

Amendment No. 828

Senate Amendment to Senate Bill No. 413 First Reprint	(BDR 16-313)
Proposed by: Senate Committee on Finance	
Amends: Summary: No Title: Yes Preamble: No Joint Sponsorship: No Digest: Yes	

Adoption of this amendment will ADD an appropriation where one does not currently exist in S.B. 413 R1.

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: 5/31/2023

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.~~ Contains Appropriation not included in Executive Budget.

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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; requiring the Department to share information with the Office of the Attorney General concerning actions taken to implement the revised method for determining credits to reduce the sentence of an offender; requiring the Department to report to the Interim Finance Committee concerning such actions; making appropriations; 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 risk
24 and needs assessment to each person in the custody of the Department to measure criminal
25 risk factors and individual needs for the purpose of guiding institutional programming and
26 placement. (NRS 209.341) Before a meeting to consider a prisoner for parole, existing law
27 requires the Department to compile and provide to the State Board of Parole Commissioners
28 data that will assist the Board in determining whether parole should be granted to the prisoner.
29 (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~~ July 1, 2025; or (2) before ~~January~~ July 1, 2025, if the offender elects to be
33 subject to the 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, must be allowed credit against the minimum term or minimum
37 aggregate term, as applicable, of his or her sentence for good behavior in an amount of days
38 that is equivalent to 35 percent of the minimum term or minimum aggregate term, as
39 applicable, of the sentence of the offender. **Section 1** does not apply to an offender who has
40 been convicted of: (1) any crime that is punishable as a felony involving the use or threatened
41 use of force or violence against the victim; (2) a sexual offense that is punishable as a felony;
42 (3) certain offenses relating to driving under the influence of alcohol or a controlled substance
43 that are punishable as a felony; or (4) a category A or B felony. Therefore, under **section 1**,
44 an offender convicted of such an offense is not eligible for credit to reduce the minimum term or
45 minimum aggregate term, as applicable, of his or her sentence.

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

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

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

66 **Section 10.1 of this bill appropriates money to the Department to pay for the costs of**
67 **upgrading its information technology system that is necessary to carry out the provisions**
68 **of section 1. Section 10.3 of this bill appropriates money to the Department for personnel**
69 **costs associated with carrying out the provisions of section 1.**

Section 10.5 of this bill requires the Department to: (1) not later than December 31, 2024, report to the Interim Finance Committee on the actions taken by the Department to implement the provisions of this bill; and (2) share information with the Office of the Attorney General concerning the actions taken by the Department to implement the provisions of this bill.

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

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

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

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

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

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

(d) A category A or B felony.

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

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

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

(2) In residential confinement; or

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

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

3. An offender who is sentenced to prison for a crime committed before ~~January~~ July 1, 2025, may irrevocably elect to be subject to the provisions of

1 *this section. The election by an offender to be subject to the provisions of this*
2 *section must not:*

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

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

8 4. *The Director shall:*

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

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

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

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

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

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

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

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

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

29 209.432 As used in NRS 209.432 to 209.453, inclusive, *and section 1 of this*
30 *act*, unless the context otherwise requires:

31 1. "Offender" includes:

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

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

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

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

43 209.4465 1. ~~*[Aa]*~~ *Unless an offender has elected to be subject to the*
44 *provisions of section 1 of this act, an offender who is sentenced to prison for a*
45 *crime committed on or after July 17, 1997, but before* ~~*January*~~ *July 1, 2025, who*
46 *has no serious infraction of the regulations of the Department, the terms and*
47 *conditions of his or her residential confinement or the laws of the State recorded*
48 *against the offender, and who performs in a faithful, orderly and peaceable manner*
49 *the duties assigned to the offender, must be allowed:*

50 (a) *For the period the offender is actually incarcerated pursuant to his or her*
51 *sentence;*

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

1 (c) For the period the offender is in the custody of the Division of Parole and
2 Probation of the Department of Public Safety pursuant to NRS 209.4886 or
3 209.4888,

4 ↪ a deduction of 20 days from his or her sentence for each month the offender
5 serves.

6 2. In addition to the credits allowed pursuant to subsection 1, the Director
7 may allow not more than 10 days of credit each month for an offender whose
8 diligence in labor and study merits such credits. In addition to the credits allowed
9 pursuant to this subsection, an offender is entitled to the following credits for
10 educational achievement:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

43 (d) A category A or B felony,

44 ↪ apply to eligibility for parole and, except as otherwise provided in subsection 9,
45 must be deducted from the minimum term or the minimum aggregate term imposed
46 by the sentence, as applicable, until the offender becomes eligible for parole and
47 must be deducted from the maximum term or the maximum aggregate term
48 imposed by the sentence, as applicable.

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

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

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

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

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

9 209.4475 1. In addition to any credits earned pursuant to NRS 209.447 ~~§~~
10 *and section 1 of this act*, an offender who is on parole as of January 1, 2004, or
11 who is released on parole on or after January 1, 2004, for a term less than life must
12 be allowed for the period the offender is actually on parole a deduction of 20 days
13 from the offender's sentence for each month the offender serves if:

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

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

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

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

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

25 3. In addition to any credits earned pursuant to subsection 1 , ~~and~~ NRS
26 209.447 ~~§~~ *and section 1 of this act*, the Director may allow not more than 10 days
27 of credit each month for an offender:

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

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

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

36 5. Credits earned pursuant to this section must, in addition to any credits
37 earned pursuant to NRS 209.443, 209.446, 209.4465, 209.447, 209.448 and
38 209.449, *and section 1 of this act*, be deducted from the maximum term or the
39 maximum aggregate term imposed by the sentence, as applicable.

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

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

43 209.4477 1. ~~§~~ *Unless an offender has elected to be subject to the*
44 *provisions of section 1 of this act, an offender who is serving a sentence for a*
45 *crime committed before ~~January~~ July 1, 2025, and who* is actually incarcerated
46 in an institution or facility of the Department pursuant to his or her sentence during
47 a period in which a state of emergency due to a communicable or infectious disease
48 has been declared by the Governor and remains in effect must be allowed, in
49 addition to the credits provided pursuant to NRS 209.433, 209.443, 209.446 or
50 209.4465, a deduction of 5 days from his or her sentence for each month the
51 offender serves during the state of emergency. An offender shall not be allowed
52 more than 60 days of credit pursuant to this section.

53 2. Credits earned pursuant to this section:

1 (a) Apply to eligibility for parole and must be deducted from the minimum
2 term or the minimum aggregate term imposed by the sentence, as applicable, until
3 the offender becomes eligible for parole, unless the offender was sentenced
4 pursuant to a statute which specifies a minimum sentence which must be served
5 before a person becomes eligible for parole; and

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

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

16 4. As used in this section:

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

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

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

24 209.448 1. An offender who has no serious infraction of the regulations of
25 the Department or the laws of the State recorded against the offender must be
26 allowed, in addition to the credits provided pursuant to NRS 209.433, 209.443,
27 209.446 or 209.4465, a deduction of not more than 60 days from the maximum
28 term or the maximum aggregate term of the offender's sentence, as applicable, for
29 the successful completion of a program of treatment for an alcohol or other
30 substance use disorder which is conducted jointly by the Department and a person
31 who is licensed as a clinical alcohol and drug counselor, licensed or certified as an
32 alcohol and drug counselor or certified as an alcohol and drug counselor intern or a
33 clinical alcohol and drug counselor intern, pursuant to chapter 641C of NRS.

34 2. ~~The~~ *Unless an offender has elected to be subject to the provisions of*
35 *section 1 of this act, the* provisions of this section apply to any offender who is
36 sentenced on or after October 1, 1991 ~~],~~ *for a crime committed before ~~January~~*
37 *July 1, 2025.*

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

39 209.449 1. ~~An~~ *Unless an offender has elected to be subject to the*
40 *provisions of section 1 of this act, an* offender *who is serving a sentence for a*
41 *crime committed before ~~January~~ July 1, 2025, and* who has no serious infraction
42 of the regulations of the Department, the terms and conditions of his or her
43 residential confinement or the laws of the State recorded against the offender must
44 be allowed, in addition to the credits provided pursuant to NRS 209.433, 209.443,
45 209.446 or 209.4465, a deduction of 60 days from the maximum term or the
46 maximum aggregate term of the offender's sentence, as applicable, for the
47 successful completion of:

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

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

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

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

2 209.4495 1. Notwithstanding any provision of NRS 209.432 to 209.453,
3 inclusive, *and section 1 of this act*, which entitles an offender to receive credit or
4 which authorizes the Director to allow credit for an offender, an offender may not
5 earn more than the amount of credit required to expire his or her sentence.

6 2. Nothing in this section shall be construed to reduce retroactively the
7 amount of credit earned by an offender if doing so would constitute a violation
8 under the Constitution of the United States or the Constitution of the State of
9 Nevada.

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

11 213.120 1. Except as otherwise provided in NRS 213.1213 *or section 1 of*
12 *this act* and as limited by statute for certain specified offenses, a prisoner who was
13 sentenced to prison for a crime committed before July 1, 1995, may be paroled
14 when the prisoner has served one-third of the definite period of time for which the
15 prisoner has been sentenced pursuant to NRS 176.033, less any credits earned to
16 reduce his or her sentence pursuant to chapter 209 of NRS.

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

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

28 213.1212 1. Notwithstanding any other provision of law, if a prisoner is
29 sentenced pursuant to NRS 176.035 to serve two or more consecutive sentences, the
30 terms of which have been aggregated:

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

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

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

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

48 (a) If the parole eligibility of a prisoner is based on credits earned pursuant to
49 NRS 209.433 or 209.443, the Department of Corrections shall establish a fixed
50 minimum term for that sentence based on the assumption that the prisoner will earn
51 all future credits to reduce that sentence as provided in NRS 209.433 or 209.443, as
52 applicable, except for credits earned for donating blood or for educational
53 achievements in accordance with any regulations adopted by the Board pursuant to

1 subsection 2 of NRS 209.433 or subsection 3 of NRS 209.443. Any such credits
2 earned by a prisoner for donating blood or for educational achievements that are
3 awarded after a minimum aggregate term of imprisonment is established must be
4 applied only to the maximum aggregate term of imprisonment.

5 (b) If the parole eligibility of a prisoner is based on credits earned pursuant to
6 NRS 209.446, the Department of Corrections shall establish a fixed minimum term
7 for that sentence based on the assumption that the prisoner will earn all future
8 credits to reduce that sentence as provided in NRS 209.446, except for credits
9 earned for educational achievements pursuant to subsection 2 of NRS 209.446 or
10 for meritorious service pursuant to subsection 4 of NRS 209.446. Any such credits
11 earned for educational achievements or meritorious service that are awarded after a
12 minimum aggregate term of imprisonment is established must be applied only to
13 the maximum aggregate term of imprisonment.

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

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

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

29 5. Except as otherwise provided in subsection 6 and subsection 3 of NRS
30 176.035, a prisoner who is serving consecutive sentences which have not been
31 aggregated may, by submitting a written request to the Director of the Department
32 of Corrections, make an irrevocable election to have the sentences aggregated. If
33 the prisoner makes such an irrevocable election to have the sentences aggregated
34 and:

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

40 (b) The prisoner has been considered for parole on one or more of the
41 sentences requested to be aggregated, the Department of Corrections shall
42 aggregate only the sentences for which parole has not been considered. The Board
43 is not required to consider the prisoner for parole on the aggregated sentences until
44 the prisoner has served the minimum aggregate term of imprisonment.

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

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

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

Sec. 10.1. 1. There is hereby appropriated from the State General Fund to the Department of Corrections the sum of \$300,000 for costs associated with upgrading the information technology system of the Department that is necessary to carry out the provisions of section 1 of this act.

2. Any remaining balance of the appropriation made by subsection 1 must not be committed for expenditure after June 30, 2025, by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 19, 2025, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 19, 2025.

Sec. 10.3. 1. There is hereby appropriated from the State General Fund to the Department of Corrections for personnel costs to carry out the provisions of section 1 of this act the following sums:

For the Fiscal Year 2023-2024 \$53,721

For the Fiscal Year 2024-2025 \$74,198

2. Any balance of the sums appropriated by subsection 1 remaining at the end of the respective fiscal years must not be committed for expenditure after June 30 of the respective fiscal years by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 20, 2024, and September 19, 2025, respectively, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 20, 2024, and September 19, 2025, respectively.

Sec. 10.5. 1. Not later than December 31, 2024, the Department of Corrections shall report to the Interim Finance Committee concerning the actions taken by the Department to implement the provisions of this act, including, without limitation, the progress of the Department in programming the computer systems of the Department as necessary to carry out the provisions of this act.

2. In preparing to implement the provisions of this act, the Department of Corrections shall share information with the Office of the Attorney General concerning the actions taken by the Department to enable the Department to carry out the provisions of this act. If any information provided by the Department of Corrections to the Office of the Attorney General pursuant to this subsection is confidential or privileged, such information is confidential and privileged to the same extent that the information would be confidential and privileged if in the possession of the Department of Corrections.

Sec. 11. 1. This section ~~becomes~~ and section 10.5 of this act become effective upon passage and approval.

2. Sections 10.1 and 10.3 of this act become effective on July 1, 2023.

3. Sections 1 to 10, inclusive, of this act become effective.

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