

SENATE JOINT RESOLUTION NO. 1—SENATORS
PARKS, SEGERBLOM AND MANENDO

PREFILED FEBRUARY 7, 2017

JOINT SPONSOR: ASSEMBLYMAN OHRENSCHALL

Referred to Committee on Judiciary

SUMMARY—Proposes to amend the Nevada Constitution to expressly provide for the State Board of Pardons Commissioners and revise the duties of the State Board of Pardons Commissioners. (BDR C-567)

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.

SENATE JOINT RESOLUTION—Proposing to amend the Nevada Constitution to expressly provide for the State Board of Pardons Commissioners and revise the duties of the State Board of Pardons Commissioners.

Legislative Counsel's Digest:

- 1 Under the Nevada Constitution and existing law, the State Board of Pardons
2 Commissioners consists of the Governor, the justices of the Supreme Court and the
3 Attorney General. (Nev. Const. Art. 5, § 14; NRS 213.010) The Nevada
4 Constitution does not expressly provide for a State Board of Pardons
5 Commissioners, but rather establishes the authority, powers and duties of the
6 Board. Further, the Nevada Constitution requires the Governor to vote in the
7 majority for any action. (Nev. Const. Art. 5, § 14)
8 This joint resolution proposes to amend the Nevada Constitution to: (1)
9 expressly provide for the State Board of Pardons Commissioners; (2) eliminate the
10 requirement that the Governor vote in the majority for any action; (3) require the
11 State Board of Pardons Commissioners to meet at least quarterly; (4) authorize any
12 member of the State Board of Pardons Commissioners to submit matters for
13 consideration by the Board; and (5) provide that a majority of the members of the
14 State Board of Pardons Commissioners is sufficient for any action taken by the
15 Board. (Nev. Const. Art. 5, § 14)



* S J R 1 R 1 *

1 RESOLVED BY THE SENATE AND ASSEMBLY OF THE STATE OF
2 NEVADA, JOINTLY, That Section 14 of Article 5 of the Nevada
3 Constitution be amended to read as follows:

4 Sec. 14. 1. The governor, justices of the supreme
5 court, and attorney general ~~to, or a major part of them, of~~
6 ~~whom the governor~~ shall ~~be one, There is hereby created a~~
7 ~~Clemency~~ *constitute the State Board of Pardons*
8 *Commissioners.*

9 *2. The State Board of Pardons Commissioners* may,
10 upon such conditions and with such limitations and
11 restrictions as they may think proper, remit fines and
12 forfeitures, commute punishments, except as provided in
13 subsection ~~2-~~ *3*, and grant pardons, after convictions, in all
14 cases, except treason and impeachments, subject to such
15 regulations as may be provided by law relative to the manner
16 of applying for pardons.

17 ~~2-~~ *3.* Except as may be provided by law, a sentence of
18 death or a sentence of life imprisonment without possibility
19 of parole may not be commuted to a sentence which would
20 allow parole.

21 ~~3-~~ *4. The State Board of Pardons Commissioners*
22 *shall meet at least quarterly.*

23 *5. Any member of the State Board of Pardons*
24 *Commissioners may submit matters for consideration by the*
25 *State Board of Pardons Commissioners.*

26 *6. A majority of the members of the State Board of*
27 *Pardons Commissioners is sufficient for any action taken by*
28 *the State Board of Pardons Commissioners.*

29 *7.* The Legislature is authorized to pass laws conferring
30 upon the district courts authority to suspend the execution of
31 sentences, fix the conditions for, and to grant probation, and
32 within the minimum and maximum periods authorized by
33 law, fix the sentence to be served by the person convicted of
34 crime in said courts.

