

Amendment No. 212

Assembly Amendment to Assembly Bill No. 47	(BDR 14-409)
<b>Proposed by:</b> Assembly Committee on Judiciary	
<b>Amends:</b> Summary: No Title: No Preamble: No Joint Sponsorship: No Digest: Yes	

ASSEMBLY ACTION				Initial and Date	SENATE ACTION				Initial and Date
Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____	Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____
Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____	Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____
Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____	Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____

EXPLANATION: Matter in (1) *blue bold italics* is new language in the original bill; (2) *green bold italic underlining* is new language proposed in this amendment; (3) ~~red strikethrough~~ is deleted language in the original bill; (4) ~~purple double strikethrough~~ is language proposed to be deleted in this amendment; (5) orange double underlining is deleted language in the original bill that is proposed to be retained in this amendment; and (6) *green bold dashed underlining* is newly added transitory language.



ASSEMBLY BILL NO. 47—COMMITTEE ON  
CORRECTIONS, PAROLE, AND PROBATION

(ON BEHALF OF THE NEVADA SUPREME COURT)

PREFILED DECEMBER 6, 2008

Referred to Committee on Judiciary

SUMMARY—Revises provisions relating to specialty courts. (BDR 14-409)

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 specialty courts; revising provisions relating to programs for the treatment of mental illness or mental retardation; revising provisions relating to programs of treatment for the abuse of alcohol or drugs; and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

~~[Section 1 of this bill eliminates the requirement that before a court may assign a defendant to a program for the treatment of mental illness or mental retardation, the prosecuting attorney must stipulate to the assignment if the underlying offense or a previous offense committed by the defendant involved the use or threatened use of force or violence. (NRS 176A.260) Sections 2-5 and 7.] Sections 1.5 and 5.5 of this bill remove the 3-year waiting period and require a court to immediately, upon completion of a program for the treatment of mental illness or mental retardation or a program of treatment for the abuse of alcohol or drugs, seal all records relating to the case. (NRS 176A.265, 453.3365) Sections 2-5 and 7 of this bill authorize a court, upon completion of a presentence program of treatment for the abuse of alcohol or drugs, to seal all records relating to the case. [Section 6 of this bill reduces the list of crimes that make a defendant ineligible to participate in a program of treatment for the abuse of alcohol or drugs and authorizes a court to assign a defendant to the program of treatment if deemed appropriate by the court and not otherwise prohibited by specific statute. (NRS 458.300)] Section 7.5 of this bill provides that certain offenders who are convicted of driving under the influence and are accepted into a program of treatment for the abuse of alcohol or drugs must not have their license, permit or privilege to drive revoked. (NRS 484.37941)]~~

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

**Section 1.** ~~[NRS 176A.260 is hereby amended to read as follows:  
176A.260 1. [Except as otherwise provided in subsection 2, if] If a  
defendant who suffers from mental illness or is mentally retarded tenders a plea of~~

1 ~~guilty, guilty but mentally ill or nolo contendere to, or is found guilty or guilty but~~  
2 ~~mentally ill of, any offense for which the suspension of sentence or the granting of~~  
3 ~~probation is not prohibited by statute, the court may, without entering a judgment of~~  
4 ~~conviction and with the consent of the defendant, suspend further proceedings and~~  
5 ~~place the defendant on probation upon terms and conditions that must include~~  
6 ~~attendance and successful completion of a program established pursuant to NRS~~  
7 ~~176A.250.~~

8 ~~2. [If the offense committed by the defendant involved the use or threatened~~  
9 ~~use of force or violence or if the defendant was previously convicted in this State or~~  
10 ~~in any other jurisdiction of a felony that involved the use or threatened use of force~~  
11 ~~or violence, the court may not assign the defendant to the program unless the~~  
12 ~~prosecuting attorney stipulates to the assignment.~~

13 ~~3.] Upon violation of a term or condition:~~

14 ~~(a) The court may enter a judgment of conviction and proceed as provided in~~  
15 ~~the section pursuant to which the defendant was charged;~~

16 ~~(b) Notwithstanding the provisions of paragraph (c) of subsection 2 of NRS~~  
17 ~~193.130, the court may order the defendant to the custody of the Department of~~  
18 ~~Corrections if the offense is punishable by imprisonment in the state prison.~~

19 ~~[4.] 3. Upon fulfillment of the terms and conditions, the court shall discharge~~  
20 ~~the defendant and dismiss the proceedings against him. Discharge and dismissal~~  
21 ~~pursuant to this section is without adjudication of guilt and is not a conviction for~~  
22 ~~purposes of this section or for purposes of employment, civil rights or any statute or~~  
23 ~~regulation or license or questionnaire or for any other public or private purpose, but~~  
24 ~~is a conviction for the purpose of additional penalties imposed for second or~~  
25 ~~subsequent convictions or the setting of bail. Discharge and dismissal restores the~~  
26 ~~defendant, in the contemplation of the law, to the status occupied before the arrest,~~  
27 ~~indictment or information. The defendant may not be held thereafter under any law~~  
28 ~~to be guilty of perjury or otherwise giving a false statement by reason of failure to~~  
29 ~~recite or acknowledge that arrest, indictment, information or trial in response to an~~  
30 ~~inquiry made of him for any purpose.] (Deleted by amendment.)~~

31 **Sec. 1.5. NRS 176A.265 is hereby amended to read as follows:**

32 176A.265 1. ~~[Three years after]~~ **After** a defendant is discharged from  
33 probation pursuant to NRS 176A.260, the court shall order sealed all documents,  
34 papers and exhibits in the defendant's record, minute book entries and entries on  
35 dockets, and other documents relating to the case in the custody of such other  
36 agencies and officers as are named in the court's order if the defendant fulfills the  
37 terms and conditions imposed by the court and the Division. The court shall order  
38 those records sealed without a hearing unless the Division petitions the court, for  
39 good cause shown, not to seal the records and requests a hearing thereon.

40 2. If the court orders sealed the record of a defendant discharged pursuant to  
41 NRS 176A.260, the court shall send a copy of the order to each agency or officer  
42 named in the order. Each such agency or officer shall notify the court in writing of  
43 its compliance with the order.

44 **Sec. 2. NRS 179.245 is hereby amended to read as follows:**

45 179.245 1. Except as otherwise provided in subsection 5 and NRS  
46 176A.265, 179.259, ~~and~~ 453.3365 ~~and~~ **and 458.330**, a person may petition the  
47 court in which he was convicted for the sealing of all records relating to a  
48 conviction of:

49 (a) A category A or B felony after 15 years from the date of his release from  
50 actual custody or discharge from parole or probation, whichever occurs later;

51 (b) A category C or D felony after 12 years from the date of his release from  
52 actual custody or discharge from parole or probation, whichever occurs later;

(c) A category E felony after 7 years from the date of his release from actual custody or discharge from parole or probation, whichever occurs later;

(d) Any gross misdemeanor after 7 years from the date of his release from actual custody or discharge from probation, whichever occurs later;

(e) A violation of NRS 484.379 or 484.379778 other than a felony, or a battery which constitutes domestic violence pursuant to NRS 33.018 other than a felony, after 7 years from the date of his release from actual custody or from the date when he is no longer under a suspended sentence, whichever occurs later; or

(f) Any other misdemeanor after 2 years from the date of his release from actual custody or from the date when he is no longer under a suspended sentence, whichever occurs later.

2. A petition filed pursuant to subsection 1 must:

(a) Be accompanied by current, verified records of the petitioner's criminal history received from:

(1) The Central Repository for Nevada Records of Criminal History; and

(2) The local law enforcement agency of the city or county in which the conviction was entered;

(b) Include a list of any other public or private agency, company, official or other custodian of records that is reasonably known to the petitioner to have possession of records of the conviction and to whom the order to seal records, if issued, will be directed; and

(c) Include information that, to the best knowledge and belief of the petitioner, accurately and completely identifies the records to be sealed.

3. Upon receiving a petition pursuant to this section, the court shall notify the law enforcement agency that arrested the petitioner for the crime and:

(a) If the person was convicted in a district court or justice court, the prosecuting attorney for the county; or

(b) If the person was convicted in a municipal court, the prosecuting attorney for the city.

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

4. If, after the hearing, the court finds that, in the period prescribed in subsection 1, the petitioner has not been charged with any offense for which the charges are pending or convicted of any offense, except for minor moving or standing traffic violations, the court may order sealed all records of the conviction which are in the custody of the court, of another court in the State of Nevada or of a public or private agency, company or official in the State of Nevada, and may also order all such criminal identification records of the petitioner returned to the file of the court where the proceeding was commenced from, including, but not limited to, the Federal Bureau of Investigation, the California Bureau of *Criminal* Identification and Information, sheriffs' offices and all other law enforcement agencies reasonably known by either the petitioner or the court to have possession of such records.

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

6. If the court grants a petition for the sealing of records pursuant to this section, upon the request of the person whose records are sealed, the court may order sealed all records of the civil proceeding in which the records were sealed.

7. As used in this section:

(a) "Crime against a child" has the meaning ascribed to it in NRS 179D.0357.

(b) "Sexual offense" means:

(1) Murder of the first degree committed in the perpetration or attempted perpetration of sexual assault or of sexual abuse or sexual molestation of a child less than 14 years of age pursuant to paragraph (b) of subsection 1 of NRS 200.030.

(2) Sexual assault pursuant to NRS 200.366.

(3) Statutory sexual seduction pursuant to NRS 200.368, if punishable as a felony.

(4) Battery with intent to commit sexual assault pursuant to NRS 200.400.

(5) An offense involving the administration of a drug to another person with the intent to enable or assist the commission of a felony pursuant to NRS 200.405, if the felony is an offense listed in this paragraph.

(6) An offense involving the administration of a controlled substance to another person with the intent to enable or assist the commission of a crime of violence pursuant to NRS 200.408, if the crime of violence is an offense listed in this paragraph.

(7) Abuse of a child pursuant to NRS 200.508, if the abuse involved sexual abuse or sexual exploitation.

(8) An offense involving pornography and a minor pursuant to NRS 200.710 to 200.730, inclusive.

(9) Incest pursuant to NRS 201.180.

(10) Solicitation of a minor to engage in acts constituting the infamous crime against nature pursuant to NRS 201.195.

(11) Open or gross lewdness pursuant to NRS 201.210, if punishable as a felony.

(12) Indecent or obscene exposure pursuant to NRS 201.220, if punishable as a felony.

(13) Lewdness with a child pursuant to NRS 201.230.

(14) Sexual penetration of a dead human body pursuant to NRS 201.450.

(15) Luring a child or a person with mental illness pursuant to NRS 201.560, if punishable as a felony.

(16) An attempt to commit an offense listed in subparagraphs (1) to (15), inclusive.

**Sec. 3.** NRS 179.275 is hereby amended to read as follows:

179.275 Where the court orders the sealing of a record pursuant to NRS 176A.265, 179.245, 179.255, 179.259, ~~453.3365~~ ~~or~~ **458.330**, a copy of the order must be sent to:

1. The Central Repository for Nevada Records of Criminal History; and

2. Each public or private company, agency or official named in the order, and that person shall seal the records in his custody which relate to the matters contained in the order, shall advise the court of his compliance ~~and~~ and shall then seal the order.

**Sec. 4.** NRS 179.285 is hereby amended to read as follows:

179.285 Except as otherwise provided in NRS 179.301:

1. If the court orders a record sealed pursuant to NRS 176A.265, 179.245, 179.255, 179.259, ~~453.3365~~ ~~or~~ **458.330**:

(a) All proceedings recounted in the record are deemed never to have occurred, and the person to whom the order pertains may properly answer accordingly to any inquiry, including, without limitation, an inquiry relating to an application for employment, concerning the arrest, conviction, dismissal or acquittal and the events and proceedings relating to the arrest, conviction, dismissal or acquittal.

(b) The person is immediately restored to the following civil rights if his civil rights previously have not been restored:

(1) The right to vote;

(2) The right to hold office; and

1 (3) The right to serve on a jury.

2 2. Upon the sealing of his records, a person who is restored to his civil rights  
3 must be given an official document which demonstrates that he has been restored to  
4 the civil rights set forth in paragraph (b) of subsection 1.

5 3. A person who has had his records sealed in this State or any other state and  
6 whose official documentation of the restoration of his civil rights is lost, damaged  
7 or destroyed may file a written request with a court of competent jurisdiction to  
8 restore his civil rights pursuant to this section. Upon verification that the person has  
9 had his records sealed, the court shall issue an order restoring the person to the civil  
10 rights to vote, to hold office and to serve on a jury. A person must not be required  
11 to pay a fee to receive such an order.

12 4. A person who has had his records sealed in this State or any other state  
13 may present official documentation that he has been restored to his civil rights or a  
14 court order restoring his civil rights as proof that he has been restored to the right to  
15 vote, to hold office and to serve as a juror.

16 **Sec. 5.** NRS 179.295 is hereby amended to read as follows:

17 179.295 1. The person who is the subject of the records that are sealed  
18 pursuant to NRS 176A.265, 179.245, 179.255, 179.259, ~~for~~ 453.3365 **or 458.330**  
19 may petition the court that ordered the records sealed to permit inspection of the  
20 records by a person named in the petition, and the court may order such inspection.  
21 Except as otherwise provided in this section and NRS 179.259 and 179.301, the  
22 court may not order the inspection of the records under any other circumstances.

23 2. If a person has been arrested, the charges have been dismissed and the  
24 records of the arrest have been sealed, the court may order the inspection of the  
25 records by a prosecuting attorney upon a showing that as a result of newly  
26 discovered evidence, the person has been arrested for the same or **a** similar offense  
27 and that there is sufficient evidence reasonably to conclude that he will stand trial  
28 for the offense.

29 3. The court may, upon the application of a prosecuting attorney or an  
30 attorney representing a defendant in a criminal action, order an inspection of such  
31 records for the purpose of obtaining information relating to persons who were  
32 involved in the incident recorded.

33 4. This section does not prohibit a court from considering a conviction for  
34 which records have been sealed pursuant to NRS 176A.265, 179.245, 179.255,  
35 179.259, ~~for~~ 453.3365 **or 458.330** in determining whether to grant a petition  
36 pursuant to NRS 176A.265, 179.245, 179.255, 179.259, ~~for~~ 453.3365 **or 458.330**  
37 for a conviction of another offense.

38 **Sec. 5.5. NRS 453.3365 is hereby amended to read as follows:**

39 453.3365 1. Three years after a person is convicted and sentenced pursuant  
40 to subsection 3 of NRS 453.336, the court may order sealed all documents, papers  
41 and exhibits in that person's record, minute book entries and entries on dockets, and  
42 other documents relating to the case in the custody of such other agencies and  
43 officers as are named in the court's order, if the:

44 (a) Person fulfills the terms and conditions imposed by the court and the parole  
45 and probation officer; and

46 (b) Court, after a hearing, is satisfied that the person is rehabilitated.

47 2. Except as limited by subsection 4, ~~3 years~~ after an accused is discharged  
48 from probation pursuant to NRS 453.3363, the court shall order sealed all  
49 documents, papers and exhibits in that person's record, minute book entries and  
50 entries on dockets, and other documents relating to the case in the custody of such  
51 other agencies and officers as are named in the court's order if the person fulfills  
52 the terms and conditions imposed by the court and the Division of Parole and  
53 Probation of the Department of Public Safety. The court shall order those records

sealed without a hearing unless the Division of Parole and Probation petitions the court, for good cause shown, not to seal the records and requests a hearing thereon.

3. If the court orders sealed the record of a person discharged pursuant to NRS 453.3363, it shall ~~send~~ cause a copy of the order to be sent to each agency or officer named in the order. Each such agency or officer shall notify the court in writing of its compliance with the order.

4. A professional licensing board is entitled, for the purpose of determining suitability for a license or liability to discipline for misconduct, to inspect and to copy from a record sealed pursuant to this section.

**Sec. 6.** ~~NRS 458.200 is hereby amended to read as follows:~~

~~458.200 [Subject]~~

~~1. Except as otherwise provided in subsection 2, subject to the provisions of NRS 458.200 to 458.250, inclusive, an alcoholic or a drug addict who has been convicted of a crime and who is not otherwise prohibited by specific statute from being assigned to a program of treatment for the abuse of alcohol or drugs pursuant to NRS 453.580 is eligible to elect to be assigned by the court to a program of treatment for the abuse of alcohol or drugs pursuant to NRS 453.580 before he is sentenced, unless:~~

~~1. The~~

~~2. Unless the court first determines that it is appropriate for an alcoholic or a drug addict to be assigned to a program of treatment for the abuse of alcohol or drugs pursuant to NRS 453.580 and that the alcoholic or drug addict is not otherwise prohibited by specific statute from being assigned to a program of treatment for the abuse of alcohol or drugs pursuant to NRS 453.580, the alcoholic or drug addict is not eligible to elect to be assigned by the court to a program of treatment for the abuse of alcohol or drugs pursuant to NRS 453.580 if the crime for which the alcoholic or drug addict has been convicted is:~~

~~(a) A crime against the person punishable as a felony or gross misdemeanor as provided in chapter 200 of NRS;~~

~~(b) A crime against a child as defined in NRS 179D.0357;~~

~~(c) A sexual offense as defined in NRS 179D.097; or~~

~~(d) [An act which constitutes domestic violence as set forth in NRS 22.018;~~

~~2. The crime is that of trafficking of a controlled substance;~~

~~3. The crime is a) A violation of NRS 484.379, 484.3795, 484.37955 or 484.379778.;~~

~~4. The alcoholic or drug addict has a record of two or more convictions of a crime described in subsection 1 or 2, a similar crime in violation of the laws of another state, or of three or more convictions of any felony;~~

~~5. Other criminal proceedings alleging commission of a felony are pending against the alcoholic or drug addict;~~

~~6. The alcoholic or drug addict is on probation or parole and the appropriate parole or probation authority does not consent to the election; or~~

~~7. The alcoholic or drug addict elected and was admitted, pursuant to NRS 458.200 to 458.250, inclusive, to a program of treatment not more than twice within the preceding 5 years.}] (Deleted by amendment.)~~

**Sec. 7.** NRS 458.330 is hereby amended to read as follows:

458.330 1. Whenever a person is placed under the supervision of a treatment facility, his sentencing must be deferred ~~;~~ and ~~except as otherwise provided in subsection 4,~~ his conviction must be set aside if the treatment facility certifies to the court that he has satisfactorily completed the treatment program, and the court approves the certification and determines that the conditions upon the election of treatment have been satisfied.

2. If, upon the expiration of the treatment period, the treatment facility has yet to certify that the person has completed his treatment program, the court shall sentence him. If he has satisfied the conditions to the election of treatment and the court believes that he will complete his treatment on a voluntary basis, it may, in its discretion, set the conviction aside.

3. If, before the treatment period expires, the treatment facility determines that the person is not likely to benefit from further treatment at the facility, it shall so advise the court. The court shall then:

(a) Arrange for the transfer of the person to a more suitable treatment facility, if any; or

(b) Terminate the supervision and conduct a hearing to determine whether the person should be sentenced.

Whenever a person is sentenced under this section, time spent in institutional care must be deducted from any sentence imposed.

~~4. [Regardless of whether the person successfully completes treatment, the court shall not set aside the conviction of a person who has a record of two or more convictions of any felony for two or more separate incidences.] Upon satisfactory completion of the treatment program, the court ~~may~~ shall order sealed all documents, papers and exhibits in the person's record, minute book entries and entries on dockets, and other documents related to the case in the custody of such other agencies and officers as are named in the court's order. The court ~~may~~ shall order those records sealed without a hearing unless the prosecution petitions the court, for good cause shown, not to seal the records and requests a hearing thereon. ~~##~~ When the court orders sealed the records of a person pursuant to this subsection, the court shall ~~send~~ cause a copy of the order to be sent to each agency or officer named in the order. Each such agency or officer shall notify the court in writing of its compliance with the order. The provisions of this subsection apply only to the offense for which the person has been placed into treatment pursuant to NRS 458.290 to 458.350, inclusive.~~

**Sec. 7.5. NRS 484.37941 is hereby amended to read as follows:**

484.37941 1. An offender who enters a plea of guilty or nolo contendere to a violation of NRS 484.379 or 484.379778 that is punishable pursuant to paragraph (c) of subsection 1 of NRS 484.3792 may, at the time he enters his plea, apply to the court to undergo a program of treatment for alcoholism or drug abuse which is certified by the Health Division of the Department of Health and Human Services for at least 3 years if:

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

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

(2) A physician who is certified to make that diagnosis by the Board of Medical Examiners; and

(b) The offender agrees to pay the costs of the treatment to the extent of his financial resources.

➤ An alcohol and drug abuse counselor, a clinical alcohol and drug abuse counselor or a physician who diagnoses an offender as an alcoholic or abuser of drugs shall make a report and recommendation to the court concerning the length and type of treatment required for the offender.

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

3. At the hearing on the application for treatment, the prosecuting attorney may present the court with any relevant evidence on the matter. If a hearing is not held, the court shall decide the matter and other information before the court.

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

(a) Immediately, without entering a judgment of conviction and with the consent of the offender, suspend further proceedings and place him on probation for not more than 5 years upon the condition that the offender be accepted for treatment by a treatment facility, that he complete the treatment satisfactorily and that he comply with any other condition ordered by the court.

(b) Advise the offender that:

(1) If he is accepted for treatment by such a facility, he may be placed under the supervision of the facility for not more than 5 years and during treatment he may be confined in an institution or, at the discretion of the treatment facility, released for treatment or supervised aftercare in the community.

(2) If he is not accepted for treatment by such a treatment facility, or if he fails to complete the treatment satisfactorily, the court will enter a judgment of conviction for a violation of paragraph (c) of subsection 1 of NRS 484.3792. Any sentence of imprisonment may be reduced by a time equal to that which he served before beginning treatment.

(3) If he completes the treatment satisfactorily, the court will enter a judgment of conviction for a violation of paragraph (b) of subsection 1 of NRS 484.3792.

(4) The provisions of NRS 483.460 requiring the revocation of his license, permit or privilege to drive do not apply.

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

(a) Shall not defer the sentence or set aside the conviction upon the election of treatment, except as otherwise provided in this section; and

(b) May enter a judgment of conviction and proceed as provided in paragraph (c) of subsection 1 of NRS 484.3792 for a violation of a condition ordered by the court.

6. To participate in a program of treatment, the offender must:

(a) Serve not less than 6 months of residential confinement;

(b) Install, at his own expense, a device for not less than 12 months;

(c) Not drive any vehicle unless it is equipped with a device;

(d) Agree to be subject to periodic testing for the use of alcohol or controlled substances while participating in a program of treatment; and

(e) Agree to any other conditions that the court deems necessary.

7. An offender may not apply to the court to undergo a program of treatment for alcoholism or drug abuse pursuant to this section if he has previously applied to receive treatment pursuant to this section or if he has previously been convicted of:

(a) A violation of NRS 484.3795;

(b) A violation of NRS 484.37955;

(c) A homicide resulting from driving or being in actual physical control of a vehicle while under the influence of intoxicating liquor or a controlled substance or resulting from any other conduct prohibited by NRS 484.379, 484.3795 or 484.37955;

(d) A violation of paragraph (c) of subsection 1 of NRS 484.3792;

(e) A violation of subsection 2 of NRS 484.3792; or

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

8. As used in this section:

- 
- 1 (a) "Device" has the meaning ascribed to it in NRS 484.3941.  
2 (b) "Treatment facility" has the meaning ascribed to it in NRS 484.3793.  
3 **Sec. 8.** This act becomes effective upon passage and approval.