

ASSEMBLY BILL NO. 250—ASSEMBLYMEN WHEELER, MARCHANT,  
TITUS, HAMBRICK, ELLISON; KRAMER AND OSCARSON

MARCH 2, 2017

Referred to Committee on Judiciary

SUMMARY—Revises provisions governing bail. (BDR 14-563)

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

~

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

AN ACT relating to criminal procedure; revising provisions governing release with or without bail; and providing other matters properly relating thereto.

**Legislative Counsel’s Digest:**

1 Existing law requires the court to consider certain factors before releasing a  
2 defendant without bail. (NRS 178.4853) Existing law also requires the court to  
3 consider these factors before setting the amount of bail and additional conditions of  
4 release when a defendant is admitted to bail. (NRS 178.4853, 178.498) This bill  
5 requires the court to include the residency status of a defendant, including his or her  
6 immigration status and the legality of his or her presence in the United States,  
7 among the factors considered before releasing the defendant on bail or setting a bail  
8 amount or other conditions for the release of the defendant.

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

1 **Section 1.** NRS 178.4853 is hereby amended to read as  
2 follows:

3 178.4853 In deciding whether there is good cause to release a  
4 person without bail, the court as a minimum shall consider the  
5 following factors concerning the person:

6 1. The *status and* length of residence in the community ~~and~~,  
7 *including, without limitation, the person’s immigration status and*  
8 *legality of presence in the United States, insofar as these factors*  
9 *relate to the risk of not appearing;*

10 2. The status and history of employment;



- 1       3. Relationships with the person's spouse and children, parents
- 2 or other family members and with close friends;
- 3       4. Reputation, character and mental condition;
- 4       5. Prior criminal record, including, without limitation, any
- 5 record of appearing or failing to appear after release on bail or
- 6 without bail;
- 7       6. The identity of responsible members of the community who
- 8 would vouch for the reliability of the person;
- 9       7. The nature of the offense with which the person is charged,
- 10 the apparent probability of conviction and the likely sentence,
- 11 insofar as these factors relate to the risk of not appearing;
- 12       8. The nature and seriousness of the danger to the alleged
- 13 victim, any other person or the community that would be posed by
- 14 the person's release;
- 15       9. The likelihood of more criminal activity by the person after
- 16 release; and
- 17       10. Any other factors concerning the person's ties to the
- 18 community or bearing on the risk that the person may willfully fail
- 19 to appear.

