
ASSEMBLY BILL NO. 440—COMMITTEE ON JUDICIARY

(ON BEHALF OF THE COMMITTEE TO CONDUCT AN
INTERIM STUDY OF ISSUES RELATING TO PRETRIAL
RELEASE OF DEFENDANTS IN CRIMINAL CASES)

MARCH 29, 2021

Referred to Committee on Judiciary

SUMMARY—Revises provisions relating to the issuance of certain citations. (BDR 14-376)

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

~

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

AN ACT relating to crimes; defining the terms “aggregate offense” and “crime of violence”; requiring a peace officer to issue a misdemeanor citation in lieu of executing a warrant by arresting the defendant if the warrant is issued upon an offense punishable as a misdemeanor and the offense does not constitute an aggregate offense or a crime of violence; requiring certain persons to issue misdemeanor citations, traffic citations, vessel citations and wildlife citations under certain circumstances for offenses punishable as misdemeanors that do not constitute aggregate offenses or crimes of violence; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 Existing law requires a warrant of arrest to be executed by the arrest of the
2 defendant unless certain circumstances apply and a peace officer issues a
3 misdemeanor citation in lieu of executing the warrant. (NRS 171.122) **Section 5** of
4 this bill requires a peace officer to issue a misdemeanor citation in lieu of executing
5 such a warrant unless the warrant is issued upon an offense punishable as a
6 misdemeanor that is an aggregate offense or a crime of violence, in which case, the
7 peace officer is authorized to issue the misdemeanor citation.
8 Existing law provides that whenever any person is detained by a peace officer
9 for any violation of an ordinance or a state law punishable as a misdemeanor and
10 the person is not otherwise required to be taken before a magistrate, the person is
11 required to be given a misdemeanor citation or to be taken before the proper



12 magistrate. (NRS 171.1771) Existing law also authorizes a peace officer to issue a
13 citation in lieu of taking the person before a magistrate if a person is arrested by a
14 private person for any violation of an ordinance or a state law punishable as
15 a misdemeanor. (NRS 171.1772) **Sections 6 and 7** of this bill require a peace
16 officer to issue a misdemeanor citation for any such violation unless the violation is
17 an aggregate offense or a crime of violence, in which case, the peace officer is
18 authorized to issue the misdemeanor citation. **Section 8** of this bill makes a
19 conforming change related to the issuance of misdemeanor citations.

20 **Section 2** of this bill defines the term "aggregate offense" for the purposes of
21 **sections 5-7**. Additionally, **section 3** of this bill defines the term "crime of
22 violence" for the purposes of **sections 5-7 and 9-14** of this bill. **Section 4** of this
23 bill makes a conforming change related to the proper placement of **sections 2 and 3**
24 in the Nevada Revised Statutes.

25 Existing law authorizes a peace officer to issue a traffic citation or a
26 misdemeanor citation at the scene of a crash so long as the offense is not a felony or
27 certain other traffic offenses. (NRS 484A.660) While retaining the existing
28 exceptions, **section 21** of this bill revises the discretionary issuance of such
29 citations by requiring a peace officer to issue a traffic citation or a misdemeanor
30 citation for an offense punishable as a misdemeanor that does not constitute an
31 aggregate offense or a crime of violence.

32 Existing law also provides that whenever any person is halted by a peace
33 officer for a violation of certain traffic laws and is not otherwise required to be
34 taken before a magistrate, the person may be given a traffic citation or be taken
35 before the proper magistrate. (NRS 484A.730) **Section 24** of this bill revises the
36 discretionary issuance of such citations by instead requiring a peace officer to issue
37 a traffic citation for an offense punishable as misdemeanor that does not constitute
38 an aggregate offense or a crime of violence.

39 **Sections 16 and 17** of this bill define the terms "aggregate offense" and "crime
40 of violence" for the purposes of **sections 21 and 24**. **Section 18** of this bill makes a
41 conforming change to indicate the proper placement of **sections 16 and 17** in the
42 Nevada Revised Statutes.

43 **Sections 19, 20 and 23** of this bill make conforming changes related to the
44 requirement to issue a traffic citation for traffic offenses punishable as
45 misdemeanors that do not constitute aggregate offenses or crimes of violence.

46 Existing law authorizes a peace officer to arrest a person, with or without a
47 warrant, who commits certain traffic offenses. (NRS 484A.710) **Section 22** of this
48 bill: (1) removes those offenses punishable as misdemeanors which are now
49 required to be issued traffic citations pursuant to **section 21 or 24**; and (2) provides
50 an exception for the discretionary issuance of traffic citations or misdemeanor
51 citations pursuant to **section 21 or 24**, as applicable.

52 Existing law authorizes a game warden, sheriff or peace officer to issue a
53 citation for certain offenses relating to vessels. (NRS 488.920) While retaining the
54 existing discretionary issuance of citations for offenses relating to vessels that are
55 punishable as felonies or gross misdemeanors, **section 25** of this bill requires a
56 game warden, sheriff or peace officer to issue a citation for such an offense
57 punishable as a misdemeanor unless the offense is an aggregate offense or a crime
58 of violence, in which case, the game warden, sheriff or peace officer is authorized
59 to issue the citation.

60 Existing law also authorizes a game warden to issue a citation for certain
61 offenses relating to wildlife. (NRS 501.386) While retaining the existing
62 discretionary issuance of citations for offenses relating to wildlife that are
63 punishable as felonies or gross misdemeanors, **section 26** of this bill requires a
64 game warden to issue a citation for an offense punishable as a misdemeanor unless
65 the offense is an aggregate offense or a crime of violence, in which case, the game
66 warden is authorized to issue the citation.



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

1 **Section 1.** Chapter 169 of NRS is hereby amended by adding
2 thereto the provisions set forth as sections 2 and 3 of this act.

3 **Sec. 2. 1.** *“Aggregate offense” means an offense for which*
4 *a penalty is determined by a previous conviction, or lack thereof,*
5 *of the same offense.*

6 **2.** *As used in this section, “penalty” means a term of*
7 *imprisonment or a fine, or both.*

8 **Sec. 3.** *“Crime of violence” has the meaning ascribed to it in*
9 *NRS 200.408.*

10 **Sec. 4.** NRS 169.045 is hereby amended to read as follows:

11 169.045 As used in this title, unless the context otherwise
12 requires, the words and terms defined in NRS 169.049 to 169.205,
13 inclusive, *and sections 2 and 3 of this act* have the meanings
14 ascribed to them in those sections.

15 **Sec. 5.** NRS 171.122 is hereby amended to read as follows:

16 171.122 1. Except as otherwise provided in subsection 2, the
17 warrant must be executed by the arrest of the defendant. The officer
18 need not have the warrant in the officer’s possession at the time of
19 the arrest, but upon request the officer must show the warrant to the
20 defendant as soon as possible. If the officer does not have a warrant
21 in the officer’s possession at the time of the arrest, the officer shall
22 then inform the defendant of the officer’s intention to arrest the
23 defendant, of the offense charged, the authority to make it and of the
24 fact that a warrant has or has not been issued. The defendant must
25 not be subjected to any more restraint than is necessary for the
26 defendant’s arrest and detention. If the defendant either flees or
27 forcibly resists, the officer may, except as otherwise provided in
28 NRS 171.1455, use only the amount of reasonable force necessary
29 to effect the arrest.

30 2. ~~[Hn]~~ *Except as otherwise provided in subsection 3, a peace*
31 *officer shall issue a misdemeanor citation as provided in NRS*
32 *171.1773 in lieu of executing the warrant by arresting the defendant*
33 ~~[a]~~ *unless the warrant is issued upon an offense that constitutes*
34 *an aggregate offense or a crime of violence, in which case, the*
35 *peace officer may issue [a] the misdemeanor citation . [as provided*
36 *in NRS 171.1773 if:]*

37 **3.** *The citation described in subsection 2 must not be issued*
38 *unless:*

39 (a) The warrant is issued upon an offense punishable as a
40 misdemeanor;

41 (b) The *peace* officer has no indication that the defendant has
42 previously failed to appear on the charge reflected in the warrant;



1 (c) The defendant provides satisfactory evidence of his or her
2 identity to the peace officer;

3 (d) The defendant signs a written promise to appear in court for
4 the misdemeanor offense; and

5 (e) The *peace* officer has reasonable grounds to believe that the
6 defendant will keep a written promise to appear in court.

7 ~~3.1~~ 4. The summons must be served upon a defendant by
8 delivering a copy to the defendant personally, or by leaving it at the
9 defendant's dwelling house or usual place of abode with some
10 person then residing in the house or abode who is at least 16 years
11 of age and is of suitable discretion, or by mailing it to the
12 defendant's last known address. In the case of a corporation, the
13 summons must be served at least 5 days before the day of
14 appearance fixed in the summons, by delivering a copy to an officer
15 or to a managing or general agent or to any other agent authorized
16 by appointment or by law to receive service of process and, if the
17 agent is one authorized by statute to receive service and the statute
18 so requires, by also mailing a copy to the corporation's last known
19 address within the State of Nevada or at its principal place of
20 business elsewhere in the United States.

21 **Sec. 6.** NRS 171.1771 is hereby amended to read as follows:

22 171.1771 ~~Whenever~~

23 *1. Except as otherwise provided in subsection 2, whenever*
24 *any person is detained by a peace officer for any violation of a*
25 *county, city or town ordinance or a state law which is punishable as*
26 *a misdemeanor and the person is not required to be taken before a*
27 *magistrate, the person ~~shall,~~ must be given a misdemeanor*
28 *citation unless the violation constitutes an aggregate offense or a*
29 *crime of violence, in which case, the person may,* in the discretion
30 of the peace officer, either be given a misdemeanor citation ~~;~~ or be
31 taken without unnecessary delay before the proper magistrate. ~~Any~~
32 ~~such person shall~~

33 *2. A person described in subsection 1 must* be taken before the
34 *proper* magistrate when the person does not furnish satisfactory
35 evidence of identity or when the peace officer has reasonable and
36 probable grounds to believe the person will disregard a written
37 promise to appear in court.

38 **Sec. 7.** NRS 171.1772 is hereby amended to read as follows:

39 171.1772 *1.* Whenever any person is arrested by a private
40 person, as provided in NRS 171.126, for any violation of a county,
41 city or town ordinance or state law which is punishable as a
42 misdemeanor, such person arrested ~~may~~ *must* be issued a
43 misdemeanor citation by a peace officer in lieu of being
44 immediately taken before a magistrate by the peace officer ~~if;~~
45 *unless the violation constitutes an aggregate offense or a crime of*



1 *violence, in which case, the person arrested may be issued the*
2 *misdemeanor citation or be immediately taken before a magistrate*
3 *by the police officer.*

4 *2. The citation described in subsection 1 must not be issued*
5 *unless:*

6 ~~(1)~~ (a) The person arrested furnishes satisfactory evidence of
7 identity; and

8 ~~(2)~~ (b) The peace officer has reasonable grounds to believe that
9 the person arrested will keep a written promise to appear in court.

10 **Sec. 8.** NRS 171.1773 is hereby amended to read as follows:

11 171.1773 1. Whenever a person is detained by a peace officer
12 for any violation of a county, city or town ordinance or a state law
13 which is punishable as a misdemeanor and the person is not taken
14 before a magistrate as required or permitted by NRS 171.177,
15 171.1771 or 171.1772, the peace officer ~~may~~ **must** prepare a
16 misdemeanor citation manually or electronically in the form of a
17 complaint issuing in the name of "The State of Nevada" or in the
18 name of the respective county, city or town, containing a notice to
19 appear in court, the name and address of the person, the state
20 registration number of the person's vehicle, if any, the offense
21 charged, including a brief description of the offense and the NRS or
22 ordinance citation, the time when and place where the person is
23 required to appear in court, and such other pertinent information as
24 may be necessary. The citation must be signed by the peace officer.
25 If the citation is prepared electronically, the officer shall sign the
26 copy of the citation that is delivered to the person charged with the
27 violation.

28 2. The time specified in the notice to appear must be at least 5
29 days after the alleged violation unless the person charged with the
30 violation demands an earlier hearing.

31 3. The place specified in the notice must be before a
32 magistrate, as designated in NRS 171.178 and 171.184.

33 4. The person charged with the violation may give a written
34 promise to appear in court by signing at least one copy of the
35 misdemeanor citation prepared by the peace officer, in which event
36 the peace officer shall deliver a copy of the citation to the person,
37 and thereupon the peace officer shall not take the person into
38 physical custody for the violation. If the citation is prepared
39 electronically, the officer shall deliver the signed copy of the
40 citation to the person and shall indicate on the electronic record of
41 the citation whether the person charged gave a written promise to
42 appear. A copy of the citation that is signed by the person charged
43 or the electronic record of the citation which indicates that the
44 person charged gave a written promise to appear suffices as proof of
45 service.



Sec. 9. NRS 174.031 is hereby amended to read as follows:

174.031 1. At the arraignment of a defendant in justice court or municipal court, but before the entry of a plea, the court may determine whether the defendant is eligible for assignment to a preprosecution diversion program established pursuant to NRS 174.032. The court shall receive input from the prosecuting attorney and the attorney for the defendant, if any, whether the defendant would benefit from and is eligible for assignment to the program.

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

(a) Is charged with a misdemeanor other than:

(1) A crime of violence ; ~~{as defined in NRS 200.408;}~~

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

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

(4) A minor traffic offense; and

(b) Has not previously been:

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

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

3. If a defendant is determined to be eligible for assignment to a preprosecution diversion program pursuant to subsection 2, the justice court or municipal court may order the defendant to complete the program pursuant to subsection 5 of NRS 174.032.

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

Sec. 10. NRS 176A.510 is hereby amended to read as follows:

176A.510 1. The Division shall adopt a written system of graduated sanctions for parole and probation officers to use when responding to a technical violation of the conditions of probation or parole. The system must:

(a) Set forth a menu of presumptive sanctions for the most common violations, including, without limitation, failure to report, willful failure to pay fines and fees, failure to participate in a required program or service, failure to complete community service and failure to refrain from the use of alcohol or controlled substances.

(b) Take into account factors such as responsivity factors impacting a person's ability to successfully complete any conditions of supervision, the severity of the current violation, the person's



1 previous criminal record, the number and severity of any previous
2 violations and the extent to which graduated sanctions were imposed
3 for previous violations.

4 2. The Division shall establish and maintain a program of
5 initial and ongoing training for parole and probation officers
6 regarding the system of graduated sanctions.

7 3. Notwithstanding any rule or law to the contrary, a parole and
8 probation officer shall use graduated sanctions established pursuant
9 to this section when responding to a technical violation.

10 4. A parole and probation officer intending to impose a
11 graduated sanction shall provide the supervised person with notice
12 of the intended sanction. The notice must inform the person of any
13 alleged violation and the date thereof and the graduated sanction to
14 be imposed.

15 5. The failure of a supervised person to comply with a sanction
16 may constitute a technical violation of the conditions of probation or
17 parole.

18 6. The Division may not seek revocation of probation or parole
19 for a technical violation of the conditions of probation or parole
20 until all graduated sanctions have been exhausted. If the Division
21 determines that all graduated sanctions have been exhausted, the
22 Division shall submit a report to the court or Board outlining the
23 reasons for the recommendation of revocation and the steps taken by
24 the Division to change the supervised person's behavior while in the
25 community, including, without limitation, any graduated sanctions
26 imposed before recommending revocation.

27 7. As used in this section:

28 (a) "Absconding" has the meaning ascribed to it in
29 NRS 176A.630.

30 (b) "Responsivity factors" has the meaning ascribed to it in
31 NRS 213.107.

32 (c) "Technical violation" means any alleged violation of the
33 conditions of probation or parole that does not constitute absconding
34 and is not the commission of a:

35 (1) New felony or gross misdemeanor;

36 (2) Battery which constitutes domestic violence pursuant to
37 NRS 200.485;

38 (3) Violation of NRS 484C.110 or 484C.120;

39 (4) Crime of violence ~~as defined in NRS 200.408~~ that is
40 punishable as a misdemeanor;

41 (5) Harassment pursuant to NRS 200.571 or stalking or
42 aggravated stalking pursuant to NRS 200.575;

43 (6) Violation of a temporary or extended order for protection
44 against domestic violence issued pursuant to NRS 33.017 to 33.100,
45 inclusive, a restraining order or injunction that is in the nature of a



1 temporary or extended order for protection against domestic
2 violence issued in an action or proceeding brought pursuant to title
3 11 of NRS, a temporary or extended order for protection against
4 stalking, aggravated stalking or harassment issued pursuant to NRS
5 200.591 or a temporary or extended order for protection against
6 sexual assault pursuant to NRS 200.378; or

7 (7) Violation of a stay away order involving a natural person
8 who is the victim of the crime for which the supervised person is
9 being supervised.

10 ↪ The term does not include termination from a specialty court
11 program.

12 **Sec. 11.** NRS 176A.630 is hereby amended to read as follows:

13 176A.630 1. If the probationer is arrested, by or without
14 warrant, in another judicial district of this state, the court which
15 granted the probation may assign the case to the district court of that
16 district, with the consent of that court. The court retaining or thus
17 acquiring jurisdiction shall cause the defendant to be brought before
18 it, consider the standards adopted pursuant to NRS 213.10988 and
19 system of graduated sanctions adopted pursuant to NRS 176A.510,
20 as applicable, and the recommendation, if any, of the Chief Parole
21 and Probation Officer. Upon determining that the probationer has
22 violated a condition of probation, the court shall, if practicable,
23 order the probationer to make restitution for any necessary expenses
24 incurred by a governmental entity in returning the probationer to the
25 court for violation of the probation. If the court finds that the
26 probationer committed a violation of a condition of probation by
27 committing a new felony or gross misdemeanor, battery which
28 constitutes domestic violence pursuant to NRS 200.485, violation of
29 NRS 484C.110 or 484C.120, crime of violence ~~as defined in NRS~~
30 ~~200.408~~ that is punishable as a misdemeanor, harassment pursuant
31 to NRS 200.571, stalking or aggravated stalking pursuant to NRS
32 200.575, violation of a stay away order involving a natural person
33 who is the victim of the crime for which the probationer is being
34 supervised, violation of a temporary or extended order for protection
35 against domestic violence issued pursuant to NRS 33.017 to 33.100,
36 inclusive, a restraining order or injunction that is in the nature of a
37 temporary or extended order for protection against domestic
38 violence issued in an action or proceeding brought pursuant to title
39 11 of NRS, a temporary or extended order for protection against
40 stalking, aggravated stalking or harassment issued pursuant to NRS
41 200.591 or a temporary or extended order for protection against
42 sexual assault pursuant to NRS 200.378 or by absconding, the court
43 may:

44 (a) Continue or revoke the probation or suspension of sentence;



1 (b) Order the probationer to a term of residential confinement
2 pursuant to NRS 176A.660;

3 (c) Order the probationer to undergo a program of regimental
4 discipline pursuant to NRS 176A.780;

5 (d) Cause the sentence imposed to be executed; or

6 (e) Modify the original sentence imposed by reducing the term
7 of imprisonment and cause the modified sentence to be executed.

8 The court shall not make the term of imprisonment less than the
9 minimum term of imprisonment prescribed by the applicable penal
10 statute. If the Chief Parole and Probation Officer recommends that
11 the sentence of a probationer be modified and the modified sentence
12 be executed, the Chief Parole and Probation Officer shall provide
13 notice of the recommendation to any victim of the crime for which
14 the probationer was convicted who has requested in writing to be
15 notified and who has provided a current address to the Division. The
16 notice must inform the victim that he or she has the right to submit
17 documents to the court and to be present and heard at the hearing to
18 determine whether the sentence of a probationer who has violated a
19 condition of probation should be modified. The court shall not
20 modify the sentence of a probationer and cause the sentence to be
21 executed until it has confirmed that the Chief Parole and Probation
22 Officer has complied with the provisions of this paragraph. The
23 Chief Parole and Probation Officer must not be held responsible
24 when such notification is not received by the victim if the victim has
25 not provided a current address. All personal information, including,
26 but not limited to, a current or former address, which pertains to a
27 victim and which is received by the Division pursuant to this
28 paragraph is confidential.

29 2. If the court finds that the probationer committed one or more
30 technical violations of the conditions of probation, the court may:

31 (a) Continue the probation or suspension of sentence;

32 (b) Order the probationer to a term of residential confinement
33 pursuant to NRS 176A.660;

34 (c) Temporarily revoke the probation or suspension of sentence
35 and impose a term of imprisonment of not more than:

36 (1) Thirty days for the first temporary revocation;

37 (2) Ninety days for the second temporary revocation; or

38 (3) One hundred and eighty days for the third temporary
39 revocation; or

40 (d) Fully revoke the probation or suspension of sentence and
41 impose imprisonment for the remainder of the sentence for a fourth
42 or subsequent revocation.

43 3. Notwithstanding any other provision of law, a probationer
44 who is arrested and detained for committing a technical violation of
45 the conditions of probation must be brought before the court not



1 later than 15 calendar days after the date of arrest and detention. If
2 the person is not brought before the court within 15 calendar days,
3 the probationer must be released from detention and returned to
4 probation status. Following a probationer's release from detention,
5 the court may subsequently hold a hearing to determine if a
6 technical violation has occurred. If the court finds that such a
7 technical violation occurred, the court may:

8 (a) Continue probation and modify the terms and conditions of
9 probation; or

10 (b) Fully or temporarily revoke probation in accordance with the
11 provisions of subsection 2.

12 4. The commission of one of the following acts by a
13 probationer must not, by itself, be used as the only basis for the
14 revocation of probation:

15 (a) Consuming any alcoholic beverage.

16 (b) Testing positive on a drug or alcohol test.

17 (c) Failing to abide by the requirements of a mental health or
18 substance use treatment program.

19 (d) Failing to seek and maintain employment.

20 (e) Failing to pay any required fines or fees.

21 (f) Failing to report any changes in residence.

22 5. As used in this section:

23 (a) "Absconding" means that a person is actively avoiding
24 supervision by making his or her whereabouts unknown to the
25 Division for a continuous period of 60 days or more.

26 (b) "Technical violation" means any alleged violation of the
27 conditions of probation that does not constitute absconding and is
28 not the commission of a:

29 (1) New felony or gross misdemeanor;

30 (2) Battery which constitutes domestic violence pursuant to
31 NRS 200.485;

32 (3) Violation of NRS 484C.110 or 484C.120;

33 (4) Crime of violence ~~[as defined in NRS 200.408]~~ that is
34 punishable as a misdemeanor;

35 (5) Harassment pursuant to NRS 200.571 or stalking or
36 aggravated stalking pursuant to NRS 200.575;

37 (6) Violation of a temporary or extended order for protection
38 against domestic violence issued pursuant to NRS 33.017 to 33.100,
39 inclusive, a restraining order or injunction that is in the nature of a
40 temporary or extended order for protection against domestic
41 violence issued in an action or proceeding brought pursuant to title
42 11 of NRS, a temporary or extended order for protection against
43 stalking, aggravated stalking or harassment issued pursuant to NRS
44 200.591 or a temporary or extended order for protection against
45 sexual assault pursuant to NRS 200.378; or



1 (7) Violation of a stay away order involving a natural person
2 who is the victim of the crime for which the probationer is being
3 supervised.

4 ↪ The term does not include termination from a specialty court
5 program.

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

7 179.245 1. Except as otherwise provided in subsection 6 and
8 NRS 176.211, 176A.245, 176A.265, 176A.295, 179.247, 179.259,
9 201.354 and 453.3365, a person may petition the court in which the
10 person was convicted for the sealing of all records relating to a
11 conviction of:

12 (a) A category A felony, a crime of violence ~~[pursuant to NRS~~
13 ~~200.408]~~ or residential burglary pursuant to NRS 205.060 after 10
14 years from the date of release from actual custody or discharge from
15 parole or probation, whichever occurs later;

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

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

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

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

32 (f) Except as otherwise provided in paragraph (e), if the offense
33 is punished as a misdemeanor, a battery pursuant to NRS 200.481,
34 harassment pursuant to NRS 200.571, stalking pursuant to NRS
35 200.575 or a violation of a temporary or extended order for
36 protection, after 2 years from the date of release from actual custody
37 or from the date when the person is no longer under a suspended
38 sentence, whichever occurs later; or

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

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

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



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

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

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

12 (1) Date of birth of the petitioner;

13 (2) Specific conviction to which the records to be sealed
14 pertain; and

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

17 3. Upon receiving a petition pursuant to this section, the court
18 shall notify the law enforcement agency that arrested the petitioner
19 for the crime and the prosecuting attorney, including, without
20 limitation, the Attorney General, who prosecuted the petitioner for
21 the crime. The prosecuting attorney and any person having relevant
22 evidence may testify and present evidence at any hearing on the
23 petition.

24 4. If the prosecuting attorney who prosecuted the petitioner for
25 the crime stipulates to the sealing of the records after receiving
26 notification pursuant to subsection 3 and the court makes the
27 findings set forth in subsection 5, the court may order the sealing of
28 the records in accordance with subsection 5 without a hearing. If the
29 prosecuting attorney does not stipulate to the sealing of the records,
30 a hearing on the petition must be conducted.

31 5. If the court finds that, in the period prescribed in subsection
32 1, the petitioner has not been charged with any offense for which the
33 charges are pending or convicted of any offense, except for minor
34 moving or standing traffic violations, the court may order sealed all
35 records of the conviction which are in the custody of any agency of
36 criminal justice or any public or private agency, company, official
37 or other custodian of records in the State of Nevada, and may also
38 order all such records of the petitioner returned to the file of the
39 court where the proceeding was commenced from, including,
40 without limitation, the Federal Bureau of Investigation and all other
41 agencies of criminal justice which maintain such records and which
42 are reasonably known by either the petitioner or the court to have
43 possession of such records.

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



- 1 (a) A crime against a child;
2 (b) A sexual offense;
3 (c) Invasion of the home with a deadly weapon pursuant to
4 NRS 205.067;
5 (d) A violation of NRS 484C.110 or 484C.120 that is punishable
6 as a felony pursuant to paragraph (c) of subsection 1 of
7 NRS 484C.400;
8 (e) A violation of NRS 484C.430;
9 (f) A homicide resulting from driving or being in actual physical
10 control of a vehicle while under the influence of intoxicating liquor
11 or a controlled substance or resulting from any other conduct
12 prohibited by NRS 484C.110, 484C.130 or 484C.430;
13 (g) A violation of NRS 488.410 that is punishable as a felony
14 pursuant to NRS 488.427; or
15 (h) A violation of NRS 488.420 or 488.425.
- 16 7. If the court grants a petition for the sealing of records
17 pursuant to this section, upon the request of the person whose
18 records are sealed, the court may order sealed all records of the civil
19 proceeding in which the records were sealed.
- 20 8. As used in this section:
- 21 (a) "Crime against a child" has the meaning ascribed to it in
22 NRS 179D.0357.
- 23 (b) "Sexual offense" means:
- 24 (1) Murder of the first degree committed in the perpetration
25 or attempted perpetration of sexual assault or of sexual abuse or
26 sexual molestation of a child less than 14 years of age pursuant to
27 paragraph (b) of subsection 1 of NRS 200.030.
- 28 (2) Sexual assault pursuant to NRS 200.366.
- 29 (3) Statutory sexual seduction pursuant to NRS 200.368, if
30 punishable as a felony.
- 31 (4) Battery with intent to commit sexual assault pursuant to
32 NRS 200.400.
- 33 (5) An offense involving the administration of a drug to
34 another person with the intent to enable or assist the commission of
35 a felony pursuant to NRS 200.405, if the felony is an offense listed
36 in this paragraph.
- 37 (6) An offense involving the administration of a controlled
38 substance to another person with the intent to enable or assist the
39 commission of a crime of violence, [~~pursuant to NRS 200.408,~~] if
40 the crime of violence is an offense listed in this paragraph.
- 41 (7) Abuse of a child pursuant to NRS 200.508, if the abuse
42 involved sexual abuse or sexual exploitation.
- 43 (8) An offense involving pornography and a minor pursuant
44 to NRS 200.710 to 200.730, inclusive.
- 45 (9) Incest pursuant to NRS 201.180.



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

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

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

6 (13) Sexual penetration of a dead human body pursuant to
7 NRS 201.450.

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

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

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

14 (17) An attempt to commit an offense listed in this
15 paragraph.

16 **Sec. 13.** NRS 179.247 is hereby amended to read as follows:

17 179.247 1. If a person has been convicted of any offense
18 listed in subsection 2, the person may petition the court in which he
19 or she was convicted or, if the person wishes to file more than one
20 petition and would otherwise need to file a petition in more than one
21 court, the district court, for an order:

22 (a) Vacating the judgment; and

23 (b) Sealing all documents, papers and exhibits in the person's
24 record, minute book entries and entries on dockets, and other
25 documents relating to the case in the custody of such other agencies
26 and officers as are named in the court's order.

27 2. A person may file a petition pursuant to subsection 1 if the
28 person was convicted of:

29 (a) A violation of NRS 201.354, for engaging in prostitution or
30 solicitation for prostitution, provided that the person was not alleged
31 to be a customer of a prostitute;

32 (b) A crime under the laws of this State, other than a crime of
33 violence; or

34 (c) A violation of a county, city or town ordinance, for loitering
35 for the purpose of solicitation or prostitution.

36 3. A petition filed pursuant to subsection 1 must satisfy the
37 requirements of NRS 179.245.

38 4. The court may grant a petition filed pursuant to subsection 1
39 if:

40 (a) The petitioner was convicted of a violation of an offense
41 described in subsection 2;

42 (b) The participation of the petitioner in the offense was the
43 result of the petitioner having been a victim of:

44 (1) Trafficking in persons as described in the Trafficking
45 Victims Protection Act of 2000, 22 U.S.C. §§ 7101 et seq.; or



1 (2) Involuntary servitude as described in NRS 200.463 or
2 200.4631; and

3 (c) The petitioner files a petition pursuant to subsection 1 with
4 due diligence after the petitioner has ceased being a victim of
5 trafficking or involuntary servitude or has sought services for
6 victims of such trafficking or involuntary servitude.

7 5. Before the court decides whether to grant a petition filed
8 pursuant to subsection 1, the court shall:

9 (a) Notify the Central Repository for Nevada Records of
10 Criminal History, the Office of the Attorney General and each office
11 of the district attorney and law enforcement agency in the county in
12 which the petitioner was convicted and allow the prosecuting
13 attorney who prosecuted the petitioner for the crime and any person
14 to testify and present evidence on behalf of any such entity; and

15 (b) Take into consideration any reasonable concerns for the
16 safety of the defendant, family members of the defendant or other
17 victims that may be jeopardized by the granting of the petition.

18 6. If the prosecuting attorney who prosecuted the petitioner for
19 the crime stipulates to vacating the judgment of the petitioner and
20 sealing all documents, papers and exhibits related to the case after
21 receiving notification pursuant to subsection 5 and the court makes
22 the findings set forth in subsection 4, the court may vacate the
23 judgment and seal all documents, papers and exhibits in accordance
24 with subsection 7 without a hearing. If the prosecuting attorney does
25 not stipulate to vacating the judgment and sealing the documents,
26 papers and exhibits, a hearing on the petition must be conducted.

27 7. If the court grants a petition filed pursuant to subsection 1,
28 the court shall:

29 (a) Vacate the judgment and dismiss the accusatory pleading;
30 and

31 (b) Order sealed all documents, papers and exhibits in the
32 petitioner's record, minute book entries and entries on dockets, and
33 other documents relating to the case in the custody of such other
34 agencies and officers as are named in the court's order.

35 8. If a petition filed pursuant to subsection 1 does not satisfy
36 the requirements of NRS 179.245 or the court determines that the
37 petition is otherwise deficient with respect to the sealing of
38 the petitioner's record, the court may enter an order to vacate the
39 judgment and dismiss the accusatory pleading if the petitioner
40 satisfies all requirements necessary for the judgment to be vacated.

41 9. If the court enters an order pursuant to subsection 8, the
42 court shall also order sealed the records of the petitioner which
43 relate to the judgment being vacated in accordance with paragraph
44 (b) of subsection 7, regardless of whether any records relating to



1 other convictions are ineligible for sealing either by operation of law
2 or because of a deficiency in the petition.

3 ~~[10.—As used in this section, “crime of violence” means:~~

4 ~~—(a) Any offense involving the use or threatened use of force or~~
5 ~~violence against the person or property of another; or~~

6 ~~—(b) Any felony for which there is a substantial risk that force or~~
7 ~~violence may be used against the person or property of another in~~
8 ~~the commission of the felony.]~~

9 **Sec. 14.** NRS 179D.097 is hereby amended to read as follows:

10 179D.097 1. “Sexual offense” means any of the following
11 offenses:

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

16 (b) Sexual assault pursuant to NRS 200.366.

17 (c) Statutory sexual seduction pursuant to NRS 200.368.

18 (d) Battery with intent to commit sexual assault pursuant to
19 subsection 4 of NRS 200.400.

20 (e) An offense involving the administration of a drug to another
21 person with the intent to enable or assist the commission of a felony
22 pursuant to NRS 200.405, if the felony is an offense listed in this
23 subsection.

24 (f) An offense involving the administration of a controlled
25 substance to another person with the intent to enable or assist the
26 commission of a crime of violence, ~~[pursuant to NRS 200.408,]~~ if
27 the crime of violence is an offense listed in this section.

28 (g) Abuse of a child pursuant to NRS 200.508, if the abuse
29 involved sexual abuse or sexual exploitation.

30 (h) An offense involving pornography and a minor pursuant to
31 NRS 200.710 to 200.730, inclusive.

32 (i) Incest pursuant to NRS 201.180.

33 (j) Open or gross lewdness pursuant to NRS 201.210.

34 (k) Indecent or obscene exposure pursuant to NRS 201.220.

35 (l) Lewdness with a child pursuant to NRS 201.230.

36 (m) Sexual penetration of a dead human body pursuant to
37 NRS 201.450.

38 (n) Sexual conduct between certain employees of a school or
39 volunteers at a school and a pupil pursuant to NRS 201.540.

40 (o) Sexual conduct between certain employees of a college or
41 university and a student pursuant to NRS 201.550.

42 (p) Luring a child or a person with mental illness pursuant to
43 NRS 201.560, if punished as a felony.

44 (q) Sex trafficking pursuant to NRS 201.300.



1 (r) Any other offense that has an element involving a sexual act
2 or sexual conduct with another.

3 (s) An attempt or conspiracy to commit an offense listed in
4 paragraphs (a) to (r), inclusive.

5 (t) An offense that is determined to be sexually motivated
6 pursuant to NRS 175.547 or 207.193.

7 (u) An offense committed in another jurisdiction that, if
8 committed in this State, would be an offense listed in this
9 subsection. This paragraph includes, without limitation, an offense
10 prosecuted in:

11 (1) A tribal court.

12 (2) A court of the United States or the Armed Forces of the
13 United States.

14 (v) An offense of a sexual nature committed in another
15 jurisdiction, whether or not the offense would be an offense listed in
16 this section, if the person who committed the offense resides or has
17 resided or is or has been a student or worker in any jurisdiction in
18 which the person is or has been required by the laws of that
19 jurisdiction to register as a sex offender because of the offense. This
20 paragraph includes, without limitation, an offense prosecuted in:

21 (1) A tribal court.

22 (2) A court of the United States or the Armed Forces of the
23 United States.

24 (3) A court having jurisdiction over juveniles.

25 2. Except for the offenses described in paragraphs (n) and (o)
26 of subsection 1, the term does not include an offense involving
27 consensual sexual conduct if the victim was:

28 (a) An adult, unless the adult was under the custodial authority
29 of the offender at the time of the offense; or

30 (b) At least 13 years of age and the offender was not more than
31 4 years older than the victim at the time of the commission of the
32 offense.

33 **Sec. 15.** Chapter 484A of NRS is hereby amended by adding
34 thereto the provisions set forth as sections 16 and 17 of this act.

35 **Sec. 16. 1.** *“Aggregate offense” means an offense for*
36 *which a penalty is determined by a previous conviction, or lack*
37 *thereof, of the same offense.*

38 2. *As used in this section, “penalty”:*

39 (a) *Means a term of imprisonment or a fine, or both.*

40 (b) *Does not mean a court order to pay tuition for and attend a*
41 *school for driver training as described in NRS 484A.900.*

42 **Sec. 17.** *“Crime of violence” has the meaning ascribed to it*
43 *in NRS 200.408.*



1 **Sec. 18.** NRS 484A.010 is hereby amended to read as follows:
2 484A.010 As used in chapters 484A to 484E, inclusive, of
3 NRS, unless the context otherwise requires, the words and terms
4 defined in NRS 484A.015 to 484A.320, inclusive, *and sections 16*
5 *and 17 of this act* have the meanings ascribed to them in those
6 sections.

7 **Sec. 19.** NRS 484A.615 is hereby amended to read as follows:
8 484A.615 1. A court having jurisdiction over an offense for
9 which a traffic citation ~~may~~ *must* be issued pursuant to NRS
10 484A.630 or its traffic violations bureau may establish a system by
11 which, except as otherwise provided in subsection 5, the court or
12 traffic violations bureau may allow a person who has been issued a
13 traffic citation that is filed with the court or traffic violations bureau
14 to make a plea and state his or her defense or any mitigating
15 circumstances by mail, by electronic mail, over the Internet or by
16 other electronic means.

17 2. Except as otherwise provided in subsection 5, if a court or
18 traffic violations bureau has established a system pursuant to
19 subsection 1, a person who has been issued a traffic citation that is
20 filed with the court or traffic violations bureau may, if allowed by
21 the court and in lieu of making a plea and statement of his or her
22 defense or any mitigating circumstances in court, make a plea and
23 state his or her defense or any mitigating circumstances by using the
24 system. Any such plea and statement must be received by the court
25 before the date on which the person is required to appear in court
26 pursuant to the traffic citation.

27 3. If a court or traffic violations bureau allows an eligible
28 person to whom a traffic citation is issued to use a system
29 established pursuant to subsection 1 to make a plea and state his or
30 her defense or any mitigating circumstances and the person chooses
31 to make a plea and state his or her defense or any mitigating
32 circumstances by using such a system, the person waives ~~his or her~~
33 *any relevant constitutional right, including, without limitation, the*
34 *right to a trial, ~~and~~ the right to confront any witnesses ~~and~~ and the*
35 *right to counsel, as applicable.*

36 4. Any system established pursuant to subsection 1 must:

37 (a) For the purpose of authenticating that the person making the
38 plea and statement of his or her defense or any mitigating
39 circumstances is the person to whom the traffic citation was issued,
40 be capable of requiring the person to submit any of the following
41 information, at the discretion of the court or traffic violations
42 bureau:

- 43 (1) The traffic citation number;
44 (2) The name and address of the person;



- 1 (3) The state registration number of the person's vehicle, if
2 any;
3 (4) The number of the driver's license of the person, if any;
4 (5) The offense charged; or
5 (6) Any other information required by any rules adopted by
6 the Nevada Supreme Court pursuant to subsection 6.

7 (b) Provide notice to each person who uses the system to make a
8 plea and statement of his or her defense or any mitigating
9 circumstances that the person waives ~~his or her~~ **any relevant**
10 **constitutional right, including, without limitation, the** right to a
11 trial, ~~and~~ the right to confront any witnesses ~~and the right to~~
12 **counsel, as applicable. The notice regarding waiver of relevant**
13 **constitutional rights must specifically delineate the constitutional**
14 **rights that the person is waiving in relation to an offense**
15 **punishable as a misdemeanor, gross misdemeanor and felony,**
16 **respectively.**

17 (c) If a plea and statement of the defense or mitigating
18 circumstances is submitted by electronic mail, over the Internet or
19 by other electronic means, confirm receipt of the plea and statement
20 or make available to the person making the plea a copy of the plea
21 and statement.

22 5. A person who has been issued a traffic citation for any of the
23 following offenses may not make a plea and state his or her defense
24 or any mitigating circumstances by using a system established
25 pursuant to subsection 1:

- 26 (a) Aggressive driving in violation of NRS 484B.650;
27 (b) Reckless driving in violation of NRS 484B.653;
28 (c) Vehicular manslaughter in violation of NRS 484B.657; or
29 (d) Driving, operating or being in actual physical control of a
30 vehicle ~~for a vessel under power or sail~~ while under the influence
31 of intoxicating liquor or a controlled substance in violation of NRS
32 484C.110 ~~and~~ or 484C.120, ~~for 488.410,~~ as applicable.

33 6. The Nevada Supreme Court may adopt rules not inconsistent
34 with the laws of this State to carry out the provisions of this section.

35 **Sec. 20.** NRS 484A.630 is hereby amended to read as follows:

36 484A.630 1. Whenever a person is halted by a peace officer
37 for any violation of chapters 484A to 484E, inclusive, of NRS
38 ~~punishable as a misdemeanor~~ and is not taken before a magistrate
39 as required or permitted by NRS 484A.720 and 484A.730, the peace
40 officer ~~may~~ **must** prepare a traffic citation manually or
41 electronically in the form of a complaint issuing in the name of "The
42 State of Nevada," containing a notice to appear in court, the name
43 and address of the person, the state registration number of the
44 person's vehicle, if any, the number of the person's driver's license,
45 if any, the offense charged, including a brief description of the



1 offense and the NRS citation, the time and place when and where
2 the person is required to appear in court, and such other pertinent
3 information as may be necessary. The peace officer may also
4 request, and the person may provide, the electronic mail address and
5 mobile telephone number of the person for the purpose of enabling
6 the court in which the person is required to appear to communicate
7 with the person. If the peace officer requests such information, the
8 peace officer shall expressly inform the person that providing such
9 information is voluntary and, if the person provides such
10 information, the person thereby gives his or her consent for the court
11 to communicate with the person through such means. The peace
12 officer shall sign the citation and deliver a copy of the citation to the
13 person charged with the violation. If the citation is prepared
14 electronically, the peace officer shall sign the copy of the citation
15 that is delivered to the person charged with the violation.

16 2. The time specified in the notice to appear must be at least 5
17 days after the alleged violation.

18 3. The place specified in the notice to appear must be before a
19 magistrate, as designated in NRS 484A.750.

20 4. The person charged with the violation may give his or her
21 written promise to appear in court by signing or physically receiving
22 at least one copy of the traffic citation prepared by the peace officer
23 and thereupon the peace officer shall not take the person into
24 physical custody for the violation. If the citation is prepared
25 electronically, the peace officer shall indicate on the electronic
26 record of the citation whether the person charged gave his or her
27 written promise to appear. A copy of the citation that is signed by
28 the person charged or the electronic record of the citation which
29 indicates that the person charged gave his or her written promise to
30 appear suffices as proof of service.

31 5. If the person charged with the violation refuses to sign a
32 copy of the traffic citation but physically receives a copy of the
33 citation delivered by the peace officer:

34 (a) The receipt shall be deemed personal service of the notice to
35 appear in court;

36 (b) A copy of the citation signed by the peace officer suffices as
37 proof of service; and

38 (c) The peace officer shall not take the person into physical
39 custody for the violation.

40 **Sec. 21.** NRS 484A.660 is hereby amended to read as follows:

41 484A.660 Except for felonies ~~[and those offenses set forth in~~
42 ~~paragraphs (a) to (e), inclusive, of subsection 1 of NRS 484A.710,]~~
43 *when based upon the personal investigation of* a peace officer
44 at the scene of a traffic crash , ~~[may issue a traffic citation, as~~
45 ~~provided in NRS 484A.630, or a misdemeanor citation, as provided~~



1 ~~in NRS 171.1773, to any person involved in the crash when, based~~
2 ~~upon personal investigation,]~~ the peace officer has reasonable and
3 probable grounds to believe that ~~[the]~~ a person has committed any
4 offense pursuant to the provisions of chapters 482 to 486, inclusive,
5 or 706 of NRS in connection with the crash ~~[,]~~, *the peace officer:*

6 *1. Must, except as otherwise provided in subsections 2 and 3,*
7 *issue a traffic citation as provided in NRS 484A.630 or a*
8 *misdemeanor citation as provided in NRS 171.1773, if the offense*
9 *is punishable as a misdemeanor.*

10 *2. May issue a traffic citation as provided in NRS 484A.630,*
11 *if the offense is punishable as:*

12 *(a) A gross misdemeanor; or*

13 *(b) A misdemeanor that constitutes an aggregate offense or a*
14 *crime of violence.*

15 *3. May issue a misdemeanor citation as provided in NRS*
16 *171.1773, if the offense is punishable as a misdemeanor that*
17 *constitutes an aggregate offense or a crime of violence.*

18 **Sec. 22.** NRS 484A.710 is hereby amended to read as follows:

19 484A.710 1. ~~[Any]~~ *Except when a peace officer issues a*
20 *citation as required or permitted pursuant to NRS 484A.660 or*
21 *484A.730, any* peace officer may, without a warrant, arrest a person
22 if the officer has reasonable cause for believing that the person has
23 committed any of the following offenses:

24 (a) Homicide by vehicle;

25 (b) A violation of NRS 484C.110 or 484C.120;

26 (c) A violation of NRS 484C.430;

27 (d) A violation of NRS 484C.130;

28 (e) Failure to stop ~~[, give information or render reasonable~~
29 ~~assistance]~~ in the event of a crash resulting in death or personal
30 injuries in violation of NRS 484E.010 ; ~~[or 484E.030;]~~

31 (f) ~~[Failure to stop or give information in the event of a crash~~
32 ~~resulting in damage to a vehicle or to other property legally upon or~~
33 ~~adjacent to a highway in violation of NRS 484E.020 or 484E.040;~~

34 ~~—(g)]~~ Reckless driving;

35 ~~[(h)]~~ (g) Driving a motor vehicle on a highway or on premises to
36 which the public has access at a time when the person's driver's
37 license has been cancelled, revoked or suspended; or

38 ~~[(i)]~~ (h) Driving a motor vehicle in any manner in violation of
39 the restrictions imposed in a restricted license issued to the person
40 pursuant to NRS 483.490.

41 2. Whenever any person is arrested as authorized in this
42 section, the person must be taken without unnecessary delay before
43 the proper magistrate as specified in NRS 484A.750 . ~~[, except that~~
44 ~~in the case of either of the offenses designated in paragraphs (f) and~~



~~(g) of subsection 1, a peace officer has the same discretion as is provided in other cases in NRS 484A.730.]~~

Sec. 23. NRS 484A.720 is hereby amended to read as follows:

484A.720 Whenever any person is halted by a peace officer for any violation of chapters 484A to 484E, inclusive, of NRS, ~~[not amounting to a gross misdemeanor or felony,]~~ the person shall be taken without unnecessary delay before the proper magistrate, as specified in NRS 484A.750, in either of the following cases:

1. When the person demands an immediate appearance before a magistrate; or

2. In any other event when the person is issued a traffic citation by an authorized person and refuses to sign or take physical delivery of a copy of the traffic citation.

Sec. 24. NRS 484A.730 is hereby amended to read as follows:

484A.730 ~~[Whenever]~~

1. Except as otherwise provided in subsection 2, whenever any person is halted by a peace officer for any violation of chapters 484A to 484E, inclusive, of NRS and is not required to be taken before a magistrate, the person [may,]:

(a) Must, except as otherwise provided in paragraph (b), be given a traffic citation if the offense is punishable as a misdemeanor; or

(b) May, in the discretion of the peace officer, either be given a traffic citation [;] or be taken without unnecessary delay before the proper magistrate [-The], if the offense is punishable as:

(1) A felony or gross misdemeanor; or

(2) A misdemeanor that constitutes an aggregate offense or a crime of violence.

2. A person described in subsection 1 must be taken before the magistrate [in any of the following cases:

~~—1. When] when the person does not furnish satisfactory evidence of identity or when the peace officer has reasonable and probable grounds to believe the person will disregard a written promise to appear in court or a notice to appear in court. [;~~

~~—2. When the person is charged with a violation of NRS 484D.580 relating to the refusal of a driver of a vehicle to submit the vehicle to an inspection and test;~~

~~—3. When the person is charged with a violation of NRS 484D.675 relating to the failure or refusal of a driver of a vehicle to submit the vehicle and load to a weighing or to remove excess weight therefrom; or~~

~~—4. When the person is charged with a violation of NRS 484C.110 or 484C.120, unless the person is incapacitated and is being treated for injuries at the time the peace officer would otherwise be taking the person before the magistrate.]~~



1 **Sec. 25.** NRS 488.920 is hereby amended to read as follows:
2 488.920 ~~[Whenever]~~

3 *1. Except as otherwise provided in subsection 2, whenever*
4 any person is halted by a game warden, sheriff or peace officer for
5 any violation of this chapter, the person ~~[shall]~~ :

6 *(a) Must, except as otherwise provided in paragraph (b), be*
7 *given a citation, if the violation is punishable as a misdemeanor;*
8 *or*

9 *(b) May, in the discretion of the game warden, sheriff or peace*
10 *officer either be given a citation or be taken without unnecessary*
11 *delay before the proper magistrate ~~[-The person shall]~~ , if the*
12 *violation is punishable as:*

13 *(1) A felony or gross misdemeanor; or*

14 *(2) A misdemeanor that constitutes an aggregate offense or*
15 *a crime of violence.*

16 *2. A person described in subsection 1 must* be taken before the
17 *proper* magistrate in either of the following cases:

18 ~~[1-]~~ *(a)* When the person does not furnish satisfactory evidence
19 of identity; or

20 ~~[2-]~~ *(b)* When the game warden, sheriff or peace officer has
21 reasonable and probable grounds to believe the person will disregard
22 a written promise to appear in court.

23 *3. As used in this section:*

24 *(a) "Aggregate offense" means an offense for which a penalty*
25 *is determined by a previous conviction, or lack thereof, of the*
26 *same offense. As used in this paragraph, "penalty" means a term*
27 *of imprisonment or a fine, or both.*

28 *(b) "Crime of violence" has the meaning ascribed to it in*
29 *NRS 200.408.*

30 **Sec. 26.** NRS 501.386 is hereby amended to read as follows:

31 501.386 *1.* Except as otherwise provided in *subsection 2 and*
32 NRS 501.382, whenever any person is halted by a game warden for
33 any violation of this title, the person ~~[must]~~ :

34 *(a) Must, except as otherwise provided in paragraph (b), be*
35 *given a citation, if the violation is punishable as a misdemeanor;*
36 *or*

37 *(b) May, in the discretion of the game warden, either be given a*
38 *citation or be taken without unnecessary delay before the proper*
39 *magistrate ~~[-The person must]~~ , if the violation is punishable as:*

40 *(1) A felony or gross misdemeanor; or*

41 *(2) A misdemeanor that constitutes an aggregate offense or*
42 *a crime of violence.*

43 *2. A person described in subsection 1 must* be taken before the
44 magistrate in either of the following cases:



1 ~~H-1~~ (a) When the person does not furnish satisfactory evidence
2 of identity; or

3 ~~H-2~~ (b) When the game warden has reasonable and probable
4 grounds to believe the person will disregard a written promise to
5 appear in court.

6 3. *As used in this section:*

7 (a) *“Aggregate offense” means an offense for which a penalty*
8 *is determined by a previous conviction, or lack thereof, of the*
9 *same offense. As used in this paragraph, “penalty” means a term*
10 *of imprisonment or a fine, or both.*

11 (b) *“Crime of violence” has the meaning ascribed to it in*
12 *NRS 200.408.*

