

**2011 LEGISLATIVE BILLS INTRODUCED  
ON BEHALF OF THE ADVISORY COMMISSION  
ON THE ADMINISTRATION OF JUSTICE**

(Measures may be viewed at <http://www.leg.state.nv.us/Session/76th2011/Reports/>)

**MEASURES ENACTED**

**Assembly Bill 142 (BDR 15-599) Assemblyman Ohrenschall**

Assembly Bill 142 changes the threshold, expressed in terms of the amount of money or value misappropriated, stolen, or taken, between lesser and greater property crimes. The bill amends the penalty provisions for various property crimes, including accepting a kickback; fraud against an innkeeper; fraud in the course of an enterprise or occupation; issuance of a bad check; Medicaid fraud; misappropriation by a public officer; participation in an organized retail theft ring; receiving stolen property; theft; theft of scrap metal; unauthorized use of food stamps; unemployment insurance fraud; workers' compensation fraud; and others.

In general, the bill changes the threshold between a misdemeanor and a gross misdemeanor, or between a misdemeanor and a category C or D felony, from \$250 to \$650. It also changes certain thresholds between a category B felony and a lesser felony from \$2,500 to \$3,500.

**Assembly Bill 196 (BDR 14-557) Assembly Committee on Judiciary (Originally requested by Assemblyman Carpenter)**

Assembly Bill 196 establishes procedures for collecting administrative assessments, fees, and fines from criminal defendants who plead guilty or are found guilty of a felony or a gross misdemeanor. The bill requires the district court entering a judgment of conviction to forward the information necessary to collect any assessment, fee, or fine to the county treasurer or other designated county office. If the county is successful in collecting, the defendant must also pay the county's actual costs and fees, and a fee of 2 percent of the amount owed. The bill establishes similar procedures for collecting from a defendant who was ordered to pay for expenses incurred in providing a defense attorney.

If the county treasurer or other designated office is unable to collect after 60 days, the bill authorizes the county to assign responsibility for collection to the Office of the State Controller, if the Controller agrees. If the Office of the State Controller succeeds in collecting, it must return the money collected to the originating county, after subtracting costs and fees.

The measure also requires a district court judge imposing an assessment, fee, or fine on a criminal defendant who pleads guilty or is found guilty of a felony or a gross misdemeanor to advise the defendant that the judgment constitutes a lien, and that collection efforts may be undertaken.

Finally, A.B. 196 authorizes the Office of the State Controller to act as the collection agency for any governmental entity, pursuant to a cooperative agreement, and authorizes the Controller or his or her designee to enter into a reciprocal agreement with the federal government for the collection and offset of indebtedness.

**Assembly Bill 355 (BDR 16-597) Assemblyman Frierson**

Assembly Bill 355 provides that any money remaining in the Fund for the Compensation of Victims of Crime at the end of each fiscal year does not revert to the State General Fund and must be carried over to the next fiscal year.

**Senate Bill 187 (BDR 16-640) Senate Committee on Judiciary**

Senate Bill 187 replaces the requirement that a prisoner convicted of certain sexual offenses may only be released on parole by the State Board of Parole Commissioners with certification by a panel that the prisoner does not represent a high risk to reoffend. Instead, the bill requires that before being granted or continued on parole, the prisoner must be evaluated by a panel within 120 days before a parole hearing. The panel must adopt regulations to ensure that the evaluations are based on currently accepted standards of assessment, contain a statement about other relevant information known about the prisoner, and rate the prisoner's risk to reoffend.

The measure also authorizes the Board to require an evaluation of a sex offender to assist in determining parole and clarifies that a prisoner does not have a right to an evaluation or reevaluation more frequently than the prisoner's regularly scheduled parole hearings. Finally, S.B. 187 requires that certain meetings of the panel are subject to the Open Meeting Law.

**MEASURES PASSED BUT VETOED BY THE GOVERNOR**

**Assembly Bill 136 (BDR 16-634) Assembly Committee on Judiciary**

Assembly Bill 136 requires the Department of Corrections to apply credits earned by an offender convicted of a category B felony to the offender's eligibility for parole if the offender satisfies the criteria in the bill. The offender must not have been convicted of a felony involving the use of force or violence, a felony sexual offense, or felony driving under the influence. In addition, the offender must not have served three or more separate prison terms for felony convictions in Nevada or five or more terms for felony convictions in any jurisdiction, must not be serving an enhanced sentence for use of a firearm, and must not be serving a sentence for possession of a firearm by a person prohibited from doing so. The bill also prohibits the Department from applying credits earned by any offender convicted as a habitual criminal to the offender's eligibility for parole.

Assembly Bill 136 also authorizes a person who was arrested for alleged criminal conduct to petition the court to seal the records relating to the arrest if the prosecuting attorney declined to prosecute the charges. If records are sealed under these circumstances, the bill allows the prosecuting attorney to file the charges before the

statute of limitations has run out and, if charges are filed, requires the court to order the inspection of the records without the filing of a petition.

### **MEASURES THAT DID NOT PASS**

#### **Assembly Bill 92 (BDR 40-598) Assemblywoman Flores**

Existing law provides for the waiver of certain fees relating to the issuance of certified copies of birth certificates and duplicate drivers' licenses and identification cards to homeless persons. Assembly Bill 92 provides for a similar waiver of such fees for persons who were released from prison within the immediately preceding 90 days.

#### **Assembly Bill 96 (BDR 4-558) Assembly Committee on Judiciary (Originally requested by Assemblyman Carpenter)**

Assembly Bill 96 prohibits a court from ordering a victim of or a witness to an alleged sexual offense to submit to a psychological or psychiatric examination. Assembly Bill 96 also authorizes a court to exclude certain testimony concerning a previous psychological or psychiatric examination of a victim of or a witness to an alleged sexual offense upon a showing of a compelling need for an additional psychological or psychiatric examination and a refusal by the victim or witness to consent to the additional examination.

#### **Senate Bill 123 (BDR 18-641) Senate Committee on Judiciary**

Under existing law, the Office of State Public Defender exists within the Department of Health and Human Services to represent indigent persons charged with a public offense. Senate Bill 123 moves the Office from the Department to the Office of the Governor.

#### **Senate Bill 265 (BDR 14-311) Senator Parks**

Senate Bill 265 requires the aggregation of consecutive sentences for offenders whose crimes were committed on or after July 1, 2012, unless any of the sentences includes life without the possibility of parole or death. Inmates already serving consecutive sentences may submit a request to the Department of Corrections to make an irrevocable election to aggregate any remaining sentences for which parole has not previously been considered. The aggregation of sentences does not apply to sentences for offenses entered into at different times.

The bill limits the current aggregation of multiple life sentences so the sentences for any crime committed on or after July 1, 2012 will be aggregated, and revises the manner in which credits are applied toward the minimum term of imprisonment and aggregated sentences.

Finally, S.B. 265 revises provisions for inmates who were 16 years of age when the crime was committed and who are sentenced to life in prison with the possibility of parole. First, the measure provides that the Board of Parole Commissioners is not required to release the inmate on parole if he or she is considered a high risk to reoffend or there is a reasonable probability that the inmate will pose a danger to the public safety. Second, if the inmate is released on parole and then violates the conditions of parole, he or she will

not be considered for release on parole pursuant to the original qualification as an inmate under age 16, but must instead be considered pursuant to other provisions of law.

**Senate Joint Resolution 1 (BDR C-552) Senator Parks**

SJR 1 was originally requested by the 2007-08 Advisory Commission and was passed by the 2009 Legislature; however it was not passed in identical form during the 2011 Legislature. SJR 1 proposes to amend the Nevada Constitution to replace the State Board of Pardons Commissioners with the Clemency Board appointed by the Governor and to require the Legislature to provide for the organization and duties of the Clemency Board.