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Criminal Procedure; driving under the influence-sentencing

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1984) (under the Equal Protection Clause, prisons must provide female inmates with substantially equivalent treatment and facilities as those provided to male inmates unless their failure to do so is substantially related to the achievement of correctional objectives of rehabilitation and reintegration). *See also* *Canterino v. Wilson*, 546 F. Supp. 174 (W.D. Ky. 1982) (privileges that are routinely granted to male prisoners, but restricted or denied to similarly situated females will not withstand constitutional scrutiny under the equal protection clause unless this discrimination is substantially related to an important governmental objective).

Criminal Procedure; driving under the influence—sentencing

NEV. REV. STAT. §§ 4.373, 484.3792, 484.3794 (amended).
AB 274 (Committee on Judiciary); 1989 STAT. Ch. 86

Existing law provides that any person¹ found guilty of driving while intoxicated² may apply for substance abuse treatment as an alternative to incarceration.³ Prior law delayed sentencing if the applicant was accepted into a program.⁴ Under Chapter 86, any person who applies to the court for a treatment program shall be sentenced immediately, but the sentence will be suspended for up to three years while the offender undergoes treatment.⁵

DA

1. *See* NEV. REV. STAT. § 484.3794 (amended by 1989 Nev. Stat. ch. 86, sec. 2, at 197) (treatment program only available for first or second time offenders within a seven year span).

2. *See id.* § 484.379 (definition of driving while intoxicated).

3. *Id.* § 484.3794 (amended by 1989 Nev. Stat. ch. 86, sec. 2, at 197).

4. *Id.*

5. *See* 1989 Nev. Stat. ch. 86, sec. 2, at 197 (amending NEV. REV. STAT. § 484.3794) (sentencing will be suspended on condition that the offender is accepted to a treatment program and satisfactorily completes the treatment in compliance with any additional terms of the court). *Id.* If the treatment is not completed, the offender must serve the imposed sentence. *Id.* If the treatment is completed satisfactorily, a reduced imprisonment term and fine will be imposed. *Id.* *See also* NEV. REV. STAT. § 484.3794 1(c) (upon completion of a treatment program, a first offender within a seven-year period is punishable by a jail term of one day- or 24 hours of community service; a second offense within a seven-year period is punishable with a jail term of five days).