

ASSEMBLY BILL NO. 181—ASSEMBLYMEN HORNE, DONDERO LOOP, ANDERSON, CARRILLO; AIZLEY, BROOKS, GOICOECHEA, HANSEN, HOGAN, MASTROLUCA, MUNFORD, NEAL, SEGERBLOM AND SMITH

FEBRUARY 16, 2011

JOINT SPONSORS: SENATORS BREEDEN AND LEE

Referred to Committee on Judiciary

SUMMARY—Provides for evaluation by the Advisory Commission on the Administration of Justice of the policies and practices relating to the involuntary civil commitment of sexually dangerous persons. (BDR 14-95)

FISCAL NOTE: Effect on Local Government: May have Fiscal Impact.
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 sexually dangerous persons; revising the duties of the Advisory Commission on the Administration of Justice to include evaluation of the policies and practices relating to the involuntary civil commitment of sexually dangerous persons; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

- 1 Federal law authorizes a federal district court to order the civil commitment of
2 a person found to be mentally ill and a danger sexually to the public. (18 U.S.C. §
3 4248) Additionally, the United States Supreme Court recently upheld a federal law
4 authorizing the civil commitment of sexually dangerous persons. (*United States v.*
5 *Comstock*, 130 S. Ct. 1949 (2010))
6 Existing law establishes the Advisory Commission on the Administration of
7 Justice and directs the Commission to study the elements of this State's criminal
8 justice system, among other things. (NRS 176.0123, 176.0125) This bill requires
9 the Commission to evaluate the policies and practices relating to the involuntary
10 civil commitment of sexually dangerous persons.



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

- 1 **Section 1.** (Deleted by amendment.)
- 2 **Sec. 2.** (Deleted by amendment.)
- 3 **Sec. 3.** (Deleted by amendment.)
- 4 **Sec. 4.** (Deleted by amendment.)
- 5 **Sec. 5.** (Deleted by amendment.)
- 6 **Sec. 6.** (Deleted by amendment.)
- 7 **Sec. 7.** (Deleted by amendment.)
- 8 **Sec. 8.** (Deleted by amendment.)
- 9 **Sec. 9.** (Deleted by amendment.)
- 10 **Sec. 10.** (Deleted by amendment.)
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- 42 **Sec. 42.** (Deleted by amendment.)



- 1 **Sec. 43.** (Deleted by amendment.)
- 2 **Sec. 44.** (Deleted by amendment.)
- 3 **Sec. 45.** (Deleted by amendment.)
- 4 **Sec. 46.** (Deleted by amendment.)
- 5 **Sec. 47.** (Deleted by amendment.)
- 6 **Sec. 48.** (Deleted by amendment.)
- 7 **Sec. 49.** (Deleted by amendment.)
- 8 **Sec. 50.** (Deleted by amendment.)
- 9 **Sec. 51.** (Deleted by amendment.)
- 10 **Sec. 52.** (Deleted by amendment.)
- 11 **Sec. 53.** (Deleted by amendment.)
- 12 **Sec. 54.** (Deleted by amendment.)
- 13 **Sec. 55.** NRS 176.0125 is hereby amended to read as follows:
- 14 176.0125 The Commission shall:

15 1. Identify and study the elements of this State's system of
16 criminal justice which affect the sentences imposed for felonies and
17 gross misdemeanors.

18 2. Evaluate the effectiveness and fiscal impact of various
19 policies and practices regarding sentencing which are employed in
20 this State and other states, including, but not limited to, the use of
21 plea bargaining, probation, programs of intensive supervision,
22 programs of regimental discipline, imprisonment, sentencing
23 recommendations, mandatory and minimum sentencing, mandatory
24 sentencing for crimes involving the possession, manufacture and
25 distribution of controlled substances, structured or tiered sentencing,
26 enhanced penalties for habitual criminals, parole, credits against
27 sentences, residential confinement and alternatives to incarceration.

28 3. Recommend changes in the structure of sentencing in this
29 State which, to the extent practicable and with consideration for
30 their fiscal impact, incorporate general objectives and goals for
31 sentencing, including, but not limited to, the following:

32 (a) Offenders must receive sentences that increase in direct
33 proportion to the severity of their crimes and their histories of
34 criminality.

35 (b) Offenders who have extensive histories of criminality or
36 who have exhibited a propensity to commit crimes of a predatory or
37 violent nature must receive sentences which reflect the need to
38 ensure the safety and protection of the public and which allow for
39 the imprisonment for life of such offenders.

40 (c) Offenders who have committed offenses that do not include
41 acts of violence and who have limited histories of criminality must
42 receive sentences which reflect the need to conserve scarce
43 economic resources through the use of various alternatives to
44 traditional forms of incarceration.



1 (d) Offenders with similar histories of criminality who are
2 convicted of similar crimes must receive sentences that are generally
3 similar.

4 (e) Offenders sentenced to imprisonment must receive sentences
5 which do not confuse or mislead the public as to the actual time
6 those offenders must serve while incarcerated or before being
7 released from confinement or supervision.

8 (f) Offenders must not receive disparate sentences based upon
9 factors such as race, gender or economic status.

10 (g) Offenders must receive sentences which are based upon the
11 specific circumstances and facts of their offenses, including the
12 nature of the offense and any aggravating factors, the savagery of
13 the offense, as evidenced by the extent of any injury to the victim,
14 and the degree of criminal sophistication demonstrated by the
15 offender's acts before, during and after commission of the offense.

16 4. Evaluate the effectiveness and efficiency of the Department
17 of Corrections and the State Board of Parole Commissioners with
18 consideration as to whether it is feasible and advisable to establish
19 an oversight or advisory board to perform various functions and
20 make recommendations concerning:

21 (a) Policies relating to parole;

22 (b) Regulatory procedures and policies of the State Board of
23 Parole Commissioners;

24 (c) Policies for the operation of the Department of Corrections;

25 (d) Budgetary issues; and

26 (e) Other related matters.

27 5. Evaluate the effectiveness of specialty court programs in this
28 State with consideration as to whether such programs have the effect
29 of limiting or precluding reentry of offenders and parolees into the
30 community.

31 6. Evaluate the policies and practices concerning presentence
32 investigations and reports made by the Division of Parole and
33 Probation of the Department of Public Safety, including, without
34 limitation, the resources relied on in preparing such investigations
35 and reports and the extent to which judges in this State rely on and
36 follow the recommendations contained in such presentence
37 investigations and reports.

38 7. Evaluate, review and comment upon issues relating to
39 juvenile justice in this State, including, but not limited to:

40 (a) The need for the establishment and implementation of
41 evidence-based programs and a continuum of sanctions for children
42 who are subject to the jurisdiction of the juvenile court; and

43 (b) The impact on the criminal justice system of the policies and
44 programs of the juvenile justice system.



- 1 8. Compile and develop statistical information concerning
2 sentencing in this State.
- 3 9. Identify and study issues relating to the application of
4 chapter 241 of NRS to meetings held by the:
- 5 (a) State Board of Pardons Commissioners to consider an
6 application for clemency; and
- 7 (b) State Board of Parole Commissioners to consider an
8 offender for parole.
- 9 10. Identify and study issues relating to the operation of the
10 Department of Corrections, including, without limitation, the system
11 for allowing credits against the sentences of offenders, the
12 accounting of such credits and any other policies and procedures of
13 the Department which pertain to the operation of the Department.
- 14 11. *Evaluate the policies and practices relating to the*
15 *involuntary civil commitment of sexually dangerous persons.*
- 16 12. For each regular session of the Legislature, prepare a
17 comprehensive report including the Commission's recommended
18 changes pertaining to the administration of justice in this State, the
19 Commission's findings and any recommendations of the
20 Commission for proposed legislation. The report must be submitted
21 to the Director of the Legislative Counsel Bureau for distribution to
22 the Legislature not later than September 1 of each even-numbered
23 year.

