SENATE BILL NO. 457–COMMITTEE ON JUDICIARY

(ON BEHALF OF THE OFFICE OF THE GOVERNOR)

APRIL 7, 2025

Referred to Committee on Judiciary

SUMMARY—Revises provisions relating to public safety. (BDR 15-1038)

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: Yes.

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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 public safety; creating an enhanced penalty relating to the commission of a felony while the offender is released on bail for another felony; revising provisions relating to stalking, pornography involving minors, burglary, domestic violence, trafficking in fentanyl and driving under the influence of alcohol or a prohibited substance; requiring a compliance hearing after the issuance of certain orders to relinquish firearms; lowering the monetary threshold for the classification of certain theft and related offenses; establishing certain penalties related to certain theft and property offenses; revising provisions relating to offenders and habitual criminals; establishing provisions relating to children who commit certain unlawful acts involving violence; revising provisions related to hearsay evidence at preliminary examinations; revising provisions relating to specialty court programs; revising provisions relating to pretrial release; establishing provisions relating to transactional immunity; authorizing prosecuting attorneys to access and retain sealed convictions for certain prosecutions; revising provisions relating to opioid use disorder; providing penalties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides that a person who commits a crime under certain specified circumstances may be subject to an additional penalty related to the commission of the crime. (NRS 193.161-193.1685) **Section 1** of this bill provides that a person who is released on bail or conditions of release after being arrested for a felony and while so released commits another felony, is subject to an additional penalty. **Section 40** of this bill makes a conforming change related to the establishment of the additional penalty and the aggregation of sentences.

Existing law prohibits a person from stalking and prescribes various penalties related to the circumstance under which the offense is committed. (NRS 200.575) **Section 2** of this bill makes various changes to provide that stalking encompasses both acts committed in person and by electronic means, and provides that such penalties are generally applicable to such acts regardless of medium. **Sections 50 and 63** of this bill make conforming changes related to **section 2**.

Existing law provides that a person who knowingly and willfully has in his or her possession any film, photograph or other visual representation depicting a person under the age of 16 years as the subject of the sexual portrayal or engaging in, simulating, or assisting others to engage in or simulate, sexual conduct is guilty of possession of pornography involving a minor. (NRS 200.730) **Section 3** of this bill revises the unit of prosecution for such an offense and prescribes that the possession of each film, photograph or other visual representation constitutes a separate offense. **Section 41** of this bill makes a conforming change related to **section 3**.

Existing law: (1) prescribes various circumstances in which a person is prohibited from owning, possessing or having under his or her custody or control a firearm; and (2) establishes procedures related to the surrender, sale or transfer of a firearm by certain persons who are prohibited from owning, possessing or having under their custody or control a firearm. (NRS 33.031, 33.033, 178.4851, 202.360, 202.361) **Sections 4, 30 and 51** of this bill require a court to schedule a compliance hearing under certain circumstances to determine whether a person has complied with a court order to surrender, sell or transfer a firearm. **Sections 5, 31 and 52** of this bill apply certain related definitions in existing law to **sections 4, 30 and 51**, respectively.

Existing law provides that a person who, by day or night, unlawfully enters or unlawfully remains in a dwelling, business structure, motor vehicle or other structure is guilty of residential burglary, burglary of a business, burglary of a motor vehicle or burglary of a structure, as applicable, and establishes corresponding penalties for each type of burglary. (NRS 205.060) **Section 7** of this bill: (1) removes the requirement that a person unlawfully enter or unlawfully remain in the dwelling, business structure, motor vehicle or other structure; and (2) increases the penalties for burglary of a business, burglary of a motor vehicle and burglary of a structure.

Existing law provides that a person who commits theft is subject to graduated penalties depending on the value of the property or services involved in the theft. In relevant part, existing law provides that a person is guilty of: (1) a misdemeanor if the value of the property or services involved in the theft is less than $1,200; and (2) a category D felony if the value of the property or services involved in the theft is $1,200 or more. (NRS 205.0835) **Section 10** of this bill decreases the felony theft threshold to $750. **Sections 11-28, 76, 83 and 84** of this bill make conforming changes to various theft and related offenses that use monetary thresholds.

Existing law establishes certain crimes making it unlawful to take or obtain property. (NRS 205.0821-205.295) **Section 6** of this bill provides that if a person commits certain theft offenses and has previously been convicted two or more times of certain designated offenses relating to such crimes involving property, the person is guilty of: (1) a category D felony for a first offense; and (2) a category C

felony for a second or subsequent offense. **Sections 8 and 9** of this bill make conforming changes related to the penalty prescribed by **section 6**.

Existing law provides that a person may be prosecuted as a habitual criminal: (1) punishable as a category B felony, if the person is convicted of a felony and has previously been convicted five times of a felony; or (2) punishable as a category A felony, if the person is convicted of a felony and has previously been convicted seven times of a felony. (NRS 207.010) **Section 29** of this bill decreases the threshold for previous felony convictions to two and three, respectively.

Existing law prohibits a conviction of possession, low-level possession or unlawful use of a controlled substance from being used for the purposes of determining whether a person is a habitual criminal. (NRS 207.010) **Section 29** removes this prohibition.

Existing law sets forth certain unlawful acts that constitute domestic violence when committed against certain persons. (NRS 33.018) **Section 32** of this bill revises the unlawful acts that constitute domestic violence to include robbery and kidnapping, as well as an attempt, conspiracy or solicitation to commit any unlawful act that constitutes domestic violence.

Existing law provides that if a child who is alleged to be delinquent is taken into custody and detained, the child must be given a detention hearing before the juvenile court. (NRS 62C.040) **Section 35** of this bill requires the juvenile court to order a qualified professional to evaluate a child who is alleged to have committed certain unlawful acts involving violence against a school employee or an employee of an agency which provides child welfare services. **Section 37** of this bill authorizes a juvenile court to impose not more than 200 hours of community service on such a child who has been adjudicated delinquent or as part of a consent decree. **Section 33** of this bill defines the term "school employee" for that purpose and **sections 34, 36 and 38** of this bill make various other conforming changes related to **sections 33, 35 and 37**.

Existing law sets forth the requirements for conducting a preliminary examination and authorizes the use of hearsay evidence under certain circumstances. (NRS 171.196) **Section 39** of this bill authorizes law enforcement officers with certain training or 5 years of experience to provide hearsay evidence at a preliminary examination under certain circumstances.

Existing law provides that an offender who has committed certain offenses is ineligible for a deferral of judgment or assignment to a program of treatment for alcohol or other substance use disorder, a program for treatment of mental illness or a program for treatment for veterans and members of the military. (NRS 176.211, 176A.240, 176A.260, 176A.287) **Sections 42, 43, 45 and 47** of this bill extend such prohibitions to crimes related to the abuse of a child or an older or vulnerable person.

Existing law requires a court to discharge a defendant and dismiss the proceedings or set aside the judgment of conviction upon completion of the terms and conditions related to a program of treatment for alcohol or other substance use disorder, a program for treatment of mental illness or a program of treatment for veterans and members of the military. Thereafter, existing law requires the sealing of records related to the discharge, dismissal or setting aside a judgment of conviction. (NRS 176A.240, 176A.245, 176A.260, 176A.265, 176A.290, 176A.295) **Sections 43-46, 48 and 49** of this bill provide that a court may make such decisions related to the discharge and dismissal of proceedings or the setting aside of judgment and makes the record sealing dependent on the dismissal of the proceedings or setting aside of judgment.

Existing law authorizes a court to assign a defendant to a program for the treatment of problem gambling and requires the deferral of the sentence and setting aside of the conviction if a qualified mental health professional certifies that the

person completed the program. (NRS 458A.200-458A.260) **Sections 74 and 75** of this bill authorize the court to make such decisions.

Existing law establishes provisions related to pretrial release hearings and the imposition and exoneration of bail. (NRS 178.483-178.548) **Section 53** of this bill provides that a pretrial release hearing must be held within 72 hours, excluding legal holidays. **Section 54** of this bill establishes a rebuttable presumption related to the imposition of bail or conditions of release, or both. **Sections 55 and 56** of this bill revise provisions related to the exoneration of bail and provides for the application of money deposited as bail towards restitution under certain circumstances. **Section 58** of this bill makes a conforming change related to the removal of performing pretrial release hearings on legal holidays.

Existing law establishes procedures related to transactional immunity for witnesses in criminal cases. (NRS 178.572-178.578) **Sections 57 and 88** of this bill revise and repeal these provisions to establish derivative use immunity for such witnesses.

Existing law authorizes certain persons to inspect certain sealed records. (NRS 179.301) **Sections 59 and 60** of this bill make certain changes to authorize a prosecuting attorney to inspect and use sealed records for the purposes of seeking an additional or alternative penalty.

Existing law authorizes the Director of the Department of Corrections and the sheriff, chief of police or town marshal to establish programs for the treatment of prisoners with a substance use disorder using medication-assisted treatment. (NRS 209.4247, 211.400) **Sections 61 and 62** of this bill require persons who establish such programs to collaborate with the Department of Health and Human Services if the program relates to opioid use disorder.

Existing law establishes provisions related to the administration and allocation of the Fund for a Resilient Nevada. (NRS 433.732-433.744) **Sections 70-72** of this bill make various changes to allow the Fund to be used for training for law enforcement and other criminal justice agencies related to trauma-informed practices and medication-assisted treatment for persons with opioid use disorder. **Section 69** of this bill makes a conforming change to refer to provisions renumbered by **section 70**. **Section 66** of this bill requires the Department of Health and Human Services to make available certain information relating to peer recovery support services. **Sections 65, 67, 68 and 85-87** of this bill make conforming changes to establish definitions and to apply definitions in existing law governing such services to **sections 65, 67, 68 and 85-87**.

Existing law establishes the crimes of trafficking and high-level trafficking in illicitly manufactured fentanyl, any derivative of fentanyl or any mixture which contains illicitly manufactured fentanyl or any derivative of fentanyl, depending on the amount of fentanyl involved. (NRS 453.3387) **Section 73** of this bill makes various changes to establish the crimes of trafficking, mid-level trafficking and high-level trafficking of such substances.

Existing law sets forth various penalties involving driving or operating a vehicle or vessel under the influence of alcohol, a controlled substance or a prohibited substance under certain circumstances. (Chapter 484C of NRS, NRS 488.400-488.520) **Sections 77 and 81** of this bill provide that the prohibition on a person driving or operating a vehicle or vessel with a specific amount of marijuana or marijuana metabolite in his or her blood applies to certain offenses punishable as a felony. **Sections 78 and 79** of this bill provide that a person is guilty of a category B felony, punishable 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 less than $2,000 nor more than $5,000, if the person drives under the influence of alcohol or a controlled substance while undergoing a program of treatment for an alcohol or other substance use disorder as a result of having committed a third offense of driving under the influence in 7 years. **Sections 80, 81 and 82** of this

bill: (1) increase the terms of imprisonment for a person who proximately causes the death of another person while driving or operating a vehicle or vessel under the influence of alcohol or a controlled substance; and (2) provide that in certain circumstances such a person may be punished for second-degree murder.

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

Section 1. Chapter 193 of NRS is hereby amended by adding thereto a new section to read as follows:

1. A person who commits a secondary offense that was alleged to have been committed while the person was released from custody on a primary offense shall, in addition to the term of imprisonment prescribed by statute for the secondary offense, 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.

2. The additional penalty described in this section must be pleaded in the complaint, information or indictment charging the secondary offense unless a conviction has already been entered for a secondary offense, in which case it must be pleaded in the complaint, information or indictment for the primary offense.

3. The additional penalty described in this section may be added at any time without leave of court before trial and does not need to be proved at the preliminary hearing or hearing before the grand jury.

4. In determining the length of the additional penalty imposed pursuant to this section, the court shall consider the following information:

(a) The facts and circumstances of the crime;

(b) The criminal history of the person;

(c) The impact of the crime on any victim;

(d) Any mitigating factors presented by the person; and

(e) Any other relevant information.

➥ The court shall state on the record that it has considered the information described in paragraphs (a) to (e), inclusive, in determining the length of the additional penalty imposed.

5. The sentence prescribed by this section:

(a) Must not exceed the sentence imposed for the secondary offense; and

(b) Runs consecutively with the sentence prescribed by statute for the secondary offense.

6. If a person is convicted of the secondary offense and the prescribed facts of the additional penalty are proven under this section before the person is convicted of the primary offense, the

rendition of sentence must be stayed pending the imposition of the sentence for the primary offense.

7. If a person is acquitted of the primary offense, the court shall dismiss the additional penalty described in this section.

8. If the conviction of the primary offense is reversed on appeal, the additional penalty described in this section is suspended pending the retrial of the primary offense, and if so convicted, the additional penalty described in this section shall be reimposed. If the person is not in custody for the secondary offense upon reconviction of the primary offense, the court shall reimpose the additional penalty and order the person committed to custody.

9. This section does not create a separate offense but provides an additional penalty for the offense, whose imposition is contingent upon a conviction for the primary offense and secondary offense.

10. The penalty described in this section may be imposed in addition to any other penalty prescribed by law.

11. As used in this section:

(a) "Primary offense" means the felony for which a person was released from custody on bail, a condition of release or his or her own recognizance before a final termination of the proceedings in all courts.

(b) "Secondary offense" means the felony which a person is alleged to have committed while the person was released from custody for a primary offense.

Sec. 2. NRS 200.575 is hereby amended to read as follows:

200.575 1. A person who, without lawful authority, willfully or maliciously engages in a course of conduct directed towards a victim that would cause a reasonable person under similar circumstances to feel terrorized, frightened, intimidated, harassed or fearful for his or her immediate safety or the immediate safety of a family or household member ~~[,]~~ ***or a person with whom the victim has had or is having a dating relationship,*** and that actually causes the victim to feel terrorized, frightened, intimidated, harassed or fearful for his or her immediate safety or the immediate safety of a family or household member ~~[,]~~ ***or a person with whom the victim has had or is having a dating relationship,*** commits the crime of stalking. Except where the provisions of subsection 2, 3 or 4 are applicable, a person who commits the crime of stalking:

(a) For the first offense, is guilty of a misdemeanor.

(b) For the second offense, is guilty of a gross misdemeanor.

(c) For the third or any subsequent offense, is guilty of a category 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 5 years, and may be further punished by a fine of not more than $5,000.

2. Except as otherwise provided in subsection 3 or 4 and unless a more severe penalty is prescribed by law, a person who commits the crime of stalking where the victim is under the age of 16 and the person is 5 or more years older than the victim:

(a) For the first offense, is guilty of a gross misdemeanor.

(b) For the second offense, is guilty of a category C 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 5 years, and may be further punished by a fine of not more than $5,000.

(c) For the third or any subsequent offense, 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 $5,000.

3. A person who commits the crime of stalking and in conjunction therewith threatens the person with the intent to cause the person to be placed in reasonable fear of death or substantial bodily harm commits the crime of aggravated stalking. A person who commits the crime of aggravated stalking shall be punished 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 may be further punished by a fine of not more than $5,000.

4. A person who commits the crime of stalking ~~[with the use of an Internet or network site, electronic mail, text messaging or any other similar means of communication]~~ ***by electronic means*** to publish, display or distribute information in a manner that substantially increases the risk of harm or violence to the victim shall be punished for a category C felony as provided in NRS 193.130.

5. If any act engaged in by a person was part of the course of conduct that constitutes the crime of stalking and was initiated or had an effect on the victim in this State, the person may be prosecuted in this State.

6. Except as otherwise provided in subsection 2 of NRS 200.571, a criminal penalty provided for in this section may be imposed in addition to any penalty that may be imposed for any other criminal offense arising from the same conduct or for any contempt of court arising from the same conduct.

7. If the court finds that a person convicted of stalking pursuant to this section committed the crime against a person listed in subsection 1 of NRS 33.018 and that the victim has an ongoing,

reasonable fear of physical harm, the court shall enter the finding in its judgment of conviction or admonishment of rights.

8. If the court includes such a finding in a 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 control or custody 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.

9. 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.

10. The penalties provided in this section do not preclude the victim from seeking any other legal remedy available.

11. As used in this section:

(a) ***"Act" includes, without limitation, accessing a social media account of a specified person.***

(b) "Course of conduct" means ~~[a pattern of conduct which consists of]~~ two or more acts ***conducted in person or by electronic means*** over a period of time that evidences a continuity of purpose directed at a specific person.

~~[(b)]~~ ***(c) "Dating relationship" has the meaning ascribed to it in NRS 33.018.***

(d) "Electronic means" includes, without limitation, through the use of an Internet or network site, a social media communication, electronic mail, text messaging or any other similar means of communication used to electronically publish, display or distribute information.

(e) "Family or household member" means a spouse, a former spouse, a parent or other person who is related by blood or marriage or is or was actually residing with the person.

~~[(c)]~~ ***(f)*** "Internet or network site" has the meaning ascribed to it in NRS 205.4744.

~~[(d)]~~ ***(g)*** "Network" has the meaning ascribed to it in NRS 205.4745.

~~[(e)]~~ ***(h)*** "Offense" includes, without limitation, a violation of the law of any other jurisdiction that prohibits the same or similar conduct set forth in this section.

(i) "Social media communication" means:

(1) A private communication, including, without limitation, a message or image, sent between users of a social media platform; or

(2) A communication, including, without limitation, a message or image, which is made available or otherwise shared on a social media platform and which is visible to other users of the social media platform or the public.

~~[(f)]~~ ***(j)*** "Text messaging" means a communication in the form of electronic text or one or more electronic images sent from a telephone or computer to another person's telephone or computer by addressing the communication to the recipient's telephone number.

~~[(g)]~~ ***(k)*** "Without lawful authority" includes acts which are initiated or continued without the victim's consent. The term does not include acts which are otherwise protected or authorized by constitutional or statutory law, regulation or order of a court of competent jurisdiction, including, but not limited to:

(1) Picketing which occurs during a strike, work stoppage or any other labor dispute.

(2) The activities of a reporter, photographer, camera operator or other person while gathering information for communication to the public if that person is employed or engaged by or has contracted with a newspaper, periodical, press association or radio or television station and is acting solely within that professional capacity.

(3) The activities of a person that are carried out in the normal course of his or her lawful employment.

(4) Any activities carried out in the exercise of the constitutionally protected rights of freedom of speech and assembly.

Sec. 3. NRS 200.730 is hereby amended to read as follows:

200.730 ***1.*** A person who knowingly and willfully ~~[has in his or her possession]~~ ***possesses*** for any purpose ~~[any]~~ ***a*** film, photograph or other visual presentation depicting a person under the age of 16 years as the subject of a sexual portrayal or engaging in or simulating, or assisting others to engage in or simulate, sexual conduct:

~~[1.]~~ ***(a)*** For the first offense, 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.

~~[2.]~~ ***(b)*** For any subsequent offense, is guilty of a category A 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 life with the possibility of parole, and may be further punished by a fine of not more than $5,000.

2. Each film, photograph or other visual presentation described in subsection 1 constitutes a separate offense for purposes of this section.

Sec. 4. Chapter 202 of NRS is hereby amended by adding thereto a new section to read as follows:

1. If a court orders a person to surrender, sell or transfer any firearm pursuant to NRS 202.361, the court shall require the person to appear for a compliance hearing to determine whether the person has complied with the provisions of the order for the surrender, sale or transfer of the firearm.

2. Except as otherwise provided in subsection 3, the court shall schedule the compliance hearing not earlier than 2 business days nor later than 5 business days after the issuance of the order for the surrender, sale or transfer of the firearm.

3. If a person is in custody at the time that the compliance hearing is scheduled pursuant to subsection 2, the court shall reschedule the compliance hearing to a date that is not later than 1 business day after the release of the person from custody.

4. The court may cancel the compliance hearing if:

(a) The person provides the receipt or other documentation required by subsection 2, 3 or 4 of NRS 202.361, as applicable; or

(b) The court issues a search warrant pursuant to subsection 5 of NRS 202.361.

Sec. 5. NRS 202.253 is hereby amended to read as follows:

202.253 As used in NRS 202.253 to 202.369, inclusive ~~[:]~~ ***, and section 4 of this act:***

1. "Antique firearm" has the meaning ascribed to it in 18 U.S.C. § 921(a)(16).

2. "Explosive or incendiary device" means any explosive or incendiary material or substance that has been constructed, altered, packaged or arranged in such a manner that its ordinary use would cause destruction or injury to life or property.

3. "Firearm" means any device designed to be used as a weapon from which a projectile may be expelled through the barrel by the force of any explosion or other form of combustion.

4. "Firearm capable of being concealed upon the person" applies to and includes all firearms having a barrel less than 12 inches in length.

5. "Firearms importer or manufacturer" means a person licensed to import or manufacture firearms pursuant to 18 U.S.C. Chapter 44.

6. "Machine gun" means any weapon which shoots, is designed to shoot or can be readily restored to shoot more than one shot, without manual reloading, by a single function of the trigger.

7. "Motor vehicle" means every vehicle that is self-propelled.

8. "Semiautomatic firearm" means any firearm that:

(a) Uses a portion of the energy of a firing cartridge to extract the fired cartridge case and chamber the next shell or round;

(b) Requires a separate function of the trigger to fire each cartridge; and

(c) Is not a machine gun.

9. "Unfinished frame or receiver" means a blank, a casting or a machined body that is intended to be turned into the frame or lower receiver of a firearm with additional machining and which has been formed or machined to the point at which most of the major machining operations have been completed to turn the blank, casting or machined body into a frame or lower receiver of a firearm even if the fire-control cavity area of the blank, casting or machined body is still completely solid and unmachined.

Sec. 6. Chapter 205 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Unless a greater penalty is provided pursuant to NRS 205.08345 and except as otherwise provided in subsection 2, a person who commits a theft offense and has previously been two times convicted of any designated offense, is guilty of a category D felony and shall be punished as provided in NRS 193.130.

2. Unless a greater penalty is provided pursuant to NRS 205.08345, a person who commits a theft offense and has previously been punished pursuant to subsection 1 is guilty of a category C felony and shall be punished as provided in NRS 193.130.

3. The prosecuting attorney shall include a count under this section in any complaint, information or indictment if the prior convictions are designated offenses and the alleged offense committed by the accused is a theft offense.

4. A certified copy of a conviction of a misdemeanor, gross misdemeanor or felony conviction is prima facie evidence of the prior conviction.

5. As used in this section:

(a) "Designated offense" means a violation of:

(1) NRS 205.0821 to 205.295, inclusive; or

(2) The law of any other jurisdiction that prohibits the same or similar conduct as set forth in subparagraph (1).

(b) "Theft offense" means a violation of NRS 205.0832 or 205.240, as applicable.

Sec. 7. NRS 205.060 is hereby amended to read as follows:

205.060 1. A person who, by day or night, ~~[unlawfully]~~ enters ~~[or unlawfully remains]~~ in any:

(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:

(a) Burglary of a motor vehicle:

(1) For the first offense, is guilty of a category ~~[E]~~ ***D*** felony and shall be punished as provided in NRS 193.130.

(2) For a second or subsequent offense, is guilty of a category ~~[D]~~ ***C*** felony and shall be punished as provided in NRS 193.130.

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

(c) Burglary of a business is guilty of a category ~~[C]~~ ***B*** felony and shall be punished ~~[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 6 years.***

(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.

3. If mitigating circumstances exist, a person who is convicted of residential burglary 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 unlawful entry or invasion of a dwelling.

4. Whenever 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.

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.

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. 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.]~~

Sec. 8. NRS 205.0821 is hereby amended to read as follows:

205.0821 As used in NRS 205.0821 to 205.0835, inclusive, ***and section 6 of this act,*** unless the context otherwise requires, the words and terms defined in NRS 205.0822 to 205.0831, inclusive, have the meanings ascribed to them in those sections.

Sec. 9. NRS 205.0833 is hereby amended to read as follows:

205.0833 1. Conduct denominated theft in NRS 205.0821 to 205.0835, inclusive, ***and section 6 of this act,*** constitutes a single offense embracing the separate offenses commonly known as larceny, receiving or possessing stolen property, embezzlement, obtaining property by false pretenses, issuing a check without sufficient money or credit, and other similar offenses.

2. A criminal charge of theft may be supported by evidence that an act was committed in any manner that constitutes theft pursuant to NRS 205.0821 to 205.0835, inclusive, ***and section 6 of this act,*** notwithstanding the specification of a different manner in the indictment or information, subject to the power of the court to ensure a fair trial by granting a continuance or other appropriate relief if it determines that, in a specific case, strict application of the provisions of this subsection would result in prejudice to the defense by lack of fair notice or by surprise.

Sec. 10. 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:

(a) Is less than ~~[~~$1,200,~~]~~ ***$750,*** the person who committed the theft is guilty of a misdemeanor.

(b) Is ~~[~~$1,200~~]~~ ***$750*** 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.

(c) Is $5,000 or more but less than $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.

(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.

(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. 11. 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,]~~ ***section,*** 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 depositary, when the person has insufficient money, property or credit with the drawee of the instrument to pay it in full upon its presentation, is guilty of a misdemeanor. If that instrument, or a series of instruments passed in the State during a period of 90 days, is in the amount of ~~[$1,200]~~ ***$750*** or more, the person is guilty of a category D felony and shall be punished as provided in NRS 193.130. In addition to any other penalty, the court shall order the person to pay restitution.

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

~~3.]~~ A person who willfully issues any check or draft for the payment of wages in excess of ~~[$1,200,]~~ ***$750,*** when the person knows he or she has insufficient money or credit with the drawee of the instrument to pay the instrument in full upon presentation is guilty of a gross misdemeanor.

~~[4.]~~ ***3.*** For the purposes of this section, "credit" means an arrangement or understanding with a person, firm, corporation, bank or depositary for the payment of a check or other instrument.

Sec. 12. NRS 205.134 is hereby amended to read as follows:

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

The issuance of a check or draft without sufficient money or with intent to defraud is punishable by imprisonment in the county jail for not more than 6 months, or by a fine of not more than $1,000, or by both fine and imprisonment, and the issuance of such a check or draft in an amount of ~~[$1,200]~~ ***$750*** or more ~~[or by a person who previously has been convicted three times of this or a similar offense]~~ is punishable as a category D felony as provided in NRS 193.130.

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

Sec. 13. NRS 205.220 is hereby amended to read as follows:

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

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

(a) Personal goods or property, with a value of ~~[$1,200]~~ ***$750*** or more, owned by another person;

(b) Bedding, furniture or other property, with a value of ~~[$1,200]~~ ***$750*** 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 ~~[$1,200]~~ ***$750*** 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 ~~[$1,200]~~ ***$750*** 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 ~~[$1,200]~~ ***$750*** or more, owned by another person but running at large, whether or not the animals or birds are marked or branded.

Sec. 14. 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 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 ~~[$1,200,]~~ ***$750,*** owned by another person;

(2) Bedding, furniture or other property, with a value of less than ~~[$1,200,]~~ ***$750,*** 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 ~~[$1,200,]~~ ***$750,*** 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 ~~[$1,200,]~~ ***$750,*** owned by another person.

2. Unless a greater penalty is provided pursuant to NRS 205.267 ~~[,]~~ ***or section 6 of this act,*** a person who commits petit larceny is guilty of a misdemeanor. In addition to any other penalty, the court shall order the person to pay restitution.

Sec. 15. NRS 205.267 is hereby amended to read as follows:

205.267 1. A person who intentionally steals, takes and carries away scrap metal or utility property with a value of less than ~~[$1,200]~~ ***$750*** within a period of 90 days is guilty of a misdemeanor.

2. A person who intentionally steals, takes and carries away scrap metal or utility property with a value of ~~[$1,200]~~ ***$750*** or more within a period of 90 days is guilty of:

(a) If the value of the scrap metal or utility property taken is ~~[$1,200]~~ ***$750*** or more but less than $5,000, a category D felony and shall be punished as provided in NRS 193.130.

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

(c) If the value of the scrap metal or utility property taken is $25,000 or more but less than $100,000, a category B felony and

shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 10 years, and by a fine of not more than $10,000.

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

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

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

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

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

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

5. As used in this section:

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

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

Sec. 16. NRS 205.275 is hereby amended to read as follows:

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

(a) Knowing that it is stolen property; or

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

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

(a) If the value of the property is less than ~~[$1,200,]~~ ***$750,*** is guilty of a misdemeanor;

(b) If the value of the property is ~~[$1,200]~~ ***$750*** or more but less than $5,000, is guilty of a category D felony and shall be punished as provided in NRS 193.130;

(c) If the value of the property is $5,000 or more but less than $25,000, is guilty of a category C felony and shall be punished as provided in NRS 193.130;

(d) If the value of the property is $25,000 or more but less than $100,000 or if the property is a firearm, is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 10 years, and by a fine of not more than $10,000; or

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

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

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

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

6. For the purposes of this section, the value of the property involved shall be deemed to be the highest value attributable to the property by any reasonable standard.

7. As used in this section, "stolen property" means property that has been taken from its owner by larceny, robbery, burglary, embezzlement, theft or any other offense that is a crime against property, whether or not the person who committed the taking is or has been prosecuted or convicted for the offense.

Sec. 17. 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, barters 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 ~~[$1,200]~~ ***$750*** 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 of the property is less than ~~[$1,200,]~~ ***$750,*** for a misdemeanor.

Sec. 18. NRS 205.370 is hereby amended to read as follows:

205.370 1. 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:

(a) Where the amount of money or the value of the chattels, goods, wares or merchandise, or other valuable thing so obtained is ~~[$1,200]~~ ***$750*** or more, for a category D felony as provided in NRS 193.130.

(b) Otherwise, for a misdemeanor.

2. In any prosecution for a violation of this section, the State is not required to establish that all of the acts constituting the crime occurred in this State or within a single city, county or local jurisdiction of this State, and it is no defense that not all of the acts constituting the crime occurred in this State or within a single city, county or local jurisdiction of this State.

Sec. 19. 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 ~~[$1,200.]~~ ***$750.***

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. The Attorney General may investigate and prosecute a violation of this section and any other statute violated in the course of committing a violation of this section.

7. As used in this section, "enterprise" has the meaning ascribed to it in NRS 207.380.

Sec. 20. 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 ~~[$1,200,]~~ ***$750,*** 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 ~~[$1,200]~~ ***$750*** or more but less than $5,000, for a category D felony as provided in NRS 193.130.

(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.

(d) If the value of the thing or labor fraudulently obtained was $25,000 or more but less than $100,000, for a category B felony by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 10 years, and by a fine of not more than $10,000.

(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) of subsection 1, the court shall order the person to pay restitution.

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.

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.

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 ~~[$1,200,]~~ ***$750,*** 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 ~~[$1,200]~~ ***$750*** 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.
>
> 3. 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.

4. If the value of the property, rent or labor fraudulently obtained was $25,000 or more but less than $100,000, as a category B felony by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 10 years, and by a fine of not more than $10,000.

5. If the value of the property, rent or labor fraudulently obtained was $100,000 or more, 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 20 years, and by a fine of not more than $15,000.

Sec. 21. 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 ~~[$1,200]~~ ***$750*** 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. Otherwise, for a misdemeanor.

Sec. 22. 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 ~~[$1,200]~~ ***$750*** 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. 23. NRS 205.520 is hereby amended to read as follows:

205.520 A bailee, or any officer, agent or servant of a bailee, who issues or aids in issuing a document of title, knowing that the goods covered by the document of title have not been received by him or her, or are not under his or her control at the time the document is issued, shall be punished:

1. Where the value of the goods purported to be covered by the document of title is ~~[$1,200]~~ ***$750*** or more, for a category D felony as provided in NRS 193.130. In addition to any other penalty, the court shall order the person to pay restitution.

2. Where the value is less than ~~[$1,200,]~~ ***$750,*** for a misdemeanor.

Sec. 24. NRS 205.540 is hereby amended to read as follows:

205.540 Except as otherwise provided in chapters 104 to 104C, inclusive, 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 uncancelled, shall be punished:

1. Where the value of the goods purported to be covered by the document of title is ~~[$1,200]~~ ***$750*** or more, for a category D felony

as provided in NRS 193.130. In addition to any other penalty, the court shall order the person to pay restitution.

2. Where the value is less than ~~[$1,200,]~~ ***$750,*** for a misdemeanor.

Sec. 25. 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 ~~[$1,200]~~ ***$750*** or more, for a category D felony as provided in NRS 193.130. In addition to any other penalty, the court shall order the person to pay restitution.

2. Where the value is less than ~~[$1,200,]~~ ***$750,*** for a misdemeanor.

Sec. 26. 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 ~~[$1,200]~~ ***$750*** or more, for a category D felony as provided in NRS 193.130. In addition to any other penalty, the court shall order the person to pay restitution.

2. Where the value is less than ~~[$1,200,]~~ ***$750,*** for a misdemeanor.

Sec. 27. 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 ~~[$1,200]~~ ***$750*** or more, for a category D felony as provided in NRS 193.130. In addition to any other penalty, the court shall order the person to pay restitution.

2. Where the value is less than ~~[$1,200,]~~ ***$750,*** for a misdemeanor.

Sec. 28. 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 ~~[~~$1,200;~~]~~ ***$750;*** or

(b) Is guilty of a category D felony if the amount is ~~[~~$1,200~~]~~ ***$750*** or more and shall be punished as provided in NRS 193.130.

Sec. 29. NRS 207.010 is hereby amended to read as follows:

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

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

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

(1) For life without the possibility of parole;

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

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

2. ~~[Except as otherwise provided in this subsection, a previous or current conviction under paragraph (a), (b) or (c) of subsection 2 of NRS 453.336 or NRS 453.411 must not be used as the basis for a conviction pursuant to this section. If a person is convicted of violating NRS 453.336 by possessing any amount of flunitrazepam, gamma-hydroxybutyrate or any substance for which flunitrazepam or gamma-hydroxybutyrate is an immediate precursor, his or her conviction may be used as the basis for a conviction pursuant to this section.~~

~~3.~~~~]~~ It is within the discretion of the prosecuting attorney whether to include a count under this section in any information or file a notice of habitual criminality if an indictment is found. The

trial judge may, at his or her discretion, dismiss a count under this section which is included in any indictment or information.

Sec. 30. Chapter 33 of NRS is hereby amended by adding thereto a new section to read as follows:

1. If a court orders an adverse party to surrender, sell or transfer any firearm pursuant to NRS 33.031, the court shall require the adverse party to appear for a compliance hearing to determine whether the adverse party has complied with the provisions of the order for the surrender, sale or transfer of the firearm.

2. Except as otherwise provided in subsection 3, the court shall schedule the compliance hearing not earlier than 2 business days nor later than 5 business days after the issuance of the order for the surrender, sale or transfer.

3. If an adverse party is in custody at the time that the compliance hearing is scheduled pursuant to subsection 2, the court shall reschedule the compliance hearing to a date that is not later than 1 business day after the release of the adverse party from custody.

4. The court may cancel the compliance hearing if:

(a) The adverse party provides the receipt or other documentation required by subsection 2, 3 or 4 of NRS 33.033, as applicable; or

(b) The court issues a search warrant pursuant to subsection 5 of NRS 33.033.

Sec. 31. NRS 33.017 is hereby amended to read as follows:

33.017 As used in NRS 33.017 to 33.100, inclusive, ***and section 30 of this act,*** unless the context otherwise requires:

1. "Extended order" means an extended order for protection against domestic violence.

2. "Temporary order" means a temporary order for protection against domestic violence.

Sec. 32. NRS 33.018 is hereby amended to read as follows:

33.018 1. Domestic violence occurs when a person commits one of the following acts against or upon the person's spouse or former spouse, any other person to whom the person is related by blood or marriage, any other person with whom the person has had or is having a dating relationship, any other person with whom the person has a child in common, the minor child of any of those persons, the person's minor child or any other person who has been appointed the custodian or legal guardian for the person's minor child:

(a) A battery.

(b) An assault.

(c) Coercion pursuant to NRS 207.190.

(d) A sexual assault.

(e) A knowing, purposeful or reckless course of conduct intended to harass the other person. Such conduct may include, but is not limited to:

(1) Stalking.

(2) Arson.

(3) Trespassing.

(4) Larceny.

(5) Destruction of private property.

(6) Carrying a concealed weapon without a permit.

(7) Injuring or killing an animal.

(8) Burglary.

(9) An invasion of the home.

(f) A false imprisonment.

(g) Pandering.

(h) A robbery.

(i) A kidnapping.

(j) An attempt, conspiracy or solicitation to commit an offense described in paragraphs (a) to (i), inclusive.

2. The provisions of this section do not apply to:

(a) Siblings, except those siblings who are in a custodial or guardianship relationship with each other; or

(b) Cousins, except those cousins who are in a custodial or guardianship relationship with each other.

3. As used in this section, "dating relationship" means frequent, intimate associations primarily characterized by the expectation of affectional or sexual involvement. The term does not include a casual relationship or an ordinary association between persons in a business or social context.

Sec. 33. Chapter 62A of NRS is hereby amended by adding thereto a new section to read as follows:

"School employee" means any licensed or unlicensed person employed by a board of trustees of a school district pursuant to NRS 391.100 or 391.281.

Sec. 34. NRS 62A.010 is hereby amended to read as follows:

62A.010 As used in this title, unless the context otherwise requires, the words and terms defined in NRS 62A.015 to 62A.350, inclusive, ***and section 33 of this act*** have the meanings ascribed to them in those sections.

Sec. 35. Chapter 62C of NRS is hereby amended by adding thereto a new section to read as follows:

1. If a child is taken into custody for an unlawful act in violation of NRS 200.471 or 200.481 against a school employee or an employee of an agency which provides child welfare services or a violation of NRS 392.910 or 392.915 against a school employee,

the child must not be released before a detention hearing is held pursuant to NRS 62C.040.

2. At the detention hearing, the juvenile court shall order the child to be evaluated by a qualified professional not later than 14 days after the detention hearing.

3. Until the evaluation required by subsection 2 is completed, the child must be:

(a) Detained at a facility for the detention of children; or

(b) Placed under a program of supervision in the home of the child that may include electronic surveillance of the child.

4. If a child is evaluated by a qualified professional pursuant to subsection 2, the statements made by the child to the qualified professional during the evaluation and any evidence directly or indirectly derived from those statements may not be used for any purpose in a proceeding which is conducted to prove that the child committed a delinquent act or criminal offense. The provisions of this subsection do not prohibit the district attorney from proving that the child committed a delinquent act or criminal offense based upon evidence obtained from sources or by means that are independent of the statements made by the child to the qualified professional during the evaluation.

5. If a child described in this section is placed under the supervision of the juvenile court pursuant to a supervision and consent decree, the juvenile court may issue an order authorized under section 37 of this act.

Sec. 36. NRS 62C.100 is hereby amended to read as follows:

62C.100 1. When a complaint is made alleging that a child is delinquent or in need of supervision:

(a) The complaint must be referred to a probation officer of the appropriate county; and

(b) The probation officer shall conduct a preliminary inquiry to determine whether the best interests of the child or of the public:

(1) Require that a petition be filed; or

(2) Would better be served by placing the child under informal supervision pursuant to NRS 62C.200.

2. If, after conducting the preliminary inquiry, the probation officer recommends the filing of a petition, the district attorney shall determine whether to file the petition.

3. If, after conducting the preliminary inquiry, the probation officer does not recommend the filing of a petition or that the child be placed under informal supervision, the probation officer must notify the complainant regarding the complainant's right to seek a review of the complaint by the district attorney.

4. If the complainant seeks a review of the complaint by the district attorney, the district attorney shall:

(a) Review the facts presented by the complainant;

(b) Consult with the probation officer; and

(c) File the petition with the juvenile court if the district attorney believes that the filing of the petition is necessary to protect the interests of the child or of the public.

5. The determination of the district attorney concerning whether to file the petition is final.

6. Except as otherwise provided in NRS 62C.060 ~~[,]~~ ***and section 35 of this act,*** if a child is in detention or shelter care, the child must be released immediately if a petition alleging that the child is delinquent or in need of supervision is not:

(a) Approved by the district attorney; or

(b) Filed within 4 days after the date the complaint was referred to the probation officer, excluding Saturdays, Sundays and holidays, except that the juvenile court may, for good cause shown by the district attorney, allow an additional 4 days for the filing of the petition, excluding Saturdays, Sundays and holidays.

Sec. 37. Chapter 62E of NRS is hereby amended by adding thereto a new section to read as follows:

If a child is adjudicated delinquent for an unlawful act in violation of NRS 200.471 or 200.481 against a school employee or an employee of an agency which provides child welfare services or a violation of NRS 392.910 or 392.915 against a school employee, the juvenile court may order the child to perform not more than 200 hours of community service.

Sec. 38. NRS 62E.500 is hereby amended to read as follows:

62E.500 1. The provisions of NRS 62E.500 to 62E.730, inclusive ~~[.]~~ ***, and section 37 of this act:***

(a) Apply to the disposition of a case involving a child who is adjudicated delinquent.

(b) Except as otherwise provided in NRS 62E.700 and 62E.705, do not apply to the disposition of a case involving a child who is found to have committed a minor traffic offense.

2. If a child is adjudicated delinquent:

(a) The juvenile court may issue any orders or take any actions set forth in NRS 62E.500 to 62E.730, inclusive, ***and section 37 of this act*** that the juvenile court deems proper for the disposition of the case; and

(b) If required by a specific statute, the juvenile court shall issue the appropriate orders or take the appropriate actions set forth in the statute.

Sec. 39. NRS 171.196 is hereby amended to read as follows:

171.196 1. If an offense is not triable in the Justice Court, the defendant must not be called upon to plead. If the defendant waives

preliminary examination, the magistrate shall immediately hold the defendant to answer in the district court.

2. If the defendant does not waive examination, the magistrate shall hear the evidence within 15 days, unless for good cause shown the magistrate extends such time. Unless the defendant waives counsel, reasonable time must be allowed for counsel to appear.

3. Except as otherwise provided in this subsection, if the magistrate postpones the examination at the request of a party, the magistrate may order that party to pay all or part of the costs and fees expended to have a witness attend the examination. The magistrate shall not require a party who requested the postponement of the examination to pay for the costs and fees of a witness if:

(a) It was not reasonably necessary for the witness to attend the examination; or

(b) The magistrate ordered the extension pursuant to subsection 4.

4. If application is made for the appointment of counsel for an indigent defendant, the magistrate shall postpone the examination until:

(a) The application has been granted or denied; and

(b) If the application is granted, the attorney appointed or the public defender has had reasonable time to appear.

5. The defendant may cross-examine witnesses against him or her and may introduce evidence in his or her own behalf.

6. ~~[Hearsay evidence consisting of a]~~ ***Subject to the conditions set forth in subsection 7, as applicable, hearsay is admissible in a preliminary examination conducted pursuant to this section if it is made in:***

(a) A statement ~~[made by]~~ ***of*** the alleged victim of the offense ~~[is admissible at a preliminary examination conducted pursuant to this section]~~ only if the defendant is charged with one or more of the following offenses:

~~[(a)]~~ ***(1)*** A sexual offense committed against a child who is under the age of 16 years if the offense is punishable as a felony ~~[. As used in this paragraph, "sexual offense" has the meaning ascribed to it in NRS 179D.097.~~

~~(b)]~~ ***;***

(2) Abuse of a child pursuant to NRS 200.508 if the offense is committed against a child who is under the age of 16 years and the offense is punishable as a felony ~~[.~~

~~(c)]~~ ***; or***

(3) An act which constitutes domestic violence pursuant to NRS 33.018, which is punishable as a felony and which resulted in substantial bodily harm to the alleged victim.

(b) The sworn testimony of a law enforcement officer relating to a statement that a declarant made out of court; or

(c) The sworn testimony of a law enforcement officer who has honorably retired, if the testimony relates to a statement that a declarant made out of court when the retired officer was an active law enforcement officer.

7. A law enforcement officer or honorably retired law enforcement officer may not provide sworn testimony pursuant to subsection 6 unless the law enforcement officer, at the time the statement was made by the declarant:

(a) Had at least 5 years of experience as a law enforcement officer; or

(b) Had taken a course certified by the Peace Officers' Standards and Training Commission that included instruction on the investigation and reporting of cases and testifying at preliminary examinations.

8. As used in this section:

(a) "Law enforcement officer" means a law enforcement officer of a federal, state or local governmental entity whose primary responsibility is:

(1) The enforcement of the law;

(2) The detection and apprehension of persons who have violated the law; or

(3) The investigation and preparation for prosecution of cases involving a violation of the law.

(b) "Sexual offense" has the meaning ascribed to it in NRS 179D.097.

Sec. 40. NRS 176.035 is hereby amended to read as follows:

176.035 1. Except as otherwise provided in subsection 3, whenever a person is convicted of two or more offenses, and sentence has been pronounced for one offense, the court in imposing any subsequent sentence may provide that the sentences subsequently pronounced run either concurrently or consecutively with the sentence first imposed. Except as otherwise provided in subsections 3 and 4, if the court makes no order with reference thereto, all such subsequent sentences run concurrently. For offenses committed on or after July 1, 2014, if the court imposes the sentences to run consecutively, the court must pronounce the minimum and maximum aggregate terms of imprisonment pursuant to subsection 2, unless the defendant is sentenced to life imprisonment without the possibility of parole or death.

2. When aggregating terms of imprisonment pursuant to subsection 1:

(a) If at least one sentence imposes a maximum term of imprisonment for life with the possibility of parole, the court must

aggregate the minimum terms of imprisonment to determine the minimum aggregate term of imprisonment, and the maximum aggregate term of imprisonment shall be deemed to be imprisonment in the state prison for life with the possibility of parole.

(b) If all the sentences impose a minimum and maximum term of imprisonment, the court must aggregate the minimum terms of imprisonment to determine the minimum aggregate term of imprisonment and must aggregate the maximum terms of imprisonment to determine the maximum aggregate term of imprisonment.

3. Except as otherwise provided in this section ~~[,]~~ ***and subject to the provisions of section 1 of this act,*** whenever a person under sentence of imprisonment for committing a felony commits another crime constituting a felony and is sentenced to another term of imprisonment for that felony, the latter term must not begin until the expiration of all prior terms, including the expiration of any prior aggregated terms. If the person is a probationer at the time the subsequent felony is committed, the court may provide that the latter term of imprisonment run concurrently with any prior terms or portions thereof.

4. Whenever a person under sentence of imprisonment commits another crime constituting a misdemeanor or gross misdemeanor, the court shall provide expressly whether the sentence subsequently pronounced runs concurrently or consecutively with the one first imposed.

5. Whenever a person under sentence of imprisonment commits another crime for which the punishment is death or imprisonment for life without the possibility of parole, the sentence must be executed without reference to the unexpired term of imprisonment.

6. Regardless of whether a person is under sentence of imprisonment, if the person commits another crime for which the punishment is death or imprisonment for life without the possibility of parole, the sentence must be executed without reference to eligibility for parole.

7. If a court imposes an additional penalty pursuant to NRS 193.161 to 193.1685, inclusive, ***and section 1 of this act,*** the sentence imposed for the additional penalty must be aggregated with the sentence imposed for the underlying offense. A prisoner upon whom a sentence for an additional penalty is imposed pursuant to NRS 193.161 to 193.1685, inclusive, ***and section 1 of this act*** before October 1, 2019, may elect to have the sentence imposed for the additional penalty aggregated with the sentence imposed for the

underlying offense in accordance with subsection 5 of NRS 213.1212.

8. This section does not prevent the State Board of Parole Commissioners from paroling a person under consecutive sentences of imprisonment from a current term of imprisonment to a subsequent term of imprisonment.

9. This section must not be construed to prohibit the aggregation of any sentences of imprisonment relating to different cases.

Sec. 41. NRS 176.0931 is hereby amended to read as follows:

176.0931 1. If a defendant is convicted of a sexual offense, the court shall include in sentencing, in addition to any other penalties provided by law, a special sentence of lifetime supervision.

2. The special sentence of lifetime supervision commences after any period of probation or any term of imprisonment and any period of release on parole.

3. A person sentenced to lifetime supervision may petition the sentencing court or the State Board of Parole Commissioners for release from lifetime supervision. The sentencing court or the Board shall grant a petition for release from a special sentence of lifetime supervision if:

(a) The person has complied with the requirements of the provisions of NRS 179D.010 to 179D.550, inclusive;

(b) The person has not been convicted of an offense that poses a threat to the safety or well-being of others for an interval of at least 10 consecutive years after the person's last conviction or release from incarceration, whichever occurs later; and

(c) The person is not likely to pose a threat to the safety of others, as determined by a licensed, clinical professional who has received training in the treatment of sexual offenders, if released from lifetime supervision.

4. A person who is released from lifetime supervision pursuant to the provisions of subsection 3 remains subject to the provisions for registration as a sex offender and to the provisions for community notification, unless the person is otherwise relieved from the operation of those provisions pursuant to the provisions of NRS 179D.010 to 179D.550, inclusive.

5. As used in this section:

(a) "Offense that poses a threat to the safety or well-being of others" includes, without limitation:

(1) An offense that involves:

(I) A victim less than 18 years of age;

(II) A crime against a child as defined in NRS 179D.0357;

(III) A sexual offense as defined in NRS 179D.097;

(IV) A deadly weapon, explosives or a firearm;

(V) The use or threatened use of force or violence;

(VI) Physical or mental abuse;

(VII) Death or bodily injury;

(VIII) An act of domestic violence;

(IX) Harassment, stalking, threats of any kind or other similar acts;

(X) The forcible or unlawful entry of a home, building, structure, vehicle or other real or personal property; or

(XI) The infliction or threatened infliction of damage or injury, in whole or in part, to real or personal property.

(2) Any offense listed in subparagraph (1) that is committed in this State or another jurisdiction, including, without limitation, an offense prosecuted in:

(I) A tribal court.

(II) A court of the United States or the Armed Forces of the United States.

(b) "Sexual offense" means:

(1) A violation of NRS 200.366, subsection 4 of NRS 200.400, NRS 200.710, 200.720, ***paragraph (b) of*** subsection ~~[2]~~ ***1*** of NRS 200.730, paragraph (a) of subsection 1 of NRS 200.975, 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;

(2) An attempt to commit an offense listed in subparagraph (1); or

(3) 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.

Sec. 42. NRS 176.211 is hereby amended to read as follows:

176.211 1. Except as otherwise provided in this subsection, 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. The court may not defer judgment pursuant to this subsection if the defendant has entered into a plea agreement with a prosecuting attorney unless the plea agreement allows the deferral.

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

(a) Payment of restitution;

(b) Payment of court costs;

(c) Payment of an assessment in lieu of any fine authorized by law for the offense;

(d) Payment of any other assessment or cost authorized by law;

(e) Completion of a term of community service;

(f) Placement on probation pursuant to NRS 176A.500 and the ordering of any conditions which can be imposed for probation pursuant to NRS 176A.400; or

(g) Completion of a specialty court program.

3. The court:

(a) Upon the consent of the defendant:

(1) Shall defer judgment for any 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

(2) May defer judgment for any defendant who is placed in a specialty court program. The court may extend any deferral period for not more than 12 months to allow for the completion of a specialty court program.

(b) Shall not defer judgment for any defendant who has been convicted of ~~[~~a~~]~~ ***:***

(1) A violent or sexual offense as defined in NRS 202.876 ~~[~~, a~~]~~ ***;***

(2) A crime against a child as defined in NRS 179D.0357 ~~[~~, a~~]~~ ***;***

(3) A violation of NRS 200.508 ***;***

(4) Any offense punishable pursuant to NRS 200.5099; or ~~[~~a~~]~~

(5) A violation of NRS 574.100 that is punishable pursuant to subsection 6 of that section.

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)]~~ ***(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.

~~[(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.

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.

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.

8. As used in this section:

(a) "Court" means a district court of the State of Nevada.

(b) "Specialty court program" has the meaning ascribed to it in NRS 176A.065.

Sec. 43. NRS 176A.240 is hereby amended to read as follows:

176A.240 1. Except as otherwise provided in subparagraph (1) of paragraph (a) of subsection 3 of NRS 176.211, if a defendant who suffers from a substance use disorder or any co-occurring disorder 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 court may:

(a) Without entering a judgment of conviction and with the consent of the defendant, suspend or defer further proceedings 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.230 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.230 if the court determines that the defendant is eligible for participation in such a program.

2. Except as otherwise provided in subsection 4, a defendant is eligible for participation in a program established pursuant to NRS 176A.230 if the defendant is diagnosed as having a substance use disorder or any co-occurring disorder:

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

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

(2) A duly licensed physician qualified by the Board of Medical Examiners to make such a diagnosis; or

(b) Pursuant to a substance use assessment.

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

4. ~~[If]~~ ***A defendant is not eligible for assignment to the program if*** the offense committed by the defendant is ~~[a]~~ ***:***

(a) A category A felony ~~[or a]~~ ***;***

(b) A sexual offense as defined in NRS 179D.097 that is punishable as a category B felony ~~[, the defendant is not eligible for assignment to the program.]~~ ***;***

(c) A violation of NRS 200.508; or

(d) Any offense punishable pursuant to NRS 200.5099.

5. Upon violation of a term or condition:

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

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

6. Except as otherwise provided in subsection 8, upon fulfillment of the terms and conditions, the court ~~[:~~

~~(a) Shall]~~ ***may*** discharge the defendant and dismiss the proceedings or set aside the judgment of conviction, as applicable, unless the defendant:

~~[(1)]~~ ***(a)*** Has been previously convicted in this State or in any other jurisdiction of a felony; or

~~[(2)]~~ ***(b)*** Has previously failed to complete a specialty court program . ~~[; or~~

~~(b) May discharge the defendant and dismiss the proceedings or set aside the judgment of conviction, as applicable, if the defendant:~~

~~(1) Has been previously convicted in this State or in any other jurisdiction of a felony; or~~

~~(2) Has previously failed to complete a specialty court program.]~~

7. 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.

8. 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 or set aside the judgment of conviction, as applicable. If a court conditionally dismisses the charges or sets aside the judgment of conviction, the court shall notify the defendant that any conditionally dismissed charge or judgment of conviction that is set aside is a conviction for the purpose of additional penalties imposed for second or subsequent convictions or the setting of bail in a future case, but 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. Conditional dismissal or having a judgment of conviction set aside restores the defendant, in the contemplation of the law, to the status occupied before the arrest, complaint, indictment or information. The defendant may not be held thereafter under any law to be guilty of perjury or otherwise giving a false statement by reason of failure to recite or acknowledge that arrest, complaint, indictment, information or trial in response to an inquiry made of the defendant for any purpose.

Sec. 44. NRS 176A.245 is hereby amended to read as follows:

176A.245 1. Except as otherwise provided in subsection 2, ~~[after a defendant is discharged from probation or]~~ ***if*** a case is dismissed pursuant to NRS 176A.240, 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 defendant is charged with a violation of NRS 200.485, 484C.110 or 484C.120 and the charges are conditionally dismissed or the judgment of conviction is set aside as provided in NRS 176A.240, not sooner than 7 years after the charges are conditionally dismissed or the judgment of conviction is set aside and upon the filing of a petition by the defendant, the justice court, municipal court or district court, as applicable, shall order that all documents, papers and exhibits in the defendant's record, minute book entries and entries on dockets, and other documents relating to the case in the custody of such other agencies and officers as are named in the court's order be sealed. The justice court, municipal court or district court, as applicable, shall order those records sealed without a hearing unless the Division petitions the court, for good cause shown, not to seal the records and requests a hearing thereon.

3. If the court orders sealed the record of a defendant ~~[who is discharged from probation,]~~ whose case is dismissed, whose charges were conditionally dismissed or whose judgment of conviction was set aside pursuant to NRS 176A.240, 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. 45. NRS 176A.260 is hereby amended to read as follows:

176A.260 1. Except as otherwise provided in subparagraph (1) of paragraph (a) of subsection 3 of NRS 176.211, if a defendant who suffers from mental illness or is intellectually disabled 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:

(a) Without entering a judgment of conviction and with the consent of the defendant, suspend or defer further proceedings 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.250 if the district court, justice court or municipal 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.250, if the district court, justice court or municipal court determines that the defendant is eligible for participation in such a program.

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

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

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

(2) A duly licensed physician qualified by the Board of Medical Examiners to make such a diagnosis; and

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

3. A counselor or physician who diagnoses a defendant as having a mental illness or intellectual disability shall submit a report and recommendation to the district court, justice court or municipal court concerning the length and type of treatment required for the defendant within the maximum probation terms applicable to the offense for which the defendant is convicted.

4. ~~[If]~~ ***A defendant is not eligible for assignment to the program if*** the offense committed by the defendant is ~~[a]~~ ***:***

(a) A category A felony ~~[or a]~~ ***;***

(b) A sexual offense as defined in NRS 179D.097 that is punishable as a category B felony ~~[, the defendant is not eligible for assignment to the program.]~~ ***;***

(c) A violation of NRS 200.508; or

(d) Any offense punishable pursuant to NRS 200.5099.

5. 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, if applicable, 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.

6. Except as otherwise provided in subsection 8, upon fulfillment of the terms and conditions, the district court, justice court or municipal court, as applicable ~~[~~**:**

~~(a) Shall]~~ **, *may*** discharge the defendant and dismiss the proceedings or set aside the judgment of conviction, as applicable, unless the defendant:

~~[(1)]~~ ***(a)*** Has been previously convicted in this State or in any other jurisdiction of a felony; or

~~[(2)]~~ ***(b)*** Has previously failed to complete a specialty court program**.** ~~[; or~~

~~(b) May discharge the defendant and dismiss the proceedings or set aside the judgment of conviction, as applicable, if the defendant:~~

~~(1) Has been previously convicted in this State or in any other jurisdiction of a felony; or~~

~~(2) Has previously failed to complete a specialty court program.]~~

7. 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.

8. 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 or set aside the judgment of conviction, as applicable. If a court conditionally dismisses the charges or sets aside the judgment of conviction, the court shall notify the defendant that any conditionally dismissed charge or judgment of conviction that is set aside is a conviction for

the purpose of additional penalties imposed for second or subsequent convictions or the setting of bail in a future case, but 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. Conditional dismissal or having a judgment of conviction set aside restores the defendant, in the contemplation of the law, to the status occupied before the arrest, complaint, indictment or information. The defendant may not be held thereafter under any law to be guilty of perjury or otherwise giving a false statement by reason of failure to recite or acknowledge that arrest, complaint, indictment, information or trial in response to an inquiry made of the defendant for any purpose.

Sec. 46. NRS 176A.265 is hereby amended to read as follows:

176A.265 1. Except as otherwise provided in subsection 2, ~~[after a defendant is discharged from probation or]~~ ***if*** a case is dismissed pursuant to NRS 176A.260, the district court, justice court or municipal court, as applicable, shall order sealed all documents, papers and exhibits in the defendant's record, minute book entries and entries on dockets, and other documents relating to the case in the custody of such other agencies and officers as are named in the court's order if the defendant fulfills the terms and conditions imposed by the court and the Division. The district court, justice court or municipal court, as applicable, shall order those records sealed without a hearing unless the Division petitions the court, for good cause shown, not to seal the records and requests a hearing thereon.

2. If the defendant is charged with a violation of NRS 200.485, 484C.110 or 484C.120 and the charges are conditionally dismissed or the judgment of conviction is set aside as provided in NRS 176A.260, not sooner than 7 years after the charges are conditionally dismissed or the judgment of conviction is set aside and upon the filing of a petition by the defendant, the justice court, municipal court or district court, as applicable, shall order that all documents, papers and exhibits in the defendant's record, minute book entries and entries on dockets, and other documents relating to the case in the custody of such other agencies and officers as are named in the court's order be sealed. The justice court, municipal court or district court, as applicable, shall order those records sealed without a hearing unless the Division petitions the court, for good cause shown, not to seal the records and requests a hearing thereon.

3. If the district court, justice court or municipal court, as applicable, orders sealed the record of a defendant ~~[who is discharged from probation,]~~ whose case is dismissed, whose charges were conditionally dismissed or whose judgment of conviction was set aside 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 district court, justice court or municipal court, as applicable, in writing of its compliance with the order.

Sec. 47. 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 was ~~[a]~~ ***:***

(1) A category A felony or a sexual offense as defined in NRS 179D.097 that is punishable as a category B felony;

(2) A violation of NRS 200.508; or

(3) Any offense punishable pursuant to NRS 200.5099; or

(b) 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. 48. NRS 176A.290 is hereby amended to read as follows:

176A.290 1. Except as otherwise provided in subparagraph (1) of paragraph (a) of subsection 3 of NRS 176.211 and NRS 176A.287, 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:

(a) Any offense punishable as a felony or gross misdemeanor for which the suspension of sentence or the granting of probation is not prohibited by statute, the district court may:

(1) Without entering a judgment of conviction and with the consent of the defendant, suspend or defer further proceedings 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; or

(2) 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; or

(b) Any offense punishable as a misdemeanor for which the suspension of sentence is not prohibited by statute, the justice court or municipal court, as applicable, may, without entering a judgment of conviction and with the consent of the defendant, suspend further

proceedings upon terms and conditions that must include attendance and successful completion of a program established pursuant to NRS 176A.280.

2. 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, if applicable, 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.

3. Except as otherwise provided in subsection 5, upon fulfillment of the terms and conditions:

(a) The district court ~~[~~:

~~(1) Shall]~~ ***may*** discharge the defendant and dismiss the proceedings or set aside the judgment of conviction, as applicable, unless the defendant:

~~[(I)]~~ ***(1)*** Has been previously convicted in this State or in any other jurisdiction of a felony; or

~~[(II)]~~ ***(2)*** Has previously failed to complete a specialty court program; or

~~[(2) May discharge the defendant and dismiss the proceedings or set aside the judgment of conviction, as applicable, if the defendant:~~

~~(I) Has been previously convicted in this State or in any other jurisdiction of a felony; or~~

~~(II) Has previously failed to complete a specialty court program; or]~~

(b) The justice court or municipal court, as applicable, ~~[shall]~~ ***may*** discharge the defendant and dismiss the proceedings.

4. 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. 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 or set aside the judgment of conviction, as applicable. If a court conditionally dismisses the charges or sets aside the judgment of conviction, the court shall notify the defendant that any conditionally dismissed charge or judgment of conviction that is set aside is a conviction for the purpose of additional penalties imposed for second or subsequent convictions or the setting of bail in a future case, but 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. Conditional dismissal or having a judgment of conviction set aside restores the defendant, in the contemplation of the law, to the status occupied before the arrest, complaint, indictment or information. The defendant may not be held thereafter under any law to be guilty of perjury or otherwise giving a false statement by reason of failure to recite or acknowledge that arrest, complaint, indictment, information or trial in response to an inquiry made of the defendant for any purpose.

Sec. 49. NRS 176A.295 is hereby amended to read as follows:

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

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

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

Sec. 50. NRS 176A.413 is hereby amended to read as follows:

176A.413 1. Except as otherwise provided in subsection 2, if a defendant is convicted of stalking ~~[with the use of an Internet or network site, electronic mail, text messaging or any other similar means of communication]~~ ***by electronic means*** pursuant to ~~[subsection 4 of]~~ NRS 200.575, an offense involving pornography and a minor pursuant to NRS 200.710 to 200.730, inclusive, luring a child or a person with mental illness through the use of a computer, system or network pursuant to paragraph (a) or (b) of subsection 4 of NRS 201.560 or a violation of NRS 201.553 which involved the use of an electronic communication device and the court grants probation or suspends the sentence, the court shall, in addition to any other condition ordered pursuant to NRS 176A.400, order as a condition of probation or suspension that the defendant not own or use a computer, including, without limitation, use electronic mail, a chat room or the Internet.

2. The court is not required to impose a condition of probation or suspension of sentence set forth in subsection 1 if the court finds that:

(a) The use of a computer by the defendant will assist a law enforcement agency or officer in a criminal investigation;

(b) The defendant will use the computer to provide technological training concerning technology of which the defendant has a unique knowledge; or

(c) The use of the computer by the defendant will assist companies that require the use of the specific technological knowledge of the defendant that is unique and is otherwise unavailable to the company.

3. Except as otherwise provided in subsection 1, if a defendant is convicted of an offense that involved the use of a computer, system or network and the court grants probation or suspends the sentence, the court may, in addition to any other condition ordered pursuant to NRS 176A.400, order as a condition of probation or suspension that the defendant not own or use a computer, including, without limitation, use electronic mail, a chat room or the Internet.

4. As used in this section:

(a) "Computer" has the meaning ascribed to it in NRS 205.4735 and includes, without limitation, an electronic communication device.

(b) "Electronic communication device" has the meaning ascribed to it in NRS 200.737.

(c) ***"Electronic means" has the meaning ascribed to it in NRS 200.575.***

(d) "Network" has the meaning ascribed to it in NRS 205.4745.

~~[(d)]~~ ***(e)*** "System" has the meaning ascribed to it in NRS 205.476.

~~[(e) "Text messaging" has the meaning ascribed to it in NRS 200.575.]~~

Sec. 51. Chapter 178 of NRS is hereby amended by adding thereto a new section to read as follows:

1. If a court prohibits a person from possessing a firearm as a condition of release pursuant to NRS 178.4851, the court shall require the person to appear for a compliance hearing to determine whether the person has complied with the prohibition.

2. The court shall schedule the compliance hearing not earlier than 2 business days nor later than 5 business days after the release of the person.

3. For the purpose of complying with a condition of release prohibiting the person from possessing a firearm, the person and the court may follow the procedures for the surrender, sale or transfer of firearms described in NRS 202.361.

Sec. 52. NRS 178.483 is hereby amended to read as follows:

178.483 As used in NRS 178.483 to 178.548, inclusive, ***and section 51 of this act,*** unless the context otherwise requires, "electronic transmission," "electronically transmit" or "electronically transmitted" means any form or process of

communication not directly involving the physical transfer of paper or another tangible medium which:

1. Is suitable for the retention, retrieval and reproduction of information by the recipient; and

2. Is retrievable and reproducible in paper form by the recipient through an automated process used in conventional commercial practice.

Sec. 53. NRS 178.4849 is hereby amended to read as follows:

178.4849 1. Except as otherwise provided in subsection 2 and NRS 178.484 and 178.4847, a court shall, within ~~[48]~~ ***72*** hours after a person has been taken into custody, ***excluding any day declared to be a legal holiday pursuant to NRS 236.015,*** hold a pretrial release hearing, in open court or by means of remote communication, to determine the custody status of the person.

2. The court may continue a pretrial release hearing:

(a) At the request of either party or the court and for good cause shown.

(b) Upon stipulation of the parties. The court shall schedule a hearing continued pursuant to this paragraph for the date specified by stipulation.

3. A stipulation made pursuant to subsection 2 may be:

(a) An oral stipulation; or

(b) A written stipulation communicated by mail, by electronic mail, via the Internet or by other electronic means.

4. The prosecuting attorney, the defendant and the defendant's attorney may appear at a pretrial release hearing by means of remote communication. An appearance by means of remote communication must be treated in the same manner as an appearance in person.

5. A magistrate who presides over a pretrial release hearing may do so by means of remote communication.

6. As used in this section:

(a) "Magistrate" means a judicial officer who presides over a pretrial release hearing.

(b) "Remote communication" means communication through telephone or videoconferencing.

Sec. 54. NRS 178.4851 is hereby amended to read as follows:

178.4851 1. Except as otherwise provided in ~~[subsection]~~ ***subsections*** 4 ~~[,]~~ ***and 5,*** the court shall only impose bail or a condition of release, or both, on a person as it deems to be the least restrictive means necessary to protect the safety of the community or to ensure that the person will appear at all times and places ordered by the court, with regard to the factors set forth in NRS 178.4853 and 178.498. Such conditions of release may include, without limitation:

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

(b) Prohibiting the person from contacting or attempting to contact a specific person or from causing or attempting to cause another person to contact that person on the person's behalf;

(c) Prohibiting the person from entering a certain geographic area;

(d) Prohibiting the person from possessing a firearm during the pendency of the case; or

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

2. A prosecuting attorney may request that a court impose bail or a condition of release, or both, on a person. If the request includes the imposition of bail, the prosecuting attorney must prove by clear and convincing evidence that the imposition of bail is necessary to protect the safety of the community or to ensure that the person will appear at all times and places ordered by the court, with regard to the factors set forth in NRS 178.4853 and 178.498.

3. If a court imposes bail or any condition of release, or both, other than release on recognizance with no other conditions of release, the court shall make findings of fact for such a determination and state its reasoning on the record, and, if the determination includes the imposition of a condition of release, the findings of fact must include why the condition of release constitutes the least restrictive means necessary to protect the safety of the community or to ensure that the person will appear at the times and places ordered by the court.

4. A person arrested for murder of the first degree may be admitted to bail unless the proof is evident or the presumption great by any competent court or magistrate authorized by law to do so in the exercise of discretion, giving due weight to the evidence and to the nature and circumstances of the offense.

5. ***There is a rebuttable presumption that the imposition of bail on a person arrested for a violation of NRS 200.508, 200.5099, 202.265, 202.285, 202.287, 202.350, 202.360, paragraph (a) of subsection 1 of NRS 205.060 or NRS 205.067 or a violent or sexual offense is the least restrictive means necessary to protect the safety of the community or to ensure that the person will appear at all times and places ordered by the court.***

6. The person must sign a document before the person's release stating that:

(a) The person will appear at all times and places as ordered by the court releasing the person and as ordered by any court before which the charge is subsequently heard;

(b) The person will comply with the other conditions which have been imposed by the court and are stated in the document;

(c) If the person fails to appear when so ordered and is taken into custody outside of this State, the person waives all rights relating to extradition proceedings; and

(d) The person understands that any court of competent jurisdiction may revoke the order of release without bail and may order the person into custody or require the person to furnish bail or otherwise ensure the protection of the safety of the community or the person's appearance, if applicable.

~~[6.]~~ ***7.*** The document signed pursuant to subsection ~~[5]~~ ***6*** must be filed with the clerk of the court of competent jurisdiction and becomes effective upon the signature of the person to be released.

~~[7.]~~ ***8.*** If a person fails to comply with a condition of release imposed pursuant to this section, the court may, after providing the person with reasonable notice and an opportunity for a hearing:

(a) Deem such conduct a contempt pursuant to NRS 22.010;

(b) Impose such additional conditions of release as the court deems necessary to protect the safety of the community or to ensure the person will appear at the times and places ordered by the court;

(c) Increase the amount of bail pursuant to NRS 178.499, if applicable; or

(d) Revoke bail and remand the person into custody.

~~[8.]~~ ***9.*** If a person fails to appear as ordered by the court and a jurisdiction incurs any costs in returning a person to the jurisdiction to stand trial, the person failing to appear is responsible for paying those costs as restitution.

~~[9.]~~ ***10.*** An order issued pursuant to this section that imposes a condition on a person must include a provision ordering a law enforcement officer to arrest the person if the law enforcement officer has probable cause to believe that the person has violated a condition of release.

~~[10.]~~ ***11.*** Nothing in this section shall be construed to require a court to receive the request of a prosecuting attorney before imposing a condition of release.

12. As used in this section, "violent or sexual offense" has the meaning ascribed to it in NRS 202.876.

Sec. 55. NRS 178.522 is hereby amended to read as follows:

178.522 1. When the condition of the bond has been satisfied or the forfeiture thereof has been set aside or remitted, the court shall exonerate the obligors and release any bail. The court shall exonerate the obligors and release any bail at the time of sentencing the defendant, ~~[if the court has not previously done so]~~ unless ~~[the money deposited by the defendant as bail must be applied to satisfy a judgment pursuant to]~~ NRS 178.528 ~~[.]~~ ***does not apply because***

there are fines, costs or restitution associated with the judgment or the defendant would suffer undue hardship.

2. A surety may be exonerated by a deposit of cash in the amount of the bond or by a timely surrender of the defendant into custody.

Sec. 56. NRS 178.528 is hereby amended to read as follows:

178.528 ***1.*** When money has been deposited ~~[,]~~ ***as bail by a person other than a surety,*** if it remains on deposit at the time of ~~[a judgment for the payment of a fine,]~~ ***sentencing,*** the court, or the clerk under the direction of the court, shall apply the money in satisfaction ~~[thereof,]~~ ***of any restitution*** and after satisfying the ***restitution, any*** fine and costs ***.***

2. If there is any surplus remaining after the distributions required by subsection 1 are made, the court, or the clerk under the direction of the court, shall refund the surplus ~~[, if any,]~~ to the person who deposited the bail, unless that person has directed, in writing, that any surplus be refunded to another.

Sec. 57. NRS 178.572 is hereby amended to read as follows:

178.572 1. ~~[In]~~ ***If a witness refuses, on the basis of the privilege against self-incrimination, to testify or provide other information that is necessary to the public interest in*** any investigation before a grand jury, ~~[or]~~ any preliminary examination ~~[or]~~ ***and*** trial ***or other evidentiary proceeding*** in any court of record, the ~~[court on motion of the State]~~ ***prosecuting attorney*** may ***request that the court issue an*** order ~~[that any material witness be released from all liability to be prosecuted or punished on account of any]~~ ***of immunity to compel the witness to testify or provide other information.***

2. If a court issues an order of immunity:

(a) The witness may not refuse to testify or provide other information on the basis of the privilege against self-incrimination; and

(b) The testimony or other ~~[evidence the witness may be required to produce.~~

~~2.]~~ ***information compelled under the order, or any information directly or indirectly derived from the testimony or other information, may not be used against the person in any criminal case, except a prosecution for:***

(1) Perjury committed in the giving of such testimony;

(2) Giving a false statement; or

(3) Otherwise failing to comply with the order.

3. Any ~~[motion,]~~ ***request,*** hearing or order regarding the immunity of a grand jury witness must not be made public before an indictment or presentment is issued in the case.

Sec. 58. NRS 178.760 is hereby amended to read as follows:

178.760 Notwithstanding any other provision of law:

1. A district attorney, assistant district attorney, deputy district attorney or other attorney employed by a district attorney may:

(a) Be deputized to prosecute a person in a county other than the county by which the attorney is employed for the limited purpose of serving as the prosecuting attorney in a pretrial release hearing required by NRS 178.4849. An assistant district attorney, deputy district attorney or other attorney employed by a district attorney must receive the approval of the district attorney of the county in which the attorney is employed before serving as the prosecuting attorney in a pretrial release hearing in a county other than the county by which the attorney is employed.

(b) Receive a stipend for being available on a weekend ~~[or holiday]~~ to serve as the prosecuting attorney in a pretrial release hearing required by NRS 178.4849 or for serving as the prosecuting attorney in any such pretrial release hearing conducted on a weekend **.** ~~[or holiday.]~~

2. A public defender and the State Public Defender may, pursuant to an interlocal agreement, authorize the public defender, State Public Defender or any other attorney employed by the public defender or State Public Defender to provide for the representation of a defendant in a pretrial release hearing required by NRS 178.4849 in any county.

3. A public defender, the State Public Defender or any other attorney employed by the public defender or State Public Defender may receive a stipend for being available on a weekend ~~[or holiday]~~ to represent a defendant in a pretrial release hearing required by NRS 178.4849 or for representing a defendant in any such pretrial release hearing conducted on a weekend **.** ~~[or holiday.]~~

Sec. 59. NRS 179.295 is hereby amended to read as follows:

179.295 1. The person who is the subject of the records that are sealed pursuant to NRS 34.970, 174.034, 176.211, 176A.245, 176A.265, 176A.295, 179.245, 179.247, 179.255, 179.259, 179.2595, 179.271, 201.354 or 453.3365 may petition the court that ordered the records sealed to permit inspection of the records by a person named in the petition, and the court may order such inspection. Except as otherwise provided in this section, subsection 9 of NRS 179.255 and NRS 179.259 and 179.301, the court may not order the inspection of the records under any other circumstances.

2. ~~[If]~~ ***Except as otherwise provided in NRS 179.301, if*** a person has been arrested, the charges have been dismissed and the records of the arrest have been sealed, the court may order the inspection of the records by a prosecuting attorney upon a showing that as a result of newly discovered evidence, the person has been

arrested for the same or a similar offense and that there is sufficient evidence reasonably to conclude that the person will stand trial for the offense.

3. ~~[The]~~ ***Except as otherwise provided in NRS 179.301, the*** court may, upon the application of a prosecuting attorney or an attorney representing a defendant in a criminal action, order an inspection of such records for the purpose of obtaining information relating to persons who were involved in the incident recorded.

4. This section does not prohibit a court from considering a proceeding for which records have been sealed pursuant to NRS 174.034, 176.211, 176A.245, 176A.265, 176A.295, 179.245, 179.247, 179.255, 179.259, 179.2595, 179.271, 201.354 or 453.3365 in determining whether to grant a petition pursuant to NRS 176.211, 176A.245, 176A.265, 176A.295, 179.245, 179.255, 179.259, 179.2595 or 453.3365 for a conviction of another offense.

Sec. 60. NRS 179.301 is hereby amended to read as follows:

179.301 1. The Nevada Gaming Control Board and the Nevada Gaming Commission and their employees, agents and representatives may inquire into and inspect any records sealed pursuant to NRS 179.245 or 179.255, if the event or conviction was related to gaming, to determine the suitability or qualifications of any person to hold a state gaming license, manufacturer's, seller's or distributor's license or registration as a gaming employee pursuant to chapter 463 of NRS. Events and convictions, if any, which are the subject of an order sealing records:

(a) May form the basis for recommendation, denial or revocation of those licenses.

(b) Must not form the basis for denial or rejection of a gaming work permit unless the event or conviction relates to the applicant's suitability or qualifications to hold the work permit.

2. The Division of Insurance of the Department of Business and Industry and its employees may inquire into and inspect any records sealed pursuant to NRS 179.245 or 179.255, if the event or conviction was related to insurance, to determine the suitability or qualifications of any person to hold a license, certification or authorization issued in accordance with title 57 of NRS. Events and convictions, if any, which are the subject of an order sealing records may form the basis for recommendation, denial or revocation of those licenses, certifications and authorizations.

3. A prosecuting attorney may inquire into and inspect any records sealed pursuant to NRS 179.245 or 179.255 if:

(a) The records relate to a violation or alleged violation of NRS 202.485; and

(b) The person who is the subject of the records has been arrested or issued a citation for violating NRS 202.485.

4. ***Records which have been sealed pursuant to NRS 179.245 or 179.255 may be inquired into, inspected, retained and used by a prosecuting attorney for the purpose of seeking an additional or alternative penalty.***

5. The Central Repository for Nevada Records of Criminal History and its employees may inquire into and inspect any records sealed pursuant to NRS 179.245 or 179.255 that constitute information relating to sexual offenses, and may notify employers of the information in accordance with federal laws and regulations.

~~[5.]~~ ***6.*** Records which have been sealed pursuant to NRS 179.245 or 179.255 and which are retained in the statewide registry established pursuant to NRS 179B.200 may be inspected pursuant to chapter 179B of NRS by an officer or employee of the Central Repository for Nevada Records of Criminal History or a law enforcement officer in the regular course of his or her duties.

~~[6.]~~ ***7.*** The State Board of Pardons Commissioners and its agents and representatives may inquire into and inspect any records sealed pursuant to NRS 179.245 or 179.255 if the person who is the subject of the records has applied for a pardon from the Board.

~~[7.]~~ ***8.*** As used in this section:

(a) "Information relating to sexual offenses" means information contained in or concerning a record relating in any way to a sexual offense.

(b) "Sexual offense" has the meaning ascribed to it in NRS 179A.073.

Sec. 61. NRS 209.4247 is hereby amended to read as follows:

209.4247 1. To the extent that money is available ~~[,]~~ ***and subject to subsection 2,*** the Director shall, with the approval of the Board, establish a program of treatment for offenders with a substance use disorder using medication-assisted treatment.

2. ***If the program established pursuant to subsection 1 relates to opioid use disorder, the Director shall collaborate with the Department of Health and Human Services to establish the program.***

3. The program established pursuant to subsection 1 must:

(a) Provide each eligible offender who participates in the program with appropriate medication-assisted treatment for the period in which the offender is incarcerated; and

(b) Require that all decisions regarding the type, dosage or duration of any medication administered to an eligible offender as part of his or her medication-assisted treatment be made by a treating physician and the eligible offender.

~~[3.]~~ ***4.*** Except as otherwise provided in this section, any offender who the Director has determined has a substance use disorder for which a medication-assisted treatment exists and who

meets any reasonable conditions imposed by the Director pursuant to subsection ~~[4]~~ ***5*** is eligible to participate in the program established pursuant to subsection 1 and must be offered the opportunity to participate. If an offender received medication-assisted treatment immediately preceding his or her incarceration, the offender is eligible to continue that medication-assisted treatment as a participant in the program. Participation in the program must be voluntary.

~~[4.]~~ ***5.*** Except as otherwise provided in this subsection, the Director may impose reasonable conditions for an offender to be eligible to participate in the program established pursuant to subsection 1 and to continue his or her participation in the program. The Director shall not deny an offender the ability to participate in the program or terminate the participation of an offender in the program on the basis that:

(a) The results of a screening test administered to the offender upon the commencement of his or her incarceration or upon the commencement of his or her participation in the program indicated the presence of a controlled substance; or

(b) The offender committed an infraction of the rules of the institution or facility before or during the participation of the offender in the program.

~~[5.]~~ ***6.*** An offender who participates in the program established pursuant to subsection 1 is not subject to discipline on the basis that the results of a screening test administered to the offender during his or her participation in the program indicated the presence of a controlled substance.

~~[6.]~~ ***7.*** As used in this section:

(a) "Medication-assisted treatment" means treatment for a substance use disorder using medication approved by the United States Food and Drug Administration for that purpose.

(b) "Substance use disorder" means a cluster of cognitive, behavioral and psychological symptoms indicating that a person continues using a substance despite significant substance-related problems.

Sec. 62. NRS 211.400 is hereby amended to read as follows:

211.400 1. To the extent that money is available, a sheriff, chief of police or town marshal who is responsible for a county, city or town jail or detention facility shall establish a program to provide for the treatment of prisoners with a substance use disorder using medication-assisted treatment.

2. ***If the program established pursuant to subsection 1 relates to opioid use disorder, the sheriff, chief of police or town marshal shall collaborate with the Department of Health and Human Services to establish the program.***

3. The program established pursuant to subsection 1 must:

(a) Provide each eligible prisoner who participates in the program with appropriate medication-assisted treatment for the period in which the prisoner is incarcerated; and

(b) Require that all decisions regarding the type, dosage or duration of any medication administered to an eligible prisoner as part of his or her medication-assisted treatment be made by a treating physician and the eligible prisoner.

~~[3.]~~ ***4.*** Except as otherwise provided in this section, any prisoner who the sheriff, chief of police or town marshal has determined has a substance use disorder for which a medication-assisted treatment exists and who meets any reasonable conditions imposed by the sheriff, chief of police or town marshal pursuant to subsection ~~[4]~~ ***5*** is eligible to participate in the program established pursuant to subsection 1 and must be offered the opportunity to participate. If a prisoner received medication-assisted treatment immediately preceding his or her incarceration, the prisoner is eligible to continue that medication-assisted treatment as a participant in the program. Participation in the program must be voluntary.

~~[4.]~~ ***5.*** Except as otherwise provided in this subsection, the sheriff, chief of police or town marshal may impose reasonable conditions for a prisoner to be eligible to participate in the program established pursuant to subsection 1 and to continue his or her participation in the program. The sheriff, chief of police or town marshal shall not deny a prisoner the ability to participate in the program or terminate the participation of a prisoner in the program on the basis that:

(a) The results of a screening test administered to the prisoner upon the commencement of his or her incarceration or upon the commencement of his or her participation in the program indicated the presence of a controlled substance; or

(b) The prisoner committed an infraction of the rules of the county, city or town jail or detention facility before or during the participation of the prisoner in the program.

~~[5.]~~ ***6.*** A prisoner who participates in the program established pursuant to subsection 1 is not subject to discipline on the basis that the results of a screening test administered to the prisoner during his or her participation in the program indicated the presence of a controlled substance.

~~[6.]~~ ***7.*** As used in this section, "medication-assisted treatment" means treatment for a substance use disorder using medication approved by the United States Food and Drug Administration for that purpose.

Sec. 63. NRS 213.1258 is hereby amended to read as follows:

213.1258 1. Except as otherwise provided in subsection 2, if the Board releases on parole a prisoner convicted of stalking ~~[with the use of an Internet or network site, electronic mail, text messaging or any other similar means of communication]~~ ***by electronic means*** pursuant to ~~[subsection 4 of]~~ NRS 200.575, an offense involving pornography and a minor pursuant to NRS 200.710 to 200.730, inclusive, luring a child or a person with mental illness through the use of a computer, system or network pursuant to paragraph (a) or (b) of subsection 4 of NRS 201.560 or a violation of NRS 201.553 which involved the use of an electronic communication device, the Board shall, in addition to any other condition of parole, require as a condition of parole that the parolee not own or use a computer, including, without limitation, use electronic mail, a chat room or the Internet.

2. The Board is not required to impose a condition of parole set forth in subsection 1 if the Board finds that:

(a) The use of a computer by the parolee will assist a law enforcement agency or officer in a criminal investigation;

(b) The parolee will use the computer to provide technological training concerning technology of which the defendant has a unique knowledge; or

(c) The use of the computer by the parolee will assist companies that require the use of the specific technological knowledge of the parolee that is unique and is otherwise unavailable to the company.

3. Except as otherwise provided in subsection 1, if the Board releases on parole a prisoner convicted of an offense that involved the use of a computer, system or network, the Board may, in addition to any other condition of parole, require as a condition of parole that the parolee not own or use a computer, including, without limitation, use electronic mail, a chat room or the Internet.

4. As used in this section:

(a) "Computer" has the meaning ascribed to it in NRS 205.4735 and includes, without limitation, an electronic communication device.

(b) "Electronic communication device" has the meaning ascribed to it in NRS 200.737.

(c) ***"Electronic means" has the meaning ascribed to it in NRS 200.575.***

(d) "Network" has the meaning ascribed to it in NRS 205.4745.

~~[(d)]~~ ***(e)*** "System" has the meaning ascribed to it in NRS 205.476.

~~[(e) "Text messaging" has the meaning ascribed to it in NRS 200.575.]~~

Sec. 64. Chapter 433 of NRS is hereby amended by adding thereto the provisions set forth as sections 65 and 66 of this act.

Sec. 65. ***"Medication-assisted treatment" has the meaning ascribed to it in NRS 639.28079.***

Sec. 66. ***The Department shall make available on an Internet website maintained by the Department information relating to peer recovery support services.***

Sec. 67. NRS 433.005 is hereby amended to read as follows:

433.005 As used in chapters 433 to 433C, inclusive, of NRS, unless the context otherwise requires, or except as otherwise defined by specific statute, the words and terms defined in NRS 433.014 to 433.227, inclusive, ***and section 65 of this act*** have the meanings ascribed to them in those sections.

Sec. 68. NRS 433.622 is hereby amended to read as follows:

433.622 As used in NRS 433.622 to 433.641, inclusive, ***and section 66 of this act,*** unless the context otherwise requires, the words and terms defined in NRS 433.623 to 433.629, inclusive, have the meanings ascribed to them in those sections.

Sec. 69. NRS 433.730 is hereby amended to read as follows:

433.730 1. On or before June 30 of each even-numbered year, the Advisory Committee shall submit to the Director of the Department a report of recommendations concerning:

(a) The statewide needs assessment conducted pursuant to paragraph (a) of subsection 1 of NRS 433.734, including, without limitation, the establishment of priorities pursuant to paragraph ~~[(e)]~~ ***(f)*** of subsection 1 of NRS 433.736; and

(b) The statewide plan to allocate money from the Fund developed pursuant to paragraph (b) of subsection 1 of NRS 433.734.

2. When developing recommendations to be included in the report pursuant to subsection 1, the Advisory Committee shall consider:

(a) Health equity and identifying relevant disparities among racial and ethnic populations, geographic regions and special populations in this State; and

(b) The need to prevent overdoses, address disparities in access to health care and prevent substance use among youth.

3. When developing recommendations concerning the establishment of priorities pursuant to paragraph ~~[(e)]~~ ***(f)*** of subsection 1 of NRS 433.736, the Advisory Committee shall use an objective method to define the potential positive and negative impacts of a priority on the health of the affected communities with an emphasis on disproportionate impacts to any population targeted by the priority.

4. Before finalizing a report of recommendations pursuant to subsection 1, the Advisory Committee must hold at least one public meeting to solicit comments from the public concerning the recommendations and make any revisions to the recommendations determined, as a result of the public comment received, to be necessary.

Sec. 70. NRS 433.736 is hereby amended to read as follows:

433.736 1. A statewide needs assessment conducted by the Department, in consultation with the Office, pursuant to paragraph (a) of subsection 1 of NRS 433.734 must:

(a) Be evidence-based and use information from damages reports created by experts as part of the litigation described in subsection 1 of NRS 433.732.

(b) Include an analysis of the impacts of opioid use and opioid use disorder on this State that uses quantitative and qualitative data concerning this State and the regions, counties and Native American tribes in this State to determine the risk factors that contribute to opioid use, the use of substances and the rates of opioid use disorder, other substance use disorders and co-occurring disorders among residents of this State.

(c) Focus on health equity and identifying disparities across all racial and ethnic populations, geographic regions and special populations in this State.

(d) Take into account the resources of state, regional, local and tribal agencies and nonprofit organizations, including, without limitation, any money recovered or anticipated to be recovered by county, local or tribal governmental agencies through judgments or settlements resulting from litigation concerning the manufacture, distribution, sale or marketing of opioids, and the programs currently existing in each geographic region of this State to address opioid use disorder and other substance use disorders.

(e) ***Identify educational resources for governmental agencies involved in law enforcement or criminal justice for training related to trauma-informed practices for persons with opioid use disorder and medication-assisted treatment for persons with opioid use disorder.***

(f) Based on the information and analyses described in paragraphs (a) to ~~[(d),]~~ ***(e),*** inclusive, establish priorities for the use of the funds described in subsection 1 of NRS 433.732. Such priorities must include, without limitation, priorities related to the ***training described in paragraph (e) and*** prevention of overdoses, addressing disparities in access to health care and the prevention of substance use among youth.

2. When conducting a needs assessment, the Department, in consultation with the Office, shall:

(a) Use community-based participatory research methods or similar methods to conduct outreach to groups impacted by the use of opioids, opioid use disorder and other substance use disorders, including, without limitation:

(1) Persons and families impacted by the use of opioids and other substances;

(2) Providers of treatment for opioid use disorder and other substance use disorders;

(3) Substance use disorder prevention coalitions;

(4) Communities of persons in recovery from opioid use disorder and other substance use disorders;

(5) Providers of services to reduce the harms caused by opioid use disorder and other substance use disorders;

(6) Persons involved in the child welfare system;

(7) Providers of social services;

(8) Faith-based organizations;

(9) Providers of health care and entities that provide health care services; and

(10) Members of diverse communities disproportionately impacted by opioid use and opioid use disorder; and

(b) Conduct outreach to governmental agencies who interact with persons or groups impacted by the use of opioids, opioid use disorder and other substance use disorders, including, without limitation:

(1) The Office of the Attorney General, the Department of Public Safety, the Department of Corrections, courts, juvenile justice agencies and other governmental agencies involved in law enforcement or criminal justice;

(2) Agencies which provide child welfare services and other governmental agencies involved in the child welfare system; and

(3) Public health agencies.

Sec. 71. NRS 433.738 is hereby amended to read as follows:

433.738 1. The statewide plan to allocate money from the Fund established by the Department, in consultation with the Office, pursuant to paragraph (b) of subsection 1 of NRS 433.734 must:

(a) Establish policies and procedures for the administration and distribution of money from the Fund;

(b) Allocate the money in the Fund for the purposes described in subsection 2; and

(c) Establish requirements governing the use of money allocated from the Fund.

2. The statewide plan ~~[may]~~ ***:***

(a) Must allocate money to governmental agencies involved in law enforcement or criminal justice for training related to trauma-informed practices for persons with opioid use disorder and

medication-assisted treatment for persons with opioid use disorder;

(b) May allocate money to ~~[:~~

~~(a) Statewide]~~ ***statewide*** projects, which may include, without limitation:

(1) Expanding access to evidence-based prevention of substance use disorders, early intervention for persons at risk of a substance use disorder, treatment for substance use disorders and support for persons in recovery from substance use disorders;

(2) Programs to reduce the incidence and severity of neonatal abstinence syndrome;

(3) Prevention of adverse childhood experiences and early intervention for children who have undergone adverse childhood experiences and the families of such children;

(4) Services to reduce the harm caused by substance use;

(5) Prevention and treatment of infectious diseases in persons with substance use disorders;

(6) Services for children and other persons in a behavioral health crisis and the families of such persons;

(7) Housing for persons who have or are in recovery from substance use disorders;

(8) Campaigns to educate and increase awareness of the public concerning substance use and substance use disorders;

(9) Programs for persons involved in the criminal justice or juvenile justice system and the families of such persons, including, without limitation, programs that are administered by courts;

(10) The evaluation of existing programs relating to substance use and substance use disorders;

(11) Development of the workforce of providers of services relating to substance use and substance use disorders;

(12) The collection and analysis of data relating to substance use and substance use disorders;

(13) Capital projects relating to substance use and substance use disorders, including, without limitation, construction, purchasing and remodeling; and

(14) Implementing the hotline for persons who are considering suicide or otherwise in a behavioral health crisis and providing services to persons who access that hotline in accordance with the provisions of NRS 433.702 to 433.710, inclusive.

~~[(b) Grants]~~

(c) May allocate money to regional, county, local and tribal agencies and private-sector organizations whose work relates to opioid use disorder and other substance use disorders.

3. The projects described in paragraph ~~[(a)]~~ ***(b)*** of subsection 2 may include, without limitation, projects to maximize expenditures through federal, local and private matching contributions.

4. The Department, in consultation with the Office, may revise the statewide plan to allocate money from the Fund as necessary without conducting a statewide needs assessment pursuant to paragraph (a) of subsection 1 of NRS 433.734 so long as a needs assessment is conducted at the intervals required by that subsection.

Sec. 72. NRS 433.740 is hereby amended to read as follows:

433.740 1. If the Department awards grants pursuant to paragraph ~~[(b)]~~ ***(c)*** of subsection 2 of NRS 433.738, the Department, in consultation with the Office, must:

(a) Develop, solicit and accept applications for those grants. An application submitted by a regional, local or tribal governmental entity must include, without limitation:

(1) The results of a needs assessment that meets the requirements of NRS 433.742; and

(2) A plan for the use of the grant that meets the requirements of NRS 433.744.

(b) Coordinate with and provide support to regional, local and tribal governmental entities in conducting needs assessments and developing plans pursuant to paragraph (a).

(c) Consider any money recovered or anticipated to be recovered by county, local or tribal governmental agencies through judgments received or settlements entered into as a result of litigation concerning the manufacture, distribution, sale or marketing of opioids.

(d) Conduct annual evaluations of programs to which grants have been awarded.

2. To the extent authorized by the terms of any judgment or settlement described in subsection 1 of NRS 433.732, the recipient of a grant pursuant to paragraph ~~[(b)]~~ ***(c)*** of subsection 2 of NRS 433.738 may use not more than 8 percent of the grant for administrative expenses related to the grant or the projects supported by the grant.

3. The recipient of a grant pursuant to paragraph ~~[(b)]~~ ***(c)*** of subsection 2 of NRS 433.738 shall annually submit to the Department a report concerning the expenditure of the money that was received and the outcomes of the projects on which that money was spent.

4. If a regional, local or tribal governmental entity that receives a grant pursuant to paragraph ~~[(b)]~~ ***(c)*** of subsection 2 of NRS 433.738 later recovers money through a judgment or a settlement resulting from litigation concerning the manufacture, distribution, sale or marketing of opioids:

(a) The regional, local or tribal governmental entity must immediately notify the Department; and

(b) The Department may recover from the governmental entity an amount not to exceed the amount of the grant or the amount of the recovery, whichever is less.

5. A regional, local or tribal governmental entity that receives a grant pursuant to paragraph ~~[(b)]~~ ***(c)*** of subsection 2 of NRS 433.738 shall conduct a new needs assessment and update its plan for the use of the grant at intervals prescribed by regulation of the Department, which must be not less than every 4 years.

Sec. 73. NRS 453.3387 is hereby amended to read as follows:

453.3387 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 illicitly manufactured fentanyl, any derivative of fentanyl or any mixture which contains illicitly manufactured fentanyl or any derivative of fentanyl, unless a greater penalty is provided pursuant to NRS 453.322, if the quantity involved:

1. Is ~~[28]~~ ***4*** grams or more, but less than ~~[42]~~ ***14*** grams, is guilty of trafficking and shall be punished for a category B felony by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than ~~[10]~~ ***6*** years ~~[.]~~ ***, and by a fine of not more than $50,000.***

2. Is ~~[42]~~ ***14*** grams or more, but less than ~~[100]~~ ***28*** grams, is guilty of ~~[high-level]~~ ***mid-level*** trafficking and shall be punished for a category B felony by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 15 years ~~[.]~~ ***, and by a fine of not more than $100,000.***

3. Is 28 grams or more, is guilty of high-level trafficking and shall be punished for a category A felony by imprisonment in the state prison:

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

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

Sec. 74. NRS 458A.220 is hereby amended to read as follows:

458A.220 1. If the court:

(a) Has reason to believe that:

(1) A person who has been convicted of a crime is a person with an addictive disorder related to gambling; and

(2) The person committed the crime in furtherance or as a result of problem gambling; and

(b) Finds that the person is eligible to make the election as provided in NRS 458A.210,

➥ the court shall hold a hearing before it sentences the person to determine whether or not the person committed the crime in furtherance or as a result of problem gambling and whether or not the person should receive treatment under the supervision of a qualified mental health professional. The district attorney may present the court with any evidence concerning whether the person committed the crime in furtherance or as a result of problem gambling and the advisability of permitting the person to make the election.

2. At the hearing, the court shall advise the person that sentencing will be postponed if the person elects to submit to treatment and is accepted into a program for the treatment of problem gambling. In offering the election, the court shall advise the person that:

(a) The court may impose any conditions upon the election of treatment that could be imposed as conditions of probation;

(b) If the person elects to submit to treatment and is accepted, the person:

(1) May be placed under the supervision of the qualified mental health professional for a period of not less than 1 year and not more than 3 years; and

(2) Must agree to pay restitution as a condition upon the election of treatment;

(c) During treatment, the person may be confined in an institution or, at the discretion of the qualified mental health professional, released for treatment or supervised care in the community;

(d) If the person satisfactorily completes treatment and satisfies the conditions upon the election of treatment, as determined by the court, the conviction ~~[will]~~ ***may*** be set aside, but if the person does not satisfactorily complete treatment and satisfy the conditions, the person may be sentenced and the sentence executed; and

(e) If the person's conviction is set aside pursuant to NRS 458A.240, he or she may, at any time after the conviction is set aside, file a petition pursuant to NRS 179.255 for the sealing of all records relating to the setting aside of the conviction.

Sec. 75. NRS 458A.240 is hereby amended to read as follows:

458A.240 1. ~~[Whenever]~~ ***If*** a person is placed under the supervision of a qualified mental health professional, the person's sentencing ~~[must]~~ ***may*** be deferred and, except as otherwise provided in subsection 4, the person's conviction ~~[must]~~ ***may*** be set aside if the qualified mental health professional certifies to the court that the person has satisfactorily completed the program of treatment and the court approves the certification and determines that the conditions upon the election of treatment have been satisfied.

2. If, upon the expiration of the treatment period, the qualified mental health professional has not certified that the person has completed the program of treatment, the court shall sentence the person. If the person has satisfied the conditions upon the election of treatment and the court believes that the person will complete his or her treatment voluntarily, the court may set the conviction aside.

3. If, before the treatment period expires, the qualified mental health professional determines that the person is not likely to benefit from further treatment, the qualified mental health professional shall so advise the court. The court shall then:

(a) Arrange for the transfer of the person to a more suitable program, if any; or

(b) Terminate the supervision and conduct a hearing to determine whether the person should be sentenced.

➥ If a person is sentenced pursuant to this section, any time spent in institutional care must be deducted from any sentence imposed.

4. Regardless of whether the person successfully completes treatment, the court shall not set aside the conviction of a person who has a record of two or more convictions of any felony for two or more separate incidents.

Sec. 76. 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 ~~[$1,200,]~~ ***$750,*** is guilty of a misdemeanor.

2. If the device has a value of ~~[$1,200]~~ ***$750*** or more, is guilty of a category D felony and shall be punished as provided in NRS 193.130.

Sec. 77. NRS 484C.110 is hereby amended to read as follows:

484C.110 1. It is unlawful for any person who:

(a) Is under the influence of intoxicating liquor;

(b) Has a concentration of alcohol of 0.08 or more in his or her blood or breath; or

(c) Is found by measurement within 2 hours after driving or being in actual physical control of a vehicle to have a concentration of alcohol of 0.08 or more in his or her blood or breath,

➥ to drive or be in actual physical control of a vehicle on a highway or on premises to which the public has access.

2. It is unlawful for any person who:

(a) Is under the influence of a controlled substance;

(b) Is under the combined influence of intoxicating liquor and a controlled substance; or

(c) Inhales, ingests, applies or otherwise uses any chemical, poison or organic solvent, or any compound or combination of any

of these, to a degree which renders the person incapable of safely driving or exercising actual physical control of a vehicle,

➥ to drive or be in actual physical control of a vehicle on a highway or on premises to which the public has access. The fact that any person charged with a violation of this subsection is or has been entitled to use that drug under the laws of this State is not a defense against any charge of violating this subsection.

3. It is unlawful for any person to drive or be in actual physical control of a vehicle on a highway or on premises to which the public has access with an amount of any of the following prohibited substances in his or her blood or urine that is equal to or greater than:

Prohibited substance	Urine Nanograms per milliliter	Blood Nanograms per milliliter
(a) Amphetamine	500	100
(b) Cocaine	150	50
(c) Cocaine metabolite	150	50
(d) Heroin	2,000	50
(e) Heroin metabolite:		
(1) Morphine	2,000	50
(2) 6-monoacetyl morphine	10	10
(f) Lysergic acid diethylamide	25	10
(g) Methamphetamine	500	100
(h) Phencyclidine	25	10

4. For any violation that is punishable pursuant to paragraph (c) of subsection 1 of NRS 484C.400, ***NRS 484C.410, 484C.430 or 484C.440,*** it is unlawful for any person to drive or be in actual physical control of a vehicle on a highway or on premises to which the public has access with an amount of any of the following prohibited substances in his or her blood that is equal to or greater than:

Prohibited substance	Blood Nanograms per milliliter
(a) Marijuana (delta-9-tetrahydrocannabinol)	2
(b) Marijuana metabolite (11-OH-tetrahydrocannabinol)	5

5. If consumption is proven by a preponderance of the evidence, it is an affirmative defense under paragraph (c) of

subsection 1 that the defendant consumed a sufficient quantity of alcohol after driving or being in actual physical control of the vehicle, and before his or her blood or breath was tested, to cause the defendant to have a concentration of alcohol of 0.08 or more in his or her blood or breath. A defendant who intends to offer this defense at a trial or preliminary hearing must, not less than 14 days before the trial or hearing or at such other time as the court may direct, file and serve on the prosecuting attorney a written notice of that intent.

6. A person who violates any provision of this section may be subject to any additional penalty set forth in NRS 484B.130 or 484B.135.

Sec. 78. NRS 484C.340 is hereby amended to read as follows:

484C.340 1. An offender who enters a plea of guilty or nolo contendere to a violation of NRS 484C.110 or 484C.120 that is punishable pursuant to paragraph (c) of subsection 1 of NRS 484C.400 may, at the time the offender enters a plea, apply to the court to undergo a program of treatment for an alcohol or other substance use disorder for at least 3 years. The court may authorize that treatment if:

(a) The offender is diagnosed as a person with an alcohol or other substance use disorder by:

(1) An alcohol and drug counselor who is licensed or certified, or a clinical alcohol and drug counselor who is licensed, pursuant to chapter 641C of NRS, to make that diagnosis;

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

(3) An advanced practice registered nurse who is certified to make that diagnosis by the State Board of Nursing; and

(b) The offender agrees to pay the costs of the treatment to the extent of his or her financial resources.

➥ An alcohol and drug counselor, a clinical alcohol and drug counselor, a physician or an advanced practice registered nurse who diagnoses an offender as a person with an alcohol or other substance use disorder shall make a report and recommendation to the court concerning the length and type of treatment required for the offender.

2. A prosecuting attorney may, within 10 days after receiving notice of an application for treatment pursuant to this section, request a hearing on the matter. The court shall order a hearing on the application upon the request of the prosecuting attorney or may order a hearing on its own motion.

3. At the hearing on the application for treatment, the prosecuting attorney may present the court with any relevant

evidence on the matter. If a hearing is not held, the court shall decide the matter and other information before the court.

4. If the court determines that an application for treatment should be granted, the court shall:

(a) Immediately, without entering a judgment of conviction and with the consent of the offender, suspend further proceedings and place the offender on probation for not more than 5 years.

(b) Order the offender to complete a program of treatment for an alcohol or other substance use disorder with a treatment provider approved by the court. If the court has a specialty court program for the supervision and monitoring of the person, the treatment provider must comply with the requirements of the specialty court, including, without limitation, any requirement to submit progress reports to the specialty court.

(c) Advise the offender that:

(1) He or she may be placed under the supervision of a treatment provider for not more than 5 years.

(2) The court may order the offender to be admitted to a residential treatment facility.

(3) The court will enter a judgment of conviction for a violation of paragraph (c) of subsection 1 of NRS 484C.400 if a treatment provider fails to accept the offender for a program of treatment for an alcohol or other substance use disorder or if the offender fails to complete the program of treatment satisfactorily. Any sentence of imprisonment may be reduced by a time equal to that which the offender served before beginning treatment.

(4) ***If the offender violates the provisions of NRS 484C.110 or 484C.120 while undergoing a program of treatment for an alcohol or other substance use disorder, the offender may be subject to the penalties prescribed by NRS 484C.410.***

(5) If the offender completes the treatment satisfactorily, the court will enter a judgment of conviction for a violation of paragraph (b) of subsection 1 of NRS 484C.400.

~~[(5)]~~ ***(6)*** The provisions of NRS 483.460 requiring the revocation of the license, permit or privilege of the offender to drive do not apply.

5. The court shall administer the program of treatment pursuant to the procedures provided in NRS 176A.230 to 176A.245, inclusive, except that the court:

(a) Shall not defer the sentence or set aside the conviction upon the election of 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) Be placed under a system of active electronic monitoring, through the Division, that is capable of identifying the offender's location and producing, upon request, reports or records of the offender's presence near or within, or departure from, a specified geographic location and pay any costs associated with the offender's participation under the system of active electronic monitoring;

(c) Install, at his or her own expense, an ignition interlock device for not less than 12 months;

(d) Not drive any vehicle unless it is equipped with an ignition interlock device;

(e) Agree to be subject to periodic testing for the use of alcohol or controlled substances while participating in a program of treatment; and

(f) 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 an alcohol or other substance use disorder 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. An offender placed under a system of active electronic monitoring pursuant to paragraph (b) of subsection 6 shall:

(a) Follow the instructions provided by the Division to maintain the electronic monitoring device in working order.

(b) Report any incidental damage or defacement of the electronic monitoring device to the Division within 2 hours after the occurrence of the damage or defacement.

(c) Abide by any other conditions set forth by the court or the Division with regard to the offender's participation under the system of active electronic monitoring.

9. Except as otherwise provided in this subsection, a person who intentionally removes or disables or attempts to remove or disable an electronic monitoring device placed on an offender

pursuant to this section is guilty of a gross misdemeanor. The provisions of this subsection do not prohibit a person authorized by the Division from performing maintenance or repairs to an electronic monitoring device.

10. As used is this section, "Division" means the Division of Parole and Probation of the Department of Public Safety.

Sec. 79. NRS 484C.410 is hereby amended to read as follows:

484C.410 1. Unless a greater penalty is provided in NRS 484C.440, a person who ~~[has]~~ ***:***

(a) Has previously been convicted of:

~~[(a)]~~ ***(1)*** 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;

~~[(b)]~~ ***(2)*** A violation of NRS 484C.430;

~~[(c)]~~ ***(3)*** 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)]~~ ***(4)*** A violation of a law of any other jurisdiction that prohibits the same or similar conduct as set forth in ~~[paragraph (a), (b)]~~ ***subparagraph (1), (2)*** or ~~[(c),]~~ ***(3);*** or

~~[(e)]~~ ***(5)*** A violation of NRS 484C.110 or 484C.120 that is punishable pursuant to paragraph (c) of subsection 1 of NRS 484C.400 that was reduced from a felony pursuant to NRS 484C.340 ~~[.]~~ ***; or***

(b) Is undergoing a program of treatment for an alcohol or other substance use disorder pursuant to NRS 484C.340,

➥ and who violates the provisions of NRS 484C.110 or 484C.120 is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 15 years, and shall be further punished by a fine of not less than $2,000 nor more than $5,000. An offender so imprisoned must, insofar as practicable, be segregated from offenders whose crimes were violent and, insofar as practicable, be assigned to an institution or facility of minimum security.

2. An offense which is listed in ~~[paragraphs (a)]~~ ***subparagraphs (1)*** to ~~[(e),]~~ ***(5),*** inclusive, of ***paragraph (a) of*** subsection 1 that occurred on any date preceding the date of the principal offense or after the principal offense constitutes a prior offense for the purposes of this section when evidenced by a conviction, without regard for the sequence of the offenses and convictions. The facts concerning a prior offense must be alleged in the complaint, indictment or information, must not be read to the jury or proved at trial but must be proved at the time of sentencing

and, if the principal offense is alleged to be a felony, must also be shown at the preliminary examination or presented to the grand jury.

3. A term of confinement imposed pursuant to the provisions of this section may be served intermittently at the discretion of the judge or justice of the peace, except that a person who is convicted of a second or subsequent offense within 7 years must be confined for at least one segment of not less than 48 consecutive hours. This discretion must be exercised after considering all the circumstances surrounding the offense, and the family and employment of the offender, but any sentence of 30 days or less must be served within 6 months after the date of conviction or, if the offender was sentenced pursuant to NRS 484C.320 or 484C.330 and the suspension of offender's sentence was revoked, within 6 months after the date of revocation. Any time for which the offender is confined must consist of not less than 24 consecutive hours.

4. Jail sentences simultaneously imposed pursuant to this section and NRS 482.456, 483.560, 484C.400 or 485.330 must run consecutively.

5. If the defendant was transporting a person who is less than 15 years of age in the motor vehicle at the time of the violation, the court shall consider that fact as an aggravating factor in determining the sentence of the defendant.

6. For the purpose of determining whether one offense occurs within 7 years of another offense, any period of time between the two offenses during which, for any such offense, the offender is imprisoned, serving a term of residential confinement, placed under the supervision of a treatment provider, on parole or on probation must be excluded.

7. As used in this section, unless the context otherwise requires, "offense" means:

(a) A violation of NRS 484C.110, 484C.120 or 484C.430;

(b) 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; or

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

Sec. 80. NRS 484C.430 is hereby amended to read as follows:

484C.430 1. ~~[Unless a greater penalty is provided pursuant to NRS 484C.440, a]~~ ***A*** person who:

(a) Is under the influence of intoxicating liquor;

(b) Has a concentration of alcohol of 0.08 or more in his or her blood or breath;

(c) Is found by measurement within 2 hours after driving or being in actual physical control of a vehicle to have a concentration of alcohol of 0.08 or more in his or her blood or breath;

(d) Is under the influence of a controlled substance or is under the combined influence of intoxicating liquor and a controlled substance;

(e) Inhales, ingests, applies or otherwise uses any chemical, poison or organic solvent, or any compound or combination of any of these, to a degree which renders the person incapable of safely driving or exercising actual physical control of a vehicle; or

(f) Has a prohibited substance in his or her blood or urine, as applicable, in an amount that is equal to or greater than the amount set forth in subsection 3 or 4 of NRS 484C.110,

➥ and does any act or neglects any duty imposed by law while driving or in actual physical control of any vehicle on or off the highways of this State, if the act or neglect of duty proximately causes the death of, or substantial bodily harm to, another person, ***shall be punished as provided in subsection 2.***

2. Unless the offense is punishable as murder of the second degree pursuant to subsection 2 of NRS 200.030 or a greater penalty is provided pursuant to NRS 484C.400, a person who violates any provision of subsection 1 is guilty of ***:***

(a) If the violation proximately causes the death of another person, a category B felony and shall be punished by a term of imprisonment in the state prison for a minimum term of not less than 5 years and a maximum term of not more than 25 years and must be further punished by a fine of not less than $2,000 nor more than $5,000.

(b) If the violation proximately causes substantial bodily harm to another person, 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 20 years and must be further punished by a fine of not less than $2,000 nor more than $5,000.

3. A person ~~[so]~~ imprisoned ***pursuant to subsection 2*** must, insofar as practicable, be segregated from offenders whose crimes were violent and, insofar as practicable, be assigned to an institution or facility of minimum security.

~~[2.]~~ ***4.*** A prosecuting attorney shall not dismiss a charge of violating the provisions of subsection 1 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 attorney knows or it is obvious that the charge is not supported by probable cause or cannot be proved at the time of trial. A sentence imposed pursuant to subsection ~~[1]~~ ***2*** may not be suspended nor may probation be granted.

~~[3.]~~ ***5.*** Except as otherwise provided in subsection ~~[4,]~~ ***6,*** if consumption is proven by a preponderance of the evidence, it is an affirmative defense under paragraph (c) of subsection 1 that the defendant consumed a sufficient quantity of alcohol after driving or being in actual physical control of the vehicle, and before his or her blood or breath was tested, to cause the defendant to have a concentration of alcohol of 0.08 or more in his or her blood or breath. A defendant who intends to offer this defense at a trial or preliminary hearing must, not less than 14 days before the trial or hearing or at such other time as the court may direct, file and serve on the prosecuting attorney a written notice of that intent.

~~[4.]~~ ***6.*** If the defendant is also charged with violating the provisions of NRS 484E.010, 484E.020 or 484E.030, the defendant may not offer the affirmative defense set forth in subsection ~~[3.]~~ ***5.***

~~[5.]~~ ***7.*** If the defendant was transporting a person who is less than 15 years of age in the motor vehicle at the time of the violation, the court shall consider that fact as an aggravating factor in determining the sentence of the defendant.

Sec. 81. NRS 488.410 is hereby amended to read as follows:

488.410 1. It is unlawful for any person who:

(a) Is under the influence of intoxicating liquor;

(b) Has a concentration of alcohol of 0.08 or more in his or her blood or breath; or

(c) Is found by measurement within 2 hours after operating or being in actual physical control of a power-driven vessel or sailing vessel under way to have a concentration of alcohol of 0.08 or more in his or her blood or breath,

➥ to operate or be in actual physical control of a power-driven vessel or sailing vessel under way on the waters of this State.

2. It is unlawful for any person who:

(a) Is under the influence of a controlled substance;

(b) Is under the combined influence of intoxicating liquor and a controlled substance; or

(c) Inhales, ingests, applies or otherwise uses any chemical, poison or organic solvent, or any compound or combination of any of these, to a degree which renders the person incapable of safely operating or exercising actual physical control of a power-driven vessel or sailing vessel under way,

➥ to operate or be in actual physical control of a power-driven vessel or sailing vessel under way on the waters of this State.

3. It is unlawful for any person to operate or be in actual physical control of a power-driven vessel or sailing vessel under way on the waters of this State with an amount of any of the following prohibited substances in his or her blood or urine that is equal to or greater than:

Prohibited substance	Urine Nanograms per milliliter	Blood Nanograms per milliliter
(a) Amphetamine	500	100
(b) Cocaine	150	50
(c) Cocaine metabolite	150	50
(d) Heroin	2,000	50
(e) Heroin metabolite:		
(1) Morphine	2,000	50
(2) 6-monoacetyl morphine	10	10
(f) Lysergic acid diethylamide	25	10
(g) Methamphetamine	500	100
(h) Phencyclidine	25	10

4. For any violation that is punishable pursuant to NRS ***488.420, 488.425 or*** 488.427, it is unlawful for any person to operate or be in actual physical control of a power-driven vessel or sailing vessel under way on the waters of this State with an amount of any of the following prohibited substances in his or her blood that is equal to or greater than:

Prohibited substance	Blood Nanograms per milliliter
(a) Marijuana (delta-9-tetrahydrocannabinol)	2
(b) Marijuana metabolite (11-OH-tetrahydrocannabinol)	5

5. If consumption is proven by a preponderance of the evidence, it is an affirmative defense under paragraph (c) of subsection 1 that the defendant consumed a sufficient quantity of alcohol after operating or being in actual physical control of the power-driven vessel or sailing vessel, as applicable, under way and before his or her blood was tested, to cause the defendant to have a concentration of 0.08 or more of alcohol in his or her blood or breath. A defendant who intends to offer this defense at a trial or preliminary hearing must, not less than 14 days before the trial or hearing or at such other time as the court may direct, file and serve on the prosecuting attorney a written notice of that intent.

6. Except as otherwise provided in NRS 488.427, a person who violates the provisions of this section is guilty of a misdemeanor.

Sec. 82. NRS 488.420 is hereby amended to read as follows:

488.420 1. ~~[Unless a greater penalty is provided pursuant to NRS 488.425, a]~~ ***A*** person who:

(a) Is under the influence of intoxicating liquor;

(b) Has a concentration of alcohol of 0.08 or more in his or her blood or breath;

(c) Is found by measurement within 2 hours after operating or being in actual physical control of a power-driven vessel or sailing vessel under way to have a concentration of alcohol of 0.08 or more in his or her blood or breath;

(d) Is under the influence of a controlled substance or is under the combined influence of intoxicating liquor and a controlled substance;

(e) Inhales, ingests, applies or otherwise uses any chemical, poison or organic solvent, or any compound or combination of any of these, to a degree which renders the person incapable of safely operating or being in actual physical control of a power-driven vessel or sailing vessel under way; or

(f) Has a prohibited substance in his or her blood or urine, as applicable, in an amount that is equal to or greater than the amount set forth in subsection 3 or 4 of NRS 488.410,

➥ and does any act or neglects any duty imposed by law while operating or being in actual physical control of any power-driven vessel or sailing vessel under way, if the act or neglect of duty proximately causes the death of, or substantial bodily harm to, another person, ***shall be punished as provided in subsection 2.***

2. Unless the offense is punishable as murder of the second degree pursuant to NRS 200.030 or a greater penalty is provided pursuant to NRS 488.425, a person who violates subsection 1 is guilty of ***:***

(a) If the violation proximately causes the death of another person, a category B felony and shall be punished by a term of imprisonment in the state prison for a minimum term of not less than 5 years and a maximum term of not more than 25 years and shall be further be punished by a fine of not less than $2,000 nor more than $5,000.

(b) If the violation proximately causes substantial bodily harm to another person, 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 20 years and shall be further punished by a fine of not less than $2,000 nor more than $5,000.

3. A person ~~[so]~~ imprisoned ***pursuant to subsection 2*** must, insofar as practicable, be segregated from offenders whose crimes were violent and, insofar as practicable, be assigned to an institution or facility of minimum security.

~~[2.]~~ ***4.*** A prosecuting attorney shall not dismiss a charge of violating the provisions of subsection 1 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. A sentence imposed pursuant to subsection ~~[1]~~ ***2*** must not be suspended, and probation must not be granted.

~~[3.]~~ ***5.*** If consumption is proven by a preponderance of the evidence, it is an affirmative defense under paragraph (c) of subsection 1 that the defendant consumed a sufficient quantity of alcohol after operating or being in actual physical control of the power-driven vessel or sailing vessel, as applicable, under way and before his or her blood was tested, to cause the defendant to have a concentration of alcohol of 0.08 or more in his or her blood or breath. A defendant who intends to offer this defense at a trial or preliminary hearing must, not less than 14 days before the trial or hearing or at such other time as the court may direct, file and serve on the prosecuting attorney a written notice of that intent.

~~[4.]~~ ***6.*** If a person less than 15 years of age was in the vessel at the time of the defendant's violation, the court shall consider that fact as an aggravating factor in determining the sentence of the defendant.

Sec. 83. 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 ~~[$1,200]~~ ***$750*** 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 ~~[$1,200:]~~ ***$750:***

(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. 84. NRS 612.445 is hereby amended to read as follows:

612.445 1. A person shall not make a false statement or representation, knowing it to be false, or knowingly fail to disclose a material fact in order to obtain or increase any benefit or other payment under this chapter, including, without limitation, by:

(a) Failing to properly report earnings;

(b) Filing a claim for benefits using the social security number, name or other personal identifying information of another person; or

(c) Filing a claim for or receiving benefits and failing to disclose, at the time he or she files the claim or receives the benefits,

any compensation for a temporary total disability or a temporary partial disability or money for rehabilitative services pursuant to chapters 616A to 616D, inclusive, or 617 of NRS received by the person or for which a claim has been submitted pursuant to those chapters.

➥ A person who violates the provisions of this subsection commits unemployment insurance fraud.

2. When the Administrator finds that a person has committed unemployment insurance fraud pursuant to subsection 1, the person shall repay to the Administrator for deposit in the Fund a sum equal to all of the benefits received by or paid to the person for each week with respect to which the false statement or representation was made or to which the person failed to disclose a material fact in addition to any interest, penalties and costs related to that sum. Except as otherwise provided in subsection 3 of NRS 612.480, the Administrator may make an initial determination finding that a person has committed unemployment insurance fraud pursuant to subsection 1 at any time within 4 years after the first day of the benefit year in which the person committed the unemployment insurance fraud.

3. Except as otherwise provided in this subsection and subsection 8, the person is disqualified from receiving unemployment compensation benefits under this chapter:

(a) For a period beginning with the week in which the Administrator issues a finding that the person has committed unemployment insurance fraud pursuant to subsection 1 and ending not more than 52 consecutive weeks after the week in which it is determined that a claim was filed in violation of subsection 1; or

(b) Until the sum described in subsection 2, in addition to any interest, penalties or costs related to that sum, is repaid to the Administrator,

➥ whichever is longer. The Administrator shall fix the period of disqualification according to the circumstances in each case.

4. It is a violation of subsection 1 for a person to file a claim, or to cause or allow a claim to be filed on his or her behalf, if:

(a) The person is incarcerated in the state prison or any county or city jail or detention facility or other correctional facility in this State; and

(b) The claim does not expressly disclose his or her incarceration.

5. A person who obtains benefits of ~~[$1,200]~~ ***$750*** or more in violation of subsection 1 shall be punished in the same manner as theft pursuant to subsection 2 of NRS 205.0835.

6. In addition to the repayment of benefits required pursuant to subsection 2, the Administrator:

(a) Shall impose a penalty equal to 15 percent of the total amount of benefits received by the person in violation of subsection 1. Money recovered by the Administrator pursuant to this paragraph must be deposited in the Unemployment Trust Fund in accordance with the provisions of NRS 612.590.

(b) May impose a penalty equal to not more than:

(1) If the amount of such benefits is greater than $25 but not greater than $1,000, 5 percent;

(2) If the amount of such benefits is greater than $1,000 but not greater than $2,500, 10 percent; or

(3) If the amount of such benefits is greater than $2,500, 35 percent,

➥ of the total amount of benefits received by the person in violation of subsection 1 or any other provision of this chapter. Money recovered by the Administrator pursuant to this paragraph must be deposited in the Employment Security Fund in accordance with the provisions of NRS 612.615.

7. Except as otherwise provided in subsection 8, a person may not pay benefits as required pursuant to subsection 2 by using benefits which would otherwise be due and payable to the person if he or she was not disqualified.

8. The Administrator may waive the period of disqualification prescribed in subsection 3 for good cause shown or if the person adheres to a repayment schedule authorized by the Administrator that is designed to fully repay benefits received from an improper claim, in addition to any related interest, penalties and costs, within 18 months. If the Administrator waives the period of disqualification pursuant to this subsection, the person may repay benefits as required pursuant to subsection 2 by using any benefits which are due and payable to the person, except that benefits which are due and payable to the person may not be used to repay any related interest, penalties and costs.

9. The Administrator may recover any money required to be paid pursuant to this section in accordance with the provisions of NRS 612.365 and may collect interest on any such money in accordance with the provisions of NRS 612.620.

Sec. 85. NRS 641.029 is hereby amended to read as follows:

641.029 The provisions of this chapter do not apply to:

1. A physician who is licensed to practice in this State;

2. A person who is licensed to practice dentistry in this State;

3. A person who is licensed as a marriage and family therapist or marriage and family therapist intern pursuant to chapter 641A of NRS;

4. A person who is licensed as a clinical professional counselor or clinical professional counselor intern pursuant to chapter 641A of NRS;

5. A person who is licensed to engage in social work pursuant to chapter 641B of NRS;

6. A person who is licensed as an occupational therapist or occupational therapy assistant pursuant to chapter 640A of NRS;

7. A person who is licensed as a clinical alcohol and drug counselor, licensed or certified as an alcohol and drug counselor or certified as an alcohol and drug counselor intern, a clinical alcohol and drug counselor intern, a problem gambling counselor or a problem gambling counselor intern, pursuant to chapter 641C of NRS;

8. A person who provides or supervises the provision of peer recovery support services in accordance with the provisions of NRS 433.622 to 433.641, inclusive ~~[.]~~ ***, and section 66 of this act;***

9. A person who is licensed as a behavior analyst or an assistant behavior analyst or registered as a registered behavior technician pursuant to chapter 641D of NRS, while engaged in the practice of applied behavior analysis as defined in NRS 641D.080; or

10. Any member of the clergy,

➥ if such a person does not commit an act described in NRS 641.440 or represent himself or herself as a psychologist.

Sec. 86. NRS 641B.040 is hereby amended to read as follows:

641B.040 The provisions of this chapter do not apply to:

1. A physician who is licensed to practice in this State;

2. A nurse who is licensed to practice in this State;

3. A person who is licensed as a psychologist pursuant to chapter 641 of NRS or authorized to practice psychology in this State pursuant to the Psychology Interjurisdictional Compact enacted in NRS 641.227;

4. A person who is licensed as a marriage and family therapist or marriage and family therapist intern pursuant to chapter 641A of NRS;

5. A person who is licensed as a clinical professional counselor or clinical professional counselor intern pursuant to chapter 641A of NRS;

6. A person who is licensed as an occupational therapist or occupational therapy assistant pursuant to chapter 640A of NRS;

7. A person who is licensed as a clinical alcohol and drug counselor, licensed or certified as an alcohol and drug counselor or certified as a clinical alcohol and drug counselor intern, an alcohol and drug counselor intern, a problem gambling counselor or a

problem gambling counselor intern, pursuant to chapter 641C of NRS;

8. A person who provides or supervises the provision of peer recovery support services in accordance with NRS 433.622 to 433.641, inclusive ~~[,]~~ ***, and section 66 of this act;***

9. Any member of the clergy;

10. A county welfare director;

11. Any person who may engage in social work or clinical social work in his or her regular governmental employment but does not hold himself or herself out to the public as a social worker; or

12. A student of social work and any other person preparing for the profession of social work under the supervision of a qualified social worker in a training institution or facility recognized by the Board, unless the student or other person has been issued a provisional license pursuant to paragraph (b) of subsection 1 of NRS 641B.275. Such a student must be designated by the title "student of social work" or "trainee in social work," or any other title which clearly indicates the student's training status.

Sec. 87. NRS 641C.130 is hereby amended to read as follows:

641C.130 The provisions of this chapter do not apply to:

1. A physician who is licensed pursuant to the provisions of chapter 630 or 633 of NRS;

2. A nurse who is licensed pursuant to the provisions of chapter 632 of NRS and is authorized by the State Board of Nursing to engage in the practice of counseling persons with alcohol and other substance use disorders or the practice of counseling persons with an addictive disorder related to gambling;

3. A psychologist who is licensed pursuant to the provisions of chapter 641 of NRS or authorized to practice psychology in this State pursuant to the Psychology Interjurisdictional Compact enacted in NRS 641.227;

4. A clinical professional counselor or clinical professional counselor intern who is licensed pursuant to chapter 641A of NRS;

5. A marriage and family therapist or marriage and family therapist intern who is licensed pursuant to the provisions of chapter 641A of NRS and is authorized by the Board of Examiners for Marriage and Family Therapists and Clinical Professional Counselors to engage in the practice of counseling persons with alcohol and other substance use disorders or the practice of counseling persons with an addictive disorder related to gambling;

6. A person who is:

(a) Licensed as:

(1) A clinical social worker pursuant to the provisions of chapter 641B of NRS; or

(2) A master social worker or an independent social worker pursuant to the provisions of chapter 641B of NRS and is engaging in clinical social work as part of an internship program approved by the Board of Examiners for Social Workers; and

(b) Authorized by the Board of Examiners for Social Workers to engage in the practice of counseling persons with alcohol and other substance use disorders or the practice of counseling persons with an addictive disorder related to gambling; or

7. A person who provides or supervises the provision of peer recovery support services in accordance with NRS 433.622 to 433.641, inclusive ~~.~~ ***, or section 66 of this act.***

Sec. 88. NRS 178.574 and 178.578 are hereby repealed.

TEXT OF REPEALED SECTIONS

178.574 Order of immunity bar to prosecution; exception. Such order of immunity shall forever be a bar to prosecution against the witness for any offense shown in whole or in part by such testimony or other evidence except for perjury committed in the giving of such testimony.

178.578 Denial of motion. The court shall deny the motion of the State under NRS 178.572 if it reasonably appears to the court that such testimony or evidence would subject the witness to prosecution, except for perjury committed in the giving of such testimony, under the laws of another state or of the United States.

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