
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 law enforcement.
(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 law enforcement; 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; revising provisions governing the qualifications for the office of county sheriff; 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.

60 **Section 27** of this bill provides that the amendatory provisions of **sections 6, 21**
61 **and 24-26** of this bill relating to the mandatory issuance of misdemeanor citations,
62 traffic citations, boating citations and wildlife citations do not apply to a peace
63 officer employed by the Division of Parole and Probation of the Department of
64 Public Safety until the earlier of: (1) the date that the Director of the Department of
65 Public Safety notifies the Director of the Legislative Counsel Bureau that the
66 Division of Parole and Probation has sufficient resources to carry out the
67 amendatory provisions of **sections 6, 21 and 24-26**; or (2) July 1, 2023.



68 Existing law requires a candidate for the office of county sheriff to: (1) be a
69 qualified elector and at least 21 years old on the date on which the candidate is to
70 take office; and (2) meet certain other qualifications based upon the population of
71 the county. In a county whose population is 100,000 or more (currently Clark and
72 Washoe Counties), existing law requires the candidate to, before filing a declaration
73 of candidacy: (1) have accumulated at least 5 consecutive years of any combination
74 of employment or service as a peace officer in this State, or as a law enforcement
75 officer of the Federal Government or another state or political subdivision thereof;
76 and (2) have been certified as a category I peace officer in this State or the
77 equivalent in another state or have successfully completed a federal law
78 enforcement training program approved by the Peace Officers' Standards and
79 Training Commission. In a county whose population is less than 100,000 (currently
80 all counties other than Clark and Washoe Counties), existing law does not require
81 the person to meet any requirements with respect to employment, service,
82 certification or training at the time of filing the declaration of candidacy. However,
83 such a person forfeits the office if, within 1 year after the date of taking office as
84 sheriff, the person fails to earn certification by the Commission as a category I, II or
85 III peace officer. (NRS 248.005) **Section 18.5** of this bill decreases the population
86 threshold for such qualifications relating to employment, service, certification and
87 training from 100,000 to 30,000, meaning that a candidate for the office of county
88 sheriff in a county whose population is 30,000 or more (currently Clark, Washoe,
89 Lyon, Elko, Douglas and Nye Counties and Carson City) is required to meet the
90 additional employment, service, certification and training requirements on the date
91 of filing the declaration of candidacy.

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,



1 inclusive, *and sections 3, 3.3 and 3.5 of this act* have the meanings
2 ascribed to them in those sections.

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

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

5 171.1771 ~~{Whenever}~~

6 *1. Except as otherwise provided in subsection 2, whenever*
7 *any person is detained by a peace officer for any violation of a*
8 *county, city or town ordinance or a state law which is punishable as*
9 *a misdemeanor and the person is not required to be taken before a*
10 *magistrate, the person ~~{shall,}~~ must be given a misdemeanor*
11 *citation unless the violation constitutes a repeat offense or a*
12 *prohibited offense in which case, the person may, in the discretion*
13 *of the peace officer, either be given a misdemeanor citation ~~{}~~ or be*
14 *taken without unnecessary delay before the proper magistrate. ~~{Any~~*
15 *such person shall}*

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

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

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

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

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

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

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

27 171.1772 *1. Whenever any person is arrested by a private*
28 *person, as provided in NRS 171.126, for any violation of a county,*
29 *city or town ordinance or state law which is punishable as a*
30 *misdemeanor, such person arrested ~~{may}~~ must be issued a*
31 *misdemeanor citation by a peace officer in lieu of being*
32 *immediately taken before a magistrate by the peace officer ~~{if}~~*
33 *unless the violation constitutes a repeat offense or a prohibited*
34 *offense, in which case the person arrested may be issued the*
35 *misdemeanor citation or be immediately taken before a magistrate*
36 *by the peace officer.*

37 *2. The citation described in subsection 1 must not be issued*
38 *unless:*

39 ~~{}~~ *(a) The person arrested furnishes satisfactory evidence of*
40 *identity; and*

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

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

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



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

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

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

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

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

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

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

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



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

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

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

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

7 (3) Driving under the influence of intoxicating liquor or a
8 controlled substance in violation of NRS 484C.110, 484C.120 or
9 484C.130; or

10 (4) A minor traffic offense; and

11 (b) Has not previously been:

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

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

16 3. If a defendant is determined to be eligible for assignment to
17 a preprosecution diversion program pursuant to subsection 2, the
18 justice court or municipal court may order the defendant to complete
19 the program pursuant to subsection 5 of NRS 174.032.

20 4. A defendant has no right to complete a preprosecution
21 diversion program or to appeal the decision of the justice court or
22 municipal court relating to the participation of the defendant in such
23 a program.

24 **Sec. 10.** NRS 176A.510 is hereby amended to read as follows:

25 176A.510 1. The Division shall adopt a written system of
26 graduated sanctions for parole and probation officers to use when
27 responding to a technical violation of the conditions of probation or
28 parole. The system must:

29 (a) Set forth a menu of presumptive sanctions for the most
30 common violations, including, without limitation, failure to report,
31 willful failure to pay fines and fees, failure to participate in a
32 required program or service, failure to complete community service
33 and failure to refrain from the use of alcohol or controlled
34 substances.

35 (b) Take into account factors such as responsivity factors
36 impacting a person's ability to successfully complete any conditions
37 of supervision, the severity of the current violation, the person's
38 previous criminal record, the number and severity of any previous
39 violations and the extent to which graduated sanctions were imposed
40 for previous violations.

41 2. The Division shall establish and maintain a program of
42 initial and ongoing training for parole and probation officers
43 regarding the system of graduated sanctions.



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

4 4. A parole and probation officer intending to impose a
5 graduated sanction shall provide the supervised person with notice
6 of the intended sanction. The notice must inform the person of any
7 alleged violation and the date thereof and the graduated sanction to
8 be imposed.

9 5. The failure of a supervised person to comply with a sanction
10 may constitute a technical violation of the conditions of probation or
11 parole.

12 6. The Division may not seek revocation of probation or parole
13 for a technical violation of the conditions of probation or parole
14 until all graduated sanctions have been exhausted. If the Division
15 determines that all graduated sanctions have been exhausted, the
16 Division shall submit a report to the court or Board outlining the
17 reasons for the recommendation of revocation and the steps taken by
18 the Division to change the supervised person's behavior while in the
19 community, including, without limitation, any graduated sanctions
20 imposed before recommending revocation.

21 7. As used in this section:

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

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

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

29 (1) New felony or gross misdemeanor;

30 (2) Battery which constitutes domestic violence pursuant to
31 NRS 200.485;

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

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

35 (5) Harassment pursuant to NRS 200.571 or stalking or
36 aggravated stalking pursuant to NRS 200.575;

37 (6) Violation of a temporary or extended order for protection
38 against domestic violence issued pursuant to NRS 33.017 to 33.100,
39 inclusive, a restraining order or injunction that is in the nature of a
40 temporary or extended order for protection against domestic
41 violence issued in an action or proceeding brought pursuant to title
42 11 of NRS, a temporary or extended order for protection against
43 stalking, aggravated stalking or harassment issued pursuant to NRS
44 200.591 or a temporary or extended order for protection against
45 sexual assault pursuant to NRS 200.378; or



1 (7) Violation of a stay away order involving a natural person
2 who is the victim of the crime for which the supervised person is
3 being supervised.

4 ↪ The term does not include termination from a specialty court
5 program.

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

7 176A.630 1. If the probationer is arrested, by or without
8 warrant, in another judicial district of this state, the court which
9 granted the probation may assign the case to the district court of that
10 district, with the consent of that court. The court retaining or thus
11 acquiring jurisdiction shall cause the defendant to be brought before
12 it, consider the standards adopted pursuant to NRS 213.10988 and
13 system of graduated sanctions adopted pursuant to NRS 176A.510,
14 as applicable, and the recommendation, if any, of the Chief Parole
15 and Probation Officer. Upon determining that the probationer has
16 violated a condition of probation, the court shall, if practicable,
17 order the probationer to make restitution for any necessary expenses
18 incurred by a governmental entity in returning the probationer to the
19 court for violation of the probation. If the court finds that the
20 probationer committed a violation of a condition of probation by
21 committing a new felony or gross misdemeanor, battery which
22 constitutes domestic violence pursuant to NRS 200.485, violation of
23 NRS 484C.110 or 484C.120, crime of violence ~~as defined in NRS~~
24 ~~200.408~~ that is punishable as a misdemeanor, harassment pursuant
25 to NRS 200.571, stalking or aggravated stalking pursuant to NRS
26 200.575, violation of a stay away order involving a natural person
27 who is the victim of the crime for which the probationer is being
28 supervised, violation of a temporary or extended order for protection
29 against domestic violence issued pursuant to NRS 33.017 to 33.100,
30 inclusive, a restraining order or injunction that is in the nature of a
31 temporary or extended order for protection against domestic
32 violence issued in an action or proceeding brought pursuant to title
33 11 of NRS, a temporary or extended order for protection against
34 stalking, aggravated stalking or harassment issued pursuant to
35 NRS 200.591 or a temporary or extended order for protection
36 against sexual assault pursuant to NRS 200.378 or by absconding,
37 the court may:

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

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

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

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

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



1 The court shall not make the term of imprisonment less than the
2 minimum term of imprisonment prescribed by the applicable penal
3 statute. If the Chief Parole and Probation Officer recommends that
4 the sentence of a probationer be modified and the modified sentence
5 be executed, the Chief Parole and Probation Officer shall provide
6 notice of the recommendation to any victim of the crime for which
7 the probationer was convicted who has requested in writing to be
8 notified and who has provided a current address to the Division. The
9 notice must inform the victim that he or she has the right to submit
10 documents to the court and to be present and heard at the hearing to
11 determine whether the sentence of a probationer who has violated a
12 condition of probation should be modified. The court shall not
13 modify the sentence of a probationer and cause the sentence to be
14 executed until it has confirmed that the Chief Parole and Probation
15 Officer has complied with the provisions of this paragraph. The
16 Chief Parole and Probation Officer must not be held responsible
17 when such notification is not received by the victim if the victim has
18 not provided a current address. All personal information, including,
19 but not limited to, a current or former address, which pertains to a
20 victim and which is received by the Division pursuant to this
21 paragraph is confidential.

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

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

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

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

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

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

31 (3) One hundred and eighty days for the third temporary
32 revocation; or

33 (d) Fully revoke the probation or suspension of sentence and
34 impose imprisonment for the remainder of the sentence for a fourth
35 or subsequent revocation.

36 3. Notwithstanding any other provision of law, a probationer
37 who is arrested and detained for committing a technical violation of
38 the conditions of probation must be brought before the court not
39 later than 15 calendar days after the date of arrest and detention. If
40 the person is not brought before the court within 15 calendar days,
41 the probationer must be released from detention and returned to
42 probation status. Following a probationer's release from detention,
43 the court may subsequently hold a hearing to determine if a
44 technical violation has occurred. If the court finds that such a
45 technical violation occurred, the court may:



1 (a) Continue probation and modify the terms and conditions of
2 probation; or

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

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

8 (a) Consuming any alcoholic beverage.

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

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

12 (d) Failing to seek and maintain employment.

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

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

15 5. As used in this section:

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

19 (b) "Technical violation" means any alleged violation of the
20 conditions of probation that does not constitute absconding and is
21 not the commission of a:

22 (1) New felony or gross misdemeanor;

23 (2) Battery which constitutes domestic violence pursuant to
24 NRS 200.485;

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

26 (4) Crime of violence ~~[as defined in NRS 200.408]~~ that is
27 punishable as a misdemeanor;

28 (5) Harassment pursuant to NRS 200.571 or stalking or
29 aggravated stalking pursuant to NRS 200.575;

30 (6) Violation of a temporary or extended order for protection
31 against domestic violence issued pursuant to NRS 33.017 to 33.100,
32 inclusive, a restraining order or injunction that is in the nature of a
33 temporary or extended order for protection against domestic
34 violence issued in an action or proceeding brought pursuant to title
35 11 of NRS, a temporary or extended order for protection against
36 stalking, aggravated stalking or harassment issued pursuant to NRS
37 200.591 or a temporary or extended order for protection against
38 sexual assault pursuant to NRS 200.378; or

39 (7) Violation of a stay away order involving a natural person
40 who is the victim of the crime for which the probationer is being
41 supervised.

42 ➔ The term does not include termination from a specialty court
43 program.



1 **Sec. 12.** NRS 179.245 is hereby amended to read as follows:
2 179.245 1. Except as otherwise provided in subsection 6 and
3 NRS 176.211, 176A.245, 176A.265, 176A.295, 179.247, 179.259,
4 201.354 and 453.3365, a person may petition the court in which the
5 person was convicted for the sealing of all records relating to a
6 conviction of:

7 (a) A category A felony, a crime of violence ~~[pursuant to NRS~~
8 ~~200.408]~~ or residential burglary pursuant to NRS 205.060 after 10
9 years from the date of release from actual custody or discharge from
10 parole or probation, whichever occurs later;

11 (b) Except as otherwise provided in paragraphs (a) and (e), a
12 category B, C or D felony after 5 years from the date of release from
13 actual custody or discharge from parole or probation, whichever
14 occurs later;

15 (c) A category E felony after 2 years from the date of release
16 from actual custody or discharge from parole or probation,
17 whichever occurs later;

18 (d) Except as otherwise provided in paragraph (e), any gross
19 misdemeanor after 2 years from the date of release from actual
20 custody or discharge from probation, whichever occurs later;

21 (e) A violation of NRS 422.540 to 422.570, inclusive, a
22 violation of NRS 484C.110 or 484C.120 other than a felony, or a
23 battery which constitutes domestic violence pursuant to NRS 33.018
24 other than a felony, after 7 years from the date of release from actual
25 custody or from the date when the person is no longer under a
26 suspended sentence, whichever occurs later;

27 (f) Except as otherwise provided in paragraph (e), if the offense
28 is punished as a misdemeanor, a battery pursuant to NRS 200.481,
29 harassment pursuant to NRS 200.571, stalking pursuant to NRS
30 200.575 or a violation of a temporary or extended order for
31 protection, after 2 years from the date of release from actual custody
32 or from the date when the person is no longer under a suspended
33 sentence, whichever occurs later; or

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

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

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

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



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

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

8 (1) Date of birth of the petitioner;

9 (2) Specific conviction to which the records to be sealed
10 pertain; and

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

13 3. Upon receiving a petition pursuant to this section, the court
14 shall notify the law enforcement agency that arrested the petitioner
15 for the crime and the prosecuting attorney, including, without
16 limitation, the Attorney General, who prosecuted the petitioner for
17 the crime. The prosecuting attorney and any person having relevant
18 evidence may testify and present evidence at any hearing on the
19 petition.

20 4. If the prosecuting attorney who prosecuted the petitioner for
21 the crime stipulates to the sealing of the records after receiving
22 notification pursuant to subsection 3 and the court makes the
23 findings set forth in subsection 5, the court may order the sealing of
24 the records in accordance with subsection 5 without a hearing. If the
25 prosecuting attorney does not stipulate to the sealing of the records,
26 a hearing on the petition must be conducted.

27 5. If the court finds that, in the period prescribed in subsection
28 1, the petitioner has not been charged with any offense for which the
29 charges are pending or convicted of any offense, except for minor
30 moving or standing traffic violations, the court may order sealed all
31 records of the conviction which are in the custody of any agency of
32 criminal justice or any public or private agency, company, official
33 or other custodian of records in the State of Nevada, and may also
34 order all such records of the petitioner returned to the file of the
35 court where the proceeding was commenced from, including,
36 without limitation, the Federal Bureau of Investigation and all other
37 agencies of criminal justice which maintain such records and which
38 are reasonably known by either the petitioner or the court to have
39 possession of such records.

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

42 (a) A crime against a child;

43 (b) A sexual offense;

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



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

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

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

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

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

12 7. If the court grants a petition for the sealing of records
13 pursuant to this section, upon the request of the person whose
14 records are sealed, the court may order sealed all records of the civil
15 proceeding in which the records were sealed.

16 8. As used in this section:

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

19 (b) "Sexual offense" means:

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

24 (2) Sexual assault pursuant to NRS 200.366.

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

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

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

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

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

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

41 (9) Incest pursuant to NRS 201.180.

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

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



- 1 (12) Lewdness with a child pursuant to NRS 201.230.
- 2 (13) Sexual penetration of a dead human body pursuant to
- 3 NRS 201.450.
- 4 (14) Sexual conduct between certain employees of a school
- 5 or volunteers at a school and a pupil pursuant to NRS 201.540.
- 6 (15) Sexual conduct between certain employees of a college
- 7 or university and a student pursuant to NRS 201.550.
- 8 (16) Luring a child or a person with mental illness pursuant
- 9 to NRS 201.560, if punishable as a felony.
- 10 (17) An attempt to commit an offense listed in this
- 11 paragraph.

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

13 179.247 1. If a person has been convicted of any offense

14 listed in subsection 2, the person may petition the court in which he

15 or she was convicted or, if the person wishes to file more than one

16 petition and would otherwise need to file a petition in more than one

17 court, the district court, for an order:

18 (a) Vacating the judgment; and

19 (b) Sealing all documents, papers and exhibits in the person's

20 record, minute book entries and entries on dockets, and other

21 documents relating to the case in the custody of such other agencies

22 and officers as are named in the court's order.

23 2. A person may file a petition pursuant to subsection 1 if the

24 person was convicted of:

25 (a) A violation of NRS 201.354, for engaging in prostitution or

26 solicitation for prostitution, provided that the person was not alleged

27 to be a customer of a prostitute;

28 (b) A crime under the laws of this State, other than a crime of

29 violence; or

30 (c) A violation of a county, city or town ordinance, for loitering

31 for the purpose of solicitation or prostitution.

32 3. A petition filed pursuant to subsection 1 must satisfy the

33 requirements of NRS 179.245.

34 4. The court may grant a petition filed pursuant to subsection 1

35 if:

36 (a) The petitioner was convicted of a violation of an offense

37 described in subsection 2;

38 (b) The participation of the petitioner in the offense was the

39 result of the petitioner having been a victim of:

40 (1) Trafficking in persons as described in the Trafficking

41 Victims Protection Act of 2000, 22 U.S.C. §§ 7101 et seq.; or

42 (2) Involuntary servitude as described in NRS 200.463 or

43 200.4631; and

44 (c) The petitioner files a petition pursuant to subsection 1 with

45 due diligence after the petitioner has ceased being a victim of



1 trafficking or involuntary servitude or has sought services for
2 victims of such trafficking or involuntary servitude.

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

5 (a) Notify the Central Repository for Nevada Records of
6 Criminal History, the Office of the Attorney General and each office
7 of the district attorney and law enforcement agency in the county in
8 which the petitioner was convicted and allow the prosecuting
9 attorney who prosecuted the petitioner for the crime and any person
10 to testify and present evidence on behalf of any such entity; and

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

14 6. If the prosecuting attorney who prosecuted the petitioner for
15 the crime stipulates to vacating the judgment of the petitioner and
16 sealing all documents, papers and exhibits related to the case after
17 receiving notification pursuant to subsection 5 and the court makes
18 the findings set forth in subsection 4, the court may vacate the
19 judgment and seal all documents, papers and exhibits in accordance
20 with subsection 7 without a hearing. If the prosecuting attorney does
21 not stipulate to vacating the judgment and sealing the documents,
22 papers and exhibits, a hearing on the petition must be conducted.

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

25 (a) Vacate the judgment and dismiss the accusatory pleading;
26 and

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

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

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

43 ~~§10. — As used in this section, “crime of violence” means:~~

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



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

4 **Sec. 14.** NRS 179D.097 is hereby amended to read as follows:
5 179D.097 1. “Sexual offense” means any of the following
6 offenses:

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

11 (b) Sexual assault pursuant to NRS 200.366.

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

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

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

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

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

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

27 (i) Incest pursuant to NRS 201.180.

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

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

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

31 (m) Sexual penetration of a dead human body pursuant to
32 NRS 201.450.

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

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

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

39 (q) Sex trafficking pursuant to NRS 201.300.

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

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

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



1 (u) An offense committed in another jurisdiction that, if
2 committed in this State, would be an offense listed in this
3 subsection. This paragraph includes, without limitation, an offense
4 prosecuted in:

5 (1) A tribal court.

6 (2) A court of the United States or the Armed Forces of the
7 United States.

8 (v) An offense of a sexual nature committed in another
9 jurisdiction, whether or not the offense would be an offense listed in
10 this section, if the person who committed the offense resides or has
11 resided or is or has been a student or worker in any jurisdiction in
12 which the person is or has been required by the laws of that
13 jurisdiction to register as a sex offender because of the offense. This
14 paragraph includes, without limitation, an offense prosecuted in:

15 (1) A tribal court.

16 (2) A court of the United States or the Armed Forces of the
17 United States.

18 (3) A court having jurisdiction over juveniles.

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

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

24 (b) At least 13 years of age and the offender was not more than
25 4 years older than the victim at the time of the commission of the
26 offense.

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

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

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

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

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

32 **Sec. 18.5.** NRS 248.005 is hereby amended to read as follows:

33 248.005 1. No person is eligible to the office of sheriff unless
34 the person:

35 (a) Will have attained the age of 21 years on the date he or she
36 would take office if so elected;

37 (b) Is a qualified elector; and

38 (c) On or after January 1, 2010, meets the requirements set forth
39 in subsection 2 or 3, as applicable.

40 2. If a person described in paragraph (c) of subsection 1 is a
41 candidate for the office of sheriff in a county whose population is
42 ~~100,000~~ 30,000 or more, the person must meet the following
43 requirements at the time he or she files his or her declaration of
44 candidacy for the office:



1 (a) He or she has a history of at least 5 consecutive years of
2 employment or service:

3 (1) As a peace officer;

4 (2) As a law enforcement officer of an agency of the United
5 States;

6 (3) As a law enforcement officer of another state or political
7 subdivision thereof; or

8 (4) In any combination of the positions described in
9 subparagraphs (1), (2) and (3); and

10 (b) He or she has:

11 (1) Been certified as a category I peace officer by the
12 Commission;

13 (2) Been certified as a category I peace officer or its
14 equivalent by the certifying authority of another state that, as
15 determined by the Commission, imposes requirements for
16 certification as a category I peace officer in this State; or

17 (3) Successfully completed a federal law enforcement
18 training program approved by the Commission.

19 3. If a person described in paragraph (c) of subsection 1 is a
20 candidate for the office of sheriff in a county whose population is
21 less than ~~100,000~~ 30,000, the person is not required to meet any
22 requirements with respect to employment, service, certification or
23 training at the time he or she files his or her declaration of candidacy
24 for the office. However, such a person forfeits his or her office if,
25 within 1 year after the date on which the person takes office, the
26 person fails to earn certification by the Commission as a category I
27 peace officer, category II peace officer or category III peace officer.

28 4. A person who has been convicted of a felony in this State or
29 any other state is not qualified to be a candidate for or elected or
30 appointed to the office of sheriff regardless of whether the person
31 has been restored to his or her civil rights.

32 5. As used in this section:

33 (a) "Category I peace officer" has the meaning ascribed to it in
34 NRS 289.460.

35 (b) "Category II peace officer" has the meaning ascribed to it in
36 NRS 289.470.

37 (c) "Category III peace officer" has the meaning ascribed to it in
38 NRS 289.480.

39 (d) "Commission" means the Peace Officers' Standards and
40 Training Commission created pursuant to NRS 289.500.

41 (e) "Declaration of candidacy" has the meaning ascribed to it in
42 NRS 293.0455.

43 (f) "Peace officer" has the meaning ascribed to it in
44 NRS 289.010.



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

2 484A.615 1. A court having jurisdiction over an offense for
3 which a traffic citation ~~may~~ **must** be issued pursuant to NRS
4 484A.630 or its traffic violations bureau may establish a system by
5 which, except as otherwise provided in subsection 5, the court or
6 traffic violations bureau may allow a person who has been issued a
7 traffic citation that is filed with the court or traffic violations bureau
8 to make a plea and state his or her defense or any mitigating
9 circumstances by mail, by electronic mail, over the Internet or by
10 other electronic means.

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

21 3. If a court or traffic violations bureau allows an eligible
22 person to whom a traffic citation is issued to use a system
23 established pursuant to subsection 1 to make a plea and state his or
24 her defense or any mitigating circumstances and the person chooses
25 to make a plea and state his or her defense or any mitigating
26 circumstances by using such a system, the person waives ~~his or her~~
27 **any relevant constitutional right, including, without limitation, the**
28 **right to a trial, ~~and~~ the right to confront any witnesses ~~and~~ and the**
29 **right to counsel, as applicable.**

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

31 (a) For the purpose of authenticating that the person making the
32 plea and statement of his or her defense or any mitigating
33 circumstances is the person to whom the traffic citation was issued,
34 be capable of requiring the person to submit any of the following
35 information, at the discretion of the court or traffic violations
36 bureau:

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



1 (b) Provide notice to each person who uses the system to make a
2 plea and statement of his or her defense or any mitigating
3 circumstances that the person waives ~~his or her~~ *any relevant*
4 *constitutional right, including, without limitation, the* right to a
5 trial, ~~and~~ the right to confront any witnesses ~~and the right to~~
6 *counsel, as applicable.*

7 (c) If a plea and statement of the defense or mitigating
8 circumstances is submitted by electronic mail, over the Internet or
9 by other electronic means, confirm receipt of the plea and statement
10 or make available to the person making the plea a copy of the plea
11 and statement.

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

16 (a) Aggressive driving in violation of NRS 484B.650;

17 (b) Reckless driving in violation of NRS 484B.653;

18 (c) Vehicular manslaughter in violation of NRS 484B.657; or

19 (d) Driving, operating or being in actual physical control of a
20 vehicle ~~for a vessel under power or sail~~ while under the influence
21 of intoxicating liquor or a controlled substance in violation of NRS
22 484C.110 ~~or~~ 484C.120, ~~or 488.410,~~ as applicable.

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

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

26 484A.630 1. Whenever a person is halted by a peace officer
27 for any violation of chapters 484A to 484E, inclusive, of NRS
28 ~~punishable as a misdemeanor~~ and is not taken before a magistrate
29 as required or permitted by NRS 484A.720 and 484A.730, the peace
30 officer ~~may~~ *must* prepare a traffic citation manually or
31 electronically in the form of a complaint issuing in the name of "The
32 State of Nevada," containing a notice to appear in court, the name
33 and address of the person, the state registration number of the
34 person's vehicle, if any, the number of the person's driver's license,
35 if any, the offense charged, including a brief description of the
36 offense and the NRS citation, the time and place when and where
37 the person is required to appear in court, and such other pertinent
38 information as may be necessary. The peace officer may also
39 request, and the person may provide, the electronic mail address and
40 mobile telephone number of the person for the purpose of enabling
41 the court in which the person is required to appear to communicate
42 with the person. If the peace officer requests such information, the
43 peace officer shall expressly inform the person that providing such
44 information is voluntary and, if the person provides such
45 information, the person thereby gives his or her consent for the court



1 to communicate with the person through such means. The peace
2 officer shall sign the citation and deliver a copy of the citation to the
3 person charged with the violation. If the citation is prepared
4 electronically, the peace officer shall sign the copy of the citation
5 that is delivered to the person charged with the violation.

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

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

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

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

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

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

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

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

31 484A.660 ~~[Except for felonies and those offenses set forth in~~
32 ~~paragraphs (a) to (e), inclusive, of subsection 1 of NRS 484A.710,]~~

33 *When, based upon the personal investigation of* a peace officer
34 *at the scene of a traffic crash , [may issue a traffic citation, as*
35 *provided in NRS 484A.630, or a misdemeanor citation, as provided*
36 *in NRS 171.1773, to any person involved in the crash when, based*
37 *upon personal investigation,]* the peace officer has reasonable and
38 probable grounds to believe that ~~[the]~~ *a* person has committed any
39 offense pursuant to the provisions of chapters 482 to 486, inclusive,
40 or 706 of NRS in connection with the crash ~~[-]~~ *, the peace officer*
41 *must determine whether to issue, as applicable:*

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

44 *2. A misdemeanor citation in accordance with the standards*
45 *provided in NRS 171.1771.*



1 **Sec. 22.** NRS 484A.710 is hereby amended to read as follows:
2 484A.710 1. Any peace officer may, without a warrant, arrest
3 a person if the officer has reasonable cause for believing that the
4 person has committed any of the following offenses:

5 (a) Homicide by vehicle;

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

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

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

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

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

15 (g) Reckless driving;

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

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

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

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

29 484A.720 Whenever any person is halted by a peace officer for
30 any violation of chapters 484A to 484E, inclusive, of NRS , ~~[not~~
31 ~~amounting to a gross misdemeanor or felony,]~~ the person shall be
32 taken without unnecessary delay before the proper magistrate, as
33 specified in NRS 484A.750, in ~~[either of]~~ the following cases:

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

36 2. *When the person does not furnish satisfactory evidence of*
37 *identity; or*

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

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

42 484A.730 1. Whenever any person is halted by a peace
43 officer for any violation of chapters 484A to 484E, inclusive, of
44 NRS *punishable as a misdemeanor* and is not required to be taken
45 before a magistrate, the person ~~[may,]~~ *must be given a traffic*



1 *citation unless the violation constitutes a repeat offense or a*
2 *prohibited offense, in which case the person may,* in the discretion
3 of the peace officer, either be given a traffic citation ~~[.]~~ or be taken
4 without unnecessary delay before the proper magistrate. ~~[The person~~
5 ~~must be taken before the magistrate in any of the following cases:~~

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

10 2. ~~[When the person is charged with a violation of NRS~~
11 ~~484D.580 relating to the refusal of a driver of a vehicle to submit~~
12 ~~the vehicle to an inspection and test;~~

13 ~~— 3. When the person is charged with a violation of NRS~~
14 ~~484D.675 relating to the failure or refusal of a driver of a vehicle to~~
15 ~~submit the vehicle and load to a weighing or to remove excess~~
16 ~~weight therefrom; or~~

17 ~~— 4. When the person is charged with a violation of NRS~~
18 ~~484C.110 or 484C.120, unless the person is incapacitated and is~~
19 ~~being treated for injuries at the time the peace officer would~~
20 ~~otherwise be taking the person before the magistrate.] *As used in*~~
21 ~~*this section:*~~

22 (a) *“Prohibited offense” means:*

- 23 (1) *A violation of NRS 484B.653;*
24 (2) *A violation of NRS 484C.110;*
25 (3) *A violation of NRS 484C.120;*
26 (4) *A violation of NRS 484E.020;*
27 (5) *A violation of NRS 484E.030;*
28 (6) *A violation of NRS 484E.040; or*
29 (7) *A crime of violence, as defined in NRS 200.408.*

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

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

33 488.920 ~~[Whenever]~~

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

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

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

- 44 (1) *A felony or gross misdemeanor; or*



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

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

5 ~~[1-]~~ (a) When the person does not furnish satisfactory evidence
6 of identity; or

7 ~~[2-]~~ (b) When the game warden, sheriff or peace officer has
8 reasonable and probable grounds to believe the person will disregard
9 a written promise to appear in court.

10 3. *As used in this section:*

11 (a) *“Prohibited offense” means:*

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

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

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

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

17 501.386 1. Except as otherwise provided in *subsection 2 and*
18 *NRS 501.382*, whenever any person is halted by a game warden for
19 any violation of this title, the person ~~[must]~~ :

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

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

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

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

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

31 ~~[1-]~~ (a) When the person does not furnish satisfactory evidence
32 of identity; or

33 ~~[2-]~~ (b) When the game warden has reasonable and probable
34 grounds to believe the person will disregard a written promise to
35 appear in court.

36 3. *As used in this section:*

37 (a) *“Crime of violence” has the meaning ascribed to it in*
38 *NRS 200.408.*

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

41 **Sec. 27.** 1. The amendatory provisions of sections 6, 21, 24,
42 25 and 26 of this act do not apply to a peace officer employed by the
43 Division of Parole and Probation of the Department of Public Safety
44 until the earlier of:



1 (a) The date that the Director of the Department of Public Safety
2 notifies the Director of the Legislative Counsel Bureau that the
3 Division of Parole and Probation has sufficient resources to carry
4 out the amendatory provisions of sections 6, 21, 24, 25 and 26 of
5 this act; or
6 (b) July 1, 2023.
7 2. As used in this section, "peace officer" means any person
8 upon whom some or all of the powers of a peace officer are
9 conferred pursuant to NRS 289.150 to 289.630, inclusive.

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