

Amendment No. 248

Assembly Amendment to Assembly Bill No. 64 (BDR 14-338)

Proposed by: Assembly Committee on Judiciary

Amends: Summary: Yes Title: Yes Preamble: No Joint Sponsorship: No Digest: Yes

ASSEMBLY ACTION				Initial and Date	SENATE ACTION				Initial and Date
Adopted	☐	Lost	☐	_____	Adopted	☐	Lost	☐	_____
Concurred In	☐	Not	☐	_____	Concurred In	☐	Not	☐	_____
Receded	☐	Not	☐	_____	Receded	☐	Not	☐	_____

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: 4/16/2013

A.B. No. 64—Revises various provisions concerning criminal justice.

(BDR 14-338)



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 ~~various~~ provisions concerning ~~criminal justice;~~ 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 ~~the contents of certain presentence investigations and reports to include an evaluation for substance abuse, a needs assessment and a treatment and training plan; requiring provisions concerning the delivery of copies of~~ reports of presentence investigations ~~to be maintained in an offender information system; repealing provisions governing general investigations and reports; revising various provisions relating to the duties of the Director of the Department of Corrections; requiring documentation of an offender's performance and progress in and completion of certain programs; requiring the development of certain information systems to integrate the operations of certain agencies;~~ and certain judgments of conviction; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

~~Existing law requires the Division of Parole and Probation of the Department of Public Safety to make a presentence investigation and report to the court on each defendant who pleads guilty, guilty but mentally ill or nolo contendere to, or is found guilty or guilty but mentally ill of, a felony. (NRS 176.135) Section 2 of this bill requires the Division, as part of its presentence investigation and report, to arrange for an evaluation of the defendant for substance abuse. Section 3 of this bill similarly requires the Division, as part of its presentence investigation and report, to conduct a needs assessment designed to assist the defendant in obtaining and maintaining employment. Section 4 of this bill additionally requires the Division, as part of its presentence investigation and report, to develop a treatment and training plan based upon the evaluation for substance abuse conducted pursuant to section 2 and the needs assessment conducted pursuant to section 3.~~

~~Pursuant to section 6 of this bill, the report of any presentence investigation must be developed and maintained in the offender information system which is managed by the Department of Corrections and which is established pursuant to section 13 of this bill. Section~~

6 also removes certain exceptions to the requirement to complete a presentence investigation and report.

Existing law requires that the report of any presentence investigation must contain certain information. (NRS 176.145) Section 7 of this bill: (1) requires the report of any presentence investigation to include certain additional information; and (2) requires the report of any presentence investigation concerning a defendant who is convicted of a felony to include the additional items required pursuant to sections 2-4.

Existing law provides that if a defendant pleads guilty, guilty but mentally ill or not a contender to, or is found guilty or guilty but mentally ill of, one or more category E felonies, but no other felonies, the Division of Parole and Probation is generally required not to make a presentence investigation and report on the defendant and instead must make a general investigation and report. (NRS 176.151) Section 19 of this bill repeals the provisions governing general investigations and reports. Sections 6, 8-12 and 18 of this bill make technical changes resulting from the repeal of such provisions.

Section 13 of this bill requires the Director of the Department of Corrections to develop an offender information system that: (1) is managed by the Department; (2) facilitates the development and maintenance of certain reports concerning offenders; and (3) is accessible to the Division of Parole and Probation and the State Board of Parole Commissioners. Section 13 also requires the Director to prepare and submit to the Director of the Legislative Council Bureau for submission to the Legislature or to the Legislative Commission an annual report containing certain statistical data relating to offenders.

Existing law authorizes the Director to establish, with the approval of the Board of State Prison Commissioners, a system for offender management. (NRS 209.352) Section 14 of this bill requires the Director to establish a system of offender management using certain evidence based practices. Section 14 also provides that before the Department assigns an offender to a program of general education, vocational education and training or other rehabilitation, the Department must consider certain information concerning the offender.

Existing law requires the Board of State Prison Commissioners to establish programs of general education, vocational education and training and other rehabilitation. (NRS 209.389) Section 15 of this bill requires the Department to: (1) enter into the offender information system established pursuant to section 13 data regarding an offender's performance and progress in and completion of such a program; and (2) include such data in a report prepared for the State Board of Parole Commissioners for its review when the offender is considered for release on parole.

Existing law requires the Director to provide certain information and items to an offender who is released from prison. (NRS 209.511) Section 16 of this bill requires the Director to provide an offender with certain additional information upon his or her release from prison.

Section 17 of this bill provides that the development of any information system for the Division of Parole and Probation, the Department of Corrections or the State Board of Parole Commissioners must, to the extent feasible, integrate the operations of each agency with respect to information relating to convicted persons.

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:

1 Delete existing sections 1 through 20 of this bill and replace with the following
2 new sections 1, 2 and 3:
3

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

5 176.159 1. Except as otherwise provided in subsection 2, when a court
6 imposes a sentence of imprisonment in the state prison or revokes a program of
7 probation and orders a sentence of imprisonment to the state prison to be executed,
8 the court shall cause a copy of the report of the presentence investigation to be
9 delivered to the Director of the Department of Corrections, if such a report was
10 made. The report must be delivered not later than when the judgment of
11 imprisonment is delivered pursuant to NRS 176.335. Delivery of the report may, at
12 the court's discretion, also be accomplished by electronic transmission or by
13 affording the Department of Corrections the required electronic access necessary
14 to retrieve the report.

15 2. If a presentence investigation and report were not required pursuant to
16 paragraph (b) of subsection 3 of NRS 176.135 or pursuant to subsection 1 of NRS
17 176.151, the court shall cause a copy of the previous report of the presentence
18 investigation or a copy of the report of the general investigation, as appropriate, to
19 be delivered to the Director of the Department of Corrections in the manner
20 provided pursuant to subsection 1.

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

22 176.325 When a judgment of imprisonment to be served in the state prison
23 has been pronounced, triplicate certified paper or electronic copies of the judgment
24 of conviction, attested by the clerk under the seal of the court, must forthwith be
25 furnished to the officers whose duty it is to execute the judgment, as provided by
26 NRS 176.335, and no other warrant or authority is necessary to justify or require
27 the execution thereof, except when a judgment of death is rendered.

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

29 176.335 1. If a judgment is for imprisonment in the state prison, the sheriff
30 of the county shall, on receipt of the triplicate certified paper or electronic copies
31 of the judgment of conviction, immediately notify the Director of the Department
32 of Corrections and the Director shall, without delay, send some authorized person
33 to the county where the prisoner is held for commitment to receive the prisoner.

34 2. When such an authorized person presents to the sheriff holding the prisoner
35 an order for the delivery of the prisoner, the sheriff shall deliver to the authorized
36 person two of the certified copies of the judgment of conviction ~~and a copy of the~~
37 ~~report of the presentence investigation or general investigation, as appropriate, if~~
38 ~~required pursuant to NRS 176.159,~~ and take from the person a receipt for the
39 prisoner, and the sheriff shall make return upon the certified copy of the judgment
40 of conviction, showing the sheriff's proceedings thereunder, and both that copy
41 with the return affixed thereto and the receipt from the authorized person must be
42 filed with the county clerk.

43 3. The term of imprisonment designated in the judgment of conviction must
44 begin on the date of sentence of the prisoner by the court.