

**MINUTES OF THE  
SENATE COMMITTEE ON JUDICIARY**

**Eightieth Session  
March 26, 2019**

The Senate Committee on Judiciary was called to order by Vice Chair Dallas Harris at 8:07 a.m. on Tuesday, March 26, 2019, in Room 2135 of the Legislative Building, Carson City, Nevada. The meeting was videoconferenced to Room 4412E of the Grant Sawyer State Office Building, 555 East Washington Avenue, Las Vegas, Nevada. [Exhibit A](#) is the Agenda. [Exhibit B](#) is the Attendance Roster. All exhibits are available and on file in the Research Library of the Legislative Counsel Bureau.

**COMMITTEE MEMBERS PRESENT:**

Senator Dallas Harris, Vice Chair  
Senator James Ohrenschall  
Senator Marilyn Dondero Loop  
Senator Melanie Scheible  
Senator Scott Hammond  
Senator Ira Hansen  
Senator Keith F. Pickard

**COMMITTEE MEMBERS ABSENT:**

Senator Nicole J. Cannizzaro (Excused)

**GUEST LEGISLATORS PRESENT:**

Senator David R. Parks, Senatorial District No. 7

**STAFF MEMBERS PRESENT:**

Patrick Guinan, Committee Policy Analyst  
Nicolas Anthony, Committee Counsel  
Eileen Church, Committee Secretary

**OTHERS PRESENT:**

David Smith, Hearings Examiner, State Board of Parole Commissioners  
Alanna Bondy, Nevada Attorneys for Criminal Justice

VICE CHAIR HARRIS:

I will open the hearing of the Senate Committee on Judiciary with Senate Bill (S.B.) 286.

**SENATE BILL 286**: Revises provisions relating to aggregated sentences and eligibility for parole. (BDR 14-293)

SENATOR DAVID R. PARKS (Senatorial District No. 7):

I have submitted my testimony ([Exhibit C](#)). For those unfamiliar with aggregate sentences, they allow an inmate with two or more consecutive sentences to add the minimum and maximum terms of each of those sentences together and come up with one minimum and one maximum sentence. Any sentence credits the inmate might receive can then be deducted from this single, aggregated sentence. This system simplifies the computation of both sentences and credits for the purpose of parole eligibility and sentence expiration.

The Nevada Legislature began moving toward aggregated sentencing in 2009 with A.B. No. 474 of the 75th Session, and we completed that process in 2013 with S.B. No. 71 of the 77th Session. However, some additional work remains to be done. Although the intention of the 2013 legislation was to allow inmates who had consecutive sentences imposed prior to 2013 to opt in and have their sentences aggregated, the language was not quite right and was open to more than one interpretation. It is issues such as this S.B. 286 seeks to remedy.

Section 1 clarifies the portion of the statute I have just described. It also makes a technical change to clarify that a person who is sentenced to death or life without the possibility of parole will not be considered for parole on any other sentence that might be part of the aggregated sentence.

Also contained in section 1, are provisions requiring that sentence enhancements imposed by a court must be aggregated and provides that different cases may be aggregated. This provision will not impact a large number of inmates, but there are some who are serving consecutive sentences for crimes committed at different times, spanning different sentence credit laws, to whom this would apply.

Section 2 goes on to provide the method by which the Department of Corrections (DOC) is to aggregate sentences that were imposed under different credit laws and specifies that once these sentences are aggregated, all future

credit earnings will be applied against the maximum term of the current credit law. This goes back to the 2013 law and addresses the DOC's denial of several inmates' requests to aggregate sentences based on an interpretation of the law by the Attorney General.

For this reason, section 2 also allows the DOC to review previously denied requests under this scenario to disaggregate and then reaggregate sentences from multiple cases.

Lastly, section 2 provides that aggregated sentencing laws cannot be the basis for an action related to credits an inmate might have received had his or her sentence not been aggregated.

Finally, section 3 sets forth the effective dates for the bill.

SENATOR SCHEIBLE:

Are we going to be aggregating Category A, B, C and D felonies in these sentences, and the credits come off the top for the aggregate?

DAVID SMITH (Hearings Examiner, State Board of Parole Commissioners):

With respect to the different categories, some allow credits off the minimum and some do not. One of the provisions is when those sentences are aggregated, the sentences that do allow credits off the minimum will still get credit up to 58 percent of a reduction. Every category can be aggregated together.

ALANNA BONDY (Nevada Attorneys for Criminal Justice):

The Nevada Attorneys for Criminal Justice supports S.B. 286. I have submitted letters of support from the Nevada Attorneys for Criminal Justice ([Exhibit D](#)) and the Law Offices of Kristina Wildeveld ([Exhibit E](#)). As was previously discussed, aggregation and time computation are complicated issues that while they have been tried to be resolved in the past, there is continuing confusion as to how aggregated sentences should work.

SENATOR PARKS:

This bill in identical form was processed two years ago. It was tied up in the Senate Finance Committee when a large fiscal note was placed on it. That is not the case this year. Increased staff was provided to address the backlog of problems in the previous session.

The benefits of aggregating sentences include simplifying sentencing and helps reduce confusion or lack of confidence in the criminal justice system. That is the case when someone comes forward for a parole hearing and the offender has only served the minimum amount of the overall sentence. It allows for adjustments in rehabilitation efforts to occur in a more appropriate manner. This gives inmates time to adjust to the prison environment and to hopefully enter programs that will help them put their lives back together. It may allow for shorter periods of incarceration and longer periods of community supervision. Aggregating sentences improves the rehabilitation efforts of most inmates. There is a fairly substantial potential reduction in incarceration costs. Such a program reduces the Parole Board and Department of Corrections caseworker and psychiatric panel caseloads.

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VICE CHAIR HARRIS:

I will close the hearing on S.B. 286 and adjourn this meeting at 8:18 a.m.

RESPECTFULLY SUBMITTED:

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Eileen Church,  
Committee Secretary

APPROVED BY:

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Senator Dallas Harris, Vice Chair

DATE: \_\_\_\_\_

EXHIBIT SUMMARY				
Bill	Exhibit / # of pages		Witness / Entity	Description
	A	1		Agenda
	B	3		Attendance Roster
S.B. 286	C	3	Senator David Parks	Testimony
S.B. 286	D	1	Alanna Bondy / Nevada Attorneys for Criminal Justice	Letter of Support
S.B. 286	E	1	Alanna Bondy / The Law Offices of Kristina Wildeveld	Letter of Support from Kristina Wildeveld