

SENATE BILL No. 286—COMMITTEE ON JUDICIARY

(ON BEHALF OF ADVISORY COMMISSION ON SENTENCING)

MARCH 7, 2001

Referred to Committee on Judiciary

SUMMARY—Revises provisions relating to certain committees that review issues pertaining to criminal justice. (BDR 14-774)

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

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

AN ACT relating to criminal justice; establishing the legislative committee on criminal justice; eliminating the advisory commission on sentencing and amending various provisions relating thereto; 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 176.0129 is hereby amended to read as follows:
2 176.0129 ***1.*** The department of administration shall, on an annual
3 basis, contract for the services of an independent contractor, in accordance
4 with the provisions of NRS 284.173, to:
5 ~~1-1~~ ***(a)*** Review ***the*** sentences imposed in this state ~~and~~ ;
6 ***(b)*** Review the practices of the state board of parole commissioners ;
7 and ~~project~~
8 ***(c)*** ***Project*** annually the number of persons who , ***during the 10 years***
9 ***immediately following the date of the projection,*** will be:
10 ~~1-1~~ ***(1)*** In a facility or institution of the department of prisons;
11 ~~1-1~~ ***(2)*** On probation;
12 ~~1-1~~ ***(3)*** On parole; and
13 ~~1-1~~ ***(4)*** Serving a term of residential confinement . ~~1-1~~
14 ~~during the 10 years immediately following the date of the projection; and~~
15 ~~2. Review preliminary proposals and information provided by the~~
16 ~~commission and project annually the number of persons who will be:~~
17 ~~—(a) In a facility or institution of the department of prisons;~~
18 ~~—(b) On probation;~~
19 ~~—(c) On parole; and~~
20 ~~—(d) Serving a term of residential confinement;~~



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~~during the 10 years immediately following the date of the projection, assuming the preliminary proposals were recommended by the commission and enacted by the legislature.~~

2. The department of prisons and the division shall provide the independent contractor retained by the department of administration pursuant to subsection 1 with any available statistical information requested by the independent contractor for the purpose of performing the projections required by subsection 1.

Sec. 2. NRS 179A.290 is hereby amended to read as follows:

179A.290 1. The director of the department shall establish within the central repository a program to compile and analyze data concerning offenders who commit sexual offenses. The program must be designed to:

(a) Provide statistical data relating to the recidivism of offenders who commit sexual offenses; and

(b) Use the data provided by the division of child and family services of the department of human resources pursuant to NRS 62.920 to:

(1) Provide statistical data relating to the recidivism of juvenile sex offenders after they become adults; and

(2) Assess the effectiveness of programs for the treatment of juvenile sex offenders.

2. The division of parole and probation *of the department of motor vehicles and public safety* and the department of prisons shall assist the director of the department *of motor vehicles and public safety* in obtaining data and in carrying out the program.

3. The director of the department *of motor vehicles and public safety* shall report the statistical data and findings from the program to ~~the~~:

~~—(a) The legislature at the beginning of each regular session.~~

~~—(b) The advisory commission on sentencing on or before January 31 of each even-numbered year.~~

4. The data acquired pursuant to this section is confidential and must be used only for the purpose of research. The data and findings generated pursuant to this section must not contain information that may reveal the identity of a juvenile sex offender or the identity of an individual victim of a crime.

Sec. 3. Chapter 218 of NRS is hereby amended by adding thereto the provisions set forth as sections 4 to 9, inclusive, of this act.

Sec. 4. *As used in sections 4 to 9, inclusive, of this act, unless the context otherwise requires, "committee" means the legislative committee on criminal justice.*

Sec. 5. 1. *The legislative committee on criminal justice is hereby created.*

2. *The committee consists of eight legislative members who must be appointed as follows:*

(a) *The majority leader of the senate shall appoint one member from the senate who served as a member of the senate standing committee on judiciary during the immediately preceding session of the legislature and two other members from the senate.*

(b) *The minority leader of the senate shall appoint one member from the senate.*



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1 (c) The speaker of the assembly shall appoint one member from the
2 assembly who served as a member of the assembly standing committee on
3 judiciary during the immediately preceding session of the legislature and
4 two other members from the assembly.

5 (d) The minority leader of the assembly shall appoint one member
6 from the assembly.

7 3. The committee shall consult with an advisory committee consisting
8 of 13 members who are appointed for terms of 2 years commencing on
9 July 1 of each odd-numbered year as follows:

10 (a) Two members who are district judges, appointed by the governing
11 body of the Nevada District Judges' Association. One of the district
12 judges appointed pursuant to this paragraph must be a judge of the
13 juvenile court.

14 (b) One member who is a district attorney, appointed by the governing
15 body of the Nevada District Attorneys' Association.

16 (c) One member who is a public defender, appointed by the governor.

17 (d) One member who is an attorney in private practice, experienced in
18 defending criminal actions, appointed by the governing body of the State
19 Bar of Nevada.

20 (e) One member who is a representative of a law enforcement agency,
21 appointed by the governor.

22 (f) One member who is a representative of the division of parole and
23 probation of the department of motor vehicles and public safety,
24 appointed by the chief parole and probation officer.

25 (g) One member who has been a victim of a crime or is a
26 representative of an organization supporting the rights of victims of
27 crime, appointed by the governor.

28 (h) One member who is a county commissioner, appointed by the
29 governing body of the Nevada Association of Counties.

30 (i) One member who is a representative of the department of prisons,
31 appointed by the director of the department.

32 (j) One member who is a representative of the central repository for
33 Nevada records of criminal history, appointed by the director of the
34 department of motor vehicles and public safety.

35 (k) One member who is a representative of the youth parole bureau of
36 the division of child and family services in the department of human
37 resources, appointed by the administrator of the division.

38 (l) One member who is a member of the general public, appointed by
39 the governor.

40 The members of the advisory committee are nonvoting members of the
41 committee. When meeting as the advisory committee, the members shall
42 comply with the provisions of chapter 241 of NRS.

43 4. The legislative members of the committee shall elect a chairman
44 from one house of the legislature and a vice chairman from the other
45 house. Each chairman and vice chairman holds office for a term of 2
46 years commencing on July 1 of each odd-numbered year.

47 5. Any member of the committee who is not a candidate for
48 reelection or who is defeated for reelection continues to serve until the
49 next session of the legislature convenes.



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1 6. *Vacancies on the committee must be filled in the same manner as*
2 *original appointments.*

3 7. *The committee shall report annually to the legislative commission*
4 *concerning its activities and any recommendations.*

5 **Sec. 6.** 1. *The members of the committee shall meet throughout the*
6 *year at the times and places specified by a call of the chairman or a*
7 *majority of the committee.*

8 2. *The research director of the legislative counsel bureau or a person*
9 *he designates shall act as the nonvoting recording secretary.*

10 3. *The committee shall prescribe regulations for its own management*
11 *and government.*

12 4. *Except as otherwise provided in subsection 5, five voting members*
13 *of the committee constitute a quorum, and a quorum may exercise all the*
14 *power and authority conferred on the committee.*

15 5. *Any recommended legislation proposed by the committee must be*
16 *approved by a majority of the members of the senate and by a majority of*
17 *the members of the assembly appointed to the committee.*

18 6. *Each legislative member of the committee, except during a regular*
19 *or special session of the legislature, and any member of the advisory*
20 *committee who is not employed by the State of Nevada or by a local*
21 *government, is entitled to receive the compensation provided for a*
22 *majority of the members of the legislature during the first 60 days of the*
23 *preceding regular session for each day or portion of a day during which*
24 *he attends a meeting of the committee or is otherwise engaged in the*
25 *business of the committee plus the per diem allowance provided for state*
26 *officers and employees generally and the travel expenses provided*
27 *pursuant to NRS 218.2207. The salaries and expenses paid pursuant to*
28 *this subsection and the expenses of the committee must be paid from the*
29 *legislative fund.*

30 7. *A local government that employs a member of the advisory*
31 *committee shall pay the regular salary, per diem allowance and travel*
32 *expenses of that member for each day or portion of a day during which*
33 *he attends a meeting of the committee or is otherwise engaged in the*
34 *business of the committee.*

35 **Sec. 7.** 1. *The committee shall research, investigate, evaluate,*
36 *review and comment upon issues related to criminal justice within this*
37 *state. Those issues may include, without limitation, any policies, practices*
38 *or procedures concerning adult or juvenile offenders.*

39 2. *In carrying out its functions and duties, the committee may:*

40 (a) *Conduct investigations and hold hearings.*

41 (b) *Request that the legislative counsel bureau assist in any research,*
42 *investigation, evaluation, hearing or review conducted by the committee.*

43 (c) *Make recommendations concerning the manner in which the*
44 *system of criminal justice is administered within this state and provide*
45 *those recommendations to governing bodies, agencies, officers,*
46 *employees and instrumentalities of federal, state or local government and*
47 *to any other person who is concerned with criminal justice within this*
48 *state.*



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1 (d) Recommend to the legislature any appropriate legislation
2 concerning criminal justice or any matter that affects criminal justice
3 within this state.

4 **Sec. 8.** 1. If the committee conducts investigations or holds
5 hearings in carrying out its functions and duties:

6 (a) The secretary of the committee or, in his absence, a member
7 designated by the committee, may administer oaths.

8 (b) The secretary or chairman of the committee may cause the
9 deposition of witnesses, residing within or outside of this state, to be
10 taken in the manner prescribed by rule of court for taking depositions in
11 civil actions in the district courts.

12 (c) The chairman of the committee may issue subpoenas to compel the
13 attendance of witnesses and the production of books and papers.

14 2. If a witness refuses to attend or testify or produce books or papers
15 as required by the subpoena, the chairman of the committee may report
16 to the district court by a petition which sets forth that:

17 (a) Due notice has been given of the time and place of attendance of
18 the witness or the production of the books or papers;

19 (b) The witness has been subpoenaed by the committee pursuant to
20 this section; and

21 (c) The witness has failed or refused to attend or produce the books or
22 papers required by the subpoena before the committee that is named in
23 the subpoena, or has refused to answer questions propounded to him.

24 The petition may request an order of the court compelling the witness to
25 attend and testify or produce the books and papers before the committee.

26 3. Upon such a petition, the court shall enter an order directing the
27 witness to appear before the court at a time and place to be fixed by the
28 court in its order, the time to be not more than 10 days after the date of
29 the order, and to show cause why he has not attended or testified or
30 produced the books or papers before the committee. A certified copy of
31 the order must be served upon the witness.

32 4. If it appears to the court that the subpoena was regularly issued by
33 the committee, the court shall enter an order that the witness appear
34 before the committee at the time and place fixed in the order and testify
35 or produce the required books or papers. Failure to obey the order
36 constitutes contempt of court.

37 **Sec. 9.** Each witness who appears before the committee by its order,
38 except a state officer or employee, is entitled to receive for his attendance
39 the fees and mileage provided for witnesses in civil cases in the courts of
40 record of this state. The fees and mileage must be audited and paid upon
41 the presentation of proper claims sworn to by the witness and approved
42 by the secretary and chairman of the committee.

43 **Sec. 10.** NRS 176.0121, 176.0123, 176.0125 and 176.0127 are hereby
44 repealed.

45 **Sec. 11.** This act becomes effective on July 1, 2001.



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LEADLINES OF REPEALED SECTIONS

176.0121 “Commission” defined.
176.0123 Creation; members and appointing authorities;
chairman; terms; vacancies; salaries and per diem.
176.0125 Duties of commission.
176.0127 Department of prisons and division of parole and
probation to provide information to and assist commission.

