

ASSEMBLY BILL NO. 508—SELECT COMMITTEE ON
CORRECTIONS, PAROLE, AND PROBATION

MARCH 23, 2007

Referred to Select Committee on Corrections, Parole, and Probation

SUMMARY—Makes various changes to provisions concerning the
Advisory Commission on Sentencing. (BDR 14-1378)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: Contains Appropriation not included
in Executive Budget.

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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 Advisory Commission on Sentencing;
revising the membership and duties of the Commission;
requiring the Commission to hold meetings at least once
every 3 months; making an appropriation; and providing
other matters properly relating thereto.

Legislative Counsel's Digest:

Section 1 of this bill adds a retired justice of the Nevada Supreme Court to the
Advisory Commission on Sentencing and removes the Attorney General as the
Chairman of the Commission. Instead, members are required to elect a Chairman at
the first meeting of each calendar year. The Commission is further required to meet
at least quarterly.

Section 2 of this bill revises the duties of the Commission by requiring the
Commission to evaluate the effectiveness and efficiency of the Department of
Corrections and the State Board of Parole Commissioners and to consider whether
it is feasible and advisable to establish an oversight or advisory board to perform
various functions.

Section 3 of this bill makes an appropriation to the Advisory Commission on
Sentencing to enter into a contract with a consultant to assist the Commission in
carrying out its duties.



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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 retired justice of the Supreme Court of Nevada, appointed by the Chief Justice of the Supreme Court of Nevada;*

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

~~(e)~~ (d) 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)~~ (e) One member who is a public defender, appointed by the governing body of the State Bar of Nevada;

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

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

~~(g)~~ (h) 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;

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

~~(i)~~ (j) The Director of the Department of Corrections;

~~(j)~~ (k) 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

~~(k)~~ (l) 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 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



1 membership of the Commission must be filled in the same manner
2 as the original appointment.

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

7 5. *At the first regular meeting of each calendar year, the*
8 *members of the Commission shall elect a Chairman by majority*
9 *vote who shall serve until the next Chairman is elected.*

10 6. *The Commission shall meet at least once every 3 months*
11 *and may meet at such further times as deemed necessary by the*
12 *Chairman.*

13 7. While engaged in the business of the Commission, to the
14 extent of legislative appropriation, each member of the Commission
15 is entitled to receive the per diem allowance and travel expenses
16 provided for state officers and employees generally.

17 ~~16.1~~ 8. To the extent of legislative appropriation, the Attorney
18 General shall provide the Commission with such staff as is
19 necessary to carry out the duties of the Commission.

20 **Sec. 2.** NRS 176.0125 is hereby amended to read as follows:

21 176.0125 The Commission shall:

22 1. Identify and study the elements of this State's system of
23 criminal justice which affect the sentences imposed for felonies and
24 gross misdemeanors.

25 2. Evaluate the effectiveness and fiscal impact of various
26 policies and practices regarding sentencing which are employed in
27 this State and other states, including, but not limited to, the use of
28 plea bargaining, probation, programs of intensive supervision,
29 programs of regimental discipline, imprisonment, mandatory and
30 minimum sentencing, structured or tiered sentencing, enhanced
31 penalties for habitual criminals, parole, credits against sentences,
32 residential confinement and alternatives to incarceration.

33 3. Recommend changes in the structure of sentencing in this
34 State which, to the extent practicable and with consideration for
35 their fiscal impact, incorporate general objectives and goals for
36 sentencing, including, but not limited to, the following:

37 (a) Offenders must receive sentences that increase in direct
38 proportion to the severity of their crimes and their histories of
39 criminality.

40 (b) Offenders who have extensive histories of criminality or
41 who have exhibited a propensity to commit crimes of a predatory or
42 violent nature must receive sentences which reflect the need to
43 ensure the safety and protection of the public and which allow for
44 the imprisonment for life of such offenders.



(c) Offenders who have committed offenses that do not include acts of violence and who have limited histories of criminality must receive sentences which reflect the need to conserve scarce economic resources through the use of various alternatives to traditional forms of incarceration.

(d) Offenders with similar histories of criminality who are convicted of similar crimes must receive sentences that are generally similar.

(e) Offenders sentenced to imprisonment must receive sentences which do not confuse or mislead the public as to the actual time those offenders must serve while incarcerated or before being released from confinement or supervision.

(f) Offenders must not receive disparate sentences based upon factors such as race, gender or economic status.

(g) Offenders must receive sentences which are based upon the specific circumstances and facts of their offenses, including the nature of the offense and any aggravating factors, the savagery of the offense, as evidenced by the extent of any injury to the victim, and the degree of criminal sophistication demonstrated by the offender's acts before, during and after commission of the offense.

4. *Evaluate the effectiveness and efficiency of the Department of Corrections and the State Board of Parole Commissioners with consideration as to whether it is feasible and advisable to establish an oversight or advisory board to perform various functions and make recommendations concerning:*

(a) *Actions relating to parole;*

(b) *Policies for the operation of the Department of Corrections;*

(c) *Budgetary issues; and*

(d) *Other related matters.*

5. Compile and develop statistical information concerning sentencing in this State.

~~5-1~~ 6. For each regular session of the Legislature, prepare a comprehensive report including the Commission's recommended changes in the structure of sentencing in this State, the Commission's findings and any recommendations of the Commission for proposed legislation. The report must be submitted to the Legislature not later than 10 days after the commencement of the session.

Sec. 3. 1. There is hereby appropriated from the State General Fund to the Advisory Commission on Sentencing the sum of \$50,000 so that the Commission may enter into a contract with a qualified, independent consultant to assist the Commission in carrying out its duties.



1 2. Any remaining balance of the appropriation made by
2 subsection 1 must not be committed for expenditure after June 30,
3 2009, by the entity to which the appropriation is made or any entity
4 to which money from the appropriation is granted or otherwise
5 transferred in any manner, and any portion of the appropriated
6 money remaining must not be spent for any purpose after
7 September 18, 2009, by either the entity to which the money was
8 appropriated or the entity to which the money was subsequently
9 granted or transferred, and must be reverted to the State General
10 Fund on or before September 18, 2009.

11 **Sec. 4.** The Attorney General shall continue to serve as
12 Chairman of the Advisory Commission on Sentencing until the
13 members elect a Chairman at the first regular meeting of the
14 Commission that is held in 2008.

15 **Sec. 5.** This act becomes effective on July 1, 2007.

