

ASSEMBLY BILL NO. 248—ASSEMBLYMEN FIORE, HICKEY, HARDY, FRIERSON, BOBZIEN; AIZLEY, ELLIOT ANDERSON, PAUL ANDERSON, BENITEZ-THOMPSON, BUSTAMANTE ADAMS, CARLTON, CARRILLO, DALY, DIAZ, DONDERO LOOP, DUNCAN, EISEN, ELLISON, FLORES, GRADY, HAMBRICK, HANSEN, HEALEY, HOGAN, HORNE, KIRKPATRICK, KIRNER, LIVERMORE, MARTIN, MUNFORD, NEAL, OHRENSCHALL, OSCARSON, PIERCE, SPIEGEL, STEWART, SWANK, WHEELER AND WOODBURY

MARCH 13, 2013

JOINT SPONSORS: SENATORS ATKINSON, SEGERBLOM, HUTCHISON, CEGAVSKE, HAMMOND; DENIS, FORD, GOICOECHEA, GUSTAVSON, HARDY, KIECKHEFER, KIHUEN, MANENDO, PARKS, ROBERSON, SETTELMAYER, SPEARMAN AND WOODHOUSE

Referred to Committee on Judiciary

SUMMARY—Creates a statutory subcommittee of the Advisory Commission on the Administration of Justice (BDR 14-616)

FISCAL NOTE: Effect on Local Government: May have Fiscal Impact.
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 the criminal justice system; creating a statutory subcommittee of the Advisory Commission on the Administration of Justice; revising the duties of the Advisory Commission to include the evaluation of certain laws related to traffic laws and certain laws relating to motor vehicles; and providing other matters properly relating thereto.



* A B 2 4 8 R 1 *

Legislative Counsel's Digest:

Section 1 of this bill creates the Subcommittee on Criminal and Civil Violations of Traffic Laws of the Advisory Commission on the Administration of Justice. **Section 1** also: (1) requires the Chair of the Advisory Commission to appoint the members of the Subcommittee; (2) requires the Subcommittee to study issues related to certain traffic laws and laws relating to drivers' licenses and to the registration of and insurance for motor vehicles, and the treatment of violations of such laws as criminal offenses or civil infractions; and (3) sets forth the salaries and per diem that members of the Subcommittee may receive.

Existing law directs the Advisory Commission to study certain elements of this State's criminal justice system. (NRS 176.1025) **Section 3** of this bill requires the Advisory Commission to evaluate certain laws concerning the criminal violation of traffic laws and laws relating to drivers' licenses and to the registration of and insurance for motor vehicles, and whether the State may treat such violations as civil matters.

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

Section 1. Chapter 176 of NRS is hereby amended by adding thereto a new section to read as follows:

1. There is hereby created the Subcommittee on Criminal and Civil Violations of Traffic Laws of the Commission.

2. The Chair of the Commission shall appoint the members of the Subcommittee and designate one of the members of the Subcommittee as Chair of the Subcommittee. The Chair of the Subcommittee must be a member of the Commission.

3. The Subcommittee shall meet at the times and places specified by a call of the Chair. A majority of the members of the Subcommittee constitutes a quorum, and a quorum may exercise any power or authority conferred on the Subcommittee.

4. The Subcommittee shall consider issues related to:

(a) The existing laws of this State concerning the violation of traffic laws and laws relating to drivers' licenses and to the registration of and insurance for motor vehicles, and the treatment of violations of such laws as criminal offenses;

(b) The related laws of other states concerning violations of such laws and their treatment of violations of such laws as criminal offenses or civil infractions;

(c) The appropriate and necessary elements of a system to treat violations of such laws as civil infractions in this State, including, without limitation, computer systems, court procedures, training and staffing; and

(d) The anticipated fiscal effects of a system to treat violations of such laws as civil infractions in this State, including, without limitation, the effects on this State and its political subdivisions,



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1 ↪ and shall evaluate, review and submit a report to the
2 Commission with recommendations concerning such issues.

3 5. Any Legislators who are members of the Subcommittee are
4 entitled to receive the salary provided for a majority of the
5 members of the Legislature during the first 60 days of the
6 immediately preceding session for each day's attendance at a
7 meeting of the Subcommittee.

8 6. While engaged in the business of the Subcommittee, to the
9 extent of legislative appropriation, each member of the
10 Subcommittee is entitled to receive the per diem allowance and
11 travel expenses provided for state officers and employees
12 generally.

13 **Sec. 2.** NRS 176.0121 is hereby amended to read as follows:

14 176.0121 As used in NRS 176.0121 to 176.0129, inclusive,
15 and section 1 of this act, "Commission" means the Advisory
16 Commission on the Administration of Justice.

17 **Sec. 3.** NRS 176.0125 is hereby amended to read as follows:

18 176.0125 The Commission shall:

19 1. Identify and study the elements of this State's system of
20 criminal justice which affect the sentences imposed for felonies and
21 gross misdemeanors.

22 2. Evaluate the effectiveness and fiscal impact of various
23 policies and practices regarding sentencing which are employed in
24 this State and other states, including, but not limited to, the use of
25 plea bargaining, probation, programs of intensive supervision,
26 programs of regimental discipline, imprisonment, sentencing
27 recommendations, mandatory and minimum sentencing, mandatory
28 sentencing for crimes involving the possession, manufacture
29 and distribution of controlled substances, structured or tiered
30 sentencing, enhanced penalties for habitual criminals, parole, credits
31 against sentences, residential confinement and alternatives to
32 incarceration.

33 3. Recommend changes in the structure of sentencing in this
34 State which, to the extent practicable and with consideration for
35 their fiscal impact, incorporate general objectives and goals for
36 sentencing, including, but not limited to, the following:

37 (a) Offenders must receive sentences that increase in direct
38 proportion to the severity of their crimes and their histories of
39 criminality.

40 (b) Offenders who have extensive histories of criminality or
41 who have exhibited a propensity to commit crimes of a predatory or
42 violent nature must receive sentences which reflect the need to
43 ensure the safety and protection of the public and which allow for
44 the imprisonment for life of such offenders.



(c) Offenders who have committed offenses that do not include acts of violence and who have limited histories of criminality must receive sentences which reflect the need to conserve scarce economic resources through the use of various alternatives to traditional forms of incarceration.

(d) Offenders with similar histories of criminality who are convicted of similar crimes must receive sentences that are generally similar.

(e) Offenders sentenced to imprisonment must receive sentences which do not confuse or mislead the public as to the actual time those offenders must serve while incarcerated or before being released from confinement or supervision.

(f) Offenders must not receive disparate sentences based upon factors such as race, gender or economic status.

(g) Offenders must receive sentences which are based upon the specific circumstances and facts of their offenses, including the nature of the offense and any aggravating factors, the savagery of the offense, as evidenced by the extent of any injury to the victim, and the degree of criminal sophistication demonstrated by the offender's acts before, during and after commission of the offense.

4. Evaluate the effectiveness and efficiency of the Department of Corrections and the State Board of Parole Commissioners with consideration as to whether it is feasible and advisable to establish an oversight or advisory board to perform various functions and make recommendations concerning:

(a) Policies relating to parole;

(b) Regulatory procedures and policies of the State Board of Parole Commissioners;

(c) Policies for the operation of the Department of Corrections;

(d) Budgetary issues; and

(e) Other related matters.

5. Evaluate the effectiveness of specialty court programs in this State with consideration as to whether such programs have the effect of limiting or precluding reentry of offenders and parolees into the community.

6. Evaluate the policies and practices concerning presentence investigations and reports made by the Division of Parole and Probation of the Department of Public Safety, including, without limitation, the resources relied on in preparing such investigations and reports and the extent to which judges in this State rely on and follow the recommendations contained in such presentence investigations and reports.

7. Evaluate, review and comment upon issues relating to juvenile justice in this State, including, but not limited to:



(a) The need for the establishment and implementation of evidence-based programs and a continuum of sanctions for children who are subject to the jurisdiction of the juvenile court; and

(b) The impact on the criminal justice system of the policies and programs of the juvenile justice system.

8. Compile and develop statistical information concerning sentencing in this State.

9. Identify and study issues relating to the application of chapter 241 of NRS to meetings held by the:

(a) State Board of Pardons Commissioners to consider an application for clemency; and

(b) State Board of Parole Commissioners to consider an offender for parole.

10. Identify and study issues relating to the operation of the Department of Corrections, including, without limitation, the system for allowing credits against the sentences of offenders, the accounting of such credits and any other policies and procedures of the Department which pertain to the operation of the Department.

11. Evaluate the policies and practices relating to the involuntary civil commitment of sexually dangerous persons.

12. *Evaluate the policies and practices relating to criminal violations of traffic laws and laws relating to drivers' licenses and to the registration of and insurance for motor vehicles, with consideration as to whether it is feasible and advisable to treat such violations as civil matters and, if so, the issues involved in implementing a system to treat such violations as civil matters.*

13. For each regular session of the Legislature, prepare a comprehensive report including the Commission's recommended changes pertaining to the administration of justice in this State, the Commission's findings and any recommendations of the Commission for proposed legislation. The report must be submitted to the Director of the Legislative Counsel Bureau for distribution to the Legislature not later than September 1 of each even-numbered year.

Sec. 4. The Subcommittee on Criminal and Civil Violations of Traffic Laws of the Advisory Commission on the Administration of Justice appointed pursuant to section 1 of this act shall submit a report of its findings and any recommendations for legislation to the Advisory Commission not later than 30 days before the date of the meeting at which the Advisory Commission considers findings and recommendations of the Advisory Commission for proposed legislation to the 78th Session of the Nevada Legislature. At that meeting, the Advisory Commission shall consider any recommendation for proposed legislation submitted to the Advisory Commission by the Subcommittee.



1 **Sec. 5.** The amendatory provisions of this act expire by
2 limitation on July 31, 2015.

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