

Nevada District Attorneys Association



Chair Yeager,

The Nevada District Attorneys Association is in opposition to AB 17. We want to thank Parole and Probation Chief Lawson and Major O'Rourke for meeting with us to discuss the bill. As District Attorneys, we truly value the work that Parole and Probation does to both protect our community and to assist in the rehabilitation of offenders.

Our Opposition to the bill is twofold: First, current plea negotiations have been built around the honorable/dishonorable designation. In Clark County, you will regularly see a negotiation where a Defendant may earn a reduction in the charge to which they plead, meaning they can withdraw their plea to a felony and plead guilty to a Gross Misdemeanor or misdemeanor. The trigger for this reduction in the guilty plea agreement is whether the defendant received an honorable discharge from probation. In this way, all parties have essentially agreed that probation will act as the third party to determine defendant's success or failure on probation. Losing this designation would cause extensive litigation.

The second reason for our opposition is the removal of a layer of accountability for Defendants who complete community supervision. Having the designation of honorable or dishonorable discharge both serves as an incentive for those currently under community supervision to do their best, and as a reference point for the justice system should the defendant re-offend in the future and request probation again. While the courts issue the discharge, in virtually all cases, they follow the recommended discharge from Parole and Probation.

We have become aware of some inconsistencies surrounding implementation of these discharges as applied to various Defendants. We are committed to working with Parole and Probation to make the designation more accurate without creating an administrative burden on an already strapped agency.

Sincerely,

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