

ASSEMBLY BILL NO. 10—COMMITTEE ON JUDICIARY

(ON BEHALF OF THE CITY OF NORTH LAS VEGAS)

PREFILED NOVEMBER 18, 2020

Referred to Committee on Judiciary

SUMMARY—Revises provisions relating to vehicular manslaughter. (BDR 43-367)

FISCAL NOTE: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility.
Effect on the State: No.

~

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

AN ACT relating to public safety; increasing the penalty for vehicular manslaughter; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law provides that a person who commits vehicular manslaughter is guilty of a misdemeanor, which is punishable by imprisonment in the county jail for not more than 6 months, or by a maximum fine of \$1,000, or by both fine and imprisonment. (NRS 193.150, 484B.657) **Section 1** of this bill increases the penalty for vehicular manslaughter to a gross misdemeanor, which is punishable by imprisonment in the county jail for not more than 364 days, or by a maximum fine of \$2,000, or by both fine and imprisonment. (NRS 193.140) **Sections 2 and 3** of this bill make conforming changes relating to the change of the penalty from a misdemeanor to a gross misdemeanor.

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

Section 1. NRS 484B.657 is hereby amended to read as follows:
484B.657 1. A person who, while driving or in actual physical control of any vehicle on a highway or premises to which the public has access, proximately causes the death of another person through an act or omission that constitutes simple negligence



1 is guilty of vehicular manslaughter and shall be punished for a **gross**
2 misdemeanor.

3 2. A person who commits an offense of vehicular manslaughter
4 may be subject to any additional penalty set forth in NRS 484B.130
5 or 484B.135.

6 3. Upon the conviction of a person for a violation of the
7 provisions of subsection 1, the court shall notify the Department of
8 the conviction.

9 4. Upon receipt of notification from a court pursuant to
10 subsection 3, the Department shall cause an entry of the conviction
11 to be made upon the driving record of the person so convicted.

12 **Sec. 2.** NRS 4.357 is hereby amended to read as follows:

13 4.357 1. In any county in which the appointment of masters
14 by a justice court is authorized by the board of county
15 commissioners, the local rules of practice adopted in a justice court
16 within the county may authorize the appointment of one or more
17 masters to perform certain duties that the Supreme Court has
18 approved. If the justice court elects to appoint a master or masters,
19 the local rules of practice adopted in that court must set forth the
20 selection process for choosing a master.

21 2. A master appointed pursuant to subsection 1 must possess
22 qualifications that are equal to or greater than the qualifications
23 required of the justice of the peace for the township in which the
24 master is appointed as set forth in NRS 4.010.

25 3. The Supreme Court shall provide by rule for a course of
26 instruction in the elements of substantive law relating to the duties
27 of any master appointed pursuant to subsection 1. A master
28 appointed pursuant to subsection 1 may not perform any duties of a
29 master until he or she has completed the course of instruction
30 described in this subsection.

31 4. A master appointed pursuant to subsection 1 may not preside
32 over:

33 (a) Any trial for a misdemeanor constituting:

34 (1) An act of domestic violence pursuant to NRS 33.018; or

35 (2) A violation of ~~NRS 484B.657~~ 484C.110 or 484C.120;

36 or

37 (b) Any preliminary hearing for a gross misdemeanor or felony.

38 5. A person appointed as a master must take and subscribe to
39 the official oath before acting as a master.

40 6. A master is entitled to receive a salary or a per diem salary
41 set by the board of county commissioners. The annual sum
42 expended for salaries of masters must not exceed the amount
43 budgeted for those expenses by the board of county commissioners.



Sec. 3. 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, 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 other than:

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

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

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

~~(4)~~ (3) 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 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 justice court or municipal court relating to the participation of the defendant in such a program.

Sec. 4. This act becomes effective upon passage and approval.

