

**EXECUTIVE AGENCY
FISCAL NOTE**

AGENCY'S ESTIMATES

Date Prepared: March 22, 2015

Agency Submitting: Nevada Department of Corrections

Items of Revenue or Expense, or Both	Fiscal Year 2014-15	Fiscal Year 2015-16	Fiscal Year 2016-17	Effect on Future Biennia
Total	0	0	0	0

Explanation

(Use Additional Sheets of Attachments, if required)

The Nevada Department of Corrections has reviewed BDR 40-586 which adds Schedule III controlled substances to NRS 453.3383 and adjusts the weights and penalties associated with possession and trafficking in Schedule II and III substances. Please see the attached analysis which details why the Department feels that the changes should have no substantial impact on the prison population.

Name Scott K. Sisco

Title Deputy Director

DEPARTMENT OF ADMINISTRATION'S COMMENTS

Date Tuesday, March 17, 2015

The agency's response appears reasonable.

Name James R. Wells

Title Director

Bill Draft Request 40-586

Agency: Nevada Department of Corrections

Date: March 17, 2015

This bill adds Schedule III controlled substances to NRS 453.3383 and adjusts the weights and penalties associated with possession and trafficking in Schedule II and III substances. Nalorphine and codeine, among other substances, are added to Schedule III of the Controlled Substances Act in Nevada depending on the weight. A person found in possession, selling, manufacturing, or delivering to Nevada Schedule II or III substances, within a 90-day period, will be guilty of a category C felony if the weight is 20 to 30 grams or if the aggregate dosage units range between 100 and 199, a category B felony if the aggregate weight is 40 to 79 grams or if the total aggregate number of units is 200 to 400, or a category A felony if the aggregate weight is ≥ 80 grams or if the number of dosage units is ≥ 400 . The sentence terms will be 1) C felons: 1- 5 years; 2) B felons: 2 -10 years, 3) A felons: 5-life or 5-15 years.

From June 1st, 2012 to March 14, 2015 the NDOC admitted 16 offenders for violation of NRS 453.338 (Schedule III to V). Their charges were reviewed in detailed, and it was noted that the weight of the substances involved in the crimes did not meet the criteria for conviction under the proposed revision of NRS 453.3395 and to receive a higher penalty. Since penalty under NRS 453.3395 versus 453.3383 will be applicable when a person is found with at least 20 grams or 100 dosage units, the inclusion of Schedule III substances in this NRS should have no substantial impact on the prison population

From June 1st, 2012 to June to March 14, 2015, the NDOC admitted 16 offenders for violation of NRS 453.338 (Schedule III to V). Their charges were reviewed in detailed, and it was noted that the weight of the substances involved in the crimes did not meet the criteria for conviction under the proposed revision of NRS 453.3395. The penalty will be greater for 20 grams and higher. Thus, the inclusion of Schedule III substances in this NRS should have no substantial impact on the prison population in the foreseeable future.