

Amendment No. 277

Senate Amendment to Senate Bill No. 413	(BDR 16-313)
Proposed by: Senate 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.

MR/BAW



Date: 4/24/2023

S.B. No. 413—Revises provisions relating to credits to reduce the sentence of an offender. (BDR 16-313)



SENATE BILL NO. 413—COMMITTEE ON JUDICIARY

(ON BEHALF OF THE JOINT INTERIM STANDING
COMMITTEE ON JUDICIARY)

MARCH 27, 2023

Referred to Committee on Judiciary

SUMMARY—Revises provisions relating to credits to reduce the sentence of an offender. (BDR 16-313)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: Yes.

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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 sentencing; revising the method for determining credits to reduce the sentence of an offender; requiring the Director of the Department of Corrections to provide an offender with a list of certain programs; requiring the Director of the Department to submit a report to the Board of State Prison Commissioners which includes certain information concerning the institutional programming and placement of an offender under certain circumstances; requiring the Board of State Prison Commissioners to adopt regulations to carry out the revised method for determining credits to reduce the sentence of an offender; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 Existing law allows an offender to earn certain credits to reduce his or her sentence of
2 imprisonment. (NRS 209.432-209.453) For example, under existing law, an offender who is
3 sentenced to prison for a crime committed on or after July 17, 1997, may, under certain
4 circumstances, be allowed: (1) a deduction of 20 days from his or her sentence for each month
5 the offender serves; (2) up to 10 days of credit each month for diligence in labor and study; (3)
6 certain credits for educational achievement; (4) up to 10 days of credit each month for
7 participation in a center for the purpose of making restitution, program for reentry of
8 offenders and parolees into the community, conservation camp, program of work release or
9 another program conducted outside of the prison; (5) up to 90 days of credit each year for
10 exceptional meritorious service; and (6) if the Governor determines, by executive order, that it
11 is necessary, a deduction of up to 5 days from his or her sentence for each month the offender
12 serves. Existing law provides that such credits must be deducted from the maximum term or
13 the maximum aggregate term imposed by the sentence, as applicable, and apply to eligibility
14 for parole unless the offender was sentenced pursuant to a statute which specifies a minimum
15 sentence that must be served before a person becomes eligible for parole. Existing law also
16 provides that, unless an offender has been convicted of certain crimes, such credits must also
17 be deducted from the minimum term or the minimum aggregate term imposed by the

18 sentence, as applicable, until the offender becomes eligible for parole. (NRS 209.4465)
19 Existing law also allows certain offenders to earn credit for: (1) being incarcerated during a
20 state of emergency due to communicable or infectious disease; (2) completing a program of
21 treatment for an alcohol or other substance use disorder; and (3) completing a vocational
22 education and training or other program. (NRS 209.4477, 209.448, 209.449)

23 Existing law requires the Director of the Department of Corrections to administer a
24 risk and needs assessment to each person in the custody of the Department to measure
25 criminal risk factors and individual needs for the purpose of guiding institutional
26 programming and placement. (NRS 209.341) Before a meeting to consider a prisoner for
27 parole, existing law requires the Department to compile and provide to the State Board
28 of Parole Commissioners data that will assist the Board in determining whether parole
29 should be granted to the prisoner. (NRS 213.131)

30 This bill provides a revised method for determining credits to reduce the sentence of an
31 offender that applies to an offender sentenced to prison for a crime committed: (1) on or after
32 January 1, 2025; or (2) before January 1, 2025, if the offender elects to be subject to the
33 revised method.

34 **Section 1** of this bill provides that an offender who complies with the programming and
35 placement identified in the risk and needs assessment administered to the offender, as
36 determined by the Director ~~[of the Department of Corrections,]~~ must be allowed credit
37 against the minimum term or minimum aggregate term, as applicable, of his or her sentence
38 for good behavior in an amount of days that is equivalent to ~~[25]~~ 35 percent of the minimum
39 term or minimum aggregate term, as applicable, of the sentence of the offender. **Section 1**
40 does not apply to an offender who has been convicted of: (1) any crime that is punishable as a
41 felony involving the use or threatened use of force or violence against the victim; (2) a sexual
42 offense that is punishable as a felony; (3) certain offenses relating to driving under the
43 influence of alcohol or a controlled substance that are punishable as a felony; or (4) a category
44 A or B felony. Therefore, under **section 1**, an offender convicted of such an offense is not
45 eligible for credit to reduce the minimum term or minimum aggregate term, as applicable, of
46 his or her sentence.

47 **Section 1** also provides for the allowance of credit against the maximum term or
48 maximum aggregate term, as applicable, of the sentence of an offender. Under **section 1**, an
49 offender who complies with the programming and placement identified in the risk and needs
50 assessment administered to the offender, as determined by the Director, must be allowed
51 credit against the maximum term or maximum aggregate term, as applicable, of his or her
52 sentence for good behavior in an amount of days that is equivalent to ~~[25]~~ 35 percent of the
53 maximum term or maximum aggregate term, as applicable, of his or her sentence.

54 Section 1 requires the Director to provide each offender in the custody of the
55 Department with a list that includes: (1) the programs identified in the risk and needs
56 assessment administered to the offender, as determined by the Director; (2) the
57 programs available at the institution or facility to which the offender has been assigned;
58 and (3) which of the programs identified in the risk and needs assessment are available
59 at the institution or facility to which the offender has been assigned. At the time the
60 Department compiles and provides to the State Board of Parole Commissioners data
61 that will assist the Board in determining whether parole should be granted to an
62 offender, section 1 requires the Director to additionally submit to the Board a report
63 that includes: (1) the list of programs provided to each offender in the custody of the
64 Department; and (2) the programs the offender has successfully completed.

65 **Section 2** of this bill makes a conforming change to indicate the proper placement of
66 **section 1** in the Nevada Revised Statutes. **Sections 3-10** of this bill make conforming changes
67 to include necessary references to **section 1** and to reflect the changes in **section 1**.

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

1 **Section 1.** Chapter 209 of NRS is hereby amended by adding thereto a new
2 section to read as follows:

3 1. *Except as otherwise provided in this subsection, an offender who*
4 *complies with the programming and placement identified in the risk and needs*
5 *assessment administered pursuant to NRS 209.341, as determined by the*
6 *Director, must be allowed credit against the minimum term or minimum*
7 *aggregate term, as applicable, of his or her sentence for good behavior in an*
8 *amount of days that is equivalent to ~~25~~ 35 percent of the minimum term or*
9 *minimum aggregate term, as applicable, of the sentence of the offender. Any*
10 *credit allowed pursuant to this subsection may reduce the minimum term or the*
11 *minimum aggregate term imposed by the sentence, as applicable, by not more*
12 *than 58 percent. Credit must be allowed for the period the offender is actually*
13 *incarcerated pursuant to his or her sentence and applies to eligibility for parole,*
14 *unless the offender was sentenced pursuant to a specific statute which specifies*
15 *that a minimum sentence must be served before the offender becomes eligible for*
16 *parole. Any forfeiture of credit pursuant to a specific statute must be applied after*
17 *the credit allowed in this subsection. This subsection does not apply to an*
18 *offender who has been convicted of:*

19 (a) *A crime that is punishable as a felony involving the use or threatened*
20 *use of force or violence against the victim.*

21 (b) *A sexual offense that is punishable as a felony.*

22 (c) *A violation of NRS 484C.110, 484C.120, 484C.130 or 484C.430 that is*
23 *punishable as a felony.*

24 (d) *A category A or B felony.*

25 2. *Except as otherwise provided in this subsection, an offender who*
26 *complies with the programming and placement identified in the risk and needs*
27 *assessment administered pursuant to NRS 209.341, as determined by the*
28 *Director, must be allowed credit against the maximum term or maximum*
29 *aggregate term, as applicable, of his or her sentence for good behavior in an*
30 *amount of days that is equivalent to ~~25~~ 35 percent of the maximum term or*
31 *maximum aggregate term, as applicable, of his or her sentence. Any forfeiture of*
32 *credit pursuant to a specific statute must be applied after the credit allowed in this*
33 *subsection. Credit allowed pursuant to this subsection:*

34 (a) *Must be allowed only for any period the offender is:*

35 (1) *Actually incarcerated pursuant to his or her sentence;*

36 (2) *In residential confinement; or*

37 (3) *In the custody of the Division of Parole and Probation of the*
38 *Department of Public Safety pursuant to NRS 209.4886 or 209.4888.*

39 (b) *Is in addition to any credit allowed to reduce the sentence of the offender*
40 *that is authorized pursuant to a specific statute.*

41 3. *An offender who is sentenced to prison for a crime committed before*
42 *January 1, 2025, may irrevocably elect to be subject to the provisions of this*
43 *section. The election by an offender to be subject to the provisions of this section*
44 *must not:*

45 (a) *Extend the sentence of the offender; or*

46 (b) *Otherwise reduce retroactively the amount of credit allowed to reduce the*
47 *sentence of the offender under the laws of this State as those laws existed before*
48 *January 1, 2025, if doing so would constitute a violation under the United States*
49 *Constitution or the Nevada Constitution.*

1 **4. The Director shall:**

2 **(a) Provide each offender in the custody of the Department with a list that**
 3 **includes:**

4 **(1) The programs identified in the risk and needs assessment**
 5 **administered to the offender pursuant to NRS 209.341, as determined by the**
 6 **Director;**

7 **(2) The programs available at the institution or facility to which the**
 8 **offender has been assigned; and**

9 **(3) Which of the programs described in subparagraph (1) are available at**
 10 **the institution or facility to which the offender has been assigned; and**

11 **(b) At the time the Department compiles and provides to the State Board of**
 12 **Parole Commissioners data that will assist the Board in determining whether**
 13 **parole should be granted to the offender pursuant to NRS 213.131, submit a**
 14 **report to the Board that includes:**

15 **(1) The list of programs provided to the offender pursuant to paragraph**
 16 **(a); and**

17 **(2) The programs provided to the offender pursuant to paragraph (a) that**
 18 **the offender successfully completed.**

19 **5. The Board shall adopt regulations to carry out the provisions of this**
 20 **section.**

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

22 209.432 As used in NRS 209.432 to 209.453, inclusive, ***and section 1 of this***
 23 ***act***, unless the context otherwise requires:

24 1. "Offender" includes:

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

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

30 2. "Residential confinement" means the confinement of a person convicted of
 31 a felony to his or her place of residence under the terms and conditions established
 32 pursuant to specific statute. The term does not include any confinement ordered
 33 pursuant to NRS 176A.540, 176A.550, 176A.560, 176A.660 to 176A.690,
 34 inclusive, 213.15105, 213.15193 or 213.152 to 213.1528, inclusive.

35 **Sec. 3.** NRS 209.4465 is hereby amended to read as follows:

36 209.4465 1. ~~1. A~~ **Unless an offender has elected to be subject to the**
 37 **provisions of section 1 of this act, an** offender who is sentenced to prison for a
 38 crime committed on or after July 17, 1997, ***but before January 1, 2025***, who has no
 39 serious infraction of the regulations of the Department, the terms and conditions of
 40 his or her residential confinement or the laws of the State recorded against the
 41 offender, and who performs in a faithful, orderly and peaceable manner the duties
 42 assigned to the offender, must be allowed:

43 (a) For the period the offender is actually incarcerated pursuant to his or her
 44 sentence;

45 (b) For the period the offender is in residential confinement; and

46 (c) For the period the offender is in the custody of the Division of Parole and
 47 Probation of the Department of Public Safety pursuant to NRS 209.4886 or
 48 209.4888,

49 ➤ a deduction of 20 days from his or her sentence for each month the offender
 50 serves.

51 2. In addition to the credits allowed pursuant to subsection 1, the Director
 52 may allow not more than 10 days of credit each month for an offender whose
 53 diligence in labor and study merits such credits. In addition to the credits allowed

1 pursuant to this subsection, an offender is entitled to the following credits for
2 educational achievement:

3 (a) For earning a general educational development certificate or an equivalent
4 document, 60 days.

5 (b) For earning a high school diploma, 90 days.

6 (c) For earning his or her first associate degree, 120 days.

7 3. The Director may, in his or her discretion, authorize an offender to receive
8 a maximum of 90 days of credit for each additional degree of higher education
9 earned by the offender.

10 4. The Director may allow not more than 10 days of credit each month for an
11 offender who participates in a diligent and responsible manner in a center for the
12 purpose of making restitution, program for reentry of offenders and parolees into
13 the community, conservation camp, program of work release or another program
14 conducted outside of the prison. An offender who earns credit pursuant to this
15 subsection is eligible to earn the entire 30 days of credit each month that is allowed
16 pursuant to subsections 1 and 2.

17 5. The Director may allow not more than 90 days of credit each year for an
18 offender who engages in exceptional meritorious service.

19 6. The Board shall adopt regulations governing the award, forfeiture and
20 restoration of credits pursuant to this section.

21 7. Except as otherwise provided in subsections 8 and 9, credits earned
22 pursuant to this section:

23 (a) Must be deducted from the maximum term or the maximum aggregate term
24 imposed by the sentence, as applicable; and

25 (b) Apply to eligibility for parole unless the offender was sentenced pursuant to
26 a statute which specifies a minimum sentence that must be served before a person
27 becomes eligible for parole.

28 8. Credits earned pursuant to this section by an offender who has not been
29 convicted of:

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

32 (b) A sexual offense that is punishable as a felony;

33 (c) A violation of NRS 484C.110, 484C.120, 484C.130 or 484C.430 that is
34 punishable as a felony; or

35 (d) A category A or B felony,

36 ↪ apply to eligibility for parole and, except as otherwise provided in subsection 9,
37 must be deducted from the minimum term or the minimum aggregate term imposed
38 by the sentence, as applicable, until the offender becomes eligible for parole and
39 must be deducted from the maximum term or the maximum aggregate term
40 imposed by the sentence, as applicable.

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

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

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

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

1 **Sec. 4.** NRS 209.4475 is hereby amended to read as follows:

2 209.4475 1. In addition to any credits earned pursuant to NRS 209.447 ~~§~~
3 *and section 1 of this act*, an offender who is on parole as of January 1, 2004, or
4 who is released on parole on or after January 1, 2004, for a term less than life must
5 be allowed for the period the offender is actually on parole a deduction of 20 days
6 from the offender's sentence for each month the offender serves if:

7 (a) The offender is current with any fee to defray the costs of his or her
8 supervision charged by the Division of Parole and Probation of the Department of
9 Public Safety pursuant to NRS 213.1076; and

10 (b) The offender is current with any payment of restitution required by the
11 State Board of Parole Commissioners pursuant to NRS 213.126.

12 2. An offender shall be deemed to be current with any fee and payment of
13 restitution described in subsection 1 for any given month if, during that month, the
14 offender makes at least the minimum monthly payment established by:

15 (a) The Division of Parole and Probation of the Department of Public Safety, if
16 any; and

17 (b) The State Board of Parole Commissioners, if any.

18 3. In addition to any credits earned pursuant to subsection 1 , ~~and~~ NRS
19 209.447 ~~§~~ *and section 1 of this act*, the Director may allow not more than 10 days
20 of credit each month for an offender:

21 (a) Who is on parole as of January 1, 2004, or who is released on parole on or
22 after January 1, 2004, for a term less than life; and

23 (b) Whose diligence in labor or study merits such credits.

24 4. An offender is entitled to the deductions authorized by this section only if
25 the offender satisfies the conditions of subsection 1 or 3, as determined by the
26 Director. The Chief Parole and Probation Officer or other person responsible for the
27 supervision of an offender shall report to the Director the failure of an offender to
28 satisfy those conditions.

29 5. Credits earned pursuant to this section must, in addition to any credits
30 earned pursuant to NRS 209.443, 209.446, 209.4465, 209.447, 209.448 and
31 209.449, *and section 1 of this act*, be deducted from the maximum term or the
32 maximum aggregate term imposed by the sentence, as applicable.

33 6. The Director shall maintain records of the credits to which each offender is
34 entitled pursuant to this section.

35 **Sec. 5.** NRS 209.4477 is hereby amended to read as follows:

36 209.4477 1. ~~¶~~ Unless an offender has elected to be subject to the
37 provisions of section 1 of this act, an offender who is serving a sentence for a
38 crime committed before January 1, 2025, and who is actually incarcerated in an
39 institution or facility of the Department pursuant to his or her sentence during a
40 period in which a state of emergency due to a communicable or infectious disease
41 has been declared by the Governor and remains in effect must be allowed, in
42 addition to the credits provided pursuant to NRS 209.433, 209.443, 209.446 or
43 209.4465, a deduction of 5 days from his or her sentence for each month the
44 offender serves during the state of emergency. An offender shall not be allowed
45 more than 60 days of credit pursuant to this section.

46 2. Credits earned pursuant to this section:

47 (a) Apply to eligibility for parole and must be deducted from the minimum
48 term or the minimum aggregate term imposed by the sentence, as applicable, until
49 the offender becomes eligible for parole, unless the offender was sentenced
50 pursuant to a statute which specifies a minimum sentence which must be served
51 before a person becomes eligible for parole; and

52 (b) Must be deducted from the maximum term or the maximum aggregate term
53 imposed by the sentence, as applicable.

1 3. Not later than 60 days after a state of emergency due to a communicable or
2 infectious disease has been declared by the Governor, the Director shall submit a
3 report containing a list of the offenders who have received credits pursuant to this
4 section to the Chief Justice of the Nevada Supreme Court, the State Public
5 Defender, the Attorney General, the Executive Director of the Department of
6 Sentencing Policy and the Director of the Legislative Counsel Bureau for
7 transmittal to the Legislature or, if the Legislature is not in session, to the Joint
8 Interim Standing Committee on the Judiciary.

9 4. As used in this section:

10 (a) "Communicable disease" means an infectious disease that can be
11 transmitted from person to person, animal to person or insect to person.

12 (b) "Infectious disease" means a disease caused by a living organism or other
13 pathogen, including a fungus, bacillus, parasite, protozoan or virus. An infectious
14 disease may or may not be transmissible from person to person, animal to person or
15 insect to person.

16 **Sec. 6.** NRS 209.448 is hereby amended to read as follows:

17 209.448 1. An offender who has no serious infraction of the regulations of
18 the Department or the laws of the State recorded against the offender must be
19 allowed, in addition to the credits provided pursuant to NRS 209.433, 209.443,
20 209.446 or 209.4465, a deduction of not more than 60 days from the maximum
21 term or the maximum aggregate term of the offender's sentence, as applicable, for
22 the successful completion of a program of treatment for an alcohol or other
23 substance use disorder which is conducted jointly by the Department and a person
24 who is licensed as a clinical alcohol and drug counselor, licensed or certified as an
25 alcohol and drug counselor or certified as an alcohol and drug counselor intern or a
26 clinical alcohol and drug counselor intern, pursuant to chapter 641C of NRS.

27 2. ~~The~~ Unless an offender has elected to be subject to the provisions of
28 section 1 of this act, the provisions of this section apply to any offender who is
29 sentenced on or after October 1, 1991 ~~and~~, for a crime committed before January 1,
30 2025.

31 **Sec. 7.** NRS 209.449 is hereby amended to read as follows:

32 209.449 1. ~~Any~~ Unless an offender has elected to be subject to the
33 provisions of section 1 of this act, an offender who is serving a sentence for a
34 crime committed before January 1, 2025, and who has no serious infraction of the
35 regulations of the Department, the terms and conditions of his or her residential
36 confinement or the laws of the State recorded against the offender must be allowed,
37 in addition to the credits provided pursuant to NRS 209.433, 209.443, 209.446 or
38 209.4465, a deduction of 60 days from the maximum term or the maximum
39 aggregate term of the offender's sentence, as applicable, for the successful
40 completion of:

41 (a) A program of vocational education and training; or

42 (b) Any other program approved by the Director.

43 2. If the offender completes such a program with meritorious or exceptional
44 achievement, the Director may allow not more than 60 days of credit in addition to
45 the 60 days allowed for completion of the program.

46 **Sec. 8.** NRS 209.4495 is hereby amended to read as follows:

47 209.4495 1. Notwithstanding any provision of NRS 209.432 to 209.453,
48 inclusive, and section 1 of this act, which entitles an offender to receive credit or
49 which authorizes the Director to allow credit for an offender, an offender may not
50 earn more than the amount of credit required to expire his or her sentence.

51 2. Nothing in this section shall be construed to reduce retroactively the
52 amount of credit earned by an offender if doing so would constitute a violation

1 under the Constitution of the United States or the Constitution of the State of
2 Nevada.

3 **Sec. 9.** NRS 213.120 is hereby amended to read as follows:

4 213.120 1. Except as otherwise provided in NRS 213.1213 *or section 1 of*
5 *this act* and as limited by statute for certain specified offenses, a prisoner who was
6 sentenced to prison for a crime committed before July 1, 1995, may be paroled
7 when the prisoner has served one-third of the definite period of time for which the
8 prisoner has been sentenced pursuant to NRS 176.033, less any credits earned to
9 reduce his or her sentence pursuant to chapter 209 of NRS.

10 2. Except as otherwise provided in NRS 213.1213 and as limited by statute
11 for certain specified offenses, a prisoner who was sentenced to prison for a crime
12 committed on or after July 1, 1995, may be paroled when the prisoner has served
13 the minimum term or minimum aggregate term of imprisonment imposed by the
14 court. Except as otherwise provided in NRS 209.4465 ~~§~~ *and section 1 of this act*,
15 any credits earned to reduce his or her sentence pursuant to chapter 209 of NRS
16 while the prisoner serves the minimum term or minimum aggregate term of
17 imprisonment may reduce only the maximum term or the maximum aggregate term
18 of imprisonment imposed, as applicable, and must not reduce the minimum term or
19 the minimum aggregate term of imprisonment, as applicable.

20 **Sec. 10.** NRS 213.1212 is hereby amended to read as follows:

21 213.1212 1. Notwithstanding any other provision of law, if a prisoner is
22 sentenced pursuant to NRS 176.035 to serve two or more consecutive sentences, the
23 terms of which have been aggregated:

24 (a) The prisoner shall be deemed to be eligible for parole from all such
25 sentences after serving the minimum aggregate term of imprisonment; and

26 (b) The Board is not required to consider the prisoner for parole until the
27 prisoner has served the minimum aggregate term of imprisonment.

28 2. Except as otherwise provided in subsection 3, for purposes of determining
29 parole eligibility, a prisoner whose sentences have been aggregated may earn credit
30 pursuant to NRS 209.433 to 209.449, inclusive, *and section 1 of this act*, which
31 must be deducted from the minimum aggregate term of imprisonment or the
32 maximum aggregate term of imprisonment, as applicable. Such credits may be
33 earned only to the extent that the credits would otherwise be earned had the
34 sentences not been aggregated.

35 3. For purposes of determining parole eligibility, if the sentences of a prisoner
36 are governed by different provisions of law concerning the earning of credits
37 pursuant to NRS 209.433 to 209.4465, inclusive, *and section 1 of this act*, the
38 Department of Corrections shall determine the minimum term of each sentence to
39 be aggregated for the purpose of establishing a minimum aggregate term of
40 imprisonment as follows:

41 (a) If the parole eligibility of a prisoner is based on credits earned pursuant to
42 NRS 209.433 or 209.443, the Department of Corrections shall establish a fixed
43 minimum term for that sentence based on the assumption that the prisoner will earn
44 all future credits to reduce that sentence as provided in NRS 209.433 or 209.443, as
45 applicable, except for credits earned for donating blood or for educational
46 achievements in accordance with any regulations adopted by the Board pursuant to
47 subsection 2 of NRS 209.433 or subsection 3 of NRS 209.443. Any such credits
48 earned by a prisoner for donating blood or for educational achievements that are
49 awarded after a minimum aggregate term of imprisonment is established must be
50 applied only to the maximum aggregate term of imprisonment.

51 (b) If the parole eligibility of a prisoner is based on credits earned pursuant to
52 NRS 209.446, the Department of Corrections shall establish a fixed minimum term
53 for that sentence based on the assumption that the prisoner will earn all future

1 credits to reduce that sentence as provided in NRS 209.446, except for credits
2 earned for educational achievements pursuant to subsection 2 of NRS 209.446 or
3 for meritorious service pursuant to subsection 4 of NRS 209.446. Any such credits
4 earned for educational achievements or meritorious service that are awarded after a
5 minimum aggregate term of imprisonment is established must be applied only to
6 the maximum aggregate term of imprisonment.

7 (c) If a prisoner is eligible to earn a deduction from the minimum term of his or
8 her sentence pursuant to subsection 8 of NRS 209.4465 ~~§~~ *or section 1 of this act*,
9 the minimum term of the sentence to be aggregated must be the minimum term set
10 by the court, and the provisions of subsection 9 of NRS 209.4465 *or section 1 of*
11 *this act, as applicable*, must be applied to the aggregated sentence.

12 (d) If a prisoner is not eligible to earn a deduction from the minimum term of
13 his or her sentence, the minimum term of the sentence to be aggregated must be the
14 term set by the court or, if the court does not set the minimum term, the minimum
15 term required by law.

16 4. A prisoner whose sentences have been aggregated pursuant to subsection 3
17 may earn credits to reduce the maximum aggregate term of imprisonment, as
18 already reduced by any presentence credits stipulated in the judgment of conviction
19 or other applicable court order, pursuant to NRS 209.4465 or 209.4475 *or section 1*
20 *of this act* beginning on the date the prisoner elected to have the sentences
21 aggregated or on the date of sentencing.

22 5. Except as otherwise provided in subsection 6 and subsection 3 of NRS
23 176.035, a prisoner who is serving consecutive sentences which have not been
24 aggregated may, by submitting a written request to the Director of the Department
25 of Corrections, make an irrevocable election to have the sentences aggregated. If
26 the prisoner makes such an irrevocable election to have the sentences aggregated
27 and:

28 (a) The prisoner has not been considered for parole on any of the sentences
29 requested to be aggregated, the Department of Corrections shall aggregate the
30 sentences in the manner set forth in this section and NRS 176.035 and the Board is
31 not required to consider the prisoner for parole until the prisoner has served the
32 minimum aggregate term of imprisonment.

33 (b) The prisoner has been considered for parole on one or more of the
34 sentences requested to be aggregated, the Department of Corrections shall
35 aggregate only the sentences for which parole has not been considered. The Board
36 is not required to consider the prisoner for parole on the aggregated sentences until
37 the prisoner has served the minimum aggregate term of imprisonment.

38 6. At the request of a prisoner, the Department of Corrections may
39 disaggregate any aggregated sentences for which parole has not been considered for
40 the purpose of aggregating such sentences with other sentences pursuant to this
41 section or NRS 176.035.

42 7. Except as otherwise provided in subsection 3 of NRS 176.035, if the
43 Department of Corrections aggregates sentences that are comprised of separate
44 aggregated sentences, the Department of Corrections may aggregate all the
45 consecutive sentences to create a single aggregated sentence.

46 8. The provisions of this section do not establish a basis for any cause of
47 action by a prisoner against the State or its political subdivisions, agencies, boards,
48 commissions, departments, officers or employees relating to any credits the
49 prisoner might have earned if the sentences of the prisoner had not been aggregated.

50 **Sec. 11.** 1. This section becomes effective upon passage and approval.

51 2. Sections 1 to 10, inclusive, of this act become effective:

- 1 (a) Upon passage and approval for the purpose of adopting any regulations and
- 2 performing any other preparatory administrative tasks that are necessary to carry
- 3 out the provisions of this act; and
- 4 (b) On January 1, 2025, for all other purposes.