

SENATE BILL NO. 29—COMMITTEE ON JUDICIARY

(ON BEHALF OF THE DEPARTMENT OF CORRECTIONS)

PREFILED DECEMBER 14, 2010

Referred to Committee on Judiciary

SUMMARY—Revises provisions relating to credits earned by an offender which reduce the offender's term of imprisonment. (BDR 16-450)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: Yes.

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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 relating to credits earned by an offender which reduce the term of imprisonment of the offender; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, certain offenders who have been sentenced to a term of imprisonment generally may earn credits for various achievements. The credits earned are applied to the length of the offender's term of imprisonment, thereby reducing the offender's sentence. (NRS 209.433-209.4465, 209.448, 209.449) For educational achievement, certain offenders who are sentenced to prison for a crime committed on or after July 17, 1997, are entitled to 60 days of credit for earning a general educational development certificate, 90 days of credit for earning a high school diploma and 120 days of credit for earning an associate degree. (NRS 209.4465) **Section 2** of this bill revises these credits and specifies that certain offenders who are sentenced to prison for a crime committed on or after the effective date of this bill may earn not more than 60 days of credit for earning a general educational development certificate, not more than 90 days of credit for earning a high school diploma and not more than 120 days of credit for earning an associate degree.

Existing law additionally provides that certain offenders who successfully complete a program of vocational education and training or any other program that is approved by the Director of the Department of Corrections must be given 60 days of credit. (NRS 209.449) **Section 3** of this bill revises this provision and requires that certain offenders who are sentenced to prison for a crime committed on or after the effective date of this bill and who successfully complete such a program must be given not more than 60 days of credit.



Sections 5 and 6 of this bill increase the maximum number of credits that certain offenders may earn for exceptional meritorious service from 90 days to 180 days, and section 2 specifically applies this 180-day maximum to offenders who commit a crime on or after the effective date of this bill.

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

Section 1. Chapter 209 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this act.

Sec. 2. 1. *An offender who is sentenced to prison for a crime committed on or after the effective date of this act, 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, not more than 60 days.

(b) For earning a high school diploma, not more than 90 days.

(c) For earning his or her first associate degree, not more than 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*



1 another program conducted outside of the prison. An offender
2 who earns credit pursuant to this subsection is eligible to earn the
3 entire 30 days of credit each month that is allowed pursuant to
4 subsections 1 and 2.

5 5. The Director may allow not more than 180 days of credit
6 each year for an offender who engages in exceptional meritorious
7 service.

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

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

12 (a) Must be deducted from the maximum term imposed by the
13 sentence; and

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

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

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

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

23 (c) A violation of NRS 484C.110, 484C.120, 484C.130 or
24 484C.430 that is punishable as a felony; or

25 (d) A category A or B felony,

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

30 **Sec. 3. 1.** An offender who is sentenced to prison for a
31 crime committed on or after the effective date of this act and who
32 has no serious infraction of the regulations of the Department, the
33 terms and conditions of his or her residential confinement or the
34 laws of the State recorded against the offender must be allowed, in
35 addition to the credits provided pursuant to section 2 of this act, a
36 deduction of not more than 60 days from the maximum term of the
37 offender's sentence for the successful completion of:

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

39 (b) Any other program approved by the Director.

40 2. If the offender completes such a program with meritorious
41 or exceptional achievement, the Director may allow not more than
42 60 days of credit in addition to the number of credits allowed for
43 completion of the program pursuant to subsection 1.



Sec. 4. NRS 209.432 is hereby amended to read as follows:

209.432 As used in NRS 209.432 to 209.451, inclusive, *and sections 2 and 3 of this act*, unless the context otherwise requires:

1. "Offender" includes:

(a) A person who is convicted of a felony under the laws of this State and sentenced, ordered or otherwise assigned to serve a term of residential confinement.

(b) A person who is convicted of a felony under the laws of this State and assigned to the custody of the Division of Parole and Probation of the Department of Public Safety pursuant to NRS 209.4886 or 209.4888.

2. "Residential confinement" means the confinement of a person convicted of a felony to his or her place of residence under the terms and conditions established pursuant to specific statute. The term does not include any confinement ordered pursuant to NRS 176A.530 to 176A.560, inclusive, 176A.660 to 176A.690, inclusive, 213.15105, 213.15193 or 213.152 to 213.1528, inclusive.

Sec. 5. 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



1 manner in a center for the purpose of making restitution, program
2 for reentry of offenders and parolees into the community,
3 conservation camp, program of work release or another program
4 conducted outside of the prison. An offender who earns credit
5 pursuant to this subsection is entitled to the entire 20 days of credit
6 each month which is authorized in subsections 1 and 2.

7 4. The Director may allow not more than ~~90~~ 180 days of
8 credit each year for an offender who engages in exceptional
9 meritorious service.

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

12 6. Credits earned pursuant to this section:

13 (a) Must be deducted from the maximum term imposed by the
14 sentence; and

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

18 **Sec. 6.** NRS 209.4465 is hereby amended to read as follows:

19 209.4465 1. An offender who is sentenced to prison for a
20 crime committed on or after July 17, 1997, *but before the effective*
21 *date of this act*, who has no serious infraction of the regulations of
22 the Department, the terms and conditions of his or her residential
23 confinement or the laws of the State recorded against the offender,
24 and who performs in a faithful, orderly and peaceable manner the
25 duties assigned to the offender, must be allowed:

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

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

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

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

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

40 (a) For earning a general educational development certificate,
41 60 days.

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

43 (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 ~~190~~ 180 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 8, credits earned pursuant to this section:

(a) Must be deducted from the maximum term imposed by the sentence; 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~~ 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.

Sec. 7. 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



1 any part of a year where the actual term served is for more or less
2 than a year. Credit must be recorded on a monthly basis as earned.

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

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

16 4. Credits earned pursuant to this section must, in addition to
17 any credits earned pursuant to NRS 209.443, 209.446, 209.4465,
18 209.4475, 209.448 and 209.449, *and sections 2 and 3 of this act*, be
19 deducted from the maximum term imposed by the sentence.

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

22 **Sec. 8.** NRS 209.4475 is hereby amended to read as follows:

23 209.4475 1. In addition to any credits earned pursuant to
24 NRS 209.447, an offender who is on parole as of January 1, 2004, or
25 who is released on parole on or after January 1, 2004, for a term less
26 than life must be allowed for the period the offender is actually on
27 parole a deduction of 20 days from the offender's sentence for each
28 month the offender serves if:

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

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

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

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

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

39 3. An offender is entitled to the deductions authorized by this
40 section only if the offender satisfies the conditions of subsection 1
41 or 2, as determined by the Director. The Chief Parole and Probation
42 Officer or other person responsible for the supervision of an
43 offender shall report to the Director the failure of an offender to
44 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, *and sections 2 and 3 of this act*, be deducted from the maximum term imposed by the sentence.

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

Sec. 9. 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, *or section 2 of this act*, a deduction of not more than 60 days from the maximum term of the offender's sentence 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. 10. NRS 209.449 is hereby amended to read as follows:

209.449 1. An offender who *is sentenced to prison for a crime committed before the effective date of this act and 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, *and section 2 of this act*, a deduction of 60 days from the maximum term of the offender's sentence 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. 11. 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



1 sentenced pursuant to NRS 176.033, less any credits earned to
2 reduce his or her sentence pursuant to chapter 209 of NRS.

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

13 **Sec. 12.** This act becomes effective upon passage and
14 approval.

