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FIRST REPRINT

A.B. 32

ASSEMBLY BILL NO. 32—COMMITTEE ON JUDICIARY

(ON BEHALF OF THE DEPARTMENT OF SENTENCING POLICY)

PREFILED NOVEMBER 16, 2022

Referred to Committee on Judiciary

SUMMARY—Makes various changes relating to criminal justice.
(BDR 14-263)

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 criminal justice; providing that information collected or stored by the Department of Sentencing Policy for the purpose of analyzing and understanding the criminal justice system is confidential; revising the qualifications of the Executive Director of the Department; revising provisions concerning the membership of the Nevada Sentencing Commission; requiring that certain data tracked and assessed by the Commission include the housing status of persons admitted to and released from prison; authorizing the Nevada Local Justice Reinvestment Coordinating Council to accept any gift, donation, bequest, grant or other source of money for the purpose of carrying out its duties; revising provisions relating to risk and needs assessments administered to certain probationers and parolees; authorizing the Division of Parole and Probation of the Department of Public Safety to impose confinement in a jail or detention facility or place a person under a system of active electronic monitoring for technical violations of the conditions of probation or parole; requiring the system of graduated sanctions adopted by the Division to include guidance on the use of such confinement and electronic monitoring; revising the definition of “technical violation” as the term relates to violations of the conditions of probation or parole; revising provisions relating to the temporary and full revocation of probation, suspension of sentence or parole supervision for technical violations of the conditions of probation or parole; requiring the Department of Sentencing Policy to collect and analyze certain data and submit a report to the Director of the Legislative Counsel Bureau; and providing other matters properly relating thereto.



Legislative Counsel's Digest:

1 Existing law creates the Department of Sentencing Policy (hereinafter
2 "Department") and requires the Governor to appoint the Executive Director of the
3 Department from a list of three persons recommended by the Nevada Sentencing
4 Commission (hereinafter "Commission"). Existing law also requires the Executive
5 Director to be an attorney who is licensed to practice law in this State. (NRS
6 176.01323) **Section 1.7** of this bill: (1) specifies that the three persons
7 recommended by the Commission must be qualified persons; and (2) removes the
8 requirement that the Executive Director must be an attorney who is licensed to
9 practice law in this State.

10 **Section 1** of this bill provides that any information collected or stored by the
11 Department for the purpose of analyzing and understanding the criminal justice
12 system is confidential and not a public record. **Section 8.3** of this bill makes a
13 conforming change to indicate that such information is exempt from the
14 requirement that public books and public records of a governmental entity must be
15 open to inspection. **Section 1.3** of this bill makes a conforming change to indicate
16 the proper placement of **section 1** in the Nevada Revised Statutes.

17 Existing law establishes requirements concerning the membership of the
18 Commission, including that: (1) one member must be a representative of the
19 Division of Parole and Probation of the Department of Public Safety (hereinafter
20 "Division") who is appointed by the Governor; and (2) one member must be the
21 Director of the Department of Employment, Training and Rehabilitation. (NRS
22 176.0133) **Section 2** of this bill provides that: (1) the Chief Parole and Probation
23 Officer may alternatively be a member of the Commission; (2) if a representative of
24 the Division is a member of the Commission, he or she is appointed by the Chief
25 instead of the Governor; and (3) a representative of the Department of
26 Employment, Training and Rehabilitation who is appointed by the Director of the
27 Department of Employment, Training and Rehabilitation may alternatively be a
28 member of the Commission.

29 Existing law imposes certain duties on the Commission, including the tracking
30 and assessment of data from the Department of Corrections concerning prison
31 admissions, parole and release from prison. (NRS 176.01343) **Section 2.3** of this
32 bill requires such data to include the housing status of persons admitted to and
33 released from prison.

34 Existing law creates the Nevada Local Justice Reinvestment Coordinating
35 Council, which: (1) advises the Commission on matters related to certain
36 legislation, regulations, rules, budgetary changes and other actions concerning local
37 governments; (2) identifies county-level programming and treatment needs for
38 persons involved in the criminal justice system for the purpose of reducing
39 recidivism; (3) makes recommendations to the Commission regarding certain
40 grants; (4) oversees the implementation of and creates performance measures to
41 assess the effectiveness of certain grants; and (5) identifies opportunities for
42 collaboration with the Department of Health and Human Services for treatment
43 services and funding. (NRS 176.014) **Section 2.7** of this bill authorizes the Council
44 to accept any gift, donation, bequest, grant or other source of money for the purpose
45 of carrying out its duties.

46 Existing law requires the Division to administer a risk and needs assessment to
47 certain probationers and parolees under the supervision of the Division and, on a
48 schedule determined by the Nevada Risk Assessment System or more often if
49 necessary, administer a subsequent risk and needs assessment to such probationers
50 and parolees. (NRS 176A.435, 213.1078) **Sections 3 and 6** of this bill provide that
51 a subsequent risk and needs assessment will be administered on a schedule
52 determined by the appropriate risk and needs assessment tool instead of by the
53 Nevada Risk Assessment System. Existing law provides that if a condition of
54 parole or the level of parole supervision set is found not to align with the results of



55 a risk and needs assessment, the supervising officer is required to submit a request
56 to the State Board of Parole Commissioners (hereinafter "Board") to modify the
57 condition or level of supervision. (NRS 213.1078) **Section 6** removes such
58 provisions.

59 Existing law requires the Division to adopt a written system of graduated
60 sanctions for use by parole and probation officers when responding to a technical
61 violation of the conditions of probation or parole. (NRS 176A.510, 213.15101)
62 **Sections 4 and 7** of this bill, respectively, provide that as part of the system of
63 graduated sanctions, the Division is authorized, in response to a technical violation
64 of parole or probation, to: (1) impose confinement in a jail or detention facility for a
65 period of not more than 10 days, not to exceed 30 days in the aggregate; or (2)
66 place the person under a system of active electronic monitoring for a period of not
67 more than 60 days using an electronic device approved by the Division. **Sections 4**
68 **and 7** also require a system of graduated sanctions to include guidance on the use
69 of such confinement in a jail or detention facility and electronic monitoring.
70 **Sections 4 and 7** additionally revise the definition of "technical violation" to
71 exclude, as applicable: (1) certain violations of probation or suspension of sentence
72 by a sex offender or a person convicted of stalking with the use of electronic
73 means, an offense involving pornography with a minor or luring a child or person
74 with a mental illness through the use of electronic means; (2) certain violations of
75 parole by a prisoner convicted of a sexual offense, a prisoner who is a Tier 3
76 offender convicted of a sexual offense against a child under 14 years of age or a
77 prisoner convicted of stalking with the use of electronic means, an offense
78 involving pornography with a minor or luring a child or person with a mental
79 illness through the use of electronic means; and (3) termination from certain
80 treatment programs.

81 Existing law provides that if a probationer or parolee commits one or more
82 technical violations of the conditions of probation or parole, a court or the Board, as
83 applicable, may take certain actions, including: (1) temporarily revoking the
84 probation, suspension of sentence or parole supervision and imposing a term of
85 imprisonment of not more than 30 days for the first temporary revocation, 90 days
86 for the second temporary revocation or 180 days for the third temporary revocation;
87 or (2) fully revoking the probation, suspension of sentence or parole supervision
88 and imposing imprisonment for the remainder of the sentence for a fourth or
89 subsequent revocation. (NRS 176A.630, 213.1519) **Sections 5 and 8** of this bill
90 also authorize a court or the Board, as applicable, to revoke the probation,
91 suspension of sentence or parole supervision at the request of a probationer or
92 parolee. **Sections 5 and 8** additionally require that before a court or the Board, as
93 applicable, may take such actions, the Division must determine that the graduated
94 sanctions adopted by the Division for technical violations of the conditions of
95 probation or parole have been exhausted. **Sections 5 and 8** further require that: (1)
96 a probationer who is arrested and detained, or a parolee whose parole is revoked,
97 for committing a technical violation of the conditions of probation or parole, as
98 applicable, receives credit for any time served while the probationer or parolee is
99 waiting for a hearing to determine if a technical violation has occurred, which must
100 be applied to any term of imprisonment imposed for the technical violation; and (2)
101 any time served by the probationer or parolee while waiting for such a hearing or in
102 accordance with any term of imprisonment imposed for the technical violation must
103 be applied toward the original sentence of the probationer or parolee.

104 **Section 8** additionally: (1) increases the terms of imprisonment for a temporary
105 revocation of parole supervision from 30 days to 90 days for the first temporary
106 revocation and from 90 days to 180 days for the second temporary revocation; and
107 (2) authorizes a full revocation of parole supervision for a third or subsequent
108 revocation.



109 **Section 8.7** of this bill requires the Department to: (1) collect and analyze
110 certain data relating to the length of the term of imprisonment served and
111 recidivism rates for persons whose probation, suspension or sentence or parole
112 supervision is revoked due to a technical violation of the conditions of probation or
113 parole; and (2) submit a report regarding such data to the Director of the Legislative
114 Counsel Bureau on or before January 1, 2025.

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

1 **Section 1.** Chapter 176 of NRS is hereby amended by adding
2 thereto a new section to read as follows:

3 *Any information collected or stored by the Department for the*
4 *purpose of analyzing and understanding the criminal justice*
5 *system, including, without limitation, information from a*
6 *database, interview or other source, is confidential and not a*
7 *public record within the meaning of NRS 239.010.*

8 **Sec. 1.3.** NRS 176.01313 is hereby amended to read as
9 follows:

10 176.01313 As used in NRS 176.0131 to 176.014, inclusive,
11 ~~176.01315, 176.01317~~ and *section 1 of this act*, unless the context
12 otherwise requires, the words and terms defined in NRS *176.01315,*
13 *176.01317 and* 176.0132 have the meanings ascribed to them in
14 those sections.

15 **Sec. 1.7.** NRS 176.01323 is hereby amended to read as
16 follows:

17 176.01323 1. The Department of Sentencing Policy is hereby
18 created.

19 2. The Executive Director of the Department must be
20 appointed by the Governor from a list of three *qualified* persons
21 recommended by the Sentencing Commission.

22 3. The Executive Director:

23 (a) Is in the unclassified service of this State;

24 (b) Serves at the pleasure of the Sentencing Commission, except
25 that the Executive Director may only be removed upon a finding by
26 the Sentencing Commission that his or her performance is
27 unsatisfactory; *and*

28 (c) ~~Must be an attorney licensed to practice law in this State;~~
29 *and*

30 ~~—(d)—~~ Shall devote his or her entire time and attention to the duties
31 of his or her office and shall not engage in any other gainful
32 employment or occupation.

33 4. The Executive Director may, within the limits of money
34 available for this purpose, employ or enter into a contract for the
35 services of such employees or consultants as is necessary to carry



1 out the provisions of NRS 176.0131 to 176.014, inclusive ~~§~~, and
2 *section 1 of this act.*

3 **Sec. 2.** NRS 176.0133 is hereby amended to read as follows:

4 176.0133 1. The Nevada Sentencing Commission is hereby
5 created within the Department. The Sentencing Commission
6 consists of:

7 (a) One member appointed by the Governor;

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

11 (c) Two members who are judges appointed by the Chief Justice
12 of the Supreme Court of Nevada;

13 (d) One member who is a representative of the Administrative
14 Office of the Courts appointed by the Chief Justice of the Supreme
15 Court of Nevada;

16 (e) The Director of the Department of Corrections;

17 (f) One member who is a representative of the Office of the
18 Attorney General, appointed by the Attorney General;

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

21 (h) One member who is a representative of the Office of the
22 Clark County Public Defender, appointed by the head of the Office
23 of the Clark County Public Defender;

24 (i) One member who is a representative of the Office of the
25 Washoe County Public Defender, appointed by the head of the
26 Office of the Washoe County Public Defender;

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

30 (k) One member who has been a victim of a crime or is a
31 representative of an organization supporting the rights of victims of
32 crime, appointed by the Governor;

33 (l) One member who is a member of the State Board of Parole
34 Commissioners, appointed by the State Board of Parole
35 Commissioners;

36 (m) One member who is ~~§~~:

37 **(1) The Chief Parole and Probation Officer; or**

38 **(2) A representative of the Division of Parole and Probation**
39 **of the Department of Public Safety, appointed by the ~~Governor;~~**
40 **Chief Parole and Probation Officer;**

41 (n) One member who is a representative of the Nevada Sheriffs'
42 and Chiefs' Association, appointed by the Nevada Sheriffs' and
43 Chiefs' Association;



1 (o) One member who is a representative of the Las Vegas
2 Metropolitan Police Department, appointed by the Sheriff of Clark
3 County;

4 (p) One member who is a representative of the Division of
5 Public and Behavioral Health of the Department of Health and
6 Human Services;

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

9 (r) Two members who are Senators, one of whom is appointed
10 by the Majority Leader of the Senate and one of whom is appointed
11 by the Minority Leader of the Senate;

12 (s) Two members who are members of the Assembly, one of
13 whom is appointed by the Speaker of the Assembly and one of
14 whom is appointed by the Minority Leader of the Assembly;

15 (t) *One member who is:*

16 (1) The Director of the Department of Employment, Training
17 and Rehabilitation; *or*

18 (2) *A representative of the Department of Employment,*
19 *Training and Rehabilitation, appointed by the Director of the*
20 *Department of Employment, Training and Rehabilitation;* and

21 (u) One member who is a representative of an organization that
22 works with offenders upon release from incarceration to assist in
23 reentry into the community appointed by the Chair of the
24 Legislative Commission.

25 2. The Executive Director shall serve as the Executive
26 Secretary of the Sentencing Commission.

27 3. If any organization listed in subsection 1 ceases to exist, the
28 appointment required pursuant to that subsection must be made by
29 the association's successor in interest, or, if there is no successor in
30 interest, by the Governor.

31 4. Each appointed member serves a term of 2 years. Members
32 may be reappointed for additional terms of 2 years in the same
33 manner as the original appointments. Any vacancy occurring in the
34 membership of the Sentencing Commission must be filled in the
35 same manner as the original appointment not later than 30 days after
36 the vacancy occurs.

37 5. The Legislators who are members of the Sentencing
38 Commission are entitled to receive the salary provided for a
39 majority of the members of the Legislature during the first 60 days
40 of the preceding session for each day's attendance at a meeting of
41 the Sentencing Commission.

42 6. At the first regular meeting of each odd-numbered year, the
43 members of the Sentencing Commission shall elect a Chair by
44 majority vote who shall serve until the next Chair is elected.

45 7. The Sentencing Commission shall:



1 (a) Hold its first meeting on or before September 1 of each odd-
2 numbered year; and

3 (b) Meet at least once every 3 months and may meet at such
4 further times as deemed necessary by the Chair.

5 8. A member of the Sentencing Commission may designate a
6 nonvoting alternate to attend a meeting in his or her place.

7 9. A majority of the members of the Sentencing Commission
8 constitutes a quorum for the transaction of business, and a majority
9 of those members present at any meeting is sufficient for any
10 official action taken by the Sentencing Commission. A nonvoting
11 alternate designated by a member pursuant to subsection 8 who
12 attends a meeting of the Sentencing Commission for which the
13 alternate is designated shall be deemed to be a member of the
14 Sentencing Commission for the purpose of determining whether a
15 quorum exists.

16 10. While engaged in the business of the Sentencing
17 Commission, to the extent of legislative appropriation, each member
18 of the Sentencing Commission is entitled to receive the per diem
19 allowance and travel expenses provided for state officers and
20 employees generally.

21 **Sec. 2.3.** NRS 176.01343 is hereby amended to read as
22 follows:

23 176.01343 1. The Sentencing Commission shall:

24 (a) Track and assess outcomes resulting from the enactment of
25 chapter 633, Statutes of Nevada 2019, including, without limitation,
26 the following data from the Department of Corrections:

27 (1) With respect to prison admissions:

28 (I) The total number of persons admitted to prison by type
29 of offense, type of admission, felony category, prior criminal
30 history, gender identity or expression, race, ethnicity, sexual
31 orientation, age, *housing status* and, if measured upon intake, risk
32 score;

33 (II) The average minimum and maximum sentence term
34 by type of offense, type of admission, felony category, prior
35 criminal history, gender identity or expression, race, ethnicity,
36 sexual orientation, age, mental health status and, if measured upon
37 intake, risk score; and

38 (III) The number of persons who received a clinical
39 assessment identifying a mental health or substance use disorder
40 upon intake.

41 (2) With respect to parole and release from prison:

42 (I) The average length of stay in prison for each type of
43 release by type of offense, felony category, prior criminal history,
44 gender identity or expression, race, ethnicity, sexual orientation,



1 age, mental health status , *housing status* and, if measured upon
2 intake, risk score;

3 (II) The total number of persons released from prison
4 each year by type of release, type of admission, felony category,
5 prior criminal history, gender identity or expression, race, ethnicity,
6 sexual orientation, age, mental health status , *housing status* and, if
7 measured upon intake, risk score;

8 (III) The recidivism rate of persons released from prison
9 by type of release; and

10 (IV) The total number of persons released from prison
11 each year who return to prison within 36 months by type of
12 admission, type of release, type of return to prison, including,
13 without limitation, whether such a subsequent prison admission was
14 the result of a new felony conviction or a revocation of parole due to
15 a technical violation, prior criminal history, gender identity or
16 expression, race, ethnicity, sexual orientation, age, mental health
17 status , *housing status* and, if measured upon intake, risk score.

18 (3) With respect to the number of persons in prison:

19 (I) The total number of persons held in prison on
20 December 31 of each year, not including those persons released
21 from a term of prison who reside in a parole housing unit, by type of
22 offense, type of admission, felony category, prior criminal history,
23 gender identity or expression, race, ethnicity, sexual orientation,
24 age, mental health status and, if measured upon intake, risk score;

25 (II) The total number of persons held in prison on
26 December 31 of each year who have been granted parole by the
27 State Board of Parole Commissioners but remain in custody, and the
28 reasons therefor;

29 (III) The total number of persons held in prison on
30 December 31 of each year who are serving a sentence of life with or
31 without the possibility of parole or who have been sentenced to
32 death; and

33 (IV) The total number of persons as of December 31 of
34 each year who have started a treatment program while in prison,
35 have completed a treatment program while in prison and are
36 awaiting a treatment program while in prison, by type of treatment
37 program and type of offense.

38 (b) Track and assess outcomes resulting from the enactment of
39 chapter 633, Statutes of Nevada 2019, with respect to the following
40 data, which the Division shall collect and report to the Sentencing
41 Commission:

42 (1) With respect to the number of persons on probation or
43 parole:

44 (I) The total number of supervision intakes by type of
45 offense, felony category, prior criminal history, gender identity or



1 expression, race, ethnicity, sexual orientation, age, mental health
2 status and, if measured upon intake, risk score;

3 (II) The average term of probation imposed for persons
4 on probation by type of offense;

5 (III) The average time served by persons on probation or
6 parole by type of discharge, felony category and type of offense;

7 (IV) The average time credited to a person's term of
8 probation or parole as a result of successful compliance with
9 supervision;

10 (V) The total number of supervision discharges by type of
11 discharge, including, without limitation, honorable discharges and
12 dishonorable discharges, and cases resulting in a return to prison;

13 (VI) The recidivism rate of persons discharged from
14 supervision by type of discharge, according to the Division's
15 internal definition of recidivism;

16 (VII) The number of persons identified as having a
17 mental health issue or a substance use disorder; and

18 (VIII) The total number of persons on probation or parole
19 who are located within this State on December 31 of each year, not
20 including those persons who are under the custody of the
21 Department of Corrections.

22 (2) With respect to persons on probation or parole who
23 violate a condition of supervision or commit a new offense:

24 (I) The total number of revocations and the reasons
25 therefor, including, without limitation, whether the revocation was
26 the result of a mental health issue or substance use disorder;

27 (II) The average amount of time credited to a person's
28 suspended sentence or the remainder of the person's sentence from
29 time spent on supervision;

30 (III) The total number of persons receiving administrative
31 or jail sanctions, by type of offense and felony category; and

32 (IV) The median number of administrative sanctions
33 issued by the Division to persons on supervision, by type of offense
34 and felony category.

35 (c) Track and assess outcomes resulting from the enactment of
36 chapter 633, Statutes of Nevada 2019, with respect to savings and
37 reinvestment, including, without limitation:

38 (1) The total amount of annual savings resulting from the
39 enactment of any legislation relating to the criminal justice system;

40 (2) The total annual costs avoided by this State because of
41 the enactment of chapter 633, Statutes of Nevada 2019, as
42 calculated pursuant to NRS 176.01347; and

43 (3) The entities that received reinvestment funds, the total
44 amount directed to each such entity and a description of how the
45 funds were used.



1 (d) Track and assess trends observed after the enactment of
2 chapter 633, Statutes of Nevada 2019, including, without limitation,
3 the following data, which the Central Repository for Nevada
4 Records of Criminal History shall collect and report to the
5 Sentencing Commission as reported to the Federal Bureau of
6 Investigation:

7 (1) The uniform crime rates for this State and each county in
8 this State by index crimes and type of crime; and

9 (2) The percentage changes in uniform crime rates for this
10 State and each county in this State over time by index crimes and
11 type of crime.

12 (e) Identify gaps in this State's data tracking capabilities related
13 to the criminal justice system and make recommendations for filling
14 any such gaps.

15 (f) Employ and retain other professional staff as necessary to
16 coordinate performance and outcome measurement and develop the
17 report required pursuant to this section.

18 2. As used in this section:

19 (a) "Technical violation" has the meaning ascribed to it in
20 NRS 176A.510.

21 (b) "Type of admission" means the manner in which a person
22 entered into the custody of the Department of Corrections,
23 according to the internal definitions used by the Department of
24 Corrections.

25 (c) "Type of offense" means an offense categorized by the
26 Department of Corrections as a violent offense, sex offense, drug
27 offense, property offense, DUI offense or other offense, consistent
28 with the internal data systems used by the Department of
29 Corrections.

30 **Sec. 2.7.** NRS 176.014 is hereby amended to read as follows:

31 176.014 1. The Nevada Local Justice Reinvestment
32 Coordinating Council is hereby created. The Council consists of:

33 (a) One member from each county in this State whose
34 population is less than 100,000; and

35 (b) Two members from each county in this State whose
36 population is 100,000 or more.

37 2. Each member of the Council must be appointed by the
38 governing body of the applicable county and must meet any
39 qualifications adopted by the Sentencing Commission pursuant to
40 subsection ~~7~~ 8. The Chair of the Sentencing Commission shall
41 appoint the Chair of the Council from among the members of the
42 Council.

43 3. The Council shall:

44 (a) Advise the Sentencing Commission on matters related to any
45 legislation, regulations, rules, budgetary changes and all other



1 actions needed to implement the provisions of chapter 633, Statutes
2 of Nevada 2019, as they relate to local governments;

3 (b) Identify county-level programming and treatment needs for
4 persons involved in the criminal justice system for the purpose of
5 reducing recidivism;

6 (c) Make recommendations to the Sentencing Commission
7 regarding grants to local governments and nonprofit organizations
8 from the State General Fund;

9 (d) Oversee the implementation of local grants;

10 (e) Create performance measures to assess the effectiveness of
11 the grants; and

12 (f) Identify opportunities for collaboration with the Department
13 of Health and Human Services at the state and county level for
14 treatment services and funding.

15 4. Each member of the Council serves a term of 2 years.
16 Members may be reappointed for additional terms of 2 years in the
17 same manner as the original appointments. Any vacancy occurring
18 in the membership of the Council must be filled in the same manner
19 as the original appointment not later than 30 days after the vacancy
20 occurs.

21 5. While engaged in the business of the Council, to the extent
22 of legislative appropriation, each member of the Council is entitled
23 to receive the per diem allowance and travel expenses provided for
24 state officers and employees generally.

25 6. *The Council may accept any gift, donation, bequest, grant*
26 *or other source of money for the purpose of carrying out its duties*
27 *pursuant to this section.*

28 7. To the extent of legislative appropriation, the Sentencing
29 Commission shall provide the Council with such staff as is
30 necessary to carry out the duties of the Council pursuant to this
31 section.

32 ~~[7.]~~ 8. The Sentencing Commission may adopt any
33 qualifications that a person must meet before being appointed as a
34 member of the Council.

35 **Sec. 3.** NRS 176A.435 is hereby amended to read as follows:

36 176A.435 1. Except as otherwise provided in subsection 3,
37 the Division shall administer a risk and needs assessment to each
38 probationer under the Division's supervision. The results of the risk
39 and needs assessment must be used to set a level of supervision for
40 each probationer and to develop individualized case plans pursuant
41 to subsection 4. The risk and needs assessment must be administered
42 and scored by a person trained in the administration of the tool.

43 2. Except as otherwise provided in subsection 3, on a schedule
44 determined by the ~~[Nevada Risk Assessment System, or its~~
45 ~~successor]~~ *appropriate risk and needs* assessment tool, or more



1 often if necessary, the Division shall administer a subsequent risk
2 and needs assessment to each probationer. The results of the risk
3 and needs assessment conducted in accordance with this section
4 must be used to determine whether a change in the level of
5 supervision is necessary. The Division shall document the reasons
6 for maintaining or changing the level of supervision. If the Division
7 changes the level of supervision, the Division shall notify the
8 probationer of the change.

9 3. The provisions of subsections 1 and 2 are not applicable if:

10 (a) The level of supervision for the probationer is set by the
11 court or by law; or

12 (b) The probationer is ordered to participate in a program of
13 probation secured by a security bond pursuant to NRS 176A.300 to
14 176A.370, inclusive.

15 4. The Division shall develop an individualized case plan for
16 each probationer. The case plan must include a plan for addressing
17 the criminogenic risk factors identified on the risk and needs
18 assessment, if applicable, and the list of responsivity factors that
19 will need to be considered and addressed for each probationer.

20 5. Upon a finding that a term or condition of probation ordered
21 pursuant to subsection 1 of NRS 176A.400 or the level of
22 supervision set pursuant to this section does not align with the
23 results of a risk and needs assessment administered pursuant to
24 subsection 1 or 2:

25 (a) The supervising officer shall notify the court of the finding;
26 and

27 (b) The court may modify the terms and conditions of probation
28 pursuant to subsection 1 of NRS 176A.450.

29 6. The risk and needs assessment required under this section
30 must undergo periodic validation studies in accordance with the
31 timeline established by the developer of the assessment. The
32 Division shall establish quality assurance procedures to ensure
33 proper and consistent scoring of the risk and needs assessment.

34 7. As used in this section, "risk and needs assessment" means a
35 validated, standardized actuarial tool that identifies risk factors that
36 increase the likelihood of a person reoffending and factors that,
37 when properly addressed, can reduce the likelihood of a person
38 reoffending.

39 **Sec. 4.** NRS 176A.510 is hereby amended to read as follows:

40 176A.510 1. The Division shall adopt a written system of
41 graduated sanctions for parole and probation officers to use when
42 responding to a technical violation of the conditions of probation.
43 The system must:

44 (a) Set forth a menu of presumptive sanctions for the most
45 common violations, including, without limitation, failure to report,



1 willful failure to pay fines and fees, failure to participate in a
2 required program or service, failure to complete community service
3 and failure to refrain from the use of alcohol or controlled
4 substances.

5 (b) Take into account factors such as responsivity factors
6 impacting a person's ability to successfully complete any conditions
7 of supervision, the severity of the current violation, the person's
8 previous criminal record, the number and severity of any previous
9 violations and the extent to which graduated sanctions were imposed
10 for previous violations.

11 *(c) Include guidance on the use of confinement in a jail or*
12 *detention facility and electronic monitoring pursuant to*
13 *subsection 3.*

14 2. The Division shall establish and maintain a program of
15 initial and ongoing training for parole and probation officers
16 regarding the system of graduated sanctions.

17 3. *As part of the system of graduated sanctions, the Division*
18 *may, in response to a technical violation of the conditions of*
19 *probation:*

20 *(a) Impose confinement in a jail or detention facility for a*
21 *period of not more than 10 days. The total number of days of*
22 *confinement imposed pursuant to this paragraph must not, in the*
23 *aggregate, exceed 30 days.*

24 *(b) Place the person under a system of active electronic*
25 *monitoring for a period of not more than 60 days using an*
26 *electronic device approved by the Division. The device may be*
27 *capable of using the Global Positioning System, but must be*
28 *minimally intrusive and limited in capability to recording or*
29 *transmitting information concerning the location of the person,*
30 *including, without limitation, the transmission of still visual*
31 *images which do not concern the activities of the person, and*
32 *producing, upon request, reports or records of the person's*
33 *presence near or within a crime scene or prohibited area or his or*
34 *her departure from a specified geographic location. A device*
35 *which is capable of recording or transmitting:*

36 *(1) Oral or wire communications or any auditory sound; or*

37 *(2) Information concerning the activities of the person,*

38 *↪ must not be used.*

39 4. Notwithstanding any rule or law to the contrary, a parole and
40 probation officer shall use graduated sanctions established pursuant
41 to this section when responding to a technical violation.

42 ~~[4.]~~ 5. A parole and probation officer intending to impose a
43 graduated sanction shall provide the supervised person with notice
44 of the intended sanction. The notice must inform the person of any



1 alleged violation and the date thereof and the graduated sanction to
2 be imposed.

3 ~~[5.]~~ 6. The failure of a supervised person to comply with a
4 sanction may constitute a technical violation of the conditions of
5 probation.

6 ~~[6.]~~ 7. The Division may not seek revocation of probation for a
7 technical violation of the conditions of probation until all graduated
8 sanctions have been exhausted. If the Division determines that all
9 graduated sanctions have been exhausted, the Division shall submit
10 a report to the court or Board outlining the reasons for the
11 recommendation of revocation and the steps taken by the Division
12 to change the supervised person's behavior while in the community,
13 including, without limitation, any graduated sanctions imposed
14 before recommending revocation.

15 ~~[7.]~~ 8. As used in this section:

16 (a) "Absconding" ~~[has the meaning ascribed to it in NRS~~
17 ~~176A.630.]~~ *means that a person is actively avoiding supervision by*
18 *making his or her whereabouts unknown to the Division for a*
19 *continuous period of 60 days or more.*

20 (b) "Responsivity factors" has the meaning ascribed to it in
21 NRS 213.107.

22 (c) "Technical violation" means any alleged violation of the
23 conditions of probation that does not constitute absconding and is
24 not ~~[the]~~ :

25 (I) *The* commission of a:

26 ~~[(1)]~~ (I) New felony or gross misdemeanor;

27 ~~[(2)]~~ (II) Battery which constitutes domestic violence
28 pursuant to NRS 200.485;

29 ~~[(3)]~~ (III) Violation of NRS 484C.110 or 484C.120;

30 ~~[(4)]~~ (IV) Crime of violence *as defined in NRS 200.408* that
31 is punishable as a misdemeanor;

32 ~~[(5)]~~ (V) Harassment pursuant to NRS 200.571 or stalking or
33 aggravated stalking pursuant to NRS 200.575;

34 ~~[(6)]~~ (VI) Violation of a temporary or extended order for
35 protection against domestic violence issued pursuant to NRS 33.017
36 to 33.100, inclusive, a restraining order or injunction that is in the
37 nature of a temporary or extended order for protection against
38 domestic violence issued in an action or proceeding brought
39 pursuant to title 11 of NRS, a temporary or extended order for
40 protection against stalking, aggravated stalking or harassment issued
41 pursuant to NRS 200.591 or a temporary or extended order for
42 protection against sexual assault pursuant to NRS 200.378; ~~[or]~~

43 ~~—~~ ~~[(7)]~~ (VII) Violation of a stay away order involving a natural
44 person who is the victim of the crime for which the supervised
45 person is being supervised ~~[;]~~ ; *or*



1 (VIII) Violation of a condition required pursuant to
2 paragraph (i) or (l) of subsection 1 of NRS 176A.410 or 176A.413;
3 or

4 (2) Termination from a program which provides residential
5 treatment, as ordered by a court, as a condition of supervision.

6 ↪ The term does not include termination from a specialty court
7 program.

8 **Sec. 5.** NRS 176A.630 is hereby amended to read as follows:

9 176A.630 1. If the probationer is arrested, by or without
10 warrant, in another judicial district of this state, the court which
11 granted the probation may assign the case to the district court of that
12 district, with the consent of that court. The court retaining or thus
13 acquiring jurisdiction shall cause the defendant to be brought before
14 it and consider the system of graduated sanctions adopted pursuant
15 to NRS 176A.510, if applicable. Upon determining that the
16 probationer has violated a condition of probation, the court shall, if
17 practicable, order the probationer to make restitution for any
18 necessary expenses incurred by a governmental entity in returning
19 the probationer to the court for violation of the probation. If the
20 court finds that the probationer committed a violation of a condition
21 of probation [~~by committing a new felony or gross misdemeanor,~~
22 ~~battery which constitutes domestic violence pursuant to NRS~~
23 ~~200.485, violation of NRS 484C.110 or 484C.120, crime of violence~~
24 ~~that is punishable as a misdemeanor, harassment pursuant to~~
25 ~~NRS 200.571, stalking or aggravated stalking pursuant to NRS~~
26 ~~200.575, violation of a stay away order involving a natural person~~
27 ~~who is the victim of the crime for which the probationer is being~~
28 ~~supervised, violation of a temporary or extended order for protection~~
29 ~~against domestic violence issued pursuant to NRS 33.017 to 33.100,~~
30 ~~inclusive, a restraining order or injunction that is in the nature of a~~
31 ~~temporary or extended order for protection against domestic~~
32 ~~violence issued in an action or proceeding brought pursuant to title~~
33 ~~11 of NRS, a temporary or extended order for protection against~~
34 ~~stalking, aggravated stalking or harassment issued pursuant to NRS~~
35 ~~200.591 or a temporary or extended order for protection against~~
36 ~~sexual assault pursuant to NRS 200.378 or by absconding.] **that is**
37 **not a technical violation,** the court may:~~

38 (a) Continue or revoke the probation or suspension of sentence;

39 (b) Order the probationer to a term of residential confinement
40 pursuant to NRS 176A.660;

41 (c) Order the probationer to undergo a program of regimental
42 discipline pursuant to NRS 176A.780;

43 (d) Cause the sentence imposed to be executed; or

44 (e) Modify the original sentence imposed by reducing the term
45 of imprisonment and cause the modified sentence to be executed.



1 The court shall not make the term of imprisonment less than the
2 minimum term of imprisonment prescribed by the applicable penal
3 statute. If the Chief Parole and Probation Officer recommends that
4 the sentence of a probationer be modified and the modified sentence
5 be executed, the Chief Parole and Probation Officer shall provide
6 notice of the recommendation to any victim of the crime for which
7 the probationer was convicted who has requested in writing to be
8 notified and who has provided a current address to the Division. The
9 notice must inform the victim that he or she has the right to submit
10 documents to the court and to be present and heard at the hearing to
11 determine whether the sentence of a probationer who has violated a
12 condition of probation should be modified. The court shall not
13 modify the sentence of a probationer and cause the sentence to be
14 executed until it has confirmed that the Chief Parole and Probation
15 Officer has complied with the provisions of this paragraph. The
16 Chief Parole and Probation Officer must not be held responsible
17 when such notification is not received by the victim if the victim has
18 not provided a current address. All personal information, including,
19 but not limited to, a current or former address, which pertains to a
20 victim and which is received by the Division pursuant to this
21 paragraph is confidential.

22 2. If the court finds that the probationer committed one or more
23 technical violations of the conditions of probation ~~and~~ *and the*
24 *Division has determined that the graduated sanctions adopted*
25 *pursuant to NRS 176A.510 have been exhausted*, the court may:

26 (a) Continue the probation or suspension of sentence;

27 (b) Order the probationer to a term of residential confinement
28 pursuant to NRS 176A.660;

29 (c) Temporarily revoke the probation or suspension of sentence
30 and impose a term of imprisonment of not more than:

31 (1) Thirty days for the first temporary revocation;

32 (2) Ninety days for the second temporary revocation; or

33 (3) One hundred and eighty days for the third temporary
34 revocation; ~~or~~

35 (d) Fully revoke the probation or suspension of sentence and
36 impose imprisonment for the remainder of the sentence for a fourth
37 or subsequent revocation ~~and~~; *or*

38 *(e) Revoke the probation or suspension of sentence at the*
39 *request of the probationer. If the probation or suspension of*
40 *sentence is revoked pursuant to this paragraph, the probationer*
41 *must serve such part of the unexpired maximum term or the*
42 *maximum aggregate term, as applicable, of his or her original*
43 *sentence as may be determined by the court.*

44 3. Notwithstanding any other provision of law, a probationer
45 who is arrested and detained for committing a technical violation of



1 the conditions of probation must be brought before the court not
2 later than 15 calendar days after the date of arrest and detention. If
3 the person is not brought before the court within 15 calendar days,
4 the probationer must be released from detention and returned to
5 probation status. Following a probationer's release from detention,
6 the court may subsequently hold a hearing to determine if a
7 technical violation has occurred. If the court finds that such a
8 technical violation occurred, the court may:

9 (a) Continue probation and modify the terms and conditions of
10 probation; or

11 (b) Fully or temporarily revoke probation in accordance with the
12 provisions of subsection 2.

13 4. *A probationer who is arrested and detained for committing*
14 *a technical violation of the conditions of probation must receive*
15 *credit for any time served while the probationer is waiting for a*
16 *hearing to determine if a technical violation has occurred. The*
17 *court must apply such credit to any term of imprisonment imposed*
18 *pursuant to subsection 2.*

19 5. *Any time served by a probationer while waiting for a*
20 *hearing, as set forth in subsection 4, and any time served in*
21 *accordance with any term of imprisonment imposed pursuant to*
22 *subsection 2 must be applied toward the original sentence of the*
23 *probationer.*

24 6. The commission of one of the following acts by a
25 probationer must not, by itself, be used as the only basis for the
26 revocation of probation:

27 (a) Consuming any alcoholic beverage.

28 (b) Testing positive on a drug or alcohol test.

29 (c) Failing to abide by the requirements of a mental health or
30 substance use treatment program.

31 (d) Failing to seek and maintain employment.

32 (e) Failing to pay any required fines or fees.

33 (f) Failing to report any changes in residence.

34 ~~[5.] 7. As used in this section [:~~

35 ~~—(a) "Absconding" means that a person is actively avoiding~~
36 ~~supervision by making his or her whereabouts unknown to the~~
37 ~~Division for a continuous period of 60 days or more.~~

38 ~~—(b) "Technical] , "technical violation" [means any alleged~~
39 ~~violation of the conditions of probation that does not constitute~~
40 ~~absconding and is not the commission of a:~~

41 ~~—(1) New felony or gross misdemeanor;~~

42 ~~—(2) Battery which constitutes domestic violence pursuant to~~
43 ~~NRS 200.485;~~

44 ~~—(3) Violation of NRS 484C.110 or 484C.120;~~

45 ~~—(4) Crime of violence that is punishable as a misdemeanor;~~



~~(5) Harassment pursuant to NRS 200.571 or stalking or aggravated stalking pursuant to NRS 200.575;~~

~~(6) Violation of a temporary or extended order for protection against domestic violence issued pursuant to NRS 33.017 to 33.100, inclusive, a restraining order or injunction that is in the nature of a temporary or extended order for protection against domestic violence issued in an action or proceeding brought pursuant to title 11 of NRS, a temporary or extended order for protection against stalking, aggravated stalking or harassment issued pursuant to NRS 200.591 or a temporary or extended order for protection against sexual assault pursuant to NRS 200.378; or~~

~~(7) Violation of a stay away order involving a natural person who is the victim of the crime for which the probationer is being supervised.~~

~~→ The term does not include termination from a specialty court program.] *has the meaning ascribed to it in NRS 176A.510.*~~

Sec. 6. NRS 213.1078 is hereby amended to read as follows:

213.1078 1. Except as otherwise provided in subsection 3, the Division shall administer a risk and needs assessment to each parolee under the Division's supervision. The results of the risk and needs assessment must be used to set a level of supervision for each parolee and to develop individualized case plans pursuant to subsection 4. The risk and needs assessment must be administered and scored by a person trained in the administration of the tool.

2. Except as otherwise provided in subsection 3, on a schedule determined by the ~~[Nevada Risk Assessment System, or its successor]~~ *appropriate risk and needs* assessment tool, or more often if necessary, the Division shall administer a subsequent risk and needs assessment to each parolee. The results of the risk and needs assessment conducted in accordance with this subsection must be used to determine whether a change in the level of supervision is necessary. The Division shall document the reasons for maintaining or changing the level of supervision. If the Division changes the level of supervision, the Division shall notify the parolee of the change.

3. The provisions of subsections 1 and 2 are not applicable if the level of supervision for the parolee is set by ~~[the Board or by]~~ law.

4. The Division shall develop an individualized case plan for each parolee. The case plan must include a plan for addressing the criminogenic risk factors identified on the risk and needs assessment, if applicable, and the list of responsibility factors that will need to be considered and addressed for each parolee.

5. ~~[Upon a finding that a condition of parole or the level of parole supervision set pursuant to this section does not align with~~



~~the results of a risk and needs assessment administered pursuant to subsection 1 or 2, the supervising officer shall submit a request to the Board to modify the condition or level of supervision set by the Board. The Division shall provide written notification to the parolee of any modification.~~

~~6.]~~ The risk and needs assessment required under this section must undergo periodic validation studies in accordance with the timeline established by the developer of the assessment. The Division shall establish quality assurance procedures to ensure proper and consistent scoring of the risk and needs assessment.

Sec. 7. NRS 213.15101 is hereby amended to read as follows:

213.15101 1. The Division shall adopt a written system of graduated sanctions for parole and probation officers to use when responding to a technical violation of the conditions of parole. The system must:

(a) Set forth a menu of presumptive sanctions for the most common violations, including, without limitation, failure to report, willful failure to pay fines and fees, failure to participate in a required program or service, failure to complete community service and failure to refrain from the use of alcohol or controlled substances.

(b) Take into account factors such as responsivity factors impacting a person's ability to successfully complete any conditions of supervision, the severity of the current violation, the person's previous criminal record, the number and severity of any previous violations and the extent to which graduated sanctions were imposed for previous violations.

(c) Include guidance on the use of confinement in a jail or detention facility and electronic monitoring pursuant to subsection 3.

2. The Division shall establish and maintain a program of initial and ongoing training for parole and probation officers regarding the system of graduated sanctions.

3. As part of the system of graduated sanctions, the Division may, in response to a technical violation of the conditions of parole:

(a) Impose confinement in a jail or detention facility for a period of not more than 10 days. The total number of days of confinement imposed pursuant to this paragraph must not, in the aggregate, exceed 30 days.

(b) Place the person under a system of active electronic monitoring for a period of not more than 60 days using an electronic device approved by the Division. The device may be capable of using the Global Positioning System, but must be minimally intrusive and limited in capability to recording or



1 *transmitting information concerning the location of the person,*
2 *including, without limitation, the transmission of still visual*
3 *images which do not concern the activities of the person, and*
4 *producing, upon request, reports or records of the person's*
5 *presence near or within a crime scene or prohibited area or his or*
6 *her departure from a specified geographic location. A device*
7 *which is capable of recording or transmitting:*

8 (1) *Oral or wire communications or any auditory sound; or*

9 (2) *Information concerning the activities of the person,*

10 *↪ must not be used.*

11 4. Notwithstanding any rule or law to the contrary, a parole and
12 probation officer shall use graduated sanctions established pursuant
13 to this section when responding to a technical violation.

14 ~~[4.]~~ 5. A parole and probation officer intending to impose a
15 graduated sanction shall provide the supervised person with notice
16 of the intended sanction. The notice must inform the person of any
17 alleged violation and the date thereof and the graduated sanction to
18 be imposed.

19 ~~[5.]~~ 6. The failure of a supervised person to comply with a
20 sanction may constitute a technical violation of the conditions of
21 parole.

22 ~~[6.]~~ 7. The Division may not seek revocation of parole for a
23 technical violation of the conditions of parole until all graduated
24 sanctions have been exhausted. If the Division determines that all
25 graduated sanctions have been exhausted, the Division shall submit
26 a report to the Board outlining the reasons for the recommendation
27 of revocation and the steps taken by the Division to change the
28 supervised person's behavior while in the community, including,
29 without limitation, any graduated sanctions imposed before
30 recommending revocation.

31 ~~[7.]~~ 8. As used in this section:

32 (a) "Absconding" has the meaning ascribed to it in
33 NRS ~~[176A.630.]~~ 176A.510.

34 (b) "Technical violation" means any alleged violation of the
35 conditions of parole that does not constitute absconding and is not
36 ~~[the]~~:

37 (1) *The* commission of a:

38 ~~[(1)]~~ (I) New felony or gross misdemeanor;

39 ~~[(2)]~~ (II) Battery which constitutes domestic violence
40 pursuant to NRS 200.485;

41 ~~[(3)]~~ (III) Violation of NRS 484C.110 or 484C.120;

42 ~~[(4)]~~ (IV) Crime of violence as defined in NRS 200.408 that
43 is punishable as a misdemeanor;

44 ~~[(5)]~~ (V) Harassment pursuant to NRS 200.571 or stalking or
45 aggravated stalking pursuant to NRS 200.575;



1 ~~[(6)]~~ **(VI)** Violation of a temporary or extended order for
2 protection against domestic violence issued pursuant to NRS 33.017
3 to 33.100, inclusive, a restraining order or injunction that is in the
4 nature of a temporary or extended order for protection against
5 domestic violence issued in an action or proceeding brought
6 pursuant to title 11 of NRS, a temporary or extended order for
7 protection against stalking, aggravated stalking or harassment issued
8 pursuant to NRS 200.591 or a temporary or extended order for
9 protection against sexual assault pursuant to NRS 200.378; ~~for~~

10 ~~—(7)]~~ **(VII)** Violation of a stay away order involving a natural
11 person who is the victim of the crime for which the supervised
12 person is being supervised ~~for~~; **or**

13 **(VIII)** *Violation of a condition required pursuant to*
14 *paragraph (h) or (k) of subsection 1 of NRS 213.1245, 213.1255 or*
15 *213.1258; or*

16 **(2)** *Termination from a program indicated in a parole*
17 *release plan approved by the Division.*

18 ➤ The term does not include termination from a specialty court
19 program.

20 **Sec. 8.** NRS 213.1519 is hereby amended to read as follows:

21 213.1519 1. Except as otherwise provided in subsections 2
22 and 3, a parolee whose parole is revoked by decision of the Board
23 for the commission of a ~~[new felony or gross misdemeanor, battery~~
24 ~~which constitutes domestic violence pursuant to NRS 200.485,~~
25 ~~violation of NRS 484C.110 or 484C.120, crime of violence as~~
26 ~~defined in NRS 200.408 that is punishable as a misdemeanor,~~
27 ~~harassment pursuant to NRS 200.571, stalking or aggravated~~
28 ~~stalking pursuant to NRS 200.575, violation of a stay away order~~
29 ~~involving a natural person who is the victim of the crime for which~~
30 ~~the parolee is being supervised, violation of a temporary or extended~~
31 ~~order for protection against domestic violence issued pursuant to~~
32 ~~NRS 33.017 to 33.100, inclusive, a restraining order or injunction~~
33 ~~that is in the nature of a temporary or extended order for protection~~
34 ~~against domestic violence issued in an action or proceeding brought~~
35 ~~pursuant to title 11 of NRS, a temporary or extended order for~~
36 ~~protection against stalking, aggravated stalking or harassment issued~~
37 ~~pursuant to NRS 200.591 or a temporary or extended order for~~
38 ~~protection against sexual assault pursuant to NRS 200.378 or for~~
39 ~~absconding;] violation of a condition of parole that is not a~~
40 **technical violation:**

41 (a) Forfeits all credits for good behavior previously earned to
42 reduce his or her sentence pursuant to chapter 209 of NRS; and

43 (b) Must serve such part of the unexpired maximum term or the
44 maximum aggregate term, as applicable, of his or her original



1 sentence as may be determined by the Board with rehearing dates
2 scheduled pursuant to NRS 213.142.

3 ↪ The Board may restore any credits forfeited under this
4 subsection.

5 2. A parolee released on parole pursuant to subsection 1 of
6 NRS 213.1215 whose parole is revoked for having been convicted
7 of a new felony:

8 (a) Forfeits all credits for good behavior previously earned to
9 reduce his or her sentence pursuant to chapter 209 of NRS;

10 (b) Must serve the entire unexpired maximum term or the
11 maximum aggregate term, as applicable, of his or her original
12 sentence; and

13 (c) May not again be released on parole during his or her term of
14 imprisonment.

15 3. A parolee released on parole pursuant to subsection 2 of
16 NRS 213.1215 whose parole is revoked by decision of the Board for
17 a violation of any rule or regulation governing his or her conduct:

18 (a) Forfeits all credits for good behavior previously earned to
19 reduce his or her sentence pursuant to chapter 209 of NRS;

20 (b) Must serve such part of the unexpired maximum term or
21 maximum aggregate term, as applicable, of his or her original
22 sentence as may be determined by the Board; and

23 (c) Must not be considered again for release on parole pursuant
24 to subsection 2 of NRS 213.1215 but may be considered for release
25 on parole pursuant to NRS 213.1099, with rehearing dates scheduled
26 pursuant to NRS 213.142.

27 ↪ The Board may restore any credits forfeited under this
28 subsection.

29 4. If the Board finds that the parolee committed one or more
30 technical violations of the conditions of parole ~~[]~~ *and the Division*
31 *has determined that the graduated sanctions adopted pursuant to*
32 *NRS 213.15101 have been exhausted*, the Board may:

33 (a) Continue parole supervision;

34 (b) Temporarily revoke parole supervision and impose a term of
35 imprisonment of not more than:

36 (1) ~~[Thirty days for the first temporary parole revocation;~~

37 ~~—(2)]~~ Ninety days for the ~~[second]~~ *first* temporary parole
38 revocation; or

39 ~~[(3)]~~ (2) One hundred and eighty days for the ~~[third]~~ *second*
40 temporary parole revocation; ~~[or]~~

41 (c) Fully revoke parole supervision and impose the remainder of
42 the sentence for a ~~[fourth]~~ *third* or subsequent revocation ~~[]~~; or

43 (d) *Revoke parole supervision at the request of the parolee. If*
44 *parole supervision is revoked pursuant to this paragraph, the*
45 *parolee must serve such part of the unexpired maximum term or*



1 *the maximum aggregate term, as applicable, of his or her original*
2 *sentence as may be determined by the Board with rehearing dates*
3 *scheduled pursuant to NRS 213.142.*

4 5. *A parolee whose parole is revoked for committing a*
5 *technical violation of the conditions of parole must receive credit*
6 *for any time served while the parolee is waiting for a hearing to*
7 *determine if a technical violation has occurred. The Board must*
8 *apply such credit to any term of imprisonment imposed pursuant*
9 *to subsection 4.*

10 6. *Any time served by a parolee while waiting for a hearing,*
11 *as set forth in subsection 5, and any time served in accordance*
12 *with any term of imprisonment imposed pursuant to subsection 4*
13 *must be applied toward the original sentence of the parolee.*

14 7. As used in this section ~~†~~

15 ~~—(a) “Absconding” has the meaning ascribed to it in~~
16 ~~NRS 176A.630.~~

17 ~~—(b) “Technical” , “technical violation” [means any alleged~~
18 ~~violation of the conditions of parole that does not constitute~~
19 ~~absconding and is not the commission of a:~~

20 ~~—(1) New felony or gross misdemeanor;~~

21 ~~—(2) Battery which constitutes domestic violence pursuant to~~
22 ~~NRS 200.485;~~

23 ~~—(3) Violation of NRS 484C.110 or 484C.120;~~

24 ~~—(4) Crime of violence as defined in NRS 200.408 that is~~
25 ~~punishable as a misdemeanor;~~

26 ~~—(5) Harassment pursuant to NRS 200.571 or stalking or~~
27 ~~aggravated stalking pursuant to NRS 200.575;~~

28 ~~—(6) Violation of a temporary or extended order for protection~~
29 ~~against domestic violence issued pursuant to NRS 33.017 to 33.100,~~
30 ~~inclusive, a restraining order or injunction that is in the nature of a~~
31 ~~temporary or extended order for protection against domestic~~
32 ~~violence issued in an action or proceeding brought pursuant to title~~
33 ~~11 of NRS, a temporary or extended order for protection against~~
34 ~~stalking, aggravated stalking or harassment issued pursuant to NRS~~
35 ~~200.591 or a temporary or extended order for protection against~~
36 ~~sexual assault pursuant to NRS 200.378; or~~

37 ~~—(7) Violation of a stay away order involving a natural person~~
38 ~~who is the victim of the crime for which the parolee is being~~
39 ~~supervised.~~

40 ~~→ The term does not include termination from a specialty court~~
41 ~~program.] has the meaning ascribed to it in NRS 213.15101.~~

42 **Sec. 8.3.** NRS 239.010 is hereby amended to read as follows:

43 239.010 1. Except as otherwise provided in this section and
44 NRS 1.4683, 1.4687, 1A.110, 3.2203, 41.0397, 41.071, 49.095,
45 49.293, 62D.420, 62D.440, 62E.516, 62E.620, 62H.025, 62H.030,



1 62H.170, 62H.220, 62H.320, 75A.100, 75A.150, 76.160, 78.152,
2 80.113, 81.850, 82.183, 86.246, 86.54615, 87.515, 87.5413,
3 87A.200, 87A.580, 87A.640, 88.3355, 88.5927, 88.6067, 88A.345,
4 88A.7345, 89.045, 89.251, 90.730, 91.160, 116.757, 116A.270,
5 116B.880, 118B.026, 119.260, 119.265, 119.267, 119.280,
6 119A.280, 119A.653, 119A.677, 119B.370, 119B.382, 120A.640,
7 120A.690, 125.130, 125B.140, 126.141, 126.161, 126.163, 126.730,
8 127.007, 127.057, 127.130, 127.140, 127.2817, 128.090, 130.312,
9 130.712, 136.050, 159.044, 159A.044, 172.075, 172.245, 176.015,
10 176.0625, 176.09129, 176.156, 176A.630, 178.39801, 178.4715,
11 178.5691, 179.495, 179A.070, 179A.165, 179D.160, 200.3771,
12 200.3772, 200.5095, 200.604, 202.3662, 205.4651, 209.392,
13 209.3923, 209.3925, 209.419, 209.429, 209.521, 211A.140,
14 213.010, 213.040, 213.095, 213.131, 217.105, 217.110, 217.464,
15 217.475, 218A.350, 218E.625, 218F.150, 218G.130, 218G.240,
16 218G.350, 224.240, 226.300, 228.270, 228.450, 228.495, 228.570,
17 231.069, 231.1473, 232.1369, 233.190, 237.300, 239.0105,
18 239.0113, 239.014, 239B.026, 239B.030, 239B.040, 239B.050,
19 239C.140, 239C.210, 239C.230, 239C.250, 239C.270, 239C.420,
20 240.007, 241.020, 241.030, 241.039, 242.105, 244.264, 244.335,
21 247.540, 247.550, 247.560, 250.087, 250.130, 250.140, 250.150,
22 268.095, 268.0978, 268.490, 268.910, 269.174, 271A.105, 281.195,
23 281.805, 281A.350, 281A.680, 281A.685, 281A.750, 281A.755,
24 281A.780, 284.4068, 284.4086, 286.110, 286.118, 287.0438,
25 289.025, 289.080, 289.387, 289.830, 293.4855, 293.5002, 293.503,
26 293.504, 293.558, 293.5757, 293.870, 293.906, 293.908, 293.910,
27 293B.135, 293D.510, 331.110, 332.061, 332.351, 333.333, 333.335,
28 338.070, 338.1379, 338.1593, 338.1725, 338.1727, 348.420,
29 349.597, 349.775, 353.205, 353A.049, 353A.085, 353A.100,
30 353C.240, 360.240, 360.247, 360.255, 360.755, 361.044, 361.2242,
31 361.610, 365.138, 366.160, 368A.180, 370.257, 370.327, 372A.080,
32 378.290, 378.300, 379.0075, 379.008, 379.1495, 385A.830,
33 385B.100, 387.626, 387.631, 388.1455, 388.259, 388.501, 388.503,
34 388.513, 388.750, 388A.247, 388A.249, 391.033, 391.035,
35 391.0365, 391.120, 391.925, 392.029, 392.147, 392.264, 392.271,
36 392.315, 392.317, 392.325, 392.327, 392.335, 392.850, 393.045,
37 394.167, 394.16975, 394.1698, 394.447, 394.460, 394.465,
38 396.1415, 396.1425, 396.143, 396.159, 396.3295, 396.405, 396.525,
39 396.535, 396.9685, 398A.115, 408.3885, 408.3886, 408.3888,
40 408.5484, 412.153, 414.280, 416.070, 422.2749, 422.305,
41 422A.342, 422A.350, 425.400, 427A.1236, 427A.872, 432.028,
42 432.205, 432B.175, 432B.280, 432B.290, 432B.4018, 432B.407,
43 432B.430, 432B.560, 432B.5902, 432C.140, 432C.150, 433.534,
44 433A.360, 439.4941, 439.4988, 439.840, 439.914, 439A.116,
45 439A.124, 439B.420, 439B.754, 439B.760, 439B.845, 440.170,



1 441A.195, 441A.220, 441A.230, 442.330, 442.395, 442.735,
2 442.774, 445A.665, 445B.570, 445B.7773, 447.345, 449.209,
3 449.245, 449.4315, 449A.112, 450.140, 450B.188, 450B.805,
4 453.164, 453.720, 458.055, 458.280, 459.050, 459.3866, 459.555,
5 459.7056, 459.846, 463.120, 463.15993, 463.240, 463.3403,
6 463.3407, 463.790, 467.1005, 480.535, 480.545, 480.935, 480.940,
7 481.063, 481.091, 481.093, 482.170, 482.368, 482.5536, 483.340,
8 483.363, 483.575, 483.659, 483.800, 484A.469, 484B.830,
9 484B.833, 484E.070, 485.316, 501.344, 503.452, 522.040,
10 534A.031, 561.285, 571.160, 584.655, 587.877, 598.0964, 598.098,
11 598A.110, 598A.420, 599B.090, 603.070, 603A.210, 604A.303,
12 604A.710, 612.265, 616B.012, 616B.015, 616B.315, 616B.350,
13 618.341, 618.425, 622.238, 622.310, 623.131, 623A.137, 624.110,
14 624.265, 624.327, 625.425, 625A.185, 628.418, 628B.230,
15 628B.760, 629.047, 629.069, 630.133, 630.2671, 630.2672,
16 630.2673, 630.30665, 630.336, 630A.327, 630A.555, 631.332,
17 631.368, 632.121, 632.125, 632.3415, 632.3423, 632.405, 633.283,
18 633.301, 633.4715, 633.4716, 633.4717, 633.524, 634.055,
19 634.1303, 634.214, 634A.169, 634A.185, 635.111, 635.158,
20 636.262, 636.342, 637.085, 637.145, 637B.192, 637B.288, 638.087,
21 638.089, 639.183, 639.2485, 639.570, 640.075, 640.152, 640A.185,
22 640A.220, 640B.405, 640B.730, 640C.580, 640C.600, 640C.620,
23 640C.745, 640C.760, 640D.135, 640D.190, 640E.225, 640E.340,
24 641.090, 641.221, 641.2215, 641.325, 641A.191, 641A.217,
25 641A.262, 641B.170, 641B.281, 641B.282, 641C.455, 641C.760,
26 641D.260, 641D.320, 642.524, 643.189, 644A.870, 645.180,
27 645.625, 645A.050, 645A.082, 645B.060, 645B.092, 645C.220,
28 645C.225, 645D.130, 645D.135, 645G.510, 645H.320, 645H.330,
29 647.0945, 647.0947, 648.033, 648.197, 649.065, 649.067, 652.126,
30 652.228, 653.900, 654.110, 656.105, 657A.510, 661.115, 665.130,
31 665.133, 669.275, 669.285, 669A.310, 671.170, 673.450, 673.480,
32 675.380, 676A.340, 676A.370, 677.243, 678A.470, 678C.710,
33 678C.800, 679B.122, 679B.124, 679B.152, 679B.159, 679B.190,
34 679B.285, 679B.690, 680A.270, 681A.440, 681B.260, 681B.410,
35 681B.540, 683A.0873, 685A.077, 686A.289, 686B.170, 686C.306,
36 687A.060, 687A.115, 687B.404, 687C.010, 688C.230, 688C.480,
37 688C.490, 689A.696, 692A.117, 692C.190, 692C.3507, 692C.3536,
38 692C.3538, 692C.354, 692C.420, 693A.480, 693A.615, 696B.550,
39 696C.120, 703.196, 704B.325, 706.1725, 706A.230, 710.159,
40 711.600, *and section 1 of this act*, sections 35, 38 and 41 of chapter
41 478, Statutes of Nevada 2011 and section 2 of chapter 391, Statutes
42 of Nevada 2013 and unless otherwise declared by law to be
43 confidential, all public books and public records of a governmental
44 entity must be open at all times during office hours to inspection by
45 any person, and may be fully copied or an abstract or memorandum



1 may be prepared from those public books and public records. Any
2 such copies, abstracts or memoranda may be used to supply the
3 general public with copies, abstracts or memoranda of the records or
4 may be used in any other way to the advantage of the governmental
5 entity or of the general public. This section does not supersede or in
6 any manner affect the federal laws governing copyrights or enlarge,
7 diminish or affect in any other manner the rights of a person in any
8 written book or record which is copyrighted pursuant to federal law.

9 2. A governmental entity may not reject a book or record
10 which is copyrighted solely because it is copyrighted.

11 3. A governmental entity that has legal custody or control of a
12 public book or record shall not deny a request made pursuant to
13 subsection 1 to inspect or copy or receive a copy of a public book or
14 record on the basis that the requested public book or record contains
15 information that is confidential if the governmental entity can
16 redact, delete, conceal or separate, including, without limitation,
17 electronically, the confidential information from the information
18 included in the public book or record that is not otherwise
19 confidential.

20 4. If requested, a governmental entity shall provide a copy of a
21 public record in an electronic format by means of an electronic
22 medium. Nothing in this subsection requires a governmental entity
23 to provide a copy of a public record in an electronic format or by
24 means of an electronic medium if:

25 (a) The public record:

26 (1) Was not created or prepared in an electronic format; and

27 (2) Is not available in an electronic format; or

28 (b) Providing the public record in an electronic format or by
29 means of an electronic medium would:

30 (1) Give access to proprietary software; or

31 (2) Require the production of information that is confidential
32 and that cannot be redacted, deleted, concealed or separated from
33 information that is not otherwise confidential.

34 5. An officer, employee or agent of a governmental entity who
35 has legal custody or control of a public record:

36 (a) Shall not refuse to provide a copy of that public record in the
37 medium that is requested because the officer, employee or agent has
38 already prepared or would prefer to provide the copy in a different
39 medium.

40 (b) Except as otherwise provided in NRS 239.030, shall, upon
41 request, prepare the copy of the public record and shall not require
42 the person who has requested the copy to prepare the copy himself
43 or herself.

44 **Sec. 8.7.** The Department of Sentencing Policy shall:



1 1. Collect and analyze any relevant data, including, without
2 limitation, jail data, to measure the:

3 (a) Length of the term of imprisonment served for each person
4 whose probation, suspension of sentence or parole supervision is
5 temporarily revoked due to a technical violation of the conditions of
6 probation or parole, as applicable; and

7 (b) Recidivism rate for persons who serve a term of
8 imprisonment because their probation, suspension of sentence or
9 parole supervision is revoked due to a technical violation of the
10 conditions of probation or parole, as applicable.

11 2. On or before January 1, 2025, submit a report to the Director
12 of the Legislative Counsel Bureau for transmittal to the Legislature
13 regarding the collection and analysis of data pursuant to
14 subsection 1.

15 **Sec. 8.8.** The provisions of subsection 1 of NRS 218D.380 do
16 not apply to any provision of this act which adds or revises a
17 requirement to submit a report to the Legislature.

18 **Sec. 9.** 1. The amendatory provisions of sections 4, 5, 7 and
19 8 of this act apply to a technical violation of the conditions of
20 probation or parole, as applicable, that occurs on or after July 1,
21 2023.

22 2. As used in subsection 1, "technical violation" has the
23 meaning ascribed to it in NRS 176A.510 or 213.15101, as
24 applicable.

25 **Sec. 10.** This act becomes effective on July 1, 2023.

