

ASSEMBLY BILL NO. 470—ASSEMBLYMAN YEAGER

MARCH 27, 2017

Referred to Committee on Judiciary

SUMMARY—Authorizes the creation of a preprosecution diversion program for defendants charged with certain misdemeanor offenses. (BDR 14-1062)

FISCAL NOTE: Effect on Local Government: May have Fiscal Impact.
Effect on the State: Yes.

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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; authorizing the creation of a preprosecution diversion program for defendants charged with certain misdemeanor offenses; establishing qualifications for participation in such a program; requiring discharge of the defendant and dismissal of the original charge upon the successful completion of such a program; requiring a defendant who fails to complete the program to enter a plea on the original charge; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 Existing law creates a diversion program for certain offenders who have
2 violated the terms of their probation. (NRS 209.4291) Existing law authorizes a
3 court to assign such an offender to a program of treatment for mental illness or
4 substance abuse issues. (NRS 209.4293) Existing law also authorizes a person who
5 has successfully completed a preprosecution diversion program to request that any
6 biological or DNA sample which was provided by the person to the State be
7 destroyed. (NRS 176.09125) **Sections 2-5** of this bill authorize the creation of a
8 preprosecution diversion program for certain persons who have been accused of
9 committing certain crimes which are punishable as a misdemeanor. **Section 2**
10 provides that if such a program has been created, the court may determine that a
11 defendant is eligible to complete the preprosecution diversion program if the
12 defendant: (1) is charged with a misdemeanor other than a violent crime, driving
13 under the influence of intoxicating liquor or a controlled substance, vehicular
14 manslaughter or a minor traffic offense; (2) has not previously been convicted of a
15 crime other than a minor traffic offense; and (3) has not been previously ordered by
16 a court to complete a preprosecution diversion program in this State. If a justice
17 court or municipal court has developed a preprosecution diversion program
18 pursuant to **section 3** of this bill, **section 2** authorizes, but does not require, the



19 justice court or municipal court to order a defendant to complete a preprosecution
20 diversion program and provides that the decision of the court relating to the
21 participation of a defendant in the program may not be appealed.

22 **Section 3** of this bill authorizes a justice court or municipal court to develop a
23 preprosecution diversion program. **Section 3** requires a justice court or municipal
24 court to establish the terms and conditions which a defendant must complete as part
25 of such a preprosecution diversion program, if a defendant is ordered to complete
26 such a program pursuant to **section 2**. **Section 3** authorizes the court to include in
27 the terms and conditions that the defendant complete a program of treatment and to
28 impose any appropriate sanctions on the defendant, which may include, without
29 limitation, community service, restitution or a curfew. **Section 3** requires the court
30 to issue an order containing the terms and conditions for successful completion of
31 such a preprosecution diversion program. **Section 3** provides that the defendant
32 must: (1) complete the program before the date established by the court in the
33 order, which must not be more than 18 months after the date of the order; and (2)
34 appear before the court at least once every 3 months for a status hearing. **Section 4**
35 of this bill requires the court to dismiss the charge or charges against the defendant
36 if he or she successfully completes the terms and conditions of such a
37 preprosecution diversion program. Finally, **section 4** of this bill requires a
38 defendant who fails to complete the terms and conditions of such a preprosecution
39 diversion program to be dismissed from the program and be prosecuted in the
40 normal manner provided by law.

41 Existing law requires the criminal records of a defendant to be sealed and
42 treated as confidential if a defendant is acquitted or the charges are dropped, a
43 certain period of time has passed since the conviction or if he or she completes a
44 program for reentry or a program of treatment for: (1) veterans and the members of
45 the military; (2) persons with mental illness or intellectual disabilities; or (3)
46 substance abuse issues. (NRS 176A.265, 176A.295, 179.245, 179.255, 179.259,
47 453.3365, 458.330) **Sections 5 and 10-12** of this bill similarly provide that the
48 criminal records of a defendant who has successfully completed a preprosecution
49 diversion program are sealed and confidential except as otherwise required by law.
50 **Section 7** of this bill authorizes the defendant to request that any biological or DNA
51 sample provided to the State by the defendant be destroyed upon the successful
52 completion of the preprosecution diversion program.

53 Existing law authorizes a court to establish a program of treatment for certain
54 offenders who are charged with specified offenses, including, without limitation,
55 veterans and members of the military, persons with mental illness or intellectual
56 disabilities or persons with substance abuse issues. (NRS 176A.250, 176A.280,
57 453.580) **Sections 3, 8, 9 and 13** of this bill authorize a justice court or municipal
58 court, as part of a preprosecution diversion program, to require a defendant to
59 complete a program of treatment. **Section 3** provides that such a program of
60 treatment may include, without limitation, a program of treatment for veterans and
61 members of the military, persons with mental illness or intellectual disabilities or
62 persons with substance abuse issues, educational programs, participation in a
63 support group, anger management therapy or counseling.



* A B 4 7 0 R 2 *

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

1 **Section 1.** Chapter 174 of NRS is hereby amended by adding
2 thereto the provisions set forth as sections 2 to 5, inclusive, of this
3 act.

4 **Sec. 2. 1.** *At the arraignment of a defendant in justice court*
5 *or municipal court, but before the entry of a plea, the court may*
6 *determine whether the defendant is eligible for assignment to a*
7 *preprosecution diversion program established pursuant to section*
8 *3 of this act. The court shall receive input from the prosecuting*
9 *attorney and the attorney for the defendant, if any, whether the*
10 *defendant would benefit from and is eligible for assignment to the*
11 *program.*

12 **2.** *A defendant may be determined to be eligible by the court*
13 *for assignment to a preprosecution diversion program if the*
14 *defendant:*

15 **(a)** *Is charged with a misdemeanor other than:*

16 **(1)** *A crime of violence as defined in NRS 200.408;*

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

18 **(3)** *Driving under the influence of intoxicating liquor or a*
19 *controlled substance in violation of NRS 484C.110, 484C.120 or*
20 *484C.130; or*

21 **(4)** *A minor traffic offense; and*

22 **(b)** *Has not previously been:*

23 **(1)** *Convicted of violating any criminal law other than a*
24 *minor traffic offense; or*

25 **(2)** *Ordered by a court to complete a preprosecution*
26 *diversion program in this State.*

27 **3.** *If a defendant is determined to be eligible for assignment*
28 *to a preprosecution diversion program pursuant to subsection 2,*
29 *the justice court or municipal court may order the defendant to*
30 *complete the program pursuant to subsection 5 of section 3 of this*
31 *act.*

32 **4.** *A defendant has no right to complete a preprosecution*
33 *diversion program or to appeal the decision of the justice court or*
34 *municipal court relating to the participation of the defendant in*
35 *such a program.*

36 **Sec. 3. 1.** *A justice court or municipal court may establish*
37 *a preprosecution diversion program to which it may assign a*
38 *defendant if he or she is determined to be eligible pursuant to*
39 *section 2 of this act.*

40 **2.** *If a defendant is determined to be eligible for assignment*
41 *to a preprosecution diversion program pursuant to section 2 of this*
42 *act, the justice or municipal court must receive input from the*



1 *prosecuting attorney, the attorney for the defendant, if any, and*
2 *the defendant relating to the terms and conditions for the*
3 *defendant's participation in the program.*

4 *3. A preprosecution diversion program established by a*
5 *justice court or municipal court pursuant to this section may*
6 *include, without limitation:*

7 *(a) A program of treatment which may rehabilitate a*
8 *defendant, including, without limitation, educational programs,*
9 *participation in a support group, anger management therapy,*
10 *counseling or a program of treatment for veterans and members of*
11 *the military, mental illness or intellectual disabilities or the abuse*
12 *of alcohol or drugs;*

13 *(b) Any appropriate sanctions to impose on a defendant, which*
14 *may include, without limitation, community service, restitution,*
15 *prohibiting contact with certain persons or the imposition of a*
16 *curfew; and*

17 *(c) Any other factor which may be relevant to determining an*
18 *appropriate program of treatment or sanctions to require for*
19 *participation of a defendant in the preprosecution diversion*
20 *program.*

21 *4. If the justice court or municipal court determines that a*
22 *defendant may be rehabilitated by a program of treatment for*
23 *veterans and members of the military, persons with mental illness*
24 *or intellectual disabilities or the abuse of alcohol or drugs, the*
25 *court may refer the defendant to an appropriate program of*
26 *treatment established pursuant to NRS 176A.250, 176A.280 or*
27 *453.580. The court shall retain jurisdiction over the defendant*
28 *while the defendant completes such a program of treatment.*

29 *5. The justice court or municipal court shall, when assigning*
30 *a defendant to a preprosecution diversion program, issue an order*
31 *setting forth the terms and conditions for successful completion of*
32 *the preprosecution diversion program, which may include, without*
33 *limitation:*

34 *(a) Any program of treatment the defendant is required to*
35 *complete;*

36 *(b) Any sanctions and the manner in which they must be*
37 *carried out by the defendant;*

38 *(c) The date by which the terms and conditions must be*
39 *completed by the defendant, which must not be more than 18*
40 *months after the date of the order;*

41 *(d) A requirement that the defendant appear before the court*
42 *at least one time every 3 months for a status hearing on the*
43 *progress of the defendant toward completion of the terms and*
44 *conditions set forth in the order; and*



1 (e) A notice relating to the provisions of subsection 3 of section
2 4 of this act.

3 6. A defendant assigned to a preprosecution diversion
4 program shall pay the cost of any program of treatment required
5 by this section to the extent of his or her financial resources. The
6 court shall not refuse to place a defendant in a program of
7 treatment if the defendant does not have the financial resources to
8 pay any or all of the costs of such program.

9 7. If restitution is ordered to be paid pursuant to subsection 5,
10 the defendant must make a good faith effort to pay the required
11 amount of restitution in full. If the justice court or municipal
12 court determines that a defendant is unable to pay such
13 restitution, the court must require the defendant to enter into a
14 judgment by confession for the amount of restitution.

15 **Sec. 4. 1.** If the justice court or municipal court determines
16 that a defendant has successfully completed the terms and
17 conditions of a preprosecution diversion program ordered
18 pursuant to subsection 5 of section 3 of this act, the court must
19 discharge the defendant and dismiss the indictment, information,
20 complaint or citation.

21 2. Discharge and dismissal pursuant to subsection 1 is
22 without adjudication of guilt and is not a conviction for purposes
23 of employment, civil rights or any statute or regulation or license
24 or questionnaire or for any other public or private purpose.
25 Discharge and dismissal restores the defendant, in the
26 contemplation of the law, to the status occupied before the
27 indictment, information, complaint or citation. The defendant may
28 not be held thereafter under any law to be guilty of perjury or
29 otherwise giving a false statement by reason of failure to recite or
30 acknowledge the indictment, information, complaint or citation in
31 response to an inquiry made of the defendant for any purpose.

32 3. If the justice court or municipal court determines that a
33 defendant has not successfully completed the terms or conditions
34 of a preprosecution diversion program ordered pursuant to
35 subsection 5 of section 3 of this act, the court must issue an order
36 terminating the participation of the defendant in the
37 preprosecution diversion program and order the defendant to
38 appear for an arraignment to enter a plea based on the original
39 indictment, information, complaint or citation pursuant to
40 NRS 174.015.

41 **Sec. 5. 1.** If the defendant is discharged and the indictment,
42 information, complaint or citation is dismissed pursuant to section
43 4 of this act, the justice court or municipal court must order sealed
44 all documents, papers and exhibits in the record of the defendant,
45 minute book entries and entries on dockets, and other documents



1 *relating to the case in the custody of such other agencies and*
2 *officers as are named in the order of the court. The court shall*
3 *order those records sealed without a hearing unless the district*
4 *attorney petitions the court, for good cause shown, not to seal the*
5 *records and requests a hearing thereon.*

6 *2. If the justice court or municipal court orders the record of*
7 *a defendant sealed, the defendant must send a copy of the order to*
8 *each agency or officer named in the order. Each such agency or*
9 *officer shall notify the court in writing of its compliance with the*
10 *order.*

11 **Sec. 6.** NRS 174.015 is hereby amended to read as follows:

12 174.015 1. ~~Arrest~~ *Except as otherwise provided in*
13 *subsection 3, arraignment* shall be conducted in open court and
14 shall consist of reading the indictment or information to the
15 defendant or stating the substance of the charge and calling on the
16 defendant to plead thereto. The defendant shall be given a copy of
17 the indictment or information before the defendant is called upon to
18 plead.

19 2. In justice court ~~or~~ *or municipal court*, before the trial
20 commences, the complaint must be distinctly read to the defendant
21 before the defendant is called upon to plead.

22 *3. In justice court or municipal court, before the defendant is*
23 *called upon to plead, the court shall determine whether the*
24 *defendant is eligible for assignment to a preprosecution diversion*
25 *program pursuant to section 2 of this act.*

26 **Sec. 7.** NRS 176.09125 is hereby amended to read as follows:

27 176.09125 1. A person whose record of criminal history
28 indicates the collection of a biological specimen and whose DNA
29 profile and DNA record have been included in the State DNA
30 Database and CODIS pursuant to NRS 176.09123 may make a
31 written request to the Central Repository for Nevada Records of
32 Criminal History, using the form created pursuant to NRS
33 176.09165, that the biological specimen be destroyed and the DNA
34 profile and DNA record be purged from the forensic laboratory, the
35 State DNA Database and CODIS on the grounds that:

36 (a) The conviction on which the authority for keeping the
37 biological specimen or the DNA profile or DNA record has been
38 reversed and the case dismissed; or

39 (b) The arrest which led to the inclusion of the biological
40 specimen or the DNA profile or DNA record:

41 (1) Has resulted in a felony charge that has been resolved by
42 a dismissal, the successful completion of a preprosecution diversion
43 program ~~or~~ *pursuant to section 4 of this act*, a conditional
44 discharge, an acquittal or an agreement entered into by a prosecuting
45 attorney and a defendant in which the defendant, in exchange for a



1 plea of guilty, guilty but mentally ill or nolo contendere, receives a
2 charge other than a felony; or

3 (2) Has not resulted in any additional criminal charge for a
4 felony within 3 years after the date of the arrest.

5 2. Within 6 weeks after receiving a written request pursuant to
6 subsection 1, the Central Repository for Nevada Records of
7 Criminal History shall forward the request and all supporting
8 documentation to the forensic laboratory holding the biological
9 specimen. Except as otherwise provided in subsection 3, upon
10 receipt of the written request, the forensic laboratory shall destroy
11 any biological specimen from the person and purge the DNA profile
12 of the person if the written request is accompanied by:

13 (a) A certified copy of the court order reversing and dismissing
14 the conviction; or

15 (b) For any biological specimen obtained pursuant to an arrest
16 for which a biological specimen must be provided pursuant to
17 NRS 176.09123:

18 (1) A certified copy of the dismissal, the successful
19 completion of a preprosecution diversion program ~~+~~ *pursuant to*
20 *section 4 of this act*, a conditional discharge, an acquittal or the
21 agreement entered into by the prosecuting attorney and the
22 defendant in which the defendant, in exchange for a plea of guilty,
23 guilty but mentally ill or nolo contendere, received a charge other
24 than a felony; or

25 (2) A sworn affidavit from the law enforcement agency
26 which submitted the biological specimen that no felony charges
27 arising from the arrest have been filed within 3 years after the date
28 of the arrest.

29 3. The forensic laboratory shall not destroy a biological
30 specimen or purge the DNA profile of a person if the forensic
31 laboratory is notified by a law enforcement agency that the person
32 has a prior felony, a new felony arrest or a pending felony charge
33 for which collection of a biological specimen is authorized pursuant
34 to NRS 176.09123.

35 4. If a forensic laboratory:

36 (a) Determines that the requirements to destroy a biological
37 specimen or purge a DNA profile or DNA record of a person have
38 not been met, the forensic laboratory shall notify the Central
39 Repository of Nevada Records of Criminal History of that fact. The
40 Central Repository shall, as soon as reasonably practicable, notify
41 the person that his or her request has been denied.

42 (b) Destroys a biological specimen and purges a DNA profile
43 pursuant to this section, the forensic laboratory shall take the
44 following actions:



1 (1) Notify the State DNA Database that the DNA profile and
2 DNA record of the person must be purged from the State DNA
3 Database and from CODIS. Upon receipt of such notification, the
4 DNA profile and DNA record of the person must be purged from
5 the State DNA Database and CODIS.

6 (2) Notify the Central Repository for Nevada Records of
7 Criminal History that the forensic laboratory has destroyed the
8 biological specimen and purged the DNA profile of the person and
9 has notified the State DNA Database that the DNA profile and DNA
10 record of the person must be purged from the State DNA Database
11 and CODIS. Upon receipt of such notification, the Central
12 Repository shall, as soon as reasonably practicable, notify the
13 person that his or her request has been granted, his or her biological
14 specimen has been destroyed by the forensic laboratory and his or
15 her DNA profile and DNA record have been purged from the
16 forensic laboratory, the State DNA Database and CODIS.

17 **Sec. 8.** NRS 176A.250 is hereby amended to read as follows:

18 176A.250 A court may establish an appropriate program for
19 the treatment of mental illness or intellectual disabilities to which it
20 may assign a defendant pursuant to NRS 176A.260 **H or section 3**
21 **of this act.** The assignment must include the terms and conditions
22 for successful completion of the program and provide for progress
23 reports at intervals set by the court to ensure that the defendant is
24 making satisfactory progress towards completion of the program.

25 **Sec. 9.** NRS 176A.280 is hereby amended to read as follows:

26 176A.280 A court may establish an appropriate program for
27 the treatment of veterans and members of the military to which it
28 may assign a defendant pursuant to NRS 176A.290 **H or section 3**
29 **of this act.** The assignment must include the terms and conditions
30 for successful completion of the program and provide for progress
31 reports at intervals set by the court to ensure that the defendant is
32 making satisfactory progress towards completion of the program.

33 **Sec. 10.** NRS 179.275 is hereby amended to read as follows:

34 179.275 Where the court orders the sealing of a record
35 pursuant to NRS 176A.265, 176A.295, 179.245, 179.255, 179.259,
36 453.3365 or 458.330, **or section 5 of this act,** a copy of the order
37 must be sent to:

38 1. The Central Repository for Nevada Records of Criminal
39 History; and

40 2. Each agency of criminal justice and each public or private
41 company, agency, official or other custodian of records named in
42 the order, and that person shall seal the records in his or her custody
43 which relate to the matters contained in the order, shall advise the
44 court of compliance and shall then seal the order.



1 **Sec. 11.** NRS 179.285 is hereby amended to read as follows:

2 179.285 Except as otherwise provided in NRS 179.301:

3 1. If the court orders a record sealed pursuant to NRS
4 176A.265, 176A.295, 179.245, 179.255, 179.259, 453.3365 or
5 458.330 ~~+~~ *or section 5 of this act*:

6 (a) All proceedings recounted in the record are deemed never to
7 have occurred, and the person to whom the order pertains may
8 properly answer accordingly to any inquiry, including, without
9 limitation, an inquiry relating to an application for employment,
10 concerning the arrest, conviction, dismissal or acquittal and the
11 events and proceedings relating to the arrest, conviction, dismissal
12 or acquittal.

13 (b) The person is immediately restored to the following civil
14 rights if the person's civil rights previously have not been restored:

- 15 (1) The right to vote;
16 (2) The right to hold office; and
17 (3) The right to serve on a jury.

18 2. Upon the sealing of the person's records, a person who is
19 restored to his or her civil rights pursuant to subsection 1 must be
20 given:

21 (a) An official document which demonstrates that the person has
22 been restored to the civil rights set forth in paragraph (b) of
23 subsection 1; and

24 (b) A written notice informing the person that he or she has not
25 been restored to the right to bear arms, unless the person has
26 received a pardon and the pardon does not restrict his or her right to
27 bear arms.

28 3. A person who has had his or her records sealed in this State
29 or any other state and whose official documentation of the
30 restoration of civil rights is lost, damaged or destroyed may file a
31 written request with a court of competent jurisdiction to restore his
32 or her civil rights pursuant to this section. Upon verification that the
33 person has had his or her records sealed, the court shall issue an
34 order restoring the person to the civil rights to vote, to hold office
35 and to serve on a jury. A person must not be required to pay a fee to
36 receive such an order.

37 4. A person who has had his or her records sealed in this State
38 or any other state may present official documentation that the person
39 has been restored to his or her civil rights or a court order restoring
40 civil rights as proof that the person has been restored to the right to
41 vote, to hold office and to serve as a juror.

42 **Sec. 12.** NRS 179.295 is hereby amended to read as follows:

43 179.295 1. The person who is the subject of the records that
44 are sealed pursuant to NRS 176A.265, 176A.295, 179.245, 179.255,
45 179.259, 453.3365 or 458.330 *or section 5 of this act* may petition



1 the court that ordered the records sealed to permit inspection of the
2 records by a person named in the petition, and the court may order
3 such inspection. Except as otherwise provided in this section,
4 subsection 8 of NRS 179.255 and NRS 179.259 and 179.301, the
5 court may not order the inspection of the records under any other
6 circumstances.

7 2. If a person has been arrested, the charges have been
8 dismissed and the records of the arrest have been sealed, the court
9 may order the inspection of the records by a prosecuting attorney
10 upon a showing that as a result of newly discovered evidence, the
11 person has been arrested for the same or a similar offense and that
12 there is sufficient evidence reasonably to conclude that the person
13 will stand trial for the offense.

14 3. The court may, upon the application of a prosecuting
15 attorney or an attorney representing a defendant in a criminal action,
16 order an inspection of such records for the purpose of obtaining
17 information relating to persons who were involved in the incident
18 recorded.

19 4. This section does not prohibit a court from considering a
20 conviction for which records have been sealed pursuant to NRS
21 176A.265, 176A.295, 179.245, 179.255, 179.259, 453.3365 or
22 458.330 *or section 5 of this act* in determining whether to grant a
23 petition pursuant to NRS 176A.265, 176A.295, 179.245, 179.255,
24 179.259, 453.3365 or 458.330 for a conviction of another offense.

25 **Sec. 13.** NRS 453.580 is hereby amended to read as follows:

26 453.580 1. A court may establish an appropriate treatment
27 program to which it may assign a person pursuant to subsection 4 of
28 NRS 453.336, NRS 453.3363 or 458.300 ~~H~~ *or section 3 of this act,*
29 *or* it may assign such a person to an appropriate treatment provider.
30 The assignment must include the terms and conditions for successful
31 completion of the program and provide for progress reports at
32 intervals set by the court to ensure that the person is making
33 satisfactory progress toward completion of the program.

34 2. A program to which a court assigns a person pursuant to
35 subsection 1 must include:

36 (a) Information and encouragement for the participant to cease
37 abusing alcohol or using controlled substances through educational,
38 counseling and support sessions developed with the cooperation of
39 various community, health, substance abuse, religious, social service
40 and youth organizations;

41 (b) The opportunity for the participant to understand the
42 medical, psychological and social implications of substance abuse;
43 and

44 (c) Alternate courses within the program based on the different
45 substances abused and the addictions of participants.



1 3. If the offense with which the person was charged involved
2 the use or possession of a controlled substance, in addition to the
3 program or as a part of the program, the court must also require
4 random testing or screening to determine that the person is not using
5 a controlled substance.

6 4. Before the court assigns a person to a program pursuant to
7 this section, the person must agree to pay the cost of the program to
8 which the person is assigned and the cost of any additional
9 supervision required pursuant to subsection 3, to the extent of the
10 financial resources of the person. If the person does not have the
11 financial resources to pay all of the related costs, the court shall, to
12 the extent practicable, arrange for the person to be assigned to a
13 program with a treatment provider that receives a sufficient amount
14 of federal or state funding to offset the remainder of the costs.

15 5. If a court places a person under the supervision of a
16 treatment provider to receive treatment for the abuse of alcohol or
17 use of controlled substances pursuant to this section, the court may
18 authorize the person to complete any period of treatment remaining
19 under the supervision of a treatment provider in another jurisdiction
20 if the court determines that:

21 (a) The person is eligible to receive treatment under a program
22 of treatment in the other jurisdiction; and

23 (b) The program of treatment in the other jurisdiction is
24 substantially similar to the program of treatment to which the person
25 is assigned in this State.

26 6. As used in this section:

27 (a) "Treatment provider" has the meaning ascribed to it in
28 NRS 458.010.

29 (b) "Treatment provider in another jurisdiction" means a person
30 or a public or private agency, residential treatment center, facility
31 for the treatment of abuse of alcohol or drugs, or voluntary
32 organization which holds a license, certificate or other credential
33 issued by a regulatory agency in another jurisdiction.

