

SENATE BILL NO. 148—COMMITTEE ON JUDICIARY
(ON BEHALF OF ADVISORY COMMISSION ON SENTENCING)

FEBRUARY 10, 1999

Referred to Committee on Judiciary

SUMMARY—Revises penalty for commission of category E felony. (BDR 15-231)

FISCAL NOTE: Effect on Local Government: Yes.
Effect on the State or on Industrial Insurance: Yes.

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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 sentencing; revising the penalty for commission of a category E felony; allowing the court to require a person convicted of a category E felony to serve a term of confinement in the county jail as a condition of probation; 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 193.130 is hereby amended to read as follows:
2 193.130 1. Except when a person is convicted of a category A felony,
3 and except as otherwise provided by specific statute, a person convicted of
4 a felony shall be sentenced to a minimum term and a maximum term of
5 imprisonment which must be within the limits prescribed by the applicable
6 statute, unless the statute in force at the time of commission of the felony
7 prescribed a different penalty. The minimum term of imprisonment that
8 may be imposed must not exceed 40 percent of the maximum term
9 imposed.
10 2. Except as otherwise provided by specific statute, for each felony
11 committed on or after July 1, 1995:
12 (a) A category A felony is a felony for which a sentence of death or
13 imprisonment in the state prison for life with or without the possibility of
14 parole may be imposed, as provided by specific statute.

1 (b) A category B felony is a felony for which the minimum term of
2 imprisonment in the state prison that may be imposed is not less than 1 year
3 and the maximum term of imprisonment that may be imposed is not more
4 than 20 years, as provided by specific statute.

5 (c) A category C felony is a felony for which a court shall sentence a
6 convicted person to imprisonment in the state prison for a minimum term of
7 not less than 1 year and a maximum term of not more than 5 years. In
8 addition to any other penalty, the court may impose a fine of not more than
9 \$10,000, unless a greater fine is authorized or required by statute.

10 (d) A category D felony is a felony for which a court shall sentence a
11 convicted person to imprisonment in the state prison for a minimum term of
12 not less than 1 year and a maximum term of not more than 4 years. In
13 addition to any other penalty, the court may impose a fine of not more than
14 \$5,000, unless a greater fine is authorized or required by statute.

15 (e) A category E felony is a felony for which a court shall sentence a
16 convicted person to imprisonment in the state prison for a minimum term of
17 **not less than** 1 year and a maximum term of **not more than** 4 years. Except
18 as otherwise provided in paragraph (b) of subsection 1 of NRS 176A.100,
19 upon sentencing a person who is found guilty of a category E felony, the
20 court shall suspend the execution of the sentence and grant probation to the
21 person upon such conditions as the court deems appropriate. **Such**
22 **conditions of probation may include, but are not limited to, requiring the**
23 **person to serve a term of confinement in the county jail.** In addition to
24 any other penalty, the court may impose a fine of not more than \$5,000,
25 unless a greater penalty is authorized or required by statute.

26 **Sec. 2.** The provisions of subsection 1 of NRS 354.599 do not apply to
27 any additional expenses of a local government that are related to the
28 provisions of this act.

29 **Sec. 3.** The amendatory provisions of this act do not apply to offenses
30 that were committed before October 1, 1999.