

Amendment No. 1002

Assembly Amendment to Senate Bill No. 457 First Reprint (BDR 15-1038)

Proposed by: Assemblymember Yeager

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. 457—COMMITTEE ON JUDICIARY

(ON BEHALF OF THE OFFICE OF THE GOVERNOR)

APRIL 7, 2025

Referred to Committee on Judiciary

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

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

Effect on the State: Yes.

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

AN ACT relating to public safety; revising provisions relating to assault, battery, stalking, pornography involving minors, domestic violence, and driving under the influence of alcohol or a prohibited substance; ~~revising provisions relating to the interception, listening and recording of certain communications;~~ requiring a compliance hearing after the issuance of certain orders to relinquish firearms; establishing certain unlawful acts related to certain theft offenses involving property damage; revising provisions relating to offenders; establishing provisions related to the creation of corridors and the adjudication and reporting of certain offenses committed within such corridors; making various changes related to juvenile justice; prohibiting the construction of certain findings relating to actions for wrongful conviction; revising provisions relating to the sealing of records and specialty court programs; revising provisions relating to pretrial release; ~~revising provisions relating to immunity for certain witnesses;~~ revising provisions relating to opioid use disorder; making appropriations; providing penalties; and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

Existing law provides that if a person commits an assault upon an officer who is performing his or her duty and the person knew or should have known that the victim was an officer, the person is guilty of: (1) a category B felony if the assault is made with the use of a deadly weapon or the present ability to use a deadly weapon; (2) a category D felony if the person is a probationer, prisoner or parolee; or (3) if neither of those circumstances is present, a gross misdemeanor. (NRS 200.471) Additionally, existing law provides that if a person commits a battery upon an officer and the person knew or should have known that the victim was an officer, the person is guilty of: (1) a category B felony if the battery causes substantial bodily harm or is committed by strangulation; or (2) if those circumstances are not present and

no greater penalty is provided by law, a gross misdemeanor. (NRS 200.481) **Sections 1.3 and 1.7** of this bill revise the definition of "officer" for the purposes of the enhanced penalties for assault or battery to include an employee of this State or a political subdivision of this State whose normal job responsibilities require the employee to: (1) interact with the public; and (2) perform tasks related to child welfare services or child protective services or other tasks that expose the person to comparable danger. Additionally, **sections 1.3 and 1.7** of this act apply the enhanced penalties to an assault or battery committed against a hospitality employee.

Existing law prohibits a person from stalking and prescribes various penalties related to the circumstance under which the offense is committed. (NRS 200.575) **Section 2** of this bill expands the unlawful acts which constitute stalking to include certain courses of conduct that would cause the victim to feel terrorized, frightened, intimidated, harassed or fearful for the immediate safety of a person in a dating relationship with the victim. **Section 2** also makes various changes to provide that stalking encompasses both acts committed in person and by electronic means, and provides that such penalties are generally applicable to such acts regardless of medium. **Sections 50 and 63** of this bill make conforming changes related to the commission of stalking by electronic means under **section 2**.

~~[Existing law makes it unlawful, with certain exceptions, to intercept, listen or record a wire, electronic or oral communication. In relevant part, existing law establishes various exceptions to this prohibition for peace officers acting under certain circumstances related to the barricade of a person, a hostage situation or the threatened used of an explosive. (NRS 179.463, 200.620) Sections 2.5 and 60.3 of this bill establish an additional exception for a peace officer or certain persons acting under the direction of the peace officer who intercept the communication for the sole purpose of investigating a sexual offense against a child. Sections 60.2, 60.4 and 60.5 of this bill make various changes related to the terminology applicable to section 60.5.]~~

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

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

Existing law establishes certain crimes making it unlawful to take or obtain property. (NRS 205.0821-205.295) **Section 29.1** of this bill creates a new crime which provides that if a person intentionally causes property damage to a retail establishment in the commission of a theft offense and the aggregate value of the amount involved in the theft or property damage, or any combination thereof, is ~~[\$500]~~ \$750 or more, the person is guilty of a category C felony.

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

Existing law establishes provisions concerning actions for wrongful conviction. (NRS 41.900-41.970) **Section 34.3** of this bill provides that the entry of a certificate of innocence and the award in an action for wrongful conviction is not a finding that: (1) certain persons committed a wrongdoing; or (2) there was not probable cause under certain circumstances.

~~[In general, existing law authorizes a juvenile court to order a child who is subject to the jurisdiction of the juvenile court or the parent or guardian of such a child, or both, to perform~~

~~community service. (NRS 62E.180) Existing law defines "community service" for the purposes of such orders. (NRS 62A.060) Section 34.7 of this bill makes various changes to the definition of "community service."~~

Existing law provides that if a child who is alleged to be delinquent is taken into custody and detained, the child must be given a detention hearing before the juvenile court. (NRS 62C.040) **Section 35** of this bill requires the juvenile court to order a qualified professional to evaluate the mental health of a child who: (1) is alleged to have committed certain unlawful acts involving a battery against a school employee or a child welfare professional; and (2) has in the previous year been taken into custody two or more times for certain battery offenses. **Section 36** of this bill makes a conforming change related to the detention of such children under **section 35**.

Existing law requires a juvenile court to suspend the license of a juvenile under certain circumstances if a child is adjudicated to be in need of supervision because the child: (1) is a habitual truant; (2) committed an unlawful acts related to tobacco; (3) committed certain unlawful acts related to a controlled substance or alcohol; or (4) placed graffiti on or defaced property. (NRS 62E.430, 62E.440, 62E.630, 62E.690) **Sections 39.2-39.8** of this bill make various changes to authorize the juvenile court to order the Department of Motor Vehicles to issue a restricted driver's license to the child if the issuance is in the best interest of the child. **Section 76.5** of this bill makes a conforming change regarding the circumstances under which the Department of Motor Vehicles may issue a restricted driver's license.

Existing law requires a court to discharge a defendant and dismiss the proceedings or set aside the judgment of conviction upon completion of the terms and conditions related to a program of treatment for alcohol or other substance use disorder, a program for treatment of mental illness or a program of treatment for veterans and members of the military or certain other terms and conditions. Thereafter, existing law requires the sealing of records related to the discharge, dismissal or setting aside a judgment of conviction. (NRS 176.211, 176A.240, 176A.245, 176A.260, 176A.265, 176A.290, 176A.295) **Sections 42, 44, 46 and 49** of this bill provide that the automatic record sealing provisions do not apply to such persons who were charged with certain offenses related to the abuse or neglect of a child or the abuse of an older or vulnerable person.

~~[Existing law generally requires a court to hold a pretrial release hearing to determine the custody status of a person not later than 48 hours after the person has been taken into custody. (NRS 178.4849) Section 53 of this bill provides that the 48 hours within which a pretrial release hearing must be held excludes legal holidays.]~~

Existing law requires a court to release any bail at the time of sentencing, if the court has not already done so, unless the defendant owes fines and costs, in which case, the bail must be applied towards the fines and costs. (NRS 178.522, 178.528) **Section 56** of this bill provides that under these circumstances if the bail has been deposited by a person other than a surety, and upon notice and the agreement of the person, the bail must first be applied towards the payment of any restitution owed by the defendant. **Section 55** of this bill makes a conforming change related to the procedures prescribed by **section 56**.

Existing law authorizes: (1) a district attorney and any attorney employed by a district attorney to prosecute a person in a county other than the county by which the district attorney is employed for the limited purpose of conducting a pretrial release hearing; and (2) such an attorney to receive a stipend for being available on a weekend or holiday to serve as a prosecuting attorney in a pretrial release hearing. (NRS 178.760) **Section 58** of this bill similarly authorizes a city attorney in a county whose population is less than 100,000 (currently all counties except Clark and Washoe Counties) to be deputized to prosecute a person in the county that encompasses the city attorney for the limited purpose of serving as a prosecuting attorney in a pretrial release hearing, and authorizes the city attorney to receive the stipend for such services.

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

Existing law authorizes the establishment of correctional programs and judicial programs for the reentry of offenders and parolees into the community. (NRS 209.4871-209.4889) **Section 60.8** authorizes the Department of Corrections to establish an alternative correctional program for the reentry of certain offenders into the community. **Sections 60.7, 61.3 and 61.7**

of this bill establish and revise various provisions concerning the alternative correctional programs.

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

Existing law: (1) authorizes a board of county commissioners, with certain exceptions, to exercise all powers necessary or proper to address matters of local concern for the effective operation of a county government, whether or not the powers are expressly granted to the board; and (2) defines "matter of local concern" for such purposes. (NRS 244.143, 244.146) Existing law also authorizes a board of county commissioners to enact and enforce local police and sanitary ordinances and regulations that are not in conflict with the general laws and regulations of this State. (NRS 244.357) **Section 65.5** of this bill requires a board of county commissioners in a county whose population is 700,000 or more (currently only Clark County) to adopt an ordinance that designates the geographic boundaries of one or more corridors in which the commission of crime poses a significant risk to public safety and the economic welfare of this State due to the high concentration of tourists, visitors, employees and other persons in such corridors. **Section 65.5** provides that a person who is charged with, convicted of or the subject of deferred adjudication for any offense punishable as a misdemeanor: (1) for the first offense within the corridor ~~may~~ **within two years**, may as a condition of release, sentencing, suspension of sentence or deferred adjudication, as applicable, be prohibited from entering the corridor in which the offense occurred for a period not to exceed 1 year; and (2) for a second or subsequent offense within the corridor ~~may~~ **within 2 years, must** as a condition of release, sentencing, suspension of sentence or deferred adjudication, as applicable, be prohibited from entering the corridor in which the offense occurred for a period of not less than 1 year ~~but not more than 2 years.~~

**Section 29.5** of this bill authorizes a justice court, in a county wherein the board of county commissioners adopts an ordinance designating the geographic boundaries of one or more corridors pursuant to **section 65.5**, to establish an appropriate program for the adjudication of offenses punishable as a misdemeanor that occurred within the boundaries of such corridors.

**Section 29.7** of this bill requires a justice court ~~that establishes a program~~ **whose jurisdiction includes a corridor established** pursuant to ~~section 29.5~~ **65.5** to prepare and submit: (1) to the Legislature an annual report containing certain information regarding crimes that occur within such corridors; and (2) to the respective board of county commissioners a monthly report containing certain information regarding crimes that occur within such corridors.

Existing law requires the Department of Health and Human Services to conduct a statewide needs assessment to determine the priorities for allocating money from the Fund for a Resilient Nevada; and (2) based on that needs assessment, develop a statewide plan for allocating the money in the Fund. (NRS 433.734) Existing law also prescribes specific requirements concerning the statewide needs assessment. (NRS 433.736) **Section 70** of this bill requires the statewide assessment to establish priorities related to the identification of educational resources to be used for the training of law enforcement and other criminal justice agencies related to trauma-informed practices and medication-assisted treatment for persons with opioid use disorder. **Section 69** of this bill makes a conforming change to refer to provisions renumbered by **section 70**.

Existing law establishes provisions related to peer recovery support services. (NRS 433.622-433.641) **Section 66** of this bill requires the Department of Health and Human Services to make available certain information relating to peer recovery support services. **Sections 68 and 85-87** of this bill make conforming changes governing the applicability of **section 66** to certain existing provisions of law related to peer support services.

Existing law sets forth various penalties involving driving or operating a vehicle or vessel under the influence of alcohol, a controlled substance or a prohibited substance under certain circumstances. (Chapter 484C of NRS, NRS 488.400-488.520) **Sections 77 and 81** of this bill provide that the prohibition on a person driving or operating a vehicle or vessel with a specific amount of marijuana or marijuana metabolite in his or her blood applies to certain offenses

186 punishable as a felony. **Sections 80 and 82** of this bill increase the terms of imprisonment for  
187 a person who proximately causes the death of another person while driving or operating a  
188 vehicle or vessel under the influence of alcohol or a controlled substance. Additionally,  
189 **sections 80 and 82** further provide that any such person who proximately causes the death of  
190 another person and who has previously been once or twice convicted of certain offenses  
191 related to driving or operating a vehicle or vessel under the influence of alcohol or a  
192 controlled substance is subject to an increased penalty.

193 **Sections 87.3 and 87.5** make appropriations to the Interim Finance Committee for  
194 allocation to the Department of Corrections and the Administrative Office of the Courts for  
195 the purposes of carrying out the provisions of this act.

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

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

2 **Sec. 1.3.** NRS 200.471 is hereby amended to read as follows:

3 200.471 1. As used in this section:

4 (a) "Assault" means:

5 (1) Unlawfully attempting to use physical force against another person; or  
6 (2) Intentionally placing another person in reasonable apprehension of  
7 immediate bodily harm.

8 (b) *"Child protective services" has the meaning ascribed to it in NRS*  
9 *432B.042.*

10 (c) *"Child welfare services" has the meaning ascribed to it in NRS 432B.044.*

11 (d) "Fire-fighting agency" has the meaning ascribed to it in NRS 239B.020.

12 ~~(e)~~ (e) "Health care facility" means a facility licensed pursuant to chapter  
13 449 of NRS, an office of a person listed in NRS 629.031, a clinic or any other  
14 location, other than a residence, where health care is provided.

15 ~~(f)~~ (f) *"Hospitality employee" means a person employed by a resort hotel,*  
16 *resort condominium, arena, stadium or convention center, including, without*  
17 *limitation, a person who is employed in a position of front desk staff,*  
18 *housekeeping, concierge, valet, bell service, gaming floor, food and beverage,*  
19 *retail, security, facility or hotel administration, count room, management or any*  
20 *other position who is responsible for ensuring a positive guest experience, and*  
21 *whose employment duties require the employee to:*

22 (1) *Wear identification, clothing, a uniform or other insignia that*  
23 *identifies the employee as working for a resort hotel, resort condominium, arena,*  
24 *stadium or convention center; and*

25 (2) *Be physically on the property of the resort hotel, resort condominium,*  
26 *arena, stadium or convention center or otherwise traveling within a corridor, as*  
27 *described in section 65.5 of this act.*

28 (g) "Officer" means:

29 (1) A person who possesses some or all of the powers of a peace officer;  
30 (2) A person employed in a full-time salaried occupation of fire fighting  
31 for the benefit or safety of the public;

32 (3) A member of a volunteer fire department;

33 (4) A jailer, guard or other correctional officer of a city or county jail;

34 (5) A prosecuting attorney of an agency or political subdivision of the  
35 United States or of this State;

36 (6) A justice of the Supreme Court, judge of the Court of Appeals, district  
37 judge, justice of the peace, municipal judge, magistrate, court commissioner, master

1 or referee, including a person acting pro tempore in a capacity listed in this  
2 subparagraph;

3 (7) An employee of this State or a political subdivision of this State whose  
4 official duties require the employee to make home visits;

5 (8) *An employee of this State or a political subdivision of this State who*  
6 *as part of his or her normal job responsibilities:*

7 (I) *Interacts with the public; and*

8 (II) *Performs tasks related to child welfare services or child*  
9 *protective services or tasks that expose the person to comparable dangers;*

10 (9) A civilian employee or a volunteer of a law enforcement agency whose  
11 official duties require the employee or volunteer to:

12 (I) Interact with the public;

13 (II) Perform tasks related to law enforcement; and

14 (III) Wear identification, clothing or a uniform that identifies the  
15 employee or volunteer as working or volunteering for the law enforcement agency;

16 ~~(9)~~ (10) A civilian employee or a volunteer of a fire-fighting agency  
17 whose official duties require the employee or volunteer to:

18 (I) Interact with the public;

19 (II) Perform tasks related to fire fighting or fire prevention; and

20 (III) Wear identification, clothing or a uniform that identifies the  
21 employee or volunteer as working or volunteering for the fire-fighting agency; or

22 ~~(10)~~ (11) A civilian employee or volunteer of this State or a political  
23 subdivision of this State whose official duties require the employee or volunteer to:

24 (I) Interact with the public;

25 (II) Perform tasks related to code enforcement; and

26 (III) Wear identification, clothing or a uniform that identifies the  
27 employee or volunteer as working or volunteering for this State or a political  
28 subdivision of this State.

29 ~~(h)~~ (h) "Provider of health care" means:

30 (1) A physician, a medical student, a perfusionist, an anesthesiologist  
31 assistant or a physician assistant licensed pursuant to chapter 630 of NRS, a  
32 practitioner of respiratory care, a homeopathic physician, an advanced practitioner  
33 of homeopathy, a homeopathic assistant, an osteopathic physician, a physician  
34 assistant or anesthesiologist assistant licensed pursuant to chapter 633 of NRS, a  
35 podiatric physician, a podiatry hygienist, a physical therapist, a medical laboratory  
36 technician, an optometrist, a chiropractic physician, a chiropractic assistant, a  
37 naprapath, a doctor of Oriental medicine, a nurse, a student nurse, a certified  
38 nursing assistant, a nursing assistant trainee, a medication aide - certified, a person  
39 who provides health care services in the home for compensation, a dentist, a dental  
40 student, a dental hygienist, a dental hygienist student, an expanded function dental  
41 assistant, an expanded function dental assistant student, a pharmacist, a pharmacy  
42 student, an intern pharmacist, an attendant on an ambulance or air ambulance, a  
43 psychologist, a social worker, a marriage and family therapist, a marriage and  
44 family therapist intern, a clinical professional counselor, a clinical professional  
45 counselor intern, a behavior analyst, an assistant behavior analyst, a registered  
46 behavior technician, a mental health technician, a licensed dietitian, the holder of a  
47 license or a limited license issued under the provisions of chapter 653 of NRS, a  
48 public safety officer at a health care facility, an emergency medical technician, an  
49 advanced emergency medical technician, a paramedic or a participant in a program  
50 of training to provide emergency medical services; or

51 (2) An employee of or volunteer for a health care facility who:

52 (I) Interacts with the public;

53 (II) Performs tasks related to providing health care; and



(III) Wears identification, clothing or a uniform that identifies the person as an employee or volunteer of the health care facility.

~~((b))~~ (i) *“Resort hotel” has the meaning ascribed to it in NRS 463.01865.*

(j) “School employee” means a licensed or unlicensed person employed by a board of trustees of a school district pursuant to NRS 391.100 or 391.281.

~~((c))~~ (k) “Sporting event” has the meaning ascribed to it in NRS 41.630.

~~((b))~~ (l) “Sports official” has the meaning ascribed to it in NRS 41.630.

~~((a))~~ (m) “Taxicab” has the meaning ascribed to it in NRS 706.8816.

~~((b))~~ (n) “Taxicab driver” means a person who operates a taxicab.

~~((c))~~ (o) “Transit operator” means a person who operates a bus or other vehicle as part of a public mass transportation system.

~~((a))~~ (p) “Utility worker” means an employee of a public utility as defined in NRS 704.020 whose official duties require the employee to:

(1) Interact with the public;

(2) Perform tasks related to the operation of the public utility; and

(3) Wear identification, clothing or a uniform that identifies the employee as working for the public utility.

2. A person convicted of an assault shall be punished:

(a) If paragraph (c) or (d) does not apply to the circumstances of the crime and the assault is not made with the use of a deadly weapon or the present ability to use a deadly weapon, for a misdemeanor.

(b) If the assault is made with the use of a deadly weapon or the present ability to use a deadly weapon, for a category B felony by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 6 years, or by a fine of not more than \$5,000, or by both fine and imprisonment.

(c) If paragraph (d) does not apply to the circumstances of the crime and if the assault:

(1) Is committed upon:

(I) An officer, *a hospitality employee*, a school employee, a taxicab driver, a transit operator or a utility worker who is performing his or her duty;

(II) A provider of health care while the provider of health care is performing his or her duty or is on the premises where he or she performs that duty; or

(III) A sports official based on the performance of his or her duties at a sporting event; and

(2) The person charged knew or should have known that the victim was an officer, *a hospitality employee*, a provider of health care, a school employee, a taxicab driver, a transit operator, a utility worker or a sports official,

➤ for a gross misdemeanor, unless the assault is made with the use of a deadly weapon or the present ability to use a deadly weapon, then for a category B felony by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 6 years, or by a fine of not more than \$5,000, or by both fine and imprisonment.

(d) If the assault:

(1) Is committed by a probationer, a prisoner who is in lawful custody or confinement or a parolee upon:

(I) An officer, *a hospitality employee*, a school employee, a taxicab driver, a transit operator or a utility worker who is performing his or her duty;

(II) A provider of health care while the provider of health care is performing his or her duty or is on the premises where he or she performs that duty; or

(III) A sports official based on the performance of his or her duties at a sporting event; and

(2) The probationer, prisoner or parolee charged knew or should have known that the victim was an officer, *a hospitality employee*, a provider of health care, a school employee, a taxicab driver, a transit operator, a utility worker or a sports official,

↳ for a category D felony as provided in NRS 193.130, unless the assault is made with the use of a deadly weapon or the present ability to use a deadly weapon, then for a category B felony by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 6 years, or by a fine of not more than \$5,000, or by both fine and imprisonment.

**Sec. 1.7.** NRS 200.481 is hereby amended to read as follows:

200.481 1. As used in this section:

(a) "Battery" means any willful and unlawful use of force or violence upon the person of another.

(b) "Child" means a person less than 18 years of age.

(c) *"Child protective services" has the meaning ascribed to it in NRS 432B.042.*

(d) *"Child welfare services" has the meaning ascribed to it in NRS 432B.044.*

(e) "Fire-fighting agency" has the meaning ascribed to it in NRS 239B.020.

~~(f)~~ (f) *"Hospitality employee" means a person employed by a resort hotel, resort condominium, arena, stadium or convention center, including, without limitation, a person who is employed in a position of front desk staff, housekeeping, concierge, valet, bell service, gaming floor, food and beverage, retail, security, facility or hotel administration, count room, management or any other position who is responsible for ensuring a positive guest experience, and whose employment duties require the employee to:*

(1) *Wear identification, clothing, a uniform or other insignia that identifies the employee as working for a resort hotel, resort condominium, arena, stadium or convention center; and*

(2) *Be physically on the property of the resort hotel, resort condominium, arena, stadium or convention center or otherwise traveling within a corridor, as described in section 65.5 of this act.*

(g) "Officer" means:

(1) A person who possesses some or all of the powers of a peace officer;

(2) A person employed in a full-time salaried occupation of fire fighting for the benefit or safety of the public;

(3) A member of a volunteer fire department;

(4) A jailer, guard, matron or other correctional officer of a city or county jail or detention facility;

(5) A prosecuting attorney of an agency or political subdivision of the United States or of this State;

(6) A justice of the Supreme Court, judge of the Court of Appeals, district judge, justice of the peace, municipal judge, magistrate, court commissioner, master or referee, including, without limitation, a person acting pro tempore in a capacity listed in this subparagraph;

(7) An employee of this State or a political subdivision of this State whose official duties require the employee to make home visits;

(8) *An employee of this State or a political subdivision of this State who as part of his or her normal job responsibilities:*

(I) *Interacts with the public; and*

(II) *Performs tasks related to child welfare services or child protective services or tasks that expose the person to comparable dangers;*

(9) A civilian employee or a volunteer of a law enforcement agency whose official duties require the employee or volunteer to:

(I) Interact with the public;  
(II) Perform tasks related to law enforcement; and  
(III) Wear identification, clothing or a uniform that identifies the employee or volunteer as working or volunteering for the law enforcement agency;  
~~(9)~~ (10) A civilian employee or a volunteer of a fire-fighting agency whose official duties require the employee or volunteer to:

(I) Interact with the public;  
(II) Perform tasks related to fire fighting or fire prevention; and  
(III) Wear identification, clothing or a uniform that identifies the employee or volunteer as working or volunteering for the fire-fighting agency; or  
~~(10)~~ (11) A civilian employee or volunteer of this State or a political subdivision of this State whose official duties require the employee or volunteer to:

(I) Interact with the public;  
(II) Perform tasks related to code enforcement; and  
(III) Wear identification, clothing or a uniform that identifies the employee or volunteer as working or volunteering for this State or a political subdivision of this State.

~~(e)~~ (h) "Provider of health care" has the meaning ascribed to it in NRS 200.471.

~~(i)~~ (i) *"Resort hotel" has the meaning ascribed to it in NRS 463.01865.*

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

~~(k)~~ (k) "Sporting event" has the meaning ascribed to it in NRS 41.630.

~~(l)~~ (l) "Sports official" has the meaning ascribed to it in NRS 41.630.

~~(m)~~ (m) "Strangulation" means intentionally applying sufficient pressure to another person to make it difficult or impossible for the person to breathe, including, without limitation, applying pressure to the neck, throat or windpipe that may prevent or hinder breathing or reduce the intake of air, or applying any pressure to the neck on either side of the windpipe, but not the windpipe itself, to stop the flow of blood to the brain via the carotid arteries.

~~(n)~~ (n) "Taxicab" has the meaning ascribed to it in NRS 706.8816.

~~(o)~~ (o) "Taxicab driver" means a person who operates a taxicab.

~~(p)~~ (p) "Transit operator" means a person who operates a bus or other vehicle as part of a public mass transportation system.

~~(q)~~ (q) "Utility worker" means an employee of a public utility as defined in NRS 704.020 whose official duties require the employee to:

(1) Interact with the public;  
(2) Perform tasks related to the operation of the public utility; and  
(3) Wear identification, clothing or a uniform that identifies the employee as working for the public utility.

2. Except as otherwise provided in NRS 200.485, a person convicted of a battery, other than a battery committed by an adult upon a child which constitutes child abuse, shall be punished:

(a) If the battery is not committed with a deadly weapon, and no substantial bodily harm to the victim results, except under circumstances where a greater penalty is provided in this section or NRS 197.090, for a misdemeanor.

(b) If the battery is not committed with a deadly weapon, and either substantial bodily harm to the victim results or the battery is committed by strangulation, for a category C felony as provided in NRS 193.130.

(c) If:

(1) The battery is committed upon:

(I) An officer, *hospitality employee*, school employee, taxicab driver, transit operator or utility worker who was performing his or her duty;

1 (II) A provider of health care while the provider of health care is  
2 performing his or her duty or is on the premises where he or she performs that duty;  
3 or

4 (III) A sports official based on the performance of his or her duties at a  
5 sporting event;

6 (2) The officer, *hospitality employee*, provider of health care, school  
7 employee, taxicab driver, transit operator, utility worker or sports official suffers  
8 substantial bodily harm or the battery is committed by strangulation; and

9 (3) The person charged knew or should have known that the victim was an  
10 officer, *hospitality employee*, provider of health care, school employee, taxicab  
11 driver, transit operator, utility worker or sports official,

12 ➤ for a category B felony by imprisonment in the state prison for a minimum term  
13 of not less than 2 years and a maximum term of not more than 10 years, or by a fine  
14 of not more than \$10,000, or by both fine and imprisonment.

15 (d) If the battery:

16 (1) Is committed upon:

17 (I) An officer, *hospitality employee*, school employee, taxicab driver,  
18 transit operator or utility worker who is performing his or her duty;

19 (II) A provider of health care while the provider of health care is  
20 performing his or her duty or is on the premises where he or she performs that duty;  
21 or

22 (III) A sports official based on the performance of his or her duties at a  
23 sporting event; and

24 (2) The person charged knew or should have known that the victim was an  
25 officer, *hospitality employee*, provider of health care, school employee, taxicab  
26 driver, transit operator, utility worker or sports official,

27 ➤ for a gross misdemeanor, except under circumstances where a greater penalty is  
28 provided in this section.

29 (e) If the battery is committed with the use of a deadly weapon, and:

30 (1) No substantial bodily harm to the victim results, for a category B felony  
31 by imprisonment in the state prison for a minimum term of not less than 2 years and  
32 a maximum term of not more than 10 years, and may be further punished by a fine  
33 of not more than \$10,000.

34 (2) Substantial bodily harm to the victim results or the battery is committed  
35 by strangulation, for a category B felony by imprisonment in the state prison for a  
36 minimum term of not less than 2 years and a maximum term of not more than 15  
37 years, and may be further punished by a fine of not more than \$10,000.

38 (f) If the battery is committed by a probationer, a prisoner who is in lawful  
39 custody or confinement or a parolee, without the use of a deadly weapon, whether  
40 or not substantial bodily harm results and whether or not the battery is committed  
41 by strangulation, for a category B felony by imprisonment in the state prison for a  
42 minimum term of not less than 1 year and a maximum term of not more than 6  
43 years.

44 (g) If the battery is committed by a probationer, a prisoner who is in lawful  
45 custody or confinement or a parolee, with the use of a deadly weapon, and:

46 (1) No substantial bodily harm to the victim results, for a category B felony  
47 by imprisonment in the state prison for a minimum term of not less than 2 years and  
48 a maximum term of not more than 10 years.

49 (2) Substantial bodily harm to the victim results or the battery is committed  
50 by strangulation, for a category B felony by imprisonment in the state prison for a  
51 minimum term of not less than 2 years and a maximum term of not more than 15  
52 years.

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

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

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

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

15       (c) For the third or any subsequent offense, is guilty of a category C felony and  
16 shall be punished by imprisonment in the state prison for a minimum term of not  
17 less than 1 year and a maximum term of not more than 5 years, and may be further  
18 punished by a fine of not more than \$5,000.

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

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

24       (b) For the second offense, is guilty of a category C felony and shall be  
25 punished by imprisonment in the state prison for a minimum term of not less than 2  
26 years and a maximum term of not more than 5 years, and may be further punished  
27 by a fine of not more than \$5,000.

28       (c) For the third or any subsequent offense, is guilty of a category B felony and  
29 shall be punished by imprisonment in the state prison for a minimum term of not  
30 less than 2 years and a maximum term of not more than 15 years, and may be  
31 further punished by a fine of not more than \$5,000.

32       3. A person who commits the crime of stalking and in conjunction therewith  
33 threatens the person with the intent to cause the person to be placed in reasonable  
34 fear of death or substantial bodily harm commits the crime of aggravated stalking.  
35 A person who commits the crime of aggravated stalking shall be punished for a  
36 category B felony by imprisonment in the state prison for a minimum term of not  
37 less than 2 years and a maximum term of not more than 15 years, and may be  
38 further punished by a fine of not more than \$5,000.

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

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

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

51       7. If the court finds that a person convicted of stalking pursuant to this section  
52 committed the crime against a person listed in subsection 1 of NRS 33.018 and that

1 the victim has an ongoing, reasonable fear of physical harm, the court shall enter  
2 the finding in its judgment of conviction or admonishment of rights.

3 8. If the court includes such a finding in a judgment of conviction or  
4 admonishment of rights issued pursuant to this section, the court shall:

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

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

11 9. A person who violates any provision included in a judgment of conviction  
12 or admonishment of rights issued pursuant to this section concerning the surrender,  
13 sale, transfer, ownership, possession, custody or control of a firearm is guilty of a  
14 category B felony and shall be punished by imprisonment in the state prison for a  
15 minimum term of not less than 1 year and a maximum term of not more than 6  
16 years, and may be further punished by a fine of not more than \$5,000. The court  
17 must include in the judgment of conviction or admonishment of rights a statement  
18 that a violation of such a provision in the judgment or admonishment is a category  
19 B felony and shall be punished by imprisonment in the state prison for a minimum  
20 term of not less than 1 year and a maximum term of not more than 6 years, and may  
21 be further punished by a fine of not more than \$5,000.

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

24 11. As used in this section:

25 (a) *“Act” includes, without limitation, accessing a social media account of a*  
26 *specified person.*

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

30 ~~“(b) “Dating relationship” has the meaning ascribed to it in NRS~~  
31 ~~33.018.~~

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

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

39 ~~“(f) “Internet or network site” has the meaning ascribed to it in NRS~~  
40 ~~205.474.~~

41 ~~“(g) “Network” has the meaning ascribed to it in NRS 205.4745.~~

42 ~~“(h) “Offense” includes, without limitation, a violation of the law of any~~  
43 ~~other jurisdiction that prohibits the same or similar conduct set forth in this section.~~

44 (i) *“Social media communication” means:*

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

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

50 ~~“(j) “Text messaging” means a communication in the form of electronic~~  
51 ~~text or one or more electronic images sent from a telephone or computer to another~~  
52 ~~person’s telephone or computer by addressing the communication to the recipient’s~~  
53 ~~telephone number.~~

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

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

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

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

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

**Sec. 2.5.** ~~NRS 200.620 is hereby amended to read as follows:~~

~~200.620 1. Except as otherwise provided in subsection 5 and NRS 179.410 to 179.515, inclusive, 209.410 and 704.195, it is unlawful for any person to intercept or attempt to intercept any wire communication unless:~~

~~(a) The interception or attempted interception is made with the prior consent of one of the parties to the communication; and~~

~~(b) An emergency situation exists and it is impractical to obtain a court order as required by NRS 179.410 to 179.515, inclusive, before the interception, in which event the interception is subject to the requirements of subsection 3. If the application for ratification is denied, any use or disclosure of the information so intercepted is unlawful, and the person who made the interception shall notify the sender and the receiver of the communication that:~~

~~(1) The communication was intercepted; and~~

~~(2) Upon application to the court, ratification of the interception was denied.~~

~~2. This section does not apply to any person, or to the officers, employees or agents of any person, engaged in the business of providing service and facilities for wire communication where the interception or attempted interception is to construct, maintain, conduct or operate the service or facilities of that person.~~

~~3. Any person who has made an interception in an emergency situation as provided in paragraph (b) of subsection 1 shall, within 72 hours of the interception, make a written application to a justice of the Supreme Court or district judge for ratification of the interception. The interception must not be ratified unless the applicant shows that:~~

~~(a) An emergency situation existed and it was impractical to obtain a court order before the interception; and~~

~~(b) Except for the absence of a court order, the interception met the requirements of NRS 179.410 to 179.515, inclusive.~~

~~4. NRS 200.610 to 200.690, inclusive, do not prohibit the recording, and NRS 179.410 to 179.515, inclusive, do not prohibit the reception in evidence, of conversations on wire communications installed in the office of an official law enforcement or fire fighting agency, or a public utility, if the equipment used for the recording is installed in a facility for wire communications or on a telephone with a number listed in a directory, on which emergency calls or requests by a person for response by the law enforcement or fire fighting agency or public utility are likely to be received. In addition, those sections do not prohibit the recording or reception in evidence of conversations initiated by the law enforcement or fire fighting agency or public utility from such a facility or telephone in connection~~



~~with responding to the original call or request, if the agency or public utility informs the other party that the conversation is being recorded.~~

~~5. The interception or attempted interception of a wire communication is not unlawful under the circumstances set forth in subsection 1 of NRS 179.463 [.] or section 60.3 of this act. (Deleted by amendment.)~~

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

200.730 ~~[A]~~

**1. Subject to subsection 2, a** person who knowingly and willfully ~~has in his or her possession~~ *possesses* for any purpose any film, photograph or other visual presentation depicting a person under the age of 16 years as the subject of a sexual portrayal or engaging in or simulating, or assisting others to engage in or simulate, sexual conduct:

~~[(1)]~~ **(a)** For the first offense, is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 6 years, and may be further punished by a fine of not more than \$5,000.

~~[(2)]~~ **(b)** For any subsequent offense, is guilty of a category A felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of life with the possibility of parole, and may be further punished by a fine of not more than \$5,000.

**2. Each person under the age of 16 years depicted in any film, photograph or other visual presentation described in subsection 1 constitutes a separate offense for purposes of this section.**

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

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

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

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

**4. The court may cancel the compliance hearing if:**

**(a) The person provides the affidavit described in paragraph (d) of subsection 1 of NRS 202.361;**

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

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

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

202.253 As used in NRS 202.253 to 202.369, inclusive ~~[(1)]~~, **and section 4 of this act:**

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

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



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

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

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

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

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

8. "Semiautomatic firearm" means any firearm that:

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

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

(c) Is not a machine gun.

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

Sec. 6. (Deleted by amendment.)

Sec. 7. (Deleted by amendment.)

Sec. 8. (Deleted by amendment.)

Sec. 9. (Deleted by amendment.)

Sec. 10. (Deleted by amendment.)

Sec. 11. (Deleted by amendment.)

Sec. 12. (Deleted by amendment.)

Sec. 13. (Deleted by amendment.)

Sec. 14. (Deleted by amendment.)

Sec. 15. (Deleted by amendment.)

Sec. 16. (Deleted by amendment.)

Sec. 17. (Deleted by amendment.)

Sec. 18. (Deleted by amendment.)

Sec. 19. (Deleted by amendment.)

Sec. 20. (Deleted by amendment.)

Sec. 21. (Deleted by amendment.)

Sec. 22. (Deleted by amendment.)

Sec. 23. (Deleted by amendment.)

Sec. 24. (Deleted by amendment.)

Sec. 25. (Deleted by amendment.)

Sec. 26. (Deleted by amendment.)

Sec. 27. (Deleted by amendment.)

Sec. 28. (Deleted by amendment.)

Sec. 29. (Deleted by amendment.)

Sec. 29.1. Chapter 205 of NRS is hereby amended by adding thereto a new section to read as follows:

*1. If a person intentionally causes property damage to a retail establishment during the commission of a theft offense and the aggregate value of the amount involved in the theft or property damage, or any combination thereof, is ~~(\$500)~~*

1 \$750 or more, the person is guilty of a category C felony and shall be punished as  
2 provided in NRS 193.130.

3 2. As used in this section:

4 (a) "Retail establishment" means an establishment that sells goods or  
5 merchandise from a fixed location for direct consumption by a purchaser. The  
6 term includes, without limitation, an establishment that prepares and sells meals  
7 or other edible products, regardless of the place of consumption by the consumer.

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

10 **Sec. 29.3.** Chapter 4 of NRS is hereby amended by adding thereto the  
11 provisions set forth as sections 29.5 and 29.7 of this act.

12 **Sec. 29.5.** 1. In a county wherein the board of county commissioners  
13 adopts an ordinance that designates the geographic boundaries of one or more  
14 corridors pursuant to section 65.5 of this act, a justice court may establish an  
15 appropriate program for the adjudication of offenses punishable as a  
16 misdemeanor that occurred within such corridors.

17 2. Under a program established pursuant to subsection 1, a justice court  
18 may rescind an order prohibiting a person from entering a corridor upon the  
19 successful completion by the person of a diversion program for which  
20 participation is a condition of release, sentencing, suspended sentence or deferred  
21 adjudication.

22 **Sec. 29.7.** 1. On or before July 1 of each year, a justice court ~~that has~~  
23 ~~established a program for the adjudication of offenses~~ whose jurisdiction  
24 includes a corridor established pursuant to section ~~[29.5]~~ 65.5 of this act shall  
25 prepare and submit an annual report to the Legislature.

26 2. Except as otherwise provided in subsection 5, the report prepared and  
27 submitted pursuant to subsection 1 must include, without limitation:

28 (a) The number of persons charged, convicted and sentenced for any offense  
29 punishable as a misdemeanor in the corridor during the immediately preceding  
30 year;

31 (b) The underlying crime for which such persons were charged, convicted  
32 and sentenced in the corridor during the immediately preceding year;

33 (c) The rate of successful completion of the sentence or condition of release,  
34 which must be expressed as the percentage of persons who successfully  
35 completed the sentence or condition of release imposed by the court out of the  
36 total number of persons sentenced by the court;

37 (d) The number of persons subject to an order prohibiting a person from  
38 entering the geographic boundaries of a corridor designated by ordinance in the  
39 immediately preceding year, including, without limitation, whether the person  
40 has been charged or convicted of a repeat offense within a corridor; and

41 (e) The information described in paragraphs (a) to (d), inclusive, pertaining  
42 to any person who has been ordered, assigned or sentenced to a diversion  
43 program.

44 3. Not later than the last day of each calendar month, a justice court ~~that~~  
45 ~~has established a program for adjudication~~ whose jurisdiction includes a  
46 corridor established pursuant to section ~~[29.5]~~ 65.5 of this act shall prepare and  
47 submit a monthly report to the board of county commissioners.

48 4. Except as otherwise provided in subsection 5, the report prepared and  
49 submitted pursuant to subsection 3 must include, without limitation:

50 (a) Any information required to be submitted to the Legislature pursuant to  
51 subsection 2;

52 (b) The total number of cases involving offenses punishable as a  
53 misdemeanor that were committed within a corridor;

(c) *For each case reported pursuant to paragraph (b):*

(1) *The name of the presiding justice of the peace;*

(2) *The case number or other case identifier used by the justice court for each case;*

(3) *Whether the person is a repeat offender for an offense committed within the corridor; and*

(4) *If the person is a repeat offender for an offense committed within a corridor:*

(I) *The duration of the time that has passed between the commission of the offenses;*

(II) *The conditions of the sentences for the offenses; and*

(III) *Whether the defendant was incarcerated for the offenses.*

5. *Any report submitted pursuant to this section must not include any identifying information of the:*

(a) *Person who was the subject of an order prohibiting the person from entering a corridor; or*

(b) *Business or location where the underlying offense occurred.*

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

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

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

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

4. *The court may cancel the compliance hearing if:*

(a) *The person provides the affidavit described in paragraph (d) of subsection 1 of NRS 33.033;*

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

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

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

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

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

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

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

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

- 1 (a) A battery.
- 2 (b) An assault.
- 3 (c) Coercion pursuant to NRS 207.190.
- 4 (d) A sexual assault.
- 5 (e) A knowing, purposeful or reckless course of conduct intended to harass the
- 6 other person. Such conduct may include, but is not limited to:
- 7 (1) Stalking.
- 8 (2) Arson.
- 9 (3) Trespassing.
- 10 (4) Larceny.
- 11 (5) Destruction of private property.
- 12 (6) Carrying a concealed weapon without a permit.
- 13 (7) Injuring or killing an animal.
- 14 (8) Burglary.
- 15 (9) An invasion of the home.
- 16 (f) A false imprisonment.
- 17 (g) Pandering.
- 18 *(h) A kidnapping.*
- 19 *(i) An attempt or solicitation to commit an offense described in paragraphs*
- 20 *(a) to (h), inclusive.*

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

22 (a) Siblings, except those siblings who are in a custodial or guardianship

23 relationship with each other; or

24 (b) Cousins, except those cousins who are in a custodial or guardianship

25 relationship with each other.

26 3. As used in this section, "dating relationship" means frequent, intimate

27 associations primarily characterized by the expectation of affectional or sexual

28 involvement. The term does not include a casual relationship or an ordinary

29 association between persons in a business or social context.

30 **Sec. 33.** (Deleted by amendment.)

31 **Sec. 34.** (Deleted by amendment.)

32 **Sec. 34.3.** NRS 41.910 is hereby amended to read as follows:

33 41.910 1. If a court finds that a person is entitled to a judgment pursuant to

34 NRS 41.900, the court shall enter a certificate of innocence finding that the person

35 was innocent of the felony for which the person was wrongfully convicted.

36 2. If a court does not find that a person is entitled to a judgment pursuant to

37 NRS 41.900, the action must be dismissed and the court shall not enter a certificate

38 of innocence.

39 3. Upon an entry of a certificate of innocence pursuant to subsection 1, the

40 court shall order sealed all records of the conviction, except such records

41 maintained by the parties concerning a civil action for wrongful conviction brought

42 pursuant to NRS 41.900, which are in the custody of any agency of criminal justice

43 or any public or private agency, company, official or other custodian of records in

44 the State of Nevada and shall order all such records of the person returned to the

45 file of the court where the underlying criminal action was commenced from,

46 including, without limitation, the Federal Bureau of Investigation and all other

47 agencies of criminal justice which maintain such records and which are reasonably

48 known by either the person or the court to have possession of such records. Such

49 records must be sealed regardless of whether the person has any prior criminal

50 convictions in this State.

51 4. The records maintained by the parties concerning a civil action for

52 wrongful conviction pursuant to subsection 3 must remain confidential.

5. The entry of a certificate of innocence pursuant to subsection 1 and the provision of an award pursuant to NRS 41.950 shall not be construed to be a finding that:

(a) A person involved in the investigation, prosecution or conviction of the underlying offense committed any wrongdoing; or

(b) There was not probable cause to arrest or file a complaint against the person subject to the certificate of innocence.

**Sec. 34.7.** ~~NRS 62A.060 is hereby amended to read as follows:~~

~~62A.060 [1.] "Community service" means [community service] a community based activity that:~~

~~1. Facilitates civic engagement or enhances connections between the child and his or her community, provides training in life skills or increases the employability of the child through basic job training;~~

~~2. Is designed to:~~

~~(a) Encourage the development of empathy for victims of crime;~~

~~(b) Repair harm done to victims and the community by giving back to victims and the community;~~

~~(c) Facilitate the development of critical thinking and problem-solving skills;~~

~~(d) Facilitate the development of a deeper understanding of community problems;~~

~~(e) Provide the child with a better understanding of how to make constructive changes;~~

~~(f) Assist the child with gaining a sense of individual effectiveness;~~

~~(g) Facilitate the development in the child of a personal stake in the well-being of the community; or~~

~~(h) Provide the child with a better understanding of the need for involvement in the community in a way that affects positive change; and~~

~~3. Is performed in accordance with NRS 62E.190.~~

~~[2. The term includes, but is not limited to, public service, work on public projects, supervised work for the benefit of the community or any other work required by the juvenile court.]] (Deleted by amendment.)~~

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

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

(a) Is taken into custody for an unlawful act in violation of NRS 200.481 against a school employee or child welfare professional; and

(b) Has, in the previous year, been taken two or more times into custody for an unlawful act in violation of paragraph (d) of subsection 2 of NRS 200.481 for which:

(1) The child has been placed on informal supervision pursuant to NRS 62C.200; or

(2) A petition has been filed alleging that the child is delinquent.

2. At the detention hearing, the juvenile court shall order the mental health of the child to be evaluated by a qualified professional, if the child has not been ordered by the court to be so evaluated in the previous year.

3. If an evaluation is required by subsection 2, the court shall:

(a) Detain the child at a facility for the detention of children for not more than 14 days or until the completion of the evaluation, whichever is sooner; or

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

4. If a child is evaluated by a qualified professional pursuant to subsection 2, the statements made by the child to the qualified professional during the

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

8 5. As used in this section:

9 (a) "Child protective services" has the meaning ascribed to it in NRS  
10 432B.042.

11 (b) "Child welfare professional" means an employee of this State or a  
12 political subdivision of this State who as part of his or her job responsibilities:

13 (1) Interacts with the public; and

14 (2) Performs tasks related to child welfare services or child protective  
15 services or tasks that expose the person to comparable dangers.

16 (c) "Child welfare services" has the meaning ascribed to it in NRS 432B.044.

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

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

20 62C.100 1. When a complaint is made alleging that a child is delinquent or  
21 in need of supervision:

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

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

26 (1) Require that a petition be filed; or

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

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

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

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

38 (a) Review the facts presented by the complainant;

39 (b) Consult with the probation officer; and

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

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

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

48 (a) Approved by the district attorney; or

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

1       **Sec. 37.** (Deleted by amendment.)

2       **Sec. 38.** (Deleted by amendment.)

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

4       **Sec. 39.2.** NRS 62E.430 is hereby amended to read as follows:

5       62E.430 1. ~~1.~~ *Except as otherwise provided in this section, if* a child is  
6 adjudicated to be in need of supervision because the child is a habitual truant, the  
7 juvenile court shall:

8       (a) The first time the child is adjudicated to be in need of supervision because  
9 the child is a habitual truant:

10       (1) Order:

11       (I) The child to pay a fine of not more than \$100 or, if the parent or  
12 guardian of the child knowingly induced the child to be a habitual truant, order the  
13 parent or guardian to pay the fine; or

14       (II) The child to perform not less than 8 hours but not more than 16  
15 hours of community service; and

16       (2) If the child is 14 years of age or older, order the suspension of the  
17 driver's license of the child for at least 30 days but not more than 6 months. If the  
18 child does not possess a driver's license, the juvenile court shall prohibit the child  
19 from applying for a driver's license for 30 days:

20       (I) Immediately following the date of the order if the child is eligible to  
21 apply for a driver's license; or

22       (II) After the date the child becomes eligible to apply for a driver's  
23 license if the child is not eligible to apply for a driver's license.

24       (b) The second or any subsequent time the child is adjudicated to be in need of  
25 supervision because the child is a habitual truant:

26       (1) Order:

27       (I) The child to pay a fine of not more than \$200 or, if the parent or  
28 guardian of the child knowingly induced the child to be a habitual truant, order the  
29 parent or guardian to pay the fine;

30       (II) The child to perform not more than 10 hours of community  
31 service; or

32       (III) Compliance with the requirements set forth in both sub-  
33 subparagraphs (I) and (II); and

34       (2) If the child is 14 years of age or older, order the suspension of the  
35 driver's license of the child for at least 60 days but not more than 1 year. If the  
36 child does not possess a driver's license, the juvenile court shall prohibit the child  
37 from applying for a driver's license for 60 days:

38       (I) Immediately following the date of the order if the child is eligible to  
39 apply for a driver's license; or

40       (II) After the date the child becomes eligible to apply for a driver's  
41 license if the child is not eligible to apply for a driver's license.

42       2. The juvenile court may suspend the payment of a fine ordered pursuant to  
43 paragraph (a) of subsection 1 if the child attends school for 60 consecutive school  
44 days, or its equivalent in a school district operating under an alternative schedule  
45 authorized pursuant to NRS 388.090, after the imposition of the fine, or has a valid  
46 excuse acceptable to the child's teacher or the principal for any absence from  
47 school within that period.

48       3. The juvenile court may suspend the payment of a fine ordered pursuant to  
49 this section if the parent or guardian of a child is ordered to pay a fine by another  
50 court of competent jurisdiction in a case relating to or arising out of the same  
51 circumstances that caused the juvenile court to adjudicate the child in need of  
52 supervision.



4. The community service ordered pursuant to this section must be performed at the child's school of attendance, if practicable.

5. *If the juvenile court finds that the suspension of the driver's license of a child pursuant to this section is not in the best interest of the child, the juvenile court may order the Department of Motor Vehicles to issue the child a restricted driver's license pursuant to NRS 483.490.*

6. *If the juvenile court issues an order requiring the Department of Motor Vehicles to issue a restricted driver's license to a child pursuant to subsection 5, not later than 5 days after issuing the order, the juvenile court shall forward to the Department of Motor Vehicles a copy of the order.*

**Sec. 39.4.** NRS 62E.440 is hereby amended to read as follows:

62E.440 1. ~~HH~~ *Except as otherwise provided in this section, if* a child is adjudicated to be in need of supervision because the child has committed an offense related to tobacco, the juvenile court may:

(a) The first time the child is adjudicated to be in need of supervision because the child has committed an offense related to tobacco, order the child to:

(1) Pay a fine of \$25; and

(2) Attend and complete a tobacco awareness and cessation program.

(b) The second time the child is adjudicated to be in need of supervision because the child has committed an offense related to tobacco, order the child to:

(1) Pay a fine of \$50; and

(2) Attend and complete a tobacco awareness and cessation program.

(c) The third or any subsequent time the child is adjudicated to be in need of supervision because the child has committed an offense related to tobacco, order:

(1) The child to pay a fine of \$75;

(2) The child to attend and complete a tobacco awareness and cessation program; and

(3) That the driver's license of the child be suspended for at least 30 days but not more than 90 days or, if the child does not possess a driver's license, prohibit the child from receiving a driver's license for at least 30 days but not more than 90 days:

(I) Immediately following the date of the order, if the child is eligible to receive a driver's license.

(II) After the date the child becomes eligible to apply for a driver's license, if the child is not eligible to receive a license on the date of the order.

2. If the juvenile court orders a child to pay a fine pursuant to this section and the child willfully fails to pay the fine, the juvenile court may order that the driver's license of the child be suspended for at least 30 days but not more than 90 days or, if the child does not possess a driver's license, prohibit the child from receiving a driver's license for at least 30 days but not more than 90 days:

(a) Immediately following the date of the order, if the child is eligible to receive a driver's license.

(b) After the date the child becomes eligible to apply for a driver's license, if the child is not eligible to receive a license on the date of the order.

➤ If the child is already the subject of a court order suspending or delaying the issuance of the driver's license of the child, the juvenile court shall order the additional suspension or delay, as appropriate, to apply consecutively with the previous order.

3. If the juvenile court ~~[suspends]~~ *finds that the suspension of* the driver's license of ~~[a]~~ *the* child pursuant to this section ~~[i]~~ *is not in the best interest of the child*, the juvenile court may order the Department of Motor Vehicles to issue *the child* a restricted driver's license pursuant to NRS 483.490. ~~[permitting the child to drive a motor vehicle;~~



~~(a) To and from work or in the course of his or her work, or both;~~  
~~(b) To and from school; or~~  
~~(c) To acquire supplies of medicine or food or receive regularly scheduled medical care for himself, herself or a member of his or her immediate family.]~~

*4. If the juvenile court issues an order requiring the Department of Motor Vehicles to issue a restricted driver's license to a child pursuant to subsection 3, not later than 5 days after issuing the order, the juvenile court shall forward to the Department of Motor Vehicles a copy of the order.*

**Sec. 39.6.** NRS 62E.630 is hereby amended to read as follows:

62E.630 1. Except as otherwise provided in this section, if a child is adjudicated delinquent for the unlawful act of using, possessing, selling or distributing a controlled substance, or purchasing, consuming or possessing an alcoholic beverage in violation of NRS 202.020, the juvenile court shall:

(a) If the child possesses a driver's license, issue an order suspending the driver's license of the child for at least 90 days but not more than 2 years; or

(b) If the child does not possess a driver's license and the child is or will be eligible to receive a driver's license within the 2 years immediately following the date of the order, issue an order prohibiting the child from receiving a driver's license for a period specified by the juvenile court which must be at least 90 days but not more than 2 years:

(1) Immediately following the date of the order, if the child is eligible to receive a driver's license; or

(2) After the date the child will be eligible to receive a driver's license, if the child is not eligible to receive a driver's license on the date of the order.

2. If the child is already the subject of a court order suspending or delaying the issuance of the driver's license of the child, the juvenile court shall order the additional suspension or delay, as appropriate, to apply consecutively with the previous order.

3. If the juvenile court finds that ~~[a] the suspension [or delay in the issuance] of the driver's license of a child pursuant to this section [would cause or is causing a severe or undue hardship to] is not in the best interest of the child, [for his or her immediate family and that the child is otherwise eligible to receive a driver's license.]~~ the juvenile court may order the Department of Motor Vehicles to issue *the child* a restricted driver's license ~~[to the child]~~ pursuant to NRS 483.490.

4. If the juvenile court issues an order requiring the Department of Motor Vehicles to issue a restricted driver's license to a child pursuant to subsection 3, not later than 5 days after issuing the order, the juvenile court shall forward to the Department of Motor Vehicles a copy of the order.

**Sec. 39.8.** NRS 62E.690 is hereby amended to read as follows:

62E.690 1. Except as otherwise provided in this section, if a child is adjudicated delinquent for the unlawful act of placing graffiti on or otherwise defacing public or private property owned or possessed by another person in violation of NRS 206.125 or 206.330 or for the unlawful act of carrying a graffiti implement in certain places without valid authorization in violation of NRS 206.335, the juvenile court shall:

(a) If the child possesses a driver's license, issue an order suspending the driver's license of the child for at least 1 year but not more than 2 years; or

(b) If the child does not possess a driver's license and the child is or will be eligible to receive a driver's license within the 2 years immediately following the date of the order, issue an order prohibiting the child from receiving a driver's license for a period specified by the juvenile court which must be at least 1 year but not more than 2 years:

(1) Immediately following the date of the order, if the child is eligible to receive a driver's license; or

(2) After the date the child will be eligible to receive a driver's license, if the child is not eligible to receive a driver's license on the date of the order.

2. If the child is already the subject of a court order suspending or delaying the issuance of the driver's license of the child, the juvenile court shall order the additional suspension or delay, as appropriate, to apply consecutively with the previous order.

*3. If the juvenile court finds that the suspension of the driver's license of a child pursuant to this section is not in the best interest of the child, the juvenile court may order the Department of Motor Vehicles to issue the child a restricted driver's license pursuant to NRS 483.490.*

*4. If the juvenile court issues an order requiring the Department of Motor Vehicles to issue a restricted driver's license to a child pursuant to subsection 3, not later than 5 days after issuing the order, the juvenile court shall forward to the Department of Motor Vehicles a copy of the order.*

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

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

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

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

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

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

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

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

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

5. As used in this section:

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

(1) An offense that involves:

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

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

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

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

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

(VI) Physical or mental abuse;

(VII) Death or bodily injury;

(VIII) An act of domestic violence;

(IX) Harassment, stalking, threats of any kind or other similar acts;  
(X) The forcible or unlawful entry of a home, building, structure, vehicle or other real or personal property; or  
(XI) The infliction or threatened infliction of damage or injury, in whole or in part, to real or personal property.

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

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

(b) "Sexual offense" means:

(1) A violation of NRS 200.366, subsection 4 of NRS 200.400, NRS 200.710, 200.720, *paragraph (b) of* subsection ~~(2)~~ *1* of NRS 200.730, paragraph (a) of subsection 1 of NRS 200.975, NRS 201.180, 201.230, 201.450, 201.540 or 201.550 or paragraph (a) or (b) of subsection 4 or paragraph (a) or (b) of subsection 5 of NRS 201.560;

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

(3) An act of murder in the first or second degree, kidnapping in the first or second degree, false imprisonment, burglary or invasion of the home if the act is determined to be sexually motivated at a hearing conducted pursuant to NRS 175.547.

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

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

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

(a) Payment of restitution;  
(b) Payment of court costs;  
(c) Payment of an assessment in lieu of any fine authorized by law for the offense;  
(d) Payment of any other assessment or cost authorized by law;  
(e) Completion of a term of community service;  
(f) Placement on probation pursuant to NRS 176A.500 and the ordering of any conditions which can be imposed for probation pursuant to NRS 176A.400; or  
(g) Completion of a specialty court program.

3. The court:

(a) Upon the consent of the defendant:

(1) Shall defer judgment for any defendant who has entered a plea of guilty, guilty but mentally ill or nolo contendere to a violation of paragraph (a) of subsection 2 of NRS 453.336; or

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

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

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

(2) A crime against a child as defined in NRS 179D.0357 ~~[-a]~~ ;  
(3) A violation of NRS 200.508 ; or ~~[-a]~~  
(4) A violation of NRS 574.100 that is punishable pursuant to subsection 6 of that section.

4. Upon violation of a term or condition:

(a) Except as otherwise provided in paragraph (b):

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

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

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

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

6. ~~[-The]~~ *Except as otherwise provided in subsection 7, the* court shall order sealed all documents, papers and exhibits in the defendant's record, minute book entries and entries on dockets, and other documents relating to the case in the custody of such other agencies and officers as are named in the court's order if the defendant fulfills the terms and conditions imposed by the court and the Division. The court shall order those records sealed without a hearing unless the Division or the prosecutor petitions the court, for good cause shown, not to seal the records and requests a hearing thereon.

7. *The provisions of subsection 6 do not apply to, and the court may not order sealed pursuant to subsection 6, the records of a defendant who is charged with a violation of NRS 200.508 or 200.5099 and who is discharged pursuant to this section.*

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

~~[-8-]~~ 9. As used in this section:

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

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

**Sec. 43.** (Deleted by amendment.)

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

176A.245 1. Except as otherwise provided in ~~[-subsection 2-]~~ *this section*, after a defendant is discharged from probation or a case is dismissed pursuant to NRS 176A.240, the court shall order sealed all documents, papers and exhibits in the defendant's record, minute book entries and entries on dockets, and other documents relating to the case in the custody of such other agencies and officers as are named in the court's order if the defendant fulfills the terms and conditions

1 imposed by the court and the Division. The court shall order those records sealed  
2 without a hearing unless the Division petitions the court, for good cause shown, not  
3 to seal the records and requests a hearing thereon.

4 2. If the defendant is charged with a violation of NRS 200.485, 484C.110 or  
5 484C.120 and the charges are conditionally dismissed or the judgment of  
6 conviction is set aside as provided in NRS 176A.240, not sooner than 7 years after  
7 the charges are conditionally dismissed or the judgment of conviction is set aside  
8 and upon the filing of a petition by the defendant, the justice court, municipal court  
9 or district court, as applicable, shall order that all documents, papers and exhibits in  
10 the defendant's record, minute book entries and entries on dockets, and other  
11 documents relating to the case in the custody of such other agencies and officers as  
12 are named in the court's order be sealed. The justice court, municipal court or  
13 district court, as applicable, shall order those records sealed without a hearing  
14 unless the Division petitions the court, for good cause shown, not to seal the records  
15 and requests a hearing thereon.

16 3. *The provisions of subsection 1 do not apply to, and the court may not*  
17 *order sealed pursuant to this section, the records of a defendant who is charged*  
18 *with a violation of NRS 200.508 or 200.5099 and who is discharged from*  
19 *probation, whose case is dismissed or whose judgment of conviction was set aside*  
20 *pursuant to NRS 176A.240.*

21 4. If the court orders sealed the record of a defendant who is discharged from  
22 probation, whose case is dismissed, whose charges were conditionally dismissed or  
23 whose judgment of conviction was set aside pursuant to NRS 176A.240, the court  
24 shall send a copy of the order to each agency or officer named in the order. Each  
25 such agency or officer shall notify the court in writing of its compliance with the  
26 order.

27 **Sec. 45.** (Deleted by amendment.)

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

29 176A.265 1. Except as otherwise provided in ~~subsection 2,~~ *this section,*  
30 after a defendant is discharged from probation or a case is dismissed pursuant to  
31 NRS 176A.260, the district court, justice court or municipal court, as applicable,  
32 shall order sealed all documents, papers and exhibits in the defendant's record,  
33 minute book entries and entries on dockets, and other documents relating to the  
34 case in the custody of such other agencies and officers as are named in the court's  
35 order if the defendant fulfills the terms and conditions imposed by the court and the  
36 Division. The district court, justice court or municipal court, as applicable, shall  
37 order those records sealed without a hearing unless the Division petitions the court,  
38 for good cause shown, not to seal the records and requests a hearing thereon.

39 2. If the defendant is charged with a violation of NRS 200.485, 484C.110 or  
40 484C.120 and the charges are conditionally dismissed or the judgment of  
41 conviction is set aside as provided in NRS 176A.260, not sooner than 7 years after  
42 the charges are conditionally dismissed or the judgment of conviction is set aside  
43 and upon the filing of a petition by the defendant, the justice court, municipal court  
44 or district court, as applicable, shall order that all documents, papers and exhibits in  
45 the defendant's record, minute book entries and entries on dockets, and other  
46 documents relating to the case in the custody of such other agencies and officers as  
47 are named in the court's order be sealed. The justice court, municipal court or  
48 district court, as applicable, shall order those records sealed without a hearing  
49 unless the Division petitions the court, for good cause shown, not to seal the records  
50 and requests a hearing thereon.

51 3. *The provisions of subsection 1 do not apply to, and the court may not*  
52 *order sealed pursuant to this section, the records of a defendant who is charged*  
53 *with a violation of NRS 200.508 or 200.5099 and who is discharged from*

*probation, whose case is dismissed or whose judgment of conviction was set aside pursuant to NRS 176A.260.*

4. If the district court, justice court or municipal court, as applicable, orders sealed the record of a defendant who is discharged from probation, whose case is dismissed, whose charges were conditionally dismissed or whose judgment of conviction was set aside pursuant to NRS 176A.260, the court shall send a copy of the order to each agency or officer named in the order. Each such agency or officer shall notify the district court, justice court or municipal court, as applicable, in writing of its compliance with the order.

**Sec. 47.** (Deleted by amendment.)

**Sec. 48.** (Deleted by amendment.)

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

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

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

3. *The provisions of subsection 1 do not apply to, and the court may not order sealed pursuant to this section, the records of a defendant who is charged with a violation of NRS 200.508 or 200.5099 and who is discharged from probation, whose case is dismissed or whose judgment of conviction was set aside pursuant to NRS 176A.290.*

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

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

176A.413 1. Except as otherwise provided in subsection 2, if a defendant is convicted of stalking ~~[with the use of an Internet or network site, electronic mail, text messaging or any other similar means of communication]~~ *by electronic means* pursuant to ~~[subsection 4 of]~~ NRS 200.575, an offense involving pornography and a minor pursuant to NRS 200.710 to 200.730, inclusive, luring a child or a person with mental illness through the use of a computer, system or network pursuant to

paragraph (a) or (b) of subsection 4 of NRS 201.560 or a violation of NRS 201.553 which involved the use of an electronic communication device and the court grants probation or suspends the sentence, the court shall, in addition to any other condition ordered pursuant to NRS 176A.400, order as a condition of probation or suspension that the defendant not own or use a computer, including, without limitation, use electronic mail, a chat room or the Internet.

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

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

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

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

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

4. As used in this section:

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

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

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

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

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

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

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

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

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

*3. For the purpose of complying with a condition of release prohibiting the person from possessing a firearm, the person and the court may follow the procedures for:*

*(a) The surrender, sale or transfer of firearms described in NRS 202.361; and*

*(b) The cancellation of a compliance hearing described in section 4 of this act.*

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

178.483 As used in NRS 178.483 to 178.548, inclusive, *and section 51 of this act*, unless the context otherwise requires, "electronic transmission," "electronically transmit" or "electronically transmitted" means any form or process of communication not directly involving the physical transfer of paper or another tangible medium which:

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



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

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

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

~~2. The court may continue a pretrial release hearing:~~

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

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

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

~~(a) An oral stipulation; or~~

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

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

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

~~6. As used in this section:~~

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

~~(b) "Remote communication" means communication through telephone or videoconferencing.] (Deleted by amendment.)~~

**Sec. 54.** (Deleted by amendment.)

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

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

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

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

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

2. *If a distribution is not made pursuant to subsection 1, or after satisfying the restitution pursuant to subsection 1 there is a surplus remaining, as applicable, the court, or the clerk under the direction of the court, shall apply the money to any fine and costs .*

3. *If there is any surplus remaining after the distributions are made pursuant subsections 1 and 2, as applicable, the court, or the clerk under the direction of the court, shall refund the surplus [,-if any,-] to the person who deposited the bail, unless that person has directed, in writing, that any surplus be refunded to another.*



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

2       ~~178.572 1. [In] If a witness refuses, on the basis of the privilege against~~  
3 ~~self-incrimination, to testify or provide other information that is necessary to the~~  
4 ~~public interest in any investigation before a grand jury, [or] any preliminary~~  
5 ~~examination [or] and trial or other evidentiary proceeding in any court of record,~~  
6 ~~the [court on motion of the State] prosecuting attorney may request that the court~~  
7 ~~issue an order [that any material witness be released from all liability to be~~  
8 ~~prosecuted or punished on account of any] of immunity to compel the witness to~~  
9 ~~testify or provide other information.~~

10       ~~2. If a court issues an order of immunity:~~

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

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

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

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

18       ~~(2) Giving a false statement; or~~

19       ~~(3) Otherwise failing to comply with the order; and~~

20       ~~(c) Before the provision of any testimony by the witness, the court shall~~  
21 ~~advise the witness orally and in writing of the information described in paragraph~~  
22 ~~(b) and the effect of the immunity in regards to future prosecutions.~~

23       ~~3. Any [motion,] request, hearing or order regarding the immunity of a grand~~  
24 ~~jury witness must not be made public before an indictment or presentment is issued~~  
25 ~~in the case.] (Deleted by amendment.)~~

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

27       178.760 Notwithstanding any other provision of law:

28       1. A district attorney, assistant district attorney ~~or~~ *or a designated city*  
29 *attorney may:*

30       (a) *If the attorney is a* deputy district attorney or other attorney employed by a  
31 *district attorney* ~~may:~~

32       ~~(a) Be~~ *be* deputized to prosecute a person in a county other than the county by  
33 which the attorney is employed for the limited purpose of serving as the  
34 prosecuting attorney in a pretrial release hearing required by NRS 178.4849. An  
35 assistant district attorney, deputy district attorney or other attorney employed by a  
36 district attorney must receive the approval of the district attorney of the county in  
37 which the attorney is employed before serving as the prosecuting attorney in a  
38 pretrial release hearing in a county other than the county by which the attorney is  
39 employed.

40       (b) *If the attorney is a designated city attorney, be deputized to prosecute a*  
41 *person in the county which encompasses the city that employs the city attorney*  
42 *for the limited purpose of serving as the prosecuting attorney in a pretrial release*  
43 *hearing required by NRS 178.4849.*

44       (c) Receive a stipend for being available on a weekend or holiday to serve as  
45 the prosecuting attorney in a pretrial release hearing required by NRS 178.4849 or  
46 for serving as the prosecuting attorney in any such pretrial release hearing  
47 conducted on a weekend or holiday.

48       2. A public defender and the State Public Defender may, pursuant to an  
49 interlocal agreement, authorize the public defender, State Public Defender or any  
50 other attorney employed by the public defender or State Public Defender to provide  
51 for the representation of a defendant in a pretrial release hearing required by NRS  
52 178.4849 in any county.

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

4. *As used in this section, "designated city attorney" means a city attorney in a county in this State whose population is less than 100,000.*

Sec. 59. (Deleted by amendment.)

Sec. 60. (Deleted by amendment.)

Sec. 60.1. ~~[Chapter 179 of NRS is hereby amended by adding thereto the provisions set forth as sections 60.2 and 60.3 of this act.] (Deleted by amendment.)~~

Sec. 60.2. ~~["Sexual offense against a child" includes any act upon a child constituting:~~

- ~~1. Sexual assault pursuant to NRS 200.366;~~
- ~~2. Statutory sexual seduction pursuant to NRS 200.368;~~
- ~~3. Incest pursuant to NRS 201.180;~~
- ~~4. Open or gross lewdness pursuant to NRS 201.210;~~
- ~~5. Lewdness with a child pursuant to NRS 201.230;~~
- ~~6. Sado-masochistic abuse pursuant to NRS 201.262; or~~
- ~~7. Luring a child or a person with mental illness pursuant to NRS 201.560, if punished as a felony.] (Deleted by amendment.)~~

Sec. 60.3. ~~[1. The interception, listening or recording of a wire, electronic or oral communication by a peace officer, or a designated person acting under the direction or request of a peace officer, is not unlawful if the peace officer or designated person is intercepting the communication for the sole purpose of investigating a sexual offense against a child.~~

~~2. As used in this section, "designated person" means:~~

- ~~(a) A child, with the consent of the parent or legal guardian of the child; and~~
- ~~(b) The parent or legal guardian of a child.] (Deleted by amendment.)~~

Sec. 60.4. ~~[NRS 179.410 is hereby amended to read as follows:~~

~~179.410 As used in NRS 179.410 to 179.515, inclusive, and sections 60.2 and 60.3 of this act, except where the context otherwise requires, the words and terms defined in NRS 179.415 to 179.455, inclusive, and section 60.2 of this act have the meanings ascribed to them in those sections.] (Deleted by amendment.)~~

Sec. 60.5. ~~[NRS 179.460 is hereby amended to read as follows:~~

~~179.460 1. The Attorney General or the district attorney of any county may apply to a Supreme Court justice or to a district judge in the county where the interception is to take place for an order authorizing the interception of wire, electronic or oral communications, and the judge may, in accordance with NRS 179.470 to 179.515, inclusive, grant an order authorizing the interception of wire, electronic or oral communications by investigative or law enforcement officers having responsibility for the investigation of the offense as to which the application is made, when the interception may provide evidence of the commission of murder, kidnapping, robbery, extortion, bribery, escape of an offender in the custody of the Department of Corrections, destruction of public property by explosives, a sexual offense against a child, sex trafficking, a violation of NRS 200.463, 200.464 or 200.465, trafficking in persons in violation of NRS 200.467 or 200.468, a violation of NRS 201.553, the commission of any offense which is made a felony by the provisions of chapter 453 or 454 of NRS or a violation of NRS 463.160 or 465.086.~~

~~2. A provider of electronic communication service or a public utility, an officer, employee or agent thereof or another person associated with the provider of electronic communication service or public utility who, pursuant to an order issued~~

~~pursuant to subsection 1, provides information or otherwise assists an investigative or law enforcement officer in the interception of a wire, electronic or oral communication is immune from any liability relating to any interception made pursuant to the order.~~

~~[3. As used in this section, "sexual offense against a child" includes any act upon a child constituting:~~

~~(a) Incest pursuant to NRS 201.180;~~

~~(b) Lewdness with a child pursuant to NRS 201.230;~~

~~(c) Sado-masochistic abuse pursuant to NRS 201.262;~~

~~(d) Sexual assault pursuant to NRS 200.366;~~

~~(e) Statutory sexual seduction pursuant to NRS 200.368;~~

~~(f) Open or gross lewdness pursuant to NRS 201.210; or~~

~~(g) Luring a child or a person with mental illness pursuant to NRS 201.560, if punished as a felony.] (Deleted by amendment.)~~

**Sec. 60.6.** Chapter 209 of NRS is hereby amended by adding thereto the provisions set forth as sections 60.7 and 60.8 of this act.

**Sec. 60.7.** *"Alternative correctional program" means the program for reentry of offenders into the community that is established by the Director pursuant to section 60.8 of this act.*

**Sec. 60.8.** *1. The Director may establish an alternative correctional program for reentry of offenders into the community pursuant to this section.*

*2. If the Director establishes an alternative correctional program pursuant to this section, the Director may:*

*(a) Assign offenders whom:*

*(1) The Director has requested that the Chair of the State Board of Parole Commissioners assign to the custody of the Division to participate in a correctional program pursuant to subsection 3 of NRS 209.4888; and*

*(2) The Chair does not assign to the custody of the Division to participate in a correctional program pursuant to subsection 3 of NRS 209.4888; and*

*(b) Supervise offenders participating in the alternative correctional program.*

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

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

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

**3.** The program established pursuant to subsection 1 must:

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

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

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

medication-assisted treatment as a participant in the program. Participation in the program must be voluntary.

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

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

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

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

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

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

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

**Sec. 61.3.** NRS 209.4871 is hereby amended to read as follows:

209.4871 As used in NRS 209.4871 to 209.4889, inclusive, *and sections 60.7 and 60.8 of this act*, unless the context otherwise requires, the words and terms defined in NRS 209.4873 to 209.488, inclusive, *and section 60.7 of this act* have the meanings ascribed to them in those sections.

**Sec. 61.7.** NRS 209.4889 is hereby amended to read as follows:

209.4889 1. Except as otherwise provided in NRS 208.280, the Director may enter into one or more contracts with one or more public or private entities to provide any of the following services, as necessary and appropriate, to offenders or parolees participating in a correctional *program, alternative correctional program* or judicial program:

(a) Transitional housing;

(b) Treatment pertaining to a substance use disorder or mental health;

(c) Training in life skills;

(d) Vocational rehabilitation and job skills training; and

(e) Any other services required by offenders or parolees who are participating in a correctional *program, alternative correctional program* or judicial program.

2. The Director may consult with the Division before entering into a contract with a public or private entity pursuant to subsection 1.

3. The Director shall, as necessary and appropriate, provide referrals and information regarding:

(a) Any of the services provided pursuant to subsection 1;

(b) Access and availability of any appropriate self-help groups;

(c) Social services for families and children; and

(d) Permanent housing.

4. The Director may apply for and accept any gift, donation, bequest, grant or other source of money to carry out the provisions of this section. Money received pursuant to this subsection may be deposited with the State Treasurer for credit to

1 the Account for Reentry Programs in the State General Fund created by NRS  
2 480.810.

3 5. A contract entered into between the Director and a public or private entity  
4 pursuant to subsection 1 must require the entity to:

5 (a) Provide a budget concerning all services the entity will provide during the  
6 duration of any grant received.

7 (b) Provide all services required by any grant received.

8 (c) Provide to the Department for its approval a curriculum for any program of  
9 services the entity will provide.

10 (d) Provide to the Division, if appropriate, a list of the parolees who have  
11 completed or are currently participating in a program of services provided by the  
12 entity pursuant to any grant received.

13 (e) Provide to any offender or parolee who completes a program of services  
14 provided by the entity a certificate of completion, and provide a copy of such a  
15 certificate to the Division or the Department, as appropriate.

16 (f) To the extent financially practicable and necessary, assess the risk levels  
17 and needs of offenders and parolees by using a validated assessment tool.

18 (g) Share with the Director information concerning assessments of the risk  
19 levels and needs of offenders and parolees so the Director can ensure that adequate  
20 assessments are being conducted.

21 (h) While the entity is providing services pursuant to the contract, meet  
22 annually with the Director, a representative of the Division, and other entities that  
23 have entered into a contract with the Director pursuant to subsection 1 to discuss,  
24 without limitation:

25 (1) The services provided by the entities, including the growth and success  
26 of the services, any problems with the services and any potential solutions to such  
27 problems;

28 (2) Issues relating to the reentry of offenders and parolees into the  
29 community and reducing the risk of recidivism; and

30 (3) Issues relating to offenders and parolees who receive services from an  
31 entity and are subsequently convicted of another crime.

32 6. As used in this section, "training in life skills" includes, without limitation,  
33 training in the areas of:

34 (a) Parenting;

35 (b) Improving human relationships;

36 (c) Preventing domestic violence;

37 (d) Maintaining emotional and physical health;

38 (e) Preventing alcohol and other substance use disorders;

39 (f) Preparing for and obtaining employment; and

40 (g) Budgeting, consumerism and personal finances.

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

42 211.400 1. To the extent that money is available, a sheriff, chief of police or  
43 town marshal who is responsible for a county, city or town jail or detention facility  
44 shall establish a program to provide for the treatment of prisoners with a substance  
45 use disorder using medication-assisted treatment.

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

49 3. The program established pursuant to subsection 1 must:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

4. As used in this section:

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

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

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

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

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

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

**Sec. 64.** (Deleted by amendment.)

**Sec. 65.** (Deleted by amendment.)

**Sec. 65.5.** Chapter 244 of NRS is hereby amended by adding thereto a new section to read as follows:

*1. In a county whose population is 700,000 or more, the board of county commissioners shall adopt an ordinance that designates the geographic boundaries of one or more corridors in which the commission of crime poses a significant risk to public safety and the economic welfare of this State due to the high concentration of tourists, visitors, employees and other persons in such corridors.*

*2. The boundaries of a corridor established pursuant to subsection 1:*

*(a) May be contiguous or noncontiguous.*

*(b) Must be displayed on a map in a manner capable of being understood by a person of ordinary intelligence and posted on the Internet website of the county in which the corridor is established.*

*3. In a county that establishes a corridor pursuant to subsection 1:*

*(a) Except as otherwise provided in paragraph (b), a person who is charged with, convicted of or the subject of deferred adjudication for any offense punishable as a misdemeanor:*

*(1) For a first offense within the corridor ~~[(1)]~~ within 2 years, may, as a condition of release, sentencing, suspension of sentence or deferred adjudication, as applicable, be prohibited from entering the corridor in which the offense occurred for a period not to exceed 1 year.*

*(2) For a second or subsequent offense within the corridor, ~~[(may)]~~ within two years, shall as a condition of release, sentencing, suspension of sentence or deferred adjudication, as applicable, be prohibited from entering the corridor in which the offense occurred for a period of not less than 1 year ~~[(but not more than 2 years)]~~.*

*(b) The board of county commissioners may provide by ordinance for any condition or exemption under which a person who is charged with, convicted of or the subject of adjudication for any offense punishable as a misdemeanor may enter the corridor in which the offense occurred.*

**Sec. 66.** Chapter 433 of NRS is hereby amended by adding thereto a new section to read as follows:

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

**Sec. 67.** (Deleted by amendment.)



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(e) *Identify educational resources for governmental agencies involved in law enforcement or criminal justice for training related to trauma-informed practices*

1 *for persons with opioid use disorder and medication-assisted treatment for*  
2 *persons with opioid use disorder.*

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

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

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

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

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

18 (3) Substance use disorder prevention coalitions;

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

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

23 (6) Persons involved in the child welfare system;

24 (7) Providers of social services;

25 (8) Faith-based organizations;

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

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

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

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

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

38 (3) Public health agencies.

39 3. *As used in this section, "medication-assisted treatment" has the meaning*  
40 *ascribed to it in NRS 639.28079.*

41 **Sec. 71.** (Deleted by amendment.)

42 **Sec. 72.** (Deleted by amendment.)

43 **Sec. 73.** (Deleted by amendment.)

44 **Sec. 74.** (Deleted by amendment.)

45 **Sec. 75.** (Deleted by amendment.)

46 **Sec. 76.** (Deleted by amendment.)

47 **Sec. 76.5.** NRS 483.490 is hereby amended to read as follows:

48 483.490 1. Except as otherwise provided in this section, after a driver's  
49 license has been suspended or revoked and one-half of the period during which the  
50 driver is not eligible for a license has expired, the Department may, unless the  
51 statute authorizing the suspension or revocation prohibits the issuance of a  
52 restricted license, issue a restricted driver's license to an applicant permitting the  
53 applicant to drive a motor vehicle:

1 (a) To and from work or in the course of his or her work, or both; or  
2 (b) To acquire supplies of medicine or food or receive regularly scheduled  
3 medical care for himself, herself or a member of his or her immediate family.

4 ➤ Before a restricted license may be issued, the applicant must submit sufficient  
5 documentary evidence to satisfy the Department that a severe hardship exists  
6 because the applicant has no alternative means of transportation and that the severe  
7 hardship outweighs the risk to the public if the applicant is issued a restricted  
8 license.

9 2. If the driver's license of a person assigned to a program established  
10 pursuant to NRS 484C.392 is suspended or revoked, the Department may issue a  
11 restricted driver's license to an applicant that is valid while he or she is  
12 participating in and complying with the requirements of the program and that  
13 permits the applicant to drive a motor vehicle:

14 (a) To and from a testing location established by a designated law enforcement  
15 agency pursuant to NRS 484C.393;

16 (b) If applicable, to and from work or in the course of his or her work, or both;

17 (c) To and from court appearances;

18 (d) To and from counseling; or

19 (e) To receive regularly scheduled medical care for himself or herself.

20 3. Except as otherwise provided in NRS 62E.430, 62E.440, 62E.630 ~~and~~ and  
21 62E.690, after a driver's license has been revoked or suspended pursuant to title 5  
22 of NRS or NRS 392.148, the Department may issue a restricted driver's license to  
23 an applicant permitting the applicant to drive a motor vehicle:

24 (a) If applicable, to and from work or in the course of his or her work, or both;  
25 or

26 (b) If applicable, to and from school.

27 4. After a driver's license has been suspended pursuant to NRS 483.443, the  
28 Department may issue a restricted driver's license to an applicant permitting the  
29 applicant to drive a motor vehicle:

30 (a) If applicable, to and from work or in the course of his or her work, or both;

31 (b) To receive regularly scheduled medical care for himself, herself or a  
32 member of his or her immediate family; or

33 (c) If applicable, as necessary to exercise a court-ordered right to visit a child.

34 5. A driver who violates a condition of a restricted license issued pursuant to  
35 subsection 1 or 2 is guilty of a misdemeanor and, if the license of the driver was  
36 suspended or revoked for:

37 (a) A violation of NRS 484C.110, 484C.210 or 484C.430;

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

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

44 ➤ the driver shall be punished in the manner provided pursuant to subsection 2 of  
45 NRS 483.560.

46 6. The periods of suspensions and revocations required pursuant to this  
47 chapter and NRS 484C.210 must run consecutively, except as otherwise provided  
48 in NRS 483.465 and 483.475, when the suspensions must run concurrently.

49 7. Whenever the Department suspends or revokes a license, the period of  
50 suspension, or of ineligibility for a license after the revocation, begins upon the  
51 effective date of the revocation or suspension as contained in the notice thereof.

52 8. Any person for whom a court provides an exception relating to the  
53 installation of an ignition interlock device pursuant to subsection 4 of NRS

484C.210 or subsection 2 of NRS 484C.460 is eligible for a restricted driver's license under this section while the person is participating in and complying with the requirements of a program established pursuant to NRS 484C.392.

9. If the Department receives a copy of an order requiring a person to install an ignition interlock device in a motor vehicle pursuant to NRS 484C.460, the Department shall issue an ignition interlock privilege to the person after he or she submits proof of compliance with the order. A person who is required to install an ignition interlock device pursuant to NRS 484C.210 or 484C.460 shall install the device not later than 14 days after the date on which the order was issued. A driver who violates any condition of an ignition interlock privilege issued pursuant to this subsection is guilty of a misdemeanor and shall be punished in the same manner provided in subsection 2 of NRS 483.560 for driving a vehicle while a driver's license is cancelled, revoked or suspended.

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

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

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

or

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

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

2. It is unlawful for any person who:

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

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

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

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

Prohibited substance	Urine	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) Methamphetamine	500	100

(h) Phencyclidine

25

10

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

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

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

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

**Sec. 78.** (Deleted by amendment.)

**Sec. 79.** (Deleted by amendment.)

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

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

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

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

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

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

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

***2. Unless a greater penalty is provided pursuant to NRS 484C.440, a person who violates any provision of subsection 1 is guilty of:***

***(a) If the violation proximately causes the death of another person and the person who committed the violation:***

1       (1) *Has not previously been convicted of any offense, a category B felony*  
2 *and shall be punished by a term of imprisonment in the state prison for a*  
3 *minimum term of not less than 2 years and a maximum term of not more than 25*  
4 *years and must be further punished by a fine of not less than \$2,000 nor more*  
5 *than \$5,000.*

6       (2) *Has previously been convicted of one or two offenses, a category B*  
7 *felony and shall be punished by a term of imprisonment in the state prison for a*  
8 *minimum term of not less than 5 years and a maximum term of not more than 25*  
9 *years and must be further punished by a fine of not less than \$2,000 nor more*  
10 *than \$5,000.*

11       (b) *If the violation proximately causes substantial bodily harm to another*  
12 *person,* a category B felony and shall be punished by imprisonment in the state  
13 prison for a minimum term of not less than 2 years and a maximum term of not  
14 more than 20 years and must be further punished by a fine of not less than \$2,000  
15 nor more than \$5,000.

16       3. A person ~~is~~ imprisoned *pursuant to subsection 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 in exchange for a plea of guilty, guilty but mentally ill or  
21 nolo contendere to a lesser charge or for any other reason unless the attorney knows  
22 or it is obvious that the charge is not supported by probable cause or cannot be  
23 proved at the time of trial. A sentence imposed pursuant to subsection ~~(1.)~~ 2 may not  
24 be suspended nor may probation be granted.

25       ~~(3.)~~ 5. Except as otherwise provided in subsection ~~(4.)~~ 6, if consumption is  
26 proven by a preponderance of the evidence, it is an affirmative defense under  
27 paragraph (c) of subsection 1 that the defendant consumed a sufficient quantity of  
28 alcohol after driving or being in actual physical control of the vehicle, and before  
29 his or her blood or breath was tested, to cause the defendant to have a concentration  
30 of alcohol of 0.08 or more in his or her blood or breath. A defendant who intends to  
31 offer this defense at a trial or preliminary hearing must, not less than 14 days before  
32 the trial or hearing or at such other time as the court may direct, file and serve on  
33 the prosecuting attorney a written notice of that intent.

34       ~~(4.)~~ 6. If the defendant is also charged with violating the provisions of NRS  
35 484E.010, 484E.020 or 484E.030, the defendant may not offer the affirmative  
36 defense set forth in subsection ~~(3.)~~ 5.

37       ~~(5.)~~ 7. If the defendant was transporting a person who is less than 15 years of  
38 age in the motor vehicle at the time of the violation, the court shall consider that  
39 fact as an aggravating factor in determining the sentence of the defendant.

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

41       (a) *A violation of this section;*

42       (b) *A violation of NRS 484C.110 or 484C.120;*

43       (c) *A homicide resulting from driving or being in actual physical control of a*  
44 *vehicle while under the influence of intoxicating liquor or a controlled substance*  
45 *or resulting from any other conduct prohibited by this section or NRS 484C.110*  
46 *or 484C.130; or*

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

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

50       488.410 1. It is unlawful for any person who:

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

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

53 or

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

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

2. It is unlawful for any person who:

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

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

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

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

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

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

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

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

5. If consumption is proven by a preponderance of the evidence, it is an affirmative defense under paragraph (c) of subsection 1 that the defendant consumed a sufficient quantity of alcohol after operating or being in actual physical control of the power-driven vessel or sailing vessel, as applicable, under way and before his or her blood was tested, to cause the defendant to have a concentration of 0.08 or more of alcohol in his or her blood or breath. A defendant who intends to



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

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

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

488.420 1. ~~Unless a greater penalty is provided pursuant to NRS 488.425,~~

~~a)~~ A person who:

(a) Is under the influence of intoxicating liquor;

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

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

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

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

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

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

*2. Unless a greater penalty is provided pursuant to NRS 488.425, a person who violates subsection 1 is guilty of :*

*(a) If the violation proximately causes the death of another person and the person who committed the violation:*

*(1) Has not previously been convicted of any offense, a category B felony and shall be punished by a term of imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 25 years and shall be further punished by a fine of not less than \$2,000 nor more than \$5,000.*

*(2) Has previously been convicted of one or two offenses, a category B felony and shall be punished by a term of imprisonment in the state prison for a minimum term of not less than 5 years and a maximum term of not more than 25 years and shall be further punished by a fine of not less than \$2,000 nor more than \$5,000.*

*(b) If the violation proximately causes substantial bodily harm to another person, a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 20 years and shall be further punished by a fine of not less than \$2,000 nor more than \$5,000.*

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

~~2.)~~ 4. A prosecuting attorney shall not dismiss a charge of violating the provisions of subsection 1 in exchange for a plea of guilty, guilty but mentally ill or nolo contendere to a lesser charge or for any other reason unless the prosecuting attorney knows or it is obvious that the charge is not supported by probable cause

or cannot be proved at the time of trial. A sentence imposed pursuant to subsection ~~4-2~~ 2 must not be suspended, and probation must not be granted.

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

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

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

(a) *A violation of this section;*

(b) *A violation of NRS 488.410;*

(c) *A homicide resulting from operating or being in actual physical custody 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 488.425; or*

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

Sec. 83. (Deleted by amendment.)

Sec. 84. (Deleted by amendment.)

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

641.029 The provisions of this chapter do not apply to:

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

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

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

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

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

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

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

8. A person who provides or supervises the provision of peer recovery support services in accordance with the provisions of NRS 433.622 to 433.641, inclusive ~~4-5~~, *and section 66 of this act;*

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

10. Any member of the clergy,

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

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

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

1. A physician who is licensed to practice in this State;
2. A nurse who is licensed to practice in this State;
3. A person who is licensed as a psychologist pursuant to chapter 641 of NRS or authorized to practice psychology in this State pursuant to the Psychology Interjurisdictional Compact enacted in NRS 641.227;
4. A person who is licensed as a marriage and family therapist or marriage and family therapist intern pursuant to chapter 641A of NRS;
5. A person who is licensed as a clinical professional counselor or clinical professional counselor intern pursuant to chapter 641A of NRS;
6. A person who is licensed as an occupational therapist or occupational therapy assistant pursuant to chapter 640A of NRS;
7. A person who is licensed as a clinical alcohol and drug counselor, licensed or certified as an alcohol and drug counselor or certified as a clinical alcohol and drug counselor intern, an alcohol and drug counselor intern, a problem gambling counselor or a problem gambling counselor intern, pursuant to chapter 641C of NRS;
8. A person who provides or supervises the provision of peer recovery support services in accordance with NRS 433.622 to 433.641, inclusive ~~§~~, and *section 66 of this act*;
9. Any member of the clergy;
10. A county welfare director;
11. Any person who may engage in social work or clinical social work in his or her regular governmental employment but does not hold himself or herself out to the public as a social worker; or
12. A student of social work and any other person preparing for the profession of social work under the supervision of a qualified social worker in a training institution or facility recognized by the Board, unless the student or other person has been issued a provisional license pursuant to paragraph (b) of subsection 1 of NRS 641B.275. Such a student must be designated by the title "student of social work" or "trainee in social work," or any other title which clearly indicates the student's training status.

**Sec. 87.** NRS 641C.130 is hereby amended to read as follows:

641C.130 The provisions of this chapter do not apply to:

1. A physician who is licensed pursuant to the provisions of chapter 630 or 633 of NRS;
2. A nurse who is licensed pursuant to the provisions of chapter 632 of NRS and is authorized by the State Board of Nursing to engage in the practice of counseling persons with alcohol and other substance use disorders or the practice of counseling persons with an addictive disorder related to gambling;
3. A psychologist who is licensed pursuant to the provisions of chapter 641 of NRS or authorized to practice psychology in this State pursuant to the Psychology Interjurisdictional Compact enacted in NRS 641.227;
4. A clinical professional counselor or clinical professional counselor intern who is licensed pursuant to chapter 641A of NRS;
5. A marriage and family therapist or marriage and family therapist intern who is licensed pursuant to the provisions of chapter 641A of NRS and is authorized by the Board of Examiners for Marriage and Family Therapists and Clinical Professional Counselors to engage in the practice of counseling persons with alcohol and other substance use disorders or the practice of counseling persons with an addictive disorder related to gambling;
6. A person who is:

(a) Licensed as:

(1) A clinical social worker pursuant to the provisions of chapter 641B of NRS; or

(2) A master social worker or an independent social worker pursuant to the provisions of chapter 641B of NRS and is engaging in clinical social work as part of an internship program approved by the Board of Examiners for Social Workers; and

(b) Authorized by the Board of Examiners for Social Workers to engage in the practice of counseling persons with alcohol and other substance use disorders or the practice of counseling persons with an addictive disorder related to gambling; or

7. A person who provides or supervises the provision of peer recovery support services in accordance with NRS 433.622 to 433.641, inclusive ~~§~~, *or section 66 of this act.*

**Sec. 87.3.** 1. There is hereby appropriated from the State General Fund to the Interim Finance Committee for allocation to the Administrative Office of the Courts for the purpose of carrying out the provisions of this act the following sums:

For the Fiscal Year 2025-2026..... \$919,080

For the Fiscal Year 2026-2027..... \$948,695

2. Any balance of the sums appropriated by subsection 1 remaining at the end of the respective fiscal years must not be committed for expenditure after June 30 of the respective fiscal years by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 18, 2026, and September 17, 2027, respectively, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 18, 2026, and September 17, 2027, respectively.

**Sec. 87.5.** 1. There is hereby appropriated from the State General Fund to the Interim Finance Committee for allocation to the Department of Corrections for costs associated with carrying out the provisions of this act the following sums:

For the Fiscal Year 2025-2026..... \$2,242,145

For the Fiscal Year 2026-2027..... \$2,915,779

2. Any balance of the sums appropriated by subsection 1 remaining at the end of the respective fiscal years must not be committed for expenditure after June 30 of the respective fiscal years by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 18, 2026, and September 17, 2027, respectively, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 18, 2026, and September 17, 2027, respectively.

**Sec. 88.** ~~[NRS 178.574 and 178.578 are hereby repealed.] (Deleted by amendment.)~~

**Sec. 89.** The provisions of subsection 1 of NRS 218D.380 do not apply to any provision of this act which adds or revises a requirement to submit a report to the Legislature.

~~§~~

~~TEXT OF REPEALED SECTIONS~~

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~~178.574 Order of immunity bar to prosecution; exception. Such order of immunity shall forever be a bar to prosecution against the witness for any offense shown in whole or in part by such testimony or other evidence except for perjury committed in the giving of such testimony.~~

~~178.578 Denial of motion. The court shall deny the motion of the State under NRS 178.572 if it reasonably appears to the court that such testimony or evidence would subject the witness to prosecution, except for perjury committed in the giving of such testimony, under the laws of another state or of the United States.]~~