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THIRD REPRINT

A.B. 393

ASSEMBLY BILL NO. 393—COMMITTEE ON JUDICIARY

MARCH 24, 2021

Referred to Committee on Judiciary

SUMMARY—Makes various changes relating to criminal justice.
(BDR 14-484)

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

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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; requiring the Executive Director of the Department of Sentencing Policy to assist the Nevada Sentencing Commission in carrying out certain duties; revising provisions relating to certain reports prepared by the Commission; authorizing the Commission to adopt qualifications for members of the Nevada Local Justice Reinvestment Coordinating Council; revising provisions concerning reports of presentence investigations; revising provisions relating to parolees and probationers; removing and replacing certain obsolete terminology; revising provisions concerning the embezzlement of a vehicle and certain marijuana-related offenses; authorizing the Attorney General to investigate and prosecute any criminal offense committed by a city officer or employee in certain circumstances; repealing provisions relating to inquiries to determine probable cause when a probationer is in custody for a violation of a condition of probation; repealing provisions requiring the Chief Parole and Probation Officer of the Division of Parole and Probation of the Department of Public Safety to adopt standards to assist in formulating a recommendation concerning the granting of probation or the revocation of parole or probation; providing penalties; making an appropriation; and providing other matters properly relating thereto.



Legislative Counsel's Digest:

1 Existing law requires the Nevada Sentencing Commission (hereinafter
2 "Commission") to develop a formula to calculate the amount of costs avoided by
3 the State each fiscal year as a result of the enactment of Assembly Bill No. 236 of
4 the 2019 Legislative Session, which made various changes to criminal law and
5 criminal procedure. Existing law requires the Commission to: (1) use the formula
6 each fiscal year to calculate the costs avoided by the State during the immediately
7 preceding fiscal year; and (2) prepare a biennial report containing the projected
8 amount of costs avoided for the next biennium and recommendations for the
9 reinvestment of the amount of those costs. (NRS 176.01347) **Section 1** of this bill
10 requires the Executive Director of the Department of Sentencing Policy to assist the
11 Commission in carrying out such requirements relating to the use of the formula
12 and the preparation of a biennial report. **Section 5** of this bill makes a conforming
13 change to require the Commission to carry out such duties with the assistance of the
14 Department of Sentencing Policy (hereinafter "Department").

15 Existing law imposes various duties on the Commission, including a
16 requirement that the Commission, with the assistance of the Department, prepare a
17 biennial report that includes the Commission's recommended changes pertaining to
18 sentencing, its findings and any recommendations for proposed legislation and
19 submit the report to the Governor and the Legislature. (NRS 176.0134) Existing
20 law also requires the Commission to prepare and submit a biennial report to the
21 Governor, the Legislature and the Chief Justice of the Nevada Supreme Court that
22 includes recommendations for improvements, changes and budgetary adjustments.
23 The Commission is also authorized to include in the report additional
24 recommendations for future legislation and policy options to enhance public safety
25 and control corrections costs. (NRS 176.01343) **Section 2** of this bill combines
26 such requirements so the Commission is required to prepare one biennial report that
27 is submitted to the Governor, the Legislature and the Chief Justice of the Nevada
28 Supreme Court. **Section 2** establishes the information to be included in such a
29 report, and **section 4** of this bill makes a conforming change to remove the
30 language referencing the additional report.

31 Existing law establishes the Nevada Local Justice Reinvestment Coordinating
32 Council (hereinafter "Council"), consisting of members appointed by the governing
33 bodies of counties. (NRS 176.014) **Section 6** of this bill authorizes the Commission
34 to adopt any qualifications that a person must meet before being appointed as a
35 member of the Council and requires each member of the Council to meet any such
36 qualifications.

37 Existing law provides that a defendant convicted of a sexual offense and
38 sentenced to lifetime supervision may petition the sentencing court or the State
39 Board of Parole Commissioners for release from lifetime supervision if, among
40 other criteria, the offender has been determined to be not likely to pose a threat to
41 the safety of others. (NRS 176.0931) Existing law requires such a determination to
42 be made by a person professionally qualified to conduct psychosexual evaluations
43 who meets certain statutory requirements, including being licensed in this State.
44 (NRS 176.0931, 176.133) **Section 6.5** of this bill allows such a determination to be
45 made by any licensed, clinical professional who has received training in the
46 treatment of sexual offenders.

47 Existing law requires that reports of presentence investigations include certain
48 specific information and any other information the court requires. (NRS 176.145)
49 **Section 7** of this bill removes the provision concerning other information the court
50 requires to provide uniformity in the information contained in reports of
51 presentence investigations.

52 Existing law requires the Chief Parole and Probation Officer of the Division of
53 Parole and Probation of the Department of Public Safety (hereinafter "Chief") to
54 adopt standards to assist in formulating a recommendation concerning the granting



55 of probation to an eligible convicted person or the revocation of parole or probation
56 of a convicted person. (NRS 213.10988) Existing law also requires a court to
57 consider such standards and the recommendation of the Chief in determining
58 whether to grant probation to an eligible convicted person. (NRS 176A.100)
59 **Section 35** of this bill repeals the provision requiring the Chief to adopt such
60 standards, and **sections 9 and 15** of this bill accordingly remove the requirement
61 that a court consider such standards when determining whether to grant probation
62 to an eligible convicted person.

63 Existing law requires an inquiry to determine probable cause to be conducted
64 before a probationer who is in custody for a violation of a condition of probation is
65 returned to court for the violation and establishes provisions relating to such an
66 inquiry. (NRS 176A.580-176A.610) Existing law authorizes the Chief to order such
67 a probationer to be placed in residential confinement instead of detention in a
68 county jail pending such an inquiry. (NRS 176A.530) **Section 35** repeals such
69 provisions, and **sections 13, 14 and 20** of this bill make conforming changes to
70 remove references to such an inquiry.

71 Existing law requires the Division of Parole and Probation of the Department of
72 Public Safety (hereinafter "Division") to adopt a written system of graduated
73 sanctions for parole and probation officers to use when a parolee or probationer
74 commits a technical violation of parole or probation, as applicable. (NRS
75 176A.510) **Section 12** of this bill removes references to parole and parolees from
76 such provisions to make the provisions applicable only to probation and
77 probationers, and **section 21** of this bill establishes a new section that applies only
78 to parole and parolees. **Sections 22 and 27** of this bill make conforming changes to
79 indicate the placement of **section 21** within the Nevada Revised Statutes. Existing
80 law also generally requires the Division to administer a risk and needs assessment
81 to each parolee and probationer under the supervision of the Division for the
82 purpose of establishing a level of supervision and develop an individualized case
83 plan for each parolee and probationer. (NRS 213.1078) **Section 23** of this bill
84 removes references to probation and probationers from such provisions to make the
85 provisions applicable only to parole and parolees, and **section 8** of this bill
86 establishes a new section that applies only to probation and probationers.

87 **Sections 3, 10, 11, 13, 16-18, 24-26 and 28-31** of this bill remove the use of
88 the obsolete terms "intensive supervision" and "strict supervision" in the Nevada
89 Revised Statutes with regard to the supervision of probationers and parolees and
90 replace such terms with the term "enhanced supervision."

91 Existing law provides that there is a reasonable inference that a person has
92 embezzled a vehicle if the person leased or rented the vehicle and willfully and
93 intentionally failed to return the vehicle to its owner within 72 hours after the lease
94 or rental agreement expired. (NRS 205.312) Existing law provides that a person
95 who is guilty of embezzlement is punished in the manner prescribed by law for the
96 stealing or larceny of property of the kind and name of the money, goods, property
97 or effects taken, converted, stolen used or appropriated. (NRS 205.300) Existing
98 law also provides that a person who commits an offense involving a stolen vehicle
99 is guilty of a category C felony and is additionally required to pay restitution. (NRS
100 205.273) **Section 19** of this bill specifies that a person who is convicted of
101 embezzling a vehicle is also guilty of a category C felony and is additionally
102 required to pay restitution.

103 Existing law generally provides that a person who is convicted of the
104 possession of 1 ounce or less of marijuana is guilty of a misdemeanor for the first
105 or second offense, a gross misdemeanor for the third offense and a category E
106 felony for the fourth or subsequent offense, and a person who knowingly or
107 intentionally sells, manufactures, delivers or brings into this State, or who is
108 knowingly or intentionally in actual or constructive possession of, 50 pounds or
109 more, but less than 1,000 pounds, of marijuana or 1 pound or more, but less than 20



109 pounds, of concentrated cannabis is guilty of a category C felony. (NRS 453.336,
110 453.339) Existing law exempts a person who is 21 years of age or older from state
111 prosecution for the possession, delivery or production of 1 ounce or less of usable
112 cannabis or one-eighth of an ounce of concentrated cannabis. (NRS 678D.200)
113 **Section 32** of this bill generally provides that a person who is convicted of the
114 possession of more than 1 ounce, but less than 50 pounds, of marijuana or more
115 than one-eighth of an ounce, but less than one pound, of concentrated cannabis, is
116 guilty of a category E felony.

117 Existing law authorizes the Attorney General to investigate and prosecute any
118 criminal offense committed by a county officer or employee in the course of his or
119 her duties or arising out of circumstances related to his or her position in certain
120 circumstances when the district attorney of the county does not act in the matter.
121 (NRS 228.177) **Section 31.5** of this bill authorizes the Attorney General to
122 investigate and prosecute any criminal offense committed by a county officer or
123 employee or a city officer or employee in the course of his or her duties or arising
124 out of circumstances related to his or her position in certain circumstances when the
125 district attorney of the county or the city attorney, as applicable, does not act in the
126 matter.

127 **Section 33** of this bill provides that the amendatory provisions of **sections 19**
128 **and 32** apply to an offense committed: (1) on or after July 1, 2021; and (2) before
129 July 1, 2021, if the person is sentenced on or after July 1, 2021. **Section 33** also
130 provides that the amendatory provisions of **section 31.5** apply to an offense
131 committed: (1) on or after the effective date of **section 31.5**; and (2) before the
132 effective date of **section 31.5** if the applicable statute of limitations has not expired
133 on the effective date of **section 31.5**.

134 **Section 32.5** of this bill makes an appropriation to the Department of
135 Sentencing Policy for personnel costs related to data management.

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

1 **Section 1.** NRS 176.01327 is hereby amended to read as
2 follows:

3 176.01327 The Executive Director appointed pursuant to NRS
4 176.01323 shall:

- 5 1. Oversee all of the functions of the Department.
- 6 2. Serve as Executive Secretary of the Sentencing Commission
7 without additional compensation.
- 8 3. Report to the Sentencing Commission on sentencing and
9 related issues regarding the functions of the Department and provide
10 such information to the Sentencing Commission as requested.
- 11 4. Assist the Sentencing Commission in determining necessary
12 and appropriate recommendations to assist in carrying out the
13 responsibilities of the Department.
- 14 5. Establish the budget for the Department.

15 6. Facilitate the collection and aggregation of data from the
16 courts, Department of Corrections, Division of Parole and Probation
17 of the Department of Public Safety and any other agency of criminal
18 justice.



1 7. Identify variables or sets of data concerning criminal justice
2 that are not currently collected or shared across agencies of criminal
3 justice within this State.

4 8. Assist in preparing and submitting the comprehensive report
5 required to be prepared by the Sentencing Commission pursuant to
6 subsection 11 of NRS 176.0134.

7 9. *Assist the Sentencing Commission in carrying out its duties*
8 *pursuant to subsections 2 and 3 of NRS 176.01347 relating to the*
9 *calculation of the costs avoided by this State for the immediately*
10 *preceding fiscal year because of the enactment of chapter 633,*
11 *Statutes of Nevada 2019, and the preparation of a report*
12 *containing the projected amount of such costs for the next*
13 *biennium and recommendations for the reinvestment of the*
14 *amount of the costs.*

15 10. Take any other actions necessary to carry out the powers
16 and duties of the Sentencing Commission pursuant to NRS
17 176.0131 to 176.014, inclusive.

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

19 176.0134 The Sentencing Commission shall:

20 1. Advise the Legislature on proposed legislation and make
21 recommendations with respect to all matters relating to the elements
22 of this State's system of criminal justice which affect the sentences
23 imposed for felonies and gross misdemeanors.

24 2. Evaluate the effectiveness and fiscal impact of various
25 policies and practices regarding sentencing which are employed in
26 this State and other states, including, without limitation, the use of
27 plea bargaining, probation, programs of ~~intensive~~ supervision,
28 programs of regimental discipline, imprisonment, sentencing
29 recommendations, mandatory and minimum sentencing, mandatory
30 sentencing for crimes involving the possession, manufacture and
31 distribution of controlled substances, enhanced penalties for habitual
32 criminals, parole, credits against sentences, residential confinement
33 and alternatives to incarceration.

34 3. Recommend changes in the structure of sentencing in this
35 State which, to the extent practicable and with consideration for
36 their fiscal impact, incorporate general objectives and goals for
37 sentencing, including, without limitation, the following:

38 (a) Offenders must receive sentences that increase in direct
39 proportion to the severity of their crimes and their histories of
40 criminality.

41 (b) Offenders who have extensive histories of criminality or
42 who have exhibited a propensity to commit crimes of a predatory or
43 violent nature must receive sentences which reflect the need to
44 ensure the safety and protection of the public and which allow for
45 the imprisonment for life of such offenders.



1 (c) Offenders who have committed offenses that do not include
2 acts of violence and who have limited histories of criminality must
3 receive sentences which reflect the need to conserve scarce
4 economic resources through the use of various alternatives to
5 traditional forms of incarceration.

6 (d) Offenders with similar histories of criminality who are
7 convicted of similar crimes must receive sentences that are generally
8 similar.

9 (e) Offenders sentenced to imprisonment must receive sentences
10 which do not confuse or mislead the public as to the actual time
11 those offenders must serve while incarcerated or before being
12 released from confinement or supervision.

13 (f) Offenders must not receive disparate sentences based upon
14 factors such as race, gender or economic status.

15 (g) Offenders must receive sentences which are based upon the
16 specific circumstances and facts of their offenses, including the
17 nature of the offense and any aggravating factors, the savagery of
18 the offense, as evidenced by the extent of any injury to the victim,
19 and the degree of criminal sophistication demonstrated by the
20 offender's acts before, during and after commission of the offense.

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

24 5. Provide training regarding sentencing and related issues,
25 policies and practices, and act as a sentencing policy resource for
26 this State.

27 6. Evaluate the impact of pretrial, sentencing diversion,
28 incarceration and postrelease supervision programs.

29 7. Identify potential areas of sentencing disparity related to
30 race, gender and economic status.

31 8. Propose and recommend statutory sentencing guidelines,
32 based on reasonable offense and offender characteristics which aim
33 to preserve judicial discretion and provide for individualized
34 sentencing, for the use of the district courts. If such guidelines are
35 enacted by the Legislature, the Sentencing Commission shall review
36 and propose any recommended changes.

37 9. Evaluate whether sentencing guidelines recommended
38 pursuant to subsection 8 should be mandatory and if judicial
39 findings should be required for any departures from the sentencing
40 guidelines.

41 10. Provide recommendations and advice to the Executive
42 Director concerning the administration of the Department,
43 including, without limitation:

44 (a) Receiving reports from the Executive Director and providing
45 advice to the Executive Director concerning measures to be taken by



1 the Department to ensure compliance with the duties of the
2 Sentencing Commission.

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

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

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

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

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

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

19 11. For each regular session of the Legislature, with the
20 assistance of the Department, prepare a comprehensive report
21 including ~~[]~~ *the Sentencing Commission's:*

22 (a) ~~[The Sentencing Commission's recommended]~~
23 *Recommended* changes pertaining to sentencing; ~~[and]~~

24 (b) ~~[The Sentencing Commission's findings and any]~~
25 *recommendations] Findings;*

26 (c) *Recommendations* for proposed legislation ~~[]~~;

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

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

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

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

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

44 12. Submit the report prepared pursuant to subsection 11 *not*
45 *later than January 15 of each odd-numbered year* to:



- 1 (a) The Office of the Governor; ~~and~~
- 2 (b) The Director of the Legislative Counsel Bureau for
- 3 distribution to the Legislature ~~[not later than January 1 of each odd-~~
- 4 ~~numbered year.] ; and~~
- 5 (c) *The Chief Justice of the Nevada Supreme Court.*

6 **Sec. 3.** NRS 176.0134 is hereby amended to read as follows:
7 176.0134 The Sentencing Commission shall:

8 1. Advise the Legislature on proposed legislation and make
9 recommendations with respect to all matters relating to the elements
10 of this State's system of criminal justice which affect the sentences
11 imposed for felonies and gross misdemeanors.

12 2. Evaluate the effectiveness and fiscal impact of various
13 policies and practices regarding sentencing which are employed in
14 this State and other states, including, without limitation, the use of
15 plea bargaining, probation, programs of *enhanced* supervision,
16 programs of regimental discipline, imprisonment, sentencing
17 recommendations, mandatory and minimum sentencing, mandatory
18 sentencing for crimes involving the possession, manufacture and
19 distribution of controlled substances, enhanced penalties for habitual
20 criminals, parole, credits against sentences, residential confinement
21 and alternatives to incarceration.

22 3. Recommend changes in the structure of sentencing in this
23 State which, to the extent practicable and with consideration for
24 their fiscal impact, incorporate general objectives and goals for
25 sentencing, including, without limitation, the following:

26 (a) Offenders must receive sentences that increase in direct
27 proportion to the severity of their crimes and their histories of
28 criminality.

29 (b) Offenders who have extensive histories of criminality or
30 who have exhibited a propensity to commit crimes of a predatory or
31 violent nature must receive sentences which reflect the need to
32 ensure the safety and protection of the public and which allow for
33 the imprisonment for life of such offenders.

34 (c) Offenders who have committed offenses that do not include
35 acts of violence and who have limited histories of criminality must
36 receive sentences which reflect the need to conserve scarce
37 economic resources through the use of various alternatives to
38 traditional forms of incarceration.

39 (d) Offenders with similar histories of criminality who are
40 convicted of similar crimes must receive sentences that are generally
41 similar.

42 (e) Offenders sentenced to imprisonment must receive sentences
43 which do not confuse or mislead the public as to the actual time
44 those offenders must serve while incarcerated or before being
45 released from confinement or supervision.



1 (f) Offenders must not receive disparate sentences based upon
2 factors such as race, gender or economic status.

3 (g) Offenders must receive sentences which are based upon the
4 specific circumstances and facts of their offenses, including the
5 nature of the offense and any aggravating factors, the savagery of
6 the offense, as evidenced by the extent of any injury to the victim,
7 and the degree of criminal sophistication demonstrated by the
8 offender's acts before, during and after commission of the offense.

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

12 5. Provide training regarding sentencing and related issues,
13 policies and practices, and act as a sentencing policy resource for
14 this State.

15 6. Evaluate the impact of pretrial, sentencing diversion,
16 incarceration and postrelease supervision programs.

17 7. Identify potential areas of sentencing disparity related to
18 race, gender and economic status.

19 8. Propose and recommend statutory sentencing guidelines,
20 based on reasonable offense and offender characteristics which aim
21 to preserve judicial discretion and provide for individualized
22 sentencing, for the use of the district courts. If such guidelines are
23 enacted by the Legislature, the Sentencing Commission shall review
24 and propose any recommended changes.

25 9. Evaluate whether sentencing guidelines recommended
26 pursuant to subsection 8 should be mandatory and if judicial
27 findings should be required for any departures from the sentencing
28 guidelines.

29 10. Provide recommendations and advice to the Executive
30 Director concerning the administration of the Department,
31 including, without limitation:

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

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

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

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

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



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

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

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

10 (a) Recommended changes pertaining to sentencing;

11 (b) Findings;

12 (c) Recommendations for proposed legislation;

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

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

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

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

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

30 12. Submit the report prepared pursuant to subsection 11 not
31 later than January 15 of each odd-numbered year to:

32 (a) The Office of the Governor;

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

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

36 **Sec. 4.** NRS 176.01343 is hereby amended to read as follows:

37 176.01343 1. The Sentencing Commission shall:

38 (a) Track and assess outcomes resulting from the enactment of
39 chapter 633, Statutes of Nevada 2019, including, without limitation,
40 the following data from the Department of Corrections:

41 (1) With respect to prison admissions:

42 (I) The total number of persons admitted to prison by type
43 of offense, type of admission, felony category, prior criminal
44 history, gender identity or expression, race, ethnicity, sexual
45 orientation, age and, if measured upon intake, risk score;



1 (II) The average minimum and maximum sentence term
2 by type of offense, type of admission, felony category, prior
3 criminal history, gender identity or expression, race, ethnicity,
4 sexual orientation, age, mental health status and, if measured upon
5 intake, risk score; and

6 (III) The number of persons who received a clinical
7 assessment identifying a mental health or substance use disorder
8 upon intake.

9 (2) With respect to parole and release from prison:

10 (I) The average length of stay in prison for each type of
11 release by type of offense, felony category, prior criminal history,
12 gender identity or expression, race, ethnicity, sexual orientation,
13 age, mental health status and, if measured upon intake, risk score;

14 (II) The total number of persons released from prison
15 each year by type of release, type of admission, felony category,
16 prior criminal history, gender identity or expression, race, ethnicity,
17 sexual orientation, age, mental health status and, if measured upon
18 intake, risk score;

19 (III) The recidivism rate of persons released from prison
20 by type of release; and

21 (IV) The total number of persons released from prison
22 each year who return to prison within 36 months by type of
23 admission, type of release, type of return to prison, including,
24 without limitation, whether such a subsequent prison admission was
25 the result of a new felony conviction or a revocation of parole due to
26 a technical violation, prior criminal history, gender identity or
27 expression, race, ethnicity, sexual orientation, age, mental health
28 status and, if measured upon intake, risk score.

29 (3) With respect to the number of persons in prison:

30 (I) The total number of persons held in prison on
31 December 31 of each year, not including those persons released
32 from a term of prison who reside in a parole housing unit, by type of
33 offense, type of admission, felony category, prior criminal history,
34 gender identity or expression, race, ethnicity, sexual orientation,
35 age, mental health status and, if measured upon intake, risk score;

36 (II) The total number of persons held in prison on
37 December 31 of each year who have been granted parole by the
38 State Board of Parole Commissioners but remain in custody, and the
39 reasons therefor;

40 (III) The total number of persons held in prison on
41 December 31 of each year who are serving a sentence of life with or
42 without the possibility of parole or who have been sentenced to
43 death; and

44 (IV) The total number of persons as of December 31 of
45 each year who have started a treatment program while in prison,



1 have completed a treatment program while in prison and are
2 awaiting a treatment program while in prison, by type of treatment
3 program and type of offense.

4 (b) Track and assess outcomes resulting from the enactment of
5 chapter 633, Statutes of Nevada 2019, with respect to the following
6 data, which the Division shall collect and report to the Sentencing
7 Commission:

8 (1) With respect to the number of persons on probation or
9 parole:

10 (I) The total number of supervision intakes by type of
11 offense, felony category, prior criminal history, gender identity or
12 expression, race, ethnicity, sexual orientation, age, mental health
13 status and, if measured upon intake, risk score;

14 (II) The average term of probation imposed for persons
15 on probation by type of offense;

16 (III) The average time served by persons on probation or
17 parole by type of discharge, felony category and type of offense;

18 (IV) The average time credited to a person's term of
19 probation or parole as a result of successful compliance with
20 supervision;

21 (V) The total number of supervision discharges by type of
22 discharge, including, without limitation, honorable discharges and
23 dishonorable discharges, and cases resulting in a return to prison;

24 (VI) The recidivism rate of persons discharged from
25 supervision by type of discharge, according to the Division's
26 internal definition of recidivism;

27 (VII) The number of persons identified as having a
28 mental health issue or a substance use disorder; and

29 (VIII) The total number of persons on probation or parole
30 who are located within this State on December 31 of each year, not
31 including those persons who are under the custody of the
32 Department of Corrections.

33 (2) With respect to persons on probation or parole who
34 violate a condition of supervision or commit a new offense:

35 (I) The total number of revocations and the reasons
36 therefor, including, without limitation, whether the revocation was
37 the result of a mental health issue or substance use disorder;

38 (II) The average amount of time credited to a person's
39 suspended sentence or the remainder of the person's sentence from
40 time spent on supervision;

41 (III) The total number of persons receiving administrative
42 or jail sanctions, by type of offense and felony category; and

43 (IV) The median number of administrative sanctions
44 issued by the Division to persons on supervision, by type of offense
45 and felony category.



1 (c) Track and assess outcomes resulting from the enactment of
2 chapter 633, Statutes of Nevada 2019, with respect to savings and
3 reinvestment, including, without limitation:

4 (1) The total amount of annual savings resulting from the
5 enactment of any legislation relating to the criminal justice system;

6 (2) The total annual costs avoided by this State because of
7 the enactment of chapter 633, Statutes of Nevada 2019, as
8 calculated pursuant to NRS 176.01347; and

9 (3) The entities that received reinvestment funds, the total
10 amount directed to each such entity and a description of how the
11 funds were used.

12 (d) Track and assess trends observed after the enactment of
13 chapter 633, Statutes of Nevada 2019, including, without limitation,
14 the following data, which the Central Repository for Nevada
15 Records of Criminal History shall collect and report to the
16 Sentencing Commission as reported to the Federal Bureau of
17 Investigation:

18 (1) The uniform crime rates for this State and each county in
19 this State by index crimes and type of crime; and

20 (2) The percentage changes in uniform crime rates for this
21 State and each county in this State over time by index crimes and
22 type of crime.

23 (e) Identify gaps in this State's data tracking capabilities related
24 to the criminal justice system and make recommendations for filling
25 any such gaps.

26 (f) ~~Prepare and submit a report not later than the first day of the~~
27 ~~second full week of each regular session of the Legislature to the~~
28 ~~Governor, the Director of the Legislative Counsel Bureau for~~
29 ~~transmittal to the Legislature and the Chief Justice of the Nevada~~
30 ~~Supreme Court. The report must include recommendations for~~
31 ~~improvements, changes and budgetary adjustments and may also~~
32 ~~present additional recommendations for future legislation and policy~~
33 ~~options to enhance public safety and control corrections costs.~~

34 ~~(g)~~ Employ and retain other professional staff as necessary to
35 coordinate performance and outcome measurement and develop the
36 report required pursuant to this section.

37 2. As used in this section:

38 (a) "Technical violation" has the meaning ascribed to it in
39 NRS 176A.510.

40 (b) "Type of admission" means the manner in which a person
41 entered into the custody of the Department of Corrections,
42 according to the internal definitions used by the Department of
43 Corrections.

44 (c) "Type of offense" means an offense categorized by the
45 Department of Corrections as a violent offense, sex offense, drug



1 offense, property offense, DUI offense or other offense, consistent
2 with the internal data systems used by the Department of
3 Corrections.

4 **Sec. 5.** NRS 176.01347 is hereby amended to read as follows:

5 176.01347 1. The Sentencing Commission shall develop a
6 formula to calculate for each fiscal year the amount of costs avoided
7 by this State because of the enactment of chapter 633, Statutes of
8 Nevada 2019. The formula must include, without limitation, a
9 comparison of:

10 (a) The annual projection of the number of persons who will be
11 in a facility or institution of the Department of Corrections which
12 was created by the Office of Finance pursuant to NRS 176.0129 for
13 calendar year 2018; and

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

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

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

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

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

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



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

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

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

13 **Sec. 6.** NRS 176.014 is hereby amended to read as follows:

14 176.014 1. The Nevada Local Justice Reinvestment
15 Coordinating Council is hereby created. The Council consists of:

16 (a) One member from each county in this State whose
17 population is less than 100,000; and

18 (b) Two members from each county in this State whose
19 population is 100,000 or more.

20 2. Each member of the Council must be appointed by the
21 governing body of the applicable county **H** *and must meet any*
22 *qualifications adopted by the Sentencing Commission pursuant to*
23 *subsection 7.* The Chair of the Sentencing Commission shall
24 appoint the Chair of the Council from among the members of the
25 Council.

26 3. The Council shall:

27 (a) Advise the Sentencing Commission on matters related to any
28 legislation, regulations, rules, budgetary changes and all other
29 actions needed to implement the provisions of Chapter 633, Statutes
30 of Nevada 2019, as they relate to local governments;

31 (b) Identify county-level programming and treatment needs for
32 persons involved in the criminal justice system for the purpose of
33 reducing recidivism;

34 (c) Make recommendations to the Sentencing Commission
35 regarding grants to local governments and nonprofit organizations
36 from the State General Fund;

37 (d) Oversee the implementation of local grants;

38 (e) Create performance measures to assess the effectiveness of
39 the grants; and

40 (f) Identify opportunities for collaboration with the Department
41 of Health and Human Services at the state and county level for
42 treatment services and funding.

43 4. Each member of the Council serves a term of 2 years.
44 Members may be reappointed for additional terms of 2 years in the
45 same manner as the original appointments. Any vacancy occurring



1 in the membership of the Council must be filled in the same manner
2 as the original appointment not later than 30 days after the vacancy
3 occurs.

4 5. While engaged in the business of the Council, to the extent
5 of legislative appropriation, each member of the Council is entitled
6 to receive the per diem allowance and travel expenses provided for
7 state officers and employees generally.

8 6. To the extent of legislative appropriation, the Sentencing
9 Commission shall provide the Council with such staff as is
10 necessary to carry out the duties of the Council pursuant to this
11 section.

12 **7. *The Sentencing Commission may adopt any qualifications***
13 ***that a person must meet before being appointed as a member of***
14 ***the Council.***

15 **Sec. 6.5.** NRS 176.0931 is hereby amended to read as follows:

16 176.0931 1. If a defendant is convicted of a sexual offense,
17 the court shall include in sentencing, in addition to any other
18 penalties provided by law, a special sentence of lifetime supervision.

19 2. The special sentence of lifetime supervision commences
20 after any period of probation or any term of imprisonment and any
21 period of release on parole.

22 3. A person sentenced to lifetime supervision may petition the
23 sentencing court or the State Board of Parole Commissioners for
24 release from lifetime supervision. The sentencing court or the Board
25 shall grant a petition for release from a special sentence of lifetime
26 supervision if:

27 (a) The person has complied with the requirements of the
28 provisions of NRS 179D.010 to 179D.550, inclusive;

29 (b) The person has not been convicted of an offense that poses a
30 threat to the safety or well-being of others for an interval of at least
31 10 consecutive years after the person's last conviction or release
32 from incarceration, whichever occurs later; and

33 (c) The person is not likely to pose a threat to the safety of
34 others, as determined by a ~~[person professionally qualified to~~
35 ~~conduct psychosexual evaluations.]~~ ***licensed, clinical professional***
36 ***who has received training in the treatment of sexual offenders,*** if
37 released from lifetime supervision.

38 4. A person who is released from lifetime supervision pursuant
39 to the provisions of subsection 3 remains subject to the provisions
40 for registration as a sex offender and to the provisions for
41 community notification, unless the person is otherwise relieved from
42 the operation of those provisions pursuant to the provisions of NRS
43 179D.010 to 179D.550, inclusive.

44 5. As used in this section:



1 (a) "Offense that poses a threat to the safety or well-being of
2 others" includes, without limitation:

3 (1) An offense that involves:

4 (I) A victim less than 18 years of age;

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

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

8 (IV) A deadly weapon, explosives or a firearm;

9 (V) The use or threatened use of force or violence;

10 (VI) Physical or mental abuse;

11 (VII) Death or bodily injury;

12 (VIII) An act of domestic violence;

13 (IX) Harassment, stalking, threats of any kind or other
14 similar acts;

15 (X) The forcible or unlawful entry of a home, building,
16 structure, vehicle or other real or personal property; or

17 (XI) The infliction or threatened infliction of damage or
18 injury, in whole or in part, to real or personal property.

19 (2) Any offense listed in subparagraph (1) that is committed
20 in this State or another jurisdiction, including, without limitation, an
21 offense prosecuted in:

22 (I) A tribal court.

23 (II) A court of the United States or the Armed Forces of
24 the United States.

25 (b) ~~["Person professionally qualified to conduct psychosexual
26 evaluations" has the meaning ascribed to it in NRS 176.133.~~

27 ~~—(c)]~~ "Sexual offense" means:

28 (1) A violation of NRS 200.366, subsection 4 of NRS
29 200.400, NRS 200.710, 200.720, subsection 2 of NRS 200.730,
30 NRS 201.180, 201.230, 201.450, 201.540 or 201.550 or paragraph
31 (a) or (b) of subsection 4 or paragraph (a) or (b) of subsection 5 of
32 NRS 201.560;

33 (2) An attempt to commit an offense listed in subparagraph
34 (1); or

35 (3) An act of murder in the first or second degree,
36 kidnapping in the first or second degree, false imprisonment,
37 burglary or invasion of the home if the act is determined to be
38 sexually motivated at a hearing conducted pursuant to NRS 175.547.

39 **Sec. 7.** NRS 176.145 is hereby amended to read as follows:

40 176.145 1. The report of any presentence investigation must
41 contain:

42 (a) Any:

43 (1) Prior criminal convictions of the defendant;

44 (2) Unresolved criminal cases involving the defendant;



1 (3) Incidents in which the defendant has failed to appear in
2 court when his or her presence was required;

3 (4) Arrests during the 10 years immediately preceding the
4 date of the offense for which the report is being prepared; and

5 (5) Participation in any program in a specialty court or any
6 diversionary program, including whether the defendant successfully
7 completed the program;

8 (b) Information concerning the characteristics of the defendant,
9 the defendant's financial condition, including whether the
10 information pertaining to the defendant's financial condition has
11 been verified, the circumstances affecting the defendant's behavior
12 and the circumstances of the defendant's offense that may be helpful
13 in imposing sentence, in granting probation or in the correctional
14 treatment of the defendant;

15 (c) Information concerning the effect that the offense committed
16 by the defendant has had upon the victim, including, without
17 limitation, any physical or psychological harm or financial loss
18 suffered by the victim, to the extent that such information is
19 available from the victim or other sources, but the provisions of this
20 paragraph do not require any particular examination or testing of the
21 victim, and the extent of any investigation or examination is solely
22 at the discretion of the court or the Division and the extent of the
23 information to be included in the report is solely at the discretion of
24 the Division;

25 (d) Information concerning whether the defendant has an
26 obligation for the support of a child, and if so, whether the
27 defendant is in arrears in payment on that obligation;

28 (e) Data or information concerning reports and investigations
29 thereof made pursuant to chapter 432B of NRS and NRS 392.275 to
30 392.365, inclusive, that relate to the defendant and are made
31 available pursuant to NRS 432B.290 or NRS 392.317 to 392.337,
32 inclusive, as applicable;

33 (f) The results of any evaluation or assessment of the defendant
34 conducted pursuant to NRS 176A.240, 176A.260, 176A.280 or
35 484C.300; *and*

36 (g) If a psychosexual evaluation of the defendant is required
37 pursuant to NRS 176.139, a written report of the results of the
38 psychosexual evaluation of the defendant and all information that is
39 necessary to carry out the provisions of NRS 176A.110. ~~[-; and~~

40 ~~—(h) Such other information as may be required by the court.]~~

41 2. The Division shall include in the report the source of any
42 information, as stated in the report, related to the defendant's
43 offense, including, without limitation, information from:

44 (a) A police report;

45 (b) An investigative report filed with law enforcement; or



1 (c) Any other source available to the Division.

2 3. The Division may include in the report any additional
3 information that it believes may be helpful in imposing a sentence,
4 in granting probation or in correctional treatment.

5 **Sec. 8.** Chapter 176A of NRS is hereby amended by adding
6 thereto a new section to read as follows:

7 *1. Except as otherwise provided in subsection 3, the Division*
8 *shall administer a risk and needs assessment to each probationer*
9 *under the Division's supervision. The results of the risk and needs*
10 *assessment must be used to set a level of supervision for each*
11 *probationer and to develop individualized case plans pursuant to*
12 *subsection 4. The risk and needs assessment must be administered*
13 *and scored by a person trained in the administration of the tool.*

14 *2. Except as otherwise provided in subsection 3, on a*
15 *schedule determined by the Nevada Risk Assessment System, or its*
16 *successor risk assessment tool, or more often if necessary, the*
17 *Division shall administer a subsequent risk and needs assessment*
18 *to each probationer. The results of the risk and needs assessment*
19 *conducted in accordance with this section must be used to*
20 *determine whether a change in the level of supervision is*
21 *necessary. The Division shall document the reasons for*
22 *maintaining or changing the level of supervision. If the Division*
23 *changes the level of supervision, the Division shall notify the*
24 *probationer of the change.*

25 *3. The provisions of subsections 1 and 2 are not applicable if:*

26 *(a) The level of supervision for the probationer is set by the*
27 *court or by law; or*

28 *(b) The probationer is ordered to participate in a program of*
29 *probation secured by a security bond pursuant to NRS 176A.300*
30 *to 176A.370, inclusive.*

31 *4. The Division shall develop an individualized case plan for*
32 *each probationer. The case plan must include a plan for*
33 *addressing the criminogenic risk factors identified on the risk and*
34 *needs assessment, if applicable, and the list of responsivity factors*
35 *that will need to be considered and addressed for each*
36 *probationer.*

37 *5. Upon a finding that a term or condition of probation*
38 *ordered pursuant to subsection 1 of NRS 176A.400 or the level of*
39 *supervision set pursuant to this section does not align with the*
40 *results of a risk and needs assessment administered pursuant to*
41 *subsection 1 or 2, the supervising officer shall seek a modification*
42 *of the terms and conditions from the court pursuant to subsection*
43 *1 of NRS 176A.450.*

44 *6. The risk and needs assessment required under this section*
45 *must undergo periodic validation studies in accordance with the*



1 *timeline established by the developer of the assessment. The*
2 *Division shall establish quality assurance procedures to ensure*
3 *proper and consistent scoring of the risk and needs assessment.*

4 **Sec. 9.** NRS 176A.100 is hereby amended to read as follows:

5 176A.100 1. Except as otherwise provided in this section and
6 NRS 176A.110 and 176A.120, if a person is found guilty in a
7 district court upon verdict or plea of:

8 (a) Murder of the first or second degree, kidnapping in the first
9 degree, sexual assault, attempted sexual assault of a child who is
10 less than 16 years of age, lewdness with a child pursuant to NRS
11 201.230, an offense for which the suspension of sentence or the
12 granting of probation is expressly forbidden, or if the person is
13 found to be a habitual criminal pursuant to NRS 207.010, a
14 habitually fraudulent felon pursuant to NRS 207.014 or a habitual
15 felon pursuant to NRS 207.012, the court shall not suspend the
16 execution of the sentence imposed or grant probation to the person.

17 (b) A category E felony, except as otherwise provided in this
18 paragraph, the court shall suspend the execution of the sentence
19 imposed and grant probation to the person. The court may, as it
20 deems advisable, decide not to suspend the execution of the
21 sentence imposed and grant probation to the person if, at the time of
22 sentencing, it is established that the person had previously been two
23 times convicted, whether in this State or elsewhere, of a crime that
24 under the laws of the situs of the crime or of this State would
25 amount to a felony. If the person denies the existence of a previous
26 conviction, the court shall determine the issue of the previous
27 conviction after hearing all relevant evidence presented on the issue
28 by the prosecution and the person. At such a hearing, the person
29 may not challenge the validity of a previous conviction. For the
30 purposes of this paragraph, a certified copy of a felony conviction is
31 prima facie evidence of conviction of a prior felony.

32 (c) Another felony, a gross misdemeanor or a misdemeanor, the
33 court may suspend the execution of the sentence imposed and grant
34 probation as the court deems advisable.

35 2. In determining whether to grant probation to a person, the
36 court shall not consider whether the person has the financial ability
37 to participate in a program of probation secured by a surety bond
38 established pursuant to NRS 176A.300 to 176A.370, inclusive.

39 3. ~~The court shall consider the standards adopted pursuant to~~
40 ~~NRS 213.10988 and the recommendation of the Chief Parole and~~
41 ~~Probation Officer, if any, in determining whether to grant probation~~
42 ~~to a person.~~

43 —4.] If the court determines that a person is otherwise eligible
44 for probation but requires more supervision than would normally be
45 provided to a person granted probation, the court may, in lieu of



1 sentencing the person to a term of imprisonment, grant probation
2 pursuant to the Program of ~~Intensive~~ *Enhanced* Supervision
3 established pursuant to NRS 176A.440.

4 ~~5.~~ 4. Except as otherwise provided in this subsection, if a
5 person is convicted of a felony and the Division is required to make
6 a presentence investigation and report to the court pursuant to NRS
7 176.135, the court shall not grant probation to the person until the
8 court receives the report of the presentence investigation from the
9 Chief Parole and Probation Officer. The Chief Parole and Probation
10 Officer shall submit the report of the presentence investigation to
11 the court not later than 45 days after receiving a request for a
12 presentence investigation from the county clerk. If the report of the
13 presentence investigation is not submitted by the Chief Parole and
14 Probation Officer within 45 days, the court may grant probation
15 without the report.

16 ~~6.~~ 5. If the court determines that a person is otherwise
17 eligible for probation, the court shall, when determining the
18 conditions of that probation, consider the imposition of such
19 conditions as would facilitate timely payments by the person of an
20 obligation, if any, for the support of a child and the payment of any
21 such obligation which is in arrears.

22 **Sec. 10.** NRS 176A.310 is hereby amended to read as follows:

23 176A.310 1. The court shall set the conditions of a program
24 of probation secured by a surety bond. The conditions must be
25 appended to and made part of the bond. The conditions may include,
26 but are not limited to, any one or more of the following:

27 (a) Submission to periodic tests to determine whether the
28 probationer is using any controlled substance or alcohol.

29 (b) Participation in a program for the treatment of the use of a
30 controlled substance or alcohol or a program for the treatment of
31 any other impairment.

32 (c) Participation in a program of professional counseling,
33 including, but not limited to, counseling for the family of the
34 probationer.

35 (d) Restrictions or a prohibition on contact or communication
36 with witnesses or victims of the crime committed by the
37 probationer.

38 (e) A requirement to obtain and keep employment.

39 (f) Submission to a Program of ~~Intensive~~ *Enhanced*
40 Supervision.

41 (g) Restrictions on travel by the probationer outside the
42 jurisdiction of the court.

43 (h) Payment of restitution.

44 (i) Payment of fines and court costs.

45 (j) Supervised community service.



- 1 (k) Participation in educational courses.
2 2. A surety shall:
3 (a) Provide the facilities or equipment necessary to:
4 (1) Perform tests to determine whether the probationer is
5 using any controlled substance or alcohol, if the court requires such
6 tests as a condition of probation;
7 (2) Carry out a Program of ~~Intensive~~ *Enhanced*
8 Supervision, if the court requires such a Program as a condition of
9 probation; and
10 (3) Enable the probationer to report regularly to the surety.
11 (b) Notify the court within 24 hours after the surety has
12 knowledge of a violation of or a failure to fulfill a condition of the
13 program of probation.
14 3. A probationer participating in a program of probation
15 secured by a surety bond shall:
16 (a) Report regularly to the surety; and
17 (b) Pay the fee charged by the surety for the execution of the
18 bond.

19 **Sec. 11.** NRS 176A.440 is hereby amended to read as follows:

20 176A.440 1. The Chief Parole and Probation Officer shall
21 develop a program for the ~~intensive~~ *enhanced* supervision of a
22 person granted probation pursuant to subsection ~~4~~ 3 of
23 NRS 176A.100.

24 2. The Program of ~~Intensive~~ *Enhanced* Supervision must
25 include an initial period of electronic supervision of the probationer
26 with an electronic device approved by the Division. The device may
27 be capable of using the Global Positioning System, but must be
28 minimally intrusive and limited in capability to recording or
29 transmitting information concerning the probationer's location,
30 including, but not limited to, the transmission of still visual images
31 which do not concern the probationer's activities, and producing,
32 upon request, reports or records of the probationer's presence near
33 or within a crime scene or prohibited area or his or her departure
34 from a specified geographic location. A device which is capable of
35 recording or transmitting:

- 36 (a) Oral or wire communications or any auditory sound; or
37 (b) Information concerning the probationer's activities,
38 ↪ must not be used.

39 **Sec. 12.** NRS 176A.510 is hereby amended to read as follows:

40 176A.510 1. The Division shall adopt a written system of
41 graduated sanctions for parole and probation officers to use when
42 responding to a technical violation of the conditions of probation .
43 ~~for parole.~~ The system must:

- 44 (a) Set forth a menu of presumptive sanctions for the most
45 common violations, including, without limitation, failure to report,



1 willful failure to pay fines and fees, failure to participate in a
2 required program or service, failure to complete community service
3 and failure to refrain from the use of alcohol or controlled
4 substances.

5 (b) Take into account factors such as responsivity factors
6 impacting a person's ability to successfully complete any conditions
7 of supervision, the severity of the current violation, the person's
8 previous criminal record, the number and severity of any previous
9 violations and the extent to which graduated sanctions were imposed
10 for previous violations.

11 2. The Division shall establish and maintain a program of
12 initial and ongoing training for parole and probation officers
13 regarding the system of graduated sanctions.

14 3. Notwithstanding any rule or law to the contrary, a parole and
15 probation officer shall use graduated sanctions established pursuant
16 to this section when responding to a technical violation.

17 4. A parole and probation officer intending to impose a
18 graduated sanction shall provide the supervised person with notice
19 of the intended sanction. The notice must inform the person of any
20 alleged violation and the date thereof and the graduated sanction to
21 be imposed.

22 5. The failure of a supervised person to comply with a sanction
23 may constitute a technical violation of the conditions of probation .

24 ~~for parole.~~

25 6. The Division may not seek revocation of probation ~~for~~
26 ~~parole~~ for a technical violation of the conditions of probation ~~for~~
27 ~~parole~~ until all graduated sanctions have been exhausted. If the
28 Division determines that all graduated sanctions have been
29 exhausted, the Division shall submit a report to the court or Board
30 outlining the reasons for the recommendation of revocation and the
31 steps taken by the Division to change the supervised person's
32 behavior while in the community, including, without limitation, any
33 graduated sanctions imposed before recommending revocation.

34 7. As used in this section:

35 (a) "Absconding" has the meaning ascribed to it in
36 NRS 176A.630.

37 (b) "Responsivity factors" has the meaning ascribed to it in
38 NRS 213.107.

39 (c) "Technical violation" means any alleged violation of the
40 conditions of probation ~~for parole~~ that does not constitute
41 absconding and is not the commission of a:

42 (1) New felony or gross misdemeanor;

43 (2) Battery which constitutes domestic violence pursuant to
44 NRS 200.485;

45 (3) Violation of NRS 484C.110 or 484C.120;



1 (4) Crime of violence as defined in NRS 200.408 that is
2 punishable as a misdemeanor;

3 (5) Harassment pursuant to NRS 200.571 or stalking or
4 aggravated stalking pursuant to NRS 200.575;

5 (6) Violation of a temporary or extended order for protection
6 against domestic violence issued pursuant to NRS 33.017 to 33.100,
7 inclusive, a restraining order or injunction that is in the nature of a
8 temporary or extended order for protection against domestic
9 violence issued in an action or proceeding brought pursuant to title
10 11 of NRS, a temporary or extended order for protection against
11 stalking, aggravated stalking or harassment issued pursuant to NRS
12 200.591 or a temporary or extended order for protection against
13 sexual assault pursuant to NRS 200.378; or

14 (7) Violation of a stay away order involving a natural person
15 who is the victim of the crime for which the supervised person is
16 being supervised.

17 ↪ The term does not include termination from a specialty court
18 program.

19 **Sec. 13.** NRS 176A.540 is hereby amended to read as follows:

20 176A.540 1. ~~[The]~~ *Except as otherwise provided in*
21 *subsection 4, the* Chief Parole and Probation Officer may order the
22 residential confinement of a probationer if the Chief Parole and
23 Probation Officer believes that the probationer poses no danger to
24 the community and will appear at a scheduled ~~[inquiry or]~~ court
25 hearing.

26 2. In ordering the residential confinement of a probationer, the
27 Chief Parole and Probation Officer shall:

28 (a) Require the probationer to be confined to the probationer's
29 residence during the time the probationer is away from any
30 employment, community service or other activity authorized by the
31 Division; and

32 (b) Require ~~[intensive]~~ *enhanced* supervision of the probationer,
33 including, without limitation, unannounced visits to the
34 probationer's residence or other locations where the probationer is
35 expected to be to determine whether the probationer is complying
36 with the terms of confinement.

37 3. An electronic device approved by the Division may be used
38 to supervise a probationer who is ordered to be placed in residential
39 confinement. The device may be capable of using the Global
40 Positioning System, but must be minimally intrusive and limited in
41 capability to recording or transmitting information concerning
42 the probationer's location, including, but not limited to, the
43 transmission of still visual images which do not concern the
44 probationer's activities, and producing, upon request, reports or
45 records of the probationer's presence near or within a crime scene or



1 prohibited area or his or her departure from a specified geographic
2 location. A device which is capable of recording or transmitting:

- 3 (a) Oral or wire communications or any auditory sound; or
- 4 (b) Information concerning the probationer's activities,

5 ↪ must not be used.

6 4. The Chief Parole and Probation Officer shall not order a
7 probationer to be placed in residential confinement unless the
8 probationer agrees to the order.

9 5. Any residential confinement must not extend beyond the
10 unexpired maximum term of the original sentence.

11 **Sec. 14.** NRS 176A.560 is hereby amended to read as follows:

12 176A.560 1. The Chief Parole and Probation Officer may
13 terminate the residential confinement of a probationer and order the
14 detention of the probationer in a county jail pending ~~[an inquiry or]~~
15 **a** court hearing if:

16 (a) The probationer violates the terms or conditions of the
17 residential confinement; or

18 (b) The Chief Parole and Probation Officer, in his or her
19 discretion, determines that the probationer poses a danger to the
20 community or that there is a reasonable doubt that the probationer
21 will appear at the ~~[inquiry or]~~ hearing.

22 2. A probationer has no right to dispute a decision to terminate
23 the residential confinement.

24 **Sec. 15.** NRS 176A.630 is hereby amended to read as follows:

25 176A.630 1. If the probationer is arrested, by or without
26 warrant, in another judicial district of this state, the court which
27 granted the probation may assign the case to the district court of that
28 district, with the consent of that court. The court retaining or thus
29 acquiring jurisdiction shall cause the defendant to be brought before
30 it ~~[.]~~ **and** consider the ~~[standards adopted pursuant to NRS~~
31 ~~213.10988 and]~~ system of graduated sanctions adopted pursuant to
32 NRS 176A.510, ~~[as]~~ **if** applicable . ~~[, and the recommendation, if~~
33 ~~any, of the Chief Parole and Probation Officer.]~~ Upon determining
34 that the probationer has violated a condition of probation, the court
35 shall, if practicable, order the probationer to make restitution for any
36 necessary expenses incurred by a governmental entity in returning
37 the probationer to the court for violation of the probation. If the
38 court finds that the probationer committed a violation of a condition
39 of probation by committing a new felony or gross misdemeanor,
40 battery which constitutes domestic violence pursuant to NRS
41 200.485, violation of NRS 484C.110 or 484C.120, crime of violence
42 as defined in NRS 200.408 that is punishable as a misdemeanor,
43 harassment pursuant to NRS 200.571, stalking or aggravated
44 stalking pursuant to NRS 200.575, violation of a stay away order
45 involving a natural person who is the victim of the crime for which



1 the probationer is being supervised, violation of a temporary or
2 extended order for protection against domestic violence issued
3 pursuant to NRS 33.017 to 33.100, inclusive, a restraining order or
4 injunction that is in the nature of a temporary or extended order for
5 protection against domestic violence issued in an action or
6 proceeding brought pursuant to title 11 of NRS, a temporary or
7 extended order for protection against stalking, aggravated stalking
8 or harassment issued pursuant to NRS 200.591 or a temporary or
9 extended order for protection against sexual assault pursuant to NRS
10 200.378 or by absconding, the court may:

11 (a) Continue or revoke the probation or suspension of sentence;

12 (b) Order the probationer to a term of residential confinement
13 pursuant to NRS 176A.660;

14 (c) Order the probationer to undergo a program of regimental
15 discipline pursuant to NRS 176A.780;

16 (d) Cause the sentence imposed to be executed; or

17 (e) Modify the original sentence imposed by reducing the term
18 of imprisonment and cause the modified sentence to be executed.

19 The court shall not make the term of imprisonment less than the
20 minimum term of imprisonment prescribed by the applicable penal
21 statute. If the Chief Parole and Probation Officer recommends that
22 the sentence of a probationer be modified and the modified sentence
23 be executed, the Chief Parole and Probation Officer shall provide
24 notice of the recommendation to any victim of the crime for which
25 the probationer was convicted who has requested in writing to be
26 notified and who has provided a current address to the Division. The
27 notice must inform the victim that he or she has the right to submit
28 documents to the court and to be present and heard at the hearing to
29 determine whether the sentence of a probationer who has violated a
30 condition of probation should be modified. The court shall not
31 modify the sentence of a probationer and cause the sentence to be
32 executed until it has confirmed that the Chief Parole and Probation
33 Officer has complied with the provisions of this paragraph. The
34 Chief Parole and Probation Officer must not be held responsible
35 when such notification is not received by the victim if the victim has
36 not provided a current address. All personal information, including,
37 but not limited to, a current or former address, which pertains to a
38 victim and which is received by the Division pursuant to this
39 paragraph is confidential.

40 2. If the court finds that the probationer committed one or more
41 technical violations of the conditions of probation, the court may:

42 (a) Continue the probation or suspension of sentence;

43 (b) Order the probationer to a term of residential confinement
44 pursuant to NRS 176A.660;



1 (c) Temporarily revoke the probation or suspension of sentence
2 and impose a term of imprisonment of not more than:

- 3 (1) Thirty days for the first temporary revocation;
4 (2) Ninety days for the second temporary revocation; or
5 (3) One hundred and eighty days for the third temporary
6 revocation; or

7 (d) Fully revoke the probation or suspension of sentence and
8 impose imprisonment for the remainder of the sentence for a fourth
9 or subsequent revocation.

10 3. Notwithstanding any other provision of law, a probationer
11 who is arrested and detained for committing a technical violation of
12 the conditions of probation must be brought before the court not
13 later than 15 calendar days after the date of arrest and detention. If
14 the person is not brought before the court within 15 calendar days,
15 the probationer must be released from detention and returned to
16 probation status. Following a probationer's release from detention,
17 the court may subsequently hold a hearing to determine if a
18 technical violation has occurred. If the court finds that such a
19 technical violation occurred, the court may:

20 (a) Continue probation and modify the terms and conditions of
21 probation; or

22 (b) Fully or temporarily revoke probation in accordance with the
23 provisions of subsection 2.

24 4. The commission of one of the following acts by a
25 probationer must not, by itself, be used as the only basis for the
26 revocation of probation:

27 (a) Consuming any alcoholic beverage.

28 (b) Testing positive on a drug or alcohol test.

29 (c) Failing to abide by the requirements of a mental health or
30 substance use treatment program.

31 (d) Failing to seek and maintain employment.

32 (e) Failing to pay any required fines or fees.

33 (f) Failing to report any changes in residence.

34 5. As used in this section:

35 (a) "Absconding" means that a person is actively avoiding
36 supervision by making his or her whereabouts unknown to the
37 Division for a continuous period of 60 days or more.

38 (b) "Technical violation" means any alleged violation of the
39 conditions of probation that does not constitute absconding and is
40 not the commission of a:

41 (1) New felony or gross misdemeanor;

42 (2) Battery which constitutes domestic violence pursuant to
43 NRS 200.485;

44 (3) Violation of NRS 484C.110 or 484C.120;



1 (4) Crime of violence as defined in NRS 200.408 that is
2 punishable as a misdemeanor;

3 (5) Harassment pursuant to NRS 200.571 or stalking or
4 aggravated stalking pursuant to NRS 200.575;

5 (6) Violation of a temporary or extended order for protection
6 against domestic violence issued pursuant to NRS 33.017 to 33.100,
7 inclusive, a restraining order or injunction that is in the nature of a
8 temporary or extended order for protection against domestic
9 violence issued in an action or proceeding brought pursuant to title
10 11 of NRS, a temporary or extended order for protection against
11 stalking, aggravated stalking or harassment issued pursuant to NRS
12 200.591 or a temporary or extended order for protection against
13 sexual assault pursuant to NRS 200.378; or

14 (7) Violation of a stay away order involving a natural person
15 who is the victim of the crime for which the probationer is being
16 supervised.

17 ↪ The term does not include termination from a specialty court
18 program.

19 **Sec. 16.** NRS 176A.660 is hereby amended to read as follows:

20 176A.660 1. ~~HH~~ *Except as otherwise provided in subsection*
21 *4, if* a person who has been placed on probation violates a condition
22 of probation, the court may order the person to a term of residential
23 confinement in lieu of causing the sentence imposed to be executed.
24 In making this determination, the court shall consider the criminal
25 record of the person and the seriousness of the crime committed.

26 2. In ordering the person to a term of residential confinement,
27 the court shall:

28 (a) Direct that the person be placed under the supervision of the
29 Division and require:

30 (1) The person to be confined to the person's residence
31 during the time the person is away from any employment,
32 community service or other activity authorized by the Division; and

33 (2) ~~Intensive~~ *Enhanced* supervision of the person,
34 including, without limitation, unannounced visits to the person's
35 residence or other locations where the person is expected to be in
36 order to determine whether the person is complying with the terms
37 of confinement; or

38 (b) If the person was placed on probation for a felony
39 conviction, direct that the person be placed under the supervision of
40 the Department of Corrections and require the person to be confined
41 to a facility or institution of the Department for a period not to
42 exceed 6 months. The Department may select the facility or
43 institution in which to place the person.

44 3. An electronic device approved by the Division may be used
45 to supervise a person ordered to a term of residential confinement.



1 The device may be capable of using the Global Positioning System,
2 but must be minimally intrusive and limited in capability to
3 recording or transmitting information concerning the person's
4 location, including, but not limited to, the transmission of still visual
5 images which do not concern the person's activities, and producing,
6 upon request, reports or records of the person's presence near or
7 within a crime scene or prohibited area or his or her departure from
8 a specified geographic location. A device which is capable of
9 recording or transmitting:

- 10 (a) Oral or wire communications or any auditory sound; or
- 11 (b) Information concerning the person's activities,

12 ↪ must not be used.

13 4. The court shall not order a person to a term of residential
14 confinement unless the person agrees to the order.

15 5. A term of residential confinement may not be longer than
16 the unexpired maximum term of a sentence imposed by the court.

17 6. As used in this section:

18 (a) "Facility" has the meaning ascribed to it in NRS 209.065.

19 (b) "Institution" has the meaning ascribed to it in NRS 209.071.

20 **Sec. 17.** NRS 4.3762 is hereby amended to read as follows:

21 4.3762 1. Except as otherwise provided in subsection 7, in
22 lieu of imposing any punishment other than a minimum sentence
23 required by statute, a justice of the peace may sentence a person
24 convicted of a misdemeanor to a term of residential confinement. In
25 making this determination, the justice of the peace shall consider the
26 criminal record of the convicted person and the seriousness of the
27 crime committed.

28 2. In sentencing a convicted person to a term of residential
29 confinement, the justice of the peace shall:

30 (a) Require the convicted person to be confined to his or her
31 residence during the time the convicted person is away from his or
32 her employment, public service or other activity authorized by the
33 justice of the peace; and

34 (b) Require ~~[intensive]~~ *enhanced* supervision of the convicted
35 person, including, without limitation, electronic surveillance and
36 unannounced visits to his or her residence or other locations where
37 the convicted person is expected to be to determine whether the
38 convicted person is complying with the terms of his or her sentence.

39 3. In sentencing a convicted person to a term of residential
40 confinement, the justice of the peace may, when the circumstances
41 warrant, require the convicted person to submit to:

42 (a) A search and seizure by the chief of a department of
43 alternative sentencing, an assistant alternative sentencing officer or
44 any other law enforcement officer at any time of the day or night
45 without a search warrant; and



1 (b) Periodic tests to determine whether the offender is using a
2 controlled substance or consuming alcohol.

3 4. Except as otherwise provided in subsection 5, an electronic
4 device may be used to supervise a convicted person sentenced to a
5 term of residential confinement. The device may be capable of using
6 the Global Positioning System, but must be minimally intrusive and
7 limited in capability to recording or transmitting information
8 concerning the location of the person, including, but not limited to,
9 the transmission of still visual images which do not concern the
10 activities of the person, and producing, upon request, reports or
11 records of the person's presence near or within a crime scene or
12 prohibited area or his or her departure from a specified geographic
13 location. A device which is capable of recording or transmitting:

14 (a) Oral or wire communications or any auditory sound; or

15 (b) Information concerning the activities of the person,

16 ↪ must not be used.

17 5. An electronic device must be used in the manner set forth in
18 subsection 4 to supervise a person who is sentenced pursuant to
19 paragraph (b) of subsection 1 of NRS 484C.400 for a second
20 violation within 7 years of driving under the influence of
21 intoxicating liquor or a controlled substance.

22 6. A term of residential confinement, together with the term of
23 any minimum sentence required by statute, may not exceed the
24 maximum sentence which otherwise could have been imposed for
25 the offense.

26 7. The justice of the peace shall not sentence a person
27 convicted of committing a battery which constitutes domestic
28 violence pursuant to NRS 33.018 to a term of residential
29 confinement in lieu of imprisonment unless the justice of the peace
30 makes a finding that the person is not likely to pose a threat to the
31 victim of the battery.

32 8. The justice of the peace may issue a warrant for the arrest of
33 a convicted person who violates or fails to fulfill a condition of
34 residential confinement.

35 **Sec. 18.** NRS 5.076 is hereby amended to read as follows:

36 5.076 1. Except as otherwise provided in subsection 7, in lieu
37 of imposing any punishment other than a minimum sentence
38 required by statute, a municipal judge may sentence a person
39 convicted of a misdemeanor to a term of residential confinement. In
40 making this determination, the municipal judge shall consider the
41 criminal record of the convicted person and the seriousness of the
42 crime committed.

43 2. In sentencing a convicted person to a term of residential
44 confinement, the municipal judge shall:



1 (a) Require the convicted person to be confined to his or her
2 residence during the time the convicted person is away from his or
3 her employment, public service or other activity authorized by the
4 municipal judge; and

5 (b) Require ~~[intensive]~~ *enhanced* supervision of the convicted
6 person, including, without limitation, electronic surveillance and
7 unannounced visits to his or her residence or other locations where
8 the convicted person is expected to be in order to determine whether
9 the convicted person is complying with the terms of his or her
10 sentence.

11 3. In sentencing a convicted person to a term of residential
12 confinement, the municipal judge may, when the circumstances
13 warrant, require the convicted person to submit to:

14 (a) A search and seizure by the chief of a department of
15 alternative sentencing, an assistant alternative sentencing officer or
16 any other law enforcement officer at any time of the day or night
17 without a search warrant; and

18 (b) Periodic tests to determine whether the offender is using a
19 controlled substance or consuming alcohol.

20 4. Except as otherwise provided in subsection 5, an electronic
21 device may be used to supervise a convicted person sentenced to a
22 term of residential confinement. The device may be capable of using
23 the Global Positioning System, but must be minimally intrusive and
24 limited in capability to recording or transmitting information
25 concerning the location of the person, including, but not limited to,
26 the transmission of still visual images which do not concern the
27 activities of the person, and producing, upon request, reports or
28 records of the person's presence near or within a crime scene or
29 prohibited area or his or her departure from a specified geographic
30 location. A device which is capable of recording or transmitting:

31 (a) Oral or wire communications or any auditory sound; or

32 (b) Information concerning the activities of the person,

33 ↪ must not be used.

34 5. An electronic device must be used in the manner set forth in
35 subsection 4 to supervise a person who is sentenced pursuant to
36 paragraph (b) of subsection 1 of NRS 484C.400 for a second
37 violation within 7 years of driving under the influence of
38 intoxicating liquor or a controlled substance.

39 6. A term of residential confinement, together with the term of
40 any minimum sentence required by statute, may not exceed the
41 maximum sentence which otherwise could have been imposed for
42 the offense.

43 7. The municipal judge shall not sentence a person convicted
44 of committing a battery which constitutes domestic violence
45 pursuant to NRS 33.018 to a term of residential confinement in lieu



1 of imprisonment unless the municipal judge makes a finding that the
2 person is not likely to pose a threat to the victim of the battery.

3 8. The municipal judge may issue a warrant for the arrest of a
4 convicted person who violates or fails to fulfill a condition of
5 residential confinement.

6 **Sec. 19.** NRS 205.312 is hereby amended to read as follows:

7 205.312 **1.** Whenever any person who has leased or rented a
8 vehicle willfully and intentionally fails to return the vehicle to its
9 owner within 72 hours after the lease or rental agreement has
10 expired, that person may reasonably be inferred to have embezzled
11 the vehicle.

12 **2.** *A person who is convicted of embezzling a vehicle*
13 *pursuant to subsection 1 is guilty of a category C felony and shall*
14 *be punished as provided in NRS 193.130.*

15 **3.** *In addition to any other penalty, the court shall order the*
16 *person to pay restitution.*

17 **Sec. 20.** NRS 209.432 is hereby amended to read as follows:

18 209.432 As used in NRS 209.432 to 209.453, inclusive, unless
19 the context otherwise requires:

20 1. "Offender" includes:

21 (a) A person who is convicted of a felony under the laws of this
22 State and sentenced, ordered or otherwise assigned to serve a term
23 of residential confinement.

24 (b) A person who is convicted of a felony under the laws of this
25 State and assigned to the custody of the Division of Parole and
26 Probation of the Department of Public Safety pursuant to NRS
27 209.4886 or 209.4888.

28 2. "Residential confinement" means the confinement of a
29 person convicted of a felony to his or her place of residence under
30 the terms and conditions established pursuant to specific statute. The
31 term does not include any confinement ordered pursuant to NRS
32 ~~176A.530~~ **176A.540** to 176A.560, inclusive, 176A.660 to
33 176A.690, inclusive, 213.15105, 213.15193 or 213.152 to 213.1528,
34 inclusive.

35 **Sec. 21.** Chapter 213 of NRS is hereby amended by adding
36 thereto a new section to read as follows:

37 **1.** *The Division shall adopt a written system of graduated*
38 *sanctions for parole and probation officers to use when*
39 *responding to a technical violation of the conditions of parole. The*
40 *system must:*

41 (a) *Set forth a menu of presumptive sanctions for the most*
42 *common violations, including, without limitation, failure to report,*
43 *willful failure to pay fines and fees, failure to participate in a*
44 *required program or service, failure to complete community*



1 *service and failure to refrain from the use of alcohol or controlled*
2 *substances.*

3 *(b) Take into account factors such as responsivity factors*
4 *impacting a person's ability to successfully complete any*
5 *conditions of supervision, the severity of the current violation, the*
6 *person's previous criminal record, the number and severity of any*
7 *previous violations and the extent to which graduated sanctions*
8 *were imposed for previous violations.*

9 *2. The Division shall establish and maintain a program of*
10 *initial and ongoing training for parole and probation officers*
11 *regarding the system of graduated sanctions.*

12 *3. Notwithstanding any rule or law to the contrary, a parole*
13 *and probation officer shall use graduated sanctions established*
14 *pursuant to this section when responding to a technical violation.*

15 *4. A parole and probation officer intending to impose a*
16 *graduated sanction shall provide the supervised person with notice*
17 *of the intended sanction. The notice must inform the person of any*
18 *alleged violation and the date thereof and the graduated sanction to*
19 *be imposed.*

20 *5. The failure of a supervised person to comply with a*
21 *sanction may constitute a technical violation of the conditions of*
22 *parole.*

23 *6. The Division may not seek revocation of parole for a*
24 *technical violation of the conditions of parole until all graduated*
25 *sanctions have been exhausted. If the Division determines that all*
26 *graduated sanctions have been exhausted, the Division shall*
27 *submit a report to the Board outlining the reasons for the*
28 *recommendation of revocation and the steps taken by the Division*
29 *to change the supervised person's behavior while in the*
30 *community, including, without limitation, any graduated sanctions*
31 *imposed before recommending revocation.*

32 *7. As used in this section:*

33 *(a) "Absconding" has the meaning ascribed to it in*
34 *NRS 176A.630.*

35 *(b) "Technical violation" means any alleged violation of the*
36 *conditions of parole that does not constitute absconding and is not*
37 *the commission of a:*

38 *(1) New felony or gross misdemeanor;*

39 *(2) Battery which constitutes domestic violence pursuant to*
40 *NRS 200.485;*

41 *(3) Violation of NRS 484C.110 or 484C.120;*

42 *(4) Crime of violence as defined in NRS 200.408 that is*
43 *punishable as a misdemeanor;*

44 *(5) Harassment pursuant to NRS 200.571 or stalking or*
45 *aggravated stalking pursuant to NRS 200.575;*



1 (6) *Violation of a temporary or extended order for*
2 *protection against domestic violence issued pursuant to NRS*
3 *33.017 to 33.100, inclusive, a restraining order or injunction that*
4 *is in the nature of a temporary or extended order for protection*
5 *against domestic violence issued in an action or proceeding*
6 *brought pursuant to title 11 of NRS, a temporary or extended*
7 *order for protection against stalking, aggravated stalking or*
8 *harassment issued pursuant to NRS 200.591 or a temporary or*
9 *extended order for protection against sexual assault pursuant to*
10 *NRS 200.378; or*

11 (7) *Violation of a stay away order involving a natural*
12 *person who is the victim of the crime for which the supervised*
13 *person is being supervised.*

14 ↪ *The term does not include termination from a specialty court*
15 *program.*

16 **Sec. 22.** NRS 213.107 is hereby amended to read as follows:

17 213.107 As used in NRS 213.107 to 213.157, inclusive, *and*
18 *section 21 of this act*, unless the context otherwise requires:

19 1. “Board” means the State Board of Parole Commissioners.

20 2. “Chief” means the Chief Parole and Probation Officer.

21 3. “Division” means the Division of Parole and Probation of
22 the Department of Public Safety.

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

26 5. “Responsivity factors” means characteristics of a person that
27 affect his or her ability to respond favorably or unfavorably to any
28 treatment goals.

29 6. “Risk and needs assessment” means a validated,
30 standardized actuarial tool that identifies risk factors that increase
31 the likelihood of a person reoffending and factors that, when
32 properly addressed, can reduce the likelihood of a person
33 reoffending.

34 7. “Sex offender” means any person who has been or is
35 convicted of a sexual offense.

36 8. “Sexual offense” means:

37 (a) A violation of NRS 200.366, subsection 4 of NRS 200.400,
38 NRS 200.710, 200.720, subsection 2 of NRS 200.730, NRS
39 201.180, 201.230, 201.450, 201.540 or 201.550 or paragraph (a) or
40 (b) of subsection 4 or paragraph (a) or (b) of subsection 5 of
41 NRS 201.560;

42 (b) An attempt to commit any offense listed in paragraph (a); or

43 (c) An act of murder in the first or second degree, kidnapping in
44 the first or second degree, false imprisonment, burglary or invasion



1 of the home if the act is determined to be sexually motivated at a
2 hearing conducted pursuant to NRS 175.547.

3 9. "Standards" means the objective standards for granting or
4 revoking parole or probation which are adopted by the Board or the
5 Chief.

6 **Sec. 23.** NRS 213.1078 is hereby amended to read as follows:

7 213.1078 1. Except as otherwise provided in ~~subsection 3~~
8 ~~subsection 3, [and 5,]~~ the Division shall administer a risk and needs
9 assessment to each ~~probationer and~~ parolee under the Division's
10 supervision. The results of the risk and needs assessment must be
11 used to set a level of supervision for each ~~probationer and~~ parolee
12 and to develop individualized case plans pursuant to subsection ~~6.4~~
13 ~~4~~. The risk and needs assessment must be administered and scored
14 by a person trained in the administration of the tool.

15 2. ~~Except as otherwise provided in subsection 3, on a schedule~~
16 ~~determined by the Nevada Risk Assessment System, or its successor~~
17 ~~risk assessment tool, or more often if necessary, the Division shall~~
18 ~~administer a subsequent risk and needs assessment to each~~
19 ~~probationer. The results of the risk and needs assessment conducted~~
20 ~~in accordance with this section must be used to determine whether a~~
21 ~~change in the level of supervision is necessary. The Division shall~~
22 ~~document the reasons for maintaining or changing the level of~~
23 ~~supervision. If the Division changes the level of supervision, the~~
24 ~~Division shall notify the probationer of the change.~~

25 ~~3. The provisions of subsections 1 and 2 are not applicable if:~~

26 ~~(a) The level of supervision for the probationer is set by the~~
27 ~~court or by law; or~~

28 ~~(b) The probationer is ordered to participate in a program of~~
29 ~~probation secured by a security bond pursuant to NRS 176A.300 to~~
30 ~~176A.370, inclusive.~~

31 ~~4.]~~ Except as otherwise provided in subsection ~~5.]~~ ~~3~~, on a
32 schedule determined by the Nevada Risk Assessment System, or its
33 successor risk assessment tool, or more often if necessary, the
34 Division shall administer a subsequent risk and needs assessment to
35 each parolee. The results of the risk and needs assessment conducted
36 in accordance with this subsection must be used to determine
37 whether a change in the level of supervision is necessary. The
38 Division shall document the reasons for maintaining or changing the
39 level of supervision. If the Division changes the level of
40 supervision, the Division shall notify the parolee of the change.

41 ~~5.]~~ ~~3~~. The provisions of subsections 1 and ~~4]~~ ~~2~~ are not
42 applicable if the level of supervision for the parolee is set by the
43 Board or by law.

44 ~~6.]~~ ~~4~~. The Division shall develop an individualized case plan
45 for each ~~probationer and~~ parolee. The case plan must include a



1 plan for addressing the criminogenic risk factors identified on the
2 risk and needs assessment, if applicable, and the list of responsivity
3 factors that will need to be considered and addressed for each
4 ~~[probationer or]~~ parolee.

5 ~~[7. Upon a finding that a term or condition of probation~~
6 ~~ordered pursuant to subsection 1 of NRS 176A.400 or the level of~~
7 ~~supervision set pursuant to this section does not align with the~~
8 ~~results of a risk and needs assessment administered pursuant to~~
9 ~~subsection 1 or 2, the supervising officer shall seek a modification~~
10 ~~of the terms and conditions from the court pursuant to subsection 1~~
11 ~~of NRS 176A.450.~~

12 ~~—8.]~~ 5. Upon a finding that a condition of parole or the level of
13 parole supervision set pursuant to this section does not align with
14 the results of a risk and needs assessment administered pursuant to
15 subsection 1 or ~~[4.]~~ 2, the supervising officer shall submit a request
16 to the Board to modify the condition or level of supervision set by
17 the Board. The Division shall provide written notification to the
18 parolee of any modification.

19 ~~[9.]~~ 6. The risk and needs assessment required under this
20 section must undergo periodic validation studies in accordance with
21 the timeline established by the developer of the assessment. The
22 Division shall establish quality assurance procedures to ensure
23 proper and consistent scoring of the risk and needs assessment.

24 **Sec. 24.** NRS 213.1215 is hereby amended to read as follows:

25 213.1215 1. Except as otherwise provided in this section and
26 in cases where a consecutive sentence is still to be served, if a
27 prisoner sentenced to imprisonment for a term of 3 years or more:

28 (a) Has not been released on parole previously for that sentence;
29 and

30 (b) Is not otherwise ineligible for parole,
31 ↪ the prisoner must be released on parole 12 months before the end
32 of his or her maximum term or maximum aggregate term, as
33 applicable, as reduced by any credits the prisoner has earned to
34 reduce his or her sentence pursuant to chapter 209 of NRS.

35 2. Except as otherwise provided in this section, a prisoner who
36 was sentenced to life imprisonment with the possibility of parole
37 and who was less than 16 years of age at the time that the prisoner
38 committed the offense for which the prisoner was imprisoned must,
39 if the prisoner still has a consecutive sentence to be served, be
40 granted parole from his or her current term of imprisonment to his
41 or her subsequent term of imprisonment or must, if the prisoner does
42 not still have a consecutive sentence to be served, be released on
43 parole, if:

44 (a) The prisoner has served the minimum term or the minimum
45 aggregate term of imprisonment imposed by the court, as applicable;



1 (b) The prisoner has completed a program of general education
2 or an industrial or vocational training program;

3 (c) The prisoner has not been identified as a member of a group
4 that poses a security threat pursuant to the procedures for identifying
5 security threats established by the Department of Corrections; and

6 (d) The prisoner has not, within the immediately preceding 24
7 months:

8 (1) Committed a major violation of the regulations of the
9 Department of Corrections; or

10 (2) Been housed in disciplinary segregation.

11 3. If a prisoner who meets the criteria set forth in subsection 2
12 is determined to be a high risk to reoffend in a sexual manner
13 pursuant to NRS 213.1214, the Board is not required to release the
14 prisoner on parole pursuant to this section. If the prisoner is not
15 granted parole, a rehearing date must be scheduled pursuant to
16 NRS 213.142.

17 4. The Board shall prescribe any conditions necessary for the
18 orderly conduct of the parolee upon his or her release.

19 5. Each parolee so released must be supervised closely by the
20 Division, in accordance with the plan for *enhanced* supervision
21 developed by the Chief pursuant to NRS 213.122.

22 6. If a prisoner meets the criteria set forth in subsection 1 and
23 there are no current requests for notification of hearings made in
24 accordance with subsection 4 of NRS 213.131 or, if the Board is not
25 required to provide notification of hearings pursuant to NRS
26 213.10915, the Board has not been notified by the automated victim
27 notification system that a victim of the prisoner has registered with
28 the system to receive notification of hearings, the Board may grant
29 parole to the prisoner without a meeting. If the Board finds that
30 there is a reasonable probability that a prisoner considered for
31 release on parole pursuant to subsection 1 will be a danger to public
32 safety while on parole, the Board may require the prisoner to serve
33 the balance of his or her sentence and not grant the parole. If,
34 pursuant to this subsection, the Board does not grant the parole
35 provided for in subsection 1, the Board shall provide to the prisoner
36 a written statement of its reasons for denying parole.

37 7. If the Board finds that there is a reasonable probability that a
38 prisoner considered for release on parole pursuant to subsection 2
39 will be a danger to public safety while on parole, the Board is not
40 required to grant the parole and shall schedule a rehearing pursuant
41 to NRS 213.142. Except as otherwise provided in subsection 3 of
42 NRS 213.1519, if a prisoner is not granted parole pursuant to this
43 subsection, the criteria set forth in subsection 2 must be applied at
44 each subsequent hearing until the prisoner is granted parole or
45 expires his or her sentence. If, pursuant to this subsection, the Board



1 does not grant the parole provided for in subsection 2, the Board
2 shall provide to the prisoner a written statement of its reasons for
3 denying parole, along with specific recommendations of the Board,
4 if any, to improve the possibility of granting parole the next time the
5 prisoner may be considered for parole.

6 8. If the prisoner is the subject of a lawful request from another
7 law enforcement agency that the prisoner be held or detained for
8 release to that agency, the prisoner must not be released on parole,
9 but released to that agency.

10 9. If the Division has not completed its establishment of a
11 program for the prisoner's activities during his or her parole
12 pursuant to this section, the prisoner must be released on parole as
13 soon as practicable after the prisoner's program is established.

14 10. For the purposes of this section, the determination of the
15 12-month period before the end of a prisoner's term must be
16 calculated without consideration of any credits the prisoner may
17 have earned to reduce his or her sentence had the prisoner not been
18 paroled.

19 **Sec. 25.** NRS 213.122 is hereby amended to read as follows:

20 213.122 The Chief shall develop a statewide plan for the
21 ~~[strict]~~ **enhanced** supervision of parolees released pursuant to NRS
22 213.1215. In addition to such other provisions as the Chief deems
23 appropriate, the plan must provide for the supervision of such
24 parolees by assistant parole and probation officers whose caseload
25 allows for enhanced supervision of the parolees under their charge
26 unless, because of the remoteness of the community to which the
27 parolee is released, enhanced supervision is impractical.

28 **Sec. 26.** NRS 213.124 is hereby amended to read as follows:

29 213.124 1. Upon the granting of parole to a prisoner, the
30 Board may require the parolee to submit to a program of ~~[intensive]~~
31 **enhanced** supervision as a condition of his or her parole.

32 2. The Chief shall develop a program for the ~~[intensive]~~
33 **enhanced** supervision of parolees required to submit to such a
34 program pursuant to subsection 1. The program must include an
35 initial period of electronic supervision of the parolee with an
36 electronic device approved by the Division. The device may be
37 capable of using the Global Positioning System, but must be
38 minimally intrusive and limited in capability to recording or
39 transmitting information concerning the parolee's location,
40 including, but not limited to, the transmission of still visual images
41 which do not concern the parolee's activities, and producing, upon
42 request, reports or records of the parolee's presence near or within a
43 crime scene or prohibited area or his or her departure from a
44 specified geographic location. A device which is capable of
45 recording or transmitting:



- 1 (a) Oral or wire communications or any auditory sound; or
- 2 (b) Information concerning the parolee's activities,

3 → must not be used.

4 **Sec. 27.** NRS 213.150 is hereby amended to read as follows:

5 213.150 The Board may:

6 1. Make and enforce regulations covering the conduct of
7 paroled prisoners.

8 2. Retake or cause to be retaken and imprisoned any prisoner
9 so upon parole, subject to the procedures prescribed in NRS 213.151
10 to 213.1519, inclusive ~~[]~~, *and section 21 of this act.*

11 **Sec. 28.** NRS 213.15193 is hereby amended to read as
12 follows:

13 213.15193 1. Except as otherwise provided in ~~[subsection]~~
14 *subsections 4 and 6*, the Chief may order the residential
15 confinement of a parolee if the Chief believes that the parolee does
16 not pose a danger to the community and will appear at a scheduled
17 ~~[inquiry or]~~ hearing.

18 2. In ordering the residential confinement of a parolee, the
19 Chief shall:

20 (a) Require the parolee to be confined to his or her residence
21 during the time the parolee is away from his or her employment,
22 community service or other activity authorized by the Division; and

23 (b) Require ~~[intensive]~~ *enhanced* supervision of the parolee,
24 including, without limitation, unannounced visits to his or her
25 residence or other locations where the parolee is expected to be to
26 determine whether the parolee is complying with the terms of his or
27 her confinement.

28 3. An electronic device approved by the Division may be used
29 to supervise a parolee who is ordered to be placed in residential
30 confinement. The device may be capable of using the Global
31 Positioning System, but must be minimally intrusive and limited in
32 capability to recording or transmitting information concerning
33 the location of the parolee, including, without limitation, the
34 transmission of still visual images which do not concern the
35 activities of the parolee, and producing, upon request, reports or
36 records of the parolee's presence near or within a crime scene or
37 prohibited area or his or her departure from a specified geographic
38 location. A device which is capable of recording or transmitting:

- 39 (a) Oral or wire communications or any auditory sound; or
- 40 (b) Information concerning the activities of the parolee,

41 → must not be used.

42 4. The Chief shall not order a parolee to be placed in residential
43 confinement unless the parolee agrees to the order.

44 5. Any residential confinement must not extend beyond the
45 unexpired maximum term of the original sentence of the parolee.



6. The Chief shall not order a parolee who is serving a sentence for committing a battery which constitutes domestic violence pursuant to NRS 33.018 to be placed in residential confinement unless the Chief makes a finding that the parolee is not likely to pose a threat to the victim of the battery.

Sec. 29. NRS 213.152 is hereby amended to read as follows:

213.152 1. Except as otherwise provided in ~~subsection~~ *subsections 5 and 7*, if a parolee violates a condition of his or her parole, the Board may order the parolee to a term of residential confinement in lieu of suspending his or her parole and returning the parolee to confinement. In making this determination, the Board shall consider the criminal record of the parolee and the seriousness of the crime committed.

2. In ordering the parolee to a term of residential confinement, the Board shall:

(a) Require:

(1) The parolee to be confined to his or her residence during the time the parolee is away from his or her employment, community service or other activity authorized by the Division; and

(2) ~~Intensive~~ *Enhanced* supervision of the parolee, including, without limitation, unannounced visits to his or her residence or other locations where the parolee is expected to be in order to determine whether the parolee is complying with the terms of his or her confinement; or

(b) Require the parolee to be confined to a facility or institution of the Department of Corrections for a period not to exceed 6 months. The Department may select the facility or institution in which to place the parolee.

3. An electronic device approved by the Division may be used to supervise a parolee ordered to a term of residential confinement. The device may be capable of using the Global Positioning System, but must be minimally intrusive and limited in capability to recording or transmitting information concerning the location of the parolee, including, but not limited to, the transmission of still visual images which do not concern the activities of the parolee, and producing, upon request, reports or records of the parolee's presence near or within a crime scene or prohibited area or his or her departure from a specified geographic location. A device which is capable of recording or transmitting:

(a) Oral or wire communications or any auditory sound; or

(b) Information concerning the activities of the parolee,

↪ must not be used.

4. A parolee who is confined to a facility or institution of the Department of Corrections pursuant to paragraph (b) of subsection 2:



1 (a) May earn credits to reduce his or her sentence pursuant to
2 chapter 209 of NRS; and

3 (b) Shall not be deemed to be released on parole for purposes of
4 NRS 209.447 or 209.4475 during the period of that confinement.

5 5. The Board shall not order a parolee to a term of residential
6 confinement unless the parolee agrees to the order.

7 6. A term of residential confinement may not be longer than
8 the unexpired maximum term of the original sentence of the parolee.

9 7. The Board shall not order a parolee who is serving a
10 sentence for committing a battery which constitutes domestic
11 violence pursuant to NRS 33.018 to a term of residential
12 confinement unless the Board makes a finding that the parolee is not
13 likely to pose a threat to the victim of the battery.

14 8. As used in this section:

15 (a) "Facility" has the meaning ascribed to it in NRS 209.065.

16 (b) "Institution" has the meaning ascribed to it in NRS 209.071.

17 **Sec. 30.** NRS 213.1528 is hereby amended to read as follows:

18 213.1528 The Board shall establish procedures to administer a
19 program of *enhanced* supervision for parolees who are ordered to a
20 term of residential confinement pursuant to NRS 213.152.

21 **Sec. 31.** NRS 213.380 is hereby amended to read as follows:

22 213.380 1. The Division shall establish procedures for the
23 residential confinement of offenders.

24 2. The Division may establish, and at any time modify, the
25 terms and conditions of the residential confinement, except that the
26 Division shall:

27 (a) Require the offender to participate in regular sessions of
28 education, counseling and any other necessary or desirable treatment
29 in the community, unless the offender is assigned to the custody of
30 the Division pursuant to NRS 209.3923 or 209.3925;

31 (b) Require the offender to be confined to his or her residence
32 during the time the offender is not:

33 (1) Engaged in employment or an activity listed in paragraph
34 (a) that is authorized by the Division;

35 (2) Receiving medical treatment that is authorized by the
36 Division; or

37 (3) Engaged in any other activity that is authorized by the
38 Division; and

39 (c) Require ~~[intensive]~~ *enhanced* supervision of the offender,
40 including unannounced visits to his or her residence or other
41 locations where the offender is expected to be in order to determine
42 whether the offender is complying with the terms and conditions of
43 his or her confinement.

44 3. An electronic device approved by the Division may be used
45 to supervise an offender. The device may be capable of using the



1 Global Positioning System, but must be minimally intrusive and
2 limited in capability to recording or transmitting information
3 concerning the offender's location, including, but not limited to, the
4 transmission of still visual images which do not concern the
5 offender's activities, and producing, upon request, reports or records
6 of the offender's presence near or within a crime scene or prohibited
7 area or his or her departure from a specified geographic location. A
8 device which is capable of recording or transmitting:

9 (a) Oral or wire communications or any auditory sound; or

10 (b) Information concerning the offender's activities,

11 ↪ must not be used.

12 **Sec. 31.5.** NRS 228.177 is hereby amended to read as follows:

13 228.177 1. As used in this section ~~["county"]~~ :

14 (a) *"City officer or employee" means an elected officer of a*
15 *city or any city officer or employee who is compensated from a city*
16 *treasury.*

17 (b) *"County officer or employee" means an elected officer of a*
18 *county or any county officer or employee who is compensated from*
19 *a county treasury.*

20 2. The Attorney General may investigate and prosecute any
21 criminal offense committed by a county officer or employee *or a*
22 *city officer or employee* in the course of his or her duties or arising
23 out of circumstances related to his or her position, if:

24 (a) The district attorney of the county *or the city attorney, as*
25 *applicable*, has stated in writing to the Attorney General that he or
26 she does not intend to act in the matter; or

27 (b) The Attorney General has inquired in writing of the district
28 attorney *or the city attorney, as applicable*, whether he or she
29 intends to act in the matter and:

30 (1) The Attorney General has not received a written response
31 within 30 days after the district attorney *or the city attorney, as*
32 *applicable*, received the inquiry; or

33 (2) The district attorney *or the city attorney, as applicable*,
34 responds in writing that he or she intends to act in the matter, but an
35 ~~["information or"]~~ indictment *is not found or an information or*
36 *complaint* is not filed , *as applicable*, within 90 days after the
37 response.

38 3. When he or she is acting pursuant to this section, the
39 Attorney General may commence his or her investigation and file a
40 criminal action with leave of court, and the Attorney General has
41 exclusive charge of the conduct of the prosecution.

42 4. An ~~["information or"]~~ indictment , *information or complaint*
43 may not be dismissed on the ground that the district attorney *or the*
44 *city attorney, as applicable*, or *the* Attorney General has not
45 complied with this section.



1 **Sec. 32.** NRS 453.336 is hereby amended to read as follows:

2 453.336 1. Except as otherwise provided in subsection ~~5~~ 6,
3 a person shall not knowingly or intentionally possess a controlled
4 substance, unless the substance was obtained directly from, or
5 pursuant to, a prescription or order of a physician, physician
6 assistant licensed pursuant to chapter 630 or 633 of NRS, dentist,
7 podiatric physician, optometrist, advanced practice registered nurse
8 or veterinarian while acting in the course of his or her professional
9 practice, or except as otherwise authorized by the provisions of NRS
10 453.005 to 453.552, inclusive.

11 2. Except as otherwise provided in subsections 3 , ~~and~~ 4 and
12 5 and in NRS 453.3363, and unless a greater penalty is provided in
13 NRS 212.160, 453.3385 or 453.339, a person who violates this
14 section:

15 (a) For a first or second offense, if the controlled substance is
16 listed in schedule I or II and the quantity possessed is less than 14
17 grams, or if the controlled substance is listed in schedule III, IV or V
18 and the quantity possessed is less than 28 grams, is guilty of
19 possession of a controlled substance and shall be punished for a
20 category E felony as provided in NRS 193.130. In accordance with
21 NRS 176.211, the court shall defer judgment upon the consent of the
22 person.

23 (b) For a third or subsequent offense, if the controlled substance
24 is listed in schedule I or II and the quantity possessed is less than 14
25 grams, or if the controlled substance is listed in schedule III, IV or V
26 and the quantity possessed is less than 28 grams, or if the offender
27 has previously been convicted two or more times in the aggregate of
28 any violation of the law of the United States or of any state, territory
29 or district relating to a controlled substance, is guilty of possession
30 of a controlled substance and shall be punished for a category D
31 felony as provided in NRS 193.130, and may be further punished by
32 a fine of not more than \$20,000.

33 (c) If the controlled substance is listed in schedule I or II and the
34 quantity possessed is 14 grams or more, but less than 28 grams, or if
35 the controlled substance is listed in schedule III, IV or V and the
36 quantity possessed is 28 grams or more, but less than 200 grams, is
37 guilty of low-level possession of a controlled substance and shall be
38 punished for a category C felony as provided in NRS 193.130.

39 (d) If the controlled substance is listed in schedule I or II and the
40 quantity possessed is 28 grams or more, but less than 42 grams, or if
41 the controlled substance is listed in schedule III, IV or V and the
42 quantity possessed is 200 grams or more, is guilty of mid-level
43 possession of a controlled substance and shall be punished for a
44 category B felony by imprisonment in the state prison for a



1 minimum term of not less than 1 year and a maximum term of not
2 more than 10 years and by a fine of not more than \$50,000.

3 (e) If the controlled substance is listed in schedule I or II and the
4 quantity possessed is 42 grams or more, but less than 100 grams, is
5 guilty of a high-level possession of a controlled substance and shall be
6 punished for a category B felony by imprisonment in the state prison
7 for a minimum term of not less than 2 years and a maximum term of
8 not more than 15 years and by a fine of not more than \$50,000.

9 3. Unless a greater penalty is provided in NRS 212.160,
10 453.337 or 453.3385, a person who is convicted of the possession of
11 flunitrazepam or gamma-hydroxybutyrate, or any substance for
12 which flunitrazepam or gamma-hydroxybutyrate is an immediate
13 precursor, is guilty of a category B felony and shall be punished by
14 imprisonment in the state prison for a minimum term of not less
15 than 1 year and a maximum term of not more than 6 years.

16 4. Unless a greater penalty is provided pursuant to NRS
17 212.160, a person who is convicted of the possession of 1 ounce or
18 less of marijuana:

19 (a) For the first offense, is guilty of a misdemeanor and shall be:

20 (1) Punished by a fine of not more than \$600; or

21 (2) Assigned to a program of treatment and rehabilitation
22 pursuant to NRS 176A.230 if the court determines that the person is
23 eligible to participate in such a program.

24 (b) For the second offense, is guilty of a misdemeanor and shall
25 be:

26 (1) Punished by a fine of not more than \$1,000; or

27 (2) Assigned to a program of treatment and rehabilitation
28 pursuant to NRS 176A.230 if the court determines that the person is
29 eligible to participate in such a program.

30 (c) For the third offense, is guilty of a gross misdemeanor and
31 shall be punished as provided in NRS 193.140.

32 (d) For a fourth or subsequent offense, is guilty of a category E
33 felony and shall be punished as provided in NRS 193.130.

34 5. *Unless a greater penalty is provided pursuant to NRS*
35 *212.160, a person who is convicted of the possession of more than*
36 *1 ounce, but less than 50 pounds, of marijuana or more than one-*
37 *eighth of an ounce, but less than one pound, of concentrated*
38 *cannabis is guilty of a category E felony and shall be punished as*
39 *provided in NRS 193.130.*

40 6. It is not a violation of this section if a person possesses a
41 trace amount of a controlled substance and that trace amount is in or
42 on a hypodermic device obtained from a sterile hypodermic device
43 program pursuant to NRS 439.985 to 439.994, inclusive.

44 ~~6.~~ 7. The court may grant probation to or suspend the
45 sentence of a person convicted of violating this section.



~~7.1~~ 8. As used in this section:

(a) "Controlled substance" includes flunitrazepam, gamma-hydroxybutyrate and each substance for which flunitrazepam or gamma-hydroxybutyrate is an immediate precursor.

(b) "Marijuana" does not include concentrated cannabis.

(c) "Sterile hypodermic device program" has the meaning ascribed to it in NRS 439.986.

Sec. 32.5. 1. There is hereby appropriated from the State General Fund to the Department of Sentencing Policy for personnel costs related to data management the following sums:

For the Fiscal Year 2021-2022 \$75,345

For the Fiscal Year 2022-2023 \$96,987

2. Any balance of the sums appropriated by subsection 1 remaining at the end of the respective fiscal years must not be committed for expenditure after June 30 of the respective fiscal years by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 16, 2022, and September 15, 2023, respectively, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 16, 2022, and September 15, 2023, respectively.

Sec. 33. The amendatory provisions of:

1. Sections 19 and 32 of this act apply to an offense committed:

(a) On or after July 1, 2021; and

(b) Before July 1, 2021, if the person is sentenced on or after July 1, 2021.

2. Section 31.5 of this act apply to an offense committed:

(a) On or after the effective date of section 31.5 of this act; and

(b) Before the effective date of section 31.5 of this act if the applicable statute of limitations has commenced but has not yet expired on the effective date of section 31.5 of this act.

Sec. 34. The provisions of subsection 1 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. 35. NRS 176A.530, 176A.580, 176A.590, 176A.600, 176A.610 and 213.10988 are hereby repealed.

Sec. 36. 1. This section and sections 1, 2, 4 to 6.5, inclusive, 31.5, 33 and 34 of this act become effective upon passage and approval.

2. Sections 3, 7 to 31, inclusive, 32, 32.5 and 35 of this act become effective on July 1, 2021.



LEADLINES OF REPEALED SECTIONS

176A.530 Authority of Chief Parole and Probation Officer to order.

176A.580 Inquiry required before alleged violation considered by court; qualifications of inquiring officer; time and place of inquiry; exceptions; subpoenas.

176A.590 Enforcement of subpoena issued by inquiring officer; contempt.

176A.600 Notice to probationer; rights of probationer at inquiry.

176A.610 Duties of inquiring officer; determination; detention or residential confinement of probationer upon finding probable cause.

213.10988 Chief to adopt standards for recommendations regarding parole or probation.



