
ASSEMBLY BILL NO. 426—ASSEMBLYMEN MCCURDY II, FUMO,
FRIERSON, WATKINS, YEAGER; ARAUJO, MONROE-
MORENO, OHRENSCHALL AND THOMPSON

MARCH 27, 2017

JOINT SPONSORS: SENATORS FORD, WOODHOUSE,
PARKS AND SPEARMAN

Referred to Committee on Corrections,
Parole, and Probation

SUMMARY—Authorizes justice courts and municipal courts to
establish programs for the treatment of certain
offenders who are veterans or members of the
military. (BDR 14-974)

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

~

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

AN ACT relating to criminal procedure; authorizing justice courts
and municipal courts to establish programs for the
treatment of certain offenders who are veterans or
members of the military; and providing other matters
properly relating thereto.

Legislative Counsel’s Digest:

1 Existing law authorizes a district court to place certain offenders who are
2 veterans or members of the military on probation upon terms and conditions that
3 must include attendance and successful completion of an appropriate program for
4 the treatment of such offenders that is established by the district court. (NRS
5 176A.280) Existing law also authorizes a justice court or municipal court to transfer
6 jurisdiction of such a defendant to the district court for assignment to an appropriate
7 program of treatment. (NRS 176A.285) **Section 3** of this bill authorizes justice
8 courts and municipal courts to establish such programs and assign such offenders to
9 those programs.



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

- 1 **Section 1.** NRS 176.015 is hereby amended to read as follows:
2 176.015 1. Sentence must be imposed without unreasonable
3 delay. Pending sentence, the court may commit the defendant or
4 continue or alter the bail.
5 2. Before imposing sentence, the court shall:
6 (a) Afford counsel an opportunity to speak on behalf of the
7 defendant; and
8 (b) Address the defendant personally and ask the defendant if:
9 (1) The defendant wishes to make a statement in his or her
10 own behalf and to present any information in mitigation of
11 punishment; and
12 (2) The defendant is a veteran or a member of the military. If
13 the defendant ~~is a veteran or a member of the military and~~ meets
14 the qualifications of ~~paragraphs (b) and (c) of subsection 2 of NRS~~
15 ~~176A.285,~~ **section 2 of this act**, the court may, if appropriate,
16 assign the defendant to:
17 (I) A program of treatment established pursuant to NRS
18 176A.280; or
19 (II) If a program of treatment established pursuant to NRS
20 176A.280 is not available for the defendant, a program of treatment
21 established pursuant to NRS 176A.250 or 453.580.
22 3. After hearing any statements presented pursuant to
23 subsection 2 and before imposing sentence, the court shall afford the
24 victim an opportunity to:
25 (a) Appear personally, by counsel or by personal representative;
26 and
27 (b) Reasonably express any views concerning the crime, the
28 person responsible, the impact of the crime on the victim and the
29 need for restitution.
30 4. The prosecutor shall give reasonable notice of the hearing to
31 impose sentence to:
32 (a) The person against whom the crime was committed;
33 (b) A person who was injured as a direct result of the
34 commission of the crime;
35 (c) The surviving spouse, parents or children of a person who
36 was killed as a direct result of the commission of the crime; and
37 (d) Any other relative or victim who requests in writing to be
38 notified of the hearing.
39 ➤ Any defect in notice or failure of such persons to appear are not
40 grounds for an appeal or the granting of a writ of habeas corpus. All
41 personal information, including, but not limited to, a current or
42 former address, which pertains to a victim or relative and which is



1 received by the prosecutor pursuant to this subsection is
2 confidential.

3 5. For the purposes of this section:

4 (a) "Member of the military" has the meaning ascribed to it in
5 NRS 176A.043.

6 (b) "Relative" of a person includes:

7 (1) A spouse, parent, grandparent or stepparent;

8 (2) A natural born child, stepchild or adopted child;

9 (3) A grandchild, brother, sister, half brother or half sister; or

10 (4) A parent of a spouse.

11 (c) "Veteran" has the meaning ascribed to it in NRS 176A.090.

12 (d) "Victim" includes:

13 (1) A person, including a governmental entity, against whom
14 a crime has been committed;

15 (2) A person who has been injured or killed as a direct result
16 of the commission of a crime; and

17 (3) A relative of a person described in subparagraph (1)
18 or (2).

19 6. This section does not restrict the authority of the court to
20 consider any reliable and relevant evidence at the time of
21 sentencing.

22 **Sec. 2.** Chapter 176A of NRS is hereby amended by adding
23 thereto a new section to read as follows:

24 *As used in this section and NRS 176A.280 to 176A.295,*
25 *inclusive, "eligible defendant" means a veteran or a member of*
26 *the military who:*

27 *1. Appears to suffer from mental illness, alcohol or drug*
28 *abuse or posttraumatic stress disorder, any of which appear to be*
29 *related to military service, including, without limitation, any*
30 *readjustment to civilian life which is necessary after combat*
31 *service; and*

32 *2. Would benefit from assignment to a program established*
33 *pursuant to NRS 176A.280.*

34 **Sec. 3.** NRS 176A.280 is hereby amended to read as follows:

35 176A.280 A *district court, justice court or municipal* court
36 may establish an appropriate program for the treatment of veterans
37 and members of the military to which it may assign ~~to~~ *an eligible*
38 defendant pursuant to NRS 176A.290. The assignment must include
39 the terms and conditions for successful completion of the program
40 and provide for progress reports at intervals set by the court to
41 ensure that the defendant is making satisfactory progress towards
42 completion of the program.

43 **Sec. 4.** NRS 176A.285 is hereby amended to read as follows:

44 176A.285 ~~H.—A)~~ *If a justice court or ~~to~~ municipal court has*
45 *not established a program pursuant to NRS 176A.280, the justice*



1 *court or municipal court, as applicable*, may, upon approval of the
2 district court, transfer original jurisdiction to the district court of a
3 case involving an eligible defendant †.

4 ~~2.—As used in this section, “eligible defendant” means a veteran~~
5 ~~or a member of the military who:~~

6 ~~—(a) Has~~ *who has* not tendered a plea of guilty, guilty but
7 mentally ill or nolo contendere to, or been found guilty or guilty but
8 mentally ill of, an offense that is a misdemeanor. †;

9 ~~—(b) Appears to suffer from mental illness, alcohol or drug abuse~~
10 ~~or posttraumatic stress disorder, any of which appear to be related to~~
11 ~~military service, including, without limitation, any readjustment to~~
12 ~~civilian life which is necessary after combat service; and~~

13 ~~—(c) Would benefit from assignment to a program established~~
14 ~~pursuant to NRS 176A.280.†~~

15 **Sec. 5.** NRS 176A.290 is hereby amended to read as follows:

16 176A.290 1. Except as otherwise provided in subsection 2, if
17 ~~†a defendant who is a veteran or a member of the military and who~~
18 ~~suffers from mental illness, alcohol or drug abuse or posttraumatic~~
19 ~~stress disorder as described in NRS 176A.285†~~ *an eligible*
20 *defendant* tenders a plea of guilty, guilty but mentally ill or nolo
21 contendere to, or is found guilty or guilty but mentally ill of, any
22 offense for which the suspension of sentence or the granting of
23 probation is not prohibited by statute, the *district court, justice*
24 *court or municipal court , as applicable*, may, without entering a
25 judgment of conviction and with the consent of the defendant,
26 suspend further proceedings and place the defendant on probation
27 upon terms and conditions that must include attendance and
28 successful completion of a program established pursuant to
29 NRS 176A.280.

30 2. If the offense committed by the defendant involved the use
31 or threatened use of force or violence or if the defendant was
32 previously convicted in this State or in any other jurisdiction of a
33 felony that involved the use or threatened use of force or violence,
34 the *district court, justice court or municipal court , as applicable*,
35 may not assign the defendant to the program unless the prosecuting
36 attorney stipulates to the assignment. For the purposes of this
37 subsection, in determining whether an offense involved the use or
38 threatened use of force or violence, the *district court, justice court*
39 *or municipal court , as applicable*, shall consider the facts and
40 circumstances surrounding the offense, including, without
41 limitation, whether the defendant intended to place another person
42 in reasonable apprehension of bodily harm.

43 3. Upon violation of a term or condition:

44 (a) The *district court, justice court or municipal court , as*
45 *applicable*, may enter a judgment of conviction and proceed as



1 provided in the section pursuant to which the defendant was
2 charged.

3 (b) Notwithstanding the provisions of paragraph (e) of
4 subsection 2 of NRS 193.130, the *district* court may order the
5 defendant to the custody of the Department of Corrections if the
6 offense is punishable by imprisonment in the state prison.

7 4. Upon fulfillment of the terms and conditions, the *district*
8 *court, justice court or municipal* court , *as applicable*, shall
9 discharge the defendant and dismiss the proceedings. Discharge and
10 dismissal pursuant to this section is without adjudication of guilt and
11 is not a conviction for purposes of this section or for purposes of
12 employment, civil rights or any statute or regulation or license or
13 questionnaire or for any other public or private purpose, but is a
14 conviction for the purpose of additional penalties imposed for
15 second or subsequent convictions or the setting of bail. Discharge
16 and dismissal restores the defendant, in the contemplation of the
17 law, to the status occupied before the arrest, indictment or
18 information. The defendant may not be held thereafter under any
19 law to be guilty of perjury or otherwise giving a false statement by
20 reason of failure to recite or acknowledge that arrest, indictment,
21 information or trial in response to an inquiry made of the defendant
22 for any purpose.

23 **Sec. 6.** NRS 176A.295 is hereby amended to read as follows:

24 176A.295 1. After ~~that~~ *an eligible* defendant is discharged
25 from probation pursuant to NRS 176A.290, the *district court,*
26 *justice court or municipal* court , *as applicable*, shall order sealed
27 all documents, papers and exhibits in the defendant's record, minute
28 book entries and entries on dockets, and other documents relating to
29 the case in the custody of such other agencies and officers as are
30 named in the court's order if the defendant fulfills the terms and
31 conditions imposed by the court and the Division. The *district court,*
32 *justice court or municipal* court , *as applicable*, shall order those
33 records sealed without a hearing unless the Division petitions the
34 court, for good cause shown, not to seal the records and requests a
35 hearing thereon.

36 2. If the *district court, justice court or municipal* court , *as*
37 *applicable*, orders sealed the record of ~~that~~ *an eligible* defendant
38 discharged pursuant to NRS 176A.290, the court shall send a copy
39 of the order to each agency or officer named in the order. Each such
40 agency or officer shall notify the *district court, justice court or*
41 *municipal* court , *as applicable*, in writing of its compliance with
42 the order.

43 **Sec. 7.** NRS 4.370 is hereby amended to read as follows:

44 4.370 1. Except as otherwise provided in subsection 2, justice
45 courts have jurisdiction of the following civil actions and



1 proceedings and no others except as otherwise provided by specific
2 statute:

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

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

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

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

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

22 (f) To take and enter judgment on the confession of a defendant,
23 when the amount confessed, exclusive of interest, does not exceed
24 \$15,000.

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

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

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

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

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

40 (l) In actions for a fine imposed for a violation of
41 NRS 484D.680.

42 (m) Except as otherwise provided in this paragraph, in any
43 action for the issuance of a temporary or extended order for
44 protection against domestic violence. A justice court does not have



1 jurisdiction in an action for the issuance of a temporary or extended
2 order for protection against domestic violence:

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

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

7 (3) If a district court issues a written order to the justice court
8 requiring that further proceedings relating to the action for the
9 issuance of the order for protection be conducted before the district
10 court.

11 (n) In an action for the issuance of a temporary or extended
12 order for protection against harassment in the workplace pursuant to
13 NRS 33.200 to 33.360, inclusive.

14 (o) In small claims actions under the provisions of chapter 73 of
15 NRS.

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

18 (q) In any action pursuant to NRS 200.591 for the issuance of a
19 protective order against a person alleged to be committing the crime
20 of stalking, aggravated stalking or harassment.

21 (r) In any action pursuant to NRS 200.378 for the issuance of a
22 protective order against a person alleged to have committed the
23 crime of sexual assault.

24 (s) In actions transferred from the district court pursuant to
25 NRS 3.221.

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

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

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

33 3. Justice courts have jurisdiction of all misdemeanors and no
34 other criminal offenses except as otherwise provided by specific
35 statute. Upon approval of the district court, a justice court may
36 transfer original jurisdiction of a misdemeanor to the district court
37 for the purpose of assigning an offender to a program established
38 pursuant to NRS 176A.250 or , *if the justice court has not*
39 *established a program pursuant to NRS 176A.280 H , to a*
40 *program established pursuant to that section.*

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

44 5. In the case of any arrest made by a member of the Nevada
45 Highway Patrol, the jurisdiction of the justices of the peace extends



1 to the limits of their respective counties and to the limits of all
2 counties which have common boundaries with their respective
3 counties.

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

7 **Sec. 8.** NRS 4.374 is hereby amended to read as follows:

8 4.374 1. Before accepting a plea from a defendant or
9 proceeding to trial, the justice of the peace shall address the
10 defendant personally and ask the defendant if he or she is a veteran
11 or a member of the military.

12 2. If the defendant ~~is a veteran or a member of the military~~
13 ~~and~~ meets the qualifications of ~~[NRS 176A.285,]~~ *section 2 of this*
14 *act and has not tendered a plea of guilty, guilty but mentally ill or*
15 *nolo contendere to, or been found guilty or guilty but mentally ill*
16 *of, an offense that is a misdemeanor, the justice court may, if the*
17 *court has not established a program pursuant to NRS 176A.280*
18 *and* if appropriate, take any action authorized by law for the purpose
19 of having the defendant assigned to:

20 (a) A program of treatment established pursuant to NRS
21 176A.280; or

22 (b) If a program of treatment established pursuant to NRS
23 176A.280 is not available for the defendant, a program of treatment
24 established pursuant to NRS 176A.250 or 453.580.

25 3. As used in this section:

26 (a) "Member of the military" has the meaning ascribed to it in
27 NRS 176A.043.

28 (b) "Veteran" has the meaning ascribed to it in NRS 176A.090.

29 **Sec. 9.** NRS 5.050 is hereby amended to read as follows:

30 5.050 1. Municipal courts have jurisdiction of civil actions or
31 proceedings:

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

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

35 2. The municipal courts have jurisdiction of all misdemeanors
36 committed in violation of the ordinances of their respective cities.
37 Upon approval of the district court, a municipal court may transfer
38 original jurisdiction of a misdemeanor to the district court for the
39 purpose of assigning an offender to a program established pursuant
40 to NRS 176A.250 or *, if the municipal court has not established a*
41 *program pursuant to NRS 176A.280* ~~H~~ *, to a program established*
42 *pursuant to that section.*

43 3. The municipal courts have jurisdiction of:



1 (a) Any action for the collection of taxes or assessments levied
2 for city purposes, when the principal sum thereof does not exceed
3 \$2,500.

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

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

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

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

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

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

27 **Sec. 10.** NRS 5.057 is hereby amended to read as follows:

28 5.057 1. Before accepting a plea from a defendant or
29 proceeding to trial, the municipal judge shall address the defendant
30 personally and ask the defendant if he or she is a veteran or a
31 member of the military.

32 2. If the defendant ~~is a veteran or a member of the military~~
33 ~~and~~ meets the qualifications of ~~[NRS 176A.285,]~~ *section 2 of this*
34 *act*, the municipal court may, *if the court has not established a*
35 *program pursuant to NRS 176A.280 and* if appropriate, take any
36 action authorized by law for the purpose of having the defendant
37 assigned to:

38 (a) A program of treatment established pursuant to NRS
39 176A.280; or

40 (b) If a program of treatment established pursuant to NRS
41 176A.280 is not available for the defendant, a program of treatment
42 established pursuant to NRS 176A.250 or 453.580.

43 3. As used in this section:

44 (a) "Member of the military" has the meaning ascribed to it in
45 NRS 176A.043.



1 (b) "Veteran" has the meaning ascribed to it in NRS 176A.090.
2 **Sec. 11.** This act becomes effective upon passage and
3 approval.

Ⓢ



* A B 4 2 6 *

