



Las Vegas Police Protective Association Metro, Inc.



To: LVPPA Members
From: David Roger, General Counsel DR
Date: February 2, 2015
Re: Extradition and Fugitive Charges; Failure to Appear after Admission to Bail

An officer has asked whether NRS 179.203- 179.205 are substantive crimes. NRS 179.177 et. seq. is Nevada's extradition statute. NRS 179.203 authorizes a judge to issue an arrest warrant for a fugitive from another jurisdiction. Pursuant to NRS 179.205, an officer can arrest an out-of state fugitive without a warrant. Although these statutes are assigned a booking code, these procedural laws are not crimes.

There is, however, an obscure statute that law enforcement rarely uses when arresting local fugitives. NRS 199.335 is titled Failure to appear after admission to bail. The statute provides:

1. If a person:
 - (a) Is admitted to bail, whether provided by deposit or surety, or released without bail;
 - (b) Is not recommitted to custody; and
 - (c) Fails to appear at the time and place required by the order admitting him or her to bail or releasing him or her without bail, or any modification thereof,

the person is guilty of failing to appear and shall be punished pursuant to the provisions of this section, unless the person surrenders himself or herself not later than 30 days after the date on which the person was required to appear.

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2. If a person who fails to appear in violation of subsection 1 was admitted to bail or released without bail incident to prosecution for:

(a) One or more felonies, the person is guilty of a category D felony and shall be punished as provided in NRS 193.130.

(b) One or more gross misdemeanors but no felonies, the person is guilty of:

(1) A gross misdemeanor; or

(2) If the person left this State with the intent to avoid prosecution, a category D felony and shall be punished as provided in NRS 193.130.

(c) One or more misdemeanors but no felonies or gross misdemeanors, the person is guilty of:

(1) A misdemeanor; or

(2) If the person left this State with the intent to avoid prosecution, a category D felony and shall be punished as provided in NRS 193.130

While there are no substantive charges for fugitives from other jurisdictions, this statute allows law enforcement to file additional charges for criminals who fail to appear in Nevada courts. This law may be used in appropriate cases.