

## Amendment No. 965

Senate Amendment to Senate Bill No. 349

(BDR S-387)

**Proposed by:** Senate Committee on Finance**Amends:** 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 underlining* is newly added transitory language.

JMK/BJE



Date: 6/5/2011

S.B. No. 349—Provides for the establishment of a community court pilot project to provide an alternative to sentencing for misdemeanor offenders.  
(BDR S-387)



## SENATE BILL NO. 349—SENATOR HORSFORD

MARCH 21, 2011

JOINT SPONSORS: ASSEMBLYMEN FRIERSON,  
HORNE; AND NEAL

Referred to Committee on Judiciary

SUMMARY—Provides for the establishment of a community court pilot project to provide an alternative to sentencing for misdemeanor offenders. (BDR S-387)

FISCAL NOTE: Effect on Local Government: No.  
Effect on the State: Contains Appropriation not included in Executive Budget.

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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 criminal offenders; requiring Clark County to establish a community court pilot project to provide an alternative to sentencing a person who is charged with a misdemeanor; requiring defendants who are transferred to the community court to complete certain services or treatment and community service; providing that the sentence imposed on a defendant in justice court will not be executed or recorded if the defendant successfully completes the conditions imposed by the community court; making an appropriation; and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

Existing law provides that a misdemeanor criminal offense is punishable by a fine of not more than \$1,000 or imprisonment in the county jail for not more than 6 months, or by both a fine and imprisonment. (NRS 193.150) **Section 2** of this bill requires Clark County to establish a community court pilot project within one of its justice courts located in the County to provide an alternative to sentencing a person who is charged with a misdemeanor offense. **Section 2** further provides that a justice court may transfer a defendant who has been charged with a misdemeanor offense to the community court only if the defendant pleads guilty to the offense, has not previously been transferred to the community court and agrees to comply with the conditions established by the community court. In addition, **section 2** provides that the defendant must agree to a sentence which the justice court will carry out only if the defendant fails to successfully complete the conditions imposed by the community court.

**Section 3** of this bill requires the community court to evaluate each defendant to determine whether services or treatment are likely to assist the defendant to modify behavior or obtain skills that may prevent the defendant from engaging in further criminal activity. The services or treatment that the community court may order the defendant to receive may include, without limitation, treatment for alcohol or substance abuse, health education,

17 treatment for mental health, family counseling, literacy assistance, job training, housing  
18 assistance or any other services or treatment that the community court deems appropriate.  
19 **Section 3** authorizes the community court to enter into contracts with persons or entities that  
20 are qualified to evaluate and provide services and treatment to defendants. In addition to such  
21 services and treatment, **section 3** requires the community court to set as a condition for the  
22 defendant that the defendant perform a specified amount of community service. **Section 3**  
23 provides that if the defendant successfully completes all conditions imposed by the  
24 community court, the sentence to which the defendant agreed upon with the justice court must  
25 not be executed or recorded. If instead, the defendant does not successfully complete the  
26 conditions imposed, the case will be transferred back to the justice court and the sentence  
27 must be carried out.

28 **Section 4** of this bill appropriates the sum of ~~[\$1,000,000]~~ **\$250,000** from the State  
29 General Fund to the Interim Finance Committee for allocation to Clark County to establish the  
30 community court pilot project. Money appropriated will not be allocated until Clark County  
31 submits a detailed plan for the location and establishment of the community court pilot  
32 project. **Section 5** of this bill provides that the community court pilot project is authorized for  
33 a period of 2 years and the authority expires by limitation on June 30, 2013.

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

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1 **Section 1.** As used in sections 1, 2 and 3 of this act, "community court"  
2 means the community court that is established as part of the pilot project pursuant  
3 to section 2 of this act.

4 **Sec. 2.** 1. Clark County shall establish a community court pilot project  
5 within one of the justice courts located in the County to provide an alternative to  
6 sentencing a person who is charged with a misdemeanor offense.

7 2. Notwithstanding any other provision of law, a defendant charged with a  
8 misdemeanor may be transferred to the community court by the justice court if the  
9 defendant:

- 10 (a) Pleads guilty to the offense;  
11 (b) Has not previously been referred to the community court;  
12 (c) Agrees to comply with the conditions imposed by the community court; and  
13 (d) Agrees to a sentence, including a period of imprisonment in the county jail,  
14 which must be carried out if the defendant does not successfully complete the  
15 conditions imposed by the community court.

16 3. When a defendant is transferred to the community court, sentencing must  
17 be postponed and, if the defendant successfully completes all conditions imposed  
18 by the community court, the sentence of the defendant must not be executed or  
19 appear on the record of the defendant. If the defendant does not successfully  
20 complete all conditions imposed by the community court, the sentence must be  
21 carried out.

22 4. A defendant who is transferred to the community court remains under the  
23 supervision of the community court and must comply with the conditions  
24 established by the community court.

25 5. Clark County shall collaborate with state and local governmental entities as  
26 well as private persons and entities to coordinate and determine the services and  
27 treatment that may be offered to defendants who are transferred to the community  
28 court.

29 6. A defendant does not have a right to be referred to the community court  
30 pursuant to this section. It is not intended that the establishment or operation of the  
31 community court creates any right or interest in liberty or property or establishes a  
32 basis for any cause of action against the State of Nevada, its political subdivisions,

1 agencies, boards, commissions, departments, officers or employees. The decision  
2 by the justice court of whether to refer a defendant to the community court is not  
3 subject to appeal.

4 **Sec. 3.** 1. The community court shall provide for the evaluation of each  
5 defendant transferred to the community court to determine whether services or  
6 treatment are likely to assist the defendant to modify his or her behavior or obtain  
7 skills which may prevent the defendant from engaging in further criminal activity.  
8 Such services or treatment may include, without limitation, treatment for alcohol or  
9 substance abuse, health education, treatment for mental health, family counseling,  
10 literacy assistance, job training, housing assistance or such other services or  
11 treatment as the community court deems appropriate.

12 2. The community court shall provide or refer a defendant to a provider of  
13 such services or treatment. The community court may enter into contracts with  
14 persons or private entities that are qualified to evaluate defendants and provide  
15 services or treatment to defendants.

16 3. A defendant who is ordered by the community court to receive services or  
17 treatment shall pay for the services or treatment to the extent of his or her financial  
18 resources.

19 4. The justice court shall not refuse to refer a defendant to the community  
20 court based on the inability of the defendant to pay any or all of the related costs.

21 5. The community court shall order a defendant to perform a specified  
22 amount of community service in addition to any services or treatment to which the  
23 defendant is ordered to receive. Such community service must be performed for and  
24 under the supervising authority of a county, city, town or other political subdivision  
25 or agency of the State of Nevada or a charitable organization that renders service to  
26 the community or its residents.

27 6. Notwithstanding any other provision of law, if a defendant successfully  
28 completes the conditions imposed by the community court, the community court  
29 shall so certify to the justice court and the sentence imposed pursuant to section 2  
30 of this act must not be executed or recorded. If the defendant does not successfully  
31 complete the conditions imposed by the community court, the case must be  
32 transferred back to the justice court and the sentence must be carried out.

33 **Sec. 4.** 1. There is hereby appropriated from the State General Fund to the  
34 Interim Finance Committee the sum of ~~(\$1,000,000)~~ **\$250,000** for allocation to  
35 Clark County to establish a community court pilot project pursuant to sections 1, 2  
36 and 3 of this act. Money appropriated pursuant to this section may only be allocated  
37 by the Interim Finance Committee upon submittal of a detailed plan developed by  
38 Clark County for the location and establishment of the community court pilot  
39 project.

40 2. Any remaining balance of the appropriation made by subsection 1 to the  
41 Interim Finance Committee must not be committed for expenditure after June 30,  
42 2013, by the entity to which the appropriation is made or any entity to which money  
43 from the appropriation is granted or otherwise transferred in any manner, and any  
44 portion of the appropriated money remaining must not be spent for any purpose  
45 after September 20, 2013, by either the entity to which the money was appropriated  
46 or the entity to which the money was subsequently granted or transferred, and must  
47 be reverted to the State General Fund on or before September 20, 2013.

48 **Sec. 5.** 1. This act becomes effective on July 1, 2011.

49 2. Sections 1, 2 and 3 of this act expire by limitation on July 1, 2013.