

SENATE BILL NO. 449—COMMITTEE ON JUDICIARY

MARCH 23, 2015

Referred to Committee on Judiciary

SUMMARY—Revises provisions governing the Advisory Commission on the Administration of Justice. (BDR 14-1140)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: No.

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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; revising the membership of the Advisory Commission on the Administration of Justice; requiring the Advisory Commission to appoint a subcommittee to conduct an interim study concerning parole; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

1 Existing law establishes the Advisory Commission on the Administration of
2 Justice and directs the Advisory Commission, among other duties, to identify and
3 study the elements of this State's system of criminal justice. (NRS 176.0123,
4 176.0125) **Section 1** of this bill revises the membership of the Advisory
5 Commission to include a municipal judge or justice of the peace appointed by the
6 governing body of the Nevada Judges of Limited Jurisdiction. **Section 2** of this bill
7 requires the Advisory Commission to appoint a subcommittee to conduct an interim
8 study concerning parole.

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

1 **Section 1.** NRS 176.0123 is hereby amended to read as
2 follows:
3 176.0123 1. The Advisory Commission on the
4 Administration of Justice is hereby created. The Commission
5 consists of:



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(a) One member who is *a municipal judge or justice of the peace, appointed by the governing body of the Nevada Judges of Limited Jurisdiction;*

(b) *One member who is* a district judge, appointed by the governing body of the Nevada District Judges Association;

~~(b)~~ (c) One member who is a justice of the Supreme Court of Nevada or a retired justice of the Supreme Court of Nevada, appointed by the Chief Justice of the Supreme Court of Nevada;

~~(c)~~ (d) One member who is a district attorney, appointed by the governing body of the Nevada District Attorneys Association;

~~(d)~~ (e) One member who is an attorney in private practice, experienced in defending criminal actions, appointed by the governing body of the State Bar of Nevada;

~~(e)~~ (f) One member who is a public defender, appointed by the governing body of the State Bar of Nevada;

~~(f)~~ (g) One member who is a representative of a law enforcement agency, appointed by the Governor;

~~(g)~~ (h) One member who is a representative of the Division of Parole and Probation of the Department of Public Safety, appointed by the Governor;

~~(h)~~ (i) One member who has been a victim of a crime or is a representative of an organization supporting the rights of victims of crime, appointed by the Governor;

~~(i)~~ (j) One member who is a representative of an organization that advocates on behalf of inmates, appointed by the Governor;

~~(j)~~ (k) One member who is a representative of the Nevada Sheriffs' and Chiefs' Association, appointed by the Nevada Sheriffs' and Chiefs' Association;

~~(k)~~ (l) One member who is a member of the State Board of Parole Commissioners, appointed by the State Board of Parole Commissioners;

~~(l)~~ (m) The Director of the Department of Corrections;

~~(m)~~ (n) Two members who are Senators, one of whom is appointed by the Majority Leader of the Senate and one of whom is appointed by the Minority Leader of the Senate; and

~~(n)~~ (o) Two members who are members of the Assembly, one of whom is appointed by the Speaker of the Assembly and one of whom is appointed by the Minority Leader of the Assembly.

➤ If any association listed in this subsection ceases to exist, the appointment required by this subsection must be made by the association's successor in interest or, if there is no successor in interest, by the Governor.

2. The Attorney General is an ex officio voting member of the Commission.



3. Each appointed member serves a term of 2 years. Members may be reappointed for additional terms of 2 years in the same manner as the original appointments. Any vacancy occurring in the membership of the Commission must be filled in the same manner as the original appointment not later than 30 days after the vacancy occurs.

4. The Legislators who are members of the Commission are entitled to receive the salary provided for a majority of the members of the Legislature during the first 60 days of the preceding session for each day's attendance at a meeting of the Commission.

5. At the first regular meeting of each odd-numbered year, the members of the Commission shall elect a Chair by majority vote who shall serve until the next Chair is elected.

6. The Commission shall meet at least once every 3 months and may meet at such further times as deemed necessary by the Chair.

7. A majority of the members of the Commission constitutes a quorum for the transaction of business, and a majority of those members present at any meeting is sufficient for any official action taken by the Commission.

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

9. To the extent of legislative appropriation, the Director of the Legislative Counsel Bureau shall provide the Commission with such staff as is necessary to carry out the duties of the Commission.

Sec. 2. 1. The Advisory Commission on the Administration of Justice created by NRS 176.0123 shall appoint a subcommittee to conduct an interim study concerning parole, and make a report thereof.

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

(a) An evaluation of:

(1) The federal Sentencing Reform Act of 1984 which established determinate sentencing and abolished parole;

(2) The parole systems of this State and other states and territories of the United States;

(3) The states that replaced discretionary parole systems with mandatory parole systems; and

(4) Any other matter that the Advisory Commission determines is relevant to the discussion.

(b) Recommendations regarding, without limitation, necessary statutory changes to the current parole system.



- 1 3. The subcommittee shall submit a report of the results of the
- 2 study and any recommendations for legislation to the full Advisory
- 3 Commission not later than September 1, 2016.
- 4 **Sec. 3.** This act becomes effective on July 1, 2015.

