

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: Contains Appropriation not included in Executive Budget.

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EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~for mitted 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
- 2 sentence of imprisonment. (NRS 209.432-209.453) For example, under existing
- 3 law, an offender who is sentenced to prison for a crime committed on or after



4 July 17, 1997, may, under certain circumstances, be allowed: (1) a deduction of 20  
5 days from his or her sentence for each month the offender serves; (2) up to 10 days  
6 of credit each month for diligence in labor and study; (3) certain credits for  
7 educational achievement; (4) up to 10 days of credit each month for participation in  
8 a center for the purpose of making restitution, program for reentry of offenders and  
9 parolees into the community, conservation camp, program of work release or  
10 another program conducted outside of the prison; (5) up to 90 days of credit each  
11 year for exceptional meritorious service; and (6) if the Governor determines, by  
12 executive order, that it is necessary, a deduction of up to 5 days from his or her  
13 sentence for each month the offender serves. Existing law provides that such credits  
14 must be deducted from the maximum term or the maximum aggregate term  
15 imposed by the sentence, as applicable, and apply to eligibility for parole unless the  
16 offender was sentenced pursuant to a statute which specifies a minimum sentence  
17 that must be served before a person becomes eligible for parole. Existing law also  
18 provides that, unless an offender has been convicted of certain crimes, such credits  
19 must also be deducted from the minimum term or the minimum aggregate term  
20 imposed by the sentence, as applicable, until the offender becomes eligible for  
21 parole. (NRS 209.4465) Existing law also allows certain offenders to earn credit  
22 for: (1) being incarcerated during a state of emergency due to communicable or  
23 infectious disease; (2) completing a program of treatment for an alcohol or other  
24 substance use disorder; and (3) completing a vocational education and training or  
25 other program. (NRS 209.4477, 209.448, 209.449)

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

34 This bill provides a revised method for determining credits to reduce the  
35 sentence of an offender that applies to an offender sentenced to prison for a crime  
36 committed: (1) on or after July 1, 2025; or (2) before July 1, 2025, if the offender  
37 elects to be subject to the revised method.

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

52 **Section 1** also provides for the allowance of credit against the maximum term  
53 or maximum aggregate term, as applicable, of the sentence of an offender. Under  
54 **section 1**, an offender who complies with the programming and placement  
55 identified in the risk and needs assessment administered to the offender, as  
56 determined by the Director, must be allowed credit against the maximum term or  
57 maximum aggregate term, as applicable, of his or her sentence for good behavior in



58 an amount of days that is equivalent to 35 percent of the maximum term or  
59 maximum aggregate term, as applicable, of his or her sentence.

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

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

76 **Section 10.1** of this bill appropriates money to the Department to pay for the  
77 costs of upgrading its information technology system that is necessary to carry out  
78 the provisions of **section 1**. **Section 10.3** of this bill appropriates money to the  
79 Department for personnel costs associated with carrying out the provisions of  
80 **section 1**.

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

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

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

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



1 *sentence must be served before the offender becomes eligible for*  
2 *parole. Any forfeiture of credit pursuant to a specific statute must*  
3 *be applied after the credit allowed in this subsection. This*  
4 *subsection does not apply to an offender who has been convicted*  
5 *of:*

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

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

9 (c) *A violation of NRS 484C.110, 484C.120, 484C.130 or*  
10 *484C.430 that is punishable as a felony.*

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

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

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

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

25 (2) *In residential confinement; or*

26 (3) *In the custody of the Division of Parole and Probation*  
27 *of the Department of Public Safety pursuant to NRS 209.4886 or*  
28 *209.4888.*

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

31 3. *An offender who is sentenced to prison for a crime*  
32 *committed before July 1, 2025, may irrevocably elect to be subject*  
33 *to the provisions of this section. The election by an offender to be*  
34 *subject to the provisions of this section must not:*

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

36 (b) *Otherwise reduce retroactively the amount of credit*  
37 *allowed to reduce the sentence of the offender under the laws of*  
38 *this State as those laws existed before July 1, 2025, if doing so*  
39 *would constitute a violation under the United States Constitution*  
40 *or the Nevada Constitution.*

41 4. *The Director shall:*

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



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

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

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

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

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

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

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

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

21 209.432 As used in NRS 209.432 to 209.453, inclusive, *and*  
22 *section 1 of this act*, unless the context otherwise requires:

23 1. "Offender" includes:

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

27 (b) A person who is convicted of a felony under the laws of this  
28 State and assigned to the custody of the Division of Parole and  
29 Probation of the Department of Public Safety pursuant to NRS  
30 209.4886 or 209.4888.

31 2. "Residential confinement" means the confinement of a  
32 person convicted of a felony to his or her place of residence under  
33 the terms and conditions established pursuant to specific statute. The  
34 term does not include any confinement ordered pursuant to NRS  
35 176A.540, 176A.550, 176A.560, 176A.660 to 176A.690, inclusive,  
36 213.15105, 213.15193 or 213.152 to 213.1528, inclusive.

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



1 (c) A violation of NRS 484C.110, 484C.120, 484C.130 or  
2 484C.430 that is punishable as a felony; or

3 (d) A category A or B felony,  
4 ↪ apply to eligibility for parole and, except as otherwise provided  
5 in subsection 9, must be deducted from the minimum term or the  
6 minimum aggregate term imposed by the sentence, as applicable,  
7 until the offender becomes eligible for parole and must be deducted  
8 from the maximum term or the maximum aggregate term imposed  
9 by the sentence, as applicable.

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

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

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

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

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

26 209.4475 1. In addition to any credits earned pursuant to  
27 NRS 209.447 ~~§~~ *and section 1 of this act*, an offender who is on  
28 parole as of January 1, 2004, or who is released on parole on or after  
29 January 1, 2004, for a term less than life must be allowed for the  
30 period the offender is actually on parole a deduction of 20 days from  
31 the offender's sentence for each month the offender serves if:

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

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

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

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

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



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

- 4 (a) Who is on parole as of January 1, 2004, or who is released  
5 on parole on or after January 1, 2004, for a term less than life; and  
6 (b) Whose diligence in labor or study merits such credits.

7 4. An offender is entitled to the deductions authorized by this  
8 section only if the offender satisfies the conditions of subsection 1  
9 or 3, as determined by the Director. The Chief Parole and Probation  
10 Officer or other person responsible for the supervision of an  
11 offender shall report to the Director the failure of an offender to  
12 satisfy those conditions.

13 5. Credits earned pursuant to this section must, in addition to  
14 any credits earned pursuant to NRS 209.443, 209.446, 209.4465,  
15 209.447, 209.448 and 209.449, *and section 1 of this act*, be  
16 deducted from the maximum term or the maximum aggregate term  
17 imposed by the sentence, as applicable.

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

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

21 209.4477 1. ~~Am~~ *Unless an offender has elected to be*  
22 *subject to the provisions of section 1 of this act, an* offender who *is*  
23 *servng a sentence for a crime committed before July 1, 2025, and*  
24 *who* is actually incarcerated in an institution or facility of the  
25 Department pursuant to his or her sentence during a period in which  
26 a state of emergency due to a communicable or infectious disease  
27 has been declared by the Governor and remains in effect must be  
28 allowed, in addition to the credits provided pursuant to NRS  
29 209.433, 209.443, 209.446 or 209.4465, a deduction of 5 days from  
30 his or her sentence for each month the offender serves during the  
31 state of emergency. An offender shall not be allowed more than 60  
32 days of credit pursuant to this section.

33 2. Credits earned pursuant to this section:

34 (a) Apply to eligibility for parole and must be deducted from the  
35 minimum term or the minimum aggregate term imposed by the  
36 sentence, as applicable, until the offender becomes eligible for  
37 parole, unless the offender was sentenced pursuant to a statute  
38 which specifies a minimum sentence which must be served before a  
39 person becomes eligible for parole; and

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

42 3. Not later than 60 days after a state of emergency due to a  
43 communicable or infectious disease has been declared by the  
44 Governor, the Director shall submit a report containing a list of the  
45 offenders who have received credits pursuant to this section to





1 the Chief Justice of the Nevada Supreme Court, the State Public  
2 Defender, the Attorney General, the Executive Director of the  
3 Department of Sentencing Policy and the Director of the Legislative  
4 Counsel Bureau for transmittal to the Legislature or, if the  
5 Legislature is not in session, to the Joint Interim Standing  
6 Committee on the Judiciary.

7 4. As used in this section:

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

11 (b) "Infectious disease" means a disease caused by a living  
12 organism or other pathogen, including a fungus, bacillus, parasite,  
13 protozoan or virus. An infectious disease may or may not be  
14 transmissible from person to person, animal to person or insect to  
15 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  
18 regulations of the Department or the laws of the State recorded  
19 against the offender must be allowed, in addition to the credits  
20 provided pursuant to NRS 209.433, 209.443, 209.446 or 209.4465, a  
21 deduction of not more than 60 days from the maximum term or the  
22 maximum aggregate term of the offender's sentence, as applicable,  
23 for the successful completion of a program of treatment for an  
24 alcohol or other substance use disorder which is conducted jointly  
25 by the Department and a person who is licensed as a clinical alcohol  
26 and drug counselor, licensed or certified as an alcohol and drug  
27 counselor or certified as an alcohol and drug counselor intern or a  
28 clinical alcohol and drug counselor intern, pursuant to chapter 641C  
29 of NRS.

30 2. ~~The~~ *Unless an offender has elected to be subject to the*  
31 *provisions of section 1 of this act, the* provisions of this section  
32 apply to any offender who is sentenced on or after October 1, 1991  
33 ~~§~~, *for a crime committed before July 1, 2025.*

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

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

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



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

2 2. If the offender completes such a program with meritorious  
3 or exceptional achievement, the Director may allow not more than  
4 60 days of credit in addition to the 60 days allowed for completion  
5 of the program.

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

7 209.4495 1. Notwithstanding any provision of NRS 209.432  
8 to 209.453, inclusive, *and section 1 of this act*, which entitles an  
9 offender to receive credit or which authorizes the Director to allow  
10 credit for an offender, an offender may not earn more than the  
11 amount of credit required to expire his or her sentence.

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

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

17 213.120 1. Except as otherwise provided in NRS 213.1213 *or*  
18 *section 1 of this act* and as limited by statute for certain specified  
19 offenses, a prisoner who was sentenced to prison for a crime  
20 committed before July 1, 1995, may be paroled when the prisoner  
21 has served one-third of the definite period of time for which the  
22 prisoner has been sentenced pursuant to NRS 176.033, less any  
23 credits earned to reduce his or her sentence pursuant to chapter 209  
24 of NRS.

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

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

38 213.1212 1. Notwithstanding any other provision of law, if a  
39 prisoner is sentenced pursuant to NRS 176.035 to serve two or more  
40 consecutive sentences, the terms of which have been aggregated:

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




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

4 2. Except as otherwise provided in subsection 3, for purposes  
5 of determining parole eligibility, a prisoner whose sentences have  
6 been aggregated may earn credit pursuant to NRS 209.433 to  
7 209.449, inclusive, *and section 1 of this act*, which must be  
8 deducted from the minimum aggregate term of imprisonment or the  
9 maximum aggregate term of imprisonment, as applicable. Such  
10 credits may be earned only to the extent that the credits would  
11 otherwise be earned had the sentences not been aggregated.

12 3. For purposes of determining parole eligibility, if the  
13 sentences of a prisoner are governed by different provisions of law  
14 concerning the earning of credits pursuant to NRS 209.433 to  
15 209.4465, inclusive, *and section 1 of this act*, the Department of  
16 Corrections shall determine the minimum term of each sentence to  
17 be aggregated for the purpose of establishing a minimum aggregate  
18 term of imprisonment as follows:

19 (a) If the parole eligibility of a prisoner is based on credits  
20 earned pursuant to NRS 209.433 or 209.443, the Department of  
21 Corrections shall establish a fixed minimum term for that sentence  
22 based on the assumption that the prisoner will earn all future credits  
23 to reduce that sentence as provided in NRS 209.433 or 209.443, as  
24 applicable, except for credits earned for donating blood or for  
25 educational achievements in accordance with any regulations  
26 adopted by the Board pursuant to subsection 2 of NRS 209.433 or  
27 subsection 3 of NRS 209.443. Any such credits earned by a prisoner  
28 for donating blood or for educational achievements that are awarded  
29 after a minimum aggregate term of imprisonment is established  
30 must be applied only to the maximum aggregate term of  
31 imprisonment.

32 (b) If the parole eligibility of a prisoner is based on credits  
33 earned pursuant to NRS 209.446, the Department of Corrections  
34 shall establish a fixed minimum term for that sentence based on the  
35 assumption that the prisoner will earn all future credits to reduce  
36 that sentence as provided in NRS 209.446, except for credits earned  
37 for educational achievements pursuant to subsection 2 of NRS  
38 209.446 or for meritorious service pursuant to subsection 4 of NRS  
39 209.446. Any such credits earned for educational achievements or  
40 meritorious service that are awarded after a minimum aggregate  
41 term of imprisonment is established must be applied only to the  
42 maximum aggregate term of imprisonment.

43 (c) If a prisoner is eligible to earn a deduction from the  
44 minimum term of his or her sentence pursuant to subsection 8 of  
45 NRS 209.4465  *or section 1 of this act*, the minimum term of the



1 sentence to be aggregated must be the minimum term set by the  
2 court, and the provisions of subsection 9 of NRS 209.4465 *or*  
3 *section 1 of this act, as applicable*, must be applied to the  
4 aggregated sentence.

5 (d) If a prisoner is not eligible to earn a deduction from the  
6 minimum term of his or her sentence, the minimum term of the  
7 sentence to be aggregated must be the term set by the court or, if  
8 the court does not set the minimum term, the minimum term  
9 required by law.

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

17 5. Except as otherwise provided in subsection 6 and subsection  
18 3 of NRS 176.035, a prisoner who is serving consecutive sentences  
19 which have not been aggregated may, by submitting a written  
20 request to the Director of the Department of Corrections, make an  
21 irrevocable election to have the sentences aggregated. If the prisoner  
22 makes such an irrevocable election to have the sentences aggregated  
23 and:

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

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

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

40 7. Except as otherwise provided in subsection 3 of NRS  
41 176.035, if the Department of Corrections aggregates sentences that  
42 are comprised of separate aggregated sentences, the Department of  
43 Corrections may aggregate all the consecutive sentences to create a  
44 single aggregated sentence.



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

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

11 2. Any remaining balance of the appropriation made by  
12 subsection 1 must not be committed for expenditure after June 30,  
13 2025, by the entity to which the appropriation is made or any entity  
14 to which money from the appropriation is granted or otherwise  
15 transferred in any manner, and any portion of the appropriated  
16 money remaining must not be spent for any purpose after  
17 September 19, 2025, by either the entity to which the money was  
18 appropriated or the entity to which the money was subsequently  
19 granted or transferred, and must be reverted to the State General  
20 Fund on or before September 19, 2025.

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

25	For the Fiscal Year 2023-2024 .....	\$53,721
26	For the Fiscal Year 2024-2025 .....	\$74,198

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

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



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

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

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

15 3. Sections 1 to 10, inclusive, of this act become effective upon  
16 passage and approval for the purpose of adopting any regulations  
17 and performing any other preparatory administrative tasks that are  
18 necessary to carry out the provisions of this act and on July 1, 2025,  
19 for all other purposes.

