

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; requiring the Director of the Department of Corrections to submit a report containing a list of the offenders who have received such a credit; 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, unless the
11 offender was sentenced pursuant to a statute which specifies a minimum sentence
12 which must be served before a person becomes eligible for parole; (3) requires such
13 credits to be deducted from the maximum term or maximum aggregate term
14 imposed by the sentence, as applicable; and (4) requires the Director of the
15 Department, not later than 60 days after a state of emergency due to a
16 communicable or infectious disease has been declared by the Governor, to submit a
17 report containing a list of the offenders who have received such credits to the Chief
18 Justice of the Nevada Supreme Court, the State Public Defender, the Attorney
19 General, the Executive Director of the Department of Sentencing Policy and the
20 Director of the Legislative Counsel Bureau for transmittal to the Legislature or, if



21 the Legislature is not in session, to the Advisory Commission on the Administration
22 of Justice. **Section 2** of this bill makes a conforming change to indicate the
23 appropriate placement of **section 1** in the Nevada Revised Statutes.

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 is actually incarcerated in an institution*
4 *or facility of the Department pursuant to his or her sentence*
5 *during a period in which a state of emergency due to a*
6 *communicable or infectious disease has been declared by the*
7 *Governor and remains in effect must be allowed, in addition to the*
8 *credits provided pursuant to NRS 209.433, 209.443, 209.446 or*
9 *209.4465, a deduction of 5 days from his or her sentence for each*
10 *month the offender serves during the state of emergency. An*
11 *offender shall not be allowed more than 60 days of credit pursuant*
12 *to this section.*

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

14 *(a) Apply to eligibility for parole and must be deducted from*
15 *the minimum term or the minimum aggregate term imposed by the*
16 *sentence, as applicable, until the offender becomes eligible for*
17 *parole, unless the offender was sentenced pursuant to a statute*
18 *which specifies a minimum sentence which must be served before*
19 *a person becomes eligible for 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. Not later than 60 days after a state of emergency due to a*
23 *communicable or infectious disease has been declared by the*
24 *Governor, the Director shall submit a report containing a list of*
25 *the offenders who have received credits pursuant to this section to*
26 *the Chief Justice of the Nevada Supreme Court, the State Public*
27 *Defender, the Attorney General, the Executive Director of the*
28 *Department of Sentencing Policy and the Director of the*
29 *Legislative Counsel Bureau for transmittal to the Legislature or, if*
30 *the Legislature is not in session, to the Advisory Commission on*
31 *the Administration of Justice.*

32 *4. As used in this section:*

33 *(a) "Communicable disease" means an infectious disease that*
34 *can be transmitted from person to person, animal to person or*
35 *insect to person.*

36 *(b) "Infectious disease" means a disease caused by a living*
37 *organism or other pathogen, including a fungus, bacillus,*
38 *parasite, protozoan or virus. An infectious disease may or may not*



1 *be transmissible from person to person, animal to person or insect*
2 *to person.*

3 **Sec. 2.** NRS 209.432 is hereby amended to read as follows:
4 209.432 As used in NRS 209.432 to 209.453, inclusive, *and*
5 *section 1 of this act*, unless the context otherwise requires:

6 1. "Offender" includes:

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

10 (b) A person who is convicted of a felony under the laws of this
11 State and assigned to the custody of the Division of Parole and
12 Probation of the Department of Public Safety pursuant to NRS
13 209.4886 or 209.4888.

14 2. "Residential confinement" means the confinement of a
15 person convicted of a felony to his or her place of residence under
16 the terms and conditions established pursuant to specific statute. The
17 term does not include any confinement ordered pursuant to NRS
18 176A.530 to 176A.560, inclusive, 176A.660 to 176A.690, inclusive,
19 213.15105, 213.15193 or 213.152 to 213.1528, inclusive.

20 **Sec. 3.** (Deleted by amendment.)

21 **Sec. 3.5.** The provisions of subsection 1 of NRS 218D.380 do
22 not apply to any provision of this act which adds or revises a
23 requirement to submit a report to the Legislature.

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

