

ASSEMBLY BILL NO. 136—COMMITTEE ON JUDICIARY

(ON BEHALF OF THE ADVISORY COMMISSION
ON THE ADMINISTRATION OF JUSTICE)

FEBRUARY 11, 2011

Referred to Committee on Judiciary

SUMMARY—Revises provisions governing credits for offenders sentenced for certain crimes. (BDR 16-634)

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 offenders; revising provisions governing credits for offenders sentenced for certain crimes; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

1 Existing law provides that certain credits to the sentence of an offender
2 convicted of certain category C, D or E felonies must be deducted from the
3 minimum term imposed by the sentence until the offender becomes eligible for
4 parole and from the maximum term imposed by the sentence, except in certain
5 circumstances. (NRS 209.4465) This bill adds to the exceptions that an offender
6 who has been convicted of being a habitual criminal or a habitual felon may not
7 have credits applied to both the minimum and maximum term imposed by the
8 sentence. This bill further provides that an offender convicted of a category B
9 felony also qualifies to have certain credits deducted from the minimum term
10 imposed by the sentence until the offender becomes eligible for parole and from the
11 maximum term imposed by the sentence, except in certain circumstances.

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

1 **Section 1.** NRS 209.4465 is hereby amended to read as
2 follows:
3 209.4465 1. An offender who is sentenced to prison for a
4 crime committed on or after July 17, 1997, who has no serious
5 infraction of the regulations of the Department, the terms and



1 conditions of his or her residential confinement or the laws of the
2 State recorded against the offender, and who performs in a faithful,
3 orderly and peaceable manner the duties assigned to the offender,
4 must be allowed:

5 (a) For the period the offender is actually incarcerated pursuant
6 to his or her sentence;

7 (b) For the period the offender is in residential confinement; and

8 (c) For the period the offender is in the custody of the Division
9 of Parole and Probation of the Department of Public Safety pursuant
10 to NRS 209.4886 or 209.4888,

11 ➤ a deduction of 20 days from his or her sentence for each month
12 the offender serves.

13 2. In addition to the credits allowed pursuant to subsection 1,
14 the Director may allow not more than 10 days of credit each month
15 for an offender whose diligence in labor and study merits such
16 credits. In addition to the credits allowed pursuant to this subsection,
17 an offender is entitled to the following credits for educational
18 achievement:

19 (a) For earning a general educational development certificate, 60
20 days.

21 (b) For earning a high school diploma, 90 days.

22 (c) For earning his or her first associate degree, 120 days.

23 3. The Director may, in his or her discretion, authorize an
24 offender to receive a maximum of 90 days of credit for each
25 additional degree of higher education earned by the offender.

26 4. The Director may allow not more than 10 days of credit each
27 month for an offender who participates in a diligent and responsible
28 manner in a center for the purpose of making restitution, program
29 for reentry of offenders and parolees into the community,
30 conservation camp, program of work release or another program
31 conducted outside of the prison. An offender who earns credit
32 pursuant to this subsection is eligible to earn the entire 30 days of
33 credit each month that is allowed pursuant to subsections 1 and 2.

34 5. The Director may allow not more than 90 days of credit each
35 year for an offender who engages in exceptional meritorious service.

36 6. The Board shall adopt regulations governing the award,
37 forfeiture and restoration of credits pursuant to this section.

38 7. Except as otherwise provided in subsection 8, credits earned
39 pursuant to this section:

40 (a) Must be deducted from the maximum term imposed by the
41 sentence; and

42 (b) Apply to eligibility for parole unless the offender was
43 sentenced pursuant to a statute which specifies a minimum sentence
44 that must be served before a person becomes eligible for parole.



* A B 1 3 6 R 2 *

8. Credits earned pursuant to this section by an offender who has not been convicted of:

(a) Any crime that is punishable as a felony involving the use or threatened use of force or violence against the victim;

(b) A sexual offense that is punishable as a felony;

(c) A violation of NRS 484C.110, 484C.120, 484C.130 or 484C.430 that is punishable as a felony; ~~for~~

(d) *Being a habitual criminal pursuant to NRS 207.010, a habitual felon pursuant to NRS 207.012 or a habitually fraudulent felon pursuant to NRS 207.014; or*

(e) ~~[A]~~ *Except as otherwise provided in subsection 9, a category A or B felony,*

↪ apply to eligibility for parole and must be deducted from the minimum term imposed by the sentence until the offender becomes eligible for parole and must be deducted from the maximum term imposed by the sentence.

9. *Credits earned by an offender who has been convicted of a category B felony apply to eligibility for parole, must be deducted from the minimum term imposed by the sentence until the offender becomes eligible for parole and must be deducted from the maximum term imposed by the sentence if the offender:*

(a) *Has not been convicted of an offense listed in paragraphs (a) to (d), inclusive, of subsection 8;*

(b) *Has not served three or more separate terms of imprisonment for three separate felony convictions in this State;*

(c) *Is not serving a sentence for which an additional penalty was imposed for the use of a firearm pursuant to NRS 193.165; and*

(d) *Is not serving a sentence for violating the provisions of NRS 202.360.*

Sec. 2. For the purpose of calculating the credits earned by an offender pursuant to NRS 209.4465, the amendatory provisions of section 1 of this act must be applied:

1. Retroactively to January 1, 2005, to reduce the minimum term of imprisonment of an offender described in subsections 8 and 9 of NRS 209.4465, as amended by section 1 of this act, who was placed in the custody of the Department of Corrections before January 1, 2012, and who remains in such custody on January 1, 2012.

2. Retroactively to January 1, 2011, to reduce the maximum term of imprisonment of an offender who was placed on parole before January 1, 2012.

3. In the manner set forth in NRS 209.4465 for all offenders in the custody of the Department of Corrections commencing on



- 1 January 1, 2012, and for all offenders who are on parole
- 2 commencing on January 1, 2012.
- 3 **Sec. 3.** This act becomes effective on January 1, 2012.

