

Amendment No. 723

Assembly Amendment to Assembly Bill No. 236
(BDR 14-564)

Proposed by: Assembly Committee on Judiciary

Amends: Summary: No Title: Yes Preamble: No Joint Sponsorship: No Digest: Yes

Adoption of this amendment will MAINTAIN the unfunded mandate not requested by the affected local government to A.B. 236 (§§ 12, 105).

ASSEMBLY ACTION				Initial and Date	SENATE ACTION				Initial and Date
Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____	Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____
Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____	Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____
Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____	Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____

EXPLANATION: Matter in (1) *blue bold italics* is new language in the original bill; (2) variations of green bold underlining is language proposed to be added in this amendment; (3) ~~red-strikethrough~~ is deleted language in the original bill; (4) ~~purple double strikethrough~~ is language proposed to be deleted in this amendment; (5) orange double underlining is deleted language in the original bill proposed to be retained in this amendment.

MNM/BAW



Date: 5/21/2019

A.B. No. 236—Makes various changes related to criminal law and criminal procedure. (BDR 14-564)



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; creating the Office of the Nevada Sentencing Commission within the Office of the Governor; 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~~ revising provisions relating to ~~batterers' intervention~~ programs ~~for~~ for the treatment of persons who commit domestic violence; 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; making it unlawful to install or affix a scanning device within or upon a machine used for financial transactions under certain circumstances; making it unlawful to access a scanning device under certain circumstances; revising provisions relating to habitual criminals; requiring the Peace Officers' Standards and Training Commission to develop and implement a ~~mental~~ behavioral 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 gross misdemeanors or 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}~~ **Section 27** ~~{and 29}~~ of this bill ~~{revise}~~ revises provisions relating to the eligibility of a defendant to participate in a program for the treatment of mental illness and intellectual disabilities ~~{or}~~, and sections 29 and 29.5 of this bill revise provisions relating to the eligibility of a defendant to participate in 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}~~ use 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]~~ **crime** 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 authorizes a person to petition the court in which the person was convicted for the sealing of all records relating to the conviction, but excludes certain specified convictions. (NRS 179.245) Section 37 of this bill prohibits a person from petitioning the court to seal records relating to a conviction of invasion of the home with a deadly weapon.

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]~~ **\$1,200** and establishes a tier of penalties based on the value of the property or services involved in the theft. **Sections 59, 60, 61-64, 65-83, 85, 126, 131 and 132** of this bill make conforming changes to various theft offenses that use monetary thresholds.

Existing law makes it a crime for a person to use a scanning device to access, read, obtain, memorize or store information encoded on the magnetic strip of a payment card: (1) without the permission of the authorized user of the card; and (2) with the intent to defraud the user or issuer of the card or any other person. (NRS 205.605) Existing law also makes it a crime for a person to possess a scanning device with the intent to use it for an unlawful purpose. (NRS 205.606) Section 84.3 of this bill makes it a crime for a person to install or affix a scanning device within or upon a machine used for financial transactions with the intent to use the scanning device for an unlawful purpose. Section 84.3 also makes it a crime for a person to access, by electronic or any other means, a scanning device with the intent to use the scanning device for an unlawful purpose. Section 84.3 provides that a person who installs, affixes or accesses a scanning device in such an unlawful manner is guilty of a category C felony.

Existing law exempts certain persons from the provisions governing the unlawful use or possession of scanning devices. Existing law provides that a person is exempt from these provisions if he or she uses or possesses a scanning device without the intent to defraud or commit an unlawful act: (1) in the ordinary course of his or her business; or (2) with the consent of the authorized user of a payment card to complete a financial transaction using that card. (NRS 205.607) Section 84.5 of this bill expands this exemption to include a person who installs, affixes or accesses a scanning device without

the intent to commit an unlawful act: (1) in the ordinary course of his or her business; or (2) to complete such a financial transaction.

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 generally 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}~~ imposing a penalty. **Section 122** of this bill provides that the court may grant probation to or suspend the sentence of certain persons who are convicted of trafficking a controlled substance. ~~{are not eligible for parole until the mandatory minimum term of imprisonment is served.}~~

Existing law provides that it is unlawful for a person to knowingly use or be under the influence of a controlled substance except in accordance with a lawfully used prescription or when administered to the person at certain rehabilitation clinics or hospitals. A person who violates any such provision is guilty of a gross misdemeanor or category E felony depending on the schedule in which the controlled substance is listed. (NRS 453.411) Section 122.5 of this bill decreases the penalty for such a violation to a misdemeanor, regardless of the schedule in which the controlled substance is listed.

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}~~ based on the quantity possessed and 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 or unlawful use 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}~~ he or she is convicted of a 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.}~~ and has previously been convicted at least five times of a felony.

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]~~ **18** months. **Section 91** also establishes requirements relating to a request for medical release that must be submitted to the Director. **Section** ~~[93]~~ **93.3** 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 ; (2) have not been convicted of a crime of violence, certain offenses committed against a child, a sexual offense, vehicular homicide or driving under the influence of alcohol or a prohibited substance and causing the death of or substantial bodily harm to another person; and (3) have served** ~~[7]~~ **8 consecutive years** ~~[of their minimum term or minimum aggregate term of imprisonment.] in the custody of the Department or at least a majority of the maximum term or maximum aggregate term of his or her sentence, whichever occurs earlier.~~

Section 93.7 of this bill **requires the Division to recommend the early discharge of a person from parole to the Board in certain circumstances and authorizes the Board to adopt any regulations necessary to carry out provisions relating to the early discharge of such a person.**

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 92 also requires the Director to clearly indicate on any photo identification card provided to an offender whether or not the Director has verified the full legal name and age of the offender.**

Existing law requires the Division of Public and Behavioral Health of the Department of Health and Human Services to adopt regulations governing the evaluation, certification and monitoring of programs for the treatment of persons who commit domestic violence. (NRS 439.258) Section 110.5 of this bill provides that such regulations must include provisions requiring that a program: (1) include a module specific to victim safety; and (2) be based on evidence-based practices and the assessment of a program participant by a supervisor of treatment or provider of treatment. **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~~ **behavioral** health field response grant program to allow law enforcement and ~~mental~~ **behavioral** 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]~~ Existing law establishes the Nevada Sentencing Commission ("Sentencing Commission") , which is charged with, among other duties, identifying and studying the sentencing of offenders convicted of a crime in this State and making recommendations concerning the adoption of sentencing guidelines. (NRS 176.0131-176.0139) Section 5.5 of this bill creates the Office of the Nevada Sentencing Commission within the Office of the Governor and provides for the appointment of an Executive Director of the Office. Section 5.6 of this bill prescribes the duties of the Executive Director. Section 5.7 of this bill requires the Executive Director to select at least one research analyst and two secretaries for the Office and provides for the duties of those positions. Section 9.3 of this bill: (1) revises the membership of the Sentencing Commission to remove the Attorney General and the State Public Defender; (2) revises the membership of the Sentencing Commission to add a member from the Office of the Clark County Public Defender and the Office of the Washoe County Public Defender; and (3) requires the Sentencing Commission to hold its first meeting on or before September 1 of each odd-numbered year.

Existing law requires the Sentencing Commission to be provided with such staff as is necessary, to the extent of legislative appropriation, by the Director of the Legislative Counsel Bureau. (NRS 176.0133) Section 9.3 designates the Executive Director as the Executive Secretary of the Sentencing Commission and transfers the staffing of the Sentencing Commission to the newly established Office. Section 9.7 of this bill revises the duties of the Sentencing Commission to: (1) include the oversight of the Executive Director; and (2) provide certain recommendations and advice concerning the Office.

Section 6 of this bill requires the Sentencing Commission to: (1) track and assess outcomes resulting from , and trends observed after, 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 : (1) consists of one member from each county in the State whose population is less than 100,000 and two members from each county in the State whose population is 100,000 or more; and (2) is required to advise the Sentencing Commission on matters concerning the provisions of this bill as they relate to local governments and nonprofit organizations 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~~ **Arraignment must** be conducted in open court and ~~shall~~ **must** 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~~ **must** 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 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, **gross 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

~~{(4)}~~ (5) A minor traffic offense; and

(b) Has not previously been:

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

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

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

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

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

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

2. If a defendant is determined to be eligible for assignment to a preprosecution diversion program pursuant to NRS 174.031, the **district court**,

1 justice ***court*** or municipal court must receive input from the prosecuting attorney,
2 the attorney for the defendant, if any, and the defendant relating to the terms and
3 conditions for the defendant's participation in the program.

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

6 (a) A program of treatment which may rehabilitate a defendant, including,
7 without limitation, educational programs, participation in a support group, anger
8 management therapy, counseling or a program of treatment for veterans and
9 members of the military, mental illness or intellectual disabilities or the ~~abuse~~ ***use***
10 of alcohol or drugs;

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

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

17 4. If the ***district court***, justice court or municipal court determines that a
18 defendant may be rehabilitated by a program of treatment for veterans and members
19 of the military, persons with mental illness or intellectual disabilities or the ~~abuse~~ ***use***
20 of alcohol or drugs, the court may refer the defendant to an appropriate
21 program of treatment established pursuant to NRS 176A.250, 176A.280 or
22 ~~[453.580.]~~ ***section 20 of this act***. The court shall retain jurisdiction over the
23 defendant while the defendant completes such a program of treatment.

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

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

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

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

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

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

37 6. A defendant assigned to a preprosecution diversion program shall pay the
38 cost of any program of treatment required by this section to the extent of his or her
39 financial resources. The court shall not refuse to place a defendant in a program of
40 treatment if the defendant does not have the financial resources to pay any or all of
41 the costs of such program.

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

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

48 174.033 1. If the ***district court***, justice court or municipal court determines
49 that a defendant has successfully completed the terms and conditions of a
50 preprosecution diversion program ordered pursuant to subsection 5 of NRS
51 174.032, the court must discharge the defendant and dismiss the indictment,
52 information, complaint or 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~~ **5.2 to 8, inclusive**, of this act.

Sec. 5.2. As used in NRS 176.0132 to 176.0139, inclusive, and sections 5.2 to 8, inclusive, of this act, unless the context otherwise requires, the words and terms defined in NRS 176.0132 and sections 5.3 and 5.4 of this act have the meanings ascribed to them in those sections.

Sec. 5.3. "Executive Director" means the Executive Director of the Office.

Sec. 5.4. "Office" means the Office of the Nevada Sentencing Commission created by section 5.5 of this act.

Sec. 5.5. 1. The Office of the Nevada Sentencing Commission is hereby created within the Office of the Governor.

2. The Executive Director of the Office must be appointed by the Governor from a list of three persons recommended by the Sentencing Commission.

3. The Executive Director:

(a) Is not in the classified or unclassified service of this State;

(b) Serves at the pleasure of the Sentencing Commission, except that the Executive Director may only be removed upon a finding by the Sentencing Commission that his or her performance is unsatisfactory;

(c) Must be an attorney licensed to practice law in this State; and

(d) Shall devote his or her entire time and attention to the duties of his or her office and shall not engage in any other gainful employment or occupation.

Sec. 5.6. The Executive Director appointed pursuant to section 5.5 of this act shall:

1. Oversee all of the functions of the Office.

2. Serve as Executive Secretary of the Sentencing Commission without additional compensation.

3. Report to the Sentencing Commission on sentencing and related issues regarding the functions of the Office and provide such information to the Sentencing Commission as requested.

4. Assist the Sentencing Commission in determining necessary and appropriate recommendations to assist in carrying out the responsibilities of the Office.

5. Establish the budget for the Office.

6. Facilitate the collection and aggregation of data from the courts, Department of Corrections, Division of Parole and Probation of the Department of Public Safety and any other agency of criminal justice.

7. Identify variables or sets of data concerning criminal justice that are not currently collected or shared across agencies of criminal justice within this State.

8. Assist in the development, presentation and submittal of any legislative measure requested by the Sentencing Commission pursuant to NRS 218D.216.

9. Assist in preparing the comprehensive report required to be prepared by the Sentencing Commission pursuant to subsection 11 of NRS 176.0134 and submit the report pursuant to subsection 12 of that section.

10. Take any other actions necessary to carry out the powers and duties of the Sentencing Commission pursuant to NRS 176.0132 to 176.0139, inclusive, and sections 5.2 to 8, inclusive, of this act.

Sec. 5.7. 1. In addition to the Executive Director, the Office must include not less than one research analyst and two secretaries, each of whom must be selected by the Executive Director and serve at the pleasure of the Executive Director.

2. The research analyst:

(a) May be an attorney licensed to practice law in this State;

(b) Is not in the classified or unclassified service of this State;

(c) Must be proficient in the use, collection and analysis of statistics and data; and

(d) Shall devote his or her entire time and attention to his or her duties as specified by the Executive Director and shall not engage in any other gainful employment or occupation.

3. The secretaries selected pursuant to subsection 1:

(a) Are not in the classified or unclassified service of this State;

(b) Must include not less than one secretary who is proficient in transcribing minutes; and

(c) Shall be responsible for preparing and posting agendas, transcribing minutes and performing any other duties assigned by the Executive Director.

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~~

(I) 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, felony category, prior criminal history, gender identity or expression, race, ethnicity, sexual orientation, age and, if measured upon intake, risk score ~~and~~;

(II) The average minimum and maximum sentence term by type of offense, type of admission, felony category, prior criminal history, gender identity or expression, race, ethnicity, sexual orientation, age, mental health status and, if measured upon intake, risk score; and

(III) The number of persons who received a clinical assessment identifying a mental health or substance use disorder upon intake.

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

(I) The average length of stay in prison for ~~all types~~ each type of release ~~and types~~ by type of offense ~~and~~, felony category, prior criminal history, gender identity or expression, race, ethnicity, sexual orientation, age, mental health status and, if measured upon intake, risk score;

(II) The total number of persons released from prison each year by type of release ~~and~~, type of admission, felony category, prior criminal history, gender identity or expression, race, ethnicity, sexual orientation, age, mental health status and, if measured upon intake, risk score;

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

~~(IV)] The recidivism rate of persons released from prison ~~by~~ by type of release; and~~

~~(IV) The total number of persons released from prison each year who return to prison within 36 months by type of admission, type of release, type of return to prison, including, without limitation, whether such a subsequent prison admission was the result of a new felony conviction or a revocation of parole due to a technical violation, prior criminal history, gender identity or expression, race, ethnicity, sexual orientation, age, mental health status and, if measured upon intake, risk score.~~

~~(3) With respect to the number of persons in prison:~~

~~(I) The total number of persons held in prison on December 31 of each year, not including those persons released from a term of prison who reside in a parole housing unit, by type of offense, type of admission, felony category, prior criminal history, gender identity or expression, race, ethnicity, sexual orientation, age, mental health status and, if measured upon intake, risk score;~~

~~(II) The total number of persons held in prison on December 31 of each year who have been granted parole by the State Board of Parole Commissioners but remain in custody, and the reasons therefor;~~

~~(III) The total number of persons held in prison on December 31 of each year who are serving a sentence of life with or without the possibility of parole or who have been sentenced to death; and~~

~~(IV) The total number of persons as of December 31 of each year who have started a treatment program while in prison, have completed a treatment program while in prison and are awaiting a treatment program while in prison, by type of treatment program and type of offense.~~

~~(b) Track and assess outcomes resulting from the enactment of this act with respect to the following data, which the Division shall collect and report to the Sentencing Commission:~~

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

~~(I) The total number of supervision intakes by type of offense, felony category, prior criminal history, gender identity or expression, race, ethnicity, sexual orientation, age, mental health status and, if measured upon intake, risk score;~~

~~(II) The average ~~[sentence length]~~ term of probation imposed for persons on probation by type of offense;~~

~~(III) The average time served by persons on probation or parole ~~by~~ by type of discharge, felony category and type of offense;~~

~~(IV) The average time credited to a person's term of probation or parole as a result of successful compliance with supervision;~~

~~(V) The total number of supervision discharges by type of discharge ~~and~~~~

~~(V)] , including, without limitation, honorable discharges and dishonorable discharges, and cases resulting in a return to prison;~~

~~(VI) The recidivism rate of persons discharged from supervision ~~by~~ by type of discharge, according to the Division's internal definition of recidivism;~~

~~(VII) The number of persons identified as having a mental health issue or a substance use disorder; and~~

~~(VIII) The total number of persons on probation or parole who are located within this State on December 31 of each year, not including those persons who are under the custody of the Department of Corrections.~~

(2) 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 ~~for~~, including, without limitation, whether the revocation was the result of a mental health issue or substance use disorder;

(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 ~~non-jail~~ persons receiving administrative or jail sanctions ~~administered~~, by type of offense and felony category; and

(IV) The ~~total~~ median number of administrative ~~jail~~ sanctions issued by the Division to persons on supervision, by type of offense and ~~the~~ average length of stay in jail therefor;

~~(5) With~~ felony category.

(c) Track and assess outcomes resulting from the enactment of this act with respect to savings and reinvestment ~~for~~

~~(1)~~, including, without limitation:

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

~~(II)~~ (2) 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)~~ (3) The entities that received reinvestment funds, the total amount directed to each such entity and a description of how the funds were used.

~~(b)~~ (d) Track and assess trends observed after the enactment of this act, including, without limitation, the following data, which the Central Repository for Nevada Records of Criminal History shall collect and report to the Sentencing Commission as reported to the Federal Bureau of Investigation:

(1) The uniform crime rates for this State and each county in this State by index crimes and type of crime; and

(2) The percentage changes in uniform crime rates for this State and each county in this State over time by index crimes and type of crime.

(e) Identify gaps in this State's data tracking capabilities related to the criminal justice system and make recommendations for filling any such gaps.

(f) 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~~

(g) Employ and retain other professional staff as necessary to coordinate performance and outcome measurement and develop the report required pursuant to this section.

2. As used in this section:

(a) "Technical violation" has the meaning ascribed to it in section 18 of this act.

1 (b) "Type of admission" means the manner in which a person entered into
2 the custody of the Department of Corrections, according to the internal
3 definitions used by the Department of Corrections.

4 (c) "Type of offense" means an offense categorized by the Department of
5 Corrections as a violent offense, sex offense, drug offense, property offense, DUI
6 offense or other offense, consistent with the internal data systems used by the
7 Department of Corrections.

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

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

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

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

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

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

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

39 (c) *Any ~~mental~~ behavioral health field response grant program developed*
40 *and implemented pursuant to section 104 of this act;*

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

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

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

52 **Sec. 8. 1. The Nevada Local Justice Reinvestment Coordinating Council**
53 **is hereby created. The Council consists of ~~one~~ ;**

(a) One member from each county in this State ~~is~~ whose population is less than 100,000; and

(b) Two members from each county in this State whose population is 100,000 or more.

2. Each member of the Council must be appointed by the governing body of the applicable county. The Chair of the Sentencing Commission shall appoint the Chair of the Council from among the members of the Council.

~~2.3~~ 3. 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 and nonprofit organizations from the State General Fund;

(d) Oversee the implementation of local grants; ~~and~~

~~3.4~~ (e) Create performance measures to assess the effectiveness of the grants ~~is~~

(f) Identify opportunities for collaboration with the Department of Health and Human Services at the state and county level for treatment services and funding.

4. 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.

~~4.4~~ 5. 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.

~~5.5~~ 6. To the extent of legislative appropriation, the ~~Director of the Legislative Counsel Bureau~~ Sentencing Commission 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. 9.3. NRS 176.0133 is hereby amended to read as follows:

176.0133 1. The Nevada Sentencing Commission is hereby created. The Sentencing Commission consists of:

(a) One member appointed by the Governor;

(b) One member who is a justice of the Supreme Court of Nevada or a retired justice of the Supreme Court of Nevada, appointed by the Chief Justice of the Supreme Court of Nevada;

(c) Two members who are judges appointed by the Chief Justice of the Supreme Court of Nevada;

(d) One member who is a representative of the Administrative Office of the Courts appointed by the Chief Justice of the Supreme Court of Nevada;

(e) The Director of the Department of Corrections;

(f) ~~The Attorney General;~~

~~(g)~~ (g) One member who is a representative of the Office of the Attorney General, appointed by the Attorney General;

~~(b)~~ (g) One member who is a district attorney, appointed by the governing body of the Nevada District Attorneys Association;

~~(c)~~ The State Public Defender;

~~(d)~~ (h) One member who is a representative of the Office of the Clark County Public Defender, appointed by the head of the Office of the Clark County Public Defender;

~~(e)~~ (i) One member who is a representative of the ~~office~~ Office of ~~a county public defender~~ the Washoe County Public Defender, appointed by the ~~governing body of the State Bar~~ head of ~~Nevada~~

~~(f)~~ the Office of the Washoe County Public Defender;

~~(g)~~ (j) One member who is an attorney in private practice, experienced in defending criminal actions, appointed by the governing body of the State Bar of Nevada;

~~(h)~~ (k) One member who has been a victim of a crime or is a representative of an organization supporting the rights of victims of crime, appointed by the Governor;

~~(i)~~ (l) One member who is a member of the State Board of Parole Commissioners, appointed by the State Board of Parole Commissioners;

~~(j)~~ (m) One member who is a representative of the Division of Parole and Probation of the Department of Public Safety, appointed by the Governor;

~~(k)~~ (n) One member who is a representative of the Nevada Sheriffs' and Chiefs' Association, appointed by the Nevada Sheriffs' and Chiefs' Association;

~~(l)~~ (o) One member who is a representative of the Las Vegas Metropolitan Police Department, appointed by the Sheriff of Clark County;

~~(m)~~ (p) One member who is a representative of the Division of Public and Behavioral Health of the Department of Health and Human Services;

~~(n)~~ (q) One member who is a representative of an organization that advocates on behalf of inmates, appointed by the Governor;

~~(o)~~ (r) Two members who are Senators, one of whom is appointed by the Majority Leader of the Senate and one of whom is appointed by the Minority Leader of the Senate;

~~(p)~~ (s) Two members who are members of the Assembly, one of whom is appointed by the Speaker of the Assembly and one of whom is appointed by the Minority Leader of the Assembly;

~~(q)~~ (t) The Director of the Department of Employment, Training and Rehabilitation; and

~~(r)~~ (u) One member who is a representative of an organization that works with offenders upon release from incarceration to assist in reentry into the community appointed by the Chair of the Legislative Commission.

2. The Executive Director shall serve as the Executive Secretary of the Sentencing Commission.

3. If any organization listed in subsection 1 ceases to exist, the appointment required pursuant to that subsection must be made by the association's successor in interest, or, if there is no successor in interest, by the Governor.

~~(3)~~ 4. Each appointed member 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 Sentencing Commission must be filled in the same manner as the original appointment not later than 30 days after the vacancy occurs.

~~(4)~~ 5. The Legislators who are members of the Sentencing Commission are entitled to receive the salary provided for a majority of the members of the Legislature during the first 60 days of the preceding session for each day's attendance at a meeting of the Sentencing Commission.

1 ~~{5-}~~ 6. At the first regular meeting of each odd-numbered year, the members
2 of the Sentencing Commission shall elect a Chair by majority vote who shall serve
3 until the next Chair is elected.

4 ~~{6-}~~ 7. The Sentencing Commission shall ~~{meet}~~ :
5 (a) Hold its first meeting on or before September 1 of each odd-numbered
6 year; and

7 (b) Meet at least once every 3 months and may meet at such further times as
8 deemed necessary by the Chair.

9 ~~{7-}~~ 8. A member of the Sentencing Commission may designate a nonvoting
10 alternate to attend a meeting in his or her place.

11 ~~{8-}~~ 9. A majority of the members of the Sentencing Commission constitutes
12 a quorum for the transaction of business, and a majority of those members present
13 at any meeting is sufficient for any official action taken by the Sentencing
14 Commission. A nonvoting alternate designated by a member pursuant to subsection
15 7 who attends a meeting of the Sentencing Commission for which the alternate is
16 designated shall be deemed to be a member of the Sentencing Commission for the
17 purpose of determining whether a quorum exists.

18 ~~{9-}~~ 10. While engaged in the business of the Sentencing Commission, to the
19 extent of legislative appropriation, each member of the Sentencing Commission is
20 entitled to receive the per diem allowance and travel expenses provided for state
21 officers and employees generally.

22 ~~{10- To the extent of legislative appropriation, the Director of the Legislative~~
23 ~~Counsel Bureau}~~

24 11. The Office shall provide the Sentencing Commission with such staff as ~~{is~~
25 ~~necessary}~~ prescribed in sections 5.5, 5.6 and 5.7 of this act to carry out the duties
26 of the Sentencing Commission.

27 Sec. 9.7. NRS 176.0134 is hereby amended to read as follows:

28 176.0134 The Sentencing Commission shall:

29 1. Advise the Legislature on proposed legislation and make recommendations
30 with respect to all matters relating to the elements of this State's system of criminal
31 justice which affect the sentences imposed for felonies and gross misdemeanors.

32 2. Evaluate the effectiveness and fiscal impact of various policies and
33 practices regarding sentencing which are employed in this State and other states,
34 including, without limitation, the use of plea bargaining, probation, programs of
35 intensive supervision, programs of regimental discipline, imprisonment, sentencing
36 recommendations, mandatory and minimum sentencing, mandatory sentencing for
37 crimes involving the possession, manufacture and distribution of controlled
38 substances, enhanced penalties for habitual criminals, parole, credits against
39 sentences, residential confinement and alternatives to incarceration.

40 3. Recommend changes in the structure of sentencing in this State which, to
41 the extent practicable and with consideration for their fiscal impact, incorporate
42 general objectives and goals for sentencing, including, without limitation, the
43 following:

44 (a) Offenders must receive sentences that increase in direct proportion to the
45 severity of their crimes and their histories of criminality.

46 (b) Offenders who have extensive histories of criminality or who have
47 exhibited a propensity to commit crimes of a predatory or violent nature must
48 receive sentences which reflect the need to ensure the safety and protection of the
49 public and which allow for the imprisonment for life of such offenders.

50 (c) Offenders who have committed offenses that do not include acts of violence
51 and who have limited histories of criminality must receive sentences which reflect
52 the need to conserve scarce economic resources through the use of various
53 alternatives to traditional forms of incarceration.

(d) Offenders with similar histories of criminality who are convicted of similar crimes must receive sentences that are generally similar.

(e) Offenders sentenced to imprisonment must receive sentences which do not confuse or mislead the public as to the actual time those offenders must serve while incarcerated or before being released from confinement or supervision.

(f) Offenders must not receive disparate sentences based upon factors such as race, gender or economic status.

(g) Offenders must receive sentences which are based upon the specific circumstances and facts of their offenses, including the nature of the offense and any aggravating factors, the savagery of the offense, as evidenced by the extent of any injury to the victim, and the degree of criminal sophistication demonstrated by the offender's acts before, during and after commission of the offense.

4. Facilitate the development and maintenance of a statewide sentencing database in collaboration with state and local agencies, using existing databases or resources where appropriate.

5. Provide training regarding sentencing and related issues, policies and practices, and act as a sentencing policy resource for this State.

6. Evaluate the impact of pretrial, sentencing diversion, incarceration and postrelease supervision programs.

7. Identify potential areas of sentencing disparity related to race, gender and economic status.

8. Propose and recommend statutory sentencing guidelines, based on reasonable offense and offender characteristics which aim to preserve judicial discretion and provide for individualized sentencing, for the use of the district courts. If such guidelines are enacted by the Legislature, the Sentencing Commission shall review and propose any recommended changes.

9. Evaluate whether sentencing guidelines recommended pursuant to subsection 8 should be mandatory and if judicial findings should be required for any departures from the sentencing guidelines.

10. Oversee the Executive Director and provide recommendations and advice concerning the administration of the Office, including, without limitation:

(a) Receiving reports from the Executive Director and providing direction to the Executive Director concerning measures to be taken by the Office to ensure compliance with the duties of the Sentencing Commission.

(b) Reviewing information from the Office regarding sentencing of offenders in this State.

(c) Directing the Executive Director to conduct any audit, investigation or review the Sentencing Commission deems necessary to carry out the duties of the Sentencing Commission.

(d) Coordinating with the Executive Director to develop procedures for the identification and collection of data concerning the sentencing of offenders in this State.

(e) Providing direction to the Executive Director concerning any required reports and reviewing drafts of such reports.

(f) Reviewing recommendations of the Executive Director concerning the budget for the Office, improvements to the criminal justice system and legislation related to the duties of the Sentencing Commission.

(g) Providing advice and recommendations to the Executive Director on any other matter.

11. For each regular session of the Legislature, with the assistance of the Office, prepare a comprehensive report including:

(a) The Sentencing Commission's recommended changes pertaining to sentencing;

(b) The Sentencing Commission's findings and any recommendations for proposed legislation; and

(c) A reference to any legislative measure requested pursuant to NRS 218D.216.

~~12.~~ 12. The report prepared pursuant to subsection 11 must be submitted to ~~the~~:

(a) The Office of the Governor; and

(b) The Director of the Legislative Counsel Bureau for distribution to the Legislature not later than January 1 of each odd-numbered year.

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 ~~453.580,~~ 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. 10.5. NRS 176.033 is hereby amended to read as follows:

176.033 ~~176.033~~ If a sentence of imprisonment is required or permitted by statute, the court shall:

~~1. If sentencing a person who has been found guilty of a misdemeanor or a gross misdemeanor, sentence the person to imprisonment for a definite period of time within the maximum limit or the minimum and maximum limits prescribed by the applicable statute, taking due account of the gravity of the particular offense and of the character of the individual defendant.~~

~~2. If sentencing a person who has been found guilty of a felony, sentence the person to a minimum term and a maximum term of imprisonment, unless a definite term of imprisonment is required by statute.~~

~~3. If restitution is appropriate, set an amount of restitution for each victim of the offense and for expenses related to extradition in accordance with NRS 179.225.~~

~~4. At any time after a prisoner has been released on parole and has served one-half of the period of parole, or 10 consecutive years on parole in the case of a prisoner sentenced to life imprisonment, the State Board of Parole Commissioners, upon the recommendation of the Division, may petition the court of original jurisdiction requesting a modification of sentence. The Board shall give notice of the petition and hearing thereon to the Attorney General or district attorney who had jurisdiction in the original proceedings. Upon hearing the recommendation of the State Board of Parole Commissioners and good cause appearing, the court may modify the original sentence by reducing the maximum term of imprisonment but shall not make the term less than the minimum term prescribed by the applicable penal statute.]~~

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 the bail pursuant to this

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

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

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

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

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

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

(e) To pay the fine.

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

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

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

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

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

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

(1) Acquiring necessary capital goods;

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

(3) Providing training and education to personnel;

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

(5) Conducting audits of the program;

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

(7) Acquiring or using appropriate technology.

10. As used in this section:

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

(b) "Specialty court program" means a program established by a court to facilitate testing, treatment and oversight of certain persons over whom the court has jurisdiction and who the court has determined suffer from a mental illness or ~~abuses~~ uses 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. Such training must include, without limitation, education concerning behavioral health needs and intellectual or developmental disabilities.*

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;

(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

1 and the court, not later than 14 calendar days before the defendant will be
2 sentenced, the factual content of the report of any presentence investigation made
3 pursuant to NRS 176.135. ~~[and the recommendations of the Division.]~~

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

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

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

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

16 176.156 1. The Division shall disclose to the prosecuting attorney, the
17 counsel for the defendant and the defendant the factual content of the report of:

18 (a) Any presentence investigation made pursuant to NRS 176.135 ~~[and the~~
19 ~~recommendations of the Division]~~ and, if applicable, provide the documentation
20 required pursuant to subsection 2 of NRS 176.153, in the period provided in NRS
21 176.153.

22 (b) Any general investigation made pursuant to NRS 176.151.

23 ➤ The Division shall afford an opportunity to each party to object to factual errors
24 in any such report. ~~[and to comment on any recommendations.]~~ The court may
25 order the Division to correct the contents of any such report following sentencing of
26 the defendant if, within 180 days after the date on which the judgment of conviction
27 was entered, the prosecuting attorney and the defendant stipulate to correcting the
28 contents of any such report.

29 2. Unless otherwise ordered by a court, upon request, the Division shall
30 disclose the content of a report of a presentence investigation or general
31 investigation to a law enforcement agency of this State or a political subdivision
32 thereof and to a law enforcement agency of the Federal Government for the limited
33 purpose of performing their duties, including, without limitation, conducting
34 hearings that are public in nature.

35 3. Unless otherwise ordered by a court, upon request, the Division shall
36 disclose the content of a report of a presentence investigation or general
37 investigation to the Division of Public and Behavioral Health of the Department of
38 Health and Human Services for the limited purpose of performing its duties,
39 including, without limitation, evaluating and providing any report or information to
40 the Division concerning the mental health of:

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

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

43 4. Unless otherwise ordered by a court, upon request, the Division shall
44 disclose the content of a report of a presentence investigation or general
45 investigation to the Nevada Gaming Control Board for the limited purpose of
46 performing its duties in the administration of the provisions of chapters 462 to 467,
47 inclusive, of NRS.

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

1 **Sec. 16.** Chapter 176A of NRS is hereby amended by adding thereto the
2 provisions set forth as sections ~~16.7~~ **16.5** to 23, inclusive, of this act.

3 **Sec. 16.5.** *“Specialty court program” means a program established by a*
4 *court to facilitate testing, treatment and oversight of certain persons over whom*
5 *the court has jurisdiction and who the court has determined suffer from mental*
6 *illnesses or use alcohol or drugs. Such a program includes, without limitation, a*
7 *program established pursuant to NRS 176A.250, 176A.280 or section 20 of this*
8 *act.*

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

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

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

15 (c) ~~*He is in good standing with the payment of*~~ *Has paid restitution in full or,*
16 *because of economic hardship that is verified by the Division, has been unable to*
17 *make restitution as ordered by the court ~~for~~; and*

18 (d) *Has completed any program of substance use treatment or mental health*
19 *treatment or a specialty court program as mandated by the court or the Division.*

20 *2. This section must not be construed to prohibit the court from ~~denying~~*
21 *allowing the early discharge of a person from probation ~~even~~ if the person*
22 ~~*meets*~~ *does not meet* the requirements set forth in subsection 1.

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

26 (a) *Set forth a menu of presumptive sanctions for the most common*
27 *violations, including, without limitation, failure to report, willful failure to pay*
28 *finest and fees, failure to participate in a required program or service, failure to*
29 *complete community service and failure to refrain from the use of alcohol or*
30 *controlled substances.*

31 (b) *Take into account factors such as responsivity factors impacting a*
32 *person’s ability to successfully complete any conditions of supervision, the*
33 *severity of the current violation, the person’s previous criminal record, the*
34 *number and severity of any previous violations and the extent to which graduated*
35 *sanctions were imposed for previous violations.*

36 ~~*2. The Division shall establish by policy an administrative process to*~~
37 ~~*review and approve or reject, before imposition, graduated sanctions that deviate*~~
38 ~~*from the written system of graduated sanctions adopted pursuant to subsection 1*~~
39 ~~*and a quality assurance process to ensure proper imposition of graduated*~~
40 ~~*sanctions.*~~

41 ~~*3.*~~ *The Division shall establish and maintain a program of initial and*
42 *ongoing training for parole and probation officers regarding the system of*
43 *graduated sanctions.*

44 ~~*4.*~~ *3. Notwithstanding any rule or law to the contrary, a parole and*
45 *probation officer shall use graduated sanctions established pursuant to this*
46 *section when responding to a technical violation.*

47 ~~*5.*~~ *4. A parole and probation officer intending to impose a graduated*
48 *sanction shall provide the supervised person with ~~a written~~ notice of the*
49 *intended sanction. The notice must inform the person of any alleged violation*
50 *and the date thereof and the graduated sanction to be imposed. ~~Upon receipt of~~*
51 ~~*the notice, the person may accept or reject the sanction. If the person objects to*~~
52 ~~*the imposition of the sanction, the person is entitled to an administrative review*~~
53 ~~*by a parole and probation officer, other than the officer who imposed the*~~

~~sanction, not later than 15 calendar days after the issuance of the notice. If the Division affirms the recommendation contained in the notice, the sanction becomes effective immediately.~~

~~6-1~~ 5. The failure of a supervised person to comply with a sanction may constitute a technical violation of the conditions of probation or parole.

~~17-1~~ 6. The Division may not seek revocation of probation or parole for a technical violation of the conditions of probation or parole until all graduated sanctions have been exhausted. If the Division determines that all graduated sanctions have been exhausted, the Division shall submit a report to the court or Board outlining the reasons for the recommendation of revocation and the steps taken by the Division to change the supervised person's behavior while in the community, including, without limitation, any graduated sanctions imposed before recommending revocation.

~~18-1~~ 7. As used in this section:

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

(b) "Responsivity factors" has the meaning ascribed to it in 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, ~~for~~ gross misdemeanor, battery which constitutes domestic violence pursuant to NRS 200.485 or violation of NRS 484C.110 or 484C.120 and does not constitute absconding. The term does not include termination from a specialty court program.

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~~ Upon the consent of the defendant, the court shall:

(a) Shall defer judgment for any ~~person placed~~ defendant who has entered a plea of guilty, guilty but mentally ill or nolo contendere to a violation of paragraph (a) of subsection 2 of NRS 453.336; or

(b) May defer judgment for any defendant who is 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~~ any deferral period for not more than 12 months to allow for the completion of a specialty court program.

4. Upon violation of a term or condition:

(a) Except as otherwise provided in paragraph (b):

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

(2) 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.

(b) If the defendant has been placed in the program for a first or second violation of paragraph (a) of subsection 2 of NRS 453.336, the court may allow the defendant to continue to participate in the program or terminate the participation of the defendant in the program. If the court terminates the participation of the defendant in the program, the court shall allow the defendant to withdraw his or her plea.

5. 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.)~~ 6. 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 or the prosecutor petitions the court, for good cause shown, not to seal the records and requests a hearing thereon.

~~(6.)~~ 7. If the court orders sealed the record of a defendant discharged pursuant to this section, 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.

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

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

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

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

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

(b) ~~[Appears to suffer from]~~ Has been diagnosed as having a substance ~~[abuse]~~ use disorder ~~[.]~~ after an in-person clinical assessment; and

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

1 Sec. 22. 1. ~~FFF~~ Except as otherwise provided in paragraph (a) of
2 subsection 3 of section 19 of this act, if a defendant who suffers from a substance
3 ~~abuse~~ use disorder or any co-occurring disorder tenders a plea of guilty, guilty
4 but mentally ill or nolo contendere to, or is found guilty or guilty but mentally ill
5 of, any offense for which the suspension of sentence or the granting of probation
6 is not prohibited by statute, the court may ~~[-without-]~~ :

7 (a) Without entering a judgment of conviction and with the consent of the
8 defendant, suspend or defer further proceedings and ~~assign~~ place the defendant
9 ~~[-to treatment-]~~ on probation upon terms and conditions that must include
10 attendance and successful completion of a program established pursuant to
11 section 20 of this act if the court determines that the defendant is eligible for
12 participation in such a program ~~[-]~~ or

13 (b) Enter a judgment of conviction and place the defendant on probation
14 upon terms and conditions that must include attendance and successful
15 completion of a program established pursuant to section 20 of this act if the court
16 determines that the defendant is eligible for participation in such a program.

17 2. ~~FA~~ Except as otherwise provided in subsection 4, a defendant is eligible
18 for participation in a program established pursuant to section 20 of this act if the
19 defendant is diagnosed as having a substance ~~abuse~~ use disorder or any co-
20 occurring disorder:

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

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

23 (2) A duly licensed physician ~~[-who is certified-]~~ qualified by the Board of
24 Medical Examiners to make such a diagnosis; or

25 (b) Pursuant to a substance ~~abuse~~ use assessment.

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

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

32 ~~5. If the offense committed by the defendant~~ ~~involved the use or~~
33 ~~threatened use of force or violence or if~~ is a category A felony or a sexual
34 offense that is punishable as a category B felony, the defendant ~~[-was previously~~
35 ~~convicted in this State or in any other jurisdiction of a felony that involved the~~
36 ~~use or threatened use of force or violence, the court shall not defer the~~
37 ~~defendant's sentence but may assign the defendant to the]~~ is not eligible for
38 assignment to the program . [-as a condition of probation pursuant to NRS
39 176A.400.

40 ~~6. 5. Upon violation of a term or condition:~~

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

43 (b) Notwithstanding the provisions of paragraph (e) of subsection 2 of NRS
44 193.130, the court may order the defendant to the custody of the Department of
45 Corrections if the offense is punishable by imprisonment in the state prison.

46 ~~7. Upon~~

47 6. Except as otherwise provided in this subsection, upon fulfillment of the
48 terms and conditions, the court shall discharge the defendant from probation ~~[-if~~
49 ~~applicable,]~~ and dismiss the proceedings. If the defendant was previously
50 convicted in this State or in any other jurisdiction of a felony or previously failed
51 to complete a specialty court program, the court may, upon the defendant's
52 fulfillment of the terms and conditions, discharge the defendant from probation
53 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. 23. 1. After a defendant is discharged from probation or a case is dismissed pursuant to section 22 of this act, 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 who is discharged from probation or whose case ~~was~~ is dismissed pursuant to section 22 of this act, 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. 23.5. NRS 176A.010 is hereby amended to read as follows:

176A.010 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 176A.020 to 176A.090, inclusive, and section 16.5 of this act have the meanings ascribed to them in those sections.

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

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

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

(b) A category E felony, except as otherwise provided in this paragraph, the court shall suspend the execution of the sentence imposed and grant probation to the person. ~~The [Unless the person is found guilty of a category E felony pursuant to paragraph (b) of subsection 2 of NRS 453.336, the]~~ court may, as it deems advisable, decide not to suspend the execution of the sentence imposed and grant probation to the person if, at the time of sentencing, it is established that the person

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

(2) Had previously had the person's probation or parole 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 facilitate timely payments by the person of an obligation, if any, for the support of a child and the payment of any such obligation which is in arrears.

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

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

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

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

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

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

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

2 176A.250 A court may establish an appropriate program for the treatment of
3 mental illness or intellectual disabilities to which it may assign a defendant
4 pursuant to NRS 174.032, ~~for~~ 176A.260 ~~or~~ or 176A.400 or section 19 of this act.
5 The assignment must include the terms and conditions for successful completion of
6 the program and provide for progress reports at intervals set by the court to ensure
7 that the defendant is making satisfactory progress towards completion of the
8 program.

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

10 176A.260 1. Except as otherwise provided in subsection 2, paragraph (a)
11 of subsection 3 of section 19 of this act, if ~~if~~ a defendant who suffers from
12 mental illness or is intellectually disabled tenders a plea of guilty, guilty but
13 mentally ill or nolo contendere to, or is found guilty or guilty but mentally ill of,
14 any offense for which the suspension of sentence or the granting of probation is not
15 prohibited by statute, the court may ~~without~~ :

16 (a) Without entering a judgment of conviction and with the consent of the
17 defendant, suspend ~~or defer~~ further proceedings and place ~~assign~~ the defendant
18 on probation upon terms and conditions ~~to treatment~~ that must include attendance
19 and successful completion of a program established pursuant to NRS 176A.250 ~~if~~
20 if the court determines that the defendant is eligible for participation in such a
21 program ~~or~~ ; or

22 (b) Enter a judgment of conviction and place the defendant on probation
23 upon terms and conditions that must include attendance and successful
24 completion of a program established pursuant to NRS 176A.250, if the court
25 determines that the defendant is eligible for participation in such a program.

26 2. ~~if~~ Except as otherwise provided in subsection 4, a defendant is eligible
27 for participation in a program established pursuant to NRS 176A.250 if the
28 defendant is diagnosed as having a mental illness or an intellectual disability:

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

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

31 (2) A duly licensed physician ~~who is certified~~ qualified by the Board of
32 Medical Examiners to make such a diagnosis; and

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

35 3. A counselor or physician who diagnoses a defendant as having a mental
36 illness or intellectual disability shall submit a report and recommendation to the
37 court concerning the length and type of treatment required for the defendant ~~if~~
38 within the maximum probation terms applicable to the offense for which the
39 defendant is convicted.

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

43 ~~5. If the offense committed by the defendant involved the use or threatened~~
44 ~~use of force or violence or if the defendant was previously convicted in this State or~~
45 ~~in any other jurisdiction of a felony that involved the use or threatened use of force~~
46 ~~or violence, the court shall not defer the defendant's sentence but may not assign~~
47 is a category A felony or a sexual offense that is punishable as a category B
48 felony, the defendant ~~to the~~ is not eligible for assignment to the program. ~~unless~~
49 ~~the prosecuting attorney stipulates to the assignment.~~

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

51 ~~6. 5.~~ Upon violation of a term or condition:

52 (a) The court may enter a judgment of conviction and proceed as provided in
53 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]~~

6. Except as otherwise provided in this subsection, upon fulfillment of the terms and conditions, the court shall discharge the defendant from probation ~~if applicable,~~ and dismiss the proceedings. If the defendant was previously convicted in this State or in any other jurisdiction of a felony or previously failed to complete a specialty court program, the court may, upon the defendant's fulfillment of the terms and conditions, discharge the defendant from probation 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 or a 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 who is discharged from probation or 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~~ use screening, as suffering from:

(1) Mental illness, alcohol or drug ~~abuse,~~ use, 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 occurred while the veteran or member of the military was serving on active duty, active duty for training or inactive duty training.

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

Sec. 29.5. NRS 176A.287 is hereby amended to read as follows:

176A.287 1. Except as otherwise provided in subsection 2, a defendant is not eligible for assignment to a program of treatment established pursuant to NRS 176A.280 if :

(a) The offense committed by the defendant ~~+~~

~~— (a) Has previously been assigned to such a program. —~~ was a category A felony or a sexual offense that is punishable as a category B felony; or

(b) ~~[Was]~~ The defendant was discharged or released from the Armed Forces of the United States, a reserve component thereof or the National Guard under dishonorable conditions.

2. A defendant described in paragraph (b) of subsection 1 may be assigned to a program of treatment established pursuant to NRS 176A.280 if a justice court, municipal court or district court, as applicable, determines that extraordinary circumstances exist which warrant the assignment of the defendant to the program.

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

176A.290 1. Except as otherwise provided in ~~[subsection 2 and]~~ NRS 176A.287 ~~+~~ and paragraph (a) of subsection 3 of section 19 of this act, if a defendant described in NRS 176A.280 tenders a plea of guilty, guilty but mentally ill or nolo contendere to, or is found guilty or guilty but mentally ill of, any offense for which the suspension of sentence or the granting of probation is not prohibited by statute, the district court, justice court or municipal court, as applicable, may ~~+~~ without :

(a) Without entering a judgment of conviction and with the consent of the defendant, suspend or defer further proceedings and place ~~[assign]~~ the defendant on probation upon terms and conditions ~~[to treatment]~~ that must include attendance and successful completion of a program established pursuant to NRS 176A.280 ~~+~~ if the court determines that the defendant is eligible for participation in such a program ~~+~~ ; or

(b) Enter a judgment of conviction and place the defendant on probation upon terms and conditions that must include attendance and successful completion of a program established pursuant to NRS 176A.280 if the court determines that the defendant is eligible for participation in such a program.

2. ~~[Except as otherwise provided in subsection 3, 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.~~

~~3. 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 district court, justice court or municipal court, as applicable, shall~~

~~not defer the defendant's sentence but may not assign the defendant to the program unless the prosecuting attorney stipulates to the assignment. For the purposes of this subsection, in determining whether an offense involved the use or threatened use of force or violence, the district court, justice court or municipal court, as applicable, shall consider the facts and circumstances surrounding the offense, including, without limitation, whether the defendant intended to place another person in reasonable apprehension of bodily harm.~~

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

~~4.~~ Upon violation of a term or condition:

(a) The district court, justice court or municipal court, as applicable, may impose sanctions against the defendant for the violation, but allow the defendant to remain in the program. Before imposing a sanction, the court shall notify the defendant of the violation and provide the defendant an opportunity to respond. Any 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.

~~4.5.~~ 3. Except as otherwise provided in this subsection and subsection ~~5.6.~~ 4. 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. If the defendant was previously convicted in this State or in any other jurisdiction of a felony or previously failed to complete a specialty court program, the court may, upon the defendant's fulfillment of the terms and conditions, discharge the defendant from probation 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.

~~5.6.~~ 4. 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

1 contemplation of the law, to the status occupied before the arrest, complaint,
2 indictment or information. The defendant may not be held thereafter under any law
3 to be guilty of perjury or otherwise giving a false statement by reason of failure to
4 recite or acknowledge that arrest, complaint, indictment, information or trial in
5 response to an inquiry made of the defendant for any purpose.

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

7 176A.295 1. Except as otherwise provided in subsection 2, after a defendant
8 is discharged from probation or a case is dismissed pursuant to NRS 176A.290, the
9 justice court, municipal court or district court, as applicable, shall order sealed all
10 documents, papers and exhibits in the defendant's record, minute book entries and
11 entries on dockets, and other documents relating to the case in the custody of such
12 other agencies and officers as are named in the court's order if the defendant fulfills
13 the terms and conditions imposed by the court and the Division. The justice court,
14 municipal court or district court, as applicable, shall order those records sealed
15 without a hearing unless the Division petitions the court, for good cause shown, not
16 to seal the records and requests a hearing thereon.

17 2. If the defendant is charged with a violation of NRS 200.485, 484C.110 or
18 484C.120 and the charges are conditionally dismissed as provided in ~~subsection 5~~
19 ~~6-04~~ NRS 176A.290, not sooner than 7 years after such a conditional dismissal and
20 upon the filing of a petition by the defendant, the justice court, municipal court or
21 district court, as applicable, shall order that all documents, papers and exhibits in
22 the defendant's record, minute book entries and entries on dockets, and other
23 documents relating to the case in the custody of such other agencies and officers as
24 are named in the court's order be sealed. The justice court, municipal court or
25 district court, as applicable, shall order those records sealed without a hearing
26 unless the Division petitions the court, for good cause shown, not to seal the records
27 and requests a hearing thereon.

28 3. If the justice court, municipal court or district court, as applicable, orders
29 sealed the record of a defendant who is discharged from probation, whose case is
30 dismissed or whose charges were conditionally dismissed pursuant to NRS
31 176A.290, the court shall send a copy of the order to each agency or officer named
32 in the order. Each such agency or officer shall notify the justice court, municipal
33 court or district court, as applicable, in writing of its compliance with the order.

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

35 176A.400 1. In issuing an order granting probation, a suspended sentence
36 or a deferred sentence pursuant to section 19 of this act, the court may fix the
37 terms and conditions thereof, including, without limitation:

38 (a) A requirement for restitution;

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

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

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

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

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

51 (4) Prohibiting the probationer from engaging in specific conduct that ~~may~~
52 ~~be~~ is harmful to the probationer's own health, safety or welfare, or the health,
53 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 ~~[]~~, *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.* *violation for which a graduated sanction may be imposed in accordance with the system adopted by the Division pursuant to section 18 of this act.*

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 453.363 ~~[]~~ *or section 22 of this act;*

(b) ~~[Five years]~~ *Eighteen months* for a *category E* felony ~~[]~~;

(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.

~~[5.]~~ 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 ~~[7.]~~ 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.

~~[6.]~~ 7. A person must be allowed a deduction pursuant to paragraph (a) or (b) of subsection ~~[5.]~~ 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 ~~[5.]~~ 6 if the person has satisfied the requirements of both paragraphs of that subsection.

~~[7.]~~ 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.

~~[8.] 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 453.580. 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 granted the probation may assign the case to the district court of that district, with the consent of that court. The court retaining or thus acquiring jurisdiction shall cause the defendant to be brought before it, consider the standards adopted pursuant to NRS 213.10988 *and system of graduated sanctions adopted pursuant to section 18 of this act, as applicable*, and the recommendation, if any, of the Chief Parole and Probation Officer. Upon determining that the probationer has violated a condition of probation, the court

shall, if practicable, order the probationer to make restitution for any necessary expenses incurred by a governmental entity in returning the probationer to the court for violation of the probation. ~~[[he]]~~ *If the court finds that the probationer committed a violation of a condition of probation by committing a new felony, ~~for~~ gross misdemeanor, battery which constitutes domestic violence pursuant to NRS 200.485 or violation of NRS 484C.110 or 484C.120 or by absconding, the* court may:

~~[[1]]~~ (a) Continue or revoke the probation or suspension of sentence;
~~[[2]]~~ (b) Order the probationer to a term of residential confinement pursuant to NRS 176A.660;
~~[[3]]~~ (c) Order the probationer to undergo a program of regimental discipline pursuant to NRS 176A.780;
~~[[4]]~~ (d) Cause the sentence imposed to be executed; or
~~[[5]]~~ (e) Modify the original sentence imposed by reducing the term of imprisonment and cause the modified sentence to be executed. The court shall not make the term of imprisonment less than the minimum term of imprisonment prescribed by the applicable penal statute. If the Chief Parole and Probation Officer recommends that the sentence of a probationer be modified and the modified sentence be executed, the Chief Parole and Probation Officer shall provide notice of the recommendation to any victim of the crime for which the probationer was convicted who has requested in writing to be notified and who has provided a current address to the Division. The notice must inform the victim that he or she has the right to submit documents to the court and to be present and heard at the hearing to determine whether the sentence of a probationer who has violated a condition of probation should be modified. The court shall not modify the sentence of a probationer and cause the sentence to be executed until it has confirmed that the Chief Parole and Probation Officer has complied with the provisions of this ~~[[subsection]]~~ *paragraph*. The Chief Parole and Probation Officer must not be held responsible when such notification is not received by the victim if the victim has not provided a current address. 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 pursuant to this ~~[[subsection]]~~ *paragraph* is 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:

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

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

6 (a) Consuming any alcoholic beverage.
7 (b) Testing positive on a drug or alcohol test.
8 (c) Failing to abide by the requirements of a mental health or substance
9 ~~abuse~~ use treatment program.

10 (d) Failing to seek and maintain employment.

11 (e) Failing to pay any required fines or fees.

12 (f) Failing to report any changes in residence.

13 5. As used in this section:

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

16 (b) "Technical violation" means any alleged violation of the conditions of
17 probation that is not the commission of a new felony ~~or~~ gross misdemeanor ~~or~~
18 battery which constitutes domestic violence pursuant to NRS 200.485 or violation
19 of NRS 484C.110 or 484C.120 and does not constitute absconding. The term does
20 not include termination from a specialty court program.

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

22 178.461 1. If the proceedings against a defendant who is charged with any
23 category A felony or a category B felony listed in subsection 6 are dismissed
24 pursuant to subsection 5 of NRS 178.425, the prosecuting attorney may, within 10
25 judicial days after the dismissal, file a motion with the court for a hearing to
26 determine whether to commit the person to the custody of the Administrator
27 pursuant to subsection 3. Except as otherwise provided in subsection 2, the court
28 shall hold the hearing within 10 judicial days after the motion is filed with the
29 court.

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

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

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

47 (b) That the person be committed to the custody of the Administrator and kept
48 under observation until the person is eligible for conditional release pursuant to
49 NRS 178.463 or until the maximum length of commitment described in subsection
50 4 or 7 has expired.

51 4. Except as otherwise provided in subsection 7, the length of commitment of
52 a person pursuant to subsection 3 must not exceed 10 years, including any time that
53 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 limitation, the Attorney General, who prosecuted the petitioner for the crime. The prosecuting attorney and any person having relevant evidence may testify and present evidence at any hearing on the petition.

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

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

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

(a) A crime against a child;

(b) A sexual offense;

(c) *Invasion of the home with a deadly weapon pursuant to NRS 205.067;*

(d) A violation of NRS 484C.110 or 484C.120 that is punishable as a felony pursuant to paragraph (c) of subsection 1 of NRS 484C.400;

~~(e)~~ (e) A violation of NRS 484C.430;

~~(f)~~ (f) 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;

~~(g)~~ (g) A violation of NRS 488.410 that is punishable as a felony pursuant to NRS 488.427; or

~~(h)~~ (h) A violation of NRS 488.420 or 488.425.

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

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

1 prosecution of the charges or such person is acquitted of the charges, the person
2 may petition:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

34 (1) Date of birth of the petitioner;

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

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

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

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

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

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

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

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

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

52 ➤ The prosecuting attorney and any person having relevant evidence may testify
53 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

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

4 3. A person who has had his or her records sealed in this State or any other
5 state and whose official documentation of the restoration of civil rights is lost,
6 damaged or destroyed may file a written request with a court of competent
7 jurisdiction to restore his or her civil rights pursuant to this section. Upon
8 verification that the person has had his or her records sealed, the court shall issue an
9 order restoring the person to the civil rights to vote, to hold office and to serve on a
10 jury. A person must not be required to pay a fee to receive such an order.

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

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

16 179.295 1. The person who is the subject of the records that are sealed
17 pursuant to NRS 174.034, 176A.265, 176A.295, 179.245, 179.247, 179.255,
18 179.259, 179.2595, 201.354, 453.3365 or ~~458.3301~~ **section 19 or 23 of this act**
19 may petition the court that ordered the records sealed to permit inspection of the
20 records by a person named in the petition, and the court may order such inspection.
21 Except as otherwise provided in this section, subsection 9 of NRS 179.255 and
22 NRS 179.259 and 179.301, the court may not order the inspection of the records
23 under any other circumstances.

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

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

34 4. This section does not prohibit a court from considering a ~~conviction~~
35 **proceeding** for which records have been sealed pursuant to NRS 174.034,
36 176A.265, 176A.295, 179.245, 179.247, 179.255, 179.259, 179.2595, 201.354,
37 453.3365 or ~~458.3301~~ **section 19 or 23 of this act** in determining whether to grant
38 a petition pursuant to NRS 176A.265, 176A.295, 179.245, 179.255, 179.259,
39 179.2595, 453.3365 or ~~458.3301~~ **section 19 or 23 of this act** for a conviction of
40 another offense.

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

42 4.075 1. In a county whose population is less than 100,000, the board of
43 county commissioners may, in addition to any other fee required by law, impose by
44 ordinance a filing fee of not more than \$10 to be paid on the commencement of any
45 action or proceeding in the justice court for which a fee is required and on the filing
46 of any answer or appearance in any such action or proceeding for which a fee is
47 required.

48 2. On or before the fifth day of each month, in a county where a fee has been
49 imposed pursuant to subsection 1, the justice of the peace shall account for and pay
50 over to the county treasurer any such fees collected by the justice of the peace
51 during the preceding month for credit to an account for programs for the prevention
52 and treatment of the ~~abuse~~ **use** of alcohol and drugs in the county general fund.
53 The money in that account must be used only to support programs for the

1 prevention or treatment of the ~~abuse~~ use of alcohol or drugs which may include,
2 without limitation, any program ~~off~~ for the treatment ~~for the abuse~~ of drug or
3 alcohol ~~for drugs abuse~~ use established in a judicial district pursuant to ~~NRS~~
4 ~~453.580~~ section 20 of this act.

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

6 4.3713 1. A justice court may, on its own motion, transfer original
7 jurisdiction of a criminal case filed with that court to another justice court or a
8 municipal court if:

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

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

14 (c) The defendant agrees to participate in a program of treatment, including,
15 without limitation, a program of treatment made available pursuant to NRS
16 176A.250, 176A.280 ~~[-453.580]~~ or ~~[458.300]~~ section 20 of this act, or to access
17 other services located elsewhere in this State.

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

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

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

27 4.3715 1. A justice court may, on its own motion, transfer original
28 jurisdiction of a criminal case filed with that court to a district court in this State if
29 the defendant agrees to participate in a program of treatment, including, without
30 limitation, a program of treatment made available pursuant to NRS 176A.250,
31 176A.280 ~~[-453.580]~~ or ~~[458.300]~~ section 20 of this act, or to access other
32 services located elsewhere in this State.

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

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

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

42 4.373 1. Except as otherwise provided in subsections 2 and 3, NRS
43 211A.127 or another specific statute, or unless the suspension of a sentence is
44 expressly forbidden, a justice of the peace may suspend, for not more than 2 years,
45 the sentence or a portion thereof of a person convicted of a misdemeanor. If the
46 circumstances warrant, the justice of the peace may order as a condition of
47 suspension, without limitation, that the offender:

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

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

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

53 (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 , or comply with any other condition, deemed appropriate by the justice of the peace;

(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 a controlled substance or consuming alcohol.

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

(a) A program of treatment for the ~~abuse~~ use 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 ~~for 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

1 sentence or a portion thereof of a person convicted of a misdemeanor. If the
2 circumstances warrant, the municipal judge may order as a condition of suspension
3 , without limitation, that the offender:

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

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

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

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

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

11 (f) Engage or refrain from engaging in any other conduct , or comply with any
12 other condition, deemed appropriate by the municipal judge;

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

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

18 2. If a person is convicted of a misdemeanor that constitutes domestic
19 violence pursuant to NRS 33.018, the municipal judge may, after the person has
20 served any mandatory minimum period of confinement, suspend the remainder of
21 the sentence of the person for not more than 3 years upon the condition that the
22 person actively participate in:

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

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

29 (c) The programs set forth in paragraphs (a) and (b),
30 ➤ and that the person comply with any other condition of suspension ordered by
31 the municipal judge.

32 3. Except as otherwise provided in this subsection, if a person is convicted of
33 a misdemeanor that constitutes solicitation for prostitution pursuant to NRS
34 201.354 or paragraph (b) of subsection 1 of NRS 207.030, the municipal judge may
35 suspend the sentence for not more than 2 years upon the condition that the person:

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

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

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

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

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

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

5.057 1. As soon as possible after a defendant is arrested or cited, the municipal judge 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. Before accepting a plea from a defendant or 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, 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 ~~NRS 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~~ *use* 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~~ *use* of alcohol or drugs which may include, without limitation, any program ~~for~~ *for* treatment ~~for the abuse~~ of *drug or* alcohol ~~for drugs abuse~~ *use* established in a judicial district pursuant to ~~NRS 453.580.~~ *section 20 of this act.*

Sec. 51.5. NRS 193.130 is hereby amended to read as follows:

193.130 1. Except when a person is convicted of a category A felony, and except as otherwise provided by specific statute, a person convicted of a felony shall be sentenced to a minimum term and a maximum term of imprisonment which must be within the limits prescribed by the applicable statute, unless the statute in force at the time of commission of the felony prescribed a different penalty. The minimum term of imprisonment that may be imposed must not exceed 40 percent of the maximum term imposed.

2. Except as otherwise provided by specific statute, for each felony committed on or after July 1, 1995:

(a) A category A felony is a felony for which a sentence of death or imprisonment in the state prison for life with or without the possibility of parole may be imposed, as provided by specific statute.

(b) A category B felony is a felony for which the minimum term of imprisonment in the state prison that may be imposed is not less than 1 year and the

1 maximum term of imprisonment that may be imposed is not more than 20 years, as
2 provided by specific statute.

3 (c) A category C felony is a felony for which a court shall sentence a convicted
4 person to imprisonment in the state prison for a minimum term of not less than 1
5 year and a maximum term of not more than 5 years. In addition to any other
6 penalty, the court may impose a fine of not more than \$10,000, unless a greater fine
7 is authorized or required by statute.

8 (d) A category D felony is a felony for which a court shall sentence a convicted
9 person to imprisonment in the state prison for a minimum term of not less than 1
10 year and a maximum term of not more than 4 years. In addition to any other
11 penalty, the court may impose a fine of not more than \$5,000, unless a greater fine
12 is authorized or required by statute.

13 (e) A category E felony is a felony for which a court shall sentence a convicted
14 person to imprisonment in the state prison for a minimum term of not less than 1
15 year and a maximum term of not more than 4 years. Except as otherwise provided
16 in paragraph (b) of subsection 1 of NRS 176A.100 or paragraph (a) of
17 subsection 2 of NRS 453.336, upon sentencing a person who is found guilty of a
18 category E felony, the court shall suspend the execution of the sentence and grant
19 probation to the person upon such conditions as the court deems appropriate. Such
20 conditions of probation may include, but are not limited to, requiring the person to
21 serve a term of confinement of not more than 1 year in the county jail. In addition
22 to any other penalty, the court may impose a fine of not more than \$5,000, unless a
23 greater penalty is authorized or required by statute.

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

25 200.485 1. Unless a greater penalty is provided pursuant to subsection 2 or
26 3 or NRS 200.481, a person convicted of a battery which constitutes domestic
27 violence pursuant to NRS 33.018:

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

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

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

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

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

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

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

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

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

50 2. Unless a greater penalty is provided pursuant to subsection 3 or NRS
51 200.481, a person convicted of a battery which constitutes domestic violence
52 pursuant to NRS 33.018, if the battery is committed by strangulation as described in

1 NRS 200.481, is guilty of a category C felony and shall be punished as provided in
2 NRS 193.130 and by a fine of not more than \$15,000.

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

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

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

10 ➤ and who commits a battery which constitutes domestic violence pursuant to NRS
11 33.018 is guilty of a category B felony and shall be punished by imprisonment in
12 the state prison for a minimum term of not less than 2 years and a maximum term
13 of not more than 15 years, and shall be further punished by a fine of not less than
14 \$2,000, but not more than \$5,000.

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

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

23 (b) For the second offense within 7 years, require the person to participate in
24 weekly counseling sessions of not less than 1 1/2 hours per week for ~~not less than~~
25 12 months, at his or her expense, in a program for the treatment of persons who
26 commit domestic violence that has been certified pursuant to NRS 439.258 ~~for in a~~
27 ~~batterers' intervention program that meets the requirements of subsection 12.~~

28 ➤ If the person resides in this State but the nearest location at which counseling
29 services are available is in another state, the court may allow the person to
30 participate in counseling in the other state in a program for the treatment of persons
31 who commit domestic violence that has been certified pursuant to NRS 439.258 ~~for in a batterers' intervention program that meets the requirements of subsection~~
32 ~~12, as applicable.~~

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

36 (a) When evidenced by a conviction; or

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

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

49 6. In addition to any other fine or penalty, the court shall order such a person
50 to pay an administrative assessment of \$35. Any money so collected must be paid
51 by the clerk of the court to the State Controller on or before the fifth day of each
52

1 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~~ *use* 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 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. The court must include in the judgment of conviction or admonishment of rights a statement that a violation of such a provision in the judgment or admonishment is 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 \$5,000.

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

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

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

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

~~1 (d) The content of the program must be based on a psychoeducational model
2 that addresses the tactics of power and control used by one person over another.~~

~~3 (e) The program must be funded by the fees paid by participants and any
4 local, state or federal program that funds batterers' intervention programs in
5 whole or in part.~~

~~6 13.7~~ As used in this section:

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

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

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

14 **Sec. 53.** ~~[NRS 202.260 is hereby amended to read as follows:]~~

15 ~~202.260 1. A person shall not own or have in his or her possession or under
16 his or her custody or control any firearm if the person:~~

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

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

23 ~~(c) Has been convicted of a violation of NRS 200.575 or a law of any other
24 state that prohibits the same or substantially similar conduct and the court entered a
25 finding in the judgment of conviction or admonishment of rights pursuant to
26 subsection 5 of NRS 200.575;~~

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

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

32 ~~(2) An equivalent order in any other state;~~

33 ~~(e) Is a fugitive from justice;~~

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

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

37 ~~A person who violates the provisions of this subsection is guilty of a category
38 [B] C felony and shall be punished [by imprisonment in the state prison for a
39 minimum term of not less than 1 year and a maximum term of not more than 6
40 years, and may be further punished by a fine of not more than \$5,000.] as provided
41 in NRS 193.130.~~

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

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

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

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

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

52 ~~(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.~~

~~2. 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. (Deleted by amendment.)~~

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

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

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

(a) Is:

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

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

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

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

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

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

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

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

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

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

(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 ~~458.350~~ *23*, inclusive ~~of~~ *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 which would preclude the issuance of a permit to the applicant or require the revocation of a permit pursuant to this section.

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

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

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

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

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

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

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

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

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

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

(g) A nonrefundable fee equal to the nonvolunteer rate charged by the Central Repository for Nevada Records of Criminal History and the Federal Bureau of Investigation to obtain the reports required pursuant to subsection 1 of NRS 202.366; and

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

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

205.060 1. ~~[Except as otherwise provided in subsection 5, a]~~ A person who by day or night, unlawfully enters or unlawfully remains in any [house, room, apartment, tenement, shop, warehouse, store, mill, barn, stable, outhouse or other building, tent, vessel, vehicle, vehicle trailer, semitrailer or house trailer, airplane, glider, boat or railroad car.] :

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

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

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

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

2. Except as otherwise provided in this section, a person convicted of ~~[burglary]~~ :

(a) *Burglary of a motor vehicle is guilty of [.]*

~~— (1) For a first or second conviction, a gross misdemeanor.~~

~~— (2) For a third or subsequent conviction,] a category E felony and shall be punished as provided in NRS 193.130.~~

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

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

(d) *Residential burglary* 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 may be further punished by a fine of not more than \$10,000. A]~~

3. *If mitigating circumstances exist, a person who is convicted of residential burglary ~~[and who]~~ may be released on probation and granted a suspension of sentence if the person has not previously been convicted of residential burglary or another crime involving the ~~[forcible]~~ unlawful entry or invasion of a dwelling. ~~[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 ~~[]~~ *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 or water or through the air which does not qualify as a dwelling or business structure pursuant to this section.*

(d) *“Unlawfully enters or unlawfully remains” means for a person to enter or remain in a dwelling, structure or motor vehicle or any part thereof, including, without limitation, under false pretenses, when the person is not licensed or privileged to do so, without regard to the purpose or intent of the person. For purposes of this definition, a license or privilege to enter or remain in a part of a dwelling, structure or motor vehicle that is open to the public is not a license or privilege to enter or remain in a part of the dwelling, structure or motor vehicle that is not open to the public.*

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

2 205.067 1. A person who, by day or night, forcibly enters ~~an inhabited~~ is
3 ~~guilty of invasion of the home if the person, while in possession of any firearm or~~
4 ~~deadly weapon, unlawfully enters or unlawfully remains in~~ a dwelling without
5 ~~permission of the owner, resident or lawful occupant, whether or not a~~ fe

6 ~~(a) At any time after sunset and before sunrise; or~~
7 ~~(b) While a person ~~other than the offender and any accomplice~~ is present~~
8 ~~in the dwelling~~ at ~~the~~ any time ~~of~~ during the entry, is guilty of invasion of the
9 ~~home, ~~commission of the offense.~~~~

10 2. A person convicted of invasion of the home is guilty of a category B felony
11 and shall be punished by imprisonment in the state prison for a minimum term of
12 not less than 1 year ~~2 years~~ and a maximum term of not more than 10 ~~18~~ years,
13 and may be further punished by a fine of not more than \$10,000. A person who is
14 convicted of invasion of the home and who has previously been convicted of any
15 burglary pursuant to NRS 205.060 or invasion of the home must not be released on
16 probation or granted a suspension of sentence.

17 3. Whenever an invasion of the home is committed on a vessel, vehicle,
18 vehicle trailer, semitrailer, house trailer, airplane, glider, boat or railroad car, in
19 motion or in rest, in this State, and it cannot with reasonable certainty be
20 ascertained in what county the crime was committed, the offender may be arrested
21 and tried in any county through which the conveyance, vessel, boat, vehicle, house
22 trailer, travel trailer, motor home or railroad car traveled during the time the
23 invasion was committed.

24 4. A person convicted of invasion of the home who has in his or her
25 possession or gains possession of any firearm or deadly weapon at any time during
26 the commission of the crime, at any time before leaving the structure or upon
27 leaving the structure, is guilty of a category B felony and shall be punished by
28 imprisonment in the state prison for a minimum term of not less than 2 years and a
29 maximum term of not more than 15 years, and may be further punished by a fine of
30 not more than \$10,000.

31 5. As used in this section:

32 (a) *"Dwelling" has the meaning ascribed to it in NRS 205.060.*

33 (b) "Forcibly enters" means the entry of an inhabited dwelling involving any
34 act of physical force resulting in damage to the structure. ~~"Dwelling" has the~~
35 ~~meaning ascribed to it in NRS 205.060.~~

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

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

42 205.0813 1. A person who forcibly enters an uninhabited or vacant
43 dwelling, knows or has reason to believe that such entry is without permission of
44 the owner of the dwelling or an authorized representative of the owner and has the
45 intent to take up residence or provide a residency to another therein is guilty of
46 housebreaking.

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

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

~~1. (b) Includes the current address and telephone number of the owner or his or her authorized representative.~~

~~2. 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.] (Deleted by amendment.)~~

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]~~ \$1,200, 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] \$1,200 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) (c) 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) (d) Is \$25,000 or more [] 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) (e) 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

1 misdemeanor. If that instrument, or a series of instruments passed in the State
2 during a period of 90 days, is in the amount of ~~[\$650-\$2,000]~~ \$1,200 or more, the
3 person is guilty of a category D felony and shall be punished as provided in NRS
4 193.130. In addition to any other penalty, the court shall order the person to pay
5 restitution.

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

11 3. A person who willfully issues any check or draft for the payment of wages
12 in excess of ~~[\$650-\$2,000]~~ \$1,200, when the person knows he or she has
13 insufficient money or credit with the drawee of the instrument to pay the instrument
14 in full upon presentation is guilty of a gross misdemeanor.

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

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

19 205.134 1. A notice in boldface type which is clearly legible and is in
20 substantially the following form must be posted in a conspicuous place in every
21 principal and branch office of every bank and in every place of business in which
22 retail selling is conducted:

23
24 The issuance of a check or draft without sufficient money or with intent
25 to defraud is punishable by imprisonment in the county jail for not more
26 than 6 months, or by a fine of not more than \$1,000, or by both fine and
27 imprisonment, and the issuance of such a check or draft in an amount of
28 ~~[\$650-\$2,000]~~ \$1,200 or more or by a person who previously has been
29 convicted three times of this or a similar offense is punishable as a category
30 D felony as provided in NRS 193.130.

31
32 2. Failure of the owner, operator or manager of a bank or other place of
33 business to post the sign required by this section is not a defense to charge of a
34 violation of NRS 205.130.

35 **Sec. 60.3.** NRS 205.2175 is hereby amended to read as follows:

36 205.2175 As used in NRS 205.2175 to ~~[205.2707]~~ 205.2705, inclusive,
37 unless the context otherwise requires, the words and terms defined in NRS 205.218
38 to 205.2195, inclusive, have the meanings ascribed to them in those sections.

39 **Sec. 60.7.** NRS 205.2195 is hereby amended to read as follows:

40 205.2195 "Property" means:

- 41 1. Personal goods, personal property and motor vehicles;
42 2. Money, negotiable instruments and other items listed in NRS 205.260;
43 3. Livestock, domesticated animals and domesticated birds; and
44 4. Any other item of value, whether or not the item is listed in NRS 205.2175
45 to ~~[205.2707]~~ 205.2705, inclusive.

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

47 205.220 Except as otherwise provided in NRS 205.226 and 205.228, a person
48 commits grand larceny if the person:

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

50 (a) Personal goods or property, with a value of ~~[\$650-\$2,000]~~ \$1,200 or more,
51 owned by another person;

(b) Bedding, furniture or other property, with a value of ~~[\$650-\$2,000]~~ **\$1,200** 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]~~ **\$1,200** 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]~~ **\$1,200** 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]~~ **\$1,200** 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 ~~is~~ 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. 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]~~ A person who commits grand larceny of a motor vehicle is guilty of ~~[+]~~ +:

(a) 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, but less than \$100,000, the person who committed the grand larceny of the motor vehicle is guilty of]~~

(b) For a second or subsequent offense within 5 years, 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]~~ 6 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.] \$5,000.~~

3. 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,]~~ \$1,200, owned by another person;

(2) Bedding, furniture or other property, with a value of less than ~~[\$650, \$1,000,]~~ \$1,200, 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,]~~ \$1,200, 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,]~~ \$1,200, 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.

~~1 (b) In the first degree is guilty of a gross misdemeanor.~~

~~2 3.~~ 3. In addition to any other penalty, the court shall order the person to pay
3 restitution.

4 **Sec. 64.5. NRS 205.251 is hereby amended to read as follows:**

5 205.251 For the purposes of NRS 205.2175 to ~~205.2707,~~ 205.2705,
6 inclusive:

7 1. The value of property involved in a larceny offense shall be deemed to be
8 the highest value attributable to the property by any reasonable standard.

9 2. The value of property involved in larceny offenses committed by one or
10 more persons pursuant to a scheme or continuing course of conduct may be
11 aggregated in determining the grade of the larceny offenses.

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

13 205.267 1. A person who intentionally steals, takes and carries away scrap
14 metal or utility property with a value of less than ~~[\$650-\$1,000]~~ \$1,200 within a
15 period of 90 days is guilty of a misdemeanor.

16 2. A person who intentionally steals, takes and carries away scrap metal or
17 utility property with a value of ~~[\$650-\$1,000]~~ \$1,200 or more within a period of 90
18 days is guilty of:

19 (a) ~~If the value of the scrap metal or utility property taken is \$1,000 or more~~
20 ~~but less than \$3,500, \$2,000, a category C felony and shall be punished as provided~~
21 ~~in NRS 193.130; or gross misdemeanor.~~

22 ~~(b)~~ If the value of the scrap metal or utility property taken is ~~[\$3,500-\$2,000]~~
23 \$1,200 or more ~~but less than \$5,000, a category D felony and shall be punished~~
24 ~~as provided in NRS 193.130.~~

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

28 ~~(d)~~ (c) If the value of the scrap metal or utility property taken is \$25,000 or
29 more but less than \$100,000, a category B felony and shall be punished by
30 imprisonment in the state prison for a minimum term of not less than 1 year and a
31 maximum term of not more than 10 years, and by a fine of not more than \$10,000.

32 ~~(e)~~ (d) If the value of the scrap metal or utility property taken is \$100,000
33 or more, a category B felony and shall be punished by imprisonment in the state
34 prison for a minimum term of not less than 1 year and a maximum term of not
35 more than 20 years, and by a fine of not more than \$15,000.

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

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

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

40 (c) For a third or subsequent offense, to perform up to 300 hours of community
41 service for up to 1 year, as determined by the court.

42 4. In determining the value of the scrap metal or utility property taken, the
43 cost of repairing and, if necessary, replacing any property damaged by the theft of
44 the scrap metal or utility property must be added to the value of the property.

45 5. As used in this section:

46 (a) "Scrap metal" has the meaning ascribed to it in NRS 647.017.

47 (b) "Utility property" has the meaning ascribed to it in NRS 202.582.

48 **Sec. 66. NRS 205.270 is hereby amended to read as follows:**

49 205.270 1. A person who, under circumstances not amounting to robbery,
50 with the intent to steal or appropriate to his or her own use, takes property from the
51 person of another, without the other person's consent, is guilty of ~~1~~

52 ~~(a) If the value of the property taken is less than \$3,500, \$25,000, a category C~~
53 ~~felony and shall be punished as provided in NRS 193.130. 1 or~~

~~(b) If the value of the property taken is **\$3,500**, **\$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. } 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; [or~~

~~(b)] (d) If the value of the property taken is ~~[\$3,500]~~ **\$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 [.] } 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.] (Deleted by amendment.)~~

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 1, a]~~ **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**,~~

~~1 (a) Is \$25,000 or more, but less than \$100,000, the person who violated the~~
~~2 provisions of subsection 1 is guilty of a category B felony and shall be punished by~~
~~3 imprisonment in the state prison for a minimum term of not less than 1 year and a~~
~~4 maximum term of not more than 10 years, and by a fine of not more than \$10,000.~~

~~5 (b) Is \$100,000 or more, the person who violated the provisions of subsection~~
~~6 1 is guilty of a category B felony and shall be punished by imprisonment in the~~
~~7 state prison for a minimum term of not less than 1 year and a maximum term of~~
~~8 not more than 20 years, and by a fine of not more than \$15,000.~~

~~9 5.1~~ In addition to any other penalty, the court shall order the person to pay
10 restitution.

~~11 16. For the purposes of this section, the value of a vehicle shall be deemed to~~
~~12 be the highest value attributable to the vehicle by any reasonable standard.~~

13 **Sec. 69.** NRS 205.275 is hereby amended to read as follows:

14 205.275 1. Except as otherwise provided in NRS 501.3765, a person
15 commits an offense involving stolen property if the person, for his or her own gain
16 or to prevent the owner from again possessing the owner's property, buys, receives,
17 possesses or withholds property:

18 (a) Knowing that it is stolen property; or

19 (b) Under such circumstances as should have caused a reasonable person to
20 know that it is stolen property.

21 2. A person who commits an offense involving stolen property in violation of
22 subsection 1:

23 (a) If the value of the property is less than ~~[\$650, \$1,000,]~~ \$1,200, is guilty of a
24 misdemeanor;

25 ~~(b) [If the value of the property is \$1,000 or more but less than \$2,000, is~~
26 ~~guilty of a gross misdemeanor;~~

27 ~~(c) If the value of the property is [\$2,000,]~~ \$1,200 or more but less than
28 \$5,000, is guilty of a category D felony and shall be punished as provided in NRS
29 193.130;

30 ~~[(d)]~~ (c) If the value of the property is ~~[\$650]~~ \$5,000 or more but less than
31 ~~[\$3,500,]~~ \$25,000, is guilty of a category C felony and shall be punished as
32 provided in NRS 193.130; ~~for~~

33 ~~(e) (e)]~~ (d) If the value of the property is ~~[\$3,500]~~ \$25,000 or more but less
34 than \$100,000 or if the property is a firearm, is guilty of a category B felony and
35 shall be punished by imprisonment in the state prison for a minimum term of not
36 less than 1 year and a maximum term of not more than 10 years, and by a fine of
37 not more than \$10,000 ~~for~~; or

38 ~~[(f)]~~ (e) If the value of the property is \$100,000 or more, is guilty of a
39 category B felony and shall be punished by imprisonment in the state prison for a
40 minimum term of not less than 1 year and a maximum term of not more than 20
41 years, and by a fine of not more than \$15,000.

42 3. In addition to any other penalty, the court shall order the person to pay
43 restitution.

44 4. A person may be prosecuted and convicted pursuant to this section whether
45 or not the principal is or has been prosecuted or convicted.

46 5. Possession by any person of three or more items of the same or a similar
47 class or type of personal property on which a permanently affixed manufacturer's
48 serial number or manufacturer's identification number has been removed, altered or
49 defaced, is prima facie evidence that the person has violated this section.

50 6. For the purposes of this section, the value of the property involved shall be
51 deemed to be the highest value attributable to the property by any reasonable
52 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 fraudulently, sells, barter or disposes of the same tract of land or lot, or any part thereof, or knowingly and fraudulently executes any bond or agreement to sell, barter or dispose of the same land or lot, or any part thereof, to any other person, for a valuable consideration, shall be punished:

1. Where the value of the property involved is ~~[\$650, \$2,000,]~~ \$1,200 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. Where the value of the property is less than ~~[\$650, \$2,000,]~~ \$1,200, for a misdemeanor.

Sec. 71. NRS 205.370 is hereby amended to read as follows:

205.370 A person who, by false representations of his or her own wealth, or mercantile correspondence and connections, obtains a credit thereby and defrauds any person of money, goods, chattels or any valuable thing, or if a person causes or procures another to report falsely of his or her wealth or mercantile character, and by thus imposing upon any person obtains credit and thereby fraudulently gets into the possession of goods, wares or merchandise, or other valuable thing, is a swindler, and must be sentenced to return the property fraudulently obtained, if it can be done, or to pay restitution and shall be punished:

1. Where the amount of money or the value of the chattels, goods, wares or merchandise, or other valuable thing so obtained is ~~[\$650, \$2,000,]~~ \$1,200 or more, for a category ~~C~~ D felony as provided in NRS 193.130.

2. Otherwise, for a misdemeanor.

Sec. 72. NRS 205.377 is hereby amended to read as follows:

205.377 1. A person shall not, in the course of an enterprise or occupation, knowingly and with the intent to defraud, engage in an act, practice or course of business or employ a device, scheme or artifice which operates or would operate as a fraud or deceit upon a person by means of a false representation or omission of a material fact that:

(a) The person knows to be false or omitted;

(b) The person intends another to rely on; and

(c) Results in a loss to any person who relied on the false representation or omission,

➤ in at least two transactions that have the same or similar pattern, intents, results, accomplices, victims or methods of commission, or are otherwise interrelated by distinguishing characteristics and are not isolated incidents within 4 years and in which the aggregate loss or intended loss is more than ~~[\$650, \$2,000,]~~ \$1,200.

2. Each act which violates subsection 1 constitutes a separate 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]~~ \$1,200, 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]~~ \$1,200 or more but less than \$5,000, for a category D felony as provided in NRS 193.130.*~~

~~—(d) *(c) 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) *(d) 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 ~~[6] 10~~ years, ~~and~~ by a fine of not more than \$10,000. ~~[, or by both fine and imprisonment.]~~*~~

~~—(f) *(e) 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 (b), (c), (d) or (e) for (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]~~ \$1,200, 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]~~ \$1,200 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 ~~[\$650]~~ \$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 ~~[6]~~ 10 years, ~~[or]~~ and by a fine of not more than \$10,000. ~~[, or by both fine and imprisonment.~~*~~

~~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 ~~[\$650-\$2,000]~~ \$1,200 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 house, furnished bungalow court, furnished automobile camp, eating house, restaurant, grocery store, market or dairy, without paying therefor, with the intent to defraud the proprietor or manager thereof;

(b) To obtain credit at a hotel, inn, trailer park, motor court, boardinghouse, rooming house, lodging house, furnished apartment house, furnished bungalow court, furnished automobile camp, eating house, restaurant, grocery store, market or dairy by the use of any false pretense; or

(c) After obtaining credit, food, lodging, merchandise or other accommodations at a hotel, inn, trailer park, motor court, boardinghouse, rooming house, lodging house, furnished apartment house, furnished bungalow court, furnished automobile camp, eating house, restaurant, grocery store, market or dairy, to abscond or surreptitiously, or by force, menace or threats, to remove any part of his or her baggage therefrom, without paying for the food or accommodations.

2. A person who violates any of the provisions of subsection 1 shall be punished:

(a) Where the total value of the credit, food, foodstuffs, lodging, merchandise or other accommodations received from any one establishment is ~~[\$650-\$2,000]~~ \$1,200 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.

(b) Otherwise, for a misdemeanor.

3. Proof that lodging, food, foodstuffs, merchandise or other accommodations were obtained by false pretense, or by false or fictitious show or pretense of any baggage or other property, or that the person refused or willfully neglected to pay for the food, foodstuffs, lodging, merchandise or other accommodations, or that the person gave in payment for the food, foodstuffs, lodging, merchandise or other accommodations negotiable paper on which payment was refused, or that the person absconded without paying or offering to pay for the food, foodstuffs, lodging, merchandise or other accommodations, or that the person surreptitiously removed or attempted to remove his or her baggage, is prima facie evidence of the fraudulent intent mentioned in this section.

4. This section does not apply where there has been an agreement in writing for delay in payment for a period to exceed 10 days.

Sec. 76. ~~[NRS 205.4765 is hereby amended to read as follows:~~

~~205.4765 1. Except as otherwise provided in subsection 6, a person who knowingly, willfully and without authorization:~~

~~— (a) Modifies;~~

~~— (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 [\$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,~~
~~a 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 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~~

1 authorized by the Administrator of the Division of Enterprise Information
2 Technology Services or the head of the Office of Information Security of the
3 Division. As used in this subsection:

4 ~~— (a) “Information system” has the meaning ascribed to it in NRS 242.057;~~

5 ~~— (b) “Penetration testing” has the meaning ascribed to it in NRS 242.171.]~~

6 **(Deleted by amendment.)**

7 **Sec. 77. [NRS 205.477 is hereby amended to read as follows:]**

8 ~~— 205.477 1. Except as otherwise provided in subsections 3 and 4, a person~~
9 ~~who knowingly, willfully, maliciously and without authorization uses, causes the use of,~~
10 ~~denies or causes the denial of access to or use of a computer, system or network to a~~
11 ~~person who has the duty and right to use it is guilty of a gross misdemeanor.~~

12 ~~— 2. Except as otherwise provided in subsections 3 and 4, a person who~~
13 ~~knowingly, willfully, maliciously and without authorization uses, causes the use of,~~
14 ~~attempts to gain access to or causes access to be gained to a computer,~~
15 ~~system, network, telecommunications device, telecommunications service or~~
16 ~~information service is guilty of a gross misdemeanor.~~

17 ~~— 3. If the violation of any provision of this section:~~

18 ~~— (a) Was committed to devise or execute a scheme to defraud or illegally obtain~~
19 ~~property;~~

20 ~~— (b) Caused response costs, loss, injury or other damage in excess of [\$500,]~~
21 ~~\$2,000; or~~

22 ~~— (c) Caused an interruption or impairment of a public service, including,~~
23 ~~without limitation, a governmental operation, a system of public communication or~~
24 ~~transportation or a supply of water, gas or electricity;~~

25 ~~— the person is guilty of a category [C] D felony and shall be punished as provided~~
26 ~~in NRS 193.130, and may be further punished by a fine of not more than \$100,000.~~
27 ~~In addition to any other penalty, the court shall order the person to pay restitution.~~

28 ~~— 4. It is an affirmative defense to a charge made pursuant to this section that at~~
29 ~~the time of the alleged offense the defendant reasonably believed that:~~

30 ~~— (a) The defendant was authorized to use or access the computer, system,~~
31 ~~network, telecommunications device, telecommunications service or information~~
32 ~~service and such use or access by the defendant was within the scope of that~~
33 ~~authorization; or~~

34 ~~— (b) The owner or other person authorized to give consent would authorize the~~
35 ~~defendant to use or access the computer, system, network, telecommunications~~
36 ~~device, telecommunications service or information service.~~

37 ~~— 5. A defendant who intends to offer an affirmative defense described in~~
38 ~~subsection 4 at a trial or preliminary hearing must, not less than 14 days before the~~
39 ~~trial or hearing or at such other time as the court may direct, file and serve on the~~
40 ~~prosecuting attorney a written notice of that intent.] (Deleted by amendment.)~~

41 **Sec. 78. [NRS 205.492 is hereby amended to read as follows:]**

42 ~~— 205.492 1. A person shall not willfully falsify or forge any data,~~
43 ~~information, image, program, signal or sound that:~~

44 ~~— (a) Is contained in the header, subject line or routing instructions of an item of~~
45 ~~electronic mail; or~~

46 ~~— (b) Describes or identifies the sender, source, point of origin or path of~~
47 ~~transmission of an item of electronic mail;~~

48 ~~— with the intent to transmit or cause to be transmitted the item of electronic mail~~
49 ~~to any Internet or network site or to the electronic mail address of one or more~~
50 ~~recipients without their knowledge or consent to the transmission.~~

51 ~~— 2. Except as otherwise provided in subsection 7, a person shall not willfully~~
52 ~~transmit or cause to be transmitted an item of electronic mail to any Internet or~~
53 ~~network site or to the electronic mail address of one or more recipients without their~~

1 knowledge of or consent to the transmission if the person knows or has reason to
2 know that the item of electronic mail contains or has been generated or formatted
3 with:

4 ~~—(a) An Internet domain name that is being used without the consent of the~~
5 ~~person who holds the Internet domain name; or~~

6 ~~—(b) Any data, information, image, program, signal or sound that has been used~~
7 ~~intentionally in the header, subject line or routing instructions of the item of~~
8 ~~electronic mail to falsify or misrepresent;~~

9 ~~—(1) The identity of the sender; or~~

10 ~~—(2) The source, point of origin or path of transmission of the item of~~
11 ~~electronic mail;~~

12 ~~—3. A person shall not knowingly sell, give or otherwise distribute or possess~~
13 ~~with the intent to sell, give or otherwise distribute any data, information, image,~~
14 ~~program, signal or sound which is designed or intended to be used to falsify or~~
15 ~~forge any data, information, image, program, signal or sound that:~~

16 ~~—(a) Is contained in the header, subject line or routing instructions of an item of~~
17 ~~electronic mail; or~~

18 ~~—(b) Describes or identifies the sender, source, point of origin or path of~~
19 ~~transmission of an item of electronic mail;~~

20 ~~—4. Except as otherwise provided in subsection 7, a person shall not willfully~~
21 ~~and without authorization transmit or cause to be transmitted an item of electronic~~
22 ~~mail or any other data, information, image, program, signal or sound to any Internet~~
23 ~~or network site, to the electronic mail address of one or more recipients or to any~~
24 ~~other computer, system or network;~~

25 ~~—(a) With the intent to prevent, impede, delay or disrupt the normal operation or~~
26 ~~use of the Internet or network site, electronic mail address, computer, system or~~
27 ~~network, whether or not such a result actually occurs; or~~

28 ~~—(b) Under circumstances in which such conduct is reasonably likely to prevent,~~
29 ~~impede, delay or disrupt the normal operation or use of the Internet or network site,~~
30 ~~electronic mail address, computer, system or network, whether or not such a result~~
31 ~~actually occurs;~~

32 ~~—5. Except as otherwise provided in subsection 6, a person who violates any~~
33 ~~provision of this section is guilty of a misdemeanor;~~

34 ~~—6. If the violation of any provision of subsection 4:~~

35 ~~—(a) Was committed to devise or execute a scheme to defraud or illegally obtain~~
36 ~~property;~~

37 ~~—(b) Caused response costs, loss, injury or other damage in excess of [\$500;]~~
38 ~~\$2,000; or~~

39 ~~—(c) Caused an interruption or impairment of a public service, including,~~
40 ~~without limitation, a governmental operation, a system of public communication or~~
41 ~~transportation or a supply of water, gas or electricity;~~

42 ~~—the person is guilty of a category [C] **D** felony and shall be punished as provided~~
43 ~~in NRS 193.130, and may be further punished by a fine of not more than \$100,000.~~
44 ~~In addition to any other penalty, the court shall order the person to pay restitution.~~

45 ~~—7. The provisions of subsections 2 and 4 do not apply to a provider of Internet~~
46 ~~service who, in the course of providing service, transmits or causes to be~~
47 ~~transmitted an item of electronic mail on behalf of another person, unless the~~
48 ~~provider of Internet service is the person who first generates the item of electronic~~
49 ~~mail;~~

50 ~~—8. As used in this section, “item of electronic mail” includes, without~~
51 ~~limitation:~~

52 ~~—(a) A single item of electronic mail;~~

53 ~~—(b) Multiple copies of one or more items of electronic mail;~~

~~1 (c) A collection, group or bulk aggregation of one or more items of electronic~~
~~2 mail;~~

~~3 (d) A constant, continual or recurring pattern or series of one or more items of~~
~~4 electronic mail; or~~

~~5 (e) Any other data, information, image, program, signal or sound that is~~
~~6 included or embedded in or attached or connected to one or more items of~~
~~7 electronic mail.] (Deleted by amendment.)~~

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 ~~[\$650, \$2,000]~~ \$1,200 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 ~~[\$650, \$2,000]~~ \$1,200, 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. Where the value of the goods purported to be covered by the document of
title is ~~[\$650, \$2,000]~~ \$1,200 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 ~~[\$650, \$2,000]~~ \$1,200, for a misdemeanor.

Sec. 81. NRS 205.570 is hereby amended to read as follows:

205.570 A person who, with the intent to defraud, obtains a negotiable
document of title for goods to which the person does not have title, or which are
subject to a security interest, and negotiates the document for value, without
disclosing the want of title or the existence of the security interest, shall be
punished:

1. Where the value of the goods purported to be covered by the document of
title is ~~[\$650, \$2,000]~~ \$1,200 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 ~~[\$650, \$2,000]~~ \$1,200, for a misdemeanor.

Sec. 82. NRS 205.580 is hereby amended to read as follows:

205.580 A person who, with the intent to defraud, secures the issue by a
bailee of a negotiable document of title, knowing at the time of issue that any or all
of the goods are not in possession of the bailee, by inducing the bailee to believe
that the goods are in the bailee's possession, shall be punished:

1. Where the value of the goods purported to be covered by the document of
title is ~~[\$650, \$2,000]~~ \$1,200 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 ~~[\$650, \$2,000]~~ \$1,200, for a misdemeanor.

Sec. 83. NRS 205.590 is hereby amended to read as follows:

205.590 A person who, with the intent to defraud, negotiates or transfers for
value a document of title, which by the terms thereof represents that goods are in
possession of the bailee who issued the document, knowing that the bailee is not in

possession of the goods or any part thereof, without disclosing this fact, shall be punished:

1. Where the value of the goods purported to be covered by the document of title is ~~[\$650, \$2,000,]~~ \$1,200 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 ~~[\$650, \$2,000,]~~ \$1,200, for a misdemeanor.

Sec. 84. NRS 205.605 is hereby amended to read as follows:

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. 84.3. NRS 205.606 is hereby amended to read as follows:

205.606 1. A person shall not ~~[possess]~~ :

(a) Install or affix, temporarily or permanently, a scanning device within or upon a machine with the intent to use the scanning device for an unlawful purpose;

(b) Access, by electronic or any other means, a scanning device with the intent to use the scanning device for an unlawful purpose; or

(c) Possess a scanning device or reencoder with the intent to use the scanning device or reencoder for an unlawful purpose.

2. A person who violates any provision of this section is guilty of a category C felony and shall be punished as provided in NRS 193.130.

3. As used in this section, "machine" means a machine used to conduct financial transactions, including, without limitation, an automated teller or fuel pump. As used in this subsection, "automated teller" means an electronic device that dispenses cash in connection with an account maintained in a financial institution or with another business.

Sec. 84.5. NRS 205.607 is hereby amended to read as follows:

205.607 The provisions of NRS 205.601 to 205.608, inclusive, do not apply to any person who, without the intent to defraud or commit an unlawful act, installs, affixes, accesses, possesses or uses a scanning device or reencoder:

1. In the ordinary course of his or her business or employment; or
2. Pursuant to a financial transaction entered into with an authorized user of a payment card who has given permission for the financial transaction.

Sec. 84.7. NRS 205.940 is hereby amended to read as follows:

205.940 1. Any person who in renting or leasing any personal property obtains or retains possession of such personal property by means of any false or fraudulent representation, fraudulent concealment, false pretense or personation, trick, artifice or device, including, but not limited to, a false representation as to his or her name, residence, employment or operator's license, is guilty of larceny and shall be punished as provided in NRS 205.2175 to ~~205.2707~~, 205.2705, inclusive. It is a complete defense to any civil action arising out of or involving the arrest or detention of any person renting or leasing personal property that any representation made by the person in obtaining or retaining possession of the personal property is contrary to the fact.

2. Any person who, after renting or leasing any personal property under an agreement in writing which provides for the return of the personal property to a particular place at a particular time fails to return the personal property to such place within the time specified, and who, with the intent to defraud the lessor or to retain possession of such property without the lessor's permission, thereafter fails to return such property to any place of business of the lessor within 72 hours after a written demand for the return of such property is made upon the person by registered mail addressed to his or her address as shown in the written agreement, or in the absence of such address, to his or her last known place of residence, is guilty of larceny and shall be punished as provided in NRS 205.2175 to ~~205.2707~~, 205.2705, inclusive. The failure to return the personal property to the place specified in the agreement is prima facie evidence of an intent to defraud the lessor or to retain possession of such property without the lessor's permission. It is a complete defense to any civil action arising out of or involving the arrest or detention of any person upon whom such demand was made that the person failed to return the personal property to any place of business of the lessor within 20 days after such demand.

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;]~~ \$1,200; or

(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]~~ \$1,200 or more and shall be punished as provided in NRS 193.130.

Sec. 85.5. NRS 205.980 is hereby amended to read as follows:

205.980 1. A person who is convicted of violating any provision of NRS 205.060 or 205.2175 to ~~205.2707~~, 205.2705, inclusive, is civilly liable for the

1 value of any property stolen and not recovered in its original condition. The value
2 of the property must be determined by its retail value or fair market value at the
3 time the crime was committed, whichever is greater.

4 2. A person who is convicted of any other crime involving damage to
5 property is civilly liable for the amount of damage done to the property.

6 3. The prosecutor shall notify the victim concerning the disposition of the
7 criminal charges against the defendant within 30 days after the disposition. The
8 notice must be sent to the last known address of the victim.

9 4. An order of restitution signed by the judge in whose court the conviction
10 was entered shall be deemed a judgment against the defendant for the purpose of
11 collecting damages.

12 5. Nothing in this section prohibits a victim from recovering additional
13 damages from the defendant.

14 **Sec. 86.** NRS 207.010 is hereby amended to read as follows:

15 207.010 1. Unless the person is prosecuted pursuant to NRS 207.012 or
16 207.014, a person convicted in this State of:

17 (a) Any felony, who has previously been ~~two~~ five times convicted, whether in
18 this State or elsewhere, of any crime which under the laws of the situs of the crime
19 or of this State would amount to a felony is a habitual criminal and shall be
20 punished for a category B felony by imprisonment in the state prison for a
21 minimum term of not less than 5 years and a maximum term of not more than 20
22 years.

23 (b) Any felony, who has previously been ~~three~~ seven times convicted,
24 whether in this State or elsewhere, of any crime which under the laws of the situs of
25 the crime or of this State would amount to a felony is a habitual criminal and shall
26 be punished for a category A felony by imprisonment in the state prison:

27 (1) For life without the possibility of parole;

28 (2) For life with the possibility of parole, with eligibility for parole
29 beginning when a minimum of 10 years has been served; or

30 (3) For a definite term of 25 years, with eligibility for parole beginning
31 when a minimum of 10 years has been served.

32 2. ~~A previous conviction must not be considered a conviction pursuant to
33 this section if the previous conviction was for a:~~

34 ~~—(a) Category A felony, a crime of violence as defined in NRS 200.408 that
35 constitutes a felony, or a sexual offense as defined in NRS 179D.097 and a period
36 of 10 years elapsed between the date of release from actual custody or discharge
37 from parole or probation for the previous conviction, whichever occurred later,
38 and the date of the commission of the current offense.~~

39 ~~—(b) Category B, C or D felony and a period of 5 years elapsed between the
40 date of release from actual custody or discharge from parole or probation for the
41 previous conviction, whichever occurred later, and the date of the commission of
42 the current offense.~~

43 ~~—(c) Category E felony and a period of 2 years elapsed between the date of
44 release from actual custody or discharge from parole or probation for the
45 previous conviction, whichever occurred later, and the date of the commission of
46 the current offense.~~

47 ~~3. A previous or current conviction under NRS 453.336 or 453.411 must
48 not be used as the basis for a conviction pursuant to this section.~~

49 3. It is within the discretion of the prosecuting attorney whether to
50 include a count under this section in any information or file a notice of habitual
51 criminality if an indictment is found. The trial judge may, at his or her discretion,
52 dismiss a count under this section which is included in any indictment or
53 information.

Sec. 87. NRS 207.012 is hereby amended to read as follows:

207.012 1. A person who:

(a) Has been convicted in this State of a felony listed in subsection 2; and

(b) Before the commission of that felony, was twice convicted of any crime which under the laws of the situs of the crime or of this State would be a felony listed in subsection 2, whether the prior convictions occurred in this State or elsewhere,

➤ is a habitual felon 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. The district attorney shall include a count under this section in any information or shall file a notice of habitual felon if an indictment is found, if each prior conviction and the alleged offense committed by the accused constitutes a violation of subparagraph (1) of paragraph (a) of subsection 1 of NRS 193.330, NRS 199.160, 199.500, 200.030, 200.310, 200.340, 200.366, 200.380, 200.390, subsection 3 or 4 of NRS 200.400, NRS 200.410, subsection 3 of NRS 200.450, subsection 5 of NRS 200.460, NRS 200.463, 200.4631, 200.464, 200.465, 200.467, 200.468, subsection 1, paragraph (a) of subsection 2 or subparagraph (2) of paragraph (b) of subsection 2 of NRS 200.508, NRS 200.710, 200.720, 201.230, 201.450, 202.170, subsection 2 of NRS 202.780, paragraph (b) of subsection 2 of NRS 202.820, paragraph (b) of subsection 1 or subsection 2 of NRS 202.830, NRS 205.010, subsection ~~4~~ 5 of NRS 205.060, subsection 4 of NRS 205.067, NRS 205.075, 207.400, paragraph (a) of subsection 1 of NRS 212.090, NRS 453.3325, 453.333, 484C.130, 484C.430 or 484E.010.

3. The trial judge may not dismiss a count under this section that is included in an indictment or information.

Sec. 88. NRS 207.203 is hereby amended to read as follows:

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

(a) A fine of \$1,000;

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

(c) Both fine and imprisonment.

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

2. The court, without entering a judgment of conviction and with the consent of the accused, may suspend further proceedings and place the person on probation upon terms and conditions that must include attendance and successful completion of ~~fel~~:

(a) A counseling or educational program ; or ~~fel~~

(b) *In the case of a person dependent upon drugs, ~~fel~~ 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 for participation in such a program.*

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

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

5. Except as otherwise provided in subsection 6, discharge and dismissal under 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 person discharged, in the contemplation of the law, to the status occupied before the arrest, indictment or information. The person 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 person for any purpose. Discharge and dismissal under this section may only occur once with respect to any person.

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

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

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

Sec. 89. NRS 209.1315 is hereby amended to read as follows:

209.1315 The Director may continue to develop and implement, in each institution and facility of the Department, a program of facility training for the correctional staff. *Such training must include:*

1. Training in evidence-based practices, including, without limitation, principles of effective intervention, effective case management and core correctional practices; and

2. Courses on interacting with victims of domestic violence and trauma ~~and~~ and people with behavioral health needs and both physical and intellectual disabilities.

Sec. 90. NRS 209.341 is hereby amended to read as follows:

209.341 *1.* The Director shall:

~~1.1~~ *(a)* Establish, with the approval of the Board, a system of initial classification and evaluation for offenders who are sentenced to imprisonment in the state prison. ~~1.2~~ *and*

~~2.1~~ *(b)* Assign every person who is sentenced to imprisonment in the state prison to an appropriate institution or facility of the Department. The assignment must be based on an evaluation of the offender's records, particular needs and requirements for custody.

(c) Administer a risk and needs assessment to each offender for the purpose of guiding institutional programming and placement. The Department may consider the responsivity factors of an offender when making decisions concerning such programming and placement.

2. Any risk and needs assessment used by the Department pursuant to this section must undergo a validation study not less than once every 3 years. The

Department shall establish quality assurance procedures to ensure proper and consistent scoring of any risk and needs assessment used pursuant to this section.

3. As used in this section:

(a) "Responsivity factors" has the meaning ascribed to it in NRS 213.107.

(b) "Risk and needs assessment" has the meaning ascribed to 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~~ 18 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~~ 18 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.

~~13-1~~ 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.

~~[4.]~~ 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.

~~[5.]~~ 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.

~~[6.]~~ 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.

~~[7.]~~ 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 State, its political subdivisions, agencies, boards, commissions, departments, officers or employees.

~~[8.]~~ 9. The Division of Parole and Probation may receive and distribute restitution paid by an offender assigned to the custody of the Division of Parole and Probation pursuant to this section.

Sec. 92. NRS 209.511 is hereby amended to read as follows:

209.511 1. Before an offender is released from prison by expiration of his or her term of sentence, by pardon or parole, the Director may provide mediation services to the offender and the family members and friends of the offender who provide emotional, psychological and financial support to the offender.

2. Not later than 3 months before an offender is projected to be released from prison by expiration of his or her term of sentence, by pardon or parole, the Director may, if space is available, provide an eligible offender with one or more evidence-based or promising practice reentry programs to obtain employment, including, without limitation, any programs which may provide bonding for an offender entering the workplace and any organizations which may provide employment or bonding assistance to such a person.

3. ~~[Except as otherwise provided in subsection 4, when]~~ **When** an offender is released from prison by expiration of his or her term of sentence, by pardon or by parole, the Director:

(a) May furnish the offender with a sum of money not to exceed \$100, the amount to be based upon the offender's economic need as determined by the Director;

(b) Shall give the offender notice of the provisions of chapter 179C of NRS and NRS 202.357 and 202.360;

(c) Shall require the offender to sign an acknowledgment of the notice required in paragraph (b);

(d) Shall give the offender notice of the provisions of NRS 179.245 and the provisions of NRS 213.090, 213.155 or 213.157, as applicable;

(e) Shall provide the offender with a photo identification card issued by the Department and information and reasonable assistance relating to acquiring a valid driver's license or identification card to enable the offender to obtain employment, if the offender:

(1) Requests a photo identification card; ~~for~~

(2) Requests such information and assistance and is eligible to acquire a valid driver's license or identification card from the Department of Motor Vehicles;
or

(3) Is not currently in possession of a photo identification card;

(f) ~~May~~ *Shall* provide the offender with clothing suitable for 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 ~~for~~;

(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 photo identification card clearly indicates whether* the Director ~~has~~;

(a) 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 ~~for~~; *or*

(b) Has not verified the full legal name and age of the offender pursuant to paragraph (a).

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 ~~the new section to read as follows:~~ the provisions set forth as sections 93.3 and 93.7 of this act.

Sec. 93.3. 1. Notwithstanding any other provision of law, the Board may grant geriatric parole to a prisoner if he or she ~~has~~:

(a) Has not been convicted of ~~first degree murder pursuant to subsection 1 of NRS 200.030, does~~:

(1) A crime of violence;

(2) A crime against a child as defined in NRS 179D.0357;

(3) A sexual offense as defined in NRS 179D.097;

(4) Vehicular homicide pursuant to NRS 484C.130; or

(5) A violation of NRS 484C.430;

(b) Is not serving a sentence of life imprisonment without the possibility of parole and has not been sentenced to death;

(c) Does not pose a significant and articulable risk to public safety; and ~~is~~

~~(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)~~ (d) Is 65 years of age or older and has served ~~7~~ 8 consecutive years ~~off~~ in the ~~minimum~~ custody of the Department, including any credit earned for time served in a county jail as ordered by the court, or at least a majority of the maximum term or ~~minimum~~ maximum aggregate term, ~~of imprisonment,~~ as applicable, ~~imposed by the court,~~ of his or her sentence, whichever occurs earlier.

2. Consideration for geriatric parole may be initiated by the submission of a written application and supporting documentation to the Board, including, without limitation, relevant medical records, plans for parole, program participation records, institutional records, documents concerning eligibility for Medicaid or Medicare and any other relevant documents, 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. Not later than 15 days after receipt of an application submitted pursuant to subsection 2, the Board shall notify the Department of the application and

1 request verification of the prisoner's age and the length of time the prisoner has
2 spent in the custody of the Department.

3 4. Upon receipt of a request from the Board submitted pursuant to
4 subsection 3, if the Department determines that the prisoner:

5 (a) Meets the criteria set forth in subsection 1, the Department shall:

6 (1) Notify the Board of the prisoner's eligibility for consideration of
7 geriatric parole;

8 (2) Place the prisoner on the next available list of persons eligible for
9 parole pursuant to NRS 209.254; and

10 (3) Provide to the Board a report prepared in accordance with paragraph
11 (c) of subsection 1 of NRS 213.131.

12 (b) Does not meet the criteria set forth in subsection 1, the Department shall
13 notify the Board and explain the reasons for such a determination.

14 5. Upon receipt of the list prepared pursuant to NRS 209.254, the Board
15 shall, after sending copies of the list to all law enforcement agencies in this State
16 and other appropriate persons in accordance with subsection 5 of NRS 213.1085,
17 schedule a hearing to consider the geriatric parole of an eligible prisoner whose
18 name appears on the list.

19 6. Except as otherwise provided in subsection 7, the Board shall schedule
20 and conduct the geriatric parole hearing of a prisoner in the same general
21 manner in which other prisoners are considered for parole. The Board shall
22 notify the prisoner and the person submitting the application pursuant to
23 subsection 2 of the date, time and location of the geriatric parole hearing.

24 7. When determining whether to grant geriatric parole to a prisoner, the
25 Board must consider:

26 (a) The prisoner's:

27 (1) Age;

28 (2) Behavior while in custody; and

29 (3) ~~[Level of risk]~~ Potential for violence;

30 (b) The reported severity of any illness, disease or infirmity of the prisoner;
31 and

32 (c) Any available alternatives for maintaining geriatric inmates or inmates
33 who have a medical condition in traditional settings.

34 ~~[4.] 8. The Board shall ~~determine whether to grant geriatric parole to~~~~
35 ~~notify a prisoner [not later than 60 calendar days after receipt of an application~~
36 ~~and supporting documentation submitted to the Board pursuant to subsection 2.~~

37 ~~— 5.] of the Board's decision as to whether to grant geriatric parole in~~
38 ~~accordance with subsection 11 of NRS 213.131.~~

39 9. At the time of the release of a prisoner on geriatric parole, the Board
40 shall prescribe the terms and conditions of the geriatric parole.

41 ~~[6.] 10. A person who is granted geriatric parole pursuant to this section is~~
42 ~~under the supervision of the Division. The Division is responsible for supervising~~
43 ~~the person's compliance with the terms and conditions prescribed by the Board.~~

44 ~~[7.] 11. Except as otherwise provided in this subsection, the Board shall not~~
45 ~~take any action on an application submitted pursuant to subsection 2 if the~~
46 ~~prisoner to whom the application pertains was previously denied geriatric parole~~
47 ~~and less than 24 months have elapsed since the most recent denial. The Board~~
48 ~~may take action on such an application if a shorter period has been prescribed by~~
49 ~~the Board or a request is made by the Director of the Department because of the~~
50 ~~adverse health of the prisoner.~~

51 12. The provisions of this section are not intended to replace the provisions
52 relating to the general eligibility and consideration of parole provided in NRS
53 213.1099 and 213.1215.

13. The Board shall adopt any regulations necessary to carry out the provisions of this section.

14. As used in this section, "Department" means the Department of Corrections.

Sec. 93.7. 1. Notwithstanding any other provision of law, and except as otherwise provided in subsection 3, the Division shall recommend the early discharge of a person from parole to the Board if a parolee:

(a) Has served at least 12 calendar months on parole supervision in the community and is projected to have not more than 12 calendar months of community supervision remaining to serve on any sentence;

(b) Has not violated any condition of parole during the immediately preceding 12 months;

(c) Is current with any fee to defray the costs of his or her supervision charged by the Division pursuant to NRS 213.1076;

(d) Has paid restitution in full or, because of economic hardship that is verified by the Division, has been unable to make restitution as ordered by the court; and

(e) Has completed any program of substance use treatment or mental health treatment or a specialty court program as mandated by the Board.

2. The Board may award credits in an amount equal to the time remaining on any sentence to reduce the sentence to time served.

3. The provisions of this section do not apply to any person who is sentenced to lifetime supervision pursuant to NRS 176.0931.

4. The Board may 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]~~ sections 93.3 and 93.7 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.

~~6-1~~ 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.

1 ~~[7.]~~ 9. "Standards" means the objective standards for granting or revoking
2 parole or probation which are adopted by the Board or the Chief.

3 **Sec. 95.** NRS 213.1078 is hereby amended to read as follows:

4 213.1078 1. Except as otherwise provided in ~~[subsection 2.]~~ *subsections 3*
5 *and 5*, the Division shall *administer a risk and needs assessment to each*
6 *probationer and parolee under the Division's supervision. The results of the risk*
7 *and needs assessment must be used to* set a level of supervision for each
8 probationer ~~[At]~~ *and parolee and to develop individualized case plans pursuant*
9 *to subsection 6. The risk and needs assessment must be administered and scored*
10 *by a person trained in the administration of the tool.*

11 2. ~~Except as otherwise provided in subsection 3, at least once every 6~~
12 ~~months, year,~~ *on a schedule determined by the Nevada Risk Assessment System,*
13 *or its successor risk assessment tool,* or more often if necessary, the Division shall
14 ~~[review the probationer's level of supervision]~~ *administer a subsequent risk and*
15 *needs assessment to each probationer. The results of the risk and needs*
16 *assessment conducted in accordance with this section must be used* to determine
17 whether a change in the level of supervision is necessary. The Division shall
18 ~~[specify in each review]~~ *document* the reasons for maintaining or changing the
19 level of supervision. If the Division changes the level of supervision, the Division
20 shall notify the probationer of the change.

21 ~~[2.]~~ 3. The provisions of ~~[subsection]~~ *subsections 1 and 2* are not applicable
22 if:

23 (a) The level of supervision for the probationer is set by the court or by law; or

24 (b) The probationer is ordered to participate in a program of probation secured
25 by a security bond pursuant to NRS 176A.300 to 176A.370, inclusive.

26 ~~[3.]~~ 4. Except as otherwise provided in subsection ~~[4.]~~ 5, ~~at least once every~~
27 ~~6 months, year,~~ *on a schedule determined by the Nevada Risk Assessment*
28 *System, or its successor risk assessment tool,* or more often if necessary, the
29 Division shall ~~[review a parolee's level of supervision]~~ *administer a subsequent*
30 *risk and needs assessment to each parolee. The results of the risk and needs*
31 *assessment conducted in accordance with this subsection must be used* to
32 determine whether a change in the level of supervision is necessary. The Division
33 shall ~~[specify in each review]~~ *document* the reasons for maintaining or changing the
34 level of supervision. If the Division changes the level of supervision, the
35 Division shall notify the parolee of the change.

36 ~~[4.]~~ 5. The provisions of ~~[subsection 3]~~ *subsections 1 and 4* are not
37 applicable if the level of supervision for the parolee is set by the Board or by law.

38 6. *The Division shall develop an individualized case plan for each*
39 *probationer and parolee. The case plan must include a plan for addressing the*
40 *criminogenic risk factors identified on the risk and needs assessment, if*
41 *applicable, and the list of responsivity factors that will need to be considered and*
42 *addressed for each probationer or parolee.*

43 7. *Upon a finding that a term or condition of probation ordered pursuant to*
44 *subsection 1 of NRS 176A.400 or the level of supervision set pursuant to this*
45 *section does not align with the results of a risk and needs assessment*
46 *administered pursuant to subsection 1 or 2, the supervising officer shall seek a*
47 *modification of the terms and conditions from the court pursuant to subsection 1*
48 *of NRS 176A.450.*

49 8. *Upon a finding that a condition of parole or the level of parole*
50 *supervision set pursuant to this section does not align with the results of a risk*
51 *and needs assessment administered pursuant to subsection 1 or 4, the supervising*
52 *officer shall submit a request to the Board to modify the condition or level of*

1 *supervision set by the Board. The Division shall provide written notification to*
2 *the parolee of any modification.*

3 9. *The risk and needs assessment required under this section must undergo*
4 *~~[-] periodic validation~~ ~~[-] study not less than once every 3 years.~~ studies in*
5 *accordance with the timeline established by the developer of the assessment. The*
6 *Division shall establish quality assurance procedures to ensure proper and*
7 *consistent scoring of the risk and needs assessment.*

8 **Sec. 96.** NRS 213.1095 is hereby amended to read as follows:

9 213.1095 The Chief Parole and Probation Officer:

10 1. Is responsible for and shall supervise the fiscal affairs and responsibilities
11 of the Division.

12 2. May establish, consolidate and abolish sections within the Division.

13 3. May establish, consolidate and abolish districts within the State to which
14 assistant parole and probation officers are assigned.

15 4. Shall appoint the necessary supervisory personnel and other assistants and
16 employees as may be necessary for the efficient discharge of the responsibilities of
17 the Division.

18 5. Is responsible for such reports of investigation and supervision and other
19 reports as may be requested by the Board or courts.

20 6. Shall direct the work of all assistants and employees assigned to him or her.

21 7. Shall formulate methods of investigation, supervision, recordkeeping and
22 reporting.

23 8. Shall develop policies of parole and probation after considering other
24 acceptable and recognized correctional programs and conduct training courses for
25 the staff. ***Such training courses must include:***

26 *(a) Training in evidence-based practices, including, without limitation,*
27 *principles of effective intervention, effective case management and effective*
28 *practices in ~~[-] corrections~~ community supervision settings; and*

29 *(b) Courses on interacting with victims of domestic violence and trauma ~~[-]~~*
30 *and people with behavioral health needs and both physical and intellectual*
31 *disabilities.*

32 9. Shall furnish to each person released under his or her supervision a written
33 statement of the conditions of parole or probation, instruct any parolee or
34 probationer regarding those conditions, and advise the Board or the court of any
35 violation of the conditions of parole and probation.

36 10. At the close of each biennium, shall submit to the Governor and the Board
37 a report, with statistical and other data, of his or her work.

38 **Sec. 97.** NRS 213.1215 is hereby amended to read as follows:

39 213.1215 1. Except as otherwise provided in this section and in cases where
40 a consecutive sentence is still to be served, if a prisoner sentenced to imprisonment
41 for a term of 3 years or more:

42 (a) Has not been released on parole previously for that sentence; and

43 (b) Is not otherwise ineligible for parole,

44 *➤* the prisoner must be released on parole 12 months before the end of his or her
45 maximum term or maximum aggregate term, as applicable, as reduced by any
46 credits the prisoner has earned to reduce his or her sentence pursuant to chapter 209
47 of NRS.

48 2. Except as otherwise provided in this section, a prisoner who was sentenced
49 to life imprisonment with the possibility of parole and who was less than 16 years
50 of age at the time that the prisoner committed the offense for which the prisoner
51 was imprisoned must, if the prisoner still has a consecutive sentence to be served,
52 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.

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 ~~and~~ and 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, 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

1 must be released on parole as soon as practicable after the prisoner's program is
2 established.

3 10. For the purposes of this section, the determination of the 12-month period
4 before the end of a prisoner's term must be calculated without consideration of any
5 credits the prisoner may have earned to reduce his or her sentence had the prisoner
6 not been paroled.

7 **Sec. 98.** NRS 213.131 is hereby amended to read as follows:

8 213.131 1. The Department of Corrections shall:

9 (a) Determine when a prisoner sentenced to imprisonment in the state prison is
10 eligible to be considered for parole;

11 (b) Notify the Board of the eligibility of the prisoner to be considered for
12 parole; and

13 (c) Before a meeting to consider the prisoner for parole, compile and provide to
14 the Board data that will assist the Board in determining whether parole should be
15 granted.

16 2. If a prisoner is being considered for parole from a sentence imposed for
17 conviction of a crime which involved the use of force or violence against a victim
18 and which resulted in bodily harm to a victim and if original or duplicate
19 photographs that depict the injuries of the victim or the scene of the crime were
20 admitted at the trial of the prisoner or were part of the report of the presentence
21 investigation and are reasonably available, a representative sample of such
22 photographs must be included with the information submitted to the Board at the
23 meeting. A prisoner may not bring a cause of action against the State of Nevada, its
24 political subdivisions, agencies, boards, commissions, departments, officers or
25 employees for any action that is taken pursuant to this subsection or for failing to
26 take any action pursuant to this subsection, including, without limitation, failing to
27 include photographs or including only certain photographs. As used in this
28 subsection, "photograph" includes any video, digital or other photographic image.

29 3. Meetings to consider prisoners for parole may be held semiannually or
30 more often, on such dates as may be fixed by the Board. All meetings are quasi-
31 judicial and must be open to the public. No rights other than those conferred
32 pursuant to this section or pursuant to specific statute concerning meetings to
33 consider prisoners for parole are available to any person with respect to such
34 meetings.

35 4. Except as otherwise provided in NRS 213.10915, not later than 5 days after
36 the date on which the Board fixes the date of the meeting to consider a prisoner for
37 parole, the Board shall notify the victim of the prisoner who is being considered for
38 parole of the date of the meeting and of the victim's rights pursuant to this
39 subsection, if the victim has requested notification in writing and has provided his
40 or her current address or if the victim's current address is otherwise known by the
41 Board. The victim of a prisoner being considered for parole may submit documents
42 to the Board and may testify at the meeting held to consider the prisoner for parole.
43 A prisoner must not be considered for parole until the Board has notified any victim
44 of his or her rights pursuant to this subsection and the victim is given the
45 opportunity to exercise those rights. If a current address is not provided to or
46 otherwise known by the Board, the Board must not be held responsible if such
47 notification is not received by the victim.

48 5. The Board may deliberate in private after a public meeting held to consider
49 a prisoner for parole.

50 6. The Board of State Prison Commissioners shall provide suitable and
51 convenient rooms or space for use of the State Board of Parole Commissioners.

52 7. Except as otherwise provided in NRS 213.10915, if a victim is notified of a
53 meeting to consider a prisoner for parole pursuant to subsection 4, the Board shall,

1 upon making a final decision concerning the parole of the prisoner, notify the
2 victim of its final decision.

3 8. All personal information, including, but not limited to, a current or former
4 address, which pertains to a victim and which is received by the Board pursuant to
5 this section is confidential.

6 9. The Board may grant parole without a meeting, pursuant to NRS **213.1215**
7 **or** 213.133, but the Board must not deny parole to a prisoner unless the prisoner has
8 been given reasonable notice of the meeting and the opportunity to be present at the
9 meeting. If the Board fails to provide notice of the meeting to the prisoner or to
10 provide the prisoner with an opportunity to be present and determines that it may
11 deny parole, the Board may reschedule the meeting.

12 10. During a meeting to consider a prisoner for parole, the Board shall allow
13 the prisoner:

14 (a) At his or her own expense, to have a representative present with whom the
15 prisoner may confer; and

16 (b) To speak on his or her own behalf or to have his or her representative speak
17 on his or her behalf.

18 11. Upon making a final decision concerning the parole of the prisoner, the
19 Board shall provide written notice to the prisoner of its decision not later than 10
20 working days after the meeting and, if parole is denied, specific recommendations
21 of the Board to improve the possibility of granting parole the next time the prisoner
22 is considered for parole, if any.

23 12. For the purposes of this section, "victim" has the meaning ascribed to it in
24 NRS 213.005.

25 **Sec. 99.** NRS 213.133 is hereby amended to read as follows:

26 213.133 1. Except as otherwise provided in subsections 6, 7 and 8, the
27 Board may delegate its authority to hear, consider and act upon the parole of a
28 prisoner and on any issue before the Board to a panel consisting of:

29 (a) Two or more members of the Board, two of whom constitute a quorum; or

30 (b) One member of the Board who is assisted by a case hearing representative.

31 2. No action taken by any panel created pursuant to paragraph (a) of
32 subsection 1 is valid unless concurred in by a majority vote of those sitting on the
33 panel.

34 3. The decision of a panel is subject to final approval by the affirmative action
35 of a majority of the members appointed to the Board. Such action may be taken at a
36 meeting of the Board or without a meeting by the delivery of written approval to
37 the Executive Secretary of the Board.

38 4. The degree of complexity of issues presented must be taken into account
39 before the Board makes any delegation of its authority and before it determines the
40 extent of a delegation.

41 5. The Board shall adopt regulations which establish the basic types of
42 delegable cases and the size of the panel required for each type of case.

43 6. A hearing concerning the parole of a prisoner or any decision on an issue
44 involving a person:

45 (a) Who committed a capital offense;

46 (b) Who is serving a sentence of imprisonment for life;

47 (c) Who has been convicted of a sexual offense involving the use or threat of
48 use of force or violence;

49 (d) Who is a habitual criminal; or

50 (e) Whose sentence has been commuted by the State Board of Pardons
51 Commissioners,

52 ➤ must be conducted by at least three members of the Board, and action may be
53 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. ~~[(A)]~~ *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 ~~and~~ and shall coordinate with any other state agencies for available services regarding housing or treatment. 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, including, without limitation, any clinical assessments relating to the behavioral health needs of the prisoner; ~~and~~*

(d) *Any job or education services available to the prisoner ~~and~~;*

(e) *Eligibility and enrollment for Medicaid and Medicare.*

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, for~~ *gross misdemeanor, battery which constitutes domestic violence pursuant to NRS 200.485 or violation of NRS 484C.110 or 484C.120 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, battery which constitutes domestic violence pursuant to NRS 200.485 or violation of NRS 484C.110 or 484C.120 and does not constitute absconding. The term does not include termination from a specialty court program.

Sec. 102. NRS 217.070 is hereby amended to read as follows:

217.070 1. "Victim" means ~~or~~ a person who suffers direct or threatened physical, financial or ~~emotional~~ psychological 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 of a crash involving the driver and the pedestrian in violation of NRS 484E.010;

(f) An older person or a vulnerable person who is abused, neglected, exploited, isolated or abandoned in violation of NRS 200.5099 or 200.50995;

(g) A person who is physically injured or killed as the direct result of an act of international terrorism as defined in 18 U.S.C. § 2331(1); ~~or~~

(h) A person who is trafficked in violation of subsection 2 of NRS 201.300 ~~or~~;

(i) A person who is an immediate family member of a victim who:

- (1) Is a minor;
- (2) Is physically or mentally incompetent; or
- (3) Was killed.

2. The term includes any person who was harmed by an act listed in subsection 1, regardless of whether:

(a) The person is a resident of this State, a citizen of the United States or is lawfully entitled to reside in the United States; or

(b) The act was committed by an adult or a minor.

Sec. 102.5. NRS 284.140 is hereby amended to read as follows:

284.140 The unclassified service of the State consists of the following state officers or employees in the Executive Department of the State Government who receive annual salaries for their services:

1. Members of boards and commissions, and heads of departments, agencies and institutions required by law to be appointed.

2. Except as otherwise provided in NRS 223.085, 223.600 and 232.461 and section 5.5 of this act all persons required by law to be appointed by the Governor or heads of departments or agencies appointed by the Governor or by boards.

3. All employees other than clerical in the Office of the Attorney General and the State Public Defender required by law to be appointed by the Attorney General or the State Public Defender.

4. Except as otherwise provided by the Board of Regents of the University of Nevada pursuant to NRS 396.251, officers and members of the teaching staff and the staffs of the Agricultural Extension Department and Experiment Station of the Nevada System of Higher Education, or any other state institution of learning, and student employees of these institutions. Custodial, clerical or maintenance employees of these institutions are in the classified service. The Board of Regents of the University of Nevada shall assist the Administrator in carrying out the provisions of this chapter applicable to the Nevada System of Higher Education.

5. All other officers and employees authorized by law to be employed in the unclassified service.

Sec. 103. Chapter 289 of NRS is hereby amended by adding thereto the provisions set forth as sections 104 and 105 of this act.

Sec. 104. 1. *The Commission shall, subject to the availability of funds appropriated for such a purpose, develop and implement a ~~mental~~ behavioral health field response grant program for the purpose of allowing law enforcement and ~~mental~~ behavioral health professionals to safely respond to crises, including, without limitation, by telephone or video, involving persons with behavioral health issues. The Commission may use a portion of the appropriated funds to develop data management capability to support the program.*

2. *A local law enforcement agency may submit a grant application to the Commission that contains the agency's proposal to develop its ~~mental~~ behavioral health field response by incorporating ~~mental~~ behavioral health professionals into its ~~mental~~ behavioral health field response planning, or two or more local law enforcement agencies may submit a joint grant application that contains their joint proposal. Any proposal submitted by a law enforcement agency must provide a plan for improving ~~mental~~ behavioral health field response and diversion from incarceration through modifying or expanding law enforcement practices in partnership with ~~mental~~ behavioral health professionals. The Commission may prioritize grant applications that include total matching funds.*

3. *The Commission shall appoint a peer review panel to review, in consultation with behavioral health organizations ~~and~~ and the Department of Health and Human Services the grant applications submitted by local law enforcement agencies and select the grant recipients. To the extent possible, at least one grant recipient must be from a rural county. To avoid any conflict of interest, any law enforcement agency that is included in a proposal shall recuse itself from voting on the peer review panel.*

4. *If the Commission certifies that the grant application of a selected recipient satisfies the proposal criteria, the Commission shall distribute grant funds to the selected recipient. The Commission shall make every effort to fund at least three grants each fiscal year. Grant recipients must be selected and receive grant funds not later than October 1 of each year the ~~mental~~ behavioral health field response grant program is funded.*

5. *A grant recipient must provide for at least one ~~mental~~ behavioral health professional who will perform professional services under its plan. Such a ~~mental~~ behavioral health professional may assist patrolling officers in the field or in an on-call capacity, provide preventive, follow-up training on ~~mental~~*

behavioral health field response best practices or provide other services at the direction of the grant recipient. A grant recipient may coordinate with local public safety answering points to maximize the goals of its plan.

6. Using existing resources, the Commission shall:

(a) Consult with the staff of the Office of Analytics of the Department of Health and Human Services to establish data collection and reporting guidelines for grant recipients for the purpose of studying and evaluating whether the use of ~~mental~~ *behavioral* health field response programs improves the outcomes of interactions with persons experiencing behavioral health crises, including, without limitation, by reducing rates of violence, arrests and jail or emergency room usage.

(b) Consult with the Department of Health and Human Services to develop requirements for participating ~~mental~~ *behavioral* health professionals.

(c) Coordinate with the Department of Health and Human Services, the Division of Public and Behavioral Health of the Department of Health and Human Services and public safety answering points to develop and incorporate telephone or dispatch protocols to assist with ~~mental~~ *behavioral* health, law enforcement and emergency medical responses involving behavioral health situations.

7. On or before December 1 of each year the ~~mental~~ *behavioral* health field response grant program is funded, the Commission shall submit to the Governor, the Chair of the Senate Standing Committee on Judiciary and the Chair of the Assembly Standing Committee on Judiciary a report concerning the program which must include, without limitation:

(a) Information on and feedback from grant recipients; and

(b) Information on the use of grant funds and the participation of ~~mental~~ *behavioral* health professionals.

8. A grant recipient shall develop and provide or arrange joint training necessary for both law enforcement and ~~mental~~ *behavioral* 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~~ *behavioral* 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, a developmental disability or an intellectual disability as those terms are defined in NRS 435.007 or a substance ~~abuse~~ use 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

1 in NRS 289.460 to 289.490, inclusive, have the meanings ascribed to them in those
2 sections.

3 **Sec. 107.** NRS 289.510 is hereby amended to read as follows:

4 289.510 1. The Commission:

5 (a) Shall meet at the call of the Chair, who must be elected by a majority vote
6 of the members of the Commission.

7 (b) Shall provide for and encourage the training and education of persons
8 whose primary duty is law enforcement to ensure the safety of the residents of and
9 visitors to this State.

10 (c) Shall adopt regulations establishing minimum standards for the certification
11 and decertification, recruitment, selection and training of peace officers. The
12 regulations must establish:

13 (1) Requirements for basic training for category I, category II and category
14 III peace officers and reserve peace officers;

15 (2) Standards for programs for the continuing education of peace officers,
16 including minimum courses of study and requirements concerning attendance;

17 (3) Qualifications for instructors of peace officers; and

18 (4) Requirements for the certification of a course of training.

19 (d) Shall, when necessary, present courses of training and continuing education
20 courses for category I, category II and category III peace officers and reserve peace
21 officers.

22 (e) May make necessary inquiries to determine whether the agencies of this
23 State and of the local governments are complying with standards set forth in its
24 regulations.

25 (f) Shall carry out the duties required of the Commission pursuant to NRS
26 432B.610 and 432B.620.

27 (g) May perform any other acts that may be necessary and appropriate to the
28 functions of the Commission as set forth in NRS 289.450 to 289.650, inclusive ~~H~~,
29 *and sections 104 and 105 of this act.*

30 (h) May enter into an interlocal agreement with an Indian tribe to provide
31 training to and certification of persons employed as police officers by that Indian
32 tribe.

33 *(i) Shall develop and approve a standard curriculum of certified training*
34 *programs in crisis intervention, which may be made available in an electronic*
35 *format, and which address specialized responses to persons with mental illness*
36 *and train peace officers to identify the signs and symptoms of mental illness, to*
37 *de-escalate situations involving persons who appear to be experiencing a*
38 *behavioral health crisis and, if appropriate, to connect such persons to treatment.*
39 *A peace officer who completes any program developed pursuant to this*
40 *paragraph must be issued a certificate of completion.*

41 2. Regulations adopted by the Commission:

42 (a) Apply to all agencies of this State and of local governments in this State
43 that employ persons as peace officers;

44 (b) Must require that all peace officers receive training in the handling of cases
45 involving abuse or neglect of children or missing children;

46 (c) Must require that all peace officers receive training in the handling of cases
47 involving abuse, neglect, exploitation, isolation and abandonment of older persons;
48 and

49 (d) May require that training be carried on at institutions which it approves in
50 those regulations.

51 **Sec. 108.** NRS 289.650 is hereby amended to read as follows:

52 289.650 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. 110.5. NRS 439.258 is hereby amended to read as follows:

439.258 1. The Division shall evaluate, certify and monitor programs for the treatment of persons who commit domestic violence in accordance with the regulations adopted pursuant to subsection 2.

2. The Division shall adopt regulations governing the evaluation, certification and monitoring of programs for the treatment of persons who commit domestic violence.

3. The regulations adopted pursuant to subsection 2 must include, without limitation, provisions ~~[allowing] :~~

(a) Requiring that a program:

(I) Include a module specific to victim safety; and

(2) Be based on:

(I) Evidence-based practices; and

(II) The assessment of a program participant by a supervisor of treatment or provider of treatment; and

(b) Allowing a program that is located in another state to become certified in this State to provide treatment to persons who:

~~[(a)]~~ (1) Reside in this State; and

~~[(b)]~~ (2) Are ordered by a court in this State to participate in a program for the treatment of persons who commit domestic violence.

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 a fine of not more than ~~[\$20,000. The court shall not grant probation to or suspend the sentence of a person convicted of violating this section if the person has been previously convicted under this section or of any other offense described in this subsection.]~~ \$10,000.

3. This section does not apply to any rehabilitation clinic established or licensed by the Division of Public and Behavioral Health of the Department.

1 **Sec. 112.** NRS 453.321 is hereby amended to read as follows:

2 453.321 1. Except as authorized by the provisions of NRS 453.011 to
3 453.552, inclusive, it is unlawful for a person to:

4 (a) Import, transport, sell, exchange, barter, supply, prescribe, dispense, give
5 away or administer a controlled or counterfeit substance;

6 (b) Manufacture or compound a counterfeit substance; or

7 (c) Offer or attempt to do any act set forth in paragraph (a) or (b).

8 2. Unless a greater penalty is provided in NRS 453.333 or 453.334, if a
9 person violates subsection 1 and the controlled substance is classified in schedule I
10 or II, the person ~~is guilty of a category B felony and~~ shall be punished:

11 (a) For the first offense, ~~[by imprisonment in the state prison for a minimum~~
12 ~~term of not less than 1 year and a maximum term of not more than 6 years, and may~~
13 ~~be further punished by a fine of not more than \$20,000.] for a category C felony as~~
14 ~~provided in NRS 193.130.~~

15 (b) For a second offense, or if, in the case of a first conviction under this
16 subsection, the offender has previously been convicted of an offense under this
17 section or of any offense under the laws of the United States or any state, territory
18 or district which, if committed in this State, would amount to an offense under this
19 section, *for a category B felony* by imprisonment in the state prison for a minimum
20 term of not less than 2 years and a maximum term of not more than 10 years, and
21 may be further punished by a fine of not more than \$20,000.

22 (c) For a third or subsequent offense, or if the offender has previously been
23 convicted two or more times under this section or of any offense under the laws of
24 the United States or any state, territory or district which, if committed in this State,
25 would amount to an offense under this section, *for a category B felony* by
26 imprisonment in the state prison for a minimum term of not less than 3 years and a
27 maximum term of not more than 15 years, and may be further punished by a fine of
28 not more than \$20,000 for each offense.

29 3. ~~[The]~~ *Unless mitigating circumstances exist that warrant the granting of*
30 ~~probation, the~~ court shall not grant probation to or suspend the sentence of a person
31 convicted under subsection 2 and punishable pursuant to paragraph (b) or (c) of
32 subsection 2.

33 4. Unless a greater penalty is provided in NRS 453.333 or 453.334, if a
34 person violates subsection 1, and the controlled substance is classified in schedule
35 III, IV or V, the person shall be punished:

36 (a) For the first offense, for a category ~~[C]~~ *D* felony as provided in NRS
37 193.130.

38 (b) For a second offense, or if, in the case of a first conviction of violating this
39 subsection, the offender has previously been convicted of violating this section or
40 of any offense under the laws of the United States or any state, territory or district
41 which, if committed in this State, would amount to a violation of this section, for a
42 category ~~[B]~~ *C* felony ~~[by imprisonment in the state prison for a minimum term of~~
43 ~~not less than 2 years and a maximum term of not more than 10 years, and may be~~
44 ~~further punished by a fine of not more than \$15,000.] as provided in NRS 193.130.~~

45 (c) For a third or subsequent offense, or if the offender has previously been
46 convicted two or more times of violating this section or of any offense under the
47 laws of the United States or any state, territory or district which, if committed in
48 this State, would amount to a violation of this section, for a category B felony by
49 imprisonment in the state prison for a minimum term of not less than ~~[3]~~ *2* years
50 and a maximum term of not more than ~~[15]~~ *10* years, and may be further punished
51 by a fine of not more than ~~[\$20,000]~~ *\$15,000* for each offense.

52 5. ~~[The]~~ *Unless mitigating circumstances exist that warrant the granting of*
53 ~~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~~ a first or second offense, if the controlled substance is listed in schedule I ~~I~~ or II ~~and the quantity possessed is less than 14 grams, or if the controlled substance is listed in schedule III, IV or V and the quantity possessed is less than 28 grams,~~ for a category E felony as provided in NRS 193.130. ~~misdemeanor.~~ In accordance with section 19 of this act, the court shall defer judgment upon the consent of the person.

(b) For a third or subsequent offense, if the controlled substance is listed in schedule I ~~I~~ or II ~~and the quantity possessed is less than 14 grams, or if the controlled substance is listed in schedule III, IV or V and the quantity possessed is less than 28 grams,~~ 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~~ If the controlled substance is listed in schedule IV, I or II and the quantity possessed is 14 grams or more, but less than 28 grams, or if the controlled substance is listed in schedule III, IV or V and the quantity possessed is 28 grams or more, but less than 200 grams, for a category C felony as provided in NRS 193.130.

(d) ~~For a second or subsequent offense, if~~ If the controlled substance is listed in schedule IV, I or II and the quantity possessed is 28 grams or more, but less than 42 grams, or if the controlled substance is listed in schedule III, IV or V and the quantity possessed is 200 grams or more, for a category B felony as provided in NRS 193.130. ~~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 \$50,000.~~

(e) If the controlled substance is listed in schedule I or II and the quantity possessed is 42 grams or more, 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 \$50,000.

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. *The court may grant probation to or suspend the sentence of a person convicted of violating this section.*

7. 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]~~ use 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 court, without entering a judgment of conviction and with the consent of the accused, may suspend further proceedings and place the person on probation upon terms and conditions that must include attendance and successful completion of ~~an~~:

(a) An educational program; or ~~in~~

(b) In the case of a person dependent upon drugs, ~~for~~ 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 for participation in such a program.*

2. Upon violation of a term or condition, the court may enter a judgment of conviction and proceed as provided in the section pursuant to which the accused was charged. Notwithstanding the provisions of paragraph (e) of subsection 2 of NRS 193.130, upon violation of a term or condition, the court may order the person to the custody of the Department of Corrections.

3. Upon fulfillment of the terms and conditions, the court shall discharge the accused and dismiss the proceedings against him or her. A nonpublic record of the dismissal must be transmitted to and retained by the Division of Parole and Probation of the Department of Public Safety solely for the use of the courts in determining whether, in later proceedings, the person qualifies under this section.

4. Except as otherwise provided in subsection 5, discharge and dismissal under 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 person discharged, in the contemplation of the law, to the status occupied before the arrest, indictment or information. The person 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 person for any purpose. Discharge and dismissal under this section may occur only once with respect to any person.

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

Sec. 116. NRS 453.337 is hereby amended to read as follows:

453.337 1. Except as otherwise 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 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]~~ Except as otherwise provided in this subsection, 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. The court shall not grant probation to or suspend the sentence of a person convicted of violating this section, even if mitigating circumstances exist that would otherwise warrant the granting of probation, if the person violated this section by possessing flunitrazepam, gamma-hydroxybutyrate or any substance for which flunitrazepam or gamma-hydroxybutyrate is an immediate precursor.

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.] (Deleted by amendment.)~~

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 or 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 4-28 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] possessed is 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] 20 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:]~~

~~(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 [or 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. (Deleted by amendment.)~~

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 or 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 possessed is 400 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~~ 20 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:~~

~~— (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 5 ~~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] The court may grant probation to or suspend the sentence of a person convicted of violating the provisions 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], unless the person violated any such section by possessing flunitrazepam, gamma-hydroxybutyrate or any substance for which flunitrazepam or gamma-hydroxybutyrate is an immediate precursor.~~~~

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. 122.5. NRS 453.411 is hereby amended to read as follows:

453.411 1. It is unlawful for a person knowingly to use or be under the influence of a controlled substance except in accordance with a lawfully issued prescription.

2. It is unlawful for a person knowingly to use or be under the influence of a controlled substance except when administered to the person at a rehabilitation clinic established or licensed by the Division of Public and Behavioral Health of the Department, or a hospital certified by the Department.

3. Unless a greater penalty is provided in NRS 212.160, a person who violates this section shall be punished ~~as follows:~~

~~(a) If the controlled substance is listed in schedule I, II, III or IV, for a category E felony as provided in NRS 193.130.~~

~~(b) If the controlled substance is listed in schedule V, for a [gross] misdemeanor, [by imprisonment in the county jail for not more than 364 days, and may be further punished by a fine of not more than \$1,000.]~~

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 ~~as follows:~~

~~(a) Not to exceed \$350,000, if the quantity involved is 4-28 grams or more, but less than 14-100 grams.~~

~~(b) Not to exceed \$700,000, if the quantity involved is 14-100 grams or more, but less than 28-400 grams.~~

~~(c) Not to exceed \$1,000,000, if the quantity involved is [28-400] 100 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 ~~of~~

~~—(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~~ **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 453.324, 453.354, 453.355 or 453.357, 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 : ~~[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,]~~ \$1,200, is guilty of a ~~[gross]~~ misdemeanor.

2. If the device has a value of ~~[\$650, \$2,000]~~ \$1,200 or more, is guilty of ~~[grand larceny]~~ **a category** ~~[C]~~ **D** **felony** and shall be punished as provided in NRS ~~[205.222,]~~ **193.130.**

Sec. 126.3. NRS 483.290 is hereby amended to read as follows:

483.290 1. An application for an instruction permit or for a driver's license must:

(a) Be made upon a form furnished by the Department.
(b) Be verified by the applicant before a person authorized to administer oaths. Officers and employees of the Department may administer those oaths without charge.

(c) Be accompanied by the required fee.
(d) State the full legal name, date of birth, sex, address of principal residence and mailing address, if different from the address of principal residence, of the applicant and briefly describe the applicant.

(e) State whether the applicant has theretofore been licensed as a driver, and, if so, when and by what state or country, and whether any such license has ever been suspended or revoked, or whether an application has ever been refused, and, if so, the date of and reason for the suspension, revocation or refusal.

(f) Include such other information as the Department may require to determine the competency and eligibility of the applicant.

2. Every applicant must furnish proof of his or her full legal name and age by displaying:

(a) An original or certified copy of the required documents as prescribed by regulation; or

(b) A photo identification card issued by the Department of Corrections pursuant to NRS 209.511 which indicates that the Director of the Department of Corrections has verified the full legal name and age of the applicant pursuant to subsection 4 of that section.

3. The Department shall adopt regulations prescribing the documents an applicant may use to furnish proof of his or her full legal name and age to the Department pursuant to paragraph (a) of subsection 2, including, without limitation, a document issued by the Department pursuant to NRS 483.375 or 483.8605.

4. At the time of applying for a driver's license, an applicant may, if eligible, preregister or register to vote pursuant to NRS 293.524.

5. Every applicant who has been assigned a social security number must furnish proof of his or her social security number by displaying:

(a) An original card issued to the applicant by the Social Security Administration bearing the social security number of the applicant; or

(b) Other proof acceptable to the Department, including, without limitation, records of employment or federal income tax returns.

6. The Department may refuse to accept a driver's license issued by another state, the District of Columbia or any territory of the United States if the Department determines that the other state, the District of Columbia or the territory of the United States has less stringent standards than the State of Nevada for the issuance of a driver's license.

7. With respect to any document presented by a person who was born outside of the United States to prove his or her full legal name and age, the Department:

(a) May, if the document has expired, refuse to accept the document or refuse to issue a driver's license to the person presenting the document, or both; and

(b) Shall issue to the person presenting the document a driver's license that is valid only during the time the applicant is authorized to stay in the United States, or if there is no definite end to the time the applicant is authorized to stay, the driver's license is valid for 1 year beginning on the date of issuance.

8. The Administrator shall adopt regulations setting forth criteria pursuant to which the Department will issue or refuse to issue a driver's license in accordance with this section to a person who is a citizen of any state, the District of Columbia,

any territory of the United States or a foreign country. The criteria pursuant to which the Department shall issue or refuse to issue a driver's license to a citizen of a foreign country must be based upon the purpose for which that person is present within the United States.

9. Notwithstanding any other provision of this section, the Department shall not accept a consular identification card as proof of the age or identity of an applicant for an instruction permit or for a driver's license. As used in this subsection, "consular identification card" has the meaning ascribed to it in NRS 232.006.

Sec. 126.7. NRS 483.860 is hereby amended to read as follows:

483.860 1. Every applicant for an identification card must furnish proof of his or her full legal name and age by presenting:

(a) An original or certified copy of the required documents as prescribed by regulation; or

(b) A photo identification card issued by the Department of Corrections pursuant to NRS 209.511 ~~and which indicates that the Director of the Department of Corrections has verified the full legal name and age of the applicant pursuant to subsection 4 of that section.~~

2. The Director shall adopt regulations:

(a) Prescribing the documents an applicant may use to furnish proof of his or her full legal name and age to the Department pursuant to paragraph (a) of subsection 1, including, without limitation, a document issued by the Department pursuant to NRS 483.375 or 483.8605; and

(b) Setting forth criteria pursuant to which the Department will issue or refuse to issue an identification card in accordance with this section to a person who is a citizen of a state, the District of Columbia, any territory of the United States or a foreign country. The criteria pursuant to which the Department shall issue or refuse to issue an identification card to a citizen of a foreign country must be based upon the purpose for which that person is present within the United States.

3. Notwithstanding any other provision of this section, the Department shall not accept a consular identification card as proof of the age or identity of an applicant for an identification card. As used in this subsection, "consular identification card" has the meaning ascribed to it in NRS 232.006.

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~~ use for at least 6 months. The court shall authorize that treatment if:

(a) The offender is diagnosed as an alcoholic or ~~abuser~~ user 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

1 of whether the offender is eligible to undergo a program of treatment for alcoholism
2 or drug ~~[abuse]~~ use. The court shall order a hearing on the application upon the
3 request of the prosecuting attorney or may order a hearing on its own motion. The
4 hearing must be limited to the question of whether the offender is eligible to
5 undergo such a program of treatment.

6 3. At the hearing on the application for treatment, the prosecuting attorney
7 may present the court with any relevant evidence on the matter. If a hearing is not
8 held, the court shall decide the matter upon affidavits and other information before
9 the court.

10 4. If the court grants an application for treatment, the court shall:

11 (a) Immediately sentence the offender and enter judgment accordingly.

12 (b) Suspend the sentence of the offender for not more than 3 years upon the
13 condition that the offender be accepted for treatment by a treatment provider that is
14 approved by the court, that the offender complete the treatment satisfactorily and
15 that the offender comply with any other condition ordered by the court. If the court
16 has a specialty court program for the supervision and monitoring of the person, the
17 treatment provider must comply with the requirements of the specialty court,
18 including, without limitation, any requirement to submit progress reports to the
19 specialty court.

20 (c) Advise the offender that:

21 (1) He or she may be placed under the supervision of a treatment provider
22 for a period not to exceed 3 years.

23 (2) The court may order the offender to be admitted to a residential
24 treatment facility or to be provided with outpatient treatment in the community.

25 (3) If the offender fails to complete the program of treatment satisfactorily,
26 the offender shall serve the sentence imposed by the court. Any sentence of
27 imprisonment must be reduced by a time equal to that which the offender served
28 before beginning treatment.

29 (4) If the offender completes the treatment satisfactorily, the offender's
30 sentence will be reduced to a term of imprisonment which is no longer than that
31 provided for the offense in paragraph (c) of subsection 1 and a fine of not more than
32 the minimum fine provided for the offense in NRS 484C.400, but the conviction
33 must remain on the record of criminal history of the offender.

34 5. The court shall administer the program of treatment pursuant to the
35 procedures provided in ~~[NRS 458.320 and 458.330,]~~ *sections 20 to 23, inclusive, of*
36 *this act*, except that the court:

37 (a) Shall not defer the sentence, set aside the conviction or impose conditions
38 upon the election of treatment except as otherwise provided in this section.

39 (b) May immediately revoke the suspension of sentence for a violation of any
40 condition of the suspension.

41 6. The court shall notify the Department, on a form approved by the
42 Department, upon granting the application of the offender for treatment and his or
43 her failure to be accepted for or complete treatment.

44 **Sec. 128.** NRS 484C.330 is hereby amended to read as follows:

45 484C.330 1. An offender who is found guilty of a violation of NRS
46 484C.110 or 484C.120 that is punishable pursuant to paragraph (b) of subsection 1
47 of NRS 484C.400 may, at that time or any time before the offender is sentenced,
48 apply to the court to undergo a program of treatment for alcoholism or drug ~~[abuse]~~
49 use for at least 1 year. The court shall authorize that treatment if:

50 (a) The offender is diagnosed as an alcoholic or ~~[abuser]~~ user of drugs by:

51 (1) An alcohol and drug abuse counselor who is licensed or certified, or a
52 clinical alcohol and drug abuse counselor who is licensed, pursuant to chapter 641C
53 of NRS, to make that diagnosis; or

1 (2) A physician who is certified to make that diagnosis by the Board of
2 Medical Examiners;

3 (b) The offender agrees to pay the costs of the treatment to the extent of his or
4 her financial resources; and

5 (c) The offender has served or will serve a term of imprisonment in jail of 5
6 days and, if required pursuant to NRS 484C.400, has performed or will perform not
7 less than one-half of the hours of community service.

8 2. A prosecuting attorney may, within 10 days after receiving notice of an
9 application for treatment pursuant to this section, request a hearing on the matter.
10 The court shall order a hearing on the application upon the request of the
11 prosecuting attorney or may order a hearing on its own motion.

12 3. At the hearing on the application for treatment, the prosecuting attorney
13 may present the court with any relevant evidence on the matter. If a hearing is not
14 held, the court shall decide the matter upon affidavits and other information before
15 the court.

16 4. If the court grants an application for treatment, the court shall:

17 (a) Immediately sentence the offender and enter judgment accordingly.

18 (b) Suspend the sentence of the offender for not more than 3 years upon the
19 condition that the offender be accepted for treatment by a treatment provider that is
20 approved by the court, that the offender complete the treatment satisfactorily and
21 that the offender comply with any other condition ordered by the court. If the court
22 has a specialty court program for the supervision and monitoring of the person, the
23 treatment provider must comply with the requirements of the specialty court,
24 including, without limitation, any requirement to submit progress reports to the
25 specialty court.

26 (c) Advise the offender that:

27 (1) He or she may be placed under the supervision of the treatment
28 provider for a period not to exceed 3 years.

29 (2) The court may order the offender to be admitted to a residential
30 treatment facility or to be provided with outpatient treatment in the community.

31 (3) If the offender fails to complete the program of treatment satisfactorily,
32 the offender shall serve the sentence imposed by the court. Any sentence of
33 imprisonment must be reduced by a time equal to that which the offender served
34 before beginning treatment.

35 (4) If the offender completes the treatment satisfactorily, the offender's
36 sentence will be reduced to a term of imprisonment which is no longer than that
37 provided for the offense in paragraph (c) of subsection 1 and a fine of not more than
38 the minimum provided for the offense in NRS 484C.400, but the conviction must
39 remain on the record of criminal history of the offender.

40 5. The court shall administer the program of treatment pursuant to the
41 procedures provided in ~~NRS 458.320 and 458.330,~~ *sections 20 to 23, inclusive, of*
42 *this act*, except that the court:

43 (a) Shall not defer the sentence, set aside the conviction or impose conditions
44 upon the election of treatment except as otherwise provided in this section.

45 (b) May immediately revoke the suspension of sentence for a violation of a
46 condition of the suspension.

47 6. The court shall notify the Department, on a form approved by the
48 Department, upon granting the application of the offender for treatment and his or
49 her failure to be accepted for or complete treatment.

50 **Sec. 129.** NRS 484C.340 is hereby amended to read as follows:

51 484C.340 1. An offender who enters a plea of guilty or nolo contendere to a
52 violation of NRS 484C.110 or 484C.120 that is punishable pursuant to paragraph
53 (c) of subsection 1 of NRS 484C.400 may, at the time the offender enters a plea,

1 apply to the court to undergo a program of treatment for alcoholism or drug ~~abuse~~
2 use for at least 3 years. The court may authorize that treatment if:

3 (a) The offender is diagnosed as an alcoholic or ~~abuser~~ user of drugs by:

4 (1) An alcohol and drug abuse counselor who is licensed or certified, or a
5 clinical alcohol and drug abuse counselor who is licensed, pursuant to chapter 641C
6 of NRS, to make that diagnosis; or

7 (2) A physician who is certified to make that diagnosis by the Board of
8 Medical Examiners; and

9 (b) The offender agrees to pay the costs of the treatment to the extent of his or
10 her financial resources.

11 ➤ An alcohol and drug abuse counselor, a clinical alcohol and drug abuse
12 counselor or a physician who diagnoses an offender as an alcoholic or ~~abuser~~ user
13 of drugs shall make a report and recommendation to the court concerning the length
14 and type of treatment required for the offender.

15 2. A prosecuting attorney may, within 10 days after receiving notice of an
16 application for treatment pursuant to this section, request a hearing on the matter.
17 The court shall order a hearing on the application upon the request of the
18 prosecuting attorney or may order a hearing on its own motion.

19 3. At the hearing on the application for treatment, the prosecuting attorney
20 may present the court with any relevant evidence on the matter. If a hearing is not
21 held, the court shall decide the matter and other information before the court.

22 4. If the court determines that an application for treatment should be granted,
23 the court shall:

24 (a) Immediately, without entering a judgment of conviction and with the
25 consent of the offender, suspend further proceedings and place the offender on
26 probation for not more than 5 years.

27 (b) Order the offender to complete a program of treatment for alcoholism or
28 drug ~~abuse~~ use with a treatment provider approved by the court. If the court has a
29 specialty court program for the supervision and monitoring of the person, the
30 treatment provider must comply with the requirements of the specialty court,
31 including, without limitation, any requirement to submit progress reports to the
32 specialty court.

33 (c) Advise the offender that:

34 (1) He or she may be placed under the supervision of a treatment provider
35 for not more than 5 years.

36 (2) The court may order the offender to be admitted to a residential
37 treatment facility or to be provided with outpatient treatment in the community.

38 (3) The court will enter a judgment of conviction for a violation of
39 paragraph (c) of subsection 1 of NRS 484C.400 if a treatment provider fails to
40 accept the offender for a program of treatment for alcoholism or drug ~~abuse~~ use or
41 if the offender fails to complete the program of treatment satisfactorily. Any
42 sentence of imprisonment may be reduced by a time equal to that which the
43 offender served before beginning treatment.

44 (4) If the offender completes the treatment satisfactorily, the court will
45 enter a judgment of conviction for a violation of paragraph (b) of subsection 1 of
46 NRS 484C.400.

47 (5) The provisions of NRS 483.460 requiring the revocation of the license,
48 permit or privilege of the offender to drive do not apply.

49 5. The court shall administer the program of treatment pursuant to the
50 procedures provided in ~~NRS 458.320 and 458.330,~~ sections 20 to 23, inclusive, of
51 this act, except that the court:

52 (a) Shall not defer the sentence or set aside the conviction upon the election of
53 treatment, except as otherwise provided in this section; and

(b) May enter a judgment of conviction and proceed as provided in paragraph (c) of subsection 1 of NRS 484C.400 for a violation of a condition ordered by the court.

6. To participate in a program of treatment, the offender must:

(a) Serve not less than 6 months of residential confinement;

(b) Install, at his or her own expense, a device for not less than 12 months;

(c) Not drive any vehicle unless it is equipped with a device;

(d) Agree to be subject to periodic testing for the use of alcohol or controlled substances while participating in a program of treatment; and

(e) Agree to any other conditions that the court deems necessary.

7. An offender may not apply to the court to undergo a program of treatment for alcoholism or drug ~~abuse~~ use pursuant to this section if the offender has previously applied to receive treatment pursuant to this section or if the offender has previously been 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 ~~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, 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]~~ \$1,200 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]~~ \$1,200:

(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. 131.5. NRS 569.100 is hereby amended to read as follows:

569.100 1. A person who takes up an estray or feral livestock as provided for in NRS 569.040 to 569.130, inclusive, is entitled to hold the estray or feral livestock lawfully until relieved of custody by the Department.

2. A person shall not use or cause to be used, for profit or otherwise, any estray or feral livestock in the person's keeping under the provisions of NRS 569.040 to 569.130, inclusive. A violation of this subsection shall be deemed grand

1 larceny or petit larceny, as set forth in NRS 205.2175 to ~~205.2707~~ 205.2705,
2 inclusive, and the person shall be punished as provided in those sections.

3 3. Any person taking, leading or driving an estray or feral livestock away
4 from the possession of the lawful holder, as specified in NRS 569.040 to 569.130,
5 inclusive, except as otherwise provided in this section, is subject to all the penalties
6 under the law, whether or not the person is the claimant of the estray or feral
7 livestock.

8 **Sec. 132.** NRS 612.445 is hereby amended to read as follows:

9 612.445 1. A person shall not make a false statement or representation,
10 knowing it to be false, or knowingly fail to disclose a material fact in order to
11 obtain or increase any benefit or other payment under this chapter, including,
12 without limitation, by:

13 (a) Failing to properly report earnings;

14 (b) Filing a claim for benefits using the social security number, name or other
15 personal identifying information of another person; or

16 (c) Filing a claim for or receiving benefits and failing to disclose, at the time he
17 or she files the claim or receives the benefits, any compensation for a temporary
18 total disability or a temporary partial disability or money for rehabilitative services
19 pursuant to chapters 616A to 616D, inclusive, or 617 of NRS received by the
20 person or for which a claim has been submitted pursuant to those chapters.

21 ➤ A person who violates the provisions of this subsection commits unemployment
22 insurance fraud.

23 2. When the Administrator finds that a person has committed unemployment
24 insurance fraud pursuant to subsection 1, the person shall repay to the
25 Administrator for deposit in the Fund a sum equal to all of the benefits received by
26 or paid to the person for each week with respect to which the false statement or
27 representation was made or to which the person failed to disclose a material fact in
28 addition to any interest, penalties and costs related to that sum. Except as otherwise
29 provided in subsection 3 of NRS 612.480, the Administrator may make an initial
30 determination finding that a person has committed unemployment insurance fraud
31 pursuant to subsection 1 at any time within 4 years after the first day of the benefit
32 year in which the person committed the unemployment insurance fraud.

33 3. Except as otherwise provided in this subsection and subsection 8, the
34 person is disqualified from receiving unemployment compensation benefits under
35 this chapter:

36 (a) For a period beginning with the week in which the Administrator issues a
37 finding that the person has committed unemployment insurance fraud pursuant to
38 subsection 1 and ending not more than 52 consecutive weeks after the week in
39 which it is determined that a claim was filed in violation of subsection 1; or

40 (b) Until the sum described in subsection 2, in addition to any interest,
41 penalties or costs related to that sum, is repaid to the Administrator,
42 ➤ whichever is longer. The Administrator shall fix the period of disqualification
43 according to the circumstances in each case.

44 4. It is a violation of subsection 1 for a person to file a claim, or to cause or
45 allow a claim to be filed on his or her behalf, if:

46 (a) The person is incarcerated in the state prison or any county or city jail or
47 detention facility or other correctional facility in this State; and

48 (b) The claim does not expressly disclose his or her incarceration.

49 5. A person who obtains benefits of ~~\$650~~ ~~\$1,000~~ \$1,200 or more in
50 violation of subsection 1 shall be punished in the same manner as theft pursuant to
51 subsection ~~3 or 4~~ 2 of NRS 205.0835.

52 6. In addition to the repayment of benefits required pursuant to subsection 2,
53 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. 135.5. 1. When the next reprint of the Nevada Revised Statutes is prepared by the Legislative Counsel, the Legislative Counsel shall replace the terms "abuse" and "abuser" as such terms appear in the Nevada Revised Statutes in relation to, without limitation, alcohol or drug abuse or substance abuse assessments, screenings, disorders or treatment programs, with the terms "use" and "user," respectively, in the manner provided in this act.

2. The Legislative Counsel shall, in preparing supplements to the Nevada Administrative Code, make such changes as necessary so that the terms "abuse" and "abuser" are replaced with the terms "use" and "user," respectively, as described in subsection 1 and as provided for in this act.

1 3. To the extent that revisions are made to the Nevada Revised Statutes
2 pursuant to subsection 1, the revisions shall be construed as nonsubstantive
3 and it is not the intent of the Nevada Legislature to modify any existing
4 interpretations of any statute which is so revised.

5 Sec. 136. NRS 205.2707, 453.580, 458.290, 458.300, 458.310, 458.320,
6 458.325, 458.330, 458.340 and 458.350 are hereby repealed.

7 Sec. 137. 1. This section becomes effective upon passage and approval.

8 2. Sections 5 to 5.7, inclusive, 9, 9.3, 9.7 and 102.5 of this act become
9 effective:

10 (a) Upon passage and approval for the purpose of establishing the Office
11 of the Nevada Sentencing Commission created by section 5.5 of this act,
12 including appointing the Executive Director of the Office, and performing any
13 other preliminary administrative tasks that are necessary to carry out the
14 provisions of those sections; and

15 (b) On July 1, 2019, for all other purposes.

16 3. Sections 1 to 4, inclusive, 6, 7, 8, 10 to 102, inclusive, and 103 to 136,
17 inclusive, become effective on July 1, 2020.

LEADLINES OF REPEALED SECTIONS

205.2707 Penalty for theft of money or property of value of \$650 or more
from vending machines; determination of value of property taken includes cost
to repair any damage to vending machine.

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.