ASSEMBLY BILL NO. 65–COMMITTEE ON JUDICIARY

(ON BEHALF OF THE ATTORNEY GENERAL)

PREFILED NOVEMBER 16, 2026

Referred to Committee on Judiciary

SUMMARY—Revises provisions relating to offenders. (BDR 16-519)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: May have Fiscal Impact.
Effect on the State Highway Fund: 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; revising provisions governing the calculation of credits to reduce the sentence of an offender; revising provisions concerning the forfeiture of such credits; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes an offender to earn certain credits to reduce the sentence of the offender. (NRS 209.433-209.449) However, a revised method of awarding credits to reduce the sentence of an offender has been established by the Legislature and will apply to an offender sentenced for a crime committed: (1) on or after July 1, 2027; or (2) before July 1, 2027, if the offender elected to be subject to the revised method. (NRS 209.4467, effective July 1, 2027) **Section 6** of this bill provides that an offender who was sentenced for a crime committed before July 1, 2027, and who has been granted parole is not eligible to elect to be subject to the revised method of awarding credits.

If an offender makes an election to be subject to the revised method of awarding credits, **section 6** requires the sentence of the offender to be calculated using the revised method and then further reduced by any exceptional meritorious credit that was previously earned by the offender or increased by any credit that was previously forfeited by the offender, as applicable. **Section 11** of this bill makes a conforming change relating to the calculation of credits for an offender who elects to be subject to the revised method of awarding credits.

Existing law also makes the revised method of awarding credits dependent on the good behavior of the offender. (NRS 209.4467, effective July 1, 2027) **Section 6** removes this condition, thereby making the revised method of awarding credits applicable to the sentence of any qualifying offender.

Additionally, existing law provides that an offender who commits certain acts may forfeit all or part of the credits awarded to the offender, as determined by the Director of the Department of Corrections or the State Board of Parole Commissioners under certain circumstances. (NRS 209.367, 209.392, 209.3923, 209.3925, 209.429, 209.451, 209.4886, 209.4888, 209.48883, 213.1518, 213.15185, 213.1519) **Sections 7 and 12-14** of this bill make various changes to specify that if the sentence of the offender is not subject to the revised method of calculating credits, the offender may only forfeit credits for good behavior.

Existing law requires the Director of the Department to administer a risk and needs assessment to each offender for the purpose of guiding institutional programming and placement. (NRS 209.341) **Section 7** additionally provides that an offender who violates a term or condition of a program or placement identified by the risk and needs assessment may forfeit all or part of the credits earned by the offender.

Existing law authorizes an offender to be assigned to an alternative correctional program. (NRS 209.48883) **Sections 7 and 10** of this bill provide that an offender who violates a term or condition of an alternative correctional program may forfeit all or part of the credits earned by the offender.

Finally, **sections 1-5 and 7-10** of this bill standardize the procedure used by the Director of the Department to determine the forfeiture of credits earned by offenders.

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

Section 1. NRS 209.367 is hereby amended to read as follows:

209.367 1. The Director shall establish a program, to be carried out within each facility and institution, that provides for periodic testing of offenders for use of alcohol and controlled substances. The program must provide that the selection of offenders to be tested for use of alcohol and controlled substances must be made on a random basis.

2. The Director shall adopt, with the approval of the Board, regulations governing the operation of the program. The regulations must set forth the procedure for testing, including, but not limited to:

(a) The types of tests to be used;

(b) The manner in which a sample for a test is to be obtained;

(c) The persons who are authorized to obtain a sample for a test; and

(d) The method for preserving the chain of custody of a sample obtained for a test.

3. The Department shall inform the offenders in each facility and institution of the requirement to submit to a test and the sanctions for refusing or failing to submit to a test and for using alcohol or a controlled substance. The Department may provide this information through a general notice posted or distributed in each facility and institution.

4. The Department may sanction, pursuant to subsection 5, an offender:

(a) Who refuses or fails to submit to a test;

(b) Whose test detects alcohol or a controlled substance;

(c) Who manufactures, possesses, uses, sells, supplies, provides, distributes, conceals or stores alcohol or a controlled substance; or

(d) Who attempts to manufacture, possess, use, sell, supply, provide, distribute, conceal or store alcohol or a controlled substance.

5. In addition to any other sanction or penalty that may be imposed pursuant to law or regulation, an offender who violates subsection 4 may be sanctioned by:

(a) Forfeiture of all ~~[deductions of time]~~ ***or part of the credit*** earned by the offender ~~[before commission of the violation or forfeiture of such part of those deductions]~~ ***pursuant to this chapter,*** as ***determined by*** the Director ~~[considers just, pursuant to]~~ ***in accordance with*** NRS 209.451; and

(b) Denial of the privilege to have visitors for a specified period, as determined by the Director.

6. If alcohol or a controlled substance is found in a facility or institution, the Director may order that for a specified period:

(a) The offenders housed in the general area where the alcohol or controlled substance is found; or

(b) All offenders in the facility or institution,

➥ be confined to their cells or housing units or be denied the privilege to have visitors, or both.

7. The establishment of the program to test offenders for use of alcohol and controlled substances pursuant to this section does not affect:

(a) The authority of the Department to test an offender for use of alcohol or a controlled substance for any other lawful purpose or reason; or

(b) The procedures used by the Department to conduct such tests.

Sec. 2. NRS 209.392 is hereby amended to read as follows:

209.392 1. Except as otherwise provided in NRS 209.3923, 209.3925 and 209.429, the Director may, at the request of an offender who is eligible for residential confinement pursuant to the standards adopted by the Director pursuant to subsection 3 and who has:

(a) Demonstrated a willingness and ability to establish a position of employment in the community;

(b) Demonstrated a willingness and ability to enroll in a program for education or rehabilitation; or

(c) Demonstrated an ability to pay for all or part of the costs of the ~~[offender's]~~ confinement ***of the offender*** and to meet any existing obligation for restitution to any victim of his or her crime,

➥ assign the offender to the custody of the Division of Parole and Probation of the Department of Public Safety to serve a term of residential confinement, pursuant to NRS 213.380, for not longer than the remainder of his or her sentence.

2. Upon receiving a request to serve a term of residential confinement from an eligible offender, the Director shall notify the Division of Parole and Probation. Except as otherwise provided in NRS 213.10915, if any victim of a crime committed by the offender has, pursuant to subsection 4 of NRS 213.131, requested to be notified of the consideration of a prisoner for parole and has provided a current address, the Division of Parole and Probation shall notify the victim of the ~~[offender's]~~ request ***of the offender*** and advise the victim that the victim may submit documents regarding the request to the Division of Parole and Probation. If a current address has not been provided as required by subsection 4 of NRS 213.131, the Division of Parole and Probation must not be held responsible if such notification is not received by the victim. All personal information, including, but not limited to, a current or former address, which pertains to a victim and which is received by the Division of Parole and Probation pursuant to this subsection is confidential.

3. The Director, after consulting with the Division of Parole and Probation, shall adopt, by regulation, standards providing which offenders are eligible for residential confinement. The standards adopted by the Director must provide that an offender who:

(a) Has recently committed a serious infraction of the rules of an institution or facility of the Department;

(b) Has not performed the duties assigned to the offender in a faithful and orderly manner;

(c) Has been convicted of:

(1) Any crime that is punishable as a felony involving the use or threatened use of force or violence against the victim within the immediately preceding 3 years;

(2) A sexual offense that is punishable as a felony; or

(3) Except as otherwise provided in subsection 4, a category A or B felony;

(d) Has more than one prior conviction for any felony in this State or any offense in another state that would be a felony if committed in this State, not including a violation of NRS 484C.110, 484C.120, 484C.130, 484C.430, 488.420, 488.425 or 488.427; or

(e) Has escaped or attempted to escape from any jail or correctional institution for adults,

➥ is not eligible for assignment to the custody of the Division of Parole and Probation to serve a term of residential confinement pursuant to this section.

4. The standards adopted by the Director pursuant to subsection 3 must provide that an offender who has been convicted of a category B felony is eligible for assignment to the custody of the Division of Parole and Probation to serve a term of residential confinement pursuant to this section if:

(a) The offender is not otherwise ineligible pursuant to subsection 3 for an assignment to serve a term of residential confinement; and

(b) The Director makes a written finding that such an assignment of the offender is not likely to pose a threat to the safety of the public.

5. If an offender assigned to the custody of the Division of Parole and Probation pursuant to this section escapes or violates any of the terms or conditions of the ~~[~~offender's~~]~~ residential confinement ~~[~~:~~]~~ ***of the offender:***

(a) The Division of Parole and Probation may, pursuant to the procedure set forth in NRS 213.410, return the offender to the custody of the Department.

(b) The offender forfeits all or part of the credits ~~[~~for good behavior~~]~~ earned by the offender ~~[~~before the escape or violation,~~]~~ ***pursuant to this chapter,*** as determined by the Director ~~[~~. The Director may provide for a forfeiture of credits pursuant to this paragraph only after proof of the offense and notice to the offender and may restore credits forfeited for such reasons as the Director considers proper. The decision of the Director regarding such a forfeiture is final.~~]~~ ***in accordance with NRS 209.451.***

6. The assignment of an offender to the custody of the Division of Parole and Probation pursuant to this section shall be deemed:

(a) A continuation of the ~~[~~offender's~~]~~ imprisonment ***of the offender*** and not a release on parole; and

(b) For the purposes of NRS 209.341, an assignment to a facility of the Department,

➥ except that the offender is not entitled to obtain any benefits or to participate in any programs provided to offenders in the custody of the Department.

7. An offender does not have a right to be assigned to the custody of the Division of Parole and Probation pursuant to this section, or to remain in that custody after such an assignment, and it is not intended that the provisions of this section or of NRS 213.371 to 213.410, inclusive, create any right or interest in liberty or property or establish a basis for any cause of action against the

State, its political subdivisions, agencies, boards, commissions, departments, officers or employees.

8. The Division of Parole and Probation may receive and distribute restitution paid by an offender assigned to the custody of the Division of Parole and Probation pursuant to this section.

Sec. 3. NRS 209.3923 is hereby amended to read as follows:

209.3923 1. Except as otherwise provided in subsection 6, the Director may assign an offender to the custody of the Division of Parole and Probation of the Department of Public Safety to serve a term of residential confinement pursuant to NRS 213.380 or other appropriate supervision as determined by the Division of Parole and Probation, for not longer than the remainder of his or her sentence, if the offender:

(a) Is 65 years of age or older;

(b) Has not been convicted of:

(1) A crime of violence;

(2) A crime against a child as defined in NRS 179D.0357;

(3) A sexual offense as defined in NRS 179D.097;

(4) Vehicular homicide pursuant to NRS 484C.130; or

(5) A violation of NRS 484C.430; and

(c) Has served at least a majority of the maximum term or maximum aggregate term, as applicable, of his or her sentence.

2. If the Director intends to assign an offender to the custody of the Division of Parole and Probation pursuant to this section, at least 45 days before the date the offender is expected to be released from the custody of the Department, the Director shall notify:

(a) The board of county commissioners of the county in which the offender will reside; and

(b) The Division of Parole and Probation.

3. Except as otherwise provided in NRS 213.10915, if any victim of a crime committed by the offender has, pursuant to subsection 4 of NRS 213.131, requested to be notified of the consideration of a prisoner for parole and has provided a current address, the Division of Parole and Probation shall notify the victim that:

(a) The Director intends to assign the offender to the custody of the Division of Parole and Probation pursuant to this section; and

(b) The victim may submit documents to the Division of Parole and Probation regarding such an assignment.

➥ If a current address has not been provided by a victim as required by subsection 4 of NRS 213.131, the Division of Parole and Probation must not be held responsible if notification is not received by the victim. All personal information, including, without limitation, a current or former address, which pertains to a victim

and which is received by the Division of Parole and Probation pursuant to this subsection is confidential.

4. If an offender assigned to the custody of the Division of Parole and Probation pursuant to this section escapes or violates any of the terms or conditions of his or her residential confinement or other appropriate supervision as determined by the Division of Parole and Probation:

(a) The Division of Parole and Probation may, pursuant to the procedure set forth in NRS 213.410, return the offender to the custody of the Department.

(b) The offender forfeits all or part of the credits ~~[for good behavior]~~ earned by the offender ~~[before the escape or violation,]~~ ***pursuant to this chapter,*** as determined by the Director ~~[. The Director may provide for a forfeiture of credits pursuant to this paragraph only after proof of the offense and notice to the offender and may restore credits forfeited for such reasons as the Director considers proper. The decision of the Director regarding such a forfeiture is final.]~~ ***in accordance with NRS 209.451.***

5. The assignment of an offender to the custody of the Division of Parole and Probation pursuant to this section shall be deemed:

(a) A continuation of the ~~[offender's]~~ imprisonment ***of the offender*** and not a release on parole; and

(b) For the purposes of NRS 209.341, an assignment to a facility of the Department,

➥ except that the offender is not entitled to obtain any benefits or to participate in any programs provided to offenders in the custody of the Department.

6. The Director may not assign an offender to the custody of the Division of Parole and Probation pursuant to this section if the offender is sentenced to death or imprisonment for life without the possibility of parole.

7. An offender does not have a right to be assigned to the custody of the Division of Parole and Probation pursuant to this section, or to remain in that custody after such an assignment, and it is not intended that the provisions of this section or of NRS 213.371 to 213.410, inclusive, create any right or interest in liberty or property or establish a basis for any cause of action against the State, its political subdivisions, agencies, boards, commissions, departments, officers or employees.

8. The Division of Parole and Probation may receive and distribute restitution paid by an offender assigned to the custody of the Division of Parole and Probation pursuant to this section.

9. As used in this section, "crime of violence" means any offense involving the use or threatened use of force or violence against another person.

Sec. 4. NRS 209.3925 is hereby amended to read as follows:

209.3925 1. Except as otherwise provided in subsection ~~[6,]~~ ***7,*** the Director may approve a medical release and assign an offender to the custody of the Division of Parole and Probation of the Department of Public Safety to serve a term of residential confinement pursuant to NRS 213.380 or other appropriate supervision as determined by the Division of Parole and Probation, for not longer than the remainder of his or her sentence, if:

(a) The Director has reason to believe that the offender is:

(1) Physically incapacitated or in ill health to such a degree that the offender does not presently, and likely will not in the future, pose a threat to the safety of the public; or

(2) In ill health and expected to die within 18 months, and does not presently, and likely will not in the future, pose a threat to the safety of the public; and

(b) At least two physicians or nurses licensed pursuant to chapter 630, 632 or 633 of NRS, as applicable, one of whom is not employed by the Department, verify, in writing, that the offender is:

(1) Physically incapacitated or in ill health; or

(2) In ill health and expected to die within 18 months.

2. A request for medical release pursuant to this section:

(a) May be submitted to the Director by:

(1) A prison official or employee;

(2) An offender;

(3) An attorney or representative of an offender;

(4) A family member of an offender; or

(5) A medical or mental health professional.

(b) Must be in writing and articulate the grounds supporting the appropriateness of the medical release of the offender.

3. If the Director intends to assign an offender to the custody of the Division of Parole and Probation pursuant to this section, at least 45 days before the date the offender is expected to be released from the custody of the Department, the Director shall notify:

(a) The board of county commissioners of the county in which the offender will reside; and

(b) The Division of Parole and Probation.

4. Except as otherwise provided in NRS 213.10915, if any victim of a crime committed by the offender has, pursuant to subsection 4 of NRS 213.131, requested to be notified of the consideration of a prisoner for parole and has provided a current address, the Division of Parole and Probation shall notify the victim that:

(a) The Director intends to assign the offender to the custody of the Division of Parole and Probation pursuant to this section; and

(b) The victim may submit documents to the Division of Parole and Probation regarding such an assignment.

➥ If a current address has not been provided by a victim as required by subsection 4 of NRS 213.131, the Division of Parole and Probation must not be held responsible if notification is not received by the victim. All personal information, including, but not limited to, a current or former address, which pertains to a victim and which is received by the Division of Parole and Probation pursuant to this subsection is confidential.

5. If an offender assigned to the custody of the Division of Parole and Probation pursuant to this section escapes or violates any of the terms or conditions of his or her residential confinement or other appropriate supervision as determined by the Division of Parole and Probation:

(a) The Division of Parole and Probation may, pursuant to the procedure set forth in NRS 213.410, return the offender to the custody of the Department.

(b) The offender forfeits all or part of the credits ~~[for good behavior]~~ earned by the offender ~~[before the escape or violation,]~~ ***pursuant to this section,*** as determined by the Director ~~[. The Director may provide for a forfeiture of credits pursuant to this paragraph only after proof of the offense and notice to the offender and may restore credits forfeited for such reasons as the Director considers proper. The decision of the Director regarding such a forfeiture is final.]~~ ***in accordance with NRS 209.451.***

6. The assignment of an offender to the custody of the Division of Parole and Probation pursuant to this section shall be deemed:

(a) A continuation of the ~~[offender's]~~ imprisonment ***of the offender*** and not a release on parole; and

(b) For the purposes of NRS 209.341, an assignment to a facility of the Department,

➥ except that the offender is not entitled to obtain any benefits or to participate in any programs provided to offenders in the custody of the Department.

7. The Director may not assign an offender to the custody of the Division of Parole and Probation pursuant to this section if the offender is sentenced to death or imprisonment for life without the possibility of parole.

8. An offender does not have a right to be assigned to the custody of the Division of Parole and Probation pursuant to this section, or to remain in that custody after such an assignment, and it is not intended that the provisions of this section or of NRS 213.371 to 213.410, inclusive, create any right or interest in liberty or property or establish a basis for any cause of action against the

State, its political subdivisions, agencies, boards, commissions, departments, officers or employees.

9. The Division of Parole and Probation may receive and distribute restitution paid by an offender assigned to the custody of the Division of Parole and Probation pursuant to this section.

Sec. 5. NRS 209.429 is hereby amended to read as follows:

209.429 1. Except as otherwise provided in subsections 7 and 8, the Director may assign an offender to the custody of the Division of Parole and Probation of the Department of Public Safety to serve a term of residential confinement, pursuant to NRS 213.380, for not longer than the remainder of the maximum term or the maximum aggregate term, as applicable, of his or her sentence if the offender has:

(a) Demonstrated a willingness and ability to establish a position of employment in the community;

(b) Demonstrated a willingness and ability to enroll in a program for education or rehabilitation; or

(c) Demonstrated an ability to pay for all or part of the costs of his or her confinement and to meet any existing obligation for restitution to any victim of his or her crime.

2. Before the Director assigns an offender to serve a term of residential confinement pursuant to this section, the Director shall notify the Division of Parole and Probation. Except as otherwise provided in NRS 213.10915, if any victim of a crime committed by the offender has, pursuant to:

(a) Subsection 1 of NRS 209.521, requested to be notified by the Department of Corrections of the ~~[offender's]~~ release or escape ***of the offender*** and has provided a current address, the Department of Corrections shall notify the victim that the Director intends to consider whether to assign the offender to serve a term of residential confinement pursuant to this section and advise the victim that the victim may submit documents for the consideration of the Director regarding such an assignment to the Division of Parole and Probation. If a current address has not been provided as required by subsection 1 of NRS 209.521, the Department of Corrections must not be held responsible if such notification is not received by the victim.

(b) Subsection 4 of NRS 213.131, requested to be notified of the consideration of a prisoner for parole and has provided a current address, the Division of Parole and Probation shall notify the victim if the Director has approved the application for the offender to serve a term of residential confinement pursuant to this section and advise the victim that the victim may submit documents for the consideration of the Division of Parole and Probation regarding such an assignment to the Division of Parole and Probation. If a current

address has not been provided as required by subsection 4 of NRS 213.131, the Division of Parole and Probation must not be held responsible if such notification is not received by the victim.

➥ All personal information, including, without limitation, a current or former address, which pertains to a victim and which is received by the Department of Corrections or the Division of Parole and Probation pursuant to this subsection is confidential.

3. Before a person may be assigned to serve a term of residential confinement pursuant to this section, ~~[~~he or she~~]~~ ***the person*** must submit to the Division of Parole and Probation a signed document stating that:

(a) ~~[~~He or she~~]~~ ***The person*** will comply with the terms or conditions of the residential confinement; and

(b) If ~~[~~he or she~~]~~ ***the person*** fails to comply with the terms or conditions of the residential confinement and is taken into custody outside of this State, ~~[~~he or she~~]~~ ***the person*** waives all rights relating to extradition proceedings.

4. If an offender assigned to the custody of the Division of Parole and Probation pursuant to this section escapes or violates any of the terms or conditions of ~~[~~his or her~~]~~ residential confinement:

(a) The Division of Parole and Probation may, pursuant to the procedure set forth in NRS 213.410, return the offender to the custody of the Department.

(b) The offender forfeits all or part of the credits earned by the offender ~~[~~to reduce his or her sentence~~]~~ pursuant to this chapter ***,*** ~~[~~before the escape or violation,~~]~~ as determined by the Director ~~[~~. The Director may provide for a forfeiture of credits pursuant to this paragraph only after proof of the offense and notice to the offender and may restore credits forfeited for such reasons as the Director considers proper. The decision of the Director regarding forfeiture of credits is final.~~]~~ ***in accordance with NRS 209.451.***

5. The assignment of an offender to the custody of the Division of Parole and Probation pursuant to this section shall be deemed:

(a) A continuation of the ~~[~~offender's~~]~~ imprisonment ***of the offender*** and not a release on parole; and

(b) For the purposes of NRS 209.341, an assignment to a facility of the Department,

➥ except that the offender is not entitled to obtain any benefits or to participate in any programs provided to offenders in the custody of the Department.

6. A person does not have a right to be assigned to the custody of the Division of Parole and Probation pursuant to this section, or to remain in that custody after such an assignment, and it is not intended that the provisions of this section or of NRS 213.371 to 213.410, inclusive, create any right or interest in liberty or property

or establish a basis for any cause of action against the State, its political subdivisions, agencies, boards, commissions, departments, officers or employees.

7. The Director shall not assign an offender who is serving a sentence for committing a battery which constitutes domestic violence pursuant to NRS 33.018 to the custody of the Division of Parole and Probation to serve a term of residential confinement unless the Director makes a finding that the offender is not likely to pose a threat to the victim of the battery.

8. In determining whether to assign an offender to the custody of the Division of Parole and Probation to serve a term of residential confinement, the Director may consider whether the offender has failed or refused to comply with any term or condition of the entire program of treatment or any term or condition of any other program related to the classification of the offender.

9. The Division of Parole and Probation may receive and distribute restitution paid by an offender assigned to the custody of the Division of Parole and Probation pursuant to this section.

10. As used in this section, "entire program" has the meaning ascribed to it in NRS 209.427.

Sec. 6. NRS 209.4467 is hereby amended to read as follows:

209.4467 1. An offender must be allowed credit against the minimum term or minimum aggregate term, as applicable, of his or her sentence ~~[for good behavior]~~ in an amount of days that is equivalent to 35 percent of the minimum term or minimum aggregate term, as applicable, of the sentence of the offender. In addition to this credit, the Director may allow not more than 90 days of credit each year for an offender who engages in exceptional meritorious service. Credit allowed pursuant to this subsection must be allowed only for the period the offender is actually incarcerated pursuant to his or her sentence and applies to eligibility for parole. Any forfeiture of credit pursuant to a specific statute must be applied after the credit allowed in this subsection. This subsection does not apply to an offender who has been convicted of:

(a) Any crime that is punishable as a felony involving the use or threatened use of force or violence against the victim.

(b) A sexual offense that is punishable as a felony.

(c) A violation of NRS 484C.110, 484C.120, 484C.130 or 484C.430 that is punishable as a felony.

(d) A category A or B felony.

2. An offender must be allowed credit against the maximum term or maximum aggregate term, as applicable, of his or her sentence ~~[for good behavior]~~ in an amount of days that is equivalent to 35 percent of the maximum term or maximum aggregate term, as applicable, of his or her sentence. In addition to this credit, the

Director may allow not more than 90 days of credit each year for an offender who engages in exceptional meritorious service. Any forfeiture of credit pursuant to a specific statute must be applied after the credit allowed in this subsection. Credit allowed pursuant to this subsection:

(a) Must be allowed only for any period the offender is:

(1) Actually incarcerated pursuant to his or her sentence;

(2) In residential confinement; or

(3) In the custody of the Division of Parole and Probation of the Department of Public Safety pursuant to NRS 209.4886 or 209.4888.

(b) Is in addition to any credit allowed to reduce the sentence of the offender that is authorized pursuant to a specific statute.

3. ~~[Except as otherwise provided in subsection 4, an]~~ ***An*** offender who is sentenced to prison for a crime committed before July 1, 2027, ***and who has not been granted parole*** may irrevocably elect to be subject to the provisions of this section.

4. Any ~~[such]~~ election ***pursuant to subsection 3*** must apply to ~~[both]~~ the calculation of credits allowed ~~[pursuant to subsection 1]~~ to reduce ~~[the]~~ ***:***

(a) The minimum term or minimum aggregate term, as applicable, ***pursuant to subsection 1;*** and ~~[to the calculation of credits allowed pursuant to subsection 2 to reduce the]~~

(b) The maximum term or maximum aggregate term, as applicable ~~[.]~~ ***, pursuant to subsection 2.***

5. If an offender makes an election pursuant to subsection 3, the Director shall:

(a) Apply the credits allowed pursuant to subsection 1 to the minimum term or minimum aggregate term, as applicable, of the sentence of the offender;

(b) Apply the credits allowed pursuant to subsection 2 to the maximum term or maximum aggregate term, as applicable, of the sentence of the offender; and

(c) From the terms calculated under paragraphs (a) and (b), respectively:

(1) Further reduce the terms by any exceptional meritorious credit that has previously been awarded to the offender pursuant to NRS 209.446, 209.4465 or 209.449, as applicable; and

(2) Increase the terms by applying any credit that has previously been forfeited pursuant to specific statute, as applicable.

6. Before an offender makes ~~[any such]~~ ***an*** election ~~[,]~~ ***pursuant to subsection 3,*** the Department shall provide the offender with a written projection that compares:

(a) The estimated credit the offender may receive to reduce the term of his or her sentence if the offender elects to be subject to the provisions of this section; and

(b) The estimated credit the offender may receive to reduce the term of his or her sentence if the offender does not make such an election.

~~[4. An]~~

7. If an offender who ~~[was sentenced to prison for a crime committed before July 1, 2027, is within the custody of the Department and]~~ ***makes an election pursuant to subsection 3*** is within 2 years of completion of the minimum term or minimum aggregate term or maximum term or maximum aggregate term, as applicable, of imprisonment on or after July 1, 2027, ~~[is subject to the provisions of this section and may irrevocably elect the method of calculating the reduction of credits as described in subsection 3. If an offender]~~ ***and*** becomes eligible for release on parole before the eligible date of release calculated pursuant to this section, the Director may authorize the offender to be considered early for parole or release the offender consistent with the calculation of credit under the irrevocable waiver, as applicable.

~~[5.]~~ ***8.*** Nothing in this section shall be construed to reduce retroactively the amount of credit allowed to reduce the sentence of the offender under the laws of this State as those laws existed before July 1, 2027, if doing so would constitute a violation under the United States Constitution or the Nevada Constitution.

~~[6.]~~ ***9.*** The Director shall:

(a) Provide each offender in the custody of the Department with a list that includes:

(1) The programs identified in the risk and needs assessment administered to the offender pursuant to NRS 209.341, as determined by the Director;

(2) The programs available at the institution or facility to which the offender has been assigned; and

(3) Which of the programs described in subparagraph (1) are available at the institution or facility to which the offender has been assigned; and

(b) At the time the Department compiles and provides to the State Board of Parole Commissioners data that will assist the Board in determining whether parole should be granted to the offender pursuant to NRS 213.131, submit a report to the Board that includes:

(1) The list of programs provided to the offender pursuant to paragraph (a); and

(2) The programs provided to the offender pursuant to paragraph (a) that the offender successfully completed.

[7.] ***10.*** The Board shall adopt regulations [to carry out the provisions of this section. Such regulations must:

(a) Include, without limitation, provisions] governing the award, forfeiture and restoration of credits pursuant to this section **.** [; and

(b) Require the forfeiture of credits awarded pursuant to this section if the offender does not comply with the programming and placement identified in the risk and needs assessment administered pursuant to NRS 209.341, as determined by the Director.]

Sec. 7. NRS 209.451 is hereby amended to read as follows:

209.451 1. [If an] ***Except as otherwise provided in subsection 2, an offender forfeits all or part of the credits earned by the offender pursuant to this chapter before the commission of any of the following acts, as determined by the Director, if the*** offender:

(a) Commits an assault upon his or her keeper or a foreman, officer, offender or other person, or otherwise endangers life;

(b) Is guilty of a flagrant disregard of the regulations of the Department ***;*** [or of the terms and conditions of his or her residential confinement;]

(c) Commits a misdemeanor, gross misdemeanor or felony; [or]

(d) In a civil action, in state or federal court, is found by the court to have presented a pleading, written motion or other document in writing to the court which:

(1) Contains a claim or defense that is included for an improper purpose, including, without limitation, for the purpose of harassing the [offender's] opponent [,] ***of the offender,*** causing unnecessary delay in the litigation or increasing the cost of the litigation;

(2) Contains a claim, defense or other argument which is not warranted by existing law or by a reasonable argument for a change in existing law or a change in the interpretation of existing law; or

(3) Contains allegations or information presented as fact for which evidentiary support is not available or is not likely to be discovered after further investigation [,

➥ the offender forfeits all deductions of time earned by the offender before the commission of that offense or act, or forfeits such part of those deductions as the Director considers just.

2. If an offender commits] ***;***

(e) Commits a serious violation of the regulations of the Department [or of the terms and conditions of his or her residential confinement or if an offender violates] ***;***

(f) Violates subsection 4 of NRS 209.367 [, the offender may forfeit all or part of such deductions, in the discretion of the Director.] ***;***

(g) Escapes or otherwise violates a term or condition of residential confinement pursuant to NRS 209.392, 209.3923, 209.3925 or 209.429; or

(h) Violates a term or condition of:

(1) A judicial program pursuant to NRS 209.4886;

(2) A correctional program pursuant to NRS 209.4888;

(3) An alternative correctional program pursuant to NRS 209.48883; or

(4) Any other program or placement identified by the risk and needs assessment administered to the offender pursuant to NRS 209.341.

2. An offender whose sentence is subject to NRS 209.433 to 209.4465, inclusive, may only forfeit credits for good behavior.

3. A forfeiture may be made ***pursuant to this section*** only by the Director after proof of the commission of an act prohibited pursuant to this section and notice to the offender in the manner prescribed in the regulations of the Department. The decision of the Director regarding a forfeiture is final.

4. The Director may restore credits forfeited for such reasons as the Director considers proper.

5. As used in this section, "civil action" includes a petition for a writ of habeas corpus filed in state or federal court.

Sec. 8. NRS 209.4886 is hereby amended to read as follows:

209.4886 1. Except as otherwise provided in this section, if a judicial program has been established in the judicial district in which an offender was sentenced to imprisonment, the Director may, after consulting with the Division, refer the offender to the reentry court if:

(a) The Director believes that the offender would participate successfully in and benefit from the judicial program;

(b) The offender has demonstrated a willingness to:

(1) Engage in employment or participate in vocational rehabilitation or job skills training; and

(2) Meet any existing obligation for restitution to any victim of his or her crime; and

(c) The offender is within 2 years of his or her probable release from prison, as determined by the Director.

2. Except as otherwise provided in this section, if the Director is notified by the reentry court pursuant to NRS 209.4883 that an offender should be assigned to the custody of the Division to participate in the judicial program, the Director shall assign the offender to the custody of the Division to participate in the judicial program for not longer than the remainder of the ~~[offender's]~~ sentence ~~[.]~~ ***of the offender.***

3. The Director shall, by regulation, adopt standards setting forth which offenders are eligible to be assigned to the custody of the Division to participate in the judicial program pursuant to this section. The standards adopted by the Director must be approved by the Board and must provide that an offender who:

(a) Has recently committed a serious infraction of the rules of an institution or facility of the Department;

(b) Has not performed the duties assigned to the offender in a faithful and orderly manner;

(c) Has, within the immediately preceding year, been convicted of any crime involving the use or threatened use of force or violence against a victim that is punishable as a felony;

(d) Has ever been convicted of a sexual offense that is punishable as a felony; or

(e) Has escaped or attempted to escape from any jail or correctional institution for adults,

➥ is not eligible for assignment to the custody of the Division pursuant to this section to participate in a judicial program.

4. The Director shall adopt regulations requiring offenders who are assigned to the custody of the Division pursuant to this section to reimburse the reentry court, the Division and the Department for the cost of their participation in a judicial program, to the extent of their ability to pay.

5. The reentry court may return the offender to the custody of the Department at any time for any violation of the terms and conditions imposed by the reentry court.

6. If an offender assigned to the custody of the Division pursuant to this section violates any of the terms or conditions imposed by the reentry court and is returned to the custody of the Department, the offender forfeits all or part of the credits ~~[for good behavior]~~ earned by the offender ~~[before the offender was returned to the custody of the Department,]~~ ***pursuant to this chapter,*** as determined by the Director ~~[. The Director may provide for a forfeiture of credits pursuant to this subsection only after proof of the violation and notice is given to the offender. The Director may restore credits so forfeited for such reasons as the Director considers proper. The decision of the Director regarding such a forfeiture is final.]~~ ***in accordance with NRS 209.451.***

7. The assignment of an offender to the custody of the Division pursuant to this section shall be deemed:

(a) A continuation of the ~~[offender's]~~ imprisonment ***of the offender*** and not a release on parole; and

(b) For the purposes of NRS 209.341, an assignment to a facility of the Department,

➥ except that the offender is not entitled to obtain any benefits or to participate in any programs provided to offenders in the custody of the Department.

8. An offender does not have a right to be assigned to the custody of the Division pursuant to this section, or to remain in that custody after such an assignment. It is not intended that the establishment or operation of a judicial program creates any right or interest in liberty or property or establishes a basis for any cause of action against the State of Nevada, its political subdivisions, agencies, boards, commissions, departments, officers or employees.

Sec. 9. NRS 209.4888 is hereby amended to read as follows:

209.4888 1. Except as otherwise provided in this section, if a correctional program has been established by the Director in the county in which an offender was sentenced to imprisonment, the Director may, after consulting with the Division, determine that an offender is suitable to participate in the correctional program if:

(a) The Director believes that the offender would participate successfully in and benefit from the correctional program;

(b) The offender has demonstrated a willingness to:

(1) Engage in employment or participate in vocational rehabilitation or job skills training; and

(2) Meet any existing obligation for restitution to any victim of his or her crime; and

(c) The offender is within 2 years of his or her probable release from prison, as determined by the Director.

2. Except as otherwise provided in this section, if the Director determines that an offender is suitable to participate in the correctional program, the Director shall request that the Chair of the State Board of Parole Commissioners assign the offender to the custody of the Division to participate in the correctional program. The Chair may assign the offender to the custody of the Division to participate in the correctional program for not longer than the remainder of the ~~[offender's]~~ sentence ~~[.]~~ ***of the offender.***

3. The Director shall, by regulation, adopt standards setting forth which offenders are suitable to participate in the correctional program pursuant to this section. The standards adopted by the Director must be approved by the Board and must provide that an offender who:

(a) Has recently committed a serious infraction of the rules of an institution or facility of the Department;

(b) Has not performed the duties assigned to the offender in a faithful and orderly manner;

(c) Has, within the immediately preceding year, been convicted of any crime involving the use or threatened use of force or violence against a victim that is punishable as a felony;

(d) Has ever been convicted of a sexual offense that is punishable as a felony; or

(e) Has escaped or attempted to escape from any jail or correctional institution for adults,

➥ is not eligible for assignment to the custody of the Division pursuant to this section to participate in a correctional program.

4. The Director shall adopt regulations requiring offenders who are assigned to the custody of the Division pursuant to this section to reimburse the Division and the Department for the cost of their participation in a correctional program, to the extent of their ability to pay.

5. The Director may return the offender to the custody of the Department at any time for any violation of the terms and conditions agreed upon by the Director and the Chair.

6. If an offender assigned to the custody of the Division pursuant to this section violates any of the terms or conditions agreed upon by the Director and the Chair and is returned to the custody of the Department, the offender forfeits all or part of the credits ~~[for good behavior]~~ earned by the offender ~~[before the offender was returned to the custody of the Department,]~~ ***pursuant to this chapter,*** as determined by the Director ~~[. The Director may provide for a forfeiture of credits pursuant to this subsection only after proof of the violation and notice is given to the offender. The Director may restore credits so forfeited for such reasons as the Director considers proper. The decision of the Director regarding such a forfeiture is final.]~~ ***in accordance with NRS 209.451.***

7. The assignment of an offender to the custody of the Division pursuant to this section shall be deemed:

(a) A continuation of the ~~[offender's]~~ imprisonment ***of the offender*** and not a release on parole; and

(b) For the purposes of NRS 209.341, an assignment to a facility of the Department,

➥ except that the offender is not entitled to obtain any benefits or to participate in any programs provided to offenders in the custody of the Department.

8. An offender does not have a right to be assigned to the custody of the Division pursuant to this section, or to remain in that custody after such an assignment. It is not intended that the establishment or operation of a correctional program creates any right or interest in liberty or property or establishes a basis for any cause of action against the State of Nevada, its political subdivisions, agencies, boards, commissions, departments, officers or employees.

Sec. 10. NRS 209.48883 is hereby amended to read as follows:

209.48883 1. The Director may establish an alternative correctional program for the reentry of offenders into the community pursuant to this section.

2. If the Director establishes an alternative correctional program pursuant to this section, the Director shall determine whether offenders in the custody of the Department are suitable to participate in the alternative correctional program.

3. An offender is suitable to participate in an alternative correctional program if:

(a) The Director has requested that the Chair of the State Board of Parole Commissioners assign the offender to the custody of the Division to participate in a correctional program pursuant to subsection 2 of NRS 209.4888; and

(b) The Chair does not assign the offender to the custody of the Division to participate in a correctional program pursuant to subsection 2 of NRS 209.4888.

4. The Director may assign an offender to an alternative correctional program if:

(a) The Director determines that an offender is suitable to participate in an alternative correctional program; and

(b) The offender has requested and agreed to participate in the alternative correctional program.

5. If an offender assigned to an alternative correctional program pursuant to this section violates any of the terms or conditions imposed by the Director and is removed from placement in the alternative correctional program, the offender forfeits all or part of the credits earned by the offender pursuant to this chapter, as determined by the Director in accordance with NRS 209.451.

Sec. 11. NRS 213.120 is hereby amended to read as follows:

213.120 1. Except as otherwise provided in NRS 209.4467 or 213.1213 and as limited by statute for certain specified offenses, a prisoner who was sentenced to prison for a crime committed before July 1, 1995, may be paroled when the prisoner has served one-third of the definite period of time for which the prisoner has been sentenced pursuant to NRS 176.033, less any credits earned to reduce his or her sentence pursuant to chapter 209 of NRS.

2. Except as otherwise provided in NRS ***209.4467 or*** 213.1213 and as limited by statute for certain specified offenses, a prisoner who was sentenced to prison for a crime committed on or after July 1, 1995, may be paroled when the prisoner has served the minimum term or minimum aggregate term of imprisonment imposed by the court. Except as otherwise provided in

NRS 209.4465 or 209.4467, any credits earned to reduce his or her sentence pursuant to chapter 209 of NRS while the prisoner serves the minimum term or minimum aggregate term of imprisonment may reduce only the maximum term or the maximum aggregate term of imprisonment imposed, as applicable, and must not reduce the minimum term or the minimum aggregate term of imprisonment, as applicable.

Sec. 12. NRS 213.1518 is hereby amended to read as follows:

213.1518 1. If a parolee violates a condition of his or her parole, the parolee forfeits ***, subject to the same restrictions as prescribed by subsection 2 of NRS 209.451,*** all or part of the credits ~~[for good behavior]~~ earned by the parolee pursuant to chapter 209 of NRS after his or her release on parole, in the discretion of the Board.

2. A forfeiture may be made only by the Board after proof of the violation and notice to the parolee.

3. The Board may restore credits forfeited for such reasons as it considers proper.

4. The Chief shall report to the Director of the Department of Corrections any forfeiture or restoration of credits pursuant to this section.

Sec. 13. NRS 213.15185 is hereby amended to read as follows:

213.15185 1. A prisoner who is paroled and leaves the State without permission from the Board or who does not keep the Board informed as to his or her location as required by the conditions of his or her parole shall be deemed an escaped prisoner and arrested as such.

2. Except as otherwise provided in subsection 2 of NRS 213.1519, if parole is lawfully revoked and the parolee is thereafter returned to prison, the parolee forfeits ***, subject to the same restrictions as prescribed by subsection 2 of NRS 209.451,*** all ~~[previously earned]~~ credits ~~[for good behavior]~~ ***previously*** earned to reduce his or her sentence pursuant to chapter 209 of NRS and shall serve any part of the unexpired maximum term or the maximum aggregate term, as applicable, of his or her original sentence as may be determined by the Board.

3. Except as otherwise provided in subsection 2 of NRS 213.1519, the Board may restore any credits forfeited pursuant to subsection 2.

4. Except as otherwise provided in NRS 213.15187, the time a person is an escaped prisoner is not time served on his or her term of imprisonment.

Sec. 14. NRS 213.1519 is hereby amended to read as follows:

213.1519 1. Except as otherwise provided in subsections 2 and 3, a parolee whose parole is revoked by decision of the Board

for the commission of a violation of a condition of parole that is not a technical violation:

(a) Forfeits ***, subject to the same restrictions as prescribed by subsection 2 of NRS 209.451,*** all credits ~~[for good behavior]~~ previously earned to reduce his or her sentence pursuant to chapter 209 of NRS; and

(b) Must serve such part of the unexpired maximum term or the maximum aggregate term, as applicable, of his or her original sentence as may be determined by the Board with rehearing dates scheduled pursuant to NRS 213.142.

➥ The Board may restore any credits forfeited under this subsection.

2. A parolee released on parole pursuant to subsection 1 of NRS 213.1215 whose parole is revoked for having been convicted of a new felony:

(a) Forfeits ***, subject to the same restrictions as prescribed by subsection 2 of NRS 209.451,*** all credits ~~[for good behavior]~~ previously earned to reduce his or her sentence pursuant to chapter 209 of NRS;

(b) Must serve the entire unexpired maximum term or the maximum aggregate term, as applicable, of his or her original sentence; and

(c) May not again be released on parole during his or her term of imprisonment.

3. A parolee released on parole pursuant to subsection 2 of NRS 213.1215 whose parole is revoked by decision of the Board for a violation of any rule or regulation governing his or her conduct:

(a) Forfeits ***, subject to the same restrictions as prescribed by subsection 2 of NRS 209.451,*** all credits ~~[for good behavior]~~ previously earned to reduce his or her sentence pursuant to chapter 209 of NRS;

(b) Must serve such part of the unexpired maximum term or maximum aggregate term, as applicable, of his or her original sentence as may be determined by the Board; and

(c) Must not be considered again for release on parole pursuant to subsection 2 of NRS 213.1215 but may be considered for release on parole pursuant to NRS 213.1099, with rehearing dates scheduled pursuant to NRS 213.142.

➥ The Board may restore any credits forfeited under this subsection.

4. If the Board finds that the parolee committed one or more technical violations of the conditions of parole and the Division has determined that the graduated sanctions adopted pursuant to NRS 213.15101 have been exhausted, the Board may:

(a) Continue parole supervision;

(b) Temporarily revoke parole supervision and impose a term of imprisonment of not more than:

(1) Ninety days for the first temporary parole revocation; or

(2) One hundred and eighty days for the second temporary parole revocation;

(c) Fully revoke parole supervision and impose the remainder of the sentence for a third or subsequent revocation; or

(d) Revoke parole supervision at the request of the parolee. If parole supervision is revoked pursuant to this paragraph, the parolee must serve such part of the unexpired maximum term or the maximum aggregate term, as applicable, of his or her original sentence as may be determined by the Board with rehearing dates scheduled pursuant to NRS 213.142.

5. A parolee whose parole is revoked for committing a technical violation of the conditions of parole must receive credit for any time served while the parolee is waiting for a hearing to determine if a technical violation has occurred. The Board must apply such credit to any term of imprisonment imposed pursuant to subsection 4.

6. Any time served by a parolee while waiting for a hearing, as set forth in subsection 5, and any time served in accordance with any term of imprisonment imposed pursuant to subsection 4 must be applied toward the original sentence of the parolee.

7. As used in this section, "technical violation" has the meaning ascribed to it in NRS 213.15101.

Sec. 15. This act becomes effective on July 1, 2027.

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