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ASSEMBLY BILL NO. 427—COMMITTEE ON JUDICIARY

MARCH 26, 2021

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Referred to Committee on Judiciary

**SUMMARY**—Revises various provisions relating to driving under the influence of alcohol or a prohibited substance. (BDR 43-373)

**FISCAL NOTE:** Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility.  
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.

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**AN ACT** relating to public safety; revising provisions relating to the revocation of the license, permit or privilege of a driver; revising provisions concerning the issuance of a restricted driver's license; authorizing the Department of Motor Vehicles to issue an ignition interlock privilege to certain persons in lieu of a restricted driver's license; establishing provisions concerning ignition interlock devices; requiring the Director of the Department of Motor Vehicles to establish the Ignition Interlock Program and adopt rules and regulations necessary to carry out the Program; establishing the Account for the Ignition Interlock Program; requiring the Department of Public Safety to adopt regulations establishing certain reasonable fees relating to ignition interlock devices; transferring certain duties from the Committee on Testing for Intoxication to the Department of Public Safety; revising various provisions concerning offenders who commit a violation of driving under the influence of alcohol or a prohibited substance; revising provisions relating to the statewide sobriety and drug monitoring program; authorizing a person who commits a first violation within 7 years of driving under the influence of alcohol or a prohibited substance to be sentenced to residential confinement in lieu of imprisonment; revising provisions relating to certain programs of treatment established by courts; providing penalties; and providing other matters properly relating thereto.



**Legislative Counsel's Digest:**

1 Existing law requires the Department of Motor Vehicles (hereinafter  
2 "Department"), after receiving a record of a driver's final conviction of certain  
3 offenses, to revoke the license, permit or privilege of the driver for a period of 185  
4 days, 1 year or 3 years, depending on the offense committed. (NRS 483.460)  
5 **Section 5** of this bill additionally requires the Department to make such a  
6 revocation for a period of either 3 or 5 years for offenses relating to driving without  
7 or tampering with an ignition interlock device.

8 Existing law establishes the circumstances in which the Department is  
9 authorized to issue a restricted driver's license to a person whose license has been  
10 suspended or revoked, which enables the person to drive to and from certain places  
11 for certain purposes. (NRS 483.490) Existing law also requires a court to order  
12 certain persons to install for a certain period, depending on the offense committed,  
13 an ignition interlock device in any motor vehicle that the person operates as a  
14 condition to obtaining such a restricted license. (NRS 484C.210, 484C.460)  
15 **Section 28** of this bill requires a court to order certain persons to install an ignition  
16 interlock device for a period of 185 days, 1 year or 3 years, depending on the  
17 offense committed, which aligns such periods with the periods of the revocation of  
18 person's license, permit or privilege to drive under **section 5**. **Section 7** of this bill  
19 requires the Department to issue an ignition interlock privilege in lieu of a restricted  
20 driver's license to such persons who have been ordered by the court to install an  
21 ignition interlock device after such persons provide proof of compliance with the  
22 order. **Section 7** also provides that any person for whom a court has provided an  
23 exception relating to the installation of an ignition interlock device is eligible for a  
24 restricted driver's license while participating in and complying with the  
25 requirements of the statewide sobriety and drug monitoring program. **Section 14** of  
26 this bill requires a court to give day-for-day credit to certain persons who install an  
27 ignition interlock device before the court orders the installation if such persons  
28 provide proof satisfactory to the court that the ignition interlock device was  
29 installed.

30 **Section 7** provides that a person who violates any condition of an ignition  
31 interlock privilege is guilty of a misdemeanor and shall be punished by: (1)  
32 imprisonment in jail for not less than 30 days or more than 6 months, or by serving  
33 a term of residential confinement for not less than 60 days or more than 6 months;  
34 and (2) a fine of not less than \$500 and not more than \$1,000. **Section 6** of this bill  
35 additionally authorizes the Department to suspend the license of a driver without a  
36 preliminary hearing upon a sufficient showing that he or she failed to comply with  
37 the conditions of the issuance of an ignition interlock privilege.

38 **Section 11** of this bill requires the Director of the Department to establish the  
39 Ignition Interlock Program and adopt rules and regulations that are necessary to  
40 carry out the Program. **Section 11** also establishes the Account for the Ignition  
41 Interlock Program and requires the Director or his or her designee to administer the  
42 Account, which can only be used to pay the expenses of the Program and must be  
43 funded by fees charged by the Department of Public Safety relating to ignition  
44 interlock devices. **Section 11** requires the Department of Public Safety to adopt  
45 regulations establishing reasonable fees for: (1) the certification, recertification and  
46 reinstatement of the certification of a vendor of ignition interlock devices; (2) the  
47 installation of an ignition interlock device by such a vendor; and (3) repeat  
48 violations relating to an ignition interlock device.

49 Existing law requires the Committee on Testing for Intoxication to adopt  
50 regulations concerning the certification of and other matters relating to ignition  
51 interlock devices and to establish its own standards and procedures for evaluating  
52 the models of ignition interlock devices. (NRS 484C.480) **Section 31** of this bill  
53 transfers such responsibilities to the Department of Public Safety.



54 Existing law requires a police officer to seize the driver's license or permit of a  
55 person who fails to submit to a preliminary breath test to determine the  
56 concentration of alcohol in his or her breath at the request of the police officer.  
57 (NRS 484C.150) **Section 13** of this bill removes such a requirement.

58 Existing law requires that certain offenders be evaluated before being sentenced  
59 to determine whether the offender has an alcohol or other substance use disorder  
60 and can be successfully treated for the disorder, and requires the person conducting  
61 the evaluation to forward the results of the evaluation to the Director of the  
62 Department of Corrections. (NRS 484C.300) **Section 17** of this bill provides that if  
63 the offender is assigned to any specialty court or diversionary program, the person  
64 conducting the evaluation is instead required to forward the results of the  
65 evaluation to the court having jurisdiction over the offender.

66 Existing law authorizes a person who is found guilty of a first or second  
67 violation within 7 years of driving under the influence of alcohol or a prohibited  
68 substance to apply to the court to undergo a program of treatment for an alcohol or  
69 other substance use disorder for at least 6 months or 1 year, respectively. The court  
70 is required to authorize the treatment if the offender satisfies certain requirements,  
71 including if the offender has served or will serve a term of imprisonment in jail of 1  
72 day or 5 days, respectively. If the offender satisfactorily completes the treatment,  
73 his or her sentence will be reduced to a term of imprisonment that is no longer than  
74 the applicable 1-day or 5-day period. (NRS 484C.320, 484C.330) **Sections 18 and**  
75 **19** of this bill, respectively, instead provide that such a term of imprisonment must  
76 be not less than 1 day or 5 days, as applicable.

77 Existing law also authorizes a person who pleads guilty or nolo contendere to a  
78 third violation within 7 years of driving under the influence of alcohol or a  
79 prohibited substance to apply to the court to undergo a program of treatment for an  
80 alcohol or other substance use disorder for a period of at least 3 years. If the court  
81 grants the application for treatment, the court is required to advise the offender that  
82 the court may order him or her to be admitted to a residential treatment facility or  
83 be provided with outpatient treatment in the community. (NRS 484C.340) **Section**  
84 **20** of this bill removes such an option for outpatient treatment. **Section 20** also  
85 requires that as a condition of participating in a program of treatment, the offender  
86 must be placed under a system of active electronic monitoring and pay, to the  
87 extent of his or her ability to pay, any costs associated with his or her participation  
88 under the system of active electronic monitoring. **Section 20** provides that a person  
89 who intentionally removes or disables or attempts to remove or disable in an  
90 unlawful manner an electronic monitoring device placed on an offender is guilty of  
91 a gross misdemeanor.

92 Existing law enacts the Nevada 24/7 Sobriety and Drug Monitoring Program  
93 Act, which generally establishes a statewide sobriety and drug monitoring program  
94 that provides for the frequent testing of persons assigned to the program to  
95 determine the presence of alcohol or a prohibited substance in their system. (NRS  
96 484C.372-484C.397) A court is authorized to assign an offender to the program  
97 who is found guilty of a second or third violation within 7 years of driving under  
98 the influence of alcohol or a prohibited substance. (NRS 484C.394) **Sections 23-26**  
99 of this bill make various changes to the program. **Section 23** of this bill requires a  
100 participant in the program to be subject to testing to determine the presence of  
101 alcohol or a prohibited substance in his or her system not less than two times each  
102 day using any method approved under federal law. **Section 23** also removes a  
103 provision allowing other testing methodologies to be used in cases of economic  
104 hardship or when a participant is rewarded with less stringent testing requirements.  
105 **Section 24** of this bill authorizes a person who was arrested or found guilty, as  
106 applicable, of a first, second or third violation within 7 years of driving under the  
107 influence of alcohol or a prohibited substance to be assigned to the program as a  
108 condition of pretrial release, a sentence, or suspension of sentence or probation.



109 **Section 24** requires a person who committed: (1) a first violation within 7 years of  
110 driving under the influence of alcohol or a controlled substance to participate in the  
111 program for not less than 90 days; and (2) a second or third violation within 7 years  
112 of driving under the influence of alcohol or a prohibited substance to participate in  
113 the program for not less than 1 year or 18 months, respectively, and receive an  
114 assessment of whether the person has an alcohol or other substance use disorder  
115 and any appropriate treatment. If any such repeat offender successfully completes  
116 the program, his or her sentence will be reduced, but the minimum mandatory term  
117 of imprisonment the person serves must not be less than 5 or 10 days, respectively.  
118 **Section 26** of this bill specifies that if rewards are given to participants in the  
119 program who meet certain standards of compliance, such a reward cannot include  
120 undergoing less frequent testing than that which is required.

121 Existing law generally provides that a person who commits a first violation  
122 within 7 years of driving under the influence of alcohol or a prohibited substance  
123 must be sentenced to imprisonment for not less than 2 days and not more than 6  
124 months in jail, and a person who commits a second violation within 7 years of  
125 driving under the influence of alcohol or a prohibited substance must be sentenced  
126 to imprisonment in jail or residential confinement for not less than 10 days and not  
127 more than 6 months. (NRS 484C.400) **Section 27** of this bill authorizes a person  
128 who commits a first violation within 7 years of driving under the influence of  
129 alcohol or a prohibited substance to be sentenced to residential confinement in lieu  
130 of being sentenced to imprisonment in jail. **Section 27** also provides that a person  
131 who commits a third violation within 7 years of driving under the influence of  
132 alcohol or a prohibited substance may be ordered to attend a program of treatment  
133 for an alcohol or other substance use disorder if the person has been evaluated and  
134 the results of the evaluation indicate that the person has such a disorder and can be  
135 treated successfully for the condition.

136 Existing law authorizes a court to establish a program for the treatment of  
137 veterans and members of the military to which certain eligible defendants may be  
138 assigned. (NRS 176A.280) If the defendant was charged with a violation of certain  
139 provisions of law, including driving under the influence of alcohol or a prohibited  
140 substance, the court is authorized to conditionally dismiss the charges against the  
141 defendant upon his or her fulfillment of the terms and conditions of the program.  
142 (NRS 176A.290) Not sooner than 7 years after the charges are conditionally  
143 dismissed, the records relating to the case can be sealed by court order. (NRS  
144 176A.295) **Section 37** of this bill additionally authorizes the court to set aside the  
145 judgment of conviction against such a defendant, if applicable, and provides that  
146 any judgment of conviction that is set aside is a conviction for certain purposes,  
147 including for the purpose of additional penalties imposed for second or subsequent  
148 convictions. **Section 38** of this bill authorizes the records relating to the case to be  
149 sealed by court order not sooner than 7 years after the judgment of conviction is set  
150 aside.

151 Existing law also authorizes a court to establish a program for the treatment of  
152 alcohol or other substance use disorders and a program for the treatment of mental  
153 illness or intellectual disabilities to which certain eligible defendants may be  
154 assigned. (NRS 176A.230, 176A.250) **Sections 33-36** of this bill establish  
155 provisions that mirror the provisions in **sections 37 and 38** and authorize: (1) a  
156 court to conditionally dismiss the charges or set aside the judgment of conviction  
157 against a defendant who was charged with a violation of certain provisions of law,  
158 including driving under the influence of alcohol or a prohibited substance, upon the  
159 defendant's fulfillment of the terms and conditions of the respective program; and  
160 (2) the records relating to such a case to be sealed by court order not sooner than 7  
161 years after the charges are conditionally dismissed or the judgment of conviction is  
162 set aside. **Sections 33 and 35** of this bill also specify that any charge that is  
163 conditionally dismissed or judgment of conviction that is set aside is a conviction



164 for the purpose of additional penalties imposed for second or subsequent  
165 convictions.

166 **Section 39** of this bill provides that the provisions of law which prohibit a  
167 person who was convicted of a violation of driving under the influence of alcohol  
168 or a prohibited substance that is punishable as a felony from being able to petition  
169 the court to seal the records relating to such a conviction must not be construed to  
170 preclude certain persons from petitioning the court for the sealing of records.

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

1 **Section 1.** Chapter 483 of NRS is hereby amended by adding  
2 thereto the provisions set forth as sections 2, 3 and 4 of this act.

3 **Sec. 2.** *As used in this section and NRS 483.420 to 483.525,*  
4 *inclusive, and sections 3 and 4 of this act, unless the context*  
5 *otherwise requires, the words and terms defined in sections 3 and*  
6 *4 of this act have the meanings ascribed to them in those sections.*

7 **Sec. 3.** *“Ignition interlock device” has the meaning ascribed*  
8 *to it in section 9 of this act.*

9 **Sec. 4.** *“Ignition interlock privilege” has the meaning*  
10 *ascribed to it in section 10 of this act.*

11 **Sec. 5.** NRS 483.460 is hereby amended to read as follows:

12 483.460 1. Except as otherwise provided by specific statute,  
13 the Department shall revoke the license, permit or privilege of any  
14 driver upon receiving a record of his or her conviction of any of the  
15 following offenses, when that conviction has become final, and  
16 the driver is not eligible for a license, permit or privilege to drive for  
17 the period indicated:

18 (a) *For a period of 185 days, if the offense is a first violation*  
19 *within 7 years of NRS 484C.110 or 484C.120.*

20 (b) *For a period of 1 year if the offense is:*

21 (1) *Except as otherwise provided in paragraph (c), any*  
22 *manslaughter, including vehicular manslaughter as described in*  
23 *NRS 484B.657, resulting from the driving of a motor vehicle or*  
24 *felony in the commission of which a motor vehicle is used,*  
25 *including the unlawful taking of a motor vehicle.*

26 (2) *Failure to stop and render aid as required pursuant to*  
27 *the laws of this State in the event of a motor vehicle crash*  
28 *resulting in the death or bodily injury of another.*

29 (3) *Perjury or the making of a false affidavit or statement*  
30 *under oath to the Department pursuant to NRS 483.010 to*  
31 *483.630, inclusive, and sections 2, 3 and 4 of this act, or pursuant*  
32 *to any other law relating to the ownership or driving of motor*  
33 *vehicles.*



1 (4) Conviction, or forfeiture of bail not vacated, upon three  
2 charges of reckless driving committed within a period of 12  
3 months.

4 (5) A second violation within 7 years of NRS 484C.110 or  
5 484C.120.

6 (6) A violation of NRS 484B.550.

7 (c) For a period of 3 years if the offense is:

8 (1) A first violation of driving without an ignition interlock  
9 device or tampering with an ignition interlock device pursuant to  
10 subsection 2 of NRS 484C.470 and the driver is not eligible for a  
11 restricted license or an ignition interlock privilege during any of  
12 that period.

13 (2) A violation of subsection 9 of NRS 484B.653.

14 ~~[(2)]~~ (3) A third or subsequent violation within 7 years of  
15 NRS 484C.110 or 484C.120.

16 ~~[(3)]~~ (4) A violation of NRS 484C.110 or 484C.120  
17 resulting in a felony conviction pursuant to NRS 484C.400 or  
18 484C.410.

19 ~~[(4)]~~ (5) A violation of NRS 484C.430 or a homicide  
20 resulting from driving or being in actual physical control of a  
21 vehicle while under the influence of intoxicating liquor or a  
22 controlled substance or resulting from any other conduct prohibited  
23 by NRS 484C.110, 484C.130 or 484C.430.

24 ➤ The period during which such a driver is not eligible for a  
25 license, permit or privilege to drive must be set aside during any  
26 period of imprisonment and the period of revocation must resume  
27 when the Department is notified pursuant to NRS 209.517 or  
28 213.12185 that the person has completed the period of  
29 imprisonment or that the person has been placed on residential  
30 confinement or parole.

31 ~~[(b) For a period of 1 year if the offense is:~~

32 ~~— (1) Any other manslaughter, including vehicular~~  
33 ~~manslaughter as described in NRS 484B.657, resulting from the~~  
34 ~~driving of a motor vehicle or felony in the commission of which a~~  
35 ~~motor vehicle is used, including the unlawful taking of a motor~~  
36 ~~vehicle.~~

37 ~~— (2) Failure to stop and render aid as required pursuant to the~~  
38 ~~laws of this State in the event of a motor vehicle crash resulting in~~  
39 ~~the death or bodily injury of another.~~

40 ~~— (3) Perjury or the making of a false affidavit or statement~~  
41 ~~under oath to the Department pursuant to NRS 483.010 to 483.630,~~  
42 ~~inclusive, or pursuant to any other law relating to the ownership or~~  
43 ~~driving of motor vehicles.~~

44 ~~— (4) Conviction, or forfeiture of bail not vacated, upon three~~  
45 ~~charges of reckless driving committed within a period of 12 months.~~



~~1 (5) A second violation within 7 years of NRS 484C.110 or  
2 484C.120 and the driver is not eligible for a restricted license during  
3 any of that period.~~

~~4 (6) A violation of NRS 484B.550.~~

~~5 (c) (d) For a period of [not less than 185 days,] 5 years if the  
6 offense is a [first] *second or subsequent* violation [within 7 years of  
7 NRS 484C.110 or 484C.120.] *of driving without an ignition  
8 interlock device or tampering with an ignition interlock device  
9 pursuant to subsection 2 of NRS 484C.470 and the driver is not  
10 eligible for a restricted license or an ignition interlock privilege  
11 during any of that period.*~~

12 2. The Department shall revoke the license, permit or privilege  
13 of a driver convicted of violating NRS 484C.110 or 484C.120 who  
14 fails to complete the educational course on the use of alcohol and  
15 controlled substances within the time ordered by the court and shall  
16 add a period of 90 days during which the driver is not eligible for a  
17 license, permit or privilege to drive.

18 3. When the Department is notified by a court that a person  
19 who has been convicted of a first violation within 7 years of NRS  
20 484C.110 has been permitted to enter a program of treatment  
21 pursuant to NRS 484C.320, the Department shall reduce by one-half  
22 the period during which the person is not eligible for a license,  
23 permit or privilege to drive, but shall restore that reduction in time if  
24 notified that the person was not accepted for or failed to complete  
25 the treatment.

~~26 4. [The Department shall revoke the license, permit or privilege  
27 to drive of a person who is required to install a device pursuant to  
28 NRS 484C.210 or 484C.460 but who operates a motor vehicle  
29 without such a device:~~

~~30 (a) For 3 years, if it is his or her first such offense during the  
31 period of required use of the device.~~

~~32 (b) For 5 years, if it is his or her second such offense during the  
33 period of required use of the device.~~

~~34 5. A driver whose license, permit or privilege is revoked  
35 pursuant to subsection 4 is not eligible for a restricted license during  
36 the period set forth in paragraph (a) or (b) of that subsection,  
37 whichever applies.~~

~~38 6.]~~ In addition to any other requirements set forth by specific  
39 statute, if the Department is notified that a court has ordered the  
40 revocation, suspension or delay in the issuance of a license pursuant  
41 to title 5 of NRS, NRS 176.064, 206.330 or 392.148, chapters 484A  
42 to 484E, inclusive, of NRS or any other provision of law, the  
43 Department shall take such actions as are necessary to carry out the  
44 court's order.



1 ~~[7. As used in this section, "device" has the meaning ascribed~~  
2 ~~to it in NRS 484C.450.]~~

3 **Sec. 6.** NRS 483.470 is hereby amended to read as follows:

4 483.470 1. The Department may suspend the license of a  
5 driver without preliminary hearing upon a showing by its records or  
6 other sufficient evidence that the licensee:

7 (a) Has committed an offense for which mandatory revocation  
8 of license is required upon conviction;

9 (b) Has been involved as a driver in any crash resulting in the  
10 death or personal injury of another or serious property damage;

11 (c) Is physically or mentally incompetent to drive a motor  
12 vehicle;

13 (d) Has permitted an unlawful or fraudulent use of his or her  
14 license;

15 (e) Has committed an offense in another state which if  
16 committed in this State would be grounds for suspension or  
17 revocation; or

18 (f) Has failed to comply with the conditions of issuance of a  
19 restricted license ~~[.]~~ *or an ignition interlock privilege.*

20 2. Upon suspending the license of any person as authorized in  
21 this section, the Department shall immediately notify the person in  
22 writing, and upon his or her request shall afford the person an  
23 opportunity for a hearing as early as practical within 20 days after  
24 receipt of the request in the county wherein the person resides unless  
25 the person and the Department agree that the hearing may be held in  
26 some other county. The Administrator, or an authorized agent  
27 thereof, may issue subpoenas for the attendance of witnesses and the  
28 production of relevant books and papers, and may require a  
29 reexamination of the licensee in connection with the hearing. Upon  
30 the hearing, the Department shall either rescind its order of  
31 suspension or, for good cause, extend the suspension of the license  
32 or revoke it.

33 **Sec. 7.** NRS 483.490 is hereby amended to read as follows:

34 483.490 1. Except as otherwise provided in this section, after  
35 a driver's license has been suspended or revoked ~~[for an offense~~  
36 ~~other than a violation of NRS 484C.110,]~~ and one-half of the period  
37 during which the driver is not eligible for a license has expired, the  
38 Department may, unless the statute authorizing the suspension *or*  
39 *revocation* prohibits the issuance of a restricted license, issue a  
40 restricted driver's license to an applicant permitting the applicant to  
41 drive a motor vehicle:

42 (a) To and from work or in the course of his or her work, or  
43 both; or





1 (b) To acquire supplies of medicine or food or receive regularly  
2 scheduled medical care for himself, herself or a member of his or  
3 her immediate family.

4 ↪ Before a restricted license may be issued, the applicant must  
5 submit sufficient documentary evidence to satisfy the Department  
6 that a severe hardship exists because the applicant has no alternative  
7 means of transportation and that the severe hardship outweighs the  
8 risk to the public if the applicant is issued a restricted license.

9 2. ~~[A person who is required to install a device in a motor  
10 vehicle pursuant to NRS 484C.210 or 484C.460:~~

11 ~~—(a) Shall install the device not later than 14 days after the date  
12 on which the order was issued; and~~

13 ~~—(b) May not receive a restricted license pursuant to this section  
14 until:~~

15 ~~——(1) After at least 1 year of the period during which the person  
16 is not eligible for a license, if the person was convicted of:~~

17 ~~——(I) A violation of NRS 484C.430 or a homicide resulting  
18 from driving or being in actual physical control of a vehicle while  
19 under the influence of intoxicating liquor or a controlled substance  
20 or resulting from any other conduct prohibited by NRS 484C.110,  
21 484C.130 or 484C.430; or~~

22 ~~——(II) A violation of NRS 484C.110 that is punishable as a  
23 felony pursuant to NRS 484C.410 or 484C.420; or~~

24 ~~——(2) After at least 180 days of the period during which the  
25 person is not eligible for a license, if the person was convicted of a  
26 violation of subsection 9 of NRS 484B.653.~~

27 ~~—3. If the Department has received a copy of an order requiring a  
28 person to install a device in a motor vehicle pursuant to NRS  
29 484C.460 or following an order of revocation issued pursuant to  
30 NRS 484C.220, the Department shall not issue a restricted driver's  
31 license to such a person pursuant to this section unless the applicant  
32 has submitted proof of compliance with the order and subsection 2.~~

33 ~~—4.] If the driver's license of a person assigned to a program  
34 established pursuant to NRS 484C.392 is suspended or revoked, the  
35 Department may ~~[, after verifying the proof of compliance  
36 submitted pursuant to subsection 3, if applicable,]~~ issue a restricted  
37 driver's license to ~~[such]~~ an applicant that is valid while he or she is  
38 ~~[a participant]~~ **participating** in **and complying with the**  
39 **requirements of** the program and that permits the applicant to drive  
40 a motor vehicle:~~

41 (a) To and from a testing location established by a law  
42 enforcement agency pursuant to NRS 484C.393;

43 (b) If applicable, to and from work or in the course of his or her  
44 work, or both;

45 (c) To and from court appearances;



- 1 (d) To and from counseling; or
- 2 (e) To receive regularly scheduled medical care for himself or
- 3 herself.

4 ~~[5.]~~ 3. Except as otherwise provided in NRS 62E.630, after a  
5 driver's license has been revoked or suspended pursuant to title 5 of  
6 NRS or NRS 392.148, the Department may issue a restricted  
7 driver's license to an applicant permitting the applicant to drive a  
8 motor vehicle:

9 (a) If applicable, to and from work or in the course of his or her  
10 work, or both; or

11 (b) If applicable, to and from school.

12 ~~[6.]~~ 4. After a driver's license has been suspended pursuant to  
13 NRS 483.443, the Department may issue a restricted driver's license  
14 to an applicant permitting the applicant to drive a motor vehicle:

15 (a) If applicable, to and from work or in the course of his or her  
16 work, or both;

17 (b) To receive regularly scheduled medical care for himself,  
18 herself or a member of his or her immediate family; or

19 (c) If applicable, as necessary to exercise a court-ordered right to  
20 visit a child.

21 ~~[7.]~~ 5. A driver who violates a condition of a restricted license  
22 issued pursuant to subsection 1 or ~~[4 or by another jurisdiction]~~ 2 is  
23 guilty of a misdemeanor and, if the license of the driver was  
24 suspended or revoked for:

25 (a) A violation of NRS 484C.110, 484C.210 or 484C.430;

26 (b) A homicide resulting from driving or being in actual  
27 physical control of a vehicle while under the influence of  
28 intoxicating liquor or a controlled substance or resulting from any  
29 other conduct prohibited by NRS 484C.110, 484C.130 or 484C.430;  
30 or

31 (c) A violation of a law of any other jurisdiction that prohibits  
32 the same or similar conduct as set forth in paragraph (a) or (b),

33 ↪ the driver shall be punished in the manner provided pursuant to  
34 subsection 2 of NRS 483.560.

35 ~~[8.]~~ 6. The periods of suspensions and revocations required  
36 pursuant to this chapter and NRS 484C.210 must run consecutively,  
37 except as otherwise provided in NRS 483.465 and 483.475, when  
38 the suspensions must run concurrently.

39 ~~[9.]~~ 7. Whenever the Department suspends or revokes a  
40 license, the period of suspension, or of ineligibility for a license  
41 after the revocation, begins upon the effective date of the revocation  
42 or suspension as contained in the notice thereof.

43 8. *Any person for whom a court provides an exception*  
44 *relating to the installation of an ignition interlock device pursuant*  
45 *to subsection 4 of NRS 484C.210 or subsection 2 of NRS 484C.460*



1 *is eligible for a restricted driver's license under this section while*  
2 *the person is participating in and complying with the requirements*  
3 *of a program established pursuant to NRS 484C.392.*

4 *9. If the Department receives a copy of an order requiring a*  
5 *person to install an ignition interlock device in a motor vehicle*  
6 *pursuant to NRS 484C.460, the Department shall issue an ignition*  
7 *interlock privilege to the person after he or she submits proof of*  
8 *compliance with the order. A person who is required to install an*  
9 *ignition interlock device pursuant to NRS 484C.210 or 484C.460*  
10 *shall install the device not later than 14 days after the date on*  
11 *which the order was issued. A driver who violates any condition of*  
12 *an ignition interlock privilege issued pursuant to this subsection is*  
13 *guilty of a misdemeanor and shall be punished in the same*  
14 *manner provided in subsection 2 of NRS 483.560 for driving a*  
15 *vehicle while a driver's license is cancelled, revoked or suspended.*

16 **Sec. 8.** Chapter 484C of NRS is hereby amended by adding  
17 thereto the provisions set forth as sections 9, 10 and 11 of this act.

18 **Sec. 9.** *"Ignition interlock device" means a mechanism that:*

19 *1. Tests a person's breath to determine the concentration of*  
20 *alcohol in his or her breath; and*

21 *2. If the results of the test indicate that the person has a*  
22 *concentration of alcohol of 0.02 or more in his or her breath,*  
23 *prevents the motor vehicle in which it is installed from starting.*

24 **Sec. 10.** *"Ignition interlock privilege" means a license issued*  
25 *by the Department which authorizes the holder to operate a motor*  
26 *vehicle that has an ignition interlock device installed.*

27 **Sec. 11.** *1. The Director shall:*

28 *(a) Establish the Ignition Interlock Program; and*

29 *(b) Adopt rules and regulations which are necessary to carry*  
30 *out the Program.*

31 *2. The Director may contract for the provision of services*  
32 *necessary for the Program.*

33 *3. The Account for the Ignition Interlock Program is hereby*  
34 *created as a special account in the State Highway Fund. The*  
35 *Director, or his or her designee, shall administer the Account.*

36 *4. The Account must be funded through the fees established*  
37 *by regulation pursuant to subsection 7. The money in the Account*  
38 *may only be used to pay the expenses of the Program, including,*  
39 *without limitation:*

40 *(a) Enforcement activities relating to driving under the*  
41 *influence of alcohol or a prohibited substance;*

42 *(b) The creation and maintenance of a case management*  
43 *statistical tracking system;*

44 *(c) An on-site audit program;*

45 *(d) Treatment assistance;*



1 (e) *Educational programs and training for law enforcement*  
2 *officers; and*

3 (f) *Outreach programs.*

4 5. *The interest and income earned on the money in the*  
5 *Account, after deducting any applicable charges, must be credited*  
6 *to the Account.*

7 6. *Any money remaining in the Account at the end of each*  
8 *fiscal year does not revert to the State Highway Fund but must be*  
9 *carried over into the next fiscal year.*

10 7. *The Department of Public Safety shall adopt regulations to*  
11 *establish a fee schedule that includes reasonable fees for:*

12 (a) *The certification of a vendor of ignition interlock devices;*

13 (b) *The annual recertification of a vendor of ignition interlock*  
14 *devices;*

15 (c) *The reinstatement of the certification of a vendor of*  
16 *ignition interlock devices;*

17 (d) *The installation of an ignition interlock device by a vendor*  
18 *of ignition interlock devices; and*

19 (e) *Repeat violations relating to an ignition interlock device.*

20 **Sec. 12.** NRS 484C.010 is hereby amended to read as follows:

21 484C.010 As used in this chapter, unless the context otherwise  
22 requires, the words and terms defined in NRS 484C.020 to  
23 484C.105, inclusive, *and sections 9 and 10 of this act* have the  
24 meanings ascribed to them in those sections.

25 **Sec. 13.** NRS 484C.150 is hereby amended to read as follows:

26 484C.150 1. Any person who drives or is in actual physical  
27 control of a vehicle on a highway or on premises to which the public  
28 has access shall be deemed to have given his or her consent to a  
29 preliminary test of his or her breath to determine the concentration  
30 of alcohol in his or her breath when the test is administered at the  
31 request of a police officer at the scene of a vehicle crash or where  
32 the police officer stops a vehicle, if the officer has reasonable  
33 grounds to believe that the person to be tested was:

34 (a) Driving or in actual physical control of a vehicle while under  
35 the influence of intoxicating liquor or a controlled substance; or

36 (b) Engaging in any other conduct prohibited by NRS 484C.110,  
37 484C.120, 484C.130 or 484C.430.

38 2. If the person fails to submit to the test, the officer shall ~~f~~

39 ~~—(a) Seize the license or permit of the person to drive as provided~~  
40 ~~in NRS 484C.220; and~~

41 ~~—(b) If~~, if reasonable grounds otherwise exist, arrest the person  
42 and take him or her to a convenient place for the administration of a  
43 reasonably available evidentiary test under NRS 484C.160.



1 3. The result of the preliminary test must not be used in any  
2 criminal action, except to show there were reasonable grounds to  
3 make an arrest.

4 **Sec. 14.** NRS 484C.210 is hereby amended to read as follows:

5 484C.210 1. If a person fails to submit to an evidentiary test  
6 as requested by a police officer pursuant to NRS 484C.160, the  
7 license, permit or privilege to drive of the person must be revoked as  
8 provided in NRS 484C.220, and the person is not eligible for a  
9 license, permit or privilege to drive for a period of:

10 (a) One year; or

11 (b) Three years, if the license, permit or privilege to drive of the  
12 person has been revoked during the immediately preceding 7 years  
13 for failure to submit to an evidentiary test.

14 2. If the result of a test given under NRS 484C.150 or  
15 484C.160 shows that a person had a concentration of alcohol of 0.08  
16 or more in his or her blood or breath or a detectable amount of a  
17 controlled substance or prohibited substance in his or her blood or  
18 urine for which he or she did not have a valid prescription, as  
19 defined in NRS 453.128, or hold a valid registry identification card,  
20 as defined in NRS 678C.080, at the time of the test, the license,  
21 permit or privilege of the person to drive must be revoked as  
22 provided in NRS 484C.220 and the person is not eligible for a  
23 license, permit or privilege for a period of ~~[90]~~ 185 days.

24 3. Except as otherwise provided in subsection 1, at any time  
25 while a person is not eligible for a license, permit or privilege to  
26 drive following a revocation under subsection 1 or 2 which was  
27 based on the person having a concentration of alcohol of 0.08 or  
28 more in his or her blood or breath, the person shall install, at his or  
29 her own expense, ~~[a]~~ *an ignition interlock* device in any motor  
30 vehicle which the person operates as a condition to obtaining ~~[a~~  
31 ~~restricted license]~~ *an ignition interlock privilege* pursuant to NRS  
32 483.490.

33 4. *The Department may provide for an exception to the*  
34 *requirements of subsection 3 and issue a restricted license*  
35 *pursuant to subsection 1 of NRS 483.490 if the Department*  
36 *determines that the person is not a repeat intoxicated driver, as*  
37 *that term is defined in 23 C.F.R. § 1275.3(k) and:*

38 (a) *The person is unable to provide a deep lung breath sample*  
39 *for analysis by an ignition interlock device, as certified in writing*  
40 *by a physician or an advanced practice registered nurse of the*  
41 *person; or*

42 (b) *The person resides more than 100 miles from a*  
43 *manufacturer of an ignition interlock device or its agent.*

44 5. If a revocation of a person's license, permit or privilege to  
45 drive under NRS 62E.640 or 483.460 follows a revocation under



1 subsection 2 which was based on the person having a concentration  
2 of alcohol of 0.08 or more in his or her blood or breath, the  
3 Department shall cancel the revocation under that subsection and  
4 give the person credit for any period during which the person was  
5 not eligible for a license, permit or privilege.

6 ~~[5.]~~ 6. If an order to install ~~[a]~~ *an ignition interlock* device  
7 pursuant to NRS 62E.640 or 484C.460 follows the installation of ~~[a]~~  
8 *an ignition interlock* device pursuant to subsection 3, the court  
9 ~~[may]~~ *shall* give the person day-for-day credit for any period during  
10 which the person ~~[installed a]~~ *can provide proof satisfactory to the*  
11 *court that he or she had an ignition interlock* device *installed* as a  
12 condition to obtaining ~~[a restricted license.]~~ *an ignition interlock*  
13 *privilege.*

14 ~~[6.]~~ 7. Periods of ineligibility for a license, permit or privilege  
15 to drive which are imposed pursuant to this section must run  
16 consecutively.

17 ~~[7.—As used in this section, “device” has the meaning ascribed~~  
18 ~~to it in NRS 484C.450.]~~

19 **Sec. 15.** NRS 484C.220 is hereby amended to read as follows:

20 484C.220 1. As agent for the Department, the officer who  
21 requested that a test be given pursuant to NRS 484C.150 or  
22 484C.160 or who obtained the result of a test given pursuant to NRS  
23 484C.150 or 484C.160 shall immediately serve an order of  
24 revocation of the license, permit or privilege to drive on a person  
25 who failed to submit to a test requested by the police officer  
26 pursuant to NRS ~~[484C.150 or]~~ 484C.160 or who has a  
27 concentration of alcohol of 0.08 or more in his or her blood or  
28 breath or has a detectable amount of a controlled substance or  
29 prohibited substance in his or her blood or urine for which he or she  
30 did not have a valid prescription, as defined in NRS 453.128, or  
31 hold a valid registry identification card, as defined in NRS  
32 678C.080, if that person is present, and shall seize the license or  
33 permit to drive of the person. The officer shall then, unless the  
34 information is expressly set forth in the order of revocation, advise  
35 the person of his or her right to administrative and judicial review of  
36 the revocation pursuant to NRS 484C.230 and, except as otherwise  
37 provided in this subsection, that the person has a right to request a  
38 temporary license. The officer shall also, unless the information is  
39 expressly set forth in the order of revocation, advise the person that  
40 he or she is required to install ~~[a]~~ *an ignition interlock* device  
41 pursuant to NRS 484C.210. If the person currently is driving with a  
42 temporary license that was issued pursuant to this section or NRS  
43 484C.230, the person is not entitled to request an additional  
44 temporary license pursuant to this section or NRS 484C.230, and the  
45 order of revocation issued by the officer must revoke the temporary



1 license that was previously issued. If the person is entitled to request  
2 a temporary license, the officer shall issue the person a temporary  
3 license on a form approved by the Department if the person requests  
4 one, which is effective for only 7 days including the date of  
5 issuance. The officer shall immediately transmit the person's license  
6 or permit to the Department along with the written certificate  
7 required by subsection 2.

8 2. When a police officer has served an order of revocation of a  
9 driver's license, permit or privilege on a person pursuant to  
10 subsection 1, or later receives the result of an evidentiary test which  
11 indicates that a person, not then present, had a concentration of  
12 alcohol of 0.08 or more in his or her blood or breath or had a  
13 detectable amount of a controlled substance or prohibited substance  
14 in his or her blood or urine for which he or she did not have a valid  
15 prescription, as defined in NRS 453.128, or hold a valid registry  
16 identification card, as defined in NRS 678C.080, the officer shall  
17 immediately prepare and transmit to the Department, together with  
18 the seized license or permit and a copy of the result of the test, if  
19 any, a written certificate that the officer had reasonable grounds to  
20 believe that the person had been driving or in actual physical control  
21 of a vehicle:

22 (a) With a concentration of alcohol of 0.08 or more in his or her  
23 blood or breath or with a detectable amount of a controlled  
24 substance or prohibited substance in his or her blood or urine for  
25 which he or she did not have a valid prescription, as defined in NRS  
26 453.128, or hold a valid registry identification card, as defined in  
27 NRS 678C.080, as determined by a chemical test; or

28 (b) While under the influence of intoxicating liquor or a  
29 controlled substance or with a prohibited substance in his or her  
30 blood or urine and the person refused to submit to a required  
31 evidentiary test.

32 ↪ The certificate must also indicate whether the officer served an  
33 order of revocation on the person and whether the officer issued the  
34 person a temporary license.

35 3. The Department, upon receipt of such a certificate for which  
36 an order of revocation has not been served, after examining the  
37 certificate and copy of the result of the chemical test, if any, and  
38 finding that revocation is proper, shall issue an order revoking the  
39 person's license, permit or privilege to drive by mailing the order to  
40 the person at the person's last known address. The order must  
41 indicate the grounds for the revocation and the period during which  
42 the person is not eligible for a license, permit or privilege to drive  
43 and state that the person has a right to administrative and judicial  
44 review of the revocation and to have a temporary license. The order  
45 must also ~~indicate that~~ *state whether* the person is required to



1 install ~~[a]~~ *an ignition interlock* device pursuant to NRS 484C.210.  
2 The order of revocation becomes effective 5 days after mailing.

3 4. Notice of an order of revocation and notice of the  
4 affirmation of a prior order of revocation or the cancellation of a  
5 temporary license provided in NRS 484C.230 is sufficient if it is  
6 mailed to the person's last known address as shown by any  
7 application for a license. The date of mailing may be proved by the  
8 certificate of any officer or employee of the Department, specifying  
9 the time of mailing the notice. The notice is presumed to have been  
10 received upon the expiration of 5 days after it is deposited, postage  
11 prepaid, in the United States mail.

12 ~~[5.— As used in this section, “device” has the meaning ascribed~~  
13 ~~to it in NRS 484C.450.]~~

14 **Sec. 16.** NRS 484C.230 is hereby amended to read as follows:

15 484C.230 1. At any time while a person is not eligible for a  
16 license, permit or privilege to drive following an order of revocation  
17 issued pursuant to NRS 484C.220, the person may request in writing  
18 a hearing by the Department to review the order of revocation, but  
19 the person is only entitled to one hearing. The hearing must be  
20 conducted as soon as is practicable at any location, if the hearing  
21 officer permits each party and witness to attend the hearing by  
22 telephone, videoconference or other electronic means. The Director  
23 or agent of the Director may issue subpoenas for the attendance of  
24 witnesses and the production of relevant books and papers and may  
25 require a reexamination of the requester. Unless the person is  
26 ineligible for a temporary license pursuant to NRS 484C.220, the  
27 Department shall issue an additional temporary license for a period  
28 which is sufficient to complete the administrative review. A person  
29 who is issued a temporary license is not subject to and is exempt  
30 *during the period of the administrative review* from the  
31 requirement to install ~~[a]~~ *an ignition interlock* device pursuant to  
32 NRS 484C.210.

33 2. The scope of the hearing must be limited to the issue of  
34 whether the person:

35 (a) Failed to submit to a required test provided for in NRS  
36 ~~[484C.150 or]~~ 484C.160; or

37 (b) At the time of the test, had a concentration of alcohol of 0.08  
38 or more in his or her blood or breath or a detectable amount of a  
39 controlled substance or prohibited substance in his or her blood or  
40 urine for which he or she did not have a valid prescription, as  
41 defined in NRS 453.128, or hold a valid registry identification card,  
42 as defined in NRS 678C.080.

43 ➤ Upon an affirmative finding on either issue, the Department shall  
44 affirm the order of revocation. Otherwise, the order of revocation  
45 must be rescinded.





1 3. If, after the hearing, the order of revocation is affirmed, the  
2 person whose license, permit or privilege to drive has been revoked  
3 shall, if not previously installed, install ~~fa~~ *an ignition interlock*  
4 device pursuant to NRS 484C.210.

5 4. If, after the hearing, the order of revocation is affirmed, the  
6 person whose license, privilege or permit has been revoked is  
7 entitled to a review of the same issues in district court in the same  
8 manner as provided by chapter 233B of NRS. The court shall notify  
9 the Department upon the issuance of a stay, and the Department  
10 shall issue an additional temporary license for a period which is  
11 sufficient to complete the review. A person who is issued a  
12 temporary license is not subject to and is exempt *during the period*  
13 *of the judicial review* from the requirement to install ~~fa~~ *an ignition*  
14 *interlock* device pursuant to NRS 484C.210.

15 5. If a hearing officer grants a continuance of a hearing at the  
16 request of the person whose license was revoked, or a court does so  
17 after issuing a stay of the revocation, the officer or court shall notify  
18 the Department, and the Department shall cancel the temporary  
19 license and notify the holder by mailing the order of cancellation to  
20 the person's last known address.

21 ~~[6. As used in this section, "device" has the meaning ascribed~~  
22 ~~to it in NRS 484C.450.]~~

23 **Sec. 17.** NRS 484C.300 is hereby amended to read as follows:

24 484C.300 1. Before sentencing an offender for a violation of  
25 NRS 484C.110 or 484C.120 that is punishable as a felony pursuant  
26 to NRS 484C.400 or 484C.410, other than an offender who has been  
27 evaluated pursuant to NRS 484C.340, or a violation of NRS  
28 484C.130 or 484C.430, the court shall require that the offender be  
29 evaluated to determine whether the offender has an alcohol or other  
30 substance use disorder and whether the offender can be treated  
31 successfully for the condition.

32 2. The evaluation must be conducted by:

33 (a) An alcohol and drug counselor who is licensed or certified,  
34 or a clinical alcohol and drug counselor who is licensed, pursuant to  
35 chapter 641C of NRS, to make such an evaluation;

36 (b) A physician who is certified to make such an evaluation by  
37 the Board of Medical Examiners;

38 (c) An advanced practice registered nurse who is certified to  
39 make such an evaluation by the State Board of Nursing; or

40 (d) A psychologist who is certified to make such an evaluation  
41 by the Board of Psychological Examiners.

42 3. The alcohol and drug counselor, clinical alcohol and drug  
43 counselor, physician, advanced practice registered nurse or  
44 psychologist who conducts the evaluation shall immediately forward  
45 the results of the evaluation to the Director of the Department of



1 Corrections **or, if the offender is assigned to any specialty court**  
2 **or diversionary program, to the court having jurisdiction over the**  
3 **offender.**

4 **Sec. 18.** NRS 484C.320 is hereby amended to read as follows:

5 484C.320 1. An offender who is found guilty of a violation  
6 of NRS 484C.110 or 484C.120 that is punishable pursuant to  
7 paragraph (a) of subsection 1 of NRS 484C.400, other than an  
8 offender who is found to have a concentration of alcohol of 0.18 or  
9 more in his or her blood or breath, may, at that time or any time  
10 before the offender is sentenced, apply to the court to undergo a  
11 program of treatment for an alcohol or other substance use disorder  
12 for at least 6 months. The court shall authorize that treatment if:

13 (a) The offender is diagnosed as a person with an alcohol or  
14 other substance use disorder by:

15 (1) An alcohol and drug counselor who is licensed or  
16 certified, or a clinical alcohol and drug counselor who is licensed,  
17 pursuant to chapter 641C of NRS, to make that diagnosis;

18 (2) A physician who is certified to make that diagnosis by the  
19 Board of Medical Examiners; or

20 (3) An advanced practice registered nurse who is certified to  
21 make that diagnosis by the State Board of Nursing;

22 (b) The offender agrees to pay the cost of the treatment to the  
23 extent of his or her financial resources; and

24 (c) The offender has served or will serve a term of imprisonment  
25 in jail of **not less than** 1 day, or has performed or will perform 24  
26 hours of community service.

27 2. A prosecuting attorney may, within 10 days after receiving  
28 notice of an application for treatment pursuant to this section,  
29 request a hearing on the question of whether the offender is eligible  
30 to undergo a program of treatment for an alcohol or other substance  
31 use disorder. The court shall order a hearing on the application upon  
32 the request of the prosecuting attorney or may order a hearing on its  
33 own motion. The hearing must be limited to the question of whether  
34 the offender is eligible to undergo such a program of treatment.

35 3. At the hearing on the application for treatment, the  
36 prosecuting attorney may present the court with any relevant  
37 evidence on the matter. If a hearing is not held, the court shall  
38 decide the matter upon affidavits and other information before the  
39 court.

40 4. If the court grants an application for treatment, the court  
41 shall:

42 (a) Immediately sentence the offender and enter judgment  
43 accordingly.

44 (b) Suspend the sentence of the offender for not more than 3  
45 years upon the condition that the offender be accepted for treatment



1 by a treatment provider that is approved by the court, that the  
2 offender complete the treatment satisfactorily and that the offender  
3 comply with any other condition ordered by the court. If the court  
4 has a specialty court program for the supervision and monitoring of  
5 the person, the treatment provider must comply with the  
6 requirements of the specialty court, including, without limitation,  
7 any requirement to submit progress reports to the specialty court.

8 (c) Advise the offender that:

9 (1) He or she may be placed under the supervision of a  
10 treatment provider for a period not to exceed 3 years.

11 (2) The court may order the offender to be admitted to a  
12 residential treatment facility or to be provided with outpatient  
13 treatment in the community.

14 (3) If the offender fails to complete the program of treatment  
15 satisfactorily, the offender shall serve the sentence imposed by the  
16 court. Any sentence of imprisonment must be reduced by a time  
17 equal to that which the offender served before beginning treatment.

18 (4) If the offender completes the treatment satisfactorily, the  
19 offender's sentence will be reduced to a term of imprisonment  
20 which is ~~[no longer]~~ *not less* than ~~[that provided for the offense in~~  
21 ~~paragraph (c) of subsection 1]~~ *1 day* and a fine of not more than the  
22 minimum fine provided for the offense in NRS 484C.400, but  
23 the conviction must remain on the record of criminal history of the  
24 offender ~~[.]~~ *for the period prescribed by law.*

25 5. The court shall administer the program of treatment pursuant  
26 to the procedures provided in NRS 176A.230 to 176A.245,  
27 inclusive, except that the court:

28 (a) Shall not defer the sentence, set aside the conviction or  
29 impose conditions upon the election of treatment except as  
30 otherwise provided in this section.

31 (b) May immediately revoke the suspension of sentence for a  
32 violation of any condition of the suspension.

33 6. The court shall notify the Department, on a form approved  
34 by the Department, upon granting the application of the offender for  
35 treatment and his or her failure to be accepted for or complete  
36 treatment.

37 **Sec. 19.** NRS 484C.330 is hereby amended to read as follows:

38 484C.330 1. An offender who is found guilty of a violation  
39 of NRS 484C.110 or 484C.120 that is punishable pursuant to  
40 paragraph (b) of subsection 1 of NRS 484C.400 may, at that time or  
41 any time before the offender is sentenced, apply to the court to  
42 undergo a program of treatment for an alcohol or other substance  
43 use disorder for at least 1 year. The court shall authorize that  
44 treatment if:



1 (a) The offender is diagnosed as a person with an alcohol or  
2 other substance use disorder by:

3 (1) An alcohol and drug counselor who is licensed or  
4 certified, or a clinical alcohol and drug counselor who is licensed,  
5 pursuant to chapter 641C of NRS, to make that diagnosis;

6 (2) A physician who is certified to make that diagnosis by the  
7 Board of Medical Examiners; or

8 (3) An advanced practice registered nurse who is certified to  
9 make that diagnosis by the State Board of Nursing;

10 (b) The offender agrees to pay the costs of the treatment to the  
11 extent of his or her financial resources; and

12 (c) The offender has served or will serve a term of imprisonment  
13 in jail of *not less than* 5 days and, if required pursuant to NRS  
14 484C.400, has performed or will perform not less than one-half of  
15 the hours of community service.

16 2. A prosecuting attorney may, within 10 days after receiving  
17 notice of an application for treatment pursuant to this section,  
18 request a hearing on the matter. The court shall order a hearing on  
19 the application upon the request of the prosecuting attorney or may  
20 order a hearing on its own motion.

21 3. At the hearing on the application for treatment, the  
22 prosecuting attorney may present the court with any relevant  
23 evidence on the matter. If a hearing is not held, the court shall  
24 decide the matter upon affidavits and other information before the  
25 court.

26 4. If the court grants an application for treatment, the court  
27 shall:

28 (a) Immediately sentence the offender and enter judgment  
29 accordingly.

30 (b) Suspend the sentence of the offender for not more than 3  
31 years upon the condition that the offender be accepted for treatment  
32 by a treatment provider that is approved by the court, that the  
33 offender complete the treatment satisfactorily and that the offender  
34 comply with any other condition ordered by the court. If the court  
35 has a specialty court program for the supervision and monitoring of  
36 the person, the treatment provider must comply with the  
37 requirements of the specialty court, including, without limitation,  
38 any requirement to submit progress reports to the specialty court.

39 (c) Advise the offender that:

40 (1) He or she may be placed under the supervision of the  
41 treatment provider for a period not to exceed 3 years.

42 (2) The court may order the offender to be admitted to a  
43 residential treatment facility or to be provided with outpatient  
44 treatment in the community.



1 (3) If the offender fails to complete the program of treatment  
2 satisfactorily, the offender shall serve the sentence imposed by the  
3 court. Any sentence of imprisonment must be reduced by a time  
4 equal to that which the offender served before beginning treatment.

5 (4) If the offender completes the treatment satisfactorily, the  
6 offender's sentence will be reduced to a term of imprisonment  
7 which is ~~[no longer]~~ *not less* than ~~[that provided for the offense in~~  
8 ~~paragraph (c) of subsection 1]~~ *5 days* and a fine of not more than the  
9 minimum provided for the offense in NRS 484C.400, but  
10 the conviction must remain on the record of criminal history of the  
11 offender ~~[.]~~ *for the period prescribed by law.*

12 5. The court shall administer the program of treatment pursuant  
13 to the procedures provided in NRS 176A.230 to 176A.245,  
14 inclusive, except that the court:

15 (a) Shall not defer the sentence, set aside the conviction or  
16 impose conditions upon the election of treatment except as  
17 otherwise provided in this section.

18 (b) May immediately revoke the suspension of sentence for a  
19 violation of a condition of the suspension.

20 6. The court shall notify the Department, on a form approved  
21 by the Department, upon granting the application of the offender for  
22 treatment and his or her failure to be accepted for or complete  
23 treatment.

24 **Sec. 20.** NRS 484C.340 is hereby amended to read as follows:

25 484C.340 1. An offender who enters a plea of guilty or nolo  
26 contendere to a violation of NRS 484C.110 or 484C.120 that is  
27 punishable pursuant to paragraph (c) of subsection 1 of NRS  
28 484C.400 may, at the time the offender enters a plea, apply to the  
29 court to undergo a program of treatment for an alcohol or other  
30 substance use disorder for at least 3 years. The court may authorize  
31 that treatment if:

32 (a) The offender is diagnosed as a person with an alcohol or  
33 other substance use disorder by:

34 (1) An alcohol and drug counselor who is licensed or  
35 certified, or a clinical alcohol and drug counselor who is licensed,  
36 pursuant to chapter 641C of NRS, to make that diagnosis;

37 (2) A physician who is certified to make that diagnosis by the  
38 Board of Medical Examiners;

39 (3) An advanced practice registered nurse who is certified to  
40 make that diagnosis by the State Board of Nursing; and

41 (b) The offender agrees to pay the costs of the treatment to the  
42 extent of his or her financial resources.

43 ↪ An alcohol and drug counselor, a clinical alcohol and drug  
44 counselor, a physician or an advanced practice registered nurse who  
45 diagnoses an offender as a person with an alcohol or other substance



1 use disorder shall make a report and recommendation to the court  
2 concerning the length and type of treatment required for the  
3 offender.

4 2. A prosecuting attorney may, within 10 days after receiving  
5 notice of an application for treatment pursuant to this section,  
6 request a hearing on the matter. The court shall order a hearing on  
7 the application upon the request of the prosecuting attorney or may  
8 order a hearing on its own motion.

9 3. At the hearing on the application for treatment, the  
10 prosecuting attorney may present the court with any relevant  
11 evidence on the matter. If a hearing is not held, the court shall  
12 decide the matter and other information before the court.

13 4. If the court determines that an application for treatment  
14 should be granted, the court shall:

15 (a) Immediately, without entering a judgment of conviction and  
16 with the consent of the offender, suspend further proceedings and  
17 place the offender on probation for not more than 5 years.

18 (b) Order the offender to complete a program of treatment for an  
19 alcohol or other substance use disorder with a treatment provider  
20 approved by the court. If the court has a specialty court program for  
21 the supervision and monitoring of the person, the treatment provider  
22 must comply with the requirements of the specialty court, including,  
23 without limitation, any requirement to submit progress reports to the  
24 specialty court.

25 (c) Advise the offender that:

26 (1) He or she may be placed under the supervision of a  
27 treatment provider for not more than 5 years.

28 (2) The court may order the offender to be admitted to a  
29 residential treatment facility . ~~for to be provided with outpatient~~  
30 ~~treatment in the community.~~

31 (3) The court will enter a judgment of conviction for a  
32 violation of paragraph (c) of subsection 1 of NRS 484C.400 if a  
33 treatment provider fails to accept the offender for a program of  
34 treatment for an alcohol or other substance use disorder or if the  
35 offender fails to complete the program of treatment satisfactorily.  
36 Any sentence of imprisonment may be reduced by a time equal to  
37 that which the offender served before beginning treatment.

38 (4) If the offender completes the treatment satisfactorily, the  
39 court will enter a judgment of conviction for a violation of  
40 paragraph (b) of subsection 1 of NRS 484C.400.

41 (5) The provisions of NRS 483.460 requiring the revocation  
42 of the license, permit or privilege of the offender to drive do not  
43 apply.



1 5. The court shall administer the program of treatment pursuant  
2 to the procedures provided in NRS 176A.230 to 176A.245,  
3 inclusive, except that the court:

4 (a) Shall not defer the sentence or set aside the conviction upon  
5 the election of treatment, except as otherwise provided in this  
6 section; and

7 (b) May enter a judgment of conviction and proceed as provided  
8 in paragraph (c) of subsection 1 of NRS 484C.400 for a violation of  
9 a condition ordered by the court.

10 6. To participate in a program of treatment, the offender must:

11 (a) Serve not less than 6 months of residential confinement;

12 (b) *Be placed under a system of active electronic monitoring,*  
13 *through the Division, that is capable of identifying the offender's*  
14 *location and producing, upon request, reports or records of the*  
15 *offender's presence near or within, or departure from, a specified*  
16 *geographic location and pay any costs associated with the*  
17 *offender's participation under the system of active electronic*  
18 *monitoring, to the extent of his or her ability to pay;*

19 (c) Install, at his or her own expense, ~~(a)~~ *an ignition interlock*  
20 *device for not less than 12 months;*

21 ~~(e)~~ (d) Not drive any vehicle unless it is equipped with ~~(a)~~ *an*  
22 *ignition interlock* device;

23 ~~(d)~~ (e) Agree to be subject to periodic testing for the use of  
24 alcohol or controlled substances while participating in a program of  
25 treatment; and

26 ~~(e)~~ (f) Agree to any other conditions that the court deems  
27 necessary.

28 7. An offender may not apply to the court to undergo a  
29 program of treatment for an alcohol or other substance use disorder  
30 pursuant to this section if the offender has previously applied to  
31 receive treatment pursuant to this section or if the offender has  
32 previously been convicted of:

33 (a) A violation of NRS 484C.430;

34 (b) A violation of NRS 484C.130;

35 (c) A homicide resulting from driving or being in actual physical  
36 control of a vehicle while under the influence of intoxicating liquor  
37 or a controlled substance or resulting from any other conduct  
38 prohibited by NRS 484C.110, 484C.130 or 484C.430;

39 (d) A violation of paragraph (c) of subsection 1 of  
40 NRS 484C.400;

41 (e) A violation of NRS 484C.410; or

42 (f) A violation of law of any other jurisdiction that prohibits the  
43 same or similar conduct as set forth in paragraph (a), (b), (c) or (d).

44 8. *An offender placed under a system of active electronic*  
45 *monitoring pursuant to paragraph (b) of subsection 6 shall:*



1 (a) Follow the instructions provided by the Division to  
2 maintain the electronic monitoring device in working order.

3 (b) Report any incidental damage or defacement of the  
4 electronic monitoring device to the Division within 2 hours after  
5 the occurrence of the damage or defacement.

6 (c) Abide by any other conditions set forth by the court or the  
7 Division with regard to the offender's participation under the  
8 system of active electronic monitoring.

9 9. Except as otherwise provided in this subsection, a person  
10 who intentionally removes or disables or attempts to remove or  
11 disable an electronic monitoring device placed on an offender  
12 pursuant to this section is guilty of a gross misdemeanor. The  
13 provisions of this subsection do not prohibit a person authorized  
14 by the Division from performing maintenance or repairs to an  
15 electronic monitoring device.

16 10. As used in this section, ~~["device" has the meaning ascribed~~  
17 ~~to it in NRS 484C.450.]~~ "Division" means the Division of Parole  
18 and Probation of the Department of Public Safety.

19 **Sec. 21.** NRS 484C.360 is hereby amended to read as follows:

20 484C.360 1. When a program of treatment is ordered  
21 pursuant to NRS 484C.340 or ~~paragraph (a) or (b) of~~  
22 of NRS 484C.400, the court shall place the offender under the  
23 clinical supervision of a treatment provider for treatment in  
24 accordance with the report submitted to the court pursuant to NRS  
25 484C.340 or subsection 3, 4, 5 or 6 of NRS 484C.350, as  
26 appropriate. The court shall:

27 (a) Order the offender to be placed under the supervision of a  
28 treatment provider, then release the offender for supervised aftercare  
29 in the community; or

30 (b) Release the offender for treatment in the community,  
31 ↪ for the period of supervision ordered by the court.

32 2. The court shall:

33 (a) Require the treatment provider to submit monthly progress  
34 reports on the treatment of an offender pursuant to this section; and

35 (b) Order the offender, to the extent of his or her financial  
36 resources, to pay any charges for treatment pursuant to this section.  
37 If the offender does not have the financial resources to pay all those  
38 charges, the court shall, to the extent possible, arrange for the  
39 offender to obtain the treatment from a treatment provider that  
40 receives a sufficient amount of federal or state money to offset the  
41 remainder of the charges.

42 3. A treatment provider is not liable for any damages to person  
43 or property caused by a person who:





1 (a) Drives, operates or is in actual physical control of a vehicle  
2 or a vessel under power or sail while under the influence of  
3 intoxicating liquor or a controlled substance; or

4 (b) Engages in any other conduct prohibited by NRS 484C.110,  
5 484C.120, 484C.130, 484C.430, subsection 2 of NRS 488.400, NRS  
6 488.410, 488.420 or 488.425 or a law of any other jurisdiction that  
7 prohibits the same or similar conduct,

8 ↪ after the treatment provider has certified that the offender has  
9 successfully completed a program of treatment ordered pursuant to  
10 NRS 484C.340 or ~~[paragraph (a) or (b) of]~~ subsection 1 of  
11 NRS 484C.400.

12 **Sec. 22.** NRS 484C.374 is hereby amended to read as follows:

13 484C.374 As used in NRS 484C.372 to 484C.397, inclusive,  
14 unless the context otherwise requires, the words and terms defined  
15 in NRS 484C.376 to ~~[484C.390,]~~ **484C.388**, inclusive, have the  
16 meanings ascribed to them in those sections.

17 **Sec. 23.** NRS 484C.392 is hereby amended to read as follows:

18 484C.392 1. There is hereby established a statewide sobriety  
19 and drug monitoring program in which any political subdivision in  
20 this State may elect to participate.

21 2. The core components of the program must include the use of  
22 a primary testing methodology that tests for the presence of alcohol  
23 or a prohibited substance in a program participant's system, best  
24 facilitates the ability to apply immediate sanctions for  
25 noncompliance and is available at an affordable cost. ~~[In cases of  
26 economic hardship or when a program participant is rewarded with  
27 less stringent testing requirements, testing methodologies with  
28 timely sanctions for noncompliance may be utilized.]~~

29 3. The program must be evidence-based and satisfy at least two  
30 of the following requirements:

31 (a) The program is included in the National Registry of  
32 Evidence-based Programs and Practices;

33 (b) The program has been reported in a peer-reviewed journal as  
34 having positive effects on the primary targeted outcome; or

35 (c) The program has been documented as effective by informed  
36 experts and other sources.

37 4. ~~[The core components of]~~ **Any participant in** the program  
38 ~~[that generally require]~~ **must be subject to** testing to determine the  
39 presence of alcohol **or a prohibited substance** in ~~[a person's]~~ **his or**  
40 **her** system not less than two times each day ~~[and random]~~ , **at a**  
41 testing ~~[to determine the presence of a prohibited substance in a~~  
42 ~~person's system not less than two times each week must not be~~  
43 ~~altered or modified.]~~ **location, using any approved method set forth**  
44 **in the federal definition of "24-7 sobriety program" in 23 C.F.R. §**  
45 **1300.23(b).**



1       **Sec. 24.** NRS 484C.394 is hereby amended to read as follows:  
2       484C.394 1. A court may , *as a condition of pretrial release,*  
3       *a sentence, a suspension of sentence or probation,* assign an  
4       offender who is *arrested for or* found guilty of , *as applicable,* a  
5       violation of NRS 484C.110 or 484C.120 that is punishable pursuant  
6       to paragraph (a), (b) or (c) of subsection 1 of NRS 484C.400 to the  
7       program established pursuant to NRS 484C.392 . ~~{for a specified~~  
8       ~~period determined by the court.}~~

9       2. *If the court assigns to the program an offender who is*  
10       *found guilty of a violation of NRS 484C.110 or 484C.120 that is*  
11       *punishable pursuant to paragraph (a) of subsection 1 of NRS*  
12       *484C.400, the court:*

13       (a) *Shall immediately sentence the offender in accordance*  
14       *with NRS 484C.400 and enter judgment accordingly.*

15       (b) *Shall suspend the sentence of the offender upon the*  
16       *condition that the offender participate in the program for not less*  
17       *than 90 days.*

18       (c) *Shall advise the offender that:*

19       (1) *If the offender fails to participate in the program for the*  
20       *period determined by the court or fails to comply with the*  
21       *requirements of the program, the court will require the offender to*  
22       *serve the sentence imposed by the court. The sentence of*  
23       *imprisonment must be reduced by a time equal to that which the*  
24       *offender served before participating in the program.*

25       (2) *If the offender participates in the program for the*  
26       *period determined by the court and complies with the*  
27       *requirements of the program, the sentencing conditions,*  
28       *including, without limitation, the mandatory period of*  
29       *imprisonment or community service, will be reduced, but the*  
30       *conviction must remain on the record of criminal history of the*  
31       *offender for the period prescribed by law.*

32       (3) *The offender is eligible for a restricted driver's license*  
33       *pursuant to subsection 2 of NRS 483.490 while participating in*  
34       *and complying with the requirements of the program.*

35       (d) *May immediately revoke the suspension of sentence for a*  
36       *violation of a condition of suspension.*

37       3. If the court assigns an offender to the program who is found  
38       guilty of a violation of NRS 484C.110 or 484C.120 that is  
39       punishable pursuant to paragraph (b) of subsection 1 of NRS  
40       484C.400, the court:

41       (a) Shall immediately sentence the offender *in accordance with*  
42       *NRS 484C.400* and enter judgment accordingly.

43       (b) Shall suspend the sentence of the offender upon the  
44       condition that the offender participate in the program for ~~{a~~  
45       ~~specified period determined by the court.}~~ *not less than 1 year and*



1 *require that the offender receive an assessment of whether the*  
2 *offender has an alcohol or other substance use disorder and any*  
3 *appropriate treatment.*

4 (c) Shall advise the offender that:

5 (1) If the offender fails to participate in the program for the  
6 period determined by the court or fails to comply with  
7 the requirements of the program, the court ~~may~~ *will* require the  
8 offender to serve the sentence imposed by the court. ~~Any~~ *The*  
9 sentence of imprisonment must be reduced by a time equal to that  
10 which the offender served before participating in the program.

11 (2) ~~It~~ *Except as otherwise provided in subparagraph (2) of*  
12 *paragraph (c) of subsection 4, if* the offender participates in the  
13 program for the period determined by the court and complies with  
14 the requirements of the program, the offender's sentence will be  
15 reduced ~~to a~~, *but the minimum mandatory* term of imprisonment  
16 ~~which is~~ *must* not ~~longer~~ *be less* than ~~that provided for the~~  
17 ~~offense in paragraph (c) of subsection 1 of NRS 484C.330 and a fine~~  
18 ~~of not more than the minimum provided for the offense in NRS~~  
19 ~~484C.400, but~~ *5 days, and* the conviction must remain on the  
20 record of criminal history of the offender ~~for~~ *for the period*  
21 *prescribed by law.*

22 (3) The offender is eligible for a restricted driver's license  
23 pursuant to subsection ~~4~~ *2* of NRS 483.490 ~~while participating~~  
24 *in and complying with the requirements of the program.*

25 (d) Shall not defer the sentence, set aside the conviction or  
26 impose conditions upon participation in the program except as  
27 otherwise provided in this section.

28 (e) May immediately revoke the suspension of sentence for a  
29 violation of a condition of the suspension.

30 ~~3~~ *4.* If the court assigns an offender to the program who is  
31 found guilty of a violation of NRS 484C.110 or 484C.120 that is  
32 punishable pursuant to paragraph (c) of subsection 1 of NRS  
33 484C.400, the court:

34 (a) Shall immediately, without entering a judgment of  
35 conviction and with the consent of the offender, suspend further  
36 proceedings and place the offender on probation.

37 (b) Shall order the offender to participate in the program ~~for~~ *for*  
38 *not less than 18 months and require that the offender receive an*  
39 *assessment of whether the offender has an alcohol or other*  
40 *substance use disorder and any appropriate treatment.*

41 (c) Shall advise the offender that:

42 (1) The court ~~may~~ *will* enter a judgment of conviction for a  
43 violation of paragraph (c) of subsection 1 of NRS 484C.400 if the  
44 offender fails to participate in the program for the period determined  
45 by the court or fails to comply with the requirements of the program.



1 Any sentence of imprisonment may be reduced by a time equal to  
2 that which the offender served before participating in the program.

3 (2) If the offender participates in the program for the period  
4 determined by the court and complies with the requirements of the  
5 program, the court will enter a judgment of conviction for a  
6 violation of paragraph (b) of subsection 1 of NRS 484C.400 ~~[4]~~ *and*  
7 *sentence the offender accordingly, but the minimum mandatory*  
8 *term of imprisonment must not be less than 10 days, and the*  
9 *conviction must remain on the record of criminal history of the*  
10 *offender for the period prescribed by law.*

11 (3) The provisions of NRS 483.460 requiring the revocation  
12 of the license, permit or privilege of the offender to drive do not  
13 apply and the offender is eligible for a restricted driver's license  
14 pursuant to subsection ~~[4]~~ 2 of NRS 483.490 ~~[4]~~ *while participating*  
15 *in and complying with the requirements of the program.*

16 (d) Shall not defer the sentence or set aside the conviction upon  
17 participation in the program, except as otherwise provided in this  
18 section.

19 (e) May enter a judgment of conviction and proceed as provided  
20 in paragraph (c) of subsection 1 of NRS 484C.400 for a violation of  
21 a condition ordered by the court.

22 ~~[4]~~ 5. *If the court assigns an offender to the program as a*  
23 *condition of pretrial release after his or her arrest for a violation*  
24 *of NRS 484C.110 or 484C.120 that is punishable pursuant to*  
25 *paragraph (a) of subsection 1 of NRS 484C.400, the court shall*  
26 *advise the offender that:*

27 (a) *If the offender fails to participate in the program, the court*  
28 *may remand the offender to custody and require bond or other*  
29 *conditions.*

30 (b) *The offender is eligible for a restricted driver's license*  
31 *pursuant to subsection 2 of NRS 483.490 while participating in*  
32 *and complying with the requirements of the program.*

33 6. If a court assigns a person to the program pursuant to this  
34 section, the court shall notify the Department of Motor Vehicles that  
35 as a participant in the program, the person is eligible for a restricted  
36 driver's license pursuant to subsection ~~[4]~~ 2 of NRS 483.490. If the  
37 person fails to comply with the requirements of the program, the  
38 court may notify the Department of Motor Vehicles of the person's  
39 noncompliance and direct the Department of Motor Vehicles to  
40 revoke the restricted license.

41 ~~[5]~~ 7. The Department of Motor Vehicles may adopt any  
42 regulations necessary to provide for the issuance of a restricted  
43 driver's license to a person assigned to the program.

44 8. *As used in this section, "imprisonment" means*  
45 *confinement in jail or an inpatient rehabilitation or treatment*



1 *center or other facility or under house arrest with electronic*  
2 *monitoring, provided the person under confinement or house*  
3 *arrest is in fact being detained.*

4 **Sec. 25.** NRS 484C.395 is hereby amended to read as follows:

5 484C.395 Any person who is assigned to the program:

6 1. Shall abstain from alcohol and prohibited substances while  
7 assigned to the program.

8 2. Shall undergo testing to determine the presence of alcohol *or*  
9 *a prohibited substance* in the person's system ~~;~~

10 ~~—(a) Except as otherwise provided in paragraph (b),]~~ not less than  
11 two times each day at a testing location established by a designated  
12 law enforcement agency pursuant to NRS 484C.393 so that  
13 immediate sanctions can be applied. ~~;~~

14 ~~—(b) If being tested two or more times each day is not practical,~~  
15 ~~by an alternate method consistent with NRS 484C.392 that allows~~  
16 ~~timely sanctions to be applied; or~~

17 ~~—(c) By any other alternate method consistent with NRS~~  
18 ~~484C.392.~~

19 ~~—3. Shall undergo random testing not less than two times each~~  
20 ~~week to determine the presence of a prohibited substance in the~~  
21 ~~person's system.~~

22 ~~—4.]~~ 3. Must be subject to immediate, lawful and consistent  
23 sanctions for using alcohol or a prohibited substance while assigned  
24 to the program or for failing or refusing to undergo required testing,  
25 including, without limitation, immediate incarceration.

26 ~~]~~ 4. Is eligible for a restricted driver's license pursuant to  
27 subsection ~~[4]~~ 2 of NRS 483.490 *while participating in and*  
28 *complying with the requirements of the program* if the driver's  
29 license of the person is suspended or revoked.

30 **Sec. 26.** NRS 484C.396 is hereby amended to read as follows:

31 484C.396 Each political subdivision that elects to participate in  
32 the program established pursuant to NRS 484C.392 shall adopt  
33 guidelines consistent with NRS 484C.372 to 484C.397, inclusive.  
34 Such guidelines must:

35 1. Provide for the nature and manner of testing and the testing  
36 procedures and devices to be used.

37 2. Establish the requirements for compliance with the program,  
38 including, without limitation, the immediate sanctions ~~[and timely~~  
39 ~~sanctions]~~ that may be imposed against a program participant.

40 3. Establish reasonable participant and testing fees for the  
41 program, including, without limitation, fees to pay the cost of  
42 installation, monitoring and deactivation of any testing device, and  
43 provide for the establishment and use of a local program account for  
44 the deposit of any fees collected. The established fees must be as  
45 low as possible, but the total amount of the fees and other funds



1 credited to the local program account must defray the entire expense  
2 of the program to ensure program sustainability.

3 4. Provide that a political subdivision may accept gifts, grants,  
4 donations and any other form of financial assistance from any  
5 source for the purpose of enabling the political subdivision to  
6 participate in the program and carry out the provisions of NRS  
7 484C.372 to 484C.397, inclusive.

8 5. Establish a process for the determination and management of  
9 program participants who are indigent.

10 6. Require and provide for the approval of a program data  
11 management technology plan to be used to manage testing, data  
12 access, fees, fee payments and any required reports.

13 7. Require a program participant to sign an agreement:

14 (a) Acknowledging his or her understanding of the program  
15 rules and expectations, including , without limitation, the  
16 prohibition against using alcohol or a prohibited substance while  
17 assigned to the program, and the sanctions that may be imposed;

18 (b) Agreeing to abide by the program rules and expectations;  
19 and

20 (c) Authorizing his or her records relating to participation in the  
21 program to be used for assessment purposes.

22 8. Require that program participants who meet certain  
23 standards of compliance be given positive feedback and rewarded  
24 when appropriate ~~[-.Such]~~, *except that such* a reward ~~[may]~~ *cannot*  
25 include ~~[-,without limitation,]~~ undergoing less frequent testing ~~[-]~~  
26 *than that which is required pursuant to subsection 4 of*  
27 *NRS 484C.392.*

28 **Sec. 27.** NRS 484C.400 is hereby amended to read as follows:

29 484C.400 1. Unless a greater penalty is provided pursuant to  
30 NRS 484C.430 or 484C.440, and except as otherwise provided in  
31 NRS *484C.394 or* 484C.410, a person who violates the provisions  
32 of NRS 484C.110 or 484C.120:

33 (a) For the first offense within 7 years, is guilty of a  
34 misdemeanor. Unless the person is allowed to undergo treatment as  
35 provided in NRS 484C.320, the court shall:

36 (1) Except as otherwise provided in subparagraph (4) of this  
37 paragraph or subsection 3 of NRS 484C.420, order the person to pay  
38 tuition for an educational course on alcohol or other substance use  
39 disorders approved by the Department and complete the course  
40 within the time specified in the order, and the court shall notify the  
41 Department if the person fails to complete the course within the  
42 specified time;

43 (2) Unless the sentence is reduced pursuant to NRS  
44 484C.320 ~~[-,sentence]~~ :



1 (I) Sentence the person to imprisonment for not less than  
2 2 days nor more than 6 months in jail ~~[-]~~ or residential confinement  
3 for not less than 2 days nor more than 6 months, in the manner  
4 provided in NRS 4.376 to 4.3766, inclusive, or 5.0755 to 5.078,  
5 inclusive; or

6 (II) Order the person to perform not less than 48 hours,  
7 but not more than 96 hours, of community service while dressed in  
8 distinctive garb that identifies the person as having violated the  
9 provisions of NRS 484C.110 or 484C.120;

10 (3) Fine the person not less than \$400 nor more than \$1,000;  
11 and

12 (4) If the person is found to have a concentration of alcohol  
13 of 0.18 or more in his or her blood or breath, order the person to  
14 attend a program of treatment for an alcohol or other substance use  
15 disorder pursuant to the provisions of NRS 484C.360.

16 (b) For a second offense within 7 years, is guilty of a  
17 misdemeanor. Unless the sentence is reduced pursuant to NRS  
18 484C.330, ~~for the person is assigned to a program pursuant to NRS~~  
19 ~~484C.394,]~~ the court shall:

20 (1) Sentence the person to:

21 (I) Imprisonment for not less than 10 days nor more than  
22 6 months in jail; or

23 (II) Residential confinement for not less than 10 days nor  
24 more than 6 months, in the manner provided in NRS 4.376 to  
25 4.3766, inclusive, or 5.0755 to 5.078, inclusive;

26 (2) Fine the person not less than \$750 nor more than \$1,000,  
27 or order the person to perform an equivalent number of hours of  
28 community service while dressed in distinctive garb that identifies  
29 the person as having violated the provisions of NRS 484C.110 or  
30 484C.120; and

31 (3) Order the person to attend a program of treatment for an  
32 alcohol or other substance use disorder pursuant to the provisions of  
33 NRS 484C.360.

34 ➤ A person who willfully fails or refuses to complete successfully a  
35 term of residential confinement or a program of treatment ordered  
36 pursuant to this paragraph is guilty of a misdemeanor.

37 (c) Except as otherwise provided in NRS 484C.340, ~~[and unless~~  
38 ~~the person is assigned to a program pursuant to NRS 484C.394,]~~  
39 for a third offense within 7 years, is guilty of a category B felony and  
40 ~~[shall be punished by]~~ the court:

41 (I) Shall:

42 (I) Sentence the person to imprisonment in the state  
43 prison for a minimum term of not less than 1 year and a maximum  
44 term of not more than 6 years ~~[-, and shall be further punished by a~~  
45 ~~fine of]~~; and



1           ***(II) Fine the person*** not less than \$2,000 nor more than  
2 \$5,000 ***H***; and

3           ***(2) May order the person to attend a program of treatment***  
4 ***for an alcohol or other substance use disorder pursuant to the***  
5 ***provisions of NRS 484C.360 if the results of an evaluation***  
6 ***conducted pursuant to NRS 484C.300 indicate that the person has***  
7 ***an alcohol or other substance use disorder and that the person can***  
8 ***be treated successfully for his or her condition.***

9           ↪ An offender who is imprisoned pursuant to the provisions of this  
10 paragraph must, insofar as practicable, be segregated from offenders  
11 whose crimes were violent and, insofar as practicable, be assigned  
12 to an institution or facility of minimum security.

13           2. An offense that occurred within 7 years immediately  
14 preceding the date of the principal offense or after the principal  
15 offense constitutes a prior offense for the purposes of this section:

16           (a) When evidenced by a conviction; or

17           (b) If the offense is conditionally dismissed ***or the judgment of***  
18 ***conviction is set aside*** pursuant to NRS ***176A.240, 176A.260 or***  
19 ***176A.290*** or dismissed in connection with successful completion of  
20 a diversionary program or specialty court program,

21           ↪ without regard to the sequence of the offenses and convictions.  
22 The facts concerning a prior offense must be alleged in the  
23 complaint, indictment or information, must not be read to the jury or  
24 proved at trial but must be proved at the time of sentencing and, if  
25 the principal offense is alleged to be a felony, must also be shown at  
26 the preliminary examination or presented to the grand jury.

27           3. A term of confinement imposed pursuant to the provisions  
28 of this section may be served intermittently at the discretion of the  
29 judge or justice of the peace, except that a person who is convicted  
30 of a second or subsequent offense within 7 years must be confined  
31 for at least one segment of not less than 48 consecutive hours. This  
32 discretion must be exercised after considering all the circumstances  
33 surrounding the offense, and the family and employment of the  
34 offender, but any sentence of 30 days or less must be served within  
35 6 months after the date of conviction or, if the offender was  
36 sentenced pursuant to NRS 484C.320 or 484C.330 and the  
37 suspension of his or her sentence was revoked, within 6 months  
38 after the date of revocation. Any time for which the offender is  
39 confined must consist of not less than 24 consecutive hours.

40           4. Jail sentences simultaneously imposed pursuant to this  
41 section and NRS 482.456, 483.560, 484C.410 or 485.330 must run  
42 consecutively.

43           5. If the defendant was transporting a person who is less than  
44 15 years of age in the motor vehicle at the time of the violation, the





1 court shall consider that fact as an aggravating factor in determining  
2 the sentence of the defendant.

3 6. For the purpose of determining whether one offense occurs  
4 within 7 years of another offense, any period of time between the  
5 two offenses during which, for any such offense, the offender is  
6 imprisoned, serving a term of residential confinement, placed under  
7 the supervision of a treatment provider, on parole or on probation  
8 must be excluded.

9 7. As used in this section, unless the context otherwise  
10 requires, "offense" means:

11 (a) A violation of NRS 484C.110, 484C.120 or 484C.430;

12 (b) A homicide resulting from driving or being in actual  
13 physical control of a vehicle while under the influence of  
14 intoxicating liquor or a controlled substance or resulting from any  
15 other conduct prohibited by NRS 484C.110, 484C.130 or 484C.430;  
16 or

17 (c) A violation of a law of any other jurisdiction that prohibits  
18 the same or similar conduct as set forth in paragraph (a) or (b).

19 **Sec. 28.** NRS 484C.460 is hereby amended to read as follows:

20 484C.460 1. Except as otherwise provided in subsections 2  
21 and 5, ~~and unless the person is assigned to a program pursuant to~~  
22 ~~NRS 484C.394,~~ a court shall order a person ~~convicted of:~~ *to*  
23 *install, at his or her own expense, an ignition interlock device in*  
24 *any motor vehicle which the person operates as a condition to*  
25 *obtaining an ignition interlock privilege pursuant to NRS 483.490*  
26 *to reinstate the driving privilege of the person:*

27 (a) ~~Except as otherwise provided in paragraph (b), a violation~~  
28 ~~of paragraph (a), (b) or (c) of subsection 1 or paragraph (b) of~~  
29 ~~subsection 2 of NRS 484C.110 that is punishable pursuant to~~  
30 ~~paragraph (a) or (b) of subsection 1 of NRS 484C.400, to install, at~~  
31 ~~his or her own expense and for a period of not less than~~ *For a*  
32 *period of* 185 days ~~[, a device in any motor vehicle which]~~ *if* the  
33 person ~~operates as a condition to obtaining a restricted license~~  
34 ~~pursuant to NRS 483.490 or as a condition of reinstatement of the~~  
35 ~~driving privilege of the person.]~~ *is convicted of a first violation*  
36 *within 7 years of NRS 484C.110.*

37 (b) ~~[A violation of:]~~ *For a period of 1 year if the person is*  
38 *convicted of a second violation within 7 years of NRS 484C.110.*

39 (c) *For a period of 3 years if the person is convicted of:*

40 (1) ~~[NRS 484C.110 that is punishable pursuant to paragraph~~  
41 ~~(a) or (b) of subsection 1 of NRS 484C.400, if the person is found to~~  
42 ~~have had a concentration of alcohol of 0.18 or more in his or her~~  
43 ~~blood or breath;~~

44 ~~—(2)—~~ *A violation of* NRS 484C.110 or 484C.120 that is  
45 punishable as a felony pursuant to NRS 484C.400 or 484C.410; or



1 ~~[(3)]~~ (2) *A violation of* NRS 484C.130 or 484C.430 .  ~~[,~~  
2 ~~↪ to install, at his or her own expense and for a period of not less~~  
3 ~~than 12 months or more than 36 months, a device in any motor~~  
4 ~~vehicle which the person operates as a condition to obtaining a~~  
5 ~~restricted license pursuant to NRS 483.490 or as a condition of~~  
6 ~~reinstatement of the driving privilege of the person.]~~

7 2. A court may  ~~[, in the interests of justice,]~~ provide for an  
8 exception to the provisions of subsection 1 for a person who is  
9 convicted of a violation of NRS 484C.110 that is punishable  
10 pursuant to paragraph (a) of subsection 1 of NRS 484C.400, if the  
11 court determines that:

12 (a) The person is unable to provide a deep lung breath sample  
13 for ~~[a]~~ *analysis by an ignition interlock* device, as certified in  
14 writing by a physician or an advanced practice registered nurse of  
15 the person; or

16 (b) The person resides more than 100 miles from a manufacturer  
17 of ~~[a]~~ *an ignition interlock* device or its agent.

18 3. If the court orders a person to install ~~[a]~~ *an ignition*  
19 *interlock* device pursuant to subsection 1:

20 (a) The court shall immediately prepare and transmit a copy of  
21 its order to the Director. The order must include a statement that ~~[a]~~  
22 *an ignition interlock* device is required and the specific period for  
23 which it is required. The Director shall cause this information to be  
24 incorporated into the records of the Department and noted ~~[as a~~  
25 ~~restriction]~~ on the person's ~~[driver's license.]~~ *ignition interlock*  
26 *privilege*.

27 (b) The person who is required to install the *ignition interlock*  
28 device shall provide proof of compliance to the Department before  
29 the person may receive ~~[a restricted license or before the driving]~~ *an*  
30 *ignition interlock* privilege . ~~[of the person may be reinstated, as~~  
31 ~~applicable.]~~ Each model of ~~[a]~~ *an ignition interlock* device installed  
32 pursuant to this section must have been certified by the ~~[Committee~~  
33 ~~on Testing for Intoxication.]~~ *Department of Public Safety*.

34 4. A person ~~[whose driving]~~ *who obtains an ignition interlock*  
35 *privilege* ~~[is restricted]~~ pursuant to this section or NRS 483.490  
36 shall have the *ignition interlock* device inspected, calibrated,  
37 monitored and maintained by the manufacturer of the *ignition*  
38 *interlock* device or its agent at least one time each 90 days during  
39 the period in which the person is required to use the *ignition*  
40 *interlock* device to determine whether the *ignition interlock* device  
41 is operating properly. Any inspection, calibration, monitoring or  
42 maintenance required pursuant to this subsection must be conducted  
43 in accordance with regulations adopted pursuant to NRS 484C.480.  
44 The manufacturer or its agent shall submit a report to the Director *of*  
45 *the Department of Public Safety* indicating ~~[whether the device is~~



~~operating properly.]~~ whether any of the incidents listed in subsection 1 of NRS 484C.470 have occurred and whether the **ignition interlock** device has been tampered with. ~~[If the device has been tampered with, the Director and the manufacturer or its agent shall notify the court that ordered the installation of the device. Upon receipt of such notification and before]~~ **Before** the court imposes a penalty pursuant to subsection 3 of NRS 484C.470, the court shall afford any interested party an opportunity for a hearing after reasonable notice.

5. If a person is required to operate a motor vehicle in the course and scope of his or her employment and the motor vehicle is owned by the person's employer, the person may operate that vehicle without the installation of ~~[a]~~ **an ignition interlock** device, if:

(a) The employee notifies his or her employer that the ~~[employee's driving privilege]~~ **employee** has been ~~[so restricted;]~~ **issued an ignition interlock privilege;** and

(b) The employee has proof of that notification in his or her possession or the notice, or a facsimile copy thereof, is with the motor vehicle.

➤ This exemption does not apply to a motor vehicle owned by a business which is all or partly owned or controlled by the person otherwise subject to this section.

6. The running of the period during which a person is required to have ~~[a]~~ **an ignition interlock** device installed pursuant to this section commences when the Department issues ~~[a restricted license]~~ **an ignition interlock privilege** to the person ~~[or reinstates the driving privilege of the person]~~ and is tolled whenever and for as long as the person is, with regard to a violation of NRS 484C.110, 484C.120, 484C.130 or 484C.430, imprisoned, serving a term of residential confinement, placed under the supervision of a treatment provider, on parole or on probation.

**Sec. 29.** NRS 484C.470 is hereby amended to read as follows:

484C.470 1. The court may extend the order of a person who is required to install ~~[a]~~ **an ignition interlock** device pursuant to NRS 484C.210 or 484C.460, ~~[not]~~ to ~~[exceed]~~ one-half of the period during which the person is required to have ~~[a]~~ **an ignition interlock** device installed, if the court receives from the Director of the Department of Public Safety or the manufacturer of the **ignition interlock** device or its agent a report that 4 consecutive months prior to the date of release any of the following incidents occurred:

(a) Any attempt by the person to start the vehicle with a concentration of alcohol of 0.04 or more in his or her breath unless a subsequent test performed within 10 minutes registers a



1 concentration of alcohol lower than 0.04 and the digital image  
2 confirms the same person provided both samples;

3 (b) Failure of the person to take any random test unless a review  
4 of the digital image confirms that the vehicle was not occupied by  
5 the person at the time of the missed test;

6 (c) Failure of the person to pass any random retest with a  
7 concentration of alcohol of 0.025 or lower in his or her breath unless  
8 a subsequent test performed within 10 minutes registers a  
9 concentration of alcohol lower than 0.025, and the digital image  
10 confirms the same person provided both samples;

11 (d) Failure of the person to have the *ignition interlock* device  
12 inspected, calibrated, monitored and maintained by the manufacturer  
13 or its agent pursuant to subsection 4 of NRS 484C.460; or

14 (e) Any attempt by the person to operate a motor vehicle  
15 without ~~an~~ *an ignition interlock* device or tamper with the *ignition*  
16 *interlock* device.

17 2. A person required to install ~~an~~ *an ignition interlock* device  
18 pursuant to NRS 484C.210 or 484C.460 shall not operate a motor  
19 vehicle without ~~an~~ *an ignition interlock* device or tamper with the  
20 *ignition interlock* device.

21 3. A person who violates any provision of subsection 2:

22 (a) Must have his or her driving privilege revoked in the manner  
23 set forth in *paragraph (c) or (d) of* subsection ~~4~~ *1* of NRS 483.460  
24 ~~and~~, *as applicable*; and

25 (b) Shall be:

26 (1) Punished by imprisonment in jail for not less than 30  
27 days nor more than 6 months; or

28 (2) Sentenced to a term of not less than 60 days in residential  
29 confinement nor more than 6 months, and by a fine of not less than  
30 \$500 nor more than \$1,000.

31 ↪ No person who is punished pursuant to this section may be  
32 granted probation, and no sentence imposed for such a violation  
33 may be suspended. No prosecutor may dismiss a charge of such a  
34 violation in exchange for a plea of guilty, guilty but mentally ill or  
35 nolo contendere to a lesser charge or for any other reason unless, in  
36 the judgment of the attorney, the charge is not supported by  
37 probable cause or cannot be proved at trial.

38 **Sec. 30.** NRS 484C.475 is hereby amended to read as follows:

39 484C.475 Any person who provides a sample of breath for ~~an~~  
40 *an ignition interlock* device, with the intent to start a motor vehicle  
41 of another and for the purpose of allowing a person required to  
42 install ~~an~~ *an ignition interlock* device pursuant to NRS 484C.210  
43 or 484C.460 to avoid providing a sample of his or her breath, is  
44 guilty of a misdemeanor.



1     **Sec. 31.** NRS 484C.480 is hereby amended to read as follows:  
2     484C.480 1. The ~~{Committee on Testing for Intoxication}~~

3     *Department of Public Safety* shall adopt regulations which:

4     (a) Provide for the certification of each model of those *ignition*  
5     *interlock* devices, described by manufacturer and model, which it  
6     approves as designed and manufactured to be accurate and reliable  
7     to test a person's breath to determine the concentration of alcohol in  
8     the person's breath and, if the results of the test indicate that the  
9     person has a concentration of alcohol of 0.02 or more in his or her  
10    breath, prevent the motor vehicle in which it is installed from  
11    starting.

12    (b) Prescribe the form and content of records respecting the  
13    calibration of *ignition interlock* devices, which must be kept by the  
14    manufacturer of the *ignition interlock* device or its agent, and other  
15    records respecting the installation, removal, inspection, maintenance  
16    and operation of the *ignition interlock* devices which it finds should  
17    be kept by the manufacturer or its agent.

18    (c) Prescribe standards and procedures for the proper  
19    installation, removal, inspection, calibration, maintenance and  
20    operation of ~~{a}~~ *an ignition interlock* device installed by the  
21    manufacturer or its agent.

22    (d) Require the manufacturer or its agent to waive the cost of  
23    installing or removing the *ignition interlock* device and adjust the  
24    fee to lease, calibrate or monitor the *ignition interlock* device, if the  
25    person required to install ~~{a}~~ *an ignition interlock* device pursuant  
26    to NRS 484C.210 or 484C.460:

27    (1) Has an income which is at or below 100 percent of the  
28    federally designated level signifying poverty, to 50 percent of the  
29    fee; or

30    (2) Receives supplemental nutritional assistance, as defined  
31    in NRS 422A.072, was determined indigent pursuant to NRS  
32    171.188 or has an income which is at or below 149 percent of the  
33    federally designated level signifying poverty, to 75 percent of the  
34    fee.

35    2. The ~~{Committee}~~ *Department of Public Safety* shall  
36    establish its own standards and procedures for evaluating the models  
37    of the *ignition interlock* devices and obtain evaluations of those  
38    models from the Director or the manufacturer of the *ignition*  
39    *interlock* device or its agent.

40    3. If a model of ~~{a}~~ *an ignition interlock* device has been  
41    certified by the ~~{Committee}~~ *Department of Public Safety* to be  
42    accurate and reliable pursuant to subsection 1, it is presumed that, as  
43    designed and manufactured, each *ignition interlock* device of that  
44    model is accurate and reliable to test a person's breath to determine  
45    the concentration of alcohol in the person's breath and, if the results



1 of the test indicate that the person has a concentration of alcohol of  
2 0.02 or more in his or her breath, will prevent the motor vehicle in  
3 which it is installed from starting.

4 **Sec. 32.** NRS 62E.640 is hereby amended to read as follows:

5 62E.640 1. If a child is adjudicated delinquent for an  
6 unlawful act in violation of NRS 484C.110, 484C.120, 484C.130 or  
7 484C.430, the juvenile court shall, if the child possesses a driver's  
8 license:

9 (a) Issue an order revoking the driver's license of the child for  
10 185 days and requiring the child to surrender the driver's license of  
11 the child to the juvenile court; and

12 (b) Not later than 5 days after issuing the order, forward to the  
13 Department of Motor Vehicles a copy of the order and the driver's  
14 license of the child.

15 2. The Department of Motor Vehicles shall order the child to  
16 submit to the tests and other requirements which are adopted by  
17 regulation pursuant to subsection 1 of NRS 483.495 as a condition  
18 of reinstatement of the driver's license of the child.

19 3. If the child is adjudicated delinquent for a subsequent  
20 unlawful act in violation of NRS 484C.110, 484C.120, 484C.130 or  
21 484C.430, the juvenile court shall order an additional period of  
22 revocation to apply consecutively with the previous order.

23 4. The juvenile court may:

24 (a) Authorize the Department of Motor Vehicles to issue ~~fa~~  
25 ~~restricted driver's license~~ *an ignition interlock privilege* pursuant  
26 to NRS 483.490 to a child whose driver's license is revoked  
27 pursuant to this section; and

28 (b) Order the child to install, at his or her own expense, or at the  
29 expense of the parent or guardian of the child, ~~fa~~ *an ignition*  
30 *interlock* device in any motor vehicle the child operates as a  
31 condition to obtaining ~~fa-restricted license~~ *an ignition interlock*  
32 *privilege* pursuant to NRS 483.490.

33 5. As used in this section ~~fa~~ *“device”* :

34 (a) *“Ignition interlock device”* has the meaning ascribed to it in  
35 ~~NRS 484C.450.~~ *section 9 of this act.*

36 (b) *“Ignition interlock privilege”* has the meaning ascribed to  
37 *it in section 10 of this act.*

38 **Sec. 33.** NRS 176A.240 is hereby amended to read as follows:

39 176A.240 1. Except as otherwise provided in subparagraph  
40 (1) of paragraph (a) of subsection 3 of NRS 176.211, if a defendant  
41 who suffers from a substance use disorder or any co-occurring  
42 disorder tenders a plea of guilty, guilty but mentally ill or nolo  
43 contendere to, or is found guilty or guilty but mentally ill of, any  
44 offense for which the suspension of sentence or the granting of  
45 probation is not prohibited by statute, the court may:



1 (a) Without entering a judgment of conviction and with the  
2 consent of the defendant, suspend or defer further proceedings and  
3 place the defendant on probation upon terms and conditions that  
4 must include attendance and successful completion of a program  
5 established pursuant to NRS 176A.230 if the court determines that  
6 the defendant is eligible for participation in such a program; or

7 (b) Enter a judgment of conviction and place the defendant on  
8 probation upon terms and conditions that must include attendance  
9 and successful completion of a program established pursuant to  
10 NRS 176A.230 if the court determines that the defendant is eligible  
11 for participation in such a program.

12 2. Except as otherwise provided in subsection 4, a defendant is  
13 eligible for participation in a program established pursuant to NRS  
14 176A.230 if the defendant is diagnosed as having a substance use  
15 disorder or any co-occurring disorder:

16 (a) After an in-person clinical assessment by:

17 (1) A counselor who is licensed or certified to make such a  
18 diagnosis; or

19 (2) A duly licensed physician qualified by the Board of  
20 Medical Examiners to make such a diagnosis; or

21 (b) Pursuant to a substance use assessment.

22 3. A counselor or physician who diagnoses a defendant as  
23 having a substance use disorder shall submit a report and  
24 recommendation to the court concerning the length and type of  
25 treatment required for the defendant.

26 4. If the offense committed by the defendant is a category A  
27 felony or a sexual offense as defined in NRS 179D.097 that is  
28 punishable as a category B felony, the defendant is not eligible for  
29 assignment to the program.

30 5. Upon violation of a term or condition:

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

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

38 6. ~~Upon~~ *Except as otherwise provided in subsection 8, upon*  
39 fulfillment of the terms and conditions, the court:

40 (a) Shall discharge the defendant and dismiss the proceedings or  
41 set aside the judgment of conviction, as applicable, unless the  
42 defendant:

43 (1) Has been previously convicted in this State or in any  
44 other jurisdiction of a felony; or



1 (2) Has previously failed to complete a specialty court  
2 program; or

3 (b) May discharge the defendant and dismiss the proceedings or  
4 set aside the judgment of conviction, as applicable, if the defendant:

5 (1) Has been previously convicted in this State or in any  
6 other jurisdiction of a felony; or

7 (2) Has previously failed to complete a specialty court  
8 program.

9 7. Discharge and dismissal pursuant to this section is without  
10 adjudication of guilt and is not a conviction for purposes of this  
11 section or for purposes of employment, civil rights or any statute or  
12 regulation or license or questionnaire or for any other public or  
13 private purpose, but is a conviction for the purpose of additional  
14 penalties imposed for second or subsequent convictions or the  
15 setting of bail. Discharge and dismissal restores the defendant, in the  
16 contemplation of the law, to the status occupied before the arrest,  
17 indictment or information. The defendant may not be held thereafter  
18 under any law to be guilty of perjury or otherwise giving a false  
19 statement by reason of failure to recite or acknowledge that arrest,  
20 indictment, information or trial in response to an inquiry made of  
21 the defendant for any purpose.

22 8. *If the defendant was charged with a violation of NRS*  
23 *200.485, 484C.110 or 484C.120, upon fulfillment of the terms and*  
24 *conditions, the district court, justice court or municipal court, as*  
25 *applicable, may conditionally dismiss the charges or set aside the*  
26 *judgment of conviction, as applicable. If a court conditionally*  
27 *dismisses the charges or sets aside the judgment of conviction, the*  
28 *court shall notify the defendant that any conditionally dismissed*  
29 *charge or judgment of conviction that is set aside is a conviction*  
30 *for the purpose of additional penalties imposed for second or*  
31 *subsequent convictions or the setting of bail in a future case, but is*  
32 *not a conviction for purposes of employment, civil rights or any*  
33 *statute or regulation or license or questionnaire or for any other*  
34 *public or private purpose. Conditional dismissal or having a*  
35 *judgment of conviction set aside restores the defendant, in the*  
36 *contemplation of the law, to the status occupied before the arrest,*  
37 *complaint, indictment or information. The defendant may not be*  
38 *held thereafter under any law to be guilty of perjury or otherwise*  
39 *giving a false statement by reason of failure to recite or*  
40 *acknowledge that arrest, complaint, indictment, information or*  
41 *trial in response to an inquiry made of the defendant for any*  
42 *purpose.*

43 **Sec. 34.** NRS 176A.245 is hereby amended to read as follows:

44 176A.245 1. ~~After~~ *Except as otherwise provided in*  
45 *subsection 2, after* a defendant is discharged from probation or a





1 case is dismissed pursuant to NRS 176A.240, the court shall order  
2 sealed all documents, papers and exhibits in the defendant's record,  
3 minute book entries and entries on dockets, and other documents  
4 relating to the case in the custody of such other agencies and  
5 officers as are named in the court's order if the defendant fulfills the  
6 terms and conditions imposed by the court and the Division. The  
7 court shall order those records sealed without a hearing unless the  
8 Division petitions the court, for good cause shown, not to seal the  
9 records and requests a hearing thereon.

10 2. *If the defendant is charged with a violation of NRS*  
11 *200.485, 484C.110 or 484C.210 and the charges are conditionally*  
12 *dismissed or the judgment of conviction is set aside as provided in*  
13 *NRS 176A.240, not sooner than 7 years after the charges are*  
14 *conditionally dismissed or the judgment of conviction is set aside*  
15 *and upon the filing of a petition by the defendant, the justice*  
16 *court, municipal court or district court, as applicable, shall order*  
17 *that all documents, papers and exhibits in the defendant's record,*  
18 *minute book entries and entries on dockets, and other documents*  
19 *relating to the case in the custody of such other agencies and*  
20 *officers as are named in the court's order be sealed. The justice*  
21 *court, municipal court or district court, as applicable, shall order*  
22 *those records sealed without a hearing unless the Division*  
23 *petitions the court, for good cause shown, not to seal the records*  
24 *and requests a hearing thereon.*

25 3. If the court orders sealed the record of a defendant who is  
26 discharged from probation, ~~or~~ whose case is dismissed, *whose*  
27 *charges were conditionally dismissed or whose judgment of*  
28 *conviction was set aside* pursuant to NRS 176A.240, the court shall  
29 send a copy of the order to each agency or officer named in the  
30 order. Each such agency or officer shall notify the court in writing  
31 of its compliance with the order.

32 **Sec. 35.** NRS 176A.260 is hereby amended to read as follows:

33 176A.260 1. Except as otherwise provided in subparagraph  
34 (1) of paragraph (a) of subsection 3 of NRS 176.211, if a defendant  
35 who suffers from mental illness or is intellectually disabled tenders  
36 a plea of guilty, guilty but mentally ill or nolo contendere to, or is  
37 found guilty or guilty but mentally ill of, any offense for which the  
38 suspension of sentence or the granting of probation is not prohibited  
39 by statute, the court may:

40 (a) Without entering a judgment of conviction and with the  
41 consent of the defendant, suspend or defer further proceedings and  
42 place the defendant on probation upon terms and conditions that  
43 must include attendance and successful completion of a program  
44 established pursuant to NRS 176A.250 if the court determines that  
45 the defendant is eligible for participation in such a program; or



1 (b) Enter a judgment of conviction and place the defendant on  
2 probation upon terms and conditions that must include attendance  
3 and successful completion of a program established pursuant to  
4 NRS 176A.250, if the court determines that the defendant is eligible  
5 for participation in such a program.

6 2. Except as otherwise provided in subsection 4, a defendant is  
7 eligible for participation in a program established pursuant to NRS  
8 176A.250 if the defendant is diagnosed as having a mental illness or  
9 an intellectual disability:

10 (a) After an in-person clinical assessment by:

11 (1) A counselor who is licensed or certified to make such a  
12 diagnosis; or

13 (2) A duly licensed physician qualified by the Board of  
14 Medical Examiners to make such a diagnosis; and

15 (b) If the defendant appears to suffer from a mental illness,  
16 pursuant to a mental health screening that indicates the presence of a  
17 mental illness.

18 3. A counselor or physician who diagnoses a defendant as  
19 having a mental illness or intellectual disability shall submit a report  
20 and recommendation to the court concerning the length and type of  
21 treatment required for the defendant within the maximum probation  
22 terms applicable to the offense for which the defendant is convicted.

23 4. If the offense committed by the defendant is a category A  
24 felony or a sexual offense as defined in NRS 179D.097 that is  
25 punishable as a category B felony, the defendant is not eligible for  
26 assignment to the program.

27 5. Upon violation of a term or condition:

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

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

35 6. ~~Upon~~ *Except as otherwise provided in subsection 8, upon*  
36 fulfillment of the terms and conditions, the court:

37 (a) Shall discharge the defendant and dismiss the proceedings or  
38 set aside the judgment of conviction, as applicable, unless the  
39 defendant:

40 (1) Has been previously convicted in this State or in any  
41 other jurisdiction of a felony; or

42 (2) Has previously failed to complete a specialty court  
43 program; or

44 (b) May discharge the defendant and dismiss the proceedings or  
45 set aside the judgment of conviction, as applicable, if the defendant:



1 (1) Has been previously convicted in this State or in any  
2 other jurisdiction of a felony; or

3 (2) Has previously failed to complete a specialty court  
4 program.

5 7. Discharge and dismissal pursuant to this section is without  
6 adjudication of guilt and is not a conviction for purposes of this  
7 section or for purposes of employment, civil rights or any statute or  
8 regulation or license or questionnaire or for any other public or  
9 private purpose, but is a conviction for the purpose of additional  
10 penalties imposed for second or subsequent convictions or the  
11 setting of bail. Discharge and dismissal restores the defendant, in the  
12 contemplation of the law, to the status occupied before the arrest,  
13 indictment or information. The defendant may not be held thereafter  
14 under any law to be guilty of perjury or otherwise giving a false  
15 statement by reason of failure to recite or acknowledge that arrest,  
16 indictment, information or trial in response to an inquiry made of  
17 the defendant for any purpose.

18 8. *If the defendant was charged with a violation of NRS*  
19 *200.485, 484C.110 or 484C.120, upon fulfillment of the terms and*  
20 *conditions, the district court, justice court or municipal court, as*  
21 *applicable, may conditionally dismiss the charges or set aside the*  
22 *judgment of conviction, as applicable. If a court conditionally*  
23 *dismisses the charges or sets aside the judgment of conviction, the*  
24 *court shall notify the defendant that any conditionally dismissed*  
25 *charge or judgment of conviction that is set aside is a conviction*  
26 *for the purpose of additional penalties imposed for second or*  
27 *subsequent convictions or the setting of bail in a future case, but is*  
28 *not a conviction for purposes of employment, civil rights or any*  
29 *statute or regulation or license or questionnaire or for any other*  
30 *public or private purpose. Conditional dismissal or having a*  
31 *judgment of conviction set aside restores the defendant, in the*  
32 *contemplation of the law, to the status occupied before the arrest,*  
33 *complaint, indictment or information. The defendant may not be*  
34 *held thereafter under any law to be guilty of perjury or otherwise*  
35 *giving a false statement by reason of failure to recite or*  
36 *acknowledge that arrest, complaint, indictment, information or*  
37 *trial in response to an inquiry made of the defendant for any*  
38 *purpose.*

39 **Sec. 36.** NRS 176A.265 is hereby amended to read as follows:  
40 176A.265 1. ~~After~~ *Except as otherwise provided in*  
41 *subsection 2, after* a defendant is discharged from probation or a  
42 case is dismissed pursuant to NRS 176A.260, the court shall order  
43 sealed all documents, papers and exhibits in the defendant's record,  
44 minute book entries and entries on dockets, and other documents  
45 relating to the case in the custody of such other agencies and



1 officers as are named in the court's order if the defendant fulfills the  
2 terms and conditions imposed by the court and the Division. The  
3 court shall order those records sealed without a hearing unless the  
4 Division petitions the court, for good cause shown, not to seal the  
5 records and requests a hearing thereon.

6 2. *If the defendant is charged with a violation of NRS*  
7 *200.485, 484C.110 or 484C.120 and the charges are conditionally*  
8 *dismissed or the judgment of conviction is set aside as provided in*  
9 *NRS 176A.260, not sooner than 7 years after the charges are*  
10 *conditionally dismissed or the judgment of conviction is set aside*  
11 *and upon the filing of a petition by the defendant, the justice*  
12 *court, municipal court or district court, as applicable, shall order*  
13 *that all documents, papers and exhibits in the defendant's record,*  
14 *minute book entries and entries on dockets, and other documents*  
15 *relating to the case in the custody of such other agencies and*  
16 *officers as are named in the court's order be sealed. The justice*  
17 *court, municipal court or district court, as applicable, shall order*  
18 *those records sealed without a hearing unless the Division*  
19 *petitions the court, for good cause shown, not to seal the records*  
20 *and requests a hearing thereon.*

21 3. If the court orders sealed the record of a defendant who is  
22 discharged from probation, ~~or~~ whose case is dismissed, *whose*  
23 *charges were conditionally dismissed or whose judgment of*  
24 *conviction was set aside* pursuant to NRS 176A.260, the court shall  
25 send a copy of the order to each agency or officer named in the  
26 order. Each such agency or officer shall notify the court in writing  
27 of its compliance with the order.

28 **Sec. 37.** NRS 176A.290 is hereby amended to read as follows:

29 176A.290 1. Except as otherwise provided in subparagraph  
30 (1) of paragraph (a) of subsection 3 of NRS 176.211 and NRS  
31 176A.287, if a defendant described in NRS 176A.280 tenders a plea  
32 of guilty, guilty but mentally ill or nolo contendere to, or is found  
33 guilty or guilty but mentally ill of:

34 (a) Any offense punishable as a felony or gross misdemeanor for  
35 which the suspension of sentence or the granting of probation is not  
36 prohibited by statute, the district court may:

37 (1) Without entering a judgment of conviction and with the  
38 consent of the defendant, suspend or defer further proceedings and  
39 place the defendant on probation upon terms and conditions that  
40 must include attendance and successful completion of a program  
41 established pursuant to NRS 176A.280 if the court determines that  
42 the defendant is eligible for participation in such a program; or

43 (2) Enter a judgment of conviction and place the defendant  
44 on probation upon terms and conditions that must include  
45 attendance and successful completion of a program established



1 pursuant to NRS 176A.280 if the court determines that the  
2 defendant is eligible for participation in such a program; or

3 (b) Any offense punishable as a misdemeanor for which the  
4 suspension of sentence is not prohibited by statute, the justice court  
5 or municipal court, as applicable, may, without entering a judgment  
6 of conviction and with the consent of the defendant, suspend further  
7 proceedings upon terms and conditions that must include attendance  
8 and successful completion of a program established pursuant to  
9 NRS 176A.280.

10 2. Upon violation of a term or condition:

11 (a) The district court, justice court or municipal court, as  
12 applicable, may impose sanctions against the defendant for the  
13 violation, but allow the defendant to remain in the program. Before  
14 imposing a sanction, the court shall notify the defendant of the  
15 violation and provide the defendant an opportunity to respond. Any  
16 sanction imposed pursuant to this paragraph:

17 (1) Must be in accordance with any applicable guidelines for  
18 sanctions established by the National Association of Drug Court  
19 Professionals or any successor organization; and

20 (2) May include, without limitation, imprisonment in a  
21 county or city jail or detention facility for a term set by the court,  
22 which must not exceed 25 days.

23 (b) The district court, justice court or municipal court, as  
24 applicable, may enter a judgment of conviction, if applicable, and  
25 proceed as provided in the section pursuant to which the defendant  
26 was charged.

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

31 3. Except as otherwise provided in subsection 5, upon  
32 fulfillment of the terms and conditions:

33 (a) The district court:

34 (1) Shall discharge the defendant and dismiss the  
35 proceedings or set aside the judgment of conviction, as applicable,  
36 unless the defendant:

37 (I) Has been previously convicted in this State or in any  
38 other jurisdiction of a felony; or

39 (II) Has previously failed to complete a specialty court  
40 program; or

41 (2) May discharge the defendant and dismiss the proceedings  
42 or set aside the judgment of conviction, as applicable, if the  
43 defendant:

44 (I) Has been previously convicted in this State or in any  
45 other jurisdiction of a felony; or



1 (II) Has previously failed to complete a specialty court  
2 program; or

3 (b) The justice court or municipal court, as applicable, shall  
4 discharge the defendant and dismiss the proceedings.

5 4. Discharge and dismissal pursuant to this section is without  
6 adjudication of guilt and is not a conviction for purposes of this  
7 section or for purposes of employment, civil rights or any statute or  
8 regulation or license or questionnaire or for any other public or  
9 private purpose, but is a conviction for the purpose of additional  
10 penalties imposed for second or subsequent convictions or the  
11 setting of bail. Discharge and dismissal restores the defendant, in the  
12 contemplation of the law, to the status occupied before the arrest,  
13 complaint, indictment or information. The defendant may not be  
14 held thereafter under any law to be guilty of perjury or otherwise  
15 giving a false statement by reason of failure to recite or  
16 acknowledge that arrest, complaint, indictment, information or trial  
17 in response to an inquiry made of the defendant for any purpose.

18 5. If the defendant was charged with a violation of NRS  
19 200.485, 484C.110 or 484C.120, upon fulfillment of the terms and  
20 conditions, the district court, justice court or municipal court, as  
21 applicable, may conditionally dismiss the charges ~~[,] or set aside the~~  
22 *judgment of conviction, as applicable*. If a court conditionally  
23 dismisses the charges ~~[,] or sets aside the judgment of conviction,~~  
24 the court shall notify the defendant that ~~the~~ *any* conditionally  
25 dismissed ~~charges are~~ *charge or judgment of conviction that is set*  
26 *aside is* a conviction for the purpose of additional penalties imposed  
27 for second or subsequent convictions or the setting of bail in a future  
28 case, but ~~are~~ *is* not a conviction for purposes of employment, civil  
29 rights or any statute or regulation or license or questionnaire or for  
30 any other public or private purpose. Conditional dismissal *or having*  
31 *a judgment of conviction set aside* restores the defendant, in the  
32 contemplation of the law, to the status occupied before the arrest,  
33 complaint, indictment or information. The defendant may not be  
34 held thereafter under any law to be guilty of perjury or otherwise  
35 giving a false statement by reason of failure to recite or  
36 acknowledge that arrest, complaint, indictment, information or trial  
37 in response to an inquiry made of the defendant for any purpose.

38 **Sec. 38.** NRS 176A.295 is hereby amended to read as follows:

39 176A.295 1. Except as otherwise provided in subsection 2,  
40 after a defendant is discharged from probation or a case is dismissed  
41 pursuant to NRS 176A.290, the justice court, municipal court or  
42 district court, as applicable, shall order sealed all documents, papers  
43 and exhibits in the defendant's record, minute book entries and  
44 entries on dockets, and other documents relating to the case in the  
45 custody of such other agencies and officers as are named in the



1 court's order if the defendant fulfills the terms and conditions  
2 imposed by the court and the Division. The justice court, municipal  
3 court or district court, as applicable, shall order those records sealed  
4 without a hearing unless the Division petitions the court, for good  
5 cause shown, not to seal the records and requests a hearing thereon.

6 2. If the defendant is charged with a violation of NRS 200.485,  
7 484C.110 or 484C.120 and the charges are conditionally dismissed  
8 *or the judgment of conviction is set aside* as provided in NRS  
9 176A.290, not sooner than 7 years after ~~[such a conditional~~  
10 ~~dismissal]~~ *the charges are conditionally dismissed or the judgment*  
11 *of conviction is set aside* and upon the filing of a petition by the  
12 defendant, the justice court, municipal court or district court, as  
13 applicable, shall order that all documents, papers and exhibits in the  
14 defendant's record, minute book entries and entries on dockets, and  
15 other documents relating to the case in the custody of such other  
16 agencies and officers as are named in the court's order be sealed.  
17 The justice court, municipal court or district court, as applicable,  
18 shall order those records sealed without a hearing unless the  
19 Division petitions the court, for good cause shown, not to seal the  
20 records and requests a hearing thereon.

21 3. If the justice court, municipal court or district court, as  
22 applicable, orders sealed the record of a defendant who is  
23 discharged from probation, whose case is dismissed, ~~[or]~~ whose  
24 charges were conditionally dismissed *or whose judgment of*  
25 *conviction was set aside* pursuant to NRS 176A.290, the court shall  
26 send a copy of the order to each agency or officer named in the  
27 order. Each such agency or officer shall notify the justice court,  
28 municipal court or district court, as applicable, in writing of its  
29 compliance with the order.

30 **Sec. 39.** NRS 179.245 is hereby amended to read as follows:

31 179.245 1. Except as otherwise provided in subsection 6 and  
32 NRS 176.211, 176A.245, 176A.265, 176A.295, 179.247, 179.259,  
33 201.354 and 453.3365, a person may petition the court in which the  
34 person was convicted for the sealing of all records relating to a  
35 conviction of:

36 (a) A category A felony, a crime of violence pursuant to NRS  
37 200.408 or residential burglary pursuant to NRS 205.060 after 10  
38 years from the date of release from actual custody or discharge from  
39 parole or probation, whichever occurs later;

40 (b) Except as otherwise provided in paragraphs (a) and (e), a  
41 category B, C or D felony after 5 years from the date of release from  
42 actual custody or discharge from parole or probation, whichever  
43 occurs later;



1 (c) A category E felony after 2 years from the date of release  
2 from actual custody or discharge from parole or probation,  
3 whichever occurs later;

4 (d) Except as otherwise provided in paragraph (e), any gross  
5 misdemeanor after 2 years from the date of release from actual  
6 custody or discharge from probation, whichever occurs later;

7 (e) A violation of NRS 422.540 to 422.570, inclusive, a  
8 violation of NRS 484C.110 or 484C.120 other than a felony, or a  
9 battery which constitutes domestic violence pursuant to NRS 33.018  
10 other than a felony, after 7 years from the date of release from actual  
11 custody or from the date when the person is no longer under a  
12 suspended sentence, whichever occurs later;

13 (f) Except as otherwise provided in paragraph (e), if the offense  
14 is punished as a misdemeanor, a battery pursuant to NRS 200.481,  
15 harassment pursuant to NRS 200.571, stalking pursuant to NRS  
16 200.575 or a violation of a temporary or extended order for  
17 protection, after 2 years from the date of release from actual custody  
18 or from the date when the person is no longer under a suspended  
19 sentence, whichever occurs later; or

20 (g) Any other misdemeanor after 1 year from the date of release  
21 from actual custody or from the date when the person is no longer  
22 under a suspended sentence, whichever occurs later.

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

24 (a) Be accompanied by the petitioner's current, verified records  
25 received from the Central Repository for Nevada Records of  
26 Criminal History;

27 (b) If the petition references NRS 453.3365, include a certificate  
28 of acknowledgment or the disposition of the proceedings for the  
29 records to be sealed from all agencies of criminal justice which  
30 maintain such records;

31 (c) Include a list of any other public or private agency, company,  
32 official or other custodian of records that is reasonably known to the  
33 petitioner to have possession of records of the conviction and to  
34 whom the order to seal records, if issued, will be directed; and

35 (d) Include information that, to the best knowledge and belief of  
36 the petitioner, accurately and completely identifies the records to be  
37 sealed, including, without limitation, the:

38 (1) Date of birth of the petitioner;

39 (2) Specific conviction to which the records to be sealed  
40 pertain; and

41 (3) Date of arrest relating to the specific conviction to which  
42 the records to be sealed pertain.

43 3. Upon receiving a petition pursuant to this section, the court  
44 shall notify the law enforcement agency that arrested the petitioner  
45 for the crime and the prosecuting attorney, including, without





1 limitation, the Attorney General, who prosecuted the petitioner for  
2 the crime. The prosecuting attorney and any person having relevant  
3 evidence may testify and present evidence at any hearing on the  
4 petition.

5 4. If the prosecuting attorney who prosecuted the petitioner for  
6 the crime stipulates to the sealing of the records after receiving  
7 notification pursuant to subsection 3 and the court makes the  
8 findings set forth in subsection 5, the court may order the sealing of  
9 the records in accordance with subsection 5 without a hearing. If the  
10 prosecuting attorney does not stipulate to the sealing of the records,  
11 a hearing on the petition must be conducted.

12 5. If the court finds that, in the period prescribed in subsection  
13 1, the petitioner has not been charged with any offense for which the  
14 charges are pending or convicted of any offense, except for minor  
15 moving or standing traffic violations, the court may order sealed all  
16 records of the conviction which are in the custody of any agency of  
17 criminal justice or any public or private agency, company, official  
18 or other custodian of records in the State of Nevada, and may also  
19 order all such records of the petitioner returned to the file of the  
20 court where the proceeding was commenced from, including,  
21 without limitation, the Federal Bureau of Investigation and all other  
22 agencies of criminal justice which maintain such records and which  
23 are reasonably known by either the petitioner or the court to have  
24 possession of such records.

25 6. A person may not petition the court to seal records relating  
26 to a conviction of:

27 (a) A crime against a child;

28 (b) A sexual offense;

29 (c) Invasion of the home with a deadly weapon pursuant to  
30 NRS 205.067;

31 (d) A violation of NRS 484C.110 or 484C.120 that is punishable  
32 as a felony pursuant to paragraph (c) of subsection 1 of  
33 NRS 484C.400;

34 (e) A violation of NRS 484C.430;

35 (f) A homicide resulting from driving or being in actual physical  
36 control of a vehicle while under the influence of intoxicating liquor  
37 or a controlled substance or resulting from any other conduct  
38 prohibited by NRS 484C.110, 484C.130 or 484C.430;

39 (g) A violation of NRS 488.410 that is punishable as a felony  
40 pursuant to NRS 488.427; or

41 (h) A violation of NRS 488.420 or 488.425.

42 7. *The provisions of paragraph (e) of subsection 1 and*  
43 *paragraph (d) of subsection 6 must not be construed to preclude a*  
44 *person from being able to petition the court to seal records*  
45 *relating to a conviction for a violation of NRS 484C.110 or*



1 *484C.120 pursuant to this section if the person was found guilty of*  
2 *a violation of NRS 484C.110 or 484C.120 that is punishable*  
3 *pursuant to:*

4 (a) *Paragraph (b) of subsection 1 of NRS 484C.400; or*

5 (b) *Paragraph (c) of subsection 1 of NRS 484C.400 but had a*  
6 *judgment of conviction entered against him or her for a violation*  
7 *of paragraph (b) of subsection 1 of NRS 484C.400 because the*  
8 *person participated in the statewide sobriety and drug monitoring*  
9 *program established pursuant to NRS 484C.392.*

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

14 ~~8.~~ 9. As used in this section:

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

17 (b) "Sexual offense" means:

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

22 (2) Sexual assault pursuant to NRS 200.366.

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

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

27 (5) An offense involving the administration of a drug to  
28 another person with the intent to enable or assist the commission of  
29 a felony pursuant to NRS 200.405, if the felony is an offense listed  
30 in this paragraph.

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

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

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

39 (9) Incest pursuant to NRS 201.180.

40 (10) Open or gross lewdness pursuant to NRS 201.210, if  
41 punishable as a felony.

42 (11) Indecent or obscene exposure pursuant to NRS 201.220,  
43 if punishable as a felony.

44 (12) Lewdness with a child pursuant to NRS 201.230.



1 (13) Sexual penetration of a dead human body pursuant to  
2 NRS 201.450.

3 (14) Sexual conduct between certain employees of a school  
4 or volunteers at a school and a pupil pursuant to NRS 201.540.

5 (15) Sexual conduct between certain employees of a college  
6 or university and a student pursuant to NRS 201.550.

7 (16) Luring a child or a person with mental illness pursuant  
8 to NRS 201.560, if punishable as a felony.

9 (17) An attempt to commit an offense listed in this  
10 paragraph.

11 **Sec. 40.** NRS 179.259 is hereby amended to read as follows:

12 179.259 1. Except as otherwise provided in subsections 3, 4  
13 and 5, 4 years after an eligible person completes a program for  
14 reentry, the court may order sealed all documents, papers and  
15 exhibits in the eligible person's record, minute book entries and  
16 entries on dockets, and other documents relating to the case in the  
17 custody of such other agencies and officers as are named in the  
18 court's order. The court may order those records sealed without a  
19 hearing unless the Division of Parole and Probation of the  
20 Department of Public Safety petitions the court, for good cause  
21 shown, not to seal the records and requests a hearing thereon.

22 2. If the court orders sealed the record of an eligible person, the  
23 court shall send a copy of the order to each agency or officer named  
24 in the order. Each such agency or officer shall notify the court in  
25 writing of its compliance with the order.

26 3. A professional licensing board is entitled, for the purpose of  
27 determining suitability for a license or liability to discipline for  
28 misconduct, to inspect and to copy from a record sealed pursuant to  
29 this section.

30 4. The Division of Insurance of the Department of Business  
31 and Industry is entitled, for the purpose of determining suitability  
32 for a license or liability to discipline for misconduct, to inspect and  
33 to copy from a record sealed pursuant to this section.

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

36 6. As used in this section:

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

39 (b) "Eligible person" means a person who has:

40 (1) Successfully completed a program for reentry, which the  
41 person participated in pursuant to NRS 209.4886, 209.4888,  
42 213.625 or 213.632; and

43 (2) Been convicted of a single offense which was punishable  
44 as a felony and which did not involve the use or threatened use of  
45 force or violence against the victim. For the purposes of this



1 subparagraph, multiple convictions for an offense punishable as a  
2 felony shall be deemed to constitute a single offense if those  
3 offenses arose out of the same transaction or occurrence.

4 (c) "Program for reentry" means:

5 (1) A correctional program for reentry of offenders and  
6 parolees into the community that is established by the Director of  
7 the Department of Corrections pursuant to NRS 209.4887; or

8 (2) A judicial program for reentry of offenders and parolees  
9 into the community that is established in a judicial district pursuant  
10 to NRS 209.4883.

11 (d) "Sexual offense" has the meaning ascribed to it in  
12 ~~paragraph (b) of subsection 8 of~~ NRS 179.245.

13 **Sec. 41.** NRS 200.485 is hereby amended to read as follows:

14 200.485 1. Unless a greater penalty is provided pursuant to  
15 subsections 2 to 5, inclusive, or NRS 200.481, a person convicted of  
16 a battery which constitutes domestic violence pursuant to  
17 NRS 33.018:

18 (a) For the first offense within 7 years, is guilty of a  
19 misdemeanor and shall be sentenced to:

20 (1) Imprisonment in the city or county jail or detention  
21 facility for not less than 2 days, but not more than 6 months; and

22 (2) Perform not less than 48 hours, but not more than 120  
23 hours, of community service.

24 ➤ The person shall be further punished by a fine of not less than  
25 \$200, but not more than \$1,000. A term of imprisonment imposed  
26 pursuant to this paragraph may be served intermittently at the  
27 discretion of the judge or justice of the peace, except that each  
28 period of confinement must be not less than 12 consecutive hours  
29 and must occur at a time when the person is not required to be at his  
30 or her place of employment or on a weekend.

31 (b) For the second offense within 7 years, is guilty of a  
32 misdemeanor and shall be sentenced to:

33 (1) Imprisonment in the city or county jail or detention  
34 facility for not less than 20 days, but not more than 6 months; and

35 (2) Perform not less than 100 hours, but not more than 200  
36 hours, of community service.

37 ➤ The person shall be further punished by a fine of not less than  
38 \$500, but not more than \$1,000. A term of imprisonment imposed  
39 pursuant to this paragraph may be served intermittently at the  
40 discretion of the judge or justice of the peace, except that each  
41 period of confinement must not be less than 12 consecutive hours  
42 and must occur at a time when the person is not required to be at his  
43 or her place of employment or on a weekend.

44 (c) For the third offense within 7 years, is guilty of a category B  
45 felony and shall be punished by imprisonment in the state prison for



1 a minimum term of not less than 1 year and a maximum term of not  
2 more than 6 years, and may be further punished by a fine of not less  
3 than \$1,000, but not more than \$5,000.

4 2. Unless a greater penalty is provided pursuant to subsection 3  
5 or NRS 200.481, a person convicted of a battery which constitutes  
6 domestic violence pursuant to NRS 33.018, if the battery is  
7 committed by strangulation as described in NRS 200.481, is guilty  
8 of a category C felony and shall be punished as provided in  
9 NRS 193.130.

10 3. Unless a greater penalty is provided pursuant to  
11 NRS 200.481, a person who has been previously convicted of:

12 (a) A felony that constitutes domestic violence pursuant to  
13 NRS 33.018;

14 (b) A battery which constitutes domestic violence pursuant to  
15 NRS 33.018, if the battery is committed with the use of a deadly  
16 weapon as described in NRS 200.481; or

17 (c) A violation of the law of any other jurisdiction that prohibits  
18 the same or similar conduct set forth in paragraph (a) or (b),

19 and who commits a battery which constitutes domestic violence  
20 pursuant to NRS 33.018 is guilty of a category B felony and shall be  
21 punished by imprisonment in the state prison for a minimum term of  
22 not less than 2 years and a maximum term of not more than 15  
23 years, and shall be further punished by a fine of not less than  
24 \$2,000, but not more than \$5,000.

25 4. Unless a greater penalty is provided pursuant to NRS  
26 200.481, a person convicted of a battery which constitutes domestic  
27 violence pursuant to NRS 33.018, if the battery is committed against  
28 a victim who was pregnant at the time of the battery and the person  
29 knew or should have known that the victim was pregnant:

30 (a) For the first offense, is guilty of a gross misdemeanor.

31 (b) For the second or any subsequent offense, is guilty of a  
32 category B felony and shall be punished by imprisonment in the  
33 state prison of a minimum term of not less than 1 year and a  
34 maximum term of not more than 6 years, and may be further  
35 punished by a fine of not less than \$1,000, but not more  
36 than \$5,000.

37 5. Unless a greater penalty is provided pursuant to NRS  
38 200.481, a person convicted of a battery which constitutes domestic  
39 violence pursuant to NRS 33.018, if the battery causes substantial  
40 bodily harm, is guilty of a category B felony and shall be punished  
41 by imprisonment in the state prison of a minimum term of not less  
42 than 1 year and a maximum term of not more than 6 years, and may  
43 be further punished by a fine of not less than \$1,000, but not more  
44 than \$5,000.



1 6. In addition to any other penalty, if a person is convicted of a  
2 battery which constitutes domestic violence pursuant to NRS  
3 33.018, the court shall:

4 (a) For the first offense within 7 years, require the person to  
5 participate in weekly counseling sessions of not less than 1 1/2  
6 hours per week for not less than 6 months, at his or her expense, in a  
7 program for the treatment of persons who commit domestic violence  
8 that has been certified pursuant to NRS 439.258.

9 (b) For the second offense within 7 years, require the person to  
10 participate in weekly counseling sessions of not less than 1 1/2  
11 hours per week for not less than 12 months, at his or her expense, in  
12 a program for the treatment of persons who commit domestic  
13 violence that has been certified pursuant to NRS 439.258.

14 ➤ If the person resides in this State but the nearest location at which  
15 counseling services are available is in another state, the court may  
16 allow the person to participate in counseling in the other state in a  
17 program for the treatment of persons who commit domestic violence  
18 that has been certified pursuant to NRS 439.258.

19 7. Except as otherwise provided in this subsection, an offense  
20 that occurred within 7 years immediately preceding the date of the  
21 principal offense or after the principal offense constitutes a prior  
22 offense for the purposes of this section:

23 (a) When evidenced by a conviction; or

24 (b) If the offense is conditionally dismissed *or the judgment of*  
25 *conviction is set aside* pursuant to NRS 176A.240, 176A.260 or  
26 176A.290 or dismissed in connection with successful completion of  
27 a diversionary program or specialty court program,

28 ➤ without regard to the sequence of the offenses and convictions.  
29 An offense which is listed in paragraph (a), (b) or (c) of subsection 3  
30 that occurred on any date preceding the date of the principal offense  
31 or after the principal offense constitutes a prior offense for the  
32 purposes of this section when evidenced by a conviction, without  
33 regard to the sequence of the offenses and convictions. The facts  
34 concerning a prior offense must be alleged in the complaint,  
35 indictment or information, must not be read to the jury or proved at  
36 trial but must be proved at the time of sentencing and, if the  
37 principal offense is alleged to be a felony, must also be shown at the  
38 preliminary examination or presented to the grand jury.

39 8. In addition to any other penalty, the court may require such a  
40 person to participate, at his or her expense, in a program of  
41 treatment for an alcohol or other substance use disorder that has  
42 been certified by the Division of Public and Behavioral Health of  
43 the Department of Health and Human Services.

44 9. If it appears from information presented to the court that a  
45 child under the age of 18 years may need counseling as a result of



1 the commission of a battery which constitutes domestic violence  
2 pursuant to NRS 33.018, the court may refer the child to an agency  
3 which provides child welfare services. If the court refers a child to  
4 an agency which provides child welfare services, the court shall  
5 require the person convicted of a battery which constitutes domestic  
6 violence pursuant to NRS 33.018 to reimburse the agency for the  
7 costs of any services provided, to the extent of the convicted  
8 person's ability to pay.

9 10. If a person is charged with committing a battery which  
10 constitutes domestic violence pursuant to NRS 33.018, a  
11 prosecuting attorney shall not dismiss such a charge in exchange for  
12 a plea of guilty, guilty but mentally ill or nolo contendere to a lesser  
13 charge or for any other reason unless the prosecuting attorney  
14 knows, or it is obvious, that the charge is not supported by probable  
15 cause or cannot be proved at the time of trial. Except as otherwise  
16 provided in this subsection, a court shall not grant probation to or  
17 suspend the sentence of such a person. A court may grant probation  
18 to or suspend the sentence of such a person:

19 (a) As set forth in NRS 4.373 and 5.055; or

20 (b) To assign the person to a program for the treatment of  
21 veterans and members of the military pursuant to NRS 176A.290 if  
22 the charge is for a first offense punishable as a misdemeanor.

23 11. In every judgment of conviction or admonishment of rights  
24 issued pursuant to this section, the court shall:

25 (a) Inform the person convicted that he or she is prohibited from  
26 owning, possessing or having under his or her custody or control  
27 any firearm pursuant to NRS 202.360; and

28 (b) Order the person convicted to permanently surrender, sell or  
29 transfer any firearm that he or she owns or that is in his or her  
30 possession or under his or her custody or control in the manner set  
31 forth in NRS 202.361.

32 12. A person who violates any provision included in a  
33 judgment of conviction or admonishment of rights issued pursuant  
34 to this section concerning the surrender, sale, transfer, ownership,  
35 possession, custody or control of a firearm is guilty of a category B  
36 felony and shall be punished by imprisonment in the state prison for  
37 a minimum term of not less than 1 year and a maximum term of not  
38 more than 6 years, and may be further punished by a fine of not  
39 more than \$5,000. The court must include in the judgment of  
40 conviction or admonishment of rights a statement that a violation of  
41 such a provision in the judgment or admonishment is a category B  
42 felony and shall be punished by imprisonment in the state prison for  
43 a minimum term of not less than 1 year and a maximum term of not  
44 more than 6 years, and may be further punished by a fine of not  
45 more than \$5,000.



1 13. As used in this section:

2 (a) "Agency which provides child welfare services" has the  
3 meaning ascribed to it in NRS 432B.030.

4 (b) "Battery" has the meaning ascribed to it in paragraph (a) of  
5 subsection 1 of NRS 200.481.

6 (c) "Offense" includes a battery which constitutes domestic  
7 violence pursuant to NRS 33.018 or a violation of the law of any  
8 other jurisdiction that prohibits the same or similar conduct.

9 **Sec. 42.** NRS 209.427 is hereby amended to read as follows:

10 209.427 1. If the results of an evaluation conducted pursuant  
11 to NRS 484C.300 or 488.430 indicate that an offender has an  
12 alcohol or other substance use disorder and that the offender can be  
13 treated successfully for his or her condition, the Director shall,  
14 except as otherwise provided in this section ~~§~~ *and unless a court*  
15 *has already assigned the offender to a program of treatment*  
16 *pursuant to subparagraph (2) of paragraph (c) of subsection 1 of*  
17 *NRS 484C.400*, assign the offender to the program of treatment  
18 established pursuant to NRS 209.425. Such an assignment must be,  
19 to the extent that the period reasonably can be predicted, for the  
20 year, or as much thereof as practicable, immediately preceding the  
21 date the offender is due to be released from prison, either on parole  
22 or at the expiration of the offender's term.

23 2. Before assigning an offender to a program of treatment, the  
24 Director, in cooperation with the Division of Parole and Probation  
25 of the Department of Public Safety, shall determine, to the extent  
26 possible:

27 (a) The length of time remaining on the offender's sentence,  
28 taking into consideration any credits earned by the offender; and

29 (b) The likelihood that the offender will complete the entire  
30 program of treatment.

31 3. The Director shall when assigning offenders to the program,  
32 to the extent possible, give preference to those offenders who appear  
33 to the Director capable of successfully completing the entire  
34 program.

35 4. The Director is not required to assign an offender to the  
36 program of treatment if the offender is not eligible for assignment to  
37 an institution or facility of minimum security pursuant to the  
38 provisions of NRS 209.481 and the regulations adopted pursuant  
39 thereto.

40 5. The Director may withdraw the offender from the program  
41 of treatment at any time if the Director determines that the offender:

42 (a) Is not responding satisfactorily to the program; or

43 (b) Has failed or refused to comply with any term or condition  
44 of the program.





1 6. As used in this section, “entire program” means both phases  
2 of the program established pursuant to NRS 209.425, for offenders  
3 who have not been released from prison, and NRS 209.429, for  
4 offenders who have been assigned to the custody of the Division of  
5 Parole and Probation of the Department of Public Safety.

6 **Sec. 43.** Any regulations adopted by the Committee on Testing  
7 for Intoxication before the effective date of this act pursuant to NRS  
8 484C.480 remain in effect and may be enforced by the Department  
9 of Public Safety until the Department adopts regulations to repeal or  
10 replace those regulations.

11 **Sec. 44.** Notwithstanding the provisions of NRS 218D.430 and  
12 218D.435, a committee, other than the Assembly Standing  
13 Committee on Ways and Means and the Senate Standing Committee  
14 on Finance, may vote on this act before the expiration of the period  
15 prescribed for the return of a fiscal note in NRS 218D.475. This  
16 section applies retroactively from and after March 22, 2021.

17 **Sec. 45.** NRS 484C.390 and 484C.450 are hereby repealed.

18 **Sec. 46.** This act becomes effective upon passage and  
19 approval.

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### TEXT OF REPEALED SECTIONS

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**484C.390 “Timely sanction” defined.** “Timely sanction” means a sanction that is able to be applied as soon as possible, but not later than 14 days, after the results of testing indicate the presence of alcohol or a prohibited substance in a program participant’s system.

**484C.450 “Device” defined.** As used in NRS 484C.450 to 484C.480, inclusive, unless the context otherwise requires, “device” means a mechanism that:

1. Tests a person’s breath to determine the concentration of alcohol in his or her breath; and
2. If the results of the test indicate that the person has a concentration of alcohol of 0.02 or more in his or her breath, prevents the motor vehicle in which it is installed from starting.

