

SENATE BILL NO. 331—COMMITTEE ON JUDICIARY

(ON BEHALF OF THE ATTORNEY GENERAL)

MARCH 24, 2005

Referred to Committee on Judiciary

SUMMARY—Makes various changes concerning Advisory Commission on Sentencing. (BDR 14-111)

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 the system of criminal justice; making various changes concerning the composition of and the administration of the Advisory Commission on Sentencing; removing the duty of the Department of Administration to contract for certain services to assist the Advisory Commission and authorizing the Attorney General to contract for such services; 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. NRS 176.0123 is hereby amended to read as follows:

176.0123 1. The Advisory Commission on Sentencing is hereby created. The Commission consists of:

(a) One member who is a district judge, appointed by the governing body of the Nevada District Judges Association;

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

(c) One member who is an attorney in private practice, experienced in defending criminal actions, appointed by the governing body of the State Bar of Nevada;



(d) One member who is a representative of a law enforcement agency, appointed by the Governor;

(e) One member who is a representative of the Division of Parole and Probation of the Department of Public Safety, appointed by the Governor;

(f) One member who has been a victim of a crime or is a representative of an organization supporting the rights of victims of crime, appointed by the Governor;

(g) One member who is a county commissioner, appointed by the governing body of the Nevada Association of Counties;

(h) Two members who are Senators, one of whom is appointed by the Majority Leader of the Senate and one of whom is appointed by the Minority Leader of the Senate; and

(i) Two members who are Assemblymen, one of whom is appointed by the Speaker of the Assembly and one of whom is appointed by the Minority Leader of the Assembly.

↳ If any association listed in this subsection ceases to exist, the appointment required by this subsection must be made by the association's successor in interest or, if there is no successor in interest, by the Governor.

2. The ~~{Governor shall designate one member of the Commission to}~~ *Attorney General is an ex officio voting member of the Commission and shall* serve as *the* Chairman ~~{}~~ *of the Commission.*

3. Each *appointed* member serves a term of 2 years. Members may be reappointed for additional terms of 2 years in the same manner as the original appointments. Any vacancy occurring in the membership of the Commission must be filled in the same manner as the original appointment.

4. The Legislators who are members of the Commission are entitled to receive the salary provided for a majority of the members of the Legislature during the first 60 days of the preceding session for each day's attendance at a meeting of the Commission.

5. While engaged in the business of the Commission, *to the extent of legislative appropriation*, each member ~~{and employee}~~ of the Commission is entitled to receive the per diem allowance and travel expenses provided for state officers and employees generally.

6. To the extent of legislative appropriation, the Attorney General shall provide the Commission with such staff as is necessary to carry out the duties of the Commission.

Sec. 2. NRS 176.0127 is hereby amended to read as follows:

176.0127 1. The Department of Corrections shall:

(a) Provide the Commission with any available statistical information or research requested by the Commission and assist the Commission in the compilation and development of information



1 requested by the Commission, including, but not limited to,
2 information or research concerning the facilities and institutions of
3 the Department of Corrections, the offenders who are or were within
4 those facilities or institutions and the sentences which are being
5 served or were served by those offenders;

6 (b) If requested by the Commission, make available to the
7 Commission the use of the computers and programs which are
8 owned by the Department of Corrections; and

9 (c) Provide ~~{the}~~ **any** independent contractor retained by the
10 ~~{Department of Administration}~~ **Attorney General** pursuant to NRS
11 176.0129 with any available statistical information requested by the
12 independent contractor for the purpose of performing the projections
13 ~~{required by}~~ **set forth in** NRS 176.0129.

14 2. The Division shall:

15 (a) Provide the Commission with any available statistical
16 information or research requested by the Commission and assist the
17 Commission in the compilation and development of information
18 concerning sentencing, probation, parole and any offenders who are
19 or were subject to supervision by the Division;

20 (b) If requested by the Commission, make available to the
21 Commission the use of the computers and programs which are
22 owned by the Division; and

23 (c) Provide ~~{the}~~ **any** independent contractor retained by the
24 ~~{Department of Administration}~~ **Attorney General** pursuant to NRS
25 176.0129 with any available statistical information requested by the
26 independent contractor for the purpose of performing the projections
27 ~~{required by}~~ **set forth in** NRS 176.0129.

28 **Sec. 3.** NRS 176.0129 is hereby amended to read as follows:

29 176.0129 The ~~{Department of Administration shall}~~ **Attorney**
30 **General may**, on an annual basis, **to the extent of legislative**
31 **appropriation**, contract for the services of an independent
32 contractor, in accordance with the provisions of NRS 284.173, to:

33 1. Review sentences imposed in this State and the practices of
34 the State Board of Parole Commissioners and project annually the
35 number of persons who will be:

36 (a) In a facility or institution of the Department of Corrections;

37 (b) On probation;

38 (c) On parole; and

39 (d) Serving a term of residential confinement,

40 ➔ during the 10 years immediately following the date of the
41 projection; and

42 2. Review preliminary proposals and information provided by
43 the Commission and project annually the number of persons who
44 will be:

45 (a) In a facility or institution of the Department of Corrections;



- 1 (b) On probation;
- 2 (c) On parole; and
- 3 (d) Serving a term of residential confinement,
- 4 ➔ during the 10 years immediately following the date of the
- 5 projection, assuming the preliminary proposals were recommended
- 6 by the Commission and enacted by the Legislature.

