

ASSEMBLY BILL NO. 79—COMMITTEE ON JUDICIARY

(ON BEHALF OF DEPARTMENT OF MOTOR VEHICLES AND PUBLIC SAFETY)

FEBRUARY 4, 1999

Referred to Committee on Judiciary

SUMMARY—Requires division of parole and probation of department of motor vehicles and public safety to categorize discharge from parole as honorable or dishonorable. (BDR 16-751)

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

~

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

AN ACT relating to parole; requiring the division of parole and probation of the department of motor vehicles and public safety to categorize a discharge from parole as honorable or dishonorable; requiring that a parolee must be issued an honorable discharge to have his civil rights restored; 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.** Chapter 213 of NRS is hereby amended by adding thereto
2 a new section to read as follows:
3 ***1. The division shall issue an honorable discharge to a parolee***
4 ***whose term of sentence has expired if the parolee has:***
5 ***(a) Fulfilled the conditions of his parole for the entire period of his***
6 ***parole; or***
7 ***(b) Demonstrated his fitness for honorable discharge but because of***
8 ***economic hardship, verified by a parole and probation officer, has been***
9 ***unable to make restitution as ordered by the court.***
10 ***2. The division shall issue a dishonorable discharge to a parolee***
11 ***whose term of sentence has expired if:***
12 ***(a) The whereabouts of the parolee are unknown;***
13 ***(b) The parolee has failed to make full restitution as ordered by the***
14 ***court, without a verified showing of economic hardship; or***

1 *(c) The parolee has otherwise failed to qualify for an honorable*
2 *discharge pursuant to subsection 1.*

3 *3. Any amount of restitution that remains unpaid by a person after*
4 *he has been discharged from parole constitutes a civil liability as of the*
5 *date of discharge.*

6 **Sec. 2.** NRS 213.107 is hereby amended to read as follows:

7 213.107 As used in NRS 213.107 to 213.157, inclusive, *and section 1*
8 *of this act*, unless the context otherwise requires:

9 1. "Board" means the state board of parole commissioners.

10 2. "Chief" means the chief parole and probation officer.

11 3. "Division" means the division of parole and probation of the
12 department of motor vehicles and public safety.

13 4. "Residential confinement" means the confinement of a person
14 convicted of a crime to his place of residence under the terms and
15 conditions established by the board.

16 5. "Sex offender" means any person who has been or is convicted of a
17 sexual offense.

18 6. "Sexual offense" means:

19 (a) A violation of NRS 200.366, subsection 4 of NRS 200.400, NRS
20 200.710, 200.720, subsection 2 of NRS 200.730, NRS 201.180, paragraph
21 (a) or subparagraph (2) of paragraph (b) of subsection 1 of NRS 201.195,
22 NRS 201.230 or 201.450;

23 (b) An attempt to commit any offense listed in paragraph (a); or

24 (c) An act of murder in the first or second degree, kidnaping in the first
25 or second degree, false imprisonment, burglary or invasion of the home if
26 the act is determined to be sexually motivated at a hearing conducted
27 pursuant to NRS 175.547.

28 7. "Standards" means the objective standards for granting or revoking
29 parole or probation which are adopted by the board or the chief.

30 **Sec. 3.** NRS 213.155 is hereby amended to read as follows:

31 213.155 1. The board may restore a paroled prisoner to his civil
32 rights, ~~{such restoration to}~~ *conditioned upon the prisoner receiving an*
33 *honorable discharge from parole pursuant to section 1 of this act. Such*
34 *restoration must* take effect at the expiration of ~~{his parole.}~~ *the parole of*
35 *the prisoner.*

36 2. In any case where a convicted person has completed his parole
37 without immediate restoration of his civil rights, *has been issued an*
38 *honorable discharge from parole pursuant to section 1 of this act* and has
39 not been convicted of any offense greater than a traffic violation within 5
40 years after completion of parole, he may apply to the state board of parole
41 commissioners for restoration of his civil rights and release from penalties
42 and disabilities which resulted from the offense or crime of which he was
43 convicted. The application must be accompanied by a current, certified

1 record of the applicant's criminal history received from the central
2 repository for Nevada records of criminal history. If, after investigation,
3 the board determines that the applicant meets the requirements of this
4 subsection, it shall restore him to his civil rights and release him from all
5 penalties and disabilities resulting from the offense or crime of which he
6 was convicted. If the board refuses to grant such restoration and release,
7 the applicant may, after notice to the board, petition the district court in
8 which the conviction was obtained for an order directing the board to grant
9 such restoration and release.

10 3. The board may adopt regulations necessary or convenient for the
11 purposes of this section.

12 **Sec. 4.** The amendatory provisions of this act must not be construed to
13 prohibit a person who was discharged from parole before the effective date
14 of this act from having his civil rights restored.

15 **Sec. 5.** This act becomes effective upon passage and approval.