

**The Second Chance Society**  
**Comparison of Drug Possession Provisions**  
**Connecticut House Bill 7104 and Current Nevada Statute**

	Connecticut	Nevada
<b>Drug Possession</b>	<p>House Bill 7104 from 2015<sup>1</sup> replaced the prior penalty structure for drug possession crimes, which punished possession of most types of illegal drugs as felonies. The act created a new structure that punishes possession of one-half ounce or more of a cannabis-type substance (i.e., marijuana) or any amount of another illegal drug as a class A misdemeanor. A judge may suspend prosecution for a second-time offender who needs drug treatment. Subsequent offenders may still be subject to felony penalties.</p> <p>The act also reduced the enhanced penalty for drug possession near schools or day care centers from a two-year mandatory prison sentence to a class A misdemeanor with a required (1) prison term; and (2) period of probation that includes community service.<sup>2</sup></p>	<p>For the first or second offense of unlawful possession, if the controlled substance is listed in schedule I, II, III, or IV, for a Category E felony (<i>Nevada Revised Statutes</i> 453.336).</p> <p>In NRS 453.3345, there is an additional penalty for commission of certain violations at or near a school, school bus stop, recreational facilities for minors or a public park. By law the person must be punished by imprisonment in the state prison for a term equal to, and in addition to, the term of imprisonment prescribed by statute for the crime. The sentence prescribed by this section runs consecutively with the sentence prescribed by statute for the crime.</p>
<b>Minimum Sentences for Drug Possession</b>	<p>Law eliminates mandatory minimum sentences for drug possession. Judges have discretion to impose a range of sentences based on the facts and circumstances of each individual case. Judges may impose less than the mandatory minimum sentence when no one was hurt during the crime and the defendant (1) did not use or attempt or threaten to use physical force; (2) was unarmed; and (3) did not threaten to use or suggest that he or she had a firearm, other deadly weapon (e.g., a switchblade knife), or other instrument that could cause death or serious injury. Defendants must show good cause and can invoke these provisions only once. Judges must state at sentencing hearings their reasons for (1) imposing the sentence; and (2) departing from the mandatory minimum (<i>Connecticut General Assembly</i> § 21a-283a).</p>	<p>For a Category E Felony for drug possession, the court is required to sentence a convicted person to prison for a minimum term of 1 year and a maximum of 4 years.</p>
<b>Expedited Parole</b>	<p>The Connecticut Board of Pardons and Parole oversees an optional hearing process for cases involving low-level, non-violent individuals. Current law in Connecticut requires a formal hearing in every parole case. Three-person panels will continue to receive relevant background information on each offender and make written findings in each case, but the Board</p>	<p>NRS 213.10885 states that the Board must adopt by regulation specific standards for each type of convicted person to assist the Board in determining whether to grant or revoke parole. The standards must be based upon objective criteria for determining the person's probability of success on parole. The Board must consider the following</p>

<sup>1</sup> CT House Bill 7104 June 2015

<sup>2</sup>Orlando, James, CT Office of Legislative Research Backgrounder: Drug Possession, Sale, and Paraphernalia Penalties

**The Second Chance Society**  
**Comparison of Drug Possession Provisions**  
**Connecticut House Bill 7104 and Current Nevada Statute**

	will have the option of not requiring the inmate to be present in certain cases relating to non-violent, victimless crimes.	information: (a) The severity of the crime committed; (b) The criminal history of the person; (c) Any disciplinary action taken against the person while incarcerated; (d) Any previous parole violations or failures; (e) Any potential threat to society or to the convicted person; and (f) The length of his or her incarceration.
<b>Expedited Pardons</b>	The Board of Pardons and Paroles will consider applications to grant a full pardon without a hearing for persons convicted of nonviolent offenses where there is no victim interest.	Offenders who have completed their sentence may apply for a pardon through the Executive Secretary of the Pardons Board. An application for a pardon will generally not be considered unless a significant period of time has passed since the applicant's final discharge under the sentence. During this period, the applicant is expected to demonstrate complete and total rehabilitation. ( <i>Nevada Administrative Code</i> 213.065)