

ASSEMBLY BILL NO. 440—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 29, 2021

Referred to Committee on Judiciary

SUMMARY—Revises provisions relating to the issuance of certain citations. (BDR 14-376)

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 crimes; defining the terms “repeat offense,” “prohibited offense” and “crime of violence”; requiring certain persons to issue misdemeanor citations, traffic citations, vessel citations and wildlife citations under certain circumstances for offenses punishable as misdemeanors that do not constitute repeat offenses, crimes of violence or certain other prohibited offenses under certain circumstances; and providing other matters properly relating thereto.

**Legislative Counsel’s Digest:**

1 Existing law authorizes a peace officer, whenever any person is detained by the  
2 peace officer for any violation of an ordinance or a state law punishable as a  
3 misdemeanor and the person is not otherwise required to be taken before a  
4 magistrate, to issue the person a misdemeanor citation instead of taking the person  
5 before the proper magistrate. (NRS 171.1771) Similarly, existing law authorizes a  
6 peace officer to issue a misdemeanor citation in lieu of taking a person before a  
7 magistrate if the person is arrested by a private person for any violation of an  
8 ordinance or a state law punishable as a misdemeanor. (NRS 171.1772) Existing  
9 law, however, removes the discretion of the peace officer to issue the misdemeanor  
10 citation and requires the person to be taken before a magistrate if the identity of the  
11 person cannot be verified or the peace officer believes the person will disregard a  
12 written promise to appear in court. (NRS 171.1771, 171.1772) **Sections 6 and 7** of  
13 this bill: (1) require a peace officer to issue a misdemeanor citation for any such  
14 violation unless the violation is a repeat offense or a prohibited offense, in which



15 case the peace officer is authorized to issue the misdemeanor citation; and (2)  
16 expand the circumstances under which a peace officer is prohibited from issuing  
17 the misdemeanor citation to include those circumstances in which the peace officer  
18 believes the violation will continue if the person is not taken before a magistrate or  
19 the peace officer believes another person or property is in imminent danger.  
20 **Section 8** of this bill makes a conforming change related to the issuance of  
21 misdemeanor citations.

22 **Section 3.5** of this bill defines the term "repeat offense" for the purposes of  
23 **sections 6 and 7**. **Section 3.3** of this bill defines the term "prohibited offense" for  
24 the purposes of **sections 6 and 7**. Additionally, **section 3** of this bill defines the  
25 term "crime of violence" for the purposes of **sections 3.3, 6, 7 and 9-14** of this bill.  
26 **Section 4** of this bill makes a conforming change related to the proper placement of  
27 **sections 3, 3.3 and 3.5** in the Nevada Revised Statutes.

28 Existing law provides that whenever any person is halted by a peace officer for  
29 a violation of certain traffic laws and is not otherwise required to be taken before a  
30 magistrate, the person may be given a traffic citation or be taken before the proper  
31 magistrate. (NRS 484A.730) **Section 24** of this bill revises the discretionary  
32 issuance of such citations by instead requiring a peace officer to issue a traffic  
33 citation for an offense punishable as misdemeanor that does not constitute a "repeat  
34 offense" or a "prohibited offense," as defined in **section 24**.

35 **Sections 19, 20, 22 and 23** of this bill make conforming changes related to the  
36 requirement to issue traffic citations for traffic offenses punishable as  
37 misdemeanors that do not constitute repeat offenses or prohibited offenses.

38 Existing law authorizes a peace officer to issue a traffic citation or a  
39 misdemeanor citation at the scene of a traffic crash under certain circumstances.  
40 (NRS 484A.660) **Section 21** of this bill revises the discretionary issuance of such  
41 citations by requiring a peace officer to issue a traffic citation in accordance with  
42 the standards provided in **section 24** or a misdemeanor citation in accordance with  
43 the standards provided in **section 6**.

44 Existing law authorizes a game warden, sheriff or peace officer to issue a  
45 citation for certain offenses relating to vessels. (NRS 488.920) While retaining the  
46 existing discretionary issuance of citations for offenses relating to vessels that are  
47 punishable as felonies or gross misdemeanors, **section 25** of this bill requires a  
48 game warden, sheriff or peace officer to issue a citation for such an offense  
49 punishable as a misdemeanor unless the offense is a repeat offense or a prohibited  
50 offense, in which case the game warden, sheriff or peace officer is authorized to  
51 issue the citation. **Section 25** defines the terms "prohibited offense" and "repeat  
52 offense" for the purpose of **section 25**.

53 Existing law also authorizes a game warden to issue a citation for certain  
54 offenses relating to wildlife. (NRS 501.386) While retaining the existing  
55 discretionary issuance of citations for offenses relating to wildlife that are  
56 punishable as felonies or gross misdemeanors, **section 26** of this bill requires a  
57 game warden to issue a citation for an offense punishable as a misdemeanor unless  
58 the offense is a repeat offense or a crime of violence, in which case the game  
59 warden is authorized to issue the citation.

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

1       **Section 1.** Chapter 169 of NRS is hereby amended by adding  
2 thereto the provisions set forth as sections 3, 3.3 and 3.5 of this act.

3       **Sec. 2.** (Deleted by amendment.)

4       **Sec. 3.** *“Crime of violence” has the meaning ascribed to it in*  
5 *NRS 200.408.*

6       **Sec. 3.3. 1.** *“Prohibited offense” means:*

7       *(a) A violation of a temporary order for protection;*

8       *(b) A violation of NRS 200.575;*

9       *(c) A crime of violence;*

10       *(d) A violation of NRS 483.490; or*

11       *(e) A violation of NRS 483.560.*

12       **2.** *As used in this section, “temporary order for protection”*  
13 *means an order for protection which may be issued by a court*  
14 *without affording the adverse party notice and an opportunity to*  
15 *be heard.*

16       **Sec. 3.5.** *“Repeat offense” means an offense for which the*  
17 *person has previously been arrested, convicted or issued a citation.*

18       **Sec. 4.** NRS 169.045 is hereby amended to read as follows:

19       169.045 As used in this title, unless the context otherwise  
20 requires, the words and terms defined in NRS 169.049 to 169.205,  
21 inclusive, *and sections 3, 3.3 and 3.5 of this act* have the meanings  
22 ascribed to them in those sections.

23       **Sec. 5.** (Deleted by amendment.)

24       **Sec. 6.** NRS 171.1771 is hereby amended to read as follows:

25       171.1771 ~~{Whenever}~~

26       **1.** *Except as otherwise provided in subsection 2, whenever*  
27 *any person is detained by a peace officer for any violation of a*  
28 *county, city or town ordinance or a state law which is punishable as*  
29 *a misdemeanor and the person is not required to be taken before a*  
30 *magistrate, the person ~~{shall,}~~ must be given a misdemeanor*  
31 *citation unless the violation constitutes a repeat offense or a*  
32 *prohibited offense in which case, the person may, in the discretion*  
33 *of the peace officer, either be given a misdemeanor citation ~~{}~~ or be*  
34 *taken without unnecessary delay before the proper magistrate. ~~{Any~~*  
35 *such person shall}*

36       **2.** *A person described in subsection 1 must be taken before the*  
37 *proper magistrate when ~~{the}~~ :*

38       **(a)** *The person does not furnish satisfactory evidence of identity*  
39 *~~{or when the}~~ ; or*

40       **(b)** *The peace officer has reasonable ~~{and probable}~~ grounds to*  
41 *believe ~~{the}~~ that:*



1 (1) *The* person will disregard a written promise to appear in  
2 court ~~{}~~;

3 (2) *The violation will continue; or*

4 (3) *Another person or property is in imminent danger.*

5 **Sec. 7.** NRS 171.1772 is hereby amended to read as follows:

6 171.1772 1. Whenever any person is arrested by a private  
7 person, as provided in NRS 171.126, for any violation of a county,  
8 city or town ordinance or state law which is punishable as a  
9 misdemeanor, such person arrested ~~{may}~~ *must* be issued a  
10 misdemeanor citation by a peace officer in lieu of being  
11 immediately taken before a magistrate by the peace officer ~~{if}~~  
12 *unless the violation constitutes a repeat offense or a prohibited*  
13 *offense, in which case the person arrested may be issued the*  
14 *misdemeanor citation or be immediately taken before a magistrate*  
15 *by the peace officer.*

16 2. *The citation described in subsection 1 must not be issued*  
17 *unless:*

18 ~~{1-}~~ (a) The person arrested furnishes satisfactory evidence of  
19 identity; and

20 ~~{2-}~~ (b) The peace officer has reasonable grounds to believe that  
21 ~~{the}~~ :

22 (1) *The* person arrested will keep a written promise to appear  
23 in court ~~{}~~;

24 (2) *The violation will cease; and*

25 (3) *Another person or property is not in imminent danger.*

26 **Sec. 8.** NRS 171.1773 is hereby amended to read as follows:

27 171.1773 1. Whenever a person is detained by a peace officer  
28 for any violation of a county, city or town ordinance or a state law  
29 which is punishable as a misdemeanor and the person is not taken  
30 before a magistrate as required or permitted by NRS 171.177,  
31 171.1771 or 171.1772, the peace officer ~~{may}~~ *must* prepare a  
32 misdemeanor citation manually or electronically in the form of a  
33 complaint issuing in the name of "The State of Nevada" or in the  
34 name of the respective county, city or town, containing a notice to  
35 appear in court, the name and address of the person, the state  
36 registration number of the person's vehicle, if any, the offense  
37 charged, including a brief description of the offense and the NRS or  
38 ordinance citation, the time when and place where the person is  
39 required to appear in court, and such other pertinent information as  
40 may be necessary. The citation must be signed by the peace officer.  
41 If the citation is prepared electronically, the officer shall sign the  
42 copy of the citation that is delivered to the person charged with the  
43 violation.



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

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

6 4. The person charged with the violation may give a written  
7 promise to appear in court by signing at least one copy of the  
8 misdemeanor citation prepared by the peace officer, in which event  
9 the peace officer shall deliver a copy of the citation to the person,  
10 and thereupon the peace officer shall not take the person into  
11 physical custody for the violation. If the citation is prepared  
12 electronically, the officer shall deliver the signed copy of the  
13 citation to the person and shall indicate on the electronic record of  
14 the citation whether the person charged gave a written promise to  
15 appear. A copy of the citation that is signed by the person charged  
16 or the electronic record of the citation which indicates that the  
17 person charged gave a written promise to appear suffices as proof of  
18 service.

19 **Sec. 9.** NRS 174.031 is hereby amended to read as follows:

20 174.031 1. At the arraignment of a defendant in justice court  
21 or municipal court, but before the entry of a plea, the court may  
22 determine whether the defendant is eligible for assignment to a  
23 preprosecution diversion program established pursuant to NRS  
24 174.032. The court shall receive input from the prosecuting attorney  
25 and the attorney for the defendant, if any, whether the defendant  
26 would benefit from and is eligible for assignment to the program.

27 2. A defendant may be determined to be eligible by the court  
28 for assignment to a preprosecution diversion program if the  
29 defendant:

30 (a) Is charged with a misdemeanor other than:

31 (1) A crime of violence ; ~~as defined in NRS 200.408;~~

32 (2) Vehicular manslaughter as described in NRS 484B.657;

33 (3) Driving under the influence of intoxicating liquor or a  
34 controlled substance in violation of NRS 484C.110, 484C.120 or  
35 484C.130; or

36 (4) A minor traffic offense; and

37 (b) Has not previously been:

38 (1) Convicted of violating any criminal law other than a  
39 minor traffic offense; or

40 (2) Ordered by a court to complete a preprosecution  
41 diversion program in this State.

42 3. If a defendant is determined to be eligible for assignment to  
43 a preprosecution diversion program pursuant to subsection 2, the  
44 justice court or municipal court may order the defendant to complete  
45 the program pursuant to subsection 5 of NRS 174.032.



1 4. A defendant has no right to complete a preprosecution  
2 diversion program or to appeal the decision of the justice court or  
3 municipal court relating to the participation of the defendant in such  
4 a program.

5 **Sec. 10.** 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 or  
9 parole. 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 2. The Division shall establish and maintain a program of  
23 initial and ongoing training for parole and probation officers  
24 regarding the system of graduated sanctions.

25 3. Notwithstanding any rule or law to the contrary, a parole and  
26 probation officer shall use graduated sanctions established pursuant  
27 to this section when responding to a technical violation.

28 4. A parole and probation officer intending to impose a  
29 graduated sanction shall provide the supervised person with notice  
30 of the intended sanction. The notice must inform the person of any  
31 alleged violation and the date thereof and the graduated sanction to  
32 be imposed.

33 5. The failure of a supervised person to comply with a sanction  
34 may constitute a technical violation of the conditions of probation or  
35 parole.

36 6. The Division may not seek revocation of probation or parole  
37 for a technical violation of the conditions of probation or parole  
38 until all graduated sanctions have been exhausted. If the Division  
39 determines that all graduated sanctions have been exhausted, the  
40 Division shall submit a report to the court or Board outlining the  
41 reasons for the recommendation of revocation and the steps taken by  
42 the Division to change the supervised person's behavior while in the  
43 community, including, without limitation, any graduated sanctions  
44 imposed before recommending revocation.

45 7. As used in this section:



1 (a) "Absconding" has the meaning ascribed to it in  
2 NRS 176A.630.

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

5 (c) "Technical violation" means any alleged violation of the  
6 conditions of probation or parole that does not constitute absconding  
7 and is not the commission of a:

8 (1) New felony or gross misdemeanor;

9 (2) Battery which constitutes domestic violence pursuant to  
10 NRS 200.485;

11 (3) Violation of NRS 484C.110 or 484C.120;

12 (4) Crime of violence ~~as defined in NRS 200.408~~ that is  
13 punishable as a misdemeanor;

14 (5) Harassment pursuant to NRS 200.571 or stalking or  
15 aggravated stalking pursuant to NRS 200.575;

16 (6) Violation of a temporary or extended order for protection  
17 against domestic violence issued pursuant to NRS 33.017 to 33.100,  
18 inclusive, a restraining order or injunction that is in the nature of a  
19 temporary or extended order for protection against domestic  
20 violence issued in an action or proceeding brought pursuant to title  
21 11 of NRS, a temporary or extended order for protection against  
22 stalking, aggravated stalking or harassment issued pursuant to NRS  
23 200.591 or a temporary or extended order for protection against  
24 sexual assault pursuant to NRS 200.378; or

25 (7) Violation of a stay away order involving a natural person  
26 who is the victim of the crime for which the supervised person is  
27 being supervised.

28 ➔ The term does not include termination from a specialty court  
29 program.

30 **Sec. 11.** NRS 176A.630 is hereby amended to read as follows:

31 176A.630 1. If the probationer is arrested, by or without  
32 warrant, in another judicial district of this state, the court which  
33 granted the probation may assign the case to the district court of that  
34 district, with the consent of that court. The court retaining or thus  
35 acquiring jurisdiction shall cause the defendant to be brought before  
36 it, consider the standards adopted pursuant to NRS 213.10988 and  
37 system of graduated sanctions adopted pursuant to NRS 176A.510,  
38 as applicable, and the recommendation, if any, of the Chief Parole  
39 and Probation Officer. Upon determining that the probationer has  
40 violated a condition of probation, the court shall, if practicable,  
41 order the probationer to make restitution for any necessary expenses  
42 incurred by a governmental entity in returning the probationer to the  
43 court for violation of the probation. If the court finds that the  
44 probationer committed a violation of a condition of probation by  
45 committing a new felony or gross misdemeanor, battery which



1 constitutes domestic violence pursuant to NRS 200.485, violation of  
2 NRS 484C.110 or 484C.120, crime of violence ~~as defined in NRS~~  
3 ~~200.408~~ that is punishable as a misdemeanor, harassment pursuant to  
4 NRS 200.571, stalking or aggravated stalking pursuant to NRS  
5 200.575, violation of a stay away order involving a natural person  
6 who is the victim of the crime for which the probationer is being  
7 supervised, violation of a temporary or extended order for protection  
8 against domestic violence issued pursuant to NRS 33.017 to 33.100,  
9 inclusive, a restraining order or injunction that is in the nature of a  
10 temporary or extended order for protection against domestic  
11 violence issued in an action or proceeding brought pursuant to title  
12 11 of NRS, a temporary or extended order for protection against  
13 stalking, aggravated stalking or harassment issued pursuant to  
14 NRS 200.591 or a temporary or extended order for protection  
15 against sexual assault pursuant to NRS 200.378 or by absconding,  
16 the court may:

17 (a) Continue or revoke the probation or suspension of sentence;

18 (b) Order the probationer to a term of residential confinement  
19 pursuant to NRS 176A.660;

20 (c) Order the probationer to undergo a program of regimental  
21 discipline pursuant to NRS 176A.780;

22 (d) Cause the sentence imposed to be executed; or

23 (e) Modify the original sentence imposed by reducing the term  
24 of imprisonment and cause the modified sentence to be executed.

25 The court shall not make the term of imprisonment less than the  
26 minimum term of imprisonment prescribed by the applicable penal  
27 statute. If the Chief Parole and Probation Officer recommends that  
28 the sentence of a probationer be modified and the modified sentence  
29 be executed, the Chief Parole and Probation Officer shall provide  
30 notice of the recommendation to any victim of the crime for which  
31 the probationer was convicted who has requested in writing to be  
32 notified and who has provided a current address to the Division. The  
33 notice must inform the victim that he or she has the right to submit  
34 documents to the court and to be present and heard at the hearing to  
35 determine whether the sentence of a probationer who has violated a  
36 condition of probation should be modified. The court shall not  
37 modify the sentence of a probationer and cause the sentence to be  
38 executed until it has confirmed that the Chief Parole and Probation  
39 Officer has complied with the provisions of this paragraph. The  
40 Chief Parole and Probation Officer must not be held responsible  
41 when such notification is not received by the victim if the victim has  
42 not provided a current address. All personal information, including,  
43 but not limited to, a current or former address, which pertains to a  
44 victim and which is received by the Division pursuant to this  
45 paragraph is confidential.





1 2. If the court finds that the probationer committed one or more  
2 technical violations of the conditions of probation, the court may:

3 (a) Continue the probation or suspension of sentence;

4 (b) Order the probationer to a term of residential confinement  
5 pursuant to NRS 176A.660;

6 (c) Temporarily revoke the probation or suspension of sentence  
7 and impose a term of imprisonment of not more than:

8 (1) Thirty days for the first temporary revocation;

9 (2) Ninety days for the second temporary revocation; or

10 (3) One hundred and eighty days for the third temporary  
11 revocation; or

12 (d) Fully revoke the probation or suspension of sentence and  
13 impose imprisonment for the remainder of the sentence for a fourth  
14 or subsequent revocation.

15 3. Notwithstanding any other provision of law, a probationer  
16 who is arrested and detained for committing a technical violation of  
17 the conditions of probation must be brought before the court not  
18 later than 15 calendar days after the date of arrest and detention. If  
19 the person is not brought before the court within 15 calendar days,  
20 the probationer must be released from detention and returned to  
21 probation status. Following a probationer's release from detention,  
22 the court may subsequently hold a hearing to determine if a  
23 technical violation has occurred. If the court finds that such a  
24 technical violation occurred, the court may:

25 (a) Continue probation and modify the terms and conditions of  
26 probation; or

27 (b) Fully or temporarily revoke probation in accordance with the  
28 provisions of subsection 2.

29 4. The commission of one of the following acts by a  
30 probationer must not, by itself, be used as the only basis for the  
31 revocation of probation:

32 (a) Consuming any alcoholic beverage.

33 (b) Testing positive on a drug or alcohol test.

34 (c) Failing to abide by the requirements of a mental health or  
35 substance use treatment program.

36 (d) Failing to seek and maintain employment.

37 (e) Failing to pay any required fines or fees.

38 (f) Failing to report any changes in residence.

39 5. As used in this section:

40 (a) "Absconding" means that a person is actively avoiding  
41 supervision by making his or her whereabouts unknown to the  
42 Division for a continuous period of 60 days or more.

43 (b) "Technical violation" means any alleged violation of the  
44 conditions of probation that does not constitute absconding and is  
45 not the commission of a:



- 1 (1) New felony or gross misdemeanor;
- 2 (2) Battery which constitutes domestic violence pursuant to
- 3 NRS 200.485;
- 4 (3) Violation of NRS 484C.110 or 484C.120;
- 5 (4) Crime of violence ~~[as defined in NRS 200.408]~~ that is
- 6 punishable as a misdemeanor;
- 7 (5) Harassment pursuant to NRS 200.571 or stalking or
- 8 aggravated stalking pursuant to NRS 200.575;
- 9 (6) Violation of a temporary or extended order for protection
- 10 against domestic violence issued pursuant to NRS 33.017 to 33.100,
- 11 inclusive, a restraining order or injunction that is in the nature of a
- 12 temporary or extended order for protection against domestic
- 13 violence issued in an action or proceeding brought pursuant to title
- 14 11 of NRS, a temporary or extended order for protection against
- 15 stalking, aggravated stalking or harassment issued pursuant to NRS
- 16 200.591 or a temporary or extended order for protection against
- 17 sexual assault pursuant to NRS 200.378; or
- 18 (7) Violation of a stay away order involving a natural person
- 19 who is the victim of the crime for which the probationer is being
- 20 supervised.
- 21 ➤ The term does not include termination from a specialty court
- 22 program.

23 **Sec. 12.** NRS 179.245 is hereby amended to read as follows:

24 179.245 1. Except as otherwise provided in subsection 6 and

25 NRS 176.211, 176A.245, 176A.265, 176A.295, 179.247, 179.259,

26 201.354 and 453.3365, a person may petition the court in which the

27 person was convicted for the sealing of all records relating to a

28 conviction of:

29 (a) A category A felony, a crime of violence ~~[pursuant to NRS~~

30 ~~200.408]~~ or residential burglary pursuant to NRS 205.060 after 10

31 years from the date of release from actual custody or discharge from

32 parole or probation, whichever occurs later;

33 (b) Except as otherwise provided in paragraphs (a) and (e), a

34 category B, C or D felony after 5 years from the date of release from

35 actual custody or discharge from parole or probation, whichever

36 occurs later;

37 (c) A category E felony after 2 years from the date of release

38 from actual custody or discharge from parole or probation,

39 whichever occurs later;

40 (d) Except as otherwise provided in paragraph (e), any gross

41 misdemeanor after 2 years from the date of release from actual

42 custody or discharge from probation, whichever occurs later;

43 (e) A violation of NRS 422.540 to 422.570, inclusive, a

44 violation of NRS 484C.110 or 484C.120 other than a felony, or a

45 battery which constitutes domestic violence pursuant to NRS 33.018



1 other than a felony, after 7 years from the date of release from actual  
2 custody or from the date when the person is no longer under a  
3 suspended sentence, whichever occurs later;

4 (f) Except as otherwise provided in paragraph (e), if the offense  
5 is punished as a misdemeanor, a battery pursuant to NRS 200.481,  
6 harassment pursuant to NRS 200.571, stalking pursuant to NRS  
7 200.575 or a violation of a temporary or extended order for  
8 protection, after 2 years from the date of release from actual custody  
9 or from the date when the person is no longer under a suspended  
10 sentence, whichever occurs later; or

11 (g) Any other misdemeanor after 1 year from the date of release  
12 from actual custody or from the date when the person is no longer  
13 under a suspended sentence, whichever occurs later.

14 2. A petition filed pursuant to subsection 1 must:

15 (a) Be accompanied by the petitioner's current, verified records  
16 received from the Central Repository for Nevada Records of  
17 Criminal History;

18 (b) If the petition references NRS 453.3365, include a certificate  
19 of acknowledgment or the disposition of the proceedings for the  
20 records to be sealed from all agencies of criminal justice which  
21 maintain such records;

22 (c) Include a list of any other public or private agency, company,  
23 official or other custodian of records that is reasonably known to the  
24 petitioner to have possession of records of the conviction and to  
25 whom the order to seal records, if issued, will be directed; and

26 (d) Include information that, to the best knowledge and belief of  
27 the petitioner, accurately and completely identifies the records to be  
28 sealed, including, without limitation, the:

29 (1) Date of birth of the petitioner;

30 (2) Specific conviction to which the records to be sealed  
31 pertain; and

32 (3) Date of arrest relating to the specific conviction to which  
33 the records to be sealed pertain.

34 3. Upon receiving a petition pursuant to this section, the court  
35 shall notify the law enforcement agency that arrested the petitioner  
36 for the crime and the prosecuting attorney, including, without  
37 limitation, the Attorney General, who prosecuted the petitioner for  
38 the crime. The prosecuting attorney and any person having relevant  
39 evidence may testify and present evidence at any hearing on the  
40 petition.

41 4. If the prosecuting attorney who prosecuted the petitioner for  
42 the crime stipulates to the sealing of the records after receiving  
43 notification pursuant to subsection 3 and the court makes the  
44 findings set forth in subsection 5, the court may order the sealing of  
45 the records in accordance with subsection 5 without a hearing. If the



1 prosecuting attorney does not stipulate to the sealing of the records,  
2 a hearing on the petition must be conducted.

3 5. If the court finds that, in the period prescribed in subsection  
4 1, the petitioner has not been charged with any offense for which the  
5 charges are pending or convicted of any offense, except for minor  
6 moving or standing traffic violations, the court may order sealed all  
7 records of the conviction which are in the custody of any agency of  
8 criminal justice or any public or private agency, company, official  
9 or other custodian of records in the State of Nevada, and may also  
10 order all such records of the petitioner returned to the file of the  
11 court where the proceeding was commenced from, including,  
12 without limitation, the Federal Bureau of Investigation and all other  
13 agencies of criminal justice which maintain such records and which  
14 are reasonably known by either the petitioner or the court to have  
15 possession of such records.

16 6. A person may not petition the court to seal records relating  
17 to a conviction of:

18 (a) A crime against a child;

19 (b) A sexual offense;

20 (c) Invasion of the home with a deadly weapon pursuant to  
21 NRS 205.067;

22 (d) A violation of NRS 484C.110 or 484C.120 that is punishable  
23 as a felony pursuant to paragraph (c) of subsection 1 of  
24 NRS 484C.400;

25 (e) A violation of NRS 484C.430;

26 (f) A homicide resulting from driving or being in actual physical  
27 control of a vehicle while under the influence of intoxicating liquor  
28 or a controlled substance or resulting from any other conduct  
29 prohibited by NRS 484C.110, 484C.130 or 484C.430;

30 (g) A violation of NRS 488.410 that is punishable as a felony  
31 pursuant to NRS 488.427; or

32 (h) A violation of NRS 488.420 or 488.425.

33 7. If the court grants a petition for the sealing of records  
34 pursuant to this section, upon the request of the person whose  
35 records are sealed, the court may order sealed all records of the civil  
36 proceeding in which the records were sealed.

37 8. As used in this section:

38 (a) "Crime against a child" has the meaning ascribed to it in  
39 NRS 179D.0357.

40 (b) "Sexual offense" means:

41 (1) Murder of the first degree committed in the perpetration  
42 or attempted perpetration of sexual assault or of sexual abuse or  
43 sexual molestation of a child less than 14 years of age pursuant to  
44 paragraph (b) of subsection 1 of NRS 200.030.

45 (2) Sexual assault pursuant to NRS 200.366.



1 (3) Statutory sexual seduction pursuant to NRS 200.368, if  
2 punishable as a felony.

3 (4) Battery with intent to commit sexual assault pursuant to  
4 NRS 200.400.

5 (5) An offense involving the administration of a drug to  
6 another person with the intent to enable or assist the commission of  
7 a felony pursuant to NRS 200.405, if the felony is an offense listed  
8 in this paragraph.

9 (6) An offense involving the administration of a controlled  
10 substance to another person with the intent to enable or assist the  
11 commission of a crime of violence, [~~pursuant to NRS 200.408,~~]  
12 if the crime of violence is an offense listed in this paragraph.

13 (7) Abuse of a child pursuant to NRS 200.508, if the abuse  
14 involved sexual abuse or sexual exploitation.

15 (8) An offense involving pornography and a minor pursuant  
16 to NRS 200.710 to 200.730, inclusive.

17 (9) Incest pursuant to NRS 201.180.

18 (10) Open or gross lewdness pursuant to NRS 201.210, if  
19 punishable as a felony.

20 (11) Indecent or obscene exposure pursuant to NRS 201.220,  
21 if punishable as a felony.

22 (12) Lewdness with a child pursuant to NRS 201.230.

23 (13) Sexual penetration of a dead human body pursuant to  
24 NRS 201.450.

25 (14) Sexual conduct between certain employees of a school  
26 or volunteers at a school and a pupil pursuant to NRS 201.540.

27 (15) Sexual conduct between certain employees of a college  
28 or university and a student pursuant to NRS 201.550.

29 (16) Luring a child or a person with mental illness pursuant  
30 to NRS 201.560, if punishable as a felony.

31 (17) An attempt to commit an offense listed in this  
32 paragraph.

33 **Sec. 13.** NRS 179.247 is hereby amended to read as follows:

34 179.247 1. If a person has been convicted of any offense  
35 listed in subsection 2, the person may petition the court in which he  
36 or she was convicted or, if the person wishes to file more than one  
37 petition and would otherwise need to file a petition in more than one  
38 court, the district court, for an order:

39 (a) Vacating the judgment; and

40 (b) Sealing all documents, papers and exhibits in the person's  
41 record, minute book entries and entries on dockets, and other  
42 documents relating to the case in the custody of such other agencies  
43 and officers as are named in the court's order.

44 2. A person may file a petition pursuant to subsection 1 if the  
45 person was convicted of:



1 (a) A violation of NRS 201.354, for engaging in prostitution or  
2 solicitation for prostitution, provided that the person was not alleged  
3 to be a customer of a prostitute;

4 (b) A crime under the laws of this State, other than a crime of  
5 violence; or

6 (c) A violation of a county, city or town ordinance, for loitering  
7 for the purpose of solicitation or prostitution.

8 3. A petition filed pursuant to subsection 1 must satisfy the  
9 requirements of NRS 179.245.

10 4. The court may grant a petition filed pursuant to subsection 1  
11 if:

12 (a) The petitioner was convicted of a violation of an offense  
13 described in subsection 2;

14 (b) The participation of the petitioner in the offense was the  
15 result of the petitioner having been a victim of:

16 (1) Trafficking in persons as described in the Trafficking  
17 Victims Protection Act of 2000, 22 U.S.C. §§ 7101 et seq.; or

18 (2) Involuntary servitude as described in NRS 200.463 or  
19 200.4631; and

20 (c) The petitioner files a petition pursuant to subsection 1 with  
21 due diligence after the petitioner has ceased being a victim of  
22 trafficking or involuntary servitude or has sought services for  
23 victims of such trafficking or involuntary servitude.

24 5. Before the court decides whether to grant a petition filed  
25 pursuant to subsection 1, the court shall:

26 (a) Notify the Central Repository for Nevada Records of  
27 Criminal History, the Office of the Attorney General and each office  
28 of the district attorney and law enforcement agency in the county in  
29 which the petitioner was convicted and allow the prosecuting  
30 attorney who prosecuted the petitioner for the crime and any person  
31 to testify and present evidence on behalf of any such entity; and

32 (b) Take into consideration any reasonable concerns for the  
33 safety of the defendant, family members of the defendant or other  
34 victims that may be jeopardized by the granting of the petition.

35 6. If the prosecuting attorney who prosecuted the petitioner for  
36 the crime stipulates to vacating the judgment of the petitioner and  
37 sealing all documents, papers and exhibits related to the case after  
38 receiving notification pursuant to subsection 5 and the court makes  
39 the findings set forth in subsection 4, the court may vacate the  
40 judgment and seal all documents, papers and exhibits in accordance  
41 with subsection 7 without a hearing. If the prosecuting attorney does  
42 not stipulate to vacating the judgment and sealing the documents,  
43 papers and exhibits, a hearing on the petition must be conducted.

44 7. If the court grants a petition filed pursuant to subsection 1,  
45 the court shall:



1 (a) Vacate the judgment and dismiss the accusatory pleading;  
2 and

3 (b) Order sealed all documents, papers and exhibits in the  
4 petitioner's record, minute book entries and entries on dockets, and  
5 other documents relating to the case in the custody of such other  
6 agencies and officers as are named in the court's order.

7 8. If a petition filed pursuant to subsection 1 does not satisfy  
8 the requirements of NRS 179.245 or the court determines that the  
9 petition is otherwise deficient with respect to the sealing of  
10 the petitioner's record, the court may enter an order to vacate the  
11 judgment and dismiss the accusatory pleading if the petitioner  
12 satisfies all requirements necessary for the judgment to be vacated.

13 9. If the court enters an order pursuant to subsection 8, the  
14 court shall also order sealed the records of the petitioner which  
15 relate to the judgment being vacated in accordance with paragraph  
16 (b) of subsection 7, regardless of whether any records relating to  
17 other convictions are ineligible for sealing either by operation of law  
18 or because of a deficiency in the petition.

19 ~~10. As used in this section, "crime of violence" means:~~

20 ~~—(a) Any offense involving the use or threatened use of force or~~  
21 ~~violence against the person or property of another; or~~

22 ~~—(b) Any felony for which there is a substantial risk that force or~~  
23 ~~violence may be used against the person or property of another in~~  
24 ~~the commission of the felony.]~~

25 **Sec. 14.** NRS 179D.097 is hereby amended to read as follows:

26 179D.097 1. "Sexual offense" means any of the following  
27 offenses:

28 (a) Murder of the first degree committed in the perpetration or  
29 attempted perpetration of sexual assault or of sexual abuse or sexual  
30 molestation of a child less than 14 years of age pursuant to  
31 paragraph (b) of subsection 1 of NRS 200.030.

32 (b) Sexual assault pursuant to NRS 200.366.

33 (c) Statutory sexual seduction pursuant to NRS 200.368.

34 (d) Battery with intent to commit sexual assault pursuant to  
35 subsection 4 of NRS 200.400.

36 (e) An offense involving the administration of a drug to another  
37 person with the intent to enable or assist the commission of a felony  
38 pursuant to NRS 200.405, if the felony is an offense listed in this  
39 subsection.

40 (f) An offense involving the administration of a controlled  
41 substance to another person with the intent to enable or assist the  
42 commission of a crime of violence, ~~[pursuant to NRS 200.408,]~~ if  
43 the crime of violence is an offense listed in this section.

44 (g) Abuse of a child pursuant to NRS 200.508, if the abuse  
45 involved sexual abuse or sexual exploitation.



1 (h) An offense involving pornography and a minor pursuant to  
2 NRS 200.710 to 200.730, inclusive.

3 (i) Incest pursuant to NRS 201.180.

4 (j) Open or gross lewdness pursuant to NRS 201.210.

5 (k) Indecent or obscene exposure pursuant to NRS 201.220.

6 (l) Lewdness with a child pursuant to NRS 201.230.

7 (m) Sexual penetration of a dead human body pursuant to  
8 NRS 201.450.

9 (n) Sexual conduct between certain employees of a school or  
10 volunteers at a school and a pupil pursuant to NRS 201.540.

11 (o) Sexual conduct between certain employees of a college or  
12 university and a student pursuant to NRS 201.550.

13 (p) Luring a child or a person with mental illness pursuant to  
14 NRS 201.560, if punished as a felony.

15 (q) Sex trafficking pursuant to NRS 201.300.

16 (r) Any other offense that has an element involving a sexual act  
17 or sexual conduct with another.

18 (s) An attempt or conspiracy to commit an offense listed in  
19 paragraphs (a) to (r), inclusive.

20 (t) An offense that is determined to be sexually motivated  
21 pursuant to NRS 175.547 or 207.193.

22 (u) An offense committed in another jurisdiction that, if  
23 committed in this State, would be an offense listed in this  
24 subsection. This paragraph includes, without limitation, an offense  
25 prosecuted in:

26 (1) A tribal court.

27 (2) A court of the United States or the Armed Forces of the  
28 United States.

29 (v) An offense of a sexual nature committed in another  
30 jurisdiction, whether or not the offense would be an offense listed in  
31 this section, if the person who committed the offense resides or has  
32 resided or is or has been a student or worker in any jurisdiction in  
33 which the person is or has been required by the laws of that  
34 jurisdiction to register as a sex offender because of the offense. This  
35 paragraph includes, without limitation, an offense prosecuted in:

36 (1) A tribal court.

37 (2) A court of the United States or the Armed Forces of the  
38 United States.

39 (3) A court having jurisdiction over juveniles.

40 2. Except for the offenses described in paragraphs (n) and (o)  
41 of subsection 1, the term does not include an offense involving  
42 consensual sexual conduct if the victim was:

43 (a) An adult, unless the adult was under the custodial authority  
44 of the offender at the time of the offense; or





1 (b) At least 13 years of age and the offender was not more than  
2 4 years older than the victim at the time of the commission of the  
3 offense.

4 **Sec. 15.** (Deleted by amendment.)

5 **Sec. 16.** (Deleted by amendment.)

6 **Sec. 17.** (Deleted by amendment.)

7 **Sec. 17.5.** (Deleted by amendment.)

8 **Sec. 18.** (Deleted by amendment.)

9 **Sec. 19.** NRS 484A.615 is hereby amended to read as follows:

10 484A.615 1. A court having jurisdiction over an offense for  
11 which a traffic citation ~~{may}~~ *must* be issued pursuant to NRS  
12 484A.630 or its traffic violations bureau may establish a system by  
13 which, except as otherwise provided in subsection 5, the court or  
14 traffic violations bureau may allow a person who has been issued a  
15 traffic citation that is filed with the court or traffic violations bureau  
16 to make a plea and state his or her defense or any mitigating  
17 circumstances by mail, by electronic mail, over the Internet or by  
18 other electronic means.

19 2. Except as otherwise provided in subsection 5, if a court or  
20 traffic violations bureau has established a system pursuant to  
21 subsection 1, a person who has been issued a traffic citation that is  
22 filed with the court or traffic violations bureau may, if allowed by  
23 the court and in lieu of making a plea and statement of his or her  
24 defense or any mitigating circumstances in court, make a plea and  
25 state his or her defense or any mitigating circumstances by using the  
26 system. Any such plea and statement must be received by the court  
27 before the date on which the person is required to appear in court  
28 pursuant to the traffic citation.

29 3. If a court or traffic violations bureau allows an eligible  
30 person to whom a traffic citation is issued to use a system  
31 established pursuant to subsection 1 to make a plea and state his or  
32 her defense or any mitigating circumstances and the person chooses  
33 to make a plea and state his or her defense or any mitigating  
34 circumstances by using such a system, the person waives ~~{his or her}~~  
35 *any relevant constitutional right, including, without limitation, the*  
36 *right to a trial, {and} the right to confront any witnesses {-} and the*  
37 *right to counsel, as applicable.*

38 4. Any system established pursuant to subsection 1 must:

39 (a) For the purpose of authenticating that the person making the  
40 plea and statement of his or her defense or any mitigating  
41 circumstances is the person to whom the traffic citation was issued,  
42 be capable of requiring the person to submit any of the following  
43 information, at the discretion of the court or traffic violations  
44 bureau:

45 (1) The traffic citation number;



- 1 (2) The name and address of the person;  
2 (3) The state registration number of the person's vehicle, if  
3 any;  
4 (4) The number of the driver's license of the person, if any;  
5 (5) The offense charged; or  
6 (6) Any other information required by any rules adopted by  
7 the Nevada Supreme Court pursuant to subsection 6.

8 (b) Provide notice to each person who uses the system to make a  
9 plea and statement of his or her defense or any mitigating  
10 circumstances that the person waives ~~[his or her]~~ **any relevant**  
11 **constitutional right, including, without limitation, the right to a**  
12 **trial, ~~and~~ the right to confront any witnesses ~~and the right to~~**  
13 **counsel, as applicable.**

14 (c) If a plea and statement of the defense or mitigating  
15 circumstances is submitted by electronic mail, over the Internet or  
16 by other electronic means, confirm receipt of the plea and statement  
17 or make available to the person making the plea a copy of the plea  
18 and statement.

19 5. A person who has been issued a traffic citation for any of the  
20 following offenses may not make a plea and state his or her defense  
21 or any mitigating circumstances by using a system established  
22 pursuant to subsection 1:

- 23 (a) Aggressive driving in violation of NRS 484B.650;  
24 (b) Reckless driving in violation of NRS 484B.653;  
25 (c) Vehicular manslaughter in violation of NRS 484B.657; or  
26 (d) Driving, operating or being in actual physical control of a  
27 vehicle ~~[or a vessel under power or sail]~~ while under the influence  
28 of intoxicating liquor or a controlled substance in violation of NRS  
29 484C.110 ~~[and]~~ **or** 484C.120, ~~[or 488.410.]~~ as applicable.

30 6. The Nevada Supreme Court may adopt rules not inconsistent  
31 with the laws of this State to carry out the provisions of this section.

32 **Sec. 20.** NRS 484A.630 is hereby amended to read as follows:

33 484A.630 1. Whenever a person is halted by a peace officer  
34 for any violation of chapters 484A to 484E, inclusive, of NRS  
35 ~~[punishable as a misdemeanor]~~ and is not taken before a magistrate  
36 as required or permitted by NRS 484A.720 and 484A.730, the peace  
37 officer ~~[may]~~ **must** prepare a traffic citation manually or  
38 electronically in the form of a complaint issuing in the name of "The  
39 State of Nevada," containing a notice to appear in court, the name  
40 and address of the person, the state registration number of the  
41 person's vehicle, if any, the number of the person's driver's license,  
42 if any, the offense charged, including a brief description of the  
43 offense and the NRS citation, the time and place when and where  
44 the person is required to appear in court, and such other pertinent  
45 information as may be necessary. The peace officer may also



1 request, and the person may provide, the electronic mail address and  
2 mobile telephone number of the person for the purpose of enabling  
3 the court in which the person is required to appear to communicate  
4 with the person. If the peace officer requests such information, the  
5 peace officer shall expressly inform the person that providing such  
6 information is voluntary and, if the person provides such  
7 information, the person thereby gives his or her consent for the court  
8 to communicate with the person through such means. The peace  
9 officer shall sign the citation and deliver a copy of the citation to the  
10 person charged with the violation. If the citation is prepared  
11 electronically, the peace officer shall sign the copy of the citation  
12 that is delivered to the person charged with the violation.

13 2. The time specified in the notice to appear must be at least 5  
14 days after the alleged violation.

15 3. The place specified in the notice to appear must be before a  
16 magistrate, as designated in NRS 484A.750.

17 4. The person charged with the violation may give his or her  
18 written promise to appear in court by signing or physically receiving  
19 at least one copy of the traffic citation prepared by the peace officer  
20 and thereupon the peace officer shall not take the person into  
21 physical custody for the violation. If the citation is prepared  
22 electronically, the peace officer shall indicate on the electronic  
23 record of the citation whether the person charged gave his or her  
24 written promise to appear. A copy of the citation that is signed by  
25 the person charged or the electronic record of the citation which  
26 indicates that the person charged gave his or her written promise to  
27 appear suffices as proof of service.

28 5. If the person charged with the violation refuses to sign a  
29 copy of the traffic citation but physically receives a copy of the  
30 citation delivered by the peace officer:

31 (a) The receipt shall be deemed personal service of the notice to  
32 appear in court;

33 (b) A copy of the citation signed by the peace officer suffices as  
34 proof of service; and

35 (c) The peace officer shall not take the person into physical  
36 custody for the violation.

37 **Sec. 21.** NRS 484A.660 is hereby amended to read as follows:

38 484A.660 ~~[Except for felonies and those offenses set forth in~~  
39 ~~paragraphs (a) to (e), inclusive, of subsection 1 of NRS 484A.710,]~~  
40 *When, based upon the personal investigation of* a peace officer  
41 at the scene of a traffic crash, ~~[may issue a traffic citation, as~~  
42 ~~provided in NRS 484A.630, or a misdemeanor citation, as provided~~  
43 ~~in NRS 171.1773, to any person involved in the crash when, based~~  
44 ~~upon personal investigation,]~~ the peace officer has reasonable and  
45 probable grounds to believe that ~~[the]~~ a person has committed any



1 offense pursuant to the provisions of chapters 482 to 486, inclusive,  
2 or 706 of NRS in connection with the crash ~~[ ]~~, *the peace officer*  
3 *must determine whether to issue, as applicable:*

4 *1. A traffic citation in accordance with the standards*  
5 *provided in NRS 484A.730; or*

6 *2. A misdemeanor citation in accordance with the standards*  
7 *provided in NRS 171.1771, if the offense is punishable as a*  
8 *misdemeanor.*

9 **Sec. 22.** NRS 484A.710 is hereby amended to read as follows:

10 484A.710 1. Any peace officer may, without a warrant, arrest  
11 a person if the officer has reasonable cause for believing that the  
12 person has committed any of the following offenses:

13 (a) Homicide by vehicle;

14 (b) A violation of NRS 484C.110 or 484C.120;

15 (c) A violation of NRS 484C.430;

16 (d) A violation of NRS 484C.130;

17 (e) Failure to stop, give information or render reasonable  
18 assistance in the event of a crash resulting in death or personal  
19 injuries in violation of NRS 484E.010 or 484E.030;

20 (f) Failure to stop or give information in the event of a crash  
21 resulting in damage to a vehicle or to other property legally upon or  
22 adjacent to a highway in violation of NRS 484E.020 or 484E.040;

23 (g) Reckless driving;

24 (h) Driving a motor vehicle on a highway or on premises to  
25 which the public has access at a time when the person's driver's  
26 license has been cancelled, revoked or suspended; or

27 (i) Driving a motor vehicle in any manner in violation of the  
28 restrictions imposed in a restricted license issued to the person  
29 pursuant to NRS 483.490.

30 2. Whenever any person is arrested as authorized in this  
31 section, the person must be taken without unnecessary delay before  
32 the proper magistrate as specified in NRS 484A.750 . ~~[, except that~~  
33 ~~in the case of either of the offenses designated in paragraphs (f) and~~  
34 ~~(g) of subsection 1, a peace officer has the same discretion as is~~  
35 ~~provided in other cases in NRS 484A.730.]~~

36 **Sec. 23.** NRS 484A.720 is hereby amended to read as follows:

37 484A.720 Whenever any person is halted by a peace officer for  
38 any violation of chapters 484A to 484E, inclusive, of NRS , ~~[not~~  
39 ~~amounting to a gross misdemeanor or felony,]~~ the person shall be  
40 taken without unnecessary delay before the proper magistrate, as  
41 specified in NRS 484A.750, in ~~[either of]~~ the following cases:

42 1. When the person demands an immediate appearance before  
43 a magistrate; ~~[or]~~

44 2. *When the person does not furnish satisfactory evidence of*  
45 *identity; or*



1 3. In any other event when the person is issued a traffic citation  
2 ~~[by an authorized person]~~ and refuses to sign or take physical  
3 delivery of a copy of the traffic citation.

4 **Sec. 24.** NRS 484A.730 is hereby amended to read as follows:

5 484A.730 1. Whenever any person is halted by a peace  
6 officer for any violation of chapters 484A to 484E, inclusive, of  
7 NRS *punishable as a misdemeanor* and is not required to be taken  
8 before a magistrate, the person ~~[may,]~~ *must be given a traffic*  
9 *citation unless the violation constitutes a repeat offense or a*  
10 *prohibited offense, in which case the person may,* in the discretion  
11 of the peace officer, either be given a traffic citation ~~[,]~~ or be taken  
12 without unnecessary delay before the proper magistrate. ~~[The person~~  
13 ~~must be taken before the magistrate in any of the following cases:~~

14 ~~—1. When the person does not furnish satisfactory evidence of~~  
15 ~~identity or when the peace officer has reasonable and probable~~  
16 ~~grounds to believe the person will disregard a written promise to~~  
17 ~~appear in court or a notice to appear in court;]~~

18 2. ~~[When the person is charged with a violation of NRS~~  
19 ~~484D.580 relating to the refusal of a driver of a vehicle to submit~~  
20 ~~the vehicle to an inspection and test;~~

21 ~~—3. When the person is charged with a violation of NRS~~  
22 ~~484D.675 relating to the failure or refusal of a driver of a vehicle to~~  
23 ~~submit the vehicle and load to a weighing or to remove excess~~  
24 ~~weight therefrom; or~~

25 ~~—4. When the person is charged with a violation of NRS~~  
26 ~~484C.110 or 484C.120, unless the person is incapacitated and is~~  
27 ~~being treated for injuries at the time the peace officer would~~  
28 ~~otherwise be taking the person before the magistrate.] *As used in*~~  
29 ~~*this section:*~~

30 (a) *“Prohibited offense” means:*

31 (1) *A violation of NRS 484B.653;*

32 (2) *A violation of NRS 484C.110;*

33 (3) *A violation of NRS 484C.120;*

34 (4) *A violation of NRS 484E.020;*

35 (5) *A violation of NRS 484E.030;*

36 (6) *A violation of NRS 484E.040; or*

37 (7) *A crime of violence, as defined in NRS 200.408.*

38 (b) *“Repeat offense” means an offense for which the person*  
39 *has previously been arrested, convicted or issued a citation.*

40 **Sec. 25.** NRS 488.920 is hereby amended to read as follows:

41 488.920 ~~[Whenever]~~

42 1. *Except as otherwise provided in subsection 2, whenever*  
43 *any person is halted by a game warden, sheriff or peace officer for*  
44 *any violation of this chapter, the person [shall,]:*



1 (a) *Must, except as otherwise provided in paragraph (b), be*  
2 *given a citation, if the violation is punishable as a misdemeanor;*  
3 *or*

4 (b) *May, in the discretion of the game warden, sheriff or peace*  
5 *officer either be given a citation or be taken without unnecessary*  
6 *delay before the proper magistrate ~~[-The person shall]~~, if the*  
7 *violation is punishable as:*

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

9 (2) *A misdemeanor that constitutes a repeat offense or a*  
10 *prohibited offense.*

11 2. *A person described in subsection 1 must* be taken before the  
12 *proper* magistrate in either of the following cases:

13 ~~H-1~~ (a) When the person does not furnish satisfactory evidence  
14 of identity; or

15 ~~F-1~~ (b) When the game warden, sheriff or peace officer has  
16 reasonable and probable grounds to believe the person will disregard  
17 a written promise to appear in court.

18 3. *As used in this section:*

19 (a) *“Prohibited offense” means:*

20 (1) *A crime of violence as defined in NRS 200.408.*

21 (2) *A violation of NRS 488.410.*

22 (b) *“Repeat offense” means an offense for which the person*  
23 *has previously been arrested, convicted or issued a citation.*

24 **Sec. 26.** NRS 501.386 is hereby amended to read as follows:

25 501.386 1. Except as otherwise provided in *subsection 2 and*  
26 *NRS 501.382*, whenever any person is halted by a game warden for  
27 any violation of this title, the person ~~must~~:

28 (a) *Must, except as otherwise provided in paragraph (b), be*  
29 *given a citation, if the violation is punishable as a misdemeanor;*  
30 *or*

31 (b) *May, in the discretion of the game warden, either be given a*  
32 *citation or be taken without unnecessary delay before the proper*  
33 *magistrate ~~[-The person must]~~, if the violation is punishable as:*

34 (1) *A felony or gross misdemeanor; or*

35 (2) *A misdemeanor that constitutes a repeat offense or a*  
36 *crime of violence.*

37 2. *A person described in subsection 1 must* be taken before the  
38 *magistrate* in either of the following cases:

39 ~~H-1~~ (a) When the person does not furnish satisfactory evidence  
40 of identity; or

41 ~~F-1~~ (b) When the game warden has reasonable and probable  
42 grounds to believe the person will disregard a written promise to  
43 appear in court.

44 3. *As used in this section:*



- 1       (a) *“Crime of violence” has the meaning ascribed to it in*  
2 *NRS 200.408.*  
3       (b) *“Repeat offense” means an offense for which the person*  
4 *has previously been arrested, convicted or issued a citation.*



