

ASSEMBLY BILL NO. 241—ASSEMBLYWOMAN GONZÁLEZ

MARCH 11, 2021

Referred to Committee on Judiciary

SUMMARY—Establishes provisions governing credits on terms of imprisonment during certain declarations of emergency. (BDR 16-982)

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; establishing a credit against the sentence of certain offenders incarcerated during a state of emergency declared due to a communicable or infectious disease; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 Existing law permits an offender to earn certain credits to reduce his or her
2 sentence of imprisonment. (NRS 209.433-209.449) **Section 1** of this bill allows for
3 an additional credit of 5 days for each month served by an offender who is
4 incarcerated in an institution or facility of the Department of Corrections during a
5 period in which a state of emergency due to a communicable or infectious disease
6 has been declared by the Governor and remains in effect. **Section 1** also: (1) limits
7 such credits an offender may earn to not more than 60 days of credit for any state of
8 emergency; (2) requires such credits to apply to eligibility for parole and to be
9 deducted from the minimum term or the minimum aggregate term imposed by the
10 sentence, as applicable, until the offender becomes eligible for parole; and (3)
11 requires such credits to be deducted from the maximum term or maximum
12 aggregate term imposed by the sentence, as applicable. **Section 2** of this bill makes
13 a conforming change to indicate the appropriate placement of **section 1** in the
14 Nevada Revised Statutes.

15 **Section 3** of this bill requires the credits authorized in this bill to be applied
16 retroactively to the sentence of an offender who was incarcerated in an institution
17 or facility of the Department during the period in which the emergency described in
18 the Declaration of Emergency for COVID-19 issued on March 12, 2020, was in
19 effect. **Section 3** also requires the Director of the Department to, not later than 60
20 days after the effective date of this bill, submit a report containing a list of the
21 offenders who have received credits pursuant to the provisions of this bill for the
22 emergency described in the Declaration of Emergency for COVID-19 issued on
23 March 12, 2020, to the Chief Justice of the Nevada Supreme Court, the State Public



24 Defender, the Attorney General, the Executive Director of the Department of
25 Sentencing Policy and the Director of the Legislative Counsel Bureau for
26 transmittal to the Legislature, or if the Legislature is not in session, to the Advisory
27 Commission on the Administration of Justice.

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
2 thereto a new section to read as follows:

3 1. *An offender who has no serious infraction of the*
4 *regulations of the Department or the laws of the State recorded*
5 *against the offender and who is actually incarcerated in an*
6 *institution or facility of the Department pursuant to his or her*
7 *sentence during a period in which a state of emergency due to a*
8 *communicable or infectious disease has been declared by the*
9 *Governor and remains in effect must be allowed, in addition to the*
10 *credits provided pursuant to NRS 209.433, 209.443, 209.446 or*
11 *209.4465, a deduction of 5 days from his or her sentence for each*
12 *month the offender serves during the state of emergency. An*
13 *offender shall not be allowed more than 60 days of credit pursuant*
14 *to this section.*

15 2. *Credits earned pursuant to this section:*

16 (a) *Apply to eligibility for parole and must be deducted from*
17 *the minimum term or the minimum aggregate term imposed by the*
18 *sentence, as applicable, until the offender becomes eligible for*
19 *parole; and*

20 (b) *Must be deducted from the maximum term or the*
21 *maximum aggregate term imposed by the sentence, as applicable.*

22 3. *As used in this section:*

23 (a) *“Communicable disease” means an infectious disease that*
24 *can be transmitted from person to person, animal to person or*
25 *insect to person.*

26 (b) *“Infectious disease” means a disease caused by a living*
27 *organism or other pathogen, including a fungus, bacillus,*
28 *parasite, protozoan or virus. An infectious disease may or may not*
29 *be transmissible from person to person, animal to person or insect*
30 *to person.*

31 **Sec. 2.** NRS 209.432 is hereby amended to read as follows:

32 209.432 As used in NRS 209.432 to 209.453, inclusive, *and*
33 *section 1 of this act*, unless the context otherwise requires:

34 1. “Offender” includes:

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



1 (b) A person who is convicted of a felony under the laws of this
2 State and assigned to the custody of the Division of Parole and
3 Probation of the Department of Public Safety pursuant to NRS
4 209.4886 or 209.4888.

5 2. "Residential confinement" means the confinement of a
6 person convicted of a felony to his or her place of residence under
7 the terms and conditions established pursuant to specific statute. The
8 term does not include any confinement ordered pursuant to NRS
9 176A.530 to 176A.560, inclusive, 176A.660 to 176A.690, inclusive,
10 213.15105, 213.15193 or 213.152 to 213.1528, inclusive.

11 **Sec. 3.** 1. The credits provided in section 1 of this act must
12 be applied retroactively to reduce the term of imprisonment of an
13 offender who has no serious infraction of the regulations of the
14 Department of Corrections or the laws of the State recorded against
15 the offender and who was actually incarcerated in an institution or
16 facility of the Department during the period in which the emergency
17 described in the Declaration of Emergency for COVID-19 issued on
18 March 12, 2020, was in effect.

19 2. Not later than 60 days after the effective date of this act, the
20 Director of the Department of Corrections shall submit a report
21 containing a list of the offenders who have received credits pursuant
22 to the provisions of subsection 1 and section 1 of this act for the
23 emergency described in the Declaration of Emergency for COVID-
24 19 issued on March 12, 2020, to the Chief Justice of the Nevada
25 Supreme Court, the State Public Defender, the Attorney General, the
26 Executive Director of the Department of Sentencing Policy and
27 the Director of the Legislative Counsel Bureau for transmittal to the
28 Legislature or, if the Legislature is not in session, to the Advisory
29 Commission on the Administration of Justice.

30 **Sec. 4.** This act becomes effective upon passage and approval.

