

SENATE BILL NO. 84—COMMITTEE ON JUDICIARY

(ON BEHALF OF THE CITY OF HENDERSON)

PREFILED DECEMBER 15, 2008

Referred to Committee on Judiciary

SUMMARY—Authorizes cities to create departments of alternative sentencing. (BDR 16-257)

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 city to create a department of alternative sentencing; revising provisions relating to the administration of certain programs of supervision for persons with suspended sentences or persons sentenced to residential confinement; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes the board of county commissioners of a county to create a department of alternative sentencing. (Chapter 211A of NRS) **Sections 1-6** of this bill authorize the governing body of a county or a city to create a department of alternative sentencing.

Existing law provides for the administration of programs of supervision for certain persons with suspended sentences and persons sentenced to residential confinement by a justice court or municipal court. (NRS 4.372, 5.052) **Section 7** of this bill authorizes the chief of the department of alternative sentencing of a city located within the county in which a justice court is located to administer the program of supervision for persons with sentences suspended by the justice court and persons sentenced to residential confinement by the justice court if the county does not have a department of alternative sentencing and such a department exists within any city located within that county. **Section 8** of this bill requires the chief of the department of alternative sentencing of the city in which a municipal court is located to administer the program of supervision for persons with sentences suspended by the municipal court and persons sentenced to residential confinement by the municipal court if the city has a department of alternative sentencing. Further, **section 8** requires the chief of the department of alternative sentencing of the county in which a municipal court is located to administer the program of supervision for persons with sentences suspended by the municipal court and



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21 persons sentenced to residential confinement by the municipal court if the city in
22 which the municipal court is located does not have a department of alternative
23 sentencing and such a department exists within the county.

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

1 **Section 1.** Chapter 211A of NRS is hereby amended by
2 adding thereto a new section to read as follows:

3 *“Governing body” means the governing body of a county or a*
4 *city.*

5 **Sec. 2.** NRS 211A.010 is hereby amended to read as follows:
6 211A.010 As used in this chapter, unless the context otherwise
7 requires, the words and terms defined in NRS 211A.020 to
8 211A.070, inclusive, *and section 1 of this act* have the meanings
9 ascribed to them in those sections.

10 **Sec. 3.** NRS 211A.080 is hereby amended to read as follows:
11 211A.080 The ~~{board}~~ *governing body* of each county *or city*
12 may create a department of alternative sentencing to provide a
13 program of supervision for probationers.

14 **Sec. 4.** NRS 211A.100 is hereby amended to read as follows:
15 211A.100 The chief:
16 1. Must be appointed by the action of a majority of the ~~{board}~~
17 *governing body.*

18 2. Must have at least 5 years of experience, with an increasing
19 level of responsibility, in the field of law enforcement, corrections
20 or supervision of persons on probation or parole.

21 3. Is in the unclassified service of the county.

22 **Sec. 5.** NRS 211A.110 is hereby amended to read as follows:
23 211A.110 The chief shall:

24 1. Hire assistant alternative sentencing officers and other
25 employees as necessary to carry out the responsibilities of the
26 department within the limitations of appropriations to the
27 department by the ~~{board}~~ *governing body.*

28 2. Direct the work of all assistants and employees.

29 3. Be responsible for the fiscal affairs of the department.

30 4. Be responsible for the completion of any report regarding an
31 investigation or the supervision of a probationer and any report
32 requested by the court or the ~~{board}~~ *governing body.*

33 5. After reviewing and considering recognized correctional
34 programs and courses for training correctional staff, develop and
35 provide to assistants and other employees training in methods and
36 policies regarding the investigation and supervision of probationers,
37 the recordkeeping of the department and the reporting on matters
38 relating to probationers.



6. Submit a written report, on or before January 31 of each year, to the ~~board~~ *governing body* and to each court having jurisdiction over a probationer under his supervision, setting forth in detail the activities of the department during the previous calendar year. The report must include statistical data concerning the department's activities and operations and the probationers who were under the supervision of the department during that period.

7. Advise the court of any probationer who has violated the terms or conditions of his suspended sentence or residential confinement.

Sec. 6. NRS 211A.130 is hereby amended to read as follows:

211A.130 1. The ~~board~~ *governing body* shall adopt a schedule of fees to be imposed on probationers to defray the cost of the supervision of a probationer. The schedule adopted must provide for a monthly fee of not less than \$20 for the supervision of a probationer.

2. Except as otherwise provided in subsection 3:

(a) The department shall charge each probationer the fee set forth in the schedule adopted pursuant to subsection 1.

(b) Payment of the required fee by the probationer is a condition of his suspended sentence or residential confinement.

3. If the chief determines that payment of the fee would result in economic hardship to a probationer, the chief may waive the imposition of, or reduce the amount of, the fee. If the chief waives the imposition of the fee, payment of the fee by the probationer does not constitute a condition of his suspended sentence or residential confinement.

Sec. 7. NRS 4.372 is hereby amended to read as follows:

4.372 1. If the county in which a justice court is situated ~~does not have~~ *has* a department of alternative sentencing, the ~~justice court may contract with a qualified person to~~ *chief of that department shall* administer a program of supervision for persons whose sentences have been suspended pursuant to NRS 4.373 or who are sentenced to a term of residential confinement pursuant to NRS 4.3762.

2. If the county in which the justice court is situated ~~has~~ *does not have* a department of alternative sentencing ~~and~~ *and*:

(a) *Any city located within the county in which the justice court is situated has a department of alternative sentencing ~~the~~:*

(1) *The chief of ~~that~~ the department ~~shall~~ of alternative sentencing of such a city may* administer the program of supervision ~~and~~ *;* or

(2) *If the chief of the department of alternative sentencing of such a city does not wish to administer the program of*



1 *supervision, the justice court may contract with a qualified person*
2 *to administer the program of supervision.*

3 *(b) No city located within the county in which the justice court*
4 *is situated has a department of alternative sentencing, the justice*
5 *court may contract with a qualified person to administer the*
6 *program of supervision.*

7 **Sec. 8.** NRS 5.052 is hereby amended to read as follows:

8 5.052 **1.** If the ~~{county}~~ *city* in which a municipal court is
9 situated ~~{does not have}~~ *has* a department of alternative sentencing,
10 the ~~{municipal court may contract with a qualified person to}~~ *chief*
11 *of that department shall* administer a program of supervision for
12 persons whose sentences have been suspended pursuant to NRS
13 5.055 or who are sentenced to a term of residential confinement
14 pursuant to NRS 5.076.

15 **2.** If the ~~{county}~~ *city* in which the municipal court is situated
16 ~~{has}~~ *does not have* a department of alternative sentencing ~~{and}~~ *:*

17 *(a) The county in which the municipal court is situated has a*
18 *department of alternative sentencing, the chief of {that} the*
19 *department of alternative sentencing of the county shall administer*
20 *the program of supervision.*

21 *(b) The county in which the municipal court is situated does*
22 *not have a department of alternative sentencing, the municipal*
23 *court may contract with a qualified person to administer the*
24 *program of supervision.*

25 **Sec. 9.** NRS 211A.030 is hereby repealed.

TEXT OF REPEALED SECTION

211A.030 "Board" defined. "Board" means a board of
county commissioners.

