
ASSEMBLY BILL NO. 43—COMMITTEE ON JUDICIARY

(ON BEHALF OF THE DEPARTMENT OF CORRECTIONS)

PREFILED DECEMBER 20, 2012

Referred to Committee on Judiciary

SUMMARY—Clarifies provisions governing credits earned by an offender which reduce the offender’s term of imprisonment. (BDR 16-318)

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; clarifying provisions governing credits earned by an offender which reduce the term of imprisonment of the offender; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 Under existing law, certain offenders who have been sentenced to a term of
2 imprisonment generally may earn certain amounts of credit for various
3 achievements. Any amount of credit earned is applied to the length of the
4 offender’s term of imprisonment and thereby reduces the offender’s sentence. (NRS
5 209.432-209.451) This bill: (1) clarifies that an offender may not earn more than
6 the amount of credit required to expire his or her sentence; and (2) specifies that
7 such a provision shall not be construed to reduce retroactively the amount of credit
8 earned by an offender if doing so would constitute a violation under the
9 Constitution of the United States or the Constitution of the State of Nevada.

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. Notwithstanding any provision of this section and NRS*
4 *209.432 to 209.451, inclusive, which entitles an offender to receive*
5 *credit or which authorizes the Director to allow credit for an*



1 *offender, an offender may not earn more than the amount of*
2 *credit required to expire his or her sentence.*

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

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

8 209.432 As used in NRS 209.432 to 209.451, inclusive, *and*
9 *section 1 of this act*, unless the context otherwise requires:

10 1. "Offender" includes:

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

14 (b) A person who is convicted of a felony under the laws of this
15 State and assigned to the custody of the Division of Parole and
16 Probation of the Department of Public Safety pursuant to NRS
17 209.4886 or 209.4888.

18 2. "Residential confinement" means the confinement of a
19 person convicted of a felony to his or her place of residence under
20 the terms and conditions established pursuant to specific statute. The
21 term does not include any confinement ordered pursuant to NRS
22 176A.530 to 176A.560, inclusive, 176A.660 to 176A.690, inclusive,
23 213.15105, 213.15193 or 213.152 to 213.1528, inclusive.

24 **Sec. 3.** This act becomes effective upon passage and approval.

