

Amendment No. 363

Assembly Amendment to Assembly Bill No. 474 (BDR 16-1127)

Proposed by: Assembly Committee on Corrections, Parole, and Probation**Amends:** Summary: No Title: No Preamble: No Joint Sponsorship: No Digest: Yes

ASSEMBLY ACTION				Initial and Date		SENATE ACTION				Initial and Date		
Adopted	☐	Lost	☐	_____			Adopted	☐	Lost	☐	_____	
Concurred In	☐	Not	☐	_____			Concurred In	☐	Not	☐	_____	
Receded	☐	Not	☐	_____			Receded	☐	Not	☐	_____	

EXPLANATION: Matter in (1) ***blue bold italics*** is new language in the original bill; (2) ***green bold italic underlining*** is new language proposed in this amendment; (3) ~~red strikethrough~~ is deleted language in the original bill; (4) ~~purple double strikethrough~~ is language proposed to be deleted in this amendment; (5) ~~orange double underlining~~ is deleted language in the original bill that is proposed to be retained in this amendment; and (6) ***green bold dashed underlining*** is newly added transitory language.

NCA/BAW



Date: 4/18/2009

A.B. No. 474—Revises parole eligibility for certain offenders. (BDR 16-1127)



ASSEMBLY BILL NO. 474—COMMITTEE ON
CORRECTIONS, PAROLE, AND PROBATION

MARCH 19, 2009

Referred to Committee on Corrections, Parole, and Probation

SUMMARY—Revises parole eligibility for certain offenders. (BDR 16-1127)

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 parole; requiring mandatory release on parole for certain prisoners who were under the age of 16 years when the offense was committed and who meet certain requirements; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides for the mandatory release on parole of certain prisoners 12 months before the expiration of their maximum term if they have not previously been released on parole and are not otherwise ineligible for parole. (NRS 213.1215) This bill requires mandatory parole of prisoners who were sentenced to life imprisonment with the possibility of parole and who were less than 16 years of age at the time of the offense if they have: (1) served the minimum term of their sentence; (2) completed **a program of general education or** an industrial or ~~or~~ vocational **training** program; (3) ~~completed a program of general education;~~ **not been identified by the Department of Corrections as a member of a group posing a security threat;** and (4) not committed ~~or~~ **a major violation of the regulations of the Department of Corrections and not been housed in disciplinary segregation** within the immediately preceding ~~12~~ **24** months ~~or a serious infraction of the regulations of the Department of Corrections.~~

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:~~

~~—Notwithstanding any other provision of law, a prisoner who was sentenced to life imprisonment with the possibility of parole and who was less than 16 years of age at the time that he committed the offense for which he was imprisoned must be released on parole if:~~

~~1. The prisoner has served the minimum term of imprisonment imposed by the court;~~

~~2. The prisoner has completed an industrial or vocational training program;~~

~~3. The prisoner has completed a program of general education; and~~
~~4. The prisoner has not committed, within the immediately preceding 12 months, a serious infraction of the regulations of the Department of Corrections.~~
(Deleted by amendment.)

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

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

~~1. "Board" means the State Board of Parole Commissioners;~~

~~2. "Chief" means the Chief Parole and Probation Officer;~~

~~3. "Division" means the Division of Parole and Probation of the Department of Public Safety;~~

~~4. "Residential confinement" means the confinement of a person convicted of a crime to his place of residence under the terms and conditions established by the Board;~~

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

~~6. "Sexual offense" means:~~

~~(a) A violation of NRS 200.366, subsection 4 of NRS 200.400, NRS 200.710, 200.720, subsection 2 of NRS 200.730, NRS 201.180, paragraph (a) or subparagraph (2) of paragraph (b) of subsection 1 of NRS 201.195, NRS 201.230 or 201.450, or paragraph (a) or (b) of subsection 4 or paragraph (a) or (b) of subsection 5 of NRS 201.560;~~

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

~~(c) An act of murder in the first or second degree, kidnapping in the first or second degree, false imprisonment, burglary or invasion of the home if the act is determined to be sexually motivated at a hearing conducted pursuant to NRS 175.547;~~

~~7. "Standards" means the objective standards for granting or revoking parole or probation which are adopted by the Board or the Chief.~~ (Deleted by amendment.)

Sec. 3. NRS 213.1215 is hereby amended to read as follows:

213.1215 1. Except as otherwise provided in ~~subsections 3, 4 and 5~~ this section and in cases where a consecutive sentence is still to be served, if a prisoner sentenced to imprisonment for a term of 3 years or more:

(a) Has not been released on parole previously for that sentence; and

(b) Is not otherwise ineligible for parole,

he must be released on parole 12 months before the end of his maximum term, as reduced by any credits he has earned to reduce his sentence pursuant to chapter 209 of NRS.

2. Except as otherwise provided in this section, a prisoner who was sentenced to life imprisonment with the possibility of parole and who was less than 16 years of age at the time that he committed the offense for which he was imprisoned must be released on parole if:

(a) The prisoner has served the minimum term of imprisonment imposed by the court;

(b) The prisoner has completed a program of general education or an industrial or vocational training program;

(c) The prisoner has not been identified as a member of a group that poses a security threat pursuant to the procedures for identifying security threats established by the Department of Corrections; and

(d) The prisoner has not, within the immediately preceding 24 months:

(1) Committed a major violation of the regulations of the Department of Corrections; or

1 (2) *Been housed in disciplinary segregation.*

2 3. The Board shall prescribe any conditions necessary for the orderly conduct
3 of the parolee upon his release.

4 ~~124~~ 4. Each parolee so released must be supervised closely by the Division, in
5 accordance with the plan for supervision developed by the Chief pursuant to
6 NRS 213.122.

7 ~~124~~ 5. If the Board finds, at least 2 months before a prisoner would otherwise
8 be paroled pursuant to subsection 1, ~~14~~ or 2 that there is a reasonable probability
9 that the prisoner will be a danger to public safety while on parole, the Board may
10 require the prisoner to serve the balance of his sentence and not grant the parole
11 provided for in subsection 1, ~~14~~ or 2. If, pursuant to this subsection, the Board does
12 not grant the parole provided for in subsection 1, ~~14~~ or 2, the Board shall provide to
13 the prisoner a written statement of its reasons for denying parole.

14 ~~144~~ 6. If the prisoner is the subject of a lawful request from another law
15 enforcement agency that he be held or detained for release to that agency, the
16 prisoner must not be released on parole, but released to that agency.

17 ~~154~~ 7. If the Division has not completed its establishment of a program for the
18 prisoner's activities during his parole pursuant to this section, the prisoner must be
19 released on parole as soon as practicable after the prisoner's program is established.

20 ~~164~~ 8. For the purposes of this section, the determination of the 12-month
21 period before the end of a prisoner's term must be calculated without consideration
22 of any credits he may have earned to reduce his sentence had he not been paroled.