

Amendment No. 990

Senate Amendment to Senate Bill No. 412	(BDR 14-1091)
Proposed by: Senate Committee on Judiciary	
Amendment Box: Replaces Amendment No. 972.	
Amends: Summary: Yes Title: Yes Preamble: No Joint Sponsorship: No Digest: Yes	

Adoption of this amendment will ADD an appropriation where one does not currently exist in S.B. 412.
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ASSEMBLY ACTION		Initial and Date		SENATE ACTION		Initial and Date			
Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____	Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____
Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____	Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____
Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____	Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____

EXPLANATION: Matter in (1) *blue bold italics* is new language in the original bill; (2) variations of **green bold underlining** is language proposed to be added in this amendment; (3) ~~red strikethrough~~ is deleted language in the original bill; (4) ~~purple double strikethrough~~ is language proposed to be deleted in this amendment; (5) orange double underlining is deleted language in the original bill proposed to be retained in this amendment.

KRO/BAW



Date: 6/5/2023

S.B. No. 412—Revises provisions relating to criminal justice. (BDR 14-1091)



SENATE BILL NO. 412—COMMITTEE ON JUDICIARY

(ON BEHALF OF THE OFFICE OF THE GOVERNOR)

MARCH 27, 2023

Referred to Committee on Judiciary

SUMMARY—Revises provisions relating to criminal justice. (BDR ~~[14-1091]~~
15-1091)

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

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

AN ACT relating to criminal justice; ~~[revising provisions relating to specialty court programs and the deferral of judgment against certain defendants; revising provisions concerning persons accepted into a program for the treatment of problem gambling; revising provisions relating to violations of probation or parole;]~~ revising provisions governing early discharge from probation; ~~[revising provisions concerning pretrial release hearings;]~~ revising the definition of the term “strangulation” as it relates to the crime of battery; prohibiting certain acts involving the use, possession or carrying of a firearm during the commission of certain drug offenses; ~~[revising the elements of and penalties for certain burglary crimes; reducing the felony threshold for various offenses concerning theft and deceptive trade practices; reducing the number of previous felony convictions for the purposes of a person being considered a habitual criminal; increasing the penalty for a person who is convicted of the possession of a mixture of fentanyl and certain other substances; prohibiting a court from granting probation to or suspending the sentence of a person who possesses fentanyl for the purpose of sale; revising provisions concerning trafficking in certain controlled substances; increasing the minimum and maximum terms of imprisonment for a person who drives under the influence of alcohol or a prohibited substance and causes the death of another person;]~~ revising provisions relating to warnings against trespassing; providing [penalties;] a penalty; making an appropriation to the Department of Public Safety to purchase two machines capable of testing for fentanyl and its derivatives and measuring the concentration thereof in mixtures; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

1 ~~Existing law generally authorizes a court to defer judgment against a criminal defendant~~
2 ~~to a specified future date and set forth specific terms and conditions for the defendant and, if~~
3 ~~the court finds that the defendant has completed all such conditions, the court is required to~~
4 ~~discharge the defendant and dismiss the proceedings. However, a judgment cannot be deferred~~
5 ~~if the defendant has been convicted of a violent or sexual offense or certain offenses~~
6 ~~committed against a child. (NRS 176.211) Section 1 of this bill also prohibits a judgment from~~
7 ~~being deferred if the defendant has been convicted of abuse or exploitation of an older person~~
8 ~~or a vulnerable person. Sections 2, 4 and 6 of this bill similarly disqualify a defendant who has~~
9 ~~committed abuse or exploitation of an older person or a vulnerable person or abuse, neglect or~~
10 ~~endangerment of a child from being eligible for assignment to certain specialty court~~
11 ~~programs.~~

12 ~~Existing law provides that if a defendant who committed a first or second offense of~~
13 ~~possession of certain controlled substances had his or her judgment deferred and was placed in~~
14 ~~a specialty court program but then violated a term or condition during the deferral period, the~~
15 ~~court is authorized to allow the defendant to continue participating in the program or terminate~~
16 ~~the participation of the defendant in the program. If the court terminates the participation of~~
17 ~~the defendant in the program, the court is required to allow the defendant to withdraw his or~~
18 ~~her plea. (NRS 176.211) Section 1 removes such provisions.~~

19 ~~Existing law authorizes a court to assign certain defendants to participate in certain~~
20 ~~specialty court programs as a condition of probation. Upon a defendant's completion of the~~
21 ~~terms and conditions of probation, the court is required to discharge the defendant and dismiss~~
22 ~~the proceedings or set aside the judgment of conviction unless the defendant has previously~~
23 ~~been convicted of a felony or failed to complete a specialty court program, in which case the~~
24 ~~court has the discretion as to whether to discharge the defendant and dismiss the proceedings~~
25 ~~or set aside the judgment of conviction. (NRS 176A.240, 176A.260, 176A.290) Sections 2, 4~~
26 ~~and 7 of this bill remove the provisions requiring a court to discharge a defendant and instead~~
27 ~~make the court's discharge of a defendant discretionary unless the defendant has previously~~
28 ~~been convicted of a felony or failed to complete a specialty court program.~~

29 ~~Existing law generally requires a court to order sealed all documents relating to the case of~~
30 ~~a defendant who is discharged from probation or whose case is dismissed after participating~~
31 ~~in certain specialty court programs. (NRS 176A.245, 176A.265, 176A.295) Sections 3, 5 and~~
32 ~~8 of this bill revise such provisions by requiring a court to order sealed all documents relating~~
33 ~~to the case of such a defendant only after the case is dismissed.~~

34 ~~Existing law provides that a person who has been accepted into a program for the~~
35 ~~treatment of problem gambling and is placed by the court under the supervision of a qualified~~
36 ~~mental health professional is required to have his or her sentencing deferred and, unless the~~
37 ~~person has a record of two or more felony convictions for two or more separate incidents,~~
38 ~~have his or her conviction set aside if the qualified mental health professional certifies to the~~
39 ~~court that the person satisfactorily completed the program and the court approves the~~
40 ~~certification and determines that the person satisfied the conditions upon the election of~~
41 ~~treatment. (NRS 458A.220, 458A.240) Section 51 of this bill instead provides that the deferral~~
42 ~~of the sentencing and the setting aside of the conviction of such a person is discretionary for~~
43 ~~the court. Existing law provides that the determination of and civil commitment for problem~~
44 ~~gambling shall not be deemed a criminal conviction. (NRS 458A.250) Section 52 of this bill~~
45 ~~removes such provisions and instead provides that the setting aside of the conviction of a~~
46 ~~person under section 51 shall not be deemed a criminal conviction.~~

47 ~~Existing law requires the Division of Parole and Probation of the Department of Public~~
48 ~~Safety (hereinafter "Division") to adopt a written system of graduated sanctions for use by~~
49 ~~parole and probation officers when responding to a technical violation of the conditions of~~
50 ~~probation or parole. (NRS 176A.510, 213.15101) Sections 9 and 37 of this bill, respectively,~~
51 ~~provide that as part of the system of graduated sanctions, the Division is authorized, in~~
52 ~~response to a technical violation of probation or parole, to: (1) impose confinement in a jail or~~
53 ~~detention facility for a period of not more than 10 days, not to exceed 30 days in the~~
54 ~~aggregate; or (2) place the person under a system of active electronic monitoring for a period~~
55 ~~of not more than 60 days using an electronic device approved by the Division. Sections 9 and~~
56 ~~37 also require a system of graduated sanctions to include guidance on the use of such~~
57 ~~confinement in a jail or detention facility and electronic monitoring. Sections 9 and 37~~
58 ~~additionally revise the definition of "technical violation" to exclude certain violations of~~

59 probation, suspension of sentence or parole by a sex offender and termination from a program
60 which provides residential treatment, a program indicated in a parole release plan or a
61 specialty court program, as applicable.

62 — Existing law authorizes a court to take certain actions if a probationer commits certain
63 violations of the conditions of probation. (NRS 176A.630) Section 10 of this bill instead
64 authorizes a court to take such actions for any violation of the conditions of probation by a
65 probationer. Existing law provides that a parolee whose parole is revoked for certain reasons:
66 (1) forfeits all credits for good behavior; and (2) is required to serve the part of the unexpired
67 maximum term or maximum aggregate term of his or her original sentence as determined by
68 the State Board of Parole Commissioners (hereinafter “Board”). (NRS 213.1519) Section 38
69 of this bill provides that such consequences apply to a parolee whose parole is revoked for any
70 reason. Existing law also authorizes a court or the Board, as applicable, to take certain actions
71 if a probationer or parolee commits one or more technical violations of the conditions of
72 probation or parole, including: (1) temporarily revoking the probation, suspension of sentence
73 or parole supervision and imposing a term of imprisonment of not more than 30 days for the
74 first temporary revocation, 90 days for the second temporary revocation or 180 days for the
75 third temporary revocation; or (2) fully revoking the probation, suspension of sentence or
76 parole supervision and imposing imprisonment for the remainder of the sentence for a fourth
77 or subsequent revocation. (NRS 176A.630, 213.1519) Sections 10 and 38 remove such
78 provisions.]

79 Existing law requires the Division of Parole and Probation of the Department of
80 Public Safety to petition the court to recommend the early discharge of a person from
81 probation if the person satisfies certain requirements, including not having been convicted of a
82 violent or sexual offense or abuse, neglect or endangerment of a child. (NRS 176A.840)
83 Section 11 of this bill adds certain offenses involving a [dangerous weapon or] firearm [,
84 residential burglary] and invasion of the home to such disqualifying offenses for purposes of
85 the early discharge of a person from probation.

86 [Existing law generally requires a court to hold a pretrial release hearing within 48 hours
87 after a person has been taken into custody. (NRS 178.4849) Section 12 of this bill increases
88 such a period to 72 hours. Section 12 also: (1) prohibits a pretrial release hearing from being
89 held on any day declared to be a legal holiday; (2) requires the court to apply a rebuttable
90 presumption that financial conditions must be imposed on a person who has been arrested for
91 certain offenses to ensure the appearance of the person at trial; and (3) authorizes a person to
92 be held without bail if the prosecuting attorney demonstrates by clear and convincing
93 evidence that the person is a flight risk or danger to the community and no conditions will
94 ensure the appearance of the person at trial.]

95 Existing law establishes the definition of and the penalties for the crime of battery. (NRS
96 200.481) Section 14 of this bill revises the definition of the term “strangulation” as it relates
97 to the crime of battery.

98 Existing law prohibits the ownership or possession of firearms by certain persons. (NRS
99 202.360) Section 15 of this bill additionally prohibits a person from using or carrying a
100 firearm during and in relation to, or possessing a firearm in furtherance of, the commission of
101 certain drug offenses and provides that a person who violates any such provision is guilty of a
102 category B felony. [Section 15 also provides that for the purposes of prosecuting a violation of
103 the prohibition against the ownership, possession, use or carrying of firearms by certain
104 persons, each firearm owned, possessed, used or carried by, or under the custody or control of,
105 a person constitutes a separate violation.]

106 — Existing law establishes the crimes of residential burglary, burglary of a business,
107 burglary of a motor vehicle and burglary of a structure and provides that one of the elements
108 of such crimes is that the person unlawfully enters or unlawfully remains in the dwelling,
109 business structure, motor vehicle or other structure, as applicable. (NRS 205.060) Section 16
110 of this bill removes the requirement that a person’s entry be unlawful and also removes the
111 requirement that a person unlawfully remains in the dwelling, business structure, motor
112 vehicle or other structure, as applicable. Section 16 also increases the penalties for burglary of
113 a motor vehicle, burglary of a structure and burglary of a business.

114 — Existing law provides that a person who commits theft is guilty of: (1) a misdemeanor if
115 the value of the property or services involved in the theft is less than \$1,200; and (2) a
116 category D felony if the value of the property or services involved in the theft is \$1,200 or
117 more but less than \$5,000. (NRS 205.0835) Section 17 of this bill reduces the felony theft

118 threshold to \$750. Sections 18-35, 53 and 55-57 of this bill make conforming changes to
119 various offenses concerning theft or deceptive trade practices that use monetary thresholds by
120 similarly reducing the felony threshold to \$750.

121 — Existing law establishes provisions concerning habitual criminals and provides that a
122 person who is convicted of a felony and has previously been convicted of a felony: (1) five
123 times is guilty of a category B felony; or (2) seven times is guilty of a category A felony.
124 (NRS 207.010) Section 36 of this bill reduces the number of previous felony convictions for
125 purposes of a person being considered a habitual criminal from five to two for a category B
126 felony and from seven to three for a category A felony. Section 36 also removes provisions
127 exempting certain drug convictions for the purpose of determining the number of previous
128 felony convictions of a person.

129 — Existing law generally provides that a person who is convicted of the possession of
130 flunitrazepam or gamma-hydroxybutyrate, or any substance for which either such substance is
131 an immediate precursor, is guilty of a category B felony and must be punished by
132 imprisonment in the state prison for a minimum term of not less than 1 year and a maximum
133 term of not more than 6 years. (NRS 453.336) Section 45 of this bill provides that a person
134 who is convicted of the possession of a mixture containing fentanyl, carfentanil and a
135 benzimidazole opioid, or any analog thereof, is also guilty of a category B felony and must be
136 punished in the same manner.

137 — Existing law prohibits a court from granting probation to or suspending the sentence of
138 certain persons convicted of possessing flunitrazepam or gamma-hydroxybutyrate, or any
139 substance for which flunitrazepam or gamma-hydroxybutyrate is an immediate precursor, for
140 the purpose of sale. (NRS 453.337) Section 46 of this bill includes fentanyl in such provisions.

141 — Existing law prohibits any person from knowingly or intentionally selling, manufacturing,
142 delivering, bringing into this State or being in actual or constructive possession of
143 flunitrazepam or gamma-hydroxybutyrate, any substance for which flunitrazepam or gamma-
144 hydroxybutyrate is an immediate precursor, any controlled substance listed in schedule I or II
145 other than marijuana or any mixture which contains any such controlled substances. A person
146 who commits such an offense is guilty of: (1) low-level trafficking if the quantity involved is
147 100 grams or more but less than 400 grams and must be punished for a category B felony by
148 imprisonment in the state prison for a minimum term of not less than 2 years and a maximum
149 term of not more than 20 years and by a fine of not more than \$100,000; and (2) high-level
150 trafficking if the quantity involved is 400 grams or more and must be punished for a category
151 A felony. (NRS 453.3385) Section 48 of this bill removes schedule II controlled substances
152 from such provisions and also provides that: (1) low-level trafficking involves a quantity of 4
153 grams or more but less than 14 grams; (2) mid-level trafficking involves a quantity of 14
154 grams or more but less than 28 grams; and (3) high-level trafficking involves a quantity of 28
155 grams or more. Section 48 also revises the penalties for low-level trafficking and provides that
156 a person who commits such an offense must be punished by imprisonment for a minimum
157 term of not less than 1 year and a maximum term of not more than 6 years and by a fine of not
158 more than \$50,000. Section 48 additionally establishes the penalties for mid-level trafficking
159 by applying the current penalties for low-level trafficking to such an offense.

160 — Section 40 of this bill generally provides that any person who knowingly or intentionally
161 sells, manufactures, delivers or brings into this State or who is knowingly or intentionally in
162 actual or constructive possession of any controlled substance which is listed in schedule II or
163 any mixture which contains any such controlled substance must be punished: (1) for a
164 category C felony if the quantity involved is 28 grams or more but less than 200 grams; (2) for a
165 category B felony if the quantity involved is 200 grams or more but less than 400 grams; and
166 (3) for a category A felony if the quantity involved is 400 grams or more. Sections 13, 15, 39,
167 41-47, 49 and 50 of this bill make conforming changes by including a reference to section 40
168 in the provisions of existing law that are currently applicable to schedule II substances to
169 ensure that such provisions remain applicable to schedule II substances given the removal of
170 those substances from the provisions of section 48.

171 — Existing law provides that a person who drives under the influence of alcohol or a
172 prohibited substance and causes the death of or substantial bodily harm to another person is
173 guilty of a category B felony and must be punished by imprisonment in the state prison for a
174 minimum term of not less than 2 years and a maximum term of not more than 20 years. (NRS
175 484C.430) Section 54 of this bill increases the minimum and maximum terms of

176 imprisonment for a person who causes the death of another person to not less than 5 years and
 177 not more than 25 years.]

178 Existing law generally provides that a person who, under circumstances not
 179 amounting to a burglary, willfully goes or remains upon any land or in any building
 180 after having been warned by the owner or occupant thereof not to trespass is guilty of a
 181 misdemeanor. (NRS 207.200) Section 36.5 of this bill requires that such a warning by an
 182 owner or occupant must have been given during the previous 24 months.

183 Section 57.5 of this bill makes an appropriation from the State General Fund to the
 184 Department of Public Safety for the purpose of purchasing two machines that are
 185 capable of testing for fentanyl and its derivatives and measuring the concentration
 186 thereof in mixtures.

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

1 **Section 1.** ~~[NRS 176.211 is hereby amended to read as follows:~~

2 ~~176.211 1. Except as otherwise provided in this subsection, upon a plea of~~
 3 ~~guilty, guilty but mentally ill or nolo contendere, but before a judgment of guilt, the~~
 4 ~~court may, without entering a judgment of guilt and with the consent of the~~
 5 ~~defendant, defer judgment on the case to a specified future date and set forth~~
 6 ~~specific terms and conditions for the defendant. The duration of the deferral period~~
 7 ~~must not exceed the applicable period set forth in subsection 1 of NRS 176A.500 or~~
 8 ~~the extension of the period pursuant to subsection 2 of NRS 176A.500. The court~~
 9 ~~may not defer judgment pursuant to this subsection if the defendant has entered into~~
 10 ~~a plea agreement with a prosecuting attorney unless the plea agreement allows the~~
 11 ~~deferral.~~

12 ~~2. The terms and conditions set forth for the defendant during the deferral~~
 13 ~~period may include, without limitation, the:~~

14 ~~(a) Payment of restitution;~~

15 ~~(b) Payment of court costs;~~

16 ~~(c) Payment of an assessment in lieu of any fine authorized by law for the~~
 17 ~~offense;~~

18 ~~(d) Payment of any other assessment or cost authorized by law;~~

19 ~~(e) Completion of a term of community service;~~

20 ~~(f) Placement on probation pursuant to NRS 176A.500 and the ordering of any~~
 21 ~~conditions which can be imposed for probation pursuant to NRS 176A.400; or~~

22 ~~(g) Completion of a specialty court program.~~

23 ~~3. The court:~~

24 ~~(a) Upon the consent of the defendant:~~

25 ~~(1) Shall defer judgment for any defendant who has entered a plea of~~
 26 ~~guilty, guilty but mentally ill or nolo contendere to a violation of paragraph (a) of~~
 27 ~~subsection 2 of NRS 453.336; or~~

28 ~~(2) May defer judgment for any defendant who is placed in a specialty~~
 29 ~~court program. The court may extend any deferral period for not more than 12~~
 30 ~~months to allow for the completion of a specialty court program.~~

31 ~~(b) Shall not defer judgment for any defendant who has been convicted of a~~
 32 ~~violent or sexual offense as defined in NRS 202.876, a crime against a child as~~
 33 ~~defined in NRS 179D.0357, abuse or exploitation of an older person or a~~
 34 ~~vulnerable person pursuant to NRS 200.5099 or [a violation of] abuse, neglect or~~
 35 ~~endangerment of a child pursuant to NRS 200.508.~~

36 ~~4. Upon violation of a term or condition:~~

37 ~~(a) [Except as otherwise provided in paragraph (b):~~

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

3 ~~— [(2)] (b) Notwithstanding the provisions of paragraph (c) of subsection 2~~
4 ~~of NRS 193.130, the court may order the defendant to the custody of the~~
5 ~~Department of Corrections if the offense is punishable by imprisonment in the state~~
6 ~~prison.~~

7 ~~— [(b) If the defendant has been placed in the program for a first or second~~
8 ~~violation of paragraph (a) of subsection 2 of NRS 453.336, the court may allow the~~
9 ~~defendant to continue to participate in the program or terminate the participation of~~
10 ~~the defendant in the program. If the court terminates the participation of the~~
11 ~~defendant in the program, the court shall allow the defendant to withdraw his or her~~
12 ~~plea.]~~

13 ~~— 5. Upon completion of the terms and conditions of [the] a deferred judgment,~~
14 ~~and upon a finding by the court that the terms and conditions have been met, the~~
15 ~~court shall discharge the defendant and dismiss the proceedings. Discharge and~~
16 ~~dismissal pursuant to this section is without adjudication of guilt and is not a~~
17 ~~conviction for purposes of employment, civil rights or any statute or regulation or~~
18 ~~license or questionnaire or for any other public or private purpose, but is a~~
19 ~~conviction for the purpose of additional penalties imposed for second or subsequent~~
20 ~~convictions or the setting of bail. Discharge and dismissal restores the defendant, in~~
21 ~~the contemplation of the law, to the status occupied before the arrest, indictment or~~
22 ~~information.~~

23 ~~— 6. The court shall order sealed all documents, papers and exhibits in the~~
24 ~~defendant's record, minute book entries and entries on dockets, and other~~
25 ~~documents relating to the case in the custody of such other agencies and officers as~~
26 ~~are named in the court's order if the defendant fulfills the terms and conditions~~
27 ~~imposed by the court and the Division. The court shall order those records sealed~~
28 ~~without a hearing unless the Division or the prosecutor petitions the court, for good~~
29 ~~cause shown, not to seal the records and requests a hearing thereon.~~

30 ~~— 7. If the court orders sealed the record of a defendant discharged pursuant to~~
31 ~~this section, the court shall send a copy of the order to each agency or officer~~
32 ~~named in the order. Each such agency or officer shall notify the court in writing of~~
33 ~~its compliance with the order.~~

34 ~~— 8. As used in this section:~~

35 ~~— (a) "Court" means a district court of the State of Nevada.~~

36 ~~— (b) "Specialty court program" has the meaning ascribed to it in NRS~~
37 ~~176A.065.] (Deleted by amendment.)~~

38 **Sec. 2.** ~~[NRS 176A.240 is hereby amended to read as follows:~~

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

45 ~~— (a) Without entering a judgment of conviction and with the consent of the~~
46 ~~defendant, suspend or defer further proceedings and place the defendant on~~
47 ~~probation upon terms and conditions that must include attendance and successful~~
48 ~~completion of a program established pursuant to NRS 176A.230 if the court~~
49 ~~determines that the defendant is eligible for participation in such a program; or~~

50 ~~— (b) Enter a judgment of conviction and place the defendant on probation upon~~
51 ~~terms and conditions that must include attendance and successful completion of a~~
52 ~~program established pursuant to NRS 176A.230 if the court determines that the~~
53 ~~defendant is eligible for participation in such a program.~~

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

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

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

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

~~(b) Pursuant to a substance use assessment.~~

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

~~4. If the offense committed by the defendant is a category A felony or a sexual offense as defined in NRS 179D.097 that is punishable as a category B felony, *abuse or exploitation of an older person or a vulnerable person pursuant to NRS 200.5099 or abuse, neglect or endangerment of a child pursuant to NRS 200.508*, the defendant is not eligible for assignment to the program.~~

~~5. Upon violation of a term or condition:~~

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

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

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

~~(a) Shall] may discharge the defendant and dismiss the proceedings or set aside the judgment of conviction, as applicable, unless the defendant:~~

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

~~[(2)] (b) Has previously failed to complete a specialty court program. [; or~~

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

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

~~(2) Has previously failed to complete a specialty court program.]~~

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

~~8. If the defendant was charged with a violation of NRS 200.485, 484C.110 or 484C.120, upon fulfillment of the terms and conditions, the district court, justice court or municipal court, as applicable, may conditionally dismiss the charges or set aside the judgment of conviction, as applicable. If a court conditionally dismisses the charges or sets aside the judgment of conviction, the court shall notify the defendant that any conditionally dismissed charge or judgment of conviction that is set aside is a conviction for the purpose of additional penalties imposed for second or subsequent convictions or the setting of bail in a future case, but is not a~~

1 conviction for purposes of employment, civil rights or any statute or regulation or
2 license or questionnaire or for any other public or private purpose. Conditional
3 dismissal or having a judgment of conviction set aside restores the defendant, in the
4 contemplation of the law, to the status occupied before the arrest, complaint,
5 indictment or information. The defendant may not be held thereafter under any law
6 to be guilty of perjury or otherwise giving a false statement by reason of failure to
7 recite or acknowledge that arrest, complaint, indictment, information or trial in
8 response to an inquiry made of the defendant for any purpose.] (Deleted by
9 amendment.)

10 **Sec. 3.** [NRS 176A.245 is hereby amended to read as follows:

11 ~~— 176A.245 1. Except as otherwise provided in subsection 2, after [a~~
12 ~~defendant is discharged from probation or] a case is dismissed pursuant to NRS~~
13 ~~176A.240, the court shall order sealed all documents, papers and exhibits in the~~
14 ~~defendant's record, minute book entries and entries on dockets, and other~~
15 ~~documents relating to the case in the custody of such other agencies and officers as~~
16 ~~are named in the court's order if the defendant fulfills the terms and conditions~~
17 ~~imposed by the court and the Division. The court shall order those records sealed~~
18 ~~without a hearing unless the Division petitions the court, for good cause shown, not~~
19 ~~to seal the records and requests a hearing thereon.~~

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

32 ~~— 3. If the court orders sealed the record of a defendant [who is discharged from~~
33 ~~probation,] whose case is dismissed, whose charges were conditionally dismissed or~~
34 ~~whose judgment of conviction was set aside pursuant to NRS 176A.240, the court~~
35 ~~shall send a copy of the order to each agency or officer named in the order. Each~~
36 ~~such agency or officer shall notify the court in writing of its compliance with the~~
37 ~~order.] (Deleted by amendment.)~~

38 **Sec. 4.** [NRS 176A.260 is hereby amended to read as follows:

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

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

50 ~~— (b) Enter a judgment of conviction and place the defendant on probation upon~~
51 ~~terms and conditions that must include attendance and successful completion of a~~
52 ~~program established pursuant to NRS 176A.250, if the court determines that the~~
53 ~~defendant is eligible for participation in such a program.~~

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

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

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

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

~~(b) If the defendant appears to suffer from a mental illness, pursuant to a mental health screening that indicates the presence of a mental illness;~~

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

~~4. If the offense committed by the defendant is a category A felony, [or] a sexual offense as defined in NRS 179D.097 that is punishable as a category B felony, *abuse or exploitation of an older person or a vulnerable person pursuant to NRS 200.5099 or abuse, neglect or endangerment of a child pursuant to NRS 200.508*, the defendant is not eligible for assignment to the program.~~

~~5. Upon violation of a term or condition:~~

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

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

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

~~(a) Shall] may discharge the defendant and dismiss the proceedings or set aside the judgment of conviction, as applicable, unless the defendant:~~

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

~~[(2)] (b) Has previously failed to complete a specialty court program. [; or~~

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

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

~~(2) Has previously failed to complete a specialty court program.]~~

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

~~8. If the defendant was charged with a violation of NRS 200.485, 484C.110 or 484C.120, upon fulfillment of the terms and conditions, the district court, justice court or municipal court, as applicable, may conditionally dismiss the charges or set aside the judgment of conviction, as applicable. If a court conditionally dismisses the charges or sets aside the judgment of conviction, the court shall notify the~~

1 ~~defendant that any conditionally dismissed charge or judgment of conviction that is~~
2 ~~set aside is a conviction for the purpose of additional penalties imposed for second~~
3 ~~or subsequent convictions or the setting of bail in a future case, but is not a~~
4 ~~conviction for purposes of employment, civil rights or any statute or regulation or~~
5 ~~license or questionnaire or for any other public or private purpose. Conditional~~
6 ~~dismissal or having a judgment of conviction set aside restores the defendant, in the~~
7 ~~contemplation of the law, to the status occupied before the arrest, complaint,~~
8 ~~indictment or information. The defendant may not be held thereafter under any law~~
9 ~~to be guilty of perjury or otherwise giving a false statement by reason of failure to~~
10 ~~recite or acknowledge that arrest, complaint, indictment, information or trial in~~
11 ~~response to an inquiry made of the defendant for any purpose.] **(Deleted by**~~
12 ~~**amendment.)**~~

13 **Sec. 5.** ~~[NRS 176A.265 is hereby amended to read as follows:~~

14 ~~— 176A.265 1. Except as otherwise provided in subsection 2, after [a~~
15 ~~defendant is discharged from probation or] a case is dismissed pursuant to NRS~~
16 ~~176A.260, the court shall order sealed all documents, papers and exhibits in the~~
17 ~~defendant's record, minute book entries and entries on dockets, and other~~
18 ~~documents relating to the case in the custody of such other agencies and officers as~~
19 ~~are named in the court's order if the defendant fulfills the terms and conditions~~
20 ~~imposed by the court and the Division. The court shall order those records sealed~~
21 ~~without a hearing unless the Division petitions the court, for good cause shown, not~~
22 ~~to seal the records and requests a hearing thereon.~~

23 ~~— 2. If the defendant is charged with a violation of NRS 200.485, 484C.110 or~~
24 ~~484C.120 and the charges are conditionally dismissed or the judgment of~~
25 ~~conviction is set aside as provided in NRS 176A.260, not sooner than 7 years after~~
26 ~~the charges are conditionally dismissed or the judgment of conviction is set aside~~
27 ~~and upon the filing of a petition by the defendant, the justice court, municipal court~~
28 ~~or district court, as applicable, shall order that all documents, papers and exhibits in~~
29 ~~the defendant's record, minute book entries and entries on dockets, and other~~
30 ~~documents relating to the case in the custody of such other agencies and officers as~~
31 ~~are named in the court's order be sealed. The justice court, municipal court or~~
32 ~~district court, as applicable, shall order those records sealed without a hearing~~
33 ~~unless the Division petitions the court, for good cause shown, not to seal the records~~
34 ~~and requests a hearing thereon.~~

35 ~~— 3. If the court orders sealed the record of a defendant [who is discharged from~~
36 ~~probation.] whose case is dismissed, whose charges were conditionally dismissed or~~
37 ~~whose judgment of conviction was set aside pursuant to NRS 176A.260, the court~~
38 ~~shall send a copy of the order to each agency or officer named in the order. Each~~
39 ~~such agency or officer shall notify the court in writing of its compliance with the~~
40 ~~order.] **(Deleted by amendment.)**~~

41 **Sec. 6.** ~~[NRS 176A.287 is hereby amended to read as follows:~~

42 ~~— 176A.287 1. Except as otherwise provided in subsection 2, a defendant is~~
43 ~~not eligible for assignment to a program of treatment established pursuant to NRS~~
44 ~~176A.280 if:~~

45 ~~— (a) The offense committed by the defendant was a category A felony, [or] a~~
46 ~~sexual offense as defined in NRS 179D.097 that is punishable as a category B~~
47 ~~felony [;], *abuse or exploitation of an older person or a vulnerable person*~~
48 ~~*pursuant to NRS 200.5000 or abuse, neglect or endangerment of a child pursuant*~~
49 ~~*to NRS 200.508; or*~~

50 ~~— (b) The defendant was discharged or released from the Armed Forces of the~~
51 ~~United States, a reserve component thereof or the National Guard under~~
52 ~~dishonorable conditions.~~

~~2. A defendant described in paragraph (b) of subsection 1 may be assigned to a program of treatment established pursuant to NRS 176A.280 if a justice court, municipal court or district court, as applicable, determines that extraordinary circumstances exist which warrant the assignment of the defendant to the program.]~~
(Deleted by amendment.)

Sec. 7. ~~[NRS 176A.290 is hereby amended to read as follows:~~

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

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

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

~~(2) Enter a judgment of conviction and place the defendant on probation upon terms and conditions that must include attendance and successful completion of a program established pursuant to NRS 176A.280 if the court determines that the defendant is eligible for participation in such a program; or~~

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

~~2. Upon violation of a term or condition:~~

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

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

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

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

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

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

~~(a) The district court [:~~

~~(1) Shall] may discharge the defendant and dismiss the proceedings or set aside the judgment of conviction, as applicable, unless the defendant:~~

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

1 ~~[(II)] (2) Has previously failed to complete a specialty court program;~~
2 ~~for~~

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

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

7 ~~[(II) Has previously failed to complete a specialty court program.] or~~

8 ~~(b) The justice court or municipal court, as applicable, shall discharge the~~
9 ~~defendant and dismiss the proceedings.~~

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

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

38 **Sec. 8.** ~~[NRS 176A.295 is hereby amended to read as follows:~~

39 ~~176A.295 1. Except as otherwise provided in subsection 2, after [a~~
40 ~~defendant is discharged from probation or] a case is dismissed pursuant to NRS~~
41 ~~176A.290, the justice court, municipal court or district court, as applicable, shall~~
42 ~~order sealed all documents, papers and exhibits in the defendant's record, minute~~
43 ~~book entries and entries on dockets, and other documents relating to the case in the~~
44 ~~custody of such other agencies and officers as are named in the court's order if the~~
45 ~~defendant fulfills the terms and conditions imposed by the court and the Division.~~
46 ~~The justice court, municipal court or district court, as applicable, shall order those~~
47 ~~records sealed without a hearing unless the Division petitions the court, for good~~
48 ~~cause shown, not to seal the records and requests a hearing thereon.~~

49 ~~2. If the defendant is charged with a violation of NRS 200.485, 484C.110 or~~
50 ~~484C.120 and the charges are conditionally dismissed or the judgment of~~
51 ~~conviction is set aside as provided in NRS 176A.290, not sooner than 7 years after~~
52 ~~the charges are conditionally dismissed or the judgment of conviction is set aside~~
53 ~~and upon the filing of a petition by the defendant, the justice court, municipal court~~

1 or district court, as applicable, shall order that all documents, papers and exhibits in
2 the defendant's record, minute book entries and entries on dockets, and other
3 documents relating to the case in the custody of such other agencies and officers as
4 are named in the court's order be sealed. The justice court, municipal court or
5 district court, as applicable, shall order those records sealed without a hearing
6 unless the Division petitions the court, for good cause shown, not to seal the records
7 and requests a hearing thereon.

8 ~~3. If the justice court, municipal court or district court, as applicable, orders~~
9 ~~sealed the record of a defendant [who is discharged from probation,] whose case is~~
10 ~~dismissed, whose charges were conditionally dismissed or whose judgment of~~
11 ~~conviction was set aside pursuant to NRS 176A.290, the court shall send a copy of~~
12 ~~the order to each agency or officer named in the order. Each such agency or officer~~
13 ~~shall notify the justice court, municipal court or district court, as applicable, in~~
14 ~~writing of its compliance with the order.] (Deleted by amendment.)~~

15 **Sec. 9.** ~~[NRS 176A.510 is hereby amended to read as follows:~~

16 ~~176A.510 1. The Division shall adopt a written system of graduated~~
17 ~~sanctions for parole and probation officers to use when responding to a technical~~
18 ~~violation of the conditions of probation. The system must:~~

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

24 ~~(b) Take into account factors such as responsivity factors impacting a person's~~
25 ~~ability to successfully complete any conditions of supervision, the severity of the~~
26 ~~current violation, the person's previous criminal record, the number and severity of~~
27 ~~any previous violations and the extent to which graduated sanctions were imposed~~
28 ~~for previous violations.~~

29 ~~(c) Include guidance on the use of confinement in a jail or detention facility~~
30 ~~and electronic monitoring pursuant to subsection 3.~~

31 ~~2. The Division shall establish and maintain a program of initial and ongoing~~
32 ~~training for parole and probation officers regarding the system of graduated~~
33 ~~sanctions.~~

34 ~~3. As part of the system of graduated sanctions, the Division may, in~~
35 ~~response to a technical violation of the conditions of probation:~~

36 ~~(a) Impose confinement in a jail or detention facility for a period of not more~~
37 ~~than 10 days. The total number of days of confinement imposed pursuant to this~~
38 ~~paragraph must not, in the aggregate, exceed 30 days.~~

39 ~~(b) Place the person under a system of active electronic monitoring for a~~
40 ~~period of not more than 60 days using an electronic device approved by the~~
41 ~~Division. The device may be capable of using the Global Positioning System, but~~
42 ~~must be minimally intrusive and limited in capability to recording or transmitting~~
43 ~~information concerning the location of the person.~~

44 ~~4. Notwithstanding any rule or law to the contrary, a parole and probation~~
45 ~~officer shall use graduated sanctions established pursuant to this section when~~
46 ~~responding to a technical violation.~~

47 ~~[4.] 5. A parole and probation officer intending to impose a graduated~~
48 ~~sanction shall provide the supervised person with notice of the intended sanction.~~
49 ~~The notice must inform the person of any alleged violation and the date thereof and~~
50 ~~the graduated sanction to be imposed.~~

51 ~~[5.] 6. The failure of a supervised person to comply with a sanction may~~
52 ~~constitute a technical violation of the conditions of probation.~~

~~[6.] 7. The Division may not seek revocation of probation for a technical violation of the conditions of probation until all graduated sanctions have been exhausted. If the Division determines that all graduated sanctions have been exhausted, the Division shall submit a report to the court or Board outlining the reasons for the recommendation of revocation and the steps taken by the Division to change the supervised person's behavior while in the community, including, without limitation, any graduated sanctions imposed before recommending revocation.~~

~~[7.] 8. As used in this section:~~

~~(a) "Absconding" [has the meaning ascribed to it in NRS 176A.630.] means that a person is actively avoiding supervision by making his or her whereabouts unknown to the Division for a continuous period of 60 days or more.~~

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

~~(c) "Technical violation" means any alleged violation of the conditions of probation that does not constitute absconding and is not [the]:~~

~~(1) The commission of a:~~

~~[(1)] (I) New felony or gross misdemeanor;~~

~~[(2)] (II) Battery which constitutes domestic violence pursuant to NRS 200.485;~~

~~[(3)] (III) Violation of NRS 484C.110 or 484C.120;~~

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

~~[(5)] (V) Harassment pursuant to NRS 200.571 or stalking or aggravated stalking pursuant to NRS 200.575;~~

~~[(6)] (VI) Violation of a temporary or extended order for protection against domestic violence issued pursuant to NRS 33.017 to 33.100, inclusive, a restraining order or injunction that is in the nature of a temporary or extended order for protection against domestic violence issued in an action or proceeding brought pursuant to title 11 of NRS, a temporary or extended order for protection against stalking, aggravated stalking or harassment issued pursuant to NRS 200.591 or a temporary or extended order for protection against sexual assault pursuant to NRS 200.378; [or~~

~~(7)] (VII) Violation of a stay away order involving a natural person who is the victim of the crime for which the supervised person is being supervised [~~

~~the term does not include]; or~~

~~(VIII) Violation of a condition required pursuant to NRS 176A.110;~~

~~or~~

~~(2) Termination from a program which provides residential treatment, as ordered by a court as a condition of supervision, or termination from a specialty court program.] (Deleted by amendment.)~~

Sec. 10. ~~[NRS 176A.630 is hereby amended to read as follows:~~

~~176A.630 [1.] If the probationer is arrested, by or without warrant, in another judicial district of this state, the court which granted the probation may assign the case to the district court of that district, with the consent of that court. The court retaining or thus acquiring jurisdiction shall cause the defendant to be brought before it and consider the system of graduated sanctions adopted pursuant to NRS 176A.510, if applicable. Upon determining that the probationer has violated a condition of probation, the court shall, if practicable, order the probationer to make restitution for any necessary expenses incurred by a governmental entity in returning the probationer to the court for violation of the probation. If the court finds that the probationer committed a violation of a condition of probation, [by committing a new felony or gross misdemeanor, battery which constitutes domestic violence pursuant to NRS 200.485, violation of NRS 484C.110 or 484C.120, crime~~

1 ~~of violence that is punishable as a misdemeanor, harassment pursuant to NRS~~
2 ~~200.571, stalking or aggravated stalking pursuant to NRS 200.575, violation of a~~
3 ~~stay away order involving a natural person who is the victim of the crime for which~~
4 ~~the probationer is being supervised, violation of a temporary or extended order for~~
5 ~~protection against domestic violence issued pursuant to NRS 33.017 to 33.100,~~
6 ~~inclusive, a restraining order or injunction that is in the nature of a temporary or~~
7 ~~extended order for protection against domestic violence issued in an action or~~
8 ~~proceeding brought pursuant to title 11 of NRS, a temporary or extended order for~~
9 ~~protection against stalking, aggravated stalking or harassment issued pursuant to~~
10 ~~NRS 200.591 or a temporary or extended order for protection against sexual assault~~
11 ~~pursuant to NRS 200.378 or by absconding,] the court may:~~

12 ~~— [(a)] 1. Continue or revoke the probation or suspension of sentence;~~

13 ~~— [(b)] 2. Order the probationer to a term of residential confinement pursuant to~~
14 ~~NRS 176A.660;~~

15 ~~— [(c)] 3. Order the probationer to undergo a program of regimental discipline~~
16 ~~pursuant to NRS 176A.780;~~

17 ~~— [(d)] 4. Cause the sentence imposed to be executed; or~~

18 ~~— [(e)] 5. Modify the original sentence imposed by reducing the term of~~
19 ~~imprisonment and cause the modified sentence to be executed. The court shall not~~
20 ~~make the term of imprisonment less than the minimum term of imprisonment~~
21 ~~prescribed by the applicable penal statute. If the Chief Parole and Probation Officer~~
22 ~~recommends that the sentence of a probationer be modified and the modified~~
23 ~~sentence be executed, the Chief Parole and Probation Officer shall provide notice of~~
24 ~~the recommendation to any victim of the crime for which the probationer was~~
25 ~~convicted who has requested in writing to be notified and who has provided a~~
26 ~~current address to the Division. The notice must inform the victim that he or she has~~
27 ~~the right to submit documents to the court and to be present and heard at the hearing~~
28 ~~to determine whether the sentence of a probationer who has violated a condition of~~
29 ~~probation should be modified. The court shall not modify the sentence of a~~
30 ~~probationer and cause the sentence to be executed until it has confirmed that the~~
31 ~~Chief Parole and Probation Officer has complied with the provisions of this~~
32 ~~[paragraph.] subsection. The Chief Parole and Probation Officer must not be held~~
33 ~~responsible when such notification is not received by the victim if the victim has~~
34 ~~not provided a current address. All personal information, including, but not limited~~
35 ~~to, a current or former address, which pertains to a victim and which is received by~~
36 ~~the Division pursuant to this [paragraph.] subsection is confidential.~~

37 ~~— [2. If the court finds that the probationer committed one or more technical~~
38 ~~violations of the conditions of probation, the court may:~~

39 ~~— (a) Continue the probation or suspension of sentence;~~

40 ~~— (b) Order the probationer to a term of residential confinement pursuant to NRS~~
41 ~~176A.660;~~

42 ~~— (c) Temporarily revoke the probation or suspension of sentence and impose a~~
43 ~~term of imprisonment of not more than:~~

44 ~~— (1) Thirty days for the first temporary revocation;~~

45 ~~— (2) Ninety days for the second temporary revocation; or~~

46 ~~— (3) One hundred and eighty days for the third temporary revocation; or~~

47 ~~— (d) Fully revoke the probation or suspension of sentence and impose~~
48 ~~imprisonment for the remainder of the sentence for a fourth or subsequent~~
49 ~~revocation.~~

50 ~~— 3. Notwithstanding any other provision of law, a probationer who is arrested~~
51 ~~and detained for committing a technical violation of the conditions of probation~~
52 ~~must be brought before the court not later than 15 calendar days after the date of~~
53 ~~arrest and detention. If the person is not brought before the court within 15 calendar~~

~~days, the probationer must be released from detention and returned to probation status. Following a probationer's release from detention, the court may subsequently hold a hearing to determine if a technical violation has occurred. If the court finds that such a technical violation occurred, the court may:~~

- ~~— (a) Continue probation and modify the terms and conditions of probation; or~~
- ~~— (b) Fully or temporarily revoke probation in accordance with the provisions of subsection 2.~~

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

- ~~— (a) Consuming any alcoholic beverage;~~
- ~~— (b) Testing positive on a drug or alcohol test;~~
- ~~— (c) Failing to abide by the requirements of a mental health or substance use treatment program;~~
- ~~— (d) Failing to seek and maintain employment;~~
- ~~— (e) Failing to pay any required fines or fees;~~
- ~~— (f) Failing to report any changes in residence.~~

~~5. As used in this section:~~

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

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

- ~~— (1) New felony or gross misdemeanor;~~
- ~~— (2) Battery which constitutes domestic violence pursuant to NRS 200.485;~~
- ~~— (3) Violation of NRS 484C.110 or 484C.120;~~
- ~~— (4) Crime of violence that is punishable as a misdemeanor;~~
- ~~— (5) Harassment pursuant to NRS 200.571 or stalking or aggravated stalking pursuant to NRS 200.575;~~

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

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

~~The term does not include termination from a specialty court program.]]~~
(Deleted by amendment.)

Sec. 11. NRS 176A.840 is hereby amended to read as follows:

176A.840 1. The Division shall petition the court to recommend the early discharge of a person from probation if the person:

- (a) Has not violated any condition of probation during the immediately preceding 12 months;
- (b) Is current with any fee to defray the costs of his or her supervision charged by the Division pursuant to NRS 213.1076;
- (c) Has paid restitution *ordered by the court* in full or, because of economic hardship that is verified by the Division, has been unable to make restitution as ordered by the court;
- (d) Has completed any program of substance use treatment or mental health treatment or a specialty court program as mandated by the court or the Division; and

1 (e) Has not been convicted of a violent or sexual offense as defined in NRS
2 202.876 or a violation of NRS 200.508 ~~[, 202.257, 202.265, 202.285, 202.350 or~~
3 ~~202.360, paragraph (a) of subsection 1 of NRS 205.060] or [NRS] 205.067.~~

4 2. This section must not be construed to prohibit the court from allowing the
5 early discharge of a person from probation if the person does not meet the
6 requirements set forth in subsection 1.

7 **Sec. 12.** ~~[NRS 178.4849 is hereby amended to read as follows:~~

8 ~~178.4849 1. Except as otherwise provided in this section and NRS 178.484~~
9 ~~and 178.4847, a court shall, within [48] 72 hours after a person has been taken into~~
10 ~~custody, hold a pretrial release hearing, in open court or by means of remote~~
11 ~~communication, to determine the custody status of the person. The pretrial release~~
12 ~~hearing may be continued for good cause shown.~~

13 ~~2. A pretrial release hearing must not be held on any day declared to be a~~
14 ~~legal holiday according to the provisions of NRS 236.015.~~

15 ~~3. Except as otherwise provided in subsection 4, if a person has been~~
16 ~~arrested for a sexual offense as defined in NRS 179D.097 or a violation of NRS~~
17 ~~202.257, 202.265, 202.285, 202.350 or 202.360, paragraph (a) of subsection 1 of~~
18 ~~NRS 205.060 or NRS 205.067, there is a rebuttable presumption, which the court~~
19 ~~must apply, that financial conditions must be imposed to ensure the appearance~~
20 ~~of the person at trial.~~

21 ~~4. If the prosecuting attorney demonstrates by clear and convincing~~
22 ~~evidence that the person is a flight risk or danger to the community and that there~~
23 ~~are no conditions that will ensure the appearance of the person at trial, the~~
24 ~~person may be held without bail.~~

25 ~~5. As used in this section, "remote communication" means communication~~
26 ~~through telephone or videoconferencing.] (Deleted by amendment.)~~

27 **Sec. 13.** ~~[NRS 179A.075 is hereby amended to read as follows:~~

28 ~~179A.075 1. The Central Repository for Nevada Records of Criminal~~
29 ~~History is hereby created within the Records, Communications and Compliance~~
30 ~~Division of the Department.~~

31 ~~2. Each agency of criminal justice and any other agency dealing with crime~~
32 ~~shall:~~

33 ~~(a) Collect and maintain records, reports and compilations of statistical data~~
34 ~~required by the Department; and~~

35 ~~(b) Submit the information collected to the Central Repository;~~

36 ~~(1) In the manner approved by the Director of the Department; and~~

37 ~~(2) In accordance with the policies, procedures and definitions of the~~
38 ~~Uniform Crime Reporting Program of the Federal Bureau of Investigation.~~

39 ~~3. Each agency of criminal justice shall submit the information relating to~~
40 ~~records of criminal history that it creates, issues or collects, and any information in~~
41 ~~its possession relating to the DNA profile of a person from whom a biological~~
42 ~~specimen is obtained pursuant to NRS 176.09123 or 176.0913, to the Division. The~~
43 ~~information must be submitted to the Division:~~

44 ~~(a) Through an electronic network;~~

45 ~~(b) On a medium of magnetic storage; or~~

46 ~~(c) In the manner prescribed by the Director of the Department,~~
47 ~~within 60 days after the date of the disposition of the case. If an agency has~~
48 ~~submitted a record regarding the arrest of a person who is later determined by the~~
49 ~~agency not to be the person who committed the particular crime, the agency shall,~~
50 ~~immediately upon making that determination, so notify the Division. The Division~~
51 ~~shall delete all references in the Central Repository relating to that particular arrest.~~

52 ~~4. Each state and local law enforcement agency shall submit Uniform Crime~~
53 ~~Reports to the Central Repository.~~

~~1 (a) In the manner prescribed by the Director of the Department;~~
~~2 (b) In accordance with the policies, procedures and definitions of the Uniform~~
~~3 Crime Reporting Program of the Federal Bureau of Investigation; and~~
~~4 (c) Within the time prescribed by the Director of the Department.~~
~~5 5. The Division shall, in the manner prescribed by the Director of the~~
~~6 Department:~~
~~7 (a) Collect, maintain and arrange all information submitted to it relating to:~~
~~8 (1) Records of criminal history; and~~
~~9 (2) The DNA profile of a person from whom a biological specimen is~~
~~10 obtained pursuant to NRS 176.09123 or 176.0913.~~
~~11 (b) When practicable, use a record of the personal identifying information of a~~
~~12 subject as the basis for any records maintained regarding him or her.~~
~~13 (c) Upon request, provide, in paper or electronic form, the information that is~~
~~14 contained in the Central Repository to the Committee on Domestic Violence~~
~~15 appointed pursuant to NRS 228.470 when, pursuant to NRS 228.495, the~~
~~16 Committee is reviewing the death of the victim of a crime that constitutes domestic~~
~~17 violence pursuant to NRS 23.018.~~
~~18 6. The Division may:~~
~~19 (a) Disseminate any information which is contained in the Central Repository~~
~~20 to any other agency of criminal justice;~~
~~21 (b) Enter into cooperative agreements with repositories of the United States~~
~~22 and other states to facilitate exchanges of information that may be disseminated~~
~~23 pursuant to paragraph (a); and~~
~~24 (c) Request of and receive from the Federal Bureau of Investigation~~
~~25 information on the background and personal history of any person whose record of~~
~~26 fingerprints or other biometric identifier the Central Repository submits to the~~
~~27 Federal Bureau of Investigation and:~~
~~28 (1) Who has applied to any agency of the State of Nevada or any political~~
~~29 subdivision thereof for a license which it has the power to grant or deny;~~
~~30 (2) With whom any agency of the State of Nevada or any political~~
~~31 subdivision thereof intends to enter into a relationship of employment or a contract~~
~~32 for personal services;~~
~~33 (3) Who has applied to any agency of the State of Nevada or any political~~
~~34 subdivision thereof to attend an academy for training peace officers approved by~~
~~35 the Peace Officers' Standards and Training Commission;~~
~~36 (4) For whom such information is required or authorized to be obtained~~
~~37 pursuant to NRS 62B.270, 62G.223, 62G.353, 424.031, 432A.170, 432B.198,~~
~~38 433B.183, 449.123 and 449.4329; or~~
~~39 (5) About whom any agency of the State of Nevada or any political~~
~~40 subdivision thereof is authorized by law to have accurate personal information for~~
~~41 the protection of the agency or the persons within its jurisdiction.~~
~~42 7. To request and receive information from the Federal Bureau of~~
~~43 Investigation concerning a person pursuant to subsection 6, the Central Repository~~
~~44 must receive:~~
~~45 (a) The person's complete set of fingerprints for the purposes of:~~
~~46 (1) Booking the person into a city or county jail or detention facility;~~
~~47 (2) Employment;~~
~~48 (3) Contractual services; or~~
~~49 (4) Services related to occupational licensing;~~
~~50 (b) One or more of the person's fingerprints for the purposes of mobile~~
~~51 identification by an agency of criminal justice; or~~
~~52 (c) Any other biometric identifier of the person as it may require for the~~
~~53 purposes of:~~

~~1 (1) Arrest; or~~
~~2 (2) Criminal investigation;~~
~~3 from the agency of criminal justice or agency of the State of Nevada or any~~
~~4 political subdivision thereof and submit the received data to the Federal Bureau of~~
~~5 Investigation for its report.~~
~~6 8. The Central Repository shall:~~
~~7 (a) Collect and maintain records, reports and compilations of statistical data~~
~~8 submitted by any agency pursuant to subsection 2.~~
~~9 (b) Tabulate and analyze all records, reports and compilations of statistical data~~
~~10 received pursuant to this section.~~
~~11 (c) Disseminate to federal agencies engaged in the collection of statistical data~~
~~12 relating to crime information which is contained in the Central Repository.~~
~~13 (d) Investigate the criminal history of any person who:~~
~~14 (1) Has applied to the Superintendent of Public Instruction for the issuance~~
~~15 or renewal of a license;~~
~~16 (2) Has applied to a county school district, charter school or private school~~
~~17 for employment or to serve as a volunteer; or~~
~~18 (3) Is employed by or volunteers for a county school district, charter school~~
~~19 or private school;~~
~~20 and immediately notify the superintendent of each county school district, the~~
~~21 governing body of each charter school and the Superintendent of Public Instruction,~~
~~22 or the administrator of each private school, as appropriate, if the investigation of the~~
~~23 Central Repository indicates that the person has been convicted of a violation of~~
~~24 NRS 200.508, 201.230, 453.3385 or 453.339, or section 40 of this act, or convicted~~
~~25 of a felony or any offense involving moral turpitude.~~
~~26 (e) Upon discovery, immediately notify the superintendent of each county~~
~~27 school district, the governing body of each charter school or the administrator of~~
~~28 each private school, as appropriate, by providing the superintendent, governing~~
~~29 body or administrator with a list of all persons:~~
~~30 (1) Investigated pursuant to paragraph (d); or~~
~~31 (2) Employed by or volunteering for a county school district, charter~~
~~32 school or private school whose fingerprints were sent previously to the Central~~
~~33 Repository for investigation,~~
~~34 who the Central Repository's records indicate have been convicted of a violation~~
~~35 of NRS 200.508, 201.230, 453.3385 or 453.339, or section 40 of this act, or~~
~~36 convicted of a felony or any offense involving moral turpitude since the Central~~
~~37 Repository's initial investigation. The superintendent of each county school district,~~
~~38 the governing body of a charter school or the administrator of each private school,~~
~~39 as applicable, shall determine whether further investigation or action by the district,~~
~~40 charter school or private school, as applicable, is appropriate.~~
~~41 (f) Investigate the criminal history of each person who submits one or more~~
~~42 fingerprints or other biometric identifier or has such data submitted pursuant to~~
~~43 NRS 62B.270, 62G.223, 62G.353, 424.031, 432A.170, 432B.198, 433B.183,~~
~~44 449.122, 449.123 or 449.4320.~~
~~45 (g) Provide an electronic means to access on the Central Repository's Internet~~
~~46 website statistical data relating to crime.~~
~~47 (h) Provide an electronic means to access on the Central Repository's Internet~~
~~48 website statistical data about domestic violence in this State.~~
~~49 (i) Identify and review the collection and processing of statistical data relating~~
~~50 to criminal justice by any agency identified in subsection 2 and make~~
~~51 recommendations for any necessary changes in the manner of collecting and~~
~~52 processing statistical data by any such agency.~~

~~(j) Adopt regulations governing biometric identifiers and the information and data derived from biometric identifiers, including, without limitation:~~

~~(1) Their collection, use, safeguarding, handling, retention, storage, dissemination and destruction; and~~

~~(2) The methods by which a person may request the removal of his or her biometric identifiers from the Central Repository and any other agency where his or her biometric identifiers have been stored.~~

~~9. The Central Repository may:~~

~~(a) In the manner prescribed by the Director of the Department, disseminate compilations of statistical data and publish statistical reports relating to crime.~~

~~(b) Charge a reasonable fee for any publication or special report it distributes relating to data collected pursuant to this section. The Central Repository may not collect such a fee from an agency of criminal justice or any other agency dealing with crime which is required to submit information pursuant to subsection 2. All money collected pursuant to this paragraph must be used to pay for the cost of operating the Central Repository.~~

~~(c) In the manner prescribed by the Director of the Department, use electronic means to receive and disseminate information contained in the Central Repository that it is authorized to disseminate pursuant to the provisions of this chapter.~~

~~10. As used in this section:~~

~~(a) "Mobile identification" means the collection, storage, transmission, reception, search, access or processing of a biometric identifier using a handheld device.~~

~~(b) "Personal identifying information" means any information designed, commonly used or capable of being used, alone or in conjunction with any other information, to identify a person, including, without limitation:~~

~~(1) The name, driver's licence number, social security number, date of birth and photograph or computer generated image of a person; and~~

~~(2) A biometric identifier of a person.~~

~~(c) "Private school" has the meaning ascribed to it in NRS 394.103.] **(Deleted by amendment.)**~~

Sec. 14. NRS 200.481 is hereby amended to read as follows:

200.481 1. As used in this section:

(a) "Battery" means any willful and unlawful use of force or violence upon the person of another.

(b) "Child" means a person less than 18 years of age.

(c) "Fire-fighting agency" has the meaning ascribed to it in NRS 239B.020.

(d) "Officer" means:

(1) A person who possesses some or all of the powers of a peace officer;

(2) A person employed in a full-time salaried occupation of fire fighting for the benefit or safety of the public;

(3) A member of a volunteer fire department;

(4) A jailer, guard, matron or other correctional officer of a city or county jail or detention facility;

(5) A prosecuting attorney of an agency or political subdivision of the United States or of this State;

(6) A justice of the Supreme Court, judge of the Court of Appeals, district judge, justice of the peace, municipal judge, magistrate, court commissioner, master or referee, including, without limitation, a person acting pro tempore in a capacity listed in this subparagraph;

(7) An employee of this State or a political subdivision of this State whose official duties require the employee to make home visits;

1 (8) A civilian employee or a volunteer of a law enforcement agency whose
2 official duties require the employee or volunteer to:

3 (I) Interact with the public;

4 (II) Perform tasks related to law enforcement; and

5 (III) Wear identification, clothing or a uniform that identifies the
6 employee or volunteer as working or volunteering for the law enforcement agency;

7 (9) A civilian employee or a volunteer of a fire-fighting agency whose
8 official duties require the employee or volunteer to:

9 (I) Interact with the public;

10 (II) Perform tasks related to fire fighting or fire prevention; and

11 (III) Wear identification, clothing or a uniform that identifies the
12 employee or volunteer as working or volunteering for the fire-fighting agency; or

13 (10) A civilian employee or volunteer of this State or a political
14 subdivision of this State whose official duties require the employee or volunteer to:

15 (I) Interact with the public;

16 (II) Perform tasks related to code enforcement; and

17 (III) Wear identification, clothing or a uniform that identifies the
18 employee or volunteer as working or volunteering for this State or a political
19 subdivision of this State.

20 (e) "Provider of health care" has the meaning ascribed to it in NRS 200.471.

21 (f) "School employee" means a licensed or unlicensed person employed by a
22 board of trustees of a school district pursuant to NRS 391.100 or 391.281.

23 (g) "Sporting event" has the meaning ascribed to it in NRS 41.630.

24 (h) "Sports official" has the meaning ascribed to it in NRS 41.630.

25 (i) "Strangulation" means ~~intentionally [impeding the normal breathing or~~
26 ~~circulation of the blood by] applying sufficient pressure [on the throat or neck or by~~
27 ~~blocking the nose or mouth of] to another person [in a manner that creates a risk of~~
28 ~~death or substantial bodily harm. ~~applying sufficient pressure to another person]~~~~
29 ~~to make it difficult or impossible for the person to breathe, including, without~~
30 ~~limitation, applying [any] pressure to the neck, throat or windpipe that may~~
31 ~~prevent or hinder breathing or reduce the intake of air, or applying any pressure~~
32 ~~to the neck [or] on either side of the windpipe, but not the windpipe itself, to stop~~
33 ~~the flow of blood to the brain via the carotid arteries.~~

34 (j) "Taxicab" has the meaning ascribed to it in NRS 706.8816.

35 (k) "Taxicab driver" means a person who operates a taxicab.

36 (l) "Transit operator" means a person who operates a bus or other vehicle as
37 part of a public mass transportation system.

38 2. Except as otherwise provided in NRS 200.485, a person convicted of a
39 battery, other than a battery committed by an adult upon a child which constitutes
40 child abuse, shall be punished:

41 (a) If the battery is not committed with a deadly weapon, and no substantial
42 bodily harm to the victim results, except under circumstances where a greater
43 penalty is provided in this section or NRS 197.090, for a misdemeanor.

44 (b) If the battery is not committed with a deadly weapon, and either substantial
45 bodily harm to the victim results or the battery is committed by strangulation, for a
46 category C felony as provided in NRS 193.130.

47 (c) If:

48 (1) The battery is committed upon an officer, provider of health care,
49 school employee, taxicab driver or transit operator who was performing his or her
50 duty or upon a sports official based on the performance of his or her duties at a
51 sporting event;

1 (2) The officer, provider of health care, school employee, taxicab driver,
2 transit operator or sports official suffers substantial bodily harm or the battery is
3 committed by strangulation; and

4 (3) The person charged knew or should have known that the victim was an
5 officer, provider of health care, school employee, taxicab driver, transit operator or
6 sports official,

7 for a category B felony by imprisonment in the state prison for a minimum term
8 of not less than 2 years and a maximum term of not more than 10 years, or by a fine
9 of not more than \$10,000, or by both fine and imprisonment.

10 (d) If the battery is committed upon an officer, provider of health care, school
11 employee, taxicab driver or transit operator who is performing his or her duty or
12 upon a sports official based on the performance of his or her duties at a sporting
13 event and the person charged knew or should have known that the victim was an
14 officer, provider of health care, school employee, taxicab driver, transit operator or
15 sports official, for a gross misdemeanor, except under circumstances where a
16 greater penalty is provided in this section.

17 (e) If the battery is committed with the use of a deadly weapon, and:

18 (1) No substantial bodily harm to the victim results, for a category B felony
19 by imprisonment in the state prison for a minimum term of not less than 2 years and
20 a maximum term of not more than 10 years, and may be further punished by a fine
21 of not more than \$10,000.

22 (2) Substantial bodily harm to the victim results or the battery is committed
23 by strangulation, for a category B felony by imprisonment in the state prison for a
24 minimum term of not less than 2 years and a maximum term of not more than 15
25 years, and may be further punished by a fine of not more than \$10,000.

26 (f) If the battery is committed by a probationer, a prisoner who is in lawful
27 custody or confinement or a parolee, without the use of a deadly weapon, whether
28 or not substantial bodily harm results and whether or not the battery is committed
29 by strangulation, for a category B felony by imprisonment in the state prison for a
30 minimum term of not less than 1 year and a maximum term of not more than 6
31 years.

32 (g) If the battery is committed by a probationer, a prisoner who is in lawful
33 custody or confinement or a parolee, with the use of a deadly weapon, and:

34 (1) No substantial bodily harm to the victim results, for a category B felony
35 by imprisonment in the state prison for a minimum term of not less than 2 years and
36 a maximum term of not more than 10 years.

37 (2) Substantial bodily harm to the victim results or the battery is committed
38 by strangulation, for a category B felony by imprisonment in the state prison for a
39 minimum term of not less than 2 years and a maximum term of not more than 15
40 years.

41 **Sec. 15.** NRS 202.360 is hereby amended to read as follows:

42 202.360 1. A person shall not own or have in his or her possession or under
43 his or her custody or control any firearm if the person:

44 (a) Has been convicted of the crime of battery which constitutes domestic
45 violence pursuant to NRS 200.485, or a law of any other jurisdiction that prohibits
46 the same or substantially similar conduct, committed against or upon:

47 (1) The spouse or former spouse of the person;

48 (2) Any other person with whom the person has had or is having a dating
49 relationship, as defined in NRS 33.018;

50 (3) Any other person with whom the person has a child in common;

51 (4) The parent of the person; or

52 (5) The child of the person or a child for whom the person is the legal
53 guardian.

1 (b) Has been convicted of a felony in this State or any other state, or in any
2 political subdivision thereof, or of a felony in violation of the laws of the United
3 States of America, unless the person has received a pardon and the pardon does not
4 restrict his or her right to bear arms;

5 (c) Has been convicted of a violation of NRS 200.575 or a law of any other
6 state that prohibits the same or substantially similar conduct and the court entered a
7 finding in the judgment of conviction or admonishment of rights pursuant to
8 subsection 7 of NRS 200.575;

9 (d) Except as otherwise provided in NRS 33.031, is currently subject to:

10 (1) An extended order for protection against domestic violence pursuant to
11 NRS 33.017 to 33.100, inclusive, which includes a statement that the adverse party
12 is prohibited from possessing or having under his or her custody or control any
13 firearm while the order is in effect; or

14 (2) An equivalent order in any other state;

15 (e) Is a fugitive from justice;

16 (f) Is an unlawful user of, or addicted to, any controlled substance; or

17 (g) Is otherwise prohibited by federal law from having a firearm in his or her
18 possession or under his or her custody or control.

19 ↪ A person who violates the provisions of this subsection is guilty of a category B
20 felony and shall be punished by imprisonment in the state prison for a minimum
21 term of not less than 1 year and a maximum term of not more than 6 years, and may
22 be further punished by a fine of not more than \$5,000.

23 2. A person shall not own or have in his or her possession or under his or her
24 custody or control any firearm if the person:

25 (a) Has been adjudicated as mentally ill or has been committed to any mental
26 health facility by a court of this State, any other state or the United States;

27 (b) Has entered a plea of guilty but mentally ill in a court of this State, any
28 other state or the United States;

29 (c) Has been found guilty but mentally ill in a court of this State, any other
30 state or the United States;

31 (d) Has been acquitted by reason of insanity in a court of this State, any other
32 state or the United States; or

33 (e) Is illegally or unlawfully in the United States.

34 ↪ A person who violates the provisions of this subsection is guilty of a category D
35 felony and shall be punished as provided in NRS 193.130.

36 3. *A person shall not use or carry a firearm during and in relation to, or*
37 *possess a firearm in furtherance of, the commission of any act in violation of*
38 *NRS 453.321, 453.322, 453.337, 453.3385 or 453.401. ~~For section 40 of this act,~~*
39 *A person who violates the provisions of this subsection is guilty of a category B*
40 *felony and shall be punished by imprisonment in the state prison for a minimum*
41 *term of not less than 1 year and a maximum term of not more than 6 years, and*
42 *may be further punished by a fine of not more than \$5,000.*

43 4. ~~For the purposes of prosecuting a violation of this section, each firearm~~
44 ~~owned, possessed, used or carried by, or under the custody or control of, a person~~
45 ~~constitutes a separate violation.~~

46 ~~5.~~ As used in this section:

47 (a) "Controlled substance" has the meaning ascribed to it in 21 U.S.C. §
48 802(6).

49 (b) "Firearm" includes any firearm that is loaded or unloaded and operable or
50 inoperable.

51 **Sec. 16.** ~~NRS 205.060 is hereby amended to read as follows:~~

52 ~~205.060 1. A person who, by day or night, [unlawfully] enters [or~~
53 ~~unlawfully remains] in any:~~

1 ~~— (a) Dwelling with the intent to commit grand or petit larceny, assault or battery~~
2 ~~on any person or any felony, or to obtain money or property by false pretenses, is~~
3 ~~guilty of residential burglary.~~

4 ~~— (b) Business structure with the intent to commit grand or petit larceny, assault~~
5 ~~or battery on any person or any felony is guilty of burglary of a business.~~

6 ~~— (c) Motor vehicle, or any part thereof, with the intent to commit grand or petit~~
7 ~~larceny, assault or battery on any person or any felony is guilty of burglary of a~~
8 ~~motor vehicle.~~

9 ~~— (d) Structure other than a dwelling, business structure or motor vehicle with the~~
10 ~~intent to commit grand or petit larceny, assault or battery on any person or any~~
11 ~~felony is guilty of burglary of a structure.~~

12 ~~— 2. Except as otherwise provided in this section, a person convicted of:~~

13 ~~— (a) Burglary of a motor vehicle:~~

14 ~~— (1) For the first offense, is guilty of a category [E] D felony and shall be~~
15 ~~punished as provided in NRS 193.130.~~

16 ~~— (2) For a second or subsequent offense, is guilty of a category [D] C felony~~
17 ~~and shall be punished as provided in NRS 193.130.~~

18 ~~— (b) Burglary of a structure is guilty of a category [D] C felony and shall be~~
19 ~~punished as provided in NRS 193.130.~~

20 ~~— (c) Burglary of a business is guilty of a category [C] B felony and shall be~~
21 ~~punished [as provided in NRS 193.130.] by imprisonment in the state prison for a~~
22 ~~minimum term of not less than 1 year and a maximum term of not more than 10~~
23 ~~years.~~

24 ~~— (d) Residential burglary is guilty of a category B felony and shall be punished~~
25 ~~by imprisonment in the state prison for a minimum term of not less than 1 year and~~
26 ~~a maximum term of not more than 10 years.~~

27 ~~— 3. If mitigating circumstances exist, a person who is convicted of residential~~
28 ~~burglary may be released on probation and granted a suspension of sentence if the~~
29 ~~person has not previously been convicted of residential burglary or another crime~~
30 ~~involving the unlawful entry or invasion of a dwelling.~~

31 ~~— 4. Whenever any burglary pursuant to this section is committed on a vessel,~~
32 ~~vehicle, vehicle trailer, semitrailer, house trailer, airplane, glider, boat or railroad~~
33 ~~car, in motion or in rest, in this State, and it cannot with reasonable certainty be~~
34 ~~ascertained in what county the crime was committed, the offender may be arrested~~
35 ~~and tried in any county through which the vessel, vehicle, vehicle trailer,~~
36 ~~semitrailer, house trailer, airplane, glider, boat or railroad car traveled during the~~
37 ~~time the burglary was committed.~~

38 ~~— 5. A person convicted of any burglary pursuant to this section who has in his~~
39 ~~or her possession or gains possession of any firearm or deadly weapon at any time~~
40 ~~during the commission of the crime, at any time before leaving the dwelling,~~
41 ~~structure or motor vehicle or upon leaving the dwelling, structure or motor vehicle,~~
42 ~~is guilty of a category B felony and shall be punished by imprisonment in the state~~
43 ~~prison for a minimum term of not less than 2 years and a maximum term of not~~
44 ~~more than 15 years, and may be further punished by a fine of not more than~~
45 ~~\$10,000.~~

46 ~~— 6. As used in this section:~~

47 ~~— (a) "Business structure" means any structure or building, the primary purpose~~
48 ~~of which is to carry on any lawful effort for a business, including, without~~
49 ~~limitation, any business with an educational, industrial, benevolent, social or~~
50 ~~political purpose, regardless of whether the business is operated for profit.~~

51 ~~— (b) "Dwelling" means any structure, building, house, room, apartment,~~
52 ~~tenement, tent, conveyance, vessel, boat, vehicle, house trailer, travel trailer, motor~~

home or railroad car, including, without limitation, any part thereof that is divided into a separately-occupied unit;

~~— (1) In which any person lives; or~~

~~— (2) Which is customarily used by a person for overnight accommodations, regardless of whether the person is inside at the time of the offense.~~

~~— (c) “Motor vehicle” means any motorized craft or device designed for the transportation of a person or property across land or water or through the air which does not qualify as a dwelling or business structure pursuant to this section.~~

~~— [(d) “Unlawfully enters or unlawfully remains” means for a person to enter or remain in a dwelling, structure or motor vehicle or any part thereof, including, without limitation, under false pretenses, when the person is not licensed or privileged to do so. For purposes of this definition, a license or privilege to enter or remain in a part of a dwelling, structure or motor vehicle that is open to the public is not a license or privilege to enter or remain in a part of the dwelling, structure or motor vehicle that is not open to the public.] **(Deleted by amendment.)**~~

Sec. 17. [NRS 205.0835 is hereby amended to read as follows:

~~— 205.0835 — 1. Unless a greater penalty is imposed by a specific statute and unless the provisions of NRS 205.08345 apply under the circumstances, a person who commits theft in violation of any provision of NRS 205.0821 to 205.0835, inclusive, shall be punished pursuant to the provisions of this section.~~

~~— 2. If the value of the property or services involved in the theft:~~

~~— (a) Is less than [\$1,200,] \$750, the person who committed the theft is guilty of a misdemeanor.~~

~~— (b) Is [\$1,200] \$750 or more but less than \$5,000, the person who committed the theft is guilty of a category D felony and shall be punished as provided in NRS 193.130.~~

~~— (c) Is \$5,000 or more but less than \$25,000, the person who committed the theft is guilty of a category C felony and shall be punished as provided in NRS 193.130.~~

~~— (d) Is \$25,000 or more but less than \$100,000, the person who committed the theft is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 10 years, and by a fine of not more than \$10,000.~~

~~— (e) Is \$100,000 or more, the person who committed the theft is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 20 years, and by a fine of not more than \$15,000.~~

~~— 3. In addition to any other penalty, the court shall order the person who committed the theft to pay restitution.] **(Deleted by amendment.)**~~

Sec. 18. [NRS 205.130 is hereby amended to read as follows:

~~— 205.130 — 1. Except as otherwise provided in this subsection and subsections 2 and 3, a person who willfully, with an intent to defraud, draws or passes a check or draft to obtain:~~

~~— (a) Money;~~

~~— (b) Delivery of other valuable property;~~

~~— (c) Services;~~

~~— (d) The use of property; or~~

~~— (e) Credit extended by any licensed gaming establishment,~~

~~— drawn upon any real or fictitious person, bank, firm, partnership, corporation or depository, when the person has insufficient money, property or credit with the drawee of the instrument to pay it in full upon its presentation, is guilty of a misdemeanor. If that instrument, or a series of instruments passed in the State during a period of 90 days, is in the amount of [\$1,200] \$750 or more, the person is~~

1 ~~guilty of a category D felony and shall be punished as provided in NRS 193.130. In~~
 2 ~~addition to any other penalty, the court shall order the person to pay restitution.~~

3 ~~2. A person who was previously convicted three times of a misdemeanor~~
 4 ~~under the provisions of this section, or of an offense of a similar nature, in this State~~
 5 ~~or any other state, or in a federal jurisdiction, who violates this section is guilty of a~~
 6 ~~category D felony and shall be punished as provided in NRS 193.130. In addition to~~
 7 ~~any other penalty, the court shall order the person to pay restitution.~~

8 ~~3. A person who willfully issues any check or draft for the payment of wages~~
 9 ~~in excess of [\$1,200] \$750, when the person knows he or she has insufficient~~
 10 ~~money or credit with the drawee of the instrument to pay the instrument in full~~
 11 ~~upon presentation is guilty of a gross misdemeanor.~~

12 ~~4. For the purposes of this section, "credit" means an arrangement or~~
 13 ~~understanding with a person, firm, corporation, bank or depository for the payment~~
 14 ~~of a check or other instrument.] (Deleted by amendment.)~~

15 **Sec. 19.** ~~[NRS 205.134 is hereby amended to read as follows:~~

16 ~~205.134 1. A notice in boldface type which is clearly legible and is in~~
 17 ~~substantially the following form must be posted in a conspicuous place in every~~
 18 ~~principal and branch office of every bank and in every place of business in which~~
 19 ~~retail selling is conducted:~~

20 ~~— The issuance of a check or draft without sufficient money or with intent~~
 21 ~~to defraud is punishable by imprisonment in the county jail for not more~~
 22 ~~than 6 months, or by a fine of not more than \$1,000, or by both fine and~~
 23 ~~imprisonment, and the issuance of such a check or draft in an amount of~~
 24 ~~[\$1,200] \$750 or more or by a person who previously has been convicted~~
 25 ~~three times of this or a similar offense is punishable as a category D felony~~
 26 ~~as provided in NRS 193.130.~~

27
 28
 29 ~~2. Failure of the owner, operator or manager of a bank or other place of~~
 30 ~~business to post the sign required by this section is not a defense to charge of a~~
 31 ~~violation of NRS 205.130.] (Deleted by amendment.)~~

32 **Sec. 20.** ~~[NRS 205.220 is hereby amended to read as follows:~~

33 ~~205.220 Except as otherwise provided in NRS 205.226 and 205.228, a person~~
 34 ~~commits grand larceny if the person:~~

35 ~~1. Intentionally steals, takes and carries away, leads away or drives away:~~

36 ~~(a) Personal goods or property, with a value of [\$1,200] \$750 or more, owned~~
 37 ~~by another person;~~

38 ~~(b) Bedding, furniture or other property, with a value of [\$1,200] \$750 or~~
 39 ~~more, which the person, as a lodger, is to use in or with his or her lodging and~~
 40 ~~which is owned by another person; or~~

41 ~~(c) Real property, with a value of [\$1,200] \$750 or more, that the person has~~
 42 ~~converted into personal property by covering it from real property owned by~~
 43 ~~another person.~~

44 ~~2. Use a card or other device for automatically withdrawing or transferring~~
 45 ~~money in a financial institution to obtain intentionally money to which the person~~
 46 ~~knows he or she is not entitled.~~

47 ~~3. Intentionally steals, takes and carries away, leads away, drives away or~~
 48 ~~entices away:~~

49 ~~(a) One or more head of livestock owned by another person; or~~

50 ~~(b) One or more domesticated animals or domesticated birds, with an aggregate~~
 51 ~~value of [\$1,200] \$750 or more, owned by another person.~~

52 ~~4. With the intent to defraud, steal, appropriate or prevent identification:~~

1 ~~— (a) Marks or brands, causes to be marked or branded, alters or defaces a mark~~
2 ~~or brand, or causes to be altered or defaced a mark or brand upon one or more head~~
3 ~~of livestock owned by another person;~~

4 ~~— (b) Sells or purchases the hide or carcass of one or more head of livestock~~
5 ~~owned by another person that has had a mark or brand cut out or obliterated;~~

6 ~~— (c) Kills one or more head of livestock owned by another person but running at~~
7 ~~large, whether or not the livestock is marked or branded; or~~

8 ~~— (d) Kills one or more domesticated animals or domesticated birds, with an~~
9 ~~aggregate value of [\$1,200] \$750 or more, owned by another person but running at~~
10 ~~large, whether or not the animals or birds are marked or branded.] (Deleted by~~

11 ~~amendment.)~~

12 **Sec. 21.** ~~[NRS 205.240 is hereby amended to read as follows:~~

13 ~~205.240 1. Except as otherwise provided in NRS 205.220, 205.226,~~
14 ~~205.228, 475.105 and 501.3765, a person commits petit larceny if the person:~~

15 ~~— (a) Intentionally steals, takes and carries away, leads away or drives away:~~

16 ~~— (1) Personal goods or property, with a value of less than [\$1,200,] \$750,~~
17 ~~owned by another person;~~

18 ~~— (2) Bedding, furniture or other property, with a value of less than [\$1,200,]~~
19 ~~\$750, which the person, as a lodger, is to use in or with his or her lodging and~~
20 ~~which is owned by another person; or~~

21 ~~— (3) Real property, with a value of less than [\$1,200,] \$750, that the person~~
22 ~~has converted into personal property by severing it from real property owned by~~
23 ~~another person.~~

24 ~~— (b) Intentionally steals, takes and carries away, leads away, drives away or~~
25 ~~entices away one or more domesticated animals or domesticated birds, with an~~
26 ~~aggregate value of less than [\$1,200,] \$750, owned by another person.~~

27 ~~— 2. Unless a greater penalty is provided pursuant to NRS 205.267, a person~~
28 ~~who commits petit larceny is guilty of a misdemeanor. In addition to any other~~
29 ~~penalty, the court shall order the person to pay restitution.] (Deleted by~~
30 ~~amendment.)~~

31 **Sec. 22.** ~~[NRS 205.267 is hereby amended to read as follows:~~

32 ~~205.267 1. A person who intentionally steals, takes and carries away scrap~~
33 ~~metal or utility property with a value of less than [\$1,200] \$750 within a period of~~
34 ~~90 days is guilty of a misdemeanor.~~

35 ~~— 2. A person who intentionally steals, takes and carries away scrap metal or~~
36 ~~utility property with a value of [\$1,200] \$750 or more within a period of 90 days is~~
37 ~~guilty of:~~

38 ~~— (a) If the value of the scrap metal or utility property taken is [\$1,200] \$750 or~~
39 ~~more but less than \$5,000, a category D felony and shall be punished as provided in~~
40 ~~NRS 193.130.~~

41 ~~— (b) If the value of the scrap metal or utility property taken is \$5,000 or more~~
42 ~~but less than \$25,000, a category C felony and shall be punished as provided in~~
43 ~~NRS 193.130.~~

44 ~~— (c) If the value of the scrap metal or utility property taken is \$25,000 or more~~
45 ~~but less than \$100,000, a category B felony and shall be punished by imprisonment~~
46 ~~in the state prison for a minimum term of not less than 1 year and a maximum term~~
47 ~~of not more than 10 years, and by a fine of not more than \$10,000.~~

48 ~~— (d) If the value of the scrap metal or utility property taken is \$100,000 or more,~~
49 ~~a category B felony and shall be punished by imprisonment in the state prison for a~~
50 ~~minimum term of not less than 1 year and a maximum term of not more than 20~~
51 ~~years, and by a fine of not more than \$15,000.~~

52 ~~— 3. In addition to any other penalty, the court shall order a person who violates~~
53 ~~the provisions of subsection 1 or 2 to pay restitution and:~~

~~1 — (a) For a first offense, to perform 100 hours of community service;
 2 — (b) For a second offense, to perform 200 hours of community service;
 3 — (c) For a third or subsequent offense, to perform up to 300 hours of community
 4 service for up to 1 year, as determined by the court.~~

~~5 — 4. In determining the value of the scrap metal or utility property taken, the
 6 cost of repairing and, if necessary, replacing any property damaged by the theft of
 7 the scrap metal or utility property must be added to the value of the property.~~

~~8 — 5. As used in this section:~~

~~9 — (a) "Scrap metal" has the meaning ascribed to it in NRS 647.017;~~

~~10 — (b) "Utility property" has the meaning ascribed to it in NRS 202.582.] (Deleted
 11 by amendment.)~~

~~12 **Sec. 23.** [NRS 205.275 is hereby amended to read as follows:~~

~~13 **205.275** 1. Except as otherwise provided in NRS 501.3765, a person
 14 commits an offense involving stolen property if the person, for his or her own gain
 15 or to prevent the owner from again possessing the owner's property, buys, receives,
 16 possesses or withholds property;~~

~~17 — (a) Knowing that it is stolen property; or~~

~~18 — (b) Under such circumstances as should have caused a reasonable person to
 19 know that it is stolen property;~~

~~20 — 2. A person who commits an offense involving stolen property in violation of
 21 subsection 1:~~

~~22 — (a) If the value of the property is less than [\$1,200,] \$750, is guilty of a
 23 misdemeanor;~~

~~24 — (b) If the value of the property is [\$1,200] \$750 or more but less than \$5,000, is
 25 guilty of a category D felony and shall be punished as provided in NRS 193.130;~~

~~26 — (c) If the value of the property is \$5,000 or more but less than \$25,000, is
 27 guilty of a category C felony and shall be punished as provided in NRS 193.130;~~

~~28 — (d) If the value of the property is \$25,000 or more but less than \$100,000 or if
 29 the property is a firearm, is guilty of a category B felony and shall be punished by
 30 imprisonment in the state prison for a minimum term of not less than 1 year and a
 31 maximum term of not more than 10 years, and by a fine of not more than \$10,000;
 32 or~~

~~33 — (e) If the value of the property is \$100,000 or more, is guilty of a category B
 34 felony and shall be punished by imprisonment in the state prison for a minimum
 35 term of not less than 1 year and a maximum term of not more than 20 years, and by
 36 a fine of not more than \$15,000.~~

~~37 — 3. In addition to any other penalty, the court shall order the person to pay
 38 restitution.~~

~~39 — 4. A person may be prosecuted and convicted pursuant to this section whether
 40 or not the principal is or has been prosecuted or convicted.~~

~~41 — 5. Possession by any person of three or more items of the same or a similar
 42 class or type of personal property on which a permanently affixed manufacturer's
 43 serial number or manufacturer's identification number has been removed, altered or
 44 defaced, is prima facie evidence that the person has violated this section.~~

~~45 — 6. For the purposes of this section, the value of the property involved shall be
 46 deemed to be the highest value attributable to the property by any reasonable
 47 standard.~~

~~48 — 7. As used in this section, "stolen property" means property that has been
 49 taken from its owner by larceny, robbery, burglary, embezzlement, theft or any
 50 other offense that is a crime against property, whether or not the person who
 51 committed the taking is or has been prosecuted or convicted for the offense.]
 52 (Deleted by amendment.)~~

1 **Sec. 24.** ~~[NRS 205.265 is hereby amended to read as follows:~~

2 ~~205.265 A person, after once selling, bartering or disposing of any tract of~~
 3 ~~land, town lot, or executing any bond or agreement for the sale of any land or town~~
 4 ~~lot, who again, knowingly and fraudulently, sells, barter or disposes of the same~~
 5 ~~tract of land or lot, or any part thereof, or knowingly and fraudulently executes any~~
 6 ~~bond or agreement to sell, barter or dispose of the same land or lot, or any part~~
 7 ~~thereof, to any other person, for a valuable consideration, shall be punished:~~

8 ~~1. Where the value of the property involved is [\$1,200] \$750 or more, for a~~
 9 ~~category D felony as provided in NRS 193.130. In addition to any other penalty, the~~
 10 ~~court shall order the person to pay restitution.~~

11 ~~2. Where the value of the property is less than [\$1,200.] \$750, for a~~
 12 ~~misdemeanor.] (Deleted by amendment.)~~

13 **Sec. 25.** ~~[NRS 205.270 is hereby amended to read as follows:~~

14 ~~205.270 A person who, by false representations of his or her own wealth, or~~
 15 ~~mercantile correspondence and connections, obtains a credit thereby and defrauds~~
 16 ~~any person of money, goods, chattels or any valuable thing, or if a person causes or~~
 17 ~~procures another to report falsely of his or her wealth or mercantile character, and~~
 18 ~~by thus imposing upon any person obtains credit and thereby fraudulently gets into~~
 19 ~~the possession of goods, wares or merchandise, or other valuable thing, is a~~
 20 ~~swindler, and must be sentenced to return the property fraudulently obtained, if it~~
 21 ~~can be done, or to pay restitution and shall be punished:~~

22 ~~1. Where the amount of money or the value of the chattels, goods, wares or~~
 23 ~~merchandise, or other valuable thing so obtained is [\$1,200] \$750 or more, for a~~
 24 ~~category D felony as provided in NRS 193.130.~~

25 ~~2. Otherwise, for a misdemeanor.] (Deleted by amendment.)~~

26 **Sec. 26.** ~~[NRS 205.377 is hereby amended to read as follows:~~

27 ~~205.377 1. A person shall not, in the course of an enterprise or occupation,~~
 28 ~~knowingly and with the intent to defraud, engage in an act, practice or course of~~
 29 ~~business or employ a device, scheme or artifice which operates or would operate as~~
 30 ~~a fraud or deceit upon a person by means of a false representation or omission of a~~
 31 ~~material fact that:~~

- 32 ~~(a) The person knows to be false or omitted;~~
 33 ~~(b) The person intends another to rely on; and~~
 34 ~~(c) Results in a loss to any person who relied on the false representation or~~
 35 ~~omission,~~

36 ~~— in at least two transactions that have the same or similar pattern, intents, results,~~
 37 ~~accomplices, victims or methods of commission, or are otherwise interrelated by~~
 38 ~~distinguishing characteristics and are not isolated incidents within 4 years and in~~
 39 ~~which the aggregate loss or intended loss is more than [\$1,200.] \$750.~~

40 ~~2. Each act which violates subsection 1 constitutes a separate offense.~~

41 ~~3. A person who violates subsection 1 is guilty of a category B felony and~~
 42 ~~shall be punished by imprisonment in the state prison for a minimum term of not~~
 43 ~~less than 1 year and a maximum term of not more than 20 years, and may be further~~
 44 ~~punished by a fine of not more than \$10,000.~~

45 ~~4. In addition to any other penalty, the court shall order a person who violates~~
 46 ~~subsection 1 to pay restitution.~~

47 ~~5. A violation of this section constitutes a deceptive trade practice for the~~
 48 ~~purposes of NRS 598.0003 to 598.0009, inclusive.~~

49 ~~6. As used in this section, "enterprise" has the meaning ascribed to it in NRS~~
 50 ~~207.380.] (Deleted by amendment.)~~

51 **Sec. 27.** ~~[NRS 205.380 is hereby amended to read as follows:~~

52 ~~205.380 1. A person who knowingly and designedly by any false pretense~~
 53 ~~obtains from any other person any chose in action, money, goods, wares, chattels,~~

1 effects or other valuable thing, including rent or the labor of another person not his
 2 or her employee, with the intent to cheat or defraud the other person, is a cheat, and,
 3 unless otherwise prescribed by law, shall be punished:

4 ~~— (a) If the value of the thing or labor fraudulently obtained was less than~~
 5 ~~[\$1,200,] \$750, for a misdemeanor, and must be sentenced to restore the property~~
 6 ~~fraudulently obtained if it can be done, or tender payment for rent or labor.~~

7 ~~— (b) If the value of the thing or labor fraudulently obtained was [\$1,200] \$750~~
 8 ~~or more but less than \$5,000, for a category D felony as provided in NRS 193.130.~~

9 ~~— (c) If the value of the thing or labor fraudulently obtained was \$5,000 or more~~
 10 ~~but less than \$25,000, for a category C felony as provided in NRS 193.130.~~

11 ~~— (d) If the value of the thing or labor fraudulently obtained was \$25,000 or more~~
 12 ~~but less than \$100,000, for a category B felony by imprisonment in the state prison~~
 13 ~~for a minimum term of not less than 1 year and a maximum term of not more than~~
 14 ~~10 years, and by a fine of not more than \$10,000.~~

15 ~~— (e) If the value of the thing or labor fraudulently obtained was \$100,000 or~~
 16 ~~more, for a category B felony by imprisonment in the state prison for a minimum~~
 17 ~~term of not less than 1 year and a maximum term of not more than 20 years, and by~~
 18 ~~a fine of not more than \$15,000.~~

19 ~~— 2. In addition to any other penalty set forth in paragraph (b), (c), (d) or (e) of~~
 20 ~~subsection 1, the court shall order the person to pay restitution.~~

21 ~~— 3. For the purposes of this section, it is prima facie evidence of an intent to~~
 22 ~~defraud if the drawer of a check or other instrument given in payment for:~~

23 ~~— (a) Property which can be returned in the same condition in which it was~~
 24 ~~originally received;~~

25 ~~— (b) Rent; or~~

26 ~~— (c) Labor performed in a workmanlike manner whenever a written estimate~~
 27 ~~was furnished before the labor was performed and the actual cost of the labor does~~
 28 ~~not exceed the estimate.~~

29 ~~— stops payment on that instrument and fails to return or offer to return the~~
 30 ~~property in that condition, or to specify in what way the labor was deficient within~~
 31 ~~5 days after receiving notice from the payee that the instrument has not been paid~~
 32 ~~by the drawee.~~

33 ~~— 4. The notice must be sent to the drawer by certified mail, return receipt~~
 34 ~~requested, at the address shown on the instrument. The notice must include a~~
 35 ~~statement of the penalties set forth in this section. Return of the notice because of~~
 36 ~~nondelivery to the drawer raises a rebuttable presumption of the intent to defraud.~~

37 ~~— 5. A notice in boldface type clearly legible and in substantially the following~~
 38 ~~form must be posted in a conspicuous place in every principal and branch office of~~
 39 ~~every bank and in every place of business in which retail selling is conducted or~~
 40 ~~labor is performed for the public and must be furnished in written form by a~~
 41 ~~landlord to a tenant:~~

42
 43 ~~— The stopping of payment on a check or other instrument given in~~
 44 ~~payment for property which can be returned in the same condition in which~~
 45 ~~it was originally received, rent or labor which was completed in a~~
 46 ~~workmanlike manner, and the failure to return or offer to return the~~
 47 ~~property in that condition or to specify in what way the labor was deficient~~
 48 ~~within 5 days after receiving notice of nonpayment is punishable:~~

49 ~~— 1. If the value of the property, rent or labor fraudulently obtained was~~
 50 ~~less than [\$1,200,] \$750, as a misdemeanor by imprisonment in the county~~
 51 ~~jail for not more than 6 months, or by a fine of not more than \$1,000, or by~~
 52 ~~both fine and imprisonment.~~

~~2. If the value of the property, rent or labor fraudulently obtained was [\$1,200] \$750 or more but less than \$5,000, as a category D felony by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 4 years, or by a fine of not more than \$5,000, or by both fine and imprisonment.~~

~~3. If the value of the property, rent or labor fraudulently obtained was \$5,000 or more but less than \$25,000, as a category C felony by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 5 years, or by a fine of not more than \$10,000, or by both fine and imprisonment.~~

~~4. If the value of the property, rent or labor fraudulently obtained was \$25,000 or more but less than \$100,000, as a category B felony by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 10 years, and by a fine of not more than \$10,000.~~

~~5. If the value of the property, rent or labor fraudulently obtained was \$100,000 or more, as a category B felony by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 20 years, and by a fine of not more than \$15,000.] (Deleted by amendment.)~~

Sec. 28. [NRS 205.415 is hereby amended to read as follows:

~~205.415 A person who sells one or more tickets to any ball, benefit or entertainment, or asks or receives any subscription or promise thereof, for the benefit or pretended benefit of any person, association or order, without being authorized thereto by the person, association or order for whose benefit or pretended benefit it is done, shall be punished:~~

~~1. Where the amount received from such sales, subscriptions or promises totals [\$1,200] \$750 or more, for a category D felony as provided in NRS 193.130. In addition to any other penalty, the court shall order the person to pay restitution.~~

~~2. Otherwise, for a misdemeanor.] (Deleted by amendment.)~~

Sec. 29. [NRS 205.445 is hereby amended to read as follows:

~~205.445 1. It is unlawful for a person:~~

~~(a) To obtain food, foodstuffs, lodging, merchandise or other accommodations at any hotel, inn, trailer park, motor court, boardinghouse, rooming house, lodging house, furnished apartment house, furnished bungalow court, furnished automobile camp, eating house, restaurant, grocery store, market or dairy, without paying therefor, with the intent to defraud the proprietor or manager thereof;~~

~~(b) To obtain credit at a hotel, inn, trailer park, motor court, boardinghouse, rooming house, lodging house, furnished apartment house, furnished bungalow court, furnished automobile camp, eating house, restaurant, grocery store, market or dairy by the use of any false pretense; or~~

~~(c) After obtaining credit, food, lodging, merchandise or other accommodations at a hotel, inn, trailer park, motor court, boardinghouse, rooming house, lodging house, furnished apartment house, furnished bungalow court, furnished automobile camp, eating house, restaurant, grocery store, market or dairy, to abscond or surreptitiously, or by force, menace or threats, to remove any part of his or her baggage therefrom, without paying for the food or accommodations.~~

~~2. A person who violates any of the provisions of subsection 1 shall be punished:~~

~~(a) Where the total value of the credit, food, foodstuffs, lodging, merchandise or other accommodations received from any one establishment is [\$1,200] \$750 or more, for a category D felony as provided in NRS 193.130. In addition to any other penalty, the court shall order the person to pay restitution.~~

1 ~~— (b) Otherwise, for a misdemeanor:~~

2 ~~— 3. Proof that lodging, food, foodstuffs, merchandise or other accommodations~~
3 ~~were obtained by false pretense, or by false or fictitious show or pretense of any~~
4 ~~baggage or other property, or that the person refused or willfully neglected to pay~~
5 ~~for the food, foodstuffs, lodging, merchandise or other accommodations, or that the~~
6 ~~person gave in payment for the food, foodstuffs, lodging, merchandise or other~~
7 ~~accommodations negotiable paper on which payment was refused, or that the~~
8 ~~person absconded without paying or offering to pay for the food, foodstuffs,~~
9 ~~lodging, merchandise or other accommodations, or that the person surreptitiously~~
10 ~~removed or attempted to remove his or her baggage, is prima facie evidence of the~~
11 ~~fraudulent intent mentioned in this section.~~

12 ~~— 4. This section does not apply where there has been an agreement in writing~~
13 ~~for delay in payment for a period to exceed 10 days.] (Deleted by amendment.)~~

14 **Sec. 30.** ~~[NRS 205.520 is hereby amended to read as follows:~~

15 ~~— 205.520 A bailee, or any officer, agent or servant of a bailee, who issues or~~
16 ~~aids in issuing a document of title, knowing that the goods covered by the~~
17 ~~document of title have not been received by him or her, or are not under his or her~~
18 ~~control at the time the document is issued, shall be punished:~~

19 ~~— 1. Where the value of the goods purported to be covered by the document of~~
20 ~~title is [\$1,200] \$750 or more, for a category D felony as provided in NRS 193.130.~~
21 ~~In addition to any other penalty, the court shall order the person to pay restitution.~~

22 ~~— 2. Where the value is less than [\$1,200,] \$750, for a misdemeanor.] (Deleted~~
23 ~~by amendment.)~~

24 **Sec. 31.** ~~[NRS 205.540 is hereby amended to read as follows:~~

25 ~~— 205.540 Except as otherwise provided in chapter 104 of NRS, a bailee, or any~~
26 ~~officer, agent or servant of a bailee, who issues or aids in issuing a duplicate or~~
27 ~~additional negotiable document of title, knowing that a former negotiable document~~
28 ~~for the same goods or any part of them is outstanding and uncanceled, shall be~~
29 ~~punished:~~

30 ~~— 1. Where the value of the goods purported to be covered by the document of~~
31 ~~title is [\$1,200] \$750 or more, for a category D felony as provided in NRS 193.130.~~
32 ~~In addition to any other penalty, the court shall order the person to pay restitution.~~

33 ~~— 2. Where the value is less than [\$1,200,] \$750, for a misdemeanor.] (Deleted~~
34 ~~by amendment.)~~

35 **Sec. 32.** ~~[NRS 205.570 is hereby amended to read as follows:~~

36 ~~— 205.570 A person who, with the intent to defraud, obtains a negotiable~~
37 ~~document of title for goods to which the person does not have title, or which are~~
38 ~~subject to a security interest, and negotiates the document for value, without~~
39 ~~disclosing the want of title or the existence of the security interest, shall be~~
40 ~~punished:~~

41 ~~— 1. Where the value of the goods purported to be covered by the document of~~
42 ~~title is [\$1,200] \$750 or more, for a category D felony as provided in NRS 193.130.~~
43 ~~In addition to any other penalty, the court shall order the person to pay restitution.~~

44 ~~— 2. Where the value is less than [\$1,200,] \$750, for a misdemeanor.] (Deleted~~
45 ~~by amendment.)~~

46 **Sec. 33.** ~~[NRS 205.580 is hereby amended to read as follows:~~

47 ~~— 205.580 A person who, with the intent to defraud, secures the issue by a~~
48 ~~bailee of a negotiable document of title, knowing at the time of issue that any or all~~
49 ~~of the goods are not in possession of the bailee, by inducing the bailee to believe~~
50 ~~that the goods are in the bailee's possession, shall be punished:~~

51 ~~— 1. Where the value of the goods purported to be covered by the document of~~
52 ~~title is [\$1,200] \$750 or more, for a category D felony as provided in NRS 193.130.~~
53 ~~In addition to any other penalty, the court shall order the person to pay restitution.~~

1 ~~2. Where the value is less than [\$1,200,] \$750, for a misdemeanor.] (Deleted~~
2 ~~by amendment.)~~

3 **Sec. 34.** ~~[NRS 205.590 is hereby amended to read as follows:~~

4 ~~205.590 A person who, with the intent to defraud, negotiates or transfers for~~
5 ~~value a document of title, which by the terms thereof represents that goods are in~~
6 ~~possession of the bailee who issued the document, knowing that the bailee is not in~~
7 ~~possession of the goods or any part thereof, without disclosing this fact, shall be~~
8 ~~punished:~~

9 ~~1. Where the value of the goods purported to be covered by the document of~~
10 ~~title is [\$1,200] \$750 or more, for a category D felony as provided in NRS 193.130.~~
11 ~~In addition to any other penalty, the court shall order the person to pay restitution.~~

12 ~~2. Where the value is less than [\$1,200,] \$750, for a misdemeanor.] (Deleted~~
13 ~~by amendment.)~~

14 **Sec. 35.** ~~[NRS 205.950 is hereby amended to read as follows:~~

15 ~~205.950 1. It is unlawful for a person to receive an advance fee, salary,~~
16 ~~deposit or money to obtain a loan for another unless the person places the advance~~
17 ~~fee, salary, deposit or money in escrow pending completion of the loan or a~~
18 ~~commitment for the loan.~~

19 ~~2. Advance payments to cover reasonably estimated costs paid to third~~
20 ~~persons are excluded from the provisions of subsection 1 if the person making them~~
21 ~~first signs a written agreement which specifies the estimated costs by item and the~~
22 ~~estimated aggregate cost, and which recites that money advanced for costs will not~~
23 ~~be refunded. If an itemized service is not performed and the estimated cost thereof~~
24 ~~is not refunded, the recipient of the advance payment is subject to the penalties~~
25 ~~provided in subsection 3.~~

26 ~~3. A person who violates the provisions of this section:~~

27 ~~(a) Is guilty of a misdemeanor if the amount is less than [\$1,200,] \$750; or~~

28 ~~(b) Is guilty of a category D felony if the amount is [\$1,200] \$750 or more and~~
29 ~~shall be punished as provided in NRS 193.130.] (Deleted by amendment.)~~

30 **Sec. 36.** ~~[NRS 207.010 is hereby amended to read as follows:~~

31 ~~207.010 1. Unless the person is prosecuted pursuant to NRS 207.012 or~~
32 ~~207.014, a person convicted in this State of:~~

33 ~~(a) Any felony, who has previously been [five] two times convicted, whether in~~
34 ~~this State or elsewhere, of any crime which under the laws of the situs of the crime~~
35 ~~or of this State would amount to a felony is a habitual criminal and shall be~~
36 ~~punished for a category B felony by imprisonment in the state prison for a~~
37 ~~minimum term of not less than 5 years and a maximum term of not more than 20~~
38 ~~years.~~

39 ~~(b) Any felony, who has previously been [seven] three times convicted,~~
40 ~~whether in this State or elsewhere, of any crime which under the laws of the situs of~~
41 ~~the crime or of this State would amount to a felony is a habitual criminal and shall~~
42 ~~be punished for a category A felony by imprisonment in the state prison:~~

43 ~~(1) For life without the possibility of parole;~~

44 ~~(2) For life with the possibility of parole, with eligibility for parole~~
45 ~~beginning when a minimum of 10 years has been served; or~~

46 ~~(3) For a definite term of 25 years, with eligibility for parole beginning~~
47 ~~when a minimum of 10 years has been served.~~

48 ~~2. [Except as otherwise provided in this subsection, a previous or current~~
49 ~~conviction under paragraph (a), (b) or (c) of subsection 2 of NRS 453.336 or NRS~~
50 ~~453.411 must not be used as the basis for a conviction pursuant to this section. If a~~
51 ~~person is convicted of violating NRS 453.336 by possessing any amount of~~
52 ~~flunitrazepam, gamma hydroxybutyrate or any substance for which flunitrazepam~~

1 ~~or gamma-hydroxybutyrate is an immediate precursor, his or her conviction may be~~
 2 ~~used as the basis for a conviction pursuant to this section.~~

3 ~~— 2.] It is within the discretion of the prosecuting attorney whether to include a~~
 4 ~~count under this section in any information or file a notice of habitual criminality if~~
 5 ~~an indictment is found. The trial judge may, at his or her discretion, dismiss a count~~
 6 ~~under this section which is included in any indictment or information.] (Deleted by~~
 7 ~~amendment.)~~

8 **Sec. 36.5. NRS 207.200 is hereby amended to read as follows:**

9 207.200 1. Unless a greater penalty is provided pursuant to NRS 200.603,
 10 any person who, under circumstances not amounting to a burglary:

11 (a) Goes upon the land or into any building of another with intent to vex or
 12 annoy the owner or occupant thereof, or to commit any unlawful act; or

13 (b) Willfully goes or remains upon any land or in any building after having
 14 been warned during the previous 24 months by the owner or occupant thereof not
 15 to trespass,

16 ➤ is guilty of a misdemeanor. The meaning of this subsection is not limited by
 17 subsections 2 and 4.

18 2. A sufficient warning against trespassing, within the meaning of this
 19 section, is given by any of the following methods:

20 (a) Painting with fluorescent orange paint:

21 (1) Not less than 50 square inches of a structure or natural object or the top
 22 12 inches of a post, whether made of wood, metal or other material, at:

23 (I) Intervals of such a distance as is necessary to ensure that at least
 24 one such structure, natural object or post would be within the direct line of sight of
 25 a person standing next to another such structure, natural object or post, but at
 26 intervals of not more than 1,000 feet; and

27 (II) Each corner of the land, upon or near the boundary; and

28 (2) Each side of all gates, cattle guards and openings that are designed to
 29 allow human ingress to the area;

30 (b) Fencing the area;

31 (c) Posting "no trespassing" signs or other notice of like meaning at:

32 (1) Intervals of such a distance as is necessary to ensure that at least one
 33 such sign would be within the direct line of sight of a person standing next to
 34 another such sign, but at intervals of not more than 500 feet; and

35 (2) Each corner of the land, upon or near the boundary;

36 (d) Using the area as cultivated land; or

37 (e) By the owner or occupant of the land or building making an oral or written
 38 demand to any guest to vacate the land or building.

39 3. It is prima facie evidence of trespass for any person to be found on private
 40 or public property which is posted or fenced as provided in subsection 2 without
 41 lawful business with the owner or occupant of the property.

42 4. An entryman on land under the laws of the United States is an owner
 43 within the meaning of this section.

44 5. As used in this section:

45 (a) "Cultivated land" means land that has been cleared of its natural vegetation
 46 and is presently planted with a crop.

47 (b) "Fence" means a barrier sufficient to indicate an intent to restrict the area to
 48 human ingress, including, but not limited to, a wall, hedge or chain link or wire
 49 mesh fence. The term does not include a barrier made of barbed wire.

50 (c) "Guest" means any person entertained or to whom hospitality is extended,
 51 including, but not limited to, any person who stays overnight. The term does not
 52 include a tenant as defined in NRS 118A.170.

1 **Sec. 37.** ~~[NRS 213.15101 is hereby amended to read as follows:~~

2 ~~213.15101 1. The Division shall adopt a written system of graduated~~
 3 ~~sanctions for parole and probation officers to use when responding to a technical~~
 4 ~~violation of the conditions of parole. The system must:~~

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

10 ~~(b) Take into account factors such as responsivity factors impacting a person's~~
 11 ~~ability to successfully complete any conditions of supervision, the severity of the~~
 12 ~~current violation, the person's previous criminal record, the number and severity of~~
 13 ~~any previous violations and the extent to which graduated sanctions were imposed~~
 14 ~~for previous violations;~~

15 ~~(c) Include guidance on the use of confinement in a jail or detention facility~~
 16 ~~and electronic monitoring pursuant to subsection 3.~~

17 ~~2. The Division shall establish and maintain a program of initial and ongoing~~
 18 ~~training for parole and probation officers regarding the system of graduated~~
 19 ~~sanctions;~~

20 ~~3. As part of the system of graduated sanctions, the Division may, in~~
 21 ~~response to a technical violation of the conditions of parole:~~

22 ~~(a) Impose confinement in a jail or detention facility for a period of not more~~
 23 ~~than 10 days. The total number of days of confinement imposed pursuant to this~~
 24 ~~paragraph must not, in the aggregate, exceed 30 days.~~

25 ~~(b) Place the person under a system of active electronic monitoring for a~~
 26 ~~period of not more than 60 days using an electronic device approved by the~~
 27 ~~Division. The device may be capable of using the Global Positioning System, but~~
 28 ~~must be minimally intrusive and limited in capability to recording or transmitting~~
 29 ~~information concerning the location of the person.~~

30 ~~4. Notwithstanding any rule or law to the contrary, a parole and probation~~
 31 ~~officer shall use graduated sanctions established pursuant to this section when~~
 32 ~~responding to a technical violation.~~

33 ~~[4.] 5. A parole and probation officer intending to impose a graduated~~
 34 ~~sanction shall provide the supervised person with notice of the intended sanction.~~
 35 ~~The notice must inform the person of any alleged violation and the date thereof and~~
 36 ~~the graduated sanction to be imposed.~~

37 ~~[5.] 6. The failure of a supervised person to comply with a sanction may~~
 38 ~~constitute a technical violation of the conditions of parole.~~

39 ~~[6.] 7. The Division may not seek revocation of parole for a technical~~
 40 ~~violation of the conditions of parole until all graduated sanctions have been~~
 41 ~~exhausted. If the Division determines that all graduated sanctions have been~~
 42 ~~exhausted, the Division shall submit a report to the Board outlining the reasons for~~
 43 ~~the recommendation of revocation and the steps taken by the Division to change the~~
 44 ~~supervised person's behavior while in the community, including, without limitation,~~
 45 ~~any graduated sanctions imposed before recommending revocation.~~

46 ~~[7.] 8. As used in this section:~~

47 ~~(a) "Absconding" has the meaning ascribed to it in NRS [176A.630.]~~
 48 ~~176A.510.~~

49 ~~(b) "Technical violation" means any alleged violation of the conditions of~~
 50 ~~parole that does not constitute absconding and is not [the].~~

51 ~~(1) The commission of a:~~

52 ~~[(1)] (1) New felony or gross misdemeanor;~~

~~[(2)] (II) Battery which constitutes domestic violence pursuant to NRS 200.485;~~

~~[(3)] (III) Violation of NRS 484C.110 or 484C.120;~~

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

~~[(5)] (V) Harassment pursuant to NRS 200.571 or stalking or aggravated stalking pursuant to NRS 200.575;~~

~~[(6)] (VI) Violation of a temporary or extended order for protection against domestic violence issued pursuant to NRS 33.017 to 33.100, inclusive, a restraining order or injunction that is in the nature of a temporary or extended order for protection against domestic violence issued in an action or proceeding brought pursuant to title 11 of NRS, a temporary or extended order for protection against stalking, aggravated stalking or harassment issued pursuant to NRS 200.591 or a temporary or extended order for protection against sexual assault pursuant to NRS 200.378; or~~

~~[(7)] (VII) Violation of a stay away order involving a natural person who is the victim of the crime for which the supervised person is being supervised [The term does not include]; or~~

~~[(VIII) Violation of a condition required pursuant to NRS 213.1245; or~~

~~(2) Termination from a program indicated in a parole release plan approved by the Division, or termination from a specialty court program.] (Deleted by amendment.)~~

Sec. 38. [NRS 213.1519 is hereby amended to read as follows:

~~213.1519 1. Except as otherwise provided in subsections 2 and 3, a parolee whose parole is revoked by decision of the Board [for the commission of a new felony or gross misdemeanor, battery which constitutes domestic violence pursuant to NRS 200.485, violation of NRS 484C.110 or 484C.120, crime of violence as defined in NRS 200.408 that is punishable as a misdemeanor, harassment pursuant to NRS 200.571, stalking or aggravated stalking pursuant to NRS 200.575, violation of a stay away order involving a natural person who is the victim of the crime for which the parolee is being supervised, violation of a temporary or extended order for protection against domestic violence issued pursuant to NRS 33.017 to 33.100, inclusive, a restraining order or injunction that is in the nature of a temporary or extended order for protection against domestic violence issued in an action or proceeding brought pursuant to title 11 of NRS, a temporary or extended order for protection against stalking, aggravated stalking or harassment issued pursuant to NRS 200.591 or a temporary or extended order for protection against sexual assault pursuant to NRS 200.378 or for absconding;]~~

~~(a) Forfeits all credits for good behavior previously earned to reduce his or her sentence pursuant to chapter 209 of NRS; and~~

~~(b) Must serve such part of the unexpired maximum term or the maximum aggregate term, as applicable, of his or her original sentence as may be determined by the Board with rehearing dates scheduled pursuant to NRS 213.142.~~

~~The Board may restore any credits forfeited under this subsection.~~

~~2. A parolee released on parole pursuant to subsection 1 of NRS 213.1215 whose parole is revoked for having been convicted of a new felony:~~

~~(a) Forfeits all credits for good behavior previously earned to reduce his or her sentence pursuant to chapter 209 of NRS;~~

~~(b) Must serve the entire unexpired maximum term or the maximum aggregate term, as applicable, of his or her original sentence; and~~

~~(c) May not again be released on parole during his or her term of imprisonment.~~

~~3. A parolee released on parole pursuant to subsection 2 of NRS 213.1215 whose parole is revoked by decision of the Board for a violation of any rule or regulation governing his or her conduct:~~

~~(a) Forfeits all credits for good behavior previously earned to reduce his or her sentence pursuant to chapter 209 of NRS;~~

~~(b) Must serve such part of the unexpired maximum term or maximum aggregate term, as applicable, of his or her original sentence as may be determined by the Board; and~~

~~(c) Must not be considered again for release on parole pursuant to subsection 2 of NRS 213.1215 but may be considered for release on parole pursuant to NRS 213.1099, with rehearing dates scheduled pursuant to NRS 213.142.~~

~~The Board may restore any credits forfeited under this subsection.~~

~~4. If the Board finds that the parolee committed one or more technical violations of the conditions of parole, the Board may:~~

~~(a) Continue parole supervision;~~

~~(b) Temporarily revoke parole supervision and impose a term of imprisonment of not more than:~~

~~(1) Thirty days for the first temporary parole revocation;~~

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

~~(3) One hundred and eighty days for the third temporary parole revocation;~~

~~(c) Fully revoke parole supervision and impose the remainder of the sentence for a fourth or subsequent revocation.~~

~~5. As used in this section:~~

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

~~(b) "Technical violation" means any alleged violation of the conditions of parole that does not constitute absconding and is not the commission of a:~~

~~(1) New felony or gross misdemeanor;~~

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

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

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

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

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

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

~~The term does not include termination from a specialty court program.]]~~

(Deleted by amendment.)

Sec. 39. ~~[NRS 391.650 is hereby amended to read as follows:~~

~~391.650 As used in NRS 391.650 to 391.826, inclusive, unless the context otherwise requires:~~

~~1. "Administrator" means any employee who holds a license as an administrator and who is employed in that capacity by a school district.~~

~~2. "Board" means the board of trustees of the school district in which a licensed employee affected by NRS 391.650 to 391.826, inclusive, is employed.~~

~~3. "Demotion" means demotion of an administrator to a position of lesser rank, responsibility or pay and does not include transfer or reassignment for purposes of an administrative reorganization.~~

~~4. "Immorality" means:~~

~~(a) An act forbidden by NRS 200.266, 200.268, 200.400, 200.508, 201.180, 201.190, 201.210, 201.220, 201.230, 201.265, 201.540, 201.560, 207.260, 453.316 to 453.326, inclusive, except an act forbidden by NRS 453.337, 453.338, 453.338S to 453.340S, inclusive, and section 40 of this act, 453.560 or 453.562; or~~

~~(b) An act forbidden by NRS 201.540 or any other sexual conduct or attempted sexual conduct with a pupil enrolled in an elementary or secondary school. As used in this paragraph, "sexual conduct" has the meaning ascribed to it in NRS 201.520.~~

~~5. "Postprobationary employee" means an administrator or a teacher who has completed the probationary period as provided in NRS 291.820 and has been given notice of reemployment. The term does not include a person who is deemed to be a probationary employee pursuant to NRS 291.730.~~

~~6. "Probationary employee" means:~~

~~(a) An administrator or a teacher who is employed for the period set forth in NRS 291.820; and~~

~~(b) A person who is deemed to be a probationary employee pursuant to NRS 291.730.~~

~~7. "Superintendent" means the superintendent of a school district or a person designated by the board or superintendent to act as superintendent during the absence of the superintendent.~~

~~8. "Teacher" means a licensed employee the majority of whose working time is devoted to the rendering of direct educational service to pupils of a school district.] (Deleted by amendment.)~~

Sec. 40. [Chapter 453 of NRS is hereby amended by adding thereto a new section to read as follows:

~~Except as otherwise provided in NRS 453.011 to 453.552, inclusive, a person who knowingly or intentionally sells, manufactures, delivers or brings into this State or who is knowingly or intentionally in actual or constructive possession of any controlled substance which is listed in schedule II or any mixture which contains any such controlled substance shall be punished, unless a greater penalty is provided pursuant to NRS 453.322, if the quantity involved:~~

~~1. Is 28 grams or more, but less than 200 grams, for a category C felony as provided in NRS 193.130 and by a fine of not more than \$50,000.~~

~~2. Is 200 grams or more, but less than 400 grams, for a category B felony by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 10 years and by a fine of not more than \$100,000.~~

~~3. Is 400 grams or more, for a category A felony by imprisonment in the state prison:~~

~~(a) For life with the possibility of parole, with eligibility for parole beginning when a minimum of 5 years has been served; or~~

~~(b) For a definite term of 15 years, with eligibility for parole beginning when a minimum of 5 years has been served, and by a fine of not more than \$250,000.]~~

(Deleted by amendment.)

Sec. 41. [NRS 453.322 is hereby amended to read as follows:

~~453.322 1. Except as authorized by the provisions of NRS 453.011 to 453.552, inclusive, it is unlawful for a person to knowingly or intentionally:~~

~~(a) Manufacture or compound a controlled substance other than marijuana;~~

~~(b) Possess, with the intent to manufacture or compound a controlled substance other than marijuana, or sell, exchange, barter, supply, prescribe, dispense or give~~

1 ~~away, with the intent that the chemical be used to manufacture or compound a~~
2 ~~controlled substance other than marijuana;~~

3 ~~— (1) Any chemical identified in subsection 5; or~~

4 ~~— (2) Any other chemical which is proven by expert testimony to be~~
5 ~~commonly used in manufacturing or compounding a controlled substance other~~
6 ~~than marijuana. The district attorney may present expert testimony to provide a~~
7 ~~prima facie case that any chemical, whether or not it is a chemical identified in~~
8 ~~subsection 5, is commonly used in manufacturing or compounding such a~~
9 ~~controlled substance;~~

10 ~~— The provisions of this paragraph do not apply to a person who, without the intent~~
11 ~~to commit an unlawful act, possesses any chemical at a laboratory that is licensed to~~
12 ~~store the chemical;~~

13 ~~— (c) Offer or attempt to do any act set forth in paragraph (a) or (b);~~

14 ~~— 2. Unless a greater penalty is provided in subsection 3 or NRS 453.3385, or~~
15 ~~section 40 of this act, a person who violates any provision of subsection 1 is guilty~~
16 ~~of a category B felony and shall be punished by imprisonment in the state prison for~~
17 ~~a minimum term of not less than 3 years and a maximum term of not more than 15~~
18 ~~years, and may be further punished by a fine of not more than \$100,000.~~

19 ~~— 3. If a person violates any provision of subsection 1 by engaging in the~~
20 ~~manufacturing or compounding of a controlled substance other than marijuana, or~~
21 ~~by attempting to do so, and the violation causes a fire or explosion, the person is~~
22 ~~guilty of a category B felony and shall be punished by imprisonment in the state~~
23 ~~prison for a minimum term of not less than 3 years and a maximum term of not~~
24 ~~more than 20 years, and may be further punished by a fine of not more than~~
25 ~~\$100,000.~~

26 ~~— 4. The court shall not grant probation to a person convicted pursuant to this~~
27 ~~section.~~

28 ~~— 5. The following chemicals are identified for the purposes of subsection 1:~~

29 ~~— (a) Acetic anhydride;~~

30 ~~— (b) Acetone;~~

31 ~~— (c) N-Acetylanthranilic acid, its esters and its salts;~~

32 ~~— (d) Anthranilic acid, its esters and its salts;~~

33 ~~— (e) Benzaldehyde, its salts, isomers and salts of isomers;~~

34 ~~— (f) Benzyl chloride;~~

35 ~~— (g) Benzyl cyanide;~~

36 ~~— (h) 1,4-Butanediol;~~

37 ~~— (i) 2-Butanone (or methyl ethyl ketone or MEK);~~

38 ~~— (j) Ephedrine, its salts, isomers and salts of isomers;~~

39 ~~— (k) Ergonovine and its salts;~~

40 ~~— (l) Ergotamine and its salts;~~

41 ~~— (m) Ethylamine, its salts, isomers and salts of isomers;~~

42 ~~— (n) Ethyl ether;~~

43 ~~— (o) Gamma-butyrolactone;~~

44 ~~— (p) Hydroiodic acid, its salts, isomers and salts of isomers;~~

45 ~~— (q) Hydrochloric gas;~~

46 ~~— (r) Iodine;~~

47 ~~— (s) Isosafrole, its salts, isomers and salts of isomers;~~

48 ~~— (t) Lithium metal;~~

49 ~~— (u) Methylamine, its salts, isomers and salts of isomers;~~

50 ~~— (v) 3,4-Methylenedioxy-phenyl-2-propanone;~~

51 ~~— (w) N-Methylpseudoephedrine, its salts, isomers and salts of isomers;~~

52 ~~— (x) Methyl isobutyl ketone (MIBK);~~

53 ~~— (y) N-Methylpseudoephedrine, its salts, isomers and salts of isomers.~~

- 1 ~~— (z) Nitroethane, its salts, isomers and salts of isomers.~~
 2 ~~— (aa) Norpseudoephedrine, its salts, isomers and salts of isomers.~~
 3 ~~— (bb) Phenylacetic acid, its esters and its salts.~~
 4 ~~— (cc) Phenylpropanolamine, its salts, isomers and salts of isomers.~~
 5 ~~— (dd) Piperidine and its salts.~~
 6 ~~— (ce) Piperonal, its salts, isomers and salts of isomers.~~
 7 ~~— (ff) Potassium permanganate.~~
 8 ~~— (gg) Propionic anhydride, its salts, isomers and salts of isomers.~~
 9 ~~— (hh) Pseudoephedrine, its salts, isomers and salts of isomers.~~
 10 ~~— (ii) Red phosphorus.~~
 11 ~~— (jj) Safrole, its salts, isomers and salts of isomers.~~
 12 ~~— (kk) Sodium metal.~~
 13 ~~— (ll) Sulfuric acid.~~
 14 ~~— (mm) Toluene.] (Deleted by amendment.)~~

15 **Sec. 42.** ~~[NRS 453.222 is hereby amended to read as follows:~~
 16 ~~453.222 If the death of a person is proximately caused by a controlled~~
 17 ~~substance which was sold, given, traded or otherwise made available to him or her~~
 18 ~~by another person in violation of this chapter, the person who sold, gave or traded~~
 19 ~~or otherwise made the substance available to him or her is guilty of murder. If~~
 20 ~~convicted of murder in the second degree, the person is guilty of a category A~~
 21 ~~felony and shall be punished as provided in subsection 5 of NRS 200.030. If~~
 22 ~~convicted of murder in the first degree, the person is guilty of a category A felony~~
 23 ~~and shall be punished as provided in subsection 4 of NRS 200.030, except that the~~
 24 ~~punishment of death may be imposed only if the requirements of paragraph (a) of~~
 25 ~~subsection 4 of that section have been met and if the defendant is or has previously~~
 26 ~~been convicted of violating NRS 453.3385 or 453.339 or section 40 of this act or a~~
 27 ~~law of any other jurisdiction which prohibits the same conduct.] (Deleted by~~
 28 ~~amendment.)~~

29 **Sec. 43.** ~~[NRS 453.3351 is hereby amended to read as follows:~~
 30 ~~453.3351 1. Unless a greater penalty is provided by law, and except as~~
 31 ~~otherwise provided in NRS 193.169, any person who violates NRS 453.322 or~~
 32 ~~453.3385 or section 40 of this act where the violation included the manufacture of~~
 33 ~~any material, compound, mixture or preparation which contains any quantity of~~
 34 ~~methamphetamine:~~
 35 ~~— (a) Within 500 feet of a residence, business, church, synagogue or other place~~
 36 ~~of religious worship, public or private school, campus of the Nevada System of~~
 37 ~~Higher Education, playground, public park, public swimming pool or recreational~~
 38 ~~center for youths; or~~
 39 ~~— (b) In a manner which creates a great risk of death or substantial bodily harm~~
 40 ~~to another person,~~
 41 ~~— shall be punished by imprisonment in the state prison for a term equal to and in~~
 42 ~~addition to the term of imprisonment prescribed by statute for the crime. The~~
 43 ~~sentence prescribed by this section runs consecutively with the sentence prescribed~~
 44 ~~by statute for the crime.~~
 45 ~~— 2. This section does not create a separate offense but provides an additional~~
 46 ~~penalty for the primary offense, whose imposition is contingent upon the finding of~~
 47 ~~the proscribed fact.~~
 48 ~~— 3. For the purposes of this section:~~
 49 ~~— (a) "Playground" has the meaning ascribed to it in NRS 453.3345.~~
 50 ~~— (b) "Recreational center for youths" has the meaning ascribed to it in NRS~~
 51 ~~453.3345.~~

1 ~~— (c) “Residence” means any house, room, apartment, tenement, manufactured~~
2 ~~home as defined in NRS 489.113, or mobile home as defined in NRS 489.120, that~~
3 ~~is designed or intended for occupancy.] (Deleted by amendment.)~~

4 **Sec. 44.** ~~[NRS 453.3353 is hereby amended to read as follows:~~

5 ~~453.3353 1. Unless a greater penalty is provided by law, and except as~~
6 ~~otherwise provided in this section and NRS 193.169, if:~~

7 ~~— (a) A person violates NRS 453.322 or 453.3385, or section 40 of this act, and~~
8 ~~the violation involves the manufacturing or compounding of any controlled~~
9 ~~substance other than marijuana; and~~

10 ~~— (b) During the discovery or cleanup of the premises at, on or in which the~~
11 ~~controlled substance was manufactured or compounded, another person suffers~~
12 ~~substantial bodily harm other than death as the proximate result of the~~
13 ~~manufacturing or compounding of the controlled substance;~~

14 ~~— the person who committed the offense shall be punished by imprisonment in the~~
15 ~~state prison for a term equal to and in addition to the term of imprisonment~~
16 ~~prescribed by statute for the offense. The sentence prescribed by this subsection~~
17 ~~runs consecutively with the sentence prescribed by statute for the offense.~~

18 ~~— 2. Unless a greater penalty is provided by law, and except as otherwise~~
19 ~~provided in NRS 193.169, if:~~

20 ~~— (a) A person violates NRS 453.322 or 453.3385, or section 40 of this act, and~~
21 ~~the violation involves the manufacturing or compounding of any controlled~~
22 ~~substance other than marijuana; and~~

23 ~~— (b) During the discovery or cleanup of the premises at, on or in which the~~
24 ~~controlled substance was manufactured or compounded, another person suffers~~
25 ~~death as the proximate result of the manufacturing or compounding of the~~
26 ~~controlled substance;~~

27 ~~— the offense shall be deemed a category A felony and the person who committed~~
28 ~~the offense shall be punished by imprisonment in the state prison;~~

29 ~~— (1) For life without the possibility of parole;~~

30 ~~— (2) For life with the possibility of parole, with eligibility for parole~~
31 ~~beginning when a minimum of 20 years has been served; or~~

32 ~~— (3) For a definite term of 50 years, with eligibility for parole beginning~~
33 ~~when a minimum of 20 years has been served.~~

34 ~~— 3. Subsection 1 does not create a separate offense but provides an additional~~
35 ~~penalty for the primary offense, the imposition of which is contingent upon the~~
36 ~~finding of the prescribed fact. Subsection 2 does not create a separate offense but~~
37 ~~provides an alternative penalty for the primary offense, the imposition of which is~~
38 ~~contingent upon the finding of the prescribed fact.~~

39 ~~— 4. As used in this section:~~

40 ~~— (a) “Marijuana” does not include concentrated cannabis;~~

41 ~~— (b) “Premises” means:~~

42 ~~— (1) Any temporary or permanent structure, including, without limitation,~~
43 ~~any building, house, room, apartment, tenement, shed, carport, garage, chop,~~
44 ~~warehouse, store, mill, barn, stable, outhouse or tent; or~~

45 ~~— (2) Any conveyance, including, without limitation, any vessel, boat,~~
46 ~~vehicle, airplane, glider, house trailer, travel trailer, motor home or railroad car,~~
47 ~~— whether located aboveground or underground and whether inhabited or not.]~~

48 **(Deleted by amendment.)**

49 **Sec. 45.** ~~[NRS 453.336 is hereby amended to read as follows:~~

50 ~~453.336 1. Except as otherwise provided in subsection 6, a person shall not~~
51 ~~knowingly or intentionally possess a controlled substance, unless the substance was~~
52 ~~obtained directly from, or pursuant to, a prescription or order of a physician,~~
53 ~~physician assistant licensed pursuant to chapter 630 or 633 of NRS, dentist,~~

1 ~~podiatric physician, optometrist, advanced practice registered nurse or veterinarian~~
2 ~~while acting in the course of his or her professional practice, or except as otherwise~~
3 ~~authorized by the provisions of NRS 452.005 to 452.552, inclusive.~~

4 ~~2. Except as otherwise provided in subsections 3, 4 and 5 and in NRS~~
5 ~~452.3263, and unless a greater penalty is provided in NRS 212.160, 452.3385 or~~
6 ~~452.339, or section 40 of this act, a person who violates this section:~~

7 ~~(a) For a first or second offense, if the controlled substance is listed in schedule~~
8 ~~I or II and the quantity possessed is less than 14 grams, or if the controlled~~
9 ~~substance is listed in schedule III, IV or V and the quantity possessed is less than 28~~
10 ~~grams, is guilty of possession of a controlled substance and shall be punished for a~~
11 ~~category E felony as provided in NRS 193.130. In accordance with NRS 176.211,~~
12 ~~the court shall defer judgment upon the consent of the person.~~

13 ~~(b) For a third or subsequent offense, if the controlled substance is listed in~~
14 ~~schedule I or II and the quantity possessed is less than 14 grams, or if the controlled~~
15 ~~substance is listed in schedule III, IV or V and the quantity possessed is less than 28~~
16 ~~grams, or if the offender has previously been convicted two or more times in the~~
17 ~~aggregate of any violation of the law of the United States or of any state, territory~~
18 ~~or district relating to a controlled substance, is guilty of possession of a controlled~~
19 ~~substance and shall be punished for a category D felony as provided in NRS~~
20 ~~193.130, and may be further punished by a fine of not more than \$20,000.~~

21 ~~(c) If the controlled substance is listed in schedule I or II and the quantity~~
22 ~~possessed is 14 grams or more, but less than 28 grams, or if the controlled~~
23 ~~substance is listed in schedule III, IV or V and the quantity possessed is 28 grams~~
24 ~~or more, but less than 200 grams, is guilty of low level possession of a controlled~~
25 ~~substance and shall be punished for a category C felony as provided in NRS~~
26 ~~193.130.~~

27 ~~(d) If the controlled substance is listed in schedule I or II and the quantity~~
28 ~~possessed is 28 grams or more, but less than 42 grams, or if the controlled~~
29 ~~substance is listed in schedule III, IV or V and the quantity possessed is 200 grams~~
30 ~~or more, is guilty of mid level possession of a controlled substance and shall be~~
31 ~~punished for a category B felony by imprisonment in the state prison for a~~
32 ~~minimum term of not less than 1 year and a maximum term of not more than 10~~
33 ~~years and by a fine of not more than \$50,000.~~

34 ~~(e) If the controlled substance is listed in schedule I or II and the quantity~~
35 ~~possessed is 42 grams or more, but less than 100 grams, is guilty of high level~~
36 ~~possession of a controlled substance and shall be punished for a category B felony~~
37 ~~by imprisonment in the state prison for a minimum term of not less than 2 years and~~
38 ~~a maximum term of not more than 15 years and by a fine of not more than \$50,000.~~

39 ~~3. Unless a greater penalty is provided in NRS 212.160, 452.337 or 452.3385,~~
40 ~~or section 40 of this act, a person who is convicted of the possession of~~
41 ~~[flunitrazepam]:~~

42 ~~(a) Flunitrazepam or gamma hydroxybutyrate, or any substance for which~~
43 ~~flunitrazepam or gamma hydroxybutyrate is an immediate precursor []; or~~

44 ~~(b) A mixture containing fentanyl, carfentanil and a benzimidazole opioid, or~~
45 ~~any analog thereof,~~

46 ~~is guilty of a category B felony and shall be punished by imprisonment in the~~
47 ~~state prison for a minimum term of not less than 1 year and a maximum term of not~~
48 ~~more than 6 years.~~

49 ~~4. Unless a greater penalty is provided pursuant to NRS 212.160, a person~~
50 ~~who is convicted of the possession of 1 ounce or less of marijuana is guilty of a~~
51 ~~misdemeanor and shall be punished by:~~

52 ~~(a) Performing not more than 24 hours of community service;~~

1 ~~— (b) Attending the live meeting described in paragraph (a) of subsection 2 of~~
2 ~~NRS 484C.530 and complying with any other requirements set forth in that section;~~
3 ~~or~~

4 ~~— (c) Being required to undergo an evaluation in accordance with subsection 1 of~~
5 ~~NRS 484C.250;~~

6 ~~or any combination thereof.~~

7 ~~— 5. Unless a greater penalty is provided pursuant to NRS 212.160, a person~~
8 ~~who is convicted of the possession of more than 1 ounce, but less than 50 pounds,~~
9 ~~of marijuana or more than one-eighth of an ounce, but less than one pound,~~
10 ~~of concentrated cannabis is guilty of a category E felony and shall be punished as~~
11 ~~provided in NRS 193.130.~~

12 ~~— 6. It is not a violation of this section if a person possesses a trace amount of a~~
13 ~~controlled substance and that trace amount is in or on a hypodermic device obtained~~
14 ~~from a sterile hypodermic device program pursuant to NRS 439.985 to 439.994,~~
15 ~~inclusive.~~

16 ~~— 7. The court may grant probation to or suspend the sentence of a person~~
17 ~~convicted of violating this section.~~

18 ~~— 8. If a person fulfills the terms and conditions imposed for a violation of~~
19 ~~subsection 4, the court shall, without a hearing, order sealed all documents, papers~~
20 ~~and exhibits in that person's record, minute book entries and entries on dockets, and~~
21 ~~other documents relating to the case in the custody of such other agencies and~~
22 ~~officers as are named in the court's order. The court shall cause a copy of the order~~
23 ~~to be sent to each agency or officer named in the order. Each such agency or officer~~
24 ~~shall notify the court in writing of its compliance with the order.~~

25 ~~— 9. As used in this section:~~

26 ~~— (a) "Controlled substance" includes flunitrazepam, gamma hydroxybutyrate~~
27 ~~and each substance for which flunitrazepam or gamma hydroxybutyrate is an~~
28 ~~immediate precursor.~~

29 ~~— (b) "Marijuana" does not include concentrated cannabis.~~

30 ~~— (c) "Sterile hypodermic device program" has the meaning ascribed to it in NRS~~
31 ~~439.986.] (Deleted by amendment.)~~

32 **Sec. 46.** ~~[NRS 453.337 is hereby amended to read as follows:~~

33 ~~453.337 1. Except as otherwise authorized by the provisions of NRS~~
34 ~~453.011 to 453.552, inclusive, it is unlawful for a person to possess for the purpose~~
35 ~~of sale flunitrazepam, gamma hydroxybutyrate, any substance for which~~
36 ~~flunitrazepam or gamma hydroxybutyrate is an immediate precursor or any~~
37 ~~controlled substance classified in schedule I or II.~~

38 ~~— 2. Unless a greater penalty is provided in NRS 453.3385 or 453.339, or~~
39 ~~section 40 of this act, a person who violates this section shall be punished:~~

40 ~~— (a) For the first offense, for a category D felony as provided in NRS 193.130.~~

41 ~~— (b) For a second offense, or if, in the case of a first conviction of violating this~~
42 ~~section, the offender has previously been convicted of a felony under the Uniform~~
43 ~~Controlled Substances Act or of an offense under the laws of the United States or~~
44 ~~any state, territory or district which, if committed in this State, would amount to a~~
45 ~~felony under the Uniform Controlled Substances Act, for a category C felony as~~
46 ~~provided in NRS 193.130.~~

47 ~~— (c) For a third or subsequent offense, or if the offender has previously been~~
48 ~~convicted two or more times of a felony under the Uniform Controlled Substances~~
49 ~~Act or of any offense under the laws of the United States or any state, territory or~~
50 ~~district which, if committed in this State, would amount to a felony under the~~
51 ~~Uniform Controlled Substances Act, for a category B felony by imprisonment in~~
52 ~~the state prison for a minimum term of not less than 3 years and a maximum term~~

1 of not more than 15 years, and may be further punished by a fine of not more than
2 \$20,000 for each offense.

3 ~~2. Except as otherwise provided in this subsection, unless mitigating~~
4 ~~circumstances exist that warrant the granting of probation, the court shall not grant~~
5 ~~probation to or suspend the sentence of a person convicted of violating this section~~
6 ~~and punishable pursuant to paragraph (b) or (c) of subsection 2. The court shall not~~
7 ~~grant probation to or suspend the sentence of a person convicted of violating this~~
8 ~~section, even if mitigating circumstances exist that would otherwise warrant the~~
9 ~~granting of probation, if the person violated this section by possessing *fenanyl,*~~
10 ~~flunitrazepam, gamma hydroxybutyrate or any substance for which *fenanyl,*~~
11 ~~flunitrazepam or gamma hydroxybutyrate is an immediate precursor.) (Deleted by~~
12 ~~amendment.)~~

13 **Sec. 47.** [NRS 453.3283 is hereby amended to read as follows:

14 ~~453.3283 For the purposes of NRS 453.3385 and 453.339, and section 40 of~~
15 ~~this act, the weight of the controlled substance as represented by the person selling~~
16 ~~or delivering it is determinative if the weight as represented is greater than the~~
17 ~~actual weight of the controlled substance.) (Deleted by amendment.)~~

18 **Sec. 48.** [NRS 453.3385 is hereby amended to read as follows:

19 ~~453.3385 1. Except as otherwise authorized by the provisions of NRS~~
20 ~~453.011 to 453.552, inclusive, a person who knowingly or intentionally sells,~~
21 ~~manufactures, delivers or brings into this State or who is knowingly or intentionally~~
22 ~~in actual or constructive possession of flunitrazepam, gamma hydroxybutyrate, any~~
23 ~~substance for which flunitrazepam or gamma hydroxybutyrate is an immediate~~
24 ~~precursor or any controlled substance which is listed in schedule I, [or II,] except~~
25 ~~marijuana, or any mixture which contains any such controlled substance, unless a~~
26 ~~greater penalty is provided pursuant to NRS 453.322, if the quantity involved:~~

27 ~~(a) Is [100] 4 grams or more, but less than [400] 14 grams, is guilty of low-~~
28 ~~level trafficking and shall be punished for a category B felony by imprisonment in the~~
29 ~~state prison for a minimum term of not less than [2 years] 1 year and a~~
30 ~~maximum term of not more than [20] 6 years and by a fine of not more than~~
31 ~~[\$100,000.] \$50,000.~~

32 ~~(b) Is 14 grams or more, but less than 28 grams, is guilty of mid-level~~
33 ~~trafficking and shall be punished for a category B felony by imprisonment in the~~
34 ~~state prison for a minimum term of not less than 2 years and a maximum term of~~
35 ~~not more than 15 years and by a fine of not more than \$100,000.~~

36 ~~(c) Is [400] 28 grams or more, is guilty of high level trafficking and shall be~~
37 ~~punished for a category A felony by imprisonment in the state prison:~~

38 ~~(1) For life with the possibility of parole, with eligibility for parole~~
39 ~~beginning when a minimum of 10 years has been served; or~~

40 ~~(2) For a definite term of 25 years, with eligibility for parole beginning~~
41 ~~when a minimum of 10 years has been served;~~

42 ~~and by a fine of not more than \$500,000.~~

43 ~~2. As used in this section, "marijuana" does not include concentrated~~
44 ~~cannabis.) (Deleted by amendment.)~~

45 **Sec. 49.** [NRS 453.3405 is hereby amended to read as follows:

46 ~~453.3405 1. Except as otherwise provided in subsection 2, the adjudication~~
47 ~~of guilt and imposition of sentence of a person found guilty of trafficking in a~~
48 ~~controlled substance in violation of NRS 453.3385 or 453.339 or section 40 of this~~
49 ~~act must not be suspended and the person is not eligible for parole until the person~~
50 ~~has actually served the mandatory minimum term of imprisonment prescribed by~~
51 ~~the section under which the person was convicted.~~

52 ~~2. The court, upon an appropriate motion, may reduce or suspend the sentence~~
53 ~~of any person convicted of violating any of the provisions of NRS 453.3385 or~~

~~453.329 or section 40 of this act if the court finds that the convicted person rendered substantial assistance in the investigation or prosecution of any offense. The arresting agency must be given an opportunity to be heard before the motion is granted. Upon good cause shown, the motion may be heard in camera.~~

~~2. Any appropriate reduction or suspension of a sentence pursuant to subsection 2 must be determined by the court, for reasons stated by the court that may include, without limitation, consideration of the following:~~

~~(a) The court's evaluation of the significance and usefulness of the convicted person's assistance, taking into consideration the prosecuting attorney's evaluation of the assistance rendered;~~

~~(b) The truthfulness, completeness and reliability of any information or testimony provided by the convicted person;~~

~~(c) The nature and extent of the convicted person's assistance;~~

~~(d) Any injury suffered or any danger or risk of injury to the convicted person or his or her family resulting from his or her assistance; and~~

~~(e) The timeliness of the convicted person's assistance.] (Deleted by amendment.)~~

Sec. 50. [NRS 453C.150 is hereby amended to read as follows:

~~453C.150 1. Notwithstanding any other provision of law, a person who, in good faith, seeks medical assistance for a person who is experiencing a drug or alcohol overdose or other medical emergency or who seeks such assistance for himself or herself, or who is the subject of a good faith request for such assistance may not be arrested, charged, prosecuted or convicted, or have his or her property subjected to forfeiture, or be otherwise penalized for violating:~~

~~(a) Except as otherwise provided in subsection 4, a provision of chapter 453 of NRS relating to:~~

~~(1) Drug paraphernalia, including, without limitation, NRS 453.554 to 453.566, inclusive;~~

~~(2) Possession, unless it is for the purpose of sale or violates the provisions of NRS 453.3385, subsection 2 of NRS 453.3393 or 453.3405 [.] or section 40 of this act; or~~

~~(3) Use of a controlled substance, including, without limitation, NRS 453.336;~~

~~(b) A local ordinance as described in NRS 453.3361 that establishes an offense that is similar to an offense set forth in NRS 453.336;~~

~~(c) A restraining order; or~~

~~(d) A condition of the person's parole or probation;~~

~~if the evidence to support the arrest, charge, prosecution, conviction, seizure or penalty was obtained as a result of the person seeking medical assistance.~~

~~2. A court, before sentencing a person who has been convicted of a violation of chapter 453 of NRS for which immunity is not provided by this section, shall consider in mitigation any evidence or information that the defendant, in good faith, sought medical assistance for a person who was experiencing a drug or alcohol overdose or other life threatening emergency in connection with the events that constituted the violation.~~

~~3. For the purposes of this section, a person seeks medical assistance if the person:~~

~~(a) Reports a drug or alcohol overdose or other medical emergency to a member of a law enforcement agency, a 911 emergency service, a poison control center, a medical facility or a provider of emergency medical services;~~

~~(b) Assists another person making such a report;~~

~~(c) Provides care to a person who is experiencing a drug or alcohol overdose or other medical emergency while awaiting the arrival of medical assistance; or~~

1 ~~— (d) Delivers a person who is experiencing a drug or alcohol overdose or other~~
2 ~~medical emergency to a medical facility and notifies the appropriate authorities.~~

3 ~~— 4. The provisions of this section do not prohibit any governmental entity from~~
4 ~~taking any actions required or authorized by chapter 432B of NRS relating to the~~
5 ~~abuse or neglect of a child.~~

6 ~~— 5. As used in this section, “drug or alcohol overdose” means a condition,~~
7 ~~including, without limitation, extreme physical illness, a decreased level of~~
8 ~~consciousness, respiratory depression, coma, mania or death which is caused by the~~
9 ~~consumption or use of a controlled substance or alcohol, or another substance with~~
10 ~~which a controlled substance or alcohol was combined, or that an ordinary~~
11 ~~layperson would reasonably believe to be a drug or alcohol overdose that requires~~
12 ~~medical assistance.] (Deleted by amendment.)~~

13 **Sec. 51.** ~~[NRS 458A.240 is hereby amended to read as follows:~~

14 ~~— 458A.240 1. [Whenever] If a person is placed under the supervision of a~~
15 ~~qualified mental health professional, the person’s sentencing [must] may be~~
16 ~~deferred and, except as otherwise provided in subsection 4, the person’s conviction~~
17 ~~[must] may be set aside if the qualified mental health professional certifies to the~~
18 ~~court that the person has satisfactorily completed the program of treatment and the~~
19 ~~court approves the certification and determines that the conditions upon the election~~
20 ~~of treatment have been satisfied.~~

21 ~~— 2. If, upon the expiration of the treatment period, the qualified mental health~~
22 ~~professional has not certified that the person has completed the program of~~
23 ~~treatment, the court shall sentence the person. If the person has satisfied the~~
24 ~~conditions upon the election of treatment and the court believes that the person will~~
25 ~~complete his or her treatment voluntarily, the court may set the conviction aside.~~

26 ~~— 3. If, before the treatment period expires, the qualified mental health~~
27 ~~professional determines that the person is not likely to benefit from further~~
28 ~~treatment, the qualified mental health professional shall so advise the court. The~~
29 ~~court shall then:~~

30 ~~— (a) Arrange for the transfer of the person to a more suitable program, if any; or~~
31 ~~— (b) Terminate the supervision and conduct a hearing to determine whether the~~
32 ~~person should be sentenced.~~

33 ~~— If a person is sentenced pursuant to this section, any time spent in institutional~~
34 ~~care must be deducted from any sentence imposed.~~

35 ~~— 4. Regardless of whether the person successfully completes treatment, the~~
36 ~~court shall not set aside the conviction of a person who has a record of two or more~~
37 ~~convictions of any felony for two or more separate incidents.] (Deleted by~~
38 ~~amendment.)~~

39 **Sec. 52.** ~~[NRS 458A.250 is hereby amended to read as follows:~~

40 ~~— 458A.250 1. The [determination of problem gambling and civil~~
41 ~~commitment] setting aside of a conviction pursuant to NRS [458A.200 to~~
42 ~~458A.260, inclusive.] 458A.240 shall not be deemed a criminal conviction.~~

43 ~~— 2. The records relating to the setting aside of a conviction pursuant to NRS~~
44 ~~458A.240 may be sealed pursuant to NRS 179.255.] (Deleted by amendment.)~~

45 **Sec. 53.** ~~[NRS 475.105 is hereby amended to read as follows:~~

46 ~~— 475.105 A person who steals a device intended for use in preventing,~~
47 ~~controlling, extinguishing or giving warning of a fire:~~

48 ~~— 1. If the device has a value of less than [\$1,200,] \$750, is guilty of a~~
49 ~~misdemeanor.~~

50 ~~— 2. If the device has a value of [\$1,200] \$750 or more, is guilty of a category D~~
51 ~~felony and shall be punished as provided in NRS 193.130.] (Deleted by~~
52 ~~amendment.)~~

1 **Sec. 54.** ~~NRS 484C.430 is hereby amended to read as follows:~~

2 ~~484C.430 1. Unless a greater penalty is provided pursuant to NRS~~
3 ~~484C.440, a person who:~~

4 ~~(a) Is under the influence of intoxicating liquor;~~

5 ~~(b) Has a concentration of alcohol of 0.08 or more in his or her blood or breath;~~

6 ~~(c) Is found by measurement within 2 hours after driving or being in actual~~
7 ~~physical control of a vehicle to have a concentration of alcohol of 0.08 or more in~~
8 ~~his or her blood or breath;~~

9 ~~(d) Is under the influence of a controlled substance or is under the combined~~
10 ~~influence of intoxicating liquor and a controlled substance;~~

11 ~~(e) Inhales, ingests, applies or otherwise uses any chemical, poison or organic~~
12 ~~solvent, or any compound or combination of any of these, to a degree which renders~~
13 ~~the person incapable of safely driving or exercising actual physical control of a~~
14 ~~vehicle; or~~

15 ~~(f) Has a prohibited substance in his or her blood or urine, as applicable, in an~~
16 ~~amount that is equal to or greater than the amount set forth in subsection 3 or 4 of~~
17 ~~NRS 484C.110;~~

18 ~~and does any act or neglects any duty imposed by law while driving or in actual~~
19 ~~physical control of any vehicle on or off the highways of this State, if the act or~~
20 ~~neglect of duty proximately causes the death of, or substantial bodily harm to,~~
21 ~~another person, shall be punished as provided in subsection 2.~~

22 ~~2. A person who commits any of the acts set forth in subsection 1 and~~
23 ~~causes:~~

24 ~~(a) The death of another person is guilty of a category B felony and shall be~~
25 ~~punished by imprisonment in the state prison for a minimum term of not less than~~
26 ~~[2] 5 years and a maximum term of not more than [20] 25 years and must be further~~
27 ~~punished by a fine of not less than \$2,000 nor more than \$5,000.~~

28 ~~(b) Substantial bodily harm to another person is guilty of a category B felony~~
29 ~~and shall be punished by imprisonment in the state prison for a minimum term of~~
30 ~~not less than 2 years and a maximum term of not more than 20 years and must be~~
31 ~~further punished by a fine of not less than \$2,000 nor more than \$5,000.~~

32 ~~A person so imprisoned must, insofar as practicable, be segregated from~~
33 ~~offenders whose crimes were violent and, insofar as practicable, be assigned to an~~
34 ~~institution or facility of minimum security.~~

35 ~~[2.] 3. A prosecuting attorney shall not dismiss a charge of violating the~~
36 ~~provisions of subsection 1 in exchange for a plea of guilty, guilty but mentally ill or~~
37 ~~nolo contendere to a lesser charge or for any other reason unless the attorney knows or~~
38 ~~it is obvious that the charge is not supported by probable cause or cannot be~~
39 ~~proved at the time of trial. A sentence imposed pursuant to subsection [1] 2 may not~~
40 ~~be suspended nor may probation be granted.~~

41 ~~[3.] 4. Except as otherwise provided in subsection [4.] 5, if consumption is~~
42 ~~proven by a preponderance of the evidence, it is an affirmative defense under~~
43 ~~paragraph (c) of subsection 1 that the defendant consumed a sufficient quantity of~~
44 ~~alcohol after driving or being in actual physical control of the vehicle, and before~~
45 ~~his or her blood or breath was tested, to cause the defendant to have a concentration~~
46 ~~of alcohol of 0.08 or more in his or her blood or breath. A defendant who intends to~~
47 ~~offer this defense at a trial or preliminary hearing must, not less than 14 days before~~
48 ~~the trial or hearing or at such other time as the court may direct, file and serve on~~
49 ~~the prosecuting attorney a written notice of that intent.~~

50 ~~[4.] 5. If the defendant is also charged with violating the provisions of NRS~~
51 ~~484E.010, 484E.020 or 484E.030, the defendant may not offer the affirmative~~
52 ~~defense set forth in subsection [3.] 4.~~

~~[5.] 6. If the defendant was transporting a person who is less than 15 years of age in the motor vehicle at the time of the violation, the court shall consider that fact as an aggravating factor in determining the sentence of the defendant.]~~
~~(Deleted by amendment.)~~

Sec. 55. ~~[NRS 501.3765 is hereby amended to read as follows:~~

~~501.3765 1. Any person who intentionally steals, takes and carries away one or more traps, snares or similar devices owned by another person with an aggregate value of less than \$1,200] \$750 is guilty of a gross misdemeanor.~~

~~2. Any person who buys, receives, possesses or withholds one or more traps, snares or similar devices owned by another person with an aggregate value of less than \$1,200.] \$750.~~

~~(a) Knowing that the traps, snares or similar devices are stolen property; or~~

~~(b) Under such circumstances as should have caused a reasonable person to know that the traps, snares or similar devices are stolen property;~~

~~is guilty of a gross misdemeanor.] (Deleted by amendment.)~~

Sec. 56. ~~[NRS 598.0999 is hereby amended to read as follows:~~

~~598.0999 1. Except as otherwise provided in NRS 598.0974, a person who violates a court order or injunction issued pursuant to the provisions of NRS 598.0903 to 598.0999, inclusive, upon a complaint brought by the Commissioner, the Director, the district attorney of any county of this State or the Attorney General shall forfeit and pay to the State General Fund a civil penalty of not more than \$10,000 for each violation. For the purpose of this section, the court issuing the order or injunction retains jurisdiction over the action or proceeding. Such civil penalties are in addition to any other penalty or remedy available for the enforcement of the provisions of NRS 598.0903 to 598.0999, inclusive.~~

~~2. Except as otherwise provided in NRS 598.0974, in any action brought pursuant to the provisions of NRS 598.0903 to 598.0999, inclusive, if the court finds that a person has willfully engaged in a deceptive trade practice, the Commissioner, the Director, the district attorney of any county in this State or the Attorney General bringing the action may recover a civil penalty not to exceed \$5,000 for each violation. The court in any such action may, in addition to any other relief or reimbursement, award reasonable attorney's fees and costs.~~

~~3. A natural person, firm, or any officer or managing agent of any corporation or association who knowingly and willfully engages in a deceptive trade practice:~~

~~(a) For an offense involving a loss of property or services valued at \$1,200] \$750 or more but less than \$5,000, is guilty of a category D felony and shall be punished as provided in NRS 193.130.~~

~~(b) For an offense involving a loss of property or services valued at \$5,000 or more but less than \$25,000, is guilty of a category C felony and shall be punished as provided in NRS 193.130.~~

~~(c) For an offense involving a loss of property or services valued at \$25,000 or more but less than \$100,000, is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 10 years, and by a fine of not more than \$10,000.~~

~~(d) For an offense involving a loss of property or services valued at \$100,000 or more, is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 20 years, and by a fine of not more than \$15,000.~~

~~(e) For any offense other than an offense described in paragraphs (a) to (d), inclusive, is guilty of a misdemeanor.~~

~~The court may require the natural person, firm, or officer or managing agent of the corporation or association to pay to the aggrieved party damages on all profits~~

1 derived from the knowing and willful engagement in a deceptive trade practice and
2 treble damages on all damages suffered by reason of the deceptive trade practice.

3 ~~4. If a person violates any provision of NRS 598.0903 to 598.0909, inclusive,
4 598.100 to 598.2801, inclusive, 598.405 to 598.525, inclusive, 598.741 to 598.787,
5 inclusive, 598.840 to 598.966, inclusive, or 598.9701 to 598.9718, inclusive, fails
6 to comply with a judgment or order of any court in this State concerning a violation
7 of such a provision, or fails to comply with an assurance of discontinuance or other
8 agreement concerning an alleged violation of such a provision, the Commissioner
9 or the district attorney of any county may bring an action in the name of the State of
10 Nevada seeking:~~

11 ~~(a) The suspension of the person's privilege to conduct business within this
12 State; or~~

13 ~~(b) If the defendant is a corporation, dissolution of the corporation.~~

14 ~~The court may grant or deny the relief sought or may order other appropriate
15 relief.~~

16 ~~5. If a person violates any provision of NRS 228.500 to 228.640, inclusive,
17 fails to comply with a judgment or order of any court in this State concerning a
18 violation of such a provision, or fails to comply with an assurance of
19 discontinuance or other agreement concerning an alleged violation of such a
20 provision, the Attorney General may bring an action in the name of the State of
21 Nevada seeking:~~

22 ~~(a) The suspension of the person's privilege to conduct business within this
23 State; or~~

24 ~~(b) If the defendant is a corporation, dissolution of the corporation.~~

25 ~~The court may grant or deny the relief sought or may order other appropriate
26 relief.~~

27 ~~6. In an action brought by the Commissioner or the Attorney General
28 pursuant to subsection 4 or 5, process may be served by an employee of the
29 Consumer Affairs Unit of the Department of Business and Industry or an employee
30 of the Attorney General.~~

31 ~~7. As used in this section:~~

32 ~~(a) "Property" has the meaning ascribed to it in NRS 193.0225.~~

33 ~~(b) "Services" has the meaning ascribed to it in NRS 205.0829.~~

34 ~~(c) "Value" means the fair market value of the property or services at the time
35 the deceptive trade practice occurred. The value of a written instrument which does
36 not have a readily ascertainable market value is the greater of the face amount of
37 the instrument less the portion satisfied or the amount of economic loss to the
38 owner of the instrument resulting from the deprivation of the instrument. The trier
39 of fact shall determine the value of all other property whose value is not readily
40 ascertainable, and may, in making that determination, consider all relevant
41 evidence, including evidence of the value of the property to its owner.] **(Deleted by
42 amendment.)**~~

43 **Sec. 57.** [NRS 612.445 is hereby amended to read as follows:

44 ~~612.445 1. A person shall not make a false statement or representation,
45 knowing it to be false, or knowingly fail to disclose a material fact in order to
46 obtain or increase any benefit or other payment under this chapter, including,
47 without limitation, by:~~

48 ~~(a) Failing to properly report earnings;~~

49 ~~(b) Filing a claim for benefits using the social security number, name or other
50 personal identifying information of another person; or~~

51 ~~(c) Filing a claim for or receiving benefits and failing to disclose, at the time he
52 or she files the claim or receives the benefits, any compensation for a temporary
53 total disability or a temporary partial disability or money for rehabilitative services~~

~~pursuant to chapters 616A to 616D, inclusive, or 617 of NRS received by the person or for which a claim has been submitted pursuant to those chapters.~~

~~— A person who violates the provisions of this subsection commits unemployment insurance fraud.~~

~~— 2. When the Administrator finds that a person has committed unemployment insurance fraud pursuant to subsection 1, the person shall repay to the Administrator for deposit in the Fund a sum equal to all of the benefits received by or paid to the person for each week with respect to which the false statement or representation was made or to which the person failed to disclose a material fact in addition to any interest, penalties and costs related to that sum. Except as otherwise provided in subsection 2 of NRS 612.480, the Administrator may make an initial determination finding that a person has committed unemployment insurance fraud pursuant to subsection 1 at any time within 4 years after the first day of the benefit year in which the person committed the unemployment insurance fraud.~~

~~— 3. Except as otherwise provided in this subsection and subsection 8, the person is disqualified from receiving unemployment compensation benefits under this chapter.~~

~~— (a) For a period beginning with the week in which the Administrator issues a finding that the person has committed unemployment insurance fraud pursuant to subsection 1 and ending not more than 52 consecutive weeks after the week in which it is determined that a claim was filed in violation of subsection 1; or~~

~~— (b) Until the sum described in subsection 2, in addition to any interest, penalties or costs related to that sum, is repaid to the Administrator,~~

~~— whichever is longer. The Administrator shall fix the period of disqualification according to the circumstances in each case.~~

~~— 4. It is a violation of subsection 1 for a person to file a claim, or to cause or allow a claim to be filed on his or her behalf, if:~~

~~— (a) The person is incarcerated in the state prison or any county or city jail or detention facility or other correctional facility in this State; and~~

~~— (b) The claim does not expressly disclose his or her incarceration.~~

~~— 5. A person who obtains benefits of [\$1,200] \$750 or more in violation of subsection 1 shall be punished in the same manner as theft pursuant to subsection 2 of NRS 205.0835.~~

~~— 6. In addition to the repayment of benefits required pursuant to subsection 2, the Administrator:~~

~~— (a) Shall impose a penalty equal to 15 percent of the total amount of benefits received by the person in violation of subsection 1. Money recovered by the Administrator pursuant to this paragraph must be deposited in the Unemployment Trust Fund in accordance with the provisions of NRS 612.590.~~

~~— (b) May impose a penalty equal to not more than:~~

~~— (1) If the amount of such benefits is greater than \$25 but not greater than \$1,000, 5 percent;~~

~~— (2) If the amount of such benefits is greater than \$1,000 but not greater than \$2,500, 10 percent; or~~

~~— (3) If the amount of such benefits is greater than \$2,500, 35 percent,~~

~~— of the total amount of benefits received by the person in violation of subsection 1 or any other provision of this chapter. Money recovered by the Administrator pursuant to this paragraph must be deposited in the Employment Security Fund in accordance with the provisions of NRS 612.615.~~

~~— 7. Except as otherwise provided in subsection 8, a person may not pay benefits as required pursuant to subsection 2 by using benefits which would otherwise be due and payable to the person if he or she was not disqualified.~~

~~8. The Administrator may waive the period of disqualification prescribed in subsection 3 for good cause shown or if the person adheres to a repayment schedule authorized by the Administrator that is designed to fully repay benefits received from an improper claim, in addition to any related interest, penalties and costs, within 18 months. If the Administrator waives the period of disqualification pursuant to this subsection, the person may repay benefits as required pursuant to subsection 2 by using any benefits which are due and payable to the person, except that benefits which are due and payable to the person may not be used to repay any related interest, penalties and costs.~~

~~9. The Administrator may recover any money required to be paid pursuant to this section in accordance with the provisions of NRS 612.265 and may collect interest on any such money in accordance with the provisions of NRS 612.620.]~~
(Deleted by amendment.)

Sec. 57.5. 1. There is hereby appropriated from the State General Fund to the Department of Public Safety the sum of \$500,000 for the purchase of two machines that are capable of testing for fentanyl and its derivatives and measuring the concentration thereof in mixtures.

2. Any remaining balance of the appropriation made by subsection 1 must not be committed for expenditure after June 30, 2025, by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 19, 2025, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 19, 2025.

Sec. 58. 1. This section and sections 1 to 57, inclusive, of this act
~~becomes~~ **become** effective upon passage and approval.

2. Section 57.5 of this act becomes effective on July 1, 2023.