

# Summary of Legislation

## Nevada Legislature

### 79<sup>th</sup> Session, 2017

# Nevada Supreme Court



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*Prepared by the*

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**September 2017**

**Nevada Supreme Court  
2017**

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September 20, 2017

Dear Friends and Colleagues:

The 79th Session of the Nevada Legislature produced a number of major legislative changes to the laws of Nevada. It is for that reason, and as part of the Nevada Supreme Court's public education effort, that the Court has prepared a Summary of legislation that we believe will have the most direct and noticeable impact on the judicial branch 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, we have listed some 200 statutes that the Court believes will have a significant impact on the citizens of our state, the legal community, and the Judicial Branch of Government.

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 2017 Session. Some examples include changes to guardianships, sealing of records, the expansion of specialty courts for "veterans," and authorizing a justice or municipal court to transfer a specialty court criminal case to another justice or municipal court within the State, and several studies/advisory commissions were created, such as the Nevada Right to Counsel Commission. The Court hopes you find the Summary to be a useful tool in researching legislative changes and in understanding potential implications to existing statutes.

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 79th Session of the Nevada Legislature to you.

Sincerely,

A handwritten signature in black ink that reads "Michael A. Cherry".

MICHAEL A. CHERRY

## **A Note from the Preparers**

Thank you for taking the time to review our 2017 Nevada Legislative Session Review Document. 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. All the hyperlinks herein are active and will take you to the specified destinations, be it an NRS, a specific bill, or a resource website.

On the topic of resources, this document contains a list of resources that may be useful to you. From the agencies and departments of Nevada State Government to resources for finding case law, we have included contact information for a variety of entities that may help your understanding and/or implementation of the legislation of 2017.

This document will be presented via a live webinar on the Supreme Court's website, and the webinar will also be available for viewing later:

<http://dep.nvcourtsdistanceed.com>

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## AB38 – Bail Notices

- This bill authorizes the electronic transmission, with a delivery receipt requested, of notices (transfer, forfeiture, FTA, exoneration) related to bail to bail agents.
- It requires the court to issue a warrant for the arrest of the defendant not later than 14 days after the defendant's failure to appear; and authorizes the electronic transmission of the notice of the defendant's failure to appear.
- Every bail agent and insurer authorized to write surety in this State and every subsidiary corporation of any such insurer to maintain a means of receiving electronic transmissions and to receive electronic transmissions.



**AB38** – Existing law provides that, under certain circumstances, a bail bond posted for an original offense charged must be transferred to the clerk of the court in which a related public offense is later charged and notice of the transfer must be mailed to the surety on the bond and the bail agent who executed the bond. This bill authorizes the electronic transmission of the notice of such a transfer. Existing law provides that, under certain circumstances, if a defendant fails to make a required appearance in court, the court shall: (1) not later than 45 days after the date on which the defendant failed to appear, order the issuance of a warrant for the arrest of the defendant; and (2) direct that each surety and the local agent of each surety or depositor, as applicable, be given notice by certified mail that the defendant failed to appear. This bill: (1) requires the court to issue a warrant for the arrest of the defendant not later than 14 days after the defendant's failure to appear; and (2) authorizes the electronic transmission of the notice of the defendant's failure to appear. This bill also provides that, in the case of electronic transmission, a receipt of delivery must be requested. Existing law requires notice of a motion to enforce liability for a bond to be mailed to the obligor. This bill authorizes the electronic transmission of the notice of such a motion. This bill requires, with certain exceptions, every bail agent and insurer authorized to write surety in this State and every subsidiary corporation of any such insurer to maintain a means of receiving electronic transmissions and to receive electronic transmissions pursuant to this bill.

***Effective: October 1, 2017***

***Amends: [New section in NRS Chapter. 178](#), [NRS 178.502](#), [178.508](#), [178.514](#), and [new section in NRS Chapter 697](#)***

## CORPORATE BUSINESS


**AB317** – Existing law requires each person doing business in this State under an assumed or fictitious name that is in any way different from the legal name of each person who owns an interest in the business to file a certificate with the county clerk stating the assumed or fictitious name under which the business is being conducted or is intended to be conducted. Existing law also provides limitations on the adoption of, and prohibits a county clerk from accepting the filing of a certificate for, certain fictitious names. This bill prohibits a person from adopting a fictitious name which imitates or causes another person to reasonably believe the fictitious name is the name of, or a name associated with, a government, governmental agency, political subdivision of a government, federally recognized Indian tribe or nation or any other governmental entity found within this State, another state or the United States.

***Effective: July 1, 2017***

***Amends: NRS 602.017***

**SB203 – Domestic Corporations**

- This bill expresses the intent of the Legislature regarding the law of domestic corporations, including that the laws of other jurisdictions must not supplant or modify Nevada law.
- The Legislature hereby finds and declares:
  1. The laws governing domestic corporations to be clear and comprehensible.
  2. The laws of this State govern the incorporation and internal affairs of a domestic corporation and the rights, privileges, powers, duties and liabilities, if any, of its directors, officers and stockholders.
  3. The plain meaning of the laws enacted by the Legislature in this title, including, without limitation, the fiduciary duties and liability of the directors and officers of a domestic corporation, must not be supplanted or modified by laws or judicial decisions from any other jurisdiction.
  4. The directors and officers of a domestic corporation, in exercising their duties, may be informed by the laws and judicial decisions of other jurisdictions and the practices observed by business entities in any such jurisdiction, but the failure or refusal of a director or officer to consider, or to conform the exercise of his or her powers to, the laws, judicial decisions or practices of another jurisdiction does not constitute or indicate a breach of a fiduciary duty.



**SB203** – Under existing law, with certain exceptions, a director or officer of a domestic corporation is presumed not to be individually liable to the corporation or its stockholders or creditors for damages unless: (1) an act or failure to act of the director or officer was a breach of his or her fiduciary duties; and (2) such breach involved intentional misconduct, fraud or a knowing violation of law. This bill specifies that to establish liability on the part of a corporate director or officer requires: (1) a rebuttal of this presumption; and (2) a breach of a fiduciary duty accompanied by intentional misconduct, fraud or a knowing violation of law. This bill clarifies the factors that a director or officer of a domestic corporation is entitled to consider in exercising his or her respective powers in certain circumstances, including, without limitation, resisting a change or potential change in the control of a corporation. This bill expresses the intent of the Legislature regarding the law of domestic corporations, including that the laws of other jurisdictions must not supplant or modify Nevada law.

***Effective: October 1, 2017***

***Amends: NRS Chapter 78, NRS 78.138, and 78.139***

## **ESTATES/PROBATE**

**AB314** – Existing law provides that money not exceeding \$500,000 and nonexempt personal property not exceeding \$1,000 in value that is held in a certain manner is exempt from a writ of execution. (NRS 21.090) This bill increases the amount of money to \$1,000,000, revises provisions relating to the manner in which such money is held and increases the amount of nonexempt personal property to \$10,000. Existing law establishes provisions relating to nonprobate transfers of property. This bill revises the definition of the term “nonprobate transfer” to exclude certain property, and this bill revises provisions relating to: (1) the procedure to proceed against a nonprobate transferee if there are insufficient assets in the estate to pay a valid creditor; and (2) the property against which a creditor does not have a claim to include certain property transferred pursuant to a beneficiary designation by a decedent. This bill also 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, and this bill specifies that in granting a divorce, a court is required to make an equal distribution of community property transferred into such an irrevocable trust to the extent practicable. This bill revises the definitions of the terms “expenses of administration” and “fiduciary,” respectively, for the purposes of the administration of an estate. This bill also revises provisions relating to the revival of a first will after the destruction, cancellation or revocation of a second will, and this bill revises provisions relating to the proving of a will as a lost or destroyed will. This bill revises: (1) provisions relating to no-contest clauses in a will or trust, respectively; and (2) the circumstances under which the share of a devisee or beneficiary, respectively, must not be reduced or eliminated. This bill also revises provisions relating to the issuance of a citation after a petition is filed that contests the admission of a will to probate or the validity of such a will. This bill authorizes a court to extend the period during which an agreement between an heir finder and apparent heir is void and unenforceable. This bill revises provisions relating to the appointment of a special administrator for the estate of a decedent. This bill revises provisions relating to the giving of a bond by a special administrator or personal representative, respectively. Existing law establishes provisions governing the administration of estates by personal representatives. This bill revises various provisions governing personal representatives. This bill revises provisions relating to the issuance of a temporary order to restrain a personal representative from performing certain actions and the setting of a hearing on the matter. Existing law establishes provisions relating to the filing by a personal representative of an inventory and appraisal or record of value of all the estate of the decedent that has come to the possession or knowledge of the personal representative. This bill extends the time within which a personal representative is required to file such documents and authorizes the filing of a redacted inventory in certain circumstances, and this bill authorizes the personal representative to file a verified record of value in lieu of the appraisal in certain circumstances. This bill revises provisions relating to the satisfaction of the fees and costs incurred by a person seeking to enforce the filing of an inventory. Existing law establishes provisions governing the presentation of claims against the estate of a decedent. This bill authorizes any creditor of a decedent to petition the court for a determination of the validity of a rejected claim in lieu of bringing suit against the personal representative. This bill authorizes the holder of any lien against the property of an estate to bring an action enforcing the lien against the property in certain circumstances. Existing law establishes provisions governing the sale of real property of an estate. This bill revises provisions relating to such a sale. This bill revises provisions relating to a court’s jurisdiction over and trustees of a testamentary trust. This bill provides that the specified period within which an act authorized or required to be performed pursuant to the provisions of law concerning notices, transfers, orders, procedure and appeals relating to the wills and estates of deceased persons may be extended in certain circumstances or the court may authorize a person to perform the act after the specified period expires if the failure to perform the action was the result of excusable neglect. This bill authorizes notice to any person in the matter of an estate or testamentary trust to be served by certified mail. Existing law establishes miscellaneous provisions relating to fiduciaries. This bill authorizes a fiduciary to withhold from the beneficiaries of an estate or trust any property that the fiduciary determines may be subject to claims of offset held by the fiduciary in his or her fiduciary capacity, and this bill authorizes a fiduciary to establish a trust for certain purposes. Existing law establishes various provisions governing trusts. This bill authorizes a trust to be created for a noncharitable purpose without a definite ascertainable beneficiary or for a noncharitable but otherwise valid purpose. Under, the noncharitable purpose must be stated with sufficient particularity in the trust instrument to enable a finder of fact to ascertain the noncharitable purpose for which the trust was created. This bill establishes provisions relating to the effect of the divorce, annulment of the marriage or termination of the domestic partnership of the descendant of a settlor on the former spouse or domestic partner of the descendant. This bill also revises provisions relating to the creation of a trust. This

bill authorizes a court to enter a temporary order restraining a trustee from performing specified acts in certain circumstances, and this bill provides that a trustee is entitled to be exonerated or reimbursed for a tort committed in the administration of a trust in certain circumstances. This bill revises provisions relating to the power of a trustee to appoint property of one trust to a second trust. This bill establishes the circumstances in which a trustee is authorized to include capital gains from the sale or exchange of capital assets in distributable net income for purposes of taxation. This bill also requires a trustee to provide a list of the assets of the trust estate to an interested person upon a written request in certain circumstances. This bill revise provisions governing jurisdiction over a trust. This bill authorizes a person who is 18 years of age or older and who wishes to authorize another person to order the burial or cremation of his or her human remains in the event of his or her death to do so by including such an authorization in a validly executed will or durable power of attorney.

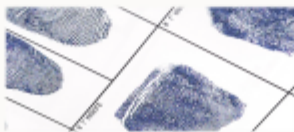
*Effective: October 1, 2017*

*Amends: [NRS 21.090](#), [111.721](#), [111.779](#), [new section in NRS Chapter 123](#), [NRS 125.150](#), [132.135](#), [132.145](#), [133.130](#), [136.240](#), [137.005](#), [137.090](#), [139.135](#), [140.010](#), [140.030](#), [142.020](#), [143.020](#), [143.035](#), [143.037](#), [143.050](#), [143.165](#), [144.010](#), [144.020](#), [144.080](#), [147.130](#), [147.150](#), [148.220](#), [148.260](#), [148.270](#), [153.020](#), [153.031](#), [153.041](#), [153.070](#), [153.090](#), [new section in NRS Chapter 155](#), [NRS 155.050](#), [162.280](#), [162.300](#), [NRS Chapter 163](#), [NRS 163.00195](#), [163.002](#), [163.006](#), [163.008](#), [163.027](#), [163.115](#), [163.130](#), [163.4185](#), [163.556](#), [163.610](#), [164.010](#), [164.045](#), [165.030](#), and [451.024](#)*

## **GENERAL**

### AB14 – Fingerprints for Name Changes

- This bill requires that a complete set of fingerprints be submitted with a petition requesting a change of name if the petitioner has a criminal records.
- A court which grants or rescinds an order for change of name for a person with a criminal record must submit a complete set of finger prints when transmitting the order to the Central repository.
- A peace officer who cites a person for a misdemeanor constituting domestic violence must forward a complete set of the person’s fingerprints to the Central repository.



**AB14** – Existing law sets forth the requirements for a petition by which a natural person may request a change of name. This bill requires such a petition to be accompanied by a complete set of the person’s fingerprints if the person has a criminal record. Existing law requires a court which grants a change of name to a person who has a criminal record or which rescinds its order granting a change of name of a person who falsely denied having been convicted of a felony to transmit a copy of the applicable order to the Central Repository for Nevada Records of Criminal History for inclusion in that person’s record of criminal history. This bill requires the applicable order to be accompanied by a complete set of the person’s fingerprints. Existing law requires a peace officer who detains and cites a person for a violation of an ordinance or state law that is punishable as a misdemeanor and constitutes domestic violence to obtain not less than one fingerprint from the person and forward any fingerprint taken to the Central Repository for Nevada Records of Criminal History. This bill requires that a complete set of the person’s fingerprints be sent to the Central Repository.

*Effective: July 1, 2017*

*Amends: [NRS 41.270](#), [41.290](#), and [171.1229](#)*

## AB102 – Venue in Civil Actions

- This bill authorizes a court to remove a civil proceeding, including, without limitation, matters relating to domestic relations, to a court in another county after:
  1. A final order, judgment or decree has been entered in a proceeding in which the court has continuing jurisdiction;
  2. A party to the final order, judgment or decree has filed a subsequent petition or motion relating to the proceeding;
  3. None of the parties currently reside in the county where the final order, judgment or decree was entered; and
  4. The respondent files a timely demand for the petition or motion to be heard in a county where either party to the proceeding resides or where the child which is the subject of the proceeding resides. A court may approve such a demand and remove the proceeding to another court within this State where venue is proper and which is agreed upon by the parties or ordered by the court.

**AB102** – Existing law requires a court to maintain continuing jurisdiction over certain matters relating to domestic relations, including, without limitation, divorce, child custody and child support matters. Continuing jurisdiction allows a court to modify its final order, judgment or decree to account for changed circumstances relating to the parties or instances of fraud or mistake. Existing law also requires that a civil action must be removed from a court of this State if venue is not proper and the defendant, before the time for filing an answer to the complaint has expired, demands in writing that the trial be carried out in a court where venue is proper. Existing law does not, however, authorize a change of venue after a trial is complete. This bill authorizes a court to remove a civil proceeding, including, without limitation, matters relating to domestic relations, to a court in another county after: (1) a final order, judgment or decree has been entered in a proceeding in which the court has continuing jurisdiction; (2) a party to the final order, judgment or decree has filed a subsequent petition or motion relating to the proceeding; (3) none of the parties currently reside in the county where the final order, judgment or decree was entered; and (4) the respondent files a timely demand for the petition or motion to be heard in a county where either party to the proceeding resides or where the child which is the subject of the proceeding resides. Finally, this bill authorizes a court to approve such a demand and remove the proceeding to another court within this State where venue is proper and which is agreed upon by the parties or ordered by the court.

*Effective: October 1, 2017*

*Amends: [NRS 13.050](#)*

**AB145** – This bill extends the time by which a civil action to recover damages arising from the sexual abuse of a person who is less than 18 years of age must be commenced from 10 years to 20 years after the person reaches 18 years of age or discovers or should have discovered that an injury was caused by the sexual abuse, whichever is later. This bill also extends the time by which a civil action to recover damages arising from the appearance of a person who is less than 16 years of age in pornographic material must be commenced from 3 years to 20 years after the person reaches 18 years of age or after a court enters a verdict in a related criminal case, whichever is later.

*Effective: May 24, 2017*

*Amends: [NRS 11.215](#) and [217.007](#)*



## AB173 – Name Change Petitions

- This bill requires an applicant for a name change to submit a statement, signed under penalty of perjury, that the applicant is not changing her or his name for a fraudulent purpose.
- This bill revises the requirements for publication of a notice of name change to require that the notice be published at least once.



**AB173** – Existing law authorizes a person to change his or her name by filing a petition in the district court of the district in which the person resides. The petition from an applicant for a name change must be addressed to the court and must state the applicant’s present name, the name which the applicant desires to bear in the future, the reason for desiring the change and whether the applicant has been convicted of a felony. This bill requires an applicant for a name change to submit with the petition a statement signed under penalty of perjury that the applicant is not changing his or her name for a fraudulent purpose. Existing law also requires the applicant to publish a notice of the name change in a newspaper of general circulation in the county once a week for 3 successive weeks. This bill requires such publication to be made at least one time.

*Effective: July 1, 2017*

*Amends: [NRS 41.270](#), [41.280](#), and [41.290](#)*

**SB110** – Under existing law, a natural person who files a petition for a court-ordered change of name is required to publish certain information concerning the petition in a newspaper of general circulation once a week for 3 weeks. Existing law waives this requirement if the person demonstrates that such publication would place his or her personal safety at risk. This bill additionally waives the publication requirement if the reason for the change of name is to conform the person’s name to his or her gender identity.

*Effective: May 24, 2017*

*Amends: [NRS 41.280](#) and [41.290](#)*



## SB230 - Judgments

- This bill increases the percentage of a judgment debtor's disposable earnings exemption to 82 percent of a judgment debtor's disposable earnings for any workweek if the gross weekly salary or wage of the debtor on the date of the most recent writ of garnishment was issued was \$770 or less.
- It maintains the exemption at 75 percent of a judgment debtor's disposable earnings for any workweek if the gross weekly salary or wage of the debtor on the date the most recent writ of garnishment was issued exceeded \$770.
- It explains how the gross weekly salary or wage of a debtor must be determined.
- This bill authorizes a judgment debtor who is a resident of this State to bring a civil action against a judgment creditor who, without domesticating a foreign judgment, garnishes a bank account or any other personal property maintained by the judgment debtor at a branch of a financial institution located in this State or the earnings of the judgment debtor from employment in this State.
- It provides that any subsequent application for a writ of garnishment made by the judgment creditor concerning the same debt must not be approved unless such an accounting and report are submitted with the application.
- Finally, it extends the period of validity for a writ of garnishment served on an employer from 120 to 180 days.



**SB230** – Existing law provides that 75 percent of a judgment debtor's disposable earnings for any workweek is exempt from execution unless the weekly take-home pay is less than 50 times the federal minimum hourly wage, in which case the entire amount may be exempt. This bill: (1) increases the exemption to 82 percent of a judgment debtor's disposable earnings for any workweek if the gross weekly salary or wage of the debtor on the date the most recent writ of garnishment was issued was \$770 or less; and (2) maintain the exemption at 75 percent of a judgment debtor's disposable earnings for any workweek if the gross weekly salary or wage of the debtor on the date the most recent writ of garnishment was issued exceeded \$770. This bill explains how the gross weekly salary or wage of a debtor must be determined. Existing law requires a judgment creditor who seeks to enforce a foreign judgment in this State to domesticate the foreign judgment by filing a copy of the foreign judgment with the clerk of any district court of this State. This bill authorizes a judgment debtor who is a resident of this State to bring a civil action against a judgment creditor who, without domesticating a foreign judgment, garnishes a bank account or any other personal property maintained by the judgment debtor at a branch of a financial institution located in this State or the earnings of the judgment debtor from employment in this State. Additionally, existing law generally provides that if the employer of a judgment debtor whose earnings are being garnished is a garnishee, the writ of garnishment served on the employer continues for the earlier of 120 days or until the amount demanded in the writ is satisfied. This bill extends such a period to the earlier of 180 days or until the amount demanded in the writ of garnishment is satisfied. Existing law further provides that a judgment creditor who caused a writ of garnishment to issue is required to prepare an accounting and provide a report containing certain information to the judgment debtor, the sheriff and each garnishee with each writ of garnishment. This bill specifies that any subsequent application for a writ of garnishment made by the judgment creditor concerning the same debt must not be approved unless such an accounting and report are submitted with the application.

***Effective: October 1, 2017***

***Amends: [New section in NRS Chapter 21](#), [NRS 21.025](#), [21.075](#), [21.090](#), [NRS Chapter 31](#), [NRS 31.045](#), [31.060](#), [31.260](#), [31.290](#), [31.295](#), and [31.296](#)***

## **LIMITED JURISDICTION**

**SB185** – Existing law regulates trade practices and other commercial activities. This bill prohibits a seller or lessor of consumer goods or services who uses a form contract, which is a contract that has standardized terms and is imposed on a consumer without a meaningful opportunity for negotiation by the consumer concerning the standardized terms, from including in the contract a provision that: (1) limits or requires the consumer to waive his or her rights to provide a review, comment or other statement concerning the seller or lessor or the goods or services; (2) imposes a penalty on the consumer for providing such a review, comment or other statement; or (3) declares that the provision of such a review, comment or other statement by the consumer is a breach of the contract. It provides that any such provision included in a form contract is unenforceable and further provides that any person who violates its provisions is guilty of a misdemeanor and, in addition to any criminal penalty, is liable for civil penalties of up to \$2,500 for the person’s first violation, up to \$5,000 for each subsequent violation and an additional penalty of up to \$10,000 if the court finds that the violation is reckless, willful or wanton. Authorizes the consumer, the Attorney General, a district attorney or city attorney to bring an action to recover the civil penalty and to retain any money awarded by the court. This bill does not prohibit a person who maintains an online forum, such as an Internet website, from removing from the forum any statement or information that the person is lawfully entitled to remove. This bill prohibits a person from leasing any living animal or goods intended for personal, family or household use if the living animal or good is expected to have not more than a minimal residual financial value at the end of the term of the lease or contract. Further requires that any retail installment contract for the sale of any living animal or goods intended for personal, family or household use be subject to the federal Truth in Lending Act. Additionally sets forth that a failure to comply with or a violation constitutes a deceptive trade practice or consumer fraud, respectively. Finally, exempts any lease or contract on furniture or household electronics from the provisions of certain sections.

*Effective: July 1, 2017*

*Amends: [NRS Chapter 597](#)*

## CONSTITUTIONAL AMENDMENTS

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**AJR2** – The Nevada Constitution provides that only a marriage between a male and a female person may be recognized and given effect in this State. The United States Supreme Court, however, held in 2015 that the right to marry is guaranteed by the Fourteenth Amendment to the United States Constitution and that same-sex couples may not be deprived of that right. See *Obergefell v. Hodges*, 135 S. Ct. 2584 (2015). Under the Supremacy Clause of the United States Constitution, federal constitutional law supersedes state constitutional law in most cases. (U.S. Const. Art. VI, cl. 2) As a result, Article 1 of the Nevada Constitution is not enforceable. This resolution amends Article 1 of the Nevada Constitution to require the State of Nevada and its political subdivisions to recognize all marriages regardless of gender. In addition, this resolution establishes the rights of religious organizations and members of the clergy to refuse to perform marriages on the basis of gender or other factors, and specifically provides that a person does not have a right to make a claim against a religious organization or member of the clergy for refusing to perform a marriage. This resolution further provides that all legally valid marriages must be treated equally under the law.

*Return to 2019 Session*

*Amends: [Section 21 of Article 1](#)*

### SJR1- Pardons Board

- This resolution proposes to amend the Nevada Constitution to modify the provisions regarding the Pardons Board to:
  1. Eliminate the requirement that Governor must vote in the majority;
  2. Require quarterly meetings;
  3. Allow any member to submit items for consideration; and
  4. Allow the Board to take action based on a simple majority.



**SJR1** – Under the Nevada Constitution and existing law, the State Board of Pardons Commissioners consists of the Governor, the justices of the Supreme Court and the Attorney General. (Nev. Const. Art. 5, § 14) The Nevada Constitution does not expressly provide for a State Board of Pardons Commissioners, but rather establishes the authority, powers and duties of the Board. Further, the Nevada Constitution requires the Governor to vote in the majority for any action. (Nev. Const. Art. 5, § 14) This joint resolution proposes to amend the Nevada Constitution to: (1) expressly provide for the State Board of Pardons Commissioners; (2) eliminate the requirement that the Governor vote in the majority for any action; (3) require the State Board of Pardons Commissioners to meet at least quarterly; (4) authorize any member of the State Board of Pardons Commissioners to submit matters for consideration by the Board; and (5) provide that a majority of the members of the State Board of Pardons Commissioners is sufficient for any action taken by the Board. (Nev. Const. Art. 5, § 14)

*Return to 2019 Session*

*Amends: [Section 14 of Article 5](#)*

**SJR2** – The United States Constitution, Congress has the power to propose an amendment to the federal Constitution and to determine the mode of ratification. (U.S. Const. Art. V) In 1972, Congress passed the Equal Rights Amendment and sent it to the states for ratification, imposing a 7-year time limit for ratification in the resolving clause of the Amendment, but later extended this time limit to June 30, 1982. The Equal Rights Amendment was ratified by 35 states before the deadline. Under *Coleman v. Miller*, 307 U.S. 433, 450, 456 (1939), the United States Supreme Court held that, as a political question, Congress may determine whether an amendment is valid because ratifications of the amendment are made within a reasonable period of time, even after the deadline. This resolution ratifies the Equal Rights Amendment, which provides for equality of rights under the law regardless of sex.

*Return to 2019 Session*

*Amends: [Article 5](#)*

**SJR3** – Existing law provides voters with certain rights. This resolution proposes to amend the Nevada Constitution by adding a new section to Article 2 to provide similar rights in the Nevada Constitution.

*Return to 2019 Session*

*Amends: [New section in Article 2 of the Nevada Constitution](#)*

## SJR4 – Limitation on Political Contributions

- This joint resolution urges Congress to propose an amendment to the United States Constitution to allow the governments of the United States and the individual states to regulate and limit political contributions and expenditures to protect the integrity of elections and the equal right of all Americans to effective representation.



**SJR4** – Urging Congress to propose an amendment to the United States Constitution to allow the governments of the United States and the individual states to regulate and limit political contributions and expenditures to protect the integrity of elections and the equal right of all Americans to effective representation.

*Effective: May 29, 2017*

## SJR17\* - Victims' Bill of Rights

- This resolution proposes to amend the Nevada Constitution to eliminate the existing provisions of Article 1, Section 8, concerning victims' rights.
- It would add a new section setting forth an expanded list of such rights in the form of a victims' bill of rights.
- Modeled after the victims' bill of rights in California Constitution often referred to as Marsy's Law (Cal. Const. Art. 1, § 28).
- On 2018 General Election Ballot



**SJR17\*** – Under the Nevada Constitution, the Legislature is required to provide by law for certain rights of the victims of crimes, in particular, the right to be informed of the status of criminal proceedings concerning those crimes, the right to be present at public hearings concerning those crimes and the right to be heard at all proceedings for the sentencing or release of persons convicted of those crimes. (Nev. Const. Art. 1, § 8) This resolution proposes to amend the Nevada Constitution to eliminate the existing provisions concerning victims' rights and to add a new section that sets forth an expanded list of such rights in the form of a victims' bill of rights. The new section is modeled after the victims' bill of rights set forth in the California Constitution as it was amended in 2008 by what is commonly referred to as Marsy's Law. (Cal. Const. Art. 1, § 28)

***On 2018 Ballot***

***Amends: New Section designated Section 23 in Article 1 of the Nevada Constitution, and Section 8 of Article 1 of the Nevada Constitution***

### NEW CRIMES

**AB391** – Existing law creates various crimes against public decency and good morals and provides penalties to be imposed upon persons who commit such crimes. This bill creates the crime of bestiality and sets forth the punishment for the crime. Under this bill, a person who commits the crime of bestiality is guilty of a gross misdemeanor, except that the penalty is increased to a category D felony if: (1) the animal dies or suffers serious bodily injury as the result of the crime; or (2) the person has a previous felony conviction for animal cruelty. This bill further requires the court to order a person convicted of the crime of bestiality: (1) to relinquish and permanently forfeit ownership or possession of all animals which are in the same household as the person; and (2) not to harbor, own, possess, keep or exercise control over any animal, not to reside in any household where an animal is present and not to work at or volunteer for a business, animal shelter or other place where the person may access an animal for a period determined by the court. Finally, this bill also authorizes the court to order a person convicted of the crime of bestiality: (1) to undergo a psychological evaluation and any recommended counseling and to pay the expenses for such an evaluation and counseling; (2) to pay all reasonable costs incurred for the care and maintenance of the animal involved in the crime and any other animal that is relinquished by the person; and (3) if the person is not the owner of the animal involved in the crime, to reimburse the owner of the animal for all medical expenses incurred for treating the animal.

*Effective: October 1, 2017*

*Amends: [New Section in NRS Chapter 201](#)*

**AB476** – Existing law authorizes the Secretary of State to appoint electronic notaries public and provides for the performance of notarial acts on electronic records by electronic notaries public. This bill clarifies that an appointment as an electronic notary public does not authorize the electronic notary public to perform notarial acts in another state. This bill authorizes an electronic notary public to certify a true and correct copy. Under existing law, to become an electronic notary public, a person is required to: (1) already be a notarial officer in Nevada; (2) successfully complete a course of study on electronic notarization; (3) enter into a bond; (4) pay an application fee; and (5) take an oath. Under existing law a notary public is required to take an oath and file a bond. This bill removes the requirement for an electronic notary public to file an additional bond and take an additional oath. However, this bill requires that the bond filed by a person who is also an electronic notary public provide indemnification to a person determined to have suffered damage as a result of the electronic notary public's violation of the statutes governing electronic notaries public, in addition to those statutes governing notaries public generally. Under existing law, the term of an appointment as an electronic notary public is 4 years and commences on the effective date of the bond filed by the notary public. Under existing law, the initial term of an electronic notary public is 2 years and then 4 years thereafter. This bill makes a person's term of an appointment as an electronic notary public coterminous with that person's term of appointment as a traditional notary public. Section 5 requires a person's appointment as an electronic notary public to be renewed at the same time as the renewal of his or her appointment as a traditional notary public. Existing law requires a person to take a course that includes at least 3 hours of instruction to become an electronic notary public. This bill limits the course to only online and decreases the length of the course to not longer than 3 hours, including the time necessary to take the required examination at the end of the course. Existing law requires a person, upon resignation, revocation or expiration of an appointment as an electronic notary public, to provide certain notarial records to the Secretary of State. This bill instead requires a person to keep such records for a period of 7 years following the termination of his or her appointment as an electronic notary public. This bill requires an electronic notary public to notify the entity from which he or she obtained an electronic signature or electronic seal within 10 days if the signature or seal has been stolen, lost, damaged or otherwise rendered incapable of affixing a legible image. Existing law requires the Secretary of State to issue, upon request and the payment of certain fees, an authentication to verify that: (1) the electronic signature of the electronic notary public on a document is valid; and (2) the electronic notary public holds the office indicated on the document. This bill requires a request for authentication to include a statement signed under penalty of perjury that the document will not be used to: (1) harass a person; or (2) accomplish any fraudulent, criminal or



other unlawful purpose. This bill also prohibits the bringing of a civil action against the Secretary of State on the basis that: (1) the Secretary of State has issued such an authentication; and (2) the document has been used to harass a person or accomplish any fraudulent, criminal or other unlawful purpose. Additionally, this bill provides that a person who uses a document for which an authentication has been issued for such unlawful purposes is guilty of a category C felony.

*Effective: July 1, 2017*

*Amends: [NRS 240.020](#), [240.033](#), [240.185](#), [240.192](#), [240.194-240.196](#), [240.201](#), [240.202](#), and [240.205](#)*

*Repeals: [NRS 240.193](#)*

**[SB194](#)** – The Endangered Species Act of 1973 and the African Elephant Conservation Act restrict importation to, exportation from and trade throughout the United States of certain items made of or containing certain animal parts. (16 U.S.C. §§ 1531 et seq.; 16 U.S.C. §§ 4201 et seq.) This bill prohibits the purchase, sale or possession with intent to sell any item in this State that is, wholly or partially, made of an animal part or byproduct derived from a shark fin, a lion of the species *Panthera leo* or any species of elephant, rhinoceros, tiger, leopard, cheetah, jaguar, pangolin, sea turtle, ray, mammoth, narwhal, walrus or hippopotamus. This bill also designates the criminal and civil penalties to be imposed upon a person for violating these provisions. This bill exempts certain classes of sales from the provisions, including certain sales involving: (1) law enforcement; (2) antiques; (3) musical instruments; (4) knives and firearms; and (5) a scientific or educational institution. Section 3 also exempts sales of items specifically authorized for sale by federal law or sport-hunted items legally obtained in accordance with federal law.

*Effective: January 1, 2018*

*Amends: [NRS Chapter 597](#)*

**[SB235](#)** – Existing law prohibits a number of deceptive trade practices, including, without limitation, pyramid schemes and violations of requirements relating to charitable solicitations, sales promotions, door-to-door sales and grant writing services. Existing law authorizes the Attorney General, the Commissioner of Consumer Affairs and the Director of the Department of Business and Industry to investigate and prosecute deceptive trade practices, which may include, without limitation, criminal prosecution or the imposition of certain civil penalties. This bill makes a knowing violation of the provisions of this bill relating to ticket sales a deceptive trade practice subject to enforcement. This bill requires the Bureau of Consumer Protection in the Office of the Attorney General to establish a toll-free statewide hotline and an Internet website by which a person may file a complaint relating to a suspected violation of this bill. This bill makes conforming changes. This bill prohibits a reseller, a secondary ticket exchange or any affiliate of a reseller or secondary ticket exchange from: (1) displaying a trademarked or copyrighted Internet website address or a title, designation, image, mark or other symbol on the Internet website of the reseller without the consent of the trademark or copyright holder; or (2) creating an Internet website that is substantially similar to the Internet website of an entertainment facility, athletic contest or live entertainment event without permission. This bill prohibits a reseller from: (1) reselling more than one copy of the same ticket to an athletic contest or live entertainment event; or (2) employing another person directly or indirectly to wait in line to purchase tickets for the purpose of reselling the tickets if the practice is prohibited by the sponsor, organizer or promoter of the athletic contest or live entertainment event or if the venue at which the athletic contest or live entertainment event will occur has posted a policy prohibiting the practice. This bill defines “Internet robot” as a software application that attempts to complete or completes an automated transaction on an Internet website. This bill prohibits the use of an Internet robot for the purposes of circumventing the ticket purchasing process on an Internet website or to disguise the identity of the ticket purchaser in order to obtain a greater quantity of tickets than authorized. This bill authorizes a person injured by a violation of any of the provisions of this bill to bring a civil action to seek: (1) declaratory and injunctive relief; and (2) actual damages or \$100, whichever is greater. This bill provides that a violation of any of the provisions of this bill is a misdemeanor unless a greater penalty is otherwise provided by law. This bill provides an enhanced penalty for the sale of a ticket in willful and knowing violation of the provisions of this bill to an entertainment facility which is operated by a governmental entity or a public-private partnership.

*Effective: October 1, 2017*

*Amends: [NRS Chapter 598](#), [NRS 598.0903](#), [598.0953](#), [598.0955](#), [598.0963](#), [598.0967](#), [598.0971](#), [598.0985](#), [598.0993](#), [598.0999](#), [11.190](#), and [41.600](#)*

**SB362** – Existing law establishes various unlawful acts relating to racketeering activity and provides that any person who commits such an act is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 5 years and a maximum term of not more than 20 years, and may be further punished by a fine of not more than \$25,000 or, in lieu of such a fine, by an alternate fine and the payment of court costs and reasonable costs of the investigation and prosecution. Existing law generally defines the term “racketeering activity” as engaging in at least two crimes related to racketeering that meet certain requirements. Existing law also defines the term “crime related to racketeering” as the commission of, attempt to commit or conspiracy to commit certain specified crimes. This bill revises the definition of the term “crime related to racketeering” to include: (1) forgery of a credit card or debit card; (2) obtaining and using personal identifying information of another person; and (3) establishing or possessing a financial forgery laboratory.

*Effective: October 1, 2017*

*Amends: NRS 207.360*

**SB396** – Existing law authorizes an institution of higher education or the State Department of Agriculture to grow or cultivate industrial hemp for purposes of research conducted under an agricultural pilot program or for other agricultural or academic research. This bill creates a separate program for the growth and cultivation of industrial hemp and produce agricultural hemp seed in this State. This bill requires a person who wishes to grow or handle industrial hemp or produce agricultural hemp seed to register with the Department. This bill establishes certain registration requirements for such growers, handlers and producers. This bill requires the testing of commodities or products made using industrial hemp by an independent testing laboratory. This bill allows a facility for the production of edible marijuana products or marijuana-infused products and a medical marijuana dispensary to acquire industrial hemp from a registered grower or handler. This bill also allows a facility for the production of edible marijuana products or marijuana-infused products to use industrial hemp to manufacture edible marijuana products and marijuana-infused products. Finally, this bill allows a medical marijuana dispensary to dispense industrial hemp and edible marijuana products and marijuana-infused products containing industrial hemp. This bill requires the Division of Public and Behavioral Health of the Department of Health and Human Services to adopt regulations setting forth minimum requirements for industrial hemp which is used by a facility for the production of edible marijuana products or marijuana-infused products to manufacture such products or which is dispensed by a medical marijuana dispensary.

*Effective: July 1, 2017.*

*Amends: NRS Chapter 557, NRS 557.010, 557.080, 453A.352, and 453A.370*



## SB488 – Facilitating Sex Trafficking

- A person is guilty of the new crime of sex trafficking (Cat. B felony) if he or she:
  1. Facilitates, arranges, provides or pays for the transportation of a person to or within this State with the intent of inducing that person to engage in unlawful sexual conduct or prostitution or, if that person is a child, certain acts relating to pornography involving minors;
  2. Sells travel services that facilitate the travel of another person to this State with the knowledge that the other person is traveling to this State for the purpose of engaging in sexual conduct with a victim of sex trafficking, soliciting a child who is a victim of sex trafficking or engaging in certain acts relating to pornography involving minors; or
  3. Travels to or within this State by any means with the intent of engaging in sexual conduct with a victim of sex trafficking with the knowledge that the victim has been induced to engage in sexual conduct or prostitution or engaging in certain acts relating to pornography involving minors.
- This bill also creates a rebuttable presumption that if a person under 18 who is a sex trafficking victim is alleged to have engaged in sex trafficking is prosecuted as an adult that he or she did so under duress.

**SB488** – Existing law establishes certain specific acts that constitute the crime of sex trafficking and sets forth the penalties imposed upon a person who is found guilty of sex trafficking. Such penalties vary depending on whether the victim of sex trafficking is an adult or a child and, if a child, the age of the child. This bill establishes the crime of facilitating sex trafficking and provides that a person is guilty of such a crime if he or she: (1) facilitates, arranges, provides or pays for the transportation of a person to or within this State with the intent of inducing that person to engage in unlawful sexual conduct or prostitution or, if that person is a child, certain acts relating to pornography involving minors; (2) sells travel services that facilitate the travel of another person to this State with the knowledge that the other person is traveling to this State for the purpose of engaging in sexual conduct with a victim of sex trafficking, soliciting a child who is a victim of sex trafficking or engaging in certain acts relating to pornography involving minors; or (3) travels to or within this State by any means with the intent of engaging in sexual conduct with a victim of sex trafficking with the knowledge that the victim has been induced to engage in sexual conduct or prostitution or engaging in certain acts relating to pornography involving minors. This bill provides that a person who is guilty of facilitating sex trafficking is guilty of a category B felony and is subject to certain minimum and maximum terms of imprisonment depending on whether the victim is an adult or a child. This bill provides that if a person who is less than 18 years of age and is a victim of sex trafficking or facilitating sex trafficking commits the crime of sex trafficking or facilitating sex trafficking and is prosecuted in a criminal proceeding as an adult, there is a rebuttable presumption that the person acted under duress. Existing law establishes a privilege for confidential communication between a victim of certain crimes and a victim’s advocate who works for a nonprofit program that provides assistance to victims of those crimes. This bill defines the crime of “human trafficking,” and this bill revises the definition of “victim” to include a person who alleges that an act of human trafficking has been committed against the person, thus authorizing the person to assert the privilege of confidential communication between the person and a victim’s advocate. This bill requires the Department of Health and Human Services to

develop a Medicaid service package called the Sexual Trauma Services Guide for the purpose of assisting victims of sexual trauma who are eligible for Medicaid. This bill requires the Department to post information relating to the Sexual Trauma Services Guide on the Internet website of the Department and to make such information available to any person upon request at the office of the Department. This bill also authorizes the Department to adopt regulations relating to the development of the Sexual Trauma Services Guide. In 2016, the Governor established by executive order the Nevada Coalition to Prevent the Commercial Sexual Exploitation of Children. (Executive Order 2016- 14 (5-31-2016)) The Coalition is required to prepare a comprehensive statewide strategic plan and recommendations regarding how to address certain provisions of federal law relating to sex trafficking. This bill requires the Department to hold periodic informational meetings for the purpose of coordinating the efforts of various entities to improve services for victims of sex trafficking and achieve the goals set forth in the statewide strategic plan developed by the Coalition.

*Effective: October 1, 2017*

*Amends: [NRS Chapter 201](#), [NRS 201.295](#), [new section in NRS Chapter 49](#), [NRS 49.2541](#), [49.2544](#), [new section in NRS Chapter 422](#), and [NRS Chapter 439](#)*

## **POST-CONVICTION/CORRECTIONS**

**AB25** – Existing law requires that a person who is sentenced to serve a period of probation for a felony or gross misdemeanor be allowed for the period of probation a deduction of a certain number of days from that period for each month the person serves if he or she is in compliance with the terms and conditions of the probation and is: (1) current with any fee to defray the costs of the person’s supervision and any fines, fees and restitution ordered by the court; and (2) actively involved in employment or enrolled in a program of education, rehabilitation or another program approved by the Division of Parole and Probation of the Department of Public Safety. Existing law similarly requires that certain persons who are on parole or released on parole be allowed for the period the person is on parole a deduction of a certain number of days from the person’s sentence for each month served if the person is current with any fee to defray the costs of his or her supervision and any payment of restitution required by the State Board of Parole Commissioners. This bill revises the requirements that a probationer must satisfy to be allowed a deduction from his or her period of probation. This bill removes the requirements that the probationer be in compliance with the terms and conditions of the probation and be current on the payment of fines and fees ordered by the court, thereby making the requirements for probationers to be allowed a deduction more similar to the existing requirements imposed on parolees. This bill also removes the requirement that a probationer, to be allowed a deduction, must be both: (1) current with any fee to defray the costs of his or her supervision and any payment of restitution; and (2) actively involved in employment or enrolled in a program approved by the Division, and instead provides that a probationer is allowed a separate deduction for satisfying each such requirement. Existing law provides that under certain circumstances an offender may earn credits to reduce his or her sentence of imprisonment for each month the offender serves. This bill authorizes the Governor, by executive order, if the Governor determines it is necessary, to grant additional credits to reduce an offender’s sentence by not more than 5 days for each month an offender serves. This bill, respectively, provides that for the purpose of determining whether a probationer is allowed a deduction from his or her period of probation for being current with any fee to defray the costs of his or her supervision and any payment of restitution or whether a parolee is allowed a deduction from his or her sentence, the probationer or parolee shall be deemed to be current with any fee to defray the costs of his or her supervision and any payment of restitution for any given month if, during that month, the probationer or parolee makes at least the minimum monthly payment established by the court, the Division or the Board, as applicable.

*Effective: July 1, 2017*

*Amends: [NRS 176A.500](#), [209.4465](#), and [209.4475](#)*

# AB268 – Genetic Marker Analysis

- This bill revises the findings a court must make in consideration of a petition for post-conviction genetic marker analysis to include that:
  - The evidence exists;
  - The evidence was not previously tested or testing did not exist at the time of trial; and one of the following
    1. A reasonable possibility exists that the petitioner would not have been prosecuted an exculpatory evidence been obtained through DNA testing;
    2. The petition alleges and supports with facts that he or she asked his or her counsel to request DNA testing but counsel did not; or
    3. A court previously ordered DNA testing but it did not occur.



**AB268** – Under existing law, a person convicted of a felony is authorized to file to a postconviction petition requesting a genetic marker analysis of evidence within the possession or custody of the State which may contain genetic marker information relating to the investigation or prosecution that resulted in the judgment of conviction. After such a petition is filed, the court may schedule a hearing on the petition. Existing law requires the court to order a genetic marker analysis if, after considering the information contained in the petition and any other evidence, the court makes certain findings. This bill revises such findings.

*Effective: July 1, 2017*

*Amends: [NRS 176.09183](#)*

**AB181** – Under existing law, unless a person has been convicted of certain specified felonies, a person who has been convicted of a felony is restored to his or her civil rights by operation of law upon: (1) an honorable discharge from probation; (2) an honorable discharge from parole; or (3) the completion of his or her sentence and release from prison. Conversely, a person must petition a court for the restoration of his or her civil rights if the person was convicted: (1) of a category A felony; (2) of an offense that would constitute a category A felony if committed as of the date of discharge from probation, discharge from parole or release from prison; (3) of a category B felony involving the use of force or violence that resulted in substantial bodily harm; (4) of an offense involving the use of force or violence that resulted in substantial bodily harm and that would constitute a category B felony if committed as of the date of discharge from probation, discharge from parole or release from prison; or (5) two or more times of a felony, except under certain circumstances. This bill provides, respectively, that a probationer, parolee or person who completed his or her sentence and was released from prison is, with certain exceptions, immediately restored to the right: (1) to serve as a juror in a civil action; and (2) to vote. This bill provides, respectively, that if the probationer, parolee or person who completed his or her sentence and was released from prison was convicted of a category B felony involving the use of force or violence that did not result in substantial bodily harm to the victim or of an offense involving the use of force or violence that did not result in substantial bodily harm to the victim and that would constitute a category B felony if committed as of the date of discharge from probation, discharge from parole or release from prison, his or her right to vote must be restored 2 years after discharge from probation, discharge from parole or release from prison. Existing law sets forth circumstances under which a person whose term of probation has expired must be given a dishonorable discharge and precludes the probationer from obtaining the restoration of

certain civil rights. This bill maintains the requirement that such a probationer be given a dishonorable discharge, but this bill eliminates the prohibition on the restoration of civil rights. This bill provides for the restoration of civil rights to certain residents of this State who: (1) have not had their civil rights restored; (2) are not on probation or parole or serving a sentence of imprisonment on January 1, 2019; and (3) before January 1, 2019, were discharged from probation or parole or released from prison after serving their sentences.

***Effective: January 1, 2019***

***Amends: [NRS 176A.850](#), [213.155](#), and [213.157](#)***

***Repeals: [NRS 176A.870](#)***

**[SB306](#)** – Existing law prohibits offenders from having access to telecommunications devices except under certain circumstances, including pursuant to an agreement with the Department of Corrections. This bill removes the authority to enter into such agreements and instead authorizes the Director of the Department to adopt regulations, with the approval of the Board of State Prison Commissioners, governing the use of telecommunications devices for certain purposes related to education and employment. This bill provides for the development, creation and operation of a pilot program that will operate in this State from July 1, 2017, through June 30, 2019, for the purpose of authorizing the Department to allow certain offenders to use telecommunications devices for certain reentry programs and services. Existing law requires the Board of State Prison Commissioners to adopt regulations to establish programs of general education, vocational education and training and other rehabilitation for offenders. This bill provides for the development, creation and operation of a pilot program that will operate in this State from July 1, 2017, through June 30, 2019, and focus its efforts on a program of education and training for certain offenders.

***Effective: June 9, 2017 for the purpose of performing any preparatory administrative tasks necessary to carry out the provisions of this act, and on July 1, 2017, for all other purposes. Sections 1.7, 2 and 3 of this act expire by limitation on June 30, 2019.***

***Amends: [NRS 209.417](#)***

## PRESENTENCE INVESTIGATIONS

### AB291 – Presentence Investigations

- This bill revises the content of PSIs to include information regarding a defendant’s previous criminal convictions, unresolved cases, incidents of FTA, arrest during the previous 10 years, and any participation in a diversion program.
- This measure requires that P&P verify the defendant’s financial condition.
- Finally, P&P must provide, along with the PSI, any scoresheets and scales used in making a sentencing recommendation and any police or investigatory reports used as sources.



**AB291** – Existing law requires the Division of Parole and Probation of the Department of Public Safety to make presentence investigations and reports in certain circumstances and to include certain information and recommendations. This bill requires the Division to also include in the report of any presentence investigation: (1) certain information concerning the criminal history of the defendant; and (2) whether information pertaining to the defendant’s financial condition has been verified. This bill also requires the Division to include the source of any information as stated in the report, that is related to the defendant’s offense, including information from: (1) a police report; (2) an investigative report filed with law enforcement; or (3) any other source available to the Division. Further, this bill requires the Division to include any scoresheets or scales used to determine a recommendation: (1) of certain penalties for the defendant; and (2) if appropriate, that the defendant undergo a program of regimental discipline. Additionally, this bill changes the term “criminal record” to “criminal convictions.” Existing law requires the Division to afford an opportunity to the prosecuting attorney, the counsel for the defendant and the defendant to object to factual errors in a report of any presentence investigation or general investigation. This bill authorizes the court to order the Division to correct the contents of any such report following sentencing of the defendant if the prosecuting attorney and the defendant stipulate to correcting the contents of any such report within 180 days after the date on which the judgment of conviction was entered.

**Effective: October 1, 2017**

**Amends: [NRS 176.145](#), [176.151](#), and [176.156](#)**

## AB326 – Presentence Investigations

- This bill provides that if P&P includes information in a PSI that relates to a defendant being a member of a criminal gang, and P&P reasonably believes that the information is disputed by the defendant, P&P must provide the sources/documentation of such information before sentencing.
- This bill provides that a court may order P&P to correct the contents of a PSI within 180 days after sentencing if the prosecutor and defendant stipulate to the correction.



**AB326** – Existing law authorizes the Division of Parole and Probation of the Department of Public Safety to include in the report of any presentence investigation any information that it believes may be helpful in imposing a sentence, in granting probation or in correctional treatment. Existing law also generally requires the Division to disclose to the prosecuting attorney, the counsel for the defendant, the defendant and the court the factual content of the report of any presentence investigation and the recommendations of the Division not later than 14 calendar days before the defendant will be sentenced. This bill provides that if the Division includes in the report of any presentence investigation any information relating to the defendant being affiliated with or a member in a criminal gang and the Division reasonably believes such information is disputed by the defendant, the Division is required to provide with the information disclosed, before the defendant will be sentenced, copies of all documentation relied upon by the Division as a basis for including such information in the report. Existing law requires the Division to afford an opportunity to the prosecuting attorney, the counsel for the defendant and the defendant to object to factual errors in a report of any presentence investigation or general investigation. This bill authorizes the court to order the Division to correct the contents of any such report following sentencing of the defendant if the prosecuting attorney and the defendant stipulate to correcting the contents of any such report within 180 days after the date on which the judgment of conviction was entered.

*Effective: October 1, 2017*

*Amends: [NRS 176.153](#) and [176.156](#)*

### **PROCEDURE**

**AB146** – Existing law provides for the enforcement and registration of an order for protection against domestic violence issued by the court of another state, territory or Indian tribe within the United States and requires certain persons to transmit certain information regarding such orders to the Central Repository for Nevada Records of Criminal History. This bill enact the Uniform Recognition and Enforcement of Canadian Domestic Violence Protection Orders Act. This bill requires a law enforcement officer to enforce a Canadian domestic violence protection order in the same manner that an officer enforces an order for protection issued by a court of this State unless it is apparent to the officer that the order is not authentic on its face. This bill further requires a law enforcement officer to inform the protected person of local victims' services. This bill requires certain courts and agencies in this State to enforce a Canadian domestic-violence protection order and prescribes the minimum requirements for such enforcement. This bill provides immunity from civil or criminal liability for this State and its agencies and political subdivisions and certain persons who: (1) enforce a Canadian domestic-violence protection



order based upon a reasonable belief that the order is valid; or (2) refuse to enforce such an order based upon a reasonable belief that the order is not valid. Section 19 of this bill provides for the registration of Canadian domestic violence protection orders with the clerk of the court in the judicial district in which the person believes enforcement may be necessary. This bill requires certain persons to transmit certain information regarding such orders to the Central Repository for Nevada Records of Criminal History. This bill requires the Central Repository to include such orders in the Repository for Information Concerning Orders for Protection Against Domestic Violence.

***Effective: Effective July 1, 2017, and applies to a Canadian domestic-violence protection order issued before, on or after July 1, 2017, and to a continuing action for enforcement of a Canadian domestic-violence protection order commenced before, on or after July 1, 2017.***

***Amends: [NRS Chapter 33](#), [NRS 33.090](#), [33.095](#), [125A.465](#), and [179A.350](#)***

**[AB147](#)** – Existing law sets forth certain procedures governing the disposition of stolen or embezzled property which is in the custody of certain governmental agencies. This bill: (1) expands the scope of these provisions to include property other than that which is stolen or embezzled; (2) authorizes a sheriff of a metropolitan police department to dispose of the property without the requirement of delivering the property to the county treasurer to petition the district court for an order authorizing the disposal or destruction; (3) provides that before disposing of the property, a metropolitan police department must file a sworn affidavit with the district court; and (4) requires the metropolitan police department to perform an annual audit of the disposition of property and present a report of that audit to the metropolitan police committee on fiscal affairs. Existing law authorizes a board of county commissioners or its authorized representative to, pursuant to a district court order, donate stolen or embezzled property to a nonprofit organization created for religious, charitable or educational purposes or to another governmental entity to provide a substantial benefit to county inhabitants. This bill authorizes a board of county commissioners or its authorized representative to donate any property previously in the custody of a law enforcement agency to such organizations or entities to provide a substantial benefit to county inhabitants.

***Effective: July 1, 2017***

***Amends: [NRS 179.165](#) and [244.1505](#)***

**[AB184](#)** – Under existing law, a person convicted of a crime and under sentence of death or imprisonment is authorized to file a postconviction petition for a writ of habeas corpus to challenge the conviction or sentence as having been obtained or imposed in violation of state law or a constitutional right. Existing law provides that, with the exception of a direct appeal or a remedy which is incident to the proceedings in the trial court, the petition for a writ of habeas corpus replaces all other common law, statutory or other remedies which have been available for challenging the validity of the conviction or sentence and must be used exclusively in place of them. Existing law also authorizes a criminal defendant to withdraw a plea of guilty, guilty but mentally ill or nolo contendere at any time before sentencing, and also permits the withdrawal of such a plea after sentencing, but only to correct a manifest injustice. In 2000, the Nevada Supreme Court held that a postconviction motion to withdraw a guilty plea to correct a manifest injustice was a remedy incident to the proceedings in the trial court. Accordingly, the Court held in that case the motion had not been replaced by the petition for a writ of habeas corpus and was not subject to the various procedural requirements that govern such petitions. (*Hart v. State*, 116 Nev. 558 (2000)) The Nevada Supreme Court, however, recently reversed the holding of that case, instead holding that a postconviction petition for a writ of habeas corpus provides the exclusive remedy for a challenge to the validity of a guilty plea made after sentencing for persons in custody on the conviction being challenged. (*Harris v. State*, 130 Nev. Adv. Op. 47, 329 P.3d 619 (2014)) This bill expressly provides that a motion to withdraw a plea of guilty, guilty but mentally ill or nolo contendere that is made after sentence is imposed or imposition of sentence is suspended is a remedy which is incident to the proceedings in the trial court under certain circumstances.

***Effective: October 1, 2017***

***Amends: [NRS 34.724](#)***

## AB356 – Jury Instructions

- Existing law requires jury instructions and allows either party to present a proposed instruction to the court in writing. The court is required to give such an instruction if the court determines the instruction is correct and pertinent.
- This bill instead requires that an instruction requested by a party be given if the court believes that the instruction is both pertinent and an accurate statement of law, regardless of whether or not the instruction is part of any model instructions.



**AB356** – Existing law requires a judge to charge the jury and governs the giving of certain instructions when cases are tried by a jury. Existing law also authorizes either party to present to the court any written charge and request that it be given to the jury. The court is then required to give such a charge if it thinks the charge is correct and pertinent. This bill instead requires such a charge to be given if the court believes that the charge is both pertinent and an accurate statement of the law, regardless of whether the charge has been adopted as a model jury instruction.

*Effective: July 1, 2017*

*Amends: [NRS 175.161](#)*

**AB361** – Existing law defines various activities involving businesses and occupations that constitute deceptive trade practices. If a person engages in a deceptive trade practice, the person may be subject to restraint by injunction and the imposition of civil and criminal penalties. This bill makes it a deceptive trade practice for a person, in the course of his or her business or occupation, to charge a fee to update or change records relating to a person, including billing or credit information, including, in circumstances in which the person requesting the update or change chooses to communicate about the update or change by speaking with a natural person by telephone in lieu of using an automated or computerized telephone system. Existing law makes it a deceptive trade practice for a person, in the course of his or her business or occupation, to issue a gift certificate that expires on a certain date unless the expiration date of the gift certificate or a telephone number for obtaining balance or expiration information is printed on the front or back of the gift certificate in at least 10-point font. This bill makes it a deceptive trade practice to offer a free gift certificate or gift card as part of a promotion or incentive to potential customers if the promotion is redeemable only by mail, unless the expiration date of the offer is printed plainly and conspicuously on any written materials concerning the offer provided to the recipient of the offer.

*Effective: July 1, 2017*

*Amends: [New section in NRS Chapter 598](#), [NRS 598.0903](#), [598.092](#), [598.0953](#), [598.0955](#), [598.0963](#), [598.0967](#), [598.0971](#), [598.0985](#), [598.0993](#), [598.0999](#), and [41.600](#)*



## AB377 – Criminal Competency

- This bill provides that a prosecutor may not seek an indictment while the competency of defendant is being determined without permission of the court. The prosecutor must demonstrate that not bringing the indictment impairs the state's ability to prosecute the case and must give defense counsel at least 24 notice for a such permission to be granted.
- A prosecutor may refile charges arising out of the same case in which a court granted permission when the state has a factual good faith belief that the defendant has gained competency, there is a compelling state interest in prosecuting, and the statute of limitations has not lapsed.
- This bill also provides that the Administrator of DHHS can apply to a court to hold an incompetent defendant charged with murder or sexual assault for an additional 5 years beyond the 10 authorized under current law. A court must hold a hearing on such an application and the defendant must be represented by counsel.

**AB377** – Existing law provides that: (1) a person may not be tried or adjudged to punishment for a public offense while incompetent; and (2) any time after the arrest of a defendant, if doubt arises as to the competence of the defendant, the court must suspend the proceedings, the trial or the pronouncing of the judgment until the question of competence is determined. This bill provides that a prosecuting attorney may not seek an indictment of the defendant for any offense during the period in which the court is considering whether the defendant is competent or incompetent except upon the prosecuting attorney's application for leave of the court. This bill requires the prosecuting attorney to: (1) demonstrate that an objective factor significantly impacts the ability of the State to prosecute the matter in the absence of such leave of the court; and (2) give at least 24 hours' notice of the application to the defendant's attorney. Existing law provides that, under certain circumstances, when a criminal defendant has been found incompetent, the proceedings against the defendant must be dismissed. This bill provides for the refiling of charges arising out of the same circumstances in cases in which the prosecuting attorney applies for, and is granted, leave of the court where: (1) the State has a good faith belief, based on articulable facts, that the defendant has regained competency; (2) the State has a compelling interest in bringing charges again; and (3) the period for commencing the criminal action has not lapsed. This bill requires the prosecuting attorney to give at least 24 hours' notice of the application to the defendant's attorney. Existing law provides that if a court dismisses the proceedings against a defendant who is charged with a category A or certain category B felonies because the court finds that the defendant is incompetent with no substantial probability of attaining competence in the foreseeable future, the prosecuting attorney is authorized to file a motion with the court for a hearing to determine whether to commit the person to the custody of the Administrator of the Division of Public and Behavioral Health of the Department of Health and Human Services. The maximum length of such commitment is 10 years. This bill revises these provisions to: (1) authorize the Administrator to file a motion to request an extension of the length of commitment for not more than 5 additional years of a person charged with murder or sexual assault under certain circumstances; (2) authorize a court to grant the motion for an extension of commitment after a hearing to determine whether the person meets certain criteria requiring placement at a forensic facility; and (3) provide that a person committed has the right to be represented by counsel at such a hearing and the right to have an attorney appointed for him or her if the person does not have counsel.

***Effective: October 1, 2017***

***Amends: [NRS 178.415](#), [178.425](#), [178.460](#), [178.461](#), and [178.463](#)***

## AB412 – Joinder of Charges

- This bill requires that certain misdemeanors which would otherwise be under the jurisdiction of municipal courts must be joined with related felonies and gross misdemeanors in the district courts. This bill also provides that a charge for any such misdemeanor which is erroneously included in a criminal complaint that is filed in a municipal court shall be deemed to be void ab initio and must be stricken.



**AB412** – Existing law provides that municipal courts have jurisdiction over all misdemeanors committed in violation of the ordinances of their respective cities. Existing law also provides that an indictment or information which is filed with a district court may include charges of two or more related felonies and gross misdemeanors. (*State v. Kopp*, 118 Nev. 199 (2002)). This bill requires that certain misdemeanors which would otherwise be under the jurisdiction of municipal courts must be joined with related felonies and gross misdemeanors in the district courts. This bill also provides that a charge for any such misdemeanor which is erroneously included in a criminal complaint that is filed in a municipal court shall be deemed to be void ab initio and must be stricken.

**Effective: October 1, 2017**

**Amends: [NRS 173.115](#) and [5.050](#)**

**AB422** – Under existing law, a person who holds a valid registry identification card or letter of approval from state prosecution for the use, possession, delivery and production of marijuana. Existing law also exempts a person who holds a valid medical marijuana establishment registration certificate or medical marijuana establishment agent registration card from state prosecution for possession, delivery and production of marijuana and provides for the registration and regulation of such persons and establishments. This bill transfers the responsibility for the regulation of medical marijuana establishments from the Division of Public and Behavioral Health of the Department of Health and Human Services to the Department of Taxation. This bill prohibits a medical marijuana establishment from dispensing or otherwise selling marijuana using a vending machine. This bill establishes a similar prohibition for recreational marijuana establishments after January 1, 2020. Existing law requires a person who wishes to engage in the medical use of marijuana to apply to the Division of Public and Behavioral Health of the Department of Health and Human Services for a registry identification card or letter of approval, as applicable, and grants the holder of such a card or letter an exemption from state prosecution for certain crimes relating to marijuana. Existing law requires such an application to be accompanied by valid, written documentation from the applicant's attending physician. This bill instead requires the applicant's attending provider of health care to: (1) maintain such written documentation and make such written documentation available to the Division upon request; and (2) sign the application to affirm that the requirements of such written documentation have been met. This bill provides that such written documentation may be valid for either 1 year or 2 years and that a registry identification card or letter of approval based on such written documentation is valid for the same period of time. This bill reduces the maximum fee that the Division may charge for issuing a registry identification card or letter of approval from \$75 per year to \$50 per year. Existing law requires a medical marijuana establishment that wishes to retain as a volunteer or employ or contract with a person to provide labor to the medical marijuana establishment to submit an application to register the person as a medical marijuana establishment agent. This bill allows such a person to

submit an application for registration as a medical marijuana establishment agent on his or her own behalf. This bill also provides for the temporary registration of a person as a medical marijuana establishment agent upon submission of a complete application for registration or renewal of registration. Finally, this bill allows an independent contractor or employee of an independent contractor who is registered as a medical marijuana establishment agent to provide labor to any medical marijuana establishment and any other person who is registered as a medical marijuana establishment agent to work or volunteer at any medical marijuana establishment for which the category of the person's medical marijuana establishment agent card is valid. Existing law limits the exemption from state prosecution for the medical use of marijuana to the possession of not more than 2.5 ounces of usable marijuana in a 14-day period, 12 marijuana plants and a quantity of edible marijuana products and marijuana-infused products established by regulation. Existing law also prohibits a medical marijuana dispensary from selling marijuana in excess of these limits to a person. This bill instead: (1) prohibits a medical marijuana dispensary from selling more than 1 ounce of marijuana in a transaction; and (2) prohibits the Department of Taxation from requiring a medical marijuana dispensary to track the purchases of a person or determine whether a person has exceeded the legal limits for possession of marijuana for medical use. This bill further provides that only persons who are 21 years of age or more or hold a registry identification card or letter of approval are allowed to enter a medical marijuana dispensary. Existing law allows a medical marijuana dispensary to recognize a nonresident card for the purpose of dispensing marijuana for medical use if the nonresident card meets certain requirements that make it the functional equivalent of a registry identification card. Existing law also requires, as of April 1, 2018, a nonresident card to be verified by the use of certain databases. This bill instead: (1) deems a nonresident who is authorized to engage in the medical use of marijuana under the laws of his or her state or jurisdiction of residence to be listed in the medical marijuana registry for the purpose of exemption from state prosecution, if the person abides by the legal limits on the possession, delivery and production of marijuana in this State; and (2) authorizes a medical marijuana dispensary to dispense marijuana to such a person if the person presents a document which is valid proof of exemption under the laws of the state or jurisdiction of which the person is a resident. This bill eliminates the prospective requirement to verify a nonresident authorization by the use of certain databases. This bill limit the regulations and license taxes that a city, town or county may impose on a marijuana establishment or medical marijuana establishment. This bill requires each marijuana establishment and medical marijuana establishment to submit a report to the Department of Taxation that includes certain information concerning the production and sale of marijuana by the establishment.

***Effective: Sections 56.5, 56.9, and 70 of this act effective June 12, 2017. Sections 1 to 56, inclusive, and 57 to 69, inclusive, of this act effective June 12, 2017, for the purposes of adopting any regulations and performing any preparatory administrative tasks necessary to carry out the provisions of this act and on July 1, 2017, for all other purposes. Section 56.7 of this act effective on January 1, 2020.***

***Amends: [NRS Chapter 244](#), [268](#), [269](#), [372A](#), [453A](#), and [added new section to Chapter 453D](#)***

***Repeals: [Sections in Chapter 547](#), [NRS 212.160](#), [244.335](#), [268.095](#), [269.170](#), and [586.550](#)***

## AB440 – Involuntary Commitment

- This bill allows a district court to sue *esponte*, or upon a motion by the defendant or DA, to commence a proceeding for the involuntary commitment of a criminal defendant in certain cases.
- It specifies the circumstances under which a court may suspend criminal proceedings and order the defendant to a program of out-patient or community based services. It also specifies that if the defendant completes the program, the court shall dismiss the criminal charges with prejudice.
- Furthermore, this bill allows the chief judge of a district court to designate a judge or master to hear involuntary commitment proceedings and exempts such a judge or master from the requirement to attend a family law training from the NCJFCJ.

**AB440** – Existing law provides that a proceeding for an involuntary court-ordered admission of a person may be commenced by the filing of a petition for the involuntary admission to a mental health facility or to a program of community based or outpatient services with the clerk of the district court of the county where the person resides. This bill additionally authorizes a proceeding for the involuntary court-ordered admission of a person who is the defendant in a criminal proceeding in the district court to a program of community based or outpatient services to be commenced by the district court, on its own motion, or by motion of the defendant or the district attorney if certain conditions are met. This bill specifies the circumstances under which the court may suspend the criminal proceedings against a defendant and order the defendant to a program of community-based or outpatient services. Under this bill, if the defendant successfully completes a program of community-based or outpatient services, the district court shall dismiss the criminal charges against the defendant with prejudice. This bill makes conforming changes. This bill provides that, if the Chief Judge of a district court has designated a district court judge or hearing master to preside over involuntary commitment hearings, that district court judge or hearing master must preside over such hearings. Existing law requires district judges assigned to the family court for a period of 90 or more days to attend instruction at the National Council of Juvenile and Family Court Judges in Reno, Nevada. This bill exempts a district judge or hearing master specifically assigned to hear certain involuntary commitment proceedings from the requirement to attend such instruction.

***Effective: October 1, 2017***

***Amends: [NRS 433A.200](#), [433A.220](#), [433A.240](#), [433A.280](#), [433A.310](#), and [3.0105](#)***

## AB453 – Conditional Pleas

- This bill establishes the procedure for a defendant and the district attorney to enter into a written conditional plea agreement.



**AB453** – Existing law sets forth the types of pleas and the procedure for entering pleas in criminal proceedings. This bill establishes the procedure for a defendant and the district attorney to enter into a written conditional plea agreement.

*Effective: October 1, 2017*

*Amends: [NRS 174.035](#) and [175.533](#)*

### **REVISED CRIMES**

**AB132** – Existing law provides that a person is guilty of: (1) a category D felony if the person commits an assault upon an officer; and (2) a category B felony if the person commits an assault upon an officer with the use of a deadly weapon or the present ability to use a deadly weapon. Existing law also provides that a person is guilty of: (1) a category B felony if the person commits a battery upon an officer which causes substantial bodily harm or is committed by strangulation; and (2) a gross misdemeanor if the person commits a battery upon an officer and the person knew or should have known that the victim was an officer. This bill revises the definition of “officer” to include certain civilian employees and volunteers of law enforcement agencies, fire-fighting agencies, this State and political subdivisions of this State for the purpose of enhancing the penalties for the crimes of assault and battery against such a person.

*Effective: October 1, 2017*

*Amends: [NRS 200.471](#) and [200.481](#)*

**AB148** – Existing law authorizes various civil and criminal penalties for violations of certain provisions relating to notaries public. This bill provides that a person who willfully violates such provisions is guilty of a category D felony if the offense results in irreparable harm to a person. Existing law provides that a person who willfully violates the provisions governing document preparation services is guilty of a misdemeanor for a first offense and a gross misdemeanor for a second or subsequent offense. This bill makes a willful violation of any provision governing document preparation services a category D felony if the offense results in irreparable harm to a client.

*Effective: October 1, 2017*

*Amends: [New section in NRS Chapter 240](#), [NRS 240.001](#), [240.085](#), [240.145](#), [240.155](#), [240A.100](#), and [240A.290](#)*



**AB288** – Existing law provides for the imposition of an additional penalty upon a person who commits certain crimes or criminal violations of law against a person 60 years of age or older or a vulnerable person, and provides that the sentence prescribed runs consecutively with the sentence prescribed by statute for the crime or criminal violation. This bill provides that the additional sentence prescribed must not exceed the sentence imposed for the crime or criminal violation. Existing law extends immunity from civil or criminal liability to every person who, in good faith: (1) participates in the making of a report concerning the abuse, neglect, exploitation, isolation or abandonment of an older person or a vulnerable person; (2) submits information contained in such a report to a licensing board; or (3) causes or conducts an investigation of alleged abuse, neglect, exploitation, isolation or abandonment of an older person or a vulnerable person. This bill provides that such immunity does not extend to any person who abused, neglected, exploited, isolated or abandoned the older person or vulnerable person who is the subject of the report or investigation or any person who committed certain other acts relating to the abuse, neglect, exploitation, isolation or abandonment of the older person or vulnerable person. Existing law establishes the penalties to be imposed upon a person who abuses, neglects, exploits, isolates or abandons an older person or a vulnerable person. Any person who has assumed responsibility to care for an older person or a vulnerable person and who neglects the older person or vulnerable person or commits certain other related acts, thereby causing substantial bodily or mental harm to or the death of the older person or vulnerable person, is guilty of a category B felony and is punished by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 6 years. This bill increases the maximum term of imprisonment for the commission of such acts from 6 years to 20 years. This bill also revises the penalties for certain offenses relating to the abuse, neglect, exploitation, isolation or abandonment of an older person or a vulnerable person and provides that a person who commits any such offense is guilty of: (1) either a category C felony or gross misdemeanor, as determined by the court, for the first offense or, if the offense is exploitation, the monetary value involved is less than \$650 or cannot be determined; or (2) a category B felony for the second and all subsequent offenses or, if the offense is exploitation, if the monetary value involved is \$650 or more. Existing law provides that a person who conspires with another to commit abuse, exploitation or isolation of an older person or a vulnerable person is punished: (1) for the first offense, for a gross misdemeanor; or (2) for the second and all subsequent offenses, for a category C felony. This bill increases the penalty for the commission of a second or subsequent offenses to a category B felony punishable by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 20 years. This bill: (1) provides that if a facility for long-term care wishes to include as part of any contract relating to the provision of care a clause which specifies or restricts the means by which the parties to the contract are required to resolve any dispute, the clause must be included as an addendum to the contract; and (2) establishes requirements pertaining to the form and content of such an addendum. This bill amends Senate Bill No. 360 of this session, which includes a provision that is identical to section 4, to ensure that the provisions in the two bills do not conflict with each other.

***Effective: October 1, 2017***

***Amends: NRS 193.167, 200.5096, 200.5099, 200.50995, and new section in NRS Chapter 449***

**AB324** – Existing law establishes requirements for the registration and practice of a person who provides a document preparation service, which includes: (1) defining a “document preparation service”; (2) requiring persons who provide a document preparation service to register with the Secretary of State; (3) exempting certain persons from registering as a document preparation service; and (4) prohibiting a person who provides a document preparation service from committing certain acts. This bill expands the definition of “document preparation service” to include: (1) a person who, for compensation, assists a client in preparing all or substantially all of a federal or state tax return or a claim for a tax refund; (2) certain paralegals; and (3) an enrolled agent who is authorized to practice before the Internal Revenue Service. This bill further clarifies that a bankruptcy petition preparer is included in the definition of “document preparation service.” This bill also excludes from the definition of “document preparation service”: (1) certain attorneys who are licensed to practice in other states and the District of Columbia; and (2) a certified public accountant who is licensed in this State or a financial planner who is subject to certain state requirements. This bill requires a person who registers as a document preparation service to pay a nonrefundable application fee of \$50. This bill requires a person who wishes to renew his or her registration as a document preparation service to pay a renewal fee of \$25 every year upon the expiration of the registration. This bill requires these fees to be accounted for separately and used to pay for expenses relating to administering the

document preparation services program. This bill provides that an application to register as a document preparation service must be completed within 120 days or the application must be denied. This bill prohibits a person who provides document preparation services from advertising or representing himself or herself as a paralegal or legal assistant, which implies that the person is operating under the direction and supervision of an attorney.

*Effective: July 1, 2017*

*Amends: [New section in NRS Chapter 240A](#), [NRS 240A.030](#), [240A.100](#), [240A.110](#), and [240A.240](#)*

## SB124 – Firearms and DV/Stalking

- This bill requires an adverse party to an extended protection order against domestic violence to establish that he or she only uses or possesses a firearm for the purpose of employment if a requirement to sell, transfer, or surrender firearms is included in the order and the adverse party requests an employment exemption.
- This bill increases possession of a firearm contrary to such an order from a gross misdemeanor to a category B felony.
- It requires an adverse party to file an affidavit with the court attesting that he or she has surrendered, sold, or transferred any firearms pursuant to such an order.
- This bill requires that a court include a finding in the judgment of conviction or admonishment of rights of a defendant convicted of DV that he or she may not possess firearms and must surrender, sell, or transfer any firearms.
- This bill provides that a court must include the same information in a JoC or admonishment if the defendant is convicted of stalking and the court finds that the person poses further danger to the victim.

**SB124** – Existing law authorizes a court to include in an extended order for protection against domestic violence: (1) a requirement that the adverse party surrender, sell or transfer any firearm in his or her possession or under his or her custody or control; and (2) a prohibition on the adverse party against possessing or having under his or her custody or control any firearm while the order is in effect. Existing law also authorizes the court to include in such an extended order a limited exception from the prohibition to possess or have under the adverse party’s custody or control any firearm if the adverse party establishes certain facts relating to the necessity of using or possessing a firearm for purposes of his or her employment. This bill adds the requirement that the adverse party establish that he or she only uses or possesses the firearm in the course of his or her employment. Additionally, existing law makes an adverse party who violates any provision included in an extended order for protection against domestic violence concerning the surrender, sale, transfer, possession, custody or control of a firearm guilty of a gross misdemeanor. This bill increases the crime to a category B felony. This bill provides that if an adverse party who is ordered to surrender, sell or transfer any firearm pursuant to an extended order for protection against domestic violence does not have any firearm to surrender, sell or transfer, the adverse party must submit an affidavit to the court stating that fact. Additionally, this bill provides that if an adverse party sells or transfers a firearm to a licensed firearm dealer, the licensed firearm dealer is required to provide the adverse party with a receipt containing certain information regarding the sale or transfer. This bill provides that in every judgment of conviction or admonishment of rights issued for a battery which constitutes domestic violence, the court must inform the person convicted that he or she is prohibited from owning, possessing or having under his or her custody or control any firearm, and order the person convicted to permanently surrender, sell or transfer any firearm that he or she owns or has in his or her possession or under his or her custody or control. This bill requires a court to include a finding in the judgment of conviction or admonishment of rights of a person convicted of stalking if the court determines the victim has an ongoing, reasonable fear of physical harm and the convicted person has a relationship with the victim that also makes the act domestic violence. If such a finding is entered in the judgment of conviction or admonishment of rights, and prohibits the convicted person from owning, possessing or having under his or her custody or control any firearm. This bill also provide that a person who violates a provision included in a judgment of conviction or

admonishment of rights issued for a battery which constitutes domestic violence or stalking relating to owning, possessing or taking other actions relating to a firearm is guilty of a category B felony. Existing law prohibits certain persons from owning or having in their possession or under their custody or control any firearm. A person who violates such a provision is guilty of a category B felony. This bill adds to such a list of persons: (1) a person who has been convicted of stalking pursuant to Nevada law or a substantially similar law of any other state and the court has entered a finding in the judgment of conviction or admonishment of rights described above; and (2) a person currently subject to an extended order for protection against domestic violence in this State or an equivalent order in any other state. This bill requires such a person to surrender, sell or transfer any firearm that the person owns, possesses or has under his or her custody or control, and sets forth the procedure relating to the surrender, sale or transfer of any such firearm.

***Effective: October 1, 2017***

***Amends: [NRS 33.031](#), [33.033](#), [200.485](#), [200.575](#), [new section in NRS Chapter 202](#), [NRS 202.253](#), and [202.360](#)***

**SB169** – Existing law imposes criminal penalties on certain employees of or volunteers at a school who engage in sexual conduct with certain pupils. This bill enacts similar provisions to impose criminal penalties on certain employees or contractors of and volunteers for certain entities who engage in sexual conduct with a child or young adult under the care, custody, control or supervision of the entity. This bill provides that a person is guilty of a category C felony if he or she: (1) is 25 years of age or older; (2) is in a position of authority as an employee or contractor of or volunteer for an agency which provides child welfare services, a department of juvenile justice services, foster home or the Youth Parole Bureau; and (3) engages in sexual conduct with a person who is 16 years of age or older but less than 18 years of age and who is under the care, custody, control or supervision of the agency, department or Bureau. This bill expands the prohibition on the public disclosure of the identity of a victim of a sexual assault to include a victim of an offense involving sexual conduct between certain employees or contractors of or volunteers for an agency which provides child welfare services, a department of juvenile justice services or the Youth Parole Bureau and a person under the care, custody, control or supervision of the agency, department or Bureau. Existing law provides that a person is guilty of a category C felony if he or she: (1) is 21 years of age or older; (2) is or was employed by or is or was volunteering at a public or private school; and (3) engages in sexual conduct with a pupil who is 16 years of age or older and who is or was enrolled at or attending the school. This bill: (1) provides that this crime applies only to an employee of or volunteer at a school who is in a position of authority; and (2) clarifies that the exemption from this crime for an employee or volunteer who is married to the pupil applies only if the employee or volunteer and the pupil are married at the time the prohibited act is committed. Similarly, existing law generally provides that a person is guilty of a category C felony if he or she: (1) is 21 years of age or older; (2) is employed in a position of authority by a college or university; and (3) engages in sexual conduct with a student who is 16 years of age or older, who has not received a high school diploma, a general educational development certificate or an equivalent document and who is enrolled at or attending the college or university. This bill clarifies that the exemption from this crime for an employee who is married to the student applies only if the employee and the student are married at the time the prohibited act is committed.

***Effective: Sections 1.7 and 21 to 24, inclusive, effective on July 1, 2017. Sections 2 to 9 inclusive, and 11 to 20, inclusive, effective on October 1, 2017. Sections 1.3 and 10 effective on January 1, 2020.***

***Amends: [NRS 200.364](#), [200.377](#), [200.3771](#), [200.3772](#), [200.3773](#), [200.3774](#), and [NRS Chapter 201](#), [NRS 201.540](#), and [201.550](#)***

**SB215** – Existing law requires an applicant for a driver's license, instruction permit, driver authorization card, identification card or motorcycle driver's license to state on the application his or her full legal name, and to furnish proof of his or her full legal name and age. The Director of the Department of Motor Vehicles is required to define by regulation the term "full legal name" as the term is used in relation to driver's licenses, instruction permits, driver authorization cards, identification cards and motorcycle driver's licenses. A holder of a driver's license or identification card must report to the Department within 30 days if the holder's name changes. The Department is authorized to charge a fee for such a name change. This bill removes the requirement for the Director of the Department to define the term "full legal name." This bill defines the term "full legal name" for the purposes of the sections governing driver's licenses, instruction permits, driver authorization cards, identification cards and motorcycle driver's licenses. This bill removes the requirement to report a name change to the Department within 30 days. That requirement is similarly reenacted in this bill, which requires a person to request a change of his or her full legal name on a driver's license, including a motorcycle driver's license, after a legal change of the person's



name in accordance with a court order, certificate of marriage or a decree of divorce or adoption. The person must submit to the Department an original or certified copy of the order, certificate or decree which indicates the name change. This bill also allows a person whose name has not been legally changed in accordance with an order, certificate or decree to request a change of his or her full legal name upon adoption, marriage, divorce or the death of a spouse. The person is required to include an original or a certified copy of the certificate or decree evidencing the applicable event and must also provide an affidavit indicating the person's choice of how his or her name is to be changed. The authority of the Department to charge a fee for the name change is retained. This bill makes similar changes for the holder of an identification card. Existing law makes a violation of a section a misdemeanor. This bill make conforming changes.

*Effective: May 31, 2017 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 on January 1, 2018, for all other purposes.*

*Amends: [NRS 481.015](#), [481.052](#), [NRS Chapter 483](#), [NRS 483.015](#), [483.020](#), [483.290](#), [483.291](#), [483.390](#), [483.530](#), [483.620](#), [483.820](#), [483.860](#), [483.870](#), and [486.081](#)*


**SB541** – This bill provides that any person who willfully commits certain crimes because of the fact that the victim is a first responder, which is defined as any peace officer, firefighter or emergency medical provider acting in the normal course of duty, may, in addition to the term of imprisonment prescribed by statute for the crime, be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 20 years.

*Effective: October 1, 2017*

*Amends: [New section in NRS Chapter 193](#) and [NRS 193.169](#)*

## **SPECIALTY COURTS**

### AB286 – Veterans' Court



- This bill authorizes a justice or municipal court to establish a veterans' treatment court to which participants may be assigned to for not less than 12 months.
- It sets eligibility criteria for defendants to participate in such programs.
- It authorizes imposition of sanctions against a participant in such programs for failing to comply with the program rules.
- This bill allows defendants who are charge with battery domestic violence or DUI to be admitted to a veterans' court. It allows a court to conditionally dismiss battery domestic violence charges against a veteran who successfully completes a program.
- The bill requires that a justice of the peace or municipal judge must, as soon as possible after arrest, determine if each defendant is eligible for such a program.

**AB286** – Existing law authorizes a district court to establish an appropriate program for the treatment of veterans and members of the military to which it may assign an eligible defendant. A justice court or municipal court is authorized, upon approval of the district court, to transfer original jurisdiction of a case involving such an eligible defendant to the district court. This bill additionally authorizes a justice court or municipal court to establish such a program and revises the provisions concerning the eligibility of a defendant for assignment to such a program. This bill also provides that the assignment of a defendant to such a program must be for a period of not less than 12

months. This bill provides that a defendant is ineligible for assignment to such a program if he or she: (1) has previously been assigned to such a program; or (2) was discharged or released from the Armed Forces of the United States, a reserve component thereof or the National Guard under dishonorable conditions. This bill also provides that a defendant who was discharged or released from the Armed Forces of the United States, a reserve component thereof or the National Guard under dishonorable conditions may be assigned to such a program if a court determines that extraordinary circumstances exist to warrant the assignment. Existing law provides that upon violation of a term or condition of such a program, the court may: (1) enter a judgment of conviction and proceed as provided in the section pursuant to which the defendant was charged; and (2) order the defendant to the custody of the Department of Corrections if the offense is punishable by imprisonment in the state prison. This bill authorizes the imposition of certain sanctions against a defendant for such a violation. Existing law provides that upon fulfillment of the terms and conditions of such a program, the court shall discharge the defendant and dismiss the proceedings. This bill provides that for defendants in the program who were charged with battery constituting domestic violence or driving under the influence, the court may conditionally dismiss the charges. Under this bill, if the charges are conditionally dismissed, then not sooner than 7 years after such a conditional dismissal and upon the filing of a petition by the defendant, the court must order that all records relating to the charges be sealed. Under existing law, before accepting a plea from a defendant or proceeding to trial, a justice of the peace or municipal judge must address the defendant personally and ask the defendant if he or she is a veteran or a member of the military. This bill requires that the justice of the peace or municipal judge must, as soon as possible after a defendant is arrested or cited, attempt to determine whether the defendant is a veteran or a member of the military and, if so, whether the defendant qualifies for a program for the treatment of veterans and members of the military. This bill provides that: (1) persons who are charged with first misdemeanor offenses of battery constituting domestic violence or driving under the influence are eligible to be assigned to a program for the treatment of veterans and members of the military; and (2) offenses that are conditionally dismissed in connection with successful completion of such a program or a diversionary or specialty court program constitute prior offenses for the purpose of determining whether the person is subject to an enhanced penalty with respect to a subsequent offense. The remaining sections of this bill make conforming changes.

*Effective: June 8, 2017*

*Amends: [NRS 176.015](#), [new section in NRS Chapter 176A](#), [NRS 176A.280](#), [176A.285](#), [176A.290](#), [176A.295](#), [4.370](#), [4.374](#), [5.050](#), [5.057](#), [200.485](#), [484C.400](#), and [484C.420](#)*

## AB301 – Peer Support Counseling

- This bill provides that, with limited exceptions, communications made during peer support counseling are confidential.
- It provides immunity for a law enforcement agency for any disclosure made in violation of this confidentiality by any personnel of the agency engaged in peer support counseling.
- It creates a testimonial privilege to counselor or participant in a peer support session to refuse to disclose the contents of any communications therein.
- It provides notes, reports, etc. of any peer support counseling session and not public records.



**AB301** – This bill provides, with limited exceptions, that any communications made between parties during a peer support counseling session are confidential. This bill also provides immunity from liability to a law enforcement or public safety agency for any disclosure made in violation of the provisions of this bill by any personnel of the

agency who participate in a peer support counseling session. This bill creates a testimonial privilege allowing, with limited exceptions, a counselor or participant in a peer support counseling session to refuse to disclose or to prevent another party from disclosing any communication made during a peer support counseling session in certain court proceedings. This bill provides that any notes, records or reports of any peer support counseling session are not public records.

*Effective: May 27, 2017*

*Amends: [New section in NRS Chapter 281](#), [new section in NRS Chapter 49](#), and [NRS 239.010](#)*

## AB470 – Pre-prosecution Diversion

- This bill authorizes (permissive) a justice or municipal court to establish a pre-prosecution diversion program for non-violent misdemeanants, not charged with DUI, who have not been previously convicted.
- The program rules and requirements are set by the court and may include conditions such as community service, imposition of a curfew, and treatment.
- A defendant assigned to such a program must bear the costs of the program and must make a good-faith effort to pay any ordered restitution.
- If a defendant successfully completes the program the court may dismiss the charge without an adjudication, and if a defendant does not successfully complete the program the original case shall proceed.



**AB470** – Existing law creates a diversion program for certain offenders who have violated the terms of their probation. Existing law authorizes a court to assign such an offender to a program of treatment for mental illness or substance abuse issues. Existing law also authorizes a person who has successfully completed a pre-prosecution diversion program to request that any biological or DNA sample which was provided by the person to the State be destroyed. This bill authorize the creation of a pre-prosecution diversion program for certain persons who have been accused of committing certain crimes which are punishable as a misdemeanor. This bill provides that if such a program has been created, the court may determine that a defendant is eligible to complete the pre-prosecution diversion program if the defendant: (1) is charged with a misdemeanor other than a violent crime, driving under the influence of intoxicating liquor or a controlled substance, vehicular manslaughter or a minor traffic offense; (2) has not previously been convicted of a crime other than a minor traffic offense; and (3) has not been previously ordered by a court to complete a pre-prosecution diversion program in this State. If a justice court or municipal court has developed a pre-prosecution diversion program pursuant to this bill, and authorizes, but does not require, the justice court or municipal court to order a defendant to complete a pre-prosecution diversion program and provides that the decision of the court relating to the participation of a defendant in the program may not be appealed. This bill authorizes a justice court or municipal court to develop a pre-prosecution diversion program. This bill requires a justice court or municipal court to establish the terms and conditions which a defendant must complete as part of such a pre-prosecution diversion program, if a defendant is ordered to complete such a program. This bill authorizes the court to include in the terms and conditions that the defendant complete a program of treatment and to impose any appropriate sanctions on the defendant, which may include, without limitation, community service, restitution or a curfew. This bill requires the court to issue an order containing the terms and conditions for successful completion of such a pre-prosecution diversion program. This bill provides that the defendant must: (1) complete the program before the date established by the court in the order, which must not be more than 18 months after the date of the order; and (2) appear before the court at least once every 3 months for a status hearing. This bill requires the court to dismiss the charge or charges against the defendant if he or she successfully completes the terms and

conditions of such a pre-prosecution diversion program. Finally, this bill requires a defendant who fails to complete the terms and conditions of such a pre-prosecution diversion program to be dismissed from the program and be prosecuted in the normal manner provided by law. Existing law requires the criminal records of a defendant to be sealed and treated as confidential if a defendant is acquitted or the charges are dropped, a certain period of time has passed since the conviction or if he or she completes a program for reentry or a program of treatment for: (1) veterans and the members of the military; (2) persons with mental illness or intellectual disabilities; or (3) substance abuse issues. This bill similarly provide that the criminal records of a defendant who has successfully completed a pre-prosecution diversion program are sealed and confidential except as otherwise required by law. This bill authorizes the defendant to request that any biological or DNA sample provided to the State by the defendant be destroyed upon the successful completion of the pre-prosecution diversion program. Existing law authorizes a court to establish a program of treatment for certain offenders who are charged with specified offenses, including, without limitation, veterans and members of the military, persons with mental illness or intellectual disabilities or persons with substance abuse issues. This bill authorize a justice court or municipal court, as part of a pre-prosecution diversion program, to require a defendant to complete a program of treatment. This bill provides that such a program of treatment may include, without limitation, a program of treatment for veterans and members of the military, persons with mental illness or intellectual disabilities or persons with substance abuse issues, educational programs, participation in a support group, anger management therapy or counseling.

**Effective: October 1, 2017**

**Amends: [NRS Chapter 174](#), [NRS 174.015](#), [176.09125](#), [176A.250](#), [176A.280](#), [179.275](#), [179.285](#), [179.295](#), and [453.580](#)**

## SB29 – Limited Jurisdiction Case Transfers

- This bill allows a justice or municipal court to transfer a criminal case to another court on its own motion when:
  1. The case involves criminal conduct that occurred outside the court's geographic jurisdiction;
  2. The transfer is necessary to promote access to justice for the defendant; or
  3. The defendant agrees to participate in a program of treatment or to access other services located in another jurisdiction in the State (a limited jurisdiction court may transfer a case to district court for the defendant to access treatment).
- Such a transfer must be accepted by the receiving court, and can only occur after a plea agreement is reached or the final disposition of case takes place.



**[SB29](#)** – Existing law authorizes a justice court or a municipal court to assign a veteran or a member of the military to a program of treatment in certain circumstances. This bill authorizes a justice court or municipal court to transfer a criminal case to another justice court or municipal court of this State in certain circumstances if: (1) the case involves criminal conduct that occurred outside the county, township or city where the justice court or municipal court is located; (2) such a transfer is necessary to promote access to justice for the defendant; or (3) the defendant agrees to participate in a program of treatment or access other services located elsewhere in this State. This bill authorizes a justice court or municipal court to transfer a criminal case to a district court if the defendant agrees to participate in a program of treatment or to access other services located elsewhere in this State. This bill also provide that a justice court or municipal court may not transfer a criminal case in that manner until a plea agreement has been reached or final disposition of the case. Note, this is a Judicial Branch Bill.

**Effective: May 22, 2017**

**Amends: [NRS Chapter 4](#) and [Chapter 5](#)**

## SB262 – Treatment Payments

- This bill requires insurance companies to pay a claim for solely mental health or alcohol and drug abuse treatment directly to the provider of such services.
- If a person has made payments to such a treatment provider, the insurance company must still pay the provider and the provider must refund the person.



**SB262** – Existing law provides for treatment relating to the abuse of alcohol or drugs to be covered by certain policies of health insurance and, under certain circumstances, provided by employers. Existing law provides that under certain policies of health insurance, an insured party is entitled to reimbursement for treatment by a clinical alcohol and drug abuse counselor. Existing law further requires certain policies of health insurance to cover treatment for mental illness. Existing law does not prevent a person who is receiving treatment for mental illness or the abuse of alcohol or drugs from receiving the payments for such treatment. This bill requires that a payment made pursuant to a policy of health insurance for treatment relating solely to mental health or the abuse of alcohol or drugs must be made directly to the provider of the treatment rather than to the person receiving the treatment if the provider is an out-of-network provider who has an assignment of benefits which meets certain qualifications. This bill also expressly requires such a provider to refund to a person who pays such a provider directly for such treatment certain amounts that the person paid to the provider. For example, a person may have prepaid the provider for treatment and, after the payment pursuant to the policy of health insurance is made to the provider, the provider may need to refund all or part of the prepaid amounts to the person receiving treatment. This bill extends the requirements of a section to benefits provided through self-insurance by the Board of the Public Employees' Benefits Program. This bill extends the requirements of a section to benefits provided by certain employers. This bill provides that a licensed clinical alcohol and drug abuse counselor must, if applicable, be directly reimbursed for treatment relating to the abuse of alcohol or drugs in accordance with an applicable assignment of benefits. This bill makes conforming changes.

*Effective: January 1, 2018*

*Amends: [New section in NRS Chapter 687B](#), [NRS 689A.046](#), [689A.0493](#), [689B.0397](#), [689C.167](#), [695B.1955](#), [695C.1789](#), [287.04355](#), [608.1555](#), and [608.156](#)*

**SB445** – There is hereby appropriated from the State General Fund to the Eighth Judicial District Court of the State of Nevada the sum of \$98,356 for the salary of a Veterans Court Coordinator. Any remaining balance of the appropriation made by this act must not be committed for expenditure after June 30, 2019, by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 20, 2019, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 20, 2019.

*Effective: July 1, 2017*



## **STUDIES/ADVISORY COMMISSIONS**

**AB97** – This bill requires a law enforcement agency to submit a sexual assault forensic evidence kit (hereinafter “SAFE kit”) to the applicable forensic laboratory responsible for conducting a genetic marker analysis not later than 30 days after receiving the SAFE kit. Such a requirement does not apply with regard to any noninvestigatory SAFE kit associated with a victim who has chosen to remain anonymous. This bill also requires each forensic laboratory that receives a SAFE kit from a law enforcement agency to: (1) test the SAFE kit not later than 120 days after receiving the SAFE kit; and (2) upon completion of a genetic marker analysis, include the DNA profile obtained from the genetic marker analysis in the State DNA Database and the Federal Bureau of Investigation’s Combined DNA Index System. This bill further requires each forensic laboratory to submit a report annually to the Director of the Legislative Counsel Bureau, for transmittal to the next session of the Legislature or to the Legislative Commission, as applicable. The report must include certain information concerning SAFE kits received by the forensic laboratory, depending on whether a SAFE kit was received by the forensic laboratory before January 1, 2015, or on or after January 1, 2015. This bill requires the Attorney General to designate a department or division of the Executive Department of State Government to establish a statewide program to track SAFE kits. This bill: (1) requires the designated department or division to submit to the Governor and the Director of the Legislative Counsel Bureau, for transmittal to a Subcommittee of the Advisory Commission on the Administration of Justice, biannual reports concerning the program; and (2) authorizes the designated department or division to apply for and accept any gift, donation, bequest, grant or other source of money to carry out the provisions relating to the program. This bill also requires each law enforcement agency, prosecutor, forensic laboratory and provider of health care who performs forensic medical examinations in this State to participate in the program and provides immunity from civil liability to any agency or person who participates in the program in good faith and without gross negligence. Existing law establishes the Subcommittee to Review Arrestee DNA of the Advisory Commission on the Administration of Justice and requires the Subcommittee to evaluate, review and submit a report to the Commission regarding certain issues relating to arrestee DNA. This bill: (1) revises the name of the Subcommittee to reflect the broader duties assigned pursuant to this bill; and (2) requires the Subcommittee to additionally evaluate, review and submit a report to the Commission regarding the submittal, storage and testing of SAFE kits. Existing law requires a county in whose jurisdiction a sexual assault is committed to pay any costs incurred by a hospital for the forensic medical examination of the victim of the sexual assault. Existing law also authorizes a compensation officer of the Department of Administration to order the payment of compensation from the Fund for the Compensation of Victims of Crime to or for the benefit of victims of certain crimes or to certain other specified persons. This bill additionally authorizes a compensation officer to order the payment of compensation to a county for the reimbursement of costs associated with conducting forensic medical examinations of victims of sexual assault that are paid by the county, in an amount equal to the cost of 10 forensic medical examinations or \$10,000, whichever is less, each fiscal year. This bill makes an appropriation of \$3,000,000 to the Office of the Attorney General to be allocated pursuant to an interlocal agreement to a public entity for the purpose of making payments to forensic laboratories to reduce the backlog of sexual assault forensic evidence kits that have not been tested.

***Effective: Sections 1, 1.3, 2, 3.3 to 4, inclusive, 5, 6, and 8 of this act effective on October 1, 2017. Sections 1.7, 2.5, 3.1, and 4.5 of this bill effective on January 1, 2021.***

***Amends: NRS Chapter 200, NRS 200.364, 176.01246, and 217.160***

# AB278 – Committee to Review Child Support Guidelines

- This bill establishes a Committee to Review Child Support Guidelines (3 DJs and 1 justice included).
- The Committee must evaluate the existing child support guidelines at least once every four years and forward any recommendations for changes to the Administrator of DHHS. The first review and recommendations must be completed before July 1, 2018.
- The bill eliminates the existing provision that establishes a formula to develop the guidelines.
- The guidelines established by DHHS are subject to the provisions of NAC governing the adoption of regulations.



**AB278** – Existing federal law and regulations require each state to establish child support guidelines and review such guidelines at least once every 4 years to ensure that the application of such guidelines results in appropriate awards of child support. (42 U.S.C. § 667(a); 45 C.F.R. § 302.56(e)) Existing federal regulations also establish minimum standards for such guidelines. (45 C.F.R. § 302.56(c)) Existing Nevada law establishes the general formula used to calculate child support and sets forth several other related provisions. This bill creates the Committee to Review Child Support Guidelines, and this bill requires the Committee to review the existing child support guidelines established in this State and provide any recommendations for revisions to the Administrator of the Division of Welfare and Supportive Services of the Department of Health and Human Services not later than July 1, 2018. This bill requires the Administrator to review and consider any recommendations of the Committee and, after reviewing and considering such recommendations, to adopt regulations establishing the child support guidelines in this State. This bill also requires the Committee to review the guidelines at least once every 4 years. This bill repeals the provisions of existing law establishing the general formula for calculating child support and certain related provisions, and this bill provides that the repeal of such provisions becomes effective on the effective date of the regulations adopted by the Administrator establishing child support guidelines pursuant to this bill make conforming changes that are also effective upon the effective date of the adopted regulations. Existing law exempts the Division from the provisions of the Nevada Administrative Procedure Act. This bill provides an exception to such an exemption for the regulations establishing the child support guidelines that are adopted by the Administrator, and it requires that such regulations be adopted in accordance with the Nevada Administrative Procedure Act and codified in the Nevada Administrative Code.

**Effective:** *Sections 4 to 8, inclusive, and 14 of this act effective June 4, 2017. Sections 1, 2, 3, and 9 to 13, inclusive, of this act effective on the effective date of the regulations adopted by the Administrator of the Division of Welfare and Supportive Services of the Department of Health and Human Services establishing the guidelines in this State for the support of one or more children pursuant to section 8 of this act.*

**Amends:** [NRS 125.150](#), [125B.080](#), [125B.145](#), [233B.039](#), [NRS Chapter 425](#), [NRS 425.360](#), [425.3824](#), [425.450](#), and [432B.560](#)

**Repeals:** [NRS 125B.070](#), [125B.085](#), and [125B.095](#)

## AB472 – Juvenile Justice Oversight Commission

- This bill creates the Juvenile Justice Oversight Commission that shall:
  1. Establish a uniform procedure for DCFS and local JPOs to develop and collect data related to juvenile justice;
  2. Establish juvenile justice outcome measures and collect data;
  3. Select a valid risk assessment tool and mental health screening tool that must be used by DCFS and all JPOs in assessing youth entering the system; and
  4. Contract with a technical assistance provider.
- The Commission must conduct annual quality assurance reviews of all State facilities for the detention of juveniles.
- It requires DCFS and all JPOs to develop a case plan and family engagement plan for each juvenile under their supervision.
- It requires a juvenile court to make certain findings on the record before committing a child to a State facility.
- It requires Youth Parole to adopt policies and procedures to be used when determining the least restrictive response when a child violates his or her parole, and it requires the juvenile court to consider such policies and procedures in making a decision regarding modification, etc. of the child's parole.
- This bill prohibits a child on parole from having that parole revoked unless the child poses a risk to public safety or the policies and procedures adopted are not appropriate to the child.

**AB472** – Existing law provides generally for a system of juvenile justice in this State. This bill creates the Juvenile Justice Oversight Commission to perform certain functions relating to the juvenile justice system. This bill creates an Advisory Committee consisting of two members of the Senate, two members of the Assembly and two judges of a juvenile court to provide recommendations to the Commission. This bill requires the Commission to: (1) establish a uniform procedure for the Division of Child and Family Services of the Department of Health and Human Services, the Youth Parole Bureau and each department of juvenile services in this State to follow when developing performance measures related to the juvenile justice system; (2) establish standard procedures for measuring outcomes for children subject to the jurisdiction of the juvenile court; (3) select a validated risk assessment tool to assist the juvenile court, the Division and each department of juvenile services in determining the appropriate actions to take for children subject to the jurisdiction of the juvenile court and a validated mental health screening tool to determine the appropriate actions to take for children in need of supervision; and (4) contract with a qualified vendor or provider to provide technical assistance and training to employees of the juvenile justice system on the implementation and operation of such tools. This bill requires the Commission to develop a 5-year strategic plan that establishes policies and procedures for the Division and each department of juvenile services relating to the use of evidence-based practices when providing services to children subject to the jurisdiction of the juvenile court. This bill requires the members of the Commission to conduct annual quality assurance reviews of each state facility for the detention of children and each regional facility for the treatment and rehabilitation of children, which this bill defines as a regional facility which: (1) provides court-ordered treatment and rehabilitation for children; and (2) is administered by or for the benefit of more than one governmental entity. This bill requires such a quality assurance review to include a review of the facility's: (1) service delivery; (2) case management procedures; (3) policies on supervision and behavior management; and (4) procedures relating to the release of children from the facility. This bill also requires a facility to: (1) develop a facility improvement plan, in coordination with the Division or a local department of juvenile services, if such a plan is required to address any issues raised in the review; and (2) submit such a plan to the Commission. This bill further requires the Commission to compile all such facility improvement plans and submit the plans to the Governor and the Director of the Legislative Counsel Bureau with its annual review. This bill requires the Division and each department of juvenile services to, on or before July 1, 2018, implement the validated risk assessment tool and the validated mental health screening tool selected by the Commission for evaluation of children subject to the jurisdiction of the juvenile court. This bill also establishes the cost allocation for the expenses of implementing such tools, such that the responsibility for those expenses will shift from the State to each department of juvenile services over the next 2 fiscal years. This bill requires the Division and each department of juvenile services that receives money from the state, other than any money received from the State Plan for Medicaid, to use such money to develop, promote and coordinate evidence-based programs and



services. This bill also requires any contract between the Division or a department of juvenile services and a treatment provider for the provision of juvenile services to require the treatment provider to comply with the evidence-based standards developed by the Commission. This bill requires the Division to issue a request for proposals to establish an evidence-based program resource center. This bill requires the resource center to: (1) provide technical assistance to the Division, each department of juvenile services and treatment providers to support the implementation and operation of evidence-based programs and practices as set forth in the Commission's 5-year strategic plan; (2) provide various types of training to persons employed in the juvenile justice system; (3) act as a resource clearinghouse on evidence-based programs and practices; and (4) facilitate collaboration among state and local agencies and treatment providers who serve the juvenile justice system. This bill requires the Division and each department of juvenile services to develop and implement a family engagement plan to increase the participation of the family of a child who is subject to the jurisdiction of the juvenile court in the rehabilitation of the child. Existing law establishes provisions governing the disposition by a juvenile court of cases of children subject to the court's jurisdiction. This bill requires the department of juvenile services, before the disposition of a child's case, to conduct a risk assessment and a mental health screening on the child using the validated tools selected by the Commission and, in certain circumstances, a full mental health assessment, and to prepare a report based on the results of the risk assessment, mental health screening and any full mental health assessment as to the most appropriate disposition of the case. This bill requires a department of juvenile services to develop an individualized case plan for each child placed under the supervision of the juvenile court, placed under the informal supervision of a probation officer or committed to a regional facility for the treatment and rehabilitation of children. This bill sets forth the information required to be included in each case plan. This bill requires the Division to: (1) consider the results of a validated risk assessment, a validated mental health screening and any full mental health assessment to make decisions concerning the placement of a child; and (2) develop a case plan for each child committed to the Division for placement in a state facility for the detention of children. This bill requires the juvenile court to make certain findings before committing a child to the custody of a state facility for the detention of children, and this bill requires the juvenile court to make certain findings before committing a child to a public or private institution or agency in another state. This bill revise the process for how mental health screenings of children who are adjudicated delinquent and committed to a state facility for the detention of children or a regional facility for the treatment and rehabilitation of children are to be conducted. Existing law requires the Division to: (1) establish a standardized system for the reporting, collection, analysis, maintenance and retrieval of information concerning juvenile justice in this State; and (2) adopt regulations that require juvenile courts, local juvenile probation departments and the staff of the youth correctional services to submit certain information to the Division. This bill revises the types of juvenile justice information required to be submitted to the Division. This bill requires the Division to analyze such information and submit a report to the Governor and to the Legislature relating to the trends that exist in the juvenile justice system and the effectiveness of the system's programs and services. This bill repeals a similar provision that requires each local juvenile probation department to analyze such information and submit a report to the Division. This bill authorizes the Division to withhold money from a juvenile court that does not comply with the regulations adopted by the Division relating to the submittal of certain juvenile justice information. Existing law authorizes a director of juvenile services and the Youth Parole Bureau to release certain information concerning a child who is within the purview of the juvenile court to certain other persons involved in the juvenile justice system. This bill revises the list of persons to whom a director of juvenile services and the Youth Parole Bureau may release information to include: (1) the Chief Parole and Probation Officer; (2) the Director of the Department of Corrections; (3) a law enforcement agency; (4) the director of a regional facility for the treatment and rehabilitation of children; or (5) the director of an agency which provides mental health services. Existing law provides for the suspension, modification or revocation of the parole of a child. This bill requires the Youth Parole Bureau to establish policies and procedures to be used when determining the most appropriate and least restrictive response to a violation of a child of the terms and conditions of his or her parole. This bill requires, among other things, the Youth Parole Bureau to create a sliding scale of offenses based on the severity of the violation. This bill requires the juvenile court to consider the policies and procedures adopted by the Youth Parole Bureau pursuant to

this bill and consider the adherence of the Youth Parole Bureau to such policies and procedures when determining whether to suspend, modify or revoke the parole of a child. This bill prohibits the Chief of the Youth Parole Bureau from recommending to the juvenile court that a child's parole be revoked unless: (1) the child poses a risk to public safety; or (2) the other responses set forth in the policies and procedures adopted by the Youth Parole Bureau pursuant to this bill would not be appropriate for the child.


*Effective: Sections 1 to 32, inclusive, and 34 of this act effective on July 1, 2017. Section 33 of this act effective on July 1, 2018.*

*Amends: [NRS Chapter 62A](#), [NRS 62A.010](#), [62A.080](#), [62B.130](#), [62B.140](#), [62B.150](#), [62B.160](#), [62B.215](#), [62C.035](#), [NRS Chapter 62E](#), [NRS 62E.110](#), [62E.500](#), [62E.513](#), [62E.516](#), [62E.520](#), [new section in NRS Chapter 62H](#), [NRS 62H.025](#), [62H.200](#), [62H.210](#), [new section in NRS Chapter 63](#), [NRS 63.715](#), [63.770](#), [63.780](#), and [354.557](#)*

*Repeals: [NRS 62H.230](#)*

## ACR9 – Study of Traffic Offenses to Civil Infractions

- This resolution creates a committee made up of three assemblypersons (1 rural or Washoe) and three senators (1 rural or Washoe) to study and make recommendations to the Legislature regarding:
  1. The existing laws governing traffic, laws governing driver licensing, and laws governing vehicle registration and their treatment as criminal offenses;
  2. The related laws of states regarding treating such violations of such laws as crimes or civil infractions;
  3. The appropriate and necessary elements of a system to treat such violations as civil infractions in this state, including technology and court procedures, staffing, and training.
  4. The fiscal impact of converting traffic misdemeanors to civil infractions.



**[ACR9](#)** – Directing the Legislative Commission to appoint a committee to conduct an interim study concerning the advisability and feasibility of treating certain traffic and related violations as civil infractions.

*Effective: June 5, 2017*

**[SB25](#)** – Existing law requires the Attorney General to appoint a Committee on Domestic Violence and requires the Committee to adopt regulations to certify programs for the treatment of persons who commit domestic violence. Existing law also creates the Nevada Council for the Prevention of Domestic Violence, and charges the Council with, among other duties, increasing awareness of certain issues relating to domestic violence. This bill abolishes the Nevada Council for the Prevention of Domestic Violence, and this bill transfer the duties of the Council and any subcommittees of the Council to the Committee on Domestic Violence. This bill transfer the requirement to adopt regulations relating to programs for treatment of persons who commit domestic violence from the Committee on Domestic Violence to the Division of Public and Behavioral Health of the Department of Health and Human Services. This bill make conforming changes. This bill also revises the composition of the Committee on Domestic Violence to authorize the Attorney General to appoint additional members to the Committee. Further, this bill establishes 2-year terms for each member appointed to the Committee on Domestic Violence and provides that a member may be reappointed for additional terms. Existing law authorizes the Attorney General to organize or sponsor multidisciplinary teams to review the death of a victim of a crime that constitutes domestic violence under certain circumstances. This bill transfers the duties of these multidisciplinary teams to the Committee on Domestic Violence. This bill make conforming changes to reflect the transfer of these duties to the Committee. Existing law

authorizes the Attorney General to issue a fictitious address to a victim, or the parent or guardian of a victim, of domestic violence, human trafficking, sexual assault or stalking who applies for the issuance of a fictitious address. This bill transfer the authority over this application process to the Division of Child and Family Services of the Department of Health and Human Services.

*Effective: July 1, 2017*

*Amends: [NRS 228.205](#), [228.423](#), [228.427](#), [228.460](#), [228.470](#), [228.490](#), [228.495](#), [228.497](#), [4.373](#), [5.055](#), [179A.075](#), [179A.100](#), [200.485](#), [217.462](#), [217.464](#), [217.466](#), [217.468](#), [217.471](#), [217.475](#), [241.016](#), [432B.290](#), [432B.407](#), [new section in NRS Chapter 439](#), [NRS 439.5106](#), and [440.170](#)*

*Repeals: [NRS 228.480](#) and [228.485](#)*

## SB35 – Subcommittee on Info. Sharing

- This bill creates a Subcommittee of the Advisory Commission on Criminal Justice (ACAJ) to study issues related to records of criminal history in Nevada.
- The Subcommittee may form working groups and shall make recommendations to the ACAJ to improve the records of criminal history.
- It eliminates the Advisory Committee on Nevada Criminal Justice Information Sharing.



**SB35** – Existing law requires the Director of the Department of Public Safety to establish within the Department the Advisory Committee on Nevada Criminal Justice Information Sharing and prescribes the duties of the Advisory Committee. Existing law also: (1) establishes the Advisory Commission on the Administration of Justice and various subcommittees of the Advisory Commission; and (2) directs the Advisory Commission and subcommittees, among other duties, to identify and study the elements of this State’s system of criminal justice. This bill creates the Subcommittee on Criminal Justice Information Sharing of the Advisory Commission. This also: (1) requires the Chair of the Advisory Commission to appoint all members of the Subcommittee except one member who is appointed by the Director of the Department of Public Safety and who serves in a position that requires the person to use the Central Repository for Nevada Records of Criminal History for purposes other than criminal justice; and (2) requires the Subcommittee to review issues related to records of criminal history and report to the Advisory Commission with recommendations to address such issues. This bill: (1) authorizes the Subcommittee to appoint working groups; (2) provides that meetings of a working group are not subject to the Open Meeting Law; and (3) provides that information and materials received or prepared by a working group is not a public record subject to the provisions of chapter 239 of NRS. This bill revises the membership of the Advisory Commission to include a representative of the Central Repository for Nevada Records of Criminal History, appointed by the Governor. This bill requires the Advisory Commission to: (1) make recommendations regarding the sharing of criminal justice information in this State; and (2) provide those recommendations to the Legislature and the Director of the Department of Public Safety. This bill repeals the Advisory Committee on Nevada Criminal Justice Information Sharing.

*Effective: October 1, 2017*

*Amends: [NRS Chapter 176](#), [NRS 176.0121](#), [176.0123](#), [176.0125](#), and [239.010](#)*

*Repeals: [NRS 179A.079](#)*

**SB188** – This bill revises provisions of existing law that prohibit various types of discrimination and discriminatory practices to include gender identity or expression and sexual orientation. This bill defines the terms “gender identity or expression” and “sexual orientation,” respectively, and make those definitions applicable to the Nevada Revised Statutes as a whole. This bill revises provisions governing the Nevada Equal Rights Commission by: (1) requiring the membership of the Commission to be representative of groups based on sexual orientation and gender identity or expression; and (2) revising the Commission’s duties to include fostering mutual understanding, studying problems between and securing the cooperation of groups based upon sexual orientation and gender identity or expression. Existing law makes voidable certain discriminatory provisions in a written instrument relating to real property that purport to forbid or restrict the conveyance, encumbrance, leasing or mortgaging or purports to limit, restrict or prohibit the use or occupation of the real property. This bill makes such provisions voidable when based on sexual orientation or gender identity or expression. Under existing law, certain persons may file a petition in a child custody proceeding seeking abduction prevention measures to protect the child. T this bill adds to the list of factors for consideration by the court by requiring consideration of whether the petitioner or respondent is likely to take the child to a country that restricts travel or exiting the country based on the sexual orientation or gender identity or expression of either the petitioner or the child. This bill adds an offender’s sexual orientation and gender identity or expression to the elements considered by the Advisory Commission on the Administration of Justice when reviewing whether offenders receive disparate sentences and recommending changes to the structure of sentencing. This bill revises the circumstances under which murder of the first degree may be aggravated by adding the circumstance if the murder was committed upon the person because of his or her actual or perceived gender identity or expression. This bill expands the subject matter of publications offenders are prohibited from possessing or receiving while in custody by including publications that encourage or glamorize violence against persons of a particular sexual orientation or gender identity or expression. This bill revises the eligibility requirements for a grant from the Account for Aid for Victims of Domestic Violence by requiring a nonprofit corporation applying for a grant to provide its services without discrimination on the basis of sexual orientation or gender identity or expression. Existing law requires the Executive Director of the Office of Economic Development and authorizes a state agency to adopt regulations exempting a business within specially benefited zones from certain regulations. This bill revises the exceptions to the exemptions by providing that a business may not be exempt from a regulation adopted pursuant to a statute whose purpose is the protection of persons against discrimination based on sexual orientation and gender identity or expression. This bill revise provisions governing the state personnel system and relations with local government employers to prohibit discrimination on the basis of sexual orientation or gender identity or expression. This bill revises the definition of “eligible family” for purposes of determining eligibility for assistance with low-income housing to include a person or family selected without regard to sexual orientation or gender identity or expression. Existing law exempts certain organizations, in addition to those defined by law as charitable corporations, from taxation on certain personal and real property, including any corporation that, among other factors, where indigent persons may receive medical care and attention without regard to race or color. This bill adds the requirement that indigent persons may receive medical care and attention without regard to sexual orientation or gender identity or expression. This bill revises the restrictions for commercial advertising on a school bus by prohibiting advertising that attacks groups based on sexual orientation or gender identity or expression. This bill prohibit discrimination based upon the sexual orientation or gender identity or expression for enrollment in a charter school, achievement charter school, university school for profoundly gifted pupils or the Nevada System of Higher Education. This bill revises the declaration of policy of the State that there must be an equality of treatment and opportunity for all persons in the Nevada National Guard to also include without regard to gender identity or expression. This bill revise provisions governing the administration of gaming and gaming establishments to prohibit discrimination based upon sexual orientation or gender identity or expression. This bill adds to the grounds for disciplinary action by the Real Estate Commission against a person licensed by the Commission, property manager or owner-developer if that person refuses to show, sell or rent any real estate for sale or rent to a qualified purchaser or renter based on his or her sexual orientation or gender identity or expression. This bill prohibits a polygraph examiner or intern from inquiring about the sexual orientation or gender identity or expression of the person examined unless such information is germane to the issue under investigation and the inquiries are made at the request of the examinee. This bill amends existing law by prohibiting an insurer that uses a consumer credit report from calculating an insurance score based on a person’s sexual orientation or gender identity or expression. This bill revises the type of risk classifications used by insurers to prohibit an insurer from using classifications based on sexual orientation or gender identity or expression. This bill prohibits an insurer from cancelling or refusing to renew a policy of automobile liability insurance based solely upon the sexual orientation or gender identity or expression of the insured and, by reference, makes it an unfair practice in settling claims. Under existing

law, the Commissioner of Insurance is authorized to issue a certificate of registration to a voluntary purchasing group that meets certain requirements. This bill revises those requirements by including a prohibition on differentiating among members of the group based on the sexual orientation or gender identity or expression of a member. This bill amends the Charter of the City of Sparks to add a person's gender identity or expression, as defined by the circumstances under which a person shall not be appointed or removed from, or favored or discriminated against a City position or appointive administrative office. (Sparks City Charter § 1.130)

*Effective: July 1, 2017*

*Amends: [NRS 233.040](#), [233.140](#), [111.237](#), [125D.180](#), [176.0125](#), [200.033](#), [209.365](#), [217.420](#), [274.140](#), [284.150](#), [284.385](#), [288.270](#), [319.060](#), [361.140](#), [386.845](#), [388A.453](#), [388B.060](#), [388C.010](#), [396.530](#), [412.116](#), [432.525](#), [463.151](#), [463.15995](#), [463.4076](#), [645.635](#), [648.193](#), [686A.680](#), [686B.060](#), [687B.390](#), [689C.520](#), and [section 1.130 of the Charter of the City of Sparks](#)*

## SB277 – Subcommittee on Info. Sharing

- This bill creates a Subcommittee of the Advisory Commission on Criminal Justice (ACAJ) to study issues related to records of criminal history in Nevada.
- The Subcommittee may form working groups and shall make recommendations to the ACAJ to improve the records of criminal history.
- It eliminates the Advisory Committee on Nevada Criminal Justice Information Sharing.



**SB277** – Existing law requires the Director of the Department of Public Safety to establish within the Department the Advisory Committee on Nevada Criminal Justice Information Sharing and prescribes the duties of the Advisory Committee. Existing law also: (1) establishes the Advisory Commission on the Administration of Justice and various subcommittees of the Advisory Commission; and (2) directs the Advisory Commission and subcommittees, among other duties, to identify and study the elements of this State's system of criminal justice. This bill creates the Subcommittee on Criminal Justice Information Sharing of the Advisory Commission and prescribes the duties of the Subcommittee. This bill also: (1) requires the Chair of the Advisory Commission to appoint all members of the Subcommittee except one member who is appointed by the Director of the Department of Public Safety and who serves in a position that requires the person to use the Central Repository for Nevada Records of Criminal History for purposes other than criminal justice; and (2) requires the Subcommittee to review issues related to records of criminal history and report to the Advisory Commission with recommendations to address such issues. This bill: (1) authorizes the Subcommittee to appoint working groups; (2) provides that meetings of a working group are not subject to the Open Meeting Law; and (3) provides that information and materials received or prepared by a working group is not a public record subject to the provisions of chapter 239 of NRS. This bill revises the membership of the Advisory Commission to include a representative of the Central Repository for Nevada Records of Criminal History, appointed by the Governor. This bill requires the Advisory Commission to: (1) make recommendations regarding the sharing of criminal justice information in this State; and (2) provide those recommendations to the Legislature and the Director of the Department of Public Safety. This bill repeals the Advisory Committee on Nevada Criminal Justice Information Sharing, as the Advisory Committee's duties are essentially replaced by the Subcommittee. Existing law prescribes the duties of the Division of Public and



Behavioral Health of the Department of Health and Human Services in administering the program for the medical use of marijuana and requires the Division to maintain the confidentiality of certain information relating to the medical use of marijuana. This bill provides an exception to the provisions governing confidentiality and instead requires the Division to disclose certain information relating to applicants for a registry identification card, which identifies that a person is exempt from state prosecution or is a designated primary caregiver of such a person, to the Division of Parole and Probation of the Department of Public Safety, if notified by the Division of Parole and Probation that the applicant is on parole or probation.

**Effective:** October 1, 2017

**Amends:** NRS Chapter 176, NRS 176.0121, 176.0123, 176.0125, 239.010, and 453A.700

**Repeals:** NRS 179A.079

## SB377 – Indigent Defense Study Commission

- This bill creates the Nevada Right to Counsel Commission to study the provision of indigent defense services.
- The Commission must make recommendations to the Legislature by September 1, 2018. Those recommendations shall address:
  - Public defense council caseload standards;
  - Minimum standards for provision of indigent defense;
  - Standards for statewide system of indigent defense for counties with a population under 100,000 people; and
  - Funding for a statewide system of indigent defense.
- The bill provides an appropriation to hire a consultant to assist the Commission with the study.



**SB377** – This bill creates the Nevada Right to Counsel Commission and prescribes the duties and functions of the Commission. This bill provides that the Commission consists of 13 voting members and the Chief Justice of the Nevada Supreme Court, who is an ex officio nonvoting member of the Commission. Under this bill, of the 13 voting members of the Commission, the Governor appoints 10 members from among nominees selected by various entities interested in the provision of indigent defense services and the Majority Leader of the Senate, the Speaker of the Assembly and the Chief Justice of the Nevada Supreme Court each appoint one member. This bill also provides that a member of the Commission serves without compensation but is entitled to receive the per diem and travel expenses for state officers and employees while the member is engaged in the business of the Commission. This bill provides for the appointment of members of the Commission to terms which expire on June 30, 2019. This bill requires the Commission to conduct a study during the 2017-2019 interim concerning issues relating to the provision of legal representation to indigent persons. This bill also requires the Commission to recommend to the Legislature standards concerning the provision of legal representation to indigent persons. The recommendations must include: (1) standards related to the caseload and workload of defense counsel; (2) minimum standards for the provision of legal representation to indigent persons; (3) minimum standards for a statewide system for the provision of such services in a county whose population is less than 100,000 (currently all counties other than Clark and Washoe Counties); (4) funding a statewide system for the provision of such services; and (5) any other recommendations in accordance with the findings of the Commission. Recommendations proposed by the Commission must be submitted to the Office of Finance in the Office of the Governor and the Legislature on or before September 1, 2018. Existing law prescribes the number of legislative measures which may be requested by various departments, agencies and other entities of this State for each regular session of the Legislature. This bill authorizes the Nevada Right to Counsel Commission to request for each regular session of the Legislature the drafting of not more than

one legislative measure which relates to matters within the scope of the Right to Counsel Commission. This bill makes an appropriation from the State General Fund of \$115,000 for Fiscal Year 2017-2018 and \$115,000 for Fiscal Year 2018-2019 to the Nevada Supreme Court for expenses related to the Commission.

*Effective: Effective July 1, 2017, and expires by limitation on June 30, 2019.*

*Amends: [NRS Chapter 180](#), [new section in NRS Chapter 218D](#), and [NRS 218D.100](#)*

## SB451 – Sentencing Commission

- This bill creates the Nevada Sentencing Commission that includes a justice, two judges, and an AOC representative.
- The Commission shall meet quarterly and must evaluate the State’s current sentencing practices and those of other states in the areas of plea bargains, probation, intensive supervision programs, regimental discipline programs, imprisonment, minimum and maximum sentences, drug sentences, enhanced penalties for habitual criminals, parole, good-time credits, and alternatives to incarceration.
- The Commission has subpoena power.
- The Commission is afforded one BDR for each regular session to advance its recommendations.



**[SB451](#)** – Existing law establishes the Advisory Commission on the Administration of Justice and directs the Advisory Commission, among other duties, to identify and study the elements of this State’s system of criminal justice, including certain issues relating to the sentencing of persons convicted of felonies and gross misdemeanors. This bill creates the Nevada Sentencing Commission and provides for the membership of the Sentencing Commission. This bill prescribes the duties of the Sentencing Commission, and includes, among other duties related to the sentencing of offenders convicted of a crime, a duty to make recommendations concerning the adoption of sentencing guidelines. This bill repeals certain duties of the Advisory Commission on the Administration of Justice under existing law, as those duties are reenacted and replaced. Existing law prescribes the number of legislative measures which may be requested by various departments, agencies and other entities of this State for each regular session of the Legislature. This bill authorizes the Nevada Sentencing Commission to request for each regular session of the Legislature the drafting of not more than 1 legislative measure which relates to matters within the scope of the Sentencing Commission.

*Effective: July 1, 2017*

*Amends: [NRS Chapter 176](#), [NRS 176.0125](#), [new section in NRS Chapter 218D](#), and [NRS 218D.100](#)*

## **TRAFFIC/WATERCRAFT**

**[AB11](#)** – Existing law prohibits a person from operating an unmanned aerial vehicle within a horizontal distance of 500 feet or a vertical distance of 250 feet from a critical facility without the written consent of the owner of the critical facility. A person who violates this provision is guilty of a misdemeanor. Existing law defines “critical facility” for this purpose to include a petroleum refinery, a petroleum or chemical production, transportation, storage or processing facility, a chemical manufacturing facility, a pipeline and any appurtenance thereto, a wastewater treatment facility, a water treatment facility, a mine, a power generating station, plant or substation, any transmission



line that is owned in whole or in part by an electric utility, a county, city or town jail or detention facility and any prison, facility or institution under the control of the Department of Corrections. This bill expands the definition of the term “critical facility” to include any transmission line that is owned, operated, inspected, maintained or repaired in whole or in part by the Colorado River Commission of Nevada.

*Effective: May 19, 2017*

*Amends: [NRS 493.020](#)*

**[AB17](#)** – Existing law authorizes certain vehicles used by the Department of Transportation to display a flashing amber warning light on a vehicle or to be equipped with tail lamps that emit a nonflashing blue light in certain circumstances involving: (1) the existence of an unusual traffic hazard; (2) when the vehicle is engaged in construction, maintenance or repair of highways; or (3) when the workers who are performing such construction, maintenance or repair are present. Existing law also requires the driver of a vehicle who approaches an authorized emergency vehicle which is stopped and is displaying flashing lights or a tow car which is stopped and is displaying flashing amber warning lights to: (1) decrease his or her speed; (2) proceed with caution; (3) be prepared to stop; and (4) if possible, drive in a lane which is not adjacent to the lane in which the emergency vehicle or tow car is stopped. This bill applies the same requirements to the driver of a vehicle who approaches an authorized vehicle of the Department of Transportation which is stopped and is displaying flashing amber warning lights or is making use of lamps located toward the rear of the vehicle which emit nonflashing blue light. Existing law makes a violation of these requirements a misdemeanor. This bill amends existing law to specify that an authorized vehicle used by the Department of Transportation for the construction, maintenance or repair of highways may be equipped with lamps located toward the rear of the vehicle that emit nonflashing blue light.

*Effective: July 1, 2017*

*Amends: [NRS 484B.607](#) and [484D.200](#)*

## AB68 – Acceptance of Traffic Citations

- This bill provides that if a person who is issued a traffic citation refuses to sign a copy of the traffic citation but accepts a copy of the citation delivered by a peace officer, such acceptance shall be deemed personal service of the notice to appear in court.
- It provides that it is unlawful for a person to fail to appear at the time and place set forth in a notice to appear in court that is contained in a traffic citation.
- This bill requires that a person be taken before a magistrate if: (1) the person is issued a traffic citation and refuses to sign or accept a copy of the traffic citation; or (2) a peace officer has reasonable and probable grounds to believe that the person will disregard a notice to appear in court.
- This bill requires that a person taken into custody for the purpose of appearing before a magistrate be released from custody in certain circumstances upon the acceptance of a copy of a traffic citation.
- This bill makes various other changes regarding driver licenses and commercial driver licenses.



**[AB68](#)** – Existing law requires the Department to issue a driver’s license which bears a colored photograph of the licensee. This bill removes the requirement that the photograph be in color. Existing law requires a person who seeks to operate a school for training drivers or to be an instructor for a school for training drivers to obtain a license from the Department. The Department may cancel, suspend, revoke or refuse to renew the license if the licensee engages in certain acts or practices. This bill provides that the Department may also refuse to issue a license if the applicant engages in any of those certain acts or practices, and adds to the list of those acts or practices: (1) making a material misstatement on an application; (2) failing or refusing to provide any information requested by the Department regarding an application; and (3) conviction of a crime for a violation of any of the provisions of law

governing schools for training drivers and instructors for a school for training drivers. Existing law also requires that each vehicle used for training drivers and operated on a highway is inspected annually. This bill requires that a vehicle be inspected within 30 days after initial use by the school for training drivers, and then inspected annually thereafter. Existing law allows certain persons who do not hold a valid driver's license from any state or jurisdiction to obtain an identification card from the Department. A person who is 65 years of age or older must pay a fee of \$4 for an original or duplicate identification card. This bill clarifies that the \$4 fee applies to such an identification card which expires on or before the fourth anniversary of the person's birthday and an \$8 fee applies to such an identification card which expires on or before the eighth anniversary of the person's birthday. Existing law requires the Department to adopt regulations providing for the issuance of commercial drivers' licenses, but the regulations may not be more restrictive than the federal regulations adopted pursuant to the Commercial Motor Vehicle Safety Act of 1986, as amended, 49 U.S.C. §§ 31301 et seq. The Department may not issue a commercial driver's license or a commercial learner's permit, which allows a person to operate a commercial motor vehicle on the highways of this State if he or she is accompanied by the holder of a commercial driver's license, to a person unless the person is a resident of this State. Existing law prohibits a person who is a resident of this State for 30 days or more from driving a commercial motor vehicle under the authority of a commercial driver's license issued by another jurisdiction. Existing law authorizes the Department to issue a nonresident commercial driver's license or a nonresident commercial learner's permit to a person who is a resident of a foreign jurisdiction which the Federal Highway Administrator has determined does not test drivers and issue commercial drivers' licenses in accordance with federal standards or who is a resident of a state while that state is prohibited from issuing commercial drivers' licenses pursuant to federal regulations. This bill removes the authorization for the Department to issue a nonresident commercial driver's license or nonresident commercial learner's permit, and newly provides that the Department may only issue a limited-term commercial driver's license or limited-term commercial learner's permit to a resident of a foreign jurisdiction which the Federal Highway Administrator has determined does not test drivers and issue commercial drivers' licenses in accordance with federal standards. This bill makes conforming changes to the fees for such a license. Existing law authorizes a peace officer to issue a traffic citation to a person in the form of a complaint that contains a notice to appear in court. The person to whom the traffic citation is issued is authorized to give his or her written promise to appear in court by signing at least one copy of the traffic citation. Existing law provides that it is unlawful for a person to violate such a written promise to appear in court and authorizes the issuance of a warrant upon such a violation. Existing law also requires that a person be taken before a magistrate if: (1) the person is issued a traffic citation and refuses to give a written promise to appear in court; or (2) a peace officer has reasonable and probable grounds to believe that the person will disregard a written promise to appear in court. Finally, existing law provides that when such a person is taken into custody by a peace officer for the purpose of appearing before a magistrate, the person must be released from custody in certain circumstances upon the issuance of a traffic citation to the person and the person signing a written promise to appear in court. This bill provides that if a person who is issued a traffic citation refuses to sign a copy of the traffic citation but accepts a copy of the citation delivered by a peace officer, such acceptance shall be deemed personal service of the notice to appear in court. This bill provides that it is unlawful for a person to fail to appear at the time and place set forth in a notice to appear in court that is contained in a traffic citation. This bill, respectively, require that a person be taken before a magistrate if: (1) the person is issued a traffic citation and refuses to sign or accept a copy of the traffic citation; or (2) a peace officer has reasonable and probable grounds to believe that the person will disregard a notice to appear in court. This bill requires that a person taken into custody for the purpose of appearing before a magistrate be released from custody in certain circumstances upon the acceptance of a copy of a traffic citation. Existing law authorizes a peace officer to prepare and issue a traffic citation to a child in certain circumstances pursuant to the same criteria as would apply to an adult violator. If the child executes a written promise to appear in court by signing the citation, the peace officer is prohibited from taking the child into physical custody for the violation. This bill provides that if such a child refuses to execute a written promise to appear in court but accepts a copy of the citation delivered by the peace officer, such acceptance shall be deemed personal service of the notice to appear in court. Existing law restricts the placement of advertising on or near certain highways, rights-of-way, bridges or structures, with certain exceptions for benches and shelters for passengers of mass transit and monorail stations. This bill add to the exceptions from those restrictions certain advertisements on a touchdown structure, which is the tower attached to a pedestrian bridge and which houses an elevator.

***Effective: Sections 1 to 9, inclusive, 15.1 to 16, inclusive, and 17 of this act effective on July 1, 2017. Sections 10 to 15, inclusive, of this act effective on October 1, 2017.***

***Amends: [NRS 483.347](#), [483.745](#), [483.760](#), [483.820](#), [483.910](#), [483.936](#), [484A.630](#), [484A.670](#), [484A.720](#), [484A.730](#), [484A.760](#), [484B.313](#), [62C.070](#), [405.110](#), and [410.320](#)***

## AB135 – Marijuana DUIs

- This bill removes the specified amounts of marijuana and marijuana metabolite in a person’s urine, thereby providing that the amount of marijuana or marijuana metabolite in a person’s system can only be measured through his or her blood for purposes of determining driving or boating under the influence.



**AB135** – Existing law provides that it is unlawful for any person to drive or be in actual physical control of a vehicle on a highway or on premises to which the public has access if the person is under the influence of a controlled substance or has certain specified amounts of a prohibited substance in his or her blood or urine, including marijuana and marijuana metabolite. This bill removes the specified amounts of marijuana and marijuana metabolite in a person’s urine, thereby providing that the amount of marijuana or marijuana metabolite in a person’s system can only be measured through his or her blood. This bill make the same changes to similar provisions of existing law relating to a person driving or being in actual physical control of a commercial motor vehicle on a highway or on premises to which the public has access or operating or being in actual physical control of a vessel under power or sail on the waters of this State, respectively. This bill make conforming changes.

*Effective: July 1, 2017*

*Amends: [NRS 484C.110](#), [484C.120](#), [484C.130](#), [484C.160](#), [484C.430](#), [488.410](#), [488.420](#), [488.425](#), [488.460](#), [33.030](#), [62C.020](#), [125.555](#), [171.1225](#), [178.484](#), [200.378](#), [200.591](#), and [616C.230](#)*

**AB234** – Under existing law, common motor carriers of passengers and contract motor carriers of passengers are subject to supervision and regulation by the Nevada Transportation Authority, with some exceptions. This bill requires a common motor carrier of passengers, contract motor carrier of passengers and any other person or entity, other than a taxicab motor carrier, providing a means of public conveyance and transportation operating in this State and which transports for compensation certain persons with disabilities, commonly referred to as “paratransit services,” to ensure that: (1) each vehicle used in the transport is equipped with a first-aid kit; and (2) each driver of a vehicle used for the transport receives training in first aid and cardiopulmonary resuscitation. This bill also requires the carrier, person or entity to: (1) provide the training in first aid and cardiopulmonary resuscitation or arrange for its provision for the driver; (2) pay for the training; and (3) compensate each driver for the time spent receiving the training. This bill provides an exemption from these requirements for a taxicab motor carrier or a transportation network company which provides paratransit services under a contract with any entity required to provide such services. Existing law makes a violation of this requirement a misdemeanor. This bill makes conforming changes.

*Effective: January 1, 2020*

*Amends: [New section in NRS Chapter 706](#), [NRS 706.011](#), [706.156](#), [706.745](#), and [706.756](#)*

**AB252** – Existing law requires the Department of Motor Vehicles to adopt regulations prescribing the information that must be contained on a driver’s license. Pursuant to that requirement, existing regulations require that a driver’s license issued by the Department must contain the address of principal residence of the licensee. This bill authorizes a peace officer or a retired peace officer applying for a driver’s license or renewing a driver’s license to request from the Department a driver’s license that displays an alternate address instead of the address of principal residence. A peace officer must use as an alternate address the address of his or her employer, and a retired peace officer must provide an alternate address at the time he or she submits the request. The peace officer or retired peace officer must provide the Department with his or her address of principal residence or mailing address, if different from the address of principal residence, for the purposes of Department records and mailing. Existing law also requires the Department to adopt regulations prescribing the information that must be contained on an identification card. This bill authorizes a peace officer or a retired peace officer applying for an identification card or renewing an identification card to request from the Department an identification card that displays an alternate address instead of the address of principal residence, in the same manner as for a driver’s license. Existing law further requires the Department to adopt regulations providing for the issuance of commercial driver’s licenses. This bill authorizes a peace officer or a retired peace officer applying for or renewing a commercial driver’s license or a commercial learner’s permit to request from the Department a commercial driver’s license or a commercial learner’s permit that displays an alternate address instead of the address of principal residence, in the same manner as for a driver’s license or an identification card. This bill makes conforming changes.

***Effective: Effective May 22, 2017, for the purpose of adopting regulations pursuant to the amendatory provisions of this act and on July 1, 2017, for all other purposes.***

***Amends: NRS Chapter 483, NRS 483.015, 483.020, 483.820, 483.900, 483.902, and 483.904***

**AB261** – Existing law authorizes the Department of Motor Vehicles to issue an instruction permit to a person who is at least 15 1/2 years of age if the person successfully passes a vision test and a written examination. Such a permit entitles the person to drive a motor vehicle for a period of 1 year when accompanied by a licensed driver who is at least 21 years of age, has at least 1 year of licensed driving experience and is seated next to the driver, except when the driver is on a motorcycle. This bill authorizes the Department to issue an instruction permit to a person who is between 15 1/2 years of age and 18 years of age which entitles the person to operate a motorcycle. Such a person must first pass a vision test and a written examination. The permit is valid for 1 year, and may be renewed, but expires when the person reaches the age of 18 years. This bill further authorizes the Department to issue an instruction permit to a person who is 18 years of age or older, upon successful completion of the vision test and written examination, which entitles the person to operate a motorcycle, but such a permit expires after 6 months, and may be renewed not more than once. The person may not reapply for another such permit for 5 years. A person who holds either of these permits may not: (1) operate a motorcycle between sunset and sunrise; (2) carry passengers; and (3) operate the motorcycle on a controlled-access highway. Finally, this bill prohibits the issuance of a permit to operate a motorcycle to a person who has failed the driving test given by the Department two or more times. Under existing law, a person between the ages of 16 and 18 years who applies for a driver’s license must meet certain requirements, including: (1) completion of a certain type of driver’s education or a driving course; (2) at least 50 hours of supervised driving experience; and (3) having held an instructional permit for not less than 6 months before applying for the driver’s license. This bill requires a person between the ages of 16 and 18 years who applies for a driver’s license with a motorcycle endorsement to meet all of the same requirements except the 50 hours of driving experience are not required to be supervised. Existing law requires a person applying for a motorcycle driver’s license to successfully complete: (1) such written examination and driving test as may be required by the Department; or (2) a course of motorcycle safety approved by the Department. Pursuant to this bill, a person who has held an instruction permit authorizing him or her to operate a motorcycle for at least 6 months is not required to take the written examination, provided the permit has not been expired for more than 30 days before the person applies for the license or endorsement. This bill further requires that an applicant for a motorcycle driver’s license who is between the ages of 16 and 18 years must meet all the same requirements for a person of that age applying for a driver’s license with a motorcycle endorsement, and must successfully complete such written examinations and driving tests as may be required by the Department. This bill makes conforming changes.

***Effective: Effective May 26, 2017, 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 on January 1, 2018, for all other purposes.***

***Amends: NRS 483.250, 483.2521, 483.280, 486.061, 486.071, 486.111, 486.121, 486.131, 486.141, and 486.161***



## AB334 – Slow in the Fast Lane

- A driver on a controlled access highway of more than two lanes traveling in the same direction may not continue to operate a motor vehicle in the far left lane if he or she is driving slower than the speed limit or is being overtaken by a another vehicle in the same lane.
- Exceptions include:
  - Overtaking or turning left;
  - Operating a high occupancy vehicle in a lane designated for that purpose;
  - Conditions or controls make driving in the left lane necessary; and
  - Driving in the geographical limits of a city or town.



**AB334** – Under existing law, a driver operating a motor vehicle at a speed so slow as to impede the forward movement of traffic proceeding immediately behind the driver on a highway with two or more lanes for traffic traveling in the same direction must drive in the extreme right lane of the highway. This bill newly provides that a driver on a controlled-access highway with two or more lanes for traffic traveling in the same direction may not continue to operate a motor vehicle in the extreme left lane of the highway if the driver knows, or reasonably should know, that he or she is driving at a rate of speed that is below the posted speed limit and is being overtaken in that lane from the rear by a motor vehicle traveling at a higher rate of speed. Exceptions are provided for a person driving: (1) a vehicle in the extreme left lane for the purpose of overtaking another vehicle or preparing for a left turn; (2) a vehicle lawfully operating in a lane designated for high-occupancy vehicles; (3) a vehicle engaged in the construction, maintenance or repair of the highway; (4) when traffic conditions, inclement weather, obstructions, hazards or compliance with an official traffic control device or the directions of a peace officer make it necessary to drive in the extreme left lane; (5) an authorized emergency vehicle in the course of his or her official duties; and (6) a vehicle within the geographical limits of a city or town. Existing law makes a violation of the prohibition a misdemeanor.

*Effective: July 1, 2017*

*Amends: [New section in NRS Chapter 484B](#)*

**AB335** – Under existing law, a person driving a moped upon the highways of this State is entitled to full use of the traffic lane the moped is occupying and is entitled to all the rights and subject to all the duties applicable to the driver of a motor vehicle as provided by law. This bill requires a person driving a moped, except a police officer in the performance of his or her duty, to drive in the extreme right-hand lane of the highway if the highway has two or more clearly marked lanes for traveling in the same direction in which the driver is traveling. Exceptions are provided for: (1) when the driver is preparing to turn left; (2) when driving to the right side of the roadway would not be safe; and (3) compliance with the directions of a police officer. Existing law makes a violation of this section a misdemeanor. This bill makes a conforming change.

*Effective: January 1, 2018*

*Amends: [NRS 486.331](#) and [486.351](#)*

## SB31 - Commercial Vehicles

- This bill revises the requirements for registering certain commercial motor vehicles (vehicle weight 26,000 lbs. or greater).
- It revises procedures for registration, renewal of registration and revocation of registration by the Department of Motor Vehicles relating to certain commercial motor vehicles and motor carriers who are subject to certain out-of-service orders.
- It authorizes a peace officer to impound or seize the license plates from certain commercial motor vehicles operated by a motor carrier who is subject to certain out-of-service orders.



**SB31** – Under existing law, most motor vehicles, trailers and semitrailers intended to be operated upon any highway in this State must be registered with the Department of Motor Vehicles. This bill requires a motor carrier operating in intrastate commerce and registering a commercial motor vehicle, other than a farm vehicle, that weighs in excess of 26,000 pounds to: (1) obtain an identification number from the United States Department of Transportation, known as a “USDOT number”; (2) display the USDOT number on each commercial vehicle weighing in excess of 26,000 pounds that is operated by the motor carrier in intrastate commerce; and (3) notify the Department of Motor Vehicles of the name of the motor carrier who is responsible for the safety of each such vehicle. This bill authorizes the Department to refuse to register, refuse to renew the registration of or revoke the registration of any such commercial motor vehicle if the motor carrier does not comply with the requirements or if the motor carrier responsible for the safety of the commercial motor vehicle is subject to an out-of-service order, as that term is defined in certain regulations of the Federal Motor Carrier Safety Administration of the United States Department of Transportation. (49 C.F.R. Parts 385 and 386) The Department of Motor Vehicles may, refuse to register, refuse to renew the registration of or revoke the registration of all such commercial motor vehicles being operated by the motor carrier in intrastate commerce. This bill also requires a motor carrier operating a motor vehicle registered in this State to transport hazardous material to: (1) obtain a USDOT number from the United States Department of Transportation; (2) display the USDOT number on each commercial motor vehicle that is operated by the motor carrier in intrastate commerce; and (3) notify the Department of Motor Vehicles of the name of the motor carrier who is responsible for the safety of each such vehicle. Existing law makes it a misdemeanor to violate the requirements of this bill. This bill requires the Department of Transportation to adopt regulations setting forth each provision of certain federal regulations which, when a violation of those regulations is the basis for a temporary prohibition, qualifies the temporary prohibition as an out-of-service order. This bill requires any application for registration or renewal of registration of any commercial motor vehicle that is required to obtain a USDOT number from the United States Department of Transportation to be submitted to the Motor Carrier Division of the Department of Motor Vehicles. Existing law authorizes the Department of Motor Vehicles to enter into an agreement with a motor carrier or a service provider which authorizes the motor carrier or service provider to register, transfer or renew the registration of certain motor vehicles owned or operated by the motor carrier and to issue registration credentials on behalf of the Motor Carrier Division of the Department. This bill authorizes the Department to revoke the registration of a commercial motor vehicle weighing over 26,000 pounds, operating in intrastate commerce and registered by a motor carrier or service provider if the Department determines that the motor carrier responsible for the safety of the commercial motor vehicle is subject to an out-of-service order. The Department may also, pursuant to this bill: (1) revoke the registration of all the commercial motor vehicles weighing over 26,000 pounds, operating in intrastate commerce and registered by a motor carrier who is subject to an out-of-

service order; and (2) revoke the motor carrier or service provider's authority to register motor vehicles. This bill also provides that a motor carrier who has entered into an agreement with the Department which allows the motor carrier to register and transfer or renew the registration of any vehicle of the motor carrier is only obligated to provide a bond if required by the Department. Existing law requires, for every motor truck, truck-tractor or bus, the payment of an additional fee for registration that is based on the weight of the vehicle. Such a vehicle which weighs not less than 26,001 pounds and not more than 80,000 pounds must pay a fee of \$17 for each 1,000 pounds, with a maximum fee of \$1,360. This bill increases the weight limit for such a vehicle, to the extent authorized by federal law, from a minimum of not less than 80,001 pounds to a maximum of not more than 83,000 pounds, but does not increase the maximum fee of \$1,360. Existing law provides that under the Interstate Highway User Fee Apportionment Act the Department of Motor Vehicles may enter into agreements with certain departments or agencies of other states or countries to provide for certain exemptions and the proration of certain fees and taxes for certain commercial motor vehicles used in interstate commerce. This bill requires an operator applying to register a commercial motor vehicle to operate in this State under such an apportionment agreement to provide the Department of Motor Vehicles with the operator's USDOT number issued by the United States Department of Transportation and to identify the motor carrier responsible for the safety of each commercial motor vehicle registered. This bill authorizes the Department of Motor Vehicles to refuse to register or refuse to renew the registration of any such commercial motor vehicle that weighs more than 10,000 pounds if the operator does not comply with the requirements to provide a USDOT number or to identify a motor carrier responsible for the safety of the commercial motor vehicle, or if the motor carrier responsible for the safety of the commercial motor vehicle is subject to an out-of-service order. This bill authorizes the Department to revoke the registration and plates, licenses, emblems, certificates or other devices of any such commercial motor vehicle registered to the motor carrier responsible for the safety of the commercial motor vehicle that is subject to an out-of-service order. This bill authorizes a peace officer to seize the license plates from a commercial motor vehicle if the motor carrier responsible for the safety of the commercial motor vehicle is subject to an out-of-service order and the commercial motor vehicle is: (1) registered or operating as an apportioned vehicle in interstate commerce and weighs in excess of 10,000 pounds; (2) registered in this State, operating in intrastate commerce and weighs in excess of 26,000 pounds; or (3) transporting hazardous material. If the motor carrier responsible for the safety of the commercial motor vehicle is not the registered owner of the vehicle, the peace officer may impound the commercial motor vehicle, and must notify the registered owner of the impoundment. Upon seizing any license plates based on an out-of-service order, this bill requires the peace officer to send the license plates to the Department of Motor Vehicles, which must follow existing procedures to revoke the registration of the commercial motor vehicle.

***Effective: May 26, 2017 for the purpose of adopting regulations and performing any preparatory administrative tasks that are necessary to carry out the provisions of this act; and for all other purposes, on the earlier of July 1, 2020; or the date on which the Director of the Department of Motor Vehicles, pursuant to section 25 of this act, notifies the Governor that sufficient resources are available to enable the Department to carry out the amendatory provisions of this act.***

***Amends: [NRS Chapter 482](#), [NRS 482.010](#), [482.206](#), [482.217](#), [482.230](#), [482.280](#), [482.465](#), [482.482](#), [new section in NRS Chapter 484A](#), [NRS 484D.570](#), [459.250](#), [459.7052](#), [new section in NRS Chapter 706](#), [NRS 706.188](#), [706.235](#), [706.806](#), [706.813](#), [706.841](#), and [706.846](#)***



## SB259 – DUI



- This bill requires a court to order a mandatory interlock device for a person guilty of DUI for at least 185 days.
- This bill adds the inability of a person to provide a breath sample and the fact that person lives more than 100 miles away from an interlock provider as additional reasons for exemption from the requirement.
- This bill allows the court to order an increase in the amount of time an interlock device must be installed if a person attempts to start a the vehicle with a BA of .04 or higher, fails a random test, fails to have the device serviced as required, or tampers with the device. Violations are reported to, and monitored by, DPS. DPS makes report to the court.
- The bill makes changes to the suspension of the driver license of a person arrested/convicted of DUI.

**SB259** – Existing law requires the revocation of the driver’s license, permit or privilege to drive of a person who: (1) has a concentration of alcohol of 0.08 or more in his or her blood or breath or who is found to have a detectable amount of a prohibited substance in his or her blood or urine for which he or she did not have a valid prescription or hold a valid registry identification card; or (2) fails to submit to an evidentiary test requested by a police officer. The driver’s license, permit or privilege of the person is revoked for a period of: (1) 90 days for having a concentration of alcohol of 0.08 or more in his or her blood or breath or who is found to have a detectable amount of a prohibited substance in his or her blood or urine under certain circumstances; or (2) not less than 1 year, or 3 years under certain circumstances, for failing to submit to an evidentiary test. This bill requires a person whose license, permit or privilege has been revoked for failure to submit to an evidentiary test or for having a concentration of alcohol of 0.08 or more in his or her blood or breath to install, at his or her own expense, an ignition interlock device in each vehicle the person operates as a condition to obtaining a restricted license. Existing law further provides that the officer is required to advise the person of his or her right to administrative and judicial review of the revocation and to have a temporary license, valid for 7 days, which the officer must issue upon request. This bill requires the officer to also advise the person that he or she is required to install an ignition interlock device, at his or her own expense, in each vehicle the person operates as a condition to obtaining a restricted license. Under existing law, the driver’s license, permit or privilege of a person convicted of an offense involving driving under the influence of alcohol or a controlled substance is revoked for a period of 90 days for a first offense. This bill revises the period of revocation for such an offense to not less than 185 days. With certain exceptions, existing law requires a court to order a person to install, at his or her own expense, an ignition interlock device in each vehicle the person owns or operates if the person is convicted of an offense involving driving under the influence of alcohol or a controlled substance which: (1) constitutes a felony; or (2) constitutes a misdemeanor, but the concentration of alcohol in the person’s blood or breath was 0.18 or more. Existing law also authorizes a court to order a person to install an ignition interlock device if the person is convicted of a misdemeanor offense involving driving under the influence of alcohol or a controlled substance in which the concentration of alcohol in the person’s blood or breath was less than 0.18. This bill requires a court to order the installation of an ignition interlock device for all persons convicted of an offense involving driving under the influence of alcohol or a controlled substance. This bill authorizes a juvenile court to order the installation of an ignition interlock device for a child convicted of an offense involving driving under the influence of alcohol or a controlled substance. This bill authorizes the court to give the person day-for-day credit for any period during which the person installed a device as a condition to obtaining a restricted license before the issuance of an order from the court to do so. Further, this bill authorizes the court to extend the order of a person required to install an ignition interlock device if the court receives a report from the Director of the Department of Public Safety that the person has committed certain violations. Existing law

authorizes a court to provide an exception to ordering a person to install an ignition interlock device to avoid undue hardship to the person. This bill revises this exception and additionally authorizes the court, in the interests of justice, to not order a person to install an ignition interlock device if: (1) a person is unable to provide a deep lung sample for a device as certified in writing by a physician; or (2) a person resides more than 100 miles from a manufacturer of a device. This bill prohibits a person from providing a sample of his or her breath for an ignition interlock device required to be installed in a vehicle of another person with the intent to enable the person who is required to install the device to start the vehicle. A person who provides such a sample of breath is guilty of a misdemeanor. This bill requires the Committee on Testing for Intoxication to adopt certain regulations relating to the manufacturer of the ignition interlock device to: (1) prescribe the form and content of certain records; (2) prescribe certain standards and procedures related to the device; and (3) require certain discounts and waive certain costs for certain persons.

***Effective: June 12, 2017 for the purpose of adopting any regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and on October 1, 2018, for all other purposes.***

***Amends: [NRS 483.460](#), [483.490](#), [new section in NRS Chapter 484C](#), [NRS 484C.210](#), [484C.220](#), [484C.230](#), [484C.450](#), [484C.460](#), [484C.470](#), [484C.480](#), and [62E.640](#)***

## SB312 – Emergency Vehicles

- This bill requires that a driver who approaches an emergency vehicle on the side of the road to decrease speed; proceed with caution; prepare to stop; not drive abreast of, or overtake, the emergency vehicle if it is moving or preparing to move; and to move to a non-adjacent lane if possible.
- This bill extends these responsibilities to a driver who approaches a traffic incident.
- This bill requires the driver of a disabled vehicle or a vehicle that has run into stationary property to move the vehicle if it is creating an obstruction or hazard.
- It authorizes a law enforcement officer or agency to provide for the immediate removal of such a disabled vehicle and bill the driver for the costs to do so.



**SB312** – Under existing law, upon the immediate approach of an authorized emergency vehicle or an official vehicle of a regulatory agency making use of flashing lights, the driver of every other vehicle is required to yield the right-of-way and immediately pull over to the right-hand edge or curb of the road and stop until the emergency vehicle or official vehicle has passed. This bill provides that, upon approaching such an emergency vehicle or official vehicle which is moving or preparing to move in any direction and making use of flashing lights, a driver shall: (1) decrease the speed of his or her vehicle; (2) proceed with caution; (3) prepare to stop; (4) not drive abreast of or overtake the emergency vehicle or official vehicle if it is moving or preparing to move in the same direction as the driver; and (5) if possible, drive in a lane that is not adjacent to the lane the emergency vehicle or official vehicle is in. Existing law makes a violation of these provisions a misdemeanor. Under existing law, when a police officer finds an unattended or disabled vehicle upon a highway, bridge or causeway, or in any tunnel, where the vehicle constitutes an obstruction to traffic or interferes with the normal flow of traffic, the officer may provide for the immediate removal of the vehicle. This bill authorizes a law enforcement officer or the law enforcement agency employing the officer to provide for the immediate removal of the vehicle and for the immediate removal of any spilled cargo of a vehicle or other property that is obstructing traffic, interfering with the normal flow of traffic or otherwise endangering public safety. This bill also provides that a law enforcement officer, the law enforcement

agency employing the officer, a unified command or a tow car operator who provides for the removal: (1) is not liable for any damage to the vehicle, cargo or property that results from the removal; and (2) must make a reasonable attempt to notify the owner of the vehicle, cargo or property if the owner is not present at the time of removal. This bill also provides that the costs of the removal must be borne by the owner of the vehicle, cargo or property. Existing law imposes certain duties upon the driver of a vehicle which is approaching an authorized emergency vehicle or tow car which is stopped and making use of flashing lights. Those duties include: (1) decreasing the speed of the vehicle; (2) proceeding with caution; (3) preparing to stop; and (4) if possible, driving in a lane that is not adjacent to the lane in which the emergency vehicle or tow car is stopped. A violation of those duties is a misdemeanor. This bill imposes those duties upon a driver when approaching any traffic incident, and defines "traffic incident" to mean any vehicle, person, condition or other traffic hazard which is located on or near a roadway and which poses a danger to the flow of traffic or to a person involved in, responding to or assisting with the traffic hazard. Existing law requires the driver of any vehicle involved in a crash resulting in only damage to a vehicle or other property which is driven or attended by another person to: (1) stop his or her vehicle immediately at the scene of the crash; (2) as soon as reasonably practicable, if the driver's vehicle is obstructing traffic and can be moved safely, move the vehicle to a location nearby that does not obstruct traffic; and (3) remain at the scene and provide certain required information to the other party involved in the crash and any police officer at the scene. Existing law makes a violation of these provisions a misdemeanor. This bill provides that the driver's vehicle must be moved if it is able to be moved and is creating a hazard or obstructing traffic and must be moved out of the traffic lanes of the roadway to a safe location that does not create a hazard or obstruct traffic. Existing law requires a driver of any vehicle involved in a crash with any vehicle or property which is unattended, resulting in damage to the other vehicle or property, to stop immediately and locate and notify the owner of the vehicle or property of the driver's name and address, or attach securely in a conspicuous place on the vehicle or property the name and address of the driver whose vehicle struck the vehicle or property. Existing law makes a violation of these provisions a misdemeanor. This bill imposes the same revised requirements set forth in this bill for moving the driver's vehicle so as not to create a hazard or obstruct traffic upon the driver of a vehicle that crashes into an unattended vehicle or unattended property.

***Effective: October 1, 2017***

***Amends: [NRS 484B.267](#), [484B.443](#), [484B.447](#), [484B.607](#), [484E.020](#), and [484E.040](#)***

### AB21 - Elections



- This bill revises and clarifies the remedies that are available when a candidate fails to meet any qualification required for office or files a declaration or acceptance of candidacy which contains a false statement.
- It makes clear the remedies a court may order as a result of a pre-election action related to qualifications for office or candidacy.
- It also revises provisions regarding candidate residency requirements and makes the deadlines uniform for filing challenges of residency.
- It conforms statute to Supreme Court holdings in various election cases.
- Finally, the bill requires that a Political Action Committee (PAC) that receive more than \$1,000 in aggregate contributions must have a separate U.S. based bank account, and requires that a the account of a candidate for office be U.S. based as well.

**AB21** – Under existing law, several different statutes provide that if a court finds that a candidate fails to meet certain qualifications required for office: (1) the candidate is disqualified from taking office; and (2) the name of the candidate must not appear on the ballot, except that if the candidate’s name cannot be removed from the ballot because the statutory deadline for changing the ballot has passed, a sign must be posted at each polling place where the candidate’s name will appear on the ballot informing voters that the candidate is disqualified from taking office. Existing law also sets forth the same remedies if a candidate files a declaration or acceptance of candidacy which contains a false statement. Finally, under existing law, there are different types of pre-election court actions that may be brought to challenge a candidate on grounds that the candidate fails to meet any qualification required for office. *DeStefano v. Berkus*, 121 Nev. 627, 628-31 (2005); *Child v. Lomax*, 124 Nev. 600, 604-05 (2008)) To ensure consistency in this existing law, this bill revises and clarifies the remedies that are available when a candidate fails to meet any qualification required for office or files a declaration or acceptance of candidacy which contains a false statement. This bill reorganizes existing law so that the remedies available in pre-election court actions are set forth clearly in this bill, which provides that in any pre-election action where the court finds that a candidate fails to meet any qualification required for office: (1) the candidate is disqualified from taking office; and (2) the name of the candidate must not appear on the ballot, except that if the candidate’s name cannot be removed from the ballot because the statutory deadline for changing the ballot has passed, a sign must be posted at each polling place where the candidate’s name will appear on the ballot informing voters that the candidate is disqualified from taking office. Under existing constitutional law, Section 6 of Article 4 of the Nevada Constitution invests each House of the Legislature with certain plenary and exclusive constitutional powers which may be exercised only by that House and which cannot be usurped, infringed or impaired by the other House or by any other branch of Nevada’s State Government. (*Heller v. Legislature*, 120 Nev. 456 (2004); *Commission on Ethics v. Hardy*, 125 Nev. 285 (2009); *Mason’s Manual of Legislative Procedure* §§ 560-564 (2010)) To provide assistance to the reader of the statutes who may be unfamiliar with the existing constitutional law, this bill reiterates well-established principles of constitutional law that any statutes relating to the qualifications, elections and returns of members or member select of the Legislature do not apply to the extent that they conflict or are otherwise inconsistent with any provision of Section 6 of Article 4 of the Nevada Constitution. Existing law: (1) requires a candidate to file a declaration or acceptance of candidacy before his or her name may appear on a ballot; and (2) provides that a candidate who knowingly and willfully files a declaration or acceptance of candidacy which contains a false statement regarding residency is guilty of a gross misdemeanor. Existing law also requires a candidate for election to the Legislature to file a declaration of residency with his or her declaration or acceptance of candidacy. To ensure consistency in this

existing law, some sections of this bill use uniform language to provide that a candidate who knowingly and willfully files a declaration of candidacy, acceptance of candidacy or declaration of residency which contains a false statement is guilty of a gross misdemeanor. Existing law specifies the forms for a declaration or acceptance of candidacy and a declaration of residency and requires certain information to be included on the forms. Existing law also requires a candidate to present the filing officer with one type of acceptable identification or documentation as proof of the candidate's identity and residency when the candidate files a declaration or acceptance of candidacy. This bill revises the forms for a declaration or acceptance of candidacy and a declaration of residency to include a statement that the candidate understands that knowingly and willfully filing such a document which contains a false statement is a crime punishable as a gross misdemeanor and also subjects the candidate to a civil action disqualifying the candidate from taking office. This bill also revises the provisions which require the candidate to present the filing officer with certain types of acceptable identification and documentation as proof of the candidate's identity and residency. Specifically, in certain limited circumstances, this bill allows the candidate to present the filing officer with alternative proof of the candidate's residency when a street address has not been assigned to the candidate's residence or when the rural or remote location of the candidate's residence makes it impracticable to present any of the traditional types of documentation as proof of residency. Existing law establishes deadlines for filing certain written challenges to the qualifications of candidates and for determining whether probable cause exists to support such challenges, but the deadlines are not consistent. This bill remedies the inconsistencies in the deadlines to make the deadlines uniform for all such challenges. Existing law defines the term "actual residence" to mean the place where a candidate is legally domiciled and maintains a permanent habitation, and when a candidate maintains more than one place of permanent habitation, the place designated by the candidate as his or her principal permanent habitation is deemed to be the candidate's actual residence. The Nevada Supreme Court has held that the place designated by the candidate as his or her principal permanent habitation must be the place where the candidate actually resides and is legally domiciled in order for the candidate to be eligible to the office. (*Williams v. Clark County Dist. Att'y*, 118 Nev. 473, 484-86 (2002); *Chachas v. Miller*, 120 Nev. 51, 53-56 (2004)) This bill amends existing statutory law to reflect the holdings from the Supreme Court and also to adopt and codify the legal principles from its cases that are used for determining whether a place of permanent habitation is the place where a person actually resides and is legally domiciled. Existing law requires a candidate to open and maintain a separate account in a financial institution for the deposit of campaign contributions once the candidate receives minimum contributions of \$100 this bill requires that the separate account be in a financial institution located in the United States. This bill also requires every committee for political action, committee sponsored by a political party and committee for the recall of a public officer that receives minimum contributions the sum of which, in the aggregate, is \$1,000 or more, to open a separate account in a financial institution located in the United States. This bill provides that every candidate, every committee for political action and committee for the recall of a public officer that is registered with the Secretary of State on July 1, 2017, and every committee sponsored by a political party that exists on July 1, 2017, must comply with the requirements of this bill on or before June 30, 2018.

***Effective: June 9, 2017, for the purpose of performing any preparatory administrative tasks necessary to carry out the provisions of this act and on July 1, 2017, for all other purposes***

***Amends: [NRS Chapter 293](#), [293.1755](#), [293.177](#), [293.181](#), [293.182](#), [293.184](#), [293C.185](#), [293C.186](#), [293C.1865](#), [293C.200](#), [294A.130](#), and [281.050](#)***



## AB45 – Voting and Elections

- This bill changes the campaign finance reporting deadlines to require quarterly reporting (by the 15<sup>th</sup> of the month following the end of the quarter) during an election year, and January 15 of a non-election year.
- This bill changes the deadlines by which a person must register to vote by mail or via computer to 4 days before an election or a week before early voting respectively.
- It changes the reporting requirements for groups advocating in a recall election to require finance reports be filed even if the recall petition is not submitted for verification or the petition is not legally sufficient.
- This bill also makes changes regarding the circulation and filing of initiative petitions.

**AB45** – This bill requires a nongovernmental entity that sends a notice to a person indicating the person is not or may not be registered to vote or requesting the person to register to vote to indicate on the notice that it is not official elections mail from the Secretary of State or a county or city clerk. Existing law relating to elections cites to various provisions of federal law, including the Voting Rights Act of 1965 (52 U.S.C. §§ 10101 to 10301 et seq.), the Uniformed and Overseas Citizens Absentee Voting Act (52 U.S.C. §§ 20301 et seq.), the Military and Overseas Voter Empowerment Act (52 U.S.C. §§ 20302 et seq.) and the Help America Vote Act (52 U.S.C. §§ 15482 et seq.). This bill updates the citations to these federal laws. Existing federal law requires that each state ensure that an eligible voter who submits an application to register to vote by mail be registered to vote in an election for federal office if the voter registration form is postmarked not later than 30 days before the date of the election. (52 U.S.C. § 20507) Under existing Nevada law, an application to register to vote by mail must be postmarked or received by the county clerk not later than the fifth Saturday preceding a primary election, primary city election, general election or general city election. This bill provides that the last day to register to vote by mail is the fourth Tuesday preceding the primary election, primary city election, general election or general city election. Existing law provides that the last day to register to vote by computer is the third Tuesday preceding any primary or general election. This bill provides, with limited exception, that the last day to register to vote by computer is the Thursday before the period for early voting begins. Existing law requires county and city clerks to distribute sample ballots before the period for early voting begins. This bill provides a limited exception to this requirement so that the clerks are not required to distribute sample ballots for an election to persons who register to vote less than 20 days before the election. This bill makes a conforming change. Existing law sets forth campaign finance reporting requirements for candidates and certain persons and committees that accept contributions and make expenditures related to a special election to recall a public officer. This bill sets forth the reporting requirements that apply where no such special election is held because the petition for recall is not submitted for verification or is submitted for verification but is legally insufficient. Existing law requires candidates and certain other persons, committees and political organizations to file with the Secretary of State reports disclosing certain contributions, campaign expenses and expenditures by statutorily scheduled dates during an election year and annually in nonelection years. Effective January 1, 2019, sections of this bill amend the deadlines for filing campaign finance reports so that during: (1) an election year, reports will be filed on a quarterly basis; and (2) nonelection years, annual reports will be filed not later than January 15th. Existing law sets forth campaign finance reporting requirements for candidates to report campaign contributions. This bill requires, effective January 1, 2019, a candidate to include in his or her campaign finance reports the balance in the candidate's campaign account at the end of the reporting period. Existing law sets forth the categories of campaign expenses and expenditures for use in reports of campaign expenses or expenditures. This bill requires, effective January 1, 2019, that each report of campaign expenses or expenditures must itemize each

transaction and identify the business or other entity from whom the purchase was made if the purchase was paid for with a credit card or debit card. Existing law requires a copy of a petition for initiative or referendum to be placed on file with the Secretary of State before it may be circulated for signatures. This bill requires that the person who intends to circulate the petition must also submit to the Secretary of State a form that includes: (1) the person's name and signature; (2) the name of any committee for political action formed by the person to advocate the passage of the initiative or referendum; and (3) the names of persons who are authorized to withdraw the petition or submit a revised petition. This bill provides that a petition may be withdrawn if one of those authorized persons submits a notice of withdrawal to the Secretary of State. Existing law provides that if a petition for initiative proposes a statute or an amendment to a statute, the petition must be submitted for verification not later than the second Tuesday in November of an even-numbered year. This bill provides that if the second Tuesday in November of an even-numbered year is the day of the general election, that deadline is instead the next working day after the election. Existing law requires that if a person desires to be an independent candidate for President of the United States, the person must circulate a nominating petition and obtain a certain number of signatures. Existing law also requires that a copy of that petition be filed with the Secretary of State. This bill clarifies that the copy must be filed with the Secretary of State before the petition is circulated for signatures.

*Effective: July 1, 2017, January 1, 2018, and January 1, 2019*

*Amends: [New section in NRS Chapter 293](#), [NRS 293.208](#), [293.2546](#), [293.2699](#), [293.309](#), [293.4685](#), [293.502](#), [293.504](#), [293.505](#), [293.5237](#), [293.524](#), [293.560](#), [293.565](#), [293C.305](#), [293C.527](#), [293C.530](#), [293D.050](#), [293D.110](#), [293D.200](#), [293D.230](#), [293D.300](#), [293D.320](#), [293D.410](#), [293D.530](#), [new section in NRS Chapter 294A](#), [NRS 294A.002](#), [294A.120](#), [294A.125](#), [294A.140](#), [294A.150](#), [294A.200](#), [294A.210](#), [294A.220](#), [294A.365](#), [new section in NRS Chapter 295](#), [NRS 295.015](#), [295.056](#), and [298.109](#)*

## AB392 – Election Advertisement Disclosure

- This bill provides that if an elections-related communication is published in support of or in opposition to a candidate and the communication includes the official name and address or other official contact information of a governmental entity of the State of Nevada or any political subdivision, the communication must disclose in a clear and conspicuous manner that the communication is not endorsed by and is not an official publication of the State of Nevada or the political subdivision.



**AB392** – Existing law requires that certain elections-related communications contain disclosures to provide the public with information relating to the source or purpose of the elections-related communications. This bill provides that if an elections-related communication is published in support of or in opposition to a candidate and the communication includes the official name and address or other official contact information of a governmental entity of the State of Nevada or any political subdivision, the communication must disclose in a clear and conspicuous manner that the communication is not endorsed by and is not an official publication of the State of Nevada or the political subdivision, as appropriate.

*Effective: October 1, 2017*

*Amends: [New section in NRS Chapter 294A](#)*



## AB418 – Voting

- This bill provides that, in addition to the privilege in the existing law for lawful voters, a voter who cast a vote legally at an election may not, in any other proceedings or circumstances, be compelled to reveal under oath how he or she voted, and the voter may refuse to disclose the tenor of his or her vote.
- It provides restrictions on the inspection of the paper records of electronic voting machines.
- This bill modifies procedures regarding election recounts, and the circumstances under which an election may be contested.



**AB418** – Under existing law, in certain proceedings, a person has a privilege to refuse to disclose the tenor of his or her vote at an election unless the vote was cast illegally. *Thomas v. Hardwick*, 126 Nev. 142, 146 n.4 (2010) (noting that under the privilege for voters recognized by NRS 49.315, potential jurors cannot be required to disclose how they voted on a particular ballot question)) This bill supplements the privilege for voters recognized by existing law and provides that, in addition to the right to claim the privilege for voters recognized by existing law in applicable proceedings, a voter who casts a vote legally at an election may not, in any other proceedings or circumstances, be compelled to reveal under oath how he or she voted at the election, and the voter has a privilege to refuse to disclose the tenor of his or her vote at the election. Under existing law, voted ballots, rejected ballots, spoiled ballots, challenge lists, certain records printed on paper of ballots voted by using a mechanical recording device and stubs of ballots used must be deposited in the vaults of the county clerk. The voted ballots are not subject to inspection by anyone, except in cases of a contested election, and then only by the judge, body or board before whom the election is being contested or by the parties to the contest, jointly, pursuant to an order of such judge, body or board. This bill clarifies that records printed on paper of ballots voted by using a mechanical recording device also are not subject to inspection by anyone, except in cases of a contested election, and then only by the judge, body or board before whom the election is being contested or by the parties to the contest, jointly, pursuant to an order of such judge, body or board. Under existing law, if a recount of an election in a county or city that uses a mechanical voting system is demanded, or if a recount of an election affecting more than one county is demanded, an initial recount is done of ballots from 5 percent of the total number of precincts that voted in the election, or at least three precincts that voted in the election. If the initial recount shows a discrepancy of at least 1 percent or five votes, whichever is greater, a full recount of all ballots at the election for the office or ballot question is done. This bill deletes the provisions requiring the initial recount of 5 percent, or at least three, of the precincts that voted at the election. This bill provides instead that all recounts must include a count and inspection of all ballots. This bill further provides that all ballots must be recounted in the same manner in which the ballots were originally tabulated. This bill amends provisions specifying grounds upon which any election may be contested.

**Effective:** *October 1, 2017*

**Amends:** [New section in NRS Chapter 293](#), [NRS 293.391](#), [293.404](#), and [293.410](#)

**AB478** – Existing federal law requires that each state ensure that an eligible voter who submits an application to register to vote by mail be registered to vote in an election for federal office if the voter registration form is postmarked not later than 30 days before the date of the election. (52 U.S.C. § 20507) Under existing Nevada law, an application to register to vote by mail must be postmarked or received by the county clerk not later than the fifth Saturday before a primary election, primary city election, general election or general city election. This bill changes

the deadline to register to vote by mail for these elections. This bill provides the last day to register to vote by mail is the fourth Tuesday preceding the primary election, primary city election, general election or general city election. This bill makes conforming changes. Existing law provides that the last day to register to vote by computer is the third Tuesday preceding any primary or general election. This bill provides, with limited exception, that the last day to register to vote by computer is the Thursday before the period for early voting begins. Existing law requires county and city clerks to distribute sample ballots before the period for early voting begins. This bill provide a limited exception to this requirement so that the clerks are not required to distribute sample ballots for an election to persons who register to vote less than 20 days before the election. This bill makes a conforming change.

***Effective: October 1, 2017***

***Amends: [NRS 293.2546](#), [293.504](#), [293.505](#), [293.5237](#), [293.524](#), [293.560](#), [293.565](#), [293C.527](#), and [293C.530](#)***

**[SB144](#)** – Existing law requires the Secretary of State to maintain an Internet website for public information maintained, collected or compiled by the Secretary of State that relates to elections. This bill requires the Secretary of State to ensure that: (1) all public information that is included on the Internet website is accessible on a mobile device; and (2) a person may use a mobile device to submit any information or form relating to elections to the Secretary of State. This bill authorizes certain persons who are at least 17 years of age but less than 18 years of age to preregister to vote in this State. This bill makes conforming changes. Existing law generally requires a voter to sign his or her name in a roster when the voter applies to vote in person. This bill allows a person to sign a signature card rather than a roster. Existing law authorizes a covered voter to register to vote or request a military overseas ballot by using a federal postcard application, as prescribed under section 101(b)(2) of the Uniformed and Overseas Citizens Absentee Voting Act, 52 U.S.C. § 20301(b)(2). This bill provides that a covered voter may use the federal postcard application to register to vote or request a military-overseas ballot if the application is received by the appropriate elections official by the seventh day before the election. This bill authorizes a covered voter who does not receive his or her military-overseas ballot and balloting materials for any reason, including, without limitation, as a result of a change in the covered voter’s duty station, the covered voter may request that the local elections official resend the military overseas ballot and balloting materials. The covered voter may cast the military overseas ballot by facsimile transmission, electronic mail or the system of approved electronic transmission established by the Secretary of State.

***Effective: June 12, 2017, for the purpose of adopting any regulations and performing any other preparatory administrative tasks necessary to carry out the provisions of this act; and January 1, 2018, for all other purposes.***

***Amends: [NRS Chapter 293](#), [NRS 293.12757](#), [293.247](#), [293.250](#), [293.2725](#), [293.277](#), [293.283](#), [293.285](#), [293.3585](#), [293.3604](#), [293.389](#), [293.486](#), [293.5002](#), [293.503](#), [293.5035](#), [293.504](#), [293.505](#), [293.5055](#), [293.5057](#), [293.506](#), [293.507](#), [293.508](#), [293.509](#), [293.510](#), [293.517](#), [293.518](#), [293.520](#), [293.523](#), [293.5235](#), [293.5237](#), [293.524](#), [293.527](#), [293.530](#), [293.535](#), [293.537](#), [293.540](#), [293.541](#), [293.543](#), [293.675](#), [293.710](#), [293.800](#), [293.805](#), [293.810](#), [293C.270](#), [293C.272](#), [293C.275](#), [293C.3585](#), [293C.3604](#), [293C.389](#), [293C.520](#), [293C.720](#), [293D.200](#), [293D.210](#), [293D.230](#), [293D.300](#), [293D.320](#), [239.010](#), [483.290](#), and [483.850](#)***

**[SB447](#)** – Under existing law, any registered voter who provides sufficient written notice to the county or city clerk may vote an absent ballot for an election, but a registered voter who has a physical disability or condition which substantially impairs his or her ability to go to a polling place for an election may request an absent ballot for all elections that are overseen by a county clerk and are held during the year the voter requests an absent ballot. Also under existing law, a registered voter who, because of a physical disability, is unable to mark or sign a ballot or use a voting device without assistance may request that the county or city clerk, as applicable, issue him or her an absent ballot for each election, including each city election, that is conducted during the year immediately succeeding the date the request is made to the clerk. This bill authorizes any registered voter to request an absent ballot for all elections that are overseen by a county or city clerk and are held during the year the voter requests an absent ballot. This bill authorizes a registered voter with a physical disability or who is at least 65 years of age to submit a written statement to the appropriate county clerk or city clerk requesting that the registered voter receive an absent ballot for all elections at which the registered voter is eligible to vote. Existing law requires, with limited exception, that requests for absent ballots be returned to a county or city clerk in person or by mail or facsimile machine. This bill provides that the request may be returned in person or by mail or approved electronic transmission.

***Effective: July 1, 2017***

***Amends: [New section in NRS Chapter 293](#), [NRS 293.313](#), [293.315](#), [293.316](#), [293.3165](#), [293.320](#), [293.323](#), [293.330](#), [293.333](#), [293.335](#), [293.469](#), [new section in NRS Chapter 293C](#), [NRS 293C.310](#), [293C.312](#), [293C.317](#), [293C.318](#), [293C.320](#), [293C.322](#), [293C.330](#), [293C.332](#), [293C.335](#), [293C.720](#), and [293D.300](#)***

## FAMILY

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### DEPENDENCY/CHILD WELFARE

**AB95** – Existing law imposes a duty on a 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 provides that a debt for the support of a child may not be incurred by a parent or any other person who is a recipient of public assistance for the benefit of a dependent child during the period when the parent or other person is a recipient of such public assistance. In *Valdez v. Aguilar*, 132 Nev. Adv. Op. 37 (2016), the Nevada Supreme Court held that this provision of existing law suspends a debt for support of a child owed to the Division by a parent or other person who is a recipient of public assistance for the benefit of a dependent child, but does not suspend a debt for support of a child owed by the recipient of public assistance to another parent or any other person with custody of the child. This bill provides that a parent or other person who is a recipient of Temporary Assistance for Needy Families for the benefit of a dependent child does not incur a debt for support of a child, whether owed to the Division or any other person, during the period that the parent or other person is receiving such assistance, unless a court finds that the parent or other person has remained purposefully unemployed. This bill also provides that any debt for support of a child incurred before the person becomes a recipient of Temporary Assistance for Needy Families are held in abeyance while the person is receiving such assistance.

*Effective: July 1, 2017*

*Amends: [New section in NRS Chapter 425](#)*

**AB99** – Existing law authorizes a court to place a child in a public or private institution or agency authorized to care for children. Such institutions include juvenile detention facilities, foster homes, child care facilities and mental health facilities. Existing law also provides for the licensure and regulation of foster care agencies, which are business entities that recruit and enter into contracts with foster homes to assist an agency which provides child welfare services and juvenile courts in the placement of children in foster homes. Additionally, existing law designates as the agency which provides child welfare services: (1) in a county whose population is less than 100,000, the Division of Child and Family Services of the Department of Health and Human Services; and (2) in a county whose population is 100,000 or more, the agency of the county which provides or arranges for necessary child welfare services. This bill requires each of those institutions and agencies to treat a child for whom the institution or agency is responsible in accordance with the child's gender identity or expression. Existing law requires an employee of such an institution or agency to receive certain training. This bill requires that training to: (1) be approved by the licensing authority or the Division; and (2) include instruction on working with lesbian, gay, bisexual, transgender and questioning children. This bill requires the Division to prescribe regulations that a court must consider before placing a child in a child care facility, a facility for the detention of children or a mental health or treatment facility and protocols that such a facility must follow when placing a child within the facility. This bill requires the Division to adopt protocols to ensure that each child in the custody of an agency which provides child welfare services is placed in a manner that is appropriate for the gender identity or expression of the child. This bill also requires an agency which provides child welfare services to: (1) follow such protocols when placing a child in an out-of-home placement; and (2) ensure that an out-of-home placement follows such protocols when placing a child within the placement. This bill requires a foster home, foster care agency or facility into which a child alleged to be a child with emotional disturbance who is in the custody of an agency which provides child welfare services is committed to follow such protocols. This bill requires the Division to establish a procedure for filing and resolving a grievance concerning a placement, a foster care agency, an agency which provides child welfare services or an

agency or institution to which a child is committed by a court. Existing law requires a provider of foster care to provide a foster child with a written copy of his or her rights. This bill requires a provider of foster care to provide a foster child with a written summary of those rights. The Prison Rape Elimination Act provides for the collection of data, the award of grants and the adoption of standards to prevent rape in correctional institutions. (42 U.S.C. §§ 15601 et seq.) This bill requires certain facilities to which a juvenile court commits a child to adhere to the Prison Rape Elimination Act and any standards adopted pursuant to that federal law.

*Effective: April 11, 2017, for the purpose of adopting any regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act and October 1, 2017, for all other purposes.*

*Amends: [NRS Chapter 424](#), [NRS 424.010](#), [424.0365](#), [424.090](#), [424.095](#), [424.096](#), [424.135](#), [NRS Chapter 432](#), [NRS 432.0125](#), [432.500](#), [432.540](#), [432.550](#), new section in [NRS Chapter 432A](#), [NRS 432A.177](#), [432A.220](#), [NRS Chapter 432B](#), [NRS 432B.010](#), [432B.195](#), [432B.607](#), [432B.6085](#), [NRS Chapter 62B](#), [NRS 62B.250](#), [NRS Chapter 63](#), [NRS 63.100](#), [63.190](#), [NRS Chapter 433B](#), and [NRS 433B.175](#)*

## AB142 – Immigrant Children

- This bill requires that the juvenile court enter an order containing findings that enable a child to apply for status as a special immigrant juvenile with Citizenship and Immigration Services of the Department of Homeland Security upon determining evidence exists to support those findings. The findings include:
  - The child is in the care/custody of the state;
  - Reunification is not viable; and
  - It is not in the best interest of the child to return him or her to the previous country of nationality or the last habitual residence of the child or his or her parents.
- The court is prohibited from making any findings regarding the purported or perceived motivation of the child in seeking special immigrant child status.
- This bill specifies that court records related to such a child that are not otherwise confidential must be sealed. It also requires the Supreme Court to adopt any necessary rules.
- This bill provides the court may appoint a guardian for the child.

**[AB142](#)** – Existing federal law authorizes the issuance of an immigrant visa to a special immigrant upon satisfactory proof that the applicant is entitled to status as a special immigrant. (8 U.S.C. § 1204) Existing federal law defines the term “special immigrant” to include a juvenile immigrant who is present in the United States and: (1) has been declared dependent on a juvenile court or has been legally committed to, or placed under the custody of, an agency or department of a state or an individual or entity appointed by a state or juvenile court; (2) whose reunification with one or both of his or her parents is not viable due to abuse, neglect, abandonment or a similar basis found under state law; (3) for whom it has been determined in administrative or judicial proceedings that it would not be in his or her best interest to be returned to the previous country of nationality or last habitual residence of the child or his or her parents; and (4) who is granted status as a special immigrant juvenile by the Secretary of Homeland Security through the United States Citizenship and Immigration Services. (8 U.S.C. § 1101(a)(27)(J)) Existing federal regulations: (1) provide that a person is eligible for classification as a special immigrant if, in addition to satisfying other requirements, the person is less than 21 years of age and is unmarried; and (2) define the term “juvenile court” as a court located in the United States having jurisdiction under state law to make judicial determinations about the custody and care of juveniles. (8 C.F.R. § 204.11) This bill authorizes the district court to make the factual findings necessary to enable a child to apply for status as a special immigrant juvenile with the United States Citizenship and Immigration Services of the Department of Homeland Security at any time during certain proceedings. This bill sets forth the factual findings necessary to enable a child to apply for such status and: (1) requires the court to issue an order setting forth such findings upon a determination by the court that evidence exists to support such




findings; and (2) prohibits the court from making any additional findings regarding the asserted, purported or perceived motivation of the child seeking status as a special immigrant juvenile or of the person requesting that the court make such findings. This bill also provides that any records containing information concerning the immigration status of such a child that are not otherwise confidential must be sealed and made available for inspection only by certain persons. This bill further requires the Supreme Court to adopt any rules and procedures necessary to implement the provisions of the section. This bill provides that if a person includes in a petition filed or motion made in a guardianship proceeding a request that the court make the findings necessary to enable a child to apply for status as a special immigrant juvenile, the court may, in certain circumstances, appoint or extend the appointment of a guardian of the person for a ward or proposed ward seeking such status. This bill provides that such a guardianship is terminated on the date on which the ward reaches 21 years of age unless the ward petitions the court to terminate the guardianship before he or she reaches 21 years of age and the court grants the petition.

**Effective: October 1, 2017**

**Amends: [New section in NRS Chapter 3](#), [NRS Chapter 159](#), [NRS 159.191](#), and [239.010](#)**

## AB191 - Paternity



- This bill requires that the State Board of Health develop a declaration for the voluntary acknowledgement of parentage and distribute the form to each hospital and obstetric center. The hospitals and centers must give notice to people who want to acknowledge parentage of the rights, responsibilities, and legal consequences.
- An intended parent of a child born by assisted reproduction must sign such a declaration, and a petition for a birth certificate for a child born by a gestational carrier must include additional information.
- A non-ICWA child whose home state is Nevada upon commencement of adoption proceedings or within six months of the start of such proceedings may only be adopted out-of-state upon court order.
- This bill eliminates the requirement that adoptive parents live in NV for six months before granting the petition for adoption.

**[AB191](#)** – Existing law requires the State Board of Health to develop and distribute to certain agencies a declaration for the voluntary acknowledgment of paternity. This bill similarly requires: (1) the Board to develop a declaration for the voluntary acknowledgment of parentage and distribute the declarations to each hospital and obstetric center in Nevada; and (2) those hospitals and obstetric centers to give notice to persons who wish to acknowledge parentage of the rights, responsibilities and legal consequences of signing such a declaration. This bill makes conforming changes, adding references to the acknowledgment of parentage to existing provisions which contain references to acknowledgments of paternity. Existing law requires consent by a person who intends to be a parent of a child born by assisted reproduction to be in a signed record. This bill requires such consent to be in a signed declaration for the voluntary acknowledgment of parentage. This bill revises the requirements for the intended parent or parents of a child who is the result of a gestational carrier arrangement to obtain an order designating the contents of the birth certificate of the child. This bill prohibits the adoption of certain children of whom Nevada is or was the home state except upon an order of a district court of this State. Existing law prohibits, except in the case of certain agency adoptions, the grant of a petition for adoption of a child unless the petitioners have resided in Nevada for a period of 6 months before the granting of the petition. This bill eliminates this prohibition.

**Effective: July 1, 2017**

**Amends: [NRS 126.053](#), [126.161](#), [126.680](#), [126.720](#), [new section in NRS Chapter 127](#), [NRS 127.005](#), [127.060](#), [127.110](#), [130.316](#), [130.401](#), [new section in NRS Chapter 440](#), [NRS 440.280](#), [440.287](#), and [440.325](#)**

## AB228 – TPR Notice

- This bill requires that personal service be attempted on the parent, legal guardian or custodian, or relative of a child before the commencement of a termination of parental rights (TPR) proceeding regardless of whether the aforementioned person resides in this state.
- Notice may be made by publication if such service is not feasible so long as the court has replaced the child's name with initials in any hearing notice.
- This bill allows a hearing to terminate parental rights of the father upon petition by the mother to take place at any time after the birth of the child and service on the father (if known) is completed.
- This bill provides that a parent being convicted for a sexual assault that resulted in the conception of the child is grounds to terminate parental rights.

**AB228** – Existing law requires that service of notice, including, without limitation, by personal service, publication or mailing, must be attempted on a parent, legal custodian or guardian or relative of a child before the commencement of a proceeding for the termination of parental rights. Existing law requires personal service to be attempted on a parent or legal custodian or guardian in such a case if the parent or legal custodian or guardian resides in this State. This bill removes the requirement that the person live in this State so that personal service must be attempted on such a person regardless of residence. If personal service is not feasible, this bill authorizes the publication of a notice of hearing for the termination of parental rights under certain conditions, after the clerk of the court has replaced every instance of the name of the child with the initials of the child on the notice of hearing. Existing law requires a hearing to terminate the parental rights of a father, at the request of the mother of an unborn child, to be held after the birth of the child or 6 months after the filing of the petition, whichever is later. This bill allows such a hearing to take place any time after the birth of the child and service on the father or putative father, if known, is completed. Existing law requires all hearings, files and records of a court relating to an adoption proceeding to be confidential. This bill similarly requires that the hearings, files and records of a court relating to a proceeding to terminate parental rights are confidential, with certain exceptions. Existing law specifies that if a child is conceived as the result of a sexual assault and the person convicted of the sexual assault is the natural father of the child, that person has no right to custody of the child or visitation except in certain circumstances. This bill provides that the conviction of the natural parent of a child for a sexual assault which resulted in the conception of the child is grounds for terminating the parental rights of the natural parent.

***Effective: October 1, 2017***

***Amends: [NRS 128.050](#), [128.060](#), [128.070](#), [128.080](#), [128.085](#), [128.090](#), [128.105](#), and [239.010](#)***



## AB232 – Minor Name Change

- This bill sets forth the procedure for changing the name of a minor and allows a parent of minor to file a petition to change the minor's name.
- It requires personal service of notice of the name change to the other parent unless the other parent consents to the name change. Service by publication can occur if personal service is not possible.
- The bill allows written objections to the name change to be filed and requires a hearing to be held within 10 days of service of the objection.
- The court is required to transmit an order for name change to the State Registrar of Vital Statistics.
- A petition for name change can be filed as part of a divorce, child custody, establishment of parentage, TPR, or emancipation of a minor proceeding.



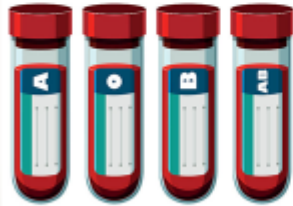
**AB232** – Under existing law, a person is authorized to change his or her name by filing a petition in the district court of the district in which the person resides. This bill establish the procedure for changing the name of a minor. This bill authorizes the parent of an unemancipated minor to file a petition to change the name of the minor. The petition must include: (1) the minor's present name; (2) the name the minor will bear in the future; (3) the reason for the name change; (4) the consent of the minor if the minor is over 14 years of age; (5) the verified consent of the other parent, if any; (6) the name and address of the other parent of the minor, if known; and (7) whether the minor has been convicted of a felony. This bill also requires the petitioning parent to personally serve notice upon the other parent unless the other parent consents to the change of name. If the petitioning parent can establish to the court that notice cannot be personally served on the other parent, the court may order the petitioning parent to: (1) publish the notice in a newspaper of general circulation for 3 successive weeks; and (2) serve notice and a copy of the petition by mail to the other parent's last known address. This bill requires the court to make an order changing the name of the minor as requested in the petition upon being satisfied by the statements in the petition or other evidence that good reason exists, if: (1) verified consent of the other parent is stated in the petition; or (2) no written objection is filed within 10 days after the other parent is personally served or the last publication of notice as ordered by the court, upon proof of filing and evidence of service. This bill also requires the court to hold a hearing if an objection is filed. The order must be recorded as a judgment of the court and the clerk is required to transmit a certified copy of the order to the State Registrar of Vital Statistics. This bill authorizes a petition to change the name of an unemancipated minor to be filed in an action concerning divorce, child custody, the establishment of parentage, the termination of parental rights or the emancipation of a minor. If such a petition is filed, the notice and service requirements of the applicable action apply.

***Effective: October 1, 2017***

***Amends: [NRS Chapter 41](#) and [NRS 41.270](#)***

## AB459 – DNA Testing in Dependency Matters

- This bill allows a court to order blood type testing or the taking of specimens for DNA testing to establish the genetic identification of a child in need of protection, the mother of the child, or the alleged father of the child.



**AB459** – Existing law establishes provisions governing proceedings concerning a child who is or may be in need of protection. This bill authorizes a court to order tests for the typing of blood or taking of specimens for the genetic identification of such a child, the natural mother of such a child or the alleged father of such a child.

*Effective: July 1, 2017*

*Amends: [NRS 432B.560](#)*

## AB491 – Foster Child Education

- This bill requires that a child who enters foster care, or whose placement changes while in foster care, is to remain in his or her school of origin unless the child welfare agency determines it is in the child's best interests to change schools.
- It requires the school district and the child welfare agency to cooperatively pay for transporting foster child to his or her school of origin.
- This bill requires the State Department of Education to collect and report data related to the education of foster children.
- The bill repeals existing provisions that include foster children in the definition of homeless for purposes of McKinney-Vento.



**AB491** – In 2015, Congress passed the Every Student Succeeds Act of 2015. (20 U.S.C. §§ 6301 et seq.) This Act requires each state to adopt a plan that describes the steps the state will take to ensure the educational stability of children in foster care, including requiring, with limited exception, a child in foster care to remain enrolled in the child's school of origin, which is the public school in which he or she was enrolled before entering foster care. (20

U.S.C. § 6311) This bill requires that a child who enters foster care or changes placement while in foster care remain enrolled in the child's school of origin if the agency which provides child welfare services determines that it is in the best interests of the child. This bill also sets forth certain criteria that must be used by the agency in making such a determination. This bill requires the board of trustees of a school district or the governing body of a charter school to allow a pupil who leaves foster care to remain enrolled in his or her school of origin until the end of the school year unless the parent or guardian of the pupil elects to enroll the pupil in a different school. This bill requires the agency which provides child welfare services and the local education agency to provide and pay for the costs of transportation of a child in foster care to the child's school of origin. This bill also requires the agency which provides the child welfare services and the local education agency to provide and pay for the costs of transportation of a child in foster care to the child's school of origin until any dispute concerning the cost of transportation is resolved. This bill requires that the Department of Education, each local education agency and each agency which provides child welfare services to designate a single point of contact who is responsible for developing certain policies and procedures relating to children in foster care. This bill requires the State Board of Education to prepare an annual report concerning the academic progress of children in foster care who attend a public school in this State. This bill also requires: (1) each education agency to submit to the Department of Education a report relating to children in foster care; and (2) an agency which provides child welfare services to a child enrolled in public school in this State to provide any information requested by a local education agency as soon as practicable. If a court finds that a child is in need of protection and places the child other than with a parent, an agency acting as the custodian of the child is required to report to the court before any hearing for a review of the placement of the child. This bill requires the agency to include in the report certain information about the education of the child. Existing law establishes the Program of School Choice for Children in Foster Care. This program allows the legal guardian or custodian of a child who is in foster care to apply to participate in the Program so that the child may be enrolled in a public school other than the public school which the child is zoned to attend. This bill eliminates this Program. This bill also eliminates a provision which provides that a child who is in the legal or physical custody of an agency which provides child welfare services and is awaiting foster care placement is deemed to be homeless for the purposes of the federal McKinney-Vento Homeless Assistance Act of 1987, 42 U.S.C. §§ 11301 et seq.

*Effective: July 1, 2017*

*Amends: [NRS 388.040](#), [NRS Chapter 388E](#), [NRS 388E.010](#), [392.010](#), [217.464](#), and [432B.580](#)*

*Repeals: [NRS 388E.020](#), [388E.030](#), [388E.040](#), [388E.100](#), [388E.110](#), [388E.120](#), [388E.130](#), [388E.140](#), [388E.150](#), and [432B.135](#)*

**SB2** – Existing law requires a provider of emergency services to take possession of a child who appears to be not more than 30 days old when a parent voluntarily surrenders the child with no intent to return. Commonly known as the “Safe Haven Law,” this provision authorizes the agency which provides child welfare services to begin the process of terminating parental rights. This bill prohibits a provider of emergency services from transferring identifying information about the parent who delivers a child to a provider of emergency services under the Safe Haven Law, thereby allowing the parent to retain anonymity, except when reasonable cause exists to believe that the child has been abused or neglected. This bill also requires such anonymity to be provided to the parent who delivers a child to a provider of emergency services regardless of whether the parent specifically makes a request for anonymity. Under existing law, a parent who delivers a child to a provider of emergency services under the Safe Haven Law is entitled to notice that the child has been placed in protective custody and to notice of proceedings related to the termination of parental rights and other similar matters, unless the location of the parent is unknown. This bill removes that right with respect to the parent who voluntarily delivers a child under the Safe Haven Law. A parent of the child who does not participate in the delivery, however, remains entitled to such notice if the location of that parent is known and to notice by publication if not known.

*Effective: October 1, 2017*

*Amends: [NRS 432B.470](#), [432B.490](#), [432B.513](#), [432B.520](#), [432B.550](#), [432B.560](#), [432B.580](#), [432B.590](#), [432B.630](#), [128.060](#), and [128.070](#)*

**SB189** – Existing law requires each person who is employed in a child care facility, other than a facility that provides care for ill children, to: (1) complete 15 hours of training annually if the facility provides care for 5 or more children but less than 12 children; and (2) complete at least 24 hours of training annually if the facility provides care for more than 12 children. Existing law provides that at least 2 hours of the required training must be devoted to lifelong wellness, health and safety of children. This bill requires each person who is employed in a child care

facility, other than a facility that provides care for ill children, to complete 24 hours of training annually. This bill also requires at least 12 hours of that training to be devoted to the care, education and safety of children that is: (1) specific to the age group served by the child care facility in which the person is employed; and (2) approved by the State Board of Health by regulation. This bill requires each person who is employed in a child care facility to complete an additional 2 hours of training in the recognition and reporting of the abuse or neglect of a child. Existing law, with certain exceptions, defines a “child care facility” to include an on-site child care facility, a child care institution, an outdoor youth program, and an establishment that is operated and maintained for the purpose of furnishing care to five or more children under 18 years of age, if compensation is received for the care of any of those children. This bill defines “child care facility” for the purposes of the training requirements to also include an establishment that is operated and maintained for the purpose of furnishing care to fewer than five children under 18 years of age, if compensation is received for the care of any of those children. This bill requires a licensee of a child care facility to ensure that an employee of the child care facility is in the presence of an independent contractor retained by the child care facility during any period in which the independent contractor is performing any services at the child care facility when a child is present. Existing law provides for the licensure of certain child care facilities. As part of the process of obtaining a license to operate a child care facility, the Division of Public and Behavioral Health of the Department of Health and Human Services is required to request a background check of certain employees, residents and participants of facilities and prohibit unsupervised contact with a child pending the results of a background investigation. The Division is also required to request a background check 5 years after the initial background check and every 5 years thereafter. Both the initial background check and the subsequent background check consist of information secured from the Federal Bureau of Investigation and the Statewide Central Registry for the Collection of Information Concerning the Abuse or Neglect of a Child. This bill: (1) requires background checks of those employees, residents and participants of facilities to also include information secured from the Central Repository for Nevada Records of Criminal History and the Statewide Central Registry; (2) expands the list of crimes that are included in the background checks of those employees, residents and participants of facilities; and (3) requires the Division to request the information for an initial background check of an employee before the employee has any direct contact with any child at the child care facility. This bill requires an employee of an applicant for a license to operate a child care facility or licensee, resident or participant to notify the applicant or licensee not later than 24 hours after: (1) being charged with or convicted of certain crimes; (2) being investigated for child abuse or neglect; or (3) a report of abuse or neglect against him or her is substantiated. This bill also requires an applicant or licensee who receives such notice to notify the Division within 24 hours. Finally, this bill requires the Division to establish civil penalties for violations of these requirements. Existing law requires an applicant for or the holder of a license to operate a child care facility to terminate the employment of certain employees, residents and participants upon receiving information that the employee, resident or participant has been convicted of certain crimes or had a substantiated report of child abuse or neglect made against him or her. This bill requires the Division to establish civil penalties to be imposed against an applicant or licensee who violates this requirement. Existing law requires the Chief Medical Officer or his or her designee to conduct an annual inspection of a child care facility to ensure compliance with standards for health and sanitation. This bill expands the scope of this inspection to include the enforcement of laws and regulations concerning the health, safety and welfare of children in the care of the facility. This bill requires the Division to establish by regulation a rating system which assigns a letter grade to a facility based on such an inspection. This bill also requires the grade to be posted on an Internet website maintained by the Division and in a conspicuous place near each entrance to the facility that is regularly used by the public. Existing law authorizes the Division to deny, suspend or revoke a license to operate a child care facility upon a violation by an applicant or licensee or an employee of the applicant or licensee of any applicable law or regulation. This bill authorizes the Division to impose certain other administrative sanctions against a licensee who violates any law or regulation related to the licensure of a child care facility. Existing law authorizes the Division to bring an action to enjoin a person or governmental entity from operating a child care facility without a valid license. This bill requires the Division to issue an order to cease and desist operating the facility without a license before bringing such an action. If a court finds that a person or governmental entity is operating a child care facility without a valid license, this bill authorizes the court to impose a civil penalty in addition to issuing an injunction. Existing law requires the Legislative Auditor to inspect, review and survey facilities for children which have physical custody of children pursuant to the order of a court. If the Legislative Auditor concludes that such a facility has deficiencies in policies and procedures that could be detrimental to the health, safety or welfare of children in the care of the facility or violate the rights of such children, this bill requires the Legislative Auditor to provide a copy of that report to the entity responsible for licensing the facility or, if the facility is not required to obtain a license, to the Division of Child and Family Services of the Department. If the

facility is a child care facility governed by chapter 432A of NRS, this bill requires the licensing entity to conduct follow-up reviews and provide notice of its findings to the Legislative Auditor and, in certain circumstances, to governmental agencies that place children in the facility and the public.

*Effective: Effective June 16, 2017 for the purpose of adopting regulations and performing any other preparatory tasks that are necessary to carry out the provisions of this act; and January 1, 2018, for all other purposes.*

*Amends: [NRS Chapter 432A](#), [NRS 432A.170](#), [432A.175](#), [432A.1755](#), [432A.1775](#), [432A.180](#), [432A.200](#), [432A.210](#), [432A.220](#), and [NRS Chapter 218G](#)*

**SB237 – Dependency Safety Plan**

- This bill requires a court to consider whether the agency that provides child welfare services that removed a child from his or her home has developed an in-home safety plan in making a determination of 'reasonable efforts'.

**Child SAFETY**

The slide features a title 'SB237 – Dependency Safety Plan' in a dark green font. Below the title is a bullet point describing the bill's requirement for a court to consider an in-home safety plan. At the bottom of the slide is a graphic with the word 'Child' in a large black font, followed by a blue silhouette of a person. Below this, the word 'SAFETY' is written in large, colorful, block letters: 'S' (blue), 'A' (red), 'F' (yellow), 'E' (green), 'T' (purple), and 'Y' (orange).

**[SB237](#)** – Existing law provides a child to be removed from his or her home and placed into protective custody in certain circumstances. After a child is placed in protective custody, the child and the parent or other person responsible for the child’s welfare must be given a hearing to determine whether the child should remain in protective custody. Existing law requires an agency which provides child welfare services to make reasonable efforts and exercise diligence and care to reunify a child with his or her family. This bill requires a court to consider whether the agency has created an in-home safety plan as part of these efforts. This bill defines “in-home safety plan” as a plan created by the agency to ensure the safety of a child in his or her home, including, without limitation, managing any potential threats to the safety of the child.

*Effective: July 1, 2017*

*Amends: [NRS 432B.393](#)*



**SB257** – Existing law affords specific rights to children who are placed in a foster home by an agency which provides child welfare services. This bill adds the right, with respect to the education and vocational training of a foster child, for a foster child to have reasonable access to participate in extracurricular, cultural and personal enrichment activities. This bill creates the Normalcy for Foster Youth Account in the State General Fund to be administered by the Division of Child and Family Services of the Department of Health and Human Services. This bill authorizes the Division to use money in the Account to provide monetary support to certain caregivers of foster children to allow the child to participate in extracurricular, cultural and personal enrichment activities. This bill also authorizes the Division to award grants to agencies which provide child welfare services or nonprofit organizations that provide opportunities for such children to participate in extracurricular, cultural and personal enrichment activities. This bill provides civil and criminal immunity for a person with whom a child has been placed when approving or allowing the child to participate in extracurricular, cultural and personal enrichment activities if the person acted in accordance with a standard based on the “reasonable and prudent parent standard” as it is defined in federal law. (42 U.S.C. § 675(10)(A))

*Effective: July 1, 2017*

*Amends: [NRS 432.535](#) and [NRS Chapter 432B](#)*

## SB274 – Sibling Visitation

- This bill requires the child welfare agency to update the statutorily required sibling visitation plan to reflect any changes in the placement of the child or sibling(s).
- The court must hold a hearing to review the proposed plan updates, and all of the siblings of the child must be noticed of the hearing.
- It provides that the court must provide a child in need of protection and all of her or his siblings with information with the relevant case numbers and allow the siblings to inspect records in order to petition the court for visitation or visitation enforcement.
- This bill requires that the court determine that any post-adoptive contact agreement is in the best interests of the child.
- This bill changes the procedures and fees for the filing of a petition to prove the existence of post-adoptive contact plan, include the contact plan in the order or decree, or enforce the contact plan. The petition must be served on the natural or adoptive parent(s) of the child as applicable, and the hearing on the petition must be heard by the same judge who presided over the adoption.
- This bill requires a court to incorporate an order for sibling visitation in the decree of adoption unless an interested party petitions the court to exclude or amend such an order. The court must hold a separate hearing on such a petition, provide notice of the hearing, and provide an opportunity for interested parties to participate in the hearing. A party may petition for the enforcement of sibling visitation order at any time.

**SB274** – Existing law requires an agency acting as the custodian of a child who is in need of protection and is placed with someone other than a parent to submit a report to the court before any hearing for a review of that placement. If a child is not placed with his or her siblings, the report must include a plan for the child to visit his or her siblings. This bill requires the agency which provides child welfare services to update the plan for visitation to reflect any change in the placement of the child or any sibling of the child. This bill also requires the court to provide any sibling who has been granted a right to visitation with the child with notice of a hearing to review the placement of the child. This bill requires the court to provide each sibling of a child who is found to be in need of protection with the case number of each relevant proceeding and allow the sibling to inspect certain records for the purpose of petitioning the court for visitation with the child and enforcing an order for visitation. Existing law provides that an agreement for postadoptive contact between a child and his or her natural parents or the adoptive parents of a child and the natural parents of that child is enforceable if it is in writing, signed by the parties and incorporated into an order or decree of adoption. This bill requires that if the agreement concerns a child who was in the custody of an agency which provides child welfare services before being adopted, a determination must be made by such an agency or the court that the agreement is in the best interest of the child. Existing law authorizes a natural parent who has entered into an agreement for postadoptive contact to petition the court to prove the existence of the agreement and request that the agreement be incorporated into the order or decree of adoption or to enforce the



terms of the agreement. This bill requires such a petition to be: (1) served by the natural parent or adoptive parent who filed the petition on each other natural parent or adoptive parent, as applicable, who has entered into the agreement; and (2) heard by the same judge who issued the order or decree of adoption if he or she is available. This bill establishes a reduced filing fee for the filing of such a petition. This bill requires a natural or adoptive parent who has entered into an agreement for postadoptive contact to include in the agreement an address at which such a petition may be served. Existing law requires a court to conduct a hearing to determine whether to include an order for visitation with a sibling in the decree of adoption of a child who is in the custody of an agency which provides child welfare services. This bill instead requires the court to incorporate such an order into the decree of adoption unless an interested party petitions the court to exclude or amend the order for visitation. Additionally: (1) requires the court to hold the hearing on such a petition on a different date than the hearing on the petition for adoption; (2) gives any interested party the right to participate in the hearing; and (3) requires the clerk of the court to provide notice of the time and place of the hearing to certain persons. If an order for visitation is included in the decree for adoption, and authorizes a party to the order to petition for enforcement of the order at any time.

*Effective: July 1, 2017*

*Amends: [NRS 432B.580](#), [127.140](#), [127.187](#), [127.1885](#), [127.2827](#), and [19.034](#)*

**SB287** – Existing law requires certain persons, including, without limitation, licensed teachers and social workers employed by a public school or private school, to report the suspected abuse or neglect of a child when such neglect was believed to have been caused or allowed by a person responsible for a child’s welfare. The term “person responsible for a child’s welfare” is limited by existing law to a parent, legal guardian, stepparent or other adult person found in the same home as the child on a regular basis or a home, institution or facility where the child resides or receives care, including, without limitation, the volunteers and employees of such homes, institutions or facilities. This bill requires all employees of and volunteers for a public school or private school, regardless of whether they are licensed, to report the suspected abuse or neglect of a child by a person responsible for the child’s welfare. Existing law makes it a misdemeanor or gross misdemeanor for a person who is required to report the suspected abuse or neglect of a child to knowingly and willfully fail to make such a report. This penalty also applies to the failure to report by an employee of or volunteer for a public school or private school as expanded by this bill. Existing law prohibits sexual conduct between an employee or volunteer of a public school or private school and certain pupils, the luring of a child, the use of corporal punishment in a public school and the use of corporal punishment on a pupil with a disability in a private school. This bill imposes an additional duty on an employee or volunteer at a public or private school to make a report within 24 hours if, in that capacity, he or she knows or has reasonable cause to believe that a child has been subjected to abuse or neglect, certain sexual conduct, luring or prohibited corporal punishment by another employee of or volunteer for a public school or private school. This bill requires: (1) a report concerning abuse or neglect, sexual conduct or luring to be made to an agency which provides child welfare services and a law enforcement agency; and (2) a report concerning prohibited corporal punishment to be made to a child welfare agency. This bill requires a child welfare agency to assess all allegations contained in any such report it receives and, if the agency deems appropriate, assign the matter for investigation. This bill also requires a school police officer who receives a report of an offense punishable as a category A felony to notify the local law enforcement agency having jurisdiction over the school. If a law enforcement agency other than a school police officer receives a report of an offense punishable as a felony that: (1) allegedly occurred at a public school, at an activity sponsored by such a school or on a school bus while the school bus was being used by such a school for an official school-related purpose; and (2) involved a school employee or volunteer, the law enforcement agency must notify a school police officer if such an officer is employed in the school district. This bill prescribes the required contents of the report. This bill makes it a misdemeanor for an employee or volunteer at a school to fail to make a report when required. This bill provides that certain privileges do not apply to a person required to make a report or to the report itself. This bill authorizes a designee of an agency investigating a report to take certain actions to investigate the report with the consent of the parent or guardian of the child. This bill provides that reports of abuse, neglect, sexual conduct, luring and prohibited corporal punishment and investigations of such reports are confidential and makes it a gross misdemeanor to disclose such information except where authorized to do so. This bill sets forth exceptions to such confidentiality that allow certain persons to access such material, including the child who is the subject of the report, his or her parent or guardian and attorney and certain governmental entities. This bill authorizes an agency investigating a report to provide certain information to the person alleged to have engaged in the conduct described in the report and the person who made the report. This bill also authorizes any person to consent to the release of information about himself or herself. This bill: (1) requires an agency which provides child welfare services to take precautions to protect the identity and safety of a person who makes a report

when releasing information; and (2) authorizes such an agency to charge a fee for processing costs necessary to prepare information maintained by the agency. This bill provides that any person who is provided information maintained by an agency which provides child welfare services and further disseminates the information is guilty of a gross misdemeanor. This bill requires an agency investigating a report to determine whether the report is substantiated or unsubstantiated. If the report is substantiated, the agency is required to forward the report to: (1) the Department of Education, the governing body of the school or school district, as applicable, and law enforcement; and (2) after the conclusion of any administrative appeal, the Statewide Central Registry for the Collection of Information Concerning the Abuse or Neglect of a Child. This bill prescribes the procedure for filing and hearing an administrative appeal. This bill provides for the inclusion of such information in the Central Registry. This bill provides immunity from civil and criminal liability for a person who, in good faith, makes a report or takes certain action to investigate a report. This bill authorizes the Division of Child and Family Services of the Department of Health and Human Services to adopt any regulations necessary for the administration of provisions relating to the new reporting requirement prescribed by this bill. This bill provides that the provisions of existing law governing the requirement to report the abuse or neglect of a child by a person responsible for the welfare of the child do not apply to the new reporting requirement. Under existing law, an unlicensed applicant for employment at a public school must undergo a background check before being hired. Additionally, a licensed employee must undergo a background check before a license can be issued or renewed. This bill additionally requires: (1) volunteers at a public school and employees and volunteers at a private school to undergo background checks; and (2) a background check to be performed on each unlicensed employee and volunteer at least once every 5 years. This bill requires the Central Repository to provide the results of such a background check to the appropriate superintendent, governing body or administrator immediately. This bill also additionally require background checks performed on licensed and unlicensed educational personnel and volunteers to include information that may be available from the Central Registry or any equivalent registry maintained in another jurisdiction in which the person has resided within the immediately preceding 5 years. This bill authorize a school district, charter school, university school for profoundly gifted pupils or private school to: (1) cooperate with a law enforcement agency to obtain any available information on the background of an applicant, employee or volunteer; and (2) use information from the Central Registry in personnel decisions. This bill provides that the Superintendent of Public Instruction, the board of trustees of a school district, the governing body of a charter school, university school for profoundly gifted pupils or private school and the administrator of a private school cannot be held liable for any damages resulting from such action. This bill provides that any provision of a collective bargaining agreement that prohibits a school district, charter school or university school for profoundly gifted pupils from taking such action is void.

*Effective: July 1, 2017*

*Amends: [NRS 424.250](#), [NRS Chapter 432](#), [NRS 432.0999](#), [432.100](#), [432.110](#), [432.120](#), [432.130](#), [NRS Chapter 432B](#), [NRS 432B.200](#), [432B.220](#), [171.1223](#), [176.145](#), [176.151](#), [179A.075](#), [202.888](#), [239.010](#), [288.150](#), [289.190](#), [354.599](#), [388.880](#), [388A.515](#), [388C.200](#), *new section in NRS Chapter 391*, [NRS 391.002](#), [391.033](#), [391.035](#), [391.104](#), [391.281](#), [NRS Chapter 392](#), [NRS 392.4633](#), *new section in NRS Chapter 394*, [NRS 394.177](#), [394.610](#), and [288.150](#)*

## SB305 – Counsel for Children

- This bill requires the court to appoint an attorney for a child who is alleged to have been abused or neglected and provide that child is a party to court proceedings regarding the allegations (TPR).
- It sets the compensation of appointed counsel per NRS 19.031 and 247.305.
- This bill provides that an attorney who represents a child in abuse/neglect proceedings may not be appointed a guardian ad litem for the child.
- The bill increases recording fee provided in Section 4 of NRS 247.305 from \$3 to \$6 with the money going to legal aid service providers to represent children.



**SB305** – Existing law authorizes, but does not require, the court to appoint an attorney to represent a child who is alleged to have been abused or neglected in civil child protection proceedings and proceedings to terminate parental rights. Sections of this bill: (1) require the court to appoint an attorney to represent a child who is alleged to have been abused or neglected in such proceedings; and (2) provide that the child is deemed to be a party to such proceedings. This bill further provides for the compensation of the attorney who is so appointed. This bill makes a conforming change. Existing law requires a court to appoint a guardian ad litem for a child after a petition is filed that the child is in need of protection. This bill prohibits the court from appointing an attorney who has been appointed to represent the child to also serve as a guardian ad litem. Existing law authorizes a board of county commissioners to impose a fee of not more than \$3 for recording certain documents to fund the provision of legal services to abused and neglected children. This bill increases the maximum amount of this fee to \$6.

*Effective: October 1, 2017*

*Amends: [NRS 432B.420](#), [432B.500](#), [128.023](#), [128.100](#), and [247.305](#)*

## SB432 – TPR

- This bill requires a court to notice any potential adoptive parents of child in need of protection of any hearing on a motion for TPR filed by the child welfare agency, and keep the address of the potential parents confidential.
- It requires that the parent subject to the allegations in the motion to request an evidentiary hearing or voluntarily relinquish his or her parental rights.
- It authorizes courts to take testimony in such evidentiary hearings by phone or video.
- This bill requires courts to use best efforts to ensure that a decision is rendered within 30 days of the hearing, and any appeal to be decided within six months or 12 months upon full briefing.
- It requires a petition for restoration of parental rights connected to a 432B case be filed as part of that case.
- Finally, it requires that a court hold a hearing regarding transfer of venue of a TPR case when a parent whose consent is required objects in writing.

**SB432** – Existing law establishes procedures governing the termination of parental rights. Existing law also establishes procedures governing the protection of children from abuse and neglect. This bill provides that if a juvenile court determines that a child is in need of protection, an agency which provides child welfare services is authorized to file a motion for the termination of parental rights as part of the proceeding concerning the abuse or neglect of the child. This bill provides that the provisions of existing law governing the termination of parental rights apply to all proceedings concerning the termination of parental rights that are commenced by an agency which provides child welfare services, but only to the extent they do not conflict with the provisions established in this bill. This bill establishes provisions concerning notice of the hearing on the motion for the termination of parental rights and requires the court to ensure that any prospective adoptive parent is provided a copy of the notice. This bill also provides that the name and address of a prospective adoptive parent generally must be kept confidential. This bill authorizes a party who has been informed of the allegations set forth in the motion to contest such allegations and request an evidentiary hearing or voluntarily relinquish his or her parental rights. This bill authorizes the court to order the parties to the proceeding, any prospective adoptive parent and a representative from an agency which provides child welfare services to participate in mediation for the purpose of negotiating the terms of an open adoption agreement. This bill authorizes a court to permit a witness or party to the proceeding to testify by telephone or videoconference in certain circumstances during an evidentiary hearing on a motion for the termination of parental rights. This bill requires the court to use its best efforts to ensure that a final written decision on such a motion is rendered not later than 30 days after the conclusion of the evidentiary hearing, and this bill requires the appellate court of competent jurisdiction to use its best efforts to ensure that any appeal is resolved not later than 6 months after the appeal is filed or, if the court orders full briefings on the matter, not later than 12 months after the appeal is filed. This bill requires that a petition for the restoration of parental rights be filed as part of a proceeding concerning the abuse or neglect of a child in certain circumstances. Existing law establishes criteria to determine in which county a petition alleging that a child should be declared free from the custody and control of his or her parent or parents may be filed. This bill adds certain criteria to that list. This bill requires the court to conduct a hearing to determine whether to transfer venue for proceedings pursuant to a petition for the termination of parental rights to another county when a parent whose consent is required objects in writing to venue.

***Effective: January 1, 2018***

***Amends: NRS Chapter 432B, Chapter 128, NRS 128.030, and 239.010***

## **DIVORCE/CUSTODY/SUPPORT**

**AB4** – Existing law establishes provisions governing proceedings concerning a child who is or may be in need of protection. This bill authorizes a court to order tests for the typing of blood or taking of specimens for the genetic identification of such a child, the natural mother of such a child or the alleged father of such a child.

*Effective: July 1, 2017*

*Amends: [NRS 432B.560](#)*

**SB40 – Registration of Foreign Custody Determinations**

- This bill amends existing statute (Uniform Child Custody Jurisdiction and Enforcement Act) to require that the person seeking to register the foreign custody determination to notify, by certified mail, any parent or person who has been awarded custody or visitation.



**SB40** – Under existing law, Nevada has enacted the Uniform Child Custody Jurisdiction and Enforcement Act to establish the procedures and jurisdictional requirements regarding the enforcement of a child custody determination issued by a court in another state. To make a child custody determination issued by a court in another state enforceable in this State, existing law authorizes a person to register a child custody determination in this State. The court in which the child custody determination is being registered is required to serve notice upon any parent or person acting as a parent who has been awarded custody or visitation in the child custody determination. This bill amends the Uniform Act by requiring the person seeking registration, instead of the court, to notify, by registered or certified mail, any parent or person who has been awarded custody or visitation in the child custody determination.

*Effective: July 1, 2017*

*Amends: [NRS 125A.465](#)*

**SB133** – Existing law establishes the Uniform Deployed Parents Custody and Visitation Act. Generally, the Act governs the circumstances under which a court of this State has jurisdiction to issue orders concerning the custodial responsibility of a child when a parent or other custodian of the child is a service member who has received military deployment orders. The Act defines a service member as a member of uniformed service, which means the: (1) active and reserve components of the Army, Navy, Air Force, Marine Corps or Coast Guard of the United States; (2) Merchant Marine, Commissioned Corps of the Public Health Service or Commissioned Corps of the National Oceanic and Atmospheric Administration of the United States; or (3) National Guard. This bill revises the Act to apply to civilian employees of the United States Department of Defense.

*Effective: July 1, 2017*

*Amends: [New section in NRS Chapter 125C](#), [NRS 125C.0601](#), [125C.0603](#), [125C.0619](#), [125C.0621](#), [125C.0633](#), and [125C.0647](#)*



## AB130 - Guardianship

- This bill authorizes a court to require a proposed guardian to file a preliminary care plan and budget.
- It sets forth the process for the payment of attorney's fees from the estate of a protected person.
- It changes the term 'incompetent' to 'incapacitated' for purposes of guardianship.
- It revises provisions regarding notice to be provided to the proposed protected person and interested parties.
- This bill creates the State Guardianship Compliance Office within the AOC and makes an appropriation (first staff can be hired in January 2018).



**AB130** – Existing law defines the term “incompetent” for purposes of the provisions of law governing guardianships. This bill replaces the term “incompetent” with the term “incapacitated” and revises the definition thereof. This bill makes conforming changes. Existing law generally requires a petitioner in a guardianship proceeding to give notice of the time and place of the hearing on any petition filed in the guardianship proceeding to certain persons, including any minor ward who is 14 years of age or older. This bill revises this requirement and requires that notice be given to any ward who is 14 years of age or older, regardless of whether the ward is considered to have the capacity to understand or appreciate the contents of the petition. Existing law provides that after the filing of a petition in a guardianship proceeding, the clerk is required to issue a citation setting forth a time and place for the hearing and directing certain persons to appear and show cause why a guardian should not be appointed for the proposed ward. This bill requires a copy of the petition to be served together with the citation on certain persons, including a proposed ward who is 14 years of age or older, regardless of whether the ward is considered to have the capacity to understand or appreciate the contents of the petition, and this bill requires that the proposed ward be served by personal service. This bill also requires a person who serves notice upon the proposed ward to file with the court an affidavit stating that notice was served. Existing law requires a guardian of the person to file with the court a written report on the condition of the ward and the exercise of authority and performance of duties by the guardian at certain specified times. This bill requires that such a report be served on the ward. This bill requires the guardian of the estate and the guardian of the person to be notified if the ward is a party to any criminal action. This bill requires that notice be given to a ward upon the filing of certain petitions or any account. Existing law establishes various provisions concerning transactions involving real and personal property of a ward, including the sale of such property. This bill revise certain provisions concerning the sale of real property of a ward, and this bill repeals provisions of law relating to a public auction for the sale of real property. This bill revise provisions concerning the sale of personal property of a ward. This bill authorizes a guardian to: (1) sell or dispose of personal property of a ward that has a total value of less than \$10,000 if certain notice is given and no objection to the sale or disposal is received; and (2) authorize the immediate destruction of personal property of a ward without notice in certain circumstances. This bill requires that notice of a sale of the personal property of a ward be given to a ward who is 14 years of age or older and certain other persons and, if the gross value of the estate of the ward is \$10,000 or more, published in a newspaper before a guardian may sell the personal property of a ward. This bill specifies that upon the filing of a petition for the appointment of a guardian, the court may require a proposed guardian to file a proposed preliminary care plan and budget, the format of which and the timing of the filing thereof must be specified by a court rule approved by the Supreme Court. This bill provides that any



person who retains an attorney for the purposes of representing a party in a guardianship proceeding is personally liable for any attorney's fees and costs incurred, but authorizes such a person to petition the court for an order authorizing the payment of such attorney's fees and costs from the estate of the ward. This bill prohibits such attorney's fees and costs from being paid from the estate of the ward without court approval and establishes the process by which a person is able to obtain the approval of the court. This bill also authorizes an attorney who is appointed by the court to seek compensation for his or her services from the guardianship estate in accordance with the established process. This bill additionally provides that if two or more parties in a guardianship proceeding file competing petitions for the appointment of a guardian or otherwise litigate any contested issue in the guardianship proceeding, only the prevailing party may petition the court for the payment of attorney's fees and costs. If the court determines that there is no prevailing party, the court may authorize a portion of each party's attorney's fees and costs to be paid. This bill establishes the State Guardianship Compliance Office. This bill provides that the State Guardianship Compliance Officer is appointed by the Supreme Court and serves at the pleasure of the Court. This bill also authorizes the State Guardianship Compliance Officer to hire two accountants and two investigators to provide auditing and investigative services to the district courts during the administration of guardian proceedings. This bill appropriates money to the Nevada Supreme Court to pay the costs of the State Guardianship Compliance Office.

*Effective: Sections 43.3 and 45 of this act effective June 12, 2017. Section 43.5 of this act effective on July 1, 2017. Sections 1 to 43, inclusive, and 44 of this act effective on January 1, 2018.*

*Amends: [NRS Chapter 159](#), [NRS 159.014](#), [159.015](#), [159.019](#), [159.034](#), [159.047](#), [159.0475](#), [159.048](#), [159.0485](#), [159.0487](#), [159.054](#), [159.0593](#), [159.0613](#), [159.062](#), [159.078](#), [159.081](#), [159.085](#), [159.0893](#), [159.095](#), [159.097](#), [159.105](#), [159.115](#), [159.134](#), [159.1385](#), [159.1415](#), [159.142](#), [159.1425](#), [159.144](#), [159.1455](#), [159.146](#), [159.1515](#), [159.1535](#), [159.154](#), [159.173](#), [159.183](#), [159.185](#), [159.1995](#), [159.215](#), [449.6922](#), [449.6942](#), [449.6944](#), [449.695](#), [616C.505](#), [Section 41 of Senate Bill 433](#), and [NRS 159.1435](#)*

## AB150 – Private Professional Guardians

- This bill requires a private professional guardian to be a natural person who is employed by an entity, or the entity itself, that is licensed and is certified by the Center for Guardianship Certification.
- It requires private professional guardians to submit fingerprints to the Division of Financial Institutions every 5 years for purposes of an FBI background check.
- It revises provisions regarding guardianship case managers.
- It requires a natural person who acts as a private professional guardian to be bonded in an amount of at least \$25,000.
- This bill removes the private professional guardian exemption to summary administration statutory requirements.
- This bill makes it unlawful for a person to act as a private professional guardian if that person does not comply with the provisions of the bill.

**AB150** – Existing law provides that in order for a natural person to serve as a private professional guardian, the person must be: (1) qualified to serve as a guardian for an adult or a minor; and (2) a guardian who has a license to engage in the business of a private professional guardian or who does not have such a license but is certified by the Center for Guardianship Certification. This bill removes the requirement relating to the licensure of a natural person and generally provides that in order for a person to serve as a private professional guardian, the person must be: (1) a natural person who is employed by an entity that is licensed to engage in the business of a private professional guardian and who is certified by the Center for Guardianship Certification; or (2) an entity that is licensed to engage in the business of a private professional guardian and meets certain other requirements. This bill makes conforming

changes. Existing law requires, as part of an application for a license to engage in the business of a private professional guardian, that certain persons submit to the Commissioner of Financial Institutions a complete set of fingerprints and written permission authorizing the Division of Financial Institutions of the Department of Business and Industry to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation (hereinafter “FBI”) for its report. This bill requires: (1) each natural person who acts in any capacity within a private professional guardian company to submit to the Commissioner, not less than once every 5 years, a complete set of fingerprints and such written permission to enable the Division to obtain a report from the FBI; and (2) the Division to maintain a copy of all reports obtained from the FBI. This bill also requires the Commissioner to adopt regulations establishing the amount of any fee required to obtain a report from the FBI. Existing law also requires the Commissioner to investigate the facts of an application and the other requirements set forth by law to determine information about certain persons, including any person acting in a case manager capacity. This bill replaces the term “case manager” with references to a natural person who acts in a capacity in which he or she is authorized to make discretionary decisions on behalf of the applicant or private professional guardian company, as applicable. This bill also revises provisions relating to an application for a license to engage in the business of a private professional guardian. Existing law requires the director or manager of a private professional guardian company to require fidelity bonds in an amount of at least \$25,000 on certain persons. This bill requires a private professional guardian company to require such bonds on each natural person who acts in any capacity within the private professional guardian company. Existing law provides that with regard to guardianships and the administration of smaller estates, the court is authorized to grant a summary administration if it appears that the value of the property of a ward, after payment of all claims and expenses of the guardianship, does not exceed \$10,000. If the court grants a summary administration, the guardian is required to file an inventory and record of value with the court, and the court is authorized to impose certain requirements upon the guardian. Existing law also provides that such provisions concerning summary administration do not apply to a private professional guardian. This bill removes this exemption. This bill provides that it is unlawful for any person who does not meet the requirements necessary to serve as a private professional guardian to engage in any activity relating to service as a private professional guardian. This bill requires the Commissioner to conduct an investigation if he or she receives a verified complaint that a person who does not meet the requirements necessary to serve as a private professional guardian is engaging in any activity relating to service as a private professional guardian.

***Effective: October 1, 2017***

***Amends: [NRS 159.024](#), [159.0595](#), [new section in NRS Chapter 628B](#), [NRS 628B.010](#), [628B.030](#), [628B.080](#), [628B.090](#), [628B.300](#), [628B.310](#), [628B.330](#), [628B.380](#), [628B.520](#), [628B.530](#), [628B.540](#), [628B.550](#), [628B.560](#), [628B.730](#), [628B.920](#), and [628B.930](#)***

## AB254 – Guardianship Trusts

- This bill authorizes a court having jurisdiction of the guardianship of a protected person to assume jurisdiction of a trust of which the protected person is currently a beneficiary who is receiving or is entitled to receive distributions upon petition of any trustee or beneficiary.
- It requires that a trust from which a protected person is entitled to receive benefits to be included in any inventory of the protected person's property, and it requires the inventory to be served on the trustee(s).
- It provides that the trustee must provide a copy of the trust and accounting to the protected person and his or her attorney or guardian, and the attorney or guardian can assume jurisdiction of the trust if the trustee fails to do so.
- This bill requires a guardian of the estate to petition the court for an order authorizing the guardian to submit an irrevocable trust to the jurisdiction of the court.

**AB254** – Existing law authorizes a court having jurisdiction of a trust to transfer supervision of the trust to another court, upon petition by a trustee or beneficiary, when the convenience of certain persons makes a transfer desirable. This bill additionally authorizes such a court to transfer supervision of the trust to a district court having jurisdiction of the guardianship of a ward who is currently a beneficiary of the trust and is receiving or is entitled to receive distributions. Existing law requires a general or special guardian of the estate to make and file in a guardianship proceeding, not later than 60 days after the date of his or her appointment, a verified inventory of all of the property of a ward which comes to the possession or knowledge of the guardian. This bill specifies that such an inventory must include the existence of any trust of which the ward is currently a beneficiary who is receiving or is entitled to receive distributions. This bill provides that if such an inventory includes the existence of such a trust, the trustee must be served with a copy of the inventory. This bill authorizes the guardian or attorney of the ward to demand a copy of the trust and an accounting of the assets of the trust from the trustee. If the trustee fails to comply with the demand within a certain period, this bill authorizes the guardian or attorney of the ward to petition the court to assume jurisdiction of the trust. This bill authorizes the court to assume jurisdiction of the trust if: (1) no objection to the court assuming jurisdiction of the trust is filed; or (2) the court does not find good cause as to why it should not assume jurisdiction of the trust. This bill further requires the trustee to file a copy of the trust and an accounting of the assets of the trust with the court not later than 30 days after the court assumes jurisdiction of the trust or supervision of the trust is transferred. Existing law requires a guardian of the estate to petition the court for an order authorizing the guardian to submit a revocable trust to the jurisdiction of the court in certain circumstances. This bill additionally requires a guardian of the estate to petition the court for an order authorizing the guardian to submit an irrevocable trust to the jurisdiction of the court in such circumstances.

***Effective: October 1, 2017***

***Amends: [New section in NRS Chapter 159](#), [NRS 159.085](#), [159.113](#), and [164.130](#)***

## AB319 – Minor Guardianship

- This bill moves the minor guardianship statutes out of Ch. 159 into a new chapter of NRS (sections 2-157).
- This bill authorizes the court to appoint an advocate or guardian ad litem for the protected minor, and prescribes the duties of such appointees.
- The court may appoint an attorney for the protected minor, and may appoint an investigator (employed or contracted by the court) to examine issues related to the guardianship. Funding is provided via an increased recording fee.
- This bill specifies additional notice requirements.
- It sets forth procedures for appointment of a temporary guardian and makes associated changes.
- It requires child support payments to go to the guardian for support of the protected minor.
- It creates a presumption that a parent who petitions for guardianship is fit unless certain conditions exist.
- It revises provisions regarding the property of the protected minor and accountings of the estate of the protected minor.

**AB319** – Existing law sets forth the procedures for the appointment of a guardian for a ward, the powers and duties of a guardian and the termination of a guardianship. This bill create a new chapter applicable exclusively to guardianships of minors, incorporating, revising and supplementing those provisions from existing law as they currently relate to minors. This bill: (1) authorizes the court to appoint a guardian ad litem or an advocate for the best interests of a proposed protected minor; (2) sets forth the role of the guardian ad litem or advocate as an officer of the court; and (3) sets forth provisions governing the compensation of a guardian ad litem or advocate. Existing law requires a citation issued pursuant to a petition for the appointment of a guardian to include certain specified information concerning the rights of a proposed ward. This bill adds the requirement that a citation also include notice that: (1) the rights of any person having legal or physical custody of a proposed protected minor may be affected as specified in the petition; and (2) at any time in the proceedings, the court may appoint for the proposed protected minor an attorney, a guardian ad litem and an advocate for the best interests of the proposed protected minor. Existing law provides that a petitioner may request the appointment of a temporary guardian for a ward who is a minor and who is unable to respond to a substantial and immediate risk of physical harm or to a need for immediate medical attention. This bill revises the procedure by which a petitioner may request the appointment of a temporary guardian for a minor who is in need of immediate medical attention by eliminating the requirement that the petition be supported by a letter signed by a governmental agency in this State which conducts investigations or a police report indicating whether the proposed ward presents a danger to himself or herself or others, or whether the proposed ward is or has been subjected to abuse, neglect or exploitation. This bill establishes a procedure by which a petitioner may, by verified petition, request the appointment of a temporary guardian for the person of a proposed protected minor, for his or her estate or for both, in circumstances other than when the minor is in need of immediate medical attention. This bill requires the petition to state facts establishing good cause for the appointment of a temporary guardian and which show that: (1) the petitioner has tried in good faith to give notice of the petition as required by statute; (2) the minor would be at risk of immediate physical, emotional or financial harm if such notice were to be provided before the court determines whether to appoint a temporary guardian; or (3) giving such notice is not feasible under the circumstances. This bill eliminates a requirement that the court limit the powers of a temporary guardian for a protected minor to those necessary to respond to the risk which threatens the minor. This bill requires, in the case of an ex parte application, the petition be accompanied by an affidavit which explains the emergency. This bill also provides that, if no parent of a proposed protected minor has had the care, custody and control of the minor for the 6 months immediately preceding the petition, temporary guardianship is presumed to be in the minor’s best interest. Finally, this bill provides that the court may extend a temporary guardianship beyond an initial period of 10 days for not more than two successive 60-day periods unless extraordinary circumstances necessitate a longer duration for the temporary guardianship. This bill requires the assignment of payments of court-

ordered child support to the guardian for the support of a protected minor. This bill authorizes the award of rights of visitation between a protected minor and his or her parents or relatives who are within the fourth degree of consanguinity. Existing law states that the parents of a minor, if qualified and suitable, are preferred over all others for appointment as guardian for the minor and sets forth certain factors for consideration by the court in determining the qualifications and suitability of any person who is proposed for appointment as guardian. This bill revises these provisions by establishing a presumption that a parent who petitioned for guardianship of a minor is suitable to serve as guardian, except when a countering presumption that a parent is unsuitable to care for the proposed protected minor is created by a showing that: (1) the parent is unable to provide for the basic needs of the minor; (2) the parent poses a significant risk of physical or emotional danger to the minor; or (3) the minor has not been in the care, custody and control of the parent for the 6 months immediately preceding the filing of the petition. This bill also adds to the factors for consideration by the court the question of whether the parent or another person has engaged in domestic violence against the proposed protected minor, a parent of the minor or any other person who resides with the minor. This bill provides that, in the event of competing petitions, any finding of unsuitability of a parent must be supported by clear and convincing evidence after a hearing on the merits or an evidentiary hearing. This bill authorizes the court to award temporary guardianship, supported by findings of suitability, pending a trial or evidentiary hearing. Finally, this bill requires the court to always act in the best interests of the proposed protected minor. Existing law: (1) requires a guardian to petition the court to change the residence of a ward to a location outside of this State; and (2) authorizes a guardian to move or place the ward in a secured residential long-term care facility without filing a petition if the court has previously granted the guardian such authority or the move or placement is pursuant to a written recommendation by a licensed physician, a physician employed by the Department of Veterans Affairs, a licensed social worker or an employee of a county or state office for protective services. This bill requires a guardian to file a petition for guardianship of a protected minor in the state of the minor's new residence not later than 6 months after changing the residence of the minor to a location outside of this State. This bill also requires a guardian to file a petition with the court for authorization to move a protected minor to a secured residential long-term facility in all circumstances. This bill revises provisions governing obligations due to or for a protected minor to provide for the payment of child support to a guardian for the support of the minor and to require a guardian to give notice to the court of the entry of an order for the payment of support for the minor or the approval of any public assistance for the minor. This bill sets forth circumstances under which a guardian may sell, dispose of or authorize the immediate destruction of personal property of a protected minor without notice. This bill provides that a guardian may sell the personal property of a protected minor only after notice of intent to sell is provided to the protected minor and all interested parties by personal delivery or by certified mail. This bill requires a guardian of the estate of a minor to make and file a verified account within 90 days after the emancipation of the minor, unless the court authorizes a longer period. Existing law sets forth circumstances under which the guardianship of the person or the estate of a ward is terminated. This bill provides that a hearing may be held not later than 90 days before the protected minor reaches the age of majority to determine whether guardianship is needed or requested beyond the age of majority and whether the guardian should be notified of any requirements of the guardianship which require compliance. This bill also provides for the filing of a petition for guardianship pursuant to existing law governing guardianships for adults if the court determines that, upon reaching the age of majority, a protected minor would be deemed an incompetent adult. This bill sets forth certain showings that a parent of a protected minor must make to terminate the guardianship of the minor. This bill revises the provisions of existing law governing guardianships of adults to apply exclusively to guardianships of adults.

***Effective: July 1, 2017***

***Amends: [New chapter in Title 13](#), [NRS Chapter 159](#), [NRS 159.013](#), [159.014](#), [159.015](#), [159.023](#), [159.024](#), [159.025](#), [159.027](#), [159.034](#), [159.037](#), [159.039](#), [159.041](#), [159.043](#), [159.044](#), [159.047](#), [159.0485](#), [159.0487](#), [159.0523](#), [159.0535](#), [159.054](#), [159.055](#), [159.0595](#), [159.0613](#), [159.062](#), [159.069](#), [159.075](#), [159.076](#), [159.113](#), [159.117](#), [159.157](#), [159.179](#), [159.185](#), [159.191](#), [159.2024](#), [159.315](#), [160.090](#), [3.223](#), [33.030](#), [143.030](#), [200.4685](#), [239.010](#), [253.150](#), [253.160](#), [253.190](#), [253.200](#), [432.039](#), [432B.290](#), [432B.466](#), [432B.4665](#), [432B.468](#), [432B.550](#), [432B.590](#), [616C.505](#), [628B.080](#), [628B.090](#), [628B.100](#), [628B.310](#), [628B.330](#), [628B.540](#), [628B.550](#), and [628B.560](#)***

***Repeals: [NRS 159.0483](#), [159.049](#), [159.052](#), [159.061](#), [159.186](#), [159.205](#), and [159.215](#)***



## SB229 – Guardianship Lockbox

- This bill requires the Secretary of State to establish a Lockbox Program to allow person to file a form requesting nomination of/designating a specific individual as a guardian.
- The court must determine if such a nomination has been made and provided to the Program in the event a person applies to be designated guardian of a person.
- This bill also requires the court to order a non-resident guardian to provide notice of the guardian’s resident agent. The court must also monitor the information of the registered agent using the Secretary of State’s records.



**SB229** – Existing law generally provides that in a proceeding to appoint a guardian for an adult, a court is required to give preference to a nominated person or relative, in that order of preference. Existing law defines a “nominated person” as a person whom an adult: (1) nominates for the appointment as guardian for the adult in a will, trust or other written instrument that is part of the adult’s established estate plan and was executed by the adult while he or she was competent; or (2) requests for the appointment as guardian of the adult in a written instrument that is not part of the adult’s established estate plan and was executed by the adult while he or she was competent. This bill provides that any person who wishes to request to nominate another person to be appointed as his or her guardian may do so by completing a form requesting to nominate a guardian, which must be signed by the person and two impartial adult witnesses and notarized. This bill sets forth a model form for such a request and requires the Secretary of State to make the form available on the Internet website of the Secretary of State. Existing law establishes provisions relating to the Nevada Lockbox, which is a registry authorized to be established and maintained on the Secretary of State’s Internet website in which a person may register a will or other document. This bill revises the definition of the term “other document” to include a form requesting to nominate a guardian that is executed in accordance with this bill. This bill authorizes the Secretary of State to provide access to the lockbox of a registrant if such access is requested by a court, hospital, law enforcement agency or other entity that needs to determine whether a person has designated a guardian. This bill also requires the Secretary of State to ensure that any such person, other than a court, who accesses the lockbox does not have access to any document contained in the lockbox other than a form requesting to nominate a guardian. This bill provides that if a guardian applies to a court to be designated as the guardian of a person, the court must determine whether a guardian has already been designated for the person by accessing the lockbox. This bill also provides that if the court determines that two or more different designations exist and each designation is valid, the most recent designation shall be deemed to be the controlling designation. This bill further provides that if a guardian has already been designated, the application for guardianship cannot proceed unless the court revokes the designation. Existing law authorizes the Secretary of State to charge fees and accept contributions to establish and maintain the Nevada Lockbox. This bill authorizes a person who makes such a contribution to designate a specific purpose for which the contribution must be used. Existing law provides that if a court appoints a nonresident guardian for an adult, the court is required



to order the guardian to designate a registered agent in this State in the same manner as a represented entity pursuant to chapter 77 of NRS. This bill additionally requires the court to: (1) order the guardian to provide notice of the designation of a registered agent to the court; and (2) after such notice is provided, monitor the information of the registered agent using the records of the Secretary of State. This bill revise provisions of existing law governing registered agents to include the ability of a person to serve as a registered agent for a nonresident guardian.

*Effective: June 15, 2017 for the purpose of adopting regulations or performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and January 1, 2018, for all other purposes.*

*Amends: [NRS Chapter 159](#), [NRS 159.0613](#), [new section in NRS Chapter 77, 77.020, 77.030, 77.060, 77.250, 225.330, 225.370, 225.380, and 225.410](#)*

## SB360 – Crimes and Protected Persons’ Bill of Rights

- This bill enhances penalties for persons who abuse, neglect, exploit, isolate, or abandon an elder or vulnerable person resulting in serious bodily injury from 2 to 6 years in prison to 6 to 20 years in prison.
- It makes a first offense of abuse, neglect, etc. of an elder or vulnerable person a gross misdemeanor or cat. C felony at the discretion of the court, and makes subsequent offenses category B felonies. It applies the felony monetary thresholds to such cases as well.
- This bill establishes the Protected Persons’ Bill of Rights and requires that each court make a copy of the Bill of Rights available to the public, and post the Bill of Rights in the courthouse and on the court’s website.
- Finally, this bill requires that an arbitration clause in a contract with a long term care facility must be a fully explained addendum to the contract.



**SB360** – Existing law provides for the imposition of an additional penalty upon a person who commits certain crimes or criminal violations of law against an older person or a vulnerable person, and provides that the sentence prescribed runs consecutively with the sentence prescribed by statute for the crime or criminal violation. This bill additionally provides that the sentence prescribed must not exceed the sentence imposed for the crime or criminal violation. Existing law extends immunity from civil or criminal liability to every person who, in good faith: (1) participates in the making of a report concerning the abuse, neglect, exploitation, isolation or abandonment of an older person or a vulnerable person; (2) submits information contained in such a report to the licensing board; or (3) causes or conducts an investigation of alleged abuse, neglect, exploitation, isolation or abandonment of an older person or a vulnerable person. This bill provides that such immunity does not extend to any person who abused, neglected, exploited, isolated or abandoned the older person or vulnerable person who is the subject of the report or investigation or any person who committed certain other acts relating to the abuse, neglect, exploitation, isolation or abandonment of the older person or vulnerable person. Existing law establishes the penalties to be imposed upon a person who abuses, neglects, exploits, isolates or abandons an older person or a vulnerable person. Any person who has assumed responsibility to care for an older person or a vulnerable person and who neglects the older person or vulnerable person or commits certain other related acts, thereby causing substantial bodily or mental harm to or the death of the older person or vulnerable person, is guilty of a category B felony and must be punished by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 6 years. This bill increases the maximum term of imprisonment for the commission of such acts from 6 years to 20 years. This bill also revises the penalties for the abuse, neglect, isolation or abandonment of an older person or a vulnerable person and provides that: (1) the commission of a first offense is punishable as a category C felony or a gross misdemeanor, as determined by the court; and (2) the commission of a second or subsequent offense is

punishable as a category B felony. This bill additionally revises the penalties for the exploitation of an older person or a vulnerable person and provides that a person who commits such an offense is guilty of: (1) either a category C felony or gross misdemeanor, as determined by the court, for the first offense, or if the monetary value involved is less than \$650 or cannot be determined; or (2) a category B felony for the second and all subsequent offenses, or if the monetary value is \$650 or more. Existing law also establishes the penalties to be imposed upon a person who conspires with another to commit abuse, exploitation or isolation of an older person or a vulnerable person. Such a person must be punished for a gross misdemeanor for the first offense and for a category C felony for the second or subsequent offense. This bill increases the penalty for the commission of a second or subsequent offense to a category B felony punishable by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not less than 20 years. Existing law establishes provisions governing the appointment of a guardian for a ward. This bill establishes the Wards' Bill of Rights, which sets forth certain specific rights of wards. This bill requires each court having jurisdiction of the persons and estates of minors, incompetent persons or persons of limited capacity to: (1) make the Wards' Bill of Rights readily available to the public; (2) maintain a copy of the Wards' Bill of Rights in the court for reproduction and distribution to the public; and (3) ensure that the Wards' Bill of Rights is posted in a conspicuous place in the court and on the court's Internet website. This bill: (1) provides that if a facility for long-term care wishes to include as part of any contract relating to the provision of care a clause providing that the parties to the contract agree to resolve any dispute through arbitration, the clause must be included as an addendum to the contract; and (2) establishes requirements pertaining to the form and content of such an addendum.

*Effective: Section 9.1 effective June 5, 2017. Sections 4 to 7, inclusive, and 8 effective June 5, 2017 for the purpose of performing any preparatory administrative tasks that are necessary to carry out the provisions of those sections; and on January 1, 2018, for all other purposes. Sections 1 to 3.5, inclusive, and 7.5 effective on October 1, 2017.*

*Amends: [NRS 193.167](#), [200.5096](#), [200.5099](#), [200.50995](#), [NRS Chapter 159](#), and [new section in NRS Chapter 449](#)*

## SB433 - Guardianship

- This bill replaces ‘ward’ with ‘protected person’.
- It establishes rights for a protected person to communicate, visit, or interact with family and persons of natural affection, and restricts a guardian from limiting such contact.
- It allows a guardian to apply to the court for a protection order on behalf of the protected person against such a person if good cause exists to believe the person is threat to the protected person.
- This bill allows a person who suspects a guardian of abuse, etc. against a protected person to petition the court for relief.
- This bill changes notice requirements in the event a guardian wants to move a protected person and provides an exemption in the event of emergency.
- It requires a guardian to provide notice of the death or impending death of the protected person.

## SB433 - Continued

- This bill allows the imposition of penalties by the court against a guardian who deliberately harms a protected person.
- It revises provisions regarding the appointment of a guardian ad litem/volunteer advocate for a protected person.
- This bill requires the court to appoint an attorney (legal aid) for the proposed protected person upon the filing of a petition for guardianship unless the protected person retains his or her own counsel.
- This bill revises and expands the information that must be contained in a report to the court on the condition of a protected person. It also makes revisions to the required accounting of the estate of a protected person and requires the report and accounting be provided to the protected person and his or her attorney.
- This bill reduces the filing fee for petition for guardianship where the estate is valued at more than \$2,500 to \$5, and eliminates the filing fee if the estate is worth less than \$2,500.
- Finally, this bill increases a recording fee by \$1 to pay for the appointment of counsel under this bill.

**SB433** – Existing law defines the term “ward” for purposes of the provisions of law governing guardianships as any person for whom a guardian has been appointed. This bill replaces the term “ward” with the term “protected person.” This bill establishes provisions relating to the right of a protected person to communicate, visit or interact with his or her parent, child or sibling or a person of natural affection, which this bill defines as a person who is not a family member of a protected person but who shares a relationship with the protected person that is similar to the relationship between family members. This bill generally prohibits a guardian from restricting the right of a protected person to communicate, visit or interact with such persons except in certain circumstances. This bill authorizes a guardian to petition a court to issue an order restricting the ability of a parent, child or sibling of a protected person or a person of natural affection to communicate, visit or interact with a protected person for good cause. This bill requires a court to consider certain factors when determining whether to issue such an order and

requires a guardian to provide the court with documentation of any physical reactions or manifestations of agitation, distress or combative or overly emotional behavior by the protected person during or following any contact with any such person or opposition by the protected person to any communication, visitation or interaction with any such person if the protected person is unable to communicate verbally. This bill requires a court to consider imposing certain restrictions on communication, visitation or interaction between a protected person and any such person in a certain order of preference. This bill authorizes any person who reasonably believes a guardian has violated a court order or committed an abuse of discretion in restricting communication, visitation or interaction between a protected person and his or her parent, child or sibling or a person of natural affection to petition the court to take certain action. This bill requires the court to schedule a hearing on a petition filed by a guardian or person, respectively, not later than 63 days after the date the petition is filed. This bill also requires the court to conduct an emergency hearing as soon as practicable, but not later than 7 days after the date the petition is filed, if the petition states that the health of the protected person is in significant decline or the death of the protected person might be imminent. This bill establishes provisions concerning who has the burden of proof in a proceeding held, and sets forth certain sanctions. This bill establishes provisions regarding certain notifications concerning a protected person that a guardian is required to give to certain interested persons. This bill generally requires a guardian to file with the court a notice of his or her intent to move a protected person and to serve notice upon such interested persons not less than 10 days before moving the protected person. If an objection to the move is not received from any interested person within 10 days after receiving the notice, the guardian is authorized to move the protected person without court permission. This bill further provides that if an emergency condition exists, the guardian is authorized to take any temporary action needed without court permission and is required to file notice with the court and serve notice upon all interested persons as soon as practicable after taking such action. This bill revises provisions of existing law governing the authority of a guardian of the person to establish or change the residence of a protected person to conform with the provisions of this bill. This bill requires a guardian to notify immediately all interested persons and persons of natural affection: (1) if the guardian believes, based on information from certain qualified persons, that the death of the protected person is likely to occur within the next 30 days; (2) upon the death of the protected person; and (3) upon obtaining any information relating to the burial or cremation of the protected person. If the guardian is providing notification of the death of the protected person, the guardian is required to provide such notification in a certain manner. This bill also: (1) provides that any notification given by a guardian relating to moving a protected person or the death or impending death of a protected person must include the current location of the protected person unless an order of protection has been issued against an interested person or a person of natural affection on behalf of the protected person; and (2) establishes the circumstances in which a guardian is not required to provide notification to an interested person or person of natural affection. This bill authorizes a guardian of the person to take certain actions if a guardian of the estate has not been appointed and provides that if a guardian of the estate has been appointed, a guardian of the person may receive reasonable sums for any room and board furnished to a protected person if the guardian presents a claim to the guardian of the estate. This bill authorizes a court to take certain action if a guardian violates any right of a protected person and to impose twice the actual damages incurred by the protected person and attorney's fees and costs if any action by a guardian is deemed to be deliberately harmful or fraudulent or to have been committed with malice. Existing law authorizes a court to appoint a person to represent a ward or proposed ward as a guardian ad litem. This bill revises provisions relating to such an appointment and authorizes a court to appoint a volunteer person who is not an attorney as a guardian ad litem to represent a protected person or proposed protected person if a court-approved volunteer advocate program for guardians ad litem is established in the judicial district. Existing law provides that if an adult ward or proposed adult ward is unable to retain legal counsel and requests the appointment of counsel at any stage in a guardianship proceeding, the court is required to appoint an attorney who works for legal aid services or a private attorney to represent the adult ward or proposed adult ward. This bill provides that upon the filing of a petition for the appointment of a guardian for a proposed protected person who is an adult, the court is required to appoint an attorney to represent the proposed protected person unless the proposed protected person wishes to retain or has already retained an attorney. The court is required to appoint an attorney who works for an organization operating a program for legal services for the indigent which provides legal services for protected persons and proposed protected persons who are adults if the county in which the proposed protected person lives has such a program that is able to accept the case. If the county in which the proposed protected person resides does not have such a program or the program is unable to accept the case, the court is required to determine whether the proposed protected person has the ability to pay the reasonable compensation and expenses of an attorney from his or her estate and, if so, order an attorney to represent the proposed protected person and require the compensation and expenses of the attorney to be paid from the estate. If the proposed protected person does not have the ability to pay, the court is

authorized to use money set aside for the purpose of assisting such proposed protected persons to pay for an attorney to represent the proposed protected person. Existing law requires a proposed ward who is found in this State to attend the hearing for the appointment of a guardian unless a certificate that includes certain information, including why the proposed ward cannot attend the hearing, is signed by a qualified person. If the proposed ward is an adult and cannot attend the hearing by videoconference, the person who signs the certificate or another qualified person is required to inform the proposed ward of certain rights of the proposed ward, including the right to counsel, and ask the proposed ward if he or she wishes to be represented by counsel. This bill removes such a requirement. Existing law requires a guardian of the person to file with the court a written report on the condition of the ward and the exercise of authority and performance of duties by the guardian at certain specified times. This bill requires that certain information be included in such a report. Existing law also requires a guardian of the estate or special guardian who is authorized to manage the property of a ward to file with the court a verified account of the estate of the ward at certain specified times and requires the account to include certain information. This bill requires the account to be served on the protected person and the attorney of the protected person. This bill revises the requirements relating to the account and revises provisions relating to producing or filing with the court the receipts and vouchers for all expenditures included in the account. This bill authorizes a court to impose a penalty in an amount not to exceed \$5,000 and order restitution of any money misappropriated from the estate of a protected person if a guardian is guilty of gross impropriety in handling the property of the protected person, makes a substantial misstatement in any such report or account or willfully fails to file such a report or account within a certain period after receiving written notice from the court of the failure to file. This bill provides that a protected person or his or her attorney is entitled to receive copies of any accountings relating to any trusts created by or for the benefit of the protected person. This bill revises the circumstances in which a court may remove a guardian. This bill provides that upon the filing of a petition for the termination or modification of a guardianship, the court is required to appoint an attorney to represent the protected person if: (1) the protected person is unable to retain an attorney; or (2) the court determines that the appointment is necessary to protect the interests of the protected person. Existing law authorizes or requires the imposition of various fees in civil actions, including fees specific to the filing of a petition for a guardianship. This bill reduces the fee for filing a petition for a guardianship where the stated value of the estate is more than \$2,500 from \$72 to \$5. This bill also specifies that no other fee may be charged or collected for the filing of a petition for a guardianship. Existing law requires a county recorder to charge and collect a fee of \$1 for recording a document, instrument, paper, notice, deed, conveyance, map, chart, survey or any other writing other than an originally signed copy of a certificate of marriage, which the county treasurer is required to remit to the State Treasurer for credit to the Account to Assist Persons Formerly in Foster Care. This bill requires a county recorder to charge and collect an additional fee of \$3 for the recording of such documents, which the county treasurer is required to remit: (1) to the organization operating the program for legal services for the indigent in the county, to be used to provide legal services for protected persons or proposed protected persons who are adults in guardianship proceedings and, if sufficient funding exists, protected persons and proposed protected persons who are minors in guardianship proceedings; or (2) if such an organization does not exist in the judicial district, to an account maintained by the county for the exclusive use of the district court to pay the reasonable compensation and expenses of attorneys to represent protected persons and proposed protected persons who are adults and do not have the ability to pay such compensation and expenses. This bill requires a county recorder to charge and collect an additional fee of \$1 for the recording of such documents, which the county treasurer is required to remit to an account maintained by the county for the exclusive use of the district court to pay the compensation of certain investigators appointed by the court. This bill becomes effective if, and only if, Assembly Bill No. 319 of this session is enacted by the Legislature and becomes effective.

*Effective: Sections 1 to 36, inclusive, 38, 39, 40 and 41 effective on July 1, 2017. Section 37 effective on July 1, 2017, if, and only if, Assembly Bill No. 319 of this session is enacted by the Legislature and becomes effective.*

*Amends: [NRS Chapter 159](#), [NRS 159.013](#), [159.025](#), [159.027](#), [159.043](#), [159.0455](#), [159.0485](#), [159.0535](#), [159.073](#), [159.079](#), [159.081](#), [159.177](#), [159.179](#), [159.183](#), [159.185](#), [159.1905](#), [19.013](#), [19.020](#), [19.0302](#), [247.305](#), and [628B.100](#)*

## AB180 – Juvenile Justice Bill of Rights

- This bill enumerates the rights of a child who is in the care and custody of a juvenile detention facility. Among these rights are:
  - The right to be treated with dignity and respect;
  - The right to healthy and adequate food;
  - The right to necessary medical and behavioral health services; and
  - The right to be free from neglect and corporal punishment.
- A juvenile detainee shall be informed of his or her rights and may raise and redress any violations of those rights with various parties including the juvenile court.
- This bill also requires juvenile detention facilities to develop policies and procedures in certain areas such as the administration of psychotropic medication.



**AB180** – This bill enacts the Juvenile Justice Bill of Rights. This bill sets forth certain rights of children who are detained in a detention facility. This bill requires a detention facility in which a child is detained to: (1) inform the child of the rights; (2) provide the child and, if practicable, the parent or guardian of the child with a written copy of those rights; and (3) post a written copy of those rights in a conspicuous place inside the detention facility. This bill authorizes a detention facility to place reasonable restrictions on the rights of a child based upon the time, place and manner of the child’s exercise of those rights if such restrictions are necessary to preserve order, security or safety. This bill authorizes a child who believes that his or her rights have been violated to raise and redress a grievance. This bill requires each detention facility to establish appropriate policies to ensure that children who are detained in the detention facility have timely access to clinically appropriate psychotropic medication. This bill make conforming changes.

*Effective: July 1, 2017*

*Amends: [NRS Chapter 62A](#), [62A.010](#), [62A.380](#), and [62D.420](#)*



## AB218 – Juveniles Convicted as Adults

- This bill authorizes a court to, after considering all the factors prescribed in NRS 176.017, reduce the mandatory minimum prison sentence for a juvenile convicted as an adult by 35 percent if the court determines the reduction is warranted given the age of the juvenile and his or her prospects for rehabilitation.



**AB218** – Existing law provides that if a person is convicted as an adult for an offense that the person committed when he or she was less than 18 years of age, the court is required to consider, before imposing a sentence upon the person, the differences between juvenile and adult offenders, including, without limitation, the diminished culpability of juveniles as compared to that of adults and the typical characteristics of youth. This bill authorizes the court, after considering all required factors, to reduce any mandatory minimum period of incarceration that the person is required to serve by not more than 35 percent if the court determines that such a departure or reduction is warranted given the age of the person and his or her prospects for rehabilitation.

*Effective: October 1, 2017*

*Amends: [NRS 176.017](#)*

**AB251** – Existing law prohibits the State Board of Pardons Commissioners from commuting a sentence of death or imprisonment in the state prison for life without the possibility of parole to a sentence that would allow parole if a person is convicted of: (1) murder of the first degree before, on or after July 1, 1995; or (2) any crime other than murder of the first degree on or after July 1, 1995. The Nevada Supreme Court has held that to the extent such existing law applies retroactively to a person convicted of murder of the first degree before July 1, 1995, such existing law is unconstitutional because it increases the measure of punishment for murder of the first degree and thereby violates the provision of the United States Constitution that prohibits the passage of ex post facto laws. (*Miller v. Ignacio*, 112 Nev. 930, 937 (1996); U.S. Const. Art. I, § 10) This bill: (1) revises existing law to conform with the holding in *Miller*; and (2) authorizes the Board to commute a sentence of death or imprisonment in the state prison for life without the possibility of parole to a sentence that would allow parole if a person is convicted of any crime that the person committed when he or she was less than 18 years of age.

*Effective: October 1, 2017*

*Amends: [NRS 213.085](#)*

## AB341 – Counsel for Juveniles

- This bill authorizes counsel appointed to represent a child alleged to be delinquent or in need of supervision to consult with, and seek the appointment of:
  - Social workers;
  - Mental health professionals;
  - Educators; and
  - Any other expert the attorney deems appropriate.
- This bill urges the NVSC to adopt court rules for attorneys who represent juveniles prescribing educational requirements, conduct standards, and minimum requirements for attorneys employed by the State Public Defender.



**AB341** – Existing law provides a procedure for adjudicating a child who is alleged to be delinquent or in need of supervision under certain circumstances. This bill authorizes an attorney who represents a child in such juvenile proceedings to consult with and seek appointment of certain persons. This bill urges the Nevada Supreme Court to adopt court rules for attorneys who represent juveniles in juvenile proceedings.

*Effective: May 26, 2017*

*Amends: [New section in NRS Chapter 62D](#)*

## AB395 – Juvenile Justice Reform

- This bill repeals the existing juvenile sex offender requirements for registration and community notification, and requires registration with juvenile justice authorities, and provides that, upon the motion of the child, the juvenile court may exempt the child from community notification requirements if the court determines by ‘clear and convincing evidence’ that the juvenile is not a threat to the community. Juveniles adjudicated delinquent for aggravated sexual assault are not eligible for the exemption, and a child that is exempted must be subject to the jurisdiction of the juvenile court until age 21.
- This bill makes revisions to existing statutory provisions governing juvenile justice information sharing and allows sharing of information with law enforcement in emergent circumstances.
- This bill eliminates the increased penalty (cat. D felony) for committing certain sexual offenses (see SB473) in the presence of a minor if the offender is a minor as well.
- This bill appropriates front-end juvenile justice funding to each judicial district in the State as requested and put forward by the Supreme Court’s Juvenile Justice Commission.

**AB395** – Existing law provides that a child who is adjudicated delinquent for committing certain sexual offenses and who was 14 years of age or older at the time of the commission of the sexual offense is required to register as a sex offender in the same manner as an adult and is subject to community notification. In addition, existing law

prohibits the sealing of records relating to a child while the child is subject to registration and community notification as a juvenile sex offender. This bill removes and repeal those provisions, and this bill enact provisions governing the registration and community notification of juvenile sex offenders. This bill includes certain offenses, called “aggravated sexual offenses,” in the list of sexual offenses for which registration and community notification as a juvenile sex offender is required. This bill provides that a child who is adjudicated delinquent for committing certain sexual offenses and who was 14 years of age or older at the time of the commission of the sexual offense must: (1) register as a sex offender with the juvenile court, the juvenile probation department or the Youth Parole Bureau of the Division of Child and Family Services of the Department of Health and Human Services, whichever entity is determined to be the appropriate entity by the juvenile court; and (2) update his or her registration information not later than 48 hours after certain changes to that information. This bill also requires: (1) the juvenile court to order the parent or guardian of the child to ensure that the child complies with the requirements for registration as a sex offender; and (2) the parent or guardian of the child to notify the entity with which the child is registered as a sex offender and, if appropriate, the local law enforcement agency if the child runs away or otherwise leaves the placement for the child approved by the juvenile court. Under this bill, the juvenile court is required to: (1) notify the Central Repository for Nevada Records of Criminal History when a child is adjudicated delinquent for certain sexual offenses so that the Central Repository may carry out the provisions of law governing the registration of the child as a sex offender; and (2) inform the child and his or her parent or guardian that the child is subject to certain requirements for registration and community notification applicable to sex offenders. This bill further prohibits the juvenile court from terminating its jurisdiction over the child until the juvenile court relieves the child from the requirement to register as a sex offender or orders that the child continue to be subject to registration and community notification after the child becomes 21 years of age. This bill provides that upon a motion by a child, a judge of the juvenile court may exempt the child from the requirements for community notification applicable to sex offenders or exclude the child from placement on the community notification website, or both. Under this bill, the judge may not exempt a child from community notification or exclude the child from the community notification website if the child is adjudicated delinquent for certain aggravated sexual offenses. The judge must hold a hearing on such a motion and must not exempt the child from community notification or exclude the child from the community notification website unless, at the hearing, the judge finds by clear and convincing evidence that the child is not likely to pose a threat to the safety of others. This bill further authorizes the judge to reconsider his or her decision on a motion after considering certain factors. Finally, if the judge exempts a child from community notification or excludes the child from placement on the community notification website, or both, the judge must notify the Central Repository and the child must not be subject to community notification or be placed on the community notification website. This bill requires a judge of the juvenile court to hold a hearing when the child reaches 21 years of age or on a date reasonably near that date. If the judge finds by clear and convincing evidence that the child has been rehabilitated and does not pose a threat to the safety of others, the judge must relieve the child from the requirement for registration and community notification as a sex offender. However, if the judge determines that the child has not been rehabilitated or poses a threat to the safety of others, the judge must order that the child is subject to registration and community notification in the manner provided for adult sex offenders. This bill provides that the juvenile court may not refer to a master any finding, determination or other act required to be made by the juvenile court. Existing law authorizes a director of juvenile services and the Youth Parole Bureau to release certain information concerning a child who is within the purview of the juvenile court to certain other persons involved in the juvenile justice system. To release such information to a school district, a director of juvenile services or the Youth Parole Bureau must enter into a written agreement with the school district for the sharing of the information. This bill: (1) revises the list of persons to whom a director of juvenile services and the Youth Parole Bureau may release information to include a law enforcement agency engaged in a criminal investigation or delinquency proceeding or involved in a situation concerning a child who is a threat to himself or herself or to the safety of others; and (2) authorizes a director of juvenile services and the Youth Parole Bureau to release information to a school district only if the written agreement with the school district provides for the sharing of data from the educational record of the child. Existing law provides that a person who commits any act of open or gross lewdness or who makes any open and indecent or obscene exposure of his or her person, or of the person of another, is guilty of: (1) a gross misdemeanor for the first offense; and (2) a category D felony for any subsequent offense or for any offense committed after the offender has previously been convicted of a sexual offense. Existing law also provides that if a person commits any such offense in the presence of a child under the age of 18 years or a vulnerable person, the person is guilty of a category D felony. This bill provide that the increased penalty for

committing the offense in the presence of a child under the age of 18 years or a vulnerable person does not apply if the person committing the offense is under the age of 18 years. This bill appropriate certain sums of money to each judicial district in this State, and require that money be used for certain programs for juveniles in those judicial districts.

*Effective: July 1, 2017*

*Amends: [NRS 62A.030](#), [62B.410](#), [NRS Chapter 62F](#), [NRS 62H.025](#), [62H.110](#), [62H.120](#), [179D.035](#), [179D.0559](#), [179D.095](#), [179D.450](#), [179D.490](#), [201.210](#), and [201.220](#)*

*Repeals: [NRS 62F.200](#), [62F.220](#), and [62F.260](#)*

**[AB411](#)** – Existing law authorizes the board of county commissioners of a county whose population is 700,000 or more (currently Clark County) to establish by ordinance a department of juvenile justice services to administer certain provisions of existing law relating to juvenile delinquency and the abuse and neglect of children. If the board of county commissioners of such a county has not established a department of juvenile justice services, the juvenile court must establish by court order a probation committee and must appoint a director of the department of juvenile justice services to administer certain functions of the juvenile court. Existing law requires a department of juvenile justice services to obtain a background investigation of applicants for employment with, and employees of, the department. Existing law also requires a department to obtain a background investigation of each employee of the department at least once every 5 years after the initial investigation. Existing law authorizes a department of juvenile justice services to deny employment to an applicant, or terminate the employment of an employee, against whom certain criminal charges are pending. Further, existing law requires a department of juvenile justice services to deny employment to an applicant or terminate the employment of an employee who has been convicted of certain crimes. This bill amends existing law by authorizing, rather than requiring, a department of juvenile justice services to terminate the employment of an employee if the employee: (1) has been convicted of certain crimes; or (2) certain criminal charges are pending against the employee. Before terminating the employee, the department of juvenile justice services is required to allow the employee a reasonable amount of time to: (1) correct information obtained from the background investigation; or (2) resolve certain pending charges against the employee.

*Effective: October 1, 2017*

*Amends: [NRS 62G.225](#) and [62G.355](#)*

## AB473 – Juvenile Sex Offenders

- This bill eliminates the increased penalty (cat. D felony) for committing open and indecent or obscene exposure of his or her person or the person of another in the presence of a minor if the person committing the offense is a minor as well.



**[SB473](#)** – Existing law provides that a person who commits any act of open or gross lewdness or who makes any open and indecent or obscene exposure of his or her person, or of the person of another, is guilty of: (1) a gross misdemeanor for the first offense; and (2) a category D felony for any subsequent offense or for any offense

committed after the offender has previously been convicted of a sexual offense. Existing law also provides that if a person commits any such offense in the presence of a child under the age of 18 years or a vulnerable person, the person is guilty of a category D felony. This bill provides that the increased penalty for committing the offense in the presence of a child under the age of 18 years or a vulnerable person does not apply if the person committing the offense is under the age of 18 years.

*Effective: October 1, 2017*

*Amends: [NRS 201.210](#) and [201.220](#)*

## **MENTAL HEALTH**

### AB253 – Mental Illness



- This bill requires the court to conduct a hearing as soon as practicable on an application for a writ of habeas corpus by, or on behalf of, a person who is alleged to be a person with mental illness or who has been found to be a person with mental illness if the application is made before the initial hearing on the petition for the involuntary court-ordered admission of the person to a mental health facility or to a program of community-based or outpatient services.
- It revises the definition of a mentally ill person to include a person who is a danger to himself or others and there is a probability that the person may harm himself unless required to participate in outpatient or community-based treatment.
- It requires a physician or psychologist to submit his or her findings to the court no later than 24 hours before the hearing.
- It requires a court to transmit an order of involuntary commitment to each law enforcement agency in the State with which the court has entered into an agreement for such transmission.
- This bill allows a hospital or mental health facility to get access to records of involuntary commitment if the person the record pertains to is admitted to their facility.

**AB253** – This bill requires the court to conduct a hearing as soon as practicable on an application for a writ of habeas corpus by, or on behalf of, a person who is alleged to be a person with mental illness or who has been found to be a person with mental illness if the application is made before the initial hearing on the petition for the involuntary court-ordered admission of the person to a mental health facility or to a program of community-based or outpatient services. Existing law defines a person with mental illness to include a person whose capacity is diminished as a result of mental illness to the extent that the person presents a clear and present danger of harm to himself or herself. A person presents a clear and present danger of harm to himself or herself if there exists a reasonable probability that the person will harm himself or herself unless the person is admitted to a mental health facility. This bill revises this definition to provide that the person presents a clear and present danger of harm to himself or herself if there exists a reasonable probability that the person will harm himself or herself unless the person is required to participate in a program of community-based or outpatient services. Existing law requires that, after the filing of a petition to involuntarily admit a person alleged to be a person with mental illness to a mental health facility or certain other services, the court shall cause two or more physicians or licensed psychologists, one of whom must always be a physician, to examine the person. A physician or psychologist who examines the person must submit to the court a written summary of his or her findings and evaluation not later than 24 or 48 hours before the hearing on the petition, depending on the circumstances of the admission. This bill revises these provisions to require the physician or psychologist to submit the written summary of findings and evaluation not later than 24 hours before the hearing on the petition. Existing law requires that if the court issues an order involuntarily admitting a person with mental illness to a mental health facility or certain other programs of services, the court is required to transmit a record of the order to the Central Repository for Nevada Records of Criminal History. This bill requires the court to transmit a record of the order to each law enforcement agency of this State with which the court has



entered into an agreement for such transmission for inclusion in certain databases. Existing law requires a court to seal all court records relating to the admission and mental health treatment of certain persons and establishes procedures by which certain entities may be granted an opportunity to inspect the records. This bill establishes a procedure by which a public or private hospital or a mental health facility may request and obtain a copy of a court order of involuntary admission which relates to a person alleged to be a person with mental illness who has been admitted to the hospital or facility.

*Effective: July 1, 2017*

*Amends: [New section in NRS Chapter 433A](#), [NRS 433A.115](#), [433A.240](#), [433A.310](#), and [433A.715](#)*

**[AB429](#)** – The Psychology Interjurisdictional Compact of the Association of State and Provincial Psychology Boards is an interstate compact that allows a person who is licensed as a psychologist in a state that is a member of the Compact to provide services to patients in other states that are members of the Compact through telehealth or in person under certain conditions. Before providing such services, the Compact requires a psychologist to: (1) have a graduate degree in psychology from an accredited institution; (2) possess a full, unrestricted license to practice psychology in at least one state that is a member of the Compact; (3) have no history of disciplinary action or convictions of certain crimes; (4) make attestations and allow the governing body of the Compact, known as the Psychology Interjurisdictional Compact Commission, to access information concerning the psychologist’s areas of intended practice, criminal background and knowledge of requirements in all states in which he or she intends to practice; (5) possess a valid certificate to practice either through telehealth, called an E. Passport, or in person called an IPC Certificate, under the Compact; and (6) meet any other requirements of the Commission. The Compact only authorizes a psychologist to provide services in person in a state in which the psychologist is not licensed on a temporary basis, as defined by the Commission, and the psychologist is still required to obtain a license to provide services in person over the long term. Psychologists who provide services in states other than those in which they are licensed under the Compact are subject to the jurisdiction of the state in which they provide services, and such a state can revoke the authorization to practice in those states. The Commission is authorized to: (1) collect an annual assessment from each state that is a member of the Compact to fund the operations of the Commission; (2) make rules concerning the administration of the Compact and the practice of psychology across state lines under the Compact; and (3) resolve disputes among states that are members of the Compact related to the Compact. This bill enacts the Compact. This bill clarify that a psychologist who is authorized to practice in this State pursuant to the Compact is authorized to engage in the same activities as a psychologist who is licensed in this State. This bill exempts a psychologist who is not licensed in this State and practicing as authorized in the Compact from a prohibition on representing oneself as a psychologist or practicing psychology without a license issued by the Board of Psychological Examiners. The Compact becomes effective upon ratification by seven states. Currently, only Arizona and Utah have ratified the Compact.

*Effective: October 1, 2017*

*Amends: [NRS 629.550](#), [new section in NRS Chapter 641](#), [NRS 641.316](#), [641.390](#), [641B.040](#), [641C.130](#), [Preliminary Chapter of NRS](#), [NRS 458A.057](#), [689A.048](#), [689B.038](#), [695B.197](#), and [695C.177](#)*

**[SB27](#)** – Existing law defines the term “mental illness” for purposes of provisions relating to criminal procedure, mental health and intellectual disabilities to mean a clinically significant disorder of thought, mood, perception, orientation, memory or behavior which: (1) is listed in certain diagnostic manuals; and (2) seriously limits the capacity of a person to function in the primary aspects of daily living. This bill revises the definition to: (1) eliminate references to those diagnostic manuals; and (2) exclude certain other mental disorders that result in diminished capacity.

*Effective: July 1, 2017*

*Amends: [NRS 433.164](#)*

## SB177 – Hoarding Disorder

- This bill revises the definition of mental illness in Ch. 176A to include hoarding disorder for the purpose of assigning a defendant to program of treatment.



**[SB177](#)** – Existing law authorizes a district court to establish a program for the treatment of offenders with mental illness. For the purpose of allowing a program established by a district court to treat defendants who are mentally ill, the definition of “mental illness” includes certain clinically significant disorders listed in the *American Psychiatric Association’s Diagnostic and Statistical Manual of Mental Disorders (DSM-IV)*. The American Psychiatric Association recently revised and released the fifth edition of the *Diagnostic and Statistical Manual of Mental Disorders, DSM-5*, which added new disorders and includes hoarding in those disorders. This bill amends the existing definition of “mental illness” to include hoarding disorder for the purpose of assigning offenders to a program for treatment.

***Effective: October 1, 2017***

***Amends: [NRS 176A.045](#)***

**[SB192](#)** – Existing law establishes certain facilities through which the Division of Public and Behavioral Health of the Department of Health and Human Services provides mental health services. This bill requires, in counties whose population is 100,000 or more (currently Clark and Washoe Counties), any mobile unit operated by such a facility to be available to provide services from 8 a.m. or earlier to 12 a.m. or later, 7 days a week, including holidays. This bill makes an appropriation to the Division for the costs relating to expanding the hours of operation of the mobile units providing mental health services.

***Effective: Sections 2 and 3 effective July 1, 2017. Section 1 effective July 1, 2017, for the purpose of adopting regulations and performing any other preparatory administrative tasks necessary to carry out the provisions of that section and October 1, 2017, for all other purposes.***

***Amends: [New section in NRS Chapter 433](#)***

**AB83** – Existing law authorizes the Commissioner of Insurance to regulate insurance in this State. This bill adds to, revises and repeals various provisions of existing law, primarily in title 57 of NRS, relating to the regulation of insurance in this State. This bill authorizes the Commissioner to place an insurer under administrative supervision and set forth the requirements for such supervision. This bill authorizes the Commissioner to place an insurer under administrative supervision under specified circumstances, including, without limitation, when the insurer is in a hazardous financial condition, when the insurer appears to have exceeded its powers or if an insurer agrees to be placed under such supervision. This bill further provides for the duration of the administrative supervision and the release of the insurer from administrative supervision. This bill designates the Commissioner or an appointee thereof as the administrative supervisor of an insurer under administrative supervision, authorizes the Commissioner to limit the actions of such an insurer and lists various types of actions which the Commissioner may prohibit the insurer from taking without obtaining advance approval from the Commissioner or appointee. This bill defines, for the purposes of certain sections, the terms “Commissioner” and “insurer.” Both terms are currently defined for the purposes of existing law, but some sections provide more expansive definitions. This bill expressly makes some sections apply to insurers and other persons, including, without limitation, a person purporting to be an insurer, organizing to be an insurer or holding himself or herself out as organizing to be an insurer. A section governs the use and confidentiality of information relating to the administrative supervision of an insurer. This bill establishes provisions governing the contesting or reviewing of decisions made by the Commissioner or an appointee thereof to ensure that the Commissioner may institute delinquency proceedings against an insurer without regard to whether the insurer is or was under administrative supervision. This bill authorizes the Commissioner, a designee of the Commissioner and an attorney or other persons to meet, for specified purposes, outside the presence of other persons. This bill authorizes the Commissioner to adopt regulations and to employ various persons to carry out the administrative supervision of an insurer and it further authorizes the Commissioner to require the insurer under administrative supervision to pay the compensation and expenses of the persons the Commissioner appoints and employs for the purposes of the administrative supervision. It provides that the Commissioner and his or her employees and agents are not liable for actions taken pursuant to various sections. This bill revises the information the Commissioner is required to collect regarding closed claims for medical malpractice. This bill removes the requirement to report certain information regarding closed claims for medical malpractice. This bill revises requirements concerning professional liability insurance for essential medical specialties. This bill revises requirements concerning information to be gathered and reports to be provided by the Commissioner concerning medical malpractice insurance. This bill replace various references to insurance agents, brokers and solicitors, which are undefined terms, with the term “producer of insurance,” which is defined as “a person required to be licensed under the laws of this state to sell, solicit or negotiate insurance.” This bill requires an insurer to which the Commissioner has issued a certificate of authority to notify the Commissioner of material changes to the information provided by the insurer to the Commissioner in the insurer’s application for a certificate of authority. This bill authorizes a life insurer or multiple lines insurer to issue life or health insurance policies under its own name and under additional titles. Existing law requires an authorized insurer annually to file with the Commissioner a full and true statement of the insurer’s financial condition, transactions and affairs as of the previous December 31 and makes confidential certain information submitted to the Division of Insurance of the Department of Business and Industry. This bill expands the confidentiality provision to include all work papers, documents and materials prepared for the purpose of submitting the statement or by or on behalf of the Division. It also authorizes the insurer to file, as an exhibit separate from the annual statement, specified disclosures of compensation paid to or on behalf of an insurer’s officers, directors or employees and makes such information confidential. This bill expands the applicability of the monetary penalty required to be imposed for a delay by an insurer in properly filing an annual statement. This bill narrows the definition of the term “managing general agent” to include the management of an underwriting office. This bill removes the willfulness requirement from one of the grounds for which the Commissioner may suspend or revoke the certificate of registration of an administrator and replaces it with a knowingly requirement. This bill revises the duties of an insurer with regard to the use of information in a consumer credit report. This bill authorizes the Commissioner to adopt regulations governing certain arrangements for reinsurance, including, without limitation, the amounts and forms of security which must be held pursuant to those arrangements. This bill provides for the automatic suspension of the license of a motor vehicle physical damage appraiser if the appraiser does not file a replacement bond for a required surety bond in the event of the cancellation of the required surety bond. This bill revises provisions governing the cancellation, nonrenewal or increase in

premiums for renewal of a policy of motor vehicle insurance as the result of the filing of certain claims. This bill defines the term “large-deductible agreement” as certain agreements in which the policyholder must bear the risk of loss of a specified amount of \$25,000 or more per claim or occurrence covered under the policy of industrial insurance. This bill requires full collateralization of the outstanding obligations owed under a large-deductible agreement and limits the size of the policyholder’s obligations under the large-deductible agreement. This bill generally prohibits an insurer from issuing or renewing a policy of industrial insurance which includes a large-deductible agreement if the insurer is in a hazardous financial condition. This bill limits the applicability to policies of industrial insurance with large-deductible agreements which are issued by insurers with both ratings below specified levels and surpluses below specified amounts. This bill further specifies that it only applies to policies of industrial insurance issued or renewed on or after January 1, 2018, and which are not issued to a governmental entity. This bill revises the definition of the term “tangible net worth” in relation to industrial insurance, specifically self-insured employers and associations of self-insured employers. Existing law provides for the Commissioner to consider each proposed increase or decrease in the rates of various kinds and lines of insurance. This bill creates new procedures for the Commissioner to consider each proposed increase or decrease in the rates of health plans for individual health insurance, group and blanket health insurance, health insurance for small employers, nonprofit corporations for hospital, medical and dental services, health maintenance organizations, plans for dental care and prepaid limited health service organizations. This bill clarifies that the existing procedures for considering a proposed increase or decrease do not apply to the insurers subject to the provisions of some sections. This bill revises existing provisions relating to health benefit plans by specifying that the group market and small group market being considered in these provisions must be the “small employer” group market. This bill establish provisions governing network plans. This bill defines a network plan as a health benefit plan offered or issued by a health carrier under which the financing and delivery of health care services are provided, in whole or in part, through a defined set of providers of health care under contract with the health carrier. This bill defines other terms for the regulation of network plans. It requires a health carrier to comply with and ensure that network plans and related contracts comply with specific sections and requires a health carrier to provide for notice to providers of health care concerning: (1) covered services; (2) the health carrier’s policies and programs; (3) the providers’ obligations to collect payments; (4) determinations of coverage; and (5) the inclusion of and status of a participating provider in the network plan. It requires a contract between a provider of health care and a health carrier to contain provisions which: (1) prohibit the provider from collecting excess amounts from covered persons; (2) require the continuation of health care services in the event of cessation of the operations of the health carrier; (3) require that written notice be provided to a participating provider of health care in certain circumstances; (4) require the provider to make health care records available under certain circumstances; and (5) prohibit the assignment or delegation of rights under the contract. It provides that specified provisions in a contract between a provider of health care and a health carrier must be construed in favor of the covered person. This bill prohibits a health carrier from offering inducement to a provider of health care to provide health care services which are less than medically necessary. This bill requires that a health carrier allow a provider of health care to discuss all treatment options with a covered person and advocate for the covered person. This bill governs the furnishing of covered services to all covered persons. This bill prohibits a health carrier from penalizing a provider of health care who reports to state or federal authorities certain practices of the health carrier. This bill requires a health carrier to establish procedures for dispute resolution between a provider of health care and the health carrier. This bill prohibits a contract between a provider of health care and a health carrier from containing any provision which conflicts with the network plan or with any provisions in this bill. This bill authorizes the Commissioner to adopt regulations to carry out sections in this bill. This bill provides for the automatic suspension of the certificate of authority of a seller of prepaid contracts for funeral services if the seller does not file a replacement bond for a required surety bond in the event of the cancellation of the required surety bond. This bill similarly provides for the automatic suspension of the permit of a seller of prepaid contracts for burial services if the seller does not file a replacement bond for a required surety bond in the event of the cancellation of the required surety bond. This bill provides, with certain exceptions, that unified rate review templates and rate filing documentation of individual carriers are considered proprietary, constitute a trade secret and are not subject to disclosure by the Commissioner. This bill removes the notice requirement regarding the discontinuance of a product: (1) of a health benefit plan; (2) of group health insurance; (3) offered to small employers; and (4) offered to small employers or purchasers through a voluntary purchasing group. This bill removes the requirement that certain policies of group health insurance, health benefit plans and group contracts for hospital, medical or dental services include a provision regarding the point at which an insured’s payment of coinsurance for a provider of health care who is not preferred is no longer required to be paid. This bill deletes provisions governing the determination of whether an employer is small or large, and the applicability of

other provisions after an employer is deemed large. This bill revise provisions relating to service contracts which are contracts pursuant to which a provider is obligated to the purchaser of the service contract to repair, replace or perform maintenance on, or indemnify or reimburse the purchaser for the costs of repairing, replacing or performing maintenance on, goods that are described in the service contract. This bill sets forth the qualifications of a controlling person for the purposes of determining the controlling person of a provider of service contracts. This bill adds to the requirements for a provider to apply for and obtain a certificate of registration to issue, sell or offer for sale service contracts, including providing certain personal and criminal history information about the controlling persons of the provider and verifying that the information in the application for a certificate of registration is accurate to the best of his or her knowledge. This bill prohibits a provider from transferring its liability under a service contract except under specified conditions, including, without limitation, obtaining the approval of the Commissioner. This bill revises the requirements governing the financial security which must be maintained by a provider, including, without limitation, expanded requirements concerning a reserve account. This bill revises provisions which govern the notice required by a provider which ceases to do business in this State. This bill deletes a requirement that the Commissioner is required to adopt regulations relating to reasonable rates for credit personal property insurance. However, this bill retains express authority for the Commissioner to adopt regulations concerning rates for credit personal property insurance an insurer may use without making certain filings. This bill deletes a requirement that the Commissioner is required to adopt regulations relating to a refund of unearned premiums for credit personal property insurance. This bill requires nonprofit corporations for hospital, medical or dental service and health maintenance organizations to contract with an insurance company to provide insurance, indemnity or reimbursement against the cost of services provided and sets forth requirements relating to the payment of claims made to insureds or enrollees, as applicable, in the case of the insolvency or impairment of such corporation or organization. Existing law sets forth provisions regarding the insolvency of nonprofit corporation for hospital, medical or dental service. This bill expands the requirements for determinations concerning the insolvency of such a corporation, adds provisions concerning the impairment of such a corporation and authorizes the Commissioner to adopt regulations concerning a determination that such a corporation is in a hazardous financial condition. This bill establishes similar provisions for health maintenance organizations, organizations for dental care and prepaid limited health service organizations. Existing law clarifies that nonprofit hospital and medical or dental service corporations, health maintenance organizations, organizations for dental care and prepaid limited health service organizations are subject to certain other provisions of existing law. This bill revise such provisions to include additional requirements for applicability. This bill requires each health maintenance organization to develop, submit to the Commissioner and put into effect a plan to provide for the continuation of benefits to enrollees in the event of the insolvency or impairment of the health maintenance organization. This bill authorizes the Commissioner to take certain actions regarding the operation of a health maintenance organization if the Commissioner determines that, because of the financial condition of the health maintenance organization, the continued operation of the health maintenance organization may be hazardous to its enrollees or creditors or to the general public. This bill addresses the conservation, rehabilitation and liquidation of health maintenance organizations. This bill revises provisions governing examinations of health maintenance organizations by the Commissioner or an examiner designated by the Commissioner. This bill requires an organization for dental care to maintain a capital account with a minimum net worth of not less than \$500,000 unless a different amount is authorized by the Commissioner. This bill revise requirements for organizations for dental care and prepaid limited health service organizations to maintain surety bonds or deposits by increasing the amount of such bonds or deposits from \$250,000 to \$500,000 and authorizing the Commissioner to increase the amount of such bonds or deposits under certain circumstances. This bill also increases the minimum net worth a prepaid limited health service organization must maintain in a capital account from \$200,000 to \$500,000. Existing law requires a managed care organization to report annually to the Commissioner regarding its methods for reviewing the quality of health care services provided to its insureds. This bill changes the timeline for submitting such a report and requires that the report be submitted on a form prescribed by the Commissioner. This bill remove the State Board of Health from the



provisions governing systems for resolving complaints of insureds. This bill repeals: (1) the requirement for certain insurers and the Commissioner to submit annual reports addressing loss prevention and control programs; (2) the requirement for certain insurers to make certain disclosures; and (3) the requirement for a prepaid limited health service organization to contract with an insurance company for certain purposes. Some sections of this bill make conforming changes.

*Effective: June 5, 2017, July 1, 2017, and January 1, 2018*

*Amends: [New Chapter Title 57](#), [NRS 679B.144](#), [679B.240](#), [new section in NRS Chapter 680A](#), [NRS 680A.095](#), [680A.240](#), [680A.270](#), [680A.280](#), [680B.020](#), [new section in NRS Chapter 681A](#), [NRS 681A.140](#), [683A.060](#), [683A.0892](#), [683A.301](#), [683C.020](#), [684B.030](#), [685A.150](#), [686A.290](#), [686A.350](#), [686A.420](#), [686A.680](#), [NRS Chapter 686B](#), [NRS 686B.010](#), [686B.020](#), [686B.030](#), [686B.040](#), [686B.110](#), [686B.115](#), [686B.1751](#), [686B.1763](#), [686B.1789](#), [686B.1793](#), [NRS Chapter 687B](#), [687B.385](#), [687B.470](#), [687B.490](#), [687B.500](#), [689.185](#), [689.495](#), [new section in NRS Chapter 689A](#), [NRS 689A.020](#), [689A.04033](#), [689A.0427](#), [689A.470](#), [689A.615](#), [689A.630](#), [689A.700](#), [689A.715](#), [689A.725](#), [689A.740](#), [689A.745](#), [689A.750](#), [689B.0285](#), [689B.029](#), [689B.0306](#), [689B.0357](#), [689B.061](#), [689B.560](#), [689C.111](#), [689C.310](#), [689C.350](#), [689C.470](#), [689C.520](#), [690B.200](#), [690B.250](#), [690B.260](#), [690B.350](#), [690B.360](#), [NRS Chapter 690C](#), [690C.010](#), [690C.100](#), [690C.160](#), [690C.170](#), [690C.240](#), [691C.340](#), [691C.390](#), [new section in NRS Chapter 695B](#), [NRS 695B.150](#), [695B.185](#), [695B.1903](#), [695B.1927](#), [695B.290](#), [695B.320](#), [695B.380](#), [695B.390](#), [NRS Chapter 695C](#), [695C.055](#), [695C.080](#), [695C.310](#), [695C.330](#), [NRS Chapter 695D](#), [695D.095](#), [695D.170](#), [new section in NRS Chapter 695F](#), [695F.090](#), [695F.200](#), [695G.130](#), [695G.200](#), [695G.220](#), [239.010](#), [266.355](#), [269.170](#), and [616A.330](#)*

*Repeals: [NRS 680A.290](#), [689A.390](#), [689A.400](#), [689A.690](#), [689B.027](#), [689B.028](#), [689C.270](#), [689C.280](#), [689C.330](#), [689C.440](#), [689C.450](#), [690B.370](#), [695B.172](#), [695B.174](#), and [695F.215](#)*

**[AB381](#)** – Under existing law, policies of health insurance may provide coverage for prescription drugs. Prescription drugs which are covered by a policy of health insurance are organized into a formulary, which is an official list of the prescription drugs, and that formulary may be subcategorized based upon the cost to the insured person to purchase the prescription drug under the policy of health insurance. These subcategories are referred to as tiers. If a particular prescription drug is moved by the insurer from a lower cost tier to a higher cost tier, the insured person purchasing the prescription drug will need to pay more to purchase the prescription drug after the prescription drug is moved to the higher cost tier. This bill prohibits certain insurers from moving a prescription drug from a lower cost tier to a higher cost tier under certain policies of health insurance issued to an individual or a small employer, except on specified dates or when an applicable generic drug is added to the formulary under specified circumstances. This bill does not prevent such an insurer from: (1) moving a prescription drug from a higher cost tier to a lower cost tier; (2) removing a prescription drug from a formulary; or (3) adding a prescription drug to a formulary. Further, it does not limit the conditions under which a pharmacist is otherwise authorized or required to substitute: (1) a generic drug for a drug prescribed by brand name; or (2) an interchangeable biological product for a biological product prescribed by brand name.

*Effective: January 1, 2019*

*Amends: [New section in NRS Chapter 687B](#)*

**[AB458](#)** – This bill specifies that a physician or chiropractor may use interchangeably certain phrases that relate to a claim for compensation when determining the causation of an industrial injury or occupational disease. Existing law authorizes a hearing officer or appeals officer to order an independent medical examination if such an examination is necessary to resolve a medical question concerning an injured employee's condition or to determine the necessity of treatment for which authorization for payment has been denied. In such situations, an injured employee may choose any physician or chiropractor, whether or not the physician or chiropractor is on the insurer's panel of providers of health care. This bill sets forth that an injured employee is entitled to an independent medical examination for a claim for compensation that is open or when the closure of a claim is under dispute. This bill further authorizes the injured employee to obtain an independent medical examination: (1) when a dispute arises from a determination issued by the insurer; (2) within 30 days after the injured employee receives a certain report generated by a medical examination; or (3) by leave of a hearing officer or appeals officer. This bill additionally requires an injured employee to select a physician or chiropractor from the panel of physicians or chiropractors established by the Administrator of the Division of Industrial Relations of the Department of Business and Industry. This bill further requires the insurer to: (1) pay for an independent medical examination; and (2) upon request, receive a copy of any report or other document that is generated as a result of the independent medical examination.

This bill additionally allows the injured employee to obtain only one independent medical examination per calendar year. Existing law provides that the primary obligation of a vocational rehabilitation counselor is to the injured employee. Existing law authorizes an insurer or injured employee to request a vocational rehabilitation counselor to prepare a written assessment of the injured employee. Existing law requires the vocational rehabilitation counselor to develop a plan for a program of vocational rehabilitation for each eligible injured employee. This bill provides for a vocational rehabilitation counselor to be appointed by the insurer and injured employee when a written assessment is requested or when a plan for a program of vocational rehabilitation is required. Existing law requires, where there is a previous disability, the percentage of disability for a subsequent injury to be determined by deducting from the entire disability of the person the percentage of previous disability as it existed at the time of the subsequent injury. The Division of Industrial Relations of the Department of Business and Industry previously implemented a regulation that required an apportionment to be made by subtracting the percentage of previous disability as it existed at the time of the previous disability from the percentage of present disability as it existed at the time of the present disability. The Nevada Supreme Court in *Pub. Agency Comp. Trust v. Blake*, 127 Nev. 863 (2011), found this regulation to be invalid since it was in conflict with the existing statute. This bill incorporates the substance of the regulation at issue into existing law. Existing law authorizes an insurer, after sending notice to the claimant, to close a claim if, during the first 12 months after a claim is opened, the medical benefits required to be paid for the claim are less than \$300. Existing law further requires an insurer to send to a claimant who receives less than \$300 in medical benefits within 6 months after the claim is opened a written notice that explains how the claim may be closed if, during the first 12 months after the claim is opened, the medical benefits required to be paid for the claim are less than \$300. This bill increases the amount of medical benefits required to be paid for the claim from \$300 to \$800. Existing law sets forth that if an employee's claim is reopened, the employee is not entitled to vocational rehabilitation services or benefits for a temporary total disability if, before the claim was reopened, the employee retired for reasons unrelated to the injury for which the claim was originally made. This bill defines the term "retired" for the purposes of these existing provisions. Existing law authorizes an award for a permanent partial disability to be paid in a lump sum. Existing law further provides how a lump sum amount is to be calculated and requires the tables used in this calculation to be reviewed annually by a consulting actuary. This bill specifies the maximum amount of a lump sum that a person injured on or after July 1, 1995, and before January 1, 2016, on or after January 1, 2016, and before July 1, 2017, and on or after July 1, 2017, may elect to receive as his or her compensation. This bill additionally requires the tables used to calculate the lump sum to be adjusted on July 1 of each year.

***Effective: July 1, 2017***

***Amends: [NRS Chapter 616C](#), [NRS 616C.235](#), [616C.390](#), [616C.490](#), and [616C.495](#)***

**[SB502](#)** – Existing law creates the Board of the Public Employees' Benefits Program. Existing law requires the Board to establish and carry out the Public Employees' Benefits Program, which: (1) is required to include a program relating to group life, accident or health insurance, or any combination thereof, for the benefit of state officers and employees and other participants; and (2) is authorized to include certain other plans and programs for the benefit of such persons. Existing law additionally requires the Board to employ an Executive Officer and authorizes the Board to delegate any of its powers, duties or functions to the Executive Officer. Existing law also establishes the Public Employees' Deferred Compensation Program for state employees, which is administered by the Committee to administer the Program. This bill makes the Public Employees' Deferred Compensation Program part of the Department of Administration. This bill requires the Director of the Department of Administration to appoint, with the concurrence of the Governor and the Committee to Administer the Public Employees' Deferred Compensation Program, the Executive Officer of the Public Employees' Deferred Compensation Program and provides that the Executive Officer is in the unclassified service of the state and serves at the pleasure of the Director, except that he or she may be removed by a majority vote of the Committee. This bill authorizes the Executive Officer of the Public Employees' Deferred Compensation Program to hire or contract with employees and consultants as necessary. This bill authorizes the Committee to delegate certain administrative duties for the Public Employees' Deferred Compensation Program to the Executive Officer. This bill changes the composition of the Board of the Public Employees' Benefits Program and removes the requirement that the Governor provide certain notice upon removing an appointed member of the Board. This bill changes the composition of the Committee to Administer the Public Employees' Deferred Compensation Program. Existing law contains special provisions relating to the award of certain state contracts for the Public Employees' Benefits Program, pursuant to which the Board for the Program considers recommendations for the award of such a contract but has final authority to make the award. This bill eliminates those provisions, with the result that such contracts are to be awarded in the same

manner as provided generally for all agencies in the Executive Department of the State Government. This bill provides that the Public Employees' Deferred Compensation Program and the Public Employees' Benefits Program are subject to existing law governing state procurement and authorizes the Board or Committee, as applicable, to review any evaluation of proposals for a contract in a closed meeting. This bill also provides that, if members of the Board or Committee, as applicable, are appointed to a committee to evaluate proposed contracts for their respective Programs, the meeting of such an evaluation committee is exempt from the Open Meeting Law to the extent of the review of the proposals. This bill prohibits the members of the Board and members of the Committee from taking action or deliberating on the business of their respective public body during a meeting of such an evaluation committee. This bill requires the Director of the Department of Administration to appoint a Quality Control Officer of the Public Employees' Benefits Program. This bill eliminates the requirement that the Executive Officer and the Board of the Public Employees' Benefits Program complete certain continuing education requirements relating to the administration of group benefits for public employees.

***Effective: June 1, 2017 and July 1, 2017***

***Amends: [NRS 232.213](#), [232.215](#), [232.2165](#), [232.219](#), [241.016](#), [NRS Chapter 287](#), [NRS 287.041](#), [287.0426](#), [287.04345](#), [287.250](#), [287.260](#), [287.310](#), [287.320](#), [287.325](#), [287.330](#), [287.370](#), and [333.335](#)***

***Repeals: [NRS 287.0428](#)***

### COMMISSION ON JUDICIAL DISCIPLINE

#### AB28 – Judicial Discipline

- This bill authorizes the Commission on Judicial Discipline to order a justice of the peace or municipal court judge to forfeit his or her office if he or she fails to comply with the mandatory education requirements in NRS 4.036 or NRS 5.026.
- The bill requires the Commission give the judge 30 days notice and an opportunity to respond. The Commission must hold a public hearing before ordering office forfeiture.



**AB28** – Existing law authorizes the Commission on Judicial Discipline to discipline a judge under certain circumstances. Existing law also requires a newly elected or appointed justice of the peace or municipal judge to attend certain mandatory instruction unless he or she secures a written order excusing his or her attendance from a judge of the district court of the county where the justice or the judge serves and files this order with the Court Administrator. If a newly elected or appointed justice of the peace or municipal judge fails to attend the required instruction or fails to secure and properly file a written order excusing his or her attendance, he or she is required to forfeit his or her office. This bill authorizes the Commission to order a justice of the peace or municipal judge to forfeit his or her office if he or she fails to attend the required instruction without a reasonable excuse. This bill requires the Commission to give a justice of the peace or a municipal judge 30 days' notice and an opportunity to respond and to hold a public hearing before the Commission orders the justice of the peace or municipal judge to forfeit his or her office.

*Effective: May 23, 2017*

*Amends: [New section in NRS Chapter 1](#), [NRS 1.425](#), [1.465](#), [1.4653](#), [1.4656](#), [1.4687](#), [4.036](#), and [5.026](#)*

### COURT RECORDS/RECORDINGS

**AB26** – Existing law establishes within the Central Repository for Nevada Records of Criminal History a service to conduct a name-based search of records of criminal history of an employee, prospective employee, volunteer or prospective volunteer. This bill authorizes an employment screening service which has entered into a contract with the Central Repository to inquire about, obtain and provide those records of criminal history to the employer or volunteer organization if the service maintains records of its dissemination of the records of criminal history. This bill also removes the limitation that only allowed employers in this state to use the services so that out of state employers also have access.

*Effective: May 26, 2017*

*Amends: [NRS 179A.103](#)*

## AB76 – Criminal History Repository

- This bill includes biometric identifiers in the definition of record of criminal history. Biometric identifiers include finger and palm prints, scars, marks, tattoos, voiceprints, facial images, and retinal or iris scans.
- This bill requires juvenile justice records to be submitted to the repository in compliance with FBI policies and procedures.
- It includes reporters and county coroners in the list of persons to whom records of criminal history must be disseminated upon request.
- It makes other administrative changes regarding the Repository.



**AB76** – Existing law establishes the Central Repository for Nevada Records of Criminal History for the collection and maintenance of certain information relating to records of criminal history. Under existing law, the General Services Division of the Department of Public Safety is authorized to request of and receive from the Federal Bureau of Investigation the background and personal history of a person by submitting to the Federal Bureau of Investigation a complete set of fingerprints of the person which was received by the Central Repository. This bill revises the definition of the term “record of criminal history” to include “biometric identifiers,” which is defined in this bill as a fingerprint, palm print, scar, bodily mark, tattoo, voiceprint, facial image, retina image or iris image of a person. Existing law requires each agency of criminal justice and any other agency dealing with crime or delinquency of children to collect, maintain and submit certain information to the Central Repository. This bill eliminates those duties as they pertain to agencies dealing with delinquency of children and establishes certain reporting requirements for compliance with the policies, procedures and definitions prescribed by the Federal Bureau of Investigation for the submission of information to the Uniform Crime Reporting Program. Existing law sets forth a list of persons and governmental entities to whom records of criminal history must be disseminated by an agency of criminal justice upon request. This bill adds to that list: (1) a reporter or editorial employee who is employed or affiliated with a newspaper, press association or commercially operated, federally licensed radio or television station, under certain circumstances; and (2) a county coroner or medical examiner, as needed to conduct an investigation of the death of a person. Existing law prohibits the Central Repository from charging a fee for information relating to records of criminal history relating to a person regarding whom the Central Repository provided a similar report within the immediately preceding 6 months in conjunction with an application by the person for professional licensure. This bill reduces the period in which the fee may not be charged to 90 days. Existing law establishes the Revolving Account to Investigate the Background of Volunteers Who Work With Children. Money in the Account is to be used to pay the costs to process requests from nonprofit agencies to determine whether a volunteer or prospective volunteer of such an agency who works, or will work, directly with children has committed certain offenses. This bill: (1) clarifies that the Central Repository processes requests from the agencies for information on the background of such volunteers; and (2) changes the name of the Account to the Revolving Account to Process Requests for Information on the Background of Volunteers Who Work With Children. Existing law establishes the Repository for Information Concerning Crimes Against Older Persons within



the Central Repository. This bill revises the information which must be included within the record of the Repository for Information Concerning Crimes Against Older Persons. Existing law governs the dissemination of information relating to certain offenses as that information relates to persons who work with children. This bill repeals those provisions, as provisions governing dissemination of that information are included in federal laws and regulations.

**Effective: January 1, 2018**

**Amends:** [NRS 179.301](#), [new section in NRS Chapter 179A](#), [NRS 179A.010](#), [179A.070](#), [179A.075](#), [179A.078](#), [179A.080](#), [179A.100](#), [179A.110](#), [179A.140](#), [179A.150](#), [179A.310](#), [179A.315](#), [179A.450](#), [179B.250](#), [41.100](#), [239.010](#), [391.033](#), and [391.035](#)

**Repeals:** [NRS 179A.105](#), [179A.180](#), [179A.190](#), [179A.200](#), [179A.210](#), [179A.220](#), [179A.230](#), and [179A.240](#)

## AB107 – Eviction Records

- This bill 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) if a landlord fails to file an affidavit of complaint within 30 days after a tenant files an affidavit to contest the matter.
- This bill 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.



**AB107** – This bill 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) if a landlord fails to file an affidavit of complaint within 30 days after a tenant files an affidavit to contest the matter. This bill 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.

**Effective: October 1, 2017**

**Amends:** [New section in NRS Chapter 40](#) and [NRS 40.215](#)

**AB169** – Under existing law, certain documents submitted to a county recorder must meet certain formatting requirements and the county recorder is authorized to charge and collect a fee for documents which do not meet those formatting requirements. This bill provides that a county recorder has the discretion to accept and record a document that does not meet formatting requirements. This bill removes the fee charged for documents which do not comply with the formatting requirements. Existing law requires the county recorder to charge and collect certain other fees for recording a document, including fees based on the number of pages in the document, certain indexing fees and an additional fee. This bill revises the fees collected for recording certain documents and eliminates the additional fee for recording documents that are more than one page. This bill also increases the additional fee

collected for recording certain documents from \$3 to \$5. Existing law requires the county recorder to charge certain fees for recording certain documents relating to a mining claim. This bill provides that the fee for recording a notice or certificate of location of a mining claim, or an amended notice or certificate of the location of a mining claim is \$10 and eliminates the additional fee for recording such documents that are more than one page.

*Effective: October 1, 2017*

*Amends: [NRS 247.110](#), [247.305](#), and [247.310](#)*

## AB243 – Victims of Sex Trafficking Records

- This bill allows, and provides a procedure for, a victim of sex trafficking who was convicted of trespassing, prostitution or solicitation, or loitering for purposes of prostitution to petition the court to vacate the conviction and seal all documents pertaining to the case.
- The court must notify the Repository, AG, each DA, and each law enforcement agency in the State of such a petition and afford each an opportunity to testify at a hearing.



**[AB243](#)** – Existing law allows a court to grant a motion to vacate a judgment if the defendant was convicted of certain offenses and the defendant’s participation in the offense was the result of having been a victim of sex trafficking or involuntary servitude. Existing law also establishes a process for sealing certain records of criminal proceedings. With certain limited exceptions, if the court orders a person’s record of criminal history sealed, all proceedings recounted in the record are deemed never to have occurred. This bill authorizes a person convicted of certain offenses who was a victim of sex trafficking or involuntary servitude to petition the court to vacate the judgment and seal all documents relating to the case. This bill generally sets forth the procedure established in existing law for the vacating of a judgment of conviction of such a person, but additionally requires the court to 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 to allow any person to testify and present evidence on behalf of such an entity before the court decides whether to grant a petition. This bill also authorizes a court to enter an order to vacate a judgment of conviction if the petitioner satisfies all requirements necessary for the judgment to be vacated but the petition is deficient with respect to the sealing of the petitioner’s record. This bill 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 make conforming changes.

*Effective: October 1, 2017*

*Amends: [NRS 176.515](#), [new section in NRS Chapter 179](#), [NRS 179.241](#), [179.245](#), [179.275](#), [179.285](#), and [179.295](#)*

# AB327 – Application to Seal Record

- This bill authorizes a dishonorably discharged parolee to petition the court to seal his or her records related to the conviction if he or she otherwise qualifies for sealing.
- It reduces the waiting the periods before a person can petition for sealing:
  - Cat. A felony, violent crime, or residential burglary – 10 years;
  - Cat. B, C, or D felony – 5 years;
  - Cat. E felony or gross misdemeanor – 2 years;
  - Battery (non-DV), harassment, stalking, or PO violation misdemeanors – 2 years; and
  - All other misdemeanors – 1 year.
- This bill eliminates the requirement that the petitioner provide verified copies of his or her records from the Repository and other criminal justice agencies with his or her petition to seal records.
- It provides that if the prosecutor stipulates to sealing a record, and the court makes the existing statutory findings, the record may be sealed without a hearing.
- A graduate of re-entry program can petition for sealing after 4 years.
- It creates a rebuttable presumption that a record should be sealed if the person satisfies the statutory requirements. It does not apply to persons who are dishonorably discharged from probation.
- This bill allows a person to make one petition to the district court to seal multiple records that would otherwise require petitions to multiple courts. It also authorizes the district court to order the sealing of records in justice and municipal courts.



**AB327** – Existing law authorizes a person who is granted an honorable discharge from probation to apply to the court for the sealing of records relating to the conviction. Existing law also provides that a person who is given a dishonorable discharge from probation is not entitled to such a privilege. This bill authorizes a person who is given a dishonorable discharge from probation to apply to the court for the sealing of records relating to the conviction if he or she is otherwise eligible to have the records sealed. Existing law authorizes a person who was convicted of certain offenses or who was arrested for alleged criminal conduct but the charges against the person were dismissed, the prosecuting attorney declined prosecution of the charges or the person was acquitted of the charges to petition the court in which the person was convicted or in which the charges were dismissed or declined for prosecution or the acquittal was entered for the sealing of all records relating to the conviction or the arrest and proceedings leading to the dismissal, declination or acquittal, as applicable. Existing law also: (1) generally requires a person to wait a specified number of years, depending on the offense, until he or she may petition the court for the sealing of such records; and (2) requires a petition to be accompanied by the person’s current, verified records received from the Central Repository for Nevada Records of Criminal History and all agencies of criminal justice which maintain such records within the city or county in which the petitioner appeared in court. This bill: (1) reduce the length of certain periods that a person is required to wait before petitioning a court for the sealing of records; and (2) remove the requirement that a petition be accompanied by the petitioner’s current, verified records received from local agencies of criminal justice. This bill also provide that if the prosecuting attorney stipulates to the sealing of the records and the court makes certain findings, the court is authorized to order the records sealed without a hearing. Existing law also authorizes the sealing of the records of a person who completes a correctional or judicial program for reentry into the community 5 years after the completion of the program. This bill reduces such a period to 4 years. This bill provides that upon the filing of a petition for the sealing of records, there is a rebuttable presumption that the records should be sealed if the applicant satisfies all statutory requirements for the sealing of the records. This bill also provides that such a presumption does not apply to a defendant who is given a dishonorable discharge from probation and applies to the court for the sealing of records relating to the conviction. This bill 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. This bill also authorizes the district court to order the sealing of any records in the justice or municipal courts in certain circumstances.

***Effective: October 1, 2017***

***Amends: [NRS 176A.870](#), [NRS Chapter 179](#), [NRS 179.241](#), [179.245](#), [179.255](#), [179.259](#), [179.275](#), [179.285](#), [179.295](#), and [179A.030](#)***

## SB125 – Record Sealing

- This bill reduces the waiting period before a person can petition the court to seal his or her criminal records:
  - Cat. A felony, violent crime, or residential burglary – 10 years;
  - Cat. B, C, or D felony – 5 years;
  - Cat. E felony or gross misdemeanor – 2 years;
  - Battery (non-DV) , harassment, stalking, or PO violation misdemeanors – 2 years; and
  - All other misdemeanors – 1 year.



**SB125** – Existing law authorizes a person to petition the court in certain circumstances for the sealing of all records of criminal history relating to a conviction of a crime. This bill revises the waiting period for a person convicted of certain crimes before being authorized to petition the court for sealing of his or her records of criminal history relating to the conviction.

*Effective: October 1, 2017*

*Amends: [NRS 179.245](#)*

**SB398** – Existing law gives legal recognition to electronic records, signatures and contracts that comply with certain requirements and allows an electronic record or signature to satisfy a requirement for a written record or signature in certain circumstances. This bill defines the term “blockchain,” and this bill includes blockchain within the definition of electronic record for similar purposes. This bill prohibit a local government from: (1) imposing a tax or fee on the use of a blockchain; (2) requiring a certificate, license or permit to use a blockchain; and (3) imposing any other requirement relating to the use of a blockchain.

*Effective: June 5, 2017*

*Amends: [New section in NRS Chapter 719](#), [NRS 719.020](#), [719.090](#), [new section in NRS Chapter 244](#), [NRS 244.335](#), [new section in NRS Chapter 268](#), and [NRS 268.095](#)*

## **COURT REPORTERS**

**SB406** – Existing law provides that willfully altering a transcript of stenographic notes taken at any proceedings is a grounds for disciplinary action against a court reporter or court reporting firm. This bill further prohibits, with limited exceptions, a court reporter or a court reporting firm from altering the record of a proceeding after the transcript of the proceeding has been certified. This bill requires licensed court reporting firms to comply with certain existing laws which apply to certified court reporters. Existing law prohibits any person from putting out a sign or card or other device which indicates to members of the public that the person is entitled to engage in the practice of court reporting or conduct business as a court reporting firm. This bill prohibits the use of any identifying term by a natural person or business entity that may indicate to the public that the natural person or business entity is entitled to: (1) practice as a court reporter; or (2) conduct business as a court reporting firm. Existing law requires an applicant for a certificate of registration as a court reporter to pass an examination administered by the Certified Court Reporters’ Board of Nevada that includes a practical demonstration portion. This bill: (1) eliminates the requirement for that portion of the examination and instead require such an applicant to receive a passing grade on

one of two enumerated national examinations; (2) revise the requirements for admission to the examination administered by the Board; and (3) revise the qualifications of an applicant for a certificate of registration as a certified court reporter. Existing law authorizes the Attorney General of the State of Nevada, the district attorney of any county in the State or any resident to maintain an action in the name of the State of Nevada to enjoin any person from unlawfully engaging in the practice of court reporting or unlawfully conducting business as a court reporting firm without first obtaining a certificate or license or with a suspended or revoked certificate or license. This bill instead authorizes the Board to impose administrative fines against, issue citations to, and issue and serve orders to cease and desist on natural persons who and business entities that engage in such unlicensed practices or conduct. Existing law provides that a person who violates any law or regulation governing court reporters and court reporting firms is subject to a civil penalty of not more than \$5,000 for each violation. This bill removes that provision and instead authorizes the Board, after notice and hearing, to impose upon a natural person or business entity who violates any law or regulation governing certified court reporters and court reporting firms an administrative fine of not more than \$5,000 for each violation for which the administrative fine is imposed.

*Effective: June 4, 2017 for the purpose of adopting regulations or performing any preparatory administrative tasks that are necessary to carry out the provisions of this act; and on January 1, 2018, for all other purposes.*

*Amends: [NRS Chapter 656](#), [NRS 656.010](#), [656.030](#), [656.050](#), [656.105](#), [656.140](#), [656.145](#), [656.150](#), [656.160](#), [656.170](#), [656.180](#), [656.185](#), [656.186](#), [656.200](#), [656.205](#), [656.240](#), [656.250](#), [656.253](#), [656.255](#), [656.257](#), [656.260](#), [656.270](#), [656.280](#), [656.290](#), [656.300](#), [656.310](#), [656.315](#), [656.330](#), [656.335](#), and [656.360](#)*

## **COURT INTERPRETERS**

### AB63 - Court Interpreters

- This bill gives the State Court Administrator (AOC) the FBI required statutory authority to conduct a fingerprint background check (NCIC) on a potential court interpreter.



**AB63** – Existing law requires the Court Administrator to adopt regulations which, subject to the availability of funding, establish a program for the certification of court interpreters and procedures for the appointment of alternate court interpreters. This bill requires an applicant for a certificate as a court interpreter or appointment as an alternate court interpreter to submit to the Court Administrator with his or her application: (1) a complete set of his or her fingerprints; and (2) written permission authorizing the Court Administrator to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for its report on the criminal history of the applicant and for reports thereafter upon renewal, and for submission to the Federal Bureau of Investigation for its report on the criminal history of the applicant.

*Effective: May 23, 2017*

*Amends: [NRS 1.510](#)*



## AB125 – Court Interpreters

- This bill requires the State Court Administration to adopt regulations for the registration of court interpreter and governing when a court proceeding may continue when a certified or registered interpreter is no available.
- It requires a court interpreter to obtain a certificate or registration.
- It eliminates the statutory provisions relating to the appointment of alternate court interpreters.
- It replaces ‘person with a language barrier’ with ‘person with limited English proficiency’.



**AB125** – Existing law requires and authorizes the Court Administrator, in consultation with the committee established to advise the Court Administrator regarding adoption of regulations, to adopt various regulations relating to the: (1) certification of court interpreters; and (2) criteria and procedures for the appointment of alternate court interpreters for persons with language barriers who are witnesses, defendants and litigants. This bill requires the adoption of regulations: (1) providing for the registration of court interpreters; and (2) governing the circumstances under which a court or juvenile court must proceed if a certified or registered court interpreter is not available. This bill provides that a court interpreter is required to obtain a certificate or registration. This bill also removes the provisions relating to the appointment of alternate court interpreters. This bill replaces the term “person with a language barrier” with “person with limited English proficiency.”

***Effective: October 1, 2017***

***Amends: [NRS 1.510](#), [1.520](#), [1.540](#), [1.550](#), [1.560](#), [1.570](#), [47.020](#), [50.054](#), [50.0545](#), and [62D.405](#)***

### **MISCELLANEOUS**

**AB126** – Existing law creates the Advisory Committee on Housing to review and provide to the Director of the Department of Business and Industry and the Administrator of the Housing Division of that Department advice, recommendations and other commentary regarding the: (1) investment of money or issuance of obligations of the Division; (2) development of new programs or improvement of existing programs of the Division; (3) improvement of policies and procedures of the Division; and (4) administration of the Account for Low-Income Housing. Existing law creates the Subcommittee on Personal Assistance for Persons with Severe Functional Disabilities of the Nevada Commission on Services for Persons with Disabilities, which meets at the call of the Director of the Department of Health and Human Services, the Chair of the Commission, the Chair of the Subcommittee or a majority of the members of the Subcommittee. Existing law requires the Sunset Subcommittee of the Legislative Commission to review certain boards and commissions in this State to determine whether the board or commission should be terminated, modified, consolidated or continued. As recommended by the Sunset Subcommittee, this bill abolishes: (1) the Advisory Committee on Housing; and (2) the Subcommittee on Personal Assistance for Persons with Severe Functional Disabilities of the Nevada Commission on Services for Persons with Disabilities. This bill makes conforming changes.

***Effective: July 1, 2017***

***Amends: [NRS 426.721](#), [426.728](#), and [427A.1213](#)***

***Repeals: [NRS 319.173](#) and [426.731](#)***

## AB207 – Jury Statistics

- This bill requires each jury commissioner/clerk of the district court to collect the name, race, address, and occupation of each juror who appears for juror service.
- This information must be reported at least yearly to the AOC.
- It requires DETR to provide the courts (for a cost) with a list of people receiving benefits to be used in selecting jurors. Misuse of this data is a gross misdemeanor.



**AB207** – Under existing law, a district court is authorized to assign a jury commissioner to select trial jurors. Existing law provides that the jury commissioner assigned to select trial jurors is required to select jurors from qualified electors of the county not exempt from jury duty, whether registered as voters or not. Existing law further requires the Department of Motor Vehicles to provide a list of registered owners of motor vehicles and a list of licensed drivers for use in selecting jurors. Certain public utilities are also required to provide a list of customers for use in the selection of jurors. This bill requires the Administrator of the Employment Security Division of the Department of Employment, Training and Rehabilitation to provide a list of persons who receive benefits for use in jury selection. This bill revises the process for selecting trial jurors by requiring the jury commissioner to compile and maintain a list of qualified electors from information provided by: (1) a list of persons who are registered to vote in the county; (2) the Department of Motor Vehicles; (3) the Employment Security Division of the Department of Employment, Training and Rehabilitation; and (4) certain public utilities. This bill also requires the jury commissioner to: (1) keep a record of the name, occupation, address and race of each trial juror who is selected and of each trial juror who appears for jury service; and (2) report this information once a year to the Court Administrator. Existing law makes confidential the employment information collected by the Employment Security Division of the Department of Employment, Training and Rehabilitation and prohibits the release of such information except for limited purposes. This bill provides that if, in addition to those acts prohibited by existing law, certain persons use information collected by the Division for purposes other than those authorized by the Administrator or by law, or fail to protect and prevent the unauthorized use or dissemination of such information, the person is guilty of a gross misdemeanor.

*Effective: July 1, 2017*

*Amends: [NRS 6.045](#), [482.171](#), [483.225](#), and [612.265](#)*

**AB365** – Existing law authorizes the following persons to obtain a certificate of permission to perform marriages: (1) any licensed, ordained or appointed minister or other church or religious official authorized to solemnize a marriage; (2) certain notaries public; (3) a temporary replacement for a licensed, ordained or appointed minister or other church or religious official, after receiving a written authorization from the minister or other church or religious official and the county clerk; and (4) any chaplain who is assigned to duty in this State by the Armed Forces of the United States. Existing law also authorizes certain ministers or other church or religious officials or certain notaries public to perform not more than five marriages per year in the county upon receiving a separate written authorization from the county clerk for each marriage performed. This bill amends existing law to grant the same authorization and responsibilities for performing a marriage to marriage officiants as the statutes do for other authorized persons. This bill defines the term “marriage officiant” as a person, other than a minister, other church

or religious official authorized to solemnize a marriage or notary public, who obtains a certificate of permission to perform marriages. This bill prohibits a county clerk from authorizing a marriage officiant to solemnize a marriage unless the county clerk first establishes a course for marriage officiants. This bill authorizes a county clerk to establish a course for marriage officiants and requires an applicant who desires to be a marriage officiant to successfully complete the course. This bill authorizes a county clerk to charge a fee of not more than \$100 for the course to persons who desire to be a marriage officiant and requires any fees collected to be used only for establishing and maintaining such a course. This bill: (1) provides for the inclusion of marriage officiants who obtain or renew a certificate of permission to perform marriages in the statewide database of certain persons authorized to perform marriages which is maintained by the Secretary of State under existing law; (2) requires marriage officiants to comply with Nevada laws pertaining to persons who perform marriages; and (3) provides for the expiration and revocation of the certificate of permission to perform marriages issued to a marriage officiant. Existing law provides that a certificate of permission to perform marriages expires when: (1) a minister, other person who is authorized to solemnize a marriage or notary public, to whom the certificate has been issued, moves from the county in which his or certificate was issued; (2) a minister or other religious official's authority to solemnize marriages is removed; or (3) the expiration, cancellation, revocation or suspension of an appointment of a notary public. This bill provides that if a county clerk establishes a policy providing for the expiration of a certificate of permission to perform marriages, unless certain exceptions apply, any certificate of permission to perform marriages expires 5 years after the date the certificate was issued or renewed. This bill requires all applicants for renewal of a certificate to complete an application and pay to the county clerk a fee of \$25. This bill also authorizes a county clerk to revoke a certificate of permission to perform marriages if a minister, other church or religious official authorized to solemnize a marriage or marriage officiant fails to notify the county clerk within 30 days of changing his or her address. This bill authorizes a county clerk to establish a program to provide for a couple who renews their marriage vows to request a certificate of vow renewal from the county clerk. This bill sets forth the requirements for such a request as well as the requirements concerning the contents of such a certificate. Finally, this bill prohibits the use of a certificate of vow renewal to establish a record of marriage and exempts such a certificate from any requirement for the retention of records by the office of the county clerk. Existing law provides that a person is guilty of a misdemeanor if he or she performs a marriage and he or she knows that he or she is not lawfully authorized or knows of any legal impediment to the proposed marriage. This bill revises the penalty by providing that such an act is punishable by a civil penalty of not more than \$1,500. This bill also authorizes a board of county commissioners to enact an ordinance delegating to a hearing officer the authority to determine such violations and levy civil penalties for those violations. Under existing law, the county clerk may place an affidavit of application for a marriage license, a certificate of marriage license and a marriage license on a single form, on the reverse of which the county clerk must have printed or stamped instructions for obtaining a certified copy or certified abstract of the certificate of marriage. This bill requires the county clerk to include on the form certain language that the certificate is not a certified copy. Existing law also requires a person who solemnizes a marriage to give each couple being married a certificate of marriage. This bill clarifies that the certificate the couple receives from the person who solemnizes the marriage is an uncertified copy of a certificate of marriage. Existing law authorizes a board of county commissioners in a county whose population is 700,000 or more (currently Clark County) to adopt an ordinance imposing an additional fee of not more than \$14 for the issuance of a marriage license. If a board of county commissioners adopts such an ordinance: (1) the fee must be deposited in a special revenue fund designated as the fund for the promotion of marriage tourism; (2) money in the fund must be used by the county clerk to promote marriage tourism in the county; and (3) the county clerk is required to submit to the board of county commissioners a report of the projected expenditures of the money in the fund for the following fiscal year. This bill requires the county clerk to report to the board rather than submitting a report to the board of the projected expenditures of the money in the fund for the following fiscal year.

***Effective: July 1, 2017***

***Amends: [NRS Chapter 122](#), [NRS 122.001](#), [122.030](#), [122.050](#), [122.055](#), [122.062](#), [122.064](#), [122.066](#), [122.068](#), [122.071](#), [122.090](#), [122.110](#), [122.120](#), [122.220](#), [122.260](#), and [246.075](#)***

**AB413** – Existing law establishes provisions relating to electronic wills. This bill establishes various other provisions relating to electronic wills. This bill revise the description of an electronic will and establishes the circumstances in which an electronic will is self-proving. This bill establishes the qualifications and duties of a qualified custodian of an electronic will, who is required to store electronic records of electronic wills in a system that protects electronic records from destruction, alteration or unauthorized access and detects any change to an electronic record. This bill sets forth the circumstances in which a qualified custodian is authorized to cease serving

in such a capacity. This bill establishes provisions concerning affidavits relating to the creation of a certified paper original of an electronic will, which this bill generally defines as a tangible document containing the text of an electronic will. This bill sets forth provisions relating to the ability of an electronic notary public or other notarial officer to perform certain notarial acts. This bill establishes various provisions for purposes relating to the execution and filing of any document with a court in any proceeding relating to an electronic will and for certain other purposes. This bill establishes requirements relating to a declaration or affidavit of a witness to an electronic will. This bill provides the methods by which an electronic will may be revoked. This bill sets forth provisions relating to the jurisdiction in which an electronic will may be proved and the admittance of a certified paper original of an electronic will to probate. This bill revises provisions relating to trusts. This bill provides that a video recording or other electronic record may be admissible in court as evidence of certain issues relating to a trust, and this bill revises the description of an electronic trust. Existing law establishes the Electronic Notary Public Authorization Act pursuant to which an electronic notary public appointed by the Secretary of State is authorized to perform electronic notarial acts. This bill renames the act as the Electronic Notarization Enabling Act and this bill requires electronic notaries public to register with, instead of be appointed by, the Secretary of State. This bill: (1) authorizes an electronic notary public to perform authorized electronic notarial acts remotely using audio-video communication, which this bill generally defines as communication by which a person is able to see, hear and communicate with another person in real time using electronic means; and (2) sets forth certain requirements relating to such electronic notarial acts. This bill authorizes an electronic notary public to perform an electronic notarial act using audio-video communication for a person located: (1) in this State; (2) outside this State but within the United States; or (3) in certain circumstances, outside the United States. This bill requires an electronic notary public to arrange for a recording to be made of each electronic notarial act performed using audio-video communication and to give all participating persons advance notice of the recording. This bill also requires the recording to be kept for not less than 7 years. This bill requires an electronic notary public to keep an electronic journal of each notarial act which he or she performs and to maintain and protect the electronic journal at all times. This bill also provides that, except as otherwise provided by law, an electronic notary public is required to keep all required notarial records for a period of 7 years after the termination of the registration of the electronic notary public. This bill establishes provisions relating to the confirmation of the identity of a person for whom an electronic notarial act is performed using audio-video communication. This bill requires an electronic notary public to render an electronic document that is the subject of an electronic notarial act tamper-evident. This bill establishes provisions concerning electronic documents relating to real property located in this State. This bill authorizes the Secretary of State to require a notary public who registers with the Secretary of State as an electronic notary public to complete an online course of study on electronic notarization. This bill establishes provisions relating to the completion of such a course of study. This bill increases the amount of fees which an electronic notary public may charge for performing certain electronic notarial acts and authorizes an electronic notary public to charge a reasonable fee to recover any cost of providing a copy of an entry or a recording of an audio-video communication in the electronic journal maintained by the electronic notary public. This bill also prohibits an electronic notary public who is an officer or employee of the State or a local government from charging a fee for an electronic notarial act that the electronic notary public performs within the scope of such employment. This bill deletes certain provisions of Assembly Bill No. 476 of this session that are replaced with the provisions of this bill, and this bill provides that the provisions of this bill are intended to supersede any provisions of Assembly Bill No. 476 that conflict with the provisions of this bill.

***Effective: Sections 56 to 60, inclusive, and 63 of this act effective June 9, 2017. Sections 1 to 28, inclusive, and 61 of this act effective on July 1, 2017. Sections 29 to 55, inclusive, and 62 of this act effective: (a) June 9, 2017, for the purpose of adopting any rules and regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and (b) on July 1, 2018, for all other purposes.***

***Amends: [NRS Chapter 132](#), [NRS 132.025](#), [132.117](#), [132.119](#), [NRS Chapter 133](#), [NRS 133.050](#), [133.085](#), [133.120](#), [136.185](#), [NRS Chapter 163](#), [NRS 163.0016](#), [163.0018](#), [163.00185](#), [163.0095](#), [NRS Chapter 240](#), [NRS 240.181](#), [240.182](#), [240.185](#), [240.186](#), [240.187](#), [240.189](#), [240.191](#), [240.192](#), [240.194](#), [240.195](#), [240.196](#), [240.197](#), [240.198](#), [240.199](#), [240.201](#), [240.202](#), [240.203](#), [240.204](#), and [719.200](#)***

***Repeals: [NRS 240.193](#)***



**AB415** – Existing law authorizes state and local governmental entities to accept a consular identification card for the purpose of identifying a person under certain circumstances. This bill similarly authorizes state and local governmental entities to accept a tribal identification card issued by a tribal government for the purpose of identifying a person if the tribal identification card meets certain requirements. This bill prohibits a business that accepts a driver's license or identification card issued by the Department of Motor Vehicles for the purpose of identifying a person from refusing to accept a tribal identification card for the same purpose unless the business reasonably believes that a federal law or regulation requires the use of a different form of identification. This bill revises various provisions of existing law to provide for the use of a tribal identification card as proof of identity.

*Effective: July 1, 2017*

*Amends: [NRS 232.006](#), [97A.142](#), [125D.180](#), [159.044](#), [159.2025](#), [202.2493](#), [237.200](#), [453.357](#), [476.220](#), [new section in NRS Chapter 597](#), [NRS 597.940](#), [643.184](#), [644.208](#), and [644.209](#)*

**SB59** – Existing law requires the State Board of Pharmacy and the Investigation Division of the Department of Public Safety to develop a computerized program to track each prescription for a controlled substance listed in schedule II, III or IV filled by a pharmacy or dispensed by a practitioner registered with the Board. The program is required to be designed to provide information regarding: (1) the inappropriate use by a patient of certain controlled substances to pharmacies, practitioners and appropriate state and local governmental agencies to prevent the improper or illegal use of such controlled substances; and (2) statistical data relating to the use of those controlled substances. This bill expands the scope of the program to also track each prescription for a controlled substance listed in schedule V. Existing law requires the Board to allow certain law enforcement officers to have Internet access to the database of the program only for the purpose of investigating a crime related to prescription drugs. This bill instead requires the Board to allow an employee of a law enforcement agency to have Internet access to the database of the program under certain circumstances only for certain purposes. This bill requires a law enforcement officer who has probable cause to believe that a violation of concerning prescribed controlled substances has occurred or who receives a report of a stolen prescription for a controlled substance while acting in his or her official capacity and in the regular course of an investigation to report certain information to his or her employer. This bill requires a coroner, medical examiner or deputy thereof who determines, as the result of an investigation of the death of a person, that the person died as the result of using a prescribed controlled substance, to upload certain information to the database of the program or, if the coroner, medical examiner or deputy thereof does not have such access, report such information to a coroner, medical examiner or deputy thereof who has access to the database. This bill also requires the employer of the law enforcement officer or a coroner, medical examiner or deputy thereof to upload such reported information to the database of the program as soon as practicable after receiving the information except where the employer of a law enforcement officer determines that uploading the information will interfere with an active criminal investigation. In that case, the employer may postpone uploading the information until after the conclusion of the investigation. This bill further provides that each law enforcement officer, employer of a law enforcement officer, coroner, medical examiner or deputy of a coroner or medical examiner who makes a good faith effort to comply, or a regulation adopted pursuant thereto, is immune from civil and criminal liability for any act or omission relating to the transmission of information. This bill authorizes a coroner, medical examiner or deputy thereof who meets certain requirements to access the database of the computerized program to: (1) upload information concerning the death of a person due to using a prescribed controlled substance; or (2) investigate the death of a person. This bill authorizes an employee of a law enforcement agency to access the database of the program to upload the information required. Existing law requires a practitioner to obtain a patient utilization report from the computerized program before initiating a prescription for a controlled substance listed in schedule II, III or IV. This bill additionally requires a practitioner to obtain such a report before initiating a prescription for an opioid that is a controlled substance listed in schedule V.

*Effective: July 1, 2017*

*Amends: [NRS Chapter 453](#), [NRS 453.162](#), [453.163](#), [453.164](#), [453.165](#), [453.552](#), and [639.23507](#)*



## SB79 – Confidentiality of Personal Information

- This bill adds senior justices and judges; court clerks, court administrators, or court executive officers; prosecutors, public defenders, the domestic partners of such persons; and the surviving domestic partners of any judge, justice, or peace officer killed in the line of duty to the list of people who may request that their personal information in the records of a county recorder and/or county assessor be kept confidential.
- It provides that such persons may request the display of an alternate address on their driver licenses.
- This bill includes phone numbers and e-mail addresses in the definition of personal information.
- A domestic violence shelter may request information pertaining to its location to be kept confidential by a county recorder.

**SB79** – Existing law authorizes: (1) any justice or judge in this State; (2) any peace officer or retired peace officer; (3) the spouse or minor child of any such person; or (4) the surviving spouse or minor child of any such person who was killed in the performance of his or her duties to request that his or her home address or any photograph thereof that is contained in the records of a county assessor be kept confidential. A person who wishes to have such personal information be kept confidential is required to obtain an order of a court, based on a sworn affidavit by the person, requiring the county assessor to maintain the personal information in a confidential manner. A county assessor is authorized to provide such confidential information for use in certain limited circumstances and to deny a request for confidential information if he or she reasonably believes that the information may be used in an unauthorized manner. Existing law provides that a person who violates certain provisions relating to obtaining or disclosing any such confidential information is guilty of a misdemeanor. Additionally, a court may order a person who violates such a provision to pay a civil penalty in an amount not to exceed \$2,500 for each act. This bill adds to the list of people authorized to request that personal information contained in the records of a county assessor be kept confidential: (1) any senior justice or senior judge in this State; (2) any court appointed master in this State; (3) any clerk of a court, court administrator or court executive officer in this State; (4) any prosecutor or state or county public defender; (5) the domestic partner of any such person or any justice, judge, peace officer or retired peace officer; and (6) the surviving domestic partner of any such person or any justice, judge, peace officer or retired peace officer who was killed in the performance of his or her duties. This bill: (1) includes any telephone number or electronic mail address of a person as personal information that a person may request to be kept confidential; (2) removes the photograph of the home of a person and the photograph of the spouse or minor child of a person from personal information that a person may request to be confidential. This bill also provides that any nonprofit entity in this State that maintains a confidential location for the purpose of providing shelter to victims of domestic violence may request that any information pertaining to such a confidential location that is contained in the records of a county assessor be kept confidential. This bill, respectively, apply the provisions of existing law relating to personal information contained in the records of a county assessor to personal information contained in the records of: (1) a county recorder; and (2) the Secretary of State or a county or city clerk. Accordingly, This bill establishes new provisions which are generally modeled after the provisions of existing law relating to personal information contained in the records of a county assessor. This bill, respectively, authorize any district attorney or attorney employed by the district attorney or certain state or county public defenders to request that personal information contained in the records of a county recorder or the Secretary of State or county or city clerk be kept confidential. This bill additionally authorizes any nonprofit entity in this State that maintains a confidential location for the purpose of providing shelter to victims of domestic violence to request that information pertaining to such a confidential location that is contained in the records of a county recorder be kept confidential. This bill, respectively,

authorize a county recorder or the Secretary of State or a county or city clerk to provide confidential information for use by a title agent or title insurer acting in that capacity. This bill: (1) authorizes certain persons to request that the Department of Motor Vehicles display an alternate address on the person's driver's license, commercial driver's license or identification card; and (2) authorizes the Department to adopt regulations relating to such a procedure.

*Effective: October 1, 2017*

*Amends: [NRS Chapter 247](#), [NRS 250.120](#), [250.130](#), [250.140](#), [250.150](#), [250.220](#), [239.010](#), [NRS Chapter 293](#), and [NRS Chapter 481](#)*

**SB84** – Under the Nevada Ethics in Government Law (Ethics Law), the Commission on Ethics is authorized to issue opinions interpreting the statutory ethical standards established by the Ethics Law and applying those standards to a given set of facts and circumstances. The Commission generally issues the following types of opinions: (1) advisory opinions requested by a public officer or employee who is seeking guidance on matters which directly relate to the propriety of his or her own past, present or future conduct under the statutory ethical standards; (2) advisory opinions requested by a public officer or employee who is requesting relief from certain provisions of the Ethics Law that allow the Commission to grant such relief; and (3) opinions issued in response to an ethics complaint which has been filed with the Commission or initiated by the Commission on its own motion regarding the propriety of the conduct of a public officer or employee under the statutory ethical standards. The Ethics Law also establishes various procedures that the Commission and its staff must follow when processing, handling, investigating, reviewing, evaluating and adjudicating requests for advisory opinions and ethics complaints. Most of those procedures are contained in a single section of the Nevada Revised Statutes, which embraces numerous and extensive procedural provisions governing: (1) the filing of requests for advisory opinions and ethics complaints; (2) the initial review and evaluation of such requests and complaints; (3) the requirements for responding to such requests and complaints; and (4) the procedures and standards for conducting investigations, making discovery requests, disclosing information, holding hearings and other proceedings and determining issues of confidentiality with regard to such information, hearings and proceedings. Because NRS 281A.440 includes so many extensive procedural provisions, it has become a particularly lengthy and complex statute. This bill repeals NRS 281A.440, and sections 1.3-11 and 14 of this bill generally reorganize and reenact the existing provisions of NRS 281A.440, with certain modifications, to effectuate the orderly and logical arrangement of the statutes, improve readability and clarity and reduce repetitious or lengthy words or phrases. For example, this bill defines several terms, including “advisory opinion” and “ethics complaint,” that replace repetitious or lengthy words or phrases throughout the Ethics Law and thereby improve readability and clarity. Because proceedings concerning advisory opinions are functionally different from proceedings concerning ethics complaints, this bill contains procedures that apply only to advisory opinions. However, these procedures do not differ materially from the existing procedures that apply to advisory opinions. This bill contains procedures that apply only to ethics complaints. This bill sets forth the requirements for properly filing an ethics complaint, and this bill provides that after the ethics complaint is properly filed, the Commission must determine, based on the evidence submitted with the ethics complaint, whether it has jurisdiction in the matter and whether an investigation is warranted in the matter. If the Commission determines that it has jurisdiction and an investigation is warranted, this bill provides for an investigation and review of the ethics complaint to determine whether there is just and sufficient cause for the Commission to render an opinion in the matter. In conducting the investigation and review, this bill requires the Executive Director of the Commission to: (1) provide the public officer or employee an opportunity to submit a response; (2) investigate the facts and circumstances; and (3) prepare and submit a recommendation to a review panel, consisting of three members of the eight-member Commission, that must determine whether there is just and sufficient cause for the Commission to render an opinion in the matter. If the review panel determines that there is not just and sufficient cause, this bill requires the review panel to dismiss the matter, but the review panel may issue a confidential letter of caution or instruction to the public officer or employee as part of the dismissal. If the review panel determines that there is just and sufficient cause but reasonably believes that the conduct at issue may be appropriately addressed through additional training or other corrective action, and authorizes the review panel to approve a deferral agreement between the Executive Director and the public officer or employee to defer further proceedings in the matter under the terms and conditions of the deferral agreement. If the public officer or employee complies with the terms and conditions of the deferral agreement, the matter must be dismissed. However, if the public officer or employee fails to comply with the terms and conditions of the deferral agreement, the deferral agreement may be vacated and further proceedings conducted in the matter before the Commission. If the review panel does not believe that a deferral agreement is appropriate or if the public officer or employee declines to enter into such a deferral agreement, this bill requires the review panel to refer the ethics complaint to the Commission for further proceedings.

in the matter. If further proceedings are conducted in the matter, this bill provides that the three members of the review panel cannot participate in the proceedings before the remaining five members of the Commission. This bill reorganizes and reenacts the existing provisions governing the procedures and standards for making discovery requests, disclosing information, holding hearings and other proceedings and determining issues of confidentiality with regard to such information, hearings and proceedings. In addition, this bill revises the procedures for protecting the identity of requesters of ethics complaints who ask for confidential status because their complaints are akin to whistleblower complaints that allege unethical conduct within their own public agencies or because they offer sufficient facts and circumstances showing that they will face a bona fide threat of physical force or violence from filing their complaints. Under this bill, if the Executive Director intends to present the testimony of such a confidential requester during the ethics proceedings, the name of the confidential requester must be disclosed but only as a proposed witness and not as the requester of the ethics complaint. This bill provides the Commission with additional remedial options in proceedings concerning ethics complaints which allow the Commission to utilize different types of remedies that progress in scope and severity depending upon the scope and severity of the unethical conduct. Currently, the Ethics Law grants the Commission certain remedial options, including civil monetary penalties, if it finds a violation of the statutory ethical standards. The Ethics Law also authorizes the Commission to resolve matters before it by stipulation, agreed settlement, consent order or default. This bill expands the remedies available to the Commission to include: (1) a requirement that a public officer or employee complete a period of compliance, receive additional training or issue a public apology; and (2) the issuance of a confidential letter of caution or instruction or a public admonition, reprimand or censure. The Ethics Law generally defines a person as a public officer if the person holds a position that: (1) involves the exercise of a public power, trust or duty; and (2) is established by the Nevada Constitution or any provision of statute, charter or ordinance. Certain additional persons are designated as public officers notwithstanding the fact that their positions are not so established. In addition, the Ethics Law defines a person as a public employee if the person performs public duties under the direction and control of a public officer and is paid compensation with public money. This bill provides that certain additional persons are designated as public officers and employees solely and exclusively for the purposes of the Ethics Law if such persons enter into contracts with public agencies, are paid compensation with public money and serve in certain positions which ordinarily would be held or filled by public officers and employees. This bill also provides that its provisions must be interpreted and applied to ensure that a person does not evade the Ethics Law because a public agency elects to use a contractual relationship instead of an employment relationship for these types of positions which ordinarily would be held or filled by public officers and employees. This bill provides that the Commission does not have jurisdiction regarding alleged discrimination or harassment for which a complaint or employment-related grievance may be filed with an appropriate agency with jurisdiction to redress such alleged discrimination or harassment. However, this bill also provides that the Commission has jurisdiction regarding the alleged conduct if such conduct is sanctionable separately or concurrently under the Ethics Law, irrespective of the alleged discrimination or harassment. In performing their functions under the Ethics Law, the Commission and its presiding officers may issue subpoenas to compel the attendance of witnesses and the production of books and papers. This bill clarifies that such subpoenas may be issued during the course of any investigation under the Ethics Law to compel the participation of potential witnesses and the production of books and papers. This bill revises the existing statutory ethical standards which generally prohibit public officers and employees from engaging in certain unethical conduct that benefits their own private interests. This bill expands these existing prohibitions so that a public officer or employee cannot engage in certain unethical conduct when it benefits any other person to whom the public officer or employee has a commitment in a private capacity. The Ethics Law defines such other persons to include: (1) the spouse or domestic partner of the public officer or employee, a member of his or her household or a relative within the third degree of consanguinity or affinity; (2) a person who employs the public officer or employee, his or her spouse or domestic partner or a member of his or her household; (3) a person with whom the public officer or employee has a substantial and continuing business relationship; or (4) a person with whom the public officer or employee has any other commitment, interest or relationship that is substantially similar to the foregoing commitments, interests or relationships. The Ethics Law permits certain public officers and employees to represent or counsel private persons before certain public agencies in which the public officers or employees do not serve and also requires certain public officers to file annual disclosure statements regarding such representation or counseling with the Commission. The Ethics Law also requires certain public officers and employees to disclose publicly certain personal or private interests which may create potential conflicts of interests at the time the public officers and employees consider or act upon a matter affecting those interests. This bill eliminates the requirement for certain public officers to file annual disclosure statements regarding representation or counseling of private persons before public agencies. Instead, this bill

requires certain public officers and employees to disclose publicly certain information regarding representation or counseling of private persons before public agencies at the time the public officers and employees consider or act upon a matter which is reasonably related to the nature of such representation or counseling. The Ethics Law requires each elected and appointed public officer to execute and file with the Commission a written acknowledgment of the officer's understanding of the statutory ethical standards applicable to him or her, and the officer's obligation to become familiar with any amendments to those standards. A public officer is required to execute and file the acknowledgment for each office, including each appointive office, held by the officer. This bill provides that a public officer who executes and files the acknowledgment for one office as required by law thereby satisfies the execution and filing requirements for any other office held concurrently by him or her. Under existing law, various public officers and employees are subject to a "cooling-off" period after the termination of their public service or employment, during which they are precluded from soliciting or accepting certain kinds of employment. A similar "cooling-off period" exists for a former public officer's or employee's representation or counseling of a private person on any issue which was under consideration by the agency in which the officer or employee served. The Commission is authorized to grant relief from the application of these provisions in specified circumstances. This bill: (1) clarifies that a grant of relief from the application of the cooling-off provisions as they relate to employment does not affect the ban on representation or counseling; and (2) provides that the ban on employment extends to circumstances in which any oral or written agreement for personal services is sought, negotiated or exists during the cooling-off period, even if such an agreement does not or will not become effective until after the cooling-off period.

*Effective: Sections 1 to 15.5, inclusive, 16.5 to 30, inclusive, and section 31 effective on July 1, 2017. Sections 15.7 and 16 effective on January 1, 2018.*

*Amends: [NRS Chapter 281A](#), [NRS 281A.030](#), [281A.135](#), [281A.150](#), [281A.182](#), [281A.210](#), [281A.220](#), [281A.240](#), [281A.280](#), [281A.290](#), [281A.300](#), [281A.400](#), [281A.410](#), [281A.420](#), [281A.430](#), [281A.450](#), [281A.465](#), [281A.475](#), [281A.480](#), [281A.500](#), [281A.510](#), [281A.550](#), [239.010](#), and [241.016](#)*

*Repeals: [NRS 281A.108](#) and [281A.440](#)*

**SB399** – Existing law authorizes state and local governmental entities to accept a consular identification card for the purpose of identifying a person under certain circumstances. This bill similarly authorize state and local governmental entities to accept a tribal identification card issued by a tribal government for the purpose of identifying a person if the tribal identification card meets certain requirements. This bill prohibits a business that accepts a driver's license or identification card issued by the Department of Motor Vehicles for the purpose of identifying a person from refusing to accept a tribal identification card for the same purpose unless the business reasonably believes that federal law or regulation requires the use of a different form of identification. This bill revise various provisions of existing law to provide for the use of a tribal identification card as proof of identity.

*Effective: July 1, 2017*

*Amends: [NRS 232.006](#), [97A.142](#), [125D.180](#), [159.044](#), [159.2025](#), [202.2493](#), [237.200](#), [453.357](#), [476.220](#), [new section in NRS Chapter 597](#), [NRS 597.940](#), [643.184](#), [644.208](#), and [644.209](#)*

## **PERSONNEL**

**AB113** – Existing law requires employers to provide their employees with meal and rest periods, with certain exceptions. Existing law also authorizes the Labor Commissioner to prosecute violations of this requirement and makes violation of this requirement a misdemeanor, subject to a civil penalty of \$5,000 per violation. Existing federal law also requires an employer to provide reasonable break time and a private place for employees to express breast milk for a nursing child for 1 year after the child's birth. (29 U.S.C. § 207(r)) This bill require each public and private employer in this State, other than the Department of Corrections, certain small employers and certain licensed contractors, to provide a reasonable break time and a clean, private place for an employee who is a nursing mother to express breast milk. This break time may be provided with or without compensation, except that this bill requires the break time to be compensated if such break time is otherwise required to be compensated pursuant to a collective bargaining agreement between a private employer and an employee organization. Additionally, this bill prohibits employers from retaliating against an employee who: (1) takes such break time or uses the designated place to express breast milk; or (2) takes any action to enforce this requirement. If a public or private employer would face an undue hardship relating to these requirements, this bill authorizes the employer to meet with the



employee to discuss potential alternatives. If no agreement is reached on such an alternative, and this bill authorizes the employer to require the employee to accept a reasonable alternative selected by the employer. This bill also authorizes a public employee to file a complaint against his or her public employer for certain violations of this bill and require the Local Government Employee-Management Relations Board to create an expedited procedure to resolve such a complaint. This bill exempts a private employer from the requirements of this bill if the employer: (1) has fewer than 50 employees and complying with the requirements would cause an undue hardship; or (2) is a licensed contractor and the employee is performing work at a construction jobsite that is at least 3 miles from the regular place of business of the employer. This bill authorizes the Labor Commissioner to enforce these requirements against private employers. Finally, this bill makes a private employer who violates these requirements guilty of a misdemeanor, subject to a civil penalty of \$5,000 per violation.

*Effective: July 1, 2017*

*Amends: [New section in Chapter 281](#), [NRS 284.384](#), [new section in NRS Chapter 288](#), [NRS 288.110](#), [288.270](#), [new section in NRS Chapter 608](#), [NRS 608.180](#), and [608.195](#)*

**AB276** – Existing law establishes certain employment practices as unlawful and prohibits certain employers, employment agencies and labor organizations from engaging in such practices. With certain exceptions, this prohibition only applies to employers who have 15 or more employees for each working day in each of 20 or more calendar weeks, either in the same or the preceding calendar year as when an unlawful employment practice occurred. This bill prohibits such an employer, an employment agency or a labor organization from discriminating against a person with respect to employment or membership, as applicable, for inquiring about, discussing or voluntarily disclosing information about wages. This provision does not apply to any person who has access to information about the wages of other persons as part of his or her essential job functions and discloses the information to a person who does not have access to that information, except as ordered by the Labor Commissioner or a court of competent jurisdiction. Existing law also prohibits a person, association, company or corporation, or agent or officer thereof, from preventing any person who for any cause left or was discharged from their employ from obtaining employment elsewhere in this State. However, under existing law, a person, association, company or corporation, or agent or officer thereof, is not prohibited from negotiating, executing and enforcing an agreement with an employee which, upon termination of employment, prohibits the former employee from pursuing a similar vocation in competition with or becoming employed by a competitor of the former employer. This bill removes this provision from existing law, allowing for noncompetition agreements. This bill adds requirements governing noncompetition covenants, providing that such covenants are void and unenforceable unless the covenant: (1) is supported by valuable consideration; (2) does not impose any restraint that is greater than is required for the protection of the employer; (3) does not impose any undue hardship on the employee; and (4) imposes restrictions that are appropriate in relation to the valuable consideration supporting the covenant. This bill further provides that a noncompetition covenant may not restrict a former employee of an employer from providing service to a former customer or client if: (1) the former employee did not solicit the former customer or client; (2) the customer or client voluntarily chose to leave and seek the services of the former employee; and (3) the former employee is otherwise complying with the noncompetition covenant. This bill also provides that if an employee is terminated because of a reduction in force, reorganization or similar restructuring, a noncompetition covenant is only enforceable during the time in which the employer is paying the employee's salary, benefits or equivalent compensation. Finally, this bill provides that if an employer brings an action to enforce a noncompetition covenant and the court finds the covenant contains limitations that are not reasonable and impose a greater restraint than is necessary, the court shall revise the covenant to the extent necessary and enforce the covenant as revised.

*Effective: June 3, 2017*

*Amends: [New section in NRS Chapter 613](#), [NRS 613.200](#), [613.300](#), and [613.330](#)*

**AB384** – Existing law governs generally the employment of persons in the classified and unclassified service of the State. Existing law further establishes the duties of the Administrator of the Division of Human Resource Management of the Department of Administration with regard to administering competitive examinations of persons seeking employment in the classified service of the State and maintaining a list of eligible persons for employment in the classified service. Under existing law, the Administrator may refuse to examine an applicant or refuse to certify an eligible person if the person has been found guilty of any crime involving moral turpitude or of infamous or notoriously disgraceful conduct. This bill provides, with exceptions, that the criminal history of an applicant or other qualified person under consideration for employment in the unclassified service of the State may be considered only after the earliest of: (1) the final interview conducted in person; (2) the appointing authority has



made a conditional offer of employment to the applicant; or (3) if applicable, the applicant has been certified by the Administrator. This bill prohibits the Administrator from considering the criminal history of an applicant in examining the applicant. Additionally, this bill provides, with exceptions, that the criminal history of an applicant for a position in the classified service may be considered only after the earliest of: (1) the final interview conducted in person; (2) the applicant has been certified by the Administrator; or (3) the appointing authority has made a conditional offer of employment to the applicant. This bill sets forth specific factors that must be considered by an appointing authority or the Administrator before the criminal history of an applicant may be used as the basis for rescinding a conditional offer of employment or for rejection of the applicant, including: (1) whether any criminal offense charged against or committed by the person directly relates to the responsibilities of the position for which the person has applied; (2) the nature and severity of each criminal offense charged against or committed by the person; (3) the age of the person at the time of the commission of each criminal offense; (4) the period of time between the commission of each criminal offense and the date of the application for employment; and (5) any information or documentation demonstrating the person's rehabilitation. This bill establishes similar provisions relating to the consideration by the governing body of a county, incorporated city or unincorporated town, respectively, of the criminal history of an applicant for employment by the county, incorporated city or unincorporated town. This bill provides that if the criminal history of an applicant is used as the basis for rejecting the applicant or rescinding a conditional offer of employment extended to the applicant, the appointing authority or the governing body of the county, incorporated city or unincorporated town, as applicable, must provide to the applicant a written statement which must specifically state the evidence presented and the reason for the rejection of the applicant or rescission of the conditional offer of employment. This bill also prohibits the appointing authority or the governing body of a county, incorporated city or unincorporated town from considering certain criminal records. This bill also requires the appointing authority or the governing body of a county, incorporated city or unincorporated town to include certain information in an application for employment. This bill does not apply to any applicant for employment: (1) as a peace officer or firefighter; or (2) in any position that entails physical access to a computer or other equipment used for access to the Nevada Criminal Justice Information System or the National Crime Information Center. Existing law declares certain employment practices to be unlawful and authorizes any person injured by such a practice to file a complaint with the Nevada Equal Rights Commission. Generally, the Commission has jurisdiction only over practices involving discrimination on the basis of race, color, sex and certain other enumerated characteristics. This bill provides that an employer that is subject to the requirements of this bill and fails to follow the procedure required by those sections in considering the criminal history of an applicant for employment thereby engages in an unlawful employment practice. This bill provides that the applicant in such a case may file a complaint with the Commission, regardless of whether the complaint is based on race, color, sex or some other characteristic enumerated in existing law.

*Effective: January 1, 2018*

*Amends: [NRS Chapter 284](#), [NRS 284.240](#), [new section in NRS Chapters 245, 268, 269](#), [NRS 613.330](#), and [613.405](#)*

**SB253** – The federal Pregnancy Discrimination Act amended title VII of the Civil Rights Act of 1964 to prohibit sex discrimination on the basis of pregnancy. (42 U.S.C. § 2000(e)(k)) The Act requires employers with 15 or more employees to treat employees and applicants for employment who are affected by pregnancy, childbirth or related medical conditions the same as other employees and applicants who have similar abilities or limitations. The Act covers all aspects of employment, including hiring, firing, promoting and providing benefits and protects against discrimination of a person who is pregnant, has been pregnant and who may become pregnant as well as anyone who has, who has had or could have a medical condition that is related to pregnancy. (29 C.F.R. § 1604.10) Existing law in this State prohibits various types of discrimination in employment, including discrimination based on race, color, religion, sex, sexual orientation, gender identity or expression, age, disability or national origin. In addition, existing law requires an employer that provides leave to employees for sickness or disability because of a medical condition to provide the same leave to an employee who is pregnant. As with the federal law, existing law in this State makes these provisions applicable to an employer with 15 or more employees, and includes state and local governments. This bill creates the Nevada Pregnant Workers' Fairness Act which provides protections to employees in this State similar to the protections of the federal Pregnancy Discrimination Act. As with other provisions prohibiting discrimination in existing law, the Nevada Pregnant Workers' Fairness Act applies to employers with 15 or more employees and also applies to state and local governments. This bill makes it an unlawful employment practice, with certain limited exceptions, for such employers to refuse to provide reasonable accommodations, upon request, to female employees and applicants for employment for a condition of the employee or applicant relating

to pregnancy, childbirth or a related medical condition, unless the accommodation would impose an undue hardship on the business of the employer. This bill describes the requirements and manner in which to provide a reasonable accommodation. This bill sets forth: (1) the prima facie burden that a female employee or applicant for employment is required to meet concerning a requested reasonable accommodation before the burden of proof shifts to the employer to demonstrate that providing such an accommodation would impose an undue hardship on the business of the employer; and (2) the manner in which to determine whether an undue hardship exists. This bill also makes it an unlawful employment practice, with certain limited exceptions, for an employer to: (1) take adverse employment actions against a female employee because the employee requests or uses a reasonable accommodation for a condition of the employee relating to pregnancy, childbirth or a related medical condition; (2) deny an employment opportunity to a qualified female employee or applicant for employment based on a need for a reasonable accommodation for a condition of the employee or applicant relating to pregnancy, childbirth or a related medical condition; and (3) require a female employee or applicant for employment who is affected by a condition relating to pregnancy, childbirth or a related medical condition to accept an accommodation or to take a leave from employment if an accommodation is available. This bill further authorizes an employer to require a female employee to provide an explanatory statement from the employee's physician concerning the specific accommodation recommended by the physician for the employee. This bill extends the existing law requiring leave policies to be the same for pregnant employees as other employees so that it applies to a female employee who has a condition relating to pregnancy, childbirth or a related medical condition. This bill authorizes a person injured by an unlawful employment practice within the scope of the Nevada Pregnant Workers' Fairness Act to file a complaint with the Nevada Equal Rights Commission. This bill authorizes a person alleging an unfair employment practice under the Nevada Pregnant Workers' Fairness Act to file an action in district court if the Commission does not conclude that an unfair employment practice has occurred. This bill requires the Commission to develop and carry out programs of education and disseminate information as necessary to inform employers, employees, employment agencies and job applicants about their rights and responsibilities under the Nevada Pregnant Workers' Fairness Act. This bill authorizes the Commission to investigate any unlawful employment practice by an employer under the Nevada Pregnant Workers' Fairness Act.

*Effective: June 2, 2017 for the purpose of providing the notice required pursuant to section 19 of this act; and on October 1, 2017, for all other purposes.*

*Amends: [NRS Chapter 613](#), [NRS 613.310](#), [613.320](#), [613.335](#), [613.340](#), [613.350](#), [613.390](#), [613.405](#), [613.420](#), [213.140](#), and [233.150](#)*

### AB37 – Motions to Disqualify

- This bill requires limited jurisdiction courts with more than one judge to select a chief judge to handle administrative matters.
- This bill establishes a procedure for the consideration of motions to disqualify a limited jurisdiction judge in multi-judge jurisdictions by the chief judge as is done in district court (NRS 1.235).



**AB37** – Existing law requires district judges in a county whose population is 100,000 or more (currently Clark and Washoe Counties) to choose a chief judge who serves as the presiding judge and exercises administrative powers over the district court, including, without limitation, assigning cases, establishing the hours of the court, adopting rules and regulations and performing other duties prescribed by statute. This bill similarly requires, in townships with more than one justice of the peace, that the justices choose a chief justice of the peace who will serve as the presiding judge and have duties similar to the chief judge of a judicial district. This bill requires the selection of a chief municipal judge in cities with more than one municipal judge, who will serve as the presiding judge and have duties similar to a chief justice of the peace and the chief judge of a judicial district. Existing law provides the procedure in which a district judge may be disqualified, requiring, in judicial districts having more than one judge, that the chief judge of a district court assign a district judge to rule on a motion to disqualify another district judge if the parties to a case cannot agree on a district judge to hear the motion. Existing law also requires a district judge with the greatest number of years of service to appoint a district judge to rule on a motion to disqualify the chief judge of the district court. This bill establishes a similar procedure for a motion to disqualify a justice of the peace and municipal court judge.

*Effective: May 22, 2017*

*Amends: [NRS 1.235](#), [new section in NRS Chapter 4](#), and [Chapter 5](#)*

## AB133 – Landlords/Tenant

- This bill prohibits a landlord from taking adverse action, including eviction, against a tenant because the tenant reasonably requests emergency services (police, fire, etc.)
- It prohibits a local government from taking action against a landlord because a tenant requests emergency assistance.
- A lease or rental agreement that contains a provision that allows adverse action as contemplated herein is void and unenforceable.
- It provides that a request for emergency assistance by a tenant does not constitute a nuisance for either civil or criminal law.



**AB133** – This bill prohibit a landlord from taking adverse action against a tenant of a dwelling or manufactured home, including, without limitation, evicting or taking certain other punitive action based solely upon a tenant or other person in the rental property of the tenant requesting emergency assistance from a provider of emergency services based on a reasonable belief that an emergency response is necessary or that criminal activity has occurred. This bill also prohibits a local government or political subdivision of this State from taking adverse action against a landlord based solely on the request of a tenant or other person for emergency assistance. This bill also specifies that the provisions of this bill do not prohibit a landlord or a local government or political subdivision of this State from curing a breach of a rental agreement or abating a nuisance or a violation of a local law, ordinance or regulation which is discovered by or reported to the landlord by a peace officer as a result of a request for emergency assistance. Existing law provides that any provision of a rental agreement for a dwelling or rental agreement or lease for a manufactured home lot that waives or limits certain rights or remedies provided by law is void and unenforceable and therefore any provision in such a rental agreement or lease that allows adverse action against a tenant in violation of the provisions of this bill would be void and unenforceable. Existing law provides that a nuisance includes conditions on a property that interfere with the free use or comfortable enjoyment of the property, including, without limitation, health hazards or the use of a property for the commission of certain crimes. This bill provides that a request for emergency assistance by a tenant or other person in the rental property of the tenant as described above does not constitute a nuisance for purposes of civil or criminal law.

***Effective: July 1, 2017***

***Amends: [New section in NRS Chapter 118A](#), [new section in Chapter 118B](#), [NRS 118B.210](#), [40.140](#), [202.450](#), and [266.335](#)***

## AB177 – Domestic Violence Protection Orders

- This bill authorizes a court to set a date for a second hearing on an extended order for protection against domestic violence within 90 days if the adverse party fails to appear. The temporary protection order remains in effect until the second hearing. A court may schedule a third hearing within 90 days if the adverse party fails to appear at the second hearing and the TPO stays in effect until that hearing.
- A court must order a law enforcement agency to serve an adverse party with the application for an extended order and any second or third hearing date.



**AB177** – Existing law authorizes a court to issue a temporary or extended order for protection against domestic violence. Further, a court is authorized to grant an extended order after notice to the adverse party and a hearing on the application for the extended order. The hearing must be held within 45 days after the date on which the application for the extended order is filed. This bill authorizes the court to set a date for a second hearing within 90 days after the date on which the first hearing was scheduled if the adverse party fails to appear at the first hearing and: (1) after due diligence, the adverse party has not been served with certain documents; or (2) the adverse party conceals himself or herself to avoid such service. This bill also authorizes the court to set a date for a third hearing, under similar circumstances, within 90 days after the date on which the second hearing was scheduled. Existing law requires the court to order the appropriate law enforcement agency to serve the adverse party personally with a temporary order. An application for an extended order and the notice of hearing must be served upon the adverse party pursuant to the Nevada Rules of Civil Procedure or at the party's current place of employment. This bill requires the court to order the appropriate law enforcement agency to serve upon the adverse party an application for an extended order and the notice of any second or third hearing upon the application scheduled by the court. Existing law provides that, if 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, the temporary order remains in effect until the hearing on the extended order is held. If the court sets a date for a second or third hearing on an application for an extended order, this bill requires the temporary order to remain in effect until the date on which the second or third hearing is held.

*Effective: May 31, 2017*

*Amends: [NRS 33.020](#), [33.060](#), [33.080](#), and [NRS 1.130](#)*



## AB260 – Prostitution Sentencing

- This bill authorizes justice courts and municipal courts to suspend the sentence of certain persons convicted of solicitation for prostitution upon the condition that the person complete a program for treatment of persons convicted of solicitation for prostitution. A court shall seal the record of a person who successfully completes the program.
- It provides that a customer of a prostitute who is convicted engaging in, or soliciting, prostitution is guilty of:
  - First offense – a misdemeanor and fine of \$400;
  - Second offense – a gross misdemeanor and a \$800 fine; or
  - Third or subsequent offense – a gross misdemeanor and a \$1,300 fine.



**AB260** – Existing law provides that a person who engages in solicitation for prostitution, or offers or agrees to engage in prostitution, for the first offense, is guilty of a misdemeanor. This bill provides that a prostitute who engages in prostitution or solicitation for prostitution under certain circumstances is guilty of a misdemeanor. This bill also provides that a customer who is found guilty of engaging in prostitution or soliciting prostitution for a: (1) first offense, is guilty of a misdemeanor and a mandatory fine of not less than \$400; (2) second offense, is guilty of a gross misdemeanor and a mandatory fine of not less than \$800; and (3) third and subsequent offense, is guilty of a gross misdemeanor and a mandatory fine of not less than \$1,300. This bill additionally requires the court to impose a civil penalty on a customer who is found guilty of such an offense, and provides that the civil penalties collected be used only for: (1) enforcing certain crimes relating to solicitation for prostitution; and (2) programs of treatment for persons who solicit prostitution which are certified by the Division of Public and Behavioral Health of the Department of Health and Human Services. This bill authorizes a court to suspend further proceedings of certain eligible defendants, without entering a judgment of conviction, and to place the defendant on probation with terms and conditions that include successful completion of the program of treatment. This bill additionally requires a court, under certain circumstances, to seal documents relating to a case involving a defendant who was assigned to a program of treatment for persons who solicit prostitution after the defendant is discharged. Existing law authorizes a justice of the peace or municipal judge to suspend the sentence of a person convicted of a misdemeanor that constitutes domestic violence upon the conditions that the person participate in certain programs for treatment and comply with any other condition ordered by the justice of the peace or municipal judge. This bill similarly authorizes a justice of the peace or municipal judge to suspend the sentence of a person who is convicted of a misdemeanor that constitutes solicitation for prostitution on the condition that the person actively participates in a program for the treatment of persons who solicit prostitution and comply with any other conditions ordered by the justice of the peace or municipal judge.

*Effective: October 1, 2017*

*Amends: [NRS 4.373](#), [5.055](#), [179.245](#), [179.275](#), [179.285](#), [179.295](#), and [201.354](#)*

## AB512 – DUI Fee

- This bill extends the sunset date for the \$100 fee imposed by NRS 484C.515 on misdemeanor DUI offenses to June 30, 2019.
- The money generated by this fee funds specialty court programs.



**AB512** – Under existing law, a court is authorized to impose a fee of \$100, in addition to any other administrative assessment, penalty or fine imposed, if a person pleads guilty, guilty but mentally ill or nolo contendere to, or is found guilty of, a charge of driving under the influence of intoxicating liquor or a controlled substance that is punishable as a misdemeanor. The money collected for this fee is deposited with the State Controller for credit to a special account in the State General Fund administered by the Office of Court Administrator, and money apportioned to a court from this fee must be used by the court for certain purposes related to specialty court programs. Under existing law, this fee expires by limitation on June 30, 2017. (Chapter 487, Statutes of Nevada 2015, p. 2955) This bill extends the expiration date of the fee until June 30, 2019.

***Effective: June 8, 2017***

***Amends: [Section 4 of chapter 373, Statues of Nevada 2013](#)***

## SB42 – JP Salary

- This bill requires a county commission to set the salary of a justice of the peace in December of a year immediately preceding an election year; rather than the current requirement that salary be set in July of an election year.



**SB42** – Existing law requires the board of county commissioners of each county to fix the compensation for justices of the peace in July of any year in which an election of justices of the peace is held. This bill revises the date for the board of county commissioners of each county to fix the compensation for justices of the peace from July of any year in which an election of justices of the peace is held to December of any year immediately preceding a year in which an election of justices of the peace is held.

*Effective: May 18, 2017*

*Amends: [NRS 4.040](#)*

## SB361 –Victims of Domestic Violence

- This bill requires an employer to provide 160 hrs. of leave in a 12-month period to an employee who has been employed for at least 90 days if that employee or his or her family/household are a victim of domestic violence.
- The leave may be paid or unpaid, and must be used during a 12-month period after the date of the domestic violence. The leave can be used consecutively or intermittently.
- This bill prohibits conditioning employment or taking certain actions because a person or his or her family are a victim of domestic violence.
- It amends NRS 33.018 to remove ‘any other person with whom the person is or was actually residing’ from the definition of domestic violence.
- It provides that a second felony offense of domestic violence (strangulation) is a category B felony.



**SB361** – Existing law sets forth certain unlawful acts which constitute domestic violence when committed against certain specified persons. This bill requires an employer to provide certain hours of leave to an employee who has

been employed by the employer for at least 90 days and who is a victim of an act which constitutes domestic violence, or such an employee whose family or household member is a victim of an act which constitutes domestic violence and the employee is not the alleged perpetrator. This bill specifically requires that such an employee is entitled to 160 hours of leave during a 12-month period. Such leave: (1) may be paid or unpaid; (2) must be used within the 12 months immediately following the date on which the act which constitutes domestic violence occurred; (3) may be used consecutively or intermittently; and (4) under certain circumstances, must be deducted from leave permitted by the Family and Medical Leave Act of 1993, 29 U.S.C. §§ 2601 et seq. This bill authorizes an employee to use the leave for purposes related to a person who is a victim of an act which constitutes domestic violence. This bill additionally requires an employer to maintain a record of the use of the hours of leave for each employee for a 2-year period and to make those records available for inspection by the Labor Commissioner. Finally, this bill requires the Labor Commissioner to prepare a bulletin setting forth the right to these benefits and requires employers to post the bulletin in the workplace. This bill prohibits the Administrator of the Employment Security Division of the Department of Employment, Training and Rehabilitation from disqualifying a person from receiving unemployment compensation benefits if: (1) the person left employment to protect himself or herself, or his or her family or household member, from an act which constitutes domestic violence; and (2) the person actively engaged in an effort to preserve employment. This bill also authorizes the Administrator to request evidence from the person to support a claim for benefits. This bill requires an employer to provide reasonable accommodations which will not create an undue hardship for an employee who is a victim of an act which constitutes domestic violence or whose family or household member is a victim of an act which constitutes domestic violence. This bill prohibits an employer from conditioning the employment of an employee or prospective employee or taking certain employment actions because: (1) the employee is a victim of an act which constitutes domestic violence; (2) the employee's family or household member is a victim of an act which constitutes domestic violence; or (3) of other circumstances related to being a victim of an act which constitutes domestic violence. This bill revises the list of persons against whom domestic violence may be committed to remove certain persons with whom the person is or was actually residing. This bill makes a conforming change. Existing law establishes the acts which constitute domestic violence, including committing a battery against a person with whom the aggressor has a certain relationship. Under existing law, a person who is convicted of a third or subsequent offense of battery which constitutes domestic violence within 7 years is guilty of a category C felony. Additionally, if a person is convicted of a battery which constitutes domestic violence that is committed by strangulation, the person is guilty of a category C felony. This bill 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; or (2) 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. Existing law limits the time of day that an arrest for a misdemeanor may be made. Under existing law, a battery that constitutes domestic violence is excluded from such time limits and under certain circumstances such an arrest must be made. This bill makes conforming changes by deleting the reference to battery that constitutes domestic violence and instead providing that an arrest for battery committed upon certain persons, including a person with whom the person to be arrested is or was actually residing, may be made at any time of day if the circumstances prescribed by existing law for mandatory arrest for such an offense are met.

***Effective: Effective June 8, 2017 for the purpose of adopting any regulations and performing any other preparatory administrative tasks necessary to carry out the provisions of this act; and on January 1, 2018, for all other purposes.***

***Amends: [New section in NRS Chapter 608](#), [NRS 608.180](#), [608.195](#), [new section in NRS Chapter 612](#), [NRS Chapter 613](#), [NRS 33.018](#), [171.1225](#), [171.136](#), [200.485](#), and [432B.640](#)***

## MISCELLANEOUS

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**AB23** – Under existing law, a court is authorized to appoint a receiver in certain cases and under certain circumstances. This bill enacts the Uniform Commercial Real Estate Receivership Act to establish provisions governing the appointment and powers of a receiver for real property that is used for certain commercial purposes and any personal property related to or used in operating that real property. This bill sets forth the circumstances under which a court is authorized to appoint a receiver for such property. Under this bill, a court is authorized to appoint a receiver: (1) before judgment if the property is subjected to or is in danger of waste, loss, dissipation or impairment or has been or is about to be subject to a voidable transaction; (2) to carry a judgment into effect or preserve property pending an appeal or when an owner of the property refuses to apply the property in satisfaction of the judgment; (3) when the court determines that equitable grounds establish the need for a receiver; or (4) to preserve property that has been sold in an execution or foreclosure sale during the period that the property may be redeemed by the debtor. This bill further provides that a mortgagee under a mortgage for certain commercial real property is entitled to the appointment of a receiver under certain circumstances. This bill establishes the circumstances under which a person is disqualified from appointment as a receiver because the person has certain conflicts of interest. Under this bill, a court is prohibited from appointing a person as receiver unless the person submits to the court a statement under penalty of perjury that the person is not disqualified from such appointment. This bill requires the Nevada Supreme Court to adopt rules: (1) governing the ethics and independence of receivers; and (2) preventing self-dealing by a receiver. This bill requires a receiver to post a bond or alternative security with the court appointing the receiver. This bill enact provisions setting forth the effect of the appointment of a receiver. This bill provides that a receiver has the status and priority of a lien creditor with respect to the receivership property. Under this bill, the appointment of a receiver does not affect the validity of any security interest granted before the appointment of the receiver, and any property acquired by a receiver is subject to a security interest granted under an agreement entered into before the appointment of the receiver. This bill requires a person who possesses property for which a receiver has been appointed to turn over the property to the receiver on demand by the receiver. This bill sets forth the powers and duties of a receiver with respect to the receivership property, including, without limitation, the authority to manage and protect receivership property, operate a business constituting receivership property, pay expenses and assert the rights, claims and defenses of the owner of the property. This bill sets forth the duties of the owner of property for which a receiver has been appointed, including, without limitation, a requirement to assist and cooperate with the receiver, preserve and turn over to the receiver receivership property in the owner's possession or control and making available to the receiver certain records. This bill provides that the appointment of a receiver automatically stays certain actions and proceedings involving receivership property and allows a person whose action or proceeding is stayed to apply to the court for relief from the stay. This bill enact provisions governing the administration of the receivership. This bill authorizes the receiver to hire and pay certain professionals to assist in the administration of the receivership upon approval of the court. This bill authorizes a receiver to dispose of receivership property outside of the ordinary court of business with the approval of the court. This bill further provides that: (1) such a disposition of receivership property is free and clear of junior liens unless the agreement for the disposition provides otherwise; and (2) secured creditors are entitled to receive the proceeds of such a disposition according to the priority established by existing law. This bill authorizes a receiver to adopt or reject contracts under which a party has an unperformed obligation upon approval of the court and establishes the procedures for doing so. This bill provides immunity to a receiver and requires the approval of the appointing court before a receiver may be sued personally for an act or omission in administering receivership property. This bill requires a receiver to notify certain creditors of the appointment of the receiver and requires creditors to file claims with the receiver to obtain a distribution of or proceeds from receivership property. This bill requires a receiver to file certain reports with the court. Under this bill, when the court of another state has appointed a person as receiver, a court in this State may appoint that person as an ancillary receiver for the purpose of obtaining possession and control of receivership property located in this State. This bill further authorizes the court to enter any order necessary to effectuate an order of a court in another state appointing or directing a receiver. This bill sets forth certain effects of the appointment of a receiver upon the request of a mortgagee or assignee of rents.

*Effective: October 1, 2017*

*Amends: [NRS Chapter 32](#)*



**AB118** – Existing law requires that a person who is a resident of this State must be at least 21 years of age to be eligible for a permit to carry a concealed firearm. This bill authorizes a person who is at least 18 years of age but less than 21 years of age to be eligible for a permit to carry a concealed firearm if the person provides certain proof that he or she: (1) is a member of the Armed Forces of the United States, a reserve component thereof or the National Guard; or (2) was discharged or released from service therein under honorable conditions. This bill also requires a sheriff to deny an application for a permit or revoke an existing permit if the sheriff determines that the applicant or permittee has been discharged or released from service in the Armed Forces of the United States, a reserve component thereof or the National Guard under conditions other than honorable conditions and is less than 21 years of age.

*Effective: May 22, 2017*

*Amends: [NRS 202.3657](#)*

**AB122** – Existing law authorizes the State Board of Examiners to award compensation to certain victims of crime. Existing law prohibits compensation from being awarded to a victim who was not a citizen or lawful resident of the United States at the time of the crime or who is unable to provide proof of such citizenship or lawful residency. This bill removes that prohibition. This bill revises the definition of “resident” for the purposes of provisions relating to the compensation of victims of crime to remove the requirement that a person must be a citizen or lawful resident of the United States in order to be a resident. Under existing law, a victim of a crime who is a resident of this State is eligible for compensation in certain circumstances when the crime occurs outside this State, including when it is an act of international terrorism which occurred outside the United States. (18 U.S.C. § 2331) This bill authorizes compensation to be paid to a victim of a crime committed in this State even if the victim was not a resident of this State.

*Effective: July 1, 2017*

*Amends: [NRS 217.035](#), [217.065](#), [217.070](#), [217.102](#), and [217.220](#)*

**AB128** – Existing law requires a person who engages in the business of a process server to obtain a license. Existing law defines engaging in such business to include a single act. This bill exempts any natural person who serves legal process from the requirements of chapter 648 of NRS relating to process servers, including, without limitation, the requirement to obtain a license to engage in the business of a process server, if that natural person serves legal process: (1) without compensation; (2) on behalf of another natural person who is not a business entity; and (3) not more than three times each calendar year.

*Effective: October 1, 2017*

*Amends: [NRS 648.063](#)*

**AB199** – Existing law requires the State Board of Health to adopt a Physician Order for Life-Sustaining Treatment form (POLST form), a document which records the wishes of a patient and directs any provider of health care regarding the provision of life-resuscitating treatment and life-sustaining treatment. Existing law also specifies that a patient who is at least 18 years of age and of sound mind is allowed to request, execute and revoke a POLST form. Under existing law, if a patient is at least 18 years of age and incompetent, certain legal representatives of the patient are authorized to execute and revoke a POLST form on behalf of the patient. This bill authorize a physician assistant or advanced practice registered nurse to make certain determinations related to a POLST form and to execute a POLST form for a patient. This bill also revise provisions governing the execution and revocation of a POLST form. This bill: (1) provides that, under certain circumstances, a surrogate who is not a legal representative of the patient, including, without limitation, certain family members of the patient or any other adult who has exhibited special care or concern for the patient, is familiar with the values of the patient and willing and able to make health care decisions for the patient, is authorized to request and execute a POLST form for the patient; and (2) revises the standard for determining whether a patient has the capacity to request and execute a POLST form. This bill revises the standard for determining whether a patient has the capacity to revoke a POLST form so that the standard matches the standard set forth in this bill for determining whether the patient has the capacity to execute a POLST form. Existing law contains provisions for resolving potential conflicts between a POLST form and another type of instrument governing the withholding or withdrawal of life-resuscitating treatment and life-sustaining treatment.

This bill requires a provider of health care to honor a declaration, direction or order set forth in a POLST form to provide life-resuscitating treatment if the declaration, direction or order is executed after a do-not-resuscitate identification was issued to the patient.

*Effective: July 1, 2017*

*Amends: [NRS Chapter 449](#), [NRS 449.691](#), [449.693](#), [449.694](#), [449.6942](#), [449.6944](#), [449.6946](#), [449.6948](#), [449.695](#), [449.6952](#), [449.6954](#), [449.6956](#), [449.696](#), [449.905](#), [449.945](#), [450B.470](#), [450B.520](#), [450B.525](#), and [451.595](#)*

*Repeals: [NRS 449.6922](#)*

**AB203** – Existing law authorizes the cemetery authority to order the disinterment and removal of all human remains interred in all or any part of a cemetery if either the cemetery authority or a governmental authority determines that the further maintenance of all or any part of the cemetery as a burial place is not in accordance with the health, safety, comfort or welfare of the public. This bill clarifies that a cemetery authority may not: (1) order the disinterment and removal of remains from a burial plot that is owned in fee simple by a person other than the cemetery authority; or (2) sell, mortgage or encumber or order the sale, mortgage or encumbrance of such a burial plot. This bill removes the authority of a cemetery authority to determine unilaterally that the further maintenance of all or any part of the cemetery as a burial place is not in accordance with the health, safety, comfort or welfare of the public. Before the cemetery authority may order the disinterment and removal of human remains, this bill requires the governmental authority to determine, in addition, that: (1) the cemetery authority cannot restore the cemetery to a proper operating condition; and (2) the cemetery authority cannot sell or lease the cemetery to or enter into a contract with another cemetery authority that will properly maintain the cemetery. Existing law requires a cemetery authority that orders the disinterment and removal of remains under the circumstances described above to: (1) prescribe a reasonable time of not less than 1 year after which the cemetery authority may proceed to remove the remains and reinter them in another cemetery or deposit them in a memorial mausoleum or columbarium; and (2) reinter the remains of each person in a separate and suitable receptacle. This bill clarifies that the statutory period begins when the cemetery authority orders disinterment and that, after the expiration of that period, the cemetery authority may proceed to remove and reinter or deposit the remains. This bill also clarifies that these provisions apply if the cemetery authority plans to reinter the remains in another portion of the existing cemetery. This bill requires remains to be reinterred within 1 year after the date on which they are disinterred. This bill also deems a receptacle to be suitable if it meets certain conditions. Existing law requires the owner of a cemetery to keep the cemetery in an orderly condition. This bill authorizes the district attorney of the county in which the cemetery is located or a relative of any person interred in the cemetery to maintain an action in a court of competent jurisdiction to enforce that requirement. Under this bill, such an action may not be brought against a cemetery owned by a city or county. This bill authorizes a court, upon finding that the owner of a cemetery that is not owned by a city or county has not complied with that requirement, to: (1) order the owner to take any action necessary to bring the cemetery into an orderly condition; or (2) if the court also determines that continued ownership of the cemetery by the owner is not in accordance with the health, safety, comfort or welfare of the public, transfer title to the cemetery to the city or county in which the cemetery is located if the city or county accepts such transfer of title. This bill also requires a city or county to which title to a cemetery is transferred to operate or provide for the operation of the cemetery.

*Effective: May 23, 2017*

*Amends: [New section in NRS Chapter 451](#), [NRS 451.005](#), [451.069](#), [451.070](#), [451.080](#), [451.270](#), and [452.030](#)*

**AB227** – Under existing law, a domestic partnership is recognized as a type of social contract in the State of Nevada which affords domestic partners the same rights, protections, benefits, responsibilities, obligations and duties as spouses. (Title 11 of NRS) Under existing law, a legal union that was validly formed in another jurisdiction and that is substantially equivalent to a domestic partnership must be recognized in this State if the parties register the domestic partnership with the Office of the Secretary of State. This bill removes the requirement to register such a domestic partnership.

*Effective: July 1, 2017*

*Amends: [NRS 122A.030](#), [122A.040](#), [122A.100](#), [122A.200](#), [122A.300](#), [122A.500](#), [126.520](#), [1A.555](#), [159.0613](#), [195.030](#), [218C.582](#), [218H.036](#), [281.5582](#), [281A.086](#), and [286.671](#)*

**AB296** – Commencing on July 1 preceding each regular session and every week thereafter until the adjournment of the Legislature sine die, the Legislative Counsel is required under existing law to prepare a list of all requests for the drafting of legislative measures received by the Legislative Counsel. The requests are required to be listed numerically by a unique serial number which is required to be assigned by the Legislative Counsel for the purposes of identification in the order that the Legislative Counsel received the requests. Existing law prohibits the Legislative Counsel from assigning a number to a request to establish the priority of the request until sufficient detail has been received by the Legislative Counsel to allow complete drafting of the legislative measure. This bill eliminates the prohibition against the Legislative Counsel assigning a number to a request until sufficient detail has been received. Therefore, the Legislative Counsel is required to assign a number to a request in the order in which the request is received.

*Effective: July 1, 2017*

*Amends: [NRS 218D.100](#), [218D.110](#), [218D.150](#), [218D.155](#), [218D.160](#), [218D.175](#), [218D.190](#), [218D.205](#), [218D.210](#), and [218D.220](#)*

**AB435** – Existing law sets forth certain days of observance in this State to commemorate certain persons or occasions or to publicize information regarding certain important topics. This bill requires the Governor annually to proclaim October 16 to be “Sarah Winnemucca Day” in the State of Nevada.

*Effective: July 1, 2017*

*Amends: [New section in NRS Chapter 236](#)*

**AB471** – This bill creates the Nevada Office of Cyber Defense Coordination within the Department of Public Safety, to be headed by an Administrator, who is appointed by the Director of the Department and is ex officio a nonvoting member of the Nevada Commission on Homeland Security. Under this bill, the Office must: (1) periodically review the information systems of state agencies; (2) identify risks to the security of those systems; and (3) develop strategies, standards and guidelines for preparing for and mitigating risks to, and otherwise protecting, the security of those systems. The Office must also: (1) coordinate performance audits and assessments of state agencies; and (2) coordinate statewide programs for awareness and training regarding risks to the security of information systems of state agencies. Under this bill, the Office must establish partnerships with local governments, agencies of the Federal Government, the Nevada System of Higher Education and private entities that have expertise in cybersecurity or information systems, must consult with the Division of Emergency Management of the Department of Public Safety and the Division of Enterprise Information Technology Services of the Department of Administration regarding strategies to prepare for and mitigate risks to, and otherwise protect, the security of information systems and must coordinate with the Investigation Division of the Department of Public Safety regarding gathering intelligence on and initiating investigations of cyber threats and incidents. This bill requires the Office to establish policies and procedures for notifications to and by the Office of specific threats to information systems. This bill also requires the Administrator of the Office to appoint a cybersecurity incident response team or teams and requires the Office to establish policies and procedures for the Administrator to convene such a team in the event of a specific threat to the security of an information system. This bill requires the Office to prepare and make publicly available a statewide strategic plan that outlines policies, procedures, best practices and recommendations for preparing for and mitigating risks to, and otherwise protecting, the security of information systems in this State. Under this bill, the first such plan must be prepared and made available not later than January 1, 2018, and under this bill, the plan must be updated every 2 years. Under this bill, the Nevada Commission on Homeland Security must consider the most recent plan when performing certain duties. This bill requires the Office to prepare an annual report on the activities of the Office. This bill provides that certain information of any state agency, including the Office, or local government which identifies the detection of, the investigation of or a response to a suspected or confirmed threat to or attack on the security of an information system is not a public record and may be disclosed by the Administrator only under certain circumstances. This bill authorizes the Office to adopt any regulations necessary to carry out the provisions of this bill.

*Effective: July 1, 2017*

*Amends: [NRS Chapter 480](#), [NRS 480.130](#), [480.140](#), [239.010](#), [239C.120](#), and [239C.160](#)*

**SB56** – The Nevada Constitution authorizes the Legislature to provide for the incorporation of a city by a special act. (Nev. Const. Art. 8, § 8) This bill provides a charter for the City of Mesquite in Clark County, Nevada. Article I of the Charter provides that the elective officers of the City consist of a Mayor, five members of the City Council and such other officers as provided in the Charter. (Section 1.050) Article I also requires the City Council to establish a Charter Committee, which is required to prepare recommendations to be presented to the Legislature on behalf of the City concerning all necessary amendments to the Charter. (Section 1.110) Articles II, III and IV of the Charter establish provisions relating to the legislative, executive and judicial departments of the City, respectively. Article II provides for the qualifications, election, term of office and salary of the members of the City Council and establishes the various powers of the City Council, including the power to fix, impose and collect a license tax for revenue upon all businesses, trades and professions. (Sections 2.010, 2.080, 2.110-2.280) Article II also authorizes the City Council to establish and impose various fees. (Sections 2.170, 2.210, 2.270) Article II further establishes several provisions concerning the sale or lease of real property owned by the City and the redevelopment of communities. (Sections 2.300-2.370) Article III provides for the qualifications, duties, election, term of office and salary of the Mayor and the election by the City Council of one of its members to be Mayor pro tempore. (Section 3.010) Article III also establishes provisions relating to the City Manager, City Clerk, City Attorney and City Assessor. (Sections 3.020-3.070) Article IV provides for a Municipal Court and establishes provisions relating to the departments of the Municipal Court and the Municipal Court Judges. (Sections 4.010-4.030) Article V of the Charter establishes provisions concerning elections, including certain procedures relating to the election of members of the City Council. (Sections 5.010, 5.020) Article VI of the Charter pertains to local improvements and generally authorizes the City Council to acquire, improve, equip, operate and maintain, convert to or authorize certain improvements. (Section 6.010) Article VII of the Charter: (1) prohibits the City from incurring any indebtedness in excess of a certain amount; (2) authorizes the City to grant franchises and acquire any public utility; and (3) authorizes the City to borrow money for any corporate purpose. (Sections 7.010-7.030) Article VIII of the Charter authorizes express trusts to be created in real or personal property, with the City as the beneficiary thereof, for the furtherance, or the providing of funds for the furtherance, of any authorized or proper function of the City. (Section 8.010) Article IX of the Charter authorizes the City Council to levy an annual tax at a rate allowable under state law upon the assessed value of all applicable real and personal property within the City. (Section 9.010) Article X of the Charter establishes certain miscellaneous provisions concerning the Charter. (Sections 10.010, 10.020) This bill provides that the effective date of incorporation of the City of Mesquite is July 1, 2017.

***Effective: June 3, 2017 for the purpose of performing any preparatory administrative tasks that are necessary to carry out the provisions of this act; and on July 1, 2017, for all other purposes.***

***Amends: Charter of the City of Mesquite***

**SB182** – 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 shorter period defaults in the payment of rent. Existing law authorizes a sheriff or constable to serve certain notices during a summary eviction. Additionally, existing law authorizes a sheriff or a constable to charge and collect certain fees for serving notices required by law, before the commencement of a proceeding for any type of eviction. Further, existing law provides that a constable is entitled to a \$21 fee for each service in a summary eviction, except service of any notice required by law before the commencement of the proceeding, and for serving notice of and executing a writ of restitution. This bill authorizes a sheriff to charge and collect the same \$21 fee that a constable is entitled to collect for each service in a summary eviction, except service of any notice required by law before commencement of the proceeding, and for serving notice of and executing a writ of restitution. Existing law requires a sheriff or constable to mail a notice of a writ of execution before levying on the property of a judgment debtor. Existing law also authorizes a sheriff to charge and collect a \$2 fee for mailing a notice of a writ of execution. This bill entitles a constable to collect the same \$2 fee that a sheriff is authorized to collect for mailing such a notice. Under existing law, jailers, police officers, justices of the peace, municipal judges, sheriffs, deputy sheriffs and constables are not authorized to be bail agents, bail enforcement agents or bail solicitors. Existing law prohibits such persons from receiving any benefits, directly or indirectly, from the execution of any bail bond. This bill adds deputy constables to the list of persons who are not authorized to be bail agents, bail enforcement agents or bail solicitors and prohibits deputy constables from receiving any benefits, directly or indirectly, from the execution of any bail bond.

***Effective: July 1, 2017***

***Amends: NRS 248.275, 258.125, and 697.340***

**SB202** – The existing Charter of the City of Sparks provides for a Municipal Court consisting of not less than two departments presided over by a Municipal Judge. (Sparks City Charter § 4.010) This bill provides that each Municipal Judge must be a licensed member of the State Bar of Nevada. This requirement does not apply to any Municipal Judge who holds the office on October 1, 2017, and continues to serve as such in uninterrupted terms. The existing Charter of the City of Sparks divides the City into five wards, each of which is represented on the City Council by a Council Member. (Sparks City Charter §§ 1.040, 1.060) The existing Charter of the City of Sparks also requires the candidates for Council Member to represent a particular ward be voted on in a primary election only by the registered voters of that ward and, in a general election, be voted on by the registered voters of the City at large. (Sparks City Charter § 5.010) This bill makes the voting requirements for the primary and general elections the same by requiring that all candidates for Council Member to represent a particular ward be voted on in a general election only by the registered voters of that ward. This bill also deletes obsolete provisions establishing the terms of office for officials of the City of Sparks elected in 2001, 2003 and 2004. The existing Charter of the City of Sparks provides that, for each elected office in the City, the names of the two candidates who receive the highest number of votes at the primary election must be placed on the ballot for the general election. (Sparks City Charter § 5.020) This bill creates an exception by requiring that, regardless of the number of candidates for an office at the primary election, if one candidate receives a majority of the votes at the primary election, he or she must be declared elected to the office, and no general election for the office need be held. This bill also provides that such a candidate takes office at the first regular meeting of the City Council following the meeting at which the canvass of the returns of the general election is made. This bill makes a conforming change.

*Effective: October 1, 2017*

*Amends: Charter of the City of Sparks*

**SB538** – Existing law requires a data collector 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 defines an “operator” as a person who: (1) owns or operates an Internet website or online service for commercial purposes; (2) collects certain information from consumers who reside in this State and use or visit the Internet website or online service; and (3) has certain minimum contacts with this State. This bill requires certain operators to make available a notice containing certain information relating to the privacy of covered information about consumers which is collected by the operator through its Internet website or online service. This bill excludes from this requirement an operator who: (1) is located in this State; (2) derives its revenue primarily from a source other than online sales; and (3) whose Internet website or online service has fewer than 20,000 unique visitors per year. This bill also allows an operator to remedy any failure relating to making such a notice available within 30 days after being informed of the failure. This bill prohibits an operator from knowingly and willfully failing to remedy such a failure within 30 days after being informed or making a knowing and material misrepresentation or omission in such a notice that is likely to mislead a consumer to the detriment of the consumer. This bill authorizes the Attorney General to seek an injunction or a civil penalty against an operator who engages in such an act.

*Effective: October 1, 2017*

*Amends: NRS Chapter 603A, NRS 603A.010, 603A.100, 603A.920, and 122.0615*



### **FORECLOSURE/DEED OF TRUST**

**SB33** – The federal Servicemembers Civil Relief Act, 50 U.S.C. § 3901 et seq., generally provides for the temporary suspension of certain judicial and administrative proceedings and transactions that could adversely affect the civil rights of a servicemember during his or her military service. (50 U.S.C. § 3902) The Act provides that in any action filed during, or within 1 year after, a servicemember’s period of military service to enforce an obligation on real or personal property owned by a servicemember that: (1) originated before the period of such military service and for which the servicemember is still obligated; and (2) is secured by a mortgage, trust deed or other security in the nature of a mortgage, a court is generally authorized or required, depending on the circumstances, to stay the proceedings or adjust the obligation to preserve the interests of all parties. The Act further provides that absent a court order or agreement, a sale, foreclosure or seizure of property for a breach of any such obligation is not valid if it is made during or within 1 year after the period of the servicemember’s military service. Any person who knowingly makes or causes to be made a sale, foreclosure or seizure of property in violation of such a provision, or knowingly attempts to do so, is guilty of a misdemeanor. (50 U.S.C. § 3953) Additionally, the Act provides that upon application to a court, a dependent of a servicemember is entitled to the protections offered to a servicemember if the ability of the dependent to comply with certain obligations is materially affected by the servicemember’s military service. (50 U.S.C. § 3959) The provisions of the Act that grant protection from a sale, foreclosure or seizure of property for a period of 1 year after a servicemember’s military service currently remain effective until December 31, 2017, and on January 1, 2018, the period of protection will decrease to 90 days. (Section 710(d) of the Honoring America’s Veterans and Caring for Camp Lejeune Families Act of 2012, Public Law 112-154, 126 Stat. 1208; section 2 of the Foreclosure Relief and Extension for Servicemembers Act of 2015, Public Law 114-142, 130 Stat. 326) This bill grants under Nevada law the period of protection currently provided under federal law. This bill provides that if a mortgagor or grantor of a deed of trust under a residential mortgage loan is a servicemember or, in certain circumstances, a dependent of a servicemember, a person is generally prohibited from initiating or directing or authorizing another person to initiate a foreclosure sale during any period the servicemember is on active duty or deployment or for a period of 1 year immediately following the end of such active duty or deployment. This bill also provides that in any civil action for a foreclosure sale that is filed against a servicemember or, if applicable, a dependent of a servicemember while the servicemember is on active duty or deployment or during the 1-year period immediately following the end of such active duty or deployment, the court is authorized or required, depending on the circumstances, to stay the proceedings in parties unless the court determines that the ability of the servicemember or dependent to comply with the terms of the obligation secured by the residential mortgage loan is not materially affected by the servicemember’s active duty or deployment. This bill additionally provides that any such protection against foreclosure only applies to a residential mortgage loan that was secured before the servicemember was called to active duty or deployment. This bill further provides that any person who knowingly initiates or directs or authorizes another person to initiate a foreclosure sale in violation of the provisions of this bill, other than a trustee who initiates a foreclosure sale pursuant to the direction or authorization of another person, is guilty of a misdemeanor and may be liable for actual damages, reasonable attorney’s fees and costs incurred by the injured party. In imposing any such liability and determining whether to reduce such liability, a court is required to take into consideration any due diligence used by the person before he or she initiated or directed or authorized another person to initiate the foreclosure sale. Finally, this bill provides that any applicable statute of limitations or period within which a servicemember is required to submit proof of service that is prescribed by state law is tolled during the period of protection provided pursuant to this bill. This bill applies the applicable provisions set forth in this bill to the foreclosure of a lien of a unit-owners’ association against a unit in a commoninterest community and provides that if a unit’s owner or his or her successor in interest is a servicemember or, in certain circumstances, a dependent of a servicemember, an association is generally prohibited from initiating the foreclosure of a lien by sale during any period the servicemember is on active duty or deployment or for a period of 1 year immediately following the end of such active duty or deployment. This bill also requires a unit-owners’ association to: (1) inform each unit’s owner or his or her successor in interest that if the person is a servicemember or a dependent of a servicemember, he or she may be entitled to certain protections pursuant to this bill; and (2) give the person the opportunity to provide any information required to enable the association to verify whether the person is entitled to the protections set forth in this bill, including, without limitation, the social security number and date of birth of the person. This bill also requires that before an association

takes certain action relating to the foreclosure of a lien by sale, the association must, if such information is provided, verify whether a unit's owner or his or her successor in interest is entitled to the protections set forth in this bill or, if such information is not provided, make a good faith effort to verify whether a unit's owner or his or her successor in interest is entitled to such protections.

*Effective: May 29, 2017*

*Amends: [New section in NRS Chapter 40](#), [NRS 40.426](#), [40.430](#), [107.480](#), [107.500](#), [new section in NRS Chapter 116](#), and [NRS 116.31162](#)*

## SB490 - FMP



- This bill transfers the responsibility to administer the foreclosure mediation program (FMP) from the Nevada Supreme Court (AOC) to Home Means Nevada Inc. (HMN).
- A person seeking to participate in the FMP must file a petition with the district court and pay a \$25 filing fee. The person must serve a copy of the petition to the trustee and HMN by certified mail or electronic methods if authorized by the parties. The district court must collect the increased mediation fee of \$500 (\$250 each party).
- The district court handles the mediation; the mediators continue to be appointed by the Supreme Court.
- The Supreme Court must adopt rules governing the program.

**SB490** –Existing law gives a trustee under a deed of trust the power to sell the property to which the deed of trust applies, subject to certain restrictions, and requires a notice of default and election to sell real property subject to a deed of trust to include an affidavit setting forth certain information concerning the deed of trust. This bill removes the requirement for such an affidavit and this bill replaces the requirement to include such an affidavit in residential foreclosures. This bill also authorizes the electronic delivery of a notice of default and election to sell real property, if authorized by the parties. The Nevada Supreme Court is required to adopt rules to implement the program for foreclosure mediation, commonly known as the Foreclosure Mediation Program. This bill revises provisions governing the Foreclosure Mediation Program. This bill removes the provision of existing law that requires the Nevada Supreme Court to designate an entity to serve as the Mediation Administrator and instead requires Home Means Nevada, Inc., (HMN) or its successor organization, to administer certain functions of the Program, including: (1) providing certain notices to certain grantors of a deed or persons who hold a title of record; (2) under certain circumstances, providing to the trustee a certificate which provides that mediation has been completed or is not required; and (3) developing and maintaining an Internet portal for the purpose of streamlining the foreclosure mediation process. After mediation, this bill requires the mediator to submit to the district court the terms of any loan modification or settlement agreement. The district court is required to enter an order describing the terms of any such modification or agreement. This bill authorizes certain grantors of a deed, persons who hold the title of record or mortgagors to petition the court to participate in the Foreclosure Mediation Program. This bill requires such a person who seeks to participate in the Program to: (1) pay a \$25 filing fee upon filing such a petition; (2) serve a copy of the petition upon the trustee and HMN by certified mail, return receipt requested or, if authorized by the parties, electronically; and (3) pay his or her share of the mediation fee. This bill increases the fee for mediation services from \$400 to \$500. This bill additionally requires that \$100 of the fee collected for mediation services be deposited into the Account for Foreclosure Mediation Assistance. Existing law also creates the Account for Foreclosure Mediation, the money in which may be expended only for the purpose of supporting the Foreclosure Mediation Program. Existing law provides for the payment of a fee of \$45 for deposit into the Account for

Foreclosure Mediation at the time of recording a notice of default and election to sell real property. This bill: (1) increases the fee from \$45 to \$95; (2) replaces the Account for Foreclosure Mediation with the Account for Foreclosure Mediation Assistance; (3) requires the Account to be administered by the Interim Finance Committee; and (4) provides that the money collected for the Program may only be expended for the purpose of supporting the Program and the development and maintenance of the Internet portal for a program of foreclosure mediation required pursuant to this bill requires the State Controller to transfer all money remaining in the Account for Foreclosure Mediation to the newly established Account for Foreclosure Mediation Assistance. Senate Bill No. 512 of the 2015 Legislative Session (SB512) provided that the Foreclosure Mediation Program ends on June 30, 2017. This bill remove the prospective expiration, thereby establishing a permanent Foreclosure Mediation Program. (Chapter 517, Statutes of Nevada 2015, p. 3334)

*Effective: June 12, 2017*

*Amends: [New section in NRS Chapter 107](#), [NRS 107.080](#), [107.086](#), [107.0865](#), [107.095](#), [107.550](#), [40.437](#), [100.091](#), [116.31162](#), and [Sections 10.5, 13 of Chapter 517, Statues of Nevada 2015](#)*

*Repeals: [Sections 1.5, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11 and 12 of chapter 517, Statutes of Nevada 2015, at pages 3317, 3322, 3327, 3328, 3330, 3333 and 3334](#)*

## GENERAL

### AB161 – Rental Agreements

- This bill requires a rental agreement for a single-family home to contain notice that the tenant does not have lawful occupancy unless the agreement is notarized and signed by the landlord, landlord’s representative, or property manager. It must also contain contact information for the landlord or landlord’s representative. The agreement remains valid and enforceable if it is NOT notarized.
- This bill creates rebuttable presumption that a squatter who forcibly enters or takes up residence in vacant property does not have the permission of the landlord unless the squatter can provide a notarized copy of the rental agreement.



**AB161** – Existing law sets forth certain requirements relating to a written rental agreement. This bill requires a written rental agreement for a single-family residence, unless signed by an authorized agent of the landlord who at the time of signing holds a permit to engage in property management, to contain a disclosure which states that: (1) there are rebuttable presumptions in this bill that the tenant does not have lawful occupancy of the residence unless the agreement is notarized or is signed by an authorized agent of the landlord who at the time of signing holds a permit to engage in property management and contains certain contact information for the landlord or the landlord’s representative; and (2) the agreement is valid and enforceable regardless of whether the agreement is notarized or is signed by an authorized agent of the landlord who at the time of signing holds a permit to engage in property management or contains certain contact information for the landlord or the landlord’s representative. This bill create rebuttable presumptions that a person who forcibly enters or takes up residence in an uninhabited or vacant dwelling knows that his or her entry or residency is without permission of the owner or the owner’s representative unless he or she provides a written rental agreement that is notarized or is signed by an authorized agent of the owner who at

the time of signing holds a permit to engage in property management and contains certain contact information for the owner or the owner's representative.

*Effective: July 1, 2017*

*Amends: [NRS 118A.200](#), [205.0813](#), and [205.0817](#)*

## AB235 - Uniform Commercial Real Estate Receivership Act

- This bill enacts the Uniform Commercial Real Estate Receivership Act to establish provisions governing the appointment and powers of a receiver for real property that is used for certain commercial purposes and any personal property related to or used in operating that real property.



**[AB235](#)** – Under existing law, a court is authorized to appoint a receiver in certain cases and under certain circumstances. This bill enacts the Uniform Commercial Real Estate Receivership Act to establish provisions governing the appointment and powers of a receiver for real property that is used for certain commercial purposes and any personal property related to or used in operating that real property. This bill sets forth the circumstances under which a court is authorized to appoint a receiver for such property. Under this bill, a court is authorized to appoint a receiver: (1) before judgment if the property is subjected to or is in danger of waste, loss, dissipation or impairment or has been or is about to be subject to a voidable transaction; (2) to carry a judgment into effect or preserve property pending an appeal or when an owner of the property refuses to apply the property in satisfaction of the judgment; (3) when the court determines that equitable grounds establish the need for a receiver; or (4) to preserve property that has been sold in an execution or foreclosure sale during the period that the property may be redeemed by the debtor. This bill further provides that a mortgagee under a mortgage for certain commercial real property is entitled to the appointment of a receiver under certain circumstances. This bill establishes the circumstances under which a person is disqualified from appointment as a receiver because the person has certain conflicts of interest. Under this bill, a court is prohibited from appointing a person as receiver unless the person submits to the court a statement under penalty of perjury that the person is not disqualified from such appointment. This bill requires the Nevada Supreme Court to adopt rules: (1) governing the ethics and independence of receivers; and (2) preventing self-dealing by a receiver. This bill requires a receiver to post a bond or alternative security with the court appointing the receiver. This bill enacts provisions setting forth the effect of the appointment of a receiver. This bill provides that a receiver has the status and priority of a lien creditor with respect to the receivership property. Under this bill, the appointment of a receiver does not affect the validity of any security interest granted before the appointment of the receiver, and any property acquired by a receiver is subject to a security interest granted under an agreement entered into before the appointment of the receiver. This bill requires a person who possesses property for which a receiver has been appointed to turn over the property to the receiver on demand by the receiver. This bill sets forth the powers and duties of a receiver with respect to the receivership property, including, without limitation, the authority to manage and protect receivership property, operate a business constituting receivership property, pay expenses and assert the rights, claims and defenses of the owner of the property. This bill sets forth the duties of the owner of property for which a receiver has been appointed, including, without limitation, a

requirement to assist and cooperate with the receiver, preserve and turn over to the receiver receivership property in the owner's possession or control and making available to the receiver certain records. This bill provides that the appointment of a receiver automatically stays certain actions and proceedings involving receivership property and allows a person whose action or proceeding is stayed to apply to the court for relief from the stay. This bill enacts provisions governing the administration of the receivership. This bill authorizes the receiver to hire and pay certain professionals to assist in the administration of the receivership upon approval of the court. This bill authorizes a receiver to dispose of receivership property outside of the ordinary court of business with the approval of the court. This bill further provides that: (1) such a disposition of receivership property is free and clear of junior liens unless the agreement for the disposition provides otherwise; and (2) secured creditors are entitled to receive the proceeds of such a disposition according to the priority established by existing law. This bill authorizes a receiver to adopt or reject contracts under which a party has an unperformed obligation upon approval of the court and establishes the procedures for doing so. This bill provides immunity to a receiver and requires the approval of the appointing court before a receiver may be sued personally for an act or omission in administering receivership property. This bill requires a receiver to notify certain creditors of the appointment of the receiver and requires creditors to file claims with the receiver to obtain a distribution of or proceeds from receivership property. This bill requires a receiver to file certain reports with the court. Under this bill, when the court of another state has appointed a person as receiver, a court in this State may appoint that person as an ancillary receiver for the purpose of obtaining possession and control of receivership property located in this State. This bill further authorizes the court to enter any order necessary to effectuate an order of a court in another state appointing or directing a receiver. This bill sets forth certain effects of the appointment of a receiver upon the request of a mortgagee or assignee of rents.

***Effective: October 1, 2017***

***Amends: [NRS Chapter 32](#)***



## AB247 – Residential Leases

- This bill provides for the early termination of a lease if the tenant, co-tenant, or a household member is a victim of stalking, harassment, or sexual assault.
- A landlord may not retaliate against a person for early termination as provided in the bill.



**AB247** – Existing law provides, under certain circumstances, for the early termination of a rental agreement if a tenant, cotenant or household member is a victim of domestic violence. This bill similarly provides, under certain circumstances, for the early termination of a rental agreement if a tenant, cotenant or household member is a victim of the crime of harassment, sexual assault or stalking. Existing law prohibits a landlord from taking certain retaliatory actions against a tenant, cotenant or household member who is a victim of domestic violence or who terminates a rental agreement because he or she is a victim of domestic violence. This bill similarly prohibits a landlord from taking certain retaliatory actions against a tenant, cotenant or household member who is a victim of harassment, sexual assault or stalking or who terminates a rental agreement because he or she is a victim of harassment, sexual assault or stalking.

*Effective: October 1, 2017*

*Amends: [NRS 118A.345](#), [118A.347](#), and [118A.510](#)*

**AB380** – Existing law provides for the recording of certain documents relating to real property. This bill authorizes an owner of real property to record a notice in the office of any county recorder, wherein the subject property is located, which provides that public use for pedestrian access of the owner's real property is with the permission of and subject to the control of the owner. Existing law limits certain actions for the recovery of real property. This bill: (1) authorizes an owner of land to post certain notices stating that the right to pass over such land is by permission and subject to the control of the owner; and (2) prohibits a person from maintaining an action constituting an easement by prescription regardless of whether the owner posts certain notice on the property or records a notice pursuant to this bill. This bill also authorizes a governing body of a city or county to adopt ordinances governing a sign posted by an owner of land under certain circumstances.

*Effective: October 1, 2017*

*Amends: [New section in NRS Chapter 111](#), [NRS 111.312](#), [new section in NRS Chapter 11](#), and [NRS 107A.200](#)*

## VETOED BILLS

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**AB136** – This bill would have set forth certain factors which the court must consider in deciding whether there is good cause to release a person without bail.

**AB154** – This bill related to revising provisions relating to the payment of prevailing wages.

**AB259** – This bill relates to criminal procedure, providing for the vacating of certain judgments of conviction and seal if certain records relating to marijuana.

**AB271** – This bill would have revised the provisions governing collective bargaining by local government employees.

**AB303** – This bill relates to corrections requiring core correctional services to be provided with certain exceptions.

**AB376** – This bill would have revised provisions relating to criminal procedure.

**AB403** – This bill would have authorized the Legislative Commission to suspend or nullify a regulation adopted pursuant to the Nevada Administrative Procedure Act and it would have established procedures that the Legislative Commission must follow before and after it takes action to suspend or nullify.

**AB427** – This bill governed the eligibility of certain convicted persons for public assistance.

**AB438** – This bill would have established crimes for drug possession, reduced or suspended the sentence of a person convicted of a controlled substance offense, and reduced the penalty for being under the influence of a controlled substance.

**SB140** – This bill would have authorized residential confinement or other appropriate supervision of certain older offenders.

**SB374** – This bill relates to the use of marijuana or industrial hemp.

**SB384** – This bill provides for the confidentiality of information in the Public Employees Retirement System.

**SB397** – This bill revises provisions relating to employment.

**SB434** – This bill would require certain city attorney to be appointed rather than elected.

**SB469** – This bill governs collective bargaining by local government employers.

**IP1** – This initiative petition would revise provisions relating to voter registration.

### AB40 – White Pine Co. Courthouse

- This bill did not pass out of Ways and Means.
- It would have provided an appropriation of \$10M to White Pine County to assist with the construction of a new, secure courthouse.



[AB40](#) – This bill would have made an appropriation to assist with the construction of a new courthouse in White Pine County.

### AB194 – Peer Recovery

- This bill died on the Senate Floor in the closing weeks of the Session.
- This bill would have required persons providing peer recovery support (12-step sponsors, specialty court graduates assisting current participants, etc.) to become licensed by the State and pay a fee as well as meet other requirements.



[AB194](#) – This bill would have provided for the certification of behavioral healthcare peer recovery support specialists.

[AB237](#) – This bill would have abolished capital punishment.

[AB250](#) – This bill would have revised provisions governing release with or without bail.

[AB264](#) – This bill revises provisions governing equipment used by the State to reduce the use of paper.

[AB338](#) – This bill would have revised provisions governing the admission into evidence in a civil action of certain violations of the requirement to wear a safety belt.

[SB321](#) – This bill would have established a program to award grants to certain community-based programs for reentry of offenders.

[SB470](#) – This bill would have revised the provisions governing the release of information relating to children.

# APPENDIX

## 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](mailto: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 Brian Sandoval**

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 Adam Laxalt**

Northern NV: (775) 684-1100

Southern NV: (702) 486-3420

<http://ag.state.nv.us/>

### **Office of State Controller Ron Knecht**

Northern NV: (775) 684-5750

Southern NV: (702) 486-3895

<http://controller.nv.gov/>

### **Office of State Treasurer Dan Schwartz**

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/](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

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.snsplp.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>











