

## **Received by Jack Eslinger, Misdemeanor Subcommittee Member**

### **Misdemeanors made Civil Infractions:**

NRS 244.338 – Farmer’s Market

### **Repeal:**

NRS 475.110 – Able Bodied Men to Fight Fires

### **Amendments:**

NRS 200.575 – Stalking  
Define a minimum penalty similar to BDV

NRS 201.265 – Distribution, Exhibition or Sale of Obscene Material to Minor  
Upgrade to Gross

Misdemeanor NRS 201.353 – Prostitute engaging in prostitution or solicitation of prostitution  
Increased penalties for subsequent convictions (similar to NRS 201.440)

### Civil Violations Generally

Courts must have tools in their toolbox to be able to collect civil penalties beyond merely sending defendants cases to collections. Collection Agencies have less than 20% success rate. While courts may report points on traffic violations to DMV, no court in Nevada has a case management system that interfaces directly with DMV’s system, resulting in manual input that is subject to error and delay, and non-traffic misdemeanors do not accrue points.

In Texas (another state with no state income tax), the Court can suspend both automobile registration and drivers licenses for people who fail to pay civil judgments. However, even this tool is not useful for individuals who neither drive nor own a vehicle.

### Unintended Consequences

It is important to consider whether there are impacts of legislation beyond the intent of the legislation. For example:

*NRS 207.200 – Trespass (and similar misdemeanors)*

*This misdemeanor is often the charge committed by defendants who are then referred to Specialty Courts. Decriminalizing misdemeanors may negatively affect specialty court enrollments.*

As we have seen from the implementation of AB 116, a one-size fits all approach in Nevada is difficult. The number of pedestrian fatalities, hit and run accidents and fatal traffic accidents increased in the Las Vegas Valley since the implementation of AB 116. The following are ideas for review for any misdemeanors instead of making them civil:

- 1) Keep the statutes a misdemeanor and allow prosecutors the discretion to charge the violation as a civil violation (similar to AB 116).
- 2) Keep the statutes a misdemeanor and allow prosecutors the discretion to not seek jail time on all misdemeanors that do not have statutory mandatory jail time. (They already have this option but maybe codify it?)

The top 10 non-traffic criminal charges on average in the Las Vegas Municipal Court (making up over 70% of the cases) are as follows:

BATTERY DOMESTIC VIOLENCE  
TRESPASSING  
BATTERY  
OBSTRUCTING/FALSE INFO TO P. O.  
DUI\*  
UNLAWFUL USE/POSSESSION OF DRUG PARAPHERNALIA  
PETIT LARCENY  
VIOL DOM VIOLENCE TPO  
DUI SUBSEQUENT ARREST  
BATTERY DOMESTIC VIOLENCE - 2nd Offense

*\*DUI includes DUI Liquor, DUI Liquor and/or Drugs and DUI Drugs, Chemicals or Organic Solvents*

For comparison purposes, it would be interesting to see the top 10 charges from some of the more rural courts.