

ASSEMBLY BILL NO. 666—COMMITTEE ON JUDICIARY

(ON BEHALF OF LEGISLATIVE COMMISSION)

MAY 15, 2001

Referred to Committee on Judiciary

SUMMARY—Makes various technical changes to provisions of Nevada Revised Statutes.
(BDR S-1071)

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 Nevada Revised Statutes; making technical corrections to inappropriate or inaccurate provisions; clarifying ambiguous provisions; and providing other matters properly relating thereto.

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

1 **Section 1.** Chapter 0 of NRS is hereby amended by adding thereto a
2 new section to read as follows:

3 *Except as otherwise expressly provided in a particular statute or*
4 *required by the context, “include,” “includes” or “including” when*
5 *following any general statement, term or matter, shall not be construed to*
6 *limit the statement, term or matter to the specific items or matters set*
7 *forth immediately following the statement, term or matter, regardless of*
8 *whether the term is followed by nonlimiting language such as “without*
9 *limitation,” “but not limited to” or other similar language.*

10 **Sec. 2.** NRS 4.373 is hereby amended to read as follows:

11 4.373 1. Except as otherwise provided in subsection 2, NRS
12 211A.127 or another specific statute, or unless the suspension of a sentence
13 is expressly forbidden, a justice of the peace may suspend, for not more
14 than 1 year, the sentence of a person convicted of a misdemeanor. If the
15 circumstances warrant, the justice of the peace may order as a condition of
16 suspension that the offender:

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

19 (b) Engage in a program of ~~work for the benefit of the community;~~
20 *community service*, for not more than 200 hours;



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- 1 (c) Actively participate in a program of professional counseling at the
2 expense of the offender;
- 3 (d) Abstain from the use of alcohol and controlled substances;
- 4 (e) Refrain from engaging in any criminal activity;
- 5 (f) Engage or refrain from engaging in any other conduct deemed
6 appropriate by the justice of the peace;
- 7 (g) Submit to a search and seizure by the chief of a department of
8 alternative sentencing, an assistant alternative sentencing officer or any
9 other law enforcement officer at any time of the day or night without a
10 search warrant; and
- 11 (h) Submit to periodic tests to determine whether the offender is using a
12 controlled substance or consuming alcohol.
- 13 2. If a person is convicted of a misdemeanor that constitutes domestic
14 violence pursuant to NRS 33.018, the justice of the peace may, after the
15 person has served any mandatory minimum period of confinement,
16 suspend the remainder of the sentence of the person for not more than 3
17 years upon the condition that the person actively participate in:
- 18 (a) A program of treatment for the abuse of alcohol or drugs which is
19 certified by the health division of the department of human resources;
- 20 (b) A program for the treatment of persons who commit domestic
21 violence that has been certified pursuant to NRS 228.470; or
- 22 (c) The programs set forth in paragraphs (a) and (b),
23 and that he comply with any other condition of suspension ordered by the
24 justice of the peace.
- 25 3. The justice of the peace may order reports from a person whose
26 sentence is suspended at such times as he deems appropriate concerning
27 the compliance of the offender with the conditions of suspension. If the
28 offender complies with the conditions of suspension to the satisfaction of
29 the justice of the peace, the sentence may be reduced to not less than the
30 minimum period of confinement established for the offense.
- 31 4. The justice of the peace may issue a warrant for the arrest of an
32 offender who violates or fails to fulfill a condition of suspension.
- 33 **Sec. 3.** NRS 5.055 is hereby amended to read as follows:
- 34 5.055 1. Except as otherwise provided in subsection 2, NRS
35 211A.127 or another specific statute, or unless the suspension of a sentence
36 is expressly forbidden, a municipal judge may suspend, for not more than 1
37 year, the sentence of a person convicted of a misdemeanor. If the
38 circumstances warrant, the municipal judge may order as a condition of
39 suspension that the offender:
- 40 (a) Make restitution to the owner of any property that is lost, damaged
41 or destroyed as a result of the commission of the offense;
- 42 (b) Engage in a program of ~~{work for the benefit of the community;}~~
43 *community service*, for not more than 200 hours;
- 44 (c) Actively participate in a program of professional counseling at the
45 expense of the offender;
- 46 (d) Abstain from the use of alcohol and controlled substances;
- 47 (e) Refrain from engaging in any criminal activity;
- 48 (f) Engage or refrain from engaging in any other conduct deemed
49 appropriate by the municipal judge;



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

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

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

12 (a) A program of treatment for the abuse of alcohol or drugs which is
13 certified by the health division of the department of human resources;

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

16 (c) The programs set forth in paragraphs (a) and (b),
17 and that he comply with any other condition of suspension ordered by the
18 municipal judge.

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

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

27 **Sec. 4.** NRS 33.100 is hereby amended to read as follows:

28 33.100 1. A person who violates a temporary or extended order is
29 guilty of a misdemeanor, unless a more severe penalty is prescribed by law
30 for the act that constitutes the violation of the order. If the violation is
31 accompanied by a violent physical act by the adverse party against a person
32 protected by the order, the court shall:

33 (a) Impose upon the adverse party a fine of \$1,000 or require him to
34 perform a minimum of 200 hours of ~~work for the community;~~ **community**
35 **service;**

36 (b) Sentence him to imprisonment for not fewer than 5 days nor more
37 than 6 months;

38 (c) Order him to reimburse the applicant, in an amount determined by
39 the court, for all costs and attorney's fees incurred by the applicant in
40 seeking to enforce the temporary or extended order, and for all medical
41 expenses of the applicant and any minor child incurred as a result of the
42 violent physical act; and

43 (d) Order him to participate in and complete a program of professional
44 counseling, at his own expense, if such counseling is available.

45 2. The adverse party shall comply with the order for reimbursement of
46 the applicant before paying a fine imposed pursuant to this section.

47 **Sec. 5.** NRS 48.061 is hereby amended to read as follows:

48 48.061 Evidence of domestic violence as defined in NRS 33.018 and
49 expert testimony concerning the effect of domestic violence on the beliefs,



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1 behavior and perception of the person alleging the domestic violence is
2 admissible in chief and in rebuttal, when determining:

3 1. Whether a person is excepted from criminal liability pursuant to
4 subsection ~~174~~ 6 of NRS 194.010, to show the state of mind of the
5 defendant.

6 2. Whether a person in accordance with NRS 200.200 has killed
7 another in self-defense, toward the establishment of the legal defense.

8 **Sec. 6.** NRS 62.129 is hereby amended to read as follows:

9 62.129 1. A child alleged to be delinquent or in need of supervision
10 may be placed under the informal supervision of a probation officer if the
11 child voluntarily admits his participation in the acts for which he was
12 referred to the probation officer. If any of the acts would constitute a gross
13 misdemeanor or felony if committed by an adult, the child may not be
14 placed under informal supervision unless the district attorney approves of
15 the placement in writing. The probation officer must advise the child and
16 his parent, guardian or custodian that they may refuse informal supervision.

17 2. An agreement for informal supervision must be entered into
18 voluntarily and intelligently by the child with the advice of his attorney, or
19 by the child with the consent of a parent, guardian or custodian if the child
20 is not represented by counsel. The period of informal supervision must not
21 exceed 180 days. The terms of the agreement must be clearly stated in
22 writing and signed by all parties. A copy of the agreement must be given to
23 the child, the attorney for the child, if any, the child's parent, guardian or
24 custodian, and the probation officer, who shall retain a copy in his file for
25 the case. The child and his parent, guardian or custodian may terminate the
26 agreement at any time and request the filing of a petition for formal
27 adjudication.

28 3. An agreement for informal supervision may require a child to:

29 (a) Perform ~~public~~ **community** service or provide restitution to any
30 victim of the acts for which the child was referred to the probation officer;

31 (b) Participate in a program of restitution through work that is
32 established pursuant to NRS 62.2185 if the child:

33 (1) Is 14 years of age or older;

34 (2) Has never been found to be within the purview of this chapter for
35 an unlawful act that involved the use or threatened use of force or violence
36 against a victim and has never been found to have committed such an
37 unlawful act in any other jurisdiction;

38 (3) Is required to provide restitution to a victim; and

39 (4) Voluntarily agrees to participate in the program of restitution
40 through work;

41 (c) Complete a program of cognitive training and human development
42 pursuant to NRS 62.2195 if:

43 (1) The child has never been found to be within the purview of this
44 chapter; and

45 (2) The unlawful act for which the child is found to be within the
46 purview of this chapter did not involve the use or threatened use of force or
47 violence against a victim; or

48 (d) Engage in any combination of the activities set forth in paragraphs
49 (a), (b) and (c).



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1 4. If an agreement for informal supervision requires a child to
2 participate in a program of restitution through work as set forth in
3 paragraph (b) of subsection 3 or complete a program of cognitive training
4 and human development as set forth in paragraph (c) of subsection 3, the
5 agreement may also require any or all of the following, in the following
6 order of priority if practicable:

7 (a) The child or the parent or guardian of the child, to the extent of his
8 financial ability, to pay the costs associated with the participation of the
9 child in the program, including, without limitation, a reasonable sum of
10 money to pay for the cost of policies of insurance against liability for
11 personal injury and damage to property during those periods in which the
12 child participates in the program or performs work, and in the case of a
13 program of restitution through work, for industrial insurance, unless the
14 industrial insurance is provided by the employer for which the child
15 performs the work; or

16 (b) The child to work on projects or perform ~~public~~ **community**
17 service pursuant to paragraph (i) of subsection 1 of NRS 62.211 for a
18 period that reflects the costs associated with the participation of the child in
19 the program.

20 5. If a child is placed under informal supervision, a petition based upon
21 the events out of which the original complaint arose may be filed only
22 within 180 days after entry into the agreement for informal supervision. If
23 a petition is filed within that period, the child may withdraw the admission
24 he made pursuant to subsection 1. The child's compliance with all proper
25 and reasonable terms of the agreement constitute grounds for the court to
26 dismiss the petition.

27 6. A probation officer shall file annually with the court a report of the
28 number of children placed under informal supervision during the previous
29 year, the conditions imposed in each case and the number of cases that
30 were successfully completed without the filing of a petition.

31 **Sec. 7.** NRS 62.211 is hereby amended to read as follows:

32 62.211 1. Except as otherwise provided in this chapter, if the court
33 finds that a child is within the purview of this chapter, it shall so decree and
34 may:

35 (a) Place the child under supervision in his own home or in the custody
36 of a suitable person elsewhere, upon such conditions as the court may
37 determine. A program of supervision in the home may include electronic
38 surveillance of the child. The legislature declares that a program of
39 supervision that includes electronic surveillance is intended as an
40 alternative to commitment and not as an alternative to probation, informal
41 supervision or a supervision and consent decree.

42 (b) Commit the child to the custody of a public or private institution or
43 agency authorized to care for children, or place him in a home with a
44 family. In committing a child to a private institution or agency the court
45 shall select one that is required to be licensed by the department of human
46 resources to care for such children, or, if the institution or agency is in
47 another state, by the analogous department of that state. The court shall not
48 commit a female child to a private institution without prior approval of the
49 superintendent of the Caliente youth center, and shall not commit a male



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1 child to a private institution without prior approval of the superintendent of
2 the Nevada youth training center.

3 (c) Order such medical, psychiatric, psychological or other care and
4 treatment as the court deems to be for the best interests of the child, except
5 as otherwise provided in this section.

6 (d) Order the parent, guardian, custodian or any other person to refrain
7 from continuing the conduct which, in the opinion of the court, has caused
8 or tended to cause the child to come within or remain under the provisions
9 of this chapter.

10 (e) If the child is less than 18 years of age, order:

11 (1) The parent, guardian or custodian of the child; and

12 (2) Any brother, sister or other person who is living in the
13 same household as the child over whom the court has
14 jurisdiction,

15 to attend or participate in counseling, with or without the child, including,
16 but not limited to, counseling regarding parenting skills, alcohol or
17 substance abuse, or techniques of dispute resolution.

18 (f) Order the parent or guardian of the child to participate in a program
19 designed to provide restitution to the victim of an act committed by the
20 child or to perform ~~public~~ community service.

21 (g) Order the parent or guardian of the child to pay all or part of the cost
22 of the proceedings, including, but not limited to, reasonable attorney's fees,
23 any costs incurred by the court and any costs incurred in the investigation
24 of an act committed by the child and the taking into custody of the child.

25 (h) Order the suspension of the child's driver's license for at least 90
26 days but not more than 2 years. If the child does not possess a driver's
27 license, the court may prohibit the child from receiving a driver's license
28 for at least 90 days but not more than 2 years:

29 (1) Immediately following the date of the order, if the child is eligible
30 to receive a driver's license.

31 (2) After the date he becomes eligible to apply for a driver's license,
32 if the child is not eligible to receive a license on the date of the
33 order.

34 If the court issues an order suspending the driver's license of a child
35 pursuant to this paragraph, the judge shall require the child to surrender to
36 the court all driver's licenses then held by the child. The court shall, within
37 5 days after issuing the order, forward to the department of motor vehicles
38 and public safety the licenses, together with a copy of the order. If,
39 pursuant to this paragraph, the court issues an order delaying the ability of
40 a child to receive a driver's license, the court shall, within 5 days after
41 issuing the order, forward to the department of motor vehicles and public
42 safety a copy of the order. The department of motor vehicles and public
43 safety shall report a suspension pursuant to this paragraph to an insurance
44 company or its agent inquiring about the child's driving record, but such a
45 suspension must not be considered for the purpose of rating or
46 underwriting. The department of motor vehicles and public safety shall not
47 require the child to submit to the tests and other requirements which are
48 adopted by regulation pursuant to subsection 1 of NRS 483.495 as a
49 condition of reinstatement or reissuance after a suspension of his license



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- 1 pursuant to this paragraph, unless the suspension resulted from his poor
2 performance as a driver.
- 3 (i) Place the child, when he is not in school, under the supervision of:
- 4 (1) A public organization to work on public projects;
- 5 (2) A public agency to work on projects to eradicate graffiti; or
- 6 (3) A private nonprofit organization to perform other ~~public~~
7 *community* service.
- 8 The person under whose supervision the child is placed shall keep the child
9 busy and well supervised and shall make such reports to the court as it may
10 require. As a condition of such a placement, the court may require the child
11 or his parent or guardian to deposit with the court a reasonable sum of
12 money to pay for the cost of policies of insurance against liability for
13 personal injury and damage to property or for industrial insurance, or both,
14 during those periods in which he performs the work ~~or~~ *or community*
15 *service*, unless, in the case of industrial insurance, it is provided by the
16 organization or agency for which he performs the work ~~or~~ *or community*
17 *service*.
- 18 (j) Permit the child to reside in a residence without the immediate
19 supervision of an adult, or exempt the child from mandatory attendance at
20 school so that the child may be employed full time, or both, if the child is
21 at least 16 years of age, has demonstrated the capacity to benefit from this
22 placement or exemption and is under the strict supervision of the juvenile
23 division.
- 24 (k) Require the child to provide restitution to the victim of the crime
25 which the child has committed.
- 26 (l) Impose a fine on the child. If a fine is imposed, the court shall
27 impose an administrative assessment pursuant to NRS 62.2175.
- 28 (m) If the child has not previously been found to be within the purview
29 of this chapter and if the act for which the child is found to be within the
30 purview of this chapter did not involve the use or threatened use of force or
31 violence, order the child to participate in a publicly or privately operated
32 program of sports or physical fitness that is adequately supervised or a
33 publicly or privately operated program for the arts that is adequately
34 supervised. A program for the arts may include, but is not limited to,
35 drawing, painting, photography or other visual arts, musical, dance or
36 theatrical performance, writing or any other structured activity that
37 involves creative or artistic expression. If the court orders the child to
38 participate in a program of sports or physical fitness or a program for the
39 arts, the court may order any or all of the following, in the following order
40 of priority if practicable:
- 41 (1) The parent or guardian of the child, to the extent of his financial
42 ability, to pay the costs associated with the participation of the child in the
43 program, including, but not limited to, a reasonable sum of money to pay
44 for the cost of policies of insurance against liability for personal injury and
45 damage to property during those periods in which the child participates in
46 the program;
- 47 (2) The child to work on projects or perform ~~public~~ *community*
48 service pursuant to paragraph (i) for a period that reflects the costs
49 associated with the participation of the child in the program; or



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- 1 (3) The county in which the petition alleging the child to be
2 delinquent or in need of supervision is filed to pay the costs associated with
3 the participation of the child in the program.
- 4 2. If the court finds that a child who is less than 17 years of age has
5 committed a delinquent act, the court may order the parent or guardian of
6 the child to pay any fines and penalties imposed for the delinquent act. If
7 the parent or guardian is unable to pay the fines and penalties imposed
8 because of financial hardship, the court may require the parent or guardian
9 to perform community service.
- 10 3. In determining the appropriate disposition of a case concerning a
11 child found to be within the purview of this chapter, the court shall
12 consider whether the act committed by the child involved the use of a
13 firearm or the use or threatened use of force or violence against the victim
14 of the act and whether the child is a serious or chronic offender. If the court
15 finds that the act committed by the child involved the use of a firearm or
16 the use or threatened use of force or violence against the victim or that the
17 child is a serious or chronic offender, the court shall include the finding in
18 its order and may, in addition to the options set forth in subsections 1 and 2
19 of this section and NRS 62.213:
- 20 (a) Commit the child for confinement in a secure facility, including a
21 facility which is secured by its staff.
- 22 (b) Impose any other punitive measures the court determines to be in the
23 best interests of the public or the child.
- 24 4. Except as otherwise provided in NRS 62.455 and 62.570, at any
25 time, either on its own volition or for good cause shown, the court may
26 terminate its jurisdiction concerning the child.
- 27 5. Whenever the court commits a child to any institution or agency
28 pursuant to this section or NRS 62.213, it shall transmit a summary of its
29 information concerning the child and order the administrator of the school
30 that the child last attended to transmit a copy of the child's educational
31 records to the institution or agency. The institution or agency shall give to
32 the court any information concerning the child that the court may require.
- 33 6. In determining whether to place a child pursuant to this section in
34 the custody of a person other than his parent, guardian or custodian,
35 preference must be given to any person related within the third degree of
36 consanguinity to the child whom the court finds suitable and able to
37 provide proper care and guidance for the child.
- 38 **Sec. 8.** NRS 62.2185 is hereby amended to read as follows:
- 39 62.2185 1. In addition to the options set forth in NRS 62.211 and
40 62.213, the court may order a child who is found to be within the purview
41 of this chapter to participate in a program of restitution through work that
42 is established pursuant to this section if the child:
- 43 (a) Is 14 years of age or older;
- 44 (b) Has never been found to be within the purview of this chapter for an
45 unlawful act that involved the use or threatened use of force or violence
46 against a victim and has never been found to have committed such an
47 unlawful act in any other jurisdiction;
- 48 (c) Is ordered to provide restitution to a victim; and



- 1 (d) Voluntarily agrees to participate in the program of restitution
2 through work.
- 3 2. If the court orders a child to participate in a program of restitution
4 through work, the court may order any or all of the following, in the
5 following order of priority if practicable:
- 6 (a) The child or the parent or guardian of the child, to the extent of his
7 financial ability, to pay the costs associated with the participation of the
8 child in the program, including, without limitation, a reasonable sum of
9 money to pay for the cost of policies of insurance against liability for
10 personal injury and damage to property or for industrial insurance, or both,
11 during those periods in which the child participates in the program or
12 performs work, unless, in the case of industrial insurance, it is provided by
13 the employer for which the child performs the work; or
- 14 (b) The child to work on projects or perform ~~public~~ **community**
15 service pursuant to paragraph (i) of subsection 1 of NRS 62.211 for a
16 period that reflects the costs associated with the participation of the child in
17 the program.
- 18 3. A director of juvenile services may establish a program of
19 restitution through work. A program of restitution through work must:
- 20 (a) Include, without limitation, instruction in skills for employment and
21 work ethics; and
- 22 (b) Require a child who participates in the program to:
- 23 (1) With the assistance of the program and if practicable, seek and
24 obtain a position of employment with a public or private employer; and
- 25 (2) Sign an authorization form that permits money to be deducted
26 from the wages of the child to pay restitution. The director of juvenile
27 services may prescribe the contents of the authorization form and may
28 determine the amount of money to be deducted from the wages of the child
29 to pay restitution, but the director shall not require that more than 50
30 percent of the wages of the child be deducted to pay restitution.
- 31 4. A program of restitution through work may include, without
32 limitation, cooperative agreements with public or private employers to
33 make available positions of employment for a child who participates in the
34 program.
- 35 5. A director of juvenile services may terminate participation by a
36 child in a program of restitution through work for any lawful reason or
37 purpose.
- 38 6. A director of juvenile services may:
- 39 (a) Apply for, accept and expend grants, gifts, donations, bequests or
40 devises to finance a program of restitution through work in the manner
41 provided in section 2 of **Senate Bill No. 7 of this ~~act;~~ session;** and
- 42 (b) Contract with persons and public or private entities that are qualified
43 to operate or to participate in a program of restitution through work.
- 44 7. A director of juvenile services may designate a person to carry out
45 the provisions of this section.
- 46 8. The provisions of this section do not:
- 47 (a) Create a right on behalf of a child to participate in a program of
48 restitution through work or to hold a position of employment; or



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(b) Establish a basis for any cause of action against the state or its officers or employees for denial of the ability to participate in or for removal from a program of restitution through work or for denial of or removal from a position of employment.

Sec. 9. NRS 62.2195 is hereby amended to read as follows:

62.2195 1. In addition to any other action authorized pursuant to the provisions of this chapter, the court may order a child who is found to be within the purview of this chapter to complete a program of cognitive training and human development pursuant to this section if:

(a) The child has never been found to be within the purview of this chapter; and

(b) The unlawful act for which the child is found to be within the purview of this chapter did not involve the use or threatened use of force or violence against a victim.

2. If the court orders a child to complete a program of cognitive training and human development, the court may order any or all of the following, in the following order of priority if practicable:

(a) The child or the parent or guardian of the child, to the extent of his financial ability, to pay the costs associated with the participation of the child in the program, including, without limitation, a reasonable sum of money to pay for the cost of policies of insurance against liability for personal injury and damage to property during those periods in which the child participates in the program;

(b) The child to work on projects or perform ~~public~~ **community** service pursuant to paragraph (i) of subsection 1 of NRS 62.211 for a period that reflects the costs associated with the participation of the child in the program; or

(c) The county in which the petition alleging the child to be delinquent or in need of supervision is filed to pay the costs associated with the participation of the child in the program.

3. A program of cognitive training and human development must include, without limitation, education, instruction or guidance in one or more of the following subjects, as deemed appropriate by the court:

(a) Motivation.

(b) Habits, attitudes and conditioning.

(c) Self-conditioning processes.

(d) Developing a successful way of life.

(e) The process of solving problems.

(f) Emotions and emotional blocks.

(g) Assurances and demonstrative maturity.

(h) Family success.

(i) Family relationships.

(j) Interfamilial understanding and communications.

(k) Financial stability.

(l) Effective communications.

(m) Conflict resolution.

(n) Anger management.

(o) Obtaining and retaining employment.

4. A director of juvenile services may:



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1 (a) Apply for, accept and expend grants, gifts, donations, bequests or
2 devises to finance a program of cognitive training and human development
3 in the manner provided in section 3 of *Senate Bill No. 7 of this ~~act;~~*
4 *session;* and

5 (b) Contract with persons and public or private entities that are qualified
6 to operate or to participate in a program of cognitive training and human
7 development.

8 5. A director of juvenile services may designate a person to carry out
9 the provisions of this section.

10 **Sec. 10.** NRS 62.2275 is hereby amended to read as follows:

11 62.2275 1. If a child within the jurisdiction of the juvenile court is
12 found by the juvenile court to have committed:

13 (a) An unlawful act in violation of NRS 484.379 or 484.3795;

14 (b) The unlawful act of using, possessing, selling or distributing a
15 controlled substance; or

16 (c) The unlawful act of purchasing, consuming or possessing an
17 alcoholic beverage in violation of NRS 202.020,
18 the judge, or his authorized representative, shall require the child to
19 undergo an evaluation to determine if the child is an abuser of alcohol or
20 other drugs.

21 2. The evaluation of a child pursuant to this section:

22 (a) Must be conducted by:

23 (1) An alcohol and drug abuse counselor who is licensed or certified
24 or an alcohol and drug abuse counselor intern who is certified pursuant to
25 chapter 641C of NRS to make that classification; or

26 (2) A physician who is certified to make that classification by the
27 board of medical examiners,
28 who shall report to the judge the results of the evaluation and make a
29 recommendation to the judge concerning the length and type of treatment
30 required by the child.

31 (b) May be conducted at an evaluation center.

32 3. The judge shall:

33 (a) Order the child to undergo a program of treatment as recommended
34 by the person who conducted the evaluation pursuant to subsection 2.

35 (b) Require the treatment facility to submit monthly reports on the
36 treatment of the child pursuant to this section.

37 (c) Order the child, if he is at least 18 years of age or an emancipated
38 minor, or the parent or legal guardian of the child, to the extent of the
39 financial resources of the child or his parent or legal guardian, to pay any
40 charges relating to the evaluation and treatment of the child pursuant to this
41 section. If the child, or his parent or legal guardian, does not have the
42 financial resources to pay all those charges:

43 (1) The judge shall, to the extent possible, arrange for the child to
44 receive treatment from a treatment facility which receives a sufficient
45 amount of federal or state money to offset the remainder of the costs; and

46 (2) The judge may order the child to perform supervised ~~work for~~
47 ~~the benefit of the~~ community *service* in lieu of paying the charges relating
48 to his evaluation and treatment. The ~~work~~ *community service* must be
49 performed for and under the supervising authority of a county, city, town



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1 or other political subdivision or agency of the State of Nevada or a
2 charitable organization that renders service to the community or its
3 residents. The court may require the child or his parent or legal guardian to
4 deposit with the court a reasonable sum of money to pay for the cost of
5 policies of insurance against liability for personal injury and damage to
6 property or for industrial insurance, or both, during those periods in which
7 the child performs the ~~work-~~ *community service*, unless, in the case of
8 industrial insurance, it is provided by the authority for which he performs
9 the ~~work-~~ *community service*.

10 4. A treatment facility is not liable for any damages to person or
11 property caused by a child who:

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

15 (b) Engages in any other conduct prohibited by NRS 484.379,
16 484.3795, subsection 2 of NRS 488.400, NRS 488.410 or 488.420 or
17 a law of any other jurisdiction that prohibits the same or similar
18 conduct,

19 after the treatment facility has certified to his successful completion of a
20 program of treatment ordered pursuant to this section.

21 5. The provisions of this section do not prohibit a judge from:

22 (a) Requiring an evaluation to be conducted by a person who is
23 employed by a private company if the company meets the standards of the
24 health division of the department of human resources. The evaluation may
25 be conducted at an evaluation center pursuant to paragraph (b) of
26 subsection 2.

27 (b) Ordering the child to attend a program of treatment which is
28 administered by a private company.

29 6. All information relating to the evaluation or treatment of a child
30 pursuant to this section is confidential and, except as otherwise authorized
31 by the provisions of this chapter or the juvenile court, must not be
32 disclosed to any person other than the juvenile court, the child and his
33 attorney, if any, his parents or guardian, the prosecuting attorney and any
34 other person for whom the communication of that information is necessary
35 to effectuate the evaluation or treatment of the child. A record of any
36 finding that a child has violated the provisions of NRS 484.379 or
37 484.3795 must be included in the driver's record of that child for 7 years
38 after the date of the offense.

39 7. As used in this section:

40 (a) "Evaluation center" has the meaning ascribed to it in NRS 484.3793.

41 (b) "Treatment facility" has the meaning ascribed to it in NRS
42 484.3793.

43 **Sec. 11.** NRS 62.228 is hereby amended to read as follows:

44 62.228 1. In addition to the options set forth in NRS 62.211 and
45 62.213, if a child is adjudicated delinquent pursuant to paragraph (b) of
46 subsection 1 of NRS 62.040 because he handled or possessed a firearm or
47 had a firearm under his control in violation of NRS 202.300, the court
48 shall:

49 (a) For the first offense:



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1 (1) Require him to perform 200 hours of ~~public~~ *community* service
2 in the manner provided in paragraph (i) of subsection 1 of NRS 62.211;
3 and

4 (2) Suspend his driver's license for not more than 1 year or, if he
5 does not possess a driver's license, prohibit the child from receiving a
6 driver's license for not more than 1 year:

7 (I) Immediately following the date of the order, if the child is
8 eligible to receive a driver's license.

9 (II) After the date he becomes eligible to receive a driver's license,
10 if the child is not eligible to receive a license on the date of the order.

11 (b) For the second offense:

12 (1) Require him to perform at least 200 hours, but not more than 600
13 hours, of ~~public~~ *community* service in the manner provided in paragraph
14 (i) of subsection 1 of NRS 62.211; and

15 (2) Suspend his driver's license for at least 90 days but not more than
16 2 years or, if he does not possess a driver's license, prohibit the child from
17 receiving a driver's license for at least 90 days but not more than 2 years:

18 (I) Immediately following the date of the order, if the child is
19 eligible to receive a driver's license.

20 (II) After the date he becomes eligible to receive a driver's license,
21 if the child is not eligible to receive a license on the date of the order.

22 2. If the court issues an order suspending the driver's license of a child
23 pursuant to this section, the judge shall require the child to surrender his
24 driver's license to the court.

25 3. If a child is already the subject of a court order suspending or
26 delaying the issuance of his driver's license, the court shall order an
27 additional suspension or delay, as appropriate, to apply consecutively with
28 the previous order.

29 **Sec. 12.** NRS 125.560 is hereby amended to read as follows:

30 125.560 1. A person who violates a restraining order or injunction:

31 (a) That is in the nature of a temporary or extended order for protection
32 against domestic violence; and

33 (b) That is issued in an action or proceeding brought pursuant to this
34 Title,
35 is guilty of a misdemeanor, unless a more severe penalty is prescribed by
36 law for the act that constitutes the violation of the order or injunction. For
37 the purposes of this subsection, an order or injunction is in the nature of a
38 temporary or extended order for protection against domestic violence if it
39 grants relief that might be given in a temporary or extended order issued
40 pursuant to NRS 33.017 to 33.100, inclusive.

41 2. If the violation is accompanied by a violent physical act against a
42 person protected by the order or injunction, the court shall:

43 (a) Impose upon the person committing the act a fine of \$1,000 or
44 require him to perform a minimum of 200 hours of ~~work for the~~
45 *community;* *community service;*

46 (b) Sentence him to imprisonment for not fewer than 5 days nor more
47 than 6 months;

48 (c) Order him to reimburse the person obtaining the order or injunction,
49 in an amount determined by the court, for all costs and attorney's fees



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1 incurred by that person in seeking to enforce the order or injunction, and
2 for all medical expenses of the person and any minor child incurred as a
3 result of the violent physical act; and

4 (d) Order him to participate in and complete a program of professional
5 counseling, at his own expense, if such counseling is available.

6 3. The person committing the violation shall comply with the order for
7 reimbursement of the person obtaining the order or injunction before
8 paying any fine imposed pursuant to this section.

9 **Sec. 13.** NRS 176.087 is hereby amended to read as follows:

10 176.087 1. Except where the imposition of a specific criminal
11 penalty is mandatory, a court may order a convicted person to perform
12 supervised ~~work for the benefit of the community;~~ **community service;**

13 (a) In lieu of all or a part of any fine or imprisonment that may be
14 imposed for the commission of a misdemeanor; or

15 (b) As a condition of probation granted for another offense.

16 2. The ~~work~~ **community service** must be performed for and under the
17 supervising authority of a county, city, town or other political subdivision
18 or agency of the State of Nevada or a charitable organization that renders
19 service to the community or its residents.

20 3. The court may require the convicted person to deposit with the court
21 a reasonable sum of money to pay for the cost of policies of insurance
22 against liability for personal injury and damage to property or for industrial
23 insurance, or both, during those periods in which he performs the ~~work;~~
24 **community service**, unless, in the case of industrial insurance, it is
25 provided by the authority for which he performs the ~~work;~~ **community**
26 **service.**

27 4. The following conditions apply to any such ~~work~~ **community**
28 **service** imposed by the court:

29 (a) The court must fix the period of ~~work~~ **community service** that is
30 imposed as punishment or a condition of probation and distribute the
31 period over weekends or over other appropriate times that will allow the
32 convicted person to continue at his employment and to care for his family.
33 The period of ~~work~~ **community service** fixed by the court must not
34 exceed, for a:

- 35 (1) Misdemeanor, 200 hours;
36 (2) Gross misdemeanor, 600 hours; or
37 (3) Felony, 1,000 hours.

38 (b) A supervising authority listed in subsection 2 must agree to accept
39 the convicted person for ~~work~~ **community service** before the court may
40 require him to perform ~~work~~ **community service** for that supervising
41 authority. The supervising authority must be located in or be the town or
42 city of the convicted person's residence or, if that placement is not
43 possible, one located within the jurisdiction of the court or, if that
44 placement is not possible, the authority may be located outside the
45 jurisdiction of the court.

46 (c) ~~Work~~ **Community service** that a court requires pursuant to this
47 section must be supervised by an official of the supervising authority or by
48 a person designated by the authority.



1 (d) The court may require the supervising authority to report
2 periodically to the court or to a probation officer the convicted person's
3 performance in carrying out the punishment or condition of probation.
4 **Sec. 14.** NRS 176A.310 is hereby amended to read as follows:
5 176A.310 1. The court shall set the conditions of a program of
6 probation secured by a surety bond. The conditions must be appended to
7 and made part of the bond. The conditions may include, but are not limited
8 to, any one or more of the following:
9 (a) Submission to periodic tests to determine whether the probationer is
10 using any controlled substance or alcohol.
11 (b) Participation in a program for the treatment of the abuse of a
12 controlled substance or alcohol or a program for the treatment of any other
13 impairment.
14 (c) Participation in a program of professional counseling, including, but
15 not limited to, counseling for the family of the probationer.
16 (d) Restrictions or a prohibition on contact or communication with
17 witnesses or victims of the crime committed by the probationer.
18 (e) A requirement to obtain and keep employment.
19 (f) Submission to a program of intensive supervision.
20 (g) Restrictions on travel by the probationer outside the jurisdiction of
21 the court.
22 (h) Payment of restitution.
23 (i) Payment of fines and court costs.
24 (j) Supervised ~~work for the benefit of the community~~ **community**
25 **service.**
26 (k) Participation in educational courses.
27 2. A surety shall:
28 (a) Provide the facilities or equipment necessary to:
29 (1) Perform tests to determine whether the probationer is using any
30 controlled substance or alcohol, if the court requires such tests as a
31 condition of probation;
32 (2) Carry out a program of intensive supervision, if the court requires
33 such a program as a condition of probation; and
34 (3) Enable the probationer to report regularly to the surety.
35 (b) Notify the court within 24 hours after the surety has knowledge of a
36 violation of or a failure to fulfill a condition of the program of probation.
37 3. A probationer participating in a program of probation secured by a
38 surety bond shall:
39 (a) Report regularly to the surety; and
40 (b) Pay the fee charged by the surety for the execution of the bond.
41 **Sec. 15.** NRS 176A.540 is hereby amended to read as follows:
42 176A.540 1. The chief parole and probation officer may order the
43 residential confinement of a probationer if he believes that the probationer
44 poses no danger to the community and will appear at a scheduled inquiry
45 or court hearing.
46 2. In ordering the residential confinement of a probationer, the chief
47 parole and probation officer shall:



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- 1 (a) Require the probationer to be confined to his residence during the
2 time he is away from his employment, ~~public~~ **community** service or other
3 activity authorized by the division; and
- 4 (b) Require intensive supervision of the probationer, including, without
5 limitation, unannounced visits to his residence or other locations where he
6 is expected to be to determine whether he is complying with the terms of
7 his confinement.
- 8 3. An electronic device approved by the division may be used to
9 supervise a probationer who is ordered to be placed in residential
10 confinement. The device must be minimally intrusive and limited in
11 capability to recording or transmitting information concerning the
12 probationer's presence at his residence, including the transmission of still
13 visual images which do not concern the probationer's activities while
14 inside his residence. A device which is capable of recording or
15 transmitting:
- 16 (a) Oral or wire communications or any auditory sound; or
17 (b) Information concerning the probationer's activities while inside his
18 residence,
19 must not be used.
- 20 4. The chief parole and probation officer shall not order a probationer
21 to be placed in residential confinement unless the probationer agrees to the
22 order.
- 23 5. Any residential confinement must not extend beyond the unexpired
24 maximum term of the original sentence.
- 25 **Sec. 16.** NRS 176A.660 is hereby amended to read as follows:
26 176A.660 1. If a person who has been placed on probation violates a
27 condition of his probation, the court may order him to a term of residential
28 confinement in lieu of causing the sentence imposed to be executed. In
29 making this determination, the court shall consider the criminal record of
30 the person and the seriousness of the crime committed.
- 31 2. In ordering the person to a term of residential confinement, the court
32 shall:
- 33 (a) Direct that he be placed under the supervision of the division;
34 (b) Require the person to be confined to his residence during the time he
35 is away from his employment, ~~public~~ **community** service or other activity
36 authorized by the division; and
- 37 (c) Require intensive supervision of the person, including, without
38 limitation, unannounced visits to his residence or other locations where he
39 is expected to be in order to determine whether he is complying with the
40 terms of his confinement.
- 41 3. An electronic device approved by the division may be used to
42 supervise a person ordered to a term of residential confinement. The device
43 must be minimally intrusive and limited in capability to recording or
44 transmitting information concerning the person's presence at his residence,
45 including, but not limited to, the transmission of still visual images which
46 do not concern the person's activities while inside his residence. A device
47 which is capable of recording or transmitting:
- 48 (a) Oral or wire communications or any auditory sound; or



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1 (b) Information concerning the person's activities while inside his
2 residence,
3 must not be used.

4 4. The court shall not order a person to a term of residential
5 confinement unless he agrees to the order.

6 5. A term of residential confinement may not be longer than the
7 maximum term of a sentence imposed by the court.

8 **Sec. 17.** NRS 178.3975 is hereby amended to read as follows:

9 178.3975 1. The court may order a defendant to pay all or any part of
10 the expenses incurred by the county, city or state in providing the
11 defendant with an attorney which are not recovered pursuant to NRS
12 178.398. The order may be made at the time of or after the appointment of
13 an attorney and may direct the defendant to pay the expenses in
14 installments.

15 2. The court shall not order a defendant to make such a payment unless
16 the defendant is or will be able to do so. In determining the amount and
17 method of payment, the court shall take account of the financial resources
18 of the defendant and the nature of the burden that payment will impose.

19 3. A defendant who has been ordered to pay expenses of his defense
20 and who is not willfully or without good cause in default in the payment
21 thereof may at any time petition the court which ordered the payment for
22 remission of the payment or of any unpaid portion thereof. If it appears to
23 the satisfaction of the court that payment of the amount due will impose
24 manifest hardship on the defendant or his immediate family, the court may
25 remit all or part of the amount due or modify the method of payment.

26 4. The money recovered must in each case be paid over to the city,
27 county or public defender's office which bore the expense and was not
28 reimbursed by another governmental agency.

29 5. Upon the request of a defendant, if the court finds that the defendant
30 is suitable to perform supervised ~~work for the benefit of the community,~~
31 *community service*, the court may allow the defendant to pay all or part of
32 any expenses incurred by the county, city or state in providing him with an
33 attorney by performing supervised ~~work for the benefit of the~~ community
34 *service* for a reasonable number of hours, the value of which would be
35 commensurate with such expenses incurred. The ~~work~~ *community*
36 *service* must be performed for and under the supervising authority of a
37 county, city, town or other political subdivision or agency of the State of
38 Nevada or a charitable organization that renders service to the community
39 or its residents. The court may require a defendant who requests to perform
40 community service to deposit with the court a reasonable sum of money to
41 pay for the cost of policies of insurance against liability for personal injury
42 and damage to property or for industrial insurance, or both, during those
43 periods in which he performs the ~~work~~ *community service*, unless, in the
44 case of industrial insurance, it is provided by the authority for which he
45 performs the ~~work~~ *community service*.

46 **Sec. 18.** NRS 193.150 is hereby amended to read as follows:

47 193.150 1. Every person convicted of a misdemeanor shall be
48 punished by imprisonment in the county jail for not more than 6 months, or
49 by a fine of not more than \$1,000, or by both fine and imprisonment,



1 unless the statute in force at the time of commission of such misdemeanor
2 prescribed a different penalty.

3 2. In lieu of all or a part of the punishment which may be imposed
4 pursuant to subsection 1, the convicted person may be sentenced to
5 perform a fixed period of ~~work for the benefit of the~~ community *service*
6 pursuant to the conditions prescribed in NRS 176.087.

7 **Sec. 19.** NRS 193.210 is hereby amended to read as follows:

8 193.210 A person is of sound mind ~~who is not an idiot and~~ who has
9 arrived at the age of 14 years, or before that age if he knew the distinction
10 between good and evil.

11 **Sec. 20.** NRS 194.010 is hereby amended to read as follows:

12 194.010 All persons are liable to punishment except those belonging to
13 the following classes:

14 1. Children under the age of 8 years.

15 2. Children between the ages of 8 years and 14 years, in the absence of
16 clear proof that at the time of committing the act charged against them they
17 knew its wrongfulness.

18 3. ~~Idiots.~~

19 ~~4.~~ Persons who committed the act or made the omission charged
20 under an ignorance or mistake of fact, which disproves any criminal intent,
21 where a specific intent is required to constitute the offense.

22 ~~5.~~ 4. Persons who committed the act charged without being
23 conscious thereof.

24 ~~6.~~ 5. Persons who committed the act or made the omission charged,
25 through misfortune or by accident, when it appears that there was no evil
26 design, intention or culpable negligence.

27 ~~7.~~ 6. Persons, unless the crime is punishable with death, who
28 committed the act or made the omission charged under threats or menaces
29 sufficient to show that they had reasonable cause to believe, and did
30 believe, their lives would be endangered if they refused, or that they would
31 suffer great bodily harm.

32 **Sec. 21.** NRS 209.392 is hereby amended to read as follows:

33 209.392 1. Except as otherwise provided in NRS 209.3925 and
34 209.429, the director may, at the request of an offender who is eligible for
35 residential confinement pursuant to the standards adopted by the director
36 pursuant to subsection 3 and who has:

37 (a) Established a position of employment in the community;

38 (b) Enrolled in a program for education or rehabilitation; or

39 (c) Demonstrated an ability to pay for all or part of the costs of his
40 confinement and to meet any existing obligation for restitution to any
41 victim of his crime,

42 assign the offender to the custody of the division of parole and probation of
43 the department of motor vehicles and public safety to serve a term of
44 residential confinement, pursuant to NRS 213.380, for not longer than the
45 remainder of his sentence.

46 2. Upon receiving a request to serve a term of residential confinement
47 from an eligible offender, the director shall notify the division of parole
48 and probation. If any victim of a crime committed by the offender has,
49 pursuant to subsection 4 of NRS 213.130, requested to be notified of the



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1 consideration of a prisoner for parole and has provided a current address,
2 the division of parole and probation shall notify the victim of the offender's
3 request and advise the victim that he may submit documents regarding the
4 request to the division of parole and probation. If a current address has not
5 been provided as required by subsection 4 of NRS 213.130, the division of
6 parole and probation must not be held responsible if such notification is not
7 received by the victim. All personal information, including, but not limited to,
8 to, a current or former address, which pertains to a victim and which is
9 received by the division of parole and probation pursuant to this subsection
10 is confidential.

11 3. The director, after consulting with the division of parole and
12 probation, shall adopt, by regulation, standards providing which offenders
13 are eligible for residential confinement. The standards adopted by the
14 director must provide that an offender who:

15 (a) Is not eligible for parole or release from prison within a reasonable
16 period;

17 (b) Has recently committed a serious infraction of the rules of an
18 institution or facility of the department;

19 (c) Has not performed the duties assigned to him in a faithful and
20 orderly manner;

21 (d) Has ever been convicted of:

22 (1) Any crime involving the use or threatened use of force or violence
23 against the victim; or

24 (2) A sexual offense;

25 (e) Has more than one prior conviction for any felony in this state or
26 any offense in another state that would be a felony if committed in this
27 state, not including a violation of NRS ~~484.3792~~ 484.379 or 484.3795;

28 (f) Has escaped or attempted to escape from any jail or correctional
29 institution for adults; or

30 (g) Has not made an effort in good faith to participate in or to complete
31 any educational or vocational program or any program of treatment, as
32 ordered by the director,

33 is not eligible for assignment to the custody of the division of parole and
34 probation to serve a term of residential confinement pursuant to this
35 section.

36 4. If an offender assigned to the custody of the division of parole and
37 probation pursuant to this section escapes or violates any of the terms or
38 conditions of his residential confinement:

39 (a) The division of parole and probation may, pursuant to the procedure
40 set forth in NRS 213.410, return the offender to the custody of the
41 department.

42 (b) The offender forfeits all or part of the credits for good behavior
43 earned by him before the escape or violation, as determined by the director.
44 The director may provide for a forfeiture of credits pursuant to this
45 paragraph only after proof of the offense and notice to the offender, and
46 may restore credits forfeited for such reasons as he considers proper. The
47 decision of the director regarding such a forfeiture is final.

48 5. The assignment of an offender to the custody of the division of
49 parole and probation pursuant to this section shall be deemed:



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1 (a) A continuation of his imprisonment and not a release on parole; and
2 (b) For the purposes of NRS 209.341, an assignment to a facility of the
3 department,
4 except that the offender is not entitled to obtain any benefits or to
5 participate in any programs provided to offenders in the custody of the
6 department.

7 6. An offender does not have a right to be assigned to the custody of
8 the division of parole and probation pursuant to this section, or to remain in
9 that custody after such an assignment, and it is not intended that the
10 provisions of this section or of NRS 213.371 to 213.410, inclusive, create
11 any right or interest in liberty or property or establish a basis for any cause
12 of action against the state, its political subdivisions, agencies, boards,
13 commissions, departments, officers or employees.

14 **Sec. 22.** NRS 211.244 is hereby amended to read as follows:

15 211.244 1. At any time after the conviction of a prisoner, and after
16 the financial status of the prisoner has been determined or the prisoner has
17 refused or failed to complete and sign the form required by NRS 211.242,
18 the sheriff of the county, the administrator of the department of detention
19 of an incorporated city, the person appointed to administer a city jail or the
20 administrator of an alternative program may issue a written demand to the
21 prisoner for reimbursement, pursuant to NRS 211.2415, of the expenses
22 incurred by the county or city for the prisoner's maintenance and support
23 during his period of imprisonment or assignment to an alternative program.

24 2. Except as otherwise provided in subsection 3, the prisoner shall pay
25 the total amount due when the written demand is issued. The prisoner may
26 arrange to make payments on a monthly basis. If such arrangements are
27 made, the prisoner must be provided with a monthly billing statement
28 which specifies the date on which his next payment is due.

29 3. A court may order a prisoner to perform supervised ~~work for the~~
30 ~~benefit of the~~ community *service* to satisfy the written demand for
31 reimbursement. Each hour of ~~work~~ *community service* performed by the
32 prisoner reduces the amount he owes by \$8. If the prisoner does not satisfy
33 the written demand for reimbursement within the time set by the court, the
34 district attorney for a county or the city attorney for an incorporated city
35 may file a civil action pursuant to NRS 211.245.

36 **Sec. 23.** NRS 213.15193 is hereby amended to read as follows:

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

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

42 (a) Require the parolee to be confined to his residence during the time
43 he is away from his employment, ~~public~~ *community* service or other
44 activity authorized by the division; and

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



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1 3. An electronic device approved by the division may be used to
2 supervise a parolee who is ordered to be placed in residential confinement.
3 The device must be minimally intrusive and limited in capability to
4 recording or transmitting information concerning the presence of the
5 parolee at his residence, including, without limitation, the transmission of
6 still visual images which do not concern the activities of the parolee while
7 inside his residence. A device which is capable of recording or
8 transmitting:

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

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

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

17 6. The chief shall not order a parolee who is serving a sentence for
18 committing a battery which constitutes domestic violence pursuant to NRS
19 33.018 to be placed in residential confinement unless the chief makes a
20 finding that the parolee is not likely to pose a threat to the victim of the
21 battery.

22 **Sec. 24.** NRS 213.152 is hereby amended to read as follows:

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

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

30 (a) Require the parolee to be confined to his residence during the time
31 he is away from his employment, ~~public~~ community service or other
32 activity authorized by the division; and

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

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

44 (a) Oral or wire communications or any auditory sound; or
45 (b) Information concerning the activities of the parolee while inside his
46 residence,
47 must not be used.

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



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

3 6. The board shall not order a parolee who is serving a sentence for
4 committing a battery which constitutes domestic violence pursuant to NRS
5 33.018 to a term of residential confinement unless the board makes a
6 finding that the parolee is not likely to pose a threat to the victim of the
7 battery.

8 **Sec. 25.** NRS 371.230 is hereby amended to read as follows:

9 371.230 Except as otherwise provided in NRS 371.1035
10 ~~for 482.180.1, 482.180 or 482.181~~, money collected by the department for
11 privilege taxes and penalties pursuant to the provisions of this chapter must
12 be deposited with the state treasurer to the credit of the motor vehicle fund.

13 **Sec. 26.** NRS 387.328 is hereby amended to read as follows:

14 387.328 1. The board of trustees of each school district shall
15 establish a fund for capital projects for the purposes set forth in
16 subsection 1 of NRS 387.335. The money in the fund for capital projects
17 may be transferred to the debt service fund to pay the cost of the school
18 district's debt service.

19 2. The board of trustees may accumulate money in the fund for capital
20 projects for a period not to exceed 20 years.

21 3. That portion of the vehicle privilege tax whose allocation to the
22 school district pursuant to NRS ~~482.180.1~~ 482.181 is based on the amount
23 of the property tax levy attributable to its debt service must be deposited in
24 the county treasury to the credit of the fund established under subsection 1
25 or the school district's debt service fund.

26 4. No money in the fund for capital projects at the end of the fiscal
27 year may revert to the county school district fund, nor may the money be a
28 surplus for any other purpose than those specified in subsection 1.

29 5. The proceeds of the taxes deposited in the fund for capital projects
30 pursuant to NRS 244.3354, 268.0962 and 375.070 may be pledged to the
31 payment of the principal and interest on bonds or other obligations issued
32 for one or more of the purposes set forth in NRS 387.335. The proceeds of
33 such taxes so pledged may be treated as pledged revenues for the purposes
34 of subsection 3 of NRS 350.020, and the board of trustees of a school
35 district may issue bonds for those purposes in accordance with the
36 provisions of chapter 350 of NRS.

37 **Sec. 27.** NRS 408.235 is hereby amended to read as follows:

38 408.235 1. There is hereby created the state highway fund.

39 2. Except as otherwise provided in subsection ~~4~~ 6 of NRS 482.180
40 and NRS 482.1805, the proceeds from the imposition of any:

41 (a) License or registration fee and other charges with respect to the
42 operation of any motor vehicle upon any public highway, city, town or
43 county road, street, alley or highway in this state; and

44 (b) Excise tax on gasoline or other motor vehicle fuel,
45 must be deposited in the state highway fund and must, except for costs of
46 administering the collection thereof, be used exclusively for administration,
47 construction, reconstruction, improvement and maintenance of highways as
48 provided for in this chapter.



1 3. The interest and income earned on the money in the state highway
2 fund, after deducting any applicable charges, must be credited to the fund.

3 4. Costs of administration for the collection of the proceeds for any
4 license or registration fees and other charges with respect to the operation
5 of any motor vehicle must be limited to a sum not to exceed 22 percent of
6 the total proceeds so collected.

7 5. Costs of administration for the collection of any excise tax on
8 gasoline or other motor vehicle fuel must be limited to a sum not to exceed
9 1 percent of the total proceeds so collected.

10 6. All bills and charges against the state highway fund for
11 administration, construction, reconstruction, improvement and maintenance
12 of highways under the provisions of this chapter must be certified by the
13 director and must be presented to and examined by the state board of
14 examiners. When allowed by the state board of examiners and upon being
15 audited by the state controller, the state controller shall draw his warrant
16 therefor upon the state treasurer.

17 **Sec. 28.** NRS 444.630 is hereby amended to read as follows:

18 444.630 1. As used in this section, "garbage" includes swill, refuse,
19 cans, bottles, paper, vegetable matter, carcass of any dead animal, offal
20 from any slaughter pen or butcher shop, trash or rubbish.

21 2. Every person who willfully places, deposits or dumps, or who
22 causes to be placed, deposited or dumped, or who causes or allows to
23 overflow, any sewage, sludge, cesspool or septic tank effluent, or
24 accumulation of human excreta, or any garbage, in or upon any street,
25 alley, public highway or road in common use, or upon any public park or
26 other public property other than property designated or set aside for such a
27 purpose by the governing body having charge thereof, or upon any private
28 property into or upon which the public is admitted by easement, license or
29 otherwise, is guilty of a misdemeanor and, if the convicted person agrees,
30 he shall be sentenced to perform 10 hours of ~~work for the benefit of the~~
31 community *service* under the conditions prescribed in NRS 176.087.

32 3. Except as otherwise provided in NRS 444.585, ownership of
33 garbage does not transfer from the person who originally possessed it until
34 it is received for transport by a person authorized to dispose of solid waste
35 pursuant to this chapter or until it is disposed of at a municipal disposal
36 site. Identification of the owner of any garbage which is disposed of in
37 violation of subsection 2 creates a reasonable inference that the owner is
38 the person who disposed of the garbage. The fact that the disposal of the
39 garbage was not witnessed does not, in and of itself, preclude the
40 identification of its owner.

41 4. All:

- 42 (a) Health officers and their deputies;
43 (b) Game wardens;
44 (c) Police officers of cities and towns;
45 (d) Sheriffs and their deputies;
46 (e) Other peace officers of the State of Nevada; and
47 (f) Other persons who are specifically designated by the local
48 government to do so,



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1 shall, within their respective jurisdictions, enforce the provisions of this
2 section.

3 5. A district health officer or his deputy or other person specifically
4 designated by the local government to do so may issue a citation for any
5 violation of this section which occurs within his jurisdiction.

6 6. To effectuate the purposes of this section, the persons charged with
7 enforcing this section may request information from any:

8 (a) Agency of the state or its political subdivisions.

9 (b) Employer, public or private.

10 (c) Employee organization or trust of any kind.

11 (d) Financial institution or other entity which is in the business of
12 providing credit reports.

13 (e) Public utility.

14 Each of these persons and entities, their officers and employees, shall
15 cooperate by providing any information in their possession which may aid
16 in the location and identification of a person believed to be in violation of
17 subsection 2. A disclosure made in good faith pursuant to this subsection
18 does not give rise to any action for damages for the disclosure.

19 **Sec. 29.** NRS 458.320 is hereby amended to read as follows:

20 458.320 1. If the court, after a hearing, determines that a person is
21 entitled to accept the treatment offered pursuant to NRS 458.310, the court
22 shall order an approved facility for the treatment of abuse of alcohol or
23 drugs to conduct an examination of the person to determine whether he is
24 an alcoholic or drug addict and is likely to be rehabilitated through
25 treatment. The facility shall report to the court the results of the
26 examination and recommend whether the person should be placed under
27 supervision for treatment.

28 2. If the court, acting on the report or other relevant information,
29 determines that the person is not an alcoholic or drug addict, is not likely to
30 be rehabilitated through treatment or is otherwise not a good candidate for
31 treatment, he may be sentenced and the sentence executed.

32 3. If the court determines that the person is an alcoholic or drug addict,
33 is likely to be rehabilitated through treatment and is a good candidate for
34 treatment, the court may:

35 (a) Impose any conditions to the election of treatment that could be
36 imposed as conditions of probation;

37 (b) Defer sentencing until such time, if any, as sentencing is authorized
38 pursuant to NRS 458.330; and

39 (c) Place the person under the supervision of an approved facility for
40 treatment for not less than 1 year nor more than 3 years.

41 The court may require such progress reports on the treatment of the person
42 as it deems necessary.

43 4. A person who is placed under the supervision of an approved
44 facility for treatment shall pay the cost of the program of treatment to
45 which he is assigned and the cost of any additional supervision that may be
46 required, to the extent of his financial resources. The court may issue a
47 judgment in favor of the court or facility for treatment for the costs of the
48 treatment and supervision which remain unpaid at the conclusion of the
49 treatment. Such a judgment constitutes a lien in like manner as a judgment



1 for money rendered in a civil action, but in no event may the amount of the
2 judgment include any amount of the debt which was extinguished by the
3 successful completion of community service pursuant to subsection 5.

4 5. If the person who is placed under the supervision of an approved
5 facility for treatment does not have the financial resources to pay all of the
6 related costs:

7 (a) The court shall, to the extent practicable, arrange for the person to be
8 assigned to a program at a facility that receives a sufficient amount of
9 federal or state funding to offset the remainder of the costs; and

10 (b) The court may order the person to perform supervised ~~work for the~~
11 ~~benefit of the~~ community *service* in lieu of paying the remainder of the
12 costs relating to his treatment and supervision. The ~~work~~ *community*
13 *service* must be performed for and under the supervising authority of a
14 county, city, town or other political subdivision or agency of the State of
15 Nevada or a charitable organization that renders service to the community
16 or its residents. The court may require the person to deposit with the court
17 a reasonable sum of money to pay for the cost of policies of insurance
18 against liability for personal injury and damage to property or for industrial
19 insurance, or both, during those periods in which the person performs the
20 ~~work~~ *community service*, unless, in the case of industrial insurance, it is
21 provided by the authority for which he performs the ~~work~~ *community*
22 *service*.

23 6. No person may be placed under the supervision of a facility under
24 this section unless the facility accepts him for treatment.

25 **Sec. 30.** NRS 459.735 is hereby amended to read as follows:

26 459.735 1. The contingency account for hazardous materials is
27 hereby created in the state general fund.

28 2. The commission shall administer the contingency account for
29 hazardous materials, and the money in the account may be expended only
30 for:

31 (a) Carrying out the provisions of NRS 459.735 to 459.773, inclusive;

32 (b) Carrying out the provisions of ~~Public Law 99-499 and Title I of~~
33 ~~Public Law 93-633;~~ *42 U.S.C. §§ 11001 et seq. and 49 U.S.C. §§ 5101 et*
34 *seq.;*

35 (c) Maintaining and supporting the operations of the commission and
36 local emergency planning committees;

37 (d) Training and equipping state and local personnel to respond to
38 accidents and incidents involving hazardous materials; and

39 (e) The operation of training programs and a training center for
40 handling emergencies relating to hazardous materials and related fires
41 pursuant to NRS 477.045.

42 3. All money received by this state ~~as a result of Public Law 99-499~~
43 ~~or Title I of Public Law 93-633;~~ *pursuant to 42 U.S.C. §§ 11001 et seq. or*
44 *49 U.S.C. §§ 5101 et seq.* must be deposited with the state treasurer to the
45 credit of the contingency account for hazardous materials. In addition, all
46 money received by the commission from any source must be deposited
47 with the state treasurer to the credit of the contingency account for
48 hazardous materials. The state controller shall transfer from the
49 contingency account to the operating account of the state fire marshal such



1 money collected pursuant to chapter 477 of NRS as is authorized for
2 expenditure in the budget of the state fire marshal for use pursuant to
3 paragraph (e) of subsection 2.

4 4. Upon the presentation of budgets in the manner required by law,
5 money to support the operation of the commission pursuant to this chapter,
6 other than its provision of grants, must be provided by direct legislative
7 appropriation from the state highway fund *or other legislative*
8 *authorization* to the contingency account for hazardous materials.

9 5. The interest and income earned on the money in the contingency
10 account for hazardous materials, after deducting any applicable charges,
11 must be credited to the account.

12 6. All claims against the contingency account for hazardous materials
13 must be paid as other claims against the state are paid.

14 **Sec. 31.** NRS 481.083 is hereby amended to read as follows:

15 481.083 1. Except for the operation of the investigation division, the
16 division of emergency management, the state fire marshal division, the
17 division of parole and probation, and the capitol police division of the
18 department, money for the administration of the provisions of this chapter
19 must be provided by direct legislative appropriation from the state highway
20 fund *or other legislative authorization* upon the presentation of budgets in
21 the manner required by law.

22 2. All money provided for the support of the department and its
23 various divisions must be paid out on claims approved by the director in
24 the same manner as other claims against the state are paid.

25 **Sec. 32.** NRS 482.180 is hereby amended to read as follows:

26 482.180 1. The motor vehicle fund is hereby created as an agency
27 fund. Except as otherwise provided in subsection 4 or by a specific statute,
28 all money received or collected by the department must be deposited in the
29 state treasury for credit to the motor vehicle fund.

30 2. The interest and income on the money in the motor vehicle fund,
31 after deducting any applicable charges, must be credited to the state
32 highway fund.

33 3. Any check accepted by the department in payment of vehicle
34 privilege tax or any other fee required to be collected pursuant to this
35 chapter must, if it is dishonored upon presentation for payment, be charged
36 back against the motor vehicle fund or the county to which the payment
37 was credited ~~†~~ *pursuant to this section or NRS 482.181*, in the proper
38 proportion.

39 4. ~~†~~ *Except as otherwise provided in subsection 6, all* money
40 received or collected by the department for the basic vehicle privilege tax
41 must be ~~†~~ *deposited in the local government tax distribution account,*
42 ~~created by NRS 360.660, for credit to the appropriate county pursuant to~~
43 ~~subsection 6.~~ *distributed in the manner set forth in NRS 482.181.*

44 5. Money for the administration of the provisions of this chapter must
45 be provided by direct legislative appropriation from the state highway fund
46 ~~†~~ *or other legislative authorization*, upon the presentation of budgets in
47 the manner required by law. Out of the appropriation ~~†~~ *or authorization*,
48 the department shall pay every item of expense.



6. ~~{The privilege tax collected on vehicles subject to the provisions of chapter 706 of NRS and engaged in interstate or intercounty operation must be distributed among the counties in the following percentages:~~

Carson City.....	1.07 percent	Lincoln.....	3.12 percent
Churchill.....	5.21 percent	Lyon.....	2.90 percent
Clark.....	22.54 percent	Mineral.....	2.40 percent
Douglas.....	2.52 percent	Nye.....	4.09 percent
Elko.....	13.31 percent	Pershing.....	7.00 percent
Esmeralda.....	2.52 percent	Storey.....	.19 percent
Eureka.....	3.10 percent	Washoe.....	12.24 percent
Humboldt.....	8.25 percent	White Pine.....	5.66 percent
Lander.....	3.88 percent		

~~The distributions must be allocated among local governments within the respective counties pursuant to the provisions of NRS 482.181.~~

~~7.1~~ The department shall withhold 6 percent from the amount of privilege tax collected by the department as a commission. From the amount of privilege tax collected by a county assessor, the state controller shall credit 1 percent to the department as a commission and remit 5 percent to the county for credit to its general fund as commission for the services of the county assessor.

~~8.1~~ *All money withheld by or credited to the department pursuant to this subsection must be used only for the administration of this chapter as authorized by the legislature pursuant to subsection 5.*

7. When the requirements of this section and NRS 482.181 have been met, and when directed by the department, the state controller shall transfer monthly to the state highway fund any balance in the motor vehicle fund.

~~9.1~~ 8. If a statute requires that any money in the motor vehicle fund be transferred to another fund or account, the department shall direct the controller to transfer the money in accordance with the statute.

Sec. 33. NRS 482.181 is hereby amended to read as follows:

482.181 1. Except as otherwise provided in subsection ~~4.1~~ *5, after deducting the amount withheld by the department and the amount credited to the department pursuant to subsection 6 of NRS 482.180*, the department shall certify monthly to the state board of examiners the amount of the basic and supplemental privilege taxes collected for each county by the department and its agents during the preceding month, and that money must be distributed monthly as provided in this section.

2. Any supplemental privilege tax collected for a county must be distributed only to the county, to be used as provided in NRS 371.045 and 371.047.

3. ~~{The distribution of the basic privilege tax within a county must be made to local governments, special districts and enterprise districts pursuant to the provisions of NRS 360.680 and 360.690.}~~ The distribution of the basic privilege tax *received or collected for each county* must be made to the county school district within ~~{the}~~ *each* county before ~~{the distribution of the basic privilege tax pursuant to the provisions of NRS~~



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1 ~~360.680 and 360.690 and in the same ratio as all property taxes were levied~~
2 ~~in the county in the previous fiscal year, but the State of Nevada is not~~
3 ~~entitled to share in that distribution.~~ *any distribution is made to a local*
4 *government, special district or enterprise district.* For the purpose of
5 calculating the amount of basic privilege tax to be distributed to the county
6 school district, the taxes levied by each local government, special district
7 and enterprise district are the product of its certified valuation, determined
8 pursuant to subsection 2 of NRS 361.405, and its tax rate, established
9 pursuant to NRS 361.455 for the fiscal year beginning on July 1, 1980,
10 except that the tax rate for school districts, including the rate attributable to
11 a district's debt service, is the rate established pursuant to NRS 361.455 for
12 the fiscal year beginning on July 1, 1978, but if the rate attributable to a
13 district's debt service in any fiscal year is greater than its rate for the fiscal
14 year beginning on July 1, 1978, the higher rate must be used to determine
15 the amount attributable to debt service.

16 4. *After making the distributions set forth in subsection 3, the*
17 *remaining money received or collected for each county must be deposited*
18 *in the local government tax distribution account created by NRS 360.660*
19 *for distribution to local governments, special districts and enterprise*
20 *districts within each county pursuant to the provisions of NRS 360.680*
21 *and 360.690.*

22 5. An amount equal to any basic privilege tax distributed to a
23 redevelopment agency in the fiscal year 1987-1988 must continue to be
24 distributed to that agency as long as it exists but must not be increased.

25 ~~15.1~~ 6. The department shall make distributions of basic privilege tax
26 directly to county school districts.

27 ~~16.1~~ 7. As used in this section:

- 28 (a) "Enterprise district" has the meaning ascribed to it in NRS 360.620.
29 (b) "Local government" has the meaning ascribed to it in NRS 360.640.
30 (c) *"Received or collected for each county" means:*

31 *(1) For the basic privilege tax collected on vehicles subject to the*
32 *provisions of chapter 706 of NRS, the amount determined for each*
33 *county based on the following percentages:*

34

35 Carson City..... 1.07 percent	Lincoln 3.12 percent
36 Churchill..... 5.21 percent	Lyon..... 2.90 percent
37 Clark 22.54 percent	Mineral..... 2.40 percent
38 Douglas..... 2.52 percent	Nye..... 4.09 percent
39 Elko..... 13.31 percent	Pershing 7.00 percent
40 Esmeralda..... 2.52 percent	Storey..... .19 percent
41 Eureka 3.10 percent	Washoe 12.24 percent
42 Humboldt..... 8.25 percent	White Pine..... 5.66 percent
43 Lander..... 3.88 percent	

44 *(2) For all other basic and supplemental privilege tax received or*
45 *collected by the department, the amount attributable to each county*
46 *based on the county of registration of the vehicle for which the tax was*
47 *paid.*

48 (d) "Special district" has the meaning ascribed to it in NRS 360.650.



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- 1 **Sec. 34.** NRS 484.3667 is hereby amended to read as follows:
2 484.3667 1. Except as otherwise provided in subsection 2, a person
3 who is convicted of a violation of a speed limit:
4 (a) In an area designated as a temporary traffic control zone in which
5 construction, maintenance or repair of a highway is conducted; and
6 (b) At a time when the workers who are performing the construction,
7 maintenance or repair of the highway are present,
8 shall be punished by imprisonment or by a fine, or both, for a term or an
9 amount equal to and in addition to the term of imprisonment or amount of
10 the fine, or both, that the court imposes for the primary offense. Any term
11 of imprisonment imposed pursuant to this subsection runs consecutively
12 with the sentence prescribed by the court for the crime. This subsection
13 does not create a separate offense, but provides an additional penalty for
14 the primary offense, whose imposition is contingent upon the finding of the
15 prescribed fact.
16 2. The penalty imposed for the primary offense and the additional
17 penalty imposed pursuant to subsection 1 must not exceed a total of
18 \$1,000, 6 months of imprisonment or 120 hours of ~~work for the benefit of~~
19 ~~the community.~~ **community service.**
20 3. A governmental entity that designates an area as a temporary traffic
21 control zone in which construction, maintenance or repair of a highway is
22 conducted, or the person with whom the governmental entity contracts to
23 provide such service shall cause to be erected:
24 (a) A sign located before the beginning of such an area which states that
25 a double penalty will be imposed upon a person who is convicted of
26 violating the speed limit within the temporary traffic control zone;
27 (b) A sign to mark the beginning of the temporary traffic control zone;
28 and
29 (c) A sign to mark the end of the temporary traffic control zone.
30 **Sec. 35.** NRS 484.3792 is hereby amended to read as follows:
31 484.3792 1. A person who violates the provisions of NRS 484.379:
32 (a) For the first offense within 7 years, is guilty of a misdemeanor.
33 Unless he is allowed to undergo treatment as provided in NRS 484.37937,
34 the court shall:
35 (1) Except as otherwise provided in subsection 6, order him to pay
36 tuition for an educational course on the abuse of alcohol and controlled
37 substances approved by the department and complete the course within the
38 time specified in the order, and the court shall notify the department if he
39 fails to complete the course within the specified time;
40 (2) Unless the sentence is reduced pursuant to NRS 484.37937,
41 sentence him to imprisonment for not less than 2 days nor more than 6
42 months in jail, or to perform not less than 48 hours, but not more than 96
43 hours, of ~~work for the~~ **community service** while dressed in distinctive
44 garb that identifies him as having violated the provisions of NRS 484.379;
45 and
46 (3) Fine him not less than \$400 nor more than \$1,000.
47 (b) For a second offense within 7 years, is guilty of a misdemeanor.
48 Unless the sentence is reduced pursuant to NRS 484.3794, the court:
49 (1) Shall sentence him to:



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

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

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

7 (3) Shall order him to perform not less than 100 hours, but not more
8 than 200 hours, of ~~work for the~~ community *service* while dressed in
9 distinctive garb that identifies him as having violated the provisions of
10 NRS 484.379, unless the court finds that extenuating circumstances exist;
11 and

12 (4) May order him to attend a program of treatment for the abuse
13 of alcohol or drugs pursuant to the provisions of NRS
14 484.37945.

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

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

26 2. An offense that occurred within 7 years immediately preceding the
27 date of the principal offense or after the principal offense constitutes a prior
28 offense for the purposes of this section when evidenced by a conviction,
29 without regard to the sequence of the offenses and convictions. The facts
30 concerning a prior offense must be alleged in the complaint, indictment or
31 information, must not be read to the jury or proved at trial but must be
32 proved at the time of sentencing and, if the principal offense is alleged to
33 be a felony, must also be shown at the preliminary examination or
34 presented to the grand jury.

35 3. A person convicted of violating the provisions of NRS 484.379
36 must not be released on probation, and a sentence imposed for violating
37 those provisions must not be suspended except, as provided in NRS 4.373,
38 5.055, 484.37937 and 484.3794, that portion of the sentence imposed that
39 exceeds the mandatory minimum. A prosecuting attorney shall not dismiss
40 a charge of violating the provisions of NRS 484.379 in exchange for a plea
41 of guilty, guilty but mentally ill or nolo contendere to a lesser charge or for
42 any other reason unless he knows or it is obvious that the charge is not
43 supported by probable cause or cannot be proved at the time of trial.

44 4. A term of confinement imposed pursuant to the provisions of this
45 section may be served intermittently at the discretion of the judge or justice
46 of the peace, except that a person who is convicted of a second or
47 subsequent offense within 7 years must be confined for at least one
48 segment of not less than 48 consecutive hours. This discretion must be
49 exercised after considering all the circumstances surrounding the offense,



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1 and the family and employment of the offender, but any sentence of 30
2 days or less must be served within 6 months after the date of conviction or,
3 if the offender was sentenced pursuant to NRS 484.37937 or 484.3794 and
4 the suspension of his sentence was revoked, within 6 months after the date
5 of revocation. Any time for which the offender is confined must consist of
6 not less than 24 consecutive hours.

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

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

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

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

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

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

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

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

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

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

35 **Sec. 36.** NRS 484.37937 is hereby amended to read as follows:

36 484.37937 1. Except as otherwise provided in subsection 2, a person
37 who is found guilty of a first violation of NRS 484.379 may, at that time or
38 any time before he is sentenced, apply to the court to undergo a program of
39 treatment for alcoholism or drug abuse which is certified by the health
40 division of the department of human resources for at least 6 months. The
41 court shall authorize that treatment if:

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

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

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

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



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1 (c) He has served or will serve a term of imprisonment in jail of 1 day,
2 or has performed or will perform 48 hours of ~~work for the community.~~
3 *community service.*

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

7 (a) A violation of NRS 484.3795;

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

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

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

17 4. A prosecuting attorney may, within 10 days after receiving notice of
18 an application for treatment pursuant to this section, request a hearing on
19 the question of whether the offender is eligible to undergo a program of
20 treatment for alcoholism or drug abuse. The court shall order a hearing on
21 the application upon the request of the prosecuting attorney or may order a
22 hearing on its own motion. The hearing must be limited to the question of
23 whether the offender is eligible to undergo such a program of treatment.

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

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

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

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

34 (c) Advise the offender that:

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

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

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



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

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

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

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

11 **Sec. 37.** NRS 484.3794 is hereby amended to read as follows:

12 484.3794 1. Except as otherwise provided in subsection 2, a person
13 who is found guilty of a second violation of NRS 484.379 within 7 years
14 may, at that time or any time before he is sentenced, apply to the court to
15 undergo a program of treatment for alcoholism or drug abuse which is
16 certified by the health division of the department of human resources for at
17 least 1 year if:

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

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

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

23 (b) He agrees to pay the costs of the treatment to the extent of his
24 financial resources; and

25 (c) He has served or will serve a term of imprisonment in jail of 5 days,
26 and if required pursuant to NRS 484.3792, has performed or will perform
27 not less than 50 hours, but not more than 100 hours, of ~~work for the~~
28 ~~community~~ *community service*.

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

32 (a) A violation of NRS 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 3. For the purposes of subsection 1, a violation of a law of any other
40 jurisdiction that prohibits the same or similar conduct as NRS 484.379
41 constitutes a violation of NRS 484.379.

42 4. A prosecuting attorney may, within 10 days after receiving notice of
43 an application for treatment pursuant to this section, request a hearing on
44 the matter. The court shall order a hearing on the application upon the
45 request of the prosecuting attorney or may order a hearing on its own
46 motion.

47 5. At the hearing on the application for treatment, the prosecuting
48 attorney may present the court with any relevant evidence on the matter. If



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1 a hearing is not held, the court shall decide the matter upon affidavits and
2 other information before the court.

3 6. If the court determines that an application for treatment should be
4 granted, the court shall:

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

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

10 (c) Advise the offender that:

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

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

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

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

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

30 (b) May immediately revoke the suspension of sentence for a violation
31 of a condition of the suspension.

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

35 **Sec. 38.** NRS 484.641 is hereby amended to read as follows:

36 484.641 1. It is unlawful to drive a passenger car manufactured after:

37 (a) January 1, 1968, on a highway unless it is equipped with at least two
38 lap-type safety belt assemblies for use in the front seating positions.

39 (b) January 1, 1970, on a highway, unless it is equipped with a lap-type
40 safety belt assembly for each permanent seating position for passengers.
41 This requirement does not apply to the rear seats of vehicles operated by a
42 police department or sheriff's office.

43 (c) January 1, 1970, unless it is equipped with at least two shoulder-
44 harness-type safety belt assemblies for use in the front seating positions.

45 2. Any person driving and any passenger 5 years of age or older who
46 rides in the front or back seat of any vehicle described in subsection 1,
47 having an unladen weight of less than 6,000 pounds, on any highway, road
48 or street in this state shall wear a safety belt if one is available for his
49 seating position.



1 3. A citation must be issued to any driver or to any adult passenger
2 who fails to wear a safety belt as required by subsection 2. If the passenger
3 is a child 5 years of age or older but under 18 years, a citation must be
4 issued to the driver for his failure to require that child to wear the safety
5 belt, but if both the driver and that child are not wearing safety belts, only
6 one citation may be issued to the driver for both violations. A citation may
7 be issued pursuant to this subsection only if the violation is discovered
8 when the vehicle is halted or its driver arrested for another alleged
9 violation or offense. Any person who violates the provisions of subsection
10 2 shall be punished by a fine of not more than \$25 or by a sentence to
11 perform a certain number of hours of ~~work for the community.~~

12 *community service.*

13 4. A violation of subsection 2:

14 (a) Is not a moving traffic violation under NRS 483.473.

15 (b) May not be considered as negligence or as causation in any civil
16 action or as negligent or reckless driving under NRS 484.377.

17 (c) May not be considered as misuse or abuse of a product or as
18 causation in any action brought to recover damages for injury to a person
19 or property resulting from the manufacture, distribution, sale or use of a
20 product.

21 5. The department shall exempt those types of motor vehicles or
22 seating positions from the requirements of subsection 1 when compliance
23 would be impractical.

24 6. The provisions of subsections 2 and 3 do not apply:

25 (a) To a driver or passenger who possesses a written statement by a
26 physician certifying that he is unable to wear a safety belt for medical or
27 physical reasons;

28 (b) If the vehicle is not required by federal law to be equipped with
29 safety belts;

30 (c) To an employee of the United States Postal Service while delivering
31 mail in the rural areas of this state;

32 (d) If the vehicle is stopping frequently, the speed of that vehicle does
33 not exceed 15 miles per hour between stops and the driver or passenger is
34 frequently leaving the vehicle or delivering property from the vehicle; or

35 (e) To a passenger riding in a means of public transportation, including
36 a taxi, school bus or emergency vehicle.

37 7. It is unlawful for any person to distribute, have for sale, offer for
38 sale or sell any safety belt or shoulder harness assembly for use in a motor
39 vehicle unless it meets current minimum standards and specifications of the
40 United States Department of Transportation.

41 **Sec. 39.** NRS 616A.195 is hereby amended to read as follows:

42 616A.195 Any person:

43 1. Less than 18 years of age who is subject to the jurisdiction of the
44 juvenile division of the district court and who has been ordered by the
45 court to ~~work for a community.~~ *perform community service*, upon
46 compliance by the supervising authority; or

47 2. Eighteen years of age or older who has been ordered by any court
48 to perform ~~work for a~~ *community service* pursuant to NRS 176.087,



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1 upon compliance by the convicted person or the supervising
2 authority,
3 while engaged in that work, shall be deemed, for the purpose of chapters
4 616A to 616D, inclusive, of NRS, an employee of the supervising authority
5 at a wage of \$50 per month, and is entitled to the benefits of those chapters.

6 **Sec. 40.** NRS 630.352 is hereby amended to read as follows:

7 630.352 1. Any member of the board, except for an advisory
8 member serving on a panel of the board hearing charges, may participate in
9 the final order of the board. If the board, after a formal hearing, determines
10 from a preponderance of the evidence that a violation of the provisions of
11 this chapter or of the regulations of the board has occurred, it shall issue
12 and serve on the physician charged an order, in writing, containing its
13 findings and any sanctions.

14 2. If the board determines that no violation has occurred, it shall
15 dismiss the charges, in writing, and notify the physician that the charges
16 have been dismissed. If the disciplinary proceedings were instituted against
17 the physician as a result of a complaint filed against him, the board may
18 provide the physician with a copy of the complaint, including the name of
19 the person, if any, who filed the complaint.

20 3. Except as otherwise provided in subsection 4, if the board finds that
21 a violation has occurred, it may by order:

22 (a) Place the person on probation for a specified period on any of the
23 conditions specified in the order;

24 (b) Administer to him a public reprimand;

25 (c) Limit his practice or exclude one or more specified branches of
26 medicine from his practice;

27 (d) Suspend his license for a specified period or until further order of
28 the board;

29 (e) Revoke his license to practice medicine;

30 (f) Require him to participate in a program to correct alcohol or drug
31 dependence or any other impairment;

32 (g) Require supervision of his practice;

33 (h) Impose a fine not to exceed \$5,000;

34 (i) Require him to perform ~~public~~ **community** service without
35 compensation;

36 (j) Require him to take a physical or mental examination or an
37 examination testing his competence;

38 (k) Require him to fulfill certain training or educational requirements;
39 and

40 (l) Require him to pay all costs incurred by the board relating to his
41 disciplinary proceedings.

42 4. If the board finds that the physician has violated the provisions of
43 NRS 439B.425, the board shall suspend his license for a specified period or
44 until further order of the board.

45 **Sec. 41.** NRS 630A.510 is hereby amended to read as follows:

46 630A.510 1. Any member of the board who was not a member of the
47 investigative committee, if one was appointed, may participate in the final
48 order of the board. If the board, after a formal hearing, determines that a
49 violation of the provisions of this chapter or the regulations adopted by the



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- 1 board has occurred, it shall issue and serve on the person charged an order,
2 in writing, containing its findings and any sanctions imposed by the board.
3 If the board determines that no violation has occurred, it shall dismiss the
4 charges, in writing, and notify the person that the charges have been
5 dismissed.
- 6 2. If the board finds that a violation has occurred, it may by order:
- 7 (a) Place the person on probation for a specified period on any of the
8 conditions specified in the order.
- 9 (b) Administer to the person a public reprimand.
- 10 (c) Limit the practice of the person or exclude a method of treatment
11 from the scope of his practice.
- 12 (d) Suspend the license of the person for a specified period or until
13 further order of the board.
- 14 (e) Revoke the license of the person to practice homeopathic medicine.
- 15 (f) Require the person to participate in a program to correct a
16 dependence upon alcohol or a controlled substance, or any other
17 impairment.
- 18 (g) Require supervision of the person's practice.
- 19 (h) Impose an administrative fine not to exceed \$10,000.
- 20 (i) Require the person to perform ~~public~~ **community** service without
21 compensation.
- 22 (j) Require the person to take a physical or mental examination or an
23 examination of his competence to practice homeopathic medicine.
- 24 (k) Require the person to fulfill certain training or educational
25 requirements.
- 26 (l) Require the person to pay the costs of the investigation and hearing.
- 27 **Sec. 42.** NRS 631.350 is hereby amended to read as follows:
- 28 631.350 1. Except as otherwise provided in NRS 631.271 and
29 631.347, the board may:
- 30 (a) Refuse to issue a license to any person;
- 31 (b) Revoke or suspend the license or renewal certificate issued by it to
32 any person;
- 33 (c) Fine a person it has licensed;
- 34 (d) Place a person on probation for a specified period on any conditions
35 the board may order;
- 36 (e) Issue a public reprimand to a person;
- 37 (f) Limit a person's practice to certain branches of dentistry;
- 38 (g) Require a person to participate in a program to correct alcohol or
39 drug abuse or any other impairment;
- 40 (h) Require that a person's practice be supervised;
- 41 (i) Require a person to perform ~~public~~ **community** service without
42 compensation;
- 43 (j) Require a person to take a physical or mental examination or an
44 examination of his competence;
- 45 (k) Require a person to fulfill certain training or educational
46 requirements;
- 47 (l) Require a person to reimburse a patient; or
- 48 (m) Any combination thereof,



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1 upon proof satisfactory to the board that the person has engaged in any of
2 the activities listed in subsection 2.

3 2. The following activities may be punished as provided in
4 subsection 1:

- 5 (a) Engaging in the illegal practice of dentistry or dental hygiene;
6 (b) Engaging in unprofessional conduct; or
7 (c) Violating any regulations adopted by the board or the provisions of
8 this chapter.

9 3. The board may delegate to a hearing officer or panel its authority to
10 take any disciplinary action pursuant to this chapter, impose and collect
11 fines therefor and deposit the money therefrom in banks, credit unions or
12 savings and loan associations in this state.

13 4. If a hearing officer or panel is not authorized to take disciplinary
14 action pursuant to subsection 3 and the board deposits the money collected
15 from the imposition of fines with the state treasurer for credit to the state
16 general fund, it may present a claim to the state board of examiners for
17 recommendation to the interim finance committee if money is needed to
18 pay attorney's fees or the costs of an investigation, or both.

19 **Sec. 43.** NRS 706.211 is hereby amended to read as follows:

20 706.211 All money collected by the department under the provisions
21 of NRS 706.011 to 706.861, inclusive, must be deposited in the state
22 treasury for credit to the motor vehicle fund. Except as otherwise provided
23 in NRS 482.180 , **482.181** and this chapter, all money collected under the
24 provisions of NRS 706.011 to 706.861, inclusive, must be used for the
25 construction, maintenance and repair of the public highways of this state.

26 **Sec. 44.** Section 1 of Senate Bill No. 37 of this session is hereby
27 amended to read as follows:

28 Section 1. NRS 62.129 is hereby amended to read as follows:

29 62.129 1. A child alleged to be delinquent or in need of
30 supervision may be placed under the informal supervision of a
31 probation officer if the child voluntarily admits his participation in the
32 acts for which he was referred to the probation officer. If any of the
33 acts would constitute a gross misdemeanor or felony if committed by
34 an adult, the child may not be placed under informal supervision
35 unless the district attorney approves of the placement in writing. The
36 probation officer must advise the child and his parent, guardian or
37 custodian that they may refuse informal supervision.

38 2. An agreement for informal supervision must be entered into
39 voluntarily and intelligently by the child with the advice of his
40 attorney, or by the child with the consent of a parent, guardian or
41 custodian if the child is not represented by counsel. The period of
42 informal supervision must not exceed 180 days. The terms of the
43 agreement must be clearly stated in writing and signed by all parties.
44 A copy of the agreement must be given to the child, the attorney for
45 the child, if any, the child's parent, guardian or custodian, and the
46 probation officer, who shall retain a copy in his file for the case. The
47 child and his parent, guardian or custodian may terminate the
48 agreement at any time and request the filing of a petition for formal
49 adjudication.



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1 3. An agreement for informal supervision may require a child to:
2 (a) Perform community service or provide restitution to any victim
3 of the acts for which the child was referred to the probation officer;
4 (b) Participate in a program of restitution through work that is
5 established pursuant to NRS 62.2185 if the child:
6 (1) Is 14 years of age or older;
7 (2) Has never been found to be within the purview of this
8 chapter for an unlawful act that involved the use or threatened use of
9 force or violence against a victim and has never been found to have
10 committed such an unlawful act in any other jurisdiction;
11 (3) Is required to provide restitution to a victim; and
12 (4) Voluntarily agrees to participate in the program of restitution
13 through work;
14 (c) Complete a program of cognitive training and human
15 development pursuant to NRS 62.2195 if:
16 (1) The child has never been found to be within the purview of
17 this chapter; and
18 (2) The unlawful act for which the child is found to be within
19 the purview of this chapter did not involve the use or threatened use of
20 force or violence against a victim; or
21 (d) Engage in any combination of the activities set forth in
22 paragraphs (a), (b) and (c).
23 4. If an agreement for informal supervision requires a child to
24 participate in a program of restitution through work as set forth in
25 paragraph (b) of subsection 3 or complete a program of cognitive
26 training and human development as set forth in paragraph (c) of
27 subsection 3, the agreement may also require any or all of the
28 following, in the following order of priority if practicable:
29 (a) The child or the parent or guardian of the child, to the extent of
30 his financial ability, to pay the costs associated with the participation
31 of the child in the program, including, without limitation, a reasonable
32 sum of money to pay for the cost of policies of insurance against
33 liability for personal injury and damage to property during those
34 periods in which the child participates in the program or performs
35 work, and in the case of a program of restitution through work, for
36 industrial insurance, unless the industrial insurance is provided by the
37 employer for which the child performs the work; or
38 (b) The child to work on projects or perform community service
39 pursuant to paragraph (i) of subsection 1 of NRS 62.211 for a period
40 that reflects the costs associated with the participation of the child in
41 the program.
42 5. If a child is placed under informal supervision, a petition based
43 upon the events out of which the original complaint arose may be
44 filed only within 180 days after entry into the agreement for informal
45 supervision. If a petition is filed within that period, the child may
46 withdraw the admission he made pursuant to subsection 1. The child's
47 compliance with all proper and reasonable terms of the agreement
48 constitute grounds for the court to dismiss the petition.



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6. ~~At~~ *Upon the request of the court*, a probation officer shall file ~~annually~~ with the court a report of the number of children placed under informal supervision during the previous year, the conditions imposed in each case and the number of cases that were successfully completed without the filing of a petition.

Sec. 45. Section 21 of Senate Bill No. 59 of this session is hereby amended to read as follows:

Sec. 21. NRS 371.230 is hereby amended to read as follows:

371.230 Except as otherwise provided in NRS 371.1035, 482.180 or 482.181, money collected by the department for ~~privilege~~ *governmental services* taxes and penalties pursuant to the provisions of this chapter must be deposited with the state treasurer to the credit of the motor vehicle fund.

Sec. 46. Section 29 of Senate Bill No. 59 of this session is hereby amended to read as follows:

Sec. 29. NRS 387.328 is hereby amended to read as follows:

387.328 1. The board of trustees of each school district shall establish a fund for capital projects for the purposes set forth in subsection 1 of NRS 387.335. The money in the fund for capital projects may be transferred to the debt service fund to pay the cost of the school district's debt service.

2. The board of trustees may accumulate money in the fund for capital projects for a period not to exceed 20 years.

3. That portion of the ~~vehicle privilege~~ *governmental services* tax whose allocation to the school district pursuant to NRS 482.181 is based on the amount of the property tax levy attributable to its debt service must be deposited in the county treasury to the credit of the fund established under subsection 1 or the school district's debt service fund.

4. No money in the fund for capital projects at the end of the fiscal year may revert to the county school district fund, nor may the money be a surplus for any other purpose than those specified in subsection 1.

5. The proceeds of the taxes deposited in the fund for capital projects pursuant to NRS 244.3354, 268.0962 and 375.070 may be pledged to the payment of the principal and interest on bonds or other obligations issued for one or more of the purposes set forth in NRS 387.335. The proceeds of such taxes so pledged may be treated as pledged revenues for the purposes of subsection 3 of NRS 350.020, and the board of trustees of a school district may issue bonds for those purposes in accordance with the provisions of chapter 350 of NRS.

Sec. 47. Section 30 of Senate Bill No. 59 of this session is hereby amended to read as follows:

Sec. 30. NRS 482.180 is hereby amended to read as follows:

482.180 1. The motor vehicle fund is hereby created as an agency fund. Except as otherwise provided in subsection 4 or by a specific statute, all money received or collected by the department must be deposited in the state treasury for credit to the motor vehicle fund.



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2. The interest and income on the money in the motor vehicle fund, after deducting any applicable charges, must be credited to the state highway fund.

3. Any check accepted by the department in payment of ~~vehicle privilege~~ *the governmental services* tax or any other fee required to be collected pursuant to this chapter must, if it is dishonored upon presentation for payment, be charged back against the motor vehicle fund or the county to which the payment was credited pursuant to this section or NRS 482.181, in the proper proportion.

4. Except as otherwise provided in subsection 6, all money received or collected by the department for the basic ~~vehicle privilege~~ *governmental services* tax must be distributed in the manner set forth in NRS 482.181.

5. Money for the administration of the provisions of this chapter must be provided by direct legislative appropriation from the state highway fund or other legislative authorization, upon the presentation of budgets in the manner required by law. Out of the appropriation or authorization, the department shall pay every item of expense.

6. The department shall withhold 6 percent from the amount of ~~vehicle privilege~~ *the governmental services* tax collected by the department as a commission. From the amount of ~~vehicle privilege~~ *the governmental services* tax collected by a county assessor, the state controller shall credit 1 percent to the department as a commission and remit 5 percent to the county for credit to its general fund as commission for the services of the county assessor. All money withheld by or credited to the department pursuant to this subsection must be used only for the administration of this chapter as authorized by the legislature pursuant to subsection 5.

7. When the requirements of this section and NRS 482.181 have been met, and when directed by the department, the state controller shall transfer monthly to the state highway fund any balance in the motor vehicle fund.

8. If a statute requires that any money in the motor vehicle fund be transferred to another fund or account, the department shall direct the controller to transfer the money in accordance with the statute.

Sec. 48. Section 31 of Senate Bill No. 59 of this session is hereby amended to read as follows:

Sec. 31. NRS 482.181 is hereby amended to read as follows:

482.181 1. Except as otherwise provided in subsection 5, after deducting the amount withheld by the department and the amount credited to the department pursuant to subsection 6 of NRS 482.180, the department shall certify monthly to the state board of examiners the amount of the basic and supplemental ~~vehicle privilege~~ *governmental services* taxes collected for each county by the department and its agents during the preceding month, and that money must be distributed monthly as provided in this section.

2. Any supplemental ~~vehicle privilege~~ *governmental services* tax collected for a county must be distributed only to the county, to be used as provided in NRS 371.045 and 371.047.



3. The distribution of the basic ~~privilege~~ *governmental services* tax received or collected for each county must be made to the county school district within each county before any distribution is made to a local government, special district or enterprise district. For the purpose of calculating the amount of *the* basic ~~privilege~~ *governmental services* tax to be distributed to the county school district, the taxes levied by each local government, special district and enterprise district are the product of its certified valuation, determined pursuant to subsection 2 of NRS 361.405, and its tax rate, established pursuant to NRS 361.455 for the fiscal year beginning on July 1, 1980, except that the tax rate for school districts, including the rate attributable to a district's debt service, is the rate established pursuant to NRS 361.455 for the fiscal year beginning on July 1, 1978, but if the rate attributable to a district's debt service in any fiscal year is greater than its rate for the fiscal year beginning on July 1, 1978, the higher rate must be used to determine the amount attributable to debt service.

4. After making the distributions set forth in subsection 3, the remaining money received or collected for each county must be deposited in the local government tax distribution account created by NRS 360.660 for distribution to local governments, special districts and enterprise districts within each county pursuant to the provisions of NRS 360.680 and 360.690.

5. An amount equal to any basic ~~privilege~~ *governmental services* tax distributed to a redevelopment agency in the fiscal year 1987-1988 must continue to be distributed to that agency as long as it exists but must not be increased.

6. The department shall make distributions of *the* basic ~~privilege~~ *governmental services* tax directly to county school districts.

7. As used in this section:

(a) "Enterprise district" has the meaning ascribed to it in NRS 360.620.

(b) "Local government" has the meaning ascribed to it in NRS 360.640.

(c) "Received or collected for each county" means:

(1) For the basic ~~privilege~~ *governmental services* tax collected on vehicles subject to the provisions of chapter 706 of NRS, the amount determined for each county based on the following percentages:

Carson City.....	1.07 percent	Lincoln	3.12 percent
Churchill.....	5.21 percent	Lyon	2.90 percent
Clark.....	22.54 percent	Mineral	2.40 percent
Douglas	2.52 percent	Nye	4.09 percent
Elko	13.31 percent	Pershing.....	7.00 percent
Esmeralda.....	2.52 percent	Storey	.19 percent
Eureka	3.10 percent	Washoe.....	12.24 percent
Humboldt.....	8.25 percent	White Pine.....	5.66 percent
Lander	3.88 percent		



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(2) For all other basic and supplemental ~~privilege~~ **governmental services** tax received or collected by the department, the amount attributable to each county based on the county of registration of the vehicle for which the tax was paid.

(d) “Special district” has the meaning ascribed to it in NRS 360.650.

Sec. 49. Section 37 of Senate Bill No. 91 of this session is hereby amended to read as follows:

Sec. 37. NRS 630.352 is hereby amended to read as follows:

630.352 1. Any member of the board, except for an advisory member serving on a panel of the board hearing charges, may participate in the final order of the board. If the board, after a formal hearing, determines from a preponderance of the evidence that a violation of the provisions of this chapter or of the regulations of the board has occurred, it shall issue and serve on the physician charged an order, in writing, containing its findings and any sanctions.

2. If the board determines that no violation has occurred, it shall dismiss the charges, in writing, and notify the physician that the charges have been dismissed. If the disciplinary proceedings were instituted against the physician as a result of a complaint filed against him, the board may provide the physician with a copy of the complaint. ~~including the name of the person, if any, who filed the complaint.~~

3. Except as otherwise provided in subsection 4, if the board finds that a violation has occurred, it may by order:

(a) Place the person on probation for a specified period on any of the conditions specified in the order;

(b) Administer to him a public reprimand;

(c) Limit his practice or exclude one or more specified branches of medicine from his practice;

(d) Suspend his license for a specified period or until further order of the board;

(e) Revoke his license to practice medicine;

(f) Require him to participate in a program to correct alcohol or drug dependence or any other impairment;

(g) Require supervision of his practice;

(h) Impose a fine not to exceed \$5,000;

(i) Require him to perform community service without compensation;

(j) Require him to take a physical or mental examination or an examination testing his competence;

(k) Require him to fulfill certain training or educational requirements; and

(l) Require him to pay all costs incurred by the board relating to his disciplinary proceedings.

4. If the board finds that the physician has violated the provisions of NRS 439B.425, the board shall suspend his license for a specified period or until further order of the board.

Sec. 50. NRS 488.407 is hereby repealed.



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1 **Sec. 51.** This act becomes effective upon passage and approval.

2 **Sec. 52.** The legislative counsel shall:

3 1. In preparing the reprint and supplements to the Nevada Revised
4 Statutes, appropriately change any references to “work for the benefit of
5 the community,” “work for the community,” “work for a community,”
6 “public service” or other similar term to refer to community service.

7 2. In preparing supplements to the Nevada Administrative Code,
8 appropriately change any references to “work for the benefit of the
9 community,” “work for the community,” “work for a community,” “public
10 service” or other similar term to refer to community service.

TEXT OF REPEALED SECTION

488.407 Operation of vessel under the influence of intoxicating liquor or controlled substance: Implied consent to evidentiary test; refusal to submit to test; manner of testing.

1. Except as otherwise provided in subsections 5 and 6, a person who operates or is in actual physical control of a vessel under power or sail on the waters of this state shall be deemed to have given his consent to an evidentiary test of his blood, urine, breath or other bodily substance for the purpose of determining the concentration of alcohol in his blood or breath or the presence of a controlled substance when such a test is administered at the direction of a peace officer having reasonable grounds to believe that the person to be tested was operating or exercising actual physical control of a vessel under power or sail while under the influence of intoxicating liquor or a controlled substance.

2. If a person refuses to submit to such a test as directed by a peace officer, evidence of that refusal is admissible in any criminal action to determine whether the person was operating or exercising actual physical control of a vessel under power or sail while under the influence of intoxicating liquor or a controlled substance.

3. The person to be tested must be informed that his refusal to submit to the test is admissible pursuant to subsection 2.

4. Any person who is dead, unconscious or otherwise in a condition rendering him incapable of refusal shall be deemed not to have withdrawn his consent, and any such test may be administered whether or not the person is informed that evidence of his refusal to submit to the test is admissible.

5. Any person who is afflicted with hemophilia or with a heart condition requiring the use of an anticoagulant as determined by a physician is exempt from any blood test which may be required pursuant to this section, but may be required to submit to a test of his breath or urine.

6. Except as otherwise provided in subsection 9, if the concentration of alcohol in the blood or breath of the person to be tested is in issue, he may refuse to submit to a blood test if means are reasonably available to perform a breath test. If the person requests a blood test and the means are



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reasonably available to perform a breath test, and he is subsequently convicted, he must pay for the cost of the substituted test, including the fees and expenses of witnesses in court.

7. If the presence of a controlled substance in the blood of the person is in issue, the officer may direct him to submit to a blood or urine test, or both, in addition to the breath test.

8. Except as otherwise provided in subsections 5 and 7, a peace officer shall not direct a person to submit to a urine test.

9. Except as otherwise provided in this subsection, a person who refuses to submit to a test required by this section must not be tested. If an officer has reasonable cause to believe that:

(a) The person to be tested was operating or in actual physical control of a vessel while under the influence of intoxicating liquor or a controlled substance; and

(b) The person thereby caused the death or substantial bodily harm of another,

the officer may direct that reasonable force be used to the extent necessary to obtain samples of blood from the person to be tested. Not more than three such samples may be taken during the 5-hour period immediately following the time of the initial arrest. In such a circumstance, the officer is not required to provide the person with a choice of tests for determining the concentration of alcohol in his blood or breath or presence of a controlled substance in his blood.

