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FOURTH REPRINT

A.B. 236

## ASSEMBLY BILL NO. 236—COMMITTEE ON JUDICIARY

MARCH 1, 2019

Referred to Committee on Judiciary

**SUMMARY**—Makes various changes related to criminal law and criminal procedure. (BDR 14-564)

**FISCAL NOTE:** Effect on Local Government: May have Fiscal Impact.  
Effect on the State: Yes.

CONTAINS UNFUNDED MANDATE (§§ 12, 105)  
(NOT REQUESTED BY AFFECTED LOCAL GOVERNMENT)

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

AN ACT relating to crimes; revising provisions relating to the duties of the Nevada Sentencing Commission; establishing provisions relating to the calculation and use of the amount of certain costs avoided by this State; establishing the Nevada Local Justice Reinvestment Coordinating Council; revising the contents required in the report of any presentence investigation; requiring certain judges to receive training concerning reports of presentence investigations; making various changes concerning probation and parole; authorizing a court to defer or suspend judgment on a case in certain circumstances; revising provisions relating to specialty court programs; revising provisions relating to programs for the treatment of persons who commit domestic violence; reducing the penalty for certain crimes from a category B to a category C felony; revising provisions relating to burglary; increasing the felony theft threshold and revising penalties for various theft offenses; making it unlawful to install or affix a scanning device within or upon a machine used for financial transactions under certain circumstances; making it unlawful to access a scanning device under certain circumstances; revising provisions relating to habitual criminals; requiring the Peace Officers' Standards and Training Commission to develop and implement a behavioral health field response grant program; revising provisions concerning crimes involving controlled substances; repealing provisions relating to programs of treatment for alcoholics and drug addicts and the civil commitment of such persons; making appropriations to the Division of Parole and Probation of the Department of Public Safety and the Department of Corrections; providing penalties; and providing other matters properly relating thereto.



**Legislative Counsel's Digest:**

1 Existing law establishes programs for the treatment of mental illness and  
2 intellectual disabilities and for the treatment of veterans and members of the  
3 military to which a court may assign certain persons. (NRS 176A.250-176A.265,  
4 176A.280-176A.295) Existing law also establishes a program of treatment for  
5 alcoholics and drug addicts to which a court may assign certain persons and  
6 provides for the civil commitment of alcoholics and drug addicts convicted of a  
7 crime. (NRS 453.580, 458.290-458.350) **Section 27** of this bill revises provisions  
8 relating to the eligibility of a defendant to participate in a program for the treatment  
9 of mental illness and intellectual disabilities, and **sections 29 and 29.5** of this bill  
10 revise provisions relating to the eligibility of a defendant to participate in a program  
11 for the treatment of veterans and members of the military. **Section 136** of this bill  
12 repeals the provisions of law concerning the program of treatment for alcoholics  
13 and drug addicts and the civil commitment of such persons. **Sections 20-23** of this  
14 bill set forth provisions relating to the establishment of a program for the treatment  
15 of drug or alcohol use to which a court may assign certain persons, which are  
16 modeled after the provisions of law governing the programs for the treatment of  
17 mental illness and intellectual disabilities and for the treatment of veterans and  
18 members of the military. **Sections 22, 27 and 30** of this bill revise provisions  
19 relating to the discharge of a defendant from probation and the dismissal of the  
20 proceedings against the defendant or the setting aside of a judgment of conviction,  
21 as applicable, upon the defendant's fulfillment of the terms and conditions of  
22 probation that include the completion of any such program of treatment.

23 Existing law generally provides that if a person is found guilty of a category E  
24 felony, the district court is required to suspend the execution of the sentence  
25 imposed and grant probation to the person. However, the court is also authorized to  
26 decide not to grant probation if the person: (1) was serving a term of probation or  
27 was on parole for a felony conviction at the time the crime was committed; (2)  
28 previously had his or her probation or parole revoked for a felony conviction; or (3)  
29 previously had been assigned to a program of treatment and rehabilitation for the  
30 abuse of alcohol or drugs and failed to complete the program. (NRS 176A.100)  
31 **Section 24** of this bill removes such exceptions to mandatory probation.

32 Existing law provides that the period of probation or suspension of sentence  
33 must not be more than 3 years for a gross misdemeanor or a suspension of sentence  
34 imposed pursuant to certain provisions of law and not more than 5 years for a  
35 felony. (NRS 176A.500) **Section 34** of this bill revises such time limitations and  
36 provides that the period of probation or suspension of sentence must not be more  
37 than: (1) twelve months for a gross misdemeanor or certain suspensions of  
38 sentence; (2) eighteen months for a category E felony; (3) twenty-four months for a  
39 category C or D felony; (4) thirty-six months for a category B felony; or (5) sixty  
40 months for a violent or sexual offense. **Section 34** authorizes the court to extend the  
41 period of probation for a period of not more than 12 months if the extension is  
42 necessary for the probationer to complete his or her participation in a specialty  
43 court program. **Section 17** of this bill requires the Division of Parole and Probation  
44 of the Department of Public Safety ("Division") to petition the court to recommend  
45 the early discharge of certain persons on probation.

46 **Section 35** of this bill provides that if the court finds that a probationer  
47 committed one or more technical violations of the conditions of probation, the court  
48 may take certain actions, including temporarily revoking the probation or  
49 suspension of sentence and imposing certain terms of imprisonment depending on  
50 how many times the probation or suspension of sentence has previously been  
51 temporarily revoked. **Section 35** also provides that a probationer who is arrested  
52 and detained for a technical violation of probation must be brought before the court  
53 within 15 calendar days or otherwise must be released from detention and returned  
54 to probation status. If such a probationer is released from detention because the



55 probationer was not brought before the court in a timely manner, the court is  
56 authorized to subsequently hold a hearing to determine whether a technical  
57 violation occurred and take appropriate action. **Section 35** further prohibits the  
58 commission of certain acts from being used as the only basis for the revocation of  
59 probation. **Section 101** of this bill provides that if the State Board of Parole  
60 Commissioners ("Board") finds that a parolee committed one or more technical  
61 violations of the conditions of parole, the Board may take certain actions, including  
62 temporarily revoking parole supervisions and imposing certain terms of  
63 imprisonment depending on how many times parole has previously been  
64 temporarily revoked. **Section 18** of this bill requires the Division to adopt a written  
65 system of graduated sanctions for parole and probation officers to use when  
66 responding to a technical violation of the conditions of probation or parole and  
67 establishes certain requirements relating to such a system.

68 **Section 19** authorizes a court to defer judgment to a specified future date and  
69 set forth specific terms and conditions for the defendant in certain circumstances. If  
70 the court finds that the defendant has completed all such conditions, the court is  
71 required to discharge the defendant and dismiss the proceedings.

72 Existing law requires the report of any presentence investigation to contain  
73 certain information, including: (1) a recommendation of a minimum term and a  
74 maximum term of imprisonment, other term of imprisonment, a fine, or both a fine  
75 and term of imprisonment; and (2) if the Division deems appropriate, a  
76 recommendation that the defendant undergo a program of regimental discipline.  
77 (NRS 176.145) **Section 13** of this bill removes the requirement that the report of  
78 any presentence investigation contain such recommendations. **Section 12** of this  
79 bill requires each court in which a report of a presentence investigation can be  
80 made to ensure that each judge of the court receives training concerning the manner  
81 in which to use the information included in such a report for the purpose of  
82 imposing a sentence.

83 Existing law establishes the crime of burglary. (NRS 205.060) **Section 55** of  
84 this bill establishes: (1) certain types of burglary that differ based on the structure in  
85 which the crime is committed; and (2) the various penalties imposed for each type  
86 of burglary. Existing law authorizes a person to petition the court in which the  
87 person was convicted for the sealing of all records relating to the conviction, but  
88 excludes certain specified convictions. (NRS 179.245) **Section 37** of this bill  
89 prohibits a person from petitioning the court to seal records relating to a conviction  
90 of invasion of the home with a deadly weapon.

91 Existing law provides that a person who commits theft is guilty of: (1) a  
92 misdemeanor if the value of the property or services involved in the theft is less  
93 than \$650; and (2) a category C felony if the value of the property or services  
94 involved in the theft is \$650 or more. (NRS 205.0835) **Section 58** of this bill  
95 increases the felony theft threshold to \$1,200 and establishes a tier of penalties  
96 based on the value of the property or services involved in the theft. **Sections 59, 60,**  
97 **61-64, 65-83, 85, 126, 131 and 132** of this bill make conforming changes to  
98 various theft offenses that use monetary thresholds.

99 Existing law makes it a crime for a person to use a scanning device to access,  
100 read, obtain, memorize or store information encoded on the magnetic strip of a  
101 payment card: (1) without the permission of the authorized user of the card; and (2)  
102 with the intent to defraud the user or issuer of the card or any other person. (NRS  
103 205.605) Existing law also makes it a crime for a person to possess a scanning  
104 device with the intent to use it for an unlawful purpose. (NRS 205.606)  
105 **Section 84.3** of this bill makes it a crime for a person to install or affix a scanning  
106 device within or upon a machine used for financial transactions with the intent to  
107 use the scanning device for an unlawful purpose. **Section 84.3** also makes it a crime  
108 for a person to access, by electronic or any other means, a scanning device with the  
109 intent to use the scanning device for an unlawful purpose. **Section 84.3** provides



110 that a person who installs, affixes or accesses a scanning device in such an unlawful  
111 manner is guilty of a category C felony.

112 Existing law exempts certain persons from the provisions governing the  
113 unlawful use or possession of scanning devices. Existing law provides that a person  
114 is exempt from these provisions if he or she uses or possesses a scanning device  
115 without the intent to defraud or commit an unlawful act: (1) in the ordinary course  
116 of his or her business; or (2) with the consent of the authorized user of a payment  
117 card to complete a financial transaction using that card. (NRS 205.607) **Section**  
118 **84.5** of this bill expands this exemption to include a person who installs, affixes or  
119 accesses a scanning device without the intent to commit an unlawful act: (1) in the  
120 ordinary course of his or her business; or (2) to complete such a financial  
121 transaction.

122 Existing law provides that a person who offers, attempts or commits certain  
123 unauthorized acts relating to controlled or counterfeit substances is guilty of a  
124 category B felony for the first offense if the controlled substance is classified in  
125 schedule I or II and a category C felony for the first offense if the controlled  
126 substance is classified in schedule III, IV or V. (NRS 453.321) **Section 112** of this  
127 bill decreases such penalties to a category C and category D felony, respectively.  
128 **Section 112** also decreases the minimum and maximum terms of imprisonment and  
129 the amount of the authorized fine for a third or subsequent offense if the controlled  
130 substance is classified in schedule III, IV or V. Existing law prohibits a court  
131 from granting probation to a person who is convicted of a second or subsequent  
132 offense of certain commercial drug offenses. (NRS 453.321, 453.337, 453.338)  
133 **Sections 112, 116 and 117** of this bill generally authorize a court to grant probation  
134 if mitigating circumstances exist that warrant the granting of probation.

135 Existing law prohibits the trafficking of: (1) schedule I controlled substances  
136 other than marijuana; (2) marijuana or concentrated cannabis; and (3) schedule II  
137 controlled substances. The penalties for each such offense vary based on the  
138 quantity of the controlled substance that is trafficked. (NRS 453.3385, 453.339,  
139 453.3395) **Section 119** of this bill establishes the crimes of low-level trafficking  
140 and high-level trafficking and revises the quantity of schedule I controlled  
141 substances other than marijuana and schedule II controlled substances for the  
142 purposes of imposing a penalty.

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

151 **Section 113** of this bill revises the penalties for possession of a controlled  
152 substance based on the quantity possessed and the schedule in which the controlled  
153 substance is listed and categorizes the different offenses as possession, low-level  
154 possession, mid-level possession and high-level possession. **Section 86** of this bill  
155 prohibits a conviction of possession, low-level possession or unlawful use of a  
156 controlled substance from being used for purposes of determining whether a person  
157 is a habitual criminal.

158 Existing law establishes various crimes for which the penalty is a category B  
159 felony. (NRS 205.605, 453.316, 465.088, 484D.335) **Sections 84, 111, 125 and**  
160 **130** of this bill reduce the penalty for any such crime to a category C felony.

161 Existing law provides that a person is a habitual criminal if he or she is  
162 convicted of a felony and has previously been convicted at least two times of a  
163 felony. (NRS 207.010) **Section 86** provides that a person is a habitual criminal if he



164 or she is convicted of a felony and has previously been convicted at least five times  
165 of a felony.

166 **Section 90** of this bill requires the Director of the Department of Corrections  
167 (“Director”) to administer a risk and needs assessment to each person in the custody  
168 of the Department of Corrections (“Department”) to measure criminal risk factors  
169 and individual needs for the purpose of institutional programming and placement.  
170 **Sections 89 and 96** of this bill require the Director and the Chief Parole and  
171 Probation Officer, respectively, to include certain topics and courses in staff  
172 training.

173 **Section 95** of this bill requires the Division to administer a risk and needs  
174 assessment to each probationer and parolee under the Division’s supervision at least  
175 once every year for the purpose of setting a level of supervision for each  
176 probationer and parolee and developing individualized case plans. **Section 95** also  
177 requires the Division to administer a subsequent risk and needs assessment to each  
178 probationer and parolee at least once every year to determine whether a change in  
179 the level of supervision is necessary.

180 Existing law authorizes the Director to assign an offender to the Division to  
181 serve a term of residential confinement or other appropriate supervision for not  
182 longer than the remainder of his or her sentence in certain circumstances, including  
183 if the offender is in ill health and expected to die within 12 months and does not  
184 pose a threat to public safety. (NRS 209.3925) **Section 91** of this bill increases the  
185 time within which such an offender is expected to die to 18 months. **Section 91** also  
186 establishes requirements relating to a request for medical release that must be  
187 submitted to the Director. **Section 93.3** of this bill authorizes the Board to grant  
188 geriatric parole to certain persons who: (1) are 65 years of age or older; (2) have not  
189 been convicted of a crime of violence, certain offenses committed against a child, a  
190 sexual offense, vehicular homicide or driving under the influence of alcohol or a  
191 prohibited substance and causing the death of or substantial bodily harm to another  
192 person; (3) have not been found to be a habitual criminal; and (4) have served at  
193 least a majority of the maximum term or maximum aggregate term of his or her  
194 sentence.

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

199 **Section 97** of this bill authorizes the Board to grant parole without a meeting to  
200 prisoners who meet certain criteria. **Section 99** of this bill provides that if the Board  
201 has delegated its authority to consider the parole of a prisoner and recommend to  
202 the Board that the prisoner be released on parole without a meeting, and a person to  
203 whom such authority is delegated does not recommend that the prisoner be released  
204 on parole without a meeting, the prisoner must have a parole hearing.

205 **Section 100** of this bill requires: (1) the Department and a prisoner who is  
206 eligible for parole to develop, not later than 6 months before the prisoner’s parole  
207 eligibility date, a reentry plan that takes into consideration the needs, limitations  
208 and capabilities of each prisoner; and (2) the Division to review and, if appropriate,  
209 approve such a reentry plan. **Section 92** of this bill revises the duties of the Director  
210 relating to the release of offenders from prison by requiring the Director to: (1)  
211 provide the offender with a photo identification card if the offender is not in  
212 possession of a photo identification card; (2) provide the offender with clothing; (3)  
213 provide the offender with certain transportation costs; (4) if appropriate, release the  
214 offender to a facility for transitional living; (5) complete enrollment application  
215 paperwork for Medicaid and Medicare for an eligible offender; and (6) provide the  
216 offender with a 30-day supply of prescribed medication if the offender was  
217 receiving such medication while in prison. **Section 92** also requires the Director to



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

220 Existing law requires the Division of Public and Behavioral Health of the  
221 Department of Health and Human Services to adopt regulations governing the  
222 evaluation, certification and monitoring of programs for the treatment of persons  
223 who commit domestic violence. (NRS 439.258) **Section 110.5** of this bill provides  
224 that such regulations must include provisions requiring that a program: (1) include  
225 a module specific to victim safety; and (2) be based on evidence-based practices  
226 and the assessment of a program participant by a supervisor of treatment or  
227 provider of treatment. **Section 102** of this bill revises the definition of the term  
228 "victim" for purposes of the provisions of law governing compensation for certain  
229 victims of criminal acts.

230 **Section 104** of this bill requires the Peace Officers' Standards and Training  
231 Commission ("POST") to develop and implement, subject to available funding, a  
232 behavioral health field response grant program to allow law enforcement  
233 and behavioral health professionals to safely respond to crises involving persons  
234 with behavioral health issues. **Section 104** establishes the application and selection  
235 processes for and certain requirements relating to grant recipients. **Section 104** also  
236 requires POST to submit an annual report during each year the grant program is  
237 funded to the Governor and the Chairs of the Senate and Assembly Standing  
238 Committees on Judiciary that contains information relating to the grant programs.

239 **Section 105** of this bill requires every law enforcement agency to: (1) establish a  
240 policy and procedure for interacting with persons who suffer from a behavioral  
241 health issue; and (2) subject to available funding, contract with or employ a  
242 behavioral health specialist. **Section 107** of this bill requires POST to develop and  
243 approve a standard curriculum of certified training programs in crisis intervention  
244 to address specialized responses to persons with mental illness. **Section 108** of this  
245 bill requires POST to establish by regulation standards for a voluntary program for  
246 the training of law enforcement dispatchers that includes training relating to such  
247 crisis intervention.

248 **Section 6** of this bill requires the Nevada Sentencing Commission ("Sentencing  
249 Commission") to: (1) track and assess outcomes resulting from, and trends  
250 observed after, the enactment of this bill; and (2) submit a biennial report to the  
251 Governor, the Legislature and the Chief Justice of the Supreme Court regarding  
252 such outcomes and performance measures. **Section 7** of this bill requires the  
253 Sentencing Commission to: (1) calculate for each fiscal year the amount of the  
254 costs avoided by this State because of the enactment of this bill; and (2) submit to  
255 the Governor and the Legislature a statement of the amount of such avoided costs  
256 and recommendations for the reinvestment of the amount of those avoided costs in  
257 certain programs. **Section 8** of this bill creates the Nevada Local Justice  
258 Reinvestment Coordinating Council, which: (1) consists of one member from each  
259 county in the State whose population is less than 100,000 and two members from  
260 each county in the State whose population is 100,000 or more; and (2) is required to  
261 advise the Sentencing Commission on matters concerning the provisions of this bill  
262 as they relate to local governments and nonprofit organizations and to perform  
263 certain other duties.

264 **Section 133.5** of this bill makes certain appropriations from the State General  
265 Fund to the Division and the Department in each fiscal year of the 2019-2021  
266 biennium.



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

1 **Section 1.** (Deleted by amendment.)

2 **Sec. 2.** (Deleted by amendment.)

3 **Sec. 3.** (Deleted by amendment.)

4 **Sec. 4.** (Deleted by amendment.)

5 **Sec. 5.** Chapter 176 of NRS is hereby amended by adding  
6 thereto the provisions set forth as sections 6, 7 and 8 of this act.

7 **Sec. 5.2.** (Deleted by amendment.)

8 **Sec. 5.3.** (Deleted by amendment.)

9 **Sec. 5.4.** (Deleted by amendment.)

10 **Sec. 5.5.** (Deleted by amendment.)

11 **Sec. 5.6.** (Deleted by amendment.)

12 **Sec. 5.7.** (Deleted by amendment.)

13 **Sec. 6. 1. The Sentencing Commission shall:**

14 *(a) Track and assess outcomes resulting from the enactment of*  
15 *this act, including, without limitation, the following data from the*  
16 *Department of Corrections:*

17 *(1) With respect to prison admissions:*

18 *(I) The total number of persons admitted to prison by*  
19 *type of offense, type of admission, felony category, prior criminal*  
20 *history, gender identity or expression, race, ethnicity, sexual*  
21 *orientation, age and, if measured upon intake, risk score;*

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

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

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

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

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

40 *(III) The recidivism rate of persons released from prison*  
41 *by type of release; and*



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

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

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

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

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

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

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

33 (1) *With respect to the number of persons on probation or*  
34 *parole:*

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

39 (II) *The average term of probation imposed for persons*  
40 *on probation by type of offense;*

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

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



1 (V) *The total number of supervision discharges by type*  
2 *of discharge, including, without limitation, honorable discharges*  
3 *and dishonorable discharges, and cases resulting in a return to*  
4 *prison;*

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

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

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

14 (2) *With respect to persons on probation or parole who*  
15 *violate a condition of supervision or commit a new offense:*

16 (I) *The total number of revocations and the reasons*  
17 *therefor, including, without limitation, whether the revocation was*  
18 *the result of a mental health issue or substance use disorder;*

19 (II) *The average amount of time credited to a person's*  
20 *suspended sentence or the remainder of the person's sentence*  
21 *from time spent on supervision;*

22 (III) *The total number of persons receiving*  
23 *administrative or jail sanctions, by type of offense and felony*  
24 *category; and*

25 (IV) *The median number of administrative sanctions*  
26 *issued by the Division to persons on supervision, by type of offense*  
27 *and felony category.*

28 (c) *Track and assess outcomes resulting from the enactment of*  
29 *this act with respect to savings and reinvestment, including,*  
30 *without limitation:*

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

34 (2) *The total annual costs avoided by this State because of*  
35 *the enactment of this act, as calculated pursuant to section 7 of*  
36 *this act; and*

37 (3) *The entities that received reinvestment funds, the total*  
38 *amount directed to each such entity and a description of how the*  
39 *funds were used.*

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



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

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

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

9           (f) *Prepare and submit a report not later than the first day of*  
10 *the second full week of each regular session of the Legislature to*  
11 *the Governor, the Director of the Legislative Counsel Bureau for*  
12 *transmittal to the Legislature and the Chief Justice of the Nevada*  
13 *Supreme Court. The report must include recommendations for*  
14 *improvements, changes and budgetary adjustments and may also*  
15 *present additional recommendations for future legislation and*  
16 *policy options to enhance public safety and control corrections*  
17 *costs.*

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

21           2. *As used in this section:*

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

24           (b) *"Type of admission" means the manner in which a person*  
25 *entered into the custody of the Department of Corrections,*  
26 *according to the internal definitions used by the Department of*  
27 *Corrections.*

28           (c) *"Type of offense" means an offense categorized by the*  
29 *Department of Corrections as a violent offense, sex offense, drug*  
30 *offense, property offense, DUI offense or other offense, consistent*  
31 *with the internal data systems used by the Department of*  
32 *Corrections.*

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

37           (a) *The annual projection of the number of persons who will*  
38 *be in a facility or institution of the Department of Corrections*  
39 *which was created by the Office of Finance pursuant to NRS*  
40 *176.0129 for calendar year 2018; and*

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

43           2. *Not later than December 1 of each fiscal year, the*  
44 *Sentencing Commission shall use the formula developed pursuant*  
45 *to subsection 1 to calculate the costs avoided by this State for the*



1 *immediately preceding fiscal year because of the enactment of this*  
2 *act and submit a statement of the amount of the costs avoided to*  
3 *the Governor and the Director of the Legislative Counsel Bureau*  
4 *for transmittal to the Interim Finance Committee.*

5 3. *Not later than August 1 of each even-numbered year, the*  
6 *Sentencing Commission shall prepare a report containing the*  
7 *projected amount of costs avoided by this State for the next*  
8 *biennium because of the enactment of this act and*  
9 *recommendations for the reinvestment of the amount of those*  
10 *costs to provide financial support to programs and services that*  
11 *address the behavioral health needs of persons involved in the*  
12 *criminal justice system in order to reduce recidivism. In preparing*  
13 *the report, the Commission shall prioritize providing financial*  
14 *support to:*

15 (a) *The Department of Corrections for programs for reentry of*  
16 *offenders and parolees into the community, programs for*  
17 *vocational training and employment of offenders, educational*  
18 *programs for offenders and transitional work program for*  
19 *offenders;*

20 (b) *The Division for services for offenders reentering the*  
21 *community, the supervision of probationers and parolees and*  
22 *programs of treatment for probationers and parolees that are*  
23 *proven by scientific research to reduce recidivism;*

24 (c) *Any behavioral health field response grant program*  
25 *developed and implemented pursuant to section 104 of this act;*

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

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

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

38 **Sec. 8. 1. The Nevada Local Justice Reinvestment**  
39 **Council is hereby created. The Council consists of:**

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

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

44 2. *Each member of the Council must be appointed by the*  
45 *governing body of the applicable county. The Chair of the*



1 *Sentencing Commission shall appoint the Chair of the Council*  
2 *from among the members of the Council.*

3 **3. The Council shall:**

4 (a) *Advise the Sentencing Commission on matters related to*  
5 *any legislation, regulations, rules, budgetary changes and all*  
6 *other actions needed to implement the provisions of this act as*  
7 *they relate to local governments;*

8 (b) *Identify county-level programming and treatment needs for*  
9 *persons involved in the criminal justice system for the purpose of*  
10 *reducing recidivism;*

11 (c) *Make recommendations to the Sentencing Commission*  
12 *regarding grants to local governments and nonprofit*  
13 *organizations from the State General Fund;*

14 (d) *Oversee the implementation of local grants;*

15 (e) *Create performance measures to assess the effectiveness of*  
16 *the grants; and*

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

20 **4. Each member of the Council serves a term of 2 years.**  
21 *Members may be reappointed for additional terms of 2 years in the*  
22 *same manner as the original appointments. Any vacancy*  
23 *occurring in the membership of the Council must be filled in the*  
24 *same manner as the original appointment not later than 30 days*  
25 *after the vacancy occurs.*

26 **5. While engaged in the business of the Council, to the extent**  
27 *of legislative appropriation, each member of the Council is entitled*  
28 *to receive the per diem allowance and travel expenses provided for*  
29 *state officers and employees generally.*

30 **6. To the extent of legislative appropriation, the Sentencing**  
31 *Commission shall provide the Council with such staff as is*  
32 *necessary to carry out the duties of the Council pursuant to this*  
33 *section.*

34 **Sec. 9.** NRS 176.0132 is hereby amended to read as follows:

35 176.0132 As used in NRS 176.0132 to 176.0139, inclusive,  
36 *and sections 6, 7 and 8 of this act*, "Sentencing Commission"  
37 means the Nevada Sentencing Commission created by  
38 NRS 176.0133.

39 **Sec. 9.3.** (Deleted by amendment.)

40 **Sec. 9.7.** (Deleted by amendment.)

41 **Sec. 10.** NRS 176.015 is hereby amended to read as follows:

42 176.015 1. Sentence must be imposed without unreasonable  
43 delay. Pending sentence, the court may commit the defendant or  
44 continue or alter the bail.

45 2. Before imposing sentence, the court shall:



1 (a) Afford counsel an opportunity to speak on behalf of the  
2 defendant; and

3 (b) Address the defendant personally and ask the defendant if:

4 (1) The defendant wishes to make a statement in his or her  
5 own behalf and to present any information in mitigation of  
6 punishment; and

7 (2) The defendant is a veteran or a member of the military. If  
8 the defendant meets the qualifications of subsection 1 of NRS  
9 176A.280, the court may, if appropriate, assign the defendant to:

10 (I) A program of treatment established pursuant to NRS  
11 176A.280; or

12 (II) If a program of treatment established pursuant to NRS  
13 176A.280 is not available for the defendant, a program of treatment  
14 established pursuant to NRS 176A.250 or ~~[453.580.]~~ *section 20 of*  
15 *this act.*

16 3. After hearing any statements presented pursuant to  
17 subsection 2 and before imposing sentence, the court shall afford the  
18 victim an opportunity to:

19 (a) Appear personally, by counsel or by personal representative;  
20 and

21 (b) Reasonably express any views concerning the crime, the  
22 person responsible, the impact of the crime on the victim and the  
23 need for restitution.

24 4. The prosecutor shall give reasonable notice of the hearing to  
25 impose sentence to:

26 (a) The person against whom the crime was committed;

27 (b) A person who was injured as a direct result of the  
28 commission of the crime;

29 (c) The surviving spouse, parents or children of a person who  
30 was killed as a direct result of the commission of the crime; and

31 (d) Any other relative or victim who requests in writing to be  
32 notified of the hearing.

33 ↪ Any defect in notice or failure of such persons to appear are not  
34 grounds for an appeal or the granting of a writ of habeas corpus. All  
35 personal information, including, but not limited to, a current or  
36 former address, which pertains to a victim or relative and which is  
37 received by the prosecutor pursuant to this subsection is  
38 confidential.

39 5. For the purposes of this section:

40 (a) "Member of the military" has the meaning ascribed to it in  
41 NRS 176A.043.

42 (b) "Relative" of a person includes:

43 (1) A spouse, parent, grandparent or stepparent;

44 (2) A natural born child, stepchild or adopted child;

45 (3) A grandchild, brother, sister, half brother or half sister; or



1 (4) A parent of a spouse.

2 (c) "Veteran" has the meaning ascribed to it in NRS 176A.090.

3 (d) "Victim" includes:

4 (1) A person, including a governmental entity, against whom  
5 a crime has been committed;

6 (2) A person who has been injured or killed as a direct result  
7 of the commission of a crime; and

8 (3) A relative of a person described in subparagraph (1)  
9 or (2).

10 6. This section does not restrict the authority of the court to  
11 consider any reliable and relevant evidence at the time of  
12 sentencing.

13 **Sec. 10.5.** NRS 176.033 is hereby amended to read as follows:

14 176.033 ~~[(a)]~~ If a sentence of imprisonment is required or  
15 permitted by statute, the court shall:

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

22 ~~[(b)]~~ 2. If sentencing a person who has been found guilty of a  
23 felony, sentence the person to a minimum term and a maximum  
24 term of imprisonment, unless a definite term of imprisonment is  
25 required by statute.

26 ~~[(c)]~~ 3. If restitution is appropriate, set an amount of restitution  
27 for each victim of the offense and for expenses related to extradition  
28 in accordance with NRS 179.225.

29 ~~[(2.—At any time after a prisoner has been released on parole and  
30 has served one half of the period of parole, or 10 consecutive years  
31 on parole in the case of a prisoner sentenced to life imprisonment,  
32 the State Board of Parole Commissioners, upon the recommendation  
33 of the Division, may petition the court of original jurisdiction  
34 requesting a modification of sentence. The Board shall give notice  
35 of the petition and hearing thereon to the Attorney General or  
36 district attorney who had jurisdiction in the original proceedings.  
37 Upon hearing the recommendation of the State Board of Parole  
38 Commissioners and good cause appearing, the court may modify the  
39 original sentence by reducing the maximum term of imprisonment  
40 but shall not make the term less than the minimum term prescribed  
41 by the applicable penal statute.)]~~

42 **Sec. 11.** NRS 176.0613 is hereby amended to read as follows:

43 176.0613 1. The justices or judges of the justice or municipal  
44 courts shall impose, in addition to an administrative assessment  
45 imposed pursuant to NRS 176.059, 176.0611 and 176.0623, an



1 administrative assessment for the provision of specialty court  
2 programs.

3 2. Except as otherwise provided in subsection 3, when a  
4 defendant pleads guilty or guilty but mentally ill or is found guilty  
5 or guilty but mentally ill of a misdemeanor, including the violation  
6 of any municipal ordinance, the justice or judge shall include in the  
7 sentence the sum of \$7 as an administrative assessment for the  
8 provision of specialty court programs and render a judgment against  
9 the defendant for the assessment. If a defendant is sentenced to  
10 perform community service in lieu of a fine, the sentence must  
11 include the administrative assessment required pursuant to this  
12 subsection.

13 3. The provisions of subsection 2 do not apply to:

- 14 (a) An ordinance regulating metered parking; or
- 15 (b) An ordinance which is specifically designated as imposing a  
16 civil penalty or liability pursuant to NRS 244.3575 or 268.019.

17 4. The money collected for an administrative assessment  
18 for the provision of specialty court programs must not be deducted  
19 from the fine imposed by the justice or judge but must be taxed  
20 against the defendant in addition to the fine. The money collected  
21 for such an administrative assessment must be stated separately on  
22 the court's docket and must be included in the amount posted for  
23 bail. If bail is forfeited, the administrative assessment included in  
24 the bail pursuant to this subsection must be disbursed pursuant to  
25 subsection 6 or 7. If the defendant is found not guilty or the charges  
26 are dismissed, the money deposited with the court must be returned  
27 to the defendant. If the justice or judge cancels a fine because the  
28 fine has been determined to be uncollectible, any balance of the fine  
29 and the administrative assessment remaining unpaid shall be  
30 deemed to be uncollectible and the defendant is not required to pay  
31 it. If a fine is determined to be uncollectible, the defendant is not  
32 entitled to a refund of the fine or administrative assessment the  
33 defendant has paid and the justice or judge shall not recalculate the  
34 administrative assessment.

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

- 39 (a) To pay the unpaid balance of an administrative assessment  
40 imposed pursuant to NRS 176.059;
- 41 (b) To pay the unpaid balance of an administrative assessment  
42 for the provision of court facilities pursuant to NRS 176.0611;
- 43 (c) To pay the unpaid balance of an administrative assessment  
44 for the provision of specialty court programs;



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

4 (e) To pay the fine.

5 6. The money collected for an administrative assessment for  
6 the provision of specialty court programs in municipal court must be  
7 paid by the clerk of the court to the city treasurer on or before the  
8 fifth day of each month for the preceding month. On or before the  
9 15th day of that month, the city treasurer shall deposit the money  
10 received for each administrative assessment with the State  
11 Controller for credit to a special account in the State General Fund  
12 administered by the Office of Court Administrator.

13 7. The money collected for an administrative assessment for  
14 the provision of specialty court programs in justice courts must be  
15 paid by the clerk of the court to the county treasurer on or before the  
16 fifth day of each month for the preceding month. On or before the  
17 15th day of that month, the county treasurer shall deposit the money  
18 received for each administrative assessment with the State  
19 Controller for credit to a special account in the State General Fund  
20 administered by the Office of Court Administrator.

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

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

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

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

32 (1) Acquiring necessary capital goods;

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

35 (3) Providing training and education to personnel;

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

37 (5) Conducting audits of the program;

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

40 (7) Acquiring or using appropriate technology.

41 10. As used in this section:

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

44 (b) "Specialty court program" means a program established by a  
45 court to facilitate testing, treatment and oversight of certain persons



1 over whom the court has jurisdiction and who the court has  
2 determined suffer from a mental illness or ~~abuses~~ uses alcohol or  
3 drugs. Such a program includes, without limitation, a program  
4 established pursuant to NRS 176A.250, 176A.280 or ~~453.580.~~  
5 *section 20 of this act.*

6 **Sec. 12.** NRS 176.135 is hereby amended to read as follows:

7 176.135 1. Except as otherwise provided in this section and  
8 NRS 176.151, the Division shall make a presentence investigation  
9 and report to the court on each defendant who pleads guilty, guilty  
10 but mentally ill or nolo contendere to, or is found guilty or guilty but  
11 mentally ill of, a felony.

12 2. If a defendant is convicted of a felony that is a sexual  
13 offense, the presentence investigation and report:

14 (a) Must be made before the imposition of sentence or the  
15 granting of probation; and

16 (b) If the sexual offense is an offense for which the suspension  
17 of sentence or the granting of probation is permitted, must include a  
18 psychosexual evaluation of the defendant.

19 3. If a defendant is convicted of a felony other than a sexual  
20 offense, the presentence investigation and report must be made  
21 before the imposition of sentence or the granting of probation  
22 unless:

23 (a) A sentence is fixed by a jury; or

24 (b) Such an investigation and report on the defendant has been  
25 made by the Division within the 5 years immediately preceding the  
26 date initially set for sentencing on the most recent offense.

27 4. Upon request of the court, the Division shall make  
28 presentence investigations and reports on defendants who plead  
29 guilty, guilty but mentally ill or nolo contendere to, or are found  
30 guilty or guilty but mentally ill of, gross misdemeanors.

31 *5. Each court in which a report of a presentence investigation*  
32 *can be made must ensure that each judge of the court receives*  
33 *training concerning the manner in which to use the information*  
34 *included in a report of a presentence investigation for the purpose*  
35 *of imposing a sentence. Such training must include, without*  
36 *limitation, education concerning behavioral health needs and*  
37 *intellectual or developmental disabilities.*

38 **Sec. 13.** NRS 176.145 is hereby amended to read as follows:

39 176.145 1. The report of any presentence investigation must  
40 contain:

41 (a) Any:

42 (1) Prior criminal convictions of the defendant;

43 (2) Unresolved criminal cases involving the defendant;

44 (3) Incidents in which the defendant has failed to appear in  
45 court when his or her presence was required;



1 (4) Arrests during the 10 years immediately preceding the  
2 date of the offense for which the report is being prepared; and

3 (5) Participation in any program in a specialty court or any  
4 diversionary program, including whether the defendant successfully  
5 completed the program;

6 (b) Information concerning the characteristics of the defendant,  
7 the defendant's financial condition, including whether the  
8 information pertaining to the defendant's financial condition has  
9 been verified, the circumstances affecting the defendant's behavior  
10 and the circumstances of the defendant's offense that may be helpful  
11 in imposing sentence, in granting probation or in the correctional  
12 treatment of the defendant;

13 (c) Information concerning the effect that the offense committed  
14 by the defendant has had upon the victim, including, without  
15 limitation, any physical or psychological harm or financial loss  
16 suffered by the victim, to the extent that such information is  
17 available from the victim or other sources, but the provisions of this  
18 paragraph do not require any particular examination or testing of the  
19 victim, and the extent of any investigation or examination is solely  
20 at the discretion of the court or the Division and the extent of the  
21 information to be included in the report is solely at the discretion of  
22 the Division;

23 (d) Information concerning whether the defendant has an  
24 obligation for the support of a child, and if so, whether the  
25 defendant is in arrears in payment on that obligation;

26 (e) Data or information concerning reports and investigations  
27 thereof made pursuant to chapter 432B of NRS and NRS 392.275 to  
28 392.365, inclusive, that relate to the defendant and are made  
29 available pursuant to NRS 432B.290 or NRS 392.317 to 392.337,  
30 inclusive, as applicable;

31 (f) The results of ~~the~~ *any* evaluation *or assessment* of the  
32 defendant conducted pursuant to NRS *176A.260, 176A.280 or*  
33 *484C.300* ~~[, if such an evaluation is required pursuant to that~~  
34 ~~section;] or section 22 of this act;~~

35 (g) ~~[A recommendation of a minimum term and a maximum~~  
36 ~~term of imprisonment or other term of imprisonment authorized by~~  
37 ~~statute, or a fine, or both;~~

38 ~~—(h) A recommendation, if the Division deems it appropriate, that~~  
39 ~~the defendant undergo a program of regimental discipline pursuant~~  
40 ~~to NRS 176A.780;~~

41 ~~—(i)]~~ If a psychosexual evaluation of the defendant is required  
42 pursuant to NRS 176.139, a written report of the results of the  
43 psychosexual evaluation of the defendant and all information that is  
44 necessary to carry out the provisions of NRS 176A.110; and



1 ~~[(h)]~~ (h) Such other information as may be required by the  
2 court.

3 2. ~~[The Division shall include in the report all scoresheets and~~  
4 ~~scales used in determining any recommendation made pursuant to~~  
5 ~~paragraphs (g) and (h) of subsection 1.~~

6 ~~—3.]~~ The Division shall include in the report the source of any  
7 information, as stated in the report, related to the defendant's  
8 offense, including, without limitation, information from:

- 9 (a) A police report;  
10 (b) An investigative report filed with law enforcement; or  
11 (c) Any other source available to the Division.

12 ~~[4.]~~ 3. The Division may include in the report any additional  
13 information that it believes may be helpful in imposing a sentence,  
14 in granting probation or in correctional treatment.

15 **Sec. 14.** NRS 176.153 is hereby amended to read as follows:

16 176.153 1. Except as otherwise provided in subsection 3, the  
17 Division shall disclose to the prosecuting attorney, the counsel for  
18 the defendant, the defendant and the court, not later than 14 calendar  
19 days before the defendant will be sentenced, the factual content of  
20 the report of any presentence investigation made pursuant to NRS  
21 176.135 . ~~[and the recommendations of the Division.]~~

22 2. In addition to the disclosure requirements set forth in  
23 subsection 1, if the Division includes in the report of any  
24 presentence investigation made pursuant to NRS 176.135 any  
25 information relating to the defendant being affiliated with or a  
26 member of a criminal gang and the Division reasonably believes  
27 such information is disputed by the defendant, the Division shall  
28 provide with the information disclosed pursuant to subsection 1  
29 copies of all documentation relied upon by the Division as a basis  
30 for including such information in the report, including, without  
31 limitation, any field interview cards.

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

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

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

37 176.156 1. The Division shall disclose to the prosecuting  
38 attorney, the counsel for the defendant and the defendant the factual  
39 content of the report of:

40 (a) Any presentence investigation made pursuant to NRS  
41 176.135 ~~[and the recommendations of the Division]~~ and, if  
42 applicable, provide the documentation required pursuant to  
43 subsection 2 of NRS 176.153, in the period provided in  
44 NRS 176.153.

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



1 ↪ The Division shall afford an opportunity to each party to object to  
2 factual errors in any such report . ~~and to comment on any~~  
3 ~~recommendations.]~~ The court may order the Division to correct the  
4 contents of any such report following sentencing of the defendant if,  
5 within 180 days after the date on which the judgment of conviction  
6 was entered, the prosecuting attorney and the defendant stipulate to  
7 correcting the contents of any such report.

8 2. Unless otherwise ordered by a court, upon request, the  
9 Division shall disclose the content of a report of a presentence  
10 investigation or general investigation to a law enforcement agency  
11 of this State or a political subdivision thereof and to a law  
12 enforcement agency of the Federal Government for the limited  
13 purpose of performing their duties, including, without limitation,  
14 conducting hearings that are public in nature.

15 3. Unless otherwise ordered by a court, upon request, the  
16 Division shall disclose the content of a report of a presentence  
17 investigation or general investigation to the Division of Public and  
18 Behavioral Health of the Department of Health and Human Services  
19 for the limited purpose of performing its duties, including, without  
20 limitation, evaluating and providing any report or information to the  
21 Division concerning the mental health of:

- 22 (a) A sex offender as defined in NRS 213.107; or
- 23 (b) An offender who has been determined to be mentally ill.

24 4. Unless otherwise ordered by a court, upon request, the  
25 Division shall disclose the content of a report of a presentence  
26 investigation or general investigation to the Nevada Gaming Control  
27 Board for the limited purpose of performing its duties in the  
28 administration of the provisions of chapters 462 to 467, inclusive, of  
29 NRS.

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

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

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



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

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

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

8     *(c) Has paid restitution in full or, because of economic*  
9 *hardship that is verified by the Division, has been unable to make*  
10 *restitution as ordered by the court;*

11     *(d) Has completed any program of substance use treatment or*  
12 *mental health treatment or a specialty court program as mandated*  
13 *by the court or the Division; and*

14     *(e) Has not been convicted of a violent or sexual offense as*  
15 *defined in NRS 202.876 or a violation of NRS 200.508.*

16     **2.** *This section must not be construed to prohibit the court*  
17 *from allowing the early discharge of a person from probation if*  
18 *the person does not meet the requirements set forth in*  
19 *subsection 1.*

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

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

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

36     **2.** *The Division shall establish and maintain a program of*  
37 *initial and ongoing training for parole and probation officers*  
38 *regarding the system of graduated sanctions.*

39     **3.** *Notwithstanding any rule or law to the contrary, a parole*  
40 *and probation officer shall use graduated sanctions established*  
41 *pursuant to this section when responding to a technical violation.*

42     **4.** *A parole and probation officer intending to impose a*  
43 *graduated sanction shall provide the supervised person with notice*  
44 *of the intended sanction. The notice must inform the person of any*



1 *alleged violation and the date thereof and the graduated sanction*  
2 *to be imposed.*

3 5. *The failure of a supervised person to comply with a*  
4 *sanction may constitute a technical violation of the conditions of*  
5 *probation or parole.*

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

16 7. *As used in this section:*

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

19 (b) *"Responsivity factors" has the meaning ascribed to it in*  
20 *NRS 213.107.*

21 (c) *"Technical violation" means any alleged violation of the*  
22 *conditions of probation or parole that does not constitute*  
23 *absconding and is not the commission of a:*

24 (1) *New felony or gross misdemeanor;*

25 (2) *Battery which constitutes domestic violence pursuant to*  
26 *NRS 200.485;*

27 (3) *Violation of NRS 484C.110 or 484C.120;*

28 (4) *Crime of violence as defined in NRS 200.408 that is*  
29 *punishable as a misdemeanor;*

30 (5) *Harassment pursuant to NRS 200.571 or stalking or*  
31 *aggravated stalking pursuant to NRS 200.575;*

32 (6) *Violation of a temporary or extended order for*  
33 *protection against domestic violence issued pursuant to NRS*  
34 *33.017 to 33.100, inclusive, a restraining order or injunction that*  
35 *is in the nature of a temporary or extended order for protection*  
36 *against domestic violence issued in an action or proceeding*  
37 *brought pursuant to title 11 of NRS, a temporary or extended*  
38 *order for protection against stalking, aggravated stalking or*  
39 *harassment issued pursuant to NRS 200.591 or a temporary or*  
40 *extended order for protection against sexual assault pursuant to*  
41 *NRS 200.378; or*

42 (7) *Violation of a stay away order involving a natural*  
43 *person who is the victim of the crime for which the supervised*  
44 *person is being supervised.*



1   ↳ *The term does not include termination from a specialty court*  
2   *program.*

3   **Sec. 19.** 1. *Except as otherwise provided in this subsection,*  
4   *upon a plea of guilty, guilty but mentally ill or nolo contendere,*  
5   *but before a judgment of guilt, the court may, without entering a*  
6   *judgment of guilt and with the consent of the defendant, defer*  
7   *judgment on the case to a specified future date and set forth*  
8   *specific terms and conditions for the defendant. The duration of*  
9   *the deferral period must not exceed the applicable period set forth*  
10   *in subsection 1 of NRS 176A.500 or the extension of the period*  
11   *pursuant to subsection 2 of NRS 176A.500. The court may not*  
12   *defer judgment pursuant to this subsection if the defendant has*  
13   *entered into a plea agreement with a prosecuting attorney unless*  
14   *the plea agreement allows the deferral.*

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

- 17   (i) *Payment of restitution;*  
18   (ii) *Payment of court costs;*  
19   (iii) *Payment of an assessment in lieu of any fine authorized by*  
20   *law for the offense;*  
21   (iv) *Payment of any other assessment or cost authorized by law;*  
22   (v) *Completion of a term of community service;*  
23   (vi) *Placement on probation pursuant to NRS 176A.500 and the*  
24   *ordering of any conditions which can be imposed for probation*  
25   *pursuant to NRS 176A.400; or*  
26   (vii) *Completion of a specialty court program.*

27   3. *The court:*

- 28   (i) *Upon the consent of the defendant:*  
29    (1) *Shall defer judgment for any defendant who has entered*  
30    *a plea of guilty, guilty but mentally ill or nolo contendere to a*  
31    *violation of paragraph (a) of subsection 2 of NRS 453.336; or*  
32    (2) *May defer judgment for any defendant who is placed in*  
33    *a specialty court program. The court may extend any deferral*  
34    *period for not more than 12 months to allow for the completion of*  
35    *a specialty court program.*

36   (ii) *Shall not defer judgment for any defendant who has been*  
37    *convicted of a violent or sexual offense as defined in NRS*  
38    *202.876, a crime against a child as defined in NRS 179D.0357 or a*  
39    *violation of NRS 200.508.*

40   4. *Upon violation of a term or condition:*

- 41   (i) *Except as otherwise provided in paragraph (b):*  
42    (1) *The court may enter a judgment of conviction and*  
43    *proceed as provided in the section pursuant to which the*  
44    *defendant was charged.*



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

5 (b) If the defendant has been placed in the program for a first  
6 or second violation of paragraph (a) of subsection 2 of NRS  
7 453.336, the court may allow the defendant to continue to  
8 participate in the program or terminate the participation of the  
9 defendant in the program. If the court terminates the participation  
10 of the defendant in the program, the court shall allow the  
11 defendant to withdraw his or her plea.

12 5. Upon completion of the terms and conditions of the  
13 deferred judgment, and upon a finding by the court that the terms  
14 and conditions have been met, the court shall discharge the  
15 defendant and dismiss the proceedings. Discharge and dismissal  
16 pursuant to this section is without adjudication of guilt and is not  
17 a conviction for purposes of employment, civil rights or any statute  
18 or regulation or license or questionnaire or for any other public or  
19 private purpose, but is a conviction for the purpose of additional  
20 penalties imposed for second or subsequent convictions or the  
21 setting of bail. Discharge and dismissal restores the defendant, in  
22 the contemplation of the law, to the status occupied before the  
23 arrest, indictment or information.

24 6. The court shall order sealed all documents, papers and  
25 exhibits in the defendant's record, minute book entries and entries  
26 on dockets, and other documents relating to the case in the  
27 custody of such other agencies and officers as are named in the  
28 court's order if the defendant fulfills the terms and conditions  
29 imposed by the court and the Division. The court shall order those  
30 records sealed without a hearing unless the Division or the  
31 prosecutor petitions the court, for good cause shown, not to seal  
32 the records and requests a hearing thereon.

33 7. If the court orders sealed the record of a defendant  
34 discharged pursuant to this section, the court shall send a copy of  
35 the order to each agency or officer named in the order. Each such  
36 agency or officer shall notify the court in writing of its compliance  
37 with the order.

38 **Sec. 20.** A court may establish an appropriate program for  
39 the treatment of drug or alcohol use to which it may assign a  
40 defendant pursuant to NRS 174.032, 176.015, 176A.400, 453.336,  
41 453.3363 or section 19 or 22 of this act. The assignment must  
42 include the terms and conditions for successful completion of the  
43 program and provide for progress reports at intervals set by the  
44 court to ensure that the defendant is making satisfactory progress  
45 towards completion of the program.



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

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

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

9     **(b)** *Has been diagnosed as having a substance use disorder*  
10 *after an in-person clinical assessment; and*

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

13     **Sec. 22. 1.** *Except as otherwise provided in subparagraph*  
14 *(1) of paragraph (a) of subsection 3 of section 19 of this act, if a*  
15 *defendant who suffers from a substance use disorder or any co-*  
16 *occurring disorder tenders a plea of guilty, guilty but mentally ill*  
17 *or nolo contendere to, or is found guilty or guilty but mentally ill*  
18 *of, any offense for which the suspension of sentence or the*  
19 *granting of probation is not prohibited by statute, the court may:*

20     **(a)** *Without entering a judgment of conviction and with the*  
21 *consent of the defendant, suspend or defer further proceedings*  
22 *and place the defendant on probation upon terms and conditions*  
23 *that must include attendance and successful completion of a*  
24 *program established pursuant to section 20 of this act if the court*  
25 *determines that the defendant is eligible for participation in such a*  
26 *program; or*

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

32     **2.** *Except as otherwise provided in subsection 4, a defendant*  
33 *is eligible for participation in a program established pursuant to*  
34 *section 20 of this act if the defendant is diagnosed as having a*  
35 *substance use disorder or any co-occurring disorder:*

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

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

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

41     **(b)** *Pursuant to a substance use assessment.*

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



1 4. If the offense committed by the defendant is a category A  
2 felony or a sexual offense as defined in NRS 179D.097 that is  
3 punishable as a category B felony, the defendant is not eligible for  
4 assignment to the program.

5 5. Upon violation of a term or condition:

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

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

13 6. Upon fulfillment of the terms and conditions, the court:

14 (a) Shall discharge the defendant and dismiss the proceedings  
15 or set aside the judgment of conviction, as applicable, unless the  
16 defendant:

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

19 (2) Has previously failed to complete a specialty court  
20 program; or

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

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

26 (2) Has previously failed to complete a specialty court  
27 program.

28 7. Discharge and dismissal pursuant to this section is without  
29 adjudication of guilt and is not a conviction for purposes of this  
30 section or for purposes of employment, civil rights or any statute  
31 or regulation or license or questionnaire or for any other public or  
32 private purpose, but is a conviction for the purpose of additional  
33 penalties imposed for second or subsequent convictions or the  
34 setting of bail. Discharge and dismissal restores the defendant, in  
35 the contemplation of the law, to the status occupied before the  
36 arrest, indictment or information. The defendant may not be held  
37 thereafter under any law to be guilty of perjury or otherwise giving  
38 a false statement by reason of failure to recite or acknowledge that  
39 arrest, indictment, information or trial in response to an inquiry  
40 made of the defendant for any purpose.

41 **Sec. 23.** 1. After a defendant is discharged from probation  
42 or a case is dismissed pursuant to section 22 of this act, the court  
43 shall order sealed all documents, papers and exhibits in the  
44 defendant's record, minute book entries and entries on dockets,  
45 and other documents relating to the case in the custody of such



1 *other agencies and officers as are named in the court's order if the*  
2 *defendant fulfills the terms and conditions imposed by the court*  
3 *and the Division. The court shall order those records sealed*  
4 *without a hearing unless the Division petitions the court, for good*  
5 *cause shown, not to seal the records and requests a hearing*  
6 *thereon.*

7 *2. If the court orders sealed the record of a defendant who is*  
8 *discharged from probation or whose case is dismissed pursuant to*  
9 *section 22 of this act, the court shall send a copy of the order to*  
10 *each agency or officer named in the order. Each such agency or*  
11 *officer shall notify the court in writing of its compliance with the*  
12 *order.*

13 **Sec. 23.5.** NRS 176A.010 is hereby amended to read as  
14 follows:

15 176A.010 As used in this chapter, unless the context otherwise  
16 requires, the words and terms defined in NRS 176A.020 to  
17 176A.090, inclusive, *and section 16.5 of this act* have the meanings  
18 ascribed to them in those sections.

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

20 176A.100 1. Except as otherwise provided in this section and  
21 NRS 176A.110 and 176A.120, if a person is found guilty in a  
22 district court upon verdict or plea of:

23 (a) Murder of the first or second degree, kidnapping in the first  
24 degree, sexual assault, attempted sexual assault of a child who is  
25 less than 16 years of age, lewdness with a child pursuant to NRS  
26 201.230, an offense for which the suspension of sentence or the  
27 granting of probation is expressly forbidden, or if the person is  
28 found to be a habitual criminal pursuant to NRS 207.010, a  
29 habitually fraudulent felon pursuant to NRS 207.014 or a habitual  
30 felon pursuant to NRS 207.012, the court shall not suspend the  
31 execution of the sentence imposed or grant probation to the person.

32 (b) A category E felony, except as otherwise provided in this  
33 paragraph, the court shall suspend the execution of the sentence  
34 imposed and grant probation to the person. The court may, as it  
35 deems advisable, decide not to suspend the execution of the  
36 sentence imposed and grant probation to the person if, at the time of  
37 sentencing, it is established that the person ~~is:~~

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

41 ~~— (2) Had previously had the person's probation or parole~~  
42 ~~revoked, whether in this State or elsewhere, for a felony conviction;~~

43 ~~— (3) Had previously been assigned to a program of treatment~~  
44 ~~and rehabilitation pursuant to NRS 453.580 and failed to~~  
45 ~~successfully complete that program; or~~



1 ~~— (4) Had~~ *had* previously been two times convicted, whether  
2 in this State or elsewhere, of a crime that under the laws of the situs  
3 of the crime or of this State would amount to a felony.

4 ~~{→}~~ If the person denies the existence of a previous conviction, the  
5 court shall determine the issue of the previous conviction after  
6 hearing all relevant evidence presented on the issue by the  
7 prosecution and the person. At such a hearing, the person may not  
8 challenge the validity of a previous conviction. For the purposes of  
9 this paragraph, a certified copy of a felony conviction is prima facie  
10 evidence of conviction of a prior felony.

11 (c) Another felony, a gross misdemeanor or a misdemeanor, the  
12 court may suspend the execution of the sentence imposed and grant  
13 probation as the court deems advisable.

14 2. In determining whether to grant probation to a person, the  
15 court shall not consider whether the person has the financial ability  
16 to participate in a program of probation secured by a surety bond  
17 established pursuant to NRS 176A.300 to 176A.370, inclusive.

18 3. The court shall consider the standards adopted pursuant to  
19 NRS 213.10988 and the recommendation of the Chief Parole and  
20 Probation Officer, if any, in determining whether to grant probation  
21 to a person.

22 4. If the court determines that a person is otherwise eligible for  
23 probation but requires more supervision than would normally be  
24 provided to a person granted probation, the court may, in lieu of  
25 sentencing the person to a term of imprisonment, grant probation  
26 pursuant to the Program of Intensive Supervision established  
27 pursuant to NRS 176A.440.

28 5. Except as otherwise provided in this subsection, if a person  
29 is convicted of a felony and the Division is required to make a  
30 presentence investigation and report to the court pursuant to NRS  
31 176.135, the court shall not grant probation to the person until the  
32 court receives the report of the presentence investigation from the  
33 Chief Parole and Probation Officer. The Chief Parole and Probation  
34 Officer shall submit the report of the presentence investigation to  
35 the court not later than 45 days after receiving a request for a  
36 presentence investigation from the county clerk. If the report of the  
37 presentence investigation is not submitted by the Chief Parole and  
38 Probation Officer within 45 days, the court may grant probation  
39 without the report.

40 6. If the court determines that a person is otherwise eligible for  
41 probation, the court shall, when determining the conditions of that  
42 probation, consider the imposition of such conditions as would  
43 facilitate timely payments by the person of an obligation, if any, for  
44 the support of a child and the payment of any such obligation which  
45 is in arrears.



1       **Sec. 25.** NRS 176A.210 is hereby amended to read as follows:  
2       176A.210 Upon entry of an order of probation by the court, a  
3 person:

4       1. Shall be deemed accepted for probation for all purposes; and  
5       2. Shall submit to the Division for filing with the clerk of the  
6 court of competent jurisdiction a signed document stating that:

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

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

12       **Sec. 26.** NRS 176A.250 is hereby amended to read as follows:  
13       176A.250 A court may establish an appropriate program for  
14 the treatment of mental illness or intellectual disabilities to which it  
15 may assign a defendant pursuant to NRS 174.032 , ~~for~~ 176A.260 ~~or~~  
16 *or 176A.400 or section 19 of this act.* The assignment must include  
17 the terms and conditions for successful completion of the program  
18 and provide for progress reports at intervals set by the court to  
19 ensure that the defendant is making satisfactory progress towards  
20 completion of the program.

21       **Sec. 27.** NRS 176A.260 is hereby amended to read as follows:  
22       176A.260 1. Except as otherwise provided in ~~subsection 2,~~  
23 *subparagraph (1) of paragraph (a) of subsection 3 of section 19 of*  
24 *this act,* if a defendant who suffers from mental illness or is  
25 intellectually disabled tenders a plea of guilty, guilty but mentally ill  
26 or nolo contendere to, or is found guilty or guilty but mentally ill of,  
27 any offense for which the suspension of sentence or the granting of  
28 probation is not prohibited by statute, the court may ~~without~~ :

29       (a) *Without* entering a judgment of conviction and with the  
30 consent of the defendant, suspend *or defer* further proceedings and  
31 place the defendant on probation upon terms and conditions that  
32 must include attendance and successful completion of a program  
33 established pursuant to NRS 176A.250 ~~if the court determines~~  
34 *that the defendant is eligible for participation in such a program;*  
35 *or*

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

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

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



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

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

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

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

14 4. If the offense committed by the defendant ~~involved the use~~  
15 ~~or threatened use of force or violence or if the defendant was~~  
16 ~~previously convicted in this State or in any other jurisdiction of a~~  
17 ~~felony that involved the use or threatened use of force or violence,~~  
18 ~~the court may not assign~~ is a category A felony or a sexual offense  
19 as defined in NRS 179D.097 that is punishable as a category B  
20 felony, the defendant ~~to the~~ is not eligible for assignment to the  
21 program . ~~unless the prosecuting attorney stipulates to the~~  
22 ~~assignment.~~

23 —3.] 5. Upon violation of a term or condition:

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

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

31 ~~[4.]~~ 6. Upon fulfillment of the terms and conditions, the court  
32 ~~[shall]~~ :

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

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

38 (2) *Has previously failed to complete a specialty court*  
39 *program; or*

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

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



1           ***(2) Has previously failed to complete a specialty court***  
2 ***program.***

3           7. Discharge and dismissal pursuant to this section is without  
4 adjudication of guilt and is not a conviction for purposes of this  
5 section or for purposes of employment, civil rights or any statute or  
6 regulation or license or questionnaire or for any other public or  
7 private purpose, but is a conviction for the purpose of additional  
8 penalties imposed for second or subsequent convictions or the  
9 setting of bail. Discharge and dismissal restores the defendant, in the  
10 contemplation of the law, to the status occupied before the arrest,  
11 indictment or information. The defendant may not be held thereafter  
12 under any law to be guilty of perjury or otherwise giving a false  
13 statement by reason of failure to recite or acknowledge that arrest,  
14 indictment, information or trial in response to an inquiry made of  
15 the defendant for any purpose.

16           **Sec. 28.** NRS 176A.265 is hereby amended to read as follows:

17           176A.265 1. After a defendant is discharged from probation  
18 ***or a case is dismissed*** pursuant to NRS 176A.260, the court shall  
19 order sealed all documents, papers and exhibits in the defendant's  
20 record, minute book entries and entries on dockets, and other  
21 documents relating to the case in the custody of such other agencies  
22 and officers as are named in the court's order if the defendant  
23 fulfills the terms and conditions imposed by the court and the  
24 Division. The court shall order those records sealed without a  
25 hearing unless the Division petitions the court, for good cause  
26 shown, not to seal the records and requests a hearing thereon.

27           2. If the court orders sealed the record of a defendant ***who is***  
28 ***discharged from probation or whose case is dismissed*** pursuant to  
29 NRS 176A.260, the court shall send a copy of the order to each  
30 agency or officer named in the order. Each such agency or officer  
31 shall notify the court in writing of its compliance with the order.

32           **Sec. 29.** NRS 176A.280 is hereby amended to read as follows:

33           176A.280 1. A district court, justice court or municipal court  
34 may establish an appropriate program for the treatment of veterans  
35 and members of the military to which it may assign a defendant  
36 pursuant to NRS 174.032 , ~~or~~ 176A.290 ***or 176A.400 or section 19***  
37 ***of this act*** if the defendant is a veteran or member of the military  
38 and:

39           (a) ~~Appears to suffer~~ ***Is diagnosed after an in-person clinical***  
40 ***assessment by a counselor who is licensed or certified to make***  
41 ***such a diagnosis or a physician who is certified by the Board of***  
42 ***Medical Examiners to make such a diagnosis, or by the results of***  
43 ***a mental health or substance use screening, as suffering*** from:

44           (1) Mental illness, alcohol or drug ~~abuse~~ ***use,***  
45 posttraumatic stress disorder or a traumatic brain injury, any of



1 which appear to be related to military service, including, without  
2 limitation, any readjustment to civilian life which is necessary after  
3 combat service; or

4 (2) Military sexual trauma;

5 (b) Would benefit from assignment to the program; and

6 (c) Is not ineligible for assignment to the program pursuant to  
7 NRS 176A.287 or any other provision of law.

8 2. The assignment of a defendant to a program pursuant to this  
9 section must:

10 (a) Include the terms and conditions for successful completion  
11 of the program; *and*

12 (b) Provide for progress reports at intervals set by the court to  
13 ensure that the defendant is making satisfactory progress towards  
14 completion of the program. ~~[-and~~

15 ~~—(c) Be for a period of not less than 12 months.-]~~

16 3. As used in this section:

17 (a) “Military sexual trauma” means psychological trauma that is  
18 the result of sexual harassment or an act of sexual assault that  
19 occurred while the veteran or member of the military was serving on  
20 active duty, active duty for training or inactive duty training.

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

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

25 176A.287 1. Except as otherwise provided in subsection 2, a  
26 defendant is not eligible for assignment to a program of treatment  
27 established pursuant to NRS 176A.280 if :

28 (a) *The offense committed by* the defendant ~~[-~~

29 ~~—(a) Has previously been assigned to such a program;-]~~ *was a*  
30 *category A felony or a sexual offense as defined in NRS 179D.097*  
31 *that is punishable as a category B felony;* or

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

35 2. A defendant described in paragraph (b) of subsection 1 may  
36 be assigned to a program of treatment established pursuant to NRS  
37 176A.280 if a justice court, municipal court or district court, as  
38 applicable, determines that extraordinary circumstances exist which  
39 warrant the assignment of the defendant to the program.

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

41 176A.290 1. Except as otherwise provided in ~~[-subsection 2~~  
42 ~~and]~~ NRS 176A.287 ~~[-]~~ *and subparagraph (1) of paragraph (a) of*  
43 *subsection 3 of section 19 of this act,* if a defendant described in  
44 NRS 176A.280 tenders a plea of guilty, guilty but mentally ill or



1 nolo contendere to, or is found guilty or guilty but mentally ill of ~~[-~~  
2 ~~any]~~ :

3 (a) Any offense *punishable as a felony or gross misdemeanor*  
4 for which the suspension of sentence or the granting of probation is  
5 not prohibited by statute, the district court ~~[-, justice court or~~  
6 ~~municipal court, as applicable,]~~ may ~~[-, without]~~ :

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

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

19 (b) *Any offense punishable as a misdemeanor for which the*  
20 *suspension of sentence is not prohibited by statute, the justice*  
21 *court or municipal court, as applicable, may, without entering a*  
22 *judgment of conviction and with the consent of the defendant,*  
23 *suspend further proceedings upon terms and conditions that must*  
24 *include attendance and successful completion of a program*  
25 *established pursuant to NRS 176A.280.*

26 2. ~~[-]~~ ~~If the offense committed by the defendant involved the use~~  
27 ~~or threatened use of force or violence or if the defendant was~~  
28 ~~previously convicted in this State or in any other jurisdiction of a~~  
29 ~~felony that involved the use or threatened use of force or violence,~~  
30 ~~the district court, justice court or municipal court, as applicable, may~~  
31 ~~not assign the defendant to the program unless the prosecuting~~  
32 ~~attorney stipulates to the assignment. For the purposes of this~~  
33 ~~subsection, in determining whether an offense involved the use or~~  
34 ~~threatened use of force or violence, the district court, justice court or~~  
35 ~~municipal court, as applicable, shall consider the facts and~~  
36 ~~circumstances surrounding the offense, including, without~~  
37 ~~limitation, whether the defendant intended to place another person~~  
38 ~~in reasonable apprehension of bodily harm.~~

39 ~~—3.]~~ Upon violation of a term or condition:

40 (a) The district court, justice court or municipal court, as  
41 applicable, may impose sanctions against the defendant for the  
42 violation, but allow the defendant to remain in the program. Before  
43 imposing a sanction, the court shall notify the defendant of the  
44 violation and provide the defendant an opportunity to respond. Any  
45 sanction imposed pursuant to this paragraph:



1 (1) Must be in accordance with any applicable guidelines for  
2 sanctions established by the National Association of Drug Court  
3 Professionals or any successor organization; and

4 (2) May include, without limitation, imprisonment in a  
5 county or city jail or detention facility for a term set by the court,  
6 which must not exceed 25 days.

7 (b) The district court, justice court or municipal court, as  
8 applicable, may enter a judgment of conviction, *if applicable*, and  
9 proceed as provided in the section pursuant to which the defendant  
10 was charged.

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

15 ~~[4.] 3.~~ Except as otherwise provided in subsection 5, upon  
16 fulfillment of the terms and conditions ~~[, the]~~:

17 (a) ~~The~~ district court ~~[, justice court or municipal court, as~~  
18 ~~applicable, shall]~~:

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

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

24 (II) *Has previously failed to complete a specialty court*  
25 *program; or*

26 (2) *May discharge the defendant and dismiss the*  
27 *proceedings or set aside the judgment of conviction, as applicable,*  
28 *if the defendant:*

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

31 (II) *Has previously failed to complete a specialty court*  
32 *program; or*

33 (b) *The justice court or municipal court, as applicable, shall*  
34 *discharge the defendant and dismiss the proceedings.*

35 4. Discharge and dismissal pursuant to this section is without  
36 adjudication of guilt and is not a conviction for purposes of this  
37 section or for purposes of employment, civil rights or any statute or  
38 regulation or license or questionnaire or for any other public or  
39 private purpose, but is a conviction for the purpose of additional  
40 penalties imposed for second or subsequent convictions or the  
41 setting of bail. Discharge and dismissal restores the defendant, in the  
42 contemplation of the law, to the status occupied before the arrest,  
43 complaint, indictment or information. The defendant may not be  
44 held thereafter under any law to be guilty of perjury or otherwise  
45 giving a false statement by reason of failure to recite or



1 acknowledge that arrest, complaint, indictment, information or trial  
2 in response to an inquiry made of the defendant for any purpose.

3 5. If the defendant was charged with a violation of NRS  
4 200.485, 484C.110 or 484C.120, upon fulfillment of the terms and  
5 conditions, the district court, justice court or municipal court, as  
6 applicable, may conditionally dismiss the charges. If a court  
7 conditionally dismisses the charges, the court shall notify the  
8 defendant that the conditionally dismissed charges are a conviction  
9 for the purpose of additional penalties imposed for second or  
10 subsequent convictions or the setting of bail in a future case, but are  
11 not a conviction for purposes of employment, civil rights or any  
12 statute or regulation or license or questionnaire or for any other  
13 public or private purpose. Conditional dismissal restores the  
14 defendant, in the contemplation of the law, to the status occupied  
15 before the arrest, complaint, indictment or information. The  
16 defendant may not be held thereafter under any law to be guilty of  
17 perjury or otherwise giving a false statement by reason of failure to  
18 recite or acknowledge that arrest, complaint, indictment,  
19 information or trial in response to an inquiry made of the defendant  
20 for any purpose.

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

22 176A.295 1. Except as otherwise provided in subsection 2,  
23 after a defendant is discharged from probation *or a case is dismissed*  
24 pursuant to NRS 176A.290, the justice court, municipal court or  
25 district court, as applicable, shall order sealed all documents, papers  
26 and exhibits in the defendant's record, minute book entries and  
27 entries on dockets, and other documents relating to the case in the  
28 custody of such other agencies and officers as are named in the  
29 court's order if the defendant fulfills the terms and conditions  
30 imposed by the court and the Division. The justice court, municipal  
31 court or district court, as applicable, shall order those records sealed  
32 without a hearing unless the Division petitions the court, for good  
33 cause shown, not to seal the records and requests a hearing thereon.

34 2. If the defendant is charged with a violation of NRS 200.485,  
35 484C.110 or 484C.120 and the charges are conditionally dismissed  
36 as provided in ~~[subsection 5 of]~~ NRS 176A.290, not sooner than 7  
37 years after such a conditional dismissal and upon the filing of a  
38 petition by the defendant, the justice court, municipal court or  
39 district court, as applicable, shall order that all documents, papers  
40 and exhibits in the defendant's record, minute book entries and  
41 entries on dockets, and other documents relating to the case in the  
42 custody of such other agencies and officers as are named in the  
43 court's order be sealed. The justice court, municipal court or district  
44 court, as applicable, shall order those records sealed without a



1 hearing unless the Division petitions the court, for good cause  
2 shown, not to seal the records and requests a hearing thereon.

3 3. If the justice court, municipal court or district court, as  
4 applicable, orders sealed the record of a defendant *who is*  
5 discharged *from probation, whose case is dismissed* or whose  
6 charges were conditionally dismissed pursuant to NRS 176A.290,  
7 the court shall send a copy of the order to each agency or officer  
8 named in the order. Each such agency or officer shall notify the  
9 justice court, municipal court or district court, as applicable, in  
10 writing of its compliance with the order.

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

12 176A.400 1. In issuing an order granting probation, *a*  
13 *suspended sentence or a deferred sentence pursuant to section 19*  
14 *of this act*, the court may fix the terms and conditions thereof,  
15 including, without limitation:

16 (a) A requirement for restitution;

17 (b) An order that the probationer dispose of all the weapons the  
18 probationer possesses; or

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

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

25 (2) Prohibiting the probationer from contacting or attempting  
26 to contact a specific person *whom the probationer is prohibited*  
27 *from contacting by court order* or from causing or attempting to  
28 cause another person to contact that person on the probationer's  
29 behalf;

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

32 (4) Prohibiting the probationer from engaging in specific  
33 conduct that ~~may be~~ *is* harmful to the probationer's own health,  
34 safety or welfare, or the health, safety or welfare of another person.

35 2. In issuing an order granting probation, *a suspended*  
36 *sentence or a deferred sentence pursuant to section 19 of this act*  
37 to a person who is found guilty of a category C, D or E felony, the  
38 court may require the person as a condition of probation to  
39 participate in and complete to the satisfaction of the court any  
40 alternative program, treatment or activity deemed appropriate by the  
41 court ~~H~~, *including, without limitation, any specialty court*  
42 *program.*

43 3. The court shall not suspend the execution of a sentence of  
44 imprisonment after the defendant has begun to serve it.



1 4. In placing any defendant on probation or in granting a  
2 defendant a suspended *or deferred* sentence, the court shall direct  
3 that the defendant be placed under the supervision of the Chief  
4 Parole and Probation Officer.

5 **Sec. 33.** NRS 176A.420 is hereby amended to read as follows:

6 176A.420 1. Upon the granting of probation to a person  
7 convicted of a felony or gross misdemeanor, the court may, when  
8 the circumstances warrant, require as a condition of probation that  
9 the probationer submit to periodic tests to determine whether the  
10 probationer is using any controlled substance. Any such use or any  
11 failure or refusal to submit to a test is a ~~ground for revocation of~~  
12 ~~probation.~~ *violation for which a graduated sanction may be*  
13 *imposed in accordance with the system adopted by the Division*  
14 *pursuant to section 18 of this act.*

15 2. Any expense incurred as a result of a test must be paid from  
16 appropriations to the Division on claims as other claims against the  
17 State are paid.

18 **Sec. 34.** NRS 176A.500 is hereby amended to read as follows:

19 176A.500 1. ~~The~~ *Except as otherwise provided in*  
20 *subsection 2, the* period of probation or suspension of sentence may  
21 be indeterminate or may be fixed by the court and may at any time  
22 be extended or terminated by the court, but the period, including any  
23 extensions thereof, must not be more than:

24 (a) ~~Three years~~ *Twelve months* for a:

25 (1) Gross misdemeanor; or

26 (2) Suspension of sentence pursuant to NRS 176A.260,  
27 176A.290 or 453.3363 ~~;~~ *or section 22 of this act;*

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

29 (c) *Twenty-four months for a category C or D felony;*

30 (d) *Thirty-six months for a category B felony; or*

31 (e) *Notwithstanding the provisions of paragraphs (a) to (d),*  
32 *inclusive, 60 months for a violent or sexual offense as defined in*  
33 *NRS 202.876 or a violation of NRS 200.508.*

34 2. *The court may extend the period of probation or*  
35 *suspension of sentence ordered pursuant to subsection 1 for a*  
36 *period of not more than 12 months if such an extension is*  
37 *necessary for the defendant to complete his or her participation in*  
38 *a specialty court program.*

39 3. At any time during probation or suspension of sentence, the  
40 court may issue a warrant for violating any of the conditions of  
41 probation or suspension of sentence and cause the defendant to be  
42 arrested. Except for the purpose of giving a dishonorable discharge  
43 from probation, and except as otherwise provided in this subsection,  
44 the time during which a warrant for violating any of the conditions  
45 of probation is in effect is not part of the period of probation. If the



1 warrant is cancelled or probation is reinstated, the court may include  
2 any amount of that time as part of the period of probation.

3 ~~[3.]~~ 4. Any parole and probation officer or any peace officer  
4 with power to arrest may arrest a probationer without a warrant, or  
5 may deputize any other officer with power to arrest to do so by  
6 giving the probationer a written statement setting forth that the  
7 probationer has, in the judgment of the parole and probation officer,  
8 violated the conditions of probation. Except as otherwise provided  
9 in subsection ~~[4.]~~ 5, the parole and probation officer or the peace  
10 officer, after making an arrest, shall present to the detaining  
11 authorities, if any, a statement of the charges against the  
12 probationer. The parole and probation officer shall at once notify the  
13 court which granted probation of the arrest and detention or  
14 residential confinement of the probationer and shall submit a report  
15 in writing showing in what manner the probationer has violated the  
16 conditions of probation.

17 ~~[4.]~~ 5. A parole and probation officer or a peace officer may  
18 immediately release from custody without any further proceedings  
19 any person the officer arrests without a warrant for violating a  
20 condition of probation if the parole and probation officer or peace  
21 officer determines that there is no probable cause to believe that the  
22 person violated the condition of probation.

23 ~~[5.]~~ 6. A person who is sentenced to serve a period of  
24 probation for a felony or a gross misdemeanor must be allowed for  
25 the period of the probation a deduction of:

26 (a) Ten days from that period for each month the person serves  
27 and is current with any fee to defray the costs of his or her  
28 supervision charged by the Division of Parole and Probation of the  
29 Department of Public Safety pursuant to NRS 213.1076 and with  
30 any payment of restitution ordered by the court, including, without  
31 limitation, any payment of restitution required pursuant to NRS  
32 176A.430. A person shall be deemed to be current with any such fee  
33 and payment of restitution for any given month if, during that  
34 month, the person makes at least the minimum monthly payment  
35 established by the court or, if the court does not establish a  
36 minimum monthly payment, by the Division.

37 (b) Except as otherwise provided in subsection ~~[7.]~~ 8, 10 days  
38 from that period for each month the person serves and is actively  
39 involved in employment or enrolled in a program of education,  
40 rehabilitation or any other program approved by the Division.

41 ~~[6.]~~ 7. A person must be allowed a deduction pursuant to  
42 paragraph (a) or (b) of subsection ~~[5.]~~ 6 regardless of whether the  
43 person has satisfied the requirements of the other paragraph and  
44 must be allowed a deduction pursuant to paragraphs (a) and (b) of



1 subsection ~~[5]~~ 6 if the person has satisfied the requirements of both  
2 paragraphs of that subsection.

3 ~~[7]~~ 8. A person who is sentenced to serve a period of  
4 probation for a felony or a gross misdemeanor and who is a  
5 participant in a specialty court program must be allowed a deduction  
6 from the period of probation for being actively involved in  
7 employment or enrolled in a program of education, rehabilitation or  
8 any other program approved by the Division only if the person  
9 successfully completes the specialty court program. Such a  
10 deduction must not exceed the length of time remaining on the  
11 person's period of probation.

12 ~~[8.— As used in this section, “specialty court program” means a~~  
13 ~~program established by a court to facilitate testing, treatment and~~  
14 ~~oversight of certain persons over whom the court has jurisdiction~~  
15 ~~and who the court has determined suffer from mental illnesses or~~  
16 ~~abuse alcohol or drugs. Such a program includes, without limitation,~~  
17 ~~a program established pursuant to NRS 176A.250, 176A.280 or~~  
18 ~~453.580.]~~

19 **Sec. 35.** NRS 176A.630 is hereby amended to read as follows:

20 176A.630 *1.* If the probationer is arrested, by or without  
21 warrant, in another judicial district of this state, the court which  
22 granted the probation may assign the case to the district court of that  
23 district, with the consent of that court. The court retaining or thus  
24 acquiring jurisdiction shall cause the defendant to be brought before  
25 it, consider the standards adopted pursuant to NRS 213.10988 *and*  
26 *system of graduated sanctions adopted pursuant to section 18 of*  
27 *this act, as applicable*, and the recommendation, if any, of the Chief  
28 Parole and Probation Officer. Upon determining that the probationer  
29 has violated a condition of probation, the court shall, if practicable,  
30 order the probationer to make restitution for any necessary expenses  
31 incurred by a governmental entity in returning the probationer to the  
32 court for violation of the probation. ~~[The]~~ *If the court finds that the*  
33 *probationer committed a violation of a condition of probation by*  
34 *committing a new felony or gross misdemeanor, battery which*  
35 *constitutes domestic violence pursuant to NRS 200.485, violation*  
36 *of NRS 484C.110 or 484C.120, crime of violence as defined in*  
37 *NRS 200.408 that is punishable as a misdemeanor, harassment*  
38 *pursuant to NRS 200.571, stalking or aggravated stalking*  
39 *pursuant to NRS 200.575, violation of a stay away order involving*  
40 *a natural person who is the victim of the crime for which the*  
41 *probationer is being supervised, violation of a temporary or*  
42 *extended order for protection against domestic violence issued*  
43 *pursuant to NRS 33.017 to 33.100, inclusive, a restraining order*  
44 *or injunction that is in the nature of a temporary or extended*  
45 *order for protection against domestic violence issued in an action*



1 *or proceeding brought pursuant to title 11 of NRS, a temporary or*  
2 *extended order for protection against stalking, aggravated stalking*  
3 *or harassment issued pursuant to NRS 200.591 or a temporary or*  
4 *extended order for protection against sexual assault pursuant to*  
5 *NRS 200.378 or by absconding, the court may:*

6 ~~[1-]~~ (a) Continue or revoke the probation or suspension of  
7 sentence;

8 ~~[2-]~~ (b) Order the probationer to a term of residential  
9 confinement pursuant to NRS 176A.660;

10 ~~[3-]~~ (c) Order the probationer to undergo a program of  
11 regimental discipline pursuant to NRS 176A.780;

12 ~~[4-]~~ (d) Cause the sentence imposed to be executed; or

13 ~~[5-]~~ (e) Modify the original sentence imposed by reducing the  
14 term of imprisonment and cause the modified sentence to be  
15 executed. The court shall not make the term of imprisonment less  
16 than the minimum term of imprisonment prescribed by the  
17 applicable penal statute. If the Chief Parole and Probation Officer  
18 recommends that the sentence of a probationer be modified and the  
19 modified sentence be executed, the Chief Parole and Probation  
20 Officer shall provide notice of the recommendation to any victim of  
21 the crime for which the probationer was convicted who has  
22 requested in writing to be notified and who has provided a current  
23 address to the Division. The notice must inform the victim that he or  
24 she has the right to submit documents to the court and to be present  
25 and heard at the hearing to determine whether the sentence of a  
26 probationer who has violated a condition of probation should be  
27 modified. The court shall not modify the sentence of a probationer  
28 and cause the sentence to be executed until it has confirmed that the  
29 Chief Parole and Probation Officer has complied with the provisions  
30 of this ~~[subsection.]~~ *paragraph*. The Chief Parole and Probation  
31 Officer must not be held responsible when such notification is not  
32 received by the victim if the victim has not provided a current  
33 address. All personal information, including, but not limited to, a  
34 current or former address, which pertains to a victim and which is  
35 received by the Division pursuant to this ~~[subsection]~~ *paragraph* is  
36 confidential.

37 *2. If the court finds that the probationer committed one or*  
38 *more technical violations of the conditions of probation, the court*  
39 *may:*

40 (a) *Continue the probation or suspension of sentence;*

41 (b) *Order the probationer to a term of residential confinement*  
42 *pursuant to NRS 176A.660;*

43 (c) *Temporarily revoke the probation or suspension of*  
44 *sentence and impose a term of imprisonment of not more than:*

45 (1) *Thirty days for the first temporary revocation;*



1           (2) *Ninety days for the second temporary revocation; or*  
2           (3) *One hundred and eighty days for the third temporary*  
3 *revocation; or*

4           (d) *Fully revoke the probation or suspension of sentence and*  
5 *impose imprisonment for the remainder of the sentence for a*  
6 *fourth or subsequent revocation.*

7           3. *Notwithstanding any other provision of law, a probationer*  
8 *who is arrested and detained for committing a technical violation*  
9 *of the conditions of probation must be brought before the court*  
10 *not later than 15 calendar days after the date of arrest and*  
11 *detention. If the person is not brought before the court within 15*  
12 *calendar days, the probationer must be released from detention*  
13 *and returned to probation status. Following a probationer's*  
14 *release from detention, the court may subsequently hold a hearing*  
15 *to determine if a technical violation has occurred. If the court*  
16 *finds that such a technical violation occurred, the court may:*

17           (a) *Continue probation and modify the terms and conditions of*  
18 *probation; or*

19           (b) *Fully or temporarily revoke probation in accordance with*  
20 *the provisions of subsection 2.*

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

24           (a) *Consuming any alcoholic beverage.*

25           (b) *Testing positive on a drug or alcohol test.*

26           (c) *Failing to abide by the requirements of a mental health or*  
27 *substance use treatment program.*

28           (d) *Failing to seek and maintain employment.*

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

30           (f) *Failing to report any changes in residence.*

31           5. *As used in this section:*

32           (a) *"Absconding" means that a person is actively avoiding*  
33 *supervision by making his or her whereabouts unknown to the*  
34 *Division for a continuous period of 60 days or more.*

35           (b) *"Technical violation" means any alleged violation of the*  
36 *conditions of probation that does not constitute absconding and is*  
37 *not the commission of a:*

38           (1) *New felony or gross misdemeanor;*

39           (2) *Battery which constitutes domestic violence pursuant to*  
40 *NRS 200.485;*

41           (3) *Violation of NRS 484C.110 or 484C.120;*

42           (4) *Crime of violence as defined in NRS 200.408 that is*  
43 *punishable as a misdemeanor;*

44           (5) *Harassment pursuant to NRS 200.571 or stalking or*  
45 *aggravated stalking pursuant to NRS 200.575;*



1           (6) *Violation of a temporary or extended order for*  
2 *protection against domestic violence issued pursuant to NRS*  
3 *33.017 to 33.100, inclusive, a restraining order or injunction that*  
4 *is in the nature of a temporary or extended order for protection*  
5 *against domestic violence issued in an action or proceeding*  
6 *brought pursuant to title 11 of NRS, a temporary or extended*  
7 *order for protection against stalking, aggravated stalking or*  
8 *harassment issued pursuant to NRS 200.591 or a temporary or*  
9 *extended order for protection against sexual assault pursuant to*  
10 *NRS 200.378; or*

11           (7) *Violation of a stay away order involving a natural*  
12 *person who is the victim of the crime for which the probationer is*  
13 *being supervised.*

14           ↪ *The term does not include termination from a specialty court*  
15 *program.*

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

17           178.461 1. If the proceedings against a defendant who is  
18 charged with any category A felony or a category B felony listed in  
19 subsection 6 are dismissed pursuant to subsection 5 of NRS  
20 178.425, the prosecuting attorney may, within 10 judicial days  
21 after the dismissal, file a motion with the court for a hearing to  
22 determine whether to commit the person to the custody of the  
23 Administrator pursuant to subsection 3. Except as otherwise  
24 provided in subsection 2, the court shall hold the hearing within 10  
25 judicial days after the motion is filed with the court.

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

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

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



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

6 4. Except as otherwise provided in subsection 7, the length of  
7 commitment of a person pursuant to subsection 3 must not exceed  
8 10 years, including any time that the person has been on conditional  
9 release pursuant to NRS 178.463.

10 5. At least once every 12 months, the court shall review the  
11 eligibility of the defendant for conditional release.

12 6. The provisions of subsection 1 apply to any of the following  
13 category B felonies:

14 (a) Voluntary manslaughter pursuant to NRS 200.050;

15 (b) Mayhem pursuant to NRS 200.280;

16 (c) Kidnapping in the second degree pursuant to NRS 200.330;

17 (d) Assault with a deadly weapon pursuant to NRS 200.471;

18 (e) Battery with a deadly weapon pursuant to NRS 200.481;

19 (f) Aggravated stalking pursuant to NRS 200.575;

20 (g) First degree arson pursuant to NRS 205.010;

21 (h) ~~Burglary~~ *Residential burglary* with a deadly weapon  
22 pursuant to NRS 205.060;

23 (i) Invasion of the home with a deadly weapon pursuant to  
24 NRS 205.067;

25 (j) Any category B felony involving the use of a firearm; and

26 (k) Any attempt to commit a category A felony.

27 7. If a person is within 6 months of the maximum length of  
28 commitment set forth in this subsection or subsection 4, as  
29 applicable, and:

30 (a) Was charged with murder or sexual assault; and

31 (b) Was committed to the custody of the Administrator pursuant  
32 to this subsection or subsection 3,

33 ↪ the Administrator may file a motion to request an extension of  
34 the length of commitment for not more than 5 additional years.

35 8. The court may grant a motion for an extension of the length  
36 of commitment pursuant to subsection 7 if, at a hearing conducted  
37 on the motion, the court finds by clear and convincing evidence that  
38 the person is a danger to himself or herself or others and that the  
39 person's dangerousness is such that the person requires placement at  
40 a forensic facility.

41 9. At a hearing conducted pursuant to subsection 8, a person  
42 who is committed has the right to be represented by counsel. If the  
43 person does not have counsel, the court shall appoint an attorney to  
44 represent the person.



1       **Sec. 37.** NRS 179.245 is hereby amended to read as follows:

2       179.245 1. Except as otherwise provided in subsection 6 and  
3 NRS 176A.265, 176A.295, 179.247, 179.259, 201.354, 453.3365  
4 and ~~[458.330,]~~ *sections 19 and 23 of this act*, a person may petition  
5 the court in which the person was convicted for the sealing of all  
6 records relating to a conviction of:

7       (a) A category A felony, a crime of violence pursuant to NRS  
8 200.408 or *residential* burglary pursuant to NRS 205.060 after 10  
9 years from the date of release from actual custody or discharge from  
10 parole or probation, whichever occurs later;

11       (b) Except as otherwise provided in paragraphs (a) and (e), a  
12 category B, C or D felony after 5 years from the date of release from  
13 actual custody or discharge from parole or probation, whichever  
14 occurs later;

15       (c) A category E felony after 2 years from the date of release  
16 from actual custody or discharge from parole or probation,  
17 whichever occurs later;

18       (d) Except as otherwise provided in paragraph (e), any gross  
19 misdemeanor after 2 years from the date of release from actual  
20 custody or discharge from probation, whichever occurs later;

21       (e) A violation of NRS 422.540 to 422.570, inclusive, a  
22 violation of NRS 484C.110 or 484C.120 other than a felony, or a  
23 battery which constitutes domestic violence pursuant to NRS 33.018  
24 other than a felony, after 7 years from the date of release from actual  
25 custody or from the date when the person is no longer under a  
26 suspended sentence, whichever occurs later;

27       (f) Except as otherwise provided in paragraph (e), if the offense  
28 is punished as a misdemeanor, a battery pursuant to NRS 200.481,  
29 harassment pursuant to NRS 200.571, stalking pursuant to NRS  
30 200.575 or a violation of a temporary or extended order for  
31 protection, after 2 years from the date of release from actual custody  
32 or from the date when the person is no longer under a suspended  
33 sentence, whichever occurs later; or

34       (g) Any other misdemeanor after 1 year from the date of release  
35 from actual custody or from the date when the person is no longer  
36 under a suspended sentence, whichever occurs later.

37       2. A petition filed pursuant to subsection 1 must:

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

41       (b) If the petition references NRS 453.3365 , ~~for 458.330,]~~  
42 include a certificate of acknowledgment or the disposition of the  
43 proceedings for the records to be sealed from all agencies of  
44 criminal justice which maintain such records;



1 (c) Include a list of any other public or private agency, company,  
2 official or other custodian of records that is reasonably known to the  
3 petitioner to have possession of records of the conviction and to  
4 whom the order to seal records, if issued, will be directed; and

5 (d) Include information that, to the best knowledge and belief of  
6 the petitioner, accurately and completely identifies the records to be  
7 sealed, including, without limitation, the:

8 (1) Date of birth of the petitioner;

9 (2) Specific conviction to which the records to be sealed  
10 pertain; and

11 (3) Date of arrest relating to the specific conviction to which  
12 the records to be sealed pertain.

13 3. Upon receiving a petition pursuant to this section, the court  
14 shall notify the law enforcement agency that arrested the petitioner  
15 for the crime and the prosecuting attorney, including, without  
16 limitation, the Attorney General, who prosecuted the petitioner for  
17 the crime. The prosecuting attorney and any person having relevant  
18 evidence may testify and present evidence at any hearing on the  
19 petition.

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

27 5. If the court finds that, in the period prescribed in subsection  
28 1, the petitioner has not been charged with any offense for which the  
29 charges are pending or convicted of any offense, except for minor  
30 moving or standing traffic violations, the court may order sealed all  
31 records of the conviction which are in the custody of any agency of  
32 criminal justice or any public or private agency, company, official  
33 or other custodian of records in the State of Nevada, and may also  
34 order all such records of the petitioner returned to the file of the  
35 court where the proceeding was commenced from, including,  
36 without limitation, the Federal Bureau of Investigation and all other  
37 agencies of criminal justice which maintain such records and which  
38 are reasonably known by either the petitioner or the court to have  
39 possession of such records.

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

42 (a) A crime against a child;

43 (b) A sexual offense;

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



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

4 ~~[(d)]~~ (e) A violation of NRS 484C.430;

5 ~~[(e)]~~ (f) A homicide resulting from driving or being in actual  
6 physical control of a vehicle while under the influence of  
7 intoxicating liquor or a controlled substance or resulting from any  
8 other conduct prohibited by NRS 484C.110, 484C.130 or 484C.430;

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

11 ~~[(g)]~~ (h) A violation of NRS 488.420 or 488.425.

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

16 8. As used in this section:

17 (a) "Crime against a child" has the meaning ascribed to it in  
18 NRS 179D.0357.

19 (b) "Sexual offense" means:

20 (1) Murder of the first degree committed in the perpetration  
21 or attempted perpetration of sexual assault or of sexual abuse or  
22 sexual molestation of a child less than 14 years of age pursuant to  
23 paragraph (b) of subsection 1 of NRS 200.030.

24 (2) Sexual assault pursuant to NRS 200.366.

25 (3) Statutory sexual seduction pursuant to NRS 200.368, if  
26 punishable as a felony.

27 (4) Battery with intent to commit sexual assault pursuant to  
28 NRS 200.400.

29 (5) An offense involving the administration of a drug to  
30 another person with the intent to enable or assist the commission of  
31 a felony pursuant to NRS 200.405, if the felony is an offense listed  
32 in this paragraph.

33 (6) An offense involving the administration of a controlled  
34 substance to another person with the intent to enable or assist the  
35 commission of a crime of violence pursuant to NRS 200.408, if the  
36 crime of violence is an offense listed in this paragraph.

37 (7) Abuse of a child pursuant to NRS 200.508, if the abuse  
38 involved sexual abuse or sexual exploitation.

39 (8) An offense involving pornography and a minor pursuant  
40 to NRS 200.710 to 200.730, inclusive.

41 (9) Incest pursuant to NRS 201.180.

42 (10) Open or gross lewdness pursuant to NRS 201.210, if  
43 punishable as a felony.

44 (11) Indecent or obscene exposure pursuant to NRS 201.220,  
45 if punishable as a felony.



- 1 (12) Lewdness with a child pursuant to NRS 201.230.
- 2 (13) Sexual penetration of a dead human body pursuant to
- 3 NRS 201.450.
- 4 (14) Sexual conduct between certain employees of a school
- 5 or volunteers at a school and a pupil pursuant to NRS 201.540.
- 6 (15) Sexual conduct between certain employees of a college
- 7 or university and a student pursuant to NRS 201.550.
- 8 (16) Luring a child or a person with mental illness pursuant
- 9 to NRS 201.560, if punishable as a felony.
- 10 (17) An attempt to commit an offense listed in this
- 11 paragraph.

12 **Sec. 38.** NRS 179.255 is hereby amended to read as follows:

13 179.255 1. If a person has been arrested for alleged criminal  
14 conduct and the charges are dismissed, the prosecuting attorney  
15 having jurisdiction declined prosecution of the charges or such  
16 person is acquitted of the charges, the person may petition:

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

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

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

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

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

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

27 ↪ for the sealing of all records relating to the arrest and the  
28 proceedings leading to the dismissal, declination or acquittal.

29 2. If the conviction of a person is set aside pursuant to NRS  
30 458A.240, the person may petition the court that set aside the  
31 conviction, at any time after the conviction has been set aside, for  
32 the sealing of all records relating to the setting aside of the  
33 conviction.

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

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

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

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

44 (d) Include a list of any other public or private agency,  
45 company, official and other custodian of records that is reasonably



1 known to the petitioner to have possession of records of the arrest  
2 and of the proceedings leading to the dismissal, declination or  
3 acquittal and to whom the order to seal records, if issued, will be  
4 directed; and

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

8 (1) Date of birth of the petitioner;

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

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

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

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

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

22 ↪ The prosecuting attorney and any person having relevant  
23 evidence may testify and present evidence at any hearing on the  
24 petition.

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

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

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

31 ↪ The prosecuting attorney and any person having relevant  
32 evidence may testify and present evidence at any hearing on the  
33 petition.

34 6. If the prosecuting attorney stipulates to the sealing of the  
35 records after receiving notification pursuant to subsection 4 or 5 and  
36 the court makes the findings set forth in subsection 7 or 8, as  
37 applicable, the court may order the sealing of the records in  
38 accordance with subsection 7 or 8, as applicable, without a hearing.  
39 If the prosecuting attorney does not stipulate to the sealing of the  
40 records, a hearing on the petition must be conducted.

41 7. If the court finds that there has been an acquittal, that the  
42 prosecution was declined or that the charges were dismissed and  
43 there is no evidence that further action will be brought against the  
44 person, the court may order sealed all records of the arrest and of the  
45 proceedings leading to the acquittal, declination or dismissal which



1 are in the custody of any agency of criminal justice or any public or  
2 private company, agency, official or other custodian of records in  
3 the State of Nevada.

4 8. If the court finds that the conviction of the petitioner was set  
5 aside pursuant to NRS 458A.240, the court may order sealed all  
6 records relating to the setting aside of the conviction which are in  
7 the custody of any agency of criminal justice or any public or  
8 private company, agency, official or other custodian of records in  
9 the State of Nevada.

10 9. If the prosecuting attorney having jurisdiction previously  
11 declined prosecution of the charges and the records of the arrest  
12 have been sealed pursuant to subsection 7, the prosecuting attorney  
13 may subsequently file the charges at any time before the running of  
14 the statute of limitations for those charges. If such charges are filed  
15 with the court, the court shall order the inspection of the records  
16 without the prosecuting attorney having to petition the court  
17 pursuant to NRS 179.295.

18 **Sec. 39.** NRS 179.275 is hereby amended to read as follows:

19 179.275 Where the court orders the sealing of a record  
20 pursuant to NRS 174.034, 176A.265, 176A.295, 179.245, 179.247,  
21 179.255, 179.259, 179.2595, 201.354, 453.3365 or ~~458.330,~~  
22 *section 19 or 23 of this act*, a copy of the order must be sent to:

23 1. The Central Repository for Nevada Records of Criminal  
24 History; and

25 2. Each agency of criminal justice and each public or private  
26 company, agency, official or other custodian of records named in  
27 the order, and that person shall seal the records in his or her custody  
28 which relate to the matters contained in the order, shall advise the  
29 court of compliance and shall then seal the order.

30 **Sec. 40.** NRS 179.285 is hereby amended to read as follows:

31 179.285 Except as otherwise provided in NRS 179.301:

32 1. If the court orders a record sealed pursuant to NRS 174.034,  
33 176A.265, 176A.295, 179.245, 179.247, 179.255, 179.259,  
34 179.2595, 201.354, 453.3365 or ~~458.330;~~ *section 19 or 23 of this*  
35 *act*:

36 (a) All proceedings recounted in the record are deemed never to  
37 have occurred, and the person to whom the order pertains may  
38 properly answer accordingly to any inquiry, including, without  
39 limitation, an inquiry relating to an application for employment,  
40 concerning the arrest, conviction, dismissal or acquittal and the  
41 events and proceedings relating to the arrest, conviction, dismissal  
42 or acquittal.

43 (b) The person is immediately restored to the following civil  
44 rights if the person's civil rights previously have not been restored:

45 (1) The right to vote;



1 (2) The right to hold office; and

2 (3) The right to serve on a jury.

3 2. Upon the sealing of the person's records, a person who is  
4 restored to his or her civil rights pursuant to subsection 1 must be  
5 given:

6 (a) An official document which demonstrates that the person has  
7 been restored to the civil rights set forth in paragraph (b) of  
8 subsection 1; and

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

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

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

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

28 179.295 1. The person who is the subject of the records that  
29 are sealed pursuant to NRS 174.034, 176A.265, 176A.295, 179.245,  
30 179.247, 179.255, 179.259, 179.2595, 201.354, 453.3365 or  
31 ~~458.330~~ *section 19 or 23 of this act* may petition the court that  
32 ordered the records sealed to permit inspection of the records by a  
33 person named in the petition, and the court may order such  
34 inspection. Except as otherwise provided in this section, subsection  
35 9 of NRS 179.255 and NRS 179.259 and 179.301, the court may not  
36 order the inspection of the records under any other circumstances.

37 2. If a person has been arrested, the charges have been  
38 dismissed and the records of the arrest have been sealed, the court  
39 may order the inspection of the records by a prosecuting attorney  
40 upon a showing that as a result of newly discovered evidence, the  
41 person has been arrested for the same or a similar offense and that  
42 there is sufficient evidence reasonably to conclude that the person  
43 will stand trial for the offense.

44 3. The court may, upon the application of a prosecuting  
45 attorney or an attorney representing a defendant in a criminal action,



1 order an inspection of such records for the purpose of obtaining  
2 information relating to persons who were involved in the incident  
3 recorded.

4 4. This section does not prohibit a court from considering a  
5 ~~[conviction]~~ *proceeding* for which records have been sealed  
6 pursuant to NRS 174.034, 176A.265, 176A.295, 179.245, 179.247,  
7 179.255, 179.259, 179.2595, 201.354, 453.3365 or ~~[458.330]~~  
8 *section 19 or 23 of this act* in determining whether to grant a  
9 petition pursuant to NRS 176A.265, 176A.295, 179.245, 179.255,  
10 179.259, 179.2595, 453.3365 or ~~[458.330]~~ *section 19 or 23 of this*  
11 *act* for a conviction of another offense.

12 **Sec. 41.5.** NRS 179A.075 is hereby amended to read as  
13 follows:

14 179A.075 1. The Central Repository for Nevada Records of  
15 Criminal History is hereby created within the Records,  
16 Communications and Compliance Division of the Department.

17 2. Each agency of criminal justice and any other agency  
18 dealing with crime shall:

19 (a) Collect and maintain records, reports and compilations of  
20 statistical data required by the Department; and

21 (b) Submit the information collected to the Central Repository:

22 (1) In the manner approved by the Director of the  
23 Department; and

24 (2) In accordance with the policies, procedures and  
25 definitions of the Uniform Crime Reporting Program of the Federal  
26 Bureau of Investigation.

27 3. Each agency of criminal justice shall submit the information  
28 relating to records of criminal history that it creates, issues or  
29 collects, and any information in its possession relating to the DNA  
30 profile of a person from whom a biological specimen is obtained  
31 pursuant to NRS 176.09123 or 176.0913, to the Division. The  
32 information must be submitted to the Division:

33 (a) Through an electronic network;

34 (b) On a medium of magnetic storage; or

35 (c) In the manner prescribed by the Director of the Department,  
36 ↪ within 60 days after the date of the disposition of the case. If an  
37 agency has submitted a record regarding the arrest of a person who  
38 is later determined by the agency not to be the person who  
39 committed the particular crime, the agency shall, immediately upon  
40 making that determination, so notify the Division. The Division  
41 shall delete all references in the Central Repository relating to that  
42 particular arrest.

43 4. Each state and local law enforcement agency shall submit  
44 Uniform Crime Reports to the Central Repository:

45 (a) In the manner prescribed by the Director of the Department;



1 (b) In accordance with the policies, procedures and definitions  
2 of the Uniform Crime Reporting Program of the Federal Bureau of  
3 Investigation; and

4 (c) Within the time prescribed by the Director of the  
5 Department.

6 5. The Division shall, in the manner prescribed by the Director  
7 of the Department:

8 (a) Collect, maintain and arrange all information submitted to it  
9 relating to:

10 (1) Records of criminal history; and

11 (2) The DNA profile of a person from whom a biological  
12 specimen is obtained pursuant to NRS 176.09123 or 176.0913.

13 (b) When practicable, use a record of the personal identifying  
14 information of a subject as the basis for any records maintained  
15 regarding him or her.

16 (c) Upon request, provide the information that is contained in  
17 the Central Repository to the State Disaster Identification Team of  
18 the Division of Emergency Management of the Department.

19 (d) Upon request, provide, in paper or electronic form, the  
20 information that is contained in the Central Repository to the  
21 Committee on Domestic Violence appointed pursuant to NRS  
22 228.470 when, pursuant to NRS 228.495, the Committee is  
23 reviewing the death of the victim of a crime that constitutes  
24 domestic violence pursuant to NRS 33.018.

25 6. The Division may:

26 (a) Disseminate any information which is contained in the  
27 Central Repository to any other agency of criminal justice;

28 (b) Enter into cooperative agreements with repositories of the  
29 United States and other states to facilitate exchanges of information  
30 that may be disseminated pursuant to paragraph (a); and

31 (c) Request of and receive from the Federal Bureau of  
32 Investigation information on the background and personal history of  
33 any person whose record of fingerprints or other biometric identifier  
34 the Central Repository submits to the Federal Bureau of  
35 Investigation and:

36 (1) Who has applied to any agency of the State of Nevada or  
37 any political subdivision thereof for a license which it has the power  
38 to grant or deny;

39 (2) With whom any agency of the State of Nevada or any  
40 political subdivision thereof intends to enter into a relationship of  
41 employment or a contract for personal services;

42 (3) Who has applied to any agency of the State of Nevada or  
43 any political subdivision thereof to attend an academy for training  
44 peace officers approved by the Peace Officers' Standards and  
45 Training Commission;



1 (4) For whom such information is required or authorized to  
2 be obtained pursuant to NRS 62B.270, 62G.223, 62G.353, 424.031,  
3 432A.170, 432B.198, 433B.183, 449.123 and 449.4329; or

4 (5) About whom any agency of the State of Nevada or any  
5 political subdivision thereof is authorized by law to have accurate  
6 personal information for the protection of the agency or the persons  
7 within its jurisdiction.

8 7. To request and receive information from the Federal Bureau  
9 of Investigation concerning a person pursuant to subsection 6, the  
10 Central Repository must receive:

11 (a) The person's complete set of fingerprints for the purposes of:

12 (1) Booking the person into a city or county jail or detention  
13 facility;

14 (2) Employment;

15 (3) Contractual services; or

16 (4) Services related to occupational licensing;

17 (b) One or more of the person's fingerprints for the purposes of  
18 mobile identification by an agency of criminal justice; or

19 (c) Any other biometric identifier of the person as it may require  
20 for the purposes of:

21 (1) Arrest; or

22 (2) Criminal investigation,

23 ➤ from the agency of criminal justice or agency of the State of  
24 Nevada or any political subdivision thereof and submit the received  
25 data to the Federal Bureau of Investigation for its report.

26 8. The Central Repository shall:

27 (a) Collect and maintain records, reports and compilations of  
28 statistical data submitted by any agency pursuant to subsection 2.

29 (b) Tabulate and analyze all records, reports and compilations of  
30 statistical data received pursuant to this section.

31 (c) Disseminate to federal agencies engaged in the collection of  
32 statistical data relating to crime information which is contained in  
33 the Central Repository.

34 (d) Investigate the criminal history of any person who:

35 (1) Has applied to the Superintendent of Public Instruction  
36 for the issuance or renewal of a license;

37 (2) Has applied to a county school district, charter school or  
38 private school for employment or to serve as a volunteer; or

39 (3) Is employed by or volunteers for a county school district,  
40 charter school or private school,

41 ➤ and immediately notify the superintendent of each county school  
42 district, the governing body of each charter school and the  
43 Superintendent of Public Instruction, or the administrator of each  
44 private school, as appropriate, if the investigation of the Central  
45 Repository indicates that the person has been convicted of a



1 violation of NRS 200.508, 201.230, 453.3385 ~~§~~ or 453.339 , ~~for~~  
2 ~~453.3395,~~ or convicted of a felony or any offense involving moral  
3 turpitude.

4 (e) Upon discovery, immediately notify the superintendent of  
5 each county school district, the governing body of each charter  
6 school or the administrator of each private school, as appropriate, by  
7 providing the superintendent, governing body or administrator with  
8 a list of all persons:

9 (1) Investigated pursuant to paragraph (d); or

10 (2) Employed by or volunteering for a county school district,  
11 charter school or private school whose fingerprints were sent  
12 previously to the Central Repository for investigation,

13 ~~↳~~ who the Central Repository's records indicate have been  
14 convicted of a violation of NRS 200.508, 201.230, 453.3385 ~~§~~ or  
15 453.339 , ~~for 453.3395,~~ or convicted of a felony or any offense  
16 involving moral turpitude since the Central Repository's initial  
17 investigation. The superintendent of each county school district, the  
18 governing body of a charter school or the administrator of each  
19 private school, as applicable, shall determine whether further  
20 investigation or action by the district, charter school or private  
21 school, as applicable, is appropriate.

22 (f) Investigate the criminal history of each person who submits  
23 one or more fingerprints or other biometric identifier or has such  
24 data submitted pursuant to NRS 62B.270, 62G.223, 62G.353,  
25 424.031, 432A.170, 432B.198, 433B.183, 449.122, 449.123 or  
26 449.4329.

27 (g) On or before July 1 of each year, prepare and post on the  
28 Central Repository's Internet website an annual report containing  
29 the statistical data relating to crime received during the preceding  
30 calendar year. Additional reports may be posted to the Central  
31 Repository's Internet website throughout the year regarding specific  
32 areas of crime if they are approved by the Director of the  
33 Department.

34 (h) On or before July 1 of each year, prepare and post on the  
35 Central Repository's Internet website a report containing statistical  
36 data about domestic violence in this State.

37 (i) Identify and review the collection and processing of  
38 statistical data relating to criminal justice by any agency identified  
39 in subsection 2 and make recommendations for any necessary  
40 changes in the manner of collecting and processing statistical data  
41 by any such agency.

42 (j) Adopt regulations governing biometric identifiers and the  
43 information and data derived from biometric identifiers, including,  
44 without limitation:



1 (1) Their collection, use, safeguarding, handling, retention,  
2 storage, dissemination and destruction; and

3 (2) The methods by which a person may request the removal  
4 of his or her biometric identifiers from the Central Repository and  
5 any other agency where his or her biometric identifiers have been  
6 stored.

7 9. The Central Repository may:

8 (a) In the manner prescribed by the Director of the Department,  
9 disseminate compilations of statistical data and publish statistical  
10 reports relating to crime.

11 (b) Charge a reasonable fee for any publication or special report  
12 it distributes relating to data collected pursuant to this section. The  
13 Central Repository may not collect such a fee from an agency of  
14 criminal justice, any other agency dealing with crime which is  
15 required to submit information pursuant to subsection 2 or the State  
16 Disaster Identification Team of the Division of Emergency  
17 Management of the Department. All money collected pursuant to  
18 this paragraph must be used to pay for the cost of operating the  
19 Central Repository.

20 (c) In the manner prescribed by the Director of the Department,  
21 use electronic means to receive and disseminate information  
22 contained in the Central Repository that it is authorized to  
23 disseminate pursuant to the provisions of this chapter.

24 10. As used in this section:

25 (a) "Mobile identification" means the collection, storage,  
26 transmission, reception, search, access or processing of a biometric  
27 identifier using a handheld device.

28 (b) "Personal identifying information" means any information  
29 designed, commonly used or capable of being used, alone or in  
30 conjunction with any other information, to identify a person,  
31 including, without limitation:

32 (1) The name, driver's license number, social security  
33 number, date of birth and photograph or computer-generated image  
34 of a person; and

35 (2) A biometric identifier of a person.

36 (c) "Private school" has the meaning ascribed to it in NRS  
37 394.103.

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

39 4.075 1. In a county whose population is less than 100,000,  
40 the board of county commissioners may, in addition to any other fee  
41 required by law, impose by ordinance a filing fee of not more than  
42 \$10 to be paid on the commencement of any action or proceeding in  
43 the justice court for which a fee is required and on the filing of any  
44 answer or appearance in any such action or proceeding for which a  
45 fee is required.



1 2. On or before the fifth day of each month, in a county where  
2 a fee has been imposed pursuant to subsection 1, the justice of the  
3 peace shall account for and pay over to the county treasurer any  
4 such fees collected by the justice of the peace during the preceding  
5 month for credit to an account for programs for the prevention and  
6 treatment of the ~~[abuse]~~ *use* of alcohol and drugs in the county  
7 general fund. The money in that account must be used only to  
8 support programs for the prevention or treatment of the ~~[abuse]~~ *use*  
9 of alcohol or drugs which may include, without limitation, any  
10 program ~~[of]~~ *for the* treatment ~~[for the abuse]~~ of *drug or* alcohol ~~[or~~  
11 ~~drugs]~~ *use* established in a judicial district pursuant to ~~[NRS~~  
12 ~~453.580.]~~ *section 20 of this act.*

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

14 4.3713 1. A justice court may, on its own motion, transfer  
15 original jurisdiction of a criminal case filed with that court to  
16 another justice court or a municipal court if:

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

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

24 (c) The defendant agrees to participate in a program of  
25 treatment, including, without limitation, a program of treatment  
26 made available pursuant to NRS 176A.250, 176A.280 ~~[, 453.580]~~ or  
27 ~~[458.300.]~~ *section 20 of this act,* or to access other services located  
28 elsewhere in this State.

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

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

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

40 4.3715 1. A justice court may, on its own motion, transfer  
41 original jurisdiction of a criminal case filed with that court to a  
42 district court in this State if the defendant agrees to participate in a  
43 program of treatment, including, without limitation, a program of  
44 treatment made available pursuant to NRS 176A.250, 176A.280 ~~;~~



1 ~~453.580~~ or ~~[458.300,]~~ *section 20 of this act*, or to access other  
2 services located elsewhere in this State.

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

6 3. An order issued by a justice court which transfers a case  
7 pursuant to this section becomes effective after a notice of  
8 acceptance is returned by the district court to which the case was  
9 transferred. If a district court refuses to accept the transfer of a case  
10 pursuant to subsection 1, the case must be returned to the justice  
11 court which sought the transfer.

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

13 4.373 1. Except as otherwise provided in subsections 2 and 3,  
14 NRS 211A.127 or another specific statute, or unless the suspension  
15 of a sentence is expressly forbidden, a justice of the peace may  
16 suspend, for not more than 2 years, the sentence *or a portion*  
17 *thereof* of a person convicted of a misdemeanor. If the  
18 circumstances warrant, the justice of the peace may order as a  
19 condition of suspension, *without limitation*, that the offender:

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

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

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

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

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

28 (f) Engage or refrain from engaging in any other conduct, *or*  
29 *comply with any other condition*, deemed appropriate by the justice  
30 of the peace;

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

35 (h) Submit to periodic tests to determine whether the offender is  
36 using a controlled substance or consuming alcohol.

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

43 (a) A program of treatment for the ~~[abuse]~~ *use* of alcohol or  
44 drugs which is certified by the Division of Public and Behavioral  
45 Health of the Department of Health and Human Services;



1 (b) A program for the treatment of persons who commit  
2 domestic violence that has been certified pursuant to NRS 439.258;  
3 or

4 (c) The programs set forth in paragraphs (a) and (b),  
5 ↪ and that the person comply with any other condition of  
6 suspension ordered by the justice of the peace.

7 3. Except as otherwise provided in this subsection, if a person  
8 is convicted of a misdemeanor that constitutes solicitation for  
9 prostitution pursuant to NRS 201.354 or paragraph (b) of subsection  
10 1 of NRS 207.030, the justice of the peace may suspend the  
11 sentence for not more than 2 years upon the condition that the  
12 person:

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

17 (b) Comply with any other condition of suspension ordered by  
18 the justice of the peace.

19 ↪ The justice of the peace may not suspend the sentence of a person  
20 pursuant to this subsection if the person has previously participated  
21 in a program for the treatment of persons who solicit prostitution  
22 which is certified by the Division of Public and Behavioral Health  
23 of the Department of Health and Human Services.

24 4. The justice of the peace may order reports from a person  
25 whose sentence is suspended at such times as the justice of the  
26 peace deems appropriate concerning the compliance of the offender  
27 with the conditions of suspension. If the offender complies with the  
28 conditions of suspension to the satisfaction of the justice of the  
29 peace, the sentence may be reduced to not less than the minimum  
30 period of confinement established for the offense.

31 5. The justice of the peace may issue a warrant for the arrest of  
32 an offender who violates or fails to fulfill a condition of suspension.

33 **Sec. 46.** NRS 4.374 is hereby amended to read as follows:

34 4.374 1. As soon as possible after a defendant is arrested or  
35 cited, the justice of the peace shall attempt to determine whether the  
36 defendant is a veteran or a member of the military and, if so,  
37 whether the defendant meets the qualifications of subsection 1 of  
38 NRS 176A.280.

39 2. Before accepting a plea from a defendant or proceeding to  
40 trial, the justice of the peace shall:

41 (a) Address the defendant personally and ask the defendant if he  
42 or she is a veteran or a member of the military; and

43 (b) Determine whether the defendant meets the qualifications of  
44 subsection 1 of NRS 176A.280.



1 3. If the defendant meets the qualifications of subsection 1 of  
2 NRS 176A.280, the justice court may, if the justice court has not  
3 established a program pursuant to NRS 176A.280 and, if  
4 appropriate, take any action authorized by law for the purpose of  
5 having the defendant assigned to:

6 (a) A program of treatment established pursuant to NRS  
7 176A.280; or

8 (b) If a program of treatment established pursuant to NRS  
9 176A.280 is not available for the defendant, a program of treatment  
10 established pursuant to NRS 176A.250 or ~~453.580~~ *section 20 of*  
11 *this act*.

12 4. As used in this section:

13 (a) "Member of the military" has the meaning ascribed to it in  
14 NRS 176A.043.

15 (b) "Veteran" has the meaning ascribed to it in NRS 176A.090.

16 **Sec. 47.** NRS 5.0503 is hereby amended to read as follows:

17 5.0503 1. A municipal court may, on its own motion, transfer  
18 original jurisdiction of a criminal case filed with that court to a  
19 justice court or another municipal court if:

20 (a) The case involves criminal conduct that occurred outside the  
21 limits of the city where the court is located and the defendant has  
22 appeared before a magistrate pursuant to NRS 171.178;

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

26 (c) The defendant agrees to participate in a program of  
27 treatment, including, without limitation, a program of treatment  
28 made available pursuant to NRS 176A.250, 176A.280 ~~453.580~~ or  
29 ~~458.300~~ *section 20 of this act*, or to access other services located  
30 elsewhere in this State.

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

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

42 **Sec. 48.** NRS 5.0505 is hereby amended to read as follows:

43 5.0505 1. A municipal court may, on its own motion, transfer  
44 original jurisdiction of a criminal case filed with that court to a  
45 district court in this State if the defendant agrees to participate in a



1 program of treatment, including, without limitation, a program of  
2 treatment made available pursuant to NRS 176A.250, 176A.280 ~~f~~  
3 ~~453.580~~ or ~~[458.300,]~~ *section 20 of this act*, or to access other  
4 services located elsewhere in this State.

5 2. A municipal court may not issue an order transferring a case  
6 pursuant to this section before a plea agreement has been reached or  
7 the disposition of the case, whichever occurs first.

8 3. An order issued by a municipal court which transfers a case  
9 pursuant to this section becomes effective after a notice of  
10 acceptance is returned by the district court to which the case was  
11 transferred. If a district court refuses to accept the transfer of a case  
12 pursuant to subsection 1, the case must be returned to the municipal  
13 court which sought the transfer.

14 **Sec. 49.** NRS 5.055 is hereby amended to read as follows:

15 5.055 1. Except as otherwise provided in subsections 2 and 3,  
16 NRS 211A.127 or another specific statute, or unless the suspension  
17 of a sentence is expressly forbidden, a municipal judge may  
18 suspend, for not more than 2 years, the sentence *or a portion*  
19 *thereof* of a person convicted of a misdemeanor. If the  
20 circumstances warrant, the municipal judge may order as a  
21 condition of suspension, *without limitation*, that the offender:

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

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

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

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

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

30 (f) Engage or refrain from engaging in any other conduct, *or*  
31 *comply with any other condition*, deemed appropriate by the  
32 municipal judge;

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

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

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



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

4 (b) A program for the treatment of persons who commit  
5 domestic violence that has been certified pursuant to NRS 439.258;  
6 or

7 (c) The programs set forth in paragraphs (a) and (b),  
8 ↪ and that the person comply with any other condition of  
9 suspension ordered by the municipal judge.

10 3. Except as otherwise provided in this subsection, if a person  
11 is convicted of a misdemeanor that constitutes solicitation for  
12 prostitution pursuant to NRS 201.354 or paragraph (b) of subsection  
13 1 of NRS 207.030, the municipal judge may suspend the sentence  
14 for not more than 2 years upon the condition that the person:

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

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

21 ↪ The municipal judge may not suspend the sentence of a person  
22 pursuant to this subsection if the person has previously participated  
23 in a program for the treatment of persons who solicit prostitution  
24 which is certified by the Division of Public and Behavioral Health  
25 of the Department of Health and Human Services.

26 4. The municipal judge may order reports from a person whose  
27 sentence is suspended at such times as the municipal judge deems  
28 appropriate concerning the compliance of the offender with the  
29 conditions of suspension. If the offender complies with the  
30 conditions of suspension to the satisfaction of the municipal judge,  
31 the sentence may be reduced to not less than the minimum period of  
32 confinement established for the offense.

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

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

36 5.057 1. As soon as possible after a defendant is arrested or  
37 cited, the municipal judge shall attempt to determine whether the  
38 defendant is a veteran or a member of the military and, if so,  
39 whether the defendant meets the qualifications of subsection 1 of  
40 NRS 176A.280. Before accepting a plea from a defendant or  
41 proceeding to trial, the municipal judge shall:

42 (a) Address the defendant personally and ask the defendant if he  
43 or she is a veteran or a member of the military; and

44 (b) Determine whether the defendant meets the qualifications of  
45 subsection 1 of NRS 176A.280.



1 2. If the defendant meets the qualifications of subsection 1 of  
2 NRS 176A.280, the municipal court may, if the municipal court has  
3 not established a program pursuant to NRS 176A.280 and, if  
4 appropriate, take any action authorized by law for the purpose of  
5 having the defendant assigned to:

6 (a) A program of treatment established pursuant to NRS  
7 176A.280; or

8 (b) If a program of treatment established pursuant to NRS  
9 176A.280 is not available for the defendant, a program of treatment  
10 established pursuant to NRS 176A.250 or ~~453.580.~~ *section 20 of*  
11 *this act.*

12 3. As used in this section:

13 (a) "Member of the military" has the meaning ascribed to it in  
14 NRS 176A.043.

15 (b) "Veteran" has the meaning ascribed to it in NRS 176A.090.

16 **Sec. 51.** NRS 19.03135 is hereby amended to read as follows:

17 19.03135 1. In a county whose population is less than  
18 100,000, the board of county commissioners may, in addition to any  
19 other fee required by law, impose by ordinance a filing fee of not  
20 more than \$10 to be paid on the commencement of any civil action  
21 or proceeding in the district court for which a filing fee is required  
22 and on the filing of any answer or appearance in any such action or  
23 proceeding for which a filing fee is required, except as otherwise  
24 required pursuant to NRS 19.034.

25 2. On or before the fifth day of each month, in a county where  
26 a fee has been imposed pursuant to subsection 1, the clerk of the  
27 court shall account for and pay over to the county treasurer any such  
28 fees collected by the clerk of the court during the preceding month  
29 for credit to an account for programs for the prevention and  
30 treatment of the ~~abuse~~ *use* of alcohol and drugs in the county  
31 general fund. The money in that account must be used only to  
32 support programs for the prevention or treatment of the ~~abuse~~ *use*  
33 of alcohol or drugs which may include, without limitation, any  
34 program ~~of~~ *for* treatment ~~for the abuse~~ *of drug or* alcohol ~~for~~  
35 ~~drugs~~ *use* established in a judicial district pursuant to ~~NRS~~  
36 ~~453.580.~~ *section 20 of this act.*

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

38 193.130 1. Except when a person is convicted of a category  
39 A felony, and except as otherwise provided by specific statute, a  
40 person convicted of a felony shall be sentenced to a minimum term  
41 and a maximum term of imprisonment which must be within the  
42 limits prescribed by the applicable statute, unless the statute in force  
43 at the time of commission of the felony prescribed a different  
44 penalty. The minimum term of imprisonment that may be imposed  
45 must not exceed 40 percent of the maximum term imposed.



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

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

7 (b) A category B felony is a felony for which the minimum term  
8 of imprisonment in the state prison that may be imposed is not less  
9 than 1 year and the maximum term of imprisonment that may be  
10 imposed is not more than 20 years, as provided by specific statute.

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

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

23 (e) A category E felony is a felony for which a court shall  
24 sentence a convicted person to imprisonment in the state prison for a  
25 minimum term of not less than 1 year and a maximum term of not  
26 more than 4 years. Except as otherwise provided in paragraph (b) of  
27 subsection 1 of NRS 176A.100 ~~§~~ *or paragraph (a) of subsection 2*  
28 *of NRS 453.336*, upon sentencing a person who is found guilty of a  
29 category E felony, the court shall suspend the execution of the  
30 sentence and grant probation to the person upon such conditions as  
31 the court deems appropriate. Such conditions of probation may  
32 include, but are not limited to, requiring the person to serve a term  
33 of confinement of not more than 1 year in the county jail. In  
34 addition to any other penalty, the court may impose a fine of not  
35 more than \$5,000, unless a greater penalty is authorized or required  
36 by statute.

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

38 200.485 1. Unless a greater penalty is provided pursuant to  
39 subsection 2 or 3 or NRS 200.481, a person convicted of a battery  
40 which constitutes domestic violence pursuant to NRS 33.018:

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

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



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

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

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

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

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

16 ➔ The person shall be further punished by a fine of not less than  
17 \$500, but not more than \$1,000.

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

20 2. Unless a greater penalty is provided pursuant to subsection 3  
21 or NRS 200.481, a person convicted of a battery which constitutes  
22 domestic violence pursuant to NRS 33.018, if the battery is  
23 committed by strangulation as described in NRS 200.481, is guilty  
24 of a category C felony and shall be punished as provided in NRS  
25 193.130 and by a fine of not more than \$15,000.

26 3. Unless a greater penalty is provided pursuant to NRS  
27 200.481, a person who has been previously convicted of:

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

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

33 ➔ and who commits a battery which constitutes domestic violence  
34 pursuant to NRS 33.018 is guilty of a category B felony and shall be  
35 punished by imprisonment in the state prison for a minimum term of  
36 not less than 2 years and a maximum term of not more than 15  
37 years, and shall be further punished by a fine of not less than  
38 \$2,000, but not more than \$5,000.

39 4. In addition to any other penalty, if a person is convicted of a  
40 battery which constitutes domestic violence pursuant to NRS  
41 33.018, the court shall:

42 (a) For the first offense within 7 years, require the person to  
43 participate in weekly counseling sessions of not less than 1 1/2  
44 hours per week for not less than 6 months, ~~but not more than 12~~  
45 ~~months,]~~ at his or her expense, in a program for the treatment of



1 persons who commit domestic violence that has been certified  
2 pursuant to NRS 439.258.

3 (b) For the second offense within 7 years, require the person to  
4 participate in weekly counseling sessions of not less than 1 1/2  
5 hours per week for *not less than* 12 months, at his or her expense, in  
6 a program for the treatment of persons who commit domestic  
7 violence that has been certified pursuant to NRS 439.258.

8 ↪ If the person resides in this State but the nearest location at which  
9 counseling services are available is in another state, the court may  
10 allow the person to participate in counseling in the other state in a  
11 program for the treatment of persons who commit domestic violence  
12 that has been certified pursuant to NRS 439.258.

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

17 (a) When evidenced by a conviction; or

18 (b) If the offense is conditionally dismissed pursuant to NRS  
19 176A.290 or dismissed in connection with successful completion of  
20 a diversionary program or specialty court program,

21 ↪ without regard to the sequence of the offenses and convictions.  
22 An offense which is listed in paragraph (a) or (b) of subsection 3  
23 that occurred on any date preceding the date of the principal offense  
24 or after the principal offense constitutes a prior offense for the  
25 purposes of this section when evidenced by a conviction, without  
26 regard to the sequence of the offenses and convictions. The facts  
27 concerning a prior offense must be alleged in the complaint,  
28 indictment or information, must not be read to the jury or proved at  
29 trial but must be proved at the time of sentencing and, if the  
30 principal offense is alleged to be a felony, must also be shown at the  
31 preliminary examination or presented to the grand jury.

32 6. In addition to any other fine or penalty, the court shall order  
33 such a person to pay an administrative assessment of \$35. Any  
34 money so collected must be paid by the clerk of the court to the  
35 State Controller on or before the fifth day of each month for the  
36 preceding month for credit to the Account for Programs Related to  
37 Domestic Violence established pursuant to NRS 228.460.

38 7. In addition to any other penalty, the court may require such a  
39 person to participate, at his or her expense, in a program of  
40 treatment for the ~~abuse~~ *use* of alcohol or drugs that has been  
41 certified by the Division of Public and Behavioral Health of the  
42 Department of Health and Human Services.

43 8. If it appears from information presented to the court that a  
44 child under the age of 18 years may need counseling as a result of  
45 the commission of a battery which constitutes domestic violence



1 pursuant to NRS 33.018, the court may refer the child to an agency  
2 which provides child welfare services. If the court refers a child to  
3 an agency which provides child welfare services, the court shall  
4 require the person convicted of a battery which constitutes domestic  
5 violence pursuant to NRS 33.018 to reimburse the agency for the  
6 costs of any services provided, to the extent of the convicted  
7 person's ability to pay.

8 9. If a person is charged with committing a battery which  
9 constitutes domestic violence pursuant to NRS 33.018, a  
10 prosecuting attorney shall not dismiss such a charge in exchange for  
11 a plea of guilty, guilty but mentally ill or nolo contendere to a lesser  
12 charge or for any other reason unless the prosecuting attorney  
13 knows, or it is obvious, that the charge is not supported by probable  
14 cause or cannot be proved at the time of trial. Except as otherwise  
15 provided in this subsection, a court shall not grant probation to or  
16 suspend the sentence of such a person. A court may grant probation  
17 to or suspend the sentence of such a person:

18 (a) As set forth in NRS 4.373 and 5.055; or

19 (b) To assign the person to a program for the treatment of  
20 veterans and members of the military pursuant to NRS 176A.290 if  
21 the charge is for a first offense punishable as a misdemeanor.

22 10. In every judgment of conviction or admonishment of rights  
23 issued pursuant to this section, the court shall:

24 (a) Inform the person convicted that he or she is prohibited from  
25 owning, possessing or having under his or her custody or control  
26 any firearm pursuant to NRS 202.360; and

27 (b) Order the person convicted to permanently surrender, sell or  
28 transfer any firearm that he or she owns or that is in his or her  
29 possession or under his or her custody or control in the manner set  
30 forth in NRS 202.361.

31 11. A person who violates any provision included in a  
32 judgment of conviction or admonishment of rights issued pursuant  
33 to this section concerning the surrender, sale, transfer, ownership,  
34 possession, custody or control of a firearm is guilty of a category B  
35 felony and shall be punished by imprisonment in the state prison for  
36 a minimum term of not less than 1 year and a maximum term of not  
37 more than 6 years, and may be further punished by a fine of not  
38 more than \$5,000. The court must include in the judgment of  
39 conviction or admonishment of rights a statement that a violation of  
40 such a provision in the judgment or admonishment is a category B  
41 felony and shall be punished by imprisonment in the state prison for  
42 a minimum term of not less than 1 year and a maximum term of not  
43 more than 6 years, and may be further punished by a fine of not  
44 more than \$5,000.

45 12. As used in this section:



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

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

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

8 **Sec. 53.** (Deleted by amendment.)

9 **Sec. 54.** NRS 202.3657 is hereby amended to read as follows:

10 202.3657 1. Any person who is a resident of this State may  
11 apply to the sheriff of the county in which he or she resides for a  
12 permit on a form prescribed by regulation of the Department. Any  
13 person who is not a resident of this State may apply to the sheriff of  
14 any county in this State for a permit on a form prescribed by  
15 regulation of the Department. Application forms for permits must be  
16 furnished by the sheriff of each county upon request.

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

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

27 (a) Is:

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

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

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

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

36 (b) Is not prohibited from possessing a firearm pursuant to NRS  
37 202.360; and

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

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

43 (2) Successfully completed a course in firearm safety offered  
44 by a federal, state or local law enforcement agency, community



1 college, university or national organization that certifies instructors  
2 in firearm safety.

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

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

12 (a) Has an outstanding warrant for his or her arrest.

13 (b) Has been judicially declared incompetent or insane.

14 (c) Has been voluntarily or involuntarily admitted to a mental  
15 health facility during the immediately preceding 5 years.

16 (d) Has habitually used intoxicating liquor or a controlled  
17 substance to the extent that his or her normal faculties are impaired.  
18 For the purposes of this paragraph, it is presumed that a person has  
19 so used intoxicating liquor or a controlled substance if, during the  
20 immediately preceding 5 years, the person has : ~~been:~~

21 (1) ~~Convicted~~ *Been convicted* of violating the provisions of  
22 NRS 484C.110; or

23 (2) ~~Committed for~~ *Participated in a program of* treatment  
24 pursuant to ~~NRS 458.290~~ *sections 20* to ~~458.350;~~ *23*, inclusive  
25 ~~of this act.~~

26 (e) Has been convicted of a crime involving the use or  
27 threatened use of force or violence punishable as a misdemeanor  
28 under the laws of this or any other state, or a territory or possession  
29 of the United States at any time during the immediately preceding 3  
30 years.

31 (f) Has been convicted of a felony in this State or under the laws  
32 of any state, territory or possession of the United States.

33 (g) Has been convicted of a crime involving domestic violence  
34 or stalking, or is currently subject to a restraining order, injunction  
35 or other order for protection against domestic violence.

36 (h) Is currently on parole or probation from a conviction  
37 obtained in this State or in any other state or territory or possession  
38 of the United States.

39 (i) Has, within the immediately preceding 5 years, been subject  
40 to any requirements imposed by a court of this State or of any other  
41 state or territory or possession of the United States, as a condition to  
42 the court's:

43 (1) Withholding of the entry of judgment for a conviction of  
44 a felony; or

45 (2) Suspension of sentence for the conviction of a felony.



1 (j) Has made a false statement on any application for a permit or  
2 for the renewal of a permit.

3 (k) Has been discharged or released from service in the Armed  
4 Forces of the United States, a reserve component thereof or the  
5 National Guard under conditions other than honorable conditions  
6 and is less than 21 years of age.

7 5. The sheriff may deny an application or revoke a permit if the  
8 sheriff receives a sworn affidavit stating articulable facts based upon  
9 personal knowledge from any natural person who is 18 years of age  
10 or older that the applicant or permittee has or may have committed  
11 an offense or engaged in any other activity specified in subsection 4  
12 which would preclude the issuance of a permit to the applicant or  
13 require the revocation of a permit pursuant to this section.

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

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

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

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

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

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

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

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



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

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

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

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

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

16 205.060 1. ~~Except as otherwise provided in subsection 5, a]~~

17 A person who, by day or night, **unlawfully** enters **or unlawfully**  
18 **remains in** any ~~[house, room, apartment, tenement, shop,~~  
19 ~~warehouse, store, mill, barn, stable, outhouse or other building, tent,~~  
20 ~~vessel, vehicle, vehicle trailer, semitrailer or house trailer, airplane,~~  
21 ~~glider, boat or railroad car.] :~~

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

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

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

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

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

37 (a) **Burglary of a motor vehicle:**

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

40 (2) **For a second or subsequent offense, is guilty of a**  
41 **category D felony and shall be punished as provided in**  
42 **NRS 193.130.**

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



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

3 (d) *Residential burglary* is guilty of a category B felony and  
4 shall be punished by imprisonment in the state prison for a  
5 minimum term of not less than 1 year and a maximum term of not  
6 more than 10 years . ~~[, and may be further punished by a fine of not~~  
7 ~~more than \$10,000. A]~~

8 3. *If mitigating circumstances exist, a* person who is convicted  
9 of *residential burglary* ~~[and who] may be released on probation~~  
10 ~~and granted a suspension of sentence if the person~~ has not  
11 previously been convicted of *residential burglary* or another crime  
12 involving the ~~[foreible] unlawful~~ entry or invasion of a dwelling .  
13 ~~[must not be released on probation or granted a suspension of~~  
14 ~~sentence.~~

15 ~~—3.]~~ 4. Whenever ~~[a]~~ *any burglary pursuant to this section* is  
16 committed on a vessel, vehicle, vehicle trailer, semitrailer, house  
17 trailer, airplane, glider, boat or railroad car, in motion or in rest, in  
18 this State, and it cannot with reasonable certainty be ascertained in  
19 what county the crime was committed, the offender may be arrested  
20 and tried in any county through which the vessel, vehicle, vehicle  
21 trailer, semitrailer, house trailer, airplane, glider, boat or railroad car  
22 traveled during the time the burglary was committed.

23 ~~[4.]~~ 5. A person convicted of *any burglary pursuant to this*  
24 *section* who has in his or her possession or gains possession of any  
25 firearm or deadly weapon at any time during the commission of the  
26 crime, at any time before leaving the *dwelling*, structure ~~[ ]~~ *or motor*  
27 *vehicle* or upon leaving the *dwelling*, structure ~~[ ]~~ *or motor vehicle*,  
28 is guilty of a category B felony and shall be punished by  
29 imprisonment in the state prison for a minimum term of not less  
30 than 2 years and a maximum term of not more than 15 years, and  
31 may be further punished by a fine of not more than \$10,000.

32 ~~[5.—The crime of burglary does not include the act of entering a~~  
33 ~~commercial establishment during business hours with the intent to~~  
34 ~~commit petit larceny unless the person has previously been~~  
35 ~~convicted:~~

36 ~~—(a) Two or more times for committing petit larceny within the~~  
37 ~~immediately preceding 7 years; or~~

38 ~~—(b) Of a felony.]~~

39 6. *As used in this section:*

40 (a) *“Business structure” means any structure or building, the*  
41 *primary purpose of which is to carry on any lawful effort for a*  
42 *business, including, without limitation, any business with an*  
43 *educational, industrial, benevolent, social or political purpose,*  
44 *regardless of whether the business is operated for profit.*



1 (b) "Dwelling" means any structure, building, house, room,  
2 apartment, tenement, tent, conveyance, vessel, boat, vehicle, house  
3 trailer, travel trailer, motor home or railroad car, including,  
4 without limitation, any part thereof that is divided into a separately  
5 occupied unit:

6 (1) In which any person lives; or

7 (2) Which is customarily used by a person for overnight  
8 accommodations,

9 ↪ regardless of whether the person is inside at the time of the  
10 offense.

11 (c) "Motor vehicle" means any motorized craft or device  
12 designed for the transportation of a person or property across land  
13 or water or through the air which does not qualify as a dwelling or  
14 business structure pursuant to this section.

15 (d) "Unlawfully enters or unlawfully remains" means for a  
16 person to enter or remain in a dwelling, structure or motor vehicle  
17 or any part thereof, including, without limitation, under false  
18 pretenses, when the person is not licensed or privileged to do so.  
19 For purposes of this definition, a license or privilege to enter or  
20 remain in a part of a dwelling, structure or motor vehicle that is  
21 open to the public is not a license or privilege to enter or remain in  
22 a part of the dwelling, structure or motor vehicle that is not open  
23 to the public.

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

25 205.067 1. A person who, by day or night, forcibly enters ~~an~~  
26 ~~inhabited~~ a dwelling without permission of the owner, resident or  
27 lawful occupant, whether or not a person is present at the time of the  
28 entry, is guilty of invasion of the home.

29 2. A person convicted of invasion of the home is guilty of a  
30 category B felony and shall be punished by imprisonment in the  
31 state prison for a minimum term of not less than 1 year and a  
32 maximum term of not more than 10 years, and may be further  
33 punished by a fine of not more than \$10,000. A person who is  
34 convicted of invasion of the home and who has previously been  
35 convicted of *any* burglary *pursuant to NRS 205.060* or invasion of  
36 the home must not be released on probation or granted a suspension  
37 of sentence.

38 3. Whenever an invasion of the home is committed on a vessel,  
39 vehicle, vehicle trailer, semitrailer, house trailer, airplane, glider,  
40 boat or railroad car, in motion or in rest, in this State, and it cannot  
41 with reasonable certainty be ascertained in what county the crime  
42 was committed, the offender may be arrested and tried in any county  
43 through which the conveyance, vessel, boat, vehicle, house trailer,  
44 travel trailer, motor home or railroad car traveled during the time the  
45 invasion was committed.



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

9 5. As used in this section:

10 (a) ***“ Dwelling ” has the meaning ascribed to it in NRS 205.060.***

11 (b) “Forcibly enters” means the entry of an inhabited dwelling  
12 involving any act of physical force resulting in damage to the  
13 structure.

14 ~~“(b) “Inhabited dwelling” means any structure, building, house,~~  
15 ~~room, apartment, tenement, tent, conveyance, vessel, boat, vehicle,~~  
16 ~~house trailer, travel trailer, motor home or railroad car in which the~~  
17 ~~owner or other lawful occupant resides.]~~

18 **Sec. 57.** (Deleted by amendment.)

19 **Sec. 58.** NRS 205.0835 is hereby amended to read as follows:

20 205.0835 1. Unless a greater penalty is imposed by a specific  
21 statute and unless the provisions of NRS 205.08345 apply under the  
22 circumstances, a person who commits theft in violation of any  
23 provision of NRS 205.0821 to 205.0835, inclusive, shall be  
24 punished pursuant to the provisions of this section.

25 2. If the value of the property or services involved in the theft  
26 ~~is~~ :

27 (a) *Is* less than ~~[\$650,]~~ ***\$1,200***, the person who committed the  
28 theft is guilty of a misdemeanor.

29 ~~[3.—If the value of the property or services involved in the theft~~  
30 ~~is \$650]~~

31 (b) *Is \$1,200 or more but less than \$5,000, the person who*  
32 *committed the theft is guilty of a category D felony and shall be*  
33 *punished as provided in NRS 193.130.*

34 (c) *Is \$5,000 or more but less than* ~~[\$3,500,]~~ ***\$25,000***, the person  
35 who committed the theft is guilty of a category C felony and shall be  
36 punished as provided in NRS 193.130.

37 ~~[4.—If the value of the property or services involved in the theft~~  
38 ~~is \$3,500]~~

39 (d) *Is \$25,000 or more* ~~[;]~~ ***but less than \$100,000***, the person  
40 who committed the theft is guilty of a category B felony and shall be  
41 punished by imprisonment in the state prison for a minimum term of  
42 not less than 1 year and a maximum term of not more than 10 years,  
43 and by a fine of not more than \$10,000.

44 ~~[5.—]~~ (e) *Is \$100,000 or more, the person who committed the*  
45 *theft is guilty of a category B felony and shall be punished by*



1 *imprisonment in the state prison for a minimum term of not less*  
2 *than 1 year and a maximum term of not more than 20 years, and*  
3 *by a fine of not more than \$15,000.*

4 3. In addition to any other penalty, the court shall order the  
5 person who committed the theft to pay restitution.

6 **Sec. 59.** NRS 205.130 is hereby amended to read as follows:

7 205.130 1. Except as otherwise provided in this subsection  
8 and subsections 2 and 3, a person who willfully, with an intent to  
9 defraud, draws or passes a check or draft to obtain:

- 10 (a) Money;
- 11 (b) Delivery of other valuable property;
- 12 (c) Services;
- 13 (d) The use of property; or
- 14 (e) Credit extended by any licensed gaming establishment,

15 ↪ drawn upon any real or fictitious person, bank, firm, partnership,  
16 corporation or depository, when the person has insufficient money,  
17 property or credit with the drawee of the instrument to pay it in full  
18 upon its presentation, is guilty of a misdemeanor. If that instrument,  
19 or a series of instruments passed in the State during a period of 90  
20 days, is in the amount of ~~[\$650]~~ **\$1,200** or more, the person is guilty  
21 of a category D felony and shall be punished as provided in NRS  
22 193.130. In addition to any other penalty, the court shall order the  
23 person to pay restitution.

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

31 3. A person who willfully issues any check or draft for the  
32 payment of wages in excess of ~~[\$650,]~~ **\$1,200**, when the person  
33 knows he or she has insufficient money or credit with the drawee of  
34 the instrument to pay the instrument in full upon presentation is  
35 guilty of a gross misdemeanor.

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

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

40 205.134 1. A notice in boldface type which is clearly legible  
41 and is in substantially the following form must be posted in a  
42 conspicuous place in every principal and branch office of every  
43 bank and in every place of business in which retail selling is  
44 conducted:



1 The issuance of a check or draft without sufficient money  
2 or with intent to defraud is punishable by imprisonment in the  
3 county jail for not more than 6 months, or by a fine of not  
4 more than \$1,000, or by both fine and imprisonment, and the  
5 issuance of such a check or draft in an amount of ~~[\$650]~~  
6 **\$1,200** or more or by a person who previously has been  
7 convicted three times of this or a similar offense is punishable  
8 as a category D felony as provided in NRS 193.130.  
9

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

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

15 205.2175 As used in NRS 205.2175 to ~~[205.2707,]~~ **205.2705,**  
16 inclusive, unless the context otherwise requires, the words and terms  
17 defined in NRS 205.218 to 205.2195, inclusive, have the meanings  
18 ascribed to them in those sections.

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

21 205.2195 "Property" means:

- 22 1. Personal goods, personal property and motor vehicles;
- 23 2. Money, negotiable instruments and other items listed in  
24 NRS 205.260;
- 25 3. Livestock, domesticated animals and domesticated birds;  
26 and
- 27 4. Any other item of value, whether or not the item is listed in  
28 NRS 205.2175 to ~~[205.2707,]~~ **205.2705,** inclusive.

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

30 205.220 Except as otherwise provided in NRS 205.226 and  
31 205.228, a person commits grand larceny if the person:

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

34 (a) Personal goods or property, with a value of ~~[\$650]~~ **\$1,200** or  
35 more, owned by another person;

36 (b) Bedding, furniture or other property, with a value of ~~[\$650]~~  
37 **\$1,200** or more, which the person, as a lodger, is to use in or with  
38 his or her lodging and which is owned by another person; or

39 (c) Real property, with a value of ~~[\$650]~~ **\$1,200** or more, that  
40 the person has converted into personal property by severing it from  
41 real property owned by another person.

42 2. Uses a card or other device for automatically withdrawing or  
43 transferring money in a financial institution to obtain intentionally  
44 money to which the person knows he or she is not entitled.



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

3 (a) One or more head of livestock owned by another person; or

4 (b) One or more domesticated animals or domesticated birds,  
5 with an aggregate value of ~~[\$650]~~ \$1,200 or more, owned by  
6 another person.

7 4. With the intent to defraud, steal, appropriate or prevent  
8 identification:

9 (a) Marks or brands, causes to be marked or branded, alters or  
10 defaces a mark or brand, or causes to be altered or defaced a mark or  
11 brand upon one or more head of livestock owned by another person;

12 (b) Sells or purchases the hide or carcass of one or more head of  
13 livestock owned by another person that has had a mark or brand cut  
14 out or obliterated;

15 (c) Kills one or more head of livestock owned by another person  
16 but running at large, whether or not the livestock is marked or  
17 branded; or

18 (d) Kills one or more domesticated animals or domesticated  
19 birds, with an aggregate value of ~~[\$650]~~ \$1,200 or more, owned by  
20 another person but running at large, whether or not the animals or  
21 birds are marked or branded.

22 **Sec. 62.** NRS 205.222 is hereby amended to read as follows:

23 205.222 1. Unless a greater penalty is imposed by a specific  
24 statute, a person who commits grand larceny in violation of NRS  
25 205.220 shall be punished pursuant to the provisions of this section.

26 2. If the value of the property involved in the grand larceny  
27 ~~is~~:

28 (a) *Is less than \$5,000, the person who committed the grand*  
29 *larceny is guilty of a category D felony and shall be punished as*  
30 *provided in NRS 193.130.*

31 (b) *Is \$5,000 or more but less than ~~[\$3,500,]~~ \$25,000,* the  
32 person who committed the grand larceny is guilty of a category C  
33 felony and shall be punished as provided in NRS 193.130.

34 ~~[\$3,500]. If the value of the property involved in the grand larceny is~~  
35 ~~\$3,500]~~

36 (c) *Is \$25,000 or more ~~[\$]~~ but less than \$100,000,* the person  
37 who committed the grand larceny is guilty of a category B felony  
38 and shall be punished by imprisonment in the state prison for a  
39 minimum term of not less than 1 year and a maximum term of not  
40 more than 10 years, and by a fine of not more than \$10,000.

41 ~~[\$]~~ (d) *Is \$100,000 or more, the person who committed the*  
42 *grand larceny is guilty of a category B felony and shall be*  
43 *punished by imprisonment in the state prison for a minimum term*  
44 *of not less than 1 year and a maximum term of not more than 20*  
45 *years, and by a fine of not more than \$15,000.*



1 3. In addition to any other penalty, the court shall order the  
2 person who committed the grand larceny to pay restitution.

3 ~~[5.]~~ 4. If the grand larceny involved a sale in violation of  
4 subsection 3 or 4 of NRS 205.220, all proceeds from the sale are  
5 subject to forfeiture.

6 **Sec. 63.** NRS 205.228 is hereby amended to read as follows:

7 205.228 1. A person who intentionally steals, takes and  
8 carries away, drives away or otherwise removes a motor vehicle  
9 owned by another person commits grand larceny of a motor vehicle.

10 2. ~~[Except as otherwise provided in subsection 3, a]~~ A person  
11 who commits grand larceny of a motor vehicle is guilty of ~~[a]~~ :

12 (a) A category C felony and shall be punished as provided in  
13 NRS 193.130.

14 ~~[3. If the prosecuting attorney proves that the value of the~~  
15 ~~motor vehicle involved in the grand larceny is \$3,500 or more, the~~  
16 ~~person who committed the grand larceny of the motor vehicle is~~  
17 ~~guilty of]~~

18 (b) *For a second or subsequent offense within 5 years*, a  
19 category B felony and shall be punished by imprisonment in the  
20 state prison for a minimum term of not less than 1 year and a  
21 maximum term of not more than ~~[10]~~ 6 years, and by a fine of not  
22 more than ~~[\$10,000.~~  
23 ~~—4.] \$5,000.~~

24 3. In addition to any other penalty, the court shall order the  
25 person who committed the grand larceny of the motor vehicle to pay  
26 restitution.

27 **Sec. 64.** NRS 205.240 is hereby amended to read as follows:

28 205.240 1. Except as otherwise provided in NRS 205.220,  
29 205.226, 205.228, 475.105 and 501.3765, a person commits petit  
30 larceny if the person:

31 (a) Intentionally steals, takes and carries away, leads away or  
32 drives away:

33 (1) Personal goods or property, with a value of less than  
34 ~~[\$650,] \$1,200~~, owned by another person;

35 (2) Bedding, furniture or other property, with a value of less  
36 than ~~[\$650,] \$1,200~~, which the person, as a lodger, is to use in or  
37 with his or her lodging and which is owned by another person; or

38 (3) Real property, with a value of less than ~~[\$650,] \$1,200~~,  
39 that the person has converted into personal property by severing it  
40 from real property owned by another person.

41 (b) Intentionally steals, takes and carries away, leads away,  
42 drives away or entices away one or more domesticated animals or  
43 domesticated birds, with an aggregate value of less than ~~[\$650,]~~  
44 ~~\$1,200~~, owned by another person.



1 2. Unless a greater penalty is provided pursuant to NRS  
2 205.267, a person who commits petit larceny is guilty of a  
3 misdemeanor.

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

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

7 205.251 For the purposes of NRS 205.2175 to ~~[205.2707,]~~  
8 **205.2705**, inclusive:

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

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

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

17 205.267 1. A person who intentionally steals, takes and  
18 carries away scrap metal or utility property with a value of less than  
19 ~~[\$650]~~ **\$1,200** within a period of 90 days is guilty of a  
20 misdemeanor.

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

24 (a) ~~If the value of the scrap metal or utility property taken is~~  
25 ~~less than \$3,500, a category C felony and shall be punished as~~  
26 ~~provided in NRS 193.130; or~~

27 ~~—(b)]~~ If the value of the scrap metal or utility property taken is  
28 ~~[\$3,500]~~ **\$1,200** or more ~~[;]~~ **but less than \$5,000, a category D**  
29 **felony and shall be punished as provided in NRS 193.130.**

30 (b) **If the value of the scrap metal or utility property taken is**  
31 **\$5,000 or more but less than \$25,000, a category C felony and**  
32 **shall be punished as provided in NRS 193.130.**

33 (c) **If the value of the scrap metal or utility property taken is**  
34 **\$25,000 or more but less than \$100,000, a category B felony and**  
35 **shall be punished by imprisonment in the state prison for a**  
36 **minimum term of not less than 1 year and a maximum term of not**  
37 **more than 10 years, and by a fine of not more than \$10,000.**

38 (d) **If the value of the scrap metal or utility property taken is**  
39 **\$100,000 or more, a category B felony and shall be punished by**  
40 **imprisonment in the state prison for a minimum term of not less**  
41 **than 1 year and a maximum term of not more than 20 years, and**  
42 **by a fine of not more than \$15,000.**

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



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

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

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

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

11 5. As used in this section:

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

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

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

17 205.270 1. A person who, under circumstances not  
18 amounting to robbery, with the intent to steal or appropriate to his or  
19 her own use, takes property from the person of another, without the  
20 other person's consent, is guilty of ~~f~~:

21 ~~—(a) If the value of the property taken is less than \$3,500,] a~~  
22 ~~category C felony and shall be punished as provided in NRS~~  
23 ~~193.130. ~~f~~; or~~

24 ~~—(b) If the value of the property taken is \$3,500 or more, a~~  
25 ~~category B felony and shall be punished by imprisonment in the~~  
26 ~~state prison for a minimum term of not less than 1 year and a~~  
27 ~~maximum term of not more than 10 years, and by a fine of not more~~  
28 ~~than \$10,000.]~~

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

31 3. The court shall not grant probation to or suspend the  
32 sentence of any person convicted of violating subsection 1 if the  
33 person from whom the property was taken has any infirmity caused  
34 by age or other physical condition.

35 **Sec. 67.** (Deleted by amendment.)

36 **Sec. 68.** NRS 205.273 is hereby amended to read as follows:

37 205.273 1. A person commits an offense involving a stolen  
38 vehicle if the person:

39 (a) With the intent to procure or pass title to a motor vehicle  
40 which the person knows or has reason to believe has been stolen,  
41 receives or transfers possession of the vehicle from or to another  
42 person; or

43 (b) Has in his or her possession a motor vehicle which the  
44 person knows or has reason to believe has been stolen.



1 2. The provisions of subsection 1 do not apply to an officer of  
2 the law if the officer is engaged in the performance of his or her  
3 duty as an officer at the time of the receipt, transfer or possession of  
4 the stolen vehicle.

5 3. ~~[Except as otherwise provided in subsection 4, a]~~ A person  
6 who violates the provisions of subsection 1 is guilty of a category C  
7 felony and shall be punished as provided in NRS 193.130.

8 4. ~~[If the prosecuting attorney proves that the value of the  
9 vehicle involved is \$3,500 or more, the person who violated the  
10 provisions of subsection 1 is guilty of a category B felony and shall  
11 be punished by imprisonment in the state prison for a minimum  
12 term of not less than 1 year and a maximum term of not more than  
13 10 years, and by a fine of not more than \$10,000.~~

14 ~~—5.]~~ In addition to any other penalty, the court shall order the  
15 person to pay restitution.

16 ~~[6.—For the purposes of this section, the value of a vehicle shall  
17 be deemed to be the highest value attributable to the vehicle by any  
18 reasonable standard.]~~

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

20 205.275 1. Except as otherwise provided in NRS 501.3765, a  
21 person commits an offense involving stolen property if the person,  
22 for his or her own gain or to prevent the owner from again  
23 possessing the owner's property, buys, receives, possesses or  
24 withholds property:

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

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

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

30 (a) If the value of the property is less than ~~[\$650,]~~ **\$1,200**, is  
31 guilty of a misdemeanor;

32 (b) ***If the value of the property is \$1,200 or more but less than  
33 \$5,000, is guilty of a category D felony and shall be punished as  
34 provided in NRS 193.130;***

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

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

44 (e) ***If the value of the property is \$100,000 or more, is guilty of  
45 a category B felony and shall be punished by imprisonment in the***



1 *state prison for a minimum term of not less than 1 year and a*  
2 *maximum term of not more than 20 years, and by a fine of not*  
3 *more than \$15,000.*

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

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

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

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

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

22 **Sec. 70.** NRS 205.365 is hereby amended to read as follows:

23 205.365 A person, after once selling, bartering or disposing of  
24 any tract of land, town lot, or executing any bond or agreement for  
25 the sale of any land or town lot, who again, knowingly and  
26 fraudulently, sells, barter or disposes of the same tract of land or  
27 lot, or any part thereof, or knowingly and fraudulently executes any  
28 bond or agreement to sell, barter or dispose of the same land or lot,  
29 or any part thereof, to any other person, for a valuable consideration,  
30 shall be punished:

31 1. Where the value of the property involved is ~~[\$650]~~ **\$1,200** or  
32 more, for a category ~~C~~ **D** felony as provided in NRS 193.130. In  
33 addition to any other penalty, the court shall order the person to pay  
34 restitution.

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

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

38 205.370 A person who, by false representations of his or her  
39 own wealth, or mercantile correspondence and connections, obtains  
40 a credit thereby and defrauds any person of money, goods, chattels  
41 or any valuable thing, or if a person causes or procures another to  
42 report falsely of his or her wealth or mercantile character, and by  
43 thus imposing upon any person obtains credit and thereby  
44 fraudulently gets into the possession of goods, wares or  
45 merchandise, or other valuable thing, is a swindler, and must be



1 sentenced to return the property fraudulently obtained, if it can be  
2 done, or to pay restitution and shall be punished:

3 1. Where the amount of money or the value of the chattels,  
4 goods, wares or merchandise, or other valuable thing so obtained is  
5 ~~[\$650]~~ **\$1,200** or more, for a category ~~[C]~~ **D** felony as provided in  
6 NRS 193.130.

7 2. Otherwise, for a misdemeanor.

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

9 205.377 1. A person shall not, in the course of an enterprise  
10 or occupation, knowingly and with the intent to defraud, engage in  
11 an act, practice or course of business or employ a device, scheme or  
12 artifice which operates or would operate as a fraud or deceit upon a  
13 person by means of a false representation or omission of a material  
14 fact that:

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

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

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

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

24 2. Each act which violates subsection 1 constitutes a separate  
25 offense.

26 3. A person who violates subsection 1 is guilty of a category B  
27 felony and shall be punished by imprisonment in the state prison for  
28 a minimum term of not less than 1 year and a maximum term of not  
29 more than 20 years, and may be further punished by a fine of not  
30 more than \$10,000.

31 4. In addition to any other penalty, the court shall order a  
32 person who violates subsection 1 to pay restitution.

33 5. A violation of this section constitutes a deceptive trade  
34 practice for the purposes of NRS 598.0903 to 598.0999, inclusive.

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

37 **Sec. 73.** NRS 205.380 is hereby amended to read as follows:

38 205.380 1. A person who knowingly and designedly by any  
39 false pretense obtains from any other person any chose in action,  
40 money, goods, wares, chattels, effects or other valuable thing,  
41 including rent or the labor of another person not his or her  
42 employee, with the intent to cheat or defraud the other person, is a  
43 cheat, and, unless otherwise prescribed by law, shall be punished:

44 (a) ***If the value of the thing or labor fraudulently obtained was***  
45 ***less than \$1,200, for a misdemeanor, and must be sentenced to***



1 *restore the property fraudulently obtained if it can be done, or*  
2 *tender payment for rent or labor.*

3 (b) *If the value of the thing or labor fraudulently obtained was*  
4 *\$1,200 or more but less than \$5,000, for a category D felony as*  
5 *provided in NRS 193.130.*

6 (c) *If the value of the thing or labor fraudulently obtained was*  
7 *\$5,000 or more but less than \$25,000, for a category C felony as*  
8 *provided in NRS 193.130.*

9 (d) *If the value of the thing or labor fraudulently obtained was*  
10 ~~[\$650]~~ *\$25,000 or more [ ] but less than \$100,000, for a category B*  
11 *felony by imprisonment in the state prison for a minimum term of*  
12 *not less than 1 year and a maximum term of not more than [6] 10*  
13 *years, [or] and by a fine of not more than \$10,000 . [ , or by both*  
14 ~~*fine and imprisonment.*~~

15 (e) *If the value of the thing or labor fraudulently obtained was*  
16 *\$100,000 or more, for a category B felony by imprisonment in the*  
17 *state prison for a minimum term of not less than 1 year and a*  
18 *maximum term of not more than 20 years, and by a fine of not*  
19 *more than \$15,000.*

20 2. In addition to any other penalty [ ] *set forth in paragraph*  
21 *(b), (c), (d) or (e) of subsection 1,* the court shall order the person to  
22 pay restitution.

23 ~~[ (b) If the value of the thing or labor fraudulently obtained was~~  
24 ~~less than \$650, for a misdemeanor, and must be sentenced to restore~~  
25 ~~the property fraudulently obtained, if it can be done, or tender~~  
26 ~~payment for rent or labor.~~

27 ~~—2.]~~ 3. For the purposes of this section, it is prima facie  
28 evidence of an intent to defraud if the drawer of a check or other  
29 instrument given in payment for:

30 (a) Property which can be returned in the same condition in  
31 which it was originally received;

32 (b) Rent; or

33 (c) Labor performed in a workmanlike manner whenever a  
34 written estimate was furnished before the labor was performed and  
35 the actual cost of the labor does not exceed the estimate,

36 ↪ stops payment on that instrument and fails to return or offer to  
37 return the property in that condition, or to specify in what way the  
38 labor was deficient within 5 days after receiving notice from the  
39 payee that the instrument has not been paid by the drawee.

40 ~~[3.]~~ 4. The notice must be sent to the drawer by certified mail,  
41 return receipt requested, at the address shown on the instrument.  
42 The notice must include a statement of the penalties set forth in this  
43 section. Return of the notice because of nondelivery to the drawer  
44 raises a rebuttable presumption of the intent to defraud.



1 ~~[4.]~~ 5. A notice in boldface type clearly legible and in  
2 substantially the following form must be posted in a conspicuous  
3 place in every principal and branch office of every bank and in  
4 every place of business in which retail selling is conducted or labor  
5 is performed for the public and must be furnished in written form by  
6 a landlord to a tenant:

7  
8 The stopping of payment on a check or other instrument  
9 given in payment for property which can be returned in the  
10 same condition in which it was originally received, rent or  
11 labor which was completed in a workmanlike manner, and the  
12 failure to return or offer to return the property in that  
13 condition or to specify in what way the labor was deficient  
14 within 5 days after receiving notice of nonpayment is  
15 punishable:

16 1. *If the value of the property, rent or labor*  
17 *fraudulently obtained was less than \$1,200, as a*  
18 *misdemeanor by imprisonment in the county jail for not*  
19 *more than 6 months, or by a fine of not more than \$1,000,*  
20 *or by both fine and imprisonment.*

21 2. *If the value of the property, rent or labor*  
22 *fraudulently obtained was \$1,200 or more but less than*  
23 *\$5,000, as a category D felony by imprisonment in the state*  
24 *prison for a minimum term of not less than 1 year and a*  
25 *maximum term of not more than 4 years, or by a fine of not*  
26 *more than \$5,000, or by both fine and imprisonment.*

27 3. *If the value of the property, rent or labor*  
28 *fraudulently obtained was \$5,000 or more but less than*  
29 *\$25,000, as a category C felony by imprisonment in the state*  
30 *prison for a minimum term of not less than 1 year and a*  
31 *maximum term of not more than 5 years, or by a fine of not*  
32 *more than \$10,000, or by both fine and imprisonment.*

33 4. If the value of the property, rent or labor fraudulently  
34 obtained was ~~[\$650]~~ \$25,000 or more ~~[-]~~ *but less than*  
35 *\$100,000, as a category B felony by imprisonment in the state*  
36 *prison for a minimum term of not less than 1 year and a*  
37 *maximum term of not more than ~~[6]~~ 10 years, ~~[or]~~ and by a*  
38 *fine of not more than \$10,000 . ~~[-, or by both fine and~~*  
39 *imprisonment.*

40 ~~—2.]~~ 5. If the value of the property, rent or labor ~~[so]~~  
41 fraudulently obtained was ~~[less than \$650, as a misdemeanor]~~  
42 *\$100,000 or more, as a category B felony* by imprisonment  
43 in the ~~[county jail]~~ *state prison for a minimum term of not*  
44 ~~[more]~~ *less than ~~[6 months, or]~~ 1 year and a maximum term*



1 *of not more than 20 years, and* by a fine of not more than  
2 ~~[\$1,000, or by both fine and imprisonment.]~~ *\$15,000.*

3 **Sec. 74.** NRS 205.415 is hereby amended to read as follows:

4 205.415 A person who sells one or more tickets to any ball,  
5 benefit or entertainment, or asks or receives any subscription or  
6 promise thereof, for the benefit or pretended benefit of any person,  
7 association or order, without being authorized thereto by the person,  
8 association or order for whose benefit or pretended benefit it is  
9 done, shall be punished:

10 1. Where the amount received from such sales, subscriptions or  
11 promises totals ~~[\$650]~~ *\$1,200* or more, for a category ~~{C}~~ *D* felony  
12 as provided in NRS 193.130. In addition to any other penalty, the  
13 court shall order the person to pay restitution.

14 2. Otherwise, for a misdemeanor.

15 **Sec. 75.** NRS 205.445 is hereby amended to read as follows:

16 205.445 1. It is unlawful for a person:

17 (a) To obtain food, foodstuffs, lodging, merchandise or other  
18 accommodations at any hotel, inn, trailer park, motor court,  
19 boardinghouse, rooming house, lodging house, furnished apartment  
20 house, furnished bungalow court, furnished automobile camp, eating  
21 house, restaurant, grocery store, market or dairy, without paying  
22 therefor, with the intent to defraud the proprietor or manager  
23 thereof;

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

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

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

39 (a) Where the total value of the credit, food, foodstuffs, lodging,  
40 merchandise or other accommodations received from any one  
41 establishment is ~~[\$650]~~ *\$1,200* or more, for a category D felony as  
42 provided in NRS 193.130. In addition to any other penalty, the court  
43 shall order the person to pay restitution.

44 (b) Otherwise, for a misdemeanor.



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

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

16 **Sec. 76.** (Deleted by amendment.)

17 **Sec. 77.** (Deleted by amendment.)

18 **Sec. 78.** (Deleted by amendment.)

19 **Sec. 79.** NRS 205.520 is hereby amended to read as follows:

20 205.520 A bailee, or any officer, agent or servant of a bailee,  
21 who issues or aids in issuing a document of title, knowing that the  
22 goods covered by the document of title have not been received by  
23 him or her, or are not under his or her control at the time the  
24 document is issued, shall be punished:

25 1. Where the value of the goods purported to be covered by the  
26 document of title is ~~[\$650]~~ **\$1,200** or more, for a category D felony  
27 as provided in NRS 193.130. In addition to any other penalty, the  
28 court shall order the person to pay restitution.

29 2. Where the value is less than ~~[\$650,]~~ **\$1,200**, for a  
30 misdemeanor.

31 **Sec. 80.** NRS 205.540 is hereby amended to read as follows:

32 205.540 Except as otherwise provided in chapter 104 of NRS,  
33 a bailee, or any officer, agent or servant of a bailee, who issues or  
34 aids in issuing a duplicate or additional negotiable document of title,  
35 knowing that a former negotiable document for the same goods or  
36 any part of them is outstanding and uncanceled, shall be punished:

37 1. Where the value of the goods purported to be covered by the  
38 document of title is ~~[\$650]~~ **\$1,200** or more, for a category D felony  
39 as provided in NRS 193.130. In addition to any other penalty, the  
40 court shall order the person to pay restitution.

41 2. Where the value is less than ~~[\$650,]~~ **\$1,200**, for a  
42 misdemeanor.

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

44 205.570 A person who, with the intent to defraud, obtains a  
45 negotiable document of title for goods to which the person does not



1 have title, or which are subject to a security interest, and negotiates  
2 the document for value, without disclosing the want of title or the  
3 existence of the security interest, shall be punished:

4 1. Where the value of the goods purported to be covered by the  
5 document of title is ~~[\$650]~~ \$1,200 or more, for a category D felony  
6 as provided in NRS 193.130. In addition to any other penalty, the  
7 court shall order the person to pay restitution.

8 2. Where the value is less than ~~[\$650,]~~ \$1,200, for a  
9 misdemeanor.

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

11 205.580 A person who, with the intent to defraud, secures the  
12 issue by a bailee of a negotiable document of title, knowing at the  
13 time of issue that any or all of the goods are not in possession of  
14 the bailee, by inducing the bailee to believe that the goods are in the  
15 bailee's possession, shall be punished:

16 1. Where the value of the goods purported to be covered by the  
17 document of title is ~~[\$650]~~ \$1,200 or more, for a category D felony  
18 as provided in NRS 193.130. In addition to any other penalty, the  
19 court shall order the person to pay restitution.

20 2. Where the value is less than ~~[\$650,]~~ \$1,200, for a  
21 misdemeanor.

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

23 205.590 A person who, with the intent to defraud, negotiates or  
24 transfers for value a document of title, which by the terms thereof  
25 represents that goods are in possession of the bailee who issued the  
26 document, knowing that the bailee is not in possession of the goods  
27 or any part thereof, without disclosing this fact, shall be punished:

28 1. Where the value of the goods purported to be covered by the  
29 document of title is ~~[\$650]~~ \$1,200 or more, for a category D felony  
30 as provided in NRS 193.130. In addition to any other penalty, the  
31 court shall order the person to pay restitution.

32 2. Where the value is less than ~~[\$650,]~~ \$1,200, for a  
33 misdemeanor.

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

35 205.605 1. A person shall not:

36 (a) Use a scanning device to access, read, obtain, memorize or  
37 store, temporarily or permanently, information encoded on the  
38 magnetic strip or stripe of a payment card:

39 (1) Without the permission of the authorized user of the  
40 payment card; and

41 (2) With the intent to defraud the authorized user, the issuer  
42 of the payment card or any other person.

43 (b) Use a reencoder to place information encoded on the  
44 magnetic strip or stripe of a payment card onto the magnetic strip or  
45 stripe of a different card:



1 (1) Without the permission of the authorized user of the card  
2 from which the information is being reencoded; and

3 (2) With the intent to defraud the authorized user, the issuer  
4 of the payment card or any other person.

5 2. A person who violates any provision of this section is guilty  
6 of a category ~~[B]~~ C felony and shall be punished ~~[by imprisonment~~  
7 ~~in the state prison for a minimum term of not less than 1 year and a~~  
8 ~~maximum term of not more than 20 years, and may be further~~  
9 ~~punished by a fine of not more than \$100,000.] as provided in~~  
10 *NRS 193.130.*

11 3. In addition to any other penalty, the court shall order a  
12 person who violates any provision of this section to pay restitution,  
13 including, without limitation, any attorney's fees and costs incurred  
14 to:

15 (a) Repair the credit history or rating of each person who is a  
16 victim of the violation; and

17 (b) Satisfy a debt, lien or other obligation incurred by each  
18 person who is a victim of the violation.

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

20 205.606 1. A person shall not ~~[possess]~~ :

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

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

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

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

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

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

39 205.607 The provisions of NRS 205.601 to 205.608, inclusive,  
40 do not apply to any person who, without the intent to defraud or  
41 commit an unlawful act, *installs, affixes, accesses,* possesses or  
42 uses a scanning device or reencoder:

43 1. In the ordinary course of his or her business or employment;  
44 or



1 2. Pursuant to a financial transaction entered into with an  
2 authorized user of a payment card who has given permission for the  
3 financial transaction.

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

5 205.940 1. Any person who in renting or leasing any  
6 personal property obtains or retains possession of such personal  
7 property by means of any false or fraudulent representation,  
8 fraudulent concealment, false pretense or personation, trick, artifice  
9 or device, including, but not limited to, a false representation as to  
10 his or her name, residence, employment or operator's license, is  
11 guilty of larceny and shall be punished as provided in NRS  
12 205.2175 to ~~205.2707,~~ 205.2705, inclusive. It is a complete  
13 defense to any civil action arising out of or involving the arrest or  
14 detention of any person renting or leasing personal property that any  
15 representation made by the person in obtaining or retaining  
16 possession of the personal property is contrary to the fact.

17 2. Any person who, after renting or leasing any personal  
18 property under an agreement in writing which provides for the  
19 return of the personal property to a particular place at a particular  
20 time fails to return the personal property to such place within the  
21 time specified, and who, with the intent to defraud the lessor or to  
22 retain possession of such property without the lessor's permission,  
23 thereafter fails to return such property to any place of business of  
24 the lessor within 72 hours after a written demand for the return of  
25 such property is made upon the person by registered mail addressed  
26 to his or her address as shown in the written agreement, or in the  
27 absence of such address, to his or her last known place of residence,  
28 is guilty of larceny and shall be punished as provided in NRS  
29 205.2175 to ~~205.2707,~~ 205.2705, inclusive. The failure to return  
30 the personal property to the place specified in the agreement is  
31 prima facie evidence of an intent to defraud the lessor or to retain  
32 possession of such property without the lessor's permission. It is a  
33 complete defense to any civil action arising out of or involving the  
34 arrest or detention of any person upon whom such demand was  
35 made that the person failed to return the personal property to any  
36 place of business of the lessor within 20 days after such demand.

37 **Sec. 85.** NRS 205.950 is hereby amended to read as follows:

38 205.950 1. It is unlawful for a person to receive an advance  
39 fee, salary, deposit or money to obtain a loan for another unless the  
40 person places the advance fee, salary, deposit or money in escrow  
41 pending completion of the loan or a commitment for the loan.

42 2. Advance payments to cover reasonably estimated costs paid  
43 to third persons are excluded from the provisions of subsection 1 if  
44 the person making them first signs a written agreement which  
45 specifies the estimated costs by item and the estimated aggregate



1 cost, and which recites that money advanced for costs will not be  
2 refunded. If an itemized service is not performed and the estimated  
3 cost thereof is not refunded, the recipient of the advance payment is  
4 subject to the penalties provided in subsection 3.

5 3. A person who violates the provisions of this section:

6 (a) Is guilty of a misdemeanor if the amount is less than ~~[\$650;]~~  
7 *\$1,200; or*

8 (b) ~~Is guilty of a gross misdemeanor if the amount is \$650 or~~  
9 ~~more but less than \$1,000; or~~

10 ~~—(c) Is guilty of a category D felony if the amount is [\$1,000]~~  
11 *\$1,200* or more and shall be punished as provided in NRS 193.130.

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

13 205.980 1. A person who is convicted of violating any  
14 provision of NRS 205.060 or 205.2175 to ~~[205.2707.]~~ *205.2705,*  
15 inclusive, is civilly liable for the value of any property stolen and  
16 not recovered in its original condition. The value of the property  
17 must be determined by its retail value or fair market value at the  
18 time the crime was committed, whichever is greater.

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

22 3. The prosecutor shall notify the victim concerning the  
23 disposition of the criminal charges against the defendant within 30  
24 days after the disposition. The notice must be sent to the last known  
25 address of the victim.

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

29 5. Nothing in this section prohibits a victim from recovering  
30 additional damages from the defendant.

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

32 207.010 1. Unless the person is prosecuted pursuant to NRS  
33 207.012 or 207.014, a person convicted in this State of:

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

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



- 1 (1) For life without the possibility of parole;
- 2 (2) For life with the possibility of parole, with eligibility for
- 3 parole beginning when a minimum of 10 years has been served; or
- 4 (3) For a definite term of 25 years, with eligibility for parole
- 5 beginning when a minimum of 10 years has been served.

6 2. *Except as otherwise provided in this subsection, a previous*  
7 *or current conviction under paragraph (a), (b) or (c) of subsection*  
8 *2 of NRS 453.336 or NRS 453.411 must not be used as the basis*  
9 *for a conviction pursuant to this section. If a person is convicted*  
10 *of violating NRS 453.336 by possessing any amount of*  
11 *flunitrazepam, gamma-hydroxybutyrate or any substance for*  
12 *which flunitrazepam or gamma-hydroxybutyrate is an immediate*  
13 *precursor, his or her conviction may be used as the basis for a*  
14 *conviction pursuant to this section.*

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

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

21 207.012 1. A person who:

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

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

28 ➔ is a habitual felon and shall be punished for a category A felony  
29 by imprisonment in the state prison:

- 30 (1) For life without the possibility of parole;
- 31 (2) For life with the possibility of parole, with eligibility for
- 32 parole beginning when a minimum of 10 years has been served; or
- 33 (3) For a definite term of 25 years, with eligibility for parole
- 34 beginning when a minimum of 10 years has been served.

35 2. The district attorney shall include a count under this section  
36 in any information or shall file a notice of habitual felon if an  
37 indictment is found, if each prior conviction and the alleged offense  
38 committed by the accused constitutes a violation of subparagraph  
39 (1) of paragraph (a) of subsection 1 of NRS 193.330, NRS 199.160,  
40 199.500, 200.030, 200.310, 200.340, 200.366, 200.380, 200.390,  
41 subsection 3 or 4 of NRS 200.400, NRS 200.410, subsection 3 of  
42 NRS 200.450, subsection 5 of NRS 200.460, NRS 200.463,  
43 200.4631, 200.464, 200.465, 200.467, 200.468, subsection 1,  
44 paragraph (a) of subsection 2 or subparagraph (2) of paragraph (b)  
45 of subsection 2 of NRS 200.508, NRS 200.710, 200.720, 201.230,



1 201.450, 202.170, subsection 2 of NRS 202.780, paragraph (b) of  
2 subsection 2 of NRS 202.820, paragraph (b) of subsection 1 or  
3 subsection 2 of NRS 202.830, NRS 205.010, subsection ~~4~~ 5 of  
4 NRS 205.060, subsection 4 of NRS 205.067, NRS 205.075,  
5 207.400, paragraph (a) of subsection 1 of NRS 212.090, NRS  
6 453.3325, 453.333, 484C.130, 484C.430 or 484E.010.

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

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

10 207.203 1. Unless a greater penalty is provided pursuant to  
11 NRS 200.603, any person who commits a violation of NRS 207.200  
12 by trespassing on the premises of a licensed gaming establishment  
13 and who has previously been convicted of three violations of NRS  
14 201.354 within the immediately preceding 5 years is guilty of a  
15 misdemeanor and shall be punished by:

- 16 (a) A fine of \$1,000;  
17 (b) Imprisonment in the county jail for not more than 6 months;  
18 or  
19 (c) Both fine and imprisonment.

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

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

- 28 (a) A counseling or educational program ; or ~~in~~  
29 (b) *In* the case of a person dependent upon drugs, ~~of~~ a program  
30 of treatment and rehabilitation pursuant to ~~NRS 453.580.~~ *section*  
31 *20 of this act if the court determines that the person is eligible for*  
32 *participation in such a program.*

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

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

39 5. Except as otherwise provided in subsection 6, discharge and  
40 dismissal under this section is without adjudication of guilt and is  
41 not a conviction for purposes of this section or for purposes of  
42 employment, civil rights or any statute or regulation or license or  
43 questionnaire or for any other public or private purpose, but is a  
44 conviction for the purpose of additional penalties imposed for  
45 second or subsequent convictions or the setting of bail. Discharge



1 and dismissal restores the person discharged, in the contemplation  
2 of the law, to the status occupied before the arrest, indictment or  
3 information. The person may not be held thereafter under any law to  
4 be guilty of perjury or otherwise giving a false statement by reason  
5 of failure to recite or acknowledge that arrest, indictment,  
6 information or trial in response to an inquiry made of the person for  
7 any purpose. Discharge and dismissal under this section may only  
8 occur once with respect to any person.

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

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

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

26 **Sec. 88.5.** NRS 207.360 is hereby amended to read as follows:

27 207.360 "Crime related to racketeering" means the commission  
28 of, attempt to commit or conspiracy to commit any of the following  
29 crimes:

- 30 1. Murder;
- 31 2. Manslaughter, except vehicular manslaughter as described in  
32 NRS 484B.657;
- 33 3. Mayhem;
- 34 4. Battery which is punished as a felony;
- 35 5. Kidnapping;
- 36 6. Sexual assault;
- 37 7. Arson;
- 38 8. Robbery;
- 39 9. Taking property from another under circumstances not  
40 amounting to robbery;
- 41 10. Extortion;
- 42 11. Statutory sexual seduction;
- 43 12. Extortionate collection of debt in violation of  
44 NRS 205.322;



1 13. Forgery, including, without limitation, forgery of a credit  
2 card or debit card in violation of NRS 205.740;

3 14. Obtaining and using personal identifying information of  
4 another person in violation of NRS 205.463;

5 15. Establishing or possessing a financial forgery laboratory in  
6 violation of NRS 205.46513;

7 16. Any violation of NRS 199.280 which is punished as a  
8 felony;

9 17. Burglary;

10 18. Grand larceny;

11 19. Bribery or asking for or receiving a bribe in violation of  
12 chapter 197 or 199 of NRS which is punished as a felony;

13 20. Battery with intent to commit a crime in violation of  
14 NRS 200.400;

15 21. Assault with a deadly weapon;

16 22. Any violation of NRS 453.232, 453.316 to ~~453.3395,~~  
17 ~~453.339,~~ inclusive, ~~except a violation of NRS 453.3393,~~ or NRS  
18 453.375 to 453.401, inclusive;

19 23. Receiving or transferring a stolen vehicle;

20 24. Any violation of NRS 202.260, 202.275 or 202.350 which  
21 is punished as a felony;

22 25. Any violation of subsection 2 or 3 of NRS 463.360 or  
23 chapter 465 of NRS;

24 26. Receiving, possessing or withholding stolen goods valued  
25 at \$650 or more;

26 27. Embezzlement of money or property valued at \$650 or  
27 more;

28 28. Obtaining possession of money or property valued at \$650  
29 or more, or obtaining a signature by means of false pretenses;

30 29. Perjury or subornation of perjury;

31 30. Offering false evidence;

32 31. Any violation of NRS 201.300, 201.320 or 201.360;

33 32. Any violation of NRS 90.570, 91.230 or 686A.290, or  
34 insurance fraud pursuant to NRS 686A.291;

35 33. Any violation of NRS 205.506, 205.920 or 205.930;

36 34. Any violation of NRS 202.445 or 202.446;

37 35. Any violation of NRS 205.377;

38 36. Involuntary servitude in violation of any provision of NRS  
39 200.463 or 200.464 or a violation of any provision of NRS 200.465;  
40 or

41 37. Trafficking in persons in violation of any provision of NRS  
42 200.467 or 200.468.

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

44 209.1315 The Director may continue to develop and  
45 implement, in each institution and facility of the Department, a



1 program of facility training for the correctional staff. *Such training*  
2 *must include:*

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

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

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

10 209.341 **1.** The Director shall:

11 ~~1.~~ (a) Establish, with the approval of the Board, a system of  
12 initial classification and evaluation for offenders who are sentenced  
13 to imprisonment in the state prison. ~~1.~~ ~~and~~

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

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

23 *2. Any risk and needs assessment used by the Department*  
24 *pursuant to this section must undergo a validation study not less*  
25 *than once every 3 years. The Department shall establish quality*  
26 *assurance procedures to ensure proper and consistent scoring of*  
27 *any risk and needs assessment used pursuant to this section.*

28 **3. As used in this section:**

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

31 (b) *"Risk and needs assessment" has the meaning ascribed to*  
32 *it in NRS 213.107.*

33 **Sec. 91.** NRS 209.3925 is hereby amended to read as follows:

34 209.3925 **1.** Except as otherwise provided in subsection 6,  
35 the Director may *approve a medical release and* assign an offender  
36 to the custody of the Division of Parole and Probation of the  
37 Department of Public Safety to serve a term of residential  
38 confinement pursuant to NRS 213.380 or other appropriate  
39 supervision as determined by the Division of Parole and Probation,  
40 for not longer than the remainder of his or her sentence, if:

41 (a) The Director has reason to believe that the offender is:

42 (1) Physically incapacitated or in ill health to such a degree  
43 that the offender does not presently, and likely will not in the future,  
44 pose a threat to the safety of the public; or



1 (2) In ill health and expected to die within ~~[12]~~ 18 months,  
2 and does not presently, and likely will not in the future, pose a threat  
3 to the safety of the public; and

4 (b) At least two physicians *or nurses* licensed pursuant to  
5 chapter 630 , 632 or 633 of NRS, *as applicable*, one of whom is not  
6 employed by the Department, verify, in writing, that the offender is:

7 (1) Physically incapacitated or in ill health; or

8 (2) In ill health and expected to die within ~~[12]~~ 18 months.

9 2. *A request for medical release pursuant to this section:*

10 (a) *May be submitted to the Director by:*

11 (1) *A prison official or employee;*

12 (2) *An offender;*

13 (3) *An attorney or representative of an offender;*

14 (4) *A family member of an offender; or*

15 (5) *A medical or mental health professional.*

16 (b) *Must be in writing and articulate the grounds supporting*  
17 *the appropriateness of the medical release of the offender.*

18 3. If the Director intends to assign an offender to the custody of  
19 the Division of Parole and Probation pursuant to this section, at least  
20 45 days before the date the offender is expected to be released from  
21 the custody of the Department, the Director shall notify:

22 (a) The board of county commissioners of the county in which  
23 the offender will reside; and

24 (b) The Division of Parole and Probation.

25 ~~[3-]~~ 4. Except as otherwise provided in NRS 213.10915, if any  
26 victim of a crime committed by the offender has, pursuant to  
27 subsection 4 of NRS 213.131, requested to be notified of the  
28 consideration of a prisoner for parole and has provided a current  
29 address, the Division of Parole and Probation shall notify the victim  
30 that:

31 (a) The Director intends to assign the offender to the custody of  
32 the Division of Parole and Probation pursuant to this section; and

33 (b) The victim may submit documents to the Division of Parole  
34 and Probation regarding such an assignment.

35 ➤ If a current address has not been provided by a victim as required  
36 by subsection 4 of NRS 213.131, the Division of Parole and  
37 Probation must not be held responsible if notification is not received  
38 by the victim. All personal information, including, but not limited  
39 to, a current or former address, which pertains to a victim and which  
40 is received by the Division of Parole and Probation pursuant to this  
41 subsection is confidential.

42 ~~[4-]~~ 5. If an offender assigned to the custody of the Division of  
43 Parole and Probation pursuant to this section escapes or violates any  
44 of the terms or conditions of his or her residential confinement or



1 other appropriate supervision as determined by the Division of  
2 Parole and Probation:

3 (a) The Division of Parole and Probation may, pursuant to the  
4 procedure set forth in NRS 213.410, return the offender to the  
5 custody of the Department.

6 (b) The offender forfeits all or part of the credits for good  
7 behavior earned by the offender before the escape or violation, as  
8 determined by the Director. The Director may provide for a  
9 forfeiture of credits pursuant to this paragraph only after proof of the  
10 offense and notice to the offender and may restore credits forfeited  
11 for such reasons as the Director considers proper. The decision of  
12 the Director regarding such a forfeiture is final.

13 ~~15.1~~ 6. The assignment of an offender to the custody of the  
14 Division of Parole and Probation pursuant to this section shall be  
15 deemed:

16 (a) A continuation of the offender's imprisonment and not a  
17 release on parole; and

18 (b) For the purposes of NRS 209.341, an assignment to a facility  
19 of the Department,

20 ↪ except that the offender is not entitled to obtain any benefits or to  
21 participate in any programs provided to offenders in the custody of  
22 the Department.

23 ~~16.1~~ 7. The Director may not assign an offender to the custody  
24 of the Division of Parole and Probation pursuant to this section if  
25 the offender is sentenced to death or imprisonment for life without  
26 the possibility of parole.

27 ~~17.1~~ 8. An offender does not have a right to be assigned to the  
28 custody of the Division of Parole and Probation pursuant to this  
29 section, or to remain in that custody after such an assignment, and it  
30 is not intended that the provisions of this section or of NRS 213.371  
31 to 213.410, inclusive, create any right or interest in liberty or  
32 property or establish a basis for any cause of action against the  
33 State, its political subdivisions, agencies, boards, commissions,  
34 departments, officers or employees.

35 ~~18.1~~ 9. The Division of Parole and Probation may receive and  
36 distribute restitution paid by an offender assigned to the custody of  
37 the Division of Parole and Probation pursuant to this section.

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

39 209.511 1. Before an offender is released from prison by  
40 expiration of his or her term of sentence, by pardon or parole, the  
41 Director may provide mediation services to the offender and the  
42 family members and friends of the offender who provide emotional,  
43 psychological and financial support to the offender.

44 2. Not later than 3 months before an offender is projected to be  
45 released from prison by expiration of his or her term of sentence, by



1 pardon or parole, the Director may, if space is available, provide an  
2 eligible offender with one or more evidence-based or promising  
3 practice reentry programs to obtain employment, including, without  
4 limitation, any programs which may provide bonding for an  
5 offender entering the workplace and any organizations which may  
6 provide employment or bonding assistance to such a person.

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

10 (a) May furnish the offender with a sum of money not to exceed  
11 \$100, the amount to be based upon the offender's economic need as  
12 determined by the Director;

13 (b) Shall give the offender notice of the provisions of chapter  
14 179C of NRS and NRS 202.357 and 202.360;

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

17 (d) Shall give the offender notice of the provisions of NRS  
18 179.245 and the provisions of NRS 213.090, 213.155 or 213.157, as  
19 applicable;

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

24 (1) Requests a photo identification card; ~~or~~

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

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

30 (f) ~~May~~ **Shall** provide the offender with clothing suitable for  
31 reentering society;

32 (g) ~~May~~ **Shall** provide the offender with the cost of  
33 transportation to his or her place of residence anywhere within the  
34 continental United States, or to the place of his or her conviction;

35 (h) ~~May, but is not required to,~~ **If appropriate, shall** release  
36 the offender to a facility for transitional living for released offenders  
37 that is licensed pursuant to chapter 449 of NRS; ~~and~~

38 (i) Shall require the offender to submit to at least one test for  
39 exposure to the human immunodeficiency virus ~~;~~;

40 **(j) If the offender is eligible for Medicaid or Medicare, shall**  
41 **complete enrollment application paperwork for the offender; and**

42 **(k) If the offender was receiving a prescribed medication while**  
43 **in custody, shall ensure that the offender is provided with a 30-day**  
44 **supply of any such prescribed medication.**



1 4. The Director shall not provide an offender with a photo  
2 identification card pursuant to paragraph (e) of subsection 3 unless  
3 *the photo identification card clearly indicates whether* the Director  
4 ~~has~~:

5 (a) *Has* verified the full legal name and age of the offender by  
6 obtaining an original or certified copy of the documents required by  
7 the Department of Motor Vehicles pursuant to NRS 483.290 or  
8 483.860, as applicable, furnished as proof of the full legal name and  
9 age of an applicant for a driver's license or identification card ~~is~~ ;  
10 *or*

11 (b) *Has not verified the full legal name and age of the offender*  
12 *pursuant to paragraph (a).*

13 5. The costs authorized *or required* in paragraphs (a), (e), (f),  
14 (g) , ~~and~~ (i) *and (k)* of subsection 3 must be paid out of the  
15 appropriate account within the State General Fund for the use of the  
16 Department as other claims against the State are paid to the extent  
17 that the costs have not been paid in accordance with subsection 5 of  
18 NRS 209.221 and NRS 209.246.

19 6. The Director is encouraged to work with the Nevada  
20 Community Re-Entry Task Force established by the Governor  
21 pursuant to executive order, or its successor body, if any, to align  
22 statewide strategies for the reentry of offenders into the community  
23 and the implementation of those strategies.

24 7. As used in this section:

25 (a) "Eligible offender" means an offender who is:

26 (1) Determined to be eligible for reentry programming based  
27 on the Nevada Risk Assessment Services instrument, or its  
28 successor risk assessment tool; and

29 (2) Enrolled in:

30 (I) Programming services under a reentry program at a  
31 correctional facility which has staff designated to provide the  
32 services; or

33 (II) A community-based program to assist offenders to  
34 reenter the community.

35 (b) "Facility for transitional living for released offenders" has  
36 the meaning ascribed to it in NRS 449.0055.

37 (c) "Photo identification card" means a document which  
38 includes the name, date of birth and a color picture of the offender.

39 (d) "Promising practice reentry program" means a reentry  
40 program that has strong quantitative and qualitative data showing  
41 positive outcomes, but does not have sufficient research or  
42 replication to support recognition as an evidence-based practice.



1 **Sec. 93.** Chapter 213 of NRS is hereby amended by adding  
2 thereto the provisions set forth as sections 93.3 and 93.7 of this act.

3 **Sec. 93.3. 1. Notwithstanding any other provision of law,**  
4 **the Board may grant geriatric parole to a prisoner if he or she:**

5 (a) *Has not been convicted of:*

6 (1) *A crime of violence;*

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

8 (3) *A sexual offense as defined in NRS 179D.097;*

9 (4) *Vehicular homicide pursuant to NRS 484C.130; or*

10 (5) *A violation of NRS 484C.430;*

11 (b) *Has not been found to be a habitual criminal pursuant to*  
12 *NRS 207.010;*

13 (c) *Is not serving a sentence of life imprisonment without the*  
14 *possibility of parole and has not been sentenced to death;*

15 (d) *Does not pose a significant and articulable risk to public*  
16 *safety; and*

17 (e) *Is 65 years of age or older and has served at least a*  
18 *majority of the maximum term or maximum aggregate term, as*  
19 *applicable, of his or her sentence.*

20 2. *Consideration for geriatric parole may be initiated by the*  
21 *submission of a written application and supporting documentation*  
22 *to the Board, including, without limitation, relevant medical*  
23 *records, plans for parole, program participation records,*  
24 *institutional records, documents concerning eligibility for*  
25 *Medicaid or Medicare and any other relevant documents, from:*

26 (a) *A prison official or employee;*

27 (b) *A prisoner;*

28 (c) *An attorney or representative of a prisoner;*

29 (d) *A family member of a prisoner; or*

30 (e) *A medical or mental health professional.*

31 3. *Not later than 15 days after receipt of an application*  
32 *submitted pursuant to subsection 2, the Board shall notify the*  
33 *Department of the application and request verification of the*  
34 *prisoner's age and the length of time the prisoner has spent in*  
35 *the custody of the Department.*

36 4. *Upon receipt of a request from the Board submitted*  
37 *pursuant to subsection 3, if the Department determines that the*  
38 *prisoner:*

39 (a) *Meets the criteria set forth in subsection 1, the Department*  
40 *shall:*

41 (1) *Notify the Board of the prisoner's eligibility for*  
42 *consideration of geriatric parole;*

43 (2) *Place the prisoner on the next available list of persons*  
44 *eligible for parole pursuant to NRS 209.254; and*



1           (3) Provide to the Board a report prepared in accordance  
2 with paragraph (c) of subsection 1 of NRS 213.131.

3           (b) Does not meet the criteria set forth in subsection 1, the  
4 Department shall notify the Board and explain the reasons for  
5 such a determination.

6           5. Upon receipt of the list prepared pursuant to NRS 209.254,  
7 the Board shall, after sending copies of the list to all law  
8 enforcement agencies in this State and other appropriate persons  
9 in accordance with subsection 5 of NRS 213.1085, schedule a  
10 hearing to consider the geriatric parole of an eligible prisoner  
11 whose name appears on the list.

12           6. Except as otherwise provided in subsection 7, the Board  
13 shall schedule and conduct the geriatric parole hearing of a  
14 prisoner in the same general manner in which other prisoners are  
15 considered for parole. The Board shall notify the prisoner and the  
16 person submitting the application pursuant to subsection 2 of the  
17 date, time and location of the geriatric parole hearing.

18           7. When determining whether to grant geriatric parole to a  
19 prisoner, the Board must consider:

20           (a) The prisoner's:

21               (1) Age;

22               (2) Behavior while in custody; and

23               (3) Potential for violence;

24           (b) The reported severity of any illness, disease or infirmity of  
25 the prisoner; and

26           (c) Any available alternatives for maintaining geriatric  
27 inmates or inmates who have a medical condition in traditional  
28 settings.

29           8. The Board shall notify a prisoner of the Board's decision  
30 as to whether to grant geriatric parole in accordance with  
31 subsection 11 of NRS 213.131.

32           9. At the time of the release of a prisoner on geriatric parole,  
33 the Board shall prescribe the terms and conditions of the geriatric  
34 parole.

35           10. A person who is granted geriatric parole pursuant to this  
36 section is under the supervision of the Division. The Division is  
37 responsible for supervising the person's compliance with the terms  
38 and conditions prescribed by the Board.

39           11. Except as otherwise provided in this subsection, the  
40 Board shall not take any action on an application submitted  
41 pursuant to subsection 2 if the prisoner to whom the application  
42 pertains was previously denied geriatric parole and less than 24  
43 months have elapsed since the most recent denial. The Board may  
44 take action on such an application if a shorter period has been



1 *prescribed by the Board or a request is made by the Director of the*  
2 *Department because of the adverse health of the prisoner.*

3 *12. The provisions of this section are not intended to replace*  
4 *the provisions relating to the general eligibility and consideration*  
5 *of parole provided in NRS 213.1099 and 213.1215.*

6 *13. The Board shall adopt any regulations necessary to carry*  
7 *out the provisions of this section.*

8 *14. As used in this section, "Department" means the*  
9 *Department of Corrections.*

10 **Sec. 93.7.** *1. Notwithstanding any other provision of law,*  
11 *and except as otherwise provided in subsection 3, the Division*  
12 *shall recommend the early discharge of a person from parole to*  
13 *the Board if a parolee:*

14 *(a) Has served at least 12 calendar months on parole*  
15 *supervision in the community and is projected to have not more*  
16 *than 12 calendar months of community supervision remaining to*  
17 *serve on any sentence;*

18 *(b) Has not violated any condition of parole during the*  
19 *immediately preceding 12 months;*

20 *(c) Is current with any fee to defray the costs of his or her*  
21 *supervision charged by the Division pursuant to NRS 213.1076;*

22 *(d) Has paid restitution in full or, because of economic*  
23 *hardship that is verified by the Division, has been unable to make*  
24 *restitution as ordered by the court; and*

25 *(e) Has completed any program of substance use treatment or*  
26 *mental health treatment or a specialty court program as mandated*  
27 *by the Board.*

28 *2. The Board may award credits in an amount equal to the*  
29 *time remaining on any sentence to reduce the sentence to time*  
30 *served.*

31 *3. The provisions of this section do not apply to any person*  
32 *who is sentenced to lifetime supervision pursuant to*  
33 *NRS 176.0931.*

34 *4. The Board may adopt any regulations necessary to carry*  
35 *out the provisions of this section.*

36 **Sec. 94.** NRS 213.107 is hereby amended to read as follows:

37 213.107 As used in NRS 213.107 to 213.157, inclusive, *and*  
38 *sections 93.3 and 93.7 of this act*, unless the context otherwise  
39 requires:

- 40 1. "Board" means the State Board of Parole Commissioners.  
41 2. "Chief" means the Chief Parole and Probation Officer.  
42 3. "Division" means the Division of Parole and Probation of  
43 the Department of Public Safety.



1 4. "Residential confinement" means the confinement of a  
2 person convicted of a crime to his or her place of residence under  
3 the terms and conditions established by the Board.

4 5. *"Responsivity factors" means characteristics of a person*  
5 *that affect his or her ability to respond favorably or unfavorably to*  
6 *any treatment goals.*

7 6. *"Risk and needs assessment" means a validated,*  
8 *standardized actuarial tool that identifies risk factors that increase*  
9 *the likelihood of a person reoffending and factors that, when*  
10 *properly addressed, can reduce the likelihood of a person*  
11 *reoffending.*

12 7. "Sex offender" means any person who has been or is  
13 convicted of a sexual offense.

14 ~~[6.]~~ 8. "Sexual offense" means:

15 (a) A violation of NRS 200.366, subsection 4 of NRS 200.400,  
16 NRS 200.710, 200.720, subsection 2 of NRS 200.730, NRS  
17 201.180, 201.230, 201.450, 201.540 or 201.550 or paragraph (a) or  
18 (b) of subsection 4 or paragraph (a) or (b) of subsection 5 of  
19 NRS 201.560;

20 (b) An attempt to commit any offense listed in paragraph (a); or

21 (c) An act of murder in the first or second degree, kidnapping in  
22 the first or second degree, false imprisonment, burglary or invasion  
23 of the home if the act is determined to be sexually motivated at a  
24 hearing conducted pursuant to NRS 175.547.

25 ~~[7.]~~ 9. "Standards" means the objective standards for granting  
26 or revoking parole or probation which are adopted by the Board or  
27 the Chief.

28 **Sec. 95.** NRS 213.1078 is hereby amended to read as follows:

29 213.1078 1. Except as otherwise provided in ~~[subsection 2,]~~  
30 *subsections 3 and 5*, the Division shall *administer a risk and needs*  
31 *assessment to each probationer and parolee under the Division's*  
32 *supervision. The results of the risk and needs assessment must be*  
33 *used to set a level of supervision for each probationer ~~[. At]~~ and*  
34 *parolee and to develop individualized case plans pursuant to*  
35 *subsection 6. The risk and needs assessment must be administered*  
36 *and scored by a person trained in the administration of the tool.*

37 2. *Except as otherwise provided in subsection 3, ~~[least once~~*  
38 *every 6 months.] on a schedule determined by the Nevada Risk*  
39 *Assessment System, or its successor risk assessment tool, or more*  
40 *often if necessary, the Division shall ~~[review the probationer's level~~*  
41 *of supervision] administer a subsequent risk and needs assessment*  
42 *to each probationer. The results of the risk and needs assessment*  
43 *conducted in accordance with this section must be used to*  
44 determine whether a change in the level of supervision is necessary.  
45 The Division shall ~~[specify in each review]~~ *document* the reasons



1 for maintaining or changing the level of supervision. If the Division  
2 changes the level of supervision, the Division shall notify the  
3 probationer of the change.

4 ~~[2.]~~ 3. The provisions of ~~[subsection]~~ *subsections 1 and 2* are  
5 not applicable if:

6 (a) The level of supervision for the probationer is set by the  
7 court or by law; or

8 (b) The probationer is ordered to participate in a program of  
9 probation secured by a security bond pursuant to NRS 176A.300 to  
10 176A.370, inclusive.

11 ~~[3.]~~ 4. Except as otherwise provided in subsection ~~[4.]~~ 5, ~~[at~~  
12 ~~least once every 6 months,]~~ *on a schedule determined by the*  
13 *Nevada Risk Assessment System, or its successor risk assessment*  
14 *tool, or more often if necessary, the Division shall* ~~[review a~~  
15 ~~parolee's level of supervision]~~ *administer a subsequent risk and*  
16 *needs assessment to each parolee. The results of the risk and*  
17 *needs assessment conducted in accordance with this subsection*  
18 *must be used* to determine whether a change in the level of  
19 supervision is necessary. The Division shall ~~[specify in each review]~~  
20 *document* the reasons for maintaining or changing the level of  
21 supervision. If the Division changes the level of supervision, the  
22 Division shall notify the parolee of the change.

23 ~~[4.]~~ 5. The provisions of ~~[subsection 3]~~ *subsections 1 and 4*  
24 are not applicable if the level of supervision for the parolee is set by  
25 the Board or by law.

26 *6. The Division shall develop an individualized case plan for*  
27 *each probationer and parolee. The case plan must include a plan*  
28 *for addressing the criminogenic risk factors identified on the risk*  
29 *and needs assessment, if applicable, and the list of responsivity*  
30 *factors that will need to be considered and addressed for each*  
31 *probationer or parolee.*

32 *7. Upon a finding that a term or condition of probation*  
33 *ordered pursuant to subsection 1 of NRS 176A.400 or the level of*  
34 *supervision set pursuant to this section does not align with the*  
35 *results of a risk and needs assessment administered pursuant to*  
36 *subsection 1 or 2, the supervising officer shall seek a modification*  
37 *of the terms and conditions from the court pursuant to subsection*  
38 *1 of NRS 176A.450.*

39 *8. Upon a finding that a condition of parole or the level of*  
40 *parole supervision set pursuant to this section does not align with*  
41 *the results of a risk and needs assessment administered pursuant*  
42 *to subsection 1 or 4, the supervising officer shall submit a request*  
43 *to the Board to modify the condition or level of supervision set by*  
44 *the Board. The Division shall provide written notification to the*  
45 *parolee of any modification.*



1 **9. The risk and needs assessment required under this section**  
2 **must undergo periodic validation studies in accordance with the**  
3 **timeline established by the developer of the assessment. The**  
4 **Division shall establish quality assurance procedures to ensure**  
5 **proper and consistent scoring of the risk and needs assessment.**

6 **Sec. 96.** NRS 213.1095 is hereby amended to read as follows:  
7 213.1095 The Chief Parole and Probation Officer:

8 1. Is responsible for and shall supervise the fiscal affairs and  
9 responsibilities of the Division.

10 2. May establish, consolidate and abolish sections within the  
11 Division.

12 3. May establish, consolidate and abolish districts within the  
13 State to which assistant parole and probation officers are assigned.

14 4. Shall appoint the necessary supervisory personnel and other  
15 assistants and employees as may be necessary for the efficient  
16 discharge of the responsibilities of the Division.

17 5. Is responsible for such reports of investigation and  
18 supervision and other reports as may be requested by the Board or  
19 courts.

20 6. Shall direct the work of all assistants and employees  
21 assigned to him or her.

22 7. Shall formulate methods of investigation, supervision,  
23 recordkeeping and reporting.

24 8. Shall develop policies of parole and probation after  
25 considering other acceptable and recognized correctional programs  
26 and conduct training courses for the staff. **Such training courses**  
27 **must include:**

28 **(a) Training in evidence-based practices, including, without**  
29 **limitation, principles of effective intervention, effective case**  
30 **management and effective practices in community supervision**  
31 **settings; and**

32 **(b) Courses on interacting with victims of domestic violence**  
33 **and trauma and people with behavioral health needs and both**  
34 **physical and intellectual disabilities.**

35 9. Shall furnish to each person released under his or her  
36 supervision a written statement of the conditions of parole or  
37 probation, instruct any parolee or probationer regarding those  
38 conditions, and advise the Board or the court of any violation of the  
39 conditions of parole and probation.

40 10. At the close of each biennium, shall submit to the Governor  
41 and the Board a report, with statistical and other data, of his or her  
42 work.



1       **Sec. 97.** NRS 213.1215 is hereby amended to read as follows:  
2       213.1215 1. Except as otherwise provided in this section and  
3 in cases where a consecutive sentence is still to be served, if a  
4 prisoner sentenced to imprisonment for a term of 3 years or more:

5       (a) Has not been released on parole previously for that sentence;  
6 and

7       (b) Is not otherwise ineligible for parole,  
8       ↳ the prisoner must be released on parole 12 months before the end  
9 of his or her maximum term or maximum aggregate term, as  
10 applicable, as reduced by any credits the prisoner has earned to  
11 reduce his or her sentence pursuant to chapter 209 of NRS.

12       2. Except as otherwise provided in this section, a prisoner who  
13 was sentenced to life imprisonment with the possibility of parole  
14 and who was less than 16 years of age at the time that the prisoner  
15 committed the offense for which the prisoner was imprisoned must,  
16 if the prisoner still has a consecutive sentence to be served, be  
17 granted parole from his or her current term of imprisonment to his  
18 or her subsequent term of imprisonment or must, if the prisoner does  
19 not still have a consecutive sentence to be served, be released on  
20 parole, if:

21       (a) The prisoner has served the minimum term or the minimum  
22 aggregate term of imprisonment imposed by the court, as applicable;

23       (b) The prisoner has completed a program of general education  
24 or an industrial or vocational training program;

25       (c) The prisoner has not been identified as a member of a group  
26 that poses a security threat pursuant to the procedures for identifying  
27 security threats established by the Department of Corrections; and

28       (d) The prisoner has not, within the immediately preceding 24  
29 months:

30       (1) Committed a major violation of the regulations of the  
31 Department of Corrections; or

32       (2) Been housed in disciplinary segregation.

33       3. If a prisoner who meets the criteria set forth in subsection 2  
34 is determined to be a high risk to reoffend in a sexual manner  
35 pursuant to NRS 213.1214, the Board is not required to release the  
36 prisoner on parole pursuant to this section. If the prisoner is not  
37 granted parole, a rehearing date must be scheduled pursuant to  
38 NRS 213.142.

39       4. The Board shall prescribe any conditions necessary for the  
40 orderly conduct of the parolee upon his or her release.

41       5. Each parolee so released must be supervised closely by the  
42 Division, in accordance with the plan for supervision developed by  
43 the Chief pursuant to NRS 213.122.

44       6. *If a prisoner meets the criteria set forth in subsection 1 and*  
45 *there are no current requests for notification of hearings made in*



1 *accordance with subsection 4 of NRS 213.131 or, if the Board is*  
2 *not required to provide notification of hearings pursuant to NRS*  
3 *213.10915, the Board has not been notified by the automated*  
4 *victim notification system that a victim of the prisoner has*  
5 *registered with the system to receive notification of hearings, the*  
6 *Board may grant parole to the prisoner without a meeting.* If the  
7 Board finds that there is a reasonable probability that a prisoner  
8 considered for release on parole pursuant to subsection 1 will be a  
9 danger to public safety while on parole, the Board may require the  
10 prisoner to serve the balance of his or her sentence and not grant the  
11 parole. If, pursuant to this subsection, the Board does not grant  
12 the parole provided for in subsection 1, the Board shall provide to  
13 the prisoner a written statement of its reasons for denying parole.

14 7. If the Board finds that there is a reasonable probability that a  
15 prisoner considered for release on parole pursuant to subsection 2  
16 will be a danger to public safety while on parole, the Board is not  
17 required to grant the parole and shall schedule a rehearing pursuant  
18 to NRS 213.142. Except as otherwise provided in subsection 3 of  
19 NRS 213.1519, if a prisoner is not granted parole pursuant to this  
20 subsection, the criteria set forth in subsection 2 must be applied at  
21 each subsequent hearing until the prisoner is granted parole or  
22 expires his or her sentence. If, pursuant to this subsection, the Board  
23 does not grant the parole provided for in subsection 2, the Board  
24 shall provide to the prisoner a written statement of its reasons for  
25 denying parole, along with specific recommendations of the Board,  
26 if any, to improve the possibility of granting parole the next time the  
27 prisoner may be considered for parole.

28 8. If the prisoner is the subject of a lawful request from another  
29 law enforcement agency that the prisoner be held or detained for  
30 release to that agency, the prisoner must not be released on parole,  
31 but released to that agency.

32 9. If the Division has not completed its establishment of a  
33 program for the prisoner's activities during his or her parole  
34 pursuant to this section, the prisoner must be released on parole as  
35 soon as practicable after the prisoner's program is established.

36 10. For the purposes of this section, the determination of the  
37 12-month period before the end of a prisoner's term must be  
38 calculated without consideration of any credits the prisoner may  
39 have earned to reduce his or her sentence had the prisoner not been  
40 paroled.

41 **Sec. 98.** NRS 213.131 is hereby amended to read as follows:

42 213.131 1. The Department of Corrections shall:

43 (a) Determine when a prisoner sentenced to imprisonment in the  
44 state prison is eligible to be considered for parole;



1 (b) Notify the Board of the eligibility of the prisoner to be  
2 considered for parole; and

3 (c) Before a meeting to consider the prisoner for parole, compile  
4 and provide to the Board data that will assist the Board in  
5 determining whether parole should be granted.

6 2. If a prisoner is being considered for parole from a sentence  
7 imposed for conviction of a crime which involved the use of force  
8 or violence against a victim and which resulted in bodily harm to a  
9 victim and if original or duplicate photographs that depict the  
10 injuries of the victim or the scene of the crime were admitted at the  
11 trial of the prisoner or were part of the report of the presentence  
12 investigation and are reasonably available, a representative sample  
13 of such photographs must be included with the information  
14 submitted to the Board at the meeting. A prisoner may not bring a  
15 cause of action against the State of Nevada, its political  
16 subdivisions, agencies, boards, commissions, departments, officers  
17 or employees for any action that is taken pursuant to this subsection  
18 or for failing to take any action pursuant to this subsection,  
19 including, without limitation, failing to include photographs or  
20 including only certain photographs. As used in this subsection,  
21 "photograph" includes any video, digital or other photographic  
22 image.

23 3. Meetings to consider prisoners for parole may be held  
24 semiannually or more often, on such dates as may be fixed by the  
25 Board. All meetings are quasi-judicial and must be open to the  
26 public. No rights other than those conferred pursuant to this section  
27 or pursuant to specific statute concerning meetings to consider  
28 prisoners for parole are available to any person with respect to such  
29 meetings.

30 4. Except as otherwise provided in NRS 213.10915, not later  
31 than 5 days after the date on which the Board fixes the date of the  
32 meeting to consider a prisoner for parole, the Board shall notify the  
33 victim of the prisoner who is being considered for parole of the date  
34 of the meeting and of the victim's rights pursuant to this subsection,  
35 if the victim has requested notification in writing and has provided  
36 his or her current address or if the victim's current address is  
37 otherwise known by the Board. The victim of a prisoner being  
38 considered for parole may submit documents to the Board and may  
39 testify at the meeting held to consider the prisoner for parole. A  
40 prisoner must not be considered for parole until the Board has  
41 notified any victim of his or her rights pursuant to this subsection  
42 and the victim is given the opportunity to exercise those rights. If a  
43 current address is not provided to or otherwise known by the Board,  
44 the Board must not be held responsible if such notification is not  
45 received by the victim.



1 5. The Board may deliberate in private after a public meeting  
2 held to consider a prisoner for parole.

3 6. The Board of State Prison Commissioners shall provide  
4 suitable and convenient rooms or space for use of the State Board of  
5 Parole Commissioners.

6 7. Except as otherwise provided in NRS 213.10915, if a victim  
7 is notified of a meeting to consider a prisoner for parole pursuant to  
8 subsection 4, the Board shall, upon making a final decision  
9 concerning the parole of the prisoner, notify the victim of its final  
10 decision.

11 8. All personal information, including, but not limited to, a  
12 current or former address, which pertains to a victim and which is  
13 received by the Board pursuant to this section is confidential.

14 9. The Board may grant parole without a meeting, pursuant to  
15 NRS **213.1215** or 213.133, but the Board must not deny parole to a  
16 prisoner unless the prisoner has been given reasonable notice of the  
17 meeting and the opportunity to be present at the meeting. If the  
18 Board fails to provide notice of the meeting to the prisoner or to  
19 provide the prisoner with an opportunity to be present and  
20 determines that it may deny parole, the Board may reschedule the  
21 meeting.

22 10. During a meeting to consider a prisoner for parole, the  
23 Board shall allow the prisoner:

24 (a) At his or her own expense, to have a representative present  
25 with whom the prisoner may confer; and

26 (b) To speak on his or her own behalf or to have his or her  
27 representative speak on his or her behalf.

28 11. Upon making a final decision concerning the parole of the  
29 prisoner, the Board shall provide written notice to the prisoner of its  
30 decision not later than 10 working days after the meeting and, if  
31 parole is denied, specific recommendations of the Board to improve  
32 the possibility of granting parole the next time the prisoner is  
33 considered for parole, if any.

34 12. For the purposes of this section, "victim" has the meaning  
35 ascribed to it in NRS 213.005.

36 **Sec. 99.** NRS 213.133 is hereby amended to read as follows:

37 213.133 1. Except as otherwise provided in subsections 6, 7  
38 and 8, the Board may delegate its authority to hear, consider and act  
39 upon the parole of a prisoner and on any issue before the Board to a  
40 panel consisting of:

41 (a) Two or more members of the Board, two of whom constitute  
42 a quorum; or

43 (b) One member of the Board who is assisted by a case hearing  
44 representative.



1 2. No action taken by any panel created pursuant to paragraph  
2 (a) of subsection 1 is valid unless concurred in by a majority vote of  
3 those sitting on the panel.

4 3. The decision of a panel is subject to final approval by the  
5 affirmative action of a majority of the members appointed to the  
6 Board. Such action may be taken at a meeting of the Board or  
7 without a meeting by the delivery of written approval to the  
8 Executive Secretary of the Board.

9 4. The degree of complexity of issues presented must be taken  
10 into account before the Board makes any delegation of its authority  
11 and before it determines the extent of a delegation.

12 5. The Board shall adopt regulations which establish the basic  
13 types of delegable cases and the size of the panel required for each  
14 type of case.

15 6. A hearing concerning the parole of a prisoner or any  
16 decision on an issue involving a person:

17 (a) Who committed a capital offense;

18 (b) Who is serving a sentence of imprisonment for life;

19 (c) Who has been convicted of a sexual offense involving the  
20 use or threat of use of force or violence;

21 (d) Who is a habitual criminal; or

22 (e) Whose sentence has been commuted by the State Board of  
23 Pardons Commissioners,

24 ➤ must be conducted by at least three members of the Board, and  
25 action may be taken only with the concurrence of at least four  
26 members.

27 7. If a recommendation made by a panel deviates from the  
28 standards adopted by the Board pursuant to NRS 213.10885 or  
29 the recommendation of the Division, the Chair must concur in the  
30 recommendation.

31 8. ~~[A]~~ *In accordance with any regulations adopted by the*  
32 *Board, a* member of the Board or a person who has been designated  
33 as a case hearing representative in accordance with NRS 213.135  
34 ~~[may]~~ *shall review the parole eligibility of a prisoner and*  
35 *recommend to the Board that a prisoner be released on parole*  
36 *without a meeting if:*

37 (a) The prisoner is not serving a sentence for a crime described  
38 in subsection 6;

39 (b) The parole standards created pursuant to NRS 213.10885  
40 suggest that parole should be granted;

41 (c) There are no current requests for notification of hearings  
42 made in accordance with subsection 4 of NRS 213.131 or, if the  
43 Board is not required to provide notification of hearings pursuant to  
44 NRS 213.10915, the Board has not been notified by the automated



1 victim notification system that a victim of the prisoner has  
2 registered with the system to receive notification of hearings; and

3 (d) Notice to law enforcement of the eligibility for parole of the  
4 prisoner was given pursuant to subsection 5 of NRS 213.1085, and  
5 no person objected to granting parole without a meeting during the  
6 30-day notice period.

7 9. *If a member of the Board or a person who has been*  
8 *designated as a case hearing representative in accordance with*  
9 *NRS 213.135 does not recommend that a prisoner be released on*  
10 *parole without a meeting pursuant to subsection 8, the prisoner*  
11 *must have a parole hearing.*

12 10. A recommendation made in accordance with subsection 8  
13 is subject to final approval by the affirmative action of a majority of  
14 the members appointed to the Board. The final approval by  
15 affirmative action must not take place until the expiration of the 30-  
16 day notice period to law enforcement of the eligibility for parole of  
17 the prisoner in accordance with subsection 5 of NRS 213.1085.  
18 Such action may be taken at a meeting of the Board or without a  
19 meeting of the Board by delivery of written approval to the  
20 Executive Secretary of the Board by a majority of the members.

21 **Sec. 100.** NRS 213.140 is hereby amended to read as follows:

22 213.140 1. When a prisoner becomes eligible for parole  
23 pursuant to this chapter or the regulations adopted pursuant to this  
24 chapter, the Board shall consider and may authorize the release of  
25 the prisoner on parole as provided in this chapter. The Board may  
26 authorize the release of a prisoner on parole whether or not parole is  
27 accepted by the prisoner.

28 2. *Not later than 6 months before the date a prisoner becomes*  
29 *eligible for parole, the Department of Corrections and the prisoner*  
30 *shall develop a reentry plan for the prisoner that takes into*  
31 *consideration the needs, limitations and capabilities of the*  
32 *prisoner. The Division shall review the reentry plan and verify the*  
33 *information contained therein and shall coordinate with any other*  
34 *state agencies for available services regarding housing or*  
35 *treatment. Before the prisoner's parole eligibility date, the*  
36 *Department of Corrections shall provide a copy of the reentry plan*  
37 *to the prisoner. A reentry plan developed pursuant to this*  
38 *subsection must include, without limitation, information relating*  
39 *to:*

- 40 (a) *The proposed residence of the prisoner;*  
41 (b) *The prisoner's employment or means of financial support;*  
42 (c) *Any treatment and counseling options available to the*  
43 *prisoner, including, without limitation, any clinical assessments*  
44 *relating to the behavioral health needs of the prisoner;*  
45 (d) *Any job or education services available to the prisoner; and*



1 (e) *Eligibility and enrollment for Medicaid and Medicare.*

2 3. If the release of a prisoner on parole is authorized by the  
3 Board, the Division shall:

4 (a) Review and, if appropriate, approve each prisoner's  
5 proposed *reentry* plan ~~for placement upon release;~~ *developed*  
6 *pursuant to subsection 2;* or

7 (b) If the prisoner's *proposed reentry* plan is not approved by  
8 the Division, assist the prisoner to develop a plan for his or her  
9 placement upon release,

10 ↪ before the prisoner is released on parole. The prisoner's proposed  
11 *reentry* plan must identify the county in which the prisoner will  
12 reside if the prisoner will be paroled in Nevada.

13 ~~3.~~ 4. If a prisoner is indigent and the prisoner's proposed  
14 *reentry* plan ~~for placement upon release~~ indicates that the prisoner  
15 will reside in transitional housing upon release, the Division may,  
16 within the limits of available resources, pay for all or a portion of  
17 the cost of the transitional housing for the prisoner based upon the  
18 prisoner's economic need, as determined by the Division. The  
19 Division shall make such payment directly to the provider of the  
20 transitional housing.

21 ~~4.~~ 5. The Board may adopt any regulations necessary or  
22 convenient to carry out this section.

23 **Sec. 101.** NRS 213.1519 is hereby amended to read as  
24 follows:

25 213.1519 1. Except as otherwise provided in subsections 2  
26 and 3, a parolee whose parole is revoked by decision of the Board  
27 for *the commission of* a ~~violation of any rule or regulation~~  
28 ~~governing his or her conduct;~~ *new felony or gross misdemeanor,*  
29 *battery which constitutes domestic violence pursuant to NRS*  
30 *200.485, violation of NRS 484C.110 or 484C.120, crime of*  
31 *violence as defined in NRS 200.408 that is punishable as a*  
32 *misdemeanor, harassment pursuant to NRS 200.571, stalking or*  
33 *aggravated stalking pursuant to NRS 200.575, violation of a stay*  
34 *away order involving a natural person who is the victim of the*  
35 *crime for which the parolee is being supervised, violation of a*  
36 *temporary or extended order for protection against domestic*  
37 *violence issued pursuant to NRS 33.017 to 33.100, inclusive, a*  
38 *restraining order or injunction that is in the nature of a temporary*  
39 *or extended order for protection against domestic violence issued*  
40 *in an action or proceeding brought pursuant to title 11 of NRS, a*  
41 *temporary or extended order for protection against stalking,*  
42 *aggravated stalking or harassment issued pursuant to NRS*  
43 *200.591 or a temporary or extended order for protection against*  
44 *sexual assault pursuant to NRS 200.378 or for absconding:*



1 (a) Forfeits all credits for good behavior previously earned to  
2 reduce his or her sentence pursuant to chapter 209 of NRS; and

3 (b) Must serve such part of the unexpired maximum term or the  
4 maximum aggregate term, as applicable, of his or her original  
5 sentence as may be determined by the Board with rehearing dates  
6 scheduled pursuant to NRS 213.142.

7 ↪ The Board may restore any credits forfeited under this  
8 subsection.

9 2. A parolee released on parole pursuant to subsection 1 of  
10 NRS 213.1215 whose parole is revoked for having been convicted  
11 of a new felony:

12 (a) Forfeits all credits for good behavior previously earned to  
13 reduce his or her sentence pursuant to chapter 209 of NRS;

14 (b) Must serve the entire unexpired maximum term or the  
15 maximum aggregate term, as applicable, of his or her original  
16 sentence; and

17 (c) May not again be released on parole during his or her term of  
18 imprisonment.

19 3. A parolee released on parole pursuant to subsection 2 of  
20 NRS 213.1215 whose parole is revoked by decision of the Board for  
21 a violation of any rule or regulation governing his or her conduct:

22 (a) Forfeits all credits for good behavior previously earned to  
23 reduce his or her sentence pursuant to chapter 209 of NRS;

24 (b) Must serve such part of the unexpired maximum term or  
25 maximum aggregate term, as applicable, of his or her original  
26 sentence as may be determined by the Board; and

27 (c) Must not be considered again for release on parole pursuant  
28 to subsection 2 of NRS 213.1215 but may be considered for release  
29 on parole pursuant to NRS 213.1099, with rehearing dates scheduled  
30 pursuant to NRS 213.142.

31 ↪ The Board may restore any credits forfeited under this  
32 subsection.

33 ***4. If the Board finds that the parolee committed one or more***  
34 ***technical violations of the conditions of parole, the Board may:***

35 ***(a) Continue parole supervision;***

36 ***(b) Temporarily revoke parole supervision and impose a term***  
37 ***of imprisonment of not more than:***

38 ***(1) Thirty days for the first temporary parole revocation;***

39 ***(2) Ninety days for the second temporary parole revocation;***

40 ***or***

41 ***(3) One hundred and eighty days for the third temporary***  
42 ***parole revocation; or***

43 ***(c) Fully revoke parole supervision and impose the remainder***  
44 ***of the sentence for a fourth or subsequent revocation.***

45 ***5. As used in this section:***



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

3 (b) "Technical violation" means any alleged violation of the  
4 conditions of parole that does not constitute absconding and is not  
5 the commission of a:

6 (1) New felony or gross misdemeanor;

7 (2) Battery which constitutes domestic violence pursuant to  
8 NRS 200.485;

9 (3) Violation of NRS 484C.110 or 484C.120;

10 (4) Crime of violence as defined in NRS 200.408 that is  
11 punishable as a misdemeanor;

12 (5) Harassment pursuant to NRS 200.571 or stalking or  
13 aggravated stalking pursuant to NRS 200.575;

14 (6) Violation of a temporary or extended order for  
15 protection against domestic violence issued pursuant to NRS  
16 33.017 to 33.100, inclusive, a restraining order or injunction that  
17 is in the nature of a temporary or extended order for protection  
18 against domestic violence issued in an action or proceeding  
19 brought pursuant to title 11 of NRS, a temporary or extended  
20 order for protection against stalking, aggravated stalking or  
21 harassment issued pursuant to NRS 200.591 or a temporary or  
22 extended order for protection against sexual assault pursuant to  
23 NRS 200.378; or

24 (7) Violation of a stay away order involving a natural  
25 person who is the victim of the crime for which the parolee is  
26 being supervised.

27 ↪ The term does not include termination from a specialty court  
28 program.

29 **Sec. 102.** NRS 217.070 is hereby amended to read as follows:

30 217.070 1. "Victim" means ~~[-]~~ a person who suffers direct  
31 or threatened physical, financial or psychological harm as a result  
32 of the commission of a crime, including, without limitation:

33 (a) A person who is physically injured or killed as the direct  
34 result of a criminal act;

35 (b) A minor who was involved in the production of pornography  
36 in violation of NRS 200.710, 200.720, 200.725 or 200.730;

37 (c) A minor who was sexually abused, as "sexual abuse" is  
38 defined in NRS 432B.100;

39 (d) A person who is physically injured or killed as the direct  
40 result of a violation of NRS 484C.110 or any act or neglect of duty  
41 punishable pursuant to NRS 484C.430 or 484C.440;

42 (e) A pedestrian who is physically injured or killed as the direct  
43 result of a driver of a motor vehicle who failed to stop at the scene  
44 of a crash involving the driver and the pedestrian in violation of  
45 NRS 484E.010;



1 (f) An older person *or a vulnerable person* who is abused,  
2 neglected, exploited, isolated or abandoned in violation of NRS  
3 200.5099 or 200.50995;

4 (g) A person who is physically injured or killed as the direct  
5 result of an act of international terrorism as defined in 18 U.S.C. §  
6 2331(1); ~~[or]~~

7 (h) A person who is trafficked in violation of subsection 2 of  
8 NRS 201.300 ~~[H]~~; *or*

9 *(i) A person who is an immediate family member of a victim*  
10 *who:*

11 *(1) Is a minor;*

12 *(2) Is physically or mentally incompetent; or*

13 *(3) Was killed.*

14 2. The term includes any person who was harmed by an act  
15 listed in subsection 1, regardless of whether:

16 (a) The person is a resident of this State, a citizen of the United  
17 States or is lawfully entitled to reside in the United States; or

18 (b) The act was committed by an adult or a minor.

19 **Sec. 102.5.** (Deleted by amendment.)

20 **Sec. 103.** Chapter 289 of NRS is hereby amended by adding  
21 thereto the provisions set forth as sections 104 and 105 of this act.

22 **Sec. 104. 1.** *The Commission shall, subject to the*  
23 *availability of funds appropriated for such a purpose, develop and*  
24 *implement a behavioral health field response grant program for*  
25 *the purpose of allowing law enforcement and behavioral health*  
26 *professionals to safely respond to crises, including, without*  
27 *limitation, by telephone or video, involving persons with*  
28 *behavioral health issues. The Commission may use a portion of*  
29 *the appropriated funds to develop data management capability to*  
30 *support the program.*

31 *2. A local law enforcement agency may submit a grant*  
32 *application to the Commission that contains the agency's proposal*  
33 *to develop its behavioral health field response by incorporating*  
34 *behavioral health professionals into its behavioral health field*  
35 *response planning, or two or more local law enforcement agencies*  
36 *may submit a joint grant application that contains their joint*  
37 *proposal. Any proposal submitted by a law enforcement agency*  
38 *must provide a plan for improving behavioral health field*  
39 *response and diversion from incarceration through modifying or*  
40 *expanding law enforcement practices in partnership with*  
41 *behavioral health professionals. The Commission may prioritize*  
42 *grant applications that include total matching funds.*

43 *3. The Commission shall appoint a peer review panel to*  
44 *review, in consultation with behavioral health organizations and*  
45 *the Department of Health and Human Services the grant*



1 applications submitted by local law enforcement agencies and  
2 select the grant recipients. To the extent possible, at least one  
3 grant recipient must be from a rural county. To avoid any conflict  
4 of interest, any law enforcement agency that is included in a  
5 proposal shall recuse itself from voting on the peer review panel.

6 4. If the Commission certifies that the grant application of a  
7 selected recipient satisfies the proposal criteria, the Commission  
8 shall distribute grant funds to the selected recipient. The  
9 Commission shall make every effort to fund at least three grants  
10 each fiscal year. Grant recipients must be selected and receive  
11 grant funds not later than October 1 of each year the behavioral  
12 health field response grant program is funded.

13 5. A grant recipient must provide for at least one behavioral  
14 health professional who will perform professional services under  
15 its plan. Such a behavioral health professional may assist  
16 patrolling officers in the field or in an on-call capacity, provide  
17 preventive, follow-up training on behavioral health field response  
18 best practices or provide other services at the direction of the grant  
19 recipient. A grant recipient may coordinate with local public safety  
20 answering points to maximize the goals of its plan.

21 6. Using existing resources, the Commission shall:

22 (a) Consult with the staff of the Office of Analytics of the  
23 Department of Health and Human Services to establish data  
24 collection and reporting guidelines for grant recipients for the  
25 purpose of studying and evaluating whether the use of behavioral  
26 health field response programs improves the outcomes of  
27 interactions with persons experiencing behavioral health crises,  
28 including, without limitation, by reducing rates of violence, arrests  
29 and jail or emergency room usage.

30 (b) Consult with the Department of Health and Human  
31 Services to develop requirements for participating behavioral  
32 health professionals.

33 (c) Coordinate with the Department of Health and Human  
34 Services, the Division of Public and Behavioral Health of the  
35 Department of Health and Human Services and public safety  
36 answering points to develop and incorporate telephone or dispatch  
37 protocols to assist with behavioral health, law enforcement and  
38 emergency medical responses involving behavioral health  
39 situations.

40 7. On or before December 1 of each year the behavioral  
41 health field response grant program is funded, the Commission  
42 shall submit to the Governor, the Chair of the Senate Standing  
43 Committee on Judiciary and the Chair of the Assembly Standing  
44 Committee on Judiciary a report concerning the program which  
45 must include, without limitation:



- 1 (a) *Information on and feedback from grant recipients; and*
- 2 (b) *Information on the use of grant funds and the participation*
- 3 *of behavioral health professionals.*

4 8. *A grant recipient shall develop and provide or arrange*  
5 *joint training necessary for both law enforcement and behavioral*  
6 *health professionals to operate successfully and competently in*  
7 *partnership with law enforcement agencies. The training must*  
8 *provide such professionals with working knowledge of law*  
9 *enforcement procedures and tools sufficient to provide for the*  
10 *safety of such professionals.*

11 9. *Nothing in this section prohibits the Commission from*  
12 *soliciting or accepting private funds to support the behavioral*  
13 *health field response grant program.*

14 **Sec. 105.** 1. *Each law enforcement agency in this State*  
15 *shall:*

16 (a) *Establish a policy and procedure for interacting with*  
17 *persons who suffer from a behavioral health issue, including,*  
18 *without limitation, a mental illness as defined in NRS 176A.045,*  
19 *an acute mental health crisis, a developmental disability or an*  
20 *intellectual disability as those terms are defined in NRS 435.007 or*  
21 *a substance use disorder; and*

22 (b) *Subject to the availability of funds appropriated for such a*  
23 *purpose, contract with or employ a behavioral health specialist.*

24 2. *As used in this section, "behavioral health specialist"*  
25 *means a physician who is certified by the Board of Medical*  
26 *Examiners, a psychologist, a physician assistant or an advanced*  
27 *practice registered nurse who is certified to practice as a*  
28 *behavioral health specialist, or a person who is licensed as a*  
29 *clinical social worker, clinical professional counselor or marriage*  
30 *and family therapist.*

31 **Sec. 106.** NRS 289.450 is hereby amended to read as follows:

32 289.450 As used in NRS 289.450 to 289.650, inclusive, *and*  
33 *sections 104 and 105 of this act*, unless the context otherwise  
34 requires, the words and terms defined in NRS 289.460 to 289.490,  
35 inclusive, have the meanings ascribed to them in those sections.

36 **Sec. 107.** NRS 289.510 is hereby amended to read as follows:

37 289.510 1. The Commission:

38 (a) Shall meet at the call of the Chair, who must be elected by a  
39 majority vote of the members of the Commission.

40 (b) Shall provide for and encourage the training and education  
41 of persons whose primary duty is law enforcement to ensure the  
42 safety of the residents of and visitors to this State.

43 (c) Shall adopt regulations establishing minimum standards for  
44 the certification and decertification, recruitment, selection and  
45 training of peace officers. The regulations must establish:



1 (1) Requirements for basic training for category I, category II  
2 and category III peace officers and reserve peace officers;

3 (2) Standards for programs for the continuing education of  
4 peace officers, including minimum courses of study and  
5 requirements concerning attendance;

6 (3) Qualifications for instructors of peace officers; and

7 (4) Requirements for the certification of a course of training.

8 (d) Shall, when necessary, present courses of training and  
9 continuing education courses for category I, category II and  
10 category III peace officers and reserve peace officers.

11 (e) May make necessary inquiries to determine whether the  
12 agencies of this State and of the local governments are complying  
13 with standards set forth in its regulations.

14 (f) Shall carry out the duties required of the Commission  
15 pursuant to NRS 432B.610 and 432B.620.

16 (g) May perform any other acts that may be necessary and  
17 appropriate to the functions of the Commission as set forth in NRS  
18 289.450 to 289.650, inclusive ~~§~~, *and sections 104 and 105 of this*  
19 *act.*

20 (h) May enter into an interlocal agreement with an Indian tribe  
21 to provide training to and certification of persons employed as  
22 police officers by that Indian tribe.

23 *(i) Shall develop and approve a standard curriculum of*  
24 *certified training programs in crisis intervention, which may be*  
25 *made available in an electronic format, and which address*  
26 *specialized responses to persons with mental illness and train*  
27 *peace officers to identify the signs and symptoms of mental illness,*  
28 *to de-escalate situations involving persons who appear to be*  
29 *experiencing a behavioral health crisis and, if appropriate, to*  
30 *connect such persons to treatment. A peace officer who completes*  
31 *any program developed pursuant to this paragraph must be issued*  
32 *a certificate of completion.*

33 2. Regulations adopted by the Commission:

34 (a) Apply to all agencies of this State and of local governments  
35 in this State that employ persons as peace officers;

36 (b) Must require that all peace officers receive training in the  
37 handling of cases involving abuse or neglect of children or missing  
38 children;

39 (c) Must require that all peace officers receive training in the  
40 handling of cases involving abuse, neglect, exploitation, isolation  
41 and abandonment of older persons; and

42 (d) May require that training be carried on at institutions which  
43 it approves in those regulations.

44 **Sec. 108.** NRS 289.650 is hereby amended to read as follows:

45 289.650 1. The Commission shall:



1 (a) Establish by regulation the minimum standards of a  
2 voluntary program for the training of law enforcement dispatchers.  
3 *Such standards must include training relating to behavioral health*  
4 *crisis intervention as described in NRS 289.510.*

5 (b) Certify qualified instructors for approved courses of training  
6 for law enforcement dispatchers and issue appropriate certificates to  
7 instructors who become certified.

8 (c) Issue appropriate certificates to law enforcement dispatchers  
9 who have satisfactorily completed the voluntary program.

10 2. As used in this section, "law enforcement dispatcher" means  
11 a person who is employed by a law enforcement agency or regional  
12 telecommunication center and who promotes public safety by:

13 (a) Receiving calls for service related to crimes, traffic incidents,  
14 public safety and any other related calls for assistance; and

15 (b) Providing immediate and critical communication between  
16 the public and law enforcement agencies.

17 **Sec. 109.** NRS 433.254 is hereby amended to read as follows:

18 433.254 1. The Administrator serves at the pleasure of the  
19 Director of the Department and shall:

20 (a) Serve as the Executive Officer of the Division;

21 (b) Administer the Division in accordance with the policies  
22 established by the Commission;

23 (c) Make an annual report to the Director of the Department on  
24 the condition and operation of the Division, and such other reports  
25 as the Director may prescribe; and

26 (d) Employ, within the limits of available money, the assistants  
27 and employees necessary to the efficient operation of the Division.

28 2. The Administrator may:

29 (a) Appoint the administrative personnel necessary to operate  
30 the programs of the Division.

31 (b) Delegate to the administrative officers the power to appoint  
32 medical, technical, clerical and operational staff necessary for the  
33 operation of the facilities of the Division.

34 3. If the Administrator finds that it is necessary or desirable  
35 that any employee reside at a facility operated by the Division or  
36 receive meals at such a facility, perquisites granted or charges for  
37 services rendered to that person are at the discretion of the Director  
38 of the Department.

39 ~~[4. The Administrator may accept persons referred to the~~  
40 ~~Division for treatment pursuant to the provisions of NRS 458.290 to~~  
41 ~~458.350, inclusive.]~~

42 **Sec. 110.** NRS 433B.130 is hereby amended to read as  
43 follows:

44 433B.130 1. The Administrator shall:



1 (a) Administer, in accordance with the policies established by  
2 the Commission, the programs of the Division for the mental health  
3 of children.

4 (b) Establish appropriate policies to ensure that children in  
5 division facilities have timely access to clinically appropriate  
6 psychotropic medication that are consistent with the provisions of  
7 NRS 432B.197 and NRS 432B.4681 to 432B.469, inclusive, and the  
8 policies adopted pursuant thereto.

9 2. The Administrator may:

10 (a) Appoint the administrative personnel necessary to operate  
11 the programs of the Division for the mental health of children.

12 (b) Delegate to the administrative officers the power to appoint  
13 medical, technical, clerical and operational staff necessary for the  
14 operation of any division facilities.

15 3. If the Administrator finds that it is necessary or desirable  
16 that any employee reside at a facility operated by the Division or  
17 receive meals at such a facility, perquisites granted or charges for  
18 services rendered to that person are at the discretion of the Director  
19 of the Department.

20 4. ~~The Administrator may accept children referred to the~~  
21 ~~Division for treatment pursuant to the provisions of NRS 458.290 to~~  
22 ~~458.350, inclusive.~~

23 ~~—5.]~~ The Administrator may enter into agreements with the  
24 Administrator of the Division of Public and Behavioral Health of  
25 the Department or with the Administrator of the Aging and  
26 Disability Services Division of the Department for the care and  
27 treatment of consumers of the Division of Child and Family  
28 Services at any facility operated by the Division of Public and  
29 Behavioral Health or the Aging and Disability Services Division, as  
30 applicable.

31 **Sec. 110.5.** NRS 439.258 is hereby amended to read as  
32 follows:

33 439.258 1. The Division shall evaluate, certify and monitor  
34 programs for the treatment of persons who commit domestic  
35 violence in accordance with the regulations adopted pursuant to  
36 subsection 2.

37 2. The Division shall adopt regulations governing the  
38 evaluation, certification and monitoring of programs for the  
39 treatment of persons who commit domestic violence.

40 3. The regulations adopted pursuant to subsection 2 must  
41 include, without limitation, provisions ~~[allowing]~~ :

42 (a) *Requiring that a program:*

43 (1) *Include a module specific to victim safety; and*

44 (2) *Be based on:*

45 (I) *Evidence-based practices; and*



1            *(II) The assessment of a program participant by a*  
2 *supervisor of treatment or provider of treatment; and*

3            *(b) Allowing* a program that is located in another state to  
4 become certified in this State to provide treatment to persons who:

5            ~~[(a)]~~ *(1)* Reside in this State; and

6            ~~[(b)]~~ *(2)* Are ordered by a court in this State to participate in a  
7 program for the treatment of persons who commit domestic  
8 violence.

9            **Sec. 111.** NRS 453.316 is hereby amended to read as follows:

10            453.316 1. A person who opens or maintains any place for  
11 the purpose of unlawfully selling, giving away or using any  
12 controlled substance is guilty of a category ~~[B]~~ *C* felony and shall be  
13 punished ~~[by imprisonment in the state prison for a minimum term~~  
14 ~~of not less than 1 year and a maximum term of not more than 6~~  
15 ~~years, and may be further punished by a fine of not more than~~  
16 ~~\$10,000, except as otherwise provided in subsection 2.]~~ *as provided*  
17 *in NRS 193.130.*

18            2. If a person convicted of violating this section has previously  
19 been convicted of violating this section, or if, in the case of a first  
20 conviction of violating this section, the person has been convicted of  
21 an offense under the laws of the United States or any state, territory  
22 or district which, if committed in this State, would amount to a  
23 felony under this section, the person is guilty of a category B felony  
24 and shall be punished by imprisonment in the state prison for a  
25 minimum term of not less than ~~[2-years]~~ *1 year* and a maximum  
26 term of not more than ~~[10]~~ *6* years, and may be further punished by  
27 a fine of not more than ~~[\$20,000. The court shall not grant probation~~  
28 ~~to or suspend the sentence of a person convicted of violating this~~  
29 ~~section if the person has been previously convicted under this~~  
30 ~~section or of any other offense described in this subsection.]~~  
31 *\$10,000.*

32            3. This section does not apply to any rehabilitation clinic  
33 established or licensed by the Division of Public and Behavioral  
34 Health of the Department.

35            **Sec. 112.** NRS 453.321 is hereby amended to read as follows:

36            453.321 1. Except as authorized by the provisions of NRS  
37 453.011 to 453.552, inclusive, it is unlawful for a person to:

38            (a) Import, transport, sell, exchange, barter, supply, prescribe,  
39 dispense, give away or administer a controlled or counterfeit  
40 substance;

41            (b) Manufacture or compound a counterfeit substance; or

42            (c) Offer or attempt to do any act set forth in paragraph (a)  
43 or (b).

44            2. Unless a greater penalty is provided in NRS 453.333 or  
45 453.334, if a person violates subsection 1 and the controlled



1 substance is classified in schedule I or II, the person ~~[is guilty of a~~  
2 ~~category B felony and]~~ shall be punished:

3 (a) For the first offense, ~~[by imprisonment in the state prison for~~  
4 ~~a minimum term of not less than 1 year and a maximum term of not~~  
5 ~~more than 6 years, and may be further punished by a fine of not~~  
6 ~~more than \$20,000.] for a category C felony as provided in~~  
7 ~~NRS 193.130.~~

8 (b) For a second offense, or if, in the case of a first conviction  
9 under this subsection, the offender has previously been convicted of  
10 an offense under this section or of any offense under the laws of the  
11 United States or any state, territory or district which, if committed in  
12 this State, would amount to an offense under this section, *for a*  
13 *category B felony* by imprisonment in the state prison for a  
14 minimum term of not less than 2 years and a maximum term of not  
15 more than 10 years, and may be further punished by a fine of not  
16 more than \$20,000.

17 (c) For a third or subsequent offense, or if the offender has  
18 previously been convicted two or more times under this section or of  
19 any offense under the laws of the United States or any state, territory  
20 or district which, if committed in this State, would amount to an  
21 offense under this section, *for a category B felony* by imprisonment  
22 in the state prison for a minimum term of not less than 3 years and a  
23 maximum term of not more than 15 years, and may be further  
24 punished by a fine of not more than \$20,000 for each offense.

25 3. ~~[The]~~ *Unless mitigating circumstances exist that warrant*  
26 *the granting of probation, the* court shall not grant probation to or  
27 suspend the sentence of a person convicted under subsection 2 and  
28 punishable pursuant to paragraph (b) or (c) of subsection 2.

29 4. Unless a greater penalty is provided in NRS 453.333 or  
30 453.334, if a person violates subsection 1, and the controlled  
31 substance is classified in schedule III, IV or V, the person shall be  
32 punished:

33 (a) For the first offense, for a category ~~[C]~~ *D* felony as provided  
34 in NRS 193.130.

35 (b) For a second offense, or if, in the case of a first conviction of  
36 violating this subsection, the offender has previously been convicted  
37 of violating this section or of any offense under the laws of the  
38 United States or any state, territory or district which, if committed in  
39 this State, would amount to a violation of this section, for a category  
40 ~~[B]~~ *C* felony ~~[by imprisonment in the state prison for a minimum~~  
41 ~~term of not less than 2 years and a maximum term of not more than~~  
42 ~~10 years, and may be further punished by a fine of not more than~~  
43 ~~\$15,000.] as provided in NRS 193.130.~~

44 (c) For a third or subsequent offense, or if the offender has  
45 previously been convicted two or more times of violating this



1 section or of any offense under the laws of the United States or any  
2 state, territory or district which, if committed in this State, would  
3 amount to a violation of this section, for a category B felony by  
4 imprisonment in the state prison for a minimum term of not less  
5 than ~~3~~ 2 years and a maximum term of not more than ~~15~~ 10  
6 years, and may be further punished by a fine of not more than  
7 ~~\$20,000~~ \$15,000 for each offense.

8 5. ~~The~~ *Unless mitigating circumstances exist that warrant*  
9 *the granting of probation, the* court shall not grant probation to or  
10 suspend the sentence of a person convicted under subsection 4 and  
11 punishable pursuant to paragraph (b) or (c) of subsection 4.

12 **Sec. 112.2.** NRS 453.322 is hereby amended to read as  
13 follows:

14 453.322 1. Except as authorized by the provisions of NRS  
15 453.011 to 453.552, inclusive, it is unlawful for a person to  
16 knowingly or intentionally:

17 (a) Manufacture or compound a controlled substance other than  
18 marijuana.

19 (b) Possess, with the intent to manufacture or compound a  
20 controlled substance other than marijuana, or sell, exchange, barter,  
21 supply, prescribe, dispense or give away, with the intent that the  
22 chemical be used to manufacture or compound a controlled  
23 substance other than marijuana:

24 (1) Any chemical identified in subsection 4; or

25 (2) Any other chemical which is proven by expert testimony  
26 to be commonly used in manufacturing or compounding a controlled  
27 substance other than marijuana. The district attorney may present  
28 expert testimony to provide a prima facie case that any chemical,  
29 whether or not it is a chemical identified in subsection 4, is  
30 commonly used in manufacturing or compounding such a controlled  
31 substance.

32 ↪ The provisions of this paragraph do not apply to a person who,  
33 without the intent to commit an unlawful act, possesses any  
34 chemical at a laboratory that is licensed to store the chemical.

35 (c) Offer or attempt to do any act set forth in paragraph (a)  
36 or (b).

37 2. Unless a greater penalty is provided in NRS 453.3385, ~~for~~  
38 ~~453.3395,~~ a person who violates any provision of subsection 1 is  
39 guilty of a category B felony and shall be punished by imprisonment  
40 in the state prison for a minimum term of not less than 3 years and a  
41 maximum term of not more than 15 years, and may be further  
42 punished by a fine of not more than \$100,000.

43 3. The court shall not grant probation to a person convicted  
44 pursuant to this section.



- 1 4. The following chemicals are identified for the purposes of  
2 subsection 1:  
3 (a) Acetic anhydride.  
4 (b) Acetone.  
5 (c) N-Acetylanthranilic acid, its esters and its salts.  
6 (d) Anthranilic acid, its esters and its salts.  
7 (e) Benzaldehyde, its salts, isomers and salts of isomers.  
8 (f) Benzyl chloride.  
9 (g) Benzyl cyanide.  
10 (h) 1,4-Butanediol.  
11 (i) 2-Butanone (or methyl ethyl ketone or MEK).  
12 (j) Ephedrine, its salts, isomers and salts of isomers.  
13 (k) Ergonovine and its salts.  
14 (l) Ergotamine and its salts.  
15 (m) Ethylamine, its salts, isomers and salts of isomers.  
16 (n) Ethyl ether.  
17 (o) Gamma butyrolactone.  
18 (p) Hydriodic acid, its salts, isomers and salts of isomers.  
19 (q) Hydrochloric gas.  
20 (r) Iodine.  
21 (s) Isosafrole, its salts, isomers and salts of isomers.  
22 (t) Lithium metal.  
23 (u) Methylamine, its salts, isomers and salts of isomers.  
24 (v) 3,4-Methylenedioxy-phenyl-2-propanone.  
25 (w) N-Methylephedrine, its salts, isomers and salts of isomers.  
26 (x) Methyl isobutyl ketone (MIBK).  
27 (y) N-Methylpseudoephedrine, its salts, isomers and salts of  
28 isomers.  
29 (z) Nitroethane, its salts, isomers and salts of isomers.  
30 (aa) Norpseudoephedrine, its salts, isomers and salts of isomers.  
31 (bb) Phenylacetic acid, its esters and its salts.  
32 (cc) Phenylpropanolamine, its salts, isomers and salts of  
33 isomers.  
34 (dd) Piperidine and its salts.  
35 (ee) Piperonal, its salts, isomers and salts of isomers.  
36 (ff) Potassium permanganate.  
37 (gg) Propionic anhydride, its salts, isomers and salts of isomers.  
38 (hh) Pseudoephedrine, its salts, isomers and salts of isomers.  
39 (ii) Red phosphorous.  
40 (jj) Safrole, its salts, isomers and salts of isomers.  
41 (kk) Sodium metal.  
42 (ll) Sulfuric acid.  
43 (mm) Toluene.



1     **Sec. 112.4.** NRS 453.333 is hereby amended to read as  
2 follows:

3     453.333 If the death of a person is proximately caused by a  
4 controlled substance which was sold, given, traded or otherwise  
5 made available to him or her by another person in violation of this  
6 chapter, the person who sold, gave or traded or otherwise made the  
7 substance available to him or her is guilty of murder. If convicted of  
8 murder in the second degree, the person is guilty of a category A  
9 felony and shall be punished as provided in subsection 5 of NRS  
10 200.030. If convicted of murder in the first degree, the person is  
11 guilty of a category A felony and shall be punished as provided in  
12 subsection 4 of NRS 200.030, except that the punishment of death  
13 may be imposed only if the requirements of paragraph (a) of  
14 subsection 4 of that section have been met and if the defendant is or  
15 has previously been convicted of violating NRS 453.3385 ~~or~~ **or**  
16 453.339 ~~or 453.3395~~ or a law of any other jurisdiction which  
17 prohibits the same conduct.

18     **Sec. 112.6.** NRS 453.3351 is hereby amended to read as  
19 follows:

20     453.3351 1. Unless a greater penalty is provided by law, and  
21 except as otherwise provided in NRS 193.169, any person who  
22 violates NRS 453.322 ~~or~~ **or** 453.3385 ~~or 453.3395~~ where the  
23 violation included the manufacture of any material, compound,  
24 mixture or preparation which contains any quantity of  
25 methamphetamine:

26     (a) Within 500 feet of a residence, business, church, synagogue  
27 or other place of religious worship, public or private school, campus  
28 of the Nevada System of Higher Education, playground, public  
29 park, public swimming pool or recreational center for youths; or

30     (b) In a manner which creates a great risk of death or substantial  
31 bodily harm to another person,

32     ↪ shall be punished by imprisonment in the state prison for a term  
33 equal to and in addition to the term of imprisonment prescribed by  
34 statute for the crime. The sentence prescribed by this section runs  
35 consecutively with the sentence prescribed by statute for the crime.

36     2. This section does not create a separate offense but provides  
37 an additional penalty for the primary offense, whose imposition is  
38 contingent upon the finding of the prescribed fact.

39     3. For the purposes of this section:

40     (a) "Playground" has the meaning ascribed to it in  
41 NRS 453.3345.

42     (b) "Recreational center for youths" has the meaning ascribed to  
43 it in NRS 453.3345.



1 (c) "Residence" means any house, room, apartment, tenement,  
2 manufactured home as defined in NRS 489.113, or mobile home as  
3 defined in NRS 489.120, that is designed or intended for occupancy.

4 **Sec. 112.8.** NRS 453.3353 is hereby amended to read as  
5 follows:

6 453.3353 1. Unless a greater penalty is provided by law, and  
7 except as otherwise provided in this section and NRS 193.169, if:

8 (a) A person violates NRS 453.322 ~~§~~ or 453.3385 , ~~or~~  
9 ~~453.3395,~~ and the violation involves the manufacturing or  
10 compounding of any controlled substance other than marijuana; and

11 (b) During the discovery or cleanup of the premises at, on or in  
12 which the controlled substance was manufactured or compounded,  
13 another person suffers substantial bodily harm other than death as  
14 the proximate result of the manufacturing or compounding of the  
15 controlled substance,

16 ↪ the person who committed the offense shall be punished by  
17 imprisonment in the state prison for a term equal to and in addition  
18 to the term of imprisonment prescribed by statute for the offense.  
19 The sentence prescribed by this subsection runs consecutively with  
20 the sentence prescribed by statute for the offense.

21 2. Unless a greater penalty is provided by law, and except as  
22 otherwise provided in NRS 193.169, if:

23 (a) A person violates NRS 453.322 ~~§~~ or 453.3385 , ~~or~~  
24 ~~453.3395,~~ and the violation involves the manufacturing or  
25 compounding of any controlled substance other than marijuana; and

26 (b) During the discovery or cleanup of the premises at, on or in  
27 which the controlled substance was manufactured or compounded,  
28 another person suffers death as the proximate result of the  
29 manufacturing or compounding of the controlled substance,

30 ↪ the offense shall be deemed a category A felony and the person  
31 who committed the offense shall be punished by imprisonment in  
32 the state prison:

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

34 (2) For life with the possibility of parole, with eligibility for  
35 parole beginning when a minimum of 20 years has been served; or

36 (3) For a definite term of 50 years, with eligibility for parole  
37 beginning when a minimum of 20 years has been served.

38 3. Subsection 1 does not create a separate offense but provides  
39 an additional penalty for the primary offense, the imposition of  
40 which is contingent upon the finding of the prescribed fact.  
41 Subsection 2 does not create a separate offense but provides an  
42 alternative penalty for the primary offense, the imposition of which  
43 is contingent upon the finding of the prescribed fact.

44 4. As used in this section:

45 (a) "Marijuana" does not include concentrated cannabis.



(b) "Premises" means:

(1) Any temporary or permanent structure, including, without limitation, any building, house, room, apartment, tenement, shed, carport, garage, shop, warehouse, store, mill, barn, stable, outhouse or tent; or

(2) Any conveyance, including, without limitation, any vessel, boat, vehicle, airplane, glider, house trailer, travel trailer, motor home or railroad car,

↳ whether located aboveground or underground and whether inhabited or not.

**Sec. 113.** NRS 453.336 is hereby amended to read as follows:

453.336 1. Except as otherwise provided in subsection 5, a person shall not knowingly or intentionally possess a controlled substance, unless the substance was obtained directly from, or pursuant to, a prescription or order of a physician, physician assistant licensed pursuant to chapter 630 or 633 of NRS, dentist, podiatric physician, optometrist, advanced practice registered nurse or veterinarian while acting in the course of his or her professional practice, or except as otherwise authorized by the provisions of NRS 453.005 to 453.552, inclusive.

2. Except as otherwise provided in subsections 3 and 4 and in NRS 453.3363, and unless a greater penalty is provided in NRS 212.160, 453.3385 ~~;~~ or 453.339 , ~~[or 453.3395.]~~ a person who violates this section ~~[shall be punished:]~~ :

(a) For ~~[the]~~ a first or second offense, if the controlled substance is listed in schedule I ~~;~~ or II ~~;~~ and the quantity possessed is less than 14 grams, or if the controlled substance is listed in schedule III , ~~[or]~~ IV ~~;~~ or V and the quantity possessed is less than 28 grams, is guilty of possession of a controlled substance and shall be punished for a category E felony as provided in NRS 193.130. *In accordance with section 19 of this act, the court shall defer judgment upon the consent of the person.*

(b) For a third or subsequent offense, if the controlled substance is listed in schedule I ~~;~~ or II ~~;~~ and the quantity possessed is less than 14 grams, or if the controlled substance is listed in schedule III , ~~[or]~~ IV ~~;~~ or V and the quantity possessed is less than 28 grams, or if the offender has previously been convicted two or more times in the aggregate of any violation of the law of the United States or of any state, territory or district relating to a controlled substance, *is guilty of possession of a controlled substance and shall be punished* for a category D felony as provided in NRS 193.130, and may be further punished by a fine of not more than \$20,000.

(c) ~~[For the first offense, if]~~ *If* the controlled substance is listed in schedule ~~[V.]~~ *I or II and the quantity possessed is 14 grams or*



1 *more, but less than 28 grams, or if the controlled substance is*  
2 *listed in schedule III, IV or V and the quantity possessed is 28*  
3 *grams or more, but less than 200 grams, is guilty of low-level*  
4 *possession of a controlled substance and shall be punished* for a  
5 category ~~[E]~~ C felony as provided in NRS 193.130.

6 (d) ~~[For a second or subsequent offense, if]~~ *If the controlled*  
7 *substance is listed in schedule [V,] I or II and the quantity*  
8 *possessed is 28 grams or more, but less than 42 grams, or if the*  
9 *controlled substance is listed in schedule III, IV or V and the*  
10 *quantity possessed is 200 grams or more, is guilty of mid-level*  
11 *possession of a controlled substance and shall be punished* for a  
12 category ~~[D]~~ B felony ~~[as provided in NRS 193.130.]~~ *by*  
13 *imprisonment in the state prison for a minimum term of not less*  
14 *than 1 year and a maximum term of not more than 10 years and*  
15 *by a fine of not more than \$50,000.*

16 (e) *If the controlled substance is listed in schedule I or II and*  
17 *the quantity possessed is 42 grams or more, but less than 100*  
18 *grams, is guilty of high-level possession of a controlled substance*  
19 *and shall be punished for a category B felony by imprisonment in*  
20 *the state prison for a minimum term of not less than 2 years and a*  
21 *maximum term of not more than 15 years and by a fine of not*  
22 *more than \$50,000.*

23 3. Unless a greater penalty is provided in NRS 212.160,  
24 453.337 or 453.3385, a person who is convicted of the possession of  
25 flunitrazepam or gamma-hydroxybutyrate, or any substance for  
26 which flunitrazepam or gamma-hydroxybutyrate is an immediate  
27 precursor, is guilty of a category B felony and shall be punished by  
28 imprisonment in the state prison for a minimum term of not less  
29 than 1 year and a maximum term of not more than 6 years.

30 4. Unless a greater penalty is provided pursuant to NRS  
31 212.160, a person who is convicted of the possession of 1 ounce or  
32 less of marijuana:

33 (a) For the first offense, is guilty of a misdemeanor and shall be:

34 (1) Punished by a fine of not more than \$600; or

35 (2) ~~[Examined by a treatment provider approved by the court~~  
36 ~~to determine whether the person is a drug addict and is likely to be~~  
37 ~~rehabilitated through treatment and, if the examination reveals that~~  
38 ~~the person is a drug addict and is likely to be rehabilitated through~~  
39 ~~treatment, assigned]~~ *Assigned* to a program of treatment and  
40 rehabilitation pursuant to ~~[NRS 453.580. As used in this~~  
41 ~~subparagraph, "treatment provider" has the meaning ascribed to it in~~  
42 ~~NRS 458.010.]~~ *section 20 of this act if the court determines that*  
43 *the person is eligible to participate in such a program.*

44 (b) For the second offense, is guilty of a misdemeanor and shall  
45 be:



1 (1) Punished by a fine of not more than \$1,000; or  
2 (2) Assigned to a program of treatment and rehabilitation  
3 pursuant to ~~NRS 453.580~~ *section 20 of this act if the court*  
4 *determines that the person is eligible to participate in such a*  
5 *program.*

6 (c) For the third offense, is guilty of a gross misdemeanor and  
7 shall be punished as provided in NRS 193.140.

8 (d) For a fourth or subsequent offense, is guilty of a category E  
9 felony and shall be punished as provided in NRS 193.130.

10 5. It is not a violation of this section if a person possesses a  
11 trace amount of a controlled substance and that trace amount is in or  
12 on a hypodermic device obtained from a sterile hypodermic device  
13 program pursuant to NRS 439.985 to 439.994, inclusive.

14 6. *The court may grant probation to or suspend the sentence*  
15 *of a person convicted of violating this section.*

16 7. As used in this section:

17 (a) "Controlled substance" includes flunitrazepam, gamma-  
18 hydroxybutyrate and each substance for which flunitrazepam or  
19 gamma-hydroxybutyrate is an immediate precursor.

20 (b) "Marijuana" does not include concentrated cannabis.

21 (c) "Sterile hypodermic device program" has the meaning  
22 ascribed to it in NRS 439.986.

23 **Sec. 114.** NRS 453.3361 is hereby amended to read as  
24 follows:

25 453.3361 1. A local authority may enact an ordinance  
26 adopting the penalties set forth for misdemeanors in NRS 453.336  
27 for similar offenses under a local ordinance. The ordinance must set  
28 forth the manner in which money collected from fines imposed by a  
29 court for a violation of the ordinance must be disbursed in  
30 accordance with subsection 2.

31 2. Money collected from fines imposed by a court for a  
32 violation of an ordinance enacted pursuant to subsection 1 must be  
33 evenly allocated among:

34 (a) Nonprofit programs for the treatment of ~~abuse~~ *use* of  
35 alcohol or drugs that are certified by the Division of Public and  
36 Behavioral Health of the Department;

37 (b) A program of treatment and rehabilitation established by a  
38 court pursuant to ~~NRS 453.580~~ *section 20 of this act*, if any; and

39 (c) Local law enforcement agencies,  
40 ↪ in a manner determined by the court.

41 3. As used in this section, "local authority" means the  
42 governing board of a county, city or other political subdivision  
43 having authority to enact ordinances.



1     **Sec. 115.** NRS 453.3363 is hereby amended to read as  
2 follows:

3     453.3363 1. If a person who has not previously been  
4 convicted of any offense pursuant to NRS 453.011 to 453.552,  
5 inclusive, or pursuant to any statute of the United States or of any  
6 state relating to narcotic drugs, marijuana, or stimulant, depressant  
7 or hallucinogenic substances tenders a plea of guilty, guilty but  
8 mentally ill, nolo contendere or similar plea to a charge pursuant to  
9 subparagraph (1) of paragraph (a) of subsection 2 of NRS 453.3325,  
10 subsection 2 or 3 of NRS 453.336, NRS 453.411 or 454.351, or is  
11 found guilty or guilty but mentally ill of one of those charges, the  
12 court, without entering a judgment of conviction and with the  
13 consent of the accused, may suspend further proceedings and place  
14 the person on probation upon terms and conditions that must include  
15 attendance and successful completion of ~~[an]~~ :

16     (a) An educational program ; or ~~[, in]~~

17     (b) *In* the case of a person dependent upon drugs, ~~[off]~~ a program  
18 of treatment and rehabilitation pursuant to ~~[NRS 453.580.]~~ *section*  
19 *20 of this act if the court determines that the person is eligible for*  
20 *participation in such a program.*

21     2. Upon violation of a term or condition, the court may enter a  
22 judgment of conviction and proceed as provided in the section  
23 pursuant to which the accused was charged. Notwithstanding the  
24 provisions of paragraph (e) of subsection 2 of NRS 193.130, upon  
25 violation of a term or condition, the court may order the person to  
26 the custody of the Department of Corrections.

27     3. Upon fulfillment of the terms and conditions, the court shall  
28 discharge the accused and dismiss the proceedings against him or  
29 her. A nonpublic record of the dismissal must be transmitted to and  
30 retained by the Division of Parole and Probation of the Department  
31 of Public Safety solely for the use of the courts in determining  
32 whether, in later proceedings, the person qualifies under this section.

33     4. Except as otherwise provided in subsection 5, discharge and  
34 dismissal under this section is without adjudication of guilt and is  
35 not a conviction for purposes of this section or for purposes of  
36 employment, civil rights or any statute or regulation or license or  
37 questionnaire or for any other public or private purpose, but is a  
38 conviction for the purpose of additional penalties imposed for  
39 second or subsequent convictions or the setting of bail. Discharge  
40 and dismissal restores the person discharged, in the contemplation  
41 of the law, to the status occupied before the arrest, indictment or  
42 information. The person may not be held thereafter under any law to  
43 be guilty of perjury or otherwise giving a false statement by reason  
44 of failure to recite or acknowledge that arrest, indictment,  
45 information or trial in response to an inquiry made of the person for



1 any purpose. Discharge and dismissal under this section may occur  
2 only once with respect to any person.

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

9 **Sec. 116.** NRS 453.337 is hereby amended to read as follows:

10 453.337 1. Except as otherwise authorized by the provisions  
11 of NRS 453.011 to 453.552, inclusive, it is unlawful for a person to  
12 possess for the purpose of sale flunitrazepam, gamma-  
13 hydroxybutyrate, any substance for which flunitrazepam or gamma-  
14 hydroxybutyrate is an immediate precursor or any controlled  
15 substance classified in schedule I or II.

16 2. Unless a greater penalty is provided in NRS 453.3385 ~~or~~  
17 453.339 , ~~for 453.3395,~~ a person who violates this section shall be  
18 punished:

19 (a) For the first offense, for a category D felony as provided in  
20 NRS 193.130.

21 (b) For a second offense, or if, in the case of a first conviction of  
22 violating this section, the offender has previously been convicted of  
23 a felony under the Uniform Controlled Substances Act or of an  
24 offense under the laws of the United States or any state, territory or  
25 district which, if committed in this State, would amount to a felony  
26 under the Uniform Controlled Substances Act, for a category C  
27 felony as provided in NRS 193.130.

28 (c) For a third or subsequent offense, or if the offender has  
29 previously been convicted two or more times of a felony under the  
30 Uniform Controlled Substances Act or of any offense under the laws  
31 of the United States or any state, territory or district which, if  
32 committed in this State, would amount to a felony under the  
33 Uniform Controlled Substances Act, for a category B felony by  
34 imprisonment in the state prison for a minimum term of not less  
35 than 3 years and a maximum term of not more than 15 years, and  
36 may be further punished by a fine of not more than \$20,000 for each  
37 offense.

38 3. ~~The~~ *Except as otherwise provided in this subsection,*  
39 *unless mitigating circumstances exist that warrant the granting of*  
40 *probation, the* court shall not grant probation to or suspend the  
41 sentence of a person convicted of violating this section and  
42 punishable pursuant to paragraph (b) or (c) of subsection 2. *The*  
43 *court shall not grant probation to or suspend the sentence of a*  
44 *person convicted of violating this section, even if mitigating*  
45 *circumstances exist that would otherwise warrant the granting of*



1 *probation, if the person violated this section by possessing*  
2 *flunitrazepam, gamma-hydroxybutyrate or any substance for*  
3 *which flunitrazepam or gamma-hydroxybutyrate is an immediate*  
4 *precursor.*

5 **Sec. 117.** NRS 453.338 is hereby amended to read as follows:

6 453.338 1. Except as authorized by the provisions of NRS  
7 453.011 to 453.552, inclusive, it is unlawful for a person to possess  
8 for the purpose of sale any controlled substance classified in  
9 schedule III, IV or V.

10 2. A person who violates this section shall be punished:

11 (a) For the first and second offense, for a category D felony as  
12 provided in NRS 193.130, and may be further punished by a fine of  
13 not more than \$10,000.

14 (b) For a third or subsequent offense, or if the offender has been  
15 previously convicted two or more times of a felony under the  
16 Uniform Controlled Substances Act or of any offense under the laws  
17 of the United States or any state, territory or district which, if  
18 committed in this State, would amount to a felony under the  
19 Uniform Controlled Substances Act, for a category C felony as  
20 provided in NRS 193.130.

21 3. ~~The~~ *Unless mitigating circumstances exist that warrant*  
22 *the granting of probation, the* court shall not grant probation to or  
23 suspend the sentence of a person convicted of violating this section  
24 and punishable under paragraph (b) of subsection 2.

25 **Sec. 117.5.** NRS 453.3383 is hereby amended to read as  
26 follows:

27 453.3383 For the purposes of NRS 453.3385 ~~and~~ and 453.339 ,  
28 ~~and 453.3395,~~ the weight of the controlled substance as  
29 represented by the person selling or delivering it is determinative if  
30 the weight as represented is greater than the actual weight of the  
31 controlled substance.

32 **Sec. 118.** (Deleted by amendment.)

33 **Sec. 119.** NRS 453.3385 is hereby amended to read as  
34 follows:

35 453.3385 1. Except as otherwise authorized by the provisions  
36 of NRS 453.011 to 453.552, inclusive, a person who knowingly or  
37 intentionally sells, manufactures, delivers or brings into this State or  
38 who is knowingly or intentionally in actual or constructive  
39 possession of flunitrazepam, gamma-hydroxybutyrate, any  
40 substance for which flunitrazepam or gamma-hydroxybutyrate is an  
41 immediate precursor or any controlled substance which is listed in  
42 schedule I ~~I~~ or II, except marijuana, or any mixture which contains  
43 any such controlled substance, ~~shall be punished,~~ unless a greater  
44 penalty is provided pursuant to NRS 453.322, if the quantity  
45 involved:



(a) Is ~~4 grams or more, but less than 14 grams, for a category B felony by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 6 years and by a fine of not more than \$50,000.~~

—(b) Is ~~14~~ 100 grams or more, but less than ~~28~~ 400 grams, *is guilty of low-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~~ 20 years and by a fine of not more than \$100,000.

~~(c)~~ (b) Is ~~28~~ 400 grams or more, *is guilty of high-level trafficking and shall be punished* for a category A felony by imprisonment in the state prison:

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

(2) For a definite term of 25 years, with eligibility for parole beginning when a minimum of 10 years has been served, and by a fine of not more than \$500,000.

2. As used in this section, “marijuana” does not include concentrated cannabis.

**Sec. 120.** (Deleted by amendment.)

**Sec. 121.** (Deleted by amendment.)

**Sec. 122.** NRS 453.3405 is hereby amended to read as follows:

453.3405 1. Except as otherwise provided in subsection 2, the adjudication of guilt and imposition of sentence of a person found guilty of trafficking in a controlled substance in violation of NRS 453.3385 ~~or~~ 453.339 ~~or 453.3395~~ must not be suspended and the person is not eligible for parole until the person has actually served the mandatory minimum term of imprisonment prescribed by the section under which the person was convicted.

2. The court, upon an appropriate motion, may reduce or suspend the sentence of any person convicted of violating any of the provisions of NRS 453.3385 ~~or~~ 453.339 ~~or 453.3395~~ if the court finds that the convicted person rendered substantial assistance in the investigation or prosecution of any offense. The arresting agency must be given an opportunity to be heard before the motion is granted. Upon good cause shown, the motion may be heard in camera.

3. Any appropriate reduction or suspension of a sentence pursuant to subsection 2 must be determined by the court, for reasons stated by the court that may include, without limitation, consideration of the following:

(a) The court’s evaluation of the significance and usefulness of the convicted person’s assistance, taking into consideration the prosecuting attorney’s evaluation of the assistance rendered;



1 (b) The truthfulness, completeness and reliability of any  
2 information or testimony provided by the convicted person;

3 (c) The nature and extent of the convicted person's assistance;

4 (d) Any injury suffered or any danger or risk of injury to the  
5 convicted person or his or her family resulting from his or her  
6 assistance; and

7 (e) The timeliness of the convicted person's assistance.

8 **Sec. 122.5.** NRS 453.411 is hereby amended to read as  
9 follows:

10 453.411 1. It is unlawful for a person knowingly to use or be  
11 under the influence of a controlled substance except in accordance  
12 with a lawfully issued prescription.

13 2. It is unlawful for a person knowingly to use or be under the  
14 influence of a controlled substance except when administered to  
15 the person at a rehabilitation clinic established or licensed by the  
16 Division of Public and Behavioral Health of the Department, or a  
17 hospital certified by the Department.

18 3. Unless a greater penalty is provided in NRS 212.160, a  
19 person who violates this section shall be punished ~~as~~

20 ~~—(a) If the controlled substance is listed in schedule I, II, III or IV,  
21 for a category E felony as provided in NRS 193.130.~~

22 ~~—(b) If the controlled substance is listed in schedule V,] for a  
23 [gross] misdemeanor . [by imprisonment in the county jail for not  
24 more than 364 days, and may be further punished by a fine of not  
25 more than \$1,000.]~~

26 **Sec. 123.** NRS 453.5531 is hereby amended to read as  
27 follows:

28 453.5531 1. The State of Nevada is entitled, in a civil action  
29 brought pursuant to NRS 453.553 involving marijuana, to a civil  
30 penalty in an amount:

31 (a) Not to exceed \$350,000, if the quantity involved is 100  
32 pounds or more, but less than 2,000 pounds.

33 (b) Not to exceed \$700,000, if the quantity involved is 2,000  
34 pounds or more, but less than 10,000 pounds.

35 (c) Not to exceed \$1,000,000, if the quantity involved is 10,000  
36 pounds or more.

37 2. The State of Nevada is entitled, in a civil action brought  
38 pursuant to NRS 453.553 involving a controlled substance, except  
39 marijuana, which is listed in schedule I or a substitute therefor, to a  
40 civil penalty in an amount ~~of~~:

41 ~~—(a) Not to exceed \$350,000, if the quantity involved is 4 grams  
42 or more, but less than 14 grams.~~

43 ~~—(b) Not to exceed \$700,000, if the quantity involved is 14 grams  
44 or more, but less than 28 grams.~~



1 ~~—(e) Not~~ *not* to exceed \$1,000,000, if the quantity involved is  
2 ~~[28]~~ *100* grams or more.

3 3. The State of Nevada is entitled, in a civil action brought  
4 pursuant to NRS 453.553 involving a controlled substance which is  
5 listed in schedule II or III or a substitute therefor, to a civil penalty  
6 in an amount ~~±~~

7 ~~—(a) Not to exceed \$350,000, if the quantity involved is 28 grams~~  
8 ~~or more, but less than 200 grams.~~

9 ~~—(b) Not to exceed \$700,000, if the quantity involved is 200~~  
10 ~~grams or more, but less than 400 grams.~~

11 ~~—(e) Not~~ *not* to exceed \$1,000,000, if the quantity involved is  
12 400 grams or more.

13 4. Unless a greater civil penalty is authorized by another  
14 provision of this section, the State of Nevada is entitled, in a civil  
15 action brought pursuant to NRS 453.553 involving any act or  
16 transaction in violation of the provisions of NRS 453.3611 to  
17 453.3648, inclusive, to a civil penalty in an amount not to exceed  
18 \$350,000.

19 5. The State of Nevada is entitled, in a civil action brought  
20 pursuant to NRS 453.553 involving any act or transaction in  
21 violation of the provisions of NRS 453.324, 453.354, 453.355  
22 or 453.357, to a civil penalty in an amount not to exceed \$250,000  
23 for each violation.

24 6. As used in this section, “marijuana” does not include  
25 concentrated cannabis.

26 **Sec. 124.** NRS 453.700 is hereby amended to read as follows:

27 453.700 1. Any person who believes himself or herself to be  
28 a narcotic addict may make application to the Division of Public and  
29 Behavioral Health of the Department for voluntary submission to  
30 treatment maintained under the provisions of NRS 453.660 . ~~for~~  
31 ~~NRS 458.290 to 458.350, inclusive.]~~

32 2. The Division of Public and Behavioral Health shall adopt  
33 regulations relating to the requirements for voluntary submission  
34 under this section.

35 **Sec. 124.5.** NRS 453C.150 is hereby amended to read as  
36 follows:

37 453C.150 1. Notwithstanding any other provision of law, a  
38 person who, in good faith, seeks medical assistance for a person  
39 who is experiencing a drug or alcohol overdose or other medical  
40 emergency or who seeks such assistance for himself or herself, or  
41 who is the subject of a good faith request for such assistance may  
42 not be arrested, charged, prosecuted or convicted, or have his or her  
43 property subjected to forfeiture, or be otherwise penalized for  
44 violating:



1 (a) Except as otherwise provided in subsection 4, a provision of  
2 chapter 453 of NRS relating to:

3 (1) Drug paraphernalia, including, without limitation, NRS  
4 453.554 to 453.566, inclusive;

5 (2) Possession, unless it is for the purpose of sale or violates  
6 the provisions of NRS 453.3385, subsection 2 of NRS 453.3393 ~~†~~  
7 ~~453.3395~~ or 453.3405; or

8 (3) Use of a controlled substance, including, without  
9 limitation, NRS 453.336;

10 (b) A local ordinance as described in NRS 453.3361 that  
11 establishes an offense that is similar to an offense set forth in  
12 NRS 453.336;

13 (c) A restraining order; or

14 (d) A condition of the person's parole or probation,

15 ➔ if the evidence to support the arrest, charge, prosecution,  
16 conviction, seizure or penalty was obtained as a result of the person  
17 seeking medical assistance.

18 2. A court, before sentencing a person who has been convicted  
19 of a violation of chapter 453 of NRS for which immunity is not  
20 provided by this section, shall consider in mitigation any evidence  
21 or information that the defendant, in good faith, sought medical  
22 assistance for a person who was experiencing a drug or alcohol  
23 overdose or other life-threatening emergency in connection with the  
24 events that constituted the violation.

25 3. For the purposes of this section, a person seeks medical  
26 assistance if the person:

27 (a) Reports a drug or alcohol overdose or other medical  
28 emergency to a member of a law enforcement agency, a 911  
29 emergency service, a poison control center, a medical facility or a  
30 provider of emergency medical services;

31 (b) Assists another person making such a report;

32 (c) Provides care to a person who is experiencing a drug or  
33 alcohol overdose or other medical emergency while awaiting the  
34 arrival of medical assistance; or

35 (d) Delivers a person who is experiencing a drug or alcohol  
36 overdose or other medical emergency to a medical facility and  
37 notifies the appropriate authorities.

38 4. The provisions of this section do not prohibit any  
39 governmental entity from taking any actions required or authorized  
40 by chapter 432B of NRS relating to the abuse or neglect of a child.

41 5. As used in this section, "drug or alcohol overdose" means a  
42 condition, including, without limitation, extreme physical illness, a  
43 decreased level of consciousness, respiratory depression, coma,  
44 mania or death which is caused by the consumption or use of a  
45 controlled substance or alcohol, or another substance with which a



1 controlled substance or alcohol was combined, or that an ordinary  
2 layperson would reasonably believe to be a drug or alcohol overdose  
3 that requires medical assistance.

4 **Sec. 125.** NRS 465.088 is hereby amended to read as follows:

5 465.088 1. A person who violates any provision of NRS  
6 465.070 to 465.086, inclusive : ~~[, is guilty of a category B felony~~  
7 ~~and shall be punished:]~~

8 (a) For the first offense, ~~[by imprisonment in the state prison for~~  
9 ~~a minimum term of not less than 1 year and a maximum term of not~~  
10 ~~more than 6 years, or by a fine of not more than \$10,000, or by both~~  
11 ~~fine and imprisonment.] is guilty of a category C felony and shall~~  
12 ~~be punished as provided in NRS 193.130.~~

13 (b) For a second or subsequent violation of any of these  
14 provisions, *is guilty of a category B felony and shall be punished*  
15 by imprisonment in the state prison for a minimum term of not less  
16 than 1 year and a maximum term of not more than 6 years, and may  
17 be further punished by a fine of not more than \$10,000. ~~[The court~~  
18 ~~shall not suspend a sentence of imprisonment imposed pursuant to~~  
19 ~~this paragraph, or grant probation to the person convicted.]~~

20 2. A person who attempts, or two or more persons who  
21 conspire, to violate any provision of NRS 465.070 to 465.086,  
22 inclusive, each is guilty of a category ~~[B]~~ C felony and shall be  
23 punished by imposing the penalty provided in subsection 1 for the  
24 completed crime, whether or not he or she personally played any  
25 gambling game or used any prohibited device.

26 **Sec. 126.** NRS 475.105 is hereby amended to read as follows:

27 475.105 A person who steals a device intended for use in  
28 preventing, controlling, extinguishing or giving warning of a fire:

29 1. If the device has a value of less than ~~[\$650,]~~ \$1,200, is guilty  
30 of a ~~[gross]~~ misdemeanor.

31 2. If the device has a value of ~~[\$650]~~ \$1,200 or more, is guilty  
32 of ~~[grand larceny]~~ a category D felony and shall be punished as  
33 provided in NRS ~~[205.222.]~~ 193.130.

34 **Sec. 126.3.** NRS 483.290 is hereby amended to read as  
35 follows:

36 483.290 1. An application for an instruction permit or for a  
37 driver's license must:

38 (a) Be made upon a form furnished by the Department.

39 (b) Be verified by the applicant before a person authorized to  
40 administer oaths. Officers and employees of the Department may  
41 administer those oaths without charge.

42 (c) Be accompanied by the required fee.

43 (d) State the full legal name, date of birth, sex, address of  
44 principal residence and mailing address, if different from the



1 address of principal residence, of the applicant and briefly describe  
2 the applicant.

3 (e) State whether the applicant has theretofore been licensed as a  
4 driver, and, if so, when and by what state or country, and whether  
5 any such license has ever been suspended or revoked, or whether an  
6 application has ever been refused, and, if so, the date of and reason  
7 for the suspension, revocation or refusal.

8 (f) Include such other information as the Department may  
9 require to determine the competency and eligibility of the applicant.

10 2. Every applicant must furnish proof of his or her full legal  
11 name and age by displaying:

12 (a) An original or certified copy of the required documents as  
13 prescribed by regulation; or

14 (b) A photo identification card issued by the Department of  
15 Corrections pursuant to NRS 209.511 ***H*** *which indicates that the*  
16 *Director of the Department of Corrections has verified the full*  
17 *legal name and age of the applicant pursuant to subsection 4 of*  
18 *that section.*

19 3. The Department shall adopt regulations prescribing the  
20 documents an applicant may use to furnish proof of his or her full  
21 legal name and age to the Department pursuant to paragraph (a) of  
22 subsection 2, including, without limitation, a document issued by  
23 the Department pursuant to NRS 483.375 or 483.8605.

24 4. At the time of applying for a driver's license, an applicant  
25 may, if eligible, preregister or register to vote pursuant to  
26 NRS 293.524.

27 5. Every applicant who has been assigned a social security  
28 number must furnish proof of his or her social security number by  
29 displaying:

30 (a) An original card issued to the applicant by the Social  
31 Security Administration bearing the social security number of the  
32 applicant; or

33 (b) Other proof acceptable to the Department, including, without  
34 limitation, records of employment or federal income tax returns.

35 6. The Department may refuse to accept a driver's license  
36 issued by another state, the District of Columbia or any territory of  
37 the United States if the Department determines that the other state,  
38 the District of Columbia or the territory of the United States has less  
39 stringent standards than the State of Nevada for the issuance of a  
40 driver's license.

41 7. With respect to any document presented by a person who  
42 was born outside of the United States to prove his or her full legal  
43 name and age, the Department:



1 (a) May, if the document has expired, refuse to accept the  
2 document or refuse to issue a driver's license to the person  
3 presenting the document, or both; and

4 (b) Shall issue to the person presenting the document a driver's  
5 license that is valid only during the time the applicant is authorized  
6 to stay in the United States, or if there is no definite end to the time  
7 the applicant is authorized to stay, the driver's license is valid for 1  
8 year beginning on the date of issuance.

9 8. The Administrator shall adopt regulations setting forth  
10 criteria pursuant to which the Department will issue or refuse to  
11 issue a driver's license in accordance with this section to a person  
12 who is a citizen of any state, the District of Columbia, any territory  
13 of the United States or a foreign country. The criteria pursuant to  
14 which the Department shall issue or refuse to issue a driver's license  
15 to a citizen of a foreign country must be based upon the purpose for  
16 which that person is present within the United States.

17 9. Notwithstanding any other provision of this section, the  
18 Department shall not accept a consular identification card as proof  
19 of the age or identity of an applicant for an instruction permit or for  
20 a driver's license. As used in this subsection, "consular  
21 identification card" has the meaning ascribed to it in NRS 232.006.

22 **Sec. 126.7.** NRS 483.860 is hereby amended to read as  
23 follows:

24 483.860 1. Every applicant for an identification card must  
25 furnish proof of his or her full legal name and age by presenting:

26 (a) An original or certified copy of the required documents as  
27 prescribed by regulation; or

28 (b) A photo identification card issued by the Department of  
29 Corrections pursuant to NRS 209.511 **[H] which indicates that the**  
30 ***Director of the Department of Corrections has verified the full***  
31 ***legal name and age of the applicant pursuant to subsection 4 of***  
32 ***that section.***

33 2. The Director shall adopt regulations:

34 (a) Prescribing the documents an applicant may use to furnish  
35 proof of his or her full legal name and age to the Department  
36 pursuant to paragraph (a) of subsection 1, including, without  
37 limitation, a document issued by the Department pursuant to NRS  
38 483.375 or 483.8605; and

39 (b) Setting forth criteria pursuant to which the Department will  
40 issue or refuse to issue an identification card in accordance with this  
41 section to a person who is a citizen of a state, the District of  
42 Columbia, any territory of the United States or a foreign country.  
43 The criteria pursuant to which the Department shall issue or refuse  
44 to issue an identification card to a citizen of a foreign country must



1 be based upon the purpose for which that person is present within  
2 the United States.

3 3. Notwithstanding any other provision of this section, the  
4 Department shall not accept a consular identification card as proof  
5 of the age or identity of an applicant for an identification card. As  
6 used in this subsection, "consular identification card" has the  
7 meaning ascribed to it in NRS 232.006.

8 **Sec. 127.** NRS 484C.320 is hereby amended to read as  
9 follows:

10 484C.320 1. An offender who is found guilty of a violation  
11 of NRS 484C.110 or 484C.120 that is punishable pursuant to  
12 paragraph (a) of subsection 1 of NRS 484C.400, other than an  
13 offender who is found to have a concentration of alcohol of 0.18 or  
14 more in his or her blood or breath, may, at that time or any time  
15 before the offender is sentenced, apply to the court to undergo a  
16 program of treatment for alcoholism or drug ~~abuse~~ use for at least  
17 6 months. The court shall authorize that treatment if:

18 (a) The offender is diagnosed as an alcoholic or ~~abuser~~ user of  
19 drugs by:

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

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

26 (b) The offender agrees to pay the cost of the treatment to the  
27 extent of his or her financial resources; and

28 (c) The offender has served or will serve a term of imprisonment  
29 in jail of 1 day, or has performed or will perform 24 hours of  
30 community service.

31 2. A prosecuting attorney may, within 10 days after receiving  
32 notice of an application for treatment pursuant to this section,  
33 request a hearing on the question of whether the offender is eligible  
34 to undergo a program of treatment for alcoholism or drug ~~abuse~~  
35 use. The court shall order a hearing on the application upon the  
36 request of the prosecuting attorney or may order a hearing on its  
37 own motion. The hearing must be limited to the question of whether  
38 the offender is eligible to undergo such a program of treatment.

39 3. At the hearing on the application for treatment, the  
40 prosecuting attorney may present the court with any relevant  
41 evidence on the matter. If a hearing is not held, the court shall  
42 decide the matter upon affidavits and other information before the  
43 court.

44 4. If the court grants an application for treatment, the court  
45 shall:



1 (a) Immediately sentence the offender and enter judgment  
2 accordingly.

3 (b) Suspend the sentence of the offender for not more than 3  
4 years upon the condition that the offender be accepted for treatment  
5 by a treatment provider that is approved by the court, that the  
6 offender complete the treatment satisfactorily and that the offender  
7 comply with any other condition ordered by the court. If the court  
8 has a specialty court program for the supervision and monitoring of  
9 the person, the treatment provider must comply with the  
10 requirements of the specialty court, including, without limitation,  
11 any requirement to submit progress reports to the specialty court.

12 (c) Advise the offender that:

13 (1) He or she may be placed under the supervision of a  
14 treatment provider for a period not to exceed 3 years.

15 (2) The court may order the offender to be admitted to a  
16 residential treatment facility or to be provided with outpatient  
17 treatment in the community.

18 (3) If the offender fails to complete the program of treatment  
19 satisfactorily, the offender shall serve the sentence imposed by the  
20 court. Any sentence of imprisonment must be reduced by a time  
21 equal to that which the offender served before beginning treatment.

22 (4) If the offender completes the treatment satisfactorily, the  
23 offender's sentence will be reduced to a term of imprisonment  
24 which is no longer than that provided for the offense in paragraph  
25 (c) of subsection 1 and a fine of not more than the minimum fine  
26 provided for the offense in NRS 484C.400, but the conviction must  
27 remain on the record of criminal history of the offender.

28 5. The court shall administer the program of treatment pursuant  
29 to the procedures provided in ~~[NRS 458.320 and 458.330,]~~ *sections*  
30 *20 to 23, inclusive, of this act,* except that the court:

31 (a) Shall not defer the sentence, set aside the conviction or  
32 impose conditions upon the election of treatment except as  
33 otherwise provided in this section.

34 (b) May immediately revoke the suspension of sentence for a  
35 violation of any condition of the suspension.

36 6. The court shall notify the Department, on a form approved  
37 by the Department, upon granting the application of the offender for  
38 treatment and his or her failure to be accepted for or complete  
39 treatment.

40 **Sec. 128.** NRS 484C.330 is hereby amended to read as  
41 follows:

42 484C.330 1. An offender who is found guilty of a violation  
43 of NRS 484C.110 or 484C.120 that is punishable pursuant to  
44 paragraph (b) of subsection 1 of NRS 484C.400 may, at that time or  
45 any time before the offender is sentenced, apply to the court to



1 undergo a program of treatment for alcoholism or drug ~~abuse~~ use  
2 for at least 1 year. The court shall authorize that treatment if:

3 (a) The offender is diagnosed as an alcoholic or ~~abuser~~ user of  
4 drugs by:

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

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

11 (b) The offender agrees to pay the costs of the treatment to the  
12 extent of his or her financial resources; and

13 (c) The offender has served or will serve a term of imprisonment  
14 in jail of 5 days and, if required pursuant to NRS 484C.400, has  
15 performed or will perform not less than one-half of the hours of  
16 community service.

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

22 3. At the hearing on the application for treatment, the  
23 prosecuting attorney may present the court with any relevant  
24 evidence on the matter. If a hearing is not held, the court shall  
25 decide the matter upon affidavits and other information before the  
26 court.

27 4. If the court grants an application for treatment, the court  
28 shall:

29 (a) Immediately sentence the offender and enter judgment  
30 accordingly.

31 (b) Suspend the sentence of the offender for not more than 3  
32 years upon the condition that the offender be accepted for treatment  
33 by a treatment provider that is approved by the court, that the  
34 offender complete the treatment satisfactorily and that the offender  
35 comply with any other condition ordered by the court. If the court  
36 has a specialty court program for the supervision and monitoring of  
37 the person, the treatment provider must comply with the  
38 requirements of the specialty court, including, without limitation,  
39 any requirement to submit progress reports to the specialty court.

40 (c) Advise the offender that:

41 (1) He or she may be placed under the supervision of the  
42 treatment provider for a period not to exceed 3 years.

43 (2) The court may order the offender to be admitted to a  
44 residential treatment facility or to be provided with outpatient  
45 treatment in the community.



1 (3) If the offender fails to complete the program of treatment  
2 satisfactorily, the offender shall serve the sentence imposed by the  
3 court. Any sentence of imprisonment must be reduced by a time  
4 equal to that which the offender served before beginning treatment.

5 (4) If the offender completes the treatment satisfactorily, the  
6 offender's sentence will be reduced to a term of imprisonment  
7 which is no longer than that provided for the offense in paragraph  
8 (c) of subsection 1 and a fine of not more than the minimum  
9 provided for the offense in NRS 484C.400, but the conviction must  
10 remain on the record of criminal history of the offender.

11 5. The court shall administer the program of treatment pursuant  
12 to the procedures provided in ~~[NRS 458.320 and 458.330,]~~ *sections*  
13 *20 to 23, inclusive, of this act,* except that the court:

14 (a) Shall not defer the sentence, set aside the conviction or  
15 impose conditions upon the election of treatment except as  
16 otherwise provided in this section.

17 (b) May immediately revoke the suspension of sentence for a  
18 violation of a condition of the suspension.

19 6. The court shall notify the Department, on a form approved  
20 by the Department, upon granting the application of the offender for  
21 treatment and his or her failure to be accepted for or complete  
22 treatment.

23 **Sec. 129.** NRS 484C.340 is hereby amended to read as  
24 follows:

25 484C.340 1. An offender who enters a plea of guilty or nolo  
26 contendere to a violation of NRS 484C.110 or 484C.120 that is  
27 punishable pursuant to paragraph (c) of subsection 1 of NRS  
28 484C.400 may, at the time the offender enters a plea, apply to the  
29 court to undergo a program of treatment for alcoholism or drug  
30 ~~[abuse]~~ *use* for at least 3 years. The court may authorize that  
31 treatment if:

32 (a) The offender is diagnosed as an alcoholic or ~~[abuser]~~ *user* of  
33 drugs by:

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

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

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

42 ➤ An alcohol and drug abuse counselor, a clinical alcohol and drug  
43 abuse counselor or a physician who diagnoses an offender as an  
44 alcoholic or ~~[abuser]~~ *user* of drugs shall make a report and



1 recommendation to the court concerning the length and type of  
2 treatment required for the offender.

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

8 3. At the hearing on the application for treatment, the  
9 prosecuting attorney may present the court with any relevant  
10 evidence on the matter. If a hearing is not held, the court shall  
11 decide the matter and other information before the court.

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

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

17 (b) Order the offender to complete a program of treatment for  
18 alcoholism or drug ~~abuse~~ use with a treatment provider approved  
19 by the court. If the court has a specialty court program for the  
20 supervision and monitoring of the person, the treatment provider  
21 must comply with the requirements of the specialty court, including,  
22 without limitation, any requirement to submit progress reports to the  
23 specialty court.

24 (c) Advise the offender that:

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

27 (2) The court may order the offender to be admitted to a  
28 residential treatment facility or to be provided with outpatient  
29 treatment in the community.

30 (3) The court will enter a judgment of conviction for a  
31 violation of paragraph (c) of subsection 1 of NRS 484C.400 if a  
32 treatment provider fails to accept the offender for a program of  
33 treatment for alcoholism or drug ~~abuse~~ use or if the offender fails  
34 to complete the program of treatment satisfactorily. Any sentence of  
35 imprisonment may be reduced by a time equal to that which the  
36 offender served before beginning treatment.

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

40 (5) The provisions of NRS 483.460 requiring the revocation  
41 of the license, permit or privilege of the offender to drive do not  
42 apply.

43 5. The court shall administer the program of treatment pursuant  
44 to the procedures provided in ~~NRS 458.320 and 458.330,~~ *sections*  
45 *20 to 23, inclusive, of this act*, except that the court:



1 (a) Shall not defer the sentence or set aside the conviction upon  
2 the election of treatment, except as otherwise provided in this  
3 section; and

4 (b) May enter a judgment of conviction and proceed as provided  
5 in paragraph (c) of subsection 1 of NRS 484C.400 for a violation of  
6 a condition ordered by the court.

7 6. To participate in a program of treatment, the offender must:

8 (a) Serve not less than 6 months of residential confinement;

9 (b) Install, at his or her own expense, a device for not less than  
10 12 months;

11 (c) Not drive any vehicle unless it is equipped with a device;

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

15 (e) Agree to any other conditions that the court deems necessary.

16 7. An offender may not apply to the court to undergo a  
17 program of treatment for alcoholism or drug ~~abuse~~ use pursuant to  
18 this section if the offender has previously applied to receive  
19 treatment pursuant to this section or if the offender has previously  
20 been convicted of:

21 (a) A violation of NRS 484C.430;

22 (b) A violation of NRS 484C.130;

23 (c) A homicide resulting from driving or being in actual physical  
24 control of a vehicle while under the influence of intoxicating liquor  
25 or a controlled substance or resulting from any other conduct  
26 prohibited by NRS 484C.110, 484C.130 or 484C.430;

27 (d) A violation of paragraph (c) of subsection 1 of  
28 NRS 484C.400;

29 (e) A violation of NRS 484C.410; or

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

32 8. As used in this section, "device" has the meaning ascribed to  
33 it in NRS 484C.450.

34 **Sec. 130.** NRS 484D.335 is hereby amended to read as  
35 follows:

36 484D.335 1. A person is guilty of a category ~~B~~ C felony  
37 and shall be punished ~~by imprisonment in the state prison for a~~  
38 ~~minimum term of not less than 1 year and a maximum term of not~~  
39 ~~more than 6 years, or by a fine of not more than \$10,000, or by both~~  
40 ~~fine and imprisonment.] as provided in NRS 193.130~~ if the person  
41 knowingly sells a motor vehicle whose odometer has been altered  
42 for the purpose of fraud.

43 2. Except as otherwise provided in subsection 1, any person  
44 who violates the provisions of NRS 484D.300 to 484D.345,  
45 inclusive, is guilty of a misdemeanor.



1     **Sec. 131.** NRS 501.3765 is hereby amended to read as  
2 follows:

3     501.3765 1. Any person who intentionally steals, takes and  
4 carries away one or more traps, snares or similar devices owned by  
5 another person with an aggregate value of less than ~~[\$650]~~ **\$1,200** is  
6 guilty of a gross misdemeanor.

7     2. Any person who buys, receives, possesses or withholds one  
8 or more traps, snares or similar devices owned by another person  
9 with an aggregate value of less than ~~[\$650]~~ **\$1,200:**

10    (a) Knowing that the traps, snares or similar devices are stolen  
11 property; or

12    (b) Under such circumstances as should have caused a  
13 reasonable person to know that the traps, snares or similar devices  
14 are stolen property,

15    ↪ is guilty of a gross misdemeanor.

16     **Sec. 131.5.** NRS 569.100 is hereby amended to read as  
17 follows:

18     569.100 1. A person who takes up an estray or feral livestock  
19 as provided for in NRS 569.040 to 569.130, inclusive, is entitled to  
20 hold the estray or feral livestock lawfully until relieved of custody  
21 by the Department.

22     2. A person shall not use or cause to be used, for profit or  
23 otherwise, any estray or feral livestock in the person's keeping  
24 under the provisions of NRS 569.040 to 569.130, inclusive. A  
25 violation of this subsection shall be deemed grand larceny or petit  
26 larceny, as set forth in NRS 205.2175 to ~~[205.2707]~~ **205.2705,**  
27 inclusive, and the person shall be punished as provided in those  
28 sections.

29     3. Any person taking, leading or driving an estray or feral  
30 livestock away from the possession of the lawful holder, as specified  
31 in NRS 569.040 to 569.130, inclusive, except as otherwise provided  
32 in this section, is subject to all the penalties under the law, whether  
33 or not the person is the claimant of the estray or feral livestock.

34     **Sec. 132.** NRS 612.445 is hereby amended to read as follows:

35     612.445 1. A person shall not make a false statement or  
36 representation, knowing it to be false, or knowingly fail to disclose a  
37 material fact in order to obtain or increase any benefit or other  
38 payment under this chapter, including, without limitation, by:

39     (a) Failing to properly report earnings;

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

42     (c) Filing a claim for or receiving benefits and failing to  
43 disclose, at the time he or she files the claim or receives the benefits,  
44 any compensation for a temporary total disability or a temporary  
45 partial disability or money for rehabilitative services pursuant to



1 chapters 616A to 616D, inclusive, or 617 of NRS received by the  
2 person or for which a claim has been submitted pursuant to those  
3 chapters.

4 ↪ A person who violates the provisions of this subsection commits  
5 unemployment insurance fraud.

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

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

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

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

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

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

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

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

39 5. A person who obtains benefits of ~~[\$650]~~ **\$1,200** or more in  
40 violation of subsection 1 shall be punished in the same manner as  
41 theft pursuant to subsection ~~[3-or-4]~~ **2** of NRS 205.0835.

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

44 (a) Shall impose a penalty equal to 15 percent of the total  
45 amount of benefits received by the person in violation of subsection



1 1. Money recovered by the Administrator pursuant to this paragraph  
2 must be deposited in the Unemployment Trust Fund in accordance  
3 with the provisions of NRS 612.590.

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

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

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

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

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

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

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

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

35 **Sec. 133.** NRS 652.074 is hereby amended to read as follows:

36 652.074 The provisions of this chapter do not apply to any:

37 1. Test or examination conducted by a law enforcement officer  
38 or agency;

39 2. Test or examination required by a court as a part of or in  
40 addition to a program of treatment and rehabilitation pursuant to  
41 ~~NRS 453.580;~~ *section 20 of this act;* or

42 3. Task performed in accordance with the regulations adopted  
43 by the Board pursuant to NRS 449.0304 or 449.4309.

44 **Sec. 133.3.** 1. There is hereby appropriated from the State  
45 General Fund to the Division of Parole and Probation of the



1 Department of Public Safety for personnel costs for quality  
2 assurance, data tracking, record sealing and tracking the following  
3 sums:

4 For the Fiscal Year 2019-2020..... \$344,542  
5 For the Fiscal Year 2020-2021..... \$421,466

6 2. Any balance of the sums appropriated by subsection 1  
7 remaining at the end of the respective fiscal years must not be  
8 committed for expenditure after June 30 of the respective fiscal  
9 years by the entity to which the appropriation is made or any entity  
10 to which money from the appropriation is granted or otherwise  
11 transferred in any manner, and any portion of the appropriated  
12 money remaining must not be spent for any purpose after  
13 September 18, 2020, and September 17, 2021, respectively, by  
14 either the entity to which the money was appropriated or the entity  
15 to which the money was subsequently granted or transferred, and  
16 must be reverted to the State General Fund on or before  
17 September 18, 2020, and September 17, 2021, respectively.

18 **Sec. 133.5.** 1. There is hereby appropriated from the State  
19 General Fund to the Division of Parole and Probation of the  
20 Department of Public Safety for personnel costs the sum of  
21 \$150,337.

22 2. Any remaining balance of the appropriation made by  
23 subsection 1 must not be committed for expenditure after June 30,  
24 2021, by the entity to which the appropriation is made or any entity  
25 to which money from the appropriation is granted or otherwise  
26 transferred in any manner, and any portion of the appropriated  
27 money remaining must not be spent for any purpose after  
28 September 17, 2021, by either the entity to which the money was  
29 appropriated or the entity to which the money was subsequently  
30 granted or transferred, and must be reverted to the State General  
31 Fund on or before September 17, 2021.

32 **Sec. 133.7.** 1. There is hereby appropriated from the State  
33 General Fund to the Department of Corrections for personnel costs  
34 to address reporting requirements imposed pursuant to the  
35 provisions of this act the following sums:

36 For the Fiscal Year 2019-2020..... \$30,348  
37 For the Fiscal Year 2020-2021..... \$83,133

38 2. Any balance of the sums appropriated by subsection 1  
39 remaining at the end of the respective fiscal years must not be  
40 committed for expenditure after June 30 of the respective fiscal  
41 years by the entity to which the appropriation is made or any entity  
42 to which money from the appropriation is granted or otherwise  
43 transferred in any manner, and any portion of the appropriated  
44 money remaining must not be spent for any purpose after  
45 September 18, 2020, and September 17, 2021, respectively, by



1 either the entity to which the money was appropriated or the entity  
2 to which the money was subsequently granted or transferred, and  
3 must be reverted to the State General Fund on or before  
4 September 18, 2020, and September 17, 2021, respectively.

5 **Sec. 134.** The provisions of subsection 1 of NRS 218D.380 do  
6 not apply to any provision of this act which adds or revises a  
7 requirement to submit a report to the Legislature.

8 **Sec. 135.** The provisions of NRS 354.599 do not apply to any  
9 additional expenses of a local government that are related to the  
10 provisions of this act.

11 **Sec. 135.5.** 1. When the next reprint of the Nevada Revised  
12 Statutes is prepared by the Legislative Counsel, the Legislative  
13 Counsel shall replace the terms “abuse” and “abuser” as such terms  
14 appear in the Nevada Revised Statutes in relation to, without  
15 limitation, alcohol or drug abuse or substance abuse assessments,  
16 screenings, disorders or treatment programs, with the terms “use”  
17 and “user,” respectively, in the manner provided in this act.

18 2. The Legislative Counsel shall, in preparing supplements to  
19 the Nevada Administrative Code, make such changes as necessary  
20 so that the terms “abuse” and “abuser” are replaced with the terms  
21 “use” and “user,” respectively, as described in subsection 1 and as  
22 provided for in this act.

23 3. To the extent that revisions are made to the Nevada Revised  
24 Statutes pursuant to subsection 1, the revisions shall be construed as  
25 nonsubstantive and it is not the intent of the Nevada Legislature to  
26 modify any existing interpretations of any statute which is so  
27 revised.

28 **Sec. 136.** NRS 205.2707, 453.3395, 453.580, 458.290,  
29 458.300, 458.310, 458.320, 458.325, 458.330, 458.340 and 458.350  
30 are hereby repealed.

31 **Sec. 137.** 1. This section and sections 133.3, 133.5 and 133.7  
32 of this act become effective on July 1, 2019.

33 2. Sections 1 to 133, inclusive, and 134 to 136, inclusive, of  
34 this act become effective on July 1, 2020.

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## LEADLINES OF REPEALED SECTIONS

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**205.2707 Penalty for theft of money or property of value of \$650 or more from vending machines; determination of value of property taken includes cost to repair any damage to vending machine.**

**453.3395 Trafficking in controlled substances: Schedule II substances.**



**453.580 Program for treatment of certain offenders: Requirements; payment of costs; completion in another jurisdiction.**

**458.290 "Drug addict" defined.**

**458.300 Eligibility for assignment to program of treatment.**

**458.310 Hearing to determine whether defendant should receive treatment.**

**458.320 Examination of defendant; determination of acceptability for treatment; imposition of conditions; deferment of sentencing; payment of costs of treatment.**

**458.325 Completion of treatment under supervision of treatment provider in another jurisdiction.**

**458.330 Deferment of sentencing; satisfaction of conditions for treatment; determination of transfer to another treatment provider or sentencing; sealing of records.**

**458.340 Civil commitment not criminal conviction.**

**458.350 State or political subdivision not required to provide treatment provider for treatment.**



