

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; authorizing a court to impose additional conditions of release on a person under certain circumstances; 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.

9 Existing law provides that a court may only impose bail or a condition of  
10 release, or both, on a person if the imposition is the least restrictive means  
11 necessary to protect the safety of the community or to ensure the appearance of the  
12 person in court. Under existing law, if a person fails to comply with a condition of  
13 release imposed by the court, the court may, after providing the person with notice  
14 and an opportunity for a hearing: (1) deem such conduct contempt; (2) increase the  
15 amount of bail; or (3) revoke bail and remand the person into custody. (NRS  
16 178.4851) **Section 1.5** of this bill authorizes the court to impose on a person who  
17 fails to comply with a condition of release such additional conditions of release as  
18 the court deems necessary to protect the safety of the community or to ensure the  
19 person will appear at the times and places ordered 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.

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

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

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

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

17     *(a) An oral stipulation; or*

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

20     ~~[2-]~~ **4.** As used in this section, “remote communication” means  
21 communication through telephone or videoconferencing.

22     **Sec. 1.5.** NRS 178.4851 is hereby amended to read as follows:

23     178.4851 1. Except as otherwise provided in subsection 4,  
24 the court shall only impose bail or a condition of release, or both, on  
25 a person as it deems to be the least restrictive means necessary to  
26 protect the safety of the community or to ensure that the person will  
27 appear at all times and places ordered by the court, with regard to  
28 the factors set forth in NRS 178.4853 and 178.498. Such conditions  
29 of release may include, without limitation:

30     (a) Requiring the person to remain in this State or a certain  
31 county within this State;

32     (b) Prohibiting the person from contacting or attempting to  
33 contact a specific person or from causing or attempting to cause  
34 another person to contact that person on the person’s behalf;

35     (c) Prohibiting the person from entering a certain geographic  
36 area;

37     (d) Prohibiting the person from possessing a firearm during the  
38 pendency of the case; or

39     (e) Prohibiting the person from engaging in specific conduct that  
40 may be harmful to the person’s own health, safety , or welfare, or  
41 the health, safety , or welfare of another person.



1 2. A prosecuting attorney may request that a court impose bail  
2 or a condition of release, or both, on a person. If the request includes  
3 the imposition of bail, the prosecuting attorney must prove by clear  
4 and convincing evidence that the imposition of bail is necessary to  
5 protect the safety of the community or to ensure that the person will  
6 appear at all times and places ordered by the court, with regard to  
7 the factors set forth in NRS 178.4853 and 178.498.

8 3. If a court imposes bail or any condition of release, or both,  
9 other than release on recognizance with no other conditions of  
10 release, the court shall make findings of fact for such a  
11 determination and state its reasoning on the record, and, if the  
12 determination includes the imposition of a condition of release, the  
13 findings of fact must include why the condition of release  
14 constitutes the least restrictive means necessary to protect the safety  
15 of the community or to ensure that the person will appear at the  
16 times and places ordered by the court.

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

22 5. The person must sign a document before the person's release  
23 stating that:

24 (a) The person will appear at all times and places as ordered by  
25 the court releasing the person and as ordered by any court before  
26 which the charge is subsequently heard;

27 (b) The person will comply with the other conditions which  
28 have been imposed by the court and are stated in the document;

29 (c) If the person fails to appear when so ordered and is taken  
30 into custody outside of this State, the person waives all rights  
31 relating to extradition proceedings; and

32 (d) The person understands that any court of competent  
33 jurisdiction may revoke the order of release without bail and may  
34 order the person into custody or require the person to furnish bail or  
35 otherwise ensure the protection of the safety of the community or  
36 the person's appearance, if applicable.

37 6. The document signed pursuant to subsection 5 must be filed  
38 with the clerk of the court of competent jurisdiction and becomes  
39 effective upon the signature of the person to be released.

40 7. If a person fails to comply with a condition of release  
41 imposed pursuant to this section, the court may, after providing the  
42 person with reasonable notice and an opportunity for a hearing:

43 (a) Deem such conduct a contempt pursuant to NRS 22.010;

44 (b) *Impose such additional conditions of release as the court*  
45 *deems necessary to protect the safety of the community or to*



1 *ensure the person will appear at the times and places ordered by*  
2 *the court;*

3 (c) Increase the amount of bail pursuant to NRS 178.499, if  
4 applicable; or

5 ~~(e)~~ (d) Revoke bail and remand the person into custody.

6 8. If a person fails to appear as ordered by the court and a  
7 jurisdiction incurs any costs in returning a person to the jurisdiction  
8 to stand trial, the person failing to appear is responsible for paying  
9 those costs as restitution.

10 9. An order issued pursuant to this section that imposes a  
11 condition on a person must include a provision ordering a law  
12 enforcement officer to arrest the person if the law enforcement  
13 officer has probable cause to believe that the person has violated a  
14 condition of release.

15 10. Nothing in this section shall be construed to require a court  
16 to receive the request of a prosecuting attorney before imposing a  
17 condition of release.

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

