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IN THE THIRD JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
IN AND FOR THE COUNTY OF LYON

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IN THE MATTER OF
The Third Judicial District Court’s Response to
AB 236 and Subsequent Changes to Presentencing
Investigation Reports.

ADMINISTRATIVE ORDER: 2020-04

Rule 1(D) of the Rules of Practice for the Third Judicial District Court of the State of Nevada charges the Court to make such an order in the interests of justice whenever it appears to the Court that a particular situation does not fall within any of the Court’s rules, or that the literal application of a rule would create undue hardship or injustice in any case. This includes the responsibilities of supervising the administrative business of the district court, ensuring the quality and continuity of all court services supervising the court calendar, reassigning cases as convenience or necessity requires, assuring the court’s duties are timely and orderly performed, and otherwise facilitating the business of this District Court and continuity of access to justice.

On June 3, 2019, AB 236 was passed by both houses of the Nevada Legislature. Existing law requires the report of any presentence investigation to contain certain information, including: (1) a recommendation of a minimum term and a maximum term of imprisonment, other term of imprisonment, a fine, or both a fine and term of imprisonment; and (2) if the Division deems appropriate, a recommendation that the defendant undergo a program of regimental discipline. *See*

1 NRS 176.145. Section 13 of the bill removes the requirement that the report of any presentence
2 investigation contain such recommendations. Section 12 of this bill requires each court in which a
3 report of a presentence investigation can be made to ensure that each judge of the court receives
4 training concerning the manner in which to use the information included in such a report for the
5 purpose of imposing a sentence. The Changes to the Nevada Revised Statutes became effective on
6 July 1, 2020.
7

8 In addition to the changes outlined above, the Court was informed by the Division of Parole
9 and Probation that they would not present the Court with recommendations pertaining to probation
10 terms and conditions. In Response to this policy, the Court has adopted the following Standard
11 Terms and Conditions which shall apply to all Defendants placed on probation.
12

13 **Standard Conditions**

- 14 1. **Reporting:** You are to report in person to the Division of Parole and Probation as instructed
15 by the Division or its agent. You are required to submit a written report each month on
16 forms supplied by the Division. This report shall be true and correct in all respects.
- 17 2. **Residence:** You shall not change your place of residence without first obtaining permission
18 from the Division of Parole and Probation, in each instance.
- 19 3. **Intoxicants:** You shall not consume any alcoholic beverages **whatsoever**. Upon order of
20 the Division of Parole and Probation or its agent, you shall submit to a medically recognized
21 test for blood/breath alcohol content.
22
- 23 4. **Controlled Substances:** You shall not use, purchase or possess any illegal drugs, or any
24 prescription drugs, unless first prescribed by a licensed medical professional. You shall
25 immediately notify the Division of Parole and Probation of any prescription received. You
26 shall submit to drug testing as required by the Division or its agent.
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- 28 5. **Weapons:** You shall not possess, have access to, or have under your control, any type of

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weapon.

- 6. **Search:** You shall submit your person, place of residence, vehicle or areas under your control to search at any time, with or without a search warrant or warrant of arrest, for evidence of a crime or violation of probation by the Division of Parole and Probation or its agent.
- 7. **Associates:** You must have prior approval by the Division of Parole and Probation to associate with any person convicted of a felony, or any person on probation or parole supervision. You shall not have any contact with persons confined in a correctional institution unless specific written permission has been granted by the Division and the correctional institution.
- 8. **Laws:** You shall comply with all municipal, county, state, and federal laws and ordinances.
- 9. **Out-of-State Travel:** You shall not leave the state without first obtaining written permission from the Division of Parole and Probation.
- 10. **Employment/Program:** You shall seek and maintain legal employment, or maintain a program approved by the Division of Parole and Probation and not change such employment or program without first obtaining permission. All terminations of employment or program shall be immediately reported to the Division.
- 11. **Financial Obligation:** You shall pay fees, fines, and restitution on a schedule approved by the Division of Parole and Probation. Any excess monies paid will be applied to any other outstanding fees, fines, and/or restitution, even if it is discovered after your discharge.
- 12. **Curfew:** Comply with an imposed curfew by Parole and Probation as deemed necessary.

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Both the State and the Defendant are expected to be prepared at sentencing to make recommendations to the Court regarding special terms and conditions. Any special terms and conditions shall be terms specifically defined by the Court at the time of sentencing.

This order shall be effective immediately.

The undersigned affirms that this document does not contain the social security number of any individual.

DATED this 14th day of July, 2020.



Hon. Leon Aberasturi
DISTRICT COURT JUDGE



Hon. John P. Schlegelmilch
DISTRICT COURT JUDGE