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SENATE BILL NO. 412—COMMITTEE ON JUDICIARY

(ON BEHALF OF THE OFFICE OF THE GOVERNOR)

MARCH 27, 2023

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Referred to Committee on Judiciary

SUMMARY—Revises provisions relating to criminal justice.  
(BDR 14-1091)

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.

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AN ACT relating to criminal justice; revising provisions relating to specialty court programs and the deferral of judgment against certain defendants; revising provisions concerning persons accepted into a program for the treatment of problem gambling; revising provisions relating to violations of probation or parole; revising provisions governing early discharge from probation; revising provisions concerning pretrial release hearings; revising the definition of the term “strangulation” as it relates to the crime of battery; prohibiting certain acts involving the use, possession or carrying a firearm during the commission of certain drug offenses; revising the elements of and penalties for certain burglary crimes; reducing the felony threshold for various offenses concerning theft and deceptive trade practices; reducing the number of previous felony convictions for the purposes of a person being considered a habitual criminal; increasing the penalty for a person who is convicted of the possession of a mixture of fentanyl and certain other substances; prohibiting a court from granting probation to or suspending the sentence of a person who possesses fentanyl for the purpose of sale; revising provisions concerning trafficking in certain controlled substances; increasing the minimum and maximum terms of imprisonment for a person who drives under the influence of alcohol or a prohibited substance and causes the death of another person; providing penalties; and providing other matters properly relating thereto.



**Legislative Counsel's Digest:**

1 Existing law generally authorizes a court to defer judgment against a criminal  
2 defendant to a specified future date and set forth specific terms and conditions for  
3 the defendant and, if the court finds that the defendant has completed all such  
4 conditions, the court is required to discharge the defendant and dismiss the  
5 proceedings. However, a judgment cannot be deferred if the defendant has been  
6 convicted of a violent or sexual offense or certain offenses committed against a  
7 child. (NRS 176.211) **Section 1** of this bill also prohibits a judgment from being  
8 deferred if the defendant has been convicted of abuse or exploitation of an older  
9 person or a vulnerable person. **Sections 2, 4 and 6** of this bill similarly disqualify a  
10 defendant who has committed abuse or exploitation of an older person or a  
11 vulnerable person or abuse, neglect or endangerment of a child from being eligible  
12 for assignment to certain specialty court programs.

13 Existing law provides that if a defendant who committed a first or second  
14 offense of possession of certain controlled substances had his or her judgment  
15 deferred and was placed in a specialty court program but then violated a term or  
16 condition during the deferral period, the court is authorized to allow the defendant  
17 to continue participating in the program or terminate the participation of the  
18 defendant in the program. If the court terminates the participation of the defendant  
19 in the program, the court is required to allow the defendant to withdraw his or her  
20 plea. (NRS 176.211) **Section 1** removes such provisions.

21 Existing law authorizes a court to assign certain defendants to participate in  
22 certain specialty court programs as a condition of probation. Upon a defendant's  
23 completion of the terms and conditions of probation, the court is required to  
24 discharge the defendant and dismiss the proceedings or set aside the judgment of  
25 conviction unless the defendant has previously been convicted of a felony or failed  
26 to complete a specialty court program, in which case the court has the discretion as  
27 to whether to discharge the defendant and dismiss the proceedings or set aside the  
28 judgment of conviction. (NRS 176A.240, 176A.260, 176A.290) **Sections 2, 4 and**  
29 **7** of this bill remove the provisions requiring a court to discharge a defendant and  
30 instead make the court's discharge of a defendant discretionary unless the  
31 defendant has previously been convicted of a felony or failed to complete a  
32 specialty court program.

33 Existing law generally requires a court to order sealed all documents relating to  
34 the case of a defendant who is discharged from probation or whose case is  
35 dismissed after participating in certain specialty court programs. (NRS 176A.245,  
36 176A.265, 176A.295) **Sections 3, 5 and 8** of this bill revise such provisions by  
37 requiring a court to order sealed all documents relating to the case of such a  
38 defendant only after the case is dismissed.

39 Existing law provides that a person who has been accepted into a program for  
40 the treatment of problem gambling and is placed by the court under the supervision  
41 of a qualified mental health professional is required to have his or her sentencing  
42 deferred and, unless the person has a record of two or more felony convictions for  
43 two or more separate incidents, have his or her conviction set aside if the qualified  
44 mental health professional certifies to the court that the person satisfactorily  
45 completed the program and the court approves the certification and determines that  
46 the person satisfied the conditions upon the election of treatment. (NRS 458A.220,  
47 458A.240) **Section 51** of this bill instead provides that the deferral of the  
48 sentencing and the setting aside of the conviction of such a person is discretionary  
49 for the court. Existing law provides that the determination of and civil commitment  
50 for problem gambling shall not be deemed a criminal conviction. (NRS 458A.250)  
51 **Section 52** of this bill removes such provisions and instead provides that the setting  
52 aside of the conviction of a person under **section 51** shall not be deemed a criminal  
53 conviction.



54 Existing law requires the Division of Parole and Probation of the Department of  
55 Public Safety (hereinafter "Division") to adopt a written system of graduated  
56 sanctions for use by parole and probation officers when responding to a technical  
57 violation of the conditions of probation or parole. (NRS 176A.510, 213.15101)  
58 **Sections 9 and 37** of this bill, respectively, provide that as part of the system of  
59 graduated sanctions, the Division is authorized, in response to a technical violation  
60 of probation or parole, to: (1) impose confinement in a jail or detention facility for a  
61 period of not more than 10 days, not to exceed 30 days in the aggregate; or (2)  
62 place the person under a system of active electronic monitoring for a period of not  
63 more than 60 days using an electronic device approved by the Division. **Sections 9**  
64 **and 37** also require a system of graduated sanctions to include guidance on the use  
65 of such confinement in a jail or detention facility and electronic monitoring.  
66 **Sections 9 and 37** additionally revise the definition of "technical violation" to  
67 exclude certain violations of probation, suspension of sentence or parole by a sex  
68 offender and termination from a program which provides residential treatment, a  
69 program indicated in a parole release plan or a specialty court program, as  
70 applicable.

71 Existing law authorizes a court to take certain actions if a probationer commits  
72 certain violations of the conditions of probation. (NRS 176A.630) **Section 10** of  
73 this bill instead authorizes a court to take such actions for any violation of the  
74 conditions of probation by a probationer. Existing law provides that a parolee  
75 whose parole is revoked for certain reasons: (1) forfeits all credits for good  
76 behavior; and (2) is required to serve the part of the unexpired maximum term or  
77 maximum aggregate term of his or her original sentence as determined by the State  
78 Board of Parole Commissioners (hereinafter "Board"). (NRS 213.1519) **Section 38**  
79 of this bill provides that such consequences apply to a parolee whose parole is  
80 revoked for any reason. Existing law also authorizes a court or the Board, as  
81 applicable, to take certain actions if a probationer or parolee commits one or more  
82 technical violations of the conditions of probation or parole, including: (1)  
83 temporarily revoking the probation, suspension of sentence or parole supervision  
84 and imposing a term of imprisonment of not more than 30 days for the first  
85 temporary revocation, 90 days for the second temporary revocation or 180 days for  
86 the third temporary revocation; or (2) fully revoking the probation, suspension of  
87 sentence or parole supervision and imposing imprisonment for the remainder of the  
88 sentence for a fourth or subsequent revocation. (NRS 176A.630, 213.1519)  
89 **Sections 10 and 38** remove such provisions.

90 Existing law requires the Division to petition the court to recommend the early  
91 discharge of a person from probation if the person satisfies certain requirements,  
92 including not having been convicted of a violent or sexual offense or abuse, neglect  
93 or endangerment of a child. (NRS 176A.840) **Section 11** of this bill adds certain  
94 offenses involving a dangerous weapon or firearm, residential burglary and  
95 invasion of the home to such disqualifying offenses for purposes of the early  
96 discharge of a person from probation.

97 Existing law generally requires a court to hold a pretrial release hearing within  
98 48 hours after a person has been taken into custody. (NRS 178.4849) **Section 12** of  
99 this bill increases such a period to 72 hours. **Section 12** also: (1) prohibits a pretrial  
100 release hearing from being held on any day declared to be a legal holiday; (2)  
101 requires the court to apply a rebuttable presumption that financial conditions must  
102 be imposed on a person who has been arrested for certain offenses to ensure the  
103 appearance of the person at trial; and (3) authorizes a person to be held without bail  
104 if the prosecuting attorney demonstrates by clear and convincing evidence that the  
105 person is a flight risk or danger to the community and no conditions will ensure the  
106 appearance of the person at trial.



107 Existing law establishes the definition of and the penalties for the crime of  
108 battery. (NRS 200.481) **Section 14** of this bill revises the definition of the term  
109 "strangulation" as it relates to the crime of battery.

110 Existing law prohibits the ownership or possession of firearms by certain  
111 persons. (NRS 202.360) **Section 15** of this bill additionally prohibits a person from  
112 using or carrying a firearm during and in relation to, or possessing a firearm in  
113 furtherance of, the commission of certain drug offenses and provides that a person  
114 who violates any such provision is guilty of a category B felony. **Section 15** also  
115 provides that for the purposes of prosecuting a violation of the prohibition against  
116 the ownership, possession, use or carrying of firearms by certain persons, each  
117 firearm owned, possessed, used or carried by, or under the custody of control of, a  
118 person constitutes a separate violation.

119 Existing law establishes the crimes of residential burglary, burglary of a  
120 business, burglary of a motor vehicle and burglary of a structure and provides that  
121 one of the elements of such crimes is that the person unlawfully enters or  
122 unlawfully remains in the dwelling, business structure, motor vehicle or other  
123 structure, as applicable. (NRS 205.060) **Section 16** of this bill removes the  
124 requirement that a person's entry be unlawful and also removes the requirement  
125 that a person unlawfully remains in the dwelling, business structure, motor vehicle  
126 or other structure, as applicable. **Section 16** also increases the penalties for burglary  
127 of a motor vehicle, burglary of a structure and burglary of a business.

128 Existing law provides that a person who commits theft is guilty of: (1) a  
129 misdemeanor if the value of the property or services involved in the theft is less  
130 than \$1,200; and (2) a category D felony if the value of the property or services  
131 involved in the theft is \$1,200 or more but less than \$5,000. (NRS 205.0835)  
132 **Section 17** of this bill reduces the felony theft threshold to \$750. **Sections 18-35,**  
133 **53 and 55-57** of this bill make conforming changes to various offenses concerning  
134 theft or deceptive trade practices that use monetary thresholds by similarly reducing  
135 the felony threshold to \$750.

136 Existing law establishes provisions concerning habitual criminals and provides  
137 that a person who is convicted of a felony and has previously been convicted of a  
138 felony: (1) five times is guilty of a category B felony; or (2) seven times is guilty of  
139 a category A felony. (NRS 207.010) **Section 36** of this bill reduces the number of  
140 previous felony convictions for purposes of a person being considered a habitual  
141 criminal from five to two for a category B felony and from seven to three for a  
142 category A felony. **Section 36** also removes provisions exempting certain drug  
143 convictions for the purpose of determining the number of previous felony  
144 convictions of a person.

145 Existing law generally provides that a person who is convicted of the  
146 possession of flunitrazepam or gamma-hydroxybutyrate, or any substance for  
147 which either such substance is an immediate precursor, is guilty of a category B  
148 felony and must be punished by imprisonment in the state prison for a minimum  
149 term of not less than 1 year and a maximum term of not more than 6 years. (NRS  
150 453.336) **Section 45** of this bill provides that a person who is convicted of the  
151 possession of a mixture containing fentanyl, carfentanil and a benzimidazole  
152 opioid, or any analog thereof, is also guilty of a category B felony and must be  
153 punished in the same manner.

154 Existing law prohibits a court from granting probation to or suspending the  
155 sentence of certain persons convicted of possessing flunitrazepam or gamma-  
156 hydroxybutyrate, or any substance for which flunitrazepam or gamma-  
157 hydroxybutyrate is an immediate precursor, for the purpose of sale. (NRS 453.337)  
158 **Section 46** of this bill includes fentanyl in such provisions.

159 Existing law prohibits any person from knowingly or intentionally selling,  
160 manufacturing, delivering, bringing into this State or being in actual or constructive  
161 possession of flunitrazepam or gamma-hydroxybutyrate, any substance for which



162 flunitrazepam or gamma-hydroxybutyrate is an immediate precursor, any controlled  
163 substance listed in schedule I or II other than marijuana or any mixture which  
164 contains any such controlled substances. A person who commits such an offense is  
165 guilty of: (1) low-level trafficking if the quantity involved is 100 grams or more but  
166 less than 400 grams and must be punished for a category B felony by imprisonment  
167 in the state prison for a minimum term of not less than 2 years and a maximum term  
168 of not more than 20 years and by a fine of not more than \$100,000; and (2) high-  
169 level trafficking if the quantity involved is 400 grams or more and must be  
170 punished for a category A felony. (NRS 453.3385) **Section 48** of this bill removes  
171 schedule II controlled substances from such provisions and also provides that: (1)  
172 low-level trafficking involves a quantity of 4 grams or more but less than 14 grams;  
173 (2) mid-level trafficking involves a quantity of 14 grams or more but less than 28  
174 grams; and (3) high-level trafficking involves a quantity of 28 grams or more.  
175 **Section 48** also revises the penalties for low-level trafficking and provides that a  
176 person who commits such an offense must be punished by imprisonment for a  
177 minimum term of not less than 1 year and a maximum term of not more than 6  
178 years and by a fine of not more than \$50,000. **Section 48** additionally establishes  
179 the penalties for mid-level trafficking by applying the current penalties for low-  
180 level trafficking to such an offense.

181 **Section 40** of this bill generally provides that any person who knowingly or  
182 intentionally sells, manufactures, delivers or brings into this State or who is  
183 knowingly or intentionally in actual or constructive possession of any controlled  
184 substance which is listed in schedule II or any mixture which contains any such  
185 controlled substance must be punished: (1) for a category C felony if the quantity  
186 involved is 28 grams or more but less than 200 grams; (2) for a category B felony if  
187 the quantity involved is 200 grams or more but less than 400 grams; and (3) for a  
188 category A felony if the quantity involved is 400 grams or more. **Sections 13, 15,**  
189 **39, 41-47, 49 and 50** of this bill make conforming changes by including a reference  
190 to **section 40** in the provisions of existing law that are currently applicable to  
191 schedule II substances to ensure that such provisions remain applicable to  
192 schedule II substances given the removal of those substances from the provisions of  
193 **section 48**.

194 Existing law provides that a person who drives under the influence of alcohol  
195 or a prohibited substance and causes the death of or substantial bodily harm to  
196 another person is guilty of a category B felony and must be punished by  
197 imprisonment in the state prison for a minimum term of not less than 2 years and a  
198 maximum term of not more than 20 years. (NRS 484C.430) **Section 54** of this bill  
199 increases the minimum and maximum terms of imprisonment for a person who  
200 causes the death of another person to not less than 5 years and not more than 25  
201 years.

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

1 **Section 1.** NRS 176.211 is hereby amended to read as follows:  
2 176.211 1. Except as otherwise provided in this subsection,  
3 upon a plea of guilty, guilty but mentally ill or nolo contendere, but  
4 before a judgment of guilt, the court may, without entering a  
5 judgment of guilt and with the consent of the defendant, defer  
6 judgment on the case to a specified future date and set forth specific  
7 terms and conditions for the defendant. The duration of the deferral



1 period must not exceed the applicable period set forth in subsection  
2 1 of NRS 176A.500 or the extension of the period pursuant to  
3 subsection 2 of NRS 176A.500. The court may not defer judgment  
4 pursuant to this subsection if the defendant has entered into a plea  
5 agreement with a prosecuting attorney unless the plea agreement  
6 allows the deferral.

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

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

19 3. The court:

20 (a) Upon the consent of the defendant:

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

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

28 (b) Shall not defer judgment for any defendant who has been  
29 convicted of a violent or sexual offense as defined in NRS 202.876,  
30 a crime against a child as defined in NRS 179D.0357 , *abuse or*  
31 *exploitation of an older person or a vulnerable person pursuant to*  
32 *NRS 200.5099* or  ~~[a violation of]~~  *abuse, neglect or endangerment*  
33 *of a child pursuant to* NRS 200.508.

34 4. Upon violation of a term or condition:

35 (a)  ~~[Except as otherwise provided in paragraph (b):~~

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

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

43  ~~(b) If the defendant has been placed in the program for a first or~~  
44  ~~second violation of paragraph (a) of subsection 2 of NRS 453.336,~~  
45  ~~the court may allow the defendant to continue to participate in the~~



~~1 program or terminate the participation of the defendant in the  
2 program. If the court terminates the participation of the defendant in  
3 the program, the court shall allow the defendant to withdraw his or  
4 her plea.]~~

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

17 6. The court shall order sealed all documents, papers and  
18 exhibits in the defendant's record, minute book entries and entries  
19 on dockets, and other documents relating to the case in the custody  
20 of such other agencies and officers as are named in the court's order  
21 if the defendant fulfills the terms and conditions imposed by the  
22 court and the Division. The court shall order those records sealed  
23 without a hearing unless the Division or the prosecutor petitions the  
24 court, for good cause shown, not to seal the records and requests a  
25 hearing thereon.

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

31 8. As used in this section:

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

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

35 **Sec. 2.** NRS 176A.240 is hereby amended to read as follows:

36 176A.240 1. Except as otherwise provided in subparagraph  
37 (1) of paragraph (a) of subsection 3 of NRS 176.211, if a defendant  
38 who suffers from a substance use disorder or any co-occurring  
39 disorder tenders a plea of guilty, guilty but mentally ill or nolo  
40 contendere to, or is found guilty or guilty but mentally ill of, any  
41 offense for which the suspension of sentence or the granting of  
42 probation is not prohibited by statute, the court may:

43 (a) Without entering a judgment of conviction and with the  
44 consent of the defendant, suspend or defer further proceedings and  
45 place the defendant on probation upon terms and conditions that



1 must include attendance and successful completion of a program  
2 established pursuant to NRS 176A.230 if the court determines that  
3 the defendant is eligible for participation in such a program; or

4 (b) Enter a judgment of conviction and place the defendant on  
5 probation upon terms and conditions that must include attendance  
6 and successful completion of a program established pursuant to  
7 NRS 176A.230 if the court determines that the defendant is eligible  
8 for participation in such a program.

9 2. Except as otherwise provided in subsection 4, a defendant is  
10 eligible for participation in a program established pursuant to NRS  
11 176A.230 if the defendant is diagnosed as having a substance use  
12 disorder or any co-occurring disorder:

13 (a) After an in-person clinical assessment by:

14 (1) A counselor who is licensed or certified to make such a  
15 diagnosis; or

16 (2) A duly licensed physician qualified by the Board of  
17 Medical Examiners to make such a diagnosis; or

18 (b) Pursuant to a substance use assessment.

19 3. A counselor or physician who diagnoses a defendant as  
20 having a substance use disorder shall submit a report and  
21 recommendation to the court concerning the length and type of  
22 treatment required for the defendant.

23 4. If the offense committed by the defendant is a category A  
24 felony or a sexual offense as defined in NRS 179D.097 that is  
25 punishable as a category B felony, *abuse or exploitation of an older  
26 person or a vulnerable person pursuant to NRS 200.5099 or  
27 abuse, neglect or endangerment of a child pursuant to NRS  
28 200.508*, the defendant is not eligible for assignment to the program.

29 5. Upon violation of a term or condition:

30 (a) The court may enter a judgment of conviction, if applicable,  
31 and proceed as provided in the section pursuant to which the  
32 defendant was charged.

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

37 6. Except as otherwise provided in subsection 8, upon  
38 fulfillment of the terms and conditions, the court ~~is~~

39 ~~—(a) Shall~~ *may* discharge the defendant and dismiss the  
40 proceedings or set aside the judgment of conviction, as applicable,  
41 unless the defendant:

42 ~~[(1)]~~ (a) Has been previously convicted in this State or in  
43 any other jurisdiction of a felony; or

44 ~~[(2)]~~ (b) Has previously failed to complete a specialty court  
45 program. ~~is~~ ~~or~~





1 ~~— (b) May discharge the defendant and dismiss the proceedings or~~  
2 ~~set aside the judgment of conviction, as applicable, if the defendant:~~

3 ~~— (1) Has been previously convicted in this State or in any~~  
4 ~~other jurisdiction of a felony; or~~

5 ~~— (2) Has previously failed to complete a specialty court~~  
6 ~~program.]~~

7 7. Discharge and dismissal pursuant to this section is without  
8 adjudication of guilt and is not a conviction for purposes of this  
9 section or for purposes of employment, civil rights or any statute or  
10 regulation or license or questionnaire or for any other public or  
11 private purpose, but is a conviction for the purpose of additional  
12 penalties imposed for second or subsequent convictions or the  
13 setting of bail. Discharge and dismissal restores the defendant, in the  
14 contemplation of the law, to the status occupied before the arrest,  
15 indictment or information. The defendant may not be held thereafter  
16 under any law to be guilty of perjury or otherwise giving a false  
17 statement by reason of failure to recite or acknowledge that arrest,  
18 indictment, information or trial in response to an inquiry made of  
19 the defendant for any purpose.

20 8. If the defendant was charged with a violation of NRS  
21 200.485, 484C.110 or 484C.120, upon fulfillment of the terms and  
22 conditions, the district court, justice court or municipal court, as  
23 applicable, may conditionally dismiss the charges or set aside the  
24 judgment of conviction, as applicable. If a court conditionally  
25 dismisses the charges or sets aside the judgment of conviction, the  
26 court shall notify the defendant that any conditionally dismissed  
27 charge or judgment of conviction that is set aside is a conviction for  
28 the purpose of additional penalties imposed for second or  
29 subsequent convictions or the setting of bail in a future case, but is  
30 not a conviction for purposes of employment, civil rights or any  
31 statute or regulation or license or questionnaire or for any other  
32 public or private purpose. Conditional dismissal or having a  
33 judgment of conviction set aside restores the defendant, in the  
34 contemplation of the law, to the status occupied before the arrest,  
35 complaint, indictment or information. The defendant may not be  
36 held thereafter under any law to be guilty of perjury or otherwise  
37 giving a false statement by reason of failure to recite or  
38 acknowledge that arrest, complaint, indictment, information or trial  
39 in response to an inquiry made of the defendant for any purpose.

40 **Sec. 3.** NRS 176A.245 is hereby amended to read as follows:

41 176A.245 1. Except as otherwise provided in subsection 2,  
42 after ~~[a defendant is discharged from probation or]~~ a case is  
43 dismissed pursuant to NRS 176A.240, the court shall order sealed  
44 all documents, papers and exhibits in the defendant's record, minute  
45 book entries and entries on dockets, and other documents relating to



1 the case in the custody of such other agencies and officers as are  
2 named in the court's order if the defendant fulfills the terms and  
3 conditions imposed by the court and the Division. The court shall  
4 order those records sealed without a hearing unless the Division  
5 petitions the court, for good cause shown, not to seal the records and  
6 requests a hearing thereon.

7 2. If the defendant is charged with a violation of NRS 200.485,  
8 484C.110 or 484C.210 and the charges are conditionally dismissed  
9 or the judgment of conviction is set aside as provided in NRS  
10 176A.240, not sooner than 7 years after the charges are  
11 conditionally dismissed or the judgment of conviction is set aside  
12 and upon the filing of a petition by the defendant, the justice court,  
13 municipal court or district court, as applicable, shall order that all  
14 documents, papers and exhibits in the defendant's record, minute  
15 book entries and entries on dockets, and other documents relating to  
16 the case in the custody of such other agencies and officers as are  
17 named in the court's order be sealed. The justice court, municipal  
18 court or district court, as applicable, shall order those records sealed  
19 without a hearing unless the Division petitions the court, for good  
20 cause shown, not to seal the records and requests a hearing thereon.

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

28 **Sec. 4.** NRS 176A.260 is hereby amended to read as follows:

29 176A.260 1. Except as otherwise provided in subparagraph  
30 (1) of paragraph (a) of subsection 3 of NRS 176.211, if a defendant  
31 who suffers from mental illness or is intellectually disabled tenders  
32 a plea of guilty, guilty but mentally ill or nolo contendere to, or is  
33 found guilty or guilty but mentally ill of, any offense for which the  
34 suspension of sentence or the granting of probation is not prohibited  
35 by statute, the court may:

36 (a) Without entering a judgment of conviction and with the  
37 consent of the defendant, suspend or defer further proceedings and  
38 place the defendant on probation upon terms and conditions that  
39 must include attendance and successful completion of a program  
40 established pursuant to NRS 176A.250 if the court determines that  
41 the defendant is eligible for participation in such a program; or

42 (b) Enter a judgment of conviction and place the defendant on  
43 probation upon terms and conditions that must include attendance  
44 and successful completion of a program established pursuant to



1 NRS 176A.250, if the court determines that the defendant is eligible  
2 for participation in such a program.

3 2. Except as otherwise provided in subsection 4, a defendant is  
4 eligible for participation in a program established pursuant to NRS  
5 176A.250 if the defendant is diagnosed as having a mental illness or  
6 an intellectual disability:

7 (a) After an in-person clinical assessment by:

8 (1) A counselor who is licensed or certified to make such a  
9 diagnosis; or

10 (2) A duly licensed physician qualified by the Board of  
11 Medical Examiners to make such a diagnosis; and

12 (b) If the defendant appears to suffer from a mental illness,  
13 pursuant to a mental health screening that indicates the presence of a  
14 mental illness.

15 3. A counselor or physician who diagnoses a defendant as  
16 having a mental illness or intellectual disability shall submit a report  
17 and recommendation to the court concerning the length and type of  
18 treatment required for the defendant within the maximum probation  
19 terms applicable to the offense for which the defendant is convicted.

20 4. If the offense committed by the defendant is a category A  
21 felony, ~~for~~ a sexual offense as defined in NRS 179D.097 that is  
22 punishable as a category B felony, *abuse or exploitation of an older  
23 person or a vulnerable person pursuant to NRS 200.5099 or  
24 abuse, neglect or endangerment of a child pursuant to NRS  
25 200.508*, the defendant is not eligible for assignment to the program.

26 5. Upon violation of a term or condition:

27 (a) The court may enter a judgment of conviction, if applicable,  
28 and proceed as provided in the section pursuant to which the  
29 defendant was charged.

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

34 6. Except as otherwise provided in subsection 8, upon  
35 fulfillment of the terms and conditions, the court ~~is~~

36 ~~—(a) Shall~~ *may* discharge the defendant and dismiss the  
37 proceedings or set aside the judgment of conviction, as applicable,  
38 unless the defendant:

39 ~~(1)~~ (a) Has been previously convicted in this State or in  
40 any other jurisdiction of a felony; or

41 ~~(2)~~ (b) Has previously failed to complete a specialty court  
42 program. ~~is or~~

43 ~~—(b) May discharge the defendant and dismiss the proceedings or  
44 set aside the judgment of conviction, as applicable, if the defendant:~~



1 ~~(1) Has been previously convicted in this State or in any~~  
2 ~~other jurisdiction of a felony; or~~  
3 ~~(2) Has previously failed to complete a specialty court~~  
4 ~~program.]~~

5 7. Discharge and dismissal pursuant to this section is without  
6 adjudication of guilt and is not a conviction for purposes of this  
7 section or for purposes of employment, civil rights or any statute or  
8 regulation or license or questionnaire or for any other public or  
9 private purpose, but is a conviction for the purpose of additional  
10 penalties imposed for second or subsequent convictions or the  
11 setting of bail. Discharge and dismissal restores the defendant, in the  
12 contemplation of the law, to the status occupied before the arrest,  
13 indictment or information. The defendant may not be held thereafter  
14 under any law to be guilty of perjury or otherwise giving a false  
15 statement by reason of failure to recite or acknowledge that arrest,  
16 indictment, information or trial in response to an inquiry made of  
17 the defendant for any purpose.

18 8. If the defendant was charged with a violation of NRS  
19 200.485, 484C.110 or 484C.120, upon fulfillment of the terms and  
20 conditions, the district court, justice court or municipal court, as  
21 applicable, may conditionally dismiss the charges or set aside the  
22 judgment of conviction, as applicable. If a court conditionally  
23 dismisses the charges or sets aside the judgment of conviction, the  
24 court shall notify the defendant that any conditionally dismissed  
25 charge or judgment of conviction that is set aside is a conviction for  
26 the purpose of additional penalties imposed for second or  
27 subsequent convictions or the setting of bail in a future case, but is  
28 not a conviction for purposes of employment, civil rights or any  
29 statute or regulation or license or questionnaire or for any other  
30 public or private purpose. Conditional dismissal or having a  
31 judgment of conviction set aside restores the defendant, in the  
32 contemplation of the law, to the status occupied before the arrest,  
33 complaint, indictment or information. The defendant may not be  
34 held thereafter under any law to be guilty of perjury or otherwise  
35 giving a false statement by reason of failure to recite or  
36 acknowledge that arrest, complaint, indictment, information or trial  
37 in response to an inquiry made of the defendant for any purpose.

38 **Sec. 5.** NRS 176A.265 is hereby amended to read as follows:

39 176A.265 1. Except as otherwise provided in subsection 2,  
40 after ~~[a defendant is discharged from probation or]~~ a case is  
41 dismissed pursuant to NRS 176A.260, the court shall order sealed  
42 all documents, papers and exhibits in the defendant's record, minute  
43 book entries and entries on dockets, and other documents relating to  
44 the case in the custody of such other agencies and officers as are  
45 named in the court's order if the defendant fulfills the terms and



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

5 2. If the defendant is charged with a violation of NRS 200.485,  
6 484C.110 or 484C.120 and the charges are conditionally dismissed  
7 or the judgment of conviction is set aside as provided in NRS  
8 176A.260, not sooner than 7 years after the charges are  
9 conditionally dismissed or the judgment of conviction is set aside  
10 and upon the filing of a petition by the defendant, the justice court,  
11 municipal court or district court, as applicable, shall order that all  
12 documents, papers and exhibits in the defendant's record, minute  
13 book entries and entries on dockets, and other documents relating to  
14 the case in the custody of such other agencies and officers as are  
15 named in the court's order be sealed. The justice court, municipal  
16 court or district court, as applicable, shall order those records sealed  
17 without a hearing unless the Division petitions the court, for good  
18 cause shown, not to seal the records and requests a hearing thereon.

19 3. If the court orders sealed the record of a defendant ~~[who is~~  
20 ~~discharged from probation,]~~ whose case is dismissed, whose charges  
21 were conditionally dismissed or whose judgment of conviction was  
22 set aside pursuant to NRS 176A.260, the court shall send a copy of  
23 the order to each agency or officer named in the order. Each such  
24 agency or officer shall notify the court in writing of its compliance  
25 with the order.

26 **Sec. 6.** NRS 176A.287 is hereby amended to read as follows:

27 176A.287 1. Except as otherwise provided in subsection 2, a  
28 defendant is not eligible for assignment to a program of treatment  
29 established pursuant to NRS 176A.280 if:

30 (a) The offense committed by the defendant was a category A  
31 felony, ~~[or]~~ a sexual offense as defined in NRS 179D.097 that is  
32 punishable as a category B felony ~~[;]~~, *abuse or exploitation of an*  
33 *older person or a vulnerable person pursuant to NRS 200.5099 or*  
34 *abuse, neglect or endangerment of a child pursuant to NRS*  
35 *200.508; or*

36 (b) The defendant was discharged or released from the Armed  
37 Forces of the United States, a reserve component thereof or the  
38 National Guard under dishonorable conditions.

39 2. A defendant described in paragraph (b) of subsection 1 may  
40 be assigned to a program of treatment established pursuant to NRS  
41 176A.280 if a justice court, municipal court or district court, as  
42 applicable, determines that extraordinary circumstances exist which  
43 warrant the assignment of the defendant to the program.



1       **Sec. 7.** NRS 176A.290 is hereby amended to read as follows:

2       176A.290 1. Except as otherwise provided in subparagraph  
3 (1) of paragraph (a) of subsection 3 of NRS 176.211 and NRS  
4 176A.287, if a defendant described in NRS 176A.280 tenders a plea  
5 of guilty, guilty but mentally ill or nolo contendere to, or is found  
6 guilty or guilty but mentally ill of:

7       (a) Any offense punishable as a felony or gross misdemeanor for  
8 which the suspension of sentence or the granting of probation is not  
9 prohibited by statute, the district court may:

10       (1) Without entering a judgment of conviction and with the  
11 consent of the defendant, suspend or defer further proceedings and  
12 place the defendant on probation upon terms and conditions that  
13 must include attendance and successful completion of a program  
14 established pursuant to NRS 176A.280 if the court determines that  
15 the defendant is eligible for participation in such a program; or

16       (2) Enter a judgment of conviction and place the defendant  
17 on probation upon terms and conditions that must include  
18 attendance and successful completion of a program established  
19 pursuant to NRS 176A.280 if the court determines that the  
20 defendant is eligible for participation in such a program; or

21       (b) Any offense punishable as a misdemeanor for which the  
22 suspension of sentence is not prohibited by statute, the justice court  
23 or municipal court, as applicable, may, without entering a judgment  
24 of conviction and with the consent of the defendant, suspend further  
25 proceedings upon terms and conditions that must include attendance  
26 and successful completion of a program established pursuant to  
27 NRS 176A.280.

28       2. Upon violation of a term or condition:

29       (a) The district court, justice court or municipal court, as  
30 applicable, may impose sanctions against the defendant for the  
31 violation, but allow the defendant to remain in the program. Before  
32 imposing a sanction, the court shall notify the defendant of the  
33 violation and provide the defendant an opportunity to respond. Any  
34 sanction imposed pursuant to this paragraph:

35       (1) Must be in accordance with any applicable guidelines for  
36 sanctions established by the National Association of Drug Court  
37 Professionals or any successor organization; and

38       (2) May include, without limitation, imprisonment in a  
39 county or city jail or detention facility for a term set by the court,  
40 which must not exceed 25 days.

41       (b) The district court, justice court or municipal court, as  
42 applicable, may enter a judgment of conviction, if applicable, and  
43 proceed as provided in the section pursuant to which the defendant  
44 was charged.



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

5 3. Except as otherwise provided in subsection 5, upon  
6 fulfillment of the terms and conditions:

7 (a) The district court ~~is~~

8 ~~— (1) Shall~~ *may* discharge the defendant and dismiss the  
9 proceedings or set aside the judgment of conviction, as applicable,  
10 unless the defendant:

11 ~~{(I)}~~ (I) Has been previously convicted in this State or in  
12 any other jurisdiction of a felony; or

13 ~~{(II)}~~ (2) Has previously failed to complete a specialty  
14 court program; ~~for~~

15 ~~— (2) May discharge the defendant and dismiss the proceedings~~  
16 ~~or set aside the judgment of conviction, as applicable, if the~~  
17 ~~defendant:~~

18 ~~— (I) Has been previously convicted in this State or in any~~  
19 ~~other jurisdiction of a felony; or~~

20 ~~— (II) Has previously failed to complete a specialty court~~  
21 ~~program;}~~ or

22 (b) The justice court or municipal court, as applicable, shall  
23 discharge the defendant and dismiss the proceedings.

24 4. Discharge and dismissal pursuant to this section is without  
25 adjudication of guilt and is not a conviction for purposes of this  
26 section or for purposes of employment, civil rights or any statute or  
27 regulation or license or questionnaire or for any other public or  
28 private purpose, but is a conviction for the purpose of additional  
29 penalties imposed for second or subsequent convictions or the  
30 setting of bail. Discharge and dismissal restores the defendant, in the  
31 contemplation of the law, to the status occupied before the arrest,  
32 complaint, indictment or information. The defendant may not be  
33 held thereafter under any law to be guilty of perjury or otherwise  
34 giving a false statement by reason of failure to recite or  
35 acknowledge that arrest, complaint, indictment, information or trial  
36 in response to an inquiry made of the defendant for any purpose.

37 5. If the defendant was charged with a violation of NRS  
38 200.485, 484C.110 or 484C.120, upon fulfillment of the terms and  
39 conditions, the district court, justice court or municipal court, as  
40 applicable, may conditionally dismiss the charges or set aside the  
41 judgment of conviction, as applicable. If a court conditionally  
42 dismisses the charges or sets aside the judgment of conviction, the  
43 court shall notify the defendant that any conditionally dismissed  
44 charge or judgment of conviction that is set aside is a conviction for  
45 the purpose of additional penalties imposed for second or





1 subsequent convictions or the setting of bail in a future case, but is  
2 not a conviction for purposes of employment, civil rights or any  
3 statute or regulation or license or questionnaire or for any other  
4 public or private purpose. Conditional dismissal or having a  
5 judgment of conviction set aside restores the defendant, in the  
6 contemplation of the law, to the status occupied before the  
7 arrest, complaint, indictment or information. The defendant may  
8 not be held thereafter under any law to be guilty of perjury or  
9 otherwise giving a false statement by reason of failure to recite  
10 or acknowledge that arrest, complaint, indictment, information or  
11 trial in response to an inquiry made of the defendant for any  
12 purpose.

13 **Sec. 8.** NRS 176A.295 is hereby amended to read as follows:

14 176A.295 1. Except as otherwise provided in subsection 2,  
15 after ~~fa defendant is discharged from probation or~~ a case is  
16 dismissed pursuant to NRS 176A.290, the justice court, municipal  
17 court or district court, as applicable, shall order sealed all  
18 documents, papers and exhibits in the defendant's record, minute  
19 book entries and entries on dockets, and other documents relating to  
20 the case in the custody of such other agencies and officers as are  
21 named in the court's order if the defendant fulfills the terms and  
22 conditions imposed by the court and the Division. The justice court,  
23 municipal court or district court, as applicable, shall order those  
24 records sealed without a hearing unless the Division petitions the  
25 court, for good cause shown, not to seal the records and requests a  
26 hearing thereon.

27 2. If the defendant is charged with a violation of NRS 200.485,  
28 484C.110 or 484C.120 and the charges are conditionally dismissed  
29 or the judgment of conviction is set aside as provided in NRS  
30 176A.290, not sooner than 7 years after the charges are  
31 conditionally dismissed or the judgment of conviction is set aside  
32 and upon the filing of a petition by the defendant, the justice court,  
33 municipal court or district court, as applicable, shall order that all  
34 documents, papers and exhibits in the defendant's record, minute  
35 book entries and entries on dockets, and other documents relating to  
36 the case in the custody of such other agencies and officers as are  
37 named in the court's order be sealed. The justice court, municipal  
38 court or district court, as applicable, shall order those records sealed  
39 without a hearing unless the Division petitions the court, for good  
40 cause shown, not to seal the records and requests a hearing thereon.

41 3. If the justice court, municipal court or district court, as  
42 applicable, orders sealed the record of a defendant ~~fwwho is~~  
43 ~~discharged from probation,~~ whose case is dismissed, whose charges  
44 were conditionally dismissed or whose judgment of conviction was  
45 set aside pursuant to NRS 176A.290, the court shall send a copy of





1 the order to each agency or officer named in the order. Each such  
2 agency or officer shall notify the justice court, municipal court or  
3 district court, as applicable, in writing of its compliance with the  
4 order.

5 **Sec. 9.** NRS 176A.510 is hereby amended to read as follows:

6 176A.510 1. The Division shall adopt a written system of  
7 graduated sanctions for parole and probation officers to use when  
8 responding to a technical violation of the conditions of probation.  
9 The system must:

10 (a) Set forth a menu of presumptive sanctions for the most  
11 common violations, including, without limitation, failure to report,  
12 willful failure to pay fines and fees, failure to participate in a  
13 required program or service, failure to complete community service  
14 and failure to refrain from the use of alcohol or controlled  
15 substances.

16 (b) Take into account factors such as responsivity factors  
17 impacting a person's ability to successfully complete any conditions  
18 of supervision, the severity of the current violation, the person's  
19 previous criminal record, the number and severity of any previous  
20 violations and the extent to which graduated sanctions were imposed  
21 for previous violations.

22 (c) *Include guidance on the use of confinement in a jail*  
23 *or detention facility and electronic monitoring pursuant to*  
24 *subsection 3.*

25 2. The Division shall establish and maintain a program of  
26 initial and ongoing training for parole and probation officers  
27 regarding the system of graduated sanctions.

28 3. *As part of the system of graduated sanctions, the Division*  
29 *may, in response to a technical violation of the conditions of*  
30 *probation:*

31 (a) *Impose confinement in a jail or detention facility for a*  
32 *period of not more than 10 days. The total number of days of*  
33 *confinement imposed pursuant to this paragraph must not, in the*  
34 *aggregate, exceed 30 days.*

35 (b) *Place the person under a system of active electronic*  
36 *monitoring for a period of not more than 60 days using an*  
37 *electronic device approved by the Division. The device may be*  
38 *capable of using the Global Positioning System, but must be*  
39 *minimally intrusive and limited in capability to recording or*  
40 *transmitting information concerning the location of the person.*

41 4. Notwithstanding any rule or law to the contrary, a parole and  
42 probation officer shall use graduated sanctions established pursuant  
43 to this section when responding to a technical violation.

44 ~~4.~~ 5. A parole and probation officer intending to impose a  
45 graduated sanction shall provide the supervised person with notice



1 of the intended sanction. The notice must inform the person of any  
2 alleged violation and the date thereof and the graduated sanction to  
3 be imposed.

4 ~~{5}~~ 6. The failure of a supervised person to comply with a  
5 sanction may constitute a technical violation of the conditions of  
6 probation.

7 ~~{6}~~ 7. The Division may not seek revocation of probation for a  
8 technical violation of the conditions of probation until all graduated  
9 sanctions have been exhausted. If the Division determines that all  
10 graduated sanctions have been exhausted, the Division shall submit  
11 a report to the court or Board outlining the reasons for the  
12 recommendation of revocation and the steps taken by the Division  
13 to change the supervised person's behavior while in the community,  
14 including, without limitation, any graduated sanctions imposed  
15 before recommending revocation.

16 ~~{7}~~ 8. As used in this section:

17 (a) "Absconding" ~~[has the meaning ascribed to it in NRS~~  
18 ~~176A.630.]~~ *means that a person is actively avoiding supervision by*  
19 *making his or her whereabouts unknown to the Division for a*  
20 *continuous period of 60 days or more.*

21 (b) "Responsivity factors" has the meaning ascribed to it in  
22 NRS 213.107.

23 (c) "Technical violation" means any alleged violation of the  
24 conditions of probation that does not constitute absconding and is  
25 not ~~{the}~~ :

26 (I) *The* commission of a:

27 ~~{(1)}~~ (I) New felony or gross misdemeanor;

28 ~~{(2)}~~ (II) Battery which constitutes domestic violence  
29 pursuant to NRS 200.485;

30 ~~{(3)}~~ (III) Violation of NRS 484C.110 or 484C.120;

31 ~~{(4)}~~ (IV) Crime of violence *as defined in NRS 200.408* that  
32 is punishable as a misdemeanor;

33 ~~{(5)}~~ (V) Harassment pursuant to NRS 200.571 or stalking or  
34 aggravated stalking pursuant to NRS 200.575;

35 ~~{(6)}~~ (VI) Violation of a temporary or extended order for  
36 protection against domestic violence issued pursuant to NRS 33.017  
37 to 33.100, inclusive, a restraining order or injunction that is in the  
38 nature of a temporary or extended order for protection against  
39 domestic violence issued in an action or proceeding brought  
40 pursuant to title 11 of NRS, a temporary or extended order for  
41 protection against stalking, aggravated stalking or harassment issued  
42 pursuant to NRS 200.591 or a temporary or extended order for  
43 protection against sexual assault pursuant to NRS 200.378; ~~{e}~~



1 ~~— (7) (VII)~~ Violation of a stay away order involving a natural  
2 person who is the victim of the crime for which the supervised  
3 person is being supervised ~~;~~

4 ~~→ The term does not include~~; or

5 ~~(VIII) Violation of a condition required pursuant to~~  
6 ~~NRS 176A.410; or~~

7 ~~(2) Termination from a program which provides residential~~  
8 ~~treatment, as ordered by a court as a condition of supervision, or~~  
9 termination from a specialty court program.

10 **Sec. 10.** NRS 176A.630 is hereby amended to read as follows:

11 176A.630 ~~{1}~~ If the probationer is arrested, by or without  
12 warrant, in another judicial district of this state, the court which  
13 granted the probation may assign the case to the district court of that  
14 district, with the consent of that court. The court retaining or thus  
15 acquiring jurisdiction shall cause the defendant to be brought before  
16 it and consider the system of graduated sanctions adopted pursuant  
17 to NRS 176A.510, if applicable. Upon determining that the  
18 probationer has violated a condition of probation, the court shall, if  
19 practicable, order the probationer to make restitution for any  
20 necessary expenses incurred by a governmental entity in returning  
21 the probationer to the court for violation of the probation. If the  
22 court finds that the probationer committed a violation of a condition  
23 of probation, ~~{by committing a new felony or gross misdemeanor,~~  
24 ~~battery which constitutes domestic violence pursuant to NRS~~  
25 ~~200.485, violation of NRS 484C.110 or 484C.120, crime of violence~~  
26 ~~that is punishable as a misdemeanor, harassment pursuant to NRS~~  
27 ~~200.571, stalking or aggravated stalking pursuant to NRS 200.575,~~  
28 ~~violation of a stay away order involving a natural person who is the~~  
29 ~~victim of the crime for which the probationer is being supervised,~~  
30 ~~violation of a temporary or extended order for protection against~~  
31 ~~domestic violence issued pursuant to NRS 33.017 to 33.100,~~  
32 ~~inclusive, a restraining order or injunction that is in the nature of a~~  
33 ~~temporary or extended order for protection against domestic~~  
34 ~~violence issued in an action or proceeding brought pursuant to title~~  
35 ~~11 of NRS, a temporary or extended order for protection against~~  
36 ~~stalking, aggravated stalking or harassment issued pursuant to NRS~~  
37 ~~200.591 or a temporary or extended order for protection against~~  
38 ~~sexual assault pursuant to NRS 200.378 or by absconding,} the court  
39 may:~~

40 ~~{(a)}~~ 1. Continue or revoke the probation or suspension of  
41 sentence;

42 ~~{(b)}~~ 2. Order the probationer to a term of residential  
43 confinement pursuant to NRS 176A.660;

44 ~~{(c)}~~ 3. Order the probationer to undergo a program of  
45 regimental discipline pursuant to NRS 176A.780;



1 ~~[(d)]~~ 4. Cause the sentence imposed to be executed; or

2 ~~[(e)]~~ 5. Modify the original sentence imposed by reducing the  
3 term of imprisonment and cause the modified sentence to be  
4 executed. The court shall not make the term of imprisonment less  
5 than the minimum term of imprisonment prescribed by the  
6 applicable penal statute. If the Chief Parole and Probation Officer  
7 recommends that the sentence of a probationer be modified and the  
8 modified sentence be executed, the Chief Parole and Probation  
9 Officer shall provide notice of the recommendation to any victim of  
10 the crime for which the probationer was convicted who has  
11 requested in writing to be notified and who has provided a current  
12 address to the Division. The notice must inform the victim that he or  
13 she has the right to submit documents to the court and to be present  
14 and heard at the hearing to determine whether the sentence of a  
15 probationer who has violated a condition of probation should be  
16 modified. The court shall not modify the sentence of a probationer  
17 and cause the sentence to be executed until it has confirmed that the  
18 Chief Parole and Probation Officer has complied with the provisions  
19 of this ~~[paragraph-]~~ **subsection**. The Chief Parole and Probation  
20 Officer must not be held responsible when such notification is not  
21 received by the victim if the victim has not provided a current  
22 address. All personal information, including, but not limited to, a  
23 current or former address, which pertains to a victim and which is  
24 received by the Division pursuant to this ~~[paragraph]~~ **subsection**  
25 is confidential.

26 ~~[2.— If the court finds that the probationer committed one or~~  
27 ~~more technical violations of the conditions of probation, the court~~  
28 ~~may:~~

29 ~~—(a) Continue the probation or suspension of sentence;~~

30 ~~—(b) Order the probationer to a term of residential confinement~~  
31 ~~pursuant to NRS 176A.660;~~

32 ~~—(c) Temporarily revoke the probation or suspension of sentence~~  
33 ~~and impose a term of imprisonment of not more than:~~

34 ~~— (1) Thirty days for the first temporary revocation;~~

35 ~~— (2) Ninety days for the second temporary revocation; or~~

36 ~~— (3) One hundred and eighty days for the third temporary~~  
37 ~~revocation; or~~

38 ~~—(d) Fully revoke the probation or suspension of sentence and~~  
39 ~~impose imprisonment for the remainder of the sentence for a fourth~~  
40 ~~or subsequent revocation.~~

41 ~~—3.— Notwithstanding any other provision of law, a probationer~~  
42 ~~who is arrested and detained for committing a technical violation of~~  
43 ~~the conditions of probation must be brought before the court not~~  
44 ~~later than 15 calendar days after the date of arrest and detention. If~~  
45 ~~the person is not brought before the court within 15 calendar days,~~



~~1 the probationer must be released from detention and returned to  
2 probation status. Following a probationer's release from detention,  
3 the court may subsequently hold a hearing to determine if a  
4 technical violation has occurred. If the court finds that such a  
5 technical violation occurred, the court may:~~

~~6 —(a) Continue probation and modify the terms and conditions of  
7 probation; or~~

~~8 —(b) Fully or temporarily revoke probation in accordance with the  
9 provisions of subsection 2.~~

~~10 —4. The commission of one of the following acts by a  
11 probationer must not, by itself, be used as the only basis for the  
12 revocation of probation:~~

~~13 —(a) Consuming any alcoholic beverage.~~

~~14 —(b) Testing positive on a drug or alcohol test.~~

~~15 —(c) Failing to abide by the requirements of a mental health or  
16 substance use treatment program.~~

~~17 —(d) Failing to seek and maintain employment.~~

~~18 —(e) Failing to pay any required fines or fees.~~

~~19 —(f) Failing to report any changes in residence.~~

~~20 —5. As used in this section:~~

~~21 —(a) "Absconding" means that a person is actively avoiding  
22 supervision by making his or her whereabouts unknown to the  
23 Division for a continuous period of 60 days or more.~~

~~24 —(b) "Technical violation" means any alleged violation of the  
25 conditions of probation that does not constitute absconding and is  
26 not the commission of a:~~

~~27 ———(1) New felony or gross misdemeanor;~~

~~28 ———(2) Battery which constitutes domestic violence pursuant to  
29 NRS 200.485;~~

~~30 ———(3) Violation of NRS 484C.110 or 484C.120;~~

~~31 ———(4) Crime of violence that is punishable as a misdemeanor;~~

~~32 ———(5) Harassment pursuant to NRS 200.571 or stalking or  
33 aggravated stalking pursuant to NRS 200.575;~~

~~34 ———(6) Violation of a temporary or extended order for protection  
35 against domestic violence issued pursuant to NRS 33.017 to 33.100,  
36 inclusive, a restraining order or injunction that is in the nature of a  
37 temporary or extended order for protection against domestic  
38 violence issued in an action or proceeding brought pursuant to title  
39 11 of NRS, a temporary or extended order for protection against  
40 stalking, aggravated stalking or harassment issued pursuant to NRS  
41 200.591 or a temporary or extended order for protection against  
42 sexual assault pursuant to NRS 200.378; or~~

~~43 ———(7) Violation of a stay away order involving a natural person  
44 who is the victim of the crime for which the probationer is being  
45 supervised.~~



1 ~~→ The term does not include termination from a specialty court~~  
2 ~~program.]~~

3 **Sec. 11.** NRS 176A.840 is hereby amended to read as follows:

4 176A.840 1. The Division shall petition the court to  
5 recommend the early discharge of a person from probation if the  
6 person:

7 (a) Has not violated any condition of probation during the  
8 immediately preceding 12 months;

9 (b) Is current with any fee to defray the costs of his or her  
10 supervision charged by the Division pursuant to NRS 213.1076;

11 (c) Has paid restitution *ordered by the court* in full or, because  
12 of economic hardship that is verified by the Division, has been  
13 unable to make restitution as ordered by the court;

14 (d) Has completed any program of substance use treatment or  
15 mental health treatment or a specialty court program as mandated by  
16 the court or the Division; and

17 (e) Has not been convicted of a violent or sexual offense as  
18 defined in NRS 202.876 or a violation of NRS 200.508 ~~],~~ *202.257,*  
19 *202.265, 202.285, 202.350 or 202.360, paragraph (a) of subsection*  
20 *1 of NRS 205.060 or NRS 205.067.*

21 2. This section must not be construed to prohibit the court from  
22 allowing the early discharge of a person from probation if the person  
23 does not meet the requirements set forth in subsection 1.

24 **Sec. 12.** NRS 178.4849 is hereby amended to read as follows:

25 178.4849 1. Except as otherwise provided in this section and  
26 NRS 178.484 and 178.4847, a court shall, within ~~[48]~~ 72 hours after  
27 a person has been taken into custody, hold a pretrial release hearing,  
28 in open court or by means of remote communication, to determine  
29 the custody status of the person. The pretrial release hearing may be  
30 continued for good cause shown.

31 2. *A pretrial release hearing must not be held on any day*  
32 *declared to be a legal holiday according to the provisions of*  
33 *NRS 236.015.*

34 3. *Except as otherwise provided in subsection 4, if a person*  
35 *has been arrested for a sexual offense as defined in NRS*  
36 *179D.097 or a violation of NRS 202.257, 202.265, 202.285,*  
37 *202.350 or 202.360, paragraph (a) of subsection 1 of NRS 205.060*  
38 *or NRS 205.067, there is a rebuttable presumption, which the*  
39 *court must apply, that financial conditions must be imposed to*  
40 *ensure the appearance of the person at trial.*

41 4. *If the prosecuting attorney demonstrates by clear and*  
42 *convincing evidence that the person is a flight risk or danger to*  
43 *the community and that there are no conditions that will ensure*  
44 *the appearance of the person at trial, the person may be held*  
45 *without bail.*



1     **5.** As used in this section, “remote communication” means  
2 communication through telephone or videoconferencing.

3     **Sec. 13.** NRS 179A.075 is hereby amended to read as follows:

4     179A.075 1. The Central Repository for Nevada Records of  
5 Criminal History is hereby created within the Records,  
6 Communications and Compliance Division of the Department.

7     2. Each agency of criminal justice and any other agency  
8 dealing with crime shall:

9     (a) Collect and maintain records, reports and compilations of  
10 statistical data required by the Department; and

11     (b) Submit the information collected to the Central Repository:

12     (1) In the manner approved by the Director of the  
13 Department; and

14     (2) In accordance with the policies, procedures and  
15 definitions of the Uniform Crime Reporting Program of the Federal  
16 Bureau of Investigation.

17     3. Each agency of criminal justice shall submit the information  
18 relating to records of criminal history that it creates, issues or  
19 collects, and any information in its possession relating to the DNA  
20 profile of a person from whom a biological specimen is obtained  
21 pursuant to NRS 176.09123 or 176.0913, to the Division. The  
22 information must be submitted to the Division:

23     (a) Through an electronic network;

24     (b) On a medium of magnetic storage; or

25     (c) In the manner prescribed by the Director of the Department,  
26 ↪ within 60 days after the date of the disposition of the case. If an  
27 agency has submitted a record regarding the arrest of a person who  
28 is later determined by the agency not to be the person who  
29 committed the particular crime, the agency shall, immediately upon  
30 making that determination, so notify the Division. The Division  
31 shall delete all references in the Central Repository relating to that  
32 particular arrest.

33     4. Each state and local law enforcement agency shall submit  
34 Uniform Crime Reports to the Central Repository:

35     (a) In the manner prescribed by the Director of the Department;

36     (b) In accordance with the policies, procedures and definitions  
37 of the Uniform Crime Reporting Program of the Federal Bureau of  
38 Investigation; and

39     (c) Within the time prescribed by the Director of the  
40 Department.

41     5. The Division shall, in the manner prescribed by the Director  
42 of the Department:

43     (a) Collect, maintain and arrange all information submitted to it  
44 relating to:

45     (1) Records of criminal history; and



1 (2) The DNA profile of a person from whom a biological  
2 specimen is obtained pursuant to NRS 176.09123 or 176.0913.

3 (b) When practicable, use a record of the personal identifying  
4 information of a subject as the basis for any records maintained  
5 regarding him or her.

6 (c) Upon request, provide, in paper or electronic form, the  
7 information that is contained in the Central Repository to the  
8 Committee on Domestic Violence appointed pursuant to NRS  
9 228.470 when, pursuant to NRS 228.495, the Committee is  
10 reviewing the death of the victim of a crime that constitutes  
11 domestic violence pursuant to NRS 33.018.

12 6. The Division may:

13 (a) Disseminate any information which is contained in the  
14 Central Repository to any other agency of criminal justice;

15 (b) Enter into cooperative agreements with repositories of the  
16 United States and other states to facilitate exchanges of information  
17 that may be disseminated pursuant to paragraph (a); and

18 (c) Request of and receive from the Federal Bureau of  
19 Investigation information on the background and personal history of  
20 any person whose record of fingerprints or other biometric identifier  
21 the Central Repository submits to the Federal Bureau of  
22 Investigation and:

23 (1) Who has applied to any agency of the State of Nevada or  
24 any political subdivision thereof for a license which it has the power  
25 to grant or deny;

26 (2) With whom any agency of the State of Nevada or any  
27 political subdivision thereof intends to enter into a relationship of  
28 employment or a contract for personal services;

29 (3) Who has applied to any agency of the State of Nevada or  
30 any political subdivision thereof to attend an academy for training  
31 peace officers approved by the Peace Officers' Standards and  
32 Training Commission;

33 (4) For whom such information is required or authorized to  
34 be obtained pursuant to NRS 62B.270, 62G.223, 62G.353, 424.031,  
35 432A.170, 432B.198, 433B.183, 449.123 and 449.4329; or

36 (5) About whom any agency of the State of Nevada or any  
37 political subdivision thereof is authorized by law to have accurate  
38 personal information for the protection of the agency or the persons  
39 within its jurisdiction.

40 7. To request and receive information from the Federal Bureau  
41 of Investigation concerning a person pursuant to subsection 6, the  
42 Central Repository must receive:

43 (a) The person's complete set of fingerprints for the purposes of:

44 (1) Booking the person into a city or county jail or detention  
45 facility;





- 1 (2) Employment;
- 2 (3) Contractual services; or
- 3 (4) Services related to occupational licensing;
- 4 (b) One or more of the person's fingerprints for the purposes of
- 5 mobile identification by an agency of criminal justice; or
- 6 (c) Any other biometric identifier of the person as it may require
- 7 for the purposes of:
- 8 (1) Arrest; or
- 9 (2) Criminal investigation,

10 ↪ from the agency of criminal justice or agency of the State of  
11 Nevada or any political subdivision thereof and submit the received  
12 data to the Federal Bureau of Investigation for its report.

13 8. The Central Repository shall:

14 (a) Collect and maintain records, reports and compilations of  
15 statistical data submitted by any agency pursuant to subsection 2.

16 (b) Tabulate and analyze all records, reports and compilations of  
17 statistical data received pursuant to this section.

18 (c) Disseminate to federal agencies engaged in the collection of  
19 statistical data relating to crime information which is contained in  
20 the Central Repository.

21 (d) Investigate the criminal history of any person who:

22 (1) Has applied to the Superintendent of Public Instruction  
23 for the issuance or renewal of a license;

24 (2) Has applied to a county school district, charter school or  
25 private school for employment or to serve as a volunteer; or

26 (3) Is employed by or volunteers for a county school district,  
27 charter school or private school,

28 ↪ and immediately notify the superintendent of each county school  
29 district, the governing body of each charter school and the  
30 Superintendent of Public Instruction, or the administrator of each  
31 private school, as appropriate, if the investigation of the Central  
32 Repository indicates that the person has been convicted of a  
33 violation of NRS 200.508, 201.230, 453.3385 or 453.339, *or section*  
34 *40 of this act*, or convicted of a felony or any offense involving  
35 moral turpitude.

36 (e) Upon discovery, immediately notify the superintendent of  
37 each county school district, the governing body of each charter  
38 school or the administrator of each private school, as appropriate, by  
39 providing the superintendent, governing body or administrator with  
40 a list of all persons:

41 (1) Investigated pursuant to paragraph (d); or

42 (2) Employed by or volunteering for a county school district,  
43 charter school or private school whose fingerprints were sent  
44 previously to the Central Repository for investigation,



1 who the Central Repository's records indicate have been  
2 convicted of a violation of NRS 200.508, 201.230, 453.3385 or  
3 453.339, *or section 40 of this act*, or convicted of a felony or any  
4 offense involving moral turpitude since the Central Repository's  
5 initial investigation. The superintendent of each county school  
6 district, the governing body of a charter school or the administrator  
7 of each private school, as applicable, shall determine whether  
8 further investigation or action by the district, charter school or  
9 private school, as applicable, is appropriate.

10 (f) Investigate the criminal history of each person who submits  
11 one or more fingerprints or other biometric identifier or has such  
12 data submitted pursuant to NRS 62B.270, 62G.223, 62G.353,  
13 424.031, 432A.170, 432B.198, 433B.183, 449.122, 449.123 or  
14 449.4329.

15 (g) Provide an electronic means to access on the Central  
16 Repository's Internet website statistical data relating to crime.

17 (h) Provide an electronic means to access on the Central  
18 Repository's Internet website statistical data about domestic  
19 violence in this State.

20 (i) Identify and review the collection and processing of  
21 statistical data relating to criminal justice by any agency identified  
22 in subsection 2 and make recommendations for any necessary  
23 changes in the manner of collecting and processing statistical data  
24 by any such agency.

25 (j) Adopt regulations governing biometric identifiers and the  
26 information and data derived from biometric identifiers, including,  
27 without limitation:

28 (1) Their collection, use, safeguarding, handling, retention,  
29 storage, dissemination and destruction; and

30 (2) The methods by which a person may request the removal  
31 of his or her biometric identifiers from the Central Repository and  
32 any other agency where his or her biometric identifiers have been  
33 stored.

34 9. The Central Repository may:

35 (a) In the manner prescribed by the Director of the Department,  
36 disseminate compilations of statistical data and publish statistical  
37 reports relating to crime.

38 (b) Charge a reasonable fee for any publication or special report  
39 it distributes relating to data collected pursuant to this section. The  
40 Central Repository may not collect such a fee from an agency of  
41 criminal justice or any other agency dealing with crime which is  
42 required to submit information pursuant to subsection 2. All money  
43 collected pursuant to this paragraph must be used to pay for the cost  
44 of operating the Central Repository.



1 (c) In the manner prescribed by the Director of the Department,  
2 use electronic means to receive and disseminate information  
3 contained in the Central Repository that it is authorized to  
4 disseminate pursuant to the provisions of this chapter.

5 10. As used in this section:

6 (a) "Mobile identification" means the collection, storage,  
7 transmission, reception, search, access or processing of a biometric  
8 identifier using a handheld device.

9 (b) "Personal identifying information" means any information  
10 designed, commonly used or capable of being used, alone or in  
11 conjunction with any other information, to identify a person,  
12 including, without limitation:

13 (1) The name, driver's license number, social security  
14 number, date of birth and photograph or computer-generated image  
15 of a person; and

16 (2) A biometric identifier of a person.

17 (c) "Private school" has the meaning ascribed to it in  
18 NRS 394.103.

19 **Sec. 14.** NRS 200.481 is hereby amended to read as follows:

20 200.481 1. As used in this section:

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

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

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

26 (d) "Officer" means:

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

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

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

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

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

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

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

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



1 (I) Interact with the public;  
2 (II) Perform tasks related to law enforcement; and  
3 (III) Wear identification, clothing or a uniform that  
4 identifies the employee or volunteer as working or volunteering for  
5 the law enforcement agency;

6 (9) A civilian employee or a volunteer of a fire-fighting  
7 agency whose official duties require the employee or volunteer to:

8 (I) Interact with the public;  
9 (II) Perform tasks related to fire fighting or fire  
10 prevention; and

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

14 (10) A civilian employee or volunteer of this State or a  
15 political subdivision of this State whose official duties require the  
16 employee or volunteer to:

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

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

24 (f) "School employee" means a licensed or unlicensed person  
25 employed by a board of trustees of a school district pursuant to NRS  
26 391.100 or 391.281.

27 (g) "Sporting event" has the meaning ascribed to it in  
28 NRS 41.630.

29 (h) "Sports official" has the meaning ascribed to it in  
30 NRS 41.630.

31 (i) "Strangulation" means ~~intentionally impeding the normal~~  
32 ~~breathing or circulation of the blood by applying pressure on the~~  
33 ~~throat or neck or by blocking the nose or mouth of another person in~~  
34 ~~a manner that creates a risk of death or substantial bodily harm.]~~  
35 *applying sufficient pressure to another person to make it difficult*  
36 *or impossible for the person to breathe, including, without*  
37 *limitation, applying any pressure to the neck, throat or windpipe*  
38 *that may prevent or hinder breathing or reduce the intake of air,*  
39 *or applying any pressure to the neck or either side of the windpipe,*  
40 *but not the windpipe itself, to stop the flow of blood to the brain*  
41 *via the carotid arteries.*

42 (j) "Taxicab" has the meaning ascribed to it in NRS 706.8816.

43 (k) "Taxicab driver" means a person who operates a taxicab.

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



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

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

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

12 (c) If:

13 (1) The battery is committed upon an officer, provider of  
14 health care, school employee, taxicab driver or transit operator who  
15 was performing his or her duty or upon a sports official based on the  
16 performance of his or her duties at a sporting event;

17 (2) The officer, provider of health care, school employee,  
18 taxicab driver, transit operator or sports official suffers substantial  
19 bodily harm or the battery is committed by strangulation; and

20 (3) The person charged knew or should have known that the  
21 victim was an officer, provider of health care, school employee,  
22 taxicab driver, transit operator or sports official,

23 ↪ for a category B felony by imprisonment in the state prison for a  
24 minimum term of not less than 2 years and a maximum term of not  
25 more than 10 years, or by a fine of not more than \$10,000, or by  
26 both fine and imprisonment.

27 (d) If the battery is committed upon an officer, provider of  
28 health care, school employee, taxicab driver or transit operator who  
29 is performing his or her duty or upon a sports official based on the  
30 performance of his or her duties at a sporting event and the person  
31 charged knew or should have known that the victim was an officer,  
32 provider of health care, school employee, taxicab driver, transit  
33 operator or sports official, for a gross misdemeanor, except under  
34 circumstances where a greater penalty is provided in this section.

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

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

42 (2) Substantial bodily harm to the victim results or the  
43 battery is committed by strangulation, for a category B felony by  
44 imprisonment in the state prison for a minimum term of not less



1 than 2 years and a maximum term of not more than 15 years, and  
2 may be further punished by a fine of not more than \$10,000.

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

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

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

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

21 **Sec. 15.** NRS 202.360 is hereby amended to read as follows:

22 202.360 1. A person shall not own or have in his or her  
23 possession or under his or her custody or control any firearm if the  
24 person:

25 (a) Has been convicted of the crime of battery which constitutes  
26 domestic violence pursuant to NRS 200.485, or a law of any other  
27 jurisdiction that prohibits the same or substantially similar conduct,  
28 committed against or upon:

29 (1) The spouse or former spouse of the person;

30 (2) Any other person with whom the person has had or is  
31 having a dating relationship, as defined in NRS 33.018;

32 (3) Any other person with whom the person has a child in  
33 common;

34 (4) The parent of the person; or

35 (5) The child of the person or a child for whom the person is  
36 the legal guardian.

37 (b) Has been convicted of a felony in this State or any other  
38 state, or in any political subdivision thereof, or of a felony in  
39 violation of the laws of the United States of America, unless the  
40 person has received a pardon and the pardon does not restrict his or  
41 her right to bear arms;

42 (c) Has been convicted of a violation of NRS 200.575 or a law  
43 of any other state that prohibits the same or substantially similar  
44 conduct and the court entered a finding in the judgment of



1 conviction or admonishment of rights pursuant to subsection 7 of  
2 NRS 200.575;

3 (d) Except as otherwise provided in NRS 33.031, is currently  
4 subject to:

5 (1) An extended order for protection against domestic  
6 violence pursuant to NRS 33.017 to 33.100, inclusive, which  
7 includes a statement that the adverse party is prohibited from  
8 possessing or having under his or her custody or control any firearm  
9 while the order is in effect; or

10 (2) An equivalent order in any other state;

11 (e) Is a fugitive from justice;

12 (f) Is an unlawful user of, or addicted to, any controlled  
13 substance; or

14 (g) Is otherwise prohibited by federal law from having a firearm  
15 in his or her possession or under his or her custody or control.

16 ➤ A person who violates the provisions of this subsection is guilty  
17 of a category B felony and shall be punished by imprisonment in the  
18 state prison for a minimum term of not less than 1 year and a  
19 maximum term of not more than 6 years, and may be further  
20 punished by a fine of not more than \$5,000.

21 2. A person shall not own or have in his or her possession or  
22 under his or her custody or control any firearm if the person:

23 (a) Has been adjudicated as mentally ill or has been committed  
24 to any mental health facility by a court of this State, any other state  
25 or the United States;

26 (b) Has entered a plea of guilty but mentally ill in a court of this  
27 State, any other state or the United States;

28 (c) Has been found guilty but mentally ill in a court of this State,  
29 any other state or the United States;

30 (d) Has been acquitted by reason of insanity in a court of this  
31 State, any other state or the United States; or

32 (e) Is illegally or unlawfully in the United States.

33 ➤ A person who violates the provisions of this subsection is guilty  
34 of a category D felony and shall be punished as provided in  
35 NRS 193.130.

36 3. *A person shall not use or carry a firearm during and in*  
37 *relation to, or possess a firearm in furtherance of, the commission*  
38 *of any act in violation of NRS 453.321, 453.322, 453.337,*  
39 *453.3385 or 453.401 or section 40 of this act. A person who*  
40 *violates the provisions of this subsection is guilty of a category B*  
41 *felony and shall be punished by imprisonment in the state prison*  
42 *for a minimum term of not less than 1 year and a maximum term*  
43 *of not more than 6 years, and may be further punished by a fine of*  
44 *not more than \$5,000.*



1 **4. For the purposes of prosecuting a violation of this section,**  
2 **each firearm owned, possessed, used or carried by, or under the**  
3 **custody or control of, a person constitutes a separate violation.**

4 **5.** As used in this section:

5 (a) "Controlled substance" has the meaning ascribed to it in 21  
6 U.S.C. § 802(6).

7 (b) "Firearm" includes any firearm that is loaded or unloaded  
8 and operable or inoperable.

9 **Sec. 16.** NRS 205.060 is hereby amended to read as follows:

10 205.060 1. A person who, by day or night, ~~[unlawfully]~~  
11 enters ~~[or unlawfully remains]~~ in any:

12 (a) Dwelling with the intent to commit grand or petit larceny,  
13 assault or battery on any person or any felony, or to obtain money or  
14 property by false pretenses, is guilty of residential burglary.

15 (b) Business structure with the intent to commit grand or petit  
16 larceny, assault or battery on any person or any felony is guilty of  
17 burglary of a business.

18 (c) Motor vehicle, or any part thereof, with the intent to commit  
19 grand or petit larceny, assault or battery on any person or any felony  
20 is guilty of burglary of a motor vehicle.

21 (d) Structure other than a dwelling, business structure or motor  
22 vehicle with the intent to commit grand or petit larceny, assault or  
23 battery on any person or any felony is guilty of burglary of a  
24 structure.

25 2. Except as otherwise provided in this section, a person  
26 convicted of:

27 (a) Burglary of a motor vehicle:

28 (1) For the first offense, is guilty of a category ~~[D]~~ **D** felony  
29 and shall be punished as provided in NRS 193.130.

30 (2) For a second or subsequent offense, is guilty of a  
31 category ~~[D]~~ **C** felony and shall be punished as provided in  
32 NRS 193.130.

33 (b) Burglary of a structure is guilty of a category ~~[D]~~ **C** felony  
34 and shall be punished as provided in NRS 193.130.

35 (c) Burglary of a business is guilty of a category ~~[C]~~ **B** felony  
36 and shall be punished ~~[as provided in NRS 193.130.]~~ **by**  
37 **imprisonment in the state prison for a minimum term of not less**  
38 **than 1 year and a maximum term of not more than 10 years.**

39 (d) Residential burglary is guilty of a category B felony and  
40 shall be punished by imprisonment in the state prison for a  
41 minimum term of not less than 1 year and a maximum term of not  
42 more than 10 years.

43 3. If mitigating circumstances exist, a person who is convicted  
44 of residential burglary may be released on probation and granted a  
45 suspension of sentence if the person has not previously been





1 convicted of residential burglary or another crime involving the  
2 unlawful entry or invasion of a dwelling.

3 4. Whenever any burglary pursuant to this section is committed  
4 on a vessel, vehicle, vehicle trailer, semitrailer, house trailer,  
5 airplane, glider, boat or railroad car, in motion or in rest, in this  
6 State, and it cannot with reasonable certainty be ascertained in what  
7 county the crime was committed, the offender may be arrested and  
8 tried in any county through which the vessel, vehicle, vehicle trailer,  
9 semitrailer, house trailer, airplane, glider, boat or railroad car  
10 traveled during the time the burglary was committed.

11 5. A person convicted of any burglary pursuant to this section  
12 who has in his or her possession or gains possession of any firearm  
13 or deadly weapon at any time during the commission of the crime, at  
14 any time before leaving the dwelling, structure or motor vehicle or  
15 upon leaving the dwelling, structure or motor vehicle, is guilty of a  
16 category B felony and shall be punished by imprisonment in the  
17 state prison for a minimum term of not less than 2 years and a  
18 maximum term of not more than 15 years, and may be further  
19 punished by a fine of not more than \$10,000.

20 6. As used in this section:

21 (a) "Business structure" means any structure or building, the  
22 primary purpose of which is to carry on any lawful effort for a  
23 business, including, without limitation, any business with an  
24 educational, industrial, benevolent, social or political purpose,  
25 regardless of whether the business is operated for profit.

26 (b) "Dwelling" means any structure, building, house, room,  
27 apartment, tenement, tent, conveyance, vessel, boat, vehicle, house  
28 trailer, travel trailer, motor home or railroad car, including, without  
29 limitation, any part thereof that is divided into a separately occupied  
30 unit:

31 (1) In which any person lives; or

32 (2) Which is customarily used by a person for overnight  
33 accommodations,  
34 ↪ regardless of whether the person is inside at the time of the  
35 offense.

36 (c) "Motor vehicle" means any motorized craft or device  
37 designed for the transportation of a person or property across land or  
38 water or through the air which does not qualify as a dwelling or  
39 business structure pursuant to this section.

40 ~~[(d) "Unlawfully enters or unlawfully remains" means for a~~  
41 ~~person to enter or remain in a dwelling, structure or motor vehicle or~~  
42 ~~any part thereof, including, without limitation, under false pretenses,~~  
43 ~~when the person is not licensed or privileged to do so. For purposes~~  
44 ~~of this definition, a license or privilege to enter or remain in a part of~~  
45 ~~a dwelling, structure or motor vehicle that is open to the public is~~



1 ~~not a license or privilege to enter or remain in a part of the dwelling,~~  
2 ~~structure or motor vehicle that is not open to the public.]~~

3 **Sec. 17.** NRS 205.0835 is hereby amended to read as follows:

4 205.0835 1. Unless a greater penalty is imposed by a specific  
5 statute and unless the provisions of NRS 205.08345 apply under the  
6 circumstances, a person who commits theft in violation of any  
7 provision of NRS 205.0821 to 205.0835, inclusive, shall be  
8 punished pursuant to the provisions of this section.

9 2. If the value of the property or services involved in the theft:

10 (a) Is less than ~~[\$1,200.] \$750~~, the person who committed the  
11 theft is guilty of a misdemeanor.

12 (b) Is ~~[\$1,200] \$750~~ or more but less than \$5,000, the person  
13 who committed the theft is guilty of a category D felony and shall  
14 be punished as provided in NRS 193.130.

15 (c) Is \$5,000 or more but less than \$25,000, the person who  
16 committed the theft is guilty of a category C felony and shall be  
17 punished as provided in NRS 193.130.

18 (d) Is \$25,000 or more but less than \$100,000, the person who  
19 committed the theft is guilty of a category B felony and shall be  
20 punished by imprisonment in the state prison for a minimum term of  
21 not less than 1 year and a maximum term of not more than 10 years,  
22 and by a fine of not more than \$10,000.

23 (e) Is \$100,000 or more, the person who committed the theft is  
24 guilty of a category B felony and shall be punished by imprisonment  
25 in the state prison for a minimum term of not less than 1 year and a  
26 maximum term of not more than 20 years, and by a fine of not more  
27 than \$15,000.

28 3. In addition to any other penalty, the court shall order the  
29 person who committed the theft to pay restitution.

30 **Sec. 18.** NRS 205.130 is hereby amended to read as follows:

31 205.130 1. Except as otherwise provided in this subsection  
32 and subsections 2 and 3, a person who willfully, with an intent to  
33 defraud, draws or passes a check or draft to obtain:

34 (a) Money;

35 (b) Delivery of other valuable property;

36 (c) Services;

37 (d) The use of property; or

38 (e) Credit extended by any licensed gaming establishment,

39 ↪ drawn upon any real or fictitious person, bank, firm, partnership,  
40 corporation or depository, when the person has insufficient money,  
41 property or credit with the drawee of the instrument to pay it in full  
42 upon its presentation, is guilty of a misdemeanor. If that instrument,  
43 or a series of instruments passed in the State during a period of 90  
44 days, is in the amount of ~~[\$1,200] \$750~~ or more, the person is guilty  
45 of a category D felony and shall be punished as provided in



1 NRS 193.130. In addition to any other penalty, the court shall order  
2 the person to pay restitution.

3 2. A person who was previously convicted three times of a  
4 misdemeanor under the provisions of this section, or of an offense  
5 of a similar nature, in this State or any other state, or in a federal  
6 jurisdiction, who violates this section is guilty of a category D  
7 felony and shall be punished as provided in NRS 193.130. In  
8 addition to any other penalty, the court shall order the person to pay  
9 restitution.

10 3. A person who willfully issues any check or draft for the  
11 payment of wages in excess of ~~[\$1,200.]~~ \$750, when the person  
12 knows he or she has insufficient money or credit with the drawee of  
13 the instrument to pay the instrument in full upon presentation is  
14 guilty of a gross misdemeanor.

15 4. For the purposes of this section, "credit" means an  
16 arrangement or understanding with a person, firm, corporation, bank  
17 or depository for the payment of a check or other instrument.

18 **Sec. 19.** NRS 205.134 is hereby amended to read as follows:

19 205.134 1. A notice in boldface type which is clearly legible  
20 and is in substantially the following form must be posted in a  
21 conspicuous place in every principal and branch office of every  
22 bank and in every place of business in which retail selling is  
23 conducted:

24  
25 The issuance of a check or draft without sufficient money  
26 or with intent to defraud is punishable by imprisonment in the  
27 county jail for not more than 6 months, or by a fine of not  
28 more than \$1,000, or by both fine and imprisonment, and the  
29 issuance of such a check or draft in an amount of ~~[\$1,200]~~  
30 \$750 or more or by a person who previously has been  
31 convicted three times of this or a similar offense is punishable  
32 as a category D felony as provided in NRS 193.130.  
33

34 2. Failure of the owner, operator or manager of a bank or other  
35 place of business to post the sign required by this section is not a  
36 defense to charge of a violation of NRS 205.130.

37 **Sec. 20.** NRS 205.220 is hereby amended to read as follows:

38 205.220 Except as otherwise provided in NRS 205.226 and  
39 205.228, a person commits grand larceny if the person:

40 1. Intentionally steals, takes and carries away, leads away or  
41 drives away:

42 (a) Personal goods or property, with a value of ~~[\$1,200]~~ \$750 or  
43 more, owned by another person;



1 (b) Bedding, furniture or other property, with a value of  
2 ~~[\$1,200]~~ \$750 or more, which the person, as a lodger, is to use in or  
3 with his or her lodging and which is owned by another person; or

4 (c) Real property, with a value of ~~[\$1,200]~~ \$750 or more, that  
5 the person has converted into personal property by severing it from  
6 real property owned by another person.

7 2. Uses a card or other device for automatically withdrawing or  
8 transferring money in a financial institution to obtain intentionally  
9 money to which the person knows he or she is not entitled.

10 3. Intentionally steals, takes and carries away, leads away,  
11 drives away or entices away:

12 (a) One or more head of livestock owned by another person; or

13 (b) One or more domesticated animals or domesticated birds,  
14 with an aggregate value of ~~[\$1,200]~~ \$750 or more, owned by  
15 another person.

16 4. With the intent to defraud, steal, appropriate or prevent  
17 identification:

18 (a) Marks or brands, causes to be marked or branded, alters or  
19 defaces a mark or brand, or causes to be altered or defaced a mark or  
20 brand upon one or more head of livestock owned by another person;

21 (b) Sells or purchases the hide or carcass of one or more head of  
22 livestock owned by another person that has had a mark or brand cut  
23 out or obliterated;

24 (c) Kills one or more head of livestock owned by another person  
25 but running at large, whether or not the livestock is marked or  
26 branded; or

27 (d) Kills one or more domesticated animals or domesticated  
28 birds, with an aggregate value of ~~[\$1,200]~~ \$750 or more, owned by  
29 another person but running at large, whether or not the animals or  
30 birds are marked or branded.

31 **Sec. 21.** NRS 205.240 is hereby amended to read as follows:

32 205.240 1. Except as otherwise provided in NRS 205.220,  
33 205.226, 205.228, 475.105 and 501.3765, a person commits petit  
34 larceny if the person:

35 (a) Intentionally steals, takes and carries away, leads away or  
36 drives away:

37 (1) Personal goods or property, with a value of less than  
38 ~~[\$1,200.]~~ \$750, owned by another person;

39 (2) Bedding, furniture or other property, with a value of less  
40 than ~~[\$1,200.]~~ \$750, which the person, as a lodger, is to use in or  
41 with his or her lodging and which is owned by another person; or

42 (3) Real property, with a value of less than ~~[\$1,200.]~~ \$750,  
43 that the person has converted into personal property by severing it  
44 from real property owned by another person.



1 (b) Intentionally steals, takes and carries away, leads away,  
2 drives away or entices away one or more domesticated animals or  
3 domesticated birds, with an aggregate value of less than ~~[\$1,200,]~~  
4 **\$750**, owned by another person.

5 2. Unless a greater penalty is provided pursuant to NRS  
6 205.267, a person who commits petit larceny is guilty of a  
7 misdemeanor. In addition to any other penalty, the court shall order  
8 the person to pay restitution.

9 **Sec. 22.** NRS 205.267 is hereby amended to read as follows:

10 205.267 1. A person who intentionally steals, takes and  
11 carries away scrap metal or utility property with a value of less than  
12 ~~[\$1,200]~~ **\$750** within a period of 90 days is guilty of a  
13 misdemeanor.

14 2. A person who intentionally steals, takes and carries away  
15 scrap metal or utility property with a value of ~~[\$1,200]~~ **\$750** or more  
16 within a period of 90 days is guilty of:

17 (a) If the value of the scrap metal or utility property taken is  
18 ~~[\$1,200]~~ **\$750** or more but less than \$5,000, a category D felony and  
19 shall be punished as provided in NRS 193.130.

20 (b) If the value of the scrap metal or utility property taken is  
21 \$5,000 or more but less than \$25,000, a category C felony and shall  
22 be punished as provided in NRS 193.130.

23 (c) If the value of the scrap metal or utility property taken is  
24 \$25,000 or more but less than \$100,000, a category B felony and  
25 shall be punished by imprisonment in the state prison for a  
26 minimum term of not less than 1 year and a maximum term of not  
27 more than 10 years, and by a fine of not more than \$10,000.

28 (d) If the value of the scrap metal or utility property taken is  
29 \$100,000 or more, a category B felony and shall be punished by  
30 imprisonment in the state prison for a minimum term of not less  
31 than 1 year and a maximum term of not more than 20 years, and by  
32 a fine of not more than \$15,000.

33 3. In addition to any other penalty, the court shall order a  
34 person who violates the provisions of subsection 1 or 2 to pay  
35 restitution and:

36 (a) For a first offense, to perform 100 hours of community  
37 service.

38 (b) For a second offense, to perform 200 hours of community  
39 service.

40 (c) For a third or subsequent offense, to perform up to 300 hours  
41 of community service for up to 1 year, as determined by the court.

42 4. In determining the value of the scrap metal or utility  
43 property taken, the cost of repairing and, if necessary, replacing any  
44 property damaged by the theft of the scrap metal or utility property  
45 must be added to the value of the property.



1 5. As used in this section:

2 (a) "Scrap metal" has the meaning ascribed to it in  
3 NRS 647.017.

4 (b) "Utility property" has the meaning ascribed to it in  
5 NRS 202.582.

6 **Sec. 23.** NRS 205.275 is hereby amended to read as follows:

7 205.275 1. Except as otherwise provided in NRS 501.3765, a  
8 person commits an offense involving stolen property if the person,  
9 for his or her own gain or to prevent the owner from again  
10 possessing the owner's property, buys, receives, possesses or  
11 withholds property:

12 (a) Knowing that it is stolen property; or

13 (b) Under such circumstances as should have caused a  
14 reasonable person to know that it is stolen property.

15 2. A person who commits an offense involving stolen property  
16 in violation of subsection 1:

17 (a) If the value of the property is less than ~~[\$1,200,]~~ \$750, is  
18 guilty of a misdemeanor;

19 (b) If the value of the property is ~~[\$1,200]~~ \$750 or more but less  
20 than \$5,000, is guilty of a category D felony and shall be punished  
21 as provided in NRS 193.130;

22 (c) If the value of the property is \$5,000 or more but less than  
23 \$25,000, is guilty of a category C felony and shall be punished as  
24 provided in NRS 193.130;

25 (d) If the value of the property is \$25,000 or more but less than  
26 \$100,000 or if the property is a firearm, is guilty of a category B  
27 felony and shall be punished by imprisonment in the state prison for  
28 a minimum term of not less than 1 year and a maximum term of not  
29 more than 10 years, and by a fine of not more than \$10,000; or

30 (e) If the value of the property is \$100,000 or more, is guilty of a  
31 category B felony and shall be punished by imprisonment in the  
32 state prison for a minimum term of not less than 1 year and a  
33 maximum term of not more than 20 years, and by a fine of not more  
34 than \$15,000.

35 3. In addition to any other penalty, the court shall order the  
36 person to pay restitution.

37 4. A person may be prosecuted and convicted pursuant to this  
38 section whether or not the principal is or has been prosecuted or  
39 convicted.

40 5. Possession by any person of three or more items of the same  
41 or a similar class or type of personal property on which a  
42 permanently affixed manufacturer's serial number or manufacturer's  
43 identification number has been removed, altered or defaced, is prima  
44 facie evidence that the person has violated this section.



1 6. For the purposes of this section, the value of the property  
2 involved shall be deemed to be the highest value attributable to the  
3 property by any reasonable standard.

4 7. As used in this section, "stolen property" means property  
5 that has been taken from its owner by larceny, robbery, burglary,  
6 embezzlement, theft or any other offense that is a crime against  
7 property, whether or not the person who committed the taking is or  
8 has been prosecuted or convicted for the offense.

9 **Sec. 24.** NRS 205.365 is hereby amended to read as follows:

10 205.365 A person, after once selling, bartering or disposing of  
11 any tract of land, town lot, or executing any bond or agreement for  
12 the sale of any land or town lot, who again, knowingly and  
13 fraudulently, sells, barter or disposes of the same tract of land or  
14 lot, or any part thereof, or knowingly and fraudulently executes any  
15 bond or agreement to sell, barter or dispose of the same land or lot,  
16 or any part thereof, to any other person, for a valuable consideration,  
17 shall be punished:

18 1. Where the value of the property involved is ~~[\$1,200]~~ \$750 or  
19 more, for a category D felony as provided in NRS 193.130. In  
20 addition to any other penalty, the court shall order the person to pay  
21 restitution.

22 2. Where the value of the property is less than ~~[\$1,200,]~~ \$750,  
23 for a misdemeanor.

24 **Sec. 25.** NRS 205.370 is hereby amended to read as follows:

25 205.370 A person who, by false representations of his or her  
26 own wealth, or mercantile correspondence and connections, obtains  
27 a credit thereby and defrauds any person of money, goods, chattels  
28 or any valuable thing, or if a person causes or procures another to  
29 report falsely of his or her wealth or mercantile character, and by  
30 thus imposing upon any person obtains credit and thereby  
31 fraudulently gets into the possession of goods, wares or  
32 merchandise, or other valuable thing, is a swindler, and must be  
33 sentenced to return the property fraudulently obtained, if it can be  
34 done, or to pay restitution and shall be punished:

35 1. Where the amount of money or the value of the chattels,  
36 goods, wares or merchandise, or other valuable thing so obtained is  
37 ~~[\$1,200]~~ \$750 or more, for a category D felony as provided in  
38 NRS 193.130.

39 2. Otherwise, for a misdemeanor.

40 **Sec. 26.** NRS 205.377 is hereby amended to read as follows:

41 205.377 1. A person shall not, in the course of an enterprise  
42 or occupation, knowingly and with the intent to defraud, engage in  
43 an act, practice or course of business or employ a device, scheme or  
44 artifice which operates or would operate as a fraud or deceit upon a





1 person by means of a false representation or omission of a material  
2 fact that:

- 3 (a) The person knows to be false or omitted;
- 4 (b) The person intends another to rely on; and
- 5 (c) Results in a loss to any person who relied on the false  
6 representation or omission,

7 ↪ in at least two transactions that have the same or similar pattern,  
8 intents, results, accomplices, victims or methods of commission, or  
9 are otherwise interrelated by distinguishing characteristics and are  
10 not isolated incidents within 4 years and in which the aggregate loss  
11 or intended loss is more than ~~[\$1,200.]~~ \$750.

12 2. Each act which violates subsection 1 constitutes a separate  
13 offense.

14 3. A person who violates subsection 1 is guilty of a category B  
15 felony and shall be punished by imprisonment in the state prison for  
16 a minimum term of not less than 1 year and a maximum term of not  
17 more than 20 years, and may be further punished by a fine of not  
18 more than \$10,000.

19 4. In addition to any other penalty, the court shall order a  
20 person who violates subsection 1 to pay restitution.

21 5. A violation of this section constitutes a deceptive trade  
22 practice for the purposes of NRS 598.0903 to 598.0999, inclusive.

23 6. As used in this section, "enterprise" has the meaning  
24 ascribed to it in NRS 207.380.

25 **Sec. 27.** NRS 205.380 is hereby amended to read as follows:

26 205.380 1. A person who knowingly and designedly by any  
27 false pretense obtains from any other person any chose in action,  
28 money, goods, wares, chattels, effects or other valuable thing,  
29 including rent or the labor of another person not his or her  
30 employee, with the intent to cheat or defraud the other person, is a  
31 cheat, and, unless otherwise prescribed by law, shall be punished:

32 (a) If the value of the thing or labor fraudulently obtained was  
33 less than ~~[\$1,200.]~~ \$750, for a misdemeanor, and must be sentenced  
34 to restore the property fraudulently obtained if it can be done, or  
35 tender payment for rent or labor.

36 (b) If the value of the thing or labor fraudulently obtained was  
37 ~~[\$1,200.]~~ \$750 or more but less than \$5,000, for a category D felony  
38 as provided in NRS 193.130.

39 (c) If the value of the thing or labor fraudulently obtained was  
40 \$5,000 or more but less than \$25,000, for a category C felony as  
41 provided in NRS 193.130.

42 (d) If the value of the thing or labor fraudulently obtained was  
43 \$25,000 or more but less than \$100,000, for a category B felony by  
44 imprisonment in the state prison for a minimum term of not less





1 than 1 year and a maximum term of not more than 10 years, and by  
2 a fine of not more than \$10,000.

3 (e) If the value of the thing or labor fraudulently obtained was  
4 \$100,000 or more, for a category B felony by imprisonment in the  
5 state prison for a minimum term of not less than 1 year and a  
6 maximum term of not more than 20 years, and by a fine of not more  
7 than \$15,000.

8 2. In addition to any other penalty set forth in paragraph (b),  
9 (c), (d) or (e) of subsection 1, the court shall order the person to pay  
10 restitution.

11 3. For the purposes of this section, it is prima facie evidence of  
12 an intent to defraud if the drawer of a check or other instrument  
13 given in payment for:

14 (a) Property which can be returned in the same condition in  
15 which it was originally received;

16 (b) Rent; or

17 (c) Labor performed in a workmanlike manner whenever a  
18 written estimate was furnished before the labor was performed and  
19 the actual cost of the labor does not exceed the estimate,

20 ↪ stops payment on that instrument and fails to return or offer to  
21 return the property in that condition, or to specify in what way the  
22 labor was deficient within 5 days after receiving notice from the  
23 payee that the instrument has not been paid by the drawee.

24 4. The notice must be sent to the drawer by certified mail,  
25 return receipt requested, at the address shown on the instrument.  
26 The notice must include a statement of the penalties set forth in this  
27 section. Return of the notice because of nondelivery to the drawer  
28 raises a rebuttable presumption of the intent to defraud.

29 5. A notice in boldface type clearly legible and in substantially  
30 the following form must be posted in a conspicuous place in every  
31 principal and branch office of every bank and in every place of  
32 business in which retail selling is conducted or labor is performed  
33 for the public and must be furnished in written form by a landlord to  
34 a tenant:

35  
36 The stopping of payment on a check or other instrument  
37 given in payment for property which can be returned in the  
38 same condition in which it was originally received, rent or  
39 labor which was completed in a workmanlike manner, and the  
40 failure to return or offer to return the property in that  
41 condition or to specify in what way the labor was deficient  
42 within 5 days after receiving notice of nonpayment is  
43 punishable:

44 1. If the value of the property, rent or labor fraudulently  
45 obtained was less than ~~[\$1,200.]~~ \$750, as a misdemeanor by



1 imprisonment in the county jail for not more than 6 months,  
2 or by a fine of not more than \$1,000, or by both fine and  
3 imprisonment.

4 2. If the value of the property, rent or labor fraudulently  
5 obtained was ~~[\$1,200]~~ \$750 or more but less than \$5,000, as a  
6 category D felony by imprisonment in the state prison for a  
7 minimum term of not less than 1 year and a maximum term of  
8 not more than 4 years, or by a fine of not more than \$5,000,  
9 or by both fine and imprisonment.

10 3. If the value of the property, rent or labor fraudulently  
11 obtained was \$5,000 or more but less than \$25,000, as a  
12 category C felony by imprisonment in the state prison for a  
13 minimum term of not less than 1 year and a maximum term of  
14 not more than 5 years, or by a fine of not more than \$10,000,  
15 or by both fine and imprisonment.

16 4. If the value of the property, rent or labor fraudulently  
17 obtained was \$25,000 or more but less than \$100,000, as a  
18 category B felony by imprisonment in the state prison for a  
19 minimum term of not less than 1 year and a maximum term of  
20 not more than 10 years, and by a fine of not more than  
21 \$10,000.

22 5. If the value of the property, rent or labor fraudulently  
23 obtained was \$100,000 or more, as a category B felony by  
24 imprisonment in the state prison for a minimum term of not  
25 less than 1 year and a maximum term of not more than 20  
26 years, and by a fine of not more than \$15,000.

27 **Sec. 28.** NRS 205.415 is hereby amended to read as follows:

28 205.415 A person who sells one or more tickets to any ball,  
29 benefit or entertainment, or asks or receives any subscription or  
30 promise thereof, for the benefit or pretended benefit of any person,  
31 association or order, without being authorized thereto by the person,  
32 association or order for whose benefit or pretended benefit it is  
33 done, shall be punished:

34 1. Where the amount received from such sales, subscriptions or  
35 promises totals ~~[\$1,200]~~ \$750 or more, for a category D felony as  
36 provided in NRS 193.130. In addition to any other penalty, the court  
37 shall order the person to pay restitution.

38 2. Otherwise, for a misdemeanor.

39 **Sec. 29.** NRS 205.445 is hereby amended to read as follows:

40 205.445 1. It is unlawful for a person:

41 (a) To obtain food, foodstuffs, lodging, merchandise or other  
42 accommodations at any hotel, inn, trailer park, motor court,  
43 boardinghouse, rooming house, lodging house, furnished apartment  
44 house, furnished bungalow court, furnished automobile camp, eating  
45 house, restaurant, grocery store, market or dairy, without paying



1 therefor, with the intent to defraud the proprietor or manager  
2 thereof;

3 (b) To obtain credit at a hotel, inn, trailer park, motor court,  
4 boardinghouse, rooming house, lodging house, furnished apartment  
5 house, furnished bungalow court, furnished automobile camp, eating  
6 house, restaurant, grocery store, market or dairy by the use of any  
7 false pretense; or

8 (c) After obtaining credit, food, lodging, merchandise or other  
9 accommodations at a hotel, inn, trailer park, motor court,  
10 boardinghouse, rooming house, lodging house, furnished apartment  
11 house, furnished bungalow court, furnished automobile camp, eating  
12 house, restaurant, grocery store, market or dairy, to abscond or  
13 surreptitiously, or by force, menace or threats, to remove any part of  
14 his or her baggage therefrom, without paying for the food or  
15 accommodations.

16 2. A person who violates any of the provisions of subsection 1  
17 shall be punished:

18 (a) Where the total value of the credit, food, foodstuffs, lodging,  
19 merchandise or other accommodations received from any one  
20 establishment is ~~[\$1,200]~~ \$750 or more, for a category D felony as  
21 provided in NRS 193.130. In addition to any other penalty, the court  
22 shall order the person to pay restitution.

23 (b) Otherwise, for a misdemeanor.

24 3. Proof that lodging, food, foodstuffs, merchandise or other  
25 accommodations were obtained by false pretense, or by false or  
26 fictitious show or pretense of any baggage or other property, or that  
27 the person refused or willfully neglected to pay for the food,  
28 foodstuffs, lodging, merchandise or other accommodations, or that  
29 the person gave in payment for the food, foodstuffs, lodging,  
30 merchandise or other accommodations negotiable paper on which  
31 payment was refused, or that the person absconded without paying  
32 or offering to pay for the food, foodstuffs, lodging, merchandise or  
33 other accommodations, or that the person surreptitiously removed or  
34 attempted to remove his or her baggage, is prima facie evidence of  
35 the fraudulent intent mentioned in this section.

36 4. This section does not apply where there has been an  
37 agreement in writing for delay in payment for a period to exceed 10  
38 days.

39 **Sec. 30.** NRS 205.520 is hereby amended to read as follows:

40 205.520 A bailee, or any officer, agent or servant of a bailee,  
41 who issues or aids in issuing a document of title, knowing that the  
42 goods covered by the document of title have not been received by  
43 him or her, or are not under his or her control at the time the  
44 document is issued, shall be punished:



1 1. Where the value of the goods purported to be covered by the  
2 document of title is ~~[\$1,200]~~ \$750 or more, for a category D felony  
3 as provided in NRS 193.130. In addition to any other penalty, the  
4 court shall order the person to pay restitution.

5 2. Where the value is less than ~~[\$1,200,]~~ \$750, for a  
6 misdemeanor.

7 **Sec. 31.** NRS 205.540 is hereby amended to read as follows:

8 205.540 Except as otherwise provided in chapter 104 of NRS,  
9 a bailee, or any officer, agent or servant of a bailee, who issues or  
10 aids in issuing a duplicate or additional negotiable document of title,  
11 knowing that a former negotiable document for the same goods or  
12 any part of them is outstanding and uncanceled, shall be punished:

13 1. Where the value of the goods purported to be covered by the  
14 document of title is ~~[\$1,200]~~ \$750 or more, for a category D felony  
15 as provided in NRS 193.130. In addition to any other penalty, the  
16 court shall order the person to pay restitution.

17 2. Where the value is less than ~~[\$1,200,]~~ \$750, for a  
18 misdemeanor.

19 **Sec. 32.** NRS 205.570 is hereby amended to read as follows:

20 205.570 A person who, with the intent to defraud, obtains a  
21 negotiable document of title for goods to which the person does not  
22 have title, or which are subject to a security interest, and negotiates  
23 the document for value, without disclosing the want of title or the  
24 existence of the security interest, shall be punished:

25 1. Where the value of the goods purported to be covered by the  
26 document of title is ~~[\$1,200]~~ \$750 or more, for a category D felony  
27 as provided in NRS 193.130. In addition to any other penalty, the  
28 court shall order the person to pay restitution.

29 2. Where the value is less than ~~[\$1,200,]~~ \$750, for a  
30 misdemeanor.

31 **Sec. 33.** NRS 205.580 is hereby amended to read as follows:

32 205.580 A person who, with the intent to defraud, secures the  
33 issue by a bailee of a negotiable document of title, knowing at  
34 the time of issue that any or all of the goods are not in possession of  
35 the bailee, by inducing the bailee to believe that the goods are in the  
36 bailee's possession, shall be punished:

37 1. Where the value of the goods purported to be covered by the  
38 document of title is ~~[\$1,200]~~ \$750 or more, for a category D felony  
39 as provided in NRS 193.130. In addition to any other penalty, the  
40 court shall order the person to pay restitution.

41 2. Where the value is less than ~~[\$1,200,]~~ \$750, for a  
42 misdemeanor.

43 **Sec. 34.** NRS 205.590 is hereby amended to read as follows:

44 205.590 A person who, with the intent to defraud, negotiates or  
45 transfers for value a document of title, which by the terms thereof



1 represents that goods are in possession of the bailee who issued the  
2 document, knowing that the bailee is not in possession of the goods  
3 or any part thereof, without disclosing this fact, shall be punished:

4 1. Where the value of the goods purported to be covered by the  
5 document of title is ~~[\$1,200]~~ \$750 or more, for a category D felony  
6 as provided in NRS 193.130. In addition to any other penalty, the  
7 court shall order the person to pay restitution.

8 2. Where the value is less than ~~[\$1,200.]~~ \$750, for a  
9 misdemeanor.

10 **Sec. 35.** NRS 205.950 is hereby amended to read as follows:

11 205.950 1. It is unlawful for a person to receive an advance  
12 fee, salary, deposit or money to obtain a loan for another unless the  
13 person places the advance fee, salary, deposit or money in escrow  
14 pending completion of the loan or a commitment for the loan.

15 2. Advance payments to cover reasonably estimated costs paid  
16 to third persons are excluded from the provisions of subsection 1 if  
17 the person making them first signs a written agreement which  
18 specifies the estimated costs by item and the estimated aggregate  
19 cost, and which recites that money advanced for costs will not be  
20 refunded. If an itemized service is not performed and the estimated  
21 cost thereof is not refunded, the recipient of the advance payment is  
22 subject to the penalties provided in subsection 3.

23 3. A person who violates the provisions of this section:

24 (a) Is guilty of a misdemeanor if the amount is less than  
25 ~~[\$1,200.]~~ \$750; or

26 (b) Is guilty of a category D felony if the amount is ~~[\$1,200]~~  
27 \$750 or more and shall be punished as provided in NRS 193.130.

28 **Sec. 36.** NRS 207.010 is hereby amended to read as follows:

29 207.010 1. Unless the person is prosecuted pursuant to NRS  
30 207.012 or 207.014, a person convicted in this State of:

31 (a) Any felony, who has previously been ~~[five]~~ two times  
32 convicted, whether in this State or elsewhere, of any crime which  
33 under the laws of the situs of the crime or of this State would  
34 amount to a felony is a habitual criminal and shall be punished for a  
35 category B felony by imprisonment in the state prison for a  
36 minimum term of not less than 5 years and a maximum term of not  
37 more than 20 years.

38 (b) Any felony, who has previously been ~~[seven]~~ three times  
39 convicted, whether in this State or elsewhere, of any crime which  
40 under the laws of the situs of the crime or of this State would  
41 amount to a felony is a habitual criminal and shall be punished for a  
42 category A felony by imprisonment in the state prison:

43 (1) For life without the possibility of parole;

44 (2) For life with the possibility of parole, with eligibility for  
45 parole beginning when a minimum of 10 years has been served; or



1 (3) For a definite term of 25 years, with eligibility for parole  
2 beginning when a minimum of 10 years has been served.

3 2. ~~Except as otherwise provided in this subsection, a previous  
4 or current conviction under paragraph (a), (b) or (c) of subsection 2  
5 of NRS 453.336 or NRS 453.411 must not be used as the basis for a  
6 conviction pursuant to this section. If a person is convicted of  
7 violating NRS 453.336 by possessing any amount of flunitrazepam,  
8 gamma-hydroxybutyrate or any substance for which flunitrazepam  
9 or gamma-hydroxybutyrate is an immediate precursor, his or her  
10 conviction may be used as the basis for a conviction pursuant to this  
11 section.~~

12 ~~—3.]~~ It is within the discretion of the prosecuting attorney  
13 whether to include a count under this section in any information or  
14 file a notice of habitual criminality if an indictment is found. The  
15 trial judge may, at his or her discretion, dismiss a count under this  
16 section which is included in any indictment or information.

17 **Sec. 37.** NRS 213.15101 is hereby amended to read as  
18 follows:

19 213.15101 1. The Division shall adopt a written system of  
20 graduated sanctions for parole and probation officers to use when  
21 responding to a technical violation of the conditions of parole. The  
22 system must:

23 (a) Set forth a menu of presumptive sanctions for the most  
24 common violations, including, without limitation, failure to report,  
25 willful failure to pay fines and fees, failure to participate in a  
26 required program or service, failure to complete community service  
27 and failure to refrain from the use of alcohol or controlled  
28 substances.

29 (b) Take into account factors such as responsivity factors  
30 impacting a person's ability to successfully complete any conditions  
31 of supervision, the severity of the current violation, the person's  
32 previous criminal record, the number and severity of any previous  
33 violations and the extent to which graduated sanctions were imposed  
34 for previous violations.

35 (c) *Include guidance on the use of confinement in a jail  
36 or detention facility and electronic monitoring pursuant to  
37 subsection 3.*

38 2. The Division shall establish and maintain a program of  
39 initial and ongoing training for parole and probation officers  
40 regarding the system of graduated sanctions.

41 3. *As part of the system of graduated sanctions, the Division  
42 may, in response to a technical violation of the conditions of  
43 parole:*

44 (a) *Impose confinement in a jail or detention facility for a  
45 period of not more than 10 days. The total number of days of*



1 *confinement imposed pursuant to this paragraph must not, in the*  
2 *aggregate, exceed 30 days.*

3 *(b) Place the person under a system of active electronic*  
4 *monitoring for a period of not more than 60 days using an*  
5 *electronic device approved by the Division. The device may be*  
6 *capable of using the Global Positioning System, but must be*  
7 *minimally intrusive and limited in capability to recording or*  
8 *transmitting information concerning the location of the person.*

9 **4.** Notwithstanding any rule or law to the contrary, a parole and  
10 probation officer shall use graduated sanctions established pursuant  
11 to this section when responding to a technical violation.

12 ~~[4.]~~ **5.** A parole and probation officer intending to impose a  
13 graduated sanction shall provide the supervised person with notice  
14 of the intended sanction. The notice must inform the person of any  
15 alleged violation and the date thereof and the graduated sanction to  
16 be imposed.

17 ~~[5.]~~ **6.** The failure of a supervised person to comply with a  
18 sanction may constitute a technical violation of the conditions of  
19 parole.

20 ~~[6.]~~ **7.** The Division may not seek revocation of parole for a  
21 technical violation of the conditions of parole until all graduated  
22 sanctions have been exhausted. If the Division determines that all  
23 graduated sanctions have been exhausted, the Division shall submit  
24 a report to the Board outlining the reasons for the recommendation  
25 of revocation and the steps taken by the Division to change the  
26 supervised person's behavior while in the community, including,  
27 without limitation, any graduated sanctions imposed before  
28 recommending revocation.

29 ~~[7.]~~ **8.** As used in this section:

30 (a) "Absconding" has the meaning ascribed to it in NRS  
31 ~~[76A.630.]~~ **176A.510.**

32 (b) "Technical violation" means any alleged violation of the  
33 conditions of parole that does not constitute absconding and is not  
34 ~~[the]~~ :

35 **(I) The** commission of a:

36 ~~[(1)]~~ **(I)** New felony or gross misdemeanor;

37 ~~[(2)]~~ **(II)** Battery which constitutes domestic violence  
38 pursuant to NRS 200.485;

39 ~~[(3)]~~ **(III)** Violation of NRS 484C.110 or 484C.120;

40 ~~[(4)]~~ **(IV)** Crime of violence as defined in NRS 200.408 that  
41 is punishable as a misdemeanor;

42 ~~[(5)]~~ **(V)** Harassment pursuant to NRS 200.571 or stalking or  
43 aggravated stalking pursuant to NRS 200.575;

44 ~~[(6)]~~ **(VI)** Violation of a temporary or extended order for  
45 protection against domestic violence issued pursuant to NRS 33.017





1 to 33.100, inclusive, a restraining order or injunction that is in the  
 2 nature of a temporary or extended order for protection against  
 3 domestic violence issued in an action or proceeding brought  
 4 pursuant to title 11 of NRS, a temporary or extended order for  
 5 protection against stalking, aggravated stalking or harassment issued  
 6 pursuant to NRS 200.591 or a temporary or extended order for  
 7 protection against sexual assault pursuant to NRS 200.378; ~~for~~  
 8 ~~— (7) (VII) Violation of a stay away order involving a natural~~  
 9 ~~person who is the victim of the crime for which the supervised~~  
 10 ~~person is being supervised~~;

11 ~~→ The term does not include~~; or

12 ~~(VIII) Violation of a condition required pursuant to~~  
 13 ~~NRS 213.1245; or~~

14 ~~(2) Termination from a program indicated in a parole~~  
 15 ~~release plan approved by the Division, or termination from a~~  
 16 ~~specialty court program.~~

17 **Sec. 38.** NRS 213.1519 is hereby amended to read as follows:

18 213.1519 1. Except as otherwise provided in subsections 2  
 19 and 3, a parolee whose parole is revoked by decision of the Board :  
 20 ~~[for the commission of a new felony or gross misdemeanor, battery~~  
 21 ~~which constitutes domestic violence pursuant to NRS 200.485,~~  
 22 ~~violation of NRS 484C.110 or 484C.120, crime of violence as~~  
 23 ~~defined in NRS 200.408 that is punishable as a misdemeanor,~~  
 24 ~~harassment pursuant to NRS 200.571, stalking or aggravated~~  
 25 ~~stalking pursuant to NRS 200.575, violation of a stay away order~~  
 26 ~~involving a natural person who is the victim of the crime for which~~  
 27 ~~the parolee is being supervised, violation of a temporary or extended~~  
 28 ~~order for protection against domestic violence issued pursuant to~~  
 29 ~~NRS 33.017 to 33.100, inclusive, a restraining order or injunction~~  
 30 ~~that is in the nature of a temporary or extended order for protection~~  
 31 ~~against domestic violence issued in an action or proceeding brought~~  
 32 ~~pursuant to title 11 of NRS, a temporary or extended order for~~  
 33 ~~protection against stalking, aggravated stalking or harassment issued~~  
 34 ~~pursuant to NRS 200.591 or a temporary or extended order for~~  
 35 ~~protection against sexual assault pursuant to NRS 200.378 or for~~  
 36 ~~absconding;]~~

37 (a) Forfeits all credits for good behavior previously earned to  
 38 reduce his or her sentence pursuant to chapter 209 of NRS; and

39 (b) Must serve such part of the unexpired maximum term or the  
 40 maximum aggregate term, as applicable, of his or her original  
 41 sentence as may be determined by the Board with rehearing dates  
 42 scheduled pursuant to NRS 213.142.

43 → The Board may restore any credits forfeited under this  
 44 subsection.





1 2. A parolee released on parole pursuant to subsection 1 of  
2 NRS 213.1215 whose parole is revoked for having been convicted  
3 of a new felony:

4 (a) Forfeits all credits for good behavior previously earned to  
5 reduce his or her sentence pursuant to chapter 209 of NRS;

6 (b) Must serve the entire unexpired maximum term or the  
7 maximum aggregate term, as applicable, of his or her original  
8 sentence; and

9 (c) May not again be released on parole during his or her term of  
10 imprisonment.

11 3. A parolee released on parole pursuant to subsection 2 of  
12 NRS 213.1215 whose parole is revoked by decision of the Board for  
13 a violation of any rule or regulation governing his or her conduct:

14 (a) Forfeits all credits for good behavior previously earned to  
15 reduce his or her sentence pursuant to chapter 209 of NRS;

16 (b) Must serve such part of the unexpired maximum term or  
17 maximum aggregate term, as applicable, of his or her original  
18 sentence as may be determined by the Board; and

19 (c) Must not be considered again for release on parole pursuant  
20 to subsection 2 of NRS 213.1215 but may be considered for release  
21 on parole pursuant to NRS 213.1099, with rehearing dates scheduled  
22 pursuant to NRS 213.142.

23 ↪ The Board may restore any credits forfeited under this  
24 subsection.

25 ~~[4. If the Board finds that the parolee committed one or more~~  
26 ~~technical violations of the conditions of parole, the Board may:~~

27 ~~—(a) Continue parole supervision;~~

28 ~~—(b) Temporarily revoke parole supervision and impose a term of~~  
29 ~~imprisonment of not more than:~~

30 ~~—(1) Thirty days for the first temporary parole revocation;~~

31 ~~—(2) Ninety days for the second temporary parole revocation;~~  
32 ~~or~~

33 ~~—(3) One hundred and eighty days for the third temporary~~  
34 ~~parole revocation; or~~

35 ~~—(c) Fully revoke parole supervision and impose the remainder of~~  
36 ~~the sentence for a fourth or subsequent revocation.~~

37 ~~—5. As used in this section:~~

38 ~~—(a) “Absconding” has the meaning ascribed to it in~~  
39 ~~NRS 176A.630.~~

40 ~~—(b) “Technical violation” means any alleged violation of the~~  
41 ~~conditions of parole that does not constitute absconding and is not~~  
42 ~~the commission of a:~~

43 ~~—(1) New felony or gross misdemeanor;~~

44 ~~—(2) Battery which constitutes domestic violence pursuant to~~  
45 ~~NRS 200.485;~~



1 ~~— (3) Violation of NRS 484C.110 or 484C.120;~~

2 ~~— (4) Crime of violence as defined in NRS 200.408 that is~~  
3 ~~punishable as a misdemeanor;~~

4 ~~— (5) Harassment pursuant to NRS 200.571 or stalking or~~  
5 ~~aggravated stalking pursuant to NRS 200.575;~~

6 ~~— (6) Violation of a temporary or extended order for protection~~  
7 ~~against domestic violence issued pursuant to NRS 33.017 to 33.100,~~  
8 ~~inclusive, a restraining order or injunction that is in the nature of a~~  
9 ~~temporary or extended order for protection against domestic~~  
10 ~~violence issued in an action or proceeding brought pursuant to title~~  
11 ~~11 of NRS, a temporary or extended order for protection against~~  
12 ~~stalking, aggravated stalking or harassment issued pursuant to NRS~~  
13 ~~200.591 or a temporary or extended order for protection against~~  
14 ~~sexual assault pursuant to NRS 200.378; or~~

15 ~~— (7) Violation of a stay away order involving a natural person~~  
16 ~~who is the victim of the crime for which the parolee is being~~  
17 ~~supervised.~~

18 ~~→ The term does not include termination from a specialty court~~  
19 ~~program.]~~

20 **Sec. 39.** NRS 391.650 is hereby amended to read as follows:

21 391.650 As used in NRS 391.650 to 391.826, inclusive, unless  
22 the context otherwise requires:

23 1. “Administrator” means any employee who holds a license as  
24 an administrator and who is employed in that capacity by a school  
25 district.

26 2. “Board” means the board of trustees of the school district in  
27 which a licensed employee affected by NRS 391.650 to 391.826,  
28 inclusive, is employed.

29 3. “Demotion” means demotion of an administrator to a  
30 position of lesser rank, responsibility or pay and does not include  
31 transfer or reassignment for purposes of an administrative  
32 reorganization.

33 4. “Immorality” means:

34 (a) An act forbidden by NRS 200.366, 200.368, 200.400,  
35 200.508, 201.180, 201.190, 201.210, 201.220, 201.230, 201.265,  
36 201.540, 201.560, 207.260, 453.316 to 453.336, inclusive, except an  
37 act forbidden by NRS 453.337, 453.338, 453.3385 to 453.3405,  
38 inclusive, *and section 40 of this act*, 453.560 or 453.562; or

39 (b) An act forbidden by NRS 201.540 or any other sexual  
40 conduct or attempted sexual conduct with a pupil enrolled in an  
41 elementary or secondary school. As used in this paragraph, “sexual  
42 conduct” has the meaning ascribed to it in NRS 201.520.

43 5. “Postprobationary employee” means an administrator or a  
44 teacher who has completed the probationary period as provided in  
45 NRS 391.820 and has been given notice of reemployment. The term



1 does not include a person who is deemed to be a probationary  
2 employee pursuant to NRS 391.730.

3 6. "Probationary employee" means:

4 (a) An administrator or a teacher who is employed for the period  
5 set forth in NRS 391.820; and

6 (b) A person who is deemed to be a probationary employee  
7 pursuant to NRS 391.730.

8 7. "Superintendent" means the superintendent of a school  
9 district or a person designated by the board or superintendent to act  
10 as superintendent during the absence of the superintendent.

11 8. "Teacher" means a licensed employee the majority of whose  
12 working time is devoted to the rendering of direct educational  
13 service to pupils of a school district.

14 **Sec. 40.** Chapter 453 of NRS is hereby amended by adding  
15 thereto a new section to read as follows:

16 *Except as otherwise provided in NRS 453.011 to 453.552,*  
17 *inclusive, a person who knowingly or intentionally sells,*  
18 *manufactures, delivers or brings into this State or who is*  
19 *knowingly or intentionally in actual or constructive possession of*  
20 *any controlled substance which is listed in schedule II or any*  
21 *mixture which contains any such controlled substance shall be*  
22 *punished, unless a greater penalty is provided pursuant to NRS*  
23 *453.322, if the quantity involved:*

24 1. *Is 28 grams or more, but less than 200 grams, for a*  
25 *category C felony as provided in NRS 193.130 and by a fine of not*  
26 *more than \$50,000.*

27 2. *Is 200 grams or more, but less than 400 grams, for a*  
28 *category B felony by imprisonment in the state prison for a*  
29 *minimum term of not less than 2 years and a maximum term of*  
30 *not more than 10 years and by a fine of not more than \$100,000.*

31 3. *Is 400 grams or more, for a category A felony by*  
32 *imprisonment in the state prison:*

33 (a) *For life with the possibility of parole, with eligibility for*  
34 *parole beginning when a minimum of 5 years has been served; or*

35 (b) *For a definite term of 15 years, with eligibility for parole*  
36 *beginning when a minimum of 5 years has been served, and by a*  
37 *fine of not more than \$250,000.*

38 **Sec. 41.** NRS 453.322 is hereby amended to read as follows:

39 453.322 1. Except as authorized by the provisions of NRS  
40 453.011 to 453.552, inclusive, it is unlawful for a person to  
41 knowingly or intentionally:

42 (a) Manufacture or compound a controlled substance other than  
43 marijuana.

44 (b) Possess, with the intent to manufacture or compound a  
45 controlled substance other than marijuana, or sell, exchange, barter,



1 supply, prescribe, dispense or give away, with the intent that the  
2 chemical be used to manufacture or compound a controlled  
3 substance other than marijuana:

4 (1) Any chemical identified in subsection 5; or

5 (2) Any other chemical which is proven by expert testimony  
6 to be commonly used in manufacturing or compounding a controlled  
7 substance other than marijuana. The district attorney may present  
8 expert testimony to provide a prima facie case that any chemical,  
9 whether or not it is a chemical identified in subsection 5, is  
10 commonly used in manufacturing or compounding such a controlled  
11 substance.

12 ➤ The provisions of this paragraph do not apply to a person who,  
13 without the intent to commit an unlawful act, possesses any  
14 chemical at a laboratory that is licensed to store the chemical.

15 (c) Offer or attempt to do any act set forth in paragraph (a)  
16 or (b).

17 2. Unless a greater penalty is provided in subsection 3 or NRS  
18 453.3385, *or section 40 of this act*, a person who violates any  
19 provision of subsection 1 is guilty of a category B felony and shall  
20 be punished by imprisonment in the state prison for a minimum  
21 term of not less than 3 years and a maximum term of not more than  
22 15 years, and may be further punished by a fine of not more than  
23 \$100,000.

24 3. If a person violates any provision of subsection 1 by  
25 engaging in the manufacturing or compounding of a controlled  
26 substance other than marijuana, or by attempting to do so, and the  
27 violation causes a fire or explosion, the person is guilty of a  
28 category B felony and shall be punished by imprisonment in the  
29 state prison for a minimum term of not less than 3 years and a  
30 maximum term of not more than 20 years, and may be further  
31 punished by a fine of not more than \$100,000.

32 4. The court shall not grant probation to a person convicted  
33 pursuant to this section.

34 5. The following chemicals are identified for the purposes of  
35 subsection 1:

36 (a) Acetic anhydride.

37 (b) Acetone.

38 (c) N-Acetylanthranilic acid, its esters and its salts.

39 (d) Anthranilic acid, its esters and its salts.

40 (e) Benzaldehyde, its salts, isomers and salts of isomers.

41 (f) Benzyl chloride.

42 (g) Benzyl cyanide.

43 (h) 1,4-Butanediol.

44 (i) 2-Butanone (or methyl ethyl ketone or MEK).

45 (j) Ephedrine, its salts, isomers and salts of isomers.



- 1 (k) Ergonovine and its salts.
- 2 (l) Ergotamine and its salts.
- 3 (m) Ethylamine, its salts, isomers and salts of isomers.
- 4 (n) Ethyl ether.
- 5 (o) Gamma butyrolactone.
- 6 (p) Hydriodic acid, its salts, isomers and salts of isomers.
- 7 (q) Hydrochloric gas.
- 8 (r) Iodine.
- 9 (s) Isosafrole, its salts, isomers and salts of isomers.
- 10 (t) Lithium metal.
- 11 (u) Methylamine, its salts, isomers and salts of isomers.
- 12 (v) 3,4-Methylenedioxy-phenyl-2-propanone.
- 13 (w) N-Methylephedrine, its salts, isomers and salts of isomers.
- 14 (x) Methyl isobutyl ketone (MIBK).
- 15 (y) N-Methylpseudoephedrine, its salts, isomers and salts of
- 16 isomers.
- 17 (z) Nitroethane, its salts, isomers and salts of isomers.
- 18 (aa) Norpseudoephedrine, its salts, isomers and salts of isomers.
- 19 (bb) Phenylacetic acid, its esters and its salts.
- 20 (cc) Phenylpropanolamine, its salts, isomers and salts of
- 21 isomers.
- 22 (dd) Piperidine and its salts.
- 23 (ee) Piperonal, its salts, isomers and salts of isomers.
- 24 (ff) Potassium permanganate.
- 25 (gg) Propionic anhydride, its salts, isomers and salts of isomers.
- 26 (hh) Pseudoephedrine, its salts, isomers and salts of isomers.
- 27 (ii) Red phosphorous.
- 28 (jj) Safrole, its salts, isomers and salts of isomers.
- 29 (kk) Sodium metal.
- 30 (ll) Sulfuric acid.
- 31 (mm) Toluene.

32 **Sec. 42.** NRS 453.333 is hereby amended to read as follows:

33 453.333 If the death of a person is proximately caused by a  
34 controlled substance which was sold, given, traded or otherwise  
35 made available to him or her by another person in violation of this  
36 chapter, the person who sold, gave or traded or otherwise made the  
37 substance available to him or her is guilty of murder. If convicted of  
38 murder in the second degree, the person is guilty of a category A  
39 felony and shall be punished as provided in subsection 5 of NRS  
40 200.030. If convicted of murder in the first degree, the person is  
41 guilty of a category A felony and shall be punished as provided in  
42 subsection 4 of NRS 200.030, except that the punishment of death  
43 may be imposed only if the requirements of paragraph (a) of  
44 subsection 4 of that section have been met and if the defendant is or  
45 has previously been convicted of violating NRS 453.3385 or



1 453.339 *or section 40 of this act* or a law of any other jurisdiction  
2 which prohibits the same conduct.

3 **Sec. 43.** NRS 453.3351 is hereby amended to read as follows:  
4 453.3351 1. Unless a greater penalty is provided by law, and  
5 except as otherwise provided in NRS 193.169, any person who  
6 violates NRS 453.322 or 453.3385 *or section 40 of this act* where  
7 the violation included the manufacture of any material, compound,  
8 mixture or preparation which contains any quantity of  
9 methamphetamine:

10 (a) Within 500 feet of a residence, business, church, synagogue  
11 or other place of religious worship, public or private school, campus  
12 of the Nevada System of Higher Education, playground, public  
13 park, public swimming pool or recreational center for youths; or

14 (b) In a manner which creates a great risk of death or substantial  
15 bodily harm to another person,

16 ↪ shall be punished by imprisonment in the state prison for a term  
17 equal to and in addition to the term of imprisonment prescribed by  
18 statute for the crime. The sentence prescribed by this section runs  
19 consecutively with the sentence prescribed by statute for the crime.

20 2. This section does not create a separate offense but provides  
21 an additional penalty for the primary offense, whose imposition is  
22 contingent upon the finding of the prescribed fact.

23 3. For the purposes of this section:

24 (a) "Playground" has the meaning ascribed to it in  
25 NRS 453.3345.

26 (b) "Recreational center for youths" has the meaning ascribed to  
27 it in NRS 453.3345.

28 (c) "Residence" means any house, room, apartment, tenement,  
29 manufactured home as defined in NRS 489.113, or mobile home as  
30 defined in NRS 489.120, that is designed or intended for occupancy.

31 **Sec. 44.** NRS 453.3353 is hereby amended to read as follows:  
32 453.3353 1. Unless a greater penalty is provided by law, and  
33 except as otherwise provided in this section and NRS 193.169, if:

34 (a) A person violates NRS 453.322 or 453.3385, *or section 40*  
35 *of this act*, and the violation involves the manufacturing or  
36 compounding of any controlled substance other than marijuana; and

37 (b) During the discovery or cleanup of the premises at, on or in  
38 which the controlled substance was manufactured or compounded,  
39 another person suffers substantial bodily harm other than death as  
40 the proximate result of the manufacturing or compounding of the  
41 controlled substance,

42 ↪ the person who committed the offense shall be punished by  
43 imprisonment in the state prison for a term equal to and in addition  
44 to the term of imprisonment prescribed by statute for the offense.



1 The sentence prescribed by this subsection runs consecutively with  
2 the sentence prescribed by statute for the offense.

3 2. Unless a greater penalty is provided by law, and except as  
4 otherwise provided in NRS 193.169, if:

5 (a) A person violates NRS 453.322 or 453.3385, *or section 40*  
6 *of this act*, and the violation involves the manufacturing or  
7 compounding of any controlled substance other than marijuana; and

8 (b) During the discovery or cleanup of the premises at, on or in  
9 which the controlled substance was manufactured or compounded,  
10 another person suffers death as the proximate result of the  
11 manufacturing or compounding of the controlled substance,

12 ↪ the offense shall be deemed a category A felony and the person  
13 who committed the offense shall be punished by imprisonment in  
14 the state prison:

15 (1) For life without the possibility of parole;

16 (2) For life with the possibility of parole, with eligibility for  
17 parole beginning when a minimum of 20 years has been served; or

18 (3) For a definite term of 50 years, with eligibility for parole  
19 beginning when a minimum of 20 years has been served.

20 3. Subsection 1 does not create a separate offense but provides  
21 an additional penalty for the primary offense, the imposition of  
22 which is contingent upon the finding of the prescribed fact.  
23 Subsection 2 does not create a separate offense but provides an  
24 alternative penalty for the primary offense, the imposition of which  
25 is contingent upon the finding of the prescribed fact.

26 4. As used in this section:

27 (a) "Marijuana" does not include concentrated cannabis.

28 (b) "Premises" means:

29 (1) Any temporary or permanent structure, including, without  
30 limitation, any building, house, room, apartment, tenement, shed,  
31 carport, garage, shop, warehouse, store, mill, barn, stable, outhouse  
32 or tent; or

33 (2) Any conveyance, including, without limitation, any  
34 vessel, boat, vehicle, airplane, glider, house trailer, travel trailer,  
35 motor home or railroad car,

36 ↪ whether located aboveground or underground and whether  
37 inhabited or not.

38 **Sec. 45.** NRS 453.336 is hereby amended to read as follows:

39 453.336 1. Except as otherwise provided in subsection 6, a  
40 person shall not knowingly or intentionally possess a controlled  
41 substance, unless the substance was obtained directly from, or  
42 pursuant to, a prescription or order of a physician, physician  
43 assistant licensed pursuant to chapter 630 or 633 of NRS, dentist,  
44 podiatric physician, optometrist, advanced practice registered nurse  
45 or veterinarian while acting in the course of his or her professional



1 practice, or except as otherwise authorized by the provisions of NRS  
2 453.005 to 453.552, inclusive.

3 2. Except as otherwise provided in subsections 3, 4 and 5 and  
4 in NRS 453.3363, and unless a greater penalty is provided in NRS  
5 212.160, 453.3385 or 453.339, *or section 40 of this act*, a person  
6 who violates this section:

7 (a) For a first or second offense, if the controlled substance is  
8 listed in schedule I or II and the quantity possessed is less than 14  
9 grams, or if the controlled substance is listed in schedule III, IV or V  
10 and the quantity possessed is less than 28 grams, is guilty of  
11 possession of a controlled substance and shall be punished for a  
12 category E felony as provided in NRS 193.130. In accordance with  
13 NRS 176.211, the court shall defer judgment upon the consent of the  
14 person.

15 (b) For a third or subsequent offense, if the controlled substance  
16 is listed in schedule I or II and the quantity possessed is less than 14  
17 grams, or if the controlled substance is listed in schedule III, IV or V  
18 and the quantity possessed is less than 28 grams, or if the offender  
19 has previously been convicted two or more times in the aggregate of  
20 any violation of the law of the United States or of any state, territory  
21 or district relating to a controlled substance, is guilty of possession  
22 of a controlled substance and shall be punished for a category D  
23 felony as provided in NRS 193.130, and may be further punished by  
24 a fine of not more than \$20,000.

25 (c) If the controlled substance is listed in schedule I or II and the  
26 quantity possessed is 14 grams or more, but less than 28 grams, or if  
27 the controlled substance is listed in schedule III, IV or V and the  
28 quantity possessed is 28 grams or more, but less than 200 grams, is  
29 guilty of low-level possession of a controlled substance and shall be  
30 punished for a category C felony as provided in NRS 193.130.

31 (d) If the controlled substance is listed in schedule I or II and the  
32 quantity possessed is 28 grams or more, but less than 42 grams, or if  
33 the controlled substance is listed in schedule III, IV or V and the  
34 quantity possessed is 200 grams or more, is guilty of mid-level  
35 possession of a controlled substance and shall be punished for a  
36 category B felony by imprisonment in the state prison for a  
37 minimum term of not less than 1 year and a maximum term of not  
38 more than 10 years and by a fine of not more than \$50,000.

39 (e) If the controlled substance is listed in schedule I or II and the  
40 quantity possessed is 42 grams or more, but less than 100 grams, is  
41 guilty of high-level possession of a controlled substance and shall be  
42 punished for a category B felony by imprisonment in the state prison  
43 for a minimum term of not less than 2 years and a maximum term of  
44 not more than 15 years and by a fine of not more than \$50,000.





1 3. Unless a greater penalty is provided in NRS 212.160,  
2 453.337 or 453.3385, *or section 40 of this act*, a person who is  
3 convicted of the possession of ~~flunitrazepam~~ :

4 (a) *Flunitrazepam* or gamma-hydroxybutyrate, or any substance  
5 for which flunitrazepam or gamma-hydroxybutyrate is an immediate  
6 precursor ~~§~~; *or*

7 (b) *A mixture containing fentanyl, carfentanil and a*  
8 *benzimidazole opioid, or any analog thereof,*

9 *↪* is guilty of a category B felony and shall be punished by  
10 imprisonment in the state prison for a minimum term of not less  
11 than 1 year and a maximum term of not more than 6 years.

12 4. Unless a greater penalty is provided pursuant to NRS  
13 212.160, a person who is convicted of the possession of 1 ounce or  
14 less of marijuana is guilty of a misdemeanor and shall be punished  
15 by:

16 (a) Performing not more than 24 hours of community service;

17 (b) Attending the live meeting described in paragraph (a) of  
18 subsection 2 of NRS 484C.530 and complying with any other  
19 requirements set forth in that section; or

20 (c) Being required to undergo an evaluation in accordance with  
21 subsection 1 of NRS 484C.350,

22 *↪* or any combination thereof.

23 5. Unless a greater penalty is provided pursuant to NRS  
24 212.160, a person who is convicted of the possession of more than 1  
25 ounce, but less than 50 pounds, of marijuana or more than one-  
26 eighth of an ounce, but less than one pound, of concentrated  
27 cannabis is guilty of a category E felony and shall be punished as  
28 provided in NRS 193.130.

29 6. It is not a violation of this section if a person possesses a  
30 trace amount of a controlled substance and that trace amount is in or  
31 on a hypodermic device obtained from a sterile hypodermic device  
32 program pursuant to NRS 439.985 to 439.994, inclusive.

33 7. The court may grant probation to or suspend the sentence of  
34 a person convicted of violating this section.

35 8. If a person fulfills the terms and conditions imposed for a  
36 violation of subsection 4, the court shall, without a hearing, order  
37 sealed all documents, papers and exhibits in that person's record,  
38 minute book entries and entries on dockets, and other documents  
39 relating to the case in the custody of such other agencies and  
40 officers as are named in the court's order. The court shall cause a  
41 copy of the order to be sent to each agency or officer named in the  
42 order. Each such agency or officer shall notify the court in writing  
43 of its compliance with the order.

44 9. As used in this section:



1 (a) "Controlled substance" includes flunitrazepam, gamma-  
2 hydroxybutyrate and each substance for which flunitrazepam or  
3 gamma-hydroxybutyrate is an immediate precursor.

4 (b) "Marijuana" does not include concentrated cannabis.

5 (c) "Sterile hypodermic device program" has the meaning  
6 ascribed to it in NRS 439.986.

7 **Sec. 46.** NRS 453.337 is hereby amended to read as follows:

8 453.337 1. Except as otherwise authorized by the provisions  
9 of NRS 453.011 to 453.552, inclusive, it is unlawful for a person to  
10 possess for the purpose of sale flunitrazepam, gamma-  
11 hydroxybutyrate, any substance for which flunitrazepam or gamma-  
12 hydroxybutyrate is an immediate precursor or any controlled  
13 substance classified in schedule I or II.

14 2. Unless a greater penalty is provided in NRS 453.3385 or  
15 453.339, *or section 40 of this act*, a person who violates this section  
16 shall be punished:

17 (a) For the first offense, for a category D felony as provided in  
18 NRS 193.130.

19 (b) For a second offense, or if, in the case of a first conviction of  
20 violating this section, the offender has previously been convicted of  
21 a felony under the Uniform Controlled Substances Act or of an  
22 offense under the laws of the United States or any state, territory or  
23 district which, if committed in this State, would amount to a felony  
24 under the Uniform Controlled Substances Act, for a category C  
25 felony as provided in NRS 193.130.

26 (c) For a third or subsequent offense, or if the offender has  
27 previously been convicted two or more times of a felony under the  
28 Uniform Controlled Substances Act or of any offense under the laws  
29 of the United States or any state, territory or district which, if  
30 committed in this State, would amount to a felony under the  
31 Uniform Controlled Substances Act, for a category B felony by  
32 imprisonment in the state prison for a minimum term of not less  
33 than 3 years and a maximum term of not more than 15 years, and  
34 may be further punished by a fine of not more than \$20,000 for each  
35 offense.

36 3. Except as otherwise provided in this subsection, unless  
37 mitigating circumstances exist that warrant the granting of  
38 probation, the court shall not grant probation to or suspend the  
39 sentence of a person convicted of violating this section and  
40 punishable pursuant to paragraph (b) or (c) of subsection 2. The  
41 court shall not grant probation to or suspend the sentence of a  
42 person convicted of violating this section, even if mitigating  
43 circumstances exist that would otherwise warrant the granting of  
44 probation, if the person violated this section by possessing *fentanyl*,  
45 flunitrazepam, gamma-hydroxybutyrate or any substance for which



1 *fantanyl*, flunitrazepam or gamma-hydroxybutyrate is an immediate  
2 precursor.

3 **Sec. 47.** NRS 453.3383 is hereby amended to read as follows:  
4 453.3383 For the purposes of NRS 453.3385 and 453.339, *and*  
5 *section 40 of this act*, the weight of the controlled substance as  
6 represented by the person selling or delivering it is determinative if  
7 the weight as represented is greater than the actual weight of the  
8 controlled substance.

9 **Sec. 48.** NRS 453.3385 is hereby amended to read as follows:  
10 453.3385 1. Except as otherwise authorized by the provisions  
11 of NRS 453.011 to 453.552, inclusive, a person who knowingly or  
12 intentionally sells, manufactures, delivers or brings into this State or  
13 who is knowingly or intentionally in actual or constructive  
14 possession of flunitrazepam, gamma-hydroxybutyrate, any  
15 substance for which flunitrazepam or gamma-hydroxybutyrate is an  
16 immediate precursor or any controlled substance which is listed in  
17 schedule I, ~~[or II.]~~ except marijuana, or any mixture which contains  
18 any such controlled substance, unless a greater penalty is provided  
19 pursuant to NRS 453.322, if the quantity involved:

20 (a) Is ~~[100]~~ 4 grams or more, but less than ~~[400]~~ 14 grams, is  
21 guilty of low-level trafficking and shall be punished for a category B  
22 felony by imprisonment in the state prison for a minimum term of  
23 not less than ~~[2-years]~~ 1 year and a maximum term of not more than  
24 ~~[20]~~ 6 years and by a fine of not more than ~~[\$100,000.]~~ \$50,000.

25 (b) *Is 14 grams or more, but less than 28 grams, is guilty of*  
26 *mid-level trafficking and shall be punished for a category B felony*  
27 *by imprisonment in the state prison for a minimum term of not*  
28 *less than 2 years and a maximum term of not more than 15 years*  
29 *and by a fine of not more than \$100,000.*

30 (c) Is ~~[400]~~ 28 grams or more, is guilty of high-level trafficking  
31 and shall be punished for a category A felony by imprisonment in  
32 the state prison:

33 (1) For life with the possibility of parole, with eligibility for  
34 parole beginning when a minimum of 10 years has been served; or

35 (2) For a definite term of 25 years, with eligibility for parole  
36 beginning when a minimum of 10 years has been served,

37 ↪ and by a fine of not more than \$500,000.

38 2. As used in this section, "marijuana" does not include  
39 concentrated cannabis.

40 **Sec. 49.** NRS 453.3405 is hereby amended to read as follows:  
41 453.3405 1. Except as otherwise provided in subsection 2,  
42 the adjudication of guilt and imposition of sentence of a person  
43 found guilty of trafficking in a controlled substance in violation of  
44 NRS 453.3385 or 453.339 *or section 40 of this act* must not be  
45 suspended and the person is not eligible for parole until the person



1 has actually served the mandatory minimum term of imprisonment  
2 prescribed by the section under which the person was convicted.

3 2. The court, upon an appropriate motion, may reduce or  
4 suspend the sentence of any person convicted of violating any of the  
5 provisions of NRS 453.3385 or 453.339 *or section 40 of this act* if  
6 the court finds that the convicted person rendered substantial  
7 assistance in the investigation or prosecution of any offense. The  
8 arresting agency must be given an opportunity to be heard before the  
9 motion is granted. Upon good cause shown, the motion may be  
10 heard in camera.

11 3. Any appropriate reduction or suspension of a sentence  
12 pursuant to subsection 2 must be determined by the court, for  
13 reasons stated by the court that may include, without limitation,  
14 consideration of the following:

15 (a) The court's evaluation of the significance and usefulness of  
16 the convicted person's assistance, taking into consideration the  
17 prosecuting attorney's evaluation of the assistance rendered;

18 (b) The truthfulness, completeness and reliability of any  
19 information or testimony provided by the convicted person;

20 (c) The nature and extent of the convicted person's assistance;

21 (d) Any injury suffered or any danger or risk of injury to the  
22 convicted person or his or her family resulting from his or her  
23 assistance; and

24 (e) The timeliness of the convicted person's assistance.

25 **Sec. 50.** NRS 453C.150 is hereby amended to read as follows:

26 453C.150 1. Notwithstanding any other provision of law, a  
27 person who, in good faith, seeks medical assistance for a person  
28 who is experiencing a drug or alcohol overdose or other medical  
29 emergency or who seeks such assistance for himself or herself, or  
30 who is the subject of a good faith request for such assistance may  
31 not be arrested, charged, prosecuted or convicted, or have his or her  
32 property subjected to forfeiture, or be otherwise penalized for  
33 violating:

34 (a) Except as otherwise provided in subsection 4, a provision of  
35 chapter 453 of NRS relating to:

36 (1) Drug paraphernalia, including, without limitation, NRS  
37 453.554 to 453.566, inclusive;

38 (2) Possession, unless it is for the purpose of sale or violates  
39 the provisions of NRS 453.3385, subsection 2 of NRS 453.3393 or  
40 453.3405 *or section 40 of this act*; or

41 (3) Use of a controlled substance, including, without  
42 limitation, NRS 453.336;

43 (b) A local ordinance as described in NRS 453.3361 that  
44 establishes an offense that is similar to an offense set forth in  
45 NRS 453.336;



1 (c) A restraining order; or  
2 (d) A condition of the person's parole or probation,  
3 ↪ if the evidence to support the arrest, charge, prosecution,  
4 conviction, seizure or penalty was obtained as a result of the person  
5 seeking medical assistance.

6 2. A court, before sentencing a person who has been convicted  
7 of a violation of chapter 453 of NRS for which immunity is not  
8 provided by this section, shall consider in mitigation any evidence  
9 or information that the defendant, in good faith, sought medical  
10 assistance for a person who was experiencing a drug or alcohol  
11 overdose or other life-threatening emergency in connection with the  
12 events that constituted the violation.

13 3. For the purposes of this section, a person seeks medical  
14 assistance if the person:

15 (a) Reports a drug or alcohol overdose or other medical  
16 emergency to a member of a law enforcement agency, a 911  
17 emergency service, a poison control center, a medical facility or a  
18 provider of emergency medical services;

19 (b) Assists another person making such a report;

20 (c) Provides care to a person who is experiencing a drug or  
21 alcohol overdose or other medical emergency while awaiting the  
22 arrival of medical assistance; or

23 (d) Delivers a person who is experiencing a drug or alcohol  
24 overdose or other medical emergency to a medical facility and  
25 notifies the appropriate authorities.

26 4. The provisions of this section do not prohibit any  
27 governmental entity from taking any actions required or authorized  
28 by chapter 432B of NRS relating to the abuse or neglect of a child.

29 5. As used in this section, "drug or alcohol overdose" means a  
30 condition, including, without limitation, extreme physical illness, a  
31 decreased level of consciousness, respiratory depression, coma,  
32 mania or death which is caused by the consumption or use of a  
33 controlled substance or alcohol, or another substance with which a  
34 controlled substance or alcohol was combined, or that an ordinary  
35 layperson would reasonably believe to be a drug or alcohol overdose  
36 that requires medical assistance.

37 **Sec. 51.** NRS 458A.240 is hereby amended to read as follows:

38 458A.240 1. ~~Whenever~~ *If* a person is placed under the  
39 supervision of a qualified mental health professional, the person's  
40 sentencing ~~must~~ *may* be deferred and, except as otherwise  
41 provided in subsection 4, the person's conviction ~~must~~ *may* be set  
42 aside if the qualified mental health professional certifies to the court  
43 that the person has satisfactorily completed the program of treatment  
44 and the court approves the certification and determines that the  
45 conditions upon the election of treatment have been satisfied.



2. If, upon the expiration of the treatment period, the qualified mental health professional has not certified that the person has completed the program of treatment, the court shall sentence the person. If the person has satisfied the conditions upon the election of treatment and the court believes that the person will complete his or her treatment voluntarily, the court may set the conviction aside.

3. If, before the treatment period expires, the qualified mental health professional determines that the person is not likely to benefit from further treatment, the qualified mental health professional shall so advise the court. The court shall then:

(a) Arrange for the transfer of the person to a more suitable program, if any; or

(b) Terminate the supervision and conduct a hearing to determine whether the person should be sentenced.

➔ If a person is sentenced pursuant to this section, any time spent in institutional care must be deducted from any sentence imposed.

4. Regardless of whether the person successfully completes treatment, the court shall not set aside the conviction of a person who has a record of two or more convictions of any felony for two or more separate incidents.

**Sec. 52.** NRS 458A.250 is hereby amended to read as follows:

458A.250 1. The ~~[determination of problem gambling and civil commitment]~~ *setting aside of a conviction* pursuant to NRS ~~[458A.200 to 458A.260, inclusive,]~~ **458A.240** shall not be deemed a criminal conviction.

2. The records relating to the setting aside of a conviction pursuant to NRS 458A.240 may be sealed pursuant to NRS 179.255.

**Sec. 53.** NRS 475.105 is hereby amended to read as follows:

475.105 A person who steals a device intended for use in preventing, controlling, extinguishing or giving warning of a fire:

1. If the device has a value of less than ~~[\$1,200,]~~ **\$750**, is guilty of a misdemeanor.

2. If the device has a value of ~~[\$1,200]~~ **\$750** or more, is guilty of a category D felony and shall be punished as provided in NRS 193.130.

**Sec. 54.** 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 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;



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

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

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

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

16 *2. A person who commits any of the acts set forth in*  
17 *subsection 1 and causes:*

18 (a) *The death of another person* is guilty of a category B felony  
19 and shall be punished by imprisonment in the state prison for a  
20 minimum term of not less than ~~[2]~~ 5 years and a maximum term of  
21 not more than ~~[20]~~ 25 years and must be further punished by a fine  
22 of not less than \$2,000 nor more than \$5,000.

23 (b) *Substantial bodily harm to another person is guilty of a*  
24 *category B felony and shall be punished by imprisonment in the*  
25 *state prison for a minimum term of not less than 2 years and a*  
26 *maximum term of not more than 20 years and must be further*  
27 *punished by a fine of not less than \$2,000 nor more than \$5,000.*

28 and does any act or neglects any duty imposed by law while  
29 driving or in actual physical control of any vehicle on or off the  
30 highways of this State, if the act or neglect of duty proximately  
31 causes the death of, or substantial bodily harm to, another person,

32 ~~[2.]~~ 3. A prosecuting attorney shall not dismiss a charge of  
33 violating the provisions of subsection 1 in exchange for a plea of  
34 guilty, guilty but mentally ill or nolo contendere to a lesser charge or  
35 for any other reason unless the attorney knows or it is obvious that  
36 the charge is not supported by probable cause or cannot be proved at  
37 the time of trial. A sentence imposed pursuant to subsection ~~[4]~~ 2  
38 may not be suspended nor may probation be granted.

39 ~~[3.]~~ 4. Except as otherwise provided in subsection ~~[4.]~~ 5, if  
40 consumption is proven by a preponderance of the evidence, it is an  
41 affirmative defense under paragraph (c) of subsection 1 that the  
42 defendant consumed a sufficient quantity of alcohol after driving or  
43 being in actual physical control of the vehicle, and before his or her  
44 blood or breath was tested, to cause the defendant to have a  
45 concentration of alcohol of 0.08 or more in his or her blood or





1 breath. A defendant who intends to offer this defense at a trial or  
2 preliminary hearing must, not less than 14 days before the trial or  
3 hearing or at such other time as the court may direct, file and serve on  
4 on the prosecuting attorney a written notice of that intent.

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

8 ~~[5.]~~ 6. If the defendant was transporting a person who is less  
9 than 15 years of age in the motor vehicle at the time of the violation,  
10 the court shall consider that fact as an aggravating factor in  
11 determining the sentence of the defendant.

12 **Sec. 55.** NRS 501.3765 is hereby amended to read as follows:

13 501.3765 1. Any person who intentionally steals, takes and  
14 carries away one or more traps, snares or similar devices owned by  
15 another person with an aggregate value of less than ~~[\$1,200]~~ \$750 is  
16 guilty of a gross misdemeanor.

17 2. Any person who buys, receives, possesses or withholds one  
18 or more traps, snares or similar devices owned by another person  
19 with an aggregate value of less than ~~[\$1,200.]~~ \$750:

20 (a) Knowing that the traps, snares or similar devices are stolen  
21 property; or

22 (b) Under such circumstances as should have caused a  
23 reasonable person to know that the traps, snares or similar devices  
24 are stolen property,

25 ↪ is guilty of a gross misdemeanor.

26 **Sec. 56.** NRS 598.0999 is hereby amended to read as follows:

27 598.0999 1. Except as otherwise provided in NRS 598.0974,  
28 a person who violates a court order or injunction issued pursuant to  
29 the provisions of NRS 598.0903 to 598.0999, inclusive, upon a  
30 complaint brought by the Commissioner, the Director, the district  
31 attorney of any county of this State or the Attorney General shall  
32 forfeit and pay to the State General Fund a civil penalty of not more  
33 than \$10,000 for each violation. For the purpose of this section, the  
34 court issuing the order or injunction retains jurisdiction over the  
35 action or proceeding. Such civil penalties are in addition to any  
36 other penalty or remedy available for the enforcement of the  
37 provisions of NRS 598.0903 to 598.0999, inclusive.

38 2. Except as otherwise provided in NRS 598.0974, in any  
39 action brought pursuant to the provisions of NRS 598.0903 to  
40 598.0999, inclusive, if the court finds that a person has willfully  
41 engaged in a deceptive trade practice, the Commissioner, the  
42 Director, the district attorney of any county in this State or the  
43 Attorney General bringing the action may recover a civil penalty not  
44 to exceed \$5,000 for each violation. The court in any such action





1 may, in addition to any other relief or reimbursement, award  
2 reasonable attorney's fees and costs.

3 3. A natural person, firm, or any officer or managing agent of  
4 any corporation or association who knowingly and willfully engages  
5 in a deceptive trade practice:

6 (a) For an offense involving a loss of property or services valued  
7 at ~~[\$1,200]~~ \$750 or more but less than \$5,000, is guilty of a category  
8 D felony and shall be punished as provided in NRS 193.130.

9 (b) For an offense involving a loss of property or services  
10 valued at \$5,000 or more but less than \$25,000, is guilty of a  
11 category C felony and shall be punished as provided in  
12 NRS 193.130.

13 (c) For an offense involving a loss of property or services valued  
14 at \$25,000 or more but less than \$100,000, is guilty of a category B  
15 felony and shall be punished by imprisonment in the state prison for  
16 a minimum term of not less than 1 year and a maximum term of not  
17 more than 10 years, and by a fine of not more than \$10,000.

18 (d) For an offense involving a loss of property or services  
19 valued at \$100,000 or more, is guilty of a category B felony and  
20 shall be punished by imprisonment in the state prison for a  
21 minimum term of not less than 1 year and a maximum term of not  
22 more than 20 years, and by a fine of not more than \$15,000.

23 (e) For any offense other than an offense described in  
24 paragraphs (a) to (d), inclusive, is guilty of a misdemeanor.

25 ↪ The court may require the natural person, firm, or officer or  
26 managing agent of the corporation or association to pay to the  
27 aggrieved party damages on all profits derived from the knowing  
28 and willful engagement in a deceptive trade practice and treble  
29 damages on all damages suffered by reason of the deceptive trade  
30 practice.

31 4. If a person violates any provision of NRS 598.0903 to  
32 598.0999, inclusive, 598.100 to 598.2801, inclusive, 598.405  
33 to 598.525, inclusive, 598.741 to 598.787, inclusive, 598.840 to  
34 598.966, inclusive, or 598.9701 to 598.9718, inclusive, fails to  
35 comply with a judgment or order of any court in this State  
36 concerning a violation of such a provision, or fails to comply with  
37 an assurance of discontinuance or other agreement concerning an  
38 alleged violation of such a provision, the Commissioner or the  
39 district attorney of any county may bring an action in the name of  
40 the State of Nevada seeking:

41 (a) The suspension of the person's privilege to conduct business  
42 within this State; or

43 (b) If the defendant is a corporation, dissolution of the  
44 corporation.



1    ↳ The court may grant or deny the relief sought or may order other  
2 appropriate relief.

3    5. If a person violates any provision of NRS 228.500 to  
4 228.640, inclusive, fails to comply with a judgment or order of any  
5 court in this State concerning a violation of such a provision, or fails  
6 to comply with an assurance of discontinuance or other agreement  
7 concerning an alleged violation of such a provision, the Attorney  
8 General may bring an action in the name of the State of Nevada  
9 seeking:

10    (a) The suspension of the person's privilege to conduct business  
11 within this State; or

12    (b) If the defendant is a corporation, dissolution of the  
13 corporation.

14    ↳ The court may grant or deny the relief sought or may order other  
15 appropriate relief.

16    6. In an action brought by the Commissioner or the Attorney  
17 General pursuant to subsection 4 or 5, process may be served by an  
18 employee of the Consumer Affairs Unit of the Department of  
19 Business and Industry or an employee of the Attorney General.

20    7. As used in this section:

21    (a) "Property" has the meaning ascribed to it in NRS 193.0225.

22    (b) "Services" has the meaning ascribed to it in NRS 205.0829.

23    (c) "Value" means the fair market value of the property or  
24 services at the time the deceptive trade practice occurred. The value  
25 of a written instrument which does not have a readily ascertainable  
26 market value is the greater of the face amount of the instrument less  
27 the portion satisfied or the amount of economic loss to the owner of  
28 the instrument resulting from the deprivation of the instrument. The  
29 trier of fact shall determine the value of all other property whose  
30 value is not readily ascertainable, and may, in making that  
31 determination, consider all relevant evidence, including evidence of  
32 the value of the property to its owner.

33    **Sec. 57.** NRS 612.445 is hereby amended to read as follows:

34    612.445 1. A person shall not make a false statement or  
35 representation, knowing it to be false, or knowingly fail to disclose a  
36 material fact in order to obtain or increase any benefit or other  
37 payment under this chapter, including, without limitation, by:

38    (a) Failing to properly report earnings;

39    (b) Filing a claim for benefits using the social security number,  
40 name or other personal identifying information of another person; or

41    (c) Filing a claim for or receiving benefits and failing to  
42 disclose, at the time he or she files the claim or receives the benefits,  
43 any compensation for a temporary total disability or a temporary  
44 partial disability or money for rehabilitative services pursuant to  
45 chapters 616A to 616D, inclusive, or 617 of NRS received by the



1 person or for which a claim has been submitted pursuant to those  
2 chapters.

3 ↪ A person who violates the provisions of this subsection commits  
4 unemployment insurance fraud.

5 2. When the Administrator finds that a person has committed  
6 unemployment insurance fraud pursuant to subsection 1, the person  
7 shall repay to the Administrator for deposit in the Fund a sum equal  
8 to all of the benefits received by or paid to the person for each week  
9 with respect to which the false statement or representation was made  
10 or to which the person failed to disclose a material fact in addition to  
11 any interest, penalties and costs related to that sum. Except as  
12 otherwise provided in subsection 3 of NRS 612.480, the  
13 Administrator may make an initial determination finding that a  
14 person has committed unemployment insurance fraud pursuant to  
15 subsection 1 at any time within 4 years after the first day of the  
16 benefit year in which the person committed the unemployment  
17 insurance fraud.

18 3. Except as otherwise provided in this subsection and  
19 subsection 8, the person is disqualified from receiving  
20 unemployment compensation benefits under this chapter:

21 (a) For a period beginning with the week in which the  
22 Administrator issues a finding that the person has committed  
23 unemployment insurance fraud pursuant to subsection 1 and ending  
24 not more than 52 consecutive weeks after the week in which it is  
25 determined that a claim was filed in violation of subsection 1; or

26 (b) Until the sum described in subsection 2, in addition to any  
27 interest, penalties or costs related to that sum, is repaid to the  
28 Administrator,

29 ↪ whichever is longer. The Administrator shall fix the period of  
30 disqualification according to the circumstances in each case.

31 4. It is a violation of subsection 1 for a person to file a claim,  
32 or to cause or allow a claim to be filed on his or her behalf, if:

33 (a) The person is incarcerated in the state prison or any county  
34 or city jail or detention facility or other correctional facility in this  
35 State; and

36 (b) The claim does not expressly disclose his or her  
37 incarceration.

38 5. A person who obtains benefits of ~~[\$1,200]~~ \$750 or more in  
39 violation of subsection 1 shall be punished in the same manner as  
40 theft pursuant to subsection 2 of NRS 205.0835.

41 6. In addition to the repayment of benefits required pursuant to  
42 subsection 2, the Administrator:

43 (a) Shall impose a penalty equal to 15 percent of the total  
44 amount of benefits received by the person in violation of subsection  
45 1. Money recovered by the Administrator pursuant to this paragraph



1 must be deposited in the Unemployment Trust Fund in accordance  
2 with the provisions of NRS 612.590.

3 (b) May impose a penalty equal to not more than:

4 (1) If the amount of such benefits is greater than \$25 but not  
5 greater than \$1,000, 5 percent;

6 (2) If the amount of such benefits is greater than \$1,000 but  
7 not greater than \$2,500, 10 percent; or

8 (3) If the amount of such benefits is greater than \$2,500, 35  
9 percent,

10 ↪ of the total amount of benefits received by the person in violation  
11 of subsection 1 or any other provision of this chapter. Money  
12 recovered by the Administrator pursuant to this paragraph must be  
13 deposited in the Employment Security Fund in accordance with the  
14 provisions of NRS 612.615.

15 7. Except as otherwise provided in subsection 8, a person may  
16 not pay benefits as required pursuant to subsection 2 by using  
17 benefits which would otherwise be due and payable to the person if  
18 he or she was not disqualified.

19 8. The Administrator may waive the period of disqualification  
20 prescribed in subsection 3 for good cause shown or if the person  
21 adheres to a repayment schedule authorized by the Administrator  
22 that is designed to fully repay benefits received from an improper  
23 claim, in addition to any related interest, penalties and costs, within  
24 18 months. If the Administrator waives the period of  
25 disqualification pursuant to this subsection, the person may repay  
26 benefits as required pursuant to subsection 2 by using any benefits  
27 which are due and payable to the person, except that benefits which  
28 are due and payable to the person may not be used to repay any  
29 related interest, penalties and costs.

30 9. The Administrator may recover any money required to be  
31 paid pursuant to this section in accordance with the provisions of  
32 NRS 612.365 and may collect interest on any such money in  
33 accordance with the provisions of NRS 612.620.

34 **Sec. 58.** This act becomes effective upon passage and  
35 approval.

