

CHAPTER.....

AN ACT relating to criminal procedure; prohibiting the imposition of a sentence of life imprisonment without the possibility of parole upon a juvenile offender convicted of a non-homicide crime; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law prohibits the imposition of the death penalty upon a person convicted of a crime that the person committed when the person was less than 18 years of age. Existing law specifies that the maximum punishment that may be imposed upon such a person is life imprisonment. (NRS 176.025)

The Supreme Court of the United States recently held that the Eighth Amendment to the United States Constitution prohibits the imposition of a sentence of life imprisonment without the possibility of parole upon a juvenile offender convicted of a non-homicide crime. (*Graham v. Florida*, 130 S.Ct. 2011 (2010)) This bill revises existing law to reflect this holding by prohibiting a sentence of life imprisonment without the possibility of parole from being imposed upon any person convicted of a non-homicide crime that the person committed when the person was less than 18 years of age. The maximum punishment that may be imposed upon such a person is life imprisonment with the possibility of parole.

This bill applies retroactively to a sentence of life imprisonment without the possibility of parole that has been imposed upon a person convicted of a non-homicide crime that the person committed when the person was less than 18 years of age.

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

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

Section 1. NRS 176.025 is hereby amended to read as follows:

176.025 ***1.*** A sentence of death must not be imposed or inflicted upon any person convicted of a crime now punishable by death who at the time of the commission of the crime was ~~under the age of~~ ***less than 18 years of age.*** As to such ***a*** person, the maximum punishment that may be imposed is life imprisonment ~~without the possibility of parole.~~

2. A sentence of life imprisonment without the possibility of parole must not be imposed or inflicted upon any person convicted of a non-homicide crime now punishable by life imprisonment without the possibility of parole who at the time of the commission of the crime was less than 18 years of age. As to such a person, the maximum punishment that may be imposed is life imprisonment with the possibility of parole.



Sec. 2. This act becomes effective upon passage and approval and applies retroactively to a sentence of life imprisonment without the possibility of parole that has been imposed upon a person for a non-homicide crime that was committed by the person when the person was less than 18 years of age.

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