

SENATE BILL NO. 349—SENATOR HORSFORD

MARCH 21, 2011

JOINT SPONSORS: ASSEMBLYMEN FRIERSON,
HORNE; AND NEAL

Referred to Committee on Judiciary

SUMMARY—Provides for the establishment of a community court pilot project to provide an alternative to sentencing for misdemeanor offenders. (BDR S-387)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: Contains Appropriation not included in Executive Budget.

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

AN ACT relating to criminal offenders; requiring Clark County to establish a community court pilot project to provide an alternative to sentencing a person who is charged with a misdemeanor; requiring defendants who are transferred to the community court to complete certain services or treatment and community service; providing that the sentence imposed on a defendant in justice court will not be executed or recorded if the defendant successfully completes the conditions imposed by the community court; making an appropriation; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 Existing law provides that a misdemeanor criminal offense is punishable by a
2 fine of not more than \$1,000 or imprisonment in the county jail for not more than 6
3 months, or by both a fine and imprisonment. (NRS 193.150) **Section 2** of this bill
4 requires Clark County to establish a community court pilot project within one of its
5 justice courts located in the County to provide an alternative to sentencing a person
6 who is charged with a misdemeanor offense. **Section 2** further provides that a
7 justice court may transfer a defendant who has been charged with a misdemeanor
8 offense to the community court only if the defendant pleads guilty to the offense,
9 has not previously been transferred to the community court and agrees to comply
10 with the conditions established by the community court. In addition, **section 2**



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11 provides that the defendant must agree to a sentence which the justice court will
12 carry out only if the defendant fails to successfully complete the conditions
13 imposed by the community court.

14 **Section 3** of this bill requires the community court to evaluate each defendant
15 to determine whether services or treatment are likely to assist the defendant to
16 modify behavior or obtain skills that may prevent the defendant from engaging in
17 further criminal activity. The services or treatment that the community court may
18 order the defendant to receive may include, without limitation, treatment for
19 alcohol or substance abuse, health education, treatment for mental health, family
20 counseling, literacy assistance, job training, housing assistance or any other
21 services or treatment that the community court deems appropriate. **Section 3**
22 authorizes the community court to enter into contracts with persons or entities that
23 are qualified to evaluate and provide services and treatment to defendants. In
24 addition to such services and treatment, **section 3** requires the community court to
25 set as a condition for the defendant that the defendant perform a specified amount
26 of community service. **Section 3** provides that if the defendant successfully
27 completes all conditions imposed by the community court, the sentence to which
28 the defendant agreed upon with the justice court must not be executed or recorded.
29 If instead, the defendant does not successfully complete the conditions imposed, the
30 case will be transferred back to the justice court and the sentence must be carried
31 out.

32 **Section 4** of this bill appropriates the sum of \$250,000 from the State General
33 Fund to the Interim Finance Committee for allocation to Clark County to establish
34 the community court pilot project. Money appropriated will not be allocated until
35 Clark County submits a detailed plan for the location and establishment of the
36 community court pilot project. **Section 5** of this bill provides that the community
37 court pilot project is authorized for a period of 2 years and the authority expires by
38 limitation on June 30, 2013.

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

1 **Section 1.** As used in sections 1, 2 and 3 of this act,
2 “community court” means the community court that is established
3 as part of the pilot project pursuant to section 2 of this act.

4 **Sec. 2.** 1. Clark County shall establish a community court
5 pilot project within one of the justice courts located in the County to
6 provide an alternative to sentencing a person who is charged with a
7 misdemeanor offense.

8 2. Notwithstanding any other provision of law, a defendant
9 charged with a misdemeanor may be transferred to the community
10 court by the justice court if the defendant:

- 11 (a) Pleads guilty to the offense;
- 12 (b) Has not previously been referred to the community court;
- 13 (c) Agrees to comply with the conditions imposed by the
14 community court; and
- 15 (d) Agrees to a sentence, including a period of imprisonment in
16 the county jail, which must be carried out if the defendant does not



1 successfully complete the conditions imposed by the community
2 court.

3 3. When a defendant is transferred to the community court,
4 sentencing must be postponed and, if the defendant successfully
5 completes all conditions imposed by the community court, the
6 sentence of the defendant must not be executed or appear on the
7 record of the defendant. If the defendant does not successfully
8 complete all conditions imposed by the community court, the
9 sentence must be carried out.

10 4. A defendant who is transferred to the community court
11 remains under the supervision of the community court and must
12 comply with the conditions established by the community court.

13 5. Clark County shall collaborate with state and local
14 governmental entities as well as private persons and entities to
15 coordinate and determine the services and treatment that may be
16 offered to defendants who are transferred to the community court.

17 6. A defendant does not have a right to be referred to the
18 community court pursuant to this section. It is not intended that the
19 establishment or operation of the community court creates any right
20 or interest in liberty or property or establishes a basis for any cause
21 of action against the State of Nevada, its political subdivisions,
22 agencies, boards, commissions, departments, officers or employees.
23 The decision by the justice court of whether to refer a defendant to
24 the community court is not subject to appeal.

25 **Sec. 3.** 1. The community court shall provide for the
26 evaluation of each defendant transferred to the community court to
27 determine whether services or treatment are likely to assist the
28 defendant to modify his or her behavior or obtain skills which may
29 prevent the defendant from engaging in further criminal activity.
30 Such services or treatment may include, without limitation,
31 treatment for alcohol or substance abuse, health education, treatment
32 for mental health, family counseling, literacy assistance, job
33 training, housing assistance or such other services or treatment as
34 the community court deems appropriate.

35 2. The community court shall provide or refer a defendant to a
36 provider of such services or treatment. The community court may
37 enter into contracts with persons or private entities that are qualified
38 to evaluate defendants and provide services or treatment to
39 defendants.

40 3. A defendant who is ordered by the community court to
41 receive services or treatment shall pay for the services or treatment
42 to the extent of his or her financial resources.

43 4. The justice court shall not refuse to refer a defendant to the
44 community court based on the inability of the defendant to pay any
45 or all of the related costs.



1 5. The community court shall order a defendant to perform a
2 specified amount of community service in addition to any services
3 or treatment to which the defendant is ordered to receive. Such
4 community service must be performed for and under the supervising
5 authority of a county, city, town or other political subdivision or
6 agency of the State of Nevada or a charitable organization that
7 renders service to the community or its residents.

8 6. Notwithstanding any other provision of law, if a defendant
9 successfully completes the conditions imposed by the community
10 court, the community court shall so certify to the justice court and
11 the sentence imposed pursuant to section 2 of this act must not be
12 executed or recorded. If the defendant does not successfully
13 complete the conditions imposed by the community court, the case
14 must be transferred back to the justice court and the sentence must
15 be carried out.

16 **Sec. 4.** 1. There is hereby appropriated from the State
17 General Fund to the Interim Finance Committee the sum of
18 \$250,000 for allocation to Clark County to establish a community
19 court pilot project pursuant to sections 1, 2 and 3 of this act. Money
20 appropriated pursuant to this section may only be allocated by the
21 Interim Finance Committee upon submittal of a detailed plan
22 developed by Clark County for the location and establishment of the
23 community court pilot project.

24 2. Any remaining balance of the appropriation made by
25 subsection 1 to the Interim Finance Committee must not be
26 committed for expenditure after June 30, 2013, by the entity to
27 which the appropriation is made or any entity to which money from
28 the appropriation is granted or otherwise transferred in any manner,
29 and any portion of the appropriated money remaining must not be
30 spent for any purpose after September 20, 2013, by either the entity
31 to which the money was appropriated or the entity to which the
32 money was subsequently granted or transferred, and must be
33 reverted to the State General Fund on or before September 20, 2013.

34 **Sec. 5.** 1. This act becomes effective on July 1, 2011.

35 2. Sections 1, 2 and 3 of this act expire by limitation on July 1,
36 2013.

