

Amendment No. 40

Assembly Amendment to Assembly Bill No. 109	(BDR 14-764)
<b>Proposed by:</b> Assembly Committee on Judiciary	
<b>Amends:</b> Summary: No Title: Yes Preamble: No Joint Sponsorship: No Digest: Yes	

ASSEMBLY ACTION			Initial and Date	SENATE ACTION			Initial and Date	
Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/> _____		Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/> _____
Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/> _____		Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/> _____
Receded	<input type="checkbox"/>	Not	<input type="checkbox"/> _____		Receded	<input type="checkbox"/>	Not	<input type="checkbox"/> _____

EXPLANATION: Matter in (1) *blue bold italics* is new language in the original bill; (2) variations of green bold underlining is language proposed to be added in this amendment; (3) ~~red strikethrough~~ is deleted language in the original bill; (4) ~~purple double strikethrough~~ is language proposed to be deleted in this amendment; (5) orange double underlining is deleted language in the original bill proposed to be retained in this amendment.

VG/BAW



Date: 4/9/2019

A.B. No. 109—Revises provisions governing credits awarded to reduce a sentence of imprisonment. (BDR 14-764)





## 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:**

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

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

**Section 1.** NRS 176.055 is hereby amended to read as follows:

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

**(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~~ **for** :

~~**(a) For**~~ the amount of time which the defendant has actually spent in confinement before conviction ~~for~~ **for** **and**

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

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

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

9 ~~2.~~ 3. A defendant who is convicted of a subsequent offense which was  
10 committed while the defendant was:

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

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

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

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

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

26 1. An offense committed on or after October 1, 2019; and

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