

Amendment No. 230

Senate Amendment to Senate Bill No. 265

(BDR 14-311)

Proposed by: Senate Committee on Judiciary**Amends:** Summary: No Title: Yes Preamble: No Joint Sponsorship: No Digest: Yes

ASSEMBLY ACTION				Initial and Date	SENATE ACTION				Initial and Date
Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____	Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____
Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____	Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____
Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____	Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____

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 underlining* is newly added transitory language.

MNM/BAW



Date: 4/21/2011

S.B. No. 265—Revises provisions governing sentencing of criminal offenders and determining eligibility of prisoners for parole. (BDR 14-311)



SENATE BILL NO. 265—SENATORS
PARKS, LESLIE; AND DENIS

MARCH 17, 2011

Referred to Committee on Judiciary

SUMMARY—Revises provisions governing sentencing of criminal offenders and determining eligibility of prisoners for parole. (BDR 14-311)

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; requiring the aggregation of certain consecutive sentences of imprisonment imposed on an offender; making credits earned by a prisoner to reduce his or her sentence applicable to an aggregated sentence; revising the manner in which credits are earned to reduce the minimum term of imprisonment; revising provisions relating to the parole of certain prisoners; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, a person who is convicted of committing more than one crime may be sentenced to serve the sentences imposed for each crime concurrently or consecutively. If a person is sentenced to serve consecutive sentences, he or she must complete or be paroled from one sentence before beginning to serve the next sentence. (NRS 176.035) Existing law further provides that for crimes committed on or after July 1, 2009, if two or more sentences of life imprisonment with the possibility of parole are imposed, the minimum sentences are aggregated for purposes of determining parole eligibility. By aggregating the minimum sentences, the prisoner is not paroled from the first offense separately, but rather becomes eligible for parole after the minimum aggregate term of imprisonment has been served. (NRS 213.1213) If the crimes were committed before July 1, 2009, existing law authorizes a prisoner serving two or more sentences of life imprisonment with the possibility of parole to request to have the sentences aggregated. Otherwise, parole eligibility continues to be determined for each sentence separately.

Section 1 of this bill provides that when a court imposes consecutive sentences, those sentences must be aggregated if the crimes were committed on or after July 1, 2012, unless any of the sentences includes a sentence of life without the possibility of parole or death.

Section 9 of this bill further provides that a prisoner who is serving consecutive sentences ~~for crimes committed before July 1, 2012,~~ may submit a request to the Director of the Department of Corrections to make an irrevocable election to aggregate any remaining sentences for which parole has not previously been considered. **Sections 1 and 9** provide that sentences for offenses which are entered at different times may not be aggregated. For example, a felony that is committed while serving a sentence for another felony may not be aggregated with the earlier sentence. By aggregating sentences, a prisoner will become eligible for parole after the minimum aggregate term of imprisonment has been served.

Section 13 of this bill limits the current aggregation of multiple life sentences so that the

sentences for any crime committed on or after July 1, 2012, will be aggregated in the manner provided in **sections 1 and 9**.

Existing law further provides that prisoners may earn certain credits to reduce their sentences. Most credits earned reduce only the maximum term of imprisonment, however, in some cases, the credits earned reduce both the minimum and maximum terms of imprisonment. When the credits are authorized to be deducted from the minimum term of imprisonment, the credits are deducted from the minimum term until the offender becomes eligible for parole. (NRS 209.4465) **Section 4** of this bill instead provides that for offenses committed on or after July 1, 2012, such credits may reduce the minimum term imposed by the sentence by not more than 58 percent. **Sections 2-8** of this bill revise provisions governing credits earned by offenders to reduce their sentences to ensure that the credits also apply to aggregated sentences. **Section 9** of this bill further clarifies that with respect to such credits, the credits apply to the aggregated sentences to the same extent that they would apply had the sentences not been aggregated. **Sections 10-18** of this bill make technical changes to various statutes to include necessary references to aggregated sentences.

Existing law also requires under certain circumstances that 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 the prisoner committed the offense for which he or she was imprisoned be: (1) granted parole from his or her current term of imprisonment to his or her subsequent term of imprisonment, if the prisoner still has a consecutive sentence to be served; or (2) released on parole if the prisoner does not have a consecutive sentence to be served. (NRS 213.1215) Section 14 of this bill provides that the State Board of Parole Commissioners is not required to release such a prisoner on parole if: (1) the prisoner is determined to be a high risk to reoffend; or (2) the Board determines that there is a reasonable probability that the prisoner will be a danger to public safety while on parole. Section 16 of this bill provides that such a prisoner released on parole whose parole is revoked for a violation of any rule or regulation governing his or her conduct cannot be considered again for release on parole pursuant to his or her qualification under such provisions but may be considered for release on parole pursuant to other provisions of law.

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

Section 1. NRS 176.035 is hereby amended to read as follows:

176.035 1. Except as otherwise provided in subsection ~~2~~ 3, whenever a person is convicted of two or more offenses, and sentence has been pronounced for one offense, the court in imposing any subsequent sentence may provide that the sentences subsequently pronounced run either concurrently or consecutively with the sentence first imposed. Except as otherwise provided in subsections ~~2~~ 3 and ~~3~~ 4, if the court makes no order with reference thereto, all such subsequent sentences run concurrently. *For offenses committed on or after July 1, 2012, if the court imposes the sentences to run consecutively, the court must pronounce the minimum and maximum aggregate terms of imprisonment pursuant to subsection 2, unless the defendant is sentenced to life imprisonment without the possibility of parole or death.*

2. *When aggregating terms of imprisonment pursuant to subsection 1:*

(a) *If at least one sentence imposes a maximum term of imprisonment for life with the possibility of parole, the court must aggregate the minimum terms of imprisonment to determine the minimum aggregate term of imprisonment, and the maximum aggregate term of imprisonment shall be deemed to be imprisonment in the state prison for life with the possibility of parole.*

(b) *If all the sentences impose a minimum and maximum term of imprisonment, the court must aggregate the minimum terms of imprisonment to*

1 *determine the minimum aggregate term of imprisonment and must aggregate the*
2 *maximum terms of imprisonment to determine the maximum aggregate term of*
3 *imprisonment.*

4 3. Except as otherwise provided in this subsection, whenever a person under
5 sentence of imprisonment for committing a felony commits another crime
6 constituting a felony and is sentenced to another term of imprisonment for that
7 felony, the latter term must not begin until the expiration of all prior terms ~~§~~,
8 *including the expiration of any prior aggregated terms.* If the person is a
9 probationer at the time the subsequent felony is committed, the court may provide
10 that the latter term of imprisonment run concurrently with any prior terms or
11 portions thereof. If the person is sentenced to a term of imprisonment for life
12 without the possibility of parole, the sentence must be executed without reference
13 to the unexpired term of imprisonment and without reference to eligibility for
14 parole.

15 ~~§-4~~ 4. Whenever a person under sentence of imprisonment commits another
16 crime constituting a misdemeanor or gross misdemeanor, the court shall provide
17 expressly whether the sentence subsequently pronounced runs concurrently or
18 consecutively with the one first imposed.

19 ~~§-4~~ 5. Whenever a person under sentence of imprisonment commits another
20 crime for which the punishment is death, the sentence must be executed without
21 reference to the unexpired term of imprisonment.

22 ~~§-5~~ 6. This section does not prevent the State Board of Parole
23 Commissioners from paroling a person under consecutive sentences of
24 imprisonment from a current term of imprisonment to a subsequent term of
25 imprisonment.

26 **Sec. 2.** NRS 209.443 is hereby amended to read as follows:

27 209.443 1. Every offender who is sentenced to prison after June 30, 1969,
28 for a crime committed before July 1, 1985, who has no serious infraction of the
29 regulations of the Department, the terms and conditions of his or her residential
30 confinement, or the laws of the State recorded against the offender, and who
31 performs in a faithful, orderly and peaceable manner the duties assigned to the
32 offender, must be allowed:

33 (a) For the period the offender is actually incarcerated under sentence; and

34 (b) For the period the offender is in residential confinement,

35 ➤ a deduction of 2 months for each of the first 2 years, 4 months for each of the
36 next 2 years and 5 months for each of the remaining years of the term, and pro rata
37 for any part of a year where the actual term served is for more or less than a year.
38 Credit must be recorded on a monthly basis as earned for actual time served.

39 2. The credits earned by an offender must be deducted from the maximum
40 term *or the maximum aggregate term* imposed by the sentence, *as applicable*,
41 and, except as otherwise provided in subsection 5, must apply to eligibility for
42 parole.

43 3. In addition to the credits for good behavior provided for in subsection 1,
44 the Board shall adopt regulations allowing credits for offenders whose diligence in
45 labor or study merits such credits and for offenders who donate their blood for
46 charitable purposes. The regulations must provide that an offender is entitled to the
47 following credits for educational achievement:

48 (a) For earning a general educational development certificate, 30 days.

49 (b) For earning a high school diploma, 60 days.

50 (c) For earning an associate degree, 90 days.

51 4. Each offender is entitled to the deductions allowed by this section if the
52 offender has satisfied the conditions of subsection 1 or 3 as determined by the
53 Director.

5. Credits earned pursuant to this section do not apply to eligibility for parole if a statute specifies a minimum sentence which must be served before a person becomes eligible for parole.

Sec. 3. NRS 209.446 is hereby amended to read as follows:

209.446 1. Every offender who is sentenced to prison for a crime committed on or after July 1, 1985, but before July 17, 1997, who has no serious infraction of the regulations of the Department, the terms and conditions of his or her residential confinement, or the laws of the State recorded against the offender, and who performs in a faithful, orderly and peaceable manner the duties assigned to the offender, must be allowed:

(a) For the period the offender is actually incarcerated under sentence;

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

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

➤ a deduction of 10 days from the offender's sentence for each month the offender serves.

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

(a) For earning a general educational development certificate, 30 days.

(b) For earning a high school diploma, 60 days.

(c) For earning an associate degree, 90 days.

3. The Director may allow not more than 10 days of credit each month for an offender who participates in a diligent and responsible manner in a center for the purpose of making restitution, program for reentry of offenders and parolees into the community, conservation camp, program of work release or another program conducted outside of the prison. An offender who earns credit pursuant to this subsection is entitled to the entire 20 days of credit each month which is authorized in subsections 1 and 2.

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

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

6. Credits earned pursuant to this section:

(a) Must be deducted from the maximum term *or the maximum aggregate term* imposed by the sentence ~~if~~, *as applicable*; and

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

Sec. 4. NRS 209.4465 is hereby amended to read as follows:

209.4465 1. An offender who is sentenced to prison for a crime committed on or after July 17, 1997, who has no serious infraction of the regulations of the Department, the terms and conditions of his or her residential confinement or the laws of the State recorded against the offender, and who performs in a faithful, orderly and peaceable manner the duties assigned to the offender, must be allowed:

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

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

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

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

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

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

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

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

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

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

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

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

7. Except as otherwise provided in ~~subsection~~ *subsections 8 and 9*, credits earned pursuant to this section:

(a) Must be deducted from the maximum term *or the maximum aggregate term* imposed by the sentence ~~and~~, *as applicable*; and

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

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; or

(d) A category A or B felony,

➤ apply to eligibility for parole and, *except as otherwise provided in subsection 9*, must be deducted from the minimum term *or the minimum aggregate term* imposed by the sentence, *as applicable*, until the offender becomes eligible for parole and must be deducted from the maximum term *or the maximum aggregate term* imposed by the sentence ~~and~~, *as applicable*.

9. *Credits earned pursuant subsection 8 may reduce the minimum term imposed by the sentence by not more than 58 percent for an offender who:*

(a) *Is serving a sentence for an offense committed on or after July 1, 2012; or*

(b) *On or after July 1, 2012, makes an irrevocable election to have his or her consecutive sentences aggregated pursuant to section 9 of this act.*

Sec. 5. NRS 209.447 is hereby amended to read as follows:

209.447 1. An offender who is sentenced after June 30, 1991, for a crime committed before July 1, 1985, and who is released on parole for a term less than life must, if the offender has no serious infraction of the terms and conditions of his or her parole or the laws of this state recorded against the offender, be allowed for the period the offender is actually on parole a deduction of 2 months for each of the first 2 years, 4 months for each of the next 2 years and 5 months for each of the remaining years of the term, and pro rata for any part of a year where the actual term served is for more or less than a year. Credit must be recorded on a monthly basis as earned.

2. An offender who is sentenced after June 30, 1991, for a crime committed on or after July 1, 1985, and who is released on parole for a term less than life must, if the offender has no serious infraction of the terms and conditions of his or her parole or the laws of this state recorded against the offender, be allowed for the period the offender is actually on parole a deduction of 10 days from the offender's sentence for each month the offender serves.

3. An offender is entitled to the deductions authorized by this section only if the offender satisfies the conditions of subsection 1 or 2, as determined by the Director. The Chief Parole and Probation Officer or other person responsible for the supervision of an offender shall report to the Director the failure of an offender to satisfy those conditions.

4. Credits earned pursuant to this section must, in addition to any credits earned pursuant to NRS 209.443, 209.446, 209.4465, 209.4475, 209.448 and 209.449, be deducted from the maximum term *or the maximum aggregate term* imposed by the sentence ~~+~~, *as applicable*.

5. The Director shall maintain records of the credits to which each offender is entitled pursuant to this section.

Sec. 6. NRS 209.4475 is hereby amended to read as follows:

209.4475 1. In addition to any credits earned pursuant to NRS 209.447, an offender who is on parole as of January 1, 2004, or who is released on parole on or after January 1, 2004, for a term less than life must be allowed for the period the offender is actually on parole a deduction of 20 days from the offender's sentence for each month the offender serves if:

(a) The offender is current with any fee to defray the costs of his or her supervision pursuant to NRS 213.1076; and

(b) The offender is current with any payment of restitution required pursuant to NRS 213.126.

2. In addition to any credits earned pursuant to subsection 1 and NRS 209.447, the Director may allow not more than 10 days of credit each month for an offender:

(a) Who is on parole as of January 1, 2004, or who is released on parole on or after January 1, 2004, for a term less than life; and

(b) Whose diligence in labor or study merits such credits.

3. An offender is entitled to the deductions authorized by this section only if the offender satisfies the conditions of subsection 1 or 2, as determined by the Director. The Chief Parole and Probation Officer or other person responsible for the supervision of an offender shall report to the Director the failure of an offender to satisfy those conditions.

4. Credits earned pursuant to this section must, in addition to any credits earned pursuant to NRS 209.443, 209.446, 209.4465, 209.447, 209.448 and 209.449, be deducted from the maximum term *or the maximum aggregate term* imposed by the sentence ~~+~~, *as applicable*.

5. The Director shall maintain records of the credits to which each offender is entitled pursuant to this section.

Sec. 7. NRS 209.448 is hereby amended to read as follows:

209.448 1. An offender who has no serious infraction of the regulations of the Department or the laws of the State recorded against the offender must be allowed, in addition to the credits provided pursuant to NRS 209.433, 209.443, 209.446 or 209.4465, a deduction of not more than 60 days from the maximum term *or the maximum aggregate term* of the offender's sentence, *as applicable*, for the successful completion of a program of treatment for the abuse of alcohol or drugs which is conducted jointly by the Department and a person who is licensed as a clinical alcohol and drug abuse counselor, licensed or certified as an alcohol and drug abuse counselor or certified as an alcohol and drug abuse counselor intern or a clinical alcohol and drug abuse counselor intern, pursuant to chapter 641C of NRS.

2. The provisions of this section apply to any offender who is sentenced on or after October 1, 1991.

Sec. 8. NRS 209.449 is hereby amended to read as follows:

209.449 1. An offender who has no serious infraction of the regulations of the Department, the terms and conditions of his or her residential confinement, or the laws of the State recorded against the offender must be allowed, in addition to the credits provided pursuant to NRS 209.433, 209.443, 209.446 or 209.4465, a deduction of 60 days from the maximum term *or the maximum aggregate term* of the offender's sentence, *as applicable*, for the successful completion of:

(a) A program of vocational education and training; or

(b) Any other program approved by the Director.

2. If the offender completes such a program with meritorious or exceptional achievement, the Director may allow not more than 60 days of credit in addition to the 60 days allowed for completion of the program.

Sec. 9. Chapter 213 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Notwithstanding any other provision of law, if a prisoner is sentenced pursuant to NRS 176.035 to serve two or more consecutive sentences, the terms of which have been aggregated:

(a) The prisoner shall be deemed to be eligible for parole from all such sentences after serving the minimum aggregate term of imprisonment; and

(b) The Board is not required to consider the prisoner for parole until the prisoner has served the minimum aggregate term of imprisonment.

2. For purposes of determining parole eligibility, a prisoner whose sentences have been aggregated may earn credit pursuant to NRS 209.433 to 209.449, inclusive, which must be deducted from the minimum aggregate term of imprisonment or the maximum aggregate term of imprisonment, as applicable. Such credits may be earned only to the extent that the credits would otherwise be earned had the sentences not been aggregated.

3. Except as otherwise provided in subsection 3 of NRS 176.035, a prisoner who is serving consecutive sentences which have not been aggregated ~~for offenses committed before July 1, 2012, may submit a request to the Director of the Department of Corrections to determine the effect of aggregating the sentences. After the Director informs the prisoner of the effect of aggregating the sentences, including, without limitation, any effect on the amount of credits that may be earned to reduce the minimum and maximum terms of imprisonment and when the prisoner may be eligible for parole, the prisoner~~ may submit a written request to the Director to make an irrevocable election to have the sentences aggregated. If the prisoner makes such an irrevocable election to have the sentences aggregated and:

1 *(a) The prisoner has not been considered for parole on any of the sentences,*
2 *the Department of Corrections shall aggregate the sentences in the manner set*
3 *forth in NRS 176.035 and the Board is not required to consider the prisoner for*
4 *parole until the prisoner has served the minimum aggregate term of*
5 *imprisonment.*

6 *(b) The prisoner has been considered for parole on one or more of the*
7 *sentences, the Department of Corrections shall aggregate only the sentences for*
8 *which parole has not been considered. The Board is not required to consider the*
9 *prisoner for parole on the aggregated sentences until the prisoner has served the*
10 *minimum aggregate term of imprisonment.*

11 **Sec. 10.** NRS 213.1085 is hereby amended to read as follows:

12 213.1085 1. The Board shall appoint an Executive Secretary, who is in the
13 unclassified service of the State.

14 2. The Executive Secretary must be selected on the basis of his or her
15 training, experience, capacity and interest in correctional services.

16 3. The Board shall supervise the activities of the Executive Secretary.

17 4. The Executive Secretary is the Secretary of the Board and shall perform
18 such duties in connection therewith as the Board may require, including, but not
19 limited to, preparing the agenda for board meetings and answering correspondence
20 from prisoners in the state prison.

21 5. The Executive Secretary shall prepare a list at least 30 days before any
22 scheduled action by the Board showing each person then eligible for parole
23 indicating:

24 (a) The name of the prisoner;

25 (b) The crime for which the prisoner was convicted;

26 (c) The county in which the prisoner was sentenced;

27 (d) The date of the sentence;

28 (e) The length of the sentence, including the minimum term *or minimum*
29 *aggregate term, as applicable*, and *the* maximum term *or maximum aggregate*
30 *term, as applicable*, of imprisonment or the definite term of imprisonment, if one is
31 imposed;

32 (f) The amount of time actually served in the state prison;

33 (g) The amount of credit for time previously served in a county jail; and

34 (h) The amount of credit allowed to reduce the sentence of the prisoner
35 pursuant to chapter 209 of NRS.

36 ➤ The Executive Secretary shall send copies to all law enforcement agencies in this
37 state and to other persons whom the Executive Secretary deems appropriate, at least
38 30 days before any scheduled action by the Board. Each law enforcement agency
39 that receives the list shall make the list available for public inspection during
40 normal business hours.

41 **Sec. 11.** NRS 213.1099 is hereby amended to read as follows:

42 213.1099 1. Except as otherwise provided in this section and NRS 213.1214
43 and 213.1215, the Board may release on parole a prisoner who is otherwise eligible
44 for parole pursuant to NRS 213.107 to 213.157, inclusive.

45 2. In determining whether to release a prisoner on parole, the Board shall
46 consider:

47 (a) Whether there is a reasonable probability that the prisoner will live and
48 remain at liberty without violating the laws;

49 (b) Whether the release is incompatible with the welfare of society;

50 (c) The seriousness of the offense and the history of criminal conduct of the
51 prisoner;

52 (d) The standards adopted pursuant to NRS 213.10885 and the
53 recommendation, if any, of the Chief; and

(e) Any documents or testimony submitted by a victim notified pursuant to NRS 213.130.

3. When a person is convicted of a felony and is punished by a sentence of imprisonment, the person remains subject to the jurisdiction of the Board from the time the person is released on parole under the provisions of this chapter until the expiration of the maximum term *or the maximum aggregate term* of imprisonment imposed by the court, *as applicable*, less any credits earned to reduce his or her sentence pursuant to chapter 209 of NRS.

4. Except as otherwise provided in NRS 213.1215, the Board may not release on parole a prisoner whose sentence to death or to life without possibility of parole has been commuted to a lesser penalty unless it finds that the prisoner has served at least 20 consecutive years in the state prison, is not under an order to be detained to answer for a crime or violation of parole or probation in another jurisdiction, and that the prisoner does not have a history of:

(a) Recent misconduct in the institution, and that the prisoner has been recommended for parole by the Director of the Department of Corrections;

(b) Repetitive criminal conduct;

(c) Criminal conduct related to the use of alcohol or drugs;

(d) Repetitive sexual deviance, violence or aggression; or

(e) Failure in parole, probation, work release or similar programs.

5. In determining whether to release a prisoner on parole pursuant to this section, the Board shall not consider whether the prisoner will soon be eligible for release pursuant to NRS 213.1215.

6. The Board shall not release on parole an offender convicted of an offense listed in NRS 179D.097 until the Central Repository for Nevada Records of Criminal History has been provided an opportunity to give the notice required pursuant to NRS 179D.475.

Sec. 12. NRS 213.120 is hereby amended to read as follows:

213.120 1. Except as otherwise provided in NRS 213.1213 and as limited by statute for certain specified offenses, a prisoner who was sentenced to prison for a crime committed before July 1, 1995, may be paroled when the prisoner has served one-third of the definite period of time for which the prisoner has been sentenced pursuant to NRS 176.033, less any credits earned to reduce his or her sentence pursuant to chapter 209 of NRS.

2. Except as otherwise provided in NRS 213.1213 and as limited by statute for certain specified offenses, a prisoner who was sentenced to prison for a crime committed on or after July 1, 1995, may be paroled when the prisoner has served the minimum term of imprisonment imposed by the court. Except as otherwise provided in NRS 209.4465, any credits earned to reduce his or her sentence pursuant to chapter 209 of NRS while the prisoner serves the minimum term of imprisonment may reduce only the maximum term *or the maximum aggregate term, as applicable*, of imprisonment imposed and must not reduce the minimum term *or the minimum aggregate term, as applicable*, of imprisonment.

Sec. 13. NRS 213.1213 is hereby amended to read as follows:

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

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

(a) For offenses committed on or after July 1, 2009 ~~§~~, *but before July 1, 2012:*

- (1) All minimum sentences for such offenses must be aggregated;
- (2) The prisoner shall be deemed to be eligible for parole from all such sentences after serving the minimum aggregate sentence; and
- (3) The Board is not required to consider the prisoner for parole until the prisoner has served the minimum aggregate sentence.

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

(1) The prisoner may, by submitting a written request to the Director of the Department of Corrections ~~§~~ *before July 1, 2012*, make an irrevocable election to have the minimum sentences for such offenses aggregated; and

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

Sec. 14. NRS 213.1215 is hereby amended to read as follows:

213.1215 1. Except as otherwise provided in 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,

➤ the prisoner must be released on parole 12 months before the end of his or her maximum term ~~§~~ *or maximum aggregate term, as applicable*, as reduced by any credits the prisoner has earned to reduce his or her 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 the prisoner committed the offense for which the prisoner was imprisoned must, if the prisoner still has a consecutive sentence to be served, be granted parole from his or her current term of imprisonment to his or her subsequent term of imprisonment or must, if the prisoner does not still have a consecutive sentence to be served, be released on parole, if:

(a) The prisoner has served the minimum term of imprisonment *or the minimum aggregate term of imprisonment* imposed by the court ~~§~~, *as applicable;*

(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

(2) Been housed in disciplinary segregation.

3. *If a prisoner who meets the criteria set forth in subsection 2 is determined to be a high risk to reoffend pursuant to NRS 213.1214, the Board is not required to release the prisoner on parole pursuant to this section. If the prisoner is not granted parole, a rehearing date must be scheduled pursuant to NRS 213.142.*

4. The Board shall prescribe any conditions necessary for the orderly conduct of the parolee upon his or her release.

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

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

7. If the Board finds that there is a reasonable probability that a prisoner considered for release on parole pursuant to subsection 2 will be a danger to public safety while on parole, the Board is not required to grant the parole and shall schedule a rehearing pursuant to NRS 213.142. Except as otherwise provided in subsection 3 of NRS 213.1519, if a prisoner is not granted parole pursuant to this subsection, the criteria set forth in subsection 2 must be applied at each subsequent hearing until the prisoner is granted parole or expires his or her sentence. If, pursuant to this subsection, the Board does not grant the parole provided for in subsection 2, the Board shall provide to the prisoner a written statement of its reasons for denying parole, along with specific recommendations of the Board, if any, to improve the possibility of granting parole the next time the prisoner may be considered for parole.

~~[6]~~ 8. If the prisoner is the subject of a lawful request from another law enforcement agency that the prisoner be held or detained for release to that agency, the prisoner must not be released on parole, but released to that agency.

~~[7]~~ 9. If the Division has not completed its establishment of a program for the prisoner's activities during his or her parole pursuant to this section, the prisoner must be released on parole as soon as practicable after the prisoner's program is established.

~~[8]~~ 10. For the purposes of this section, the determination of the 12-month period before the end of a prisoner's term must be calculated without consideration of any credits the prisoner may have earned to reduce his or her sentence had the prisoner not been paroled.

Sec. 15. NRS 213.15185 is hereby amended to read as follows:

213.15185 1. A prisoner who is paroled and leaves the State without permission from the Board or who does not keep the Board informed as to his or her location as required by the conditions of his or her parole shall be deemed an escaped prisoner and arrested as such.

2. Except as otherwise provided in subsection 2 of NRS 213.1519, if parole is lawfully revoked and the parolee is thereafter returned to prison, the parolee forfeits all previously earned credits for good behavior earned to reduce his or her sentence pursuant to chapter 209 of NRS and shall serve any part of the unexpired maximum term or the maximum aggregate term, as applicable, of his or her original sentence as may be determined by the Board.

3. Except as otherwise provided in subsection 2 of NRS 213.1519, the Board may restore any credits forfeited pursuant to subsection 2.

4. Except as otherwise provided in NRS 213.15187, the time a person is an escaped prisoner is not time served on his or her term of imprisonment.

Sec. 16. NRS 213.1519 is hereby amended to read as follows:

213.1519 1. Except as otherwise provided in ~~[subsection 2.]~~ subsections 2 and 3, a parolee whose parole is revoked by decision of the Board for a violation of any rule or regulation governing his or her conduct:

(a) Forfeits all credits for good behavior previously earned to reduce his or her sentence pursuant to chapter 209 of NRS; and

(b) Must serve such part of the unexpired maximum term *or the maximum aggregate term, as applicable*, of his or her original sentence as may be determined by the Board with rehearing dates scheduled pursuant to NRS 213.142.

➤ The Board may restore any credits forfeited under this subsection.

2. A parolee released on parole pursuant to subsection 1 of NRS 213.1215 whose parole is revoked for having been convicted of a new felony:

(a) Forfeits all credits for good behavior previously earned to reduce his or her sentence pursuant to chapter 209 of NRS;

(b) Must serve the entire unexpired maximum term *or the maximum aggregate term, as applicable*, of his or her original sentence; and

(c) May not again be released on parole during his or her term of imprisonment.

3. A parolee released on parole pursuant to subsection 2 of NRS 213.1215 whose parole is revoked for a violation of any rule or regulation governing his or her conduct:

(a) Forfeits all credits for good behavior previously earned to reduce his or her sentence pursuant to chapter 209 of NRS;

(b) Must serve such part of the unexpired maximum term or the maximum aggregate term, as applicable, of his or her original sentence as may be determined by the Board; and

(c) Must not be considered again for release on parole pursuant to subsection 2 of NRS 213.1215 but may be considered for release on parole pursuant to NRS 213.1099, with rehearing dates scheduled pursuant to NRS 213.142.

➤ The Board may restore any credits forfeited under this subsection.

Sec. 17. NRS 213.625 is hereby amended to read as follows:

213.625 1. Except as otherwise provided in this section, if a judicial program has been established in the judicial district in which a prisoner or parolee may be paroled, the Chair of the Board may, after consulting with the Division, refer a prisoner who is being considered for parole or a parolee who has violated a term or condition of his or her parole to the reentry court if the Chair believes that the person:

(a) Would participate successfully in and benefit from a judicial program; and

(b) Has demonstrated a willingness to:

(1) Engage in employment or participate in vocational rehabilitation or job skills training; and

(2) Meet any existing obligation for restitution to any victim of his or her crime.

2. Except as otherwise provided in this section, if the Chair is notified by the reentry court pursuant to NRS 209.4883 that a person should be ordered to participate in a judicial program, the Board may, in accordance with the provisions of this section:

(a) If the person is a prisoner who is being considered for parole, upon the granting of parole to the prisoner, require as a condition of parole that the person participate in and complete the judicial program; or

(b) If the person is a parolee who has violated a term or condition of his or her parole, order the parolee to participate in and complete the judicial program as a condition of the continuation of his or her parole and in lieu of revoking his or her parole and returning the parolee to confinement.

3. If a prisoner who has been assigned to the custody of the Division to participate in a judicial program pursuant to NRS 209.4886 is being considered for parole:

(a) The Board shall, if the Board grants parole to the prisoner, require as a condition of parole that the person continue to participate in and complete the judicial program.

(b) The Board is not required to refer the prisoner to the reentry court pursuant to subsection 1 or to obtain prior approval of the reentry court pursuant to NRS 209.4883 for the prisoner to continue participating in the judicial program while the prisoner is on parole.

4. In determining whether to order a person to participate in and complete a judicial program pursuant to this section, the Board shall consider:

(a) The criminal history of the person; and

(b) The safety of the public.

5. The Board shall adopt regulations requiring persons who are ordered to participate in and complete a judicial program pursuant to this section to reimburse the reentry court and the Division for the cost of their participation in a judicial program, to the extent of their ability to pay.

6. The Board shall not order a person to participate in a judicial program if the time required to complete the judicial program is longer than the unexpired maximum term *or the maximum aggregate term, as applicable*, of the person's original sentence.

Sec. 18. NRS 213.632 is hereby amended to read as follows:

213.632 1. Except as otherwise provided in this section, if a correctional program has been established by the Director in the county in which an offender or parolee may be paroled, the Chair of the Board may, after consulting with the Division, refer a prisoner who is being considered for parole or a parolee who has violated a term or condition of his or her parole to the Director if the Chair believes that the person:

(a) Would participate successfully in and benefit from a correctional program; and

(b) Has demonstrated a willingness to:

(1) Engage in employment or participate in vocational rehabilitation or job skills training; and

(2) Meet any existing obligation for restitution to any victim of his or her crime.

2. Except as otherwise provided in this section, if the Chair is notified by the Director pursuant to NRS 209.4887 that a person is suitable to participate in a correctional program, the Board may, in accordance with the provisions of this section:

(a) If the person is an offender who is being considered for parole, upon the granting of parole to the offender, require as a condition of parole that the offender participate in and complete the correctional program; or

(b) If the person is a parolee who has violated a term or condition of his or her parole, order the parolee to participate in and complete the correctional program as a condition of the continuation of his or her parole and in lieu of revoking his or her parole and returning the parolee to confinement.

3. If an offender who has been assigned to the custody of the Division to participate in a correctional program pursuant to NRS 209.4888 is being considered for parole, the Board shall, if the Board grants parole to the offender, require as a condition of parole that the offender continue to participate in and complete the correctional program.

1 4. In determining whether to order a person to participate in and complete a
2 correctional program pursuant to this section, the Board shall consider:

3 (a) The criminal history of the person; and

4 (b) The safety of the public.

5 5. The Board shall adopt regulations requiring persons who are ordered to
6 participate in and complete a correctional program pursuant to this section to
7 reimburse the Department of Corrections and the Division for the cost of their
8 participation in a correctional program, to the extent of their ability to pay.

9 6. The Board shall not order a person to participate in a correctional program
10 if the time required to complete the correctional program is longer than the
11 unexpired maximum term *or the maximum aggregate term, as applicable*, of the
12 person's original sentence.

13 **Sec. 19.** This act becomes effective on July 1, 2012.