

ASSEMBLY BILL NO. 391—COMMITTEE ON JUDICIARY

(ON BEHALF OF DEPARTMENT OF PRISONS)

MARCH 4, 1999

Referred to Committee on Judiciary

SUMMARY—Makes technical corrections to statutes concerning credits against sentences of certain prisoners. (BDR 16-454)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State or on Industrial Insurance: No.

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

AN ACT relating to prisoners; making technical corrections to the statutes concerning credits against the sentences of certain prisoners; and providing other matters properly relating thereto.

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

- 1 **Section 1.** NRS 209.433 is hereby amended to read as follows:
2 209.433 1. Every offender who was sentenced to prison on or before
3 June 30, 1969, who has no serious infraction of the regulations of the
4 department, the terms and conditions of his residential confinement, or the
5 laws of the state recorded against him, and who performs in a faithful,
6 orderly and peaceable manner the duties assigned to him, must be allowed
7 for his term a deduction of 2 months in each of the first 2 years, 4 months
8 in each of the next 2 years, and 5 months in each of the remaining years of
9 the term, and pro rata for any part of a year where the sentence is for more
10 or less than a year.
11 2. ~~The mode of reckoning credits must be as shown in the following~~
12 ~~table:~~

1 **SCHEDULE OF CREDITS**

2

3	Number of years	Good time	Time to be served
4	of sentence.	granted.	Total good time made.
5	1st year ..	2 months	10 months
6	2nd year ..	2 months	1 year, 8 months
7	3rd year ..	4 months	2 years, 4 months
8	4th year ..	8 months	3 years
9	5th year ..	1 year	3 years, 7 months
10	6th year ..	5 months	4 years, 2 months
11	7th year ..	1 year, 5 months	4 years, 9 months
12	8th year ..	2 years, 3 months	5 years, 4 months
13	9th year ..	2 years, 8 months	5 years, 11 months
14	10th year	5 months	6 years, 6 months

15
16 ~~and so on through as many years as may be the term of the sentence.~~

17 ~~3.]~~ In addition to the credits for good behavior provided for in
18 subsection 1, the board shall adopt regulations allowing credits for
19 offenders whose diligence in labor or study merits the credits and for
20 offenders who donate their blood for charitable purposes. The regulations
21 must provide that an offender is entitled to the following credits for
22 educational achievement:

- 23 (a) For earning a general equivalency diploma, 30 days.
24 (b) For earning a high school diploma, 60 days.
25 (c) For earning an associate degree, 90 days.

26 ~~[4.]~~ 3. Each offender is entitled to the deductions allowed by this
27 section if he has satisfied the conditions of subsection 1 or ~~[3]~~ 2 as
28 determined by the director.

29 **Sec. 2.** NRS 209.443 is hereby amended to read as follows:

30 209.443 1. Every offender who is sentenced to prison after June 30,
31 1969, for a crime committed before July 1, 1985, who has no serious
32 infraction of the regulations of the department, the terms and conditions of
33 his residential confinement, or the laws of the state recorded against him,
34 and who performs in a faithful, orderly and peaceable manner the duties
35 assigned to him, must be allowed:

- 36 (a) For the period he is actually incarcerated under sentence; and
37 (b) For the period he is in residential confinement,
38 a deduction of 2 months for each of the first 2 years, 4 months for each of
39 the next 2 years, and 5 months for each of the remaining years of the term,
40 and pro rata for any part of a year where the actual term served is for more
41 or less than a year. Credit must be recorded on a monthly basis as earned
42 for actual time served.

2. ~~{Credits accumulate as shown in the following table:~~

~~SCHEDULE OF CREDITS~~

Number of	Good time	Total good
years served.	granted.	time made.
1 year	2 months	2 months
2 years.....	2 months	4 months
3 years.....	4 months	8 months
4 years.....	4 months	1 year
5 years.....	5 months	1 year, 5 months
6 years.....	5 months	1 year, 10 months
7 years.....	5 months	2 years, 3 months
8 years.....	5 months	2 years, 8 months
9 years.....	5 months	3 years, 1 month
10 years.....	5 months	3 years, 6 months

~~and so on through as many years as may be the term of the sentence. The~~
~~“total good time made”}~~ *The credits earned by an offender* must be
deducted from the maximum term imposed by the sentence and, except as
otherwise provided in subsection 5, ~~{applies}~~ *apply* to eligibility for parole.

3. In addition to the credits for good behavior provided for in
subsection 1, the board shall adopt regulations allowing credits for
offenders whose diligence in labor or study merits such credits and for
offenders who donate their blood for charitable purposes. The regulations
must provide that an offender is entitled to the following credits for
educational achievement:

- (a) For earning a general equivalency diploma, 30 days.
- (b) For earning a high school diploma, 60 days.
- (c) For earning an associate degree, 90 days.

4. Each offender is entitled to the deductions allowed by this section if
he has satisfied the conditions of subsection 1 or 3 as determined by the
director.

5. Credits earned pursuant to this section do not apply to eligibility for
parole if a statute specifies a minimum sentence which must be served
before a person becomes eligible for parole.

Sec. 3. NRS 209.447 is hereby amended to read as follows:

209.447 1. An offender who is sentenced after June 30, 1991, for a
crime committed before July 1, 1985, and who is released on parole for a
term less than life must, if he has no serious infraction of the terms and
conditions of his parole or the laws of this state recorded against him, be
allowed for the period he is actually on parole a deduction of 2 months for

1 each of the first 2 years, 4 months for each of the next 2 years, and 5
2 months for each of the remaining years of the term, and pro rata for any
3 part of a year where the actual term served is for more or less than a year.
4 Credit must be recorded on a monthly basis as earned. ~~[Credits accumulate~~
5 ~~pursuant to this subsection as shown in the table set forth in subsection 2 of~~
6 ~~NRS 209.443.]~~

7 2. An offender who is sentenced after June 30, 1991, for a crime
8 committed on or after July 1, 1985, and who is released on parole for a
9 term less than life must, if he has no serious infraction of the terms and
10 conditions of his parole or the laws of this state recorded against him, be
11 allowed for the period he is actually on parole a deduction of 10 days from
12 his sentence for each month he serves.

13 3. An offender is entitled to the deductions authorized by this section
14 only if he satisfies the conditions of subsection 1 or 2, as determined by the
15 director. The chief parole and probation officer or other person responsible
16 for the supervision of an offender shall report to the director the failure of
17 an offender to satisfy those conditions.

18 4. Credits earned pursuant to this section must, in addition to any
19 credits earned pursuant to NRS 209.443, 209.446, 209.4465, 209.448 and
20 209.449, be deducted from the maximum term imposed by the sentence.

21 5. The director shall maintain records of the credits to which each
22 offender is entitled pursuant to this section.

23 **Sec. 4.** The amendatory provisions of this act do not affect any credits
24 earned against the sentence of a person sentenced to imprisonment in the
25 state prison for a crime committed before, on or after October 1, 1999.