

**ADVISORY COMMISSION  
on the  
ADMINISTRATION of JUSTICE**



**FINAL REPORT**

**FEBRUARY 2011**

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## **FINAL REPORT**

**Advisory Commission on the Administration of Justice**  
[Nevada Revised Statutes 176.0123]

**February 2011**

The following “Final Report” was prepared by staff of the Advisory Commission on the Administration of Justice (“Advisory Commission”) (Nevada Revised Statutes 176.0123).

The Advisory Commission is charged with examining various aspects of the criminal justice system, and prior to the next regular session of the Legislature must prepare and submit to the Director of the Legislative Counsel Bureau a comprehensive report including the Advisory Commission’s findings and any recommendations for proposed legislation. Although the Advisory Commission does not have statutory authority to request bill drafts, individual Legislators, including the Chairs of the Senate and Assembly Committees on Judiciary, have chosen to sponsor the Advisory Commission’s recommendations for legislation.

This report is intended to provide an overview of the Advisory Commission’s course of action during the 2009-2010 interim. It includes a summary of recommendations and a full report detailing each of the meetings held throughout the interim, including the background discussion on the development of each final recommendation.

For purposes of this document, the recommendations of the Advisory Commission have been organized by type of recommendation and are not listed in preferential order. By category, each recommendation falls within a request to: (1) draft legislation to amend the Nevada Revised Statutes; (2) draft a letter; or (3) include a statement of support in the final report.

## **SUMMARY OF RECOMMENDATIONS**

### **ADVISORY COMMISSION ON THE ADMINISTRATION OF JUSTICE (NRS 176.0123)**

The 2009-2010 Advisory Commission on the Administration of Justice held two final work session meetings to debate and discuss the merits of all recommendations offered during the 2009-2010 interim. At those work session meetings held on June 23 and September 24, 2010, the Advisory Commission affirmatively voted to approve nine recommendations for the drafting of legislation, one recommendation for the drafting of a letter, and two recommendations to include a statement in the final report.

#### **BILL DRAFT REQUESTS**

1. Draft legislation to revise provisions relating to the requirements to be certified by a psychological review panel before release on parole. (Approved 6-23-10) (BDR 16-640)
2. Draft legislation to authorize the aggregation of prison sentences. (Approved 6-23-10) (BDR 14-311)
3. Draft legislation to move the Office of the State Public Defender to the Office of the Governor. (Approved 6-23-10) (BDR 18-641)
4. Draft legislation to provide that any remaining money in the Fund for the Compensation of Victims of Crime at the end of a fiscal year remain in the Fund and not revert to the State General Fund. (Approved 6-23-10) (BDR 16-597)
5. Draft legislation to waive certain fees relating to the issuance of certified copies of birth certificates and duplicate drivers' licenses and identification cards to persons released from prison. (Approved 6-23-10) (BDR 40-598)
6. Draft legislation to adjust the threshold amount for property offenses to current dollar amounts using the Consumer Price Index. (Approved 6-23-10) (BDR 15-599)
7. Draft legislation to provide for the centralized collection of fines, fees and restitution from convicted persons. (Approved 9-24-10) (BDR 18-557)
8. Draft legislation to amend NRS to impose limitations on the use of psychological or psychiatric examinations of victims and witnesses in sexual offense prosecutions. (Approved 9-24-10) (BDR 14-558)

9. Draft legislation to allow offenders convicted of certain category B felonies to be eligible for credits to reduce the minimum term of imprisonment imposed. (Approved 9-24-10) (BDR 16-634)

DRAFT A LETTER

10. Draft a letter to the Chairs of the Assembly Committee on Judiciary and the Senate Committee on Judiciary requesting the Legislature to consider reclassifying certain category B felonies, including all category B felonies with a penalty of 1-6 years and/or certain non-violent category B felonies. (Approved 9-24-10)

INCLUDE A STATEMENT

11. Include a statement in the final report encouraging the State of Nevada to fully fund all indigent defense, as raised in Assembly Bill No. 45 (2009). (Approved 6-23-10)
12. Include a statement in the final report recognizing the need to investigate and support future study of Nevada's criminal justice system. (Approved 9-24-10)

**REPORT TO THE 76th SESSION OF THE NEVADA LEGISLATURE  
BY THE ADVISORY COMMISSION  
ON THE ADMINISTRATION OF JUSTICE**

**I. INTRODUCTION**

Criminal justice has been defined as a system of policies and practices directed at upholding social control, deterring and mitigating crime, and sanctioning those who violate laws with penalties and rehabilitation efforts. Criminal justice, and the resulting punishment of individuals who commit criminal acts, has long been recognized as a means of maintaining an orderly and civilized society. Since Nevada's territorial days, and the punishment of stage robbers and claim jumpers, to the continuous operation of the Nevada State Prison since the 1860s, criminal justice has had a lasting and significant role in the history of the State. Given the recent budgetary constraints facing both Nevada's state and local governments, even more emphasis has been placed on the proper allocation of the government's limited resources versus ensuring the public safety of its citizens.

**II. ADVISORY COMMISSION DUTIES AND MEMBERS**

The Advisory Commission was established by Assembly Bill No. 508 (2007), which renamed and reconstituted the existing Advisory Commission on Sentencing. Members of the Advisory Commission are appointed each interim and serve for a two-year term between biennial sessions of the Nevada Legislature. Throughout the interim, the Advisory Commission holds numerous public meetings to review the criminal justice system in Nevada.

Under NRS 176.0125, the Advisory Commission is statutorily required to:

1. Identify and study the elements of this State's system of criminal justice which affect the sentences imposed for felonies and gross misdemeanors;
2. Evaluate the effectiveness and fiscal impact of various policies and practices regarding sentencing which are employed in this State and other states;
3. Recommend changes in the structure of sentencing in this State;
4. Evaluate the effectiveness and efficiency of the Department of Corrections and the State Board of Parole Commissioners;
5. Evaluate the effectiveness of specialty court programs in this State;
6. Evaluate the policies and practices concerning presentence investigations and reports made by the Division of Parole and Probation of the Department of Public Safety;

7. Evaluate, review and comment upon issues relating to juvenile justice in this State;
8. Compile and develop statistical information concerning sentencing in this State;
9. Identify and study issues relating to the application of chapter 241 of NRS to meetings held by the:
  - (a) State Board of Pardons Commissioners to consider an application for clemency; and
  - (b) State Board of Parole Commissioners to consider an offender for parole;
10. Identify and study issues relating to the operation of the Department of Corrections; and
11. For each regular session of the Legislature, prepare a comprehensive report including the Commission's recommended changes pertaining to the administration of justice in this State, the Commission's findings and any recommendations of the Commission for proposed legislation.

The following members were appointed to and served on the Advisory Commission for the 2009-2010 interim:

Assemblyman William Horne, Chair  
 Justice James W. Hardesty, Nevada Supreme Court, Vice Chair  
 Senator Dennis Nolan  
 Senator David R. Parks  
 Assemblyman John C. Carpenter  
 Connie Bisbee, Chair, Board of Parole Commissioners  
 Catherine Cortez Masto, Attorney General  
 Bernard W. Curtis, Chief, Parole and Probation  
 Larry Digesti, Representative, State Bar of Nevada  
 Gayle W. Farley, Rights of Victims Advocate  
 Thomas Finn, Chief of Police, Boulder City Police Department  
 Raymond Flynn, Assistant Sheriff, Las Vegas METRO  
 Judge Douglas W. Herndon, Eighth Judicial District Court  
 Phil Kohn, Clark County Public Defender  
 David Roger, Clark County District Attorney  
 Richard Siegel, President, ACLU of Nevada, Inmate Advocate  
 Howard Skolnik, Director, Department of Corrections

The Legal Division of the Legislative Counsel Bureau staff services were provided by Nicolas Anthony, Senior Principal Deputy Legislative Counsel; Risa Lang, Chief Deputy Legislative Counsel; and Angela Clark, Deputy Administrator.

### III. ADVISORY COMMISSION MEETINGS

Over the course of the 2009-2010 interim, the Advisory Commission held four full committee meetings and two work session meetings. Five meetings were held at the Legislative Building in Carson City, and one meeting was held at the Grant Sawyer State Office Building in Las Vegas. All meetings were simultaneously videoconferenced between the two locations. Due to the extensive nature of the subject matter, each meeting was scheduled to address specific agenda topics within the statutory duties of the Advisory Commission.

During the course of the interim, the Advisory Commission received extensive expert testimony from both national experts and local criminal justice practitioners. The Advisory Commission heard from representatives of the Office of the Attorney General; Offices of the Clark and Washoe County District Attorney; Offices of the Clark and Washoe County Public Defender; Department of Corrections; Division of Parole and Probation of the Department of Public Safety; State Board of Parole Commissioners; American Civil Liberties Union; JFA Institute; PEW Center on the States; families and representatives of victims; representatives of inmates; members of the Nevada judiciary; and members of the medical, legal, and religious communities. The Advisory Commission also heard from numerous concerned members of the public and other interested persons.

#### A. FIRST MEETING

##### Organizational Matters

At the first meeting of the Advisory Commission held on November 12, 2009, the Advisory Commission addressed organizational matters and selected Assemblyman William Horne as Chair and Justice James Hardesty as Vice Chair. The Advisory Commission then proceeded with an overview of statutory duties and a review of the 2009 legislation impacting the responsibilities of the Advisory Commission.

The Advisory Commission initially appointed two subcommittees, the Subcommittee on Victims and the Subcommittee on Juvenile Justice, as required by Senate Bill No.113 (2009). It was further noted that the newly created Legislative Committee on Child Welfare and Juvenile Justice was being chaired by Assemblywoman Sheila Leslie during the interim. Thus, the Advisory Commission recommended that the Subcommittee on Juvenile Justice meet only if there were additional concerns that were not addressed by the Legislative Committee on Child Welfare and Juvenile Justice. Additionally, the Advisory Commission appointed a Steering Subcommittee to help set future agendas, and also appointed a Subcommittee on the Reclassification of Category B Felonies.

##### Presentation by the Nevada Department of Corrections

Director Howard Skolnik opened his presentation with a review of the current population of inmates housed within the Nevada Department of Corrections (NDOC) and indicated that the Department was 393 inmates below the budgeted population for the year. He indicated the

total prison populations for NDOC institutions as follows: Ely 1,055 inmates, near capacity; Lovelock 1,600 inmates, near capacity; Nevada State Prison 746 inmates, near capacity; Northern Nevada Correctional center 1,450 inmates, at capacity; Warm Springs Correctional Center 555 inmates, over capacity; Florence McClure Women's Center 725 inmates, with an additional 300 beds under construction; Southern Desert Correctional Center at 1800 inmates, with capacity of 1,900; High Desert State Prison at 2,900 inmates, with a capacity of 4,000.

Director Skolnik further indicated that one of the biggest issues facing the Department was staffing. He indicated that NDOC was currently staffed at approximately 85 percent, and was having trouble finding qualified applicants to fill positions. Director Skolnik also discussed the impact of furloughs and employee overtime constraints. The Advisory Commission then discussed reentry programs, with a discussion of the Hawaii HOPE project, the current functioning of Casa Grande and a pilot program launched by District Court Judge Glass in Las Vegas. The Advisory Commission requested further discussion on the reentry programs to be placed on a later agenda.

*Presentation by the Religious Alliance of Nevada*

Larry Struve, Advocate, Religious Alliance of Nevada (RAIN), gave an overview of RAIN's mission and purpose. He indicated that one of the key components of RAIN's mission was to look at reentry for offenders. Mr. Struve indicated that RAIN supported two measures during the 2009 Legislative Session: one authorizing free identification for newly released offenders and the other imposing new fees for reentry of persons convicted of category A or B felonies. Unfortunately, neither bill passed; however, Mr. Struve indicated that he was hopeful that the Advisory Commission would again consider legislation to authorize the issuance of free identification for persons recently released from prison.

*Presentation by the State Board of Parole Commissioners*

Connie Bisbee, Chair, State Board of Parole Commissioners (Parole Board), gave a brief overview of the Parole Board, indicating that the Parole Board was a full-time agency that made over 8,000 parole decisions annually. Ms. Bisbee then discussed the impacts and nature of Assembly Bill No. 117 and Assembly Bill No. 474 enacted during the 2009 Legislative Session.

Ms. Bisbee indicated that the passage of Assembly Bill No. 117 has had a tremendous positive impact on the Parole Board. The measure authorized certain parole board decisions to be conducted in absentia, which has reduced the number of cases being heard in person to approximately 650 hearings per month. Second, Ms. Bisbee addressed the passage of Assembly Bill No. 474, which provided that parole eligibility for a prisoner sentenced to two or more consecutive sentences of life imprisonment with the possibility of parole must be based upon the aggregation of the minimum sentences for those offenses. Assembly Bill No. 474 also provided for mandatory parole for certain persons sentenced to life with the possibility of parole, if the person was serving a sentence for a crime committed before he or she reached the age of 16 years and the person met certain requirements.

Finally, Ms. Bisbee addressed the State Board of Pardons Commissioners (Pardons Board), which she stated is under tremendous pressure given the current budgetary constraints and the number of inmates seeking relief from the Pardons Board.

Presentation by the Division of Parole and Probation

Bernie Curtis, Chief, Division of Parole and Probation of the Department of Public Safety, introduced his staff and gave an overview of the current functions and responsibilities of the Division of Parole and Probation. Mr. Curtis indicated that the total caseloads as of January 2008 were 19,215, and as of September 2009, there were 18,532. Thus, he indicated that statewide caseloads were slightly dropping. Mr. Curtis indicated that current staffing caseloads were 70 to 1 for general supervision and that sex offenders were being supervised at a 45 to 1 ratio. Commissioner Hardesty mentioned that during the previous interim, the Advisory Commission discussed moving the Division of Parole and Probation under the management of the Department of Corrections or the courts rather than the Department of Public Safety; however, Mr. Curtis indicated that there had been no further discussion of either option.

Presentation of the Final Recommendations of the 2007-2008 Advisory Commission

Risa Lang, Chief Deputy Legislative Counsel, Legislative Counsel Bureau, provided the Advisory Commission with a copy of a PowerPoint presentation detailing the findings and final recommendations of 2007-2008 Advisory Commission. Ms. Lang indicated that the Advisory Commission presented 15 bill draft requests to the 2009 Legislature, of which, 12 bills passed.

Additional Topics for Future Meetings

The Advisory Commission concluded the first meeting with a discussion of topics for future meetings, including a discussion of the collection of unpaid fines, fees and restitution; ongoing budgetary constraints facing corrections and criminal justice agencies; reclassification of certain felonies; an overview of the Hawaii HOPE program and reentry programs; and the possibility of funding future study through the PEW Charitable Trusts.

**B. SECOND MEETING**

Opening Remarks

During the second meeting of the Advisory Commission, held on January 14, 2010, the Advisory Commission considered four major topics and discussed an outline for future meetings. In his opening remarks, Chair Horne discussed the budgetary need to limit the number of meetings of the Advisory Commission and any Subcommittees. Chair Horne indicated that he was going to try to limit the Advisory Commission to three additional meetings.

Additionally, Chair Horne indicated that because of the limited number of meetings of the Advisory Commission, some of the subjects that were discussed in subcommittees last interim would instead be heard by the full Advisory Commission. The Chair also informed the members that only two subcommittees would be meeting during the interim: the Advisory Commission on the Administration of Justice's Subcommittee on Victims of Crime, chaired by Attorney General Masto, and the Advisory Commission on the Administration of Justice's Subcommittee on the Reclassification of Crimes, chaired by Phil Kohn.

#### *Nevada Supreme Court's Indigent Defense Commission and Rural Subcommittee*

James Hardesty, Justice, Nevada Supreme Court, presented a PowerPoint on the recent work of the Supreme Court's Indigent Defense Commission. Justice Hardesty discussed the need for performance standards, caseload caps, and the continued need to fully fund indigent defense and reimburse counties pursuant to the issues raised in Assembly Bill No. 45 (2009). During his presentation, Justice Hardesty also mentioned that the Supreme Court still desires to establish a centralized collection point for all fines, fees and restitution. This idea was recommended by the last Advisory Commission and was addressed in Assembly Bill No. 271 (2009); however, that bill did not pass.

Justice Hardesty further suggested that the remittance of civil restitution for the costs of indigent defense should also be more closely examined to make certain that the State recovers its costs. Justice Hardesty indicated that those costs may appropriately be included in the discussion of a central collection system. Finally, the Advisory Commission discussed whether the State Public Defender's Office should continue to be located within the Department of Health and Human Services. Justice Hardesty recommended that the State Public Defender should instead report directly to the Governor.

#### *Aggregation of Minimum Prison Sentences*

Connie Bisbee, Chair, Nevada Board of Parole Commissioners, discussed the benefits and possible savings that could be realized by aggregating consecutive minimum prison sentences. Ms. Bisbee provided several examples in which minimum sentences could be combined (such as a person serving four consecutive terms with a minimum sentence of 4 years and a maximum sentence of 10 years) into one longer 16-year minimum sentence. Ms. Bisbee stated that when a person is placed on parole and still has additional sentences to serve, it is often confusing and requires additional parole hearings by the Parole Board. She also indicated that aggregating the sentences would mean fewer parole hearings, as the Parole Board would not consider the prisoner for parole until he or she had completed the entire minimum sentence. This streamlined process would be less confusing for victims and the family of the offender, as they would not be notified of hearings in which the offender is not being released but rather only being paroled from one sentence to another. The Advisory Commission directed Ms. Bisbee and Director Skolnik to work together to determine the actual number of inmates this could impact and any potential savings that could be realized from aggregating consecutive sentences.

### Current Process and Use of Psychological Review Panels

Connie Bisbee, Chair, Nevada Board of Parole Commissioners, also presented on the current use of psychological review panels prior to parole hearings. Ms. Bisbee explained that the current statutes have been narrowed by court interpretation and that legislation is necessary to further clarify the purpose and scope of the review panels. Ms. Bisbee further commented that several statutory amendments may be necessary to clarify: (1) which offenders are subject to the panel; (2) whether the panel only considers an offender when the offender is being paroled from his last sentence; (3) which agency oversees the panel; (4) that a person sentenced for abuse or neglect of a child is subject to a psychological review panel only when the abuse was sexually motivated; and (5) that kidnapping with sexual assault is a crime which subjects the offender to review by the panel. Chair Horne asked Ms. Bisbee to review the use of psychological panels in other states and to identify experts who might be available to testify on the use of such panels for consideration by the Advisory Commission during its May meeting.

### Current Procedures, Practices, and Calculation of Good Time Credits

Rex Reed, Chief of Classification and Planning, Nevada Department of Corrections, explained the procedures for awarding credits against the prison sentences of inmates. Mr. Reed explained the four types of sentence credits: flat time; good time; work time; and merit credit. Mr. Reed then provided the Advisory Commission with several examples of how to calculate the different types of credits. Commissioner Siegel requested that a more formal presentation be given during a future meeting and questioned whether the current system of credits operates effectively and within the framework of legislative intent.

### Additional Topics for Future Meetings

Dr. Siegel requested that the Advisory Commission receive additional testimony on the use of psychological review panels and the current policy and legislative history of the use of inmate good time credits. Additionally, Justice Hardesty requested that the Advisory Commission review the issue of collections and centralizing the court collection process.

## C. THIRD MEETING

### Opening Remarks

During the third meeting of the Advisory Commission, held on March 30, 2010, the Advisory Commission considered five major topics and discussed an outline for future meetings. Chair Horne indicated that the Advisory Commission would hold one additional substantive meeting sometime in May or June, with a final work session in June or July. Additionally, the Advisory Commission on the Administration of Justice's Subcommittee on the Reclassification of Crimes and the Subcommittee on Victims Crime would continue to meet and report back to the full Advisory Commission at its next meeting.

*Presentation Concerning DNA Testing of Persons Arrested on Felony Charges*

Ms. Lauren Denison, Center Coordinator, Bring Bri Justice Foundation, along with several other members of the Bring Bri Justice Foundation provided the Advisory Commission with an overview of proposed legislation to mandate DNA testing of all persons arrested on felony charges. Similar legislation was introduced during the 2009 Legislative Session (Assembly Bill No. 234); however, that legislation did not pass. According to testimony, 21 other states and the federal government now require DNA testing upon arrest for a felony. The Bring Bri Justice members also asserted that such testing would save Nevada money by preventing future crimes, thus leading to fewer victims and fewer prosecutions.

Questions from Advisory Commission members included: (1) whether the Bring Bri Justice Foundation had considered any proposals to pay for the estimated costs of approximately \$50-\$75 for each DNA test; and (2) whether the Foundation envisioned an expungement process for persons arrested on felony charges but who are ultimately found not guilty.

*Presentation Concerning Hawaii's Opportunity with Probation Enforcement Program (HOPE), the Opportunity for Probation with Enforcement in Nevada Program and Other Intermediate Sanctions*

Howard Skolnik, Director, Nevada Department of Corrections, presented a PowerPoint on Opportunity for Probation with Enforcement in Nevada (OPEN Program). The OPEN Program was modeled after a similar intermediate sanctions program pioneered in Hawaii (the Hawaii HOPE program). The OPEN program is currently a pilot program operated in Clark County by Eighth Judicial District Court Judge Jackie Glass and is limited to 30 participants. Each participant is individually selected by Judge Glass and the Division of Parole and Probation. The participant is then given a probationary sentence and ordered to incarceration at Casa Grande Training Center. Through their incarceration at Casa Grande, each participant completes programs such as anger management, substance abuse, finance management, life skills and employment work skills. The program is currently operated solely as a pilot project by the Department of Corrections without any specific funding or additional resources for its operation.

*Presentation Concerning Work and Educational/Training Programs Offered by the Nevada Department of Corrections*

Howard Skolnik, Director, Nevada Department of Corrections, presented an overview of the inmate programs offered by the Nevada Department of Corrections. Director Skolnik indicated that approximately 65 percent of the inmates in Nevada's correctional facilities are engaged in some type of productive activity or programming. Most of the programming options include religious and work assignments, educational/training opportunities, core programs and optional classes. Director Skolnik indicated that work assignments generally include basic labor within the facilities, boot camps or regimental discipline, conservation camps, restitution

programs, silver state industries (such as ranch programs, garment factories, furniture and mattress factories, license plates, and big house choppers), and transitional housing (Casa Grande).

Presentation Concerning the Movement and Transportation of Offenders

Howard Skolnik, Director, Nevada Department of Corrections, presented to the Advisory Commission on the movement and transportation of inmates. The figures provided to the Advisory Commission included total mileage driven and a breakdown of movement of inmates for medical purposes, court appearances and inter-facility security classification. The presentation also included the number of offenders transported by facility, with Northern Nevada Correctional Center having the most offenders transported, at 1,519 inmates during 2009. The entire Department transported more than 5,000 inmates in 2009, with a total annual budget of \$250,000.

Presentation Concerning Centralizing the Collection of Fines, Fees, Restitution and Other Amounts Owed by Convicted Persons

Justice James Hardesty, Nevada Supreme Court, made a presentation concerning the current issues associated with collecting fines, administrative assessments, fees, and restitution from persons convicted of criminal offenses. Justice Hardesty asserted that many of these past due amounts simply go uncollected because no single entity is assigned the primary responsibility for coordinating and collecting the obligations. He also suggested that there is confusion over the priority in which to apply any money that is actually collected from offenders. Further, Justice Hardesty indicated that many of the offenders do not complete payment of their obligations before they are released from supervision, which further exacerbates collection problems.

Justice Hardesty also noted that the issue of collecting past due amounts from convicted persons was previously recommended by the Advisory Commission during the 2008-2009 interim and resulted in legislation that was introduced as Assembly Bill No. 271 (2009); however, that bill failed to pass out of the Senate. As an alternative to Assembly Bill No. 271, which would have required the Office of the Court Administrator to collect any past due fines, administrative assessments, fees and restitution, Justice Hardesty suggested that the Advisory Commission consider recommending alternative legislation that amends chapter 353C of NRS to centralize collections within the offices of the State Controller and the Attorney General.

D. FOURTH MEETING

Introduction

Chair Horne called the meeting to order on June 9, 2010, and reminded the members that the Advisory Commission does not have any formal authority to submit bill draft requests. Rather, Chair Horne indicated that the Advisory Commission may seek individual members of the Legislature, including Chairs of Standing Committees, to submit bill draft requests.

Additionally, Chair Horne reminded the members that the Advisory Commission could choose to: (1) request the drafting of a bill; (2) draft a letter requesting action; or (3) include a statement in the Advisory Commission's final report.

### Presentence Investigation Reports

Kimberly Madris, Chief Deputy, Division of Parole and Probation, explained the presentence investigation report process in Southern Nevada. Ms. Madris indicated that a time study showed that an average report writer should be able to produce 18 reports per month; however, mandatory furloughs have reduced that number to 17 reports. Ms. Madris also stated that Southern Command receives 730 report requests a month, and were currently producing 650 reports. Testimony further indicated that there were also slight backlogs on reports throughout the State. Commissioner Bisbee questioned the five-year period for reports made available to the Parole Board and suggested that five-year-old reports did little good for the Parole Board.

### Aggregation of Prison Sentences

Connie Bisbee, Chair, Nevada Board of Parole Commissioners, opened a renewed discussion on aggregating consecutive prison sentences. Ms. Bisbee indicated that she was in favor of aggregating sentences and that her presentation was a response to the request for additional information.

Ms. Bisbee said there were several areas that must be considered regarding the implementation of aggregating sentences involving determinate sentences. The areas concerning the determinate sentences included the application of credits from Assembly Bill No. 510 (2007) applied to reduce a minimum sentence; establishing limits to aggregated sentences; prospective and retroactive application of aggregated sentences, including new convictions; the manner in which the offenses would be considered for purposes of classification, parole guidelines, and community supervision; and the costs related to database programming changes.

Ms. Bisbee recommended considering establishing maximum limits to aggregated sentences when the offense was not one that would result in a life sentence. She said she saw examples of some inmates who had so many consecutive sentences for non-life offenses that they served more time than some inmates sentenced for having committed murder. She suggested the Advisory Commission consider supporting a limit to the aggregated minimum and maximum sentence structures that have strictly determinate sentences. She recommended no minimum greater than 20 years and no maximum greater than 60 years.

Ms. Bisbee said the most efficient way to implement a change to aggregate minimum and maximum sentences would be to apply it going forward, but there may be some benefit in allowing sentences already imposed to be aggregated retroactively. She said in all cases the affected inmate should agree to the change in sentence structure. She suggested inmates be allowed to opt-in to aggregated sentences.

Ms. Bisbee testified that there were costs related to database programming changes and implementation concerns if the sentencing structure were to be aggregated; however, she said there were costs involved in handling both the current consecutive sentence relationship structure and the aggregated sentence structure. Ms. Bisbee recommended specific language authorizing the Director of the Department of Corrections to establish a time line to coordinate the retroactive conversion of consecutive sentences. Finally, Ms. Bisbee concluded by indicating that there were currently 3,000 inmates with consecutive sentence structures, so the impact of any change would be immediate costs savings to the Parole Board.

### Psychological Review Panels

Connie Bisbee, Chair, Nevada Board of Parole Commissioners, opened her testimony by indicating that there was a substantial amount of litigation generated as a result of the current way the psychological panel was statutorily interpreted and handled. Ms. Bisbee offered several proposed changes for the Advisory Commission's review, including proposed bill draft language. Ms. Bisbee suggested revising the psychological panel process to make it an advisory function instead of a certification. She said currently the psychological panel was required to certify that a prisoner was not a high risk to re-offend sexually. She said if it was determined the prisoner was a high risk to re-offend sexually, then the Parole Board was prohibited by law from granting parole.

Ms. Bisbee also indicated that a recent court case provided that a psychological panel review can only be performed when an inmate is serving the last sentence for a sexual offense in a sentence structure. Her second suggestion would require that a psychological panel evaluation be conducted for any inmate who had a conviction for a sexual offense anywhere in his or her current sentence structure.

Ms. Bisbee's third suggestion required the psychological panel to rate each inmate who was evaluated as a low, moderate, or high risk to re-offend. She said this would allow the Parole Board to integrate the information into the risk assessment and give the Parole Board additional information. Ms. Bisbee next suggested that the Parole Board should be allowed to request a psychological panel review of any sex offender if the information would assist the Board in determining whether parole should be granted.

Ms. Bisbee's fourth suggestion required the psychological panel to adopt regulations regarding the evaluation of prisoners and review their assessments at least once every three years. Ms. Bisbee said her fifth suggestion clarified that convictions for child abuse or neglect that were deemed sexual in nature were required to be evaluated by the psychological panel. Thus, she suggested adding the crime of kidnapping with the intent to commit sexual assault to the required list of offenses under the panel.

Ms. Bisbee's sixth recommendation was that the Parole Board should be authorized to adopt regulations pertaining to the manner in which the sex offender risk assessment would be used in conjunction with the parole standards. The seventh suggestion by Ms. Bisbee was to amend the definition of certain terms relating to psychological panels.

Justice Hardesty indicated that the Advisory Commission should be informed about a case in which the Supreme Court concluded the psychological panel was subject to the Open Meeting Law. Justice Hardesty suggested that the Advisory Commission might consider exempting the panel from the Open Meeting Law. The panel's function as a certification process as to someone's sexual propensity was not the kind of thing the Legislature intended to include in the Open Meeting Law. Chair Horne concurred that the psychological panel's purpose was basically a gathering of information for an advisory purpose.

#### Additional Study of Criminal Justice in Nevada

James Hardesty, Justice, Nevada Supreme Court, indicated that he had a number of conversations with Dr. James Austin, JFA Institute, concerning funding sources for the additional study of issues related to criminal justice in Nevada. Justice Hardesty said that Dr. Austin had conferred with the PEW Center on the States to determine their interest in providing funding sources for additional research and that the PEW Center on the States was interested in providing financial support subject to certain conditions.

Justice Hardesty said the PEW Center on the States would like to fund a study conducted by Dr. Austin of the various impacts associated with Assembly Bill No. 510 (2007). He said it would be useful to have an independent evaluation of the effects of A.B. 510 so the Legislature could be advised about the benefits associated with good time credits. Justice Hardesty added that the Pew Center on the States wanted direct dialog with the Chair of the Advisory Commission and other members of the Advisory Commission. Justice Hardesty also indicated that the previous Advisory Commission employed the services of the Grant Sawyer Center in monitoring sentencing statistics and said the information was helpful in formulating some of the Advisory Commission's recommendations.

Justice Hardesty recommended that the Chair and other members meet with the PEW Center on the States and solidify any funding they might provide and focus on outside reports that would benefit the Advisory Commission. Chair Horne indicated that he was eager to meet with the PEW Center on the States, and requested that Justice Hardesty contact them for possible dates to meet.

#### Child Prostitution

Sharnel A. Silvey, Founder, A Scarlet Covering, offered her background as the reason for founding A Scarlet Covering. Ms. Silvey testified that she was a former employee at Mustang Ranch and worked as the madam and general manager. She said she occasionally had underage people apply for work at the Mustang Ranch. She said she had learned through her job that the majority of women in the sex business came there after being sexually assaulted, whether it was incest, rape, or molestation. Ms. Silvey founded A Scarlet Covering to provide help and assistance for people who wanted to have other resources and get out of the sex business.

Melissa Holland, Counselor, A Scarlet Covering, provided a PowerPoint presentation on the sex industry. Ms. Holland testified that the State Department estimated between 14,500 and 17,500 people were trafficked into the United States annually. She said Las Vegas was named one of the 20 most likely destinations for sex trafficking victims. She also stated that the majority of people trafficked were women and half of them were children, adding one little girl could be worth over \$200,000 a year. Ms. Holland said sex trafficking existed due to basic supply and demand economics. Sex trafficking would not exist without a demand for commercial sex according to Ms. Holland, and she indicated that Sweden passed a law in 1999 that prohibited the purchase of sex, not selling the sex.

Ms. Holland indicated that 86% of the women in the United States in prostitution said they had been subjected to physical violence by their buyers and that 95% of the women in prostitution were problematic drug users. An estimated 80% to 95% of the children selling sex had a history of sexual abuse. Nationally, the average age that girls entered prostitution was 13 to 14 years old. Ms. Holland said legalization of prostitution increased child prostitution. In Las Vegas between 1994 and 2007, there were 1,596 minors facing prostitution-related charges.

Finally, Ms. Holland said Nevada has one of the highest per capita juvenile incarceration rates in the nation. The average cost to incarcerate 266 children for 17 days at \$84 a day was \$379,848. She indicated that those numbers offered the ability to have sustainable services instead of annual costs.

Commissioner Farley suggested that under NRS 201.295, an adult meant 18 years of age and a child meant less than 18 years old. She asked if the Commission had an appetite for changing the age limits to be legally employed in a brothel and requested that the Commission consider recommending changing the legal age to work in a brothel from 18 years to 21 years of age.

### Offender Time Credits

Dr. Richard Siegel, ACLU, presented two reports from the Sentencing Project. Dr. Siegel testified that the Sentencing Project was a highly respected organization that worked on the entire spectrum of the criminal justice system. Dr. Siegel said that the two reports he was referencing were titled "The State of Sentencing" and "Downscaling Prisons: Lessons from Four States."

The reports included information from 19 states which were reducing their prison population mainly due to their budget crisis. Dr. Siegel indicated a five percent reduction was accomplished in Kansas and up to a twenty percent reduction in New York. Dr. Siegel offered that he wanted to highlight several examples in the two reports that could be discussed as recommendations for any future work session.

Dr. Siegel indicated that Kentucky allowed category D non-violent felons to receive eligibility for parole at two months or 15 percent of their sentence. Another element occurring with good time credits in Louisiana gave 180 days for completing an approved program. Another approach to good time credits in Texas allowed credits taken away from inmates to be

restored. Dr. Siegel suggested that Nevada consider giving bonus good time credit for completing certain programs and that further study was warranted of the good time credit system.

Dr. Siegel also highlighted that Washington had a program to save money utilizing medical incapacity for early release. Dr. Siegel recommended that Nevada should be looking at incarceration cost savings through compassionate release.

Lastly, Dr. Siegel recommended that the property crime dollar amount thresholds under Nevada law need to be updated for current inflationary standards. Dr. Siegel testified that six states had already increased the threshold amount for theft and robbery, and thus it made sense for Nevada also to consider raising its limits.

#### **IV. SUBCOMMITTEES**

The Advisory Commission appointed four subcommittees during the 2009-2010 interim. Because of the limited number of meetings of the Advisory Commission, some of the subjects that were discussed in subcommittees last interim were instead heard this interim by the full Advisory Commission.

The Steering Committee held one meeting near the outset of the interim to lay a foundation and provide focus for the myriad of issues for consideration by the Advisory Commission.

Additionally, because the statutory jurisdiction of the Advisory Commission's Subcommittee on Juvenile Justice overlapped with the Legislative Committee on Child Welfare and Juvenile Justice, the Advisory Commission requested that Senator Parks monitor the Child Welfare and Juvenile Justice Committee and report back to the full Advisory Commission. This was done at the request of the Advisory Commission to avoid duplicative efforts throughout the interim. Thus, the Subcommittee on Juvenile Justice did not meet or provide a formal report to the Advisory Commission.

Finally, the two subcommittees that met regularly during the interim were the Advisory Commission on the Administration of Justice's Subcommittee on Victims of Crime, chaired by Attorney General Masto, and the Advisory Commission on the Administration of Justice's Subcommittee on the Reclassification of Crimes, chaired by Phil Kohn.

##### **A. STEERING COMMITTEE**

The Steering Committee of the Advisory Commission (Steering Committee) consisted of the following members:

Assemblyman William Horne, Chair  
Bernard W. Curtis, Chief, Parole and Probation  
Gayle W. Farley, Victims' Rights Advocate

Justice James W. Hardesty, Nevada Supreme Court  
David Roger, Clark County District Attorney  
Richard Siegel, President, ACLU of Nevada, Inmate Advocate

The Steering Committee held one meeting during the 2009-2010 interim, on November 30, 2009. At that meeting, the Steering Committee members worked to narrow the focus of the Advisory Commission and to plan on concluding the Advisory Commission's work by July 2010. The Steering Committee again addressed the issue of subcommittees, with it being decided that there would be a Subcommittee on Victims and a Subcommittee on Reclassification of Crimes. Also the Subcommittee on Juvenile Justice would defer to the Legislative Committee on Child Welfare and Juvenile Justice.

Upon further discussion among the Steering Committee members, they decided not to reconstitute a subcommittee on drug sentencing, but rather to bring any of those particular sentencing questions before the full Advisory Commission. The Steering Committee concluded its meeting by planning and discussing possible agenda topics, including pre-sentence investigation reports, aggregation of prison sentences, alternative sentencing, Hawaii's HOPE project, indigent defense, internal NDOC business, programming and transportation of inmates, funding for NDOC and Parole and Probation, calculation of good time credits, future study of criminal justice in Nevada, public defense, and an update from the courts. The Subcommittee recommended these possible agenda items for the remaining four full Advisory Commission meetings to be conducted prior to July.

## B. VICTIMS OF CRIME

The Victims of Crime Subcommittee consisted of the following members:

Catherine Cortez Masto, Attorney General, Chair  
Barbara Aupperle, Program Administrator Victim Witness Assistance Center, Clark  
Christina Conti, Program Coordinator, Emergency Management & Homeland Security  
Traci Dory, Victims Services Officer, Nevada Department of Corrections  
Gayle Farley, Victims' Rights Advocate, Co-Chair  
Lori Fralick, Victim Services Unit, Reno Police Department  
Liz Greb, Grants and Policy Analyst, Office of the Attorney General  
Elynn Greene, Acting Supervisor, Victim Services Detail, METRO  
Kathy Jacobs, Executive Director, Crisis Call Center  
Maxine Lantz, Program Director, Victim/Witness Services, White Pine, Lincoln, Eureka  
Chris Lovass-Nagy, Division of Child and Family Services  
Sue Meuschke, Executive Director, Nevada Network Against Domestic Violence  
Bryan Nix, Coordinator, Victims of Crime Program  
William O'Donohue, Director, Victims of Crime Treatment Center, UNR  
Juliana Ormsby, MSW, Policy Analyst  
Maria Outcalt, Domestic Violence Advocate  
Emilo Parga, M.A., Founder, The Solace Tree  
Julie Proctor, Nevada Network Against Domestic Violence

Kareen Prentice, Domestic Violence Ombudsman, Office of the Attorney General  
Julie Proctor, Executive Director, S.A.F.E. House  
Suzanne Ramos, Victim Advocate, Office of the Reno City Attorney  
Sharnel Silvey, Founder, A Scarlet Covering  
Miranda Smith, Outreach Education Manager, Family and Child Treatment of S. NV  
Laurel Stadler, Mothers Against Drunk Driving  
Andrea Sundberg, Executive Director, Nevada Coalition Against Sexual Violence

Chair Masto indicated that the Subcommittee on Victims of Crime (Victims Subcommittee) met twice during the interim. She reported that the Subcommittee considered numerous topics and proposals; however, the Victims Subcommittee agreed on one suggested proposal for legislation that they wanted to present to the full Advisory Commission.

According to Chair Masto, one area the Victims Subcommittee considered included a survey to identify gaps in services to be sent to various stakeholders in the legal community. The other area of focus for the Victims Subcommittee addressed a concern about the nurses who were certified to conduct sexual assault examinations after an assault on a victim. The Victims Subcommittee contacted the State Board of Nursing and discussed the problems and how they could be addressed; however, it was an ongoing issue which needed further review.

Chair Masto added as a result of her work with the Victims Subcommittee, she learned that victims were often not notified when certain issues were before the judicial system regarding the defendant. Chair Masto indicated that the Attorney General's Office sought and received federal funding to assemble a Statewide Victim Notification Program. The program was already in effect in Clark County and Washoe County, and a working group had been assembled to implement the program statewide.

The major issue that the Victims Subcommittee voted on for recommendation to the Advisory Commission concerned psychological or psychiatric examinations of victims and witnesses in sexual prosecutions. The Nevada District Attorneys Association originally presented the topic to the Victims Subcommittee. Chair Masto indicated that there were concerns from both sides of the subject, and the Subcommittee recommended that the bill draft proposal be presented to the full Advisory Commission for further recommendations.

Sam Bateman, Clark County Deputy District Attorney, Nevada District Attorneys Association, presented the proposal for legislation regarding the use of psychological or psychiatric exams in sexual offense prosecutions to the full Advisory Commission on June 9, 2010. Mr. Bateman indicated that in the past, the Nevada Supreme Court allowed psychiatric examinations for victims of sex crimes where a defendant could show a compelling need for the exam. This proposal for legislation would prohibit a court from ordering a victim or witness to submit to a psychological or psychiatric examination in a criminal prosecution of a sexual offense. The proposed legislation would also authorize a court to exclude such evidence absent a prima facie showing of a compelling need for a psychological or psychiatric examination and consent of the victim or witness to such examination.

### C. RECLASSIFICATION OF CRIMES

The Subcommittee on the Reclassification of Crimes consisted of:

Phil Kohn, Clark County Public Defender, Chair  
Senator Dennis Nolan  
Assemblyman William Horne  
Connie Bisbee, Chair, Board of Parole Commissioners  
Bernard W. Curtis, Chief, Parole and Probation  
Larry Digesti, Representative, State Bar of Nevada  
Gayle W. Farley, Victims' Rights Advocate  
Judge Douglas W. Herndon, Eighth Judicial District Court  
Brett Kandt, Executive Director, State of Nevada Advisory Council for Prosecuting Attorneys  
David Roger, Clark County District Attorney  
Howard Skolnik, Director, Department of Corrections

The Subcommittee on the Reclassification of Crimes (Reclassification Subcommittee) held two meetings during the interim, with the first meeting on April 15, 2010, and the second on May 10, 2010.

At the meeting held on April 15, 2010, the Reclassification Subcommittee focused its discussion on the current sentencing structure for category B felony offenses. The Reclassification Subcommittee members received a matrix indentifying all of the current category B felonies in Nevada, as prepared by the Legislative Counsel Bureau. Discussion indicated that there are currently over 200 category B felonies in this State and that 62 percent of Nevada's prison population is composed of inmates serving a sentence for a category B felony. The Subcommittee noted that one of the major issues with category B felonies is that a person sentenced for committing a category B felony is not eligible for additional credits to reduce the minimum sentence imposed as is allowed for category C, D and E felonies pursuant to Assembly Bill No. 510 (2007).

David Roger, Clark County District Attorney, suggested that the Reclassification Subcommittee should consider a more detailed analysis of the category B felonies, including consideration of the offender's criminal record and the facts of the particular case. Further, Mr. Roger suggested that crime rates should also be evaluated and law enforcement should be consulted regarding any potential reclassification of crimes.

Connie Bisbee, Chair, State Board of Parole Commissioners, and several other members of the Reclassification Subcommittee were concerned that a crime such as shoplifting is currently a category B felony. Additionally, Mr. Digesti, Representative, State Bar of Nevada, suggested that all category B offenses that currently provide a penalty with a minimum term of 1 year and a maximum term of 6 years imprisonment be lowered to a category C felony. He suggested, however, that the category of any crime involving driving under the influence, a sexual offense or violence not be revised.

Chair Kohn asked staff to prepare a list of all of the category B felonies that impose a minimum term of 1 year and a maximum term of 6 years imprisonment. Additionally, several Reclassification Subcommittee members suggested that the Reclassification Subcommittee hold an additional meeting and requested a presentation from Dr. James Austin of the JFA Institute.

At the second meeting of the Reclassification Subcommittee held on May 10, 2010, Dr. James Austin appeared and presented an overview of the current prison population trends in Nevada. Dr. Austin indicated that nationally 20 states have reduced their prison populations over the last several years, including Nevada. Dr. Austin encouraged the Reclassification Subcommittee to continue to focus on the category B felonies because as a group those offenses represent over 60 percent of the prison population and offenders convicted of committing a category B felony are required to serve 40 percent of their maximum sentence.

During his presentation, Dr. Austin presented several possible scenarios. First, he suggested that the Reclassification Subcommittee could consider recategorizing all of the non-violent category B felonies as category C felonies; which would save approximately 1,750 prison beds annually. Secondly, Dr. Austin proposed allowing all persons convicted of category B felonies to become eligible for credits to the minimum term of imprisonment as allowed for category C, D and E felonies pursuant to A.B. 510, which would shorten the minimum term of imprisonment required to be served before becoming eligible for parole. Dr. Austin indicated that this would reduce Nevada's prison population by approximately 700 beds annually. Finally, Dr. Austin suggested that the Reclassification Subcommittee could also consider combining both options, which would save approximately 2,450 prison beds annually.

Again, the Reclassification Subcommittee discussed recategorizing non-violent offenses from a category B felony to a category C felony, and also whether Nevada should consider degrees of burglary. For example, Chair Kohn suggested that a burglary which amounts to shoplifting in a commercial setting become a status offense or a lower level offense, while a more serious burglary involving residential dwellings or crimes against persons have a higher penalty.

In closing, the Reclassification Subcommittee did not adopt any formal recommendations; however, Dr. Austin suggested that the topic of reclassification may need additional study with an evaluation of case-by-case examples. Dr. Austin suggested that the Reclassification Subcommittee contact Adam Gelb, Project Director for the Public Safety Performance Project at the PEW Center on the States to determine whether that entity may be able to provide funding or support for further study of Nevada's felony classification statutes.

Additionally, Chair Kohn submitted a personal recommendation for consideration by the full Advisory Commission, which sought to allow persons convicted of category B felonies to be eligible for A.B. 510 credits. As indicated by current NRS 209.4465, the proposal would exclude category B felonies which involve any crime involving the use or threatened use of force or violence against the victim, a sexual offense or driving under the influence.

## V. DISCUSSION OF ISSUES AND RECOMMENDATIONS

This report is intended to provide a concise summary, with relevant background, of each recommendation adopted by the Advisory Commission. The outline is organized by requested action type (drafting legislation, drafting a letter, and including a statement in the final report) as approved at the Commission's June 23 and September 24, 2010, work session meetings.

Over the course of two work session meetings, the Advisory Commission considered 24 total recommendations. Ultimately, the Advisory Commission approved nine recommendations for bill drafts, one recommendation to draft a letter and two recommendations to include a statement in the final report.

### A. RECOMMENDATIONS TO DRAFT LEGISLATION

#### 1. Recommendation on Psychological Review Panels

During the Advisory Commission meeting held on June 9, 2010, Commissioner Bisbee submitted a memorandum outlining potential legislative suggestions for revising the current psychological review panel under NRS 213.1214. Commissioner Bisbee's proposed bill draft would: (1) revise the panel to make it an advisory function in lieu of certification; (2) allow the Parole Board to request a panel on any sex offender if the information would assist the Board in determining whether parole should be granted; (3) revise the current language pertaining to liability and delete the statutory language pertaining to the revocation of a panel certification; (4) require the panel to adopt regulations regarding the evaluation of prisoners and review their assessments and procedures at least once every three years and make a determination on the validity of their risk tools; (5) clarify that only convictions for child abuse or neglect that are deemed sexual in nature are required to be evaluated by the panel, and add the crime of kidnapping with intent to commit sexual assault to the list of offenses subject to the panel; (6) specify that the Parole Board may adopt regulations pertaining to the manner in which the sex offender risk assessment is to be used in conjunction with the parole standards; and (7) define certain terms such as "current term of imprisonment" and "custody of the Department of Corrections."

Additionally, Commissioner Hardesty suggested that the proposed legislation should include clarification that panels under NRS 213.1214 are not subject to the Open Meeting Law. Language to exempt the panels from the Open Meeting Law has been included in the revised submitted bill draft language from Commissioner Bisbee.

At the June 23, 2010, work session, the Commission voted to approve this recommendation based on the proposed language submitted as Appendix 1 with a slight change to the language in subsection 2, by adding the following language to the end of the paragraph "whether parole should be granted *or denied*."

**RECOMMENDATION NO. 1** — Draft legislation to revise provisions relating to the requirements to be certified by a psychological review panel before release on parole. (Commissioner Bisbee)

Attached as Appendix 1 is a Memorandum on Psychological Review Panels from Commissioner Bisbee.

2. *Recommendation on the Aggregation of Prison Sentences*

During the Advisory Commission meetings held on January 27 and June 9, 2010, Commissioner Bisbee recommended aggregating the minimum terms of imprisonment ordered to be served consecutively into one sentence. Commissioner Bisbee provided several examples in which a minimum sentence, such as a person serving 4 consecutive terms with a minimum term of 4 years and a maximum term of 10 years, could be combined into one longer 16 year minimum term. Ms. Bisbee stated that when a person is placed on parole from one sentence and still has additional sentences to serve, it is confusing and requires additional parole hearings by the Parole Board. She also indicated that aggregating the sentences would require fewer parole hearings because the Parole Board would not consider the prisoner for parole until he or she had completed the entire minimum sentence. She indicated that this would be less confusing for victims and for the family of the prisoner.

During the meeting held on June 9, 2010, Commissioner Bisbee suggested that there are still several areas which would need to be addressed to carry out an aggregated sentencing scheme when the sentence is determinate: (1) application of credits (A.B. 510) which are applied to reduce a minimum sentence; (2) establishing limits to aggregated sentences when the offense is not one that would result in a life sentence; (3) prospective and retroactive application of aggregated sentences including new convictions which may be imposed while on parole; (4) the manner in which the Department of Corrections, the Board of Parole Commissioners and the Division of Parole and Probation would consider the offenses for the purposes of classification, parole guidelines and community supervision; and (5) costs related to database programming changes and implementation concerns. Additionally, Commissioner Bisbee submitted a memorandum outlining the potential cost savings, which she estimates to be a marginal cost savings of \$900,000 if 10 percent of the inmates are paroled at their initial hearing, under aggregated sentencing.

At the June 23, 2010, work session, the Commission voted to approve this recommendation to aggregate sentences without the additional cap on the minimum and maximum sentences as was proposed by Commissioner Bisbee in her memorandum under consideration #2 (Appendix 2). The motion was made and passed in response to Judge Herndon's concerns with setting a cap on sentences. Additionally, Senator Parks indicated that he would like to provide one of his personal bill draft requests for this recommendation.

**RECOMMENDATION NO. 2** — Draft legislation to authorize the aggregation of prison sentences. (Commissioner Bisbee)

Attached as Appendix 2 is a Memorandum from Commissioner Bisbee Regarding Aggregated Sentences and a Memorandum from Commissioner Bisbee Relating to Cost Analysis for Parole Denials.

3. Recommendation to Move the Office of the State Public Defender

During the Advisory Commission meeting held on January 27, 2010, several Commissioners questioned the efficiency of having the Office of the State Public Defender located within the Department of Health and Human Services. Commissioners Parks and Hardesty suggested that it would be more appropriate and efficient to place the Office of the State Public Defender within the Office of the Governor. At the June 23, 2010, work session, the Commission voted to approve this recommendation as proposed without further change.

**RECOMMENDATION NO. 3** — Draft legislation to move the Office of the State Public Defender to the Office of the Governor or elsewhere in the Executive Branch.  
(Commissioners Parks and Hardesty)

Attached as Appendix 3 is NRS 180.010.

4. Recommendation on the Fund for the Compensation of Victims of Crime

Assembly Bill No. 114 was requested on behalf of the Advisory Commission on the Administration of Justice during the 2009 Legislative Session. Section 2 of Assembly Bill No. 114, as introduced, sought to provide that any remaining money in the Fund for the Compensation of Victims of Crime at the end of the fiscal year must remain within the Fund and must not be reverted to the State General Fund. This recommendation for legislation proposes to re-draft section 2 of Assembly Bill No. 114 (2009). At the June 23, 2010, work session, the Commission voted to approve this recommendation as proposed without further change.

**RECOMMENDATION NO. 4** — Draft legislation to provide that any remaining money in the Fund for the Compensation of Victims of Crime at the end of a fiscal year remain in the Fund and not revert to the State General Fund. (Commissioner Hardesty)

Attached as Appendix 4 is Assembly Bill No. 114 (2009), as Introduced.

5. Recommendation to Waive Certain Fees for Persons Released from Prison

Existing law provides for the waiver of certain fees relating to the issuance of certified copies of birth certificates and duplicate drivers' licenses and identification cards to homeless persons. This recommendation is to re-draft Assembly Bill No. 252 (2009), which would provide for a similar waiver of such fees for persons who are released from prison. At the June 23, 2010, work session, the Commission voted to approve this recommendation as proposed without further change.

**RECOMMENDATION NO. 5** — Draft legislation to waive certain fees relating to the issuance of certified copies of birth certificates and duplicate drivers' licenses and identification cards to persons released from prison. (Commissioner Siegel on behalf of the Religious Alliance of Nevada)

Attached as Appendix 5 is Assembly Bill No. 252 (2009), as Introduced.

6. *Recommendation to Adjust the Threshold Dollar Amount for Certain Property Offenses*

Nevada law defines petit larceny as intentionally stealing or taking anything with a value of less than \$250 and grand larceny as intentionally stealing or taking anything with a value of \$250 or more. Grand larceny is a category C felony if the value of the property involved in the grand larceny is less than \$2,500, and it is a category B felony if the value of the property involved in the grand larceny is \$2,500 or more. The penalties for theft under any violation of NRS 205.0821 through 205.0835 also mirror those same dollar thresholds. It appears that the petit larceny/theft threshold amount was last revised in 1989, and the grand larceny/theft amount was set in 1997.

This recommendation seeks to increase the threshold amounts for larceny and theft offenses to 2010 levels adjusted for inflation based on the Consumer Price Index, as published by the Bureau of Labor Statistics. According to the CPI calculator, the 2010 inflationary value for \$250 is \$439.53, and the 2010 value for \$2,500 is \$3,395.78. At the June 23, 2010, work session, the Commission voted to approve this recommendation with the additional proposal to round the inflationary values up to \$450 and \$3,500.

**RECOMMENDATION NO. 6** — Draft legislation to adjust the threshold dollar amount for property offenses to current amounts using the Consumer Price Index. (Commissioner Siegel)

Attached as Appendix 6 are NRS 205.08345, 205.0835, 205.220, 205.222, 205.228 and 205.240.

7. *Recommendation to Provide for the Centralized Collection of Certain Amounts Owed*

During the Advisory Commission meeting held on March 30, 2010, Commissioner Hardesty presented a detailed PowerPoint on the need for the centralized collection of fines, administrative assessments, fees and restitution from convicted persons. Commissioner Hardesty asserted that many of these past due amounts are not collected simply because no single entity is assigned the primary responsibility for coordinating and collecting the obligations. He suggested that there is also confusion over the priority in which to apply any amounts that are actually collected. Further, many offenders do not complete payment of their obligations before they are released from supervision, which further exacerbates collection problems.

Commissioner Hardesty noted that the issue of collecting past due amounts from convicted persons was previously raised in Assembly Bill No. 271 (2009) as was endorsed by the Advisory Commission during the 2008-2009 interim; however, that bill did not pass out of the Senate. As an alternative to A.B. 271, which would have required the Office of the Court Administrator to collect any past due fines, administrative assessments, fees and restitution, Commissioner Hardesty suggested that the Commission consider recommending alternative legislation to amend chapter 353C of NRS to centralize collections within the offices of the State Controller and the Attorney General.

At the work session held on June 23, 2010, Commissioner Hardesty suggested that the Advisory Commission recommend redrafting A.B. 271, but delete all of the provisions relating to administrative probation. Additionally, Commissioner Masto suggested that staff prepare conceptual language providing for the State Controller, rather than the Office of the Court Administrator, to collect any past due fines, administrative assessments, fees or restitution.

**RECOMMENDATION NO. 7** — Draft legislation to provide for the centralized collection of fines, fees and restitution from convicted persons. (Commissioner Hardesty)

Attached as Appendix 7 is Assembly Bill No. 271 (2009), First Reprint, and Conceptual Language Proposing to Centralize the Collection of Fines, Administrative Assessments, Fees and Restitution.

8. *Recommendation on Certain Psychological or Psychiatric Examinations*

This proposal for legislation would prohibit a court from ordering a victim or witness to submit to a psychological or psychiatric examination in a criminal prosecution of a sexual offense. The proposed legislation would also authorize a court to exclude such evidence absent a prima facie showing of a compelling need for a psychological or psychiatric examination and consent of the victim or witness to such examination. At the September 24, 2010, work session, the Commission voted to approve this recommendation as proposed by the Subcommittee on Victims of Crime without further change.

**RECOMMENDATION NO. 8** — Draft legislation to amend the NRS to impose limitations on the use of psychological or psychiatric examinations of victims and witnesses in sexual offense prosecutions. [Advisory Commission on the Administration of Justice's Subcommittee on Victims of Crime (Commissioner Masto)]

Attached as Appendix 8 is Proposed Language for a Bill Draft Submitted by the Subcommittee on Victims of Crime.

9. *Recommendation to Allow Credits for Persons Convicted of Certain Category B Felonies*

This proposal would extend the application of good time credits earned by offenders convicted of certain category B felonies to the minimum term of imprisonment, as is currently authorized

for offenders convicted of category C, D and E felonies pursuant to Assembly Bill No. 510 (2007). As per the existing statutory scheme under NRS 209.4465, this proposal would exclude category B felonies which involve any crime involving the use or threatened use of force or violence against the victim, a sexual offense or driving under the influence. At the September 24, 2010, work session, the Commission voted to approve this recommendation as proposed without further change.

**RECOMMENDATION NO. 9** — Draft legislation to allow offenders convicted of certain category B felonies to be eligible for credits to reduce the minimum term of imprisonment imposed. (Commissioner Kohn as was suggested by Dr. James Austin to the Advisory Commission on the Administration of Justice's Subcommittee on the Reclassification of Crimes)

Attached as Appendix 9 is a Bill Draft Proposal Extending Credits to Certain Category B Felonies, as Submitted by Commissioner Kohn.

#### B. RECOMMENDATION TO DRAFT A LETTER

##### 10. Recommendation to Consider Further Study and Reduction of Certain Category B Felonies

The Advisory Commission on the Administration of Justice's Subcommittee on the Reclassification of Crimes (Reclassification Subcommittee) held two meetings during which the possibility of reclassifying certain category B felonies was discussed. At those meetings, several Reclassification Subcommittee members suggested that all category B offenses that currently provide a penalty of a minimum term of imprisonment of 1 year and a maximum term of imprisonment of 6 years, or conversely any category B felonies not involving violence, be lowered to a category C.

Testimony indicated that there are currently over 200 category B felonies in Nevada law and that 62 percent of Nevada's prison population is composed of inmates serving a sentence for a category B felony. The Reclassification Subcommittee noted that one of the major issues with category B felonies is that a person sentenced for committing a category B felony is not eligible for additional credits to reduce the minimum term of imprisonment authorized for category C, D and E felonies pursuant to Assembly Bill No. 510 (2007). However, the Reclassification Subcommittee did not officially take action on any particular recommendation to lower current category B felonies.

At the work session held on September 24, 2010, the Advisory Commission voted to approve this recommendation to draft a letter indicating the Advisory Commission's support of continuing to review the possibility of reducing certain category B felonies and to work with the PEW Center on the States as to the possibility of providing funding for future study of Nevada's sentencing scheme.

**RECOMMENDATION NO. 10** — Draft a letter to the Chairs of the Assembly Committee on Judiciary and the Senate Committee on Judiciary requesting the Legislature to consider reclassifying certain category B felonies, all B felonies with a penalty of 1-6 years and/or certain non-violent category B felonies to be lowered to a category C felony. (Commissioner Kohn)

Attached as Appendix 10 is a Letter Dated February 4, 2011, from the Advisory Commission to the Chairs of the Committees on Judiciary and Spreadsheets Identifying All Category B Felonies and Listing those Category B Felonies with a Penalty of 1-6 Years Imprisonment.

### C. RECOMMENDATIONS TO INCLUDE A STATEMENT

#### 11. Recommendation to Fund Indigent Defense

Testimony at the Advisory Commission meeting held on January 14, 2010, indicated that Nevada currently operates under a bifurcated system where Clark and Washoe Counties provide for indigent defense, with the State Public Defender providing such defense in all other counties. Commissioner Siegel suggested that this recommendation would include a statement encouraging the State of Nevada to fully fund indigent defense.

In addition, Chair Horne suggested that additional fiscal research must be completed in terms of the actual cost of providing indigent defense, as the fiscal note for the State to assume all indigent defense under Assembly Bill No. 45 (2009) was approximately \$62 million per year.

At the work session held on June 23, 2010, the Advisory Commission voted to approve this recommendation to include a statement of support on the funding of indigent defense.

**RECOMMENDATION NO. 11** — Include a statement in the final report encouraging the State of Nevada to fully fund all indigent defense as raised in Assembly Bill No. 45 (2009). (Commissioner Siegel)

Attached as Appendix 11 is Assembly Bill No. 45 (2009), as Introduced.

#### 12. Recommendation to Support Future Study of Nevada's Criminal Justice System

Chair Horne and Commissioner Hardesty are presently working to schedule future meetings with Dr. James Austin and the PEW Center on the States to examine the possibility of financial collaboration to further explore Nevada's criminal justice system, including the current sentencing structure. This recommendation indicates a statement of strong support from the Advisory Commission for continued ongoing research and study of Nevada's criminal justice system.

At the work session held on September 24, 2010, the Advisory Commission voted to approve this recommendation to include a statement recognizing the compelling need to investigate and support future study of Nevada's criminal justice system.

**RECOMMENDATION NO. 12** — Include a statement in the final report recognizing the need to investigate and support future study of Nevada’s criminal justice system. (Chair Horne and Commissioner Hardesty)

## VI. CONCLUSION

Throughout the interim, the focus of the Advisory Commission was to thoroughly evaluate the criminal justice system in Nevada. Although extremely limited on time and budgetary resources, the Advisory Commission was able to effectively and efficiently generate meaningful discussion and propose significant enhancements to the delivery of criminal justice.

The Advisory Commission wishes to thank all of the individuals who attended and testified throughout the interim and those who also submitted comments and recommendations. It is the goal of the Advisory Commission to forward these approved recommendations to the 2011 Nevada Legislature, and to prospectively encourage ongoing discussion and reforms that are beneficial to the criminal justice system in Nevada.

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NEVADA BOARD OF PAROLE COMMISSIONERS

June 7, 2010

To: William Horne, Chairman  
Advisory Commission on the Administration of Justice

Members of the Advisory Commission on the Administration of Justice

From: Connie S. Bisbee, Chairman 

Subject: Psychological Review Panel ("Psych Panel") Evaluations Bill Draft Suggestion

After my presentation to the Advisory Commission earlier this year, we polled other State Parole Boards who we are affiliated with through the Association of Paroling Authorities International, and asked them to share with us their processes regarding the evaluation of sex offenders for release on parole.

I also met with staff of the Attorney General's Office and Department of Corrections to discuss recommended changes to the current Psych Panel law.

I discovered that the issues I previously presented to the Advisory Commission were not all inclusive, as there is a substantial amount of litigation that is generated as a result of the way the psych panel law is currently worded, and the manner in which the psych panel hearings are conducted.

In an effort to limit the amount of litigation regarding the operation of the Psych Panel and have meaningful information provided to the Parole Board, I have drafted proposed changes for your review.

The following summarizes the changes and reasons for the suggested changes. Attachment 1 is a copy of the suggested BDR language and Attachment 2 is a copy of the results of the survey we conducted.

**1. Revise the Psych Panel law to make it an advisory function instead of a certification.**

The current law requires the Psych Panel to “certify” that the prisoner is not a high risk to re-offend sexually if released on parole. If the Psych Panel determines the prisoner is a high risk to re-offend, the Parole Board is prohibited from granting parole.

As a result of a recent Supreme Court case, a Psych Panel review may only be performed when an inmate is serving the last sexual offense in his sentence structure. If the inmate has a non-sexual sentence to serve consecutively to a sex offense, parole release on the sexual offense can only be performed institutionally (to the consecutive sentence). When an inmate has a consecutive sentence to serve, the risk to re-offend sexually is minimized and the inmate may be certified as not being a high risk to re-offend. When the last sentence in a sex offenders sentence structure is a non-sexual offense, the Parole Board is left without adequate information relative to the risk of the sex offender once he is being considered for release to the community.

The following is an example of the above cited scenario:

Level	Case	Count	Offense	Min	Max	Ped	Exp
1	123	I	Sexual Assault	5	Life	1/1/2010	LIFE
2	123	II	Burglary	2	10	Pending	Pending

The recommended changes to subsection 1 of NRS 213.1214 are as follows:

1. Eliminate the “certification” requirement and make the psych panel an advisory function in which they would be required to conduct evaluations on certain inmates prior to a parole hearing. This change would help eliminate legal arguments that are currently being made including ex post facto claims. It also allows the decision making to reside with the Parole Board, who is charged with making parole decisions.

2. Require a psych panel evaluation to be conducted on an inmate who has a conviction for a sexual offense anywhere in his current sentence structure, and prior to each parole hearing, regardless of the sentence the inmate is actually serving (this was the manner in which the psych panel hearings were conducted prior to the various Supreme Court opinions on the psych panel language).

3. Require the psych panel to rate each inmate who is evaluated as a low, moderate or high risk to re-offend, and provide the results to the Parole Board prior to a parole hearing (at this time the psych panel only indicates if an inmate is a high-risk or not. An inmate may be a moderate, or a split high/moderate or low, but the results the Parole Board is provided state only “certified as not being a high-risk” or “high risk to re-offend”).

**2. Allow the Parole Board to request a psych panel on any sex offender if the information would assist the Board in determining whether parole should be granted.**

Currently, subsection 2 of NRS 213.1214 requires the psych panel to re-certify an inmate if he is returned to NDOC for any reason. The re-certification requirement would be deleted, but the psych panel would still be required to conduct an evaluation on parole violators as part of other wording in this BDR.

Subsection 2 would be replaced with language that allows the Parole Board to obtain an evaluation from the psych panel on any sex offender who is being considered for parole, if that risk information would be helpful in determining whether parole should be granted. The reference to NRS 179D.095 includes any person who would have to register as a sex offender when released from prison. This includes certain sexual offenses not listed in subsection 5, and includes prior convictions, and convictions that have occurred in another jurisdiction.

**3. Revise the current language pertaining to liability, and delete the statutory language pertaining to the revocation of a psych panel certification.**

Subsection 3 of NRS 213.1214 currently allows the psych panel to revoke the certification of a prisoner previously certified. If the language is changed to an advisory function instead of a certification process, the language in this subsection would become moot. Currently, the psych panel does not have any procedures or regulations in place regarding the revocation of a certification, which is another concern related to the current process.

The indemnity language would be changed to reflect “evaluated” instead of “certified” and also provide that the panel is not restricted in its ability to evaluate an inmate. The current indemnity language states that only a prisoner may not bring a cause of action against the State, it doesn’t prevent others from bringing a cause of action against the State. The change would broaden the indemnity portion of the law to apply to any person who might bring a cause of action against the state for evaluating, not evaluating, considering or relying on a psych panel evaluation.

**4. Require the Psych Panel to adopt regulations regarding the evaluation of prisoners and review their assessments and procedures at least once every three years and make a determination on the validity of their risk tools.**

Subsection 4 of NRS 213.1214 (which currently provides indemnity information that will be revised in subsection 3) would create the requirement for the psych panel to adopt regulations pertaining to the manner in which they will evaluate sex offenders for risk. The purpose of this subsection is to allow the processes and procedures that will be used in the evaluation process to be adopted in a public manner with the hope that in doing so, the assessments will be objective measures and not as subjective as the process currently is.

This new subsection would also require the psych panel to review the assessments and procedures at least once every three years in an effort to ensure the assessments, and manner in which sex offenders are evaluated for risk, remain up to date.

- 5. Clarify that only convictions for child abuse or neglect that are deemed sexual in nature are required to be evaluated by the psych panel, and add the crime of Kidnaping with Intent to Commit Sexual Assault to the required list of offenses.**

Subsection 5 of NRS 213.1214 currently requires sexual or non-sexual child abuse or neglect to be evaluated by the psych panel. This change would clarify that only child abuse or neglect that was sexually motivated would require the psych panel review.

The crime of Kidnaping with Intent to Commit Sexual Assault would be added to the list of offenses for which a psych panel evaluation would be required as item “(p).”

- 6. Specify that the Parole Board may adopt regulations pertaining to the manner in which the sex offender risk assessment will be used in conjunction with the parole standards.**

This would be a new subsection of NRS 213.1214 which would specify that the Parole Board may use the risk assessment provided by the psych panel as part of its parole guidelines.

- 7. Define certain terms that could be interpreted differently.**

The new subsection 7 of NRS 213.1214 would define the term “current term of imprisonment” to mean the group of sentences that are relative to each other by the status of concurrent or consecutive relationship.

The new subsection 8 clarifies the term “custody of the Department of Corrections” as used in subsection 7 means inmates who are physically housed in the NDOC, are housed by NDOC because they are a parole violator, and those inmates who are housed in out-of-state facilities.

cc: Adriana G. Fralick, General Counsel to Governor Gibbons  
Parole Board Members

**NRS 213.1214 Prisoners required to be certified evaluated by panel before release on parole; recertification reevaluation required if prisoner returns to custody; revocation of certification standards for consideration for parole; immunity.**

1. The Board shall not ~~release on~~ grant or continue the parole of a prisoner who has served, is serving or has yet to serve a sentence on his current term of imprisonment for having been convicted of an offense listed in subsection 5 unless a panel consisting of:

(a) The Administrator of the Division of Mental Health and Developmental Services of the Department of Health and Human Services or his or her designee;

(b) The Director of the Department of Corrections or his or her designee; and

(c) A psychologist licensed to practice in this State or a psychiatrist licensed to practice medicine in this State,

~~~ certifies that the prisoner was under observation while confined in an institution of the Department of Corrections and does not represent a high risk to reoffend based upon a currently accepted standard of assessment~~ Evaluates the prisoner within 120 days of a parole hearing using a currently accepted standard of assessment to determine the risk of a person to re-offend in a sexual manner. The panel shall rate each offender appearing before it as a low, moderate or high risk to re-offend, and provide its findings to the Board prior to the scheduled hearing.

2. ~~A prisoner who has been certified pursuant to subsection 1 and who returns for any reason to the custody of the Department of Corrections may not be paroled unless a panel recertifies the prisoner in the manner set forth in subsection 1. In addition to the required offenses listed in subsection 5, the Board may require the panel to conduct an evaluation on a prisoner who is a sex offender as defined by NRS 179D.095 when the results of an evaluation may assist the Board in determining whether parole should be granted.~~

3. ~~The panel may revoke the certification of a prisoner certified pursuant to subsection 1 at any time. This section does not create a right to any person to be evaluated or reevaluated under a current or prior assessment tool, and does not restrict the panel from conducting an evaluation on a prisoner when it may assist the Board in determining whether parole should be granted or continued. A cause of action cannot be brought against the State, its political subdivisions, or the agencies, boards, commissions, departments, officers or employees of the State or its political subdivisions for evaluating, not evaluating, considering or relying on an evaluation of a prisoner conducted pursuant to this section.~~

4. ~~This section does not create a right in any prisoner to be certified or to continue to be certified. No prisoner may bring a cause of action against the State, its political subdivisions, or the agencies, boards, commissions, departments, officers or employees of the State or its political subdivisions for not certifying a prisoner pursuant to this section or for refusing to place a prisoner before a panel for certification pursuant to this section. Pursuant to NRS 233B, the panel shall adopt regulations pertaining to the evaluation of prisoners who are sex offenders to determine their risk to re-offend sexually if they are released or continued on parole.~~

(a) The regulations must require that:

(i) the evaluation of a sex offender is based on currently accepted standards of assessment designed to determine the risk of an offender to re-offend in a sexual manner;

(ii) the evaluation must contain a statement by the panel as to the validity of the assessment based on other information known about the sex offender that may mitigate or aggravate the assessment result; and

(iii) the result of the evaluation stating the level of risk to re-offend sexually and a statement by the panel must be provided to the Board prior to the hearing to consider the prisoner for parole.

(b) The panel shall review the assessments and procedures adopted by regulation at least once every three years and make a finding regarding the validity of the use of the assessments and procedures. If the panel finds that an assessment tool is ineffective, or another tool is more effective in predicting whether a sex offender may re-offend in a sexual manner, the panel may discontinue the use of the assessment or procedure and adopt a new assessment or procedure that is determined to be more effective.

5. The provisions of this section apply to a prisoner convicted of any of the following offenses:
  - (a) Sexual assault pursuant to [NRS 200.366](#).
  - (b) Statutory sexual seduction pursuant to [NRS 200.368](#).
  - (c) Battery with intent to commit sexual assault pursuant to [NRS 200.400](#).
  - (d) Abuse or neglect of a child pursuant to [NRS 200.508](#), *if the abuse involved sexual abuse or sexual exploitation and is punished as a felony*.
  - (e) An offense involving pornography and a minor pursuant to [NRS 200.710](#) to [200.730](#), inclusive.
  - (f) Incest pursuant to [NRS 201.180](#).
  - (g) Solicitation of a minor to engage in acts constituting the infamous crime against nature pursuant to [NRS 201.195](#).
  - (h) Open or gross lewdness pursuant to [NRS 201.210](#).
  - (i) Indecent or obscene exposure pursuant to [NRS 201.220](#).
  - (j) Lewdness with a child pursuant to [NRS 201.230](#).
  - (k) Sexual penetration of a dead human body pursuant to [NRS 201.450](#).
  - (l) Luring a child or a person with mental illness pursuant to [NRS 201.560](#), if punished as a felony.
  - (m) An attempt to commit an offense listed in paragraphs (a) to (l), inclusive.
  - (n) An offense that is determined to be sexually motivated pursuant to [NRS 175.547](#).
  - (o) Coercion or attempted coercion that is determined to be sexually motivated pursuant to [NRS 207.193](#).
  - (p) *Kidnaping with Intent to Commit Sexual Assault* pursuant to [NRS 200.310](#).

6. *The Board may adopt by regulation the manner in which it will consider an evaluation prepared pursuant to this section with regard to the standards adopted by the Board pursuant to NRS 213.10885.*

7. *The term "current term of imprisonment" means one or more sentences being served concurrently or consecutively in relationship to one another while the inmate is in the custody of the Department of Corrections.*

8. *For the purposes of subsection 7, the term "custody of the Department of Corrections" means a prisoner who is confined within an institution or facility of the Department of Corrections, a parolee charged with a violation of parole who is confined within an institution or facility of the Department of Corrections, or a prisoner serving his Nevada sentence or sentences in another jurisdiction in accordance with an agreement established with the Nevada Department of Corrections.*

9. *Meetings by a panel to evaluate a prisoner pursuant to this section are not subject to the provisions of NRS 241. Meetings by a panel to consider matters other than to evaluate a prisoner pursuant to this section are subject to the provisions of NRS 241.*

Consideration of Sex Offenders for Release

|                                                                                                                                                                                                                                          | Nevada                                          | Connecticut                                                                       | Kansas                                                                                                                                                                 | Maryland                                                                                                          | Montana                                                                                                                                  | North Dakota                                                                   | Pennsylvania                                                                                                                                                                        | South Dakota                                                             | Tennessee                                                 | Washington                                                                                                          |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------|-----------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------|-----------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------|
| 1) Does your state prepare a risk instrument specifically designed for use on sex offenders when a sex offender is being considered for parole (this question assumes the person is being considered for parole on a current sex crime)? | Yes                                             | Yes                                                                               | Yes                                                                                                                                                                    | Yes                                                                                                               | No                                                                                                                                       | Yes                                                                            | Yes                                                                                                                                                                                 | Yes                                                                      | No                                                        | Yes                                                                                                                 |
| a) Which assessment is used (is it one designed in-house or is it some other nationally recognized evaluation)                                                                                                                           | STATIC-99, MNSOST-r                             | SFS-07, SOSP-IV, STATIC 99                                                        | STATIC 99, MnSOST, STABLE 2007, ACUTE 2007. To determine if sexually violent predator commitment, completed by PhD, psychologist using Axis I & II, PCL-R* and VRAG**. | STATIC-99                                                                                                         | We do require a sex offender report and sex offenders in Montana are all placed in a tier level based on risk at the time of sentencing. | MnSOST-R, Static 99, Stable-2000                                               | Static 99                                                                                                                                                                           | Static 99, RRAsor, MN-SOST, history polygraph & psychosexual evaluation. | Psychological Evaluation (unknown type)                   | Static 99, MnSOST-R                                                                                                 |
| b) Who prepares the documents (i.e., psychologist employed by the board; psychologist employed by the prison; commissioner assigned to the case; or hearings examiner employed by the board, etc).                                       | Psychiatrist & 2 psychologists employed by NDOC | Contracted therapist w/ Master's Degree then signed off by licensed Psychologist. | DOC Clinicians. If Sexually Violent then completed by a PhD Psychologist                                                                                               | Parole Board Hearing Examiner, unless victim at hearing attendance then a Parole Board Commissioner will prepare. | Unknown                                                                                                                                  | Prepared by Sex Offender Counselors, reviewed by psychologist employed by DOCR | Licensed psychologist at DOC & parole agent of the Board                                                                                                                            | DOC Sex Offender Management Program                                      | Psychiatrists or licensed clinical psychologists from DOC | Staff of the DOC Sex Offender Treatment Program and the End of Sentence Review Committee.                           |
| c) Does the preparer have any specialized training to evaluate sex                                                                                                                                                                       | Yes                                             | Unknown                                                                           | Unkonwn                                                                                                                                                                | unknown                                                                                                           | Unknown                                                                                                                                  | Yes                                                                            | Unknown                                                                                                                                                                             | Yes                                                                      | Unknown                                                   | Yes                                                                                                                 |
| 2) Does your state prepare a risk instrument designed for use on sex offenders when a person with a prior sex offense is being considered for parole?                                                                                    | No                                              | Yes                                                                               | Yes                                                                                                                                                                    | No                                                                                                                | We do require a sex offender report and sex offenders in Montana are all placed in a tier level based on risk at the time of sentencing. | Yes                                                                            | Yes ("It is recommended that if the offender does not have any sex offenses for ten years and then returns to prison for a non-sexual offense, the instrument is not recommended.") | Yes                                                                      | No                                                        | Not for Washington State Offenders                                                                                  |
| a) If yes, does it matter whether the conviction for the sex offense was obtained within your State's jurisdiction or in another State                                                                                                   | n/a                                             | No                                                                                | Unknown                                                                                                                                                                | n/a                                                                                                               | We do require a sex offender report and sex offenders in Montana are all placed in a tier level based on risk at the time of sentencing. | No                                                                             | No                                                                                                                                                                                  | No                                                                       | n/a                                                       | DOC uses the sex offender risk tools on parolees coming from other States who have been convicted of a sex offense. |
| 3) Does your State have any specialized language with regard to the manner in which sex offenders must be evaluated before consideration for release on parole?                                                                          | Yes                                             | No                                                                                | Yes                                                                                                                                                                    | No                                                                                                                | Yes                                                                                                                                      | No                                                                             | Yes                                                                                                                                                                                 | Yes                                                                      | Unknown                                                   | Yes                                                                                                                 |

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## NEVADA BOARD OF PAROLE COMMISSIONERS

June 7, 2010

To: William Horne, Chairman  
Advisory Commission on the Administration of Justice

Members of the Advisory Commission on the Administration of Justice

From: Connie S. Bisbee, Chairman *CWB*

Subject: Specific Information Related to the Concept of Aggregated Sentences

This memo is in response to the request for additional information concerning changing Nevada's sentencing structure to one that aggregates the minimum and maximum terms of sentences ordered to be served consecutively into one sentence to be served.

There are several areas of existing law and practice that must be considered regarding the implementation of an aggregated sentencing scheme that involves determinate sentences. These areas include:

- 1) Application of credits (AB510) which are applied to reduce a minimum sentence;
- 2) Establish limits to aggregated sentences when the offense is not one that would result in a life sentence;
- 3) Prospective and retroactive application of aggregated sentences including new convictions which may be imposed while on parole;
- 4) The manner in which the Department of Corrections (NDOC), the Board of Parole Commissioners (Parole Board) and the Division of Parole and Probation (P&P) should consider the offenses for the purposes of classification, parole guidelines and community supervision; and
- 5) Costs related to database programming changes, and implementation concerns.

**1. Application of credits which are applied to reduce the minimum sentence of Category C, D & E felony convictions.**

The major issue regarding aggregating the minimum terms of sentences in Nevada is that an inmate may be sentenced to serve consecutive sentences, of which some may allow credit reductions toward a minimum term with others that do not allow for a credit reduction toward the minimum term.

For example, under the current credit scheme, an inmate may be sentenced to serve one 12-36 month term for a Category C crime with a consecutive 12-48 month term for a Category B crime. The inmate would receive credits toward reducing the 12 month minimum sentence for the Category C crime. Depending on the amount of county jail credits the inmate may receive and whether the inmate would qualify and could be moved to minimum custody quickly, the 12 month minimum sentence would be reduced to a range from 5 - 7 months minimum (see attachment 1 for a graphical explanation of how the timing of certain factors affect credits that may reduce the minimum sentence of a qualifying sentence).

Once paroled or expired, the inmate would begin serving the 12 month minimum on the consecutive sentence.

The consecutive sentence structure can be viewed as:

| Level | Case | Count | Offense       | Min | Max | sent start | PED      | EXP      |
|-------|------|-------|---------------|-----|-----|------------|----------|----------|
| 1     | 123  | I     | Poss Ctrl Sub | 12  | 36  | 7/1/2009   | 1/1/2010 | 1/1/2011 |
| 2     | 123  | II    | Burglary      | 12  | 48  | Pending    | Pending  | Pending  |

If these sentences were aggregated, the sentence would be come a 24-84 month sentence displayed as follows:

| Level | Case | Count | Offense    | Min | Max | sent start | PED  | EXP      |
|-------|------|-------|------------|-----|-----|------------|------|----------|
| 1     | 123  | I/II  | Burg & PCS | 24  | 84  | 7/1/2009   | ???? | 1/1/2013 |

Since one of the aggregated minimum sentences is allowed to be reduced by credits (and credit earnings vary based on custody and assignments), the problem becomes trying to determine how to apply credits to only one of the two aggregated sentences if the inmate receives country jail credits or is housed in more than one custody location during the period in which the inmates serves the minimum sentence.

In order to reasonably accommodate aggregating consecutive sentences comprising of a mixture of minimum sentences that may and may not be reduced by credits, the minimum sentences of qualifying Category C, D and E felonies must be fixed and not affected by fluctuating credits. There are at least two ways to accomplish this:

- #1 Require that the NDOC reduce the minimum sentences of qualifying Category C, D and E felonies by 50% for the purposes of determining parole eligibility; or

- #2 Change the minimum sentence that may be imposed by a Court for a qualifying Category C, D or E felony conviction to a total period of not less than 6 months to not more than 20% of the maximum sentence (and eliminate the allowance of credit earnings on minimum sentences). Currently, statutes require a minimum sentence of 12 months to not more than 40% of the maximum sentence.

Example # 1 is basically what is occurring at this time, but may have a slight benefit to inmates who spend more time in a county jail who don't qualify for work credits until they reach the NDOC (see attachment 1). It would have a slight detriment to those inmates who arrive at the NDOC with minimal county jail credits who are classified and moved quickly to camp.

Example #2 would establish fixed minimum sentences of less than 12 months, set by the Court without further reduction by credits. This provides a more "truth in sentencing" approach in that the fixed minimums are clearly set by the Court, and eligibility can be determined by aggregating all the minimum consecutive sentences imposed. Examples of sentences where the greatest minimum sentence that could be imposed under the 20% rule (for Category C, D & E sentences) are as follows:

- 48 month maximum = 9.6 months minimum.
- 36 month maximum = 7.2 months minimum.
- 30 month maximum = 6 months minimum.

In order to consider aggregating the minimum and maximum terms of determinant sentences, a resolution for allowing credits on the minimum terms of imprisonment must be found.

- 2. Consider establishing maximum limits to aggregated sentences when the offense is not one that would result in a life sentence.**

One aspect that should be considered with regard to aggregating sentences is to consider limiting the maximum number of years a person may be sentenced to, when the underlying offense is not one that could result in the equivalent of a sentence of life or life without the possibility of parole.

I have seen many examples of inmates who have been sentenced to so many consecutive sentences for non-life offenses that they will serve more time than some inmates sentenced to prison for having committed Murder. Many of these types of cases end up being commuted by the Pardons Board at some point because they are exceptionally long in comparison to the nature of the crime.

The following is an example of an actual case:

An offender committed five robberies over the course of ten days to obtain money to support a gambling addiction. No one was injured during the robberies, and the offender had no prior criminal history.

He was sentenced to serve five consecutive 8-year sentences, each with a consecutive 8-year enhancement for the use of a deadly weapon, or a total of ten consecutive 8-year sentences. The minimum parole eligibility was approximately 2 years per sentence. When aggregating these sentences, the inmate would have to serve 20 years before eligibility with a maximum sentence of 80 years (less credits off the maximum sentence, which today would result in a 50% reduction, or 40 years maximum).

Had this inmate's sentence not been commuted by the Pardon's Board, he would have served more time on the minimum sentences than an offender sentenced today for 2<sup>nd</sup> Degree Murder (10-Life with a maximum weapons enhancement of 8-20 years, or an aggregated 18-Life sentence).

I do not suggest limiting the minimum sentences for those inmates who have within their sentence structure a maximum sentence of Life (with the possibility of parole). For these inmates, the sum of the minimum sentences ordered to be served consecutively would become the aggregated minimum with a maximum sentence of Life.

For the purposes of this review, I suggest the Advisory Commission consider a limit to the aggregated minimum and maximum sentences of a sentence structure comprised of strictly determinant sentences to no greater than 20 years minimum and no greater than 60 years maximum.

The following are examples of sentences applied under this provision:

Case # 1 - Inmate sentenced to ten 3-15 year consecutive sentences for five counts of Robbery with the Use of a Deadly Weapon Enhancement. When aggregated, the sentence would end up being 30 years minimum to 150 years maximum. After applying the sentence cap, the sentence would be 20 years minimum to 60 years maximum.

Case # 2 - Inmate sentenced to one 4-12 year sentence for Robbery with a consecutive 4-12 year sentence for Use of a Deadly Weapon Enhancement, consecutive to one 20-life term for 1<sup>st</sup> Degree Murder with a consecutive 8-20 year sentence for the use of a deadly weapon enhancement.

Under the current scheme, the sentence in example #2 would look like the following (the sum of the minimum sentences equals 36 years):

| Level | Case | Count | Offense                | Min | Max  | sent start | PED      | EXP      |
|-------|------|-------|------------------------|-----|------|------------|----------|----------|
| 1     | 123  | I     | Robbery                | 48  | 144  | 7/1/2009   | 7/1/2013 | 7/1/2015 |
| 2     | 123  | I     | UDW to Rbry            | 48  | 144  | Pending    | Pending  | Pending  |
| 3     | 123  | II    | Murder 1 <sup>st</sup> | 240 | Life | Pending    | Pending  | Pending  |
| 4     | 123  | II    | UDW to Mur             | 96  | 240  | Pending    | Pending  | Pending  |

Under an aggregated scheme, the sentence would look like this (note: the minimum sentences would not be capped, because the inmate has a maximum sentence of Life - the sum of the minimum sentences equals 36 years, but all served at once, and then eligible for parole):

| Level | Case | Count | Offense    | Min | Max  | sent start | PED      | EXP  |
|-------|------|-------|------------|-----|------|------------|----------|------|
| 1     | 123  | I/II  | Murder 1st | 432 | Life | 7/1/2009   | 7/1/2045 | Life |

**3. Prospective and retroactive application of aggregated sentences including new convictions which may be imposed while on parole.**

The most efficient way to implement the change to aggregate minimum and maximum sentences would be to apply it prospectively, however, there may be some benefit to allowing sentences already imposed to be aggregated retroactively.

There are numerous aspects that must be considered in order to facilitate allowing sentences to be aggregated retroactively. In all cases, the affected inmate should agree to the change in the sentence structure that is retroactively changed, and that it be an irrevocable acceptance. The following situations must be addressed:

- 1) Inmates with sentences that have had no parole board action on any sentence at the time the sentence is converted to an aggregated structure;
- 2) Inmates with sentences that have had parole action on one or more of the sentences when it is converted to an aggregated structure;
- 3) Inmates with a mixture of Category C, D & E sentences with Category A and/or B sentences;
- 4) Applying a cap on the minimum and maximum sentences retroactively when applicable; and
- 5) Parole violators who receive new felony convictions while serving aggregated and non-aggregated sentences on parole.

Since there are different ways each of these situations could be addressed, I suggest that the Advisory Commission first indicate its desire with regard to the credits on minimum sentences and the potential capping of aggregated determinate sentences. Once there is direction on those points, I recommend staff from the Parole Board and the NDOC meet and draft a proposal related to these four areas, and any others related to retroactive application that may arise.

**4. The manner in which the NDOC, the Parole Board and P&P should consider aggregated offenses for the purposes of classification, parole guidelines and community supervision.**

For the most part, each of these agencies considers the most serious offense and prior offenses when classifying inmates or considering inmates for release on parole. For example, an inmate with a prior felony sex offense would not be permitted to be housed in minimum custody, or an inmate who is serving a sentence of possession of controlled substance consecutive to a Murder conviction would not be housed in a minimum camp.

However, because of the consecutive relationship of various sentences, once a person convicted of Murder is paroled to a consecutive drug offense, the inmate would then be grouped statistically into the "drug" offense category within the active inmate population.

Once sentences become aggregated, a blending of different offense groups and types will occur in many instances. Because of this, I recommend the NDOC, P&P and Parole Board classify each offender according to the most serious offense the inmate was sentenced to on the current term of incarceration, regardless of the length or characteristics of the various sentences. This would provide a more realistic statistical description of the offender population when it is compared to classification, parole actions and parole supervision.

##### **5. Costs related to database programming changes and implementation concerns.**

There will be costs related to changing the sentence management module within the NDOC's information management system (NOTIS) to handle both the current consecutive sentence relationship structure, and an aggregated sentence structure. When the Legislature changed the amount of credits inmates could earn during the 2007 session, the programming cost to make this singular change was approximately \$65,000.00.

As a result of trying to implement those changes, the subject matter experts determined that the manner in which the sentence management module was programmed is not adequately flexible enough to handle changes that may occur over time with regard to credits or sentence structures.

As a result of the review after the AB510 programming change was made, the subject matter experts consulted with SYSCON on how to change the sentence management module to one that would be flexible over time, and allow for changes to be made without major costs to the NDOC. The result was a recommendation to change the current sentencing module to a table-driven system that will allow enhancement changes to occur with relative ease and at a minimal cost.

The estimated cost to change the sentence management module to a table driven system is approximately \$300,000.00. It is expected that a feature to allow for a combination of both the current system of consecutive sentencing and an aggregated sentencing system would be included within this amount. The amount of time it could take to accomplish programming and implement such a system could be 8-12 months.

If the Advisory Commission determines that it will recommend legislative changes to provide for aggregated sentences, I suggest that the Commission recommend to the Interim Finance Committee that the funds be allocated to NDOC now, instead of waiting until FY2012. A delay in funding this change would delay the ability to implement an aggregated sentencing system until approximately FY 2013. Additionally, a fiscal note attached to a BDR could result in the measure not passing.

Lastly, there are an estimated 3,000 current inmates who have sentence structures that still have consecutive sentences to be served. If a retroactive provision is authorized, it will likely take several months to coordinate the conversion of sentences once inmates have been notified and request such a change.

It is likely that only those inmates who would benefit from retroactively aggregating their sentences would request the change, and with that benefit, those inmates would be anxious to have their sentence structure changed. Because of the number of cases that would need to be reviewed, and the time it will take to review all the anticipated requests, some inmates may initiate litigation against the State or Director for not acting fast enough, or acting on other cases before theirs.

I recommend that there be specific language authorizing the Director of the NDOC to establish a time line to coordinate the retroactive conversion of consecutive sentences and that inmates may not bring a cause of action against the State or NDOC with regard to the timing of reviewing and implementing any consecutive sentences that may qualify for retroactive aggregation.

**Attachment 1 - Examples of credit reductions off a 12 month minimum sentence.**

**Flat Time:** The day for day time an inmate serves in prison. For example, the month of January has 31 days. If an inmate spends the entire month of January in prison, he will be given 31 days of “flat time” toward satisfying a sentence.

**Stat Time:** Good time credits authorized by statute to reduce a sentence. Inmates earn 20 stat credits each month (prorated for partial months) in a medium or maximum security setting. Inmates earn 30 stat credits each month if housed in a minimum security work camp, residential confinement or restitution center.

**Work Credit:** Work or program credits authorized by statute to reduce a sentence. Qualifying inmates are entitled to earn 10 work credits each month.

**Jail Credits:** Day for day time an inmate is housed in a county jail if specified by the Judge on the Judgement of Conviction. Stat credits are applied to county jail credits, but work credits are not.

Sentences for non-violent Category C, D or E felony convictions can receive Stat and Work credits to reduce both the minimum and maximum sentence. The following are examples of how different situations will affect the earning of credits off a minimum and maximum sentence.

12 months = 365 days

**Medium Custody Inmate, No County Jail Credits**

|                         | Jan | Feb | Mar | Apr | May | Jun        |
|-------------------------|-----|-----|-----|-----|-----|------------|
| Flat Credits            | 31  | 28  | 31  | 30  | 31  | 30         |
| Stat Credits            | 20  | 20  | 20  | 20  | 20  | 20         |
| Work Credits            | 10  | 10  | 10  | 10  | 10  | 10         |
| Total Credits           | 61  | 58  | 61  | 60  | 61  | 60         |
| EOM Accumulated Credits | 61  | 119 | 180 | 240 | 301 | <b>361</b> |

This inmate attains parole eligibility on or about July 2, or after approximately 6 months.

**Medium Custody Inmate for 1 month, Minimum for 5 months, No County Jail Credits**

|                         | Jan | Feb | Mar | Apr | May        | Jun |
|-------------------------|-----|-----|-----|-----|------------|-----|
| Flat Credits            | 31  | 28  | 31  | 30  | 31         | 30  |
| Stat Credits            | 20  | 30  | 30  | 30  | 30         | 30  |
| Work Credits            | 10  | 10  | 10  | 10  | 10         | 10  |
| Total Credits           | 61  | 68  | 71  | 70  | 71         | 70  |
| EOM Accumulated Credits | 61  | 129 | 200 | 270 | <b>341</b> | 411 |

This inmate attains parole eligibility on or about May 10th, or after approximately 5 1/3 months.

**Medium Custody Inmate 180 County Jail Credits**

|                         | Jan | Feb | Mar | Apr | May | Jun | Jul        |
|-------------------------|-----|-----|-----|-----|-----|-----|------------|
| Flat Credits            | 31  | 28  | 31  | 30  | 31  | 30  | 30         |
| Stat Credits            | 20  | 20  | 20  | 20  | 20  | 20  | 20         |
| Work Credits            | 0   | 0   | 0   | 0   | 0   | 0   | 10         |
| Total Credits           | 51  | 48  | 51  | 50  | 51  | 50  | 60         |
| EOM Accumulated Credits | 51  | 99  | 150 | 200 | 251 | 301 | <b>361</b> |

This inmate does not earn work credits on the first 180 days of his sentence which is credited as county jail credits. He earns 20 stat credits each month. Once he reaches the NDOC at the end of June, he begins earning work credits. He attains parole eligibility on or about August 2, or after approximately 7 months.

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STATE OF NEVADA  
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EDDIE GRAY JR., *Member*  
MICHAEL KEELER, *Member*  
MAURICE SILVA, *Member*

NEVADA BOARD OF PAROLE COMMISSIONERS

June 16, 2010

To: William Horne, Chairman  
Advisory Commission on the Administration of Justice

Members of the Advisory Commission on the Administration of Justice

From: Connie S. Bisbee, Chairman *C.S.B.*

Subject: Aggregated Sentences and Cost Analysis of Parole Denials to Consecutive Sentence

During the recent meeting of the Advisory Commission, I was requested to provide information on potential cost savings if Nevada's sentencing structure is converted to an aggregated sentencing scheme.

There are currently approximately 1,171 inmates who are serving a parole denial to a consecutive sentence in the NDOC. Of the 1,171 inmates, 817 inmates are serving strictly determinate sentences. The remaining 354 have a life sentence somewhere within their sentence structure.

A cursory review of the cases indicates that many are serving sentences for the most serious of crimes. There are a number, however, who are serving minor sentences, but because of a variety of reasons they have been denied parole to their consecutive sentences.

One objective of aggregating the minimum and maximum sentences is to allow for the inmate to adjust and program once arriving to prison in the hopes that by doing so, they would be more suitable for release on parole once they have served their minimum sentences.

Of the 817 inmates who are serving determinate consecutive sentences, the combined number of denial years (based on actual number of days served on one or more denial periods from minimum parole eligibility to today's date) equals 1,925.

Of the 354 inmates who are serving life sentences, or a combination of life and determinate sentences, the combined number of denial years equals 2,120.

Advisory Commissioner on the Administration of Justice  
June 16, 2010  
Page 2

Using a marginal cost of \$2,400 per inmate per year, the cost of the denials to consecutive sentences for the inmates serving determinant sentences equals approximately \$4,621,518.00 as of today's date. The marginal cost of the denials to consecutive sentence for the inmates serving life sentences equals approximately \$5,111,927.00 as of today's date.

It is important to note that many of these inmates, even if their sentences were aggregated, would be denied parole and never released from prison. If aggregating the sentences results in just 10% of these inmates being paroled at the initial hearing, the marginal cost savings would be approximately \$900,000.00.

Since there are currently over 3,000 inmates serving sentences which include a consecutive sentence within their sentence structure, the savings could be considerably more.

I hope this information is helpful to the committee in its evaluation of this proposal.

3

**NRS 180.010 Office created; term; qualifications; private practice of law prohibited; supervision; assignment of additional duties.**

1. The Office of State Public Defender is hereby created within the Department of Health and Human Services.

2. The Governor shall appoint the State Public Defender for a term of 4 years, and until a successor is appointed and qualified.

3. The State Public Defender:

(a) Must be an attorney licensed to practice law in the State of Nevada.

(b) Is in the unclassified service of the State.

(c) Except as otherwise provided in NRS 7.065, shall not engage in the private practice of law.

4. No officer or agency of the State, other than the Governor and the Director of the Department of Health and Human Services, may supervise the State Public Defender. No officer or agency of the State, other than the Governor, may assign the State Public Defender duties in addition to those prescribed by this chapter.

(Added to NRS by 1971, 1410; A 1973, 707; 1977, 1176; 1989, 202; 1993, 1518)

4

ASSEMBLY BILL NO. 114—COMMITTEE ON JUDICIARY

(ON BEHALF OF THE ADVISORY COMMISSION ON THE  
ADMINISTRATION OF JUSTICE)

PREFILED JANUARY 23, 2009

Referred to Committee on Judiciary

SUMMARY—Makes various changes concerning compensation to  
victims of crime. (BDR 16-624)

FISCAL NOTE: Effect on Local Government: No.  
Effect on the State: No.

EXPLANATION - Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to victims of crime; extending the time to appeal  
the denial of a claim for compensation to a victim of  
crime; providing for balances to remain within the Fund  
for the Compensation of Victims of Crime; and providing  
other matters properly relating thereto.

**Legislative Counsel's Digest:**

1 **Section 1** of this bill extends the time to appeal a compensation officer's denial  
2 of a claim seeking compensation from the Fund for the Compensation of Victims of  
3 Crime from 15 to 60 days. **Section 2** of this bill provides that any remaining money  
4 in the Fund for the Compensation of Victims of Crime at the end of the fiscal year  
5 must remain within the Fund and must not be reverted to the State General Fund.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN  
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 **Section 1.** NRS 217.110 is hereby amended to read as follows:  
2 217.110 1. Upon receipt of an application for compensation,  
3 the compensation officer shall review the application to determine  
4 whether the applicant qualifies for compensation. The compensation  
5 officer shall deny the claim within 5 days after receipt of the  
6 application if the applicant's ineligibility is apparent from the facts  
7 stated in the application. The applicant may appeal the denial to a  
8 hearing officer within ~~15~~ 60 days after the decision. If the hearing



\* A B 1 1 4 \*

1 officer determines that the applicant may be entitled to  
2 compensation, the hearing officer shall order the compensation  
3 officer to complete an investigation and render a decision pursuant  
4 to subsection 2. If the hearing officer denies the appeal, the  
5 applicant may appeal to an appeals officer pursuant to  
6 NRS 217.117.

7 2. If the compensation officer does not deny the application  
8 pursuant to subsection 1, or if he is ordered to proceed by the  
9 hearing officer, he shall conduct an investigation and, except as  
10 otherwise provided in subsection 4, render a decision within 60 days  
11 after his receipt of the application or order. If in conducting his  
12 investigation the compensation officer believes that:

- 13 (a) Reports on the previous medical history of the victim;
  - 14 (b) An examination of the victim and a report of that  
15 examination;
  - 16 (c) A report on the cause of death of the victim by an impartial  
17 medical expert; or
  - 18 (d) Investigative or police reports,
- 19 would aid him in making his decision, the compensation officer  
20 may order the reports.

21 3. Upon the request of a compensation officer pursuant to  
22 subsection 2 for investigative or police reports which concern a  
23 minor who committed a crime against the victim, a juvenile court or  
24 a law enforcement agency shall provide the compensation officer  
25 with a copy of the requested investigative or police reports. Any  
26 reports obtained by a compensation officer pursuant to this  
27 subsection are confidential and must not be disclosed except upon  
28 the lawful order of a court of competent jurisdiction.

29 4. When additional reports are requested pursuant to subsection  
30 2, the compensation officer shall render a decision in the case,  
31 including an order directing the payment of compensation, if  
32 compensation is due, within 15 days after receipt of the reports.

33 **Sec. 2.** NRS 217.260 is hereby amended to read as follows:

34 217.260 1. Money for payment of compensation as ordered  
35 by the Board and for payment of salaries and other expenses  
36 incurred by the Department of Administration pursuant to NRS  
37 217.010 to 217.270, inclusive, must be paid from the Fund for the  
38 Compensation of Victims of Crime, which is hereby created. Money  
39 in the Fund must be disbursed on the order of the Board in the same  
40 manner as other claims against the State are paid. The Board shall  
41 estimate quarterly:

- 42 (a) The revenue in the Fund which is available for the payment  
43 of compensation; and
- 44 (b) The anticipated expenses for the next quarter.



- 1   ↪ If the estimated expenses for the quarter exceed the available  
2 revenue, all claims paid in that quarter must be reduced in the same  
3 proportion as the expenses exceeded the revenue.
- 4   2. Money deposited in the Fund which is recovered from a  
5 forfeiture of assets pursuant to NRS 200.760 and the interest and  
6 income earned on that money must be used for the counseling and  
7 medical treatment of victims of crimes committed in violation of  
8 NRS 200.366, 200.710, 200.720, 200.725, 200.730 or 201.230.
- 9   3. The interest and income earned on the money in the Fund  
10 for the Compensation of Victims of Crime, after deducting any  
11 applicable charges, must be credited to the Fund.
- 12   4. *Any money remaining in the Fund for the Compensation*  
13 *of Victims of Crime at the end of each fiscal year does not revert to*  
14 *the State General Fund and must be carried over into the next*  
15 *fiscal year.*
- 16   **Sec. 3.** This act becomes effective upon passage and approval.



5

ASSEMBLY BILL NO. 252—ASSEMBLYMEN ANDERSON, HORNE, SMITH, HARDY; AIZLEY, BUCKLEY, CARPENTER, CONKLIN, GOEDHART, GOICOECHEA, HAMBRICK, KIRKPATRICK, MCARTHUR AND SEGERBLOM

MARCH 5, 2009

Referred to Committee on Corrections, Parole, and Probation

SUMMARY—Provides for the waiver of fees for the issuance of certain forms of identifying information for certain persons released from prison. (BDR 40-521)

FISCAL NOTE: Effect on Local Government: No.  
Effect on the State: Yes.

EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~is omitted material~~ is material to be omitted.

AN ACT relating to convicted persons; providing for the waiver of fees for the issuance of certain forms of identifying information for certain persons released from prison; and providing other matters properly relating thereto.

**Legislative Counsel’s Digest:**

1 Existing law provides for the waiver of certain fees relating to the issuance of  
2 certified copies of birth certificates and duplicate drivers’ licenses and  
3 identification cards to homeless persons. (NRS 440.175, 440.700, 483.417,  
4 483.825) **Sections 1-4** of this bill provide for a similar waiver of such fees for  
5 persons who were released from prison within the immediately preceding 6 months.  
6 **Section 5** of this bill requires the Department of Motor Vehicles to encourage  
7 vendors that have entered into an agreement with the Department to produce  
8 photographs for drivers’ licenses and identification cards to waive the costs charged  
9 to the Department to produce photographs for duplicate drivers’ licenses and  
10 identification cards for such former prisoners.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN  
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 **Section 1.** NRS 440.175 is hereby amended to read as follows:  
2 440.175 1. Upon request, the State Registrar may furnish  
3 statistical data to any federal, state, local or other public or private



1 agency, upon such terms or conditions as may be prescribed by the  
2 Board.

3 2. No person may prepare or issue any document which  
4 purports to be an original, certified copy, certified abstract or  
5 official copy of:

6 (a) A certificate of birth, death or fetal death, except as  
7 authorized in this chapter or by the Board.

8 (b) A certificate of marriage, except a county clerk, county  
9 recorder or a person so required pursuant to NRS 122.120.

10 (c) A decree of divorce or annulment of marriage, except a  
11 county clerk or the judge of a court of record.

12 3. A person or governmental organization which issues  
13 certified or official copies pursuant to paragraph (a) of subsection 2  
14 shall:

15 (a) Not charge a fee for issuing a certified or official copy of a  
16 certificate of birth to [a]:

17 (1) A homeless person who submits a signed affidavit on a  
18 form prescribed by the State Registrar stating that the person is  
19 homeless.

20 (2) A person who submits documentation from the  
21 Department of Corrections verifying that the person was released  
22 from prison within the immediately preceding 6 months.

23 (b) Remit to the State Registrar:

24 (1) For each registration of a birth or death in its district, \$2.

25 (2) For each copy issued of a certificate of birth in its district,  
26 other than a copy issued pursuant to paragraph (a), \$7.

27 (3) For each copy issued of a certificate of death in its  
28 district, \$1.

29 **Sec. 2.** NRS 440.700 is hereby amended to read as follows:

30 440.700 1. Except as otherwise provided in this section, the  
31 State Registrar shall charge and collect the following fees:

|    |                                                       |
|----|-------------------------------------------------------|
| 32 |                                                       |
| 33 | For searching the files for one name, if no copy is   |
| 34 | made..... \$8                                         |
| 35 | For verifying a vital record ..... 8                  |
| 36 | For establishing and filing a record of paternity     |
| 37 | (other than a hospital-based paternity), and          |
| 38 | providing a certified copy of the new record..... 20  |
| 39 | For a certified copy of a record of birth ..... 13    |
| 40 | For a certified copy of a record of death originating |
| 41 | in a county in which the board of county              |
| 42 | commissioners has not created an account for          |
| 43 | the support of the office of the county coroner       |
| 44 | pursuant to NRS 259.025 ..... 10                      |



1 For a certified copy of a record of death originating  
2 in a county in which the board of county  
3 commissioners has created an account for the  
4 support of the office of the county coroner  
5 pursuant to NRS 259.025 ..... \$11  
6 For correcting a record on file with the State  
7 Registrar and providing a certified copy of the  
8 corrected record ..... 20  
9 For replacing a record on file with the State  
10 Registrar and providing a certified copy of the  
11 new record..... 20  
12 For filing a delayed certificate of birth and  
13 providing a certified copy of the certificate..... 20  
14 For the services of a notary public, provided by the  
15 State Registrar ..... 2  
16 For an index of records of marriage provided on  
17 microfiche to a person other than a county clerk  
18 or a county recorder of a county of this State ..... 200  
19 For an index of records of divorce provided on  
20 microfiche to a person other than a county clerk  
21 or a county recorder of a county in this State ..... 100  
22 For compiling data files which require specific  
23 changes in computer programming..... 200  
24

25 2. The fee collected for furnishing a copy of a certificate of  
26 birth or death includes the sum of \$3 for credit to the Children's  
27 Trust Account created by NRS 432.131.

28 3. The fee collected for furnishing a copy of a certificate of  
29 death includes the sum of \$1 for credit to the Review of Death of  
30 Children Account created by NRS 432B.409.

31 4. The State Registrar shall not charge a fee for furnishing a  
32 certified copy of a record of birth to **[a]** :

33 *(a) A homeless person who submits a signed affidavit on a form*  
34 *prescribed by the State Registrar stating that the person is homeless.*

35 *(b) A person who submits documentation from the Department*  
36 *of Corrections verifying that the person was released from prison*  
37 *within the immediately preceding 6 months.*

38 5. The fee collected for furnishing a copy of a certificate of  
39 death originating in a county in which the board of county  
40 commissioners has created an account for the support of the office  
41 of the county coroner pursuant to NRS 259.025 includes the sum of  
42 \$1 for credit to the account for the support of the office of the  
43 county coroner of the county in which the certificate originates.

44 6. Upon the request of any parent or guardian, the State  
45 Registrar shall supply, without the payment of a fee, a certificate



1 limited to a statement as to the date of birth of any child as disclosed  
2 by the record of such birth when the certificate is necessary for  
3 admission to school or for securing employment.

4 7. The United States Bureau of the Census may obtain, without  
5 expense to the State, transcripts or certified copies of births and  
6 deaths without payment of a fee.

7 **Sec. 3.** NRS 483.417 is hereby amended to read as follows:

8 483.417 1. The Department shall waive the fee prescribed by  
9 NRS 483.410 and the increase in the fee required by NRS 483.347  
10 not more than one time for furnishing a duplicate driver's license to  
11 ~~[a]~~:

12 (a) A homeless person who submits a signed affidavit on a form  
13 prescribed by the Department stating that the person is homeless.

14 (b) *A person who submits documentation from the Department  
15 of Corrections verifying that the person was released from prison  
16 within the immediately preceding 6 months.*

17 2. A vendor that has entered into an agreement with the  
18 Department to produce photographs for drivers' licenses pursuant to  
19 NRS 483.347 may waive the cost it charges the Department to  
20 produce the photograph of a homeless person *or person released  
21 from prison* for a duplicate driver's license.

22 3. If the vendor does not waive pursuant to subsection 2 the  
23 cost it charges the Department and the Department has waived the  
24 increase in the fee required by NRS 483.347 for a duplicate driver's  
25 license furnished to a ~~[homeless]~~ person pursuant to subsection 1,  
26 the ~~[homeless]~~ person shall reimburse the Department in an amount  
27 equal to the increase in the fee required by NRS 483.347 if the  
28 ~~[homeless]~~ person:

29 (a) Applies to the Department for the renewal of his driver's  
30 license; and

31 (b) Is employed at the time of such application.

32 4. The Department may accept gifts, grants and donations of  
33 money to fund the provision of duplicate drivers' licenses without a  
34 fee to ~~[homeless persons.]~~ *persons pursuant to subsection 1.*

35 **Sec. 4.** NRS 483.825 is hereby amended to read as follows:

36 483.825 1. The Department shall waive the fee prescribed by  
37 NRS 483.820 and the increase in the fee required by NRS 483.347  
38 not more than one time for furnishing a duplicate identification card  
39 to ~~[a]~~:

40 (a) A homeless person who submits a signed affidavit on a form  
41 prescribed by the Department stating that the person is homeless.

42 (b) *A person who submits documentation from the Department  
43 of Corrections verifying that the person was released from prison  
44 within the immediately preceding 6 months.*



1 2. A vendor that has entered into an agreement with the  
2 Department to produce photographs for identification cards pursuant  
3 to NRS 483.347 may waive the cost it charges the Department to  
4 produce the photograph of a homeless person *or person released*  
5 *from prison* for a duplicate identification card.

6 3. If the vendor does not waive pursuant to subsection 2 the  
7 cost it charges the Department and the Department has waived the  
8 increase in the fee required by NRS 483.347 for a duplicate  
9 identification card furnished to a ~~homeless~~ person pursuant to  
10 subsection 1, the ~~homeless~~ person shall reimburse the Department  
11 in an amount equal to the increase in the fee required by NRS  
12 483.347 if the ~~homeless~~ person:

13 (a) Applies to the Department for the renewal of his  
14 identification card; and

15 (b) Is employed at the time of such application.

16 4. The Department may accept gifts, grants and donations of  
17 money to fund the provision of duplicate identification  
18 cards without a fee to ~~homeless persons.~~ *persons pursuant to*  
19 *subsection 1.*

20 5. As used in this section, "photograph" has the meaning  
21 ascribed to it in NRS 483.125.

22 **Sec. 5.** The Department of Motor Vehicles shall encourage  
23 each vendor that has entered into an agreement with the Department  
24 to produce photographs for drivers' licenses and identification cards  
25 pursuant to NRS 483.347 to waive the cost it charges the  
26 Department to produce photographs for duplicate drivers' licenses  
27 or identification cards furnished to persons released from prison  
28 within the immediately preceding 6 months pursuant to subsection 2  
29 of NRS 483.417, as amended by section 3 of this act, and subsection  
30 2 of NRS 483.825, as amended by section 4 of this act.

31 **Sec. 6.** This act becomes effective on July 1, 2009.



6

**NRS 205.08345 Participation in organized retail theft ring; penalties; determination of amount involved in thefts committed by organized retail theft ring; venue.**

1. A person who participates in an organized retail theft ring is guilty of a category B felony and shall be punished by imprisonment in the state prison for:

(a) If the aggregated value of the property or services involved in all thefts committed by the organized retail theft ring in this State during a period of 90 days is at least \$2,500 but less than \$10,000, a minimum term of not less than 1 year and a maximum term of not more than 10 years, and by a fine of not more than \$10,000.

(b) If the aggregated value of the property or services involved in all thefts committed by the organized retail theft ring in this State during a period of 90 days is \$10,000 or more, a minimum term of not less than 2 years and a maximum term of not more than 15 years, and by a fine of not more than \$20,000.

2. In addition to any other penalty, the court shall order a person who violates this section to pay restitution.

3. For the purposes of this section, in determining the aggregated value of the property or services involved in all thefts committed by an organized retail theft ring in this State during a period of 90 days:

(a) The amount involved in a single theft shall be deemed to be the highest value, by any reasonable standard, of the property or services which are obtained; and

(b) The amounts involved in all thefts committed by all participants in the organized retail theft ring must be aggregated.

4. In any prosecution for a violation of this section, the violation shall be deemed to have been committed and may be prosecuted in any jurisdiction in this State in which any theft committed by any participant in an organized retail theft ring was committed, regardless of whether the defendant was ever physically present in that jurisdiction.

5. As used in this section:

(a) "Merchant" has the meaning ascribed to it in NRS 597.850.

(b) "Organized retail theft ring" means three or more persons who associate for the purpose of engaging in the conduct of committing a series of thefts of retail merchandise against more than one merchant in this State or against one merchant but at more than one location of a retail business of the merchant in this State.

(Added to NRS by 2007, 682)

**NRS 205.0835 Penalties.**

1. Unless a greater penalty is imposed by a specific statute and unless the provisions of NRS 205.08345 apply under the circumstances, a person who commits theft in violation of any provision of NRS 205.0821 to 205.0835, inclusive, shall be punished pursuant to the provisions of this section.

2. If the value of the property or services involved in the theft is less than \$250, the person who committed the theft is guilty of a misdemeanor.

3. If the value of the property or services involved in the theft is \$250 or more but less than \$2,500, the person who committed the theft is guilty of a category C felony and shall be punished as provided in NRS 193.130.

4. If the value of the property or services involved in the theft is \$2,500 or more, the person who committed the theft is guilty of a category B felony and shall be punished

by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 10 years, and by a fine of not more than \$10,000.

5. In addition to any other penalty, the court shall order the person who committed the theft to pay restitution.

(Added to NRS by 1989, 1205; A 1995, 1216; 1997, 340; 2007, 683)

**NRS 205.220 Grand larceny: Definition.** Except as otherwise provided in NRS 205.226 and 205.228, a person commits grand larceny if the person:

1. Intentionally steals, takes and carries away, leads away or drives away:

(a) Personal goods or property, with a value of \$250 or more, owned by another person;

(b) Bedding, furniture or other property, with a value of \$250 or more, which the person, as a lodger, is to use in or with his or her lodging and which is owned by another person; or

(c) Real property, with a value of \$250 or more, that the person has converted into personal property by severing it from real property owned by another person.

2. Uses a card or other device for automatically withdrawing or transferring money in a financial institution to obtain intentionally money to which the person knows he or she is not entitled.

3. Intentionally steals, takes and carries away, leads away, drives away or entices away:

(a) One or more head of livestock owned by another person; or

(b) One or more domesticated animals or domesticated birds, with an aggregate value of \$250 or more, owned by another person.

4. With the intent to defraud, steal, appropriate or prevent identification:

(a) Marks or brands, causes to be marked or branded, alters or defaces a mark or brand, or causes to be altered or defaced a mark or brand upon one or more head of livestock owned by another person;

(b) Sells or purchases the hide or carcass of one or more head of livestock owned by another person that has had a mark or brand cut out or obliterated;

(c) Kills one or more head of livestock owned by another person but running at large, whether or not the livestock is marked or branded; or

(d) Kills one or more domesticated animals or domesticated birds, with an aggregate value of \$250 or more, owned by another person but running at large, whether or not the animals or birds are marked or branded.

[1911 C&P § 373; A 1915, 119; 1947, 85; 1949, 127; 1943 NCL § 10323]—  
(NRS A 1965, 1007; 1967, 499; 1969, 531; 1979, 155, 1444; 1983, 546; 1989, 71, 1433; 1995, 13, 1221, 1323; 1997, 341)

**NRS 205.222 Grand larceny: Penalties.**

1. Unless a greater penalty is imposed by a specific statute, a person who commits grand larceny in violation of NRS 205.220 shall be punished pursuant to the provisions of this section.

2. If the value of the property involved in the grand larceny is less than \$2,500, the person who committed the grand larceny is guilty of a category C felony and shall be punished as provided in NRS 193.130.

3. If the value of the property involved in the grand larceny is \$2,500 or more, the person who committed the grand larceny is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 10 years, and by a fine of not more than \$10,000.

4. In addition to any other penalty, the court shall order the person who committed the grand larceny to pay restitution.

5. If the grand larceny involved a sale in violation of subsection 3 or 4 of NRS 205.220, all proceeds from the sale are subject to forfeiture.

(Added to NRS by 1997, 339)

**NRS 205.226 Grand larceny of firearm; penalty.**

**NRS 205.226 Grand larceny of firearm; penalty.**

1. A person who intentionally steals, takes and carries away a firearm owned by another person commits grand larceny of a firearm.

2. A person who commits grand larceny of a firearm is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 10 years, and by a fine of not more than \$10,000.

3. In addition to any other penalty, the court shall order the person who committed the grand larceny of the firearm to pay restitution.

(Added to NRS by 1997, 340)

**NRS 205.228 Grand larceny of motor vehicle; penalty.**

1. A person who intentionally steals, takes and carries away, drives away or otherwise removes a motor vehicle owned by another person commits grand larceny of a motor vehicle.

2. Except as otherwise provided in subsection 3, a person who commits grand larceny of a motor vehicle is guilty of a category C felony and shall be punished as provided in NRS 193.130.

3. If the prosecuting attorney proves that the value of the motor vehicle involved in the grand larceny is \$2,500 or more, the person who committed the grand larceny of the motor vehicle is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 10 years, and by a fine of not more than \$10,000.

4. In addition to any other penalty, the court shall order the person who committed the grand larceny of the motor vehicle to pay restitution.

(Added to NRS by 1997, 340)

**NRS 205.240 Petit larceny; penalty.**

1. Except as otherwise provided in NRS 205.220, 205.226, 205.228 and 475.105, a person commits petit larceny if the person:

(a) Intentionally steals, takes and carries away, leads away or drives away:

(1) Personal goods or property, with a value of less than \$250, owned by another person;

(2) Bedding, furniture or other property, with a value of less than \$250, which the person, as a lodger, is to use in or with his or her lodging and which is owned by another person; or

(3) Real property, with a value of less than \$250, that the person has converted into personal property by severing it from real property owned by another person.

(b) Intentionally steals, takes and carries away, leads away, drives away or entices away one or more domesticated animals or domesticated birds, with an aggregate value of less than \$250, owned by another person.

2. Unless a greater penalty is provided pursuant to NRS 205.267, a person who commits petit larceny is guilty of a misdemeanor. In addition to any other penalty, the court shall order the person to pay restitution.

[1911 C&P § 374; A 1947, 85; 1949, 127; 1943 NCL § 10324]—(NRS A 1965, 300, 1007; 1967, 500; 1969, 531; 1983, 547; 1985, 751; 1989, 1434; 1995, 13; 1997, 342, 1114; 1999, 3109; 2009, 1243)

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(Reprinted with amendments adopted on April 16, 2009)  
**FIRST REPRINT** **A.B. 271**

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ASSEMBLY BILL NO. 271—COMMITTEE ON JUDICIARY

(ON BEHALF OF THE ADVISORY COMMISSION ON THE  
ADMINISTRATION OF JUSTICE)

MARCH 9, 2009

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Referred to Committee on Judiciary

**SUMMARY**—Makes various changes relating to the collection of fines, administrative assessments, fees and restitution owed by certain convicted persons. (BDR 14-903)

**FISCAL NOTE:** Effect on Local Government: No.  
Effect on the State: No.

EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

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AN ACT relating to convicted persons; requiring the Office of Court Administrator to collect fines, administrative assessments, fees and restitution from a person convicted of certain offenses; providing that a person convicted of certain offenses may be placed on administrative probation under certain circumstances; and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

1 Existing law provides that if a fine, administrative assessment, fee or restitution  
2 imposed upon a defendant is delinquent: (1) the defendant is liable for a collection  
3 fee; (2) the entity responsible for collecting the delinquent amount may report the  
4 delinquency to credit reporting agencies, may contract with a collection agency and  
5 may request that the court take appropriate action; and (3) the court may request  
6 that a prosecuting attorney undertake collection efforts, may order the suspension  
7 of the driver's license of the defendant and may, in the case of a delinquent fine or  
8 administrative assessment, order that the defendant be confined in the appropriate  
9 prison, jail or detention facility. (NRS 176.064)

10 **Sections 1, 3 and 6** of this bill provide that if a defendant is ordered to pay a  
11 fine, administrative assessment, fee or restitution for a felony or gross  
12 misdemeanor, the Office of Court Administrator is responsible for: (1) collecting  
13 the fine, administrative assessment, fee or restitution; and (2) distributing the fine,  
14 administrative assessment, fee or restitution to the entity entitled to receive it.  
15 **Section 1** also requires: (1) each district court, the Chief of the Division of Parole  
16 and Probation of the Department of Public Safety and the Director of the  
17 Department of Corrections to provide, upon request and in the manner prescribed



18 by the Office of Court Administrator, necessary information to the Office of Court  
19 Administrator regarding the amount of any fine, administrative assessment, fee or  
20 restitution owed by a person convicted of a felony or gross misdemeanor; and (2)  
21 the Office of Court Administrator to collaborate with each judicial district, the  
22 Department of Public Safety, the Department of Corrections and any other state or  
23 local agency involved in the collection of fines, administrative assessments, fees or  
24 restitution.

25 Existing law provides that a court may suspend the execution of the sentence of  
26 a person and grant probation to the person under certain circumstances. (NRS  
27 176A.100) **Sections 2 and 5** of this bill provide that at the time of granting  
28 probation to a person convicted of a felony or gross misdemeanor or during or at  
29 the termination of the period of probation of such a person, the court may also place  
30 the person on administrative probation, to commence after termination of the period  
31 of probation, if any fine, administrative assessment, fee or restitution is imposed  
32 against the person as part of his sentence. During the period of administrative  
33 probation: (1) the Office of Court Administrator is required to supervise the person  
34 to ensure the collection of any fine, administrative assessment, fee or restitution  
35 owed; (2) the person is not required to pay any fee for supervision; and (3) the  
36 person remains subject to certain statutory provisions that authorize the court to  
37 take action against the person, including suspending his driver's license.

38 **Section 4** of this bill authorizes the court to terminate the period of probation of  
39 a person and order that the person be placed on administrative probation if the  
40 person has satisfied all conditions of his probation other than the payment of any  
41 fines, administrative assessments, fees or restitution. (NRS 176A.500)

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THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN  
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 **Section 1.** NRS 176.064 is hereby amended to read as follows:

2 176.064 1. *If a fine, administrative assessment, fee or*  
3 *restitution is imposed upon a defendant pursuant to this chapter*  
4 *for a felony or gross misdemeanor, the Office of Court*  
5 *Administrator shall, in collaboration with the appropriate district*  
6 *court, the Department of Public Safety, the Department of*  
7 *Corrections and any other state or local agency involved in the*  
8 *collection of fines, administrative assessments, fees or restitution:*

9 (a) *Collect the fine, administrative assessment, fee or*  
10 *restitution from each defendant through any lawful means,*  
11 *including, without limitation, taking any or all of the actions set*  
12 *forth in this section; and*

13 (b) *Distribute the fine, administrative assessment, fee or*  
14 *restitution collected to the entity that is entitled to receive the fine,*  
15 *administrative assessment, fee or restitution.*

16 2. If a fine, administrative assessment, fee or restitution is  
17 imposed upon a defendant pursuant to this chapter, whether or not  
18 the fine, administrative assessment, fee or restitution is in addition  
19 to any other punishment, and the fine, administrative assessment,  
20 fee or restitution or any part of it remains unpaid after the time  
21 established by the court for its payment, the defendant is liable for a



1 collection fee, to be imposed by the court at the time it finds that the  
2 fine, administrative assessment, fee or restitution is delinquent, of:

3 (a) Not more than \$100, if the amount of the delinquency is less  
4 than \$2,000.

5 (b) Not more than \$500, if the amount of the delinquency is  
6 \$2,000 or greater, but is less than \$5,000.

7 (c) Ten percent of the amount of the delinquency, if the amount  
8 of the delinquency is \$5,000 or greater.

9 ~~[2. — A state]~~

10 3. *The Office of Court Administrator* or a local entity that is  
11 responsible for collecting a delinquent fine, administrative  
12 assessment, fee or restitution may, in addition to attempting to  
13 collect the fine, administrative assessment, fee or restitution through  
14 any other lawful means, take any or all of the following actions:

15 (a) Report the delinquency to reporting agencies that assemble  
16 or evaluate information concerning credit.

17 (b) Request that the court take appropriate action pursuant to  
18 subsection ~~[3.]~~ 4.

19 (c) Contract with a collection agency licensed pursuant to NRS  
20 649.075 to collect the delinquent amount and the collection fee. The  
21 collection agency must be paid as compensation for its services an  
22 amount not greater than the amount of the collection fee imposed  
23 pursuant to subsection ~~[4.]~~ 2, in accordance with the provisions of  
24 the contract.

25 ~~[3.]~~ 4. The court may, on its own motion or at the request of ~~[a~~  
26 ~~state]~~ *the Office of Court Administrator* or a local entity that is  
27 responsible for collecting the delinquent fine, administrative  
28 assessment, fee or restitution, take any or all of the following  
29 actions, in the following order of priority if practicable:

30 (a) Request that a prosecuting attorney undertake collection of  
31 the delinquency, including, without limitation, the original amount  
32 and the collection fee, by attachment or garnishment of the  
33 defendant's property, wages or other money receivable.

34 (b) Order the suspension of the driver's license of the defendant.  
35 If the defendant does not possess a driver's license, the court may  
36 prohibit the defendant from applying for a driver's license for a  
37 specified period. If the defendant is already the subject of a court  
38 order suspending or delaying the issuance of his driver's license, the  
39 court may order the additional suspension or delay, as appropriate,  
40 to apply consecutively with the previous order. At the time the court  
41 issues an order suspending the driver's license of a defendant  
42 pursuant to this paragraph, the court shall require the defendant to  
43 surrender to the court all driver's licenses then held by the  
44 defendant. The court shall, within 5 days after issuing the order,  
45 forward to the Department of Motor Vehicles the licenses, together



\* A B 2 7 1 R 1 \*

1 with a copy of the order. At the time the court issues an order  
2 pursuant to this paragraph delaying the ability of a defendant to  
3 apply for a driver's license, the court shall, within 5 days after  
4 issuing the order, forward to the Department of Motor Vehicles a  
5 copy of the order. The Department of Motor Vehicles shall report a  
6 suspension pursuant to this paragraph to an insurance company or  
7 its agent inquiring about the defendant's driving record, but such a  
8 suspension must not be considered for the purpose of rating or  
9 underwriting.

10 (c) For a delinquent fine or administrative assessment, order the  
11 confinement of the person in the appropriate prison, jail or detention  
12 facility, as provided in NRS 176.065 and 176.075.

13 ~~H-1~~ 5. Money collected from a collection fee imposed pursuant  
14 to subsection ~~H-1~~ 2 must be distributed in the following manner:

15 (a) Except as otherwise provided in paragraph (d), if the money  
16 is collected by or on behalf of a municipal court, the money must be  
17 deposited in a special fund in the appropriate city treasury. The city  
18 may use the money in the fund only to develop and implement a  
19 program for the collection of fines, administrative assessments, fees  
20 and restitution.

21 (b) Except as otherwise provided in paragraph (d), if the money  
22 is collected by or on behalf of a Justice Court or district court, the  
23 money must be deposited in a special fund in the appropriate county  
24 treasury. The county may use the money in the special fund only to  
25 develop and implement a program for the collection of fines,  
26 administrative assessments, fees and restitution.

27 (c) Except as otherwise provided in paragraph (d), if the money  
28 is collected by ~~[a state entity,]~~ *the Office of Court Administrator,*  
29 the money must be deposited in an account, which is hereby created  
30 in the State Treasury. The *Office of Court Administrator* may use  
31 the money in the account ~~[only]~~ to develop and implement a  
32 program for the collection of fines, administrative assessments, fees  
33 and restitution ~~[in this State.]~~ *and to pay any costs associated with*  
34 *the administrative probation of persons as set forth in section 2 of*  
35 *this act.*

36 (d) If the money is collected by a collection agency, after the  
37 collection agency has been paid its fee pursuant to the terms of the  
38 contract, any remaining money must be deposited in the state, city  
39 or county treasury, whichever is appropriate, to be used ~~[only]~~ for  
40 the purposes set forth in paragraph (a), (b) or (c) of this subsection.

41 **6. To carry out the provisions of this section:**

42 (a) *Each district court, the Chief of the Division of Parole and*  
43 *Probation of the Department of Public Safety and the Director of*  
44 *the Department of Corrections shall, upon the request of and in*  
45 *the manner prescribed by the Office of Court Administrator,*



1 provide to the Office of Court Administrator such information in  
2 their possession regarding the amount of any fine, administrative  
3 assessment, fee or restitution owed by a person convicted of a  
4 felony or gross misdemeanor as determined necessary by the  
5 Office of Court Administrator.

6 (b) The Office of Court Administrator shall collaborate with  
7 each district court, the Department of Public Safety, the  
8 Department of Corrections and any other state or local agency  
9 involved in the collection of fines, administrative assessments, fees  
10 or restitution.

11 **Sec. 2.** Chapter 176A of NRS is hereby amended by adding  
12 thereto a new section to read as follows:

13 1. If a person is convicted of a felony or gross misdemeanor  
14 and granted probation pursuant to this chapter, the court may, at  
15 the time of granting probation or, upon request of the Office of  
16 Court Administrator or the Chief Parole and Probation Officer,  
17 during or at the termination of the period of probation, also  
18 impose a period of administrative probation, to commence after  
19 termination of the period of probation, if any fine, administrative  
20 assessment, fee or restitution is imposed on the person as part of  
21 his judgment and sentence.

22 2. During the period of administrative probation, the Office  
23 of Court Administrator shall supervise the person placed on  
24 administrative probation to ensure the collection of any fine,  
25 administrative assessment, fee or restitution imposed on the  
26 person as part of his judgment and sentence.

27 3. The period of administrative probation must last for a fixed  
28 time as determined by the court, except that the court may  
29 terminate the administrative probation before the fixed time if the  
30 person placed on administrative probation has paid all required  
31 fines, administrative assessments, fees and restitution.

32 4. A person placed on administrative probation:

33 (a) Is not required to pay any fee for supervision pursuant to  
34 NRS 213.1076 or any other provision of law during the period of  
35 administrative probation; and

36 (b) Except as otherwise provided in this paragraph, remains  
37 subject to the provisions of NRS 176.064, and the Office of Court  
38 Administrator may attempt to collect any fines, administrative  
39 assessments, fees and restitution owed by the person through any  
40 lawful means, including, without limitation, taking any or all of  
41 the actions set forth in NRS 176.064. A person placed on  
42 administrative probation is not subject to confinement in the  
43 appropriate prison, jail or detention facility, as provided in NRS  
44 176.065 and 176.075, for a delinquent fine or administrative  
45 assessment.



1       5. *Except as otherwise provided in this section, administrative*  
2 *probation pursuant to this section shall be deemed not to*  
3 *constitute a form of probation for the purposes of any other*  
4 *provision of law.*

5       **Sec. 3.** NRS 176A.430 is hereby amended to read as follows:

6       176A.430 1. The court shall order as a condition of probation  
7 or suspension of sentence, in appropriate circumstances, that the  
8 defendant make full or partial restitution to the person or persons  
9 named in the order, at the times and in the amounts specified in the  
10 order unless the court finds that restitution is impracticable. Such an  
11 order may require payment for medical or psychological treatment  
12 of any person whom the defendant has injured. In appropriate  
13 circumstances, the court shall include as a condition of probation or  
14 suspension of sentence that the defendant execute an assignment of  
15 wages earned by him while on probation or subject to the conditions  
16 of suspension of sentence to the **[Division] Office of Court**  
17 **Administrator** for restitution.

18       2. All money received by the **[Division] Office of Court**  
19 **Administrator** for restitution for:

- 20       (a) One victim may; and  
21       (b) More than one victim must,

22       ➤ be deposited with the State Treasurer for credit to the Restitution  
23 Trust Fund. All payments from the Fund must be paid as other  
24 claims against the State are paid.

25       3. If restitution is not required, the court shall set forth the  
26 circumstances upon which it finds restitution impracticable in its  
27 order of probation or suspension of sentence.

28       4. Failure to comply with the terms of an order for restitution is  
29 a violation of a condition of probation or suspension of sentence  
30 unless the defendant's failure has been caused by economic hardship  
31 resulting in his inability to pay the amount due. The defendant is  
32 entitled to a hearing to show the existence of such a hardship.

33       5. If, within 3 years after the defendant has been discharged  
34 from probation, the **[Division] Office of Court Administrator** has  
35 not located the person to whom the restitution was ordered, the  
36 money paid by the defendant must be deposited with the State  
37 Treasurer for credit to the Fund for the Compensation of Victims of  
38 Crime.

39       **Sec. 4.** NRS 176A.500 is hereby amended to read as follows:

40       176A.500 1. The period of probation or suspension of  
41 sentence may be indeterminate or may be fixed by the court and  
42 may at any time be extended or terminated by the court, but the  
43 period, including any extensions thereof, must not be more than:

- 44       (a) Three years for a:  
45       (1) Gross misdemeanor; or



1 (2) Suspension of sentence pursuant to NRS 176A.260 or  
2 453.3363; or

3 (b) Five years for a felony.

4 *↪ At any time during the period of probation or suspension of*  
5 *sentence, if a probationer has satisfied all conditions of probation*  
6 *other than the payment of any fines, administrative assessments,*  
7 *fees or restitution, the court may terminate the period of probation*  
8 *and order that the person be placed on administrative probation as*  
9 *set forth in section 2 of this act. Any period of administrative*  
10 *probation ordered by the court pursuant to this subsection or*  
11 *section 2 of this act must not be counted or considered for the*  
12 *purposes of the limitation on the period of probation set forth in*  
13 *this subsection.*

14 2. At any time during probation or suspension of sentence, the  
15 court may issue a warrant for violating any of the conditions of  
16 probation or suspension of sentence and cause the defendant to be  
17 arrested. Except for the purpose of giving a dishonorable discharge  
18 from probation, and except as otherwise provided in this subsection,  
19 the time during which a warrant for violating any of the conditions  
20 of probation is in effect is not part of the period of probation. If the  
21 warrant is cancelled or probation is reinstated, the court may include  
22 any amount of that time as part of the period of probation.

23 3. Any parole and probation officer or any peace officer with  
24 power to arrest may arrest a probationer without a warrant, or may  
25 deputize any other officer with power to arrest to do so by giving  
26 him a written statement setting forth that the probationer has, in the  
27 judgment of the parole and probation officer, violated the conditions  
28 of probation. Except as otherwise provided in subsection 4, the  
29 parole and probation officer, or the peace officer, after making an  
30 arrest shall present to the detaining authorities, if any, a statement of  
31 the charges against the probationer. The parole and probation officer  
32 shall at once notify the court which granted probation of the arrest  
33 and detention or residential confinement of the probationer and shall  
34 submit a report in writing showing in what manner the probationer  
35 has violated the conditions of probation.

36 4. A parole and probation officer or a peace officer may  
37 immediately release from custody without any further proceedings  
38 any person he arrests without a warrant for violating a condition of  
39 probation if the parole and probation officer or peace officer  
40 determines that there is no probable cause to believe that the person  
41 violated the condition of probation.

42 5. An offender who is sentenced to serve a period of probation  
43 for a felony who has no serious infraction of the regulations of the  
44 Division, the terms and conditions of his probation or the laws of  
45 the State recorded against him, and who performs in a faithful,



1 orderly and peaceable manner the duties assigned to him, must be  
2 allowed for the period of his probation a deduction of 20 days from  
3 that period for each month he serves.

4 **Sec. 5.** NRS 213.1076 is hereby amended to read as follows:  
5 213.1076 1. The Division shall:

6 (a) Except as otherwise provided in this section, charge each  
7 parolee, probationer or person supervised by the Division through  
8 residential confinement a fee to defray the cost of his supervision.

9 (b) Adopt by regulation a schedule of fees to defray the costs of  
10 supervision of a parolee, probationer or person supervised by the  
11 Division through residential confinement. The regulation must  
12 provide for a monthly fee of at least \$30.

13 2. The Chief may waive the fee to defray the cost of  
14 supervision, in whole or in part, if he determines that payment of the  
15 fee would create an economic hardship on the parolee, probationer  
16 or person supervised by the Division through residential  
17 confinement.

18 3. Unless waived pursuant to subsection 2, the payment by a  
19 parolee, probationer or person supervised by the Division through  
20 residential confinement of a fee charged pursuant to subsection 1 is  
21 a condition of his parole, probation or residential confinement.

22 4. *This section does not apply to a person who is subject to*  
23 *administrative probation pursuant to NRS 176A.500 or section 2*  
24 *of this act.*

25 **Sec. 6.** NRS 213.126 is hereby amended to read as follows:

26 213.126 1. Unless complete restitution was made while the  
27 parolee was incarcerated, the Board shall impose as a condition of  
28 parole, in appropriate circumstances, a requirement that the parolee  
29 make restitution to the person or persons named in the statement of  
30 parole conditions, including restitution to a governmental entity for  
31 expenses related to extradition, at the times specified in the  
32 statement unless the Board finds that restitution is impracticable.  
33 The amount of restitution must be the amount set by the court  
34 pursuant to NRS 176.033. In appropriate circumstances, the Board  
35 shall include as a condition of parole that the parolee execute an  
36 assignment of wages earned by him while on parole to the  
37 **[Division] Office of Court Administrator** for restitution.

38 2. All money received by the **[Division] Office of Court**  
39 **Administrator** for restitution for:

- 40 (a) One victim may; and  
41 (b) More than one victim must,

42 be deposited in the State Treasury for credit to the Restitution  
43 Trust Fund which is hereby created.

44 3. The **[Division] Office of Court Administrator** shall make  
45 pro rata payments from the money received from the parolee to each



1 person to whom the restitution was ordered pursuant to NRS  
2 176.033. Such a payment must be made:

3 (a) If the money received from the parolee in a single payment is  
4 \$200 or more or if the total accumulated amount received from the  
5 parolee is \$200 or more, whenever money is received from the  
6 parolee.

7 (b) If the money received from the parolee in a single payment  
8 is less than \$200 or if the total accumulated amount received from  
9 the parolee is less than \$200, at the end of each year until the  
10 parolee has paid the entire restitution owed.

11 Any money received from the parolee that is remaining at the end  
12 of each year must be paid at that time in pro rata payments to each  
13 person to whom the restitution was ordered. A final pro rata  
14 payment must be made to such persons when the parolee pays the  
15 entire restitution owed.

16 4. A person to whom restitution was ordered pursuant to NRS  
17 176.033 may at any time file an application with the *[Division]*  
18 *Office of Court Administrator* requesting the *[Division]* *Office of*  
19 *Court Administrator* to make a pro rata payment from the money  
20 received from the parolee. If the *[Division]* *Office of Court*  
21 *Administrator* finds that the applicant is suffering a serious financial  
22 hardship and is in need of financial assistance, the *[Division]* *Office*  
23 *of Court Administrator* shall pay to the applicant his pro rata share  
24 of the money received from the parolee.

25 5. All payments from the Fund must be paid as other claims  
26 against the State are paid.

27 6. If restitution is not required, the Board shall set forth the  
28 circumstances upon which it finds restitution impracticable in its  
29 statement of parole conditions.

30 7. Failure to comply with a restitution requirement imposed by  
31 the Board is a violation of a condition of parole unless the parolee's  
32 failure was caused by economic hardship resulting in his inability to  
33 pay the amount due. The defendant is entitled to a hearing to show  
34 the existence of that hardship.

35 8. If, within 3 years after the parolee is discharged from parole,  
36 the *[Division]* *Office of Court Administrator* has not located the  
37 person to whom the restitution was ordered, the money paid to the  
38 *[Division]* *Office of Court Administrator* by the parolee must be  
39 deposited in the fund for the compensation of victims of crime.

40 **Sec. 7.** This act becomes effective on January 1, 2010.



**Proposal for Legislation to Centralize the Collection of Fines, Administrative Assessments, Fees and Restitution**

Request a Bill Draft Request that:

- Makes the State Controller responsible for collecting fines, administrative assessments, fees and restitution owed by a defendant and makes the State Controller responsible for distributing any amounts so collected from a convicted person.
- Requires the district court, Chief of the Division of Parole and Probation of the Department of Public Safety and Director of the Department of Corrections to provide, upon the request of the State Controller and in the manner prescribed by the State Controller, any information the State Controller deems necessary regarding the amount of any fine, administrative assessment, fee or restitution that is owed by a convicted person.
- Requires the State Controller to collaborate with each judicial district, the Department of Public Safety, the Department of Correction and any other state or local entity that is involved in the collection of amounts owed by convicted persons.

**Note:** This proposal does not include authority for a court to grant administrative probation to oversee the payment of amounts owed by convicted persons.

8

**Psychological or psychiatric examination of victims and witnesses in sexual offense prosecutions**

1. In a criminal prosecution of an alleged sexual offense, a court shall not order a victim or witness to take or submit to a psychological or psychiatric examination.
2. The court may exclude the testimony of a licensed psychologist, psychiatrist or clinical worker who performed a psychological or psychiatric examination on a victim or witness upon:
  - (a) a prima facie showing of a compelling need for an additional psychological or psychiatric examination of the victim or witness by a licensed psychologist, psychiatrist or clinical worker; and
  - (b) a refusal by a victim or witness to submit to an additional psychological or psychiatric examination by a licensed psychologist, psychiatrist or clinical worker.
3. In determining whether a prima facie showing has been made of a compelling need for an additional psychological or psychiatric examination of a victim or witness by a psychologist, psychiatrist or clinical worker, a Court must consider:
  - (a) whether there is a reasonable basis for believing that the mental or emotional state of the victim or witness may have affected his or her ability to perceive and relate events relevant to the criminal prosecution; and
  - (b) whether little or no corroboration of the offense exists beyond the testimony of the victim or witness.
4. If a Court finds a prima facie showing of a compelling need for an additional psychological or psychiatric examination of a victim or witness by a psychologist, psychiatrist or clinical worker, the Court shall set forth a particularized factual finding detailing those reasons to believe that an additional psychological or psychiatric examination of a victim or witness is warranted.
5. If the victim or witness consents to an additional psychological or psychiatric examination, and the court makes the particularized factual findings supporting a compelling need for said examination, then the court shall set parameters for the examination consistent with the purpose of determining the ability of the victim or witness to perceive and relate events relevant to the criminal prosecution.
6. As used in this section, "sexual offense" means any of the following offenses:
  - (a) Sexual assault pursuant to NRS 200.366;
  - (b) Statutory sexual seduction pursuant to NRS 200.368;
  - (c) Battery with intent to commit sexual assault pursuant to NRS 200.400;
  - (d) Abuse of a child pursuant to NRS 200.508 if the abuse involved sexual abuse or sexual exploitation;

- (e) An offense involving pornography and a minor pursuant to NRS 200.710 to 200.730;
- (f) Incest pursuant to NRS 201.180;
- (g) Solicitation of a minor to engage in acts constituting the infamous crime against nature pursuant to NRS 201.095;
- (h) Open or Gross Lewdness pursuant to NRS 201.210;
- (i) Indecent or obscene exposure pursuant to NRS 201.220;
- (j) Lewdness with a child pursuant to NRS 201.230;
- (k) Sexual penetration of a dead human body;
- (l) An offense involving the administration of a drug to another person with the intent to enable or assist the commission of a felony pursuant to NRS 200.405, if the felony is an offense listed in this section;
- (m) An offense involving the administration of a controlled substance to another person with the intent to enable or assist the commission of a crime of violence pursuant to NRS 200.408, if the crime of violence is an offense listed in this section;
- (n) Luring a child or a person with mental illness pursuant to NRS 201.560;
- (o) An offense that is found to be sexually motivated pursuant to NRS 175.547 or 207.193;
- (p) Pandering of a child pursuant to NRS 201.300 and NRS 201.330 to 201.340;
- (q) Any other offense that has an element involving a sexual act or sexual conduct of another;
- (r) Any attempt or conspiracy to commit an offense listed in paragraphs (a) to (q).

9

## Bill Draft Proposal by Chairman Kohn

### **NRS 209.4465 Credits for offender sentenced for crime committed on or after July 17, 1997.**

1. An offender who is sentenced to prison for a crime committed on or after July 17, 1997, who has no serious infraction of the regulations of the Department, the terms and conditions of his or her residential confinement or the laws of the State recorded against the offender, and who performs in a faithful, orderly and peaceable manner the duties assigned to the offender, must be allowed:

(a) For the period the offender is actually incarcerated pursuant to his or her sentence;

(b) For the period the offender is in residential confinement; and

(c) For the period the offender is in the custody of the Division of Parole and Probation of the Department of Public Safety pursuant to NRS 209.4886 or 209.4888,

→ a deduction of 20 days from his or her sentence for each month the offender serves.

2. In addition to the credits allowed pursuant to subsection 1, the Director may allow not more than 10 days of credit each month for an offender whose diligence in labor and study merits such credits. In addition to the credits allowed pursuant to this subsection, an offender is entitled to the following credits for educational achievement:

(a) For earning a general educational development certificate, 60 days.

(b) For earning a high school diploma, 90 days.

(c) For earning his or her first associate degree, 120 days.

3. The Director may, in his or her discretion, authorize an offender to receive a maximum of 90 days of credit for each additional degree of higher education earned by the offender.

4. The Director may allow not more than 10 days of credit each month for an offender who participates in a diligent and responsible manner in a center for the purpose of making restitution, program for reentry of offenders and parolees into the community, conservation camp, program of work release or another program conducted outside of the prison. An offender who earns credit pursuant to this subsection is eligible to earn the entire 30 days of credit each month that is allowed pursuant to subsections 1 and 2.

5. The Director may allow not more than 90 days of credit each year for an offender who engages in exceptional meritorious service.

6. The Board shall adopt regulations governing the award, forfeiture and restoration of credits pursuant to this section.

7. Except as otherwise provided in subsection 8, credits earned pursuant to this section:

(a) Must be deducted from the maximum term imposed by the sentence; and

(b) Apply to eligibility for parole unless the offender was sentenced pursuant to a statute which specifies a minimum sentence that must be served before a person becomes eligible for parole.

8. Credits earned pursuant to this section by an offender who has not been convicted of:

(a) Any crime that is punishable as a felony involving the use or threatened use of force or violence against the victim;

(b) A sexual offense that is punishable as a felony;

(c) A violation of NRS 484C.110, 484C.120, 484C.130 or 484C.430 that is punishable as a felony; or

(d) A category A ~~or B~~ felony,

→ apply to eligibility for parole and must be deducted from the minimum term imposed by the sentence until the offender becomes eligible for parole and must be deducted from the maximum term imposed by the sentence.

10

WILLIAM C. HORNE

ASSEMBLYMAN

District No. 34

MAJORITY WHIP

COMMITTEES:

*Chairman*

*Judiciary*

*Member*

Commerce and Labor

Legislative Operations and Elections



# State of Nevada Assembly

Seventy-Sixth Session

February 4, 2011

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Senator Valerie Wiener  
Chair, Senate Committee on Judiciary  
Nevada State Senate  
401 S. Carson Street  
Carson City, NV 89701

Dear Senator Wiener:

On behalf of the members of the Advisory Commission on the Administration of Justice (NRS 176.0123), I am writing to you today to convey a pertinent issue of interest that was brought to our attention during the 2009-10 interim.

During our work session held on September 24, 2010, the Advisory Commission voted unanimously to draft a letter to the respective Chairs of the Committees on Judiciary, indicating the Advisory Commission's support of potential reclassification for certain categories of felonies. The Advisory Commission asks for your support in continuing to review the possibility of reducing certain category B felonies and in working with the PEW Center on the States on any future study of Nevada's sentencing scheme. As Chair of the Assembly Committee on Judiciary, it is my intention to closely monitor any potential legislation in this area and to continue to work towards any future outcomes which may be beneficial to the State of Nevada.

Testimony during the interim indicated that there are currently over 200 category B felonies in Nevada law and that 62 percent of Nevada's prison population is composed of inmates serving a sentence for a category B felony. As such, the Advisory Commission urges the Senate Committee on Judiciary to strongly consider any potential legislation reclassifying or lowering certain crimes, such as all category B felonies with a penalty of 1-6 years and/or certain non-violent category B felonies.

Additionally, since the conclusion of the official business of the Advisory Commission, Dr. James Austin of the JFA Institute has been retained by the PEW Center on the States to conduct an in-depth review of the current category B felony classification system in Nevada. It is my understanding that Dr. Austin will likely be completing his research during the 2011 Legislative Session, and may be prepared to present the results to the Committees on Judiciary.

Thank you for your consideration of the important issues affecting the sentencing and categorization of category B felonies in Nevada. If you should have any questions, please do not hesitate to contact me.

Sincerely,



William Horne, Chair  
Advisory Commission on the  
Administration of Justice

On behalf of members:

Justice James Hardesty, Supreme Court, Vice Chair  
Senator Dennis Nolan  
Senator David R. Parks  
Assemblyman John C. Carpenter  
Connie Bisbee, Chair, Board of Parole  
Catherine Cortez Masto, Attorney General  
Bernard W. Curtis, Chief, Parole and Probation  
Larry Digesti, Representative, State Bar of Nevada  
Gayle W. Farley, Victims Rights Advocate  
Thomas Finn, Chief of Police, Boulder City Police  
Raymond Flynn, Assistant Sheriff, METRO  
Judge Douglas Herndon, Eighth Judicial District  
Phil Kohn, Clark County Public Defender  
David Roger, Clark County District Attorney  
Richard Siegel, President, ACLU of Nevada  
Howard Skolnik, Director, Department of Corrections

PENALTIES FOR FELONIES UNDER *NEVADA REVISED STATUTES*

(By Category)

Revised: November 2009

## CATEGORY B FELONIES

A category B felony is a felony for which the minimum term of imprisonment in the state prison that may be imposed is not less than 1 year and the maximum term of imprisonment that may be imposed is not more than 20 years. Fines are optional unless otherwise noted. Mandatory restitution is included for those sentences noted by an asterisk (\*). (NRS 193.130)

| CRIME AND NRS CITATION                                                                                                                                                                                                                        | PENALTY        |                         |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------|-------------------------|
|                                                                                                                                                                                                                                               | Prison Term    | Fine                    |
| Aid or conceal child escaped from a state detention facility (63.610)                                                                                                                                                                         | 1 to 6 years   | Not more than \$5,000   |
| Securities fraud (90.650)                                                                                                                                                                                                                     | 1 to 20 years* | Not more than \$500,000 |
| Attempted A felony (193.330)                                                                                                                                                                                                                  | 2 to 20 years  | No fine                 |
| Attempted B felony with maximum penalty of more than 10 years (193.330)                                                                                                                                                                       | 1 to 10 years  | No fine                 |
| Treason (196.010)                                                                                                                                                                                                                             | 2 to 10 years  | No fine                 |
| Rescuing gross misdemeanor or misdemeanor prisoner, use of weapon (199.100)                                                                                                                                                                   | 1 to 6 years   | Not more than \$5,000   |
| Intimidating public officer, force involved and subsequent offense (199.300)                                                                                                                                                                  | 2 to 10 years  | Not more than \$10,000  |
| Substitution of child (199.370)                                                                                                                                                                                                               | 1 to 10 years  | Not more than \$10,000  |
| Conspiracy to commit robbery; sexual assault; kidnapping in first or second degrees; arson in the first or second degrees; or using personal identifying information unlawfully (199.480)                                                     | 1 to 6 years   | Not more than \$5,000   |
| Conspiracy to commit murder (199.480)                                                                                                                                                                                                         | 2 to 10 years  | Not more than \$5,000   |
| Solicitation to commit murder (199.500)                                                                                                                                                                                                       | 2 to 15 years  | Not more than \$10,000  |
| Voluntary manslaughter (200.080)                                                                                                                                                                                                              | 1 to 10 years  | Not more than \$10,000  |
| Killing unborn quick child (200.210)                                                                                                                                                                                                          | 1 to 10 years  | Not more than \$10,000  |
| Woman taking drugs to terminate pregnancy, after 24th week (200.220)                                                                                                                                                                          | 1 to 10 years  | Not more than \$10,000  |
| Killing by overloading vessel, willful conduct (200.230)                                                                                                                                                                                      | 1 to 10 years  | Not more than \$10,000  |
| Mayhem (200.280)                                                                                                                                                                                                                              | 2 to 10 years  | Not more than \$10,000  |
| Kidnapping, second degree (200.330)                                                                                                                                                                                                           | 2 to 15 years  | Not more than \$15,000  |
| Aiding or abetting kidnapping in the second degree (200.340)                                                                                                                                                                                  | 2 to 15 years  | No fine                 |
| Robbery (200.380)                                                                                                                                                                                                                             | 2 to 15 years  | No fine                 |
| Battery with intent to commit mayhem, robbery, or grand larceny (200.400)                                                                                                                                                                     | 2 to 10 years  | Not more than \$10,000  |
| Battery with intent to kill (200.400)                                                                                                                                                                                                         | 2 to 20 years  | No fine                 |
| Administration of a drug to aid commission of felony (200.405)                                                                                                                                                                                | 1 to 10 years  | No fine                 |
| Administration of drug to aid commission of violent crime (200.408)                                                                                                                                                                           | 1 to 20 years  | No fine                 |
| Challenges to fight or acting for another in challenge to fight; use of deadly weapon (200.450)                                                                                                                                               | 1 to 6 years   | Not more than \$5,000   |
| False imprisonment either by prisoner <b>without</b> deadly weapon or by other person <b>with</b> deadly weapon (200.460)                                                                                                                     | 1 to 6 years   | No fine                 |
| False imprisonment by prisoner with deadly weapon (200.460)                                                                                                                                                                                   | 1 to 20 years  | No fine                 |
| False imprisonment using person as a shield (200.460)                                                                                                                                                                                         | 1 to 15 years  | No fine                 |
| Involuntary servitude crimes (200.463)                                                                                                                                                                                                        | 5 to 20 years  | Not more than \$50,000  |
| Involuntary servitude crimes; substantial bodily harm (200.463)                                                                                                                                                                               | 7 to 20 years  | Not more than \$50,000  |
| Knowingly recruiting, transporting, or providing person for involuntary servitude or benefiting from involuntary servitude (200.464)                                                                                                          | 1 to 15 years  | Not more than \$50,000  |
| Sale or purchase of another person; related acts (200.465)                                                                                                                                                                                    | 5 to 20 years  | Not more than \$50,000  |
| Trafficking in persons for financial gain (200.467)                                                                                                                                                                                           | 1 to 10 years  | Not more than \$50,000  |
| Trafficking in persons for illegal purposes (200.468)                                                                                                                                                                                         | 1 to 20 years  | Not more than \$50,000  |
| Assault with deadly weapon (200.471) <b>Note: Definition of assault expanded (A.B. 93, Chapter 37, Statutes of Nevada 2009)</b>                                                                                                               | 1 to 6 years   | Not more than \$5,000   |
| Assault with a deadly weapon upon an officer, school employee, health care provider, taxicab driver, transit officer, or sports official (200.471) <b>Note: Definition of assault expanded (A.B. 93, Chapter 37, Statutes of Nevada 2009)</b> | 1 to 6 years   | Not more than \$5,000   |

**PENALTIES FOR FELONIES UNDER NEVADA REVISED STATUTES**

(By Category)

Revised: November 2009

**CATEGORY B FELONIES**

A category B felony is a felony for which the minimum term of imprisonment in the state prison that may be imposed is not less than 1 year and the maximum term of imprisonment that may be imposed is not more than 20 years. Fines are optional unless otherwise noted. Mandatory restitution is included for those sentences noted by an asterisk (\*). (NRS 193.130)

| CRIME AND NRS CITATION                                                                                                                                                                                                                                                               | PENALTY        |                        |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------|------------------------|
|                                                                                                                                                                                                                                                                                      | Prison Term    | Fine                   |
| Assault with a deadly weapon upon an officer, school employee, health care provider, taxicab driver, transit officer, or sports official by a probationer, prisoner, or parolee (200.471) <i>Note: Definition of assault expanded (A.B. 93, Chapter 37, Statutes of Nevada 2009)</i> | 1 to 6 years   | Not more than \$5,000  |
| Battery upon an officer, school employee, health care provider, taxicab driver, transit officer, or sports official performing his duty, substantial bodily harm or strangulation (200.481) (A.B. 164, Chapter 42, Statutes of Nevada 2009)                                          | 2 to 10 years  | Not more than \$10,000 |
| Battery with a deadly weapon (200.481)                                                                                                                                                                                                                                               | 2 to 10 years  | Not more than \$10,000 |
| Battery with a deadly weapon, substantial bodily harm or strangulation (200.481) (A.B. 164, Chapter 42, Statutes of Nevada 2009)                                                                                                                                                     | 2 to 15 years  | Not more than \$10,000 |
| Battery by prisoner, probationer, or parolee without a weapon (200.481)                                                                                                                                                                                                              | 1 to 6 years   | No fine                |
| Battery by a prisoner, probationer, or parolee with a deadly weapon (200.481)                                                                                                                                                                                                        | 2 to 10 years  | No fine                |
| Battery by a prisoner, probationer, or parolee with a deadly weapon, substantial bodily harm or strangulation (200.481) (A.B. 164, Chapter 42, Statutes of Nevada 2009)                                                                                                              | 2 to 15 years  | No fine                |
| Criminal neglect of patient, resulting in death (200.495)                                                                                                                                                                                                                            | 1 to 20 years  | No fine                |
| Criminal neglect of patient, resulting in substantial bodily harm (200.495)                                                                                                                                                                                                          | 1 to 6 years   | Not more than \$5,000  |
| Child abuse/neglect: Causing a child to suffer unjustifiable physical pain or mental suffering resulting in substantial bodily or mental harm (200.508)                                                                                                                              | 2 to 20 years  | No fine                |
| Child abuse/neglect: Causing a child to suffer unjustifiable physical pain or mental suffering, no substantial bodily or mental harm (200.508)                                                                                                                                       | 1 to 6 years   | No fine                |
| Child abuse/neglect: Causing a child to suffer unjustifiable physical pain or mental suffering, no substantial bodily or mental harm, subsequent violation (200.508)                                                                                                                 | 2 to 15 years  | No fine                |
| Child abuse/neglect: Permitting or allowing child to suffer unjustifiable physical pain or mental suffering as a result of abuse or neglect, resulting in substantial bodily or mental harm (200.508)                                                                                | 2 to 20 years  | No fine                |
| Mutilation of genitalia of female child (200.5083)                                                                                                                                                                                                                                   | 2 to 10 years  | Not more than \$10,000 |
| Abuse of older person or vulnerable person, subsequent offense (200.5099)                                                                                                                                                                                                            | 2 to 6 years*  | No fine                |
| Abuse of older person or vulnerable person; substantial bodily or mental harm or death (200.5099)                                                                                                                                                                                    | 2 to 20 years* | No fine                |
| Neglecting or permitting older person or vulnerable person to suffer by person with legal responsibility; resulting in substantial bodily or mental harm or death (200.5099)                                                                                                         | 2 to 6 years*  | No fine                |
| Exploitation of older person or vulnerable person, value \$250 - \$5,000 (200.5099)                                                                                                                                                                                                  | 2 to 10 years* | Not more than \$10,000 |
| Exploitation of older person or vulnerable person, value more than \$5,000 (200.5099)                                                                                                                                                                                                | 2 to 20 years* | Not more than \$25,000 |
| Isolation of older person or vulnerable person, subsequent offense (200.5099)                                                                                                                                                                                                        | 2 to 10 years* | Not more than \$5,000  |
| Aggravated stalking (200.575)                                                                                                                                                                                                                                                        | 2 to 15 years  | Not more than \$5,000  |
| Entering property with intent to conceal self and peer through opening of dwelling; possession of deadly weapon (200.603)                                                                                                                                                            | 1 to 6 years   | Not more than \$5,000  |
| Distribution of child pornography (200.725)                                                                                                                                                                                                                                          | 1 to 15 years  | Not more than \$15,000 |
| Intentionally viewing pornography depicting child less than 16 years of age controlled through the Internet, subsequent offense (Chapter 200) (A.B. 88, Chapter 471, Statutes of Nevada 2009)                                                                                        | 1 to 6 years   | Not more than \$5,000  |
| Possession of child pornography, first offense (201.730)                                                                                                                                                                                                                             | 1 to 6 years   | Not more than \$5,000  |
| Abortion not pursuant to law (201.120)                                                                                                                                                                                                                                               | 1 to 10 years  | Not more than \$10,000 |
| Knowingly engaging in conduct likely to spread HIV (201.205)                                                                                                                                                                                                                         | 2 to 10 years  | Not more than \$10,000 |

**PENALTIES FOR FELONIES UNDER NEVADA REVISED STATUTES**

(By Category)

Revised: November 2009

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| CRIME AND NRS CITATION                                                                                                                | PENALTY       |                                                                                                                                                                                        |
|---------------------------------------------------------------------------------------------------------------------------------------|---------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                                                                                                                                       | Prison Term   | Fine                                                                                                                                                                                   |
| Pandering of a child, force or threat of force (201.300) (A.B. 380, Chapter 160, Statutes of Nevada 2009)                             | 2 to 20 years | Not more than \$20,000; plus not more than \$100,000 (child 14 or more) OR not more than \$500,000 (child under 14); plus not more than \$500,000 if conspiracy in addition to offense |
| Pandering of a child, no force or threat of force (201.300) (A.B. 380, Chapter 160, Statutes of Nevada 2009)                          | 1 to 10 years | Not more than \$10,000; plus not more than \$100,000 (child 14 or more) OR not more than \$500,000 (child under 14); plus not more than \$500,000 if conspiracy in addition to offense |
| Detention of child in brothel because of debt, force or threat of force (201.330) (A.B. 380, Chapter 160, Statutes of Nevada 2009)    | 2 to 20 years | Not more than \$20,000; plus not more than \$100,000 (child 14 or more) OR not more than \$500,000 (child under 14); plus not more than \$500,000 if conspiracy in addition to offense |
| Detention of child in brothel because of debt, no force or threat of force (201.330) (A.B. 380, Chapter 160, Statutes of Nevada 2009) | 1 to 10 years | Not more than \$10,000; plus not more than \$100,000 (child 14 or more) OR not more than \$500,000 (child under 14); plus not more than \$500,000 if conspiracy in addition to offense |
| Transporting a prostitute - child; force or threat of force (201.340) (A.B. 380, Chapter 160, Statutes of Nevada 2009)                | 2 to 20 years | Not more than \$20,000; plus not more than \$100,000 (child 14 or more) OR not more than \$500,000 (child under 14); plus not more than \$500,000 if conspiracy in addition to offense |
| Transporting a prostitute - child; no force or threat of force (201.340) (A.B. 380, Chapter 160, Statutes of Nevada 2009)             | 1 to 10 years | Not more than \$10,000; plus not more than \$100,000 (child 14 or more) OR not more than \$500,000 (child under 14); plus not more than \$500,000 if conspiracy in addition to offense |
| Prostitute knowingly engaging in conduct likely to spread HIV (201.358)                                                               | 2 to 10 years | Not more than \$10,000                                                                                                                                                                 |
| Unlawful sexual conduct between school employee or volunteer and pupil who is 14 or 15 years old (201.540)                            | 1 to 6 years  | Not more than \$5,000                                                                                                                                                                  |

**PENALTIES FOR FELONIES UNDER NEVADA REVISED STATUTES**

(By Category)

Revised: November 2009

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| CRIME AND NRS CITATION                                                                                                                                                                                                              | PENALTY                                                               |                        |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------|------------------------|
|                                                                                                                                                                                                                                     | Prison Term                                                           | Fine                   |
| Using a computer, system or network to lure a child, person believed to be a child, or mentally ill person to engage in sexual conduct (201.560)                                                                                    | 1 to 10 years                                                         | Not more than \$10,000 |
| Luring a child, person believed to be a child, or mentally ill person to engage in sexual conduct (201.560)                                                                                                                         | 2 to 15 years                                                         | Not more than \$10,000 |
| Luring a child, person believed to be a child, or mentally ill person to provide material harmful to minors (201.560)                                                                                                               | 1 to 6 years                                                          | Not more than \$10,000 |
| Willfully poisoning food, water, or medicine (202.170)                                                                                                                                                                              | 2 to 15 years                                                         | Not more than \$10,000 |
| Setting spring gun and causing injury (202.255)                                                                                                                                                                                     | 1 to 6 years                                                          | Not more than \$5,000  |
| Setting spring gun and causing death (202.255)                                                                                                                                                                                      | 1 to 10 years; may be prosecuted as murder depending on circumstances | Not more than \$10,000 |
| Possession, manufacture, or disposition of bomb (202.260)                                                                                                                                                                           | 1 to 6 years                                                          | Not more than \$5,000  |
| Possession of components of explosive or incendiary device (202.261)                                                                                                                                                                | 1 to 6 years                                                          | Not more than \$5,000  |
| Discharging firearm into occupied structure (202.285)                                                                                                                                                                               | 1 to 6 years                                                          | Not more than \$5,000  |
| Drive-by shooting (202.287)                                                                                                                                                                                                         | 2 to 15 years                                                         | Not more than \$5,000  |
| Permitting minor to unlawfully handle firearm; subsequent offense (202.300)                                                                                                                                                         | 1 to 6 years                                                          | Not more than \$5,000  |
| Unlawful sale of firearm to minor (202.310)                                                                                                                                                                                         | 1 to 6 years                                                          | Not more than \$5,000  |
| Unlawful use of stun gun (202.357)                                                                                                                                                                                                  | 1 to 6 years                                                          | Not more than \$5,000  |
| Possession of stun gun by person convicted of a felony or a fugitive from justice (202.357)<br>Note: Fugitive from justice defined (A.B. 481, Chapter 135, Statutes of Nevada 2009)                                                 | 1 to 6 years                                                          | Not more than \$5,000  |
| Possession of firearm by ex-felon, fugitive from justice, or user of controlled substance (202.360) Note: Fugitive from justice defined (A.B. 481, Chapter 135, Statutes of Nevada 2009)                                            | 1 to 6 years                                                          | Not more than \$5,000  |
| Unlawful sale of firearm to felon, fugitive from justice, person adjudicated mentally ill, or person unlawfully in the United States (202.362) Note: Fugitive from justice defined (A.B. 481, Chapter 135, Statutes of Nevada 2009) | 1 to 10 years                                                         | Not more than \$10,000 |
| Ex-felon, possession of tear gas (202.380)                                                                                                                                                                                          | 1 to 6 years                                                          | Not more than \$5,000  |
| Knowingly assisting in crimes involving weapons of mass destruction, biological or chemical agents, or similar lethal agents (202.446)                                                                                              | 2 to 15 years*                                                        | Not more than \$10,000 |
| Unlawful threats involving act of terrorism, biological or chemical agents, or similar lethal agents (202.448)                                                                                                                      | 2 to 20 years                                                         | Not more than \$5,000  |
| Delivering a "hoax substance" causing substantial bodily harm or death (202.449)                                                                                                                                                    | 2 to 20 years*                                                        | Not more than \$5,000  |
| Transportation or receipt of explosives for unlawful purpose, no substantial bodily harm (202.780)                                                                                                                                  | 2 to 10 years                                                         | \$2,000 to \$10,000    |
| Transportation or receipt of explosives for unlawful purpose, with substantial bodily harm (202.780)                                                                                                                                | 2 to 20 years                                                         | \$2,000 to \$20,000    |
| Use or possession of explosives during commission of a felony, first offense (202.820)                                                                                                                                              | 1 to 10 years                                                         | Not more than \$10,000 |
| Use or possession of explosives during commission of felony, subsequent offense (202.820)                                                                                                                                           | 2 to 20 years                                                         | No fine                |
| Use of explosives to destroy property, no substantial bodily harm (202.830)                                                                                                                                                         | 2 to 10 years                                                         | \$2,000 to \$10,000    |
| Use of explosives to destroy property, with substantial bodily harm (202.830)                                                                                                                                                       | 2 to 20 years                                                         | \$2,000 to \$20,000    |
| Bomb threats (202.840)                                                                                                                                                                                                              | 1 to 6 years                                                          | Not more than \$5,000  |
| Criminal anarchy (203.115)                                                                                                                                                                                                          | 1 to 6 years                                                          | Not more than \$10,000 |
| Criminal syndicalism (203.117)                                                                                                                                                                                                      | 1 to 6 years                                                          | Not more than \$5,000  |

**PENALTIES FOR FELONIES UNDER NEVADA REVISED STATUTES**

(By Category)

Revised: November 2009

**CATEGORY B FELONIES**

A category B felony is a felony for which the minimum term of imprisonment in the state prison that may be imposed is not less than 1 year and the maximum term of imprisonment that may be imposed is not more than 20 years. Fines are optional unless otherwise noted. Mandatory restitution is included for those sentences noted by an asterisk (\*). (NRS 193.130)

| CRIME AND NRS CITATION                                                                                                         | PENALTY                                                                                                       |                                        |
|--------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------|----------------------------------------|
|                                                                                                                                | Prison Term                                                                                                   | Fine                                   |
| Arson, first degree (205.010)                                                                                                  | 2 to 15 years                                                                                                 | Not more than \$15,000                 |
| Arson, second degree (205.015)                                                                                                 | 1 to 10 years                                                                                                 | Not more than \$10,000                 |
| Arson, aiding and abetting, with the intent to defraud (205.030)                                                               | 1 to 6 years*                                                                                                 | Not more than \$5,000                  |
| Burglary (205.060)                                                                                                             | 1 to 10 years; no probation or suspended sentence if previously convicted of burglary or invasion of the home | Not more than \$10,000                 |
| Burglary with a weapon (205.060)                                                                                               | 2 to 15 years; no probation or suspended sentence if previously convicted of burglary or invasion of the home | Not more than \$10,000                 |
| Invasion of the home (205.067)                                                                                                 | 1 to 10 years; no probation or suspended sentence if previously convicted of burglary or invasion of the home | Not more than \$10,000                 |
| Invasion of the home with a deadly weapon (205.067)                                                                            | 2 to 15 years; no probation or suspended sentence if previously convicted of burglary or invasion of the home | Not more than \$10,000                 |
| Burglary using explosives (205.075)                                                                                            | 2 to 15 years                                                                                                 | No fine                                |
| Participation in organized retail theft ring, aggregated value of loss within 90-day period of \$2,500 to \$10,000 (205.08345) | 1 to 10 years*                                                                                                | Not more than \$10,000, mandatory      |
| Participation in an organized retail theft ring, aggregated value of loss within 90-day period of \$10,000 or more (205.08345) | 2 to 15 years*                                                                                                | Not more than \$20,000, mandatory      |
| Theft; value of \$2,500 or more (205.0835)                                                                                     | 1 to 10 years*                                                                                                | Mandatory fine, not more than \$10,000 |
| Grand larceny, value of \$2,500 or more (205.220 and 205.222)                                                                  | 1 to 10 years*                                                                                                | Mandatory fine, not more than \$10,000 |
| Grand larceny of firearm (205.226)                                                                                             | 1 to 10 years*                                                                                                | Mandatory fine, not more than \$10,000 |
| Grand larceny of motor vehicle, value proven to be \$2,500 or more (205.228)                                                   | 1 to 10 years*                                                                                                | Mandatory fine, not more than \$10,000 |
| Taking not amounting to robbery, value \$2,500 or more (205.270)                                                               | 1 to 10 years*; no probation or suspended sentence if victim was elderly or handicapped                       | Mandatory fine, not more than \$10,000 |
| Theft from vending machine, value of \$2,500 or more (205.2707)                                                                | 1 to 10 years*                                                                                                | Mandatory fine, not more than \$10,000 |
| Receiving or transporting stolen vehicle, value proven to be \$2,500 or more (205.273)                                         | 1 to 10 years*                                                                                                | Mandatory fine, not more than \$10,000 |
| Receiving or possessing stolen goods, value \$2,500 or more (205.275)                                                          | 1 to 10 years*                                                                                                | Mandatory fine, not more than \$10,000 |
| Extortion (205.320)                                                                                                            | 1 to 10 years*                                                                                                | Not more than \$10,000                 |
| Extortion for a debt (205.322)                                                                                                 | 1 to 6 years*                                                                                                 | Not more than \$10,000                 |

**PENALTIES FOR FELONIES UNDER NEVADA REVISED STATUTES**

(By Category)

Revised: November 2009

**CATEGORY B FELONIES**

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| CRIME AND NRS CITATION                                                                                                                                                                            | PENALTY        |                                        |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------|----------------------------------------|
|                                                                                                                                                                                                   | Prison Term    | Fine                                   |
| Pattern of mortgage lending fraud (205.372) <i>Note: Loan modification consultant added (A.B. 152, Chapter 330, Statutes of Nevada 2009)</i>                                                      | 3 to 20 years  | Not more than \$50,000                 |
| Obtaining money, property, rent, or labor by false pretenses, value \$250 or more (205.380)                                                                                                       | 1 to 6 years*  | Not more than \$10,000                 |
| Obtaining and using another's personal identifying information to harm, impersonate, or access nonpublic records of another or for unlawful purpose (205.463)                                     | 1 to 20 years* | Not more than \$100,000                |
| Obtaining and using an older or vulnerable person's personal identifying information to harm or for unlawful purpose (205.463)                                                                    | 3 to 20 years* | Not more than \$100,000                |
| Obtaining and using the personal identifying information of five or more persons to harm or for unlawful purpose (205.463)                                                                        | 3 to 20 years* | Not more than \$100,000                |
| Obtaining and using another's personal identifying information to harm or for unlawful purpose that causes loss of \$3,000 or more (205.463)                                                      | 3 to 20 years* | Not more than \$100,000                |
| Obtaining and using an older or vulnerable person's personal identifying information to avoid prosecution for a category A or B felony (205.463)                                                  | 3 to 20 years* | Not more than \$100,000                |
| Public officer or employee unlawfully obtaining and using another's personal identifying information to harm other person or for unlawful purpose (205.464)                                       | 5 to 20 years* | Not more than \$100,000                |
| Public officer or employee unlawfully obtaining and using an older or vulnerable person's personal identifying information to harm other person or for unlawful purpose (205.464)                 | 7 to 20 years* | Not more than \$100,000                |
| Public officer or employee unlawfully obtaining and using the personal identifying information of five or more persons to harm or for unlawful purpose (205.464)                                  | 7 to 20 years* | Not more than \$100,000                |
| Public officer or employee unlawfully obtaining and using another's personal identifying information to harm or for unlawful purpose that causes loss of \$3,000 or more (205.464)                | 7 to 20 years* | Not more than \$100,000                |
| Public officer or employee obtaining and possessing, selling or transferring an older or vulnerable person's personal identifying information to establish false identity (205.464)               | 1 to 20 years* | Not more than \$100,000                |
| Public officer or employee obtaining and possessing, selling or transferring the personal identifying information of five or more persons to establish false identity (205.464)                   | 7 to 20 years* | Not more than \$100,000                |
| Public officer or employee obtaining and possessing, selling or transferring another's personal identifying information to establish false identity that causes loss of \$3,000 or more (205.464) | 7 to 20 years* | Not more than \$100,000                |
| Aiding public officer or employee to commit crimes involving an older or vulnerable person's personal identifying information (205.464)                                                           | 1 to 20 years* | Not more than \$100,000                |
| Aiding public officer or employee to commit crimes involving the personal identifying information of five or more persons (205.464)                                                               | 1 to 20 years* | Not more than \$100,000                |
| Aiding public officer or employee to commit crimes involving another's personal identifying information that causes loss of \$3,000 or more (205.464)                                             | 1 to 20 years* | Not more than \$100,000                |
| False identification crimes involving personal identifying information of an older or vulnerable person (205.465)                                                                                 | 1 to 20 years  | Not more than \$100,000                |
| False identification crimes involving the personal identifying information of five or more persons (205.465)                                                                                      | 1 to 20 years  | Not more than \$100,000                |
| False identification crimes involving another's personal identifying information that causes loss of \$3,000 or more (205.465)                                                                    | 1 to 20 years  | Not more than \$100,000                |
| Establishing or possessing financial forgery laboratory (205.46513)                                                                                                                               | 1 to 20 years  | Not more than \$100,000                |
| Unlawful use of scanning device or reencoder with intent to defraud (205.605)                                                                                                                     | 1 to 20 years* | Not more than \$100,000                |
| Theft of scrap metal, aggregated value of loss within 90-day period of \$2,500 or more (Chapter 205) (A.B. 233, Chapter 290, Statutes of Nevada 2009)                                             | 1 to 10 years* | Mandatory fine, not more than \$10,000 |
| Defrauding another, two or more similar transactions within 4-year period, aggregated value of loss more than \$250 (Chapter 205) (A.B. 322, Chapter 49, Statutes of Nevada 2009)                 | 1 to 20 years* | Not more than \$10,000                 |

## PENALTIES FOR FELONIES UNDER NEVADA REVISED STATUTES

(By Category)

Revised: November 2009

## CATEGORY B FELONIES

A category B felony is a felony for which the minimum term of imprisonment in the state prison that may be imposed is not less than 1 year and the maximum term of imprisonment that may be imposed is not more than 20 years. Fines are optional unless otherwise noted. Mandatory restitution is included for those sentences noted by an asterisk (\*). (NRS 193.130)

| CRIME AND NRS CITATION                                                                                                                                                                                                                        | PENALTY                                                                               |                        |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------|------------------------|
|                                                                                                                                                                                                                                               | Prison Term                                                                           | Fine                   |
| False signals endangering cars, physical injury or property damage results (206.300)                                                                                                                                                          | 1 to 10 years                                                                         | Not more than \$10,000 |
| Habitual criminal, current conviction for felony, <del>petit larceny, or fraud-based crime</del> plus two prior felonies <del>or three petit larcenies or fraud-based crimes</del> (207.010) (A.B. 239, Chapter 156, Statutes of Nevada 2009) | 5 to 20 years; no probation or suspended sentence                                     | No fine                |
| Habitually fraudulent felon, current conviction for felony involving fraud plus two prior felonies that include elements of fraud. Victim of each offense was an older person, a vulnerable person, or a mentally disabled person. (207.014)  | 5 to 20 years; no probation or suspended sentence; <b>prosecutor must charge</b>      | No fine                |
| Coercion, force or threat of force (207.190)                                                                                                                                                                                                  | 1 to 6 years                                                                          | Not more than \$5,000  |
| Unlawful contact with child under 16 years of age or with mentally ill person, subsequent offense (207.260)                                                                                                                                   | 1 to 6 years                                                                          | Not more than \$5,000  |
| Racketeering (207.400) Note: Transporting property and use of racketeering proceeds added (A.B. 322, Chapter 49, Statutes of Nevada 2009)                                                                                                     | 5 to 20 years                                                                         | Not more than \$25,000 |
| Escape of felony prisoner, use of weapon or substantial bodily harm (212.090)                                                                                                                                                                 | 2 to 20 years                                                                         | Not more than \$20,000 |
| Escape of felony prisoner, no aggravating factors (212.090)                                                                                                                                                                                   | 1 to 10 years                                                                         | Not more than \$10,000 |
| Escape from prison, gross misdemeanor or misdemeanor prisoner, use of weapon (212.090)                                                                                                                                                        | 1 to 6 years                                                                          | Not more than \$5,000  |
| Possession by felony prisoner of escape tools (212.093)                                                                                                                                                                                       | 1 to 6 years                                                                          | Not more than \$5,000  |
| Unauthorized absences from prison (212.095)                                                                                                                                                                                                   | Penalty under NRS 212.090                                                             |                        |
| Aiding escape of felony prisoner (212.100)                                                                                                                                                                                                    | 1 to 10 years                                                                         | Not more than \$10,000 |
| Aid in escape of gross misdemeanor or misdemeanor prisoner, use of weapon (212.100)                                                                                                                                                           | 1 to 6 years                                                                          | Not more than \$5,000  |
| Custodian allowing escape of felon (212.110)                                                                                                                                                                                                  | 1 to 6 years                                                                          | Not more than \$10,000 |
| Ministerial officer allowing escape (212.120)                                                                                                                                                                                                 | 1 to 6 years                                                                          | Not more than \$10,000 |
| Furnishing weapons or drugs to prisoner (212.160)                                                                                                                                                                                             | 1 to 6 years                                                                          | Not more than \$5,000  |
| Possession of weapon or facsimile by prisoner (212.185)                                                                                                                                                                                       | 1 to 6 years                                                                          | No fine                |
| Gassing by prisoner in lawful confinement (212.189) (A.B. 384, Chapter 52, Statutes of Nevada 2009)                                                                                                                                           | 2 to 10 years; consecutive after current sentence, no probation or suspended sentence | Not more than \$10,000 |
| Major violation of lifetime supervision (213.1243)                                                                                                                                                                                            | 1 to 6 years                                                                          | Not more than \$5,000  |
| Abuse or neglect of patient by mental health provider, <i>either</i> for first violation that results in substantial bodily harm <i>or</i> for subsequent violation (433.554)                                                                 | 1 to 6 years                                                                          | Not more than \$5,000  |
| Abuse of child receiving mental health treatment; substantial bodily harm (433B.340)                                                                                                                                                          | 1 to 6 years                                                                          | Not more than \$5,000  |
| Willful use of aversive intervention on person with a disability or improper use of restraint; <i>either</i> first violation with substantial bodily harm <i>or</i> subsequent violation (449.783)                                            | 1 to 6 years                                                                          | Not more than \$5,000  |
| Maintaining drug house, first offense (453.316)                                                                                                                                                                                               | 1 to 6 years                                                                          | Not more than \$10,000 |
| Maintaining drug house, subsequent offense (453.316)                                                                                                                                                                                          | 2 to 10 years; no probation or suspended sentence                                     | Not more than \$20,000 |
| Import, sell, et cetera, Schedule I or II drugs, first offense (453.321)                                                                                                                                                                      | 1 to 6 years                                                                          | Not more than \$20,000 |
| Import, sell, et cetera, Schedule I or II drugs, second offense (453.321)                                                                                                                                                                     | 2 to 10 years; no probation or suspended sentence                                     | Not more than \$20,000 |

**PENALTIES FOR FELONIES UNDER NEVADA REVISED STATUTES**

(By Category)

Revised: November 2009

**CATEGORY B FELONIES**

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| CRIME AND NRS CITATION                                                                                                                                                                         | PENALTY                                           |                                         |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------|-----------------------------------------|
|                                                                                                                                                                                                | Prison Term                                       | Fine                                    |
| Import, sell, et cetera, Schedule I or II drugs, third or subsequent offense (453.321)                                                                                                         | 3 to 15 years; no probation or suspended sentence | Not more than \$20,000                  |
| Import, sell, et cetera, Schedule III, IV, or V drugs, second offense (453.321)                                                                                                                | 2 to 10 years; no probation or suspended sentence | Not more than \$15,000                  |
| Import, sell, et cetera, Schedule III, IV, or V drugs, third or subsequent offense (453.321)                                                                                                   | 3 to 15 years; no probation or suspended sentence | Not more than \$20,000                  |
| Unlawful acts relating to manufacture or compounding of certain controlled substances (453.322)                                                                                                | 3 to 15 years; no probation                       | Not more than \$100,000                 |
| Allowing child to be present where controlled substances are being used, substantial bodily harm results (453.3325)                                                                            | 6 to 20 years; no probation or suspended sentence | Not more than \$20,000                  |
| Allowing child to be present where controlled substances are unlawfully sold, exchanged, given away or administered, no substantial bodily harm or death (453.3325)                            | 3 to 15 years; no probation or suspended sentence | Not more than \$10,000                  |
| Allowing child to be present where controlled substances are unlawfully sold, exchanged, given away or administered, substantial bodily harm results (453.3325)                                | 6 to 20 years; no probation or suspended sentence | Not more than \$20,000                  |
| Allowing child to be present where controlled substances are unlawfully manufactured, no substantial bodily harm or death (453.3325)                                                           | 5 to 20 years; no probation or suspended sentence | Not more than \$15,000                  |
| Possession not for sale of flunitrazepam or GHB (453.336)                                                                                                                                      | 1 to 6 years                                      | No fine                                 |
| Possession for purpose of sale, Schedule I or II drugs, flunitrazepam, or GHB: third or subsequent offense (453.337)                                                                           | 3 to 15 years; no probation or suspended sentence | Not more than \$20,000                  |
| Trafficking, Schedule I drugs (except marijuana), flunitrazepam, or GHB: 4 to 14 grams (453.3385)                                                                                              | 1 to 6 years; no probation or suspended sentence  | Mandatory fine, not more than \$50,000  |
| Trafficking, Schedule I drugs (except marijuana), flunitrazepam, or GHB: 14 to 28 grams (453.3385)                                                                                             | 2 to 15 years; no probation or suspended sentence | Mandatory fine, not more than \$100,000 |
| Trafficking marijuana, 2,000 to 10,000 pounds (453.339)                                                                                                                                        | 2 to 10 years; no probation or suspended sentence | Mandatory fine, not more than \$50,000  |
| Trafficking, Schedule II drugs, 200 to 400 grams (453.3395)                                                                                                                                    | 2 to 10 years; no probation or suspended sentence | Mandatory fine, not more than \$100,000 |
| Filling or delivering of prescriptions by illegal Internet pharmacy; Schedule I drug involved or drug causes substantial bodily harm or death (453.3638)                                       | 3 to 15 years; no probation or suspended sentence | Not more than \$100,000                 |
| Unlawful acts relating to filling prescriptions via the Internet; Schedule I drug involved or drug causes substantial bodily harm or death (453.3639)                                          | 3 to 15 years; no probation or suspended sentence | Not more than \$100,000                 |
| Unlawful acts relating to prescribing of drugs with knowledge of involvement of illegal Internet pharmacy; Schedule I drug involved or drug causes substantial bodily harm or death (453.3643) | 3 to 15 years; no probation or suspended sentence | Not more than \$100,000                 |

**PENALTIES FOR FELONIES UNDER NEVADA REVISED STATUTES**

(By Category)

Revised: November 2009

**CATEGORY B FELONIES**

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| CRIME AND NRS CITATION                                                                                                                                                                                                                          | PENALTY                                                                           |                                        |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------|----------------------------------------|
|                                                                                                                                                                                                                                                 | Prison Term                                                                       | Fine                                   |
| Conspiracy to violate the Uniform Controlled Substances Act, second offense (453.401)                                                                                                                                                           | 2 to 10 years; no probation or suspended sentence                                 | Not more than \$10,000                 |
| Conspiracy to violate the Uniform Controlled Substances Act, third or subsequent offense (453.401)                                                                                                                                              | 3 to 15 years; no probation or suspended sentence                                 | Not more than \$20,000                 |
| Using minor as an agent or furnishing drugs to minor (454.306)                                                                                                                                                                                  | 5 to 20 years                                                                     | Not more than \$20,000                 |
| Gaming without a license (463.360)                                                                                                                                                                                                              | 1 to 10 years                                                                     | Not more than \$50,000                 |
| Gaming crimes, first offense (includes attempts and conspiracy to commit crimes) (465.088)                                                                                                                                                      | 1 to 6 years                                                                      | Not more than \$10,000                 |
| Gaming crimes, second or subsequent violation (includes attempts and conspiracy to commit crimes) (465.088)                                                                                                                                     | 1 to 6 years; no probation or suspended sentence                                  | Not more than \$10,000                 |
| Unlawful dissemination of certain wire information (465.090)                                                                                                                                                                                    | 1 to 6 years                                                                      | Not more than \$5,000                  |
| Theft of fire prevention device, value of \$250 or more (475.105 - Punished as grand larceny. See 205.222.)                                                                                                                                     | 1 to 10 years*                                                                    | Mandatory fine, not more than \$10,000 |
| Endangering property using explosives (476.050) Repealed, effective April 22, 2009 (A.B. 182, Chapter 11, Statutes of Nevada 2009)                                                                                                              | 2 to 10 years                                                                     | No fine                                |
| Unlawful purchase, sale, disposal, or transfer of a motor vehicle or part knowing the identification number has been falsely attached, removed, destroyed, or altered (482.551)                                                                 | 1 to 10 years                                                                     | Not more than \$60,000                 |
| Failure to stop at accident involving death or personal injury (484.219) Note: NRS Chapter 484 reorganization (A.B. 475, Chapter 134, Statutes of Nevada 2009)                                                                                  | 2 to 15 years                                                                     | Mandatory fine, \$2,000 to \$5,000     |
| Failure to obey signal by officer and: (1) causes property damage; or (2) operates a vehicle in dangerous manner (484.348) Note: NRS Chapter 484 reorganization (A.B. 475, Chapter 134, Statutes of Nevada 2009)                                | 1 to 6 years                                                                      | Not more than \$5,000                  |
| Failure to obey signal by officer, resulting in death or bodily harm (484.348) Note: NRS Chapter 484 reorganization (A.B. 475, Chapter 134, Statutes of Nevada 2009)                                                                            | 2 to 20 years                                                                     | Not more than \$50,000                 |
| Failure to obey roadblock, resulting in death, substantial bodily harm, or property damage over \$1,000 (484.3595) Note: NRS Chapter 484 reorganization (A.B. 475, Chapter 134, Statutes of Nevada 2009)                                        | 1 to 6 years                                                                      | Not more than \$5,000                  |
| Reckless driving, willful conduct resulting in death or substantial bodily harm (484.377) Note: NRS Chapter 484 reorganization (A.B. 475, Chapter 134, Statutes of Nevada 2009)                                                                 | 1 to 6 years                                                                      | Mandatory fine, \$2,000 to \$5,000     |
| DUI, third offense in 7 years (484.3792) Note: NRS Chapter 484 reorganization (A.B. 475, Chapter 134, Statutes of Nevada 2009)                                                                                                                  | 1 to 6 years; no probation or suspended sentence except in certain circumstances  | Mandatory fine, \$2,000 to \$5,000     |
| DUI and previous conviction of felony DUI; DUI causing substantial bodily harm or death or homicide resulting from driving under the influence (484.3792) Note: NRS Chapter 484 reorganization (A.B. 475, Chapter 134, Statutes of Nevada 2009) | 2 to 15 years; no probation or suspended sentence except in certain circumstances | Mandatory fine, \$2,000 to \$5,000     |
| DUI causing substantial bodily harm or death (484.3795) Note: NRS Chapter 484 reorganization (A.B. 475, Chapter 134, Statutes of Nevada 2009)                                                                                                   | 2 to 20 years; no probation or suspended sentence                                 | Mandatory fine, \$2,000 to \$5,000     |
| Knowingly selling a motor vehicle whose odometer has been fraudulently altered (484.6067) Note: NRS Chapter 484 reorganization (A.B. 475, Chapter 134, Statutes of Nevada 2009)                                                                 | 1 to 6 years                                                                      | Not more than \$10,000                 |

**PENALTIES FOR FELONIES UNDER NEVADA REVISED STATUTES**

(By Category)

Revised: November 2009

**CATEGORY B FELONIES**

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| CRIME AND NRS CITATION                                                                                       | PENALTY                                           |                                                                                                                                        |
|--------------------------------------------------------------------------------------------------------------|---------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------|
|                                                                                                              | Prison Term                                       | Fine                                                                                                                                   |
| Watercraft DUI causing substantial bodily harm or death (488.420)                                            | 2 to 20 years; no probation or suspended sentence | Mandatory fine, \$2,000 to \$5,000                                                                                                     |
| Watercraft DUI, and previous conviction of watercraft DUI causing substantial bodily harm or death (488.427) | 2 to 15 years                                     | Mandatory fine, \$2,000 to \$5,000                                                                                                     |
| Staging fights between dogs, third offense (574.070)                                                         | 1 to 6 years                                      | Not more than \$5,000<br>(A fine of not more than \$10,000 is mandatory if the violation is by an entity other than a natural person.) |
| Representing or aiding unauthorized insurer in violation of Unauthorized Insurers Act (685B.083)             | <u>No penalty specified</u>                       | <u>No penalty specified</u>                                                                                                            |
| Transacting unauthorized insurance business (685B.087)                                                       | <u>No penalty specified</u>                       | <u>No penalty specified</u>                                                                                                            |

**PENALTIES FOR FELONIES UNDER NEVADA REVISED STATUTES**

Revised: April 2010

| <b>CATEGORY B FELONIES (With a Penalty of 1-6 Years)</b>                                                                                                                                                                                                                                                                                                                       |              |                        |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------|------------------------|
| <p>A category B felony is a felony for which the minimum term of imprisonment in the state prison that may be imposed is not less than 1 year and the maximum term of imprisonment that may be imposed is not more than 20 years. Fines are optional unless otherwise noted. Mandatory restitution is included for those sentences noted by an asterisk (*). (NRS 193.130)</p> |              |                        |
| CRIME AND NRS CITATION                                                                                                                                                                                                                                                                                                                                                         | PENALTY      |                        |
|                                                                                                                                                                                                                                                                                                                                                                                | Prison Term  | Fine                   |
| Aid or conceal child escaped from a state detention facility (63.610)                                                                                                                                                                                                                                                                                                          | 1 to 6 years | Not more than \$5,000  |
| Rescuing gross misdemeanor or misdemeanor prisoner, use of weapon (199.100)                                                                                                                                                                                                                                                                                                    | 1 to 6 years | Not more than \$5,000  |
| Conspiracy to commit robbery; sexual assault; kidnapping in first or second degrees; arson in the first or second degrees; or using personal identifying information unlawfully (199.480)                                                                                                                                                                                      | 1 to 6 years | Not more than \$5,000  |
| Challenges to fight or acting for another in challenge to fight; use of deadly weapon (200.450)                                                                                                                                                                                                                                                                                | 1 to 6 years | Not more than \$5,000  |
| False imprisonment either by prisoner <b>without</b> deadly weapon or by other person <b>with</b> deadly weapon (200.460)                                                                                                                                                                                                                                                      | 1 to 6 years | No fine                |
| Assault with deadly weapon (200.471) <i>Note: Definition of assault expanded (A.B. 93, Chapter 37, Statutes of Nevada 2009)</i>                                                                                                                                                                                                                                                | 1 to 6 years | Not more than \$5,000  |
| Assault with a deadly weapon upon an officer, school employee, health care provider, taxicab driver, transit officer, or sports official (200.471) <i>Note: Definition of assault expanded (A.B. 93, Chapter 37, Statutes of Nevada 2009)</i>                                                                                                                                  | 1 to 6 years | Not more than \$5,000  |
| Assault with a deadly weapon upon an officer, school employee, health care provider, taxicab driver, transit officer, or sports official by a probationer, prisoner, or parolee (200.471) <i>Note: Definition of assault expanded (A.B. 93, Chapter 37, Statutes of Nevada 2009)</i>                                                                                           | 1 to 6 years | Not more than \$5,000  |
| Battery by prisoner, probationer, or parolee without a weapon (200.481)                                                                                                                                                                                                                                                                                                        | 1 to 6 years | No fine                |
| Criminal neglect of patient, resulting in substantial bodily harm (200.495)                                                                                                                                                                                                                                                                                                    | 1 to 6 years | Not more than \$5,000  |
| Child abuse/neglect: Causing a child to suffer unjustifiable physical pain or mental suffering, no substantial bodily or mental harm (200.508)                                                                                                                                                                                                                                 | 1 to 6 years | No fine                |
| Entering property with intent to conceal self and peer through opening of dwelling; possession of deadly weapon (200.603)                                                                                                                                                                                                                                                      | 1 to 6 years | Not more than \$5,000  |
| Intentionally viewing pornography depicting child less than 16 years of age controlled through the Internet, subsequent offense (Chapter 200) (A.B. 88, Chapter 471, Statutes of Nevada 2009)                                                                                                                                                                                  | 1 to 6 years | Not more than \$5,000  |
| Possession of child pornography, first offense (201.730)                                                                                                                                                                                                                                                                                                                       | 1 to 6 years | Not more than \$5,000  |
| Unlawful sexual conduct between school employee or volunteer and pupil who is 14 or 15 years old (201.540)                                                                                                                                                                                                                                                                     | 1 to 6 years | Not more than \$5,000  |
| Luring a child, person believed to be a child, or mentally ill person to provide material harmful to minors (201.560)                                                                                                                                                                                                                                                          | 1 to 6 years | Not more than \$10,000 |
| Setting spring gun and causing injury (202.255)                                                                                                                                                                                                                                                                                                                                | 1 to 6 years | Not more than \$5,000  |
| Possession, manufacture, or disposition of bomb (202.260)                                                                                                                                                                                                                                                                                                                      | 1 to 6 years | Not more than \$5,000  |
| Possession of components of explosive or incendiary device (202.261)                                                                                                                                                                                                                                                                                                           | 1 to 6 years | Not more than \$5,000  |
| Discharging firearm into occupied structure (202.285)                                                                                                                                                                                                                                                                                                                          | 1 to 6 years | Not more than \$5,000  |
| Permitting minor to unlawfully handle firearm; subsequent offense (202.300)                                                                                                                                                                                                                                                                                                    | 1 to 6 years | Not more than \$5,000  |
| Unlawful sale of firearm to minor (202.310)                                                                                                                                                                                                                                                                                                                                    | 1 to 6 years | Not more than \$5,000  |
| Unlawful use of stun gun (202.357)                                                                                                                                                                                                                                                                                                                                             | 1 to 6 years | Not more than \$5,000  |
| Possession of stun gun by person convicted of a felony or a fugitive from justice (202.357) <i>Note: Fugitive from justice defined (A.B. 481, Chapter 135, Statutes of Nevada 2009)</i>                                                                                                                                                                                        | 1 to 6 years | Not more than \$5,000  |
| Possession of firearm by ex-felon, fugitive from justice, or user of controlled substance (202.360) <i>Note: Fugitive from justice defined (A.B. 481, Chapter 135, Statutes of Nevada 2009)</i>                                                                                                                                                                                | 1 to 6 years | Not more than \$5,000  |
| Ex-felon, possession of tear gas (202.380)                                                                                                                                                                                                                                                                                                                                     | 1 to 6 years | Not more than \$5,000  |
| Bomb threats (202.840)                                                                                                                                                                                                                                                                                                                                                         | 1 to 6 years | Not more than \$5,000  |
| Criminal anarchy (203.115)                                                                                                                                                                                                                                                                                                                                                     | 1 to 6 years | Not more than \$10,000 |

**PENALTIES FOR FELONIES UNDER NEVADA REVISED STATUTES**

Revised: April 2010

**CATEGORY B FELONIES (With a Penalty of 1-6 Years)**

A category B felony is a felony for which the minimum term of imprisonment in the state prison that may be imposed is not less than 1 year and the maximum term of imprisonment that may be imposed is not more than 20 years. Fines are optional unless otherwise noted. Mandatory restitution is included for those sentences noted by an asterisk (\*). (NRS 193.130)

| CRIME AND NRS CITATION                                                                                                                                                                                                  | PENALTY                                                                          |                                        |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------|----------------------------------------|
|                                                                                                                                                                                                                         | Prison Term                                                                      | Fine                                   |
| Criminal syndicalism (203.117)                                                                                                                                                                                          | 1 to 6 years                                                                     | Not more than \$5,000                  |
| Arson, aiding and abetting, with the intent to defraud (205.030)                                                                                                                                                        | 1 to 6 years*                                                                    | Not more than \$5,000                  |
| Extortion for a debt (205.322)                                                                                                                                                                                          | 1 to 6 years*                                                                    | Not more than \$10,000                 |
| Obtaining money, property, rent, or labor by false pretenses, value \$250 or more (205.380)                                                                                                                             | 1 to 6 years*                                                                    | Not more than \$10,000                 |
| Coercion, force or threat of force (207.190)                                                                                                                                                                            | 1 to 6 years                                                                     | Not more than \$5,000                  |
| Unlawful contact with child under 16 years of age or with mentally ill person, subsequent offense (207.260)                                                                                                             | 1 to 6 years                                                                     | Not more than \$5,000                  |
| Escape from prison, gross misdemeanor or misdemeanor prisoner, use of weapon (212.090)                                                                                                                                  | 1 to 6 years                                                                     | Not more than \$5,000                  |
| Possession by felony prisoner of escape tools (212.093)                                                                                                                                                                 | 1 to 6 years                                                                     | Not more than \$5,000                  |
| Aid in escape of gross misdemeanor or misdemeanor prisoner, use of weapon (212.100)                                                                                                                                     | 1 to 6 years                                                                     | Not more than \$5,000                  |
| Custodian allowing escape of felon (212.110)                                                                                                                                                                            | 1 to 6 years                                                                     | Not more than \$10,000                 |
| Ministerial officer allowing escape (212.120)                                                                                                                                                                           | 1 to 6 years                                                                     | Not more than \$10,000                 |
| Furnishing weapons or drugs to prisoner (212.160)                                                                                                                                                                       | 1 to 6 years                                                                     | Not more than \$5,000                  |
| Possession of weapon or facsimile by prisoner (212.185)                                                                                                                                                                 | 1 to 6 years                                                                     | No fine                                |
| Major violation of lifetime supervision (213.1243)                                                                                                                                                                      | 1 to 6 years                                                                     | Not more than \$5,000                  |
| Abuse or neglect of patient by mental health provider, <i>either</i> for first violation that results in substantial bodily harm <i>or</i> for subsequent violation (433.554)                                           | 1 to 6 years                                                                     | Not more than \$5,000                  |
| Abuse of child receiving mental health treatment; substantial bodily harm (433B.340)                                                                                                                                    | 1 to 6 years                                                                     | Not more than \$5,000                  |
| Willful use of aversive intervention on person with a disability or improper use of restraint; <i>either</i> first violation with substantial bodily harm <i>or</i> subsequent violation (449.783)                      | 1 to 6 years                                                                     | Not more than \$5,000                  |
| Maintaining drug house, first offense (453.316)                                                                                                                                                                         | 1 to 6 years                                                                     | Not more than \$10,000                 |
| Import, sell, et cetera, Schedule I or II drugs, first offense (453.321)                                                                                                                                                | 1 to 6 years                                                                     | Not more than \$20,000                 |
| Possession not for sale of flunitrazepam or GHB (453.336)                                                                                                                                                               | 1 to 6 years                                                                     | No fine                                |
| Trafficking, Schedule I drugs (except marijuana), flunitrazepam, or GHB: 4 to 14 grams (453.3385)                                                                                                                       | 1 to 6 years; no probation or suspended sentence                                 | Mandatory fine, not more than \$50,000 |
| Gaming crimes, first offense (includes attempts and conspiracy to commit crimes) (465.088)                                                                                                                              | 1 to 6 years                                                                     | Not more than \$10,000                 |
| Gaming crimes, second or subsequent violation (includes attempts and conspiracy to commit crimes) (465.088)                                                                                                             | 1 to 6 years; no probation or suspended sentence                                 | Not more than \$10,000                 |
| Unlawful dissemination of certain wire information (465.090)                                                                                                                                                            | 1 to 6 years                                                                     | Not more than \$5,000                  |
| Failure to obey signal by officer and: (1) causes property damage; or (2) operates a vehicle in dangerous manner (484.348) <i>Note: NRS Chapter 484 reorganization (A.B. 475, Chapter 134, Statutes of Nevada 2009)</i> | 1 to 6 years                                                                     | Not more than \$5,000                  |
| Failure to obey roadblock, resulting in death, substantial bodily harm, or property damage over \$1,000 (484.3595) <i>Note: NRS Chapter 484 reorganization (A.B. 475, Chapter 134, Statutes of Nevada 2009)</i>         | 1 to 6 years                                                                     | Not more than \$5,000                  |
| Reckless driving, willful conduct resulting in death or substantial bodily harm (484.377) <i>Note: NRS Chapter 484 reorganization (A.B. 475, Chapter 134, Statutes of Nevada 2009)</i>                                  | 1 to 6 years                                                                     | Mandatory fine, \$2,000 to \$5,000     |
| DUI, third offense in 7 years (484.3792) <i>Note: NRS Chapter 484 reorganization (A.B. 475, Chapter 134, Statutes of Nevada 2009)</i>                                                                                   | 1 to 6 years; no probation or suspended sentence except in certain circumstances | Mandatory fine, \$2,000 to \$5,000     |

**PENALTIES FOR FELONIES UNDER NEVADA REVISED STATUTES**

Revised: April 2010

| <b>CATEGORY B FELONIES (With a Penalty of 1-6 Years)</b>                                                                                                                                                                                                                                                                                                                                      |                    |                                                                                                                                        |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------|----------------------------------------------------------------------------------------------------------------------------------------|
| <p align="center">A category B felony is a felony for which the minimum term of imprisonment in the state prison that may be imposed is not less than 1 year and the maximum term of imprisonment that may be imposed is not more than 20 years. Fines are optional unless otherwise noted. Mandatory restitution is included for those sentences noted by an asterisk (*). (NRS 193.130)</p> |                    |                                                                                                                                        |
| <b>CRIME AND NRS CITATION</b>                                                                                                                                                                                                                                                                                                                                                                 | <b>PENALTY</b>     |                                                                                                                                        |
|                                                                                                                                                                                                                                                                                                                                                                                               | <b>Prison Term</b> | <b>Fine</b>                                                                                                                            |
| Knowingly selling a motor vehicle whose odometer has been fraudulently altered (484.6067) <i>Note: NRS Chapter 484 reorganization (A.B. 475, Chapter 134, Statutes of Nevada 2009)</i>                                                                                                                                                                                                        | 1 to 6 years       | Not more than \$10,000                                                                                                                 |
| Staging fights between dogs, third offense (574.070)                                                                                                                                                                                                                                                                                                                                          | 1 to 6 years       | Not more than \$5,000<br>(A fine of not more than \$10,000 is mandatory if the violation is by an entity other than a natural person.) |

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**A.B. 45**

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ASSEMBLY BILL NO. 45—COMMITTEE ON GOVERNMENT AFFAIRS

(ON BEHALF OF THE NEVADA ASSOCIATION OF COUNTIES)

PREFILED DECEMBER 6, 2008

Referred to Committee on Judiciary

**SUMMARY**—Requires the State Public Defender to provide defense services to indigent persons in counties without county public defender offices and to fully fund such services. (BDR 20-457)

**FISCAL NOTE:** Effect on Local Government: No.  
Effect on the State: Yes.

EXPLANATION — Matter in *bolded italics* is new; matter between brackets [~~omitted material~~] is material to be omitted.

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AN ACT relating to public defenders; authorizing the creation and discontinuation of county public defender offices; requiring the State to reimburse counties for expenditures made in providing defense services to indigent persons; requiring the State Public Defender to establish branch offices in counties that do not have a county public defender office; requiring, under certain circumstances, that the State Public Defender provide defense services to indigent persons in counties with a county public defender office; and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

1 Under existing law, any county whose population is 100,000 or more (currently  
2 Washoe and Clark Counties) must create an office of public defender to provide  
3 defense services to indigent persons, and any county whose population is less than  
4 100,000 may, but is not required to, create such an office. (NRS 260.010) The State  
5 Public Defender provides defense services to indigent persons in counties that do  
6 not have a county public defender and may charge those counties, in amounts not to  
7 exceed limits previously set by the Legislature, for providing those services. (NRS  
8 180.110) The State Public Defender and any county with a county public defender  
9 may contract with each other for the State Public Defender to provide defense  
10 services to indigent persons in that county if a court, for cause, has disqualified the  
11 county public defender or if the county public defender is otherwise unable to  
12 provide representation. (NRS 180.060, 260.065)



13 This bill repeals the requirement that counties whose population is 100,000 or  
 14 more must create an office of public defender and repeals the authority of the State  
 15 Public Defender to charge counties for expenses related to the defense of indigent  
 16 persons in counties that do not have a county public defender. Instead, this bill  
 17 authorizes, but does not require, each county to create an office of county public  
 18 defender and requires the State Public Defender to establish at least one branch  
 19 office in each county that does not have a county public defender. Each county  
 20 must notify the State Public Defender by October 1, 2009, whether it will have an  
 21 office of county public defender, and the State Public Defender must create a  
 22 branch office in each county without a county public defender by July 1, 2010.  
 23 After July 1, 2010, a county may only create or discontinue an office of county  
 24 public defender if the county notifies the State Public Defender by March 1 of an  
 25 odd-numbered year of its intent to do so. If an office of county public defender is  
 26 being created, it must then be created as of July 1 of the same year that notice of  
 27 intent is given; if an office of county public defender is being discontinued, the  
 28 State Public Defender must establish a branch office in that county by July 1 of that  
 29 year.

30 This bill also requires the State to reimburse counties for expenditures made in  
 31 providing defense services to indigent persons and requires the State Public  
 32 Defender to provide such services to any county if a court, for cause, has  
 33 disqualified the county public defender or if the county public defender is otherwise  
 34 unable to provide representation.

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THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN  
 SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 **Section 1.** Chapter 260 of NRS is hereby amended by adding  
 2 thereto a new section to read as follows:

3 *1. A county whose board of county commissioners has:*  
 4 *(a) Created an office of county public defender pursuant to*  
 5 *NRS 260.010; or*  
 6 *(b) Joined with one or more other counties pursuant to NRS*  
 7 *260.020 to establish one office of county public defender to serve*  
 8 *those counties,*  
 9 *may submit a claim for reimbursement to the State Public*  
 10 *Defender for the costs associated with operating the office of*  
 11 *county public defender.*

12 *2. A claim for reimbursement submitted pursuant to*  
 13 *subsection 1 must be made in the form and at such times as*  
 14 *prescribed by the State Public Defender pursuant to section 4 of*  
 15 *this act.*

16 **Sec. 2.** NRS 260.010 is hereby amended to read as follows:  
 17 260.010 1. ~~In counties whose population is 100,000 or more,~~  
 18 ~~the boards of county commissioners shall create by ordinance the~~  
 19 ~~office of public defender.~~

20 ~~2. Except as otherwise provided by subsection 4, in counties~~  
 21 ~~whose population is less than 100,000, boards] A board of county~~  
 22 commissioners may ~~[in their respective counties create] :~~



1 (a) *Create*, by ordinance, at the beginning of a fiscal year, the  
2 office of *county* public defender.

3 ~~[3.— Except as otherwise provided in subsection 4, if]~~

4 (b) *If the county has an office of county public defender,*  
5 *discontinue, by ordinance, at the beginning of a fiscal year, the*  
6 *office of county public defender.*

7 2. *If a board of county commissioners intends to create the*  
8 *office of county public defender, the board shall notify the State*  
9 *Public Defender in writing on or before March 1 of any odd-*  
10 *numbered year and the office may not be created before July 1 of*  
11 *the same year in which the notice was given.*

12 ~~[4.— If the county contribution approved by the Legislature~~  
13 ~~exceeds the estimate provided to the county on December 1 by more~~  
14 ~~than 10 percent for either year of the biennium, the]~~

15 3. A board of county commissioners ~~[may create]~~ *that has*  
16 *created the office of county public defender [on July 1 of the next*  
17 ~~even-numbered year if]~~ *pursuant to this section or NRS 260.020*  
18 *shall not discontinue the office of county public defender:*

19 (a) *Unless* the board notifies the State Public Defender on or  
20 before March 1 ~~[of the same year in which the office is to be~~  
21 ~~created.~~

22 ~~—5.] of an odd-numbered year that the board intends to~~  
23 ~~discontinue the office of county public defender; and~~

24 (b) *Before July 1 of the same year in which the notice is given.*

25 4. The office of *county* public defender when created must be  
26 filled by appointment by the board of county commissioners.

27 ~~[6.]~~ 5. The *county* public defender serves at the pleasure of the  
28 board of county commissioners.

29 **Sec. 3.** NRS 260.065 is hereby amended to read as follows:

30 260.065 Any county in which the office of *county* public  
31 defender has been created may ~~[contract for]~~ *use* the services of the  
32 State Public Defender in providing representation for indigent  
33 persons when the court, for cause, disqualifies the county public  
34 defender or when the county public defender is otherwise unable to  
35 provide representation.

36 **Sec. 4.** Chapter 180 of NRS is hereby amended by adding  
37 thereto a new section to read as follows:

38 1. *The State Public Defender shall prescribe the form and*  
39 *time of filing for counties to submit claims for reimbursement for*  
40 *the costs associated with operating an office of county public*  
41 *defender established pursuant to NRS 260.010 or 260.020.*

42 2. *At least once every 3 months, and upon verification of a*  
43 *claim for reimbursement submitted by a county to the State Public*  
44 *Defender pursuant to section 1 of this act, the State Public*



1 *Defender shall authorize reimbursement to the county by the State*  
2 *from money appropriated for that purpose.*

3 **Sec. 5.** NRS 180.040 is hereby amended to read as follows:

4 180.040 1. The Office of the State Public Defender shall be  
5 in Carson City, Nevada, and the Buildings and Grounds Division of  
6 the Department of Administration shall provide necessary office  
7 space.

8 2. ~~[The]~~ *Subject to the provisions of subsection 3, the State*  
9 *Public Defender* ~~[may establish branch offices necessary to perform~~  
10 ~~his duties. He shall designate]~~ *shall establish at least one branch*  
11 *office in each county that:*

12 (a) *Has not established an office of county public defender.*

13 (b) *Has established an office of county public defender but the*  
14 *board of county commissioners in such county has notified the*  
15 *State Public Defender pursuant to subsection 3 of NRS 260.010*  
16 *that the board will discontinue the office of county public*  
17 *defender.*

18 3. *A branch office established pursuant to paragraph (b) of*  
19 *subsection 2 must be established as of July 1 of the same year that*  
20 *the State Public Defender is notified that the board of county*  
21 *commissioners intends to discontinue the office of county public*  
22 *defender.*

23 4. *Except as otherwise provided in subsection 5, the State*  
24 *Public Defender shall maintain each branch office established*  
25 *pursuant to this section.*

26 5. *If the State Public Defender is notified pursuant to*  
27 *subsection 2 of NRS 260.010 that a board of county*  
28 *commissioners intends to create an office of county public*  
29 *defender, the State Public Defender shall discontinue each branch*  
30 *office in that county on June 30 of the same year in which it is*  
31 *notified.*

32 6. *The State Public Defender shall designate a deputy state*  
33 *public defender to supervise each* ~~[such office.]~~ *branch office*  
34 *established and maintained pursuant to this section.*

35 **Sec. 6.** NRS 180.060 is hereby amended to read as follows:

36 180.060 1. The State Public Defender may, before being  
37 designated as counsel for that person pursuant to NRS 171.188,  
38 interview an indigent person when he has been arrested and  
39 confined for a public offense or for questioning on suspicion of  
40 having committed a public offense.

41 2. The State Public Defender shall, when designated pursuant  
42 to NRS 62D.030, 62D.100, 171.188 or 432B.420, and within the  
43 limits of available money, represent without charge each indigent  
44 person for whom he is appointed.



1 3. When representing an indigent person, the State Public  
2 Defender shall:

3 (a) Counsel and defend him at every stage of the proceedings,  
4 including revocation of probation or parole; and

5 (b) Prosecute any appeals or other remedies before or after  
6 conviction that he considers to be in the interests of justice.

7 4. In cases of postconviction proceedings and appeals arising in  
8 counties in which the office of *county* public defender has been  
9 created pursuant to the provisions of chapter 260 of NRS, where the  
10 matter is to be presented to the Supreme Court, the State Public  
11 Defender shall prepare and present the case and the public defender  
12 of the county shall assist and cooperate with the State Public  
13 Defender.

14 5. The State Public Defender ~~[may contract with]~~ shall provide  
15 to any county in which the office of *county* public defender has  
16 been created ~~[to provide]~~ representation for indigent persons when  
17 the court, for cause, disqualifies the county public defender or when  
18 the county public defender is otherwise unable to provide  
19 representation.

20 **Sec. 7.** NRS 180.090 is hereby amended to read as follows:

21 180.090 Except as *otherwise* provided in *NRS 180.040*,  
22 subsections 4 and 5 of NRS 180.060 ~~[ ]~~ and *section 4 of this act*, the  
23 provisions of this chapter apply only to counties in which the office  
24 of public defender has not been created pursuant to the provisions of  
25 chapter 260 of NRS.

26 **Sec. 8.** NRS 180.110 is hereby repealed.

27 **Sec. 9.** 1. Subject to the provisions of subsections 2 and 3  
28 and chapter 260 of NRS, a board of county commissioners for a  
29 county that does not have an office of county public defender on  
30 July 1, 2009, may create, by ordinance, the office of county public  
31 defender.

32 2. Except as otherwise provided in NRS 260.010, a board of  
33 county commissioners may not create an office of county public  
34 defender unless it notifies the State Public Defender in writing on or  
35 before October 1, 2009, that it intends to create such an office.

36 3. A board of county commissioners that notifies the State  
37 Public Defender pursuant to subsection 2:

38 (a) Shall create the office as of July 1, 2010; and

39 (b) May not discontinue the office except pursuant to the  
40 provisions of NRS 260.010.

41 4. Subject to the provisions of subsections 5 and 6, a board of  
42 county commissioners for a county that has an office of county  
43 public defender on July 1, 2009, may, by ordinance, discontinue that  
44 office.



1 5. Except as otherwise provided in NRS 260.010, a board of  
2 county commissioners may not discontinue an office of county  
3 public defender unless it notifies the State Public Defender, in  
4 writing, on or before October 1, 2009, that it intends to discontinue  
5 the office.

6 6. A board of county commissioners that notifies the State  
7 Public Defender pursuant to subsection 5 shall discontinue the office  
8 as of July 1, 2010.

9 7. On July 1, 2010, the State Public Defender shall establish at  
10 least one branch office in each county that:

11 (a) Does not have an office of county public defender on July 1,  
12 2009, and whose board of county commissioners does not notify the  
13 State Public Defender pursuant to subsection 2 that it intends to  
14 create the office; and

15 (b) Has an office of county public defender on July 1, 2009, and  
16 whose board of county commissioners notifies the State Public  
17 Defender pursuant to subsection 5 that it intends to discontinue the  
18 office.

19 **Sec. 10.** This act becomes effective on July 1, 2009.

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**TEXT OF REPEALED SECTION**

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**180.110 Collection of charges to counties for services.**

1. Each fiscal year the State Public Defender may collect from the counties amounts which do not exceed those authorized by the Legislature for use of his services during that year.

2. The State Public Defender shall submit to the county an estimate on or before the first day of May and that estimate becomes the final bill unless the county is notified of a change within 2 weeks after the date on which the county contribution is approved by the Legislature. The county shall pay the bill:

(a) In full within 30 days after the estimate becomes the final bill or the county receives the revised estimate; or

(b) In equal quarterly installments on or before the 1st day of July, October, January and April, respectively.

➤ The counties shall pay their respective amounts to the State Public Defender who shall deposit the amounts with the Treasurer of the State of Nevada and shall expend the money in accordance with his approved budget.

