

Amendment No. 247

Senate Amendment to Senate Bill No. 309	(BDR 43-906)
Proposed by: Senate Committee on Growth and Infrastructure	
Amends: Summary: No Title: Yes Preamble: No Joint Sponsorship: No Digest: Yes	

ASSEMBLY ACTION	Initial and Date		SENATE ACTION	Initial and Date
Adopted <input type="checkbox"/>	Lost <input type="checkbox"/>	_____	Adopted <input type="checkbox"/>	Lost <input type="checkbox"/>
Concurred In <input type="checkbox"/>	Not <input type="checkbox"/>	_____	Concurred In <input type="checkbox"/>	Not <input type="checkbox"/>
Receded <input type="checkbox"/>	Not <input type="checkbox"/>	_____	Receded <input type="checkbox"/>	Not <input type="checkbox"/>

EXPLANATION: Matter in (1) *blue bold italics* is new language in the original bill; (2) variations of green bold underlining is language proposed to be added in this amendment; (3) ~~red strikethrough~~ is deleted language in the original bill; (4) ~~purple double strikethrough~~ is language proposed to be deleted in this amendment; (5) orange double underlining is deleted language in the original bill proposed to be retained in this amendment.



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.

~

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 methylenedioxymethamphetamine~~ in his or her blood or urine. **Section 3** of this bill makes a conforming change to include fentanyl ~~and methylenedioxymethamphetamine~~ 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 0.04 or more but less than 0.08 for commercial motor vehicles. (NRS 484C.110, 484C.120, 484C.130, 484C.430, 488.410, 488.420, 488.425) Sections 5-7 and 14-17 of this bill make various changes to account for the circumstance under which a person drives or physically controls a vehicle or operates or physically controls a vessel under certain circumstances and is found, after being involved in a crash or collision, as applicable, to have the specified concentration of alcohol on his or her breath. Sections 19-23, 28, 29 and 31 of this bill make conforming changes to account for certain organizational~~

~~changes made in section 5. Section 4 of this bill makes certain changes concerning when a person is presumed to be in physical control of a vehicle involved in a crash.~~

Existing law establishes various penalties applicable to the offense of driving or physically controlling a vehicle while under the influence of alcohol or a prohibited substance, depending on whether the offense is the first, second or third offense within 7 years. (NRS 484C.400) **Among other things, a court may sentence a person who is found guilty of a second offense within 7 years to: (1) imprisonment for not less than 10 days nor more than 6 months in jail; or (2) residential confinement for not less than 10 days nor more than 6 months.** Section 12 of this bill ~~[makes various changes to increase certain penalties and other sanctions applicable to a first or second offense.]~~ **increases the minimum term of imprisonment or residential confinement to 20 days.**

Existing law requires an offender who had a concentration of alcohol of 0.18 or more in his or her blood or breath at the time of an offense to be evaluated before sentencing to determine whether the offender has an alcohol or substance use disorder. (NRS 484C.350) **Section 11** of this bill reduces the concentration of alcohol threshold to require an offender who had a concentration of alcohol of 0.16 or more in his or her blood or breath at the time of the offense to be evaluated for an alcohol or substance use disorder. **Sections 1, ~~2 and~~ 9 and 12** of this bill make conforming changes to reduce references to the concentration of alcohol from 0.18 to 0.16. **Section 38 of this bill makes a technical change to repeal a definition that is not used in chapter 484C of NRS.**

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

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

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

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

~~Existing law provides that a blood test related to a person accused of driving or physically controlling a vehicle or operating or physically controlling a vessel while under the influence of alcohol or a prohibited substance is not admissible unless the blood test was performed by a person who meets certain qualifications using certain medical standards. (NRS 484C.250, 488.500) Section 38 of this bill repeals those provisions relating to the admissibility of blood~~

86 tests. Section 8, 18 and 30 of this bill make conforming changes related to the repeal of those
 87 provisions.
 88 ~~Existing law creates a parallel scheme whereby certain provisions which prohibit a person~~
 89 ~~from driving or physically controlling a vehicle or operating or physically controlling a vessel~~
 90 ~~under certain circumstances with a concentration of alcohol of 0.10 in his or her blood or~~
 91 ~~breath become effective upon the repeal of certain federal laws which require states to enact~~
 92 ~~and enforce laws which prohibit a person from operating a vehicle with a concentration of~~
 93 ~~alcohol of 0.08 in his or her blood. Sections 32-38 of this bill make various changes to repeal~~
 94 ~~the parallel statutory scheme related to the 0.10 threshold.~~
 95 ~~Existing law generally provides that a fine of not more than \$1,000 may be imposed for a~~
 96 ~~misdemeanor or certain offenses treated as misdemeanors. (NRS 193.120, 193.150, 193.160)~~
 97 ~~Sections 24, 26, and 27 of this bill increase the maximum fine to \$3,000.~~
 98 ~~Additionally, existing law generally provides that a fine of not more than \$2,000 may be~~
 99 ~~imposed for a gross misdemeanor. (NRS 193.140) Section 25 of this bill increases the~~
 100 ~~maximum fine to \$4,000.]~~

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 follows:
 2 484C.030 "Concentration of alcohol of ~~[0.18]~~ **0.16** or more in his or her blood
 3 or breath" means ~~[0.18]~~ **0.16** gram or more of alcohol per 100 milliliters of the
 4 blood of a person or per 210 liters of his or her breath.
 5 **Sec. 2.** ~~[NRS 484C.040 is hereby amended to read as follows:~~
 6 ~~484C.040 "Concentration of alcohol of less than [0.18] 0.16 in his or her~~
 7 ~~blood or breath" means less than [0.18] 0.16 gram of alcohol per 100 milliliters of~~
 8 ~~the blood of a person or per 210 liters of his or her breath.] (Deleted by~~
 9 ~~amendment.)~~
 10 **Sec. 3.** NRS 484C.080 is hereby amended to read as follows:
 11 484C.080 "Prohibited substance" means any of the following substances if
 12 the person who uses the substance has not been issued a valid prescription to use
 13 the substance and the substance is classified in schedule I or II pursuant to NRS
 14 453.166 or 453.176 when it is used:
 15 1. Amphetamine.
 16 2. Cocaine or cocaine metabolite.
 17 3. **Fentanyl.**
 18 4. Heroin or heroin metabolite (morphine or 6-monoacetyl morphine).
 19 ~~[4.]~~ 5. Lysergic acid diethylamide.
 20 ~~[5.]~~ 6. Marijuana or marijuana metabolite.
 21 ~~[6.]~~ 7. Methamphetamine.
 22 8. ~~[Methylenedioxymethamphetamine.~~
 23 ~~7. 9.]~~ Phencyclidine.
 24 **Sec. 4.** ~~[NRS 484C.109 is hereby amended to read as follows:~~
 25 ~~484C.109 1. For the purposes of this chapter, a person shall be deemed not~~
 26 ~~to be in actual physical control of a vehicle if:~~
 27 ~~[1.] (a) The person is asleep inside the vehicle;~~
 28 ~~[2.] (b) The person is not in the driver's seat of the vehicle;~~
 29 ~~[3. The]~~
 30 ~~(c) Except as otherwise provided in subsection 2, the engine of the vehicle is~~
 31 ~~not running;~~
 32 ~~[4.] (d) The vehicle is lawfully parked; [and~~
 33 ~~5.] or~~

~~(c) Under the facts presented, it is evident that the person could not have driven the vehicle to the location while under the influence of intoxicating liquor, a controlled substance or a prohibited substance.~~

~~2. If the engine of a vehicle is not running at the scene of a vehicle crash, there is a rebuttable presumption that the person who was in the driver's seat of the vehicle was in actual physical control of the vehicle at the time of the vehicle crash.~~ **(Deleted by amendment.)**

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

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

(a) Is under the influence of intoxicating liquor; ~~for~~

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

~~or~~; or

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

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

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

~~(a) Except as otherwise provided in paragraph (b), the person is found by measurement within 2 hours after driving or being in actual physical control of a vehicle to have a concentration of alcohol of 0.08 or more in his or her blood or breath; or~~

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

~~3.~~ It is unlawful for any person who:

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

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

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

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

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

Prohibited substance	Urine Nanograms per milliliter	Blood Nanograms per milliliter
(a) Amphetamine	500	100
(b) Cocaine	150	50
(c) Cocaine metabolite	150	50
(d) Fentanyl	10	1
(e) Heroin	2,000	50
(e) (f) Heroin metabolite:		

1	(1) Morphine	2,000	50
2	(2) 6-monoacetyl morphine	10	10
3	[(g)] (g) Lysergic acid diethylamide	25	10
4	[(e)] (h) Methamphetamine	500	100
5	(i) [Methylenedioxymethamphetamine]	100	20
6	(h) (j) Phencyclidine	25	10

4. For any violation that is punishable pursuant to paragraph (c) of subsection 1 of NRS 484C.400, it

~~15. [4]~~ is unlawful for any person to drive or be in actual physical control of a vehicle on a highway or on premises to which the public has access with an amount of any of the following prohibited substances in his or her blood that is equal to or greater than:

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

5. ~~6.~~ If consumption is proven by a preponderance of the evidence, it is an affirmative defense under paragraph (c) of subsection 1 [2] that the defendant consumed a sufficient quantity of alcohol after driving or being in actual physical control of the vehicle, and before his or her blood or breath was tested, to cause the defendant to have a concentration of alcohol of 0.08 or more in his or her blood or breath. A defendant who intends to offer this defense at a trial or preliminary hearing must, not less than 14 days before the trial or hearing or at such other time as the court may direct, file and serve on the prosecuting attorney a written notice of that intent.

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

Sec. 6. ~~[NRS 484C.120 is hereby amended to read as follows:~~

~~484C.120 1. It is unlawful for any person who:~~

~~(a) Is under the influence of intoxicating liquor; or~~

~~(b) Has a concentration of alcohol of 0.04 or more but less than 0.08 in his or her blood or breath, [; or]~~

~~(c) Is found by measurement within 2 hours after driving or being in actual physical control of a commercial motor vehicle to have a concentration of alcohol of 0.04 or more but less than 0.08 in his or her 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 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 if:~~

~~(a) Except as otherwise provided in paragraph (b), the person 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 in his or her blood or breath; or~~

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

~~3. It is unlawful for any person who:~~
~~(a) Is under the influence of a controlled substance;~~
~~(b) Is under the combined influence of intoxicating liquor and a controlled substance; or~~
~~(c) Inhales, ingests, applies or otherwise uses any chemical, poison or organic solvent, or any compound or combination of any of these, to a degree which renders the person incapable of safely driving or exercising actual physical control of a 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.] 4. 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 any prohibited substance in his or her blood or urine. As used in this subsection, "prohibited substance" means any substance described in 21 C.F.R. § 1308.11.~~

~~[4.] 5. If consumption is proven by a preponderance of the evidence, it is an affirmative defense under [paragraph (c) of] subsection [1] 2 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 or her blood or breath was tested, to cause the defendant to have a concentration of alcohol of 0.04 or more in his or her blood or breath. A defendant who intends to offer this defense at a trial or preliminary hearing must, not less than 14 days before the trial or hearing or at such other time as the court may direct, file and serve on the prosecuting attorney a written notice of that intent.~~

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

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

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

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

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

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

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

~~(b) The phrase "concentration of alcohol of 0.04 or more but less than 0.08 in his or her blood or breath" means 0.04 gram or more but less than 0.08 gram of alcohol per 100 milliliters of the blood of a person or per 210 liters of his or her breath.] (Deleted by amendment.)~~

Sec. 7. [NRS 484C.130 is hereby amended to read as follows:]

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

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

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

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

~~(3) Is found by measurement [within 2 hours] after driving or being in actual physical control of a vehicle **involved in a crash** to have a concentration of alcohol of 0.08 or more in his or her 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 the person incapable of safely driving or exercising actual physical control of a vehicle; or~~

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

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

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

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

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

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

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

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

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

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

~~(a) 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~~

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

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

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

~~4. Evidence of a required test is not admissible in a criminal or administrative proceeding unless it is shown by documentary or other evidence that the law~~

~~enforcement agency calibrated the breath testing device and otherwise maintained it as required by the regulations of the Committee on Testing for Intoxication.]~~
(Deleted by amendment.)

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

484C.320 1. An offender who is found guilty of a violation of NRS 484C.110 or 484C.120 that is punishable pursuant to paragraph (a) of subsection 1 of NRS 484C.400, other than an offender who is found to have a concentration of alcohol of ~~[0.18]~~ **0.16** or more in his or her blood or breath, may, at that time or any time before the offender is sentenced, apply to the court to undergo a program of treatment for an alcohol or other substance use disorder for at least 6 months. The court shall authorize that treatment if:

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

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

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

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

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

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

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

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

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

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

(b) Suspend the sentence of the offender for not more than 3 years upon the condition that the offender be accepted for treatment by a treatment provider that is approved by the court, that the offender complete the treatment satisfactorily and that the offender comply with any other condition ordered by the court. If the court has a specialty court program for the supervision and monitoring of the person, the treatment provider must comply with the requirements of the specialty court, including, without limitation, any requirement to submit progress reports to the specialty court.

(c) Advise the offender that:

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

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

(3) If the offender fails to complete the program of treatment satisfactorily, the offender shall serve the sentence imposed by the court. Any sentence of

1 imprisonment must be reduced by a time equal to that which the offender served
2 before beginning treatment.

3 (4) If the offender completes the treatment satisfactorily, the offender's
4 sentence will be reduced to a term of imprisonment which is not less than 1 day and
5 a fine of not more than the minimum fine provided for the offense in NRS
6 484C.400, but the conviction must remain on the record of criminal history of the
7 offender for the period prescribed by law.

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

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

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

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

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

19 484C.340 1. An offender who enters a plea of guilty or nolo contendere to a
20 violation of NRS 484C.110 or 484C.120 that is punishable pursuant to paragraph
21 (c) of subsection 1 of NRS 484C.400 may, at the time the offender enters a plea,
22 apply to the court to undergo a program of treatment for an alcohol or other
23 substance use disorder for at least 3 years. The court may authorize that treatment
24 if:

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

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

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

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

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

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

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

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

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

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

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

7 (c) Advise the offender that:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

45 7. An offender may not apply to the court to undergo a program of treatment
46 for an alcohol or other substance use disorder pursuant to this section if the offender
47 has previously ~~applied~~ *been ordered* to ~~receive~~ *complete a program of*
48 treatment pursuant to this section or if the offender has previously been convicted
49 of:

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

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

52 (c) A homicide resulting from driving or being in actual physical control of a
53 vehicle while under the influence of intoxicating liquor or a controlled substance or

1 resulting from any other conduct prohibited by NRS 484C.110, 484C.130 or
2 484C.430;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

51 who shall report to the court the results of the evaluation and make a
52 recommendation to the court concerning the length and type of treatment required
53 for the offender.

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

7 5. The evaluation of an offender who resides in another state may, upon
8 approval of the court, be conducted in the state where the offender resides by a
9 physician, advanced practice registered nurse or other person who is authorized by
10 the appropriate governmental agency in that state to conduct such an evaluation.
11 The offender shall ensure that the results of the evaluation and the recommendation
12 concerning the length and type of treatment for the offender are reported to the
13 court.

14 6. The evaluation of an offender who resides in this State may, upon approval
15 of the court, be conducted in another state by a physician, advanced practice
16 registered nurse or other person who is authorized by the appropriate governmental
17 agency in that state to conduct such an evaluation if the location of the physician,
18 advanced practice registered nurse or other person in the other state is closer to the
19 residence of the offender than the nearest location in this State at which an
20 evaluation may be conducted. The offender shall ensure that the results of the
21 evaluation and the recommendation concerning the length and type of treatment for
22 the offender are reported to the court.

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

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

28 484C.400 1. Unless a greater penalty is provided pursuant to NRS
29 484C.430 or 484C.440, and except as otherwise provided in NRS 484C.394 or
30 484C.410, a person who violates the provisions of NRS 484C.110 or 484C.120:

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

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

40 (2) ~~Unless [Except as otherwise provided in subparagraph (3) and unless]~~
41 the sentence is reduced pursuant to NRS 484C.320:

42 (I) Sentence the person to imprisonment for not less than 2 days nor
43 more than 6 months in jail or residential confinement for not less than 2 days nor
44 more than 6 months, in the manner provided in NRS 4.376 to 4.3766, inclusive, or
45 5.0755 to 5.078, inclusive; or

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

48 (3) ~~If the violation involved a vehicle crash, sentence the person to:~~
49 ~~(I) Imprisonment for not less than 10 days nor more than 6 months~~
50 ~~in jail; or~~

51 ~~(II) Residential confinement for not less than 10 days nor more than~~
52 ~~6 months, in the manner provided in NRS 4.376 to 4.3766, inclusive, or 5.0755 to~~
53 ~~5.078, inclusive.~~

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

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

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

(1) Sentence ~~[Except as otherwise provided in subparagraph (2),~~
~~sentence]~~ the person to:

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

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

~~(2) [If the violation involved a vehicle crash, sentence the person to:~~
~~(1) Imprisonment for not less than 30 days nor more than 6 months~~
~~in jail; or~~

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

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

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

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

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

(1) Shall:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

41 484C.410 1. Unless a greater penalty is provided in NRS 484C.440, a
 42 person who ~~has~~:

43 (a) ~~Has~~ previously been convicted of:

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

46 ~~(b)~~ (2) A violation of NRS 484C.430;

47 ~~(c)~~ (3) A homicide resulting from driving or being in actual physical control
 48 of a vehicle while under the influence of intoxicating liquor or a controlled
 49 substance or resulting from any other conduct prohibited by NRS 484C.110,
 50 484C.130 or 484C.430;

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

1 ~~(e)~~ (5) A violation of NRS 484C.110 or 484C.120 that is punishable
2 pursuant to paragraph (c) of subsection 1 of NRS 484C.400 that was reduced from
3 a felony pursuant to NRS 484C.340 ~~(4)~~; or

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

6 and who violates the provisions of NRS 484C.110 or 484C.120 is guilty of a
7 category B felony and shall be punished by imprisonment in the state prison for a
8 minimum term of not less than 2 years and a maximum term of not more than 15
9 years, and shall be further punished by a fine of not less than \$2,000 nor more than
10 \$5,000. An offender so imprisoned must, insofar as practicable, be segregated from
11 offenders whose crimes were violent and, insofar as practicable, be assigned to an
12 institution or facility of minimum security.

13 2. An offense which is listed in ~~paragraphs (a)~~ *subparagraphs (1) to (e)*
14 *(5)*, inclusive, of *paragraph (a) of* subsection 1 that occurred on any date preceding
15 the date of the principal offense or after the principal offense constitutes a prior
16 offense for the purposes of this section when evidenced by a conviction, without
17 regard for the sequence of the offenses and convictions. The facts concerning a
18 prior offense must be alleged in the complaint, indictment or information, must not
19 be read to the jury or proved at trial but must be proved at the time of sentencing
20 and, if the principal offense is alleged to be a felony, must also be shown at the
21 preliminary examination or presented to the grand jury.

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

33 4. Jail sentences simultaneously imposed pursuant to this section and NRS
34 482.456, 483.560, 484C.400 or 485.330 must run consecutively.

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

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

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

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

46 (b) A homicide resulting from driving or being in actual physical control of a
47 vehicle while under the influence of intoxicating liquor or a controlled substance or
48 resulting from any other conduct prohibited by NRS 484C.110, 484C.130 or
49 484C.430; or

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

1 **Sec. 14.** ~~NRS 484C.430 is hereby amended to read as follows:~~
2 ~~484C.430 1. Unless a greater penalty is provided pursuant to NRS~~
3 ~~484C.440, a person who:~~
4 ~~(a) Is under the influence of intoxicating liquor;~~
5 ~~(b) Has a concentration of alcohol of 0.08 or more in his or her blood or breath;~~
6 ~~(c) [Is found by measurement within 2 hours after driving or being in actual~~
7 ~~physical control of a vehicle to have a concentration of alcohol of 0.08 or more in~~
8 ~~his or her blood or breath;~~
9 ~~(d) Is under the influence of a controlled substance or is under the combined~~
10 ~~influence of intoxicating liquor and a controlled substance;~~
11 ~~(e)] Inhales, ingests, applies or otherwise uses any chemical, poison or organic~~
12 ~~solvent, or any compound or combination of any of these, to a degree which renders~~
13 ~~the person incapable of safely driving or exercising actual physical control of a~~
14 ~~vehicle; or~~
15 ~~[(f)] (d) Has a prohibited substance in his or her blood or urine, as applicable,~~
16 ~~in an amount that is equal to or greater than the amount set forth in subsection [3~~
17 ~~or] 4 or 5 of NRS 484C.110;~~
18 ~~and does any act or neglects any duty imposed by law while driving or in actual~~
19 ~~physical control of any vehicle on [or off the highways of this State,] a highway or~~
20 ~~on premises to which the public has access, if the act or neglect of duty~~
21 ~~proximately causes the death of, or substantial bodily harm to, another person, is~~
22 ~~guilty of a category B felony and shall be punished by imprisonment in the state~~
23 ~~prison for a minimum term of not less than 2 years and a maximum term of not~~
24 ~~more than 20 years and must be further punished by a fine of not less than \$2,000~~
25 ~~nor more than \$5,000.~~
26 ~~2. A person is guilty of a category B felony and shall be punished by~~
27 ~~imprisonment in the state prison for a minimum term of not less than 2 years and~~
28 ~~a maximum term of not more than 20 years and must be further punished by a~~
29 ~~fine of not less than \$2,000 nor more than \$5,000 if the person:~~
30 ~~(a) Does any act or neglects any duty imposed by law while driving or in~~
31 ~~actual physical control of any vehicle on a highway or on premises to which the~~
32 ~~public has access that proximately causes the death of, or substantial bodily harm~~
33 ~~to, another person; and~~
34 ~~(b) Is found by measurement after driving or being in actual physical control~~
35 ~~of the vehicle involved in the crash to have a concentration of alcohol of 0.08 or~~
36 ~~more in his or her blood or breath.~~
37 ~~3. A person [so] imprisoned pursuant to subsection 1 or 2 must, insofar as~~
38 ~~practicable, be segregated from offenders whose crimes were violent and, insofar as~~
39 ~~practicable, be assigned to an institution or facility of minimum security.~~
40 ~~[2.] 4. A prosecuting attorney shall not dismiss a charge of violating the~~
41 ~~provisions of subsection 1 or 2 in exchange for a plea of guilty, guilty but mentally~~
42 ~~ill or nolo contendere to a lesser charge or for any other reason unless the attorney~~
43 ~~knows or it is obvious that the charge is not supported by probable cause or cannot~~
44 ~~be proved at the time of trial. A sentence imposed pursuant to subsection 1 or 2~~
45 ~~may not be suspended nor may probation be granted.~~
46 ~~[3.] 5. Except as otherwise provided in subsection [1,] 6, if consumption is~~
47 ~~proven by a preponderance of the evidence, it is an affirmative defense under~~
48 ~~[paragraph (c) of] subsection [1] 2 that the defendant consumed a sufficient~~
49 ~~quantity of alcohol after driving or being in actual physical control of the vehicle,~~
50 ~~and before his or her blood or breath was tested, to cause the defendant to have a~~
51 ~~concentration of alcohol of 0.08 or more in his or her blood or breath. A defendant~~
52 ~~who intends to offer this defense at a trial or preliminary hearing must, not less than~~

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

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

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

(Deleted by amendment.)

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

488.410 1. It is unlawful for any person who:

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

~~or~~ or

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

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

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

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

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

~~3.] It is unlawful for any person who:~~

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

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

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

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

Prohibited substance	Urine Nanograms per milliliter	Blood Nanograms per milliliter
(a) Amphetamine	500	100
(b) Cocaine	150	50
(c) Cocaine metabolite	150	50
<u>(d) Fentanyl</u>	<u>10</u>	<u>1</u>
[(d)] (e) Heroin	2,000	50

1	[(e)] (f) Heroin metabolite:		
2	(1) Morphine	2,000	50
3	(2) 6-monoacetyl morphine	10	10
4	[(f)] (g) Lysergic acid diethylamide	25	10
5	[(g)] (h) Methamphetamine	500	100
6	(i) [Methylenedioxymethamphetamine]	100	20
7	(h) (j)] Phencyclidine	25	10

4. For any violation that is punishable pursuant to NRS 488.427, it

~~15. [4]~~ is unlawful for any person to operate or be in actual physical control of a power-driven vessel or sailing vessel under way on the waters of this State with an amount of any of the following prohibited substances in his or her blood that is equal to or greater than:

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

5. ~~6.]~~ If consumption is proven by a preponderance of the evidence, it is an affirmative defense under paragraph (c) of subsection 1 [2] that the defendant consumed a sufficient quantity of alcohol after operating or being in actual physical control of the power-driven vessel or sailing vessel, as applicable, under way and before his or her blood was tested, to cause the defendant to have a concentration of 0.08 or more of alcohol in his or her blood or breath. A defendant who intends to offer this defense at a trial or preliminary hearing must, not less than 14 days before the trial or hearing or at such other time as the court may direct, file and serve on the prosecuting attorney a written notice of that intent.

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

Sec. 16. ~~[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 0.08 or more in his or her blood or breath;~~

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

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

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

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

~~and does any act or neglects any duty imposed by law while operating or being in actual physical control of any power driven vessel or sailing vessel under way, if the act or neglect of duty proximately causes the death of, or substantial bodily harm to, another person, is guilty of a category B felony and shall be punished by~~

1 imprisonment in the state prison for a minimum term of not less than 2 years and a
 2 maximum term of not more than 20 years and shall be further punished by a fine of
 3 not less than \$2,000 nor more than \$5,000.

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

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

12 ~~(b) Is found by measurement after operating or being in actual physical~~
 13 ~~control of the power driven vessel or sailing vessel involved in the collision while~~
 14 ~~under way to have a concentration of alcohol of 0.08 or more in his or her blood~~
 15 ~~or breath.~~

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

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

26 ~~[3.] 5. If consumption is proven by a preponderance of the evidence, it is an~~
 27 ~~affirmative defense under [paragraph (c) of] subsection [1] 2 that the defendant~~
 28 ~~consumed a sufficient quantity of alcohol after operating or being in actual physical~~
 29 ~~control of the power driven vessel or sailing vessel, as applicable, under way and~~
 30 ~~before his or her blood was tested, to cause the defendant to have a concentration of~~
 31 ~~alcohol of 0.08 or more in his or her blood or breath. A defendant who intends to~~
 32 ~~offer this defense at a trial or preliminary hearing must, not less than 14 days before~~
 33 ~~the trial or hearing or at such other time as the court may direct, file and serve on~~
 34 ~~the prosecuting attorney a written notice of that intent.~~

35 ~~[4.] 6. If a person less than 15 years of age was in the vessel at the time of the~~
 36 ~~defendant's violation, the court shall consider that fact as an aggravating factor in~~
 37 ~~determining the sentence of the defendant.] (Deleted by amendment.)~~

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

39 ~~488.425 1. A person commits homicide by vessel if the person:~~

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

42 ~~(1) Is under the influence of intoxicating liquor;~~

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

45 ~~(3) Is found by measurement [within 2 hours] after operating or being in~~
 46 ~~actual physical control of a power driven vessel or sailing vessel involved in a~~
 47 ~~collision under way to have a concentration of alcohol of 0.08 or more in his or her~~
 48 ~~blood or breath;~~

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

51 ~~(5) Inhales, ingests, applies or otherwise uses any chemical, poison or~~
 52 ~~organic solvent, or any compound or combination of any of these, to a degree~~

~~which renders the person incapable of safely operating or exercising actual physical control of a power-driven vessel or sailing vessel under way; or~~

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

~~— (b) Proximately causes the death of another person while operating or in actual physical control of a power-driven vessel or sailing vessel under way; 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 the prosecuting attorney knows or it is obvious that the charge is not supported by probable cause or cannot be proved at the time of trial. A sentence imposed pursuant to subsection 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 power-driven vessel or sailing vessel, as applicable, under way and before his or her blood or breath was tested, to cause the defendant to have a concentration of alcohol of 0.08 or more in his or her blood or breath. A defendant who intends to offer this defense at a trial or preliminary hearing must, not less than 14 days before the trial or hearing or at such other time as the court may direct, file and serve on the prosecuting attorney a written notice of that intent.~~

~~6. If the defendant was transporting a person who is less than 15 years of age in the power-driven vessel or sailing vessel, as applicable, under way 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 power-driven vessel or sailing vessel under way 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).] **(Deleted by amendment.)**~~

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

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

~~— (a) 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~~

~~1 (b) Engaging in any other conduct prohibited by NRS 488.410, 488.420 or
2 488.425.~~

~~3 2. Except as otherwise provided in subsection 3 of NRS 488.450, a court may
4 not exclude evidence of a required test or failure to submit to such a test if the
5 peace officer or other person substantially complied with the provisions of NRS
6 488.450 to [488.500,] 488.490, inclusive.~~

~~7 3. If a person submits to a chemical test provided for in NRS 488.450 or
8 488.460, full information concerning that test must be made available, upon
9 request, to the person or the person's attorney.~~

~~10 4. Evidence of a required test is not admissible in a criminal proceeding
11 unless it is shown by documentary or other evidence that the device for testing a
12 person's breath or other sample was certified pursuant to NRS 484C.610 or
13 484C.640, as applicable, and was calibrated, maintained and operated as provided
14 by the regulations of the Committee on Testing for Intoxication adopted pursuant to
15 NRS 484C.620, 484C.630 or 484C.640.~~

~~16 5. If the device for testing a person's breath or other sample has been certified
17 by the Committee on Testing for Intoxication to be accurate and reliable pursuant to
18 NRS 484C.610 or 484C.640, it is presumed that, as designed and manufactured, the
19 device is accurate and reliable for the purpose of testing a person's breath or other
20 sample to determine the concentration of alcohol, a controlled substance or another
21 prohibited substance in the person's breath or other sample.~~

~~22 6. A court shall take judicial notice of the certification by the Director of a
23 person to operate testing devices of one of the certified types. If a test to determine
24 the amount of alcohol, a controlled substance or another prohibited substance in a
25 person's breath or other sample has been performed with a certified type of device
26 by a person who is certified pursuant to NRS 484C.630 or 484C.640, it is presumed
27 that the person operated the device properly.~~

~~28 7. This section does not preclude the admission of evidence of a test of a
29 person's breath or other sample where the:~~

~~30 (a) Information is obtained through the use of a device other than one of a type
31 certified by the Committee on Testing for Intoxication.~~

~~32 (b) Test has been performed by a person other than one who is certified by the
33 Director.~~

~~34 8. As used in this section, "Director" means the Director of the Department of
35 Public Safety.] **(Deleted by amendment.)**~~

Sec. 19. ~~[NRS 33.030 is hereby amended to read as follows:~~

~~36 33.030 1. The court by a temporary order may:~~

~~37 (a) Enjoin the adverse party from threatening, physically injuring or harassing
38 the applicant or minor child, either directly or through an agent;~~

~~39 (b) Exclude the adverse party from the applicant's place of residence;~~

~~40 (c) Prohibit the adverse party from entering the residence, school or place of
41 employment of the applicant or minor child and order the adverse party to stay
42 away from any specified place frequented regularly by them;~~

~~43 (d) If it has jurisdiction under chapter 125A of NRS, grant temporary custody
44 of the minor child to the applicant;~~

~~45 (e) Enjoin the adverse party from physically injuring, threatening to injure or
46 taking possession of any animal that is owned or kept by the applicant or minor
47 child, either directly or through an agent;~~

~~48 (f) Enjoin the adverse party from physically injuring or threatening to injure
49 any animal that is owned or kept by the adverse party, either directly or through an
50 agent; and~~

~~51 (g) Order such other relief as it deems necessary in an emergency situation.
52~~

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

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

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

7 ~~(c) Order the adverse party to:~~

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

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

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

16 ~~(4) Pay all costs and fees incurred by the applicant in bringing the action;~~
17 ~~and~~

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

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

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

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

29 ~~(a) Responding to a communication initiated by the applicant may constitute a~~
30 ~~violation of the protective order; and~~

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

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

35 ~~(2) The person has previously violated a temporary or extended order for~~
36 ~~protection; or~~

37 ~~(3) At the time of the violation or within 2 hours after the violation, the~~
38 ~~person has:~~

39 ~~(I) A concentration of alcohol of 0.08 or more in the person's blood or~~
40 ~~breath; or~~

41 ~~(II) An amount of a prohibited substance in the person's blood or~~
42 ~~urine, as applicable, that is equal to or greater than the amount set forth in~~
43 ~~subsection [3 or] 4 or 5 of NRS 484C.110.] **(Deleted by amendment.)**~~

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

45 ~~62C.020 1. A child must not be released from custody sooner than 12 hours~~
46 ~~after the child is taken into custody if the child is taken into custody for committing~~
47 ~~a battery that constitutes domestic violence pursuant to NRS 33.018, unless the~~
48 ~~peace officer or probation officer who has taken the child into custody determines~~
49 ~~that the child does not otherwise meet the criteria for secure detention and:~~

50 ~~(a) Respite care or another out of home alternative to secure detention is~~
51 ~~available for the child;~~

52 ~~(b) An out of home alternative to secure detention is not necessary to protect~~
53 ~~the victim from injury; or~~

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

~~2. A child must not be released from custody sooner than 12 hours after the child is taken into custody if the child is taken into custody for violating a temporary or extended order for protection against domestic violence issued pursuant to NRS 33.017 to 33.100, inclusive, or for violating a restraining order or injunction that is in the nature of a temporary or extended order for protection against domestic violence issued in an action or proceeding brought pursuant to title 11 of NRS, or for violating a temporary or extended order for protection against stalking, aggravated stalking or harassment issued pursuant to NRS 200.591 or for violating a temporary or extended order for protection against sexual assault issued pursuant to NRS 200.379 and:~~

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

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

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

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

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

~~3. For the purposes of this section, an order or injunction is in the nature of a temporary or extended order for protection against domestic violence if it grants relief that might be given in a temporary or extended order issued pursuant to NRS 33.017 to 33.100, inclusive.] (Deleted by amendment.)~~

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

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

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

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

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

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

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

~~2. For the purposes of this section, an order or injunction is in the nature of a temporary or extended order for protection against domestic violence if it grants relief that might be given in a temporary or extended order issued pursuant to NRS 33.017 to 33.100, inclusive.] (Deleted by amendment.)~~

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

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

1 ~~— (a) Make a good faith effort to explain the provisions of NRS 171.137~~
2 ~~pertaining to domestic violence and advise victims of all reasonable means to~~
3 ~~prevent further abuse, including advising each person of the availability of a shelter~~
4 ~~or other services in the community.~~

5 ~~— (b) Provide a person suspected of being the victim of an act of domestic~~
6 ~~violence with a written copy of the following statements:~~

7 ~~— (1) My name is Officer (naming the investigating officer);~~
8 ~~Nevada law requires me to inform you of the following information.~~

9 ~~— (2) If I have probable cause to believe that a battery has been committed~~
10 ~~against you, your minor child or the minor child of the person believed to have~~
11 ~~committed the battery in the last 24 hours by your spouse, your former spouse, any~~
12 ~~other person to whom you are related by blood or marriage, a person with whom~~
13 ~~you have had or are having a dating relationship or a person with whom you have a~~
14 ~~child in common, and if I had a face to face encounter with the person suspected of~~
15 ~~committing the battery that was of sufficient duration to determine whether~~
16 ~~probable cause existed while responding to the initial incident or call for service, I~~
17 ~~am required, unless mitigating circumstances exist, to arrest the person suspected of~~
18 ~~committing the battery.~~

19 ~~— (3) If I have probable cause to believe that a battery has been committed~~
20 ~~against you, your minor child or the minor child of the person believed to have~~
21 ~~committed the battery in the last 7 days by your spouse, your former spouse, any~~
22 ~~other person to whom you are related by blood or marriage, a person with whom~~
23 ~~you have had or are having a dating relationship or a person with whom you have a~~
24 ~~child in common, and if I did not have a face to face encounter with the person~~
25 ~~suspected of committing the battery that was of sufficient duration to determine~~
26 ~~whether probable cause existed while responding to the initial incident or call for~~
27 ~~service, I am required, unless mitigating circumstances exist, to arrest the person~~
28 ~~suspected of committing the battery.~~

29 ~~— (4) If I am unable to arrest the person suspected of committing the battery,~~
30 ~~you have the right to request that the prosecutor file a criminal complaint against~~
31 ~~the person. I can provide you with information on this procedure. If convicted, the~~
32 ~~person who committed the battery may be placed on probation, ordered to see a~~
33 ~~counselor, put in jail or fined.~~

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

39 ~~— (6) An order for protection may require the person who committed or~~
40 ~~threatened the act of domestic violence against you to:~~

41 ~~— (I) Stop threatening, harassing or injuring you or your children;~~

42 ~~— (II) Move out of your residence;~~

43 ~~— (III) Stay away from your place of employment;~~

44 ~~— (IV) Stay away from the school attended by your children;~~

45 ~~— (V) Stay away from any place you or your children regularly go;~~

46 ~~— (VI) Avoid or limit all communication with you or your children;~~

47 ~~— (VII) Stop physically injuring, threatening to injure or taking~~
48 ~~possession of any animal that is owned or kept by you or your children, either~~
49 ~~directly or through an agent; and~~

50 ~~— (VIII) Stop physically injuring or threatening to injure any animal that~~
51 ~~is owned or kept by the person who committed or threatened the act or his or her~~
52 ~~children, either directly or through an agent.~~

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

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

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

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

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

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

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

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

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

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

~~the person will not be admitted to bail sooner than 12 hours after arrest.~~

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

~~2. The failure of a peace officer to carry out the requirements set forth in subsection 1 is not a defense in a criminal prosecution for the commission of an act of domestic violence, nor may such an omission be considered as negligence or as causation in any civil action against the peace officer or the officer's employer.~~

~~3. As used in this section:~~

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

~~(1) A battery.~~

~~(2) An assault.~~

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

~~(4) A sexual assault.~~

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

~~(I) Stalking.~~

~~(II) Arson.~~

~~(III) Trespassing;~~
~~(IV) Larceny;~~
~~(V) Destruction of private property;~~
~~(VI) Carrying a concealed weapon without a permit;~~
~~(VII) Injuring or killing an animal;~~
~~(6) False imprisonment;~~
~~(7) Unlawful entry of the other's residence, or forcible entry against the other's will if there is a reasonably foreseeable risk of harm to the other from the entry;~~

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

Sec. 23. ~~[NRS 178.484 is hereby amended to read as follows:~~

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

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

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

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

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

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

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

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

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

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

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

~~7. A person arrested for a battery that constitutes domestic violence pursuant to NRS 33.018 must not be admitted to bail sooner than 12 hours after arrest. If the person is admitted to bail more than 12 hours after arrest, without appearing~~

1 ~~personally before a magistrate or without the amount of bail having been otherwise~~
2 ~~set by a magistrate or a court, the amount of bail must be:~~

3 ~~— (a) Three thousand dollars, if the person has no previous convictions of battery~~
4 ~~that constitute domestic violence pursuant to NRS 33.018 and there is no reason to~~
5 ~~believe that the battery for which the person has been arrested resulted in~~
6 ~~substantial bodily harm or was committed by strangulation;~~

7 ~~— (b) Five thousand dollars, if the person has:~~

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

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

16 ~~— (c) Fifteen thousand dollars, if the person has:~~

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

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

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

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

40 ~~— (a) The arresting officer determines that such a violation is accompanied by a~~
41 ~~direct or indirect threat of harm;~~

42 ~~— (b) The person has previously violated a temporary or extended order for~~
43 ~~protection of the type for which the person has been arrested; or~~

44 ~~— (c) At the time of the violation or within 2 hours after the violation, the person~~
45 ~~has:~~

46 ~~— (1) A concentration of alcohol of 0.08 or more in the person's blood or~~
47 ~~breath; or~~

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

51 ~~— 9. If a person is admitted to bail more than 12 hours after arrest, pursuant to~~
52 ~~subsection 8, without appearing personally before a magistrate or without the~~

1 amount of bail having been otherwise set by a magistrate or a court, the amount of
2 bail must be:

3 ~~— (a) Three thousand dollars, if the person has no previous convictions of~~
4 ~~violating a temporary or extended order for protection against domestic violence~~
5 ~~issued pursuant to NRS 33.017 to 33.100, inclusive, or of violating a restraining~~
6 ~~order or injunction that is in the nature of a temporary or extended order for~~
7 ~~protection against domestic violence issued in an action or proceeding brought~~
8 ~~pursuant to title 11 of NRS, or of violating a temporary or extended order for~~
9 ~~protection against stalking, aggravated stalking or harassment issued pursuant to~~
10 ~~NRS 200.591, or of violating a temporary or extended order for protection against~~
11 ~~sexual assault pursuant to NRS 200.378;~~

12 ~~— (b) Five thousand dollars, if the person has one previous conviction of~~
13 ~~violating a temporary or extended order for protection against domestic violence~~
14 ~~issued pursuant to NRS 33.017 to 33.100, inclusive, or of violating a restraining~~
15 ~~order or injunction that is in the nature of a temporary or extended order for~~
16 ~~protection against domestic violence issued in an action or proceeding brought~~
17 ~~pursuant to title 11 of NRS, or of violating a temporary or extended order for~~
18 ~~protection against stalking, aggravated stalking or harassment issued pursuant to~~
19 ~~NRS 200.591, or of violating a temporary or extended order for protection against~~
20 ~~sexual assault pursuant to NRS 200.378; or~~

21 ~~— (c) Fifteen thousand dollars, if the person has two or more previous convictions~~
22 ~~of violating a temporary or extended order for protection against domestic violence~~
23 ~~issued pursuant to NRS 33.017 to 33.100, inclusive, or of violating a restraining~~
24 ~~order or injunction that is in the nature of a temporary or extended order for~~
25 ~~protection against domestic violence issued in an action or proceeding brought~~
26 ~~pursuant to title 11 of NRS, or of violating a temporary or extended order for~~
27 ~~protection against stalking, aggravated stalking or harassment issued pursuant to~~
28 ~~NRS 200.591, or of violating a temporary or extended order for protection against~~
29 ~~sexual assault pursuant to NRS 200.378.~~

30 ~~— The provisions of this subsection do not affect the authority of a magistrate or a~~
31 ~~court to set the amount of bail when the person personally appears before the~~
32 ~~magistrate or the court or when a magistrate or a court has otherwise been contacted~~
33 ~~to set the amount of bail. For the purposes of this subsection, a person shall be~~
34 ~~deemed to have a previous conviction of violating a temporary or extended order~~
35 ~~for protection against domestic violence issued pursuant to NRS 33.017 to 33.100,~~
36 ~~inclusive, or of violating a restraining order or injunction that is in the nature of a~~
37 ~~temporary or extended order for protection against domestic violence issued in an~~
38 ~~action or proceeding brought pursuant to title 11 of NRS, or of violating a~~
39 ~~temporary or extended order for protection against stalking, aggravated stalking or~~
40 ~~harassment issued pursuant to NRS 200.591, or of violating a temporary or~~
41 ~~extended order for protection against sexual assault pursuant to NRS 200.378, if the~~
42 ~~person has been convicted of such an offense in this State or has been convicted of~~
43 ~~violating a law of any other jurisdiction that prohibits the same or similar conduct.~~

44 ~~— 10. For the purposes of subsections 8 and 9, an order or injunction is in the~~
45 ~~nature of a temporary or extended order for protection against domestic violence if~~
46 ~~it grants relief that might be given in a temporary or extended order issued pursuant~~
47 ~~to NRS 33.017 to 33.100, inclusive.~~

48 ~~— 11. As used in this section, “strangulation” has the meaning ascribed to it in~~
49 ~~NRS 200.481.] (Deleted by amendment.)~~

50 **Sec. 24.** ~~[NRS 193.120 is hereby amended to read as follows:~~

51 ~~— 193.120 1. A crime is an act or omission forbidden by law and punishable~~
52 ~~upon conviction by death, imprisonment, fine or other penal discipline.~~

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

~~2. Every crime punishable by a fine of not more than [\$1,000.] \$3,000, or by imprisonment in a county jail for not more than 6 months, is a misdemeanor.~~

~~4. Every other crime is a gross misdemeanor.] (Deleted by amendment.)~~

Sec. 25. ~~[NRS 193.140 is hereby amended to read as follows:~~

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

Sec. 26. ~~[NRS 193.150 is hereby amended to read as follows:~~

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

~~2. In lieu of all or a part of the punishment which may be imposed pursuant to subsection 1, the convicted person may be sentenced to perform a fixed period of community service pursuant to the conditions prescribed in NRS 176.087.] (Deleted by amendment.)~~

Sec. 27. ~~[NRS 193.160 is hereby amended to read as follows:~~

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

Sec. 28. ~~[NRS 200.378 is hereby amended to read as follows:~~

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

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

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

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

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

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

~~(b) Refrain from contacting, intimidating, threatening or otherwise interfering with the victim of the alleged sexual assault and any other person named in the~~

1 order, including, without limitation, a member of the family or the household of the
2 victim of the alleged sexual assault.

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

7 ~~— 2. A temporary order may be granted with or without notice to the adverse~~
8 ~~party. An extended order may be granted only after:~~

9 ~~— (a) Notice of the petition for the order and of the hearing thereon is served~~
10 ~~upon the adverse party pursuant to the Nevada Rules of Civil Procedure; and~~

11 ~~— (b) A hearing is held on the petition.~~

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

16 ~~— 5. Unless a more severe penalty is prescribed by law for the act that~~
17 ~~constitutes the violation of the order, any person who intentionally violates:~~

18 ~~— (a) A temporary order is guilty of a gross misdemeanor.~~

19 ~~— (b) An extended order is guilty of a category C felony and shall be punished as~~
20 ~~provided in NRS 193.130.~~

21 ~~— 6. Any court order issued pursuant to this section must:~~

22 ~~— (a) Be in writing;~~

23 ~~— (b) Be personally served on the person to whom it is directed; and~~

24 ~~— (c) Contain the warning that violation of the order:~~

25 ~~— (1) Subjects the person to immediate arrest.~~

26 ~~— (2) Is a gross misdemeanor if the order is a temporary order.~~

27 ~~— (3) Is a category C felony if the order is an extended order.~~

28 ~~— 7. A temporary or extended order issued pursuant to this section must provide~~
29 ~~notice that a person who is arrested for violating the order will not be admitted to~~
30 ~~baile sooner than 12 hours after the arrest if:~~

31 ~~— (a) The arresting officer determines that such a violation is accompanied by a~~
32 ~~direct or indirect threat of harm;~~

33 ~~— (b) The person has previously violated a temporary or extended order for~~
34 ~~protection; or~~

35 ~~— (c) At the time of the violation or within 2 hours after the violation, the person~~
36 ~~has:~~

37 ~~— (1) A concentration of alcohol of 0.08 or more in his or her blood or~~
38 ~~breath; or~~

39 ~~— (2) An amount of a prohibited substance in his or her blood or urine, as~~
40 ~~applicable, that is equal to or greater than the amount set forth in subsection [3 or] 4~~
41 ~~or 5 of NRS 484C.110.] (Deleted by amendment.)~~

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

43 ~~— 200.591 1. In addition to any other remedy provided by law, a person who~~
44 ~~reasonably believes that the crime of stalking, aggravated stalking or harassment is~~
45 ~~being committed against him or her by another person may petition any court of~~
46 ~~competent jurisdiction for a temporary or extended order directing the person who~~
47 ~~is allegedly committing the crime to:~~

48 ~~— (a) Stay away from the home, school, business or place of employment of the~~
49 ~~victim of the alleged crime and any other location specifically named by the court.~~

50 ~~— (b) Refrain from contacting, intimidating, threatening or otherwise interfering~~
51 ~~with the victim of the alleged crime and any other person named in the order,~~
52 ~~including, without limitation, a member of the family or the household of the victim~~
53 ~~of the alleged crime.~~

1 ~~— (c) Comply with any other restriction which the court deems necessary to~~
2 ~~protect the victim of the alleged crime or to protect any other person named in the~~
3 ~~order, including, without limitation, a member of the family or the household of the~~
4 ~~victim of the alleged crime.~~

5 ~~— 2. If a defendant charged with a crime involving harassment, stalking or~~
6 ~~aggravated stalking is released from custody before trial or is found guilty at the~~
7 ~~trial, the court may issue a temporary or extended order or provide as a condition of~~
8 ~~the release or sentence that the defendant:~~

9 ~~— (a) Stay away from the home, school, business or place of employment of the~~
10 ~~victim of the alleged crime and any other location specifically named by the court.~~

11 ~~— (b) Refrain from contacting, intimidating, threatening or otherwise interfering~~
12 ~~with the victim of the alleged crime and any other person named in the order,~~
13 ~~including, without limitation, a member of the family or the household of the victim~~
14 ~~of the alleged crime.~~

15 ~~— (c) Comply with any other restriction which the court deems necessary to~~
16 ~~protect the victim of the alleged crime or to protect any other person named in the~~
17 ~~order, including, without limitation, a member of the family or the household of the~~
18 ~~victim of the alleged crime.~~

19 ~~— 3. A temporary order may be granted with or without notice to the adverse~~
20 ~~party. An extended order may be granted only after:~~

21 ~~— (a) Notice of the petition for the order and of the hearing thereon is served~~
22 ~~upon the adverse party pursuant to the Nevada Rules of Civil Procedure; and~~

23 ~~— (b) A hearing is held on the petition.~~

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

28 ~~— 5. Unless a more severe penalty is prescribed by law for the act that~~
29 ~~constitutes the violation of the order, any person who intentionally violates:~~

30 ~~— (a) A temporary order is guilty of a gross misdemeanor.~~

31 ~~— (b) An extended order is guilty of a category C felony and shall be punished as~~
32 ~~provided in NRS 193.130.~~

33 ~~— 6. Any court order issued pursuant to this section must:~~

34 ~~— (a) Be in writing;~~

35 ~~— (b) Be personally served on the person to whom it is directed; and~~

36 ~~— (c) Contain the warning that violation of the order:~~

37 ~~— (1) Subjects the person to immediate arrest.~~

38 ~~— (2) Is a gross misdemeanor if the order is a temporary order.~~

39 ~~— (3) Is a category C felony if the order is an extended order.~~

40 ~~— 7. A temporary or extended order issued pursuant to this section must provide~~
41 ~~notice that a person who is arrested for violating the order will not be admitted to~~
42 ~~baile sooner than 12 hours after the person's arrest if:~~

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

45 ~~— (b) The person has previously violated a temporary or extended order for~~
46 ~~protection; or~~

47 ~~— (c) At the time of the violation or within 2 hours after the violation, the person~~
48 ~~has:~~

49 ~~— (1) A concentration of alcohol of 0.08 or more in his or her blood or~~
50 ~~breath; or~~

51 ~~— (2) An amount of a prohibited substance in his or her blood or urine, as~~
52 ~~applicable, that is equal to or greater than the amount set forth in subsection [3 or] 4~~
53 ~~or 5 of NRS 484C.110.] (Deleted by amendment.)~~

1 **Sec. 30.** ~~[NRS 202.257 is hereby amended to read as follows:~~

2 ~~202.257 1. It is unlawful for a person who:~~

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

4 ~~or~~

5 ~~(b) Is under the influence of any controlled substance, or is under the combined~~
6 ~~influence of intoxicating liquor and a controlled substance, or any person who~~
7 ~~inhales, ingests, applies or otherwise uses any chemical, poison or organic solvent,~~
8 ~~or any compound or combination of any of these, to a degree which renders him or~~
9 ~~her incapable of safely exercising actual physical control of a firearm;~~

10 ~~to have in his or her actual physical possession any firearm. This prohibition~~
11 ~~does not apply to the actual physical possession of a firearm by a person who was~~
12 ~~within the person's personal residence and had the firearm in his or her possession~~
13 ~~solely for self-defense.~~

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

24 ~~3. Any person who violates the provisions of subsection 1 is guilty of a~~
25 ~~misdemeanor.~~

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

29 ~~5. As used in this section, the phrase "concentration of alcohol of 0.08 or~~
30 ~~more in his or her blood or breath" means 0.08 gram or more of alcohol per 100~~
31 ~~milliliters of the blood of a person or per 210 liters of his or her breath.] (Deleted~~
32 ~~by amendment.)~~

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

34 ~~616C.230 1. Compensation is not payable pursuant to the provisions of~~
35 ~~chapters 616A to 616D, inclusive, or chapter 617 of NRS for an injury:~~

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

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

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

44 ~~(d) That occurred while the employee was under the influence of a controlled~~
45 ~~or prohibited substance, unless the employee can prove by clear and convincing~~
46 ~~evidence that his or her being under the influence of a controlled or prohibited~~
47 ~~substance was not the proximate cause of the injury. For the purposes of this~~
48 ~~paragraph, an employee is under the influence of a controlled or prohibited~~
49 ~~substance if the employee had an amount of a controlled or prohibited substance for~~
50 ~~which the employee did not have a current and lawful prescription issued in the~~
51 ~~employee's name in his or her system at the time of his or her injury that was equal~~
52 ~~to or greater than:~~

	Urine	Blood
	Nanograms per milliliter	Nanograms per milliliter
Prohibited substance		
(1) Amphetamine	500	100
(2) Cocaine	150	50
(3) Cocaine metabolite	150	50
(4) Heroin	2,000	50
(5) Heroin metabolite:		
(I) Morphine	2,000	50
(II) 6-monoacetyl morphine	10	10
(6) Lysergic acid diethylamide	25	10
(7) Methamphetamine	500	100
(8) Phencyclidine	25	10
(9) Marijuana (delta-9-tetrahydrocannabinol)		2

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

~~(a) The affidavit or declaration of an expert or other person described in NRS 50.210, 50.215 or 50.220 is admissible to prove the existence of an impermissible quantity of alcohol or the existence, quantity or identity of an impermissible controlled or prohibited substance in an employee's system. If the affidavit or declaration is to be so used, it must be submitted in the manner prescribed in NRS 616C.355.~~

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

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

~~3. No compensation is payable for the death, disability or treatment of an employee if the employee's death is caused by, or insofar as the employee's disability is aggravated, caused or continued by, an unreasonable refusal or neglect to submit to or to follow any competent and reasonable surgical treatment or medical aid.~~

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

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

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

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

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

~~6. As used in this section, "prohibited substance" means any of the following substances if the person who uses the substance has not been issued a valid~~

1 ~~prescription to use the substance and the substance is classified in schedule I or II~~
 2 ~~pursuant to NRS 453.166 or 453.176 when it is used:~~

- 3 ~~—(a) Amphetamine;~~
 4 ~~—(b) Cocaine;~~
 5 ~~—(c) Cocaine metabolite;~~
 6 ~~—(d) Heroin;~~
 7 ~~—(e) Heroin metabolite;~~
 8 ~~—(1) Morphine;~~
 9 ~~—(2) 6-monoacetyl morphine;~~
 10 ~~—(f) Lysergic acid diethylamide;~~
 11 ~~—(g) Methamphetamine;~~
 12 ~~—(h) Phenethylidine;~~
 13 ~~—(i) Marijuana (delta-9-tetrahydrocannabinol).] **(Deleted by amendment.)**~~

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

16 ~~—Sec. 15. This act becomes effective on September 23, 2003. [, and~~
 17 ~~expires by limitation on the date of the repeal of the federal law requiring~~
 18 ~~each state to make it unlawful for a person to operate a motor vehicle with a~~
 19 ~~blood alcohol concentration of 0.08 percent or greater as a condition to~~
 20 ~~receiving federal funding for the construction of highways in this state.]]~~
 21 **(Deleted by amendment.)**

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

24 ~~—Sec. 64. [1.] This section and sections 1 to 4, inclusive, 6 to 16,~~
 25 ~~25 inclusive, 18 to 32, inclusive, 34 and 36 to 61, inclusive, of this act become~~
 26 ~~effective on October 1, 2005.~~

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

32 ~~—3. Sections 5, 17, 33, 35, 62 and 63 of this act become effective on the~~
 33 ~~date of the repeal of the federal law requiring each state to make it unlawful~~
 34 ~~for a person to operate a motor vehicle with a blood alcohol concentration~~
 35 ~~of 0.08 percent or greater as a condition to receiving federal funding for the~~
 36 ~~construction of highways in this State.]] **(Deleted by amendment.)**~~

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

39 ~~—Sec. 117. 1. This section and sections 1 to 52, inclusive, 54 to 70,~~
 40 ~~inclusive, 72, 74 to 79, inclusive, 81, 83 to 109, inclusive, 111 and 113 to~~
 41 ~~116, inclusive, of this act become effective on October 1, 2007.~~

42 ~~—2. Section 52 of this act expires by limitation on June 30, 2009.~~

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

48 ~~—4.] Sections 109 and 111 of this act expire by limitation on the date~~
 49 ~~on which the provisions of 42 U.S.C. § 666 requiring each state to establish~~
 50 ~~procedures under which the state has authority to withhold or suspend, or to~~
 51 ~~restrict the use of professional, occupational and recreational licenses of~~
 52 ~~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 for the support of one or more children;~~

~~— are repealed by the Congress of the United States;~~

~~— [5.] 4. Section 52 of this act becomes effective on July 1, 2009.~~

~~— [6. Sections 71, 73, 80 and 82 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.~~

~~— [7.] 5. Sections 110 and 112 of this act become effective 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 for the support of one or more children;~~

~~— are repealed by the Congress of the United States.] (Deleted by amendment.)~~

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

~~— Sec. 30. 1. This section and section 1 of this act become effective upon passage and approval.~~

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

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

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

~~— [5. Sections 3 and 5 of this act expire by limitation 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.~~

~~— 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.] (Deleted by amendment.)~~

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 29, 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, 12 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.~~

~~4. Sections 8 and 42 of this act become effective 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.~~

~~[5. Sections 10.3 and 27.3 of this act expire by limitation 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.~~

~~6. Sections 10.7, 27.7, 46 and 47 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.]] (Deleted by amendment.)~~

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

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

~~[2. Section 17.5 of this act becomes 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.] (Deleted by amendment.)~~

Sec. 38. ~~[1.] NRS [484C.250 and 488.500 are hereby repealed.~~

~~2. Sections 5, 17, 33, 35, 62 and 63 of chapter 63, Statutes of Nevada 2005, at pages 133, 145, 155, 173 and 174, respectively, sections 71, 73, 80 and 82 of chapter 327, Statutes of Nevada 2007, at pages 1453, 1455, 1460 and 1462, respectively, sections 4 and 6 of chapter 433, Statutes of Nevada 2007, at pages 2047 and 2049, respectively, sections 10.7, 27.7, 46 and 47 of chapter 486, Statutes of Nevada 2007, at pages 2789, 2800 and 2812, respectively, and section 17.5 of chapter 277, Statutes of Nevada 2021, at page 1466, are] **484C.040 is** hereby repealed.~~

**TEXT OF REPEALED [SECTIONS OF NRS AND
TEXT OF REPEALED SECTIONS OF STATUTES OF NEVADA.] SECTION**

484C.040 “Concentration of alcohol of less than 0.18 in his or her blood or breath” defined. “Concentration of alcohol of less than 0.18 in his or her blood or breath” means less than 0.18 gram of alcohol per 100 milliliters of the blood of a person or per 210 liters of his or her breath.

~~[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.~~

~~2. 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. 23. 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 484.270;~~
 - ~~(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.~~

~~2. 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 227, 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	Blood
	Nanograms per milliliter	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) Phenethylidene	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.]~~