

Senate Bill No. 155–Senator Ohrenschall

CHAPTER.....

AN ACT relating to crimes; revising provisions relating to certain crimes committed by homeless persons; authorizing a justice court or a municipal court to transfer original jurisdiction of certain cases to the district court to enable the defendant to receive assisted outpatient treatment; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law establishes certain diversionary and specialty court programs to which certain defendants may be assigned, such as the preprosecution diversionary program and specialty court programs for veterans and members of the military, persons with mental illness and persons who use alcohol or other substances. (NRS 174.032, 176A.230, 176A.250, 176A.280) **Sections 4-8** of this bill authorize homeless persons who commit certain misdemeanor offenses to be assigned to such diversionary and specialty court programs. **Section 5** of this bill authorizes a court that assigns a homeless person to complete such a program of treatment to waive or reduce any fine, administrative assessment or fee that would otherwise be imposed upon the homeless person for committing such an offense.

Existing law authorizes a criminal defendant or the district attorney to make a motion to the district court to commence a proceeding for the issuance of a court order requiring assisted outpatient treatment of the defendant or the district court to commence such a proceeding on its own motion. (NRS 433A.335) **Sections 5-11** of this bill authorize a justice court or a municipal court to transfer original jurisdiction of a case involving a defendant who is eligible to receive assisted outpatient treatment to the district court, including homeless persons who commit certain misdemeanors pursuant to **section 5**. **Sections 12 and 13** of this bill make conforming changes to refer to provisions that have been renumbered by **section 11**.

Existing law limits the definition of an “eligible defendant” to mean a person who: (1) has not tendered a plea of guilty, guilty but mentally ill or nolo contendere to, or been found guilty or guilty but mentally ill of, an offense that is a misdemeanor; (2) appears to suffer from mental illness or to be intellectually disabled; and (3) would benefit from assignment to a specialty court program. (NRS 176A.235, 176A.255, 176A.285) **Sections 6-8** of this bill expand the definition of an “eligible defendant” to include any person who, regardless of whether the person has tendered a plea to or been found guilty of an offense that is a misdemeanor: (1) appears to suffer from a mental illness or to be intellectually disabled; and (2) would benefit from assignment to a specialty court program.

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

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

Sections 1-3. (Deleted by amendment.)

Sec. 4. NRS 174.032 is hereby amended to read as follows:



174.032 1. A justice court or municipal court may establish a preprosecution diversion program to which it may assign a defendant if he or she is determined to be eligible pursuant to NRS 174.031.

2. If a defendant is determined to be eligible for assignment to a preprosecution diversion program pursuant to NRS 174.031, the justice or municipal court must receive input from the prosecuting attorney, the attorney for the defendant, if any, and the defendant relating to the terms and conditions for the defendant's participation in the program.

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

(a) A program of treatment which may rehabilitate a defendant, including, without limitation, educational programs, participation in a support group, anger management therapy, counseling, ~~or~~ a program of treatment for veterans and members of the military, mental illness or intellectual disabilities or the use of alcohol or other substances ~~or~~ *or a program of treatment to assist homeless persons;*

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

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

4. If the justice court or municipal court determines that a defendant may be rehabilitated by a program of treatment for veterans and members of the military, persons with mental illness or intellectual disabilities or the use of alcohol or other substances, the court may refer the defendant to an appropriate program of treatment established pursuant to NRS *176A.230*, 176A.250, 176A.280 or ~~453.580~~ *section 5 of this act*. The court shall retain jurisdiction over the defendant while the defendant completes such a program of treatment.

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



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

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

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

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

(e) A notice relating to the provisions of subsection 3 of NRS 174.033.

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

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

8. *As used in this section, "homeless person" has the meaning ascribed to it in section 5 of this act.*

Sec. 5. Chapter 176 of NRS is hereby amended by adding thereto a new section to read as follows:

1. *A justice court, municipal court or district court, as applicable, that has jurisdiction over an eligible defendant who is charged with or convicted of an eligible offense may order the eligible defendant to complete a program of treatment.*

2. *Notwithstanding any other provision of law, a court that orders an eligible defendant to complete a program of treatment pursuant to this section may waive or reduce any fine, administrative assessment or fee that would otherwise be imposed upon the eligible defendant for commission of the eligible offense pursuant to specific statute.*

3. *As used in this section:*

(a) *"Eligible defendant" means a homeless person who is charged with or convicted of an eligible offense.*



(b) “Eligible offense” means a violation of any local ordinance prohibiting public urination or defecation or possession of an open container of an alcoholic beverage, or the same or similar conduct, or a violation of the following statutory provisions, or any local ordinance prohibiting the same or similar conduct, that is punishable as a misdemeanor:

- (1) NRS 202.450.*
- (2) NRS 205.860.*
- (3) NRS 206.010.*
- (4) NRS 206.140.*
- (5) NRS 206.310.*
- (6) NRS 207.200.*

(c) “Homeless person” means a person:

(1) Who lacks a fixed, regular and adequate residence;
(2) With a primary residence that is a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings, including, without limitation, a car, a park, an abandoned building, a bus or train station, an airport or a camping ground; or

(3) Living in a supervised publicly or privately operated shelter designated to provide temporary living arrangements, including, without limitation, transitional housing, hotels or motels paid for by any federal, state or local governmental program or any charitable organization.

↳ For the purpose of this paragraph, a person shall be deemed to be a homeless person if the person provides sufficient proof to the court that the person meets the criteria set forth in subparagraph (1), (2) or (3) or the person has recently used public services for homeless persons or if a public or private agency or entity that provides services to homeless persons provides sufficient proof to the court that the person is a homeless person.

(d) “Program of treatment” means a preprosecution diversion program, specialty court program or other program designed to assist homeless persons that is established pursuant to NRS 174.032, 176A.230, 176A.250, 176A.280, 433A.335 or another specific statute or by court rule or court order.

Sec. 6. NRS 176A.235 is hereby amended to read as follows:

176A.235 1. A justice court or a municipal court may, upon approval of the district court, transfer original jurisdiction to the district court of a case involving an eligible defendant.

2. As used in this section, “eligible defendant” means a person who:



(a) ~~Has not tendered a plea of guilty, guilty but mentally ill or nolo contendere to, or been found guilty or guilty but mentally ill of, an offense that is a misdemeanor;~~

~~—(b) Has been diagnosed as having a substance use disorder after an in-person clinical assessment; and~~

~~(c) (b) Would benefit from assignment to a program established pursuant to NRS 176A.230.~~

Sec. 7. NRS 176A.255 is hereby amended to read as follows:

176A.255 1. A justice court or a municipal court may, upon approval of the district court, transfer original jurisdiction to the district court of a case involving an eligible defendant.

2. As used in this section, “eligible defendant” means a person who:

(a) ~~Has not tendered a plea of guilty, guilty but mentally ill or nolo contendere to, or been found guilty or guilty but mentally ill of, an offense that is a misdemeanor;~~

~~—(b) Appears to suffer from mental illness or to be intellectually disabled; and~~

~~(c) (b) Would benefit from assignment to a program established pursuant to :~~

~~(1) NRS 176A.250 ; or~~

~~(2) NRS 433A.335, if the defendant is eligible to receive assisted outpatient treatment pursuant to that section.~~

Sec. 8. NRS 176A.285 is hereby amended to read as follows:

176A.285 If a justice court or municipal court has not established a program pursuant to NRS 176A.280, the justice court or municipal court, as applicable, may, upon approval of the district court, transfer original jurisdiction to the district court of a case involving a defendant who meets the qualifications of subsection 1 of NRS 176A.280 . ~~[and has not tendered a plea of guilty, guilty but mentally ill or nolo contendere to, or been found guilty or guilty but mentally ill of, an offense that is a misdemeanor.]~~

Sec. 9. NRS 4.370 is hereby amended to read as follows:

4.370 1. Except as otherwise provided in subsection 2, justice courts have jurisdiction of the following civil actions and proceedings and no others except as otherwise provided by specific statute:

(a) In actions arising on contract for the recovery of money only, if the sum claimed, exclusive of interest, does not exceed \$15,000.

(b) In actions for damages for injury to the person, or for taking, detaining or injuring personal property, or for injury to real property where no issue is raised by the verified answer of the defendant



involving the title to or boundaries of the real property, if the damage claimed does not exceed \$15,000.

(c) Except as otherwise provided in paragraph (l), in actions for a fine, penalty or forfeiture not exceeding \$15,000, given by statute or the ordinance of a county, city or town, where no issue is raised by the answer involving the legality of any tax, impost, assessment, toll or municipal fine.

(d) In actions upon bonds or undertakings conditioned for the payment of money, if the sum claimed does not exceed \$15,000, though the penalty may exceed that sum. Bail bonds and other undertakings posted in criminal matters may be forfeited regardless of amount.

(e) In actions to recover the possession of personal property, if the value of the property does not exceed \$15,000.

(f) To take and enter judgment on the confession of a defendant, when the amount confessed, exclusive of interest, does not exceed \$15,000.

(g) Of actions for the possession of lands and tenements where the relation of landlord and tenant exists, when damages claimed do not exceed \$15,000 or when no damages are claimed.

(h) Of actions when the possession of lands and tenements has been unlawfully or fraudulently obtained or withheld, when damages claimed do not exceed \$15,000 or when no damages are claimed.

(i) Of suits for the collection of taxes, where the amount of the tax sued for does not exceed \$15,000.

(j) Of actions for the enforcement of mechanics' liens, where the amount of the lien sought to be enforced, exclusive of interest, does not exceed \$15,000.

(k) Of actions for the enforcement of liens of owners of facilities for storage, where the amount of the lien sought to be enforced, exclusive of interest, does not exceed \$15,000.

(l) In actions for a civil penalty imposed for a violation of NRS 484D.680.

(m) Except as otherwise provided in this paragraph, in any action for the issuance of a temporary or extended order for protection against domestic violence pursuant to NRS 33.020. A justice court does not have jurisdiction in an action for the issuance of a temporary or extended order for protection against domestic violence:

(1) In a county whose population is 100,000 or more and less than 700,000;



(2) In any township whose population is 100,000 or more located within a county whose population is 700,000 or more;

(3) If a district court issues a written order to the justice court requiring that further proceedings relating to the action for the issuance of the order for protection be conducted before the district court; or

(4) Where the adverse party against whom the order is sought is under 18 years of age.

(n) Except as otherwise provided in this paragraph, in any action for the issuance of an emergency or extended order for protection against high-risk behavior pursuant to NRS 33.570 or 33.580. A justice court does not have jurisdiction in an action for the issuance of an emergency or extended order for protection against high-risk behavior:

(1) In a county whose population is 100,000 or more but less than 700,000;

(2) In any township whose population is 100,000 or more located within a county whose population is 700,000 or more;

(3) If a district court issues a written order to the justice court requiring that further proceedings relating to the action for the issuance of the order for protection be conducted before the district court; or

(4) Where the adverse party against whom the order is sought is under 18 years of age.

(o) In an action for the issuance of a temporary or extended order for protection against harassment in the workplace pursuant to NRS 33.200 to 33.360, inclusive, where the adverse party against whom the order is sought is 18 years of age or older.

(p) In small claims actions under the provisions of chapter 73 of NRS.

(q) In actions to contest the validity of liens on mobile homes or manufactured homes.

(r) In any action pursuant to NRS 200.591 for the issuance of a protective order against a person alleged to be committing the crime of stalking, aggravated stalking or harassment where the adverse party against whom the order is sought is 18 years of age or older.

(s) In any action pursuant to NRS 200.378 for the issuance of a protective order against a person alleged to have committed the crime of sexual assault where the adverse party against whom the order is sought is 18 years of age or older.

(t) In actions transferred from the district court pursuant to NRS 3.221.



(u) In any action for the issuance of a temporary or extended order pursuant to NRS 33.400.

(v) In any action seeking an order pursuant to NRS 441A.195.

(w) In any action to determine whether a person has committed a civil infraction punishable pursuant to NRS 484A.703 to 484A.705, inclusive.

2. The jurisdiction conferred by this section does not extend to civil actions, other than for forcible entry or detainer, in which the title of real property or mining claims or questions affecting the boundaries of land are involved.

3. Justice courts have jurisdiction of all misdemeanors and no other criminal offenses except as otherwise provided by specific statute. Upon approval of the district court, a justice court may transfer original jurisdiction of a misdemeanor to the district court for the purpose of assigning an offender to a program established pursuant to :

(a) NRS 176A.250 ~~for, if~~ ;

(b) *If* the justice court has not established a program pursuant to NRS 176A.280, to a program established pursuant to that section ~~if~~ ; *or*

(c) *NRS 433A.335, if the offender is eligible to receive assisted outpatient treatment pursuant to that section.*

4. Except as otherwise provided in subsections 5, 6 and 7, in criminal cases the jurisdiction of justices of the peace extends to the limits of their respective counties.

5. A justice of the peace may conduct a pretrial release hearing for a person located outside of the township of the justice of the peace.

6. In the case of any arrest made by a member of the Nevada Highway Patrol, the jurisdiction of the justices of the peace extends to the limits of their respective counties and to the limits of all counties which have common boundaries with their respective counties.

7. Each justice court has jurisdiction of any violation of a regulation governing vehicular traffic on an airport within the township in which the court is established.

Sec. 10. NRS 5.050 is hereby amended to read as follows:

5.050 1. Municipal courts have jurisdiction of civil actions or proceedings:

(a) For the violation of any ordinance of their respective cities.

(b) To determine whether a person has committed a civil infraction punishable pursuant to NRS 484A.703 to 484A.705, inclusive.



(c) To prevent or abate a nuisance within the limits of their respective cities.

2. Except as otherwise provided in subsection 2 of NRS 173.115, the municipal courts have jurisdiction of all misdemeanors committed in violation of the ordinances of their respective cities. Upon approval of the district court, a municipal court may transfer original jurisdiction of a misdemeanor to the district court for the purpose of assigning an offender to a program established pursuant to :

(a) NRS 176A.250 ~~for, if~~ ;

(b) *If* the municipal court has not established a program pursuant to NRS 176A.280, to a program established pursuant to that section ~~if~~ ; *or*

(c) *NRS 433A.335, if the offender is eligible to receive assisted outpatient treatment pursuant to that section.*

3. The municipal courts have jurisdiction of:

(a) Any action for the collection of taxes or assessments levied for city purposes, when the principal sum thereof does not exceed \$2,500.

(b) Actions to foreclose liens in the name of the city for the nonpayment of those taxes or assessments when the principal sum claimed does not exceed \$2,500.

(c) Actions for the breach of any bond given by any officer or person to or for the use or benefit of the city, and of any action for damages to which the city is a party, and upon all forfeited recognizances given to or for the use or benefit of the city, and upon all bonds given on appeals from the municipal court in any of the cases named in this section, when the principal sum claimed does not exceed \$2,500.

(d) Actions for the recovery of personal property belonging to the city, when the value thereof does not exceed \$2,500.

(e) Actions by the city for the collection of any damages, debts or other obligations when the amount claimed, exclusive of costs or attorney's fees, or both if allowed, does not exceed \$2,500.

(f) Actions seeking an order pursuant to NRS 441A.195.

4. Nothing contained in subsection 3 gives the municipal court jurisdiction to determine any such cause when it appears from the pleadings that the validity of any tax, assessment or levy, or title to real property, is necessarily an issue in the cause, in which case the court shall certify the cause to the district court in like manner and with the same effect as provided by law for certification of causes by justice courts.

5. The municipal courts may hold a jury trial for any matter:



- (a) Within the jurisdiction of the municipal court; and
- (b) Required by the United States Constitution, the Nevada Constitution or statute.

Sec. 11. NRS 433A.335 is hereby amended to read as follows:

433A.335 1. A proceeding for an order requiring any person in the State of Nevada to receive assisted outpatient treatment may be commenced by the filing of a petition for such an order with the clerk of the district court of the county where the person who is to be treated is present. The petition may be filed by:

- (a) Any person who is at least 18 years of age and resides with the person to be treated;
- (b) The spouse, parent, adult sibling, adult child or legal guardian of the person to be treated;
- (c) A physician, physician assistant, psychologist, social worker or registered nurse who is providing care to the person to be treated;
- (d) The Administrator or his or her designee; or
- (e) The medical director of a division facility in which the person is receiving treatment or the designee of the medical director of such a division facility.

2. A proceeding to require a person who is the defendant in a criminal proceeding in the district court to receive assisted outpatient treatment may be commenced ~~{by}~~:

(a) *By* the district court ~~{, on}~~:

(1) *On* its own motion ~~{, or by}~~;

(2) *By* motion of the defendant or the district attorney ~~{#}~~:

~~{(a)}~~ ; or

(3) *After a justice court or a municipal court, upon approval of the district court, transfers original jurisdiction to the district court of a case involving a defendant who is eligible to receive assisted outpatient treatment pursuant to this section; and*

(b) *If*:

(1) The defendant has been examined in accordance with NRS 178.415;

~~{(b)}~~ (2) The defendant is not eligible for commitment to the custody of the Administrator pursuant to NRS 178.461; and

~~{(e)}~~ (3) The Division makes a clinical determination that assisted outpatient treatment is appropriate ~~{#}~~ *for the defendant.*

3. A petition filed pursuant to subsection 1 or a motion made pursuant to subsection 2 must allege the following concerning the person to be treated:

- (a) The person is at least 18 years of age.
- (b) The person has a mental illness.



(c) The person has a history of poor compliance with treatment for his or her mental illness that has resulted in at least one of the following circumstances:

(1) At least twice during the immediately preceding 48 months, poor compliance with mental health treatment has been a significant factor in causing the person to be hospitalized or receive services in the behavioral health unit of a detention facility or correctional facility. The 48-month period described in this subparagraph must be extended by any amount of time that the person has been hospitalized, incarcerated or detained during that period.

(2) Poor compliance with mental health treatment has been a significant factor in causing the person to commit, attempt to commit or threaten to commit serious physical harm to himself or herself or others during the immediately preceding 48 months. The 48-month period described in this subparagraph must be extended by any amount of time that the person has been hospitalized, incarcerated or detained during that period.

(3) Poor compliance with mental health treatment has resulted in the person being hospitalized, incarcerated or detained for a cumulative period of at least 6 months and the person:

(I) Is scheduled to be discharged or released from such hospitalization, incarceration or detention during the 30 days immediately following the date of the petition; or

(II) Has been discharged or released from such hospitalization, incarceration or detention during the 60 days immediately preceding the date of the petition.

(d) Because of his or her mental illness, the person is unwilling or unlikely to voluntarily participate in outpatient treatment that would enable the person to live safely in the community without the supervision of the court.

(e) Assisted outpatient treatment is the least restrictive appropriate means to prevent further disability or deterioration that would result in the person becoming a person in a mental health crisis.

4. A petition filed pursuant to subsection 1 or a motion made pursuant to subsection 2 must be accompanied by:

(a) A sworn statement or a declaration that complies with the provisions of NRS 53.045 by a physician, a psychologist, a physician assistant under the supervision of a psychiatrist, a clinical social worker who has the psychiatric training and experience prescribed by the Board of Examiners for Social Workers pursuant to NRS 641B.160 or an advanced practice registered nurse who has



the psychiatric training and experience prescribed by the State Board of Nursing pursuant to NRS 632.120, stating that he or she:

(1) Evaluated the person who is the subject of the petition or motion not earlier than 10 days before the filing of the petition or making of the motion;

(2) Recommends that the person be ordered to receive assisted outpatient treatment; and

(3) Is willing and able to testify at a hearing on the petition or motion; and

(b) A sworn statement or a declaration that complies with the provisions of NRS 53.045 from a person professionally qualified in the field of psychiatric mental health stating that he or she is willing to provide assisted outpatient treatment for the person in the county where the person resides.

5. A copy of the petition filed pursuant to subsection 1 or the motion made pursuant to subsection 2 must be served upon the person who is the subject of the petition or motion or his or her counsel and, if applicable, his or her legal guardian.

Sec. 12. NRS 433A.337 is hereby amended to read as follows:

433A.337 1. Before the date of a hearing on a petition or motion for assisted outpatient treatment, the person who made the sworn statement or declaration pursuant to paragraph (a) of subsection 4 of NRS 433A.335, the personnel of the Division who made the clinical determination concerning the appropriateness of assisted outpatient treatment pursuant to *subparagraph (3) of paragraph (e)* (b) of subsection 2 of NRS 433A.335 or the person or entity who submitted the petition pursuant to NRS 433A.345, as applicable, shall submit to the court a proposed written treatment plan created by a person professionally qualified in the field of psychiatric mental health who is familiar with the person who is the subject of the petition or motion, as applicable. The proposed written treatment plan must set forth:

(a) The services and treatment recommended for the person who is the subject of the petition or motion; and

(b) The person who will provide such services and treatment and his or her qualifications.

2. Services and treatment set forth in a proposed written treatment plan must include, without limitation:

(a) Case management services to coordinate the assisted outpatient treatment recommended pursuant to paragraph (b); and

(b) Assisted outpatient treatment which may include, without limitation:

(1) Medication;



- (2) Periodic blood or urine testing to determine whether the person is receiving such medication;
- (3) Individual or group therapy;
- (4) Full-day or partial-day programming activities;
- (5) Educational activities;
- (6) Vocational training;
- (7) Treatment and counseling for a substance use disorder;
- (8) If the person has a history of substance use, periodic blood or urine testing for the presence of alcohol or other recreational drugs;
- (9) Supervised living arrangements; and
- (10) Any other services determined necessary to treat the mental illness of the person, assist the person in living or functioning in the community or prevent a deterioration of the mental or physical condition of the person.

3. A person professionally qualified in the field of psychiatric mental health who is creating a proposed written treatment plan pursuant to subsection 1 shall:

(a) Consider any wishes expressed by the person who is to be treated in an advance directive for psychiatric care executed pursuant to NRS 449A.600 to 449A.645, inclusive; and

(b) Consult with the person who is to be treated, any providers of health care who are currently treating the person, any supporter or legal guardian of the person, and, upon the request of the person, any other person concerned with his or her welfare, including, without limitation, a relative or friend.

4. If a proposed written treatment plan includes medication, the plan must specify the type and class of the medication and state whether the medication is to be self-administered or administered by a specific provider of health care. A proposed written treatment plan must not recommend the use of physical force or restraints to administer medication.

5. If a proposed written treatment plan includes periodic blood or urine testing for the presence of alcohol or other recreational drugs, the plan must set forth sufficient facts to support a clinical determination that the person who is to be treated has a history of substance use disorder.

6. If the person who is to be treated has executed an advance directive for psychiatric care pursuant to NRS 449A.600 to 449A.645, inclusive, a copy of the advance directive must be attached to the proposed written treatment plan.

7. As used in this section, "provider of health care" has the meaning ascribed to it in NRS 629.031.



Sec. 13. NRS 433A.341 is hereby amended to read as follows:
433A.341 1. In proceedings for assisted outpatient treatment, the court shall hear and consider all relevant testimony, including, without limitation:

(a) The testimony of the person who made a sworn statement or declaration pursuant to paragraph (a) of subsection 4 of NRS 433A.335, any personnel of the Division responsible for a clinical determination made pursuant to *subparagraph (3) of* paragraph ~~(e)~~ *(b)* of subsection 2 of NRS 433A.335 or the person or entity responsible for the decision to submit a petition pursuant to NRS 433A.345, as applicable;

(b) The testimony of any supporter or legal guardian of the person who is the subject of the proceedings, if that person wishes to testify; and

(c) If the proposed written treatment plan submitted pursuant to NRS 433A.337 recommends medication and the person who is the subject of the petition or motion objects to the recommendation, the testimony of the person professionally qualified in the field of psychiatric mental health who prescribed the recommendation.

2. The court may consider testimony relating to any past actions of the person who is the subject of the petition or motion if such testimony is probative of the question of whether the person currently meets the criteria prescribed by subsection 3 of NRS 433A.335 or subsection 1 of NRS 433A.345, as applicable.

