

*

Assembly Bill No. 267—Assemblymen Hambrick, Hickey, Paul Anderson, Thompson; Elliot Anderson, Araujo, Diaz, Ohrenschall, O’Neill, Seaman and Titus

Joint Sponsors: Senators Hammond, Parks,
Ford; Manendo and Settlemeyer

CHAPTER.....

AN ACT relating to criminal procedure; requiring a court to consider the differences between juvenile and adult offenders when determining an appropriate sentence for a person convicted as an adult for an offense committed when the person was less than 18 years of age; eliminating the imposition of a sentence of life without the possibility of parole upon a person convicted of a crime committed when the person was less than 18 years of age; providing that a prisoner who was sentenced as an adult for certain offenses that were committed when he or she was less than 18 years of age is eligible for parole after the prisoner has served a certain number of years; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law prohibits a sentence of death from being imposed or inflicted upon any person convicted of certain crimes who was less than 18 years of age at the time the crime was committed. The maximum punishment that may be imposed upon such a person is life imprisonment without the possibility of parole. Existing law also prohibits a sentence of life imprisonment without the possibility of parole from being imposed or inflicted upon any person convicted of a non-homicide crime who was less than 18 years of age at the time the crime was committed. The maximum punishment that may be imposed upon such a person is life imprisonment with the possibility of parole. (NRS 176.025)

Section 2 of this bill eliminates the imposition of a sentence of life without the possibility of parole upon a person convicted of certain crimes who was less than 18 years of age at the time the crime was committed, thereby making life imprisonment with the possibility of parole the maximum punishment that may be imposed upon a person convicted of any crime who was less than 18 years of age at the time the crime was committed.

Section 1 of this bill requires a court to consider the differences between juvenile and adult offenders in determining an appropriate sentence to be imposed upon a person who is convicted as an adult for an offense that was committed when he or she was less than 18 years of age.

Section 3 of this bill establishes certain minimum periods of incarceration which must be served by a prisoner who was sentenced as an adult for certain offenses that were committed when he or she was less than 18 years of age before the prisoner is eligible for parole.

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

Section 1. Chapter 176 of NRS is hereby amended by adding thereto a new section to read as follows:

If a person is convicted as an adult for an offense that the person committed when he or she was less than 18 years of age, in addition to any other factor that the court is required to consider before imposing a sentence upon such a person, the court shall consider the differences between juvenile and adult offenders, including, without limitation, the diminished culpability of juveniles as compared to that of adults and the typical characteristics of youth.

Sec. 2. NRS 176.025 is hereby amended to read as follows:

176.025 ~~[+]~~ A sentence of death *or life imprisonment without the possibility of parole* must not be imposed or inflicted upon any person convicted of a crime now punishable by death *or life imprisonment without the possibility of parole* who at the time of the commission of the crime was less than 18 years of age. As to such a person, the maximum punishment that may be imposed is life imprisonment ~~[without]~~ *wiith* the possibility of parole.

~~[2.—A sentence of life imprisonment without the possibility of parole must not be imposed or inflicted upon any person convicted of a non-homicide crime now punishable by life imprisonment without the possibility of parole who at the time of the commission of the crime was less than 18 years of age. As to such a person, the maximum punishment that may be imposed is life imprisonment with the possibility of parole.]~~

Sec. 3. Chapter 213 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Notwithstanding any other provision of law, except as otherwise provided in subsection 2 or unless a prisoner is subject to earlier eligibility for parole pursuant to any other provision of law, a prisoner who was sentenced as an adult for an offense that was committed when he or she was less than 18 years of age is eligible for parole as follows:

(a) For a prisoner who is serving a period of incarceration for having been convicted of an offense or offenses that did not result in the death of a victim, after the prisoner has served 15 calendar years of incarceration, including any time served in a county jail.

(b) For a prisoner who is serving a period of incarceration for having been convicted of an offense or offenses that resulted in the death of only one victim, after the prisoner has served 20 calendar years of incarceration, including any time served in a county jail.

2. The provisions of this section do not apply to a prisoner who is serving a period of incarceration for having been convicted of an offense or offenses that resulted in the death of two or more victims.

Sec. 4. NRS 213.107 is hereby amended to read as follows:

213.107 As used in NRS 213.107 to 213.157, inclusive, *and section 3 of this act*, unless the context otherwise requires:

1. "Board" means the State Board of Parole Commissioners.
2. "Chief" means the Chief Parole and Probation Officer.
3. "Division" means the Division of Parole and Probation of the Department of Public Safety.

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

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

6. "Sexual offense" means:

(a) A violation of NRS 200.366, subsection 4 of NRS 200.400, NRS 200.710, 200.720, subsection 2 of NRS 200.730, NRS 201.180, 201.230 or 201.450, or paragraph (a) or (b) of subsection 4 or paragraph (a) or (b) of subsection 5 of NRS 201.560;

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

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

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

Sec. 5. 1. The amendatory provisions of sections 1 and 2 of this act apply to:

(a) An offense committed on or after October 1, 2015; and

(b) An offense committed before October 1, 2015, if the person is convicted on or after October 1, 2015.

2. The amendatory provisions of section 3 of this act apply to an offense committed before, on or after October 1, 2015.