

ASSEMBLY BILL NO. 64—COMMITTEE ON JUDICIARY

(ON BEHALF OF THE DEPARTMENT OF
PUBLIC SAFETY, DIRECTOR'S OFFICE)

PREFILED DECEMBER 20, 2012

Referred to Committee on Judiciary

SUMMARY—Revises provisions concerning the delivery of copies of reports of presentence investigations and certain judgments of conviction. (BDR 14-338)

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 criminal justice; revising provisions concerning the delivery of copies of reports of presentence investigations and certain judgments of conviction; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides that when a court imposes a sentence of imprisonment in the state prison or revokes a program of probation and orders a sentence of imprisonment to the state prison to be executed, the court is required to cause a copy of any report of a presentence investigation to be delivered to the Director of the Department of Corrections when the judgment of imprisonment is delivered by the sheriff to an authorized person designated by the Director to receive the prisoner from the county where the prisoner is held for commitment. (NRS 176.159, 176.335) **Section 1** of this bill revises this requirement and specifies that such a report must be delivered not later than when the judgment of imprisonment is delivered. **Section 1** further specifies that, at the court's discretion, the report may also be delivered by electronic transmission or by affording the Department the required electronic access to retrieve the report.

Existing law also provides that when a judgment of imprisonment to be served in the state prison has been pronounced, triplicate certified copies of the judgment of conviction, attested by the clerk under the seal of the court, must be furnished to the officers whose duty it is to execute the judgment. (NRS 176.325) **Section 2** of this bill specifies that such certified copies of the judgment of conviction may be in paper or electronic form.



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

Section 1. NRS 176.159 is hereby amended to read as follows:

176.159 1. Except as otherwise provided in subsection 2, when a court imposes a sentence of imprisonment in the state prison or revokes a program of probation and orders a sentence of imprisonment to the state prison to be executed, the court shall cause a copy of the report of the presentence investigation to be delivered to the Director of the Department of Corrections, if such a report was made. The report must be delivered *not later than* when the judgment of imprisonment is delivered pursuant to NRS 176.335. *Delivery of the report may, at the court's discretion, also be accomplished by electronic transmission or by affording the Department of Corrections the required electronic access necessary to retrieve the report.*

2. If a presentence investigation and report were not required pursuant to paragraph (b) of subsection 3 of NRS 176.135 or pursuant to subsection 1 of NRS 176.151, the court shall cause a copy of the previous report of the presentence investigation or a copy of the report of the general investigation, as appropriate, to be delivered to the Director of the Department of Corrections in the manner provided pursuant to subsection 1.

Sec. 2. NRS 176.325 is hereby amended to read as follows:

176.325 When a judgment of imprisonment to be served in the state prison has been pronounced, triplicate certified *paper or electronic* copies of the judgment of conviction, attested by the clerk under the seal of the court, must forthwith be furnished to the officers whose duty it is to execute the judgment, as provided by NRS 176.335, and no other warrant or authority is necessary to justify or require the execution thereof, except when a judgment of death is rendered.

Sec. 3. NRS 176.335 is hereby amended to read as follows:

176.335 1. If a judgment is for imprisonment in the state prison, the sheriff of the county shall, on receipt of the triplicate certified *paper or electronic* copies of the judgment of conviction, immediately notify the Director of the Department of Corrections and the Director shall, without delay, send some authorized person to the county where the prisoner is held for commitment to receive the prisoner.

2. When such an authorized person presents to the sheriff holding the prisoner an order for the delivery of the prisoner, the sheriff shall deliver to the authorized person two of the certified copies of the judgment of conviction ~~and a copy of the report of the presentence investigation or general investigation, as appropriate, if~~



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1 ~~required pursuant to NRS 176.159,]~~ and take from the person a
2 receipt for the prisoner, and the sheriff shall make return upon the
3 certified copy of the judgment of conviction, showing the sheriff's
4 proceedings thereunder, and both that copy with the return affixed
5 thereto and the receipt from the authorized person must be filed with
6 the county clerk.
7 3. The term of imprisonment designated in the judgment of
8 conviction must begin on the date of sentence of the prisoner by the
9 court.
10 **Sec. 4.** This act becomes effective upon passage and approval.

