

ASSEMBLY BILL NO. 281—ASSEMBLYMEN FIORE, MOORE, GARDNER, ELLIOT ANDERSON, OHRENSCHALL; PAUL ANDERSON, ARAUJO, ARMSTRONG, BUSTAMANTE ADAMS, CARLTON, CARRILLO, DIAZ, DICKMAN, DOOLING, ELLISON, FLORES, HAMBRICK, HICKEY, JONES, KIRKPATRICK, KIRNER, MUNFORD, NEAL, NELSON, O'NEILL, OSCARSON, SEAMAN, SHELTON, SILBERKRAUS, SPIEGEL, SPRINKLE, STEWART, SWANK, THOMPSON, TITUS, TROWBRIDGE, WHEELER AND WOODBURY

MARCH 13, 2015

JOINT SPONSORS: SENATORS KIHUEN, FORD, SPEARMAN, ATKINSON, PARKS; FARLEY, GUSTAVSON, HARDY, MANENDO, SEGERBLOM, SETTELMAYER AND WOODHOUSE

Referred to Committee on Judiciary

SUMMARY—Creates a statutory subcommittee of the Advisory Commission on the Administration of Justice. (BDR 14-243)

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 relating to traffic laws and certain laws relating to motor vehicles; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

- 1 **Section 47** of this bill creates the Subcommittee on Criminal and Civil
2 Violations of Traffic Laws of the Advisory Commission on the Administration of
3 Justice. **Section 47** also: (1) requires the Chair of the Advisory Commission to
4 appoint the members of the Subcommittee; (2) requires the Subcommittee to study
5 issues relating to certain traffic laws and laws relating to drivers' licenses and to the



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6 registration of and insurance for motor vehicles, and the treatment of violations of
7 such laws as criminal offenses or civil infractions; and (3) sets forth the salaries and
8 per diem that members of the Subcommittee may receive.

9 Existing law directs the Advisory Commission to study certain elements of this
10 State's criminal justice system. (NRS 176.0125) **Section 49** of this bill requires the
11 Advisory Commission to evaluate certain laws relating to criminal violations of
12 traffic laws and laws relating to drivers' licenses and to the registration of and
13 insurance for motor vehicles, and whether the State may treat such violations as
14 civil matters.

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

1 **Section 1.** (Deleted by amendment.)

2 **Sec. 2.** (Deleted by amendment.)

3 **Sec. 3.** (Deleted by amendment.)

4 **Sec. 4.** (Deleted by amendment.)

5 **Sec. 5.** (Deleted by amendment.)

6 **Sec. 6.** (Deleted by amendment.)

7 **Sec. 7.** (Deleted by amendment.)

8 **Sec. 8.** (Deleted by amendment.)

9 **Sec. 9.** (Deleted by amendment.)

10 **Sec. 10.** (Deleted by amendment.)

11 **Sec. 11.** (Deleted by amendment.)

12 **Sec. 12.** (Deleted by amendment.)

13 **Sec. 13.** (Deleted by amendment.)

14 **Sec. 14.** (Deleted by amendment.)

15 **Sec. 15.** (Deleted by amendment.)

16 **Sec. 16.** (Deleted by amendment.)

17 **Sec. 17.** (Deleted by amendment.)

18 **Sec. 18.** (Deleted by amendment.)

19 **Sec. 19.** (Deleted by amendment.)

20 **Sec. 20.** (Deleted by amendment.)

21 **Sec. 21.** (Deleted by amendment.)

22 **Sec. 22.** (Deleted by amendment.)

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25 **Sec. 25.** (Deleted by amendment.)

26 **Sec. 26.** (Deleted by amendment.)

27 **Sec. 27.** (Deleted by amendment.)

28 **Sec. 28.** (Deleted by amendment.)

29 **Sec. 29.** (Deleted by amendment.)

30 **Sec. 30.** (Deleted by amendment.)

31 **Sec. 31.** (Deleted by amendment.)

32 **Sec. 32.** (Deleted by amendment.)

33 **Sec. 33.** (Deleted by amendment.)



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1 **Sec. 34.** (Deleted by amendment.)

2 **Sec. 35.** (Deleted by amendment.)

3 **Sec. 36.** (Deleted by amendment.)

4 **Sec. 37.** (Deleted by amendment.)

5 **Sec. 38.** (Deleted by amendment.)

6 **Sec. 39.** (Deleted by amendment.)

7 **Sec. 40.** (Deleted by amendment.)

8 **Sec. 41.** (Deleted by amendment.)

9 **Sec. 42.** (Deleted by amendment.)

10 **Sec. 43.** (Deleted by amendment.)

11 **Sec. 44.** (Deleted by amendment.)

12 **Sec. 45.** (Deleted by amendment.)

13 **Sec. 46.** (Deleted by amendment.)

14 **Sec. 47.** Chapter 176 of NRS is hereby amended by adding
15 thereto a new section to read as follows:

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

18 **2. The Chair of the Commission shall appoint the members of**
19 **the Subcommittee and designate one of the members of the**
20 **Subcommittee as Chair of the Subcommittee. The Chair of the**
21 **Subcommittee must be a member of the Commission.**

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

26 **4. The Subcommittee shall consider issues relating to:**

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

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

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

38 **(d) The anticipated fiscal effects of a system to treat violations**
39 **of such laws as civil infractions in this State, including, without**
40 **limitation, the effects on this State and its political subdivisions,**
41 **➡ and shall evaluate, review and submit a report to the**
42 **Commission with recommendations concerning such issues.**

43 **5. Any Legislators who are members of the Subcommittee are**
44 **entitled to receive the salary provided for a majority of the**
45 **members of the Legislature during the first 60 days of the**



immediately preceding session for each day's attendance at a meeting of the Subcommittee.

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

Sec. 48. NRS 176.0121 is hereby amended to read as follows:

176.0121 As used in NRS 176.0121 to 176.0129, inclusive, **and section 47 of this act**, "Commission" means the Advisory Commission on the Administration of Justice.

Sec. 49. 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. Identify and study the impacts and effects of collateral consequences of convictions in this State. Such identification and study:

(a) Must cause to be identified any provision in the Nevada Constitution, the Nevada Revised Statutes and the Nevada Administrative Code which imposes a collateral sanction or authorizes the imposition of a disqualification, and any provision of law that may afford relief from a collateral consequence;

(b) May rely on the study of this State's collateral sanctions, disqualifications and relief provisions prepared by the National Institute of Justice described in section 510 of the Court Security Improvement Act of 2007, Public Law 110-177; and

(c) Must include the posting of a hyperlink on the Commission's website to any study of this State's collateral sanctions, disqualifications and relief provisions prepared by the National Institute of Justice described in section 510 of the Court Security Improvement Act of 2007, Public Law 110-177.

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. 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



1 the Legislature not later than September 1 of each even-numbered
2 year.

3 **Sec. 50.** NRS 176.01255 is hereby amended to read as
4 follows:

5 176.01255 1. The Chair of the Commission may apply for
6 and accept any available grants and may accept any bequests,
7 devises, donations or gifts from any public or private source to carry
8 out the provisions of NRS 176.0121 to 176.0129, inclusive **H**, and
9 **section 47 of this act.**

10 2. Any money received pursuant to this section must be
11 deposited in the Special Account for the Support of the Advisory
12 Commission on the Administration of Justice, which is hereby
13 created in the State General Fund. Interest and income earned on
14 money in the Account must be credited to the Account. Money in
15 the Account may only be used for the support of the Commission
16 and its activities pursuant to NRS 176.0121 to 176.0129, inclusive
17 **H**, and **section 47 of this act.**

18 **Sec. 51.** The Subcommittee on Criminal and Civil Violations
19 of Traffic Laws of the Advisory Commission on the Administration
20 of Justice appointed pursuant to section 47 of this act shall submit a
21 report of its findings and any recommendations for legislation to the
22 Advisory Commission not later than 30 days before the date of the
23 meeting at which the Advisory Commission considers findings and
24 recommendations of the Advisory Commission for proposed
25 legislation to the 79th Session of the Nevada Legislature. At that
26 meeting, the Advisory Commission shall consider any
27 recommendation for proposed legislation submitted to the Advisory
28 Commission by the Subcommittee.

29 **Sec. 52.** The amendatory provisions of this act expire by
30 limitation on July 31, 2017.

