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FIRST REPRINT

A.B. 125

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 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, but provides that an  
12 offender who has been convicted of certain offenses remains ineligible to deduct  
13 credits from the minimum term or minimum aggregate term imposed by a sentence.  
14 **Section 1** also revises the applicability of this provision to offenses committed on  
15 or after July 1, 2007. **Section 2** of this bill makes the changes in **section 1**  
16 retroactive for offenders who committed offenses before October 1, 2021, the  
17 effective date of this bill, unless doing so would violate the ex post facto clause of  
18 the United States Constitution or Nevada Constitution.



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 *committed the offense on or after July 1, 2007, and who* has not  
10 been convicted of:

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

13 (b) A sexual offense *or an attempt to commit a sexual offense*  
14 that is punishable as a felony;

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

17 (d) *A residential burglary pursuant to paragraph (a) of*  
18 *subsection 1 of NRS 205.060 that was committed on or after*  
19 *July 1, 2020;*

20 (e) *A habitual criminal adjudication pursuant to paragraph (a)*  
21 *of subsection 1 of NRS 207.010; or*

22 (f) A category A ~~[or B]~~ felony,

23 ↪ apply to eligibility for parole and, except as otherwise provided  
24 in subsection 9, must be deducted from the minimum term or the  
25 minimum aggregate term imposed by the sentence, as applicable,  
26 until the offender becomes eligible for parole and must be deducted  
27 from the maximum term or the maximum aggregate term imposed  
28 by the sentence, as applicable.

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

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

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

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

44 **Sec. 2.** 1. Except as otherwise provided in subsection 2:



1 (a) The amendatory provisions of this act apply to offenses  
2 committed before, on or after October 1, 2021.

3 (b) For the purpose of calculating credits earned by a person  
4 pursuant to NRS 209.4465, as amended by section 1 of this act, the  
5 amendatory provisions of this act must be applied retroactively.

6 2. The amendatory provisions of this act do not apply to  
7 offenses committed before, on or after October 1, 2021, and for the  
8 purpose of calculating credits earned by a person pursuant to NRS  
9 209.4465, as amended by section 1 of this act, must not be applied  
10 retroactively if applying the amendatory provisions of this act in  
11 such a manner would constitute a violation of Section 10 of Article  
12 1 of the United States Constitution or Section 15 of Article 1 of the  
13 Nevada Constitution.

