

SENATE BILL NO. 217—SENATOR ROBERSON (BY REQUEST)

MARCH 3, 2011

Referred to Committee on Judiciary

SUMMARY—Requires the publication by pretrial release agencies of information relating to certain criminal defendants who are released from custody before trial. (BDR 14-111)

FISCAL NOTE: Effect on Local Government: May have Fiscal Impact.
Effect on the State: No.

CONTAINS UNFUNDED MANDATE (§§ 5, 6)
(NOT REQUESTED BY AFFECTED LOCAL GOVERNMENT)

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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 defendants; requiring the publication by pretrial release agencies of certain information relating to certain criminal defendants who are released from custody before trial; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

1 This bill imposes several requirements upon “pretrial release agencies” in this
2 State. A “pretrial release agency” is an agency or program which is funded by
3 government and which assists the courts in determining whether criminal
4 defendants who are in custody pending trial may be released from custody without
5 providing a financial guarantee for their appearance in court, such as cash or a bail
6 bond. This bill requires each pretrial release agency in this State: (1) to prepare a
7 register to be made available to the public that contains certain information
8 regarding the cases and defendants who are recommended for release by the pretrial
9 release agency; and (2) to submit an annual report containing certain statistical
10 information regarding the operations of the pretrial release agency during the
11 preceding calendar year.



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

Section 1. Chapter 178 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 6, inclusive, of this act.

Sec. 2. *As used in sections 2 to 6, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 3 and 4 of this act have the meanings ascribed to them in those sections.*

Sec. 3. *“Nonsecured release” means any release of a defendant from pretrial custody in which no financial guarantee, such as cash or a surety bond, is required as a condition of release.*

Sec. 4. *“Pretrial release agency” means any government-funded program whose function includes making recommendations for the nonsecured release from pretrial custody of defendants or the release from pretrial custody of defendants on the partial deposit of bail.*

Sec. 5. *The pretrial release agency in each county shall prepare a register displaying information regarding the cases and defendants who are recommended for release from pretrial custody by the pretrial release agency. The register must:*

1. Be located in the office of the clerk of the court in which the pretrial release agency is located and be made readily available to the public at no charge;

2. Be updated at least once weekly; and

3. Accurately display the following information regarding each defendant whose nonsecured release was recommended by the pretrial release agency:

(a) The charges against the defendant.

(b) The nature of any previous criminal convictions against the defendant.

(c) Any appearances in court that the defendant was required to make as the result of the charges against the defendant, any occasions on which the defendant has failed to appear in court as required and any bench warrants issued as the result of any such failure to appear in court as required.

(d) Any instances of noncompliance by the defendant with the terms of release.

Sec. 6. 1. *On or before March 31 of each year, each pretrial release agency shall submit to the board of county commissioners in the county an annual report regarding the operations of the pretrial release agency during the preceding*



1 *calendar year. The annual report must also be made readily*
2 *available to the public at no charge.*

3 2. *The annual report must include, without limitation, the*
4 *following information:*

5 (a) *The complete operating budget of the pretrial release*
6 *agency.*

7 (b) *The number of personnel employed by the pretrial release*
8 *agency.*

9 (c) *The number of cases reviewed and release*
10 *recommendations made by the pretrial release agency.*

11 (d) *The number of cases in which nonsecured release was*
12 *denied by the pretrial release agency.*

13 (e) *The number of defendants released on nonsecured release*
14 *after a positive recommendation by the pretrial release agency.*

15 (f) *The average period a defendant was incarcerated before*
16 *being released on nonsecured release after a positive*
17 *recommendation by the pretrial release agency, classified by*
18 *whether the defendant was charged with a felony or misdemeanor.*

19 (g) *The number of cases in which a defendant was released on*
20 *nonsecured release after a positive recommendation by the pretrial*
21 *release agency, and:*

22 (1) *The defendant failed to appear as required in court at*
23 *least once within 1 year after the date of release.*

24 (2) *The court issued a bench warrant because the*
25 *defendant failed to appear in court as required. The annual report*
26 *must also include the number of cases in which such bench*
27 *warrants were issued by the court but were not served on the*
28 *defendant within 1 year after the date of issuance of the bench*
29 *warrant.*

30 (3) *The defendant was arrested for a new offense while on*
31 *nonsecured release.*

32 3. *The annual report must also include an accounting of the*
33 *percentage of the annual budget of the pretrial release agency that*
34 *is allocated to steer defendants who are eligible for secured release*
35 *toward obtaining their release through nongovernment-sponsored*
36 *programs. As used in this subsection, "secured release" means*
37 *any release of a defendant from pretrial custody in which a*
38 *financial guarantee, such as cash or a surety bond, is required as*
39 *a condition of release.*

40 **Sec. 7.** *The provisions of NRS 354.599 do not apply to any*
41 *additional expenses of a local government that are related to the*
42 *provisions of this act.*

