

SENATE BILL NO. 366—SENATORS KIHUEN, SEGERBLOM,
PARKS; ATKINSON, FORD AND SPEARMAN

MARCH 16, 2015

Referred to Committee on Health and Human Services

SUMMARY—Revises provisions governing the possession of
marijuana. (BDR 40-884)

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 controlled substances; reducing the penalty for
possession of certain amounts of marijuana; requiring
local authorities to impose a civil penalty for the
possession of certain amounts of marijuana; and
providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law makes it unlawful to possess 1 ounce or less of marijuana and provides certain criminal penalties depending on whether the violation was a first or subsequent offense. (NRS 453.336) This bill removes the criminal penalties for possession of 1 ounce or less of marijuana and instead requires local authorities to impose, by ordinance, a civil penalty of not more than \$100, for such conduct.

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

Section 1. Chapter 453 of NRS is hereby amended by adding
thereto a new section to read as follows:

***1. A local authority shall adopt an ordinance providing that
possession of 1 ounce or less of marijuana is subject to a civil
penalty in an amount not to exceed \$100, instead of a criminal
sanction.***

***2. As used in this section, "local authority" has the meaning
ascribed to it in NRS 453.3361.***



Sec. 2. NRS 453.336 is hereby amended to read as follows:

453.336 1. Except as otherwise provided in subsection ~~[5.]~~ **4 and section 1 of this act**, a person shall not knowingly or intentionally possess a controlled substance, unless the substance was obtained directly from, or pursuant to, a prescription or order of a physician, physician assistant licensed pursuant to chapter 630 or 633 of NRS, dentist, podiatric physician, optometrist, advanced practice registered nurse or veterinarian while acting in the course of his or her professional practice, or except as otherwise authorized by the provisions of NRS 453.005 to 453.552, inclusive.

2. Except as otherwise provided in ~~[subsections]~~ **subsection 3 [and 4]** and in NRS 453.3363 ~~[.]~~ **and section 1 of this act**, and unless a greater penalty is provided in NRS 212.160, 453.3385, 453.339 or 453.3395, a person who violates this section shall be punished:

(a) For the first or second offense, if the controlled substance is listed in schedule I, II, III or IV, for a category E felony as provided in NRS 193.130.

(b) For a third or subsequent offense, if the controlled substance is listed in schedule I, II, III or IV, or if the offender has previously been convicted two or more times in the aggregate of any violation of the law of the United States or of any state, territory or district relating to a controlled substance, for a category D felony as provided in NRS 193.130, and may be further punished by a fine of not more than \$20,000.

(c) For the first offense, if the controlled substance is listed in schedule V, for a category E felony as provided in NRS 193.130.

(d) For a second or subsequent offense, if the controlled substance is listed in schedule V, for a category D felony as provided in NRS 193.130.

3. Unless a greater penalty is provided in NRS 212.160, 453.337 or 453.3385, a person who is convicted of the possession of flunitrazepam or gamma-hydroxybutyrate, or any substance for which flunitrazepam or gamma-hydroxybutyrate is an immediate precursor, is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 6 years.

~~4. Unless a greater penalty is provided pursuant to NRS 212.160, a person who is convicted of the possession of 1 ounce or less of marijuana:~~

~~—(a) For the first offense, is guilty of a misdemeanor and shall be:~~

~~—(1) Punished by a fine of not more than \$600; or~~

~~—(2) Examined by an approved facility for the treatment of abuse of drugs to determine whether the person is a drug addict and is likely to be rehabilitated through treatment and, if the examination~~



~~reveals that the person is a drug addict and is likely to be rehabilitated through treatment, assigned to a program of treatment and rehabilitation pursuant to NRS 453.580.~~

~~—(b) For the second offense, is guilty of a misdemeanor and shall be:~~

~~—(1) Punished by a fine of not more than \$1,000; or~~

~~—(2) Assigned to a program of treatment and rehabilitation pursuant to NRS 453.580.~~

~~—(c) For the third offense, is guilty of a gross misdemeanor and shall be punished as provided in NRS 193.140.~~

~~—(d) For a fourth or subsequent offense, is guilty of a category E felony and shall be punished as provided in NRS 193.130.~~

~~—5.] It is not a violation of this section if a person possesses a trace amount of a controlled substance and that trace amount is in or on a hypodermic device obtained from a sterile hypodermic device program pursuant to NRS 439.985 to 439.994, inclusive.~~

~~16.] 5.~~ As used in this section:

(a) “Controlled substance” includes flunitrazepam, gamma-hydroxybutyrate and each substance for which flunitrazepam or gamma-hydroxybutyrate is an immediate precursor.

(b) “Sterile hypodermic device program” has the meaning ascribed to it in NRS 439.943.

Sec. 3. NRS 453.580 is hereby amended to read as follows:

453.580 1. A court may establish an appropriate treatment program to which it may assign a person pursuant to ~~subsection 4 of NRS 453.336,~~ NRS 453.3363 or 458.300, or it may assign such a person to an appropriate facility for the treatment of abuse of alcohol or drugs which is certified by the Division of Public and Behavioral Health of the Department. The assignment must include the terms and conditions for successful completion of the program and provide for progress reports at intervals set by the court to ensure that the person is making satisfactory progress toward completion of the program.

2. A program to which a court assigns a person pursuant to subsection 1 must include:

(a) Information and encouragement for the participant to cease abusing alcohol or using controlled substances through educational, counseling and support sessions developed with the cooperation of various community, health, substance abuse, religious, social service and youth organizations;

(b) The opportunity for the participant to understand the medical, psychological and social implications of substance abuse; and

(c) Alternate courses within the program based on the different substances abused and the addictions of participants.



3. If the offense with which the person was charged involved the use or possession of a controlled substance, in addition to the program or as a part of the program, the court must also require frequent urinalysis to determine that the person is not using a controlled substance. The court shall specify how frequent such examinations must be and how many must be successfully completed, independently of other requisites for successful completion of the program.

4. Before the court assigns a person to a program pursuant to this section, the person must agree to pay the cost of the program to which the person is assigned and the cost of any additional supervision required pursuant to subsection 3, to the extent of the financial resources of the person. If the person does not have the financial resources to pay all of the related costs, the court shall, to the extent practicable, arrange for the person to be assigned to a program at a facility that receives a sufficient amount of federal or state funding to offset the remainder of the costs.

Sec. 4. NRS 176.059 is hereby amended to read as follows:

176.059 1. Except as otherwise provided in subsection 2, when a defendant pleads guilty or guilty but mentally ill or is found guilty or guilty but mentally ill of a misdemeanor, including the violation of any municipal ordinance, the justice or judge shall include in the sentence the sum prescribed by the following schedule as an administrative assessment and render a judgment against the defendant for the assessment:

Fine	Assessment
\$5 to \$49.....	\$30
50 to 59.....	45
60 to 69.....	50
70 to 79.....	55
80 to 89.....	60
90 to 99.....	65
100 to 199.....	75
200 to 299.....	85
300 to 399.....	95
400 to 499.....	105
500 to 1,000.....	120

If the justice or judge sentences the defendant to perform community service in lieu of a fine, the justice or judge shall include in the sentence the amount of the administrative assessment that corresponds with the fine for which the defendant would have been responsible as prescribed by the schedule in this subsection.

2. The provisions of subsection 1 do not apply to:



- 1 (a) An ordinance regulating metered parking; or
2 (b) An ordinance which is specifically designated as imposing a
3 civil penalty or liability pursuant to NRS 244.3575 or 268.019 **H or**
4 **section 1 of this act.**

5 3. The money collected for an administrative assessment must
6 not be deducted from the fine imposed by the justice or judge but
7 must be taxed against the defendant in addition to the fine. The
8 money collected for an administrative assessment must be stated
9 separately on the court's docket and must be included in the amount
10 posted for bail. If bail is forfeited, the administrative assessment
11 included in the amount posted for bail pursuant to this subsection
12 must be disbursed in the manner set forth in subsection 5 or 6. If the
13 defendant is found not guilty or the charges are dismissed, the
14 money deposited with the court must be returned to the defendant. If
15 the justice or judge cancels a fine because the fine has been
16 determined to be uncollectible, any balance of the fine and the
17 administrative assessment remaining unpaid shall be deemed to be
18 uncollectible and the defendant is not required to pay it. If a fine is
19 determined to be uncollectible, the defendant is not entitled to a
20 refund of the fine or administrative assessment the defendant has
21 paid and the justice or judge shall not recalculate the administrative
22 assessment.

23 4. If the justice or judge permits the fine and administrative
24 assessment to be paid in installments, the payments must be first
25 applied to the unpaid balance of the administrative assessment. The
26 city treasurer shall distribute partially collected administrative
27 assessments in accordance with the requirements of subsection 5.
28 The county treasurer shall distribute partially collected
29 administrative assessments in accordance with the requirements of
30 subsection 6.

31 5. The money collected for administrative assessments in
32 municipal court must be paid by the clerk of the court to the city
33 treasurer on or before the fifth day of each month for the preceding
34 month. The city treasurer shall distribute, on or before the 15th day
35 of that month, the money received in the following amounts for each
36 assessment received:

37 (a) Two dollars to the county treasurer for credit to a special
38 account in the county general fund for the use of the county's
39 juvenile court or for services to juvenile offenders. Any money
40 remaining in the special account after 2 fiscal years must be
41 deposited in the county general fund if it has not been committed for
42 expenditure. The county treasurer shall provide, upon request by a
43 juvenile court, monthly reports of the revenue credited to and
44 expenditures made from the special account.



(b) Seven dollars for credit to a special revenue fund for the use of the municipal courts. Any money remaining in the special revenue fund after 2 fiscal years must be deposited in the municipal general fund if it has not been committed for expenditure. The city treasurer shall provide, upon request by a municipal court, monthly reports of the revenue credited to and expenditures made from the special revenue fund.

(c) Five dollars to the State Controller for credit to the State General Fund.

(d) The remainder of each assessment to the State Controller for credit to a special account in the State General Fund for distribution as provided in subsection 8.

6. The money collected for administrative assessments in justice courts must be paid by the clerk of the court to the county treasurer on or before the fifth day of each month for the preceding month. The county treasurer shall distribute, on or before the 15th day of that month, the money received in the following amounts for each assessment received:

(a) Two dollars for credit to a special account in the county general fund for the use of the county's juvenile court or for services to juvenile offenders. Any money remaining in the special account after 2 fiscal years must be deposited in the county general fund if it has not been committed for expenditure. The county treasurer shall provide, upon request by a juvenile court, monthly reports of the revenue credited to and expenditures made from the special account.

(b) Seven dollars for credit to a special revenue fund for the use of the justice courts. Any money remaining in the special revenue fund after 2 fiscal years must be deposited in the county general fund if it has not been committed for expenditure. The county treasurer shall provide, upon request by a justice court, monthly reports of the revenue credited to and expenditures made from the special revenue fund.

(c) Five dollars to the State Controller for credit to the State General Fund.

(d) The remainder of each assessment to the State Controller for credit to a special account in the State General Fund for distribution as provided in subsection 8.

7. The money apportioned to a juvenile court, a justice court or a municipal court pursuant to this section must be used, in addition to providing services to juvenile offenders in the juvenile court, to improve the operations of the court, or to acquire appropriate advanced technology or the use of such technology, or both. Money used to improve the operations of the court may include expenditures for:

(a) Training and education of personnel;



- (b) Acquisition of capital goods;
- (c) Management and operational studies; or
- (d) Audits.

8. Of the total amount deposited in the State General Fund pursuant to paragraph (d) of subsection 5 and paragraph (d) of subsection 6, the State Controller shall distribute the money received to the following public agencies in the following manner:

(a) Not less than 51 percent to the Office of Court Administrator for allocation as follows:

(1) Thirty-six and one-half percent of the amount distributed to the Office of Court Administrator for:

(I) The administration of the courts;

(II) The development of a uniform system for judicial records; and

(III) Continuing judicial education.

(2) Forty-eight percent of the amount distributed to the Office of Court Administrator for the Supreme Court.

(3) Three and one-half percent of the amount distributed to the Office of Court Administrator for the payment for the services of retired justices, retired judges of the Court of Appeals and retired district judges.

(4) Twelve percent of the amount distributed to the Office of Court Administrator for the provision of specialty court programs.

(b) Not more than 49 percent must be used to the extent of legislative authorization for the support of:

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

(2) The Peace Officers' Standards and Training Commission;

(3) The operation by the Department of Public Safety of a computerized interoperative system for information related to law enforcement;

(4) The Fund for the Compensation of Victims of Crime;

(5) The Advisory Council for Prosecuting Attorneys; and

(6) Programs within the Office of the Attorney General related to victims of domestic violence.

9. Any money deposited in the State General Fund pursuant to paragraph (d) of subsection 5 and paragraph (d) of subsection 6 that is not distributed or used pursuant to paragraph (b) of subsection 8 must be transferred to the uncommitted balance of the State General Fund.

10. As used in this section:

(a) "Juvenile court" has the meaning ascribed to it in NRS 62A.180.

(b) "Office of Court Administrator" means the Office of Court Administrator created pursuant to NRS 1.320.



Sec. 5. NRS 176.0611 is hereby amended to read as follows:

176.0611 1. A county or a city, upon recommendation of the appropriate court, may, by ordinance, authorize the justices or judges of the justice or municipal courts within its jurisdiction to impose for not longer than 50 years, in addition to the administrative assessments imposed pursuant to NRS 176.059, 176.0613 and 176.0623, an administrative assessment for the provision of court facilities.

2. Except as otherwise provided in subsection 3, in any jurisdiction in which an administrative assessment for the provision of court facilities has been authorized, when a defendant pleads guilty or guilty but mentally ill or is found guilty or guilty but mentally ill of a misdemeanor, including the violation of any municipal ordinance, the justice or judge shall include in the sentence the sum of \$10 as an administrative assessment for the provision of court facilities and render a judgment against the defendant for the assessment. If the justice or judge sentences the defendant to perform community service in lieu of a fine, the justice or judge shall include in the sentence the administrative assessment required pursuant to this subsection.

3. The provisions of subsection 2 do not apply to:

(a) An ordinance regulating metered parking; or

(b) An ordinance that is specifically designated as imposing a civil penalty or liability pursuant to NRS 244.3575 or 268.019 ~~H~~ **or section 1 of this act.**

4. The money collected for an administrative assessment for the provision of court facilities must not be deducted from the fine imposed by the justice or judge but must be taxed against the defendant in addition to the fine. The money collected for such an administrative assessment must be stated separately on the court's docket and must be included in the amount posted for bail. If bail is forfeited, the administrative assessment included in the amount posted for bail pursuant to this subsection must be disbursed in the manner set forth in subsection 6 or 7. If the defendant is found not guilty or the charges are dismissed, the money deposited with the court must be returned to the defendant. If the justice or judge cancels a fine because the fine has been determined to be uncollectible, any balance of the fine and the administrative assessment remaining unpaid shall be deemed to be uncollectible and the defendant is not required to pay it. If a fine is determined to be uncollectible, the defendant is not entitled to a refund of the fine or administrative assessment the defendant has paid and the justice or judge shall not recalculate the administrative assessment.



5. If the justice or judge permits the fine and administrative assessment for the provision of court facilities to be paid in installments, the payments must be applied in the following order:

(a) To pay the unpaid balance of an administrative assessment imposed pursuant to NRS 176.059;

(b) To pay the unpaid balance of an administrative assessment for the provision of court facilities pursuant to this section;

(c) To pay the unpaid balance of an administrative assessment for the provision of specialty court programs pursuant to NRS 176.0613;

(d) To pay the unpaid balance of an administrative assessment for obtaining a biological specimen and conducting a genetic marker analysis pursuant to NRS 176.0623; and

(e) To pay the fine.

6. The money collected for administrative assessments for the provision of court facilities in municipal courts must be paid by the clerk of the court to the city treasurer on or before the fifth day of each month for the preceding month. The city treasurer shall deposit the money received in a special revenue fund. The city may use the money in the special revenue fund only to:

(a) Acquire land on which to construct additional facilities for the municipal courts or a regional justice center that includes the municipal courts.

(b) Construct or acquire additional facilities for the municipal courts or a regional justice center that includes the municipal courts.

(c) Renovate or remodel existing facilities for the municipal courts.

(d) Acquire furniture, fixtures and equipment necessitated by the construction or acquisition of additional facilities or the renovation of an existing facility for the municipal courts or a regional justice center that includes the municipal courts. This paragraph does not authorize the expenditure of money from the fund for furniture, fixtures or equipment for judicial chambers.

(e) Acquire advanced technology for use in the additional or renovated facilities.

(f) Pay debt service on any bonds issued pursuant to subsection 3 of NRS 350.020 for the acquisition of land or facilities or the construction or renovation of facilities for the municipal courts or a regional justice center that includes the municipal courts.

➤ Any money remaining in the special revenue fund after 5 fiscal years must be deposited in the municipal general fund for the continued maintenance of court facilities if it has not been committed for expenditure pursuant to a plan for the construction or acquisition of court facilities or improvements to court facilities. The city treasurer shall provide, upon request by a municipal court,



1 monthly reports of the revenue credited to and expenditures made
2 from the special revenue fund.

3 7. The money collected for administrative assessments for the
4 provision of court facilities in justice courts must be paid by the
5 clerk of the court to the county treasurer on or before the fifth day of
6 each month for the preceding month. The county treasurer shall
7 deposit the money received to a special revenue fund. The county
8 may use the money in the special revenue fund only to:

9 (a) Acquire land on which to construct additional facilities for
10 the justice courts or a regional justice center that includes the justice
11 courts.

12 (b) Construct or acquire additional facilities for the justice
13 courts or a regional justice center that includes the justice courts.

14 (c) Renovate or remodel existing facilities for the justice courts.

15 (d) Acquire furniture, fixtures and equipment necessitated by the
16 construction or acquisition of additional facilities or the renovation
17 of an existing facility for the justice courts or a regional justice
18 center that includes the justice courts. This paragraph does not
19 authorize the expenditure of money from the fund for furniture,
20 fixtures or equipment for judicial chambers.

21 (e) Acquire advanced technology for use in the additional or
22 renovated facilities.

23 (f) Pay debt service on any bonds issued pursuant to subsection
24 3 of NRS 350.020 for the acquisition of land or facilities or the
25 construction or renovation of facilities for the justice courts or a
26 regional justice center that includes the justice courts.

27 ➤ Any money remaining in the special revenue fund after 5 fiscal
28 years must be deposited in the county general fund for the continued
29 maintenance of court facilities if it has not been committed for
30 expenditure pursuant to a plan for the construction or acquisition of
31 court facilities or improvements to court facilities. The county
32 treasurer shall provide, upon request by a justice court, monthly
33 reports of the revenue credited to and expenditures made from the
34 special revenue fund.

35 8. If money collected pursuant to this section is to be used to
36 acquire land on which to construct a regional justice center, to
37 construct a regional justice center or to pay debt service on bonds
38 issued for these purposes, the county and the participating cities
39 shall, by interlocal agreement, determine such issues as the size of
40 the regional justice center, the manner in which the center will be
41 used and the apportionment of fiscal responsibility for the center.

42 **Sec. 6.** NRS 176.0613 is hereby amended to read as follows:

43 176.0613 1. The justices or judges of the justice or municipal
44 courts shall impose, in addition to an administrative assessment
45 imposed pursuant to NRS 176.059, 176.0611 and 176.0623, an



1 administrative assessment for the provision of specialty court
2 programs.

3 2. Except as otherwise provided in subsection 3, when a
4 defendant pleads guilty or guilty but mentally ill or is found guilty
5 or guilty but mentally ill of a misdemeanor, including the violation
6 of any municipal ordinance, the justice or judge shall include in the
7 sentence the sum of \$7 as an administrative assessment for the
8 provision of specialty court programs and render a judgment against
9 the defendant for the assessment. If a defendant is sentenced to
10 perform community service in lieu of a fine, the sentence must
11 include the administrative assessment required pursuant to this
12 subsection.

13 3. The provisions of subsection 2 do not apply to:

14 (a) An ordinance regulating metered parking; or

15 (b) An ordinance which is specifically designated as imposing a
16 civil penalty or liability pursuant to NRS 244.3575 or 268.019 **H or**
17 **section 1 of this act.**

18 4. The money collected for an administrative assessment
19 for the provision of specialty court programs must not be deducted
20 from the fine imposed by the justice or judge but must be taxed
21 against the defendant in addition to the fine. The money collected
22 for such an administrative assessment must be stated separately on
23 the court's docket and must be included in the amount posted for
24 bail. If bail is forfeited, the administrative assessment included in
25 the bail pursuant to this subsection must be disbursed pursuant to
26 subsection 6 or 7. If the defendant is found not guilty or the charges
27 are dismissed, the money deposited with the court must be returned
28 to the defendant. If the justice or judge cancels a fine because the
29 fine has been determined to be uncollectible, any balance of the fine
30 and the administrative assessment remaining unpaid shall be
31 deemed to be uncollectible and the defendant is not required to pay
32 it. If a fine is determined to be uncollectible, the defendant is not
33 entitled to a refund of the fine or administrative assessment the
34 defendant has paid and the justice or judge shall not recalculate the
35 administrative assessment.

36 5. If the justice or judge permits the fine and administrative
37 assessment for the provision of specialty court programs to be paid
38 in installments, the payments must be applied in the following
39 order:

40 (a) To pay the unpaid balance of an administrative assessment
41 imposed pursuant to NRS 176.059;

42 (b) To pay the unpaid balance of an administrative assessment
43 for the provision of court facilities pursuant to NRS 176.0611;

44 (c) To pay the unpaid balance of an administrative assessment
45 for the provision of specialty court programs;



(d) To pay the unpaid balance of an administrative assessment for obtaining a biological specimen and conducting a genetic marker analysis pursuant to NRS 176.0623; and

(e) To pay the fine.

6. The money collected for an administrative assessment for the provision of specialty court programs in municipal court must be paid by the clerk of the court to the city treasurer on or before the fifth day of each month for the preceding month. On or before the 15th day of that month, the city treasurer shall deposit the money received for each administrative assessment with the State Controller for credit to a special account in the State General Fund administered by the Office of Court Administrator.

7. The money collected for an administrative assessment for the provision of specialty court programs in justice courts must be paid by the clerk of the court to the county treasurer on or before the fifth day of each month for the preceding month. On or before the 15th day of that month, the county treasurer shall deposit the money received for each administrative assessment with the State Controller for credit to a special account in the State General Fund administered by the Office of Court Administrator.

8. The Office of Court Administrator shall allocate the money credited to the State General Fund pursuant to subsections 6 and 7 to courts to assist with the funding or establishment of specialty court programs.

9. Money that is apportioned to a court from administrative assessments for the provision of specialty court programs must be used by the court to:

(a) Pay for the treatment and testing of persons who participate in the program; and

(b) Improve the operations of the specialty court program by any combination of:

(1) Acquiring necessary capital goods;

(2) Providing for personnel to staff and oversee the specialty court program;

(3) Providing training and education to personnel;

(4) Studying the management and operation of the program;

(5) Conducting audits of the program;

(6) Supplementing the funds used to pay for judges to oversee a specialty court program; or

(7) Acquiring or using appropriate technology.

10. As used in this section:

(a) “Office of Court Administrator” means the Office of Court Administrator created pursuant to NRS 1.320; and

(b) “Specialty court program” means a program established by a court to facilitate testing, treatment and oversight of certain persons



1 over whom the court has jurisdiction and who the court has
2 determined suffer from a mental illness or abuses alcohol or drugs.
3 Such a program includes, without limitation, a program established
4 pursuant to NRS 176A.250, 176A.280 or 453.580.

5 **Sec. 7.** NRS 453.3361 is hereby repealed.

TEXT OF REPEALED SECTION

453.3361 Unlawful possession not for purpose of sale: Local ordinances adopting penalties for certain similar offenses; allocation of fines collected for violation of local ordinance.

1. A local authority may enact an ordinance adopting the penalties set forth for misdemeanors in NRS 453.336 for similar offenses under a local ordinance. The ordinance must set forth the manner in which money collected from fines imposed by a court for a violation of the ordinance must be disbursed in accordance with subsection 2.

2. Money collected from fines imposed by a court for a violation of an ordinance enacted pursuant to subsection 1 must be evenly allocated among:

(a) Nonprofit programs for the treatment of abuse of alcohol or drugs that are certified by the Division of Public and Behavioral Health of the Department;

(b) A program of treatment and rehabilitation established by a court pursuant to NRS 453.580, if any; and

(c) Local law enforcement agencies,
→ in a manner determined by the court.

3. As used in this section, “local authority” means the governing board of a county, city or other political subdivision having authority to enact ordinances.

