

ASSEMBLY BILL NO. 160—ASSEMBLYMEN TORRES, NGUYEN,
WATTS, FLORES; ANDERSON, BROWN-MAY, GONZÁLEZ,
MARZOLA, C.H. MILLER AND PETERS

FEBRUARY 22, 2021

Referred to Committee on Judiciary

SUMMARY—Revises provisions governing credit awarded to
reduce a sentence of imprisonment. (BDR 14-173)

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;
establishing limitations on credit for time spent in
residential confinement before conviction for defendants
who have been found guilty of a misdemeanor; 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 state prison to allow credit for time spent in confinement before
conviction to reduce the sentence. (NRS 176.055) In interpreting this provision of
existing law, the Nevada Supreme Court has held that residential confinement (also
known as “house arrest”) served as a condition of bail does not constitute time
spent in confinement for which a court may award credit to reduce a sentence of
imprisonment. (*State v. Dist. Ct. (Jackson)*, 121 Nev. 413, 416 (2005)) This bill: (1)
requires a court to allow credit for time spent in confinement before conviction to
reduce a sentence of imprisonment; (2) authorizes a 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 of
imprisonment; and (3) limits the amount of credit for time spent in residential
confinement that a court may allow a defendant who has been found guilty of a
misdemeanor to the lesser of 25 percent of the amount of time which the defendant
spent in residential confinement before conviction or 60 days.



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.]~~ **4**,
3 whenever a sentence of imprisonment in the county jail or state
4 prison is imposed, the court ~~[may]~~ :

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

10 (b) *Except as otherwise provided in subsection 2, may order*
11 *that credit be allowed against the duration of the sentence,*
12 *including any minimum term or minimum aggregate term, as*
13 *applicable, thereof prescribed by law, for the amount of time*
14 *which the defendant spent in residential confinement before*
15 *conviction,*

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

18 2. *Whenever a sentence of imprisonment in the county jail is*
19 *imposed upon a defendant who has been found guilty of a*
20 *misdemeanor, the court may order that credit be allowed against*
21 *the duration of the sentence for the lesser of 25 percent of the*
22 *amount of time which the defendant spent in residential*
23 *confinement before conviction or 60 days, unless the defendant's*
24 *residential confinement was pursuant to a judgment of conviction*
25 *for another offense.*

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

28 ~~[2.]~~ **4.** A defendant who is convicted of a subsequent offense
29 which was committed while the defendant was:

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

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

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



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

- 3 1. An offense committed on or after October 1, 2021; and
4 2. An offense committed before October 1, 2021, if the person
5 is convicted on or after October 1, 2021.

