

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; authorizing a court to provide credit for time spent in residential confinement before conviction to reduce a sentence of imprisonment; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 Existing law authorizes a court that imposes a sentence of imprisonment in a
2 county jail or state prison to allow credit for time spent in confinement before
3 conviction to reduce the sentence. (NRS 176.055) In interpreting this provision of
4 existing law, the Nevada Supreme Court has held that residential confinement (also
5 known as “house arrest”) served as a condition of bail does not constitute time
6 spent in confinement for which a court may award credit to reduce a sentence of
7 imprisonment. (State v. Dist. Ct. (Jackson), 121 Nev. 413, 416 (2005)) This bill
8 authorizes a court to allow credit for time spent in residential confinement, in a
9 person’s place of residence under the terms and conditions imposed by the court,
10 before conviction to reduce a sentence of imprisonment.

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.~~ 3,
3 whenever a sentence of imprisonment in the county jail or state
4 prison is imposed, the court may order that credit be allowed against
5 the duration of the sentence, including any minimum term or



1 minimum aggregate term, as applicable, thereof prescribed by law ~~for~~
2 ~~for~~:

3 (a) For the amount of time which the defendant has actually
4 spent in confinement before conviction ~~for~~; or

5 (b) For the amount of time which the defendant spent in
6 residential confinement before conviction,

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

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

11 ~~2.~~ 3. A defendant who is convicted of a subsequent offense
12 which was committed while the defendant was:

13 (a) In custody on a prior charge is not eligible for any credit on
14 the sentence for the subsequent offense for time the defendant has
15 spent in confinement on the prior charge, unless the charge was
16 dismissed or the defendant was acquitted.

17 (b) Imprisoned in a county jail or state prison or on probation or
18 parole from a Nevada conviction is not eligible for any credit on the
19 sentence for the subsequent offense for the time the defendant has
20 spent in confinement which is within the period of the prior
21 sentence, regardless of whether any probation or parole has been
22 formally revoked.

23 4. As used in this section, "residential confinement" means
24 the confinement of a person to the person's place of residence
25 under the terms and conditions imposed by the court.

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

28 1. An offense committed on or after October 1, 2021; and

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

