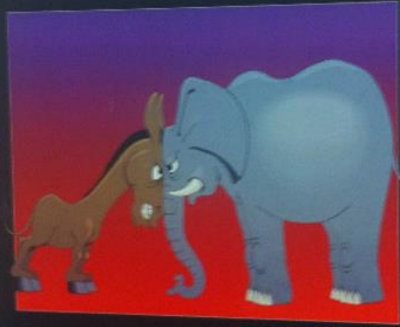


# 2019 LEGISLATIVE SESSION



NO ONE IS SAFE



when the  
legislature is in session

- Will Rogers

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ASSOCIATION  
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# Session Dynamics

- Democrats control both houses of the Legislature and the Governor's office.
- JRI “study” of Nevada Criminal Justice System.
- Nation's first female majority.



# Law Enforcement Team



# Overview

- 573 Assembly measures:
  - *AB: 545*
  - *AJR: 10*
  - *ACR: 11*
  - *AR: 7*
- 584 Senate measures:
  - *SB: 557*
  - *SJR: 8*
  - *SCR: 11*
  - *SR: 8*
- Total: 1157
- Total Criminal/Juvenile/Child Support bills Tracked: 318

# From the Left...



**NACJ**

Nevada Attorneys for Criminal Justice



BATTLE BORN  
PROGRESS

**INNOCENCE  
PROJECT**

# ...And the Right



THE 4TH FILM BY QUENTIN TARANTINO

# KILL BILL

VOLUME 1

WRITTEN AND DIRECTED  
BY QUENTIN TARANTINO



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- Bail reform
- AB 292: Discovery bill; felony to withhold discovery.
- SB 384: Included discovery changes, required prosecutors to seek out material which tends to exculpate the defendant, mitigate the culpability of the defendant, or mitigate the potential punishment of the defendant.
- AB 278: Requires a jury trial for misdemeanor battery constituting domestic violence.
- AB 423: Authorizes a defendant to file a motion requesting a judge reduce a wobbler offense from a felony to a gross misdemeanor.
- AB 424: Authorizes parole after 20 years for a juvenile who commits murder of two or more victims.
- AB 109: Allows a defendant to earn prison credit while on house arrest.
- AB 148: Makes stipulated plea agreements conditioned upon the judge's acceptance and prohibits parties from adding to the statutory plea agreement language.
- AB 158: Allows a judge to deviate from a mandatory sentence if a juvenile victim of sex assault or sex trafficking commits a crime against their abuser.
- SB 5: Allows the Supreme Court to adopt procedural rules that override state law.
- AB 149: Abolishes capital punishment.
- SB 353: Requires the presence of an attorney for all juvenile interrogations.
- SB 43: Authorizes the installation and use of an automated traffic enforcement system.



# DISCLAIMER

- This presentation is merely an overview of legislation of relevance and is not all-inclusive.
- This summary should not be relied upon as a complete statement of the law.
- Please refer to the bill for specifics.

# AB 8 – P&P Risk Assessments

- Allows P&P to review the risk of each probationer on a schedule determined by the Nevada Risk Assessment system (instead of every 6 months as currently required).
- Effective 7/1/19.

# AB 10 – Inmate ID Cards

- Allows the Department of Corrections to issue unverified identification cards to inmates.
- The Department of Corrections must clearly indicate whether or not the full legal name and age of the offender has been verified upon the issuance of a photo identification card.
- Effective May 23, 2019.

# AB 15 – Financial Crimes/Sovereign Citizens

- Creates a new crime prohibiting the preparation or delivery of documents that simulate legal process.
  - *Any person who causes to be prepared or delivered to another person any document that simulates a summons, complaint, judgment, order or other legal process with the intent to:*
    - Induce payment of a claim from another person; or
    - Induce another person to:
      - *Submit to the putative authority of the document; or*
      - *Take any action or refrain from taking any action:*
        - In response to or on the basis of the document; or
        - To comply with the document.
  - *Category D felony.*
- Updates Money Laundering statutes to include property and virtual currency.
- Makes it illegal to conduct or attempt to conduct a financial transaction over \$5000 with the knowledge that the monetary instrument or other property is directly or indirectly derived from any unlawful activity.
- Effective 7/1/19.

# AB 16 – Warrants for DNA

- Increases the time for law enforcement officers to execute and return search warrants to obtain DNA samples/biological specimens to 6 months.
- Effective 10/1/19.

# AB 17 – Exoneration of Bail

- Requires the exoneration of bail when a case is dismissed unless:
  - *The Defendant has been indicted or charged with a crime under the same facts and circumstances; or*
  - *A Defendant requests the bail not be exonerated.*
- Effective 10/1/19.

# AB 19 – TPO/EPO

- Increases Penalties in both NRS 33.100 and NRS 125.560:
  - *TPO – remains a misdemeanor.*
  - *EPO:*
    - 1<sup>st</sup> Violation: Misdemeanor;
    - 2<sup>nd</sup> Violation: Gross misdemeanor;
    - 3<sup>rd</sup> or subsequent violation: Category D felony.
- Each act is a separate violation.
- EPO's for DV and for Stalking/Harassment may be good for up to two years.
- Requires notice that Responding to a communication initiated by the applicant may constitute a violation of the protective order.

# AB 19 – Cont.

- Records must be transmitted to the Central Repository by the next business day.
- Requires the Central Repository to keep expired protective orders for law enforcement access.
- Service Changes:
  - *If after due diligence, law enforcement officer may put notice on door.*
  - *If no contact after three attempts, may petition the court to serve at work.*
  - *If unemployed or after due diligence, law enforcement agency may petition the court to serve adverse party pursuant to Nevada Rules of Civil Procedure.*
- Effective 7/1/2019.



# AB 41 – Fictitious ID Program for Victims

- Under current law, a victim of domestic violence, human trafficking, sexual assault or stalking is eligible to participate in the confidential/fictitious address program.
- AB 41 requires a government agency and a utility to:
  - *Allow the person to use the confidential/fictitious address;*
  - *Not maintain a record of the confidential address unless:*
    - A record is required to be maintained by local, state or federal law; or
    - Providing the service is impossible without the address.
- Must keep the address confidential.
- Effective 7/1/2019.

# AB 43 - Judges

- Increases the number of District Court Judges in the following jurisdictions:
  - *Second Judicial District:*
    - 7 Family Court Judges (increase from 6)
  - *Fourth Judicial District:*
    - 3 Judges (increase from 2)
  - *Eighth Judicial District:*
    - 26 Family Court Judges (increase from 20)

# AB 45 – Nevada Threat Analysis Center

- Creates the Nevada Threat Analysis Center within the Department of Public Safety to:
  - *Maintain criminal intelligence information regarding actual or potential threats;*
  - *Analyze and distribute the information as necessary to detect, prevent, investigate or respond to criminal activity or acts of terrorism.*
- DPS Investigation Division Chief appoints the Director of the Center.
- Creates the Nevada Threat Analysis Center Advisory Committee to advise the Center.
- Intelligence gathered is confidential.
- Effective 7/1/2019.

# AB 60 – Domestic Violence

- The bill increases penalties for domestic battery:
- A second domestic battery conviction within 7 years is now punishable by a minimum of 20 days in jail (an increase from 10 days);
  - *Allows the jail time to be served intermittently in periods of at least 12 hours.*
- In addition to any other fine or penalty, if the court finds that a person is guilty of committing an act which constitutes domestic violence pursuant to NRS 33.018, the court shall:
  - *Enter a finding of fact in the judgment of conviction;*
  - *Order the person to pay a fee of \$35;*
  - *Require for the:*
    - First offense within 7 years of any act which constitutes domestic violence, the person to participate in weekly counseling sessions of not less than 1 1/2 hours per week for not less than 6 months, but not more than 12 months, at his or her expense, in a program for the treatment of persons who commit domestic violence that has been certified pursuant to NRS 439.258; or
    - Second offense within 7 years of any act which constitutes domestic violence, the person to participate in weekly counseling sessions of not less than 1 1/2 hours per week for 12 months, at his or her expense, in a program for the treatment of persons who commit domestic violence that has been certified pursuant to NRS 439.258.

# AB 60 – Domestic Violence, Cont.

- A third domestic battery conviction within 7 years is now a B felony and is punishable by a term of incarceration of 1 to 6 years (currently a category C felony).
- A domestic battery resulting in substantial bodily harm to the victim is now punishable as a B felony with a term of incarceration of 1 to 6 years (currently a category C felony).
- Adds any felony constituting domestic violence to the once-a-felon provisions.

# AB 60 – Domestic Violence, Cont.

- Creates a new crime of domestic battery against a pregnant victim when the offender knew, or should have known, that the victim was pregnant.
- Is punishable as:
  - *A gross misdemeanor for the first offense;*
  - *A category B felony, punishable by a term of incarceration of 1 to 6 years, for a second offense.*

## AB 60, Cont.

- Provides that roommates, siblings and cousins, who are not in a guardianship or custodial relationship with each other, are not domestic violence relationships.
- Law enforcement has discretion to arrest roommates, siblings and cousins not in a guardianship or custodial relationship with each other, for acts amounting to battery – even if the battery occurred outside the officers presence.
- Adds facilitating sex trafficking to the video deposition statute.

# AB 60 - Stalking

- NRS 200.575 (1):
  - *A person who, without lawful authority, willfully or maliciously engages in a course of conduct **directed towards a victim** that would cause a reasonable person **under similar circumstances** to feel terrorized, frightened, intimidated, harassed or fearful for **his or her immediate safety** or the immediate safety of a family or household member, and that actually causes the victim to feel terrorized, frightened, intimidated, harassed or fearful for **his or her immediate safety** or the immediate safety of a family or household member, commits the crime of stalking.*
- “Course of Conduct” means a pattern of conduct which consists of ~~a series of~~ **two or more** acts over **a period of** time that evidences a continuity of purpose directed at a specific person.
- New crime of Stalking of a Minor:
  - A person who commits the crime of stalking where the victim is under the age of 16 and the person is 5 or more years older than the victim:
    - First Offense: Gross Misdemeanor;
    - Second Offense: Category C Felony (2-5 years);
    - Third Offense: Category B Felony (2-15 years).



# AB 60 – Prosecutors

- Adds prosecuting attorneys (federal, state and local) to the list of protected persons in NRS 200.471 and NRS 200.481.
- Allows any prosecutor to request DMV display an alternate address on their driver's license if as part of their normal job responsibilities they handle:
  - *Category A felonies; or*
  - *Domestic violence cases.*
- Effective July 1, 2019.

# AB 61 – NDOC Residential Confinement

- Gives the director of DOC more discretion in denying a prisoner for the residential confinement program.
- Requires the director to notify the victim prior to approving an inmate for the residential confinement program and provide an opportunity for input.
- Effective 7/1/19.

# AB 80 – Nevada Sentencing Commission

- Creates the Department of Sentencing Policy.
- Establishes an Executive Director of the Department.
  - *Appointed by the Governor from a list of three names recommended by the Sentencing Commission.*
  - *Must be an attorney.*
- Washoe County DA Christopher Hicks is the NDAA representative.

# AB 81 – Indigent Defense Bill

- Creates the Board on Indigent Defense Services.
  - *13 members:*
    - 7 members represent NACO, Clark County and Washoe County;
    - Three members who are an attorney;
      - *One of whom must be from a rural county;*
    - One member who has expertise in government finance;
    - One member who is a retired judge;
    - One member who represents members of racial or ethnic minorities.
  - *Judges, prosecutors, law enforcement, legislators may not serve.*
  - *Oversees the Department of Indigent Defense Services.*
    - The Office of State Public Defender is transferred to the Department.
  - *Hires an Executive Director to carry out the duties of the Board and the Department of Indigent Defense Services.*
- The Board shall establish minimum standards for the delivery of indigent defense services.
- Provisions for ensuring that the minimum standards are being followed.
- Corrective action plans for those counties that fall below the minimum standards.

# AB 102 – Criminal Enhancement for Spouse of First Responders

- Creates an enhancement to the criminal penalty for certain felony crimes of violence committed against the spouse or child of a first responder.
  - *Murder, Battery, Assault, etc.*
- Effective 10/1/2019.

# AB 107 – Custodial Interrogation Bill

- Requires law enforcement agencies to develop a written policy regarding custodial interrogations that occur in a fixed place of detention.
- Applies to homicide and sexual assault cases.
- Requires the policy to be publicly available.
- Requires collaboration with District Attorneys regarding the contents of the policy.
- Policy must be adopted no later than 4/1/2020.

# AB 111 – Child Welfare Study

- Requires the Interim Legislative Committee on Child Welfare and Juvenile Justice to conduct a study of the funding of the state child welfare system to identify opportunities to maximize federal funding.
- Requires the committee to hire an independent consultant to aid in the study.
- Report must be complete before the next legislative session.

# AB 112 - ACAJ

- Requires that the Chair of the Commission be a legislator.
- Adds evaluating issues relating to the submittal, storage, and testing of sexual assault forensic evidence kits to list of responsibilities.
- Repeals ACAJ subcommittees:
  - *Subcommittee on Juvenile Justice;*
  - *Subcommittee on Victims of Crime;*
  - *Subcommittee to Review Arrestee DNA; and*
  - *Subcommittee on Medical Use of Marijuana.*



# AB 120 – Sex Trafficking

- Adds “receives anything of value” to the Sex Trafficking statute.
- Effective 10/1/19.

# AB 126 – Child Welfare

- Enacts provisions for changing the name of a minor in the custody of a child welfare agency.
- Child's attorney should file the motion.
- The bill requires a best interest finding and requires service by publication if the parents whereabouts are unknown.
- DOES NOT require the consent of the Child Welfare Agency.
- Effective 7/1/2019.

# AB 132 – Marijuana and Employment

- Makes it unlawful for an employer to refuse to hire an employee due to a positive marijuana screening test.
- Exceptions:
  - *Firefighters;*
  - *EMTs;*
  - *A position that requires the employee to operate a motor vehicle and for which federal or state law require screening tests;*
  - *If it is inconsistent with an employment contract or collective bargaining agreement; or*
  - *If it is inconsistent with federal law.*

# AB 140 – Child Welfare

- Prohibits discrimination against persons with a physical disability in child welfare proceedings.
  - *Deaf, blind, has a physical disability, or is the holder of a valid medical marijuana card.*
- Effective 7/1/19.

# AB 142 – Sexual Assault SOL

- Removes the statute of limitations for sexual assault when DNA evidence is found.
- Effective 10/1/2019.

# AB 150 – ‘AB 350’ Study

- Requires DCFS to establish a working group to study the effectiveness of the ‘AB 350’ program versus an extension of foster care until age 21.
- Must have a report to the interim committee by 10/1/2020.

# AB 151 – Sexual Exploitation and Child Welfare

- Requires reporting of children who are victims of commercial sexual exploitation to a child welfare agency. Mandatory reporters who fail to report are guilty of a:
  - *Misdemeanor for a first violation;*
  - *Gross misdemeanor for a subsequent violation.*
- Child Welfare Agencies must:
  - *Conduct an initial screening;*
  - *Make a report to law enforcement.*
- Information collected is confidential and can only be distributed in certain circumstances.
  - *Violation is a misdemeanor.*
- Effective 10/1/19.

# AB 156 - Educational Decision Maker

- Requires the court appoint an educational decision maker for every child for whom a petition is filed.
- Rebuttable presumption that it is in the best interest of the child for the parent to be the EDM.
- If not a parent, the preference is for a relative; fictive kin; foster parent; GAL; AOP.
- Duties of EDM: meetings and communication.
- Additional information provided by CWA: report card, credits, attendance report, standardized test scores, information provided by EDM.
- Effective 7/1/2019.



# AB 166 – Advancing Prostitution

- Creates the crime of Advancing Prostitution.
  - *A person who owns, leases, operates, controls or manages any business/private property and:*
    - Knows or should know that illegal prostitution is being conducted at the business or private property;
    - Knows or should know that prostitutes engaging in such illegal prostitution are victims of involuntary servitude as described in NRS 200.463; and
    - Fails to take reasonable steps to abate such illegal prostitution with in 30 days after the date on which the person knows the circumstances set forth in paragraphs(a) and (b),
- A person is deemed “to know illegal prostitution is being conducted” if they receive three notices from law enforcement within 180 consecutive days.
- Reasonable steps to abate prostitution includes:
  - *Filing a police report or allowing an unrestricted undercover operation;*
  - *Promoting ongoing education about illegal prostitution for employees; or*
  - *Using any other available legal means.*
- Effective 6/5/19.

# AB 176 – Sexual Assault Bill of Rights

- Known as the Sexual Assault Victim Bill of Rights.
- Right to be interviewed by a law enforcement official of the survivors gender.
- A sexual assault survivor has the right to consult with a sexual assault counselor or to designate an attendant to provide support during:
  - *Any forensic medical examination; and*
  - *Any interview by a law enforcement official or prosecutor.*
- The law enforcement official or prosecutor has to summon a sexual assault counselor if one is requested.
- An attendant may be excluded from an interview of a minor if the law enforcement officer or prosecutor:
  - *Has successfully completed specialized training; and,*
  - *Determines in good faith that the attendant would be detrimental to the purpose of the interview*
- A sexual assault survivor also has the right to have counsel present during any exam or interview.
- Provides that a victim has the right to be updated on the progress of any DNA testing.

# AB 176 – Sexual Assault Bill of Rights

- Before commencing an interview, the interviewer shall inform the survivor of their rights by presenting a document developed by the Attorney General.
- Various effective dates; most of the bill becomes effective on January 1, 2020.

# AB 189 – Body Cavity Searches

- Prohibits body cavity searches without a warrant.
- “Body cavity search” means the touching or probing of a body cavity of a person, regardless of whether or not there is actual penetration of that body cavity.
- Effective 10/1/19.

# AB 192 – Sealing of Records

- Creates a sealing process for Defendants convicted of an act that has been decriminalized.
- Defendants must complete a form and file it with the court to initiate the process.
- Once the form is filed, it requires the court to notify the prosecuting agency.
- The prosecuting agency has ten days to object to the sealing.
- If a hearing is held, the prosecuting agency must prove by clear and convincing evidence that there is good cause not to grant the sealing.
- Effective 7/1/19.

# AB 195 – Scanning Devices

- Adds to NRS 205.606 (the possession of a scanning device statute):
  - *Install or affix, temporarily or permanently, a scanning device within or upon a machine with the intent to use the scanning device for an unlawful purpose; and*
  - *Access, by electronic or any other means, a scanning device with the intent to use the scanning device for an unlawful purpose.*
- Category C felony.
- Effective 10/1/2019.

# AB 201 – Trick Driving

- Amends the Reckless Driving statute to prohibit trick driving.
- “Trick driving display” means using a vehicle to perform tricks, stunts or other maneuvers on a public highway upon which traffic has been diverted, slowed, impeded or blocked to enable the performing of such tricks, stunts or maneuvers or having such tricks, stunts or maneuvers filmed or otherwise recorded.
- Drive a vehicle in an unauthorized trick driving display on a public highway.
  - *Gross misdemeanor (364 days in county jail);*
  - *First offense: \$1000-\$1500 fine, 100-199 hours of community service;*
  - *Second offense: \$2000 fine, 200 hours of community service.*
- Facilitate an unauthorized trick driving display on a public highway.
  - *First offense: Misdemeanor (6 months in county jail), \$1000 fine, 50-99 hours of community service;*
  - *Second offense: Gross misdemeanor (364 days in county jail), : \$1000-\$1500 fine, 100-199 hours of community service.*
- Effective 10/1/2019.

# AB 222 – Veterans and Mental Health Court

- Makes changes to the veterans and mental health court programs.
- Only offenses excluded from veterans and mental health court eligibility are:
  - *A category A felony;*
  - *A sexual offense as defined in NRS 179D.097 that is punishable as a category B felony; or*
  - *An offense for which the suspension of the sentence is prohibited.*
- If a Defendant has a prior felony, or if a Defendant has failed a specialty court program, the bill gives judges discretion with respect to adjudication, discharge and dismissal.
- Effective 6/5/19.



# AB 226 – Microchip Implantation

- Prohibits the following entities from requiring a person to implant a microchip:
  - *Governmental entity or employee;*
  - *Employer;*
  - *Insurance company; or*
  - *Bail bondsman.*
- Category C felony.
- A person may still voluntarily elect to undergo the implantation of a microchip.
- Effective 10/1/2019.

# AB 267 – Wrongful Conviction Compensation

- Provides for compensation to persons who were wrongfully convicted.
- If the person was imprisoned for:
  - *One to ten years, they are entitled to \$50,000 for each year of imprisonment;*
  - *Eleven to twenty years, \$75,000 for each year of imprisonment; or*
  - *Twenty-one years or more, \$100,000 for each year of imprisonment.*
- Additionally, they are entitled to \$25,000 for each year the person was on parole or \$25,000 for each year the person was required to register as a sex offender, whichever period of time was greater.
- The court may award reasonable attorney's fees; payment for the cost to attend an institution operated by the Nevada System of Higher Education; payment for participation in a health care program of this State; payment for counseling; etc.
- Effective 10/1/19.

# AB 272 – National Integrated Ballistic Information Network

- Clark and Washoe Counties must designate a forensic laboratory to:
  - *Test all semiautomatic pistols and shell casings from a semiautomatic pistol; and*
  - *Input the results into the National Integrated Ballistic Information Network.*
- Applies to all semiautomatic pistols and shell casings that are:
  - *Used for an unlawful purpose;*
  - *Unlawfully possessed;*
  - *Recovered from a crime scene; or*
  - *Believed to have been used in, or associated with, a crime.*
- Effective 10/1/2019.

# AB 291 - Guns

- Bans any device, part, or modification that:
  - Materially increases the rate of fire of a semiautomatic firearm; or
  - Approximates the action or rate of fire of a machine gun.
  - *Category D felony.*
- Decreases BAC level for possession of a firearm to .08.
- Amends NRS 202.300 to provide for the storage of firearms:

*5. Unless a greater penalty is provided by law, a person is guilty of a misdemeanor who:*

*(a) Negligently stores or leaves a firearm at a location under his or her control; and*

*(b) Knows or has reason to know that there is a substantial risk that a child prohibited from handling or having in his or her possession or under his or her control any firearm pursuant to this section may obtain such a firearm.*

# AB 291 – “Red Flag Law”

- A law enforcement officer who has probable cause; or
- A family or household member who reasonably believes:
  - *That a person poses a risk of causing personal injury to himself or herself or another person by possessing or having under his or her custody or control or by purchasing or otherwise acquiring any firearm may file an application for an ex parte or extended order.*
- Initial ex parte hearing:
  - *The burden for an ex parte order is preponderance of the evidence that:*
    - A person poses an imminent risk of causing personal injury to himself or herself or another person by possessing or having under his or her custody or control or by purchasing or otherwise acquiring any firearm;
    - The person engaged in high-risk behavior; and
    - Less restrictive options have been exhausted or are not effective.
  - *The initial order is only good for 7 days or until a hearing on the extended order can be held.*
  - *The court may require the petitioner or the adverse party, or both, to appear.*

# AB 291 – “Red Flag Law”

- Extended order hearing:
  - *Must be held within seven days after filing.*
  - *The burden of proof for an extended order rises to clear and convincing evidence.*
  - *For an extended hearing, service is required pursuant to NV Rules of Civil Procedure.*
  - *Good for up to one year.*
- Adverse party may petition to vacate an order.
- It is a misdemeanor to file a false or misleading motion or to do so with the intent to harass.
- A person who violates an ex parte or extended order is guilty of a misdemeanor.

# AB 298 – Foster Home Recruitment Plan

- Requires a Child Welfare Agency to publish annually online a plan for the recruitment and retention of foster homes.
- Plan must include a determination of the number of homes needed in certain areas:
  - *Homes for all ages of children;*
  - *Sibling homes;*
  - *Homes for children with intellectual and developmental disabilities;*
  - *Racially and culturally sensitive homes.*

# AB 301 – Deaths in a Local/County Jail

- Requires the sheriff of a county to report information concerning deaths in the county jail to the board of county commissioners.
- Requires the administrator of a city jail to report to the city's governing body.
- Biannual reports are also required.
- Effective 10/1/19.



# AB 307 –Gang Databases

- This bill provides that if a local law enforcement agency uses a gang database:
  - *If a person is registered in the database, written notice and an opportunity to contest the registration must be provided to the person;*
  - *A person registered in the database must be allowed to request removal of their registration in the database; and*
  - *Any file relating to a person must be deleted from the database not later than 5 years after the date on which the person last had contact with the local law enforcement agency.*
- Outlines a process by which a person can request removal of their information from the database.
- Effective 7/1/2019.

# AB 316 – Nevada 24/7 Sobriety and Drug Monitoring Program

- Jurisdictions may establish a 24/7 Sobriety and Drug Monitoring Program.
- Allows a court to place a defendant convicted of a DUI-2<sup>nd</sup> or DUI-3<sup>rd</sup> into the program:
  - *For DUI-3<sup>rd</sup>, the Defendant may be placed on probation without adjudication and if successful they may be adjudicated of DUI-2<sup>nd</sup>*
  - *For DUI-2<sup>nd</sup>, the Defendant is adjudicated, and if successfully, may earn a reduced jail term of 5 days.*
- Requires testing at least two times a day and random testing at least two times a week.
- Participants are eligible for a restricted license.
- Effective 6/6/2019.

# AB 322 – Juvenile Assessment Centers

- Makes an appropriation of \$3,000,000 to Clark County's juvenile assessment center.

# AB 336 – U-Visa Process

- Requires a certifying agency to process the U-visa within 90 days of the petitioner's request.
- If the petitioner is 20 years of age or in the process of being deported, the request must be processed within 14 days.
- Provides a rebuttable presumption of the petitioner's helpfulness, unless the petitioner refused or failed to aid law enforcement in the investigation or prosecution of the criminal activity.
- Requires certifying agencies to develop a protocol to help petitioners who have a limited proficiency in the English language or who are deaf, hard of hearing or speech impaired.
- Effective 7/1/19.

# AB 356 – Factual Innocence

- A person convicted of a felony may petition the district court for a hearing to establish the factual innocence of the person based on newly discovered evidence.
- Factual innocence means the person did not:
  - *Engage in the conduct for which he or she was convicted;*
  - *Engage in conduct constituting a lesser included or inchoate offense;*
  - *Commit any other crime arising out the facts; and*
  - *Commit the conduct charged by the State under any theory of criminal liability alleged in the indictment or information.*
- Requires the court to review the petition and determine whether the petition satisfies the requirements and:
  - *Dismiss the case if the requirements are not satisfied, or if the petition is successive; or*
  - *Specify which claims identified in the petition warrant a response and specify which newly discovered evidence might establish a bona fide issue of factual innocence.*
- Effective 7/1/2019.

# AB 376 – Immigration

- Requires that before a prisoner in the custody of a county or city jail or detention facility is questioned about his or her immigration status, the prisoner must be informed about the purpose of such questions.
- Effective 1/1/20.

# AB 387 – Child Welfare Task Force

- Requires DHHS task force to develop a program to prevent parents from turning children over to a Child Welfare Agency solely to access services when no abuse or neglect is present.
- Report must be complete on or before 7/1/2020.

# AB 403 – Reckless Driving/Vehicular Manslaughter

- Makes clear that penalties for reckless driving and vehicular manslaughter are applicable on premises to which the public has access.
  - *Includes parking lots, parking garages, and other roads.*
- Effective 10/1/19.



# AB 410 - TPO

- Extends the time that a temporary order of protection for Domestic Violence is valid from 30 to 45 days.
- Effective 10/1/19.

# AB 416 – Traffic Fines and Fees

- *A person who commits a minor traffic offense is presumed to be indigent and not to have the ability to pay a fine, administrative assessment, or fee if the person:*
  - *Receives public assistance, as that term is defined in NRS 422A.065;*
  - *Resides in public housing, as that term is defined in NRS 315.021; or*
  - *Has a household income that is less than 200 percent of the federally designated level signifying poverty.*
- The court must determine that the defendant has the ability to pay and is willfully avoiding payment in order to confine the defendant.
- Fines and fees are deemed uncollectable after eight years.
- Effective 10/1/2019.

# AB 422 – Warrants for Victims/Witness

- Material Witness Warrant:

- *Requires a judge to review the custody status of a material witness within 72 hours.*
- *The judge must consider the least restrictive means to secure the person's presence.*
- *If the material witness is a victim of domestic violence or sexual assault, requires a judge to review the custody status within 24 hours and such review may be made by telephone.*
- *Requires the judge to appoint an attorney for a material witness who is a victim of domestic violence or sexual assault.*

- Warrant for Failure to Appear:

- *If a witness is arrested on a warrant for failing to appear, the bill requires the judge to review the custody status of the witness within 72 hours.*
- *The judge must appoint the witness an attorney and consider the least restrictive means.*
- *If the witness is a victim of domestic violence or sexual assault, requires a judge to review the custody status within 24 hours and such review may be made by telephone.*

- Effective 10/1/19.

# AB 431 – Restoration of Right to Vote

- Anyone not incarcerated in prison is eligible to vote.
- Eligible for criminal jury service six years after the date of discharge from probation. (Current law)
- Effective 7/1/19.

# AB 434 – Fines and Fees

- Establishes a presumption that a person arrested for the commission of certain traffic violations should be released on his or her own recognizance unless:
  - *The person is charged with DUI, Reckless Driving, or Vehicular manslaughter; or*
  - *The court determines that a person is willfully refusing to satisfy any obligations imposed by the court.*
- A warrant is prohibited from being issued for a failure to pay unless the person has been provided with the opportunity to perform community service and has failed to do so.
- Allows a court to reduce a speeding violation to a violation that is not a moving traffic violation.
- There is a presumption in favor of reducing the speeding violation if the person pays the entire amount of the fine before the first required appearance.
- States that minor traffic offenses are not criminal convictions for purposes of employment, a professional license, or any educational opportunities.
- The amount of credit is increased to \$150 (from \$75) that an offender receives against his or her fine for each day of incarceration served by the offender.
- Each hour of community service is worth \$10 an hour or the amount of the state minimum wage if health insurance is not offered, whichever is greater.
- Effective 10/1/2019.

# AB 439 – Eliminates Juvenile Fees

- Eliminates fees, costs and administrative assessments in juvenile proceedings.
- Enacts provisions relating to the cost of medical care incurred by a child in juvenile detention.
- Effective 7/1/19.

# AB 478 – Police Officer Training

- Requires peace officers to undergo not-less-than 12 hours of yearly training on mental health, racial profiling, implicit bias, sex trafficking, de-escalation, and firearms.
- Effective 10/1/19.

# AB 498 – Child Welfare

- Extends Kin Gap guardianship to fictive kin.
- Effective July 1, 2020.



# AB 533 - Cannabis Advisory Commission

- Creates the Cannabis Compliance Board and the Cannabis Advisory Commission:
  - *The five-member Compliance Board is the new regulatory body for the marijuana industry.*
  - *The twelve-member Advisory Commission studies issues related to marijuana and makes recommendations to the Cannabis Compliance Board.*
- Transfers the authority to license and regulate the marijuana industry from the Department of Taxation to the Compliance Board.
- Prohibits a local government from licensing a business that allows the consumption of cannabis on premises. (Prohibition expires on June 30, 2021.)
- Effective 6/12/2019, for the purposes of adopting regulations and on 7/1/2020 for all other purposes.

# ACR 7 – DUI Marijuana

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

# SB 3 - Writs

- Requires an inmate to exhaust all available administrative remedies before filing a writ challenging the computation of time.
- The Department of Corrections must adopt procedures for the expedited resolution of a challenge to the computation of time.
- All petitions, other than challenges to the validity of a conviction or sentence, must be filed with the district court in the county where the inmate is incarcerated or the First Judicial District Court if the inmate is incarcerated outside this State.
- Effective 1/1/2020.

# SB 7 – Solicitation of a Child

- Enhances penalties for the solicitation of a child:
  - *A first offense is increased to a category D felony (currently a category E felony);*
  - *A second offense is increased to a category C felony (currently a category D felony);*
  - *A third or subsequent offense is increased to a category B felony with a term of incarceration of 1 to 6 years (currently a category C felony);*
- Solicitation of a child now specifically includes a peace officer posing as a child.
- Effective 7/1/19.

# SB 8 – Lifetime Supervision

- Helps preserve lifetime supervision post McNeill v. State of Nevada.
- SB 8 adds into the lifetime supervision statute specific requirements to:
  - *Participate in and complete a program of professional counseling;*
  - *Not use aliases or fictitious names;*
  - *Not possess any sexually explicit material;*
  - *Inform the parole and probation officer of any post office box used by the sex offender;*
  - *Not possess any electronic device capable of accessing the Internet if their underlying offense involved the use of the internet; and*
  - *Not use alcohol or drugs if their underlying offense involved the use of alcohol or drugs.*
- The bill did not go as far as our office wanted, but it helped preserve the lifetime supervision program post-McNeill.
- Effective 6/5/19.

# SB 9 – Sexual Assault SOL

- Repeals the statute of limitations for sexual assault when the sexual assault was committed out of the same facts and circumstances as a murder.
- Effective 10/1/19.

# SB 17 – Child Support Enforcement

- Amends NRS 425.510 to include recreational license suspension in the administrative suspension process.
  - *Includes any license or permit to hunt, fish or trap issued by the Department of Wildlife.*
- Effective 7/1/19.

# SB 33 – Child Support Enforcement

- Requires Insurance Companies to, not later than 5 days after opening a claim, check with the Division of Welfare and Supportive Services to verify whether the claimant owes Child Support.
- If the Claimant owes child support, the insurer is required to withhold from payment the amount owed and pay that to the Division.
- Attorney's fees, medical expenses, or property damage have priority over the child support claim.
- Effective 7/1/2019.



# SB 41 – Teachers and CANS

- The bill adds a substantiated report of child abuse or neglect to NRS 391.330, which lists the grounds for revoking or suspending a teaching license.
- Adds that in lieu of suspending or revoking a teaching license, the State Board may issue a letter of reprimand.
- Effective 7/1/2019.

# SB 44 – Child Support and Unclaimed Property

- Allows child support collection from the Secretary of State's unclaimed property fund.
- Effective 7/1/19.

# SB 97 – Affirmative Defense

- Prohibits an affirmative defense based on the victim's sexual orientation, gender identity, or expression.
- Effective 10/1/19.

# SB 137 - Robbery

- Strikes “or property” from the definition of the crime of robbery.

200.380 1. Robbery is the unlawful taking of personal property from the person of another, or in the person's presence, against his or her will, by means of force or violence or fear of injury, immediate or future, to his or her person , ~~for property,~~ or the person ~~for property~~ of a member of his or her family, or of anyone in his or her company at the time of the robbery. A taking is by means of force or fear if force or fear is used to:

- (a) Obtain or retain possession of the property;
- (b) Prevent or overcome resistance to the taking; or
- (c) Facilitate escape.

- Effective 10/1/19.

# SB 143 – Firearms Background Checks

- An unlicensed person shall not sell or transfer a firearm to another unlicensed person unless a licensed dealer first conducts a background check on the buyer or transferee:
  - *First unlawful transfer: Gross misdemeanor;*
  - *Second or subsequent unlawful transfer: Category C felony.*
- A licensed dealer who agrees to conduct a background check shall comply with all requirements of federal and state law as though the licensed dealer were selling or transferring the firearm from his or her own inventory.
- Effective 1/2/20.

# SB 173 – Sealing of Records

- NRS 179.247 provides for the sealing of criminal convictions when a person is a victim of sex trafficking.
- Includes any crime under the laws of this State, other than a crime of violence.
- Effective 10/1/19.

# SB 184 – Investigations at School

- Requires a School District to contact the parent or guardian of a child who witnesses child abuse, neglect or corporal punishment at school.
- The purpose of the contact is to obtain consent to share their child's contact information with the investigating agency.
- Allows an agency investigating a report of child abuse, neglect, or corporal punishment to interview a child witness with the consent of their parent or guardian.
- Effective 7/1/2019.

# SB 197 – Animal Tested Cosmetics Ban

- Prohibits a manufacturer from importing or selling animal-tested cosmetics.
- A violation of this section constitutes a deceptive trade practice.
- Effective 1/1/20.



# SB 218 – Protective Orders

- Increases Penalties for DV protective orders:
  - *TPO* – remains a misdemeanor;
  - *EPO*:
    - 1<sup>st</sup> Violation: Misdemeanor;
    - 2<sup>nd</sup> Violation: Gross misdemeanor;
    - 3<sup>rd</sup> or subsequent violation: Category D felony.
- Each act is a separate violation.
- Effective 10/1/2019.

# SB 224 – PERS Confidentiality

- All information about a member of a public retirement system is confidential.
- EXCEPTIONS:
  - *Name;*
  - *Amount of the annual pension.*
- Effective 7/1/19.

# SB 252 – Geriatric Parole

- The Director of the Nevada Department of Corrections may assign an offender to residential confinement if the offender:
  - *Is 65 years of age or older;*
  - *Has not been convicted of:*
    - A crime of violence;
    - A crime against a child as defined in NRS 179D.0357;
    - A sexual offense as defined in NRS 179D.097;
    - Vehicular homicide pursuant to NRS 484C.130; or
    - A violation of NRS 484C.430; and
  - *Has served at least a majority of the maximum term or maximum aggregate term, as applicable, of his or her sentence.*
- Director must notify the victim prior to making the assignment to residential confinement.
- Effective 7/1/19.

# SB 274 – Discharging a Firearm

- Equalizes the penalties for NRS 202.287 - Discharging From a Vehicle/Structure and NRS 202.285 - Discharging Into a Structure.
  - *NRS 202.287 reduced to Category B 1-10 (From 2-15).*
  - *NRS 202.285 increased to Category B 1-10 (From 1-6).*
- Effective 7/1/19.

# SB 286 – Aggregate Sentencing

- Department of Corrections is authorized to aggregate all consecutive sentences to create a single aggregated sentence.
- When the sentences of a prisoner are governed by different provisions of law concerning the earning of credits, the Department of Corrections is required to determine the minimum term of each sentence to be aggregated for the purpose of establishing a minimum aggregate term of imprisonment.
- Effective 10/1/19.

# SB 287 – Public Records

- Requires a governmental entity that is unable to provide access to a record within the 5 day timeline to provide to the requester, in writing:
  - *An explanation of the reason the record is not available; and*
  - *A date and time the governmental entity reasonably believes the record will be available.*
- Requires the governmental entity make a reasonable effort to assist the requester to focus the request.
- If a court determines that a governmental entity willfully failed to comply with the public records law, the court must impose on the governmental entity a civil penalty of:
  - *For a first violation within a 10 year period: \$1,000.*
  - *For a second violation within a 10 year period: \$5,000.*
  - *For a third or subsequent violation within a 10 year period: \$10,000.*
- The fines are sent to the Division of State Library, Archives and Public to improve access to public records.
- Effective 10/1/2019.

# SB 293 – Sexually Exploited Children

- Creates the position of coordinator of services for commercially sexually exploited children.
  - *The coordinator will assess gaps in services for sexually exploited children and develop a plan to establish treatment, housing and services.*
  - *Effective 6/7/2019.*
- A child must not be adjudicated as delinquent or in need of supervision for engaging in prostitution or solicitation for prostitution.
- A child must not be placed in a state or local facility for the detention of children if that court finds that:
  - *They are charged with Trespass, Obstructing an Officer, or Minor in a Gaming Establishment; and*
  - *There is reasonable cause to believe that the child is a commercially sexually exploited child.*
- Upon such a finding, the court shall report the commercial sexual exploitation of the child to an agency which provides child welfare services.
- Effective 7/1/2022.

# SB 302 – Electronic Security

- Requires government agencies that maintain records containing personal information, to the extent practicable, comply with the most current version of CIS Controls published by the Center for Internet Security, Inc. or the National Institute of Standards and Technology of the United States Department of Commerce.
- Also provides directives for the disposal of electronic waste.



# SB 316 – Public Lands

- Amends NRS 202.450. (Public Nuisance statute.)
- Makes it illegal to by force, threat or intimidation, or by fencing or otherwise enclosing, or by any other unlawful means, block legal easements and rights of way of public lands.
- Effective 7/1/2019.

# SB 342 – Impounding of Animals

- If a person is arrested and an animal is impounded:
  - *The arrestee has up to 10 days (or no less than 5 days, depending on interlocal agreement) to provide to the animal shelter the name of a person who is able to provide adequate care for the animal.*
  - *The animal must be released if the person named can provide adequate care.*
  - *Jails must provide notice to inmates.*
- A person arrested for animal cruelty, etc.:
  - *Has 5 days to request a hearing.*
  - *Once a request for a hearing is received, the court must hold a hearing within 15 days to determine by clear and convincing evidence whether the person is the owner of the animal and whether they are able and fit to provide adequate care.*
- Effective 10/1/2019.

# SB 368 – Victims of Crime

- Allows a juvenile to vacate and seal records of adjudication if:
  - *They are charged with prostitution, solicitation, trespass, loitering, etc.;*
  - *They are a victim of trafficking or involuntary servitude; and*
  - *They file a petition.*
- Provides that a victim has the right to be updated on the progress of any DNA testing.
- Allows an EPO for Sex Assault to expire after three years.
- Law enforcement must provide information connecting a person accused of violating the prostitution or solicitation statutes with social service agencies.
- In prostitution or solicitation cases, a prosecuting attorney who has reason to believe that the prostitute is a victim of sex trafficking shall dismiss the charge.
- Effective 10/1/2019.

# SB 383 – Sexual Contact with a Law Enforcement Officer

- Prohibits sexual conduct between a law enforcement officer and a person in custody.
  - *Category D felony.*
- In a civil action, there is a rebuttable presumption that the sexual conduct was unwelcome or nonconsensual if the alleged perpetrator was a law enforcement officer and the alleged victim was a person in their custody.
- Effective 10/1/19.

# SB 408 – DUI Interlock

- Interlock devices are required in all DUI cases, except:
  - *The person is unable to provide a deep lung breath sample; or*
  - *The person resides more than 100 miles from an Interlock manufacturer or agent.*
- Effective 10/1/2019.

# SB 431 – Organized Retail Theft

- Adds “knowingly” and “directly or indirectly in or engages in conduct with the intent to further” to organized retail theft.
  - *A person who knowingly participates directly or indirectly in or engages in conduct with the intent to further an organized retail theft.*
- Clarifies that committing organized retail theft through the use of an Internet or network site is unlawful.
- Extends from 90 days to 120 days the period of time for which the value of the property or services stolen may be aggregated for the purpose of determining a criminal penalty.
- Effective 10/1/19.

# SB 477 – Child Welfare

- Amends NRS 432B.555 to prohibits a court from releasing a child, or any other child subject to the proceedings, to a parent who has been convicted of child abuse, neglect, or endangerment from another state.
- Effective 10/1/2019.

# SB 480 – Justices of the Peace

- Revises population requirements for Justices of the Peace.
- Clarifies that Justices of the Peace have jurisdiction over High Risk Protection Orders in counties under 100,000 people or in counties where the District Court has accepted jurisdiction.
- Requires consultation with the Board of County Commissioners prior to declaring that the caseload does not warrant an additional justice of the peace.



# SB 486 – Personal Service of Citations

- Cleans up provisions relating to the personal service of citations to make clear that acceptance of a citation is deemed personal service of a notice to appear.
- Effective 10/1/19.

# SB 540 – Vulnerable Persons

- Expands various definitions of “protective services” to include services that prevent and remedy abuse, neglect, exploitation, isolation and abandonment of vulnerable persons.

# SB 554 – Legislator Continuances

- Requires courts to grant continuances of court cases requested by legislators if the legislator is an party or an attorney for the party.
- Effective 6/12/19.

# SCR 11 – Interim Bail Study

- Committee consists of:
  - *Two members of the Senate appointed by the Senate Majority Leader;*
  - *Two members of the Assembly appointed by the Assembly Speaker;*
  - *One member of the Senate appointed by the Minority Leader; and*
  - *One member of the Assembly appointed by the Assembly Minority Leader.*
- Study Nevada’s bail system.
- Shall submit a report of the results of the study and any recommendations for legislation to the 81st Session of the Nevada Legislature.

# SJR 1 – State Board of Pardons

- Proposes to amend the Nevada Constitution to:
  - *Eliminate the requirement that the Governor vote in the majority.*
  - *Require the State Board of Pardons to meet at least quarterly.*
  - *Authorize any member to submit matters for consideration.*
  - *Provide that a majority of the members of the State Board of Pardons Commissioners is sufficient for any action to be taken.*
- Will appear on the 2020 general election ballot.

**AB 236**

# AB 236 – Probation

- Probation terms are reduced:
  - *12 mos for GM;*
  - *18 mos for category E felonies;*
  - *24 mos for category C and D felonies;*
  - *36 mos for category B felonies; and*
  - *60 mos for crimes of violence, child abuse, and sexual offenses.*
- Court may extend probation term for no more than 12 months if extension is necessary to complete specialty court.
- Requires P&P to seek early termination after 12 months if no violations and if restitution paid.
  - *Child abuse, certain crimes of violence and certain sexual offenses have been excluded from the early termination provisions.*

- Murder or voluntary manslaughter;
- Mayhem;
- Kidnapping;
- Sexual assault;
- Robbery;
- Administering poison or another noxious or destructive substance or liquid with intent to cause death;
- Battery with intent to commit a crime, battery with the use of a deadly weapon or which results in substantial bodily harm, battery committed by strangulation;
- Administering a drug or controlled substance to another person with the intent to enable or assist the commission of a felony or crime of violence;
- False imprisonment if the false imprisonment involves the use or threatened use of force or violence against the victim or the use or threatened use of a firearm or a deadly weapon;
- Assault with a deadly weapon;
- An offense involving pornography and a minor;
- Intentional transmission of the human immunodeficiency virus;
- Open or gross lewdness;
- Lewdness with a child;
- An offense involving pandering or sex trafficking;
- Coercion, if the coercion involves the use or threatened use of force or violence against the victim or the use or threatened use of a firearm or a deadly weapon;
- An attempt, conspiracy or solicitation to commit an offense listed.



# AB 236 – Probation

- “Technical violation” means any alleged violation of the probation or parole that:
  - *Does not constitute absconding*
    - “Absconding” means that a person is actively avoiding supervision by making his or her whereabouts unknown to the Division for a continuous period of 60 days or more.
  - *Is not the commission of a new:*
    - Felony or gross misdemeanor;
    - Battery which constitutes domestic violence;
    - DUI;
    - Misdemeanor crime of violence as defined in NRS 200.408;
    - Harassment, stalking or aggravated stalking;
    - Violation of a temporary or extended order for protection;
    - Violation of a stay away order involving a natural person who is the victim of the crime for which the supervised person is being supervised.
  - *The term does not include termination from a specialty court program.*

# AB 236 – Probation

- Definition of “technical violation” of probation/parole excludes misdemeanor crimes of violence and violating a no-contact order with a named victim.
- Technical violations must be handled by a new graduated sanctions process developed by P&P.
- For in-court revocations, a judge may not revoke on a technical violation until the fourth offense. For a technical violation, the court may temporarily revoke a defendant:
  - *Up to 30 days for the first violation;*
  - *Up to 90 days for a second violation;*
  - *Up to 180 days for a third violation.*

# AB 236 – Probation

- A probationer who is arrested and detained for committing a technical violation must be brought before the court **not later than 15 calendar days** after the date of arrest.
- If the person is not brought before the court within 15 calendar days, the probationer must be released from detention, and returned to probation status.

# AB 236 - Diversion

- A new diversion program is created that allows a court to divert (post-plea) most crimes. This new diversion program excludes crimes of violence, crimes against children, child abuse, and sexual offenses.
- The court may not defer judgment pursuant to this subsection if the defendant has entered into a plea agreement with a prosecuting attorney:
  - *Unless the plea agreement allows the deferral.*
- A court may establish an appropriate program for the treatment of drug or alcohol use.
  - *Must be diagnosed with substance abuse disorder – in-person clinical assessment.*

# AB 236 - Burglary

- Burglary is separated out based on the type of structure.
- Residential Burglary: Category B felony (1-10);
- Commercial Burglary: Category C felony;
- Burglary of a Structure: Category D felony;
- Auto Burglary:
  - *First Offense: Category E felony for 1<sup>st</sup>*;
  - *Subsequent Offense: Category D felony*;

# AB 236 - Burglary

- “Unlawful Entry/Unlawfully remaining” is required.
  - *“Unlawfully enters or unlawfully remains” means for a person to enter or remain in a dwelling, structure or motor vehicle or any part thereof, including, without limitation, under false pretenses, when the person is not licensed or privileged to do so.*
  - *For purposes of this definition, a license or privilege to enter or remain in a part of a dwelling, structure or motor vehicle that is open to the public is not a license or privilege to enter or remain in a part of the dwelling, structure or motor vehicle that is not open to the public.*

# AB 236 - Theft

- Felony thresholds on virtually all theft and property offenses are raised to \$1200.
- For tiered theft offenses:
  - *\$1200 - \$5000: Category D felony;*
  - *\$5000 - \$25,000: Category C felony;*
  - *\$25,000 - \$100,000: Category B felony 1-10;*
  - *\$100,000 or more: Category B felony 1-20.*
- No Category B felony Larceny From The Person.
- Theft from a Vending Machine is repealed.
- Possession of a Stolen Vehicle is a Category C felony.
- Grand Larceny Auto:
  - *First offense: Category C felony;*
  - *Second offense within 5 years: Category B felony 1-6.*

# AB 236 – Habitual

- Habitual now requires:
  - *5 felonies (excluding PCS) for small habitual treatment.*
  - *7 felonies (excluding PCS) for large habitual treatment.*



# AB 236 – Controlled Substances

- Non-Trafficking drug levels vary by schedule.
- PCS - Schedule I and II:
  - PCS: 0-14g:
    - Category E felony; mandatory diversion for first two offenses;
    - Category D felony for third or subsequent offenses.
  - PCS Low: 14-28g – Category C felony;
  - PCS Mid: 28-42g – Category B felony 1-10;
  - PCS High: 42-100g – Category B felony 2-15.

# AB 236 – Controlled Substances

- Schedule III, IV, and V:
  - PCS: 0-28g:
    - Category E felony; mandatory diversion for first two offenses;
    - Category D felony for third or subsequent offenses.
  - PCS Low: 28-200g – Category C felony;
  - PCS Mid: 200g or more – Category B felony 1-10;
  - No PCS High for Schedule III, IV, and V.

# AB 236 – Controlled Substances

- Trafficking - Schedule I and II only:
- Trafficking starts at 100g. There are two categories:
  - *Low Level Trafficking is 100-400g (punishable by 2-20 non-probationable);*
  - *High Level Trafficking is 400g+ (punishable by 10-25 or 10-life nonprobationable);*

AB 236 becomes effective  
7/1/2020

QUESTIONS?