
ASSEMBLY BILL NO. 136—ASSEMBLYWOMAN NEAL

PREFILED FEBRUARY 10, 2017

Referred to Committee on Judiciary

SUMMARY—Revises provisions governing bail in certain criminal cases. (BDR 14-708)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: No.

~

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

AN ACT relating to criminal procedure; providing that certain defendants must be admitted to bail on an unsecured bond; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 The Nevada Constitution and existing law provide that all persons arrested for
2 offenses other than murder of the first degree must be admitted to bail unless
3 certain circumstances apply. (Nev. Const. Art. 1, § 7; NRS 178.484) Existing law
4 also provides, with certain exceptions, that if a defendant can be admitted to bail
5 without appearing personally before a magistrate, the defendant must be so
6 admitted with the least possible delay and must be required to appear before a
7 magistrate at the earliest convenient time thereafter. (NRS 171.178)
8 This bill provides that a defendant who can be admitted to bail without
9 appearing before a magistrate must be admitted on an unsecured bond if the
10 defendant: (1) was arrested for a misdemeanor which does not involve an act of
11 violence; (2) was not arrested while on bail; and (3) does not have a record of
12 failing to appear after release on bail or without bail. This bill defines an
13 “unsecured bond” as a bond which does not require advance payment and is a
14 monetary sum that the defendant agrees to pay at a later time if the defendant,
15 without good cause, fails to appear when the defendant’s presence in court is
16 lawfully required.



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 a new section to read as follows:

3 1. *If, pursuant to subsection 5 of NRS 171.178, a defendant*
4 *can be admitted to bail without appearing personally before a*
5 *magistrate, the defendant must be admitted to bail on an*
6 *unsecured bond if the defendant:*

7 (a) *Was arrested for a misdemeanor which does not involve an*
8 *act of violence;*

9 (b) *Was not arrested while on bail; and*

10 (c) *Does not have a record of failing to appear after release on*
11 *bail or without bail.*

12 2. *As used in this section, “unsecured bond” means a bond*
13 *which does not require any advance payment and is a monetary*
14 *sum that a defendant agrees to pay at a later time if the defendant,*
15 *without good cause, fails to appear when the defendant’s presence*
16 *in court is lawfully required.*

Ⓢ



* A B 1 3 6 *