

Amendment No. 340

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| Assembly Amendment to Assembly Bill No. 302 | (BDR 16-596) |
| Proposed by: Assembly Committee on Corrections, Parole, and Probation | |
| Amends: Summary: No Title: No Preamble: No Joint Sponsorship: No Digest: No | |

| ASSEMBLY ACTION | | | Initial and Date | | SENATE ACTION | | | Initial and Date | | |
|-----------------|--------------------------|------|--------------------------|-------|---------------|--------------|--------------------------|------------------|--------------------------|-------|
| Adopted | <input type="checkbox"/> | Lost | <input type="checkbox"/> | _____ | | Adopted | <input type="checkbox"/> | Lost | <input type="checkbox"/> | _____ |
| Concurred In | <input type="checkbox"/> | Not | <input type="checkbox"/> | _____ | | Concurred In | <input type="checkbox"/> | Not | <input type="checkbox"/> | _____ |
| Receded | <input type="checkbox"/> | Not | <input type="checkbox"/> | _____ | | Receded | <input type="checkbox"/> | Not | <input type="checkbox"/> | _____ |

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.

WBD/BAW



Date: 4/17/2017

A.B. No. 302—Transfers the Division of Parole and Probation from the Department of Public Safety to the Department of Corrections.
(BDR 16-596)



ASSEMBLY BILL NO. 302—COMMITTEE ON JUDICIARY

MARCH 15, 2017

Referred to Committee on Corrections,
Parole, and Probation

SUMMARY—Transfers the Division of Parole and Probation from the Department of Public Safety to the Department of Corrections. (BDR 16-596)

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

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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 governmental administration; transferring the Division of Parole and Probation from the Department of Public Safety to the Department of Corrections; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 Existing law establishes the Division of Parole and Probation within the Department of
2 Public Safety and requires the Division to supervise probationers and parolees. (NRS 480.110,
3 480.130, 480.140) This bill transfers the Division from the Department of Public Safety to the
4 Department of Corrections.

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 a new
2 section to read as follows:

3 *“Division of Parole and Probation” means the Division of Parole and*
4 *Probation of the Department created by NRS 213.1071.*

5 **Sec. 2.** NRS 209.011 is hereby amended to read as follows:

6 209.011 As used in this chapter, unless the context otherwise requires, the
7 terms defined in NRS 209.021 to 209.085, inclusive, *and section 1 of this act* have
8 the meanings ascribed to them in those sections.

9 **Sec. 3.** NRS 209.131 is hereby amended to read as follows:

10 209.131 The Director shall:

- 11 1. Administer the Department under the direction of the Board.
- 12 2. Supervise the administration of *the Division of Parole and Probation and*
- 13 *all institutions and facilities of the Department.*
- 14 3. Receive, retain and release, in accordance with law, offenders sentenced to
- 15 imprisonment in the state prison.

1 4. Be responsible for the supervision, custody, treatment, care, security and
2 discipline of all offenders under his or her jurisdiction.

3 5. Ensure that any person employed by the Department whose primary
4 responsibilities are:

5 (a) The supervision, custody, security, discipline, safety and transportation of
6 an offender;

7 (b) The security and safety of the staff; and

8 (c) The security and safety of an institution or facility of the Department,

9 ➤ is a correctional officer who has the powers of a peace officer pursuant to
10 subsection 1 of NRS 289.220.

11 6. Establish regulations with the approval of the Board and enforce all laws
12 governing the administration of the Department and the custody, care and training
13 of offenders.

14 7. Take proper measures to protect the health and safety of the staff and
15 offenders in the institutions and facilities of the Department.

16 8. Take proper measures to protect the health and safety of persons employed
17 by a school district to operate a program of education for incarcerated persons in an
18 institution or facility pursuant to chapter 388H of NRS.

19 9. Cause to be placed from time to time in conspicuous places about each
20 institution and facility copies of laws and regulations relating to visits and
21 correspondence between offenders and others.

22 10. Provide for the holding of religious services in the institutions and
23 facilities and make available to the offenders copies of appropriate religious
24 materials.

25 **Sec. 4.** NRS 209.241 is hereby amended to read as follows:

26 209.241 1. The Director may accept money, including the net amount of
27 any wages earned during the incarceration of an offender after any deductions made
28 by the Director and valuables belonging to an offender at the time of his or her
29 incarceration or afterward received by gift, inheritance or the like or earned during
30 the incarceration of an offender, and shall deposit the money in the Prisoners'
31 Personal Property Fund, which is hereby created as a trust fund.

32 2. An offender shall deposit all money that the offender receives into his or
33 her individual account in the Prisoners' Personal Property Fund.

34 3. The Director:

35 (a) Shall keep, or cause to be kept, a full and accurate account of the money
36 and valuables, and shall submit reports to the Board relating to the money and
37 valuables as may be required from time to time.

38 (b) May permit withdrawals for immediate expenditure by an offender for
39 personal needs.

40 (c) May permit the distribution of money to a governmental entity for any
41 applicable deduction authorized pursuant to NRS 209.247 or any other deduction
42 authorized by law from any money deposited in the individual account of an
43 offender from any source other than the offender's wages.

44 (d) Shall pay over to each offender upon his or her release any remaining
45 balance in his or her individual account.

46 4. The interest and income earned on the money in the Prisoners' Personal
47 Property Fund, after deducting any applicable bank charges, must be credited each
48 calendar quarter as follows:

49 (a) If an offender's share of the cost of administering the Prisoners' Personal
50 Property Fund for the quarter is less than the amount of interest and income earned
51 by the offender, the Director shall credit the individual account of the offender with
52 an amount equal to the difference between the amount of interest and income

1 earned by the offender and the offender's share of the cost of administering the
2 Prisoners' Personal Property Fund.

3 (b) If an offender's share of the cost of administering the Prisoners' Personal
4 Property Fund for the quarter is equal to or greater than the amount of interest and
5 income earned by the offender, the Director shall credit the interest and income to
6 the Offenders' Store Fund.

7 5. An offender who does not deposit all money that the offender receives into
8 his or her individual account in the Prisoners' Personal Property Fund as required in
9 this section is guilty of a gross misdemeanor.

10 6. A person who aids or encourages an offender not to deposit all money the
11 offender receives into the individual account of the offender in the Prisoners'
12 Personal Property Fund as required in this section is guilty of a gross misdemeanor.

13 7. The Director may exempt an offender from the provisions of this section if
14 the offender is:

15 (a) Confined in an institution outside this State pursuant to chapter 215A of
16 NRS; or

17 (b) Assigned to the custody of the Division of Parole and Probation ~~[of the~~
18 ~~Department of Public Safety]~~ to:

19 (1) Serve a term of residential confinement pursuant to NRS 209.392,
20 209.3925 or 209.429; or

21 (2) Participate in a correctional program for reentry into the community
22 pursuant to NRS 209.4887.

23 **Sec. 5.** NRS 209.392 is hereby amended to read as follows:

24 209.392 1. Except as otherwise provided in NRS 209.3925 and 209.429, the
25 Director may, at the request of an offender who is eligible for residential
26 confinement pursuant to the standards adopted by the Director pursuant to
27 subsection 3 and who has:

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

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

32 (c) Demonstrated an ability to pay for all or part of the costs of the offender's
33 confinement and to meet any existing obligation for restitution to any victim of his
34 or her crime,

35 ~~↪ assign the offender to the custody of the Division of Parole and Probation [of the~~
36 ~~Department of Public Safety]~~ to serve a term of residential confinement, pursuant to
37 NRS 213.380, for not longer than the remainder of his or her sentence.

38 2. Upon receiving a request to serve a term of residential confinement from an
39 eligible offender, the Director shall notify the Division of Parole and Probation.
40 Except as otherwise provided in NRS 213.10915, if any victim of a crime
41 committed by the offender has, pursuant to subsection 4 of NRS 213.131, requested
42 to be notified of the consideration of a prisoner for parole and has provided a
43 current address, the Division of Parole and Probation shall notify the victim of the
44 offender's request and advise the victim that the victim may submit documents
45 regarding the request to the Division of Parole and Probation. If a current address
46 has not been provided as required by subsection 4 of NRS 213.131, the Division of
47 Parole and Probation must not be held responsible if such notification is not
48 received by the victim. All personal information, including, but not limited to, a
49 current or former address, which pertains to a victim and which is received by the
50 Division of Parole and Probation pursuant to this subsection is confidential.

51 3. The Director, after consulting with the Division of Parole and Probation,
52 shall adopt, by regulation, standards providing which offenders are eligible for

1 residential confinement. The standards adopted by the Director must provide that an
2 offender who:

3 (a) Has recently committed a serious infraction of the rules of an institution or
4 facility of the Department;

5 (b) Has not performed the duties assigned to the offender in a faithful and
6 orderly manner;

7 (c) Has been convicted of:

8 (1) Any crime that is punishable as a felony involving the use or threatened
9 use of force or violence against the victim within the immediately preceding 3
10 years;

11 (2) A sexual offense that is punishable as a felony; or

12 (3) Except as otherwise provided in subsection 4, a category A or B felony;
13 (d) Has more than one prior conviction for any felony in this State or any
14 offense in another state that would be a felony if committed in this State, not
15 including a violation of NRS 484C.110, 484C.120, 484C.130, 484C.430, 488.420,
16 488.425 or 488.427; or

17 (e) Has escaped or attempted to escape from any jail or correctional institution
18 for adults,

19 is not eligible for assignment to the custody of the Division of Parole and
20 Probation to serve a term of residential confinement pursuant to this section.

21 4. The standards adopted by the Director pursuant to subsection 3 must
22 provide that an offender who has been convicted of a category B felony is eligible
23 for assignment to the custody of the Division of Parole and Probation to serve a
24 term of residential confinement pursuant to this section if:

25 (a) The offender is not otherwise ineligible pursuant to subsection 3 for an
26 assignment to serve a term of residential confinement; and

27 (b) The Director makes a written finding that such an assignment of the
28 offender is not likely to pose a threat to the safety of the public.

29 5. If an offender assigned to the custody of the Division of Parole and
30 Probation pursuant to this section escapes or violates any of the terms or conditions
31 of the offender's residential confinement:

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

34 (b) The offender forfeits all or part of the credits for good behavior earned by
35 the offender before the escape or violation, as determined by the Director. The
36 Director may provide for a forfeiture of credits pursuant to this paragraph only after
37 proof of the offense and notice to the offender and may restore credits forfeited for
38 such reasons as the Director considers proper. The decision of the Director
39 regarding such a forfeiture is final.

40 6. The assignment of an offender to the custody of the Division of Parole and
41 Probation pursuant to this section shall be deemed:

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

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

46 is except that the offender is not entitled to obtain any benefits or to participate in
47 any programs provided to offenders in the custody of the Department.

48 7. An offender does not have a right to be assigned to the custody of the
49 Division of Parole and Probation pursuant to this section, or to remain in that
50 custody after such an assignment, and it is not intended that the provisions of this
51 section or of NRS 213.371 to 213.410, inclusive, create any right or interest in
52 liberty or property or establish a basis for any cause of action against the State, its

1 political subdivisions, agencies, boards, commissions, departments, officers or
2 employees.

3 8. The Division of Parole and Probation may receive and distribute restitution
4 paid by an offender assigned to the custody of the Division of Parole and Probation
5 pursuant to this section.

6 **Sec. 6.** NRS 209.3925 is hereby amended to read as follows:

7 209.3925 1. Except as otherwise provided in subsection 6, the Director may
8 assign an offender to the custody of the Division of Parole and Probation ~~[of the~~
9 ~~Department of Public Safety]~~ to serve a term of residential confinement pursuant to
10 NRS 213.380 or other appropriate supervision as determined by the Division of
11 Parole and Probation, for not longer than the remainder of his or her sentence, if:

12 (a) The Director has reason to believe that the offender is:

13 (1) Physically incapacitated or in ill health to such a degree that the
14 offender does not presently, and likely will not in the future, pose a threat to the
15 safety of the public; or

16 (2) In ill health and expected to die within 12 months, and does not
17 presently, and likely will not in the future, pose a threat to the safety of the public;
18 and

19 (b) At least two physicians licensed pursuant to chapter 630 or 633 of NRS,
20 one of whom is not employed by the Department, verify, in writing, that the
21 offender is:

22 (1) Physically incapacitated or in ill health; or

23 (2) In ill health and expected to die within 12 months.

24 2. If the Director intends to assign an offender to the custody of the Division
25 of Parole and Probation pursuant to this section, at least 45 days before the date the
26 offender is expected to be released from the custody of the Department, the
27 Director shall notify:

28 (a) The board of county commissioners of the county in which the offender
29 will reside; and

30 (b) The Division of Parole and Probation.

31 3. Except as otherwise provided in NRS 213.10915, if any victim of a crime
32 committed by the offender has, pursuant to subsection 4 of NRS 213.131, requested to
33 be notified of the consideration of a prisoner for parole and has provided a
34 current address, the Division of Parole and Probation shall notify the victim that:

35 (a) The Director intends to assign the offender to the custody of the Division of
36 Parole and Probation pursuant to this section; and

37 (b) The victim may submit documents to the Division of Parole and Probation
38 regarding such an assignment.

39 ↪ If a current address has not been provided by a victim as required by subsection
40 4 of NRS 213.131, the Division of Parole and Probation must not be held
41 responsible if notification is not received by the victim. All personal information,
42 including, but not limited to, a current or former address, which pertains to a victim
43 and which is received by the Division of Parole and Probation pursuant to this
44 subsection is confidential.

45 4. If an offender assigned to the custody of the Division of Parole and
46 Probation pursuant to this section escapes or violates any of the terms or conditions
47 of his or her residential confinement or other appropriate supervision as determined
48 by the Division of Parole and Probation:

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

51 (b) The offender forfeits all or part of the credits for good behavior earned by
52 the offender before the escape or violation, as determined by the Director. The
53 Director may provide for a forfeiture of credits pursuant to this paragraph only after

1 proof of the offense and notice to the offender and may restore credits forfeited for
 2 such reasons as the Director considers proper. The decision of the Director
 3 regarding such a forfeiture is final.

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

6 (a) A continuation of the offender’s imprisonment and not a release on parole;
 7 and

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

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

12 6. The Director may not assign an offender to the custody of the Division of
 13 Parole and Probation pursuant to this section if the offender is sentenced to death or
 14 imprisonment for life without the possibility of parole.

15 7. An offender does not have a right to be assigned to the custody of the
 16 Division of Parole and Probation pursuant to this section, or to remain in that
 17 custody after such an assignment, and it is not intended that the provisions of this
 18 section or of NRS 213.371 to 213.410, inclusive, create any right or interest in
 19 liberty or property or establish a basis for any cause of action against the State, its
 20 political subdivisions, agencies, boards, commissions, departments, officers or
 21 employees.

22 8. The Division of Parole and Probation may receive and distribute restitution
 23 paid by an offender assigned to the custody of the Division of Parole and Probation
 24 pursuant to this section.

25 **Sec. 7.** NRS 209.427 is hereby amended to read as follows:

26 209.427 1. If the results of an evaluation conducted pursuant to NRS
 27 484C.300 or 488.430 indicate that an offender is an abuser of alcohol or drugs and
 28 that the offender can be treated successfully for his or her condition, the Director
 29 shall, except as otherwise provided in this section, assign the offender to the
 30 program of treatment established pursuant to NRS 209.425. Such an assignment
 31 must be, to the extent that the period reasonably can be predicted, for the year, or as
 32 much thereof as practicable, immediately preceding the date the offender is due to
 33 be released from prison, either on parole or at the expiration of the offender’s term.

34 2. Before assigning an offender to a program of treatment, the Director, in
 35 cooperation with the Division of Parole and Probation , ~~[of the Department of~~
 36 ~~Public Safety,]~~ shall determine, to the extent possible:

37 (a) The length of time remaining on the offender’s sentence, taking into
 38 consideration any credits earned by the offender; and

39 (b) The likelihood that the offender will complete the entire program of
 40 treatment.

41 3. The Director shall when assigning offenders to the program, to the extent
 42 possible, give preference to those offenders who appear to the Director capable of
 43 successfully completing the entire program.

44 4. The Director is not required to assign an offender to the program of
 45 treatment if the offender is not eligible for assignment to an institution or facility of
 46 minimum security pursuant to the provisions of NRS 209.481 and the regulations
 47 adopted pursuant thereto.

48 5. The Director may withdraw the offender from the program of treatment at
 49 any time if the Director determines that the offender:

50 (a) Is not responding satisfactorily to the program; or

51 (b) Has failed or refused to comply with any term or condition of the program.

52 6. As used in this section, “entire program” means both phases of the program
 53 established pursuant to NRS 209.425, for offenders who have not been released

1 from prison, and NRS 209.429, for offenders who have been assigned to the
2 custody of the Division of Parole and Probation . ~~of the Department of Public~~
3 ~~Safety.]~~

4 **Sec. 8.** NRS 209.429 is hereby amended to read as follows:

5 209.429 1. Except as otherwise provided in subsection 6, the Director shall
6 assign an offender to the custody of the Division of Parole and Probation ~~of the~~
7 ~~Department of Public Safety]~~ to serve a term of residential confinement, pursuant to
8 NRS 213.380, for not longer than the remainder of the maximum term or the
9 maximum aggregate term, as applicable, of his or her sentence if the offender has:

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

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

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

17 2. Before a person may be assigned to serve a term of residential confinement
18 pursuant to this section, he or she must submit to the Division of Parole and
19 Probation a signed document stating that:

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

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

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

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

30 (b) The offender forfeits all or part of the credits earned by the offender to
31 reduce his or her sentence pursuant to this chapter before the escape or violation, as
32 determined by the Director. The Director may provide for a forfeiture of credits
33 pursuant to this paragraph only after proof of the offense and notice to the offender
34 and may restore credits forfeited for such reasons as the Director considers proper.
35 The decision of the Director regarding forfeiture of credits is final.

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

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

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

42 **↳** except that the offender is not entitled to obtain any benefits or to participate in
43 any programs provided to offenders in the custody of the Department.

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

50 6. The Director shall not assign an offender who is serving a sentence for
51 committing a battery which constitutes domestic violence pursuant to NRS 33.018
52 to the custody of the Division of Parole and Probation to serve a term of residential

1 confinement unless the Director makes a finding that the offender is not likely to
2 pose a threat to the victim of the battery.

3 7. The Division of Parole and Probation may receive and distribute restitution
4 paid by an offender assigned to the custody of the Division of Parole and Probation
5 pursuant to this section.

6 **Sec. 9.** NRS 209.4299 is hereby amended to read as follows:

7 209.4299 The ~~{Department of Corrections and the}~~ Division of Parole and
8 Probation ~~{of the Department of Public Safety}~~ shall ~~{jointly}~~ submit a report at
9 least twice annually to the Director of the Legislative Counsel Bureau for
10 transmittal to the Interim Finance Committee. The report must include:

- 11 1. The number of probationers participating in the diversion program;
- 12 2. The reasons the probationers entered the program;
- 13 3. The number of probationers who satisfied the terms and conditions of their
14 participation in the program; and
- 15 4. The status of the probationers who are in the program at the time the report
16 is prepared.

17 **Sec. 10.** NRS 209.432 is hereby amended to read as follows:

18 209.432 As used in NRS 209.432 to 209.451, inclusive, unless the context
19 otherwise requires:

20 1. "Offender" includes:

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

23 (b) A person who is convicted of a felony under the laws of this State and
24 assigned to the custody of the Division of Parole and Probation ~~{of the Department
25 of Public Safety}~~ pursuant to NRS 209.4886 or 209.4888.

26 2. "Residential confinement" means the confinement of a person convicted of
27 a felony to his or her place of residence under the terms and conditions established
28 pursuant to specific statute. The term does not include any confinement ordered
29 pursuant to NRS 176A.530 to 176A.560, inclusive, 176A.660 to 176A.690,
30 inclusive, 213.15105, 213.15193 or 213.152 to 213.1528, inclusive.

31 **Sec. 11.** NRS 209.446 is hereby amended to read as follows:

32 209.446 1. Every offender who is sentenced to prison for a crime committed
33 on or after July 1, 1985, but before July 17, 1997, who has no serious infraction of
34 the regulations of the Department, the terms and conditions of his or her residential
35 confinement or the laws of the State recorded against the offender, and who
36 performs in a faithful, orderly and peaceable manner the duties assigned to the
37 offender, must be allowed:

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

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

40 (c) For the period the offender is in the custody of the Division of Parole and
41 Probation ~~{of the Department of Public Safety}~~ pursuant to NRS 209.4886 or
42 209.4888,

43 ~~↳~~ a deduction of 10 days from the offender's sentence for each month the offender
44 serves.

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

50 (a) For earning a general educational development certificate or an equivalent
51 document, 30 days.

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

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

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

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

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

12 6. Credits earned pursuant to this section:

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

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

18 **Sec. 12.** NRS 209.4465 is hereby amended to read as follows:

19 209.4465 1. An offender who is sentenced to prison for a crime committed
20 on or after July 17, 1997, who has no serious infraction of the regulations of the
21 Department, the terms and conditions of his or her residential confinement or the
22 laws of the State recorded against the offender, and who performs in a faithful,
23 orderly and peaceable manner the duties assigned to the offender, must be allowed:

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

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

27 (c) For the period the offender is in the custody of the Division of Parole and
28 Probation ~~[of the Department of Public Safety]~~ pursuant to NRS 209.4886 or
29 209.4888,

30 ↪ a deduction of 20 days from his or her sentence for each month the offender
31 serves.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

17 (d) A category A or B felony,

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

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

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

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

29 **Sec. 13.** NRS 209.4827 is hereby amended to read as follows:

30 209.4827 The Director may:

31 1. With the approval of the Board, establish centers to house offenders within
32 a community so they may work to earn wages with which to make restitution to the
33 victims of their crimes.

34 2. If space is available, assign to the center:

35 (a) An offender participating in a work or educational release program.

36 (b) An offender who has been paroled if such a request is made by the Division
37 of Parole and Probation. ~~[of the Department of Public Safety.]~~

38 **Sec. 14.** NRS 209.4871 is hereby amended to read as follows:

39 209.4871 As used in NRS 209.4871 to 209.4889, inclusive, unless the context
40 otherwise requires, the words and terms defined in NRS 209.4873 ~~to 209.488,~~
41 ~~inclusive,], 209.4877 and 209.488~~ have the meanings ascribed to them in those
42 sections.

43 **Sec. 15.** NRS 212.187 is hereby amended to read as follows:

44 212.187 1. A prisoner who is in lawful custody or confinement, other than
45 in the custody of the Division of Parole and Probation of the Department of ~~[Public~~
46 ~~Safety]~~ **Corrections** pursuant to NRS 209.4886 or 209.4888 or residential
47 confinement, and who voluntarily engages in sexual conduct with another person
48 who is not an employee of or a contractor or volunteer for a prison is guilty of a
49 category D felony and shall be punished as provided in NRS 193.130.

50 2. Except as otherwise provided in NRS 212.188, a person who voluntarily
51 engages in sexual conduct with a prisoner who is in lawful custody or confinement,
52 other than in the custody of the Division of Parole and Probation of the Department
53 of ~~[Public—Safety]~~ **Corrections** pursuant to NRS 209.4886 or 209.4888 or

1 residential confinement, is guilty of a category D felony and shall be punished as
2 provided in NRS 193.130.

3 3. As used in this section, "sexual conduct":

4 (a) Includes acts of masturbation, sexual penetration or physical contact with
5 another person's clothed or unclothed genitals or pubic area to arouse, appeal to or
6 gratify the sexual desires of a person.

7 (b) Does not include acts of a person who has custody of a prisoner or an
8 employee of or a contractor or volunteer for the prison in which the prisoner is
9 confined that are performed to carry out the necessary duties of such a person,
10 employee, contractor or volunteer.

11 **Sec. 16.** NRS 212.188 is hereby amended to read as follows:

12 212.188 1. An employee of or a contractor or volunteer for a prison who
13 voluntarily engages in, or attempts to engage in, with a prisoner who is in lawful
14 custody or confinement, other than in the custody of the Division of Parole and
15 Probation of the Department of ~~Public Safety~~ **Corrections** pursuant to NRS
16 209.4886 or 209.4888 or residential confinement, any of the acts set forth in:

17 (a) Paragraph (a) of subsection 3, commits sexual abuse of a prisoner.

18 (b) Paragraph (b) of subsection 3, commits unauthorized custodial conduct.

19 2. Unless a greater penalty is provided pursuant to any other applicable
20 provision of law, an employee of or a contractor or volunteer for a prison who
21 commits:

22 (a) Sexual abuse of a prisoner is guilty of a category D felony and shall be
23 punished as provided in NRS 193.130.

24 (b) Unauthorized custodial conduct by engaging in any of the acts described in
25 paragraph (b) of subsection 3 is guilty of a gross misdemeanor.

26 (c) Unauthorized custodial conduct by attempting to engage in any of the acts
27 described in paragraph (b) of subsection 3 is guilty of a misdemeanor.

28 3. As used in this section:

29 (a) "Sexual abuse":

30 (1) Includes any of the following acts between an employee of or a
31 contractor or volunteer for a prison and a prisoner, regardless of whether the
32 prisoner consents to the act:

33 (I) Sexual intercourse or anal intercourse, including penetration,
34 however slight;

35 (II) Fellatio, cunnilingus or contact between the mouth and the anus;

36 (III) Penetration, however slight, of an object into the genital or anal
37 opening of the body of a prisoner committed with the intent to abuse the prisoner or
38 to arouse, appeal to or gratify the sexual desires of either person;

39 (IV) Any other intentional contact with a prisoner's unclothed genitals,
40 pubic area, anus, buttocks, inner thigh or breasts committed with the intent to abuse
41 the prisoner or to arouse, appeal to or gratify the sexual desires of either person;

42 (V) Watching a prisoner change clothing or use a shower, toilet or
43 urinal;

44 (VI) Requiring a prisoner to expose his or her genitals, buttocks or
45 breasts; or

46 (VII) Capturing an image of the private area of a prisoner in violation
47 of NRS 200.604.

48 (2) Does not include acts of an employee of or a contractor or volunteer for
49 the prison in which the prisoner is confined that are performed to carry out the
50 official duties of such an employee, contractor or volunteer.

51 (b) "Unauthorized custodial conduct":

1 (1) Includes any of the following acts between an employee of or a
2 contractor or volunteer for a prison and a prisoner, regardless of whether the
3 prisoner consents to the act:

4 (I) Contact between the mouth and any part of the body committed
5 with the intent to abuse the prisoner or to arouse, appeal to or gratify the sexual
6 desires of either person;

7 (II) Any other intentional contact with a prisoner's clothed genitals,
8 pubic area, anus, buttocks, inner thigh or breasts committed with the intent to abuse
9 the prisoner or to arouse, appeal to or gratify the sexual desires of either person;

10 (III) Any threat or request by an employee or a contractor or volunteer
11 to engage in any act described in sub-subparagraphs (I) or (II); or

12 (IV) Any display by an employee or a contractor or volunteer of his or
13 her unclathed genitals, buttocks or breasts in the presence of a prisoner.

14 (2) Does not include acts of an employee of or a contractor or volunteer for
15 the prison in which the prisoner is confined that are performed to carry out the
16 official duties of such an employee, contractor or volunteer.

17 **Sec. 17.** NRS 213.107 is hereby amended to read as follows:

18 213.107 As used in NRS 213.107 to 213.157, inclusive, unless the context
19 otherwise requires:

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

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

22 3. "Division" means the Division of Parole and Probation of the Department
23 of ~~Public Safety~~ **Corrections**.

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

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

29 6. "Sexual offense" means:

30 (a) A violation of NRS 200.366, subsection 4 of NRS 200.400, NRS 200.710,
31 200.720, subsection 2 of NRS 200.730, NRS 201.180, 201.230, 201.450, 201.540
32 or 201.550 or paragraph (a) or (b) of subsection 4 or paragraph (a) or (b) of
33 subsection 5 of NRS 201.560;

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

35 (c) An act of murder in the first or second degree, kidnapping in the first or
36 second degree, false imprisonment, burglary or invasion of the home if the act is
37 determined to be sexually motivated at a hearing conducted pursuant to NRS
38 175.547.

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

41 **Sec. 18.** NRS 213.1071 is hereby amended to read as follows:

42 213.1071 1. There is hereby created the Division of Parole and Probation of
43 the Department of ~~Public Safety~~ **Corrections**.

44 2. The Division consists of the Chief and such sections as the Chief may
45 create with the approval of the Director of the Department of ~~Public Safety~~ **Corrections**.

46 3. The Chief of the Division is the Chief Parole and Probation Officer.

47 4. *The Division shall execute, administer and enforce the provisions of this*
48 *chapter and chapter 176A of NRS relating to parole and probation and perform*
49 *such duties and exercise such powers as may be conferred upon it pursuant to*
50 *those chapters and any other specific statute.*
51

Sec. 19. NRS 213.1092 is hereby amended to read as follows:

213.1092 1. The Director of the Department of ~~Public Safety~~ **Corrections** shall appoint the Chief Parole and Probation Officer, who is in the unclassified service of the State.

2. The Chief Parole and Probation Officer must:

(a) Be selected on the basis of his or her training, experience, capacity and interest in correctional services.

(b) Have had at least 5 years' experience in correctional programs, of which at least 3 years were in a responsible administrative position.

Sec. 20. NRS 213.310 is hereby amended to read as follows:

213.310 1. If a program is established by the Department pursuant to NRS 213.300, the Director shall, by appropriate means of classification and selection, determine which of the offenders, during the last 6 months' confinement, are suitable for the program, excluding those sentenced to life imprisonment who are not eligible for parole and those imprisoned for violations of chapter 201 of NRS who have not been certified by the designated board as eligible for parole.

2. The Director shall then select the names of those offenders the Director determines to be eligible for the program, and the Director shall refer the names of those offenders to the Chair of the State Board of Parole Commissioners for release into the program and, if appropriate, for residential confinement or other appropriate supervision as determined by the Division of Parole and Probation of the Department. ~~of Public Safety.~~

Sec. 21. NRS 213.371 is hereby amended to read as follows:

213.371 As used in NRS 213.371 to 213.410, inclusive, unless the context otherwise requires:

1. "Division" means the Division of Parole and Probation of the Department of ~~Public Safety~~ **Corrections.**

2. "Offender" means a prisoner assigned to the custody of the Division pursuant to NRS 209.392, 209.3925 or 209.429.

3. "Residential confinement" means the confinement of an offender to his or her place of residence under the terms and conditions established by the Division.

Sec. 22. NRS 213.610 is hereby amended to read as follows:

213.610 "Division" means the Division of Parole and Probation of the Department of ~~Public Safety~~ **Corrections.**

Sec. 23. NRS 62A.100 is hereby amended to read as follows:

62A.100 "Division of Parole and Probation" means the Division of Parole and Probation of the Department of ~~Public Safety~~ **Corrections.**

Sec. 24. NRS 174.063 is hereby amended to read as follows:

174.063 1. If a plea of guilty or guilty but mentally ill is made in a written plea agreement, the agreement must be substantially in the following form:

Case No.
Dept. No.

IN THE JUDICIAL DISTRICT COURT OF THE
STATE OF NEVADA IN AND FOR THE COUNTY OF.....,

The State of Nevada,
PLAINTIFF,

v.

(Name of defendant),

1
2
3 DEFENDANT.

4 GUILTY OR GUILTY BUT MENTALLY ILL PLEA AGREEMENT

5 I hereby agree to plead guilty or guilty but mentally ill to: (List charges
6 to which defendant is pleading guilty or guilty but mentally ill), as more
7 fully alleged in the charging document attached hereto as Exhibit 1.

8 My decision to plead guilty or guilty but mentally ill is based upon the
9 plea agreement in this case which is as follows:

10 (State the terms of the agreement.)

11 CONSEQUENCES OF THE PLEA

12 I understand that by pleading guilty or guilty but mentally ill I admit the
13 facts which support all the elements of the offenses to which I now plead as
14 set forth in Exhibit 1.

15 I understand that as a consequence of my plea of guilty or guilty but
16 mentally ill I may be imprisoned for a period of not more than (maximum
17 term of imprisonment) and that I (may or will) be fined up to (maximum
18 amount of fine). I understand that the law requires me to pay an
19 administrative assessment fee.

20 I understand that, if appropriate, I will be ordered to make restitution to
21 the victim of the offenses to which I am pleading guilty or guilty but
22 mentally ill and to the victim of any related offense which is being
23 dismissed or not prosecuted pursuant to this agreement. I will also be
24 ordered to reimburse the State of Nevada for expenses relating to my
25 extradition, if any.

26 I understand that I (am or am not) eligible for probation for the offense
27 to which I am pleading guilty or guilty but mentally ill. (I understand that,
28 except as otherwise provided by statute, the question of whether I receive
29 probation is in the discretion of the sentencing judge, or I understand that I
30 must serve a mandatory minimum term of (term of imprisonment) or pay a
31 minimum mandatory fine of (amount of fine) or serve a mandatory
32 minimum term (term of imprisonment) and pay a minimum mandatory fine
33 of (amount of fine).)

34 I understand that if more than one sentence of imprisonment is imposed
35 and I am eligible to serve the sentences concurrently, the sentencing judge
36 has the discretion to order the sentences served concurrently or
37 consecutively.

38 I understand that information regarding charges not filed, dismissed
39 charges or charges to be dismissed pursuant to this agreement may be
40 considered by the judge at sentencing.

41 I have not been promised or guaranteed any particular sentence by
42 anyone. I know that my sentence is to be determined by the court within the
43 limits prescribed by statute. I understand that if my attorney or the State of
44 Nevada or both recommend any specific punishment to the court, the court
45 is not obligated to accept the recommendation.

46 I understand that the Division of Parole and Probation of the
47 Department of ~~Public Safety~~ **Corrections** may or will prepare a report for
48 the sentencing judge before sentencing. This report will include matters
49 relevant to the issue of sentencing, including my criminal history. I
50 understand that this report may contain hearsay information regarding my
51 background and criminal history. My attorney (if represented by counsel)
52 and I will each have the opportunity to comment on the information
53 contained in the report at the time of sentencing.

WAIVER OF RIGHTS

By entering my plea of guilty or guilty but mentally ill, I understand that I have waived the following rights and privileges:

1. The constitutional privilege against self-incrimination, including the right to refuse to testify at trial, in which event the prosecution would not be allowed to comment to the jury about my refusal to testify.

2. The constitutional right to a speedy and public trial by an impartial jury, free of excessive pretrial publicity prejudicial to the defense, at which trial I would be entitled to the assistance of an attorney, either appointed or retained. At trial, the State would bear the burden of proving beyond a reasonable doubt each element of the offense charged.

3. The constitutional right to confront and cross-examine any witnesses who would testify against me.

4. The constitutional right to subpoena witnesses to testify on my behalf.

5. The constitutional right to testify in my own defense.

6. The right to appeal the conviction, with the assistance of an attorney, either appointed or retained, unless the appeal is based upon reasonable constitutional, jurisdictional or other grounds that challenge the legality of the proceedings and except as otherwise provided in subsection 3 of NRS 174.035.

VOLUNTARINESS OF PLEA

I have discussed the elements of all the original charges against me with my attorney (if represented by counsel) and I understand the nature of these charges against me.

I understand that the State would have to prove each element of the charge against me at trial.

I have discussed with my attorney (if represented by counsel) any possible defenses and circumstances which might be in my favor.

All of the foregoing elements, consequences, rights and waiver of rights have been thoroughly explained to me by my attorney (if represented by counsel).

I believe that pleading guilty or guilty but mentally ill and accepting this plea bargain is in my best interest and that a trial would be contrary to my best interest.

I am signing this agreement voluntarily, after consultation with my attorney (if represented by counsel) and I am not acting under duress or coercion or by virtue of any promises of leniency, except for those set forth in this agreement.

I am not now under the influence of intoxicating liquor, a controlled substance or other drug which would in any manner impair my ability to comprehend or understand this agreement or the proceedings surrounding my entry of this plea.

My attorney (if represented by counsel) has answered all my questions regarding this guilty or guilty but mentally ill plea agreement and its consequences to my satisfaction and I am satisfied with the services provided by my attorney.

Dated: This day of the month of of the year

.....
Defendant.

Agreed to on this day of the month of of the year

.....
Deputy District Attorney.

2. If the defendant is represented by counsel, the written plea agreement must also include a certificate of counsel that is substantially in the following form:

CERTIFICATE OF COUNSEL

I, the undersigned, as the attorney for the defendant named herein and as an officer of the court hereby certify that:

1. I have fully explained to the defendant the allegations contained in the charges to which guilty or guilty but mentally ill pleas are being entered.

2. I have advised the defendant of the penalties for each charge and the restitution that the defendant may be ordered to pay.

3. All pleas of guilty or guilty but mentally ill offered by the defendant pursuant to this agreement are consistent with all the facts known to me and are made with my advice to the defendant and are in the best interest of the defendant.

4. To the best of my knowledge and belief, the defendant:

(a) Is competent and understands the charges and the consequences of pleading guilty or guilty but mentally ill as provided in this agreement.

(b) Executed this agreement and will enter all guilty or guilty but mentally ill pleas pursuant hereto voluntarily.

(c) Was not under the influence of intoxicating liquor, a controlled substance or other drug at the time of the execution of this agreement.

Dated: This day of the month of of the year

.....
Attorney for defendant.

Sec. 25. NRS 176.002 is hereby amended to read as follows:

176.002 As used in this chapter, unless the context otherwise requires, "Division" means the Division of Parole and Probation of the Department of ~~Public Safety.~~ **Corrections.**

Sec. 26. NRS 176.0123 is hereby amended to read as follows:

176.0123 1. The Advisory Commission on the Administration of Justice is hereby created. The Commission consists of:

(a) One member who is a municipal judge or justice of the peace, appointed by the governing body of the Nevada Judges of Limited Jurisdiction;

(b) One member who is a district judge, appointed by the governing body of the Nevada District Judges Association;

(c) One member who is a justice of the Supreme Court of Nevada or a retired justice of the Supreme Court of Nevada, appointed by the Chief Justice of the Supreme Court of Nevada;

(d) One member who is a district attorney, appointed by the governing body of the Nevada District Attorneys Association;

(e) One member who is an attorney in private practice, experienced in defending criminal actions, appointed by the governing body of the State Bar of Nevada;

(f) One member who is a public defender, appointed by the governing body of the State Bar of Nevada;

1 (g) One member who is a representative of a law enforcement agency,
2 appointed by the Governor;

3 (h) One member who is a representative of the Division of Parole and
4 Probation of the Department of ~~Public Safety~~ **Corrections**, appointed by the
5 Governor;

6 (i) One member who has been a victim of a crime or is a representative of an
7 organization supporting the rights of victims of crime, appointed by the Governor;

8 (j) One member who is a representative of an organization that advocates on
9 behalf of inmates, appointed by the Governor;

10 (k) One member who is a representative of the Nevada Sheriffs' and Chiefs'
11 Association, appointed by the Nevada Sheriffs' and Chiefs' Association;

12 (l) One member who is a member of the State Board of Parole Commissioners,
13 appointed by the State Board of Parole Commissioners;

14 (m) The Director of the Department of Corrections;

15 (n) Two members who are Senators, one of whom is appointed by the Majority
16 Leader of the Senate and one of whom is appointed by the Minority Leader of the
17 Senate; and

18 (o) Two members who are members of the Assembly, one of whom is
19 appointed by the Speaker of the Assembly and one of whom is appointed by the
20 Minority Leader of the Assembly.

21 ➤ If any association listed in this subsection ceases to exist, the appointment
22 required by this subsection must be made by the association's successor in interest
23 or, if there is no successor in interest, by the Governor.

24 2. The Attorney General is an ex officio voting member of the Commission.

25 3. Each appointed member serves a term of 2 years. Members may be
26 reappointed for additional terms of 2 years in the same manner as the original
27 appointments. Any vacancy occurring in the membership of the Commission must
28 be filled in the same manner as the original appointment not later than 30 days after
29 the vacancy occurs.

30 4. The Legislators who are members of the Commission are entitled to
31 receive the salary provided for a majority of the members of the Legislature during
32 the first 60 days of the preceding session for each day's attendance at a meeting of
33 the Commission.

34 5. At the first regular meeting of each odd-numbered year, the members of the
35 Commission shall elect a Chair by majority vote who shall serve until the next
36 Chair is elected.

37 6. The Commission shall meet at least once every 3 months and may meet at
38 such further times as deemed necessary by the Chair.

39 7. A majority of the members of the Commission constitutes a quorum for the
40 transaction of business, and a majority of those members present at any meeting is
41 sufficient for any official action taken by the Commission.

42 8. While engaged in the business of the Commission, to the extent of
43 legislative appropriation, each member of the Commission is entitled to receive the
44 per diem allowance and travel expenses provided for state officers and employees
45 generally.

46 9. To the extent of legislative appropriation, the Director of the Legislative
47 Counsel Bureau shall provide the Commission with such staff as is necessary to
48 carry out the duties of the Commission.

49 **Sec. 27.** NRS 176.0125 is hereby amended to read as follows:

50 176.0125 The Commission shall:

51 1. Identify and study the elements of this State's system of criminal justice
52 which affect the sentences imposed for felonies and gross misdemeanors.

1 2. Evaluate the effectiveness and fiscal impact of various policies and
2 practices regarding sentencing which are employed in this State and other states,
3 including, but not limited to, the use of plea bargaining, probation, programs of
4 intensive supervision, programs of regimental discipline, imprisonment, sentencing
5 recommendations, mandatory and minimum sentencing, mandatory sentencing for
6 crimes involving the possession, manufacture and distribution of controlled
7 substances, structured or tiered sentencing, enhanced penalties for habitual
8 criminals, parole, credits against sentences, residential confinement and alternatives
9 to incarceration.

10 3. Recommend changes in the structure of sentencing in this State which, to
11 the extent practicable and with consideration for their fiscal impact, incorporate
12 general objectives and goals for sentencing, including, but not limited to, the
13 following:

14 (a) Offenders must receive sentences that increase in direct proportion to the
15 severity of their crimes and their histories of criminality.

16 (b) Offenders who have extensive histories of criminality or who have
17 exhibited a propensity to commit crimes of a predatory or violent nature must
18 receive sentences which reflect the need to ensure the safety and protection of the
19 public and which allow for the imprisonment for life of such offenders.

20 (c) Offenders who have committed offenses that do not include acts of violence
21 and who have limited histories of criminality must receive sentences which reflect
22 the need to conserve scarce economic resources through the use of various
23 alternatives to traditional forms of incarceration.

24 (d) Offenders with similar histories of criminality who are convicted of similar
25 crimes must receive sentences that are generally similar.

26 (e) Offenders sentenced to imprisonment must receive sentences which do not
27 confuse or mislead the public as to the actual time those offenders must serve while
28 incarcerated or before being released from confinement or supervision.

29 (f) Offenders must not receive disparate sentences based upon factors such as
30 race, gender or economic status.

31 (g) Offenders must receive sentences which are based upon the specific
32 circumstances and facts of their offenses, including the nature of the offense and
33 any aggravating factors, the savagery of the offense, as evidenced by the extent of
34 any injury to the victim, and the degree of criminal sophistication demonstrated by
35 the offender's acts before, during and after commission of the offense.

36 4. Evaluate the effectiveness and efficiency of the Department of Corrections
37 and the State Board of Parole Commissioners with consideration as to whether it is
38 feasible and advisable to establish an oversight or advisory board to perform
39 various functions and make recommendations concerning:

40 (a) Policies relating to parole;

41 (b) Regulatory procedures and policies of the State Board of Parole
42 Commissioners;

43 (c) Policies for the operation of the Department of Corrections;

44 (d) Budgetary issues; and

45 (e) Other related matters.

46 5. Evaluate the effectiveness of specialty court programs in this State with
47 consideration as to whether such programs have the effect of limiting or precluding
48 reentry of offenders and parolees into the community.

49 6. Evaluate the policies and practices concerning presentence investigations
50 and reports made by the Division of Parole and Probation of the Department of
51 ~~Public Safety~~ **Corrections**, including, without limitation, the resources relied on
52 in preparing such investigations and reports and the extent to which judges in this

1 State rely on and follow the recommendations contained in such presentence
2 investigations and reports.

3 7. Evaluate, review and comment upon issues relating to juvenile justice in
4 this State, including, but not limited to:

5 (a) The need for the establishment and implementation of evidence-based
6 programs and a continuum of sanctions for children who are subject to the
7 jurisdiction of the juvenile court; and

8 (b) The impact on the criminal justice system of the policies and programs of
9 the juvenile justice system.

10 8. Compile and develop statistical information concerning sentencing in this
11 State.

12 9. Identify and study issues relating to the application of chapter 241 of NRS
13 to meetings held by the:

14 (a) State Board of Pardons Commissioners to consider an application for
15 clemency; and

16 (b) State Board of Parole Commissioners to consider an offender for parole.

17 10. Identify and study issues relating to the operation of the Department of
18 Corrections, including, without limitation, the system for allowing credits against
19 the sentences of offenders, the accounting of such credits and any other policies and
20 procedures of the Department which pertain to the operation of the Department.

21 11. Evaluate the policies and practices relating to the involuntary civil
22 commitment of sexually dangerous persons.

23 12. Identify and study the impacts and effects of collateral consequences of
24 convictions in this State. Such identification and study:

25 (a) Must cause to be identified any provision in the Nevada Constitution, the
26 Nevada Revised Statutes and the Nevada Administrative Code which imposes a
27 collateral sanction or authorizes the imposition of a disqualification, and any
28 provision of law that may afford relief from a collateral consequence;

29 (b) May rely on the study of this State's collateral sanctions, disqualifications
30 and relief provisions prepared by the National Institute of Justice described in
31 section 510 of the Court Security Improvement Act of 2007, Public Law 110-177;
32 and

33 (c) Must include the posting of a hyperlink on the Commission's website to
34 any study of this State's collateral sanctions, disqualifications and relief provisions
35 prepared by the National Institute of Justice described in section 510 of the Court
36 Security Improvement Act of 2007, Public Law 110-177.

37 13. For each regular session of the Legislature, prepare a comprehensive
38 report including the Commission's recommended changes pertaining to the
39 administration of justice in this State, the Commission's findings and any
40 recommendations of the Commission for proposed legislation. The report must be
41 submitted to the Director of the Legislative Counsel Bureau for distribution to the
42 Legislature not later than September 1 of each even-numbered year.

43 **Sec. 28.** NRS 176A.040 is hereby amended to read as follows:

44 176A.040 "Division" means the Division of Parole and Probation of the
45 Department of ~~Public Safety~~ **Corrections**.

46 **Sec. 29.** NRS 178.484 is hereby amended to read as follows:

47 178.484 1. Except as otherwise provided in this section, a person arrested
48 for an offense other than murder of the first degree must be admitted to bail.

49 2. A person arrested for a felony who has been released on probation or
50 parole for a different offense must not be admitted to bail unless:

51 (a) A court issues an order directing that the person be admitted to bail;

52 (b) The State Board of Parole Commissioners directs the detention facility to
53 admit the person to bail; or

1 (c) The Division of Parole and Probation of the Department of ~~Public Safety~~
2 **Corrections** directs the detention facility to admit the person to bail.

3 3. A person arrested for a felony whose sentence has been suspended pursuant
4 to NRS 4.373 or 5.055 for a different offense or who has been sentenced to a term
5 of residential confinement pursuant to NRS 4.3762 or 5.076 for a different offense
6 must not be admitted to bail unless:

7 (a) A court issues an order directing that the person be admitted to bail; or

8 (b) A department of alternative sentencing directs the detention facility to
9 admit the person to bail.

10 4. A person arrested for murder of the first degree may be admitted to bail
11 unless the proof is evident or the presumption great by any competent court or
12 magistrate authorized by law to do so in the exercise of discretion, giving due
13 weight to the evidence and to the nature and circumstances of the offense.

14 5. A person arrested for a violation of NRS 484C.110, 484C.120, 484C.130,
15 484C.430, 488.410, 488.420 or 488.425 who is under the influence of intoxicating
16 liquor must not be admitted to bail or released on the person's own recognizance
17 unless the person has a concentration of alcohol of less than 0.04 in his or her
18 breath. A test of the person's breath pursuant to this subsection to determine the
19 concentration of alcohol in his or her breath as a condition of admission to bail or
20 release is not admissible as evidence against the person.

21 6. A person arrested for a violation of NRS 484C.110, 484C.120, 484C.130,
22 484C.430, 488.410, 488.420 or 488.425 who is under the influence of a controlled
23 substance, is under the combined influence of intoxicating liquor and a controlled
24 substance, or inhales, ingests, applies or otherwise uses any chemical, poison or
25 organic solvent, or any compound or combination of any of these, to a degree
26 which renders the person incapable of safely driving or exercising actual physical
27 control of a vehicle or vessel under power or sail must not be admitted to bail or
28 released on the person's own recognizance sooner than 12 hours after arrest.

29 7. A person arrested for a battery that constitutes domestic violence pursuant
30 to NRS 33.018 must not be admitted to bail sooner than 12 hours after arrest. If the
31 person is admitted to bail more than 12 hours after arrest, without appearing
32 personally before a magistrate or without the amount of bail having been otherwise
33 set by a magistrate or a court, the amount of bail must be:

34 (a) Three thousand dollars, if the person has no previous convictions of battery
35 that constitute domestic violence pursuant to NRS 33.018 and there is no reason to
36 believe that the battery for which the person has been arrested resulted in
37 substantial bodily harm or was committed by strangulation;

38 (b) Five thousand dollars, if the person has:

39 (1) No previous convictions of battery that constitute domestic violence
40 pursuant to NRS 33.018, but there is reason to believe that the battery for which the
41 person has been arrested resulted in substantial bodily harm or was committed by
42 strangulation; or

43 (2) One previous conviction of battery that constitutes domestic violence
44 pursuant to NRS 33.018, but there is no reason to believe that the battery for which
45 the person has been arrested resulted in substantial bodily harm or was committed
46 by strangulation; or

47 (c) Fifteen thousand dollars, if the person has:

48 (1) One previous conviction of battery that constitutes domestic violence
49 pursuant to NRS 33.018 and there is reason to believe that the battery for which the
50 person has been arrested resulted in substantial bodily harm or was committed by
51 strangulation; or

52 (2) Two or more previous convictions of battery that constitute domestic
53 violence pursuant to NRS 33.018.

1 ↳ The provisions of this subsection do not affect the authority of a magistrate or a
2 court to set the amount of bail when the person personally appears before the
3 magistrate or the court, or when a magistrate or a court has otherwise been
4 contacted to set the amount of bail. For the purposes of this subsection, a person
5 shall be deemed to have a previous conviction of battery that constitutes domestic
6 violence pursuant to NRS 33.018 if the person has been convicted of such an
7 offense in this State or has been convicted of violating a law of any other
8 jurisdiction that prohibits the same or similar conduct.

9 8. A person arrested for violating a temporary or extended order for
10 protection against domestic violence issued pursuant to NRS 33.017 to 33.100,
11 inclusive, or for violating a restraining order or injunction that is in the nature of a
12 temporary or extended order for protection against domestic violence issued in an
13 action or proceeding brought pursuant to title 11 of NRS, or for violating a
14 temporary or extended order for protection against stalking, aggravated stalking or
15 harassment issued pursuant to NRS 200.591, or for violating a temporary or
16 extended order for protection against sexual assault pursuant to NRS 200.378 must
17 not be admitted to bail sooner than 12 hours after arrest if:

18 (a) The arresting officer determines that such a violation is accompanied by a
19 direct or indirect threat of harm;

20 (b) The person has previously violated a temporary or extended order for
21 protection of the type for which the person has been arrested; or

22 (c) At the time of the violation or within 2 hours after the violation, the person
23 has:

24 (1) A concentration of alcohol of 0.08 or more in the person's blood or
25 breath; or

26 (2) An amount of a prohibited substance in the person's blood or urine that
27 is equal to or greater than the amount set forth in subsection 3 of NRS 484C.110.

28 9. If a person is admitted to bail more than 12 hours after arrest, pursuant to
29 subsection 8, without appearing personally before a magistrate or without the
30 amount of bail having been otherwise set by a magistrate or a court, the amount of
31 bail must be:

32 (a) Three thousand dollars, if the person has no previous convictions of
33 violating a temporary or extended order for protection against domestic violence
34 issued pursuant to NRS 33.017 to 33.100, inclusive, or of violating a restraining
35 order or injunction that is in the nature of a temporary or extended order for
36 protection against domestic violence issued in an action or proceeding brought
37 pursuant to title 11 of NRS, or of violating a temporary or extended order for
38 protection against stalking, aggravated stalking or harassment issued pursuant to
39 NRS 200.591, or of violating a temporary or extended order for protection against
40 sexual assault pursuant to NRS 200.378;

41 (b) Five thousand dollars, if the person has one previous conviction of
42 violating a temporary or extended order for protection against domestic violence
43 issued pursuant to NRS 33.017 to 33.100, inclusive, or of violating a restraining
44 order or injunction that is in the nature of a temporary or extended order for
45 protection against domestic violence issued in an action or proceeding brought
46 pursuant to title 11 of NRS, or of violating a temporary or extended order for
47 protection against stalking, aggravated stalking or harassment issued pursuant to
48 NRS 200.591, or of violating a temporary or extended order for protection against
49 sexual assault pursuant to NRS 200.378; or

50 (c) Fifteen thousand dollars, if the person has two or more previous convictions
51 of violating a temporary or extended order for protection against domestic violence
52 issued pursuant to NRS 33.017 to 33.100, inclusive, or of violating a restraining
53 order or injunction that is in the nature of a temporary or extended order for

1 protection against domestic violence issued in an action or proceeding brought
2 pursuant to title 11 of NRS, or of violating a temporary or extended order for
3 protection against stalking, aggravated stalking or harassment issued pursuant to
4 NRS 200.591, or of violating a temporary or extended order for protection against
5 sexual assault pursuant to NRS 200.378.

6 ➤ The provisions of this subsection do not affect the authority of a magistrate or a
7 court to set the amount of bail when the person personally appears before the
8 magistrate or the court or when a magistrate or a court has otherwise been contacted
9 to set the amount of bail. For the purposes of this subsection, a person shall be
10 deemed to have a previous conviction of violating a temporary or extended order
11 for protection against domestic violence issued pursuant to NRS 33.017 to 33.100,
12 inclusive, or of violating a restraining order or injunction that is in the nature of a
13 temporary or extended order for protection against domestic violence issued in an
14 action or proceeding brought pursuant to title 11 of NRS, or of violating a
15 temporary or extended order for protection against stalking, aggravated stalking or
16 harassment issued pursuant to NRS 200.591, or of violating a temporary or
17 extended order for protection against sexual assault pursuant to NRS 200.378, if the
18 person has been convicted of such an offense in this State or has been convicted of
19 violating a law of any other jurisdiction that prohibits the same or similar conduct.

20 10. The court may, before releasing a person arrested for an offense
21 punishable as a felony, require the surrender to the court of any passport the person
22 possesses.

23 11. Before releasing a person arrested for any crime, the court may impose
24 such reasonable conditions on the person as it deems necessary to protect the
25 health, safety and welfare of the community and to ensure that the person will
26 appear at all times and places ordered by the court, including, without limitation:

27 (a) Requiring the person to remain in this State or a certain county within this
28 State;

29 (b) Prohibiting the person from contacting or attempting to contact a specific
30 person or from causing or attempting to cause another person to contact that person
31 on the person's behalf;

32 (c) Prohibiting the person from entering a certain geographic area; or

33 (d) Prohibiting the person from engaging in specific conduct that may be
34 harmful to the person's own health, safety or welfare, or the health, safety or
35 welfare of another person.

36 ➤ In determining whether a condition is reasonable, the court shall consider the
37 factors listed in NRS 178.4853.

38 12. If a person fails to comply with a condition imposed pursuant to
39 subsection 11, the court may, after providing the person with reasonable notice and
40 an opportunity for a hearing:

41 (a) Deem such conduct a contempt pursuant to NRS 22.010; or

42 (b) Increase the amount of bail pursuant to NRS 178.499.

43 13. An order issued pursuant to this section that imposes a condition on a
44 person admitted to bail must include a provision ordering any law enforcement
45 officer to arrest the person if the officer has probable cause to believe that the
46 person has violated a condition of bail.

47 14. Before a person may be admitted to bail, the person must sign a document
48 stating that:

49 (a) The person will appear at all times and places as ordered by the court
50 releasing the person and as ordered by any court before which the charge is
51 subsequently heard;

52 (b) The person will comply with the other conditions which have been imposed
53 by the court and are stated in the document; and

1 (c) If the person fails to appear when so ordered and is taken into custody
2 outside of this State, the person waives all rights relating to extradition proceedings.
3 The signed document must be filed with the clerk of the court of competent
4 jurisdiction as soon as practicable, but in no event later than the next business day.

5 15. If a person admitted to bail fails to appear as ordered by a court and the
6 jurisdiction incurs any cost in returning the person to the jurisdiction to stand trial,
7 the person who failed to appear is responsible for paying those costs as restitution.

8 16. For the purposes of subsections 8 and 9, an order or injunction is in the
9 nature of a temporary or extended order for protection against domestic violence if
10 it grants relief that might be given in a temporary or extended order issued pursuant
11 to NRS 33.017 to 33.100, inclusive.

12 17. As used in this section, "strangulation" has the meaning ascribed to it in
13 NRS 200.481.

14 **Sec. 30.** NRS 179.259 is hereby amended to read as follows:

15 179.259 1. Except as otherwise provided in subsections 3, 4 and 5, 5 years
16 after an eligible person completes a program for reentry, the court may order sealed
17 all documents, papers and exhibits in the eligible person's record, minute book
18 entries and entries on dockets, and other documents relating to the case in the
19 custody of such other agencies and officers as are named in the court's order. The
20 court may order those records sealed without a hearing unless the Division of
21 Parole and Probation of the Department of ~~Public Safety~~ **Corrections** petitions the
22 court, for good cause shown, not to seal the records and requests a hearing thereon.

23 2. If the court orders sealed the record of an eligible person, the court shall
24 send a copy of the order to each agency or officer named in the order. Each such
25 agency or officer shall notify the court in writing of its compliance with the order.

26 3. A professional licensing board is entitled, for the purpose of determining
27 suitability for a license or liability to discipline for misconduct, to inspect and to
28 copy from a record sealed pursuant to this section.

29 4. The Division of Insurance of the Department of Business and Industry is
30 entitled, for the purpose of determining suitability for a license or liability to
31 discipline for misconduct, to inspect and to copy from a record sealed pursuant to
32 this section.

33 5. A person may not petition the court to seal records relating to a conviction
34 of a crime against a child or a sexual offense.

35 6. As used in this section:

36 (a) "Crime against a child" has the meaning ascribed to it in NRS 179D.0357.

37 (b) "Eligible person" means a person who has:

38 (1) Successfully completed a program for reentry, which the person
39 participated in pursuant to NRS 209.4886, 209.4888, 213.625 or 213.632; and

40 (2) Been convicted of a single offense which was punishable as a felony
41 and which did not involve the use or threatened use of force or violence against the
42 victim. For the purposes of this subparagraph, multiple convictions for an offense
43 punishable as a felony shall be deemed to constitute a single offense if those
44 offenses arose out of the same transaction or occurrence.

45 (c) "Program for reentry" means:

46 (1) A correctional program for reentry of offenders and parolees into the
47 community that is established by the Director of the Department of Corrections
48 pursuant to NRS 209.4887; or

49 (2) A judicial program for reentry of offenders and parolees into the
50 community that is established in a judicial district pursuant to NRS 209.4883.

51 (d) "Sexual offense" has the meaning ascribed to it in paragraph (b) of
52 subsection 7 of NRS 179.245.

1 **Sec. 31.** NRS 179A.070 is hereby amended to read as follows:

2 179A.070 1. “Record of criminal history” means information contained in
3 records collected and maintained by agencies of criminal justice, the subject of
4 which is a natural person, consisting of descriptions which identify the subject and
5 notations of summons in a criminal action, warrants, arrests, citations for
6 misdemeanors issued pursuant to NRS 171.1773, citations issued for violations of
7 NRS 484C.110, 484C.120, 484C.130 and 484C.430, detentions, decisions of a
8 district attorney or the Attorney General not to prosecute the subject, indictments,
9 informations or other formal criminal charges and dispositions of charges,
10 including, without limitation, dismissals, acquittals, convictions, sentences,
11 information set forth in NRS 209.353 concerning an offender in prison, any
12 postconviction relief, correctional supervision occurring in Nevada, information
13 concerning the status of an offender on parole or probation, and information
14 concerning a convicted person who has registered as such pursuant to chapter 179C
15 of NRS. The term includes only information contained in a record, maintained in
16 written or electronic form, of a formal transaction between a person and an agency
17 of criminal justice in this State, including, without limitation, the fingerprints of a
18 person who is arrested and taken into custody and of a person who is placed on
19 parole or probation and supervised by the Division of Parole and Probation of the
20 Department ~~of~~ **of Corrections.**

21 2. “Record of criminal history” does not include:

22 (a) Investigative or intelligence information, reports of crime or other
23 information concerning specific persons collected in the course of the enforcement
24 of criminal laws;

25 (b) Information concerning juveniles;

26 (c) Posters, announcements or lists intended to identify fugitives or wanted
27 persons and aid in their apprehension;

28 (d) Original records of entry maintained by agencies of criminal justice if the
29 records are chronological and not cross-indexed;

30 (e) Records of application for and issuance, suspension, revocation or renewal
31 of occupational licenses, including, without limitation, permits to work in the
32 gaming industry;

33 (f) Except as otherwise provided in subsection 1, court indexes and records of
34 public judicial proceedings, court decisions and opinions, and information disclosed
35 during public judicial proceedings;

36 (g) Except as otherwise provided in subsection 1, records of traffic violations
37 constituting misdemeanors;

38 (h) Records of traffic offenses maintained by the Department to regulate the
39 issuance, suspension, revocation or renewal of drivers’ or other operators’ licenses;

40 (i) Announcements of actions by the State Board of Pardons Commissioners
41 and the State Board of Parole Commissioners, except information concerning the
42 status of an offender on parole or probation; or

43 (j) Records which originated in an agency other than an agency of criminal
44 justice in this State.

45 **Sec. 32.** NRS 179B.060 is hereby amended to read as follows:

46 179B.060 “Division” means the Division of Parole and Probation of the
47 Department ~~of~~ **of Corrections.**

48 **Sec. 33.** NRS 179D.040 is hereby amended to read as follows:

49 179D.040 “Division” means the Division of Parole and Probation of the
50 Department of ~~Public Safety~~ **Corrections.**

51 **Sec. 34.** NRS 432B.215 is hereby amended to read as follows:

52 432B.215 1. An agency which provides child welfare services may request
53 the Division of Parole and Probation of the Department of ~~Public Safety~~

1 **Corrections** to provide information concerning a probationer or parolee that may
2 assist the agency in carrying out the provisions of this chapter. The Division of
3 Parole and Probation shall provide such information upon request.

4 2. The agency which provides child welfare services may use the information
5 obtained pursuant to subsection 1 only for the limited purpose of carrying out the
6 provisions of this chapter.

7 **Sec. 35.** NRS 432B.290 is hereby amended to read as follows:

8 432B.290 1. Information maintained by an agency which provides child
9 welfare services must be maintained by the agency which provides child welfare
10 services as required by federal law as a condition of the allocation of federal money
11 to this State.

12 2. Except as otherwise provided in this section and NRS 432B.165, 432B.175
13 and 432B.513, information maintained by an agency which provides child welfare
14 services may, at the discretion of the agency which provides child welfare services,
15 be made available only to:

16 (a) A physician, if the physician has before him or her a child who the
17 physician has reasonable cause to believe has been abused or neglected;

18 (b) A person authorized to place a child in protective custody, if the person has
19 before him or her a child who the person has reasonable cause to believe has been
20 abused or neglected and the person requires the information to determine whether
21 to place the child in protective custody;

22 (c) An agency, including, without limitation, an agency in another jurisdiction,
23 responsible for or authorized to undertake the care, treatment or supervision of:

24 (1) The child; or

25 (2) The person responsible for the welfare of the child;

26 (d) A district attorney or other law enforcement officer who requires the
27 information in connection with an investigation or prosecution of the abuse or
28 neglect of a child;

29 (e) Except as otherwise provided in paragraph (f), a court other than a juvenile
30 court, for in camera inspection only, unless the court determines that public
31 disclosure of the information is necessary for the determination of an issue before
32 it;

33 (f) A court as defined in NRS 159.015 to determine whether a guardian or
34 successor guardian of a child should be appointed pursuant to chapter 159 of NRS
35 or NRS 432B.466 to 432B.468, inclusive;

36 (g) A person engaged in bona fide research or an audit, but information
37 identifying the subjects of a report must not be made available to the person;

38 (h) The attorney and the guardian ad litem of the child, if the information is
39 reasonably necessary to promote the safety, permanency and well-being of the
40 child;

41 (i) A person who files or intends to file a petition for the appointment of a
42 guardian or successor guardian of a child pursuant to chapter 159 of NRS or NRS
43 432B.466 to 432B.468, inclusive, if the identity of the person responsible for
44 reporting the abuse or neglect of the child to a public agency is kept confidential
45 and the information is reasonably necessary to promote the safety, permanency and
46 well-being of the child;

47 (j) The proposed guardian or proposed successor guardian of a child over
48 whom a guardianship is sought pursuant to chapter 159 of NRS or NRS 432B.466
49 to 432B.468, inclusive, if the identity of the person responsible for reporting the
50 abuse or neglect of the child to a public agency is kept confidential and the
51 information is reasonably necessary to promote the safety, permanency and well-
52 being of the child;

1 (k) A grand jury upon its determination that access to these records and the
2 information is necessary in the conduct of its official business;

3 (l) A federal, state or local governmental entity, or an agency of such an entity,
4 or a juvenile court, that needs access to the information to carry out its legal
5 responsibilities to protect children from abuse and neglect;

6 (m) A person or an organization that has entered into a written agreement with
7 an agency which provides child welfare services to provide assessments or services
8 and that has been trained to make such assessments or provide such services;

9 (n) A team organized pursuant to NRS 432B.350 for the protection of a child;

10 (o) A team organized pursuant to NRS 432B.405 to review the death of a child;

11 (p) A parent or legal guardian of the child and an attorney of a parent or
12 guardian of the child, including, without limitation, the parent or guardian of a child
13 over whom a guardianship is sought pursuant to chapter 159 of NRS or NRS
14 432B.466 to 432B.468, inclusive, if the identity of the person responsible for
15 reporting the abuse or neglect of the child to a public agency is kept confidential
16 and the information is reasonably necessary to promote the safety, permanency and
17 well-being of the child and is limited to information concerning that parent or
18 guardian;

19 (q) The child over whom a guardianship is sought pursuant to chapter 159 of
20 NRS or NRS 432B.466 to 432B.468, inclusive, if:

21 (1) The child is 14 years of age or older; and

22 (2) The identity of the person responsible for reporting the abuse or neglect
23 of the child to a public agency is kept confidential and the information is reasonably
24 necessary to promote the safety, permanency and well-being of the child;

25 (r) The persons or agent of the persons who are the subject of a report, if the
26 information is reasonably necessary to promote the safety, permanency and well-
27 being of the child and is limited to information concerning those persons;

28 (s) An agency that is authorized by law to license foster homes or facilities for
29 children or to investigate persons applying for approval to adopt a child, if the
30 agency has before it an application for that license or is investigating an applicant to
31 adopt a child;

32 (t) Upon written consent of the parent, any officer of this State or a city or
33 county thereof or Legislator authorized by the agency or department having
34 jurisdiction or by the Legislature, acting within its jurisdiction, to investigate the
35 activities or programs of an agency which provides child welfare services if:

36 (1) The identity of the person making the report is kept confidential; and

37 (2) The officer, Legislator or a member of the family of the officer or
38 Legislator is not the person alleged to have committed the abuse or neglect;

39 (u) The Division of Parole and Probation of the Department of ~~Public Safety~~
40 **Corrections** for use pursuant to NRS 176.135 in making a presentence investigation
41 and report to the district court or pursuant to NRS 176.151 in making a general
42 investigation and report;

43 (v) Any person who is required pursuant to NRS 432B.220 to make a report to
44 an agency which provides child welfare services or to a law enforcement agency;

45 (w) A local advisory board to expedite proceedings for the placement of
46 children created pursuant to NRS 432B.604;

47 (x) The panel established pursuant to NRS 432B.396 to evaluate agencies
48 which provide child welfare services;

49 (y) An employer in accordance with subsection 3 of NRS 432.100;

50 (z) A team organized or sponsored pursuant to NRS 217.475 or 228.495 to
51 review the death of the victim of a crime that constitutes domestic violence; or

52 (aa) The Committee to Review Suicide Fatalities created by NRS 439.5104.

1 3. An agency investigating a report of the abuse or neglect of a child shall,
2 upon request, provide to a person named in the report as allegedly causing the
3 abuse or neglect of the child:

4 (a) A copy of:

5 (1) Any statement made in writing to an investigator for the agency by the
6 person named in the report as allegedly causing the abuse or neglect of the child; or

7 (2) Any recording made by the agency of any statement made orally to an
8 investigator for the agency by the person named in the report as allegedly causing
9 the abuse or neglect of the child; or

10 (b) A written summary of the allegations made against the person who is
11 named in the report as allegedly causing the abuse or neglect of the child. The
12 summary must not identify the person responsible for reporting the alleged abuse or
13 neglect or any collateral sources and reporting parties.

14 4. Except as otherwise provided by subsection 6, before releasing any
15 information maintained by an agency which provides child welfare services
16 pursuant to this section, an agency which provides child welfare services shall take
17 whatever precautions it determines are reasonably necessary to protect the identity
18 and safety of any person who reports child abuse or neglect and to protect any other
19 person if the agency which provides child welfare services reasonably believes that
20 disclosure of the information would cause a specific and material harm to an
21 investigation of the alleged abuse or neglect of a child or the life or safety of any
22 person.

23 5. The provisions of this section must not be construed to require an agency
24 which provides child welfare services to disclose information maintained by the
25 agency which provides child welfare services if, after consultation with the attorney
26 who represents the agency, the agency determines that such disclosure would cause
27 a specific and material harm to a criminal investigation.

28 6. A person who is the subject of an unsubstantiated report of child abuse or
29 neglect pursuant to this chapter and who believes that the report was made in
30 bad faith or with malicious intent may petition a district court to order the agency
31 which provides child welfare services to release information maintained by the
32 agency which provides child welfare services. The petition must specifically set
33 forth the reasons supporting the belief that the report was made in bad faith or with
34 malicious intent. The petitioner shall provide notice to the agency which provides
35 child welfare services so that the agency may participate in the action through its
36 counsel. The district court shall review the information which the petitioner
37 requests to be released and the petitioner shall be allowed to present evidence in
38 support of the petition. If the court determines that there is a reasonable question of
39 fact as to whether the report was made in bad faith or with malicious intent and that
40 the disclosure of the identity of the person who made the report would not be likely
41 to endanger the life or safety of the person who made the report, the court shall
42 provide a copy of the information to the petitioner and the original information is
43 subject to discovery in a subsequent civil action regarding the making of the report.

44 7. If an agency which provides child welfare services receives any
45 information that is deemed confidential by law, the agency which provides child
46 welfare services shall maintain the confidentiality of the information as prescribed
47 by applicable law.

48 8. Pursuant to this section, a person may authorize the release of information
49 maintained by an agency which provides child welfare services about himself or
50 herself, but may not waive the confidentiality of such information concerning any
51 other person.

1 9. An agency which provides child welfare services may provide a summary
2 of the outcome of an investigation of the alleged abuse or neglect of a child to the
3 person who reported the suspected abuse or neglect.

4 10. Except as otherwise provided in this subsection, any person who is
5 provided with information maintained by an agency which provides child welfare
6 services and who further disseminates the information or makes the information
7 public is guilty of a gross misdemeanor. This subsection does not apply to:

8 (a) A district attorney or other law enforcement officer who uses the
9 information solely for the purpose of initiating legal proceedings;

10 (b) An employee of the Division of Parole and Probation of the Department of
11 ~~Public Safety~~ **Corrections** making a presentence investigation and report to the
12 district court pursuant to NRS 176.135 or making a general investigation and report
13 pursuant to NRS 176.151; or

14 (c) An employee of a juvenile justice agency who provides the information to
15 the juvenile court.

16 11. An agency which provides child welfare services may charge a fee for
17 processing costs reasonably necessary to prepare information maintained by the
18 agency which provides child welfare services for release pursuant to this section.

19 12. An agency which provides child welfare services shall adopt rules,
20 policies or regulations to carry out the provisions of this section.

21 13. As used in this section, "juvenile justice agency" means the Youth Parole
22 Bureau or a director of juvenile services.

23 **Sec. 36.** NRS 449.0055 is hereby amended to read as follows:

24 449.0055 1. "Facility for transitional living for released offenders" means a
25 residence that provides housing and a living environment for persons who have
26 been released from prison and who require assistance with reintegration into the
27 community, other than such a residence that is operated or maintained by a state or
28 local government or an agency thereof. The term does not include a halfway house
29 for recovering alcohol and drug abusers or a facility for the treatment of abuse of
30 alcohol or drugs.

31 2. As used in this section, "person who has been released from prison" means:

32 (a) A parolee.

33 (b) A person who is participating in:

34 (1) A judicial program pursuant to NRS 209.4886 or 213.625; or

35 (2) A correctional program pursuant to NRS 209.4888 or 213.632.

36 (c) A person who is supervised by the Division of Parole and Probation of the
37 Department of ~~Public Safety~~ **Corrections** through residential confinement
38 pursuant to NRS 213.371 to 213.410, inclusive.

39 (d) A person who has been released from prison by expiration of his or her
40 term of sentence.

41 **Sec. 37.** NRS 453.3363 is hereby amended to read as follows:

42 453.3363 1. If a person who has not previously been convicted of any
43 offense pursuant to NRS 453.011 to 453.552, inclusive, or pursuant to any statute
44 of the United States or of any state relating to narcotic drugs, marijuana, or
45 stimulant, depressant or hallucinogenic substances tenders a plea of guilty, guilty
46 but mentally ill, nolo contendere or similar plea to a charge pursuant to
47 subparagraph (1) of paragraph (a) of subsection 2 of NRS 453.3325, subsection 2 or
48 3 of NRS 453.336, NRS 453.411 or 454.351, or is found guilty or guilty but
49 mentally ill of one of those charges, the court, without entering a judgment of
50 conviction and with the consent of the accused, may suspend further proceedings
51 and place the person on probation upon terms and conditions that must include
52 attendance and successful completion of an educational program or, in the case of a

1 person dependent upon drugs, of a program of treatment and rehabilitation pursuant
2 to NRS 453.580.

3 2. Upon violation of a term or condition, the court may enter a judgment of
4 conviction and proceed as provided in the section pursuant to which the accused
5 was charged. Notwithstanding the provisions of paragraph (e) of subsection 2 of
6 NRS 193.130, upon violation of a term or condition, the court may order the person
7 to the custody of the Department of Corrections.

8 3. Upon fulfillment of the terms and conditions, the court shall discharge the
9 accused and dismiss the proceedings against him or her. A nonpublic record of the
10 dismissal must be transmitted to and retained by the Division of Parole and
11 Probation of the Department of ~~{Public Safety}~~ *Corrections* solely for the use of the
12 courts in determining whether, in later proceedings, the person qualifies under this
13 section.

14 4. Except as otherwise provided in subsection 5, discharge and dismissal
15 under this section is without adjudication of guilt and is not a conviction for
16 purposes of this section or for purposes of employment, civil rights or any statute or
17 regulation or license or questionnaire or for any other public or private purpose, but
18 is a conviction for the purpose of additional penalties imposed for second or
19 subsequent convictions or the setting of bail. Discharge and dismissal restores the
20 person discharged, in the contemplation of the law, to the status occupied before the
21 arrest, indictment or information. The person may not be held thereafter under any
22 law to be guilty of perjury or otherwise giving a false statement by reason of failure
23 to recite or acknowledge that arrest, indictment, information or trial in response to
24 an inquiry made of the person for any purpose. Discharge and dismissal under this
25 section may occur only once with respect to any person.

26 5. A professional licensing board may consider a proceeding under this
27 section in determining suitability for a license or liability to discipline for
28 misconduct. Such a board is entitled for those purposes to a truthful answer from
29 the applicant or licensee concerning any such proceeding with respect to the
30 applicant or licensee.

31 **Sec. 38.** NRS 453.3365 is hereby amended to read as follows:

32 453.3365 1. Three years after a person is convicted and sentenced pursuant
33 to subsection 3 of NRS 453.336, the court may order sealed all documents, papers
34 and exhibits in that person's record, minute book entries and entries on dockets, and
35 other documents relating to the case in the custody of such other agencies and
36 officers as are named in the court's order, if the:

37 (a) Person fulfills the terms and conditions imposed by the court and the parole
38 and probation officer; and

39 (b) Court, after a hearing, is satisfied that the person is rehabilitated.

40 2. Except as limited by subsection 4, after an accused is discharged from
41 probation pursuant to NRS 453.3363, the court shall order sealed all documents,
42 papers and exhibits in that person's record, minute book entries and entries on
43 dockets, and other documents relating to the case in the custody of such other
44 agencies and officers as are named in the court's order if the person fulfills the
45 terms and conditions imposed by the court and the Division of Parole and Probation
46 of the Department of ~~{Public Safety-}~~ *Corrections*. The court shall order those
47 records sealed without a hearing unless the Division of Parole and Probation
48 petitions the court, for good cause shown, not to seal the records and requests a
49 hearing thereon.

50 3. If the court orders sealed the record of a person discharged pursuant to
51 NRS 453.3363, it shall cause a copy of the order to be sent to each agency or
52 officer named in the order. Each such agency or officer shall notify the court in
53 writing of its compliance with the order.

1 4. A professional licensing board is entitled, for the purpose of determining
2 suitability for a license or liability to discipline for misconduct, to inspect and to
3 copy from a record sealed pursuant to this section.

4 **Sec. 39.** NRS 480.110 is hereby amended to read as follows:

5 480.110 Except as otherwise provided therein, the Department shall execute,
6 administer and enforce, and perform the functions and duties provided in:

- 7 1. ~~Chapters 176A and 213 of NRS relating to parole and probation;~~
- 8 ~~2.~~ Chapter 414 of NRS relating to emergency management;
- 9 ~~3.~~ 2. Chapter 414A of NRS;
- 10 ~~4.~~ 3. Chapter 453 of NRS relating to controlled substances and chapter 454
11 of NRS relating to dangerous drugs;
- 12 ~~5.~~ 4. Chapter 459 of NRS relating to the transportation of hazardous
13 materials;
- 14 ~~6.~~ 5. Chapter 477 of NRS relating to the State Fire Marshal; and
- 15 ~~7.~~ 6. NRS 486.363 to 486.377, inclusive, relating to the education and
16 safety of motorcycle riders.

17 **Sec. 40.** NRS 480.130 is hereby amended to read as follows:

18 480.130 The Department consists of:

- 19 1. An Investigation Division;
- 20 2. A Nevada Highway Patrol Division;
- 21 3. A Division of Emergency Management;
- 22 4. A State Fire Marshal Division;
- 23 5. ~~A Division of Parole and Probation;~~
- 24 ~~6.~~ A Capitol Police Division;
- 25 ~~7.~~ 6. A Training Division; and
- 26 ~~8.~~ 7. A General Services Division.

27 **Sec. 41.** NRS 480.140 is hereby amended to read as follows:

28 480.140 The primary functions and responsibilities of the divisions of the
29 Department are as follows:

- 30 1. The Investigation Division shall:
 - 31 (a) Execute, administer and enforce the provisions of chapter 453 of NRS
32 relating to controlled substances and chapter 454 of NRS relating to dangerous
33 drugs;
 - 34 (b) Assist the Secretary of State in carrying out an investigation pursuant to
35 NRS 293.124; and
 - 36 (c) Perform such duties and exercise such powers as may be conferred upon it
37 pursuant to this chapter and any other specific statute.
- 38 2. The Nevada Highway Patrol Division shall, in conjunction with the
39 Department of Motor Vehicles, execute, administer and enforce the provisions of
40 chapters 484A to 484E, inclusive, of NRS and perform such duties and exercise
41 such powers as may be conferred upon it pursuant to NRS 480.360 and any other
42 specific statute.
- 43 3. The Division of Emergency Management shall execute, administer and
44 enforce the provisions of chapters 414 and 414A of NRS and perform such duties
45 and exercise such powers as may be conferred upon it pursuant to chapters 414 and
46 414A of NRS and any other specific statute.
- 47 4. The State Fire Marshal Division shall execute, administer and enforce the
48 provisions of chapter 477 of NRS and perform such duties and exercise such
49 powers as may be conferred upon it pursuant to chapter 477 of NRS and any other
50 specific statute.

51 5. ~~The Division of Parole and Probation shall execute, administer and~~
52 ~~enforce the provisions of chapters 176A and 213 of NRS relating to parole and~~

1 ~~probation and perform such duties and exercise such powers as may be conferred~~
2 ~~upon it pursuant to those chapters and any other specific statute.~~

3 ~~— 6.]~~ The Capitol Police Division shall assist in the enforcement of subsection 1
4 of NRS 331.140.

5 ~~[7.]~~ 6. The Training Division shall provide training to the employees of the
6 Department.

7 ~~[8.]~~ 7. The General Services Division shall:

8 (a) Execute, administer and enforce the provisions of chapter 179A of NRS
9 and perform such duties and exercise such powers as may be conferred upon it
10 pursuant to chapter 179A of NRS and any other specific statute;

11 (b) Provide dispatch services for the Department and other agencies as
12 determined by the Director;

13 (c) Maintain records of the Department as determined by the Director; and

14 (d) Provide support services to the Director, the divisions of the Department
15 and the Nevada Criminal Justice Information System as may be imposed by the
16 Director.

17 **Sec. 42.** NRS 617.135 is hereby amended to read as follows:

18 617.135 “Police officer” includes:

19 1. A sheriff, deputy sheriff, officer of a metropolitan police department or city
20 police officer;

21 2. A chief, inspector, supervisor, commercial officer or trooper of the Nevada
22 Highway Patrol Division of the Department of Public Safety;

23 3. A chief, investigator or agent of the Investigation Division of the
24 Department of Public Safety;

25 4. A chief, supervisor, investigator or training officer of the Training Division
26 of the Department of Public Safety;

27 5. A chief or investigator of an office of the Department of Public Safety that
28 conducts internal investigations of employees of the Department of Public Safety or
29 investigates other issues relating to the professional responsibility of those
30 employees;

31 6. A chief or investigator of the Department of Public Safety whose duties
32 include, without limitation:

33 (a) The execution, administration or enforcement of the provisions of chapter
34 179A of NRS; and

35 (b) The provision of technology support services to the Director and the
36 divisions of the Department of Public Safety;

37 7. An officer or investigator of the Section for the Control of Emissions From
38 Vehicles and the Enforcement of Matters Related to the Use of Special Fuel of the
39 Department of Motor Vehicles;

40 8. An investigator of the Division of Compliance Enforcement of the
41 Department of Motor Vehicles;

42 9. A member of the police department of the Nevada System of Higher
43 Education;

44 10. A:

45 (a) Uniformed employee of; or

46 (b) Forensic specialist employed by,

47 ↪ the Department of Corrections whose position requires regular and frequent
48 contact with the offenders imprisoned and subjects the employee to recall in
49 emergencies;

50 11. A parole and probation officer of the Division of Parole and Probation of
51 the Department of ~~[Public Safety;]~~ **Corrections;**

1 12. A forensic specialist or correctional officer employed by the Division of
2 Public and Behavioral Health of the Department of Health and Human Services at
3 facilities for mentally disordered offenders;

4 13. The State Fire Marshal and his or her assistant and deputies;

5 14. A game warden of the Department of Wildlife who has the powers of a
6 peace officer pursuant to NRS 289.280;

7 15. A ranger or employee of the Division of State Parks of the State
8 Department of Conservation and Natural Resources who has the powers of a peace
9 officer pursuant to NRS 289.260; and

10 16. A bailiff or a deputy marshal of the district court or justice court whose
11 duties require him or her to carry a weapon and to make arrests.

12 **Sec. 43.** 1. Any administrative regulations adopted by an officer, agency or
13 other entity whose name has been changed or whose responsibilities have been
14 transferred pursuant to the provisions of this act to another officer, agency or other
15 entity remain in force until amended by the officer, agency or other entity to which
16 the responsibility for the adoption of the regulations has been transferred.

17 2. Any contracts or other agreements entered into by an officer, agency or
18 other entity whose name has been changed or whose responsibilities have been
19 transferred pursuant to the provisions of this act to another officer, agency or other
20 entity are binding upon the officer, agency or other entity to which the
21 responsibility for the administration of the provisions of the contract or other
22 agreement has been transferred. Such contracts and other agreements may be
23 enforced by the officer, agency or other entity to which the responsibility for the
24 enforcement of the provisions of the contract or other agreement has been
25 transferred.

26 3. Any action taken by an officer, agency or other entity whose name has
27 been changed or whose responsibilities have been transferred pursuant to the
28 provisions of this act to another officer, agency or other entity remains in effect as
29 if taken by the officer, agency or other entity to which the responsibility for the
30 enforcement of such actions has been transferred.

31 **Sec. 44.** The Legislative Counsel shall, in preparing supplements to the
32 Nevada Administrative Code, appropriately change any references to an officer,
33 agency or other entity whose name is changed or whose responsibilities are
34 transferred pursuant to the provisions of this act to refer to the appropriate officer,
35 agency or other entity.

36 **Sec. 45.** NRS 209.4874 is hereby repealed.

37 **Sec. 46.** This act becomes effective on July 1, ~~2017~~ **2019**.

TEXT OF REPEALED SECTION

209.4874 “Division” defined. “Division” means the Division of Parole and Probation of the Department of Public Safety.