

Amendment No. 903

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

Proposed by: Senator Parks**Amendment Box:** Replaces Amendment No. 814.**Amends:** Summary: No Title: Yes 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: 5/21/2009

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; ***providing for the aggregation of consecutive sentences for the purposes of determining parole eligibility for certain prisoners under certain circumstances***; requiring mandatory 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 that a prisoner may be sentenced to consecutive sentences of imprisonment and may be paroled from a current term of imprisonment to a subsequent term of imprisonment. (NRS 176.035) Section 2.5 of this bill provides that eligibility for parole of a prisoner sentenced to two or more consecutive sentences of life imprisonment with the possibility of parole: (1) for offenses committed on or after July 1, 2009, must be based upon the aggregation of the minimum sentences for those offenses; and (2) for offenses committed before July 1, 2009, may, at the option of the prisoner, be based upon the aggregation of the minimum sentences for such offenses, provided that the prisoner has not previously been considered for parole.

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~~ ***Section 3 of 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 vocational training program; (3) not been identified by the Department of Corrections as a member of a group posing a security threat; and (4) not committed a major violation of the regulations of the Department of Corrections and not been housed in disciplinary segregation within the immediately preceding 24 months.***

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. (Deleted by amendment.)

Sec. 2. (Deleted by amendment.)

1 **Sec. 2.5. NRS 213.1213 is hereby amended to read as follows:**

2 213.1213 1. If a prisoner is sentenced pursuant to NRS 176.035 to serve two
3 or more concurrent sentences, whether or not the sentences are identical in length or
4 other characteristics, eligibility for parole from any of the concurrent sentences
5 must be based on the sentence which requires the longest period before the prisoner
6 is eligible for parole.

7 2. Notwithstanding any other provision of law, if a prisoner is sentenced
8 pursuant to NRS 176.035 to serve two or more consecutive sentences of life
9 imprisonment with the possibility of parole:

10 (a) For offenses committed on or after July 1, 2009:

11 (1) All minimum sentences for such offenses must be aggregated;

12 (2) The prisoner shall be deemed to be eligible for parole from all such
13 sentences after serving the minimum aggregate sentence; and

14 (3) The Board is not required to consider the prisoner for parole until the
15 prisoner has served the minimum aggregate sentence.

16 (b) For offenses committed before July 1, 2009, in cases in which the
17 prisoner has not previously been considered for parole for any such offenses:

18 (1) The prisoner may, by submitting a written request to the Director of
19 the Department of Corrections, make an irrevocable election to have the
20 minimum sentences for such offenses aggregated; and

21 (2) If the prisoner makes such an irrevocable election to have the
22 minimum sentences for such offenses aggregated, the Board is not required to
23 consider the prisoner for parole until the prisoner has served the minimum
24 aggregate sentence.

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

26 213.1215 1. Except as otherwise provided in ~~subsections 3, 4 and 5~~ **this**
27 **section** and in cases where a consecutive sentence is still to be served, if a prisoner
28 sentenced to imprisonment for a term of 3 years or more:

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

30 (b) Is not otherwise ineligible for parole,

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

34 2. *Except as otherwise provided in this section, a prisoner who was*
35 *sentenced to life imprisonment with the possibility of parole and who was less*
36 *than 16 years of age at the time that he committed the offense for which he was*
37 *imprisoned must, if the prisoner still has a consecutive sentence to be served, be*
38 *granted parole from his current term of imprisonment to his subsequent term of*
39 *imprisonment or must, if the prisoner does not still have a consecutive sentence to*
40 *be served, be released on parole, if:*

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

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

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

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

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

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

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

1 ~~4-~~ 4. Each parolee so released must be supervised closely by the Division, in
2 accordance with the plan for supervision developed by the Chief pursuant to
3 NRS 213.122.

4 ~~3-~~ 5. If the Board finds, at least 2 months before a prisoner would otherwise
5 be paroled pursuant to subsection 1 ~~4-~~ or 2 that there is a reasonable probability
6 that the prisoner will be a danger to public safety while on parole, the Board may
7 require the prisoner to serve the balance of his sentence and not grant the parole
8 provided for in subsection 1 ~~4-~~ or 2. If, pursuant to this subsection, the Board does
9 not grant the parole provided for in subsection 1 ~~4-~~ or 2, the Board shall provide to
10 the prisoner a written statement of its reasons for denying parole.

11 ~~4-~~ 6. If the prisoner is the subject of a lawful request from another law
12 enforcement agency that he be held or detained for release to that agency, the
13 prisoner must not be released on parole, but released to that agency.

14 ~~5-~~ 7. If the Division has not completed its establishment of a program for the
15 prisoner's activities during his parole pursuant to this section, the prisoner must be
16 released on parole as soon as practicable after the prisoner's program is established.

17 ~~6-~~ 8. For the purposes of this section, the determination of the 12-month
18 period before the end of a prisoner's term must be calculated without consideration
19 of any credits he may have earned to reduce his sentence had he not been paroled.

20 Sec. 4. 1. This section and section 2.5 of this act become effective on
21 July 1, 2009.

22 2. Section 3 of this act becomes effective on October 1, 2009.