

Amendment No. 193

Assembly Amendment to Assembly Bill No. 160	(BDR 14-173)
Proposed by: Assembly Committee on Judiciary	
Amends: 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.



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 ~~to~~ **;** **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:

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

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

(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

(b) ~~For~~ Except as otherwise provided in subsection 2, 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. Whenever a sentence of imprisonment in the county jail is imposed upon a defendant who has been found guilty of a misdemeanor, the court may order that credit be allowed against the duration of the sentence for the lesser of 25 percent of the amount of time which the defendant spent in residential confinement before conviction or 60 days, unless the defendant's residential confinement was pursuant to a judgment of conviction for another offense.

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

~~2, 3, 4~~. 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, 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, 2021; and

2. An offense committed before October 1, 2021, if the person is convicted on or after October 1, 2021.