
ASSEMBLY BILL NO. 125—ASSEMBLYMEN DURAN, NGUYEN,
FLORES, WATTS; PETERS AND TORRES

FEBRUARY 15, 2021

Referred to Committee on Judiciary

SUMMARY—Revises provisions relating to credits against sentences of offenders. (BDR 16-233)

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

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

AN ACT relating to offenders; allowing certain offenders convicted of Category B felonies to have credits deducted from the minimum term or minimum aggregate term imposed by a sentence; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 Existing law provides that under certain circumstances an offender may earn
2 credits to reduce his or her sentence of imprisonment, which must be deducted from
3 the maximum term or the maximum aggregate term imposed by a sentence. For
4 certain offenders, credits must also be deducted from the minimum term or the
5 minimum aggregate term imposed by a sentence. However, credits earned by
6 offenders convicted of certain offenses, such as a category B felony, may not be
7 deducted from the minimum term or the minimum aggregate term imposed by a
8 sentence. (NRS 209.4465)

9 **Section 1** of this bill eliminates the restriction against deducting credits from
10 the minimum term or the minimum aggregate term imposed by a sentence for an
11 offender who has been convicted of a category B felony. **Section 2** of this bill
12 makes the changes in **section 1** retroactive for offenders who committed offenses
13 before October 1, 2021, the effective date of this bill.



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

1 **Section 1.** NRS 209.4465 is hereby amended to read as
2 follows:

3 209.4465 1. An offender who is sentenced to prison for a
4 crime committed on or after July 17, 1997, who has no serious
5 infraction of the regulations of the Department, the terms and
6 conditions of his or her residential confinement or the laws of the
7 State recorded against the offender, and who performs in a faithful,
8 orderly and peaceable manner the duties assigned to the offender,
9 must be allowed:

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

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

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

16 ➔ a deduction of 20 days from his or her sentence for each month
17 the offender serves.

18 2. In addition to the credits allowed pursuant to subsection 1,
19 the Director may allow not more than 10 days of credit each month
20 for an offender whose diligence in labor and study merits such
21 credits. In addition to the credits allowed pursuant to this subsection,
22 an offender is entitled to the following credits for educational
23 achievement:

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

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

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

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

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

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

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



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

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

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

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

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

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

13 (c) A violation of NRS 484C.110, 484C.120, 484C.130 or
14 484C.430 that is punishable as a felony; or

15 (d) A category A ~~or B~~ felony,

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

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

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

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

31 10. In addition to the credits allowed pursuant to this section, if
32 the Governor determines, by executive order, that it is necessary, the
33 Governor may authorize the deduction of not more than 5 days from
34 a sentence for each month an offender serves. This subsection must
35 be uniformly applied to all offenders under a sentence at the time
36 the Governor makes such a determination.

37 **Sec. 2.** The amendatory provisions of this act apply to offenses
38 committed before, on or after October 1, 2021. For the purpose of
39 calculating credits earned by a person pursuant to NRS 209.4465, as
40 amended by section 1 of this act, the amendatory provisions of this
41 act must be applied retroactively.

