

ASSEMBLY BILL NO. 83—COMMITTEE ON JUDICIARY

PREFILED JANUARY 30, 2023

Referred to Committee on Judiciary

SUMMARY—Revises provisions relating to sentencing.
(BDR 16-490)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: No.

~

EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to sentencing; authorizing the modification of the sentence of certain prisoners released on parole under certain circumstances; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Before the 2019 Legislative Session, former existing law authorized: (1) the State Board of Parole Commissioners, upon the recommendation of the Division of Parole and Probation of the Department of Public Safety, to petition the court of original jurisdiction to modify the sentence of a person if the person had served one-half of the period of parole or, if the person was sentenced to life imprisonment, the person had served 10 consecutive years on parole; and (2) the court of original jurisdiction to modify the sentence of the person by reducing the maximum term of imprisonment, thereby resulting in the expiration of the sentence of the person and the termination of his or her parole. During the 2019 Legislative Session, the Legislature enacted Assembly Bill No. 236, which removed those provisions. (Chapter 633, Statutes of Nevada 2019, at page 4382)

Section 1 of this bill restores those provisions by reenacting them. **Section 2** of this bill makes a conforming change to indicate the proper placement of **section 1** in the Nevada Revised Statutes. **Section 3** of this bill clarifies that the changes in this bill apply to offenses committed before, on or after July 1, 2023, the effective date of this bill.



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

Section 1. Chapter 213 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Board, upon recommendation of the Division, may petition the court of original jurisdiction to modify the sentence of a person on parole if the person:

(a) Has served one-half of the period of parole; or

(b) Has been sentenced to life imprisonment and has served 10 consecutive years on parole.

2. The Board shall give notice of the petition and hearing thereon to the Attorney General or district attorney who had jurisdiction in the original proceedings.

3. Upon hearing the recommendation of the Board and good cause appearing, the court may modify the original sentence by reducing the maximum term of imprisonment, but shall not make the term less than the minimum term prescribed by the applicable penal statute.

Sec. 2. NRS 213.107 is hereby amended to read as follows:

213.107 As used in NRS 213.107 to 213.157, inclusive, ***and section 1 of this act,*** unless the context otherwise requires:

1. "Board" means the State Board of Parole Commissioners.

2. "Chief" means the Chief Parole and Probation Officer.

3. "Division" means the Division of Parole and Probation of the Department of Public Safety.

4. "Residential confinement" means the confinement of a person convicted of a crime to his or her place of residence under the terms and conditions established by the Board.

5. "Responsivity factors" means characteristics of a person that affect his or her ability to respond favorably or unfavorably to any treatment goals.

6. "Risk and needs assessment" means a validated, standardized actuarial tool that identifies risk factors that increase the likelihood of a person reoffending and factors that, when properly addressed, can reduce the likelihood of a person reoffending.

7. "Sex offender" means any person who has been or is convicted of a sexual offense.

8. "Sexual offense" means:

(a) A violation of NRS 200.366, subsection 4 of NRS 200.400, NRS 200.710, 200.720, subsection 2 of NRS 200.730, NRS 201.180, 201.230, 201.450, 201.540 or 201.550 or paragraph (a) or

(b) of subsection 4 or paragraph (a) or (b) of subsection 5 of NRS 201.560;



1 (b) An attempt to commit any offense listed in paragraph (a); or
2 (c) An act of murder in the first or second degree, kidnapping in
3 the first or second degree, false imprisonment, burglary or invasion
4 of the home if the act is determined to be sexually motivated at a
5 hearing conducted pursuant to NRS 175.547.

6 9. “Standards” means the objective standards for granting or
7 revoking parole or probation which are adopted by the Board or the
8 Chief.

9 **Sec. 3.** The amendatory provisions of this act apply to offenses
10 committed before, on or after July 1, 2023.

11 **Sec. 4.** This act becomes effective on July 1, 2023.

