

ASSEMBLY BILL NO. 302—COMMITTEE ON JUDICIARY

MARCH 15, 2017

Referred to Committee on Corrections,
Parole, and Probation

SUMMARY—Transfers the Division of Parole and Probation from the Department of Public Safety to the Department of Corrections. (BDR 16-596)

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 governmental administration; transferring the Division of Parole and Probation from the Department of Public Safety to the Department of Corrections; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

- 1 Existing law establishes the Division of Parole and Probation within the
2 Department of Public Safety and requires the Division to supervise probationers
3 and parolees. (NRS 480.110, 480.130, 480.140) This bill transfers the Division
4 from the Department of Public Safety to the Department of Corrections.
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THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

- 1 **Section 1.** Chapter 209 of NRS is hereby amended by adding
2 thereto a new section to read as follows:
3 *“Division of Parole and Probation” means the Division of*
4 *Parole and Probation of the Department created by*
5 *NRS 213.1071.*
6 **Sec. 2.** NRS 209.011 is hereby amended to read as follows:
7 209.011 As used in this chapter, unless the context otherwise
8 requires, the terms defined in NRS 209.021 to 209.085, inclusive,
9 *and section 1 of this act* have the meanings ascribed to them in
10 those sections.



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Sec. 3. NRS 209.131 is hereby amended to read as follows:

209.131 The Director shall:

1. Administer the Department under the direction of the Board.

2. Supervise the administration of *the Division of Parole and Probation* and all institutions and facilities of the Department.

3. Receive, retain and release, in accordance with law, offenders sentenced to imprisonment in the state prison.

4. Be responsible for the supervision, custody, treatment, care, security and discipline of all offenders under his or her jurisdiction.

5. Ensure that any person employed by the Department whose primary responsibilities are:

(a) The supervision, custody, security, discipline, safety and transportation of an offender;

(b) The security and safety of the staff; and

(c) The security and safety of an institution or facility of the Department,

is a correctional officer who has the powers of a peace officer pursuant to subsection 1 of NRS 289.220.

6. Establish regulations with the approval of the Board and enforce all laws governing the administration of the Department and the custody, care and training of offenders.

7. Take proper measures to protect the health and safety of the staff and offenders in the institutions and facilities of the Department.

8. Take proper measures to protect the health and safety of persons employed by a school district to operate a program of education for incarcerated persons in an institution or facility pursuant to chapter 388H of NRS.

9. Cause to be placed from time to time in conspicuous places about each institution and facility copies of laws and regulations relating to visits and correspondence between offenders and others.

10. Provide for the holding of religious services in the institutions and facilities and make available to the offenders copies of appropriate religious materials.

Sec. 4. NRS 209.241 is hereby amended to read as follows:

209.241 1. The Director may accept money, including the net amount of any wages earned during the incarceration of an offender after any deductions made by the Director and valuables belonging to an offender at the time of his or her incarceration or afterward received by gift, inheritance or the like or earned during the incarceration of an offender, and shall deposit the money in the Prisoners' Personal Property Fund, which is hereby created as a trust fund.



2. An offender shall deposit all money that the offender receives into his or her individual account in the Prisoners' Personal Property Fund.

3. The Director:

(a) Shall keep, or cause to be kept, a full and accurate account of the money and valuables, and shall submit reports to the Board relating to the money and valuables as may be required from time to time.

(b) May permit withdrawals for immediate expenditure by an offender for personal needs.

(c) May permit the distribution of money to a governmental entity for any applicable deduction authorized pursuant to NRS 209.247 or any other deduction authorized by law from any money deposited in the individual account of an offender from any source other than the offender's wages.

(d) Shall pay over to each offender upon his or her release any remaining balance in his or her individual account.

4. The interest and income earned on the money in the Prisoners' Personal Property Fund, after deducting any applicable bank charges, must be credited each calendar quarter as follows:

(a) If an offender's share of the cost of administering the Prisoners' Personal Property Fund for the quarter is less than the amount of interest and income earned by the offender, the Director shall credit the individual account of the offender with an amount equal to the difference between the amount of interest and income earned by the offender and the offender's share of the cost of administering the Prisoners' Personal Property Fund.

(b) If an offender's share of the cost of administering the Prisoners' Personal Property Fund for the quarter is equal to or greater than the amount of interest and income earned by the offender, the Director shall credit the interest and income to the Offenders' Store Fund.

5. An offender who does not deposit all money that the offender receives into his or her individual account in the Prisoners' Personal Property Fund as required in this section is guilty of a gross misdemeanor.

6. A person who aids or encourages an offender not to deposit all money the offender receives into the individual account of the offender in the Prisoners' Personal Property Fund as required in this section is guilty of a gross misdemeanor.

7. The Director may exempt an offender from the provisions of this section if the offender is:

(a) Confined in an institution outside this State pursuant to chapter 215A of NRS; or



(b) Assigned to the custody of the Division of Parole and Probation ~~of the Department of Public Safety~~ to:

(1) Serve a term of residential confinement pursuant to NRS 209.392, 209.3925 or 209.429; or

(2) Participate in a correctional program for reentry into the community pursuant to NRS 209.4887.

Sec. 5. NRS 209.392 is hereby amended to read as follows:

209.392 1. Except as otherwise provided in NRS 209.3925 and 209.429, the Director may, at the request of an offender who is eligible for residential confinement pursuant to the standards adopted by the Director pursuant to subsection 3 and who has:

(a) Demonstrated a willingness and ability to establish a position of employment in the community;

(b) Demonstrated a willingness and ability to enroll in a program for education or rehabilitation; or

(c) Demonstrated an ability to pay for all or part of the costs of the offender's confinement and to meet any existing obligation for restitution to any victim of his or her crime,

➔ assign the offender to the custody of the Division of Parole and Probation ~~of the Department of Public Safety~~ to serve a term of residential confinement, pursuant to NRS 213.380, for not longer than the remainder of his or her sentence.

2. Upon receiving a request to serve a term of residential confinement from an eligible offender, the Director shall notify the Division of Parole and Probation. Except as otherwise provided in NRS 213.10915, if any victim of a crime committed by the offender has, pursuant to subsection 4 of NRS 213.131, requested to be notified of the consideration of a prisoner for parole and has provided a current address, the Division of Parole and Probation shall notify the victim of the offender's request and advise the victim that the victim may submit documents regarding the request to the Division of Parole and Probation. If a current address has not been provided as required by subsection 4 of NRS 213.131, the Division of Parole and Probation must not be held responsible if such notification is not received by the victim. All personal information, including, but not limited to, a current or former address, which pertains to a victim and which is received by the Division of Parole and Probation pursuant to this subsection is confidential.

3. The Director, after consulting with the Division of Parole and Probation, shall adopt, by regulation, standards providing which offenders are eligible for residential confinement. The standards adopted by the Director must provide that an offender who:

(a) Has recently committed a serious infraction of the rules of an institution or facility of the Department;



(b) Has not performed the duties assigned to the offender in a faithful and orderly manner;

(c) Has been convicted of:

(1) Any crime that is punishable as a felony involving the use or threatened use of force or violence against the victim within the immediately preceding 3 years;

(2) A sexual offense that is punishable as a felony; or

(3) Except as otherwise provided in subsection 4, a category A or B felony;

(d) Has more than one prior conviction for any felony in this State or any offense in another state that would be a felony if committed in this State, not including a violation of NRS 484C.110, 484C.120, 484C.130, 484C.430, 488.420, 488.425 or 488.427; or

(e) Has escaped or attempted to escape from any jail or correctional institution for adults,

➔ is not eligible for assignment to the custody of the Division of Parole and Probation to serve a term of residential confinement pursuant to this section.

4. The standards adopted by the Director pursuant to subsection 3 must provide that an offender who has been convicted of a category B felony is eligible for assignment to the custody of the Division of Parole and Probation to serve a term of residential confinement pursuant to this section if:

(a) The offender is not otherwise ineligible pursuant to subsection 3 for an assignment to serve a term of residential confinement; and

(b) The Director makes a written finding that such an assignment of the offender is not likely to pose a threat to the safety of the public.

5. If an offender assigned to the custody of the Division of Parole and Probation pursuant to this section escapes or violates any of the terms or conditions of the offender's residential confinement:

(a) The Division of Parole and Probation may, pursuant to the procedure set forth in NRS 213.410, return the offender to the custody of the Department.

(b) The offender forfeits all or part of the credits for good behavior earned by the offender before the escape or violation, as determined by the Director. The Director may provide for a forfeiture of credits pursuant to this paragraph only after proof of the offense and notice to the offender and may restore credits forfeited for such reasons as the Director considers proper. The decision of the Director regarding such a forfeiture is final.

6. The assignment of an offender to the custody of the Division of Parole and Probation pursuant to this section shall be deemed:



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(a) A continuation of the offender's imprisonment and not a release on parole; and

(b) For the purposes of NRS 209.341, an assignment to a facility of the Department,

except that the offender is not entitled to obtain any benefits or to participate in any programs provided to offenders in the custody of the Department.

7. An offender does not have a right to be assigned to the custody of the Division of Parole and Probation pursuant to this section, or to remain in that custody after such an assignment, and it is not intended that the provisions of this section or of NRS 213.371 to 213.410, inclusive, create any right or interest in liberty or property or establish a basis for any cause of action against the State, its political subdivisions, agencies, boards, commissions, departments, officers or employees.

8. The Division of Parole and Probation may receive and distribute restitution paid by an offender assigned to the custody of the Division of Parole and Probation pursuant to this section.

Sec. 6. NRS 209.3925 is hereby amended to read as follows:

209.3925 1. Except as otherwise provided in subsection 6, the Director may assign an offender to the custody of the Division of Parole and Probation ~~{of the Department of Public Safety}~~ to serve a term of residential confinement pursuant to NRS 213.380 or other appropriate supervision as determined by the Division of Parole and Probation, for not longer than the remainder of his or her sentence, if:

(a) The Director has reason to believe that the offender is:

(1) Physically incapacitated or in ill health to such a degree that the offender does not presently, and likely will not in the future, pose a threat to the safety of the public; or

(2) In ill health and expected to die within 12 months, and does not presently, and likely will not in the future, pose a threat to the safety of the public; and

(b) At least two physicians licensed pursuant to chapter 630 or 633 of NRS, one of whom is not employed by the Department, verify, in writing, that the offender is:

(1) Physically incapacitated or in ill health; or

(2) In ill health and expected to die within 12 months.

2. If the Director intends to assign an offender to the custody of the Division of Parole and Probation pursuant to this section, at least 45 days before the date the offender is expected to be released from the custody of the Department, the Director shall notify:

(a) The board of county commissioners of the county in which the offender will reside; and

(b) The Division of Parole and Probation.



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3. Except as otherwise provided in NRS 213.10915, if any victim of a crime committed by the offender has, pursuant to subsection 4 of NRS 213.131, requested to be notified of the consideration of a prisoner for parole and has provided a current address, the Division of Parole and Probation shall notify the victim that:

(a) The Director intends to assign the offender to the custody of the Division of Parole and Probation pursuant to this section; and

(b) The victim may submit documents to the Division of Parole and Probation regarding such an assignment.

➤ If a current address has not been provided by a victim as required by subsection 4 of NRS 213.131, the Division of Parole and Probation must not be held responsible if notification is not received by the victim. All personal information, including, but not limited to, a current or former address, which pertains to a victim and which is received by the Division of Parole and Probation pursuant to this subsection is confidential.

4. If an offender assigned to the custody of the Division of Parole and Probation pursuant to this section escapes or violates any of the terms or conditions of his or her residential confinement or other appropriate supervision as determined by the Division of Parole and Probation:

(a) The Division of Parole and Probation may, pursuant to the procedure set forth in NRS 213.410, return the offender to the custody of the Department.

(b) The offender forfeits all or part of the credits for good behavior earned by the offender before the escape or violation, as determined by the Director. The Director may provide for a forfeiture of credits pursuant to this paragraph only after proof of the offense and notice to the offender and may restore credits forfeited for such reasons as the Director considers proper. The decision of the Director regarding such a forfeiture is final.

5. The assignment of an offender to the custody of the Division of Parole and Probation pursuant to this section shall be deemed:

(a) A continuation of the offender's imprisonment and not a release on parole; and

(b) For the purposes of NRS 209.341, an assignment to a facility of the Department,

➤ except that the offender is not entitled to obtain any benefits or to participate in any programs provided to offenders in the custody of the Department.

6. The Director may not assign an offender to the custody of the Division of Parole and Probation pursuant to this section if the offender is sentenced to death or imprisonment for life without the possibility of parole.



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7. An offender does not have a right to be assigned to the custody of the Division of Parole and Probation pursuant to this section, or to remain in that custody after such an assignment, and it is not intended that the provisions of this section or of NRS 213.371 to 213.410, inclusive, create any right or interest in liberty or property or establish a basis for any cause of action against the State, its political subdivisions, agencies, boards, commissions, departments, officers or employees.

8. The Division of Parole and Probation may receive and distribute restitution paid by an offender assigned to the custody of the Division of Parole and Probation pursuant to this section.

Sec. 7. NRS 209.427 is hereby amended to read as follows:

209.427 1. If the results of an evaluation conducted pursuant to NRS 484C.300 or 488.430 indicate that an offender is an abuser of alcohol or drugs and that the offender can be treated successfully for his or her condition, the Director shall, except as otherwise provided in this section, assign the offender to the program of treatment established pursuant to NRS 209.425. Such an assignment must be, to the extent that the period reasonably can be predicted, for the year, or as much thereof as practicable, immediately preceding the date the offender is due to be released from prison, either on parole or at the expiration of the offender's term.

2. Before assigning an offender to a program of treatment, the Director, in cooperation with the Division of Parole and Probation, ~~of the Department of Public Safety,~~ shall determine, to the extent possible:

(a) The length of time remaining on the offender's sentence, taking into consideration any credits earned by the offender; and

(b) The likelihood that the offender will complete the entire program of treatment.

3. The Director shall when assigning offenders to the program, to the extent possible, give preference to those offenders who appear to the Director capable of successfully completing the entire program.

4. The Director is not required to assign an offender to the program of treatment if the offender is not eligible for assignment to an institution or facility of minimum security pursuant to the provisions of NRS 209.481 and the regulations adopted pursuant thereto.

5. The Director may withdraw the offender from the program of treatment at any time if the Director determines that the offender:

(a) Is not responding satisfactorily to the program; or

(b) Has failed or refused to comply with any term or condition of the program.



6. As used in this section, "entire program" means both phases of the program established pursuant to NRS 209.425, for offenders who have not been released from prison, and NRS 209.429, for offenders who have been assigned to the custody of the Division of Parole and Probation. ~~{of the Department of Public Safety-}~~

Sec. 8. NRS 209.429 is hereby amended to read as follows:

209.429 1. Except as otherwise provided in subsection 6, the Director shall assign an offender to the custody of the Division of Parole and Probation ~~{of the Department of Public Safety-}~~ to serve a term of residential confinement, pursuant to NRS 213.380, for not longer than the remainder of the maximum term or the maximum aggregate term, as applicable, of his or her sentence if the offender has:

(a) Demonstrated a willingness and ability to establish a position of employment in the community;

(b) Demonstrated a willingness and ability to enroll in a program for education or rehabilitation; or

(c) Demonstrated an ability to pay for all or part of the costs of his or her confinement and to meet any existing obligation for restitution to any victim of his or her crime.

2. Before a person may be assigned to serve a term of residential confinement pursuant to this section, he or she must submit to the Division of Parole and Probation a signed document stating that:

(a) He or she will comply with the terms or conditions of the residential confinement; and

(b) If he or she fails to comply with the terms or conditions of the residential confinement and is taken into custody outside of this State, he or she waives all rights relating to extradition proceedings.

3. If an offender assigned to the custody of the Division of Parole and Probation pursuant to this section escapes or violates any of the terms or conditions of his or her residential confinement:

(a) The Division of Parole and Probation may, pursuant to the procedure set forth in NRS 213.410, return the offender to the custody of the Department.

(b) The offender forfeits all or part of the credits earned by the offender to reduce his or her sentence pursuant to this chapter before the escape or violation, as determined by the Director. The Director may provide for a forfeiture of credits pursuant to this paragraph only after proof of the offense and notice to the offender and may restore credits forfeited for such reasons as the Director considers proper. The decision of the Director regarding forfeiture of credits is final.

4. The assignment of an offender to the custody of the Division of Parole and Probation pursuant to this section shall be deemed:



(a) A continuation of the offender's imprisonment and not a release on parole; and

(b) For the purposes of NRS 209.341, an assignment to a facility of the Department,

except that the offender is not entitled to obtain any benefits or to participate in any programs provided to offenders in the custody of the Department.

5. A person does not have a right to be assigned to the custody of the Division of Parole and Probation pursuant to this section, or to remain in that custody after such an assignment, and it is not intended that the provisions of this section or of NRS 213.371 to 213.410, inclusive, create any right or interest in liberty or property or establish a basis for any cause of action against the State, its political subdivisions, agencies, boards, commissions, departments, officers or employees.

6. The Director shall not assign an offender who is serving a sentence for committing a battery which constitutes domestic violence pursuant to NRS 33.018 to the custody of the Division of Parole and Probation to serve a term of residential confinement unless the Director makes a finding that the offender is not likely to pose a threat to the victim of the battery.

7. The Division of Parole and Probation may receive and distribute restitution paid by an offender assigned to the custody of the Division of Parole and Probation pursuant to this section.

Sec. 9. NRS 209.4299 is hereby amended to read as follows:

209.4299 The ~~{Department of Corrections and the}~~ Division of Parole and Probation ~~{of the Department of Public Safety}~~ shall ~~{jointly}~~ submit a report at least twice annually to the Director of the Legislative Counsel Bureau for transmittal to the Interim Finance Committee. The report must include:

1. The number of probationers participating in the diversion program;

2. The reasons the probationers entered the program;

3. The number of probationers who satisfied the terms and conditions of their participation in the program; and

4. The status of the probationers who are in the program at the time the report is prepared.

Sec. 10. NRS 209.432 is hereby amended to read as follows:

209.432 As used in NRS 209.432 to 209.451, inclusive, unless the context otherwise requires:

1. "Offender" includes:

(a) A person who is convicted of a felony under the laws of this State and sentenced, ordered or otherwise assigned to serve a term of residential confinement.



(b) A person who is convicted of a felony under the laws of this State and assigned to the custody of the Division of Parole and Probation ~~of the Department of Public Safety~~ pursuant to NRS 209.4886 or 209.4888.

2. "Residential confinement" means the confinement of a person convicted of a felony to his or her place of residence under the terms and conditions established pursuant to specific statute. The term does not include any confinement ordered pursuant to NRS 176A.530 to 176A.560, inclusive, 176A.660 to 176A.690, inclusive, 213.15105, 213.15193 or 213.152 to 213.1528, inclusive.

Sec. 11. NRS 209.446 is hereby amended to read as follows:

209.446 1. Every offender who is sentenced to prison for a crime committed on or after July 1, 1985, but before July 17, 1997, who has no serious infraction of the regulations of the Department, the terms and conditions of his or her residential confinement or the laws of the State recorded against the offender, and who performs in a faithful, orderly and peaceable manner the duties assigned to the offender, must be allowed:

(a) For the period the offender is actually incarcerated under sentence;

(b) For the period the offender is in residential confinement; and

(c) For the period the offender is in the custody of the Division of Parole and Probation ~~of the Department of Public Safety~~ pursuant to NRS 209.4886 or 209.4888,

↳ a deduction of 10 days from the offender's sentence for each month the offender serves.

2. In addition to the credit provided for in subsection 1, the Director may allow not more than 10 days of credit each month for an offender whose diligence in labor and study merits such credits. In addition to the credits allowed pursuant to this subsection, an offender is entitled to the following credits for educational achievement:

(a) For earning a general educational development certificate or an equivalent document, 30 days.

(b) For earning a high school diploma, 60 days.

(c) For earning an associate degree, 90 days.

3. The Director may allow not more than 10 days of credit each month for an offender who participates in a diligent and responsible manner in a center for the purpose of making restitution, program for reentry of offenders and parolees into the community, conservation camp, program of work release or another program conducted outside of the prison. An offender who earns credit pursuant to this subsection is entitled to the entire 20 days of credit each month which is authorized in subsections 1 and 2.



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4. The Director may allow not more than 90 days of credit each year for an offender who engages in exceptional meritorious service.

5. The Board shall adopt regulations governing the award, forfeiture and restoration of credits pursuant to this section.

6. Credits earned pursuant to this section:

(a) Must be deducted from the maximum term or the maximum aggregate term imposed by the sentence, as applicable; and

(b) Apply to eligibility for parole unless the offender was sentenced pursuant to a statute which specifies a minimum sentence which must be served before a person becomes eligible for parole.

Sec. 12. NRS 209.4465 is hereby amended to read as follows:

209.4465 1. An offender who is sentenced to prison for a crime committed on or after July 17, 1997, who has no serious infraction of the regulations of the Department, the terms and conditions of his or her residential confinement or the laws of the State recorded against the offender, and who performs in a faithful, orderly and peaceable manner the duties assigned to the offender, must be allowed:

(a) For the period the offender is actually incarcerated pursuant to his or her sentence;

(b) For the period the offender is in residential confinement; and

(c) For the period the offender is in the custody of the Division of Parole and Probation ~~of the Department of Public Safety~~ pursuant to NRS 209.4886 or 209.4888,

↳ a deduction of 20 days from his or her sentence for each month the offender serves.

2. In addition to the credits allowed pursuant to subsection 1, the Director may allow not more than 10 days of credit each month for an offender whose diligence in labor and study merits such credits. In addition to the credits allowed pursuant to this subsection, an offender is entitled to the following credits for educational achievement:

(a) For earning a general educational development certificate or an equivalent document, 60 days.

(b) For earning a high school diploma, 90 days.

(c) For earning his or her first associate degree, 120 days.

3. The Director may, in his or her discretion, authorize an offender to receive a maximum of 90 days of credit for each additional degree of higher education earned by the offender.

4. The Director may allow not more than 10 days of credit each month for an offender who participates in a diligent and responsible manner in a center for the purpose of making restitution, program for reentry of offenders and parolees into the community, conservation camp, program of work release or another program conducted outside of the prison. An offender who earns credit



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1 pursuant to this subsection is eligible to earn the entire 30 days of
2 credit each month that is allowed pursuant to subsections 1 and 2.

3 5. The Director may allow not more than 90 days of credit each
4 year for an offender who engages in exceptional meritorious service.

5 6. The Board shall adopt regulations governing the award,
6 forfeiture and restoration of credits pursuant to this section.

7 7. Except as otherwise provided in subsections 8 and 9, credits
8 earned pursuant to this section:

9 (a) Must be deducted from the maximum term or the maximum
10 aggregate term imposed by the sentence, as applicable; and

11 (b) Apply to eligibility for parole unless the offender was
12 sentenced pursuant to a statute which specifies a minimum sentence
13 that must be served before a person becomes eligible for parole.

14 8. Credits earned pursuant to this section by an offender who
15 has not been convicted of:

16 (a) Any crime that is punishable as a felony involving the use or
17 threatened use of force or violence against the victim;

18 (b) A sexual offense that is punishable as a felony;

19 (c) A violation of NRS 484C.110, 484C.120, 484C.130 or
20 484C.430 that is punishable as a felony; or

21 (d) A category A or B felony,

22 ➔ apply to eligibility for parole and, except as otherwise provided
23 in subsection 9, must be deducted from the minimum term or the
24 minimum aggregate term imposed by the sentence, as applicable,
25 until the offender becomes eligible for parole and must be deducted
26 from the maximum term or the maximum aggregate term imposed
27 by the sentence, as applicable.

28 9. Credits deducted pursuant to subsection 8 may reduce the
29 minimum term or the minimum aggregate term imposed by the
30 sentence, as applicable, by not more than 58 percent for an offender
31 who:

32 (a) Is serving a sentence for an offense committed on or after
33 July 1, 2014; or

34 (b) On or after July 1, 2014, makes an irrevocable election to
35 have his or her consecutive sentences aggregated pursuant to
36 NRS 213.1212.

37 **Sec. 13.** NRS 209.4827 is hereby amended to read as follows:

38 209.4827 The Director may:

39 1. With the approval of the Board, establish centers to house
40 offenders within a community so they may work to earn wages with
41 which to make restitution to the victims of their crimes.

42 2. If space is available, assign to the center:

43 (a) An offender participating in a work or educational release
44 program.



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(b) An offender who has been paroled if such a request is made by the Division of Parole and Probation . ~~{of the Department of Public Safety-}~~

Sec. 14. NRS 209.4871 is hereby amended to read as follows:

209.4871 As used in NRS 209.4871 to 209.4889, inclusive, unless the context otherwise requires, the words and terms defined in NRS 209.4873 ~~{to 209.488, inclusive,}~~ , **209.4877 and 209.488** have the meanings ascribed to them in those sections.

Sec. 15. NRS 212.187 is hereby amended to read as follows:

212.187 1. A prisoner who is in lawful custody or confinement, other than in the custody of the Division of Parole and Probation of the Department of ~~{Public Safety-}~~ **Corrections** pursuant to NRS 209.4886 or 209.4888 or residential confinement, and who voluntarily engages in sexual conduct with another person who is not an employee of or a contractor or volunteer for a prison is guilty of a category D felony and shall be punished as provided in NRS 193.130.

2. Except as otherwise provided in NRS 212.188, a person who voluntarily engages in sexual conduct with a prisoner who is in lawful custody or confinement, other than in the custody of the Division of Parole and Probation of the Department of ~~{Public Safety-}~~ **Corrections** pursuant to NRS 209.4886 or 209.4888 or residential confinement, is guilty of a category D felony and shall be punished as provided in NRS 193.130.

3. As used in this section, "sexual conduct":

(a) Includes acts of masturbation, sexual penetration or physical contact with another person's clothed or unclothed genitals or pubic area to arouse, appeal to or gratify the sexual desires of a person.

(b) Does not include acts of a person who has custody of a prisoner or an employee of or a contractor or volunteer for the prison in which the prisoner is confined that are performed to carry out the necessary duties of such a person, employee, contractor or volunteer.

Sec. 16. NRS 212.188 is hereby amended to read as follows:

212.188 1. An employee of or a contractor or volunteer for a prison who voluntarily engages in, or attempts to engage in, with a prisoner who is in lawful custody or confinement, other than in the custody of the Division of Parole and Probation of the Department of ~~{Public Safety-}~~ **Corrections** pursuant to NRS 209.4886 or 209.4888 or residential confinement, any of the acts set forth in:

(a) Paragraph (a) of subsection 3, commits sexual abuse of a prisoner.

(b) Paragraph (b) of subsection 3, commits unauthorized custodial conduct.



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2. Unless a greater penalty is provided pursuant to any other applicable provision of law, an employee of or a contractor or volunteer for a prison who commits:

(a) Sexual abuse of a prisoner is guilty of a category D felony and shall be punished as provided in NRS 193.130.

(b) Unauthorized custodial conduct by engaging in any of the acts described in paragraph (b) of subsection 3 is guilty of a gross misdemeanor.

(c) Unauthorized custodial conduct by attempting to engage in any of the acts described in paragraph (b) of subsection 3 is guilty of a misdemeanor.

3. As used in this section:

(a) "Sexual abuse":

(1) Includes any of the following acts between an employee of or a contractor or volunteer for a prison and a prisoner, regardless of whether the prisoner consents to the act:

(I) Sexual intercourse or anal intercourse, including penetration, however slight;

(II) Fellatio, cunnilingus or contact between the mouth and the anus;

(III) Penetration, however slight, of an object into the genital or anal opening of the body of a prisoner committed with the intent to abuse the prisoner or to arouse, appeal to or gratify the sexual desires of either person;

(IV) Any other intentional contact with a prisoner's unclothed genitals, pubic area, anus, buttocks, inner thigh or breasts committed with the intent to abuse the prisoner or to arouse, appeal to or gratify the sexual desires of either person;

(V) Watching a prisoner change clothing or use a shower, toilet or urinal;

(VI) Requiring a prisoner to expose his or her genitals, buttocks or breasts; or

(VII) Capturing an image of the private area of a prisoner in violation of NRS 200.604.

(2) Does not include acts of an employee of or a contractor or volunteer for the prison in which the prisoner is confined that are performed to carry out the official duties of such an employee, contractor or volunteer.

(b) "Unauthorized custodial conduct":

(1) Includes any of the following acts between an employee of or a contractor or volunteer for a prison and a prisoner, regardless of whether the prisoner consents to the act:

(I) Contact between the mouth and any part of the body committed with the intent to abuse the prisoner or to arouse, appeal to or gratify the sexual desires of either person;



(II) Any other intentional contact with a prisoner's clothed genitals, pubic area, anus, buttocks, inner thigh or breasts committed with the intent to abuse the prisoner or to arouse, appeal to or gratify the sexual desires of either person;

(III) Any threat or request by an employee or a contractor or volunteer to engage in any act described in sub-subparagraphs (I) or (II); or

(IV) Any display by an employee or a contractor or volunteer of his or her unclothed genitals, buttocks or breasts in the presence of a prisoner.

(2) Does not include acts of an employee of or a contractor or volunteer for the prison in which the prisoner is confined that are performed to carry out the official duties of such an employee, contractor or volunteer.

Sec. 17. NRS 213.107 is hereby amended to read as follows:

213.107 As used in NRS 213.107 to 213.157, inclusive, unless the context otherwise requires:

1. "Board" means the State Board of Parole Commissioners.

2. "Chief" means the Chief Parole and Probation Officer.

3. "Division" means the Division of Parole and Probation of the Department of ~~Public Safety~~ **Corrections**.

4. "Residential confinement" means the confinement of a person convicted of a crime to his or her place of residence under the terms and conditions established by the Board.

5. "Sex offender" means any person who has been or is convicted of a sexual offense.

6. "Sexual offense" means:

(a) A violation of NRS 200.366, subsection 4 of NRS 200.400, NRS 200.710, 200.720, subsection 2 of NRS 200.730, NRS 201.180, 201.230, 201.450, 201.540 or 201.550 or paragraph (a) or (b) of subsection 4 or paragraph (a) or (b) of subsection 5 of NRS 201.560;

(b) An attempt to commit any offense listed in paragraph (a); or

(c) An act of murder in the first or second degree, kidnapping in the first or second degree, false imprisonment, burglary or invasion of the home if the act is determined to be sexually motivated at a hearing conducted pursuant to NRS 175.547.

7. "Standards" means the objective standards for granting or revoking parole or probation which are adopted by the Board or the Chief.

Sec. 18. NRS 213.1071 is hereby amended to read as follows:

213.1071 1. There is hereby created the Division of Parole and Probation of the Department of ~~Public Safety~~ **Corrections**.



2. The Division consists of the Chief and such sections as the Chief may create with the approval of the Director of the Department of ~~Public Safety~~ **Corrections**.

3. The Chief of the Division is the Chief Parole and Probation Officer.

4. The Division shall execute, administer and enforce the provisions of this chapter and chapter 176A of NRS relating to parole and probation and perform such duties and exercise such powers as may be conferred upon it pursuant to those chapters and any other specific statute.

Sec. 19. NRS 213.1092 is hereby amended to read as follows:

213.1092 1. The Director of the Department of ~~Public Safety~~ **Corrections** shall appoint the Chief Parole and Probation Officer, who is in the unclassified service of the State.

2. The Chief Parole and Probation Officer must:

(a) Be selected on the basis of his or her training, experience, capacity and interest in correctional services.

(b) Have had at least 5 years' experience in correctional programs, of which at least 3 years were in a responsible administrative position.

Sec. 20. NRS 213.310 is hereby amended to read as follows:

213.310 1. If a program is established by the Department pursuant to NRS 213.300, the Director shall, by appropriate means of classification and selection, determine which of the offenders, during the last 6 months' confinement, are suitable for the program, excluding those sentenced to life imprisonment who are not eligible for parole and those imprisoned for violations of chapter 201 of NRS who have not been certified by the designated board as eligible for parole.

2. The Director shall then select the names of those offenders the Director determines to be eligible for the program, and the Director shall refer the names of those offenders to the Chair of the State Board of Parole Commissioners for release into the program and, if appropriate, for residential confinement or other appropriate supervision as determined by the Division of Parole and Probation of the Department. ~~of Public Safety~~

Sec. 21. NRS 213.371 is hereby amended to read as follows:

213.371 As used in NRS 213.371 to 213.410, inclusive, unless the context otherwise requires:

1. "Division" means the Division of Parole and Probation of the Department of ~~Public Safety~~ **Corrections**.

2. "Offender" means a prisoner assigned to the custody of the Division pursuant to NRS 209.392, 209.3925 or 209.429.



3. "Residential confinement" means the confinement of an offender to his or her place of residence under the terms and conditions established by the Division.

Sec. 22. NRS 213.610 is hereby amended to read as follows:

213.610 "Division" means the Division of Parole and Probation of the Department of ~~Public Safety~~ **Corrections**.

Sec. 23. NRS 62A.100 is hereby amended to read as follows:

62A.100 "Division of Parole and Probation" means the Division of Parole and Probation of the Department of ~~Public Safety~~ **Corrections**.

Sec. 24. NRS 174.063 is hereby amended to read as follows:

174.063 1. If a plea of guilty or guilty but mentally ill is made in a written plea agreement, the agreement must be substantially in the following form:

Case No.

Dept. No.

IN THE JUDICIAL DISTRICT COURT OF THE
STATE OF NEVADA IN AND FOR THE COUNTY OF.....,

The State of Nevada,
PLAINTIFF,

v.

(Name of defendant),
DEFENDANT.

**GUILTY OR GUILTY BUT MENTALLY
ILL PLEA AGREEMENT**

I hereby agree to plead guilty or guilty but mentally ill to:
(List charges to which defendant is pleading guilty or guilty but mentally ill), as more fully alleged in the charging document attached hereto as Exhibit 1.

My decision to plead guilty or guilty but mentally ill is based upon the plea agreement in this case which is as follows:

(State the terms of the agreement.)

CONSEQUENCES OF THE PLEA

I understand that by pleading guilty or guilty but mentally ill I admit the facts which support all the elements of the offenses to which I now plead as set forth in Exhibit 1.



1 I understand that as a consequence of my plea of guilty or
2 guilty but mentally ill I may be imprisoned for a period of not
3 more than (maximum term of imprisonment) and that I (may
4 or will) be fined up to (maximum amount of fine). I
5 understand that the law requires me to pay an administrative
6 assessment fee.

7 I understand that, if appropriate, I will be ordered to make
8 restitution to the victim of the offenses to which I am
9 pleading guilty or guilty but mentally ill and to the victim of
10 any related offense which is being dismissed or not
11 prosecuted pursuant to this agreement. I will also be ordered
12 to reimburse the State of Nevada for expenses relating to my
13 extradition, if any.

14 I understand that I (am or am not) eligible for probation
15 for the offense to which I am pleading guilty or guilty but
16 mentally ill. (I understand that, except as otherwise provided
17 by statute, the question of whether I receive probation is in
18 the discretion of the sentencing judge, or I understand that I
19 must serve a mandatory minimum term of (term of
20 imprisonment) or pay a minimum mandatory fine of (amount
21 of fine) or serve a mandatory minimum term (term of
22 imprisonment) and pay a minimum mandatory fine of
23 (amount of fine).)

24 I understand that if more than one sentence of
25 imprisonment is imposed and I am eligible to serve the
26 sentences concurrently, the sentencing judge has the
27 discretion to order the sentences served concurrently or
28 consecutively.

29 I understand that information regarding charges not filed,
30 dismissed charges or charges to be dismissed pursuant to this
31 agreement may be considered by the judge at sentencing.

32 I have not been promised or guaranteed any particular
33 sentence by anyone. I know that my sentence is to be
34 determined by the court within the limits prescribed by
35 statute. I understand that if my attorney or the State of
36 Nevada or both recommend any specific punishment to the
37 court, the court is not obligated to accept the
38 recommendation.

39 I understand that the Division of Parole and Probation of
40 the Department of ~~Public Safety~~ **Corrections** may or will
41 prepare a report for the sentencing judge before sentencing.
42 This report will include matters relevant to the issue of
43 sentencing, including my criminal history. I understand that
44 this report may contain hearsay information regarding my
45 background and criminal history. My attorney (if represented



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1 by counsel) and I will each have the opportunity to comment
2 on the information contained in the report at the time of
3 sentencing.
4

5 WAIVER OF RIGHTS

6 By entering my plea of guilty or guilty but mentally ill, I
7 understand that I have waived the following rights and
8 privileges:

9 1. The constitutional privilege against self-incrimination,
10 including the right to refuse to testify at trial, in which event
11 the prosecution would not be allowed to comment to the jury
12 about my refusal to testify.

13 2. The constitutional right to a speedy and public trial by
14 an impartial jury, free of excessive pretrial publicity
15 prejudicial to the defense, at which trial I would be entitled to
16 the assistance of an attorney, either appointed or retained. At
17 trial, the State would bear the burden of proving beyond a
18 reasonable doubt each element of the offense charged.

19 3. The constitutional right to confront and cross-examine
20 any witnesses who would testify against me.

21 4. The constitutional right to subpoena witnesses to
22 testify on my behalf.

23 5. The constitutional right to testify in my own defense.

24 6. The right to appeal the conviction, with the assistance
25 of an attorney, either appointed or retained, unless the appeal
26 is based upon reasonable constitutional, jurisdictional or other
27 grounds that challenge the legality of the proceedings and
28 except as otherwise provided in subsection 3 of
29 NRS 174.035.
30

31 VOLUNTARINESS OF PLEA

32 I have discussed the elements of all the original charges
33 against me with my attorney (if represented by counsel) and I
34 understand the nature of these charges against me.

35 I understand that the State would have to prove each
36 element of the charge against me at trial.

37 I have discussed with my attorney (if represented by
38 counsel) any possible defenses and circumstances which
39 might be in my favor.

40 All of the foregoing elements, consequences, rights and
41 waiver of rights have been thoroughly explained to me by my
42 attorney (if represented by counsel).

43 I believe that pleading guilty or guilty but mentally ill and
44 accepting this plea bargain is in my best interest and that a
45 trial would be contrary to my best interest.



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1 I am signing this agreement voluntarily, after consultation
2 with my attorney (if represented by counsel) and I am not
3 acting under duress or coercion or by virtue of any promises
4 of leniency, except for those set forth in this agreement.

5 I am not now under the influence of intoxicating liquor, a
6 controlled substance or other drug which would in any
7 manner impair my ability to comprehend or understand this
8 agreement or the proceedings surrounding my entry of this
9 plea.

10 My attorney (if represented by counsel) has answered all
11 my questions regarding this guilty or guilty but mentally ill
12 plea agreement and its consequences to my satisfaction and I
13 am satisfied with the services provided by my attorney.

14
15 Dated: This day of the month of of the year

16
17
18 Defendant.

19
20 Agreed to on this day of the month of of the year

21
22
23 Deputy District Attorney.

24
25 2. If the defendant is represented by counsel, the written plea
26 agreement must also include a certificate of counsel that is
27 substantially in the following form:

28
29 CERTIFICATE OF COUNSEL

30 I, the undersigned, as the attorney for the defendant named
31 herein and as an officer of the court hereby certify that:

32 1. I have fully explained to the defendant the allegations
33 contained in the charges to which guilty or guilty but
34 mentally ill pleas are being entered.

35 2. I have advised the defendant of the penalties for each
36 charge and the restitution that the defendant may be ordered
37 to pay.

38 3. All pleas of guilty or guilty but mentally ill offered by
39 the defendant pursuant to this agreement are consistent with
40 all the facts known to me and are made with my advice to the
41 defendant and are in the best interest of the defendant.

42 4. To the best of my knowledge and belief, the
43 defendant:



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(a) Is competent and understands the charges and the consequences of pleading guilty or guilty but mentally ill as provided in this agreement.

(b) Executed this agreement and will enter all guilty or guilty but mentally ill pleas pursuant hereto voluntarily.

(c) Was not under the influence of intoxicating liquor, a controlled substance or other drug at the time of the execution of this agreement.

Dated: This day of the month of of the year

.....
Attorney for defendant.

Sec. 25. NRS 176.002 is hereby amended to read as follows:

176.002 As used in this chapter, unless the context otherwise requires, "Division" means the Division of Parole and Probation of the Department of ~~Public Safety~~ **Corrections**.

Sec. 26. NRS 176.0123 is hereby amended to read as follows:

176.0123 1. The Advisory Commission on the Administration of Justice is hereby created. The Commission consists of:

(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;

(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;

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

(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;

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

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

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

(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;



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

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

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

(m) The Director of the Department of Corrections;

(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

(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.



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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. 27. 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.



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(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~~ **Corrections**, 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



1 for allowing credits against the sentences of offenders, the
2 accounting of such credits and any other policies and procedures of
3 the Department which pertain to the operation of the Department.

4 11. Evaluate the policies and practices relating to the
5 involuntary civil commitment of sexually dangerous persons.

6 12. Identify and study the impacts and effects of collateral
7 consequences of convictions in this State. Such identification and
8 study:

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

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

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

23 13. For each regular session of the Legislature, prepare a
24 comprehensive report including the Commission's recommended
25 changes pertaining to the administration of justice in this State, the
26 Commission's findings and any recommendations of the
27 Commission for proposed legislation. The report must be submitted
28 to the Director of the Legislative Counsel Bureau for distribution to
29 the Legislature not later than September 1 of each even-numbered
30 year.

31 **Sec. 28.** NRS 176A.040 is hereby amended to read as follows:

32 176A.040 "Division" means the Division of Parole and
33 Probation of the Department of ~~Public Safety~~ **Corrections.**

34 **Sec. 29.** NRS 178.484 is hereby amended to read as follows:

35 178.484 1. Except as otherwise provided in this section, a
36 person arrested for an offense other than murder of the first degree
37 must be admitted to bail.

38 2. A person arrested for a felony who has been released on
39 probation or parole for a different offense must not be admitted to
40 bail unless:

41 (a) A court issues an order directing that the person be admitted
42 to bail;

43 (b) The State Board of Parole Commissioners directs the
44 detention facility to admit the person to bail; or



(c) The Division of Parole and Probation of the Department of ~~Public Safety~~ **Corrections** directs the detention facility to admit the person to bail.

3. A person arrested for a felony whose sentence has been suspended pursuant to NRS 4.373 or 5.055 for a different offense or who has been sentenced to a term of residential confinement pursuant to NRS 4.3762 or 5.076 for a different offense must not be admitted to bail unless:

(a) A court issues an order directing that the person be admitted to bail; or

(b) A department of alternative sentencing directs the detention facility to admit the person to bail.

4. A person arrested for murder of the first degree may be admitted to bail unless the proof is evident or the presumption great by any competent court or magistrate authorized by law to do so in the exercise of discretion, giving due weight to the evidence and to the nature and circumstances of the offense.

5. A person arrested for a violation of NRS 484C.110, 484C.120, 484C.130, 484C.430, 488.410, 488.420 or 488.425 who is under the influence of intoxicating liquor must not be admitted to bail or released on the person's own recognizance unless the person has a concentration of alcohol of less than 0.04 in his or her breath. A test of the person's breath pursuant to this subsection to determine the concentration of alcohol in his or her breath as a condition of admission to bail or release is not admissible as evidence against the person.

6. A person arrested for a violation of NRS 484C.110, 484C.120, 484C.130, 484C.430, 488.410, 488.420 or 488.425 who is under the influence of a controlled substance, is under the combined influence of intoxicating liquor and a controlled substance, or inhales, ingests, applies or otherwise uses any chemical, poison or organic solvent, or any compound or combination of any of these, to a degree which renders the person incapable of safely driving or exercising actual physical control of a vehicle or vessel under power or sail must not be admitted to bail or released on the person's own recognizance sooner than 12 hours after arrest.

7. A person arrested for a battery that constitutes domestic violence pursuant to NRS 33.018 must not be admitted to bail sooner than 12 hours after arrest. If the person is admitted to bail more than 12 hours after arrest, without appearing personally before a magistrate or without the amount of bail having been otherwise set by a magistrate or a court, the amount of bail must be:

(a) Three thousand dollars, if the person has no previous convictions of battery that constitute domestic violence pursuant to



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1 NRS 33.018 and there is no reason to believe that the battery for
2 which the person has been arrested resulted in substantial bodily
3 harm or was committed by strangulation;

4 (b) Five thousand dollars, if the person has:

5 (1) No previous convictions of battery that constitute
6 domestic violence pursuant to NRS 33.018, but there is reason to
7 believe that the battery for which the person has been arrested
8 resulted in substantial bodily harm or was committed by
9 strangulation; or

10 (2) One previous conviction of battery that constitutes
11 domestic violence pursuant to NRS 33.018, but there is no reason to
12 believe that the battery for which the person has been arrested
13 resulted in substantial bodily harm or was committed by
14 strangulation; or

15 (c) Fifteen thousand dollars, if the person has:

16 (1) One previous conviction of battery that constitutes
17 domestic violence pursuant to NRS 33.018 and there is reason to
18 believe that the battery for which the person has been arrested
19 resulted in substantial bodily harm or was committed by
20 strangulation; or

21 (2) Two or more previous convictions of battery that
22 constitute domestic violence pursuant to NRS 33.018.

23 ➡ The provisions of this subsection do not affect the authority of a
24 magistrate or a court to set the amount of bail when the person
25 personally appears before the magistrate or the court, or when a
26 magistrate or a court has otherwise been contacted to set the amount
27 of bail. For the purposes of this subsection, a person shall be
28 deemed to have a previous conviction of battery that constitutes
29 domestic violence pursuant to NRS 33.018 if the person has been
30 convicted of such an offense in this State or has been convicted of
31 violating a law of any other jurisdiction that prohibits the same or
32 similar conduct.

33 8. A person arrested for violating a temporary or extended
34 order for protection against domestic violence issued pursuant to
35 NRS 33.017 to 33.100, inclusive, or for violating a restraining order
36 or injunction that is in the nature of a temporary or extended order
37 for protection against domestic violence issued in an action or
38 proceeding brought pursuant to title 11 of NRS, or for violating a
39 temporary or extended order for protection against stalking,
40 aggravated stalking or harassment issued pursuant to NRS 200.591,
41 or for violating a temporary or extended order for protection against
42 sexual assault pursuant to NRS 200.378 must not be admitted to bail
43 sooner than 12 hours after arrest if:

44 (a) The arresting officer determines that such a violation is
45 accompanied by a direct or indirect threat of harm;



(b) The person has previously violated a temporary or extended order for protection of the type for which the person has been arrested; or

(c) At the time of the violation or within 2 hours after the violation, the person has:

(1) A concentration of alcohol of 0.08 or more in the person's blood or breath; or

(2) An amount of a prohibited substance in the person's blood or urine that is equal to or greater than the amount set forth in subsection 3 of NRS 484C.110.

9. If a person is admitted to bail more than 12 hours after arrest, pursuant to subsection 8, without appearing personally before a magistrate or without the amount of bail having been otherwise set by a magistrate or a court, the amount of bail must be:

(a) Three thousand dollars, if the person has no previous convictions of violating a temporary or extended order for protection against domestic violence issued pursuant to NRS 33.017 to 33.100, inclusive, or of violating a restraining order or injunction that is in the nature of a temporary or extended order for protection against domestic violence issued in an action or proceeding brought pursuant to title 11 of NRS, or of violating a temporary or extended order for protection against stalking, aggravated stalking or harassment issued pursuant to NRS 200.591, or of violating a temporary or extended order for protection against sexual assault pursuant to NRS 200.378;

(b) Five thousand dollars, if the person has one previous conviction of violating a temporary or extended order for protection against domestic violence issued pursuant to NRS 33.017 to 33.100, inclusive, or of violating a restraining order or injunction that is in the nature of a temporary or extended order for protection against domestic violence issued in an action or proceeding brought pursuant to title 11 of NRS, or of violating a temporary or extended order for protection against stalking, aggravated stalking or harassment issued pursuant to NRS 200.591, or of violating a temporary or extended order for protection against sexual assault pursuant to NRS 200.378; or

(c) Fifteen thousand dollars, if the person has two or more previous convictions of violating a temporary or extended order for protection against domestic violence issued pursuant to NRS 33.017 to 33.100, inclusive, or of violating a restraining order or injunction that is in the nature of a temporary or extended order for protection against domestic violence issued in an action or proceeding brought pursuant to title 11 of NRS, or of violating a temporary or extended order for protection against stalking, aggravated stalking or harassment issued pursuant to NRS 200.591, or of violating a



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1 temporary or extended order for protection against sexual assault
2 pursuant to NRS 200.378.

3 ➡ The provisions of this subsection do not affect the authority of a
4 magistrate or a court to set the amount of bail when the person
5 personally appears before the magistrate or the court or when a
6 magistrate or a court has otherwise been contacted to set the amount
7 of bail. For the purposes of this subsection, a person shall be
8 deemed to have a previous conviction of violating a temporary or
9 extended order for protection against domestic violence issued
10 pursuant to NRS 33.017 to 33.100, inclusive, or of violating a
11 restraining order or injunction that is in the nature of a temporary or
12 extended order for protection against domestic violence issued in an
13 action or proceeding brought pursuant to title 11 of NRS, or of
14 violating a temporary or extended order for protection against
15 stalking, aggravated stalking or harassment issued pursuant to NRS
16 200.591, or of violating a temporary or extended order for
17 protection against sexual assault pursuant to NRS 200.378, if the
18 person has been convicted of such an offense in this State or has
19 been convicted of violating a law of any other jurisdiction that
20 prohibits the same or similar conduct.

21 10. The court may, before releasing a person arrested for an
22 offense punishable as a felony, require the surrender to the court of
23 any passport the person possesses.

24 11. Before releasing a person arrested for any crime, the court
25 may impose such reasonable conditions on the person as it deems
26 necessary to protect the health, safety and welfare of the community
27 and to ensure that the person will appear at all times and places
28 ordered by the court, including, without limitation:

29 (a) Requiring the person to remain in this State or a certain
30 county within this State;

31 (b) Prohibiting the person from contacting or attempting to
32 contact a specific person or from causing or attempting to cause
33 another person to contact that person on the person's behalf;

34 (c) Prohibiting the person from entering a certain geographic
35 area; or

36 (d) Prohibiting the person from engaging in specific conduct
37 that may be harmful to the person's own health, safety or welfare, or
38 the health, safety or welfare of another person.

39 ➡ In determining whether a condition is reasonable, the court shall
40 consider the factors listed in NRS 178.4853.

41 12. If a person fails to comply with a condition imposed
42 pursuant to subsection 11, the court may, after providing the person
43 with reasonable notice and an opportunity for a hearing:

44 (a) Deem such conduct a contempt pursuant to NRS 22.010; or

45 (b) Increase the amount of bail pursuant to NRS 178.499.



1 13. An order issued pursuant to this section that imposes a
2 condition on a person admitted to bail must include a provision
3 ordering any law enforcement officer to arrest the person if the
4 officer has probable cause to believe that the person has violated a
5 condition of bail.

6 14. Before a person may be admitted to bail, the person must
7 sign a document stating that:

8 (a) The person will appear at all times and places as ordered by
9 the court releasing the person and as ordered by any court before
10 which the charge is subsequently heard;

11 (b) The person will comply with the other conditions which
12 have been imposed by the court and are stated in the document; and

13 (c) If the person fails to appear when so ordered and is taken
14 into custody outside of this State, the person waives all rights
15 relating to extradition proceedings.

16 ➔ The signed document must be filed with the clerk of the court of
17 competent jurisdiction as soon as practicable, but in no event later
18 than the next business day.

19 15. If a person admitted to bail fails to appear as ordered by a
20 court and the jurisdiction incurs any cost in returning the person to
21 the jurisdiction to stand trial, the person who failed to appear is
22 responsible for paying those costs as restitution.

23 16. For the purposes of subsections 8 and 9, an order or
24 injunction is in the nature of a temporary or extended order for
25 protection against domestic violence if it grants relief that might be
26 given in a temporary or extended order issued pursuant to NRS
27 33.017 to 33.100, inclusive.

28 17. As used in this section, "strangulation" has the meaning
29 ascribed to it in NRS 200.481.

30 **Sec. 30.** NRS 179.259 is hereby amended to read as follows:

31 179.259 1. Except as otherwise provided in subsections 3, 4
32 and 5, 5 years after an eligible person completes a program for
33 reentry, the court may order sealed all documents, papers and
34 exhibits in the eligible person's record, minute book entries and
35 entries on dockets, and other documents relating to the case in the
36 custody of such other agencies and officers as are named in the
37 court's order. The court may order those records sealed without a
38 hearing unless the Division of Parole and Probation of the
39 Department of ~~Public Safety~~ **Corrections** petitions the court, for
40 good cause shown, not to seal the records and requests a hearing
41 thereon.

42 2. If the court orders sealed the record of an eligible person, the
43 court shall send a copy of the order to each agency or officer named
44 in the order. Each such agency or officer shall notify the court in
45 writing of its compliance with the order.



3. A professional licensing board is entitled, for the purpose of determining suitability for a license or liability to discipline for misconduct, to inspect and to copy from a record sealed pursuant to this section.

4. The Division of Insurance of the Department of Business and Industry is entitled, for the purpose of determining suitability for a license or liability to discipline for misconduct, to inspect and to copy from a record sealed pursuant to this section.

5. A person may not petition the court to seal records relating to a conviction of a crime against a child or a sexual offense.

6. As used in this section:

(a) "Crime against a child" has the meaning ascribed to it in NRS 179D.0357.

(b) "Eligible person" means a person who has:

(1) Successfully completed a program for reentry, which the person participated in pursuant to NRS 209.4886, 209.4888, 213.625 or 213.632; and

(2) Been convicted of a single offense which was punishable as a felony and which did not involve the use or threatened use of force or violence against the victim. For the purposes of this subparagraph, multiple convictions for an offense punishable as a felony shall be deemed to constitute a single offense if those offenses arose out of the same transaction or occurrence.

(c) "Program for reentry" means:

(1) A correctional program for reentry of offenders and parolees into the community that is established by the Director of the Department of Corrections pursuant to NRS 209.4887; or

(2) A judicial program for reentry of offenders and parolees into the community that is established in a judicial district pursuant to NRS 209.4883.

(d) "Sexual offense" has the meaning ascribed to it in paragraph (b) of subsection 7 of NRS 179.245.

Sec. 31. NRS 179A.070 is hereby amended to read as follows:

179A.070 1. "Record of criminal history" means information contained in records collected and maintained by agencies of criminal justice, the subject of which is a natural person, consisting of descriptions which identify the subject and notations of summons in a criminal action, warrants, arrests, citations for misdemeanors issued pursuant to NRS 171.1773, citations issued for violations of NRS 484C.110, 484C.120, 484C.130 and 484C.430, detentions, decisions of a district attorney or the Attorney General not to prosecute the subject, indictments, informations or other formal criminal charges and dispositions of charges, including, without limitation, dismissals, acquittals, convictions, sentences, information set forth in NRS 209.353 concerning an offender in prison, any



1 postconviction relief, correctional supervision occurring in Nevada,
2 information concerning the status of an offender on parole or
3 probation, and information concerning a convicted person who has
4 registered as such pursuant to chapter 179C of NRS. The term
5 includes only information contained in a record, maintained in
6 written or electronic form, of a formal transaction between a person
7 and an agency of criminal justice in this State, including, without
8 limitation, the fingerprints of a person who is arrested and taken into
9 custody and of a person who is placed on parole or probation and
10 supervised by the Division of Parole and Probation of the
11 Department ~~H~~ of Corrections.

12 2. "Record of criminal history" does not include:

13 (a) Investigative or intelligence information, reports of crime or
14 other information concerning specific persons collected in the
15 course of the enforcement of criminal laws;

16 (b) Information concerning juveniles;

17 (c) Posters, announcements or lists intended to identify fugitives
18 or wanted persons and aid in their apprehension;

19 (d) Original records of entry maintained by agencies of criminal
20 justice if the records are chronological and not cross-indexed;

21 (e) Records of application for and issuance, suspension,
22 revocation or renewal of occupational licenses, including, without
23 limitation, permits to work in the gaming industry;

24 (f) Except as otherwise provided in subsection 1, court indexes
25 and records of public judicial proceedings, court decisions and
26 opinions, and information disclosed during public judicial
27 proceedings;

28 (g) Except as otherwise provided in subsection 1, records of
29 traffic violations constituting misdemeanors;

30 (h) Records of traffic offenses maintained by the Department to
31 regulate the issuance, suspension, revocation or renewal of drivers'
32 or other operators' licenses;

33 (i) Announcements of actions by the State Board of Pardons
34 Commissioners and the State Board of Parole Commissioners,
35 except information concerning the status of an offender on parole or
36 probation; or

37 (j) Records which originated in an agency other than an agency
38 of criminal justice in this State.

39 **Sec. 32.** NRS 179B.060 is hereby amended to read as follows:

40 179B.060 "Division" means the Division of Parole and
41 Probation of the Department ~~H~~ of Corrections.

42 **Sec. 33.** NRS 179D.040 is hereby amended to read as follows:

43 179D.040 "Division" means the Division of Parole and
44 Probation of the Department of ~~Public Safety~~ Corrections.



Sec. 34. NRS 432B.215 is hereby amended to read as follows:

432B.215 1. An agency which provides child welfare services may request the Division of Parole and Probation of the Department of ~~Public Safety~~ **Corrections** to provide information concerning a probationer or parolee that may assist the agency in carrying out the provisions of this chapter. The Division of Parole and Probation shall provide such information upon request.

2. The agency which provides child welfare services may use the information obtained pursuant to subsection 1 only for the limited purpose of carrying out the provisions of this chapter.

Sec. 35. NRS 432B.290 is hereby amended to read as follows:

432B.290 1. Information maintained by an agency which provides child welfare services must be maintained by the agency which provides child welfare services as required by federal law as a condition of the allocation of federal money to this State.

2. Except as otherwise provided in this section and NRS 432B.165, 432B.175 and 432B.513, information maintained by an agency which provides child welfare services may, at the discretion of the agency which provides child welfare services, be made available only to:

(a) A physician, if the physician has before him or her a child who the physician has reasonable cause to believe has been abused or neglected;

(b) A person authorized to place a child in protective custody, if the person has before him or her a child who the person has reasonable cause to believe has been abused or neglected and the person requires the information to determine whether to place the child in protective custody;

(c) An agency, including, without limitation, an agency in another jurisdiction, responsible for or authorized to undertake the care, treatment or supervision of:

(1) The child; or

(2) The person responsible for the welfare of the child;

(d) A district attorney or other law enforcement officer who requires the information in connection with an investigation or prosecution of the abuse or neglect of a child;

(e) Except as otherwise provided in paragraph (f), a court other than a juvenile court, for in camera inspection only, unless the court determines that public disclosure of the information is necessary for the determination of an issue before it;

(f) A court as defined in NRS 159.015 to determine whether a guardian or successor guardian of a child should be appointed pursuant to chapter 159 of NRS or NRS 432B.466 to 432B.468, inclusive;



1 (g) A person engaged in bona fide research or an audit, but
2 information identifying the subjects of a report must not be made
3 available to the person;

4 (h) The attorney and the guardian ad litem of the child, if the
5 information is reasonably necessary to promote the safety,
6 permanency and well-being of the child;

7 (i) A person who files or intends to file a petition for the
8 appointment of a guardian or successor guardian of a child pursuant
9 to chapter 159 of NRS or NRS 432B.466 to 432B.468, inclusive, if
10 the identity of the person responsible for reporting the abuse or
11 neglect of the child to a public agency is kept confidential and the
12 information is reasonably necessary to promote the safety,
13 permanency and well-being of the child;

14 (j) The proposed guardian or proposed successor guardian of a
15 child over whom a guardianship is sought pursuant to chapter 159 of
16 NRS or NRS 432B.466 to 432B.468, inclusive, if the identity of the
17 person responsible for reporting the abuse or neglect of the child to
18 a public agency is kept confidential and the information is
19 reasonably necessary to promote the safety, permanency and well-
20 being of the child;

21 (k) A grand jury upon its determination that access to these
22 records and the information is necessary in the conduct of its official
23 business;

24 (l) A federal, state or local governmental entity, or an agency of
25 such an entity, or a juvenile court, that needs access to the
26 information to carry out its legal responsibilities to protect children
27 from abuse and neglect;

28 (m) A person or an organization that has entered into a written
29 agreement with an agency which provides child welfare services to
30 provide assessments or services and that has been trained to make
31 such assessments or provide such services;

32 (n) A team organized pursuant to NRS 432B.350 for the
33 protection of a child;

34 (o) A team organized pursuant to NRS 432B.405 to review the
35 death of a child;

36 (p) A parent or legal guardian of the child and an attorney of a
37 parent or guardian of the child, including, without limitation, the
38 parent or guardian of a child over whom a guardianship is sought
39 pursuant to chapter 159 of NRS or NRS 432B.466 to 432B.468,
40 inclusive, if the identity of the person responsible for reporting the
41 abuse or neglect of the child to a public agency is kept confidential
42 and the information is reasonably necessary to promote the safety,
43 permanency and well-being of the child and is limited to
44 information concerning that parent or guardian;



(q) The child over whom a guardianship is sought pursuant to chapter 159 of NRS or NRS 432B.466 to 432B.468, inclusive, if:

(1) The child is 14 years of age or older; and

(2) The identity of the person responsible for reporting the abuse or neglect of the child to a public agency is kept confidential and the information is reasonably necessary to promote the safety, permanency and well-being of the child;

(r) The persons or agent of the persons who are the subject of a report, if the information is reasonably necessary to promote the safety, permanency and well-being of the child and is limited to information concerning those persons;

(s) An agency that is authorized by law to license foster homes or facilities for children or to investigate persons applying for approval to adopt a child, if the agency has before it an application for that license or is investigating an applicant to adopt a child;

(t) Upon written consent of the parent, any officer of this State or a city or county thereof or Legislator authorized by the agency or department having jurisdiction or by the Legislature, acting within its jurisdiction, to investigate the activities or programs of an agency which provides child welfare services if:

(1) The identity of the person making the report is kept confidential; and

(2) The officer, Legislator or a member of the family of the officer or Legislator is not the person alleged to have committed the abuse or neglect;

(u) The Division of Parole and Probation of the Department of ~~Public Safety~~ **Corrections** for use pursuant to NRS 176.135 in making a presentence investigation and report to the district court or pursuant to NRS 176.151 in making a general investigation and report;

(v) Any person who is required pursuant to NRS 432B.220 to make a report to an agency which provides child welfare services or to a law enforcement agency;

(w) A local advisory board to expedite proceedings for the placement of children created pursuant to NRS 432B.604;

(x) The panel established pursuant to NRS 432B.396 to evaluate agencies which provide child welfare services;

(y) An employer in accordance with subsection 3 of NRS 432.100;

(z) A team organized or sponsored pursuant to NRS 217.475 or 228.495 to review the death of the victim of a crime that constitutes domestic violence; or

(aa) The Committee to Review Suicide Fatalities created by NRS 439.5104.



3. An agency investigating a report of the abuse or neglect of a child shall, upon request, provide to a person named in the report as allegedly causing the abuse or neglect of the child:

(a) A copy of:

(1) Any statement made in writing to an investigator for the agency by the person named in the report as allegedly causing the abuse or neglect of the child; or

(2) Any recording made by the agency of any statement made orally to an investigator for the agency by the person named in the report as allegedly causing the abuse or neglect of the child; or

(b) A written summary of the allegations made against the person who is named in the report as allegedly causing the abuse or neglect of the child. The summary must not identify the person responsible for reporting the alleged abuse or neglect or any collateral sources and reporting parties.

4. Except as otherwise provided by subsection 6, before releasing any information maintained by an agency which provides child welfare services pursuant to this section, an agency which provides child welfare services shall take whatever precautions it determines are reasonably necessary to protect the identity and safety of any person who reports child abuse or neglect and to protect any other person if the agency which provides child welfare services reasonably believes that disclosure of the information would cause a specific and material harm to an investigation of the alleged abuse or neglect of a child or the life or safety of any person.

5. The provisions of this section must not be construed to require an agency which provides child welfare services to disclose information maintained by the agency which provides child welfare services if, after consultation with the attorney who represents the agency, the agency determines that such disclosure would cause a specific and material harm to a criminal investigation.

6. A person who is the subject of an unsubstantiated report of child abuse or neglect made pursuant to this chapter and who believes that the report was made in bad faith or with malicious intent may petition a district court to order the agency which provides child welfare services to release information maintained by the agency which provides child welfare services. The petition must specifically set forth the reasons supporting the belief that the report was made in bad faith or with malicious intent. The petitioner shall provide notice to the agency which provides child welfare services so that the agency may participate in the action through its counsel. The district court shall review the information which the petitioner requests to be released and the petitioner shall be allowed to present evidence in support of the petition. If the court determines that there is a reasonable question of fact as to whether the report was made in



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1 bad faith or with malicious intent and that the disclosure of the
2 identity of the person who made the report would not be likely to
3 endanger the life or safety of the person who made the report, the
4 court shall provide a copy of the information to the petitioner and
5 the original information is subject to discovery in a subsequent civil
6 action regarding the making of the report.

7 7. If an agency which provides child welfare services receives
8 any information that is deemed confidential by law, the agency
9 which provides child welfare services shall maintain the
10 confidentiality of the information as prescribed by applicable law.

11 8. Pursuant to this section, a person may authorize the release
12 of information maintained by an agency which provides child
13 welfare services about himself or herself, but may not waive the
14 confidentiality of such information concerning any other person.

15 9. An agency which provides child welfare services may
16 provide a summary of the outcome of an investigation of the alleged
17 abuse or neglect of a child to the person who reported the suspected
18 abuse or neglect.

19 10. Except as otherwise provided in this subsection, any person
20 who is provided with information maintained by an agency which
21 provides child welfare services and who further disseminates the
22 information or makes the information public is guilty of a gross
23 misdemeanor. This subsection does not apply to:

24 (a) A district attorney or other law enforcement officer who uses
25 the information solely for the purpose of initiating legal
26 proceedings;

27 (b) An employee of the Division of Parole and Probation of the
28 Department of ~~Public Safety~~ **Corrections** making a presentence
29 investigation and report to the district court pursuant to NRS
30 176.135 or making a general investigation and report pursuant to
31 NRS 176.151; or

32 (c) An employee of a juvenile justice agency who provides the
33 information to the juvenile court.

34 11. An agency which provides child welfare services may
35 charge a fee for processing costs reasonably necessary to prepare
36 information maintained by the agency which provides child welfare
37 services for release pursuant to this section.

38 12. An agency which provides child welfare services shall
39 adopt rules, policies or regulations to carry out the provisions of this
40 section.

41 13. As used in this section, "juvenile justice agency" means the
42 Youth Parole Bureau or a director of juvenile services.

43 **Sec. 36.** NRS 449.0055 is hereby amended to read as follows:

44 449.0055 1. "Facility for transitional living for released
45 offenders" means a residence that provides housing and a living



environment for persons who have been released from prison and who require assistance with reintegration into the community, other than such a residence that is operated or maintained by a state or local government or an agency thereof. The term does not include a halfway house for recovering alcohol and drug abusers or a facility for the treatment of abuse of alcohol or drugs.

2. As used in this section, "person who has been released from prison" means:

(a) A parolee.

(b) A person who is participating in:

(1) A judicial program pursuant to NRS 209.4886 or 213.625; or

(2) A correctional program pursuant to NRS 209.4888 or 213.632.

(c) A person who is supervised by the Division of Parole and Probation of the Department of ~~Public Safety~~ **Corrections** through residential confinement pursuant to NRS 213.371 to 213.410, inclusive.

(d) A person who has been released from prison by expiration of his or her term of sentence.

Sec. 37. NRS 453.3363 is hereby amended to read as follows:

453.3363 1. If a person who has not previously been convicted of any offense pursuant to NRS 453.011 to 453.552, inclusive, or pursuant to any statute of the United States or of any state relating to narcotic drugs, marijuana, or stimulant, depressant or hallucinogenic substances tenders a plea of guilty, guilty but mentally ill, nolo contendere or similar plea to a charge pursuant to subparagraph (1) of paragraph (a) of subsection 2 of NRS 453.3325, subsection 2 or 3 of NRS 453.336, NRS 453.411 or 454.351, or is found guilty or guilty but mentally ill of one of those charges, the court, without entering a judgment of conviction and with the consent of the accused, may suspend further proceedings and place the person on probation upon terms and conditions that must include attendance and successful completion of an educational program or, in the case of a person dependent upon drugs, of a program of treatment and rehabilitation pursuant to NRS 453.580.

2. Upon violation of a term or condition, the court may enter a judgment of conviction and proceed as provided in the section pursuant to which the accused was charged. Notwithstanding the provisions of paragraph (e) of subsection 2 of NRS 193.130, upon violation of a term or condition, the court may order the person to the custody of the Department of Corrections.

3. Upon fulfillment of the terms and conditions, the court shall discharge the accused and dismiss the proceedings against him or her. A nonpublic record of the dismissal must be transmitted to and



1 retained by the Division of Parole and Probation of the Department
2 of ~~Public Safety~~ **Corrections** solely for the use of the courts in
3 determining whether, in later proceedings, the person qualifies
4 under this section.

5 4. Except as otherwise provided in subsection 5, discharge and
6 dismissal under this section is without adjudication of guilt and is
7 not a conviction for purposes of this section or for purposes of
8 employment, civil rights or any statute or regulation or license or
9 questionnaire or for any other public or private purpose, but is a
10 conviction for the purpose of additional penalties imposed for
11 second or subsequent convictions or the setting of bail. Discharge
12 and dismissal restores the person discharged, in the contemplation
13 of the law, to the status occupied before the arrest, indictment or
14 information. The person may not be held thereafter under any law to
15 be guilty of perjury or otherwise giving a false statement by reason
16 of failure to recite or acknowledge that arrest, indictment,
17 information or trial in response to an inquiry made of the person for
18 any purpose. Discharge and dismissal under this section may occur
19 only once with respect to any person.

20 5. A professional licensing board may consider a proceeding
21 under this section in determining suitability for a license or liability
22 to discipline for misconduct. Such a board is entitled for those
23 purposes to a truthful answer from the applicant or licensee
24 concerning any such proceeding with respect to the applicant or
25 licensee.

26 **Sec. 38.** NRS 453.3365 is hereby amended to read as follows:

27 453.3365 1. Three years after a person is convicted and
28 sentenced pursuant to subsection 3 of NRS 453.336, the court may
29 order sealed all documents, papers and exhibits in that person's
30 record, minute book entries and entries on dockets, and other
31 documents relating to the case in the custody of such other agencies
32 and officers as are named in the court's order, if the:

33 (a) Person fulfills the terms and conditions imposed by the court
34 and the parole and probation officer; and

35 (b) Court, after a hearing, is satisfied that the person is
36 rehabilitated.

37 2. Except as limited by subsection 4, after an accused is
38 discharged from probation pursuant to NRS 453.3363, the court
39 shall order sealed all documents, papers and exhibits in that person's
40 record, minute book entries and entries on dockets, and other
41 documents relating to the case in the custody of such other agencies
42 and officers as are named in the court's order if the person fulfills
43 the terms and conditions imposed by the court and the Division of
44 Parole and Probation of the Department of ~~Public Safety~~
45 **Corrections**. The court shall order those records sealed without a



1 hearing unless the Division of Parole and Probation petitions the
2 court, for good cause shown, not to seal the records and requests a
3 hearing thereon.

4 3. If the court orders sealed the record of a person discharged
5 pursuant to NRS 453.3363, it shall cause a copy of the order to be
6 sent to each agency or officer named in the order. Each such agency
7 or officer shall notify the court in writing of its compliance with the
8 order.

9 4. A professional licensing board is entitled, for the purpose of
10 determining suitability for a license or liability to discipline for
11 misconduct, to inspect and to copy from a record sealed pursuant to
12 this section.

13 **Sec. 39.** NRS 480.110 is hereby amended to read as follows:

14 480.110 Except as otherwise provided therein, the Department
15 shall execute, administer and enforce, and perform the functions and
16 duties provided in:

17 1. ~~{Chapters 176A and 213 of NRS relating to parole and~~
18 ~~probation;~~

19 ~~—2.} Chapter 414 of NRS relating to emergency management;~~

20 ~~{3.} 2. Chapter 414A of NRS;~~

21 ~~{4.} 3. Chapter 453 of NRS relating to controlled substances~~
22 ~~and chapter 454 of NRS relating to dangerous drugs;~~

23 ~~{5.} 4. Chapter 459 of NRS relating to the transportation of~~
24 ~~hazardous materials;~~

25 ~~{6.} 5. Chapter 477 of NRS relating to the State Fire Marshal;~~
26 ~~and~~

27 ~~{7.} 6. NRS 486.363 to 486.377, inclusive, relating to the~~
28 ~~education and safety of motorcycle riders.~~

29 **Sec. 40.** NRS 480.130 is hereby amended to read as follows:

30 480.130 The Department consists of:

31 1. An Investigation Division;

32 2. A Nevada Highway Patrol Division;

33 3. A Division of Emergency Management;

34 4. A State Fire Marshal Division;

35 5. ~~{A Division of Parole and Probation;~~

36 ~~—6.} A Capitol Police Division;~~

37 ~~{7.} 6. A Training Division; and~~

38 ~~{8.} 7. A General Services Division.~~

39 **Sec. 41.** NRS 480.140 is hereby amended to read as follows:

40 480.140 The primary functions and responsibilities of the
41 divisions of the Department are as follows:

42 1. The Investigation Division shall:

43 (a) Execute, administer and enforce the provisions of chapter
44 453 of NRS relating to controlled substances and chapter 454 of
45 NRS relating to dangerous drugs;



(b) Assist the Secretary of State in carrying out an investigation pursuant to NRS 293.124; and

(c) Perform such duties and exercise such powers as may be conferred upon it pursuant to this chapter and any other specific statute.

2. The Nevada Highway Patrol Division shall, in conjunction with the Department of Motor Vehicles, execute, administer and enforce the provisions of chapters 484A to 484E, inclusive, of NRS and perform such duties and exercise such powers as may be conferred upon it pursuant to NRS 480.360 and any other specific statute.

3. The Division of Emergency Management shall execute, administer and enforce the provisions of chapters 414 and 414A of NRS and perform such duties and exercise such powers as may be conferred upon it pursuant to chapters 414 and 414A of NRS and any other specific statute.

4. The State Fire Marshal Division shall execute, administer and enforce the provisions of chapter 477 of NRS and perform such duties and exercise such powers as may be conferred upon it pursuant to chapter 477 of NRS and any other specific statute.

~~5. The Division of Parole and Probation shall execute, administer and enforce the provisions of chapters 176A and 213 of NRS relating to parole and probation and perform such duties and exercise such powers as may be conferred upon it pursuant to those chapters and any other specific statute.~~

~~6.~~ The Capitol Police Division shall assist in the enforcement of subsection 1 of NRS 331.140.

~~7.~~ 6. The Training Division shall provide training to the employees of the Department.

~~8.~~ 7. The General Services Division shall:

(a) Execute, administer and enforce the provisions of chapter 179A of NRS and perform such duties and exercise such powers as may be conferred upon it pursuant to chapter 179A of NRS and any other specific statute;

(b) Provide dispatch services for the Department and other agencies as determined by the Director;

(c) Maintain records of the Department as determined by the Director; and

(d) Provide support services to the Director, the divisions of the Department and the Nevada Criminal Justice Information System as may be imposed by the Director.

Sec. 42. NRS 617.135 is hereby amended to read as follows:

617.135 "Police officer" includes:

1. A sheriff, deputy sheriff, officer of a metropolitan police department or city police officer;



2. A chief, inspector, supervisor, commercial officer or trooper of the Nevada Highway Patrol Division of the Department of Public Safety;

3. A chief, investigator or agent of the Investigation Division of the Department of Public Safety;

4. A chief, supervisor, investigator or training officer of the Training Division of the Department of Public Safety;

5. A chief or investigator of an office of the Department of Public Safety that conducts internal investigations of employees of the Department of Public Safety or investigates other issues relating to the professional responsibility of those employees;

6. A chief or investigator of the Department of Public Safety whose duties include, without limitation:

(a) The execution, administration or enforcement of the provisions of chapter 179A of NRS; and

(b) The provision of technology support services to the Director and the divisions of the Department of Public Safety;

7. An officer or investigator of the Section for the Control of Emissions From Vehicles and the Enforcement of Matters Related to the Use of Special Fuel of the Department of Motor Vehicles;

8. An investigator of the Division of Compliance Enforcement of the Department of Motor Vehicles;

9. A member of the police department of the Nevada System of Higher Education;

10. A:

(a) Uniformed employee of; or

(b) Forensic specialist employed by,

→ the Department of Corrections whose position requires regular and frequent contact with the offenders imprisoned and subjects the employee to recall in emergencies;

11. A parole and probation officer of the Division of Parole and Probation of the Department of ~~Public Safety~~ **Corrections**;

12. A forensic specialist or correctional officer employed by the Division of Public and Behavioral Health of the Department of Health and Human Services at facilities for mentally disordered offenders;

13. The State Fire Marshal and his or her assistant and deputies;

14. A game warden of the Department of Wildlife who has the powers of a peace officer pursuant to NRS 289.280;

15. A ranger or employee of the Division of State Parks of the State Department of Conservation and Natural Resources who has the powers of a peace officer pursuant to NRS 289.260; and



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1 16. A bailiff or a deputy marshal of the district court or justice
2 court whose duties require him or her to carry a weapon and to make
3 arrests.

4 **Sec. 43.** 1. Any administrative regulations adopted by an
5 officer, agency or other entity whose name has been changed or
6 whose responsibilities have been transferred pursuant to the
7 provisions of this act to another officer, agency or other entity
8 remain in force until amended by the officer, agency or other entity
9 to which the responsibility for the adoption of the regulations has
10 been transferred.

11 2. Any contracts or other agreements entered into by an officer,
12 agency or other entity whose name has been changed or whose
13 responsibilities have been transferred pursuant to the provisions of
14 this act to another officer, agency or other entity are binding upon
15 the officer, agency or other entity to which the responsibility for the
16 administration of the provisions of the contract or other agreement
17 has been transferred. Such contracts and other agreements may be
18 enforced by the officer, agency or other entity to which the
19 responsibility for the enforcement of the provisions of the contract
20 or other agreement has been transferred.

21 3. Any action taken by an officer, agency or other entity whose
22 name has been changed or whose responsibilities have been
23 transferred pursuant to the provisions of this act to another officer,
24 agency or other entity remains in effect as if taken by the officer,
25 agency or other entity to which the responsibility for the
26 enforcement of such actions has been transferred.

27 **Sec. 44.** The Legislative Counsel shall, in preparing
28 supplements to the Nevada Administrative Code, appropriately
29 change any references to an officer, agency or other entity whose
30 name is changed or whose responsibilities are transferred pursuant
31 to the provisions of this act to refer to the appropriate officer,
32 agency or other entity.

33 **Sec. 45.** NRS 209.4874 is hereby repealed.

34 **Sec. 46.** This act becomes effective on July 1, 2019.

TEXT OF REPEALED SECTION

209.4874 “Division” defined. “Division” means the
Division of Parole and Probation of the Department of Public
Safety.

