

Summary of Legislation

Nevada Legislature

80th Session, 2019

Nevada Supreme Court



Mark Gibbons, Chief Justice

Prepared by the

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September 2019

**Nevada Supreme Court
2019**

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SUPREME COURT OF NEVADA

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September 10, 2019

Dear Friends and Colleagues:

The 80th Session of the Nevada Legislature produced a number of major legislative changes to the law of Nevada. For that reason, and as part of the Nevada Supreme Court's public education effort, the Court has prepared a Summary of legislation that it believes will have the most direct and noticeable impact on the citizens of our state, the judiciary and Nevada's legal community.

As you can see from the numerous pieces of legislation listed in the Summary, the Legislature enacted measures that touch upon almost every aspect of our lives. Existing statutes or programs were modified and new, innovative efforts were undertaken. In all, the Summary lists statutes the Court feels will have a significant impact.

In the coming weeks, the Court and its staff will conduct an education session to assist lawyers, judges and lay people around the state in their efforts to understand some of the major legislation adopted during the 2019 Session. Some examples include changes to guardianships; increasing the number of district court judges in the 2nd, 4th and 8th judicial districts; changes to bail; changes to traffic offenses and the collection of fines and fees; and the creation of the Office of Indigent Defense. The Court hopes you find the Summary to be a useful tool in researching legislative changes and in understanding potential implications to existing law.

On behalf of the Court, I would like to offer special thanks to R. Ben Graham, Governmental Relations Advisor, Robin Sweet, Court Administrator, John McCormick, Assistant Court Administrator, and Vicki Elefante, Court Analyst, for all of their time and effort in the preparation of this Summary. Each of these dedicated public servants has contributed countless hours to this project and the Court appreciates all that they have done to help bring the Summary of the 80th Session of the Nevada Legislature to you.

Sincerely,

A handwritten signature in blue ink that reads "Mark Gibbons".

MARK GIBBONS
Chief Justice

2019 LEGISLATIVE SUMMARY

We are pleased to present to you a summary of 2019 legislation of interest to the Nevada Judiciary. We hope you will find it helpful in understanding, preparing for, and implementing the statutory changes enacted this year.

This document provides the most utility when it is viewed and used electronically as a PDF file (download Adobe Reader: <https://acrobat.adobe.com/us/en/acrobat/pdf-reader.html>). All the hyperlinks herein are active and will take you to the specified destination; be it an NRS, a specific bill, or a resource website. Additionally, the Table of Contents is also linked, so clicking on a bill within the Table of Contents will take you to that page.

Numerous AOC staff were involved in reading, screening, and analyzing hundreds of bills for their potential effects on the business of the courts. Although a lot of bills introduced make it to the Governor's desk for signature and become law, they all must be reviewed for potential impact.

This document will be presented via a live webinar through the Supreme Court's Distance Education webpage: <http://dep.nvcourtsdistanceed.com/>. The webinar will also be available for viewing later on the same page.

Thank you,

Robin, Ben, Vicki, and John



1,179

Bills Introduced and screened



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ADMINISTRATION OF THE COURTS

AB9-Effective October 1, 2019

Amends: NRS 73.010

Revises provisions governing justice courts.

This bill revises the proper venue or place of trial for small claims actions by adding possible venues for such actions.

This bill revises:

- Proper venue or place of trial for small claims. Provides that an action may be filed in a township if the defendant was a resident of, was doing business in, or was employed in the township at the time that the cause of action arose.
- If case involves injury to the person or property, small claims actions may be tried in the township where the injury occurred.
- In cases involving a contract, the small claims action may be tried in the township in which the obligation is or was to be performed.

AB15-Effective July 1, 2019

Amends: NRS 207.195, 193.130

Revises provisions governing crimes.

This bill makes it unlawful for a person to cause to be prepared or delivered to another person any document that simulates a summons, complaint, judgment, order or other legal process with the intent to:

- (1) Induce payment of a claim from another person; or
- (2) Induce another person to submit to the putative authority of the document or take or refrain from taking certain actions.

It provides that a person who violates any such provision is guilty of a category D felony. It also establishes the circumstances:

- (1) In which a rebuttable presumption exists that a person intended to violate any such provision; and
- (2) That do not constitute a defense to a prosecution under the section.

Existing law provides that if a monetary instrument represents the proceeds of or is derived from any unlawful activity, it is unlawful for a person who has knowledge of that fact to conduct or attempt to conduct a financial transaction involving such monetary instrument or transport or attempt to transport the monetary instrument, if the person has the intent to further any unlawful activity or has certain other knowledge. This bill:

- (1) Increases the penalty for a violation of any such provision from a category D to a category C felony;
- (2) Includes other property that represents the proceeds of or is derived from any unlawful activity in such provisions. Existing law also provides that it is unlawful for any person to conduct or attempt to conduct a financial transaction with the intent to evade any regulation governing the records of certain casinos regarding transactions involving cash. A person who violates such a provision is guilty of a category D felony.
- (3) Expands the prohibition and makes it unlawful for any person to conduct or attempt to conduct a financial transaction with the intent to evade any provision of federal or state law that requires the reporting of a financial transaction; and
- (4) Provides that a person who violates such a provision is guilty of a category C felony.

Additionally makes it unlawful for a person to conduct or attempt to conduct a financial transaction concerning any monetary instrument or other property that has a value of \$5,000 or more with the knowledge that the monetary instrument or other property is directly or indirectly derived from any unlawful activity. A person who violates such a provision is guilty of a category C felony. Further it provides:

- (1) That each violation of the section involving one or more monetary instruments, financial transactions or property valued at \$5,000 or more is a separate offense;
- (2) Provides that the section must not be construed to prohibit any financial transaction relating to the medical use of marijuana or the regulation or taxation of marijuana; and
- (3) Revises the definition of "monetary instrument" to include virtual currency.

Revises provisions governing bail in criminal cases.

This bill eliminates the existing statutory framework regarding the exoneration of bail. It provides that when a defendant is released on bail, the bond or undertaking for the bail must apply to any action or proceeding instituted against the defendant in a justice, municipal or district court arising from the charge on which the bail was originally given. It also provides that the bail must be exonerated by the court if no formal action or proceeding is instituted against the defendant or if such an action or proceeding is dismissed, except that the court may delay exoneration of the bail for a period not to exceed 30 days if the defendant has been charged or indicted with a public offense if the charge arises from the same act or if the defendant requests the delay in anticipation of being charged or indicted.

Revises provisions related to certain temporary and extended orders for protection.

(See [Exhibit 1](#) for more detailed information)

Relates to orders for protection; revising provisions relating to service of process of temporary and extended orders for protection against domestic violence; increasing the duration that certain temporary and extended orders for protection remain effective; increasing the penalty for certain violations of temporary and extended orders for protection against domestic violence; renaming the Repository for Information Concerning Orders for Protection Against Domestic Violence to the Repository for Information Concerning Orders for Protection; requiring the Repository for Information Concerning Orders for Protection to include certain information and other records relating to orders for protection against a person alleged to have committed the crime of sexual assault, orders for protection against stalking, aggravated stalking or harassment and orders for protection against domestic violence; providing penalties; and providing other matters properly relating thereto.

Increases the number of district judges in certain judicial districts.

This bill increases the number of district judges:

- From six to seven who are judges of the family court in the Second Judicial District.
- From two to three in the Fourth Judicial District.
- From 20 to 26 who are judges of the family court in the Eighth Judicial District.

This bill sets out the time frame for the election of the additional district judges (2020 general election) who will take office on January 4, 2021, and this bill makes appropriations for the salaries, travel expenses and retirement benefits of the additional district judges.

Revises provisions related to criminal justice.

(See [Exhibit 2](#) for more detailed information)

Relates to criminal justice; revising the definition of domestic violence; increasing certain penalties relating to a battery which constitutes domestic violence; revising provisions relating to the procedure for arresting a person suspected of committing a battery which constitutes domestic violence; enacting provisions relating to the procedure for arresting a person suspected of committing a battery against certain persons; imposing a fee on certain unlawful acts that constitute domestic violence; requiring such fees to be deposited into the Account for Programs Related to Domestic Violence; revising the definition of stalking; increasing certain penalties related to stalking; revising provisions relating to the crime of facilitating sex trafficking; revising provisions relating to the crime of assault; revising provisions relating to the crime of battery; revising provisions relating to the Committee on Domestic Violence; revising provisions relating to the Office of Advocate for Missing or Exploited Children; providing penalties; and providing other matters properly relating thereto.

AB65-Effective April 22, 2019 (Sections 1, 2, 4, 5, 6, and 7), Section 3 of this act effective: (a) On the date that the Secretary of State has established a process by which a person may submit an application to register as an electronic notary public simultaneously with an application for appointment as a notary public; or (b) On July 1, 2019, whichever is earlier.
Amends NRS 240.1655, 240.100, 240.197, 240.1657, 240.192, 159.0753

Revises provisions relating to notaries public.

Existing law requires that an oath or affirmation administered by a notarial officer must be signed by the affiant in the presence of the notarial officer. This bill eliminates:

- Language that refers to fees that a notary public or an electronic notary may charge to administer an oath or affirmation without a signature.
- The requirement of the Secretary of State to authenticate the signature and office of a notarial officer on a document intended for use in the United States.
- The requirement that a person must be a notarial officer in this State for not less than 4 years to register as an electronic notary public.
- A person may nominate another person to be his or her appointed guardian by completing a notarized form witnessed by two persons. The certificate of acknowledgment of notary public used on this form include language indicating the notarial officer declares under penalty of perjury that the persons whose names are subscribed to the document appear to be of sound mind and under no duress, fraud or undue influence.

This bill requires:

- The Secretary of State to authenticate the signature and office of a notarial officer on a document intended for use in a foreign country.
- Authorizes the Secretary of State to establish a process for a person to submit an application to register as an electronic notary public simultaneously with an application for appointment as a notary public.

AB80-Effective Sections 9 and 12 of this act effective June 7, 2019. Sections 1 to 8, inclusive, 10, 11 and 11.5 of this act effective (a) June 7, 2019, for the purpose of recruiting and selecting the Executive Director and employees of the Department of Sentencing Policy created by section 5 of this act and performing any other preliminary administrative tasks that are necessary to carry out the provisions of this act; and (b) On October 1, 2019, for all other purposes.
Amends NRS 176.0131-176.0139

Makes various changes relating to the Nevada Sentencing Commission.

Existing law establishes the Nevada Sentencing Commission consisting of 25 voting members appointed by the Governor, the Legislature and various other agencies and organizations related to criminal justice. The Nevada Sentencing Commission is charged with, among other duties, identifying and studying the sentencing of offenders convicted of a crime in this State and making recommendations concerning the adoption of sentencing guidelines. This bill creates the Department of Sentencing Policy and provides for the appointment of an Executive Director of the Department. The duties of the Executive Director, which include, among other duties, overseeing the functions of the Department, serving as the Executive Secretary of the Nevada Sentencing Commission, developing the budget for the Department and assisting the Nevada Sentencing Commission with preparing the biennial report of the Nevada Sentencing Commission. This bill revises:

- The membership of the Nevada Sentencing Commission to remove the Attorney General and the State Public Defender.
- It adds a member from the Office of the Clark County Public Defender and the Office of the Washoe County Public Defender.
- The duties of the Nevada Sentencing Commission to include providing certain recommendations and advice concerning the Department

This bill requires the Nevada Sentencing Commission to hold its first meeting on or before September 1 of each odd-numbered year. It designates the Executive Director as the Executive Secretary of the Nevada Sentencing Commission and transfers the staffing of the Nevada Sentencing Commission to the newly established Department.

Establishes provisions concerning the sterilization of protected persons.

Existing law provides that unless a guardian applies for and obtains the requisite authority from a court, the guardian is prohibited from consenting to the experimental medical, biomedical or behavioral treatment of a protected person and participation of a protected person in any biomedical or behavioral experiment or the sterilization of a protected person. Existing law also sets forth the circumstances in which a court may authorize a guardian to consent to and commence any such treatment or experiment. This bill establishes additional provisions relating to a guardian’s application to a court for the authority to consent to the sterilization of a protected person. This bill requires the court to:

- Appoint an attorney and a guardian ad litem for the protected person.
- Conduct a full evidentiary hearing before authorizing the guardian to consent to the sterilization.
- Provides that a court may authorize a guardian to consent to the sterilization of a protected person only if the court finds by clear and convincing evidence that the sterilization is in the best interest of the protected person, but requires the court to consider whether any less irrevocable and intrusive means of contraception would be suitable before granting such authority.

Revises provisions relating to minor traffic and related violations.

(See [Exhibit 3](#) for more detailed information)

This bill relates to public safety; requiring the Director of the Department of Motor Vehicles to release the contact information of a person who has been issued a traffic citation to a court or its traffic violations bureau under certain circumstances; revising provisions governing citations for minor traffic and related violations; revising provisions relating to hearings on alleged traffic and related violations; prohibiting the issuance of a bench warrant for a person’s failure to appear in court for a parking violation in certain circumstances; removing the time limitation on the imposition of certain administrative assessments for the provision of court facilities; and providing other matters properly relating thereto.

Revises provisions governing employment practices.

Existing law establishes various unlawful employment practices. This bill prohibits, with certain exceptions, an employer from denying employment to a prospective employee because the prospective employee has submitted to a drug screening test and the test indicates the presence of marijuana. It further provides that if an employer requires an employee to submit to a screening test within his or her first 30 days of employment, the employer is required to accept and give appropriate consideration to the results of an additional screening test to which the employee submitted at his or her own expense.

Revises provisions relating to when minors may marry.

Existing law allows a minor to marry in certain circumstances. If the minor is at least 16 years of age, the consent of either parent or legal guardian is required. If the minor is younger than 16 years of age, in addition to such consent, a district court must authorize the marriage after making certain findings. This bill:

- Removes the ability of a minor who is under 17 years of age to marry.
- Allows a minor who is 17 years of age to marry if the minor has the consent of either parent or the minor’s legal guardian and the minor obtains authorization from a district court after the court holds an evidentiary hearing and makes certain findings.

This bill sets forth the requirements for the court to authorize the marriage of a minor who is 17 years of age. This bill requires each county clerk to compile a report concerning marriage licenses issued for minors who are 17 years of age and submit the report to the Director of the Legislative Counsel Bureau for distribution to the 81st Session of the Legislature. This bill ensures that the validity of any marriage existing when the bill becomes effective is not affected, and that any married minor on that date continues to have the same rights.

Revises provisions governing the education of a child who is in need of protection.

Existing law authorizes a court to appoint an educational surrogate parent for a child with a known or suspected disability if: (1) a parent is not identified, unavailable or unwilling or unable to make decisions relating to the education of the child; and (2) such an appointment is in the best interests of the child. This bill instead requires a court to appoint an educational decision maker for any child for whom a petition is filed alleging that the child is in need of protection. It establishes a rebuttable presumption that it is in the best interests of the child for the court to appoint a parent or guardian as the educational decision maker for the child but authorizes the court to appoint a person other than a parent or guardian if the court determines that: (1) the parent or guardian is unwilling or unable to act as the educational decision maker; or (2) it is not in the best interests of the child for the parent or guardian to act as the educational decision maker. This bill prescribes the duties of an educational decision maker, including meeting with the child, ensuring that the child receives a free and appropriate education in accordance with federal and state law and participating in meetings regarding the education of the child and child welfare proceedings. This bill also requires an educational decision maker, to the extent practicable, to communicate any concerns he or she has regarding the educational placement of the child and the educational services provided to the child and any recommendations to address those concerns to the agency which provides child welfare services, the attorney representing the child and, if the educational decision maker for the child is not the parent or guardian of the child, the parent or guardian of the child. Sections of this bill require an agency which provides child welfare services to consult with the educational decision maker for a child who is in foster care when determining whether it is in the best interests of the child to remain at his or her school of origin. This bill requires a court to: (1) ensure that an educational decision maker is involved in and notified of any plan for the placement of the child; and (2) allow the educational decision maker to testify at any child welfare hearing to determine the placement of the child. Existing law requires a court that places a child who is in need of protection in the custody of a person other than a parent or guardian to review the placement at least semiannually. Before any hearing for review of the placement of the child, an agency acting as the custodian of the child is required to submit to the court a report that contains certain information concerning the child. This bill revises the educational information that an agency is required to include in such a report. Existing law requires a court to provide each person who is entitled to notice of a hearing to review the placement of a child with such a notice and the opportunity to participate in an annual hearing concerning the permanent placement of the child. Therefore, section 3 requires a court to provide an educational decision maker with notice of such an annual hearing.

AB176-Effective Sections 40.5, 41.5, and 43 of this act effective on July 1, 2019. Sections 1 to 36, inclusive, and 42 of this act effective (a) June 7, 2019, for the purpose of adopting regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and (b) On January 1, 2020, for all other purposes. Sections 37, 38 and 39 of this act effective on January 1, 2021.

Amends NRS 200.366, 200.3784, 200.3786, 200.3788

Enacts the Sexual Assault Survivors' Bill of Rights.

Existing law provides under certain circumstances that a person who: (1) subjects another person or child under the age of 14 years to sexual penetration; or (2) forces another person or child under the age of 14 years to make a sexual penetration on himself or herself or another, or on a beast, is guilty of sexual assault. This bill enacts the Sexual Assault Survivors' Bill of Rights. The term "survivor" is defined for purposes of the Bill of Rights, and certain other purposes, as a person who is the victim of a sexual assault or certain other persons if the victim is incompetent, deceased or a minor. This bill provides that the Sexual Assault Survivors' Bill of Rights attaches when a survivor is subject to: (1) a forensic medical examination; or (2) an interview by a law enforcement official or prosecutor. This bill generally grants a survivor the right to consult with a sexual assault victims' advocate or to designate an attendant for support during a sexual assault forensic medical examination and an interview with a law enforcement official or prosecutor. This bill provides:

1. That a survivor retains the rights set forth in section 17 even if the survivor has waived such rights during a previous examination or interview; and
2. That, except with the consent of the survivor, the fact that the survivor waived the right to consult with a sexual assault victims' advocate is not admissible in to evidence for any purpose.

This bill outlines a survivor's rights before and during a forensic medical examination and prescribe certain duties required of the medical provider. This bill makes conforming changes to reflect a survivor's rights during an interview with a law enforcement official or prosecutor, and such an interviewer's duties. This bill affords a survivor the right to counsel under certain circumstances and sets forth procedures regarding the collection and analysis of forensic evidence kits. It prohibits a defendant from challenging his or her conviction based on certain persons not adhering to

AB176-CONTINUED

such collection and analysis timelines. This bill provides that forensic evidence from the sexual assault may not be used to prosecute a survivor under certain circumstances. It requires the Office of the Attorney General to develop and make available certain information for a survivor regarding his or her sexual assault. It provides a survivor with certain rights regarding the legal process, such as being reasonably protected from the defendant, being allowed to wait at trial in a separate area from the defendant, authorizing the survivor to make a survivor impact statement under certain circumstances and prohibiting the requirement of an examination by polygraph of the survivor before he or she is authorized to participate in certain legal processes. This bill creates the Advisory Committee on Rights of Survivors of Sexual Assault, and it prescribes the duties of the Advisory Committee as related to sexual assault forensic evidence kits, sexual assault victims' advocates and the implementation of the rights guaranteed by the Sexual Assault Survivors' Bill of Rights. Existing law requires a prosecutor to inform an alleged victim of sexual assault of the final disposition of the case if the case goes to trial. Additionally, this bill requires the prosecutor to provide, upon the written request of the alleged victim, the pretrial disposition of the case and information supplied by the sex offender registry regarding the defendant, if applicable. Existing law sets forth certain requirements pertaining to the collection and analysis of sexual assault forensic evidence kits. This bill requires: (1) a medical provider to notify a law enforcement agency within 72 hours of conducting a forensic medical examination; and (2) the law enforcement agency to take possession of such a kit within 5 days of such notification. Existing law requires the State to implement a statewide tracking system for sexual assault forensic evidence kits and to submit an annual report to the Legislature regarding certain data collected by forensic laboratories analyzing such kits. This bill eliminates the requirement to make such a report. This bill requires that the survivor be allowed to track or receive certain updates via Internet or telephone. This bill makes an appropriation of \$150,000 for each fiscal year to the Office of the Attorney General for the purpose of awarding grants to organizations that will recruit and train persons to serve as sexual assault victims' advocates.

AB189-Effective October 1, 2019

Amends NRS 179.035

Revises provisions relating to warrants for the search of a person.

This bill prohibits a law enforcement officer conducting a search of a person pursuant to a search warrant from performing a body cavity search unless the search warrant contains specific authorization to perform a body cavity search.

AB192-Effective July 1, 2019

Amends NRS Chapter 179

Establishes a procedure when certain offenses are decriminalized.

This bill provides that when an offense is decriminalized, a person who was convicted of the offense before the offense was decriminalized may submit a request to any court in which the person was convicted that any record of criminal history relating to the conviction be sealed. It does not apply to a traffic offense. This bill provides that the requirements of this bill apply to offenses decriminalized before, on and after July 1, 2019.

AB195-Effective October 1, 2019

Amends NRS 205.605, 205.606, 205.607

Revises provisions governing crimes against property.

Existing law makes it a crime for a person to use a scanning device to access, read, obtain, memorize or store information encoded on the magnetic strip of a payment card: (1) without the permission of the authorized user of the card; and (2) with the intent to defraud the user or issuer of the card or any other person. Existing law also makes it a crime for a person to possess a scanning device with the intent to use it for an unlawful purpose. This bill makes it a crime for a person to install or affix a scanning device within or upon a machine used for financial transactions with the intent to use the scanning device for an unlawful purpose. It makes it a crime for a person to access, by electronic or any other means, a scanning device with the intent to use the scanning device for an unlawful purpose. A person who installs, affixes or accesses a scanning device in such an unlawful manner is guilty of a category C felony. Existing law exempts certain persons from the provisions governing the unlawful use or possession of scanning devices. Existing law provides that a person is exempt from these provisions if he or she uses or possesses a scanning device without the intent to defraud or commit an unlawful act: (1) in the ordinary course of his or her business; or (2) with the consent of the authorized user of a payment card to complete a financial transaction using that card. This bill expands this exemption to include a person who installs, affixes or accesses a scanning device without the intent to commit an unlawful act: (1) in the ordinary course of his or her business; or (2) to complete such a financial transaction.

Revises provisions governing certain traffic laws.

This bill makes it unlawful to drive a vehicle in an unauthorized trick driving display on a public highway or to facilitate an unauthorized trick driving display. Driving a vehicle in an unauthorized trick driving display constitutes reckless driving and is punishable as a gross misdemeanor, with graduated penalties depending on whether the offense is a first, a second or a subsequent offense that may include: (1) a fine; (2) imprisonment for up to 364 days in the county jail; (3) suspension of the driver's license of the person; (4) the requirement to perform community service; and (5) impoundment of the vehicle used by the person for a certain period. It provides that a person who facilitates an unauthorized trick driving display is guilty of a misdemeanor for the first offense, and a gross misdemeanor for a second or subsequent offense, with graduated penalties that may include: (1) a fine; (2) imprisonment for up to 364 days in the county jail; (3) suspension of the driver's license of the person; (4) the requirement to perform community service; and (5) impoundment of the vehicle used by the person for a specified period.

Revises provisions relating to specialty courts.

Existing law authorizes a district court, justice court or municipal court to place certain defendants who are veterans or members of the military on probation upon terms and conditions that must include attendance and successful completion of an appropriate program for the treatment of such defendants. However, the court may not assign a defendant to such a program without the prosecuting attorney stipulating to the assignment if: (1) the offense committed by the defendant involved the use or threatened use of force or violence; or (2) the defendant was previously convicted of a felony that involved the use or threatened use of force or violence. Existing law also contains a similar provision relating to the eligibility of defendants for assignment to a program for defendants with mental illness or intellectual disabilities. The Nevada Supreme Court has held that sub section 2 of, which provides that the court may not assign a defendant who is a veteran or member of the military to a program without the prosecuting attorney stipulating to the assignment, violates the separation of powers clause in the Nevada Constitution. (*State v. Hearn*, 134 Nev. Adv. Op. 9 6 (2018)) The Court further held that the language providing for such a stipulation by the prosecuting attorney is severable from the statute, thereby rendering all defendants who committed a violent offense or who have previously been convicted of a violent felony ineligible for assignment to the program. (*Id.* at 10) This bill, which pertains to the eligibility for assignment to the program for defendants who are veterans or members of the military: (1) remove the language in the statute found unconstitutional by the Nevada Supreme Court that requires the stipulation by the prosecuting attorney before the court may assign to the program a defendant who committed a violent offense or who has previously been convicted of a violent felony; and (2) provide that a defendant who has committed a category A felony or a sexual offense punishable as a category B felony is ineligible for assignment to the program. This bill, which pertains to a program of treatment for defendants with mental illness or intellectual disabilities, makes similar changes. Existing law authorizes a district court, justice court or municipal court, as applicable, to, without entering a judgment of conviction, suspend further proceedings and place a defendant on probation and require the defendant to complete a program for defendants who are veterans or members of the military under certain circumstances. Upon the defendant's fulfillment of the terms and conditions of the program, existing law requires the district court, justice court or municipal court, as applicable, to discharge the defendant and dismiss the proceedings. This bill: (1) retains existing law as applicable to justice courts and municipal courts; and (2) authorizes a district court to enter a judgment of conviction against the defendant for certain felony or gross misdemeanor offenses before placing the defendant on probation and requiring the defendant to complete the program for defendants who are veterans or members of the military. It also requires the district court to discharge and dismiss the proceedings against or set aside the judgment of conviction of the defendant unless the defendant: (1) has previously been convicted of a felony under certain circumstances; or (2) has previously failed to complete a specialty court program. If the defendant has been previously convicted of a felony or has previously failed to complete a specialty court program, section 3 authorizes the district court to discharge and dismiss the proceedings against or set aside the judgment of conviction of the defendant. It authorizes a court with a program of treatment for defendants with mental illness or intellectual disabilities to take similar action as a district court with a program for the treatment of defendant s who are veterans or members of the military. This bill removes the provision in existing law that makes a defendant who has previously been assigned to the program ineligible for assignment to the program, thereby making such a defendant eligible for assignment to the program.

AB236-Effective Sections 133.3, 133.5,133.7 and 137 of this act effective on July 1, 2019. Sections 1 to 133, inclusive, and 134 to 136, inclusive, of this act effective on July 1, 2020.

Amends NRS 176A.250 - 176A.265, 176A.280 - 176A.295, 453.580, 458.290 - 458.350, 176A.100, 176A.500, 176.145, 205.060, 179.245, 205.0835, 205.605, 205.606, 205.607, 453.321, 453.337, 453.338, 453.3385, 453.339, 453.3395, 453.411, 453.316, 465.088, 484D.335, 207.010, 209.3925, 439.258

Makes various changes related to criminal law and criminal procedure.

(See [Exhibit 4](#) for more detailed information)

Relates to crimes. Revises provisions relating to the duties of the Nevada Sentencing Commission; establishing provisions relating to the calculation and use of the amount of certain costs avoided by this State; establishing the Nevada Local Justice Reinvestment Coordinating Council; revising the contents required in the report of any presentence investigation; requiring certain judges to receive training concerning reports of presentence investigations; making various changes concerning probation and parole; authorizing a court to defer or suspend judgment on a case in certain circumstances; revising provisions relating to specialty court programs; revising provisions relating to programs for the treatment of persons who commit domestic violence; reducing the penalty for certain crimes from a category B to a category C felony; revising provisions relating to burglary; increasing the felony theft threshold and revising penalties for various theft offenses; making it unlawful to install or affix a scanning device within or upon a machine used for financial transactions under certain circumstances; making it unlawful to access a scanning device under certain circumstances; revising provisions relating to habitual criminals; requiring the Peace Officers' Standards and Training Commission to develop and implement a behavioral health field response grant program; revising provisions concerning crimes involving controlled substances; repealing provisions relating to programs of treatment for alcoholics and drug addicts and the civil commitment of such persons; making appropriations to the Division of Parole and Probation of the Department of Public Safety and the Department of Corrections; providing penalties; and providing other matters properly relating thereto.

AB266-Effective July 1, 2019

Amends NRS 40.2545

Revises provisions governing the sealing of records relating to evictions.

Existing law provides that eviction case court files relating to actions for summary eviction are sealed automatically and not open to inspection: (1) upon the entry of a court order denying or dismissing the action for summary eviction; or (2) thirty - one days after a tenant files an affidavit to contest the matter, if a landlord fails to file an affidavit of complaint within 30 days after the tenant files the affidavit. Existing law also authorizes the court to seal an eviction case court file: (1) upon a written stipulation between the landlord and the tenant; or (2) upon motion by the tenant, if the court finds that the eviction should be set aside pursuant to the Justice Court Rules of Civil Procedure or that sealing the eviction case court file is in the interests of justice. This bill provides that eviction case court files are automatically sealed: (1) upon the entry of a court order dismissing the action for summary eviction; (2) ten judicial days after the entry of a court order which denies the action for summary eviction; or (3) thirty-one days after a tenant files an affidavit to contest the matter, if a landlord fails to file an affidavit of complaint within 30 days after the tenant files the affidavit. This bill also provides that a notice to surrender must not be made available for public inspection.

AB285-Effective October 1, 2019

Amends NRS Chapter 52

Enacts provisions relating to a mental or physical examination of certain persons in a civil action.

The Nevada Rules of Civil Procedure authorize a court to order a party or certain other persons, whose mental or physical condition is in controversy, to submit to a mental or physical examination under certain circumstances. The Nevada Rules of Civil Procedure govern the time, place, manner, conditions and scope of such an examination. (N.R.C.P. 35) This bill authorizes an observer to be present at a mental or physical examination ordered by a court. This bill authorizes the observer to be: (1) an attorney for the person undergoing the examination; (2) an attorney for the party producing the person subject to the examination; or (3) the designated representative of such an attorney if the designated representative receives written authorization from the attorney to be the observer at the examination and the designated representative presents the written authorization to the person performing the examination. This bill authorizes an observer to suspend an examination if the person conducting the examination is abusive towards the person being examined or the person conducting the examination exceeds the authorized scope of the examination. This bill also authorizes a person conducting the examination to suspend the examination if the observer attempts to participate in or disrupt the examination. If the examination is suspended, the party subject to the order for the examination may petition a court for a protective order pursuant to the Nevada Rules of Civil Procedure. This bill also authorizes an observer to make an audio or stenographic recording of the examination.

Makes various changes relating to trusts and estates.

Under existing law, the clerk of the court is required to charge and collect certain fees on the filing of a petition for letters testamentary or letters of administration for an estate that is valued at \$200,000 or more and for an estate that is valued at more than \$20,000 but less than \$200,000. This bill increases the \$200,000 amount to \$300,000. Existing law sets forth the Uniform Statutory Rule Against Perpetuities. This rule provides that a property interest which has not vested is invalid unless: (1) when the property interest is created, it is certain to vest or terminate no later than 21 years after the death of a person who is alive when the interest is created; or (2) the property interest either vests or terminates within 365 years after its creation. Existing law further provides that if language in a governing instrument for a trust or other property arrangement seeks to disallow or postpone the vesting or termination of any interest or trust beyond or until the later of the expiration of a period of time not exceeding or that exceeds or might exceed 21 years after the death of certain persons, such language is inoperative to the extent that it produces a period of time that exceeds 21 years after the death of certain persons. This bill removes this limitation on a governing instrument for a trust or other property. Article 15, Section 4 of the Nevada Constitution provides that “[n]o perpetuities shall be allowed except for eleemosynary purposes.” According to the Nevada Supreme Court, ‘eleemosynary’ is synonymous with ‘charitable,’ (Nixon v. Brown, 46 Nev. 439, 457 (1923)) The constitutional provision against perpetuities is directed at private trusts and not at public or charitable trusts.” Id. Existing law provides exclusions to which the statutory rule against perpetuities does not apply. This bill provides that the statutory rule against perpetuities does not apply to a property interest in or a power of appointment with respect to certain trusts or other property arrangements that were established for eleemosynary purposes. Existing law sets forth various provisions governing non-probate transfer of property upon death. Existing law provides that a creditor has no claim against property transferred according to a power of appointment that was exercised by a decedent unless it was exercisable in favor of the decedent or the decedent’s estate. It provides that a creditor has no claim against property transferred according to a power of appointment that was exercised by a decedent unless the power of appointment was actually exercised in favor of the decedent or the decedent’s estate. Existing law provides that a homestead is not subject to forced sale on execution or any final process from any court, subject to certain exceptions. Existing law further provides that this exemption for homesteads extends only to the amount of equity in the property which does not exceed \$550,000 in value. Existing law defines “homestead” to mean the property consisting of: (1) a quantity of land, together with the dwelling house and its appurtenances; (2) a mobile home; or (3) a unit existing in a common - interest community or a condominium project. Existing law provides that if the equity in the homestead exceeds the sum of \$550,000, the judge shall determine whether the property can be divided so as to leave the property subject to the homestead exemption without material injury. If such division cannot occur, existing law requires: (1) the judge to order the entire property to be sold; and (2) that, from the proceeds of such a sale, the sum of \$550,000 must be paid to the defendant in execution, with certain rules applying when the execution is against a spouse. This bill provides that if the sum of \$550,000 is paid to the defendant in execution or to a spouse, then the sum of \$550,000 generally possesses all the protections that the original homestead possessed. Existing law provides that the homestead is exempt from execution of a judgment. It also provides that the sum of \$550,000 that is paid to the defendant or spouse is also generally exempt from execution of a judgment. It provides that proceeds of \$550,000 from the sale of a homestead are only exempt from execution if: (1) such proceeds are reinvested in another property of like kind for which the declaration of a homestead will be made; and (2) the other property is identified not later than 45 days after the sale of the homestead and taken possession of not later than 180 days after the sale of the homestead. Existing law authorizes a trust instrument to provide that community property or separate property transferred into an irrevocable trust of which both spouses are current permissible beneficiaries’ remains community property or separate property, as applicable, during the marriage. This bill authorizes a trust instrument to provide that community property or separate property transferred into an irrevocable trust of which both spouses are distribution beneficiaries’ remains community property or separate property, as applicable, during the marriage. The Nevada Supreme Court found that “[t]ransmutation from separate to community property must be shown by clear and convincing evidence.” (Sprenger v. Sprenger, 110 Nev. 855, 858 (1994)) This bill incorporates this standard by requiring a spouse or party to a case to establish by clear and convincing evidence the transmutation of community property or separate property that is transferred into a trust into separate property or community property, as applicable. Existing law provides that kindred of the half blood inherit equally with those of the whole blood in the same degree, unless the inheritance comes to the decedent from an ancestor, in which case those who are not of the blood of the ancestor are excluded from the inheritance. This bill provides that kindred of the half blood inherit equally with those of the whole blood in the same degree. Existing law

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grants exclusive jurisdiction of the settlement of an estate to the district court in the county where the decedent was a resident at the time of death. Existing law provides that the estate of a nonresident decedent may be settled by the district court of any county in which part of the estate is located. It provides that the estate of a decedent may be settled by the district court of any county in which any part of the estate is located or where the decedent was a resident at the time of death. This bill further provides that if the decedent was a resident of this State at his or her time of death, the district court of any county in this State may assume jurisdiction of the settlement of the estate only after considering the convenience of the forum to certain parties. Additionally it provides that after a properly noticed hearing is held, the district court that first assumes jurisdiction of the settlement of an estate has exclusive jurisdiction of the settlement of that estate. Existing law requires a petition for the probate of a will and issuance of letters to state certain facts and information. This bill requires such a petition to state how the district court in which the petition is being filed is a convenient forum to certain parties. Existing law sets forth the procedure for petitioning for probate and proving a lost or destroyed will by using a copy of such a lost or destroyed will or a statement of the testamentary words. Existing law further provides that the production of a person's lost or destroyed will, whose primary beneficiary is a certain non-testamentary trust, creates a rebuttable presumption that the will had not been revoked. This bill provides that the production of a copy of a person's lost or destroyed will, whose provisions are clearly and distinctly proved by two or more credible witnesses, creates a rebuttable presumption that the will had not been revoked. It further provides that a person may overcome these presumptions only by proving by a preponderance of the evidence that the person whose will it is claimed to be destroyed the will with the intent to revoke the will before his or her death. Existing law provides for the enforcement of a no - contest clause in a will or trust. Sections of this bill provide, with certain exceptions, that a no - contest clause in a will or trust must be enforced by a court according to the terms expressly stated in the no - contest clause. This bill expands the number of exceptions to enforcing a no - contest clause in a will or trust. Existing law authorizes a court, by temporary order, to: (1) restrain a personal representative or a trustee from performing certain acts; or (2) enter any other order to secure proper performance of the duties of the office. Any temporary order entered by a court must be set for hearing within 10 days after entry of the temporary order and notice must be given to the personal representative or trustee. It authorizes a court to enter an ex parte order: (1) restraining a personal representative or a trustee from performing certain acts; or (2) enter any other order to secure proper performance of the duties of the office that is effective until further order of the court. This bill authorizes a court to impose a fine on an interested person or a beneficiary who obtains an ex parte order without probable cause and further authorize the court to terminate an ex parte order in certain circumstances. After the filing of the inventory of an estate, existing law: (1) authorizes a court to set apart for the use of the surviving spouse, minor child or minor children of the decedent all of the personal property which is exempt by law from execution; and (2) requires a court to set apart the homestead. Such property set apart by a court is not subject to administration of the estate. It removes the provision that such setting apart must happen after the filing of the inventory of the estate. If, after setting apart the property, the remaining assets of the estate do not exceed \$100,000 and may be set aside without administration, it requires the court to follow the procedure used to set aside the remaining assets of the estate without administration. If, after setting apart the property, the remaining assets of the estate exceed \$100,000 and may not be set aside without administration, it requires the court to administer the remaining assets of the estate as if the remaining assets of the estate are the only assets of the estate. During the 2017 Legislative Session, the Nevada Legislature adopted the Uniform Powers of Appointment Act. This bill revises certain provisions of the Act. Existing law provides that, unless the terms of the instrument creating a power of appointment manifest a contrary intent, the creation, revocation or amendment of the power and the exercise, release or disclaimer of the power is governed by the law of the donor's or powerholder's domicile at the relevant time. It provides that, unless the terms of the instrument creating a power of appointment manifest a contrary intent, the creation, revocation or amendment of the power and the exercise, release or disclaimer of the power is valid if permitted under any of: (1) the governing law adopted by the instrument; or (2) the law of the donor's or powerholder's domicile at the relevant time. Existing law provides that a power of appointment is created only if the instrument creating the power: (1) is valid under applicable law; and (2) except in certain situations, transfers the appointive property. This bill removes the requirement that the instrument creating the power must transfer the appointive property. Existing law authorizes a powerholder of a nongeneral power, unless the terms of the instrument creating a power of appointment manifest a contrary intent, to create a general power in a permissible appointee. This bill authorizes a powerholder of a nongeneral power, unless the terms of the instrument creating a power of appointment manifest a contrary intent, to create a general power or a nongeneral power in a permissible appointee. Existing law authorizes a powerholder to revoke or amend an exercise of a power of appointment only in certain situations. It also authorizes a powerholder to revoke or amend an exercise of a power of appointment unless expressly prohibited by the instrument. Existing law provides that appointive property subject to a

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general power of appointment created by a person other than the powerholder is subject to a claim of certain creditors. This bill provides that such property subject to a general power of appointment is not subject to a claim of any creditor, unless the power of appointment was actually exercised in favor of the decedent or the decedent's estate. Existing law provides that a trust is irrevocable by the settlor except to the extent that a right to amend or a right to revoke the trust is expressly reserved by the settlor. It provides that, in addition to situations where a settlor reserves a right of revocation, one or more other persons may amend or revoke a trust if such a right is granted to such persons under the terms of the trust instrument. Existing law authorizes a beneficiary or co-trustee to maintain a proceeding if a trustee commits or threatens to commit a breach of trust. This bill authorizes a settlor, cotrustee or beneficiary of a trust or a court, on its own initiative, to request a court to remove a trustee in certain circumstances. It further authorizes the court to order that a settlor, cotrustee or beneficiary of a trust who institutes a proceeding against a trustee without good faith and not based on probable cause pay all or any part of the costs of the proceeding, including reasonable attorney's fees. Existing law sets forth the circumstances under which a trustee may appoint property of one trust to a second trust. Existing law prohibits a trustee from appointing property of the original trust to a second trust in certain circumstances, including where property held for the benefit of one or more beneficiaries under both the original and second trust has a lower value than the value of the property held for the benefit of such beneficiaries under only the original trust. A section of this bill removes this prohibition. Existing law authorizes:

1. A trust to refer to a written statement or list to dispose of items of tangible personal property not otherwise disposed of by the trust.
2. It prohibits such a statement or list from disposing of money, evidences of indebtedness, documents of title, securities and property used in a trade or business.

This bill authorizes such a statement or list to dispose of items of trust property not otherwise specifically disposed of by the trust. It further provides that such a statement or list may be used to dispose of all items of trust property, regardless of whether the trust property is real or personal property or tangible or intangible property. It authorizes the trust instrument to limit the use of such statement or list to: (1) only dispose of tangible personal property; or (2) prevent the statement or list from being used to dispose of certain types of property. Senate Bill No. 484 of the 78th Legislative Session replaced the term "excluded fiduciary" with "directed fiduciary." (Chapter 524, Statutes of Nevada 2015, p. 3518) Existing law still defines "excluded fiduciary" although this term has been replaced. This bill repeals the definition for "excluded fiduciary." Existing law sets forth various requirements for the expenses and compensation of a trustee of a testamentary trust. This bill adds similar requirements for the expenses and compensation of a trustee of a nontestamentary trust. Existing law authorizes the trustee of a nontestamentary trust, after the death of the settlor of the trust, to publish a notice and mail a copy of the notice to known or readily ascertainable creditors. Such a notice must comply with the format provided in existing law. This bill creates an additional format for such a notice for a claim against a settlor. Existing law authorizes virtual representation in the administration of trusts. Under existing law, certain persons may be represented by another person who has a substantially similar interest with respect to the question or dispute. This bill authorizes a powerholder of a power of appointment to represent and bind a person who is a permissible appointee or a taker in default of appointment. Existing law sets forth that the laws of this State govern the validity and construction of a trust in certain situations. Existing law further prohibits a trust instrument or designation from extending the duration of the trust beyond the rule against perpetuities that is otherwise applicable to the trust at the time of its creation. This bill removes this prohibition. Existing law provides that a provision in a will or trust instrument requiring the arbitration of certain disputes between or among certain parties is enforceable. Existing law requires an agreement, including an agreement requiring a person to submit to arbitration of any dispute arising between the parties to the agreement, to include a provision indicating that the person has affirmatively agreed to the arbitration requirement. A section in this bill clarifies that this affirmative agreement to arbitration requirement does not apply to an arbitration provision in a will or trust. Existing law authorizes the terms of a trust instrument to expand, restrict, eliminate or otherwise vary the rights and interests of beneficiaries in certain manners that are not illegal or against public policy. A section of this bill repeals this existing law.

AB291-Effective Sections 25 to 28, inclusive, 31 and 32 of this act effective June 14, 2019. Sections 1 to 24, inclusive, 29 and 30 of this act effective on January 1, 2020. *Amends 33.020, 33.270, 33.400, 193.166, 202.257, 202.300*

Revises provisions relating to public safety.

(See [Exhibit 5](#) for more detailed information)

This bill establishes provisions governing certain orders for protection against high-risk behavior; defining certain terms relating to the issuance of such orders ; prescribing certain conduct and acts that constitute high - risk behavior; authorizing certain persons to apply for ex parte and extended orders for protection against high - risk behavior under certain circumstance s ; providing for the issuance and enforcement of such orders; prohibiting a person against whom such an order is issued from possessing or having under his or her custody or control, or purchasing or otherwise acquiring, any firearm during the period in which the order is in effect; establishing certain other procedures relating to such orders; prohibiting the filing of an application for such orders under certain circumstances; making it a crime to violate such orders; prohibiting certain acts relating to the modification of a semiautomatic firearm; reducing the concentration of alcohol that may be present in the blood or breath of a person while in possession of a firearm; making it a crime to negligently store or leave a firearm under certain circumstances; providing penalties; and providing other matters properly relating thereto.

AB316-Effective June 6, 2019

Amends 483.490 and NRS Ch. 484C

Revises provisions relating to driving under the influence of alcohol or a prohibited substance.

This bill enacts the Nevada 24/7 Sobriety and Drug Monitoring Program Act. This bill establishes a statewide sobriety and drug monitoring program in which any political subdivision in this State may elect to participate (permissive). This bill provides that if a political subdivision elects to participate in the program, the Department of Public Safety is authorized to assist the political subdivision in the establishment and administration of the program and the political subdivision is required to designate a law enforcement agency to enforce the program. This bill authorizes a court to assign an offender who is found guilty of driving under the influence of alcohol or a prohibited substance for the second or third time within 7 years to the program for a specified period determined by the court and it provides that any person who is assigned to the program: (1) must abstain from alcohol and prohibited substances while assigned to the program; (2) generally must undergo testing to determine the presence of alcohol in the person's system not less than two times each day; (3) must undergo random testing not less than two times each week to determine the presence of a prohibited substance in the person's system; (4) must be subject to sanctions for using alcohol or a prohibited substance while assigned to the program or for failing or refusing to undergo required testing; and (5) if the person's driver's license is suspended or revoked, is eligible for a restricted driver's license for the purpose of driving to and from a testing location, work, court appearances or counseling or to receive regularly scheduled medical care. It authorizes the Department of Motor Vehicles to adopt any regulations necessary to provide for the issuance of such a restricted driver's license to a person assigned to the program. This bill requires each political subdivision that elects to participate in the program to adopt guidelines relating to the program, including guidelines that: (1) provide for the nature and manner of testing and the testing procedures and devices to be used; (2) establish certain fees; and (3) provide for the establishment and use of a local program account for the deposit of any fees collected. This bill requires the law enforcement agency that enforces the program for the political subdivision to collect any fees required by such guidelines and deposit the fees into the applicable local program account and it also establishes provisions relating to the distribution and use of such fees.

Revises provisions governing criminal procedure.

Existing law authorizes a court to grant a new trial to a defendant on the ground of newly discovered evidence, but generally provides that a motion for a new trial based on such a ground must be made within 2 years after the verdict or finding of guilt. This bill establish provisions relating to a petition for a hearing to establish the factual innocence of a person based on newly discovered evidence, which may be filed at any time after the expiration of the period during which a motion for a new trial based on the ground of newly discovered evidence may be made. This bill authorizes a person who has been convicted of a felony to file a petition for a hearing to establish the factual innocence of the person based on newly discovered evidence in the district court of the county in which the person was convicted and sets forth certain requirements relating to the contents of such a petition. It requires the court to review such a petition to determine whether the petition satisfies the necessary requirements and to dismiss such a petition in certain circumstances. This bill:

- Provides that if the court does not dismiss the petition after the court’s review, the court is required to order the district attorney or the Attorney General to file a response to the petition; and
- Authorizes the petitioner to reply to the response of the district attorney or the Attorney General.

This bill also provides that if the court determines that the petition satisfies all requirements and that there is a bona fide issue of factual innocence regarding the charges of which the petitioner was convicted, the court is required to order a hearing on the petition. It further provides that if the factual innocence of the petitioner is established, the court is required to: (1) vacate the petitioner’s conviction and issue an order of factual innocence and exoneration; and (2) order the sealing of all records of criminal proceedings relating to the case. This bill authorizes the court to appoint counsel for an indigent petitioner if the court grants a hearing on a petition filed. This bill requires the district attorney to make reasonable efforts to provide notice to any victim of the crime for which the petitioner was convicted that a petition has been filed if such a victim has indicated a desire to be notified regarding any postconviction proceedings.

Revises provisions relating to certain traffic offenses.

Under existing law, traffic laws and certain other laws relating to motor vehicles are applicable and uniform throughout this State on all highways to which the public has a right of access or to which the persons have access to as invitees or licensees. This bill provides that such laws may apply in other places if provided by a specific statute. Existing law makes provisions governing reckless driving and vehicular manslaughter apply to a motor vehicle being operated on a highway. This bill explicitly makes those also apply on premises to which the public has access, which includes, without limitation, parking lots, parking garages and other roads or ways that provide access to or are appurtenant to places of business, apartment buildings, mobile home parks and gated residential communities.

Revises provisions relating to orders for protection.

Existing law authorizes a court to issue a temporary or extended order for protection against domestic violence. Existing law also provides that a temporary order expires within 30 days, unless an application for an extended order is filed within the period of a temporary order or at the same time that an application for a temporary order is filed, in which case the temporary order remains in effect until the hearing on the extended order is held. This bill extends the period of time that a temporary order is initially valid from 30 days to 45 days. Existing law authorizes a person to petition a court for a temporary or extended order for protection against stalking, aggravated stalking or harassment. Existing law also provides that a temporary order expires within 30 days, unless an application for an extended order is filed within the period of a temporary order or at the same time that an application for a temporary order is filed, in which case the temporary order remains in effect until the hearing on the extended order is held. This bill extends the period of time that a temporary order is initially valid from 30 days to 45 days.

Revises provisions relating to the imposition and collection of fines, administrative assessments, fees or restitution.

(See **Exhibit 6** for more detailed information)

Existing law authorizes:

- A court to impose a collection fee against a defendant for any delinquent fine, administrative assessment, fee or restitution.
- A state or local entity responsible for collecting such a delinquent fine, administrative assessment, fee or restitution to take certain actions, including reporting the delinquency to credit reporting agencies.
- The court to take certain actions, including: (1) entering a civil judgment for the amount due in favor of the state or local entity responsible for collecting the delinquent amount; (2) requesting that a prosecuting attorney undertake collection of the delinquency by attachment or garnishment of the property of the defendant, wages or other money receivable; (3) ordering the suspension of the driver’s license of the defendant or prohibiting the defendant from applying for a driver’s license for a specified period; and (4) for a delinquent fine or administrative assessment, ordering the confinement of the person in the appropriate prison, jail or detention facility.

This bill revises provisions relating to the procedure for collecting such delinquent fines, administrative assessments, fees or restitution. It removes the ability of a state or local entity responsible for collecting a delinquent amount to report the delinquency to credit reporting agencies and removes the ability of the court to request that a prosecuting attorney undertake collection of the delinquency. It also specifies that a court may only order the suspension of the driver’s license of a defendant or prohibit a defendant from applying for a driver’s license for a specified period if the court determines that the defendant: (1) has the ability to pay the amount due and is willfully avoiding payment; or (2) was given the opportunity to perform community service to satisfy the amount due because the defendant is indigent and the defendant has failed to perform such community service. This bill authorizes a state or local entity responsible for collecting a delinquent amount to: (1) request that the court enter a civil judgment for the amount due in favor of the state or local entity, suspend the driver’s license of the defendant or prohibit the defendant from applying for a driver’s license in such specified circumstances and, if the court determines that the defendant has the ability to pay the amount due and is willfully avoiding payment, order the confinement of the defendant in the appropriate prison, jail or detention facility; and (2) contract with a licensed collection agency to collect the delinquent amount and the collection fee. This bill provides that any delinquent fine, administrative assessment or fee owed by a defendant for the commission of a minor traffic offense is deemed to be uncollectible if after 8 years it remains impossible or impracticable to collect the delinquent amount. This bill establishes the circumstances in which a person who commits a minor traffic offense, is presumed to be indigent and not to have the ability to pay a fine, administrative assessment or fee. This bill additionally authorizes a court under certain circumstances to order a convicted person to perform community service in lieu of all or part of any administrative assessment or fee that may be imposed for the commission of a misdemeanor.

Enacts provisions governing an offer of judgment.

The Nevada Rules of Civil Procedure authorize a party to serve an offer of judgment upon another party prior to trial under certain circumstances. The Nevada Rules of Civil Procedure set forth the conditions of service of the offer, the manner of acceptance or rejection of the offer by a party and penalties a court may impose on a party for the rejection of such an offer. This bill codifies into statute Rule 68 of the Nevada Rules of Civil Procedure. It authorizes a party, more than 21 days before trial, to serve an offer of judgment upon another party. It provides that such an offer is an offer that resolves all claims in the action under certain circumstances. This bill provides that if the offer is accepted within 14 days of its service:

1. Either party may file notice of its acceptance and proof of service with the clerk of the court not earlier than 21 days after the party’s acceptance of the offer; and
2. The clerk must enter the judgment accordingly.

This bill provides that a judgment will not be entered by the clerk if the party required to pay the amount offered in the judgment pays the amount of the offer within 21 days after the offer’s acceptance. It requires a court to award costs to any party entitled to be paid pursuant to the terms of the accepted offer unless the terms of the offer preclude such an award.

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This bill provides:

- That such an offer must be expressly designated as a compromise settlement.
- If such an offer is not accepted within 14 days of its service, the offer is deemed rejected and withdrawn by the party who made the offer.
- That if a party rejects an offer and fails to receive a more favorable judgment at trial, a court may impose certain penalties on the party that rejected the offer of judgment.
- It also provides the procedure for determining whether a party failed to receive a more favorable judgment at trial.

It authorizes multiple parties to make a joint offer of judgment. It provides the circumstances in which penalties will be imposed concerning: (1) an offer of judgment made to multiple defendants; or (2) an offer of judgment made to multiple plaintiffs. This bill authorizes:

- A party to make an apportioned offer to two or more parties and such an offer may be conditioned upon acceptance by all parties to whom the offer was made.
- Each party to whom such an apportioned offer was made to accept the offer separately.

It provides that if any party rejects the apportioned offer: (1) the action must proceed against all parties to whom such an offer was made; and (2) the court may impose penalties against a party that rejected an apportioned offer. If a party is determined to be liable but the amount or extent of the party's liability has not been determined, this bill provides that, not less than 14 days before the commencement of the action to determine the amount and extent of a party's liability, the liable party may serve an offer of judgment upon another party.

AB422-Effective October 1, 2019

Amends NRS 178.494, 50.205

Revises provisions governing criminal procedure.

Existing law authorizes a magistrate to require bail for a person who appears as a witness if such a person is material in a criminal proceeding and it is impracticable to secure the presence of the person by subpoena. This bill prescribes certain requirements for making a determination whether a material witness should be detained or continue to be detained, including requiring the material witness to appear before a magistrate as soon as practicable but not later than 72 hours after being detained. This bill:

- Requires a material witness who is a victim of domestic violence or sexual assault to appear before a judge or magistrate not later than 24 hours after being detained
- Authorizes such a determination to be made by telephone for such material witnesses; and
- Requires the judge or magistrate to appoint an attorney for such a witness under certain circumstances.

Existing law authorizes a court or officer to issue a warrant to arrest a witness upon the failure of the witness to appear. Upon such an arrest, this bill requires a court or officer to appoint an attorney to represent the witness. It also prescribes certain requirements for making a determination whether a witness should be detained or continue to be detained, including requiring the witness to appear before a court or officer as soon as practicable but not later than 72 hours after being detained. Finally, this bill (1) requires a witness who is a victim of domestic violence or sexual assault to appear before a court or officer not later than 24 hours after being detained; and (2) authorizes such a determination to be made by telephone for such witnesses.

AB434-Effective October 1, 2019

Amends NRS 176.064, 176.065, 176.075, 176.087, 484B.600, Chapters 484A to 484E

Revises various provisions relating to offenses.

(See [Exhibit 7](#) for more detailed information)

This bill revises provisions relating to imprisonment or community service ordered for a convicted person; establishing various provisions relating to the commission of certain traffic offenses; revising provisions relating to the payment of administrative assessments, fines and court fees and the collection of delinquent assessments, fines and fees; requiring any fine paid or forfeiture of bail by a person who commits certain offenses to be credited to the State Permanent School Fund; revising provisions relating to speeding violations; providing a penalty; and providing other matters properly relating thereto.

Revises provisions relating to juvenile justice.

Existing law provides that if a child becomes subject to the jurisdiction of the juvenile court and the child receives ancillary services that are administered or financed by a county, the county is entitled to reimbursement from the parent or guardian of the child for all money expended by the county for such services. This bill requires the juvenile court:

1. To the extent possible, to arrange for the child to receive such services from an approved provider that receives a sufficient amount of federal or state funding to offset the remainder of the costs of such services;
2. To arrange for the billing of any available public or private medical insurance to pay for such services; and
3. Not to order the parent or guardian of the child to reimburse the county for the costs of such services unless the child receives such services from a provider that is not approved or the child seeks additional services beyond those recommended for the child, in which case the parent or guardian of the child shall pay the costs of such services.

Existing law authorizes the juvenile court to order a parent or guardian of a child to pay the costs of supporting the child if the child is committed to the custody of a person other than the parent or guardian or to the custody of a public or private institution or agency. This bill eliminates the authority of the juvenile court to order a parent or guardian of a child to pay for such costs. Existing law provides that if a child is committed to the custody of a regional facility for the treatment and rehabilitation of children, the juvenile court may order the county where the child has a legal residence to pay the expenses incurred for the support of the child in an amount equal to any money paid for that purpose by the Division of Child and Family Services of the Department of Health and Human Services. The juvenile court may order the parent or guardian of the child to reimburse the county for such costs. This bill eliminates the authority of the juvenile court to order a parent or guardian of a child to reimburse the county for such costs. Existing law provides that if the juvenile court enters a civil judgment for any payment owed by a child or a parent or guardian of the child, the person or persons against whom the judgment is issued is liable for a collection fee. This bill eliminates the authority to impose such a collection fee and it requires a local facility for the detention of children to arrange for the administration of medical care for any child in its custody. It also requires the county to pay for the cost of certain types of medical care for the child if the parent or legal guardian of the child does not have medical insurance for the child or the child is not otherwise eligible for Medicaid. It provides that if the parent or legal guardian of the child has medical insurance for the child or the child is otherwise eligible for Medicaid, then the parent or legal guardian is required to pay for such medical care. This bill provides that regardless of whether the parent or legal guardian has medical insurance for the child or whether the child is eligible for Medicaid, the parent or legal guardian is responsible for the costs of certain types of medical care received by the child while the child is in the custody of such a facility. Existing law provides that if a child is placed under informal supervision, the child may be required to participate in a program of restitution through work or a program of cognitive training and human development. The child or the parent or guardian of the child may be ordered to pay the costs associated with the participation of the child in such programs. This bill provides that, under such circumstances: (1) the child and the parent or guardian of the child must not be ordered to pay such costs ; and (2) unless the parent or guardian of the child signs a waiver of liability, the program or the entity for which the child performs the work, as applicable, shall provide policies of insurance against liability for personal injury and damage to property or industrial insurance, or both, during those periods in which the child participates in the program or performs work. Existing law provides that if the juvenile court appoints an attorney to represent a child and the parent or guardian of the child is not indigent, the parent or guardian must pay the reasonable fees and expenses of the attorney. If the parent or guardian is indigent, the juvenile court may order the parent or guardian to reimburse the county for such fees and expenses in accordance with the ability of the parent or guardian to pay. This bill provides that the parent or guardian of a child must not be required to pay the reasonable fees and expenses of an attorney appointed by the juvenile court. Existing law provides that if the juvenile court orders a child or the parent or guardian of the child, or both, to perform community service, the juvenile court may order the child or the parent or guardian of the child, or both, to pay for the cost of certain insurance during those periods in which the work is performed. This bill provides that:

1. The juvenile court must not order the child or the parent or guardian of the child to pay such costs; and
2. Unless the parent or guardian of the child signs a waiver of liability, the authority for which the work is performed must provide policies of insurance against liability for personal injury and damage to property or industrial insurance, or both, during those periods in which the work is performed.

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Existing law provides that if a child is ordered to participate in a program of cognitive training and human development, a program for the arts or a program of sports and physical fitness, the juvenile court may order the child or the parent or guardian of the child, or both, to pay the costs of participation in such programs or to work on projects or perform community service. This bill:

1. Eliminates the authority of the juvenile court to order the child or the parent or guardian of the child, or both, to pay such costs or perform such work or community service; and
2. Provides that unless the parent or guardian of the child signs a waiver of liability, the program in which the child participates must provide policies of insurance against liability for personal injury and damage to property during those periods in which the child participates in the program.

Existing law provides that if the juvenile court orders that a child be provided with medical, psychiatric, psychological or other care or treatment after the parent or guardian of the child fails to provide such care or treatment, the expense of such care or treatment is a charge upon the county, but the juvenile court may order the person having the duty under law to support the child to pay part or all of the expenses of such care or treatment. This bill revises the authority of the juvenile court to order the payment of such expenses and provides that the juvenile court shall: (1) to the extent possible, arrange for the child to receive such care or treatment from an approved provider that receives a sufficient amount of federal or state funding to offset the remainder of the costs of such care or treatment; (2) arrange for the billing of any available public or private medical insurance to pay for such care or treatment; and (3) not order the parent or guardian of the child to pay the costs of such care or treatment unless the child receives such care or treatment from a provider that is not approved or the child seeks additional care or treatment beyond that recommended for the child, in which case the parent or guardian of the child shall pay the costs of such care or treatment. Existing law provides that if a child ordered to attend and complete a tobacco awareness and cessation program, the juvenile court may order the child or the parent or guardian of the child, or both, to pay the reasonable cost for the child to attend the program. This bill eliminates the authority of the juvenile court to order the child or the parent or guardian of the child to pay such costs. Existing law provides that if the juvenile court orders a child to participate in a program of restitution through work, the juvenile court may order the child or the parent or guardian of the child, or both, to pay the costs associated with the participation of the child in the program or order the child to work on projects or perform community service. This bill:

1. Provides that the juvenile court must not order the child or the parent or guardian of the child to pay such costs;
2. Eliminates the authority of the juvenile court to order the child to perform such work or community service;
3. Provides that unless the parent or guardian of the child signs a waiver of liability, the program or the entity for which the child performs the work, as applicable, must provide policies of insurance against liability for personal injury and damage to property or industrial insurance, or both, during those periods in which the child participates in the program or performs work.

Existing law provides that when the juvenile court orders a child to undergo an evaluation to determine whether the child is an abuser of alcohol or other drugs, the juvenile court is required to order the child or the parent or guardian of the child, or both, to pay any charges relating to the evaluation and treatment of the child. This bill provides that the juvenile court: (1) shall, to the extent possible, arrange for the child to receive such evaluation and treatment from an approved provider that receives a sufficient amount of federal or state funding to offset the remainder of the costs of such evaluation and treatment; (2) shall arrange for the billing of any available public or private medical insurance to pay for such evaluation and treatment; and (3) shall not order the child or the parent or guardian of the child to pay such charges unless the child receives such evaluation and treatment from a provider that is not approved or the child seeks additional evaluation or treatment beyond that recommended for the child, in which case the parent or guardian of the child shall pay the charges for such evaluation and treatment. Existing law provides that if a child is adjudicated delinquent for an unlawful act that involves cruelty to or torture of an animal, the juvenile court is required to order the child to participate in counseling or other psychological treatment and the child or the parent or guardian of the child, or both, to pay the cost of the child to participate in the counseling or other psychological treatment. It provides that the juvenile court: (1) shall, to the extent possible, arrange for the child to receive such counseling or treatment from an approved provider that receives a sufficient amount of federal or state funding to offset the remainder of the costs of such counseling or treatment; (2) shall arrange for the billing of any available public or private medical insurance to pay for such counseling or treatment; and (3) shall not order the child or the parent or guardian of the child to pay such costs unless the child receives such counseling or treatment from a provider that is not approved or the child seeks additional counseling or treatment beyond that recommended for the child, in which case the parent or guardian of the child shall pay the costs of such counseling or treatment. Existing law provides that if the juvenile court orders a child

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to participate in a program of visitation to the office of the county coroner, the juvenile court may order the child, or the parent or guardian of the child, or both, to pay a fee of not more than \$45 based on the ability of the child or the parent or guardian of the child, or both, to pay for the costs associated with the participation of the child in the program of visitation. This bill also provides that the court shall not order the child or the parent or guardian of the child to pay such costs. Existing law: (1) requires a child or the parent or guardian of a child to pay an administrative assessment if the juvenile court imposes a fine against the child; and (2) authorizes the juvenile court to order a parent or guardian of a child to pay expenses of juvenile proceedings and costs of support of a child committed to the custody of the Division of Child and Family Services. Existing law also authorizes a juvenile court who commits a child to a state facility for the detention of children to require the parents or guardian of the child to pay, in whole or in part, for the support of the child while the child is in the custody of the state facility. Section 19 of this bill repeals those provisions of existing law.

AB481-Effective October 1, 2019

Amends NRS 21.010, 21.090, 115.005, 115.010

Revises provisions relating to civil actions and homesteads.

Existing law provides that, with certain exceptions, in a civil action in which damages were awarded, the prevailing party in the action may obtain a writ of execution to enforce the judgment at any time before the judgment expires. Existing law exempts certain property from such a writ of execution, up to a specified monetary value. In addition, existing law protects from a forced sale up to \$550,000 in equity in certain property which is designated as a homestead by a person, except in certain circumstances. Sections of this bill increase the amount of equity protected in a homestead property from \$550,000 to \$605,000. This bill revises the contents of a notice of a writ of execution and a notice of a writ of attachment to reflect the changes in the homestead exemption in this bill.

SB17-Effective July 1, 2019, and expires by limitation on the date on which the provisions of 42 U.S.C. § 666 requiring each state to establish procedures under which the state has authority to withhold or suspend, or to restrict the use of professional, occupational and recreational licenses of persons who: 1) have failed to comply with a subpoena or warrant relating to a proceeding to determine the paternity of a child or to establish or enforce an obligation for the support of a child; or 2) are in arrears in the payment for the support of one or more children, are repealed by the Congress of the United States.

Amends NRS 425.540, 502.115, 503.5835, 425.540, 502.115, 503.5835

Makes various changes relating to enforcement of child support obligations.

Existing federal law requires each state to establish procedures under which the state has the authority to withhold or suspend professional, occupational and recreational licenses of a person who: (1) has failed, after receiving notice, to comply with a subpoena or warrant relating to paternity or child support proceedings; or (2) is in arrears in the payment of support for one or more children. (42 U.S.C. § 666) Existing law requires a district court to provide to the Secretary of State and all agencies that issue professional, occupational and recreational licenses, certificates or permits a copy of a court order determining that a person: (1) has failed to comply with a subpoena or warrant relating to a proceeding to determine the paternity of a child or to establish or enforce an obligation for the support of a child; or (2) is in arrears in the payment of support for one or more children. The court order must provide that if the person does not submit certain proof of compliance with the subpoena or warrant or satisfaction of the arrearage to the Secretary of State or agency that has issued such a license, certificate or permit to that person, as applicable, the state business license and any professional, occupational or recreational licenses issued to the person will be automatically suspended. Under existing law, if the Department of Wildlife receives such a court order that provides for the suspension of all professional, occupational and recreational licenses, certificates and permits issued to a person who holds a license or permit to hunt, fish or trap, the Department is required to suspend a license or permit to hunt, fish or trap which was issued to that person and which expires 6 months or more after it is issued, unless, within 30 days after the issuance of the court order, the Department receives certain proof of compliance with the subpoena or warrant or satisfaction of the arrearage. This bill removes the requirement for a district court to provide to the Department a copy of a court order providing for the suspension of all licenses and permits to hunt, fish or trap. Instead, this bill requires the district attorney or other public agency collecting support for children to report to the Department the name of a person who has, after receiving notice, failed to comply with a subpoena or warrant relating to paternity or child support proceedings or who is in arrears in the payment of support for one or more children. For a person who receives a notice of failure to comply with a subpoena or warrant relating to paternity or child support proceedings or arrearage in the payment of support for one or more children and who requests a hearing, the district attorney or other public agency collecting support for children is required to report the name of that person to the Department only if: (1) a master, after a hearing, determines that the person has failed to comply with a subpoena or warrant or that the person is

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in arrears in the payment of support for one or more children; and (2) the determination of the master is approved by the district court. This bill requires the Department to suspend a license or permit to hunt, fish or trap upon receipt of the report from the district attorney or other public agency collecting support for children indicating that the holder of the license or permit has, after receiving notice, failed to comply with a subpoena or warrant relating to paternity or child support proceedings or is in arrears in the payment of support for child support unless, within 30 days, the holder of the license or permit provide certain proof of compliance with the subpoena or warrant or satisfaction of the arrearage. Under existing law, a license or permit to hunt, fish or trap that expires less than 6 months after the license or permit is issued is not subject to suspension because the holder of the license or permit has failed to comply with a subpoena or warrant relating to paternity or child support proceedings or is in arrears in the payment of child support. This bill removes the exception to suspension for licenses or permits to hunt, fish or trap that expire less than 6 months after the license or permit is issued and, thus, make any license or permit to hunt, fish or trap subject to suspension because the holder of the license or permit has failed to comply with a subpoena or warrant relating to paternity or child support proceedings or is in arrears in the payment of child support.

SB20-Effective Sections 3.5 and 34 effective May 29, 2019. Sections 1, 2, 3 and 23.3 to 31.5, inclusive, effective July 1, 2019. Section 33 effective January 1, 2020. *Amends NRS 159.044, 159.052, 159.0535, 159A.0535, 159.0807, 159.081, 159.154, 159.179, 247.305, 247.305*

Revises provisions relating to guardianships.
(See [Exhibit 8](#) for more detailed information)

This bill enacts certain provisions of the Uniform Guardianship, Conservatorship, and Other Protective Arrangements Act; authorizing the filing of a petition for an expedited hearing to transfer a proposed protected person from a health care facility to another health care facility that provides a less restrictive level of care in certain circumstances; revising various provisions relating to guardianships; increasing the additional fee charged by county recorders to allocate additional money for legal representation for protected persons, proposed protected persons, protected minors and proposed protected minors in guardianship proceedings; authorizing a portion of such a fee to be used to pay for certain assistance to protected minors and proposed protected minors in guardianship proceedings; and providing other matters properly relating thereto.

SB33-Effective January 1, 2020 *Amends NRS 125B.020, 425.350, 425.360, 425.318*

Revises provisions governing enforcement of child support obligations.

Existing law imposes a duty on the parent of a child to support his or her child. Under existing law, if a parent or other person with custody of a child receives public assistance in his or her own behalf or in behalf of the child: (1) the parent or other person is deemed to have assigned his or her right to child support from any other person to the Division of Welfare and Supportive Services of the Department of Health and Human Services to the extent of the public assistance received; and (2) the Division is entitled to any child support to which the parent or other person is entitled to the extent of the public assistance provided by the Division. Existing law also establishes a Program to locate absent parents, establish paternity and obtain child support, and enforce child support. (42 U.S.C. §§ 651 et seq. This bill requires certain insurers to exchange information, either directly or through an insurance claim data collection organization approved by the Division, with the Program not less than 5 days after opening certain bodily injury, wrongful death, workers' compensation or life insurance claims for the purpose of verifying whether the claimant owes a debt for child support to the Division or to a person receiving services from the Program. If periodic payments will be made to the claimant, the insurer is required to make this exchange of information only before the initial payment. If an insurer is notified that the claimant owes any such debt for support, the insurer is required, upon receipt of a notice identifying the amount of debt owed, to: (1) withhold from payment on the claim the amount specified in the notice; and (2) remit the amount withheld from payment to the Division, its designated representative or the prosecuting attorney within 30 days. However, the Division, its designated representative or the prosecuting attorney to give any item, claim or demand for attorney's fees or costs, medical expenses or property damage priority over any amount to be withheld and remitted to the Division, its designated representative or the prosecuting attorney. If an insurer withholds and remits any such money to the Division, its representative or the prosecuting attorney, the insurer is required to notify the claimant and his or her attorney, if known to the insurer, of that fact.

Revises provisions governing eviction actions.

Existing law authorizes an appeal of an order entered by a court in an action for summary eviction of a tenant for default in payment of rent. This bill:

- (1) Clarifies that either party may appeal an order entered by the court in such an action for summary eviction;
- (2) Provides that such an appeal is made by filing a notice of appeal within 10 judicial days after the date of the entry of the order; and
- (3) Makes such an appeal available in actions involving mobile home parks.

Existing law provides that if a landlord unlawfully removes a tenant from the premises or excludes the tenant by blocking or attempting to block the tenant’s entry upon the premises, willfully interrupts any essential item or service or otherwise unlawfully recovers possession of the dwelling unit, the tenant may recover immediate possession of the premises from the landlord by filing a verified complaint for expedited relief. Existing law also provides that a verified complaint for expedited relief may not be filed with the court if an action for summary eviction or unlawful detainer is already pending between the landlord and tenant, although the tenant may seek similar relief before the judge presiding over the pending action. This bill provides that a verified complaint for expedited relief may be consolidated with an action for summary eviction or unlawful detainer that is already pending between the landlord and tenant.

Revises provisions related to certain proceedings concerning property.

Existing law provides for a summary eviction procedure when the tenant of any dwelling, apartment, mobile home, recreational vehicle or commercial premises with periodic rent due by the month or a shorter period defaults in the payment of the rent. This bill removes the provisions governing the summary eviction procedure for a tenant of a commercial premise, thereby making sections 1.7 solely applicable to summary eviction for the tenant of any dwelling, apartment, mobile home or recreational vehicle. This bill reorganizes the summary eviction procedure for a tenant of a commercial premise. Existing law requires the landlord or the landlord’s agent to serve or have served a notice in writing informing the tenant that he or she must pay the rent or surrender the premises at or before the fifth full day following the day of service. This bill: (1) authorizes the landlord or landlord’s agent to cause the notice to be served upon the tenant; and (2) increases the period that a tenant has to act after receiving such notice from at or before noon on the fifth full day to before the close of business of the court that has jurisdiction on the seventh judicial day.

Existing law authorizes a court, in an action for summary eviction, to order the removal of a tenant in default for rental payments. Existing law requires a sheriff or constable to remove such a tenant within 24 hours after the court issues such an order. This bill revises the period of time before the removal of the tenant. It requires a sheriff or constable to:

- Post the order for removal in a conspicuous place on the premises not later than 24 hours after the order is received by the sheriff or constable.
- To remove the tenant not earlier than 24 hours but not later than 36 hours after the posting of the order by the sheriff or constable.

Existing law provides that a person who holds over and continues in possession of real property or a mobile home which has been foreclosed or sold under certain circumstances may be removed pursuant to certain proceedings after a 3 - day notice to surrender has been served. This bill additionally provides that an existing lease of residential property will remain in effect if the property is transferred or sold to a new owner under certain circumstances. It provides for the duties and obligations of the tenant and the new owner. Existing law requires a tenant to be served with certain notices to surrender. Existing law authorizes such service: (1) by delivering a copy of the notice to the tenant personally, in the presence of a witness, or by a sheriff, constable or certain other persons; (2) by leaving the notice with a person who meets certain qualifications at the place of residence or business of the tenant; or (3) by posting the notice on the rental property, delivering the notice to the person living there, if possible, and mailing a copy to the tenant. Existing law requires that proof of service of such notices must be filed with the court before the court orders removal or issues a writ of restitution. This bill provides that a notice to surrender the premises must be served by a sheriff, a constable, certain persons licensed as a process server or the agent of an attorney under certain circumstances. It prescribes certain requirements for proof of service. Existing law defines certain terms used in chapter 118A of NRS, otherwise known as the Residential Landlord and Tenant Act.

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This bill defines “periodic rent” for the purpose of this chapter. It authorizes a landlord to charge a reasonable late fee for the late payment of rent, but limits the maximum amount that may be imposed for a late fee to not more than 5 percent of the periodic rent. Existing law sets forth the procedure for a landlord to dispose of personal property abandoned on the premises by a former tenant or left on the premises after eviction of the tenant without incurring civil or criminal liability. This bill requires a landlord, during the 5 - day period following the eviction or lockout of a tenant, to provide the former tenant a reasonable opportunity to retrieve essential personal effects from the premises. It establishes an expedited procedure for a former tenant to retrieve essential personal effects if a landlord acts unreasonably in providing access to the former tenant to retrieve essential personal effects.

SB173-Effective October 1, 2019

Amends NRS 179.247, 179.2595

Revises provisions relating to criminal convictions of victims of sex trafficking and involuntary servitude.

Existing law authorizes a person convicted of certain offenses and who was a victim of sex trafficking or involuntary servitude to petition the court to vacate his or her judgment of conviction and seal all documents related to the case. Under existing law, such offenses include, under certain circumstances, engaging in prostitution or solicitation for prostitution, unlawful trespass and loitering. This bill expands the list of offenses under which a person who was a victim of sex trafficking or involuntary servitude may petition the court to vacate his or her judgment of conviction and seal all documents related to the case to include any crime other than a crime of violence. Before the court may decide whether to grant such a petition, existing law requires the court to: (1) notify the Central Repository for Nevada Records of Criminal History, the Office of the Attorney General and each office of the district attorney and law enforcement agency in this State; and (2) allow any person to testify and present evidence on behalf of such an entity. This bill limits those offices of the district attorney and law enforcement agencies that must be notified and allowed to testify and present evidence to those offices and agencies in the county in which the petitioner was convicted. It authorizes a prosecuting attorney who prosecuted the petitioner to stipulate to the vacation of the judgment of the petitioner and the sealing of all documents relating to the case in lieu of the court holding a hearing on the petition. This bill requires the court to hold a hearing on the petition if the prosecutor does not so stipulate. Existing law authorizes a person to file a petition for the sealing of records in district court if the person wishes to have more than one record sealed and would otherwise need to file a petition in more than one court. Existing law also authorizes the district court to order the sealing of any records in the justice or municipal courts in certain circumstances. This bill also clarifies that a district court may order the sealing of such records even if the petition does not include a request for the sealing of a record in a district court.

SB218-Effective October 1, 2019

Amends NRS 33.018, 33.020, 33.100, 200.485

Revises provisions relating to domestic violence.

Existing law sets forth certain unlawful acts which constitute domestic violence when committed against certain persons. Existing law authorizes a court to grant a temporary or extended order for protection against domestic violence. This bill prohibits a court, when determining whether to grant such an order, from considering any factor other than whether a petitioner was the victim of domestic violence or a threat thereof. Existing law provides that a person is guilty of a misdemeanor for intentionally violating a temporary or extended order for protection against domestic violence. This bill provides that a person who intentionally violates an extended order for protection against domestic violence and who has not previously violated such an order is guilty of a misdemeanor. This bill increases the penalty for intentionally violating such an extended order to:

- (1) A gross misdemeanor if the person has previously violated such an order one time; or
- (2) A category D felony if the person has previously violated such an order two or more times.

Existing law makes it a category B felony, punishable by a minimum term of imprisonment of 2 years and a maximum term of 15 years and a fine of not less than \$2,000 but not more than \$5,000, to commit a battery which constitutes domestic violence if the person has previously been convicted of: (1) a felony in this State for committing battery which constitutes domestic violence; (2) a battery which constitutes domestic violence that is committed by strangulation; or (3) a violation of the law of any other jurisdiction that prohibits conduct that is the same or similar to a felony in this State for committing a battery which constitutes domestic violence. This bill additionally provides that if such a person commits a battery which constitutes domestic violence and the person has previously been convicted of a battery with the use of a deadly weapon against a person who would otherwise qualify as a victim of domestic violence, the person is guilty of such a category B felony punishable by a minimum term of imprisonment of 2 years and a maximum term of 15 years, and a fine of not less than \$2,000 but not more than \$5,000. Sections 2 and 4-6 of this bill make conforming changes.

Revises provisions governing public records.

This bill provides that it is the intent of the Legislature that access to inspect, copy, or receive a copy of a public record be provided promptly. It clarifies that costs that a governmental entity may recover for providing access are only the direct costs for providing a record such as ink, paper, etc. This bill specifically authorizes the use of electronic redaction, and it provides that governmental entity provide, if requested, a record in an electronic format. This bill clarifies that a governmental entity must inform a requestor of the earliest time at which a record may be accessed, and provide a written explanation of any delay. It further requires a governmental entity that can't provide timely access to a record must assist a requestor to focus his or her request to make access possible. It authorizes a requestor to petition the district court for relief if he or she believes the records request was unreasonably delayed or the costs are excessive and/or improper. It allows the imposition of civil penalty against a governmental entity if the court finds that the governmental entity willfully failed to comply with statutes regarding access to public records.

[SB302](#)-Effective Sections 1.5 and 7 effective June 5, 2019. Sections 1, 1.1, 1.3, 2, 2.7, 3, 5 and 6 effective January 1, 2021.
Amends NRS 603A.210, 218G.200, 719.350, 239B.030

Revises provisions relating to personal information collected by governmental agencies.

Existing law requires a data collector, including a governmental agency, that maintains records which contain personal information of a resident of this State to implement and maintain reasonable security measures to protect such records. This bill requires a data collector that is a governmental agency to comply, to the extent practicable, with certain standards published by the Center for Internet Security, Inc. or the National Institute of Standards and Technology of the United States Department of Commerce with respect to the collection, dissemination and maintenance of records containing personal information. It requires the Office of Information Security of the Division of Enterprise Information Technology Services of the Department of Administration to create, maintain and make available to the public a list of controls and standards that the State is required to comply with pursuant to federal law that also satisfy the standards and controls. Existing law requires the Legislative Auditor to conduct a post audit of all accounts, funds and other records of all agencies of the State to determine certain information, including the compliance of the agency with applicable laws and regulations. This bill specifies that such applicable laws and regulations include, without limitation, the standards regarding records containing personal information. This bill prohibits the Legislative Auditor from including in the report of an audit any information the Legislative Auditor determines could potentially expose this State to a breach of the security of an information system of an agency of this State. It further requires the Legislative Auditor to report to the Governor, the Chair of the Legislative Commission, the Chair of the Audit Subcommittee of the Legislative Commission and the head of an affected agency any vulnerability in the information system of an agency of this State that the Legislative Auditor discovers during the course of an audit and determines poses a serious threat to the security of the information system. Existing law authorizes each governmental agency of this State to determine whether, and the extent to which, it will accept electronic records. Existing law prohibits a governmental agency from requiring a person to include personal information on any document submitted to the governmental agency on or after January 1, 2007, unless required pursuant to a specific state or federal law, for the administration of a public program or for an application for a federal or state grant.) This bill authorizes a governmental agency to require a person to submit a document that is required to contain personal information by electronic means. It further authorizes a governmental agency to establish procedures by which a person may apply for and receive a waiver from such a requirement. This bill requires each court of justice in this State to permanently remove all data from electronic waste before disposing of such waste. This bill similarly require the Legislative Counsel Bureau, certain state agencies, each school district and the Nevada System of Higher Education, respectively, to remove all data from electronic waste before disposing of such waste.

Revises provisions relating to animals.

Existing law provides that if a person is lawfully arrested and detained in a county for more than 7 days, and if the county impounds any animal owned or possessed by the person, the county must: (1) notify the person of the impoundment and request that the person provide to the county the name of any person who is authorized to care for the animal; (2) transfer, under certain circumstances, the animal to the person who is so authorized; and (3) if there is no such person, allow another person to care for the animal temporarily and, with the consent of the person who is arrested and detained, adopt the animal. Existing law also authorizes the county to bring an appropriate legal action to recover the reasonable cost of care and shelter of the animal under certain circumstances. Finally, existing law defines the term “animal” for the purpose of an animal impounded by a county under such circumstances. This bill provides that if a person is lawfully arrested and detained in a county, city or other local government, other than for a violation of certain acts which constitute engaging in cruelty to animals, and the county impounds any animal owned or possessed by the person, the county may, within 10 days after the arrest: (1) allow another person who is able to provide adequate care and shelter to care for the animal temporarily; or (2) take possession of the animal. It also requires the State to create and maintain a written notice which: (1) informs the person that an animal owned or possessed by the person may have been impounded; (2) provides the current contact information of an animal shelter in each county, city or other local government responsible for impounding the animal; (3) is made available in certain languages; (4) is provided to each county or city jail or detention facility; and (5) must be posted in a conspicuous place in each county or city jail or detention facility. Additionally, it revises the definition of the term “animal” to include an animal which is maintained as a pet whether or not the animal is domesticated. Existing law requires a peace officer or animal control officer to take possession of an animal being treated cruelly and requires an officer to provide certain notices to the owner of an animal of which the officer took possession. Existing law authorizes such an officer to impose a lien on the animal for the reasonable cost of care and shelter of the animal. This bill establishes provisions relating to an animal impounded incident to the lawful arrest of a person in violation of provisions relating to an act which constitutes cruelty to animals. This bill requires notice be provided to such a person of his or her right to request a hearing to determine whether the person is the owner of the animal and whether the person is able or fit to provide adequate care and shelter to the animal. It requires a person to request such a hearing within 5 days after receipt of the notice and requires the court hold such a hearing within 15 judicial days after receiving notice of the request. This bill requires the court to order, under certain circumstances, another person to take possession of the animal. If the court determines that the person detained is not the owner of the animal or is not able or fit to provide adequate care and shelter of the animal, then it (1) requires the court to order the person not to own or possess the animal and to order the transfer of the animal; and (2) authorizes the court to order the impoundment of certain other animals or enjoin the person from owning or possessing other animals. It authorizes: (1) the county, city or other local government or animal shelter to bring an appropriate legal action to recover the reasonable cost of the shelter and care of the animal; and (2) the court to order a later and separate hearing for such an action. This bill revises the notices provided to the owner of an animal of which an officer took possession to include notice of the right of the owner to request a hearing pursuant to section 7 to determine ownership of the animal and whether the owner is able or fit to provide adequate care and shelter to the animal.

Revises provisions relating to protections for victims of crime.

This bill establishes a rebuttable presumption in any civil action concerning any unwelcome or nonconsensual sexual conduct, including sexual harassment, that the sexual conduct was unwelcome or nonconsensual if the alleged perpetrator was a person in a position of authority over the alleged victim. Existing law: (1) authorizes a person convicted of certain offenses who was the victim of sex trafficking or involuntary servitude to petition the court to vacate the judgment and seal all documents relating to the case; and (2) provides that if the court enters such an order, the court is also required to order sealed the records of the petitioner which relate to the judgment being vacated. This bill:

1. Authorizes a child adjudicated delinquent for certain unlawful acts who was the victim of sex trafficking or involuntary servitude to petition the juvenile court to vacate the adjudication and seal all records relating to the adjudication; and
2. Provides that if the juvenile court enters such an order, the juvenile court is also required to order sealed the records of the child which relate to the adjudication being vacated.

Existing law: (1) generally requires a law enforcement agency, within 30 days after receiving a sexual assault forensic evidence kit (hereinafter “SAFE kit”) to submit the SAFE kit to the applicable forensic laboratory responsible for

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conducting a genetic marker analysis; and (2) requires the forensic laboratory to test a SAFE kit not later than 120 days after receiving it. This bill establish the Sexual Assault Survivors' Bill of Rights. This bill defines the term "survivor" for purposes of the Bill of Rights as a person who is the victim of a sexual assault or certain other persons if the victim is incompetent, deceased or a minor. This bill set forth procedures regarding the collection and analysis of SAFE kits. It prohibits a defendant from challenging his or her conviction based on certain persons not adhering to the collection and analysis timelines set forth in such procedures. Existing law authorizes any person who reasonably believes that the crime of sexual assault has been committed against him or her by another person to petition a court for a temporary or extended order to restrict the conduct of the person who allegedly committed the sexual assault. Existing law provides that any such extended order expires within a time fixed by the court not to exceed 1 year. This bill increases the time within which such an extended order can expire to 3 years. It also:

1. Requires the court to enter a finding of fact providing the basis for the imposition of an extended order for a period of greater than 1 year; and
2. Authorizes the protected party or the adverse party at any time while an extended order is effective to move a court to modify or dissolve an extended order because of changed circumstances of the parties.

Existing law prohibits any person from engaging in prostitution or the solicitation therefore except in a licensed house of prostitution and provides that a prostitute who violates such a prohibition is guilty of a misdemeanor. This bill provides that if a prostitute: (1) is detained, arrested or cited for engaging in prostitution or the solicitation of prostitution, a peace officer must provide to the prostitute certain information and opportunities for connecting with social service agencies that may provide assistance to the prostitute; and (2) is determined by the prosecuting attorney to be a victim of sex trafficking, the charge must be dismissed. Existing law requires any teacher, administrator, coach or other staff member of a public school who witnesses any bullying or cyber - bullying on the premises of any school, at an activity sponsored by a school or on any school bus to report the violation to the administrator in charge of the school or his or her designee on the same day that the violation is witnessed. The administrator or designee is required to immediately begin an investigation into the report, which must be completed not later than 2 school days after the administrator or designee received the report. This bill provides that such provisions must not be construed to place any limit on the time within which an investigation concerning any alleged act that constitutes sexual assault must be completed. Existing law establishes provisions concerning persons with intellectual disabilities and persons with developmental disabilities, including provisions relating to facilities that offer services to such persons. This bill requires the Aging and Disability Services Division of the Department of Health and Human Services to ensure that each facility to which a person with an intellectual disability or a person with a developmental disability is able to be admitted provides: (1) training to each employee of the facility regarding the protocol that must be followed if the employee becomes aware of any sexual abuse of a person that is admitted to the facility; and (2) appropriate education to each person that is admitted to the facility that explains what sexual abuse is and how to report it. Existing law requires: (1) the district health officer in a district or the Chief Medical Officer, or the designee thereof, to test a specimen obtained from an arrested person alleged to have committed a sexual offense for exposure to the human immunodeficiency virus and any commonly contracted sexually transmitted disease; and (2) the agency that has custody of the arrested person to obtain the specimen and submit it for testing. he tests must be performed as soon as practicable after the arrest of the person alleged to have committed the crime, but not later than 48 hours after the person is charged with the crime by indictment or information, unless the person alleged to have committed the crime is a child who will be adjudicated in juvenile court and not later than 48 hours after the petition is filed with the juvenile court alleging that the child is delinquent for committing such an act. This bill revises the maximum time allowed to perform the tests from 48 hours to 72 hours after the person alleged to have committed a crime is arrested or, if the person is a child, a petition alleging the commission of a delinquent act is filed.

Revises provisions relating to public records.

Existing law generally authorizes members of the public to inspect or copy public records not declared by law to be confidential. This bill provides that a record or portion of a record that contains personally identifiable information collected by automated means over the Internet or other digital network by a governmental entity as part of the electronic collection of information from the general public is confidential if the governmental entity determines that the disclosure of the personally identifiable information could create negative consequences for the person to whom the record pertains. Additionally, this bill requires a governmental entity to maintain a list of records and portions of records declared confidential under such circumstances. It requires the governmental entity to grant a request to inspect or copy such a record or portion of a record declared confidential under such circumstances if the disclosure is not otherwise prohibited by state or federal law and the requester demonstrates a compelling justification that outweighs the risk of potential negative consequences. This bill requires a governmental entity to submit to the Legislature an annual report that includes a description of each record determined to be confidential under such circumstances and the reasons for that determination.

Revises provisions relating to rules of the road.

This bill requires the DMV, after each regular session of the Nevada Legislature, to compile a list of any new traffic laws, amendments to existing traffic laws and any other new or amended laws relevant to operating a motor vehicle upon the highways of this State and disseminate information derived from that list in a manner designed to educate the public about such new laws and changes in existing law. The information must be provided on the Internet website of the Department and may be provided with certain other information sent out by the Department to residents of this State. It authorizes the Department to consult with the Office of Traffic Safety of the Department of Public Safety in carrying out these requirements.

Revises provisions relating to public safety.

This bill clarifies that, for the purposes of vehicle registration and traffic laws, a vehicle designed to travel with three wheels in contact with the ground must be equipped with handlebars and a saddle seat to meet the definition of “trimobile.” Existing law provides pedestrians on or near a highway of this State with certain rights and imposes certain duties. This bill authorizes the movement of a mobile carrying device on sidewalks and in crosswalks and provides that such a device generally has the rights and duties of a pedestrian. Such a device must have an operator who is actively monitoring the navigation and movement of the device, and the operator must ensure that the device does not: (1) fail to comply with traffic control signals or devices; (2) unreasonably interfere with pedestrians or vehicle traffic; (3) transport hazardous material or a person; and (4) fail to yield to pedestrians on a sidewalk or in a crosswalk. A violation of the provisions governing the operation of a mobile carrying device is not a misdemeanor, is not a moving traffic violation for the purposes of 3 and is punishable by a civil penalty of \$250. It defines a mobile carrying device generally as an electrically powered wheeled device that is intended primarily to transport personal property. This bill authorizes the governing body of a county or a city, respectively, to enact an ordinance regulating the time, place and manner of the operation of a mobile carrying device to protect the health and safety of the public, except that such an ordinance may not prohibit the use of such a device on sidewalks that are at least 36 inches wide. Existing law requires a person driving a motorcycle, other than a trimobile or a moped, to wear protective headgear. It requires a driver or a passenger on a trimobile or a moped to wear protective headgear. Existing law requires the Department of Motor Vehicles to establish the Program for the Education of Motorcycle Riders, which provides courses in motorcycle safety. Certain persons in this State who hold a motorcycle driver’s license or a driver’s license with a motorcycle endorsement are eligible to enroll in the Program. This bill authorizes the Program to include instruction applicable to a trimobile or a moped and it makes a person who holds a driver’s license eligible to enroll in the Program. Existing law provides requirements for pedestrians crossing a highway of this State when certain signals are in place exhibiting the words “Walk,” “Wait” or “Don’t Walk.” This bill clarifies that, when a countdown timer is included with such signals, a pedestrian may cross a roadway when such a signal is flashing, so long as the pedestrian completes the crossing before the countdown timer reaches zero. It also revises references to include certain symbols displayed on such signals, including a walking person symbol and an upraised hand symbol. Under existing law a court must order a person who is convicted of certain offenses involving driving a motor vehicle while under the influence of intoxicating liquor, a controlled substance or a combination of both, to install an ignition interlock device.

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The interlock ignition device must be installed for a period of not less than 185 days unless: (1) the violation was punishable as a felony or vehicular homicide; (2) the person proximately caused the death of or substantial bodily injury to another; or (3) the person was found to have had a concentration of alcohol of 0.18 or more in his or her breath. If any of those conditions are present the interlock ignition device must be installed for a period of not less than 12 months or more than 36 months. This bill clarifies that such a person is only required to install the ignition interlock device for the longer time period if one of the conditions listed above is present. The result of the change is that regardless of whether or not a blood or breath test was administered, or whether the results or lack of results was used in the prosecution or defense of the person, so long as none of the conditions listed above are present, he or she is eligible for the shorter period of required use of an ignition interlock device, which requires to be 185 days. Existing law provides several exceptions to the requirement for installing an ignition interlock device upon a conviction if a court makes certain determinations. It eliminates from the list of exceptions a determination by the court that: (1) requiring the person to install a device would cause the person to experience an economic hardship; (2) the person requires the use of the motor vehicle to travel to and from work in the scope of his or her employment; or (3) the person requires the use of the motor vehicle to obtain medicine, food or other necessities or to obtain health care services for the person or a family member of the person. Finally, existing law requires the manufacturer of an ignition interlock device or an agent of the manufacturer to notify the Director of the Department if the device has been tampered with. Existing law also requires the Director, or the Director of the Department of Public Safety, to notify a court that has ordered an ignition interlock device if certain irregularities occurred with the device. This bill require the manufacturer of the device or its agent to also notify the court in such circumstances.

SB480-Effective Sections 2 and 5 effective October 1, 2019. Sections 1, 3 and 4 effective January 1, 2020, if, and only if, Assembly Bill No. 291 of this session becomes effective. *Amends NRS 1.130, 4.020, 4.370*

Revises provisions relating to courts.

Existing law provides that no court, except a justice court or a municipal court, may be opened or transact business on a Sunday or any day declared to be a legal holiday, except for certain purposes. This bill authorizes such courts to be open to receive communications by telephone and for the issuance of an ex parte order for protection against high - risk behavior. Existing law sets forth a schedule for determining how many elected justices of the peace a township is required to have based upon the population of the township. If the schedule requires an additional justice of the peace due to an increased population of the township, existing law provides that if a majority of the justices of the peace in the township submit to the Legislature and the board of county commissioners an opinion stating that the caseload of the court does not warrant an additional judge, the number of justices of the peace in that township is prohibited from being increased while the Legislature considers the opinion. This bill revises this process by requiring the justices of the peace to consult with the board of county commissioners in reaching an opinion as to whether the caseload of the court warrants an additional judge. Existing law establishes the jurisdiction of justice courts. This bill extends the jurisdiction of justice courts, under certain circumstances, to include any action for the issuance of an ex parte or extended order for protection against high - risk behavior. Assembly Bill 291 of this session requires a court to issue an ex parte order pursuant to a verified application if the court finds by a preponderance of the evidence that: (1) a person poses an imminent risk of causing personal injury to himself or herself or another person by possessing or having under his or her custody or control or by purchasing or otherwise acquiring any firearm; (2) the person has engaged in high - risk behavior; and (3) less restrictive options have been exhausted or are not effective. Section 4 of this bill makes a technical correction.

SB486-Effective October 1, 2019 *Amends NRS 484A.620, 62C.070, 484A.630, 484A.720, 484A.760*

Revises provisions relating to the issuance of citations.

Under existing law, a traffic citation is deemed a lawful complaint for the purposes of prosecution if the form of the citation: (1) includes an attestation charging commission of the offense alleged; or (2) is prepared electronically. This bill requires the attestation regardless of whether the citation was prepared electronically or otherwise. Under existing law, if a person refuses to sign a copy of certain citations issued by a peace officer who has halted the person's motor vehicle, the peace officer may deliver the citation to the person, and acceptance of such a copy is deemed personal service of a notice to appear in court to adjudicate the citation. Sections of this bill revise the language to provide that when a person physically receives a copy of a citation, receipt of the citation shall be deemed personal service of a notice to appear in court to adjudicate the citation.

Revises provisions relating to persons in need of protection.

Existing law defines a “vulnerable person” as a person who is 18 years of age or older and who: (1) suffers from a condition of physical or mental incapacitation because of a developmental disability, organic brain damage or mental illness; or (2) has one or more physical or mental limitations that restrict his or her ability to perform daily activities. Existing law also defines “protective services” as services that prevent or remedy abuse, neglect, exploitation, isolation and abandonment of older persons. Existing law defines an “older person” as a person who is 60 years of age or older. Section 5 expands the definition of “protective services” to include services that prevent and remedy abuse, neglect, exploitation, isolation and abandonment of vulnerable persons. Existing law requires the Aging and Disability Services Division of the Department of Health and Human Services to: (1) identify and record demographic information concerning older persons who have allegedly been abused, neglected, exploited, isolated or abandoned and those persons who are allegedly responsible for such abuse, neglect, exploitation, isolation or abandonment; (2) obtain information from programs for preventing abuse of older persons and analyze and compare such programs; and (3) publicize provisions of law concerning abuse, neglect, exploitation, isolation or abandonment of older persons. This bill expands the duties of the Division to include vulnerable persons in such duties. It makes conforming changes. Existing law requires certain persons in their professional or occupational capacity, who know or have reasonable cause to believe that an older person has been abused, neglected, exploited, isolated or abandoned to report such abuse, neglect, exploitation, isolation or abandonment within 24 hours to: (1) a local office of the Aging and Disability Services Division of the Department of Health and Human Services; (2) a police department or sheriff’s office; or (3) a toll - free telephone service designated by the Division. Existing law also requires certain persons in their professional or occupational capacity, who know or have reasonable cause to believe that a vulnerable person has been abused, neglected, exploited, isolated or abandoned to report such abuse, neglect, exploitation, isolation or abandonment within 24 hours to a law enforcement agency. This bill expands those agencies to which a person in his or her professional or occupational capacity can make a report concerning abuse, neglect, exploitation, isolation or abandonment of a vulnerable person to include the local office of the Aging and Disability Services Division or the toll-free telephone service of the Division, meaning that the same process is used for reporting instances of abuse, neglect, exploitation, isolation or abandonment of both older persons and vulnerable persons. It repeals the existing process for making such a report concerning a vulnerable person. Certain sections of this bill make conforming changes. Existing law provides that reports concerning abuse, neglect, exploitation, isolation or abandonment of an older person or vulnerable person are confidential. Existing law authorizes certain persons to have access to certain information and data contained in such a report. This bill authorizes such a report to be made available to the State Guardianship Compliance Office or an attorney who represents an older person or vulnerable person in a guardianship proceeding. If such an attorney receives information from such a report, this bill requires the attorney to disclose the information concerning abuse, neglect, exploitation, isolation or abandonment of the older person or vulnerable person to the court in a guardianship proceeding within 20 days after the attorney’s receipt of such information. Existing law authorizes the Unit for the Investigation and Prosecution of Crimes Against Older Persons of the Office of the Attorney General to investigate and prosecute alleged abuse, neglect, exploitation, isolation or abandonment of an older person under certain circumstances. This bill changes the name of the Unit to the Unit for the Investigation and Prosecution of Crimes Against Older Persons or Vulnerable Persons. It authorizes the Unit to investigate and prosecute the alleged abuse, neglect, exploitation, isolation or abandonment of a vulnerable person under certain circumstances. Existing law provides that the Unit for the Investigation and Prosecution of Crimes Against Older Persons may also bring an action to enjoin or obtain any other equitable relief to prevent the abuse, neglect, exploitation, isolation or abandonment of an older person. Existing law also authorizes the Attorney General to seek a civil penalty against such a person responsible for the abuse, neglect, exploitation, isolation or abandonment of the older person. This bill authorizes:

- The Unit to bring such an action to enjoin or obtain equitable relief to prevent such abuse, neglect, exploitation, isolation or abandonment of a vulnerable person.
- The Attorney General to seek a civil penalty against such a person responsible for the abuse, neglect, exploitation, isolation or abandonment of the vulnerable person.

Existing law requires the Repository for Information Concerning Crimes Against Older Persons to contain records of all reports of abuse, neglect, exploitation, isolation or abandonment of older persons in this State. This bill changes the name of the Repository to the Repository for Information Concerning Crimes Against Older Persons or Vulnerable Persons and additionally requires the Repository to contain records concerning abuse, neglect, exploitation, isolation or abandonment of vulnerable persons in this State. This bill requires the sheriff of each county to designate an

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employee of the sheriff's department as a point of contact to the Aging and Disability Services Division of the Department of Health and Human Services. Sections of this bill make conforming changes to add vulnerable persons. Senate Bill 223 of the 2019 Legislative Session provides that an agent under a power of attorney may consent to the placement of the principal in an assisted living facility, a facility for skilled nursing or a secured residential long term care facility only if the power of attorney expressly grants the agent that authority. Senate Bill 223 also revises the form for a general power of attorney to allow a principal to indicate whether the principal authorizes the agent to consent to placement of the principal in an assisted living facility, a facility for skilled nursing or a secured residential long - term care facility. Sections within this bill remove some provisions added by Senate Bill 223 without revising existing law concerning general powers of attorney. Instead, this bill revises the forms for a general power of attorney and a durable power of attorney for health care to allow a principal to communicate his or her wishes concerning living arrangements.

Other Bills of Interest

<u>AB8</u> -Effective: July 1, 2019	<i>Amends: NRS 176A.300 to 176A.370, 213.1078</i>
Revises provisions governing the levels of supervision for probationers and parolees. Current law requires the Division of Parole and Probation to review the levels of supervision for probations and parolees at least once every 6 months. This bill instead requires the Division to conduct such review on a schedule determined by the Nevada Risk Assessment System, or its successor risk assessment tool, or more often if necessary.	
<u>AB10</u> -Effective: May 23, 2019	<i>Amends: NRS 209.511, Chapter 179C, NRS 202.357, 202.360, 179.245, 213.090, 213.155, 213.157, 449, 483.290, 483.860, 209.221, 209.246, 209.511, 483.375, 483.8605, 293.524, 232.006</i>
Revises provisions governing the duties of the Director of the Department of Corrections when an offender is released from prison. This bill requires the Director of the Department of Corrections to clearly indicate whether or not the full legal name and age of an offender has been verified upon the issuance of photo identification card.	
<u>AB16</u> -Effective: October 1, 2019	<i>Amends: NRS Chapters 179 and NRS 176.09112</i>
Increases the time for law enforcement officers to execute and return search warrants to obtain DNA samples. Existing law provides that a search warrant may be executed and returned only within 10 days after its date. This bill provides an exception to that requirement and specifies that if a search warrant provides for the collection of a biological specimen from a person, the warrant may be executed and returned within 6 months after its date.	
<u>AB41</u> -Effective: July 1, 2019	<i>Amends: NRS Chapter 217</i>
Revises provisions governing the fictitious address program for victims of certain crimes. Law authorizes an adult, parent, or guardian, to be issued a fictitious address, if on behalf of a protected person and sets the circumstances for when it entities may maintain, use and disclose the confidential address.	
<u>AB50</u> -Effective: July 1, 2019 (Section 3.8, 6.2, 7.2, 7.7, 8, 17, 18, 20-54), July 1, 2021 (Section 1-5, 6.4, 7.4, 9-16)	<i>Amends: NRS 281.050, NRS Chapters 293, 266, 267, 31, 515, NRS 268.325, NRS Chapters 218, 336, 185, 231, 517, 573,465</i>
Revises provisions governing the dates for certain city elections. Bill requires all city elections to be transitioned to even-numbered years statewide.	
<u>AB61</u> -Effective: July 1, 2019	<i>Amends: NRS Chapter 209, Chapter 213, NRS 178.5698, 239.010</i>
Revises provisions governing the authority of the Director of the Department of Corrections to assign certain offenders to serve a term of residential confinement. Revising provisions relating to the residential confinement of offenders who are in a program of treatment for the abuse of alcohol or drugs. Requiring notification to victims of certain information related to residential confinement.	
<u>AB70</u> -Effective October 1, 2019	<i>Amends NRS 241.010, 241.015, 241.020, 241.035, 241.039, 241.040</i>
Revises provisions governing the Open Meeting Law. Relates to meetings of public bodies; making various changes relating to meetings of public bodies; providing a penalty; and providing other matters properly relating thereto.	
<u>AB81</u> -Effective: June 7, 2019 (Recruiting for board members covered in Section 9), July 1, 2019 (Board members must assume their positions), October 1, 2019 (All other purposes)	<i>Amends: NRS Chapter 460</i>
Makes various changes relating to the oversight and provision of legal representation of indigent defendants in criminal cases. Creation of the Department of Indigent Defense Services to oversee criminal defense services provided to indigent people of the state. Requiring the Board to establish the maximum amount a county may be required to pay for the provision of indigent defense services, authorizing the Board to adopt regulations governing indigent defense services, providing for the transfer of responsibility for the provision of indigent defense services from certain counties to the State Public Defender in certain circumstances, allowing such services to be transferred back to the county in certain circumstances, and providing other matters properly relating thereto.	

[AB111](#)-Effective: July 1, 2019

Amends: NRS 218E.715, 218A.150, 218D.380

Requires the Legislative Committee on Child Welfare and Juvenile Justice to conduct a study concerning the funding of the child welfare system in this State.

Requires the Committee to conduct a study concerning issues regarding the funding of the child welfare system in this State in order to identify opportunities to maximize federal funding for the child welfare system. The committee will also employ a qualified independent consultant to aid the Committee in the commission of the study (appropriation of \$200,000 to conduct the study). The Committee is to submit a report with the results of the study and any recommendations for legislation to the 81st Session of the Nevada Legislature.

[AB112](#)-Effective: July 1, 2019 (Section 1, 2, 4-7), January 1, 2021 (Section 3)

*Amends: NRS Chapter 176, NRS 200.3788, 200.364,
NRS Chapter 431, NRS 218D.380*

Revises provisions governing the Advisory Commission on the Administration of Justice.

Requires the Advisory Commission to identify and study certain elements of this State's system of criminal justice. This Commission is to evaluate and review the submittal, storage and testing of sexual assault forensic evidence kits. A legislative member of the Advisory Commission is to serve as the Chair of the Advisory Commission. An officer, employee of this State, or a political subdivision of this State who is a member of the Advisory Commission is to be relieved from his/her duties to prepare, attend meetings and perform work for the Advisory Commission without loss of regular compensation.

[AB120](#)-Effective: October 1, 2019

Amends: NRS 201.300, 193.130

Revises provisions relating to the crime of sex trafficking.

Establishing certain acts that constitute sex trafficking, providing penalties and other matters relating thereto.

[AB126](#)-Effective: July 1, 2019

Amends: NRS Chapter 41, NRS 432B.030, 432B.630

Enacts provisions governing the procedures for changing the name of an un-emancipated minor who is in the legal custody of a child welfare agency.

This bill authorizes an attorney representing an un-emancipated minor in the custody of an agency which provides child welfare services to file a petition to change the name of the minor, and other matters properly relating thereto.

[AB140](#)-Effective: July 1, 2019

*Amends: NRS Chapter 125C, NRS 127.150, 127.2817, 159A.054,
159A.061, 159A.0615, 132B.330, 432B.480, 432B.550*

Prohibits discrimination against certain persons in certain proceedings relating to children.

This bill prohibits a court from discriminating against a person in a proceeding concerning child custody, visitation, adoption, guardianship or child protection solely because the person seeking is deaf, legally blind, another physical disability, holder of a valid id card for the use of medical marijuana and other matters properly relating thereto.

[AB142](#)-Effective: July 1, 2019

Amends: NRS Chapter 171

Eliminates the statute of limitations for the prosecution of sexual assault in certain circumstances.

Adding a provision that there is no limitation of time within which a prosecution for sexual assault is required to be commenced if the identity of a person who is accused of committing the sexual assault is established by DNA evidence.

[AB151](#)-Effective: October 1, 2019

Amends: NRS Chapter 38, NRS 202.894, 239.010, 629.550, 640B.700

Provides for the protection of children who are victims of commercial sexual exploitation.

Requires a person who is required to report abuse or neglect of a child and is professional or occupational capacity, knows or has cause to believe a child is a commercially sexually exploited child, to make a report to an agency that provides child welfare services. Any person who violates the requirement is guilty of a misdemeanor for the first violation and a gross misdemeanor for each subsequent violation. Any person must immediately contact a law enforcement agency if an alleged perpetrator of the commercial sexual exploitation is or is alleged to be present with the child, or the child is otherwise in imminent danger to report the commercial sexual exploitation of the child. Requires an attorney to reveal such information to the extent necessary to prevent a criminal act that is likely to result in certain death or bodily harm. Rules authorize an attorney to reveal such information in certain other circumstances. Any person who releases or disseminates information, except in certain authorized circumstances, is guilty of a misdemeanor, if a person makes the information public then they are guilty of a gross misdemeanor.

[AB166](#)-Effective: June 5, 2019

Amends: NRS Chapter 201, NRS 202.876, 207.190, 207.360, 41.1399, 49.25425, 179.121, 179D.0357, 179D.115, 217.400, 217.520, 432.157

Revises provisions relating to prostitution.

A person who is guilty of the crime of living from the earnings of a prostitute and shall be punished for a category C felony if physical force or the immediate threat of physical force is used in the commission of the crime or for a category D felony if no physical force or immediate threat of physical force is used in the commission of the crime. A person who is guilty of advancing prostitution is punished for a category C felony.

[AB174](#)-Effective: July 1, 2019

Amends: NRS Chapter 232

Establishes the Nevada Interagency Advisory Council on Homelessness to Housing.

Establishes the Nevada Interagency Advisory Council on Homelessness to Housing in statute and prescribes the membership of the Council. Establishes requirements governing the meetings of the Council and compensation of the members of the Council. The Council is required to collaborate with state and local agencies with response to homelessness and promote cooperation to develop a strategic plan for addressing the homelessness in this State.

[AB248](#)-Effective: July 1, 2019

Amends: NRS Chapter 10

Prohibits a settlement agreement from containing provisions that prohibit or restrict a party from disclosing certain information under certain circumstances.

This bill prohibits a settlement agreement from containing provisions that prohibit or restrict a party from disclosing certain information relating to a civil or administrative action. This bill also prohibits a court from entering any order that prohibits or restricts the disclosure of such factual information.

[AB267](#)-Effective: October 1, 2019

Amends: NRS Chapter 41, NRS 16.025, 353.264

Provides compensation to certain persons who were wrongfully convicted.

This bill authorizes a person who is not currently incarcerated for any offense and was wrongfully convicted to bring an action for damages and other relief. This bill sets forth a 2-year statute of limitations under certain circumstances for the filing of an action for wrongful conviction. Wrongful conviction action to award: if the person was wrongfully imprisoned for 1 to 10 years, \$50,000 for each year of imprisonment, if imprisoned for 11 to 20 years, \$75,000 for each year of imprisonment, imprisoned for 21 years or more, \$100,000 for each year of imprisonment.

[AB299](#)-Effective: October 1, 2019

Amends: NRS Chapter 162A, NRS 225.330, 449A.433

Revises provisions governing certain powers of attorney.

This bill defines the term “nondurable” as a power of attorney that terminates upon the incapacity of a principal. Revises the term “incapacity” to provide that such incapacity must be determined by a court. Sets forth the circumstances under which a guardian is appointed after the proper execution of a durable power of attorney for both financial matters and health care and non-durable power of attorney for both financial matters and health care. Provides that a durable power of attorney for health care, executed pursuant to existing law, constitutes a valid declaration governing the withholding or withdrawal of life-sustaining treatment.

[AB336](#)-Effective: July 1, 2019

Amends: NRS Chapter 217

Establishes provisions relating to certain victims of crime.

Authorizes the petitioner of a U visa to request, from a certifying agency, the certification of his or her Form I-918, Supplement B. If a certifying agency receives such a request, they are to determine whether the petitioner was the victim of applicable criminal activity and was helpful, is being helpful or is likely to be helpful to the investigation or prosecution of that criminal activity.

[AB431](#)-Effective: July 1, 2019

Amends: NRS 176A.850, 213.155, 213.157, 293.540, 293.543

Revises provisions relating to the right to vote for a convicted person.

This bill maintains the right to vote of a person who has been convicted of a crime but is not in prison. Additionally immediately restores the right to vote to a person who has been released from prison. Removes the requirement that the county clerk cancel the registration of a person who has been convicted of a felony and is not currently serving a term of imprisonment, thereby maintaining the right to vote of such a person. Authorizes such an elector who was convicted of a felony to reregister to vote if the elector is not incarcerated.

[AB449](#)-Effective: July 1, 2019

Amends: NRS 218E.700, 218E.705, 218E.710, 218E.715, 218E.720

Directs the Legislative Committee on Child Welfare and Juvenile Justice to conduct a study relating to juvenile detention in this State.

Requires the Committee to conduct a study during the 2019-2020 interim concerning juvenile detention in this State. Requires the Nevada Department of Corrections and each local and state institution or facility for the detention of juvenile offenders to present certain data, trends and other information to the Committee to assist the Committee in conducting the study required by section 1 of this bill.

[AB516](#)-Effective: June 12, 2019

Amends: NRS Chapter 518

Makes an appropriation to the Interim Finance Committee for the unanticipated costs related to the implementation of Marsy's Law.

Appropriation in the amount of \$10,000,000 is granted to the Interim Finance Committee. Any remaining balance after June 30, 2021 must not be spent and reverted back to the State General Fund on or before September 17, 2021.

[AB527](#)-Effective: October 1, 2019

Amends: NRS 425.3847

Revises provisions relating to the annual fee imposed for collections of child support in certain cases.

This bill makes corresponding increases to the annual fee and the annual threshold to be subject to the fee to remain in compliance with federal mandates.

AB533-Effective: June 12, 2019 (Section 199.3, 216.3, 239.5, & 246), June 12, 2019 – June 30, 2021 (Section 197.5 & 198.5), November 23, 2019 (Section 216.7), June 12, 2019 (Section 1-199.5, 201-216, 217-239, & 240-245 to adopt regulations and preparatory tasks), July 1, 2020 (Section 1-199.5, 201-216, 217-239, & 240-245 for all other purposes), July 1, 2021 (Section 199.7)

Amends: NRS 52.400, 159.0613, 159A.061, 176.01247, 207.335, 212.160, 213.12, 223.250, 233B.039, 239.010, 244.335, 244.35253, 268.095, 268.0977, 269.1702 284.4062 284.4063, 284.4064, 284.4066, 360.255, Chapters 289, 372A, 439, NRS 453.005, 453.3393, 453A.322, 453D.210, 455B.080, 455B.460, 458.094, 484C.210, 484C.220, 484C.230, 557.060, 557.180, 557.270, 586.550, 630.306, 630.3066, 631.3475, 632.347, 633.511, 633.521, 635.130, 636.295

Revises provisions relating to cannabis.

Existing law exempts a person who holds a valid registry identification card or letter of approval from state prosecution for possession, delivery and production of marijuana; and generally decriminalizes the purchase, possession and use of marijuana and marijuana paraphernalia for persons who are 21 years of age or older. Existing law also generally exempts a person who holds a valid medical marijuana establishment registration certification or license to operate a marijuana establishment from state prosecution for possession, delivery and production of marijuana and provides for the licensing and regulation of such establishments by the Department of Taxation. (Chapters 453A and 453D of NRS) Section 245 of this bill repeals the provisions of existing law governing the medical use of marijuana and the use of marijuana by persons 21 years of age or older in this State. Designates the use of cannabis by a person to mitigate the symptoms or effects of a chronic or debilitating medical condition, as defined in section 128 of this bill, as the “medical use of cannabis.” This bill creates the Cannabis Advisory Commission, which includes ex officio members and members appointed by the Governor, for the purposes of studying issues and making recommendations to the Cannabis Compliance Board related to the regulation of cannabis in this State. This bill also creates the Cannabis Compliance Board & sets forth the powers and duties of the Board, which generally consist of the regulation, licensing and registration of establishments and persons engaged in the production and sale of cannabis and cannabis products in this State. Revises provisions of existing law governing the medical use of marijuana and reorganize such provisions into a new chapter of NRS governing the medical use of cannabis.

AB540-Effective: July 1, 2019 expires June 30, 2021

Amends: NRS 176.059

Revises provisions governing the distribution of the proceeds of certain administrative assessments.

Revises the amount of proceeds that the Office of Court Administrator is required to allocate for certain uses. The provisions of this bill expire by limitation on June 30, 2021.

SB3-Effective: June 7, 2019 (to adopt regulations & Administrative tasks), January 1, 2020 (All other purposes)

Amends: NRS 34.724, 34.738, 34.810, Chapter 209

Revises provisions governing post-conviction petitions for a writ of habeas corpus that challenge the computation of time served in incarceration by an offender.

Requires an offender to exhaust all administrative remedies available to resolve a challenge to the computation of time that the offender has served before the offender may file a petition. Requires a court to dismiss without prejudice a petition for a writ of *habeas corpus* that challenges the time that the offender has served if the court determines that the offender has not exhausted all available remedies. The Department of Corrections is to adopt regulations to establish procedures for the resolution of a challenge to the time an offender has served, brought within 180 days immediately preceding the expiration date of the offender’s term of imprisonment.

SB7-Effective: July 1, 2019

Amends: NRS 201.354

Revises provisions relating to the solicitation of a child for prostitution.

This bill increases penalties and provides that a person is guilty for a first offense of a category D felony. Second offense is guilty of a category C felony. Third or subsequent offense is guilty of a category B felony and shall be imprisoned for a minimum of 1-6 years, and may be fined up to \$15,000. A person is guilty of soliciting a child for prostitution if the person solicits for prostitution is a peace officer who is posing as a child or a person who is assisting a peace officer by posing as a child.

[SB9](#)-Effective: October 1, 2019

Amends: NRS 171.080, 171.083

Provides that there is no limitation of time within which a criminal prosecution for a sexual assault arising out of the same facts and circumstances as a murder must be commenced.

This bill provides that there is no limitation of time within which a prosecution for a sexual assault arising out of the same facts and circumstances as a murder must be commenced.

[SB97](#)-Effective: October 1, 2019

Amends: NRS Chapter 193

Prohibits use in a criminal case of certain defenses based on the sexual orientation or gender identity or expression of the victim.

The purpose of determining the existence of an alleged state of passion in a defendant or the alleged provocation of a defendant by a victim, the alleged state of passion or provocation shall be deemed not to be objectively reasonable if it resulted from the discovery of, knowledge about or potential disclosure of the actual or perceived sexual orientation or gender identity or expression of the victim; and a person is not justified in using force against another person based on the discovery of, knowledge about or potential disclosure of the actual or perceived sexual orientation or gender identity or expression of the victim.

[SB137](#)-Effective: October 1, 2019

Amends: NRS 200.380

Revises the definition of the crime of robbery.

Revises the definition of robbery by requiring the unlawful taking of the personal property to occur by force, violence or fear of injury to such persons, eliminating the prospect that robbery may occur through the taking by force, violence or fear of injury to property.

[SB143](#)-Effective: January 2, 2020

Amends: NRS Chapter 202, NRS 179A.140

Repeals, revises and reenacts provisions relating to background checks for certain sales or transfers of firearms.

Repeals all provisions of The Background Check Act and reenacts the provisions without the requirement to make that direct contact. Provisions are effective January 2, 2020, which is after the date on which The Background Check Act may be amended or repealed. Requires a licensed firearms dealer to conduct a background check on a person who wishes to buy or receive a firearm from an unlicensed person, but removes the requirement that the licensed dealer contact the National Instant Criminal Background Check System to perform the background check. Instead, requiring a dealer to contact the same agency the dealer would otherwise contact to conduct a background check if the dealer were selling or transferring the firearm from his or her own inventory. Also provides certain exemptions from the requirement to conduct a background check when a private person is selling or transferring a firearm. Sets forth penalties for selling or transferring a firearm in violation of The Background Check Act. Prohibits the Central Repository for Nevada Records of Criminal History from charging to perform a background check on a person who wishes to purchase or receive a firearm from an unlicensed person.

[SB177](#)-Effective: October 1, 2019

Amends: NRS Chapter 613, NRS 233.160

Revises provisions relating to employment practices.

This bill requires the Nevada Equal Rights Commission to notify in writing the person who filed the complaint that the person may request the Commission to issue a right-to-sue notice. The bill requires the Commission to issue a right-to-sue notice if at least 180 days have passed after the complaint was filed. In addition, requires the Commission to issue a right-to-sue notice if, the Commission does not conclude that an unfair employment practice has occurred. The right-to-sue notice must inform the person that the person may bring a civil action in district court not later than 90 days after the date of receipt of the right-to-sue notice against the person named in the complaint. The bill prohibits a person from bringing a civil action in district court unless the civil action is brought not later than 180 days after the act constituting the unfair employment practice occurred, including the period for which this 180-day period is tolled during the pendency of the complaint before the Commission, or not later than 90 days after a right-to-sue notice is received, whichever is later. Additionally provides that if a court finds that an employee has been injured as the result of certain unlawful employment practices, the court may award to the employee the same legal or equitable relief that may be awarded to a person.

[SB245](#)-Effective: July 1, 2020 (Sec. 1, 2, & 3), July 1, 2022 (Sec. 1.5)

Amends: NRS 41.035

Revises provisions relating to civil actions.

Increases the limitation to \$150,000. This increase becomes effective on July 1, 2020, and expires by limitation on June 30, 2022. The increased limitation on damages applies to a cause of action that “accrues” on or after July 1, 2020, but before July 1, 2022. Increases the limitation on the amount of damages to \$200,000, effective on July 1, 2022. A cause of action “accrues” when the right to bring a lawsuit arises.

[SB252](#)-Effective: July 1, 2019

Amends: NRS Chapter 209, NRS 213.10915, 213.371, 213.380, 178.5698, 239.010

Authorizes the residential confinement or other appropriate supervision of certain older offenders.

This bill authorizes the Director of the Department of Corrections to assign any offender who has not been sentenced to death or imprisonment for life without the possibility of parole to the custody of the Division to serve a term of residential confinement or other appropriate supervision as determined by the Division for not longer than the remainder of the offender’s sentence if the offender is 65 years of age or older, has not been convicted of a crime of violence, certain offenses committed against a child, a sexual offense, vehicular homicide or driving under the influence of alcohol or a prohibited substance and causing the death of or substantial bodily harm to another person, and has served at least a majority of the maximum term or maximum aggregate term of his or her sentence. This bill makes conforming changes.

[SB274](#)-Effective: July 1, 2019

Amends: NRS 202.285, 202.287

Revises provisions relating to crimes.

This bill revises the penalty of discharging a firearm at or into certain structures, if such a structure is occupied, is punishable by imprisonment for up to 10 years. This bill also revises the penalty by providing that maliciously or wantonly discharging a firearm within or from a structure or a vehicle in a populated area, is punishable by imprisonment up to 10 years.

[SB286](#)-Effective: October 1, 2019

Amends: NRS 176.035, 213.1212

Revises provisions relating to aggregated sentences and eligibility for parole.

Existing law establishes provisions relating to the aggregation of sentences imposed upon a person who is convicted of two or more offenses. (NRS 176.035) This bill provides that such provisions must not be construed to prohibit the aggregation of any sentences relating to different cases. Provides that if a court imposes certain additional penalties upon a person, the sentence imposed for the additional penalty must be aggregated with the sentence imposed for the underlying offense; and authorizes a prisoner upon whom a sentence for an additional penalty is imposed before October 1, 2019, to elect to have the sentence imposed for the additional penalty aggregated with the sentence imposed for the underlying offense. Revises provisions concerning the execution of certain sentences. This bill provides that for purposes of determining eligibility for parole, if the sentences of a prisoner are governed by different provisions of law concerning the earning of credits, the Department of Corrections is required to determine the minimum term of each sentence to be aggregated for the purpose of establishing a minimum aggregate term of imprisonment and establishes the procedure by which the Department is required to determine the minimum term of each sentence. Also provides that, at the request of a prisoner, the Department is authorized to disaggregate any aggregated sentences for which parole has not been considered for the purpose of aggregating such sentences with other sentences. Additionally provides that if the Department aggregates sentences that are comprised of separate aggregated sentences, the Department is authorized to aggregate all consecutive sentences to create a single aggregated sentence.

[SB293](#)-Effective: June 7, 2019 (Section 1, 16.5, & 19), July 1, 2019 (Section 18), July 1, 2022 (Section 16)

Amends: NRS Chapter 424 and 62C

Makes various changes relating to children who are victims of commercial sexual exploitation.

Requires the Administrator of the Division of Child and Family Services of the Department of Health and Human Services to create the position of coordinator of services for commercially sexually exploited children and employ or contract with a person to serve in that position. Requiring the coordinator to assess the current and anticipated needs of commercially sexually exploited children in this State, evaluate any incentives necessary to recruit providers of housing for such children, and develop a plan to establish the infrastructure to provide treatment, housing and services to such children. The coordinator is required to submit to the Legislative Committee on Child Welfare and Juvenile Justice a formal proposal to establish the infrastructure described in the plan. This bill prohibits the adjudication of a child as delinquent or in need of supervision on or after July 1, 2022, for engaging in prostitution or solicitation for

SB293-CONTINUED

prostitution. Prohibits placing a child in a state or local facility for the detention of children or adjudicating a child as delinquent or in need of supervision on or after July 1, 2022, for certain minor offenses committed in connection with commercial sexual exploitation. Requires a juvenile court which finds, on or after July 1, 2022, that a commercially sexually exploited child has committed such an offense or a juvenile justice agency that has reasonable cause to believe that a child in its custody is or has been commercially sexually exploited to report the commercial sexual exploitation of the child to an agency which provides child welfare services.

SB383-Effective: October 1, 2019

Amends: NRS Chapter 41 and 201

Establishes provisions relating to sexual conduct between a law enforcement officer and certain other persons.

If a law enforcement officer voluntarily engages in sexual conduct with a person who is under arrest or is currently detained or any other law enforcement officer, they are guilty of a category D felony. The consent of a person who was under arrest or detained to any sexual conduct is not a defense to a prosecution. Establishes a rebuttable presumption in any civil action concerning any nonconsensual sexual conduct, including sexual harassment, that the sexual conduct was unwelcome or nonconsensual if the alleged perpetrator was a law enforcement officer and the alleged victim was a person in the custody of the law enforcement officer.

SB431-Effective: October 1, 2019

Amends: NRS 205.08345

Revises provisions relating to participation in organized retail theft.

Provides that the crime of organized retail theft may be committed by one or more persons who knowingly participate directly or indirectly. Acts constituting retail theft may be committed on the premises of a merchant or through the use of an Internet or network site with the intent to return the merchandise for value or resell, trade or barter. Revises the period of time, from 90 days to 120 days, for which the value of the property or services involved in the organized retail theft may be aggregated for purposes of determining the criminal penalty.

SB477-Effective: October 1, 2019

Amends: NRS 432B.555

Prohibits the release of a child to a parent or guardian in a child welfare proceeding in certain circumstances.

Existing law prohibits a court from releasing a child who has been placed in protective custody to a parent or guardian who has been convicted of the abuse, neglect or endangerment of a child under Nevada law, unless the court finds by clear and convincing evidence that no physical or psychological harm to the child will result from the release of the child to the parent or guardian. This bill further makes this prohibition apply to the release of any child who is subject to the proceeding to such a parent, regardless of whether the child has been placed in protective custody and if the parent or guardian has been convicted of the law of another jurisdiction that prohibits the same or similar conduct as that prohibited by Nevada law.

SB554-Effective: June 12, 2019

Amends: NRS 1.310

Revises provisions governing application of the legislative continuance statute in certain judicial or administrative proceedings.

Bill revises Nevada's existing legislative continuance statute to provide that, except for certain emergency or extraordinary circumstances, a court or administrative body is required to grant a requested continuance to a member of the Legislature or the President of the Senate when he or she is a party to any judicial or administrative action or proceeding during the legislative session or an attorney for such a party, so long as he or she was actually employed as the party's attorney before the legislative session. Also provides that the continuance is effective for the duration of the legislative session and for an additional 7 calendar days following the session, unless a shorter period is requested by the person asking for the continuance. Further provides that the continuance must be granted without the imposition of any bond, costs or other terms. Finally, provides that if any party objects to the requested continuance, the court or administrative body cannot deny the requested continuance, in whole or in part, unless the objecting party satisfies the burden to prove that, as a direct result of emergency or extraordinary circumstances, the objecting party has a substantial existing right or interest that will be defeated or abridged if the requested continuance is granted and will suffer substantial and immediate irreparable harm if the requested continuance is granted.

[ACR7](#)-Effective: This resolution becomes effective upon passage.

Directs the Legislative Commission to appoint a committee to conduct an interim study of issues relating to driving under the influence of marijuana.

It is unlawful for a person to drive while under the influence of marijuana in the State of Nevada. The Legislative Commission is directed to appoint a committee of three members of the Assembly and three members of the Senate to conduct an interim study of issues relating to driving under the influence of marijuana within the State of Nevada. The study must include an examination of:

- Scientific evidence relating to driving under the influence of marijuana.
- Data from Nevada and any other state that has legalized the use of marijuana on the number of arrests and convictions for driving under the influence of marijuana, including, any change in such number after the legalization of the use of marijuana.
- The approaches other states that have legalized the use of marijuana have taken to address the issue of driving under the influence of marijuana.
- Any new and existing products, tests and methods to observe or determine a person's level of impairment caused by the use of marijuana at the scene of a vehicle crash or where a police officer stops a vehicle or a convenient place for the administration of an evidentiary test.
- The existing laws of this State regarding driving under the influence of marijuana and an evaluation of whether those laws should be changed to address issues relating to driving under the influence of marijuana including whether such laws should differentiate between holders of a valid registration identification card and recreational users of marijuana.
- How a change in laws regarding driving under the influence of marijuana may impact other laws of this State, including workers' compensation, employment laws, labor laws, and any other matters which are deemed relevant to the issue of driving under the influence of marijuana in this State.

[SCR11](#)-Effective: June 7, 2019

Directs the Legislative Commission to appoint a committee to conduct an interim study of issues relating to pretrial release of defendants in criminal cases.

The Legislative Commission is to appoint, a committee to conduct a study relating to pretrial release of defendants in criminal cases. The committee must be composed of six legislators, three members of the senate and three members of the assembly. The study must include an examination of the following issues relating to the pretrial release of defendants in criminal cases:

- The timeliness and conduct of hearings to consider the pretrial release of defendants.
- The circumstances under which defendants should be released on their own recognizance.
- The imposition of monetary bail as a condition of pretrial release.
- The imposition of appropriate conditions of pretrial release to ensure reasonably the safety of the community.
- The circumstances under which the conditions of pretrial release of a defendant should be modified.
- Effects of the statewide implementation of the Nevada Pretrial Risk Assessment tool.
- The impact of race, gender and economic status as it pertains to the pretrial release of defendants.
- The fiscal impact of potential or recommended changes to the laws pertaining to pretrial release of defendants.
- Any other relevant matters pertaining to the pretrial release of defendants.

[AB319](#)-Effective: July 1, 2019 (Section 1-19, 20-85.5, & 86), January 1, 2020 (Section 19.1-19.9)

Amends: NRS Chapters 622, 1, 232B, 240A, 244, 361, 379, 433, 435, 445B, 449, 450B, 453A, 455C, 457, 458, 477, 482, 487, 489, 490, 502, 503, 504, 505, 534, 544, 555, 557, 576, 581, 582, 584, 587, 599A, 599B, 618, & 706

Revises provisions governing professional licensing.

Requires a regulatory body to develop and implement a process by which a person can petition for a determination of whether the person's criminal history will disqualify them from obtaining a license. The regulatory body is to inform the person of the determination within 90 days after the petition is submitted. They are to provide instructions to a person who receives a determination of disqualification to remedy the determination for resubmission. A person may petition the regulatory body at any time, including before obtaining any education necessary to obtain a license. This bill authorizes a regulatory body to request the criminal history record of a person who petitions the regulatory body for a determination of disqualification or qualification.

Legislative Commissions/Committees

Bill Number	Summary
<u>AB111</u>	Requires the Legislative Committee on Child Welfare and Juvenile Justice to conduct a study concerning the funding of the child welfare system in this State.
<u>AB112</u>	Revises provisions governing the Advisory Commission on the Administration of Justice.
<u>AB174</u>	Establishes the Nevada Interagency Advisory Council on Homelessness to Housing.
<u>AB236</u>	Makes various changes related to criminal law and criminal procedure.
<u>AB449</u>	Directs the Legislative Committee on Child Welfare and Juvenile Justice to conduct a study relating to juvenile detention in this State
<u>ACR7</u>	Directs the Legislative Commission to appoint a committee to conduct an interim study of issues relating to driving under the influence of marijuana.
<u>SB552</u>	Revises provisions governing the administration of the legislative process.
<u>SCR11</u>	Directs the Legislative Commission to appoint a committee to conduct an interim study of issues relating to pretrial release of defendants in criminal cases.

Bills of Interest that Failed during the 2019 Legislative Session

Bill Number	Summary
AB3	Authorizes the Department of Taxation to issue additional licenses for retail marijuana stores and certificates for medical marijuana dispensaries upon the request of a city.
AB14	Revises provisions governing court orders for protection when certain children are involved.
AB38	Requires certain persons to report actual and suspected drug overdoses.
AB40	Revises provisions relating to public office.
AB53	Revises provisions governing the issuance and revocation of drivers' licenses, instruction permits and privileges to drive by the Department of Motor Vehicles.
AB55	Revises provisions governing immunity for a witness who is compelled to testify or produce evidence.
AB69	Revises provisions governing residential confinement of violators of parole.
AB74	Makes it unlawful for a person to engage in the business of buying, selling, trading or dealing in certain antlers or any head or skull of a big game mammal without first obtaining an antler dealer's license.
AB75	Revises provisions governing public employees' retirement.
AB87	Increases the penalty for insurance fraud in certain circumstances.
AB94	Requires certain information concerning prescriptions of controlled substances to be provided to certain licensing boards and professionals who prescribe such controlled substances.
AB100	Revises provisions governing enhancement of penalties for committing assault and battery under certain circumstances.
AB101	Authorizes a private plaintiff to bring an action for a declaratory judgment regarding a violation of state law or a local ordinance by certain governmental entities.
AB103	Makes certain changes relating to collective bargaining.
AB105	Revises provisions governing parole.
AB108	Revises provisions relating to state employment.
AB109	Revises provisions governing credits awarded to reduce a sentence of imprisonment.
AB121	Revises certain provisions relating to public officers and candidates for public office.
AB127	Revises provisions governing testimony before governmental bodies.
AB146	Creates the Nevada Office of the Inspector General.
AB148	Revises provisions governing plea agreements.
AB149	Abolishes capital punishment.
AB153	Revises provisions governing the storage of firearms.
AB158	Revises provisions governing criminal procedures for certain juvenile offenders who are also victims of certain crimes.
AB162	Revises various provisions relating to governmental administration.
AB165	Revises provisions relating to civil liability for causing the injury or death of certain pets.
AB184	Revises provisions relating to security guards.
AB187	Revises provisions governing the safety of children.
AB200	Revises provisions relating to the use of cellular devices while driving.
AB202	Authorizes the possession of a handgun in a motor vehicle that is on the property of a community college under certain circumstances.
AB203	Revises provisions relating to bail in certain criminal cases.
AB211	Makes various changes concerning domestic relations.
AB217	Revises provisions relating to firearms.
AB227	Revises provisions governing sexual assault.
AB243	Revises provisions relating to victims of crime.
AB255	Revises provisions relating to permits to carry concealed firearms.
AB278	Revises provisions governing criminal justice.
AB281	Restricts certain state and local law enforcement agencies from performing certain actions relating to immigration enforcement.
AB291	Revises provisions relating to public safety.
AB292	Revises provisions governing criminal procedure.

Bill Number	Summary
<u>AB315</u>	Requires the expungement of all records relating to the wrongful arrest of a person in certain circumstances.
<u>AB330</u>	Revises provisions relating to certain crimes.
<u>AB343</u>	Establishes provisions relating to mental health.
<u>AB349</u>	Prohibits sexual conduct between a law enforcement officer and a person who is under arrest or is currently detained by any law enforcement officer.
<u>AB395</u>	Revises provisions governing motor vehicles and off-highway vehicles.
<u>AB411</u>	Provides for civil penalties for certain traffic and related violations.
<u>AB423</u>	Revises provisions relating to certain attempt crimes.
<u>AB424</u>	Revises provisions relating to parole.
<u>AB435</u>	Requires certain children committed to a facility for the detention of children to be enrolled in a program of distance education in certain circumstances.
<u>AB437</u>	Eliminates the requirement to possess a permit to carry a concealed firearm.
<u>AB473</u>	Revises provisions relating to trapping.
<u>AJR9</u>	Proposes to amend the Nevada Constitution to revise provisions governing the selection of justices and judges.
<u>SB2</u>	Revises provisions relating to the Advisory Commission on the Administration of Justice.
<u>SB5</u>	Revises provisions relating to court rules of practice and procedure.
<u>SB6</u>	Makes various changes relating to courts.
<u>SB19</u>	Revises provisions governing the penalties for certain unlawful acts related to human excrement or bodily fluid committed by prisoners.
<u>SB22</u>	Revises the definition of salvage vehicle.
<u>SB27</u>	Revises provisions governing the Public Employees' Deferred Compensation Program.
<u>SB28</u>	Revises provisions governing confidentiality of information gathered by Nevada Equal Rights Commission.
<u>SB38</u>	Makes various changes relating to the practice of court reporting, the practice of court recording and the practice of court transcribing.
<u>SB43</u>	Authorizes the installation and use of an automated traffic enforcement system under certain circumstances.
<u>SB83</u>	Revises provisions governing the dissemination of information and data of the Public Employees' Retirement System.
<u>SB107</u>	Revises provisions relating to public office.
<u>SB116</u>	Provides for the selection of a proxy decision-maker to make medical treatment decisions for certain adult patients who lack the capacity to provide consent to or refusal of medical treatment.
<u>SB120</u>	Provides for the issuance of orders of protection relating to high-risk behavior.
<u>SB144</u>	Revises provisions relating to crimes committed with the use of a deadly weapon or tear gas.
<u>SB155</u>	Revises provisions regarding the possession and use of personal identifying information and fictitious personal identifying information.
<u>SB165</u>	Makes various changes to provisions governing prescribing, dispensing and administering controlled substances designed to end the life of a patient.
<u>SB244</u>	Provides a criminal penalty for violation of a stay away order issued by a court.
<u>SB246</u>	Eliminates the possibility of the imposition of a sentence of death on persons convicted of first degree murder.
<u>SB247</u>	Requires informed consent of a parent or guardian before certain services related to mental health are provided to a child.
<u>SB248</u>	Revises provisions relating to domestic relations.
<u>SB256</u>	Revises various provisions relating to landlords and tenants.
<u>SB257</u>	Provides that certain evidence is inadmissible in an action or proceeding involving domestic relations.
<u>SB260</u>	Revises provisions relating to domestic relations.
<u>SB261</u>	Revises provisions relating to firearms.
<u>SB277</u>	Revises provisions relating to the support of children.
<u>SB282</u>	Limiting the civil liability of crisis support centers under certain circumstances.

Bill Number	Summary
<u>SB288</u>	Prohibits certain false or misleading practices by or on behalf of treatment providers, facilities and alcohol and drug abuse programs.
<u>SB292</u>	Requires certain payments to be provided to certain persons with whom a child is placed by a court.
<u>SB297</u>	Revises provisions relating to driving or operating a vessel under the influence of alcohol or a prohibited substance.
<u>SB307</u>	Revises provisions relating to the imposition of the death penalty.
<u>SB309</u>	Revises provisions relating to family courts.
<u>SB317</u>	Establishes provisions relating to juvenile assessment centers.
<u>SB326</u>	Revises provisions relating to the restoration of the right to vote.
<u>SB328</u>	Prohibits certain communications that are obscene, threatening or annoying.
<u>SB333</u>	Revises provisions relating to elections.
<u>SB339</u>	Revises provisions relating to public records.
<u>SB353</u>	Revises provisions governing juvenile justice.
<u>SB360</u>	Enacts the Human Trafficking and Child Exploitation Prevention Act.
<u>SB373</u>	Revises provisions governing the investigations of contractors.
<u>SB384</u>	Revises provisions relating to criminal procedure.
<u>SB391</u>	Revises provisions relating to deputy marshals in certain courts.
<u>SB393</u>	Clarifies provisions concerning payments for treatment relating to mental illness or the abuse of alcohol or drugs.
<u>SB411</u>	Authorizes the possession of a firearm in a motor vehicle that is on certain governmental property under certain circumstances.
<u>SB413</u>	Prohibits prostitution in the State of Nevada.
<u>SB434</u>	Revises provisions relating to marijuana.
<u>SB439</u>	Revises provisions relating to firearms.
<u>SB449</u>	Makes various changes relating to elections.
<u>SB487</u>	Makes it unlawful to conduct or participate in certain competitions in which coyotes are taken.
<u>SJR2</u>	Proposes an amendment to the Nevada Constitution that revises the provisions governing appointments of judicial officers to fill vacancies.

Exhibits

The below exhibits are provisions by section. Sections of the bill that make technical or non-substantial changes or were deleted are omitted.

Exhibit 1			
AB19 - Revises various provisions relating to offenses.			
Section	Page(s)	NRS	Effect
1	3-4	33.030	A temporary or extended order against domestic violence must include a notification to the adverse party that responding to a communication for applicant/protected party may be violation of the order.
1.3	4-6	33.060	<p>If law enforcement has attempted personal service of domestic violence temporary protective order (TPO) and been unable to personally serve the order, law enforcement shall leave a notice at the last known address indicating:</p> <ul style="list-style-type: none"> • The adverse party must contact the law enforcement agency within 24 hours; and • The contact information of the agency. <p>If the adverse party responds the agency must get the information necessary for personal service. If, after due diligence, the agency has not been able to personally serve the adverse party three times and adverse party has not responded to the notice, the applicant can petition the court to allow service at the adverse party's place of employment. If the adverse party is unemployed, the applicant may petition the court to allow law enforcement to serve the adverse party per NRCP. If an extended order was requested at the time of application for the TPO or a request is made before service is attempted by law enforcement, notice of the application and hearing for the extended order must be included with the service of the TPO.</p>
1.7	6-7	33.065	If the address of the adverse party is unknown and law enforcement has tried to serve the adverse party with the application and hearing date for an extended order at the adverse party's place of employment twice, the agency may leave a copy at the place of employment and mail a copy to the place of employment.
2	7-8	33.080	An extended order for protection against domestic violence may be extended to two years. If the court extends the order past one year, the court must make a finding of fact as to basis for the extension. At any time while the order is in effect the applicant or adverse party may move for dissolution or modification and the court shall hear and decide on the motion expeditiously as the ends of justice require. This section does not affect the right of adverse party to an interlocutory appeal.
3	8-10	33.085	All types of protection orders in Nevada must be included in the Repository and any national database (removes language indicating domestic violence only). If the order is not included in the Repository, it is not grounds to refuse to enforce the order (includes Canadian orders in Sec. 5).
4	10	33.100	Violation of a domestic violence temporary protective order remains a misdemeanor. A first offense for violation of an extended domestic violence PO is a misdemeanor, a second offense is a gross misdemeanor, a third or subsequent offense is a category D felony. Each act that violates an order may be prosecuted as a separate violation.
6	11-12	125.560	A person who intentionally violates a restraining order that is in the nature of a protection order against domestic violence shall be punished per Section 4 as for a domestic violence order.
8	12-14	179A.350	Temporary and extended orders against domestic violence, stalking and harassment, and sexual assault must be entered into the Repository. The Repository shall retain all PO records unless sealed by a court. The existence of a record of an expired order does not prohibit a person from buying a firearm or getting a concealed carry weapon unless doing as such violates a court order or state or federal law.

AB19 - CONTINUED

Section	Page(s)	NRS	Effect
10.3	14	New Ch. 200	When a court issues a protection order against sexual assault the court shall transmit the order to the Repository by the end of the next business day.
10.7	14-15	New Ch. 200	When a court issues a protection order against stalking and harassment the court shall transmit the order to the Repository by the end of the next business day.
13	15	200.594	An extended order for protection against stalking and harassment may be extended to two years. If the court extends the order past one year, the court must make a finding of fact as to basis for the extension. At any time while the order is in effect the applicant or adverse party may move for dissolution or modification and the court shall hear and decide on the motion expeditiously as the ends of justice require. This section does not affect the right of adverse party to an interlocutory appeal.

Exhibit 2**AB60 - Revises various provisions relating to criminal justice.**

Section	Page(s)	NRS	Effect
1	4-5	33.018	Compelling by force or threat of force is replaced by coercion as defined in NRS 207.190 in the list of acts that constitute domestic violence. Burglary, home invasion and pandering are included as acts that constitute domestic violence. Domestic violence no longer includes siblings or cousins, unless there is a custodial or guardianship relationship.
1.1	5	New Ch. 171	Whether or not a warrant has been issued, a law enforcement office <u>may</u> arrest a person upon probable cause if the person is believed to have committed battery upon: <ul style="list-style-type: none"> • A person with whom her or she is actually residing; • A sibling who is not a custodian or guardian; or • A cousin who is not a custodian or guardian. This section creates no liability on a law enforcement office or agency for an arrest decision made in good faith.
1.5	6-7	171.137	Removes a person with whom he or she is actually residing from domestic violence mandatory arrest and includes a person who is the custodian or guardian of his or her minor child. This section creates no liability on a law enforcement office or agency for an arrest decision made in good faith. And does not include any custodial or guardian siblings or cousins.
2	7-8	174.227	A victim or facilitating sex trafficking (defined in NRS 201.301) is included in the video deposition provisions of this section of NRS.
3	8-9	174.228	Includes the video deposition of a victim or facilitating sex trafficking (defined in NRS 201.301) in trial use provisions of this section of NRS.
3.5	9	New Ch. 176	The court must impose a fee of \$35 on a person convicted of an act of domestic violence and make a finding of fact in the judgement of conviction. The money from the fee must <u>be paid by the court</u> to the State Controller by the 5 th of each month, and the money will be deposited in the Attorney General's domestic violence program account. The court will require for a first domestic violence offense counseling sessions of at least one and a half hours per week at his or her expense for not less than 6 months but not more than 12 months from a certified batterers' treatment program. For a second offense, the court will order counseling for 12 months.
8.5	10-11	199.480	Facilitating sex trafficking and conspiracy to commit facilitating sex trafficking are category B felonies.
14	11-17	200.471	A prosecuting attorney of an agency or political subdivision of the United States or Nevada is included in the list of people who assaulting or battering is an enhance-able offense.
15	17-22	200.485	A person convicted of first offense domestic violence must serve his or her jail time in 12 consecutive hour periods rather than 4 hour periods. The minimum amount of jail time for second domestic violence offense is increased to 20 hours, which may be served in intermittent 12 consecutive hour periods. The penalty for a third domestic violence conviction within 7 years is increased to category B felony. The penalties for committing domestic violence against a pregnant woman are increased to a gross misdemeanor for the first offense and category B felony for a second or subsequent offense. Domestic battery causing substantial bodily harm is a category B felony. The language imposing the \$35 domestic violence administrative assessment is removed from this section.

AB60 - CONTINUED

Section	Page(s)	NRS	Effect
17	22-25	200.575	Stalking must be directed towards the victim and the conduct now must cause a reasonable person under similar circumstances to fear for his or her immediate safety. A second offense of stalking is gross misdemeanor and third or subsequent offense is now a category C felony. If the stalking is against a victim under the age of 16 and the defendant is 5 or more years older than the victim, the first offense is a gross misdemeanor, the second offense is a category C felony, and a third or subsequent offense is a category B felony. An act of stalking against a victim in Nevada may be prosecuted in Nevada.
38	28	217.070	A victim of facilitating sex trafficking may receive aid for victims of crime.
39	28-29	217.180	In determining if a victim of facilitating sex trafficking is entitled to compensation the provocation, consent, or behavior of the victim shall not be considered.
40	29-30	228.460	The \$35 fee on domestic violence conviction is no longer referred to as an administrative assessment.
41	30-32	228.470	The Attorney General shall appoint a subcommittee of the Committee on Domestic Violence to review batterers' treatment programs, review POST training, and review the criminal justice system in Rural NV as it pertains to domestic violence offenses and domestic violence counseling services.
42	32-33	432.157	The Attorney General's Children's Advocate may prosecute crimes of facilitating sex trafficking.
43.5	33-34	481.091	A prosecutor (removes specific DA reference) who prosecutes category A felonies or domestic violence may request that DMV display an alternate address on his or her driver license or ID card.

Exhibit 3**AB110 - Revises provisions relating to minor traffic and related violations.**

Section	Page(s)	NRS	Effect
1	2-7	481.063	Upon the request of a court the DMV shall release the mailing address and contact information of a person from a file or record relating to the person's license or vehicle registration who has been issued a traffic citation that filed with the court for the purpose of enabling the court to provide notifications concerning the traffic citation.
2	7-8	New Ch. 484A	<p>A court may establish a system by which the court may take a plea and hear a defense or mitigating circumstances from a person who has been issued a citation by mail, e-mail, over the internet, or by other electronic means. Any plea and statement made via the system must be made before the court date on the citation. A person who uses the system waives his or her right to a trial and to confront witnesses. Any system established per this section must be capable of requiring the person to submit any of the following information:</p> <ul style="list-style-type: none"> • Citation number; • Name and address of the person; • License plate number; • Driver's license number; • The offense charged; and • Any other information required by Supreme Court Rule per this section. <p>The system must also provide notice of the waiver of rights to a trial to confront witnesses, and it must confirm receipt of a plea and statement or make a copy available to the person. Citations for aggressive driving, reckless driving, vehicular manslaughter, and DUI are not eligible to use the system. The Supreme Court may adopt rules to carry out this section.</p>
3	8-9	484A.610	Any traffic citation issued by a traffic enforcement agency must be designed such that the citation clearly states at the top of the citation the purpose of the citation and the actions that must be taken by the person against whom the citation is issued. It must also clearly display in a conspicuous location near the top of the citation the date and time when and the location where the person must appear in court. The citation must also state in clear, bold type the consequences of FTA.
4	9-10	484A.630	The officer issuing a citation may also request from the person against whom the citation is issued the person's e-mail address and cell phone number. The officer must inform the person that providing the information is voluntary and if the person provides the information he or she is consenting to have the court communicate with them using the information.
5	10-11	484A.700	A bench warrant may not be issued for a parking ticket if the notice to appear is returned as undeliverable.
6.5	11-12	176.0611	50 year sunset period for court facility administrative assessment is eliminated.

Exhibit 4**AB236 - Makes various changes related to criminal law and criminal procedure.**

Section	Page(s)	NRS	Effect
6	7-10	New Ch. 176	Requires the Sentencing Commission to collect and assess data regarding outcomes resulting from this bill. Requires DOC, P&P, and Central Repository to provide data to the Commission for this purpose. The Commission is required to identify gaps in data tracking capabilities regarding criminal justice in this State, and make recommendations to fill the gaps. The Commission is required to make a report to the Legislature with recommendations for improvements and changes (including budgetary) and potential legislation. The Commission shall employ staff to help carrying out its duties. The Commission will develop a formula to calculate the savings achieved by the State each year because of this bill, and make projections on the prison population.
7	10-11	New Ch. 176	The Commission will report data, based on the formula required in Sec. 6, to the Governor, Legislature, and Supreme Court. The Commission will also prepare a report with the projected cost savings and recommendations to reinvest the savings to provide services and improve the criminal justice system.
8	11-12	New Ch. 176	The Nevada Local Justice Reinvestment Coordinating Council is created and membership is prescribed. The Council shall advise the Commission on matters of legislation, regulations, rules, and budgetary changes necessary to implement this bill. The Council will identify county level programing and treatment to improve the system. The Council will make recommendations to the Commission on grants and oversee grants to improve the criminal justice system.
12	17-18	176.135	Each district court judge hearing criminal cases must receive training on how to use the information contained in the pre-sentence investigation (PSI) report. The training must include information regarding behavioral health and intellectual and developmental disabilities. Individual judicial districts are required to provide the training.
13	18-19	176.145	Removes P&P sentencing recommendation from PSI and eliminates the requirement that all scoresheets and scales be included with the report.
16.5	21	New Ch. 176A	Adds definition of “specialty court program”: A program established by the court to facilitate testing, treatment, and oversight of offenders the court finds that suffer from mental illness, alcohol or drug addiction.
17	21	New Ch. 176A	Requires P&P to recommend the early discharge of a person from probation if the person has not violated any condition of probation in the last 12 months, current with any fees, has paid restitution in full, has completed a specialty court program, and has not been convicted of a violent or sexual offense.
18	21-22	New Ch. 176A	P&P has to develop a written system of graduated sanctions for technical violations of parole or probation. Technical violation does NOT include absconding, a new felony, gross misdemeanor, domestic battery, DUI, crime of violence, harassment, or PO violation.
19	23-24	New Ch. 176A	If the defendant entered a plea of guilty nolo contendere, or guilty but mentally ill the court may, before entering a judgement of guilt, defer judgement to allow offender to participate in a specialty court program, pay all court costs, restitution, other costs accumulated, and complete a term in community service. If the terms of the deferral are met, the court shall discharge the defendant and dismiss the charges. The court shall seal the records related to the arrest and case.
20	25	New Ch. 176A	A court may establish a substance abuse treatment program with appropriate terms and conditions and progress reporting to which defendants may be assigned per Sections 19 and 22.
21	25	New Ch. 176A	Allows a limited jurisdiction court to transfer a defendant to the district court program established per Section 21 if the defendant is eligible.
22	25-27	New Ch. 176A	Establishes deferral program as in Section 19 for defendants who are mentally ill or suffer from a co-occurring disorder.

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Section	Page(s)	NRS	Effect
23	27	New Ch. 176A	If a defendant completes the program provided for in Section 22, the court shall discharge the defendant and order the record sealed.
24	28	176A.100	Removes the provisions that require a court to not suspend a sentence for a person convicted of a category E if the defendant was on probation or parole, previously had probation or parole, or failed a specialty court program.
27	30	176A.260	Revises the provisions of statute that allow a court to establish a treatment program for the treatment of defendants with mental illness or developmental disabilities to mirror the deferral provisions of the programs established in Section 19. Requires a medical assessment of the defendant. Defendants convicted of category A felony or a sex offense are ineligible. The judge may or may not dismiss the charges or set aside the judgment of conviction if the defendant has been previously convicted of a felony or failed a specialty court program.
29.5	33	176A.280	A defendant may not be admitted to a program established per NRS 176.280 if he or she was convicted of category A felony or sex offense or received a dishonorable discharge from the military. A defendant with a dishonorable discharge may be admitted to a program in extraordinary circumstances as determined by the court.
30	34-35	176A.290	If probation is not otherwise prohibited by statute the court may defer the judgement or enter a judgement of conviction, and place the defendant on probation with conditions that must include successful completion of a program provided for in NRS 176A.280.
34	38-40	176A.500	Updated limits on indeterminate probation periods: Twelve months for a gross misdemeanor, Eighteen months for a Category E felony, Twenty-four months for a Category C or D felony, Thirty-six months for a Category B felony, Sixty months for a violent or sexual offense.
35	40-43	176A.630	If the court finds the probationer committed a violation of probation for a new felony, gross misdemeanor, battery, DUI, violence, harassment or violation of restraining order the court may continue or revoke probation, order probationer to residential confinement, undergo a program of regimental discipline, cause the sentence to be executed or modify the sentence imposed. After arrest or detainment, probationer must be brought to court within 15 days of arrest and if the court finds a violation has occurred the court may continue the probation and modify the terms and conditions, temporarily or fully revoke probation. Technical Violation means any violation to the conditions of probation or parole that is not absconding and is not a new felony, gross misdemeanor, battery, DUI, violence, harassment, or violation of a stay away order.
55	73-75	205.060	Amends burglary into four different offenses: a) Residential burglary; b) Business burglary; c) Motor vehicle burglary; and d) Burglary of structure other than a home or business. First offense motor vehicle burglary is a category E felony and a second or subsequent offense is a category D felony. Burglary of a structure is a category D felony, and burglary of a business is category C felony. Residential burglary remains a category B felony, and a defendant may be put on probation if mitigating circumstances exist.
58	76	205.0835	Amended the theft thresholds. Less than \$1,200 is considered a misdemeanor. Greater than \$1,200, less than \$5,000, is considered a category D felony. Greater than \$5,000, less than \$25,000, is considered a category C felony. Greater than \$25,000, less than \$100,000, is considered a category B felony. If \$100,000 or more, it is a category B felony, with 1-20 years of imprisonment and up to \$15,000 in fines.
59	77	205.130	The limit of writing a check with insufficient funds raised to \$1,200 for a felony.

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Section	Page(s)	NRS	Effect
61	78-79	205.220	Increases the felony threshold for grand larceny to \$1,200.
62	79-80	205.222	Changes the grand larceny felony thresholds: if less than \$5,000, it is a category D felony. Greater than \$5,000, less than \$25,000, is considered a category C felony. Greater than \$25,000, less than \$100,000, is considered a category B felony. If \$100,000 or more, it is a category B felony, with 1-20 years of imprisonment and up to \$15,000 in fines.
63	80	205.228	Makes a second or subsequent offense of grand larceny of a motor vehicle within 5 years a category B felony with a term of imprisonment of 1 to 6 years and a \$5,000 fine.
64	80	205.240	Raises the threshold for petite larceny to under \$1,200.
65	81-82	205.267	Changes the scrap metal theft thresholds: if less than \$1,200, it is a misdemeanor, if valued over \$1,200, less than \$5,000, it is a category D felony. Greater than \$5,000, less than \$25,000, is considered a category C felony. Greater than \$25,000, less than \$100,000, is considered a category B felony. If \$100,000 or more, it is a category B felony, with 1-20 years of imprisonment and up to \$15,000 in fines.
66	82	205.270	Removes category C felony based on value as a punishment for a person convicted of taking property but not amounting to robbery.
68	82-83	205.273	A category B felony is no longer available as a punishment, based on value, for transferring, receiving, or possessing a stolen motor vehicle.
69	83-84	205.275	Amends stolen property thresholds. If under \$1,200 it is a misdemeanor, if valued over \$1,200, less than \$5,000, is a category D felony. Greater than \$5,000, less than \$25,000, is considered a category C felony. Greater than \$25,000, less than \$100,000, is considered a category B felony with 1-10 years of imprisonment and up to \$10,000 in fines. If \$100,000 or more, it is a category B felony, with 1-20 years of imprisonment and up to \$15,000 in fines.
70	84-85	205.365	Fraudulent sale of real estate limit raised to \$1,200 and changed to a category D felony.
71	85	205.370	Monetary threshold for felony defrauding is raised to \$1,200.
72	85	205.377	Multiple transactions involving fraud felony limit raised to \$1,200.
73	86-88	205.380	Obtaining by false pretenses threshold amounts changed. If valued under \$1,200, is a misdemeanor and must restore the property fraudulently obtained. If valued over \$1,200, less than \$5,000, is a category D felony. Greater than \$5,000, less than \$25,000, is considered a category C felony. Greater than \$25,000, less than \$100,000, is considered a category B felony with 1-10 years of imprisonment and up to \$10,000 in fines. If \$100,000 or more, it is a category B felony, with 1-20 years of imprisonment and up to \$15,000 in fines. Thresholds for stopping payment on a check or other instrument in payment for property which can be returned thresholds are increased. If the property, rent or labor is valued under \$1,200, is a misdemeanor and may serve up to 6 months in prison and/or a fine up to \$1,000. If valued over \$1,200, less than \$5,000, is a category D felony, imprisonment for 1-4 years and/or a fine up to \$5,000. Greater than \$5,000, less than \$25,000, is considered a category C felony, imprisonment for 1-5 years and/or a fine up to \$10,000. Greater than \$25,000, less than \$100,000, is considered a category B felony with 1-10 years of imprisonment and up to \$10,000 in fines. If \$100,000 or more, it is a category B felony, with 1-20 years of imprisonment and up to \$15,000 in fines.
74	88	205.415	Raises the felony limit on fraud for benefits, subscriptions or entertainment to \$1,200. Changes to a category D felony.
75	89	205.520	Raises the felony limit on fraud for food, lodging, merchandise & other accommodations to \$1,200.
79	89	205.540	Raises the felony limit on the value of goods, purported to be covered by document of title to \$1,200 (un-received goods). Less than \$1,200 it is a misdemeanor.

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Section	Page(s)	NRS	Effect
80	90	205.540	Raises the felony limit on the value of goods, purported to be covered by document of title to \$1,200 (duplicate or additional title). Less than \$1,200 it is a misdemeanor.
81	90	205.570	Raises the felony limit on the value of goods, purported to be covered by document of title to \$1,200 (want of a title). Less than \$1,200 it is a misdemeanor.
82	90	205.580	Raises the felony limit on the value of goods, purported to be covered by document of title to \$1,200 (goods not in possession). Less than \$1,200 it is a misdemeanor.
83	90-91	205.590	Raises the felony limit on the value of goods, purported to be covered by document of title to \$1,200 (representation of goods in possession). Less than \$1,200 it is a misdemeanor.
84	91	205.605	Punishment for credit card skimming is changed to category C felony.
84.3	91-92	205.606	Installing, accessing, or possessing a credit card skimmer is a category C felony.
85	93	205.950	Raises the felony limit on advance or loan fraud to \$1,200. Less than \$1,200 it is a misdemeanor.
86	94	207.010	Increases the habitual criminal felony conviction threshold from two to five for a category B felony, and from three to seven convictions for a category A felony. Convictions for unlawful possession not for the purposes of sale or unlawful use of a controlled substance don't count for purposes of determining habitual criminal, unless the conviction is for possession of flunitrazepam or GHB (date rape drugs).
89	98	209.1315	Requires DOC staff to be trained in evidence based practices and with interacting with victims of domestic violence and trauma.
90	99	209.341	DOC must administer a risk assessment to each offender to help determine programming and placement. Risk assessment must be validated every three years and DOC will establish a quality assurance procedure for proper and consistent scoring.
91	99-101	209.3925	DOC Director may approve a medical release to residential confinement if the offender is expected to die within 18 months by two doctors or nurses. A request for a medical release may be submitted by a DOC employee, an offender, an attorney or representative of the offender, or a medical or mental health professional. Request must be in writing.
92	101-103	209.511	DOC must issue a photo identification card to an offender upon release if he or she does not currently have a photo ID. Photo ID must indicate if identity of offender has been verified. DOC shall provide offender with suitable clothing and money for transportation to his or her place of residence or place of conviction upon release. DOC shall release an offender to a transitional living facility if appropriate. DOC shall complete the Medicaid or Medicare paperwork for the offender upon release, and provide the offender with a 30-day supply of prescribed meds.
93.3	104-106	New Ch. 213	Adds provisions for granting geriatric parole to a prisoner who is of 65 years of age, hasn't been convicted of a crime of violence, a crime against a child, sexual offense, vehicular homicide, a habitual criminal, serving a life sentence without parole, or sentenced to death. To be considered the prisoner must submit a written application with supporting documentation to the Parole Board. Within 15 days the Board will verify the prisoner's eligibility and they will be placed on the next available list of people eligible for parole.
93.7	106	New Ch. 213	P&P shall recommend the early discharge of a person from parole if the parolee has served at least 12 calendar months on parole supervision and is expected to not have more than 12 months of community supervision remaining, has not violated any condition of parole, is current with any fees for the cost of supervision, has paid restitution in full, and/or has completed any program as mandated by the Board. Provisions in this section do not apply to someone on lifetime supervision.

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Section	Page(s)	NRS	Effect
95	108-109	213.1078	P&P shall administer a risk and needs assessment to each probationer and parolee and results utilized to decide supervision needs and develop individualized case plans. P&P shall develop an individualized case plan for each probationer/parolee, list of responsivity factors to be considered for each offender. If a term or condition of probation does not align with the risk and needs assessment, the supervising officer shall seek a modification of the terms and conditions from the court. Should the needs and risk assessment not align with the condition of parole or level of parole supervision, the supervising officer will submit a request to the Board to modify the condition or level of supervision set by the board. P&P shall provide written notification to the parolee. The risk and needs assessment must undergo periodic validation studies as established by the developer. P&P will establish a quality assurance procedure for proper and consistent scoring.
96	109-110	213.1095	Requires P&P staff to be trained in evidence based practices regarding the principles of effective supervision and regarding interacting with people with behavioral health needs, intellectual disabilities, and victims of domestic violence and trauma.
97	110-112	213.1215	If prisoner meets the criteria and the Board has not been notified that the victim of the prisoner has registered for the automated victim notification system, the prisoner may be granted parole without a meeting.
99	114	213.133	If a Board member or case representative does not recommend a prisoner to be release on parole without a hearing, then the prisoner must have a parole hearing.
100	116	213.140	6 months before a prisoner is eligible for parole, DOC and the prisoner will develop a reentry plan with details on proposed residence, prisoner employment or financial support, treatment and counseling plans, job and educational resources available, and eligibility for enrollment for Medicaid and/or Medicare. P&P shall review the plan and coordinate with other available services.
101	117-119	213.1519	Limits parole revocation from any violation of any condition to commission of a new felony or gross misdemeanor, battery constituting domestic violence, DUI, a violent crime, harassment, stalking, violation of a protection order, or absconding. If the Board finds that the parolee committed one or more technical violations of parole, the board may continue parole supervision, or temporarily revoke parole for a time period based on the number of violations, or fully revoke parole.
102	119-120	217.070	Refines the definition of victim and defines a person who is an immediate family member of a victim.

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Section	Page(s)	NRS	Effect
104	120-122	New Ch. 289	The POST Commission shall develop and implement a behavioral health response grant program for law enforcement and behavioral health professionals to safely respond to crises. The Commission may also use funds to develop data management capability to support the program. A law enforcement agency may submit a grant application to the Commission to develop its behavioral health response program. The Commission shall appoint a peer review panel to review grant applications submitted and select the grant recipients. The Commission shall distribute grant funds to the selected recipient. Grant recipients must be selected and receive grant funds no later than October 1st of each year the grant program is funded. The Commission will consult with the office of analytics of the Department of Health and Human Services (Division of Public and Behavioral Health) and Public Safety to assist with developing answering points for phone and dispatch protocols. On Dec. 1st of each year the program is funded, the Commission will submit a report concerning the program which must include information and feedback from grant recipients, information on the use of the funds and the participation of behavioral health professionals. A grant recipient shall develop and train law enforcement and behavioral health professionals in order to operate in partnership with law enforcement agencies. Training must include professionals with knowledge of law enforcement procedures and tools to provide safety to the professionals. The Commission is allowed to solicit and accept private funding in support of the grant program.
105	122	New Ch. 289	Each Law enforcement agency in this State shall establish policy and procedure for interacting with people who suffer from behavioral health issues subject to the availability of funds. Each agency may employ a behavioral health specialist.
107	123	289.510	POST Commission shall develop and approve standard curriculum for certified training programs in crisis intervention.
108	123-124	289.650	POST training standards for dispatchers shall include training relating to behavioral health crisis intervention.
110.5	125-126	439.258	Requires the Division of Public and Behavioral Health to require that a batterers' treatment program to include a portion on victim safety, based on evidence based practices and the assessment of a person by supervisor or provider of treatment.
111	126	453.316	Changes the punishment for opening or maintaining any place for the purpose of unlawfully selling, giving away, or using controlled substances from a category B to a category C felony.
112	126-128	453.321	Reduces first offense of transporting, selling, or manufacturing a schedule I or II controlled substance from a category B to a category C felony. A second or subsequent offense is a Category B felony. Punishment for schedule III, IV, or V controlled substance for a first offense is reduced to a category D felony, and a second or subsequent offense is a category C felony. Probation is prohibited unless mitigating circumstances exist.

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Section	Page(s)	NRS	Effect
113	132-134	453.336	Amends possession thresholds: if substance is listed in schedule I or II and the quantity possessed is less than 14 grams, or listed in schedule III, IV, or V and the quantity possessed is less than 28 grams, offender is guilty of possession and shall be punished for a category E felony. For third or subsequent offenses, offender is guilty of possession and shall be punished as a category D felony. If substance listed in schedule I or II and the quantity possessed is 28 grams and above but below 42 grams or listed in schedule III, IV, or V and the quantity possessed is 200 grams or more, is guilty of possession and shall be punished for a Category B felony. State prison term minimum 1 year, maximum 10 years and a fine up to \$50,000. If substance listed in schedule I or II and the quantity possessed is 42 grams and above but below 100 grams is guilty of possession and shall be punished for a category B felony. State prison term minimum 2 years, maximum 15 years and a fine up to \$50,000. The court may order a defendant to a program for treatment per Section 20 and may grant probation or suspend the sentence for marijuana possession offenses.
116	136-137	453.337	Defendants convicted of possession for sale of flunitrazepam or GHB (date rape drugs) may not be granted probation or have his or her sentence suspended, even if mitigating circumstances exist.
117	137-138	453.338	Defendants convicted of possession for sale of a schedule III, IV, or IV drug may be granted probation or have his or her sentence suspended if mitigating circumstances exist.
119	138	453.3385	Creates crime of low-level trafficking if possession is 100 grams or more but less than 400 grams, as a category B felony with term no less than 2 years or greater than 20 and a fine up to \$100,000. A defendant who is convicted of possessing 400 or more grams is guilty of high-level trafficking (category A felony).
123	140	453.5531	The State is entitled, in a civil action brought per 453.553 involving a schedule I controlled substance, to a civil penalty of \$1,000,000 if the quantity involved is 100 or grams or more. The quantity for a schedule II or III substance is increased to 400 or more grams.
125	142-143	465.088	First offense of fraud; use of a device to gain advantage; or possession, sale, use of a counterfeit instrument; use, sale or manufacturer of gaming devices, and accept bets or wagers without a gaming license related to gaming is reduced to a category C felony and a second or subsequent offense is a category B felony. Attempts are a category C felony.
126	143	475.105	Increases the felony threshold for stealing a fire extinguisher to \$1,200 and makes the offense a category D felony.
126.3	143-145	483.290	A verified photo ID from DOC may be used to verify identity to obtain a driver license.
126.7	145	483.860	A verified photo ID from DOC may be used to verify identity to obtain an identification card.
130	151	484D.335	A crime related to vehicle odometers (changing mileage, operating with intent to defraud, etc.) are reduced from a category B felony to a category C felony.
131	152	501.3765	The felony threshold for stealing traps or snares is increased to \$1,200.
132	152-154	612.445	Felony threshold for falsely obtain unemployment benefits increased to \$1,200.

Exhibit 5**AB291 - Revises provisions relating to public safety.**

Section	Page(s)	NRS	Effect
10	3-4	New Ch. 33	High-risk behavior occurs when a person uses, attempts to use, or threatens the use of physical force, communicates a threat of imminent violence toward himself or herself or another person, commits an act of violence against himself or herself or another person, engages in a pattern or threats or violence that causes a reasonable person a fear of physical harm, exhibits conduct that law enforcement reasonably believes presents a serious and imminent threat to public safety, engages in conduct that presents a danger to himself or herself or another person while in possession/custody/control of a firearm or while purchasing or acquiring a firearm, abuses a controlled substance or alcohol while engaging in any such behavior, or acquires a firearm in the six months before engaging in any such behavior. High-risk behavior includes violating a DV or sex assault PO or committing a felony violent crime.
11	4-5	New Ch. 33	A law enforcement officer who has PC to believe a person poses a risk of harm to himself or herself or another person by having or acquiring a firearm may file an application for a PO. A family member who has a reasonable belief of the same may apply for a PO. A verified application must include the name of the applicant, whether or not the applicant is seeking an ex parte or extended order, the name and address of the adverse party, and a detailed description of the high-risk behavior. An application and hearing for an extended order must be served per NRCPC.
12	5-6	New Ch. 33	Court shall issue an ex parte order if the court finds by a preponderance of the evidence that a person poses an imminent risk of causing injury to himself or herself or another person by possessing or acquiring a firearm, the person engaged in high-risk behavior, and any less restrictive options have been exhausted or are not effective. The court may require the applicant and/or adverse party to appear in court before determining if an ex parte order should be issued. This hearing may not be telephonic and the hearing has to be held and order issued or denied on the day of the application or the next judicial day thereafter (this provision conflicts with another part of this section that requires the hearing and issuance/denial be within 7 days). If the applicant is a law enforcement officer the hearing may be telephonic and must be recorded by court reporter or electronic means. The recording must be transcribed, certified by the judge, and filed with the court. The court must be available 24/7 to accept applications in a county whose population is over 100,000 and may be in a county with a population under 100,000. The clerk of the court shall inform the applicant and adverse party when an order is transmitted to the Repository.
13	6	New Ch. 33	The court issue an extended order based upon the same determinations as required for an ex parte order and must hold a hearing and issue or deny the order within 7 calendar days after application. The clerk of the court shall inform the applicant and adverse party when an order is transmitted to the Repository.
14	6-7	New Ch. 33	An ex parte or extended order must require the adverse party to surrender any firearms to law enforcement or a person identified in the order who does not live with him or her. Prohibit the adverse party from having a firearm. Require law enforcement to arrest, with or without warrant, the adverse party if the officer reasonably believes the adverse party has been served and has violated the order. State the reasons for the order. Include instructions for surrendering any firearms, state the date and time the order expires, and ordering the adverse party to surrender any CCW. The order must notify the adverse party that violation is a crime in addition to any crime committed in violation of the order.

AB291 - CONTINUED

Section	Page(s)	NRS	Effect
15	7-8	New Ch. 33	Upon court order, the adverse party must surrender any firearms to law enforcement or a person who does not live with the adverse party. If the order requires the firearms to be surrendered to law enforcement, the agency must provide the adverse party a detailed receipt and the adverse party must provide the receipt to the issuing court no later than 72 hours or one business day, whichever is later. If the court orders the firearm(s) to be surrendered to another person, the adverse party must provide the court and the law enforcement agency with the name and contact information of the person and a description of the firearm(s) no later than 72 hours or one business day, whichever is later. If PC exists to believe the adverse party has not surrendered his or her firearm(s) per the order, the court may issue a search warrant which authorizes the seizure of the firearm(s) and deliver it to any law enforcement officer to execute. If executing the warrant puts the officer or adverse party at risk because of the adverse party the officer has no duty to continue to attempt execution. If an execution is unsuccessful, law enforcement will attempt, as soon as possible after the risk has subsided, to execute the warrant until successful. Law enforcement shall return any firearm(s) to the adverse party per the agency's policies and after confirming that the adverse party is eligible to possess a fire arm under state and federal law and the PO is no longer in effect. If someone else claims title to any surrendered or seized firearms and law enforcement determines he or she is the lawful owner, the agency will return the firearm is the person agrees to keep the firearm away from the adverse party and is lawfully able to possess the firearms.
16	8-9	New Ch. 33	The clerk of the court or person designated by the court shall provide a family member who files an application (or any adverse party) information about the availability of ex parte and extended orders; the procedures for applying for an order; the procedures for modifying, dissolving, or renewing an order; and that he or she has the right to proceed without counsel. The clerk or court designee shall assist any person in completing and filing and application, affidavit, or any other paper or pleading necessary to initiate or respond to and application for an order. This assistance does not constitute the practice of law and the clerk or court designee shall not render an advice or service that requires a lawyer.
17	9	New Ch. 33	The court shall transmit any order by the end of the next business day to law enforcement and order law enforcement to serve the adverse party personally and return proof of service by the end of the next business day. If serving the order puts the officer or adverse party at risk because of the adverse party the officer has no duty to continue to attempt service. If an attempt at service is unsuccessful, law enforcement will attempt, as soon as possible after the risk has subsided, to serve the order until successful. An order will be enforced regardless of its country of origin. The court will provide the applicant with a copy of the order free of charge.
18	9-10	New Ch. 33	Whether or not a violation occurs in an officer's presence, the officer may take the adverse party into custody, with or without a warrant, if PC exists to believe that and order has been issued, the adverse party has been served, and the adverse party is in violation of the order. If law enforcement cannot verify that the order has been served, the officer shall inform the adverse party of the terms of the order, that the adverse party has notice of the order and that a violation will result in his or her arrest, the contact information and business hours of the court that issued the order, and any date and time for a hearing on an extended order. Details about the provision of such information must be kept in the files of law enforcement and the court.

AB291 - CONTINUED

Section	Page(s)	NRS	Effect
19	10-11	New Ch. 33	An ex parte order expires in time not to exceed 7 days. If a verified application for an extended order is filed during this time, the ex parte order is effective until the hearing on the extended order is held. An extended order is good for a time not to exceed one year. The applicant may request in writing to appear before the court to move for the dissolution of an order, and the order may be dissolved on clear and convincing evidence that the adverse party no longer poses a risk of harm by having a firearm. If the court finds that all parties agree to dissolve the order it shall dissolve the order upon a finding of good cause. Not less than three months before the expiration of an extended order, and upon request of the applicant, the court may, after finding clear and convincing evidence, extend the order for up to another year after notice and hearing.
20	11-12	New Ch. 33	The court shall transmit a copy of the order upon issuance or renewal to the Repository and the Attorney General by the end of the next business day. The court shall transmit to the Repository and Attorney General any time a person serves an order or receives information or takes an action pursuant to this Act. An adverse party may petition the court for an order declaring the basis for the information transmitted to the Repository no longer exists. If the court grants the petition and issues the order it shall transmit it to the Repository. The Repository will within 5 business days, upon receipt of the order, take reasonable steps to remove the information. If the Repository fails to remove the information the adverse party may bring an action to compel removal and may recover attorney's fees. If a petition from an adverse party for removal is denied another petition may not be filed for two years.
21	12	New Ch. 33	A person who knowingly files a false or misleading application, or files an application to harass the adverse party is guilty of a misdemeanor.
22	12	New Ch. 33	Unless a greater penalty is prescribed by law for an act that violates the order, a person who intentionally violates an order is guilty of a misdemeanor.
Remaining sections ban bumpstocks or other device that causes a semi-auto firearm to fire at the rate of a machine gun and creates a misdemeanor for negligently storing a firearm while knowing a child may access it.			
Section 4 of SB480 amends NRS 4.730 to set the jurisdiction for issuance of high-risk protection orders to mirror that for issuance of domestic violence protections orders, i.e., family court issues the new orders in the urban jurisdictions and justice court issues the new orders in the remaining 15 counties.			

Exhibit 6**AB416 - Revises provisions relating to the imposition and collection of fines, administrative assessments, fees or restitution.**

Section	Page(s)	NRS	Effect
1.3	2	New Ch. 176	Presumption of indigence of person charged with minor traffic offense if on public assistance, in public housing, or income is less than 200% of federal poverty guidelines. Minor traffic offense excludes violation causing death, DUI, or felony.
1.7	2	New Ch. 176	Delinquent fine, administrative assessment, or fee is deemed uncollectable after 8 years if it remains impossible or impracticable to collect.
2	2-5	176.064	Delinquent traffic legal financial obligation cannot be reported to credit bureaus. Court may no longer request prosecutor to undertake civil collections. Driver license may only be suspended for delinquency if the court determines the defendant can pay and has willfully not done so, or if the defendant is indigent, has willfully failed to complete community service. Defendant may only be jailed for non-payment if he or she has the ability to pay and has willfully failed to do so.
2.5	5-6	176.087	Makes clear that administrative assessments and fees, in addition to fines, may be converted to community service.

Exhibit 7**AB434 - Revises various provisions relating to offenses.**

Section	Page(s)	NRS	Effect
1.3	3-6	176.064	Delinquent traffic legal financial obligation (LFO) cannot be reported to credit bureaus. Court may no longer request prosecutor to undertake civil collections. Driver license may only be suspended for delinquency if the court determines the defendant can pay and has willfully not done so, or if the defendant is indigent, has willfully failed to complete community service. Defendant may only be jailed for non-payment if he or she has the ability to pay and has willfully failed to do so. Any collection fee imposed must be assessed on per case basis and not on a per charge basis (does not apply to credit card fees). Defines case as single complaint, citation, information, or indictment naming single defendant that based on the same act or transaction or based on two or more connected acts or transactions or consisting of parts of a scheme or plan.
1.7	6-7	176.065	Jail day is valued at \$150 for credit towards delinquent LFO. Indigent person may not be jailed unless he or she has been offered community service in lieu of LFO and has failed to perform the community service. Person is indigent for purposes of this section if person is on public assistance, in public housing, or income is less than 200% of federal poverty guidelines.
2	7	176.065	Jail day is valued at \$150 for credit towards delinquent LFO. Indigent person may not be jailed unless he or she has been offered community service in lieu of LFO and has failed to perform the community service. Person is indigent for purposes of this section if person is on public assistance, in public housing, or income is less than 200% of federal poverty guidelines.
3	7-8	176.087	Community service is valued at \$10 per hour or at the State minimum wage w/out health insurance, whichever is higher, for credit towards LFO.
5.1	9	New Ch. 484A	Legislature declares preference that incarcerating defendant who fails to appear or pay for a minor traffic offense should be disfavored unless court finds that failing to incarcerate would substantially jeopardize public safety.
5.3	9	New Ch. 484A	Presumption that a person arrested for traffic violation should be released on their own recognizance unless arrest is for reckless driving, vehicular manslaughter, DUI, or the court determines the person is willfully refusing to satisfy obligations imposed by the court.
5.5	9	New Ch. 484A	Minor traffic violation convictions are not criminal convictions for the purpose of applying for employment, a professional license, or an education opportunity (reckless, vehicular manslaughter, and DUI still count as criminal convictions).
5.7	10	New Ch. 484A	30-day grace period before issuance of a bench warrant for failure to appear or failure to pay unless the court determines failure to issue a warrant would substantially jeopardize public safety (reckless, vehicular manslaughter, and DUI not included). 30-day grace period does not apply if defendant was released from custody within the last 30 days and given a court date.
5.8	10	New Ch. 484A	A failure to pay warrant for minor traffic LFOs may not be issued unless the defendant has been provided the opportunity to perform community service and has failed to perform that community service.
5.9	10-11	New Ch. 484A	Any non-statutorily authorized fee charged for participation in a specialty court program must be assessed on a per case basis and not a per charge basis (does not apply to credit card fees).
6	11	New Ch. 484A	Payments applied to pay AA, court fee(s), and then fine.

AB434 - CONTINUED

Section	Page(s)	NRS	Effect
7	11-12	New Ch. 484A	If a citation is issued with more than one charge, or if a person has more than one outstanding traffic citation, any payments must be applied, in chronological order, to one LFO at a time until each LFO is paid. If, after paying off one LFO, there is money left from the payment it must be applied to the next LFO. Payments must be applied to traffic violations before being applied to non-traffic violations if both are on same citation. Payments must be applied per Sec. 5.9 until all LFOs are paid.
8	12-14	New Ch. 484A	If a court authorizes a defendant to pay a fee to reduce driver license demerit points in lieu of traffic school the court must include the fee in the sentence and render a judgement against the defendant. Money collected for this fee is in addition to any other fee or fine and must be stated separately on the court docket. If the fee is deemed uncollectable, the defendant is not entitled to a refund of any portion he or she has paid. The court must take payments on this fee. Twenty-five percent of the fee must be sent to the State Controller for credit to the specialty court fund administered by the AOC to fund specialty courts or for upgrades to court technology. Seventy-five percent of the fee stays in a local account for use by the court for the same two purposes. Money used for specialty courts may be used for treatment; transportation; and improvement of specialty court programs by paying for treatment, transportation, capital goods, staff, training, studying the management and operation of the program, audits, PDs and DAs, technology, building housing, employment programs, and statewide PSAs re: DUI.
9	14	New Ch. 484A	If a person commits an offense for which a local gov't. is prohibited from enacting an ordinance per NRS 484A.400 the fine or bail forfeiture must be paid to the State for credit to the State Permanent School Fund.
10.5	14	484A.670	Except as provided in Sec. 5.7 a warrant may be issued for FTA.
28	14-15	484B.600	Includes operating a vehicle at a rate of speed that results in the injury of another person or property in speeding statute. Allows a court to reduce a speeding ticket to a non-moving violation. Creates a presumption in favor of reducing a speeding ticket to a non-moving violation if the defendant pays the entire amount of fine and fees before his or her first court date. The presumption may be overcome if the defendant has a driving record that demonstrates a pattern of moving violations. Speeding fines may not exceed \$20 per MPH over the limit.
42	15	Statutes of NV	Sections 1.3 to 3 apply to any LFO imposed before October 1, 2019. Sections 5.1, 5.5, 5.7, and sub 4 of Sec. 28 apply to offenses committed before, on, or after October 1, 2019. Section 5.3 applies to offense committed on or after October 1, 2019. Section 5.8 applies to offenses committed prior to October 1, 2019 if no warrant has been issued. Sec. 5.9 applies to any fee assessed on or after October 1, 2019. Section 8 applies to offense committed before October 1, 2019 if the person is sentenced on or after October 1, 2019. Section 9 applies to any fine or forfeiture on or after October 1, 2019. Sub 5 of Sec. 28 applies to any fine imposed on or after October 1, 2019.

Exhibit 8**SB20 - Revises provisions relating to guardianships.**

Section	Page(s)	NRS	Effect
2	3	New Ch. 159	At any time the court may appoint a successor guardian to serve immediately or when a designated event occurs. A person who may statutorily petition for the appointment of a guardian may petition for appointment of a successor guardian. A successor guardian appointed to serve when a designated event occurs may act when the event occurs and the successor have taken the oath and letters of guardianship have been issues. The revocation of letters of guardianship of the court's suspension of a guardian may be considered a designated event if the action is taken because of the guardians' noncompliance.
3	3-4	New Ch. 159	The court may appoint a temporary substitute guardian who may serve for up to six months if a proceeding to remove a guardian is pending or the court finds the guardian is not performing his or her duties and the health and welfare of the protected person require immediate action. A substitute guardian has the powers stated in the order appointing the guardian unless the court says otherwise, and the existing guardian is suspended for as long as the substitute guardian has authority. The court shall provide notice of the appointment of a substitute guardian within five days to the protected person and the existing guardian. The court may remove a temporary guardian at any time and require such reports as it deems necessary from the substitute guardian.
3.5	4-5	New Ch. 159	A person who files a petition for guardianship to transfer a protected person to a more appropriate healthcare placement that provides a less restrictive of care, i.e., acute care hospital to a rehabilitation facility, shall petition the court for an expedited hearing to determine the appropriateness of the transfer upon a showing of good cause. A petition for an expedited history must contain the name and address of the facility to which the proposed protected person will be transferred to, the level of care at the facility, the date of the transfer, the source of payment, and a statement from a healthcare provider verifying the transfer is medically necessary and is in the best interests of the proposed protected person, the new level of care is more appropriate for the needs of the protected person, and why the transfer must be expedited. A person may not petition the court for an expedited hearing for a transfer of a projected person to another state or to a secure assisted living facility. A petition for an expedited hearing may not be made to transfer a proposed protected person out of the judicial district unless an appropriate healthcare does not exist or is unavailable in the judicial district. The proposed protected person must be transferred to the nearest appropriate healthcare placement outside the judicial district.
23.3	5-8	159.0523	If a court appoints or extends a temporary guardian the court shall limit the authority of the temporary guardian to that which is necessary to perform any actions required to ensure the health, safety, or care of a protected person including, without limitation, respond to immediate risk of physical harm or need for immediate medical care and apply for Medicaid or other assistance, coverage, or support for the protected person for the purpose of providing adequate car of ensuring appropriate placement. If the court is considering an extension of a temporary guardianship or the issuance of an ex parte or emergency order, the court may consider the actions of the temporary guardian to carry out any requested activities for the benefit of the protected person.
23.7	8-9	159.0535	A proposed protected person may waive, through his or her appointed counsel, his or her appearance at a hearing for appointment of a guardian. A person who cannot attend a hearing for the appointment of any type of guardian may appear at such a hearing by telephone, videoconference, or any other means that uses real-time audio-video communication.

SB20 - CONTINUED

Section	Page(s)	NRS	Effect
25	11-12	159.0807	A guardian must provide notice to all interested persons if a protected person is admitted into any long term care facility or is admitted to a hospital or is temporarily placed in a rehabilitation facility. A guardian shall file notice with the court, and provide notice to all interested parties, of his or her intent to move a protected person to a higher level of care unless an emergency condition that presents a risk to the health and safety of the protected person and the protected person will be unable to return home within 24 hours, the move is made by a physician, social worker, or public office for protective services, or the move is the result of admission to a hospital or rehabilitation facility. In the event of an emergency condition the guardian may take temporary action to mitigate the emergency without the permission of the court, but shall file and provide notice as soon as practicable. Once a permanent placement is established the guardian shall file notice of the change of address with the court.
26	12-13	159.081	The court may waive the requirement that a guardian provide the protected person with a copy of guardianship report upon a showing such service is detrimental to the physical or mental health of the protected person. A guardianship report does not need to contain all the names of any person living with the protected person in supported living arrangement home.
27	14	159.154	In the event of sale, claims to acquire the personal property of a protected person must be considered in the following order: <ol style="list-style-type: none"> 1. Spouse or domestic partner; 2. Child; 3. Parents; 4. Siblings; 5. Nearest living relative; and 6. Any other interested party. If multiple claims are received from the same priority group and no agreement can be reached after good faith efforts, the property may be sold.
28	14-15	159.179	Receipts and vouchers for all expenditures from the estate shall be filed with the court only if the court orders the filing.
30	16	New Ch. 159A	Replicates successor guardian provision from Section 2 in the minor guardianship statutes.
31	16-17	New Ch. 159A	Replicates temporary substitute guardian provision from Section 3 in the minor guardianship statutes.
31.5	17	159A.0535	Replicates waiver and audio-visual provisions from Section 23.7 in the minor guardianship statutes.
33	18-21	247.305	Increases the \$3 recording fee to \$5 for the support of legal services for protected persons and for the compensation of minor guardianship investigators, lawyers for protected and proposed protected minors, and minor guardianship self-help.

Resource List

Nevada Legislature (Legislative Counsel Bureau)

Northern NV: (775) 684-6800
Southern NV: (775) 486-2626
Bills and Online NRS
<http://www.leg.state.nv.us/>

Nevada Judiciary

Supreme Court, AOC
Vicki Elefante
(775) 687-9807
e-mail: elefante@nvcourts.nv.gov
<http://www.nevadajudiciary.us/>

State Bar of Nevada

Northern NV: (775) 329-4100
Southern NV: (702) 382-2200
Toll Free: (800) 254-2797
<http://www.nvbar.org/>

State of Nevada

<http://nv.gov/>

Office of Governor Steve Sisolaki

Northern NV: (775) 684-5670
Southern NV: (702) 486-2500
<http://gov.nv.gov>

Office Secretary of State Barbara Cegavske

Northern NV: (775) 684-5708
Southern NV: (702) 486-2880
Elections Division: (775) 684-5705
<http://nvsos.gov/sos>

Office of Attorney General Aaron Ford

Northern NV: (775) 684-1100
Southern NV: (702) 486-3420
<http://ag.state.nv.us/>

Office of State Controller Catherine Byrne

Northern NV: (775) 684-5750
Southern NV: (702) 486-3895
<http://controller.nv.gov/>

Office of State Treasurer Zach Conine

Northern NV: (775) 684-5600
Southern NV: (702) 486-4140
Toll Free: (800) 521-0019
<http://www.nevadatreasurer.gov/>

Public Employees' Retirement System

Northern NV: (775) 687-4200
Toll Free: (800) 473-7768
<http://www.nvpers.org/>

Public Employees' Benefit Plan

(775) 684-7000
Toll-Free: 1-800-326-5496
<http://pebp.state.nv.us/>

Nevada Department of Business and Industry

Northern NV: (775) 684-2999
Southern NV: (702) 486-2750
<http://business.nv.gov/>

Nevada Department of Motor Vehicles (DMV)

Northern NV: 684-4DMV, (775) 684-4368
Southern NV: 486-4DMV, (702) 486-4368
Rural NV/Toll Free: (877) 368-7828
<http://www.dmvnv.com/>

Nevada Department of Public Safety (DPS)

(775) 684-4808
(775) 684-4556
<http://dps.nv.gov/>

Nevada Association of Counties (NACO)

(775) 883-7863
Provides Links to NV County Individual Websites
<http://nvnaco.org/>

Nevada League of Cities and Municipalities

(775) 882-2121
Provides Links to NV City Individual Websites
<http://www.nvleague.org/>

Case Law and Statutes:

U.S. Supreme Court

<http://www.oyez.org/>

NV Supreme Court Advance Opinions

<http://nvcourts.gov/Supreme/Decisions/Advance Opinions/>

NV Supreme Court Law Library

(775) 684-1640

<http://nvcourts.gov/lawlibrary/>

LCB Publications

Electronic and Paper Resources for Purchase

(775) 684-6835

<https://www.leg.state.nv.us/App/LCBStore/A/c-79-publications.aspx>

Government Printing Office

United States Code, Online Access and Purchase

<https://www.gpo.gov>

Legal Aid Providers:

Legal Aid Center of Southern Nevada

(702) 386-1070

<https://www.lacsn.org/>

Nevada Legal Services

(775) 883-0404

(800) 323-8666 (toll free)

<http://www.nlslaw.net/index.html>

Southern Nevada Senior Law Program

(702) 229-6596

<http://www.snslp.org/>

Volunteer Attorneys for Rural Nevadans (VARN)

(775) 883-8278

<http://www.varn.org/>

Washoe Legal Services

(775) 329-2727

<http://www.washoelegalservices.org/>

Washoe Senior Law Project

(775) 328-2592

<http://nvseniorlegalguide.org/assistance.html>

