

ASSEMBLY BILL NO. 109—ASSEMBLYMAN FUMO

PREFILED JANUARY 29, 2019

Referred to Committee on Judiciary

SUMMARY—Revises provisions governing credits awarded to reduce a sentence of imprisonment. (BDR 14-764)

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

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EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to offenders; requiring a court to provide credit for time spent in confinement before conviction to reduce a sentence of imprisonment; authorizing a court to provide credit for time spent in residential confinement before conviction to reduce a sentence of imprisonment; providing that a defendant convicted of a misdemeanor is not eligible for credit for time spent in residential confinement before conviction; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

1 Existing law authorizes a court that imposes a sentence of imprisonment in a
2 county jail or prison to allow credit for time spent in confinement before conviction
3 to reduce the sentence. (NRS 176.055) **Section 1** of this bill requires, rather than
4 authorizes, such credit. In addition, **section 1** authorizes the court to allow credit for
5 time spent in residential confinement, in a person's place of residence under the
6 terms and conditions imposed by the court, before conviction to reduce a sentence.
7 Finally, **section 1** provides that a defendant who is convicted of a misdemeanor is
8 not eligible for any credit for time spent in residential confinement before
9 conviction.

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

1 **Section 1.** NRS 176.055 is hereby amended to read as follows:
2 176.055 1. Except as otherwise provided in ~~subsection 2,~~
3 *subsections 3 and 4,* whenever a sentence of imprisonment in the
4 county jail or state prison is imposed, the court ~~may~~:



* A B 1 0 9 R 1 *

(a) *Shall* order that credit be allowed against the duration of the sentence, including any minimum term or minimum aggregate term, as applicable, thereof prescribed by law, for the amount of time which the defendant has actually spent in confinement before conviction ~~[1]~~; and

(b) *May order that credit be allowed against the duration of the sentence, including any minimum term or minimum aggregate term, as applicable, thereof prescribed by law, for the amount of time which the defendant spent in residential confinement before conviction,*

↪ unless the defendant's confinement *or residential confinement* was pursuant to a judgment of conviction for another offense.

2. Credit allowed pursuant to ~~[this]~~ subsection 1 does not alter the date from which the term of imprisonment is computed.

~~[2-]~~ 3. A defendant who is convicted of a subsequent offense which was committed while the defendant was:

(a) In custody on a prior charge is not eligible for any credit on the sentence for the subsequent offense for time the defendant has spent in confinement on the prior charge, unless the charge was dismissed or the defendant was acquitted.

(b) Imprisoned in a county jail or state prison or on probation or parole from a Nevada conviction is not eligible for any credit on the sentence for the subsequent offense for the time the defendant has spent in confinement which is within the period of the prior sentence, regardless of whether any probation or parole has been formally revoked.

4. *A defendant who is convicted of a misdemeanor is not eligible for any credit for the amount of time which the defendant spent in residential confinement before conviction.*

5. *As used in this section, "residential confinement" means the confinement of a person to the person's place of residence under the terms and conditions imposed by the court.*

Sec. 2. The amendatory provisions of section 1 of this act apply to:

1. An offense committed on or after October 1, 2019; and
2. An offense committed before October 1, 2019, if the person is convicted on or after October 1, 2019.

