermittently at the discretion of the judge or
6 justice of the peace, except that each period of confinement must be not
7 less than 4 consecutive hours and must occur either at a time when the
8 person is not required to be at his place of employment or on a weekend.
9 (b) For the second offense within 7 years, is guilty of a misdemeanor
10 and shall be sentenced to:
11 (1) Imprisonment in the city or county jail or detention facility for not
12 less than 10 days, but not more than 6 months; and
13 (2) ~~Perform not less than 100 hours, but not more than 200 hours, of~~
14 ~~community service.~~
15 ~~The person shall be further punished by a~~ Pay a fine of not less than
16 ~~500~~ \$750, but not more than \$1,000.
17 (c) For the third and any subsequent offense within 7 years, is guilty of
18 a category C felony and shall be punished as provided in NRS 193.130.
19 2. In addition to any other penalty, if a person is convicted of a battery
20 which constitutes domestic violence pursuant to ~~NRS 33.018~~ subsection
21 7, the court shall:
22 (a) For the first offense within 7 years, require him to participate in
23 weekly counseling sessions of not less than 1 1/2 hours per week for not
24 less than 6 months, but not more than 12 months, at his own expense, in a
25 program for the treatment of persons who commit domestic violence that
26 has been certified pursuant to NRS 228.470.
27 (b) For the second offense within 7 years, require him to participate in
28 weekly counseling sessions of not less than 1 1/2 hours per week for 12
29 months, at his own expense, in a program for the treatment of persons who
30 commit domestic violence that has been certified pursuant to NRS 228.470.
31 3. An offense that occurred within 7 years immediately preceding the
32 date of the principal offense or after the principal offense constitutes a prior
33 offense for the purposes of this section when evidenced by a conviction,
34 without regard to the sequence of the offenses and convictions. The facts
35 concerning a prior offense must be alleged in the complaint, indictment or
36 information, must not be read to the jury or proved at trial but must be
37 proved at the time of sentencing and, if the principal offense is alleged to
38 be a felony, must also be shown at the preliminary examination or
39 presented to the grand jury.
40 4. In addition to any other fine or penalty, the court shall order such a
41 person to pay an administrative assessment of \$35. Any money so collected
42 must be paid by the clerk of the court to the state treasurer on or before the
43 fifth day of each month for the preceding month for credit to the account
44 for programs related to domestic violence established pursuant to NRS
45 228.460.
46 5. In addition to any other penalty, the court may require such a person
47 to participate, at his own expense, in a program of treatment for the abuse
48 of alcohol or drugs that has been certified by the bureau of alcohol and
49 drug abuse in the department of human resources.



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1 6. If a person is charged with committing a battery which constitutes
2 domestic violence pursuant to ~~NRS 33.018,~~ *subsection 7*, a prosecuting
3 attorney shall not dismiss such a charge in exchange for a plea of guilty,
4 guilty but mentally ill or nolo contendere to a lesser charge or for any other
5 reason unless he knows, or it is obvious, that the charge is not supported by
6 probable cause or cannot be proved at the time of trial. A court shall not
7 grant probation to and, except as otherwise provided in NRS 4.373 and
8 5.055, a court shall not suspend the sentence of such a person.

9 7. For the purposes of this section:

10 (a) "Battery" ~~has the meaning ascribed to it in paragraph (a) of~~
11 ~~subsection 1 of NRS 200.481; and~~ *that constitutes domestic violence*
12 *means an act of force or violence by a person against or upon his spouse,*
13 *former spouse, a person with whom he has had or is having a dating*
14 *relationship, or a person with whom he has a child in common.*

15 (b) *"Dating relationship" has the meaning ascribed to it in subsection*
16 *2 of NRS 33.018.*

17 (c) "Offense" includes a battery which constitutes domestic violence
18 ~~pursuant to NRS 33.018~~ or a violation of the law of any other jurisdiction
19 that prohibits the same or similar conduct.

20 **Sec. 2.** NRS 4.3762 is hereby amended to read as follows:

21 4.3762 1. Except as otherwise provided in subsection 7, in lieu of
22 imposing any punishment other than a minimum sentence required by
23 statute, a justice of the peace may sentence a person convicted of a
24 misdemeanor to a term of residential confinement. In making this
25 determination, the justice of the peace shall consider the criminal record of
26 the convicted person and the seriousness of the crime committed.

27 2. In sentencing a convicted person to a term of residential
28 confinement, the justice of the peace shall:

29 (a) Require the convicted person to be confined to his residence during
30 the time he is away from his employment, public service or other activity
31 authorized by the justice of the peace; and

32 (b) Require intensive supervision of the convicted person, including,
33 without limitation, electronic surveillance and unannounced visits to his
34 residence or other locations where he is expected to be to determine
35 whether he is complying with the terms of his sentence.

36 3. In sentencing a convicted person to a term of residential
37 confinement, the justice of the peace may, when the circumstances warrant,
38 require the convicted person to submit to:

39 (a) A search and seizure by the chief of a department of alternative
40 sentencing, an assistant alternative sentencing officer or any other law
41 enforcement officer at any time of the day or night without a search
42 warrant; and

43 (b) Periodic tests to determine whether the offender is using a controlled
44 substance or consuming alcohol.

45 4. Except as otherwise provided in subsection 5, an electronic device
46 may be used to supervise a convicted person sentenced to a term of
47 residential confinement. The device must be minimally intrusive and
48 limited in capability to recording or transmitting information concerning
49 the presence of the person at his residence, including, but not limited to, the



1 transmission of still visual images which do not concern the activities of
2 the person while inside his residence. A device which is capable of
3 recording or transmitting:

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

8 5. An electronic device must be used in the manner set forth in
9 subsection 4 to supervise a person who is sentenced pursuant to paragraph
10 (b) of subsection 1 of NRS 484.3792 for a second violation within 7 years
11 of driving under the influence of intoxicating liquor or a controlled
12 substance.

13 6. A term of residential confinement, together with the term of any
14 minimum sentence required by statute, may not exceed the maximum
15 sentence which otherwise could have been imposed for the offense.

16 7. The justice of the peace shall not sentence a person convicted of
17 committing a battery which constitutes domestic violence pursuant to NRS
18 ~~200.485~~ 200.485 to a term of residential confinement in lieu of
19 imprisonment unless the justice of the peace makes a finding that the
20 person is not likely to pose a threat to the victim of the battery.

21 8. The justice of the peace may issue a warrant for the arrest of a
22 convicted person who violates or fails to fulfill a condition of residential
23 confinement.

24 **Sec. 3.** NRS 5.076 is hereby amended to read as follows:

25 5.076 1. Except as otherwise provided in subsection 7, in lieu of
26 imposing any punishment other than a minimum sentence required by
27 statute, a municipal judge may sentence a person convicted of a
28 misdemeanor to a term of residential confinement. In making this
29 determination, the municipal judge shall consider the criminal record of the
30 convicted person and the seriousness of the crime committed.

31 2. In sentencing a convicted person to a term of residential
32 confinement, the municipal judge shall:

33 (a) Require the convicted person to be confined to his residence during
34 the time he is away from his employment, public service or other activity
35 authorized by the municipal judge; and

36 (b) Require intensive supervision of the convicted person, including,
37 without limitation, electronic surveillance and unannounced visits to his
38 residence or other locations where he is expected to be in order to
39 determine whether he is complying with the terms of his sentence.

40 3. In sentencing a convicted person to a term of residential
41 confinement, the municipal judge may, when the circumstances warrant,
42 require the convicted person to submit to:

43 (a) A search and seizure by the chief of a department of alternative
44 sentencing, an assistant alternative sentencing officer or any other law
45 enforcement officer at any time of the day or night without a search
46 warrant; and

47 (b) Periodic tests to determine whether the offender is using a controlled
48 substance or consuming alcohol.



1 4. Except as otherwise provided in subsection 5, an electronic device
2 may be used to supervise a convicted person sentenced to a term of
3 residential confinement. The device must be minimally intrusive and
4 limited in capability to recording or transmitting information concerning
5 the presence of the person at his residence, including, but not limited to, the
6 transmission of still visual images which do not concern the activities of
7 the person while inside his residence. A device which is capable of
8 recording or transmitting:

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

13 5. An electronic device must be used in the manner set forth in
14 subsection 4 to supervise a person who is sentenced pursuant to paragraph
15 (b) of subsection 1 of NRS 484.3792 for a second violation within 7 years
16 of driving under the influence of intoxicating liquor or a controlled
17 substance.

18 6. A term of residential confinement, together with the term of any
19 minimum sentence required by statute, may not exceed the maximum
20 sentence which otherwise could have been imposed for the offense.

21 7. The municipal judge shall not sentence a person convicted of
22 committing a battery which constitutes domestic violence pursuant to NRS
23 ~~433.018~~ 200.485 to a term of residential confinement in lieu of
24 imprisonment unless the municipal judge makes a finding that the person is
25 not likely to pose a threat to the victim of the battery.

26 8. The municipal judge may issue a warrant for the arrest of a
27 convicted person who violates or fails to fulfill a condition of residential
28 confinement.

29 **Sec. 4.** NRS 62.170 is hereby amended to read as follows:

30 62.170 1. Except as otherwise provided in NRS 62.172 and 62.175, a
31 peace officer or probation officer may take into custody any child:

- 32 (a) Who the officer has probable cause to believe is violating or has
33 violated any law, ordinance or rule or regulation having the force of law; or
34 (b) Whose conduct indicates that he is a child in need of supervision.

35 2. Except as otherwise provided in this section and NRS 62.172 and
36 484.383, if a child is taken into custody:

37 (a) The officer shall, without undue delay, attempt to notify, if known,
38 the parent, guardian or custodian of the child;

39 (b) The facility in which the child is detained shall, without undue
40 delay:

- 41 (1) Notify a probation officer; and
42 (2) Attempt to notify, if known, the parent, guardian or custodian of
43 the child if such notification was not accomplished pursuant to paragraph
44 (a); and

45 (c) Unless it is impracticable or inadvisable or has been otherwise
46 ordered by the court, the child must be released to the custody of his parent
47 or other responsible adult who has signed a written agreement to bring the
48 child to the court at a stated time or at such time as the court may direct.
49 The written agreement must be submitted to the court as soon as possible.



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1 If this person fails to produce the child as agreed or upon notice from the
2 court, a writ may be issued for the attachment of the person or of the child
3 requiring that the person or child, or both of them, be brought into the court
4 at a time stated in the writ.

5 3. Except as otherwise provided in this section and NRS 62.172, if a
6 child who is taken into custody is not released pursuant to subsection 2:

7 (a) The child must be taken without unnecessary delay to:

8 (1) The court; or

9 (2) The place of detention designated by the court and, as soon as
10 possible thereafter, the fact of detention must be reported to the court; and

11 (b) Pending further disposition of the case, the court may order that the
12 child be:

13 (1) Released to the custody of the parent or other person appointed by
14 the court;

15 (2) Detained in such place as is designated by the court, subject to
16 further order of the court; or

17 (3) Conditionally released for supervised detention at the home of the
18 child in lieu of detention at a facility for the detention of juveniles.

19 4. A child who is taken into custody for committing a battery that
20 constitutes domestic violence pursuant to NRS ~~133.018~~ **200.485** must not
21 be released from custody sooner than 12 hours after he is taken into
22 custody.

23 5. Except as otherwise provided in subsection 4 and NRS 62.172, if a
24 child is alleged to be delinquent or in need of supervision, the child must
25 not, before disposition of the case, be detained in a facility for the secure
26 detention of juveniles unless there is probable cause to believe that:

27 (a) If the child is not detained, he is likely to commit an offense
28 dangerous to himself or to the community, or likely to commit damage to
29 property;

30 (b) The child will run away or be taken away so as to be unavailable for
31 proceedings of the court or to its officers;

32 (c) The child was brought to the probation officer pursuant to a court
33 order or warrant; or

34 (d) The child is a fugitive from another jurisdiction.

35 6. If a child is not alleged to be delinquent or in need of supervision,
36 the child must not, at any time, be confined or detained in:

37 (a) A facility for the secure detention of juveniles; or

38 (b) Any police station, lockup, jail, prison or other facility in which
39 adults are detained or confined.

40 7. If a child is less than 18 years of age, the child must not, at any time,
41 be confined or detained in any police station, lockup, jail, prison or other
42 facility where the child has regular contact with any adult who is confined
43 or detained therein and who has been convicted of a crime or charged with
44 a crime, unless:

45 (a) The child is alleged to be delinquent;

46 (b) An alternative facility is not available; and

47 (c) The child is separated by sight and sound from any adults who are
48 confined or detained therein.



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1 8. If a child who is alleged to be delinquent is taken into custody and
2 detained, the child must be given a detention hearing, conducted by the
3 judge or master:
4 (a) Within 24 hours after the child submits a written application;
5 (b) In a county whose population is less than 100,000, within 24 hours
6 after the commencement of detention at a police station, lockup, jail, prison
7 or other facility in which adults are detained or confined;
8 (c) In a county whose population is 100,000 or more, within 6 hours
9 after the commencement of detention at a police station, lockup, jail, prison
10 or other facility in which adults are detained or confined; or
11 (d) Within 72 hours after the commencement of detention at a facility in
12 which adults are not detained or confined,
13 whichever occurs first, excluding Saturdays, Sundays and holidays. A child
14 must not be released after a detention hearing without the written consent
15 of the judge or master.
16 9. If the parent, guardian or custodian of the child appears with or on
17 behalf of the child at a detention hearing, the judge or master shall provide
18 to him a certificate of attendance which he may provide to his employer.
19 The certificate of attendance must set forth the date and time of appearance
20 and the provisions of NRS 62.900. The certificate of attendance must not
21 set forth the name of the child or the offense alleged.
22 10. Except as otherwise provided in subsection 11, if a child who is
23 alleged to be in need of supervision is taken into custody and detained, the
24 child must be released within 24 hours, excluding Saturdays, Sundays and
25 holidays, after his initial contact with a peace officer to his parent, guardian
26 or custodian, to any other person who is able to provide adequate care and
27 supervision, or to shelter care, unless the court holds a detention hearing
28 and determines the child:
29 (a) Has threatened to run away from home or from the shelter;
30 (b) Is accused of violent behavior at home; or
31 (c) Is accused of violating the terms of his supervision and consent
32 decree.
33 If the court makes such a determination, the child may be detained for an
34 additional 24 hours after the hearing, excluding Saturdays, Sundays and
35 holidays, if needed by the court to make an alternative placement. Such an
36 alternative placement must be in a facility in which there are no physically
37 restraining devices or barriers. A child must not be detained pursuant to
38 this subsection for a total period in excess of 48 hours, excluding
39 Saturdays, Sundays and holidays.
40 11. If a child who is alleged to be in need of supervision is taken into
41 custody and detained, the child need not be released pursuant to subsection
42 10, if the court holds a detention hearing and determines the child:
43 (a) Is a ward of a federal court or held pursuant to federal statute;
44 (b) Has run away from another state and a jurisdiction within the state
45 has issued a want, warrant or request for the child; or
46 (c) Is accused of violating a valid court order.
47 If the court makes such a determination, the child may be detained for such
48 an additional period as necessary for the court to return the child to the
49 jurisdiction from which he originated or to make an alternative placement.



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1 Such an alternative placement must be in a facility in which there are no
2 physically restraining devices or barriers.

3 12. During the pendency of a criminal or quasi-criminal charge of a
4 crime excluded from the original jurisdiction of the juvenile court pursuant
5 to NRS 62.040, a child may petition the juvenile court for temporary
6 placement in a facility for the detention of juveniles.

7 13. In determining whether to release a child pursuant to this section to
8 a person other than his parent, guardian or custodian, preference must be
9 given to any person related within the third degree of consanguinity to the
10 child who is suitable and able to provide proper care and guidance for the
11 child.

12 **Sec. 5.** NRS 171.1227 is hereby amended to read as follows:

13 171.1227 1. If a peace officer investigates an act that constitutes
14 domestic violence pursuant to NRS 33.018, he shall prepare and submit a
15 written report of his investigation to his supervisor or to another person
16 designated by his supervisor, regardless of whether the peace officer makes
17 an arrest.

18 2. If the peace officer investigates a mutual battery that constitutes
19 domestic violence pursuant to NRS ~~33.018~~ 200.485 and finds that one of
20 the persons involved was the primary physical aggressor, he shall include
21 in his report:

22 (a) The name of the person who was the primary physical aggressor;
23 and

24 (b) A description of the evidence which supports his finding.

25 3. If the peace officer does not make an arrest, he shall include in his
26 report the reason he did not do so.

27 4. A copy of the report must be forwarded immediately to the central
28 repository for Nevada records of criminal history.

29 **Sec. 6.** NRS 178.484 is hereby amended to read as follows:

30 178.484 1. Except as otherwise provided in this section, a person
31 arrested for an offense other than murder of the first degree must be
32 admitted to bail.

33 2. A person arrested for a felony who has been released on probation
34 or parole for a different offense must not be admitted to bail unless:

35 (a) A court issues an order directing that the person be admitted to bail;

36 (b) The state board of parole commissioners directs the detention
37 facility to admit the person to bail; or

38 (c) The division of parole and probation of the department of motor
39 vehicles and public safety directs the detention facility to admit the person
40 to bail.

41 3. A person arrested for a felony whose sentence has been suspended
42 pursuant to NRS 4.373 or 5.055 for a different offense or who has been
43 sentenced to a term of residential confinement pursuant to NRS 4.3762 or
44 5.076 for a different offense must not be admitted to bail unless:

45 (a) A court issues an order directing that the person be admitted to bail;
46 or

47 (b) A department of alternative sentencing directs the detention facility
48 to admit the person to bail.



1 4. A person arrested for murder of the first degree may be admitted to
2 bail unless the proof is evident or the presumption great by any competent
3 court or magistrate authorized by law to do so in the exercise of discretion,
4 giving due weight to the evidence and to the nature and circumstances of
5 the offense.

6 5. A person arrested for a battery that constitutes domestic violence
7 pursuant to NRS ~~33.018~~ 200.485 must not be admitted to bail sooner than
8 12 hours after his arrest. If the person is admitted to bail more than 12
9 hours after his arrest, pursuant to subsection 5 of NRS 171.178, without
10 appearing personally before a magistrate, the amount of bail must be:

11 (a) Three thousand dollars, if the person has no previous convictions of
12 battery that constitute domestic violence pursuant to NRS ~~33.018~~ 200.485
13 and there is no reason to believe that the battery for which he has been
14 arrested resulted in substantial bodily harm;

15 (b) Five thousand dollars, if the person has:

16 (1) No previous convictions of battery that constitute domestic
17 violence pursuant to NRS ~~33.018~~ 200.485, but there is reason to believe
18 that the battery for which he has been arrested resulted in substantial bodily
19 harm; or

20 (2) One previous conviction of battery that constitutes domestic
21 violence pursuant to NRS ~~33.018~~ 200.485, but there is no reason to
22 believe that the battery for which he has been arrested resulted in
23 substantial bodily harm; or

24 (c) Fifteen thousand dollars, if the person has:

25 (1) One previous conviction of battery that constitutes domestic
26 violence pursuant to NRS ~~33.018~~ 200.485 and there is reason to believe
27 that the battery for which he has been arrested resulted in substantial bodily
28 harm; or

29 (2) Two or more previous convictions of battery that constitute
30 domestic violence pursuant to NRS ~~33.018~~ 200.485.

31 The provisions of this subsection do not affect the authority of a magistrate
32 or a court to set the amount of bail when the person personally appears
33 before the magistrate or the court. For the purposes of this subsection, a
34 person shall be deemed to have a previous conviction of battery that
35 constitutes domestic violence pursuant to NRS ~~33.018~~ 200.485 if the
36 person has been convicted of such an offense in this state or has been
37 convicted of violating a law of any other jurisdiction that prohibits the
38 same or similar conduct.

39 6. The court may, before releasing a person arrested for an offense
40 punishable as a felony, require the surrender to the court of any passport
41 the person possesses.

42 7. Before releasing a person arrested for any crime, the court may
43 impose such reasonable conditions on the person as it deems necessary to
44 protect the health, safety and welfare of the community and to ensure that
45 the person will appear at all times and places ordered by the court,
46 including, without limitation:

47 (a) Requiring the person to remain in this state or a certain county
48 within this state;



1 (b) Prohibiting the person from contacting or attempting to contact a
2 specific person or from causing or attempting to cause another person to
3 contact that person on his behalf;

4 (c) Prohibiting the person from entering a certain geographic area; or

5 (d) Prohibiting the person from engaging in specific conduct that may
6 be harmful to his own health, safety or welfare, or the health, safety or
7 welfare of another person.

8 In determining whether a condition is reasonable, the court shall consider
9 the factors listed in NRS 178.4853.

10 8. If a person fails to comply with a condition imposed pursuant to
11 subsection 7, the court may, after providing the person with reasonable
12 notice and an opportunity for a hearing:

13 (a) Deem such conduct a contempt pursuant to NRS 22.010; or

14 (b) Increase the amount of bail pursuant to NRS 178.499.

15 9. An order issued pursuant to this section that imposes a condition on
16 a person admitted to bail must include a provision ordering any law
17 enforcement officer to arrest the person if he has probable cause to believe
18 that the person has violated a condition of his bail.

19 10. Before a person may be admitted to bail, he must sign a document
20 stating that:

21 (a) He will appear at all times and places as ordered by the court
22 releasing him and as ordered by any court before which the charge is
23 subsequently heard;

24 (b) He will comply with the other conditions which have been imposed
25 by the court and are stated in the document; and

26 (c) If he fails to appear when so ordered and is taken into custody
27 outside of this state, he waives all his rights relating to extradition
28 proceedings.

29 The signed document must be filed with the clerk of the court of competent
30 jurisdiction as soon as practicable, but in no event later than the next
31 business day.

32 11. If a person admitted to bail fails to appear as ordered by a court
33 and the jurisdiction incurs any cost in returning the person to the
34 jurisdiction to stand trial, the person who failed to appear is responsible for
35 paying those costs as restitution.

36 **Sec. 7.** NRS 179.245 is hereby amended to read as follows:

37 179.245 1. Except as otherwise provided in subsection 5 and NRS
38 453.3365, a person who has been convicted of:

39 (a) Any felony may, after 15 years from the date of his conviction or, if
40 he is imprisoned, from the date of his release from actual custody;

41 (b) Any gross misdemeanor may, after 10 years from the date of his
42 conviction or release from custody;

43 (c) A violation of NRS 484.379 other than a felony, or a battery which
44 constitutes domestic violence pursuant to NRS ~~133.018~~ **200.485** other than
45 a felony may, after 7 years from the date of his conviction or release from
46 custody; or

47 (d) Any other misdemeanor may, after 5 years from the date of his
48 conviction or release from custody,



1 petition the court in which the conviction was obtained for the sealing of
2 all records relating to the conviction.

3 2. A petition filed pursuant to subsection 1 must be accompanied by
4 current, verified records of the petitioner's criminal history received from:

- 5 (a) The central repository for Nevada records of criminal history; and
6 (b) The local law enforcement agency of the city or county in which the
7 conviction was entered.

8 3. Upon receiving a petition pursuant to this section, the court shall
9 notify:

- 10 (a) The prosecuting attorney for the county; or
11 (b) If the person was convicted in a municipal court, the prosecuting
12 attorney for the city.

13 The prosecuting attorney and any person having relevant evidence may
14 testify and present evidence at the hearing on the petition.

15 4. If, after the hearing, the court finds that, in the period prescribed in
16 subsection 1, the petitioner has not been arrested, except for minor moving
17 or standing traffic violations, the court may order sealed all records of the
18 conviction which are in the custody of the court, of another court in the
19 State of Nevada or of a public or private agency, company or official in the
20 State of Nevada, and may also order all such criminal identification records
21 of the petitioner returned to the file of the court where the proceeding was
22 commenced from, including, but not limited to, the Federal Bureau of
23 Investigation, the California identification and investigation bureau,
24 sheriffs' offices and all other law enforcement agencies reasonably known
25 by either the petitioner or the court to have possession of such records.

26 5. A person may not petition the court to seal records relating to a
27 conviction of a crime against a child or a sexual offense.

28 6. As used in this section:

29 (a) "Crime against a child" has the meaning ascribed to it in NRS
30 179D.210.

31 (b) "Sexual offense" has the meaning ascribed to it in NRS 179D.410.

32 **Sec. 8.** NRS 209.429 is hereby amended to read as follows:

33 209.429 1. Except as otherwise provided in subsection 6, the director
34 shall assign an offender to the custody of the division of parole and
35 probation of the department of motor vehicles and public safety to serve a
36 term of residential confinement, pursuant to NRS 213.380, for not longer
37 than the remainder of the maximum term of his sentence if:

38 (a) The offender has:

- 39 (1) Established a position of employment in the community;
40 (2) Enrolled in a program for education or rehabilitation; or
41 (3) Demonstrated an ability to pay for all or part of the costs of his
42 confinement and to meet any existing obligation for restitution to any
43 victim of his crime;

44 (b) The offender has successfully completed the initial period of
45 treatment required under the program of treatment established pursuant to
46 NRS 209.425; and

47 (c) The director believes that the offender will be able to:

- 48 (1) Comply with the terms and conditions required under residential
49 confinement; and



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1 (2) Complete successfully the remainder of the program of treatment
2 while under residential confinement.
3 If an offender assigned to the program of treatment pursuant to NRS
4 209.427, completes the initial phase of the program and thereafter refuses
5 to enter the remainder of the program of treatment pursuant to this section,
6 the offender forfeits all or part of the credits earned by him to reduce his
7 sentence pursuant to this chapter before this refusal, as determined by the
8 director. The director may provide for a forfeiture of credits pursuant to
9 this paragraph only after proof of the offense and notice to the offender,
10 and may restore credits forfeited for such reasons as he considers proper.
11 The decision of the director regarding such a forfeiture is final.
12 2. Before a person may be assigned to serve a term of residential
13 confinement pursuant to this section, he must submit to the division of
14 parole and probation a signed document stating that:
15 (a) He will comply with the terms or conditions of his residential
16 confinement; and
17 (b) If he fails to comply with the terms or conditions of his residential
18 confinement and is taken into custody outside of this state, he waives all
19 his rights relating to extradition proceedings.
20 3. If an offender assigned to the custody of the division of parole and
21 probation pursuant to this section escapes or violates any of the terms or
22 conditions of his residential confinement:
23 (a) The division of parole and probation may, pursuant to the procedure
24 set forth in NRS 213.410, return the offender to the custody of the
25 department of prisons.
26 (b) The offender forfeits all or part of the credits earned by him to
27 reduce his sentence pursuant to this chapter before the escape or violation,
28 as determined by the director. The director may provide for a forfeiture of
29 credits pursuant to this paragraph only after proof of the offense and notice
30 to the offender, and may restore credits forfeited for such reasons as he
31 considers proper. The decision of the director regarding forfeiture of
32 credits is final.
33 4. The assignment of an offender to the custody of the division of
34 parole and probation pursuant to this section shall be deemed:
35 (a) A continuation of his imprisonment and not a release on parole; and
36 (b) For the purposes of NRS 209.341, an assignment to a facility of the
37 department of prisons,
38 except that the offender is not entitled to obtain any benefits or to
39 participate in any programs provided to offenders in the custody of the
40 department of prisons.
41 5. A person does not have a right to be assigned to the custody of the
42 division of parole and probation pursuant to this section, or to remain in
43 that custody after such an assignment, and it is not intended that the
44 provisions of this section or of NRS 213.371 to 213.410, inclusive, create
45 any right or interest in liberty or property or establish a basis for any cause
46 of action against the state, its political subdivisions, agencies, boards,
47 commissions, departments, officers or employees.
48 6. The director shall not assign an offender who is serving a sentence
49 for committing a battery which constitutes domestic violence pursuant to



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1 NRS ~~133.018~~ 200.485 to the custody of the division of parole and
2 probation to serve a term of residential confinement unless the director
3 makes a finding that the offender is not likely to pose a threat to the victim
4 of the battery.

5 **Sec. 9.** NRS 209.501 is hereby amended to read as follows:

6 209.501 1. The director may grant temporary furloughs consistent
7 with classification evaluations and requirements:

8 (a) To permit offenders to:

- 9 (1) Be interviewed by prospective employers;
10 (2) Respond to family emergencies; or
11 (3) Participate in other approved activities.

12 (b) For such other purposes as may be deemed appropriate by the
13 director with the approval of the board.

14 2. Furloughs:

15 (a) Are limited to the confines of the state.

16 (b) Must not be granted to offenders:

17 (1) Sentenced to life imprisonment without the possibility of parole.

18 (2) Imprisoned for violations of chapter 201 of NRS who have not
19 been certified by the designated board as eligible for parole.

20 (c) Must not be granted to an offender who is imprisoned for
21 committing a battery which constitutes domestic violence pursuant to NRS
22 ~~133.018~~ 200.485, unless the director makes a finding that the offender is
23 not likely to pose a threat to the victim of the battery.

24 3. The director shall notify appropriate law enforcement authorities in
25 the affected county or city to anticipate the arrival of the offender within
26 their jurisdiction and inform them of the date and time of the offender's
27 arrival, the reason the furlough was granted, the time when the furlough
28 expires and any other pertinent information which the director deems
29 appropriate.

30 4. The director with the approval of the board shall adopt regulations
31 for administering the provisions of this section and governing the conduct
32 of offenders granted a furlough.

33 **Sec. 10.** NRS 213.15193 is hereby amended to read as follows:

34 213.15193 1. Except as otherwise provided in subsection 6, the chief
35 may order the residential confinement of a parolee if he believes that the
36 parolee does not pose a danger to the community and will appear at a
37 scheduled inquiry or hearing.

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

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

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

46 3. An electronic device approved by the division may be used to
47 supervise a parolee who is ordered to be placed in residential confinement.
48 The device must be minimally intrusive and limited in capability to
49 recording or transmitting information concerning the presence of the



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1 parolee at his residence, including, without limitation, the transmission of
2 still visual images which do not concern the activities of the parolee while
3 inside his residence. A device which is capable of recording or
4 transmitting:

- 5 (a) Oral or wire communications or any auditory sound; or
6 (b) Information concerning the activities of the parolee while inside his
7 residence,
8 must not be used.

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

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

13 6. The chief shall not order a parolee who is serving a sentence for
14 committing a battery which constitutes domestic violence pursuant to NRS
15 ~~200.485~~ **200.485** to be placed in residential confinement unless the chief
16 makes a finding that the parolee is not likely to pose a threat to the victim
17 of the battery.

18 **Sec. 11.** NRS 213.152 is hereby amended to read as follows:

19 213.152 1. Except as otherwise provided in subsection 6, if a parolee
20 violates a condition of his parole, the board may order him to a term of
21 residential confinement in lieu of suspending his parole and returning him
22 to confinement. In making this determination, the board shall consider the
23 criminal record of the parolee and the seriousness of the crime committed.

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

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

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

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

- 40 (a) Oral or wire communications or any auditory sound; or
41 (b) Information concerning the activities of the parolee while inside his
42 residence,
43 must not be used.

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

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

48 6. The board shall not order a parolee who is serving a sentence for
49 committing a battery which constitutes domestic violence pursuant to NRS



1 ~~433.018~~ **200.485** to a term of residential confinement unless the board
2 makes a finding that the parolee is not likely to pose a threat to the victim
3 of the battery.

4 **Sec. 12.** NRS 483.410 is hereby amended to read as follows:

5 483.410 1. Except as otherwise provided in subsection 6, for every
6 driver's license, including a motorcycle driver's license, issued and service
7 performed the following fees must be charged:

8		
9	A license issued to a person 65 years of age or older.....	\$14
10	An original license issued to any other person.....	19
11	A renewal license issued to any other person.....	19
12	Reinstatement of a license after suspension, revocation or	
13	cancellation, except a revocation for a violation of NRS	
14	484.379 or 484.3795 for pursuant to NRS 484.384 and	
15	484.385	40
16	Reinstatement of a license after revocation for a violation of	
17	NRS 484.379 or 484.3795 for pursuant to NRS 484.384 and	
18	484.385	65
19	A new photograph, change of name, change of other	
20	information, except address, or any combination.....	5
21	A duplicate license	14
22		

23 2. For every motorcycle endorsement to a driver's license a fee of \$5
24 must be charged.

25 3. If no other change is requested or required, the department shall not
26 charge a fee to convert the number of a license from the licensee's social
27 security number, or a number that was formulated by using the licensee's
28 social security number as a basis for the number, to a unique number that is
29 not based on the licensee's social security number.

30 4. The increase in fees authorized by NRS 483.347 and the fees
31 charged pursuant to NRS 483.383 and 483.415 must be paid in addition to
32 the fees charged pursuant to subsections 1 and 2.

33 5. A penalty of \$10 must be paid by each person renewing his license
34 after it has expired for a period of 30 days or more as provided in NRS
35 483.386 unless he is exempt pursuant to that section.

36 6. The department may not charge a fee for the reinstatement of a
37 driver's license that has been:

38 (a) Voluntarily surrendered for medical reasons; or

39 (b) Canceled pursuant to NRS 483.310.

40 7. All fees and penalties are payable to the administrator at the time a
41 license or a renewal license is issued.

42 8. Except as otherwise provided in NRS 483.415, all money collected
43 by the department pursuant to this chapter must be deposited in the state
44 treasury for credit to the motor vehicle fund.

45 **Sec. 13.** NRS 483.450 is hereby amended to read as follows:

46 483.450 1. Whenever any person is convicted of any offense for
47 which the provisions of NRS 483.010 to 483.630, inclusive, make
48 mandatory the revocation of his driver's license by the department, the
49 court in which the person is convicted may require the surrender to it of all



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1 driver's licenses then held by the person convicted, and the court may,
2 within 20 days after the conviction, forward these licenses, together with a
3 record of the conviction, to the department.

4 2. A record of conviction must be made in a manner approved by the
5 department. The court shall provide sufficient information to allow the
6 department to include accurately the information regarding the conviction
7 in the driver's record. The record of conviction from the court must include
8 at least the name and address of the person convicted, the number of his
9 driver's license, his social security number, the registration number of the
10 vehicle involved, the date the citation was issued or the arrest was made,
11 the number of the citation and the date and final disposition of the citation.

12 3. *If the person was convicted of a first violation within 7 years of*
13 *NRS 484.379, the court shall provide sufficient information to allow the*
14 *department to determine whether the person has satisfied all the*
15 *requirements of his sentence set forth by the court.*

16 4. Every court, including a juvenile court, having jurisdiction over
17 violations of the provisions of NRS 483.010 to 483.630, inclusive, or any
18 other law of this state or municipal ordinance regulating the operation of
19 motor vehicles on highways, shall forward to the department:

20 (a) If the court is other than a juvenile court, a record of the conviction
21 of any person in that court for a violation of any such laws other than
22 regulations governing standing or parking; or

23 (b) If the court is a juvenile court, a record of any finding that a child
24 has violated a traffic law or ordinance other than one governing standing or
25 parking,
26 within 20 days after the conviction or finding, and may recommend the
27 suspension of the driver's license of the person convicted or child found in
28 violation of a traffic law or ordinance.

29 ~~14.1~~ 5. For the purposes of NRS 483.010 to 483.630, inclusive:

30 (a) "Conviction" means a final conviction, and includes a finding by a
31 juvenile court pursuant to NRS 62.221.

32 (b) A forfeiture of bail or collateral deposited to secure a defendant's
33 appearance in court, if the forfeiture has not been vacated, is equivalent to
34 a conviction.

35 ~~15.1~~ 6. The necessary expenses of mailing licenses and records of
36 conviction to the department as required by subsections 1 and ~~13.1~~ 4 must be
37 paid by the court charged with the duty of forwarding those licenses and
38 records of conviction.

39 **Sec. 14.** NRS 483.460 is hereby amended to read as follows:

40 483.460 1. Except as otherwise provided by specific statute, the
41 department shall revoke the license, permit or privilege of any driver upon
42 receiving a record of his conviction of any of the following offenses, when
43 that conviction has become final, and the driver is not eligible for a license,
44 permit or privilege to drive for the period indicated:

45 (a) For a period of 3 years if the offense is:

46 (1) A violation of subsection 2 of NRS 484.377.

47 (2) A third or subsequent violation within 7 years of NRS 484.379.

48 (3) A violation of NRS 484.3795 or a homicide resulting from
49 driving or being in actual physical control of a vehicle while under the



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1 influence of intoxicating liquor or a controlled substance or resulting from
2 any other conduct prohibited by NRS 484.379 or 484.3795.

3 The period during which such a driver is not eligible for a license, permit
4 or privilege to drive must be set aside during any period of imprisonment ,
5 and the period of revocation must resume upon completion of the period of
6 imprisonment or when the person is placed on residential confinement.

7 (b) For a period of 1 year if the offense is:

8 (1) Any other manslaughter resulting from the driving of a motor
9 vehicle or felony in the commission of which a motor vehicle is used,
10 including the unlawful taking of a motor vehicle.

11 (2) Failure to stop and render aid as required pursuant to the laws of
12 this state in the event of a motor vehicle accident resulting in the death or
13 bodily injury of another.

14 (3) Perjury or the making of a false affidavit or statement under oath
15 to the department pursuant to NRS 483.010 to 483.630, inclusive, or
16 pursuant to any other law relating to the ownership or driving of motor
17 vehicles.

18 (4) Conviction, or forfeiture of bail not vacated, upon three charges
19 of reckless driving committed within a period of 12 months.

20 (5) A second violation within 7 years of NRS 484.379 and the driver
21 is not eligible for a restricted license during any of that period.

22 (6) A violation of NRS 484.348.

23 (c) For a period of ~~90 days.~~ *180 days or until the driver proves to the*
24 *department that he has satisfied all the requirements of his sentence set*
25 *forth by the court, whichever occurs first, if the offense is a first violation*
26 *within 7 years of NRS 484.379 ~~but the driver is eligible for a restricted~~*
27 *license pursuant to subsection 2 during that period.*

28 2. *The department shall issue a restricted driver's license to a driver*
29 *convicted of a first violation within 7 years of NRS 484.379 that is*
30 *effective for the period set forth in paragraph (c) of subsection 1 and*
31 *permits the driver to drive a motor vehicle:*

32 (a) *To travel to and from work or in the course and scope of his*
33 *employment, or both; and*

34 (b) *To transport himself or another member of his immediate family*
35 *to and from school.*

36 3. The department shall revoke the license, permit or privilege of a
37 driver convicted of violating NRS 484.379 who fails to complete the
38 educational course on the use of alcohol and controlled substances within
39 the time ordered by the court and shall add a period of 90 days during
40 which the driver is not eligible for a license, permit or privilege to drive ~~+~~
41 ~~3.~~ *or is eligible for a restricted license pursuant to subsection 2.*

42 4. When the department is notified by a court that a person who has
43 been convicted of a first violation within 7 years of NRS 484.379 has been
44 permitted to enter a program of treatment pursuant to NRS 484.37937, the
45 department shall reduce by one-half the period during which he is not
46 eligible for a *restricted* license, ~~permit or privilege to drive.~~ but shall
47 restore that reduction in time if notified that he was not accepted for or
48 failed to complete the treatment.



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1 ~~14.1~~ 5. The department shall revoke the license, permit or privilege to
2 drive of a person who is required to install a device pursuant to NRS
3 484.3943 but who operates a motor vehicle without such a device:

4 (a) For 3 years, if it is his first such offense during the period of
5 required use of the device.

6 (b) For 5 years, if it is his second such offense during the period of
7 required use of the device.

8 ~~15.1~~ 6. A driver whose license, permit or privilege is revoked pursuant
9 to subsection ~~14.1~~ 5 is not eligible for a restricted license during the period
10 set forth in paragraph (a) or (b) of that subsection, whichever applies.

11 ~~16.1~~ 7. In addition to any other requirements set forth by specific
12 statute, if the department is notified that a court has ordered the revocation,
13 suspension or delay in the issuance of a license pursuant to chapter 62 of
14 NRS, NRS 176.064 or 206.330, chapter 484 of NRS or any other provision
15 of law, the department shall take such actions as are necessary to carry out
16 the court's order.

17 ~~17.1~~ 8. As used in this section, "device" has the meaning ascribed to it
18 in NRS 484.3941.

19 **Sec. 15.** NRS 483.490 is hereby amended to read as follows:

20 483.490 1. Except as otherwise provided in this section, after a
21 driver's license has been suspended or revoked for an offense other than a
22 *first violation within 7 years of NRS 484.379 or a* second violation within
23 7 years of NRS 484.379 and one-half of the period during which the driver
24 is not eligible for a license has expired, the department may, unless the
25 statute authorizing the suspension prohibits the issuance of a restricted
26 license, issue a restricted driver's license to an applicant permitting the
27 applicant to drive a motor vehicle:

28 (a) To and from work or in the course of his work, or both; or

29 (b) To acquire supplies of medicine or food or receive regularly
30 scheduled medical care for himself or a member of his immediate
31 family.

32 Before a restricted license may be issued, the applicant must submit
33 sufficient documentary evidence to satisfy the department that a severe
34 hardship exists because the applicant has no alternative means of
35 transportation and that the severe hardship outweighs the risk to the public
36 if he is issued a restricted license.

37 2. A person who has been ordered to install a device in a motor vehicle
38 pursuant to NRS 484.3943:

39 (a) Shall install the device not later than 21 days after the date on which
40 the order was issued; and

41 (b) May not receive a restricted license pursuant to this section until:

42 (1) After at least 1 year of the period during which he is not eligible
43 for a license, if he was convicted of:

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

48 (II) A third or subsequent violation within 7 years of NRS 484.379;

49 *or*



1 (2) After at least 180 days of the period during which he is not
2 eligible for a license, if he was convicted of a violation of subsection 2 of
3 NRS 484.377. ~~† or~~
4 ~~—(3) After at least 45 days of the period during which he is not eligible~~
5 ~~for a license, if he was convicted of a first violation within 7 years of NRS~~
6 ~~484.379.†~~
7 3. If the department has received a copy of an order requiring a person
8 to install a device in a motor vehicle pursuant to NRS 484.3943, the
9 department shall not issue a restricted driver's license to such a person
10 pursuant to this section unless the applicant has submitted proof of
11 compliance with the order and subsection 2.
12 4. After a driver's license has been revoked pursuant to subsection 1 of
13 NRS 62.227 or suspended pursuant to paragraph (h) of subsection 1 of
14 NRS 62.211, NRS 62.224, 62.2255, 62.226 or 62.228, the department may
15 issue a restricted driver's license to an applicant permitting the applicant to
16 drive a motor vehicle:
17 (a) If applicable, to and from work or in the course of his work, or both;
18 and
19 (b) If applicable, to and from school.
20 5. After a driver's license has been suspended pursuant to NRS
21 483.443, the department may issue a restricted driver's license to an
22 applicant permitting the applicant to drive a motor vehicle:
23 (a) If applicable, to and from work or in the course of his work, or both;
24 (b) To receive regularly scheduled medical care for himself or a
25 member of his immediate family; and
26 (c) If applicable, as necessary to exercise a court-ordered right to visit a
27 child.
28 6. A driver who violates a condition of a restricted license issued
29 pursuant to subsection 1 *of this section or subsection 2 of NRS 483.460* or
30 by another jurisdiction is guilty of a misdemeanor and, if the license of the
31 driver was suspended or revoked for:
32 (a) A violation of NRS 484.379 ~~†, 484.3795 or 484.384.†~~ *or 484.3795;*
33 (b) A homicide resulting from driving or being in actual physical
34 control of a vehicle while under the influence of intoxicating liquor or a
35 controlled substance or resulting from any other conduct prohibited by
36 NRS 484.379 or 484.3795; or
37 (c) A violation of a law of any other jurisdiction that prohibits the same
38 or similar conduct as set forth in paragraph (a) or (b),
39 the driver shall be punished in the manner provided pursuant to subsection
40 2 of NRS 483.560.
41 7. ~~†The periods of suspensions and revocations required pursuant to~~
42 ~~this chapter and NRS 484.384 must run consecutively, except as otherwise~~
43 ~~provided in NRS 483.465 and 483.475, when the suspensions must run~~
44 ~~concurrently.~~
45 ~~—8.†~~ Whenever the department suspends or revokes a license, the period
46 of suspension, or of ineligibility for a license after the revocation, begins
47 upon the effective date of the revocation or suspension as contained in the
48 notice thereof.



1 **Sec. 16.** NRS 483.560 is hereby amended to read as follows:
2 483.560 1. Except as otherwise provided in subsection 2, any person
3 who drives a motor vehicle on a highway or on premises to which the
4 public has access at a time when his driver's license has been canceled,
5 revoked or suspended is guilty of a misdemeanor.
6 2. Except as otherwise provided in this subsection, if the license of the
7 person was suspended, revoked or restricted because of:
8 (a) A violation of NRS 484.379 ~~or 484.3795 or 484.384;~~ **or 484.3795;**
9 (b) A homicide resulting from driving or being in actual physical
10 control of a vehicle while under the influence of intoxicating liquor or a
11 controlled substance or resulting from any other conduct prohibited by
12 NRS 484.379 or 484.3795; or
13 (c) A violation of a law of any other jurisdiction that prohibits the same
14 or similar conduct as set forth in paragraph (a) or (b),
15 the person shall be punished by imprisonment in jail for not less than 30
16 days nor more than 6 months or by serving a term of residential
17 confinement for not less than 60 days nor more than 6 months, and shall be
18 further punished by a fine of not less than \$500 nor more than \$1,000. A
19 person who is punished pursuant to this subsection may not be granted
20 probation, and a sentence imposed for such a violation may not be
21 suspended. A prosecutor may not dismiss a charge of such a violation in
22 exchange for a plea of guilty, of guilty but mentally ill or of nolo
23 contendere to a lesser charge or for any other reason, unless in his
24 judgment the charge is not supported by probable cause or cannot be
25 proved at trial. The provisions of this subsection do not apply if the period
26 of revocation has expired but the person has not reinstated his license.
27 3. A term of imprisonment imposed pursuant to the provisions of this
28 section may be served intermittently at the discretion of the judge or justice
29 of the peace. This discretion must be exercised after considering all the
30 circumstances surrounding the offense, and the family and employment of
31 the person convicted. However, the full term of imprisonment must be
32 served within 6 months after the date of conviction, and any segment of
33 time the person is imprisoned must not consist of less than 24 hours.
34 4. Jail sentences simultaneously imposed pursuant to this section and
35 NRS 484.3792, 484.37937 or 484.3794 must run consecutively.
36 5. If the department receives a record of the conviction or punishment
37 of any person pursuant to this section upon a charge of driving a vehicle
38 while his license was:
39 (a) Suspended, the department shall extend the period of the suspension
40 for an additional like period.
41 (b) Revoked, the department shall extend the period of ineligibility for a
42 license, permit or privilege to drive for an additional 1 year.
43 (c) Restricted, the department shall revoke his restricted license and
44 extend the period of ineligibility for a license, permit or privilege to drive
45 for an additional 1 year.
46 (d) Suspended or canceled for an indefinite period, the department shall
47 suspend his license for an additional 6 months for the first violation and an
48 additional 1 year for each subsequent violation.



1 6. Suspensions and revocations imposed pursuant to this section must
2 run consecutively.

3 **Sec. 17.** NRS 483.910 is hereby amended to read as follows:

4 483.910 1. The department shall charge and collect the following
5 fees:

6		
7	For an original commercial driver's license which requires the	
8	department to administer a driving skills test.....	\$84
9	For an original commercial driver's license which does not	
10	require the department to administer a driving skills test.....	54
11	For renewal of a commercial driver's license which requires	
12	the department to administer a driving skills test.....	84
13	For renewal of a commercial driver's license which does not	
14	require the department to administer a driving skills test.....	54
15	For reinstatement of a commercial driver's license after	
16	suspension or revocation of the license for a violation of	
17	NRS 484.379 or 484.3795, for pursuant to NRS 484.384	
18	and 484.385, or pursuant to 49 C.F.R. § 383.51(b)(2)(i) or	
19	(ii).....	84
20	For reinstatement of a commercial driver's license after	
21	suspension, revocation, cancellation or disqualification of	
22	the license, except a suspension or revocation for a violation	
23	of NRS 484.379 or 484.3795, for pursuant to NRS 484.384	
24	and 484.385, or pursuant to 49 C.F.R. § 383.51(b)(2)(i) or	
25	(ii).....	54
26	For the transfer of a commercial driver's license from another	
27	jurisdiction, which requires the department to administer a	
28	driving skills test	84
29	For the transfer of a commercial driver's license from another	
30	jurisdiction, which does not require the department to	
31	administer a driving skills test.....	54
32	For a duplicate commercial driver's license.....	19
33	For any change of information on a commercial driver's	
34	license.....	9
35	For each endorsement added after the issuance of an original	
36	commercial driver's license.....	14
37	For the administration of a driving skills test to change any	
38	information on, or add an endorsement to, an existing	
39	commercial driver's license.....	30

40
41 2. The department shall charge and collect an annual fee of \$555 from
42 each person who is authorized by the department to administer a driving
43 skills test pursuant to NRS 483.912.

44 3. An additional charge of \$3 must be charged for each knowledge test
45 administered to a person who has twice failed the test.

46 4. An additional charge of \$25 must be charged for each driving skills
47 test administered to a person who has twice failed the test.

48 5. The increase in fees authorized in NRS 483.347 must be paid in
49 addition to the fees charged pursuant to this section.



1 **Sec. 18.** NRS 483.938 is hereby amended to read as follows:
2 483.938 Any person who, in accordance with regulations adopted by
3 the department pursuant to NRS 483.908, is disqualified from driving a
4 commercial motor vehicle based on ~~that~~ **his** alcohol concentration level
5 ~~that:~~

6 ~~1. Does not otherwise constitute grounds for disqualifying him from~~
7 ~~driving a noncommercial motor vehicle pursuant to the provisions of NRS~~
8 ~~484.384,] may apply to the department for a noncommercial driver's~~
9 ~~license pursuant to the provisions of NRS 483.010 to 483.630, inclusive.~~

10 ~~2. Also constitutes grounds for disqualifying him from driving a~~
11 ~~noncommercial motor vehicle pursuant to the provisions of NRS 484.384~~
12 ~~may, upon the expiration of the period of disqualification specified in that~~
13 ~~section, apply to the department for a noncommercial driver's license~~
14 ~~pursuant to the provisions of NRS 483.010 to 483.630, inclusive.]~~

15 **Sec. 19.** NRS 484.3792 is hereby amended to read as follows:

16 484.3792 1. A person who violates the provisions of NRS 484.379:

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

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

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

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

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

33 (1) Shall sentence him to:

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

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

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

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

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

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



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

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

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

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

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

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

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



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

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

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

12 (a) A violation of NRS 484.379 or 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 **Sec. 20.** NRS 484.37937 is hereby amended to read as follows:

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

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

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

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

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

33 (c) He ~~has served or will serve a term of imprisonment in jail of 1 day,~~
34 ~~or has performed or~~ will perform ~~{48}~~ 24 hours of work for the
35 community.

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

39 (a) A violation of NRS 484.3795;

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

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

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



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

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

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

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

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

18 (c) Advise the offender that:

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

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

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

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

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

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

41 8. The court shall notify the department, on a form approved by the
42 department, upon granting the application of the offender for treatment ,
43 ~~and~~ his failure to be accepted for or complete treatment ~~or~~ *or his*
44 *completion of treatment and satisfaction of all the requirements of his*
45 *sentence set forth by the court.*

46 **Sec. 21.** NRS 484.3794 is hereby amended to read as follows:

47 484.3794 1. Except as otherwise provided in subsection 2, a person
48 who is found guilty of a second violation of NRS 484.379 within 7 years
49 may, at that time or any time before he is sentenced, apply to the court to



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1 undergo a program of treatment for alcoholism or drug abuse which is
2 certified by the bureau of alcohol and drug abuse in the department of
3 human resources for at least 1 year if:
4 (a) He is diagnosed as an alcoholic or abuser of drugs by:
5 (1) An alcohol and drug abuse counselor who is licensed or certified
6 pursuant to chapter 641C of NRS to make that diagnosis; or
7 (2) A physician who is certified to make that diagnosis by the board
8 of medical examiners;
9 (b) He agrees to pay the costs of the treatment to the extent of his
10 financial resources; and
11 (c) He has served or will serve a term of imprisonment in jail of 5 days .
12 ~~[-, and if required pursuant to NRS 484.3792, has performed or will perform~~
13 ~~~~not less than 50 hours, but not more than 100 hours, of work for the~~~~
14 ~~~~community.]~~~~
15 2. A person may not apply to the court to undergo a program of
16 treatment pursuant to subsection 1 if, within the immediately preceding 7
17 years, he has been found guilty of:
18 (a) A violation of NRS 484.3795;
19 (b) A homicide resulting from driving or being in actual physical
20 control of a vehicle while under the influence of intoxicating liquor or a
21 controlled substance or resulting from any other conduct prohibited by
22 NRS 484.379 or 484.3795; or
23 (c) A violation of a law of any other jurisdiction that prohibits the same
24 or similar conduct as set forth in paragraph (a) or (b).
25 3. For the purposes of subsection 1, a violation of a law of any other
26 jurisdiction that prohibits the same or similar conduct as NRS 484.379
27 constitutes a violation of NRS 484.379.
28 4. A prosecuting attorney may, within 10 days after receiving notice of
29 an application for treatment pursuant to this section, request a hearing on
30 the matter. The court shall order a hearing on the application upon the
31 request of the prosecuting attorney or may order a hearing on its own
32 motion.
33 5. At the hearing on the application for treatment, the prosecuting
34 attorney may present the court with any relevant evidence on the matter. If
35 a hearing is not held, the court shall decide the matter upon affidavits and
36 other information before the court.
37 6. If the court determines that an application for treatment should be
38 granted, the court shall:
39 (a) Immediately sentence the offender and enter judgment accordingly.
40 (b) Suspend the sentence of the offender for not more than 3 years upon
41 the condition that the offender be accepted for treatment by a treatment
42 facility, that he complete the treatment satisfactorily and that he comply
43 with any other condition ordered by the court.
44 (c) Advise the offender that:
45 (1) If he is accepted for treatment by such a facility, he may be placed
46 under the supervision of the facility for a period not to exceed 3 years and
47 during treatment he may be confined in an institution or, at the discretion
48 of the facility, released for treatment or supervised aftercare in the
49 community.



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

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

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

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

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

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

20 **Sec. 22.** NRS 484.382 is hereby amended to read as follows:

21 484.382 1. Any person who drives or is in actual physical control of
22 a vehicle on a highway or on premises to which the public has access shall
23 be deemed to have given his consent to a preliminary test of his breath to
24 determine the concentration of alcohol in his breath when the test is
25 administered at the direction of a police officer at the scene of a vehicle
26 accident or collision or where he stops a vehicle, if the officer has
27 reasonable grounds to believe that the person to be tested was:

28 (a) Driving or in actual physical control of a vehicle while under the
29 influence of intoxicating liquor or a controlled substance; or

30 (b) Engaging in any other conduct prohibited by NRS 484.379 or
31 484.3795.

32 2. If the person fails to submit to the test, the officer shall ~~seize his~~
33 ~~license or permit to drive as provided in NRS 484.385 and~~ arrest him and
34 take him to a convenient place for the administration of a reasonably
35 available evidentiary test under NRS 484.383.

36 3. The result of the preliminary test must not be used in any criminal
37 action, except to show there were reasonable grounds to make an arrest.

38 **Sec. 23.** NRS 484.3943 is hereby amended to read as follows:

39 484.3943 1. Except as otherwise provided in subsection 5, a court ~~+~~
40 ~~—(a) May order a person convicted of a first violation of NRS 484.379,~~
41 ~~for a period of not less than 3 months nor more than 6 months; and~~
42 ~~—(b) Shall~~ *shall* order a person convicted of a third or subsequent
43 violation of NRS 484.379 or a violation of NRS 484.3795, for a period of
44 not less than 12 months nor more than 36 months, to install at his own
45 expense a device in any motor vehicle which he owns or operates as a
46 condition to obtaining a restricted license pursuant to subsection 3 of NRS
47 483.490.

48 2. A court may order a person convicted of a violation of NRS 484.379
49 or 484.3795, for a period determined by the court, *other than a first*



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1 *violation within 7 years of NRS 484.379*, to install at his own expense a
2 device in any motor vehicle which he owns or operates as a condition of
3 reinstatement of his driving privilege.

4 3. If the court orders a person to install a device pursuant to subsection
5 1 or 2:

6 (a) The court shall immediately prepare and transmit a copy of its order
7 to the director. The order must include a statement that a device is required
8 and the specific period for which it is required. The director shall cause this
9 information to be incorporated into the records of the department and noted
10 as a restriction on the person's driver's license.

11 (b) The person who is required to install the device shall provide proof
12 of compliance to the department before he may receive a restricted license
13 or before his driving privilege may be reinstated, as applicable. Each model
14 of a device installed pursuant to this section must have been certified by
15 the committee on testing for intoxication.

16 4. A person whose driving privilege is restricted pursuant to this
17 section shall ~~+~~:

18 ~~—(a) If he was ordered to install a device pursuant to paragraph (a) of~~
19 ~~subsection 1, have the device inspected by the manufacturer of the device~~
20 ~~or its agent at least one time during the period in which he is required to~~
21 ~~use the device; or~~

22 ~~—(b) If, if~~ he was ordered to install a device pursuant to ~~paragraph (b)~~
23 ~~of~~ subsection 1, have the device inspected by the manufacturer of the
24 device or its agent at least one time each 90 days ~~+~~ to determine whether
25 the device is operating properly. An inspection required pursuant to this
26 subsection must be conducted in accordance with regulations adopted
27 pursuant to NRS 484.3888. The manufacturer or its agent shall submit a
28 report to the director indicating whether the device is operating properly
29 and whether it has been tampered with. If the device has been tampered
30 with, the director shall notify the court that ordered the installation of the
31 device.

32 5. If a person is required to operate a motor vehicle in the course and
33 scope of his employment and the motor vehicle is owned by his employer,
34 the person may operate that vehicle without the installation of a device, if:

35 (a) The employee notifies his employer that the employee's driving
36 privilege has been so restricted; and

37 (b) The employee has proof of that notification in his possession or the
38 notice, or a facsimile copy thereof, is with the motor vehicle.

39 This exemption does not apply to a motor vehicle owned by a business
40 which is all or partly owned or controlled by the person otherwise subject
41 to this section.

42 **Sec. 24.** NRS 484.3945 is hereby amended to read as follows:

43 484.3945 1. A person required to install a device pursuant to NRS
44 484.3943 shall not operate a motor vehicle without a device or tamper with
45 the device.

46 2. A person who violates any provision of subsection 1:

47 (a) Must have his driving privilege revoked in the manner set forth in
48 subsection ~~44~~ 5 of NRS 483.460; and

49 (b) Shall be:



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1 (1) Punished by imprisonment in jail for not less than 30 days nor
2 more than 6 months; or
3 (2) Sentenced to a term of not less than 60 days in residential
4 confinement nor more than 6 months, and by a fine of not less than \$500
5 nor more than \$1,000.
6 No person who is punished pursuant to this section may be granted
7 probation and no sentence imposed for such a violation may be suspended.
8 No prosecutor may dismiss a charge of such a violation in exchange for a
9 plea of guilty, of guilty but mentally ill or of nolo contendere to a lesser
10 charge or for any other reason unless, in his judgment, the charge is not
11 supported by probable cause or cannot be proved at trial.
12 **Sec. 25.** NRS 484.791 is hereby amended to read as follows:
13 484.791 1. Any peace officer may, without a warrant, arrest a person
14 if the officer has reasonable cause for believing that the person has
15 committed any of the following offenses:
16 (a) Homicide by vehicle;
17 (b) A violation of NRS 484.379;
18 (c) A violation of NRS 484.3795;
19 (d) Failure to stop, give information or render reasonable assistance in
20 the event of an accident resulting in death or personal injuries in violation
21 of NRS 484.219 or 484.223;
22 (e) Failure to stop or give information in the event of an accident
23 resulting in damage to a vehicle or to other property legally upon or
24 adjacent to a highway in violation of NRS 484.221 or 484.225;
25 (f) Reckless driving;
26 (g) Driving a motor vehicle on a highway or on premises to which the
27 public has access at a time when his driver's license has been canceled,
28 revoked or suspended; or
29 (h) Driving a motor vehicle in any manner in violation of the
30 restrictions imposed in a restricted license issued to him pursuant to NRS
31 483.490 **H or subsection 2 of NRS 484.385.**
32 2. Whenever any person is arrested as authorized in this section, he
33 must be taken without unnecessary delay before the proper magistrate as
34 specified in NRS 484.803, except that in the case of either of the offenses
35 designated in paragraphs (e) and (f) of subsection 1 a peace officer has the
36 same discretion as is provided in other cases in NRS 484.795.
37 **Sec. 26.** NRS 484.384, 484.385 and 484.387 are hereby repealed.
38 **Sec. 27.** The amendatory provisions of this act do not apply to
39 offenses committed before October 1, 2001.

TEXT OF REPEALED SECTIONS

484.384 Driving under the influence of intoxicating liquor: Test showing concentration of alcohol of 0.10 or more in blood or breath; revocation of license, permit or privilege; periods of ineligibility to run consecutively.



1. If the result of a test given under NRS 484.382 or 484.383 shows that a person had a concentration of alcohol of 0.10 or more in his blood or breath at the time of the test, his license, permit or privilege to drive must be revoked as provided in NRS 484.385 and he is not eligible for a license, permit or privilege for a period of 90 days.

2. If a revocation of a person's license, permit or privilege to drive under NRS 62.227 or 483.460 follows a revocation under subsection 1 which was based on his having a concentration of alcohol of 0.10 or more in his blood or breath, the department shall cancel the revocation under that subsection and give the person credit for any period during which he was not eligible for a license, permit or privilege.

3. Periods of ineligibility for a license, permit or privilege to drive which are imposed pursuant to this section must run consecutively.

484.385 Driving under the influence of intoxicating liquor or prohibited substance: Seizure of license or permit; order of revocation; administrative and judicial review; temporary license; sufficiency of notice.

1. As agent for the department, the officer who obtained the result of a test given pursuant to NRS 484.382 or 484.383 shall immediately serve an order of revocation of the license, permit or privilege to drive on a person who has a concentration of alcohol of 0.10 or more in his blood or breath or has a detectable amount of a prohibited substance in his blood or urine, if that person is present, and shall seize his license or permit to drive. The officer shall then advise him of his right to administrative and judicial review of the revocation and to have a temporary license, and shall issue him a temporary license on a form approved by the department if he requests one, which is effective for only 7 days including the date of issuance. The officer shall immediately transmit the person's license or permit to the department along with the written certificate required by subsection 2.

2. When a police officer has served an order of revocation of a driver's license, permit or privilege on a person pursuant to subsection 1, or later receives the result of an evidentiary test which indicates that a person, not then present, had a concentration of alcohol of 0.10 or more in his blood or breath or had a detectable amount of a prohibited substance in his blood or urine, the officer shall immediately prepare and transmit to the department, together with the seized license or permit and a copy of the result of the test, a written certificate that he had reasonable grounds to believe that the person had been driving or in actual physical control of a vehicle with a concentration of alcohol of 0.10 or more in his blood or breath or with a detectable amount of a prohibited substance in his blood or urine, as determined by a chemical test. The certificate must also indicate whether the officer served an order of revocation on the person and whether he issued the person a temporary license.

3. The department, upon receipt of such a certificate for which an order of revocation has not been served, after examining the certificate and copy of the result of the chemical test, if any, and finding that revocation is proper, shall issue an order revoking the person's license, permit or privilege to drive by mailing the order to the person at his last known



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address. The order must indicate the grounds for the revocation and the period during which the person is not eligible for a license, permit or privilege to drive and state that the person has a right to administrative and judicial review of the revocation and to have a temporary license. The order of revocation becomes effective 5 days after mailing.

4. Notice of an order of revocation and notice of the affirmation of a prior order of revocation or the cancellation of a temporary license provided in NRS 484.387 is sufficient if it is mailed to the person's last known address as shown by any application for a license. The date of mailing may be proved by the certificate of any officer or employee of the department, specifying the time of mailing the notice. The notice is presumed to have been received upon the expiration of 5 days after it is deposited, postage prepaid, in the United States mail.

484.387 Driving under the influence of intoxicating liquor or prohibited substance: Hearing by department; additional temporary license; judicial review; cancellation of temporary license.

1. At any time while a person is not eligible for a license, permit or privilege to drive following an order of revocation issued pursuant to NRS 484.385, he may request in writing a hearing by the department to review the order of revocation, but he is only entitled to one hearing. The hearing must be conducted within 15 days after receipt of the request, or as soon thereafter as is practicable, in the county where the requester resides unless the parties agree otherwise. The director or his agent may issue subpoenas for the attendance of witnesses and the production of relevant books and papers and may require a reexamination of the requester. The department shall issue an additional temporary license for a period which is sufficient to complete the administrative review.

2. The scope of the hearing must be limited to the issue of whether the person, at the time of the test, had a concentration of alcohol of 0.10 or more in his blood or breath or a detectable amount of a prohibited substance in his blood or urine. Upon an affirmative finding on this issue, the department shall affirm the order of revocation. Otherwise, the order of revocation must be rescinded.

3. If, after the hearing, the order of revocation is affirmed, the person whose license, privilege or permit has been revoked is entitled to a review of the same issues in district court in the same manner as provided by chapter 233B of NRS. The court shall notify the department upon the issuance of a stay and the department shall issue an additional temporary license for a period which is sufficient to complete the review.

4. If a hearing officer grants a continuance of a hearing at the request of the person whose license was revoked, or a court does so after issuing a stay of the revocation, the officer or court shall notify the department, and the department shall cancel the temporary license and notify the holder by mailing the order of cancellation to his last known address.

