

SENATE BILL NO. 265—SENATORS
PARKS, LESLIE; AND DENIS

MARCH 17, 2011

Referred to Committee on Judiciary

SUMMARY—Revises provisions governing sentencing of criminal offenders and determining eligibility of prisoners for parole. (BDR 14-311)

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

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EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to offenders; requiring the aggregation of certain consecutive sentences of imprisonment imposed on an offender; making credits earned by a prisoner to reduce his or her sentence applicable to an aggregated sentence; revising the manner in which credits are earned to reduce the minimum term of imprisonment; revising provisions relating to the parole of certain prisoners; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 Under existing law, a person who is convicted of committing more than one
2 crime may be sentenced to serve the sentences imposed for each crime concurrently
3 or consecutively. If a person is sentenced to serve consecutive sentences, he or she
4 must complete or be paroled from one sentence before beginning to serve the next
5 sentence. (NRS 176.035) Existing law further provides that for crimes committed
6 on or after July 1, 2009, if two or more sentences of life imprisonment with the
7 possibility of parole are imposed, the minimum sentences are aggregated for
8 purposes of determining parole eligibility. By aggregating the minimum sentences,
9 the prisoner is not paroled from the first offense separately, but rather becomes
10 eligible for parole after the minimum aggregate term of imprisonment has been
11 served. (NRS 213.1213) If the crimes were committed before July 1, 2009, existing
12 law authorizes a prisoner serving two or more sentences of life imprisonment with
13 the possibility of parole to request to have the sentences aggregated. Otherwise,
14 parole eligibility continues to be determined for each sentence separately.

15 **Section 1** of this bill provides that when a court imposes consecutive sentences,
16 those sentences must be aggregated if the crimes were committed on or after July 1,
17 2012, unless any of the sentences includes a sentence of life without the possibility
18 of parole or death. **Section 9** of this bill further provides that a prisoner who is



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19 serving consecutive sentences may submit a request to the Director of the
20 Department of Corrections to make an irrevocable election to aggregate any
21 remaining sentences for which parole has not previously been considered. **Sections**
22 **1 and 9** provide that sentences for offenses which are entered at different times
23 may not be aggregated. For example, a felony that is committed while serving a
24 sentence for another felony may not be aggregated with the earlier sentence. By
25 aggregating sentences, a prisoner will become eligible for parole after the minimum
26 aggregate term of imprisonment has been served. **Section 13** of this bill limits the
27 current aggregation of multiple life sentences so that the sentences for any crime
28 committed on or after July 1, 2012, will be aggregated in the manner provided in
29 **sections 1 and 9**.

30 Existing law further provides that prisoners may earn certain credits to reduce
31 their sentences. Most credits earned reduce only the maximum term of
32 imprisonment, however, in some cases, the credits earned reduce both the minimum
33 and maximum terms of imprisonment. When the credits are authorized to be
34 deducted from the minimum term of imprisonment, the credits are deducted from
35 the minimum term until the offender becomes eligible for parole. (NRS 209.4465)
36 **Section 4** of this bill instead provides that for offenses committed on or after July 1,
37 2012, such credits may reduce the minimum term imposed by the sentence by not
38 more than 58 percent. **Sections 2-8** of this bill revise provisions governing credits
39 earned by offenders to reduce their sentences to ensure that the credits also apply to
40 aggregated sentences. **Section 9** of this bill further clarifies that with respect to such
41 credits, the credits apply to the aggregated sentences to the same extent that they
42 would apply had the sentences not been aggregated. **Sections 10-18** of this bill
43 make technical changes to various statutes to include necessary references to
44 aggregated sentences.

45 Existing law also requires under certain circumstances that a prisoner who was
46 sentenced to life imprisonment with the possibility of parole and who was less than
47 16 years of age at the time the prisoner committed the offense for which he or she
48 was imprisoned be: (1) granted parole from his or her current term of imprisonment
49 to his or her subsequent term of imprisonment, if the prisoner still has a consecutive
50 sentence to be served; or (2) released on parole if the prisoner does not have a
51 consecutive sentence to be served. (NRS 213.1215) **Section 14** of this bill provides
52 that the State Board of Parole Commissioners is not required to release such a
53 prisoner on parole if: (1) the prisoner is determined to be a high risk to reoffend; or
54 (2) the Board determines that there is a reasonable probability that the prisoner will
55 be a danger to public safety while on parole. **Section 16** of this bill provides that
56 such a prisoner released on parole whose parole is revoked for a violation of any
57 rule or regulation governing his or her conduct cannot be considered again for
58 release on parole pursuant to his or her qualification under such provisions but may
59 be considered for release on parole pursuant to other provisions of law.

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

1 **Section 1.** NRS 176.035 is hereby amended to read as follows:
2 176.035 1. Except as otherwise provided in subsection ~~2~~ **3**,
3 whenever a person is convicted of two or more offenses, and
4 sentence has been pronounced for one offense, the court in imposing
5 any subsequent sentence may provide that the sentences
6 subsequently pronounced run either concurrently or consecutively
7 with the sentence first imposed. Except as otherwise provided in



1 subsections ~~[2]~~ 3 and ~~[3,]~~ 4, if the court makes no order with
2 reference thereto, all such subsequent sentences run concurrently.
3 *For offenses committed on or after July 1, 2012, if the court*
4 *imposes the sentences to run consecutively, the court must*
5 *pronounce the minimum and maximum aggregate terms of*
6 *imprisonment pursuant to subsection 2, unless the defendant is*
7 *sentenced to life imprisonment without the possibility of parole or*
8 *death.*

9 2. *When aggregating terms of imprisonment pursuant to*
10 *subsection 1:*

11 (a) *If at least one sentence imposes a maximum term of*
12 *imprisonment for life with the possibility of parole, the court must*
13 *aggregate the minimum terms of imprisonment to determine the*
14 *minimum aggregate term of imprisonment, and the maximum*
15 *aggregate term of imprisonment shall be deemed to be*
16 *imprisonment in the state prison for life with the possibility of*
17 *parole.*

18 (b) *If all the sentences impose a minimum and maximum term*
19 *of imprisonment, the court must aggregate the minimum terms of*
20 *imprisonment to determine the minimum aggregate term of*
21 *imprisonment and must aggregate the maximum terms*
22 *of imprisonment to determine the maximum aggregate term of*
23 *imprisonment.*

24 3. Except as otherwise provided in this subsection, whenever a
25 person under sentence of imprisonment for committing a felony
26 commits another crime constituting a felony and is sentenced to
27 another term of imprisonment for that felony, the latter term must
28 not begin until the expiration of all prior terms ~~[]~~, *including the*
29 *expiration of any prior aggregated terms.* If the person is a
30 probationer at the time the subsequent felony is committed, the court
31 may provide that the latter term of imprisonment run concurrently
32 with any prior terms or portions thereof. If the person is sentenced to
33 a term of imprisonment for life without the possibility of parole, the
34 sentence must be executed without reference to the unexpired term
35 of imprisonment and without reference to eligibility for parole.

36 ~~[3,]~~ 4. Whenever a person under sentence of imprisonment
37 commits another crime constituting a misdemeanor or gross
38 misdemeanor, the court shall provide expressly whether the sentence
39 subsequently pronounced runs concurrently or consecutively with
40 the one first imposed.

41 ~~[4,]~~ 5. Whenever a person under sentence of imprisonment
42 commits another crime for which the punishment is death, the
43 sentence must be executed without reference to the unexpired term
44 of imprisonment.



1 ~~5.~~ 6. This section does not prevent the State Board of Parole
2 Commissioners from paroling a person under consecutive sentences
3 of imprisonment from a current term of imprisonment to a
4 subsequent term of imprisonment.

5 **Sec. 2.** NRS 209.443 is hereby amended to read as follows:

6 209.443 1. Every offender who is sentenced to prison after
7 June 30, 1969, for a crime committed before July 1, 1985, who has
8 no serious infraction of the regulations of the Department, the terms
9 and conditions of his or her residential confinement, or the laws of
10 the State recorded against the offender, and who performs in a
11 faithful, orderly and peaceable manner the duties assigned to the
12 offender, must be allowed:

13 (a) For the period the offender is actually incarcerated under
14 sentence; and

15 (b) For the period the offender is in residential confinement,
16 → a deduction of 2 months for each of the first 2 years, 4 months for
17 each of the next 2 years and 5 months for each of the remaining
18 years of the term, and pro rata for any part of a year where the actual
19 term served is for more or less than a year. Credit must be recorded
20 on a monthly basis as earned for actual time served.

21 2. The credits earned by an offender must be deducted from the
22 maximum term *or the maximum aggregate term* imposed by the
23 sentence, *as applicable*, and, except as otherwise provided in
24 subsection 5, must apply to eligibility for parole.

25 3. In addition to the credits for good behavior provided for in
26 subsection 1, the Board shall adopt regulations allowing credits for
27 offenders whose diligence in labor or study merits such credits and
28 for offenders who donate their blood for charitable purposes. The
29 regulations must provide that an offender is entitled to the following
30 credits for educational achievement:

31 (a) For earning a general educational development certificate, 30
32 days.

33 (b) For earning a high school diploma, 60 days.

34 (c) For earning an associate degree, 90 days.

35 4. Each offender is entitled to the deductions allowed by this
36 section if the offender has satisfied the conditions of subsection 1 or
37 3 as determined by the Director.

38 5. Credits earned pursuant to this section do not apply to
39 eligibility for parole if a statute specifies a minimum sentence which
40 must be served before a person becomes eligible for parole.

41 **Sec. 3.** NRS 209.446 is hereby amended to read as follows:

42 209.446 1. Every offender who is sentenced to prison for a
43 crime committed on or after July 1, 1985, but before July 17, 1997,
44 who has no serious infraction of the regulations of the Department,
45 the terms and conditions of his or her residential confinement, or the



1 laws of the State recorded against the offender, and who performs in
2 a faithful, orderly and peaceable manner the duties assigned to the
3 offender, must be allowed:

4 (a) For the period the offender is actually incarcerated under
5 sentence;

6 (b) For the period the offender is in residential confinement; and

7 (c) For the period the offender is in the custody of the Division
8 of Parole and Probation of the Department of Public Safety pursuant
9 to NRS 209.4886 or 209.4888,

10 ➔ a deduction of 10 days from the offender's sentence for each
11 month the offender serves.

12 2. In addition to the credit provided for in subsection 1, the
13 Director may allow not more than 10 days of credit each month for
14 an offender whose diligence in labor and study merits such credits.
15 In addition to the credits allowed pursuant to this subsection, an
16 offender is entitled to the following credits for educational
17 achievement:

18 (a) For earning a general educational development certificate, 30
19 days.

20 (b) For earning a high school diploma, 60 days.

21 (c) For earning an associate degree, 90 days.

22 3. The Director may allow not more than 10 days of credit each
23 month for an offender who participates in a diligent and responsible
24 manner in a center for the purpose of making restitution, program
25 for reentry of offenders and parolees into the community,
26 conservation camp, program of work release or another program
27 conducted outside of the prison. An offender who earns credit
28 pursuant to this subsection is entitled to the entire 20 days of credit
29 each month which is authorized in subsections 1 and 2.

30 4. The Director may allow not more than 90 days of credit each
31 year for an offender who engages in exceptional meritorious service.

32 5. The Board shall adopt regulations governing the award,
33 forfeiture and restoration of credits pursuant to this section.

34 6. Credits earned pursuant to this section:

35 (a) Must be deducted from the maximum term *or the maximum*
36 *aggregate term* imposed by the sentence ~~§~~, *as applicable*; and

37 (b) Apply to eligibility for parole unless the offender was
38 sentenced pursuant to a statute which specifies a minimum sentence
39 which must be served before a person becomes eligible for parole.

40 **Sec. 4.** NRS 209.4465 is hereby amended to read as follows:

41 209.4465 1. An offender who is sentenced to prison for a
42 crime committed on or after July 17, 1997, who has no serious
43 infraction of the regulations of the Department, the terms and
44 conditions of his or her residential confinement or the laws of the
45 State recorded against the offender, and who performs in a faithful,



1 orderly and peaceable manner the duties assigned to the offender,
2 must be allowed:

3 (a) For the period the offender is actually incarcerated pursuant
4 to his or her sentence;

5 (b) For the period the offender is in residential confinement; and

6 (c) For the period the offender is in the custody of the Division
7 of Parole and Probation of the Department of Public Safety pursuant
8 to NRS 209.4886 or 209.4888,

9 → a deduction of 20 days from his or her sentence for each month
10 the offender serves.

11 2. In addition to the credits allowed pursuant to subsection 1,
12 the Director may allow not more than 10 days of credit each month
13 for an offender whose diligence in labor and study merits such
14 credits. In addition to the credits allowed pursuant to this subsection,
15 an offender is entitled to the following credits for educational
16 achievement:

17 (a) For earning a general educational development certificate, 60
18 days.

19 (b) For earning a high school diploma, 90 days.

20 (c) For earning his or her first associate degree, 120 days.

21 3. The Director may, in his or her discretion, authorize an
22 offender to receive a maximum of 90 days of credit for each
23 additional degree of higher education earned by the offender.

24 4. The Director may allow not more than 10 days of credit each
25 month for an offender who participates in a diligent and responsible
26 manner in a center for the purpose of making restitution, program
27 for reentry of offenders and parolees into the community,
28 conservation camp, program of work release or another program
29 conducted outside of the prison. An offender who earns credit
30 pursuant to this subsection is eligible to earn the entire 30 days of
31 credit each month that is allowed pursuant to subsections 1 and 2.

32 5. The Director may allow not more than 90 days of credit each
33 year for an offender who engages in exceptional meritorious service.

34 6. The Board shall adopt regulations governing the award,
35 forfeiture and restoration of credits pursuant to this section.

36 7. Except as otherwise provided in **[subsection] subsections 8**
37 **and 9**, credits earned pursuant to this section:

38 (a) Must be deducted from the maximum term **or the maximum**
39 **aggregate term** imposed by the sentence **[§], as applicable;** and

40 (b) Apply to eligibility for parole unless the offender was
41 sentenced pursuant to a statute which specifies a minimum sentence
42 that must be served before a person becomes eligible for parole.

43 8. Credits earned pursuant to this section by an offender who
44 has not been convicted of:



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

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

4 (c) A violation of NRS 484C.110, 484C.120, 484C.130 or
5 484C.430 that is punishable as a felony; or

6 (d) A category A or B felony,

7 ↪ apply to eligibility for parole and, *except as otherwise provided*
8 *in subsection 9*, must be deducted from the minimum term *or the*
9 *minimum aggregate term* imposed by the sentence, *as applicable*,
10 until the offender becomes eligible for parole and must be deducted
11 from the maximum term *or the maximum aggregate term* imposed
12 by the sentence **H**, *as applicable*.

13 **9. Credits earned pursuant subsection 8 may reduce the**
14 **minimum term imposed by the sentence by not more than 58**
15 **percent for an offender who:**

16 (a) *Is serving a sentence for an offense committed on or after*
17 *July 1, 2012; or*

18 (b) *On or after July 1, 2012, makes an irrevocable election to*
19 *have his or her consecutive sentences aggregated pursuant to*
20 *section 9 of this act.*

21 **Sec. 5.** NRS 209.447 is hereby amended to read as follows:

22 209.447 1. An offender who is sentenced after June 30, 1991,
23 for a crime committed before July 1, 1985, and who is released on
24 parole for a term less than life must, if the offender has no serious
25 infraction of the terms and conditions of his or her parole or the laws
26 of this state recorded against the offender, be allowed for the period
27 the offender is actually on parole a deduction of 2 months for each
28 of the first 2 years, 4 months for each of the next 2 years and 5
29 months for each of the remaining years of the term, and pro rata for
30 any part of a year where the actual term served is for more or less
31 than a year. Credit must be recorded on a monthly basis as earned.

32 2. An offender who is sentenced after June 30, 1991, for a
33 crime committed on or after July 1, 1985, and who is released on
34 parole for a term less than life must, if the offender has no serious
35 infraction of the terms and conditions of his or her parole or the laws
36 of this state recorded against the offender, be allowed for the period
37 the offender is actually on parole a deduction of 10 days from the
38 offender's sentence for each month the offender serves.

39 3. An offender is entitled to the deductions authorized by this
40 section only if the offender satisfies the conditions of subsection 1
41 or 2, as determined by the Director. The Chief Parole and Probation
42 Officer or other person responsible for the supervision of an
43 offender shall report to the Director the failure of an offender to
44 satisfy those conditions.



1 4. Credits earned pursuant to this section must, in addition to
2 any credits earned pursuant to NRS 209.443, 209.446, 209.4465,
3 209.4475, 209.448 and 209.449, be deducted from the maximum
4 term *or the maximum aggregate term* imposed by the sentence **[]**,
5 *as applicable*.

6 5. The Director shall maintain records of the credits to which
7 each offender is entitled pursuant to this section.

8 **Sec. 6.** NRS 209.4475 is hereby amended to read as follows:

9 209.4475 1. In addition to any credits earned pursuant to
10 NRS 209.447, an offender who is on parole as of January 1, 2004, or
11 who is released on parole on or after January 1, 2004, for a term less
12 than life must be allowed for the period the offender is actually on
13 parole a deduction of 20 days from the offender's sentence for each
14 month the offender serves if:

15 (a) The offender is current with any fee to defray the costs of his
16 or her supervision pursuant to NRS 213.1076; and

17 (b) The offender is current with any payment of restitution
18 required pursuant to NRS 213.126.

19 2. In addition to any credits earned pursuant to subsection 1
20 and NRS 209.447, the Director may allow not more than 10 days of
21 credit each month for an offender:

22 (a) Who is on parole as of January 1, 2004, or who is released
23 on parole on or after January 1, 2004, for a term less than life; and

24 (b) Whose diligence in labor or study merits such credits.

25 3. An offender is entitled to the deductions authorized by this
26 section only if the offender satisfies the conditions of subsection 1
27 or 2, as determined by the Director. The Chief Parole and Probation
28 Officer or other person responsible for the supervision of an
29 offender shall report to the Director the failure of an offender to
30 satisfy those conditions.

31 4. Credits earned pursuant to this section must, in addition to
32 any credits earned pursuant to NRS 209.443, 209.446, 209.4465,
33 209.447, 209.448 and 209.449, be deducted from the maximum
34 term *or the maximum aggregate term* imposed by the sentence **[]**,
35 *as applicable*.

36 5. The Director shall maintain records of the credits to which
37 each offender is entitled pursuant to this section.

38 **Sec. 7.** NRS 209.448 is hereby amended to read as follows:

39 209.448 1. An offender who has no serious infraction of the
40 regulations of the Department or the laws of the State recorded
41 against the offender must be allowed, in addition to the credits
42 provided pursuant to NRS 209.433, 209.443, 209.446 or 209.4465, a
43 deduction of not more than 60 days from the maximum term *or the*
44 *maximum aggregate term* of the offender's sentence *, as*
45 *applicable*, for the successful completion of a program of treatment



1 for the abuse of alcohol or drugs which is conducted jointly by the
2 Department and a person who is licensed as a clinical alcohol and
3 drug abuse counselor, licensed or certified as an alcohol and drug
4 abuse counselor or certified as an alcohol and drug abuse counselor
5 intern or a clinical alcohol and drug abuse counselor intern, pursuant
6 to chapter 641C of NRS.

7 2. The provisions of this section apply to any offender who is
8 sentenced on or after October 1, 1991.

9 **Sec. 8.** NRS 209.449 is hereby amended to read as follows:

10 209.449 1. An offender who has no serious infraction of the
11 regulations of the Department, the terms and conditions of his or her
12 residential confinement, or the laws of the State recorded against the
13 offender must be allowed, in addition to the credits provided
14 pursuant to NRS 209.433, 209.443, 209.446 or 209.4465, a
15 deduction of 60 days from the maximum term *or the maximum*
16 *aggregate term* of the offender's sentence , *as applicable*, for the
17 successful completion of:

18 (a) A program of vocational education and training; or

19 (b) Any other program approved by the Director.

20 2. If the offender completes such a program with meritorious
21 or exceptional achievement, the Director may allow not more than
22 60 days of credit in addition to the 60 days allowed for completion
23 of the program.

24 **Sec. 9.** Chapter 213 of NRS is hereby amended by adding
25 thereto a new section to read as follows:

26 *1. Notwithstanding any other provision of law, if a prisoner is*
27 *sentenced pursuant to NRS 176.035 to serve two or more*
28 *consecutive sentences, the terms of which have been aggregated:*

29 *(a) The prisoner shall be deemed to be eligible for parole from*
30 *all such sentences after serving the minimum aggregate term of*
31 *imprisonment; and*

32 *(b) The Board is not required to consider the prisoner for*
33 *parole until the prisoner has served the minimum aggregate term*
34 *of imprisonment.*

35 *2. For purposes of determining parole eligibility, a prisoner*
36 *whose sentences have been aggregated may earn credit pursuant*
37 *to NRS 209.433 to 209.449, inclusive, which must be deducted*
38 *from the minimum aggregate term of imprisonment or the*
39 *maximum aggregate term of imprisonment, as applicable. Such*
40 *credits may be earned only to the extent that the credits would*
41 *otherwise be earned had the sentences not been aggregated.*

42 *3. Except as otherwise provided in subsection 3 of NRS*
43 *176.035, a prisoner who is serving consecutive sentences which*
44 *have not been aggregated may submit a written request to the*
45 *Director to make an irrevocable election to have the sentences*



1 *aggregated. If the prisoner makes such an irrevocable election to*
2 *have the sentences aggregated and:*

3 (a) *The prisoner has not been considered for parole on any of*
4 *the sentences, the Department of Corrections shall aggregate the*
5 *sentences in the manner set forth in NRS 176.035 and the Board*
6 *is not required to consider the prisoner for parole until the*
7 *prisoner has served the minimum aggregate term of*
8 *imprisonment.*

9 (b) *The prisoner has been considered for parole on one or*
10 *more of the sentences, the Department of Corrections shall*
11 *aggregate only the sentences for which parole has not been*
12 *considered. The Board is not required to consider the prisoner for*
13 *parole on the aggregated sentences until the prisoner has served*
14 *the minimum aggregate term of imprisonment.*

15 **Sec. 10.** NRS 213.1085 is hereby amended to read as follows:

16 213.1085 1. The Board shall appoint an Executive Secretary,
17 who is in the unclassified service of the State.

18 2. The Executive Secretary must be selected on the basis of his
19 or her training, experience, capacity and interest in correctional
20 services.

21 3. The Board shall supervise the activities of the Executive
22 Secretary.

23 4. The Executive Secretary is the Secretary of the Board and
24 shall perform such duties in connection therewith as the Board may
25 require, including, but not limited to, preparing the agenda for board
26 meetings and answering correspondence from prisoners in the state
27 prison.

28 5. The Executive Secretary shall prepare a list at least 30 days
29 before any scheduled action by the Board showing each person then
30 eligible for parole indicating:

31 (a) The name of the prisoner;

32 (b) The crime for which the prisoner was convicted;

33 (c) The county in which the prisoner was sentenced;

34 (d) The date of the sentence;

35 (e) The length of the sentence, including the minimum term *or*
36 *minimum aggregate term, as applicable,* and *the* maximum term *or*
37 *maximum aggregate term, as applicable,* of imprisonment or the
38 definite term of imprisonment, if one is imposed;

39 (f) The amount of time actually served in the state prison;

40 (g) The amount of credit for time previously served in a county
41 jail; and

42 (h) The amount of credit allowed to reduce the sentence of the
43 prisoner pursuant to chapter 209 of NRS.

44 ↪ The Executive Secretary shall send copies to all law enforcement
45 agencies in this state and to other persons whom the Executive



1 Secretary deems appropriate, at least 30 days before any scheduled
2 action by the Board. Each law enforcement agency that receives the
3 list shall make the list available for public inspection during normal
4 business hours.

5 **Sec. 11.** NRS 213.1099 is hereby amended to read as follows:

6 213.1099 1. Except as otherwise provided in this section and
7 NRS 213.1214 and 213.1215, the Board may release on parole a
8 prisoner who is otherwise eligible for parole pursuant to NRS
9 213.107 to 213.157, inclusive.

10 2. In determining whether to release a prisoner on parole, the
11 Board shall consider:

12 (a) Whether there is a reasonable probability that the prisoner
13 will live and remain at liberty without violating the laws;

14 (b) Whether the release is incompatible with the welfare of
15 society;

16 (c) The seriousness of the offense and the history of criminal
17 conduct of the prisoner;

18 (d) The standards adopted pursuant to NRS 213.10885 and the
19 recommendation, if any, of the Chief; and

20 (e) Any documents or testimony submitted by a victim notified
21 pursuant to NRS 213.130.

22 3. When a person is convicted of a felony and is punished by a
23 sentence of imprisonment, the person remains subject to the
24 jurisdiction of the Board from the time the person is released on
25 parole under the provisions of this chapter until the expiration of the
26 maximum term *or the maximum aggregate term* of imprisonment
27 imposed by the court , *as applicable*, less any credits earned to
28 reduce his or her sentence pursuant to chapter 209 of NRS.

29 4. Except as otherwise provided in NRS 213.1215, the Board
30 may not release on parole a prisoner whose sentence to death or to
31 life without possibility of parole has been commuted to a lesser
32 penalty unless it finds that the prisoner has served at least 20
33 consecutive years in the state prison, is not under an order to be
34 detained to answer for a crime or violation of parole or probation in
35 another jurisdiction, and that the prisoner does not have a history of:

36 (a) Recent misconduct in the institution, and that the prisoner
37 has been recommended for parole by the Director of the Department
38 of Corrections;

39 (b) Repetitive criminal conduct;

40 (c) Criminal conduct related to the use of alcohol or drugs;

41 (d) Repetitive sexual deviance, violence or aggression; or

42 (e) Failure in parole, probation, work release or similar
43 programs.



1 5. In determining whether to release a prisoner on parole
2 pursuant to this section, the Board shall not consider whether the
3 prisoner will soon be eligible for release pursuant to NRS 213.1215.

4 6. The Board shall not release on parole an offender convicted
5 of an offense listed in NRS 179D.097 until the Central Repository
6 for Nevada Records of Criminal History has been provided an
7 opportunity to give the notice required pursuant to NRS 179D.475.

8 **Sec. 12.** NRS 213.120 is hereby amended to read as follows:

9 213.120 1. Except as otherwise provided in NRS 213.1213
10 and as limited by statute for certain specified offenses, a prisoner
11 who was sentenced to prison for a crime committed before July 1,
12 1995, may be paroled when the prisoner has served one-third of the
13 definite period of time for which the prisoner has been sentenced
14 pursuant to NRS 176.033, less any credits earned to reduce his or
15 her sentence pursuant to chapter 209 of NRS.

16 2. Except as otherwise provided in NRS 213.1213 and as
17 limited by statute for certain specified offenses, a prisoner who was
18 sentenced to prison for a crime committed on or after July 1, 1995,
19 may be paroled when the prisoner has served the minimum term of
20 imprisonment imposed by the court. Except as otherwise provided
21 in NRS 209.4465, any credits earned to reduce his or her sentence
22 pursuant to chapter 209 of NRS while the prisoner serves the
23 minimum term of imprisonment may reduce only the maximum
24 term *or the maximum aggregate term, as applicable*, of
25 imprisonment imposed and must not reduce the minimum term *or*
26 *the minimum aggregate term, as applicable*, of imprisonment.

27 **Sec. 13.** NRS 213.1213 is hereby amended to read as follows:

28 213.1213 1. If a prisoner is sentenced pursuant to NRS
29 176.035 to serve two or more concurrent sentences, whether or not
30 the sentences are identical in length or other characteristics,
31 eligibility for parole from any of the concurrent sentences must be
32 based on the sentence which requires the longest period before the
33 prisoner is eligible for parole.

34 2. Notwithstanding any other provision of law, if a prisoner is
35 sentenced pursuant to NRS 176.035 to serve two or more
36 consecutive sentences of life imprisonment with the possibility of
37 parole:

38 (a) For offenses committed on or after July 1, 2009 ~~§~~, *but*
39 *before July 1, 2012:*

40 (1) All minimum sentences for such offenses must be
41 aggregated;

42 (2) The prisoner shall be deemed to be eligible for parole
43 from all such sentences after serving the minimum aggregate
44 sentence; and



1 (3) The Board is not required to consider the prisoner for
2 parole until the prisoner has served the minimum aggregate
3 sentence.

4 (b) For offenses committed before July 1, 2009, in cases in
5 which the prisoner has not previously been considered for parole for
6 any such offenses:

7 (1) The prisoner may, by submitting a written request to the
8 Director of the Department of Corrections ~~§~~ *before July 1, 2012*,
9 make an irrevocable election to have the minimum sentences for
10 such offenses aggregated; and

11 (2) If the prisoner makes such an irrevocable election to have
12 the minimum sentences for such offenses aggregated, the Board is
13 not required to consider the prisoner for parole until the prisoner has
14 served the minimum aggregate sentence.

15 **Sec. 14.** NRS 213.1215 is hereby amended to read as follows:

16 213.1215 1. Except as otherwise provided in this section and
17 in cases where a consecutive sentence is still to be served, if a
18 prisoner sentenced to imprisonment for a term of 3 years or more:

19 (a) Has not been released on parole previously for that sentence;
20 and

21 (b) Is not otherwise ineligible for parole,
22 → the prisoner must be released on parole 12 months before the end
23 of his or her maximum term ~~§~~ *or maximum aggregate term, as*
24 *applicable*, as reduced by any credits the prisoner has earned to
25 reduce his or her sentence pursuant to chapter 209 of NRS.

26 2. Except as otherwise provided in this section, a prisoner who
27 was sentenced to life imprisonment with the possibility of parole
28 and who was less than 16 years of age at the time that the prisoner
29 committed the offense for which the prisoner was imprisoned must,
30 if the prisoner still has a consecutive sentence to be served, be
31 granted parole from his or her current term of imprisonment to his
32 or her subsequent term of imprisonment or must, if the prisoner does
33 not still have a consecutive sentence to be served, be released on
34 parole, if:

35 (a) The prisoner has served the minimum term of imprisonment
36 *or the minimum aggregate term of imprisonment* imposed by the
37 court ~~§~~, *as applicable*;

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

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

43 (d) The prisoner has not, within the immediately preceding 24
44 months:



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

3 (2) Been housed in disciplinary segregation.

4 3. *If a prisoner who meets the criteria set forth in subsection*
5 *2 is determined to be a high risk to reoffend pursuant to NRS*
6 *213.1214, the Board is not required to release the prisoner on*
7 *parole pursuant to this section. If the prisoner is not granted*
8 *parole, a rehearing date must be scheduled pursuant to*
9 *NRS 213.142.*

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

12 ~~[4.]~~ 5. Each parolee so released must be supervised closely by
13 the Division, in accordance with the plan for supervision developed
14 by the Chief pursuant to NRS 213.122.

15 ~~[5.]~~ 6. If the Board finds ~~[, at least 2 months before a prisoner~~
16 ~~would otherwise be paroled pursuant to subsection 1 or 2]~~ that there
17 is a reasonable probability that ~~[the]~~ a prisoner *considered for*
18 *release on parole pursuant to subsection 1* will be a danger to
19 public safety while on parole, the Board may require the prisoner to
20 serve the balance of his or her sentence and not grant the parole .
21 ~~[provided for in subsection 1 or 2.]~~ If, pursuant to this subsection,
22 the Board does not grant the parole provided for in subsection 1 , ~~[or~~
23 ~~2.]~~ the Board shall provide to the prisoner a written statement of its
24 reasons for denying parole.

25 7. *If the Board finds that there is a reasonable probability*
26 *that a prisoner considered for release on parole pursuant to*
27 *subsection 2 will be a danger to public safety while on parole, the*
28 *Board is not required to grant the parole and shall schedule a*
29 *rehearing pursuant to NRS 213.142. Except as otherwise provided*
30 *in subsection 3 of NRS 213.1519, if a prisoner is not granted*
31 *parole pursuant to this subsection, the criteria set forth in*
32 *subsection 2 must be applied at each subsequent hearing until the*
33 *prisoner is granted parole or expires his or her sentence. If,*
34 *pursuant to this subsection, the Board does not grant the parole*
35 *provided for in subsection 2, the Board shall provide to the*
36 *prisoner a written statement of its reasons for denying parole,*
37 *along with specific recommendations of the Board, if any, to*
38 *improve the possibility of granting parole the next time the*
39 *prisoner may be considered for parole.*

40 ~~[6.]~~ 8. If the prisoner is the subject of a lawful request from
41 another law enforcement agency that the prisoner be held or
42 detained for release to that agency, the prisoner must not be released
43 on parole, but released to that agency.

44 ~~[7.]~~ 9. If the Division has not completed its establishment of a
45 program for the prisoner's activities during his or her parole



1 pursuant to this section, the prisoner must be released on parole as
2 soon as practicable after the prisoner's program is established.

3 ~~[8-]~~ 10. For the purposes of this section, the determination of
4 the 12-month period before the end of a prisoner's term must be
5 calculated without consideration of any credits the prisoner may
6 have earned to reduce his or her sentence had the prisoner not been
7 paroled.

8 **Sec. 15.** NRS 213.15185 is hereby amended to read as
9 follows:

10 213.15185 1. A prisoner who is paroled and leaves the State
11 without permission from the Board or who does not keep the Board
12 informed as to his or her location as required by the conditions of
13 his or her parole shall be deemed an escaped prisoner and arrested
14 as such.

15 2. Except as otherwise provided in subsection 2 of NRS
16 213.1519, if parole is lawfully revoked and the parolee is thereafter
17 returned to prison, the parolee forfeits all previously earned credits
18 for good behavior earned to reduce his or her sentence pursuant to
19 chapter 209 of NRS and shall serve any part of the unexpired
20 maximum term *or the maximum aggregate term, as applicable*, of
21 his or her original sentence as may be determined by the Board.

22 3. Except as otherwise provided in subsection 2 of NRS
23 213.1519, the Board may restore any credits forfeited pursuant to
24 subsection 2.

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

28 **Sec. 16.** NRS 213.1519 is hereby amended to read as follows:

29 213.1519 1. Except as otherwise provided in ~~[subsection 2,]~~
30 *subsections 2 and 3*, a parolee whose parole is revoked by decision
31 of the Board for a violation of any rule or regulation governing his
32 or her conduct:

33 (a) Forfeits all credits for good behavior previously earned to
34 reduce his or her sentence pursuant to chapter 209 of NRS; and

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

39 ↪ The Board may restore any credits forfeited under this
40 subsection.

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

44 (a) Forfeits all credits for good behavior previously earned to
45 reduce his or her sentence pursuant to chapter 209 of NRS;



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

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

6 **3. A parolee released on parole pursuant to subsection 2 of**
7 **NRS 213.1215 whose parole is revoked for a violation of any rule**
8 **or regulation governing his or her conduct:**

9 (a) *Forfeits all credits for good behavior previously earned to*
10 *reduce his or her sentence pursuant to chapter 209 of NRS;*

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

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

18 ↪ *The Board may restore any credits forfeited under this*
19 *subsection.*

20 **Sec. 17.** NRS 213.625 is hereby amended to read as follows:

21 213.625 1. Except as otherwise provided in this section, if a
22 judicial program has been established in the judicial district in
23 which a prisoner or parolee may be paroled, the Chair of the Board
24 may, after consulting with the Division, refer a prisoner who is
25 being considered for parole or a parolee who has violated a term or
26 condition of his or her parole to the reentry court if the Chair
27 believes that the person:

28 (a) Would participate successfully in and benefit from a judicial
29 program; and

30 (b) Has demonstrated a willingness to:

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

33 (2) Meet any existing obligation for restitution to any victim
34 of his or her crime.

35 2. Except as otherwise provided in this section, if the Chair is
36 notified by the reentry court pursuant to NRS 209.4883 that a person
37 should be ordered to participate in a judicial program, the Board
38 may, in accordance with the provisions of this section:

39 (a) If the person is a prisoner who is being considered for parole,
40 upon the granting of parole to the prisoner, require as a condition of
41 parole that the person participate in and complete the judicial
42 program; or

43 (b) If the person is a parolee who has violated a term or
44 condition of his or her parole, order the parolee to participate in and
45 complete the judicial program as a condition of the continuation of



1 his or her parole and in lieu of revoking his or her parole and
2 returning the parolee to confinement.

3 3. If a prisoner who has been assigned to the custody of the
4 Division to participate in a judicial program pursuant to NRS
5 209.4886 is being considered for parole:

6 (a) The Board shall, if the Board grants parole to the prisoner,
7 require as a condition of parole that the person continue to
8 participate in and complete the judicial program.

9 (b) The Board is not required to refer the prisoner to the reentry
10 court pursuant to subsection 1 or to obtain prior approval of the
11 reentry court pursuant to NRS 209.4883 for the prisoner to continue
12 participating in the judicial program while the prisoner is on parole.

13 4. In determining whether to order a person to participate in
14 and complete a judicial program pursuant to this section, the Board
15 shall consider:

16 (a) The criminal history of the person; and

17 (b) The safety of the public.

18 5. The Board shall adopt regulations requiring persons who are
19 ordered to participate in and complete a judicial program pursuant to
20 this section to reimburse the reentry court and the Division for the
21 cost of their participation in a judicial program, to the extent of their
22 ability to pay.

23 6. The Board shall not order a person to participate in a judicial
24 program if the time required to complete the judicial program is
25 longer than the unexpired maximum term *or the maximum*
26 *aggregate term, as applicable*, of the person's original sentence.

27 **Sec. 18.** NRS 213.632 is hereby amended to read as follows:

28 213.632 1. Except as otherwise provided in this section, if a
29 correctional program has been established by the Director in the
30 county in which an offender or parolee may be paroled, the Chair of
31 the Board may, after consulting with the Division, refer a prisoner
32 who is being considered for parole or a parolee who has violated a
33 term or condition of his or her parole to the Director if the Chair
34 believes that the person:

35 (a) Would participate successfully in and benefit from a
36 correctional program; and

37 (b) Has demonstrated a willingness to:

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

40 (2) Meet any existing obligation for restitution to any victim
41 of his or her crime.

42 2. Except as otherwise provided in this section, if the Chair is
43 notified by the Director pursuant to NRS 209.4887 that a person is
44 suitable to participate in a correctional program, the Board may, in
45 accordance with the provisions of this section:



* S B 2 6 5 R 1 *

1 (a) If the person is an offender who is being considered for
2 parole, upon the granting of parole to the offender, require as a
3 condition of parole that the offender participate in and complete the
4 correctional program; or

5 (b) If the person is a parolee who has violated a term or
6 condition of his or her parole, order the parolee to participate in and
7 complete the correctional program as a condition of the continuation
8 of his or her parole and in lieu of revoking his or her parole and
9 returning the parolee to confinement.

10 3. If an offender who has been assigned to the custody of the
11 Division to participate in a correctional program pursuant to NRS
12 209.4888 is being considered for parole, the Board shall, if the
13 Board grants parole to the offender, require as a condition of parole
14 that the offender continue to participate in and complete the
15 correctional program.

16 4. In determining whether to order a person to participate in
17 and complete a correctional program pursuant to this section, the
18 Board shall consider:

19 (a) The criminal history of the person; and

20 (b) The safety of the public.

21 5. The Board shall adopt regulations requiring persons who are
22 ordered to participate in and complete a correctional program
23 pursuant to this section to reimburse the Department of Corrections
24 and the Division for the cost of their participation in a correctional
25 program, to the extent of their ability to pay.

26 6. The Board shall not order a person to participate in a
27 correctional program if the time required to complete the
28 correctional program is longer than the unexpired maximum term *or*
29 *the maximum aggregate term, as applicable*, of the person's
30 original sentence.

31 **Sec. 19.** This act becomes effective on July 1, 2012.



