

SENATE BILL NO. 309—SENATOR STEINBECK

MARCH 10, 2025

Referred to Committee on Growth and Infrastructure

SUMMARY—Revises provisions relating to crimes. (BDR 43-906)

FISCAL NOTE: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: Yes.

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

AN ACT relating to crimes; revising provisions relating to prohibited acts concerning the use of alcohol, marijuana and certain other prohibited substances; increasing the maximum fine for misdemeanors; increasing the maximum fine for gross misdemeanors; providing penalties; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law prohibits a person from driving or physically controlling a vehicle or operating or physically controlling a vessel under certain circumstances if the person has specified amounts of certain prohibited substances in his or her blood or urine. (NRS 484C.110, 488.410) Sections 5 and 15 of this bill additionally prohibit a person from driving or physically controlling a vehicle or operating or physically controlling a vessel with specific amounts of fentanyl or methylenedioxyamphetamine in his or her blood or urine. Section 3 of this bill makes a conforming change to include fentanyl and methylenedioxyamphetamine in the definition of “prohibited substance.”

Existing law also prohibits a person from driving or physically controlling a vehicle or operating or physically controlling a vessel under certain circumstances if the person has specific amounts of marijuana or marijuana metabolite in his or her blood and the offense is punishable as a felony. (NRS 484C.110, 484C.400, 488.410, 488.427) Sections 5 and 15 expand the applicability of the prohibition concerning the specific amounts of marijuana and marijuana metabolite, thereby making the prohibition also applicable to offenses punishable as a misdemeanor.

Additionally, existing law prohibits a person from driving or physically controlling a vehicle or operating or physically controlling a vessel under certain circumstances if the person is found by a measurement within 2 hours after driving or physically controlling the vehicle or operating or physically controlling the vessel to have a concentration of alcohol of 0.08 or more on his or her breath, or



22 0.04 or more but less than 0.08 for commercial motor vehicles. (NRS 484C.110,  
23 484C.120, 484C.130, 484C.430, 488.410, 488.420, 488.425) **Sections 5-7 and 14-**  
24 **17** of this bill make various changes to account for the circumstance under which a  
25 person drives or physically controls a vehicle or operates or physically controls a  
26 vessel under certain circumstances and is found, after being involved in a crash or  
27 collision, as applicable, to have the specified concentration of alcohol on his or her  
28 breath. **Sections 19-23, 28, 29 and 31** of this bill make conforming changes to  
29 account for certain organizational changes made in **section 5**. **Section 4** of this bill  
30 makes certain changes concerning when a person is presumed to be in physical  
31 control of a vehicle involved in a crash.

32 Existing law establishes various penalties applicable to the offense of driving or  
33 physically controlling a vehicle while under the influence of alcohol or a prohibited  
34 substance, depending on whether the offense is the first, second or third offense  
35 within 7 years. (NRS 484C.400) **Section 12** of this bill makes various changes to  
36 increase certain penalties and other sanctions applicable to a first or second offense.

37 Existing law requires an offender who had a concentration of alcohol of 0.18 or  
38 more in his or her blood or breath at the time of an offense to be evaluated before  
39 sentencing to determine whether the offender has an alcohol or substance use  
40 disorder. (NRS 484C.350) **Section 11** of this bill reduces the concentration of  
41 alcohol threshold to require an offender who had a concentration of alcohol of 0.16  
42 or more in his or her blood or breath at the time of the offense to be evaluated for  
43 an alcohol or substance use disorder. **Sections 1, 2 and 9** of this bill make  
44 conforming changes to reduce references to the concentration of alcohol from 0.18  
45 to 0.16.

46 Additionally, existing law, under certain circumstances, authorizes certain first,  
47 second and third-time offenders to apply to the court to undergo a program of  
48 treatment for an alcohol or other substance use disorder. (NRS 484C.320,  
49 484C.330, 484C.340) Existing law prohibits an offender from applying to undergo  
50 such a program for third-time offenders if the offender has previously applied to  
51 receive such treatment or has previously been convicted of certain offenses. (NRS  
52 484C.340) **Section 10** of this bill removes the restriction related to previous  
53 applications by a third-time offender to undergo such a program and instead  
54 prohibits the offender from applying to undergo such a program if the offender has  
55 previously been ordered to complete a program of treatment for third-time  
56 offenders.

57 For the purposes of determining whether a person that drives or physically  
58 controls a vehicle while under the influence of alcohol or a prohibited substance is  
59 a first, second or third-time offender, existing law qualifies an offense as a prior  
60 offense if it is: (1) evidenced by a conviction; or (2) conditionally dismissed or the  
61 judgment of conviction is set aside or dismissed in connection with successful  
62 completion of a diversionary program or specialty court program. (NRS 484C.400)  
63 **Section 12** of this bill additionally provides that an offense qualifies as a prior  
64 offense if the person is undergoing a program of treatment for an alcohol or  
65 substance use disorder for a first, second or third-time offender.

66 Existing law establishes a penalty that is applicable to a person who has  
67 previously committed certain felonies related to driving under the influence of  
68 alcohol or a prohibited substance and who subsequently commits the offense of  
69 driving or physically controlling a vehicle while under the influence of alcohol or a  
70 prohibited substance. (NRS 484C.410) **Section 13** of this bill additionally applies  
71 this penalty to a person who is undergoing a program of treatment for an alcohol or  
72 substance use disorder for a third-time offender, if the person subsequently  
73 commits the offense of driving or physically controlling a vehicle while under the  
74 influence of alcohol or a prohibited substance.

75 Existing law requires certain conduct related to driving under the influence of  
76 alcohol or a prohibited substance to have taken place "on a highway or on premises



77 to which the public has access.” (NRS 484C.110, 484C.120, 484C.150, 484C.160)  
78 Existing law also requires certain other conduct related to driving under the  
79 influence of alcohol or a prohibited substance to have taken place “on or off the  
80 highways of this State.” (NRS 484C.130, 484C.430) **Sections 7 and 14** of this bill  
81 replace the phrase “on or off the highways of this State” with “on a highway or  
82 premises to which the public has access” for consistency throughout provisions  
83 governing driving under the influence of alcohol or a prohibited substance.

84 Existing law provides that a blood test related to a person accused of driving or  
85 physically controlling a vehicle or operating or physically controlling a vessel while  
86 under the influence of alcohol or a prohibited substance is not admissible unless the  
87 blood test was performed by a person who meets certain qualifications using certain  
88 medical standards. (NRS 484C.250, 488.500) **Section 38** of this bill repeals those  
89 provisions relating to the admissibility of blood tests. **Section 8, 18 and 30** of this  
90 bill make conforming changes related to the repeal of those provisions.

91 Existing law creates a parallel scheme whereby certain provisions which  
92 prohibit a person from driving or physically controlling a vehicle or operating or  
93 physically controlling a vessel under certain circumstances with a concentration of  
94 alcohol of 0.10 in his or her blood or breath become effective upon the repeal of  
95 certain federal laws which require states to enact and enforce laws which prohibit a  
96 person from operating a vehicle with a concentration of alcohol of 0.08 in his or her  
97 blood. **Sections 32-38** of this bill make various changes to repeal the parallel  
98 statutory scheme related to the 0.10 threshold.

99 Existing law generally provides that a fine of not more than \$1,000 may be  
100 imposed for a misdemeanor or certain offenses treated as misdemeanors. (NRS  
101 193.120, 193.150, 193.160) **Sections 24, 26, and 27** of this bill increase the  
102 maximum fine to \$3,000.

103 Additionally, existing law generally provides that a fine of not more than  
104 \$2,000 may be imposed for a gross misdemeanor. (NRS 193.140) **Section 25** of  
105 this bill increases the maximum fine to \$4,000.

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

1 **Section 1.** NRS 484C.030 is hereby amended to read as  
2 follows:

3 484C.030 “Concentration of alcohol of ~~{0.18}~~ **0.16** or more in  
4 his or her blood or breath” means ~~{0.18}~~ **0.16** gram or more of  
5 alcohol per 100 milliliters of the blood of a person or per 210 liters  
6 of his or her breath.

7 **Sec. 2.** NRS 484C.040 is hereby amended to read as follows:

8 484C.040 “Concentration of alcohol of less than ~~{0.18}~~ **0.16** in  
9 his or her blood or breath” means less than ~~{0.18}~~ **0.16** gram of  
10 alcohol per 100 milliliters of the blood of a person or per 210 liters  
11 of his or her breath.

12 **Sec. 3.** NRS 484C.080 is hereby amended to read as follows:

13 484C.080 “Prohibited substance” means any of the following  
14 substances if the person who uses the substance has not been issued  
15 a valid prescription to use the substance and the substance is



1 classified in schedule I or II pursuant to NRS 453.166 or 453.176  
2 when it is used:

- 3 1. Amphetamine.
- 4 2. Cocaine or cocaine metabolite.
- 5 3. *Fentanyl*.
- 6 4. Heroin or heroin metabolite (morphine or 6-monoacetyl
- 7 morphine).
- 8 ~~[4.]~~ 5. Lysergic acid diethylamide.
- 9 ~~[5.]~~ 6. Marijuana or marijuana metabolite.
- 10 ~~[6.]~~ 7. Methamphetamine.
- 11 8. *Methylenedioxymethamphetamine*.
- 12 ~~[7.]~~ 9. Phencyclidine.

13 **Sec. 4.** NRS 484C.109 is hereby amended to read as follows:

14 484C.109 1. For the purposes of this chapter, a person shall  
15 be deemed not to be in actual physical control of a vehicle if:

- 16 ~~[1.]~~ (a) The person is asleep inside the vehicle;
- 17 ~~[2.]~~ (b) The person is not in the driver's seat of the vehicle;
- 18 ~~[3.—The]~~
- 19 (c) *Except as otherwise provided in subsection 2, the* engine of  
20 the vehicle is not running;

21 ~~[4.]~~ (d) The vehicle is lawfully parked; ~~and~~

22 ~~—5.] or~~  
23 (e) Under the facts presented, it is evident that the person could  
24 not have driven the vehicle to the location while under the influence  
25 of intoxicating liquor, a controlled substance or a prohibited  
26 substance.

27 2. *If the engine of a vehicle is not running at the scene of a*  
28 *vehicle crash, there is a rebuttable presumption that the person*  
29 *who was in the driver's seat of the vehicle was in actual physical*  
30 *control of the vehicle at the time of the vehicle crash.*

31 **Sec. 5.** NRS 484C.110 is hereby amended to read as follows:

32 484C.110 1. It is unlawful for any person who:

- 33 (a) Is under the influence of intoxicating liquor; *or*
- 34 (b) Has a concentration of alcohol of 0.08 or more in his or her  
35 blood or breath, ~~;~~ ~~or~~

36 ~~—(c) Is found by measurement within 2 hours after driving or~~  
37 ~~being in actual physical control of a vehicle to have a concentration~~  
38 ~~of alcohol of 0.08 or more in his or her blood or breath.]~~

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

41 2. *It is unlawful for any person to drive or be in actual*  
42 *physical control of a vehicle on a highway or on premises to which*  
43 *the public has access if:*

44 (a) *Except as otherwise provided in paragraph (b), the person*  
45 *is found by measurement within 2 hours after driving or being in*



1 *actual physical control of a vehicle to have a concentration of*  
2 *alcohol of 0.08 or more in his or her blood or breath; or*

3 *(b) The person is found by measurement after driving or being*  
4 *in actual physical control of a vehicle involved in a crash to have a*  
5 *concentration of alcohol of 0.08 or more in his or her blood or*  
6 *breath.*

7 **3.** It is unlawful for any person who:

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

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

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

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

20 ~~3.4~~ **4.** It is unlawful for any person to drive or be in actual  
21 physical control of a vehicle on a highway or on premises to which  
22 the public has access with an amount of any of the following  
23 prohibited substances in his or her blood or urine that is equal to or  
24 greater than:

Prohibited substance	Urine Nanograms per milliliter	Blood Nanograms per milliliter
(a) Amphetamine	500	100
(b) Cocaine	150	50
(c) Cocaine metabolite	150	50
(d) <i>Fentanyl</i>	<b>10</b>	<b>1</b>
(e) Heroin	2,000	50
<del>(e)</del> (f) Heroin metabolite:		
(1) Morphine	2,000	50
(2) 6-monoacetyl morphine	10	10
<del>(f)</del> (g) Lysergic acid diethylamide	25	10
<del>(g)</del> (h) Methamphetamine	500	100
(i) <i>Methylenedioxymethamphetamine</i>	<b>100</b>	<b>20</b>
<del>(h)</del> (j) Phencyclidine	25	10

42  
43 ~~[4. For any violation that is punishable pursuant to paragraph~~  
44 ~~(e) of subsection 1 of NRS 484C.400, it]~~



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

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

13 ~~5.]~~ **6.** If consumption is proven by a preponderance of the  
14 evidence, it is an affirmative defense under ~~paragraph (c) of~~  
15 subsection ~~H] 2~~ that the defendant consumed a sufficient quantity of  
16 alcohol after driving or being in actual physical control of the  
17 vehicle, and before his or her blood or breath was tested, to cause  
18 the defendant to have a concentration of alcohol of 0.08 or more in  
19 his or her blood or breath. A defendant who intends to offer this  
20 defense at a trial or preliminary hearing must, not less than 14 days  
21 before the trial or hearing or at such other time as the court may  
22 direct, file and serve on the prosecuting attorney a written notice of  
23 that intent.

24 ~~6.]~~ **7.** A person who violates any provision of this section may  
25 be subject to any additional penalty set forth in NRS 484B.130 or  
26 484B.135.

27 **Sec. 6.** NRS 484C.120 is hereby amended to read as follows:  
28 484C.120 1. It is unlawful for any person who:

- 29 (a) Is under the influence of intoxicating liquor; *or*
- 30 (b) Has a concentration of alcohol of 0.04 or more but less than  
31 0.08 in his or her blood or breath, ~~;~~ *or*

32 ~~—(c) Is found by measurement within 2 hours after driving or~~  
33 ~~being in actual physical control of a commercial motor vehicle to~~  
34 ~~have a concentration of alcohol of 0.04 or more but less than 0.08 in~~  
35 ~~his or her blood or breath.]~~

36 *↪* to drive or be in actual physical control of a commercial motor  
37 vehicle on a highway or on premises to which the public has access.

38 2. *It is unlawful for any person to drive or be in actual*  
39 *physical control of a commercial motor vehicle on a highway or*  
40 *on premises to which the public has access if:*

- 41 (a) *Except as otherwise provided in paragraph (b), the person*  
42 *is found by measurement within 2 hours after driving or being in*  
43 *actual physical control of a commercial motor vehicle to have a*  
44 *concentration of alcohol of 0.04 or more but less than 0.08 in his*  
45 *or her blood or breath; or*



1 *(b) The person is found by measurement after driving or being*  
2 *in actual physical control of a commercial motor vehicle involved*  
3 *in a crash to have a concentration of alcohol of 0.04 or more but*  
4 *less than 0.08 in his or her blood or breath.*

5 3. It is unlawful for any person who:

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

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

9 (c) Inhales, ingests, applies or otherwise uses any chemical,  
10 poison or organic solvent, or any compound or combination of any  
11 of these, to a degree which renders the person incapable of safely  
12 driving or exercising actual physical control of a commercial motor  
13 vehicle,

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

19 ~~[3-]~~ 4. It is unlawful for any person to drive or be in actual  
20 physical control of a commercial motor vehicle on a highway or on  
21 premises to which the public has access with any prohibited  
22 substance in his or her blood or urine. As used in this subsection,  
23 "prohibited substance" means any substance described in 21 C.F.R.  
24 § 1308.11.

25 ~~[4-]~~ 5. If consumption is proven by a preponderance of the  
26 evidence, it is an affirmative defense under ~~[paragraph (e) of]~~  
27 subsection ~~[H] 2~~ that the defendant consumed a sufficient quantity of  
28 alcohol after driving or being in actual physical control of the  
29 commercial motor vehicle, and before his or her blood or breath was  
30 tested, to cause the defendant to have a concentration of alcohol of  
31 0.04 or more in his or her blood or breath. A defendant who intends  
32 to offer this defense at a trial or preliminary hearing must, not less  
33 than 14 days before the trial or hearing or at such other time as the  
34 court may direct, file and serve on the prosecuting attorney a written  
35 notice of that intent.

36 ~~[5-]~~ 6. A person who violates any provision of this section may  
37 be subject to any additional penalty set forth in NRS 483.939,  
38 484B.130 or 484B.135.

39 ~~[6-]~~ 7. As used in this section:

40 (a) "Commercial motor vehicle" means a motor vehicle or  
41 combination of motor vehicles used in commerce to transport  
42 passengers or property if the motor vehicle:

43 (1) Has a gross combination weight rating of 26,001 or more  
44 pounds which includes a towed unit with a gross vehicle weight  
45 rating of more than 10,000 pounds;



1 (2) Has a gross vehicle weight rating of 26,001 or more  
2 pounds;

3 (3) Is designed to transport 16 or more passengers, including  
4 the driver; or

5 (4) Regardless of size, is used in the transportation of  
6 materials which are considered to be hazardous for the purposes of  
7 the federal Hazardous Materials Transportation Act, 49 U.S.C. §§  
8 5101 et seq., and for which the display of identifying placards is  
9 required pursuant to 49 C.F.R. Part 172, Subpart F.

10 (b) The phrase "concentration of alcohol of 0.04 or more but  
11 less than 0.08 in his or her blood or breath" means 0.04 gram or  
12 more but less than 0.08 gram of alcohol per 100 milliliters of the  
13 blood of a person or per 210 liters of his or her breath.

14 **Sec. 7.** NRS 484C.130 is hereby amended to read as follows:

15 484C.130 1. A person commits vehicular homicide if the  
16 person:

17 (a) Drives or is in actual physical control of a vehicle on ~~for off~~  
18 ~~the highways of this State~~ *a highway or on premises to which the*  
19 *public has access* and:

20 (1) Is under the influence of intoxicating liquor;

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

23 (3) Is found by measurement ~~[within 2 hours]~~ after driving or  
24 being in actual physical control of a vehicle *involved in a crash* to  
25 have a concentration of alcohol of 0.08 or more in his or her blood  
26 or breath;

27 (4) Is under the influence of a controlled substance or is  
28 under the combined influence of intoxicating liquor and a controlled  
29 substance;

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

34 (6) Has a prohibited substance in his or her blood or urine, as  
35 applicable, in an amount that is equal to or greater than the amount  
36 set forth in subsection ~~[3 or]~~ *4 or 5* of NRS 484C.110;

37 (b) Proximately causes the death of another person while driving  
38 or in actual physical control of a vehicle on ~~for off the highways of~~  
39 ~~this State;~~ *a highway or on premises to which the public has*  
40 *access;* and

41 (c) Has previously been convicted of at least three offenses.

42 2. If consumption is proven by a preponderance of the  
43 evidence, it is an affirmative defense under subparagraph (3) of  
44 paragraph (a) of subsection 1 that the defendant consumed a  
45 sufficient quantity of alcohol after driving or being in actual



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

8 3. As used in this section, "offense" means:

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

10 (b) A homicide resulting from driving or being in actual  
11 physical control of a vehicle while under the influence of  
12 intoxicating liquor or a controlled substance or resulting from any  
13 other conduct prohibited by this section or NRS 484C.110 or  
14 484C.430; or

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

17 **Sec. 8.** NRS 484C.240 is hereby amended to read as follows:

18 484C.240 1. If a person refuses to submit to a required  
19 chemical test provided for in NRS 484C.150 or 484C.160, evidence  
20 of that refusal is admissible in any criminal or administrative action  
21 arising out of acts alleged to have been committed while the person  
22 was:

23 (a) Driving or in actual physical control of a vehicle while under  
24 the influence of intoxicating liquor or a controlled substance or with  
25 a prohibited substance in his or her blood or urine; or

26 (b) Engaging in any other conduct prohibited by NRS 484C.110,  
27 484C.120, 484C.130 or 484C.430.

28 2. Except as otherwise provided in subsection 3 of NRS  
29 484C.150, a court or hearing officer may not exclude evidence of a  
30 required test or failure to submit to such a test if the police officer or  
31 other person substantially complied with the provisions of NRS  
32 484C.150 to ~~484C.250,~~ 484C.240, inclusive, and 484C.600 to  
33 484C.640, inclusive.

34 3. If a person submits to a chemical test provided for in NRS  
35 484C.150 or 484C.160, full information concerning that test must be  
36 made available, upon request of the person, to the person or his or  
37 her attorney.

38 4. Evidence of a required test is not admissible in a criminal or  
39 administrative proceeding unless it is shown by documentary or  
40 other evidence that the law enforcement agency calibrated the  
41 breath-testing device and otherwise maintained it as required by the  
42 regulations of the Committee on Testing for Intoxication.

43 **Sec. 9.** NRS 484C.320 is hereby amended to read as follows:

44 484C.320 1. An offender who is found guilty of a violation  
45 of NRS 484C.110 or 484C.120 that is punishable pursuant to



1 paragraph (a) of subsection 1 of NRS 484C.400, other than an  
2 offender who is found to have a concentration of alcohol of ~~[0.18]~~  
3 **0.16** or more in his or her blood or breath, may, at that time or any  
4 time before the offender is sentenced, apply to the court to undergo  
5 a program of treatment for an alcohol or other substance use  
6 disorder for at least 6 months. The court shall authorize that  
7 treatment if:

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

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

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

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

17 (b) The offender agrees to pay the cost of the treatment to the  
18 extent of his or her financial resources; and

19 (c) The offender has served or will serve a term of imprisonment  
20 in jail of not less than 1 day, or has performed or will perform 24  
21 hours of community service.

22 2. A prosecuting attorney may, within 10 days after receiving  
23 notice of an application for treatment pursuant to this section,  
24 request a hearing on the question of whether the offender is eligible  
25 to undergo a program of treatment for an alcohol or other substance  
26 use disorder. The court shall order a hearing on the application upon  
27 the request of the prosecuting attorney or may order a hearing on its  
28 own motion. The hearing must be limited to the question of whether  
29 the offender is eligible to undergo such a program of treatment.

30 3. At the hearing on the application for treatment, the  
31 prosecuting attorney may present the court with any relevant  
32 evidence on the matter. If a hearing is not held, the court shall  
33 decide the matter upon affidavits and other information before the  
34 court.

35 4. If the court grants an application for treatment, the court  
36 shall:

37 (a) Immediately sentence the offender and enter judgment  
38 accordingly.

39 (b) Suspend the sentence of the offender for not more than 3  
40 years upon the condition that the offender be accepted for treatment  
41 by a treatment provider that is approved by the court, that the  
42 offender complete the treatment satisfactorily and that the offender  
43 comply with any other condition ordered by the court. If the court  
44 has a specialty court program for the supervision and monitoring of  
45 the person, the treatment provider must comply with the



1 requirements of the specialty court, including, without limitation,  
2 any requirement to submit progress reports to the specialty court.

3 (c) Advise the offender that:

4 (1) He or she may be placed under the supervision of a  
5 treatment provider for a period not to exceed 3 years.

6 (2) The court may order the offender to be admitted to a  
7 residential treatment facility or to be provided with outpatient  
8 treatment in the community.

9 (3) If the offender fails to complete the program of treatment  
10 satisfactorily, the offender shall serve the sentence imposed by the  
11 court. Any sentence of imprisonment must be reduced by a time  
12 equal to that which the offender served before beginning treatment.

13 (4) If the offender completes the treatment satisfactorily, the  
14 offender's sentence will be reduced to a term of imprisonment  
15 which is not less than 1 day and a fine of not more than the  
16 minimum fine provided for the offense in NRS 484C.400, but  
17 the conviction must remain on the record of criminal history of the  
18 offender for the period prescribed by law.

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

22 (a) Shall not defer the sentence, set aside the conviction or  
23 impose conditions upon the election of treatment except as  
24 otherwise provided in this section.

25 (b) May immediately revoke the suspension of sentence for a  
26 violation of any condition of the suspension.

27 6. The court shall notify the Department, on a form approved  
28 by the Department, upon granting the application of the offender for  
29 treatment and his or her failure to be accepted for or complete  
30 treatment.

31 **Sec. 10.** NRS 484C.340 is hereby amended to read as follows:

32 484C.340 1. An offender who enters a plea of guilty or nolo  
33 contendere to a violation of NRS 484C.110 or 484C.120 that is  
34 punishable pursuant to paragraph (c) of subsection 1 of NRS  
35 484C.400 may, at the time the offender enters a plea, apply to the  
36 court to undergo a program of treatment for an alcohol or other  
37 substance use disorder for at least 3 years. The court may authorize  
38 that treatment if:

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

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

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



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

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

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

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

16 3. At the hearing on the application for treatment, the  
17 prosecuting attorney may present the court with any relevant  
18 evidence on the matter. If a hearing is not held, the court shall  
19 decide the matter and other information before the court.

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

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

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

32 (c) Advise the offender that:

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

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

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



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

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

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

10 (a) Shall not defer the sentence or set aside the conviction upon  
11 the election of treatment, except as otherwise provided in this  
12 section; and

13 (b) May enter a judgment of conviction and proceed as provided  
14 in paragraph (c) of subsection 1 of NRS 484C.400 for a violation of  
15 a condition ordered by the court.

16 6. To participate in a program of treatment, the offender must:

17 (a) Serve not less than 6 months of residential confinement;

18 (b) Be placed under a system of active electronic monitoring,  
19 through the Division, that is capable of identifying the offender's  
20 location and producing, upon request, reports or records of the  
21 offender's presence near or within, or departure from, a specified  
22 geographic location and pay any costs associated with the offender's  
23 participation under the system of active electronic monitoring;

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

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

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

31 (f) Agree to any other conditions that the court deems necessary.

32 7. An offender may not apply to the court to undergo a  
33 program of treatment for an alcohol or other substance use disorder  
34 pursuant to this section if the offender has previously ~~applied~~ *been*  
35 *ordered* to ~~receive~~ *complete a program of* treatment pursuant to  
36 this section or if the offender has previously been convicted of:

37 (a) A violation of NRS 484C.430;

38 (b) A violation of NRS 484C.130;

39 (c) A homicide resulting from driving or being in actual physical  
40 control of a vehicle while under the influence of intoxicating liquor  
41 or a controlled substance or resulting from any other conduct  
42 prohibited by NRS 484C.110, 484C.130 or 484C.430;

43 (d) A violation of paragraph (c) of subsection 1 of  
44 NRS 484C.400;

45 (e) A violation of NRS 484C.410; or



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

3 8. An offender placed under a system of active electronic  
4 monitoring pursuant to paragraph (b) of subsection 6 shall:

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

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

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

13 9. Except as otherwise provided in this subsection, a person  
14 who intentionally removes or disables or attempts to remove or  
15 disable an electronic monitoring device placed on an offender  
16 pursuant to this section is guilty of a gross misdemeanor. The  
17 provisions of this subsection do not prohibit a person authorized by  
18 the Division from performing maintenance or repairs to an  
19 electronic monitoring device.

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

22 **Sec. 11.** NRS 484C.350 is hereby amended to read as follows:

23 484C.350 1. If an offender is found guilty of a violation of  
24 NRS 484C.110 that is punishable pursuant to paragraph (a) of  
25 subsection 1 of NRS 484C.400 and if the concentration of alcohol in  
26 the offender's blood or breath at the time of the offense was ~~[0.18]~~  
27 **0.16** or more, if an offender is found guilty of a violation of NRS  
28 484C.110 or 484C.120 that is punishable pursuant to paragraph (b)  
29 of subsection 1 of NRS 484C.400 or if an offender is found guilty of  
30 a violation of subsection 4 of NRS 453.336, the court shall, before  
31 sentencing the offender, require an evaluation of the offender  
32 pursuant to subsection 3, 4, 5 or 6 to determine whether the offender  
33 has an alcohol or other substance use disorder.

34 2. If an offender is convicted of a violation of NRS 484C.110  
35 or 484C.120 that is punishable pursuant to paragraph (a) of  
36 subsection 1 of NRS 484C.400 and if the offender is under 21 years  
37 of age at the time of the violation or if the offender is convicted of a  
38 violation of subsection 1 or 2 of NRS 202.020, subsection 1 of NRS  
39 202.040 or subsection 4 of NRS 678D.310, the court shall, before  
40 sentencing the offender, require an evaluation of the offender  
41 pursuant to subsection 3, 4, 5 or 6 to determine whether the offender  
42 has an alcohol or other substance use disorder.

43 3. Except as otherwise provided in subsection 4, 5 or 6, the  
44 evaluation of an offender pursuant to this section must be conducted  
45 at an evaluation center by:



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

4 (b) A physician who is certified to make that evaluation by the  
5 Board of Medical Examiners; or

6 (c) An advanced practice registered nurse who is certified to  
7 make that diagnosis by the State Board of Nursing,

8 ↪ who shall report to the court the results of the evaluation and  
9 make a recommendation to the court concerning the length and type  
10 of treatment required for the offender.

11 4. The evaluation of an offender who resides more than 30  
12 miles from an evaluation center may be conducted outside an  
13 evaluation center by a person who has the qualifications set forth in  
14 subsection 3. The person who conducts the evaluation shall report to  
15 the court the results of the evaluation and make a recommendation  
16 to the court concerning the length and type of treatment required for  
17 the offender.

18 5. The evaluation of an offender who resides in another state  
19 may, upon approval of the court, be conducted in the state where the  
20 offender resides by a physician, advanced practice registered nurse  
21 or other person who is authorized by the appropriate governmental  
22 agency in that state to conduct such an evaluation. The offender  
23 shall ensure that the results of the evaluation and the  
24 recommendation concerning the length and type of treatment for the  
25 offender are reported to the court.

26 6. The evaluation of an offender who resides in this State may,  
27 upon approval of the court, be conducted in another state by a  
28 physician, advanced practice registered nurse or other person who is  
29 authorized by the appropriate governmental agency in that state to  
30 conduct such an evaluation if the location of the physician,  
31 advanced practice registered nurse or other person in the other state  
32 is closer to the residence of the offender than the nearest location in  
33 this State at which an evaluation may be conducted. The offender  
34 shall ensure that the results of the evaluation and the  
35 recommendation concerning the length and type of treatment for the  
36 offender are reported to the court.

37 7. An offender who is evaluated pursuant to this section shall  
38 pay the cost of the evaluation. An evaluation center or a person who  
39 conducts an evaluation in this State outside an evaluation center  
40 shall not charge an offender more than \$100 for the evaluation.

41 **Sec. 12.** NRS 484C.400 is hereby amended to read as follows:

42 484C.400 1. Unless a greater penalty is provided pursuant to  
43 NRS 484C.430 or 484C.440, and except as otherwise provided in  
44 NRS 484C.394 or 484C.410, a person who violates the provisions  
45 of NRS 484C.110 or 484C.120:



1 (a) For the first offense within 7 years, is guilty of a  
2 misdemeanor. Unless the person is allowed to undergo treatment as  
3 provided in NRS 484C.320, the court shall:

4 (1) Except as otherwise provided in subparagraph ~~[(4)]~~ (5) of  
5 this paragraph or subsection 3 of NRS 484C.420, order the person to  
6 pay tuition for an educational course on alcohol or other substance  
7 use disorders approved by the Department and complete the course  
8 within the time specified in the order, and the court shall notify the  
9 Department if the person fails to complete the course within the  
10 specified time;

11 (2) ~~Unless~~ *Except as otherwise provided in subparagraph*  
12 *(3) and unless* the sentence is reduced pursuant to NRS 484C.320:

13 (I) Sentence the person to imprisonment for not less than  
14 2 days nor more than 6 months in jail or residential confinement for  
15 not less than 2 days nor more than 6 months, in the manner provided  
16 in NRS 4.376 to 4.3766, inclusive, or 5.0755 to 5.078, inclusive; or

17 (II) Order the person to perform not less than 48 hours,  
18 but not more than 96 hours, of community service;

19 (3) *If the violation involved a vehicle crash, sentence the*  
20 *person to:*

21 *(I) Imprisonment for not less than 10 days nor more*  
22 *than 6 months in jail; or*

23 *(II) Residential confinement for not less than 10 days*  
24 *nor more than 6 months, in the manner provided in NRS 4.376 to*  
25 *4.3766, inclusive, or 5.0755 to 5.078, inclusive.*

26 (4) Fine the person not less than \$400 nor more than  
27 ~~[\$1,000;]~~ \$3,000; and

28 ~~[(4)]~~ (5) If the person is found to have a concentration of  
29 alcohol of ~~[0.18]~~ 0.16 or more in his or her blood or breath ~~[-]~~ *or the*  
30 *violation involved a vehicle crash*, order the person to attend a  
31 program of treatment for an alcohol or other substance use disorder  
32 pursuant to the provisions of NRS 484C.360.

33 (b) For a second offense within 7 years, is guilty of a  
34 misdemeanor. Unless the sentence is reduced pursuant to NRS  
35 484C.330, the court shall:

36 (1) ~~Sentence~~ *Except as otherwise provided in*  
37 *subparagraph (2), sentence* the person to:

38 (I) Imprisonment for not less than ~~[10]~~ 20 days nor more  
39 than 6 months in jail; or

40 (II) Residential confinement for not less than ~~[10]~~ 20 days  
41 nor more than 6 months, in the manner provided in NRS 4.376 to  
42 4.3766, inclusive, or 5.0755 to 5.078, inclusive;

43 (2) *If the violation involved a vehicle crash, sentence the*  
44 *person to:*



1 (I) Imprisonment for not less than 30 days nor more  
2 than 6 months in jail; or

3 (II) Residential confinement for not less than 30 days  
4 nor more than 6 months, in the manner provided in NRS 4.376 to  
5 4.3766, inclusive, or 5.0755 to 5.078, inclusive.

6 (3) Fine the person not less than \$750 nor more than \$1,000,  
7 or order the person to perform an equivalent number of hours of  
8 community service; and

9 ~~[(3)]~~ (4) Order the person to attend a program of treatment  
10 for an alcohol or other substance use disorder pursuant to the  
11 provisions of NRS 484C.360 ~~[(4)]~~, **which must be for a term of not**  
12 **less than 150 hours if the violation involved a vehicle crash.**

13 ↪ A person who willfully fails or refuses to complete successfully a  
14 term of residential confinement or a program of treatment ordered  
15 pursuant to this paragraph is guilty of a misdemeanor.

16 (c) Except as otherwise provided in NRS 484C.340, for a third  
17 offense within 7 years, is guilty of a category B felony and the  
18 court:

19 (1) Shall:

20 (I) Sentence the person to imprisonment in the state  
21 prison for a minimum term of not less than 1 year and a maximum  
22 term of not more than 6 years; and

23 (II) Fine the person not less than \$2,000 nor more than  
24 \$5,000; and

25 (2) May order the person to attend a program of treatment for  
26 an alcohol or other substance use disorder pursuant to the provisions  
27 of NRS 484C.360 if the results of an evaluation conducted pursuant  
28 to NRS 484C.300 indicate that the person has an alcohol or other  
29 substance use disorder and that the person can be treated  
30 successfully for his or her condition.

31 ↪ An offender who is imprisoned pursuant to the provisions of this  
32 paragraph must, insofar as practicable, be segregated from offenders  
33 whose crimes were violent and, insofar as practicable, be assigned  
34 to an institution or facility of minimum security.

35 2. An offense that occurred within 7 years immediately  
36 preceding the date of the principal offense or after the principal  
37 offense constitutes a prior offense for the purposes of this section:

38 (a) When evidenced by a conviction; ~~[(a)]~~

39 (b) **If the person is undergoing a program of treatment for an**  
40 **alcohol or other substance use disorder pursuant to NRS**  
41 **484C.320, 484C.330 or 484C.340 as a result of the offense; or**

42 (c) If the offense is conditionally dismissed or the judgment of  
43 conviction is set aside pursuant to NRS 176A.240, 176A.260 or  
44 176A.290 or dismissed in connection with successful completion of  
45 a diversionary program or specialty court program,



1 ↪ without regard to the sequence of the offenses and convictions.  
2 The facts concerning a prior offense must be alleged in the  
3 complaint, indictment or information, must not be read to the jury or  
4 proved at trial but must be proved at the time of sentencing and, if  
5 the principal offense is alleged to be a felony, must also be shown at  
6 the preliminary examination or presented to the grand jury.

7 3. A term of confinement imposed pursuant to the provisions  
8 of this section may be served intermittently at the discretion of the  
9 judge or justice of the peace, except that a person who is convicted  
10 of a second or subsequent offense within 7 years must be confined  
11 for at least one segment of not less than 48 consecutive hours. This  
12 discretion must be exercised after considering all the circumstances  
13 surrounding the offense, and the family and employment of the  
14 offender, but any sentence of 30 days or less must be served within  
15 6 months after the date of conviction or, if the offender was  
16 sentenced pursuant to NRS 484C.320 or 484C.330 and the  
17 suspension of his or her sentence was revoked, within 6 months  
18 after the date of revocation. Any time for which the offender is  
19 confined must consist of not less than 24 consecutive hours.

20 4. Jail sentences simultaneously imposed pursuant to this  
21 section and NRS 482.456, 483.560, 484C.410 or 485.330 must run  
22 consecutively.

23 5. If the defendant was transporting a person who is less than  
24 15 years of age in the motor vehicle at the time of the violation, the  
25 court shall consider that fact as an aggravating factor in determining  
26 the sentence of the defendant.

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

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

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

36 (b) A homicide resulting from driving or being in actual  
37 physical control of a vehicle while under the influence of  
38 intoxicating liquor or a controlled substance or resulting from any  
39 other conduct prohibited by NRS 484C.110, 484C.130 or 484C.430;  
40 or

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

43 **Sec. 13.** NRS 484C.410 is hereby amended to read as follows:

44 484C.410 1. Unless a greater penalty is provided in NRS  
45 484C.440, a person who **[has]** :



1 (a) *Has* previously been convicted of:

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

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

6 ~~[(e)]~~ (3) A homicide resulting from driving or being in actual  
7 physical control of a vehicle while under the influence of  
8 intoxicating liquor or a controlled substance or resulting from any  
9 other conduct prohibited by NRS 484C.110, 484C.130 or 484C.430;

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

13 ~~[(e)]~~ (5) A violation of NRS 484C.110 or 484C.120 that is  
14 punishable pursuant to paragraph (c) of subsection 1 of NRS  
15 484C.400 that was reduced from a felony pursuant to NRS  
16 484C.340 ~~[(c)]~~; or

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

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

28 2. An offense which is listed in ~~[paragraphs—(a)]~~  
29 *subparagraphs (1) to [(e);] (5),* inclusive, of *paragraph (a) of*  
30 subsection 1 that occurred on any date preceding the date of the  
31 principal offense or after the principal offense constitutes a prior  
32 offense for the purposes of this section when evidenced by a  
33 conviction, without regard for the sequence of the offenses and  
34 convictions. The facts concerning a prior offense must be alleged in  
35 the complaint, indictment or information, must not be read to the  
36 jury or proved at trial but must be proved at the time of sentencing  
37 and, if the principal offense is alleged to be a felony, must also be  
38 shown at the preliminary examination or presented to the grand jury.

39 3. A term of confinement imposed pursuant to the provisions  
40 of this section may be served intermittently at the discretion of the  
41 judge or justice of the peace, except that a person who is convicted  
42 of a second or subsequent offense within 7 years must be confined  
43 for at least one segment of not less than 48 consecutive hours. This  
44 discretion must be exercised after considering all the circumstances  
45 surrounding the offense, and the family and employment of the



1 offender, but any sentence of 30 days or less must be served within  
2 6 months after the date of conviction or, if the offender was  
3 sentenced pursuant to NRS 484C.320 or 484C.330 and the  
4 suspension of offender's sentence was revoked, within 6 months  
5 after the date of revocation. Any time for which the offender is  
6 confined must consist of not less than 24 consecutive hours.

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

10 5. If the defendant was transporting a person who is less than  
11 15 years of age in the motor vehicle at the time of the violation, the  
12 court shall consider that fact as an aggravating factor in determining  
13 the sentence of the defendant.

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

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

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

23 (b) A homicide resulting from driving or being in actual  
24 physical control of a vehicle while under the influence of  
25 intoxicating liquor or a controlled substance or resulting from any  
26 other conduct prohibited by NRS 484C.110, 484C.130 or 484C.430;  
27 or

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

30 **Sec. 14.** NRS 484C.430 is hereby amended to read as follows:

31 484C.430 1. Unless a greater penalty is provided pursuant to  
32 NRS 484C.440, a person who:

33 (a) Is under the influence of intoxicating liquor;

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

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

39 ~~—(d) Is under the influence of a controlled substance or is under~~  
40 ~~the combined influence of intoxicating liquor and a controlled~~  
41 ~~substance;~~

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



1 ~~[(d)]~~ (d) Has a prohibited substance in his or her blood or urine,  
2 as applicable, in an amount that is equal to or greater than the  
3 amount set forth in subsection ~~[3 or]~~ 4 or 5 of NRS 484C.110,  
4 and does any act or neglects any duty imposed by law while  
5 driving or in actual physical control of any vehicle on ~~for off the~~  
6 ~~highways of this State,]~~ a highway or on premises to which the  
7 public has access, if the act or neglect of duty proximately causes  
8 the death of, or substantial bodily harm to, another person, is guilty  
9 of a category B felony and shall be punished by imprisonment in the  
10 state prison for a minimum term of not less than 2 years and a  
11 maximum term of not more than 20 years and must be further  
12 punished by a fine of not less than \$2,000 nor more than \$5,000.

13 2. A person is guilty of a category B felony and shall be  
14 punished by imprisonment in the state prison for a minimum term  
15 of not less than 2 years and a maximum term of not more than 20  
16 years and must be further punished by a fine of not less than  
17 \$2,000 nor more than \$5,000 if the person:

18 (a) Does any act or neglects any duty imposed by law while  
19 driving or in actual physical control of any vehicle on a highway  
20 or on premises to which the public has access that proximately  
21 causes the death of, or substantial bodily harm to, another person;  
22 and

23 (b) Is found by measurement after driving or being in actual  
24 physical control of the vehicle involved in the crash to have a  
25 concentration of alcohol of 0.08 or more in his or her blood or  
26 breath.

27 3. A person ~~[so]~~ imprisoned pursuant to subsection 1 or 2  
28 must, insofar as practicable, be segregated from offenders whose  
29 crimes were violent and, insofar as practicable, be assigned to an  
30 institution or facility of minimum security.

31 ~~[2.]~~ 4. A prosecuting attorney shall not dismiss a charge of  
32 violating the provisions of subsection 1 or 2 in exchange for a plea  
33 of guilty, guilty but mentally ill or nolo contendere to a lesser charge  
34 or for any other reason unless the attorney knows or it is obvious  
35 that the charge is not supported by probable cause or cannot be  
36 proved at the time of trial. A sentence imposed pursuant to  
37 subsection 1 or 2 may not be suspended nor may probation be  
38 granted.

39 ~~[3.]~~ 5. Except as otherwise provided in subsection ~~[4.]~~ 6, if  
40 consumption is proven by a preponderance of the evidence, it is an  
41 affirmative defense under ~~[paragraph (c) of]~~ subsection ~~[1]~~ 2 that the  
42 defendant consumed a sufficient quantity of alcohol after driving or  
43 being in actual physical control of the vehicle, and before his or her  
44 blood or breath was tested, to cause the defendant to have a  
45 concentration of alcohol of 0.08 or more in his or her blood or



1 breath. A defendant who intends to offer this defense at a trial or  
2 preliminary hearing must, not less than 14 days before the trial or  
3 hearing or at such other time as the court may direct, file and serve on  
4 on the prosecuting attorney a written notice of that intent.

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

8 ~~[5.]~~ 7. If the defendant was transporting a person who is less  
9 than 15 years of age in the motor vehicle at the time of the violation,  
10 the court shall consider that fact as an aggravating factor in  
11 determining the sentence of the defendant.

12 **Sec. 15.** NRS 488.410 is hereby amended to read as follows:

13 488.410 1. It is unlawful for any person who:

14 (a) Is under the influence of intoxicating liquor;

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

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

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

23 2. *It is unlawful for any person to operate or be in actual*  
24 *physical control of a power-driven vessel or sailing vessel under*  
25 *way on the waters of this State if:*

26 (a) *Except as otherwise provided in paragraph (b), the person*  
27 *is found by measurement within 2 hours after operating or being*  
28 *in actual physical control of a power-driven vessel or sailing vessel*  
29 *under way to have a concentration of alcohol of 0.08 or more in*  
30 *his or her blood or breath; or*

31 (b) *The person is found by measurement after operating or*  
32 *being in actual physical control of a power-driven vessel or sailing*  
33 *vessel involved in a collision while under way to have a*  
34 *concentration of alcohol of 0.08 or more in his or her blood or*  
35 *breath.*

36 3. It is unlawful for any person who:

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

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

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



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

3 ~~[3.]~~ 4. It is unlawful for any person to operate or be in actual  
4 physical control of a power-driven vessel or sailing vessel under  
5 way on the waters of this State with an amount of any of the  
6 following prohibited substances in his or her blood or urine that is  
7 equal to or greater than:

Prohibited substance	Urine Nanograms per milliliter	Blood Nanograms per milliliter
(a) Amphetamine	500	100
(b) Cocaine	150	50
(c) Cocaine metabolite	150	50
<del>(d)</del> <i>Fentanyl</i>	<b>10</b>	<b>1</b>
<del>[(d)]</del> (e) Heroin	2,000	50
<del>[(e)]</del> (f) Heroin metabolite:		
(1) Morphine	2,000	50
(2) 6-monoacetyl morphine	10	10
<del>[(f)]</del> (g) Lysergic acid diethylamide	25	10
<del>[(g)]</del> (h) Methamphetamine	500	100
<del>(i)</del> <i>Methylenedioxymethamphetamine</i>	<b>100</b>	<b>20</b>
<del>[(h)]</del> (j) Phencyclidine	25	10

26 ~~[4. For any violation that is punishable pursuant to NRS~~  
27 ~~488.427, it]~~

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

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

41 ~~[5.]~~ 6. If consumption is proven by a preponderance of the  
42 evidence, it is an affirmative defense under ~~[paragraph (e) of]~~  
43 subsection ~~[(h)]~~ 2 that the defendant consumed a sufficient quantity of  
44 alcohol after operating or being in actual physical control of the  
45 power-driven vessel or sailing vessel, as applicable, under way and



1 before his or her blood was tested, to cause the defendant to have a  
2 concentration of 0.08 or more of alcohol in his or her blood or  
3 breath. A defendant who intends to offer this defense at a trial  
4 or preliminary hearing must, not less than 14 days before the trial or  
5 hearing or at such other time as the court may direct, file and serve  
6 on the prosecuting attorney a written notice of that intent.

7 ~~6.7~~ 7. Except as otherwise provided in NRS 488.427, a person  
8 who violates the provisions of this section is guilty of a  
9 misdemeanor.

10 **Sec. 16.** NRS 488.420 is hereby amended to read as follows:

11 488.420 1. Unless a greater penalty is provided pursuant to  
12 NRS 488.425, a person who:

13 (a) Is under the influence of intoxicating liquor;

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

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

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

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

28 ~~(f)~~ (e) Has a prohibited substance in his or her blood or urine,  
29 as applicable, in an amount that is equal to or greater than the  
30 amount set forth in subsection ~~3 or~~ 4 or 5 of NRS 488.410,

31 and does any act or neglects any duty imposed by law while  
32 operating or being in actual physical control of any power-driven  
33 vessel or sailing vessel under way, if the act or neglect of duty  
34 proximately causes the death of, or substantial bodily harm to,  
35 another person, is guilty of a category B felony and shall be  
36 punished by imprisonment in the state prison for a minimum term of  
37 not less than 2 years and a maximum term of not more than 20 years  
38 and shall be further punished by a fine of not less than \$2,000 nor  
39 more than \$5,000.

40 *2. A person is guilty of a category B felony and shall be*  
41 *punished by imprisonment in the state prison for a minimum term*  
42 *of not less than 2 years and a maximum term of not more than 20*  
43 *years and shall be further punished by a fine of not less than*  
44 *\$2,000 nor more than \$5,000 if the person:*



1 (a) Does any act or neglects any duty imposed by law while  
2 operating or being in actual physical control of any power-driven  
3 vessel or sailing vessel under way that proximately causes the  
4 death of, or substantial bodily harm to, another person; and

5 (b) Is found by measurement after operating or being in actual  
6 physical control of the power-driven vessel or sailing vessel  
7 involved in the collision while under way to have a concentration  
8 of alcohol of 0.08 or more in his or her blood or breath.

9 3. A person ~~is~~ imprisoned pursuant to subsection 1 or 2  
10 must, insofar as practicable, be segregated from offenders whose  
11 crimes were violent and, insofar as practicable, be assigned to an  
12 institution or facility of minimum security.

13 ~~2.~~ 4. A prosecuting attorney shall not dismiss a charge of  
14 violating the provisions of subsection 1 or 2 in exchange for a plea  
15 of guilty, guilty but mentally ill or nolo contendere to a lesser charge  
16 or for any other reason unless the prosecuting attorney knows or it is  
17 obvious that the charge is not supported by probable cause or cannot  
18 be proved at the time of trial. A sentence imposed pursuant to  
19 subsection 1 or 2 must not be suspended, and probation must not be  
20 granted.

21 ~~3.~~ 5. If consumption is proven by a preponderance of the  
22 evidence, it is an affirmative defense under ~~paragraph (c) of~~  
23 subsection ~~4~~ 2 that the defendant consumed a sufficient quantity of  
24 alcohol after operating or being in actual physical control of the  
25 power-driven vessel or sailing vessel, as applicable, under way and  
26 before his or her blood was tested, to cause the defendant to have a  
27 concentration of alcohol of 0.08 or more in his or her blood or  
28 breath. A defendant who intends to offer this defense at a trial  
29 or preliminary hearing must, not less than 14 days before the trial or  
30 hearing or at such other time as the court may direct, file and serve on  
31 the prosecuting attorney a written notice of that intent.

32 ~~4.~~ 6. If a person less than 15 years of age was in the vessel at  
33 the time of the defendant's violation, the court shall consider that  
34 fact as an aggravating factor in determining the sentence of the  
35 defendant.

36 **Sec. 17.** NRS 488.425 is hereby amended to read as follows:

37 488.425 1. A person commits homicide by vessel if the  
38 person:

39 (a) Operates or is in actual physical control of a power-driven  
40 vessel or sailing vessel under way on the waters of this State and:

41 (1) Is under the influence of intoxicating liquor;

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

44 (3) Is found by measurement ~~[within 2 hours]~~ after operating  
45 or being in actual physical control of a power-driven vessel or



1 sailing vessel *involved in a collision* under way to have a  
2 concentration of alcohol of 0.08 or more in his or her blood or  
3 breath;

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

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

12 (6) Has a prohibited substance in his or her blood or urine, as  
13 applicable, in an amount that is equal to or greater than the amount  
14 set forth in subsection ~~3 or~~ 4 or 5 of NRS 488.410;

15 (b) Proximately causes the death of another person while  
16 operating or in actual physical control of a power-driven vessel or  
17 sailing vessel under way; and

18 (c) Has previously been convicted of at least three offenses.

19 2. A person who commits homicide by vessel is guilty of a  
20 category A felony and shall be punished by imprisonment in the  
21 state prison:

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

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

26 3. A person imprisoned pursuant to subsection 2 must, insofar  
27 as practicable, be segregated from offenders whose crimes were  
28 violent and, insofar as practicable, be assigned to an institution or  
29 facility of minimum security.

30 4. A prosecuting attorney shall not dismiss a charge of  
31 homicide by vessel in exchange for a plea of guilty, guilty but  
32 mentally ill or nolo contendere to a lesser charge or for any other  
33 reason unless the prosecuting attorney knows or it is obvious that  
34 the charge is not supported by probable cause or cannot be proved at  
35 the time of trial. A sentence imposed pursuant to subsection 2 may  
36 not be suspended nor may probation be granted.

37 5. If consumption is proven by a preponderance of the  
38 evidence, it is an affirmative defense under subparagraph (3) of  
39 paragraph (a) of subsection 1 that the defendant consumed a  
40 sufficient quantity of alcohol after operating or being in actual  
41 physical control of the power-driven vessel or sailing vessel, as  
42 applicable, under way and before his or her blood or breath was  
43 tested, to cause the defendant to have a concentration of alcohol of  
44 0.08 or more in his or her blood or breath. A defendant who intends  
45 to offer this defense at a trial or preliminary hearing must, not less



1 than 14 days before the trial or hearing or at such other time as the  
2 court may direct, file and serve on the prosecuting attorney a written  
3 notice of that intent.

4 6. If the defendant was transporting a person who is less than  
5 15 years of age in the power-driven vessel or sailing vessel, as  
6 applicable, under way at the time of the violation, the court shall  
7 consider that fact as an aggravating factor in determining the  
8 sentence of the defendant.

9 7. As used in this section, "offense" means:

10 (a) A violation of NRS 488.410 or 488.420;

11 (b) A homicide resulting from operating or being in actual  
12 physical control of a power-driven vessel or sailing vessel under  
13 way while under the influence of intoxicating liquor or a controlled  
14 substance or resulting from any other conduct prohibited by this  
15 section or NRS 488.410 or 488.420; or

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

18 **Sec. 18.** NRS 488.480 is hereby amended to read as follows:

19 488.480 1. If a person refuses to submit to a required  
20 chemical test provided for in NRS 488.450 or 488.460, evidence of  
21 that refusal is admissible in any criminal action arising out of acts  
22 alleged to have been committed while the person was:

23 (a) Operating or in actual physical control of a power-driven  
24 vessel or sailing vessel under way while under the influence of  
25 intoxicating liquor or a controlled substance; or

26 (b) Engaging in any other conduct prohibited by NRS 488.410,  
27 488.420 or 488.425.

28 2. Except as otherwise provided in subsection 3 of NRS  
29 488.450, a court may not exclude evidence of a required test or  
30 failure to submit to such a test if the peace officer or other person  
31 substantially complied with the provisions of NRS 488.450 to  
32 ~~488.500,~~ 488.490, inclusive.

33 3. If a person submits to a chemical test provided for in NRS  
34 488.450 or 488.460, full information concerning that test must be  
35 made available, upon request, to the person or the person's attorney.

36 4. Evidence of a required test is not admissible in a criminal  
37 proceeding unless it is shown by documentary or other evidence that  
38 the device for testing a person's breath or other sample was certified  
39 pursuant to NRS 484C.610 or 484C.640, as applicable, and was  
40 calibrated, maintained and operated as provided by the regulations  
41 of the Committee on Testing for Intoxication adopted pursuant to  
42 NRS 484C.620, 484C.630 or 484C.640.

43 5. If the device for testing a person's breath or other sample has  
44 been certified by the Committee on Testing for Intoxication to be  
45 accurate and reliable pursuant to NRS 484C.610 or 484C.640, it is



1 presumed that, as designed and manufactured, the device is accurate  
2 and reliable for the purpose of testing a person's breath or other  
3 sample to determine the concentration of alcohol, a controlled  
4 substance or another prohibited substance in the person's breath or  
5 other sample.

6 6. A court shall take judicial notice of the certification by the  
7 Director of a person to operate testing devices of one of the certified  
8 types. If a test to determine the amount of alcohol, a controlled  
9 substance or another prohibited substance in a person's breath or  
10 other sample has been performed with a certified type of device by a  
11 person who is certified pursuant to NRS 484C.630 or 484C.640, it is  
12 presumed that the person operated the device properly.

13 7. This section does not preclude the admission of evidence of  
14 a test of a person's breath or other sample where the:

15 (a) Information is obtained through the use of a device other  
16 than one of a type certified by the Committee on Testing for  
17 Intoxication.

18 (b) Test has been performed by a person other than one who is  
19 certified by the Director.

20 8. As used in this section, "Director" means the Director of the  
21 Department of Public Safety.

22 **Sec. 19.** NRS 33.030 is hereby amended to read as follows:

23 33.030 1. The court by a temporary order may:

24 (a) Enjoin the adverse party from threatening, physically  
25 injuring or harassing the applicant or minor child, either directly or  
26 through an agent;

27 (b) Exclude the adverse party from the applicant's place of  
28 residence;

29 (c) Prohibit the adverse party from entering the residence,  
30 school or place of employment of the applicant or minor child and  
31 order the adverse party to stay away from any specified place  
32 frequented regularly by them;

33 (d) If it has jurisdiction under chapter 125A of NRS, grant  
34 temporary custody of the minor child to the applicant;

35 (e) Enjoin the adverse party from physically injuring,  
36 threatening to injure or taking possession of any animal that is  
37 owned or kept by the applicant or minor child, either directly or  
38 through an agent;

39 (f) Enjoin the adverse party from physically injuring or  
40 threatening to injure any animal that is owned or kept by the adverse  
41 party, either directly or through an agent; and

42 (g) Order such other relief as it deems necessary in an  
43 emergency situation.

44 2. The court by an extended order may grant any relief  
45 enumerated in subsection 1 and:



1 (a) Specify arrangements for visitation of the minor child by the  
2 adverse party and require supervision of that visitation by a third  
3 party if necessary;

4 (b) Specify arrangements for the possession and care of any  
5 animal owned or kept by the adverse party, applicant or minor child;  
6 and

7 (c) Order the adverse party to:

8 (1) Avoid or limit communication with the applicant or  
9 minor child;

10 (2) Pay rent or make payments on a mortgage on the  
11 applicant's place of residence;

12 (3) Pay for the support of the applicant or minor child,  
13 including, without limitation, support of a minor child for whom a  
14 guardian has been appointed pursuant to chapter 159A of NRS or a  
15 minor child who has been placed in protective custody pursuant to  
16 chapter 432B of NRS, if the adverse party is found to have a duty to  
17 support the applicant or minor child;

18 (4) Pay all costs and fees incurred by the applicant in  
19 bringing the action; and

20 (5) Pay monetary compensation to the applicant for lost  
21 earnings and expenses incurred as a result of the applicant attending  
22 any hearing concerning an application for an extended order.

23 3. If an extended order is issued by a justice court, an  
24 interlocutory appeal lies to the district court, which may affirm,  
25 modify or vacate the order in question. The appeal may be taken  
26 without bond, but its taking does not stay the effect or enforcement  
27 of the order.

28 4. A temporary or extended order must specify, as applicable,  
29 the county and city, if any, in which the residence, school, child care  
30 facility or other provider of child care, and place of employment of  
31 the applicant or minor child are located.

32 5. A temporary or extended order must provide notice that:

33 (a) Responding to a communication initiated by the applicant  
34 may constitute a violation of the protective order; and

35 (b) A person who is arrested for violating the order will not be  
36 admitted to bail sooner than 12 hours after the person's arrest if:

37 (1) The arresting officer determines that such a violation is  
38 accompanied by a direct or indirect threat of harm;

39 (2) The person has previously violated a temporary or  
40 extended order for protection; or

41 (3) At the time of the violation or within 2 hours after the  
42 violation, the person has:

43 (I) A concentration of alcohol of 0.08 or more in the  
44 person's blood or breath; or



1 (II) An amount of a prohibited substance in the person's  
2 blood or urine, as applicable, that is equal to or greater than the  
3 amount set forth in subsection ~~3 or~~ 4 or 5 of NRS 484C.110.

4 **Sec. 20.** NRS 62C.020 is hereby amended to read as follows:

5 62C.020 1. A child must not be released from custody sooner  
6 than 12 hours after the child is taken into custody if the child is  
7 taken into custody for committing a battery that constitutes domestic  
8 violence pursuant to NRS 33.018, unless the peace officer or  
9 probation officer who has taken the child into custody determines  
10 that the child does not otherwise meet the criteria for secure  
11 detention and:

12 (a) Respite care or another out-of-home alternative to secure  
13 detention is available for the child;

14 (b) An out-of-home alternative to secure detention is not  
15 necessary to protect the victim from injury; or

16 (c) Family services are available to maintain the child in the  
17 home and the parents or guardians of the child agree to receive those  
18 family services and to allow the child to return to the home.

19 2. A child must not be released from custody sooner than 12  
20 hours after the child is taken into custody if the child is taken into  
21 custody for violating a temporary or extended order for protection  
22 against domestic violence issued pursuant to NRS 33.017 to 33.100,  
23 inclusive, or for violating a restraining order or injunction that is in  
24 the nature of a temporary or extended order for protection against  
25 domestic violence issued in an action or proceeding brought  
26 pursuant to title 11 of NRS, or for violating a temporary or extended  
27 order for protection against stalking, aggravated stalking or  
28 harassment issued pursuant to NRS 200.591 or for violating a  
29 temporary or extended order for protection against sexual assault  
30 issued pursuant to NRS 200.378 and:

31 (a) The peace officer or probation officer who has taken the  
32 child into custody determines that such a violation is accompanied  
33 by a direct or indirect threat of harm;

34 (b) The child has previously violated a temporary or extended  
35 order for protection of the type for which the child has been taken  
36 into custody; or

37 (c) At the time of the violation or within 2 hours after the  
38 violation, the child has:

39 (1) A concentration of alcohol of 0.08 or more in his or her  
40 blood or breath; or

41 (2) An amount of a prohibited substance in his or her blood  
42 or urine, as applicable, that is equal to or greater than the amount set  
43 forth in subsection ~~3 or~~ 4 or 5 of NRS 484C.110.

44 3. For the purposes of this section, an order or injunction is in  
45 the nature of a temporary or extended order for protection against



1 domestic violence if it grants relief that might be given in a  
2 temporary or extended order issued pursuant to NRS 33.017 to  
3 33.100, inclusive.

4 **Sec. 21.** NRS 125.555 is hereby amended to read as follows:

5 125.555 1. A restraining order or injunction that is in the  
6 nature of a temporary or extended order for protection against  
7 domestic violence which is issued in an action or proceeding  
8 brought pursuant to this title must provide notice that a person who  
9 is arrested for violating the order or injunction will not be admitted  
10 to bail sooner than 12 hours after the person's arrest if:

11 (a) The arresting officer determines that such a violation is  
12 accompanied by a direct or indirect threat of harm;

13 (b) The person has previously violated a temporary or extended  
14 order for protection; or

15 (c) At the time of the violation or within 2 hours after the  
16 violation, the person has:

17 (1) A concentration of alcohol of 0.08 or more in his or her  
18 blood or breath; or

19 (2) An amount of a prohibited substance in his or her blood  
20 or urine, as applicable, that is equal to or greater than the amount set  
21 forth in subsection ~~3 or 4~~ 4 or 5 of NRS 484C.110.

22 2. For the purposes of this section, an order or injunction is in  
23 the nature of a temporary or extended order for protection against  
24 domestic violence if it grants relief that might be given in a  
25 temporary or extended order issued pursuant to NRS 33.017 to  
26 33.100, inclusive.

27 **Sec. 22.** NRS 171.1225 is hereby amended to read as follows:

28 171.1225 1. When investigating an act of domestic violence,  
29 a peace officer shall:

30 (a) Make a good faith effort to explain the provisions of NRS  
31 171.137 pertaining to domestic violence and advise victims of all  
32 reasonable means to prevent further abuse, including advising each  
33 person of the availability of a shelter or other services in the  
34 community.

35 (b) Provide a person suspected of being the victim of an act of  
36 domestic violence with a written copy of the following statements:

37 (1) My name is Officer ..... (naming the  
38 investigating officer). Nevada law requires me to inform you of the  
39 following information.

40 (2) If I have probable cause to believe that a battery has been  
41 committed against you, your minor child or the minor child of the  
42 person believed to have committed the battery in the last 24 hours  
43 by your spouse, your former spouse, any other person to whom you  
44 are related by blood or marriage, a person with whom you have had  
45 or are having a dating relationship or a person with whom you have



1 a child in common, and if I had a face-to-face encounter with the  
2 person suspected of committing the battery that was of sufficient  
3 duration to determine whether probable cause existed while  
4 responding to the initial incident or call for service, I am required,  
5 unless mitigating circumstances exist, to arrest the person suspected  
6 of committing the battery.

7 (3) If I have probable cause to believe that a battery has been  
8 committed against you, your minor child or the minor child of the  
9 person believed to have committed the battery in the last 7 days by  
10 your spouse, your former spouse, any other person to whom you are  
11 related by blood or marriage, a person with whom you have had or  
12 are having a dating relationship or a person with whom you have a  
13 child in common, and if I did not have a face-to-face encounter with  
14 the person suspected of committing the battery that was of sufficient  
15 duration to determine whether probable cause existed while  
16 responding to the initial incident or call for service, I am required,  
17 unless mitigating circumstances exist, to arrest the person suspected  
18 of committing the battery.

19 (4) If I am unable to arrest the person suspected of  
20 committing the battery, you have the right to request that the  
21 prosecutor file a criminal complaint against the person. I can  
22 provide you with information on this procedure. If convicted, the  
23 person who committed the battery may be placed on probation,  
24 ordered to see a counselor, put in jail or fined.

25 (5) The law provides that you may seek a court order for the  
26 protection of you, your minor children or any animal that is owned  
27 or kept by you, by the person who committed or threatened the act  
28 of domestic violence or by the minor child of either such person  
29 against further threats or acts of domestic violence. You do not need  
30 to hire a lawyer to obtain such an order for protection.

31 (6) An order for protection may require the person who  
32 committed or threatened the act of domestic violence against you to:

33 (I) Stop threatening, harassing or injuring you or your  
34 children;

35 (II) Move out of your residence;

36 (III) Stay away from your place of employment;

37 (IV) Stay away from the school attended by your  
38 children;

39 (V) Stay away from any place you or your children  
40 regularly go;

41 (VI) Avoid or limit all communication with you or your  
42 children;

43 (VII) Stop physically injuring, threatening to injure or  
44 taking possession of any animal that is owned or kept by you or  
45 your children, either directly or through an agent; and



1 (VIII) Stop physically injuring or threatening to injure  
2 any animal that is owned or kept by the person who committed or  
3 threatened the act or his or her children, either directly or through an  
4 agent.

5 (7) A court may make future orders for protection which  
6 award you custody of your children and require the person who  
7 committed or threatened the act of domestic violence against you to:

8 (I) Pay the rent or mortgage due on the place in which  
9 you live;

10 (II) Pay the amount of money necessary for the support of  
11 your children;

12 (III) Pay part or all of the costs incurred by you in  
13 obtaining the order for protection; and

14 (IV) Comply with the arrangements specified for the  
15 possession and care of any animal owned or kept by you or your  
16 children or by the person who committed or threatened the act or his  
17 or her children.

18 (8) To get an order for protection, go to room number .....  
19 (state the room number of the office at the court) at the court, which  
20 is located at ..... (state the address of the court). Ask the  
21 clerk of the court to provide you with the forms for an order of  
22 protection.

23 (9) If the person who committed or threatened the act of  
24 domestic violence against you violates the terms of an order for  
25 protection, the person may be arrested and, if:

26 (I) The arresting officer determines that such a violation  
27 is accompanied by a direct or indirect threat of harm;

28 (II) The person has previously violated a temporary or  
29 extended order for protection; or

30 (III) At the time of the violation or within 2 hours after  
31 the violation, the person has a concentration of alcohol of 0.08 or  
32 more in the person's blood or breath or an amount of a prohibited  
33 substance in the person's blood or urine, as applicable, that is equal  
34 to or greater than the amount set forth in subsection ~~3 or 4~~ 4 or 5 of  
35 NRS 484C.110,

36 ↪ the person will not be admitted to bail sooner than 12 hours after  
37 arrest.

38 (10) You may obtain emergency assistance or shelter by  
39 contacting your local program against domestic violence at  
40 ..... (state name, address and telephone number of local  
41 program) or you may call, without charge to you, the Statewide  
42 Program Against Domestic Violence at ..... (state toll-  
43 free telephone number of Statewide Program).

44 2. The failure of a peace officer to carry out the requirements  
45 set forth in subsection 1 is not a defense in a criminal prosecution



1 for the commission of an act of domestic violence, nor may such an  
2 omission be considered as negligence or as causation in any civil  
3 action against the peace officer or the officer's employer.

4 3. As used in this section:

5 (a) "Act of domestic violence" means any of the following acts  
6 committed by a person against his or her spouse, former spouse, any  
7 other person to whom he or she is related by blood or marriage, a  
8 person with whom he or she has had or is having a dating  
9 relationship, a person with whom he or she has a child in common,  
10 the minor child of any of those persons or his or her minor child:

11 (1) A battery.

12 (2) An assault.

13 (3) Compelling the other by force or threat of force to  
14 perform an act from which he or she has the right to refrain or to  
15 refrain from an act which he or she has the right to perform.

16 (4) A sexual assault.

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

20 (I) Stalking.

21 (II) Arson.

22 (III) Trespassing.

23 (IV) Larceny.

24 (V) Destruction of private property.

25 (VI) Carrying a concealed weapon without a permit.

26 (VII) Injuring or killing an animal.

27 (6) False imprisonment.

28 (7) Unlawful entry of the other's residence, or forcible entry  
29 against the other's will if there is a reasonably foreseeable risk of  
30 harm to the other from the entry.

31 (b) "Dating relationship" means frequent, intimate associations  
32 primarily characterized by the expectation of affectional or sexual  
33 involvement. The term does not include a casual relationship or an  
34 ordinary association between persons in a business or social context.

35 **Sec. 23.** NRS 178.484 is hereby amended to read as follows:

36 178.484 1. Except as otherwise provided in this section, a  
37 person arrested for an offense other than murder of the first degree  
38 must be admitted to bail.

39 2. A person arrested for a felony who has been released on  
40 probation or parole for a different offense must not be admitted to  
41 bail unless:

42 (a) A court issues an order directing that the person be admitted  
43 to bail;

44 (b) The State Board of Parole Commissioners directs the  
45 detention facility to admit the person to bail; or



1 (c) The Division of Parole and Probation of the Department of  
2 Public Safety directs the detention facility to admit the person to  
3 bail.

4 3. A person arrested for a felony whose sentence has been  
5 suspended pursuant to NRS 4.373 or 5.055 for a different offense or  
6 who has been sentenced to a term of residential confinement  
7 pursuant to NRS 4.3762 or 5.076 for a different offense must not be  
8 admitted to bail unless:

9 (a) A court issues an order directing that the person be admitted  
10 to bail; or

11 (b) A department of alternative sentencing directs the detention  
12 facility to admit the person to bail.

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

18 5. A person arrested for a violation of NRS 484C.110,  
19 484C.120, 484C.130, 484C.430, 488.410, 488.420 or 488.425 who  
20 is under the influence of intoxicating liquor must not be admitted to  
21 bail or released on the person's own recognizance unless the person  
22 has a concentration of alcohol of less than 0.04 in his or her breath.  
23 A test of the person's breath pursuant to this subsection to determine  
24 the concentration of alcohol in his or her breath as a condition of  
25 admission to bail or release is not admissible as evidence against the  
26 person.

27 6. A person arrested for a violation of NRS 484C.110,  
28 484C.120, 484C.130, 484C.430, 488.410, 488.420 or 488.425 who  
29 is under the influence of a controlled substance, is under the  
30 combined influence of intoxicating liquor and a controlled  
31 substance, or inhales, ingests, applies or otherwise uses any  
32 chemical, poison or organic solvent, or any compound or  
33 combination of any of these, to a degree which renders the person  
34 incapable of safely driving or exercising actual physical control of a  
35 vehicle, a power-driven vessel or a sailing vessel under way must  
36 not be admitted to bail or released on the person's own recognizance  
37 sooner than 12 hours after arrest.

38 7. A person arrested for a battery that constitutes domestic  
39 violence pursuant to NRS 33.018 must not be admitted to bail  
40 sooner than 12 hours after arrest. If the person is admitted to bail  
41 more than 12 hours after arrest, without appearing personally before  
42 a magistrate or without the amount of bail having been otherwise set  
43 by a magistrate or a court, the amount of bail must be:

44 (a) Three thousand dollars, if the person has no previous  
45 convictions of battery that constitute domestic violence pursuant to



1 NRS 33.018 and there is no reason to believe that the battery for  
2 which the person has been arrested resulted in substantial bodily  
3 harm or was committed by strangulation;

4 (b) Five thousand dollars, if the person has:

5 (1) No previous convictions of battery that constitute  
6 domestic violence pursuant to NRS 33.018, but there is reason to  
7 believe that the battery for which the person has been arrested  
8 resulted in substantial bodily harm or was committed by  
9 strangulation; or

10 (2) One previous conviction of battery that constitutes  
11 domestic violence pursuant to NRS 33.018, but there is no reason to  
12 believe that the battery for which the person has been arrested  
13 resulted in substantial bodily harm or was committed by  
14 strangulation; or

15 (c) Fifteen thousand dollars, if the person has:

16 (1) One previous conviction of battery that constitutes  
17 domestic violence pursuant to NRS 33.018 and there is reason to  
18 believe that the battery for which the person has been arrested  
19 resulted in substantial bodily harm or was committed by  
20 strangulation; or

21 (2) Two or more previous convictions of battery that  
22 constitute domestic violence pursuant to NRS 33.018.

23 ↪ The provisions of this subsection do not affect the authority of a  
24 magistrate or a court to set the amount of bail when the person  
25 personally appears before the magistrate or the court, or when a  
26 magistrate or a court has otherwise been contacted to set the amount  
27 of bail. For the purposes of this subsection, a person shall be  
28 deemed to have a previous conviction of battery that constitutes  
29 domestic violence pursuant to NRS 33.018 if the person has been  
30 convicted of such an offense in this State or has been convicted of  
31 violating a law of any other jurisdiction that prohibits the same or  
32 similar conduct.

33 8. A person arrested for violating a temporary or extended  
34 order for protection against domestic violence issued pursuant to  
35 NRS 33.017 to 33.100, inclusive, or for violating a restraining order  
36 or injunction that is in the nature of a temporary or extended order  
37 for protection against domestic violence issued in an action or  
38 proceeding brought pursuant to title 11 of NRS, or for violating a  
39 temporary or extended order for protection against stalking,  
40 aggravated stalking or harassment issued pursuant to NRS 200.591,  
41 or for violating a temporary or extended order for protection against  
42 sexual assault pursuant to NRS 200.378 must not be admitted to bail  
43 sooner than 12 hours after arrest if:

44 (a) The arresting officer determines that such a violation is  
45 accompanied by a direct or indirect threat of harm;



1 (b) The person has previously violated a temporary or extended  
2 order for protection of the type for which the person has been  
3 arrested; or

4 (c) At the time of the violation or within 2 hours after the  
5 violation, the person has:

6 (1) A concentration of alcohol of 0.08 or more in the  
7 person's blood or breath; or

8 (2) An amount of a prohibited substance in the person's  
9 blood or urine, as applicable, that is equal to or greater than the  
10 amount set forth in subsection ~~3 or 4~~ 4 or 5 of NRS 484C.110.

11 9. If a person is admitted to bail more than 12 hours after  
12 arrest, pursuant to subsection 8, without appearing personally before  
13 a magistrate or without the amount of bail having been otherwise set  
14 by a magistrate or a court, the amount of bail must be:

15 (a) Three thousand dollars, if the person has no previous  
16 convictions of violating a temporary or extended order for  
17 protection against domestic violence issued pursuant to NRS 33.017  
18 to 33.100, inclusive, or of violating a restraining order or injunction  
19 that is in the nature of a temporary or extended order for protection  
20 against domestic violence issued in an action or proceeding brought  
21 pursuant to title 11 of NRS, or of violating a temporary or extended  
22 order for protection against stalking, aggravated stalking or  
23 harassment issued pursuant to NRS 200.591, or of violating a  
24 temporary or extended order for protection against sexual assault  
25 pursuant to NRS 200.378;

26 (b) Five thousand dollars, if the person has one previous  
27 conviction of violating a temporary or extended order for protection  
28 against domestic violence issued pursuant to NRS 33.017 to 33.100,  
29 inclusive, or of violating a restraining order or injunction that is in  
30 the nature of a temporary or extended order for protection against  
31 domestic violence issued in an action or proceeding brought  
32 pursuant to title 11 of NRS, or of violating a temporary or extended  
33 order for protection against stalking, aggravated stalking or  
34 harassment issued pursuant to NRS 200.591, or of violating a  
35 temporary or extended order for protection against sexual assault  
36 pursuant to NRS 200.378; or

37 (c) Fifteen thousand dollars, if the person has two or more  
38 previous convictions of violating a temporary or extended order for  
39 protection against domestic violence issued pursuant to NRS 33.017  
40 to 33.100, inclusive, or of violating a restraining order or injunction  
41 that is in the nature of a temporary or extended order for protection  
42 against domestic violence issued in an action or proceeding brought  
43 pursuant to title 11 of NRS, or of violating a temporary or extended  
44 order for protection against stalking, aggravated stalking or  
45 harassment issued pursuant to NRS 200.591, or of violating a



1 temporary or extended order for protection against sexual assault  
2 pursuant to NRS 200.378.

3 ↪ The provisions of this subsection do not affect the authority of a  
4 magistrate or a court to set the amount of bail when the person  
5 personally appears before the magistrate or the court or when a  
6 magistrate or a court has otherwise been contacted to set the amount  
7 of bail. For the purposes of this subsection, a person shall be  
8 deemed to have a previous conviction of violating a temporary or  
9 extended order for protection against domestic violence issued  
10 pursuant to NRS 33.017 to 33.100, inclusive, or of violating a  
11 restraining order or injunction that is in the nature of a temporary or  
12 extended order for protection against domestic violence issued in an  
13 action or proceeding brought pursuant to title 11 of NRS, or of  
14 violating a temporary or extended order for protection against  
15 stalking, aggravated stalking or harassment issued pursuant to NRS  
16 200.591, or of violating a temporary or extended order for  
17 protection against sexual assault pursuant to NRS 200.378, if the  
18 person has been convicted of such an offense in this State or has  
19 been convicted of violating a law of any other jurisdiction that  
20 prohibits the same or similar conduct.

21 10. For the purposes of subsections 8 and 9, an order or  
22 injunction is in the nature of a temporary or extended order for  
23 protection against domestic violence if it grants relief that might be  
24 given in a temporary or extended order issued pursuant to NRS  
25 33.017 to 33.100, inclusive.

26 11. As used in this section, "strangulation" has the meaning  
27 ascribed to it in NRS 200.481.

28 **Sec. 24.** NRS 193.120 is hereby amended to read as follows:

29 193.120 1. A crime is an act or omission forbidden by law  
30 and punishable upon conviction by death, imprisonment, fine or  
31 other penal discipline.

32 2. Every crime which may be punished by death or by  
33 imprisonment in the state prison is a felony.

34 3. Every crime punishable by a fine of not more than ~~[\$1,000,]~~  
35 **\$3,000**, or by imprisonment in a county jail for not more than 6  
36 months, is a misdemeanor.

37 4. Every other crime is a gross misdemeanor.

38 **Sec. 25.** NRS 193.140 is hereby amended to read as follows:

39 193.140 Every person convicted of a gross misdemeanor shall  
40 be punished by imprisonment in the county jail for not more than  
41 364 days, or by a fine of not more than ~~[\$2,000,]~~ **\$4,000**, or by both  
42 fine and imprisonment, unless the statute in force at the time of  
43 commission of such gross misdemeanor prescribed a different  
44 penalty.



1       **Sec. 26.** NRS 193.150 is hereby amended to read as follows:

2       193.150 1. Every person convicted of a misdemeanor shall be  
3 punished by imprisonment in the county jail for not more than 6  
4 months, or by a fine of not more than ~~[\$1,000.]~~ **\$3,000**, or by both  
5 fine and imprisonment, unless the statute in force at the time of  
6 commission of such misdemeanor prescribed a different penalty.

7       2. In lieu of all or a part of the punishment which may be  
8 imposed pursuant to subsection 1, the convicted person may be  
9 sentenced to perform a fixed period of community service pursuant  
10 to the conditions prescribed in NRS 176.087.

11       **Sec. 27.** NRS 193.160 is hereby amended to read as follows:

12       193.160 In all cases where a corporation is convicted of an  
13 offense for the commission of which a natural person would be  
14 punishable as for a misdemeanor, and there is no other punishment  
15 prescribed by law, the corporation is punishable by a fine *of* not  
16 ~~exceeding \$1,000.]~~ **more than \$3,000.**

17       **Sec. 28.** NRS 200.378 is hereby amended to read as follows:

18       200.378 1. In addition to any other remedy provided by law,  
19 a person who reasonably believes that the crime of sexual assault  
20 has been committed against him or her by another person may  
21 petition any court of competent jurisdiction for a temporary or  
22 extended order directing the person who allegedly committed the  
23 sexual assault to:

24       (a) Stay away from the home, school, business or place of  
25 employment of the victim of the alleged sexual assault and any other  
26 location specifically named by the court.

27       (b) Refrain from contacting, intimidating, threatening or  
28 otherwise interfering with the victim of the alleged sexual assault  
29 and any other person named in the order, including, without  
30 limitation, a member of the family or the household of the victim of  
31 the alleged sexual assault.

32       (c) Comply with any other restriction which the court deems  
33 necessary to protect the victim of the alleged sexual assault or to  
34 protect any other person named in the order, including, without  
35 limitation, a member of the family or the household of the victim of  
36 the alleged sexual assault.

37       2. If a defendant charged with a crime involving sexual assault  
38 is released from custody before trial or is found guilty at the trial,  
39 the court may issue a temporary or extended order or provide as a  
40 condition of the release or sentence that the defendant:

41       (a) Stay away from the home, school, business or place of  
42 employment of the victim of the alleged sexual assault and any other  
43 location specifically named by the court.

44       (b) Refrain from contacting, intimidating, threatening or  
45 otherwise interfering with the victim of the alleged sexual assault



1 and any other person named in the order, including, without  
2 limitation, a member of the family or the household of the victim of  
3 the alleged sexual assault.

4 (c) Comply with any other restriction which the court deems  
5 necessary to protect the victim of the alleged sexual assault or to  
6 protect any other person named in the order, including, without  
7 limitation, a member of the family or the household of the victim of  
8 the alleged sexual assault.

9 3. A temporary order may be granted with or without notice to  
10 the adverse party. An extended order may be granted only after:

11 (a) Notice of the petition for the order and of the hearing thereon  
12 is served upon the adverse party pursuant to the Nevada Rules of  
13 Civil Procedure; and

14 (b) A hearing is held on the petition.

15 4. If an extended order is issued by a justice court, an  
16 interlocutory appeal lies to the district court, which may affirm,  
17 modify or vacate the order in question. The appeal may be taken  
18 without bond, but its taking does not stay the effect or enforcement  
19 of the order.

20 5. Unless a more severe penalty is prescribed by law for the act  
21 that constitutes the violation of the order, any person who  
22 intentionally violates:

23 (a) A temporary order is guilty of a gross misdemeanor.

24 (b) An extended order is guilty of a category C felony and shall  
25 be punished as provided in NRS 193.130.

26 6. Any court order issued pursuant to this section must:

27 (a) Be in writing;

28 (b) Be personally served on the person to whom it is directed;  
29 and

30 (c) Contain the warning that violation of the order:

31 (1) Subjects the person to immediate arrest.

32 (2) Is a gross misdemeanor if the order is a temporary order.

33 (3) Is a category C felony if the order is an extended order.

34 7. A temporary or extended order issued pursuant to this  
35 section must provide notice that a person who is arrested for  
36 violating the order will not be admitted to bail sooner than 12 hours  
37 after the arrest if:

38 (a) The arresting officer determines that such a violation is  
39 accompanied by a direct or indirect threat of harm;

40 (b) The person has previously violated a temporary or extended  
41 order for protection; or

42 (c) At the time of the violation or within 2 hours after the  
43 violation, the person has:

44 (1) A concentration of alcohol of 0.08 or more in his or her  
45 blood or breath; or



1 (2) An amount of a prohibited substance in his or her blood  
2 or urine, as applicable, that is equal to or greater than the amount set  
3 forth in subsection ~~3 or~~ 4 or 5 of NRS 484C.110.

4 **Sec. 29.** NRS 200.591 is hereby amended to read as follows:

5 200.591 1. In addition to any other remedy provided by law,  
6 a person who reasonably believes that the crime of stalking,  
7 aggravated stalking or harassment is being committed against him or  
8 her by another person may petition any court of competent  
9 jurisdiction for a temporary or extended order directing the person  
10 who is allegedly committing the crime to:

11 (a) Stay away from the home, school, business or place of  
12 employment of the victim of the alleged crime and any other  
13 location specifically named by the court.

14 (b) Refrain from contacting, intimidating, threatening or  
15 otherwise interfering with the victim of the alleged crime and any  
16 other person named in the order, including, without limitation, a  
17 member of the family or the household of the victim of the alleged  
18 crime.

19 (c) Comply with any other restriction which the court deems  
20 necessary to protect the victim of the alleged crime or to protect any  
21 other person named in the order, including, without limitation, a  
22 member of the family or the household of the victim of the alleged  
23 crime.

24 2. If a defendant charged with a crime involving harassment,  
25 stalking or aggravated stalking is released from custody before trial  
26 or is found guilty at the trial, the court may issue a temporary or  
27 extended order or provide as a condition of the release or sentence  
28 that the defendant:

29 (a) Stay away from the home, school, business or place of  
30 employment of the victim of the alleged crime and any other  
31 location specifically named by the court.

32 (b) Refrain from contacting, intimidating, threatening or  
33 otherwise interfering with the victim of the alleged crime and any  
34 other person named in the order, including, without limitation, a  
35 member of the family or the household of the victim of the alleged  
36 crime.

37 (c) Comply with any other restriction which the court deems  
38 necessary to protect the victim of the alleged crime or to protect any  
39 other person named in the order, including, without limitation, a  
40 member of the family or the household of the victim of the alleged  
41 crime.

42 3. A temporary order may be granted with or without notice to  
43 the adverse party. An extended order may be granted only after:



1 (a) Notice of the petition for the order and of the hearing thereon  
2 is served upon the adverse party pursuant to the Nevada Rules of  
3 Civil Procedure; and

4 (b) A hearing is held on the petition.

5 4. If an extended order is issued by a justice court, an  
6 interlocutory appeal lies to the district court, which may affirm,  
7 modify or vacate the order in question. The appeal may be taken  
8 without bond, but its taking does not stay the effect or enforcement  
9 of the order.

10 5. Unless a more severe penalty is prescribed by law for the act  
11 that constitutes the violation of the order, any person who  
12 intentionally violates:

13 (a) A temporary order is guilty of a gross misdemeanor.

14 (b) An extended order is guilty of a category C felony and shall  
15 be punished as provided in NRS 193.130.

16 6. Any court order issued pursuant to this section must:

17 (a) Be in writing;

18 (b) Be personally served on the person to whom it is directed;  
19 and

20 (c) Contain the warning that violation of the order:

21 (1) Subjects the person to immediate arrest.

22 (2) Is a gross misdemeanor if the order is a temporary order.

23 (3) Is a category C felony if the order is an extended order.

24 7. A temporary or extended order issued pursuant to this  
25 section must provide notice that a person who is arrested for  
26 violating the order will not be admitted to bail sooner than 12 hours  
27 after the person's arrest if:

28 (a) The arresting officer determines that such a violation is  
29 accompanied by a direct or indirect threat of harm;

30 (b) The person has previously violated a temporary or extended  
31 order for protection; or

32 (c) At the time of the violation or within 2 hours after the  
33 violation, the person has:

34 (1) A concentration of alcohol of 0.08 or more in his or her  
35 blood or breath; or

36 (2) An amount of a prohibited substance in his or her blood  
37 or urine, as applicable, that is equal to or greater than the amount set  
38 forth in subsection ~~3 or 4~~ 4 or 5 of NRS 484C.110.

39 **Sec. 30.** NRS 202.257 is hereby amended to read as follows:

40 202.257 1. It is unlawful for a person who:

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

43 (b) Is under the influence of any controlled substance, or is  
44 under the combined influence of intoxicating liquor and a controlled  
45 substance, or any person who inhales, ingests, applies or otherwise



1 uses any chemical, poison or organic solvent, or any compound or  
2 combination of any of these, to a degree which renders him or her  
3 incapable of safely exercising actual physical control of a firearm,  
4 ↪ to have in his or her actual physical possession any firearm. This  
5 prohibition does not apply to the actual physical possession of a  
6 firearm by a person who was within the person's personal residence  
7 and had the firearm in his or her possession solely for self-defense.

8 2. Any evidentiary test to determine whether a person has  
9 violated the provisions of subsection 1 must be administered in the  
10 same manner as an evidentiary test that is administered pursuant to  
11 NRS 484C.160 to ~~[484C.250.]~~ 484C.240, inclusive, except that  
12 submission to the evidentiary test is required of any person who is  
13 requested by a police officer to submit to the test. If a person to be  
14 tested fails to submit to a required test as requested by a police  
15 officer, the officer may apply for a warrant or court order directing  
16 that reasonable force be used to the extent necessary to obtain the  
17 samples of blood from the person to be tested, if the officer has  
18 reasonable cause to believe that the person to be tested was in  
19 violation of this section.

20 3. Any person who violates the provisions of subsection 1 is  
21 guilty of a misdemeanor.

22 4. A firearm is subject to forfeiture pursuant to NRS 179.1156  
23 to 179.1205, inclusive, only if, during the violation of subsection 1,  
24 the firearm is brandished, aimed or otherwise handled by the person  
25 in a manner which endangered others.

26 5. As used in this section, the phrase "concentration of alcohol  
27 of 0.08 or more in his or her blood or breath" means 0.08 gram or  
28 more of alcohol per 100 milliliters of the blood of a person or per  
29 210 liters of his or her breath.

30 **Sec. 31.** NRS 616C.230 is hereby amended to read as follows:

31 616C.230 1. Compensation is not payable pursuant to the  
32 provisions of chapters 616A to 616D, inclusive, or chapter 617 of  
33 NRS for an injury:

34 (a) Caused by the employee's willful intention to injure himself  
35 or herself.

36 (b) Caused by the employee's willful intention to injure another.

37 (c) That occurred while the employee was in a state of  
38 intoxication, unless the employee can prove by clear and convincing  
39 evidence that his or her state of intoxication was not the proximate  
40 cause of the injury. For the purposes of this paragraph, an employee  
41 is in a state of intoxication if the level of alcohol in the bloodstream  
42 of the employee meets or exceeds the limits set forth in subsection 1  
43 **or 2** of NRS 484C.110.

44 (d) That occurred while the employee was under the influence of  
45 a controlled or prohibited substance, unless the employee can prove



1 by clear and convincing evidence that his or her being under the  
2 influence of a controlled or prohibited substance was not the  
3 proximate cause of the injury. For the purposes of this paragraph, an  
4 employee is under the influence of a controlled or prohibited  
5 substance if the employee had an amount of a controlled or  
6 prohibited substance for which the employee did not have a current  
7 and lawful prescription issued in the employee's name in his or her  
8 system at the time of his or her injury that was equal to or greater  
9 than:

11		Urine	Blood
12		Nanograms per	Nanograms per
13	Prohibited substance	milliliter	milliliter
14			
15	(1) Amphetamine	500	100
16	(2) Cocaine	150	50
17	(3) Cocaine metabolite	150	50
18	(4) Heroin	2,000	50
19	(5) Heroin metabolite:		
20	(I) Morphine	2,000	50
21	(II) 6-monoacetyl morphine	10	10
22	(6) Lysergic acid diethylamide	25	10
23	(7) Methamphetamine	500	100
24	(8) Phencyclidine	25	10
25	(9) Marijuana (delta-9-tetrahydrocannabinol)		2

26  
27 2. For the purposes of paragraphs (c) and (d) of subsection 1:

28 (a) The affidavit or declaration of an expert or other person  
29 described in NRS 50.310, 50.315 or 50.320 is admissible to prove  
30 the existence of an impermissible quantity of alcohol or the  
31 existence, quantity or identity of an impermissible controlled or  
32 prohibited substance in an employee's system. If the affidavit or  
33 declaration is to be so used, it must be submitted in the manner  
34 prescribed in NRS 616C.355.

35 (b) When an examination requested or ordered includes testing  
36 for the use of alcohol or a controlled or prohibited substance, the  
37 laboratory that conducts the testing must be licensed pursuant to the  
38 provisions of chapter 652 of NRS.

39 (c) The results of any testing for the use of alcohol or a  
40 controlled or prohibited substance, irrespective of the purpose for  
41 performing the test, must be made available to an insurer or  
42 employer upon request, to the extent that doing so does not conflict  
43 with federal law.

44 3. No compensation is payable for the death, disability or  
45 treatment of an employee if the employee's death is caused by, or



1 insofar as the employee's disability is aggravated, caused or  
2 continued by, an unreasonable refusal or neglect to submit to or to  
3 follow any competent and reasonable surgical treatment or medical  
4 aid.

5 4. If any employee persists in an unsanitary or injurious  
6 practice that imperils or retards his or her recovery, or refuses to  
7 submit to such medical or surgical treatment as is necessary to  
8 promote his or her recovery, the employee's compensation may be  
9 reduced or suspended.

10 5. An injured employee's compensation, other than accident  
11 benefits, must be suspended if:

12 (a) A physician or chiropractic physician determines that the  
13 employee is unable to undergo treatment, testing or examination for  
14 the industrial injury solely because of a condition or injury that did  
15 not arise out of and in the course of employment; and

16 (b) It is within the ability of the employee to correct the  
17 nonindustrial condition or injury.

18 ➤ The compensation must be suspended until the injured employee  
19 is able to resume treatment, testing or examination for the industrial  
20 injury. The insurer may elect to pay for the treatment of the  
21 nonindustrial condition or injury.

22 6. As used in this section, "prohibited substance" means any of  
23 the following substances if the person who uses the substance has  
24 not been issued a valid prescription to use the substance and the  
25 substance is classified in schedule I or II pursuant to NRS 453.166  
26 or 453.176 when it is used:

27 (a) Amphetamine.

28 (b) Cocaine.

29 (c) Cocaine metabolite.

30 (d) Heroin.

31 (e) Heroin metabolite:

32 (1) Morphine.

33 (2) 6-monoacetyl morphine.

34 (f) Lysergic acid diethylamide.

35 (g) Methamphetamine.

36 (h) Phencyclidine.

37 (i) Marijuana (delta-9-tetrahydrocannabinol).

38 **Sec. 32.** Section 15 of chapter 421, Statutes of Nevada 2003,  
39 at page 2566, is hereby amended to read as follows:

40 Sec. 15. This act becomes effective on September 23,  
41 2003. ~~f, and expires by limitation on the date of the repeal of~~  
42 ~~the federal law requiring each state to make it unlawful for a~~  
43 ~~person to operate a motor vehicle with a blood alcohol~~  
44 ~~concentration of 0.08 percent or greater as a condition to~~



1 ~~receiving federal funding for the construction of highways in~~  
2 ~~this state.]~~

3 **Sec. 33.** Section 64 of chapter 63, Statutes of Nevada 2005, at  
4 page 175, is hereby amended to read as follows:

5 Sec. 64. ~~[1.]~~ This section and sections 1 to 4,  
6 inclusive, 6 to 16, inclusive, 18 to 32, inclusive, 34 and 36 to  
7 61, inclusive, of this act become effective on October 1, 2005.

8 ~~[2. Sections 4, 10, 16, 31, 32 and 34 of this act expire by~~  
9 ~~limitation on the date of the repeal of the federal law~~  
10 ~~requiring each state to make it unlawful for a person to~~  
11 ~~operate a motor vehicle with a blood alcohol concentration of~~  
12 ~~0.08 percent or greater as a condition to receiving federal~~  
13 ~~funding for the construction of highways in this State.~~

14 ~~—3. Sections 5, 17, 33, 35, 62 and 63 of this act become~~  
15 ~~effective on the date of the repeal of the federal law requiring~~  
16 ~~each state to make it unlawful for a person to operate a motor~~  
17 ~~vehicle with a blood alcohol concentration of 0.08 percent or~~  
18 ~~greater as a condition to receiving federal funding for the~~  
19 ~~construction of highways in this State.]~~

20 **Sec. 34.** Section 117 of chapter 327, Statutes of Nevada 2007,  
21 at page 1487, is hereby amended to read as follows:

22 Sec. 117. 1. This section and sections 1 to 52,  
23 inclusive, 54 to 70, inclusive, 72, 74 to 79, inclusive, 81, 83  
24 to 109, inclusive, 111 and 113 to 116, inclusive, of this act  
25 become effective on October 1, 2007.

26 2. Section 52 of this act expires by limitation on June 30,  
27 2009.

28 3. ~~[Sections 70, 72, 79 and 81 of this act expire by~~  
29 ~~limitation on the date of the repeal of the federal law~~  
30 ~~requiring each state to make it unlawful for a person to~~  
31 ~~operate a motor vehicle with a blood alcohol concentration of~~  
32 ~~0.08 percent or greater as a condition to receiving federal~~  
33 ~~funding for the construction of highways in this State.~~

34 ~~—4.]~~ Sections 109 and 111 of this act expire by limitation  
35 on the date on which the provisions of 42 U.S.C. § 666  
36 requiring each state to establish procedures under which the  
37 state has authority to withhold or suspend, or to restrict the  
38 use of professional, occupational and recreational licenses of  
39 persons who:

40 (a) Have failed to comply with a subpoena or warrant  
41 relating to a proceeding to determine the paternity of a child  
42 or to establish or enforce an obligation for the support of a  
43 child; or



1 (b) Are in arrears in the payment for the support of one or  
2 more children,

3 ↪ are repealed by the Congress of the United States.

4 ~~[5.]~~ 4. Section 53 of this act becomes effective on  
5 July 1, 2009.

6 ~~[6. Sections 71, 73, 80 and 82 of this act become~~  
7 ~~effective on the date of the repeal of the federal law requiring~~  
8 ~~each state to make it unlawful for a person to operate a motor~~  
9 ~~vehicle with a blood alcohol concentration of 0.08 percent or~~  
10 ~~greater as a condition to receiving federal funding for the~~  
11 ~~construction of highways in this State.~~

12 ~~—7.]~~ 5. Sections 110 and 112 of this act become effective  
13 on the date on which the provisions of 42 U.S.C. § 666  
14 requiring each state to establish procedures under which the  
15 state has authority to withhold or suspend, or to restrict the  
16 use of professional, occupational and recreational licenses of  
17 persons who:

18 (a) Have failed to comply with a subpoena or warrant  
19 relating to a proceeding to determine the paternity of a child  
20 or to establish or enforce an obligation for the support of a  
21 child; or

22 (b) Are in arrears in the payment for the support of one or  
23 more children,

24 ↪ are repealed by the Congress of the United States.

25 **Sec. 35.** Section 30 of chapter 433, Statutes of Nevada 2007,  
26 at page 2055, is hereby amended to read as follows:

27 Sec. 30. 1. This section and section 1 of this act  
28 become effective upon passage and approval.

29 2. Sections 13 to 29, inclusive, of this act, become  
30 effective upon passage and approval for the purpose of  
31 adopting regulations and conducting any preliminary  
32 activities necessary to ensure that the provisions of this act  
33 are carried out in an orderly fashion and on October 1, 2007,  
34 for all other purposes.

35 3. Sections 1.3, 1.7, 3, 5 and 7 to 10, inclusive, of this  
36 act become effective on October 1, 2007.

37 4. Sections 2, 11 and 12 of this act become effective on  
38 March 1, 2008.

39 ~~[5. Sections 3 and 5 of this act expire by limitation on~~  
40 ~~the date of the repeal of the federal law requiring each state to~~  
41 ~~make it unlawful for a person to operate a motor vehicle with~~  
42 ~~a blood alcohol concentration of 0.08 percent or greater as a~~  
43 ~~condition to receiving federal funding for the construction of~~  
44 ~~highways in this State.~~



~~6. Sections 4 and 6 of this act become effective on the date of the repeal of the federal law requiring each state to make it unlawful for a person to operate a motor vehicle with a blood alcohol concentration of 0.08 percent or greater as a condition to receiving federal funding for the construction of highways in this State.]~~

**Sec. 36.** Section 49 of chapter 486, Statutes of Nevada 2007, as amended by section 13 of chapter 369, Statutes of Nevada 2009, at page 1862, is hereby amended to read as follows:

Sec. 49. 1. This section and section 48.5 of this act become effective upon passage and approval.

2. Sections 1 to 7, inclusive, 9, 10, 10.3, 11 to 27.3, inclusive, 28 to 41, inclusive, 42.1 to 45.7, inclusive, 47.5 and 48 of this act become effective upon passage and approval for the purposes of adopting regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act. For all other purposes:

(a) Sections 3, 5.5, 6, 7, 9, 10, 10.3, 11, 12, 16.5 to 27.3, inclusive, 28 to 39, inclusive, 42.1 to 45.7, inclusive, 47.5 and subsection 1 of section 48 of this act become effective on October 1, 2007; and

(b) Sections 1, 2, 4, 5, 13 to 16, inclusive, 40, 41 and subsection 2 of section 48 of this act become effective upon the later of:

(1) May 11, 2008;

(2) The effective date of the regulations issued by the Secretary of Homeland Security to implement the provisions of the Real ID Act of 2005; or

(3) The expiration of any extension of time granted to this State by the Secretary of Homeland Security to comply with the provisions of the Real ID Act of 2005.

3. Sections 7 and 41 of this act expire by limitation on the date on which the provisions of 42 U.S.C. § 666 requiring each state to establish procedures under which the state has authority to withhold or suspend, or to restrict the use of professional, occupational and recreational licenses of persons who:

(a) Have failed to comply with a subpoena or warrant relating to a proceeding to determine the paternity of a child or to establish or enforce an obligation for the support of a child; or

(b) Are in arrears in the payment of the support of one or more children,

↪ are repealed by the Congress of the United States.



1 4. Sections 8 and 42 of this act become effective on the  
2 date on which the provisions of 42 U.S.C. § 666 requiring  
3 each state to establish procedures under which the state has  
4 authority to withhold or suspend, or to restrict the use of  
5 professional, occupational and recreational licenses of  
6 persons who:

7 (a) Have failed to comply with a subpoena or warrant  
8 relating to a proceeding to determine the paternity of a child  
9 or to establish or enforce an obligation for the support of a  
10 child; or

11 (b) Are in arrears in the payment of the support of one or  
12 more children,

13 ▶ are repealed by the Congress of the United States.

14 ~~[5.—Sections 10.3 and 27.3 of this act expire by limitation~~  
15 ~~on the date of the repeal of the federal law requiring each~~  
16 ~~state to make it unlawful for a person to operate a motor~~  
17 ~~vehicle with a blood alcohol concentration of 0.08 percent or~~  
18 ~~greater as a condition to receiving federal funding for the~~  
19 ~~construction of highways in this State.]~~

20 ~~—6.—Sections 10.7, 27.7, 46 and 47 of this act become~~  
21 ~~effective on the date of the repeal of the federal law requiring~~  
22 ~~each state to make it unlawful for a person to operate a motor~~  
23 ~~vehicle with a blood alcohol concentration of 0.08 percent or~~  
24 ~~greater as a condition to receiving federal funding for the~~  
25 ~~construction of highways in this State.]~~

26 **Sec. 37.** Section 18 of chapter 277, Statutes of Nevada 2021,  
27 at page 1467, is hereby amended to read as follows:

28 Sec. 18. ~~[1.]~~ This section and sections 1 to 17,  
29 inclusive, of this act become effective on July 1, 2021.

30 ~~[2.—Section 17.5 of this act becomes effective on the date~~  
31 ~~of the repeal of the federal law requiring each state to make it~~  
32 ~~unlawful for a person to operate a motor vehicle with a blood~~  
33 ~~alcohol concentration of 0.08 percent or greater as a condition~~  
34 ~~to receiving federal funding for the construction of highways~~  
35 ~~in this State.]~~

36 **Sec. 38.** 1. NRS 484C.250 and 488.500 are hereby repealed.

37 2. Sections 5, 17, 33, 35, 62 and 63 of chapter 63, Statutes of  
38 Nevada 2005, at pages 133, 145, 155, 173 and 174, respectively,  
39 sections 71, 73, 80 and 82 of chapter 327, Statutes of Nevada 2007,  
40 at pages 1453, 1455, 1460 and 1462, respectively, sections 4 and 6  
41 of chapter 433, Statutes of Nevada 2007, at pages 2047 and 2049,  
42 respectively, sections 10.7, 27.7, 46 and 47 of chapter 486, Statutes  
43 of Nevada 2007, at pages 2789, 2800 and 2812, respectively, and  
44 section 17.5 of chapter 277, Statutes of Nevada 2021, at page 1466,  
45 are hereby repealed.



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**TEXT OF REPEALED SECTIONS OF NRS AND  
TEXT OF REPEALED SECTIONS OF STATUTES OF NEVADA**

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**484C.250 Admissibility of results of blood test in hearing or criminal action; immunity from liability for person administering blood test in certain circumstances.**

1. The results of any blood test administered under the provisions of NRS 484C.160 or 484C.180 are not admissible in any hearing or criminal action arising out of acts alleged to have been committed by a person who was driving or in actual physical control of a vehicle while under the influence of intoxicating liquor or a controlled substance or with a prohibited substance in his or her blood or urine or who was engaging in any other conduct prohibited by NRS 484C.110, 484C.120, 484C.130 or 484C.430 unless:

(a) The blood tested was withdrawn by a person, other than an arresting officer, who:

(1) Is a physician, physician assistant licensed pursuant to chapter 630 or 633 of NRS, registered nurse, licensed practical nurse, advanced emergency medical technician, paramedic or a phlebotomist, technician, technologist or assistant employed in a medical laboratory; or

(2) Has special knowledge, skill, experience, training and education in withdrawing blood in a medically acceptable manner, including, without limitation, a person qualified as an expert on that subject in a court of competent jurisdiction or a person who has completed a course of instruction that qualifies him or her to take an examination in phlebotomy that is administered by the American Medical Technologists or the American Society for Clinical Pathology; and

(b) The test was performed on whole blood, except if the sample was clotted when it was received by the laboratory, the test may be performed on blood serum or plasma.

2. The limitation contained in paragraph (a) of subsection 1 does not apply to the taking of a chemical test of the urine, breath or other bodily substance.

3. No person listed in paragraph (a) of subsection 1 incurs any civil or criminal liability as a result of the administering of a blood test when requested by a police officer or the person to be tested to administer the test.



**488.500 Admissibility of results of blood test in criminal action; immunity from liability for person administering blood test in certain circumstances.**

1. The results of any blood test administered under the provisions of NRS 488.460 or 488.490 are not admissible in any criminal action arising out of acts alleged to have been committed by a person who was operating or in actual physical control of a power-driven vessel or sailing vessel under way while under the influence of intoxicating liquor or a controlled substance or with a prohibited substance in his or her blood or urine or who was engaging in any other conduct prohibited by NRS 488.410, 488.420 or 488.425 unless:

(a) The blood tested was withdrawn by a person, other than an arresting officer, who:

(1) Is a physician, registered nurse, licensed practical nurse, advanced emergency medical technician, paramedic or a phlebotomist, technician, technologist or assistant employed in a medical laboratory; or

(2) Has special knowledge, skill, experience, training and education in withdrawing blood in a medically acceptable manner, including, without limitation, a person qualified as an expert on that subject in a court of competent jurisdiction or a person who has completed a course of instruction that qualifies him or her to take an examination in phlebotomy that is administered by the American Medical Technologists or the American Society for Clinical Pathology; and

(b) The test was performed on whole blood, except if the sample was clotted when it was received by the laboratory, the test may be performed on blood serum or plasma.

2. The limitation contained in paragraph (a) of subsection 1 does not apply to the taking of a chemical test of the urine, breath or other bodily substance.

3. No person listed in paragraph (a) of subsection 1 incurs any civil or criminal liability as a result of the administering of a blood test when requested by a peace officer or the person to be tested to administer the test.

**Section 5 of chapter 63, Statutes of Nevada 2005, at page 133:**

Sec. 5. NRS 483.461 is hereby amended to read as follows:

483.461 1. If the result of a test given pursuant to NRS 484.382 or 484.383 shows that a person less than 21 years of age had a concentration of alcohol of 0.02 or more but less than 0.10 in his blood or breath at the time of the test, his



license, permit or privilege to drive must be suspended for a period of 90 days.

2. If a revocation or suspension of a person's license, permit or privilege to drive for a violation of NRS 62E.640, 484.379 or 484.3795 *or section 63 of this act* follows a suspension ordered pursuant to subsection 1, the Department shall:

(a) Cancel the suspension ordered pursuant to subsection 1; and

(b) Give the person credit toward the period of revocation or suspension ordered pursuant to NRS 62E.640, 484.379 or 484.3795, *or section 63 of this act*, whichever is applicable, for any period during which the person's license, permit or privilege to drive was suspended pursuant to subsection 1.

3. This section does not preclude:

(a) The prosecution of a person for a violation of any other provision of law; or

(b) The suspension or revocation of a person's license, permit or privilege to drive pursuant to any other provision of law.

**Section 17 of chapter 63, Statutes of Nevada 2005, at page 145:**

Sec. 17. NRS 484.3795 is hereby amended to read as follows:

484.3795 1. ~~[A]~~ *Unless a greater penalty is provided pursuant to section 63 of this act*, a person who:

(a) Is under the influence of intoxicating liquor;

(b) Has a concentration of alcohol of 0.10 or more in his blood or breath;

(c) Is found by measurement within 2 hours after driving or being in actual physical control of a vehicle to have a concentration of alcohol of 0.10 or more in his blood or breath;

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

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

(f) Has a prohibited substance in his blood or urine in an amount that is equal to or greater than the amount set forth in subsection 3 of NRS 484.379,



↳ and does any act or neglects any duty imposed by law while driving or in actual physical control of any vehicle on or off the highways of this State, if the act or neglect of duty proximately causes the death of, or substantial bodily harm to, a person other than himself, is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 20 years and must be further punished by a fine of not less than \$2,000 nor more than \$5,000. A person so imprisoned must, insofar as practicable, be segregated from offenders whose crimes were violent and, insofar as practicable, be assigned to an institution or facility of minimum security.

2. A prosecuting attorney shall not dismiss a charge of violating the provisions of subsection 1 in exchange for a plea of guilty or nolo contendere to a lesser charge or for any other reason unless he knows or it is obvious that the charge is not supported by probable cause or cannot be proved at the time of trial. A sentence imposed pursuant to subsection 1 may not be suspended nor may probation be granted.

3. If consumption is proven by a preponderance of the evidence, it is an affirmative defense under paragraph (c) of subsection 1 that the defendant consumed a sufficient quantity of alcohol after driving or being in actual physical control of the vehicle, and before his blood or breath was tested, to cause him to have a concentration of alcohol of 0.10 or more in his blood or breath. A defendant who intends to offer this defense at a trial or preliminary hearing must, not less than 14 days before the trial or hearing or at such other time as the court may direct, file and serve on the prosecuting attorney a written notice of that intent.

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

**Section 33 of chapter 63, Statutes of Nevada 2005, at page 155:**

Sec. 33. NRS 488.405 is hereby amended to read as follows:

488.405 As used in NRS 488.410 and 488.420, *and section 63 of this act*, the phrase "concentration of alcohol of 0.10 or more in his blood or breath" means 0.10 gram or more per 100 milliliters of the blood of a person or per 210 liters of his breath.



**Section 35 of chapter 63, Statutes of Nevada 2005, at page 155:**

Sec. 35. NRS 488.420 is hereby amended to read as follows:

488.420 1. ~~[A]~~ *Unless a greater penalty is provided pursuant to section 63 of this act, a person who:*

- (a) Is under the influence of intoxicating liquor;
- (b) Has a concentration of alcohol of 0.10 or more in his blood or breath;
- (c) Is found by measurement within 2 hours after operating or being in actual physical control of a vessel under power or sail to have a concentration of alcohol of 0.10 or more in his blood or breath;
- (d) Is under the influence of a controlled substance or is under the combined influence of intoxicating liquor and a controlled substance;
- (e) Inhales, ingests, applies or otherwise uses any chemical, poison or organic solvent, or any compound or combination of any of these, to a degree which renders him incapable of safely operating or being in actual physical control of a vessel under power or sail; or
- (f) Has a prohibited substance in his blood or urine in an amount that is equal to or greater than the amount set forth in subsection 3 of NRS 488.410,

↳ and does any act or neglects any duty imposed by law while operating or being in actual physical control of any vessel under power or sail, if the act or neglect of duty proximately causes the death of, or substantial bodily harm to, a person other than himself, is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 20 years and shall be further punished by a fine of not less than \$2,000 nor more than \$5,000. A person so imprisoned must, insofar as practicable, be segregated from offenders whose crimes were violent and, insofar as practicable, be assigned to an institution or facility of minimum security.

2. A prosecuting attorney shall not dismiss a charge of violating the provisions of subsection 1 in exchange for a plea of guilty or nolo contendere to a lesser charge or for any other reason unless he knows or it is obvious that the charge is not supported by probable cause or cannot be proved at the time of trial. A sentence imposed pursuant to subsection 1 must not be suspended, and probation must not be granted.



3. If consumption is proven by a preponderance of the evidence, it is an affirmative defense under paragraph (c) of subsection 1 that the defendant consumed a sufficient quantity of alcohol after operating or being in actual physical control of the vessel under power or sail, and before his blood was tested, to cause him to have a concentration of alcohol of 0.10 or more in his blood or breath. A defendant who intends to offer this defense at a trial or preliminary hearing must, not less than 14 days before the trial or hearing or at such other time as the court may direct, file and serve on the prosecuting attorney a written notice of that intent.

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

**Section 62 of chapter 63, Statutes of Nevada 2005, at page 173:**

Sec. 62. Section 10 of this act is hereby amended to read as follows:

Sec. 10. 1. A person commits vehicular homicide if he:

(a) Drives or is in actual physical control of a vehicle on or off the highways of this State and:

(1) Is under the influence of intoxicating liquor;

(2) Has a concentration of alcohol of ~~0.08~~ 0.10 or more in his blood or breath;

(3) Is found by measurement within 2 hours after driving or being in actual physical control of a vehicle to have a concentration of alcohol of ~~0.08~~ 0.10 or more in his blood or breath;

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

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

(6) Has a prohibited substance in his blood or urine in an amount that is equal to or greater than the amount set forth in subsection 3 of NRS 484.379;

(b) Proximately causes the death of a person other than himself while driving or in actual physical control of a vehicle on or off the highways of this State; and



(c) Has previously been convicted of at least three offenses.

2. A person who commits vehicular homicide is guilty of a category A felony and shall be punished by imprisonment in the state prison:

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

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

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

4. A prosecuting attorney shall not dismiss a charge of vehicular homicide in exchange for a plea of guilty or nolo contendere to a lesser charge or for any other reason unless he knows or it is obvious that the charge is not supported by probable cause or cannot be proved at the time of trial. A sentence imposed pursuant to subsection 2 may not be suspended nor may probation be granted.

5. If consumption is proven by a preponderance of the evidence, it is an affirmative defense under subparagraph (3) of paragraph (a) of subsection 1 that the defendant consumed a sufficient quantity of alcohol after driving or being in actual physical control of the vehicle, and before his blood or breath was tested, to cause him to have a concentration of alcohol of ~~0.08~~ **0.10** or more in his blood or breath. A defendant who intends to offer this defense at a trial or preliminary hearing must, not less than 14 days before the trial or hearing or at such other time as the court may direct, file and serve on the prosecuting attorney a written notice of that intent.

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

7. As used in this section, "offense" means:

(a) A violation of NRS 484.379 or 484.3795;

(b) A homicide resulting from driving or being in actual physical control of a vehicle while under the influence of intoxicating liquor or a controlled substance or resulting from any other conduct prohibited by this section or NRS 484.379 or 484.3795; or



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

**Section 63 of chapter 63, Statutes of Nevada 2005, at page 174:**

Sec. 63. Section 31 of this act is hereby amended to read as follows:

Sec. 31. 1. A person commits homicide by vessel if he:

(a) Operates or is in actual physical control of a vessel under power or sail on the waters of this State and:

(1) Is under the influence of intoxicating liquor;

(2) Has a concentration of alcohol of ~~{0.08}~~ **0.10** or more in his blood or breath;

(3) Is found by measurement within 2 hours after operating or being in actual physical control of a vessel under power or sail to have a concentration of alcohol of ~~{0.08}~~ **0.10** or more in his blood or breath;

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

(5) Inhales, ingests, applies or otherwise uses any chemical, poison or organic solvent, or any compound or combination of any of these, to a degree which renders him incapable of safely operating or exercising actual physical control of a vessel under power or sail; or

(6) Has a prohibited substance in his blood or urine in an amount that is equal to or greater than the amount set forth in subsection 3 of NRS 488.420;

(b) Proximately causes the death of a person other than himself while operating or in actual physical control of a vessel under power or sail; and

(c) Has previously been convicted of at least three offenses.

2. A person who commits homicide by vessel is guilty of a category A felony and shall be punished by imprisonment in the state prison:

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

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



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

4. A prosecuting attorney shall not dismiss a charge of homicide by vessel in exchange for a plea of guilty or nolo contendere to a lesser charge or for any other reason unless he knows or it is obvious that the charge is not supported by probable cause or cannot be proved at the time of trial. A sentence imposed pursuant to subsection 2 may not be suspended nor may probation be granted.

5. If consumption is proven by a preponderance of the evidence, it is an affirmative defense under subparagraph (3) of paragraph (a) of subsection 1 that the defendant consumed a sufficient quantity of alcohol after operating or being in actual physical control of the vessel, and before his blood or breath was tested, to cause him to have a concentration of alcohol of ~~0.08~~ 0.10 or more in his blood or breath. A defendant who intends to offer this defense at a trial or preliminary hearing must, not less than 14 days before the trial or hearing or at such other time as the court may direct, file and serve on the prosecuting attorney a written notice of that intent.

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

7. As used in this section, "offense" means:

(a) A violation of NRS 488.410 or 488.420;

(b) A homicide resulting from operating or being in actual physical control of a vessel while under the influence of intoxicating liquor or a controlled substance or resulting from any other conduct prohibited by this section or NRS 488.410 or 488.420; or

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

**Section 71 of chapter 327, Statutes of Nevada 2007, at page 1453:**

Sec. 71. NRS 484.3795 is hereby amended to read as follows:

484.3795 1. Unless a greater penalty is provided pursuant to NRS 484.37955, a person who:

(a) Is under the influence of intoxicating liquor;



(b) Has a concentration of alcohol of 0.10 or more in his blood or breath;

(c) Is found by measurement within 2 hours after driving or being in actual physical control of a vehicle to have a concentration of alcohol of 0.10 or more in his blood or breath;

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

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

(f) Has a prohibited substance in his blood or urine in an amount that is equal to or greater than the amount set forth in subsection 3 of NRS 484.379,

↳ and does any act or neglects any duty imposed by law while driving or in actual physical control of any vehicle on or off the highways of this State, if the act or neglect of duty proximately causes the death of, or substantial bodily harm to, a person other than himself, is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 20 years and must be further punished by a fine of not less than \$2,000 nor more than \$5,000. A person so imprisoned must, insofar as practicable, be segregated from offenders whose crimes were violent and, insofar as practicable, be assigned to an institution or facility of minimum security.

2. A prosecuting attorney shall not dismiss a charge of violating the provisions of subsection 1 in exchange for a plea of guilty, *guilty but mentally ill* or nolo contendere to a lesser charge or for any other reason unless he knows or it is obvious that the charge is not supported by probable cause or cannot be proved at the time of trial. A sentence imposed pursuant to subsection 1 may not be suspended nor may probation be granted.

3. If consumption is proven by a preponderance of the evidence, it is an affirmative defense under paragraph (c) of subsection 1 that the defendant consumed a sufficient quantity of alcohol after driving or being in actual physical control of the vehicle, and before his blood or breath was tested, to cause him to have a concentration of alcohol of 0.10 or more in his blood or breath. A defendant who intends to



offer this defense at a trial or preliminary hearing must, not less than 14 days before the trial or hearing or at such other time as the court may direct, file and serve on the prosecuting attorney a written notice of that intent.

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

**Section 73 of chapter 327, Statutes of Nevada 2007, at page 1455:**

Sec. 73. NRS 484.37955 is hereby amended to read as follows:

484.37955 1. A person commits vehicular homicide if he:

(a) Drives or is in actual physical control of a vehicle on or off the highways of this State and:

(1) Is under the influence of intoxicating liquor;

(2) Has a concentration of alcohol of 0.10 or more in his blood or breath;

(3) Is found by measurement within 2 hours after driving or being in actual physical control of a vehicle to have a concentration of alcohol of 0.10 or more in his blood or breath;

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

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

(6) Has a prohibited substance in his blood or urine in an amount that is equal to or greater than the amount set forth in subsection 3 of NRS 484.379;

(b) Proximately causes the death of a person other than himself while driving or in actual physical control of a vehicle on or off the highways of this State; and

(c) Has previously been convicted of at least three offenses.

2. A person who commits vehicular homicide is guilty of a category A felony and shall be punished by imprisonment in the state prison:



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

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

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

4. A prosecuting attorney shall not dismiss a charge of vehicular homicide in exchange for a plea of guilty, *guilty but mentally ill* or nolo contendere to a lesser charge or for any other reason unless he knows or it is obvious that the charge is not supported by probable cause or cannot be proved at the time of trial. A sentence imposed pursuant to subsection 2 may not be suspended nor may probation be granted.

5. If consumption is proven by a preponderance of the evidence, it is an affirmative defense under subparagraph (3) of paragraph (a) of subsection 1 that the defendant consumed a sufficient quantity of alcohol after driving or being in actual physical control of the vehicle, and before his blood or breath was tested, to cause him to have a concentration of alcohol of 0.10 or more in his blood or breath. A defendant who intends to offer this defense at a trial or preliminary hearing must, not less than 14 days before the trial or hearing or at such other time as the court may direct, file and serve on the prosecuting attorney a written notice of that intent.

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

7. As used in this section, "offense" means:

(a) A violation of NRS 484.379 or 484.3795;

(b) A homicide resulting from driving or being in actual physical control of a vehicle while under the influence of intoxicating liquor or a controlled substance or resulting from any other conduct prohibited by this section or NRS 484.379 or 484.3795; or

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



**Section 80 of chapter 327, Statutes of Nevada 2007, at page 1460:**

Sec. 80. NRS 488.420 is hereby amended to read as follows:

488.420 1. Unless a greater penalty is provided pursuant to NRS 488.425, a person who:

(a) Is under the influence of intoxicating liquor;

(b) Has a concentration of alcohol of 0.10 or more in his blood or breath;

(c) Is found by measurement within 2 hours after operating or being in actual physical control of a vessel under power or sail to have a concentration of alcohol of 0.10 or more in his blood or breath;

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

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

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

↳ and does any act or neglects any duty imposed by law while operating or being in actual physical control of any vessel under power or sail, if the act or neglect of duty proximately causes the death of, or substantial bodily harm to, a person other than himself, is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 20 years and shall be further punished by a fine of not less than \$2,000 nor more than \$5,000. A person so imprisoned must, insofar as practicable, be segregated from offenders whose crimes were violent and, insofar as practicable, be assigned to an institution or facility of minimum security.

2. A prosecuting attorney shall not dismiss a charge of violating the provisions of subsection 1 in exchange for a plea of guilty, *guilty but mentally ill* or nolo contendere to a lesser charge or for any other reason unless he knows or it is obvious that the charge is not supported by probable cause or cannot be proved at the time of trial. A sentence imposed pursuant to subsection 1 must not be suspended, and probation must not be granted.



3. If consumption is proven by a preponderance of the evidence, it is an affirmative defense under paragraph (c) of subsection 1 that the defendant consumed a sufficient quantity of alcohol after operating or being in actual physical control of the vessel under power or sail, and before his blood was tested, to cause him to have a concentration of alcohol of 0.10 or more in his blood or breath. A defendant who intends to offer this defense at a trial or preliminary hearing must, not less than 14 days before the trial or hearing or at such other time as the court may direct, file and serve on the prosecuting attorney a written notice of that intent.

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

**Section 82 of chapter 327, Statutes of Nevada 2007, at page 1462:**

Sec. 82. NRS 488.425 is hereby amended to read as follows:

488.425 1. A person commits homicide by vessel if he:

(a) Operates or is in actual physical control of a vessel under power or sail on the waters of this State and:

(1) Is under the influence of intoxicating liquor;

(2) Has a concentration of alcohol of 0.10 or more in his blood or breath;

(3) Is found by measurement within 2 hours after operating or being in actual physical control of a vessel under power or sail to have a concentration of alcohol of 0.10 or more in his blood or breath;

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

(5) Inhales, ingests, applies or otherwise uses any chemical, poison or organic solvent, or any compound or combination of any of these, to a degree which renders him incapable of safely operating or exercising actual physical control of a vessel under power or sail; or

(6) Has a prohibited substance in his blood or urine in an amount that is equal to or greater than the amount set forth in subsection 3 of NRS 488.420;

(b) Proximately causes the death of a person other than himself while operating or in actual physical control of a vessel under power or sail; and



(c) Has previously been convicted of at least three offenses.

2. A person who commits homicide by vessel is guilty of a category A felony and shall be punished by imprisonment in the state prison:

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

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

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

4. A prosecuting attorney shall not dismiss a charge of homicide by vessel in exchange for a plea of guilty, *guilty but mentally ill* or nolo contendere to a lesser charge or for any other reason unless he knows or it is obvious that the charge is not supported by probable cause or cannot be proved at the time of trial. A sentence imposed pursuant to subsection 2 may not be suspended nor may probation be granted.

5. If consumption is proven by a preponderance of the evidence, it is an affirmative defense under subparagraph (3) of paragraph (a) of subsection 1 that the defendant consumed a sufficient quantity of alcohol after operating or being in actual physical control of the vessel, and before his blood or breath was tested, to cause him to have a concentration of alcohol of 0.10 or more in his blood or breath. A defendant who intends to offer this defense at a trial or preliminary hearing must, not less than 14 days before the trial or hearing or at such other time as the court may direct, file and serve on the prosecuting attorney a written notice of that intent.

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

7. As used in this section, "offense" means:

(a) A violation of NRS 488.410 or 488.420;

(b) A homicide resulting from operating or being in actual physical control of a vessel while under the influence of intoxicating liquor or a controlled substance or resulting from any other conduct prohibited by this section or NRS 488.410 or 488.420; or



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

**Section 4 of chapter 433, Statutes of Nevada 2007, at page 2047:**

Sec. 4. NRS 484.385 is hereby amended to read as follows:

484.385 1. As agent for the Department, the officer who obtained the result of a test given pursuant to NRS 484.382 or 484.383 shall immediately serve an order of revocation of the license, permit or privilege to drive on a person who has a concentration of alcohol of 0.10 or more in his blood or breath or has a detectable amount of a prohibited substance in his blood or urine, if that person is present, and shall seize his license or permit to drive. The officer shall then advise him of his right to administrative and judicial review of the revocation ~~[and to have a]~~ *pursuant to NRS 484.387 and, except as otherwise provided in this subsection, that he has a right to request a temporary license . ~~[, and]~~ If the person currently is driving with a temporary license that was issued pursuant to this section or NRS 484.387, he is not entitled to request an additional temporary license pursuant to this section or NRS 484.387, and the order of revocation issued by the officer must revoke the temporary license that was previously issued. If the person is entitled to request a temporary license, the officer* shall issue him a temporary license on a form approved by the Department if he requests one, which is effective for only 7 days including the date of issuance. The officer shall immediately transmit the person's license or permit to the Department along with the written certificate required by subsection 2.

2. When a police officer has served an order of revocation of a driver's license, permit or privilege on a person pursuant to subsection 1, or later receives the result of an evidentiary test which indicates that a person, not then present, had a concentration of alcohol of 0.10 or more in his blood or breath or had a detectable amount of a prohibited substance in his blood or urine, the officer shall immediately prepare and transmit to the Department, together with the seized license or permit and a copy of the result of the test, a written certificate that he had reasonable grounds to believe that the person had been driving or in actual physical control of a vehicle with a concentration of alcohol of 0.10 or more in



his blood or breath or with a detectable amount of a prohibited substance in his blood or urine, as determined by a chemical test. The certificate must also indicate whether the officer served an order of revocation on the person and whether he issued the person a temporary license.

3. The Department, upon receipt of such a certificate for which an order of revocation has not been served, after examining the certificate and copy of the result of the chemical test, if any, and finding that revocation is proper, shall issue an order revoking the person's license, permit or privilege to drive by mailing the order to the person at his last known address. The order must indicate the grounds for the revocation and the period during which the person is not eligible for a license, permit or privilege to drive and state that the person has a right to administrative and judicial review of the revocation and to have a temporary license. The order of revocation becomes effective 5 days after mailing.

4. Notice of an order of revocation and notice of the affirmation of a prior order of revocation or the cancellation of a temporary license provided in NRS 484.387 is sufficient if it is mailed to the person's last known address as shown by any application for a license. The date of mailing may be proved by the certificate of any officer or employee of the Department, specifying the time of mailing the notice. The notice is presumed to have been received upon the expiration of 5 days after it is deposited, postage prepaid, in the United States mail.

**Section 6 of chapter 433, Statutes of Nevada 2007, at page 2049:**

Sec. 6. NRS 484.387 is hereby amended to read as follows:

484.387 1. At any time while a person is not eligible for a license, permit or privilege to drive following an order of revocation issued pursuant to NRS 484.385, he may request in writing a hearing by the Department to review the order of revocation, but he is only entitled to one hearing. The hearing must be conducted within 15 days after receipt of the request, or as soon thereafter as is practicable, in the county where the requester resides unless the parties agree otherwise. The Director or his agent may issue subpoenas for the attendance of witnesses and the production of relevant books and papers and may require a reexamination of the requester. ~~[The]~~ *Unless the person is ineligible for a temporary license pursuant to NRS 484.385, the* Department shall issue an



additional temporary license for a period which is sufficient to complete the administrative review.

2. The scope of the hearing must be limited to the issue of whether the person, at the time of the test, had a concentration of alcohol of 0.10 or more in his blood or breath or a detectable amount of a prohibited substance in his blood or urine. Upon an affirmative finding on this issue, the Department shall affirm the order of revocation. Otherwise, the order of revocation must be rescinded.

3. If, after the hearing, the order of revocation is affirmed, the person whose license, privilege or permit has been revoked is entitled to a review of the same issues in district court in the same manner as provided by chapter 233B of NRS. The court shall notify the Department upon the issuance of a stay, and the Department shall issue an additional temporary license for a period which is sufficient to complete the review.

4. If a hearing officer grants a continuance of a hearing at the request of the person whose license was revoked, or a court does so after issuing a stay of the revocation, the officer or court shall notify the Department, and the Department shall cancel the temporary license and notify the holder by mailing the order of cancellation to his last known address.

**Section 10.7 of chapter 486, Statutes of Nevada 2007, at page 2789:**

Sec. 10.7. NRS 483.461 is hereby amended to read as follows:

483.461 1. If the result of a test given pursuant to NRS 484.382 or 484.383 shows that a person less than 21 years of age had a concentration of alcohol of 0.02 or more but less than 0.10 in his blood or breath at the time of the test, his license, permit or privilege to drive must be suspended for a period of 90 days.

2. If a revocation or suspension of a person's license, permit or privilege to drive for a violation of NRS 62E.640, 484.379, 484.3795 or 484.37955 *or section 22 of this act* follows a suspension ordered pursuant to subsection 1, the Department shall:

(a) Cancel the suspension ordered pursuant to subsection 1; and

(b) Give the person credit toward the period of revocation or suspension ordered pursuant to NRS 62E.640, 484.379, 484.3795 or 484.37955 ~~§~~ *or section 22 of this act*, whichever is applicable, for any period during which the



person's license, permit or privilege to drive was suspended pursuant to subsection 1.

3. This section does not preclude:

- (a) The prosecution of a person for a violation of any other provision of law; or
- (b) The suspension or revocation of a person's license, permit or privilege to drive pursuant to any other provision of law.

**Section 27.7 of chapter 486, Statutes of Nevada 2007, at page 2800:**

Sec. 27.7. NRS 484.37955 is hereby amended to read as follows:

484.37955 1. A person commits vehicular homicide if he:

(a) Drives or is in actual physical control of a vehicle on or off the highways of this State and:

- (1) Is under the influence of intoxicating liquor;
- (2) Has a concentration of alcohol of 0.10 or more in his blood or breath;
- (3) Is found by measurement within 2 hours after driving or being in actual physical control of a vehicle to have a concentration of alcohol of 0.10 or more in his blood or breath;

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

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

(6) Has a prohibited substance in his blood or urine in an amount that is equal to or greater than the amount set forth in subsection 3 of NRS 484.379;

(b) Proximately causes the death of a person other than himself while driving or in actual physical control of a vehicle on or off the highways of this State; and

(c) Has previously been convicted of at least three offenses.

2. A person who commits vehicular homicide is guilty of a category A felony and shall be punished by imprisonment in the state prison:



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

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

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

4. A prosecuting attorney shall not dismiss a charge of vehicular homicide in exchange for a plea of guilty, guilty but mentally ill or nolo contendere to a lesser charge or for any other reason unless he knows or it is obvious that the charge is not supported by probable cause or cannot be proved at the time of trial. A sentence imposed pursuant to subsection 2 may not be suspended nor may probation be granted.

5. If consumption is proven by a preponderance of the evidence, it is an affirmative defense under subparagraph (3) of paragraph (a) of subsection 1 that the defendant consumed a sufficient quantity of alcohol after driving or being in actual physical control of the vehicle, and before his blood or breath was tested, to cause him to have a concentration of alcohol of 0.10 or more in his blood or breath. A defendant who intends to offer this defense at a trial or preliminary hearing must, not less than 14 days before the trial or hearing or at such other time as the court may direct, file and serve on the prosecuting attorney a written notice of that intent.

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

7. As used in this section, "offense" means:

(a) A violation of NRS 484.379 or 484.3795 ~~§~~ **or section 22 of this act;**

(b) A homicide resulting from driving or being in actual physical control of a vehicle while under the influence of intoxicating liquor or a controlled substance or resulting from any other conduct prohibited by this section or NRS 484.379 or 484.3795; or

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



**Section 46 of chapter 486, Statutes of Nevada 2007, at page 2812:**

Sec. 46. Section 21 of this act is hereby amended to read as follows:

Sec. 21. The phrase “concentration of alcohol of 0.04 or more but less than ~~0.08~~ **0.10** in his blood or breath” means 0.04 gram or more but less than ~~0.08~~ **0.10** gram of alcohol per 100 milliliters of the blood of a person or per 210 liters of his breath.

**Section 47 of chapter 486, Statutes of Nevada 2007, at page 2812:**

Sec. 47. Section 22 of this act is hereby amended to read as follows:

Sec. 22. 1. It is unlawful for any person who:

(a) Is under the influence of intoxicating liquor;

(b) Has a concentration of alcohol of 0.04 or more but less than ~~0.08~~ **0.10** in his blood or breath; or

(c) Is found by measurement within 2 hours after driving or being in actual physical control of a commercial motor vehicle to have a concentration of alcohol of 0.04 or more but less than ~~0.08~~ **0.10** in his blood or breath,

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

2. It is unlawful for any person who:

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

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

(c) Inhales, ingests, applies or otherwise uses any chemical, poison or organic solvent, or any compound or combination of any of these, to a degree which renders him incapable of safely driving or exercising actual physical control of a commercial motor vehicle,

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

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



Prohibited substance	Urine Nanograms per milliliter	Blood Nanograms per milliliter
(a) Amphetamine	500	100
(b) Cocaine	150	50
(c) Cocaine metabolite	150	50
(d) Heroin	2,000	50
(e) Heroin metabolite:		
(1) Morphine	2,000	50
(2) 6-monoacetyl morphine	10	10
(f) Lysergic acid diethylamide	25	10
(g) Marijuana	10	2
(h) Marijuana metabolite	15	5
(i) Methamphetamine	500	100
(j) Phencyclidine	25	10

4. If consumption is proven by a preponderance of the evidence, it is an affirmative defense under paragraph (c) of subsection 1 that the defendant consumed a sufficient quantity of alcohol after driving or being in actual physical control of the commercial motor vehicle, and before his blood or breath was tested, to cause him to have a concentration of alcohol of 0.04 or more in his blood or breath. A defendant who intends to offer this defense at a trial or preliminary hearing must, not less than 14 days before the trial or hearing or at such other time as the court may direct, file and serve on the prosecuting attorney a written notice of that intent.

5. A person who violates any provision of this section may be subject to the additional penalty set forth in NRS 484.3667.

**Section 17.5 of chapter 277, Statutes of Nevada 2021, at page 1466:**

Sec. 17.5. Section 1 of this act is hereby amended to read as follows:

Section 1. Chapter 483 of NRS is hereby amended by adding thereto a new section to read as follows:

1. If the result of a test given pursuant to NRS 484C.150 or 484C.160 shows that a person 18 years of age or older had a concentration of alcohol of 0.04 or more but less than ~~0.08~~ **0.10** in his or her blood or breath or any detectable amount of a substance described in 21 C.F.R. 1308.11 in his or her blood or urine at the time of the test, the person's commercial driver's license, commercial learner's permit or privilege to



drive a commercial motor vehicle must be suspended for a period of 1 year.

2. This section does not preclude:

(a) The prosecution of a person for a violation of any other provision of law; or

(b) The suspension or revocation of a person's commercial driver's license, commercial learner's permit or privilege to drive a commercial motor vehicle pursuant to any other provision of law.

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