
ASSEMBLY BILL NO. 424—COMMITTEE ON JUDICIARY

(ON BEHALF OF THE COMMITTEE TO CONDUCT AN
INTERIM STUDY OF ISSUES RELATING TO PRETRIAL
RELEASE OF DEFENDANTS IN CRIMINAL CASES)

MARCH 26, 2021

Referred to Committee on Judiciary

SUMMARY—Revises provisions relating to pretrial release.
(BDR 14-374)

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

CONTAINS UNFUNDED MANDATE (§ 8)
(NOT REQUESTED BY AFFECTED LOCAL GOVERNMENT)

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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; removing the requirement that an arrested person show good cause before being released without bail; requiring courts to conduct a pretrial release hearing to determine the custody status of an arrested person; requiring a pretrial release hearing to be held within a reasonable amount of time after a person has been taken into custody; removing mandatory amounts of bail for certain offenses; requiring certain pretrial custody determinations to be made in a specific order of priority; requiring courts to consider certain information in making pretrial custody determinations; affording persons certain rights concerning pretrial release hearings; requiring courts to make specific findings concerning the denial of bail or the imposition of bail or conditions of release; creating a mechanism to bring a person back to court if such a person cannot afford the imposed amount of bail or costs associated with conditions of release; and providing other matters properly relating thereto.



Legislative Counsel's Digest:

1 The Nevada Constitution prohibits the imposition of excessive bail and requires
2 all persons arrested for offenses other than murder of the first degree to be admitted
3 to bail. (Nev. Const. Art. 1, §§ 6, 7)

4 Recently, the Nevada Supreme Court held that a provision of law requiring an
5 arrested person to show good cause before being released without bail violated his
6 or her constitutional right to nonexcessive bail. Specifically, the Nevada Supreme
7 Court held that the provision of law was unconstitutional because it: (1) did not
8 require the court to consider less restrictive conditions of release before
9 determining that the imposition of bail was necessary; and (2) effectively relieved
10 the State from its burden of proving that the imposition of bail was necessary to
11 protect the safety of the community and to ensure the appearance of the person in
12 court. (*Valdez-Jimenez v. Eighth Jud. Dist. Court*, 136 Nev. 155 (2020); Nev.
13 Const. Art. 1, §§ 6, 7; NRS 178.4851) **Section 8** of this bill removes the provision
14 of law that was found unconstitutional and **section 9** of this bill makes a
15 conforming change.

16 Existing law sets forth separate procedures for releasing persons with bail and
17 releasing persons without bail. (NRS 178.484, 178.4851) **Section 8** consolidates the
18 existing procedures for releasing persons with bail and releasing persons without
19 bail into a standard procedure for courts to follow in making pretrial custody
20 determinations. **Section 8** also requires courts to hold a pretrial release hearing to
21 determine the custody status of a person within a reasonable amount of time after
22 the person has been taken into custody. Finally, **section 8** prohibits the use of
23 standardized bail schedules. **Sections 1, 2 and 10-12** of this bill make conforming
24 changes.

25 Existing law authorizes certain governmental entities, other than a court, to
26 admit a person to bail if the person has been arrested for a felony while released on
27 parole or probation, after being released on a suspended sentence or while serving a
28 term of residential confinement. (NRS 178.484) **Section 7** of this bill removes the
29 authority for such entities to make admissions to bail and instead requires courts to
30 determine the custody status of such persons at a pretrial release hearing pursuant to
31 **section 8**.

32 Existing law mandates the imposition of specific amounts of bail for persons
33 arrested for offenses involving domestic violence and violations of certain orders
34 for protection. (NRS 178.484) **Section 7** removes the mandatory amounts of bail
35 and instead requires courts to determine the custody status of persons arrested for
36 such offenses at a pretrial release hearing pursuant to **section 8**.

37 Existing law sets forth certain factors that courts are required to consider when
38 determining whether to release persons without bail. (NRS 178.4853) Existing law
39 also sets forth certain factors that courts are required to consider when determining
40 the amount of bail. (NRS 178.498) In addition to the existing factors, **section 8**
41 requires courts to consider the federal poverty guidelines and any financial affidavit
42 of a person when making a pretrial custody determination.

43 **Section 8** requires a pretrial custody determination to be made in the following
44 order of priority: (1) release without bail with no additional conditions of release
45 except the promise of good behavior and the promise to appear in court; (2) release
46 without bail with conditions of release; and (3) release with bail.

47 **Section 8** affords a person certain rights concerning his or her pretrial release
48 hearing, including, the right to counsel, the right to review certain documents in the
49 custody of the prosecuting attorney or the court, the right to present evidence and
50 the right to cross-examine witnesses. **Section 8** also requires the court to make
51 certain findings related to the denial of bail or the imposition of bail or a condition
52 of release, as applicable.

53 **Section 5** of this bill requires a person to be brought back to court within 24
54 hours after the imposition of bail or a condition of release, or both, if the person



55 remains in jail because of his or her inability to pay the imposed amount of bail or
56 costs associated with a condition of release. **Section 5** requires the court to review
57 the original imposition and authorizes the court to modify the imposition, if
58 necessary.

59 Existing law prohibits a court from admitting a person to bail in an amount less
60 than the amount of certain fines if the person is arrested for a violation of certain
61 laws relating to vehicles. (NRS 484D.680, 706.756) **Sections 13 and 14** of this bill
62 remove the provisions tying the amount of bail to the amount of the fines, meaning
63 that a court is required to determine the amount of bail, if applicable, at a pretrial
64 release hearing pursuant to **section 8**.

65 **Section 4** of this bill expresses the intent of the Legislature to discourage courts
66 from imposing bail or a condition of release, or both, on a person in a manner that
67 would cause the person to remain detained because of his or her inability to pay the
68 amount of bail or costs associated with the condition of release.

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

1 **Section 1.** NRS 171.178 is hereby amended to read as follows:

2 171.178 1. Except as otherwise provided in ~~subsections~~
3 **subsection 5**, ~~and 6,~~ a peace officer making an arrest under a
4 warrant issued upon a complaint or without a warrant shall take the
5 arrested person without unnecessary delay before the magistrate
6 who issued the warrant or the nearest available magistrate
7 empowered to commit persons charged with offenses against the
8 laws of the State of Nevada.

9 2. A private person making an arrest without a warrant shall
10 deliver the arrested person without unnecessary delay to a peace
11 officer. Except as otherwise provided in ~~subsections~~ **subsection 5**
12 ~~and 6~~ and NRS 171.1772, the peace officer shall take the arrested
13 person without unnecessary delay before the nearest available
14 magistrate empowered to commit persons charged with offenses
15 against the laws of the State of Nevada.

16 3. If an arrested person is not brought before a magistrate
17 within 72 hours after arrest, excluding nonjudicial days, the
18 magistrate:

19 (a) Shall give the prosecuting attorney an opportunity to explain
20 the circumstances leading to the delay; and

21 (b) May release the arrested person if the magistrate determines
22 that the person was not brought before a magistrate without
23 unnecessary delay.

24 4. When a person arrested without a warrant is brought before
25 a magistrate, a complaint must be filed forthwith.

26 5. ~~Except as otherwise provided in NRS 178.484 and 178.487,~~
27 ~~where the defendant can be admitted to bail without appearing~~
28 ~~personally before a magistrate, the defendant must be so admitted~~



1 ~~with the least possible delay, and required to appear before a~~
2 ~~magistrate at the earliest convenient time thereafter.~~

3 ~~—6.]~~ A peace officer may immediately release from custody
4 without any further proceedings any person the peace officer arrests
5 without a warrant if the peace officer is satisfied that there are
6 insufficient grounds for issuing a criminal complaint against the
7 person arrested. Any record of the arrest of a person released
8 pursuant to this subsection must also include a record of the release.
9 A person so released shall be deemed not to have been arrested but
10 only detained.

11 **Sec. 2.** NRS 171.1845 is hereby amended to read as follows:

12 171.1845 1. If a person is brought before a magistrate under
13 the provisions of NRS 171.178 or 171.184, and it is discovered that
14 there is a warrant for the person's arrest outstanding in another
15 county of this State, the magistrate may release the person in
16 accordance with the provisions of NRS ~~[178.484 or]~~ 178.4851 if:

17 (a) The warrant arises out of a public offense which constitutes a
18 misdemeanor; and

19 (b) The person provides a suitable address where the magistrate
20 who issued the warrant in the other county can notify the person of a
21 time and place to appear.

22 2. If a person is released under the provisions of this section,
23 the magistrate who releases the person shall transmit the cash, bond,
24 notes or agreement submitted under the provisions of NRS 178.502
25 or 178.4851, together with the person's address, to the magistrate
26 who issued the warrant. Upon receipt of the cash, bonds, notes or
27 agreement and address, the magistrate who issued the warrant shall
28 notify the person of a time and place to appear.

29 3. Any bail set under the provisions of this section must be in
30 addition to and apart from any bail set for any public offense with
31 which a person is charged in the county in which a magistrate is
32 setting bail. In setting bail under the provisions of this section, a
33 magistrate shall set the bail in an amount which is sufficient to
34 induce a reasonable person to travel to the county in which the
35 warrant for the arrest is outstanding.

36 4. A person who fails to appear in the other county as ordered
37 is guilty of failing to appear and shall be punished as provided in
38 NRS 199.335. A sentence of imprisonment imposed for failing to
39 appear in violation of this section must be imposed consecutively to
40 a sentence of imprisonment for the offense out of which the warrant
41 arises.

42 **Sec. 3.** Chapter 178 of NRS is hereby amended by adding
43 thereto the provisions set forth as sections 4 and 5 of this act.

44 **Sec. 4.** *The Legislature hereby finds and declares that:*



1 *1. Bail must only be imposed on persons in a manner that is*
2 *consistent with the United States Constitution and to the extent*
3 *permitted by the Nevada Constitution.*

4 *2. A central tenet in our criminal justice system is that*
5 *persons are innocent until proven guilty and, therefore, the*
6 *detention of persons who have not been convicted is generally*
7 *disfavored.*

8 *3. If the imposition of bail or a condition of release, or both,*
9 *on a person is necessary, courts are encouraged to make the*
10 *imposition in a manner that ensures that the person will not*
11 *remain detained because of his or her inability to pay the amount*
12 *of bail or any costs associated with the condition of release.*

13 **Sec. 5.** *If a court imposes bail or a condition of release, or*
14 *both, on a person pursuant to NRS 178.4851 and the person*
15 *remains in jail because of his or her inability to pay the amount of*
16 *bail or any costs associated with the condition, or both, the person*
17 *shall be brought before a court within 24 hours after the*
18 *imposition and the court shall review and may modify the original*
19 *imposition in the manner prescribed in NRS 178.4851.*

20 **Sec. 6.** 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 *sections 4 and 5 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.

32 **Sec. 7.** NRS 178.484 is hereby amended to read as follows:

33 178.484 1. ~~Except as otherwise provided in this section, a~~
34 ~~person arrested for an offense other than murder of the first degree~~
35 ~~must be admitted to bail.~~

36 ~~—2.— A person arrested for a felony who has been released on~~
37 ~~probation or parole for a different offense must not be admitted to~~
38 ~~bail unless:~~

39 ~~—(a) A court issues an order directing that the person be admitted~~
40 ~~to bail;~~

41 ~~—(b) The State Board of Parole Commissioners directs the~~
42 ~~detention facility to admit the person to bail; or~~

43 ~~—(c) The Division of Parole and Probation of the Department of~~
44 ~~Public Safety directs the detention facility to admit the person to~~
45 ~~bail.~~



1 ~~—3.— A person arrested for a felony whose sentence has been~~
2 ~~suspended pursuant to NRS 4.373 or 5.055 for a different offense or~~
3 ~~who has been sentenced to a term of residential confinement~~
4 ~~pursuant to NRS 4.3762 or 5.076 for a different offense must not be~~
5 ~~admitted to bail unless:~~

6 ~~—(a) A court issues an order directing that the person be admitted~~
7 ~~to bail; or~~

8 ~~—(b) A department of alternative sentencing directs the detention~~
9 ~~facility to admit the person to bail.~~

10 ~~—4.— A person arrested for murder of the first degree may be~~
11 ~~admitted to bail unless the proof is evident or the presumption great~~
12 ~~by any competent court or magistrate authorized by law to do so in~~
13 ~~the exercise of discretion, giving due weight to the evidence and to~~
14 ~~the nature and circumstances of the offense.~~

15 ~~—5.]~~ A person arrested for a violation of NRS 484C.110,
16 484C.120, 484C.130, 484C.430, 488.410, 488.420 or 488.425 who
17 is under the influence of intoxicating liquor must not be ~~[admitted to~~
18 ~~bail or released on the person's own recognizance]~~ *brought before a*
19 *court for a pretrial release hearing pursuant to NRS 178.4851*
20 unless the person has a concentration of alcohol of less than 0.04 in
21 his or her breath. A test of the person's breath pursuant to this
22 subsection to determine the concentration of alcohol in his or her
23 breath as a condition of admission to bail or release is not
24 admissible as evidence against the person.

25 ~~[6.]~~ 2. A person arrested for a violation of NRS 484C.110,
26 484C.120, 484C.130, 484C.430, 488.410, 488.420 or 488.425 who
27 is under the influence of a controlled substance, is under the
28 combined influence of intoxicating liquor and a controlled
29 substance, or inhales, ingests, applies or otherwise uses any
30 chemical, poison or organic solvent, or any compound or
31 combination of any of these, to a degree which renders the person
32 incapable of safely driving or exercising actual physical control of a
33 vehicle or vessel under power or sail must not be ~~[admitted to bail or~~
34 ~~released on the person's own recognizance]~~ *brought before a court*
35 *for a pretrial release hearing pursuant to NRS 178.4851* sooner
36 than 12 hours after arrest.

37 ~~[7.]~~ 3. A person arrested for a battery that constitutes domestic
38 violence pursuant to NRS 33.018 must not be ~~[admitted to bail]~~
39 *brought before a court for a pretrial release hearing pursuant to*
40 *NRS 178.4851* sooner than 12 hours after arrest. ~~[If the person is~~
41 ~~admitted to bail more than 12 hours after arrest, without appearing~~
42 ~~personally before a magistrate or without the amount of bail having~~
43 ~~been otherwise set by a magistrate or a court, the amount of bail~~
44 ~~must be:~~



1 ~~—(a) Three thousand dollars, if the person has no previous~~
2 ~~convictions of battery that constitute domestic violence pursuant to~~
3 ~~NRS 33.018 and there is no reason to believe that the battery for~~
4 ~~which the person has been arrested resulted in substantial bodily~~
5 ~~harm or was committed by strangulation;~~

6 ~~—(b) Five thousand dollars, if the person has:~~

7 ~~—(1) No previous convictions of battery that constitute~~
8 ~~domestic violence pursuant to NRS 33.018, but there is reason to~~
9 ~~believe that the battery for which the person has been arrested~~
10 ~~resulted in substantial bodily harm or was committed by~~
11 ~~strangulation; or~~

12 ~~—(2) One previous conviction of battery that constitutes~~
13 ~~domestic violence pursuant to NRS 33.018, but there is no reason to~~
14 ~~believe that the battery for which the person has been arrested~~
15 ~~resulted in substantial bodily harm or was committed by~~
16 ~~strangulation; or~~

17 ~~—(c) Fifteen thousand dollars, if the person has:~~

18 ~~—(1) One previous conviction of battery that constitutes~~
19 ~~domestic violence pursuant to NRS 33.018 and there is reason to~~
20 ~~believe that the battery for which the person has been arrested~~
21 ~~resulted in substantial bodily harm or was committed by~~
22 ~~strangulation; or~~

23 ~~—(2) Two or more previous convictions of battery that~~
24 ~~constitute domestic violence pursuant to NRS 33.018.~~

25 ~~➤ The provisions of this subsection do not affect the authority of a~~
26 ~~magistrate or a court to set the amount of bail when the person~~
27 ~~personally appears before the magistrate or the court, or when a~~
28 ~~magistrate or a court has otherwise been contacted to set the amount~~
29 ~~of bail. For the purposes of this subsection, a person shall be~~
30 ~~deemed to have a previous conviction of battery that constitutes~~
31 ~~domestic violence pursuant to NRS 33.018 if the person has been~~
32 ~~convicted of such an offense in this State or has been convicted of~~
33 ~~violating a law of any other jurisdiction that prohibits the same or~~
34 ~~similar conduct.~~

35 ~~—8.] 4. A person arrested for violating a temporary or extended~~
36 ~~order for protection against domestic violence issued pursuant to~~
37 ~~NRS 33.017 to 33.100, inclusive, or for violating a restraining order~~
38 ~~or injunction that is in the nature of a temporary or extended order~~
39 ~~for protection against domestic violence issued in an action or~~
40 ~~proceeding brought pursuant to title 11 of NRS, or for violating a~~
41 ~~temporary or extended order for protection against stalking,~~
42 ~~aggravated stalking or harassment issued pursuant to NRS 200.591,~~
43 ~~or for violating a temporary or extended order for protection against~~
44 ~~sexual assault pursuant to NRS 200.378 must not be **admitted to**~~



1 ~~bail~~ brought before a court for a pretrial release hearing pursuant
2 to NRS 178.4851 sooner than 12 hours after arrest if:

3 (a) The arresting officer determines that such a violation is
4 accompanied by a direct or indirect threat of harm;

5 (b) The person has previously violated a temporary or extended
6 order for protection of the type for which the person has been
7 arrested; or

8 (c) At the time of the violation or within 2 hours after the
9 violation, the person has:

10 (1) A concentration of alcohol of 0.08 or more in the
11 person's blood or breath; or

12 (2) An amount of a prohibited substance in the person's
13 blood or urine, as applicable, that is equal to or greater than the
14 amount set forth in subsection 3 or 4 of NRS 484C.110.

15 ~~§9. If a person is admitted to bail more than 12 hours after~~
16 ~~arrest, pursuant to subsection 8, without appearing personally before~~
17 ~~a magistrate or without the amount of bail having been otherwise set~~
18 ~~by a magistrate or a court, the amount of bail must be:~~

19 ~~—(a) Three thousand dollars, if the person has no previous~~
20 ~~convictions of violating a temporary or extended order for~~
21 ~~protection against domestic violence issued pursuant to NRS 33.017~~
22 ~~to 33.100, inclusive, or of violating a restraining order or injunction~~
23 ~~that is in the nature of a temporary or extended order for protection~~
24 ~~against domestic violence issued in an action or proceeding brought~~
25 ~~pursuant to title 11 of NRS, or of violating a temporary or extended~~
26 ~~order for protection against stalking, aggravated stalking or~~
27 ~~harassment issued pursuant to NRS 200.591, or of violating a~~
28 ~~temporary or extended order for protection against sexual assault~~
29 ~~pursuant to NRS 200.378;~~

30 ~~—(b) Five thousand dollars, if the person has one previous~~
31 ~~conviction of violating a temporary or extended order for protection~~
32 ~~against domestic violence issued pursuant to NRS 33.017 to 33.100,~~
33 ~~inclusive, or of violating a restraining order or injunction that is in~~
34 ~~the nature of a temporary or extended order for protection against~~
35 ~~domestic violence issued in an action or proceeding brought~~
36 ~~pursuant to title 11 of NRS, or of violating a temporary or extended~~
37 ~~order for protection against stalking, aggravated stalking or~~
38 ~~harassment issued pursuant to NRS 200.591, or of violating a~~
39 ~~temporary or extended order for protection against sexual assault~~
40 ~~pursuant to NRS 200.378; or~~

41 ~~—(c) Fifteen thousand dollars, if the person has two or more~~
42 ~~previous convictions of violating a temporary or extended order for~~
43 ~~protection against domestic violence issued pursuant to NRS 33.017~~
44 ~~to 33.100, inclusive, or of violating a restraining order or injunction~~
45 ~~that is in the nature of a temporary or extended order for protection~~



1 ~~against domestic violence issued in an action or proceeding brought~~
2 ~~pursuant to title 11 of NRS, or of violating a temporary or extended~~
3 ~~order for protection against stalking, aggravated stalking or~~
4 ~~harassment issued pursuant to NRS 200.591, or of violating a~~
5 ~~temporary or extended order for protection against sexual assault~~
6 ~~pursuant to NRS 200.378.~~

7 ~~→ The provisions of this subsection do not affect the authority of a~~
8 ~~magistrate or a court to set the amount of bail when the person~~
9 ~~personally appears before the magistrate or the court or when a~~
10 ~~magistrate or a court has otherwise been contacted to set the amount~~
11 ~~of bail. For the purposes of this subsection, a person shall be~~
12 ~~deemed to have a previous conviction of violating a temporary or~~
13 ~~extended order for protection against domestic violence issued~~
14 ~~pursuant to NRS 33.017 to 33.100, inclusive, or of violating a~~
15 ~~restraining order or injunction that is in the nature of a temporary or~~
16 ~~extended order for protection against domestic violence issued in an~~
17 ~~action or proceeding brought pursuant to title 11 of NRS, or of~~
18 ~~violating a temporary or extended order for protection against~~
19 ~~stalking, aggravated stalking or harassment issued pursuant to NRS~~
20 ~~200.591, or of violating a temporary or extended order for~~
21 ~~protection against sexual assault pursuant to NRS 200.378, if the~~
22 ~~person has been convicted of such an offense in this State or has~~
23 ~~been convicted of violating a law of any other jurisdiction that~~
24 ~~prohibits the same or similar conduct.~~

25 ~~—10. The court may, before releasing a person arrested for an~~
26 ~~offense punishable as a felony, require the surrender to the court of~~
27 ~~any passport the person possesses.~~

28 ~~—11. Before releasing a person arrested for any crime, the court~~
29 ~~may impose such reasonable conditions on the person as it deems~~
30 ~~necessary to protect the health, safety and welfare of the community~~
31 ~~and to ensure that the person will appear at all times and places~~
32 ~~ordered by the court, including, without limitation:~~

33 ~~—(a) Requiring the person to remain in this State or a certain~~
34 ~~county within this State;~~

35 ~~—(b) Prohibiting the person from contacting or attempting to~~
36 ~~contact a specific person or from causing or attempting to cause~~
37 ~~another person to contact that person on the person's behalf;~~

38 ~~—(c) Prohibiting the person from entering a certain geographic~~
39 ~~area; or~~

40 ~~—(d) Prohibiting the person from engaging in specific conduct~~
41 ~~that may be harmful to the person's own health, safety or welfare, or~~
42 ~~the health, safety or welfare of another person.~~

43 ~~→ In determining whether a condition is reasonable, the court shall~~
44 ~~consider the factors listed in NRS 178.4853.~~



1 ~~—12. If a person fails to comply with a condition imposed~~
2 ~~pursuant to subsection 11, the court may, after providing the person~~
3 ~~with reasonable notice and an opportunity for a hearing:~~

4 ~~—(a) Deem such conduct a contempt pursuant to NRS 22.010; or~~

5 ~~—(b) Increase the amount of bail pursuant to NRS 178.499.~~

6 ~~—13. An order issued pursuant to this section that imposes a~~
7 ~~condition on a person admitted to bail must include a provision~~
8 ~~ordering any law enforcement officer to arrest the person if the~~
9 ~~officer has probable cause to believe that the person has violated a~~
10 ~~condition of bail.~~

11 ~~—14. Before a person may be admitted to bail, the person must~~
12 ~~sign a document stating that:~~

13 ~~—(a) The person will appear at all times and places as ordered by~~
14 ~~the court releasing the person and as ordered by any court before~~
15 ~~which the charge is subsequently heard;~~

16 ~~—(b) The person will comply with the other conditions which~~
17 ~~have been imposed by the court and are stated in the document; and~~

18 ~~—(c) If the person fails to appear when so ordered and is taken~~
19 ~~into custody outside of this State, the person waives all rights~~
20 ~~relating to extradition proceedings.~~

21 ~~↪ The signed document must be filed with the clerk of the court of~~
22 ~~competent jurisdiction as soon as practicable, but in no event later~~
23 ~~than the next business day.~~

24 ~~—15. If a person admitted to bail fails to appear as ordered by a~~
25 ~~court and the jurisdiction incurs any cost in returning the person to~~
26 ~~the jurisdiction to stand trial, the person who failed to appear is~~
27 ~~responsible for paying those costs as restitution.~~

28 ~~—16.] 5. For the purposes of [subsections 8 and 9,] *subsection 4,*~~
29 ~~an order or injunction is in the nature of a temporary or extended~~
30 ~~order for protection against domestic violence if it grants relief that~~
31 ~~might be given in a temporary or extended order issued pursuant to~~
32 ~~NRS 33.017 to 33.100, inclusive.~~

33 ~~[17. As used in this section, “strangulation” has the meaning~~
34 ~~ascribed to it in NRS 200.481.]~~

35 **Sec. 8.** NRS 178.4851 is hereby amended to read as follows:

36 178.4851 1. ~~[Upon a showing of good cause, a court may~~
37 ~~release without bail any person entitled to bail if it appears to the~~
38 ~~court that it can impose conditions on the person that will~~
39 ~~adequately protect the health, safety and welfare of the community~~
40 ~~and ensure that the person will appear at all times and places~~
41 ~~ordered by the court.] *Unless a person is released pursuant to*~~
42 ~~*subsection 9, and except as otherwise provided in NRS 178.484, a*~~
43 ~~*court shall, within a reasonable amount of time after a person has*~~
44 ~~*been taken into custody, hold a pretrial release hearing to*~~
45 ~~*determine the custody status of the person.*~~



1 2. ~~[In releasing a person without bail, the court may impose~~
2 ~~such conditions.]~~ *Before the pretrial release hearing:*

3 (a) *The person shall be appointed an attorney, free of charge,*
4 *to represent the person at the pretrial release hearing; and*

5 (b) *The person and his or her attorney shall be granted access*
6 *to all arrest, charging and other relevant documents that are*
7 *accessible to the prosecuting attorney and the court.*

8 3. *At the pretrial release hearing, the person has the right to:*

9 (a) *Present evidence; and*

10 (b) *Cross-examine witnesses who testify for the State.*

11 4. *If a person has been arrested for an offense other than*
12 *murder of the first degree, the court shall consider the release of*
13 *the person in the following order of priority:*

14 (a) *Release without bail, with no additional conditions of*
15 *release other than the promise of good behavior and the promise*
16 *to appear in court, as required.*

17 (b) *Release without bail with additional conditions of release.*

18 (c) *Release with bail.*

19 5. *Except as otherwise provided in subsection 6, the court*
20 *shall only impose bail or a condition of release, or both, on a*
21 *person as it deems necessary to protect the [health,] safety [and*
22 *welfare] of the community and to ensure that the person will appear*
23 *at all times and places ordered by the court, having regard to:*

24 (a) *The factors set forth in NRS 178.4853 and 178.498, as*
25 *applicable;*

26 (b) *The federal poverty guidelines published by the United*
27 *States Department of Health and Human Services; and*

28 (c) *Any affidavit submitted by the person attesting to his or her*
29 *financial circumstances.*

30 6. *A person arrested for murder of the first degree may be*
31 *admitted to bail unless the proof is evident or the presumption*
32 *great by any competent court or magistrate authorized by law to do*
33 *so in the exercise of discretion, giving due weight to the evidence*
34 *and to the nature and circumstances of the offense.*

35 7. *A court may impose any reasonable condition of release*
36 *pursuant to subsection 5, including, without limitation [, any*
37 *condition set forth in subsection 11 of NRS 178.484.*

38 ~~—3.] :~~

39 (a) *Requiring the person to remain in this State or a certain*
40 *county within this State;*

41 (b) *Prohibiting the person from contacting or attempting to*
42 *contact a specific person or from causing or attempting to cause*
43 *another person to contact that person on the person's behalf;*

44 (c) *Prohibiting the person from entering a certain geographic*
45 *area;*



1 (d) Prohibiting the person from engaging in specific conduct
2 that may be harmful to the person's own safety or the safety of
3 another person; or

4 (e) If the person was arrested for an offense punishable as a
5 felony, requiring the person to surrender to the court any passport
6 he or she possesses.

7 8. Upon determining that the imposition of bail or any
8 condition of release, or both, is necessary pursuant to subsection
9 5, the court shall make findings concerning the following:

10 (a) If the person was arrested for murder of the first degree
11 and the person was denied bail, the reasoning underlying the
12 decision to deny bail;

13 (b) If any condition of release was imposed on the person, the
14 reasoning underlying the necessity for the condition, including a
15 finding relating the imposed condition to the specific
16 circumstances of the person;

17 (c) If bail was imposed on the person, a finding that the court
18 considered the financial circumstances of the person; and

19 (d) If bail was imposed on the person in an amount that
20 exceeds the ability of the person to pay, a finding as to the
21 necessity of the specified amount.

22 9. Upon a showing of good cause, a sheriff or chief of police
23 may release without bail any person charged with a misdemeanor
24 pursuant to standards established by a court of competent
25 jurisdiction.

26 ~~[4.— Before a person may be released without bail, the]~~

27 10. The person must ~~[file with the clerk of the court of~~
28 ~~competent jurisdiction a signed]~~ sign a document stating that:

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

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

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

37 (d) The person understands that any court of competent
38 jurisdiction may revoke the order of release without bail and may
39 order the person into custody or require the person to furnish bail or
40 otherwise ensure the protection of the ~~[health,]~~ safety ~~[and welfare]~~
41 of the community or the person's appearance ~~[~~

42 ~~—5.] , if applicable.~~

43 11. The document signed pursuant to subsection 10 must be
44 filed with the clerk of the court:



1 (a) Before the person is released, if the person is released
2 without bail; or

3 (b) As soon as practicable, but in no event later than the next
4 business day, if bail is imposed by the court.

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

9 (a) Deem such conduct a contempt pursuant to NRS 22.010;
10 or

11 (b) Increase the amount of monetary bail pursuant to NRS
12 178.499, if applicable.

13 13. If a person fails to appear as ordered by the court and a
14 jurisdiction incurs any costs in returning a person to the jurisdiction
15 to stand trial, the person failing to appear is responsible for paying
16 those costs as restitution.

17 ~~{6.}~~ 14. An order issued pursuant to this section that imposes a
18 condition on a person ~~[who is released without bail]~~ must include a
19 provision ordering a law enforcement officer to arrest the person if
20 the law enforcement officer has probable cause to believe that the
21 person has violated a condition of release.

22 15. Nothing in this section shall be construed to authorize a
23 person to be admitted to bail pursuant to a bail schedule.

24 **Sec. 9.** NRS 178.4853 is hereby amended to read as follows:

25 178.4853 In ~~[deciding whether there is good cause to release]~~
26 reviewing the custody status of a person, ~~[without bail,]~~ the court at
27 a minimum shall consider the following factors concerning the
28 person:

- 29 1. The length of residence in the community;
- 30 2. The status and history of employment;
- 31 3. Relationships with the person's spouse and children, parents
32 or other family members and with close friends;
- 33 4. Reputation, character and mental condition;
- 34 5. Prior criminal record, including, without limitation, any
35 record of appearing or failing to appear after release on bail or
36 without bail;
- 37 6. The identity of responsible members of the community who
38 would vouch for the reliability of the person;
- 39 7. The nature of the offense with which the person is charged,
40 the apparent probability of conviction and the likely sentence,
41 insofar as these factors relate to the risk of not appearing;
- 42 8. The nature and seriousness of the danger to the alleged
43 victim, any other person or the community that would be posed by
44 the person's release;



1 9. The likelihood of more criminal activity by the person after
2 release; and

3 10. Any other factors concerning the person's ties to the
4 community or bearing on the risk that the person may willfully fail
5 to appear.

6 **Sec. 10.** NRS 178.498 is hereby amended to read as follows:

7 178.498 ~~If the defendant is admitted to bail, the bail must be~~
8 ~~set at an amount which in the judgment of the magistrate will~~
9 ~~reasonably ensure the appearance of the defendant and the safety of~~
10 ~~other persons and of the community, having regard to:] *In deciding*~~
11 *the amount of bail to impose on a person, the court shall consider:*

- 12 1. The nature and circumstances of the offense charged;
- 13 2. The financial ability of the defendant to give bail;
- 14 3. The character of the defendant; and
- 15 4. The factors listed in NRS 178.4853.

16 **Sec. 11.** NRS 178.502 is hereby amended to read as follows:

17 178.502 1. A person required or permitted to give bail shall
18 execute a bond for the person's appearance. The magistrate or court
19 or judge or justice, having regard to the considerations set forth in
20 *subsection 5 of NRS [178.498.] 178.4851*, may require one or more
21 sureties or may authorize the acceptance of cash or bonds or notes
22 of the United States in an amount equal to or less than the face
23 amount of the bond.

24 2. Any bond or undertaking for bail must provide that the bond
25 or undertaking:

26 (a) Extends to any action or proceeding in a justice court,
27 municipal court or district court arising from the charge on which
28 bail was first given in any of these courts; and

29 (b) Remains in effect until exonerated by the court.

30 ➤ This subsection does not require that any bond or undertaking
31 extend to proceedings on appeal.

32 3. If an action or proceeding against a defendant who has been
33 admitted to bail is transferred to another trial court, the bond or
34 undertaking must be transferred to the clerk of the court to which
35 the action or proceeding has been transferred.

36 4. Except as otherwise provided in subsection 5, the court shall
37 exonerate the bond or undertaking for bail if:

38 (a) The action or proceeding against a defendant who has been
39 admitted to bail is dismissed; or

40 (b) No formal action or proceeding is instituted against a
41 defendant who has been admitted to bail.

42 5. The court may delay exoneration of the bond or undertaking
43 for bail for a period not to exceed 30 days if, at the time the action
44 or proceeding against a defendant who has been admitted to bail is
45 dismissed, the defendant:



1 (a) Has been indicted or is charged with a public offense which
2 is the same or substantially similar to the charge upon which bail
3 was first given and which arises out of the same act or omission
4 supporting the charge upon which bail was first given; or

5 (b) Requests to remain admitted to bail in anticipation of being
6 later indicted or charged with a public offense which is the same or
7 substantially similar to the charge upon which bail was first given
8 and which arises out of the same act or omission supporting the
9 charge upon which bail was first given.

10 ➔ If the defendant has already been indicted or charged, or is later
11 indicted or charged, with a public offense arising out of the same act
12 or omission supporting the charge upon which bail was first given,
13 the bail must be applied to the public offense for which the
14 defendant has been indicted or charged or is later indicted or
15 charged, and the bond or undertaking must be transferred to the
16 clerk of the appropriate court. Within 10 days after its receipt, the
17 clerk of the court to whom the bail is transferred shall mail or
18 electronically transmit notice of the transfer to the surety on the
19 bond and the bail agent who executed the bond.

20 6. Bail given originally on appeal must be deposited with the
21 magistrate or the clerk of the court from which the appeal is taken.

22 **Sec. 12.** NRS 484A.760 is hereby amended to read as follows:

23 484A.760 Whenever any person is taken into custody by a
24 peace officer for the purpose of taking him or her before a
25 magistrate or court as authorized or required in chapters 484A to
26 484E, inclusive, of NRS upon any charge other than a felony or the
27 offenses enumerated in paragraphs (a) to (e), inclusive, of
28 subsection 1 of NRS 484A.710, and no magistrate is available at the
29 time of arrest, ~~[and there is no bail schedule established by the~~
30 ~~magistrate or court and no lawfully designated court clerk or other~~
31 ~~public officer who is available and authorized to accept bail upon~~
32 ~~behalf of the magistrate or court,]~~ the person must be released from
33 custody upon the issuance to the person of a misdemeanor citation
34 or traffic citation and the person signing a promise to appear, as
35 provided in NRS 171.1773 or 484A.630, respectively, or physically
36 receiving a copy of the traffic citation, as provided in
37 NRS 484A.630.

38 **Sec. 13.** NRS 484D.680 is hereby amended to read as follows:

39 484D.680 1. Except as otherwise provided in subsection 5, a
40 person convicted of a violation of any limitation of weight imposed
41 by NRS 484D.615 to 484D.675, inclusive, shall be punished by a
42 fine as specified in the following table:



Pounds of Excess Weight	Fine
1 to 1,500.....	\$10
1,501 to 2,500.....	1 cent per pound of excess weight
2,501 to 5,000.....	2 cents per pound of excess weight
5,001 to 7,500.....	4 cents per pound of excess weight
7,501 to 10,000.....	6 cents per pound of excess weight
10,001 and over	8 cents per pound of excess weight

2. If the resulting fine is not a whole number of dollars, the nearest whole number above the computed amount must be imposed as the fine.

3. The fines provided in this section are mandatory, must be collected immediately upon a determination of guilt and must not be reduced under any circumstances by the court.

4. ~~Any bail allowed must not be less than the appropriate fine provided for in this section.~~

~~5.]~~ A person convicted of a violation of a limitation of weight imposed by NRS 484D.615 to 484D.675, inclusive, shall be punished by a fine that is equal to twice the amount of the fine specified in subsection 1 if that violation occurred on or after February 1 but before May 1 on a highway designated by the Director of the Department of Transportation as restricted pursuant to NRS 408.214. This subsection does not create a separate offense but provides an additional penalty for the primary offense, whose imposition is contingent upon the finding of the prescribed fact.

Sec. 14. NRS 706.756 is hereby amended to read as follows:

706.756 1. Except as otherwise provided in subsection 2, any person who:

(a) Operates a vehicle or causes it to be operated in any carriage to which the provisions of NRS 706.011 to 706.861, inclusive, apply without first obtaining a certificate, permit or license, or in violation of the terms thereof;

(b) Fails to make any return or report required by the provisions of NRS 706.011 to 706.861, inclusive, or by the Authority or the Department pursuant to the provisions of NRS 706.011 to 706.861, inclusive;

(c) Violates, or procures, aids or abets the violating of, any provision of NRS 706.011 to 706.861, inclusive;

(d) Fails to obey any order, decision or regulation of the Authority or the Department;

(e) Procures, aids or abets any person in the failure to obey such an order, decision or regulation of the Authority or the Department;



1 (f) Advertises, solicits, proffers bids or otherwise is held out to
2 perform transportation as a common or contract carrier in violation
3 of any of the provisions of NRS 706.011 to 706.861, inclusive;

4 (g) Advertises as providing:

5 (1) The services of a fully regulated carrier; or

6 (2) Towing services,

7 ↪ without including the number of the person's certificate of public
8 convenience and necessity or contract carrier's permit in each
9 advertisement;

10 (h) Knowingly offers, gives, solicits or accepts any rebate,
11 concession or discrimination in violation of the provisions of this
12 chapter;

13 (i) Knowingly, willfully and fraudulently seeks to evade or
14 defeat the purposes of this chapter;

15 (j) Operates or causes to be operated a vehicle which does not
16 have the proper identifying device;

17 (k) Displays or causes or permits to be displayed a certificate,
18 permit, license or identifying device, knowing it to be fictitious or to
19 have been cancelled, revoked, suspended or altered;

20 (l) Lends or knowingly permits the use of by one not entitled
21 thereto any certificate, permit, license or identifying device issued to
22 the person so lending or permitting the use thereof; or

23 (m) Refuses or fails to surrender to the Authority or Department
24 any certificate, permit, license or identifying device which has been
25 suspended, cancelled or revoked pursuant to the provisions of this
26 chapter,

27 ↪ is guilty of a misdemeanor, and upon conviction thereof shall be
28 punished by a fine of not less than \$100 nor more than \$1,000, or by
29 imprisonment in the county jail for not more than 6 months, or by
30 both fine and imprisonment.

31 2. Any person who, in violation of the provisions of NRS
32 706.386, operates as a fully regulated common motor carrier without
33 first obtaining a certificate of public convenience and necessity or
34 any person who, in violation of the provisions of NRS 706.421,
35 operates as a contract motor carrier without first obtaining a permit
36 is guilty of a misdemeanor and shall be punished:

37 (a) For a first offense within a period of 12 consecutive months,
38 by a fine of not less than \$500 nor more than \$1,000. In addition to
39 the fine, the person may be punished by imprisonment in the county
40 jail for not more than 6 months.

41 (b) For a second offense within a period of 12 consecutive
42 months and for each subsequent offense that is committed within a
43 period of 12 consecutive months of any prior offense under this
44 subsection, by a fine of \$1,000. In addition to the fine, the person



1 may be punished by imprisonment in the county jail for not more
2 than 6 months.

3 3. Any person who, in violation of the provisions of NRS
4 706.386, operates or permits the operation of a vehicle in passenger
5 service without first obtaining a certificate of public convenience
6 and necessity is guilty of a gross misdemeanor.

7 4. If a law enforcement officer witnesses a violation of any
8 provision of subsection 2 or 3, the law enforcement officer may
9 cause the vehicle to be towed immediately from the scene and
10 impounded in accordance with NRS 706.476.

11 5. The fines provided in this section are mandatory and must
12 not be reduced under any circumstances by the court.

13 ~~16. Any bail allowed must not be less than the appropriate fine~~
14 ~~provided for by this section.~~

15 **Sec. 15.** The provisions of NRS 354.599 do not apply to any
16 additional expenses of a local government that are related to the
17 provisions of this act.



