

ADULT DRUG COURT REFERRAL CHECKLIST

SECTION 1

REQUIREMENTS FOR PARTICIPATION IN ADULT DRUG COURT (ADC)

(All items **must** apply for Defendant to begin participation in ADC.)

- Defendant's current charge is probation eligible. NRS 176A.100(1)(a).
 - Defendant is not a habitual criminal pursuant to NRS 207.010.
 - Defendant is not a habitual fraudulent felon pursuant to NRS 207.014.
 - Defendant is not a habitual felon pursuant to NRS 207.012.
- Defendant does not have an outside jurisdictional hold or a pending felony charge. ADC policy.
- Defendant's current charge is not a Category A felony. NRS 176A.240(4).
- Defendant's current charge is not a sexual offense as defined in NRS 179D.097, NRS 176A.240(4). (See Table 1.)
- Defendant does not have a criminal history of being convicted of a NRS 179D.097 Category A or B sex offense or an offense in another jurisdiction that would be a NRS 179D.097 Category A or B sex offense if committed in Nevada. NRS 179D.097(u).
- Defendant is not currently required to register as a sex offender in Nevada or any other jurisdiction, if charge of registration is or would be a Category A or B sex offense in Nevada. NRS 179D.097(v).
- Defendant has obtained and filed prior to sentencing a **substance abuse evaluation** that identifies Defendant as having a substance use disorder and **recommends the ASAM level (type and duration) of treatment**. NRS 176A.240(2), (3).
- If Defendant is a veteran or member of the United States Armed Forces who is eligible for Veterans Court, ADC recommends that Defendant complete a Veterans Court referral; if Defendant is not eligible, complete ADC referral. NRS 176.015; 176A.280.
- If Defendant is primarily or substantially mental health affected, ADC recommends that Defendant complete a Mental Health Court referral; if Defendant has been rejected from MHC but is otherwise qualified for ADC, ADC team will conditionally admit Defendant and evaluate if ADC has appropriate resources to address Defendant's mental health issue. If ADC is unable to meet Defendant's mental health needs, Defendant may be returned to the referring court. NRS 176A.250; ADC policy.

- If Defendant is in custody, Defendant agrees to remain, if necessary, in Washoe County Detention Facility awaiting availability of a treatment bed (approximately 2-4 weeks from first ADC appearance.)
 - At first ADC appearance Defendant may seek release from custody and await treatment bed out of custody if Defendant can obtain P&P-approved housing prior to release. ADC policy.
- Defendant understands that in order to graduate from ADC, all fines, fees, and restitution as ordered by the referring court, as well as a \$2,300.00 ADC program fee must be paid in full, as well as all applicable Nevada Division of Parole and Probation supervision fees. ADC policy.
- Defendant understands that they must live in the State of Nevada for the entire period of their ADC participation. Eligible out-of-state defendants may still seek diversion or probation with drug treatment as a condition, with the out-of-state program to be supervised by the sentencing judge. ADC policy.

SECTION 2

ADDITIONAL REQUIREMENTS FOR THOSE SEEKING ADMISSION TO ADC ON A DEFERRED SENTENCE (DIVERSION) (All must apply for Defendant to be eligible.)

- Defendant consents to Diversion. NRS 176.211(3)(a).
- Defendant's Guilty Plea Memorandum permits Defendant to receive a deferred sentence (Diversion). NRS 176.211(1).
- If placed on Diversion, Defendant waives the right to be sentenced within a reasonable time after arraignment.
- Defendant's current charge may not be a sexual offense defined in NRS 202.876, a crime against a child as defined in NRS 179.0357, or a violation of NRS 200.508. (See **Table 2.**)
- If Defendant's current charge is a diversion-eligible drug charge listed in NRS 453.3363(1), Defendant has not been previously convicted of a drug charge listed in NRS 453.011 – 453.552 in Nevada or any other jurisdiction. (See **Table 3.**)

TABLE 1
Offenses that Exclude Altogether Participation in ADC – NRS 176A.230, NRS 176A.240(4);
NRS 179D.097

- **In addition to all Category A felonies, Defendant’s current charge may not be any of the following Category B sex-related felonies.** NRS 176A.240(4). In addition, Defendant may not have a prior Category A or B sex offense and/or may not be a Category A or B sex offender required to register, as described below.

Offense	Authority
Offense involving administration of drug pursuant to NRS 200.405 with intent to enable commission of NRS 179.097 sexual offense.	NRS 200.405; NRS 179D.097(e)
Abuse of a child pursuant to NRS 200.508, if the abuse involved sexual abuse or sexual exploitation.	NRS 200.508; NRS 179D.097(g)
Advertising, preparation, distribution of child pornography.	NRS 200.725; NRS 179D.097(h)
Use of internet to control visual presentation depicting sexual conduct of person under 16 yoa, subsequent offense.	NRS 200.727(b); NRS 179D.097(h)
Possession of visual presentation depicting sexual conduct of person under 16 yoa.	NRS 200.730; NRS 179D.097(h)
Lewdness with a child under 16 yoa who is 14 or 15 yoa.	NRS 201.230(3); NRS 179D.097(l)
Luring a child or a person with mental illness pursuant to NRS 201.560 (except NRS 201.560(5)(c)).	NRS 201.560; NRS 179D.097(p)
Sex trafficking of an adult pursuant to NRS 201.300(2)(b)(1).	NRS 201.300; NRS 179D.097(q)
Any other offense that has an element involving a sexual act or sexual conduct with another that is punishable as a Category B felony.	NRS 179D.097(r)
An attempt or conspiracy to commit an offense listed in NRS 179D.097 that is punishable as a Category B felony.	NRS 179D.097(s)
An offense that is determined to be sexually motivated pursuant to NRS 175.547 or 207.193 if punishable as a Category B felony.	NRS 175.547, NRS 207.193; NRS 179D.097(t)

Defendant has suffered a prior conviction for an offense in another jurisdiction that would qualify as an offense listed in NRS 179D.097, if offense would be a Category A or B offense in Nevada.	NRS 179D.097(u)
Defendant must register as a sex offender, if offense forming basis for sex offender registration is a Category A or B felony, or, if committed in another jurisdiction, would be a Category A or B felony offense in Nevada.	NRS 179D.097(v)

TABLE 2
Offenses that Exclude Participation in ADC on Deferred Status (Diversion)
NRS 176A. 230, NRS 176A.240(4), NRS 176.211(3)(b)

- In addition to **all Category A felonies** and **Category B sexual offenses pursuant to NRS 179D.097**, (See Table 1), Defendant’s charge of conviction may not be any of the following:

A violent or sexual offense as defined in NRS 202.876. NRS 176.211(3)(b), below.	A crime against a child (victim less than 18 yoa when committed) as defined in NRS 179D.0357. NRS 176.211(3)(b), below.
Voluntary manslaughter pursuant to NRS 200.050, NRS 200.080.	Kidnapping pursuant to NRS 200.310 to 200.340. (N/A to parent or guardian.)
Mayhem pursuant to NRS 200.280.	False imprisonment pursuant to NRS 200.460. (N/A to parent or guardian.)
Kidnapping pursuant to NRS 200.310 to 200.340.	Involuntary servitude of a child pursuant to NRS 200.4631. (N/A to parent or guardian.)
Robbery pursuant to NRS 200.380.	An offense involving sex trafficking pursuant to NRS 201.300(2) or prostitution pursuant to NRS 201.320 or 201.395.
Battery with intent to commit a crime pursuant to NRS 200.400.	An attempt to commit any of the above crimes.
Administering of drug or controlled substance to person with intent to enable or assist commission of felony or crime of violence pursuant to NRS 200.405 or 200.408.	Defendant has suffered a prior conviction for an offense in Nevada or in another jurisdiction that would qualify as an offense listed in NRS 179D.0357 in Nevada.
False imprisonment pursuant to NRS 200.460 with use or threatened use of force or violence, or firearm, or deadly weapon.	Defendant must register as a person who has committed a crime against a child in Nevada or in another jurisdiction.

Assault with a deadly weapon pursuant to NRS 200.471.	Abuse, neglect or endangerment of a child pursuant to NRS 200.508. NRS 176.211(3)(b).
Battery with (1) a deadly weapon, (2) or that results in substantial bodily harm as described in NRS 200.481, or (3) which is committed by strangulation as described in NRS 200.481 or 200.485.	
Open or gross lewdness pursuant to NRS 201.210.	
An offense involving pandering or sex trafficking in violation of NRS 201.300, prostitution in violation of NRS 201.320 or advancing prostitution in violation of NRS 201.395.	
Coercion pursuant to NRS 207.190 if with the use or threat of force or violence, or a firearm, or a deadly weapon. (Continued next page)	
Attempt, conspiracy, or solicitation to commit any of the above (column #1) crimes.	

TABLE 3

Drug Crimes Eligible for Diversion; Drug Crimes Excluding Diversion if Defendant has Prior History

Drug Crimes Eligible for Diversion. NRS 453.3363(1)	If Defendant has a Prior Conviction in Nevada or Any Jurisdiction, Defendant is Not Eligible for Diversion. NRS 453.3363(1)
Possession of a Controlled Substance Not for Sale. All categories under NRS 453.336(2) and (3).	Unlawful Possession of Controlled Substance Not for Purpose of Sale. NRS 453.336
Unlawful Use of a Controlled Substance. NRS 453.411.	Unlawful Possession for Sale of Schedule I or II Substances (including Flunitrazepam and Gamma-Hydroxybutyrate). NRS 453.337.
Allowing Child to be Present During Drug Crime without Substantial Bodily Harm. NRS 453.3325(2)(a)(1).	Unlawful Possession for Sale of Schedule III, IV or V Controlled Substances. NRS 453.338.
	Trafficking in Schedule I or II Controlled Substances (including Flunitrazepam and Gamma-Hydroxybutyrate), except Marijuana. NRS 453.3385.

	Trafficking in Marijuana or Concentrated Cannabis. NRS 453.339.
	Unlawful Production or Processing of Marijuana; Extracting Concentrated Cannabis. NRS 453.3393
	Unlawful to Open or Maintain Place for Unlawful Sale, Gift, or Use of a Controlled Substance. NRS 453.316
	Offer, Attempt or Commission of Unauthorized Act Relating to Controlled or Counterfeit Substance. NRS 453.321.
	Offer, Attempt or Commission of Unauthorized Act Relating to Manufacture or Compounding of Certain Controlled Substances. NRS 453.322.
	Possession or Disposal of Methamphetamine Manufacturing Waste. NRS 453.326. (Continued next page)
	Unlawful Acts Relating to Recordkeeping, Inspections and Knowingly Keeping or Maintaining Place where Controlled Substances are Unlawfully Used, Kept, or Sold. NRS 453.326.
	Unlawful Acts Relating to Distribution of Certain Controlled Substance by Registrants, Use of Unauthorized Registration Number and Possession of Signed Blank Prescription Forms. NRS 453.331.
	Unlawful Acts relating to Imitation Controlled Substances. NRS 453.332.
	Unlawful to Allow Child to be Present During Commission of Certain Violations which Involve Controlled Substances not Marijuana. NRS 453.3325.
	Making Available Controlled Substance which Causes Death. NRS 453.333
	Failing to Render or Seek Medical Assistance for Person Injured or Killed by Use of Controlled Substance under Certain Circumstances. NRS 453.3335.

	Second or Subsequent Offense of Sale of Controlled Substance to Minor. NRS 453.334.
	Commission of Certain Violations at or near School, School Bus Stop, Recreational Facilities for Minors or Public Park. NRS 453.3345.
	Commission of Certain Violation which Involve Methamphetamine under Certain Circumstances. NRS 453.3351.
	Commission of Certain Violations which Involve Controlled Substance not Marijuana and Result in Death or Substantial Bodily Harm to Another Person. NRS 453.3353.