

MOCK-UP

PROPOSED AMENDMENT 3704 TO SENATE BILL NO. 413 FIRST REPRINT

*PREPARED FOR SENATOR HARRIS
MAY 20, 2023*

PREPARED BY THE LEGAL DIVISION

NOTE: THIS DOCUMENT SHOWS PROPOSED AMENDMENTS IN CONCEPTUAL FORM. THE LANGUAGE AND ITS PLACEMENT IN THE OFFICIAL AMENDMENT MAY DIFFER.

EXPLANATION: Matter in (1) *blue bold italics* is new language in the original bill; (2) variations of **green bold underlining** is language proposed to be added in this amendment; (3) ~~red strikethrough~~ is deleted language in the original bill; (4) ~~purple double strikethrough~~ is language proposed to be deleted in this amendment; (5) orange double underlining is deleted language in the original bill proposed to be retained in this amendment.

Legislative Counsel's Digest:

Existing law allows an offender to earn certain credits to reduce his or her sentence of imprisonment. (NRS 209.432-209.453) For example, under existing law, an offender who is sentenced to prison for a crime committed on or after July 17, 1997, may, under certain circumstances, be allowed: (1) a deduction of 20 days from his or her sentence for each month the offender serves; (2) up to 10 days of credit each month for diligence in labor and study; (3) certain credits for educational achievement; (4) up to 10 days of credit each month for participation in a center for the purpose of making restitution, program for reentry of offenders and parolees into the community, conservation camp, program of work release or another program conducted outside of the prison; (5) up to 90 days of credit each year for exceptional meritorious service; and (6) if the Governor determines, by executive order, that it is necessary, a deduction of up to 5 days from his or her sentence for each month the offender serves. Existing law provides that such credits must be deducted from the maximum term or the maximum aggregate term imposed by the sentence, as applicable, and apply to eligibility for parole unless the offender was sentenced pursuant to a statute which specifies a minimum sentence that must be served before a person becomes eligible for parole. Existing law also provides that, unless an offender has been convicted of certain crimes, such credits must also be deducted from the minimum term or the minimum aggregate term imposed by the sentence, as applicable, until the offender becomes eligible for parole. (NRS 209.4465) Existing law also allows certain offenders to earn credit for: (1) being incarcerated during a state of emergency due to communicable or infectious disease; (2) completing a program of treatment for an alcohol or other substance use disorder; and (3) completing a vocational education and training or other program. (NRS 209.4477, 209.448, 209.449)

Existing law requires the Director of the Department of Corrections to administer a risk and needs assessment to each person in the custody of the Department to measure criminal

risk factors and individual needs for the purpose of guiding institutional programming and placement. (NRS 209.341) Before a meeting to consider a prisoner for parole, existing law requires the Department to compile and provide to the State Board of Parole Commissioners data that will assist the Board in determining whether parole should be granted to the prisoner. (NRS 213.131)

This bill provides a revised method for determining credits to reduce the sentence of an offender that applies to an offender sentenced to prison for a crime committed: (1) on or after ~~January~~ July 1, 2025; or (2) before ~~January~~ July 1, 2025, if the offender elects to be subject to the revised method.

Section 1 of this bill provides that an offender who complies with the programming and placement identified in the risk and needs assessment administered to the offender, as determined by the Director, must be allowed credit against the minimum term or minimum aggregate term, as applicable, of his or her sentence for good behavior in an amount of days that is equivalent to 35 percent of the minimum term or minimum aggregate term, as applicable, of the sentence of the offender. **Section 1** does not apply to an offender who has been convicted of: (1) any crime that is punishable as a felony involving the use or threatened use of force or violence against the victim; (2) a sexual offense that is punishable as a felony; (3) certain offenses relating to driving under the influence of alcohol or a controlled substance that are punishable as a felony; or (4) a category A or B felony. Therefore, under **section 1**, an offender convicted of such an offense is not eligible for credit to reduce the minimum term or minimum aggregate term, as applicable, of his or her sentence.

Section 1 also provides for the allowance of credit against the maximum term or maximum aggregate term, as applicable, of the sentence of an offender. Under **section 1**, an offender who complies with the programming and placement identified in the risk and needs assessment administered to the offender, as determined by the Director, must be allowed credit against the maximum term or maximum aggregate term, as applicable, of his or her sentence for good behavior in an amount of days that is equivalent to 35 percent of the maximum term or maximum aggregate term, as applicable, of his or her sentence.

Section 1 requires the Director to provide each offender in the custody of the Department with a list that includes: (1) the programs identified in the risk and needs assessment administered to the offender, as determined by the Director; (2) the programs available at the institution or facility to which the offender has been assigned; and (3) which of the programs identified in the risk and needs assessment are available at the institution or facility to which the offender has been assigned. At the time the Department compiles and provides to the State Board of Parole Commissioners data that will assist the Board in determining whether parole should be granted to an offender, **section 1** requires the Director to additionally submit to the Board a report that includes: (1) the list of programs provided to each offender in the custody of the Department; and (2) the programs the offender has successfully completed.

Section 10.5 of this bill requires the Department to: (1) not later than December 31, 2024, report to the Interim Finance Committee on the ability of the Department to implement the provisions of this bill; and (2) in taking actions to prepare to carry out the provisions of this bill, share information with the Office of the Attorney General concerning the actions taken by the Department to implement the provisions of this act.

Section 2 of this bill makes a conforming change to indicate the proper placement of **section 1** in the Nevada Revised Statutes. **Sections 3-10** of this bill make conforming changes to include necessary references to **section 1** and to reflect the changes in **section 1**.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 **Section 1.** Chapter 209 of NRS is hereby amended by adding thereto
2 a new section to read as follows:

3 **1.** *Except as otherwise provided in this subsection, an offender who*
4 *complies with the programming and placement identified in the risk and*
5 *needs assessment administered pursuant to NRS 209.341, as determined*
6 *by the Director, must be allowed credit against the minimum term or*
7 *minimum aggregate term, as applicable, of his or her sentence for good*
8 *behavior in an amount of days that is equivalent to 35 percent of the*
9 *minimum term or minimum aggregate term, as applicable, of the*
10 *sentence of the offender. Any credit allowed pursuant to this subsection*
11 *may reduce the minimum term or the minimum aggregate term imposed*
12 *by the sentence, as applicable, by not more than 58 percent. Credit must*
13 *be allowed for the period the offender is actually incarcerated pursuant*
14 *to his or her sentence and applies to eligibility for parole, unless the*
15 *offender was sentenced pursuant to a specific statute which specifies that*
16 *a minimum sentence must be served before the offender becomes eligible*
17 *for parole. Any forfeiture of credit pursuant to a specific statute must be*
18 *applied after the credit allowed in this subsection. This subsection does*
19 *not apply to an offender who has been convicted of:*

20 **(a)** *Any crime that is punishable as a felony involving the use or*
21 *threatened use of force or violence against the victim.*

22 **(b)** *A sexual offense that is punishable as a felony.*

23 **(c)** *A violation of NRS 484C.110, 484C.120, 484C.130 or 484C.430*
24 *that is punishable as a felony.*

25 **(d)** *A category A or B felony.*

26 **2.** *Except as otherwise provided in this subsection, an offender who*
27 *complies with the programming and placement identified in the risk and*
28 *needs assessment administered pursuant to NRS 209.341, as determined*
29 *by the Director, must be allowed credit against the maximum term or*
30 *maximum aggregate term, as applicable, of his or her sentence for good*
31 *behavior in an amount of days that is equivalent to 35 percent of the*
32 *maximum term or maximum aggregate term, as applicable, of his or her*
33 *sentence. Any forfeiture of credit pursuant to a specific statute must be*
34 *applied after the credit allowed in this subsection. Credit allowed*
35 *pursuant to this subsection:*

36 **(a)** *Must be allowed only for any period the offender is:*

37 **(1)** *Actually incarcerated pursuant to his or her sentence;*

38 **(2)** *In residential confinement; or*

39 **(3)** *In the custody of the Division of Parole and Probation of the*
40 *Department of Public Safety pursuant to NRS 209.4886 or 209.4888.*

1 ***(b) Is in addition to any credit allowed to reduce the sentence of the***
2 ***offender that is authorized pursuant to a specific statute.***

3 ***3. An offender who is sentenced to prison for a crime committed***
4 ***before ~~January~~ July 1, 2025, may irrevocably elect to be subject to the***
5 ***provisions of this section. The election by an offender to be subject to the***
6 ***provisions of this section must not:***

7 ***(a) Extend the sentence of the offender; or***

8 ***(b) Otherwise reduce retroactively the amount of credit allowed to***
9 ***reduce the sentence of the offender under the laws of this State as those***
10 ***laws existed before ~~January~~ July 1, 2025, if doing so would constitute a***
11 ***violation under the United States Constitution or the Nevada***
12 ***Constitution.***

13 ***4. The Director shall:***

14 ***(a) Provide each offender in the custody of the Department with a list***
15 ***that includes:***

16 ***(1) The programs identified in the risk and needs assessment***
17 ***administered to the offender pursuant to NRS 209.341, as determined by***
18 ***the Director;***

19 ***(2) The programs available at the institution or facility to which***
20 ***the offender has been assigned; and***

21 ***(3) Which of the programs described in subparagraph (1) are***
22 ***available at the institution or facility to which the offender has been***
23 ***assigned; and***

24 ***(b) At the time the Department compiles and provides to***
25 ***the State Board of Parole Commissioners data that will assist the Board***
26 ***in determining whether parole should be granted to the offender***
27 ***pursuant to NRS 213.131, submit a report to the Board that includes:***

28 ***(1) The list of programs provided to the offender pursuant to***
29 ***paragraph (a); and***

30 ***(2) The programs provided to the offender pursuant to paragraph***
31 ***(a) that the offender successfully completed.***

32 ***5. The Board shall adopt regulations to carry out the provisions of***
33 ***this section.***

34 ***Sec. 2.*** NRS 209.432 is hereby amended to read as follows:

35 209.432 As used in NRS 209.432 to 209.453, inclusive, ***and section 1***
36 ***of this act***, unless the context otherwise requires:

37 1. "Offender" includes:

38 (a) A person who is convicted of a felony under the laws of this State
39 and sentenced, ordered or otherwise assigned to serve a term of residential
40 confinement.

41 (b) A person who is convicted of a felony under the laws of this State
42 and assigned to the custody of the Division of Parole and Probation of the
43 Department of Public Safety pursuant to NRS 209.4886 or 209.4888.

44 2. "Residential confinement" means the confinement of a person
45 convicted of a felony to his or her place of residence under the terms and

1 conditions established pursuant to specific statute. The term does not
2 include any confinement ordered pursuant to NRS 176A.540, 176A.550,
3 176A.560, 176A.660 to 176A.690, inclusive, 213.15105, 213.15193 or
4 213.152 to 213.1528, inclusive.

5 **Sec. 3.** NRS 209.4465 is hereby amended to read as follows:

6 209.4465 1. ~~Am~~ *Unless an offender has elected to be subject to*
7 *the provisions of section 1 of this act, an* offender who is sentenced to
8 prison for a crime committed on or after July 17, 1997, *but before*
9 ~~January~~ *July 1, 2025*, who has no serious infraction of the regulations of
10 the Department, the terms and conditions of his or her residential
11 confinement or the laws of the State recorded against the offender, and
12 who performs in a faithful, orderly and peaceable manner the duties
13 assigned to the offender, must be allowed:

14 (a) For the period the offender is actually incarcerated pursuant to his
15 or her sentence;

16 (b) For the period the offender is in residential confinement; and

17 (c) For the period the offender is in the custody of the Division of
18 Parole and Probation of the Department of Public Safety pursuant to NRS
19 209.4886 or 209.4888,

20 ➔ a deduction of 20 days from his or her sentence for each month the
21 offender serves.

22 2. In addition to the credits allowed pursuant to subsection 1, the
23 Director may allow not more than 10 days of credit each month for an
24 offender whose diligence in labor and study merits such credits. In addition
25 to the credits allowed pursuant to this subsection, an offender is entitled to
26 the following credits for educational achievement:

27 (a) For earning a general educational development certificate or an
28 equivalent document, 60 days.

29 (b) For earning a high school diploma, 90 days.

30 (c) For earning his or her first associate degree, 120 days.

31 3. The Director may, in his or her discretion, authorize an offender to
32 receive a maximum of 90 days of credit for each additional degree of
33 higher education earned by the offender.

34 4. The Director may allow not more than 10 days of credit each
35 month for an offender who participates in a diligent and responsible
36 manner in a center for the purpose of making restitution, program for
37 reentry of offenders and parolees into the community, conservation camp,
38 program of work release or another program conducted outside of the
39 prison. An offender who earns credit pursuant to this subsection is eligible
40 to earn the entire 30 days of credit each month that is allowed pursuant to
41 subsections 1 and 2.

42 5. The Director may allow not more than 90 days of credit each year
43 for an offender who engages in exceptional meritorious service.

44 6. The Board shall adopt regulations governing the award, forfeiture
45 and restoration of credits pursuant to this section.

1 7. Except as otherwise provided in subsections 8 and 9, credits earned
2 pursuant to this section:

3 (a) Must be deducted from the maximum term or the maximum
4 aggregate term imposed by the sentence, as applicable; and

5 (b) Apply to eligibility for parole unless the offender was sentenced
6 pursuant to a statute which specifies a minimum sentence that must be
7 served before a person becomes eligible for parole.

8 8. Credits earned pursuant to this section by an offender who has not
9 been convicted of:

10 (a) Any crime that is punishable as a felony involving the use or
11 threatened use of force or violence against the victim;

12 (b) A sexual offense that is punishable as a felony;

13 (c) A violation of NRS 484C.110, 484C.120, 484C.130 or 484C.430
14 that is punishable as a felony; or

15 (d) A category A or B felony,

16 → apply to eligibility for parole and, except as otherwise provided in
17 subsection 9, must be deducted from the minimum term or the minimum
18 aggregate term imposed by the sentence, as applicable, until the offender
19 becomes eligible for parole and must be deducted from the maximum term
20 or the maximum aggregate term imposed by the sentence, as applicable.

21 9. Credits deducted pursuant to subsection 8 may reduce the
22 minimum term or the minimum aggregate term imposed by the sentence,
23 as applicable, by not more than 58 percent for an offender who:

24 (a) Is serving a sentence for an offense committed on or after July 1,
25 2014; or

26 (b) On or after July 1, 2014, makes an irrevocable election to have his
27 or her consecutive sentences aggregated pursuant to
28 NRS 213.1212.

29 10. In addition to the credits allowed pursuant to this section, if the
30 Governor determines, by executive order, that it is necessary, the Governor
31 may authorize the deduction of not more than 5 days from a sentence for
32 each month an offender serves. This subsection must be uniformly applied
33 to all offenders under a sentence at the time the Governor makes such a
34 determination.

35 **Sec. 4.** NRS 209.4475 is hereby amended to read as follows:

36 209.4475 1. In addition to any credits earned pursuant to NRS
37 209.447 ~~1~~ *and section 1 of this act*, an offender who is on parole as of
38 January 1, 2004, or who is released on parole on or after January 1, 2004,
39 for a term less than life must be allowed for the period the offender is
40 actually on parole a deduction of 20 days from the offender's sentence for
41 each month the offender serves if:

42 (a) The offender is current with any fee to defray the costs of his or her
43 supervision charged by the Division of Parole and Probation of the
44 Department of Public Safety pursuant to NRS 213.1076; and

1 (b) The offender is current with any payment of restitution required by
2 the State Board of Parole Commissioners pursuant to NRS 213.126.

3 2. An offender shall be deemed to be current with any fee and
4 payment of restitution described in subsection 1 for any given month if,
5 during that month, the offender makes at least the minimum monthly
6 payment established by:

7 (a) The Division of Parole and Probation of the Department of Public
8 Safety, if any; and

9 (b) The State Board of Parole Commissioners, if any.

10 3. In addition to any credits earned pursuant to subsection 1, ~~and~~
11 NRS 209.447 ~~and~~ *and section 1 of this act*, the Director may allow not
12 more than 10 days of credit each month for an offender:

13 (a) Who is on parole as of January 1, 2004, or who is released on
14 parole on or after January 1, 2004, for a term less than life; and

15 (b) Whose diligence in labor or study merits such credits.

16 4. An offender is entitled to the deductions authorized by this section
17 only if the offender satisfies the conditions of subsection 1 or 3, as
18 determined by the Director. The Chief Parole and Probation Officer or
19 other person responsible for the supervision of an offender shall report to
20 the Director the failure of an offender to satisfy those conditions.

21 5. Credits earned pursuant to this section must, in addition to any
22 credits earned pursuant to NRS 209.443, 209.446, 209.4465, 209.447,
23 209.448 and 209.449, *and section 1 of this act*, be deducted from the
24 maximum term or the maximum aggregate term imposed by the sentence,
25 as applicable.

26 6. The Director shall maintain records of the credits to which each
27 offender is entitled pursuant to this section.

28 **Sec. 5.** NRS 209.4477 is hereby amended to read as follows:

29 209.4477 1. ~~An~~ *Unless an offender has elected to be subject to*
30 *the provisions of section 1 of this act, an* offender who *is serving a*
31 *sentence for a crime committed before* ~~January~~ *July 1, 2025, and who*
32 is actually incarcerated in an institution or facility of the Department
33 pursuant to his or her sentence during a period in which a state of
34 emergency due to a communicable or infectious disease has been declared
35 by the Governor and remains in effect must be allowed, in addition to the
36 credits provided pursuant to NRS 209.433, 209.443, 209.446 or 209.4465,
37 a deduction of 5 days from his or her sentence for each month the offender
38 serves during the state of emergency. An offender shall not be allowed
39 more than 60 days of credit pursuant to this section.

40 2. Credits earned pursuant to this section:

41 (a) Apply to eligibility for parole and must be deducted from the
42 minimum term or the minimum aggregate term imposed by the sentence,
43 as applicable, until the offender becomes eligible for parole, unless the
44 offender was sentenced pursuant to a statute which specifies a minimum

1 sentence which must be served before a person becomes eligible for
2 parole; and

3 (b) Must be deducted from the maximum term or the maximum
4 aggregate term imposed by the sentence, as applicable.

5 3. Not later than 60 days after a state of emergency due to a
6 communicable or infectious disease has been declared by the Governor,
7 the Director shall submit a report containing a list of the offenders who
8 have received credits pursuant to this section to
9 the Chief Justice of the Nevada Supreme Court, the State Public Defender,
10 the Attorney General, the Executive Director of the Department of
11 Sentencing Policy and the Director of the Legislative Counsel Bureau for
12 transmittal to the Legislature or, if the Legislature is not in session, to the
13 Joint Interim Standing Committee on the Judiciary.

14 4. As used in this section:

15 (a) "Communicable disease" means an infectious disease that can be
16 transmitted from person to person, animal to person or insect to person.

17 (b) "Infectious disease" means a disease caused by a living organism
18 or other pathogen, including a fungus, bacillus, parasite, protozoan or
19 virus. An infectious disease may or may not be transmissible from person
20 to person, animal to person or insect to person.

21 **Sec. 6.** NRS 209.448 is hereby amended to read as follows:

22 209.448 1. An offender who has no serious infraction of the
23 regulations of the Department or the laws of the State recorded against the
24 offender must be allowed, in addition to the credits provided pursuant to
25 NRS 209.433, 209.443, 209.446 or 209.4465, a deduction of not more than
26 60 days from the maximum term or the maximum aggregate term of the
27 offender's sentence, as applicable, for the successful completion of a
28 program of treatment for an alcohol or other substance use disorder which
29 is conducted jointly by the Department and a person who is licensed as a
30 clinical alcohol and drug counselor, licensed or certified as an alcohol and
31 drug counselor or certified as an alcohol and drug counselor intern or a
32 clinical alcohol and drug counselor intern, pursuant to chapter 641C of
33 NRS.

34 2. ~~The~~ *Unless an offender has elected to be subject to the*
35 *provisions of section 1 of this act, the* provisions of this section apply to
36 any offender who is sentenced on or after October 1, 1991 ~~+~~, *for a crime*
37 *committed before ~~January~~ July 1, 2025.*

38 **Sec. 7.** NRS 209.449 is hereby amended to read as follows:

39 209.449 1. ~~An~~ *Unless an offender has elected to be subject to the*
40 *provisions of section 1 of this act, an offender who is serving a sentence*
41 *for a crime committed before ~~January~~ July 1, 2025, and* who has no
42 serious infraction of the regulations of the Department, the terms and
43 conditions of his or her residential confinement or the laws of the State
44 recorded against the offender must be allowed, in addition to the credits
45 provided pursuant to NRS 209.433, 209.443, 209.446 or 209.4465, a

1 deduction of 60 days from the maximum term or the maximum aggregate
2 term of the offender's sentence, as applicable, for the successful
3 completion of:

- 4 (a) A program of vocational education and training; or
- 5 (b) Any other program approved by the Director.

6 2. If the offender completes such a program with meritorious or
7 exceptional achievement, the Director may allow not more than 60 days of
8 credit in addition to the 60 days allowed for completion of the program.

9 **Sec. 8.** NRS 209.4495 is hereby amended to read as follows:

10 209.4495 1. Notwithstanding any provision of NRS 209.432 to
11 209.453, inclusive, *and section 1 of this act*, which entitles an offender to
12 receive credit or which authorizes the Director to allow credit for an
13 offender, an offender may not earn more than the amount of credit required
14 to expire his or her sentence.

15 2. Nothing in this section shall be construed to reduce retroactively
16 the amount of credit earned by an offender if doing so would constitute a
17 violation under the Constitution of the United States or the Constitution of
18 the State of Nevada.

19 **Sec. 9.** NRS 213.120 is hereby amended to read as follows:

20 213.120 1. Except as otherwise provided in NRS 213.1213 *or*
21 *section 1 of this act* and as limited by statute for certain specified offenses,
22 a prisoner who was sentenced to prison for a crime committed before July
23 1, 1995, may be paroled when the prisoner has served one-third of the
24 definite period of time for which the prisoner has been sentenced pursuant
25 to NRS 176.033, less any credits earned to reduce his or her sentence
26 pursuant to chapter 209 of NRS.

27 2. Except as otherwise provided in NRS 213.1213 and as limited by
28 statute for certain specified offenses, a prisoner who was sentenced to
29 prison for a crime committed on or after July 1, 1995, may be paroled
30 when the prisoner has served the minimum term or minimum aggregate
31 term of imprisonment imposed by the court. Except as otherwise provided
32 in NRS 209.4465 ~~H~~ *and section 1 of this act*, any credits earned to reduce
33 his or her sentence pursuant to chapter 209 of NRS while the prisoner
34 serves the minimum term or minimum aggregate term of imprisonment
35 may reduce only the maximum term or the maximum aggregate term of
36 imprisonment imposed, as applicable, and must not reduce the minimum
37 term or the minimum aggregate term of imprisonment, as applicable.

38 **Sec. 10.** NRS 213.1212 is hereby amended to read as follows:

39 213.1212 1. Notwithstanding any other provision of law, if a
40 prisoner is sentenced pursuant to NRS 176.035 to serve two or more
41 consecutive sentences, the terms of which have been aggregated:

- 42 (a) The prisoner shall be deemed to be eligible for parole from all such
43 sentences after serving the minimum aggregate term of imprisonment; and
- 44 (b) The Board is not required to consider the prisoner for parole until
45 the prisoner has served the minimum aggregate term of imprisonment.

1 2. Except as otherwise provided in subsection 3, for purposes of
2 determining parole eligibility, a prisoner whose sentences have been
3 aggregated may earn credit pursuant to NRS 209.433 to 209.449, inclusive,
4 *and section 1 of this act*, which must be deducted from the minimum
5 aggregate term of imprisonment or the maximum aggregate term of
6 imprisonment, as applicable. Such credits may be earned only to the extent
7 that the credits would otherwise be earned had the sentences not been
8 aggregated.

9 3. For purposes of determining parole eligibility, if the sentences of a
10 prisoner are governed by different provisions of law concerning the
11 earning of credits pursuant to NRS 209.433 to 209.4465, inclusive, *and*
12 *section 1 of this act*, the Department of Corrections shall determine the
13 minimum term of each sentence to be aggregated for the purpose of
14 establishing a minimum aggregate term of imprisonment as follows:

15 (a) If the parole eligibility of a prisoner is based on credits earned
16 pursuant to NRS 209.433 or 209.443, the Department of Corrections shall
17 establish a fixed minimum term for that sentence based on the assumption
18 that the prisoner will earn all future credits to reduce that sentence as
19 provided in NRS 209.433 or 209.443, as applicable, except for credits
20 earned for donating blood or for educational achievements in accordance
21 with any regulations adopted by the Board pursuant to subsection 2 of
22 NRS 209.433 or subsection 3 of NRS 209.443. Any such credits earned by
23 a prisoner for donating blood or for educational achievements that are
24 awarded after a minimum aggregate term of imprisonment is established
25 must be applied only to the maximum aggregate term of imprisonment.

26 (b) If the parole eligibility of a prisoner is based on credits earned
27 pursuant to NRS 209.446, the Department of Corrections shall establish a
28 fixed minimum term for that sentence based on the assumption that the
29 prisoner will earn all future credits to reduce that sentence as provided in
30 NRS 209.446, except for credits earned for educational achievements
31 pursuant to subsection 2 of NRS 209.446 or for meritorious service
32 pursuant to subsection 4 of NRS 209.446. Any such credits earned for
33 educational achievements or meritorious service that are awarded after a
34 minimum aggregate term of imprisonment is established must be applied
35 only to the maximum aggregate term of imprisonment.

36 (c) If a prisoner is eligible to earn a deduction from the minimum term
37 of his or her sentence pursuant to subsection 8 of NRS 209.4465 ~~§~~ *or*
38 *section 1 of this act*, the minimum term of the sentence to be aggregated
39 must be the minimum term set by the court, and the provisions of
40 subsection 9 of NRS 209.4465 *or section 1 of this act, as applicable*, must
41 be applied to the aggregated sentence.

42 (d) If a prisoner is not eligible to earn a deduction from the minimum
43 term of his or her sentence, the minimum term of the sentence to be
44 aggregated must be the term set by the court or, if

1 the court does not set the minimum term, the minimum term required by
2 law.

3 4. A prisoner whose sentences have been aggregated pursuant to
4 subsection 3 may earn credits to reduce the maximum aggregate term of
5 imprisonment, as already reduced by any presentence credits stipulated in
6 the judgment of conviction or other applicable court order, pursuant to
7 NRS 209.4465 or 209.4475 *or section 1 of this act* beginning on the date
8 the prisoner elected to have the sentences aggregated or on the date of
9 sentencing.

10 5. Except as otherwise provided in subsection 6 and subsection 3 of
11 NRS 176.035, a prisoner who is serving consecutive sentences which have
12 not been aggregated may, by submitting a written request to the Director of
13 the Department of Corrections, make an irrevocable election to have the
14 sentences aggregated. If the prisoner makes such an irrevocable election to
15 have the sentences aggregated and:

16 (a) The prisoner has not been considered for parole on any of the
17 sentences requested to be aggregated, the Department of Corrections shall
18 aggregate the sentences in the manner set forth in this section and NRS
19 176.035 and the Board is not required to consider the prisoner for parole
20 until the prisoner has served the minimum aggregate term of
21 imprisonment.

22 (b) The prisoner has been considered for parole on one or more of the
23 sentences requested to be aggregated, the Department of Corrections shall
24 aggregate only the sentences for which parole has not been considered.
25 The Board is not required to consider the prisoner for parole on the
26 aggregated sentences until the prisoner has served the minimum aggregate
27 term of imprisonment.

28 6. At the request of a prisoner, the Department of Corrections may
29 disaggregate any aggregated sentences for which parole has not been
30 considered for the purpose of aggregating such sentences with other
31 sentences pursuant to this section or NRS 176.035.

32 7. Except as otherwise provided in subsection 3 of NRS 176.035, if
33 the Department of Corrections aggregates sentences that are comprised of
34 separate aggregated sentences, the Department of Corrections may
35 aggregate all the consecutive sentences to create a single aggregated
36 sentence.

37 8. The provisions of this section do not establish a basis for any cause
38 of action by a prisoner against the State or its political subdivisions,
39 agencies, boards, commissions, departments, officers or employees
40 relating to any credits the prisoner might have earned if the sentences of
41 the prisoner had not been aggregated.

42 **Sec. 10.5. 1. Not later than December 31, 2024, the Department**
43 **of Corrections shall report to the Interim Finance Committee**
44 **concerning the actions taken by the Department to implement the**
45 **provisions of this act, including, without limitation, the progress of the**

1 Department in programming the computer systems of the Department
2 as necessary to carry out the provisions of this act.

3 2. In preparing to implement the provisions of this act, the
4 Department of Corrections shall share information with the Office of
5 the Attorney General concerning the actions taken by the Department
6 to enable the Department to carry out the provisions of this act. If any
7 information provided by the Department of Corrections to the Office
8 of the Attorney General pursuant to this subsection is confidential or
9 privileged, such information is confidential and privileged to the same
10 extent that the information would be confidential and privileged if in
11 the possession of the Department of Corrections.

12 **Sec. 11.** 1. This section becomes effective upon passage and
13 approval.

14 2. Sections 1 to 10, inclusive, of this act become effective:

15 (a) Upon passage and approval for the purpose of adopting any
16 regulations and performing any other preparatory administrative tasks that
17 are necessary to carry out the provisions of this act; and

18 (b) On ~~January~~ July 1, 2025, for all other purposes.