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SENATE BILL NO. 217—SENATOR ROBERSON (BY REQUEST)

MARCH 3, 2011

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Referred to Committee on Judiciary

**SUMMARY**—Requires the publication by pretrial release agencies of information relating to certain criminal defendants who are released from custody before trial. (BDR 14-111)

**FISCAL NOTE:** Effect on Local Government: May have Fiscal Impact.  
Effect on the State: No.

CONTAINS UNFUNDED MANDATE (§§ 5, 6)  
(NOT REQUESTED BY AFFECTED LOCAL GOVERNMENT)

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

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**AN ACT** relating to criminal defendants; requiring the publication by pretrial release agencies of certain information relating to certain criminal defendants who are released from custody before trial; and providing other matters properly relating thereto.

**Legislative Counsel’s Digest:**

1 This bill imposes several requirements upon “pretrial release agencies” in this  
2 State. A “pretrial release agency” is an agency or program which is funded by  
3 government and which assists the courts in determining whether criminal  
4 defendants who are in custody pending trial may be released from custody without  
5 providing a financial guarantee for their appearance in court, such as cash or a bail  
6 bond. This bill requires each pretrial release agency in this State: (1) to prepare a  
7 register to be made available to the public that contains certain information  
8 regarding the cases and defendants who are recommended for release by the pretrial  
9 release agency; and (2) to submit an annual report containing certain statistical  
10 information regarding the operations of the pretrial release agency during the  
11 preceding calendar year.

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

1       **Section 1.** Chapter 178 of NRS is hereby amended by adding  
2 thereto the provisions set forth as sections 2 to 6, inclusive, of this  
3 act.

4       **Sec. 2.** *As used in sections 2 to 6, inclusive, of this act, unless*  
5 *the context otherwise requires, the words and terms defined in*  
6 *sections 3 and 4 of this act have the meanings ascribed to them in*  
7 *those sections.*

8       **Sec. 3.** *“Nonsecured release” means any release of a*  
9 *defendant from pretrial custody in which no financial guarantee,*  
10 *such as cash or a surety bond, is required as a condition of*  
11 *release.*

12       **Sec. 4.** *“Pretrial release agency” means any government-*  
13 *funded program whose function includes making*  
14 *recommendations for the nonsecured release from pretrial custody*  
15 *of defendants or the release from pretrial custody of defendants on*  
16 *the partial deposit of bail.*

17       **Sec. 5.** *The pretrial release agency in each county shall*  
18 *prepare a register displaying information regarding the cases and*  
19 *defendants who are recommended for release from pretrial*  
20 *custody by the pretrial release agency. The register must:*

21       1. *Be located in the office of the clerk of the court in which*  
22 *the pretrial release agency is located and be made readily available*  
23 *to the public at no charge;*

24       2. *Be updated at least once weekly; and*

25       3. *Accurately display the following information regarding*  
26 *each defendant whose nonsecured release was recommended by*  
27 *the pretrial release agency:*

28       (a) *The charges against the defendant.*

29       (b) *The nature of any previous criminal convictions against*  
30 *the defendant.*

31       (c) *Any appearances in court that the defendant was required*  
32 *to make as the result of the charges against the defendant, any*  
33 *occasions on which the defendant has failed to appear in court as*  
34 *required and any bench warrants issued as the result of any such*  
35 *failure to appear in court as required.*

36       (d) *Any instances of noncompliance by the defendant with the*  
37 *terms of release.*

38       **Sec. 6. 1.** *On or before March 31 of each year, each*  
39 *pretrial release agency shall submit to the board of county*  
40 *commissioners in the county an annual report regarding the*  
41 *operations of the pretrial release agency during the preceding*



1 *calendar year. The annual report must also be made readily*  
2 *available to the public at no charge.*

3 *2. The annual report must include, without limitation, the*  
4 *following information:*

5 *(a) The complete operating budget of the pretrial release*  
6 *agency.*

7 *(b) The number of personnel employed by the pretrial release*  
8 *agency.*

9 *(c) The number of cases reviewed and release*  
10 *recommendations made by the pretrial release agency.*

11 *(d) The number of cases in which nonsecured release was*  
12 *denied by the pretrial release agency.*

13 *(e) The number of defendants released on nonsecured release*  
14 *after a positive recommendation by the pretrial release agency.*

15 *(f) The average period a defendant was incarcerated before*  
16 *being released on nonsecured release after a positive*  
17 *recommendation by the pretrial release agency, classified by*  
18 *whether the defendant was charged with a felony or misdemeanor.*

19 *(g) The number of cases in which a defendant was released on*  
20 *nonsecured release after a positive recommendation by the pretrial*  
21 *release agency, and:*

22 *(1) The defendant failed to appear as required in court at*  
23 *least once within 1 year after the date of release.*

24 *(2) The court issued a bench warrant because the*  
25 *defendant failed to appear in court as required. The annual report*  
26 *must also include the number of cases in which such bench*  
27 *warrants were issued by the court but were not served on the*  
28 *defendant within 1 year after the date of issuance of the bench*  
29 *warrant.*

30 *(3) The defendant was arrested for a new offense while on*  
31 *nonsecured release.*

32 *3. The annual report must also include an accounting of the*  
33 *percentage of the annual budget of the pretrial release agency that*  
34 *is allocated to steer defendants who are eligible for secured release*  
35 *toward obtaining their release through nongovernment-sponsored*  
36 *programs. As used in this subsection, "secured release" means*  
37 *any release of a defendant from pretrial custody in which a*  
38 *financial guarantee, such as cash or a surety bond, is required as*  
39 *a condition of release.*

40 **Sec. 7.** *The provisions of NRS 354.599 do not apply to any*  
41 *additional expenses of a local government that are related to the*  
42 *provisions of this act.*



