

MINUTES OF THE
MEETING OF THE SENATE COMMITTEE
ON HUMAN RESOURCES AND FACILITIES

SIXTY-FIRST SESSION
NEVADA STATE LEGISLATURE
May 29, 1981

The Senate Committee on Human Resources and Facilities was called to order by Chairman Joe Neal at 9:40 a.m., Friday, May 29, 1981 in Room 323 of the Legislative Building, Carson City, Nevada. Exhibit A is the Meeting Agenda. Exhibit B is the Attendance Roster.

COMMITTEE MEMBERS PRESENT:

Senator Joe Neal, Chairman
Senator James N. Kosinski, Vice Chairman
Senator Richard E. Blakemore
Senator Wilbur Faiss
Senator Virgil M. Getto
Senator James H. Bilbray

STAFF MEMBERS PRESENT:

Connie S. Richards, Committee Secretary

ASSEMBLY BILL NUMBER 628 (EXHIBIT C)

The committee reviewed the amendment written for Assembly Bill No. 628.

Senator Getto said the same conditions exist as in the original bill but the amendment provides for the exclusion of counties with more than one hospital.

Senator Getto moved to "Amend and Do Pass" Assembly Bill No. 628.

Senator Blakemore seconded the motion.

The motion carried unanimously.

SENATE BILL NUMBER 549 (EXHIBIT D)

The committee reviewed amendments prepared for Senate Bill No. 549.

Senator Kosinski moved to "Amend and Do Pass" Senate Bill No. 549 subject to Assemblyman Bennett's agreement to process the bill.

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Senator Faiss seconded the motion.

The motion carried unanimously.

ASSEMBLY BILL NUMBER 404 (EXHIBIT E)

Mr. Bill MacDonald, Humboldt County District Attorney told the committee that being drunk should not excuse a person for committing a crime, accordingly, being an alcoholic should not excuse a person from driving under the influence. He said that driving under the influence should be included so that a person cannot ask for a diversion and be released from charges of driving under the influence.

The committee reviewed the amendment for Assembly Bill No. 404.

Senator Kosinski moved to "Amend and Do Pass" Assembly Bill No. 404.

Senator Bilbray seconded the motion.

The motion carried unanimously.

There being no further business, the meeting adjourned at 10:05 a.m.

Respectfully submitted:


Connie S. Richards, Committee Secretary

APPROVED BY:


Senator Joe Neal, Chairman

DATE: June 4, 1981

SENATE AGENDA

COMMITTEE MEETINGS

EXHIBIT A

Committee on Human Resources and Facilities, Room 323.

Day Friday, Date May 29, Time 9:30 a.m.

A. B. No. 404--Amends various provisions relating to civil commitment of criminal offenders.

A. B. No. 628--Allows sale or lease of county hospital to corporation for profit. WORK SESSION.

(REPRINTED WITH ADOPTED AMENDMENTS)

FIRST REPRINT

A. B. 628

ASSEMBLY BILL NO. 628—COMMITTEE ON
GOVERNMENT AFFAIRS

MAY 6, 1981

Referred to Committee on Government Affairs

SUMMARY—Allows sale or lease of county hospital to corporation for profit. (BDR 40-2029)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State or on Industrial Insurance: No.

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

AN ACT relating to county hospitals; allowing their sale or lease to a corporation for profit; and providing other matters properly relating thereto.

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

- 1 SECTION 1. NRS 450.500 is hereby amended to read as follows:
2 450.500 1. The board of county commissioners of any county for
3 which a public hospital has been established pursuant to NRS 450.010
4 to 450.510, inclusive, or established otherwise but administered pur-
5 suant to NRS 450.010 to 450.510, inclusive, may convey [such hos-
6 pital,] *the hospital for an amount not less than its appraised value or*
7 *lease it for a term of not more than 50 years, to [a nonprofit] any*
8 *corporation if all of the following [minimum] conditions are met:*
9 (a) [The nonprofit corporation shall be composed initially of the
10 incumbent members of the board of hospital trustees, as individuals.
11 The articles of incorporation shall provide for a membership of the cor-
12 poration which is broadly representative of the public and includes
13 residents of each incorporated city in the county and of the unincor-
14 porated area of the county. The articles shall further provide for the
15 selection of the governing body by the membership of the corporation
16 and not by the governing body itself, except to fill a vacancy for the
17 unexpired term. The articles shall further provide that the terms of
18 office of members of the governing body shall not exceed 6 years.] *The*
19 *corporation shall provide in its articles of incorporation for an advisory*
20 *board for the hospital. The advisory board must consist of persons who*
21 *represent a broad section of the people served by the hospital.*
22 (b) The [nonprofit] corporation shall contract to care for indigent
23 patients at a charge to the county which [shall] *does not exceed the*

1 actual cost of providing such care, and to receive any person falling
2 sick or maimed within the county.

3 (c) The [nonprofit] corporation shall agree to accept all the current
4 assets, including accounts receivable, to assume all the current liabilities,
5 and to take over and maintain the records of the existing public hospital.

6 (d) The agreement [shall] *must* provide for the transfer of patients,
7 staff and employees, and for the continuing administration of any trusts
8 or bequests pertaining to the existing public hospital.

9 (e) The agreement [shall] *must* provide for the assumption by the
10 corporation of all indebtedness of the county which is attributable to
11 the hospital, and:

12 (1) If the hospital is conveyed, for payment to the county [of its
13 actual capital investment in the hospital, after deducting depreciation]
14 *of an amount which is not less than its appraised value* and any indebted-
15 ness so assumed, immediately or by deferred installments over a period
16 of not more than 30 years.

17 (2) If the hospital is leased, for a rental which will over the term
18 of the lease reimburse the county for its actual capital investment in the
19 hospital, after deducting depreciation and any indebtedness so assumed.
20 The lease may provide a credit against the rental so required for the
21 value of any capital improvements made by the corporation.

22 2. Boards of county commissioners which have joint responsibility
23 for a public hospital may jointly exercise the power conferred by sub-
24 section 1, and are subject jointly to the related duties.

25 3. If any hospital which has been conveyed pursuant to this section
26 ceases to be used as a [community nonprofit] hospital, unless the
27 premises so conveyed are sold and the proceeds used to erect or enlarge
28 another [community nonprofit] hospital for the county, the hospital so
29 conveyed [shall revert] *reverts* to the ownership of the county. If any
30 hospital which has been leased pursuant to this section ceases to be
31 used as a [nonprofit community] hospital, the lease [shall terminate.]
32 *is terminated.*

S. B. 549

SENATE BILL NO. 549—SENATOR WAGNER

APRIL 16, 1981

Referred to Committee on Human Resources and Facilities

SUMMARY—Authorizes use of guide dog and cane by deaf person and makes various other statutory amendments to protect visually and aurally handicapped persons. (BDR 58-1530)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State or on Industrial Insurance: No.

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

AN ACT relating to visually and aurally handicapped persons; authorizing the use of guide dogs and canes by aurally handicapped persons; providing for the protection of such persons in traffic; prohibiting persons from interfering with guide dogs; providing penalties; and providing other matters properly relating thereto.

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

- 1 **SECTION 1.** NRS 118.105 is hereby amended to read as follows:
2 118.105 1. A landlord may not refuse to rent a dwelling subject to
3 the provisions of chapter 118A of NRS solely because a guide dog will be
4 residing with the prospective tenant in the dwelling.
5 2. A landlord may require proof that a dog is a guide dog. This
6 requirement may be satisfied, by way of example and not of limitation, by
7 exhibition of the identification card normally presented to a visually or
8 aurally handicapped person upon his graduation from a guide dog school.
9 3. As used in this section:
10 (a) "Guide dog" means a dog which has been specially trained by a
11 guide dog school to serve as an aid to mobility to a particular visually or
12 aurally handicapped person.
13 (b) "Guide dog school" means a school which trains guide dogs.
14 **SEC. 2.** Chapter 426 of NRS is hereby amended by adding thereto a
15 new section which shall read as follows:
16 1. *It is unlawful for any person to beat, harass, intimidate or inter-*
17 *fere with a guide dog.*
18 2. *Any person who violates subsection 1 shall be punished by impris-*
19 *onment in the county jail for not more than 6 months, or by a fine of not*
20 *less than \$100 nor more than \$500, or by both fine and imprisonment.*
21 **SEC. 3.** NRS 426.510 is hereby amended to read as follows:
22 426.510 1. No person, except [those] a person who is wholly or
23 partially blind [, shall] or wholly or partially deaf, may use a guide dog

1 *or a blaze orange dog leash or carry or use on any street, highway, or in*
2 *any other public place a cane or walking stick which is white or metallic*
3 *in color, or white tipped with red.*

4 2. Any pedestrian who is not [wholly or partially blind, or any driver
5 of a vehicle,] *visually or aurally handicapped* who approaches or comes
6 in contact with a person [wholly or partially blind] using a guide dog or
7 carrying a cane or walking stick *white or metallic* in color, or white tipped
8 with red, shall immediately come to a full stop and take such precautions
9 before proceeding as may be necessary to avoid accident or injury to the
10 *visually or aurally handicapped* person. [wholly or partially blind.]

11 3. Any person other than a *visually or aurally handicapped* person
12 [wholly or partially blind:

13 (a) Who shall use] *who:*

14 (a) *Uses a guide dog or a blaze orange dog leash or [carry] carries a*
15 *cane or walking stick such as is described in this section, contrary to the*
16 *provisions of this section; [or]*

17 (b) [Who shall fail] *Fails to heed the approach of a person using a*
18 *guide dog or carrying such a cane as is described by this section; [or]*

19 (c) [Who shall fail] *Fails to come to a stop upon approaching or*
20 *coming in contact with a person so using a guide dog or so carrying such*
21 *a cane or walking stick; or*

22 (d) [Who shall fail] *Fails to take precaution against accident or*
23 *injury to such a person after coming to a stop,*
24 *as provided for in this section, is guilty of a misdemeanor.*

25 4. This section does not apply to any [sighted] person who uses a
26 guide dog or [white] cane for the purpose of training [such] the dog or
27 of instructing a [blind] *visually or aurally handicapped* person.

28 SEC. 4. NRS 426.515 is hereby amended to read as follows:

29 426.515 The failure of a [totally] *wholly or partially blind or wholly*
30 *or partially deaf* person to carry a white or metallic colored cane or to use
31 a guide dog does not constitute contributory negligence per se, but may be
32 admissible as evidence of contributory negligence in a personal injury
33 action by such a [blind] person against a common carrier or any other
34 means of public conveyance or transportation or a place of public accom-
35 modation as defined by NRS 651.050 when the injury arises from [such
36 blind] *the visually or aurally handicapped* person's making use of the
37 facilities or services offered by [such] *the carrier or place of public*
38 *accommodation.*

39 SEC. 5. Chapter 484 of NRS is hereby amended by adding thereto a
40 new section which shall read as follows:

41 1. *Any driver of a vehicle who approaches or encounters a pedestrian*
42 *using a guide dog or carrying a cane or walking stick white or metallic in*
43 *color, or white tipped with red, shall come to a full stop and take such*
44 *precautions before proceeding as may be necessary to avoid accident or*
45 *injury to the pedestrian.*

46 2. *Any person who violates subsection 1 shall be punished by impris-*
47 *onment in the county jail for not more than 6 months, or by a fine of not*
48 *less than \$100 nor more than \$500, or by both fine and imprisonment.*

49 SEC. 6. NRS 484.325 is hereby amended to read as follows:

50 484.325 1. Except as provided in NRS 484.327 [.] *and section 5*

1 of this act, when official traffic-control devices are not in place or not in
2 operation the driver of a vehicle shall yield the right of way, slowing down
3 or stopping if need be so to yield, to a pedestrian crossing the highway
4 within a crosswalk when the pedestrian is upon the half of the highway
5 upon which the vehicle is traveling, or when the pedestrian is approaching
6 so closely from the opposite half of the highway as to be in danger.

7 2. [No] A pedestrian shall not suddenly leave a curb or other place
8 of safety and walk or run into the path of a vehicle which is so close that
9 it is impossible for the driver to yield.

10 3. Whenever a vehicle is stopped at a marked crosswalk or at an
11 unmarked crosswalk at an intersection, the driver of any other vehicle
12 approaching from the rear shall not overtake and pass [such] the stopped
13 vehicle until [such] the driver has determined that the vehicle being over-
14 taken was not stopped for the purpose of permitting a pedestrian to cross
15 the highway.

16 4. Whenever signals exhibiting the words "Walk" or "Don't Walk"
17 are in place, such signals [shall] indicate as follows:

18 (a) While the "Walk" indication is illuminated, pedestrians facing the
19 signal may proceed across the highway in the direction of the signal and
20 [shall] must be given the right of way by the drivers of all vehicles.

21 (b) While the "Don't Walk" indication is illuminated, either steady or
22 flashing, a pedestrian shall not start to cross the highway in the direction
23 of the signal, but any pedestrian who has partially completed his crossing
24 during the "Walk" indication shall proceed to a sidewalk, or to a safety
25 zone if one is provided.

26 (c) Whenever the word "Wait" still appears in a signal, [such] the
27 indication has the same meaning as assigned in this section to the "Don't
28 Walk" indication.

29 (d) Whenever a signal system provides a signal phase for the stopping
30 of all vehicular traffic and the exclusive movement of pedestrians, and
31 "Walk" and "Don't Walk" indications control [such] pedestrian move-
32 ment, pedestrians may cross in any direction between corners of the inter-
33 section offering the shortest route within the boundaries of the intersection
34 when the "Walk" indication is exhibited, and when signals and other offi-
35 cial traffic-control devices direct pedestrian movement in [such] the
36 manner [as] provided in this section and in NRS 484.283.

37 SEC. 7. NRS 484.327 is hereby amended to read as follows:

38 484.327 Except as provided in section 5 of this act:

39 1. Every pedestrian crossing a highway at any point other than within
40 a marked crosswalk or within an unmarked crosswalk at an intersection
41 shall yield the right of way to all vehicles upon the highway.

42 2. Any pedestrian crossing a highway at a point where a pedestrian
43 tunnel or overhead pedestrian crossing has been provided shall yield the
44 right of way to all vehicles upon the highway.

45 3. Between adjacent intersections at which official traffic-control
46 devices are in operation pedestrians shall not cross at any place except in
47 a marked crosswalk.

48 4. A pedestrian shall not cross an intersection diagonally unless
49 authorized by official traffic-control devices.

50 5. When authorized to cross diagonally, pedestrians shall cross only

1 in accordance with the official traffic-control devices pertaining to such
2 crossing movements.

3 SEC. 8. NRS 613.330 is hereby amended to read as follows:

4 613.330 1. It is an unlawful employment practice for an employer:

5 (a) To fail or refuse to hire or to discharge any [individual.] *person*,
6 or otherwise to discriminate against any [individual] *person* with
7 respect to his compensation, terms, conditions or privileges of employ-
8 ment, because of [such individual's] *the person's* race, color, religion,
9 sex, age, physical, *aural* or visual handicap or national origin; or

10 (b) To limit, segregate or classify his employees in any way which
11 would deprive or tend to deprive any [individual] *person* of employ-
12 ment opportunities or otherwise adversely affect his status as an
13 employee, because of [such individual's] *the person's* race, color, reli-
14 gion, sex, age, physical, *aural* or visual handicap or national origin.

15 2. It is an unlawful employment practice for an employment agency
16 to fail or refuse to refer for employment, or otherwise to discriminate
17 against, any [individual] *person* because of his race, color, religion, sex,
18 age, physical, *aural* or visual handicap or national origin, or to classify
19 or refer for employment any [individual] *person* on the basis of his race,
20 color, religion, sex, age, physical, *aural* or visual handicap or national
21 origin.

22 3. It is an unlawful employment practice for a labor organization:

23 (a) To exclude or to expel from its membership, or otherwise to dis-
24 criminate against, any [individual] *person* because of his race, color,
25 religion, sex, age, physical, *aural* or visual handicap or national origin;

26 (b) To limit, segregate or classify its membership, or to classify its
27 membership, or to classify or fail to refer to refer for employment any
28 [individual.] *person*, in any way which would deprive or tend to deprive
29 any [individual] *person* of employment opportunities, or would limit
30 [such] *his* employment opportunities or otherwise adversely affect his
31 status as an employee or as an applicant for employment, because of
32 [such individual's] *the person's* race, color, religion, sex, age, physical,
33 *aural* or visual handicap or national origin; or

34 (c) To cause or attempt to cause an employer to discriminate against
35 [an individual] *a person* in violation of this section.

36 4. It is an unlawful employment practice for any employer, labor
37 organization or joint labor-management committee controlling apprentice-
38 ship or other training or retraining, including on-the-job training pro-
39 grams, to discriminate against any [individual] *person* because of his
40 race, color, religion, sex, age, physical, *aural* or visual handicap or
41 national origin in admission to, or employment in, any program estab-
42 lished to provide apprenticeship or other training.

43 5. It is unlawful employment practice for any employer, employment
44 agency, labor organization or joint labor-management committee to dis-
45 criminate against the physically, *aurally* or visually handicapped by
46 interfering, directly or indirectly, with the use of an aid or appliance,
47 including guide dogs, by [such] *a* physically, *aurally* or visually handi-
48 capped [individual.] *person*.

49 6. It is an unlawful employment practice for an employer, directly or
50 indirectly, to refuse to permit a visually or *aurally* handicapped employee

1 to keep his guide dog with him at all times in his place of employment if
2 [such] the dog is specially trained by a guide dog school approved by the
3 division.

4 SEC. 9. NRS 651.075 is hereby amended to read as follows:

5 651.075 1. It is unlawful for a place of public accommodation to:

6 (a) Refuse service to a visually or aurally handicapped person because
7 he is accompanied by a guide dog; or

8 (b) Charge an additional fee for [such] the guide dog.

9 2. A place of accommodation may require proof that a dog is a guide
10 dog. Such requirement may be satisfied, by way of example and not of
11 limitation, by exhibition of the identification card normally presented to a
12 visually or aurally handicapped person upon his graduation from a guide
13 dog school.

14 3. A guide dog [shall] may not be presumed dangerous by reason of
15 the fact it is not muzzled.

16 4. This section does not relieve a visually or aurally handicapped
17 person from liability for damage which may be caused by his guide dog.

18 5. Visually or aurally handicapped persons accompanied by guide
19 dogs [shall be] are subject to the same conditions and limitations that
20 apply to persons who are not so handicapped and accompanied.

21 6. As used in this section:

22 (a) "Guide dog" means a dog which has been specially trained by a
23 guide dog school to serve as an aid to mobility to a particular visually or
24 aurally handicapped person.

25 (b) "Guide dog school" means a school which trains guide dogs and
26 which is approved by the division.

27 SEC. 10. NRS 704.145 is hereby amended to read as follows:

28 704.145 1. It is unlawful for a common carrier or other means of
29 public conveyance or transportation operating in this state to:

30 (a) Refuse service to a visually or aurally handicapped person because
31 he is accompanied by a guide dog; or

32 (b) Charge an additional fee for [such] the guide dog.

33 2. This section does not relieve a visually or aurally handicapped per-
34 son from liability for damage which may be caused by his guide dog.

35 3. Visually or aurally handicapped persons accompanied by guide
36 dogs [shall be] are subject to the same conditions and limitations that
37 apply to persons who are not so handicapped and accompanied.

38 4. As used in this section:

39 (a) "Guide dog" means a dog which has been specially trained by a
40 guide dog school to serve as an aid to mobility for a specific visually or
41 aurally handicapped person.

42 (b) "Guide dog school" means a school which trains guide dogs and
43 which is approved by the division.

44 SEC. 11. NRS 706.366 is hereby amended to read as follows:

45 706.366 1. It is unlawful for a common motor carrier of passengers
46 or other means of public conveyance or transportation operating in this
47 state to:

48 (a) Refuse service to a visually or aurally handicapped person because
49 he is accompanied by a guide dog; or

50 (b) Charge an additional fee for [such] the guide dog.

- 1 2. This section does not relieve a visually or *aurally* handicapped per
2 son from liability for damage which may be caused by his guide dog.
3 3. Visually or *aurally* handicapped persons accompanied by guide
4 dogs [shall be] *are* subject to the same conditions and limitations that
5 apply to persons who are not so handicapped and accompanied.
6 4. As used in this section:
7 (a) "Guide dog" means a dog which has been specially trained by a
8 guide dog school to serve as an aid to mobility for a specific visually or
9 *aurally* handicapped person.
10 (b) "Guide dog school" means a school which trains guide dogs and
11 which is approved by the division.

(REPRINTED WITH ADOPTED AMENDMENTS)

FIRST REPRINT

A. B. 404

ASSEMBLY BILL NO. 404—COMMITTEE ON JUDICIARY

MARCH 31, 1981

Referred to Committee on Judiciary

SUMMARY—Amends various provisions relating to civil commitment of criminal offenders. (BDR 40-803)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State or on Industrial Insurance: No.

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

AN ACT relating to alcohol and drug abuse; providing for civil commitment of criminal offenders before sentencing but after conviction; removing eligibility for civil commitment from persons convicted of driving under the influence of alcohol or drugs; and providing other matters properly relating thereto.

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

- 1 SECTION 1. NRS 458.300 is hereby amended to read as follows:
2 458.300 Subject to the provisions of NRS 458.290 to 458.350,
3 inclusive, an alcoholic or a drug addict [charged with] *who has been*
4 *convicted of a crime* is eligible to elect treatment under the supervision
5 of a state-approved alcohol or drug treatment facility [instead of prose-
6 cution] *before he is sentenced* unless:
7 1. The crime is a crime against the person as provided for in chapter
8 200 of NRS;
9 2. The crime is that of selling a controlled substance as defined in
10 chapter 453 of NRS;
11 3. *The crime is that of driving under the influence of intoxicating*
12 *liquor or while an habitual user or under the influence of a controlled*
13 *substance as provided for in NRS 484.379;*
14 4. The alcoholic or drug addict has a record of one or more convic-
15 tions of a crime of violence or of selling a controlled substance as
16 defined in chapter 453 of NRS, or of two or more convictions of any
17 felony;
18 [4.] 5. Other criminal proceedings alleging commission of a felony
19 are pending against the alcoholic or drug addict;
20 [5.] 6. The alcoholic or drug addict is on probation or parole and
21 the appropriate parole or probation authority does not consent to such
22 election; or

1 [6.] 7. The alcoholic or drug addict elected and was admitted, pur-
2 suant to NRS 458.290 to 458.350, inclusive, to a treatment program on
3 two prior occasions within any consecutive 2-year period.

4 SEC. 2. NRS 458.310 is hereby amended to read as follows:

5 458.310 1. If the court has reason to believe that a person [charged
6 with] *who has been convicted of a crime* is an alcoholic or drug addict,
7 or the person states that he is an alcoholic or drug addict, and the court
8 finds that he is eligible to make the election provided for in NRS 458.300,
9 the court shall hold a hearing *before it sentences the person* to determine
10 whether or not [the person] *he* should receive treatment under the super-
11 vision of a state-approved alcohol or drug treatment facility. The district
12 attorney may present the court with any evidence concerning the advis-
13 ability of permitting the person to make the election.

14 2. At the hearing the court shall advise him that [prosecution of the
15 charge shall] *sentencing will* be postponed if he elects to submit to treat-
16 ment and is accepted for treatment by a state-approved alcohol or drug
17 treatment facility. In offering [such] *the* election, the court shall advise
18 him that:

19 (a) If he elects to submit to treatment and is accepted, he may be
20 placed under the supervision of the treatment facility for a period not to
21 exceed 3 years;

22 (b) During treatment he may be confined in an institution or, at the
23 discretion of the treatment facility, released for treatment or supervised
24 aftercare in the community;

25 (c) If he satisfactorily completes treatment, as determined by the
26 court, the [charge or charges shall be dismissed,] *conviction will be set*
27 *aside*, but if he does not satisfactorily complete [such] *the* treatment,
28 [prosecution may be resumed;

29 (d) Such election constitutes a formal waiver of the right to a speedy
30 trial.] *he may be sentenced and the sentence executed.*

31 SEC. 3. NRS 458.320 is hereby amended to read as follows:

32 458.320 1. If the court, after a hearing, determines that a person is
33 entitled to accept the treatment offered pursuant to NRS 458.310, the
34 court shall order an approved alcohol or drug treatment facility to con-
35 duct an examination of [such] *the* person to determine whether he is an
36 alcoholic or drug addict and is likely to be rehabilitated through treat-
37 ment. The facility shall report to the court the results of [such] *the*
38 examination and recommend whether [such] *the* person should be placed
39 under supervision for treatment.

40 2. If the court, acting on the report or other relevant information,
41 determines that [such] *the* person is not an alcoholic or drug addict, or
42 that he is not likely to be rehabilitated through treatment, he may be
43 [held to answer the charge.] *sentenced and the sentence executed.*

44 3. If the court determines that [such] *the* person is an alcoholic or
45 drug addict and is likely to be rehabilitated through treatment, the court
46 may defer [trial] *sentencing* until such time, if any, as [resumption of
47 prosecution] *sentencing* is authorized pursuant to NRS 458.330, and
48 place [such] *the* person under the supervision of an approved alcohol
49 or drug treatment facility for treatment for a maximum of 3 years. The

1 court may require such progress reports on the treatment of the person
2 as it deems necessary.

3 4. No person may be placed under the supervision of a facility under
4 this section unless the facility accepts him for treatment.

5 SEC. 4. NRS 458.330 is hereby amended to read as follows:

6 458.330 1. Whenever a person is placed under the supervision of a
7 treatment facility, [the criminal charge against him shall be continued
8 without final disposition and dismissed] *his sentencing must be deferred,*
9 *and his conviction must be set aside* if the treatment facility certifies to the
10 court that [such person] *he* has satisfactorily completed the treatment
11 program [.] *and the court approves the certification.*

12 2. If, upon the expiration of the treatment period, the treatment facil-
13 ity has yet to certify that [such] *the* person has completed his treatment
14 program, the [pending criminal proceeding may be resumed.] *court shall*
15 *sentence him.* If the court believes that [such person] *he* will complete
16 his treatment on a voluntary basis, it may, in its discretion, [dismiss the
17 criminal charge.] *set the conviction aside.*

18 3. If, before the treatment period expires, the treatment facility
19 determines that [such] *the* person is not likely to benefit from further
20 treatment at [such] *the* facility, it shall so advise the court. The court
21 shall then:

22 (a) Arrange for the transfer of such person to a more suitable treat-
23 ment facility, if any; or

24 (b) Terminate the supervision and conduct a hearing to determine
25 whether [the prosecution should be resumed.

26 Whenever a criminal proceeding is resumed,] *the person should be*
27 *sentenced.*

28 *Whenever a person is sentenced under this section, time spent in institu-*
29 *tional care [shall] must be deducted from any sentence imposed.*

30 SEC. 5. NRS 458.340 is hereby repealed.