

ASSEMBLY BILL NO. 470—ASSEMBLYMAN YEAGER

MARCH 27, 2017

Referred to Committee on Judiciary

SUMMARY—Creates a preprosecution diversion program. (BDR 14-1062)

FISCAL NOTE: Effect on Local Government: May have Fiscal Impact. 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 criminal procedure; creating a preprosecution diversion program; establishing qualifications for participation in the program; requiring discharge of the defendant and dismissal of the original charge upon the successful completion of the program; requiring a defendant who fails to complete the program to enter a plea on the original charge; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 Existing law creates a diversion program for certain offenders who have
2 violated the terms of their probation. (NRS 209.4291) Existing law authorizes a
3 court to assign such an offender to a program of treatment for mental illness or
4 substance abuse issues. (NRS 209.4293) Existing law also authorizes a person who
5 has successfully completed a preprosecution diversion program to request that any
6 biological or DNA sample which was provided by the person to the State be
7 destroyed. (NRS 176.09125) **Sections 2-5** of this bill create a preprosecution
8 diversion program for certain persons who have been accused of a misdemeanor,
9 gross misdemeanor or felony. **Section 2** provides that a defendant is eligible to
10 complete a preprosecution diversion program if the defendant is: (1) less than 30
11 years of age at the time of the offense; (2) has not been charged with a violent or
12 sexual crime, driving under the influence of intoxicating liquor or a controlled
13 substance or the burglary of a dwelling; (3) has not previously been convicted of an
14 offense that is in the same or higher classification of crime; and (4) has not been
15 previously ordered by a court to complete a preprosecution diversion program in
16 this State. If the defendant is eligible for the program and the charge or charges
17 against the defendant are based on the same incident, **section 2** requires a court to
18 order the defendant to complete a preprosecution diversion program. **Section 2**
19 authorizes, but does not require, a court to order a defendant to complete a
20 preprosecution diversion program if the defendant is eligible for the program and



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21 the charge or charges against the defendant are not based on the same incident.
22 **Section 2** provides that the decision of the court relating to the participation of a
23 defendant in the program may not be appealed.

24 **Section 3** of this bill requires a court to establish the conditions which the
25 defendant must complete as part of a preprosecution diversion program. **Section 3**
26 requires a probation officer to interview the defendant to determine: (1) the nature
27 and facts of the offense; (2) the motivation of the defendant relating to the offense;
28 (3) the impact of the offense on the victim; and (4) the characteristics of the
29 defendant, including, without limitation, any substance abuse issues. **Section 3**
30 requires the probation officer, the district attorney and the defendant to appear at a
31 hearing to determine whether the defendant could be rehabilitated by a program of
32 treatment and to determine any appropriate sanctions to be imposed on the
33 defendant, which may include, without limitation, community service, restitution or
34 a curfew. **Section 3** also requires the court to issue an order containing the terms
35 and conditions for successful completion of the preprosecution diversion program.
36 **Section 3** provides that the defendant must: (1) complete the program before the
37 date established by the court in the order, which must not be more than 18 months
38 after the date of the order; and (2) appear before the court at least once every 3
39 months for a status hearing. **Section 4** of this bill requires the court to dismiss the
40 charge or charges against the defendant if he or she successfully completes the
41 terms and conditions of the preprosecution diversion program. Finally, **section 4** of
42 this bill requires a defendant who fails to complete the terms and conditions of the
43 preprosecution diversion program to be dismissed from the program and be
44 prosecuted in the normal manner provided by law.

45 Existing law requires criminal records of a defendant to be sealed and treated as
46 confidential if a defendant is acquitted or the charges are dropped, a certain period
47 of time has passed since the conviction or if he or she completes a program for
48 reentry or a program of treatment for: (1) veterans and the members of the military;
49 (2) persons with mental illness or intellectual disabilities; or (3) substance abuse
50 issues. (NRS 176A.265, 176A.295, 179.245, 179.255, 179.259, 453.3365, 458.330)
51 **Sections 5 and 10-12** of this bill similarly provide that the criminal records of a
52 defendant who has successfully completed the preprosecution diversion program
53 are sealed and confidential except as otherwise required by law. **Section 7** of this
54 bill authorizes the defendant to request that any biological or DNA sample provided
55 to the State by the defendant be destroyed upon the successful completion of the
56 preprosecution diversion program.

57 Existing law authorizes a court to establish a program of treatment for certain
58 offenders who are charged with specified offenses, including, without limitation,
59 veterans and members of the military, persons with mental illness or intellectual
60 disabilities or persons with substance abuse issues. (NRS 176A.250, 176A.280,
61 453.580) **Sections 3, 8, 9 and 13** of this bill authorize a court, as part of a
62 preprosecution diversion program, to require a defendant to complete a program of
63 treatment. **Section 3** provides that such a program of treatment may include,
64 without limitation, a program of treatment for veterans and members of the
65 military, persons with mental illness or intellectual disabilities or persons with
66 substance abuse issues, educational programs, participation in a support group,
67 anger management therapy or counseling.



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

1 **Section 1.** Chapter 174 of NRS is hereby amended by adding
2 thereto the provisions set forth as sections 2 to 5, inclusive, of this
3 act.

4 **Sec. 2. 1.** *At the arraignment of a defendant, but before the*
5 *entry of a plea, the court shall determine whether the defendant is*
6 *eligible to complete a preprosecution diversion program.*

7 **2.** *A defendant is eligible to complete a preprosecution*
8 *diversion program if the defendant:*

9 **(a)** *Was not more than 30 years of age at the time the offense*
10 *was committed;*

11 **(b)** *Has not been charged with:*

12 **(1)** *A crime of violence as defined in NRS 200.408;*

13 **(2)** *A sexual offense as defined in NRS 179D.097;*

14 **(3)** *Driving under the influence of intoxicating liquor or a*
15 *controlled substance in violation of NRS 484C.110, 484C.120 or*
16 *484C.130; or*

17 **(4)** *Burglary of a dwelling in violation of NRS 205.060;*

18 **(c)** *Has not previously been convicted in this State, or in*
19 *another jurisdiction which prohibits the same or similar conduct,*
20 *of an offense which is within the same classification of crime or a*
21 *higher classification as described in NRS 193.120; and*

22 **(d)** *Has not previously been ordered by a court to complete a*
23 *preprosecution diversion program in this State.*

24 **3.** *If a defendant is eligible to complete a preprosecution*
25 *diversion program pursuant to subsection 2 and the charge or*
26 *charges against the defendant:*

27 **(a)** *Are based on the same act, transaction or occurrence, the*
28 *court shall immediately order the defendant to complete a*
29 *preprosecution diversion program pursuant to section 3 of this act.*

30 **(b)** *Are not based on the same act, transaction or occurrence,*
31 *the court may, after consultation with the district attorney and*
32 *counsel for the defendant, order the defendant to complete a*
33 *preprosecution diversion program pursuant to section 3 of this act.*

34 **4.** *If a defendant is ordered to complete a preprosecution*
35 *diversion program, the defendant must be immediately released*
36 *from custody upon his or her own recognizance.*

37 **5.** *Except as otherwise provided in paragraph (a) of*
38 *subsection 3, a defendant has no right to complete a*
39 *preprosecution diversion program or to appeal the decision of the*
40 *court relating to the participation of the defendant in such*
41 *program.*



1 **Sec. 3. 1. If a defendant is ordered by a court to complete a**
2 *preprosecution diversion program pursuant to section 2 of this act,*
3 *the court shall require the defendant, a probation officer and the*
4 *district attorney to appear for a hearing as soon as possible after*
5 *the arraignment to determine the terms and conditions of the*
6 *program.*

7 **2. Before a hearing is held pursuant to subsection 1, a**
8 *probation officer must interview the defendant and the victim, if*
9 *any, to determine the:*

10 **(a) Nature and facts of the offense;**

11 **(b) Motivation of the defendant relating to the offense;**

12 **(c) The impact of the offense on the victim, if any, including,**
13 *without limitation, any economic loss suffered by the victim;*
14 *and*

15 **(d) The characteristics of the defendant, including, without**
16 *limitation, any addiction to alcohol or drugs, anger management*
17 *issues, education, employment status and remorse relating to the*
18 *offense.*

19 **3. If the probation officer determines that the defendant may**
20 *have an addiction to alcohol or drugs, the probation officer shall*
21 *order the examination of the defendant by the Department of*
22 *Health and Human Services or by a person or entity designated by*
23 *the Director of the Department to determine whether the*
24 *defendant is addicted to alcohol or drugs and is likely to be*
25 *rehabilitated by a program of treatment. The probation officer*
26 *shall provide a report of the examination to the court before a*
27 *hearing is held pursuant to subsection 1.*

28 **4. At the hearing held pursuant to subsection 1, the court**
29 *shall receive input from the defendant, the probation officer and*
30 *the district attorney relating to:*

31 **(a) Any program of treatment which may rehabilitate the**
32 *defendant, including, without limitation, educational programs,*
33 *participation in a support group, anger management therapy,*
34 *counseling or a program of treatment for veterans and members of*
35 *the military, mental illness or intellectual disabilities or the abuse*
36 *of alcohol or drugs;*

37 **(b) Any appropriate sanctions to impose on the defendant,**
38 *which may include, without limitation, community service,*
39 *restitution, prohibiting contact with certain persons or the*
40 *imposition of a curfew; and*

41 **(c) Any other factor which may be relevant to determining an**
42 *appropriate program of treatment or sanctions to require for*
43 *participation of the defendant in the preprosecution diversion*
44 *program.*



1 5. *If the court determines that the defendant may be*
2 *rehabilitated by a program of treatment for veterans and members*
3 *of the military, persons with mental illness or intellectual*
4 *disabilities or the abuse of alcohol or drugs, the court may refer*
5 *the defendant to an appropriate program of treatment established*
6 *pursuant to NRS 176A.250, 176A.280 or 453.580. The court shall*
7 *retain jurisdiction over the defendant while the defendant*
8 *completes such a program of treatment.*

9 6. *At the hearing held pursuant to subsection 1, the court*
10 *shall issue an order setting forth the terms and conditions for*
11 *successful completion of the preprosecution diversion program,*
12 *including, without limitation:*

13 (a) *Any program of treatment the defendant is required to*
14 *complete;*

15 (b) *Any sanctions and the manner in which they must be*
16 *carried out by the defendant;*

17 (c) *The date by which the terms and conditions must be*
18 *completed by the defendant, which must not be more than 18*
19 *months after the date of the order;*

20 (d) *A requirement that the defendant appear before the court*
21 *at least one time every 3 months for a status hearing on the*
22 *progress of the defendant toward completion of the terms and*
23 *conditions set forth in the order; and*

24 (e) *A notice relating to the provisions of subsection 3 of section*
25 *4 of this act.*

26 7. *The defendant shall pay the cost of any program of*
27 *treatment required by this section to the extent of his or her*
28 *financial resources. The court shall not refuse to place a*
29 *defendant in a program of treatment if the defendant does not*
30 *have the financial resources to pay any or all of the costs of such*
31 *program.*

32 8. *The court is not required to follow the rules of evidence*
33 *contained in title 4 of NRS during a hearing required pursuant to*
34 *this section.*

35 **Sec. 4.** 1. *If the court determines that a defendant has*
36 *successfully completed the terms and conditions of a*
37 *prosecution diversion program ordered pursuant to subsection*
38 *6 of section 3 of this act, the court must discharge the defendant*
39 *and dismiss the indictment, information, complaint or citation.*

40 2. *Discharge and dismissal pursuant to subsection 1 is*
41 *without adjudication of guilt and is not a conviction for purposes*
42 *of employment, civil rights or any statute or regulation or license*
43 *or questionnaire or for any other public or private purpose.*
44 *Discharge and dismissal restores the defendant, in the*
45 *contemplation of the law, to the status occupied before the*



1 *indictment, information, complaint or citation. The defendant may*
2 *not be held thereafter under any law to be guilty of perjury or*
3 *otherwise giving a false statement by reason of failure to recite or*
4 *acknowledge the indictment, information, complaint or citation in*
5 *response to an inquiry made of the defendant for any purpose.*

6 *3. If the court determines that a defendant has not*
7 *successfully completed the terms or conditions of a preprosecution*
8 *diversion program ordered pursuant to subsection 6 of section 3 of*
9 *this act, the court must issue an order terminating the*
10 *participation of the defendant in the preprosecution diversion*
11 *program and order the defendant to appear for an arraignment*
12 *to enter a plea based on the original indictment, information,*
13 *complaint or citation pursuant to NRS 174.015.*

14 **Sec. 5. 1.** *If the defendant is discharged and the indictment,*
15 *information, complaint or citation is dismissed pursuant to section*
16 *4 of this act, the court must order sealed all documents, papers*
17 *and exhibits in the record of the defendant, minute book entries*
18 *and entries on dockets, and other documents relating to the case in*
19 *the custody of such other agencies and officers as are named in*
20 *the order of the court. The court shall order those records sealed*
21 *without a hearing unless the district attorney petitions the court,*
22 *for good cause shown, not to seal the records and requests a*
23 *hearing thereon.*

24 *2. If the court orders the record of a defendant sealed, the*
25 *court must send a copy of the order to each agency or officer*
26 *named in the order. Each such agency or officer shall notify the*
27 *court in writing of its compliance with the order.*

28 **Sec. 6.** NRS 174.015 is hereby amended to read as follows:

29 174.015 1. ~~Arraignment~~ *Except as otherwise provided in*
30 *subsection 3, arraignment shall be conducted in open court and*
31 *shall consist of reading the indictment or information to the*
32 *defendant or stating the substance of the charge and calling on the*
33 *defendant to plead thereto. The defendant shall be given a copy of*
34 *the indictment or information before the defendant is called upon to*
35 *plead.*

36 *2. In Justice Court, before the trial commences, the complaint*
37 *must be distinctly read to the defendant before the defendant is*
38 *called upon to plead.*

39 *3. Before the defendant is called upon to plead, the court*
40 *shall determine whether the defendant is eligible to complete a*
41 *preprosecution diversion program pursuant to section 2 of this act.*

42 **Sec. 7.** NRS 176.09125 is hereby amended to read as follows:

43 176.09125 1. A person whose record of criminal history
44 indicates the collection of a biological specimen and whose DNA
45 profile and DNA record have been included in the State DNA



1 Database and CODIS pursuant to NRS 176.09123 may make a
2 written request to the Central Repository for Nevada Records of
3 Criminal History, using the form created pursuant to NRS
4 176.09165, that the biological specimen be destroyed and the DNA
5 profile and DNA record be purged from the forensic laboratory, the
6 State DNA Database and CODIS on the grounds that:

7 (a) The conviction on which the authority for keeping the
8 biological specimen or the DNA profile or DNA record has been
9 reversed and the case dismissed; or

10 (b) The arrest which led to the inclusion of the biological
11 specimen or the DNA profile or DNA record:

12 (1) Has resulted in a felony charge that has been resolved by
13 a dismissal, the successful completion of a preprosecution diversion
14 program **† pursuant to section 4 of this act**, a conditional
15 discharge, an acquittal or an agreement entered into by a prosecuting
16 attorney and a defendant in which the defendant, in exchange for a
17 plea of guilty, guilty but mentally ill or nolo contendere, receives a
18 charge other than a felony; or

19 (2) Has not resulted in any additional criminal charge for a
20 felony within 3 years after the date of the arrest.

21 2. Within 6 weeks after receiving a written request pursuant to
22 subsection 1, the Central Repository for Nevada Records of
23 Criminal History shall forward the request and all supporting
24 documentation to the forensic laboratory holding the biological
25 specimen. Except as otherwise provided in subsection 3, upon
26 receipt of the written request, the forensic laboratory shall destroy
27 any biological specimen from the person and purge the DNA profile
28 of the person if the written request is accompanied by:

29 (a) A certified copy of the court order reversing and dismissing
30 the conviction; or

31 (b) For any biological specimen obtained pursuant to an arrest
32 for which a biological specimen must be provided pursuant to
33 NRS 176.09123:

34 (1) A certified copy of the dismissal, the successful
35 completion of a preprosecution diversion program **† pursuant to**
36 **section 4 of this act**, a conditional discharge, an acquittal or the
37 agreement entered into by the prosecuting attorney and the
38 defendant in which the defendant, in exchange for a plea of guilty,
39 guilty but mentally ill or nolo contendere, received a charge other
40 than a felony; or

41 (2) A sworn affidavit from the law enforcement agency
42 which submitted the biological specimen that no felony charges
43 arising from the arrest have been filed within 3 years after the date
44 of the arrest.



1 3. The forensic laboratory shall not destroy a biological
2 specimen or purge the DNA profile of a person if the forensic
3 laboratory is notified by a law enforcement agency that the person
4 has a prior felony, a new felony arrest or a pending felony charge
5 for which collection of a biological specimen is authorized pursuant
6 to NRS 176.09123.

7 4. If a forensic laboratory:

8 (a) Determines that the requirements to destroy a biological
9 specimen or purge a DNA profile or DNA record of a person have
10 not been met, the forensic laboratory shall notify the Central
11 Repository of Nevada Records of Criminal History of that fact. The
12 Central Repository shall, as soon as reasonably practicable, notify
13 the person that his or her request has been denied.

14 (b) Destroys a biological specimen and purges a DNA profile
15 pursuant to this section, the forensic laboratory shall take the
16 following actions:

17 (1) Notify the State DNA Database that the DNA profile and
18 DNA record of the person must be purged from the State DNA
19 Database and from CODIS. Upon receipt of such notification, the
20 DNA profile and DNA record of the person must be purged from
21 the State DNA Database and CODIS.

22 (2) Notify the Central Repository for Nevada Records of
23 Criminal History that the forensic laboratory has destroyed the
24 biological specimen and purged the DNA profile of the person and
25 has notified the State DNA Database that the DNA profile and DNA
26 record of the person must be purged from the State DNA Database
27 and CODIS. Upon receipt of such notification, the Central
28 Repository shall, as soon as reasonably practicable, notify the
29 person that his or her request has been granted, his or her biological
30 specimen has been destroyed by the forensic laboratory and his or
31 her DNA profile and DNA record have been purged from the
32 forensic laboratory, the State DNA Database and CODIS.

33 **Sec. 8.** NRS 176A.250 is hereby amended to read as follows:

34 176A.250 A court may establish an appropriate program for
35 the treatment of mental illness or intellectual disabilities to which it
36 may assign a defendant pursuant to NRS 176A.260 **† or section 3**
37 **of this act.** The assignment must include the terms and conditions
38 for successful completion of the program and provide for progress
39 reports at intervals set by the court to ensure that the defendant is
40 making satisfactory progress towards completion of the program.

41 **Sec. 9.** NRS 176A.280 is hereby amended to read as follows:

42 176A.280 A court may establish an appropriate program for
43 the treatment of veterans and members of the military to which it
44 may assign a defendant pursuant to NRS 176A.290 **† or section 3**
45 **of this act.** The assignment must include the terms and conditions



1 for successful completion of the program and provide for progress
2 reports at intervals set by the court to ensure that the defendant is
3 making satisfactory progress towards completion of the program.

4 **Sec. 10.** NRS 179.275 is hereby amended to read as follows:

5 179.275 Where the court orders the sealing of a record
6 pursuant to NRS 176A.265, 176A.295, 179.245, 179.255, 179.259,
7 453.3365 or 458.330, *or section 5 of this act*, a copy of the order
8 must be sent to:

9 1. The Central Repository for Nevada Records of Criminal
10 History; and

11 2. Each agency of criminal justice and each public or private
12 company, agency, official or other custodian of records named in
13 the order, and that person shall seal the records in his or her custody
14 which relate to the matters contained in the order, shall advise the
15 court of compliance and shall then seal the order.

16 **Sec. 11.** NRS 179.285 is hereby amended to read as follows:

17 179.285 Except as otherwise provided in NRS 179.301:

18 1. If the court orders a record sealed pursuant to NRS
19 176A.265, 176A.295, 179.245, 179.255, 179.259, 453.3365 or
20 458.330 ~~H~~ *or section 5 of this act*:

21 (a) All proceedings recounted in the record are deemed never to
22 have occurred, and the person to whom the order pertains may
23 properly answer accordingly to any inquiry, including, without
24 limitation, an inquiry relating to an application for employment,
25 concerning the arrest, conviction, dismissal or acquittal and the
26 events and proceedings relating to the arrest, conviction, dismissal
27 or acquittal.

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

- 30 (1) The right to vote;
31 (2) The right to hold office; and
32 (3) The right to serve on a jury.

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

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

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

43 3. A person who has had his or her records sealed in this State
44 or any other state and whose official documentation of the
45 restoration of civil rights is lost, damaged or destroyed may file a



1 written request with a court of competent jurisdiction to restore his
2 or her civil rights pursuant to this section. Upon verification that the
3 person has had his or her records sealed, the court shall issue an
4 order restoring the person to the civil rights to vote, to hold office
5 and to serve on a jury. A person must not be required to pay a fee to
6 receive such an order.

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

12 **Sec. 12.** NRS 179.295 is hereby amended to read as follows:


13 179.295 1. The person who is the subject of the records that
14 are sealed pursuant to NRS 176A.265, 176A.295, 179.245, 179.255,
15 179.259, 453.3365 or 458.330 *or section 5 of this act* may petition
16 the court that ordered the records sealed to permit inspection of the
17 records by a person named in the petition, and the court may order
18 such inspection. Except as otherwise provided in this section,
19 subsection 8 of NRS 179.255 and NRS 179.259 and 179.301, the
20 court may not order the inspection of the records under any other
21 circumstances.

22 2. If a person has been arrested, the charges have been
23 dismissed and the records of the arrest have been sealed, the court
24 may order the inspection of the records by a prosecuting attorney
25 upon a showing that as a result of newly discovered evidence, the
26 person has been arrested for the same or a similar offense and that
27 there is sufficient evidence reasonably to conclude that the person
28 will stand trial for the offense.

29 3. The court may, upon the application of a prosecuting
30 attorney or an attorney representing a defendant in a criminal action,
31 order an inspection of such records for the purpose of obtaining
32 information relating to persons who were involved in the incident
33 recorded.

34 4. This section does not prohibit a court from considering a
35 conviction for which records have been sealed pursuant to NRS
36 176A.265, 176A.295, 179.245, 179.255, 179.259, 453.3365 or
37 458.330 *or section 5 of this act* in determining whether to grant a
38 petition pursuant to NRS 176A.265, 176A.295, 179.245, 179.255,
39 179.259, 453.3365 or 458.330 for a conviction of another offense.

40 **Sec. 13.** NRS 453.580 is hereby amended to read as follows:

41 453.580 1. A court may establish an appropriate treatment
42 program to which it may assign a person pursuant to subsection 4 of
43 NRS 453.336, NRS 453.3363 or 458.300  *or section 3 of this act,*
44 *or* it may assign such a person to an appropriate treatment provider.
45 The assignment must include the terms and conditions for successful



1 completion of the program and provide for progress reports at
2 intervals set by the court to ensure that the person is making
3 satisfactory progress toward completion of the program.

4 2. A program to which a court assigns a person pursuant to
5 subsection 1 must include:

6 (a) Information and encouragement for the participant to cease
7 abusing alcohol or using controlled substances through educational,
8 counseling and support sessions developed with the cooperation of
9 various community, health, substance abuse, religious, social service
10 and youth organizations;

11 (b) The opportunity for the participant to understand the
12 medical, psychological and social implications of substance abuse;
13 and

14 (c) Alternate courses within the program based on the different
15 substances abused and the addictions of participants.

16 3. If the offense with which the person was charged involved
17 the use or possession of a controlled substance, in addition to the
18 program or as a part of the program, the court must also require
19 random testing or screening to determine that the person is not using
20 a controlled substance.

21 4. Before the court assigns a person to a program pursuant to
22 this section, the person must agree to pay the cost of the program to
23 which the person is assigned and the cost of any additional
24 supervision required pursuant to subsection 3, to the extent of the
25 financial resources of the person. If the person does not have the
26 financial resources to pay all of the related costs, the court shall, to
27 the extent practicable, arrange for the person to be assigned to a
28 program with a treatment provider that receives a sufficient amount
29 of federal or state funding to offset the remainder of the costs.

30 5. If a court places a person under the supervision of a
31 treatment provider to receive treatment for the abuse of alcohol or
32 use of controlled substances pursuant to this section, the court may
33 authorize the person to complete any period of treatment remaining
34 under the supervision of a treatment provider in another jurisdiction
35 if the court determines that:

36 (a) The person is eligible to receive treatment under a program
37 of treatment in the other jurisdiction; and

38 (b) The program of treatment in the other jurisdiction is
39 substantially similar to the program of treatment to which the person
40 is assigned in this State.

41 6. As used in this section:

42 (a) "Treatment provider" has the meaning ascribed to it in
43 NRS 458.010.

44 (b) "Treatment provider in another jurisdiction" means a person
45 or a public or private agency, residential treatment center, facility



- 1 for the treatment of abuse of alcohol or drugs, or voluntary
- 2 organization which holds a license, certificate or other credential
- 3 issued by a regulatory agency in another jurisdiction.

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