

ASSEMBLY BILL NO. 161—ASSEMBLYMAN ANDERSON

FEBRUARY 16, 2011

Referred to Committee on Judiciary

SUMMARY—Revises provisions governing the crime of trespassing. (BDR 15-729)

FISCAL NOTE: Effect on Local Government: No.  
Effect on the State: No.

~

EXPLANATION – Matter in **bolded italics** is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to crimes; revising provisions governing the crime of trespassing; and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

Under existing law, a person who commits the crime of trespassing is guilty of a misdemeanor. (NRS 207.200) Existing law further provides that, except when a person solicits a child for prostitution, a person who engages in prostitution or solicitation for prostitution is also guilty of a misdemeanor. (NRS 201.354) A person who is convicted of a misdemeanor generally must be punished by: (1) imprisonment in the county jail for not more than 6 months; (2) a fine of not more than \$1,000; or (3) both imprisonment and a fine. Alternatively, instead of all or a portion of such punishment, a person may be sentenced to perform community service. (NRS 193.150)

This bill provides that if a person is convicted of trespassing on the premises of a licensed gaming establishment and the person has been previously convicted of three violations of engaging in or soliciting for prostitution within the immediately preceding 5 years, the court may suspend proceedings against the person under certain circumstances and place the person on probation upon terms and conditions that must include attendance and successful completion of a counseling or educational program or, if the person is dependent upon drugs, a program of treatment and rehabilitation. Before the person is assigned to any such program, he or she must agree to pay the costs associated with the program to the extent of his or her available financial resources. If the person violates any term or condition, the court may enter a judgment of conviction and punish the person by: (1) a fine of \$1,000; (2) imprisonment in the county jail for not more than 6 months; or (3) both fine and imprisonment. A person may also be sentenced to perform community service instead of all or a portion of such punishment. If the person fulfills the terms and conditions, the court must discharge the person and dismiss the proceedings against him or her. This bill also specifies that such discharge and dismissal by the court is not a conviction for any purpose other than determining additional penalties imposed for second or subsequent convictions or the setting of



\* A B 1 6 1 R 1 \*

28 bail. However, a person may be discharged by the court and have the proceedings  
29 dismissed only once under such provisions.

---

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.** (Deleted by amendment.)

3     **Sec. 2.5.** Chapter 207 of NRS is hereby amended by adding  
4 thereto a new section to read as follows:

5     **1. Unless a greater penalty is provided pursuant to NRS**  
6 **200.603, any person who commits a violation of NRS 207.200 by**  
7 **trespassing on the premises of a licensed gaming establishment**  
8 **and who has previously been convicted of three violations of NRS**  
9 **201.354 within the immediately preceding 5 years is guilty of a**  
10 **misdemeanor and shall be punished by:**

11     **(a) A fine of \$1,000;**

12     **(b) Imprisonment in the county jail for not more than 6**  
13 **months; or**

14     **(c) Both fine and imprisonment.**

15     **↪ In lieu of all or a part of the punishment which may be imposed**  
16 **pursuant to this subsection, the person may be sentenced to**  
17 **perform a fixed period of community service pursuant to the**  
18 **conditions prescribed in NRS 176.087.**

19     **2. The court, without entering a judgment of conviction and**  
20 **with the consent of the accused, may suspend further proceedings**  
21 **and place the person on probation upon terms and conditions that**  
22 **must include attendance and successful completion of a**  
23 **counseling or educational program or, in the case of a person**  
24 **dependent upon drugs, of a program of treatment and**  
25 **rehabilitation pursuant to NRS 453.580.**

26     **3. Upon violation of a term or condition, the court may enter**  
27 **a judgment of conviction and punish the person as provided in**  
28 **subsection 1.**

29     **4. Upon fulfillment of the terms and conditions, the court**  
30 **shall discharge the accused and dismiss the proceedings against**  
31 **him or her.**

32     **5. Except as otherwise provided in subsection 6, discharge**  
33 **and dismissal under this section is without adjudication of guilt**  
34 **and is not a conviction for purposes of this section or for purposes**  
35 **of employment, civil rights or any statute or regulation or license**  
36 **or questionnaire or for any other public or private purpose, but is**  
37 **a conviction for the purpose of additional penalties imposed for**  
38 **second or subsequent convictions or the setting of bail. Discharge**  
39 **and dismissal restores the person discharged, in the contemplation**



1 of the law, to the status occupied before the arrest, indictment or  
2 information. The person may not be held thereafter under any law  
3 to be guilty of perjury or otherwise giving a false statement by  
4 reason of failure to recite or acknowledge that arrest, indictment,  
5 information or trial in response to an inquiry made of the person  
6 for any purpose. Discharge and dismissal under this section may  
7 only occur once with respect to any person.

8 6. A professional licensing board may consider a proceeding  
9 under this section in determining suitability for a license or  
10 liability to discipline for misconduct. Such a board is entitled for  
11 those purposes to a truthful answer from the applicant or licensee  
12 concerning any such proceeding with respect to the applicant or  
13 licensee.

14 7. Before the court assigns a person to a program pursuant to  
15 this section, the person must agree to pay the cost of the program  
16 to which the person is assigned and the cost of any additional  
17 supervision required, to the extent of the financial resources of the  
18 person. If the person does not have the financial resources to pay  
19 all of the related costs, the court shall, to the extent practicable,  
20 arrange for the person to be assigned to a program at a facility  
21 that receives a sufficient amount of federal or state funding to  
22 offset the remainder of the costs.

23 8. As used in this section, "licensed gaming establishment"  
24 has the meaning ascribed to it in NRS 463.0169.

25 **Sec. 3.** The amendatory provisions of this act apply to offenses  
26 committed before October 1, 2011, for the purpose of determining  
27 whether a person is subject to the provisions of subsection 1 of  
28 section 2.5 of this act.

