

ASSEMBLY BILL NO. 187—ASSEMBLYMEN BUCKLEY, MCCLAIN, PARNELL, LESLIE, BOBZIEN; AIZLEY, ANDERSON, ARBERRY, ATKINSON, CLABORN, CONKLIN, DENIS, DONDERO LOOP, GANSERT, HOGAN, HORNE, KIHUEN, KIRKPATRICK, KOIVISTO, MANENDO, MASTROLUCA, MORTENSON, MUNFORD, OCEGUERA, OHRENSCHALL, PIERCE, SEGERBLOM, SETTELMAYER, SMITH, SPIEGEL AND STEWART

FEBRUARY 17, 2009

JOINT SPONSORS: SENATORS PARKS, RAGGIO, WIENER; BREEDEN, COPENING, HORSFORD, LEE, MATHEWS AND WOODHOUSE

Referred to Committee on Judiciary

SUMMARY—Authorizes the establishment by district courts of a program for the treatment of certain offenders who are veterans or members of the military. (BDR 14-955)

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 criminal procedure; requiring courts to ask a defendant whether he is a veteran or a member of the military; authorizing the establishment by district courts of a program for the treatment of certain offenders who are veterans or members of the military; authorizing justice courts and municipal courts to transfer original jurisdiction of certain cases to the district court for the purpose of assigning offenders to the program of treatment; enacting various provisions pertaining to the program of treatment; and providing other matters properly relating thereto.



* A B 1 8 7 *

Legislative Counsel's Digest:

Existing law authorizes a district court to establish a program for the treatment of offenders with mental illness. (NRS 176A.250-176A.265) **Sections 2-15** of this bill, using that existing law as a model, authorize a district court to establish a program for the treatment of certain eligible defendants who are veterans or members of the military. **Section 8** of this bill authorizes a court to suspend further proceedings, without entering a judgment of conviction and with the consent of an eligible defendant, and to place the defendant on probation with terms conditions that include successful completion of the program of treatment. **Section 8** also generally prohibits a court from assigning a defendant to a program of treatment if the defendant: (1) committed an offense for which the suspension of sentence or the granting of probation is prohibited by existing law; (2) committed an offense that involved the use of force or violence; or (3) was previously convicted of a felony that involved the use or threatened use of force or violence. **Section 9** of this bill requires a court, under certain circumstances, to seal documents relating to a case involving a defendant who was assigned to the program of treatment 3 years after the defendant is discharged from probation. **Sections 17 and 19** of this bill authorize justice courts and municipal courts to transfer original jurisdiction of certain cases involving misdemeanors to the district court for the purpose of assigning offenders to the program of treatment. (NRS 4.370, 5.050) **Sections 1, 16 and 18** of this bill also require a district court, justice court and municipal court to ask a defendant if he is a veteran or a member of the military. (NRS 176.015)

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

Section 1. NRS 176.015 is hereby amended to read as follows:

176.015 1. Sentence must be imposed without unreasonable delay. Pending sentence, the court may commit the defendant or continue or alter the bail.

2. Before imposing sentence, the court shall:

(a) Afford counsel an opportunity to speak on behalf of the defendant; and

(b) Address the defendant personally and ask him if ~~he~~ :

(1) He wishes to make a statement in his own behalf and to present any information in mitigation of punishment ~~[-]~~; and

(2) He is a veteran or a member of the military. If the defendant is a veteran or a member of the military and meets the qualifications of paragraphs (b) and (c) of subsection 2 of section 7 of this act, the court may, if appropriate, assign the defendant to:

(I) A program of treatment established pursuant to section 6 of this act; or

(II) If a program of treatment established pursuant to section 6 of this act is not available for the defendant, a program of treatment established pursuant to NRS 176A.250 or 453.580.

3. After hearing any statements presented pursuant to subsection 2 and before imposing sentence, the court shall afford the victim an opportunity to:



1 (a) Appear personally, by counsel or by personal representative;
2 and

3 (b) Reasonably express any views concerning the crime, the
4 person responsible, the impact of the crime on the victim and the
5 need for restitution.

6 4. The prosecutor shall give reasonable notice of the hearing to
7 impose sentence to:

8 (a) The person against whom the crime was committed;

9 (b) A person who was injured as a direct result of the
10 commission of the crime;

11 (c) The surviving spouse, parents or children of a person who
12 was killed as a direct result of the commission of the crime; and

13 (d) Any other relative or victim who requests in writing to be
14 notified of the hearing.

15 ➔ Any defect in notice or failure of such persons to appear are not
16 grounds for an appeal or the granting of a writ of habeas corpus. All
17 personal information, including, but not limited to, a current or
18 former address, which pertains to a victim or relative and which is
19 received by the prosecutor pursuant to this subsection is
20 confidential.

21 5. For the purposes of this section:

22 (a) *“Member of the military” has the meaning ascribed to it in*
23 *section 4 of this act.*

24 (b) “Relative” of a person includes:

25 (1) A spouse, parent, grandparent or stepparent;

26 (2) A natural born child, stepchild or adopted child;

27 (3) A grandchild, brother, sister, half brother or half sister; or

28 (4) A parent of a spouse.

29 ~~[(b)]~~ (c) *“Veteran” has the meaning ascribed to it in section 5*
30 *of this act.*

31 (d) “Victim” includes:

32 (1) A person, including a governmental entity, against whom
33 a crime has been committed;

34 (2) A person who has been injured or killed as a direct result
35 of the commission of a crime; and

36 (3) A relative of a person described in subparagraph (1)
37 or (2).

38 6. This section does not restrict the authority of the court to
39 consider any reliable and relevant evidence at the time of
40 sentencing.

41 **Sec. 2.** NRS 176.0613 is hereby amended to read as follows:

42 176.0613 1. The justices or judges of the justice or municipal
43 courts shall impose, in addition to an administrative assessment
44 imposed pursuant to NRS 176.059 and 176.0611, an administrative
45 assessment for the provision of specialty court programs.



2. Except as otherwise provided in subsection 3, when a defendant pleads guilty or guilty but mentally ill or is found guilty or guilty but mentally ill of a misdemeanor, including the violation of any municipal ordinance, the justice or judge shall include in the sentence the sum of \$7 as an administrative assessment for the provision of specialty court programs and render a judgment against the defendant for the assessment. If a defendant is sentenced to perform community service in lieu of a fine, the sentence must include the administrative assessment required pursuant to this subsection.

3. The provisions of subsection 2 do not apply to:

(a) An ordinance regulating metered parking; or

(b) An ordinance which is specifically designated as imposing a civil penalty or liability pursuant to NRS 244.3575 or 268.019.

4. The money collected for an administrative assessment for the provision of specialty court programs must not be deducted from the fine imposed by the justice or judge but must be taxed against the defendant in addition to the fine. The money collected for such an administrative assessment must be stated separately on the court's docket and must be included in the amount posted for bail. If bail is forfeited, the administrative assessment included in the bail pursuant to this subsection must be disbursed pursuant to subsection 6 or 7. If the defendant is found not guilty or the charges are dismissed, the money deposited with the court must be returned to the defendant. If the justice or judge cancels a fine because the fine has been determined to be uncollectible, any balance of the fine and the administrative assessment remaining unpaid shall be deemed to be uncollectible and the defendant is not required to pay it. If a fine is determined to be uncollectible, the defendant is not entitled to a refund of the fine or administrative assessment he has paid and the justice or judge shall not recalculate the administrative assessment.

5. If the justice or judge permits the fine and administrative assessment for the provision of specialty court programs to be paid in installments, the payments must be applied in the following order:

(a) To pay the unpaid balance of an administrative assessment imposed pursuant to NRS 176.059;

(b) To pay the unpaid balance of an administrative assessment for the provision of court facilities pursuant to NRS 176.0611;

(c) To pay the unpaid balance of an administrative assessment for the provision of specialty court programs; and

(d) To pay the fine.

6. The money collected for an administrative assessment for the provision of specialty court programs in municipal court must be



1 paid by the clerk of the court to the city treasurer on or before the
2 fifth day of each month for the preceding month. On or before the
3 15th day of that month, the city treasurer shall deposit the money
4 received for each administrative assessment with the State
5 Controller for credit to a special account in the State General Fund
6 administered by the Office of Court Administrator.

7 7. The money collected for an administrative assessment for
8 the provision of specialty court programs in justice courts must be
9 paid by the clerk of the court to the county treasurer on or before the
10 fifth day of each month for the preceding month. On or before the
11 15th day of that month, the county treasurer shall deposit the money
12 received for each administrative assessment with the State
13 Controller for credit to a special account in the State General Fund
14 administered by the Office of Court Administrator.

15 8. The Office of Court Administrator shall allocate the money
16 credited to the State General Fund pursuant to subsections 6 and 7 to
17 courts to assist with the funding or establishment of specialty court
18 programs.

19 9. Money that is apportioned to a court from administrative
20 assessments for the provision of specialty court programs must be
21 used by the court to:

22 (a) Pay for the treatment and testing of persons who participate
23 in the program; and

24 (b) Improve the operations of the specialty court program by any
25 combination of:

26 (1) Acquiring necessary capital goods;

27 (2) Providing for personnel to staff and oversee the specialty
28 court program;

29 (3) Providing training and education to personnel;

30 (4) Studying the management and operation of the program;

31 (5) Conducting audits of the program;

32 (6) Supplementing the funds used to pay for judges to
33 oversee a specialty court program; or

34 (7) Acquiring or using appropriate technology.

35 10. As used in this section:

36 (a) "Office of Court Administrator" means the Office of Court
37 Administrator created pursuant to NRS 1.320; and

38 (b) "Specialty court program" means a program established by a
39 court to facilitate testing, treatment and oversight of certain persons
40 over whom the court has jurisdiction and who the court has
41 determined suffer from a mental illness or abuses alcohol or drugs.
42 Such a program includes, without limitation, a program established
43 pursuant to NRS 176A.250 or 453.580 ~~§~~ *or section 6 of this act.*



1 **Sec. 3.** Chapter 176A of NRS is hereby amended by adding
2 thereto the provisions set forth as sections 4 to 9, inclusive, of this
3 act.

4 **Sec. 4.** *“Member of the military” means a person who is*
5 *presently serving in the Armed Forces of the United States, a*
6 *reserve component thereof or the National Guard.*

7 **Sec. 5.** *“Veteran” means a person who has served in the*
8 *Armed Forces of the United States, a reserve component thereof*
9 *or the National Guard and has been discharged or released*
10 *therefrom.*

11 **Sec. 6.** *A court may establish an appropriate program for the*
12 *treatment of veterans and members of the military to which it may*
13 *assign a defendant pursuant to section 8 of this act. The*
14 *assignment must include the terms and conditions for successful*
15 *completion of the program and provide for progress reports at*
16 *intervals set by the court to ensure that the defendant is making*
17 *satisfactory progress towards completion of the program.*

18 **Sec. 7. 1.** *A justice court or a municipal court may, upon*
19 *approval of the district court, transfer original jurisdiction to the*
20 *district court of a case involving an eligible defendant.*

21 2. As used in this section, “eligible defendant” means a
22 veteran or a member of the military who:

23 (a) *Has not tendered a plea of guilty, guilty but mentally ill or*
24 *nolo contendere to, or been found guilty or guilty but mentally ill*
25 *of, an offense that is a misdemeanor;*

26 (b) *Appears to suffer from mental illness, alcohol or drug*
27 *abuse or posttraumatic stress disorder, any of which appear to be*
28 *related to military service, including, without limitation, any*
29 *readjustment to civilian life which is necessary after combat*
30 *service; and*

31 (c) *Would benefit from assignment to a program established*
32 *pursuant to section 6 of this act.*

33 **Sec. 8. 1.** *Except as otherwise provided in subsection 2, if a*
34 *defendant who is a veteran or a member of the military and who*
35 *suffers from mental illness, alcohol or drug abuse or*
36 *posttraumatic stress disorder as described in section 7 of this act*
37 *tenders a plea of guilty, guilty but mentally ill or nolo contendere*
38 *to, or is found guilty or guilty but mentally ill of, any offense for*
39 *which the suspension of sentence or the granting of probation is*
40 *not prohibited by statute, the court may, without entering a*
41 *judgment of conviction and with the consent of the defendant,*
42 *suspend further proceedings and place the defendant on probation*
43 *upon terms and conditions that must include attendance and*
44 *successful completion of a program established pursuant to*
45 *section 6 of this act.*



2. If the offense committed by the defendant involved the use or threatened use of force or violence or if the defendant was previously convicted in this State or in any other jurisdiction of a felony that involved the use or threatened use of force or violence, the court may not assign the defendant to the program unless the prosecuting attorney stipulates to the assignment.

3. Upon violation of a term or condition:

(a) The court may enter a judgment of conviction and proceed as provided in the section pursuant to which the defendant was charged.

(b) Notwithstanding the provisions of paragraph (e) of subsection 2 of NRS 193.130, the court may order the defendant to the custody of the Department of Corrections if the offense is punishable by imprisonment in the state prison.

4. Upon fulfillment of the terms and conditions, the court shall discharge the defendant and dismiss the proceedings against him. Discharge and dismissal pursuant to this section is without adjudication of guilt and is not a conviction for purposes of this section or for purposes of employment, civil rights or any statute or regulation or license or questionnaire or for any other public or private purpose, but is a conviction for the purpose of additional penalties imposed for second or subsequent convictions or the setting of bail. Discharge and dismissal restores the defendant, in the contemplation of the law, to the status occupied before the arrest, indictment or information. The defendant may not be held thereafter under any law to be guilty of perjury or otherwise giving a false statement by reason of failure to recite or acknowledge that arrest, indictment, information or trial in response to an inquiry made of him for any purpose.

Sec. 9. 1. Three years after a defendant is discharged from probation pursuant to section 8 of this act, the court shall order sealed all documents, papers and exhibits in the defendant's record, minute book entries and entries on dockets, and other documents relating to the case in the custody of such other agencies and officers as are named in the court's order if the defendant fulfills the terms and conditions imposed by the court and the Division. The court shall order those records sealed without a hearing unless the Division petitions the court, for good cause shown, not to seal the records and requests a hearing thereon.

2. If the court orders sealed the record of a defendant discharged pursuant to section 8 of this act, the court shall send a copy of the order to each agency or officer named in the order. Each such agency or officer shall notify the court in writing of its compliance with the order.



Sec. 10. NRS 176A.010 is hereby amended to read as follows:

176A.010 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 176A.020 to 176A.080, inclusive, *and sections 4 and 5 of this act* have the meanings ascribed to them in those sections.

Sec. 11. NRS 176A.500 is hereby amended to read as follows:

176A.500 1. The period of probation or suspension of sentence may be indeterminate or may be fixed by the court and may at any time be extended or terminated by the court, but the period, including any extensions thereof, must not be more than:

(a) Three years for a:

(1) Gross misdemeanor; or

(2) Suspension of sentence pursuant to NRS 176A.260 or 453.3363 ~~H~~ *or section 8 of this act*; or

(b) Five years for a felony.

2. At any time during probation or suspension of sentence, the court may issue a warrant for violating any of the conditions of probation or suspension of sentence and cause the defendant to be arrested. Except for the purpose of giving a dishonorable discharge from probation, and except as otherwise provided in this subsection, the time during which a warrant for violating any of the conditions of probation is in effect is not part of the period of probation. If the warrant is cancelled or probation is reinstated, the court may include any amount of that time as part of the period of probation.

3. Any parole and probation officer or any peace officer with power to arrest may arrest a probationer without a warrant, or may deputize any other officer with power to arrest to do so by giving him a written statement setting forth that the probationer has, in the judgment of the parole and probation officer, violated the conditions of probation. Except as otherwise provided in subsection 4, the parole and probation officer ~~H~~ or the peace officer, after making an arrest, shall present to the detaining authorities, if any, a statement of the charges against the probationer. The parole and probation officer shall at once notify the court which granted probation of the arrest and detention or residential confinement of the probationer and shall submit a report in writing showing in what manner the probationer has violated the conditions of probation.

4. A parole and probation officer or a peace officer may immediately release from custody without any further proceedings any person he arrests without a warrant for violating a condition of probation if the parole and probation officer or peace officer determines that there is no probable cause to believe that the person violated the condition of probation.

5. An offender who is sentenced to serve a period of probation for a felony who has no serious infraction of the regulations of the



1 Division, the terms and conditions of his probation or the laws of
2 the State recorded against him, and who performs in a faithful,
3 orderly and peaceable manner the duties assigned to him, must be
4 allowed for the period of his probation a deduction of 20 days from
5 that period for each month he serves.

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

7 179.245 1. Except as otherwise provided in subsection 5 and
8 NRS 176A.265, 179.259 and 453.3365, *and section 9 of this act*, a
9 person may petition the court in which he was convicted for the
10 sealing of all records relating to a conviction of:

11 (a) A category A or B felony after 15 years from the date of his
12 release from actual custody or discharge from parole or probation,
13 whichever occurs later;

14 (b) A category C or D felony after 12 years from the date of his
15 release from actual custody or discharge from parole or probation,
16 whichever occurs later;

17 (c) A category E felony after 7 years from the date of his release
18 from actual custody or discharge from parole or probation,
19 whichever occurs later;

20 (d) Any gross misdemeanor after 7 years from the date of his
21 release from actual custody or discharge from probation, whichever
22 occurs later;

23 (e) A violation of NRS 484.379 or 484.379778 other than a
24 felony, or a battery which constitutes domestic violence pursuant to
25 NRS 33.018 other than a felony, after 7 years from the date of his
26 release from actual custody or from the date when he is no longer
27 under a suspended sentence, whichever occurs later; or

28 (f) Any other misdemeanor after 2 years from the date of his
29 release from actual custody or from the date when he is no longer
30 under a suspended sentence, whichever occurs later.

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

32 (a) Be accompanied by current, verified records of the
33 petitioner's criminal history received from:

34 (1) The Central Repository for Nevada Records of Criminal
35 History; and

36 (2) The local law enforcement agency of the city or county in
37 which the conviction was entered;

38 (b) Include a list of any other public or private agency,
39 company, official or other custodian of records that is reasonably
40 known to the petitioner to have possession of records of the
41 conviction and to whom the order to seal records, if issued, will be
42 directed; and

43 (c) Include information that, to the best knowledge and belief of
44 the petitioner, accurately and completely identifies the records to be
45 sealed.



3. Upon receiving a petition pursuant to this section, the court shall notify the law enforcement agency that arrested the petitioner for the crime and:

(a) If the person was convicted in a district court or justice court, the prosecuting attorney for the county; or

(b) If the person was convicted in a municipal court, the prosecuting attorney for the city.

➔ The prosecuting attorney and any person having relevant evidence may testify and present evidence at the hearing on the petition.

4. If, after the hearing, the court finds that, in the period prescribed in subsection 1, the petitioner has not been charged with any offense for which the charges are pending or convicted of any offense, except for minor moving or standing traffic violations, the court may order sealed all records of the conviction which are in the custody of the court, of another court in the State of Nevada or of a public or private agency, company or official in the State of Nevada, and may also order all such criminal identification records of the petitioner returned to the file of the court where the proceeding was commenced from, including, but not limited to, the Federal Bureau of Investigation, the California Bureau of Identification and Information, sheriffs' offices and all other law enforcement agencies reasonably known by either the petitioner or the court to have possession of such records.

5. A person may not petition the court to seal records relating to a conviction of a crime against a child or a sexual offense.

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

7. As used in this section:

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

(b) "Sexual offense" means:

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

(2) Sexual assault pursuant to NRS 200.366.

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

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

(5) An offense involving the administration of a drug to another person with the intent to enable or assist the commission of



1 a felony pursuant to NRS 200.405, if the felony is an offense listed
2 in this paragraph.

3 (6) An offense involving the administration of a controlled
4 substance to another person with the intent to enable or assist the
5 commission of a crime of violence pursuant to NRS 200.408, if the
6 crime of violence is an offense listed in this paragraph.

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

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

11 (9) Incest pursuant to NRS 201.180.

12 (10) Solicitation of a minor to engage in acts constituting the
13 infamous crime against nature pursuant to NRS 201.195.

14 (11) Open or gross lewdness pursuant to NRS 201.210, if
15 punishable as a felony.

16 (12) Indecent or obscene exposure pursuant to NRS 201.220,
17 if punishable as a felony.

18 (13) Lewdness with a child pursuant to NRS 201.230.

19 (14) Sexual penetration of a dead human body pursuant to
20 NRS 201.450.


21 (15) Luring a child or a person with mental illness pursuant
22 to NRS 201.560, if punishable as a felony.

23 (16) An attempt to commit an offense listed in subparagraphs
24 (1) to (15), inclusive.

25 **Sec. 13.** NRS 179.275 is hereby amended to read as follows:


26 179.275 Where the court orders the sealing of a record
27 pursuant to NRS 176A.265, 179.245, 179.255, 179.259 or 453.3365,
28 *or section 9 of this act*, a copy of the order must be sent to:

29 1. The Central Repository for Nevada Records of Criminal
30 History; and

31 2. Each public or private company, agency or official named in
32 the order, and that person shall seal the records in his custody which
33 relate to the matters contained in the order, shall advise the court of
34 his compliance  and shall then seal the order.

35 **Sec. 14.** NRS 179.285 is hereby amended to read as follows:

36 179.285 Except as otherwise provided in NRS 179.301:

37 1. If the court orders a record sealed pursuant to NRS
38 176A.265, 179.245, 179.255, 179.259 or 453.3365  *or section 9*
39 *of this act*:

40 (a) All proceedings recounted in the record are deemed never to
41 have occurred, and the person to whom the order pertains may
42 properly answer accordingly to any inquiry, including, without
43 limitation, an inquiry relating to an application for employment,
44 concerning the arrest, conviction, dismissal or acquittal and the



1 events and proceedings relating to the arrest, conviction, dismissal
2 or acquittal.

3 (b) The person is immediately restored to the following civil
4 rights if his civil rights previously have not been restored:

5 (1) The right to vote;

6 (2) The right to hold office; and

7 (3) The right to serve on a jury.

8 2. Upon the sealing of his records, a person who is restored to
9 his civil rights must be given an official document which
10 demonstrates that he has been restored to the civil rights set forth in
11 paragraph (b) of subsection 1.

12 3. A person who has had his records sealed in this State or any
13 other state and whose official documentation of the restoration of
14 his civil rights is lost, damaged or destroyed may file a written
15 request with a court of competent jurisdiction to restore his civil
16 rights pursuant to this section. Upon verification that the person has
17 had his records sealed, the court shall issue an order restoring the
18 person to the civil rights to vote, to hold office and to serve on a
19 jury. A person must not be required to pay a fee to receive such an
20 order.

21 4. A person who has had his records sealed in this State or any
22 other state may present official documentation that he has been
23 restored to his civil rights or a court order restoring his civil rights as
24 proof that he has been restored to the right to vote, to hold office and
25 to serve as a juror.

26 **Sec. 15.** NRS 179.295 is hereby amended to read as follows:

27 179.295 1. The person who is the subject of the records that
28 are sealed pursuant to NRS 176A.265, 179.245, 179.255, 179.259 or
29 453.3365 *or section 9 of this act* may petition the court that ordered
30 the records sealed to permit inspection of the records by a person
31 named in the petition, and the court may order such inspection.
32 Except as otherwise provided in this section and NRS 179.259 and
33 179.301, the court may not order the inspection of the records under
34 any other circumstances.

35 2. If a person has been arrested, the charges have been
36 dismissed and the records of the arrest have been sealed, the court
37 may order the inspection of the records by a prosecuting attorney
38 upon a showing that as a result of newly discovered evidence, the
39 person has been arrested for the same or *a* similar offense and that
40 there is sufficient evidence reasonably to conclude that he will stand
41 trial for the offense.

42 3. The court may, upon the application of a prosecuting
43 attorney or an attorney representing a defendant in a criminal action,
44 order an inspection of such records for the purpose of obtaining



1 information relating to persons who were involved in the incident
2 recorded.

3 4. This section does not prohibit a court from considering a
4 conviction for which records have been sealed pursuant to NRS
5 176A.265, 179.245, 179.255, 179.259 or 453.3365 *or section 9 of*
6 *this act* in determining whether to grant a petition pursuant to NRS
7 176A.265, 179.245, 179.255, 179.259 or 453.3365 *or section 9 of*
8 *this act* for a conviction of another offense.

9 **Sec. 16.** Chapter 4 of NRS is hereby amended by adding
10 thereto a new section to read as follows:

11 *1. Before accepting a plea from a defendant or proceeding to*
12 *trial, the justice of the peace shall address the defendant*
13 *personally and ask him if he is a veteran or a member of the*
14 *military.*

15 *2. If the defendant is a veteran or a member of the military*
16 *and meets the qualifications of section 7 of this act, the justice*
17 *court may, if appropriate, take any action authorized by law for*
18 *the purpose of having the defendant assigned to:*

19 *(a) A program of treatment established pursuant to section 6 of*
20 *this act; or*

21 *(b) If a program of treatment established pursuant to section 6*
22 *of this act is not available for the defendant, a program of*
23 *treatment established pursuant to NRS 176A.250 or 453.580.*

24 *3. As used in this section:*

25 *(a) "Member of the military" has the meaning ascribed to it in*
26 *section 4 of this act.*

27 *(b) "Veteran" has the meaning ascribed to it in section 5 of*
28 *this act.*

29 **Sec. 17.** NRS 4.370 is hereby amended to read as follows:

30 4.370 1. Except as otherwise provided in subsection 2, justice
31 courts have jurisdiction of the following civil actions and
32 proceedings and no others except as otherwise provided by specific
33 statute:

34 *(a) In actions arising on contract for the recovery of money only,*
35 *if the sum claimed, exclusive of interest, does not exceed \$10,000.*

36 *(b) In actions for damages for injury to the person, or for taking,*
37 *detaining or injuring personal property, or for injury to real property*
38 *where no issue is raised by the verified answer of the defendant*
39 *involving the title to or boundaries of the real property, if the*
40 *damage claimed does not exceed \$10,000.*

41 *(c) Except as otherwise provided in paragraph (1), in actions for*
42 *a fine, penalty or forfeiture not exceeding \$10,000, given by statute*
43 *or the ordinance of a county, city or town, where no issue is raised*
44 *by the answer involving the legality of any tax, impost, assessment,*
45 *toll or municipal fine.*



(d) In actions upon bonds or undertakings conditioned for the payment of money, if the sum claimed does not exceed \$10,000, though the penalty may exceed that sum. Bail bonds and other undertakings posted in criminal matters may be forfeited regardless of amount.

(e) In actions to recover the possession of personal property, if the value of the property does not exceed \$10,000.

(f) To take and enter judgment on the confession of a defendant, when the amount confessed, exclusive of interest, does not exceed \$10,000.

(g) Of actions for the possession of lands and tenements where the relation of landlord and tenant exists, when damages claimed do not exceed \$10,000 or when no damages are claimed.

(h) Of actions when the possession of lands and tenements has been unlawfully or fraudulently obtained or withheld, when damages claimed do not exceed \$10,000 or when no damages are claimed.

(i) Of suits for the collection of taxes, where the amount of the tax sued for does not exceed \$10,000.

(j) Of actions for the enforcement of mechanics' liens, where the amount of the lien sought to be enforced, exclusive of interest, does not exceed \$10,000.

(k) Of actions for the enforcement of liens of owners of facilities for storage, where the amount of the lien sought to be enforced, exclusive of interest, does not exceed \$10,000.

(l) In actions for a fine imposed for a violation of NRS 484.757.

(m) Except as otherwise provided in this paragraph, in any action for the issuance of a temporary or extended order for protection against domestic violence. A justice court does not have jurisdiction in an action for the issuance of a temporary or extended order for protection against domestic violence:

(1) In a county whose population is more than 100,000 and less than 400,000;

(2) In any township whose population is 100,000 or more located within a county whose population is more than 400,000; or

(3) If a district court issues a written order to the justice court requiring that further proceedings relating to the action for the issuance of the order for protection be conducted before the district court.

(n) In an action for the issuance of a temporary or extended order for protection against harassment in the workplace pursuant to NRS 33.200 to 33.360, inclusive.

(o) In small claims actions under the provisions of chapter 73 of NRS.



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(p) In actions to contest the validity of liens on mobile homes or manufactured homes.

(q) In any action pursuant to NRS 200.591 for the issuance of a protective order against a person alleged to be committing the crime of stalking, aggravated stalking or harassment.

(r) In actions transferred from the district court pursuant to NRS 3.221.

(s) In any action for the issuance of a temporary or extended order pursuant to NRS 33.400.

2. The jurisdiction conferred by this section does not extend to civil actions, other than for forcible entry or detainer, in which the title of real property or mining claims or questions affecting the boundaries of land are involved.

3. Justice courts have jurisdiction of all misdemeanors and no other criminal offenses except as otherwise provided by specific statute. Upon approval of the district court, a justice court may transfer original jurisdiction of a misdemeanor to the district court for the purpose of assigning an offender to a program established pursuant to NRS 176A.250 **or section 6 of this act.**

4. Except as otherwise provided in subsections 5 and 6, in criminal cases the jurisdiction of justices of the peace extends to the limits of their respective counties.

5. In the case of any arrest made by a member of the Nevada Highway Patrol, the jurisdiction of the justices of the peace extends to the limits of their respective counties and to the limits of all counties which have common boundaries with their respective counties.

6. Each justice court has jurisdiction of any violation of a regulation governing vehicular traffic on an airport within the township in which the court is established.

Sec. 18. Chapter 5 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Before accepting a plea from a defendant or proceeding to trial, the municipal judge shall address the defendant personally and ask him if he is a veteran or a member of the military.

2. If the defendant is a veteran or a member of the military and meets the qualifications of section 7 of this act, the municipal court may, if appropriate, take any action authorized by law for the purpose of having the defendant assigned to:

(a) A program of treatment established pursuant to section 6 of this act; or

(b) If a program of treatment established pursuant to section 6 of this act is not available for the defendant, a program of treatment established pursuant to NRS 176A.250 or 453.580.

3. As used in this section:



1 (a) *“Member of the military” has the meaning ascribed to it in*
2 *section 4 of this act.*

3 (b) *“Veteran” has the meaning ascribed to it in section 5 of*
4 *this act.*

5 **Sec. 19.** NRS 5.050 is hereby amended to read as follows:

6 5.050 1. Municipal courts have jurisdiction of civil actions or
7 proceedings:

8 (a) For the violation of any ordinance of their respective cities.

9 (b) To prevent or abate a nuisance within the limits of their
10 respective cities.

11 2. The municipal courts have jurisdiction of all misdemeanors
12 committed in violation of the ordinances of their respective cities.
13 Upon approval of the district court, a municipal court may transfer
14 original jurisdiction of a misdemeanor to the district court for the
15 purpose of assigning an offender to a program established pursuant
16 to NRS 176A.250 ~~§~~ *or section 6 of this act.*

17 3. The municipal courts have jurisdiction of:

18 (a) Any action for the collection of taxes or assessments levied
19 for city purposes, when the principal sum thereof does not exceed
20 \$2,500.

21 (b) Actions to foreclose liens in the name of the city for the
22 nonpayment of those taxes or assessments when the principal sum
23 claimed does not exceed \$2,500.

24 (c) Actions for the breach of any bond given by any officer or
25 person to or for the use or benefit of the city, and of any action for
26 damages to which the city is a party, and upon all forfeited
27 recognizances given to or for the use or benefit of the city, and upon
28 all bonds given on appeals from the municipal court in any of the
29 cases named in this section, when the principal sum claimed does
30 not exceed \$2,500.

31 (d) Actions for the recovery of personal property belonging to
32 the city, when the value thereof does not exceed \$2,500.

33 (e) Actions by the city for the collection of any damages, debts
34 or other obligations when the amount claimed, exclusive of costs or
35 attorney’s fees, or both if allowed, does not exceed \$2,500.

36 4. Nothing contained in subsection 3 gives the municipal court
37 jurisdiction to determine any such cause when it appears from the
38 pleadings that the validity of any tax, assessment or levy, or title to
39 real property, is necessarily an issue in the cause, in which case the
40 court shall certify the cause to the district court in like manner and
41 with the same effect as provided by law for certification of causes
42 by justice courts.

43 **Sec. 20.** The amendatory provisions of this act do not apply to
44 offenses committed before July 1, 2009.



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1 **Sec. 21.** This act becomes effective on July 1, 2009.

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