

Nevada's prison population of 13,800 is expected to reach 15,000 in less than ten years, according to data from the [Department of Corrections](#). At the same time, taxpayer costs for the criminal justice system are expected to increase by \$770 million. Increases like these have resulted in higher spending on prisons and fewer resources available for recidivism reduction measures.

To counter these trends, a bipartisan group of state leaders from all three branches of government joined to request technical assistance through the [Justice Reinvestment Initiative](#) (JRI). As part of the JRI effort, state leaders charged the [Advisory Commission on the Administration of Justice](#) (ACAJ) with conducting a review of the state's criminal justice system using Nevada's criminal justice data to improve public safety, reduce corrections and related criminal justice spending, and reinvest savings in strategies to decrease crime and reduce recidivism.

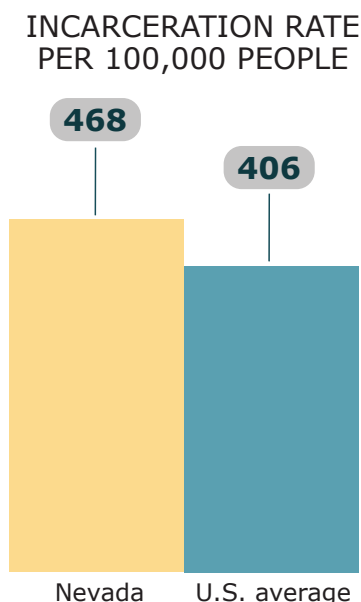
WHAT IS THE JUSTICE REINVESTMENT INITIATIVE?

The JRI is a public-private collaboration between the Bureau of Justice Assistance and the Pew Charitable Trust. Technical assistance is provided by the [Crime and Justice Institute](#) (CJI), a division of [Community Resources for Justice](#).

Since 2007, 35 states have partnered with the JRI, which uses evidence-based data to help states make better-informed policy and budgetary decisions related to crime, public safety, and the criminal justice system.

INCARCERATION RATES (2016)

According to the CJI, Nevada's incarceration rate was 15 percent higher than the national average in 2016, and rising.



KEY INCARCERATION STATISTICS IN NEVADA (2017)

- **66%** of people admitted to prison in Nevada were sentenced for a nonviolent crime.
- **39%** of prison admissions resulted from probation and parole violations, meaning a person did not comply with a condition of supervision, such as failing a drug test or not going to treatment.
- The number of women sentenced to prison had increased
 - **39%** since 2008, making Nevada's female incarceration rate
 - **43%** higher than the national average.
- **79%** of female admissions were for nonviolent offenses.
- **52%** of women entering prison had a mental health need.

Sources: [Final Report, Nevada ACAJ-JRI, January 2019](#); "[Nevada Justice Reinvestment](#)," CJI, accessed February 2020.

NEVADA'S PARTNERSHIP WITH THE JRI

In August 2018, Nevada was selected to participate in the JRI. Working with Nevada's ACAJ, the CJI analyzed data on the state's prison, parole, and probation populations, as well as data from the courts. The ACAJ and CJI also reviewed research on reducing recidivism and examined effective criminal justice policies in other states, with the goal of developing policy options to improve public safety and the delivery of justice throughout Nevada.

LEGISLATIVE OUTCOMES: ASSEMBLY BILL 236

Based on this data analysis and the directive from state leadership, the ACAJ developed a comprehensive package of 25 policy recommendations that were included in [Assembly Bill 236](#) of the 2019 Legislative Session. The provisions of the bill are expected to avert 63 percent of the projected prison population increase over the next ten years and save the state just over \$540 million during that same time period.

While the bill was amended substantially before its final passage, AB 236 revises numerous provisions of criminal law and criminal procedure. Among other items, the bill does the following.

Nevada Sentencing Commission

- Establishes the [Nevada Sentencing Commission](#) as the oversight body for the implementation of AB 236, including continued collection of data to monitor the progress of the criminal justice system.
- Requires the Commission to calculate and report any averted costs resulting from AB 236 to the Legislature and recommend corresponding financial support to programs and services.
- Creates the Nevada Local Justice Reinvestment Coordinating Council to oversee and advocate for local initiatives relating to changes that result from AB 236. The Council will have the opportunity to make recommendations to the Sentencing Commission.

Revision of Certain Crimes

- Adds the element of unlawful entry—including entry under false pretenses—to the burglary statute.
- Raises the theft and larceny thresholds.
- Increases judicial discretion in sentencing for commercial drug offenses.
- Establishes a tiered structure for the sale, transport, and/or distribution of controlled substances.
- Revises the habitual criminal statute to require five prior felonies, rather than two, for a category B penalty and seven prior felonies, rather than three, for a category A penalty.
- Prohibits the possession of a controlled substance and the unlawful use of a controlled substance from being used as prior convictions for criminal enhancement.
- Reclassifies certain category B offenses as category C offenses, such as offenses involving a stolen vehicle, stolen property, grand larceny, and using a scanning device or reencoder to defraud.

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Reentry of Offenders

- Amends the reentry statute to require that a reentry plan begin six months prior to an inmate's parole eligibility date, and to require consideration of information related to residence, employment, treatment, and educational services.
- Requires interagency collaboration regarding housing and treatment opportunities for those released on parole.
- Revises the duties of the director of the [Department of Corrections](#) related to the release of offenders from prison, including requiring that the Department provide:
 - A photo identification card with an indication of whether the director has verified the offender's legal name with the Department of Motor Vehicles;
 - Clothing, transportation, and transitional housing if available;
 - Medicare or Medicaid enrollment if eligible; and
 - A 30-day prescription of medication if the offender was receiving medication while in custody.

Specialty Court Programs

- Authorizes a court to establish an appropriate program for the treatment of a drug or alcohol use disorder, to which the court may assign a defendant.
- Allows a justice or municipal court to transfer jurisdiction of a case to district court, in order to allow a misdemeanor defendant to be assigned to a specialty court program run by the district court.
- Establishes sealing provisions for successful completion of a drug specialty court program.
- Authorizes a court to send a defendant to a mental health program through a deferred sentence with probation or by entering a judgment of conviction and imposing the program as a condition of probation.
- Establishes the use of in-person clinical assessments for eligibility into veterans courts.

Probation and Parole

- Requires the [Division of Parole and Probation](#) to establish a written system of graduated sanctions for parole and probation officers to use when responding to technical violations. These sanctions must take into account a person's ability to successfully complete the conditions of probation.
- Establishes the use of a risk and needs assessment to determine supervision level, and requires that results of the assessment be used for an individualized case plan. Such assessment tools must be validated periodically according to the timeline established by their developers.