

**NRS 176A.250 Establishment of program for treatment of mental illness or intellectual disabilities; assignment of defendant to program; progress reports.** A court may establish an appropriate program for the treatment of mental illness or intellectual disabilities to which it may assign a defendant pursuant to [NRS 174.032](#), [176.211](#), [176A.260](#) or [176A.400](#). The assignment must include the terms and conditions for successful completion of the program and provide for progress reports at intervals set by the court to ensure that the defendant is making satisfactory progress towards completion of the program.

(Added to NRS by [2001 Special Session, 259](#); A [2003, 1946](#); [2013, 686](#); [2017, 3014](#); [2019, 4393](#))

**NRS 176A.255 Transfer of jurisdiction from justice court or municipal court to district court for assignment of defendant to program.**

1. A justice court or a municipal court may, upon approval of the district court, transfer original jurisdiction to the district court of a case involving an eligible defendant.

2. As used in this section, “eligible defendant” means a person who:

(a) Has not tendered a plea of guilty, guilty but mentally ill or nolo contendere to, or been found guilty or guilty but mentally ill of, an offense that is a misdemeanor;

(b) Appears to suffer from mental illness or to be intellectually disabled; and

(c) Would benefit from assignment to a program established pursuant to [NRS 176A.250](#).

(Added to NRS by [2001 Special Session, 259](#); A [2003, 1467](#), [1946](#); [2007, 1422](#); [2013, 686](#))

**NRS 176A.260 Conditions and limitations on assignment of defendant to program; effect of violation of terms and conditions; discharge of defendant upon fulfillment of terms and conditions; effect of discharge; conditional dismissal of charges or setting aside of judgment of conviction for certain offenses; effect of conditional dismissal or setting aside of judgment of conviction.**

1. Except as otherwise provided in subparagraph (1) of paragraph (a) of subsection 3 of [NRS 176.211](#), if a defendant who suffers from mental illness or is intellectually disabled tenders a plea of guilty, guilty but mentally ill or nolo contendere to, or is found guilty or guilty but mentally ill of, any offense for which the suspension of sentence or the granting of probation is not prohibited by statute, the court may:

(a) Without entering a judgment of conviction and with the consent of the defendant, suspend or defer further proceedings and place the defendant on probation upon terms and conditions that must include attendance and successful completion of a program established pursuant to [NRS 176A.250](#) if the court determines that the defendant is eligible for participation in such a program; or

(b) Enter a judgment of conviction and place the defendant on probation upon terms and conditions that must include attendance and successful completion of a program established pursuant to [NRS 176A.250](#), if the court determines that the defendant is eligible for participation in such a program.

2. Except as otherwise provided in subsection 4, a defendant is eligible for participation in a program established pursuant to [NRS 176A.250](#) if the defendant is diagnosed as having a mental illness or an intellectual disability:

(a) After an in-person clinical assessment by:

(1) A counselor who is licensed or certified to make such a diagnosis; or

(2) A duly licensed physician qualified by the Board of Medical Examiners to make such a diagnosis; and

(b) If the defendant appears to suffer from a mental illness, pursuant to a mental health screening that indicates the presence of a mental illness.

3. A counselor or physician who diagnoses a defendant as having a mental illness or intellectual disability shall submit a report and recommendation to the court concerning the length and type of treatment required for the defendant within the maximum probation terms applicable to the offense for which the defendant is convicted.

4. If the offense committed by the defendant is a category A felony or a sexual offense as defined in [NRS 179D.097](#) that is punishable as a category B felony, the defendant is not eligible for assignment to the program.

5. Upon violation of a term or condition:

(a) The court may enter a judgment of conviction, if applicable, and proceed as provided in the section pursuant to which the defendant was charged.

(b) Notwithstanding the provisions of paragraph (e) of subsection 2 of [NRS 193.130](#), the court may order the defendant to the custody of the Department of Corrections if the offense is punishable by imprisonment in the state prison.

6. Except as otherwise provided in subsection 8, upon fulfillment of the terms and conditions, the court:
- (a) Shall discharge the defendant and dismiss the proceedings or set aside the judgment of conviction, as applicable, unless the defendant:
    - (1) Has been previously convicted in this State or in any other jurisdiction of a felony; or
    - (2) Has previously failed to complete a specialty court program; or
  - (b) May discharge the defendant and dismiss the proceedings or set aside the judgment of conviction, as applicable, if the defendant:
    - (1) Has been previously convicted in this State or in any other jurisdiction of a felony; or
    - (2) Has previously failed to complete a specialty court program.
7. Discharge and dismissal pursuant to this section is without adjudication of guilt and is not a conviction for purposes of this section or for purposes of employment, civil rights or any statute or regulation or license or questionnaire or for any other public or private purpose, but is a conviction for the purpose of additional penalties imposed for second or subsequent convictions or the setting of bail. Discharge and dismissal restores the defendant, in the contemplation of the law, to the status occupied before the arrest, indictment or information. The defendant may not be held thereafter under any law to be guilty of perjury or otherwise giving a false statement by reason of failure to recite or acknowledge that arrest, indictment, information or trial in response to an inquiry made of the defendant for any purpose.
8. If the defendant was charged with a violation of [NRS 200.485](#), [484C.110](#) or [484C.120](#), upon fulfillment of the terms and conditions, the district court, justice court or municipal court, as applicable, may conditionally dismiss the charges or set aside the judgment of conviction, as applicable. If a court conditionally dismisses the charges or sets aside the judgment of conviction, the court shall notify the defendant that any conditionally dismissed charge or judgment of conviction that is set aside is a conviction for the purpose of additional penalties imposed for second or subsequent convictions or the setting of bail in a future case, but is not a conviction for purposes of employment, civil rights or any statute or regulation or license or questionnaire or for any other public or private purpose. Conditional dismissal or having a judgment of conviction set aside restores the defendant, in the contemplation of the law, to the status occupied before the arrest, complaint, indictment or information. The defendant may not be held thereafter under any law to be guilty of perjury or otherwise giving a false statement by reason of failure to recite or acknowledge that arrest, complaint, indictment, information or trial in response to an inquiry made of the defendant for any purpose.
- (Added to NRS by [2001 Special Session, 259](#); A [2003, 1467, 1946](#); [2007, 1422](#); [2013, 687](#); [2019, 2444, 4393](#); [2021, 2476](#))

**NRS 176A.265 Sealing of records after discharge or dismissal; conditional dismissal of charges or setting aside of judgment of conviction for certain offenses.**

1. Except as otherwise provided in subsection 2, after a defendant is discharged from probation or a case is dismissed pursuant to [NRS 176A.260](#), the court shall order sealed all documents, papers and exhibits in the defendant's record, minute book entries and entries on dockets, and other documents relating to the case in the custody of such other agencies and officers as are named in the court's order if the defendant fulfills the terms and conditions imposed by the court and the Division. The court shall order those records sealed without a hearing unless the Division petitions the court, for good cause shown, not to seal the records and requests a hearing thereon.
2. If the defendant is charged with a violation of [NRS 200.485](#), [484C.110](#) or [484C.120](#) and the charges are conditionally dismissed or the judgment of conviction is set aside as provided in [NRS 176A.260](#), not sooner than 7 years after the charges are conditionally dismissed or the judgment of conviction is set aside and upon the filing of a petition by the defendant, the justice court, municipal court or district court, as applicable, shall order that all documents, papers and exhibits in the defendant's record, minute book entries and entries on dockets, and other documents relating to the case in the custody of such other agencies and officers as are named in the court's order be sealed. The justice court, municipal court or district court, as applicable, shall order those records sealed without a hearing unless the Division petitions the court, for good cause shown, not to seal the records and requests a hearing thereon.
3. If the court orders sealed the record of a defendant who is discharged from probation, whose case is dismissed, whose charges were conditionally dismissed or whose judgment of conviction was set aside pursuant to [NRS 176A.260](#), the court shall send a copy of the order to each agency or officer named in the order. Each such agency or officer shall notify the court in writing of its compliance with the order.

(Added to NRS by [2001 Special Session, 260](#); A [2009, 417](#); [2019, 4395](#); [2021, 2478](#))