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Sentences, Classification and Victim Notification

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Maximum Custody (Includes Condemned Men's Unit)

- Ely State Prison (ESP) Ely, NV

Medium Custody Men's

- High Desert State Prison (HDSP) Indian Springs, NV
(Includes Intake and Protective Housing)
- Southern Desert Correctional Center (SDCC) Indian Springs, NV
- Northern Nevada Correctional Center (NNCC) Carson City, NV
(Includes Intake and Medical Mental Health)
- Lovelock Correctional Center (LCC) Lovelock, NV

Medium Custody Women's

- Florence McClure Women's Correctional Center (FMWCC) Jean, NV

Minimum Custody Men's

- Stewart Conservation Camp (SCC) Carson City, NV
- Humboldt Conservation Camp (HCC) Humboldt, NV
- Carlin Conservation Camp (CCC) Carlin, NV
- Wells Conservation Camp (WCC) Wells, NV
- Pioche Conservation Camp (PCC) Pioche, NV
- Ely Conservation Camp (ECC) Ely, NV

Minimum Custody Trustee (Transitional Housing/Restitution Centers)

- Northern Nevada Transitional Housing (NNTH) Reno, NV
- Casa Grande Transitional Housing (CGTH) Las Vegas, NV

Residential Confinement

- The only custody classification in which victims may have input
- Supervised by the Department of Public Safety Division of Parole and Probation

CLASSIFICATION **Administrative Regulation 521**

- Judgment of Conviction
- Criminal History
- Pre-Sentence Investigation
- Prior Incarceration
- Jail behavior/History
- Current NRS (ex. DUI)

*Link to all current Administrative Regulations (ARs) is at the bottom of the NDOC home page www.doc.nv.gov

Felony Category and Sentence Credits

- Cat A = credits applied only to the max sentence, no minimum sentence credits*
- Cat B = credits applied only to the max sentence, no minimum sentence credits* **
- Cat C, D, E not sex/violence related = credits applied to both max and min sentences*

**Sentence based only. For example, violent or sex crimes adjudicated as non-violent or non-sexual sentences receive credits as non-violent/non-sex and credits are applied accordingly.*

*** Williams Decision, Nevada Supreme Court – Cat B conviction dates between 07/1997-07/2007 eligible to earn credits off min sentences for non-violent/non-sex crimes*

Credit Types

- Flat – Each calendar day served is one credit day earned NRS176.335
- Stat – Statutory Good Time; good behavior; up to 20/month NRS 209.4465
- Work –Employment/Education; min 10-20 based on custody level NRS209.4465
- Merit – Meritorious; completion of programs; 90/year max NRS 209.449
- Exceptional Meritorious Service – Awarded by Director; 90/ year max NRS 209.4465
- COVID – COVID Credit; 60/pandemic max NRS 209.4477; AB 241

NRS Governing Sentence Credits

- NRS 209.433 Credits for sentences on or before June 30, 1969
- NRS 209.443 Credits for sentences after June 30, 1969, if crime was committed prior to July 01, 1985
- NRS209.446 Credits for sentences if crime was committed on or after July 01, 1985, but prior to July 17, 1997
- NRS 209.4465 Credits for sentences if crime was committed on or after July 17, 1997

NRS Governing Application of Sentence Credits

- NRS 209.447 Credits for sentences after June 30, 1991, if crime was committed prior to July 01, 1985, and released on parole
- NRS 209.4475 Credits for offenders who were 1) already on parole supervision as of January 01, 2004, or 2) were released to parole supervision on or after January 01, 2004
- NRS 209.447 Credits for offenders incarcerated during state of emergency due to communicable or infectious disease

Victim's Rights Marsy's Law

- Victim's rights enshrined a state's constitution
- Different in each state
- No real means of enforcement outside of legislation

Two pieces of legislation sponsored by NDOC, prompted by Marsy's Law:

- A.B. 61. 80th Leg., 1st Sess. § 1 (N.V. 2019) Residential Confinement
 - Gives NDOC Director authority to deny applications for R.C.
 - Requires registered victims to be notified of an offender's application for R.C. by both NDOC and by Parole & Probation
 - Requires registered victims have an opportunity to give input prior to an application being granted by either NDOC or Parole and Probation
- S.B. 22. 81st Leg., 1st Sess. § 1.9 (N.V. 2021) Restitution
 - Gives NDOC Director authority to collect up to 25% from all deposits on an offender account to be sent to Parole and Probation for the purpose of victim specific restitution
 - Gives the NDOC Director authority to collect up to 50% of all wage deposits on an offender account to be sent to Parole and Probation for the purpose of victim specific restitution

Restitution amount must be listed in the Judgment of Conviction.

Restitution payments are dispersed by the Department of Public Safety, not NDOC.

Residential Confinement (4 types)

1) 305 DUI Program

Examples:

- Vehicular Homicide with no violence noted in arrest report. Immediately minimum eligible. Eligible 184 Drug Court 2 years to parole eligibility. Eligible 305 DUI Court 1 year to parole eligibility.
- DUI with concurrent non-violent DUI case. Minimum eligible 4 years to parole eligibility. Eligible 184 Drug Court 2 years to parole eligibility. Eligible 305 DUI Court when/if non-DUI case complete.
- DUI with consecutive non-violent DUI case. Minimum eligible when 4 years to final parole eligibility. Eligible 184 Drug Court 2 years to parole eligibility. Not eligible 305 DUI Court.
- DUI with threats of violence noted in arrest report. Eligible minimum 1 year from conviction. Eligible 305 DUI Court 1 year from parole eligibility.

Requirements:

- Within 1 year of possible parole/discharge (no consecutive sentences remaining)
- Sentence type for instant offense is non-violent
- No felony convictions of use or threat of use of force within past three years
- Eligible for minimum custody per AR 521 Custody Categories and Criteria and NRS 209.481

2) 317 Program

Requirements:

- No felony convictions of use or threat of use of force within past three (3) years
- No current or prior conviction for any cat. "A" or violent "B" felonies
- No more than one (1) prior conviction for any felony in Nevada or any offense in another state that would constitute a felony if committed in Nevada, not including a violation of NRS 484C.110, NRS 484C.120, NRS 484C.130 or NRS 484C.430
- No conviction for sex offense punishable as a felony
- No consecutive sentences remaining
- Eligible for Community Trustee per AR 521 Custody Categories and Criteria and NRS 209.481
- Within two (2) years of possible parole/discharge

3) 184 Re-Entry Court

Requirements:

- Must be within two (2) years or possible release on parole or discharge
- Must not have committed a serious infraction of the rules of the Department
- Must not have a felony conviction involving the use or threatened use of violence within the immediately preceding year
- Must never have been convicted of a sexual offense that is punishable as a felony
- Must not have escaped or attempted to escape from any jail or correctional institution for adults
- Must be otherwise eligible for Minimum custody per Administrative Regulation 521 Custody Categories and Criteria and NRS 209.481
- Felony conviction involving the use or threatened use of violence within the preceding three (3) years

4) 298 Compassionate Release (NRS 209.3925)

Offenders do not have a right to be assigned to serve a term of residential confinement under the custody of Parole & Probation as part of the 298 Program, or to remain in that custody after any such an assignment

Examples:

- Offenders who have become physically incapacitated or in ill health to such a degree that he or she does not pose a threat to the safety of the public, or who are in ill health and are expected to die within eighteen (18) months may be assigned to serve a term of residential confinement under the custody of Parole and Probation as part of the Department's Compassionate Release 298 Program
- The offender is in such ill health that he or she is expected to die within eighteen (18) months, and does not presently, and likely will not in the future, pose a threat to public safety, and written verification that the offender is in ill health and expected to die within eighteen (18) months has been provided by at least two (2) licensed physicians as required under NRS 209.3925(1)(b)(2)

Requirements:

- The offender is not serving a sentence of life without the possibility of parole
- The offender is not sentenced to death or has not previously served a sentence of death

Victim notification is completed prior to residential confinement application approval. VINE WILL NOT NOTIFY in this instance. Victims MUST be registered via the Victim Notification Request form.

Victim Notification

DOC VICTIM NOTIFICATION REQUEST FORM

NEVADA VINE SERVICE

<p>(submit directly to the VSU via email, physical mail or fax)</p> <ul style="list-style-type: none"> ▪ Available only to victims, threatened parties or their supporters (including DAs, Victim Advocates etc.) ▪ Individually tailored to the specifics of the offender's status ▪ Enrolls victim for notification from NDOC, Parole Board and Attorney General's Office ▪ <u>Does not provide real-time updates</u> ▪ <u>Does not notify of facility moves</u> ▪ <u>Does not notify of jail, parole, or probation custody status</u> <p>Notifications:</p> <ul style="list-style-type: none"> ▪ Offender release/escape/death ▪ How to give input for parole hearings, including date, time and location ▪ Application for Residential Confinement Notification ▪ Pardons Board hearings ▪ Post-Conviction appeals through the Attorney General ▪ I.C.E. hold information ▪ Parole Release ▪ Discharge 	<p style="text-align: center;">(register online)</p> <ul style="list-style-type: none"> ▪ Available to the general public/victim status not required ▪ Generated by computer automation with limited status scope ▪ <u>No notification enrollment with any state agency (DOC, AG, Parole Board)</u> ▪ <u>Does not provide residential confinement application notification or opportunity for victim input</u> ▪ Provides real-time updates ▪ Includes jail, prison, and parole custody status <p>Notifications (DOC related):</p> <ul style="list-style-type: none"> ▪ Offender release/escape/status change ▪ Parole hearing date only ▪ Housing location/custody level changes ▪ Offender may be working in the community

***Post-Conviction proceedings through DA's offices are not available with either of these.**

Marsy's Law

Sec. 8A. Rights of victims of crime.

1. Each person who is the victim of a crime is entitled to the following rights:
 - (a) To be treated with fairness and respect for his or her privacy and dignity, and to be free from intimidation, harassment and abuse, throughout the criminal or juvenile justice process.
 - (b) To be reasonably protected from the defendant and persons acting on behalf of the defendant.
 - (c) To have the safety of the victim and the victim's family considered as a factor in fixing the amount of bail and release conditions for the defendant.
 - (d) To prevent the disclosure of confidential information or records to the defendant which could be used to locate or harass the victim or the victim's family.
 - (e) To refuse an interview or deposition request, unless under court order, and to set reasonable conditions on the conduct of any such interview to which the victim consents.
 - (f) To reasonably confer with the prosecuting agency, upon request, regarding the case.
 - (g) To reasonable notice of all public proceedings, including delinquency proceedings, upon request, at which the defendant and the prosecutor are entitled to be present and of all parole or other postconviction [sic] release proceedings, and to be present at all such proceedings.

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- (h) To be reasonably heard, upon request, at any public proceeding, including any delinquency proceeding,
in any court involving release or sentencing, and at any parole proceeding.
- (i) To the timely disposition of the case following the arrest of the defendant.
- (j) To provide information to any public officer or employee conducting a presentence investigation
concerning the impact of the offense on the victim and the victim's family
and any sentencing
recommendations before the sentencing of the defendant.
- (k) To be informed, upon request, of the conviction, sentence, place and time of incarceration, or other
disposition of the defendant, the scheduled release date of the defendant and
the release of or the escape
by the defendant from custody.
- (l) To full and timely restitution.
- (m) To the prompt return of legal property when no longer needed as evidence.
- (n) To be informed of all postconviction proceedings, to participate and provide information to the parole
authority to be considered before the parole of the offender and to be notified,
upon request, of the parole
or other release of the offender.
- (o) To have the safety of the victim, the victim's family and the general public considered before any parole
or other post judgment release decision is made.
- (p) To have all monetary payments, money and property collected from any person who has been ordered to
make restitution be first applied to pay the amounts ordered as restitution to the victim.

(q) To be specifically informed of the rights enumerated in this section, and to have information concerning those rights be made available to the general public.

2. A victim has standing to assert the rights enumerated in this section in any court with jurisdiction over the case. The court shall promptly rule on a victim's request. A defendant does not have standing to assert the rights of his or her victim. This section does not alter the powers, duties or responsibilities of a prosecuting attorney. A victim does not have the status of a party in a criminal proceeding.

3. Except as otherwise provided in subsection 4, no person may maintain an action against this State or any public officer or employee for damages or injunctive, declaratory or other legal or equitable relief on behalf of a victim of a crime as a result of a violation of this section or any statute enacted by the Legislature pursuant thereto. No such violation authorizes setting aside a conviction.

4. A person may maintain an action to compel a public officer or employee to carry out any duty required by this section or any statute enacted by the Legislature pursuant thereto.

5. The granting of these rights to victims must not be construed to deny or disparage other rights possessed by victims. A parole authority shall extend the right to be heard at a parole hearing to any person harmed by the offender.

6. The Legislature shall by law provide any other measure necessary or useful to secure to victims of crime the benefit of the rights set forth in this section.

7. As used in this section, “victim” means any person directly and proximately harmed by the commission of a criminal offense under any law of this State. If the victim is less than 18 years of age, incompetent, incapacitated or deceased, the term includes the legal guardian of the victim or a representative of the victim’s estate, member of the victim’s family or any other person who is appointed by the court to act on the victim’s behalf, except that the court shall not appoint the defendant as such a person.

[Proposed new section passed by the 2015 Legislature; agreed to and passed by the 2017 Legislature and approved and ratified by the voters at the 2018 General Election. See: Statutes of Nevada [[2015, p. 4073](#)]; Statutes of Nevada [[2017, p. 4611](#).]