

## DISCLAIMER

Electronic versions of the exhibits in these minutes may not be complete.

This information is supplied as an informational service only and should not be relied upon as an official record.

Original exhibits are on file at the Legislative Counsel Bureau Research Library in Carson City.

Contact the Library at (775) 684-6827 or [library@lcb.state.nv.us](mailto:library@lcb.state.nv.us).



# The Presentence Report

- Presented by the Nevada Department of Public Safety, Division of Parole and Probation

Nevada Department of  
**Public Safety**



# Justification for Presentence Report

Applicable NRS

Nevada Department of  
**Public Safety**

# NRS 176.135

- NRS 176.135 presentence Investigation and report. When required, time for completing.
- 1. Except as otherwise provided in this section and NRS 176.151, the Division shall make a presentence investigation and report to the court on each defendant who pleads guilty or nolo contendere or is found guilty of a felony.
- 2. If a defendant is convicted of a felony that is a sexual offense, the presentence investigation and report:
  - (a) Must be made before the imposition of sentence or the granting of probation and,
  - (b) If the sexual offense is an offense for which the suspension of sentence or the granting of probation is permitted, must include a psychosexual evaluation of the defendant.
- 3. If a defendant is convicted of a felony other than a sexual offense, the presentence investigation and report must be made before the imposition of sentence or the granting of probation unless;
  - (a) A sentence is fixed by a jury, or
  - (b) Such an investigation and report on the defendant has been made by the Division within the 5 years immediately proceeding the date initially set for sentencing on the most recent offense.
- 4. Upon request of the court, the Division shall make presentence investigations and reports on defendants who plead guilty or nolo contendere or are found guilty of gross misdemeanors.

(Added to NRS by 1967, 1434; A 1969, 406; 1981, 369,464; 1985, 148; 1987, 592; 1993, 1512; 1995, 2456; 1997, 642; 1639, 1999, 1189, 128; 2001, 77; 2003, 1466)

# NRS 176.139

- NRS 176.139 Presentence investigation and report: Psychosexual evaluation of certain sex offenders required; standards and methods for conducting evaluation; access to records; rights of confidentiality and privileges deemed waived; costs.
- 1. If a defendant is convicted of a sexual offense for which the suspension of sentence or the granting of probation is permitted, the Division shall arrange for a psychosexual evaluation of the defendant as part of the Division's presentence investigation and report to the court.
- 2. The psychosexual evaluation of the defendant must be conducted by a person professionally qualified to conduct psychosexual evaluations.
- 3. The person who conducts the psychosexual evaluation of the defendant must use diagnostic tools that are generally accepted as being within the standard of care for the evaluation of sex offenders, and the psychosexual evaluation of the defendant must include:
  - (a) A comprehensive clinical interview with the defendant; and
  - (b) A review of all investigative reports relating to the defendant's sexual offense and all statements made by victims of that offense.
- 4. The psychosexual evaluation of the defendant may include:
  - (a) A review of records relating to previous criminal offenses committed by the defendant;
  - (b) A review of records relating to previous evaluations and treatment of the defendant;
  - (c) A review of the defendant's records from school;
  - (d) Interviews with the defendant's parents, the defendant's spouse or other persons who may be significantly involved with the defendant or who may have relevant information relating to the defendant's background; and
  - (e) The use of psychological testing, polygraphic examinations and arousal assessment.
- 5. The person who conducts the psychosexual evaluation of the defendant must be given access to all records of the defendant that are necessary to conduct the evaluation, and the defendant shall be deemed to have waived all rights of confidentiality and all privileges relating to those records for the limited purpose of the evaluation.
- 6. The person who conducts the psychosexual evaluation of the defendant shall:
  - (a) Prepare a comprehensive written report of the results of the evaluation;
  - (b) Include in the report all information that is necessary to carry out the provisions of NRS 176A.110; and
  - (c) Provide a copy of the report to the Division.
- 7. If a psychosexual evaluation is conducted pursuant to this section, the court shall:
  - (a) Order the defendant, to the extent of his financial ability, to pay for the cost of the psychosexual evaluation; or
  - (b) If the defendant was less than 18 years of age when the sexual offense was committed and the defendant was certified and convicted as an adult, order the parents or guardians of the defendant, to the extent of their financial ability, to pay for the cost of the psychosexual evaluation. For the purposes of this paragraph, the court has jurisdiction over the parents or guardians of the defendant to the extent that is necessary to carry out the provisions of this paragraph.
- (Added to NRS by 1997, 1638; A 1999, 1286; 2001, 1636)