

ASSEMBLY BILL NO. 218—ASSEMBLYMAN HAMBRICK

PREFILED FEBRUARY 13, 2017

Referred to Committee on Judiciary

SUMMARY—Revises provisions concerning certain juvenile offenders. (BDR 14-215)

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 criminal procedure; authorizing a court in certain circumstances to depart from any mandatory sentencing enhancements to be imposed upon a person who is convicted as an adult for an offense committed when he or she was less than 18 years of age and reduce any mandatory minimum period of incarceration that such a person is required to serve; establishing provisions relating to the eligibility for parole of such a person who is convicted of certain subsequent offenses committed when he or she was 18 years of age or older but less than 24 years of age; and providing other matters properly relating thereto.

**Legislative Counsel’s Digest:**

1 Existing law provides that if a person is convicted as an adult for an offense  
2 that the person committed when he or she was less than 18 years of age, the court is  
3 required to consider, before imposing a sentence upon the person, the differences  
4 between juvenile and adult offenders, including, without limitation, the diminished  
5 culpability of juveniles as compared to that of adults and the typical characteristics  
6 of youth. (NRS 176.017) **Section 1** of this bill authorizes the court, after  
7 considering all required factors, to depart from any mandatory sentencing  
8 enhancements and reduce any mandatory minimum period of incarceration that the  
9 person is required to serve by not more than 35 percent if the court determines that  
10 such a departure or reduction is warranted given the age of the person and his or her  
11 prospects for rehabilitation.

12 Existing law establishes provisions regarding the eligibility for parole of a  
13 prisoner who was sentenced as an adult for an offense that was committed when he  
14 or she was less than 18 years of age. If the prisoner was convicted of an offense or  
15 offenses that did not result in the death of a victim, the prisoner is eligible for  
16 parole after he or she has served 15 calendar years of incarceration, and if the



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17 prisoner was convicted of an offense or offenses that resulted in the death of only  
18 one victim, the prisoner is eligible for parole after he or she has served 20 calendar  
19 years of incarceration. (NRS 213.12135) **Section 2** of this bill provides that any  
20 such prisoner who is convicted of a subsequent offense or offenses not involving  
21 violence that the prisoner committed when he or she was 18 years of age or older  
22 but less than 24 years of age is eligible for parole after serving the required 15 or 20  
23 calendar years of incarceration, as applicable, regardless of any additional sentence  
24 imposed for the subsequent offense or offenses.

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

1 **Section 1.** NRS 176.017 is hereby amended to read as follows:  
2 176.017 1. If a person is convicted as an adult for an offense  
3 that the person committed when he or she was less than 18 years of  
4 age, in addition to any other factor that the court is required to  
5 consider before imposing a sentence upon such a person, the court  
6 shall consider the differences between juvenile and adult offenders,  
7 including, without limitation, the diminished culpability of juveniles  
8 as compared to that of adults and the typical characteristics of youth.

9 *2. Notwithstanding any other provision of law, after*  
10 *considering the factors set forth in subsection 1, the court may, in*  
11 *its discretion:*

12 *(a) Depart from any mandatory sentencing enhancements if*  
13 *the court determines that such a departure is warranted given the*  
14 *age of the person and his or her prospects for rehabilitation.*

15 *(b) Reduce any mandatory minimum period of incarceration*  
16 *that the person is required to serve by not more than 35 percent if*  
17 *the court determines that such a reduction is warranted given the*  
18 *age of the person and his or her prospects for rehabilitation.*

19 **Sec. 2.** NRS 213.12135 is hereby amended to read as follows:

20 213.12135 1. Notwithstanding any other provision of law,  
21 except as otherwise provided in subsection 2 or unless a prisoner is  
22 subject to earlier eligibility for parole pursuant to any other  
23 provision of law ~~1-a~~:

24 *(a) A* prisoner who was sentenced as an adult for an offense that  
25 was committed when he or she was less than 18 years of age is  
26 eligible for parole as follows:

27 ~~(a)~~ *(1)* For a prisoner who is serving a period of incarceration  
28 for having been convicted of an offense or offenses that did not  
29 result in the death of a victim, after the prisoner has served 15  
30 calendar years of incarceration, including any time served in a  
31 county jail.

32 ~~(b)~~ *(2)* For a prisoner who is serving a period of incarceration  
33 for having been convicted of an offense or offenses that resulted in  
34 the death of only one victim, after the prisoner has served 20



1 calendar years of incarceration, including any time served in a  
2 county jail.

3 *(b) A prisoner who was sentenced as an adult for an offense*  
4 *that was committed when he or she was less than 18 years of age*  
5 *and is convicted of a subsequent offense or offenses not involving*  
6 *violence that the prisoner committed when he or she was 18 years*  
7 *of age or older but less than 24 years of age is eligible for parole*  
8 *after serving the applicable period of incarceration set forth in*  
9 *subparagraph (1) or (2) of paragraph (a) regardless of any*  
10 *additional sentence imposed for the subsequent offense or*  
11 *offenses.*

12 2. The provisions of this section do not apply to a prisoner who  
13 is serving a period of incarceration for having been convicted of an  
14 offense or offenses that resulted in the death of two or more victims.

15 **Sec. 3.** 1. The amendatory provisions of section 1 of this act  
16 apply to:

17 (a) An offense committed on or after October 1, 2017; and

18 (b) An offense committed before October 1, 2017, if the person  
19 is convicted on or after October 1, 2017.

20 2. The amendatory provisions of section 2 of this act apply to  
21 an offense committed before, on or after October 1, 2017.



