
ASSEMBLY BILL NO. 251—ASSEMBLYMEN HAMBRICK;
COHEN, EDWARDS, FUMO AND TOLLES

MARCH 2, 2017

JOINT SPONSOR: SENATOR PARKS

Referred to Committee on Corrections,
Parole, and Probation

SUMMARY—Authorizes the State Board of Pardons
Commissioners to commute certain sentences of
juvenile offenders. (BDR 16-304)

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 juvenile offenders; authorizing the State Board
of Pardons Commissioners to commute the sentence of a
person convicted of any crime that the person committed
when he or she was less than 18 years of age; and
providing other matters properly relating thereto.

Legislative Counsel's Digest:

1 Existing law prohibits the State Board of Pardons Commissioners from
2 commuting a sentence of death or imprisonment in the state prison for life without
3 the possibility of parole to a sentence that would allow parole if a person is
4 convicted of: (1) murder of the first degree before, on or after July 1, 1995; or (2)
5 any crime other than murder of the first degree on or after July 1, 1995. (NRS
6 213.085) The Nevada Supreme Court has held that to the extent such existing law
7 applies retroactively to a person convicted of murder of the first degree before
8 July 1, 1995, such existing law is unconstitutional because it increases the measure
9 of punishment for murder of the first degree and thereby violates the provision of
10 the United States Constitution that prohibits the passage of ex post facto laws.
11 (*Miller v. Ignacio*, 112 Nev. 930, 937 (1996); U.S. Const. Art. I, § 10)

12 This bill: (1) revises existing law to conform with the holding in *Miller*; and (2)
13 authorizes the Board to commute a sentence of death or imprisonment in the state
14 prison for life without the possibility of parole to a sentence that would allow
15 parole if a person is convicted of any crime that the person committed when he or
16 she was less than 18 years of age.



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

- 1 **Section 1.** NRS 213.085 is hereby amended to read as follows:
2 213.085 1. If a person is convicted ~~of murder of the first~~
3 ~~degree before,~~ on or after July 1, 1995, *of any crime that the*
4 *person committed when he or she was 18 years of age or older,* the
5 Board shall not commute:
6 (a) A sentence of death; or
7 (b) A sentence of imprisonment in the state prison for life
8 without the possibility of parole,
9 ↳ to a sentence that would allow parole.
10 2. If a person is convicted of any crime ~~other than murder of~~
11 ~~the first degree on or after July 1, 1995,~~ *that the person committed*
12 *when he or she was less than 18 years of age,* the Board ~~shall not~~
13 *may, in its discretion,* commute:
14 (a) A sentence of death; or
15 (b) A sentence of imprisonment in the state prison for life
16 without the possibility of parole,
17 ↳ to a sentence that would allow parole.
18 **Sec. 2.** The amendatory provisions of section 1 of this act
19 apply to offenses committed before, on or after October 1, 2017.

