

ASSEMBLY BILL NO. 325—ASSEMBLYMEN FUMO, FLORES, NEAL,  
MCCURDY, CARRILLO; MARTINEZ, PETERS AND THOMPSON

MARCH 18, 2019

Referred to Committee on Judiciary

SUMMARY—Revises provisions relating to bail. (BDR 14-118)

FISCAL NOTE: Effect on Local Government: No.  
Effect on the State: No.

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

AN ACT relating to criminal procedure; revising provisions relating to pretrial release; revising provisions relating to conditions of bail; making various other changes relating to bail; and providing other matters properly relating thereto.

**Legislative Counsel’s Digest:**

1 The Nevada Constitution and existing law provide that all persons arrested for  
2 offenses other than murder of the first degree must be admitted to bail unless  
3 certain circumstances apply. (Nev. Const. Art. 1, § 7; NRS 178.484) This bill  
4 makes various changes relating to bail.

5 Existing law authorizes the court in which an indictment or information is  
6 presented for a felony charge to increase a defendant’s bail and order the defendant  
7 to be committed to actual custody if the defendant does not pay the increased  
8 amount. (NRS 173.175) **Section 2** of this bill provides that if a court has made a  
9 determination of bail based on a criminal complaint, the State has elected to present  
10 the same case before a grand jury and an indictment has been returned, the State  
11 may not seek a modification of the original determination of bail unless: (1) before  
12 filing a motion to modify the bail, the State files notice of the intent to file a motion  
13 to modify the bail; (2) the State files a motion to modify the bail; and (3) the motion  
14 to modify the bail is based upon new or different reasons that were unknown at the  
15 time that the original determination of bail was made.

16 Existing law provides that before releasing a person arrested for any crime, the  
17 court may impose such reasonable conditions on the person as it deems necessary  
18 to protect the health, safety and welfare of the community and to ensure that the  
19 person will appear at all times and places ordered by the court. Existing law also  
20 sets forth a nonexclusive list of conditions of bail that the court may impose. (NRS  
21 178.484) **Section 3** of this bill provides that: (1) any person eligible for release on  
22 bail as provided in the Nevada Constitution must be released pending trial with the  
23 least restrictive conditions that the court finds necessary to ensure reasonably the  
24 appearance of the person and the safety of the community; and (2) no financial



25 condition on the pretrial release of a defendant, no arrest warrant and no other  
26 involvement with the criminal justice system may be imposed, including, without  
27 limitation, the imposition of any fee for any condition that is associated with  
28 pretrial release, supervision or detention, other than a secured or unsecured bond  
29 imposed in accordance with **section 3**.

30 **Section 3** also sets forth a priority for conditions of release, in the following  
31 order: (1) own recognizance release; (2) release with nonfinancial conditions; (3)  
32 release with an unsecured appearance bond; and (4) release with secured financial  
33 conditions, provided that such financial conditions are set no higher than necessary  
34 to ensure reasonably the appearance of the defendant and the safety of the  
35 community. **Section 3** additionally provides that except for certain cases, any  
36 defendant who is charged with no offense greater than a misdemeanor must be  
37 released on his or her own recognizance and the presumption must be that no other  
38 conditions should be imposed, except that if deemed necessary, the following  
39 conditions may be imposed: (1) the requirement to commit no new crimes; (2) the  
40 requirement to provide contact information; and (3) if any alleged crime involves a  
41 specific victim who is a natural person, the requirement that the defendant will stay  
42 away from that specific victim.

43 Additionally, **section 3** provides that a defendant who is charged with a felony  
44 other than first degree murder must be released under the least restrictive condition  
45 or combination of conditions necessary to ensure reasonably the appearance of the  
46 defendant and the safety of the community. Furthermore, **section 3** requires that the  
47 court, as soon as possible but in no case more than 48 hours after the initial  
48 appearance of the defendant, must hold a pretrial release hearing to determine  
49 which conditions, if conditions are required, are the least restrictive conditions  
50 necessary to ensure reasonably the appearance of the defendant and the safety of  
51 the community. **Section 3** sets forth in detail the requirements for a pretrial release  
52 hearing and the rights afforded to a defendant.

53 Existing law provides that a person who is arrested for certain offenses relating  
54 to driving under the influence of alcohol or a controlled substance and who is under  
55 the influence of alcohol or a controlled substance must not be admitted to bail or  
56 released on the person's own recognizance unless, for an offense involving alcohol,  
57 the person has a concentration of alcohol of less than 0.04 in his or her breath or,  
58 for an offense involving a controlled substance, 12 hours has passed since the  
59 person was arrested. (NRS 178.484) **Section 3** provides that, under such  
60 circumstances, a person may be detained for up to 4 hours if there is a reasonable  
61 likelihood that, if released, the person would be a danger to himself or herself or  
62 others.

63 Existing law provides that if a person is arrested for a battery that constitutes  
64 domestic violence: (1) the person must not be admitted to bail sooner than 12 hours  
65 after arrest; and (2) if the person is admitted to bail more than 12 hours after arrest,  
66 without appearing personally before a magistrate or without the amount of bail  
67 having been otherwise set by a magistrate or a court, bail for the person must be a  
68 specified amount, depending on whether the person has previous convictions and  
69 whether the battery resulted in substantial bodily harm or was committed by  
70 strangulation. (NRS 178.484) **Section 3** provides that, under such circumstances, a  
71 person may be detained for up to 4 hours.

72 Existing law provides that, under certain circumstances, a person must not be  
73 admitted to bail sooner than 12 hours after arrest if the person is arrested for  
74 violating: (1) a temporary or extended order for protection against domestic  
75 violence; (2) a restraining order or injunction that is in the nature of a temporary or  
76 extended order for protection against domestic violence; (3) a temporary or  
77 extended order for protection against stalking, aggravated stalking or harassment;  
78 or (4) a temporary or extended order for protection against sexual assault. Existing  
79 law also establishes specified amounts of monetary bail, depending on whether the



80 person has previous convictions, if the person is released more than 12 hours after  
81 arrest. (NRS 178.484) **Section 3:** (1) provides that, for such arrests, a person may  
82 be detained for up to 4 hours; and (2) eliminates the specified amounts of monetary  
83 bail.

84 Existing law provides that if a person fails to comply with a condition of bail,  
85 the court may, after providing the person with reasonable notice and an opportunity  
86 for a hearing, deem such conduct a contempt or increase the amount of bail. (NRS  
87 178.484) **Section 3:** (1) provides that the court must have attempted unsuccessfully  
88 to contact the person; and (2) instead of authorizing the court to increase the  
89 amount of bail, authorizes the court to order that the pretrial release hearing be  
90 reopened.

91 Existing law provides that if a person admitted to bail fails to appear as ordered  
92 by a court and the jurisdiction incurs any cost in returning the person to the  
93 jurisdiction to stand trial, the person who failed to appear is responsible for paying  
94 those costs as restitution. (NRS 178.484) **Section 3** deletes this provision.

95 Existing law sets forth certain factors the court must consider in deciding  
96 whether there is good cause to release a person without bail. (NRS 178.4851)  
97 **Section 15** of this bill repeats this provision of existing law.

98 Existing law provides that when a defendant charged with the commission of a  
99 category A or B felony who is admitted to bail on a surety bond and who is taken  
100 into custody in the same jurisdiction, is charged with another category A or B  
101 felony and ordered to be released from custody without bail, the defendant must not  
102 be released until the bail agent that issued the surety bond is notified. (NRS  
103 178.4855) **Section 4** of this bill provides that, under such circumstances, the  
104 defendant must receive a new pretrial release hearing, which may result in the  
105 addition or modification of conditions of release.

106 Existing law provides that if a defendant released on bail has committed a  
107 felony during the period of release, the defendant's bail may be revoked following  
108 a hearing. Pending the hearing, the defendant may be held without bail on the new  
109 felony charge. (NRS 178.487) **Section 5** of this bill provides that under such  
110 circumstances: (1) the defendant may not be held for more than 4 hours, at which  
111 point a pretrial release hearing must be held; and (2) if a pretrial release hearing is  
112 not held within 4 hours after the defendant is being held, the defendant must be  
113 released until the pretrial release hearing is held.

114 Existing law authorizes a magistrate to require a material witness to give bail to  
115 ensure the person's appearance as a witness. (NRS 178.494) **Section 6** of this bill  
116 provides that: (1) the magistrate may impose conditions of bail under such  
117 circumstances; and (2) if a material witness who fails to comply with a condition of  
118 bail is also an alleged victim and is refusing to be interviewed or deposed, the State  
119 may not seek a warrant for detention of the person unless the State does so pursuant  
120 to a court order and in compliance with all applicable constitutional rights  
121 conferred upon the person.

122 Existing law sets forth factors a magistrate must consider in setting the amount  
123 of bail. (NRS 178.498) **Section 7** of this bill provides that: (1) a magistrate may  
124 only impose monetary bail or a secured bond if no nonmonetary conditions will  
125 ensure reasonably the appearance of a person and the safety of the community; (2)  
126 the amount of the monetary bail or secured bond must be based on the financial  
127 resources of the person and must be the minimum amount necessary to ensure  
128 reasonably the appearance of the person and the safety of the community; and (3)  
129 the magistrate must make findings as to the reasoning underlying the specific  
130 amount set and the relationship of that amount to ensuring reasonably the  
131 appearance of the person and the safety of the community.

132 Existing law provides that: (1) a district court or Justice Court may, at any time  
133 after setting bail and before acquittal or conviction, increase the amount of the  
134 defendant's bail for good cause shown; and (2) if the defendant has been released



135 from custody, the defendant must pay the increased bail or return to custody.  
136 **Section 8** of this bill instead provides that upon notice, the filing of a motion and  
137 the opportunity for a response and a hearing, a magistrate may consider a  
138 modification of bail, including, without limitation, the addition, modification,  
139 suspension or cancellation of any condition or combination of conditions of bail.

140 Existing law provides for the forfeiture of bail when a defendant fails to appear  
141 as required and authorizes the court to extend the date on which forfeiture occurs.  
142 (NRS 178.508) **Section 11** of this bill provides that: (1) before ordering the  
143 issuance of a warrant for the arrest of the defendant, the court must attempt to  
144 contact the defendant by telephone, text messaging or other means of  
145 communication reasonably calculated to reach the defendant; and (2) such a  
146 warrant must not be issued earlier than 48 hours after the defendant failed to  
147 appear.

148 Sections 9, 10 and 12-14 of this bill make conforming changes.

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

1 **Section 1.** NRS 171.1845 is hereby amended to read as  
2 follows:

3 171.1845 1. If a person is brought before a magistrate under  
4 the provisions of NRS 171.178 or 171.184, and it is discovered that  
5 there is a warrant for the person's arrest outstanding in another  
6 county of this State, the magistrate may release the person in  
7 accordance with the provisions of NRS 178.484 ~~for 178.4851~~ if:

8 (a) The warrant arises out of a public offense which constitutes a  
9 misdemeanor; and

10 (b) The person provides a suitable address where the magistrate  
11 who issued the warrant in the other county can notify the person of a  
12 time and place to appear.

13 2. If a person is released under the provisions of this section,  
14 the magistrate who releases the person shall transmit the cash, bond,  
15 notes or agreement submitted under the provisions of NRS ~~178.484~~  
16 ~~or 178.502~~, ~~for 178.4851,~~ together with the person's address, to  
17 the magistrate who issued the warrant. Upon receipt of the cash,  
18 bonds, notes or agreement and address, the magistrate who issued  
19 the warrant shall notify the person of a time and place to appear.

20 3. Any bail set under the provisions of this section must be in  
21 addition to and apart from any bail set for any public offense with  
22 which a person is charged in the county in which a magistrate is  
23 setting bail. In setting bail under the provisions of this section, a  
24 magistrate shall set the bail in an amount which is sufficient to  
25 induce a reasonable person to travel to the county in which the  
26 warrant for the arrest is outstanding.

27 4. A person who fails to appear in the other county as ordered  
28 is guilty of failing to appear and shall be punished as provided in  
29 NRS 199.335. A sentence of imprisonment imposed for failing to



1 appear in violation of this section must be imposed consecutively to  
2 a sentence of imprisonment for the offense out of which the warrant  
3 arises.

4 **Sec. 2.** NRS 173.175 is hereby amended to read as follows:

5 173.175 ~~[When the indictment or information is for a felony~~  
6 ~~and the defendant before the filing thereof has given bail for the~~  
7 ~~defendant's appearance to answer the charge, the court in which the~~  
8 ~~indictment or information is presented, or in which it is pending,~~  
9 ~~may order the defendant to be committed to actual custody unless~~  
10 ~~the defendant gives bail in an increased amount, to be specified in~~  
11 ~~the order.]~~ *If a court has made a determination of bail based on a*  
12 *criminal complaint, the State has elected to present the same case*  
13 *before a grand jury and an indictment has been returned, the State*  
14 *may not seek a modification of the original determination of bail*  
15 *unless:*

16 1. *Before filing a motion to modify the bail in the district*  
17 *court in which the indictment is presented or pending, the State*  
18 *files notice of the intent to file a motion to modify the bail;*

19 2. *The State files a motion to modify the bail in the district*  
20 *court in which the indictment is presented or pending; and*

21 3. *The motion to modify the bail is based upon new or*  
22 *different reasons that were unknown at the time that the original*  
23 *determination of bail was made.*

24 **Sec. 3.** NRS 178.484 is hereby amended to read as follows:

25 178.484 1. ~~[Except as otherwise provided in this section, a~~  
26 ~~person arrested for an offense other than murder of the first degree~~  
27 ~~must be admitted to bail.~~

28 ~~—2.— A person arrested for a felony who has been released on~~  
29 ~~probation or parole for a different offense must not be admitted to~~  
30 ~~bail unless:~~

31 ~~—(a) A court issues an order directing that the person be admitted~~  
32 ~~to bail;~~

33 ~~—(b) The State Board of Parole Commissioners directs the~~  
34 ~~detention facility to admit the person to bail; or~~

35 ~~—(c) The Division of Parole and Probation of the Department of~~  
36 ~~Public Safety directs the detention facility to admit the person to~~  
37 ~~bail.~~

38 ~~—3.— A person arrested for a felony whose sentence has been~~  
39 ~~suspended pursuant to NRS 4.373 or 5.055 for a different offense or~~  
40 ~~who has been sentenced to a term of residential confinement~~  
41 ~~pursuant to NRS 4.3762 or 5.076 for a different offense must not be~~  
42 ~~admitted to bail unless:~~

43 ~~—(a) A court issues an order directing that the person be admitted~~  
44 ~~to bail; or~~



1 ~~—(b) A department of alternative sentencing directs the detention~~  
2 ~~facility to admit the person to bail.~~

3 ~~—4. A person arrested for murder of the first degree may be~~  
4 ~~admitted to bail unless the proof is evident or the presumption great~~  
5 ~~by any competent court or magistrate authorized by law to do so in~~  
6 ~~the exercise of discretion, giving due weight to the evidence and to~~  
7 ~~the nature and circumstances of the offense.~~

8 ~~—5.] Any person eligible for release on bail as provided in~~  
9 ~~Section 7 of Article 1 of the Nevada Constitution must be released~~  
10 ~~pending trial with the least restrictive conditions that the court~~  
11 ~~finds necessary to ensure reasonably the appearance of the person~~  
12 ~~and the safety of the community. A person arrested for murder in~~  
13 ~~the first degree may be denied bail by any magistrate authorized by~~  
14 ~~law to do so if the magistrate conducts a pretrial release hearing in~~  
15 ~~accordance with the procedures set forth in this section.~~

16 *2. No financial condition on the pretrial release of a*  
17 *defendant, no arrest warrant and no other involvement with the*  
18 *criminal justice system may be imposed, including, without*  
19 *limitation, the imposition of any fee for any condition that is*  
20 *associated with pretrial release, supervision or detention, other*  
21 *than a secured or unsecured bond imposed in accordance with this*  
22 *section.*

23 *3. In determining which conditions of release, if any, are*  
24 *appropriate in a given case, the court shall consider possible*  
25 *conditions of release in the following order of priority:*

26 *(a) Own recognizance release.*

27 *(b) Release with nonfinancial conditions.*

28 *(c) Release with an unsecured appearance bond.*

29 *(d) Release with secured financial conditions, provided that*  
30 *such financial conditions are set no higher than necessary to*  
31 *ensure reasonably the appearance of the defendant and the safety*  
32 *of the community.*

33 *4. At or before the initial appearance, except as otherwise*  
34 *provided in subsection 5, any defendant who is charged with no*  
35 *offense greater than a misdemeanor must be released on his or*  
36 *her own recognizance and the presumption must be that no other*  
37 *conditions should be imposed, except that if deemed necessary, the*  
38 *following conditions may be imposed:*

39 *(a) The requirement to commit no new crimes;*

40 *(b) The requirement to provide his or her telephone number,*  
41 *mailing address or electronic mail address, the telephone number*  
42 *of another person whom the court may contact to reach the*  
43 *defendant or other means reasonably calculated to ensure that the*  
44 *defendant may be contacted by the court; and*



1 (c) *If any alleged crime involves a specific victim who is a*  
2 *natural person, the requirement that the defendant will stay away*  
3 *from that specific victim.*

4 5. *The provisions of subsection 4 do not apply in the*  
5 *following cases:*

6 (a) *Battery that constitutes domestic violence pursuant to*  
7 *NRS 33.018;*

8 (b) *Arrest for violating a temporary or extended order for*  
9 *protection against domestic violence issued pursuant to NRS*  
10 *33.017 to 33.100, inclusive;*

11 (c) *Arrest for violating a restraining order or injunction that is*  
12 *in the nature of a temporary or extended order for protection*  
13 *against domestic violence issued in an action or proceeding*  
14 *brought pursuant to title II of NRS;*

15 (d) *Arrest for violating a temporary or extended order for*  
16 *protection against stalking, aggravated stalking, or harassment*  
17 *issued pursuant to NRS 200.591; and*

18 (e) *Arrest for violating a temporary or extended order for*  
19 *protection against sexual assault pursuant to NRS 200.378.*

20 *↳ In such cases, the court shall follow the procedures set forth in*  
21 *subsection 6. The court may release the defendant with conditions*  
22 *other than those conditions described in subsection 4 if there is a*  
23 *reasonable likelihood that, when released, the defendant would be*  
24 *a danger to the victim of an alleged offense or another person*  
25 *connected with the alleged offense.*

26 6. *A defendant who is charged with a felony other than first*  
27 *degree murder must be released under the least restrictive*  
28 *condition or combination of conditions necessary to ensure*  
29 *reasonably the appearance of the defendant and the safety of the*  
30 *community. The court shall, as soon as possible but in no case*  
31 *more than 48 hours after the initial appearance of the defendant,*  
32 *hold a pretrial release hearing to determine which conditions, if*  
33 *conditions are required, are the least restrictive conditions*  
34 *necessary to ensure reasonably the appearance of the defendant*  
35 *and the safety of the community.*

36 7. *In all cases in which the State seeks any conditions other*  
37 *than those conditions described in subsection 4, the court shall, as*  
38 *soon as possible but in no case more than 48 hours after the initial*  
39 *appearance of the defendant, hold a pretrial release hearing to*  
40 *determine what additional conditions may be appropriate, in*  
41 *accordance with the following requirements:*

42 (a) *At the pretrial release hearing, the defendant has the right*  
43 *to be represented by an attorney, free of charge.*

44 (b) *Before the pretrial release hearing, the defendant must be*  
45 *given an adequate opportunity, as determined by his or her*



1 *attorney, to meet privately and consult with his or her attorney.*  
2 *The defendant's attorney must be granted equal and timely access*  
3 *to all arrest, charging and other relevant documents that are*  
4 *accessible to the prosecuting attorney and the court. Any*  
5 *information in the possession of the State which is favorable to the*  
6 *defendant and which is relevant to the question of release, guilt or*  
7 *punishment must be disclosed to the defendant's attorney before*  
8 *the pretrial release hearing.*

9 (c) *At or before the pretrial release hearing, the prosecuting*  
10 *attorney or the defendant's attorney may request an extension of*  
11 *up to 48 hours to prepare for the pretrial release hearing. The*  
12 *court may grant a request for such an extension by the*  
13 *prosecuting attorney if the prosecuting attorney certifies to the*  
14 *court that the evidence needed by the State for the pretrial release*  
15 *hearing is unavailable through no fault of the State. The court*  
16 *may grant a request for an extension beyond 48 hours only upon*  
17 *the motion of the defendant if good cause is shown for such an*  
18 *extension.*

19 (d) *At the pretrial release hearing, the defendant has the right*  
20 *to testify, to present witnesses, to cross-examine witnesses who*  
21 *testify for the State and to present evidence by proffer, through*  
22 *documents or otherwise. The rules concerning admissibility of*  
23 *evidence in a criminal trial do not apply in a pretrial release*  
24 *hearing. If the defendant testifies, the defendant's testimony at the*  
25 *pretrial release hearing is not admissible in any other criminal*  
26 *proceeding in the case in chief of the State, except for a*  
27 *prosecution for perjury or for the purpose of impeachment.*

28 (e) *Before the pretrial release hearing, the prosecuting*  
29 *attorney shall provide all evidence or information favorable to the*  
30 *defendant, including, without limitation, any relevant evidence for*  
31 *the purpose of impeachment of any witness. This requirement*  
32 *must be construed to include any information that would*  
33 *undermine any factual assertion on which the State relies in*  
34 *seeking additional conditions or, for those offenses described in*  
35 *subsection 5, for seeking pretrial detention.*

36 (f) *If the court orders any conditions beyond those conditions*  
37 *described in subsection 4, the court must issue a written statement*  
38 *explaining why the conditions are the least restrictive possible to*  
39 *ensure reasonably the appearance of the defendant and the safety*  
40 *of the community.*

41 (g) *A defendant must not be shackled or otherwise restrained*  
42 *when appearing in court for any hearing relating to pretrial*  
43 *release or, for those crimes described in subsection 5, for pretrial*  
44 *detention, unless the court makes a finding on the record that the*





1 *defendant poses an imminent danger to another person based*  
2 *upon individualized specific reasons.*

3 *(h) At any time after the pretrial release hearing and before*  
4 *trial, a pretrial release hearing may be reopened upon a showing*  
5 *of good cause, and the State or the defendant may request that the*  
6 *court impose, remove or modify any condition of pretrial release*  
7 *or reconsider an order of pretrial detention. If the State or*  
8 *defendant requests to reopen a pretrial release hearing and the*  
9 *court finds good cause for the request, the pretrial release hearing*  
10 *must be reopened and held within 24 hours. This paragraph must*  
11 *not be construed to affect the right of a defendant to file an*  
12 *interlocutory appeal of any order of pretrial detention.*

13 *(i) A law enforcement agency or other designee of the State*  
14 *that is detaining a defendant may release the defendant before the*  
15 *pretrial release hearing if the person in control of that law*  
16 *enforcement agency or other designee of the State, in his or her*  
17 *discretion, believes that such pretrial detention is unnecessary or*  
18 *harmful to the health or well-being of any person or that release*  
19 *of the defendant is in the public interest.*

20 *(j) At the pretrial release hearing, in all cases in which the*  
21 *defendant is charged with a felony:*

22 *(1) There are rebuttable presumptions that:*

23 *(I) The defendant will be immediately released without*  
24 *conditions beyond those conditions described in subsection 4;*

25 *(II) Onerous conditions, including, without limitation,*  
26 *drug testing, inpatient treatment, outpatient treatment, travel*  
27 *restrictions, curfew, home confinement and electronic monitoring,*  
28 *are not necessary conditions of release; and*

29 *(III) Monetary bail or a secured bond, being the most*  
30 *restrictive of conditions, should be imposed only as a last resort if*  
31 *no other condition or combination of conditions will ensure*  
32 *reasonably the appearance of the defendant and the safety of the*  
33 *community.*

34 *(2) The State may rebut the presumptions set forth in*  
35 *subparagraph (1) by proving to the court, by clear and convincing*  
36 *evidence, that the defendant has a high risk of failing to appear if*  
37 *no conditions of release are imposed. If the court finds that the*  
38 *State has rebutted such presumptions by proving, by clear and*  
39 *convincing evidence, that the defendant has a high risk of failing*  
40 *to appear if no conditions of release are imposed, the court may*  
41 *impose additional conditions of pretrial release if:*

42 *(I) The court holds a pretrial release hearing as set forth*  
43 *in this subsection; and*

44 *(II) The court issues a written statement explaining why*  
45 *the conditions are the least restrictive possible to ensure*



1 *reasonably the appearance of the defendant and the safety of the*  
2 *community.*

3 *(3) If the court imposes additional conditions of pretrial*  
4 *release pursuant to subparagraph (2), such conditions may*  
5 *include the requirement to:*

6 *(I) Abide by reasonable specified restrictions on*  
7 *personal associations, place of abode or travel;*

8 *(II) Refrain from possessing a firearm, destructive*  
9 *device or other dangerous weapon;*

10 *(III) If currently enrolled in an educational program,*  
11 *make efforts to maintain enrollment;*

12 *(IV) Maintain employment if currently employed or, if*  
13 *currently seeking employment and able to work, continue seeking*  
14 *employment;*

15 *(V) Refrain from use of an illegal drug or other*  
16 *controlled substance without a valid prescription;*

17 *(VI) Undergo available medical, psychological or*  
18 *psychiatric treatment at no cost to the defendant, including*  
19 *treatment for drug or alcohol dependency, if the defendant*  
20 *acknowledges having adequate transportation and resources to*  
21 *travel to the treatment facility;*

22 *(VII) Submit to a drug test at the request of a person*  
23 *designated by the court;*

24 *(VIII) Be released on electronic monitoring;*

25 *(IX) Satisfy any other condition that is reasonably*  
26 *necessary to ensure the appearance of the defendant and the*  
27 *safety of the community; or*

28 *(X) Deposit monetary bail or a secured bond with the*  
29 *court that is set in accordance with this section.*

30 *(4) No monetary bail or secured or unsecured bond for the*  
31 *pretrial release of the defendant may be imposed unless the court:*

32 *(I) Determines that such a condition is necessary to*  
33 *ensure reasonably the appearance of the defendant and the safety*  
34 *of the community;*

35 *(II) Conducts an inquiry into the financial resources of*  
36 *the defendant and his or her ability to pay for such a condition;*  
37 *and*

38 *(III) Makes specific written findings that the defendant*  
39 *has the present ability to pay for such a condition without*  
40 *incurring substantial hardship, the amount of the monetary bail or*  
41 *bond is the minimum amount necessary to ensure reasonably the*  
42 *appearance of the defendant and the safety of the community and*  
43 *less restrictive alternatives are not adequate to ensure reasonably*  
44 *the appearance of the defendant and the safety of the community.*



1 (k) *If a court imposes monetary or nonmonetary conditions of*  
2 *release and the defendant remains in custody 24 hours after the*  
3 *issuance of the order setting those conditions of release because of*  
4 *the inability of the defendant to meet those conditions, the*  
5 *defendant, on his or her motion or on the court's own motion to*  
6 *review the conditions of release, is entitled to a hearing on that*  
7 *motion to be held not more than 3 days after the date of the filing*  
8 *of the motion.*

9 8. *A person arrested for a felony who has been released on*  
10 *probation or parole for a different offense must be given a pretrial*  
11 *release hearing in accordance with the procedures set forth in this*  
12 *section.*

13 9. *A person arrested for a violation of NRS 484C.110,*  
14 *484C.120, 484C.130, 484C.430, 488.410, 488.420 or 488.425* ~~*[who*~~  
15 ~~*is under the influence of intoxicating liquor must not be admitted to*~~  
16 ~~*bail or released on the person's own recognizance unless the person*~~  
17 ~~*has a concentration of alcohol of less than 0.04 in his or her breath.]*~~  
18 *may be detained for up to 4 hours if the person is under the*  
19 *influence of intoxicating liquor and there is a reasonable*  
20 *likelihood that, if released, the person would be a danger to*  
21 *himself or herself or others because of his or her condition. If a*  
22 *person is detained pursuant to this subsection for the full period of*  
23 *4 hours, an officer of the law enforcement agency that is detaining*  
24 *the person shall state in writing the basis for the determination*  
25 *that such detention is appropriate for the full period of 4 hours. A*  
26 *test of the person's breath pursuant to this subsection to determine*  
27 ~~*[the concentration of alcohol in his or her breath as a condition of*~~  
28 ~~*admission to bail or release]*~~ *whether the person is under the*  
29 *influence of intoxicating liquor* *is not admissible as evidence*  
30 *against the person.*

31 ~~*[6.]*~~ 10. *A person arrested for a violation of NRS 484C.110,*  
32 *484C.120, 484C.130, 484C.430, 488.410, 488.420 or 488.425* ~~*[who]*~~  
33 ~~*may be detained for up to 4 hours if the person*~~ *is under the*  
34 *influence of a controlled substance, is under the combined influence*  
35 *of intoxicating liquor and a controlled substance, or inhales, ingests,*  
36 *applies or otherwise uses any chemical, poison or organic solvent,*  
37 *or any compound or combination of any of these,* ~~*[to a degree which*~~  
38 ~~*renders the person incapable of safely driving or exercising actual*~~  
39 ~~*physical control of a vehicle or vessel under power or sail must not*~~  
40 ~~*be admitted to bail or released on the person's own recognizance*~~  
41 ~~*sooner than 12 hours after arrest.*~~

42 ~~*—7.]*~~ *and there is a reasonable likelihood that, if released, the*  
43 *person would be a danger to himself or herself or others because*  
44 *of his or her condition. If a person is detained pursuant to this*  
45 *subsection for the full period of 4 hours, an officer of the law*



1 *enforcement agency that is detaining the person shall state in*  
2 *writing the basis for the determination that such detention is*  
3 *appropriate for the full period of 4 hours.*

4 **11.** A person arrested for a battery that constitutes domestic  
5 violence pursuant to NRS 33.018 , ~~[must not be admitted to bail~~  
6 ~~sooner than 12 hours after arrest. If the person is admitted to bail~~  
7 ~~more than 12 hours after arrest, without appearing personally before~~  
8 ~~a magistrate or without the amount of bail having been otherwise set~~  
9 ~~by a magistrate or a court, the amount of bail must be:~~

10 ~~—(a) Three thousand dollars, if the person has no previous~~  
11 ~~convictions of battery that constitute domestic violence pursuant to~~  
12 ~~NRS 33.018 and there is no reason to believe that the battery for~~  
13 ~~which the person has been arrested resulted in substantial bodily~~  
14 ~~harm or was committed by strangulation;~~

15 ~~—(b) Five thousand dollars, if the person has:~~

16 ~~——(1) No previous convictions of battery that constitute~~  
17 ~~domestic violence pursuant to NRS 33.018, but there is reason to~~  
18 ~~believe that the battery for which the person has been arrested~~  
19 ~~resulted in substantial bodily harm or was committed by~~  
20 ~~strangulation; or~~

21 ~~——(2) One previous conviction of battery that constitutes~~  
22 ~~domestic violence pursuant to NRS 33.018, but there is no reason to~~  
23 ~~believe that the battery for which the person has been arrested~~  
24 ~~resulted in substantial bodily harm or was committed by~~  
25 ~~strangulation; or~~

26 ~~—(c) Fifteen thousand dollars, if the person has:~~

27 ~~——(1) One previous conviction of battery that constitutes~~  
28 ~~domestic violence pursuant to NRS 33.018 and there is reason to~~  
29 ~~believe that the battery for which the person has been arrested~~  
30 ~~resulted in substantial bodily harm or was committed by~~  
31 ~~strangulation; or~~

32 ~~——(2) Two or more previous convictions of battery that~~  
33 ~~constitute domestic violence pursuant to NRS 33.018.~~

34 ~~→ The provisions of this subsection do not affect the authority of a~~  
35 ~~magistrate or a court to set the amount of bail when the person~~  
36 ~~personally appears before the magistrate or the court, or when a~~  
37 ~~magistrate or a court has otherwise been contacted to set the amount~~  
38 ~~of bail. For the purposes of this subsection, a person shall be~~  
39 ~~deemed to have a previous conviction of battery that constitutes~~  
40 ~~domestic violence pursuant to NRS 33.018 if the person has been~~  
41 ~~convicted of such an offense in this State or has been convicted of~~  
42 ~~violating a law of any other jurisdiction that prohibits the same or~~  
43 ~~similar conduct.~~

44 ~~—8. A person arrested]~~ for violating a temporary or extended  
45 order for protection against domestic violence issued pursuant to



1 NRS 33.017 to 33.100, inclusive, ~~for~~ for violating a restraining  
2 order or injunction that is in the nature of a temporary or extended  
3 order for protection against domestic violence issued in an action or  
4 proceeding brought pursuant to title 11 of NRS, ~~for~~ for violating a  
5 temporary or extended order for protection against stalking,  
6 aggravated stalking or harassment issued pursuant to NRS 200.591  
7 ~~or~~ or for violating a temporary or extended order for protection  
8 against sexual assault pursuant to NRS 200.378 ~~must not be~~  
9 ~~admitted to bail sooner than 12~~ *may be detained for up to 4* hours  
10 after arrest if:

11 (a) The arresting officer determines that such a violation is  
12 accompanied by a direct or indirect threat of harm;

13 (b) The person has previously violated a temporary or extended  
14 order for protection of the type for which the person has been  
15 arrested; or

16 (c) At the time of the violation or within 2 hours after the  
17 violation, the person has:

18 (1) A concentration of alcohol of 0.08 or more in the  
19 person's blood or breath; or

20 (2) An amount of a prohibited substance in the person's  
21 blood or urine, as applicable, that is equal to or greater than the  
22 amount set forth in subsection 3 or 4 of NRS 484C.110.

23 ~~9. If a person is admitted to bail more than 12 hours after~~  
24 ~~arrest, pursuant to subsection 8, without appearing personally before~~  
25 ~~a magistrate or without the amount of bail having been otherwise set~~  
26 ~~by a magistrate or a court, the amount of bail must be:~~

27 ~~—(a) Three thousand dollars, if the person has no previous~~  
28 ~~convictions of violating a temporary or extended order for~~  
29 ~~protection against domestic violence issued pursuant to NRS 33.017~~  
30 ~~to 33.100, inclusive, or of violating a restraining order or injunction~~  
31 ~~that is in the nature of a temporary or extended order for protection~~  
32 ~~against domestic violence issued in an action or proceeding brought~~  
33 ~~pursuant to title 11 of NRS, or of violating a temporary or extended~~  
34 ~~order for protection against stalking, aggravated stalking or~~  
35 ~~harassment issued pursuant to NRS 200.591, or of violating a~~  
36 ~~temporary or extended order for protection against sexual assault~~  
37 ~~pursuant to NRS 200.378;~~

38 ~~—(b) Five thousand dollars, if the person has one previous~~  
39 ~~conviction of violating a temporary or extended order for protection~~  
40 ~~against domestic violence issued pursuant to NRS 33.017 to 33.100,~~  
41 ~~inclusive, or of violating a restraining order or injunction that is in~~  
42 ~~the nature of a temporary or extended order for protection against~~  
43 ~~domestic violence issued in an action or proceeding brought~~  
44 ~~pursuant to title 11 of NRS, or of violating a temporary or extended~~  
45 ~~order for protection against stalking, aggravated stalking or~~



1 ~~harassment issued pursuant to NRS 200.591, or of violating a~~  
2 ~~temporary or extended order for protection against sexual assault~~  
3 ~~pursuant to NRS 200.378; or~~

4 ~~—(c) Fifteen thousand dollars, if the person has two or more~~  
5 ~~previous convictions of violating a temporary or extended order for~~  
6 ~~protection against domestic violence issued pursuant to NRS 33.017~~  
7 ~~to 33.100, inclusive, or of violating a restraining order or injunction~~  
8 ~~that is in the nature of a temporary or extended order for protection~~  
9 ~~against domestic violence issued in an action or proceeding brought~~  
10 ~~pursuant to title 11 of NRS, or of violating a temporary or extended~~  
11 ~~order for protection against stalking, aggravated stalking or~~  
12 ~~harassment issued pursuant to NRS 200.591, or of violating a~~  
13 ~~temporary or extended order for protection against sexual assault~~  
14 ~~pursuant to NRS 200.378.~~

15 ~~→ The provisions of this subsection do not affect the authority of a~~  
16 ~~magistrate or a court to set the amount of bail when the person~~  
17 ~~personally appears before the magistrate or the court or when a~~  
18 ~~magistrate or a court has otherwise been contacted to set the amount~~  
19 ~~of bail. For the purposes of this subsection, a person shall be~~  
20 ~~deemed to have a previous conviction of violating a temporary or~~  
21 ~~extended order for protection against domestic violence issued~~  
22 ~~pursuant to NRS 33.017 to 33.100, inclusive, or of violating a~~  
23 ~~restraining order or injunction that is in the nature of a temporary or~~  
24 ~~extended order for protection against domestic violence issued in an~~  
25 ~~action or proceeding brought pursuant to title 11 of NRS, or of~~  
26 ~~violating a temporary or extended order for protection against~~  
27 ~~stalking, aggravated stalking or harassment issued pursuant to NRS~~  
28 ~~200.591, or of violating a temporary or extended order for~~  
29 ~~protection against sexual assault pursuant to NRS 200.378, if the~~  
30 ~~person has been convicted of such an offense in this State or has~~  
31 ~~been convicted of violating a law of any other jurisdiction that~~  
32 ~~prohibits the same or similar conduct.~~

33 ~~—10. The court may, before releasing a person arrested for an~~  
34 ~~offense punishable as a felony, require the surrender to the court of~~  
35 ~~any passport the person possesses.~~

36 ~~—11. Before releasing a person arrested for any crime, the court~~  
37 ~~may impose such reasonable conditions on the person as it deems~~  
38 ~~necessary to protect the health, safety and welfare of the community~~  
39 ~~and to ensure that the person will appear at all times and places~~  
40 ~~ordered by the court, including, without limitation:~~

41 ~~—(a) Requiring the person to remain in this State or a certain~~  
42 ~~county within this State;~~

43 ~~—(b) Prohibiting the person from contacting or attempting to~~  
44 ~~contact a specific person or from causing or attempting to cause~~  
45 ~~another person to contact that person on the person's behalf;~~



1 ~~—(c) Prohibiting the person from entering a certain geographic~~  
2 ~~area; or~~

3 ~~—(d) Prohibiting the person from engaging in specific conduct~~  
4 ~~that may be harmful to the person's own health, safety or welfare, or~~  
5 ~~the health, safety or welfare of another person.~~

6 ~~↪ In determining whether a condition is reasonable, the court shall~~  
7 ~~consider the factors listed in NRS 178.4853.]~~

8 12. If a person fails to ~~[comply with a condition imposed~~  
9 ~~pursuant to subsection 11.]~~ *appear in court as required and the*  
10 *court has, for at least 48 hours, attempted unsuccessfully to*  
11 *contact the person by telephone, text message or other means*  
12 *reasonably calculated to contact the person,* the court may, after  
13 providing the person with reasonable notice and an opportunity for a  
14 hearing;

15 (a) Deem such conduct a contempt pursuant to NRS 22.010; or

16 (b) ~~[Increase the amount of bail pursuant to NRS 178.499.~~

17 ~~—13. An order issued pursuant to this section that imposes a~~  
18 ~~condition on a person admitted to bail must include a provision~~  
19 ~~ordering any law enforcement officer to arrest the person if the~~  
20 ~~officer has probable cause to believe that the person has violated a~~  
21 ~~condition of bail.~~

22 ~~—14.]~~ *Order that the pretrial release hearing be reopened, which*  
23 *may result in the imposition or modification of conditions of*  
24 *release.*

25 13. Before a person may be admitted to bail, the person must  
26 sign a document stating that:

27 (a) The person will appear at all times and places as ordered by  
28 the court releasing the person and as ordered by any court before  
29 which the charge is subsequently heard;

30 (b) The person will comply with the other conditions which  
31 have been imposed by the court and are stated in the document; and

32 (c) If the person fails to appear when so ordered and is taken  
33 into custody outside of this State, the person waives all rights  
34 relating to extradition proceedings.

35 ↪ The signed document must be filed with the clerk of the court of  
36 competent jurisdiction as soon as practicable, but in no event later  
37 than the next business day.

38 ~~[15.—If a person admitted to bail fails to appear as ordered by a~~  
39 ~~court and the jurisdiction incurs any cost in returning the person to~~  
40 ~~the jurisdiction to stand trial, the person who failed to appear is~~  
41 ~~responsible for paying those costs as restitution.~~

42 ~~—16.]~~ 14. For the purposes of ~~[subsections 8 and 9.]~~ *subsection*  
43 *II,* an order or injunction is in the nature of a temporary or extended  
44 order for protection against domestic violence if it grants relief that



1 might be given in a temporary or extended order issued pursuant to  
2 NRS 33.017 to 33.100, inclusive.

3 ~~[17. As used in this section, "strangulation" has the meaning~~  
4 ~~ascribed to it in NRS 200.481.]~~

5 *15. For the purposes of this section, "substantial hardship"*  
6 *means a significant infringement upon the ability of a defendant*  
7 *to pay for the basic necessities of life for himself or herself and his*  
8 *or her dependents, including, without limitation, food, shelter,*  
9 *communication, clothing, transportation, medical care and*  
10 *education. There is a rebuttable presumption that a defendant has*  
11 *a substantial hardship if the defendant submits an affidavit or*  
12 *other proof to the court that he or she meets any of the following*  
13 *qualifications:*

14 *(a) The defendant receives any means-tested, need-based*  
15 *public assistance, such as:*

16 *(1) Temporary Assistance for Needy Families as defined in*  
17 *NRS 422A.080;*

18 *(2) Supplemental security income pursuant to the*  
19 *Supplemental Security Income Program as defined in*  
20 *NRS 422A.075;*

21 *(3) Disability benefits pursuant to the federal Social*  
22 *Security Act;*

23 *(4) Medicaid as defined in NRS 439B.120;*

24 *(5) Supplemental Nutrition Assistance as defined in*  
25 *NRS 422A.072;*

26 *(6) Housing assistance that a person receives under the*  
27 *Housing Choice Voucher Program pursuant to Section 8 of the*  
28 *United States Housing Act of 1937, 42 U.S.C. § 1437f, and any*  
29 *regulations adopted pursuant thereto, or pursuant to any*  
30 *successor program;*

31 *(7) Veterans' disability benefits; or*

32 *(8) Any other state-specific, means-tested, need-based*  
33 *public benefits.*

34 *(b) The defendant is eligible for court-appointed counsel.*

35 *(c) The income of the defendant over the previous 365 days*  
36 *was below 200 percent of the federal poverty guidelines or was*  
37 *below the "Very Low Income" limit for the zip code in which the*  
38 *defendant resides as established for housing assistance under*  
39 *the Housing Choice Voucher Program pursuant to Section 8 of*  
40 *the United States Housing Act of 1937, 42 U.S.C. § 1437f, and any*  
41 *regulations adopted pursuant thereto, or pursuant to any*  
42 *successor program, whichever is less. In calculating income, the*  
43 *court shall:*





1           (1) *Exclude any payments for workers' compensation and*  
2 *any disability benefits pursuant to the federal Social Security Act;*  
3 *and*

4           (2) *Adjust for the number of dependents.*

5           (d) *The defendant has been homeless, has been incarcerated*  
6 *or has resided in a physical or mental health treatment program*  
7 *for 1 day or more within the previous 6 months.*

8           (e) *The defendant is a minor.*

9           (f) *The defendant has been found by a court, within the*  
10 *previous 6 months, to be unable to pay other legal obligations and*  
11 *signs an affidavit attesting that his or her financial circumstances*  
12 *have not changed since that finding.*

13           (g) *The court, in its discretion, finds that the defendant*  
14 *exhibits any other exceptional circumstance that would inhibit the*  
15 *ability of the defendant to pay for the basic necessities of life for*  
16 *himself or herself and his or her dependents. Such circumstances*  
17 *may include, without limitation, physical illness, mental illness or*  
18 *disability of the defendant or a family member of the defendant,*  
19 *recent unemployment of the defendant or a family member of the*  
20 *defendant, the status of the defendant or a family member of the*  
21 *defendant as a full-time or part-time student, death or*  
22 *incarceration of a family member of the defendant, loss of*  
23 *transportation, a lengthy commute, loss of housing or age.*

24           16. *For the purposes of the presumption of substantial*  
25 *hardship described in subsection 15, the State has the burden of*  
26 *rebutting that presumption of substantial hardship. The State may*  
27 *rebut a presumption of substantial hardship by proving that the*  
28 *defendant:*

29           (a) *Is a minor or a parent 65 years of age or older and is the*  
30 *dependent of a family member who:*

31           (1) *Pays for over half of the costs of living of the defendant;*  
32 *or*

33           (2) *Does not meet any of the conditions qualifying for*  
34 *substantial hardship;*

35           (b) *Is the spouse of a person who:*

36           (1) *Pays for over half of the cost of household expenses for*  
37 *the household in which the defendant lives; and*

38           (2) *Does not meet any of the conditions qualifying for*  
39 *substantial hardship,*

40           ↳ *unless it would be unfair or potentially harmful to the*  
41 *defendant to rely upon that spouse, including, without limitation,*  
42 *circumstances under which the defendant feels physically*  
43 *threatened by the spouse.*



1       **Sec. 4.** NRS 178.4855 is hereby amended to read as follows:

2       178.4855 A defendant charged with the commission of a  
3 category A or B felony who is admitted to bail on a surety bond and  
4 who:

5       1. While admitted to bail, is taken into custody in the same  
6 jurisdiction in which the defendant was admitted to bail and is  
7 charged with the commission of another category A or B felony; and

8       2. Is ordered to be released from custody without bail,

9       ↪ must ~~not be released from custody pursuant to NRS 178.4851~~  
10 ~~until the law enforcement agency that conducted the initial booking~~  
11 ~~procedure for the defendant for the subsequent felony has notified~~  
12 ~~the bail agent that issued the surety bond of the release of the~~  
13 ~~defendant.] receive a new pretrial release hearing as described in~~  
14 ~~NRS 178.484, which may result in the addition or modification of~~  
15 ~~conditions of release.~~

16       **Sec. 5.** NRS 178.487 is hereby amended to read as follows:

17       178.487 Every release on bail with or without security is  
18 conditioned upon the defendant's good behavior while so released,  
19 and upon a showing that the proof is evident or the presumption  
20 great that the defendant has committed a felony during the period of  
21 release, the defendant's bail may be revoked, after a *pretrial release*  
22 hearing ~~[ ] that follows the procedures set forth in NRS 178.484,~~ by  
23 the magistrate who allowed it or by any judge of the court in which  
24 the original charge is pending. Pending such revocation, the  
25 defendant may be held without bail by order of the magistrate before  
26 whom the defendant is brought after an arrest upon the second  
27 charge ~~[ ] , but only for not more than 4 hours, at which point a~~  
28 ~~pretrial release hearing must be held. If the pretrial release~~  
29 ~~hearing is not held within 4 hours after the defendant is being~~  
30 ~~held, then the defendant must be released until the pretrial release~~  
31 ~~hearing is held.~~

32       **Sec. 6.** NRS 178.494 is hereby amended to read as follows:

33       178.494 1. If it appears by affidavit that the testimony of a  
34 person is material in any criminal proceeding and if it is shown that  
35 it may become impracticable to secure the person's presence by  
36 subpoena, the magistrate may ~~require~~ *impose conditions of* bail  
37 ~~for~~ *to ensure* the person's appearance as a witness . ~~[ , in an~~  
38 ~~amount fixed by the magistrate.]~~ If the person fails to ~~[give bail]~~  
39 *comply with any condition of bail required by the magistrate,* the  
40 magistrate may:

41       (a) Commit the person to the custody of a peace officer pending  
42 final disposition of the proceeding in which the testimony is needed;

43       (b) Order the person's release if the person has been detained for  
44 an unreasonable length of time; and



1 (c) Modify at any time the ~~{requirement as to}~~ *conditions of*  
2 bail.

3 *↳ If the person who is a material witness is also an alleged victim*  
4 *and is refusing to be interviewed or deposed, the State may not*  
5 *seek a warrant for detention of the person unless the State does so*  
6 *pursuant to a court order and in compliance with all applicable*  
7 *constitutional rights conferred upon the person under the Nevada*  
8 *Constitution.*

9 2. Every person detained as a material witness must be brought  
10 before a judge or magistrate within ~~{72}~~ 24 hours after the beginning  
11 of the detention. The judge or magistrate shall make a determination  
12 whether:

13 (a) The ~~{amount}~~ *conditions* of bail ~~{required to be given by}~~  
14 *imposed upon* the material witness should be modified; and

15 (b) The detention of the material witness should continue. *In*  
16 *determining whether detention should continue, the judge or*  
17 *magistrate shall follow the procedures set forth in NRS 178.484.*

18 *↳* The judge or magistrate shall set a schedule for the periodic  
19 review of whether the ~~{amount}~~ *conditions* of bail ~~{required}~~  
20 *imposed upon the material witness* should be modified and whether  
21 detention should continue.

22 **Sec. 7.** NRS 178.498 is hereby amended to read as follows:

23 178.498 1. If the ~~{defendant is admitted to}~~ *magistrate, in*  
24 *determining* bail, ~~{the}~~ *finds pursuant to NRS 178.484 that no*  
25 *nonmonetary conditions will ensure reasonably the appearance of*  
26 *a person charged with a public offense and the safety of the*  
27 *community, then the magistrate may direct the person to post a*  
28 *monetary bail or secured bond. The monetary bail or secured bond*  
29 *must be set at an amount which in the judgment of the magistrate*  
30 *will reasonably ensure the appearance of the defendant and the*  
31 *safety* ~~{of other persons and}~~ *of the community, having regard to:*

32 ~~{1.}~~ (a) The nature and circumstances of the offense charged;

33 ~~{2.}~~ ~~The financial ability of the defendant to give bail;~~

34 ~~{3.}~~ (b) The character of the defendant; and

35 ~~{4.}~~ (c) The factors listed in NRS 178.4853.

36 *↳ The amount must be based upon the financial resources of the*  
37 *person and must be the minimum amount necessary to ensure*  
38 *reasonably the appearance of the person and the safety of the*  
39 *community. The magistrate shall make findings as to the*  
40 *reasoning underlying the specific amount set and the relationship*  
41 *of that amount to ensuring reasonably the appearance of the*  
42 *person and the safety of the community.*

43 2. *After assessing the factors set forth in subsection 1, the*  
44 *magistrate shall assess the financial ability of the person to pay*  
45 *monetary bail or a secured bond. A person who is eligible for*



1 *pretrial release must not be detained solely because the person is*  
2 *financially incapable of paying the amount of any monetary bail*  
3 *or secured bond.*

4 **Sec. 8.** NRS 178.499 is hereby amended to read as follows:

5 178.499 ~~[1.—At any time after a district or Justice Court has~~  
6 ~~ordered bail to be set at a specific amount, and before acquittal or~~  
7 ~~conviction, the court may upon its own motion or upon motion of~~  
8 ~~the district attorney and after notice to the defendant's attorney of~~  
9 ~~record or, if none, to the defendant, increase the amount of bail for~~  
10 ~~good cause shown.~~

11 ~~—2.— If the defendant has been released on bail before the time~~  
12 ~~when the motion to increase bail is granted, the defendant shall~~  
13 ~~either return to custody or give the additional amount of bail.]~~ *Upon*  
14 *notice, the filing of a motion and the opportunity for a response*  
15 *and a hearing, a magistrate may consider a modification of bail,*  
16 *including, without limitation, the addition, modification,*  
17 *suspension or cancellation of any condition or combination of*  
18 *conditions of bail imposed upon a person charged with a public*  
19 *offense.*

20 **Sec. 9.** NRS 178.502 is hereby amended to read as follows:

21 178.502 1. A person *charged with a public offense who is*  
22 required ~~[or permitted to give]~~ *to pay monetary* bail shall execute a  
23 bond for the person's appearance. The magistrate, ~~[or court or judge~~  
24 ~~or justice,]~~ having regard to the considerations set forth in NRS  
25 178.498, may require one or more sureties or may authorize the  
26 acceptance of cash or bonds or notes of the United States in an  
27 amount equal to or less than the face amount of the bond.

28 2. Any bond or undertaking for *monetary* bail must provide  
29 that the bond or undertaking:

30 (a) Extends to any action or proceeding in a justice court,  
31 municipal court or district court:

32 (1) Arising from the charge on which *monetary* bail was first  
33 ~~[given]~~ *paid* in any of these courts; and

34 (2) Arising from a later charge, filed before the expiration of  
35 the periods provided in subsection 4, which is substantially similar  
36 to the charge upon which *monetary* bail was first ~~[given]~~ *paid* and is  
37 based upon the same act or omission as that charge; and

38 (b) Remains in effect until exonerated by the court.

39 ↪ This subsection does not require that any bond or undertaking  
40 extend to proceedings on appeal.

41 3. If an action or proceeding against a defendant who has been  
42 ~~[admitted]~~ *required to pay monetary* bail is transferred to another  
43 trial court, the bond or undertaking must be transferred to the clerk  
44 of the court to which the action or proceeding has been transferred.



1 4. If the action or proceeding against a defendant who has been  
2 ~~admitted~~ *required to pay monetary* bail is dismissed, the *monetary*  
3 bail must not be exonerated until a period of 30 days has elapsed  
4 from the entry of the order of dismissal unless the defendant  
5 requests that *the monetary* bail be exonerated before the expiration  
6 of the 30-day period. If no formal action or proceeding is instituted  
7 against a defendant who has been ~~admitted~~ *required to pay*  
8 *monetary* bail, the *monetary* bail must not be exonerated until a  
9 period of 30 days has elapsed from the day the bond or undertaking  
10 is posted unless the defendant requests that *the monetary* bail be  
11 exonerated before the expiration of the 30-day period.

12 5. If, within the periods provided in subsection 4, the defendant  
13 is charged with a public offense arising out of the same act or  
14 omission supporting the charge upon which *monetary* bail was first  
15 ~~given,~~ *required to be paid*, the prosecuting attorney shall forthwith  
16 notify the clerk of the court where the bond was posted, the  
17 *monetary* bail must be applied to the public offense later charged,  
18 and the bond or undertaking must be transferred to the clerk of the  
19 appropriate court. Within 10 days after its receipt, the clerk of the  
20 court to whom the *monetary* bail is transferred shall mail or  
21 electronically transmit notice of the transfer to the surety on the  
22 bond and the bail agent who executed the bond.

23 6. ~~Bail given~~ *Monetary bail required to be paid* originally on  
24 appeal must be deposited with the magistrate or the clerk of the  
25 court from which the appeal is taken.

26 **Sec. 10.** NRS 178.506 is hereby amended to read as follows:

27 178.506 If there is a breach of condition of a bond, the court  
28 shall declare a forfeiture of the *monetary* bail, subject to the  
29 provisions of NRS 178.508 and 178.509.

30 **Sec. 11.** NRS 178.508 is hereby amended to read as follows:

31 178.508 1. If the defendant fails to appear when the  
32 defendant's presence in court is lawfully required for the  
33 commission of a misdemeanor and the failure to appear is not  
34 excused or is lawfully required for the commission of a gross  
35 misdemeanor or felony, the court shall:

36 (a) Enter upon its minutes that the defendant failed to appear;

37 (b) *Before ordering the issuance of a warrant for the arrest of*  
38 *the defendant pursuant to paragraph (c), attempt to contact the*  
39 *defendant by telephone, text messaging or other means of*  
40 *communication reasonably calculated to reach the defendant;*

41 (c) Not *earlier than 48 hours and not* later than 14 judicial days  
42 after the *time and* date on which the defendant failed to appear,  
43 order the issuance of a warrant for the arrest of the defendant; and

44 ~~(e)~~ (d) If the undertaking exceeds \$50 or money deposited  
45 instead of bail bond exceeds \$500, direct that each surety and the



1 local agent of each surety, or the depositor if the depositor is not the  
2 defendant, be given notice that the defendant has failed to appear, by  
3 certified mail or electronic transmission, receipt of delivery  
4 requested, within 20 days after the date on which the defendant  
5 failed to appear. The court shall execute an affidavit of such mailing  
6 or electronic transmission to be kept as an official public record of  
7 the court and shall direct that a copy of the notice be transmitted to  
8 the prosecuting attorney at the same time that notice is given to each  
9 surety or the depositor.

10 2. Except as otherwise provided in subsection 3 and NRS  
11 178.509, an order of forfeiture of any undertaking or money  
12 deposited instead of bail bond must be prepared by the clerk of the  
13 court and signed by the court. An order of forfeiture must include  
14 the date on which the forfeiture becomes effective. The undertaking  
15 or money deposited instead of bail bond is forfeited 180 days after  
16 the date on which the notice is mailed or electronically transmitted  
17 pursuant to subsection 1.

18 3. The court may extend the date of the forfeiture for any  
19 reasonable period set by the court if the surety or depositor submits  
20 to the court:

21 (a) An application for an extension and the court determines that  
22 the surety or the depositor is making reasonable and ongoing efforts  
23 to bring the defendant before the court.

24 (b) An application for an extension on the ground that the  
25 defendant is temporarily prevented from appearing before the court  
26 because the defendant:

27 (1) Is ill;

28 (2) Is insane; or

29 (3) Is being detained by civil or military authorities,

30 ↗ and the court, upon hearing the matter, determines that one or  
31 more of the grounds described in this paragraph exist and that the  
32 surety or depositor did not in any way cause or aid the absence of  
33 the defendant.

34 **Sec. 12.** NRS 178.532 is hereby amended to read as follows:

35 178.532 The court to which the committing magistrate shall  
36 return the depositions and statement, or in which an indictment or  
37 information or an appeal is pending, or to which a judgment on  
38 appeal is remitted to be carried into effect, may, by an order to be  
39 entered on its minutes, direct the arrest of the defendant and  
40 commitment to the officer to whose custody the defendant was  
41 committed at the time of giving bail, and the defendant's detention  
42 until legally discharged, in the following cases:

43 1. When, by reason of the defendant's failure to appear, the  
44 defendant has incurred a forfeiture of *monetary* bail, or of money  
45 deposited instead thereof, as provided in NRS 178.506.



1 2. When it satisfactorily appears to the court that the  
2 defendant's bail, or either of them, are dead, or insufficient, or have  
3 removed from the State.

4 3. Upon an indictment being found or information filed ~~in the~~  
5 ~~cases provided in NRS 173.175.]~~ *for a felony and the defendant*  
6 *gave bail before the indictment was found or the information was*  
7 *filed.*

8 **Sec. 13.** NRS 178.538 is hereby amended to read as follows:

9 178.538 1. If the order recites, as the grounds upon which it  
10 is made, the failure of the defendant to appear for judgment upon  
11 conviction, the defendant must be committed according to the  
12 requirement of the order.

13 2. If the order be made for any other cause, and the offense is  
14 bailable, the court may fix the amount of *monetary* bail ~~and~~ and may  
15 cause a direction to be inserted in the order that the defendant be  
16 admitted to bail in the sum fixed, which ~~shall~~ *must* be specified in  
17 the order.

18 **Sec. 14.** NRS 178.5698 is hereby amended to read as follows:

19 178.5698 1. The prosecuting attorney, sheriff or chief of  
20 police shall, upon the request of a victim or witness, inform the  
21 victim or witness:

22 (a) When the defendant is released from custody at any time  
23 before or during the trial, including, without limitation, when the  
24 defendant is released pending trial or subject to electronic  
25 supervision;

26 (b) If the defendant is so released, the amount of *monetary* bail  
27 required, if any; and

28 (c) Of the final disposition of the criminal case in which the  
29 victim or witness was directly involved.

30 2. A request for information pursuant to subsection 1 must be  
31 made:

32 (a) In writing; or

33 (b) By telephone through an automated or computerized system  
34 of notification, if such a system is available.

35 3. If an offender is convicted of a sexual offense or an offense  
36 involving the use or threatened use of force or violence against the  
37 victim, the court shall provide:

38 (a) To each witness, documentation that includes:

39 (1) A form advising the witness of the right to be notified  
40 pursuant to subsection 5;

41 (2) The form that the witness must use to request notification  
42 in writing; and

43 (3) The form or procedure that the witness must use to  
44 provide a change of address after a request for notification has been  
45 submitted.



1 (b) To each person listed in subsection 4, documentation that  
2 includes:

3 (1) A form advising the person of the right to be notified  
4 pursuant to subsection 5 or 6 and NRS 176.015, 176A.630,  
5 178.4715, 209.392, 209.3925, 209.521, 213.010, 213.040, 213.095  
6 and 213.131 or NRS 213.10915;

7 (2) The forms that the person must use to request  
8 notification; and

9 (3) The forms or procedures that the person must use to  
10 provide a change of address after a request for notification has been  
11 submitted.

12 4. The following persons are entitled to receive documentation  
13 pursuant to paragraph (b) of subsection 3:

14 (a) A person against whom the offense is committed.

15 (b) A person who is injured as a direct result of the commission  
16 of the offense.

17 (c) If a person listed in paragraph (a) or (b) is under the age of  
18 18 years, each parent or guardian who is not the offender.

19 (d) Each surviving spouse, parent and child of a person who is  
20 killed as a direct result of the commission of the offense.

21 (e) A relative of a person listed in paragraphs (a) to (d),  
22 inclusive, if the relative requests in writing to be provided with the  
23 documentation.

24 5. Except as otherwise provided in subsection 6, if the offense  
25 was a felony and the offender is imprisoned, the warden of the  
26 prison shall, if the victim or witness so requests in writing and  
27 provides a current address, notify the victim or witness at that  
28 address when the offender is released from the prison.

29 6. If the offender was convicted of a violation of subsection 3  
30 of NRS 200.366 or a violation of subsection 1, paragraph (a) of  
31 subsection 2 or subparagraph (2) of paragraph (b) of subsection 2 of  
32 NRS 200.508, the warden of the prison shall notify:

33 (a) The immediate family of the victim if the immediate family  
34 provides their current address;

35 (b) Any member of the victim's family related within the third  
36 degree of consanguinity, if the member of the victim's family so  
37 requests in writing and provides a current address; and

38 (c) The victim, if the victim will be 18 years of age or older at  
39 the time of the release and has provided a current address,  
40 before the offender is released from prison.

41 7. The warden must not be held responsible for any injury  
42 proximately caused by the failure to give any notice required  
43 pursuant to this section if no address was provided to the warden or  
44 if the address provided is inaccurate or not current.

45 8. As used in this section:





1 (a) "Immediate family" means any adult relative of the victim  
2 living in the victim's household.

3 (b) "Sexual offense" means:

4 (1) Sexual assault pursuant to NRS 200.366;

5 (2) Statutory sexual seduction pursuant to NRS 200.368;

6 (3) Battery with intent to commit sexual assault pursuant to  
7 NRS 200.400;

8 (4) An offense involving pornography and a minor pursuant  
9 to NRS 200.710 to 200.730, inclusive;

10 (5) Incest pursuant to NRS 201.180;

11 (6) Open or gross lewdness pursuant to NRS 201.210;

12 (7) Indecent or obscene exposure pursuant to NRS 201.220;

13 (8) Lewdness with a child pursuant to NRS 201.230;

14 (9) Sexual penetration of a dead human body pursuant to  
15 NRS 201.450;

16 (10) Sexual conduct between certain employees of a school  
17 or volunteers at a school and a pupil pursuant to NRS 201.540;

18 (11) Sexual conduct between certain employees of a college  
19 or university and a student pursuant to NRS 201.550;

20 (12) Luring a child or a person with mental illness pursuant  
21 to NRS 201.560, if punished as a felony;

22 (13) An offense that, pursuant to a specific statute, is  
23 determined to be sexually motivated; or

24 (14) An attempt to commit an offense listed in this  
25 paragraph.

26 **Sec. 15.** NRS 178.4851 is hereby repealed.

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**TEXT OF REPEALED SECTION\**

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**178.4851 Release without bail; imposition of conditions;  
arrest for violation of condition.**

1. Upon a showing of good cause, a court may release without bail any person entitled to bail if it appears to the court that it can impose conditions on the person that will adequately protect the health, safety and welfare of the community and ensure that the person will appear at all times and places ordered by the court.

2. In releasing a person without bail, the court may impose such conditions as it deems necessary to protect the health, safety and welfare of the community and to ensure that the person will appear at all times and places ordered by the court, including, without limitation, any condition set forth in subsection 11 of NRS 178.484.



3. Upon a showing of good cause, a sheriff or chief of police may release without bail any person charged with a misdemeanor pursuant to standards established by a court of competent jurisdiction.

4. Before a person may be released without bail, the person must file with the clerk of the court of competent jurisdiction a signed document stating that:

(a) The person will appear at all times and places as ordered by the court releasing the person and as ordered by any court before which the charge is subsequently heard;

(b) The person will comply with the other conditions which have been imposed by the court and are stated in the document;

(c) If the person fails to appear when so ordered and is taken into custody outside of this State, the person waives all rights relating to extradition proceedings; and

(d) The person understands that any court of competent jurisdiction may revoke the order of release without bail and may order the person into custody or require the person to furnish bail or otherwise ensure the protection of the health, safety and welfare of the community or the person's appearance.

5. If a jurisdiction incurs any costs in returning a person to the jurisdiction to stand trial, the person failing to appear is responsible for paying those costs as restitution.

6. An order issued pursuant to this section that imposes a condition on a person who is released without bail must include a provision ordering a law enforcement officer to arrest the person if the law enforcement officer has probable cause to believe that the person has violated a condition of release.





