

(REPRINTED WITH ADOPTED AMENDMENTS)
THIRD REPRINT **A.B. 666**

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.** (Deleted by amendment.)
2 **Sec. 2.** NRS 4.373 is hereby amended to read as follows:
3 4.373 1. Except as otherwise provided in subsection 2, NRS
4 211A.127 or another specific statute, or unless the suspension of a sentence
5 is expressly forbidden, a justice of the peace may suspend, for not more
6 than 1 year, the sentence of a person convicted of a misdemeanor. If the
7 circumstances warrant, the justice of the peace may order as a condition of
8 suspension that the offender:
9 (a) Make restitution to the owner of any property that is lost, damaged
10 or destroyed as a result of the commission of the offense;
11 (b) Engage in a program of ~~work for the benefit of the community,~~
12 *community service*, for not more than 200 hours;
13 (c) Actively participate in a program of professional counseling at the
14 expense of the offender;
15 (d) Abstain from the use of alcohol and controlled substances;
16 (e) Refrain from engaging in any criminal activity;
17 (f) Engage or refrain from engaging in any other conduct deemed
18 appropriate by the justice of the peace;
19 (g) Submit to a search and seizure by the chief of a department of
20 alternative sentencing, an assistant alternative sentencing officer or any



1 other law enforcement officer at any time of the day or night without a
2 search warrant; and

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

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

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

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

14 (c) The programs set forth in paragraphs (a) and (b),
15 and that he comply with any other condition of suspension ordered by the
16 justice of the peace.

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

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

25 **Sec. 3.** NRS 5.055 is hereby amended to read as follows:

26 5.055 1. Except as otherwise provided in subsection 2, NRS
27 211A.127 or another specific statute, or unless the suspension of a sentence
28 is expressly forbidden, a municipal judge may suspend, for not more than 1
29 year, the sentence of a person convicted of a misdemeanor. If the
30 circumstances warrant, the municipal judge may order as a condition of
31 suspension that the offender:

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

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

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

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

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

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

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

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

48 2. If a person is convicted of a misdemeanor that constitutes domestic
49 violence pursuant to NRS 33.018, the municipal judge may, after the



1 person has served any mandatory minimum period of confinement,
2 suspend the remainder of the sentence of the person for not more than 3
3 years upon the condition that the person actively participate in:

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

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

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

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

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

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

20 33.100 1. A person who violates a temporary or extended order is
21 guilty of a misdemeanor, unless a more severe penalty is prescribed by law
22 for the act that constitutes the violation of the order. If the violation is
23 accompanied by a violent physical act by the adverse party against a person
24 protected by the order, the court shall:

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

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

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

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

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

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

40 48.061 Evidence of domestic violence as defined in NRS 33.018 and
41 expert testimony concerning the effect of domestic violence on the beliefs,
42 behavior and perception of the person alleging the domestic violence is
43 admissible in chief and in rebuttal, when determining:

44 1. Whether a person is excepted from criminal liability pursuant to
45 subsection ~~7~~ **6** of NRS 194.010, to show the state of mind of the
46 defendant.

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



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

2 62.129 1. A child alleged to be delinquent or in need of supervision
3 may be placed under the informal supervision of a probation officer if the
4 child voluntarily admits his participation in the acts for which he was
5 referred to the probation officer. If any of the acts would constitute a gross
6 misdemeanor or felony if committed by an adult, the child may not be
7 placed under informal supervision unless the district attorney approves of
8 the placement in writing. The probation officer must advise the child and
9 his parent, guardian or custodian that they may refuse informal supervision.

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

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

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

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

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

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

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

32 (4) Voluntarily agrees to participate in the program of restitution
33 through work;

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

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

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

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

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



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- 1 (a) The child or the parent or guardian of the child, to the extent of his
2 financial ability, to pay the costs associated with the participation of the
3 child in the program, including, without limitation, a reasonable sum of
4 money to pay for the cost of policies of insurance against liability for
5 personal injury and damage to property during those periods in which the
6 child participates in the program or performs work, and in the case of a
7 program of restitution through work, for industrial insurance, unless the
8 industrial insurance is provided by the employer for which the child
9 performs the work; or
- 10 (b) The child to work on projects or perform ~~public~~ **community**
11 service pursuant to paragraph (i) of subsection 1 of NRS 62.211 for a
12 period that reflects the costs associated with the participation of the child in
13 the program.
- 14 5. If a child is placed under informal supervision, a petition based upon
15 the events out of which the original complaint arose may be filed only
16 within 180 days after entry into the agreement for informal supervision. If
17 a petition is filed within that period, the child may withdraw the admission
18 he made pursuant to subsection 1. The child's compliance with all proper
19 and reasonable terms of the agreement constitute grounds for the court to
20 dismiss the petition.
- 21 6. A probation officer shall file annually with the court a report of the
22 number of children placed under informal supervision during the previous
23 year, the conditions imposed in each case and the number of cases that
24 were successfully completed without the filing of a petition.
- 25 **Sec. 7.** NRS 62.211 is hereby amended to read as follows:
26 62.211 1. Except as otherwise provided in this chapter, if the court
27 finds that a child is within the purview of this chapter, it shall so decree and
28 may:
- 29 (a) Place the child under supervision in his own home or in the custody
30 of a suitable person elsewhere, upon such conditions as the court may
31 determine. A program of supervision in the home may include electronic
32 surveillance of the child. The legislature declares that a program of
33 supervision that includes electronic surveillance is intended as an
34 alternative to commitment and not as an alternative to probation, informal
35 supervision or a supervision and consent decree.
- 36 (b) Commit the child to the custody of a public or private institution or
37 agency authorized to care for children, or place him in a home with a
38 family. In committing a child to a private institution or agency the court
39 shall select one that is required to be licensed by the department of human
40 resources to care for such children, or, if the institution or agency is in
41 another state, by the analogous department of that state. The court shall not
42 commit a female child to a private institution without prior approval of the
43 superintendent of the Caliente youth center, and shall not commit a male
44 child to a private institution without prior approval of the superintendent of
45 the Nevada youth training center.
- 46 (c) Order such medical, psychiatric, psychological or other care and
47 treatment as the court deems to be for the best interests of the child, except
48 as otherwise provided in this section.



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

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

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

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

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

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

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

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

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

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

29 If the court issues an order suspending the driver's license of a child
30 pursuant to this paragraph, the judge shall require the child to surrender to
31 the court all driver's licenses then held by the child. The court shall, within
32 5 days after issuing the order, forward to the department of motor vehicles
33 and public safety the licenses, together with a copy of the order. If,
34 pursuant to this paragraph, the court issues an order delaying the ability of
35 a child to receive a driver's license, the court shall, within 5 days after
36 issuing the order, forward to the department of motor vehicles and public
37 safety a copy of the order. The department of motor vehicles and public
38 safety shall report a suspension pursuant to this paragraph to an insurance
39 company or its agent inquiring about the child's driving record, but such a
40 suspension must not be considered for the purpose of rating or
41 underwriting. The department of motor vehicles and public safety shall not
42 require the child to submit to the tests and other requirements which are
43 adopted by regulation pursuant to subsection 1 of NRS 483.495 as a
44 condition of reinstatement or reissuance after a suspension of his license
45 pursuant to this paragraph, unless the suspension resulted from his poor
46 performance as a driver.

47 (i) Place the child, when he is not in school, under the supervision of:

48 (1) A public organization to work on public projects;

49 (2) A public agency to work on projects to eradicate graffiti; or



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1 (3) A private nonprofit organization to perform other ~~public~~
2 *community* service.

3 The person under whose supervision the child is placed shall keep the child
4 busy and well supervised and shall make such reports to the court as it may
5 require. As a condition of such a placement, the court may require the child
6 or his parent or guardian to deposit with the court a reasonable sum of
7 money to pay for the cost of policies of insurance against liability for
8 personal injury and damage to property or for industrial insurance, or both,
9 during those periods in which he performs the work ~~or~~ *or community*
10 *service*, unless, in the case of industrial insurance, it is provided by the
11 organization or agency for which he performs the work ~~or~~ *or community*
12 *service*.

13 (j) Permit the child to reside in a residence without the immediate
14 supervision of an adult, or exempt the child from mandatory attendance at
15 school so that the child may be employed full time, or both, if the child is
16 at least 16 years of age, has demonstrated the capacity to benefit from this
17 placement or exemption and is under the strict supervision of the juvenile
18 division.

19 (k) Require the child to provide restitution to the victim of the crime
20 which the child has committed.

21 (l) Impose a fine on the child. If a fine is imposed, the court shall
22 impose an administrative assessment pursuant to NRS 62.2175.

23 (m) If the child has not previously been found to be within the purview
24 of this chapter and if the act for which the child is found to be within the
25 purview of this chapter did not involve the use or threatened use of force or
26 violence, order the child to participate in a publicly or privately operated
27 program of sports or physical fitness that is adequately supervised or a
28 publicly or privately operated program for the arts that is adequately
29 supervised. A program for the arts may include, but is not limited to,
30 drawing, painting, photography or other visual arts, musical, dance or
31 theatrical performance, writing or any other structured activity that
32 involves creative or artistic expression. If the court orders the child to
33 participate in a program of sports or physical fitness or a program for the
34 arts, the court may order any or all of the following, in the following order
35 of priority if practicable:

36 (1) The parent or guardian of the child, to the extent of his financial
37 ability, to pay the costs associated with the participation of the child in the
38 program, including, but not limited to, a reasonable sum of money to pay
39 for the cost of policies of insurance against liability for personal injury and
40 damage to property during those periods in which the child participates in
41 the program;

42 (2) The child to work on projects or perform ~~public~~ *community*
43 service pursuant to paragraph (i) for a period that reflects the costs
44 associated with the participation of the child in the program; or

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

48 2. If the court finds that a child who is less than 17 years of age has
49 committed a delinquent act, the court may order the parent or guardian of



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1 the child to pay any fines and penalties imposed for the delinquent act. If
2 the parent or guardian is unable to pay the fines and penalties imposed
3 because of financial hardship, the court may require the parent or guardian
4 to perform community service.

5 3. In determining the appropriate disposition of a case concerning a
6 child found to be within the purview of this chapter, the court shall
7 consider whether the act committed by the child involved the use of a
8 firearm or the use or threatened use of force or violence against the victim
9 of the act and whether the child is a serious or chronic offender. If the court
10 finds that the act committed by the child involved the use of a firearm or
11 the use or threatened use of force or violence against the victim or that the
12 child is a serious or chronic offender, the court shall include the finding in
13 its order and may, in addition to the options set forth in subsections 1 and 2
14 of this section and NRS 62.213:

15 (a) Commit the child for confinement in a secure facility, including a
16 facility which is secured by its staff.

17 (b) Impose any other punitive measures the court determines to be in the
18 best interests of the public or the child.

19 4. Except as otherwise provided in NRS 62.455 and 62.570, at any
20 time, either on its own volition or for good cause shown, the court may
21 terminate its jurisdiction concerning the child.

22 5. Whenever the court commits a child to any institution or agency
23 pursuant to this section or NRS 62.213, it shall transmit a summary of its
24 information concerning the child and order the administrator of the school
25 that the child last attended to transmit a copy of the child's educational
26 records to the institution or agency. The institution or agency shall give to
27 the court any information concerning the child that the court may require.

28 6. In determining whether to place a child pursuant to this section in
29 the custody of a person other than his parent, guardian or custodian,
30 preference must be given to any person related within the third degree of
31 consanguinity to the child whom the court finds suitable and able to
32 provide proper care and guidance for the child.

33 **Sec. 8.** NRS 62.2185 is hereby amended to read as follows:

34 62.2185 1. In addition to the options set forth in NRS 62.211 and
35 62.213, the court may order a child who is found to be within the purview
36 of this chapter to participate in a program of restitution through work that
37 is established pursuant to this section if the child:

38 (a) Is 14 years of age or older;

39 (b) Has never been found to be within the purview of this chapter for an
40 unlawful act that involved the use or threatened use of force or violence
41 against a victim and has never been found to have committed such an
42 unlawful act in any other jurisdiction;

43 (c) Is ordered to provide restitution to a victim; and

44 (d) Voluntarily agrees to participate in the program of restitution
45 through work.

46 2. If the court orders a child to participate in a program of restitution
47 through work, the court may order any or all of the following, in the
48 following order of priority if practicable:



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



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

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:

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



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

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

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

7 62.2275 1. If a child within the jurisdiction of the juvenile court is
8 found by the juvenile court to have committed:

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

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

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

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

18 (a) Must be conducted by:

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

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

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

28 3. The judge shall:

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

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

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

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

42 (2) The judge may order the child to perform supervised ~~work for~~
43 ~~the benefit of the~~ community *service* in lieu of paying the charges relating
44 to his evaluation and treatment. The ~~work~~ *community service* must be
45 performed for and under the supervising authority of a county, city, town
46 or other political subdivision or agency of the State of Nevada or a
47 charitable organization that renders service to the community or its
48 residents. The court may require the child or his parent or legal guardian to
49 deposit with the court a reasonable sum of money to pay for the cost of



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1 policies of insurance against liability for personal injury and damage to
2 property or for industrial insurance, or both, during those periods in which
3 the child performs the ~~work~~ *community service*, unless, in the case of
4 industrial insurance, it is provided by the authority for which he performs
5 the ~~work~~ *community service*.

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

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

11 (b) Engages in any other conduct prohibited by NRS 484.379,
12 484.3795, subsection 2 of NRS 488.400, NRS 488.410 or 488.420 or
13 a law of any other jurisdiction that prohibits the same or similar
14 conduct,

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

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

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

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

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

35 7. As used in this section:

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

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

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

40 62.228 1. In addition to the options set forth in NRS 62.211 and
41 62.213, if a child is adjudicated delinquent pursuant to paragraph (b) of
42 subsection 1 of NRS 62.040 because he handled or possessed a firearm or
43 had a firearm under his control in violation of NRS 202.300, the court
44 shall:

45 (a) For the first offense:

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



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

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

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

8 (b) For the second offense:

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

12 (2) Suspend his driver's license for at least 90 days but not more than
13 2 years or, if he does not possess a driver's license, prohibit the child from
14 receiving a driver's license for at least 90 days but not more than 2 years:

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

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

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

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

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

27 125.560 1. A person who violates a restraining order or injunction:

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

30 (b) That is issued in an action or proceeding brought pursuant to this
31 Title,

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

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

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

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

45 (c) Order him to reimburse the person obtaining the order or injunction,
46 in an amount determined by the court, for all costs and attorney's fees
47 incurred by that person in seeking to enforce the order or injunction, and
48 for all medical expenses of the person and any minor child incurred as a
49 result of the violent physical act; and



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

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

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

7 176.087 1. Except where the imposition of a specific criminal
8 penalty is mandatory, a court may order a convicted person to perform
9 supervised ~~work for the benefit of the community;~~ *community service*;

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

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

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

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

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

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

- 32 (1) Misdemeanor, 200 hours;
33 (2) Gross misdemeanor, 600 hours; or
34 (3) Felony, 1,000 hours.

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

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

46 (d) The court may require the supervising authority to report
47 periodically to the court or to a probation officer the convicted person's
48 performance in carrying out the punishment or condition of probation.



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1 **Sec. 14.** NRS 176A.310 is hereby amended to read as follows:
2 176A.310 1. The court shall set the conditions of a program of
3 probation secured by a surety bond. The conditions must be appended to
4 and made part of the bond. The conditions may include, but are not limited
5 to, any one or more of the following:
6 (a) Submission to periodic tests to determine whether the probationer is
7 using any controlled substance or alcohol.
8 (b) Participation in a program for the treatment of the abuse of a
9 controlled substance or alcohol or a program for the treatment of any other
10 impairment.
11 (c) Participation in a program of professional counseling, including, but
12 not limited to, counseling for the family of the probationer.
13 (d) Restrictions or a prohibition on contact or communication with
14 witnesses or victims of the crime committed by the probationer.
15 (e) A requirement to obtain and keep employment.
16 (f) Submission to a program of intensive supervision.
17 (g) Restrictions on travel by the probationer outside the jurisdiction of
18 the court.
19 (h) Payment of restitution.
20 (i) Payment of fines and court costs.
21 (j) Supervised ~~work for the benefit of the community~~ **community**
22 **service.**
23 (k) Participation in educational courses.
24 2. A surety shall:
25 (a) Provide the facilities or equipment necessary to:
26 (1) Perform tests to determine whether the probationer is using any
27 controlled substance or alcohol, if the court requires such tests as a
28 condition of probation;
29 (2) Carry out a program of intensive supervision, if the court requires
30 such a program as a condition of probation; and
31 (3) Enable the probationer to report regularly to the surety.
32 (b) Notify the court within 24 hours after the surety has knowledge of a
33 violation of or a failure to fulfill a condition of the program of probation.
34 3. A probationer participating in a program of probation secured by a
35 surety bond shall:
36 (a) Report regularly to the surety; and
37 (b) Pay the fee charged by the surety for the execution of the bond.
38 **Sec. 15.** NRS 176A.540 is hereby amended to read as follows:
39 176A.540 1. The chief parole and probation officer may order the
40 residential confinement of a probationer if he believes that the probationer
41 poses no danger to the community and will appear at a scheduled inquiry
42 or court hearing.
43 2. In ordering the residential confinement of a probationer, the chief
44 parole and probation officer shall:
45 (a) Require the probationer to be confined to his residence during the
46 time he is away from his employment, ~~public~~ **community** service or other
47 activity authorized by the division; and
48 (b) Require intensive supervision of the probationer, including, without
49 limitation, unannounced visits to his residence or other locations where he



1 is expected to be to determine whether he is complying with the terms of
2 his confinement.

3 3. An electronic device approved by the division may be used to
4 supervise a probationer who is ordered to be placed in residential
5 confinement. The device must be minimally intrusive and limited in
6 capability to recording or transmitting information concerning the
7 probationer's presence at his residence, including the transmission of still
8 visual images which do not concern the probationer's activities while
9 inside his residence. A device which is capable of recording or
10 transmitting:

11 (a) Oral or wire communications or any auditory sound; or

12 (b) Information concerning the probationer's activities while inside his
13 residence,
14 must not be used.

15 4. The chief parole and probation officer shall not order a probationer
16 to be placed in residential confinement unless the probationer agrees to the
17 order.

18 5. Any residential confinement must not extend beyond the unexpired
19 maximum term of the original sentence.

20 **Sec. 16.** NRS 176A.660 is hereby amended to read as follows:

21 176A.660 1. If a person who has been placed on probation violates a
22 condition of his probation, the court may order him to a term of residential
23 confinement in lieu of causing the sentence imposed to be executed. In
24 making this determination, the court shall consider the criminal record of
25 the person and the seriousness of the crime committed.

26 2. In ordering the person to a term of residential confinement, the court
27 shall:

28 (a) Direct that he be placed under the supervision of the division;

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

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

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

43 (a) Oral or wire communications or any auditory sound; or

44 (b) Information concerning the person's activities while inside his
45 residence,
46 must not be used.

47 4. The court shall not order a person to a term of residential
48 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 maximum term of a sentence imposed by the court.

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

4 178.3975 1. The court may order a defendant to pay all or any part of
5 the expenses incurred by the county, city or state in providing the
6 defendant with an attorney which are not recovered pursuant to NRS
7 178.398. The order may be made at the time of or after the appointment of
8 an attorney and may direct the defendant to pay the expenses in
9 installments.

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

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

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

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

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

42 193.150 1. Every person convicted of a misdemeanor shall be
43 punished by imprisonment in the county jail for not more than 6 months, or
44 by a fine of not more than \$1,000, or by both fine and imprisonment,
45 unless the statute in force at the time of commission of such misdemeanor
46 prescribed a different penalty.

47 2. In lieu of all or a part of the punishment which may be imposed
48 pursuant to subsection 1, the convicted person may be sentenced to



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1 perform a fixed period of ~~work for the benefit of the~~ community *service*
2 pursuant to the conditions prescribed in NRS 176.087.

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

4 193.210 A person is of sound mind ~~who is not an idiot and~~ who has
5 arrived at the age of 14 years, or before that age if he knew the distinction
6 between good and evil.

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

8 194.010 All persons are liable to punishment except those belonging to
9 the following classes:

10 1. Children under the age of 8 years.

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

14 3. ~~Idiots.~~

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

18 ~~5.~~ 4. Persons who committed the act charged without being
19 conscious thereof.

20 ~~6.~~ 5. Persons who committed the act or made the omission charged,
21 through misfortune or by accident, when it appears that there was no evil
22 design, intention or culpable negligence.

23 ~~7.~~ 6. Persons, unless the crime is punishable with death, who
24 committed the act or made the omission charged under threats or menaces
25 sufficient to show that they had reasonable cause to believe, and did
26 believe, their lives would be endangered if they refused, or that they would
27 suffer great bodily harm.

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

29 209.392 1. Except as otherwise provided in NRS 209.3925 and
30 209.429, the director may, at the request of an offender who is eligible for
31 residential confinement pursuant to the standards adopted by the director
32 pursuant to subsection 3 and who has:

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

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

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

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

42 2. Upon receiving a request to serve a term of residential confinement
43 from an eligible offender, the director shall notify the division of parole
44 and probation. If any victim of a crime committed by the offender has,
45 pursuant to subsection 4 of NRS 213.130, requested to be notified of the
46 consideration of a prisoner for parole and has provided a current address,
47 the division of parole and probation shall notify the victim of the offender's
48 request and advise the victim that he may submit documents regarding the
49 request to the division of parole and probation. If a current address has not



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1 been provided as required by subsection 4 of NRS 213.130, the division of
2 parole and probation must not be held responsible if such notification is not
3 received by the victim. All personal information, including, but not limited
4 to, a current or former address, which pertains to a victim and which is
5 received by the division of parole and probation pursuant to this subsection
6 is confidential.

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

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

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

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

17 (d) Has ever been convicted of:

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

20 (2) A sexual offense;

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

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

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

29 is not eligible for assignment to the custody of the division of parole and
30 probation to serve a term of residential confinement pursuant to this
31 section.

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

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

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

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

46 (a) A continuation of his imprisonment and not a release on parole; and

47 (b) For the purposes of NRS 209.341, an assignment to a facility of the
48 department,



1 except that the offender is not entitled to obtain any benefits or to
2 participate in any programs provided to offenders in the custody of the
3 department.

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

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

12 211.244 1. At any time after the conviction of a prisoner, and after
13 the financial status of the prisoner has been determined or the prisoner has
14 refused or failed to complete and sign the form required by NRS 211.242,
15 the sheriff of the county, the administrator of the department of detention
16 of an incorporated city, the person appointed to administer a city jail or the
17 administrator of an alternative program may issue a written demand to the
18 prisoner for reimbursement, pursuant to NRS 211.2415, of the expenses
19 incurred by the county or city for the prisoner's maintenance and support
20 during his period of imprisonment or assignment to an alternative program.

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

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

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

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

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

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

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

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



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

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

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

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

13 6. The chief shall not order a parolee who is serving a sentence for
14 committing a battery which constitutes domestic violence pursuant to NRS
15 33.018 to be placed in residential confinement unless the chief makes a
16 finding that the parolee is not likely to pose a threat to the victim of the
17 battery.

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

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

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

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

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

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

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

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

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

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



1 33.018 to a term of residential confinement unless the board makes a
2 finding that the parolee is not likely to pose a threat to the victim of the
3 battery.

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

5 371.230 Except as otherwise provided in NRS 371.1035
6 ~~for 482.180,~~ **482.180 or 482.181**, money collected by the department for
7 privilege taxes and penalties pursuant to the provisions of this chapter must
8 be deposited with the state treasurer to the credit of the motor vehicle fund.

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

10 387.328 1. The board of trustees of each school district shall
11 establish a fund for capital projects for the purposes set forth in
12 subsection 1 of NRS 387.335. The money in the fund for capital projects
13 may be transferred to the debt service fund to pay the cost of the school
14 district's debt service.

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

17 3. That portion of the vehicle privilege tax whose allocation to the
18 school district pursuant to NRS ~~482.180~~ **482.181** is based on the amount
19 of the property tax levy attributable to its debt service must be deposited in
20 the county treasury to the credit of the fund established under subsection 1
21 or the school district's debt service fund.

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

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

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

34 408.235 1. There is hereby created the state highway fund.

35 2. Except as otherwise provided in subsection ~~474~~ **6** of NRS 482.180
36 and NRS 482.1805, the proceeds from the imposition of any:

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

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

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

47 4. Costs of administration for the collection of the proceeds for any
48 license or registration fees and other charges with respect to the operation



1 of any motor vehicle must be limited to a sum not to exceed 22 percent of
2 the total proceeds so collected.

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

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

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

14 444.630 1. As used in this section, "garbage" includes swill, refuse,
15 cans, bottles, paper, vegetable matter, carcass of any dead animal, offal
16 from any slaughter pen or butcher shop, trash or rubbish.

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

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

37 4. All:

38 (a) Health officers and their deputies;
39 (b) Game wardens;
40 (c) Police officers of cities and towns;
41 (d) Sheriffs and their deputies;
42 (e) Other peace officers of the State of Nevada; and
43 (f) Other persons who are specifically designated by the local
44 government to do so,
45 shall, within their respective jurisdictions, enforce the provisions of this
46 section.

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



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

- (a) Agency of the state or its political subdivisions.
- (b) Employer, public or private.
- (c) Employee organization or trust of any kind.
- (d) Financial institution or other entity which is in the business of providing credit reports.
- (e) Public utility.

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

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

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

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

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

- (a) Impose any conditions to the election of treatment that could be imposed as conditions of probation;
- (b) Defer sentencing until such time, if any, as sentencing is authorized pursuant to NRS 458.330; and
- (c) Place the person under the supervision of an approved facility for treatment for not less than 1 year nor more than 3 years.

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

4. A person who is placed under the supervision of an approved facility for treatment shall pay the cost of the program of treatment to which he is assigned and the cost of any additional supervision that may be required, to the extent of his financial resources. The court may issue a judgment in favor of the court or facility for treatment for the costs of the treatment and supervision which remain unpaid at the conclusion of the treatment. Such a judgment constitutes a lien in like manner as a judgment for money rendered in a civil action, but in no event may the amount of the judgment include any amount of the debt which was extinguished by the successful completion of community service pursuant to subsection 5.



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

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

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

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

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

23 459.735 1. The contingency account for hazardous materials is
24 hereby created in the state general fund.

25 2. The commission shall administer the contingency account for
26 hazardous materials, and the money in the account may be expended only
27 for:

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

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

32 (c) Maintaining and supporting the operations of the commission and
33 local emergency planning committees;

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

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

39 3. All money received by this state ~~as a result of Public Law 99-499~~
40 ~~or Title I of Public Law 93-633;~~ *pursuant to 42 U.S.C. §§ 11001 et seq. or*
41 *49 U.S.C. §§ 5101 et seq.* must be deposited with the state treasurer to the
42 credit of the contingency account for hazardous materials. In addition, all
43 money received by the commission from any source must be deposited
44 with the state treasurer to the credit of the contingency account for
45 hazardous materials. The state controller shall transfer from the
46 contingency account to the operating account of the state fire marshal such
47 money collected pursuant to chapter 477 of NRS as is authorized for
48 expenditure in the budget of the state fire marshal for use pursuant to
49 paragraph (e) of subsection 2.



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

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

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

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

12 481.083 1. Except for the operation of the investigation division, the
13 division of emergency management, the state fire marshal division, the
14 division of parole and probation, and the capitol police division of the
15 department, money for the administration of the provisions of this chapter
16 must be provided by direct legislative appropriation from the state highway
17 fund *or other legislative authorization* upon the presentation of budgets in
18 the manner required by law.

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

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

23 482.180 1. The motor vehicle fund is hereby created as an agency
24 fund. Except as otherwise provided in subsection 4 or by a specific statute,
25 all money received or collected by the department must be deposited in the
26 state treasury for credit to the motor vehicle fund.

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

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

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

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

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



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

10
11 ~~The distributions must be allocated among local governments within the~~
12 ~~respective counties pursuant to the provisions of NRS 482.181.~~

13 ~~—7.]~~ The department shall withhold 6 percent from the amount of
14 privilege tax collected by the department as a commission. From the
15 amount of privilege tax collected by a county assessor, the state controller
16 shall credit 1 percent to the department as a commission and remit 5
17 percent to the county for credit to its general fund as commission for the
18 services of the county assessor.

19 ~~[8.]~~ *All money withheld by or credited to the department pursuant to*
20 *this subsection must be used only for the administration of this chapter*
21 *as authorized by the legislature pursuant to subsection 5.*

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

25 ~~[9.]~~ 8. If a statute requires that any money in the motor vehicle fund
26 be transferred to another fund or account, the department shall direct the
27 controller to transfer the money in accordance with the statute.

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

29 482.181 1. Except as otherwise provided in subsection ~~[4.]~~ 5, *after*
30 *deducting the amount withheld by the department and the amount*
31 *credited to the department pursuant to subsection 6 of NRS 482.180*, the
32 department shall certify monthly to the state board of examiners the
33 amount of the basic and supplemental privilege taxes collected for each
34 county by the department and its agents during the preceding month, and
35 that money must be distributed monthly as provided in this section.

36 2. Any supplemental privilege tax collected for a county must be
37 distributed only to the county, to be used as provided in NRS 371.045 and
38 371.047.

39 3. ~~[The distribution of the basic privilege tax within a county must be~~
40 ~~made to local governments, special districts and enterprise districts~~
41 ~~pursuant to the provisions of NRS 360.680 and 360.690.]~~ The distribution
42 of the basic privilege tax *received or collected for each county* must be
43 made to the county school district within ~~[the]~~ *each* county before ~~[the~~
44 ~~distribution of the basic privilege tax pursuant to the provisions of NRS~~
45 ~~360.680 and 360.690 and in the same ratio as all property taxes were levied~~
46 ~~in the county in the previous fiscal year, but the State of Nevada is not~~
47 ~~entitled to share in that distribution.]~~ *any distribution is made to a local*
48 *government, special district or enterprise district.* For the purpose of



1 calculating the amount of basic privilege tax to be distributed to the county
2 school district, the taxes levied by each local government, special district
3 and enterprise district are the product of its certified valuation, determined
4 pursuant to subsection 2 of NRS 361.405, and its tax rate, established
5 pursuant to NRS 361.455 for the fiscal year beginning on July 1, 1980,
6 except that the tax rate for school districts, including the rate attributable to
7 a district's debt service, is the rate established pursuant to NRS 361.455 for
8 the fiscal year beginning on July 1, 1978, but if the rate attributable to a
9 district's debt service in any fiscal year is greater than its rate for the fiscal
10 year beginning on July 1, 1978, the higher rate must be used to determine
11 the amount attributable to debt service.

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

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

21 ~~5.1~~ 6. The department shall make distributions of basic privilege tax
22 directly to county school districts.

23 ~~6.1~~ 7. As used in this section:

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

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

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

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

30

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

40

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

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

46 **Sec. 34.** NRS 484.3667 is hereby amended to read as follows:

47 484.3667 1. Except as otherwise provided in subsection 2, a person
48 who is convicted of a violation of a speed limit:



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



1 (II) Residential confinement for not less than 10 days nor more
2 than 6 months, in the manner provided in NRS 4.376 to 4.3766, inclusive,
3 or 5.0755 to 5.078, inclusive;
4 (2) Shall fine him not less than \$750 nor more than \$1,000;
5 (3) Shall order him to perform not less than 100 hours, but not more
6 than 200 hours, of ~~work for the~~ community *service* while dressed in
7 distinctive garb that identifies him as having violated the provisions of
8 NRS 484.379, unless the court finds that extenuating circumstances exist;
9 and
10 (4) May order him to attend a program of treatment for the
11 abuse of alcohol or drugs pursuant to the provisions of
12 NRS 484.37945.
13 A person who willfully fails or refuses to complete successfully a term of
14 residential confinement or a program of treatment ordered pursuant to this
15 paragraph is guilty of a misdemeanor.
16 (c) For a third or subsequent offense within 7 years, is guilty of a
17 category B felony and shall be punished by imprisonment in the state
18 prison for a minimum term of not less than 1 year and a maximum term of
19 not more than 6 years, and shall be further punished by a fine of not less
20 than \$2,000 nor more than \$5,000. An offender so imprisoned must,
21 insofar as practicable, be segregated from offenders whose crimes were
22 violent and, insofar as practicable, be assigned to an institution or facility
23 of minimum security.
24 2. An offense that occurred within 7 years immediately preceding the
25 date of the principal offense or after the principal offense constitutes a prior
26 offense for the purposes of this section when evidenced by a conviction,
27 without regard to the sequence of the offenses and convictions. The facts
28 concerning a prior offense must be alleged in the complaint, indictment or
29 information, must not be read to the jury or proved at trial but must be
30 proved at the time of sentencing and, if the principal offense is alleged to
31 be a felony, must also be shown at the preliminary examination or
32 presented to the grand jury.
33 3. A person convicted of violating the provisions of NRS 484.379
34 must not be released on probation, and a sentence imposed for violating
35 those provisions must not be suspended except, as provided in NRS 4.373,
36 5.055, 484.37937 and 484.3794, that portion of the sentence imposed that
37 exceeds the mandatory minimum. A prosecuting attorney shall not dismiss
38 a charge of violating the provisions of NRS 484.379 in exchange for a plea
39 of guilty, guilty but mentally ill or nolo contendere to a lesser charge or for
40 any other reason unless he knows or it is obvious that the charge is not
41 supported by probable cause or cannot be proved at the time of trial.
42 4. A term of confinement imposed pursuant to the provisions of this
43 section may be served intermittently at the discretion of the judge or justice
44 of the peace, except that a person who is convicted of a second or
45 subsequent offense within 7 years must be confined for at least one
46 segment of not less than 48 consecutive hours. This discretion must be
47 exercised after considering all the circumstances surrounding the offense,
48 and the family and employment of the offender, but any sentence of 30
49 days or less must be served within 6 months after the date of conviction or,



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

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

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

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

15 (b) Order him to complete an educational course by correspondence on
16 the abuse of alcohol and controlled substances approved by the department
17 within the time specified in the order,
18 and the court shall notify the department if the person fails to complete the
19 assigned course within the specified time.

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

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

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

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

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

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

34 484.37937 1. Except as otherwise provided in subsection 2, a person
35 who is found guilty of a first violation of NRS 484.379 may, at that time or
36 any time before he is sentenced, apply to the court to undergo a program of
37 treatment for alcoholism or drug abuse which is certified by the health
38 division of the department of human resources for at least 6 months. The
39 court shall authorize that treatment if:

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

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

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

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

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

49 *community service.*



1 2. A person may not apply to the court to undergo a program of
2 treatment pursuant to subsection 1 if, within the immediately preceding 7
3 years, he has been found guilty of:
4 (a) A violation of NRS 484.3795;
5 (b) A homicide resulting from driving or being in actual physical
6 control of a vehicle while under the influence of intoxicating liquor or a
7 controlled substance or resulting from any other conduct prohibited by
8 NRS 484.379 or 484.3795; or
9 (c) A violation of a law of any other jurisdiction that prohibits the same
10 or similar conduct as set forth in paragraph (a) or (b).
11 3. For the purposes of subsection 1, a violation of a law of any other
12 jurisdiction that prohibits the same or similar conduct as NRS 484.379
13 constitutes a violation of NRS 484.379.
14 4. A prosecuting attorney may, within 10 days after receiving notice of
15 an application for treatment pursuant to this section, request a hearing on
16 the question of whether the offender is eligible to undergo a program of
17 treatment for alcoholism or drug abuse. The court shall order a hearing on
18 the application upon the request of the prosecuting attorney or may order a
19 hearing on its own motion. The hearing must be limited to the question of
20 whether the offender is eligible to undergo such a program of treatment.
21 5. At the hearing on the application for treatment, the prosecuting
22 attorney may present the court with any relevant evidence on the matter. If
23 a hearing is not held, the court shall decide the matter upon affidavits and
24 other information before the court.
25 6. If the court grants an application for treatment, the court shall:
26 (a) Immediately sentence the offender and enter judgment accordingly.
27 (b) Suspend the sentence of the offender for not more than 3 years upon
28 the condition that the offender be accepted for treatment by a treatment
29 facility, that he complete the treatment satisfactorily and that he comply
30 with any other condition ordered by the court.
31 (c) Advise the offender that:
32 (1) If he is accepted for treatment by such a facility, he may be placed
33 under the supervision of the facility for a period not to exceed 3 years and
34 during treatment he may be confined in an institution or, at the discretion
35 of the facility, released for treatment or supervised aftercare in the
36 community.
37 (2) If he is not accepted for treatment by such a facility or he fails to
38 complete the treatment satisfactorily, he shall serve the sentence imposed
39 by the court. Any sentence of imprisonment must be reduced by a time
40 equal to that which he served before beginning treatment.
41 (3) If he completes the treatment satisfactorily, his sentence will be
42 reduced to a term of imprisonment which is no longer than that provided
43 for the offense in paragraph (c) of subsection 1 and a fine of not more than
44 the minimum fine provided for the offense in NRS 484.3792, but the
45 conviction must remain on his record of criminal history.
46 7. The court shall administer the program of treatment pursuant to the
47 procedures provided in NRS 458.320 and 458.330, except that the court:



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

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

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

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

10 484.3794 1. Except as otherwise provided in subsection 2, a person
11 who is found guilty of a second violation of NRS 484.379 within 7 years
12 may, at that time or any time before he is sentenced, apply to the court to
13 undergo a program of treatment for alcoholism or drug abuse which is
14 certified by the health division of the department of human resources for at
15 least 1 year if:

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

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

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

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

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

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

30 (a) A violation of NRS 484.3795;

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

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

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

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

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



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

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

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

8 (c) Advise the offender that:

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

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

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

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

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

28 (b) May immediately revoke the suspension of sentence for a violation
29 of a condition of the suspension.

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

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

34 484.641 1. It is unlawful to drive a passenger car manufactured after:

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

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

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

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

48 3. A citation must be issued to any driver or to any adult passenger
49 who fails to wear a safety belt as required by subsection 2. If the passenger



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

11 4. A violation of subsection 2:

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

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

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

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

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

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

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

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

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

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

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

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

40 616A.195 Any person:

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

45 2. Eighteen years of age or older who has been ordered by any court to
46 perform ~~work for a~~ community *service* pursuant to NRS 176.087, upon
47 compliance by the convicted person or the supervising
48 authority,



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

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

5 630.352 1. Any member of the board, except for an advisory
6 member serving on a panel of the board hearing charges, may participate in
7 the final order of the board. If the board, after a formal hearing, determines
8 from a preponderance of the evidence that a violation of the provisions of
9 this chapter or of the regulations of the board has occurred, it shall issue
10 and serve on the physician charged an order, in writing, containing its
11 findings and any sanctions.

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

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

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

22 (b) Administer to him a public reprimand;

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

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

27 (e) Revoke his license to practice medicine;

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

30 (g) Require supervision of his practice;

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

32 (i) Require him to perform ~~public~~ **community** service without
33 compensation;

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

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

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

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

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

44 630A.510 1. Any member of the board who was not a member of the
45 investigative committee, if one was appointed, may participate in the final
46 order of the board. If the board, after a formal hearing, determines that a
47 violation of the provisions of this chapter or the regulations adopted by the
48 board has occurred, it shall issue and serve on the person charged an order,
49 in writing, containing its findings and any sanctions imposed by the board.



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



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

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

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

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

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

18 706.211 All money collected by the department under the provisions
19 of NRS 706.011 to 706.861, inclusive, must be deposited in the state
20 treasury for credit to the motor vehicle fund. Except as otherwise provided
21 in NRS 482.180 , **482.181** and this chapter, all money collected under the
22 provisions of NRS 706.011 to 706.861, inclusive, must be used for the
23 construction, maintenance and repair of the public highways of this state.

24 **Sec. 43.3.** Section 7 of Assembly Bill No. 444 of this session is
25 hereby amended to read as follows:

26 Sec. 7. NRS 645.633 is hereby amended to read as follows:

27 645.633 **1.** The commission may take action pursuant to NRS
28 645.630 against any person subject to that section who is guilty of:

29 ~~1-1~~ **(a)** Willfully using any trade name, service mark or insignia of
30 membership in any real estate organization of which the licensee is
31 not a member, without the legal right to do so.

32 ~~2-1~~ **(b)** Violating any order of the commission, any agreement
33 with the division, any of the provisions of this chapter, chapter 116,
34 119, 119A, 119B, 645A or 645C of NRS or any regulation adopted
35 thereunder.

36 ~~3-1~~ **(c)** Paying a commission, compensation or a finder's fee to
37 any person for performing the services of a broker, broker-salesman
38 or salesman who has not secured his license pursuant to this chapter.
39 This subsection does not apply to payments to a broker who is
40 licensed in his state of residence.

41 ~~4-1~~ **(d)** A felony, or has entered a plea of guilty, guilty but
42 mentally ill or nolo contendere to a charge of felony or any crime
43 involving fraud, deceit, misrepresentation or moral turpitude.

44 ~~5-1~~ **(e)** Guaranteeing, or having authorized or permitted any
45 person to guarantee, future profits which may result from the resale of
46 real property.

47 ~~6-1~~ **(f)** Failure to include a fixed date of expiration in any written
48 brokerage agreement or to leave a copy of the brokerage agreement
49 with the client.



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1 ~~17.1~~ (g) Accepting, giving or charging any undisclosed
2 commission, rebate or direct profit on expenditures made for a client.

3 ~~18.1~~ (h) Gross negligence or incompetence in performing any act
4 for which he is required to hold a license pursuant to this chapter,
5 chapter 119, 119A or 119B of NRS.

6 ~~19.1~~ (i) Any other conduct which constitutes deceitful, fraudulent
7 or dishonest dealing.

8 ~~110.1~~ (j) Any conduct which took place before he became licensed,
9 which was in fact unknown to the division and which would have
10 been grounds for denial of a license had the division been aware of the
11 conduct.

12 ~~111.1~~ (k) Knowingly permitting any person whose license has been
13 revoked or suspended to act as a real estate broker, broker-salesman
14 or salesman, with or on behalf of the licensee.

15 ~~112.1~~ (l) Recording or causing to be recorded a claim pursuant to
16 the provisions of NRS 645.8701 to 645.8811, inclusive, that is
17 determined by a district court to be frivolous and made without
18 reasonable cause pursuant to NRS 645.8791.

19 2. ~~Action may also be taken~~ *The commission may take action*
20 pursuant to NRS 645.630 against a person who is subject to that
21 section for the suspension or revocation of a real estate broker's,
22 broker-salesman's or salesman's license issued to him by any other
23 jurisdiction.

24 3. *The commission may take action pursuant to NRS 645.630*
25 *against any person who:*

26 (a) *Holds a permit to engage in property management issued*
27 *pursuant to NRS 645.6052; and*

28 (b) *In connection with any property for which the person has*
29 *obtained a written brokerage agreement to manage the property*
30 *pursuant to NRS 645.6056:*

31 (1) *Is convicted of violating any of the provisions of NRS*
32 *202.470;*

33 (2) *Has been notified in writing by the appropriate*
34 *governmental agency of a potential violation of NRS 244.360,*
35 *244.3603 or 268.4124, and has failed to inform the owner of the*
36 *property of such notification; or*

37 (3) *Has been directed in writing by the owner of the property to*
38 *correct a potential violation of NRS 244.360, 244.3603 or 268.4124,*
39 *and has failed to correct the potential violation, if such corrective*
40 *action is within the scope of the person's duties pursuant to the*
41 *written brokerage agreement.*

42 4. *The division shall maintain a log of any complaints that it*
43 *receives relating to activities for which the commission may take*
44 *action against a person holding a permit to engage in property*
45 *management pursuant to subsection 3.*

46 5. *On or before February 1 of each odd-numbered year, the*
47 *division shall submit to the director of the legislative counsel bureau*
48 *a written report setting forth, for the previous biennium:*



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1 (a) *Any complaints included in the log maintained by the division*
2 *pursuant to subsection 4; and*

3 (b) *Any disciplinary actions taken by the commission pursuant to*
4 *subsection 3.*

5 **Sec. 43.5.** Assembly Bill No. 574 of this session is hereby amended
6 by adding thereto a new section to read as follows:

7 Sec. 4. 1. This section and section 3 of this act become
8 effective upon passage and approval.

9 2. Sections 1 and 2 of this act become effective on October 1,
10 2001.

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

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

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

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

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

36 (a) Perform community service or provide restitution to any victim
37 of the acts for which the child was referred to the probation officer;

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

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

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

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

46 (4) Voluntarily agrees to participate in the program of restitution
47 through work;



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

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

(2) 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; or

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

4. If an agreement for informal supervision requires a child to participate in a program of restitution through work as set forth in paragraph (b) of subsection 3 or complete a program of cognitive training and human development as set forth in paragraph (c) of subsection 3, the agreement may also require 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 or performs work, and in the case of a program of restitution through work, for industrial insurance, unless the industrial insurance is provided by the employer for which the child performs the work; or

(b) The child to work on projects or perform 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.

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

6. ~~Annually~~ *Upon the request of the court, a* probation officer shall file 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.



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

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

4 387.328 1. The board of trustees of each school district shall
5 establish a fund for capital projects for the purposes set forth in
6 subsection 1 of NRS 387.335. The money in the fund for capital
7 projects may be transferred to the debt service fund to pay the cost of
8 the school district's debt service.

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

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

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

21 5. The proceeds of the taxes deposited in the fund for capital
22 projects pursuant to NRS 244.3354, 268.0962 and 375.070 may be
23 pledged to the payment of the principal and interest on bonds or other
24 obligations issued for one or more of the purposes set forth in NRS
25 387.335. The proceeds of such taxes so pledged may be treated as
26 pledged revenues for the purposes of subsection 3 of NRS 350.020,
27 and the board of trustees of a school district may issue bonds for those
28 purposes in accordance with the provisions of chapter 350 of NRS.

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

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

32 482.180 1. The motor vehicle fund is hereby created as an
33 agency fund. Except as otherwise provided in subsection 4 or by a
34 specific statute, all money received or collected by the department
35 must be deposited in the state treasury for credit to the motor vehicle
36 fund.

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

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

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



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

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

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

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

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

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

26 482.181 1. Except as otherwise provided in subsection 5, after
27 deducting the amount withheld by the department and the amount
28 credited to the department pursuant to subsection 6 of NRS 482.180,
29 the department shall certify monthly to the state board of examiners
30 the amount of the basic and supplemental ~~privilege~~ *governmental*
31 *services* taxes collected for each county by the department and its
32 agents during the preceding month, and that money must be
33 distributed monthly as provided in this section.

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

37 3. The distribution of the basic ~~privilege~~ *governmental services*
38 tax received or collected for each county must be made to the county
39 school district within each county before any distribution is made to a
40 local government, special district or enterprise district. For the
41 purpose of calculating the amount of *the* basic ~~privilege~~ *governmental*
42 *services* tax to be distributed to the county school
43 district, the taxes levied by each local government, special district and
44 enterprise district are the product of its certified valuation, determined
45 pursuant to subsection 2 of NRS 361.405, and its tax rate, established
46 pursuant to NRS 361.455 for the fiscal year beginning on July 1,
47 1980, except that the tax rate for school districts, including the rate
48 attributable to a district's debt service, is the rate established pursuant
49 to NRS 361.455 for the fiscal year beginning on July 1, 1978, but if



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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		

(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



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1 hearing, determines from a preponderance of the evidence that a
2 violation of the provisions of this chapter or of the regulations of the
3 board has occurred, it shall issue and serve on the physician charged
4 an order, in writing, containing its findings and any sanctions.

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

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

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

16 (b) Administer to him a public reprimand;

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

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

21 (e) Revoke his license to practice medicine;

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

24 (g) Require supervision of his practice;

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

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

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

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

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

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

37 **Sec. 49.5.** Section 11 of Senate Bill No. 424 of this session is hereby
38 amended to read as follows:

39 Sec. 11. NRS 444.635 is hereby amended to read as follows:

40 444.635 1. Except as otherwise provided in NRS 445C.010 to
41 445C.120, inclusive, a person convicted of violating NRS 444.555
42 and, in addition to the penalty imposed ~~him~~ pursuant to NRS 444.583
43 or 444.630, any person convicted of violating NRS 444.583 or
44 444.630 is liable for a civil penalty ~~to~~ upon each such conviction.

45 2. Except as otherwise provided in NRS 445C.010 to 445C.120,
46 inclusive, a court before whom a defendant is convicted of a violation
47 of *the provisions of* NRS 444.555, 444.583 or 444.630, shall order the
48 defendant ~~to pay a civil penalty which is at least \$250 but not more~~
49 ~~than \$2,000.~~ :



1 (a) *For a first offense, to pay a civil penalty which is at least \$500*
2 *but not more than \$5,000.*

3 (b) *For a second offense, to pay a civil penalty which is at least*
4 *\$1,000 but not more than \$5,500.*

5 (c) *For a third offense, to pay a civil penalty which is at least*
6 *\$1,500 but not more than \$6,000.*

7 (d) *For any subsequent offense, to pay a civil penalty which is at*
8 *least \$500 more than the most recent previous civil penalty that the*
9 *defendant was ordered to pay pursuant to this subsection.*

10 3. If so provided by the court, ~~the~~ a penalty *imposed pursuant*
11 *to this section* may be paid in installments.

12 ~~{3. The health authority or division of environmental protection of~~
13 ~~the state department of conservation and natural resources}~~

14 4. *The solid waste management authority* may attempt to collect
15 all such penalties and installments which are in default in any manner
16 provided by law for the enforcement of a judgment.

17 ~~{4.}~~ 5. Each court which receives money ~~under~~ *pursuant to* the
18 provisions of this section shall forthwith remit the money to the
19 division of environmental protection *of the state department of*
20 *conservation and natural resources* or, if the health authority
21 initiated the action, the district health department which shall deposit
22 the money with the state treasurer for credit in a separate account in
23 the state general fund or with the county treasurer for deposit in an
24 account for the district health department, as the case may be. Money
25 so deposited must be ~~used~~ :

26 (a) *Used* only to pay ~~rewards~~ :

27 (1) *Rewards* pursuant to NRS 444.640 ~~for for~~ ;

28 (2) *For education regarding the unlawful disposal of solid*
29 *waste;*

30 (3) *For the cleaning up of dump sites; and*

31 (4) *For the management of solid waste ; and* ~~paid~~

32 (b) *Paid* as other claims against the state or local governments are
33 paid.

34 Sec. 50. NRS 488.407 is hereby repealed.

35 Sec. 51. This act becomes effective upon passage and approval.

36 Sec. 52. The legislative counsel shall:

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

41 2. In preparing supplements to the Nevada Administrative Code,
42 appropriately change any references to “work for the benefit of the
43 community,” “work for the community,” “work for a community,” “public
44 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 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.



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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.

