

SENATE BILL NO. 265—SENATORS  
PARKS, LESLIE; AND DENIS

MARCH 17, 2011

Referred to Committee on Judiciary

SUMMARY—Revises provisions governing sentencing of criminal offenders and determining eligibility of prisoners for parole. (BDR 14-311)

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

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EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to offenders; requiring the aggregation of certain consecutive sentences of imprisonment imposed on an offender; making credits earned by a prisoner to reduce his or her sentence applicable to an aggregated sentence; revising the manner in which credits are earned to reduce the minimum term of imprisonment; and providing other matters properly relating thereto.

**Legislative Counsel’s Digest:**

1 Under existing law, a person who is convicted of committing more than one  
2 crime may be sentenced to serve the sentences imposed for each crime concurrently  
3 or consecutively. If a person is sentenced to serve consecutive sentences, he or she  
4 must complete or be paroled from one sentence before beginning to serve the next  
5 sentence. (NRS 176.035) Existing law further provides that for crimes committed  
6 on or after July 1, 2009, if two or more sentences of life imprisonment with the  
7 possibility of parole are imposed, the minimum sentences are aggregated for  
8 purposes of determining parole eligibility. By aggregating the minimum sentences,  
9 the prisoner is not paroled from the first offense separately, but rather becomes  
10 eligible for parole after the minimum aggregate term of imprisonment has been  
11 served. (NRS 213.1213) If the crimes were committed before July 1, 2009, existing  
12 law authorizes a prisoner serving two or more sentences of life imprisonment with  
13 the possibility of parole to request to have the sentences aggregated. Otherwise,  
14 parole eligibility continues to be determined for each sentence separately.

15 **Section 1** of this bill provides that when a court imposes consecutive sentences,  
16 those sentences must be aggregated if the crimes were committed on or after July 1,  
17 2012, unless any of the sentences includes a sentence of life without the possibility  
18 of parole or death. **Section 9** of this bill further provides that a prisoner who is  
19 serving consecutive sentences for crimes committed before July 1, 2012, may



\* S B 2 6 5 \*

20 submit a request to the Director of the Department of Corrections to make an  
21 irrevocable election to aggregate any remaining sentences for which parole has not  
22 previously been considered. **Sections 1 and 9** provide that sentences for offenses  
23 which are entered at different times may not be aggregated. For example, a felony  
24 that is committed while serving a sentence for another felony may not be  
25 aggregated with the earlier sentence. By aggregating sentences, a prisoner will  
26 become eligible for parole after the minimum aggregate term of imprisonment has  
27 been served. **Section 13** of this bill limits the current aggregation of multiple life  
28 sentences so that the sentences for any crime committed on or after July 1, 2012,  
29 will be aggregated in the manner provided in **sections 1 and 9**.

30 Existing law further provides that prisoners may earn certain credits to reduce  
31 their sentences. Most credits earned reduce only the maximum term of  
32 imprisonment, however, in some cases, the credits earned reduce both the minimum  
33 and maximum terms of imprisonment. When the credits are authorized to be  
34 deducted from the minimum term of imprisonment, the credits are deducted from  
35 the minimum term until the offender becomes eligible for parole. (NRS 209.4465)  
36 **Section 4** of this bill instead provides that for offenses committed on or after July 1,  
37 2012, such credits may reduce the minimum term imposed by the sentence by not  
38 more than 58 percent. **Sections 2-8** of this bill revise provisions governing credits  
39 earned by offenders to reduce their sentences to ensure that the credits also apply to  
40 aggregated sentences. **Section 9** of this bill further clarifies that with respect to such  
41 credits, the credits apply to the aggregated sentences to the same extent that they  
42 would apply had the sentences not been aggregated.

43 **Sections 10-18** of this bill make technical changes to various statutes to include  
44 necessary references to aggregated sentences.

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

1 **Section 1.** NRS 176.035 is hereby amended to read as follows:  
2 176.035 1. Except as otherwise provided in subsection ~~[2,] 3,~~  
3 whenever a person is convicted of two or more offenses, and  
4 sentence has been pronounced for one offense, the court in imposing  
5 any subsequent sentence may provide that the sentences  
6 subsequently pronounced run either concurrently or consecutively  
7 with the sentence first imposed. Except as otherwise provided in  
8 subsections ~~[2] 3~~ and ~~[3,] 4,~~ if the court makes no order with  
9 reference thereto, all such subsequent sentences run concurrently.  
10 *For offenses committed on or after July 1, 2012, if the court*  
11 *imposes the sentences to run consecutively, the court must*  
12 *pronounce the minimum and maximum aggregate terms of*  
13 *imprisonment pursuant to subsection 2, unless the defendant is*  
14 *sentenced to life imprisonment without the possibility of parole or*  
15 *death.*  
16 2. *When aggregating terms of imprisonment pursuant to*  
17 *subsection 1:*  
18 (a) *If at least one sentence imposes a maximum term of*  
19 *imprisonment for life with the possibility of parole, the court must*  
20 *aggregate the minimum terms of imprisonment to determine the*



1 *minimum aggregate term of imprisonment, and the maximum*  
2 *aggregate term of imprisonment shall be deemed to be*  
3 *imprisonment in the state prison for life with the possibility of*  
4 *parole.*

5 (b) *If all the sentences impose a minimum and maximum term*  
6 *of imprisonment, the court must aggregate the minimum terms of*  
7 *imprisonment to determine the minimum aggregate term of*  
8 *imprisonment and must aggregate the maximum terms*  
9 *of imprisonment to determine the maximum aggregate term of*  
10 *imprisonment.*

11 3. Except as otherwise provided in this subsection, whenever a  
12 person under sentence of imprisonment for committing a felony  
13 commits another crime constituting a felony and is sentenced to  
14 another term of imprisonment for that felony, the latter term must  
15 not begin until the expiration of all prior terms ~~§~~, *including the*  
16 *expiration of any prior aggregated terms.* If the person is a  
17 probationer at the time the subsequent felony is committed, the court  
18 may provide that the latter term of imprisonment run concurrently  
19 with any prior terms or portions thereof. If the person is sentenced to  
20 a term of imprisonment for life without the possibility of parole, the  
21 sentence must be executed without reference to the unexpired term  
22 of imprisonment and without reference to eligibility for parole.

23 ~~§~~ 4. Whenever a person under sentence of imprisonment  
24 commits another crime constituting a misdemeanor or gross  
25 misdemeanor, the court shall provide expressly whether the sentence  
26 subsequently pronounced runs concurrently or consecutively with  
27 the one first imposed.

28 ~~§~~ 5. Whenever a person under sentence of imprisonment  
29 commits another crime for which the punishment is death, the  
30 sentence must be executed without reference to the unexpired term  
31 of imprisonment.

32 ~~§~~ 6. This section does not prevent the State Board of Parole  
33 Commissioners from paroling a person under consecutive sentences  
34 of imprisonment from a current term of imprisonment to a  
35 subsequent term of imprisonment.

36 **Sec. 2.** NRS 209.443 is hereby amended to read as follows:

37 209.443 1. Every offender who is sentenced to prison after  
38 June 30, 1969, for a crime committed before July 1, 1985, who has  
39 no serious infraction of the regulations of the Department, the terms  
40 and conditions of his or her residential confinement, or the laws of  
41 the State recorded against the offender, and who performs in a  
42 faithful, orderly and peaceable manner the duties assigned to the  
43 offender, must be allowed:

44 (a) For the period the offender is actually incarcerated under  
45 sentence; and



1 (b) For the period the offender is in residential confinement,  
2 ↳ a deduction of 2 months for each of the first 2 years, 4 months for  
3 each of the next 2 years and 5 months for each of the remaining  
4 years of the term, and pro rata for any part of a year where the actual  
5 term served is for more or less than a year. Credit must be recorded  
6 on a monthly basis as earned for actual time served.

7 2. The credits earned by an offender must be deducted from the  
8 maximum term *or the maximum aggregate term* imposed by the  
9 sentence, *as applicable*, and, except as otherwise provided in  
10 subsection 5, must apply to eligibility for parole.

11 3. In addition to the credits for good behavior provided for in  
12 subsection 1, the Board shall adopt regulations allowing credits for  
13 offenders whose diligence in labor or study merits such credits and  
14 for offenders who donate their blood for charitable purposes. The  
15 regulations must provide that an offender is entitled to the following  
16 credits for educational achievement:

17 (a) For earning a general educational development certificate, 30  
18 days.

19 (b) For earning a high school diploma, 60 days.

20 (c) For earning an associate degree, 90 days.

21 4. Each offender is entitled to the deductions allowed by this  
22 section if the offender has satisfied the conditions of subsection 1 or  
23 3 as determined by the Director.

24 5. Credits earned pursuant to this section do not apply to  
25 eligibility for parole if a statute specifies a minimum sentence which  
26 must be served before a person becomes eligible for parole.

27 **Sec. 3.** NRS 209.446 is hereby amended to read as follows:

28 209.446 1. Every offender who is sentenced to prison for a  
29 crime committed on or after July 1, 1985, but before July 17, 1997,  
30 who has no serious infraction of the regulations of the Department,  
31 the terms and conditions of his or her residential confinement, or the  
32 laws of the State recorded against the offender, and who performs in  
33 a faithful, orderly and peaceable manner the duties assigned to the  
34 offender, must be allowed:

35 (a) For the period the offender is actually incarcerated under  
36 sentence;

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

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

41 ↳ a deduction of 10 days from the offender's sentence for each  
42 month the offender serves.

43 2. In addition to the credit provided for in subsection 1, the  
44 Director may allow not more than 10 days of credit each month for  
45 an offender whose diligence in labor and study merits such credits.



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

4 (a) For earning a general educational development certificate, 30  
5 days.

6 (b) For earning a high school diploma, 60 days.

7 (c) For earning an associate degree, 90 days.

8 3. The Director may allow not more than 10 days of credit each  
9 month for an offender who participates in a diligent and responsible  
10 manner in a center for the purpose of making restitution, program  
11 for reentry of offenders and parolees into the community,  
12 conservation camp, program of work release or another program  
13 conducted outside of the prison. An offender who earns credit  
14 pursuant to this subsection is entitled to the entire 20 days of credit  
15 each month which is authorized in subsections 1 and 2.

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

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

20 6. Credits earned pursuant to this section:

21 (a) Must be deducted from the maximum term *or the maximum*  
22 *aggregate term* imposed by the sentence ~~§~~, *as applicable*; and

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

26 **Sec. 4.** NRS 209.4465 is hereby amended to read as follows:

27 209.4465 1. An offender who is sentenced to prison for a  
28 crime committed on or after July 17, 1997, who has no serious  
29 infraction of the regulations of the Department, the terms and  
30 conditions of his or her residential confinement or the laws of the  
31 State recorded against the offender, and who performs in a faithful,  
32 orderly and peaceable manner the duties assigned to the offender,  
33 must be allowed:

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

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

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

40 ➔ a deduction of 20 days from his or her sentence for each month  
41 the offender serves.

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



1 an offender is entitled to the following credits for educational  
2 achievement:

3 (a) For earning a general educational development certificate, 60  
4 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  
8 offender to receive a maximum of 90 days of credit for each  
9 additional degree of higher education earned by the offender.

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

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

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

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

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

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

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

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

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

34 (c) A violation of NRS 484C.110, 484C.120, 484C.130 or  
35 484C.430 that is punishable as a felony; or

36 (d) A category A or B felony,

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

43 *9. Credits earned pursuant subsection 8 may reduce the*  
44 *minimum term imposed by the sentence by not more than 58*  
45 *percent for an offender who:*



1 (a) *Is serving a sentence for an offense committed on or after*  
2 *July 1, 2012; or*

3 (b) *On or after July 1, 2012, makes an irrevocable election to*  
4 *have his or her consecutive sentences aggregated pursuant to*  
5 *section 9 of this act.*

6 **Sec. 5.** NRS 209.447 is hereby amended to read as follows:

7 209.447 1. An offender who is sentenced after June 30, 1991,  
8 for a crime committed before July 1, 1985, and who is released on  
9 parole for a term less than life must, if the offender has no serious  
10 infraction of the terms and conditions of his or her parole or the laws  
11 of this state recorded against the offender, be allowed for the period  
12 the offender is actually on parole a deduction of 2 months for each  
13 of the first 2 years, 4 months for each of the next 2 years and 5  
14 months for each of the remaining years of the term, and pro rata for  
15 any part of a year where the actual term served is for more or less  
16 than a year. Credit must be recorded on a monthly basis as earned.

17 2. An offender who is sentenced after June 30, 1991, for a  
18 crime committed on or after July 1, 1985, and who is released on  
19 parole for a term less than life must, if the offender has no serious  
20 infraction of the terms and conditions of his or her parole or the laws  
21 of this state recorded against the offender, be allowed for the period  
22 the offender is actually on parole a deduction of 10 days from the  
23 offender's sentence for each month the offender serves.

24 3. An offender is entitled to the deductions authorized by this  
25 section only if the offender satisfies the conditions of subsection 1  
26 or 2, as determined by the Director. The Chief Parole and Probation  
27 Officer or other person responsible for the supervision of an  
28 offender shall report to the Director the failure of an offender to  
29 satisfy those conditions.

30 4. Credits earned pursuant to this section must, in addition to  
31 any credits earned pursuant to NRS 209.443, 209.446, 209.4465,  
32 209.4475, 209.448 and 209.449, be deducted from the maximum  
33 term *or the maximum aggregate term* imposed by the sentence **+**,  
34 *as applicable.*

35 5. The Director shall maintain records of the credits to which  
36 each offender is entitled pursuant to this section.

37 **Sec. 6.** NRS 209.4475 is hereby amended to read as follows:

38 209.4475 1. In addition to any credits earned pursuant to  
39 NRS 209.447, an offender who is on parole as of January 1, 2004, or  
40 who is released on parole on or after January 1, 2004, for a term less  
41 than life must be allowed for the period the offender is actually on  
42 parole a deduction of 20 days from the offender's sentence for each  
43 month the offender serves if:

44 (a) The offender is current with any fee to defray the costs of his  
45 or her supervision pursuant to NRS 213.1076; and





1 (b) The offender is current with any payment of restitution  
2 required pursuant to NRS 213.126.

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

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

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

9 3. An offender is entitled to the deductions authorized by this  
10 section only if the offender satisfies the conditions of subsection 1  
11 or 2, as determined by the Director. The Chief Parole and Probation  
12 Officer or other person responsible for the supervision of an  
13 offender shall report to the Director the failure of an offender to  
14 satisfy those conditions.

15 4. Credits earned pursuant to this section must, in addition to  
16 any credits earned pursuant to NRS 209.443, 209.446, 209.4465,  
17 209.447, 209.448 and 209.449, be deducted from the maximum  
18 term *or the maximum aggregate term* imposed by the sentence ~~§~~,  
19 *as applicable*.

20 5. The Director shall maintain records of the credits to which  
21 each offender is entitled pursuant to this section.

22 **Sec. 7.** NRS 209.448 is hereby amended to read as follows:

23 209.448 1. An offender who has no serious infraction of the  
24 regulations of the Department or the laws of the State recorded  
25 against the offender must be allowed, in addition to the credits  
26 provided pursuant to NRS 209.433, 209.443, 209.446 or 209.4465, a  
27 deduction of not more than 60 days from the maximum term *or the*  
28 *maximum aggregate term* of the offender's sentence , *as*  
29 *applicable*, for the successful completion of a program of treatment  
30 for the abuse of alcohol or drugs which is conducted jointly by the  
31 Department and a person who is licensed as a clinical alcohol and  
32 drug abuse counselor, licensed or certified as an alcohol and drug  
33 abuse counselor or certified as an alcohol and drug abuse counselor  
34 intern or a clinical alcohol and drug abuse counselor intern, pursuant  
35 to chapter 641C of NRS.

36 2. The provisions of this section apply to any offender who is  
37 sentenced on or after October 1, 1991.

38 **Sec. 8.** NRS 209.449 is hereby amended to read as follows:

39 209.449 1. An offender who has no serious infraction of the  
40 regulations of the Department, the terms and conditions of his or her  
41 residential confinement, or the laws of the State recorded against the  
42 offender must be allowed, in addition to the credits provided  
43 pursuant to NRS 209.433, 209.443, 209.446 or 209.4465, a  
44 deduction of 60 days from the maximum term *or the maximum*





1 *aggregate term* of the offender's sentence , *as applicable*, for the  
2 successful completion of:

- 3 (a) A program of vocational education and training; or  
4 (b) Any other program approved by the Director.

5 2. If the offender completes such a program with meritorious  
6 or exceptional achievement, the Director may allow not more than  
7 60 days of credit in addition to the 60 days allowed for completion  
8 of the program.

9 **Sec. 9.** Chapter 213 of NRS is hereby amended by adding  
10 thereto a new section to read as follows:

11 *1. Notwithstanding any other provision of law, if a prisoner is*  
12 *sentenced pursuant to NRS 176.035 to serve two or more*  
13 *consecutive sentences, the terms of which have been aggregated:*

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

17 *(b) The Board is not required to consider the prisoner for*  
18 *parole until the prisoner has served the minimum aggregate term*  
19 *of imprisonment.*

20 *2. For purposes of determining parole eligibility, a prisoner*  
21 *whose sentences have been aggregated may earn credit pursuant*  
22 *to NRS 209.433 to 209.449, inclusive, which must be deducted*  
23 *from the minimum aggregate term of imprisonment or the*  
24 *maximum aggregate term of imprisonment, as applicable. Such*  
25 *credits may be earned only to the extent that the credits would*  
26 *otherwise be earned had the sentences not been aggregated.*

27 *3. Except as otherwise provided in subsection 3 of NRS*  
28 *176.035, a prisoner who is serving consecutive sentences which*  
29 *have not been aggregated for offenses committed before July 1,*  
30 *2012, may submit a request to the Director of the Department of*  
31 *Corrections to determine the effect of aggregating the sentences.*  
32 *After the Director informs the prisoner of the effect of aggregating*  
33 *the sentences, including, without limitation, any effect on the*  
34 *amount of credits that may be earned to reduce the minimum and*  
35 *maximum terms of imprisonment and when the prisoner may be*  
36 *eligible for parole, the prisoner may submit a written request to the*  
37 *Director to make an irrevocable election to have the sentences*  
38 *aggregated. If the prisoner makes such an irrevocable election to*  
39 *have the sentences aggregated and:*

40 *(a) The prisoner has not been considered for parole on any of*  
41 *the sentences, the Department of Corrections shall aggregate the*  
42 *sentences in the manner set forth in NRS 176.035 and the Board*  
43 *is not required to consider the prisoner for parole until the*  
44 *prisoner has served the minimum aggregate term of*  
45 *imprisonment.*



1       **(b) The prisoner has been considered for parole on one or**  
2 **more of the sentences, the Department of Corrections shall**  
3 **aggregate only the sentences for which parole has not been**  
4 **considered. The Board is not required to consider the prisoner for**  
5 **parole on the aggregated sentences until the prisoner has served**  
6 **the minimum aggregate term of imprisonment.**

7       **Sec. 10.** NRS 213.1085 is hereby amended to read as follows:

8       213.1085 1. The Board shall appoint an Executive Secretary,  
9 who is in the unclassified service of the State.

10      2. The Executive Secretary must be selected on the basis of his  
11 or her training, experience, capacity and interest in correctional  
12 services.

13      3. The Board shall supervise the activities of the Executive  
14 Secretary.

15      4. The Executive Secretary is the Secretary of the Board and  
16 shall perform such duties in connection therewith as the Board may  
17 require, including, but not limited to, preparing the agenda for board  
18 meetings and answering correspondence from prisoners in the state  
19 prison.

20      5. The Executive Secretary shall prepare a list at least 30 days  
21 before any scheduled action by the Board showing each person then  
22 eligible for parole indicating:

23       (a) The name of the prisoner;

24       (b) The crime for which the prisoner was convicted;

25       (c) The county in which the prisoner was sentenced;

26       (d) The date of the sentence;

27       (e) The length of the sentence, including the minimum term **or**  
28 **minimum aggregate term, as applicable,** and **the** maximum term **or**  
29 **maximum aggregate term, as applicable,** of imprisonment or the  
30 definite term of imprisonment, if one is imposed;

31       (f) The amount of time actually served in the state prison;

32       (g) The amount of credit for time previously served in a county  
33 jail; and

34       (h) The amount of credit allowed to reduce the sentence of the  
35 prisoner pursuant to chapter 209 of NRS.

36      ↪ The Executive Secretary shall send copies to all law enforcement  
37 agencies in this state and to other persons whom the Executive  
38 Secretary deems appropriate, at least 30 days before any scheduled  
39 action by the Board. Each law enforcement agency that receives the  
40 list shall make the list available for public inspection during normal  
41 business hours.

42       **Sec. 11.** NRS 213.1099 is hereby amended to read as follows:

43       213.1099 1. Except as otherwise provided in this section and  
44 NRS 213.1214 and 213.1215, the Board may release on parole a



1 prisoner who is otherwise eligible for parole pursuant to NRS  
2 213.107 to 213.157, inclusive.

3 2. In determining whether to release a prisoner on parole, the  
4 Board shall consider:

5 (a) Whether there is a reasonable probability that the prisoner  
6 will live and remain at liberty without violating the laws;

7 (b) Whether the release is incompatible with the welfare of  
8 society;

9 (c) The seriousness of the offense and the history of criminal  
10 conduct of the prisoner;

11 (d) The standards adopted pursuant to NRS 213.10885 and the  
12 recommendation, if any, of the Chief; and

13 (e) Any documents or testimony submitted by a victim notified  
14 pursuant to NRS 213.130.

15 3. When a person is convicted of a felony and is punished by a  
16 sentence of imprisonment, the person remains subject to the  
17 jurisdiction of the Board from the time the person is released on  
18 parole under the provisions of this chapter until the expiration of the  
19 maximum term *or the maximum aggregate term* of imprisonment  
20 imposed by the court, *as applicable*, less any credits earned to  
21 reduce his or her sentence pursuant to chapter 209 of NRS.

22 4. Except as otherwise provided in NRS 213.1215, the Board  
23 may not release on parole a prisoner whose sentence to death or to  
24 life without possibility of parole has been commuted to a lesser  
25 penalty unless it finds that the prisoner has served at least 20  
26 consecutive years in the state prison, is not under an order to be  
27 detained to answer for a crime or violation of parole or probation in  
28 another jurisdiction, and that the prisoner does not have a history of:

29 (a) Recent misconduct in the institution, and that the prisoner  
30 has been recommended for parole by the Director of the Department  
31 of Corrections;

32 (b) Repetitive criminal conduct;

33 (c) Criminal conduct related to the use of alcohol or drugs;

34 (d) Repetitive sexual deviance, violence or aggression; or

35 (e) Failure in parole, probation, work release or similar  
36 programs.

37 5. In determining whether to release a prisoner on parole  
38 pursuant to this section, the Board shall not consider whether the  
39 prisoner will soon be eligible for release pursuant to NRS 213.1215.

40 6. The Board shall not release on parole an offender convicted  
41 of an offense listed in NRS 179D.097 until the Central Repository  
42 for Nevada Records of Criminal History has been provided an  
43 opportunity to give the notice required pursuant to NRS 179D.475.



1     **Sec. 12.** NRS 213.120 is hereby amended to read as follows:

2     213.120 1. Except as otherwise provided in NRS 213.1213  
3 and as limited by statute for certain specified offenses, a prisoner  
4 who was sentenced to prison for a crime committed before July 1,  
5 1995, may be paroled when the prisoner has served one-third of the  
6 definite period of time for which the prisoner has been sentenced  
7 pursuant to NRS 176.033, less any credits earned to reduce his or  
8 her sentence pursuant to chapter 209 of NRS.

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

20     **Sec. 13.** NRS 213.1213 is hereby amended to read as follows:

21     213.1213 1. If a prisoner is sentenced pursuant to NRS  
22 176.035 to serve two or more concurrent sentences, whether or not  
23 the sentences are identical in length or other characteristics,  
24 eligibility for parole from any of the concurrent sentences must be  
25 based on the sentence which requires the longest period before the  
26 prisoner is eligible for parole.

27     2. Notwithstanding any other provision of law, if a prisoner is  
28 sentenced pursuant to NRS 176.035 to serve two or more  
29 consecutive sentences of life imprisonment with the possibility of  
30 parole:

31     (a) For offenses committed on or after July 1, 2009 ~~§~~ , *but*  
32 *before July 1, 2012:*

33     (1) All minimum sentences for such offenses must be  
34 aggregated;

35     (2) The prisoner shall be deemed to be eligible for parole  
36 from all such sentences after serving the minimum aggregate  
37 sentence; and

38     (3) The Board is not required to consider the prisoner for  
39 parole until the prisoner has served the minimum aggregate  
40 sentence.

41     (b) For offenses committed before July 1, 2009, in cases in  
42 which the prisoner has not previously been considered for parole for  
43 any such offenses:

44     (1) The prisoner may, by submitting a written request to the  
45 Director of the Department of Corrections ~~§~~ *before July 1, 2012,*



1 make an irrevocable election to have the minimum sentences for  
2 such offenses aggregated; and

3 (2) If the prisoner makes such an irrevocable election to have  
4 the minimum sentences for such offenses aggregated, the Board is  
5 not required to consider the prisoner for parole until the prisoner has  
6 served the minimum aggregate sentence.

7 **Sec. 14.** NRS 213.1215 is hereby amended to read as follows:

8 213.1215 1. Except as otherwise provided in this section and  
9 in cases where a consecutive sentence is still to be served, if a  
10 prisoner sentenced to imprisonment for a term of 3 years or more:

11 (a) Has not been released on parole previously for that sentence;  
12 and

13 (b) Is not otherwise ineligible for parole,  
14 → the prisoner must be released on parole 12 months before the end  
15 of his or her maximum term ~~§~~ *or maximum aggregate term, as*  
16 *applicable*, as reduced by any credits the prisoner has earned to  
17 reduce his or her sentence pursuant to chapter 209 of NRS.

18 2. Except as otherwise provided in this section, a prisoner who  
19 was sentenced to life imprisonment with the possibility of parole  
20 and who was less than 16 years of age at the time that the prisoner  
21 committed the offense for which the prisoner was imprisoned must,  
22 if the prisoner still has a consecutive sentence to be served, be  
23 granted parole from his or her current term of imprisonment to his  
24 or her subsequent term of imprisonment or must, if the prisoner does  
25 not still have a consecutive sentence to be served, be released on  
26 parole, if:

27 (a) The prisoner has served the minimum term of imprisonment  
28 *or the minimum aggregate term of imprisonment* imposed by the  
29 court ~~§~~, *as applicable*;

30 (b) The prisoner has completed a program of general education  
31 or an industrial or vocational training program;

32 (c) The prisoner has not been identified as a member of a group  
33 that poses a security threat pursuant to the procedures for identifying  
34 security threats established by the Department of Corrections; and

35 (d) The prisoner has not, within the immediately preceding 24  
36 months:

37 (1) Committed a major violation of the regulations of the  
38 Department of Corrections; or

39 (2) Been housed in disciplinary segregation.

40 3. The Board shall prescribe any conditions necessary for the  
41 orderly conduct of the parolee upon his or her release.

42 4. Each parolee so released must be supervised closely by the  
43 Division, in accordance with the plan for supervision developed by  
44 the Chief pursuant to NRS 213.122.



1 5. If the Board finds, at least 2 months before a prisoner would  
2 otherwise be paroled pursuant to subsection 1 or 2 that there is a  
3 reasonable probability that the prisoner will be a danger to public  
4 safety while on parole, the Board may require the prisoner to serve  
5 the balance of his or her sentence and not grant the parole provided  
6 for in subsection 1 or 2. If, pursuant to this subsection, the Board  
7 does not grant the parole provided for in subsection 1 or 2, the  
8 Board shall provide to the prisoner a written statement of its reasons  
9 for denying parole.

10 6. If the prisoner is the subject of a lawful request from another  
11 law enforcement agency that the prisoner be held or detained for  
12 release to that agency, the prisoner must not be released on parole,  
13 but released to that agency.

14 7. If the Division has not completed its establishment of a  
15 program for the prisoner's activities during his or her parole  
16 pursuant to this section, the prisoner must be released on parole as  
17 soon as practicable after the prisoner's program is established.

18 8. For the purposes of this section, the determination of the 12-  
19 month period before the end of a prisoner's term must be calculated  
20 without consideration of any credits the prisoner may have earned to  
21 reduce his or her sentence had the prisoner not been paroled.

22 **Sec. 15.** NRS 213.15185 is hereby amended to read as  
23 follows:

24 213.15185 1. A prisoner who is paroled and leaves the State  
25 without permission from the Board or who does not keep the Board  
26 informed as to his or her location as required by the conditions of  
27 his or her parole shall be deemed an escaped prisoner and arrested  
28 as such.

29 2. Except as otherwise provided in subsection 2 of NRS  
30 213.1519, if parole is lawfully revoked and the parolee is thereafter  
31 returned to prison, the parolee forfeits all previously earned credits  
32 for good behavior earned to reduce his or her sentence pursuant to  
33 chapter 209 of NRS and shall serve any part of the unexpired  
34 maximum term *or the maximum aggregate term, as applicable*, of  
35 his or her original sentence as may be determined by the Board.

36 3. Except as otherwise provided in subsection 2 of NRS  
37 213.1519, the Board may restore any credits forfeited pursuant to  
38 subsection 2.

39 4. Except as otherwise provided in NRS 213.15187, the time a  
40 person is an escaped prisoner is not time served on his or her term of  
41 imprisonment.

42 **Sec. 16.** NRS 213.1519 is hereby amended to read as follows:

43 213.1519 1. Except as otherwise provided in subsection 2, a  
44 parolee whose parole is revoked by decision of the Board for a  
45 violation of any rule or regulation governing his or her conduct:



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

3 (b) Must serve such part of the unexpired maximum term *or the*  
4 *maximum aggregate term, as applicable*, of his or her original  
5 sentence as may be determined by the Board.

6 ➔ The Board may restore any credits forfeited under this  
7 subsection.

8 2. A parolee released on parole pursuant to NRS 213.1215  
9 whose parole is revoked for having been convicted of a new felony:

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

12 (b) Must serve the entire unexpired maximum term *or the*  
13 *maximum aggregate term, as applicable*, of his or her original  
14 sentence; and

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

17 **Sec. 17.** NRS 213.625 is hereby amended to read as follows:

18 213.625 1. Except as otherwise provided in this section, if a  
19 judicial program has been established in the judicial district in  
20 which a prisoner or parolee may be paroled, the Chair of the Board  
21 may, after consulting with the Division, refer a prisoner who is  
22 being considered for parole or a parolee who has violated a term or  
23 condition of his or her parole to the reentry court if the Chair  
24 believes that the person:

25 (a) Would participate successfully in and benefit from a judicial  
26 program; and

27 (b) Has demonstrated a willingness to:

28 (1) Engage in employment or participate in vocational  
29 rehabilitation or job skills training; and

30 (2) Meet any existing obligation for restitution to any victim  
31 of his or her crime.

32 2. Except as otherwise provided in this section, if the Chair is  
33 notified by the reentry court pursuant to NRS 209.4883 that a person  
34 should be ordered to participate in a judicial program, the Board  
35 may, in accordance with the provisions of this section:

36 (a) If the person is a prisoner who is being considered for parole,  
37 upon the granting of parole to the prisoner, require as a condition of  
38 parole that the person participate in and complete the judicial  
39 program; or

40 (b) If the person is a parolee who has violated a term or  
41 condition of his or her parole, order the parolee to participate in and  
42 complete the judicial program as a condition of the continuation of  
43 his or her parole and in lieu of revoking his or her parole and  
44 returning the parolee to confinement.





1 3. If a prisoner who has been assigned to the custody of the  
2 Division to participate in a judicial program pursuant to NRS  
3 209.4886 is being considered for parole:

4 (a) The Board shall, if the Board grants parole to the prisoner,  
5 require as a condition of parole that the person continue to  
6 participate in and complete the judicial program.

7 (b) The Board is not required to refer the prisoner to the reentry  
8 court pursuant to subsection 1 or to obtain prior approval of the  
9 reentry court pursuant to NRS 209.4883 for the prisoner to continue  
10 participating in the judicial program while the prisoner is on parole.

11 4. In determining whether to order a person to participate in  
12 and complete a judicial program pursuant to this section, the Board  
13 shall consider:

14 (a) The criminal history of the person; and

15 (b) The safety of the public.

16 5. The Board shall adopt regulations requiring persons who are  
17 ordered to participate in and complete a judicial program pursuant to  
18 this section to reimburse the reentry court and the Division for the  
19 cost of their participation in a judicial program, to the extent of their  
20 ability to pay.

21 6. The Board shall not order a person to participate in a judicial  
22 program if the time required to complete the judicial program is  
23 longer than the unexpired maximum term *or the maximum*  
24 *aggregate term, as applicable*, of the person's original sentence.

25 **Sec. 18.** NRS 213.632 is hereby amended to read as follows:

26 213.632 1. Except as otherwise provided in this section, if a  
27 correctional program has been established by the Director in the  
28 county in which an offender or parolee may be paroled, the Chair of  
29 the Board may, after consulting with the Division, refer a prisoner  
30 who is being considered for parole or a parolee who has violated a  
31 term or condition of his or her parole to the Director if the Chair  
32 believes that the person:

33 (a) Would participate successfully in and benefit from a  
34 correctional program; and

35 (b) Has demonstrated a willingness to:

36 (1) Engage in employment or participate in vocational  
37 rehabilitation or job skills training; and

38 (2) Meet any existing obligation for restitution to any victim  
39 of his or her crime.

40 2. Except as otherwise provided in this section, if the Chair is  
41 notified by the Director pursuant to NRS 209.4887 that a person is  
42 suitable to participate in a correctional program, the Board may, in  
43 accordance with the provisions of this section:

44 (a) If the person is an offender who is being considered for  
45 parole, upon the granting of parole to the offender, require as a



1 condition of parole that the offender participate in and complete the  
2 correctional program; or

3 (b) If the person is a parolee who has violated a term or  
4 condition of his or her parole, order the parolee to participate in and  
5 complete the correctional program as a condition of the continuation  
6 of his or her parole and in lieu of revoking his or her parole and  
7 returning the parolee to confinement.

8 3. If an offender who has been assigned to the custody of the  
9 Division to participate in a correctional program pursuant to NRS  
10 209.4888 is being considered for parole, the Board shall, if the  
11 Board grants parole to the offender, require as a condition of parole  
12 that the offender continue to participate in and complete the  
13 correctional program.

14 4. In determining whether to order a person to participate in  
15 and complete a correctional program pursuant to this section, the  
16 Board shall consider:

17 (a) The criminal history of the person; and

18 (b) The safety of the public.

19 5. The Board shall adopt regulations requiring persons who are  
20 ordered to participate in and complete a correctional program  
21 pursuant to this section to reimburse the Department of Corrections  
22 and the Division for the cost of their participation in a correctional  
23 program, to the extent of their ability to pay.

24 6. The Board shall not order a person to participate in a  
25 correctional program if the time required to complete the  
26 correctional program is longer than the unexpired maximum term *or*  
27 *the maximum aggregate term, as applicable*, of the person's  
28 original sentence.

29 **Sec. 19.** This act becomes effective on July 1, 2012.

