

SENATE BILL NO. 235—COMMITTEE ON JUDICIARY

(ON BEHALF OF THE JOINT INTERIM STANDING
COMMITTEE ON JUDICIARY)

MARCH 8, 2023

Referred to Committee on Judiciary

SUMMARY—Revises provisions relating to pretrial release.
(BDR 14-310)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: No.

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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; revising provisions relating
to pretrial release hearings; and providing other matters
properly relating thereto.

Legislative Counsel’s Digest:

1 In general, existing law requires a court to hold a pretrial release hearing to
2 determine the custody status of a person within 48 hours after the person has been
3 taken into custody. However, existing law authorizes a court to continue such a
4 pretrial release hearing if good cause is shown by a party. (NRS 178.4849) **Section**
5 **1** of this bill instead authorizes the court to continue a pretrial release hearing: (1) at
6 the request of either party or the court and for good cause shown; or (2) upon
7 stipulation of the parties. **Section 1** also prescribes certain requirements relating to
8 the scheduling of a pretrial release hearing continued by the court.

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

1 **Section 1.** NRS 178.4849 is hereby amended to read as
2 follows:
3 178.4849 1. Except as otherwise provided in ~~[this section]~~
4 *subsection 2* and NRS 178.484 and 178.4847, a court shall, within
5 48 hours after a person has been taken into custody, hold a pretrial
6 release hearing, in open court or by means of remote
7 communication, to determine the custody status of the person.



1 **2.** The *court may continue a* pretrial release hearing ~~[may be~~
2 ~~continued]~~:

3 *(a) At the request of either party or the court and* for good
4 cause shown. *A pretrial release hearing so continued must be*
5 *placed on the next regularly scheduled calendar of the court.*

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

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

10 *(a) An oral stipulation; or*

11 *(b) A written stipulation communicated by mail, by electronic*
12 *mail, via the internet or by other electronic means.*

13 ~~[2.]~~ **4.** As used in this section, “remote communication” means
14 communication through telephone or videoconferencing.

15 **Sec. 2.** This act becomes effective on July 1, 2023.

