

ASSEMBLY BILL NO. 80—COMMITTEE ON JUDICIARY

(ON BEHALF OF BOARD OF PAROLE COMMISSIONERS)

FEBRUARY 4, 1999

Referred to Committee on Judiciary

SUMMARY—Makes various changes concerning parolee who is incarcerated in another jurisdiction. (BDR 16-235)

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 parole; making various changes concerning a parolee who commits a felony in another jurisdiction; and providing other matters properly relating thereto.

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

Section 1. Chapter 213 of NRS is hereby amended by adding thereto
a new section to read as follows:

***1. Except as otherwise provided in subsection 2, if a prisoner who is
paroled by this state is convicted of and incarcerated for a new crime in a
jurisdiction outside of this state, the time during which the prisoner is
incarcerated in the other jurisdiction is not time served on his term of
imprisonment in this state.***

***2. If the prisoner described in subsection 1 waives his right to a
parole revocation hearing in this state, the board may:***

(a) Revoke the parole of the prisoner:

***(1) Immediately and allow the time during which the prisoner is
incarcerated in the other jurisdiction to be time served on his term of
imprisonment in this state; or***

***(2) At a later date that the board specifies and allow the time during
which the prisoner is incarcerated in the other jurisdiction after the date
on which the parole is revoked to be time served on his term of
imprisonment in this state; or***

1 ***(b) Continue the parole of the prisoner:***

2 ***(1) Immediately and allow the parole of the prisoner to run***
3 ***concurrently with the time served in the other jurisdiction; or***

4 ***(2) At a later date that the board specifies and allow the parole of***
5 ***the prisoner to run concurrently with the time served in the other***
6 ***jurisdiction after the date on which the parole is continued.***

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

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

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

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

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

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

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

19 6. "Sexual offense" means:

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

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

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

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

31 **Sec. 3.** NRS 213.15185 is hereby amended to read as follows:

32 213.15185 1. A prisoner who is paroled and leaves the state without
33 permission from the board or who does not keep the board informed as to
34 his location as required by the conditions of his parole shall be deemed an
35 escaped prisoner and arrested as such.

36 2. Except as otherwise provided in subsection 2 of NRS 213.1519, if
37 his parole is lawfully revoked and he is thereafter returned to prison, he
38 forfeits all previously earned credits earned to reduce his sentence pursuant
39 to chapter 209 of NRS and shall serve any part of the unexpired maximum
40 term of his original sentence as may be determined by the board.

41 3. Except as otherwise provided in subsection 2 of NRS 213.1519, the
42 board may restore any credits forfeited pursuant to subsection 2.

- 1 4. ~~{The}~~ *Except as otherwise provided in section 1 of this act, the*
- 2 time a person is an escaped prisoner is not time served on his term of
- 3 imprisonment.
- 4 **Sec. 4.** This act becomes effective upon passage and approval.

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