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GENERAL PROVISIONS

SECTION 176.002 “Department” defined. As used in this chapter, unless the context otherwise requires, “Department” means the Department of Tribal Probation.

SENTENCE AND JUDGMENT

Hearing

SECTION 176.015 Prompt hearing; court may commit defendant or continue or alter bail before hearing; statement by defendant; presentation of mitigating evidence; rights of victim; notice of hearing.

1. Sentence must be imposed without unreasonable delay. Pending sentence, the court may commit the defendant or continue or alter the bail.

2. Before imposing sentence, the court shall:

(a) Afford counsel an opportunity to speak on behalf of the defendant; and

(b) Address the defendant personally and ask him if he wishes to make a statement in his own behalf and to present any information in mitigation of punishment.

3. After hearing any statements presented pursuant to subsection 2 and before imposing sentence, the court shall afford the victim an opportunity to:

(a) Appear personally, by counsel or by personal representative; and

(b) Reasonably express any views concerning the crime, the person responsible, the impact of the crime on the victim and the need for restitution.

4. The prosecutor shall give reasonable notice of the hearing to impose sentence to:

(a) The person against whom the crime was committed;

(b) A person who was injured as a direct result of the commission of the crime;

(c) The surviving spouse, parents or children of a person who was killed as a direct result of the commission of the crime; and

- (d) Any other relative or victim who requests in writing to be notified of the hearing.
- ↳ Any defect in notice or failure of such persons to appear are not grounds for an appeal or the granting of a writ of habeas corpus. All personal information, including, but not limited to, a current or former address, which pertains to a victim or relative and which is received by the prosecutor pursuant to this subsection is confidential.
5. For the purposes of this section:
- (a) "Relative" of a person includes:
- (1) A spouse, parent, grandparent or stepparent;
 - (2) A natural born child, stepchild or adopted child;
 - (3) A grandchild, brother, sister, half brother or half sister; or
 - (4) A parent of a spouse.
- (b) "Victim" includes:
- (1) A person, including a governmental entity, against whom a crime has been committed;
 - (2) A person who has been injured or killed as a direct result of the commission of a crime; and
 - (3) A relative of a person described in subparagraph (1) or (2).
6. This section does not restrict the authority of the court to consider any reliable and relevant evidence at the time of sentencing.

Sentence; Terms of Imprisonment; Restitution

SECTION 176.033 Sentence of imprisonment required or permitted by statute: Definite period for Category C, D, or E offense or Category B offense; minimum and maximum term for Category A offense unless definite term required by statute; restitution; modification of sentence.

1. If a sentence of imprisonment is required or permitted by statute, the court shall:
- (a) If sentencing a person who has been found guilty of a **Category C, D, or E offense** or a **Category B offense**, sentence the person to imprisonment for a definite period of time within the maximum limit or the minimum and maximum limits prescribed by the applicable statute, taking due account of the gravity of the particular offense and of the character of the individual defendant.
- (b) If sentencing a person who has been found guilty of a **Category A offense**, sentence the person to a minimum term and a maximum term of imprisonment, unless a definite term of imprisonment is required by statute.
- (c) If restitution is appropriate, set an amount of restitution for each victim of the offense and for expenses related to extradition in accordance with [SECTION 179.225](#).

SECTION 176.035 Conviction of two or more offenses; concurrent and consecutive sentences.

1. Except as otherwise provided in subsection 2, whenever a person is convicted of two or more offenses, and sentence has been pronounced for one offense, the court in imposing any subsequent sentence may provide that the sentences subsequently pronounced run either concurrently or consecutively with the sentence first imposed. Except as otherwise provided in subsections 2 and 3, if the court makes no order with reference thereto, all such subsequent sentences run concurrently.
2. Except as otherwise provided in this subsection, whenever a person under sentence of imprisonment for committing a **Category A offense** commits another crime constituting a **Category A offense** and is sentenced to another term of imprisonment for that **Category A offense**, the latter term must not begin until the expiration of all prior terms. If the person is a probationer at the time the subsequent **Category A offense** is committed, the court may provide that the latter term of imprisonment run concurrently with any prior terms or portions thereof.
3. Whenever a person under sentence of imprisonment commits another crime constituting a **Category C, D, or E offense** or **Category B offense**, the court shall provide expressly whether the sentence subsequently pronounced runs concurrently or consecutively with the one first imposed.
4. Whenever a person under sentence of imprisonment commits another crime for which the punishment is death, the sentence must be executed without reference to the unexpired term of imprisonment.

SECTION 176.055 Credit against sentence of imprisonment.

1. Except as otherwise provided in subsection 2, whenever a sentence of imprisonment in the jail is imposed, the court may order that credit be allowed against the duration of the sentence, including any minimum term thereof prescribed by law, for the amount of time which the defendant has actually spent in confinement before conviction,

unless his confinement was pursuant to a judgment of conviction for another offense. Credit allowed pursuant to this subsection does not alter the date from which the term of imprisonment is computed.

2. A defendant who is convicted of a subsequent offense which was committed while he was:

(a) In custody on a prior charge is not eligible for any credit on the sentence for the subsequent offense for time he has spent in confinement on the prior charge, unless the charge was dismissed or he was acquitted.

(b) Imprisoned in a jail or on probation from a tribal conviction is not eligible for any credit on the sentence for the subsequent offense for the time he has spent in confinement which is within the period of the prior sentence, regardless of whether any probation or parole has been formally revoked.

SECTION 176.057 Effect of finding of guilty but mentally ill or acceptance of such plea.

1. If a defendant is found guilty but mentally ill pursuant to [SECTION 175.533](#) or the court accepts his plea of guilty but mentally ill entered pursuant to [SECTION 174.035](#), and the court finds by a preponderance of the evidence that:

(a) The defendant is not mentally ill at the time of sentencing, the court shall impose any sentence that the court is authorized to impose upon a defendant who pleads or is found guilty of the same offense; or

(b) The defendant is mentally ill at the time of sentencing, the court shall:

(1) Impose any sentence that the court is authorized to impose upon a defendant who pleads or is found guilty of the same offense; and

(2) Include in that sentence an order that the defendant, during the period of his confinement or probation, be given or obtain such treatment as is medically indicated for his mental illness.

Administrative Assessments, Fines, Fees, Forfeitures and Community Service

SECTION 176.087 Imposition of community service as punishment or condition of probation.

1. Except where the imposition of a specific criminal penalty is mandatory, a court may order a convicted person to perform supervised community service:

(a) In lieu of all or a part of any fine or imprisonment that may be imposed for the commission of a **Category C, D, or E offense**; or

(b) As a condition of probation granted for another offense.

2. The community service must be performed for and under the supervising authority of the tribe or a charitable organization that renders service to the tribe or its residents.

3. The court may require the convicted person to deposit with the court a reasonable sum of money to pay for the cost of policies of insurance against liability for personal injury and damage to property or for industrial insurance, or both, during those periods in which he performs the community service, unless, in the case of industrial insurance, it is provided by the authority for which he performs the community service.

4. The following conditions apply to any such community service imposed by the court:

(a) The court must fix the period of community service that is imposed as punishment or a condition of probation and distribute the period over weekends or over other appropriate times that will allow the convicted person to continue at his employment and to care for his family. The period of community service fixed by the court must not exceed, for a:

(1) **Category C, D, or E offense**, 200 hours;

(2) **Category B offense**, 600 hours; or

(3) **Category A offense**, 1,000 hours.

(b) A supervising authority listed in subsection 2 must agree to accept the convicted person for community service before the court may require him to perform community service for that supervising authority. The supervising authority must be located within the jurisdiction of the court or, if that placement is not possible, the authority may be located outside the jurisdiction of the court.

(c) Community service that a court requires pursuant to this section must be supervised by an official of the supervising authority or by a person designated by the authority.

(d) The court may require the supervising authority to report periodically to the court or to a probation officer the convicted person's performance in carrying out the punishment or condition of probation.

Genetic Marker Testing

SECTION 176.0911 “CODIS” defined. As used in [SECTION 176.0911](#) to [176.0917](#), inclusive, unless the context otherwise requires, “CODIS” means the Combined DNA Indexing System operated by the Federal Bureau of Investigation.

SECTION 176.0913 Biological specimen to be obtained from certain defendants; identifying information submitted to Central Repository; costs.

1. If a defendant is convicted of an offense listed in subsection 3, the court, at sentencing, shall order that:
 - (a) The name, social security number, date of birth and any other information identifying the defendant be submitted to the Central Repository for Nevada Records of Criminal History; and
 - (b) A biological specimen be obtained from the defendant pursuant to the provisions of this section and that the specimen be used for an analysis to determine the genetic markers of the specimen.
2. The Department shall arrange for the biological specimen to be obtained from the defendant. The Department shall provide the specimen to the forensic laboratory that has been designated by the county in which the defendant was convicted to conduct or oversee genetic marker testing for the county pursuant to [SECTION 176.0917](#).
3. Except as otherwise provided in subsection 5, the provisions of subsection 1 apply to a defendant who is convicted of:
 - (a) A **Category A offense**;
 - (b) A crime against a child as defined in [SECTION 179D.0357](#);
 - (c) A sexual offense as defined in [SECTION 179D.097](#);
 - (d) Abuse or neglect of an older person or a vulnerable person pursuant to [SECTION 200.5099](#);
 - (e) A second or subsequent offense for stalking pursuant to [SECTION 200.575](#);
 - (f) An attempt or conspiracy to commit an offense listed in paragraphs (a) to (e), inclusive;
 - (g) Failing to register with a local law enforcement agency as a convicted person as required pursuant to [SECTION 179C.100](#), if the defendant previously was:
 - (1) Convicted in tribal court of committing an offense listed in paragraph (a), (d), (e) or (f); or
 - (2) Convicted in another jurisdiction of committing an offense that would constitute an offense listed in paragraph (a), (d), (e) or (f) if committed on this Reservation;
 - (h) Failing to register with a local law enforcement agency after being convicted of a crime against a child as required pursuant to [SECTION 179D.450](#); or
 - (i) Failing to register with a local law enforcement agency after being convicted of a sexual offense as required pursuant to [SECTION 179D.450](#).
4. A court shall not order a biological specimen to be obtained from a defendant who has previously submitted such a specimen for conviction of a prior offense unless the court determines that an additional sample is necessary.
5. Except as otherwise authorized by federal law or by specific statute, a biological specimen obtained pursuant to this section, the results of a genetic marker analysis and any information identifying or matching a biological specimen with a person must not be shared with or disclosed to any person other than the authorized personnel who have possession and control of the biological specimen, results of a genetic marker analysis or information identifying or matching a biological specimen with a person, except pursuant to:
 - (a) A court order; or
 - (b) A request from a law enforcement agency during the course of an investigation.
7. A person who violates any provision of subsection 6 is guilty of a **Category C, D, or E offense**.

SECTION 176.0915 Fee for obtaining biological specimen and for testing; inclusion in sentence; creation of tribal fund; use of money in fund.

1. If the court orders that a biological specimen be obtained from a defendant pursuant to [SECTION 176.0913](#), the court, in addition to any other penalty, shall order the defendant, to the extent of his financial ability, to pay the sum of \$150 as a fee for obtaining the specimen and for conducting the analysis to determine the genetic markers of the specimen. The fee:
 - (a) Must be stated separately in the judgment of the court or on the docket of the court;
 - (b) Must be collected from the defendant before or at the same time that any fine imposed by the court is collected from the defendant; and
 - (c) Must not be deducted from any fine imposed by the court.

2. All money that is collected pursuant to subsection 1 must be paid by the clerk of the court to the tribal finance department on or before the fifth day of each month for the preceding month.

Sex Offenders and Offenders Convicted of a Crime Against a Child

SECTION 176.0921 Definitions. As used in [SECTION 176.0921](#) to [176.0927](#), inclusive, unless the context otherwise requires, the words and terms defined in [SECTION 176.0922](#) to [176.0925](#), inclusive, have the meanings ascribed to them in those sections.

SECTION 176.0922 “Central Repository” defined. “Central Repository” means the Central Repository for Nevada Records of Criminal History.

SECTION 176.0923 “Crime against a child” defined. “Crime against a child” has the meaning ascribed to it in [SECTION 179D.210](#).

SECTION 176.0923 “Crime against a child” defined. “Crime against a child” has the meaning ascribed to it in [SECTION 179D.0357](#).

SECTION 176.0924 “Record of registration” defined. “Record of registration” has the meaning ascribed to it in [SECTION 179D.070](#).

SECTION 176.0925 “Sexual offense” defined. “Sexual offense” has the meaning ascribed to it in [SECTION 179D.410](#).

SECTION 176.0925 “Sexual offense” defined. “Sexual offense” has the meaning ascribed to it in [SECTION 179D.097](#).

Miscellaneous Provisions

SECTION 176.105 Judgment in criminal action generally.

1. If a defendant is found guilty and is sentenced as provided by law, the judgment of conviction must set forth:
 - (a) The plea;
 - (b) The verdict or finding;
 - (c) The adjudication and sentence, including the date of the sentence, any term of imprisonment, the amount and terms of any fine, restitution or administrative assessment, a reference to the statute under which the defendant is sentenced; and
 - (d) The exact amount of credit granted for time spent in confinement before conviction, if any.
2. If the defendant is found not guilty, or for any other reason is entitled to be discharged, judgment must be entered accordingly.
3. The judgment must be signed by the judge and entered by the clerk.

SECTION 176.115 Judgment against complainant for malicious prosecution when defendant not found guilty; costs; enforcement of judgment.

1. In all cases of criminal prosecution where the defendant is not found guilty, the court may require the complainant, if it appears that the prosecution was malicious or without probable cause, to pay the costs of the action, or to give security to pay the same within 30 days.

2. If the complainant does not comply with the order of the court, judgment may be entered against him for the amount thereof.
3. Such judgments may be enforced and appealed from in the same manner as those rendered in civil actions.

SECTION 176.125 Entry of judgment of conviction; what papers constitute record of action. When judgment upon a conviction is rendered, the clerk shall, within 5 days, annex together and file the following papers, which shall constitute the record of the action:

1. The citation or complaint and a copy of the minutes of the plea.
2. A copy of the minutes of any challenge which may have been interposed to any juror, and the proceedings thereon.
3. A copy of the minutes of the trial.
4. A copy of the judgment.
5. The decision of the court upon matters of law deemed excepted to, if such decision is in writing, and a copy of the minutes showing any decision deemed excepted to.
6. Any written charges given or refused by the court, with the endorsements thereon.
7. The affidavits and counter-affidavits, if any, used on the hearing of a motion for a new trial.

INVESTIGATION BY DEPARTMENT OF PROBATION

SECTION 176.133 Definitions. As used in [SECTION 176.133](#) to [176.159](#), inclusive, unless the context otherwise requires:

1. "Person professionally qualified to conduct psychosexual evaluations" means a person who has received training in conducting psychosexual evaluations and is:
 - (a) A psychiatrist licensed to practice medicine and certified by the American Board of Psychiatry and Neurology, Inc.;
 - (b) A psychologist licensed to practice;
 - (c) A social worker holding a master's degree in social work and licensed in this State as a clinical social worker;
 - (d) A registered nurse holding a master's degree in the field of psychiatric nursing and licensed to practice professional nursing;
 - (e) A marriage and family therapist licensed; or
 - (f) A clinical professional counselor licensed.
2. "Psychosexual evaluation" means an evaluation conducted pursuant to [SECTION 176.139](#).
3. "Sexual offense" means:
 - (a) Sexual assault pursuant to [SECTION 200.366](#);
 - (b) Statutory sexual seduction pursuant to [SECTION 200.368](#), if punished as a **Category A offense**;
 - (c) Battery with intent to commit sexual assault pursuant to [SECTION 200.400](#);
 - (d) Abuse of a child pursuant to [SECTION 200.508](#), if the abuse involved sexual abuse or sexual exploitation and is punished as a **Category A offense**;
 - (e) An offense involving pornography and a minor pursuant to [SECTION 200.710](#) to [200.730](#), inclusive;
 - (f) Incest pursuant to [SECTION 201.180](#);
 - (g) Solicitation of a minor to engage in acts constituting the infamous crime against nature pursuant to [SECTION 201.195](#), if punished as a **Category A offense**;
 - (h) Open or gross lewdness pursuant to [SECTION 201.210](#), if punished as a **Category A offense**;
 - (i) Indecent or obscene exposure pursuant to [SECTION 201.220](#), if punished as a **Category A offense**;
 - (j) Lewdness with a child pursuant to [SECTION 201.230](#);
 - (k) Sexual penetration of a dead human body pursuant to [SECTION 201.450](#);
 - (l) Luring a child or a person with mental illness pursuant to [SECTION 201.560](#), if punished as a **Category A offense**;
 - (m) An attempt to commit an offense listed in paragraphs (a) to (l), inclusive, if punished as a **Category A offense**; or
 - (n) An offense that is determined to be sexually motivated pursuant to [SECTION 175.547](#) or [207.193](#).

SECTION 176.135 Presentence investigation and report: When required; time for completing.

1. Except as otherwise provided in this section and [SECTION 176.151](#), the Department shall make a presentence investigation and report to the court on each defendant who pleads guilty, guilty but mentally ill or nolo contendere to, or is found guilty or guilty but mentally ill of, a **Category A offense**.

2. If a defendant is convicted of a **Category A offense** that is a sexual offense, the presentence investigation and report:

(a) Must be made before the imposition of sentence or the granting of probation; and

(b) If the sexual offense is an offense for which the suspension of sentence or the granting of probation is permitted, must include a psychosexual evaluation of the defendant.

3. If a defendant is convicted of a **Category A offense** other than a sexual offense, the presentence investigation and report must be made before the imposition of sentence or the granting of probation unless:

(a) A sentence is fixed by a jury; or

(b) Such an investigation and report on the defendant has been made by the Department within the 5 years immediately preceding the date initially set for sentencing on the most recent offense.

4. Upon request of the court, the Department shall make presentence investigations and reports on defendants who plead guilty, guilty but mentally ill or nolo contendere to, or are found guilty or guilty but mentally ill of, **Category B offense**.

SECTION 176.139 Presentence investigation and report: Psychosexual evaluation of certain sex offenders required; standards and methods for conducting evaluation; access to records; rights of confidentiality and privileges deemed waived; costs.

1. If a defendant is convicted of a sexual offense for which the suspension of sentence or the granting of probation is permitted, the Department shall arrange for a psychosexual evaluation of the defendant as part of the Department's presentence investigation and report to the court.

2. The psychosexual evaluation of the defendant must be conducted by a person professionally qualified to conduct psychosexual evaluations.

3. The person who conducts the psychosexual evaluation of the defendant must use diagnostic tools that are generally accepted as being within the standard of care for the evaluation of sex offenders, and the psychosexual evaluation of the defendant must include:

(a) A comprehensive clinical interview with the defendant; and

(b) A review of all investigative reports relating to the defendant's sexual offense and all statements made by victims of that offense.

4. The psychosexual evaluation of the defendant may include:

(a) A review of records relating to previous criminal offenses committed by the defendant;

(b) A review of records relating to previous evaluations and treatment of the defendant;

(c) A review of the defendant's records from school;

(d) Interviews with the defendant's parents, the defendant's spouse or other persons who may be significantly involved with the defendant or who may have relevant information relating to the defendant's background; and

(e) The use of psychological testing, polygraphic examinations and arousal assessment.

5. The person who conducts the psychosexual evaluation of the defendant must be given access to all records of the defendant that are necessary to conduct the evaluation, and the defendant shall be deemed to have waived all rights of confidentiality and all privileges relating to those records for the limited purpose of the evaluation.

6. The person who conducts the psychosexual evaluation of the defendant shall:

(a) Prepare a comprehensive written report of the results of the evaluation;

(b) Include in the report all information that is necessary to carry out the provisions of [SECTION 176A.110](#); and

(c) Provide a copy of the report to the Department.

7. If a psychosexual evaluation is conducted pursuant to this section, the court shall:

(a) Order the defendant, to the extent of his financial ability, to pay for the cost of the psychosexual evaluation;

or

(b) If the defendant was less than 18 years of age when the sexual offense was committed and the defendant was certified and convicted as an adult, order the parents or guardians of the defendant, to the extent of their financial ability, to pay for the cost of the psychosexual evaluation. For the purposes of this paragraph, the court has jurisdiction over the parents or guardians of the defendant to the extent that is necessary to carry out the provisions of this paragraph.

SECTION 176.145 Presentence investigation and report: Contents of report.

1. The report of any presentence investigation must contain:
 - (a) Any prior criminal record of the defendant;
 - (b) Information concerning the characteristics of the defendant, his financial condition, the circumstances affecting his behavior and the circumstances of his offense that may be helpful in imposing sentence, in granting probation or in the correctional treatment of the defendant;
 - (c) Information concerning the effect that the offense committed by the defendant has had upon the victim, including, without limitation, any physical or psychological harm or financial loss suffered by the victim, to the extent that such information is available from the victim or other sources, but the provisions of this paragraph do not require any particular examination or testing of the victim, and the extent of any investigation or examination is solely at the discretion of the court or the Department and the extent of the information to be included in the report is solely at the discretion of the Department;
 - (d) Information concerning whether the defendant has an obligation for the support of a child, and if so, whether he is in arrears in payment on that obligation;
 - (e) Data or information concerning reports and investigations thereof made pursuant to [chapter 432B](#) of SECTION that relate to the defendant and are made available pursuant to [SECTION 432B.290](#);
 - (f) The results of the evaluation of the defendant conducted pursuant to [SECTION 484.3796](#), if such an evaluation is required pursuant to that section;
 - (g) A recommendation of a minimum term and a maximum term of imprisonment or other term of imprisonment authorized by tribal code, or a fine, or both;
 - (h) A recommendation, if the Department deems it appropriate, that the defendant undergo a program of regimental discipline pursuant to [SECTION 176A.780](#);
 - (i) If a psychosexual evaluation of the defendant is required pursuant to [SECTION 176.139](#), a written report of the results of the psychosexual evaluation of the defendant and all information that is necessary to carry out the provisions of [SECTION 176A.110](#); and
 - (j) Such other information as may be required by the court.
2. The Division may include in the report any additional information that it believes may be helpful in imposing a sentence, in granting probation or treatment or jail.

SECTION 176.151 General investigation and report on defendant convicted of category A offense: When required; time for completing; contents of report.

1. If a defendant pleads guilty, guilty but mentally ill or nolo contendere to, or is found guilty or guilty but mentally ill of, one or more **Category A offense** the Department shall not make a presentence investigation and report on the defendant pursuant to [SECTION 176.135](#), unless the Department has not made a presentence investigation and report on the defendant pursuant to [SECTION 176.135](#) within the 5 years immediately preceding the date initially set for sentencing on the **Category A offense** and:
 - (a) The court requests a presentence investigation and report; or
 - (b) The prosecuting attorney possesses evidence that would support a decision by the court to deny probation to the defendant pursuant to paragraph (b) of subsection 1 of [SECTION 176A.100](#).
2. If the Department does not make a presentence investigation and report on a defendant pursuant to subsection 1, the Division shall, not later than 45 days after the date on which the defendant is sentenced, make a general investigation and report on the defendant that contains:
 - (a) Any prior criminal record of the defendant;
 - (b) Information concerning the effect that the offense committed by the defendant has had upon the victim, including, without limitation, any physical or psychological harm or financial loss suffered by the victim, to the extent that such information is available from the victim or other sources, but the provisions of this paragraph do not require any particular examination or testing of the victim, and the extent of any investigation or examination and the extent of the information included in the report is solely at the discretion of the Department;
 - (c) Data or information concerning reports and investigations thereof made pursuant to [chapter 432B](#) of SECTION that relate to the defendant and are made available pursuant to [SECTION 432B.290](#); and
 - (d) Any other information that the Department believes may be helpful to persons responsible for the supervision or correctional treatment of the defendant.

SECTION 176.156 Disclosure of report of presentence or general investigation; persons entitled to use report; confidentiality of report.

1. The Department shall disclose to the prosecuting attorney, the counsel for the defendant and the defendant the factual content of the report of:

(a) Any presentence investigation made pursuant to [SECTION 176.135](#) and the recommendations of the Department.

(b) Any general investigation made pursuant to [SECTION 176.151](#).

↳ The Department shall afford an opportunity to each party to object to factual errors in any such report and to comment on any recommendations.

2. Unless otherwise ordered by a court, upon request, the Department shall disclose the content of a report of a presentence investigation or general investigation to a law enforcement agency for the limited purpose of performing their duties, including, without limitation, conducting hearings that are public in nature.

3. Except for the disclosures required by subsections 1 to 4, inclusive, a report of a presentence investigation or general investigation and the sources of information for such a report are confidential and must not be made a part of any public record.

WITHDRAWAL OF PLEA

SECTION 176.165 When plea of guilty, guilty but mentally ill or nolo contendere may be withdrawn. Except as otherwise provided in this section, a motion to withdraw a plea of guilty, guilty but mentally ill or nolo contendere may be made only before sentence is imposed or imposition of sentence is suspended. To correct manifest injustice, the court after sentence may set aside the judgment of conviction and permit the defendant to withdraw his plea.

EXECUTION

SECTION 176.275 Judgment for fine, administrative assessment, payment of restitution or repayment of expenses is lien. A judgment which imposes a fine or administrative assessment or requires a defendant to pay restitution or repay the expenses of his defense constitutes a lien in like manner as a judgment for money rendered in a civil action.

SECTION 176.315 Judgment of imprisonment in jail: How executed. A judgment of imprisonment to be served in a jail must be executed by delivering the defendant into the custody of an officer in charge of the jail. A copy of the judgment of conviction, duly certified by the tribal judge, is a sufficient warrant for the doing of every act necessary or proper in the due execution thereof. The officer shall, upon discharging the defendant, return such copy to the judge, with an account of his doings endorsed thereon, and must at the same time pay over to the judge all money which he may have received from the defendant in payment of the fine.

SECTION 176.337 Court to notify defendant convicted of domestic violence concerning possession, shipment, transportation or receipt of firearm or ammunition. If a defendant is convicted of a **Category C, D, or E offense** or **Category A offense** that constitutes domestic violence pursuant to [SECTION 33.018](#), the court shall notify the defendant that possession, shipment, transportation or receipt of a firearm or ammunition by the defendant may constitute a **Category A offense**.

MISCELLANEOUS PROVISIONS

SECTION 176.555 Correction of illegal sentence. The court may correct an illegal sentence at any time.

SECTION 176.565 Clerical mistakes. Clerical mistakes in judgments, orders or other parts of the record and errors in the record arising from oversight or omission may be corrected by the court at any time and after such notice, if any, as the court orders.

