
ASSEMBLY BILL NO. 218—ASSEMBLYMEMBER GONZÁLEZ

PREFILED FEBRUARY 3, 2025

Referred to Committee on Judiciary

SUMMARY—Requires the Court Administrator and each court in this State to establish a program to send certain communications regarding court proceedings by text message. (BDR 1-535)

FISCAL NOTE: Effect on Local Government: May have Fiscal Impact.
Effect on the State: Yes.

CONTAINS UNFUNDED MANDATE (§ 1)
(NOT REQUESTED BY AFFECTED LOCAL GOVERNMENT)

~

EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~for mitted material~~ is material to be omitted.

AN ACT relating to courts; requiring the Court Administrator and each court in this State to establish a program to send certain communications regarding court proceedings by text message; requiring the Court Administrator to convene a working group to study the programs among other duties; requiring the Court Administrator to prepare and submit an annual report regarding the programs; requiring children taken into custody and persons issued certain citations or arrested to provide a telephone number for purposes of receiving certain communications by text message; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 Existing law: (1) requires a peace officer to collect a telephone number and an
2 indication of whether a person who is issued a civil infraction citation agrees to
3 receive communications by text message; and (2) authorizes a court to send certain
4 communications relating to civil infraction citations by text message. (NRS
5 484A.7035, 484A.704) Colorado law requires: (1) the state court administrator to
6 administer a program to remind criminal defendants and juvenile participants of
7 certain information relating to court proceedings by text message or other available
8 communication methods if the defendant or participant cannot receive text
9 messages; and (2) the judicial department to prepare an annual report containing
10 certain information relating to the program. (Colo. Rev. Stat. § 13-3-101)



11 **Section 1** of this bill requires the Court Administrator and each court in this
12 State to establish a program to remind criminal defendants, persons receiving
13 citations and children subject to the jurisdiction of the juvenile court of certain
14 information relating to court proceedings by text message or other available
15 communication methods, if the defendant, person or child cannot receive text
16 messages. **Section 1** requires the Court Administrator to: (1) convene a working
17 group to study best practices related to such programs, among other duties; and (2)
18 prepare and submit an annual report regarding the programs to the Chief Justice of
19 the Nevada Supreme Court and the Director of the Legislative Counsel Bureau for
20 transmittal to the Legislature.

21 Existing law requires certain information to be gathered when a child is taken
22 into custody, a person is arrested or a person is issued certain citations. (NRS
23 62C.010, 171.136, 171.1773, 171.1774) **Sections 2-5** of this bill require children
24 taken into custody and persons issued certain citations or arrested to provide a
25 telephone number for purposes of receiving certain communications by text
26 message.

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

1 **Section 1.** Chapter 1 of NRS is hereby amended by adding
2 thereto a new section to read as follows:

3 *1. The Court Administrator and each court in this State shall*
4 *establish a program to remind criminal defendants, persons*
5 *receiving a citation and children subject to the jurisdiction of the*
6 *juvenile court of certain information relating to court proceedings*
7 *by text message or other available communication methods, if the*
8 *defendant, person or child cannot receive text messages. A court*
9 *may establish its own program or adopt the program established*
10 *by the Court Administrator. If a court does not have a valid*
11 *telephone number for a criminal defendant, person who received a*
12 *citation or child subject to the jurisdiction of the juvenile court,*
13 *the court shall attempt to secure a valid telephone number and an*
14 *indication of whether the defendant, person or child has agreed to*
15 *receive communications from the court by text message.*

16 *2. Any program described in subsection 1 must allow a*
17 *person to opt out of the program, change his or her telephone*
18 *number, opt in at any time and include, without limitation, that*
19 *such defendants, persons and children receive:*

20 *(a) Not less than three notifications before any court date,*
21 *specialty court evaluation or payment to the court is due; and*

22 *(b) A notification of any missed court appearance.*

23 *3. Any notification:*

24 *(a) Issued pursuant to paragraph (a) of subsection 2 must be*
25 *sent at intervals of not less than 7 days, 3 days and 1 day before a*
26 *court date, specialty court evaluation date or date a payment is*
27 *due.*



1 (b) Sent for cases that require a court appearance must
2 include:

3 (1) The date, time and location of the hearing;

4 (2) A warning about the consequences of missing a court
5 appearance;

6 (3) Contact information, including a telephone number, for
7 the court; and

8 (4) A link to the remote hearing, if applicable.

9 (c) Sent for a citation or other case that can be resolved
10 without an appearance must include:

11 (1) The date by which a payment or response must be
12 made;

13 (2) A warning about the consequences of noncompliance;

14 (3) Contact information, including a telephone number, for
15 the court;

16 (4) A link to the Internet website payment platform, if any;
17 and

18 (5) A link to the Internet website containing information to
19 request a payment plan or community service in lieu of payment, if
20 any.

21 4. The Court Administrator shall convene a working group to
22 study best practices in court reminders, assess the effectiveness of
23 the programs established pursuant to subsection 1 and recommend
24 any appropriate changes to the programs.

25 5. On or before March 1 of each year, the Court
26 Administrator shall prepare and submit to the Chief Justice of the
27 Nevada Supreme Court and the Director of the Legislative
28 Counsel Bureau for transmittal to the Legislature an annual
29 report concerning the programs established pursuant to
30 subsection 1. The report must include, without limitation, the
31 following information from each court in this State:

32 (a) The number of reminders sent by each court via text
33 message to a working telephone number of a criminal defendant,
34 person who received a citation or child subject to the jurisdiction
35 of the juvenile court;

36 (b) The number of criminal defendants, persons and children
37 who received a notification required by subsection 1 by means
38 other than text message;

39 (c) The number of criminal defendants, persons and children
40 who failed to appear for a court appearance or missed a payment;

41 (d) Any other data collected by the Court Administrator that
42 the Court Administrator determines useful to the Chief Justice
43 and the Legislature; and

44 (e) Any recommendations for changes to the programs.



1 **Sec. 2.** NRS 62C.010 is hereby amended to read as follows:
2 62C.010 Except as otherwise provided in this title and
3 NRS 484C.160:

4 1. A peace officer or probation officer may take into custody
5 any child:

6 (a) Who the officer has probable cause to believe is violating or
7 has violated any state or local law, ordinance, or rule or regulation
8 having the force of law; or

9 (b) Whose conduct indicates that the child is in need of
10 supervision.

11 2. If a child is taken into custody:

12 (a) The officer shall, without undue delay, attempt to notify, if
13 known, the parent or guardian of the child;

14 (b) The facility in which the child is detained shall, without
15 undue delay:

16 (1) Notify a probation officer; and

17 (2) Attempt to notify, if known, the parent or guardian of the
18 child if such notification was not accomplished pursuant to
19 paragraph (a); and

20 (c) Unless it is impracticable or inadvisable or has been
21 otherwise ordered by the juvenile court, the child must be released
22 to the custody of a parent or guardian or another responsible adult
23 who has signed a written agreement to bring the child before the
24 juvenile court at a time stated in the agreement or as the juvenile
25 court may direct. *The written agreement must include the*
26 *telephone number of the child and an indication as to whether the*
27 *child has agreed to receive communications relating to*
28 *the juvenile court.* The written agreement must be submitted to the
29 juvenile court as soon as possible. If the person fails to produce the
30 child at the time stated in the agreement or upon a summons from
31 the juvenile court, a writ may be issued for the attachment of the
32 person or of the child requiring that the person or child, or both, be
33 brought before the juvenile court at a time stated in the writ.

34 3. If a child who is taken into custody is not released pursuant
35 to subsection 2:

36 (a) The child must be taken without unnecessary delay to:

37 (1) The juvenile court; or

38 (2) The place of detention designated by the juvenile court
39 and, as soon as possible thereafter, the fact of detention must be
40 reported to the juvenile court; and

41 (b) Pending further disposition of the case, the juvenile court
42 may order that the child be:

43 (1) Released to the custody of a parent or guardian or another
44 person appointed by the juvenile court;



1 (2) Detained in a place designated by the juvenile court,
2 subject to further order of the juvenile court; or

3 (3) Conditionally released for supervised detention at the
4 home of the child in lieu of detention at a facility for the detention
5 of children. The supervised detention at the home of the child may
6 include electronic surveillance of the child.

7 4. In determining whether to release a child pursuant to this
8 section to a person other than a parent or guardian, the juvenile court
9 shall give preference to any person who is related to the child within
10 the fifth degree of consanguinity if the juvenile court finds that the
11 person is suitable and able to provide proper care and guidance for
12 the child.

13 **Sec. 3.** NRS 171.136 is hereby amended to read as follows:

14 171.136 1. If the offense charged is a felony or gross
15 misdemeanor, the arrest may be made on any day, and at any time of
16 day or night.

17 2. If it is a misdemeanor, the arrest cannot be made between
18 the hours of 7 p.m. and 7 a.m., except:

19 (a) Upon the direction of a magistrate, endorsed upon the
20 warrant;

21 (b) When the offense is committed in the presence of the
22 arresting officer;

23 (c) When the person is found and the arrest is made in a public
24 place or a place that is open to the public and:

25 (1) There is a warrant of arrest against the person; and

26 (2) The misdemeanor is discovered because there was
27 probable cause for the arresting officer to stop, detain or arrest the
28 person for another alleged violation or offense;

29 (d) When the offense is committed in the presence of a private
30 person and the person makes an arrest immediately after the offense
31 is committed;

32 (e) When the arrest is made in the manner provided in NRS
33 171.137 or 171.1375;

34 (f) When the person is already in custody as a result of another
35 lawful arrest; or

36 (g) When the person voluntarily surrenders himself or herself in
37 response to an outstanding warrant of arrest.

38 **3. *At the time of the arrest, the person making the arrest shall***
39 ***obtain the telephone number of the person who is arrested and an***
40 ***indication as to whether the person has agreed to receive***
41 ***communications from the court by text message.***

42 **Sec. 4.** NRS 171.1773 is hereby amended to read as follows:

43 171.1773 1. Whenever a person is detained by a peace officer
44 for any violation of a county, city or town ordinance or a state law
45 which is punishable as a misdemeanor and the person is not taken



1 before a magistrate as required or permitted by NRS 171.177,
2 171.1771 or 171.1772, the peace officer must prepare a
3 misdemeanor citation manually or electronically in the form of a
4 complaint issuing in the name of "The State of Nevada" or in the
5 name of the respective county, city or town, containing a notice to
6 appear in court, the name and address of the person, *the telephone*
7 *number of the person and an indication as to whether the person*
8 *has agreed to receive communications relating to the citation by*
9 *text message*, the state registration number of the person's vehicle,
10 if any, the offense charged, including a brief description of the
11 offense and the NRS or ordinance citation, the time when and place
12 where the person is required to appear in court, and such other
13 pertinent information as may be necessary. The citation must be
14 signed by the peace officer. If the citation is prepared electronically,
15 the officer shall sign the copy of the citation that is delivered to the
16 person charged with the violation.

17 2. The time specified in the notice to appear must be at least 5
18 days after the alleged violation unless the person charged with the
19 violation demands an earlier hearing.

20 3. The place specified in the notice must be before a
21 magistrate, as designated in NRS 171.178 and 171.184.

22 4. The person charged with the violation may give a written
23 promise to appear in court by signing at least one copy of the
24 misdemeanor citation prepared by the peace officer, in which event
25 the peace officer shall deliver a copy of the citation to the person,
26 and thereupon the peace officer shall not take the person into
27 physical custody for the violation. If the citation is prepared
28 electronically, the officer shall deliver the signed copy of the
29 citation to the person and shall indicate on the electronic record of
30 the citation whether the person charged gave a written promise to
31 appear. A copy of the citation that is signed by the person charged
32 or the electronic record of the citation which indicates that the
33 person charged gave a written promise to appear suffices as proof of
34 service.

35 **Sec. 5.** NRS 171.1774 is hereby amended to read as follows:

36 171.1774 1. In those instances described in NRS 171.1772,
37 the peace officer summoned after the arrest shall prepare a
38 misdemeanor citation manually or electronically in the form of a
39 complaint issuing in the name of "The State of Nevada" or in the
40 name of the respective county, city or town, and containing:

41 (a) A notice to appear in court;

42 (b) The name and address of the person;

43 (c) *The telephone number of the person and an indication as*
44 *to whether the person has agreed to receive communications*
45 *relating to the citation by text message;*



- 1 (d) The state registration number of the person's vehicle, if any;
- 2 ~~[(d)]~~ (e) The offense charged, including a brief description of
- 3 the offense and the NRS or ordinance citation;
- 4 ~~[(e)]~~ (f) The time when and place where the person is required
- 5 to appear in court;
- 6 ~~[(f)]~~ (g) Such other pertinent information as may be necessary;
- 7 and
- 8 ~~[(g)]~~ (h) The signatures of the private person making the arrest
- 9 and the peace officer preparing the citation.

10 2. The time specified in the notice to appear must be at least 5

11 days after the alleged violation unless the person charged with the

12 violation demands an earlier hearing.

13 3. The place specified in the notice must be before a

14 magistrate, as designated in NRS 171.178 and 171.184.

15 4. The person charged with the violation may give a written

16 promise to appear in court by signing at least one copy of the

17 misdemeanor citation prepared by the peace officer, in which event

18 the peace officer shall deliver a copy of the citation to the person,

19 and thereupon the peace officer shall not take the person into

20 physical custody for the violation. If the citation is prepared

21 electronically, the officer shall deliver the signed copy of the

22 citation to the person and shall indicate on the electronic record of

23 the citation whether the person charged gave a written promise to

24 appear. A copy of the citation that is signed by the person charged

25 or the electronic record of the citation which indicates that the

26 person charged gave a written promise to appear suffices as proof of

27 service.

28 **Sec. 6.** The provisions of subsection 1 of NRS 218D.380 do

29 not apply to any provision of this act which adds or revises a

30 requirement to submit a report to the Legislature.

31 **Sec. 7.** The provisions of NRS 354.599 do not apply to any

32 additional expenses of a local government that are related to the

33 provisions of this act.



