
ASSEMBLY BILL NO. 203—ASSEMBLYMEN FLORES, FUMO; ASSEFA,
BENITEZ-THOMPSON, GORELOW, MARTINEZ, NGUYEN,
PETERS, TORRES AND WATTS

FEBRUARY 18, 2019

Referred to Committee on Judiciary

SUMMARY—Revises provisions relating to bail in certain criminal cases. (BDR 14-127)

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

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

AN ACT relating to criminal procedure; providing that certain defendants must be admitted to bail on an unsecured bond; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 The Nevada Constitution and existing law provide that all persons arrested for
2 offenses other than murder of the first degree must be admitted to bail unless
3 certain circumstances apply. (Nev. Const. Art. 1, § 7; NRS 178.484) Existing law
4 also provides, with certain exceptions, that if a defendant can be admitted to bail
5 without appearing personally before a magistrate, the defendant must be so
6 admitted with the least possible delay and must be required to appear before a
7 magistrate at the earliest convenient time thereafter. (NRS 171.178)

8 **Section 1** of this bill provides that a defendant who can be admitted to bail
9 without appearing before a magistrate must be admitted on an unsecured bond if the
10 defendant: (1) was arrested for any misdemeanor or a gross misdemeanor which
11 does not involve an act of violence; (2) was not arrested while on bail; and (3) does
12 not have a record of failing to appear after release on bail or without bail. **Section 1**
13 defines an “unsecured bond” as a bond which does not require advance payment
14 and which is a monetary sum that the defendant agrees to pay at a later time if the
15 defendant, without good cause, fails to appear when the defendant’s presence in
16 court is lawfully required. **Section 2** of this bill makes conforming changes.



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

1 **Section 1.** Chapter 178 of NRS is hereby amended by adding
2 thereto a new section to read as follows:

3 **1. If, pursuant to subsection 5 of NRS 171.178, a defendant**
4 **can be admitted to bail without appearing personally before a**
5 **magistrate, the defendant must be admitted to bail on an**
6 **unsecured bond if the defendant:**

7 **(a) Was arrested for:**

8 **(1) A misdemeanor; or**

9 **(2) A gross misdemeanor which does not involve an act of**
10 **violence;**

11 **(b) Was not arrested while on bail; and**

12 **(c) Does not have a record of failing to appear after release on**
13 **bail or without bail.**

14 **2. As used in this section, “unsecured bond” means a bond**
15 **which:**

16 **(a) Does not require any advance payment; and**

17 **(b) Is a monetary sum that a defendant agrees to pay at a later**
18 **time if the defendant, without good cause, fails to appear when the**
19 **defendant’s presence in court is lawfully required.**

20 **Sec. 2.** NRS 178.483 is hereby amended to read as follows:

21 178.483 As used in NRS 178.483 to 178.548, inclusive, **and**
22 **section 1 of this act**, unless the context otherwise requires,
23 “electronic transmission,” “electronically transmit” or
24 “electronically transmitted” means any form or process of
25 communication not directly involving the physical transfer of paper
26 or another tangible medium which:

27 1. Is suitable for the retention, retrieval and reproduction of
28 information by the recipient; and

29 2. Is retrievable and reproducible in paper form by the recipient
30 through an automated process used in conventional commercial
31 practice.

