

S.J.R. 1 of the 79th Session

SENATE JOINT RESOLUTION NO. 1 OF THE 79TH SESSION— 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:

Under the Nevada Constitution and existing law, the State Board of Pardons Commissioners consists of the Governor, the justices of the Supreme Court and the Attorney General. (Nev. Const. Art. 5, § 14; NRS 213.010) The Nevada Constitution does not expressly provide for a State Board of Pardons Commissioners, but rather establishes the authority, powers and duties of the Board. Further, the Nevada Constitution requires the Governor to vote in the majority for any action. (Nev. Const. Art. 5, § 14)

This joint resolution proposes to amend the Nevada Constitution to: (1) expressly provide for the State Board of Pardons Commissioners; (2) eliminate the requirement that the Governor vote in the majority for any action; (3) require the State Board of Pardons Commissioners to meet at least quarterly; (4) authorize any member of the State Board of Pardons Commissioners to submit matters for consideration by the Board; and (5) provide that a majority of the members of the State Board of Pardons Commissioners is sufficient for any action taken by the Board. (Nev. Const. Art. 5, § 14)



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

Sec. 14. 1. The governor, justices of the supreme court, and attorney general ~~[, or a major part of them, of whom the governor]~~ shall ~~[be one,]~~ *constitute the State Board of Pardons Commissioners.*

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

~~[2,]~~ 3. Except as may be provided by law, a sentence of death or a sentence of life imprisonment without possibility of parole may not be commuted to a sentence which would allow parole.

~~[3,]~~ 4. *The State Board of Pardons Commissioners shall meet at least quarterly.*

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

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

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

