

Amendment No. 329

| | |
|--|---------------|
| Senate Amendment to Senate Bill No. 486 | (BDR 43-1149) |
| Proposed by: Senate Committee on Growth and Infrastructure | |
| Amends: Summary: No Title: Yes Preamble: No Joint Sponsorship: No Digest: Yes | |

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

EXPLANATION: Matter in (1) *blue bold italics* is new language in the original bill; (2) 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.

DLJ/BJE



Date: 4/19/2019

S.B. No. 486—Revises provisions relating to the issuance of citations.
(BDR 43-1149)



SENATE BILL NO. 486—COMMITTEE ON JUDICIARY

MARCH 25, 2019

Referred to Committee on Growth and Infrastructure

SUMMARY—Revises provisions relating to the issuance of citations.
(BDR 43-1149)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: Yes.

~

EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to citations; revising provisions relating to the ***form of certain citations and the*** notice to appear that results from the acceptance by a person of a citation from a peace officer in certain circumstances; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, a traffic citation is deemed a lawful complaint for the purposes of prosecution if the form of the citation: (1) includes an attestation charging commission of the offense alleged; or (2) is prepared electronically. (NRS 484A.620) Section 1 of this bill requires the attestation regardless of whether the citation was prepared electronically or otherwise. Under existing law, if a person refuses to sign a copy of certain citations issued by a peace officer who has halted the person's motor vehicle, the peace officer may deliver the citation to the person, and acceptance of such a copy is deemed personal service of a notice to appear in court to adjudicate the citation. (NRS 62C.070, 484A.630, 484A.720, 484A.760) ***Sections 1-4*** ***2-5*** of this bill revise the language to provide that when a person physically receives a copy of a citation, receipt of the citation shall be deemed personal service of a notice to appear in court to adjudicate the citation.

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

Section 1. NRS 484A.620 is hereby amended to read as follows:
484A.620 ~~1.1~~ ***Regardless of whether a citation is prepared electronically or by other means, if*** the form of citation ~~1.1~~
~~1. Includes~~ ***includes*** information whose truthfulness is attested as required for a complaint charging commission of the offense alleged in the citation to have been committed. ~~1.1~~
~~2. Is prepared electronically,~~
~~1.1~~ then the citation when filed with a court of competent jurisdiction shall be deemed to be a lawful complaint for the purpose of prosecution pursuant to chapters 484A to 484E, inclusive, of NRS.
~~Section 1.1~~ ***Sec. 2.*** NRS 484A.630 is hereby amended to read as follows:

1 484A.630 1. Whenever a person is halted by a peace officer for any
2 violation of chapters 484A to 484E, inclusive, of NRS punishable as a
3 misdemeanor and is not taken before a magistrate as required or permitted by NRS
4 484A.720 and 484A.730, the peace officer may prepare a traffic citation manually
5 or electronically in the form of a complaint issuing in the name of "The State of
6 Nevada," containing a notice to appear in court, the name and address of the
7 person, the state registration number of the person's vehicle, if any, the number of
8 the person's driver's license, if any, the offense charged, including a brief
9 description of the offense and the NRS citation, the time and place when and where
10 the person is required to appear in court, and such other pertinent information as
11 may be necessary. The peace officer shall sign the citation and deliver a copy of the
12 citation to the person charged with the violation. If the citation is prepared
13 electronically, the peace officer shall sign the copy of the citation that is delivered
14 to the person charged with the violation.

15 2. The time specified in the notice to appear must be at least 5 days after the
16 alleged violation unless the person charged with the violation demands an earlier
17 hearing.

18 3. The place specified in the notice to appear must be before a magistrate, as
19 designated in NRS 484A.750.

20 4. The person charged with the violation may give his or her written promise
21 to appear in court by signing *or physically receiving* at least one copy of the traffic
22 citation prepared by the peace officer and thereupon the peace officer shall not take
23 the person into physical custody for the violation. If the citation is prepared
24 electronically, the peace officer shall indicate on the electronic record of the citation
25 whether the person charged gave his or her written promise to appear. A copy of the
26 citation that is signed by the person charged or the electronic record of the citation
27 which indicates that the person charged gave his or her written promise to appear
28 suffices as proof of service.

29 5. If the person charged with the violation refuses to sign a copy of the traffic
30 citation but ~~accepts~~ *physically receives* a copy of the citation delivered by the
31 peace officer:

32 (a) The ~~acceptance~~ *receipt* shall be deemed personal service of the notice to
33 appear in court;

34 (b) A copy of the citation signed by the peace officer suffices as proof of
35 service; and

36 (c) The peace officer shall not take the person into physical custody for the
37 violation.

38 ~~[Sec. 2.]~~ **Sec. 3.** NRS 484A.720 is hereby amended to read as follows:

39 484A.720 Whenever any person is halted by a peace officer for any violation
40 of chapters 484A to 484E, inclusive, of NRS not amounting to a gross
41 misdemeanor or felony, the person shall be taken without unnecessary delay before
42 the proper magistrate, as specified in NRS 484A.750, in either of the following
43 cases:

44 1. When the person demands an immediate appearance before a magistrate; or

45 2. In any other event when the person is issued a traffic citation by an
46 authorized person and refuses to sign or ~~accept~~ *take physical delivery of* a copy of
47 the traffic citation.

48 ~~[Sec. 3.]~~ **Sec. 4.** NRS 484A.760 is hereby amended to read as follows:

49 484A.760 Whenever any person is taken into custody by a peace officer for
50 the purpose of taking him or her before a magistrate or court as authorized or
51 required in chapters 484A to 484E, inclusive, of NRS upon any charge other than a
52 felony or the offenses enumerated in paragraphs (a) to (e), inclusive, of subsection
53 1 of NRS 484A.710, and no magistrate is available at the time of arrest, and there is

1 no bail schedule established by the magistrate or court and no lawfully designated
2 court clerk or other public officer who is available and authorized to accept bail
3 upon behalf of the magistrate or court, the person must be released from custody
4 upon the issuance to the person of a misdemeanor citation or traffic citation and the
5 person signing a promise to appear, as provided in NRS 171.1773 or 484A.630,
6 respectively, or ~~{accepting}~~ **physically receiving** a copy of the traffic citation, as
7 provided in NRS 484A.630.

8 ~~{Sec. 4.}~~ **Sec. 5.** NRS 62C.070 is hereby amended to read as follows:

9 62C.070 1. If a child is stopped by a peace officer for a violation of any
10 traffic law or ordinance which is punishable as a misdemeanor, the peace officer
11 may prepare and issue a traffic citation pursuant to the same criteria as would apply
12 to an adult violator. The peace officer shall deliver a copy of the citation to the
13 child.

14 2. If a child who is issued a traffic citation executes a written promise to
15 appear in court by signing the citation, the peace officer shall not take the child into
16 physical custody for the violation.

17 3. If a child who is issued a traffic citation refuses to execute a written
18 promise to appear in court but ~~{accepts}~~ **physically receives** a copy of the citation
19 delivered by the peace officer:

20 (a) The ~~{acceptance}~~ **receipt** shall be deemed personal service of the notice to
21 appear in court;

22 (b) A copy of the citation signed by the peace officer suffices as proof of
23 service; and

24 (c) The peace officer shall not take the child into physical custody for the
25 violation.