

Amendment No. 57

Assembly Amendment to Assembly Bill No. 32	(BDR 14-263)
Proposed by: Assembly Committee on Judiciary	
Amends: Summary: No Title: Yes Preamble: No Joint Sponsorship: No Digest: Yes	

ASSEMBLY ACTION			Initial and Date	SENATE ACTION			Initial and Date		
Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____	Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____
Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____	Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____
Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____	Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____

EXPLANATION: Matter in (1) *blue bold italics* is new language in the original bill; (2) variations of green bold underlining is language proposed to be added in this amendment; (3) ~~red strikethrough~~ is deleted language in the original bill; (4) ~~purple double strikethrough~~ is language proposed to be deleted in this amendment; (5) orange double underlining is deleted language in the original bill proposed to be retained in this amendment.



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 ~~; [of Sentencing Policy];~~ 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:

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

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

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

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

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

Existing law requires the Division to administer a risk and needs assessment to certain probationers and parolees under the supervision of the Division and, on a schedule determined by the Nevada Risk Assessment System or more often if necessary, administer a subsequent risk and needs assessment to such probationers and parolees. (NRS 176A.435, 213.1078) **Sections 3 and 6** of this bill provide that a subsequent risk and needs assessment will be administered on a schedule determined by the appropriate risk and needs assessment tool instead of by the Nevada Risk Assessment System. ~~Existing law provides that if a term or condition of probation or the level of supervision set is found not to align with the results of a risk and needs assessment, the supervising officer is required to notify the court of the finding and the court may modify the terms of probation. (NRS 176A.435)} Existing law [also] provides that if a condition of parole or the level of parole supervision set is found not to align with the results of a risk and needs assessment, the supervising officer is required to submit a request to the State Board of Parole Commissioners (hereinafter "Board") to modify the condition or level of supervision. (NRS 213.1078) **Section 6** ~~revises such a procedure to mirror the procedure used with regard to probation by requiring the supervising officer to notify the Board of a finding that a condition of parole or the level of parole supervision does not align with the results of a risk and needs assessment and authorizing the Board to modify the condition or level of supervision.] removes such provisions.~~~~

Existing law requires the Division to adopt a written system of graduated sanctions for use by parole and probation officers when responding to a technical violation of the conditions of probation or parole. (NRS 176A.510, 213.15101) **Sections 4 and 7** of this bill, respectively, provide that as part of the system of graduated sanctions, the Division is authorized, in response to a technical violation of parole or probation, to: (1) impose confinement in a jail or detention facility for a period of not more than 10 days, not to exceed 30 days in the aggregate; or (2) 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. **Sections 4 and 7** also require a system of graduated sanctions to include guidance on the use of such confinement in a jail or detention facility and electronic monitoring. **Sections 4 and 7** additionally revise the definition of “technical violation” to exclude, as applicable: (1) certain violations of probation or suspension of sentence by a sex offender or a person convicted of stalking with the use of electronic means, an offense involving pornography with a minor or luring a child or person with a mental illness through the use of electronic means; (2) certain violations of parole by a prisoner convicted of a sexual offense, a prisoner who is a Tier 3 offender convicted of a sexual offense against a child under 14 years of age or a prisoner convicted of stalking with the use of electronic means, an offense involving pornography with a minor or luring a child or person with a mental illness through the use of electronic means; and (3) termination from certain treatment programs.

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

Section 8 additionally: (1) ~~increase~~ **increases** the terms of imprisonment for a temporary revocation of ~~probation or suspension of sentence or~~ parole supervision ~~+~~ **respectively,** from 30 days to 90 days for the first temporary revocation and from 90 days to 180 days for the second temporary revocation; and (2) ~~authorize~~ **authorizes** a full revocation of ~~probation or suspension of sentence or~~ parole supervision ~~+~~ **respectively,** for a third or subsequent revocation.

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

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

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

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

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

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

~~Section 1.7.~~ **Sec. 1.7.** NRS 176.01323 is hereby amended to read as follows:

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

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

3. The Executive Director:

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

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

(c) ~~Must be an attorney licensed to practice law in this State; and~~
~~(d)~~ Shall devote his or her entire time and attention to the duties of his or her office and shall not engage in any other gainful employment or occupation.

4. The Executive Director may, within the limits of money available for this purpose, employ or enter into a contract for the services of such employees or consultants as is necessary to carry out the provisions of NRS 176.0131 to 176.014, inclusive, ~~176.01315, 176.01317~~, **and section 1 of this act.**

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

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

(a) One member appointed by the Governor;

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

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

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

(e) The Director of the Department of Corrections;

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

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

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

1 (i) One member who is a representative of the Office of the Washoe County
2 Public Defender, appointed by the head of the Office of the Washoe County Public
3 Defender;

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

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

9 (l) One member who is a member of the State Board of Parole Commissioners,
10 appointed by the State Board of Parole Commissioners;

11 (m) One member who is ~~to~~ :

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

13 (2) *A representative of the Division of Parole and Probation of the*
14 *Department of Public Safety, appointed by the ~~Governor;~~ Chief Parole and*
15 *Probation Officer;*

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

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

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

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

24 (r) Two members who are Senators, one of whom is appointed by the Majority
25 Leader of the Senate and one of whom is appointed by the Minority Leader of the
26 Senate;

27 (s) Two members who are members of the Assembly, one of whom is
28 appointed by the Speaker of the Assembly and one of whom is appointed by the
29 Minority Leader of the Assembly;

30 (t) *One member who is:*

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

33 (2) *A representative of the Department of Employment, Training and*
34 *Rehabilitation, appointed by the Director of the Department of Employment,*
35 *Training and Rehabilitation; and*

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

39 2. The Executive Director shall serve as the Executive Secretary of the
40 Sentencing Commission.

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

44 4. Each appointed member serves a term of 2 years. Members may be
45 reappointed for additional terms of 2 years in the same manner as the original
46 appointments. Any vacancy occurring in the membership of the Sentencing
47 Commission must be filled in the same manner as the original appointment not later
48 than 30 days after the vacancy occurs.

49 5. The Legislators who are members of the Sentencing Commission are
50 entitled to receive the salary provided for a majority of the members of the
51 Legislature during the first 60 days of the preceding session for each day's
52 attendance at a meeting of the Sentencing Commission.

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

4 7. The Sentencing Commission shall:

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

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

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

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

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

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

23 176.01343 1. The Sentencing Commission shall:

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

27 (1) With respect to prison admissions:

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

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

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

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

39 (I) The average length of stay in prison for each type of release by type
40 of offense, felony category, prior criminal history, gender identity or expression,
41 race, ethnicity, sexual orientation, age, mental health status, housing status and, if
42 measured upon intake, risk score;

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

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

48 (IV) The total number of persons released from prison each year who
49 return to prison within 36 months by type of admission, type of release, type of
50 return to prison, including, without limitation, whether such a subsequent prison
51 admission was the result of a new felony conviction or a revocation of parole due to
52 a technical violation, prior criminal history, gender identity or expression, race,
53

1 ethnicity, sexual orientation, age, mental health status , housing status and, if
2 measured upon intake, risk score.

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

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

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

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

15 (IV) The total number of persons as of December 31 of each year who
16 have started a treatment program while in prison, have completed a treatment
17 program while in prison and are awaiting a treatment program while in prison, by
18 type of treatment program and type of offense.

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

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

23 (I) The total number of supervision intakes by type of offense, felony
24 category, prior criminal history, gender identity or expression, race, ethnicity,
25 sexual orientation, age, mental health status and, if measured upon intake, risk
26 score;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

11 (d) Track and assess trends observed after the enactment of chapter 633,
12 Statutes of Nevada 2019, including, without limitation, the following data, which
13 the Central Repository for Nevada Records of Criminal History shall collect and
14 report to the Sentencing Commission as reported to the Federal Bureau of
15 Investigation:

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

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

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

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

25 2. As used in this section:

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

27 (b) "Type of admission" means the manner in which a person entered into the
28 custody of the Department of Corrections, according to the internal definitions used
29 by the Department of Corrections.

30 (c) "Type of offense" means an offense categorized by the Department of
31 Corrections as a violent offense, sex offense, drug offense, property offense, DUI
32 offense or other offense, consistent with the internal data systems used by the
33 Department of Corrections.

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

35 176.014 1. The Nevada Local Justice Reinvestment Coordinating Council is
36 hereby created. The Council consists of:

37 (a) One member from each county in this State whose population is less than
38 100,000; and

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

41 2. Each member of the Council must be appointed by the governing body of
42 the applicable county and must meet any qualifications adopted by the Sentencing
43 Commission pursuant to subsection ~~7.7~~ 8. The Chair of the Sentencing
44 Commission shall appoint the Chair of the Council from among the members of the
45 Council.

46 3. The Council shall:

47 (a) Advise the Sentencing Commission on matters related to any legislation,
48 regulations, rules, budgetary changes and all other actions needed to implement the
49 provisions of chapter 633, Statutes of Nevada 2019, as they relate to local
50 governments;

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

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

3 (d) Oversee the implementation of local grants;

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

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

7 4. Each member of the Council serves a term of 2 years. Members may be
8 reappointed for additional terms of 2 years in the same manner as the original
9 appointments. Any vacancy occurring in the membership of the Council must be
10 filled in the same manner as the original appointment not later than 30 days after
11 the vacancy occurs.

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

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

18 7. To the extent of legislative appropriation, the Sentencing Commission shall
19 provide the Council with such staff as is necessary to carry out the duties of the
20 Council pursuant to this section.

21 ~~7.1~~ 8. The Sentencing Commission may adopt any qualifications that a
22 person must meet before being appointed as a member of the Council.

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

24 176A.435 1. Except as otherwise provided in subsection 3, the Division
25 shall administer a risk and needs assessment to each probationer under the
26 Division's supervision. The results of the risk and needs assessment must be used to
27 set a level of supervision for each probationer and to develop individualized case
28 plans pursuant to subsection 4. The risk and needs assessment must be administered
29 and scored by a person trained in the administration of the tool.

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

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

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

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

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

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

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

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

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

8 7. As used in this section, "risk and needs assessment" means a validated,
9 standardized actuarial tool that identifies risk factors that increase the likelihood of
10 a person reoffending and factors that, when properly addressed, can reduce the
11 likelihood of a person reoffending.

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

13 176A.510 1. The Division shall adopt a written system of graduated
14 sanctions for parole and probation officers to use when responding to a technical
15 violation of the conditions of probation. The system must:

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

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

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

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

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

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

36 *(b) Place the person under a system of active electronic monitoring for a
37 period of not more than 60 days using an electronic device approved by the
38 Division. The device may be capable of using the Global Positioning System, but
39 must be minimally intrusive and limited in capability to recording or transmitting
40 information concerning the location of the person, including, without limitation,
41 the transmission of still visual images which do not concern the activities of the
42 person, and producing, upon request, reports or records of the person's presence
43 near or within a crime scene or prohibited area or his or her departure from a
44 specified geographic location. A device which is capable of recording or
45 transmitting:*

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

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

48 *↪ must not be used.*

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

52 ~~4~~ 5. A parole and probation officer intending to impose a graduated
53 sanction shall provide the supervised person with notice of the intended sanction.

1 The notice must inform the person of any alleged violation and the date thereof and
 2 the graduated sanction to be imposed.

3 ~~5.1~~ 6. The failure of a supervised person to comply with a sanction may
 4 constitute a technical violation of the conditions of probation.

5 ~~6.1~~ 7. The Division may not seek revocation of probation for a technical
 6 violation of the conditions of probation until all graduated sanctions have been
 7 exhausted. If the Division determines that all graduated sanctions have been
 8 exhausted, the Division shall submit a report to the court or Board outlining the
 9 reasons for the recommendation of revocation and the steps taken by the Division
 10 to change the supervised person’s behavior while in the community, including,
 11 without limitation, any graduated sanctions imposed before recommending
 12 revocation.

13 ~~7.1~~ 8. As used in this section:

14 (a) “Absconding” ~~has the meaning ascribed to it in NRS 176A.630.~~ means
 15 that a person is actively avoiding supervision by making his or her whereabouts
 16 unknown to the Division for a continuous period of 60 days or more.

17 (b) “Responsivity factors” has the meaning ascribed to it in NRS 213.107.

18 (c) “Technical violation” means any alleged violation of the conditions of
 19 probation that does not constitute absconding and is not ~~the~~:

20 (1) *The* commission of a:

21 ~~(1)~~ (I) New felony or gross misdemeanor;

22 ~~(2)~~ (II) Battery which constitutes domestic violence pursuant to NRS
 23 200.485;

24 ~~(3)~~ (III) Violation of NRS 484C.110 or 484C.120;

25 ~~(4)~~ (IV) Crime of violence *as defined in NRS 200.408* that is punishable
 26 as a misdemeanor;

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

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

37 ~~(7)~~ (VII) Violation of a stay away order involving a natural person who is
 38 the victim of the crime for which the supervised person is being supervised ~~;~~ *or*

39 (VIII) *Violation of a condition required pursuant to paragraph (i) or*
 40 *(1) of subsection 1 of NRS 176A.410, other than a violation of paragraph (a),*
 41 *(b), (d), (f), (h) or (n) of subsection 1 of that section,* ~~or NRS 176A.413; or~~

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

44 ~~↳~~ The term does not include termination from a specialty court program.

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

46 176A.630 1. If the probationer is arrested, by or without warrant, in another
 47 judicial district of this state, the court which granted the probation may assign the
 48 case to the district court of that district, with the consent of that court. The court
 49 retaining or thus acquiring jurisdiction shall cause the defendant to be brought
 50 before it and consider the system of graduated sanctions adopted pursuant to NRS
 51 176A.510, if applicable. Upon determining that the probationer has violated a
 52 condition of probation, the court shall, if practicable, order the probationer to make
 53 restitution for any necessary expenses incurred by a governmental entity in

1 returning the probationer to the court for violation of the probation. If the court
2 finds that the probationer committed a violation of a condition of probation ~~by~~
3 ~~committing a new felony or gross misdemeanor, battery which constitutes domestic~~
4 ~~violence pursuant to NRS 200.485, violation of NRS 484C.110 or 484C.120, crime~~
5 ~~of violence that is punishable as a misdemeanor, harassment pursuant to NRS~~
6 ~~200.571, stalking or aggravated stalking pursuant to NRS 200.575, violation of a~~
7 ~~stay away order involving a natural person who is the victim of the crime for which~~
8 ~~the probationer is being supervised, violation of a temporary or extended order for~~
9 ~~protection against domestic violence issued pursuant to NRS 33.017 to 33.100,~~
10 ~~inclusive, a restraining order or injunction that is in the nature of a temporary or~~
11 ~~extended order for protection against domestic violence issued in an action or~~
12 ~~proceeding brought pursuant to title 11 of NRS, a temporary or extended order for~~
13 ~~protection against stalking, aggravated stalking or harassment issued pursuant to~~
14 ~~NRS 200.591 or a temporary or extended order for protection against sexual assault~~
15 ~~pursuant to NRS 200.378 or by absconding,] that is not a technical violation,~~ the
16 court may:

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

18 (b) Order the probationer to a term of residential confinement pursuant to NRS
19 176A.660;

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

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

23 (e) Modify the original sentence imposed by reducing the term of
24 imprisonment and cause the modified sentence to be executed. The court shall not
25 make the term of imprisonment less than the minimum term of imprisonment
26 prescribed by the applicable penal statute. If the Chief Parole and Probation Officer
27 recommends that the sentence of a probationer be modified and the modified
28 sentence be executed, the Chief Parole and Probation Officer shall provide notice of
29 the recommendation to any victim of the crime for which the probationer was
30 convicted who has requested in writing to be notified and who has provided a
31 current address to the Division. The notice must inform the victim that he or she has
32 the right to submit documents to the court and to be present and heard at the hearing
33 to determine whether the sentence of a probationer who has violated a condition of
34 probation should be modified. The court shall not modify the sentence of a
35 probationer and cause the sentence to be executed until it has confirmed that the
36 Chief Parole and Probation Officer has complied with the provisions of this
37 paragraph. The Chief Parole and Probation Officer must not be held responsible
38 when such notification is not received by the victim if the victim has not provided a
39 current address. All personal information, including, but not limited to, a current or
40 former address, which pertains to a victim and which is received by the Division
41 pursuant to this paragraph is confidential.

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

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

47 (b) Order the probationer to a term of residential confinement pursuant to NRS
48 176A.660;

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

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

52 (2) Ninety days for the ~~second~~ second ~~first~~ temporary revocation; or

1 ~~(3)~~ ~~(2)~~ One hundred and eighty days for the third ~~second~~ temporary
 2 revocation; ~~or~~

3 (d) Fully revoke the probation or suspension of sentence and impose
 4 imprisonment for the remainder of the sentence for a fourth ~~third~~ or subsequent
 5 revocation ~~or~~ or

6 (e) Revoke the probation or suspension of sentence at the request of the
 7 probationer. If the probation or suspension of sentence is revoked pursuant to
 8 this paragraph, the probationer must serve such part of the unexpired maximum
 9 term or the maximum aggregate term, as applicable, of his or her original
 10 sentence as may be determined by the court.

11 3. Notwithstanding any other provision of law, a probationer who is arrested
 12 and detained for committing a technical violation of the conditions of probation
 13 must be brought before the court not later than 15 calendar days after the date of
 14 arrest and detention. If the person is not brought before the court within 15 calendar
 15 days, the probationer must be released from detention and returned to probation
 16 status. Following a probationer’s release from detention, the court may
 17 subsequently hold a hearing to determine if a technical violation has occurred. If the
 18 court finds that such a technical violation occurred, the court may:

- 19 (a) Continue probation and modify the terms and conditions of probation; or
- 20 (b) Fully or temporarily revoke probation in accordance with the provisions of
 21 subsection 2.

22 4. A probationer who is arrested and detained for committing a technical
 23 violation of the conditions of probation must receive credit for any time served
 24 while the probationer is waiting for a hearing to determine if a technical violation
 25 has occurred. The court must apply such credit to any term of imprisonment
 26 imposed pursuant to subsection 2.

27 5. Any time served by a probationer while waiting for a hearing, as set forth
 28 in subsection 4, and any time served in accordance with any term of
 29 imprisonment imposed pursuant to subsection 2 must be applied toward the
 30 original sentence of the probationer.

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

- 33 (a) Consuming any alcoholic beverage.
- 34 (b) Testing positive on a drug or alcohol test.
- 35 (c) Failing to abide by the requirements of a mental health or substance use
 36 treatment program.
- 37 (d) Failing to seek and maintain employment.
- 38 (e) Failing to pay any required fines or fees.
- 39 (f) Failing to report any changes in residence.

40 ~~(5)~~ 7. As used in this section ~~or~~

41 ~~(a) “Absconding” means that a person is actively avoiding supervision by~~
 42 ~~making his or her whereabouts unknown to the Division for a continuous period of~~
 43 ~~60 days or more.~~

44 ~~(b) “Technical” , “technical violation” [means any alleged violation of the~~
 45 ~~conditions of probation that does not constitute absconding and is not the~~
 46 ~~commission of a:~~

- 47 ~~(1) New felony or gross misdemeanor;~~
- 48 ~~(2) Battery which constitutes domestic violence pursuant to NRS 200.485;~~
- 49 ~~(3) Violation of NRS 484C.110 or 484C.120;~~
- 50 ~~(4) Crime of violence that is punishable as a misdemeanor;~~
- 51 ~~(5) Harassment pursuant to NRS 200.571 or stalking or aggravated stalking~~
 52 ~~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 responsivity 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~~

~~(a) The supervising officer shall submit a request to notify the Board to of the findings; and~~

~~(b) The Board may 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,

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

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

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

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

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

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

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

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

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

31 *↪ must not be used.*

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

35 ~~[4.]~~ 5. A parole and probation officer intending to impose a graduated
 36 sanction shall provide the supervised person with notice of the intended sanction.
 37 The notice must inform the person of any alleged violation and the date thereof and
 38 the graduated sanction to be imposed.

39 ~~[5.]~~ 6. The failure of a supervised person to comply with a sanction may
 40 constitute a technical violation of the conditions of parole.

41 ~~[6.]~~ 7. The Division may not seek revocation of parole for a technical
 42 violation of the conditions of parole until all graduated sanctions have been
 43 exhausted. If the Division determines that all graduated sanctions have been
 44 exhausted, the Division shall submit a report to the Board outlining the reasons for
 45 the recommendation of revocation and the steps taken by the Division to change the
 46 supervised person's behavior while in the community, including, without limitation,
 47 any graduated sanctions imposed before recommending revocation.

48 ~~[7.]~~ 8. As used in this section:

49 (a) "Absconding" has the meaning ascribed to it in NRS ~~[176A.630.]~~
 50 176A.510.

51 (b) "Technical violation" means any alleged violation of the conditions of
 52 parole that does not constitute absconding and is not ~~[the]~~ .

53 (1) *The* commission of a:

- 1 ~~[(1)]~~ (I) New felony or gross misdemeanor;
- 2 ~~[(2)]~~ (II) Battery which constitutes domestic violence pursuant to NRS
- 3 200.485;
- 4 ~~[(3)]~~ (III) Violation of NRS 484C.110 or 484C.120;
- 5 ~~[(4)]~~ (IV) Crime of violence as defined in NRS 200.408 that is punishable
- 6 as a misdemeanor;
- 7 ~~[(5)]~~ (V) Harassment pursuant to NRS 200.571 or stalking or aggravated
- 8 stalking pursuant to NRS 200.575;
- 9 ~~[(6)]~~ (VI) Violation of a temporary or extended order for protection
- 10 against domestic violence issued pursuant to NRS 33.017 to 33.100, inclusive, a
- 11 restraining order or injunction that is in the nature of a temporary or extended order
- 12 for protection against domestic violence issued in an action or proceeding brought
- 13 pursuant to title 11 of NRS, a temporary or extended order for protection against
- 14 stalking, aggravated stalking or harassment issued pursuant to NRS 200.591 or a
- 15 temporary or extended order for protection against sexual assault pursuant to NRS
- 16 200.378; ~~for~~
- 17 ~~[(7)]~~ (VII) Violation of a stay away order involving a natural person who is
- 18 the victim of the crime for which the supervised person is being supervised ~~[(7)]~~; or
- 19 (VIII) Violation of a condition required pursuant to paragraph (h) or
- 20 (k) of subsection 1 of NRS 213.1245, ~~[other than a violation of paragraph (e),~~
- 21 ~~(e), (e), (g) or (m) of subsection 1 of that section, NRS] 213.1255 or 213.1258; or~~
- 22 (2) Termination from a program indicated in a parole release plan
- 23 approved by the Division.

24 The term does not include termination from a specialty court program.

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

26 213.1519 1. Except as otherwise provided in subsections 2 and 3, a parolee

27 whose parole is revoked by decision of the Board for the commission of a ~~new~~

28 ~~felony or gross misdemeanor, battery which constitutes domestic violence pursuant~~

29 ~~to NRS 200.485, violation of NRS 484C.110 or 484C.120, crime of violence as~~

30 ~~defined in NRS 200.408 that is punishable as a misdemeanor, harassment pursuant~~

31 ~~to NRS 200.571, stalking or aggravated stalking pursuant to NRS 200.575,~~

32 ~~violation of a stay away order involving a natural person who is the victim of the~~

33 ~~crime for which the parolee is being supervised, violation of a temporary or~~

34 ~~extended order for protection against domestic violence issued pursuant to NRS~~

35 ~~33.017 to 33.100, inclusive, a restraining order or injunction that is in the nature of~~

36 ~~a temporary or extended order for protection against domestic violence issued in an~~

37 ~~action or proceeding brought pursuant to title 11 of NRS, a temporary or extended~~

38 ~~order for protection against stalking, aggravated stalking or harassment issued~~

39 ~~pursuant to NRS 200.591 or a temporary or extended order for protection against~~

40 ~~sexual assault pursuant to NRS 200.378 or for absconding;] violation of a~~

41 ~~condition of parole that is not a technical violation:~~

42 (a) Forfeits all credits for good behavior previously earned to reduce his or her

43 sentence pursuant to chapter 209 of NRS; and

44 (b) Must serve such part of the unexpired maximum term or the maximum

45 aggregate term, as applicable, of his or her original sentence as may be determined

46 by the Board with rehearing dates scheduled pursuant to NRS 213.142.

47 The Board may restore any credits forfeited under this subsection.

48 2. A parolee released on parole pursuant to subsection 1 of NRS 213.1215

49 whose parole is revoked for having been convicted of a new felony:

50 (a) Forfeits all credits for good behavior previously earned to reduce his or her

51 sentence pursuant to chapter 209 of NRS;

52 (b) Must serve the entire unexpired maximum term or the maximum aggregate

53 term, as applicable, of his or her original sentence; and

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

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

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

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

11 (c) Must not be considered again for release on parole pursuant to subsection 2
12 of NRS 213.1215 but may be considered for release on parole pursuant to NRS
13 213.1099, with rehearing dates scheduled pursuant to NRS 213.142.

14 ~~↳~~ The Board may restore any credits forfeited under this subsection.

15 4. If the Board finds that the parolee committed one or more technical
16 violations of the conditions of parole ~~and~~ and the Division has determined that the
17 graduated sanctions adopted pursuant to NRS 213.15101 have been exhausted,
18 the Board may:

19 (a) Continue parole supervision;

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

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

23 ~~— (2) Ninety days for the second, first temporary parole revocation; or~~

24 ~~(3) (2) One hundred and eighty days for the third second temporary~~
25 ~~parole revocation; or~~

26 (c) Fully revoke parole supervision and impose the remainder of the sentence
27 for a ~~fourth~~ third or subsequent revocation ~~and~~ or

28 (d) Revoke parole supervision at the request of the parolee. If parole
29 supervision is revoked pursuant to this paragraph, the parolee must serve such
30 part of the unexpired maximum term or the maximum aggregate term, as
31 applicable, of his or her original sentence as may be determined by the Board
32 with rehearing dates scheduled pursuant to NRS 213.142.

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

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

42 7. As used in this section ~~and~~

43 ~~— (a) "Absconding" has the meaning ascribed to it in NRS 176A.630.~~

44 ~~— (b) "Technical" , "technical violation" [means any alleged violation of the~~
45 ~~conditions of parole that does not constitute absconding and is not the commission~~
46 ~~of a:~~

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

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

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

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

52 ~~— (5) Harassment pursuant to NRS 200.571 or stalking or aggravated stalking~~
53 ~~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 parolee is being supervised.~~

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

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

239.010 1. Except as otherwise provided in this section and NRS 1.4683, 1.4687, 1A.110, 3.2203, 41.0397, 41.071, 49.095, 49.293, 62D.420, 62D.440, 62E.516, 62E.620, 62H.025, 62H.030, 62H.170, 62H.220, 62H.320, 75A.100, 75A.150, 76.160, 78.152, 80.113, 81.850, 82.183, 86.246, 86.54615, 87.515, 87.5413, 87A.200, 87A.580, 87A.640, 88.3355, 88.5927, 88.6067, 88A.345, 88A.7345, 89.045, 89.251, 90.730, 91.160, 116.757, 116A.270, 116B.880, 118B.026, 119.260, 119.265, 119.267, 119.280, 119A.280, 119A.653, 119A.677, 119B.370, 119B.382, 120A.640, 120A.690, 125.130, 125B.140, 126.141, 126.161, 126.163, 126.730, 127.007, 127.057, 127.130, 127.140, 127.2817, 128.090, 130.312, 130.712, 136.050, 159.044, 159A.044, 172.075, 172.245, 176.015, 176.0625, 176.09129, 176.156, 176A.630, 178.39801, 178.4715, 178.5691, 179.495, 179A.070, 179A.165, 179D.160, 200.3771, 200.3772, 200.5095, 200.604, 202.3662, 205.4651, 209.392, 209.3923, 209.3925, 209.419, 209.429, 209.521, 211A.140, 213.010, 213.040, 213.095, 213.131, 217.105, 217.110, 217.464, 217.475, 218A.350, 218E.625, 218F.150, 218G.130, 218G.240, 218G.350, 224.240, 226.300, 228.270, 228.450, 228.495, 228.570, 231.069, 231.1473, 232.1369, 233.190, 237.300, 239.0105, 239.0113, 239.014, 239B.026, 239B.030, 239B.040, 239B.050, 239C.140, 239C.210, 239C.230, 239C.250, 239C.270, 239C.420, 240.007, 241.020, 241.030, 241.039, 242.105, 244.264, 244.335, 247.540, 247.550, 247.560, 250.087, 250.130, 250.140, 250.150, 268.095, 268.0978, 268.490, 268.910, 269.174, 271A.105, 281.195, 281.805, 281A.350, 281A.680, 281A.685, 281A.750, 281A.755, 281A.780, 284.4068, 284.4086, 286.110, 286.118, 287.0438, 289.025, 289.080, 289.387, 289.830, 293.4855, 293.5002, 293.503, 293.504, 293.558, 293.5757, 293.870, 293.906, 293.908, 293.910, 293B.135, 293D.510, 331.110, 332.061, 332.351, 333.333, 333.335, 338.070, 338.1379, 338.1593, 338.1725, 338.1727, 348.420, 349.597, 349.775, 353.205, 353A.049, 353A.085, 353A.100, 353C.240, 360.240, 360.247, 360.255, 360.755, 361.044, 361.2242, 361.610, 365.138, 366.160, 368A.180, 370.257, 370.327, 372A.080, 378.290, 378.300, 379.0075, 379.008, 379.1495, 385A.830, 385B.100, 387.626, 387.631, 388.1455, 388.259, 388.501, 388.503, 388.513, 388.750, 388A.247, 388A.249, 391.033, 391.035, 391.0365, 391.120, 391.925, 392.029, 392.147, 392.264, 392.271, 392.315, 392.317, 392.325, 392.327, 392.335, 392.850, 393.045, 394.167, 394.16975, 394.1698, 394.447, 394.460, 394.465, 396.1415, 396.1425, 396.143, 396.159, 396.3295, 396.405, 396.525, 396.535, 396.9685, 398A.115, 408.3885, 408.3886, 408.3888, 408.5484, 412.153, 414.280, 416.070, 422.2749, 422.305, 422A.342, 422A.350, 425.400, 427A.1236, 427A.872, 432.028, 432.205, 432B.175, 432B.280, 432B.290, 432B.4018, 432B.402, 432B.430, 432B.560, 432B.5902, 432C.140, 432C.150, 433.534, 433A.360, 439.4941, 439.4988, 439.840, 439.914, 439A.116, 439A.124, 439B.420, 439B.754, 439B.760, 439B.845, 440.170, 441A.195, 441A.220, 441A.230, 442.330, 442.395,

1 442.735, 442.774, 445A.665, 445B.570, 445B.7773, 447.345, 449.209, 449.245,
2 449.4315, 449A.112, 450.140, 450B.188, 450B.805, 453.164, 453.720, 458.055,
3 458.280, 459.050, 459.3866, 459.555, 459.7056, 459.846, 463.120, 463.15993,
4 463.240, 463.3403, 463.3407, 463.790, 467.1005, 480.535, 480.545, 480.935,
5 480.940, 481.063, 481.091, 481.093, 482.170, 482.368, 482.5536, 483.340,
6 483.363, 483.575, 483.659, 483.800, 484A.469, 484B.830, 484B.833, 484E.070,
7 485.316, 501.344, 503.452, 522.040, 534A.031, 561.285, 571.160, 584.655,
8 587.877, 598.0964, 598.098, 598A.110, 598A.420, 599B.090, 603.070, 603A.210,
9 604A.303, 604A.710, 612.265, 616B.012, 616B.015, 616B.315, 616B.350,
10 618.341, 618.425, 622.238, 622.310, 623.131, 623A.137, 624.110, 624.265,
11 624.327, 625.425, 625A.185, 628.418, 628B.230, 628B.760, 629.047, 629.069,
12 630.133, 630.2671, 630.2672, 630.2673, 630.30665, 630.336, 630A.327,
13 630A.555, 631.332, 631.368, 632.121, 632.125, 632.3415, 632.3423, 632.3405,
14 633.283, 633.301, 633.4715, 633.4716, 633.4717, 633.524, 634.055, 634.1303,
15 634.214, 634A.169, 634A.185, 635.111, 635.158, 636.262, 636.342, 637.085,
16 637.145, 637B.192, 637B.288, 638.087, 638.089, 639.183, 639.2485, 639.570,
17 640.075, 640.152, 640A.185, 640A.220, 640B.405, 640B.315, 640C.580,
18 640C.600, 640C.620, 640C.745, 640C.760, 640D.135, 640D.190, 640E.225,
19 640E.340, 641.090, 641.221, 641.2215, 641.325, 641A.191, 641A.217, 641A.262,
20 641B.170, 641B.281, 641B.282, 641C.455, 641C.760, 641D.260, 641D.320,
21 642.524, 643.189, 644A.870, 645.180, 645.625, 645A.050, 645A.082, 645B.060,
22 645B.092, 645C.220, 645C.225, 645D.130, 645D.135, 645G.510, 645H.320,
23 645H.330, 647.0945, 647.0947, 648.033, 648.197, 649.065, 649.067, 652.126,
24 652.228, 653.900, 654.110, 656.105, 657A.510, 661.115, 665.130, 665.133,
25 669.275, 669.285, 669A.310, 671.170, 673.450, 673.480, 675.380, 676A.340,
26 676A.370, 677.243, 678A.470, 678C.710, 678C.800, 679B.122, 679B.124,
27 679B.152, 679B.159, 679B.190, 679B.285, 679B.690, 680A.270, 681A.440,
28 681B.260, 681B.410, 681B.540, 683A.0873, 685A.077, 686A.289, 686B.170,
29 686C.306, 687A.060, 687A.115, 687B.404, 687C.010, 688C.230, 688C.480,
30 688C.490, 689A.696, 692A.117, 692C.190, 692C.3507, 692C.3536, 692C.3538,
31 692C.354, 692C.420, 693A.480, 693A.615, 696B.550, 696C.120, 703.196,
32 704B.325, 706.1725, 706A.230, 710.159, 711.600, and section 1 of this act,
33 sections 35, 38 and 41 of chapter 478, Statutes of Nevada 2011 and section 2 of
34 chapter 391, Statutes of Nevada 2013 and unless otherwise declared by law to be
35 confidential, all public books and public records of a governmental entity must be
36 open at all times during office hours to inspection by any person, and may be fully
37 copied or an abstract or memorandum may be prepared from those public books
38 and public records. Any such copies, abstracts or memoranda may be used to
39 supply the general public with copies, abstracts or memoranda of the records or
40 may be used in any other way to the advantage of the governmental entity or of
41 the general public. This section does not supersede or in any manner affect the federal
42 laws governing copyrights or enlarge, diminish or affect in any other manner the
43 rights of a person in any written book or record which is copyrighted pursuant to
44 federal law.

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

47 3. A governmental entity that has legal custody or control of a public book or
48 record shall not deny a request made pursuant to subsection 1 to inspect or copy or
49 receive a copy of a public book or record on the basis that the requested public
50 book or record contains information that is confidential if the governmental entity
51 can redact, delete, conceal or separate, including, without limitation, electronically,
52 the confidential information from the information included in the public book or
53 record that is not otherwise confidential.

1 4. If requested, a governmental entity shall provide a copy of a public record
2 in an electronic format by means of an electronic medium. Nothing in this
3 subsection requires a governmental entity to provide a copy of a public record in an
4 electronic format or by means of an electronic medium if:

5 (a) The public record:

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

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

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

10 (1) Give access to proprietary software; or

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

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

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

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

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

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

25 **(a) Length of the term of imprisonment served for each person whose**
26 **probation, suspension of sentence or parole supervision is temporarily revoked**
27 **due to a technical violation of the conditions of probation or parole, as**
28 **applicable; and**

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

32 **2. On or before January 1, 2025, submit a report to the Director of the**
33 **Legislative Counsel Bureau for transmittal to the Legislature regarding the**
34 **collection and analysis of data pursuant to subsection 1.**

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

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

41 2. As used in subsection 1, “technical violation” has the meaning ascribed to
42 it in NRS 176A.510 or 213.15101, as applicable.

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