

Amendment No. CA22

Conference Committee Amendment to Assembly Bill No. 313 Third Reprint	(BDR S-421)
--	-------------

Proposed by: Conference Committee

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

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.

NCA



Date: 6/3/2013

A.B. No. 313—Requires the Advisory Commission on the Administration of
Justice to consider certain items regarding criminal procedure.
(BDR S-421)



ASSEMBLY BILL NO. 313—~~[ASSEMBLYWOMAN]~~
ASSEMBLYWOMEN PIERCE, DIAZ AND FIORE

MARCH 18, 2013

Referred to Committee on Judiciary

SUMMARY—Requires the Advisory Commission on the Administration of Justice to consider certain items regarding criminal procedure. (BDR ~~[S 421]~~ 14-421)

FISCAL NOTE: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility.
Effect on the State: Yes.

~

EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to criminal procedure; requiring the Advisory Commission on the Administration of Justice to ~~consider~~ evaluate issues concerning electronic surveillance by law enforcement, traffic laws and certain laws relating to motor vehicles, and language access in the courts; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law establishes the Advisory Commission on the Administration of Justice and directs the Commission, among other duties, to identify and study the elements of this State's system of criminal justice. (NRS 176.0123, 176.0125) This bill requires the Commission to: (1) ~~consider~~ evaluate issues concerning electronic surveillance by law enforcement; (2) evaluate 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) evaluate issues concerning language access in the courts. **This bill also eliminates a similar study required by section 10 of Assembly Bill No. 365 of this session.**

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

Section 1. (Deleted by amendment.)

Sec. 2. (Deleted by amendment.)

Sec. 2.5. ~~[The Advisory Commission on the Administration of Justice created pursuant to NRS 176.0123 shall, at a meeting held by the Commission, include as an item on the agenda a discussion of the following issues:~~

~~1. A review of the use of electronic surveillance by law enforcement, including, without limitation, access by a law enforcement agency to historical and prospective geolocation data generated by a telecommunications device for tracking purposes and the use of mobile tracking devices.~~

~~2. An evaluation of 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.~~

~~3. An evaluation of:~~

~~(a) The current system used in this State to provide court interpreters in criminal and civil proceedings;~~

~~(b) The systems used in other states to provide court interpreters in criminal and civil proceedings; and~~

~~(c) The current condition of federal and state laws regarding the provision of court interpreters in criminal and civil proceedings.~~

~~4. Recommendations regarding, without limitation:~~

~~(a) Necessary statutory changes to facilitate language access in the courts;~~

~~(b) Necessary statutory changes to comply with any federal law related to language access in the courts; and~~

~~(c) Methods for raising any revenue necessary to provide court interpreters in criminal and civil proceedings or to increase language access in the courts.]~~

~~(Deleted by amendment.)~~

Sec. 2.6. NRS 176.0125 is hereby amended to read as follows:

176.0125 The Commission shall:

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

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

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

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

(b) Offenders who have extensive histories of criminality or who have exhibited a propensity to commit crimes of a predatory or violent nature must receive sentences which reflect the need to ensure the safety and protection of the public and which allow for 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 use of electronic surveillance by law enforcement, including, without limitation, access by a law enforcement agency to historical

and prospective geolocation data generated by a telecommunications device for tracking purposes and the use of mobile tracking devices.

13. 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.

14. Evaluate the current system used in this State to provide court interpreters in criminal and civil proceedings, including, without limitation, an examination of:

(a) The systems used in other states to provide court interpreters in criminal and civil proceedings;

(b) The current condition of federal and state laws regarding the provision of court interpreters in criminal and civil proceedings;

(c) Necessary statutory changes to facilitate language access in the courts;

(d) Necessary statutory changes to comply with any federal law related to language access in the courts; and

(e) Methods for raising any revenue necessary to provide court interpreters in criminal and civil proceedings or to increase language access in the courts.

15. 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. 2.7. Section 10 of Assembly Bill No. 365 of this session is hereby repealed.

Sec. 3. This act becomes effective ~~on July 1, 2013,~~ upon passage and approval.

TEXT OF REPEALED SECTION

Section 10 of Assembly Bill No. 365 of this session:

Sec. 10. 1. The Advisory Commission on the Administration of Justice created pursuant to NRS 176.0123 shall appoint a subcommittee to conduct an interim study concerning language access in the courts of the State of Nevada, and make a report thereof.

2. The study and report must include, without limitation:

(a) An evaluation of:

(1) The current system used in this State to provide court interpreters in criminal and civil proceedings;

(2) The systems used in other states to provide court interpreters in criminal and civil proceedings; and

(3) The current condition of federal and state laws regarding the provision of court interpreters in criminal and civil proceedings.

(b) Recommendations regarding, without limitation:

(1) Necessary statutory changes to facilitate language access in the courts;

(2) Necessary statutory changes to comply with any federal law related to language access in the courts; and

(3) Methods for raising any revenue necessary to provide court interpreters in criminal and civil proceedings or to increase language access in the courts.

3. The subcommittee shall submit a report of the results of the study and any recommendations for legislation to the Director of the Legislative Counsel Bureau for transmission to the 78th Session of the Nevada Legislature and the Supreme Court.