

Amendment No. 197

Assembly Amendment to Assembly Bill No. 403	(BDR 43-1030)
<b>Proposed by:</b> Assembly Committee on Judiciary	
<b>Amends:</b> Summary: No Title: No 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.

JDK/BAW



Date: 4/11/2021

A.B. No. 403—Revises provisions governing certain crimes. (BDR 43-1030)





## ASSEMBLY BILL NO. 403—COMMITTEE ON JUDICIARY

MARCH 25, 2021

Referred to Committee on Judiciary

SUMMARY—Revises provisions governing certain crimes. (BDR 43-1030)

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

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

AN ACT relating to rules of the road; revising provisions relating to certain violations by pedestrians relating to crossing a highway; and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

Existing law requires any pedestrian, other than a person who is blind and using a service animal or carrying a cane or walking stick, to yield the right-of-way to all vehicles upon the highway if crossing a highway: (1) at any point other than within a marked crosswalk or within an unmarked crosswalk at an intersection; or (2) at a point where a pedestrian tunnel or overhead pedestrian crossing has been provided. (NRS 484B.287, 484B.290) Existing law also prohibits a pedestrian from: (1) crossing a highway at any place except in a marked crosswalk if between adjacent intersections at which official traffic-control devices are in operation; or (2) crossing an intersection diagonally, unless the pedestrian is authorized to cross the intersection diagonally by official traffic-control devices and the pedestrian crosses in accordance with such official traffic-control devices. (NRS 484B.287) Under existing law, the commission of any such prohibited act by a pedestrian: (1) is a misdemeanor, punishable by imprisonment in the county jail for not more than 6 months, or by a fine of not more than \$1,000, or by both fine and imprisonment; and (2) may subject the pedestrian to additional penalties if the violation is committed in a pedestrian safety zone. (NRS 484A.900, 484B.135, 484B.287)

**Section 2** of this bill decriminalizes the commission of such prohibited acts by pedestrians by specifically providing that a violation is not a misdemeanor and is instead punishable by a civil penalty of not more than \$100. **Section 1** of this bill removes the reference to the statute that prohibits such acts by pedestrians, thereby providing that a violation is no longer subject to any additional penalties if the violation is committed in a pedestrian safety zone. Section 2.5 of this bill provides that the amendatory provisions of this bill apply retroactively to any person who has committed such a violation, unless the person was convicted of the violation before July 1, 2021. Section 2.5 further requires: (1) each court in this State to cancel each outstanding bench warrant issued by the court for a person who failed to appear in court in relation to such an alleged violation; and (2) the Central Repository for Nevada Records of Criminal History to remove from each database or compilation of records of criminal history maintained by the Central Repository all records of bench warrants issued for a person who failed to appear in court in relation to such an alleged violation.

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

**Section 1.** NRS 484B.135 is hereby amended to read as follows:

484B.135 1. Except as otherwise provided in subsections 2 and 4, a person who is convicted of a violation of a speed limit, or of NRS 484B.150, 484B.163, 484B.165, 484B.200 to 484B.217, inclusive, 484B.223, 484B.227, 484B.280, 484B.283, ~~484B.287,~~ 484B.300, 484B.303, 484B.307, 484B.317, 484B.320, 484B.327, 484B.403, 484B.600, 484B.603, 484B.650, 484B.653, 484B.657, 484C.110 or 484C.120, that occurred in an area designated as a pedestrian safety zone may be punished by imprisonment or by a fine, or both, for a term or an amount equal to and in addition to the term of imprisonment or amount of the fine, or both, that the court imposes for the primary offense. Any term of imprisonment imposed pursuant to this subsection runs consecutively with the sentence prescribed by the court for the crime. This subsection does not create a separate offense, but provides an additional penalty for the primary offense, whose imposition is discretionary with the court and contingent upon the finding of the prescribed fact.

2. The additional penalty imposed pursuant to subsection 1 must not exceed a total of \$1,000, 6 months of imprisonment or 120 hours of community service.

3. A governmental entity that designates a pedestrian safety zone shall cause to be erected:

(a) A sign located before the beginning of the pedestrian safety zone which provides notice that higher fines may apply in pedestrian safety zones;

(b) A sign to mark the beginning of the pedestrian safety zone; and

(c) A sign to mark the end of the pedestrian safety zone.

4. A person who would otherwise be subject to an additional penalty pursuant to this section is not subject to such an additional penalty if, with respect to the pedestrian safety zone in which the violation occurred:

(a) A sign is not erected before the beginning of the pedestrian safety zone as required by paragraph (a) of subsection 3 to provide notice that higher fines may apply in pedestrian safety zones; or

(b) Signs are not erected as required by paragraphs (b) and (c) of subsection 3 to mark the beginning and end of the pedestrian safety zone.

5. The governing body of a local government or the Department of Transportation may designate a pedestrian safety zone on a highway if the governing body or the Department of Transportation:

(a) Makes findings as to the necessity and appropriateness of a pedestrian safety zone, including, without limitation, any circumstances on or near a highway which make an area of the highway dangerous for pedestrians; and

(b) Complies with the requirements of subsection 3 and NRS 484A.430 and 484A.440.

**Sec. 2.** NRS 484B.287 is hereby amended to read as follows:

484B.287 1. Except as provided in NRS 484B.290:

(a) Every pedestrian crossing a highway at any point other than within a marked crosswalk or within an unmarked crosswalk at an intersection shall yield the right-of-way to all vehicles upon the highway.

(b) Any pedestrian crossing a highway at a point where a pedestrian tunnel or overhead pedestrian crossing has been provided shall yield the right-of-way to all vehicles upon the highway.

(c) Between adjacent intersections at which official traffic-control devices are in operation pedestrians shall not cross at any place except in a marked crosswalk.

1 (d) A pedestrian shall not cross an intersection diagonally unless authorized by  
2 official traffic-control devices.

3 (e) When authorized to cross diagonally, pedestrians shall cross only in  
4 accordance with the official traffic-control devices pertaining to such crossing  
5 movements.

6 2. ~~[A person who violates any provision of this section may be subject to the~~  
7 ~~additional penalty set forth in NRS 484B.135.]~~ *A violation of this section:*

8 *(a) Is not a misdemeanor; and*

9 *(b) Is punishable by the imposition of a civil penalty of not more than \$100.*

10 Sec. 2.5. 1. Except as otherwise provided in this section, the provisions  
11 of this act apply to a violation of NRS 484B.287 if the violation occurred  
12 before, on or after July 1, 2021. The provisions of this act do not apply to any  
13 violation of NRS 484B.287 for which a person was convicted before July 1,  
14 2021.

15 2. Each court in this State shall cancel each outstanding bench warrant  
16 issued by the court for a person who failed to appear in court in relation to an  
17 alleged violation of NRS 484B.287 which occurred before July 1, 2021.

18 3. The Central Repository for Nevada Records of Criminal History shall  
19 remove from each database or compilation of records of criminal history  
20 maintained by the Central Repository all records of bench warrants issued for  
21 a person who failed to appear in court in relation to an alleged violation of  
22 NRS 484B.287 which occurred before July 1, 2021.

23 Sec. 3. This act becomes effective on July 1, 2021.