

SENATE BILL NO. 263—COMMITTEE ON JUDICIARY

(ON BEHALF OF DISTRICT ATTORNEYS ASSOCIATION)

FEBRUARY 28, 2001

Referred to Committee on Judiciary

SUMMARY—Authorizes court to sentence person convicted of misdemeanor to make donation of money to charitable or educational organization under certain circumstances. (BDR 15-473)

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 sentencing; authorizing a court to sentence a person convicted of a misdemeanor to make a donation of money to a charitable or educational organization under certain circumstances; and providing other matters properly relating thereto.

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

- 1 **Section 1.** NRS 193.150 is hereby amended to read as follows:
2 193.150 1. Every person convicted of a misdemeanor shall be
3 punished by imprisonment in the county jail for not more than 6 months, or
4 by a fine of not more than \$1,000, or by both fine and imprisonment,
5 unless the statute in force at the time of commission of such misdemeanor
6 prescribed a different penalty.
7 2. In lieu of all or a part of the punishment which may be imposed
8 pursuant to subsection 1, the convicted person may be sentenced to
9 ~~perform~~ :
10 (a) *Perform* a fixed period of work for the benefit of the community
11 pursuant to the conditions prescribed in NRS 176.087.
12 (b) *Make a donation of money to a charitable organization or an*
13 *educational organization, if the prosecuting attorney and the convicted*
14 *person agree that the convicted person will make the donation and*
15 *specify the amount of the donation and the organization which will*
16 *receive the donation. As used in this paragraph:*
17 (1) *“Charitable organization” means an organization that is created*
18 *for charitable purposes as set forth in subsection 3 of NRS 364A.1525.*



1 (2) *“Educational organization” means an organization that is*
2 *created for educational purposes as set forth in subsection 4 of NRS*
3 *364A.1525.*

4 (c) *Perform any combination of the actions set forth in paragraphs (a)*
5 *and (b).*

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

7 4.373 1. Except as otherwise provided in subsection 2, NRS
8 211A.127 or another specific statute, or unless the suspension of a sentence
9 is expressly forbidden, a justice of the peace may suspend, for not more
10 than 1 year, the sentence of a person convicted of a misdemeanor. When
11 the circumstances warrant, the justice of the peace may order as a condition
12 of suspension that the offender:

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

15 (b) Engage in a program of work for the benefit of the community, for
16 not more than 200 hours;

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

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

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

21 (f) Engage or refrain from engaging in any other conduct deemed
22 appropriate by the justice of the peace;

23 (g) Submit to a search and seizure by the chief of a department of
24 alternative sentencing, an assistant alternative sentencing officer or any
25 other law enforcement officer at any time of the day or night without a
26 search warrant; ~~and~~

27 (h) Submit to periodic tests to determine whether the offender is using a
28 controlled substance or consuming alcohol ~~+~~; and

29 (i) *Make a donation of money to a charitable organization or an*
30 *educational organization, if the prosecuting attorney and the offender*
31 *agree that the offender will make the donation and specify the amount of*
32 *the donation and the organization which will receive the donation. As*
33 *used in this paragraph:*

34 (1) *“Charitable organization” means an organization that is created*
35 *for charitable purposes as set forth in subsection 3 of NRS 364A.1525.*

36 (2) *“Educational organization” means an organization that is*
37 *created for educational purposes as set forth in subsection 4 of NRS*
38 *364A.1525.*

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

44 (a) A program of treatment for the abuse of alcohol or drugs which is
45 certified by the bureau of alcohol and drug abuse in the department of
46 human resources;

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

49 (c) Both programs set forth in paragraphs (a) and (b),



1 and that he comply with any other condition of suspension ordered by the
2 justice of the peace.

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

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

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

12 5.055 1. Except as otherwise provided in subsection 2, NRS
13 211A.127 or another specific statute, or unless the suspension of a sentence
14 is expressly forbidden, a municipal judge may suspend, for not more than 1
15 year, the sentence of a person convicted of a misdemeanor. When the
16 circumstances warrant, the municipal judge may order as a condition of
17 suspension that the offender:

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

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

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

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

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

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

28 (g) Submit to a search and seizure by the chief of a department of
29 alternative sentencing, an assistant alternative sentencing officer or any
30 other law enforcement officer at any time of the day or night without a
31 search warrant; ~~and~~

32 (h) Submit to periodic tests to determine whether the offender is using
33 any controlled substance or alcohol ~~+~~; and

34 *(i) Make a donation of money to a charitable organization or an*
35 *educational organization, if the prosecuting attorney and the offender*
36 *agree that the offender will make the donation and specify the amount of*
37 *the donation and the organization which will receive the donation. As*
38 *used in this paragraph:*

39 *(1) "Charitable organization" means an organization that is created*
40 *for charitable purposes as set forth in subsection 3 of NRS 364A.1525.*

41 *(2) "Educational organization" means an organization that is*
42 *created for educational purposes as set forth in subsection 4 of NRS*
43 *364A.1525.*

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



1 (a) A program of treatment for the abuse of alcohol or drugs which is
2 certified by the bureau of alcohol and drug abuse in the department of
3 human resources;

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

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

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

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

17 **Sec. 4.** The amendatory provisions of this act do not apply to offenses
18 committed before October 1, 2001.

