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JUSTICE COURT
LAS VEGAS NEVADA
BY
DEPUTY

IN THE JUSTICE COURT OF LAS VEGAS TOWNSHIP

CLARK COUNTY, NEVADA

IN THE ADMINISTRATIVE MATTER REGARDING: GUIDELINES FOR ADMINISTRATIVE OWN RECOGNIZANCE RELEASES FOR THE LAS VEGAS JUSTICE COURT	**SIXTH AMENDED ADMINISTRATIVE ORDER # 18-04 (superseding all prior versions)**

WHEREAS, JCRLV 6.5(b)(5) empowers the Chief Judge to supervise the administrative business of the Court; and

WHEREAS, the following Administrative Orders are currently in effect: Order 2004-PT-1, most recently revised on January 14, 2015; Administrative Order 15-05, most recently revised on May 22, 2018; Administrative Order 15-07 (superseding Administrative Order 14-01); Administrative Order 16-03; and Administrative Order 18-01; and the aforementioned Orders address Pretrial Release and issues related thereto; and

WHEREAS, NRS 178.4851 states in pertinent part that, "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 on the person that will adequately protect the health, safety and welfare of the community and ensure that he will appear at all times and places ordered by the court"; and

WHEREAS, NRS 178.4853 declares that the Court at a minimum shall consider the various factors set forth herein to determine whether there is good cause to release a person without bail; and

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WHEREAS, the Committee to Study Evidence-Based Pretrial Release developed a Nevada Pretrial Risk Assessment Tool (NPRAT) designed to assess a person's risk of nonappearance or new criminal behavior and provide guidance to the courts on appropriate release, supervision, or detention decisions; and

WHEREAS, the Las Vegas Justice Court has determined that the Pre-Trial Services Division (hereinafter Pre-Trial Services) shall effectuate a release when a person meets certain specific criteria as outlined herein; therefore,

IT IS HEREBY ORDERED that Pre-Trial Services staff (including Justice Court Intake Specialists, Court Compliance Officers, Office Services Supervisors, and/or the Court Division Administrator) shall effectuate a release when the person meets the following criteria:

The type of arrest is probable cause; and

(1) The charges are **misdemeanors**, excluding battery domestic violence; DUI with prior DUI arrest(s) and/or conviction(s); or Violation of a Protection Order; or

(2) The charges are **non-violent** gross misdemeanors and/or felonies, **excluding gun charges or charges related to possession of a firearm,** and Pre-Trial Services has assessed the person using the NPRAT and determined a final recommended risk level of LOW; or

(3) The charges are:

(a) Felony Possession of a Controlled Substance, for a first or second offense,
(1) if the controlled substance is listed in schedule I or II and the quantity possessed is less than 14 grams, or
(2) if the controlled substance is listed in schedule III, IV, or V and the quantity possessed is less than 28 grams; and/or
(b) Gross-Misdemeanor Possession of Prescription Drug Without a Prescription; and/or
(c) Gross-Misdemeanor or Felony Possession of Imitation Controlled Substance; and/or
(d) Felony Commission of a Fraudulent Act in a Gaming Establishment;

and Pre-Trial Services has assessed the person using the NPRAT and determined a final recommended risk level of LOW or MODERATE.

IT IS FURTHER ORDERED that, notwithstanding satisfying the criteria above, a person shall not be released by Pre-Trial Services if:

(1) The person has been arrested for any of the following offenses:

(a) Category-A felony offense;
(b) DUI-related gross misdemeanor or felony offense;
(c) Leaving the Scene of an Accident-related gross misdemeanor or felony offense;
(d) Violation of a Protection Order-related gross misdemeanor or felony offense;
(e) Escape;
(f) Home Invasion or residential Burglary;
(g) Any felony firearms-related offense or offenses with firearms enhancements;
(h) Sex-Offender violations or other sexually-related crimes; or
(i) Attempt Murder;

(2) The person is out of custody in another Justice Court or District Court case in which charges have been filed;

(3) The person has been sentenced in another Justice Court or District Court case and has a suspended jail or prison sentence;

(4) The person was also arrested on a bench warrant in another Las Vegas Justice Court or District Court case;

(5) The person is currently on probation or parole;

(6) The person has a fugitive warrant; or

(7) The person has a previous conviction for escape or bail jumping.

IT IS FURTHER ORDERED that if the only limitation to being released is for a traffic bench warrant in the Las Vegas Justice Court, and the person would otherwise qualify for an own recognizance release pursuant to the above listed criteria in this order, that traffic bench warrant shall not be a bar to the person being released on his/her own recognizance.

IT IS FURTHER ORDERED that should Pre-Trial Services have any concerns about a person's release under the above-referenced criteria, the Signing Judge shall be consulted; and

IT IS FURTHER ORDERED that a person who has been arrested on a traffic bench warrant for the **first** time in a particular case shall be released and provided with a return-to-court date within five (5) judicial days of arrest. If a person has been arrested on a traffic bench warrant for the **second or subsequent time** in a particular case, that person shall appear in Initial Appearance Court prior to release; and

IT IS FURTHER ORDERED that if a person is arrested on a "Q Case" involving Clark County Animal Control, Pre-Trial Services shall release the person on his or her own recognizance and schedule the case to be heard on the next "Q-Case" calendar; and

IT IS FURTHER ORDERED that if a person is arrested on a Community-Court case bench warrant for the **first** time in a particular case, Pre-Trial Services shall release the person on his or her own recognizance and schedule the case to be heard on the next Community-Court calendar. If a person is arrested on a Community-Court case bench warrant for the **second or subsequent** time in a particular case, the person shall appear before the Court on the Community-Court bench warrant return calendar that is heard Monday through Friday; and

IT IS FURTHER ORDERED that this Order shall supersede the previous Administrative Orders listed on Page 1 of this Order and all prior versions of this specific Administrative Order; and

IT IS FURTHER ORDERED that Administrative Order 13-01, which was previously superseded by a prior version of this Administrative Order, shall now become operative once again; and

IT IS FURTHER ORDERED that this Order shall become effective on the date of filing.

Dated this 30 day of June, 2020.

Suzan Baucum,
Chief Justice of the Peace