

SENATE BILL NO. 155—SENATOR OHRENSCHALL

FEBRUARY 14, 2023

Referred to Committee on Government Affairs

SUMMARY—Revises provisions relating to crimes. (BDR 14-244)

FISCAL NOTE: Effect on Local Government: May have Fiscal Impact.
Effect on the State: No.

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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 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:

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

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

21 Existing law limits the definition of an “eligible defendant” to mean a person
22 who: (1) has not tendered a plea of guilty, guilty but mentally ill or nolo contendere
23 to, or been found guilty or guilty but mentally ill of, an offense that is a
24 misdemeanor; (2) appears to suffer from mental illness or to be intellectually



25 disabled; and (3) would benefit from assignment to a specialty court program.
26 (NRS 176A.235, 176A.255, 176A.285) **Sections 6-8** of this bill expand the
27 definition of an “eligible defendant” to include any person who, regardless of
28 whether the person has tendered a plea to or been found guilty of an offense that is
29 a misdemeanor: (1) appears to suffer from a mental illness or to be intellectually
30 disabled; and (2) would benefit from assignment to a specialty court program.

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

1 **Section 1.** (Deleted by amendment.)

2 **Sec. 2.** (Deleted by amendment.)

3 **Sec. 3.** (Deleted by amendment.)

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

5 174.032 1. A justice court or municipal court may establish a
6 preprosecution diversion program to which it may assign a
7 defendant if he or she is determined to be eligible pursuant to
8 NRS 174.031.

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

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

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

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

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

33 4. If the justice court or municipal court determines that a
34 defendant may be rehabilitated by a program of treatment for
35 veterans and members of the military, persons with mental illness or



1 intellectual disabilities or the use of alcohol or other substances, the
2 court may refer the defendant to an appropriate program of
3 treatment established pursuant to NRS *176A.230*, 176A.250,
4 176A.280 or ~~[453.580.]~~ *section 5 of this act*. The court shall retain
5 jurisdiction over the defendant while the defendant completes such a
6 program of treatment.

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

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

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

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

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

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

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

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

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

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

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



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

7 3. As used in this section:

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

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

16 (1) NRS 202.450.

17 (2) NRS 205.860.

18 (3) NRS 206.010.

19 (4) NRS 206.140.

20 (5) NRS 206.310.

21 (6) NRS 207.200.

22 (c) "Homeless person" means a person:

23 (1) Who lacks a fixed, regular and adequate residence;

24 (2) With a primary residence that is a public or private
25 place not designed for or ordinarily used as a regular sleeping
26 accommodation for human beings, including, without limitation, a
27 car, a park, an abandoned building, a bus or train station, an
28 airport or a camping ground; or

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

34 ↪ For the purpose of this paragraph, a person shall be deemed to
35 be a homeless person if the person provides sufficient proof to the
36 court that the person meets the criteria set forth in subparagraph
37 (1), (2) or (3) or the person has recently used public services for
38 homeless persons or if a public or private agency or entity that
39 provides services to homeless persons provides sufficient proof to
40 the court that the person is a homeless person.

41 (d) "Program of treatment" means a preprosecution diversion
42 program, specialty court program or other program designed to
43 assist homeless persons that is established pursuant to NRS
44 174.032, 176A.230, 176A.250, 176A.280, 433A.335 or another
45 specific statute or by court rule or court order.



1 **Sec. 6.** NRS 176A.235 is hereby amended to read as follows:
2 176A.235 1. A justice court or a municipal court may, upon
3 approval of the district court, transfer original jurisdiction to the
4 district court of a case involving an eligible defendant.

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

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

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

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

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

15 176A.255 1. A justice court or a municipal court may, upon
16 approval of the district court, transfer original jurisdiction to the
17 district court of a case involving an eligible defendant.

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

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

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

25 ~~(e)~~ (b) Would benefit from assignment to a program
26 established pursuant to :

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

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

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

31 176A.285 If a justice court or municipal court has not
32 established a program pursuant to NRS 176A.280, the justice court
33 or municipal court, as applicable, may, upon approval of the district
34 court, transfer original jurisdiction to the district court of a case
35 involving a defendant who meets the qualifications of subsection 1
36 of NRS 176A.280 . ~~[and has not tendered a plea of guilty, guilty but~~
37 ~~mentally ill or nolo contendere to, or been found guilty or guilty but~~
38 ~~mentally ill of, an offense that is a misdemeanor.]~~

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

40 4.370 1. Except as otherwise provided in subsection 2, justice
41 courts have jurisdiction of the following civil actions and
42 proceedings and no others except as otherwise provided by specific
43 statute:

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



1 (b) In actions for damages for injury to the person, or for taking,
2 detaining or injuring personal property, or for injury to real property
3 where no issue is raised by the verified answer of the defendant
4 involving the title to or boundaries of the real property, if the
5 damage claimed does not exceed \$15,000.

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

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

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

18 (f) To take and enter judgment on the confession of a defendant,
19 when the amount confessed, exclusive of interest, does not exceed
20 \$15,000.

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



1 (w) In any action to determine whether a person has committed
2 a civil infraction punishable pursuant to NRS 484A.703 to
3 484A.705, inclusive.

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

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

14 (a) NRS 176A.250 ~~[or, if]~~ ;

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

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

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

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

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

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

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

35 5.050 1. Municipal courts have jurisdiction of civil actions or
36 proceedings:

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

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

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

43 2. Except as otherwise provided in subsection 2 of NRS
44 173.115, the municipal courts have jurisdiction of all misdemeanors
45 committed in violation of the ordinances of their respective cities.



1 Upon approval of the district court, a municipal court may transfer
2 original jurisdiction of a misdemeanor to the district court for the
3 purpose of assigning an offender to a program established pursuant
4 to :

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

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

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

11 3. The municipal courts have jurisdiction of:

12 (a) Any action for the collection of taxes or assessments levied
13 for city purposes, when the principal sum thereof does not exceed
14 \$2,500.

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

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

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

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

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

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

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

39 (a) Within the jurisdiction of the municipal court; and

40 (b) Required by the United States Constitution, the Nevada
41 Constitution or statute.

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

43 433A.335 1. A proceeding for an order requiring any person
44 in the State of Nevada to receive assisted outpatient treatment may
45 be commenced by the filing of a petition for such an order with the



1 clerk of the district court of the county where the person who is to
2 be treated is present. The petition may be filed by:

3 (a) Any person who is at least 18 years of age and resides with
4 the person to be treated;

5 (b) The spouse, parent, adult sibling, adult child or legal
6 guardian of the person to be treated;

7 (c) A physician, physician assistant, psychologist, social worker
8 or registered nurse who is providing care to the person to be treated;

9 (d) The Administrator or his or her designee; or

10 (e) The medical director of a division facility in which the
11 person is receiving treatment or the designee of the medical director
12 of such a division facility.

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

16 (a) *By* the district court ~~on~~ :

17 (1) *On* its own motion ~~or by~~ ;

18 (2) *By* motion of the defendant or the district attorney ~~if~~
19 ~~(a)~~ ; or

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

24 (b) *If:*

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

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

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

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

34 (a) The person is at least 18 years of age.

35 (b) The person has a mental illness.

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

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



1 person has been hospitalized, incarcerated or detained during that
2 period.

3 (2) Poor compliance with mental health treatment has been a
4 significant factor in causing the person to commit, attempt to
5 commit or threaten to commit serious physical harm to himself or
6 herself or others during the immediately preceding 48 months. The
7 48-month period described in this subparagraph must be extended
8 by any amount of time that the person has been hospitalized,
9 incarcerated or detained during that period.

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

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

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

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

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

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

29 (a) A sworn statement or a declaration that complies with the
30 provisions of NRS 53.045 by a physician, a psychologist, a
31 physician assistant under the supervision of a psychiatrist, a clinical
32 social worker who has the psychiatric training and experience
33 prescribed by the Board of Examiners for Social Workers pursuant
34 to NRS 641B.160 or an advanced practice registered nurse who has
35 the psychiatric training and experience prescribed by the State
36 Board of Nursing pursuant to NRS 632.120, stating that he or she:

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

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

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

44 (b) A sworn statement or a declaration that complies with the
45 provisions of NRS 53.045 from a person professionally qualified in



1 the field of psychiatric mental health stating that he or she is willing
2 to provide assisted outpatient treatment for the person in the county
3 where the person resides.

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

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

9 433A.337 1. Before the date of a hearing on a petition or
10 motion for assisted outpatient treatment, the person who made the
11 sworn statement or declaration pursuant to paragraph (a) of
12 subsection 4 of NRS 433A.335, the personnel of the Division who
13 made the clinical determination concerning the appropriateness of
14 assisted outpatient treatment pursuant to *subparagraph (3) of*
15 *paragraph ~~(c)~~ (b)* of subsection 2 of NRS 433A.335 or the person
16 or entity who submitted the petition pursuant to NRS 433A.345, as
17 applicable, shall submit to the court a proposed written treatment
18 plan created by a person professionally qualified in the field of
19 psychiatric mental health who is familiar with the person who is the
20 subject of the petition or motion, as applicable. The proposed
21 written treatment plan must set forth:

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

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

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

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

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

32 (1) Medication;

33 (2) Periodic blood or urine testing to determine whether the
34 person is receiving such medication;

35 (3) Individual or group therapy;

36 (4) Full-day or partial-day programming activities;

37 (5) Educational activities;

38 (6) Vocational training;

39 (7) Treatment and counseling for a substance use disorder;

40 (8) If the person has a history of substance use, periodic
41 blood or urine testing for the presence of alcohol or other
42 recreational drugs;

43 (9) Supervised living arrangements; and

44 (10) Any other services determined necessary to treat the
45 mental illness of the person, assist the person in living or



1 functioning in the community or prevent a deterioration of the
2 mental or physical condition of the person.

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

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

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

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

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

25 6. If the person who is to be treated has executed an advance
26 directive for psychiatric care pursuant to NRS 449A.600 to
27 449A.645, inclusive, a copy of the advance directive must be
28 attached to the proposed written treatment plan.

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

31 **Sec. 13.** NRS 433A.341 is hereby amended to read as follows:

32 433A.341 1. In proceedings for assisted outpatient treatment,
33 the court shall hear and consider all relevant testimony, including,
34 without limitation:

35 (a) The testimony of the person who made a sworn statement or
36 declaration pursuant to paragraph (a) of subsection 4 of NRS
37 433A.335, any personnel of the Division responsible for a clinical
38 determination made pursuant to *subparagraph (3) of* paragraph ~~(c)~~
39 *(b)* of subsection 2 of NRS 433A.335 or the person or entity
40 responsible for the decision to submit a petition pursuant to NRS
41 433A.345, as applicable;

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



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

6 2. The court may consider testimony relating to any past
7 actions of the person who is the subject of the petition or motion if
8 such testimony is probative of the question of whether the person
9 currently meets the criteria prescribed by subsection 3 of NRS
10 433A.335 or subsection 1 of NRS 433A.345, as applicable.

