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CRIME AND JUSTICE INSTITUTE

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Diversion in Nevada

Smart on Crime legislation expanded diversion access

Why did AB236 tackle diversion in 2019 and what changes did it make?

Finding	AB236
Four in 10 people entering prison in 2017 had no prior felony record[i], and two thirds of inmates that year entered prison for a nonviolent offense.[ii]	Expanded the existing pre-adjudicatory diversion program from misdemeanors to first-time nonviolent felony offenders. Eligible offenders include individuals who have not previously participated in a diversion program, who have no prior felony conviction, and who are not charged with a violent offense or an offense involving substantial bodily harm
Finding	**AB236**
Many jurisdictions launched programs to respond to individuals with behavioral health issues, yet a lack of funding limited availability and access throughout the state.	1. Established a new Mental Health Field Response Grant Program to encourage innovative law enforcement programs. 2. Requires law enforcement agencies to establish policy and procedures for interacting with persons with a behavioral health issue.
Finding	**AB236**
Individuals granted the opportunity to avoid a felony conviction upon completion of a Specialty Court program had higher success rates than those who were not.	Created a presumption for deferred sentences for individuals participating in Specialty Court programs, allowing the court to dismiss the case if the individual is successful. This presumption only applies to nonviolent offenders and can be overcome if the individual poses a public safety risk.

[i] Nevada Advisory Commission on the Administration of Justice – Justice Reinvestment Initiative, Practitioner Guide to AB 236.

[ii] Nevada Department of Corrections online dashboard accessed January 10, 2025.