
ASSEMBLY BILL NO. 236—COMMITTEE ON JUDICIARY

MARCH 1, 2019

Referred to Committee on Judiciary

SUMMARY—Makes various changes related to criminal law and criminal procedure. (BDR 14-564)

FISCAL NOTE: Effect on Local Government: May have Fiscal Impact.
Effect on the State: Yes.

CONTAINS UNFUNDED MANDATE (§§ 12, 105)
(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 crimes; revising provisions relating to preprosecution diversion programs; establishing provisions relating to the duties of the Nevada Sentencing Commission; establishing provisions relating to the calculation and use of the amount of certain costs avoided by this State; establishing the Nevada Local Justice Reinvestment Coordinating Council; revising the contents required in the report of any presentence investigation; requiring certain judges to receive training concerning reports of presentence investigations; making various changes concerning probation and parole; authorizing a court to defer or suspend judgment on a case in certain circumstances; revising provisions relating to specialty court programs; establishing provisions relating to batterers' intervention programs; reducing the penalty for certain crimes from a category B to a category C felony; revising provisions relating to the crimes of burglary, invasion of the home and housebreaking; increasing the felony theft threshold and revising penalties for various theft offenses; revising provisions relating to habitual criminals; requiring the Peace Officers' Standards and Training Commission to develop and implement a mental health field response grant program; revising provisions concerning crimes involving controlled substances; repealing provisions relating to programs of treatment for alcoholics and drug addicts and the civil commitment of such persons; providing penalties; and providing other matters properly relating thereto.



Legislative Counsel's Digest:

Existing law authorizes a justice court or municipal court to establish a preprosecution diversion program to which it may assign eligible defendants charged with certain misdemeanors. (NRS 174.031, 174.032) **Section 3** of this bill authorizes a district court to establish such a program, and **section 2** of this bill authorizes eligible defendants charged with certain felonies to participate in such a program.

Existing law establishes programs for the treatment of mental illness and intellectual disabilities and for the treatment of veterans and members of the military to which a court may assign certain persons. (NRS 176A.250-176A.265, 176A.280-176A.295) Existing law also establishes a program of treatment for alcoholics and drug addicts to which a court may assign certain persons and provides for the civil commitment of alcoholics and drug addicts convicted of a crime. (NRS 453.580, 458.290-458.350) **Sections 27 and 29** of this bill revise provisions relating to the eligibility of a defendant to participate in a program for the treatment of mental illness and intellectual disabilities or a program for the treatment of veterans and members of the military, respectively. **Section 136** of this bill repeals the provisions of law concerning the program of treatment for alcoholics and drug addicts and the civil commitment of such persons. **Sections 20-23** of this bill set forth provisions relating to the establishment of a program for the treatment of drug or alcohol abuse to which a court may assign certain persons, which are modeled after the provisions of law governing the programs for the treatment of mental illness and intellectual disabilities and for the treatment of veterans and members of the military.

Existing law generally provides that if a person is found guilty of a category E felony, the district court is required to suspend the execution of the sentence imposed and grant probation to the person. However, the court is also authorized to decide not to grant probation if the person: (1) was serving a term of probation or was on parole for a felony conviction at the time the crime was committed; (2) previously had his or her probation or parole revoked for a felony conviction; or (3) previously had been assigned to a program of treatment and rehabilitation for the abuse of alcohol or drugs and failed to complete the program. (NRS 176A.100) **Section 24** of this bill removes such exceptions to mandatory probation.

Existing law provides that the period of probation or suspension of sentence must not be more than 3 years for a gross misdemeanor or a suspension of sentence imposed pursuant to certain provisions of law and not more than 5 years for a felony. (NRS 176A.500) **Section 34** of this bill revises such time limitations and provides that the period of probation or suspension of sentence must not be more than: (1) twelve months for a gross misdemeanor or certain suspensions of sentence; (2) eighteen months for a category E felony; (3) twenty-four months for a category C or D felony; or (4) thirty-six months for a category B felony. **Section 34** authorizes the court to extend the period of probation for a period of not more than 12 months if the extension is necessary for the probationer to complete his or her participation in a specialty court program. **Section 17** of this bill requires the Division of Parole and Probation of the Department of Public Safety ("Division") to petition the court to recommend the early discharge of certain persons on probation.

Section 35 of this bill provides that if the court finds that a probationer committed one or more technical violations of the conditions of probation, the court may take certain actions, including temporarily revoking the probation or suspension of sentence and imposing certain terms of imprisonment depending on how many times the probation or suspension of sentence has previously been temporarily revoked. **Section 35** also provides that a probationer who is arrested and detained for a technical violation of probation must have a hearing within 15 calendar days or otherwise must be released from detention and returned to



probation status. If such a probationer is released from detention because a timely hearing is not held, the court is authorized to subsequently hold a hearing to determine whether a technical violation occurred and take appropriate action. **Section 35** further prohibits the commission of certain acts from being used as the only basis for the revocation of probation. **Section 101** of this bill provides that if the State Board of Parole Commissioners ("Board") finds that a parolee committed one or more technical violations of the conditions of parole, the Board may take certain actions, including temporarily revoking parole supervisions and imposing certain terms of imprisonment depending on how many times parole has previously been temporarily revoked. **Section 18** of this bill requires the Division to adopt a written system of graduated sanctions for parole and probation officers to use when responding to a technical violation of the conditions of probation or parole and establishes certain requirements relating to such a system.

Section 19 authorizes a court to defer judgment to a specified future date and set forth specific terms and conditions for the defendant in certain circumstances. If the court finds that the defendant has completed all such conditions, the court is required to discharge the defendant and dismiss the proceedings.

Existing law requires the report of any presentence investigation to contain certain information, including: (1) a recommendation of a minimum term and a maximum term of imprisonment, other term of imprisonment, a fine, or both a fine and term of imprisonment; and (2) if the Division deems appropriate, a recommendation that the defendant undergo a program of regimental discipline. (NRS 176.145) **Section 13** of this bill removes the requirement that the report of any presentence investigation contain such recommendations. **Section 13** also establishes requirements relating to any risk and needs assessment used during a presentence investigation. **Section 12** of this bill requires each court in which a report of a presentence investigation can be made to ensure that each judge of the court receives training concerning the manner in which to use the information included in such a report for the purpose of imposing a sentence.

Existing law establishes the crimes of burglary, invasion of the home and housebreaking. (NRS 205.060, 205.067, 205.0813) **Section 55** of this bill establishes: (1) certain types of burglary that differ based on the structure in which the crime is committed; and (2) the various penalties imposed for each type of burglary. **Section 56** of this bill revises the definition of the crime of invasion of the home and increases the minimum and maximum terms of imprisonment that may be imposed. **Section 57** of this bill decreases the penalties for housebreaking.

Existing law provides that a person who commits theft is guilty of: (1) a misdemeanor if the value of the property or services involved in the theft is less than \$650; and (2) a category C felony if the value of the property or services involved in the theft is \$650 or more. (NRS 205.0835) **Section 58** of this bill increases the felony theft threshold to \$2,000 and establishes a tier of penalties based on the value of the property or services involved in the theft. **Sections 59-83, 85, 126, 131 and 132** of this bill make conforming changes to various theft offenses that use monetary thresholds.

Existing law provides that a person who offers, attempts or commits certain unauthorized acts relating to controlled or counterfeit substances is guilty of a category B felony for the first offense if the controlled substance is classified in schedule I or II and a category C felony for the first offense if the controlled substance is classified in schedule III, IV or V. (NRS 453.321) **Section 112** of this bill decreases such penalties to a category C and category D felony, respectively. **Section 112** also decreases the minimum and maximum terms of imprisonment and the amount of the authorized fine for a third or subsequent offense if the controlled substance is classified in schedule III, IV or V. Existing law prohibits a court from granting probation to a person who is convicted of a second or subsequent offense of certain commercial drug offenses. (NRS 453.321, 453.337, 453.338)



Sections 112, 116 and 117 of this bill authorize a court to grant probation if mitigating circumstances exist that warrant the granting of probation.

Existing law prohibits the trafficking of: (1) schedule I controlled substances other than marijuana; (2) marijuana or concentrated cannabis; and (3) schedule II controlled substances. The penalties for each such offense vary based on the quantity of the controlled substance that is trafficked. (NRS 453.3385, 453.339, 453.3395) **Section 118** of this bill: (1) provides that if a person is charged with selling or manufacturing a controlled substance, evidence must be introduced to show that the person had the intent to sell or manufacture the controlled substance; and (2) establishes the circumstances that can be used to show that a person has the intent to sell or manufacture a controlled substance. **Sections 119 and 121** of this bill revise the quantity of schedule I controlled substances other than marijuana and schedule II controlled substances, respectively, for the purposes of determining the applicable penalty. **Section 122** of this bill provides that certain persons who are convicted of trafficking a controlled substance are not eligible for parole until the mandatory minimum term of imprisonment is served.

Section 113 of this bill revises the penalties for simple possession of a controlled substance and provides that a person is guilty of a misdemeanor for the first or second offense and a category E felony for a third or subsequent offense, regardless of the schedule in which the controlled substance is listed. **Section 24** requires a court to grant probation to a person who commits a third or subsequent offense. **Section 86** of this bill prohibits a conviction of simple possession of a controlled substance from being used for purposes of determining whether a person is a habitual criminal.

Existing law establishes various crimes for which the penalty is a category B felony. (NRS 202.360, 205.605, 453.316, 465.088, 484D.335) **Sections 53, 84, 111, 125 and 130** of this bill reduce the penalty for any such crime to a category C felony.

Existing law provides that a person is a habitual criminal if he or she is convicted of a felony and has previously been convicted at least two times of a felony. (NRS 207.010) **Section 86** provides that a previous conviction must not be considered a conviction for purposes of determining whether a person is a habitual criminal if, depending on the type of felony conviction, a certain number of years elapsed between the date of release from actual custody or discharge from parole or probation, whichever occurred later, and the date of the commission of the current offense.

Section 90 of this bill requires the Director of the Department of Corrections ("Director") to administer a risk and needs assessment to each person in the custody of the Department of Corrections ("Department") to measure criminal risk factors and individual needs for the purpose of institutional programming and placement. **Sections 89 and 96** of this bill require the Director and the Chief Parole and Probation Officer, respectively, to include certain topics and courses in staff training.

Section 95 of this bill requires the Division to administer a risk and needs assessment to each probationer and parolee under the Division's supervision at least once every year for the purpose of setting a level of supervision for each probationer and parolee and developing individualized case plans. **Section 95** also requires the Division to administer a subsequent risk and needs assessment to each probationer and parolee at least once every year to determine whether a change in the level of supervision is necessary.

Existing law authorizes the Director to assign an offender to the Division to serve a term of residential confinement or other appropriate supervision for not longer than the remainder of his or her sentence in certain circumstances, including if the offender is in ill health and expected to die within 12 months and does not pose a threat to public safety. (NRS 209.3925) **Section 91** of this bill increases the



time within which such an offender is expected to die to 24 months. **Section 91** also establishes requirements relating to a request for medical release that must be submitted to the Director. **Section 93** of this bill authorizes the Board to grant geriatric parole to certain persons who: (1) are 60 years of age or older and have served 10 years of their minimum term or minimum aggregate term of imprisonment; or (2) are 65 years of age or older and have served 7 years of their minimum term or minimum aggregate term of imprisonment.

Section 97 of this bill authorizes the Board to grant parole without a meeting to prisoners who meet certain criteria. **Section 99** of this bill provides that if the Board has delegated its authority to consider the parole of a prisoner and recommend to the Board that the prisoner be released on parole without a meeting, and a person to whom such authority is delegated does not recommend that the prisoner be released on parole without a meeting, the prisoner must have a parole hearing.

Section 100 of this bill requires: (1) the Department and a prisoner who is eligible for parole to develop, not later than 6 months before the prisoner's parole eligibility date, a reentry plan that takes into consideration the needs, limitations and capabilities of each prisoner; and (2) the Division to review and, if appropriate, approve such a reentry plan. **Section 92** of this bill revises the duties of the Director relating to the release of offenders from prison by requiring the Director to: (1) provide the offender with a photo identification card if the offender is not in possession of a photo identification card; (2) provide the offender with clothing; (3) provide the offender with certain transportation costs; (4) if appropriate, release the offender to a facility for transitional living; (5) complete enrollment application paperwork for Medicaid and Medicare for an eligible offender; and (6) provide the offender with a 30-day supply of prescribed medication if the offender was receiving such medication while in prison.

Section 102 of this bill revises the definition of the term "victim" for purposes of the provisions of law governing compensation for certain victims of criminal acts. **Section 52** of this bill establishes the requirements for a batterers' intervention program to which a court may require a person who is convicted of a battery which constitutes domestic violence to attend in certain circumstances.

Section 104 of this bill requires the Peace Officers' Standards and Training Commission ("POST") to develop and implement, subject to available funding, a mental health field response grant program to allow law enforcement and mental health professionals to safely respond to crises involving persons with behavioral health issues. **Section 104** establishes the application and selection processes for and certain requirements relating to grant recipients. **Section 104** also requires POST to submit an annual report during each year the grant program is funded to the Governor and the Chairs of the Senate and Assembly Standing Committees on Judiciary that contains information relating to the grant programs. **Section 105** of this bill requires every law enforcement agency to: (1) establish a policy and procedure for interacting with persons who suffer from a behavioral health issue; and (2) subject to available funding, contract with or employ a behavioral health specialist. **Section 107** of this bill requires POST to develop and approve a standard curriculum of certified training programs in crisis intervention to address specialized responses to persons with mental illness. **Section 108** of this bill requires POST to establish by regulation standards for a voluntary program for the training of law enforcement dispatchers that includes training relating to such crisis intervention.

Section 6 of this bill requires the Nevada Sentencing Commission ("Sentencing Commission") to: (1) track and assess outcomes resulting from the enactment of this bill; and (2) submit a biennial report to the Governor, the Legislature and the Chief Justice of the Supreme Court regarding such outcomes and performance measures. **Section 7** of this bill requires the Sentencing Commission to: (1) calculate for each fiscal year the amount of the costs avoided by this State because



of the enactment of this bill; and (2) submit to the Governor and the Legislature a statement of the amount of such avoided costs and recommendations for the reinvestment of the amount of those avoided costs in certain programs. **Section 8** of this bill creates the Nevada Local Justice Reinvestment Coordinating Council, which consists of one member from each county in the State and is required to advise the Sentencing Commission on matters concerning the provisions of this bill as they relate to local governments and to perform certain other duties.

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

Section 1. NRS 174.015 is hereby amended to read as follows:

174.015 1. Except as otherwise provided in subsection 3, arraignment shall be conducted in open court and shall consist of reading the indictment or information to the defendant or stating the substance of the charge and calling on the defendant to plead thereto. The defendant shall be given a copy of the indictment or information before the defendant is called upon to plead.

2. In justice court or municipal court, before the trial commences, the complaint must be distinctly read to the defendant before the defendant is called upon to plead.

3. In *district court*, justice court or municipal court, before the defendant is called upon to plead, the court shall determine whether the defendant is eligible for assignment to a preprosecution diversion program pursuant to NRS 174.031.

Sec. 2. NRS 174.031 is hereby amended to read as follows:

174.031 1. At the arraignment of a defendant in justice court or municipal court ~~or~~ *or after the transfer of a case to district court*, but before the entry of a plea, the court may determine whether the defendant is eligible for assignment to a preprosecution diversion program established pursuant to NRS 174.032. The court shall receive input from the prosecuting attorney and the attorney for the defendant, if any, whether the defendant would benefit from and is eligible for assignment to the program.

2. A defendant may be determined to be eligible by the court for assignment to a preprosecution diversion program if the defendant:

(a) Is charged with a misdemeanor *or felony* other than:

(1) A crime of violence as defined in NRS 200.408;

(2) *Any offense that resulted in the death of or substantial bodily harm to another person;*

(3) Vehicular manslaughter as described in NRS 484B.657;

~~(3)~~ (4) Driving under the influence of intoxicating liquor or a controlled substance in violation of NRS 484C.110, 484C.120 or 484C.130; or



1 ~~(4)~~ (5) A minor traffic offense; and

2 (b) Has not previously been:

3 (1) Convicted of violating any criminal law other than a
4 minor traffic offense; or

5 (2) Ordered by a court to complete a preprosecution
6 diversion program in this State.

7 3. If a defendant is determined to be eligible for assignment to
8 a preprosecution diversion program pursuant to subsection 2, the
9 **district court**, justice court or municipal court may order the
10 defendant to complete the program pursuant to subsection 5 of
11 NRS 174.032.

12 4. A defendant has no right to complete a preprosecution
13 diversion program or to appeal the decision of the **district court**,
14 justice court or municipal court relating to the participation of the
15 defendant in such a program.

16 **Sec. 3.** NRS 174.032 is hereby amended to read as follows:

17 174.032 1. A **district court**, justice court or municipal court
18 may establish a preprosecution diversion program to which it may
19 assign a defendant if he or she is determined to be eligible pursuant
20 to NRS 174.031.

21 2. If a defendant is determined to be eligible for assignment to
22 a preprosecution diversion program pursuant to NRS 174.031, the
23 **district court**, justice **court** or municipal court must receive input
24 from the prosecuting attorney, the attorney for the defendant, if any,
25 and the defendant relating to the terms and conditions for the
26 defendant's participation in the program.

27 3. A preprosecution diversion program established by a **district**
28 **court**, justice court or municipal court pursuant to this section may
29 include, without limitation:

30 (a) A program of treatment which may rehabilitate a defendant,
31 including, without limitation, educational programs, participation in a
32 support group, anger management therapy, counseling or a
33 program of treatment for veterans and members of the military,
34 mental illness or intellectual disabilities or the abuse of alcohol or
35 drugs;

36 (b) Any appropriate sanctions to impose on a defendant, which
37 may include, without limitation, community service, restitution,
38 prohibiting contact with certain persons or the imposition of a
39 curfew; and

40 (c) Any other factor which may be relevant to determining an
41 appropriate program of treatment or sanctions to require for
42 participation of a defendant in the preprosecution diversion
43 program.

44 4. If the **district court**, justice court or municipal court
45 determines that a defendant may be rehabilitated by a program of



1 treatment for veterans and members of the military, persons with
2 mental illness or intellectual disabilities or the abuse of alcohol or
3 drugs, the court may refer the defendant to an appropriate program
4 of treatment established pursuant to NRS 176A.250, 176A.280 or
5 ~~[453.580.]~~ **section 20 of this act.** The court shall retain jurisdiction
6 over the defendant while the defendant completes such a program of
7 treatment.

8 5. The **district court**, justice court or municipal court shall,
9 when assigning a defendant to a preprosecution diversion program,
10 issue an order setting forth the terms and conditions for successful
11 completion of the preprosecution diversion program, which may
12 include, without limitation:

13 (a) Any program of treatment the defendant is required to
14 complete;

15 (b) Any sanctions and the manner in which they must be carried
16 out by the defendant;

17 (c) The date by which the terms and conditions must be
18 completed by the defendant, which must not be more than 18
19 months after the date of the order;

20 (d) A requirement that the defendant appear before the court at
21 least one time every 3 months for a status hearing on the progress of
22 the defendant toward completion of the terms and conditions set
23 forth in the order; and

24 (e) A notice relating to the provisions of subsection 3 of
25 NRS 174.033.

26 6. A defendant assigned to a preprosecution diversion program
27 shall pay the cost of any program of treatment required by this
28 section to the extent of his or her financial resources. The court shall
29 not refuse to place a defendant in a program of treatment if the
30 defendant does not have the financial resources to pay any or all of
31 the costs of such program.

32 7. If restitution is ordered to be paid pursuant to subsection 5,
33 the defendant must make a good faith effort to pay the required
34 amount of restitution in full. If the **district court**, justice court or
35 municipal court determines that a defendant is unable to pay such
36 restitution, the court must require the defendant to enter into a
37 judgment by confession for the amount of restitution.

38 **Sec. 4.** NRS 174.033 is hereby amended to read as follows:

39 174.033 1. If the **district court**, justice court or municipal
40 court determines that a defendant has successfully completed the
41 terms and conditions of a preprosecution diversion program ordered
42 pursuant to subsection 5 of NRS 174.032, the court must discharge
43 the defendant and dismiss the indictment, information, complaint or
44 citation.



2. Discharge and dismissal pursuant to subsection 1 is without adjudication of guilt and is not a conviction for purposes of employment, civil rights or any statute or regulation or license or questionnaire or for any other public or private purpose. Discharge and dismissal restores the defendant, in the contemplation of the law, to the status occupied before the indictment, information, complaint or citation. The defendant may not be held thereafter under any law to be guilty of perjury or otherwise giving a false statement by reason of failure to recite or acknowledge the indictment, information, complaint or citation in response to an inquiry made of the defendant for any purpose.

3. If the *district court*, justice court or municipal court determines that a defendant has not successfully completed the terms or conditions of a preprosecution diversion program ordered pursuant to subsection 5 of NRS 174.032, the court must issue an order terminating the participation of the defendant in the preprosecution diversion program and order the defendant to appear for an arraignment to enter a plea based on the original indictment, information, complaint or citation pursuant to NRS 174.015.

Sec. 5. Chapter 176 of NRS is hereby amended by adding thereto the provisions set forth as sections 6, 7 and 8 of this act.

Sec. 6. 1. *The Sentencing Commission shall:*

(a) Track and assess outcomes resulting from the enactment of this act, including, without limitation, the following data from the Department of Corrections and the Division:

(1) With respect to prison admissions:

(I) The total prison population; and

(II) The total number of persons admitted to prison by type of offense, type of admission, prior criminal history and, if measured upon intake, risk score.

(2) With respect to parole and release from prison:

(I) The average length of stay in prison for all types of release and types of offense;

(II) The total number of persons released from prison by type of release;

(III) The number of parole releases and paroles granted by type of parole; and

(IV) The recidivism rate of persons released from prison.

(3) With respect to the number of persons on probation or parole:

(I) The total number of supervision intakes by type of offense and risk score;

(II) The average sentence length for persons on probation by type of offense;



(III) The average time served by persons on probation or parole;

(IV) The total number of supervision discharges by type of discharge; and

(V) The recidivism rate of persons discharged from supervision.

(4) With respect to persons on probation or parole who violate a condition of supervision or commit a new offense:

(I) The total number of revocations and the reasons therefor;

(II) The average amount of time credited to a person's suspended sentence or the remainder of the person's sentence from time spent on supervision;

(III) The total number of nonjail administrative sanctions administered; and

(IV) The total number of administrative jail sanctions issued and the average length of stay in jail therefor.

(5) With respect to savings and reinvestment:

(I) The total amount of annual savings resulting from the enactment of any legislation relating to the criminal justice system;

(II) The total annual costs avoided by this State because of the enactment of this act, as calculated pursuant to section 7 of this act; and

(III) The entities that received reinvestment funds, the total amount directed to each such entity and a description of how the funds were used.

(b) Prepare and submit a report not later than the first day of the second full week of each regular session of the Legislature to the Governor, the Director of the Legislative Counsel Bureau for transmittal to the Legislature and the Chief Justice of the Nevada Supreme Court. The report must include recommendations for improvements, changes and budgetary adjustments and may also present additional recommendations for future legislation and policy options to enhance public safety and control corrections costs.

2. To the extent of legislative appropriation, the Director of the Legislative Counsel Bureau shall provide the Sentencing Commission with such staff as is necessary to carry out the duties of the Sentencing Commission pursuant to this section. The Sentencing Commission may also employ and retain other professional staff as necessary to coordinate performance and outcome measurement and develop the report required pursuant to this section.



1 **Sec. 7. 1. The Sentencing Commission shall develop a**
2 **formula to calculate for each fiscal year the amount of costs**
3 **avoided by this State because of the enactment of this act. The**
4 **formula must include, without limitation, a comparison of:**

5 **(a) The annual projection of the number of persons who will**
6 **be in a facility or institution of the Department of Corrections**
7 **which was created by the Office of Finance pursuant to NRS**
8 **176.0129 for calendar year 2018; and**

9 **(b) The actual number of persons who are in a facility or**
10 **institution of the Department of Corrections during each year.**

11 **2. Not later than December 1 of each fiscal year, the**
12 **Sentencing Commission shall use the formula developed pursuant**
13 **to subsection 1 to calculate the costs avoided by this State for the**
14 **immediately preceding fiscal year because of the enactment of this**
15 **act and submit a statement of the amount of the costs avoided to**
16 **the Governor and the Director of the Legislative Counsel Bureau**
17 **for transmittal to the Interim Finance Committee.**

18 **3. Not later than August 1 of each even-numbered year, the**
19 **Sentencing Commission shall prepare a report containing the**
20 **projected amount of costs avoided by this State for the next**
21 **biennium because of the enactment of this act and**
22 **recommendations for the reinvestment of the amount of those**
23 **costs to provide financial support to programs and services that**
24 **address the behavioral health needs of persons involved in the**
25 **criminal justice system in order to reduce recidivism. In preparing**
26 **the report, the Commission shall prioritize providing financial**
27 **support to:**

28 **(a) The Department of Corrections for programs for reentry of**
29 **offenders and parolees into the community, programs for**
30 **vocational training and employment of offenders, educational**
31 **programs for offenders and transitional work program for**
32 **offenders;**

33 **(b) The Division for services for offenders reentering the**
34 **community, the supervision of probationers and parolees and**
35 **programs of treatment for probationers and parolees that are**
36 **proven by scientific research to reduce recidivism;**

37 **(c) Any mental health field response grant program developed**
38 **and implemented pursuant to section 104 of this act;**

39 **(d) The Housing Division of the Department of Business and**
40 **Industry to create or provide transitional housing for probationers**
41 **and parolees and offenders reentering the community; and**

42 **(e) The Nevada Local Justice Reinvestment Coordinating**
43 **Council created by section 8 of this act for the purpose of making**
44 **grants to counties for programs and treatment that reduce**
45 **recidivism of persons involved in the criminal justice system.**



4. Not later than August 1 of each even-numbered year, the Sentencing Commission shall submit the report prepared pursuant to subsection 3 to the Governor and to the Director of the Legislative Counsel Bureau for transmittal to the next regular session of the Legislature.

Sec. 8. 1. The Nevada Local Justice Reinvestment Coordinating Council is hereby created. The Council consists of one member from each county in this State, appointed by the governing body of the county. The Chair of the Sentencing Commission shall appoint the Chair of the Council from among the members of the Council.

2. The Council shall:

(a) Advise the Sentencing Commission on matters related to any legislation, regulations, rules, budgetary changes and all other actions needed to implement the provisions of this act as they relate to local governments;

(b) Identify county-level programming and treatment needs for persons involved in the criminal justice system for the purpose of reducing recidivism;

(c) Make recommendations to the Sentencing Commission regarding grants to local governments from the State General Fund;

(d) Oversee the implementation of local grants; and

(e) Create performance measures to assess the effectiveness of the grants.

3. Each member of the Council serves a term of 2 years. Members may be reappointed for additional terms of 2 years in the same manner as the original appointments. Any vacancy occurring in the membership of the Council must be filled in the same manner as the original appointment not later than 30 days after the vacancy occurs.

4. While engaged in the business of the Council, to the extent of legislative appropriation, each member of the Council is entitled to receive the per diem allowance and travel expenses provided for state officers and employees generally.

5. To the extent of legislative appropriation, the Director of the Legislative Counsel Bureau shall provide the Council with such staff as is necessary to carry out the duties of the Council pursuant to this section.

Sec. 9. NRS 176.0132 is hereby amended to read as follows:

176.0132 As used in NRS 176.0132 to 176.0139, inclusive, and sections 6, 7 and 8 of this act, "Sentencing Commission" means the Nevada Sentencing Commission created by NRS 176.0133.



Sec. 10. NRS 176.015 is hereby amended to read as follows:

176.015 1. Sentence must be imposed without unreasonable delay. Pending sentence, the court may commit the defendant or continue or alter the bail.

2. Before imposing sentence, the court shall:

(a) Afford counsel an opportunity to speak on behalf of the defendant; and

(b) Address the defendant personally and ask the defendant if:

(1) The defendant wishes to make a statement in his or her own behalf and to present any information in mitigation of punishment; and

(2) The defendant is a veteran or a member of the military. If the defendant meets the qualifications of subsection 1 of NRS 176A.280, the court may, if appropriate, assign the defendant to:

(I) A program of treatment established pursuant to NRS 176A.280; or

(II) If a program of treatment established pursuant to NRS 176A.280 is not available for the defendant, a program of treatment established pursuant to NRS 176A.250 or ~~1453.580~~ **section 20 of this act.**

3. After hearing any statements presented pursuant to subsection 2 and before imposing sentence, the court shall afford the victim an opportunity to:

(a) Appear personally, by counsel or by personal representative; and

(b) Reasonably express any views concerning the crime, the person responsible, the impact of the crime on the victim and the need for restitution.

4. The prosecutor shall give reasonable notice of the hearing to impose sentence to:

(a) The person against whom the crime was committed;

(b) A person who was injured as a direct result of the commission of the crime;

(c) The surviving spouse, parents or children of a person who was killed as a direct result of the commission of the crime; and

(d) Any other relative or victim who requests in writing to be notified of the hearing.

➤ Any defect in notice or failure of such persons to appear are not grounds for an appeal or the granting of a writ of habeas corpus. All personal information, including, but not limited to, a current or former address, which pertains to a victim or relative and which is received by the prosecutor pursuant to this subsection is confidential.

5. For the purposes of this section:



(a) "Member of the military" has the meaning ascribed to it in NRS 176A.043.

(b) "Relative" of a person includes:

- (1) A spouse, parent, grandparent or stepparent;
- (2) A natural born child, stepchild or adopted child;
- (3) A grandchild, brother, sister, half brother or half sister; or
- (4) A parent of a spouse.

(c) "Veteran" has the meaning ascribed to it in NRS 176A.090.

(d) "Victim" includes:

(1) A person, including a governmental entity, against whom a crime has been committed;

(2) A person who has been injured or killed as a direct result of the commission of a crime; and

(3) A relative of a person described in subparagraph (1) or (2).

6. This section does not restrict the authority of the court to consider any reliable and relevant evidence at the time of sentencing.

Sec. 11. NRS 176.0613 is hereby amended to read as follows:

176.0613 1. The justices or judges of the justice or municipal courts shall impose, in addition to an administrative assessment imposed pursuant to NRS 176.059, 176.0611 and 176.0623, an administrative assessment for the provision of specialty court programs.

2. Except as otherwise provided in subsection 3, 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 \$7 as an administrative assessment for the provision of specialty court programs and render a judgment against the defendant for the assessment. If a defendant is sentenced to perform community service in lieu of a fine, the sentence must include 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 which is specifically designated as imposing a civil penalty or liability pursuant to NRS 244.3575 or 268.019.

4. The money collected for an administrative assessment for the provision of specialty court programs 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



1 the bail pursuant to this subsection must be disbursed pursuant to
2 subsection 6 or 7. If the defendant is found not guilty or the charges
3 are dismissed, the money deposited with the court must be returned
4 to the defendant. If the justice or judge cancels a fine because the
5 fine has been determined to be uncollectible, any balance of the fine
6 and the administrative assessment remaining unpaid shall be
7 deemed to be uncollectible and the defendant is not required to pay
8 it. If a fine is determined to be uncollectible, the defendant is not
9 entitled to a refund of the fine or administrative assessment the
10 defendant has paid and the justice or judge shall not recalculate the
11 administrative assessment.

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

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

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

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

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

25 (e) To pay the fine.

26 6. The money collected for an administrative assessment for
27 the provision of specialty court programs in municipal court must be
28 paid by the clerk of the court to the city treasurer on or before the
29 fifth day of each month for the preceding month. On or before the
30 15th day of that month, the city treasurer shall deposit the money
31 received for each administrative assessment with the State
32 Controller for credit to a special account in the State General Fund
33 administered by the Office of Court Administrator.

34 7. The money collected for an administrative assessment for
35 the provision of specialty court programs in justice courts must be
36 paid by the clerk of the court to the county treasurer on or before the
37 fifth day of each month for the preceding month. On or before the
38 15th day of that month, the county treasurer shall deposit the money
39 received for each administrative assessment with the State
40 Controller for credit to a special account in the State General Fund
41 administered by the Office of Court Administrator.

42 8. The Office of Court Administrator shall allocate the money
43 credited to the State General Fund pursuant to subsections 6 and 7 to
44 courts to assist with the funding or establishment of specialty court
45 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 over whom the court has jurisdiction and who the court has determined suffer from a mental illness or abuses alcohol or drugs. Such a program includes, without limitation, a program established pursuant to NRS 176A.250, 176A.280 or ~~453.580.~~ **section 20 of this act.**

Sec. 12. NRS 176.135 is hereby amended to read as follows:

176.135 1. Except as otherwise provided in this section and NRS 176.151, the Division shall make a presentence investigation and report to the court on each defendant who pleads guilty, guilty but mentally ill or nolo contendere to, or is found guilty or guilty but mentally ill of, a felony.

2. If a defendant is convicted of a felony that is a sexual offense, the presentence investigation and report:

(a) Must be made before the imposition of sentence or the granting of probation; and

(b) If the sexual offense is an offense for which the suspension of sentence or the granting of probation is permitted, must include a psychosexual evaluation of the defendant.

3. If a defendant is convicted of a felony other than a sexual offense, the presentence investigation and report must be made before the imposition of sentence or the granting of probation unless:

(a) A sentence is fixed by a jury; or



(b) Such an investigation and report on the defendant has been made by the Division within the 5 years immediately preceding the date initially set for sentencing on the most recent offense.

4. Upon request of the court, the Division shall make presentence investigations and reports on defendants who plead guilty, guilty but mentally ill or nolo contendere to, or are found guilty or guilty but mentally ill of, gross misdemeanors.

5. Each court in which a report of a presentence investigation can be made must ensure that each judge of the court receives training concerning the manner in which to use the information included in a report of a presentence investigation for the purpose of imposing a sentence.

Sec. 13. NRS 176.145 is hereby amended to read as follows:

176.145 1. The report of any presentence investigation must contain:

(a) Any:

(1) Prior criminal convictions of the defendant;

(2) Unresolved criminal cases involving the defendant;

(3) Incidents in which the defendant has failed to appear in court when his or her presence was required;

(4) Arrests during the 10 years immediately preceding the date of the offense for which the report is being prepared; and

(5) Participation in any program in a specialty court or any diversionary program, including whether the defendant successfully completed the program;

(b) Information concerning the characteristics of the defendant, the defendant's financial condition, including whether the information pertaining to the defendant's financial condition has been verified, the circumstances affecting the defendant's behavior and the circumstances of the defendant's offense that may be helpful in imposing sentence, in granting probation or in the correctional treatment of the defendant;

(c) Information concerning the effect that the offense committed by the defendant has had upon the victim, including, without limitation, any physical or psychological harm or financial loss suffered by the victim, to the extent that such information is available from the victim or other sources, but the provisions of this paragraph do not require any particular examination or testing of the victim, and the extent of any investigation or examination is solely at the discretion of the court or the Division and the extent of the information to be included in the report is solely at the discretion of the Division;

(d) Information concerning whether the defendant has an obligation for the support of a child, and if so, whether the defendant is in arrears in payment on that obligation;



* A B 2 3 6 *

(e) Data or information concerning reports and investigations thereof made pursuant to chapter 432B of NRS and NRS 392.275 to 392.365, inclusive, that relate to the defendant and are made available pursuant to NRS 432B.290 or NRS 392.317 to 392.337, inclusive, as applicable;

(f) The results of ~~the~~ *any* evaluation *or assessment* of the defendant conducted pursuant to NRS *176A.260, 176A.280 or 484C.300* ~~if such an evaluation is required pursuant to that section;~~ *or section 22 of this act;*

(g) ~~A recommendation of a minimum term and a maximum term of imprisonment or other term of imprisonment authorized by statute, or a fine, or both;~~

~~(h) A recommendation, if the Division deems it appropriate, that the defendant undergo a program of regimental discipline pursuant to NRS 176A.780;~~

~~(i)~~ If a psychosexual evaluation of the defendant is required pursuant to NRS 176.139, a written report of the results of the psychosexual evaluation of the defendant and all information that is necessary to carry out the provisions of NRS 176A.110; and

~~(j)~~ *(h)* Such other information as may be required by the court.

2. ~~The Division shall include in the report all scoresheets and scales used in determining any recommendation made pursuant to paragraphs (g) and (h) of subsection 1.~~

~~3.~~ The Division shall include in the report the source of any information, as stated in the report, related to the defendant's offense, including, without limitation, information from:

(a) A police report;

(b) An investigative report filed with law enforcement; or

(c) Any other source available to the Division.

~~4.~~ *3.* The Division may include in the report any additional information that it believes may be helpful in imposing a sentence, in granting probation or in correctional treatment.

4. Any risk and needs assessment used by the Division during a presentence investigation must undergo a validation study not less than once every 3 years and be used in accordance with the Division's definition of recidivism. The Division shall establish quality assurance procedures to ensure proper and consistent scoring of any risk and needs assessment used during a presentence investigation. As used in this subsection, "risk and needs assessment" has the meaning ascribed to it in NRS 213.107.

Sec. 14. NRS 176.153 is hereby amended to read as follows:

176.153 1. Except as otherwise provided in subsection 3, the Division shall disclose to the prosecuting attorney, the counsel for the defendant, the defendant and the court, not later than 14 calendar



1 days before the defendant will be sentenced, the factual content of
2 the report of any presentence investigation made pursuant to NRS
3 176.135. ~~{and the recommendations of the Division.}~~

4 2. In addition to the disclosure requirements set forth in
5 subsection 1, if the Division includes in the report of any
6 presentence investigation made pursuant to NRS 176.135 any
7 information relating to the defendant being affiliated with or a
8 member of a criminal gang and the Division reasonably believes
9 such information is disputed by the defendant, the Division shall
10 provide with the information disclosed pursuant to subsection 1
11 copies of all documentation relied upon by the Division as a basis
12 for including such information in the report, including, without
13 limitation, any field interview cards.

14 3. The defendant may waive the minimum period required by
15 subsection 1.

16 4. As used in this section, "criminal gang" has the meaning
17 ascribed to it in NRS 193.168.

18 **Sec. 15.** NRS 176.156 is hereby amended to read as follows:

19 176.156 1. The Division shall disclose to the prosecuting
20 attorney, the counsel for the defendant and the defendant the factual
21 content of the report of:

22 (a) Any presentence investigation made pursuant to NRS
23 176.135 ~~{and the recommendations of the Division}~~ and, if
24 applicable, provide the documentation required pursuant to
25 subsection 2 of NRS 176.153, in the period provided in
26 NRS 176.153.

27 (b) Any general investigation made pursuant to NRS 176.151.
28 ➤ The Division shall afford an opportunity to each party to object to
29 factual errors in any such report . ~~{and to comment on any~~
30 ~~recommendations.}~~ The court may order the Division to correct the
31 contents of any such report following sentencing of the defendant if,
32 within 180 days after the date on which the judgment of conviction
33 was entered, the prosecuting attorney and the defendant stipulate to
34 correcting the contents of any such report.

35 2. Unless otherwise ordered by a court, upon request, the
36 Division shall disclose the content of a report of a presentence
37 investigation or general investigation to a law enforcement agency
38 of this State or a political subdivision thereof and to a law
39 enforcement agency of the Federal Government for the limited
40 purpose of performing their duties, including, without limitation,
41 conducting hearings that are public in nature.

42 3. Unless otherwise ordered by a court, upon request, the
43 Division shall disclose the content of a report of a presentence
44 investigation or general investigation to the Division of Public and
45 Behavioral Health of the Department of Health and Human Services



1 for the limited purpose of performing its duties, including, without
2 limitation, evaluating and providing any report or information to the
3 Division concerning the mental health of:

4 (a) A sex offender as defined in NRS 213.107; or

5 (b) An offender who has been determined to be mentally ill.

6 4. Unless otherwise ordered by a court, upon request, the
7 Division shall disclose the content of a report of a presentence
8 investigation or general investigation to the Nevada Gaming Control
9 Board for the limited purpose of performing its duties in the
10 administration of the provisions of chapters 462 to 467, inclusive, of
11 NRS.

12 5. Except for the disclosures required by subsections 1 to 4,
13 inclusive, a report of a presentence investigation or general
14 investigation and the sources of information for such a report are
15 confidential and must not be made a part of any public record.

16 **Sec. 16.** Chapter 176A of NRS is hereby amended by adding
17 thereto the provisions set forth as sections 17 to 23, inclusive, of this
18 act.

19 **Sec. 17. 1. The Division shall petition the court to**
20 **recommend the early discharge of a person from probation if the**
21 **person:**

22 (a) *Has not violated any condition of probation during the*
23 *immediately preceding 12 months;*

24 (b) *Is current with any fee to defray the costs of his or her*
25 *supervision charged by the Division pursuant to NRS 213.1076;*
26 *and*

27 (c) *Is in good standing with the payment of restitution as*
28 *ordered by the court.*

29 2. *This section must not be construed to prohibit the court*
30 *from denying the early discharge of a person from probation even*
31 *if the person meets the requirements set forth in subsection 1.*

32 **Sec. 18. 1. The Division shall adopt a written system of**
33 **graduated sanctions for parole and probation officers to use when**
34 **responding to a technical violation of the conditions of probation**
35 **or parole. The system must:**

36 (a) *Set forth a menu of presumptive sanctions for the most*
37 *common violations, including, without limitation, failure to report,*
38 *willful failure to pay fines and fees, failure to participate in a*
39 *required program or service, failure to complete community*
40 *service and failure to refrain from the use of alcohol or controlled*
41 *substances.*

42 (b) *Take into account factors such as responsivity factors*
43 *impacting a person's ability to successfully complete any*
44 *conditions of supervision, the severity of the current violation, the*
45 *person's previous criminal record, the number and severity of any*



1 *previous violations and the extent to which graduated sanctions*
2 *were imposed for previous violations.*

3 *2. The Division shall establish by policy an administrative*
4 *process to review and approve or reject, before imposition,*
5 *graduated sanctions that deviate from the written system of*
6 *graduated sanctions adopted pursuant to subsection 1 and a*
7 *quality assurance process to ensure proper imposition of*
8 *graduated sanctions.*

9 *3. The Division shall establish and maintain a program of*
10 *initial and ongoing training for parole and probation officers*
11 *regarding the system of graduated sanctions.*

12 *4. Notwithstanding any rule or law to the contrary, a parole*
13 *and probation officer shall use graduated sanctions established*
14 *pursuant to this section when responding to a technical violation.*

15 *5. A parole and probation officer intending to impose a*
16 *graduated sanction shall provide the supervised person with a*
17 *written notice of the intended sanction. The notice must inform*
18 *the person of any alleged violation and the date thereof and the*
19 *graduated sanction to be imposed. Upon receipt of the notice, the*
20 *person may accept or reject the sanction. If the person objects to*
21 *the imposition of the sanction, the person is entitled to an*
22 *administrative review by a parole and probation officer, other than*
23 *the officer who imposed the sanction, not later than 15 calendar*
24 *days after the issuance of the notice. If the Division affirms the*
25 *recommendation contained in the notice, the sanction becomes*
26 *effective immediately.*

27 *6. The failure of a supervised person to comply with a*
28 *sanction may constitute a technical violation of the conditions of*
29 *probation or parole.*

30 *7. The Division may not seek revocation of probation or*
31 *parole for a technical violation of the conditions of probation or*
32 *parole until all graduated sanctions have been exhausted. If the*
33 *Division determines that all graduated sanctions have been*
34 *exhausted, the Division shall submit a report to the court or Board*
35 *outlining the reasons for the recommendation of revocation and*
36 *the steps taken by the Division to change the supervised person's*
37 *behavior while in the community, including, without limitation,*
38 *any graduated sanctions imposed before recommending*
39 *revocation.*

40 *8. As used in this section:*

41 *(a) "Absconding" has the meaning ascribed to it in*
42 *NRS 176A.630.*

43 *(b) "Responsivity factors" has the meaning ascribed to it in*
44 *NRS 213.107.*



(c) "Technical violation" means any alleged violation of the conditions of probation or parole that is not the commission of a new felony or gross misdemeanor and does not constitute absconding.

Sec. 19. 1. Upon a plea of guilty, guilty but mentally ill or nolo contendere, but before a judgment of guilt, the court may, without entering a judgment of guilt and with the consent of the defendant, defer judgment on the case to a specified future date and set forth specific terms and conditions for the defendant. The duration of the deferral period must not exceed the applicable period set forth in subsection 1 of NRS 176A.500 or the extension of the period pursuant to subsection 2 of NRS 176A.500.

2. The terms and conditions set forth for the defendant during the deferral period may include, without limitation, the:

- (a) Payment of restitution;
- (b) Payment of court costs;
- (c) Payment of an assessment in lieu of any fine authorized by law for the offense;
- (d) Payment of any other assessment or cost authorized by law;
- (e) Completion of a term of community service;
- (f) Placement on probation pursuant to NRS 176A.500 and the ordering of any conditions which can be imposed for probation pursuant to NRS 176A.400; or
- (g) Completion of a specialty court program.

3. The court shall defer judgment for any person placed in a specialty court program unless the court finds that the person poses a risk to public safety and must be under probationary supervision. The court may extend the deferral period for not more than 12 months to allow for the completion of a specialty court program.

4. Upon completion of the terms and conditions of the deferred judgment, and upon a finding by the court that the terms and conditions have been met, the court shall discharge the defendant and dismiss the proceedings. Discharge and dismissal pursuant to this section is without adjudication of guilt and is not a conviction for purposes of employment, civil rights or any statute or regulation or license or questionnaire or for any other public or private purpose, but is a conviction for the purpose of additional penalties imposed for second or subsequent convictions or the setting of bail. Discharge and dismissal restores the defendant, in the contemplation of the law, to the status occupied before the arrest, indictment or information.

5. The court shall order sealed all documents, papers and exhibits in the defendant's record, minute book entries and entries on dockets, and other documents relating to the case in the



1 custody of such other agencies and officers as are named in the
2 court's order if the defendant fulfills the terms and conditions
3 imposed by the court and the Division. The court shall order those
4 records sealed without a hearing unless the Division petitions the
5 court, for good cause shown, not to seal the records and requests a
6 hearing thereon.

7 6. If the court orders sealed the record of a defendant
8 discharged pursuant to this section, the court shall send a copy of
9 the order to each agency or officer named in the order. Each such
10 agency or officer shall notify the court in writing of its compliance
11 with the order.

12 7. As used in this section, "specialty court program" has the
13 meaning ascribed to it in NRS 176A.500.

14 **Sec. 20.** A court may establish an appropriate program for
15 the treatment of drug or alcohol abuse to which it may assign a
16 defendant pursuant to NRS 174.032, 176.015, 176A.400, 453.336,
17 453.3363 or section 19 or 22 of this act. The assignment must
18 include the terms and conditions for successful completion of the
19 program and provide for progress reports at intervals set by the
20 court to ensure that the defendant is making satisfactory progress
21 towards completion of the program.

22 **Sec. 21.** 1. A justice court or a municipal court may, upon
23 approval of the district court, transfer original jurisdiction to the
24 district court of a case involving an eligible defendant.

25 2. As used in this section, "eligible defendant" means a
26 person who:

27 (a) Has not tendered a plea of guilty, guilty but mentally ill or
28 nolo contendere to, or been found guilty or guilty but mentally ill
29 of, an offense that is a misdemeanor;

30 (b) Appears to suffer from a substance abuse disorder; and

31 (c) Would benefit from assignment to a program established
32 pursuant to section 20 of this act.

33 **Sec. 22.** 1. If a defendant who suffers from a substance
34 abuse disorder tenders a plea of guilty, guilty but mentally ill or
35 nolo contendere to, or is found guilty or guilty but mentally ill of,
36 any offense for which the suspension of sentence or the granting
37 of probation is not prohibited by statute, the court may, without
38 entering a judgment of conviction and with the consent of the
39 defendant, suspend or defer further proceedings and assign the
40 defendant to treatment that must include attendance and
41 successful completion of a program established pursuant to
42 section 20 of this act if the court determines that the defendant is
43 eligible for participation in such a program.



2. A defendant is eligible for participation in a program established pursuant to section 20 of this act if the defendant is diagnosed as having a substance abuse disorder:

(a) After an in-person clinical assessment by:

(1) A counselor who is licensed or certified to make such a diagnosis; or

(2) A physician who is certified by the Board of Medical Examiners to make such a diagnosis; or

(b) Pursuant to a substance abuse assessment.

3. A counselor or physician who diagnoses a defendant as having a substance abuse disorder shall submit a report and recommendation to the court concerning the length and type of treatment required for the defendant.

4. Except as otherwise provided in subsection 5, the court shall defer the defendant's sentence in accordance with section 19 of this act unless the defendant poses a risk to public safety.

5. If the offense committed by the defendant involved the use or threatened use of force or violence or if the defendant was previously convicted in this State or in any other jurisdiction of a felony that involved the use or threatened use of force or violence, the court shall not defer the defendant's sentence but may assign the defendant to the program as a condition of probation pursuant to NRS 176A.400.

6. Upon violation of a term or condition:

(a) The court may enter a judgment of conviction and proceed as provided in the section pursuant to which the defendant was charged.

(b) Notwithstanding the provisions of paragraph (e) of subsection 2 of NRS 193.130, the court may order the defendant to the custody of the Department of Corrections if the offense is punishable by imprisonment in the state prison.

7. Upon fulfillment of the terms and conditions, the court shall discharge the defendant from probation, if applicable, and dismiss the proceedings. Discharge and dismissal pursuant to this section is without adjudication of guilt and is not a conviction for purposes of this section or for purposes of employment, civil rights or any statute or regulation or license or questionnaire or for any other public or private purpose, but is a conviction for the purpose of additional penalties imposed for second or subsequent convictions or the setting of bail. Discharge and dismissal restores the defendant, in the contemplation of the law, to the status occupied before the arrest, indictment or information. The defendant may not be held thereafter under any law to be guilty of perjury or otherwise giving a false statement by reason of failure to recite or acknowledge that arrest, indictment, information or



1 *trial in response to an inquiry made of the defendant for any*
2 *purpose.*

3 **Sec. 23. 1.** *After a case is dismissed pursuant to section 22*
4 *of this act, the court shall order sealed all documents, papers and*
5 *exhibits in the defendant's record, minute book entries and entries*
6 *on dockets, and other documents relating to the case in the*
7 *custody of such other agencies and officers as are named in the*
8 *court's order if the defendant fulfills the terms and conditions*
9 *imposed by the court and the Division. The court shall order those*
10 *records sealed without a hearing unless the Division petitions the*
11 *court, for good cause shown, not to seal the records and requests a*
12 *hearing thereon.*

13 **2.** *If the court orders sealed the record of a defendant whose*
14 *case was dismissed pursuant to section 22 of this act, the court*
15 *shall send a copy of the order to each agency or officer named in*
16 *the order. Each such agency or officer shall notify the court in*
17 *writing of its compliance with the order.*

18 **Sec. 24.** NRS 176A.100 is hereby amended to read as follows:

19 176A.100 1. Except as otherwise provided in this section and
20 NRS 176A.110 and 176A.120, if a person is found guilty in a
21 district court upon verdict or plea of:

22 (a) Murder of the first or second degree, kidnapping in the first
23 degree, sexual assault, attempted sexual assault of a child who is
24 less than 16 years of age, lewdness with a child pursuant to NRS
25 201.230, an offense for which the suspension of sentence or the
26 granting of probation is expressly forbidden, or if the person is
27 found to be a habitual criminal pursuant to NRS 207.010, a
28 habitually fraudulent felon pursuant to NRS 207.014 or a habitual
29 felon pursuant to NRS 207.012, the court shall not suspend the
30 execution of the sentence imposed or grant probation to the person.

31 (b) A category E felony, except as otherwise provided in this
32 paragraph, the court shall suspend the execution of the sentence
33 imposed and grant probation to the person. ~~{The}~~ *Unless the person*
34 *is found guilty of a category E felony pursuant to paragraph (b) of*
35 *subsection 2 of NRS 453.336, the* court may, as it deems advisable,
36 decide not to suspend the execution of the sentence imposed and
37 grant probation to the person if, at the time of sentencing, it is
38 established that the person ~~is~~:

39 ~~— (1) Was serving a term of probation or was on parole at the~~
40 ~~time the crime was committed, whether in this State or elsewhere,~~
41 ~~for a felony conviction;~~

42 ~~— (2) Had previously had the person's probation or parole~~
43 ~~revoked, whether in this State or elsewhere, for a felony conviction;~~



~~(3) Had previously been assigned to a program of treatment and rehabilitation pursuant to NRS 453.580 and failed to successfully complete that program; or~~

~~(4) Had~~ had previously been two times convicted, whether in this State or elsewhere, of a crime that under the laws of the situs of the crime or of this State would amount to a felony.

~~[-]~~ If the person denies the existence of a previous conviction, the court shall determine the issue of the previous conviction after hearing all relevant evidence presented on the issue by the prosecution and the person. At such a hearing, the person may not challenge the validity of a previous conviction. For the purposes of this paragraph, a certified copy of a felony conviction is prima facie evidence of conviction of a prior felony.

(c) Another felony, a gross misdemeanor or a misdemeanor, the court may suspend the execution of the sentence imposed and grant probation as the court deems advisable.

2. In determining whether to grant probation to a person, the court shall not consider whether the person has the financial ability to participate in a program of probation secured by a surety bond established pursuant to NRS 176A.300 to 176A.370, inclusive.

3. The court shall consider the standards adopted pursuant to NRS 213.10988 and the recommendation of the Chief Parole and Probation Officer, if any, in determining whether to grant probation to a person.

4. If the court determines that a person is otherwise eligible for probation but requires more supervision than would normally be provided to a person granted probation, the court may, in lieu of sentencing the person to a term of imprisonment, grant probation pursuant to the Program of Intensive Supervision established pursuant to NRS 176A.440.

5. Except as otherwise provided in this subsection, if a person is convicted of a felony and the Division is required to make a presentence investigation and report to the court pursuant to NRS 176.135, the court shall not grant probation to the person until the court receives the report of the presentence investigation from the Chief Parole and Probation Officer. The Chief Parole and Probation Officer shall submit the report of the presentence investigation to the court not later than 45 days after receiving a request for a presentence investigation from the county clerk. If the report of the presentence investigation is not submitted by the Chief Parole and Probation Officer within 45 days, the court may grant probation without the report.

6. If the court determines that a person is otherwise eligible for probation, the court shall, when determining the conditions of that probation, consider the imposition of such conditions as would



1 facilitate timely payments by the person of an obligation, if any, for
2 the support of a child and the payment of any such obligation which
3 is in arrears.

4 **Sec. 25.** NRS 176A.210 is hereby amended to read as follows:

5 176A.210 Upon entry of an order of probation by the court, a
6 person:

7 1. Shall be deemed accepted for probation for all purposes; and

8 2. Shall submit to the Division for filing with the clerk of the
9 court of competent jurisdiction a signed document stating that:

10 (a) The person will comply with the conditions which have been
11 imposed by the court ; ~~and are stated in the document;~~ and

12 (b) If the person fails to comply with the conditions imposed by
13 the court and is taken into custody outside of this State, the person
14 waives all rights relating to extradition proceedings.

15 **Sec. 26.** NRS 176A.250 is hereby amended to read as follows:

16 176A.250 A court may establish an appropriate program for
17 the treatment of mental illness or intellectual disabilities to which it
18 may assign a defendant pursuant to NRS 174.032 , ~~for~~ 176A.260 ~~176A.260~~
19 ~~or 176A.400 or section 19 of this act.~~ The assignment must include
20 the terms and conditions for successful completion of the program
21 and provide for progress reports at intervals set by the court to
22 ensure that the defendant is making satisfactory progress towards
23 completion of the program.

24 **Sec. 27.** NRS 176A.260 is hereby amended to read as follows:

25 176A.260 1. ~~Except as otherwise provided in subsection 2,~~
26 ~~if~~ *If* a defendant who suffers from mental illness or is intellectually
27 disabled tenders a plea of guilty, guilty but mentally ill or nolo
28 contendere to, or is found guilty or guilty but mentally ill of, any
29 offense for which the suspension of sentence or the granting of
30 probation is not prohibited by statute, the court may, without
31 entering a judgment of conviction and with the consent of the
32 defendant, suspend *or defer* further proceedings and ~~place~~ *assign*
33 the defendant ~~on probation upon terms and conditions~~ *to treatment*
34 that must include attendance and successful completion of a
35 program established pursuant to NRS 176A.250 ~~if the court~~
36 *determines that the defendant is eligible for participation in such a*
37 *program.*

38 2. *A defendant is eligible for participation in a program*
39 *established pursuant to NRS 176A.250 if the defendant is*
40 *diagnosed as having a mental illness or an intellectual disability:*

41 (a) *After an in-person clinical assessment by:*

42 (1) *A counselor who is licensed or certified to make such a*
43 *diagnosis; or*

44 (2) *A physician who is certified by the Board of Medical*
45 *Examiners to make such a diagnosis; and*



(b) *If the defendant appears to suffer from a mental illness, pursuant to a mental health screening that indicates the presence of a mental illness.*

3. *A counselor or physician who diagnoses a defendant as having a mental illness or intellectual disability shall submit a report and recommendation to the court concerning the length and type of treatment required for the defendant.*

4. *Except as otherwise provided in subsection 5, the court shall defer the defendant's sentence in accordance with section 19 of this act unless the defendant poses a risk to public safety.*

5. If the offense committed by the defendant involved the use or threatened use of force or violence or if the defendant was previously convicted in this State or in any other jurisdiction of a felony that involved the use or threatened use of force or violence, the court *shall not defer the defendant's sentence but* may ~~not~~ assign the defendant to the program ~~unless the prosecuting attorney stipulates to the assignment.~~

~~—3.—~~ *as a condition of probation pursuant to NRS 176A.400.*

6. Upon violation of a term or condition:

(a) The court may enter a judgment of conviction and proceed as provided in the section pursuant to which the defendant was charged.

(b) Notwithstanding the provisions of paragraph (e) of subsection 2 of NRS 193.130, the court may order the defendant to the custody of the Department of Corrections if the offense is punishable by imprisonment in the state prison.

~~{4.}~~ 7. Upon fulfillment of the terms and conditions, the court shall discharge the defendant *from probation, if applicable*, and dismiss the proceedings. Discharge and dismissal pursuant to this section is without adjudication of guilt and is not a conviction for purposes of this section or for purposes of employment, civil rights or any statute or regulation or license or questionnaire or for any other public or private purpose, but is a conviction for the purpose of additional penalties imposed for second or subsequent convictions or the setting of bail. Discharge and dismissal restores the defendant, in the contemplation of the law, to the status occupied before the arrest, indictment or information. The defendant may not be held thereafter under any law to be guilty of perjury or otherwise giving a false statement by reason of failure to recite or acknowledge that arrest, indictment, information or trial in response to an inquiry made of the defendant for any purpose.

Sec. 28. NRS 176A.265 is hereby amended to read as follows:

176A.265 1. After a ~~{defendant is discharged from probation}~~ *case is dismissed* pursuant to NRS 176A.260, the court shall order sealed all documents, papers and exhibits in the defendant's record,



minute book entries and entries on dockets, and other documents relating to the case in the custody of such other agencies and officers as are named in the court's order if the defendant fulfills the terms and conditions imposed by the court and the Division. The court shall order those records sealed without a hearing unless the Division petitions the court, for good cause shown, not to seal the records and requests a hearing thereon.

2. If the court orders sealed the record of a defendant ~~discharged~~ *whose case is dismissed* pursuant to NRS 176A.260, the court shall send a copy of the order to each agency or officer named in the order. Each such agency or officer shall notify the court in writing of its compliance with the order.

Sec. 29. NRS 176A.280 is hereby amended to read as follows:

176A.280 1. A district court, justice court or municipal court may establish an appropriate program for the treatment of veterans and members of the military to which it may assign a defendant pursuant to NRS 174.032, ~~for~~ 176A.290 *or 176A.400 or section 19 of this act* if the defendant is a veteran or member of the military and:

(a) ~~Appears to suffer~~ *Is diagnosed after an in-person clinical assessment by a counselor who is licensed or certified to make such a diagnosis or a physician who is certified by the Board of Medical Examiners to make such a diagnosis, or by the results of a mental health or substance abuse screening, as suffering* from:

(1) Mental illness, alcohol or drug abuse, posttraumatic stress disorder or a traumatic brain injury, any of which appear to be related to military service, including, without limitation, any readjustment to civilian life which is necessary after combat service; or

(2) Military sexual trauma;

(b) Would benefit from assignment to the program; and

(c) Is not ineligible for assignment to the program pursuant to NRS 176A.287 or any other provision of law.

2. The assignment of a defendant to a program pursuant to this section must:

(a) Include the terms and conditions for successful completion of the program; *and*

(b) Provide for progress reports at intervals set by the court to ensure that the defendant is making satisfactory progress towards completion of the program. ~~and~~

~~(c) Be for a period of not less than 12 months.~~

3. As used in this section:

(a) "Military sexual trauma" means psychological trauma that is the result of sexual harassment or an act of sexual assault that



1 occurred while the veteran or member of the military was serving on
2 active duty, active duty for training or inactive duty training.

3 (b) "Sexual harassment" means repeated, unsolicited verbal or
4 physical contact of a sexual nature that is threatening in character.

5 **Sec. 30.** NRS 176A.290 is hereby amended to read as follows:

6 176A.290 1. Except as otherwise provided in ~~{subsection 2~~
7 ~~and}~~ NRS 176A.287, if a defendant described in NRS 176A.280
8 tenders a plea of guilty, guilty but mentally ill or nolo contendere to,
9 or is found guilty or guilty but mentally ill of, any offense for which
10 the suspension of sentence or the granting of probation is not
11 prohibited by statute, the district court, justice court or municipal
12 court, as applicable, may, without entering a judgment of conviction
13 and with the consent of the defendant, suspend further proceedings
14 and ~~{place}~~ **assign** the defendant ~~{on probation upon terms and~~
15 ~~conditions}~~ **to treatment** that must include attendance and successful
16 completion of a program established pursuant to NRS 176A.280 ~~{}~~
17 **if the court determines that the defendant is eligible for**
18 **participation in such a program.**

19 2. **Except as otherwise provided in subsection 3, the court**
20 **shall defer the defendant's sentence in accordance with section 19**
21 **of this act unless the defendant poses a risk to public safety.**

22 3. If the offense committed by the defendant involved the use
23 or threatened use of force or violence or if the defendant was
24 previously convicted in this State or in any other jurisdiction of a
25 felony that involved the use or threatened use of force or violence,
26 the district court, justice court or municipal court, as applicable,
27 **shall not defer the defendant's sentence but** may ~~{not}~~ assign the
28 defendant to the program ~~{unless the prosecuting attorney stipulates~~
29 ~~to the assignment. For the purposes of this subsection, in~~
30 ~~determining whether an offense involved the use or threatened use~~
31 ~~of force or violence, the district court, justice court or municipal~~
32 ~~court, as applicable, shall consider the facts and circumstances~~
33 ~~surrounding the offense, including, without limitation, whether the~~
34 ~~defendant intended to place another person in reasonable~~
35 ~~apprehension of bodily harm.~~

36 **—3.} as a condition of probation pursuant to NRS 176A.400.**

37 4. Upon violation of a term or condition:

38 (a) The district court, justice court or municipal court, as
39 applicable, may impose sanctions against the defendant for the
40 violation, but allow the defendant to remain in the program. Before
41 imposing a sanction, the court shall notify the defendant of the
42 violation and provide the defendant an opportunity to respond. Any
43 sanction imposed pursuant to this paragraph:



(1) Must be in accordance with any applicable guidelines for sanctions established by the National Association of Drug Court Professionals or any successor organization; and

(2) May include, without limitation, imprisonment in a county or city jail or detention facility for a term set by the court, which must not exceed 25 days.

(b) The district court, justice court or municipal court, as applicable, may enter a judgment of conviction and proceed as provided in the section pursuant to which the defendant was charged.

(c) Notwithstanding the provisions of paragraph (e) of subsection 2 of NRS 193.130, the district court may order the defendant to the custody of the Department of Corrections if the offense is punishable by imprisonment in the state prison.

~~14.1~~ 5. Except as otherwise provided in subsection ~~15.1~~ 6, upon fulfillment of the terms and conditions, the district court, justice court or municipal court, as applicable, shall discharge the defendant **from probation, if applicable**, and dismiss the proceedings. Discharge and dismissal pursuant to this section is without adjudication of guilt and is not a conviction for purposes of this section or for purposes of employment, civil rights or any statute or regulation or license or questionnaire or for any other public or private purpose, but is a conviction for the purpose of additional penalties imposed for second or subsequent convictions or the setting of bail. Discharge and dismissal restores the defendant, in the contemplation of the law, to the status occupied before the arrest, complaint, indictment or information. The defendant may not be held thereafter under any law to be guilty of perjury or otherwise giving a false statement by reason of failure to recite or acknowledge that arrest, complaint, indictment, information or trial in response to an inquiry made of the defendant for any purpose.

~~15.1~~ 6. If the defendant was charged with a violation of NRS 200.485, 484C.110 or 484C.120, upon fulfillment of the terms and conditions, the district court, justice court or municipal court, as applicable, may conditionally dismiss the charges. If a court conditionally dismisses the charges, the court shall notify the defendant that the conditionally dismissed charges are a conviction for the purpose of additional penalties imposed for second or subsequent convictions or the setting of bail in a future case, but are not a conviction for purposes of employment, civil rights or any statute or regulation or license or questionnaire or for any other public or private purpose. Conditional dismissal restores the defendant, in the contemplation of the law, to the status occupied before the arrest, complaint, indictment or information. The defendant may not be held thereafter under any law to be guilty of



perjury or otherwise giving a false statement by reason of failure to recite or acknowledge that arrest, complaint, indictment, information or trial in response to an inquiry made of the defendant for any purpose.

Sec. 31. NRS 176A.295 is hereby amended to read as follows:

176A.295 1. Except as otherwise provided in subsection 2, after a ~~defendant is discharged from probation~~ *case is dismissed* pursuant to NRS 176A.290, the justice court, municipal court or district court, as applicable, shall order sealed all documents, papers and exhibits in the defendant's record, minute book entries and entries on dockets, and other documents relating to the case in the custody of such other agencies and officers as are named in the court's order if the defendant fulfills the terms and conditions imposed by the court and the Division. The justice court, municipal court or district court, as applicable, shall order those records sealed without a hearing unless the Division petitions the court, for good cause shown, not to seal the records and requests a hearing thereon.

2. If the defendant is charged with a violation of NRS 200.485, 484C.110 or 484C.120 and the charges are conditionally dismissed as provided in subsection ~~5~~ 6 of NRS 176A.290, not sooner than 7 years after such a conditional dismissal and upon the filing of a petition by the defendant, the justice court, municipal court or district court, as applicable, shall order that all documents, papers and exhibits in the defendant's record, minute book entries and entries on dockets, and other documents relating to the case in the custody of such other agencies and officers as are named in the court's order be sealed. The justice court, municipal court or district court, as applicable, shall order those records sealed without a hearing unless the Division petitions the court, for good cause shown, not to seal the records and requests a hearing thereon.

3. If the justice court, municipal court or district court, as applicable, orders sealed the record of a defendant ~~discharged~~ *whose case is dismissed* or whose charges were conditionally dismissed pursuant to NRS 176A.290, the court shall send a copy of the order to each agency or officer named in the order. Each such agency or officer shall notify the justice court, municipal court or district court, as applicable, in writing of its compliance with the order.

Sec. 32. NRS 176A.400 is hereby amended to read as follows:

176A.400 1. In issuing an order granting probation, *a suspended sentence or a deferred sentence pursuant to section 19 of this act*, the court may fix the terms and conditions thereof, including, without limitation:

(a) A requirement for restitution;



(b) An order that the probationer dispose of all the weapons the probationer possesses; or

(c) Any reasonable conditions to protect the health, safety or welfare of the community or to ensure that the probationer will appear at all times and places ordered by the court, including, without limitation:

(1) Requiring the probationer to remain in this State or a certain county within this State;

(2) Prohibiting the probationer from contacting or attempting to contact a specific person *whom the probationer is prohibited from contacting by court order* or from causing or attempting to cause another person to contact that person on the probationer's behalf;

(3) Prohibiting the probationer from entering a certain geographic area; or

(4) Prohibiting the probationer from engaging in specific conduct that ~~may be~~ is harmful to the ~~probationer's own health, safety or welfare, or the~~ health, safety or welfare of another person.

2. In issuing an order granting probation, *a suspended sentence or a deferred sentence pursuant to section 19 of this act* to a person who is found guilty of a category C, D or E felony, the court may require the person as a condition of probation to participate in and complete to the satisfaction of the court any alternative program, treatment or activity deemed appropriate by the court ~~to~~, *including, without limitation, any specialty court program. As used in this subsection, "specialty court program" has the meaning ascribed to it in NRS 176A.500.*

3. The court shall not suspend the execution of a sentence of imprisonment after the defendant has begun to serve it.

4. In placing any defendant on probation or in granting a defendant a suspended *or deferred* sentence, the court shall direct that the defendant be placed under the supervision of the Chief Parole and Probation Officer.

Sec. 33. NRS 176A.420 is hereby amended to read as follows:

176A.420 1. Upon the granting of probation to a person convicted of a felony or gross misdemeanor, the court may, when the circumstances warrant, require as a condition of probation that the probationer submit to periodic tests to determine whether the probationer is using any controlled substance. ~~Any such use or any failure or refusal to submit to a test is a ground for revocation of probation.~~

2. Any expense incurred as a result of a test must be paid from appropriations to the Division on claims as other claims against the State are paid.



Sec. 34. NRS 176A.500 is hereby amended to read as follows:

176A.500 1. ~~The~~ Except as otherwise provided in subsection 2, the period of probation or suspension of sentence may be indeterminate or may be fixed by the court and may at any time be extended or terminated by the court, but the period, including any extensions thereof, must not be more than:

(a) ~~Three years~~ Twelve months for a:

(1) Gross misdemeanor; or

(2) Suspension of sentence pursuant to NRS 176A.260, 176A.290 or 453.3363 ~~or~~ or section 22 of this act;

(b) ~~Five years~~ Eighteen months for a category E felony ~~or~~;

(c) Twenty-four months for a category C or D felony; or

(d) Thirty-six months for a category B felony.

2. The court may extend the period of probation or suspension of sentence ordered pursuant to subsection 1 for a period of not more than 12 months if such an extension is necessary for the defendant to complete his or her participation in a specialty court program.

3. At any time during probation or suspension of sentence, the court may issue a warrant for violating any of the conditions of probation or suspension of sentence and cause the defendant to be arrested. Except for the purpose of giving a dishonorable discharge from probation, and except as otherwise provided in this subsection, the time during which a warrant for violating any of the conditions of probation is in effect is not part of the period of probation. If the warrant is cancelled or probation is reinstated, the court may include any amount of that time as part of the period of probation.

~~3.~~ 4. Any parole and probation officer or any peace officer with power to arrest may arrest a probationer without a warrant, or may deputize any other officer with power to arrest to do so by giving the probationer a written statement setting forth that the probationer has, in the judgment of the parole and probation officer, violated the conditions of probation. Except as otherwise provided in subsection ~~4.~~ 5, the parole and probation officer or the peace officer, after making an arrest, shall present to the detaining authorities, if any, a statement of the charges against the probationer. The parole and probation officer shall at once notify the court which granted probation of the arrest and detention or residential confinement of the probationer and shall submit a report in writing showing in what manner the probationer has violated the conditions of probation.

~~4.~~ 5. A parole and probation officer or a peace officer may immediately release from custody without any further proceedings any person the officer arrests without a warrant for violating a condition of probation if the parole and probation officer or peace



officer determines that there is no probable cause to believe that the person violated the condition of probation.

~~151~~ **6.** A person who is sentenced to serve a period of probation for a felony or a gross misdemeanor must be allowed for the period of the probation a deduction of:

(a) Ten days from that period for each month the person serves and is current with any fee to defray the costs of his or her supervision charged by the Division of Parole and Probation of the Department of Public Safety pursuant to NRS 213.1076 and with any payment of restitution ordered by the court, including, without limitation, any payment of restitution required pursuant to NRS 176A.430. A person shall be deemed to be current with any such fee and payment of restitution for any given month if, during that month, the person makes at least the minimum monthly payment established by the court or, if the court does not establish a minimum monthly payment, by the Division.

(b) Except as otherwise provided in subsection ~~171~~ **8**, 10 days from that period for each month the person serves and is actively involved in employment or enrolled in a program of education, rehabilitation or any other program approved by the Division.

~~161~~ **7.** A person must be allowed a deduction pursuant to paragraph (a) or (b) of subsection ~~151~~ **6** regardless of whether the person has satisfied the requirements of the other paragraph and must be allowed a deduction pursuant to paragraphs (a) and (b) of subsection ~~151~~ **6** if the person has satisfied the requirements of both paragraphs of that subsection.

~~171~~ **8.** A person who is sentenced to serve a period of probation for a felony or a gross misdemeanor and who is a participant in a specialty court program must be allowed a deduction from the period of probation for being actively involved in employment or enrolled in a program of education, rehabilitation or any other program approved by the Division only if the person successfully completes the specialty court program. Such a deduction must not exceed the length of time remaining on the person's period of probation.

~~181~~ **9.** As used in this section, "specialty court program" means a program established by a court to facilitate testing, treatment and oversight of certain persons over whom the court has jurisdiction and who the court has determined suffer from mental illnesses or abuse alcohol or drugs. Such a program includes, without limitation, a program established pursuant to NRS 176A.250, 176A.280 or ~~1453.580~~ **section 20 of this act.**

Sec. 35. NRS 176A.630 is hereby amended to read as follows:

176A.630 **1.** If the probationer is arrested, by or without warrant, in another judicial district of this state, the court which



1 granted the probation may assign the case to the district court of that
2 district, with the consent of that court. The court retaining or thus
3 acquiring jurisdiction shall cause the defendant to be brought before
4 it, consider the standards adopted pursuant to NRS 213.10988 *and*
5 *system of graduated sanctions adopted pursuant to section 18 of*
6 *this act, as applicable*, and the recommendation, if any, of the Chief
7 Parole and Probation Officer. Upon determining that the probationer
8 has violated a condition of probation, the court shall, if practicable,
9 order the probationer to make restitution for any necessary expenses
10 incurred by a governmental entity in returning the probationer to the
11 court for violation of the probation. ~~The~~ *If the court finds that the*
12 *probationer committed a violation of a condition of probation by*
13 *committing a new felony or gross misdemeanor or by absconding,*
14 *the* court may:

15 ~~14.1~~ (a) Continue or revoke the probation or suspension of
16 sentence;

17 ~~12.1~~ (b) Order the probationer to a term of residential
18 confinement pursuant to NRS 176A.660;

19 ~~13.1~~ (c) Order the probationer to undergo a program of
20 regimential discipline pursuant to NRS 176A.780;

21 ~~14.1~~ (d) Cause the sentence imposed to be executed; or

22 ~~15.1~~ (e) Modify the original sentence imposed by reducing the
23 term of imprisonment and cause the modified sentence to be
24 executed. The court shall not make the term of imprisonment less
25 than the minimum term of imprisonment prescribed by the
26 applicable penal statute. If the Chief Parole and Probation Officer
27 recommends that the sentence of a probationer be modified and the
28 modified sentence be executed, the Chief Parole and Probation
29 Officer shall provide notice of the recommendation to any victim of
30 the crime for which the probationer was convicted who has
31 requested in writing to be notified and who has provided a current
32 address to the Division. The notice must inform the victim that he or
33 she has the right to submit documents to the court and to be present
34 and heard at the hearing to determine whether the sentence of a
35 probationer who has violated a condition of probation should be
36 modified. The court shall not modify the sentence of a probationer
37 and cause the sentence to be executed until it has confirmed that the
38 Chief Parole and Probation Officer has complied with the provisions
39 of this ~~subsection.~~ *paragraph*. The Chief Parole and Probation
40 Officer must not be held responsible when such notification is not
41 received by the victim if the victim has not provided a current
42 address. All personal information, including, but not limited to, a
43 current or former address, which pertains to a victim and which is
44 received by the Division pursuant to this ~~subsection~~ *paragraph* is
45 confidential.



2. If the court finds that the probationer committed one or more technical violations of the conditions of probation, the court may:

- (a) Continue the probation or suspension of sentence;
- (b) Order the probationer to a term of residential confinement pursuant to NRS 176A.660;
- (c) Temporarily revoke the probation or suspension of sentence and impose a term of imprisonment of not more than:
 - (1) Thirty days for the first temporary revocation;
 - (2) Sixty days for the second temporary revocation; or
 - (3) Ninety days for the third temporary revocation; or
- (d) Fully revoke the probation or suspension of sentence and impose imprisonment for the remainder of the sentence for a fourth or subsequent revocation.

3. Notwithstanding any other provision of law, a probationer who is arrested and detained for committing a technical violation of the conditions of probation must be brought before the court not later than 15 calendar days after the date of arrest and detention. If a hearing is not held within 15 calendar days, the probationer must be released from detention and returned to probation status. Following a probationer's release from detention, the court may subsequently hold a hearing to determine if a technical violation has occurred. If the court finds that such a technical violation occurred, the court may:

- (a) Continue probation and modify the terms and conditions of probation; or
- (b) Fully or temporarily revoke probation in accordance with the provisions of subsection 2.

4. The commission of one of the following acts by a probationer must not, by itself, be used as the only basis for the revocation of probation:

- (a) Consuming any alcoholic beverage.
- (b) Testing positive on a drug or alcohol test.
- (c) Failing to abide by the requirements of a mental health or substance abuse treatment program.
- (d) Failing to seek and maintain employment.
- (e) Failing to pay any required fines or fees.
- (f) Failing to report any changes in residence.

5. As used in this section:

(a) "Absconding" means failing to report or otherwise communicate with the Division for a continuous period of 60 days or more.

(b) "Technical violation" means any alleged violation of the conditions of probation that is not the commission of a new felony or gross misdemeanor and does not constitute absconding.



Sec. 36. NRS 178.461 is hereby amended to read as follows:

178.461 1. If the proceedings against a defendant who is charged with any category A felony or a category B felony listed in subsection 6 are dismissed pursuant to subsection 5 of NRS 178.425, the prosecuting attorney may, within 10 judicial days after the dismissal, file a motion with the court for a hearing to determine whether to commit the person to the custody of the Administrator pursuant to subsection 3. Except as otherwise provided in subsection 2, the court shall hold the hearing within 10 judicial days after the motion is filed with the court.

2. If the prosecuting attorney files a motion pursuant to subsection 1, the prosecuting attorney shall, not later than the date on which the prosecuting attorney files the motion, request from the Division a comprehensive risk assessment which indicates whether the person requires the level of security provided by a forensic facility. The Division shall provide the requested comprehensive risk assessment to the court, the prosecuting attorney and counsel for the person not later than three judicial days before the hearing. If the person was charged with any category A felony other than murder or sexual assault or a category B felony listed in subsection 6 and the comprehensive risk assessment indicates that the person does not require the level of security provided by a forensic facility, the court shall dismiss the motion.

3. At a hearing held pursuant to subsection 1, if the court finds by clear and convincing evidence that the person has a mental disorder, that the person is a danger to himself or herself or others and that the person's dangerousness is such that the person requires placement at a forensic facility, the court may order:

(a) The sheriff to take the person into protective custody and transport the person to a forensic facility; and

(b) That the person be committed to the custody of the Administrator and kept under observation until the person is eligible for conditional release pursuant to NRS 178.463 or until the maximum length of commitment described in subsection 4 or 7 has expired.

4. Except as otherwise provided in subsection 7, the length of commitment of a person pursuant to subsection 3 must not exceed 10 years, including any time that the person has been on conditional release pursuant to NRS 178.463.

5. At least once every 12 months, the court shall review the eligibility of the defendant for conditional release.

6. The provisions of subsection 1 apply to any of the following category B felonies:

(a) Voluntary manslaughter pursuant to NRS 200.050;

(b) Mayhem pursuant to NRS 200.280;



- (c) Kidnapping in the second degree pursuant to NRS 200.330;
- (d) Assault with a deadly weapon pursuant to NRS 200.471;
- (e) Battery with a deadly weapon pursuant to NRS 200.481;
- (f) Aggravated stalking pursuant to NRS 200.575;
- (g) First degree arson pursuant to NRS 205.010;
- (h) ~~[Burglary]~~ **Residential burglary** with a deadly weapon pursuant to NRS 205.060;
- (i) Invasion of the home ~~[with a deadly weapon]~~ pursuant to NRS 205.067;
- (j) Any category B felony involving the use of a firearm; and
- (k) Any attempt to commit a category A felony.

7. If a person is within 6 months of the maximum length of commitment set forth in this subsection or subsection 4, as applicable, and:

- (a) Was charged with murder or sexual assault; and
- (b) Was committed to the custody of the Administrator pursuant to this subsection or subsection 3,

➔ the Administrator may file a motion to request an extension of the length of commitment for not more than 5 additional years.

8. The court may grant a motion for an extension of the length of commitment pursuant to subsection 7 if, at a hearing conducted on the motion, the court finds by clear and convincing evidence that the person is a danger to himself or herself or others and that the person's dangerousness is such that the person requires placement at a forensic facility.

9. At a hearing conducted pursuant to subsection 8, a person who is committed has the right to be represented by counsel. If the person does not have counsel, the court shall appoint an attorney to represent the person.

Sec. 37. NRS 179.245 is hereby amended to read as follows:

179.245 1. Except as otherwise provided in subsection 6 and NRS 176A.265, 176A.295, 179.247, 179.259, 201.354, 453.3365 and ~~[458.330,]~~ **sections 19 and 23 of this act**, a person may petition the court in which the person was convicted for the sealing of all records relating to a conviction of:

- (a) A category A felony, a crime of violence pursuant to NRS 200.408 or **residential** burglary pursuant to NRS 205.060 after 10 years from the date of release from actual custody or discharge from parole or probation, whichever occurs later;

- (b) Except as otherwise provided in paragraphs (a) and (e), a category B, C or D felony after 5 years from the date of release from actual custody or discharge from parole or probation, whichever occurs later;



(c) A category E felony after 2 years from the date of release from actual custody or discharge from parole or probation, whichever occurs later;

(d) Except as otherwise provided in paragraph (e), any gross misdemeanor after 2 years from the date of release from actual custody or discharge from probation, whichever occurs later;

(e) A violation of NRS 422.540 to 422.570, inclusive, a violation of NRS 484C.110 or 484C.120 other than a felony, or a battery which constitutes domestic violence pursuant to NRS 33.018 other than a felony, after 7 years from the date of release from actual custody or from the date when the person is no longer under a suspended sentence, whichever occurs later;

(f) Except as otherwise provided in paragraph (e), if the offense is punished as a misdemeanor, a battery pursuant to NRS 200.481, harassment pursuant to NRS 200.571, stalking pursuant to NRS 200.575 or a violation of a temporary or extended order for protection, after 2 years from the date of release from actual custody or from the date when the person is no longer under a suspended sentence, whichever occurs later; or

(g) Any other misdemeanor after 1 year from the date of release from actual custody or from the date when the person is no longer under a suspended sentence, whichever occurs later.

2. A petition filed pursuant to subsection 1 must:

(a) Be accompanied by the petitioner's current, verified records received from the Central Repository for Nevada Records of Criminal History;

(b) If the petition references NRS 453.3365 , ~~for 458.330,~~ include a certificate of acknowledgment or the disposition of the proceedings for the records to be sealed from all agencies of criminal justice which maintain such records;

(c) Include a list of any other public or private agency, company, official or other custodian of records that is reasonably known to the petitioner to have possession of records of the conviction and to whom the order to seal records, if issued, will be directed; and

(d) Include information that, to the best knowledge and belief of the petitioner, accurately and completely identifies the records to be sealed, including, without limitation, the:

(1) Date of birth of the petitioner;

(2) Specific conviction to which the records to be sealed pertain; and

(3) Date of arrest relating to the specific conviction to which the records to be sealed pertain.

3. Upon receiving a petition pursuant to this section, the court shall notify the law enforcement agency that arrested the petitioner for the crime and the prosecuting attorney, including, without



1 limitation, the Attorney General, who prosecuted the petitioner for
2 the crime. The prosecuting attorney and any person having relevant
3 evidence may testify and present evidence at any hearing on the
4 petition.

5 4. If the prosecuting attorney who prosecuted the petitioner for
6 the crime stipulates to the sealing of the records after receiving
7 notification pursuant to subsection 3 and the court makes the
8 findings set forth in subsection 5, the court may order the sealing of
9 the records in accordance with subsection 5 without a hearing. If the
10 prosecuting attorney does not stipulate to the sealing of the records,
11 a hearing on the petition must be conducted.

12 5. If the court finds that, in the period prescribed in subsection
13 1, the petitioner has not been charged with any offense for which the
14 charges are pending or convicted of any offense, except for minor
15 moving or standing traffic violations, the court may order sealed all
16 records of the conviction which are in the custody of any agency of
17 criminal justice or any public or private agency, company, official
18 or other custodian of records in the State of Nevada, and may also
19 order all such records of the petitioner returned to the file of the
20 court where the proceeding was commenced from, including,
21 without limitation, the Federal Bureau of Investigation and all other
22 agencies of criminal justice which maintain such records and which
23 are reasonably known by either the petitioner or the court to have
24 possession of such records.

25 6. A person may not petition the court to seal records relating
26 to a conviction of:

- 27 (a) A crime against a child;
28 (b) A sexual offense;
29 (c) A violation of NRS 484C.110 or 484C.120 that is punishable
30 as a felony pursuant to paragraph (c) of subsection 1 of
31 NRS 484C.400;
32 (d) A violation of NRS 484C.430;
33 (e) A homicide resulting from driving or being in actual physical
34 control of a vehicle while under the influence of intoxicating liquor
35 or a controlled substance or resulting from any other conduct
36 prohibited by NRS 484C.110, 484C.130 or 484C.430;
37 (f) A violation of NRS 488.410 that is punishable as a felony
38 pursuant to NRS 488.427; or
39 (g) A violation of NRS 488.420 or 488.425.

40 7. If the court grants a petition for the sealing of records
41 pursuant to this section, upon the request of the person whose
42 records are sealed, the court may order sealed all records of the civil
43 proceeding in which the records were sealed.

44 8. As used in this section:



(a) "Crime against a child" has the meaning ascribed to it in NRS 179D.0357.

(b) "Sexual offense" means:

(1) Murder of the first degree committed in the perpetration or attempted perpetration of sexual assault or of sexual abuse or sexual molestation of a child less than 14 years of age pursuant to paragraph (b) of subsection 1 of NRS 200.030.

(2) Sexual assault pursuant to NRS 200.366.

(3) Statutory sexual seduction pursuant to NRS 200.368, if punishable as a felony.

(4) Battery with intent to commit sexual assault pursuant to NRS 200.400.

(5) An offense involving the administration of a drug to another person with the intent to enable or assist the commission of a felony pursuant to NRS 200.405, if the felony is an offense listed in this paragraph.

(6) An offense involving the administration of a controlled substance to another person with the intent to enable or assist the commission of a crime of violence pursuant to NRS 200.408, if the crime of violence is an offense listed in this paragraph.

(7) Abuse of a child pursuant to NRS 200.508, if the abuse involved sexual abuse or sexual exploitation.

(8) An offense involving pornography and a minor pursuant to NRS 200.710 to 200.730, inclusive.

(9) Incest pursuant to NRS 201.180.

(10) Open or gross lewdness pursuant to NRS 201.210, if punishable as a felony.

(11) Indecent or obscene exposure pursuant to NRS 201.220, if punishable as a felony.

(12) Lewdness with a child pursuant to NRS 201.230.

(13) Sexual penetration of a dead human body pursuant to NRS 201.450.

(14) Sexual conduct between certain employees of a school or volunteers at a school and a pupil pursuant to NRS 201.540.

(15) Sexual conduct between certain employees of a college or university and a student pursuant to NRS 201.550.

(16) Luring a child or a person with mental illness pursuant to NRS 201.560, if punishable as a felony.

(17) An attempt to commit an offense listed in this paragraph.

Sec. 38. NRS 179.255 is hereby amended to read as follows:

179.255 1. If a person has been arrested for alleged criminal conduct and the charges are dismissed, the prosecuting attorney having jurisdiction declined prosecution of the charges or such person is acquitted of the charges, the person may petition:



(a) The court in which the charges were dismissed, at any time after the date the charges were dismissed;

(b) The court having jurisdiction in which the charges were declined for prosecution:

(1) Any time after the applicable statute of limitations has run;

(2) Any time 8 years after the arrest; or

(3) Pursuant to a stipulation between the parties; or

(c) The court in which the acquittal was entered, at any time after the date of the acquittal,

➡ for the sealing of all records relating to the arrest and the proceedings leading to the dismissal, declination or acquittal.

2. If the conviction of a person is set aside pursuant to NRS 458A.240, the person may petition the court that set aside the conviction, at any time after the conviction has been set aside, for the sealing of all records relating to the setting aside of the conviction.

3. A petition filed pursuant to subsection 1 or 2 must:

(a) Be accompanied by the petitioner's current, verified records received from the Central Repository for Nevada Records of Criminal History;

(b) Except as otherwise provided in paragraph (c), include the disposition of the proceedings for the records to be sealed;

(c) If the petition references NRS 453.3365 , ~~for 458.330,~~ include a certificate of acknowledgment or the disposition of the proceedings for the records to be sealed from all agencies of criminal justice which maintain such records;

(d) Include a list of any other public or private agency, company, official and other custodian of records that is reasonably known to the petitioner to have possession of records of the arrest and of the proceedings leading to the dismissal, declination or acquittal and to whom the order to seal records, if issued, will be directed; and

(e) Include information that, to the best knowledge and belief of the petitioner, accurately and completely identifies the records to be sealed, including, without limitation, the:

(1) Date of birth of the petitioner;

(2) Specific charges that were dismissed or of which the petitioner was acquitted; and

(3) Date of arrest relating to the specific charges that were dismissed or of which the petitioner was acquitted.

4. Upon receiving a petition pursuant to subsection 1, the court shall notify the law enforcement agency that arrested the petitioner for the crime and:



(a) If the charges were dismissed, declined for prosecution or the acquittal was entered in a district court or justice court, the prosecuting attorney for the county; or

(b) If the charges were dismissed, declined for prosecution or the acquittal was entered in a municipal court, the prosecuting attorney for the city.

➤ The prosecuting attorney and any person having relevant evidence may testify and present evidence at any hearing on the petition.

5. Upon receiving a petition pursuant to subsection 2, the court shall notify:

(a) If the conviction was set aside in a district court or justice court, the prosecuting attorney for the county; or

(b) If the conviction was set aside in a municipal court, the prosecuting attorney for the city.

➤ The prosecuting attorney and any person having relevant evidence may testify and present evidence at any hearing on the petition.

6. If the prosecuting attorney stipulates to the sealing of the records after receiving notification pursuant to subsection 4 or 5 and the court makes the findings set forth in subsection 7 or 8, as applicable, the court may order the sealing of the records in accordance with subsection 7 or 8, as applicable, without a hearing. If the prosecuting attorney does not stipulate to the sealing of the records, a hearing on the petition must be conducted.

7. If the court finds that there has been an acquittal, that the prosecution was declined or that the charges were dismissed and there is no evidence that further action will be brought against the person, the court may order sealed all records of the arrest and of the proceedings leading to the acquittal, declination or dismissal which are in the custody of any agency of criminal justice or any public or private company, agency, official or other custodian of records in the State of Nevada.

8. If the court finds that the conviction of the petitioner was set aside pursuant to NRS 458A.240, the court may order sealed all records relating to the setting aside of the conviction which are in the custody of any agency of criminal justice or any public or private company, agency, official or other custodian of records in the State of Nevada.

9. If the prosecuting attorney having jurisdiction previously declined prosecution of the charges and the records of the arrest have been sealed pursuant to subsection 7, the prosecuting attorney may subsequently file the charges at any time before the running of the statute of limitations for those charges. If such charges are filed with the court, the court shall order the inspection of the records



without the prosecuting attorney having to petition the court pursuant to NRS 179.295.

Sec. 39. NRS 179.275 is hereby amended to read as follows:

179.275 Where the court orders the sealing of a record pursuant to NRS 174.034, 176A.265, 176A.295, 179.245, 179.247, 179.255, 179.259, 179.2595, 201.354, 453.3365 or ~~458.330;~~ **section 19 or 23 of this act**, a copy of the order must be sent to:

1. The Central Repository for Nevada Records of Criminal History; and

2. Each agency of criminal justice and each public or private company, agency, official or other custodian of records named in the order, and that person shall seal the records in his or her custody which relate to the matters contained in the order, shall advise the court of compliance and shall then seal the order.

Sec. 40. NRS 179.285 is hereby amended to read as follows:

179.285 Except as otherwise provided in NRS 179.301:

1. If the court orders a record sealed pursuant to NRS 174.034, 176A.265, 176A.295, 179.245, 179.247, 179.255, 179.259, 179.2595, 201.354, 453.3365 or ~~458.330;~~ **section 19 or 23 of this act**:

(a) All proceedings recounted in the record are deemed never to have occurred, and the person to whom the order pertains may properly answer accordingly to any inquiry, including, without limitation, an inquiry relating to an application for employment, concerning the arrest, conviction, dismissal or acquittal and the events and proceedings relating to the arrest, conviction, dismissal or acquittal.

(b) The person is immediately restored to the following civil rights if the person's civil rights previously have not been restored:

- (1) The right to vote;
- (2) The right to hold office; and
- (3) The right to serve on a jury.

2. Upon the sealing of the person's records, a person who is restored to his or her civil rights pursuant to subsection 1 must be given:

(a) An official document which demonstrates that the person has been restored to the civil rights set forth in paragraph (b) of subsection 1; and

(b) A written notice informing the person that he or she has not been restored to the right to bear arms, unless the person has received a pardon and the pardon does not restrict his or her right to bear arms.

3. A person who has had his or her records sealed in this State or any other state and whose official documentation of the restoration of civil rights is lost, damaged or destroyed may file a



1 written request with a court of competent jurisdiction to restore his
2 or her civil rights pursuant to this section. Upon verification that the
3 person has had his or her records sealed, the court shall issue an
4 order restoring the person to the civil rights to vote, to hold office
5 and to serve on a jury. A person must not be required to pay a fee to
6 receive such an order.

7 4. A person who has had his or her records sealed in this State
8 or any other state may present official documentation that the person
9 has been restored to his or her civil rights or a court order restoring
10 civil rights as proof that the person has been restored to the right to
11 vote, to hold office and to serve as a juror.

12 **Sec. 41.** NRS 179.295 is hereby amended to read as follows:

13 179.295 1. The person who is the subject of the records that
14 are sealed pursuant to NRS 174.034, 176A.265, 176A.295, 179.245,
15 179.247, 179.255, 179.259, 179.2595, 201.354, 453.3365 or
16 ~~458.330~~ *section 19 or 23 of this act* may petition the court that
17 ordered the records sealed to permit inspection of the records by a
18 person named in the petition, and the court may order such
19 inspection. Except as otherwise provided in this section, subsection
20 9 of NRS 179.255 and NRS 179.259 and 179.301, the court may not
21 order the inspection of the records under any other circumstances.

22 2. If a person has been arrested, the charges have been
23 dismissed and the records of the arrest have been sealed, the court
24 may order the inspection of the records by a prosecuting attorney
25 upon a showing that as a result of newly discovered evidence, the
26 person has been arrested for the same or a similar offense and that
27 there is sufficient evidence reasonably to conclude that the person
28 will stand trial for the offense.

29 3. The court may, upon the application of a prosecuting
30 attorney or an attorney representing a defendant in a criminal action,
31 order an inspection of such records for the purpose of obtaining
32 information relating to persons who were involved in the incident
33 recorded.

34 4. This section does not prohibit a court from considering a
35 ~~conviction~~ *proceeding* for which records have been sealed
36 pursuant to NRS 174.034, 176A.265, 176A.295, 179.245, 179.247,
37 179.255, 179.259, 179.2595, 201.354, 453.3365 or ~~458.330~~
38 *section 19 or 23 of this act* in determining whether to grant a
39 petition pursuant to NRS 176A.265, 176A.295, 179.245, 179.255,
40 179.259, 179.2595, 453.3365 or ~~458.330~~ *section 19 or 23 of this*
41 *act* for a conviction of another offense.

42 **Sec. 42.** NRS 4.075 is hereby amended to read as follows:

43 4.075 1. In a county whose population is less than 100,000,
44 the board of county commissioners may, in addition to any other fee
45 required by law, impose by ordinance a filing fee of not more than



\$10 to be paid on the commencement of any action or proceeding in the justice court for which a fee is required and on the filing of any answer or appearance in any such action or proceeding for which a fee is required.

2. On or before the fifth day of each month, in a county where a fee has been imposed pursuant to subsection 1, the justice of the peace shall account for and pay over to the county treasurer any such fees collected by the justice of the peace during the preceding month for credit to an account for programs for the prevention and treatment of the abuse of alcohol and drugs in the county general fund. The money in that account must be used only to support programs for the prevention or treatment of the abuse of alcohol or drugs which may include, without limitation, any program ~~for~~ **for the** treatment ~~for the abuse~~ of **drug or** alcohol ~~for drugs~~ **abuse** established in a judicial district pursuant to ~~[NRS 453.580.]~~ **section 20 of this act.**

Sec. 43. NRS 4.3713 is hereby amended to read as follows:

4.3713 1. A justice court may, on its own motion, transfer original jurisdiction of a criminal case filed with that court to another justice court or a municipal court if:

(a) The case involves criminal conduct that occurred outside the limits of the county or township where the court is located and the defendant has appeared before a magistrate pursuant to NRS 171.178;

(b) Such a transfer is necessary to promote access to justice for the defendant and the justice court has noted its findings concerning that issue in the record; or

(c) The defendant agrees to participate in a program of treatment, including, without limitation, a program of treatment made available pursuant to NRS 176A.250, 176A.280 ~~[, 453.580]~~ or ~~[458.300.]~~ **section 20 of this act,** or to access other services located elsewhere in this State.

2. A justice court may not issue an order for the transfer of a case pursuant to paragraph (b) or (c) of subsection 1 until a plea agreement has been reached or the final disposition of the case, whichever occurs first.

3. An order issued by a justice court which transfers a case pursuant to this section becomes effective after a notice of acceptance is returned by the justice court or municipal court to which the case was transferred. If a justice court or municipal court refuses to accept the transfer of a case pursuant to subsection 1, the case must be returned to the justice court which sought the transfer.

Sec. 44. NRS 4.3715 is hereby amended to read as follows:

4.3715 1. A justice court may, on its own motion, transfer original jurisdiction of a criminal case filed with that court to a



1 district court in this State if the defendant agrees to participate in a
2 program of treatment, including, without limitation, a program of
3 treatment made available pursuant to NRS 176A.250, 176A.280 ~~+~~
4 ~~453.580~~ or ~~458.300,~~ *section 20 of this act*, or to access other
5 services located elsewhere in this State.

6 2. A justice court may not issue an order for the transfer of a
7 case pursuant to this section before a plea agreement has been
8 reached or the disposition of the case, whichever occurs first.

9 3. An order issued by a justice court which transfers a case
10 pursuant to this section becomes effective after a notice of
11 acceptance is returned by the district court to which the case was
12 transferred. If a district court refuses to accept the transfer of a case
13 pursuant to subsection 1, the case must be returned to the justice
14 court which sought the transfer.

15 **Sec. 45.** NRS 4.373 is hereby amended to read as follows:

16 4.373 1. Except as otherwise provided in subsections 2 and 3,
17 NRS 211A.127 or another specific statute, or unless the suspension
18 of a sentence is expressly forbidden, a justice of the peace may
19 suspend, for not more than 2 years, the sentence of a person
20 convicted of a misdemeanor. If the circumstances warrant, the
21 justice of the peace may order as a condition of suspension that the
22 offender:

23 (a) Make restitution to the owner of any property that is lost,
24 damaged or destroyed as a result of the commission of the offense;

25 (b) Engage in a program of community service, for not more
26 than 200 hours;

27 (c) Actively participate in a program of professional counseling
28 at the expense of the offender;

29 (d) Abstain from the use of alcohol and controlled substances;

30 (e) Refrain from engaging in any criminal activity;

31 (f) Engage or refrain from engaging in any other conduct
32 deemed appropriate by the justice of the peace;

33 (g) Submit to a search and seizure by the chief of a department
34 of alternative sentencing, an assistant alternative sentencing officer
35 or any other law enforcement officer at any time of the day or night
36 without a search warrant; and

37 (h) Submit to periodic tests to determine whether the offender is
38 using a controlled substance or consuming alcohol.

39 2. If a person is convicted of a misdemeanor that constitutes
40 domestic violence pursuant to NRS 33.018, the justice of the peace
41 may, after the person has served any mandatory minimum period of
42 confinement, suspend the remainder of the sentence of the person
43 for not more than 3 years upon the condition that the person actively
44 participate in:



(a) A program of treatment for the abuse of alcohol or drugs which is certified by the Division of Public and Behavioral Health of the Department of Health and Human Services;

(b) A program for the treatment of persons who commit domestic violence that has been certified pursuant to NRS 439.258 ~~or~~ *or in a batterers' intervention program that meets the requirements of subsection 12 of NRS 200.485;* or

(c) The programs set forth in paragraphs (a) and (b),
➤ and that the person comply with any other condition of suspension ordered by the justice of the peace.

3. Except as otherwise provided in this subsection, if a person is convicted of a misdemeanor that constitutes solicitation for prostitution pursuant to NRS 201.354 or paragraph (b) of subsection 1 of NRS 207.030, the justice of the peace may suspend the sentence for not more than 2 years upon the condition that the person:

(a) Actively participate in a program for the treatment of persons who solicit prostitution which is certified by the Division of Public and Behavioral Health of the Department of Health and Human Services; and

(b) Comply with any other condition of suspension ordered by the justice of the peace.

➤ The justice of the peace may not suspend the sentence of a person pursuant to this subsection if the person has previously participated in a program for the treatment of persons who solicit prostitution which is certified by the Division of Public and Behavioral Health of the Department of Health and Human Services.

4. The justice of the peace may order reports from a person whose sentence is suspended at such times as the justice of the peace deems appropriate concerning the compliance of the offender with the conditions of suspension. If the offender complies with the conditions of suspension to the satisfaction of the justice of the peace, the sentence may be reduced to not less than the minimum period of confinement established for the offense.

5. The justice of the peace may issue a warrant for the arrest of an offender who violates or fails to fulfill a condition of suspension.

Sec. 46. NRS 4.374 is hereby amended to read as follows:

4.374 1. As soon as possible after a defendant is arrested or cited, the justice of the peace shall attempt to determine whether the defendant is a veteran or a member of the military and, if so, whether the defendant meets the qualifications of subsection 1 of NRS 176A.280.

2. Before accepting a plea from a defendant or proceeding to trial, the justice of the peace shall:



(a) Address the defendant personally and ask the defendant if he or she is a veteran or a member of the military; and

(b) Determine whether the defendant meets the qualifications of subsection 1 of NRS 176A.280.

3. If the defendant meets the qualifications of subsection 1 of NRS 176A.280, the justice court may, if the justice court has not established a program pursuant to NRS 176A.280 and, if appropriate, take any action authorized by law for the purpose of having the defendant assigned to:

(a) A program of treatment established pursuant to NRS 176A.280; or

(b) If a program of treatment established pursuant to NRS 176A.280 is not available for the defendant, a program of treatment established pursuant to NRS 176A.250 or ~~453.580~~ *section 20 of this act*.

4. As used in this section:

(a) "Member of the military" has the meaning ascribed to it in NRS 176A.043.

(b) "Veteran" has the meaning ascribed to it in NRS 176A.090.

Sec. 47. NRS 5.0503 is hereby amended to read as follows:

5.0503 1. A municipal court may, on its own motion, transfer original jurisdiction of a criminal case filed with that court to a justice court or another municipal court if:

(a) The case involves criminal conduct that occurred outside the limits of the city where the court is located and the defendant has appeared before a magistrate pursuant to NRS 171.178;

(b) Such a transfer is necessary to promote access to justice for the defendant and the municipal court has noted its findings concerning that issue in the record; or

(c) The defendant agrees to participate in a program of treatment, including, without limitation, a program of treatment made available pursuant to NRS 176A.250, 176A.280 ~~453.580~~ or ~~458.300~~ *section 20 of this act*, or to access other services located elsewhere in this State.

2. A municipal court may not issue an order for the transfer of a case pursuant to paragraph (b) or (c) of subsection 1 until a plea agreement has been reached or the final disposition of the case, whichever occurs first.

3. An order issued by a municipal court which transfers a case pursuant to this section becomes effective after a notice of acceptance is returned by the justice court or municipal court to which the case was transferred. If a justice court or municipal court refuses to accept the transfer of a case pursuant to subsection 1, the case must be returned to the municipal court which sought the transfer.



Sec. 48. NRS 5.0505 is hereby amended to read as follows:

5.0505 1. A municipal court may, on its own motion, transfer original jurisdiction of a criminal case filed with that court to a district court in this State if the defendant agrees to participate in a program of treatment, including, without limitation, a program of treatment made available pursuant to NRS 176A.250, 176A.280 ~~453.580~~ or ~~458.300,~~ **section 20 of this act**, or to access other services located elsewhere in this State.

2. A municipal court may not issue an order transferring a case pursuant to this section before a plea agreement has been reached or the disposition of the case, whichever occurs first.

3. An order issued by a municipal court which transfers a case pursuant to this section becomes effective after a notice of acceptance is returned by the district court to which the case was transferred. If a district court refuses to accept the transfer of a case pursuant to subsection 1, the case must be returned to the municipal court which sought the transfer.

Sec. 49. NRS 5.055 is hereby amended to read as follows:

5.055 1. Except as otherwise provided in subsections 2 and 3, NRS 211A.127 or another specific statute, or unless the suspension of a sentence is expressly forbidden, a municipal judge may suspend, for not more than 2 years, the sentence of a person convicted of a misdemeanor. If the circumstances warrant, the municipal judge may order as a condition of suspension that the offender:

(a) Make restitution to the owner of any property that is lost, damaged or destroyed as a result of the commission of the offense;

(b) Engage in a program of community service, for not more than 200 hours;

(c) Actively participate in a program of professional counseling at the expense of the offender;

(d) Abstain from the use of alcohol and controlled substances;

(e) Refrain from engaging in any criminal activity;

(f) Engage or refrain from engaging in any other conduct deemed appropriate by the municipal judge;

(g) Submit to a search and seizure by the chief of a department of alternative sentencing, an assistant alternative sentencing officer or any other law enforcement officer at any time of the day or night without a search warrant; and

(h) Submit to periodic tests to determine whether the offender is using any controlled substance or alcohol.

2. If a person is convicted of a misdemeanor that constitutes domestic violence pursuant to NRS 33.018, the municipal judge may, after the person has served any mandatory minimum period of confinement, suspend the remainder of the sentence of the person



1 for not more than 3 years upon the condition that the person actively
2 participate in:

3 (a) A program of treatment for the abuse of alcohol or drugs
4 which is certified by the Division of Public and Behavioral Health
5 of the Department of Health and Human Services;

6 (b) A program for the treatment of persons who commit
7 domestic violence that has been certified pursuant to NRS 439.258

8 ~~or~~ *or in a batterers' intervention program that meets the*
9 *requirements of subsection 12 of NRS 200.485; or*

10 (c) The programs set forth in paragraphs (a) and (b),

11 ➤ and that the person comply with any other condition of
12 suspension ordered by the municipal judge.

13 3. Except as otherwise provided in this subsection, if a person
14 is convicted of a misdemeanor that constitutes solicitation for
15 prostitution pursuant to NRS 201.354 or paragraph (b) of subsection
16 1 of NRS 207.030, the municipal judge may suspend the sentence
17 for not more than 2 years upon the condition that the person:

18 (a) Actively participate in a program for the treatment of persons
19 who solicit prostitution which is certified by the Division of Public
20 and Behavioral Health of the Department of Health and Human
21 Services; and

22 (b) Comply with any other condition of suspension ordered by
23 the municipal judge.

24 ➤ The municipal judge may not suspend the sentence of a person
25 pursuant to this subsection if the person has previously participated
26 in a program for the treatment of persons who solicit prostitution
27 which is certified by the Division of Public and Behavioral Health
28 of the Department of Health and Human Services.

29 4. The municipal judge may order reports from a person whose
30 sentence is suspended at such times as the municipal judge deems
31 appropriate concerning the compliance of the offender with the
32 conditions of suspension. If the offender complies with the
33 conditions of suspension to the satisfaction of the municipal judge,
34 the sentence may be reduced to not less than the minimum period of
35 confinement established for the offense.

36 5. The municipal judge may issue a warrant for the arrest of an
37 offender who violates or fails to fulfill a condition of suspension.

38 **Sec. 50.** NRS 5.057 is hereby amended to read as follows:

39 5.057 1. As soon as possible after a defendant is arrested or
40 cited, the municipal judge shall attempt to determine whether the
41 defendant is a veteran or a member of the military and, if so,
42 whether the defendant meets the qualifications of subsection 1 of
43 NRS 176A.280. Before accepting a plea from a defendant or
44 proceeding to trial, the municipal judge shall:



(a) Address the defendant personally and ask the defendant if he or she is a veteran or a member of the military; and

(b) Determine whether the defendant meets the qualifications of subsection 1 of NRS 176A.280.

2. If the defendant meets the qualifications of subsection 1 of NRS 176A.280, the municipal court may, if the municipal court has not established a program pursuant to NRS 176A.280 and, if appropriate, take any action authorized by law for the purpose of having the defendant assigned to:

(a) A program of treatment established pursuant to NRS 176A.280; or

(b) If a program of treatment established pursuant to NRS 176A.280 is not available for the defendant, a program of treatment established pursuant to NRS 176A.250 or ~~453.580.~~ **section 20 of this act.**

3. As used in this section:

(a) "Member of the military" has the meaning ascribed to it in NRS 176A.043.

(b) "Veteran" has the meaning ascribed to it in NRS 176A.090.

Sec. 51. NRS 19.03135 is hereby amended to read as follows:

19.03135 1. In a county whose population is less than 100,000, the board of county commissioners may, in addition to any other fee required by law, impose by ordinance a filing fee of not more than \$10 to be paid on the commencement of any civil action or proceeding in the district court for which a filing fee is required and on the filing of any answer or appearance in any such action or proceeding for which a filing fee is required, except as otherwise required pursuant to NRS 19.034.

2. On or before the fifth day of each month, in a county where a fee has been imposed pursuant to subsection 1, the clerk of the court shall account for and pay over to the county treasurer any such fees collected by the clerk of the court during the preceding month for credit to an account for programs for the prevention and treatment of the abuse of alcohol and drugs in the county general fund. The money in that account must be used only to support programs for the prevention or treatment of the abuse of alcohol or drugs which may include, without limitation, any program ~~for~~ **for** treatment ~~for the abuse of~~ **drug or** alcohol ~~for drugs~~ **abuse** established in a judicial district pursuant to ~~NRS 453.580.~~ **section 20 of this act.**

Sec. 52. NRS 200.485 is hereby amended to read as follows:

200.485 1. Unless a greater penalty is provided pursuant to subsection 2 or 3 or NRS 200.481, a person convicted of a battery which constitutes domestic violence pursuant to NRS 33.018:



(a) For the first offense within 7 years, is guilty of a misdemeanor and shall be sentenced to:

(1) Imprisonment in the city or county jail or detention facility for not less than 2 days, but not more than 6 months; and

(2) Perform not less than 48 hours, but not more than 120 hours, of community service.

➤ The person shall be further punished by a fine of not less than \$200, but not more than \$1,000. A term of imprisonment imposed pursuant to this paragraph may be served intermittently at the discretion of the judge or justice of the peace, except that each period of confinement must be not less than 4 consecutive hours and must occur at a time when the person is not required to be at his or her place of employment or on a weekend.

(b) For the second offense within 7 years, is guilty of a misdemeanor and shall be sentenced to:

(1) Imprisonment in the city or county jail or detention facility for not less than 10 days, but not more than 6 months; and

(2) Perform not less than 100 hours, but not more than 200 hours, of community service.

➤ The person shall be further punished by a fine of not less than \$500, but not more than \$1,000.

(c) For the third offense within 7 years, is guilty of a category C felony and shall be punished as provided in NRS 193.130.

2. Unless a greater penalty is provided pursuant to subsection 3 or NRS 200.481, a person convicted of a battery which constitutes domestic violence pursuant to NRS 33.018, if the battery is committed by strangulation as described in NRS 200.481, is guilty of a category C felony and shall be punished as provided in NRS 193.130 and by a fine of not more than \$15,000.

3. Unless a greater penalty is provided pursuant to NRS 200.481, a person who has been previously convicted of:

(a) A battery which constitutes domestic violence pursuant to NRS 33.018 that is punishable as a felony pursuant to paragraph (c) of subsection 1 or subsection 2; or

(b) A violation of the law of any other jurisdiction that prohibits the same or similar conduct set forth in paragraph (a),

➤ and who commits a battery which constitutes domestic violence pursuant to NRS 33.018 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 2 years and a maximum term of not more than 15 years, and shall be further punished by a fine of not less than \$2,000, but not more than \$5,000.

4. In addition to any other penalty, if a person is convicted of a battery which constitutes domestic violence pursuant to NRS 33.018, the court shall:



(a) For the first offense within 7 years, require the person to participate in weekly counseling sessions of not less than 1 1/2 hours per week for not less than 6 months, ~~{but not more than 12 months,}~~ at his or her expense, in a program for the treatment of persons who commit domestic violence that has been certified pursuant to NRS 439.258 ~~{}~~ *or in a batterers' intervention program that meets the requirements of subsection 12.*

(b) For the second offense within 7 years, require the person to participate in weekly counseling sessions of not less than 1 1/2 hours per week for *not less than* 12 months, at his or her expense, in a program for the treatment of persons who commit domestic violence that has been certified pursuant to NRS 439.258 ~~{}~~ *or in a batterers' intervention program that meets the requirements of subsection 12.*

➤ If the person resides in this State but the nearest location at which counseling services are available is in another state, the court may allow the person to participate in counseling in the other state in a program for the treatment of persons who commit domestic violence that has been certified pursuant to NRS 439.258 ~~{}~~ *or in a batterers' intervention program that meets the requirements of subsection 12, as applicable.*

5. Except as otherwise provided in this subsection, an offense that occurred within 7 years immediately preceding the date of the principal offense or after the principal offense constitutes a prior offense for the purposes of this section:

(a) When evidenced by a conviction; or

(b) If the offense is conditionally dismissed pursuant to NRS 176A.290 or dismissed in connection with successful completion of a diversionary program or specialty court program,

➤ without regard to the sequence of the offenses and convictions. An offense which is listed in paragraph (a) or (b) of subsection 3 that occurred on any date preceding the date of the principal offense or after the principal offense constitutes a prior offense for the purposes of this section when evidenced by a conviction, without regard to the sequence of the offenses and convictions. The facts concerning a prior offense must be alleged in the complaint, indictment or information, must not be read to the jury or proved at trial but must be proved at the time of sentencing and, if the principal offense is alleged to be a felony, must also be shown at the preliminary examination or presented to the grand jury.

6. In addition to any other fine or penalty, the court shall order such a person to pay an administrative assessment of \$35. Any money so collected must be paid by the clerk of the court to the State Controller on or before the fifth day of each month for the



preceding month for credit to the Account for Programs Related to Domestic Violence established pursuant to NRS 228.460.

7. In addition to any other penalty, the court may require such a person to participate, at his or her expense, in a program of treatment for the abuse of alcohol or drugs that has been certified by the Division of Public and Behavioral Health of the Department of Health and Human Services.

8. If it appears from information presented to the court that a child under the age of 18 years may need counseling as a result of the commission of a battery which constitutes domestic violence pursuant to NRS 33.018, the court may refer the child to an agency which provides child welfare services. If the court refers a child to an agency which provides child welfare services, the court shall require the person convicted of a battery which constitutes domestic violence pursuant to NRS 33.018 to reimburse the agency for the costs of any services provided, to the extent of the convicted person's ability to pay.

9. If a person is charged with committing a battery which constitutes domestic violence pursuant to NRS 33.018, a prosecuting attorney shall not dismiss such a charge in exchange for a plea of guilty, guilty but mentally ill or nolo contendere to a lesser charge or for any other reason unless the prosecuting attorney knows, or it is obvious, that the charge is not supported by probable cause or cannot be proved at the time of trial. Except as otherwise provided in this subsection, a court shall not grant probation to or suspend the sentence of such a person. A court may grant probation to or suspend the sentence of such a person:

(a) As set forth in NRS 4.373 and 5.055; or

(b) To assign the person to a program for the treatment of veterans and members of the military pursuant to NRS 176A.290 if the charge is for a first offense punishable as a misdemeanor.

10. In every judgment of conviction or admonishment of rights issued pursuant to this section, the court shall:

(a) Inform the person convicted that he or she is prohibited from owning, possessing or having under his or her custody or control any firearm pursuant to NRS 202.360; and

(b) Order the person convicted to permanently surrender, sell or transfer any firearm that he or she owns or that is in his or her possession or under his or her custody or control in the manner set forth in NRS 202.361.

11. A person who violates any provision included in a judgment of conviction or admonishment of rights issued pursuant to this section concerning the surrender, sale, transfer, ownership, possession, custody or control of a firearm is guilty of a category B felony and shall be punished by imprisonment in the state prison for



1 a minimum term of not less than 1 year and a maximum term of not
2 more than 6 years, and may be further punished by a fine of not
3 more than \$5,000. The court must include in the judgment of
4 conviction or admonishment of rights a statement that a violation of
5 such a provision in the judgment or admonishment is a category B
6 felony and shall be punished by imprisonment in the state prison for
7 a minimum term of not less than 1 year and a maximum term of not
8 more than 6 years, and may be further punished by a fine of not
9 more than \$5,000.

10 12. *Any batterers' intervention program in which a court*
11 *requires a person to participate pursuant to subsection 4 or NRS*
12 *4.373 or 5.055 must meet the following requirements:*

13 (a) *The primary purpose of the program must be victim safety.*

14 (b) *The program must ensure that the participant is held*
15 *accountable for acts of domestic violence.*

16 (c) *The program must include weekly sessions in addition to*
17 *appropriate intake, assessment and orientation programming.*

18 (d) *The content of the program must be based on a*
19 *psychoeducational model that addresses the tactics of power and*
20 *control used by one person over another.*

21 (e) *The program must be funded by the fees paid by*
22 *participants and any local, state or federal program that funds*
23 *batterers' intervention programs in whole or in part.*

24 13. As used in this section:

25 (a) "Agency which provides child welfare services" has the
26 meaning ascribed to it in NRS 432B.030.

27 (b) "Battery" has the meaning ascribed to it in paragraph (a) of
28 subsection 1 of NRS 200.481.

29 (c) "Offense" includes a battery which constitutes domestic
30 violence pursuant to NRS 33.018 or a violation of the law of any
31 other jurisdiction that prohibits the same or similar conduct.

32 **Sec. 53.** NRS 202.360 is hereby amended to read as follows:

33 202.360 1. A person shall not own or have in his or her
34 possession or under his or her custody or control any firearm if the
35 person:

36 (a) Has been convicted in this State or any other state of a
37 misdemeanor crime of domestic violence as defined in 18 U.S.C. §
38 921(a)(33);

39 (b) Has been convicted of a felony in this State or any other
40 state, or in any political subdivision thereof, or of a felony in
41 violation of the laws of the United States of America, unless the
42 person has received a pardon and the pardon does not restrict his or
43 her right to bear arms;

44 (c) Has been convicted of a violation of NRS 200.575 or a law
45 of any other state that prohibits the same or substantially similar



conduct and the court entered a finding in the judgment of conviction or admonishment of rights pursuant to subsection 5 of NRS 200.575;

(d) Except as otherwise provided in NRS 33.031, is currently subject to:

(1) An extended order for protection against domestic violence pursuant to NRS 33.017 to 33.100, inclusive, which includes a statement that the adverse party is prohibited from possessing or having under his or her custody or control any firearm while the order is in effect; or

(2) An equivalent order in any other state;

(e) Is a fugitive from justice;

(f) Is an unlawful user of, or addicted to, any controlled substance; or

(g) Is otherwise prohibited by federal law from having a firearm in his or her possession or under his or her custody or control.

➔ A person who violates the provisions of this subsection is guilty of a category ~~FB~~ C 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, and may be further punished by a fine of not more than \$5,000.~~ as provided in NRS 193.130.

2. A person shall not own or have in his or her possession or under his or her custody or control any firearm if the person:

(a) Has been adjudicated as mentally ill or has been committed to any mental health facility by a court of this State, any other state or the United States;

(b) Has entered a plea of guilty but mentally ill in a court of this State, any other state or the United States;

(c) Has been found guilty but mentally ill in a court of this State, any other state or the United States;

(d) Has been acquitted by reason of insanity in a court of this State, any other state or the United States; or

(e) Is illegally or unlawfully in the United States.

➔ A person who violates the provisions of this subsection is guilty of a category D felony and shall be punished as provided in NRS 193.130.

3. As used in this section:

(a) "Controlled substance" has the meaning ascribed to it in 21 U.S.C. § 802(6).

(b) "Firearm" includes any firearm that is loaded or unloaded and operable or inoperable.

Sec. 54. NRS 202.3657 is hereby amended to read as follows:

202.3657 1. Any person who is a resident of this State may apply to the sheriff of the county in which he or she resides for a



1 permit on a form prescribed by regulation of the Department. Any
2 person who is not a resident of this State may apply to the sheriff of
3 any county in this State for a permit on a form prescribed by
4 regulation of the Department. Application forms for permits must be
5 furnished by the sheriff of each county upon request.

6 2. A person applying for a permit may submit one application
7 and obtain one permit to carry all handguns owned by the person.
8 The person must not be required to list and identify on the
9 application each handgun owned by the person. A permit is valid for
10 any handgun which is owned or thereafter obtained by the person to
11 whom the permit is issued.

12 3. Except as otherwise provided in this section, the sheriff shall
13 issue a permit to any person who is qualified to possess a handgun
14 under state and federal law, who submits an application in
15 accordance with the provisions of this section and who:

16 (a) Is:

17 (1) Twenty-one years of age or older; or

18 (2) At least 18 years of age but less than 21 years of age if
19 the person:

20 (I) Is a member of the Armed Forces of the United States,
21 a reserve component thereof or the National Guard; or

22 (II) Was discharged or released from service in the
23 Armed Forces of the United States, a reserve component thereof or
24 the National Guard under honorable conditions;

25 (b) Is not prohibited from possessing a firearm pursuant to NRS
26 202.360; and

27 (c) Demonstrates competence with handguns by presenting a
28 certificate or other documentation to the sheriff which shows that
29 the applicant:

30 (1) Successfully completed a course in firearm safety
31 approved by a sheriff in this State; or

32 (2) Successfully completed a course in firearm safety offered
33 by a federal, state or local law enforcement agency, community
34 college, university or national organization that certifies instructors
35 in firearm safety.

36 ➤ Such a course must include instruction in the use of handguns
37 and in the laws of this State relating to the use of a firearm. A sheriff
38 may not approve a course in firearm safety pursuant to subparagraph
39 (1) unless the sheriff determines that the course meets any standards
40 that are established by the Nevada Sheriffs' and Chiefs' Association
41 or, if the Nevada Sheriffs' and Chiefs' Association ceases to exist,
42 its legal successor.

43 4. The sheriff shall deny an application or revoke a permit if
44 the sheriff determines that the applicant or permittee:

45 (a) Has an outstanding warrant for his or her arrest.



(b) Has been judicially declared incompetent or insane.

(c) Has been voluntarily or involuntarily admitted to a mental health facility during the immediately preceding 5 years.

(d) Has habitually used intoxicating liquor or a controlled substance to the extent that his or her normal faculties are impaired. For the purposes of this paragraph, it is presumed that a person has so used intoxicating liquor or a controlled substance if, during the immediately preceding 5 years, the person has : ~~been:~~

(1) ~~Convicted~~ *Been convicted* of violating the provisions of NRS 484C.110; or

(2) ~~Committed for~~ *Participated in a program of* treatment pursuant to ~~NRS 458.290~~ *sections 20 to 23*, inclusive ~~of this act.~~

(e) Has been convicted of a crime involving the use or threatened use of force or violence punishable as a misdemeanor under the laws of this or any other state, or a territory or possession of the United States at any time during the immediately preceding 3 years.

(f) Has been convicted of a felony in this State or under the laws of any state, territory or possession of the United States.

(g) Has been convicted of a crime involving domestic violence or stalking, or is currently subject to a restraining order, injunction or other order for protection against domestic violence.

(h) Is currently on parole or probation from a conviction obtained in this State or in any other state or territory or possession of the United States.

(i) Has, within the immediately preceding 5 years, been subject to any requirements imposed by a court of this State or of any other state or territory or possession of the United States, as a condition to the court's:

(1) Withholding of the entry of judgment for a conviction of a felony; or

(2) Suspension of sentence for the conviction of a felony.

(j) Has made a false statement on any application for a permit or for the renewal of a permit.

(k) Has been discharged or released from service in the Armed Forces of the United States, a reserve component thereof or the National Guard under conditions other than honorable conditions and is less than 21 years of age.

5. The sheriff may deny an application or revoke a permit if the sheriff receives a sworn affidavit stating articulable facts based upon personal knowledge from any natural person who is 18 years of age or older that the applicant or permittee has or may have committed an offense or engaged in any other activity specified in subsection 4



1 which would preclude the issuance of a permit to the applicant or
2 require the revocation of a permit pursuant to this section.

3 6. If the sheriff receives notification submitted by a court or
4 law enforcement agency of this or any other state, the United States
5 or a territory or possession of the United States that a permittee or
6 an applicant for a permit has been charged with a crime involving
7 the use or threatened use of force or violence, the conviction for
8 which would require the revocation of a permit or preclude the
9 issuance of a permit to the applicant pursuant to this section, the
10 sheriff shall suspend the person's permit or the processing of
11 the person's application until the final disposition of the charges
12 against the person. If a permittee is acquitted of the charges, or if the
13 charges are dropped, the sheriff shall restore his or her permit
14 without imposing a fee.

15 7. An application submitted pursuant to this section must be
16 completed and signed under oath by the applicant. The applicant's
17 signature must be witnessed by an employee of the sheriff or
18 notarized by a notary public. The application must include:

19 (a) The name, address, place and date of birth, social security
20 number, occupation and employer of the applicant and any other
21 names used by the applicant;

22 (b) A complete set of the applicant's fingerprints taken by the
23 sheriff or his or her agent;

24 (c) A front-view colored photograph of the applicant taken by
25 the sheriff or his or her agent;

26 (d) If the applicant is a resident of this State, the driver's license
27 number or identification card number of the applicant issued by the
28 Department of Motor Vehicles;

29 (e) If the applicant is not a resident of this State, the driver's
30 license number or identification card number of the applicant issued
31 by another state or jurisdiction;

32 (f) If the applicant is a person described in subparagraph (2) of
33 paragraph (a) of subsection 3, proof that the applicant:

34 (1) Is a member of the Armed Forces of the United States, a
35 reserve component thereof or the National Guard, as evidenced by
36 his or her current military identification card; or

37 (2) Was discharged or released from service in the Armed
38 Forces of the United States, a reserve component thereof or the
39 National Guard under honorable conditions, as evidenced by his or
40 her DD Form 214, "Certificate of Release or Discharge from Active
41 Duty," or other document of honorable separation issued by the
42 United States Department of Defense;

43 (g) A nonrefundable fee equal to the nonvolunteer rate charged
44 by the Central Repository for Nevada Records of Criminal History



1 and the Federal Bureau of Investigation to obtain the reports
2 required pursuant to subsection 1 of NRS 202.366; and

3 (h) A nonrefundable fee set by the sheriff not to exceed \$60.

4 **Sec. 55.** NRS 205.060 is hereby amended to read as follows:

5 205.060 1. ~~{Except as otherwise provided in subsection 5, a}~~

6 A person who ~~{, by day or night,}~~ **unlawfully** enters **or unlawfully**
7 **remains in** any ~~{house, room, apartment, tenement, shop,~~
8 ~~warehouse, store, mill, barn, stable, outhouse or other building, tent,~~
9 ~~vessel, vehicle, vehicle-trailer, semitrailer or house-trailer, airplane,~~
10 ~~glider, boat or railroad car,}~~ :

11 (a) **Dwelling** with the intent to commit grand or petit larceny,
12 assault or battery on any person or any felony ~~{, or to obtain money~~
13 ~~or property by false pretenses,}~~ is guilty of **residential burglary**.

14 (b) **Business structure with the intent to commit grand or petit**
15 **larceny, assault or battery on any person or any felony is guilty of**
16 **burglary of a business.**

17 (c) **Motor vehicle, or any part thereof, with the intent to**
18 **commit grand or petit larceny, assault or battery on any person or**
19 **any felony is guilty of burglary of a motor vehicle.**

20 (d) **Structure other than a dwelling, business structure or**
21 **motor vehicle with the intent to commit grand or petit larceny,**
22 **assault or battery on any person or any felony is guilty of**
23 **burglary.**

24 2. Except as otherwise provided in this section, a person
25 convicted of ~~{burglary}~~ :

26 (a) **Burglary of a motor vehicle is guilty of:**

27 (1) **For a first or second conviction, a gross misdemeanor.**

28 (2) **For a third or subsequent conviction, a category E**
29 **felony and shall be punished as provided in NRS 193.130.**

30 (b) **Burglary is guilty of a category D felony and shall be**
31 **punished as provided in NRS 193.130.**

32 (c) **Burglary of a business is guilty of a category C felony and**
33 **shall be punished as provided in NRS 193.130.**

34 (d) **Residential burglary** is guilty of a category B felony and
35 shall be punished by imprisonment in the state prison for a
36 minimum term of not less than 1 year and a maximum term of not
37 more than 10 years . ~~{, and may be further punished by a fine of not~~
38 ~~more than \$10,000. A}~~

39 3. **If mitigating circumstances exist, a** person who is convicted
40 of **residential burglary** ~~{and who}~~ **may be released on probation**
41 **and granted a suspension of sentence if the person** has **not**
42 previously been convicted of **residential burglary** or another crime
43 involving the ~~{forcible}~~ **unlawful** entry or invasion of a dwelling
44 ~~{must not be released on probation or granted a suspension of~~



~~sentence.}~~ or has previously been convicted of any such crime only once.

~~{3.}~~ 4. Whenever ~~{a}~~ any burglary pursuant to this section is committed on a vessel, vehicle, vehicle trailer, semitrailer, house trailer, airplane, glider, boat or railroad car, in motion or in rest, in this State, and it cannot with reasonable certainty be ascertained in what county the crime was committed, the offender may be arrested and tried in any county through which the vessel, vehicle, vehicle trailer, semitrailer, house trailer, airplane, glider, boat or railroad car traveled during the time the burglary was committed.

~~{4.}~~ 5. A person convicted of any burglary pursuant to this section who has in his or her possession or gains possession of any firearm or deadly weapon at any time during the commission of the crime, at any time before leaving the dwelling, structure or motor vehicle or upon leaving the dwelling, structure ~~H~~ or motor vehicle, 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 2 years and a maximum term of not more than 15 years, and may be further punished by a fine of not more than \$10,000.

~~{5. The crime of burglary does not include the act of entering a commercial establishment during business hours with the intent to commit petit larceny unless the person has previously been convicted:~~

~~—(a) Two or more times for committing petit larceny within the immediately preceding 7 years; or~~

~~—(b) Of a felony.}~~

6. As used in this section:

(a) “Business structure” means any structure or building, the primary purpose of which is to carry on any lawful effort for a business, including, without limitation, any business with an educational, industrial, benevolent, social or political purpose, regardless of whether the business is operated for profit.

(b) “Dwelling” means any structure, building, house, room, apartment, tenement, tent, conveyance, vessel, boat, vehicle, house trailer, travel trailer, motor home or railroad car, including, without limitation, any part thereof that is divided into a separately occupied unit:

(1) In which any person lives; or

(2) Which is customarily used by a person for overnight accommodations,

➔ regardless of whether the person is inside at the time of the offense.

(c) “Motor vehicle” means any motorized craft or device designed for the transportation of a person or property across land



1 or water or through the air which does not qualify as a dwelling or
2 business structure pursuant to this section.

3 (d) "Unlawfully enters or unlawfully remains" means for a
4 person to enter or remain in a dwelling, structure or motor vehicle
5 or any part thereof when the person is not licensed or privileged to
6 do so, without regard to the purpose or intent of the person. For
7 purposes of this definition, a license or privilege to enter or remain
8 in a part of a dwelling, structure or motor vehicle that is open to
9 the public is not a license or privilege to enter or remain in a part
10 of the dwelling, structure or motor vehicle that is not open to the
11 public.

12 **Sec. 56.** NRS 205.067 is hereby amended to read as follows:

13 205.067 1. A person ~~{who, by day or night, forcibly enters an~~
14 ~~inhabited}~~ is guilty of invasion of the home if the person, while in
15 possession of any firearm or deadly weapon, unlawfully enters or
16 unlawfully remains in a dwelling ~~{without permission of the owner,~~
17 ~~resident or lawful occupant, whether or not a}~~ :

18 (a) At any time after sunset and before sunrise; or

19 (b) While a person other than the offender and any accomplice
20 is present in the dwelling at ~~{the}~~ any time ~~{of}~~ during the ~~{entry, is~~
21 ~~guilty of invasion of the home.}~~ commission of the offense.

22 2. A person convicted of invasion of the home is guilty of a
23 category B felony and shall be punished by imprisonment in the
24 state prison for a minimum term of not less than ~~{1 year}~~ 2 years
25 and a maximum term of not more than ~~{10}~~ 18 years, and may be further
26 punished by a fine of not more than \$10,000. A person who is
27 convicted of invasion of the home and who has previously been
28 convicted of *any* burglary pursuant to NRS 205.060 or invasion of
29 the home must not be released on probation or granted a suspension
30 of sentence.

31 3. Whenever an invasion of the home is committed on a vessel,
32 vehicle, vehicle trailer, semitrailer, house trailer, airplane, glider,
33 boat or railroad car, in motion or in rest, in this State, and it cannot
34 with reasonable certainty be ascertained in what county the crime
35 was committed, the offender may be arrested and tried in any county
36 through which the conveyance, vessel, boat, vehicle, house trailer,
37 travel trailer, motor home or railroad car traveled during the time the
38 invasion was committed.

39 4. ~~{A person convicted of invasion of the home who has in his~~
40 ~~or her possession or gains possession of any firearm or deadly~~
41 ~~weapon at any time during the commission of the crime, at any time~~
42 ~~before leaving the structure or upon leaving the structure, is guilty~~
43 ~~of a category B felony and shall be punished by imprisonment in the~~
44 ~~state prison for a minimum term of not less than 2 years and a~~



~~maximum term of not more than 15 years, and may be further punished by a fine of not more than \$10,000.~~

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

(a) ~~["Forcibly enters" means the entry of an inhabited dwelling involving any act of physical force resulting in damage to the structure.]~~ *"Dwelling" has the meaning ascribed to it in NRS 205.060.*

(b) ~~["Inhabited dwelling" means any structure, building, house, room, apartment, tenement, tent, conveyance, vessel, boat, vehicle, house trailer, travel trailer, motor home or railroad car in which the owner or other lawful occupant resides.]~~ *"Unlawfully enters or unlawfully remains" has the meaning ascribed to it in NRS 205.060.*

Sec. 57. NRS 205.0813 is hereby amended to read as follows:

205.0813 1. A person who forcibly enters an uninhabited or vacant dwelling, knows or has reason to believe that such entry is without permission of the owner of the dwelling or an authorized representative of the owner and has the intent to take up residence or provide a residency to another therein is guilty of housebreaking.

2. A person is presumed to know that an entry described in subsection 1 is without the permission of the owner of the dwelling or an authorized representative of the owner unless the person provides a written rental agreement that:

(a) Is notarized or is signed by an authorized agent of the owner who at the time of signing holds a permit to engage in property management pursuant to chapter 645 of NRS; and

(b) Includes the current address and telephone number of the owner or his or her authorized representative.

3. A person convicted of housebreaking is guilty of:

(a) For a first offense, a ~~gross~~ misdemeanor; and

(b) For a second and any subsequent offense, a ~~category D felony and shall be punished as provided in NRS 193.130.]~~ *gross misdemeanor.*

4. A person convicted of housebreaking and who has previously been convicted three or more times of housebreaking must not be released on probation or granted a suspension of sentence.

5. As used in this section, "forcibly enters" means an entry involving:

(a) Any act of physical force resulting in damage to the structure; or

(b) The changing or manipulation of a lock to gain access.

Sec. 58. NRS 205.0835 is hereby amended to read as follows:

205.0835 1. Unless a greater penalty is imposed by a specific statute and unless the provisions of NRS 205.08345 apply under the



circumstances, a person who commits theft in violation of any provision of NRS 205.0821 to 205.0835, inclusive, shall be punished pursuant to the provisions of this section.

2. If the value of the property or services involved in the theft ~~is~~:

(a) ~~Is~~ less than ~~[\$650,]~~ **\$1,000**, the person who committed the theft is guilty of a misdemeanor.

~~[3.—If the value of the property or services involved in the theft is \$650]~~

(b) **Is \$1,000 or more but less than \$2,000, the person who committed the theft is guilty of a gross misdemeanor.**

(c) **Is \$2,000 or more but less than \$5,000, the person who committed the theft is guilty of a category D felony and shall be punished as provided in NRS 193.130.**

(d) ~~Is \$5,000~~ or more but less than ~~[\$3,500,]~~ **\$25,000**, the person who committed the theft is guilty of a category C felony and shall be punished as provided in NRS 193.130.

~~[4.—If the value of the property or services involved in the theft is \$3,500]~~

(e) **Is \$25,000 or more ~~is~~ but less than \$100,000**, the person who committed the theft 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 10 years, and by a fine of not more than \$10,000.

~~[5.—]~~ (f) **Is \$100,000 or more, the person who committed the theft 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 20 years, and by a fine of not more than \$15,000.**

3. In addition to any other penalty, the court shall order the person who committed the theft to pay restitution.

Sec. 59. NRS 205.130 is hereby amended to read as follows:

205.130 1. Except as otherwise provided in this subsection and subsections 2 and 3, a person who willfully, with an intent to defraud, draws or passes a check or draft to obtain:

(a) Money;

(b) Delivery of other valuable property;

(c) Services;

(d) The use of property; or

(e) Credit extended by any licensed gaming establishment,

→ drawn upon any real or fictitious person, bank, firm, partnership, corporation or depository, when the person has insufficient money, property or credit with the drawee of the instrument to pay it in full upon its presentation, is guilty of a misdemeanor. If that instrument, or a series of instruments passed in the State during a period of 90



days, is in the amount of ~~[\$650]~~ \$2,000 or more, the person is guilty of a category D felony and shall be punished as provided in NRS 193.130. In addition to any other penalty, the court shall order the person to pay restitution.

2. A person who was previously convicted three times of a misdemeanor under the provisions of this section, or of an offense of a similar nature, in this State or any other state, or in a federal jurisdiction, who violates this section is guilty of a category D felony and shall be punished as provided in NRS 193.130. In addition to any other penalty, the court shall order the person to pay restitution.

3. A person who willfully issues any check or draft for the payment of wages in excess of ~~[\$650]~~ \$2,000, when the person knows he or she has insufficient money or credit with the drawee of the instrument to pay the instrument in full upon presentation is guilty of a gross misdemeanor.

4. For the purposes of this section, "credit" means an arrangement or understanding with a person, firm, corporation, bank or depository for the payment of a check or other instrument.

Sec. 60. NRS 205.134 is hereby amended to read as follows:

205.134 1. A notice in boldface type which is clearly legible and is in substantially the following form must be posted in a conspicuous place in every principal and branch office of every bank and in every place of business in which retail selling is conducted:

The issuance of a check or draft without sufficient money or with intent to defraud is punishable by imprisonment in the county jail for not more than 6 months, or by a fine of not more than \$1,000, or by both fine and imprisonment, and the issuance of such a check or draft in an amount of ~~[\$650]~~ \$2,000 or more or by a person who previously has been convicted three times of this or a similar offense is punishable as a category D felony as provided in NRS 193.130.

2. Failure of the owner, operator or manager of a bank or other place of business to post the sign required by this section is not a defense to charge of a violation of NRS 205.130.

Sec. 61. NRS 205.220 is hereby amended to read as follows:

205.220 Except as otherwise provided in NRS 205.226 and 205.228, a person commits grand larceny if the person:

1. Intentionally steals, takes and carries away, leads away or drives away:

(a) Personal goods or property, with a value of ~~[\$650]~~ \$2,000 or more, owned by another person;



(b) Bedding, furniture or other property, with a value of ~~[\$650]~~ \$2,000 or more, which the person, as a lodger, is to use in or with his or her lodging and which is owned by another person; or

(c) Real property, with a value of ~~[\$650]~~ \$2,000 or more, that the person has converted into personal property by severing it from real property owned by another person.

2. Uses a card or other device for automatically withdrawing or transferring money in a financial institution to obtain intentionally money to which the person knows he or she is not entitled.

3. Intentionally steals, takes and carries away, leads away, drives away or entices away:

(a) One or more head of livestock owned by another person; or

(b) One or more domesticated animals or domesticated birds, with an aggregate value of ~~[\$650]~~ \$2,000 or more, owned by another person.

4. With the intent to defraud, steal, appropriate or prevent identification:

(a) Marks or brands, causes to be marked or branded, alters or defaces a mark or brand, or causes to be altered or defaced a mark or brand upon one or more head of livestock owned by another person;

(b) Sells or purchases the hide or carcass of one or more head of livestock owned by another person that has had a mark or brand cut out or obliterated;

(c) Kills one or more head of livestock owned by another person but running at large, whether or not the livestock is marked or branded; or

(d) Kills one or more domesticated animals or domesticated birds, with an aggregate value of ~~[\$650]~~ \$2,000 or more, owned by another person but running at large, whether or not the animals or birds are marked or branded.

Sec. 62. NRS 205.222 is hereby amended to read as follows:

205.222 1. Unless a greater penalty is imposed by a specific statute, a person who commits grand larceny in violation of NRS 205.220 shall be punished pursuant to the provisions of this section.

2. If the value of the property involved in the grand larceny ~~is~~:

(a) *Is less than \$5,000, the person who committed the grand larceny is guilty of a category D felony and shall be punished as provided in NRS 193.130.*

(b) *Is \$5,000 or more but less than ~~[\$3,500.]~~ \$25,000, the person who committed the grand larceny is guilty of a category C felony and shall be punished as provided in NRS 193.130.*

~~[3.—If the value of the property involved in the grand larceny is \$3,500]~~



(c) *Is \$25,000 or more ~~or~~ but less than \$100,000*, the person who committed the grand larceny 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 10 years, and by a fine of not more than \$10,000.

~~[4.]~~ (d) *Is \$100,000 or more, the person who committed the grand larceny 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 20 years, and by a fine of not more than \$15,000.*

3. In addition to any other penalty, the court shall order the person who committed the grand larceny to pay restitution.

~~[5.]~~ 4. If the grand larceny involved a sale in violation of subsection 3 or 4 of NRS 205.220, all proceeds from the sale are subject to forfeiture.

Sec. 63. NRS 205.228 is hereby amended to read as follows:

205.228 1. A person who intentionally steals, takes and carries away, drives away or otherwise removes a motor vehicle owned by another person commits grand larceny of a motor vehicle.

2. Except as otherwise provided in subsection 3, a person who commits grand larceny of a motor vehicle is guilty of a category C felony and shall be punished as provided in NRS 193.130.

3. If the prosecuting attorney proves that the value of the motor vehicle involved in the grand larceny ~~is \$3,500~~:

(a) *Is \$25,000 or more ~~or~~ but less than \$100,000*, the person who committed the grand larceny of the motor vehicle 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 10 years, and by a fine of not more than \$10,000.

(b) *Is \$100,000 or more, the person who committed the grand larceny of the motor vehicle 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 20 years, and by a fine of not more than \$15,000.*

4. In addition to any other penalty, the court shall order the person who committed the grand larceny of the motor vehicle to pay restitution.

Sec. 64. NRS 205.240 is hereby amended to read as follows:

205.240 1. Except as otherwise provided in NRS 205.220, 205.226, 205.228, 475.105 and 501.3765, a person commits petit larceny *in the second degree* if the person:

(a) Intentionally steals, takes and carries away, leads away or drives away:



(1) Personal goods or property, with a value of less than ~~[\$650,]~~ **\$1,000**, owned by another person;

(2) Bedding, furniture or other property, with a value of less than ~~[\$650,]~~ **\$1,000**, which the person, as a lodger, is to use in or with his or her lodging and which is owned by another person; or

(3) Real property, with a value of less than ~~[\$650,]~~ **\$1,000**, that the person has converted into personal property by severing it from real property owned by another person.

(b) Intentionally steals, takes and carries away, leads away, drives away or entices away one or more domesticated animals or domesticated birds, with an aggregate value of less than ~~[\$650,]~~ **\$1,000**, owned by another person.

2. ~~Unless a greater penalty is provided pursuant to NRS 205.267, a~~ **Except as otherwise provided in NRS 205.220, 205.226, 205.228, 475.105 and 501.3765, a person commits petit larceny in the first degree if the person:**

(a) **Intentionally steals, takes and carries away, leads away or drives away:**

(1) **Personal goods or property, with a value of \$1,000 or more but less than \$2,000, owned by another person;**

(2) **Bedding, furniture or other property, with a value of \$1,000 or more but less than \$2,000, which the person, as a lodger, is to use in or with his or her lodging and which is owned by another person; or**

(3) **Real property, with a value of \$1,000 or more but less than \$2,000, that the person has converted into personal property by severing it from real property owned by another person.**

(b) **Intentionally steals, takes and carries away, leads away, drives away or entices away one or more domesticated animals or domesticated birds, with an aggregate value of \$1,000 or more but less than \$2,000, owned by another person.**

3. A person who commits petit larceny :

(a) **In the second degree** is guilty of a misdemeanor.

(b) **In the first degree is guilty of a gross misdemeanor.**

4. In addition to any other penalty, the court shall order the person to pay restitution.

Sec. 65. NRS 205.267 is hereby amended to read as follows:

205.267 1. A person who intentionally steals, takes and carries away scrap metal or utility property with a value of less than ~~[\$650]~~ **\$1,000** within a period of 90 days is guilty of a misdemeanor.

2. A person who intentionally steals, takes and carries away scrap metal or utility property with a value of ~~[\$650]~~ **\$1,000** or more within a period of 90 days is guilty of:



(a) If the value of the scrap metal or utility property taken is ***\$1,000 or more but less than \$3,500, a category C felony and shall be punished as provided in NRS 193.130; or gross misdemeanor.***

(b) If the value of the scrap metal or utility property taken is ***\$3,500 \$2,000 or more but less than \$5,000, a category D felony and shall be punished as provided in NRS 193.130.***

(c) ***If the value of the scrap metal or utility property taken is \$5,000 or more but less than \$25,000, a category C felony and shall be punished as provided in NRS 193.130.***

(d) ***If the value of the scrap metal or utility property taken is \$25,000 or more but less than \$100,000, 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 10 years, and by a fine of not more than \$10,000.***

(e) ***If the value of the scrap metal or utility property taken is \$100,000 or more, 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 20 years, and by a fine of not more than \$15,000.***

3. In addition to any other penalty, the court shall order a person who violates the provisions of subsection 1 or 2 to pay restitution and:

(a) For a first offense, to perform 100 hours of community service.

(b) For a second offense, to perform 200 hours of community service.

(c) For a third or subsequent offense, to perform up to 300 hours of community service for up to 1 year, as determined by the court.

4. In determining the value of the scrap metal or utility property taken, the cost of repairing and, if necessary, replacing any property damaged by the theft of the scrap metal or utility property must be added to the value of the property.

5. As used in this section:

(a) "Scrap metal" has the meaning ascribed to it in NRS 647.017.

(b) "Utility property" has the meaning ascribed to it in NRS 202.582.

Sec. 66. NRS 205.270 is hereby amended to read as follows:

205.270 1. A person who, under circumstances not amounting to robbery, with the intent to steal or appropriate to his or her own use, takes property from the person of another, without the other person's consent, is guilty of:



(a) If the value of the property taken is less than ~~[\$3,500,]~~ **\$25,000**, a category C felony and shall be punished as provided in NRS 193.130; ~~for~~

(b) If the value of the property taken is ~~[\$3,500]~~ **\$25,000** or more ~~for~~ **but less than \$100,000**, 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 10 years, and by a fine of not more than \$10,000 ~~for~~ **; or**

(c) If the value of the property taken is \$100,000 or more, 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 20 years, and by a fine of not more than \$15,000.

2. In addition to any other penalty, the court shall order the person to pay restitution.

3. The court shall not grant probation to or suspend the sentence of any person convicted of violating subsection 1 if the person from whom the property was taken has any infirmity caused by age or other physical condition.

Sec. 67. NRS 205.2707 is hereby amended to read as follows:

205.2707 1. A person who intentionally steals, takes and carries away property of the value of ~~[\$650]~~ **\$1,000** or more from vending machines within a period of 1 week is guilty of:

(a) If the value of the property taken is less than ~~[\$3,500,]~~ **\$2,000, a gross misdemeanor;**

(b) If the value of the property taken is \$2,000 or more but less than \$5,000, a category D felony and shall be punished as provided in NRS 193.130;

(c) If the value of the property taken is \$5,000 or more but less than \$25,000, a category C felony and shall be punished as provided in NRS 193.130; for

~~—(b)—~~ **(d) If the value of the property taken is ~~[\$3,500]~~ \$25,000 or more for but less than \$100,000, 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 10 years, and by a fine of not more than \$10,000 for ; or**

(e) If the value of the property taken is \$100,000 or more, 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 20 years, and by a fine of not more than \$15,000.

2. In addition to any other penalty, the court shall order the person to pay restitution.



3. In determining the value of the property taken, the cost of repairing damaged vending machines and replacing any machine, if necessary, must be added to the value of the property.

Sec. 68. NRS 205.273 is hereby amended to read as follows:

205.273 1. A person commits an offense involving a stolen vehicle if the person:

(a) With the intent to procure or pass title to a motor vehicle which the person knows or has reason to believe has been stolen, receives or transfers possession of the vehicle from or to another person; or

(b) Has in his or her possession a motor vehicle which the person knows or has reason to believe has been stolen.

2. The provisions of subsection 1 do not apply to an officer of the law if the officer is engaged in the performance of his or her duty as an officer at the time of the receipt, transfer or possession of the stolen vehicle.

3. Except as otherwise provided in subsection 4, a person who violates the provisions of subsection 1 is guilty of a category C felony and shall be punished as provided in NRS 193.130.

4. If the prosecuting attorney proves that the value of the vehicle involved ~~is \$3,500~~:

(a) *Is \$25,000 or more but less than \$100,000*, the person who violated the provisions of subsection 1 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 10 years, and by a fine of not more than \$10,000.

(b) *Is \$100,000 or more, the person who violated the provisions of subsection 1 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 20 years, and by a fine of not more than \$15,000.*

5. In addition to any other penalty, the court shall order the person to pay restitution.

6. For the purposes of this section, the value of a vehicle shall be deemed to be the highest value attributable to the vehicle by any reasonable standard.

Sec. 69. NRS 205.275 is hereby amended to read as follows:

205.275 1. Except as otherwise provided in NRS 501.3765, a person commits an offense involving stolen property if the person, for his or her own gain or to prevent the owner from again possessing the owner's property, buys, receives, possesses or withholds property:

(a) Knowing that it is stolen property; or

(b) Under such circumstances as should have caused a reasonable person to know that it is stolen property.



2. A person who commits an offense involving stolen property in violation of subsection 1:

(a) If the value of the property is less than ~~[\$650,]~~ **\$1,000**, is guilty of a misdemeanor;

(b) *If the value of the property is \$1,000 or more but less than \$2,000, is guilty of a gross misdemeanor;*

(c) *If the value of the property is \$2,000 or more but less than \$5,000, is guilty of a category D felony and shall be punished as provided in NRS 193.130;*

(d) If the value of the property is ~~[\$650]~~ **\$5,000** or more but less than ~~[\$3,500,]~~ **\$25,000**, is guilty of a category C felony and shall be punished as provided in NRS 193.130; ~~for~~

~~—(e)~~ (e) If the value of the property is ~~[\$3,500]~~ **\$25,000** or more **but less than \$100,000** or if the property is a firearm, 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 10 years, and by a fine of not more than \$10,000 ~~+~~ ; or

(f) *If the value of the property is \$100,000 or more, 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 20 years, and by a fine of not more than \$15,000.*

3. In addition to any other penalty, the court shall order the person to pay restitution.

4. A person may be prosecuted and convicted pursuant to this section whether or not the principal is or has been prosecuted or convicted.

5. Possession by any person of three or more items of the same or a similar class or type of personal property on which a permanently affixed manufacturer's serial number or manufacturer's identification number has been removed, altered or defaced, is prima facie evidence that the person has violated this section.

6. For the purposes of this section, the value of the property involved shall be deemed to be the highest value attributable to the property by any reasonable standard.

7. As used in this section, "stolen property" means property that has been taken from its owner by larceny, robbery, burglary, embezzlement, theft or any other offense that is a crime against property, whether or not the person who committed the taking is or has been prosecuted or convicted for the offense.

Sec. 70. NRS 205.365 is hereby amended to read as follows:

205.365 A person, after once selling, bartering or disposing of any tract of land, town lot, or executing any bond or agreement for the sale of any land or town lot, who again, knowingly and



1 fraudulently, sells, barter or disposes of the same tract of land or
2 lot, or any part thereof, or knowingly and fraudulently executes any
3 bond or agreement to sell, barter or dispose of the same land or lot,
4 or any part thereof, to any other person, for a valuable consideration,
5 shall be punished:

6 1. Where the value of the property involved is ~~1~~~~\$6501~~ \$2,000 or
7 more, for a category ~~1~~~~C~~ ~~D~~ felony as provided in NRS 193.130. In
8 addition to any other penalty, the court shall order the person to pay
9 restitution.

10 2. Where the value of the property is less than ~~1~~~~\$6501~~ \$2,000,
11 for a misdemeanor.

12 **Sec. 71.** NRS 205.370 is hereby amended to read as follows:

13 205.370 A person who, by false representations of his or her
14 own wealth, or mercantile correspondence and connections, obtains
15 a credit thereby and defrauds any person of money, goods, chattels
16 or any valuable thing, or if a person causes or procures another to
17 report falsely of his or her wealth or mercantile character, and by
18 thus imposing upon any person obtains credit and thereby
19 fraudulently gets into the possession of goods, wares or
20 merchandise, or other valuable thing, is a swindler, and must be
21 sentenced to return the property fraudulently obtained, if it can be
22 done, or to pay restitution and shall be punished:

23 1. Where the amount of money or the value of the chattels,
24 goods, wares or merchandise, or other valuable thing so obtained is
25 ~~1~~~~\$6501~~ \$2,000 or more, for a category ~~1~~~~C~~ ~~D~~ felony as provided in
26 NRS 193.130.

27 2. Otherwise, for a misdemeanor.

28 **Sec. 72.** NRS 205.377 is hereby amended to read as follows:

29 205.377 1. A person shall not, in the course of an enterprise
30 or occupation, knowingly and with the intent to defraud, engage in
31 an act, practice or course of business or employ a device, scheme or
32 artifice which operates or would operate as a fraud or deceit upon a
33 person by means of a false representation or omission of a material
34 fact that:

35 (a) The person knows to be false or omitted;

36 (b) The person intends another to rely on; and

37 (c) Results in a loss to any person who relied on the false
38 representation or omission,

39 ➤ in at least two transactions that have the same or similar pattern,
40 intents, results, accomplices, victims or methods of commission, or
41 are otherwise interrelated by distinguishing characteristics and are
42 not isolated incidents within 4 years and in which the aggregate loss
43 or intended loss is more than ~~1~~~~\$6501~~ \$2,000.

44 2. Each act which violates subsection 1 constitutes a separate
45 offense.



3. A person who violates subsection 1 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 20 years, and may be further punished by a fine of not more than \$10,000.

4. In addition to any other penalty, the court shall order a person who violates subsection 1 to pay restitution.

5. A violation of this section constitutes a deceptive trade practice for the purposes of NRS 598.0903 to 598.0999, inclusive.

6. As used in this section, "enterprise" has the meaning ascribed to it in NRS 207.380.

Sec. 73. NRS 205.380 is hereby amended to read as follows:

205.380 1. A person who knowingly and designedly by any false pretense obtains from any other person any chose in action, money, goods, wares, chattels, effects or other valuable thing, including rent or the labor of another person not his or her employee, with the intent to cheat or defraud the other person, is a cheat, and, unless otherwise prescribed by law, shall be punished:

(a) *If the value of the thing or labor fraudulently obtained was less than \$1,000, for a misdemeanor, and must be sentenced to restore the property fraudulently obtained if it can be done, or tender payment for rent or labor.*

(b) *If the value of the thing or labor fraudulently obtained was \$1,000 or more but less than \$2,000, for a gross misdemeanor.*

(c) *If the value of the thing or labor fraudulently obtained was \$2,000 or more but less than \$5,000, for a category D felony as provided in NRS 193.130.*

(d) *If the value of the thing or labor fraudulently obtained was \$5,000 or more but less than \$25,000, for a category C felony as provided in NRS 193.130.*

(e) *If the value of the thing or labor fraudulently obtained was ~~[\$650]~~ \$25,000 or more ~~[-]~~ but less than \$100,000, for a category B felony by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than ~~[-]~~ 10 years, ~~[-]~~ and by a fine of not more than \$10,000 . ~~[-, or by both fine and imprisonment.]~~*

(f) *If the value of the thing or labor fraudulently obtained was \$100,000 or more, for a category B felony by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 20 years, and by a fine of not more than \$15,000.*

2. In addition to any other penalty ~~[-]~~ set forth in paragraph (c), (d), (e) or (f) of subsection 1, the court shall order the person to pay restitution.



~~{(b) If the value of the thing or labor fraudulently obtained was less than \$650, for a misdemeanor, and must be sentenced to restore the property fraudulently obtained, if it can be done, or tender payment for rent or labor.~~

~~2.}~~ 3. For the purposes of this section, it is prima facie evidence of an intent to defraud if the drawer of a check or other instrument given in payment for:

(a) Property which can be returned in the same condition in which it was originally received;

(b) Rent; or

(c) Labor performed in a workmanlike manner whenever a written estimate was furnished before the labor was performed and the actual cost of the labor does not exceed the estimate,

↪ stops payment on that instrument and fails to return or offer to return the property in that condition, or to specify in what way the labor was deficient within 5 days after receiving notice from the payee that the instrument has not been paid by the drawee.

~~{3.}~~ 4. The notice must be sent to the drawer by certified mail, return receipt requested, at the address shown on the instrument. The notice must include a statement of the penalties set forth in this section. Return of the notice because of nondelivery to the drawer raises a rebuttable presumption of the intent to defraud.

~~{4.}~~ 5. A notice in boldface type clearly legible and in substantially the following form must be posted in a conspicuous place in every principal and branch office of every bank and in every place of business in which retail selling is conducted or labor is performed for the public and must be furnished in written form by a landlord to a tenant:

The stopping of payment on a check or other instrument given in payment for property which can be returned in the same condition in which it was originally received, rent or labor which was completed in a workmanlike manner, and the failure to return or offer to return the property in that condition or to specify in what way the labor was deficient within 5 days after receiving notice of nonpayment is punishable:

1. *If the value of the property, rent or labor fraudulently obtained was less than \$1,000, as a misdemeanor by imprisonment in the county jail for not more than 6 months, or by a fine of not more than \$1,000, or by both fine and imprisonment.*

2. *If the value of the property, rent or labor fraudulently obtained was \$1,000 or more but less than \$2,000, as a gross misdemeanor by imprisonment in the*



county jail for not more than 364 days, or by a fine of not more than \$2,000, or by both fine and imprisonment.

3. If the value of the property, rent or labor fraudulently obtained was \$2,000 or more but less than \$5,000, as a category D felony by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 4 years, or by a fine of not more than \$5,000, or by both fine and imprisonment.

4. If the value of the property, rent or labor fraudulently obtained was \$5,000 or more but less than \$25,000, as a category C felony by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 5 years, or by a fine of not more than \$10,000, or by both fine and imprisonment.

5. If the value of the property, rent or labor fraudulently obtained was ~~at least~~ \$25,000 or more ~~but less than \$100,000,~~ as a category B felony by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than ~~10~~ 10 years, ~~for~~ and by a fine of not more than \$10,000 . ~~for or by both fine and imprisonment.~~

~~2.~~ 6. If the value of the property, rent or labor ~~so~~ fraudulently obtained was ~~less than \$650, as a misdemeanor~~ \$100,000 or more, as a category B felony by imprisonment in the ~~county jail~~ state prison for a minimum term of not ~~more~~ less than ~~6 months, or~~ 1 year and a maximum term of not more than 20 years, and by a fine of not more than ~~\$1,000, or by both fine and imprisonment.~~ \$15,000.

Sec. 74. NRS 205.415 is hereby amended to read as follows:

205.415 A person who sells one or more tickets to any ball, benefit or entertainment, or asks or receives any subscription or promise thereof, for the benefit or pretended benefit of any person, association or order, without being authorized thereto by the person, association or order for whose benefit or pretended benefit it is done, shall be punished:

1. Where the amount received from such sales, subscriptions or promises totals ~~at least~~ \$2,000 or more, for a category ~~C~~ D felony as provided in NRS 193.130. In addition to any other penalty, the court shall order the person to pay restitution.

2. Otherwise, for a misdemeanor.

Sec. 75. NRS 205.445 is hereby amended to read as follows:

205.445 1. It is unlawful for a person:

(a) To obtain food, foodstuffs, lodging, merchandise or other accommodations at any hotel, inn, trailer park, motor court, boardinghouse, rooming house, lodging house, furnished apartment



1 house, furnished bungalow court, furnished automobile camp, eating
2 house, restaurant, grocery store, market or dairy, without paying
3 therefor, with the intent to defraud the proprietor or manager
4 thereof;

5 (b) To obtain credit at a hotel, inn, trailer park, motor court,
6 boardinghouse, rooming house, lodging house, furnished apartment
7 house, furnished bungalow court, furnished automobile camp, eating
8 house, restaurant, grocery store, market or dairy by the use of any
9 false pretense; or

10 (c) After obtaining credit, food, lodging, merchandise or other
11 accommodations at a hotel, inn, trailer park, motor court,
12 boardinghouse, rooming house, lodging house, furnished apartment
13 house, furnished bungalow court, furnished automobile camp, eating
14 house, restaurant, grocery store, market or dairy, to abscond or
15 surreptitiously, or by force, menace or threats, to remove any part of
16 his or her baggage therefrom, without paying for the food or
17 accommodations.

18 2. A person who violates any of the provisions of subsection 1
19 shall be punished:

20 (a) Where the total value of the credit, food, foodstuffs, lodging,
21 merchandise or other accommodations received from any one
22 establishment is ~~\$650~~ \$2,000 or more, for a category D felony as
23 provided in NRS 193.130. In addition to any other penalty, the court
24 shall order the person to pay restitution.

25 (b) Otherwise, for a misdemeanor.

26 3. Proof that lodging, food, foodstuffs, merchandise or other
27 accommodations were obtained by false pretense, or by false or
28 fictitious show or pretense of any baggage or other property, or that
29 the person refused or willfully neglected to pay for the food,
30 foodstuffs, lodging, merchandise or other accommodations, or that
31 the person gave in payment for the food, foodstuffs, lodging,
32 merchandise or other accommodations negotiable paper on which
33 payment was refused, or that the person absconded without paying
34 or offering to pay for the food, foodstuffs, lodging, merchandise or
35 other accommodations, or that the person surreptitiously removed or
36 attempted to remove his or her baggage, is prima facie evidence of
37 the fraudulent intent mentioned in this section.

38 4. This section does not apply where there has been an
39 agreement in writing for delay in payment for a period to exceed 10
40 days.

41 **Sec. 76.** NRS 205.4765 is hereby amended to read as follows:

42 205.4765 1. Except as otherwise provided in subsection 6, a
43 person who knowingly, willfully and without authorization:

44 (a) Modifies;

45 (b) Damages;



(c) Destroys;
(d) Discloses;
(e) Uses;
(f) Transfers;
(g) Conceals;
(h) Takes;
(i) Retains possession of;
(j) Copies;
(k) Obtains or attempts to obtain access to, permits access to or causes to be accessed; or

(l) Enters,
➔ data, a program or any supporting documents which exist inside or outside a computer, system or network is guilty of a misdemeanor.

2. Except as otherwise provided in subsection 6, a person who knowingly, willfully and without authorization:

(a) Modifies;
(b) Destroys;
(c) Uses;
(d) Takes;
(e) Damages;
(f) Transfers;
(g) Conceals;
(h) Copies;
(i) Retains possession of; or
(j) Obtains or attempts to obtain access to, permits access to or causes to be accessed,

➔ equipment or supplies that are used or intended to be used in a computer, system or network is guilty of a misdemeanor.

3. Except as otherwise provided in subsection 6, a person who knowingly, willfully and without authorization:

(a) Destroys;
(b) Damages;
(c) Takes;
(d) Alters;
(e) Transfers;
(f) Discloses;
(g) Conceals;
(h) Copies;
(i) Uses;
(j) Retains possession of; or
(k) Obtains or attempts to obtain access to, permits access to or causes to be accessed,

➔ a computer, system or network is guilty of a misdemeanor.



4. Except as otherwise provided in subsection 6, a person who knowingly, willfully and without authorization:

- (a) Obtains and discloses;
- (b) Publishes;
- (c) Transfers; or
- (d) Uses,

↳ a device used to access a computer, network or data is guilty of a misdemeanor.

5. Except as otherwise provided in subsection 6, a person who knowingly, willfully and without authorization introduces, causes to be introduced or attempts to introduce a computer contaminant into a computer, system or network is guilty of a misdemeanor.

6. If the violation of any provision of this section:

(a) Was committed to devise or execute a scheme to defraud or illegally obtain property;

(b) Caused response costs, loss, injury or other damage in excess of ~~1500;~~ **\$2,000;** or

(c) Caused an interruption or impairment of a public service, including, without limitation, a governmental operation, a system of public communication or transportation or a supply of water, gas or electricity,

↳ the person is guilty of a category ~~1~~ **D** felony and shall be punished as provided in NRS 193.130, and may be further punished by a fine of not more than \$100,000. In addition to any other penalty, the court shall order the person to pay restitution.

7. The provisions of this section do not apply to a person performing any testing, including, without limitation, penetration testing, of an information system of an agency that uses the equipment or services of the Division of Enterprise Information Technology Services of the Department of Administration that is authorized by the Administrator of the Division of Enterprise Information Technology Services or the head of the Office of Information Security of the Division. As used in this subsection:

(a) "Information system" has the meaning ascribed to it in NRS 242.057.

(b) "Penetration testing" has the meaning ascribed to it in NRS 242.171.

Sec. 77. NRS 205.477 is hereby amended to read as follows:

205.477 1. Except as otherwise provided in subsections 3 and 4, a person who knowingly, willfully, maliciously and without authorization interferes with, denies or causes the denial of access to or use of a computer, system or network to a person who has the duty and right to use it is guilty of a gross misdemeanor.

2. Except as otherwise provided in subsections 3 and 4, a person who knowingly, willfully, maliciously and without



1 authorization uses, causes the use of, accesses, attempts to gain
2 access to or causes access to be gained to a computer, system,
3 network, telecommunications device, telecommunications service or
4 information service is guilty of a gross misdemeanor.

5 3. If the violation of any provision of this section:

6 (a) Was committed to devise or execute a scheme to defraud or
7 illegally obtain property;

8 (b) Caused response costs, loss, injury or other damage in excess
9 of ~~10~~ \$500; ~~11~~ \$2,000; or

10 (c) Caused an interruption or impairment of a public service,
11 including, without limitation, a governmental operation, a system of
12 public communication or transportation or a supply of water, gas or
13 electricity,

14 ➤ the person is guilty of a category ~~15~~ D felony and shall be
15 punished as provided in NRS 193.130, and may be further punished
16 by a fine of not more than \$100,000. In addition to any other
17 penalty, the court shall order the person to pay restitution.

18 4. It is an affirmative defense to a charge made pursuant to this
19 section that at the time of the alleged offense the defendant
20 reasonably believed that:

21 (a) The defendant was authorized to use or access the computer,
22 system, network, telecommunications device, telecommunications
23 service or information service and such use or access by the
24 defendant was within the scope of that authorization; or

25 (b) The owner or other person authorized to give consent would
26 authorize the defendant to use or access the computer, system,
27 network, telecommunications device, telecommunications service or
28 information service.

29 5. A defendant who intends to offer an affirmative defense
30 described in subsection 4 at a trial or preliminary hearing must, not
31 less than 14 days before the trial or hearing or at such other time as
32 the court may direct, file and serve on the prosecuting attorney a
33 written notice of that intent.

34 **Sec. 78.** NRS 205.492 is hereby amended to read as follows:

35 205.492 1. A person shall not willfully falsify or forge any
36 data, information, image, program, signal or sound that:

37 (a) Is contained in the header, subject line or routing instructions
38 of an item of electronic mail; or

39 (b) Describes or identifies the sender, source, point of origin or
40 path of transmission of an item of electronic mail,

41 ➤ with the intent to transmit or cause to be transmitted the item of
42 electronic mail to any Internet or network site or to the electronic
43 mail address of one or more recipients without their knowledge of or
44 consent to the transmission.



2. Except as otherwise provided in subsection 7, a person shall not willfully transmit or cause to be transmitted an item of electronic mail to any Internet or network site or to the electronic mail address of one or more recipients without their knowledge of or consent to the transmission if the person knows or has reason to know that the item of electronic mail contains or has been generated or formatted with:

(a) An Internet domain name that is being used without the consent of the person who holds the Internet domain name; or

(b) Any data, information, image, program, signal or sound that has been used intentionally in the header, subject line or routing instructions of the item of electronic mail to falsify or misrepresent:

(1) The identity of the sender; or

(2) The source, point of origin or path of transmission of the item of electronic mail.

3. A person shall not knowingly sell, give or otherwise distribute or possess with the intent to sell, give or otherwise distribute any data, information, image, program, signal or sound which is designed or intended to be used to falsify or forge any data, information, image, program, signal or sound that:

(a) Is contained in the header, subject line or routing instructions of an item of electronic mail; or

(b) Describes or identifies the sender, source, point of origin or path of transmission of an item of electronic mail.

4. Except as otherwise provided in subsection 7, a person shall not willfully and without authorization transmit or cause to be transmitted an item of electronic mail or any other data, information, image, program, signal or sound to any Internet or network site, to the electronic mail address of one or more recipients or to any other computer, system or network:

(a) With the intent to prevent, impede, delay or disrupt the normal operation or use of the Internet or network site, electronic mail address, computer, system or network, whether or not such a result actually occurs; or

(b) Under circumstances in which such conduct is reasonably likely to prevent, impede, delay or disrupt the normal operation or use of the Internet or network site, electronic mail address, computer, system or network, whether or not such a result actually occurs.

5. Except as otherwise provided in subsection 6, a person who violates any provision of this section is guilty of a misdemeanor.

6. If the violation of any provision of subsection 4:

(a) Was committed to devise or execute a scheme to defraud or illegally obtain property;



(b) Caused response costs, loss, injury or other damage in excess of ~~1~~ ~~\$500;~~ ~~\$2,000;~~ or

(c) Caused an interruption or impairment of a public service, including, without limitation, a governmental operation, a system of public communication or transportation or a supply of water, gas or electricity,

➔ the person is guilty of a category ~~C~~ ~~D~~ felony and shall be punished as provided in NRS 193.130, and may be further punished by a fine of not more than \$100,000. In addition to any other penalty, the court shall order the person to pay restitution.

7. The provisions of subsections 2 and 4 do not apply to a provider of Internet service who, in the course of providing service, transmits or causes to be transmitted an item of electronic mail on behalf of another person, unless the provider of Internet service is the person who first generates the item of electronic mail.

8. As used in this section, "item of electronic mail" includes, without limitation:

(a) A single item of electronic mail;

(b) Multiple copies of one or more items of electronic mail;

(c) A collection, group or bulk aggregation of one or more items of electronic mail;

(d) A constant, continual or recurring pattern or series of one or more items of electronic mail; or

(e) Any other data, information, image, program, signal or sound that is included or embedded in or attached or connected to one or more items of electronic mail.

Sec. 79. NRS 205.520 is hereby amended to read as follows:

205.520 A bailee, or any officer, agent or servant of a bailee, who issues or aids in issuing a document of title, knowing that the goods covered by the document of title have not been received by him or her, or are not under his or her control at the time the document is issued, shall be punished:

1. Where the value of the goods purported to be covered by the document of title is ~~1~~ ~~\$650~~ ~~\$2,000~~ or more, for a category D felony as provided in NRS 193.130. In addition to any other penalty, the court shall order the person to pay restitution.

2. Where the value is less than ~~1~~ ~~\$650;~~ ~~\$2,000,~~ for a misdemeanor.

Sec. 80. NRS 205.540 is hereby amended to read as follows:

205.540 Except as otherwise provided in chapter 104 of NRS, a bailee, or any officer, agent or servant of a bailee, who issues or aids in issuing a duplicate or additional negotiable document of title, knowing that a former negotiable document for the same goods or any part of them is outstanding and uncanceled, shall be punished:



1 1. Where the value of the goods purported to be covered by the
2 document of title is ~~1~~~~650~~ \$2,000 or more, for a category D felony
3 as provided in NRS 193.130. In addition to any other penalty, the
4 court shall order the person to pay restitution.

5 2. Where the value is less than ~~1~~~~650~~ \$2,000, for a
6 misdemeanor.

7 **Sec. 81.** NRS 205.570 is hereby amended to read as follows:

8 205.570 A person who, with the intent to defraud, obtains a
9 negotiable document of title for goods to which the person does not
10 have title, or which are subject to a security interest, and negotiates
11 the document for value, without disclosing the want of title or the
12 existence of the security interest, shall be punished:

13 1. Where the value of the goods purported to be covered by the
14 document of title is ~~1~~~~650~~ \$2,000 or more, for a category D felony
15 as provided in NRS 193.130. In addition to any other penalty, the
16 court shall order the person to pay restitution.

17 2. Where the value is less than ~~1~~~~650~~ \$2,000, for a
18 misdemeanor.

19 **Sec. 82.** NRS 205.580 is hereby amended to read as follows:

20 205.580 A person who, with the intent to defraud, secures the
21 issue by a bailee of a negotiable document of title, knowing at the
22 time of issue that any or all of the goods are not in possession of
23 the bailee, by inducing the bailee to believe that the goods are in the
24 bailee's possession, shall be punished:

25 1. Where the value of the goods purported to be covered by the
26 document of title is ~~1~~~~650~~ \$2,000 or more, for a category D felony
27 as provided in NRS 193.130. In addition to any other penalty, the
28 court shall order the person to pay restitution.

29 2. Where the value is less than ~~1~~~~650~~ \$2,000, for a
30 misdemeanor.

31 **Sec. 83.** NRS 205.590 is hereby amended to read as follows:

32 205.590 A person who, with the intent to defraud, negotiates or
33 transfers for value a document of title, which by the terms thereof
34 represents that goods are in possession of the bailee who issued the
35 document, knowing that the bailee is not in possession of the goods
36 or any part thereof, without disclosing this fact, shall be punished:

37 1. Where the value of the goods purported to be covered by the
38 document of title is ~~1~~~~650~~ \$2,000 or more, for a category D felony
39 as provided in NRS 193.130. In addition to any other penalty, the
40 court shall order the person to pay restitution.

41 2. Where the value is less than ~~1~~~~650~~ \$2,000, for a
42 misdemeanor.

43 **Sec. 84.** NRS 205.605 is hereby amended to read as follows:

44 205.605 1. A person shall not:



(a) Use a scanning device to access, read, obtain, memorize or store, temporarily or permanently, information encoded on the magnetic strip or stripe of a payment card:

(1) Without the permission of the authorized user of the payment card; and

(2) With the intent to defraud the authorized user, the issuer of the payment card or any other person.

(b) Use a reencoder to place information encoded on the magnetic strip or stripe of a payment card onto the magnetic strip or stripe of a different card:

(1) Without the permission of the authorized user of the card from which the information is being reencoded; and

(2) With the intent to defraud the authorized user, the issuer of the payment card or any other person.

2. A person who violates any provision of this section is guilty of a category ~~B~~ C 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 20 years, and may be further punished by a fine of not more than \$100,000.~~ **as provided in NRS 193.130.**

3. In addition to any other penalty, the court shall order a person who violates any provision of this section to pay restitution, including, without limitation, any attorney's fees and costs incurred to:

(a) Repair the credit history or rating of each person who is a victim of the violation; and

(b) Satisfy a debt, lien or other obligation incurred by each person who is a victim of the violation.

Sec. 85. NRS 205.950 is hereby amended to read as follows:

205.950 1. It is unlawful for a person to receive an advance fee, salary, deposit or money to obtain a loan for another unless the person places the advance fee, salary, deposit or money in escrow pending completion of the loan or a commitment for the loan.

2. Advance payments to cover reasonably estimated costs paid to third persons are excluded from the provisions of subsection 1 if the person making them first signs a written agreement which specifies the estimated costs by item and the estimated aggregate cost, and which recites that money advanced for costs will not be refunded. If an itemized service is not performed and the estimated cost thereof is not refunded, the recipient of the advance payment is subject to the penalties provided in subsection 3.

3. A person who violates the provisions of this section:

(a) Is guilty of a misdemeanor if the amount is less than ~~[\$650;]~~ **\$1,000;**



(b) Is guilty of a gross misdemeanor if the amount is ~~[\$650]~~ \$1,000 or more but less than ~~[\$1,000;]~~ \$2,000; or

(c) Is guilty of a category D felony if the amount is ~~[\$1,000]~~ \$2,000 or more and shall be punished as provided in NRS 193.130.

Sec. 86. NRS 207.010 is hereby amended to read as follows:

207.010 1. Unless the person is prosecuted pursuant to NRS 207.012 or 207.014, a person convicted in this State of:

(a) Any felony, who has previously been two times convicted, whether in this State or elsewhere, of any crime which under the laws of the situs of the crime or of this State would amount to a felony is a habitual criminal and shall be punished for a category B felony by imprisonment in the state prison for a minimum term of not less than 5 years and a maximum term of not more than 20 years.

(b) Any felony, who has previously been three times convicted, whether in this State or elsewhere, of any crime which under the laws of the situs of the crime or of this State would amount to a felony is a habitual criminal and shall be punished for a category A felony by imprisonment in the state prison:

(1) For life without the possibility of parole;

(2) For life with the possibility of parole, with eligibility for parole beginning when a minimum of 10 years has been served; or

(3) For a definite term of 25 years, with eligibility for parole beginning when a minimum of 10 years has been served.

2. *A previous conviction must not be considered a conviction pursuant to this section if the previous conviction was for a:*

(a) *Category A felony, a crime of violence as defined in NRS 200.408 that constitutes a felony, or a sexual offense as defined in NRS 179D.097 and a period of 10 years elapsed between the date of release from actual custody or discharge from parole or probation for the previous conviction, whichever occurred later, and the date of the commission of the current offense.*

(b) *Category B, C or D felony and a period of 5 years elapsed between the date of release from actual custody or discharge from parole or probation for the previous conviction, whichever occurred later, and the date of the commission of the current offense.*

(c) *Category E felony and a period of 2 years elapsed between the date of release from actual custody or discharge from parole or probation for the previous conviction, whichever occurred later, and the date of the commission of the current offense.*

3. *A previous or current conviction under NRS 453.336 must not be used as the basis for a conviction pursuant to this section.*

4. It is within the discretion of the prosecuting attorney whether to include a count under this section in any information or



1 file a notice of habitual criminality if an indictment is found. The
2 trial judge may, at his or her discretion, dismiss a count under this
3 section which is included in any indictment or information.

4 **Sec. 87.** NRS 207.012 is hereby amended to read as follows:

5 207.012 1. A person who:

6 (a) Has been convicted in this State of a felony listed in
7 subsection 2; and

8 (b) Before the commission of that felony, was twice convicted
9 of any crime which under the laws of the situs of the crime or of this
10 State would be a felony listed in subsection 2, whether the prior
11 convictions occurred in this State or elsewhere,

12 ➔ is a habitual felon and shall be punished for a category A felony
13 by imprisonment in the state prison:

14 (1) For life without the possibility of parole;

15 (2) For life with the possibility of parole, with eligibility for
16 parole beginning when a minimum of 10 years has been served; or

17 (3) For a definite term of 25 years, with eligibility for parole
18 beginning when a minimum of 10 years has been served.

19 2. The district attorney shall include a count under this section
20 in any information or shall file a notice of habitual felon if an
21 indictment is found, if each prior conviction and the alleged offense
22 committed by the accused constitutes a violation of subparagraph
23 (1) of paragraph (a) of subsection 1 of NRS 193.330, NRS 199.160,
24 199.500, 200.030, 200.310, 200.340, 200.366, 200.380, 200.390,
25 subsection 3 or 4 of NRS 200.400, NRS 200.410, subsection 3 of
26 NRS 200.450, subsection 5 of NRS 200.460, NRS 200.463,
27 200.4631, 200.464, 200.465, 200.467, 200.468, subsection 1,
28 paragraph (a) of subsection 2 or subparagraph (2) of paragraph (b)
29 of subsection 2 of NRS 200.508, NRS 200.710, 200.720, 201.230,
30 201.450, 202.170, subsection 2 of NRS 202.780, paragraph (b) of
31 subsection 2 of NRS 202.820, paragraph (b) of subsection 1 or
32 subsection 2 of NRS 202.830, NRS 205.010, subsection ~~14~~ 5 of
33 NRS 205.060, ~~subsection 4 of~~ NRS 205.067, ~~NRS~~ 205.075,
34 207.400, paragraph (a) of subsection 1 of NRS 212.090, NRS
35 453.3325, 453.333, 484C.130, 484C.430 or 484E.010.

36 3. The trial judge may not dismiss a count under this section
37 that is included in an indictment or information.

38 **Sec. 88.** NRS 207.203 is hereby amended to read as follows:

39 207.203 1. Unless a greater penalty is provided pursuant to
40 NRS 200.603, any person who commits a violation of NRS 207.200
41 by trespassing on the premises of a licensed gaming establishment
42 and who has previously been convicted of three violations of NRS
43 201.354 within the immediately preceding 5 years is guilty of a
44 misdemeanor and shall be punished by:

45 (a) A fine of \$1,000;



1 (b) Imprisonment in the county jail for not more than 6 months;
2 or

3 (c) Both fine and imprisonment.

4 ➔ In lieu of all or a part of the punishment which may be imposed
5 pursuant to this subsection, the person may be sentenced to perform
6 a fixed period of community service pursuant to the conditions
7 prescribed in NRS 176.087.

8 2. The court, without entering a judgment of conviction and
9 with the consent of the accused, may suspend further proceedings
10 and place the person on probation upon terms and conditions that
11 must include attendance and successful completion of ~~the~~ :

12 (a) A counseling or educational program ; or ~~in~~

13 (b) In the case of a person dependent upon drugs, ~~off~~ a program
14 of treatment and rehabilitation pursuant to ~~NRS-453.580-~~ **section**
15 **20 of this act if the court determines that the person is eligible for**
16 **participation in such a program.**

17 3. Upon violation of a term or condition, the court may enter a
18 judgment of conviction and punish the person as provided in
19 subsection 1.

20 4. Upon fulfillment of the terms and conditions, the court shall
21 discharge the accused and dismiss the proceedings against him or
22 her.

23 5. Except as otherwise provided in subsection 6, discharge and
24 dismissal under this section is without adjudication of guilt and is
25 not a conviction for purposes of this section or for purposes of
26 employment, civil rights or any statute or regulation or license or
27 questionnaire or for any other public or private purpose, but is a
28 conviction for the purpose of additional penalties imposed for
29 second or subsequent convictions or the setting of bail. Discharge
30 and dismissal restores the person discharged, in the contemplation
31 of the law, to the status occupied before the arrest, indictment or
32 information. The person may not be held thereafter under any law to
33 be guilty of perjury or otherwise giving a false statement by reason
34 of failure to recite or acknowledge that arrest, indictment,
35 information or trial in response to an inquiry made of the person for
36 any purpose. Discharge and dismissal under this section may only
37 occur once with respect to any person.

38 6. A professional licensing board may consider a proceeding
39 under this section in determining suitability for a license or liability
40 to discipline for misconduct. Such a board is entitled for those
41 purposes to a truthful answer from the applicant or licensee
42 concerning any such proceeding with respect to the applicant or
43 licensee.

44 7. Before the court assigns a person to a program pursuant to
45 this section, the person must agree to pay the cost of the program to



1 which the person is assigned and the cost of any additional
2 supervision required, to the extent of the financial resources of the
3 person. If the person does not have the financial resources to pay all
4 of the related costs, the court shall, to the extent practicable, arrange
5 for the person to be assigned to a program at a facility that receives
6 a sufficient amount of federal or state funding to offset the
7 remainder of the costs.

8 8. As used in this section, “licensed gaming establishment” has
9 the meaning ascribed to it in NRS 463.0169.

10 **Sec. 89.** NRS 209.1315 is hereby amended to read as follows:

11 209.1315 The Director may continue to develop and
12 implement, in each institution and facility of the Department, a
13 program of facility training for the correctional staff. *Such training*
14 *must include:*

15 1. *Training in evidence-based practices, including, without*
16 *limitation, principles of effective intervention, effective case*
17 *management and core correctional practices; and*

18 2. *Courses on interacting with victims of domestic violence*
19 *and trauma.*

20 **Sec. 90.** NRS 209.341 is hereby amended to read as follows:

21 209.341 1. The Director shall:

22 ~~1.1~~ (a) Establish, with the approval of the Board, a system of
23 initial classification and evaluation for offenders who are sentenced
24 to imprisonment in the state prison . ~~1.2 and~~

25 ~~—2.1~~ (b) Assign every person who is sentenced to imprisonment
26 in the state prison to an appropriate institution or facility of the
27 Department. The assignment must be based on an evaluation of the
28 offender’s records, particular needs and requirements for custody.

29 (c) *Administer a risk and needs assessment to each offender*
30 *for the purpose of guiding institutional programming and*
31 *placement. The Department may consider the responsivity factors*
32 *of an offender when making decisions concerning such*
33 *programming and placement.*

34 2. *Any risk and needs assessment used by the Department*
35 *pursuant to this section must undergo a validation study not less*
36 *than once every 3 years. The Department shall establish quality*
37 *assurance procedures to ensure proper and consistent scoring of*
38 *any risk and needs assessment used pursuant to this section.*

39 3. As used in this section:

40 (a) *“Responsivity factors” has the meaning ascribed to it in*
41 *NRS 213.107.*

42 (b) *“Risk and needs assessment” has the meaning ascribed to*
43 *it in NRS 213.107.*



Sec. 91. NRS 209.3925 is hereby amended to read as follows:

209.3925 1. Except as otherwise provided in subsection 6, the Director may *approve a medical release and* assign an offender to the custody of the Division of Parole and Probation of the Department of Public Safety to serve a term of residential confinement pursuant to NRS 213.380 or other appropriate supervision as determined by the Division of Parole and Probation, for not longer than the remainder of his or her sentence, if:

(a) The Director has reason to believe that the offender is:

(1) Physically incapacitated or in ill health to such a degree that the offender does not presently, and likely will not in the future, pose a threat to the safety of the public; or

(2) In ill health and expected to die within ~~12~~ 24 months, and does not presently, and likely will not in the future, pose a threat to the safety of the public; and

(b) At least two physicians *or nurses* licensed pursuant to chapter 630, ~~632~~ or 633 of NRS, *as applicable*, one of whom is not employed by the Department, verify, in writing, that the offender is:

(1) Physically incapacitated or in ill health; or

(2) In ill health and expected to die within ~~12~~ 24 months.

2. *A request for medical release pursuant to this section:*

(a) *May be submitted to the Director by:*

(1) *A prison official or employee;*

(2) *An offender;*

(3) *An attorney or representative of an offender;*

(4) *A family member of an offender; or*

(5) *A medical or mental health professional.*

(b) *Must be in writing and articulate the grounds supporting the appropriateness of the medical release of the offender.*

3. If the Director intends to assign an offender to the custody of the Division of Parole and Probation pursuant to this section, at least 45 days before the date the offender is expected to be released from the custody of the Department, the Director shall notify:

(a) The board of county commissioners of the county in which the offender will reside; and

(b) The Division of Parole and Probation.

~~3~~ 4. Except as otherwise provided in NRS 213.10915, if any victim of a crime committed by the offender has, pursuant to subsection 4 of NRS 213.131, requested to be notified of the consideration of a prisoner for parole and has provided a current address, the Division of Parole and Probation shall notify the victim that:

(a) The Director intends to assign the offender to the custody of the Division of Parole and Probation pursuant to this section; and



(b) The victim may submit documents to the Division of Parole and Probation regarding such an assignment.

➤ If a current address has not been provided by a victim as required by subsection 4 of NRS 213.131, the Division of Parole and Probation must not be held responsible if notification is not received by the victim. All personal information, including, but not limited to, a current or former address, which pertains to a victim and which is received by the Division of Parole and Probation pursuant to this subsection is confidential.

~~14.1~~ 5. If an offender assigned to the custody of the Division of Parole and Probation pursuant to this section escapes or violates any of the terms or conditions of his or her residential confinement or other appropriate supervision as determined by the Division of Parole and Probation:

(a) The Division of Parole and Probation may, pursuant to the procedure set forth in NRS 213.410, return the offender to the custody of the Department.

(b) The offender forfeits all or part of the credits for good behavior earned by the offender before the escape or violation, as determined by the Director. The Director may provide for a forfeiture of credits pursuant to this paragraph only after proof of the offense and notice to the offender and may restore credits forfeited for such reasons as the Director considers proper. The decision of the Director regarding such a forfeiture is final.

~~15.1~~ 6. The assignment of an offender to the custody of the Division of Parole and Probation pursuant to this section shall be deemed:

(a) A continuation of the offender's imprisonment and not a release on parole; and

(b) For the purposes of NRS 209.341, an assignment to a facility of the Department,

➤ except that the offender is not entitled to obtain any benefits or to participate in any programs provided to offenders in the custody of the Department.

~~16.1~~ 7. The Director may not assign an offender to the custody of the Division of Parole and Probation pursuant to this section if the offender is sentenced to death or imprisonment for life without the possibility of parole.

~~17.1~~ 8. An offender does not have a right to be assigned to the custody of the Division of Parole and Probation pursuant to this section, or to remain in that custody after such an assignment, and it is not intended that the provisions of this section or of NRS 213.371 to 213.410, inclusive, create any right or interest in liberty or property or establish a basis for any cause of action against the



1 State, its political subdivisions, agencies, boards, commissions,
2 departments, officers or employees.

3 ~~18.1~~ **9.** The Division of Parole and Probation may receive and
4 distribute restitution paid by an offender assigned to the custody of
5 the Division of Parole and Probation pursuant to this section.

6 **Sec. 92.** NRS 209.511 is hereby amended to read as follows:

7 209.511 1. Before an offender is released from prison by
8 expiration of his or her term of sentence, by pardon or parole, the
9 Director may provide mediation services to the offender and the
10 family members and friends of the offender who provide emotional,
11 psychological and financial support to the offender.

12 2. Not later than 3 months before an offender is projected to be
13 released from prison by expiration of his or her term of sentence, by
14 pardon or parole, the Director may, if space is available, provide an
15 eligible offender with one or more evidence-based or promising
16 practice reentry programs to obtain employment, including, without
17 limitation, any programs which may provide bonding for an
18 offender entering the workplace and any organizations which may
19 provide employment or bonding assistance to such a person.

20 3. Except as otherwise provided in subsection 4, when an
21 offender is released from prison by expiration of his or her term of
22 sentence, by pardon or by parole, the Director:

23 (a) May furnish the offender with a sum of money not to exceed
24 \$100, the amount to be based upon the offender's economic need as
25 determined by the Director;

26 (b) Shall give the offender notice of the provisions of chapter
27 179C of NRS and NRS 202.357 and 202.360;

28 (c) Shall require the offender to sign an acknowledgment of the
29 notice required in paragraph (b);

30 (d) Shall give the offender notice of the provisions of NRS
31 179.245 and the provisions of NRS 213.090, 213.155 or 213.157, as
32 applicable;

33 (e) Shall provide the offender with a photo identification card
34 issued by the Department and information and reasonable assistance
35 relating to acquiring a valid driver's license or identification card to
36 enable the offender to obtain employment, if the offender:

37 (1) Requests a photo identification card; ~~for~~

38 (2) Requests such information and assistance and is eligible
39 to acquire a valid driver's license or identification card from the
40 Department of Motor Vehicles; *or*

41 *(3) Is not currently in possession of a photo identification*
42 *card;*

43 (f) ~~May~~ *Shall* provide the offender with clothing suitable for
44 reentering society;



(g) ~~May~~ **Shall** provide the offender with the cost of transportation to his or her place of residence anywhere within the continental United States, or to the place of his or her conviction;

(h) ~~May, but is not required to,~~ **If appropriate, shall** release the offender to a facility for transitional living for released offenders that is licensed pursuant to chapter 449 of NRS; ~~and~~

(i) Shall require the offender to submit to at least one test for exposure to the human immunodeficiency virus ~~H~~;

(j) If the offender is eligible for Medicaid or Medicare, shall complete enrollment application paperwork for the offender; and

(k) If the offender was receiving a prescribed medication while in custody, shall ensure that the offender is provided with a 30-day supply of any such prescribed medication.

4. The Director shall not provide an offender with a photo identification card pursuant to paragraph (e) of subsection 3 unless the Director has verified the full legal name and age of the offender by obtaining an original or certified copy of the documents required by the Department of Motor Vehicles pursuant to NRS 483.290 or 483.860, as applicable, furnished as proof of the full legal name and age of an applicant for a driver's license or identification card.

5. The costs authorized **or required** in paragraphs (a), (e), (f), (g), ~~and~~ (i) **and (k)** of subsection 3 must be paid out of the appropriate account within the State General Fund for the use of the Department as other claims against the State are paid to the extent that the costs have not been paid in accordance with subsection 5 of NRS 209.221 and NRS 209.246.

6. The Director is encouraged to work with the Nevada Community Re-Entry Task Force established by the Governor pursuant to executive order, or its successor body, if any, to align statewide strategies for the reentry of offenders into the community and the implementation of those strategies.

7. As used in this section:

(a) "Eligible offender" means an offender who is:

(1) Determined to be eligible for reentry programming based on the Nevada Risk Assessment Services instrument, or its successor risk assessment tool; and

(2) Enrolled in:

(I) Programming services under a reentry program at a correctional facility which has staff designated to provide the services; or

(II) A community-based program to assist offenders to reenter the community.

(b) "Facility for transitional living for released offenders" has the meaning ascribed to it in NRS 449.0055.



(c) "Photo identification card" means a document which includes the name, date of birth and a color picture of the offender.

(d) "Promising practice reentry program" means a reentry program that has strong quantitative and qualitative data showing positive outcomes, but does not have sufficient research or replication to support recognition as an evidence-based practice.

Sec. 93. Chapter 213 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Notwithstanding any other provision of law, the Board may grant geriatric parole to a prisoner if he or she has not been convicted of first degree murder pursuant to subsection 1 of NRS 200.030, does not pose a risk to public safety and:

(a) Is 60 years of age or older and has served 10 years of the minimum term or minimum aggregate term of imprisonment, as applicable, imposed by the court; or

(b) Is 65 years of age or older and has served 7 years of the minimum term or minimum aggregate term of imprisonment, as applicable, imposed by the court.

2. Consideration for geriatric parole may be initiated by the submission of a written application and supporting documentation to the Board from:

(a) A prison official or employee;

(b) A prisoner;

(c) An attorney or representative of a prisoner;

(d) A family member of a prisoner; or

(e) A medical or mental health professional.

3. When determining whether to grant geriatric parole to a prisoner, the Board must consider:

(a) The prisoner's:

(1) Age;

(2) Behavior while in custody; and

(3) Level of risk for violence;

(b) The severity of any illness, disease or infirmity of the prisoner; and

(c) Any available alternatives for maintaining geriatric inmates or inmates who have a medical condition in traditional settings.

4. The Board shall determine whether to grant geriatric parole to a prisoner not later than 60 calendar days after receipt of an application and supporting documentation submitted to the Board pursuant to subsection 2.

5. At the time of the release of a prisoner on geriatric parole, the Board shall prescribe the terms and conditions of the geriatric parole.



6. *A person who is granted geriatric parole pursuant to this section is under the supervision of the Division. The Division is responsible for supervising the person's compliance with the terms and conditions prescribed by the Board.*

7. *The Board shall adopt any regulations necessary to carry out the provisions of this section.*

Sec. 94. NRS 213.107 is hereby amended to read as follows:

213.107 As used in NRS 213.107 to 213.157, inclusive, *and section 93 of this act*, unless the context otherwise requires:

1. "Board" means the State Board of Parole Commissioners.

2. "Chief" means the Chief Parole and Probation Officer.

3. "Division" means the Division of Parole and Probation of the Department of Public Safety.

4. "Residential confinement" means the confinement of a person convicted of a crime to his or her place of residence under the terms and conditions established by the Board.

5. *"Responsivity factors" means characteristics of a person that affect his or her ability to respond favorably or unfavorably to any treatment goals.*

6. *"Risk and needs assessment" means a validated, standardized actuarial tool that identifies risk factors that increase the likelihood of a person reoffending and factors that, when properly addressed, can reduce the likelihood of a person reoffending.*

7. "Sex offender" means any person who has been or is convicted of a sexual offense.

~~{6.}~~ 8. "Sexual offense" means:

(a) A violation of NRS 200.366, subsection 4 of NRS 200.400, NRS 200.710, 200.720, subsection 2 of NRS 200.730, NRS 201.180, 201.230, 201.450, 201.540 or 201.550 or paragraph (a) or (b) of subsection 4 or paragraph (a) or (b) of subsection 5 of NRS 201.560;

(b) An attempt to commit any offense listed in paragraph (a); or

(c) An act of murder in the first or second degree, kidnapping in the first or second degree, false imprisonment, burglary or invasion of the home if the act is determined to be sexually motivated at a hearing conducted pursuant to NRS 175.547.

~~{7.}~~ 9. "Standards" means the objective standards for granting or revoking parole or probation which are adopted by the Board or the Chief.

Sec. 95. NRS 213.1078 is hereby amended to read as follows:

213.1078 1. Except as otherwise provided in ~~{subsection 2,}~~ *subsections 3 and 5*, the Division shall *administer a risk and needs assessment to each probationer and parolee under the Division's supervision. The results of the risk and needs assessment must be*



used to set a level of supervision for each probationer ~~[. At]~~ and parolee and to develop individualized case plans pursuant to subsection 6. The risk and needs assessment must be administered and scored by a person trained in the administration of the tool.

2. Except as otherwise provided in subsection 3, at least once every ~~[6 months,]~~ year, or more often if necessary, the Division shall ~~[review the probationer's level of supervision]~~ administer a subsequent risk and needs assessment to each probationer. The results of the risk and needs assessment conducted in accordance with this section must be used to determine whether a change in the level of supervision is necessary. The Division shall ~~[specify in each review]~~ document the reasons for maintaining or changing the level of supervision. If the Division changes the level of supervision, the Division shall notify the probationer of the change.

~~[2.]~~ 3. The provisions of ~~[subsection]~~ subsections 1 and 2 are not applicable if:

(a) The level of supervision for the probationer is set by the court or by law; or

(b) The probationer is ordered to participate in a program of probation secured by a security bond pursuant to NRS 176A.300 to 176A.370, inclusive.

~~[3.]~~ 4. Except as otherwise provided in subsection ~~[4.]~~ 5, at least once every ~~[6 months,]~~ year, or more often if necessary, the Division shall ~~[review a parolee's level of supervision]~~ administer a subsequent risk and needs assessment to each parolee. The results of the risk and needs assessment conducted in accordance with this subsection must be used to determine whether a change in the level of supervision is necessary. The Division shall ~~[specify in each review]~~ document the reasons for maintaining or changing the level of supervision. If the Division changes the level of supervision, the Division shall notify the parolee of the change.

~~[4.]~~ 5. The provisions of ~~[subsection 3]~~ subsections 1 and 4 are not applicable if the level of supervision for the parolee is set by the Board or by law.

6. The Division shall develop an individualized case plan for each probationer and parolee. The case plan must include a plan for addressing the criminogenic risk factors identified on the risk and needs assessment, if applicable, and the list of responsivity factors that will need to be considered and addressed for each probationer or parolee.

7. Upon a finding that a term or condition of probation ordered pursuant to subsection 1 of NRS 176A.400 or the level of supervision set pursuant to this section does not align with the results of a risk and needs assessment administered pursuant to subsection 1 or 2, the supervising officer shall seek a modification



1 *of the terms and conditions from the court pursuant to subsection*
2 *1 of NRS 176A.450.*

3 8. *Upon a finding that a condition of parole or the level of*
4 *parole supervision set pursuant to this section does not align with*
5 *the results of a risk and needs assessment administered pursuant*
6 *to subsection 1 or 4, the supervising officer shall submit a request*
7 *to the Board to modify the condition or level of supervision set by*
8 *the Board. The Division shall provide written notification to the*
9 *parolee of any modification.*

10 9. *The risk and needs assessment required under this section*
11 *must undergo a validation study not less than once every 3 years.*
12 *The Division shall establish quality assurance procedures to*
13 *ensure proper and consistent scoring of the risk and needs*
14 *assessment.*

15 **Sec. 96.** NRS 213.1095 is hereby amended to read as follows:

16 213.1095 The Chief Parole and Probation Officer:

17 1. Is responsible for and shall supervise the fiscal affairs and
18 responsibilities of the Division.

19 2. May establish, consolidate and abolish sections within the
20 Division.

21 3. May establish, consolidate and abolish districts within the
22 State to which assistant parole and probation officers are assigned.

23 4. Shall appoint the necessary supervisory personnel and other
24 assistants and employees as may be necessary for the efficient
25 discharge of the responsibilities of the Division.

26 5. Is responsible for such reports of investigation and
27 supervision and other reports as may be requested by the Board or
28 courts.

29 6. Shall direct the work of all assistants and employees
30 assigned to him or her.

31 7. Shall formulate methods of investigation, supervision,
32 recordkeeping and reporting.

33 8. Shall develop policies of parole and probation after
34 considering other acceptable and recognized correctional programs
35 and conduct training courses for the staff. *Such training courses*
36 *must include:*

37 (a) *Training in evidence-based practices, including, without*
38 *limitation, principles of effective intervention, effective case*
39 *management and effective practices in corrections settings; and*

40 (b) *Courses on interacting with victims of domestic violence*
41 *and trauma.*

42 9. Shall furnish to each person released under his or her
43 supervision a written statement of the conditions of parole or
44 probation, instruct any parolee or probationer regarding those



conditions, and advise the Board or the court of any violation of the conditions of parole and probation.

10. At the close of each biennium, shall submit to the Governor and the Board a report, with statistical and other data, of his or her work.

Sec. 97. NRS 213.1215 is hereby amended to read as follows:

213.1215 1. Except as otherwise provided in this section and in cases where a consecutive sentence is still to be served, if a prisoner sentenced to imprisonment for a term of 3 years or more:

(a) Has not been released on parole previously for that sentence; and

(b) Is not otherwise ineligible for parole,
➤ the prisoner must be released on parole 12 months before the end of his or her maximum term or maximum aggregate term, as applicable, as reduced by any credits the prisoner has earned to reduce his or her sentence pursuant to chapter 209 of NRS.

2. Except as otherwise provided in this section, a prisoner who was sentenced to life imprisonment with the possibility of parole and who was less than 16 years of age at the time that the prisoner committed the offense for which the prisoner was imprisoned must, if the prisoner still has a consecutive sentence to be served, be granted parole from his or her current term of imprisonment to his or her subsequent term of imprisonment or must, if the prisoner does not still have a consecutive sentence to be served, be released on parole, if:

(a) The prisoner has served the minimum term or the minimum aggregate term of imprisonment imposed by the court, as applicable;

(b) The prisoner has completed a program of general education or an industrial or vocational training program;

(c) The prisoner has not been identified as a member of a group that poses a security threat pursuant to the procedures for identifying security threats established by the Department of Corrections; and

(d) The prisoner has not, within the immediately preceding 24 months:

(1) Committed a major violation of the regulations of the Department of Corrections; or

(2) Been housed in disciplinary segregation.

3. If a prisoner who meets the criteria set forth in subsection 2 is determined to be a high risk to reoffend in a sexual manner pursuant to NRS 213.1214, the Board is not required to release the prisoner on parole pursuant to this section. If the prisoner is not granted parole, a rehearing date must be scheduled pursuant to NRS 213.142.

4. The Board shall prescribe any conditions necessary for the orderly conduct of the parolee upon his or her release.



* A B 2 3 6 *

5. Each parolee so released must be supervised closely by the Division, in accordance with the plan for supervision developed by the Chief pursuant to NRS 213.122.

6. *If a prisoner meets the criteria set forth in subsection 1, the Board may grant parole to the prisoner without a meeting.* If the Board finds that there is a reasonable probability that a prisoner considered for release on parole pursuant to subsection 1 will be a danger to public safety while on parole, the Board may require the prisoner to serve the balance of his or her sentence and not grant the parole. If, pursuant to this subsection, the Board does not grant the parole provided for in subsection 1, the Board shall provide to the prisoner a written statement of its reasons for denying parole.

7. If the Board finds that there is a reasonable probability that a prisoner considered for release on parole pursuant to subsection 2 will be a danger to public safety while on parole, the Board is not required to grant the parole and shall schedule a rehearing pursuant to NRS 213.142. Except as otherwise provided in subsection 3 of NRS 213.1519, if a prisoner is not granted parole pursuant to this subsection, the criteria set forth in subsection 2 must be applied at each subsequent hearing until the prisoner is granted parole or expires his or her sentence. If, pursuant to this subsection, the Board does not grant the parole provided for in subsection 2, the Board shall provide to the prisoner a written statement of its reasons for denying parole, along with specific recommendations of the Board, if any, to improve the possibility of granting parole the next time the prisoner may be considered for parole.

8. If the prisoner is the subject of a lawful request from another law enforcement agency that the prisoner be held or detained for release to that agency, the prisoner must not be released on parole, but released to that agency.

9. If the Division has not completed its establishment of a program for the prisoner's activities during his or her parole pursuant to this section, the prisoner must be released on parole as soon as practicable after the prisoner's program is established.

10. For the purposes of this section, the determination of the 12-month period before the end of a prisoner's term must be calculated without consideration of any credits the prisoner may have earned to reduce his or her sentence had the prisoner not been paroled.

Sec. 98. NRS 213.131 is hereby amended to read as follows:

213.131 1. The Department of Corrections shall:

(a) Determine when a prisoner sentenced to imprisonment in the state prison is eligible to be considered for parole;

(b) Notify the Board of the eligibility of the prisoner to be considered for parole; and



(c) Before a meeting to consider the prisoner for parole, compile and provide to the Board data that will assist the Board in determining whether parole should be granted.

2. If a prisoner is being considered for parole from a sentence imposed for conviction of a crime which involved the use of force or violence against a victim and which resulted in bodily harm to a victim and if original or duplicate photographs that depict the injuries of the victim or the scene of the crime were admitted at the trial of the prisoner or were part of the report of the presentence investigation and are reasonably available, a representative sample of such photographs must be included with the information submitted to the Board at the meeting. A prisoner may not bring a cause of action against the State of Nevada, its political subdivisions, agencies, boards, commissions, departments, officers or employees for any action that is taken pursuant to this subsection or for failing to take any action pursuant to this subsection, including, without limitation, failing to include photographs or including only certain photographs. As used in this subsection, "photograph" includes any video, digital or other photographic image.

3. Meetings to consider prisoners for parole may be held semiannually or more often, on such dates as may be fixed by the Board. All meetings are quasi-judicial and must be open to the public. No rights other than those conferred pursuant to this section or pursuant to specific statute concerning meetings to consider prisoners for parole are available to any person with respect to such meetings.

4. Except as otherwise provided in NRS 213.10915, not later than 5 days after the date on which the Board fixes the date of the meeting to consider a prisoner for parole, the Board shall notify the victim of the prisoner who is being considered for parole of the date of the meeting and of the victim's rights pursuant to this subsection, if the victim has requested notification in writing and has provided his or her current address or if the victim's current address is otherwise known by the Board. The victim of a prisoner being considered for parole may submit documents to the Board and may testify at the meeting held to consider the prisoner for parole. A prisoner must not be considered for parole until the Board has notified any victim of his or her rights pursuant to this subsection and the victim is given the opportunity to exercise those rights. If a current address is not provided to or otherwise known by the Board, the Board must not be held responsible if such notification is not received by the victim.

5. The Board may deliberate in private after a public meeting held to consider a prisoner for parole.



6. The Board of State Prison Commissioners shall provide suitable and convenient rooms or space for use of the State Board of Parole Commissioners.

7. Except as otherwise provided in NRS 213.10915, if a victim is notified of a meeting to consider a prisoner for parole pursuant to subsection 4, the Board shall, upon making a final decision concerning the parole of the prisoner, notify the victim of its final decision.

8. All personal information, including, but not limited to, a current or former address, which pertains to a victim and which is received by the Board pursuant to this section is confidential.

9. The Board may grant parole without a meeting, pursuant to NRS **213.1215** or 213.133, but the Board must not deny parole to a prisoner unless the prisoner has been given reasonable notice of the meeting and the opportunity to be present at the meeting. If the Board fails to provide notice of the meeting to the prisoner or to provide the prisoner with an opportunity to be present and determines that it may deny parole, the Board may reschedule the meeting.

10. During a meeting to consider a prisoner for parole, the Board shall allow the prisoner:

(a) At his or her own expense, to have a representative present with whom the prisoner may confer; and

(b) To speak on his or her own behalf or to have his or her representative speak on his or her behalf.

11. Upon making a final decision concerning the parole of the prisoner, the Board shall provide written notice to the prisoner of its decision not later than 10 working days after the meeting and, if parole is denied, specific recommendations of the Board to improve the possibility of granting parole the next time the prisoner is considered for parole, if any.

12. For the purposes of this section, "victim" has the meaning ascribed to it in NRS 213.005.

Sec. 99. NRS 213.133 is hereby amended to read as follows:

213.133 1. Except as otherwise provided in subsections 6, 7 and 8, the Board may delegate its authority to hear, consider and act upon the parole of a prisoner and on any issue before the Board to a panel consisting of:

(a) Two or more members of the Board, two of whom constitute a quorum; or

(b) One member of the Board who is assisted by a case hearing representative.

2. No action taken by any panel created pursuant to paragraph (a) of subsection 1 is valid unless concurred in by a majority vote of those sitting on the panel.



3. The decision of a panel is subject to final approval by the affirmative action of a majority of the members appointed to the Board. Such action may be taken at a meeting of the Board or without a meeting by the delivery of written approval to the Executive Secretary of the Board.

4. The degree of complexity of issues presented must be taken into account before the Board makes any delegation of its authority and before it determines the extent of a delegation.

5. The Board shall adopt regulations which establish the basic types of delegable cases and the size of the panel required for each type of case.

6. A hearing concerning the parole of a prisoner or any decision on an issue involving a person:

- (a) Who committed a capital offense;
- (b) Who is serving a sentence of imprisonment for life;
- (c) Who has been convicted of a sexual offense involving the use or threat of use of force or violence;
- (d) Who is a habitual criminal; or
- (e) Whose sentence has been commuted by the State Board of Pardons Commissioners,

must be conducted by at least three members of the Board, and action may be taken only with the concurrence of at least four members.

7. If a recommendation made by a panel deviates from the standards adopted by the Board pursuant to NRS 213.10885 or the recommendation of the Division, the Chair must concur in the recommendation.

8. ~~IA~~ *In accordance with any regulations adopted by the Board, a member of the Board or a person who has been designated as a case hearing representative in accordance with NRS 213.135 ~~may~~ shall review the parole eligibility of a prisoner and recommend to the Board that a prisoner be released on parole without a meeting if:*

(a) The prisoner is not serving a sentence for a crime described in subsection 6;

(b) The parole standards created pursuant to NRS 213.10885 suggest that parole should be granted;

(c) There are no current requests for notification of hearings made in accordance with subsection 4 of NRS 213.131 or, if the Board is not required to provide notification of hearings pursuant to NRS 213.10915, the Board has not been notified by the automated victim notification system that a victim of the prisoner has registered with the system to receive notification of hearings; and

(d) Notice to law enforcement of the eligibility for parole of the prisoner was given pursuant to subsection 5 of NRS 213.1085, and



no person objected to granting parole without a meeting during the 30-day notice period.

9. If a member of the Board or a person who has been designated as a case hearing representative in accordance with NRS 213.135 does not recommend that a prisoner be released on parole without a meeting pursuant to subsection 8, the prisoner must have a parole hearing.

10. A recommendation made in accordance with subsection 8 is subject to final approval by the affirmative action of a majority of the members appointed to the Board. The final approval by affirmative action must not take place until the expiration of the 30-day notice period to law enforcement of the eligibility for parole of the prisoner in accordance with subsection 5 of NRS 213.1085. Such action may be taken at a meeting of the Board or without a meeting of the Board by delivery of written approval to the Executive Secretary of the Board by a majority of the members.

Sec. 100. NRS 213.140 is hereby amended to read as follows:

213.140 1. When a prisoner becomes eligible for parole pursuant to this chapter or the regulations adopted pursuant to this chapter, the Board shall consider and may authorize the release of the prisoner on parole as provided in this chapter. The Board may authorize the release of a prisoner on parole whether or not parole is accepted by the prisoner.

2. *Not later than 6 months before the date a prisoner becomes eligible for parole, the Department of Corrections and the prisoner shall develop a reentry plan for the prisoner that takes into consideration the needs, limitations and capabilities of the prisoner. The Division shall review the reentry plan and verify the information contained therein. Before the prisoner's parole eligibility date, the Department of Corrections shall provide a copy of the reentry plan to the prisoner. A reentry plan developed pursuant to this subsection must include, without limitation, information relating to:*

(a) The proposed residence of the prisoner;

(b) The prisoner's employment or means of financial support;

(c) Any treatment and counseling options available to the prisoner; and

(d) Any job or education services available to the prisoner.

3. If the release of a prisoner on parole is authorized by the Board, the Division shall:

(a) Review and, if appropriate, approve each prisoner's proposed reentry plan ~~{for placement upon release;}~~ developed pursuant to subsection 2; or



(b) If the prisoner's *proposed reentry* plan is not approved by the Division, assist the prisoner to develop a plan for his or her placement upon release, before the prisoner is released on parole. The prisoner's proposed *reentry* plan must identify the county in which the prisoner will reside if the prisoner will be paroled in Nevada.

~~{3-}~~ 4. If a prisoner is indigent and the prisoner's proposed *reentry* plan ~~{for placement upon release}~~ indicates that the prisoner will reside in transitional housing upon release, the Division may, within the limits of available resources, pay for all or a portion of the cost of the transitional housing for the prisoner based upon the prisoner's economic need, as determined by the Division. The Division shall make such payment directly to the provider of the transitional housing.

~~{4-}~~ 5. The Board may adopt any regulations necessary or convenient to carry out this section.

Sec. 101. NRS 213.1519 is hereby amended to read as follows:

213.1519 1. Except as otherwise provided in subsections 2 and 3, a parolee whose parole is revoked by decision of the Board for *the commission of* a ~~{violation of any rule or regulation governing his or her conduct:}~~ *new felony or gross misdemeanor or for absconding:*

(a) Forfeits all credits for good behavior previously earned to reduce his or her sentence pursuant to chapter 209 of NRS; and

(b) Must serve such part of the unexpired maximum term or the maximum aggregate term, as applicable, of his or her original sentence as may be determined by the Board with rehearing dates scheduled pursuant to NRS 213.142.

➡ The Board may restore any credits forfeited under this subsection.

2. A parolee released on parole pursuant to subsection 1 of NRS 213.1215 whose parole is revoked for having been convicted of a new felony:

(a) Forfeits all credits for good behavior previously earned to reduce his or her sentence pursuant to chapter 209 of NRS;

(b) Must serve the entire unexpired maximum term or the maximum aggregate term, as applicable, of his or her original sentence; and

(c) May not again be released on parole during his or her term of imprisonment.

3. A parolee released on parole pursuant to subsection 2 of NRS 213.1215 whose parole is revoked by decision of the Board for a violation of any rule or regulation governing his or her conduct:



(a) Forfeits all credits for good behavior previously earned to reduce his or her sentence pursuant to chapter 209 of NRS;

(b) Must serve such part of the unexpired maximum term or maximum aggregate term, as applicable, of his or her original sentence as may be determined by the Board; and

(c) Must not be considered again for release on parole pursuant to subsection 2 of NRS 213.1215 but may be considered for release on parole pursuant to NRS 213.1099, with rehearing dates scheduled pursuant to NRS 213.142.

➡ The Board may restore any credits forfeited under this subsection.

4. If the Board finds that the parolee committed one or more technical violations of the conditions of parole, the Board may:

(a) Continue parole supervision;

(b) Temporarily revoke parole supervision and impose a term of imprisonment of not more than:

(1) Thirty days for the first temporary parole revocation;

(2) Sixty days for the second temporary parole revocation;

or

(3) Ninety days for the third temporary parole revocation;

or

(c) Fully revoke parole supervision and impose the remainder of the sentence for a fourth or subsequent revocation.

5. As used in this section:

(a) "Absconding" has the meaning ascribed to it in NRS 176A.630.

(b) "Technical violation" means any alleged violation of the conditions of parole that is not the commission of a new felony or gross misdemeanor and does not constitute absconding.

Sec. 102. NRS 217.070 is hereby amended to read as follows:

217.070 1. "Victim" means ***⚡ a person who suffers direct or threatened physical, financial or emotional harm as a result of the commission of a crime, including, without limitation:***

(a) A person who is physically injured or killed as the direct result of a criminal act;

(b) A minor who was involved in the production of pornography in violation of NRS 200.710, 200.720, 200.725 or 200.730;

(c) A minor who was sexually abused, as "sexual abuse" is defined in NRS 432B.100;

(d) A person who is physically injured or killed as the direct result of a violation of NRS 484C.110 or any act or neglect of duty punishable pursuant to NRS 484C.430 or 484C.440;

(e) A pedestrian who is physically injured or killed as the direct result of a driver of a motor vehicle who failed to stop at the scene



1 of a crash involving the driver and the pedestrian in violation of
2 NRS 484E.010;

3 (f) An older person who is abused, neglected, exploited, isolated
4 or abandoned in violation of NRS 200.5099 or 200.50995;

5 (g) A person who is physically injured or killed as the direct
6 result of an act of international terrorism as defined in 18 U.S.C. §
7 2331(1); ~~for~~

8 (h) A person who is trafficked in violation of subsection 2 of
9 NRS 201.300 ~~H~~; or

10 *(i) A person who is an immediate family member of a victim*
11 *who:*

12 *(1) Is a minor;*

13 *(2) Is physically or mentally incompetent; or*

14 *(3) Was killed.*

15 2. The term includes any person who was harmed by an act
16 listed in subsection 1, regardless of whether:

17 (a) The person is a resident of this State, a citizen of the United
18 States or is lawfully entitled to reside in the United States; or

19 (b) The act was committed by an adult or a minor.

20 **Sec. 103.** Chapter 289 of NRS is hereby amended by adding
21 thereto the provisions set forth as sections 104 and 105 of this act.

22 **Sec. 104. 1. The Commission shall, subject to the**
23 **availability of funds appropriated for such a purpose, develop and**
24 **implement a mental health field response grant program for the**
25 **purpose of allowing law enforcement and mental health**
26 **professionals to safely respond to crises, including, without**
27 **limitation, by telephone or video, involving persons with**
28 **behavioral health issues. The Commission may use a portion of**
29 **the appropriated funds to develop data management capability to**
30 **support the program.**

31 2. A local law enforcement agency may submit a grant
32 application to the Commission that contains the agency's proposal
33 to develop its mental health field response by incorporating mental
34 health professionals into its mental health field response planning,
35 or two or more local law enforcement agencies may submit a joint
36 grant application that contains their joint proposal. Any proposal
37 submitted by a law enforcement agency must provide a plan for
38 improving mental health field response and diversion from
39 incarceration through modifying or expanding law enforcement
40 practices in partnership with mental health professionals. The
41 Commission may prioritize grant applications that include total
42 matching funds.

43 3. The Commission shall appoint a peer review panel to
44 review, in consultation with behavioral health organizations, the
45 grant applications submitted by local law enforcement agencies



1 and select the grant recipients. To the extent possible, at least one
2 grant recipient must be from a rural county. To avoid any conflict
3 of interest, any law enforcement agency that is included in a
4 proposal shall recuse itself from voting on the peer review panel.

5 4. If the Commission certifies that the grant application of a
6 selected recipient satisfies the proposal criteria, the Commission
7 shall distribute grant funds to the selected recipient. The
8 Commission shall make every effort to fund at least three grants
9 each fiscal year. Grant recipients must be selected and receive
10 grant funds not later than October 1 of each year the mental
11 health field response grant program is funded.

12 5. A grant recipient must provide for at least one mental
13 health professional who will perform professional services under
14 its plan. Such a mental health professional may assist patrolling
15 officers in the field or in an on-call capacity, provide preventive,
16 follow-up training on mental health field response best practices
17 or provide other services at the direction of the grant recipient. A
18 grant recipient may coordinate with local public safety answering
19 points to maximize the goals of its plan.

20 6. Using existing resources, the Commission shall:

21 (a) Consult with the staff of the Office of Analytics of the
22 Department of Health and Human Services to establish data
23 collection and reporting guidelines for grant recipients for the
24 purpose of studying and evaluating whether the use of mental
25 health field response programs improves the outcomes of
26 interactions with persons experiencing behavioral health crises,
27 including, without limitation, by reducing rates of violence, arrests
28 and jail or emergency room usage.

29 (b) Consult with the Department of Health and Human
30 Services to develop requirements for participating mental health
31 professionals.

32 (c) Coordinate with the Department of Health and Human
33 Services, the Division of Public and Behavioral Health of the
34 Department of Health and Human Services and public safety
35 answering points to develop and incorporate telephone or dispatch
36 protocols to assist with mental health, law enforcement and
37 emergency medical responses involving behavioral health
38 situations.

39 7. On or before December 1 of each year the mental health
40 field response grant program is funded, the Commission shall
41 submit to the Governor, the Chair of the Senate Standing
42 Committee on Judiciary and the Chair of the Assembly Standing
43 Committee on Judiciary a report concerning the program which
44 must include, without limitation:

45 (a) Information on and feedback from grant recipients; and



(b) *Information on the use of grant funds and the participation of mental health professionals.*

8. *A grant recipient shall develop and provide or arrange joint training necessary for both law enforcement and mental health professionals to operate successfully and competently in partnership with law enforcement agencies. The training must provide such professionals with working knowledge of law enforcement procedures and tools sufficient to provide for the safety of such professionals.*

9. *Nothing in this section prohibits the Commission from soliciting or accepting private funds to support the mental health field response grant program.*

Sec. 105. 1. Each law enforcement agency in this State shall:

(a) *Establish a policy and procedure for interacting with persons who suffer from a behavioral health issue, including, without limitation, a mental illness as defined in NRS 176A.045, an acute mental health crisis or a substance abuse disorder; and*

(b) *Subject to the availability of funds appropriated for such a purpose, contract with or employ a behavioral health specialist.*

2. *As used in this section, "behavioral health specialist" means a physician who is certified by the Board of Medical Examiners, a psychologist, a physician assistant or an advanced practice registered nurse who is certified to practice as a behavioral health specialist, or a person who is licensed as a clinical social worker, clinical professional counselor or marriage and family therapist.*

Sec. 106. NRS 289.450 is hereby amended to read as follows:
289.450 As used in NRS 289.450 to 289.650, inclusive, **and sections 104 and 105 of this act**, unless the context otherwise requires, the words and terms defined in NRS 289.460 to 289.490, inclusive, have the meanings ascribed to them in those sections.

Sec. 107. NRS 289.510 is hereby amended to read as follows:
289.510 1. The Commission:

(a) Shall meet at the call of the Chair, who must be elected by a majority vote of the members of the Commission.

(b) Shall provide for and encourage the training and education of persons whose primary duty is law enforcement to ensure the safety of the residents of and visitors to this State.

(c) Shall adopt regulations establishing minimum standards for the certification and decertification, recruitment, selection and training of peace officers. The regulations must establish:

(1) Requirements for basic training for category I, category II and category III peace officers and reserve peace officers;



(2) Standards for programs for the continuing education of peace officers, including minimum courses of study and requirements concerning attendance;

(3) Qualifications for instructors of peace officers; and

(4) Requirements for the certification of a course of training.

(d) Shall, when necessary, present courses of training and continuing education courses for category I, category II and category III peace officers and reserve peace officers.

(e) May make necessary inquiries to determine whether the agencies of this State and of the local governments are complying with standards set forth in its regulations.

(f) Shall carry out the duties required of the Commission pursuant to NRS 432B.610 and 432B.620.

(g) May perform any other acts that may be necessary and appropriate to the functions of the Commission as set forth in NRS 289.450 to 289.650, inclusive ~~H~~, and sections 104 and 105 of this act.

(h) May enter into an interlocal agreement with an Indian tribe to provide training to and certification of persons employed as police officers by that Indian tribe.

(i) Shall develop and approve a standard curriculum of certified training programs in crisis intervention, which may be made available in an electronic format, and which address specialized responses to persons with mental illness and train peace officers to identify the signs and symptoms of mental illness, to de-escalate situations involving persons who appear to be experiencing a behavioral health crisis and, if appropriate, to connect such persons to treatment. A peace officer who completes any program developed pursuant to this paragraph must be issued a certificate of completion.

2. Regulations adopted by the Commission:

(a) Apply to all agencies of this State and of local governments in this State that employ persons as peace officers;

(b) Must require that all peace officers receive training in the handling of cases involving abuse or neglect of children or missing children;

(c) Must require that all peace officers receive training in the handling of cases involving abuse, neglect, exploitation, isolation and abandonment of older persons; and

(d) May require that training be carried on at institutions which it approves in those regulations.

Sec. 108. NRS 289.650 is hereby amended to read as follows:
289.650 1. The Commission shall:

(a) Establish by regulation the minimum standards of a voluntary program for the training of law enforcement dispatchers.



Such standards must include training relating to behavioral health crisis intervention as described in NRS 289.510.

(b) Certify qualified instructors for approved courses of training for law enforcement dispatchers and issue appropriate certificates to instructors who become certified.

(c) Issue appropriate certificates to law enforcement dispatchers who have satisfactorily completed the voluntary program.

2. As used in this section, "law enforcement dispatcher" means a person who is employed by a law enforcement agency or regional telecommunication center and who promotes public safety by:

(a) Receiving calls for service related to crimes, traffic incidents, public safety and any other related calls for assistance; and

(b) Providing immediate and critical communication between the public and law enforcement agencies.

Sec. 109. NRS 433.254 is hereby amended to read as follows:

433.254 1. The Administrator serves at the pleasure of the Director of the Department and shall:

(a) Serve as the Executive Officer of the Division;

(b) Administer the Division in accordance with the policies established by the Commission;

(c) Make an annual report to the Director of the Department on the condition and operation of the Division, and such other reports as the Director may prescribe; and

(d) Employ, within the limits of available money, the assistants and employees necessary to the efficient operation of the Division.

2. The Administrator may:

(a) Appoint the administrative personnel necessary to operate the programs of the Division.

(b) Delegate to the administrative officers the power to appoint medical, technical, clerical and operational staff necessary for the operation of the facilities of the Division.

3. If the Administrator finds that it is necessary or desirable that any employee reside at a facility operated by the Division or receive meals at such a facility, perquisites granted or charges for services rendered to that person are at the discretion of the Director of the Department.

~~{4. The Administrator may accept persons referred to the Division for treatment pursuant to the provisions of NRS 458.290 to 458.350, inclusive.}~~

Sec. 110. NRS 433B.130 is hereby amended to read as follows:

433B.130 1. The Administrator shall:

(a) Administer, in accordance with the policies established by the Commission, the programs of the Division for the mental health of children.



(b) Establish appropriate policies to ensure that children in division facilities have timely access to clinically appropriate psychotropic medication that are consistent with the provisions of NRS 432B.197 and NRS 432B.4681 to 432B.469, inclusive, and the policies adopted pursuant thereto.

2. The Administrator may:

(a) Appoint the administrative personnel necessary to operate the programs of the Division for the mental health of children.

(b) Delegate to the administrative officers the power to appoint medical, technical, clerical and operational staff necessary for the operation of any division facilities.

3. If the Administrator finds that it is necessary or desirable that any employee reside at a facility operated by the Division or receive meals at such a facility, perquisites granted or charges for services rendered to that person are at the discretion of the Director of the Department.

~~4. [The Administrator may accept children referred to the Division for treatment pursuant to the provisions of NRS 458.290 to 458.350, inclusive.~~

~~—5.]~~ The Administrator may enter into agreements with the Administrator of the Division of Public and Behavioral Health of the Department or with the Administrator of the Aging and Disability Services Division of the Department for the care and treatment of consumers of the Division of Child and Family Services at any facility operated by the Division of Public and Behavioral Health or the Aging and Disability Services Division, as applicable.

Sec. 111. NRS 453.316 is hereby amended to read as follows:

453.316 1. A person who opens or maintains any place for the purpose of unlawfully selling, giving away or using any controlled substance is guilty of a category ~~[B]~~ **C** 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, and may be further punished by a fine of not more than \$10,000, except as otherwise provided in subsection 2.]~~ **as provided in NRS 193.130.**

2. If a person convicted of violating this section has previously been convicted of violating this section, or if, in the case of a first conviction of violating this section, the person has been convicted of an offense under the laws of the United States or any state, territory or district which, if committed in this State, would amount to a felony under this section, the person 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 ~~[2 years]~~ **1 year** and a maximum term of not more than ~~[10]~~ **6** years, and may be further punished by



1 a fine of not more than ~~[\$20,000. The court shall not grant probation~~
2 ~~to or suspend the sentence of a person convicted of violating this~~
3 ~~section if the person has been previously convicted under this~~
4 ~~section or of any other offense described in this subsection.]~~
5 **\$10,000.**

6 3. This section does not apply to any rehabilitation clinic
7 established or licensed by the Division of Public and Behavioral
8 Health of the Department.

9 **Sec. 112.** NRS 453.321 is hereby amended to read as follows:

10 453.321 1. Except as authorized by the provisions of NRS
11 453.011 to 453.552, inclusive, it is unlawful for a person to:

12 (a) Import, transport, sell, exchange, barter, supply, prescribe,
13 dispense, give away or administer a controlled or counterfeit
14 substance;

15 (b) Manufacture or compound a counterfeit substance; or

16 (c) Offer or attempt to do any act set forth in paragraph (a)
17 or (b).

18 2. Unless a greater penalty is provided in NRS 453.333 or
19 453.334, if a person violates subsection 1 and the controlled
20 substance is classified in schedule I or II, the person ~~is guilty of a~~
21 ~~category B felony and~~ shall be punished:

22 (a) For the first offense, ~~by imprisonment in the state prison for~~
23 ~~a minimum term of not less than 1 year and a maximum term of not~~
24 ~~more than 6 years, and may be further punished by a fine of not~~
25 ~~more than \$20,000.]~~ **for a category C felony as provided in**
26 **NRS 193.130.**

27 (b) For a second offense, or if, in the case of a first conviction
28 under this subsection, the offender has previously been convicted of
29 an offense under this section or of any offense under the laws of the
30 United States or any state, territory or district which, if committed in
31 this State, would amount to an offense under this section, **for a**
32 **category B felony** by imprisonment in the state prison for a
33 minimum term of not less than 2 years and a maximum term of not
34 more than 10 years, and may be further punished by a fine of not
35 more than \$20,000.

36 (c) For a third or subsequent offense, or if the offender has
37 previously been convicted two or more times under this section or of
38 any offense under the laws of the United States or any state, territory
39 or district which, if committed in this State, would amount to an
40 offense under this section, **for a category B felony** by imprisonment
41 in the state prison for a minimum term of not less than 3 years and a
42 maximum term of not more than 15 years, and may be further
43 punished by a fine of not more than \$20,000 for each offense.

44 3. ~~[The]~~ **Unless mitigating circumstances exist that warrant**
45 **the granting of probation, the** court shall not grant probation to or



suspend the sentence of a person convicted under subsection 2 and punishable pursuant to paragraph (b) or (c) of subsection 2.

4. Unless a greater penalty is provided in NRS 453.333 or 453.334, if a person violates subsection 1, and the controlled substance is classified in schedule III, IV or V, the person shall be punished:

(a) For the first offense, for a category ~~C~~ **D** felony as provided in NRS 193.130.

(b) For a second offense, or if, in the case of a first conviction of violating this subsection, the offender has previously been convicted of violating this section or of any offense under the laws of the United States or any state, territory or district which, if committed in this State, would amount to a violation of this section, for a category ~~B~~ **C** felony ~~by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 10 years, and may be further punished by a fine of not more than \$15,000.~~ **as provided in NRS 193.130.**

(c) For a third or subsequent offense, or if the offender has previously been convicted two or more times of violating this section or of any offense under the laws of the United States or any state, territory or district which, if committed in this State, would amount to a violation of this section, for a category B felony by imprisonment in the state prison for a minimum term of not less than ~~B~~ **2** years and a maximum term of not more than ~~15~~ **10** years, and may be further punished by a fine of not more than ~~\$20,000~~ **\$15,000** for each offense.

5. ~~The~~ **Unless mitigating circumstances exist that warrant the granting of probation, the** court shall not grant probation to or suspend the sentence of a person convicted under subsection 4 and punishable pursuant to paragraph (b) or (c) of subsection 4.

Sec. 113. NRS 453.336 is hereby amended to read as follows:

453.336 1. Except as otherwise provided in subsection 5, 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 3 and 4 and in NRS 453.3363, 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, ~~for IV~~ **or V**, for a ~~category E felony as provided in NRS 193.130.~~ **misdemeanor.**

(b) For a third or subsequent offense, if the controlled substance is listed in schedule I, II, III, ~~for IV~~ **or V**, 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~~ **E** 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 a treatment provider approved by the court 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]~~ **Assigned** to a program of treatment and rehabilitation pursuant to ~~[NRS 453.580. As used in this subparagraph, "treatment provider" has the meaning ascribed to it in NRS 458.010.]~~ **section 20 of this act if the court determines that the person is eligible to participate in such a program.**

(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.]~~ **section 20 of this act if the court determines that the person is eligible to participate in such a program.**

(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.

6. 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) "Marijuana" does not include concentrated cannabis.

(c) "Sterile hypodermic device program" has the meaning ascribed to it in NRS 439.986.

Sec. 114. NRS 453.3361 is hereby amended to read as follows:

453.3361 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,~~ **section 20 of this act**, 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.

Sec. 115. NRS 453.3363 is hereby amended to read as follows:

453.3363 1. If a person who has not previously been convicted of any offense pursuant to NRS 453.011 to 453.552, inclusive, or pursuant to any statute of the United States or of any state relating to narcotic drugs, marijuana, or stimulant, depressant or hallucinogenic substances tenders a plea of guilty, guilty but mentally ill, nolo contendere or similar plea to a charge pursuant to subparagraph (1) of paragraph (a) of subsection 2 of NRS 453.3325, subsection 2 or 3 of NRS 453.336, NRS 453.411 or 454.351, or is found guilty or guilty but mentally ill of one of those charges, the



1 court, without entering a judgment of conviction and with the
2 consent of the accused, may suspend further proceedings and place
3 the person on probation upon terms and conditions that must include
4 attendance and successful completion of ~~an~~ :

5 (a) An educational program ; or ~~in~~

6 (b) In the case of a person dependent upon drugs, ~~of~~ a program
7 of treatment and rehabilitation pursuant to ~~NRS 453.580.~~ **section**
8 **20 of this act if the court determines that the person is eligible for**
9 **participation in such a program.**

10 2. Upon violation of a term or condition, the court may enter a
11 judgment of conviction and proceed as provided in the section
12 pursuant to which the accused was charged. Notwithstanding the
13 provisions of paragraph (e) of subsection 2 of NRS 193.130, upon
14 violation of a term or condition, the court may order the person to
15 the custody of the Department of Corrections.

16 3. Upon fulfillment of the terms and conditions, the court shall
17 discharge the accused and dismiss the proceedings against him or
18 her. A nonpublic record of the dismissal must be transmitted to and
19 retained by the Division of Parole and Probation of the Department
20 of Public Safety solely for the use of the courts in determining
21 whether, in later proceedings, the person qualifies under this section.

22 4. Except as otherwise provided in subsection 5, discharge and
23 dismissal under this section is without adjudication of guilt and is
24 not a conviction for purposes of this section or for purposes of
25 employment, civil rights or any statute or regulation or license or
26 questionnaire or for any other public or private purpose, but is a
27 conviction for the purpose of additional penalties imposed for
28 second or subsequent convictions or the setting of bail. Discharge
29 and dismissal restores the person discharged, in the contemplation
30 of the law, to the status occupied before the arrest, indictment or
31 information. The person may not be held thereafter under any law to
32 be guilty of perjury or otherwise giving a false statement by reason
33 of failure to recite or acknowledge that arrest, indictment,
34 information or trial in response to an inquiry made of the person for
35 any purpose. Discharge and dismissal under this section may occur
36 only once with respect to any person.

37 5. A professional licensing board may consider a proceeding
38 under this section in determining suitability for a license or liability
39 to discipline for misconduct. Such a board is entitled for those
40 purposes to a truthful answer from the applicant or licensee
41 concerning any such proceeding with respect to the applicant or
42 licensee.

43 **Sec. 116.** NRS 453.337 is hereby amended to read as follows:

44 453.337 1. Except as otherwise authorized by the provisions
45 of NRS 453.011 to 453.552, inclusive, it is unlawful for a person to



possess for the purpose of sale flunitrazepam, gamma-hydroxybutyrate, any substance for which flunitrazepam or gamma-hydroxybutyrate is an immediate precursor or any controlled substance classified in schedule I or II.

2. Unless a greater penalty is provided in NRS 453.3385, 453.339 or 453.3395, a person who violates this section shall be punished:

(a) For the first offense, for a category D felony as provided in NRS 193.130.

(b) For a second offense, or if, in the case of a first conviction of violating this section, the offender has previously been convicted of a felony under the Uniform Controlled Substances Act or of an offense under the laws of the United States or any state, territory or district which, if committed in this State, would amount to a felony under the Uniform Controlled Substances Act, for a category C felony as provided in NRS 193.130.

(c) For a third or subsequent offense, or if the offender has previously been convicted two or more times of a felony under the Uniform Controlled Substances Act or of any offense under the laws of the United States or any state, territory or district which, if committed in this State, would amount to a felony under the Uniform Controlled Substances Act, for a category B felony by imprisonment in the state prison for a minimum term of not less than 3 years and a maximum term of not more than 15 years, and may be further punished by a fine of not more than \$20,000 for each offense.

3. ~~The~~ *Unless mitigating circumstances exist that warrant the granting of probation, the* court shall not grant probation to or suspend the sentence of a person convicted of violating this section and punishable pursuant to paragraph (b) or (c) of subsection 2.

Sec. 117. NRS 453.338 is hereby amended to read as follows:

453.338 1. Except as authorized by the provisions of NRS 453.011 to 453.552, inclusive, it is unlawful for a person to possess for the purpose of sale any controlled substance classified in schedule III, IV or V.

2. A person who violates this section shall be punished:

(a) For the first and second offense, for a category D felony as provided in NRS 193.130, and may be further punished by a fine of not more than \$10,000.

(b) For a third or subsequent offense, or if the offender has been previously convicted two or more times of a felony under the Uniform Controlled Substances Act or of any offense under the laws of the United States or any state, territory or district which, if committed in this State, would amount to a felony under the



Uniform Controlled Substances Act, for a category C felony as provided in NRS 193.130.

3. ~~The~~ *Unless mitigating circumstances exist that warrant the granting of probation, the* court shall not grant probation to or suspend the sentence of a person convicted of violating this section and punishable under paragraph (b) of subsection 2.

Sec. 118. NRS 453.3383 is hereby amended to read as follows:

453.3383 For the purposes of NRS 453.3385, 453.339 and 453.3395 ~~the~~:

1. *The* weight of the controlled substance as represented by the person selling or delivering it is determinative if the weight as represented is greater than the actual weight of the controlled substance.

2. *If a person is charged with selling or manufacturing a controlled substance, evidence must be introduced to show that the person had the intent to sell or manufacture the controlled substance. The following circumstances may be used to show that a person has the intent to sell or manufacture a controlled substance:*

(a) *The person is in possession of the means to weigh, separate or package the controlled substance;*

(b) *The person is in possession of a record indicating a drug-related transaction;*

(c) *The controlled substance is separated and packaged in a manner to facilitate delivery;*

(d) *The person possesses a firearm that is in his or her immediate physical control at the time the person is in possession of the controlled substance;*

(e) *The person is in possession of \$500 or more in cash;*

(f) *The person is in possession of any quantity of two or more other controlled substances;*

(g) *The person is in possession of paraphernalia, including, without limitation, recipes, precursor chemicals, laboratory equipment, lighting, ventilating or power-generating equipment, that indicates an intent to manufacture a controlled substance;*

(h) *The person is using public lands for the manufacture of a controlled substance; or*

(i) *There is other relevant and admissible evidence that contributes to proof beyond a reasonable doubt that the person's possession of the controlled substance is for the purpose of selling, manufacturing or delivering the controlled substance.*

3. *The quantity of the controlled substance that a person has in his or her possession must not, by itself, be used to show that*



the person possesses a controlled substance for the purpose of selling or manufacturing the controlled substance.

Sec. 119. NRS 453.3385 is hereby amended to read as follows:

453.3385 1. Except as otherwise authorized by the provisions of NRS 453.011 to 453.552, inclusive, a person who knowingly or intentionally sells, manufactures, delivers or brings into this State ~~for who is knowingly or intentionally in actual or constructive possession of~~ flunitrazepam, gamma-hydroxybutyrate, any substance for which flunitrazepam or gamma-hydroxybutyrate is an immediate precursor or any controlled substance which is listed in schedule I, except marijuana, or any mixture which contains any such controlled substance, shall be punished, unless a greater penalty is provided pursuant to NRS 453.322, if the quantity involved:

(a) Is ~~14~~ 28 grams or more, but less than ~~14~~ 100 grams, for a category B felony 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~~ 10 years and by a fine of not more than \$50,000.

(b) Is ~~14~~ 100 grams or more, but less than ~~28~~ 400 grams, for a category B felony by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 15 years and by a fine of not more than \$100,000.

(c) Is ~~28~~ 400 grams or more, for a category ~~A~~ B felony by imprisonment in the state prison ~~for~~:

~~— (1) For life with the possibility of parole, with eligibility for parole beginning when a minimum of 10 years has been served; or~~

~~— (2) For a definite term of 25 years, with eligibility for parole beginning when a minimum of 10 years has been served,~~

~~→~~ *for a minimum term of not less than 3 years and a maximum term of not more than 20 years* and by a fine of not more than \$500,000.

2. As used in this section, “marijuana” does not include concentrated cannabis.

Sec. 120. NRS 453.339 is hereby amended to read as follows:

453.339 1. Except as otherwise provided in NRS 453.011 to 453.552, inclusive, a person who knowingly or intentionally sells, manufactures, delivers or brings into this State ~~for who is knowingly or intentionally in actual or constructive possession of~~ marijuana or concentrated cannabis shall be punished, if the quantity involved:

(a) Is 50 pounds or more, but less than 1,000 pounds, of marijuana or 1 pound or more, but less than 20 pounds, of concentrated cannabis, for a category C felony as provided in NRS 193.130 and by a fine of not more than \$25,000.



(b) Is 1,000 pounds or more, but less than 5,000 pounds, of marijuana or 20 pounds or more, but less than 100 pounds, of concentrated cannabis, for a category B felony by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 10 years and by a fine of not more than \$50,000.

(c) Is 5,000 pounds or more of marijuana or 100 pounds or more of concentrated cannabis, for a category A felony by imprisonment in the state prison:

(1) For life with the possibility of parole, with eligibility for parole beginning when a minimum of 5 years has been served; or

(2) For a definite term of 15 years, with eligibility for parole beginning when a minimum of 5 years has been served,

➤ and by a fine of not more than \$200,000.

2. For the purposes of this section:

(a) "Marijuana" means all parts of any plant of the genus Cannabis, whether growing or not, except for industrial hemp, as defined in NRS 557.040, which is grown or cultivated pursuant to the provisions of chapter 557 of NRS. The term does not include concentrated cannabis.

(b) The weight of marijuana or concentrated cannabis is its weight when seized or as soon as practicable thereafter. If marijuana and concentrated cannabis are seized together, each must be weighed separately and treated as separate substances.

Sec. 121. NRS 453.3395 is hereby amended to read as follows:

453.3395 Except as otherwise provided in NRS 453.011 to 453.552, inclusive, a person who knowingly or intentionally sells, manufactures, delivers or brings into this State ~~for who is knowingly or intentionally in actual or constructive possession of~~ any controlled substance which is listed in schedule II or any mixture which contains any such controlled substance shall be punished, unless a greater penalty is provided pursuant to NRS 453.322, if the quantity involved:

1. Is 28 grams or more, but less than 200 grams, for a category C felony as provided in NRS 193.130 and by a fine of not more than \$50,000.

2. Is 200 grams or more, but less than ~~400~~ 500 grams, for a category B felony by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 10 years and by a fine of not more than \$100,000.

3. Is ~~400~~ 500 grams or more, for a category ~~A~~ B felony by imprisonment in the state prison ~~for~~:

~~—(a) For life with the possibility of parole, with eligibility for parole beginning when a minimum of 5 years has been served; or~~



~~(b) For a definite term of 15 years, with eligibility for parole beginning when~~ for a minimum term of ~~15~~ not less than 3 years ~~has been served;~~
and a maximum term of not more than 20 years, and by a fine of not more than \$250,000.

Sec. 122. NRS 453.3405 is hereby amended to read as follows:

453.3405 1. Except as otherwise provided in subsection 2, the adjudication of guilt and imposition of sentence of a person found guilty of trafficking in a controlled substance in violation of *paragraph (c) of subsection 1 of NRS 453.3385, paragraph (c) of subsection 1 of NRS 453.339 or subsection 3 of NRS 453.3395* must not be suspended and the person is not eligible for parole until the person has actually served the mandatory minimum term of imprisonment prescribed by the section under which the person was convicted.

2. The court, upon an appropriate motion, may reduce or suspend the sentence of any person convicted of violating any of the provisions of NRS 453.3385, 453.339 or 453.3395 if the court finds that the convicted person rendered substantial assistance in the investigation or prosecution of any offense. The arresting agency must be given an opportunity to be heard before the motion is granted. Upon good cause shown, the motion may be heard in camera.

3. Any appropriate reduction or suspension of a sentence pursuant to subsection 2 must be determined by the court, for reasons stated by the court that may include, without limitation, consideration of the following:

(a) The court's evaluation of the significance and usefulness of the convicted person's assistance, taking into consideration the prosecuting attorney's evaluation of the assistance rendered;

(b) The truthfulness, completeness and reliability of any information or testimony provided by the convicted person;

(c) The nature and extent of the convicted person's assistance;

(d) Any injury suffered or any danger or risk of injury to the convicted person or his or her family resulting from his or her assistance; and

(e) The timeliness of the convicted person's assistance.

Sec. 123. NRS 453.5531 is hereby amended to read as follows:

453.5531 1. The State of Nevada is entitled, in a civil action brought pursuant to NRS 453.553 involving marijuana, to a civil penalty in an amount:

(a) Not to exceed \$350,000, if the quantity involved is 100 pounds or more, but less than 2,000 pounds.



(b) Not to exceed \$700,000, if the quantity involved is 2,000 pounds or more, but less than 10,000 pounds.

(c) Not to exceed \$1,000,000, if the quantity involved is 10,000 pounds or more.

2. The State of Nevada is entitled, in a civil action brought pursuant to NRS 453.553 involving a controlled substance, except marijuana, which is listed in schedule I or a substitute therefor, to a civil penalty in an amount:

(a) Not to exceed \$350,000, if the quantity involved is ~~14~~ 28 grams or more, but less than ~~144~~ 100 grams.

(b) Not to exceed \$700,000, if the quantity involved is ~~144~~ 100 grams or more, but less than ~~288~~ 400 grams.

(c) Not to exceed \$1,000,000, if the quantity involved is ~~288~~ 400 grams or more.

3. The State of Nevada is entitled, in a civil action brought pursuant to NRS 453.553 involving a controlled substance which is listed in schedule II or III or a substitute therefor, to a civil penalty in an amount:

(a) Not to exceed \$350,000, if the quantity involved is 28 grams or more, but less than 200 grams.

(b) Not to exceed \$700,000, if the quantity involved is 200 grams or more, but less than ~~400~~ 500 grams.

(c) Not to exceed \$1,000,000, if the quantity involved is ~~400~~ 500 grams or more.

4. Unless a greater civil penalty is authorized by another provision of this section, the State of Nevada is entitled, in a civil action brought pursuant to NRS 453.553 involving any act or transaction in violation of the provisions of NRS 453.3611 to 453.3648, inclusive, to a civil penalty in an amount not to exceed \$350,000.

5. The State of Nevada is entitled, in a civil action brought pursuant to NRS 453.553 involving any act or transaction in violation of the provisions of NRS 453.324, 453.354, 453.355 or 453.357, to a civil penalty in an amount not to exceed \$250,000 for each violation.

6. As used in this section, "marijuana" does not include concentrated cannabis.

Sec. 124. NRS 453.700 is hereby amended to read as follows:

453.700 1. Any person who believes himself or herself to be a narcotic addict may make application to the Division of Public and Behavioral Health of the Department for voluntary submission to treatment maintained under the provisions of NRS 453.660 . ~~for NRS 458.290 to 458.350, inclusive.~~



2. The Division of Public and Behavioral Health shall adopt regulations relating to the requirements for voluntary submission under this section.

Sec. 125. NRS 465.088 is hereby amended to read as follows:

465.088 1. A person who violates any provision of NRS 465.070 to 465.086, inclusive : ~~I, is guilty of a category B felony and shall be punished;~~

(a) For the first offense, ~~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, or by a fine of not more than \$10,000, or by both fine and imprisonment.~~ *is guilty of a category C felony and shall be punished as provided in NRS 193.130.*

(b) For a second or subsequent violation of any of these provisions, *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, and may be further punished by a fine of not more than \$10,000. ~~{The court shall not suspend a sentence of imprisonment imposed pursuant to this paragraph, or grant probation to the person convicted.}~~

2. A person who attempts, or two or more persons who conspire, to violate any provision of NRS 465.070 to 465.086, inclusive, each is guilty of a category ~~B~~ *C* felony and shall be punished by imposing the penalty provided in subsection 1 for the completed crime, whether or not he or she personally played any gambling game or used any prohibited device.

Sec. 126. NRS 475.105 is hereby amended to read as follows:

475.105 A person who steals a device intended for use in preventing, controlling, extinguishing or giving warning of a fire:

1. If the device has a value of less than ~~[\$650.]~~ *\$2,000*, is guilty of a gross misdemeanor.

2. If the device has a value of ~~[\$650.]~~ *\$2,000* or more, is guilty of ~~{grand larceny}~~ *a category C felony* and shall be punished as provided in NRS ~~{205.222.}~~ *193.130.*

Sec. 127. NRS 484C.320 is hereby amended to read as follows:

484C.320 1. An offender who is found guilty of a violation of NRS 484C.110 or 484C.120 that is punishable pursuant to paragraph (a) of subsection 1 of NRS 484C.400, other than an offender who is found to have a concentration of alcohol of 0.18 or more in his or her blood or breath, may, at that time or any time before the offender is sentenced, apply to the court to undergo a program of treatment for alcoholism or drug abuse for at least 6 months. The court shall authorize that treatment if:

(a) The offender is diagnosed as an alcoholic or abuser of drugs by:



(1) An alcohol and drug abuse counselor who is licensed or certified, or a clinical alcohol and drug abuse counselor who is licensed, pursuant to chapter 641C of NRS, to make that diagnosis; or

(2) A physician who is certified to make that diagnosis by the Board of Medical Examiners;

(b) The offender agrees to pay the cost of the treatment to the extent of his or her financial resources; and

(c) The offender has served or will serve a term of imprisonment in jail of 1 day, or has performed or will perform 24 hours of community service.

2. A prosecuting attorney may, within 10 days after receiving notice of an application for treatment pursuant to this section, request a hearing on the question of whether the offender is eligible to undergo a program of treatment for alcoholism or drug abuse. The court shall order a hearing on the application upon the request of the prosecuting attorney or may order a hearing on its own motion. The hearing must be limited to the question of whether the offender is eligible to undergo such a program of treatment.

3. At the hearing on the application for treatment, the prosecuting attorney may present the court with any relevant evidence on the matter. If a hearing is not held, the court shall decide the matter upon affidavits and other information before the court.

4. If the court grants an application for treatment, the court shall:

(a) Immediately sentence the offender and enter judgment accordingly.

(b) Suspend the sentence of the offender for not more than 3 years upon the condition that the offender be accepted for treatment by a treatment provider that is approved by the court, that the offender complete the treatment satisfactorily and that the offender comply with any other condition ordered by the court. If the court has a specialty court program for the supervision and monitoring of the person, the treatment provider must comply with the requirements of the specialty court, including, without limitation, any requirement to submit progress reports to the specialty court.

(c) Advise the offender that:

(1) He or she may be placed under the supervision of a treatment provider for a period not to exceed 3 years.

(2) The court may order the offender to be admitted to a residential treatment facility or to be provided with outpatient treatment in the community.

(3) If the offender fails to complete the program of treatment satisfactorily, the offender shall serve the sentence imposed by the



1 court. Any sentence of imprisonment must be reduced by a time
2 equal to that which the offender served before beginning treatment.

3 (4) If the offender completes the treatment satisfactorily, the
4 offender's sentence will be reduced to a term of imprisonment
5 which is no longer than that provided for the offense in paragraph
6 (c) of subsection 1 and a fine of not more than the minimum fine
7 provided for the offense in NRS 484C.400, but the conviction must
8 remain on the record of criminal history of the offender.

9 5. The court shall administer the program of treatment pursuant
10 to the procedures provided in ~~NRS 458.320 and 458.330,~~ **sections**
11 **20 to 23, inclusive, of this act,** except that the court:

12 (a) Shall not defer the sentence, set aside the conviction or
13 impose conditions upon the election of treatment except as
14 otherwise provided in this section.

15 (b) May immediately revoke the suspension of sentence for a
16 violation of any condition of the suspension.

17 6. The court shall notify the Department, on a form approved
18 by the Department, upon granting the application of the offender for
19 treatment and his or her failure to be accepted for or complete
20 treatment.

21 **Sec. 128.** NRS 484C.330 is hereby amended to read as
22 follows:

23 484C.330 1. An offender who is found guilty of a violation
24 of NRS 484C.110 or 484C.120 that is punishable pursuant to
25 paragraph (b) of subsection 1 of NRS 484C.400 may, at that time or
26 any time before the offender is sentenced, apply to the court to
27 undergo a program of treatment for alcoholism or drug abuse for at
28 least 1 year. The court shall authorize that treatment if:

29 (a) The offender is diagnosed as an alcoholic or abuser of drugs
30 by:

31 (1) An alcohol and drug abuse counselor who is licensed or
32 certified, or a clinical alcohol and drug abuse counselor who is
33 licensed, pursuant to chapter 641C of NRS, to make that diagnosis;
34 or

35 (2) A physician who is certified to make that diagnosis by the
36 Board of Medical Examiners;

37 (b) The offender agrees to pay the costs of the treatment to the
38 extent of his or her financial resources; and

39 (c) The offender has served or will serve a term of imprisonment
40 in jail of 5 days and, if required pursuant to NRS 484C.400, has
41 performed or will perform not less than one-half of the hours of
42 community service.

43 2. A prosecuting attorney may, within 10 days after receiving
44 notice of an application for treatment pursuant to this section,
45 request a hearing on the matter. The court shall order a hearing on



1 the application upon the request of the prosecuting attorney or may
2 order a hearing on its own motion.

3 3. At the hearing on the application for treatment, the
4 prosecuting attorney may present the court with any relevant
5 evidence on the matter. If a hearing is not held, the court shall
6 decide the matter upon affidavits and other information before the
7 court.

8 4. If the court grants an application for treatment, the court
9 shall:

10 (a) Immediately sentence the offender and enter judgment
11 accordingly.

12 (b) Suspend the sentence of the offender for not more than 3
13 years upon the condition that the offender be accepted for treatment
14 by a treatment provider that is approved by the court, that the
15 offender complete the treatment satisfactorily and that the offender
16 comply with any other condition ordered by the court. If the court
17 has a specialty court program for the supervision and monitoring of
18 the person, the treatment provider must comply with the
19 requirements of the specialty court, including, without limitation,
20 any requirement to submit progress reports to the specialty court.

21 (c) Advise the offender that:

22 (1) He or she may be placed under the supervision of the
23 treatment provider for a period not to exceed 3 years.

24 (2) The court may order the offender to be admitted to a
25 residential treatment facility or to be provided with outpatient
26 treatment in the community.

27 (3) If the offender fails to complete the program of treatment
28 satisfactorily, the offender shall serve the sentence imposed by the
29 court. Any sentence of imprisonment must be reduced by a time
30 equal to that which the offender served before beginning treatment.

31 (4) If the offender completes the treatment satisfactorily, the
32 offender's sentence will be reduced to a term of imprisonment
33 which is no longer than that provided for the offense in paragraph
34 (c) of subsection 1 and a fine of not more than the minimum
35 provided for the offense in NRS 484C.400, but the conviction must
36 remain on the record of criminal history of the offender.

37 5. The court shall administer the program of treatment pursuant
38 to the procedures provided in ~~NRS 458.320 and 458.330,~~ **sections**
39 **20 to 23, inclusive, of this act,** except that the court:

40 (a) Shall not defer the sentence, set aside the conviction or
41 impose conditions upon the election of treatment except as
42 otherwise provided in this section.

43 (b) May immediately revoke the suspension of sentence for a
44 violation of a condition of the suspension.



6. The court shall notify the Department, on a form approved by the Department, upon granting the application of the offender for treatment and his or her failure to be accepted for or complete treatment.

Sec. 129. NRS 484C.340 is hereby amended to read as follows:

484C.340 1. An offender who enters a plea of guilty or nolo contendere to a violation of NRS 484C.110 or 484C.120 that is punishable pursuant to paragraph (c) of subsection 1 of NRS 484C.400 may, at the time the offender enters a plea, apply to the court to undergo a program of treatment for alcoholism or drug abuse for at least 3 years. The court may authorize that treatment if:

(a) The offender is diagnosed as an alcoholic or abuser of drugs by:

(1) An alcohol and drug abuse counselor who is licensed or certified, or a clinical alcohol and drug abuse counselor who is licensed, pursuant to chapter 641C of NRS, to make that diagnosis; or

(2) A physician who is certified to make that diagnosis by the Board of Medical Examiners; and

(b) The offender agrees to pay the costs of the treatment to the extent of his or her financial resources.

➔ An alcohol and drug abuse counselor, a clinical alcohol and drug abuse counselor or a physician who diagnoses an offender as an alcoholic or abuser of drugs shall make a report and recommendation to the court concerning the length and type of treatment required for the offender.

2. A prosecuting attorney may, within 10 days after receiving notice of an application for treatment pursuant to this section, request a hearing on the matter. The court shall order a hearing on the application upon the request of the prosecuting attorney or may order a hearing on its own motion.

3. At the hearing on the application for treatment, the prosecuting attorney may present the court with any relevant evidence on the matter. If a hearing is not held, the court shall decide the matter and other information before the court.

4. If the court determines that an application for treatment should be granted, the court shall:

(a) Immediately, without entering a judgment of conviction and with the consent of the offender, suspend further proceedings and place the offender on probation for not more than 5 years.

(b) Order the offender to complete a program of treatment for alcoholism or drug abuse with a treatment provider approved by the court. If the court has a specialty court program for the supervision and monitoring of the person, the treatment provider must comply



1 with the requirements of the specialty court, including, without
2 limitation, any requirement to submit progress reports to the
3 specialty court.

4 (c) Advise the offender that:

5 (1) He or she may be placed under the supervision of a
6 treatment provider for not more than 5 years.

7 (2) The court may order the offender to be admitted to a
8 residential treatment facility or to be provided with outpatient
9 treatment in the community.

10 (3) The court will enter a judgment of conviction for a
11 violation of paragraph (c) of subsection 1 of NRS 484C.400 if a
12 treatment provider fails to accept the offender for a program of
13 treatment for alcoholism or drug abuse or if the offender fails to
14 complete the program of treatment satisfactorily. Any sentence of
15 imprisonment may be reduced by a time equal to that which the
16 offender served before beginning treatment.

17 (4) If the offender completes the treatment satisfactorily, the
18 court will enter a judgment of conviction for a violation of
19 paragraph (b) of subsection 1 of NRS 484C.400.

20 (5) The provisions of NRS 483.460 requiring the revocation
21 of the license, permit or privilege of the offender to drive do not
22 apply.

23 5. The court shall administer the program of treatment pursuant
24 to the procedures provided in ~~NRS 458.320 and 458.330,~~ **sections**
25 **20 to 23, inclusive, of this act,** except that the court:

26 (a) Shall not defer the sentence or set aside the conviction upon
27 the election of treatment, except as otherwise provided in this
28 section; and

29 (b) May enter a judgment of conviction and proceed as provided
30 in paragraph (c) of subsection 1 of NRS 484C.400 for a violation of
31 a condition ordered by the court.

32 6. To participate in a program of treatment, the offender must:

33 (a) Serve not less than 6 months of residential confinement;

34 (b) Install, at his or her own expense, a device for not less than
35 12 months;

36 (c) Not drive any vehicle unless it is equipped with a device;

37 (d) Agree to be subject to periodic testing for the use of alcohol
38 or controlled substances while participating in a program of
39 treatment; and

40 (e) Agree to any other conditions that the court deems necessary.

41 7. An offender may not apply to the court to undergo a
42 program of treatment for alcoholism or drug abuse pursuant to this
43 section if the offender has previously applied to receive treatment
44 pursuant to this section or if the offender has previously been
45 convicted of:



(a) A violation of NRS 484C.430;

(b) A violation of NRS 484C.130;

(c) A homicide resulting from driving or being in actual physical control of a vehicle while under the influence of intoxicating liquor or a controlled substance or resulting from any other conduct prohibited by NRS 484C.110, 484C.130 or 484C.430;

(d) A violation of paragraph (c) of subsection 1 of NRS 484C.400;

(e) A violation of NRS 484C.410; or

(f) A violation of law of any other jurisdiction that prohibits the same or similar conduct as set forth in paragraph (a), (b), (c) or (d).

8. As used in this section, "device" has the meaning ascribed to it in NRS 484C.450.

Sec. 130. NRS 484D.335 is hereby amended to read as follows:

484D.335 1. A person is guilty of a category ~~IB~~ C 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, or by a fine of not more than \$10,000, or by both fine and imprisonment.]~~ as provided in NRS 193.130 if the person knowingly sells a motor vehicle whose odometer has been altered for the purpose of fraud.

2. Except as otherwise provided in subsection 1, any person who violates the provisions of NRS 484D.300 to 484D.345, inclusive, is guilty of a misdemeanor.

Sec. 131. NRS 501.3765 is hereby amended to read as follows:

501.3765 1. Any person who intentionally steals, takes and carries away one or more traps, snares or similar devices owned by another person with an aggregate value of less than ~~[\$650]~~ \$2,000 is guilty of a gross misdemeanor.

2. Any person who buys, receives, possesses or withholds one or more traps, snares or similar devices owned by another person with an aggregate value of less than ~~[\$650]~~ \$2,000:

(a) Knowing that the traps, snares or similar devices are stolen property; or

(b) Under such circumstances as should have caused a reasonable person to know that the traps, snares or similar devices are stolen property,

↪ is guilty of a gross misdemeanor.

Sec. 132. NRS 612.445 is hereby amended to read as follows:

612.445 1. A person shall not make a false statement or representation, knowing it to be false, or knowingly fail to disclose a material fact in order to obtain or increase any benefit or other payment under this chapter, including, without limitation, by:



(a) Failing to properly report earnings;

(b) Filing a claim for benefits using the social security number, name or other personal identifying information of another person; or

(c) Filing a claim for or receiving benefits and failing to disclose, at the time he or she files the claim or receives the benefits, any compensation for a temporary total disability or a temporary partial disability or money for rehabilitative services pursuant to chapters 616A to 616D, inclusive, or 617 of NRS received by the person or for which a claim has been submitted pursuant to those chapters.

➤ A person who violates the provisions of this subsection commits unemployment insurance fraud.

2. When the Administrator finds that a person has committed unemployment insurance fraud pursuant to subsection 1, the person shall repay to the Administrator for deposit in the Fund a sum equal to all of the benefits received by or paid to the person for each week with respect to which the false statement or representation was made or to which the person failed to disclose a material fact in addition to any interest, penalties and costs related to that sum. Except as otherwise provided in subsection 3 of NRS 612.480, the Administrator may make an initial determination finding that a person has committed unemployment insurance fraud pursuant to subsection 1 at any time within 4 years after the first day of the benefit year in which the person committed the unemployment insurance fraud.

3. Except as otherwise provided in this subsection and subsection 8, the person is disqualified from receiving unemployment compensation benefits under this chapter:

(a) For a period beginning with the week in which the Administrator issues a finding that the person has committed unemployment insurance fraud pursuant to subsection 1 and ending not more than 52 consecutive weeks after the week in which it is determined that a claim was filed in violation of subsection 1; or

(b) Until the sum described in subsection 2, in addition to any interest, penalties or costs related to that sum, is repaid to the Administrator,

➤ whichever is longer. The Administrator shall fix the period of disqualification according to the circumstances in each case.

4. It is a violation of subsection 1 for a person to file a claim, or to cause or allow a claim to be filed on his or her behalf, if:

(a) The person is incarcerated in the state prison or any county or city jail or detention facility or other correctional facility in this State; and

(b) The claim does not expressly disclose his or her incarceration.



* A B 2 3 6 *

5. A person who obtains benefits of ~~1~~ ~~\$650~~ **\$1,000** or more in violation of subsection 1 shall be punished in the same manner as theft pursuant to subsection ~~3 or 4~~ **2** of NRS 205.0835.

6. In addition to the repayment of benefits required pursuant to subsection 2, the Administrator:

(a) Shall impose a penalty equal to 15 percent of the total amount of benefits received by the person in violation of subsection 1. Money recovered by the Administrator pursuant to this paragraph must be deposited in the Unemployment Trust Fund in accordance with the provisions of NRS 612.590.

(b) May impose a penalty equal to not more than:

(1) If the amount of such benefits is greater than \$25 but not greater than \$1,000, 5 percent;

(2) If the amount of such benefits is greater than \$1,000 but not greater than \$2,500, 10 percent; or

(3) If the amount of such benefits is greater than \$2,500, 35 percent,

➔ of the total amount of benefits received by the person in violation of subsection 1 or any other provision of this chapter. Money recovered by the Administrator pursuant to this paragraph must be deposited in the Employment Security Fund in accordance with the provisions of NRS 612.615.

7. Except as otherwise provided in subsection 8, a person may not pay benefits as required pursuant to subsection 2 by using benefits which would otherwise be due and payable to the person if he or she was not disqualified.

8. The Administrator may waive the period of disqualification prescribed in subsection 3 for good cause shown or if the person adheres to a repayment schedule authorized by the Administrator that is designed to fully repay benefits received from an improper claim, in addition to any related interest, penalties and costs, within 18 months. If the Administrator waives the period of disqualification pursuant to this subsection, the person may repay benefits as required pursuant to subsection 2 by using any benefits which are due and payable to the person, except that benefits which are due and payable to the person may not be used to repay any related interest, penalties and costs.

9. The Administrator may recover any money required to be paid pursuant to this section in accordance with the provisions of NRS 612.365 and may collect interest on any such money in accordance with the provisions of NRS 612.620.

Sec. 133. NRS 652.074 is hereby amended to read as follows:
652.074 The provisions of this chapter do not apply to any:

1. Test or examination conducted by a law enforcement officer or agency;



2. Test or examination required by a court as a part of or in addition to a program of treatment and rehabilitation pursuant to

~~NRS 453.580;~~ *section 20 of this act;* or

3. Task performed in accordance with the regulations adopted by the Board pursuant to NRS 449.0304 or 449.4309.

Sec. 134. The provisions of subsection 1 of NRS 218D.380 do not apply to any provision of this act which adds or revises a requirement to submit a report to the Legislature.

Sec. 135. The provisions of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.

Sec. 136. NRS 453.580, 458.290, 458.300, 458.310, 458.320, 458.325, 458.330, 458.340 and 458.350 are hereby repealed.

LEADLINES OF REPEALED SECTIONS

453.580 Program for treatment of certain offenders: Requirements; payment of costs; completion in another jurisdiction.

458.290 "Drug addict" defined.

458.300 Eligibility for assignment to program of treatment.

458.310 Hearing to determine whether defendant should receive treatment.

458.320 Examination of defendant; determination of acceptability for treatment; imposition of conditions; deferment of sentencing; payment of costs of treatment.

458.325 Completion of treatment under supervision of treatment provider in another jurisdiction.

458.330 Deferment of sentencing; satisfaction of conditions for treatment; determination of transfer to another treatment provider or sentencing; sealing of records.

458.340 Civil commitment not criminal conviction.

458.350 State or political subdivision not required to provide treatment provider for treatment.

