[~~Bracketed and strikethrough~~] material is that portion being deleted
Underlined material is that portion being added

BILL NO. _____

SUMMARY – Establishes the boundaries of the Order Out Corridor; provides for the circumstances when a court may impose an order to stay out of the Order Out Corridor as a condition of a suspended sentence or deferred adjudication of any criminal offense; provides a criminal penalty for any person who violates an order to stay out of the Order Out Corridor; abolishes existing Order Out Corridors relating to misdemeanor drug-related activity and prostitution-related activity.

ORDINANCE NO. _____
(of Clark County, Nevada)

AN ORDINANCE TO AMEND TITLE 12 OF THE CLARK COUNTY CODE TO ADD A NEW CHAPTER 12.02 ("ORDER OUT CORRIDOR") TO ESTABLISH THE BOUNDARIES OF AN "ORDER OUT CORRIDOR," TO PROVIDE FOR CIRCUMSTANCES WHEN A COURT MAY IMPOSE AN ORDER TO STAY OUT OF THE "ORDER OUT CORRIDOR" AS A CONDITION OF A SUSPENDED SENTENCE OR DEFERRED ADJUDICATION OF ANY CRIMINAL OFFENSE, AND TO RENDER A VIOLATION OF AN ORDER TO STAY OUT OF THE "ORDER OUT CORRIDOR" A MISDEMEANOR OFFENSE; TO AMEND TITLE 12, CHAPTER 12.05 TO ABOLISH THE MISDEMEANOR DRUG-RELATED ACTIVITY - ORDER OUT CORRIDOR; TO AMEND TITLE 12, CHAPTER 12.08 TO ABOLISH THE PROSTITUTION-RELATED ACTIVITY - ORDER OUT CORRIDOR; AND PROVIDING FOR OTHER MATTERS PROPERLY RELATING THERETO.

THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF CLARK, STATE OF NEVADA, DOES HEREBY ORDAIN AS FOLLOWS:

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Underlined material is that portion being added

SECTION 1. Title 12 of the Clark County Code is hereby amended as follows:

CHAPTER 12.02 - ORDER OUT CORRIDOR

12.02.010 Definitions.

The "Order Out Corridor" shall include that area in Clark County located within the following boundaries:

Beginning from the the center line of Sahara Avenue proceeding south along the west side of Sammy Davis Jr. to the north side of Twain Avenue; then turning west to the west side of Valley View Boulevard; then turning south to the north side of Viking Road; then turning west to the west side of Wynn Road; then turning south to the north side of Flamingo Road; then turning west to the west side of Arville Street; then turning south to the south side of West Nevso Drive; then turning east to the east side of South Valley View Boulevard; then turning north to the south side of West Flamingo Road; then turning east to the west side of Dean Martin Drive; then proceeding south to the south side of Russell Road; then turning east to west side of Las Vegas Boulevard South; then turning north to south side of East Reno Avenue; then turning east to the south side of Tropicana Avenue; then turning east to the east side of Paradise Road; then turning north to the south side of Desert Inn Road; then turning east to east side of Joe W. Brown Drive; then turning north to north side of Karen Avenue; then turning west to east side of Paradise Road; then turning north to the center line of Sahara Avenue; then turning west along the center line of Sahara Avenue to the west side of Sammy Davis Jr. Drive.

The Order Out Corridor includes the entire width of the roadway and sidewalks of the streets, avenues and roads described above. The Order Out Corridor does not include Interstate 15 or the property occupied by Harry Reid International Airport.

12.02.020 Order Out Corridor - Condition of Suspended Sentence

(a) If a court:

(1) suspends all or part of a sentence for a conviction of any criminal offense;

(2) defers the adjudication of guilt upon a plea of guilty or no contest to any criminal offense; or,

(3) otherwise withholds the imposition of a sentence or defers adjudication of guilt for any criminal offense;

and if the circumstances warrant, the court may order as a condition of the suspended sentence or deferred adjudication that the defendant stay out of the Order Out Corridor for a period not to exceed one (1) year.

(b) Before ordering the defendant to stay out of the Order Out Corridor, the court shall inquire of the defendant as to the defendant's special reasons for requiring access to any specified areas within the Order Out Corridor, including:

(1) Working or residing within the Order Out Corridor;

(2) The need for medical services within the Order Out Corridor;

(3) The need for access to federal, state and local social services within the Order Out Corridor;

(4) The need for religious services within the Order Out Corridor;

(5) The need for public transportation within the Order Out Corridor; and

(6) The need for legal services or appearances within the Order Out Corridor.

After such inquiry, the court may grant such exemptions from an order to stay out of the Order Out Corridor as the court deems reasonable. Any person granted an exemption pursuant to this subsection shall carry a copy of the order at all times the person is located within the Order Out Corridor.

(c) Any order issued pursuant to this section shall:

(1) describe the boundaries of the Order Out Corridor and any exempted areas therein and shall be accompanied by a copy of a map depicting the perimeters of the Order Out Corridor; and,

(2) prescribe the effective dates of the order.

12.02.030 Violation of Order Out Corridor order.

(a) Any person who wilfully violates an order to stay out of the Order Out Corridor is guilty of a misdemeanor.

(b) Nothing in this section shall limit the authority of the court to impose a sentence or employ any sanction authorized by law for the enforcement of a court order.

SECTION 2. Title 12, Chapter 12.05 of the Clark County Code is hereby amended as follows:

~~[CHAPTER 12.05 MISDEMEANOR DRUG-RELATED ACTIVITY – ORDER OUT CORRIDOR~~

~~**12.05.010 Definitions.**~~

~~(a) "Misdemeanor drug related activity" means any activity which is a misdemeanor violation of NRS 453.332 (distribution, possession of imitation controlled substances), NRS 453.566 (possession of drug paraphernalia), NRS 454.346 (use or possession of drugs, chemicals, poisons or organic solvents), NRS 454.351 (possessing, procuring, offering, giving away or furnishing a drug which is not to be introduced into interstate commerce), NRS 454.510 (possession of a hypodermic device), NRS 454.520 (misuse of a hypodermic device), Clark County Code Section 12.06.020 (sale, offer, display or furnishing of drug paraphernalia), Clark County Code Section 12.07.020 (manufacture, sale, possession, distribution or possession with intent to sell or distribute an imitation controlled substance), Clark County Code Section 12.07.030 (use or possession with intent to use imitation controlled substance), the aiding, abetting, counseling, encouraging, inducing, procuring or facilitating of such activity in violation of NRS 195.020 or the permitting of maintenance or failure to abate such criminal activity as constituting a chronic nuisance or public nuisance in violation of or subject to abatement pursuant to NRS 40.140, NRS 202.450-480~~

~~NRS 244.360, NRS 244.3603, Clark County Code Chapter 11.07 or Clark County Code Section 12.06.050.~~

~~(b) "Order out corridor" means that area within the county of Clark which is bordered on the east by Maryland Parkway from Sahara Avenue to Desert Inn Road; then bordered on the north by Desert Inn Road from Maryland Parkway to Oneida Way; then bordered on the east by Oneida Way from Desert Inn Road to Pawnee Drive; then bordered on the north by Pawnee Drive from Oneida Way to Nakona Lane; then bordered on the east by Nakona Lane from Pawnee Drive to Commanche Drive; then bordered on the north by Commanche Drive from Nakona Lane to Algonquin Drive; then bordered on the east by Algonquin Drive from Commanche Drive to Katie Avenue; then bordered on the south by Katie Avenue from Algonquin Drive to Maryland Parkway; then bordered on the east by Maryland Parkway from Katie Avenue to University Avenue; then bordered on the north by University Avenue from Maryland Parkway to Escondido Street; then bordered on the east by Escondido Street from University Avenue to Harmon Avenue; then bordered on the south by Harmon Avenue from Escondido Street to Ascot Drive; then bordered on the east by Ascot Drive from Harmon Avenue to Del Mar Street; then bordered on the north and east by Del Mar Street from Ascot Drive to Santa Anita Drive; then bordered on the north by Santa Anita Drive from Del Mar Street to the alignment of Heidi Street; then bordered on the east by the alignment of Heidi Street and Heidi Street from Santa Anita Drive to Lorilyn Avenue; then bordered on the south by Lorilyn Avenue from Heidi Street to Dierdre Street; then bordered on the east by Dierdre Street from Lorilyn Avenue to Dorothy Avenue; then bordered on the south by Dorothy Avenue from Dierdre Street to Maryland Parkway; then bordered on the east by Maryland Parkway from Dierdre Street to Russell Road; then bordered on the south by Russell Road from Maryland Parkway to Paradise Road; then bordered on the west by Paradise Road from Russell Road to Tropicana Avenue; then bordered on the south by Tropicana Avenue from Paradise Road to Koval Lane; then bordered on the west by Koval Lane from Tropicana Avenue to Sands Avenue; then bordered on the north by Sands Avenue from Koval Lane to Paradise Road; then bordered on the west by Paradise Road from Sands Avenue to Sahara Avenue; then bordered on the north by Sahara Avenue from Paradise Road to Maryland Parkway.~~

~~12.05.020 Violation of order out corridor order.~~

~~(a) Any person who wilfully violates an order to stay out of the order out corridor is guilty of a misdemeanor and shall be punished by incarceration for a period of time not less than thirty days.~~

~~(b) No person shall be found in wilful violation of this section or any order to stay out of the order out corridor if such person establishes by a preponderance of the evidence that emergency, catastrophe or other exigent circumstances required the person's presence within the order out corridor.~~

~~12.05.030 Penalties.~~

~~(a) Upon the recommendation of the district attorney's office, all or part of a sentence for a conviction of misdemeanor drug related activity may be suspended if the defendant agrees or the justice court otherwise orders the defendant to stay out of the order out corridor for a period which shall not be less than six months or more than one year. Such~~

~~suspended sentence may also be conditioned upon such other conditions as the court deems reasonable for the rehabilitation of the defendant and the preservation of the health safety and welfare of the public. Prior to ordering the defendant to stay out of the order out corridor as a condition of a suspended sentence, the court shall inquire of the defendant as to the defendant's special reasons for requiring access to any specified areas within the order out corridor, including:~~

~~(1) Working or residing within the order out corridor;~~

~~(2) The need for medical services within the order out corridor;~~

~~(3) The need for access to federal, state and local social services within the order out corridor;~~

~~(4) The need for religious services within the order out corridor;~~

~~(5) The need for public transportation within the order out corridor; and~~

~~(6) The need for legal services or appearances within the order out corridor.~~

~~After such inquiry, the court may grant such exemptions from an order to stay out of the order out corridor as the court deems reasonable. Any order issued pursuant to this section shall specifically describe the perimeters of the order out corridor and any exempted areas therein and shall be accompanied by a copy of a map depicting the perimeters of the order out corridor. Upon written motion with prior notice to the district attorney's office, the court shall consider modification of the scope of exemptions listed in its order to stay out of the order out corridor within ten calendar days from the filing of such motion.~~]

SECTION 3. Title 12, Chapter 12.08.010 of the Clark County Code is hereby amended as follows:

Chapter 12.08 - PROSTITUTION

12.08.010 Definitions.

(a) "Prostitution" means engaging in sexual intercourse, oral-genital contact, anal-genital contact, oral-anal contact, or sado-masochistic abuse as defined in NRS 201.262, or any touching of the sexual organs or female breast of a person for monetary consideration, whether by credit, cash or check except between persons who are legally married to each other.

(b) "Prostitute" means a male or female person who, for a fee, engages in sexual intercourse, oral-genital contact, anal-genital contact, oral-anal contact, or sado-masochistic abuse as defined in NRS 201.262, or any touching of the sexual organs or female breast of a person, who is not that person's legal spouse, for the purpose of arousing or gratifying the sexual desire of either person.

(c) "Prostitution referral service" means any person who refers knowingly, or under such circumstances where a person should reasonably know that the person is referring, another for the purposes of prostitution or solicitation thereof.

(d) "Person" means a natural person, any form of business or social organization and any other nongovernmental legal entity including, but not limited to, a corporation, partnership, association, trust or unincorporated organization.

(e) "Public place" means any place of business, public building, or other building open to the general public, street, sidewalk, bridge, alley or alleyway, plaza, park, driveway, parking lot or transportation facility or the doorways and entrance ways to any building which fronts on any of the aforesaid places, or a motor vehicle in or on any such place.

[~~(f) "Order out corridor" means that area within the county of Clark which is bordered by Industrial Road from Sahara Avenue south to Twain Avenue (including the proposed extension of Twain Avenue from Industrial Road to Procyon Avenue as shown on Exhibit A, attached hereto and incorporated herein as if fully set forth), Twain Avenue west to Valley View, Valley View south to Viking Road, Viking Road west to Wynn Road, Wynn Road south to Flamingo Road, Flamingo Road east to Industrial Road, Industrial Road south to the alignment of Russell Road, the alignment of Russell Road east to Paradise Road, Paradise Road north to Desert Inn Road, Desert Inn Road east to Joe W. Brown Drive, Joe W. Brown Drive north to Karen Avenue, Karen Avenue west to Paradise Road, Paradise Road north to Sahara Avenue, and Sahara Avenue west to Industrial Road. The order out corridor includes the entire width of the roadway and sidewalks of the streets, avenues and roads described above. The order out corridor does not include Interstate 15 or the property occupied by Harry Reid International Airport.~~]

SECTION 4. Title 12, Chapter 12.08.035 of the Clark County Code is hereby amended as follows:

[~~**12.08.035 Violation of order out corridor order.**~~

~~(a) Any person who wilfully violates an order to stay out of the order out corridor is guilty of a misdemeanor and shall be punished by incarceration for a period of time not less than thirty days.~~

~~(b) No person shall be found in wilful violation of this section or any order to stay out of the order out corridor if such person establishes by a preponderance of the evidence that emergency, catastrophe or other exigent circumstances required the person's presence within the order out corridor.~~]

SECTION 5. Title 12, Chapter 12.08.090 of the Clark County Code is hereby amended as follows:

12.08.090 Penalties.

[~~(a)~~] Any person, partnership, firm, association or corporation violating any of the provisions of this chapter is guilty of a misdemeanor and shall be fined any sum not

exceeding one thousand dollars or shall be imprisoned in the county jail for a period of time not exceeding six months, or shall be punished by both such fine and imprisonment.

~~[(b) Upon the recommendation of the district attorney's office, all or part of a sentence for a violation of this chapter or any other state statute or county ordinance regulating prostitution may be suspended if the defendant agrees or the justice court otherwise orders the defendant to stay out of the order out corridor for a period which shall not be less than six months or more than one year. Such suspended sentence may also be conditioned upon such other conditions as the court deems reasonable for the rehabilitation of the defendant and the preservation of the health, safety and welfare of the public. Prior to ordering the defendant to stay out of the order out corridor as a condition of a suspended sentence, the court shall inquire of the defendant as to the defendant's special reasons for requiring access to any specified areas within the order out corridor, including:~~

~~(1) Working or residing within the order out corridor, excluding working as an outcall entertainer subject to the provisions of Clark County Code Chapter 6.140; an entertainer for an entertainment referral service subject to the provisions of Clark County Code Chapter 8.50; a dancer or other employee of an erotic dance establishment subject to the provisions of Clark County Code Chapter 6.160; an attendant, server or other employee of an adult nightclub subject to the provisions of Clark County Code Chapter 6.170; an escort subject to the provisions of Clark County Code Chapter 8.32; or in employment of a similar nature by or for any business or establishment which meets the definition of a sexually oriented commercial enterprise set forth in Clark County Code Section 7.54.030;~~

~~(2) The need for medical services within the order out corridor;~~

~~(3) The need for access to federal, state and local social services within the order out corridor;~~

~~(4) The need for religious services within the order out corridor;~~

~~(5) The need for public transportation within the order out corridor; and~~

~~(6) The need for legal services or appearances within the order out corridor.]~~

~~After such inquiry, the court may grant such exemptions from an order to stay out of the order out corridor as the court deems reasonable. Any order issued pursuant to this section shall specifically describe the perimeters of the order out corridor and any exempted areas therein and shall be accompanied by a copy of a map depicting the perimeters of the order out corridor. Upon written motion, with prior notice to the district attorney's office, the court shall consider modification of the scope of exemptions listed in its order to stay out of the order out corridor within ten calendar days from the filing of such motion.]~~

SECTION 6. If any section of this ordinance or portion thereof is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such holding shall not invalidate the remaining parts of this ordinance.

SECTION 7. All ordinances, parts of ordinances, chapters, sections, subsections, clauses, phrases or sentences contained in the Clark County Code in conflict herewith are hereby repealed.

SECTION 8. This ordinance shall take effect and be in force from and after its passage and the publication thereof by title only, together with the names of the County Commissioners voting for or against its passage, in a newspaper published in and having a general circulation in Clark County, Nevada, at least once a week for a period of two (2) weeks.

PROPOSED on the _____ day of _____, 2022.

PROPOSED BY: _____

PASSED on the _____ day of _____ 2022.

AYES: _____

_____

_____

_____

_____

_____

_____

NAYS: _____

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Underlined material is that portion being added

ABSTAINING:_____

ABSENT: _____

_____

BOARD OF COUNTY COMMISSIONERS
CLARK COUNTY, NEVADA

By:_____
James B. Gibson, Chair

ATTEST:

_____
LYNN GOYA, County Clerk

This ordinance shall be in force and effect from and after the _____ day of _____ 2022.