SENATE BILL NO. 62–COMMITTEE ON JUDICIARY

(ON BEHALF OF THE DEPARTMENT OF SENTENCING POLICY)

PREFILED NOVEMBER 16, 2026

Referred to Committee on Judiciary

SUMMARY—Makes various changes relating to criminal justice. (BDR 14-227)

FISCAL NOTE: Effect on Local Government: May have Fiscal Impact.
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 criminal justice; renaming the Department of Sentencing Policy; revising provisions relating to the calculation by the Nevada Sentencing Commission of the costs avoided by the enactment of certain legislation; revising provisions relating to certain reports submitted by the Sentencing Commission and district attorneys, respectively; revising provisions governing the dissemination of certain records of criminal history; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law creates the Department of Sentencing Policy. (NRS 176.01323) **Section 1** of this bill changes the name of the Department of Sentencing Policy to the Department of Sentencing Policy and Analytics.

Existing law requires the Nevada Sentencing Commission to submit a report to the Governor, the Director of the Legislative Counsel Bureau and the Chief Justice of the Nevada Supreme Court by January 15 of each odd-numbered year relating to the duties of the Sentencing Commission. (NRS 176.0134) **Section 2** of this bill requires the report to be submitted by January 31 of each odd-numbered year.

Existing law requires the Sentencing Commission to develop a formula to calculate for each fiscal year the amount of costs avoided by this State because of the enactment of Assembly Bill No. 236 of the 2019 Legislative Session. Specifically, existing law requires the Sentencing Commission to compare the number of persons projected by the Office of Finance to be in a facility or institution of the Department of Corrections in 2018 to the actual number of persons in the facility or institution each year. (NRS 176.0129, 176.01347)

Section 3 of this bill changes the baseline projection year for the formula from 2018 to 2020.

Existing law requires the district attorney for each county to prepare and submit a report to the Department of Sentencing Policy not later than February 1 of each year concerning each case filed during the previous calendar year that included certain charges for murder or voluntary manslaughter. In relevant part, existing law requires the report to include the age of the defendant, any codefendant or other person charged or suspected of having participated in the crime and the victim, as well as the date of filing or indictment. (NRS 178.750) **Section 4** of this bill requires the report: (1) to be submitted by April 1 instead of February 1; (2) to include the date of birth instead of the age of the specified persons; and (3) to additionally include the date that the case is referred to the district attorney and the date of the final disposition of the case.

Existing law requires an agency of criminal justice to disseminate records of criminal history to certain persons and governmental entities upon request. (NRS 179A.100) **Section 5** of this bill additionally authorizes the Department of Sentencing Policy to receive such records upon request.

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

Section 1. NRS 176.01323 is hereby amended to read as follows:

176.01323 1. The Department of Sentencing Policy ***and Analytics*** is hereby created.

2. The Executive Director of the Department must be appointed by the Governor from a list of three qualified persons recommended by the Sentencing Commission.

3. The Executive Director:

(a) Is in the unclassified service of this State;

(b) Serves at the pleasure of the Sentencing Commission, except that the Executive Director may only be removed upon a finding by the Sentencing Commission that his or her performance is unsatisfactory; and

(c) Shall devote his or her entire time and attention to the duties of his or her office and shall not engage in any other gainful employment or occupation.

4. The Executive Director may, within the limits of money available for this purpose, employ or enter into a contract for the services of such employees or consultants as is necessary to carry out the provisions of NRS 176.0131 to 176.014, inclusive.

Sec. 2. NRS 176.0134 is hereby amended to read as follows:

176.0134 The Sentencing Commission shall:

1. Evaluate and study the effectiveness and fiscal impact of various policies and practices regarding sentencing which are employed in this State and other states, including, without limitation, the use of plea bargaining, probation, programs of

enhanced supervision, programs of regimental discipline, imprisonment, sentencing recommendations, mandatory and minimum sentencing, mandatory sentencing for crimes involving the possession, manufacture and distribution of controlled substances, enhanced penalties for habitual criminals, parole, credits against sentences, residential confinement and alternatives to incarceration.

2. Recommend changes in the structure of sentencing in this State which:

(a) Are consistent with the public policy set forth in NRS 176.0131; and

(b) To the extent practicable and with consideration for their fiscal impact, incorporate general objectives and goals for sentencing.

3. Facilitate the development and maintenance of a statewide sentencing database in collaboration with state and local agencies, using existing databases or resources where appropriate.

4. Provide recommendations and advice to the Executive Director concerning the administration of the Department, including, without limitation:

(a) Receiving reports from the Executive Director and providing advice to the Executive Director concerning measures to be taken by the Department to ensure compliance with the duties of the Sentencing Commission.

(b) Reviewing information from the Department regarding sentencing of offenders in this State.

(c) Requesting any audit, investigation or review the Sentencing Commission deems necessary to carry out the duties of the Sentencing Commission.

(d) Coordinating with the Executive Director regarding the procedures for the identification and collection of data concerning the sentencing of offenders in this State.

(e) Advising the Executive Director concerning any required reports and reviewing drafts of such reports.

(f) Making recommendations to the Executive Director concerning the budget for the Department, improvements to the criminal justice system and legislation related to the duties of the Sentencing Commission.

(g) Providing advice and recommendations to the Executive Director on any other matter.

5. For each regular session of the Legislature, with the assistance of the Department, prepare a comprehensive report including the Sentencing Commission's:

(a) Recommended changes pertaining to sentencing;

(b) Findings;

(c) Recommendations for proposed legislation;

(d) Identification of outcomes resulting from the enactment of chapter 633, Statutes of Nevada 2019, that were tracked and assessed as required pursuant to paragraphs (a), (b) and (c) of subsection 1 of NRS 176.01343;

(e) Identification of trends observed after the enactment of chapter 633, Statutes of Nevada 2019, that were tracked and assessed as required pursuant to paragraph (d) of subsection 1 of NRS 176.01343;

(f) Identification of gaps in the State's data tracking capabilities related to the criminal justice system and recommendations for filling any such gaps as required pursuant to paragraph (e) of subsection 1 of NRS 176.01343;

(g) Recommendations for improvements, changes and budgetary adjustments; and

(h) Additional recommendations for future legislation and policy options to enhance public safety and control corrections costs.

6. Submit the report prepared pursuant to subsection 5 not later than January ~~[15]~~ ***31*** of each odd-numbered year to:

(a) The Office of the Governor;

(b) The Director of the Legislative Counsel Bureau for distribution to the Legislature; and

(c) The Chief Justice of the Nevada Supreme Court.

Sec. 3. NRS 176.01347 is hereby amended to read as follows:

176.01347 1. The Sentencing Commission shall develop a formula to calculate for each fiscal year the amount of costs avoided by this State because of the enactment of chapter 633, Statutes of Nevada 2019. The formula must include, without limitation, a comparison of:

(a) The annual projection of the number of persons who will be in a facility or institution of the Department of Corrections which was created by the Office of Finance pursuant to NRS 176.0129 for calendar year ~~[2018;]~~ ***2020;*** and

(b) The actual number of persons who are in a facility or institution of the Department of Corrections during each year.

2. Not later than December 1 of each fiscal year, the Sentencing Commission shall, with the assistance of the Department, use the formula developed pursuant to subsection 1 to calculate the costs avoided by this State for the immediately preceding fiscal year because of the enactment of chapter 633, Statutes of Nevada 2019, and submit a statement of the amount of the costs avoided to the Governor and the Director of the Legislative Counsel Bureau for transmittal to the Interim Finance Committee.

3. Not later than August 1 of each even-numbered year, the Sentencing Commission shall, with the assistance of the Department, prepare a report containing the projected amount of costs avoided by this State for the next biennium because of the enactment of chapter 633, Statutes of Nevada 2019, and recommendations for the reinvestment of the amount of those costs to provide financial support to programs and services that address the behavioral health needs of persons involved in the criminal justice system in order to reduce recidivism. In preparing the report, the Sentencing Commission shall prioritize providing financial support to:

(a) The Department of Corrections for programs for reentry of offenders and parolees into the community, programs for vocational training and employment of offenders, educational programs for offenders and transitional work programs for offenders;

(b) The Division for services for offenders reentering the community, the supervision of probationers and parolees and programs of treatment for probationers and parolees that are proven by scientific research to reduce recidivism;

(c) Any behavioral health field response grant program developed and implemented pursuant to NRS 289.675;

(d) The Housing Division of the Department of Business and Industry to create or provide transitional housing for probationers and parolees and offenders reentering the community; and

(e) The Nevada Local Justice Reinvestment Coordinating Council created by NRS 176.014 for the purpose of making grants to counties for programs and treatment that reduce recidivism of persons involved in the criminal justice system.

4. Not later than August 1 of each even-numbered year, the Sentencing Commission shall submit the report prepared pursuant to subsection 3 to the Governor and to the Director of the Legislative Counsel Bureau for transmittal to the next regular session of the Legislature.

Sec. 4. NRS 178.750 is hereby amended to read as follows:

178.750 1. The district attorney for each county shall prepare and submit a report, on a form approved by the Department of Sentencing Policy ***and Analytics*** created by NRS 176.01323, to the Department of Sentencing Policy ***and Analytics*** not later than ~~[February]~~ ***April*** 1 of each year concerning each case filed during the previous calendar year that included a charge for murder or voluntary manslaughter. The district attorney shall exclude from the report any charge for manslaughter that resulted from a death in a crash involving a motor vehicle.

2. The report required pursuant to subsection 1 must include, without limitation ~~[:]~~ ***, the following information, as applicable:***

(a) The name, ~~[age,]~~ ***date of birth,*** gender and race of the defendant;

(b) The ~~[age,]~~ ***date of birth,*** gender and race of any codefendant or other person charged or suspected of having participated in the homicide and in any alleged related offense;

(c) The ~~[age,]~~ ***date of birth,*** gender and race of the victim of the homicide and any alleged related offense;

(d) The date of the homicide and of any alleged related offense;

(e) ***The date that the case was referred to the district attorney;***

(f) The date of filing of the information or indictment;

~~[(f)]~~ ***(g)*** The case number and court in which the case was prosecuted;

~~[(g)]~~ ***(h)*** Whether or not the prosecutor filed a notice of intent to seek the death penalty and, if so, when the prosecutor filed the notice;

~~[(h)]~~ ***(i)*** The final disposition of the case ***, including the date of final disposition*** and whether or not the case was tried before a jury;

~~[(i)]~~ ***(j)*** The race, ethnicity and gender of each member of the jury, if the case was tried by a jury; and

~~[(j)]~~ ***(k)*** The identity of:

(1) Each prosecuting attorney who participated in the decision to file the initial charges against the defendant;

(2) Each prosecuting attorney who participated in the decision to offer or accept a plea, if applicable;

(3) Each prosecuting attorney who participated in the decision to seek the death penalty, if applicable; and

(4) Each person outside the office of the district attorney who was consulted in determining whether to seek the death penalty or to accept or reject a plea, if any.

3. If all the information required pursuant to subsection ~~[1]~~ ***2*** cannot be provided because the case is still in progress, an additional report must be filed with the Department of Sentencing Policy ***and Analytics*** each time a subsequent report is filed until all the information, to the extent available, has been provided.

Sec. 5. NRS 179A.100 is hereby amended to read as follows:

179A.100 1. The following records of criminal history may be disseminated by an agency of criminal justice without any restriction pursuant to this chapter:

(a) Any which reflect records of conviction only; and

(b) Any which pertain to an incident for which a person is currently within the system of criminal justice, including parole or probation.

2. Without any restriction pursuant to this chapter, a record of criminal history or the absence of such a record may be:

(a) Disclosed among agencies which maintain a system for the mutual exchange of criminal records.

(b) Furnished by one agency to another to administer the system of criminal justice, including the furnishing of information by a police department to a district attorney.

(c) Reported to the Central Repository.

3. An agency of criminal justice shall disseminate to a prospective employer, upon request, records of criminal history concerning a prospective employee or volunteer which are the result of a name-based inquiry and which:

(a) Reflect convictions only; or

(b) Pertain to an incident for which the prospective employee or volunteer is currently within the system of criminal justice, including parole or probation.

4. Records of criminal history must be disseminated by an agency of criminal justice, upon request, to the following persons or governmental entities:

(a) The person who is the subject of the record of criminal history for the purposes of NRS 179A.150.

(b) The person who is the subject of the record of criminal history when the subject is a party in a judicial, administrative, licensing, disciplinary or other proceeding to which the information is relevant.

(c) The Nevada Gaming Control Board.

(d) The State Board of Nursing.

(e) The Private Investigator's Licensing Board to investigate an applicant for a license.

(f) A public administrator or a person employed or contracted with pursuant to NRS 253.125, as applicable, to carry out the duties as prescribed in chapter 253 of NRS.

(g) A public guardian to investigate a protected person or proposed protected person or persons who may have knowledge of assets belonging to a protected person or proposed protected person.

(h) Any agency of criminal justice of the United States or of another state or the District of Columbia.

(i) Any public utility subject to the jurisdiction of the Public Utilities Commission of Nevada when the information is necessary to conduct a security investigation of an employee or prospective employee or to protect the public health, safety or welfare.

(j) Persons and agencies authorized by statute, ordinance, executive order, court rule, court decision or court order as construed by appropriate state or local officers or agencies.

(k) Any person or governmental entity which has entered into a contract to provide services to an agency of criminal justice relating to the administration of criminal justice, if authorized by the

contract, and if the contract also specifies that the information will be used only for stated purposes and that it will be otherwise confidential in accordance with state and federal law and regulation.

(l) Any reporter or editorial employee who is employed or affiliated with a newspaper, press association or commercially operated, federally licensed radio or television station who requests a record of a named person or aggregate information for statistical purposes, excluding any personal identifying information, in a professional capacity for communication to the public.

(m) Prospective employers if the person who is the subject of the information has given written consent to the release of that information by the agency which maintains it.

(n) For the express purpose of research, evaluative or statistical programs pursuant to an agreement with an agency of criminal justice.

(o) An agency which provides child welfare services, as defined in NRS 432B.030.

(p) The Division of Social Services of the Department of Human Services or its designated representative, as needed to ensure the safety of investigators and caseworkers.

(q) The Aging and Disability Services Division of the Department of Human Services or its designated representative, as needed to ensure the safety of investigators and caseworkers.

(r) An agency of this or any other state or the Federal Government that is conducting activities pursuant to Part D of Subchapter IV of Chapter 7 of Title 42 of the Social Security Act, 42 U.S.C. §§ 651 et seq.

(s) The Commissioner of Insurance.

(t) The Board of Medical Examiners.

(u) The State Board of Osteopathic Medicine.

(v) The Board of Massage Therapy and its Executive Director.

(w) The Board of Examiners for Social Workers.

(x) The State Board of Cosmetology and its Executive Director.

(y) The Committee on Domestic Violence and Sexual Assault appointed pursuant to NRS 228.470 when, pursuant to NRS 228.495, the Committee is reviewing the death of the victim of a crime that constitutes domestic violence pursuant to NRS 33.018.

(z) ***The Department of Sentencing Policy and Analytics.***

(aa) A county coroner or medical examiner, as needed to conduct an investigation of the death of a person.

5. Agencies of criminal justice in this State which receive information from sources outside this State concerning transactions involving criminal justice which occur outside Nevada shall treat the information as confidentially as is required by the provisions of this chapter.

Sec. 6. The Legislative Counsel shall:

1. In preparing the reprint and supplements to the Nevada Revised Statutes, appropriately change any references to an officer, agency or other entity whose name is changed or whose responsibilities are transferred pursuant to the provisions of this act to refer to the appropriate officer, agency or other entity.

2. In preparing supplements to the Nevada Administrative Code, appropriately change any references to an officer, agency or other entity whose name is changed or whose responsibilities are transferred pursuant to the provisions of this act to refer to the appropriate officer, agency or other entity.

Sec. 7. The provisions of NRS 218D.380 do not apply to any provision of this act which adds or revises a requirement to submit a report to the Legislature.

Sec. 8. This act becomes effective on July 1, 2027.

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