

SENATE BILL NO. 71—SENATOR PARKS

PREFILED JANUARY 9, 2013

Referred to Committee on Judiciary

SUMMARY—Revises provisions governing sentencing of certain criminal offenders and determining eligibility of certain prisoners for parole. (BDR 14-447)

FISCAL NOTE: Effect on Local Government: No.  
Effect on the State: No.

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EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to offenders; requiring the aggregation of certain consecutive sentences of imprisonment imposed on an offender; making credits earned by a prisoner to reduce his or her sentence applicable to an aggregated sentence; revising the manner in which certain credits are deducted to reduce the minimum term of imprisonment; revising provisions relating to the parole of certain prisoners; and providing other matters properly relating thereto.

**Legislative Counsel’s Digest:**

1 Under existing law, a person who is convicted of committing more than one  
2 crime may be sentenced to serve the sentences imposed for each crime concurrently  
3 or consecutively. If a person is sentenced to serve consecutive sentences, he or she  
4 must complete or be paroled from one sentence before beginning to serve the next  
5 sentence. (NRS 176.035) Existing law further provides that for crimes committed  
6 on or after July 1, 2009, if two or more sentences of life imprisonment with the  
7 possibility of parole are imposed, the minimum sentences are aggregated for the  
8 purposes of determining parole eligibility. By aggregating the minimum sentences,  
9 the prisoner is not paroled from the first offense separately, but rather becomes  
10 eligible for parole after the minimum aggregate term of imprisonment has been  
11 served. (NRS 213.1213) If the crimes were committed before July 1, 2009, existing  
12 law authorizes a prisoner serving two or more sentences of life imprisonment with  
13 the possibility of parole to request to have the sentences aggregated. Otherwise,  
14 parole eligibility continues to be determined for each sentence separately.

15 **Section 1** of this bill provides that when a court imposes consecutive sentences,  
16 those sentences must be aggregated if the crimes were committed on or after July 1,  
17 2014, unless any of the sentences includes a sentence of life without the possibility  
18 of parole or death. **Section 11** of this bill further provides that a prisoner who is  
19 serving consecutive sentences may, by submitting a request to the Director of the



20 Department of Corrections, make an irrevocable election to aggregate any  
21 remaining sentences for which parole has not previously been considered. **Sections**  
22 **1 and 11** provide that sentences for offenses which are entered at different times  
23 may not be aggregated. For example, a sentence for a felony that is committed  
24 while serving a sentence for another felony may not be aggregated with the earlier  
25 sentence. By aggregating sentences, a prisoner will become eligible for parole after  
26 the minimum aggregate term of imprisonment has been served. **Section 16** of this  
27 bill limits the current aggregation of multiple life sentences so that the sentences for  
28 any crime committed on or after July 1, 2014, will be aggregated in the manner  
29 provided in **sections 1 and 11**.

30 Existing law further provides that prisoners may earn certain credits to reduce  
31 their sentences. Most credits earned reduce only the maximum term of  
32 imprisonment, however, in some cases, the credits earned reduce both the minimum  
33 and maximum terms of imprisonment. When the credits are authorized to be  
34 deducted from the minimum term of imprisonment, the credits are deducted from  
35 the minimum term until the offender becomes eligible for parole. (NRS 209.4465)  
36 **Section 6** of this bill instead provides that for offenses committed and sentences  
37 aggregated on or after July 1, 2014, such credits may only reduce the minimum  
38 term or minimum aggregate term imposed by the sentence by not more than 58  
39 percent. **Sections 4-10** of this bill revise provisions governing credits earned by  
40 offenders to reduce their sentences to ensure that the credits also apply to  
41 aggregated sentences. **Section 11** of this bill further clarifies that with respect to  
42 such credits, the credits apply to the aggregated sentences to the same extent that  
43 they would apply had the sentences not been aggregated. **Sections 2, 3 and 13-21**  
44 of this bill make technical changes to various statutes to include necessary  
45 references to aggregated sentences.

46 Existing law also requires under certain circumstances that a prisoner who was  
47 sentenced to life imprisonment with the possibility of parole and who was less than  
48 16 years of age at the time the prisoner committed the offense for which he or she  
49 was imprisoned be: (1) granted parole from his or her current term of imprisonment  
50 to his or her subsequent term of imprisonment, if the prisoner still has a consecutive  
51 sentence to be served; or (2) released on parole if the prisoner does not have a  
52 consecutive sentence to be served. (NRS 213.1215) **Section 17** of this bill provides  
53 that the State Board of Parole Commissioners is not required to release such a  
54 prisoner on parole if: (1) the prisoner is determined to be a high risk to reoffend in a  
55 sexual manner; or (2) the Board determines that there is a reasonable probability  
56 that the prisoner will be a danger to public safety while on parole. **Section 19** of  
57 this bill provides that such a prisoner released on parole whose parole is revoked  
58 for a violation of any rule or regulation governing his or her conduct cannot be  
59 considered again for release on parole pursuant to his or her qualification under  
60 such provisions but may be considered for release on parole pursuant to other  
61 provisions of law.

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

1 **Section 1.** NRS 176.035 is hereby amended to read as follows:  
2 176.035 1. Except as otherwise provided in subsection ~~2~~ **3**,  
3 whenever a person is convicted of two or more offenses, and  
4 sentence has been pronounced for one offense, the court in imposing  
5 any subsequent sentence may provide that the sentences  
6 subsequently pronounced run either concurrently or consecutively



1 with the sentence first imposed. Except as otherwise provided in  
2 subsections ~~12~~ 3 and ~~13~~ 4, if the court makes no order with  
3 reference thereto, all such subsequent sentences run concurrently.  
4 *For offenses committed on or after July 1, 2014, if the court*  
5 *imposes the sentences to run consecutively, the court must*  
6 *pronounce the minimum and maximum aggregate terms of*  
7 *imprisonment pursuant to subsection 2, unless the defendant is*  
8 *sentenced to life imprisonment without the possibility of parole or*  
9 *death.*

10 2. *When aggregating terms of imprisonment pursuant to*  
11 *subsection 1:*

12 (a) *If at least one sentence imposes a maximum term of*  
13 *imprisonment for life with the possibility of parole, the court must*  
14 *aggregate the minimum terms of imprisonment to determine the*  
15 *minimum aggregate term of imprisonment, and the maximum*  
16 *aggregate term of imprisonment shall be deemed to be*  
17 *imprisonment in the state prison for life with the possibility of*  
18 *parole.*

19 (b) *If all the sentences impose a minimum and maximum*  
20 *term of imprisonment, the court must aggregate the minimum*  
21 *terms of imprisonment to determine the minimum aggregate term*  
22 *of imprisonment and must aggregate the maximum terms of*  
23 *imprisonment to determine the maximum aggregate term of*  
24 *imprisonment.*

25 3. Except as otherwise provided in this subsection, whenever a  
26 person under sentence of imprisonment for committing a felony  
27 commits another crime constituting a felony and is sentenced to  
28 another term of imprisonment for that felony, the latter term must  
29 not begin until the expiration of all prior terms ~~1~~, *including the*  
30 *expiration of any prior aggregated terms.* If the person is a  
31 probationer at the time the subsequent felony is committed, the court  
32 may provide that the latter term of imprisonment run concurrently  
33 with any prior terms or portions thereof. If the person is sentenced to  
34 a term of imprisonment for life without the possibility of parole, the  
35 sentence must be executed without reference to the unexpired term  
36 of imprisonment and without reference to eligibility for parole.

37 ~~13~~ 4. Whenever a person under sentence of imprisonment  
38 commits another crime constituting a misdemeanor or gross  
39 misdemeanor, the court shall provide expressly whether the sentence  
40 subsequently pronounced runs concurrently or consecutively with  
41 the one first imposed.

42 ~~14~~ 5. Whenever a person under sentence of imprisonment  
43 commits another crime for which the punishment is death, the  
44 sentence must be executed without reference to the unexpired term  
45 of imprisonment.



1 ~~5.1~~ 6. This section does not prevent the State Board of Parole  
2 Commissioners from paroling a person under consecutive sentences  
3 of imprisonment from a current term of imprisonment to a  
4 subsequent term of imprisonment.

5 **Sec. 2.** NRS 176.055 is hereby amended to read as follows:

6 176.055 1. Except as otherwise provided in subsection 2,  
7 whenever a sentence of imprisonment in the county jail or state  
8 prison is imposed, the court may order that credit be allowed against  
9 the duration of the sentence, including any minimum term *or*  
10 *minimum aggregate term, as applicable*, thereof prescribed by law,  
11 for the amount of time which the defendant has actually spent in  
12 confinement before conviction, unless the defendant's confinement  
13 was pursuant to a judgment of conviction for another offense. Credit  
14 allowed pursuant to this subsection does not alter the date from  
15 which the term of imprisonment is computed.

16 2. A defendant who is convicted of a subsequent offense which  
17 was committed while the defendant was:

18 (a) In custody on a prior charge is not eligible for any credit on  
19 the sentence for the subsequent offense for time the defendant has  
20 spent in confinement on the prior charge, unless the charge was  
21 dismissed or the defendant was acquitted.

22 (b) Imprisoned in a county jail or state prison or on probation or  
23 parole from a Nevada conviction is not eligible for any credit on the  
24 sentence for the subsequent offense for the time the defendant has  
25 spent in confinement which is within the period of the prior  
26 sentence, regardless of whether any probation or parole has been  
27 formally revoked.

28 **Sec. 3.** NRS 209.429 is hereby amended to read as follows:

29 209.429 1. Except as otherwise provided in subsection 6, the  
30 Director shall assign an offender to the custody of the Division of  
31 Parole and Probation of the Department of Public Safety to serve a  
32 term of residential confinement, pursuant to NRS 213.380, for not  
33 longer than the remainder of the maximum term *or the maximum*  
34 *aggregate term, as applicable*, of his or her sentence if the offender  
35 has:

36 (a) Demonstrated a willingness and ability to establish a position  
37 of employment in the community;

38 (b) Demonstrated a willingness and ability to enroll in a  
39 program for education or rehabilitation; or

40 (c) Demonstrated an ability to pay for all or part of the costs of  
41 his or her confinement and to meet any existing obligation for  
42 restitution to any victim of his or her crime.

43 2. Before a person may be assigned to serve a term of  
44 residential confinement pursuant to this section, he or she must



1 submit to the Division of Parole and Probation a signed document  
2 stating that:

3 (a) He or she will comply with the terms or conditions of the  
4 residential confinement; and

5 (b) If he or she fails to comply with the terms or conditions of  
6 the residential confinement and is taken into custody outside of this  
7 State, he or she waives all rights relating to extradition proceedings.

8 3. If an offender assigned to the custody of the Division of  
9 Parole and Probation pursuant to this section escapes or violates any  
10 of the terms or conditions of his or her residential confinement:

11 (a) The Division of Parole and Probation may, pursuant to the  
12 procedure set forth in NRS 213.410, return the offender to the  
13 custody of the Department.

14 (b) The offender forfeits all or part of the credits earned by the  
15 offender to reduce his or her sentence pursuant to this chapter before  
16 the escape or violation, as determined by the Director. The Director  
17 may provide for a forfeiture of credits pursuant to this paragraph  
18 only after proof of the offense and notice to the offender and may  
19 restore credits forfeited for such reasons as the Director considers  
20 proper. The decision of the Director regarding forfeiture of credits is  
21 final.

22 4. The assignment of an offender to the custody of the Division  
23 of Parole and Probation pursuant to this section shall be deemed:

24 (a) A continuation of the offender's imprisonment and not a  
25 release on parole; and

26 (b) For the purposes of NRS 209.341, an assignment to a facility  
27 of the Department,

28 ↪ except that the offender is not entitled to obtain any benefits or to  
29 participate in any programs provided to offenders in the custody of the  
30 Department.

31 5. A person does not have a right to be assigned to the custody  
32 of the Division of Parole and Probation pursuant to this section, or  
33 to remain in that custody after such an assignment, and it is not  
34 intended that the provisions of this section or of NRS 213.371 to  
35 213.410, inclusive, create any right or interest in liberty or property  
36 or establish a basis for any cause of action against the State, its  
37 political subdivisions, agencies, boards, commissions, departments,  
38 officers or employees.

39 6. The Director shall not assign an offender who is serving a  
40 sentence for committing a battery which constitutes domestic  
41 violence pursuant to NRS 33.018 to the custody of the Division of  
42 Parole and Probation to serve a term of residential confinement  
43 unless the Director makes a finding that the offender is not likely to  
44 pose a threat to the victim of the battery.



1       **Sec. 4.** NRS 209.443 is hereby amended to read as follows:

2       209.443 1. Every offender who is sentenced to prison after  
3 June 30, 1969, for a crime committed before July 1, 1985, who has  
4 no serious infraction of the regulations of the Department, the terms  
5 and conditions of his or her residential confinement, or the laws of  
6 the State recorded against the offender, and who performs in a  
7 faithful, orderly and peaceable manner the duties assigned to the  
8 offender, must be allowed:

9       (a) For the period the offender is actually incarcerated under  
10 sentence; and

11       (b) For the period the offender is in residential confinement,  
12       ↳ a deduction of 2 months for each of the first 2 years, 4 months for  
13 each of the next 2 years and 5 months for each of the remaining  
14 years of the term, and pro rata for any part of a year where the actual  
15 term served is for more or less than a year. Credit must be recorded  
16 on a monthly basis as earned for actual time served.

17       2. The credits earned by an offender must be deducted from the  
18 maximum term *or the maximum aggregate term* imposed by the  
19 sentence, *as applicable*, and, except as otherwise provided in  
20 subsection 5, must apply to eligibility for parole.

21       3. In addition to the credits for good behavior provided for in  
22 subsection 1, the Board shall adopt regulations allowing credits for  
23 offenders whose diligence in labor or study merits such credits and  
24 for offenders who donate their blood for charitable purposes. The  
25 regulations must provide that an offender is entitled to the following  
26 credits for educational achievement:

27       (a) For earning a general educational development certificate, 30  
28 days.

29       (b) For earning a high school diploma, 60 days.

30       (c) For earning an associate degree, 90 days.

31       4. Each offender is entitled to the deductions allowed by this  
32 section if the offender has satisfied the conditions of subsection 1 or  
33 3 as determined by the Director.

34       5. Credits earned pursuant to this section do not apply to  
35 eligibility for parole if a statute specifies a minimum sentence which  
36 must be served before a person becomes eligible for parole.

37       **Sec. 5.** NRS 209.446 is hereby amended to read as follows:

38       209.446 1. Every offender who is sentenced to prison for a  
39 crime committed on or after July 1, 1985, but before July 17, 1997,  
40 who has no serious infraction of the regulations of the Department,  
41 the terms and conditions of his or her residential confinement or the  
42 laws of the State recorded against the offender, and who performs in  
43 a faithful, orderly and peaceable manner the duties assigned to the  
44 offender, must be allowed:



1 (a) For the period the offender is actually incarcerated under  
2 sentence;

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

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

7 → a deduction of 10 days from the offender's sentence for each  
8 month the offender serves.

9 2. In addition to the credit provided for in subsection 1, the  
10 Director may allow not more than 10 days of credit each month for  
11 an offender whose diligence in labor and study merits such credits.  
12 In addition to the credits allowed pursuant to this subsection, an  
13 offender is entitled to the following credits for educational  
14 achievement:

15 (a) For earning a general educational development certificate, 30  
16 days.

17 (b) For earning a high school diploma, 60 days.

18 (c) For earning an associate degree, 90 days.

19 3. The Director may allow not more than 10 days of credit each  
20 month for an offender who participates in a diligent and responsible  
21 manner in a center for the purpose of making restitution, program  
22 for reentry of offenders and parolees into the community,  
23 conservation camp, program of work release or another program  
24 conducted outside of the prison. An offender who earns credit  
25 pursuant to this subsection is entitled to the entire 20 days of credit  
26 each month which is authorized in subsections 1 and 2.

27 4. The Director may allow not more than 90 days of credit each  
28 year for an offender who engages in exceptional meritorious service.

29 5. The Board shall adopt regulations governing the award,  
30 forfeiture and restoration of credits pursuant to this section.

31 6. Credits earned pursuant to this section:

32 (a) Must be deducted from the maximum term *or the maximum*  
33 *aggregate term* imposed by the sentence ~~§~~, *as applicable*; and

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

37 **Sec. 6.** NRS 209.4465 is hereby amended to read as follows:

38 209.4465 1. An offender who is sentenced to prison for a  
39 crime committed on or after July 17, 1997, who has no serious  
40 infraction of the regulations of the Department, the terms and  
41 conditions of his or her residential confinement or the laws of the  
42 State recorded against the offender, and who performs in a faithful,  
43 orderly and peaceable manner the duties assigned to the offender,  
44 must be allowed:



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

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

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

7 ➤ a deduction of 20 days from his or her sentence for each month  
8 the offender serves.

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

15 (a) For earning a general educational development certificate, 60  
16 days.

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

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

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

22 4. The Director may allow not more than 10 days of credit each  
23 month for an offender who participates in a diligent and responsible  
24 manner in a center for the purpose of making restitution, program  
25 for reentry of offenders and parolees into the community,  
26 conservation camp, program of work release or another program  
27 conducted outside of the prison. An offender who earns credit  
28 pursuant to this subsection is eligible to earn the entire 30 days of  
29 credit each month that is allowed pursuant to subsections 1 and 2.

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

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

34 7. Except as otherwise provided in ~~subsection~~ **subsections 8**  
35 **and 9**, credits earned pursuant to this section:

36 (a) Must be deducted from the maximum term **or the maximum**  
37 **aggregate term** imposed by the sentence ~~and~~, **as applicable**; and

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

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

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

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





1 (c) A violation of NRS 484C.110, 484C.120, 484C.130 or  
2 484C.430 that is punishable as a felony; or

3 (d) A category A or B felony,  
4 → apply to eligibility for parole and , *except as otherwise provided*  
5 *in subsection 9*, must be deducted from the minimum term *or the*  
6 *minimum aggregate term* imposed by the sentence , *as applicable*,  
7 until the offender becomes eligible for parole and must be deducted  
8 from the maximum term *or the maximum aggregate term* imposed  
9 by the sentence **H**, *as applicable*.

10 **9.** *Credits deducted pursuant to subsection 8 may reduce the*  
11 *minimum term or the minimum aggregate term imposed by the*  
12 *sentence, as applicable, by not more than 58 percent for an*  
13 *offender who:*

14 (a) *Is serving a sentence for an offense committed on or after*  
15 *July 1, 2014; or*

16 (b) *On or after July 1, 2014, makes an irrevocable election to*  
17 *have his or her consecutive sentences aggregated pursuant to*  
18 *section 11 of this act.*

19 **Sec. 7.** NRS 209.447 is hereby amended to read as follows:

20 209.447 1. An offender who is sentenced after June 30, 1991,  
21 for a crime committed before July 1, 1985, and who is released on  
22 parole for a term less than life must, if the offender has no serious  
23 infraction of the terms and conditions of his or her parole or the laws  
24 of this state recorded against the offender, be allowed for the period  
25 the offender is actually on parole a deduction of 2 months for each  
26 of the first 2 years, 4 months for each of the next 2 years and 5  
27 months for each of the remaining years of the term, and pro rata for  
28 any part of a year where the actual term served is for more or less  
29 than a year. Credit must be recorded on a monthly basis as earned.

30 2. An offender who is sentenced after June 30, 1991, for a  
31 crime committed on or after July 1, 1985, and who is released on  
32 parole for a term less than life must, if the offender has no serious  
33 infraction of the terms and conditions of his or her parole or the laws  
34 of this state recorded against the offender, be allowed for the period  
35 the offender is actually on parole a deduction of 10 days from the  
36 offender's sentence for each month the offender serves.

37 3. An offender is entitled to the deductions authorized by this  
38 section only if the offender satisfies the conditions of subsection 1  
39 or 2, as determined by the Director. The Chief Parole and Probation  
40 Officer or other person responsible for the supervision of an  
41 offender shall report to the Director the failure of an offender to  
42 satisfy those conditions.

43 4. Credits earned pursuant to this section must, in addition to  
44 any credits earned pursuant to NRS 209.443, 209.446, 209.4465,  
45 209.4475, 209.448 and 209.449, be deducted from the maximum



1 term *or the maximum aggregate term* imposed by the sentence **H**,  
2 *as applicable*.

3 5. The Director shall maintain records of the credits to which  
4 each offender is entitled pursuant to this section.

5 **Sec. 8.** NRS 209.4475 is hereby amended to read as follows:

6 209.4475 1. In addition to any credits earned pursuant to  
7 NRS 209.447, an offender who is on parole as of January 1, 2004, or  
8 who is released on parole on or after January 1, 2004, for a term less  
9 than life must be allowed for the period the offender is actually on  
10 parole a deduction of 20 days from the offender's sentence for each  
11 month the offender serves if:

12 (a) The offender is current with any fee to defray the costs of his  
13 or her supervision pursuant to NRS 213.1076; and

14 (b) The offender is current with any payment of restitution  
15 required pursuant to NRS 213.126.

16 2. In addition to any credits earned pursuant to subsection 1  
17 and NRS 209.447, the Director may allow not more than 10 days of  
18 credit each month for an offender:

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

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

22 3. An offender is entitled to the deductions authorized by this  
23 section only if the offender satisfies the conditions of subsection 1  
24 or 2, as determined by the Director. The Chief Parole and Probation  
25 Officer or other person responsible for the supervision of an  
26 offender shall report to the Director the failure of an offender to  
27 satisfy those conditions.

28 4. Credits earned pursuant to this section must, in addition to  
29 any credits earned pursuant to NRS 209.443, 209.446, 209.4465,  
30 209.447, 209.448 and 209.449, be deducted from the maximum  
31 term *or the maximum aggregate term* imposed by the sentence **H**,  
32 *as applicable*.

33 5. The Director shall maintain records of the credits to which  
34 each offender is entitled pursuant to this section.

35 **Sec. 9.** NRS 209.448 is hereby amended to read as follows:

36 209.448 1. An offender who has no serious infraction of the  
37 regulations of the Department or the laws of the State recorded  
38 against the offender must be allowed, in addition to the credits  
39 provided pursuant to NRS 209.433, 209.443, 209.446 or 209.4465, a  
40 deduction of not more than 60 days from the maximum term *or the*  
41 *maximum aggregate term* of the offender's sentence, *as*  
42 *applicable*, for the successful completion of a program of treatment  
43 for the abuse of alcohol or drugs which is conducted jointly by the  
44 Department and a person who is licensed as a clinical alcohol and  
45 drug abuse counselor, licensed or certified as an alcohol and drug



1 abuse counselor or certified as an alcohol and drug abuse counselor  
2 intern or a clinical alcohol and drug abuse counselor intern, pursuant  
3 to chapter 641C of NRS.

4 2. The provisions of this section apply to any offender who is  
5 sentenced on or after October 1, 1991.

6 **Sec. 10.** NRS 209.449 is hereby amended to read as follows:

7 209.449 1. An offender who has no serious infraction of the  
8 regulations of the Department, the terms and conditions of his or her  
9 residential confinement or the laws of the State recorded against the  
10 offender must be allowed, in addition to the credits provided  
11 pursuant to NRS 209.433, 209.443, 209.446 or 209.4465, a  
12 deduction of 60 days from the maximum term *or the maximum*  
13 *aggregate term* of the offender's sentence , *as applicable*, for the  
14 successful completion of:

15 (a) A program of vocational education and training; or

16 (b) Any other program approved by the Director.

17 2. If the offender completes such a program with meritorious  
18 or exceptional achievement, the Director may allow not more than  
19 60 days of credit in addition to the 60 days allowed for completion  
20 of the program.

21 **Sec. 11.** Chapter 213 of NRS is hereby amended by adding  
22 thereto a new section to read as follows:

23 *1. Notwithstanding any other provision of law, if a prisoner is*  
24 *sentenced pursuant to NRS 176.035 to serve two or more*  
25 *consecutive sentences, the terms of which have been aggregated:*

26 *(a) The prisoner shall be deemed to be eligible for parole from*  
27 *all such sentences after serving the minimum aggregate term of*  
28 *imprisonment; and*

29 *(b) The Board is not required to consider the prisoner for*  
30 *parole until the prisoner has served the minimum aggregate term*  
31 *of imprisonment.*

32 *2. For purposes of determining parole eligibility, a prisoner*  
33 *whose sentences have been aggregated may earn credit pursuant*  
34 *to NRS 209.433 to 209.449, inclusive, which must be deducted*  
35 *from the minimum aggregate term of imprisonment or the*  
36 *maximum aggregate term of imprisonment, as applicable. Such*  
37 *credits may be earned only to the extent that the credits would*  
38 *otherwise be earned had the sentences not been aggregated.*

39 *3. Except as otherwise provided in subsection 3 of NRS*  
40 *176.035, a prisoner who is serving consecutive sentences which*  
41 *have not been aggregated may, by submitting a written request to*  
42 *the Director of the Department of Corrections, make an*  
43 *irrevocable election to have the sentences aggregated. If the*  
44 *prisoner makes such an irrevocable election to have the sentences*  
45 *aggregated and:*



1 (a) *The prisoner has not been considered for parole on any of*  
2 *the sentences, the Department of Corrections shall aggregate the*  
3 *sentences in the manner set forth in NRS 176.035 and the Board*  
4 *is not required to consider the prisoner for parole until the*  
5 *prisoner has served the minimum aggregate term of*  
6 *imprisonment.*

7 (b) *The prisoner has been considered for parole on one or*  
8 *more of the sentences, the Department of Corrections shall*  
9 *aggregate only the sentences for which parole has not been*  
10 *considered. The Board is not required to consider the prisoner for*  
11 *parole on the aggregated sentences until the prisoner has served*  
12 *the minimum aggregate term of imprisonment.*

13 **Sec. 12.** NRS 213.107 is hereby amended to read as follows:

14 213.107 As used in NRS 213.107 to 213.157, inclusive, *and*  
15 *section 11 of this act*, unless the context otherwise requires:

16 1. "Board" means the State Board of Parole Commissioners.

17 2. "Chief" means the Chief Parole and Probation Officer.

18 3. "Division" means the Division of Parole and Probation of  
19 the Department of Public Safety.

20 4. "Residential confinement" means the confinement of a  
21 person convicted of a crime to his or her place of residence under  
22 the terms and conditions established by the Board.

23 5. "Sex offender" means any person who has been or is  
24 convicted of a sexual offense.

25 6. "Sexual offense" means:

26 (a) A violation of NRS 200.366, subsection 4 of NRS 200.400,  
27 NRS 200.710, 200.720, subsection 2 of NRS 200.730, NRS  
28 201.180, paragraph (a) or subparagraph (2) of paragraph (b) of  
29 subsection 1 of NRS 201.195, NRS 201.230 or 201.450, or  
30 paragraph (a) or (b) of subsection 4 or paragraph (a) or (b) of  
31 subsection 5 of NRS 201.560;

32 (b) An attempt to commit any offense listed in paragraph (a); or

33 (c) An act of murder in the first or second degree, kidnapping in  
34 the first or second degree, false imprisonment, burglary or invasion  
35 of the home if the act is determined to be sexually motivated at a  
36 hearing conducted pursuant to NRS 175.547.

37 7. "Standards" means the objective standards for granting or  
38 revoking parole or probation which are adopted by the Board or the  
39 Chief.

40 **Sec. 13.** NRS 213.1085 is hereby amended to read as follows:

41 213.1085 1. The Board shall appoint an Executive Secretary,  
42 who is in the unclassified service of the State.

43 2. The Executive Secretary must be selected on the basis of his  
44 or her training, experience, capacity and interest in correctional  
45 services.



1 3. The Board shall supervise the activities of the Executive  
2 Secretary.

3 4. The Executive Secretary is the Secretary of the Board and  
4 shall perform such duties in connection therewith as the Board may  
5 require, including, but not limited to, preparing the agenda for board  
6 meetings and answering correspondence from prisoners in the state  
7 prison.

8 5. The Executive Secretary shall prepare a list at least 30 days  
9 before any scheduled action by the Board showing each person then  
10 eligible for parole indicating:

11 (a) The name of the prisoner;

12 (b) The crime for which the prisoner was convicted;

13 (c) The county in which the prisoner was sentenced;

14 (d) The date of the sentence;

15 (e) The length of the sentence, including the minimum term *or*  
16 *the minimum aggregate term, as applicable*, and *the* maximum  
17 term *or the maximum aggregate term, as applicable*, of  
18 imprisonment or the definite term of imprisonment, if one is  
19 imposed;

20 (f) The amount of time actually served in the state prison;

21 (g) The amount of credit for time previously served in a county  
22 jail; and

23 (h) The amount of credit allowed to reduce the sentence of the  
24 prisoner pursuant to chapter 209 of NRS.

25 ➔ The Executive Secretary shall send copies to all law enforcement  
26 agencies in this state and to other persons whom the Executive  
27 Secretary deems appropriate, at least 30 days before any scheduled  
28 action by the Board. Each law enforcement agency that receives the  
29 list shall make the list available for public inspection during normal  
30 business hours.

31 **Sec. 14.** NRS 213.1099 is hereby amended to read as follows:

32 213.1099 1. Except as otherwise provided in this section and  
33 NRS 213.1214 and 213.1215, the Board may release on parole a  
34 prisoner who is otherwise eligible for parole pursuant to NRS  
35 213.107 to 213.157, inclusive **H**, *and section 11 of this act.*

36 2. In determining whether to release a prisoner on parole, the  
37 Board shall consider:

38 (a) Whether there is a reasonable probability that the prisoner  
39 will live and remain at liberty without violating the laws;

40 (b) Whether the release is incompatible with the welfare of  
41 society;

42 (c) The seriousness of the offense and the history of criminal  
43 conduct of the prisoner;

44 (d) The standards adopted pursuant to NRS 213.10885 and the  
45 recommendation, if any, of the Chief; and



1 (e) Any documents or testimony submitted by a victim notified  
2 pursuant to NRS 213.131.

3 3. When a person is convicted of a felony and is punished by a  
4 sentence of imprisonment, the person remains subject to the  
5 jurisdiction of the Board from the time the person is released on  
6 parole under the provisions of this chapter until the expiration of the  
7 maximum term *or the maximum aggregate term* of imprisonment  
8 imposed by the court, *as applicable*, less any credits earned to  
9 reduce his or her sentence pursuant to chapter 209 of NRS.

10 4. Except as otherwise provided in NRS 213.1215, the Board  
11 may not release on parole a prisoner whose sentence to death or to  
12 life without possibility of parole has been commuted to a lesser  
13 penalty unless it finds that the prisoner has served at least 20  
14 consecutive years in the state prison, is not under an order to be  
15 detained to answer for a crime or violation of parole or probation in  
16 another jurisdiction, and ~~{that the prisoner}~~ does not have a history  
17 of:

18 (a) Recent misconduct in the institution, and that the prisoner  
19 has been recommended for parole by the Director of the Department  
20 of Corrections;

21 (b) Repetitive criminal conduct;

22 (c) Criminal conduct related to the use of alcohol or drugs;

23 (d) Repetitive sexual deviance, violence or aggression; or

24 (e) Failure in parole, probation, work release or similar  
25 programs.

26 5. In determining whether to release a prisoner on parole  
27 pursuant to this section, the Board shall not consider whether the  
28 prisoner will soon be eligible for release pursuant to NRS 213.1215.

29 6. The Board shall not release on parole an offender convicted  
30 of an offense listed in NRS 179D.097 until the Central Repository  
31 for Nevada Records of Criminal History has been provided an  
32 opportunity to give the notice required pursuant to NRS 179D.475.

33 **Sec. 15.** NRS 213.120 is hereby amended to read as follows:

34 213.120 1. Except as otherwise provided in NRS 213.1213  
35 and as limited by statute for certain specified offenses, a prisoner  
36 who was sentenced to prison for a crime committed before July 1,  
37 1995, may be paroled when the prisoner has served one-third of the  
38 definite period of time for which the prisoner has been sentenced  
39 pursuant to NRS 176.033, less any credits earned to reduce his or  
40 her sentence pursuant to chapter 209 of NRS.

41 2. Except as otherwise provided in NRS 213.1213 and as  
42 limited by statute for certain specified offenses, a prisoner who was  
43 sentenced to prison for a crime committed on or after July 1, 1995,  
44 may be paroled when the prisoner has served the minimum term *or*  
45 *minimum aggregate term* of imprisonment imposed by the court.



1 Except as otherwise provided in NRS 209.4465, any credits earned  
2 to reduce his or her sentence pursuant to chapter 209 of NRS while  
3 the prisoner serves the minimum term *or minimum aggregate term*  
4 of imprisonment may reduce only the maximum term *or the*  
5 *maximum aggregate term* of imprisonment imposed, *as applicable*,  
6 and must not reduce the minimum term *or the minimum aggregate*  
7 *term* of imprisonment **H**, *as applicable*.

8 **Sec. 16.** NRS 213.1213 is hereby amended to read as follows:

9 213.1213 1. If a prisoner is sentenced pursuant to NRS  
10 176.035 to serve two or more concurrent sentences, whether or not  
11 the sentences are identical in length or other characteristics,  
12 eligibility for parole from any of the concurrent sentences must be  
13 based on the sentence which requires the longest period before the  
14 prisoner is eligible for parole.

15 2. Notwithstanding any other provision of law, if a prisoner is  
16 sentenced pursuant to NRS 176.035 to serve two or more  
17 consecutive sentences of life imprisonment with the possibility of  
18 parole:

19 (a) For offenses committed on or after July 1, 2009 **H**, *but*  
20 *before July 1, 2014*:

21 (1) All minimum sentences for such offenses must be  
22 aggregated;

23 (2) The prisoner shall be deemed to be eligible for parole  
24 from all such sentences after serving the minimum aggregate  
25 sentence; and

26 (3) The Board is not required to consider the prisoner for  
27 parole until the prisoner has served the minimum aggregate  
28 sentence.

29 (b) For offenses committed before July 1, 2009, in cases in  
30 which the prisoner has not previously been considered for parole for  
31 any such offenses:

32 (1) The prisoner may, by submitting a written request to the  
33 Director of the Department of Corrections **H** *before July 1, 2014*,  
34 make an irrevocable election to have the minimum sentences for  
35 such offenses aggregated; and

36 (2) If the prisoner makes such an irrevocable election to have  
37 the minimum sentences for such offenses aggregated, the Board is  
38 not required to consider the prisoner for parole until the prisoner has  
39 served the minimum aggregate sentence.

40 **Sec. 17.** NRS 213.1215 is hereby amended to read as follows:

41 213.1215 1. Except as otherwise provided in this section and  
42 in cases where a consecutive sentence is still to be served, if a  
43 prisoner sentenced to imprisonment for a term of 3 years or more:

44 (a) Has not been released on parole previously for that sentence;  
45 and



1 (b) Is not otherwise ineligible for parole,  
2 → the prisoner must be released on parole 12 months before the end  
3 of his or her maximum term ~~12~~ *or maximum aggregate term, as*  
4 *applicable*, as reduced by any credits the prisoner has earned to  
5 reduce his or her sentence pursuant to chapter 209 of NRS.

6 2. Except as otherwise provided in this section, a prisoner who  
7 was sentenced to life imprisonment with the possibility of parole  
8 and who was less than 16 years of age at the time that the prisoner  
9 committed the offense for which the prisoner was imprisoned must,  
10 if the prisoner still has a consecutive sentence to be served, be  
11 granted parole from his or her current term of imprisonment to his  
12 or her subsequent term of imprisonment or must, if the prisoner does  
13 not still have a consecutive sentence to be served, be released on  
14 parole, if:

15 (a) The prisoner has served the minimum term *or the minimum*  
16 *aggregate term* of imprisonment imposed by the court ~~12~~, *as*  
17 *applicable*;

18 (b) The prisoner has completed a program of general education  
19 or an industrial or vocational training program;

20 (c) The prisoner has not been identified as a member of a group  
21 that poses a security threat pursuant to the procedures for identifying  
22 security threats established by the Department of Corrections; and

23 (d) The prisoner has not, within the immediately preceding 24  
24 months:

25 (1) Committed a major violation of the regulations of the  
26 Department of Corrections; or

27 (2) Been housed in disciplinary segregation.

28 3. *If a prisoner who meets the criteria set forth in subsection*  
29 *2 is determined to be a high risk to reoffend in a sexual manner*  
30 *pursuant to NRS 213.1214, the Board is not required to release the*  
31 *prisoner on parole pursuant to this section. If the prisoner is not*  
32 *granted parole, a rehearing date must be scheduled pursuant to*  
33 *NRS 213.142.*

34 4. The Board shall prescribe any conditions necessary for the  
35 orderly conduct of the parolee upon his or her release.

36 ~~14.1~~ 5. Each parolee so released must be supervised closely by  
37 the Division, in accordance with the plan for supervision developed  
38 by the Chief pursuant to NRS 213.122.

39 ~~15.1~~ 6. If the Board finds ~~1, at least 2 months before a prisoner~~  
40 ~~would otherwise be paroled pursuant to subsection 1 or 2~~ that there  
41 is a reasonable probability that ~~the~~ a prisoner *considered for*  
42 *release on parole pursuant to subsection 1* will be a danger to  
43 public safety while on parole, the Board may require the prisoner to  
44 serve the balance of his or her sentence and not grant the parole .  
45 ~~provided for in subsection 1 or 2.~~ If, pursuant to this subsection,





1 the Board does not grant the parole provided for in subsection 1 , ~~for~~  
2 ~~2.~~ the Board shall provide to the prisoner a written statement of its  
3 reasons for denying parole.

4 ~~16.~~ 7. *If the Board finds that there is a reasonable*  
5 *probability that a prisoner considered for release on parole*  
6 *pursuant to subsection 2 will be a danger to public safety while on*  
7 *parole, the Board is not required to grant the parole and shall*  
8 *schedule a rehearing pursuant to NRS 213.142. Except as*  
9 *otherwise provided in subsection 3 of NRS 213.1519, if a prisoner*  
10 *is not granted parole pursuant to this subsection, the criteria set*  
11 *forth in subsection 2 must be applied at each subsequent hearing*  
12 *until the prisoner is granted parole or expires his or her sentence.*  
13 *If, pursuant to this subsection, the Board does not grant the parole*  
14 *provided for in subsection 2, the Board shall provide to the*  
15 *prisoner a written statement of its reasons for denying parole,*  
16 *along with specific recommendations of the Board, if any, to*  
17 *improve the possibility of granting parole the next time the*  
18 *prisoner may be considered for parole.*

19 8. If the prisoner is the subject of a lawful request from another  
20 law enforcement agency that the prisoner be held or detained for  
21 release to that agency, the prisoner must not be released on parole,  
22 but released to that agency.

23 ~~17.~~ 9. If the Division has not completed its establishment of a  
24 program for the prisoner's activities during his or her parole  
25 pursuant to this section, the prisoner must be released on parole as  
26 soon as practicable after the prisoner's program is established.

27 ~~18.~~ 10. For the purposes of this section, the determination of  
28 the 12-month period before the end of a prisoner's term must be  
29 calculated without consideration of any credits the prisoner may  
30 have earned to reduce his or her sentence had the prisoner not been  
31 paroled.

32 **Sec. 18.** NRS 213.15185 is hereby amended to read as  
33 follows:

34 213.15185 1. A prisoner who is paroled and leaves the State  
35 without permission from the Board or who does not keep the Board  
36 informed as to his or her location as required by the conditions of  
37 his or her parole shall be deemed an escaped prisoner and arrested  
38 as such.

39 2. Except as otherwise provided in subsection 2 of NRS  
40 213.1519, if parole is lawfully revoked and the parolee is thereafter  
41 returned to prison, the parolee forfeits all previously earned credits  
42 for good behavior earned to reduce his or her sentence pursuant to  
43 chapter 209 of NRS and shall serve any part of the unexpired  
44 maximum term *or the maximum aggregate term, as applicable,* of  
45 his or her original sentence as may be determined by the Board.



1 3. Except as otherwise provided in subsection 2 of NRS  
2 213.1519, the Board may restore any credits forfeited pursuant to  
3 subsection 2.

4 4. Except as otherwise provided in NRS 213.15187, the time a  
5 person is an escaped prisoner is not time served on his or her term of  
6 imprisonment.

7 **Sec. 19.** NRS 213.1519 is hereby amended to read as follows:

8 213.1519 1. Except as otherwise provided in ~~subsection~~  
9 *subsections 2 ~~H~~ and 3*, a parolee whose parole is revoked by  
10 decision of the Board for a violation of any rule or regulation  
11 governing his or her conduct:

12 (a) Forfeits all credits for good behavior previously earned to  
13 reduce his or her sentence pursuant to chapter 209 of NRS; and

14 (b) Must serve such part of the unexpired maximum term *or the*  
15 *maximum aggregate term, as applicable*, of his or her original  
16 sentence as may be determined by the Board ~~H~~ *with rehearing*  
17 *dates scheduled pursuant to NRS 213.142.*

18 ↪ The Board may restore any credits forfeited under this  
19 subsection.

20 2. A parolee released on parole pursuant to *subsection 1 of*  
21 *NRS 213.1215* whose parole is revoked for having been convicted  
22 of a new felony:

23 (a) Forfeits all credits for good behavior previously earned to  
24 reduce his or her sentence pursuant to chapter 209 of NRS;

25 (b) Must serve the entire unexpired maximum term *or the*  
26 *maximum aggregate term, as applicable*, of his or her original  
27 sentence; and

28 (c) May not again be released on parole during his or her term of  
29 imprisonment.

30 3. *A parolee released on parole pursuant to subsection 2 of*  
31 *NRS 213.1215 whose parole is revoked by decision of the Board*  
32 *for a violation of any rule or regulation governing his or her*  
33 *conduct:*

34 (a) *Forfeits all credits for good behavior previously earned to*  
35 *reduce his or her sentence pursuant to chapter 209 of NRS;*

36 (b) *Must serve such part of the unexpired maximum term or*  
37 *maximum aggregate term, as applicable, of his or her original*  
38 *sentence as may be determined by the Board; and*

39 (c) *Must not be considered again for release on parole*  
40 *pursuant to subsection 2 of NRS 213.1215 but may be considered*  
41 *for release on parole pursuant to NRS 213.1099, with rehearing*  
42 *dates scheduled pursuant to NRS 213.142.*

43 ↪ *The Board may restore any credits forfeited under this section.*



1       **Sec. 20.** NRS 213.625 is hereby amended to read as follows:

2       213.625 1. Except as otherwise provided in this section, if a  
3 judicial program has been established in the judicial district in  
4 which a prisoner or parolee may be paroled, the Chair of the Board  
5 may, after consulting with the Division, refer a prisoner who is  
6 being considered for parole or a parolee who has violated a term or  
7 condition of his or her parole to the reentry court if the Chair  
8 believes that the person:

9       (a) Would participate successfully in and benefit from a judicial  
10 program; and

11       (b) Has demonstrated a willingness to:

12           (1) Engage in employment or participate in vocational  
13 rehabilitation or job skills training; and

14           (2) Meet any existing obligation for restitution to any victim  
15 of his or her crime.

16       2. Except as otherwise provided in this section, if the Chair is  
17 notified by the reentry court pursuant to NRS 209.4883 that a person  
18 should be ordered to participate in a judicial program, the Board  
19 may, in accordance with the provisions of this section:

20       (a) If the person is a prisoner who is being considered for parole,  
21 upon the granting of parole to the prisoner, require as a condition of  
22 parole that the person participate in and complete the judicial  
23 program; or

24       (b) If the person is a parolee who has violated a term or  
25 condition of his or her parole, order the parolee to participate in and  
26 complete the judicial program as a condition of the continuation of  
27 his or her parole and in lieu of revoking his or her parole and  
28 returning the parolee to confinement.

29       3. If a prisoner who has been assigned to the custody of the  
30 Division to participate in a judicial program pursuant to NRS  
31 209.4886 is being considered for parole:

32       (a) The Board shall, if the Board grants parole to the prisoner,  
33 require as a condition of parole that the person continue to  
34 participate in and complete the judicial program.

35       (b) The Board is not required to refer the prisoner to the reentry  
36 court pursuant to subsection 1 or to obtain prior approval of the  
37 reentry court pursuant to NRS 209.4883 for the prisoner to continue  
38 participating in the judicial program while the prisoner is on parole.

39       4. In determining whether to order a person to participate in  
40 and complete a judicial program pursuant to this section, the Board  
41 shall consider:

42       (a) The criminal history of the person; and

43       (b) The safety of the public.

44       5. The Board shall adopt regulations requiring persons who are  
45 ordered to participate in and complete a judicial program pursuant to



1 this section to reimburse the reentry court and the Division for the  
2 cost of their participation in a judicial program, to the extent of their  
3 ability to pay.

4 6. The Board shall not order a person to participate in a judicial  
5 program if the time required to complete the judicial program is  
6 longer than the unexpired maximum term *or the unexpired*  
7 *maximum aggregate term, as applicable*, of the person's original  
8 sentence.

9 **Sec. 21.** NRS 213.632 is hereby amended to read as follows:

10 213.632 1. Except as otherwise provided in this section, if a  
11 correctional program has been established by the Director in the  
12 county in which an offender or parolee may be paroled, the Chair of  
13 the Board may, after consulting with the Division, refer a prisoner  
14 who is being considered for parole or a parolee who has violated a  
15 term or condition of his or her parole to the Director if the Chair  
16 believes that the person:

17 (a) Would participate successfully in and benefit from a  
18 correctional program; and

19 (b) Has demonstrated a willingness to:

20 (1) Engage in employment or participate in vocational  
21 rehabilitation or job skills training; and

22 (2) Meet any existing obligation for restitution to any victim  
23 of his or her crime.

24 2. Except as otherwise provided in this section, if the Chair is  
25 notified by the Director pursuant to NRS 209.4887 that a person is  
26 suitable to participate in a correctional program, the Board may, in  
27 accordance with the provisions of this section:

28 (a) If the person is an offender who is being considered for  
29 parole, upon the granting of parole to the offender, require as a  
30 condition of parole that the offender participate in and complete the  
31 correctional program; or

32 (b) If the person is a parolee who has violated a term or  
33 condition of his or her parole, order the parolee to participate in and  
34 complete the correctional program as a condition of the continuation  
35 of his or her parole and in lieu of revoking his or her parole and  
36 returning the parolee to confinement.

37 3. If an offender who has been assigned to the custody of the  
38 Division to participate in a correctional program pursuant to NRS  
39 209.4888 is being considered for parole, the Board shall, if the  
40 Board grants parole to the offender, require as a condition of parole  
41 that the offender continue to participate in and complete the  
42 correctional program.

43 4. In determining whether to order a person to participate in  
44 and complete a correctional program pursuant to this section, the  
45 Board shall consider:



1 (a) The criminal history of the person; and

2 (b) The safety of the public.

3 5. The Board shall adopt regulations requiring persons who are  
4 ordered to participate in and complete a correctional program  
5 pursuant to this section to reimburse the Department of Corrections  
6 and the Division for the cost of their participation in a correctional  
7 program, to the extent of their ability to pay.

8 6. The Board shall not order a person to participate in a  
9 correctional program if the time required to complete the  
10 correctional program is longer than the unexpired maximum term *or*  
11 *the unexpired maximum aggregate term, as applicable,* of the  
12 person's original sentence.

13 **Sec. 22.** This act becomes effective on July 1, 2014.

