

## **Proposed New Statute**

### **NRS 176.575 Correction of Presentence Investigation Report**

1. The district court retains jurisdiction to amend material factual and legal mistakes included in a presentence investigation report even after sentencing.
2. For the purpose of this statute, a “material mistake” is an error in the presentence investigation report that was the basis, in part or in whole, for a state agency or actor to deny parole, deny participation in a Nevada Department of Corrections program, or to classify a prisoner as requiring additional restrictions or limitations while in state custody.

## **Proposed Changes to NRS 176.156 (changes in red)**

### Proposed Version

NRS 176.156 Disclosure of report of presentence or general investigation; persons entitled to use report; confidentiality of report

1. The Division shall disclose to the prosecuting attorney, the counsel for the defendant and the defendant the factual content of the report of:

(a) Any presentence investigation made pursuant to NRS 176.135 and the recommendations of the Division.

(b) Any general investigation made pursuant to NRS 176.151.

2. The Division shall afford an opportunity to each party to object to factual errors in any such report and to comment on any recommendations.

(a) **Minimum Required Notice.** The probation officer must give the presentence report to the defendant, the defendant’s attorney, and an attorney for the government at least 35 days before sentencing unless the defendant waives this minimum period.

(b) **Objecting to the Presentence Investigation Report**

(i) **Time to Object.** Within 14 days after receiving the presentence report, the parties must state in writing any objections, including objections to material information, sentencing guideline ranges, and policy statements contained in or omitted from the report.

(ii) **Serving Objections.** An objecting party must provide a copy of its objections to the opposing party and to the probation officer.

(iii) **Action on Objections.** After receiving objections, the probation officer may meet with the parties to discuss the objections. The probation officer may then investigate further and revise the presentence report as appropriate.

(c) **Submitting the Report.** At least 7 days before sentencing, the probation officer must submit to the court and to the parties the presentence report and an addendum containing any unresolved objections, the grounds for those objections, and the probation officer’s comments on them.

(d) **Commenting or Objecting to Presentence Investigation Report at Sentencing**

(i) At sentencing, the court must allow the parties’ attorneys to comment on the probation officer’s determinations and other matters relating to an appropriate sentence; and

(ii) may, for good cause, allow a party to make a new objection at any time before sentence is imposed.

(e) **Court Determinations.** At sentencing, the court must—for any disputed portion of the presentence report or other controverted matter—rule on the dispute or determine



that a ruling is unnecessary either because the matter will not affect sentencing, or because the court will not consider the matter in sentencing.

3. Unless otherwise ordered by a court, upon request, the Division shall disclose the content of a report of a presentence investigation or general investigation to a law enforcement agency of this State or a political subdivision thereof and to a law enforcement agency of the Federal Government for the limited purpose of performing their duties, including, without limitation, conducting hearings that are public in nature.

4. Unless otherwise ordered by a court, upon request, the Division shall disclose the content of a report of a presentence investigation or general investigation to the Division of Mental Health and Developmental Services of the Department of Health and Human Services for the limited purpose of performing its duties, including, without limitation, evaluating and providing any report or information to the Division concerning the mental health of:

(a) A sex offender as defined in NRS 213.107; or

(b) An offender who has been determined to be mentally ill.

5. Unless otherwise ordered by a court, upon request, the Division shall disclose the content of a report of a presentence investigation or general investigation to the State Gaming Control Board for the limited purpose of performing its duties in the administration of the provisions of chapters 462 to 467, inclusive, of NRS.

6. Except for the disclosures required by subsections 1 to 4, inclusive, a report of a presentence investigation or general investigation and the sources of information for such a report are confidential and must not be made a part of any public record.

#### Current Version

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