
ASSEMBLY BILL NO. 497—COMMITTEE ON WAYS AND MEANS

(ON BEHALF OF THE DEPARTMENT OF ADMINISTRATION)

MARCH 25, 2013

Referred to Committee on Ways and Means

SUMMARY—Transfers the parole functions of the Department of Public Safety to the Department of Corrections. (BDR 16-1144)

FISCAL NOTE: Effect on Local Government: No.
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 the Department of Corrections; creating the Correctional Community Services Division of the Department of Corrections; transferring the parole functions of the Division of Parole and Probation of the Department of Public Safety to the Correctional Community Services Division of the Department of Corrections; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

1 Existing law establishes the Division of Parole and Probation within the
2 Department of Public Safety and requires the Division to supervise probationers
3 and parolees. (NRS 480.110, 480.130, 480.140) This bill replaces the Division of
4 Parole and Probation with the Division of Adult Probation of the Department of
5 Public Safety and the Correctional Community Services Division of the
6 Department of Corrections. Under this bill, the head of the Division of Adult
7 Probation is the Chief Adult Probation Officer appointed by the Director of the
8 Department of Public Safety, and the Division is responsible for functions related to
9 presentence investigations and the supervision of probationers. Under this bill, the
10 head of the Correctional Community Services Division is a Director appointed by
11 the Director of the Department of Corrections, and, generally, the Division is
12 responsible for the supervision of parolees.



* A B 4 9 7 *

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 *“Division” means the Correctional Community Services*
4 *Division of the Department.*

5 **Sec. 2.** NRS 209.011 is hereby amended to read as follows:
6 209.011 As used in this chapter, unless the context otherwise
7 requires, the terms defined in NRS 209.021 to 209.085, inclusive,
8 *and section 1 of this act* have the meanings ascribed to them in
9 those sections.

10 **Sec. 3.** NRS 209.131 is hereby amended to read as follows:
11 209.131 The Director shall:

- 12 1. Administer the Department under the direction of the Board.
- 13 2. Supervise the administration of all institutions , ~~land~~
14 facilities *and divisions* of the Department.
- 15 3. Receive, retain and release, in accordance with law,
16 offenders sentenced to imprisonment in the state prison.
- 17 4. Be responsible for the supervision, custody, treatment, care,
18 security and discipline of all offenders under his or her jurisdiction.
- 19 5. Ensure that any person employed by the Department whose
20 primary responsibilities are:
 - 21 (a) The supervision, custody, security, discipline, safety and
22 transportation of an offender;
 - 23 (b) The security and safety of the staff; and
 - 24 (c) The security and safety of an institution or facility of the
25 Department,
- 26 ↳ is a correctional officer who has the powers of a peace officer
27 pursuant to subsection 1 of NRS 289.220.
- 28 6. Establish regulations with the approval of the Board and
29 enforce all laws governing the administration of the Department and
30 the custody, care and training of offenders.
- 31 7. Take proper measures to protect the health and safety of the
32 staff and offenders in the institutions and facilities of the
33 Department.
- 34 8. Cause to be placed from time to time in conspicuous places
35 about each institution and facility copies of laws and regulations
36 relating to visits and correspondence between offenders and others.
- 37 9. Provide for the holding of religious services in the
38 institutions and facilities and make available to the offenders copies
39 of appropriate religious materials.

40 **Sec. 4.** NRS 209.392 is hereby amended to read as follows:
41 209.392 1. Except as otherwise provided in NRS 209.3925
42 and 209.429, the Director may, at the request of an offender who is



1 eligible for residential confinement pursuant to the standards
2 adopted by the Director pursuant to subsection 3 and who has:

3 (a) Demonstrated a willingness and ability to establish a position
4 of employment in the community;

5 (b) Demonstrated a willingness and ability to enroll in a
6 program for education or rehabilitation; or

7 (c) Demonstrated an ability to pay for all or part of the costs of
8 the offender's confinement and to meet any existing obligation for
9 restitution to any victim of his or her crime,

10 → assign the offender to the custody of the Division ~~{of Parole and
11 Probation of the Department of Public Safety}~~ to serve a term of
12 residential confinement, pursuant to NRS 213.380, for not longer
13 than the remainder of his or her sentence.

14 2. Upon receiving a request to serve a term of residential
15 confinement from an eligible offender, the Director shall notify the
16 Division . ~~{of Parole and Probation.}~~ If any victim of a crime
17 committed by the offender has, pursuant to subsection 4 of NRS
18 213.131, requested to be notified of the consideration of a prisoner
19 for parole and has provided a current address, the Division ~~{of
20 Parole and Probation}~~ shall notify the victim of the offender's
21 request and advise the victim that the victim may submit documents
22 regarding the request to the Division . ~~{of Parole and Probation.}~~ If a
23 current address has not been provided as required by subsection 4 of
24 NRS 213.131, the Division ~~{of Parole and Probation}~~ must not be
25 held responsible if such notification is not received by the victim.
26 All personal information, including, but not limited to, a current or
27 former address, which pertains to a victim and which is received by
28 the Division ~~{of Parole and Probation}~~ pursuant to this subsection is
29 confidential.

30 3. The Director, after consulting with the Division , ~~{of Parole
31 and Probation.}~~ shall adopt, by regulation, standards providing
32 which offenders are eligible for residential confinement. The
33 standards adopted by the Director must provide that an offender
34 who:

35 (a) Has recently committed a serious infraction of the rules of an
36 institution or facility of the Department;

37 (b) Has not performed the duties assigned to the offender in a
38 faithful and orderly manner;

39 (c) Has been convicted of:

40 (1) Any crime that is punishable as a felony involving the use
41 or threatened use of force or violence against the victim within the
42 immediately preceding 3 years;

43 (2) A sexual offense that is punishable as a felony; or

44 (3) Except as otherwise provided in subsection 4, a category
45 A or B felony;



1 (d) Has more than one prior conviction for any felony in this
2 State or any offense in another state that would be a felony if
3 committed in this State, not including a violation of NRS 484C.110,
4 484C.120, 484C.130 or 484C.430; or

5 (e) Has escaped or attempted to escape from any jail or
6 correctional institution for adults,

7 ➤ is not eligible for assignment to the custody of the Division ~~{of~~
8 ~~Parole and Probation}~~ to serve a term of residential confinement
9 pursuant to this section.

10 4. The standards adopted by the Director pursuant to
11 subsection 3 must provide that an offender who has been convicted
12 of a category B felony is eligible for assignment to the custody of
13 the Division ~~{of Parole and Probation}~~ to serve a term of residential
14 confinement pursuant to this section if:

15 (a) The offender is not otherwise ineligible pursuant to
16 subsection 3 for an assignment to serve a term of residential
17 confinement; and

18 (b) The Director makes a written finding that such an
19 assignment of the offender is not likely to pose a threat to the safety
20 of the public.

21 5. If an offender assigned to the custody of the Division ~~{of~~
22 ~~Parole and Probation}~~ pursuant to this section escapes or violates
23 any of the terms or conditions of the offender's residential
24 confinement:

25 (a) The Division ~~{of Parole and Probation}~~ may, pursuant to the
26 procedure set forth in NRS 213.410, return the offender to the
27 custody of the Department.

28 (b) The offender forfeits all or part of the credits for good
29 behavior earned by the offender before the escape or violation, as
30 determined by the Director. The Director may provide for a
31 forfeiture of credits pursuant to this paragraph only after proof of the
32 offense and notice to the offender and may restore credits forfeited
33 for such reasons as the Director considers proper. The decision of
34 the Director regarding such a forfeiture is final.

35 6. The assignment of an offender to the custody of the Division
36 ~~{of Parole and Probation}~~ pursuant to this section shall be deemed:

37 (a) A continuation of the offender's imprisonment and not a
38 release on parole; and

39 (b) For the purposes of NRS 209.341, an assignment to a facility
40 of the Department,

41 ➤ except that the offender is not entitled to obtain any benefits or to
42 participate in any programs provided to offenders in the custody of
43 the Department.

44 7. An offender does not have a right to be assigned to the
45 custody of the Division ~~{of Parole and Probation}~~ pursuant to this



1 section, or to remain in that custody after such an assignment, and it
2 is not intended that the provisions of this section or of NRS 213.371
3 to 213.410, inclusive, create any right or interest in liberty or
4 property or establish a basis for any cause of action against the
5 State, its political subdivisions, agencies, boards, commissions,
6 departments, officers or employees.

7 **Sec. 5.** NRS 209.3925 is hereby amended to read as follows:

8 209.3925 1. Except as otherwise provided in subsection 6,
9 the Director may assign an offender to the custody of the Division
10 ~~{of Parole and Probation of the Department of Public Safety}~~ to
11 serve a term of residential confinement pursuant to NRS 213.380 or
12 other appropriate supervision as determined by the Division, ~~{of~~
13 ~~Parole and Probation.}~~ for not longer than the remainder of his or
14 her sentence, if:

15 (a) The Director has reason to believe that the offender is:

16 (1) Physically incapacitated or in ill health to such a degree
17 that the offender does not presently, and likely will not in the future,
18 pose a threat to the safety of the public; or

19 (2) In ill health and expected to die within 12 months, and
20 does not presently, and likely will not in the future, pose a threat to
21 the safety of the public; and

22 (b) At least two physicians licensed pursuant to chapter 630 or
23 633 of NRS, one of whom is not employed by the Department,
24 verify, in writing, that the offender is:

25 (1) Physically incapacitated or in ill health; or

26 (2) In ill health and expected to die within 12 months.

27 2. If the Director intends to assign an offender to the custody of
28 the Division ~~{of Parole and Probation}~~ pursuant to this section, at
29 least 45 days before the date the offender is expected to be released
30 from the custody of the Department, the Director shall notify:

31 (a) If the offender will reside within this State after the offender
32 is released from the custody of the Department, the board of county
33 commissioners of the county in which the offender will reside; and

34 (b) The Division. ~~{of Parole and Probation.}~~

35 3. If any victim of a crime committed by the offender has,
36 pursuant to subsection 4 of NRS 213.131, requested to be notified of
37 the consideration of a prisoner for parole and has provided a current
38 address, the Division ~~{of Parole and Probation}~~ shall notify the
39 victim that:

40 (a) The Director intends to assign the offender to the custody of
41 the Division ~~{of Parole and Probation}~~ pursuant to this section; and

42 (b) The victim may submit documents to the Division ~~{of Parole~~
43 ~~and Probation}~~ regarding such an assignment.

44 ➔ If a current address has not been provided by a victim as required
45 by subsection 4 of NRS 213.131, the Division ~~{of Parole and~~



1 ~~Probation~~ must not be held responsible if notification is not
2 received by the victim. All personal information, including, but not
3 limited to, a current or former address, which pertains to a victim
4 and which is received by the Division ~~{of Parole and Probation}~~
5 pursuant to this subsection is confidential.

6 4. If an offender assigned to the custody of the Division ~~{of~~
7 ~~Parole and Probation}~~ pursuant to this section escapes or violates
8 any of the terms or conditions of his or her residential confinement
9 or other appropriate supervision as determined by the Division : ~~{of~~
10 ~~Parole and Probation}~~

11 (a) The Division ~~{of Parole and Probation}~~ may, pursuant to the
12 procedure set forth in NRS 213.410, return the offender to the
13 custody of the Department.

14 (b) The offender forfeits all or part of the credits for good
15 behavior earned by the offender before the escape or violation, as
16 determined by the Director. The Director may provide for a
17 forfeiture of credits pursuant to this paragraph only after proof of the
18 offense and notice to the offender and may restore credits forfeited
19 for such reasons as the Director considers proper. The decision of
20 the Director regarding such a forfeiture is final.

21 5. The assignment of an offender to the custody of the Division
22 ~~{of Parole and Probation}~~ pursuant to this section shall be deemed:

23 (a) A continuation of the offender's imprisonment and not a
24 release on parole; and

25 (b) For the purposes of NRS 209.341, an assignment to a facility
26 of the Department,

27 ↪ except that the offender is not entitled to obtain any benefits or to
28 participate in any programs provided to offenders in the custody of
29 the Department.

30 6. The Director may not assign an offender to the custody of
31 the Division ~~{of Parole and Probation}~~ pursuant to this section if the
32 offender is sentenced to death or imprisonment for life without the
33 possibility of parole.

34 7. An offender does not have a right to be assigned to the
35 custody of the Division ~~{of Parole and Probation}~~ pursuant to this
36 section, or to remain in that custody after such an assignment, and it
37 is not intended that the provisions of this section or of NRS 213.371
38 to 213.410, inclusive, create any right or interest in liberty or
39 property or establish a basis for any cause of action against the
40 State, its political subdivisions, agencies, boards, commissions,
41 departments, officers or employees.

42 **Sec. 6.** NRS 209.427 is hereby amended to read as follows:

43 209.427 1. If the results of an evaluation conducted pursuant
44 to NRS 484C.300 indicate that an offender is an abuser of alcohol or
45 drugs and that the offender can be treated successfully for his or her



1 condition, the Director shall, except as otherwise provided in this
2 section, assign the offender to the program of treatment established
3 pursuant to NRS 209.425. Such an assignment must be, to the extent
4 that the period reasonably can be predicted, for the year, or as much
5 thereof as practicable, immediately preceding the date the offender
6 is due to be released from prison, either on parole or at the
7 expiration of the offender's term.

8 2. Before assigning an offender to a program of treatment, the
9 Director, in cooperation with the Division, ~~{of Parole and Probation~~
10 ~~of the Department of Public Safety,}~~ shall determine, to the extent
11 possible:

12 (a) The length of time remaining on the offender's sentence,
13 taking into consideration any credits earned by the offender; and

14 (b) The likelihood that the offender will complete the entire
15 program of treatment.

16 3. The Director shall when assigning offenders to the program,
17 to the extent possible, give preference to those offenders who appear
18 to the Director capable of successfully completing the entire
19 program.

20 4. The Director is not required to assign an offender to the
21 program of treatment if the offender is not eligible for assignment to
22 an institution or facility of minimum security pursuant to the
23 provisions of NRS 209.481 and the regulations adopted pursuant
24 thereto.

25 5. The Director may withdraw the offender from the program
26 of treatment at any time if the Director determines that the offender:

27 (a) Is not responding satisfactorily to the program; or

28 (b) Has failed or refused to comply with any term or condition
29 of the program.

30 6. As used in this section, "entire program" means both phases
31 of the program established pursuant to NRS 209.425, for offenders
32 who have not been released from prison, and NRS 209.429, for
33 offenders who have been assigned to the custody of the Division .
34 ~~{of Parole and Probation of the Department of Public Safety.}~~

35 **Sec. 7.** NRS 209.429 is hereby amended to read as follows:

36 209.429 1. Except as otherwise provided in subsection 6, the
37 Director shall assign an offender to the custody of the Division ~~{of~~
38 ~~Parole and Probation of the Department of Public Safety}~~ to serve a
39 term of residential confinement, pursuant to NRS 213.380, for not
40 longer than the remainder of the maximum term of his or her
41 sentence if the offender has:

42 (a) Demonstrated a willingness and ability to establish a position
43 of employment in the community;

44 (b) Demonstrated a willingness and ability to enroll in a
45 program for education or rehabilitation; or



1 (c) Demonstrated an ability to pay for all or part of the costs of
2 his or her confinement and to meet any existing obligation for
3 restitution to any victim of his or her crime.

4 2. Before a person may be assigned to serve a term of
5 residential confinement pursuant to this section, he or she must
6 submit to the Division ~~{of Parole and Probation}~~ a signed document
7 stating that:

8 (a) He or she will comply with the terms or conditions of the
9 residential confinement; and

10 (b) If he or she fails to comply with the terms or conditions of
11 the residential confinement and is taken into custody outside of this
12 State, he or she waives all rights relating to extradition proceedings.

13 3. If an offender assigned to the custody of the Division ~~{of~~
14 ~~Parole and Probation}~~ pursuant to this section escapes or violates
15 any of the terms or conditions of his or her residential confinement:

16 (a) The Division ~~{of Parole and Probation}~~ may, pursuant to the
17 procedure set forth in NRS 213.410, return the offender to the
18 custody of the Department.

19 (b) The offender forfeits all or part of the credits earned by the
20 offender to reduce his or her sentence pursuant to this chapter before
21 the escape or violation, as determined by the Director. The Director
22 may provide for a forfeiture of credits pursuant to this paragraph
23 only after proof of the offense and notice to the offender and may
24 restore credits forfeited for such reasons as the Director considers
25 proper. The decision of the Director regarding forfeiture of credits is
26 final.

27 4. The assignment of an offender to the custody of the Division
28 ~~{of Parole and Probation}~~ pursuant to this section shall be deemed:

29 (a) A continuation of the offender's imprisonment and not a
30 release on parole; and

31 (b) For the purposes of NRS 209.341, an assignment to a facility
32 of the Department,

33 ↪ except that the offender is not entitled to obtain any benefits or to
34 participate in any programs provided to offenders in the custody of
35 the Department.

36 5. A person does not have a right to be assigned to the custody
37 of the Division ~~{of Parole and Probation}~~ pursuant to this section, or
38 to remain in that custody after such an assignment, and it is not
39 intended that the provisions of this section or of NRS 213.371 to
40 213.410, inclusive, create any right or interest in liberty or property
41 or establish a basis for any cause of action against the State, its
42 political subdivisions, agencies, boards, commissions, departments,
43 officers or employees.

44 6. The Director shall not assign an offender who is serving a
45 sentence for committing a battery which constitutes domestic



1 violence pursuant to NRS 33.018 to the custody of the Division ~~of~~
2 ~~Parole and Probation~~ to serve a term of residential confinement
3 unless the Director makes a finding that the offender is not likely to
4 pose a threat to the victim of the battery.

5 **Sec. 8.** NRS 209.432 is hereby amended to read as follows:

6 209.432 As used in NRS 209.432 to 209.451, inclusive, unless
7 the context otherwise requires:

8 1. "Offender" includes:

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

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

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

22 **Sec. 9.** NRS 209.446 is hereby amended to read as follows:

23 209.446 1. Every offender who is sentenced to prison for a
24 crime committed on or after July 1, 1985, but before July 17, 1997,
25 who has no serious infraction of the regulations of the Department,
26 the terms and conditions of his or her residential confinement or the
27 laws of the State recorded against the offender, and who performs in
28 a faithful, orderly and peaceable manner the duties assigned to the
29 offender, must be allowed:

30 (a) For the period the offender is actually incarcerated under
31 sentence;

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

33 (c) For the period the offender is in the custody of the Division
34 ~~of Parole and Probation of the Department of Public Safety~~
35 pursuant to NRS 209.4886 or 209.4888,

36 ➤ a deduction of 10 days from the offender's sentence for each
37 month the offender serves.

38 2. In addition to the credit provided for in subsection 1, the
39 Director may allow not more than 10 days of credit each month for
40 an offender whose diligence in labor and study merits such credits.
41 In addition to the credits allowed pursuant to this subsection, an
42 offender is entitled to the following credits for educational
43 achievement:

44 (a) For earning a general educational development certificate, 30
45 days.



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

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

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

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

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

15 6. Credits earned pursuant to this section:

16 (a) Must be deducted from the maximum term imposed by the
17 sentence; and

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

21 **Sec. 10.** NRS 209.4465 is hereby amended to read as follows:

22 209.4465 1. An offender who is sentenced to prison for a
23 crime committed on or after July 17, 1997, who has no serious
24 infraction of the regulations of the Department, the terms and
25 conditions of his or her residential confinement or the laws of the
26 State recorded against the offender, and who performs in a faithful,
27 orderly and peaceable manner the duties assigned to the offender,
28 must be allowed:

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

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

32 (c) For the period the offender is in the custody of the Division
33 ~~of Parole and Probation of the Department of Public Safety~~
34 pursuant to NRS 209.4886 or 209.4888,

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

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

43 (a) For earning a general educational development certificate, 60
44 days.

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



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

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

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

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

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

17 7. Except as otherwise provided in subsection 8, credits earned
18 pursuant to this section:

19 (a) Must be deducted from the maximum term imposed by the
20 sentence; and

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

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

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

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

29 (c) A violation of NRS 484C.110, 484C.120, 484C.130 or
30 484C.430 that is punishable as a felony; or

31 (d) A category A or B felony,

32 ↪ apply to eligibility for parole and must be deducted from the
33 minimum term imposed by the sentence until the offender becomes
34 eligible for parole and must be deducted from the maximum term
35 imposed by the sentence.

36 **Sec. 11.** NRS 209.447 is hereby amended to read as follows:

37 209.447 1. An offender who is sentenced after June 30, 1991,
38 for a crime committed before July 1, 1985, and who is released on
39 parole for a term less than life must, if the offender has no serious
40 infraction of the terms and conditions of his or her parole or the laws
41 of this state recorded against the offender, be allowed for the period
42 the offender is actually on parole a deduction of 2 months for each
43 of the first 2 years, 4 months for each of the next 2 years and 5
44 months for each of the remaining years of the term, and pro rata for



1 any part of a year where the actual term served is for more or less
2 than a year. Credit must be recorded on a monthly basis as earned.

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

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

16 4. Credits earned pursuant to this section must, in addition to
17 any credits earned pursuant to NRS 209.443, 209.446, 209.4465,
18 209.4475, 209.448 and 209.449, be deducted from the maximum
19 term imposed by the sentence.

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

22 **Sec. 12.** NRS 209.4475 is hereby amended to read as follows:

23 209.4475 1. In addition to any credits earned pursuant to
24 NRS 209.447, an offender who is on parole as of January 1, 2004, or
25 who is released on parole on or after January 1, 2004, for a term less
26 than life must be allowed for the period the offender is actually on
27 parole a deduction of 20 days from the offender's sentence for each
28 month the offender serves if:

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

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

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

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

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

39 3. An offender is entitled to the deductions authorized by this
40 section only if the offender satisfies the conditions of subsection 1
41 or 2, as determined by the Director. The Chief Parole ~~and Probation~~
42 ~~Officer~~ Agent or other person responsible for the supervision of an
43 offender shall report to the Director the failure of an offender to
44 satisfy those conditions.



1 4. Credits earned pursuant to this section must, in addition to
2 any credits earned pursuant to NRS 209.443, 209.446, 209.4465,
3 209.447, 209.448 and 209.449, be deducted from the maximum
4 term imposed by the sentence.

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

7 **Sec. 13.** NRS 209.4827 is hereby amended to read as follows:
8 209.4827 The Director may:

9 1. With the approval of the Board, establish centers to house
10 offenders within a community so they may work to earn wages with
11 which to make restitution to the victims of their crimes.

12 2. If space is available, assign to the center:

13 (a) An offender participating in a work or educational release
14 program.

15 (b) An offender who has been paroled if such a request is made
16 by the Division . ~~{of Parole and Probation of the Department of~~
17 ~~Public Safety.}~~

18 **Sec. 14.** NRS 212.187 is hereby amended to read as follows:

19 212.187 1. A prisoner who is in lawful custody or
20 confinement, other than in the custody of the *Correctional*
21 *Community Services* Division ~~{of Parole and Probation}~~ of the
22 Department of ~~{Public Safety}~~ *Corrections* pursuant to NRS
23 209.4886 or 209.4888 , or *in* residential confinement, and who
24 voluntarily engages in sexual conduct with another person is guilty
25 of a category D felony and shall be punished as provided in
26 NRS 193.130.

27 2. A person who voluntarily engages in sexual conduct with a
28 prisoner who is in lawful custody or confinement, other than in the
29 custody of the *Correctional Community Services* Division ~~{of~~
30 ~~Parole and Probation}~~ of the Department ~~{of Public Safety}~~ pursuant
31 to NRS 209.4886 or 209.4888 , or *in* residential confinement, is
32 guilty of a category D felony and shall be punished as provided in
33 NRS 193.130.

34 3. As used in this section, "sexual conduct":

35 (a) Includes acts of masturbation, homosexuality, sexual
36 intercourse or physical contact with another person's clothed or
37 unclothed genitals or pubic area to arouse, appeal to or gratify the
38 sexual desires of a person.

39 (b) Does not include acts of a person who has custody of a
40 prisoner or an employee of the institution in which the prisoner is
41 confined that are performed to carry out the necessary duties of such
42 a person or employee.

43 **Sec. 15.** NRS 213.107 is hereby amended to read as follows:

44 213.107 As used in NRS 213.107 to 213.157, inclusive, unless
45 the context otherwise requires:



- 1 1. "Board" means the State Board of Parole Commissioners.
- 2 2. ~~["Chief"]~~ **"Director"** means the ~~Chief Parole and Probation~~
3 ~~Officer.]~~ **Director of the Division.**
- 4 3. "Division" means the **Correctional Community Services**
5 Division ~~[of Parole and Probation]~~ of the Department of ~~Public~~
6 ~~Safety.]~~ **Corrections.**
- 7 4. "Residential confinement" means the confinement of a
8 person convicted of a crime to his or her place of residence under
9 the terms and conditions established by the Board.
- 10 5. "Sex offender" means any person who has been or is
11 convicted of a sexual offense.
- 12 6. "Sexual offense" means:
13 (a) A violation of NRS 200.366, subsection 4 of NRS 200.400,
14 NRS 200.710, 200.720, subsection 2 of NRS 200.730, NRS
15 201.180, paragraph (a) or subparagraph (2) of paragraph (b) of
16 subsection 1 of NRS 201.195, NRS 201.230 or 201.450, or
17 paragraph (a) or (b) of subsection 4 or paragraph (a) or (b) of
18 subsection 5 of NRS 201.560;
19 (b) An attempt to commit any offense listed in paragraph (a); or
20 (c) An act of murder in the first or second degree, kidnapping in
21 the first or second degree, false imprisonment, burglary or invasion
22 of the home if the act is determined to be sexually motivated at a
23 hearing conducted pursuant to NRS 175.547.
- 24 7. "Standards" means the objective standards for granting or
25 revoking parole ~~[or probation]~~ which are adopted by the Board . ~~[or~~
26 ~~the Chief.]~~

27 **Sec. 16.** NRS 213.10705 is hereby amended to read as
28 follows:

29 213.10705 The Legislature finds and declares that the release
30 or continuation of a person on parole ~~[or probation]~~ is an act of
31 grace of the State. No person has a right to parole , ~~[or probation,]~~ or
32 to be placed in residential confinement, and it is not intended that
33 the establishment of standards relating thereto create any such right
34 or interest in liberty or property or establish a basis for any cause of
35 action against the State, its political subdivisions, agencies, boards,
36 commissions, departments, officers or employees.

37 **Sec. 17.** NRS 213.1071 is hereby amended to read as follows:

38 213.1071 1. There is hereby created the **Correctional**
39 **Community Services** Division ~~[of Parole and Probation]~~ of the
40 Department of ~~Public Safety.]~~ **Corrections.**

41 2. The Division consists of the ~~[Chief]~~ **Director** and such
42 sections as the ~~[Chief]~~ **Director** may create with the approval of the
43 Director of the Department of ~~Public Safety.]~~ **Corrections.**

44 ~~[3.—The Chief of the Division is the Chief Parole and Probation~~
45 ~~Officer.]~~



1 **Sec. 18.** NRS 213.1072 is hereby amended to read as follows:
2 213.1072 ~~{The Chief}~~ *Subject to the administrative*
3 *supervision of the Director of the Department of Corrections, the*
4 *Director* shall:

- 5 1. Administer all activities and services of the Division.
- 6 2. Be responsible for the management of the Division.

7 **Sec. 19.** NRS 213.1073 is hereby amended to read as follows:
8 213.1073 ~~{The Chief}~~ *Subject to the administrative*
9 *supervision of the Director of the Department of Corrections, the*
10 *Director* may:

- 11 1. Organize the Division to provide maximum efficiency in
12 carrying out its duties.
- 13 2. Appoint the heads of sections as established.
- 14 3. Appoint such ~~{assistants}~~ *parole agents* and other employees
15 as may be required to administer the duties imposed by law upon the
16 ~~{Board and the}~~ Division within the limits of appropriations.
- 17 4. Set standards of service.

18 **Sec. 20.** NRS 213.1076 is hereby amended to read as follows:
19 213.1076 1. The Division shall:

20 (a) Except as otherwise provided in this section, charge each
21 parolee ~~{, probationer}~~ or person supervised by the Division through
22 residential confinement a fee to defray the cost of his or her
23 supervision.

24 (b) Adopt by regulation a schedule of fees to defray the costs of
25 supervision of a parolee ~~{, probationer}~~ or person supervised by the
26 Division through residential confinement. The regulation must
27 provide for a monthly fee of at least \$30.

28 2. The ~~{Chief}~~ *Director* may waive the fee to defray the cost of
29 supervision, in whole or in part, if the ~~{Chief}~~ *Director* determines
30 that payment of the fee would create an economic hardship on the
31 parolee ~~{, probationer}~~ or person supervised by the Division through
32 residential confinement.

33 3. Unless waived pursuant to subsection 2, the payment by a
34 parolee ~~{, probationer}~~ or person supervised by the Division through
35 residential confinement of a fee charged pursuant to subsection 1 is
36 a condition of his or her parole ~~{, probation}~~ or residential
37 confinement.

38 **Sec. 21.** NRS 213.1078 is hereby amended to read as follows:

39 213.1078 1. ~~{Except as otherwise provided in subsection 2,~~
40 ~~the Division shall set a level of supervision for each probationer. At~~
41 ~~least once every 6 months, or more often if necessary, the Division~~
42 ~~shall review the probationer's level of supervision to determine~~
43 ~~whether a change in the level of supervision is necessary. The~~
44 ~~Division shall specify in each review the reasons for maintaining or~~
45 ~~changing the level of supervision. If the Division changes the level~~



1 ~~of supervision, the Division shall notify the probationer of the~~
2 ~~change.~~

3 ~~—2. The provisions of subsection 1 are not applicable if:~~

4 ~~—(a) The level of supervision for the probationer is set by the~~
5 ~~court or by law; or~~

6 ~~—(b) The probationer is ordered to participate in a program of~~
7 ~~probation secured by a security bond pursuant to NRS 176A.300 to~~
8 ~~176A.370, inclusive.~~

9 ~~—3.1~~ Except as otherwise provided in subsection ~~4.2~~ **2**, at least
10 once every 6 months, or more often if necessary, the Division shall
11 review a parolee's level of supervision to determine whether a
12 change in the level of supervision is necessary. The Division shall
13 specify in each review the reasons for maintaining or changing the
14 level of supervision. If the Division changes the level of
15 supervision, the Division shall notify the parolee of the change.

16 ~~4.2~~ **2**. The provisions of subsection ~~3.1~~ **1** are not applicable if
17 the level of supervision for the parolee is set by the Board or by law.

18 **Sec. 22.** NRS 213.108 is hereby amended to read as follows:

19 213.108 1. The State Board of Parole Commissioners is
20 hereby created within the Department of Public Safety.

21 2. The Board consists of seven members appointed by the
22 Governor.

23 3. A Chair of the Board must be appointed by the Governor.
24 The Chair is the Executive Officer of the Board and shall administer
25 its activities and services and is responsible for its management
26 except as otherwise provided in NRS 213.1085.

27 4. Each member of the Board must have at least:

28 (a) A bachelor's degree in criminal justice, law enforcement,
29 sociology, psychology, social work, law or the administration of
30 correctional or rehabilitative facilities and programs and not less
31 than 3 years of experience working in one or several of these fields;
32 or

33 (b) Four years of experience in one or several of the fields
34 specified in paragraph (a).

35 5. Except as otherwise provided in subsection 6, when making
36 an appointment to the Board, the Governor shall, to the extent
37 practicable:

38 (a) Appoint a person who has experience in the field of:

39 (1) Prisons;

40 (2) Parole ~~and~~ **or** probation ~~1.1~~ **, or both;**

41 (3) Law enforcement, including investigation;

42 (4) Criminal law as the Attorney General, a deputy attorney
43 general, a district attorney or a deputy district attorney;

44 (5) Social work or therapy with emphasis on family
45 counseling, domestic violence and urban social problems; or



1 (6) The advocacy of victims' rights; and
2 (b) Ensure that each of the fields listed in paragraph (a) is
3 represented by at least one member of the Board who has experience
4 in the field.

5 6. No more than two members of the Board may represent one
6 of the fields listed in paragraph (a) of subsection 5.

7 7. Except as otherwise provided in NRS 213.133, a decision on
8 any issue before the Board, concurred in by four or more members,
9 is the decision of the Board.

10 **Sec. 23.** NRS 213.1092 is hereby amended to read as follows:

11 213.1092 1. The Director of the Department of ~~Public~~
12 ~~Safety~~ *Corrections* shall appoint the ~~Chief Parole and Probation~~
13 ~~Officer.~~ *Director*, who is in the unclassified service of the State.

14 2. The ~~Chief Parole and Probation Officer~~ *Director* must:

15 (a) Be selected on the basis of his or her training, experience,
16 capacity and interest in correctional services.

17 (b) Have had at least 5 years' experience in correctional
18 programs, of which at least 3 years were in a responsible
19 administrative position.

20 **Sec. 24.** NRS 213.1094 is hereby amended to read as follows:

21 213.1094 The ~~Chief Parole and Probation Officer~~ *Director*
22 shall devote his or her entire time and attention to the business of his
23 or her office and shall not pursue any other business or occupation
24 or hold any other office of profit.

25 **Sec. 25.** NRS 213.1095 is hereby amended to read as follows:

26 213.1095 ~~The Chief Parole and Probation Officer.~~ *Subject to*
27 *the administrative supervision of the Director of the Department*
28 *of Corrections, the Director:*

29 1. Is responsible for and shall supervise the fiscal affairs and
30 responsibilities of the Division.

31 2. May establish, consolidate and abolish sections within the
32 Division.

33 3. May establish, consolidate and abolish districts within the
34 State to which ~~assistant~~ parole ~~and probation officers~~ *agents* are
35 assigned.

36 4. Shall appoint the necessary supervisory personnel and other
37 assistants and employees as may be necessary for the efficient
38 discharge of the responsibilities of the Division.

39 5. Is responsible for such reports of investigation and
40 supervision and other reports as may be requested by the Board or
41 courts.

42 6. Shall direct the work of all assistants and employees
43 assigned to him or her.

44 7. Shall formulate methods of investigation, supervision,
45 recordkeeping and reporting.



1 8. Shall develop policies of parole ~~and probation~~ after
2 considering other acceptable and recognized correctional programs
3 and conduct training courses for the staff.

4 9. Shall furnish to each person released under his or her
5 supervision a written statement of the conditions of parole ~~or~~
6 ~~probation.~~ instruct any parolee ~~for probationer~~ regarding those
7 conditions, and advise the Board or the court of any violation of the
8 conditions of parole. ~~and probation.~~

9 10. At the close of each biennium, shall submit to the Governor
10 and the Board a report, with statistical and other data, of his or her
11 work.

12 **Sec. 26.** NRS 213.1096 is hereby amended to read as follows:

13 213.1096 ~~Assistant parole and probation officers~~ **Parole**
14 **agents** shall:

15 1. Investigate all cases referred to them for investigation by the
16 Board or by the ~~Chief Parole and Probation Officer~~ **Director**, or
17 by any court in which they are authorized to serve.

18 2. ~~Supervise all persons released on probation by any such~~
19 ~~court or released to them for supervision by the Board or by the~~
20 ~~Chief Parole and Probation Officer.~~

21 ~~3.~~ Furnish to each person released under their supervision a
22 written statement of the conditions of parole ~~or probation~~ and
23 instruct the person regarding those conditions.

24 ~~4.~~ 3. Keep informed concerning the conduct and condition of
25 all persons under their supervision and use all suitable methods to
26 aid and encourage them and to bring about improvement in their
27 conduct and conditions.

28 ~~5.~~ 4. Keep detailed records of their work.

29 ~~6.~~ 5. Collect and disburse all money in accordance with the
30 orders of the ~~Chief Parole and Probation Officer~~ **Director** or the
31 court.

32 ~~7.~~ 6. Keep accurate and complete accounts of all money
33 received and disbursed in accordance with such orders and give
34 receipts therefor.

35 ~~8.~~ 7. Make such reports in writing as the court or the ~~Chief~~
36 ~~Parole and Probation Officer~~ **Director** may require.

37 ~~9.~~ 8. Coordinate their work with that of other social agencies.

38 ~~10.~~ 9. File identifying information regarding their cases with
39 any social service index or exchange operating in the area to which
40 they are assigned.

41 **Sec. 27.** NRS 213.10983 is hereby amended to read as
42 follows:

43 213.10983 1. A parole ~~for probation officer~~ **agent** shall
44 immediately deliver to the Division any seized, abandoned or
45 unclaimed property, other than an instrument or weapon described



1 in NRS 202.350, which the parole ~~for probation officer~~ agent
2 obtains in the pursuance of his or her duty, unless the parole ~~for~~
3 ~~probation officer~~ agent is required to retain the property as
4 evidence pursuant to a court order or directive of the Attorney
5 General or a district attorney. Property retained as evidence must be
6 placed in a secured locker for evidence at a law enforcement agency
7 in this state and when released from evidence must be immediately
8 delivered to the Division.

9 2. The Division shall keep the property for return to the owner
10 and, unless it is contraband, return it to the owner if the owner
11 submits a claim to the Division and establishes his or her ownership
12 within 1 year after the Division comes into possession of it.
13 Contraband includes any property which, if possessed by a parolee ,
14 ~~for probationer,~~ would constitute a violation of the terms of his or
15 her parole ~~for probation~~ or any federal or state law. Contraband
16 becomes the property of the Division.

17 3. Any contraband consisting of controlled substances or
18 dangerous drugs must be disposed of or destroyed as provided by
19 law.

20 4. If the Division is not able to determine the owner of the
21 property within the 1-year period, the Division acquires title to it
22 and the ~~Chief Parole and Probation Officer~~ Director shall:

23 (a) Sell the property at a public auction at the same times and
24 places that confiscated instruments and weapons are sold; or

25 (b) Retain the property for the official use of the Division.

26 5. The Division shall keep accurate records of all property
27 governed by this section.

28 **Sec. 28.** NRS 213.10985 is hereby amended to read as
29 follows:

30 213.10985 1. A parole ~~for probation officer~~ agent shall
31 immediately deliver to the Division any seized, abandoned or
32 unclaimed instrument or weapon described in NRS 202.350 which
33 the parole ~~for probation officer~~ agent obtains in the pursuance of
34 his or her duty, unless the parole ~~for probation officer~~ agent is
35 required to retain it as evidence pursuant to a court order or directive
36 of the Attorney General or a district attorney. Property retained as
37 evidence must be placed in a secured locker for evidence at a law
38 enforcement agency in this state and when released from evidence
39 must be immediately delivered to the Division.

40 2. The Division shall:

41 (a) Destroy or direct to be destroyed the instrument or weapon if
42 it is determined to be dangerous to the safety of the public.

43 (b) Return an instrument or weapon which has not been
44 destroyed pursuant to paragraph (a), upon demand, to any person
45 other than a parolee : ~~for probationer;~~



1 (1) From whom it was confiscated if that person is acquitted
2 of the public offense or crime of which that person was charged; or

3 (2) Who otherwise claims and establishes ownership of it.
4 Any such instrument or weapon which is not destroyed, returned or
5 claimed within 1 year after the Division comes into possession of it
6 becomes the property of the Division.

7 3. The ~~{Chief Parole and Probation Officer}~~ **Director** shall at
8 least once a year order the ~~{officers}~~ **agents** who have custody of
9 such instruments and weapons that have become the property of the
10 Division to:

11 (a) Retain the instrument or weapon for official use by the
12 Division.

13 (b) Deliver the instruments and weapons to another custodial
14 officer of the Division to be sold.

15 (c) Sell any such instrument or weapon to another law
16 enforcement agency at a price not less than its prevailing market
17 value.

18 (d) Sell all unretained and unsold instruments and weapons at a
19 public auction to be held at least once in each year, after notice of
20 such public auction describing the instrument or weapons to be sold
21 is published once a week for 2 weeks immediately preceding the
22 date of the auction in a newspaper of general circulation in the
23 county or city of the sale.

24 4. All proceeds of the sales provided for in subsection 3 must
25 be deposited with the State Treasurer for credit to the State General
26 Fund.

27 5. Any officer receiving an order as provided in subsection 3
28 shall comply with such order as soon as practicable.

29 6. The Division shall keep accurate records of all instruments
30 and weapons governed by this section.

31 **Sec. 29.** NRS 213.10988 is hereby amended to read as
32 follows:

33 213.10988 1. The ~~{Chief Parole and Probation Officer}~~
34 **Director** shall adopt by regulation standards to assist him or her in
35 formulating a recommendation regarding the ~~{granting of probation~~
36 ~~or the}~~ revocation of parole ~~{or probation}~~ to a convicted person who
37 is ~~{otherwise eligible for or}~~ on ~~{probation or}~~ parole. The standards
38 must be based upon objective criteria for determining the person's
39 probability of success on parole. ~~{or probation.}~~

40 2. In establishing standards, the ~~{Chief Parole and Probation~~
41 ~~Officer}~~ **Director** shall first consider all factors which are relevant in
42 determining the probability that a convicted person will live and
43 remain at liberty without violating the law if parole is continued. ~~{or~~
44 ~~probation is granted or continued.}~~



1 3. The ~~{Chief Parole and Probation Officer}~~ *Director* shall
2 adjust the standards to provide a recommendation of greater
3 punishment for a convicted person who has a history of repetitive
4 criminal conduct or who commits a serious crime, with a violent
5 crime considered the most serious, than for a convicted person who
6 does not have a history of repetitive crimes and did not commit a
7 serious crime.

8 4. When adopting regulations pursuant to this section, the
9 ~~{Chief Parole and Probation Officer}~~ *Director* shall follow the
10 procedure set forth in chapter 233B of NRS for the adoption of
11 regulations.

12 5. The ~~{Chief Parole and Probation Officer}~~ *Director* shall
13 report to each regular session of the Legislature:

14 (a) The number and percentage of recommendations made
15 regarding parole ~~and probation~~ which conflicted with the
16 standards; and

17 (b) Any recommendations regarding the standards.

18 **Sec. 30.** NRS 213.1099 is hereby amended to read as follows:

19 213.1099 1. Except as otherwise provided in this section and
20 NRS 213.1214 and 213.1215, the Board may release on parole a
21 prisoner who is otherwise eligible for parole pursuant to NRS
22 213.107 to 213.157, inclusive.

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

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

27 (b) Whether the release is incompatible with the welfare of
28 society;

29 (c) The seriousness of the offense and the history of criminal
30 conduct of the prisoner;

31 (d) The standards adopted pursuant to NRS 213.10885 and the
32 recommendation, if any, of the ~~{Chief;}~~ *Director*; and

33 (e) Any documents or testimony submitted by a victim notified
34 pursuant to NRS 213.131.

35 3. When a person is convicted of a felony and is punished by a
36 sentence of imprisonment, the person remains subject to the
37 jurisdiction of the Board from the time the person is released on
38 parole under the provisions of this chapter until the expiration of the
39 maximum term of imprisonment imposed by the court less any
40 credits earned to reduce his or her sentence pursuant to chapter 209
41 of NRS.

42 4. Except as otherwise provided in NRS 213.1215, the Board
43 may not release on parole a prisoner whose sentence to death or to
44 life without possibility of parole has been commuted to a lesser
45 penalty unless it finds that the prisoner has served at least



1 20 consecutive years in the state prison, is not under an order to be
2 detained to answer for a crime or violation of parole or probation in
3 another jurisdiction, and does not have a history of:

4 (a) Recent misconduct in the institution, and has been
5 recommended for parole by the Director of the Department of
6 Corrections;

7 (b) Repetitive criminal conduct;

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

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

10 (e) Failure in parole, probation, work release or similar
11 programs.

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

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

19 **Sec. 31.** NRS 213.1215 is hereby amended to read as follows:

20 213.1215 1. Except as otherwise provided in this section and
21 in cases where a consecutive sentence is still to be served, if a
22 prisoner sentenced to imprisonment for a term of 3 years or more:

23 (a) Has not been released on parole previously for that sentence;
24 and

25 (b) Is not otherwise ineligible for parole,

26 ↳ the prisoner must be released on parole 12 months before the end
27 of his or her maximum term, as reduced by any credits the prisoner
28 has earned to reduce his or her sentence pursuant to chapter 209 of
29 NRS.

30 2. Except as otherwise provided in this section, a prisoner who
31 was sentenced to life imprisonment with the possibility of parole
32 and who was less than 16 years of age at the time that the prisoner
33 committed the offense for which the prisoner was imprisoned must,
34 if the prisoner still has a consecutive sentence to be served, be
35 granted parole from his or her current term of imprisonment to his
36 or her subsequent term of imprisonment or must, if the prisoner does
37 not still have a consecutive sentence to be served, be released on
38 parole, if:

39 (a) The prisoner has served the minimum term of imprisonment
40 imposed by the court;

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

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



1 (d) The prisoner has not, within the immediately preceding 24
2 months:

3 (1) Committed a major violation of the regulations of the
4 Department of Corrections; or

5 (2) Been housed in disciplinary segregation.

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

8 4. Each parolee so released must be supervised closely by the
9 Division, in accordance with the plan for supervision developed by
10 the ~~Chief~~ *Director* pursuant to NRS 213.122.

11 5. If the Board finds, at least 2 months before a prisoner would
12 otherwise be paroled pursuant to subsection 1 or 2 that there is a
13 reasonable probability that the prisoner will be a danger to public
14 safety while on parole, the Board may require the prisoner to serve
15 the balance of his or her sentence and not grant the parole provided
16 for in subsection 1 or 2. If, pursuant to this subsection, the Board
17 does not grant the parole provided for in subsection 1 or 2, the
18 Board shall provide to the prisoner a written statement of its reasons
19 for denying parole.

20 6. If the prisoner is the subject of a lawful request from another
21 law enforcement agency that the prisoner be held or detained for
22 release to that agency, the prisoner must not be released on parole,
23 but released to that agency.

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

28 8. For the purposes of this section, the determination of the
29 12-month period before the end of a prisoner's term must be
30 calculated without consideration of any credits the prisoner may
31 have earned to reduce his or her sentence had the prisoner not been
32 paroled.

33 **Sec. 32.** NRS 213.1218 is hereby amended to read as follows:

34 213.1218 1. Before a person may be released on parole, the
35 person must submit to the Division a signed document stating that:

36 (a) The person will comply with the conditions of his or her
37 parole; and

38 (b) If the person fails to comply with the conditions of his or her
39 parole and is taken into custody outside of this state, the person
40 waives all rights relating to extradition proceedings.

41 2. The Division shall contact each parolee in person or by
42 telephone within 5 days after the parolee's release from prison. The
43 ~~Chief~~ *Director* may waive this requirement if the ~~Chief~~ *Director*
44 determines that such contact is not necessary.



1 **Sec. 33.** NRS 213.12185 is hereby amended to read as
2 follows:

3 213.12185 The ~~{Chief}~~ *Director* shall notify the Department of
4 Motor Vehicles when a prisoner who has had his or her license,
5 permit or privilege to drive revoked pursuant to NRS 483.460 is
6 placed on parole. The notification process must conform to the
7 guidelines provided in regulation by the Department of Motor
8 Vehicles pursuant to NRS 483.460.

9 **Sec. 34.** NRS 213.122 is hereby amended to read as follows:

10 213.122 The ~~{Chief}~~ *Director* shall develop a statewide plan
11 for the strict supervision of parolees released pursuant to NRS
12 213.1215. In addition to such other provisions as the ~~{Chief}~~
13 *Director* deems appropriate, the plan must provide for the
14 supervision of such parolees by ~~{assistant}~~ parole ~~{and probation}~~
15 ~~{officers}~~ *agents* whose caseload allows for enhanced supervision of
16 the parolees under their charge unless, because of the remoteness of
17 the community to which the parolee is released, enhanced
18 supervision is impractical.

19 **Sec. 35.** NRS 213.124 is hereby amended to read as follows:

20 213.124 1. Upon the granting of parole to a prisoner, the
21 Board may require the parolee to submit to a program of intensive
22 supervision as a condition of his or her parole.

23 2. The ~~{Chief}~~ *Director* shall develop a program for the
24 intensive supervision of parolees required to submit to such a
25 program pursuant to subsection 1. The program must include an
26 initial period of electronic supervision of the parolee with an
27 electronic device approved by the Division. The device must be
28 minimally intrusive and limited in capability to recording or
29 transmitting information concerning the parolee's presence at his or
30 her residence, including, but not limited to, the transmission of still
31 visual images which do not concern the parolee's activities while
32 inside his or her residence. A device which is capable of recording
33 or transmitting:

34 (a) Oral or wire communications or any auditory sound; or

35 (b) Information concerning the parolee's activities while inside
36 his or her residence,

37 ↪ must not be used.

38 **Sec. 36.** NRS 213.1243 is hereby amended to read as follows:

39 213.1243 1. The Board shall establish by regulation a
40 program of lifetime supervision of sex offenders to commence after
41 any period of probation or any term of imprisonment and any period
42 of release on parole. The program must provide for the lifetime
43 supervision of sex offenders by parole ~~{and probation officers}~~
44 *agents*.

45 2. Lifetime supervision shall be deemed a form of parole for:



1 (a) The limited purposes of the applicability of the provisions of
2 NRS 213.1076, subsection 9 of NRS 213.1095, NRS 213.1096 and
3 subsection 2 of NRS 213.110; and

4 (b) The purposes of the Interstate Compact for Adult Offender
5 Supervision ratified, enacted and entered into by the State of Nevada
6 pursuant to NRS 213.215.

7 3. Except as otherwise provided in subsection 9, the Board
8 shall require as a condition of lifetime supervision that the sex
9 offender reside at a location only if:

10 (a) The residence has been approved by the parole ~~and~~
11 ~~probation officer~~ *agent* assigned to the person.

12 (b) If the residence is a facility that houses more than three
13 persons who have been released from prison, the facility is a facility
14 for transitional living for released offenders that is licensed pursuant
15 to chapter 449 of NRS.

16 (c) The person keeps the parole ~~and probation officer~~ *agent*
17 informed of his or her current address.

18 4. Except as otherwise provided in subsection 9, the Board
19 shall require as a condition of lifetime supervision that the sex
20 offender, unless approved by the parole ~~and probation officer~~
21 *agent* assigned to the sex offender and by a psychiatrist,
22 psychologist or counselor treating the sex offender, if any, not
23 knowingly be within 500 feet of any place, or if the place is a
24 structure, within 500 feet of the actual structure, that is designed
25 primarily for use by or for children, including, without limitation, a
26 public or private school, a school bus stop, a center or facility that
27 provides day care services, a video arcade, an amusement park, a
28 playground, a park, an athletic field or a facility for youth sports, or
29 a motion picture theater. The provisions of this subsection apply
30 only to a sex offender who is a Tier 3 offender.

31 5. Except as otherwise provided in subsection 9, if a sex
32 offender is convicted of a sexual offense listed in subsection 6 of
33 NRS 213.1255 against a child under the age of 14 years, the sex
34 offender is a Tier 3 offender and the sex offender is sentenced to
35 lifetime supervision, the Board shall require as a condition of
36 lifetime supervision that the sex offender:

37 (a) Reside at a location only if the residence is not located
38 within 1,000 feet of any place, or if the place is a structure, within
39 1,000 feet of the actual structure, that is designed primarily for use
40 by or for children, including, without limitation, a public or private
41 school, a school bus stop, a center or facility that provides day care
42 services, a video arcade, an amusement park, a playground, a park,
43 an athletic field or a facility for youth sports, or a motion picture
44 theater.



1 (b) As deemed appropriate by the ~~{Chief}~~ *Director*, be placed
2 under a system of active electronic monitoring that is capable of
3 identifying his or her location and producing, upon request, reports
4 or records of his or her presence near or within a crime scene or
5 prohibited area or his or her departure from a specified geographic
6 location.

7 (c) Pay any costs associated with his or her participation under
8 the system of active electronic monitoring, to the extent of his or her
9 ability to pay.

10 6. A sex offender placed under the system of active electronic
11 monitoring pursuant to subsection 4 shall:

12 (a) Follow the instructions provided by the Division to maintain
13 the electronic monitoring device in working order.

14 (b) Report any incidental damage or defacement of the
15 electronic monitoring device to the Division within 2 hours after the
16 occurrence of the damage or defacement.

17 (c) Abide by any other conditions set forth by the Division with
18 regard to his or her participation under the system of active
19 electronic monitoring.

20 7. Except as otherwise provided in this subsection, a person
21 who intentionally removes or disables or attempts to remove or
22 disable an electronic monitoring device placed on a sex offender
23 pursuant to this section is guilty of a gross misdemeanor. The
24 provisions of this subsection do not prohibit a person authorized by
25 the Division from performing maintenance or repairs to an
26 electronic monitoring device.

27 8. Except as otherwise provided in subsection 7, a sex offender
28 who commits a violation of a condition imposed on him or her
29 pursuant to the program of lifetime supervision is guilty of a
30 category B felony and shall be punished by imprisonment in the
31 state prison for a minimum term of not less than 1 year and a
32 maximum term of not more than 6 years, and may be further
33 punished by a fine of not more than \$5,000.

34 9. The Board is not required to impose a condition pursuant to
35 the program of lifetime supervision listed in subsections 3, 4 and 5
36 if the Board finds that extraordinary circumstances are present and
37 the Board states those extraordinary circumstances in writing.

38 10. The Board shall require as a condition of lifetime
39 supervision that the sex offender not have contact or communicate
40 with a victim of the sexual offense or a witness who testified against
41 the sex offender or solicit another person to engage in such contact
42 or communication on behalf of the sex offender, unless approved by
43 the ~~{Chief}~~ *Director* or his or her designee and a written agreement
44 is entered into and signed.



1 11. If a court issues a warrant for arrest for a violation of this
2 section, the court shall cause to be transmitted, in the manner
3 prescribed by the Central Repository for Nevada Records of
4 Criminal History, notice of the issuance of the warrant for arrest in a
5 manner which ensures that such notice is received by the Central
6 Repository within 3 business days.

7 12. For the purposes of prosecution of a violation by a sex
8 offender of a condition imposed upon him or her pursuant to the
9 program of lifetime supervision, the violation shall be deemed to
10 have occurred in, and may only be prosecuted in, the county in
11 which the court that imposed the sentence of lifetime supervision
12 pursuant to NRS 176.0931 is located, regardless of whether the acts
13 or conduct constituting the violation took place, in whole or in part,
14 within or outside that county or within or outside this State.

15 **Sec. 37.** NRS 213.1245 is hereby amended to read as follows:

16 213.1245 1. Except as otherwise provided in subsection 3, if
17 the Board releases on parole a prisoner convicted of an offense
18 listed in NRS 179D.097, the Board shall, in addition to any other
19 condition of parole, require as a condition of parole that the parolee:

20 (a) Reside at a location only if:

21 (1) The residence has been approved by the parole ~~and~~
22 ~~probation officer~~ *agent* assigned to the parolee.

23 (2) If the residence is a facility that houses more than three
24 persons who have been released from prison, the facility is a facility
25 for transitional living for released offenders that is licensed pursuant
26 to chapter 449 of NRS.

27 (3) The parolee keeps the parole ~~and probation officer~~
28 *agent* informed of his or her current address.

29 (b) Accept a position of employment or a position as a volunteer
30 only if it has been approved by the parole ~~and probation officer~~
31 *agent* assigned to the parolee and keep the parole ~~and probation~~
32 ~~officer~~ *agent* informed of the location of his or her position of
33 employment or position as a volunteer.

34 (c) Abide by any curfew imposed by the parole ~~and probation~~
35 ~~officer~~ *agent* assigned to the parolee.

36 (d) Participate in and complete a program of professional
37 counseling approved by the Division.

38 (e) Submit to periodic tests, as requested by the parole ~~and~~
39 ~~probation officer~~ *agent* assigned to the parolee, to determine
40 whether the parolee is using a controlled substance.

41 (f) Submit to periodic polygraph examinations, as requested by
42 the parole ~~and probation officer~~ *agent* assigned to the parolee.

43 (g) Abstain from consuming, possessing or having under his or
44 her control any alcohol.



- 1 (h) Not have contact or communicate with a victim of the
2 offense or a witness who testified against the parolee or solicit
3 another person to engage in such contact or communication on
4 behalf of the parolee, unless approved by the ~~{Chief}~~ *Director* or his
5 or her designee and a written agreement is entered into and signed in
6 the manner set forth in subsection 2.
- 7 (i) Not use aliases or fictitious names.
- 8 (j) Not obtain a post office box unless the parolee receives
9 permission from the parole ~~{and probation officer}~~ *agent* assigned to
10 the parolee.
- 11 (k) Not have contact with a person less than 18 years of age in a
12 secluded environment unless another adult who has never been
13 convicted of an offense listed in NRS 179D.097 is present and
14 permission has been obtained from the parole ~~{and probation
15 officer}~~ *agent* assigned to the parolee in advance of each such
16 contact.
- 17 (l) Unless approved by the parole ~~{and probation officer}~~ *agent*
18 assigned to the parolee and by a psychiatrist, psychologist or
19 counselor treating the parolee, if any, not knowingly be within 500
20 feet of any place, or if the place is a structure, within 500 feet of the
21 actual structure, that is designed primarily for use by or for children,
22 including, without limitation, a public or private school, a school
23 bus stop, a center or facility that provides day care services, a video
24 arcade, an amusement park, a playground, a park, an athletic field or
25 a facility for youth sports, or a motion picture theater. The
26 provisions of this paragraph apply only to a parolee who is a Tier 3
27 offender.
- 28 (m) Comply with any protocol concerning the use of
29 prescription medication prescribed by a treating physician,
30 including, without limitation, any protocol concerning the use of
31 psychotropic medication.
- 32 (n) Not possess any sexually explicit material that is deemed
33 inappropriate by the parole ~~{and probation officer}~~ *agent* assigned to
34 the parolee.
- 35 (o) Not patronize a business which offers a sexually related form
36 of entertainment and which is deemed inappropriate by the parole
37 ~~{and probation officer assigned}~~ *agent* to the parolee.
- 38 (p) Not possess any electronic device capable of accessing the
39 Internet and not access the Internet through any such device or any
40 other means, unless possession of such a device or such access is
41 approved by the parole ~~{and probation officer}~~ *agent* assigned to the
42 parolee.
- 43 (q) Inform the parole ~~{and probation officer}~~ *agent* assigned to
44 the parolee if the parolee expects to be or becomes enrolled as a
45 student at an institution of higher education or changes the date of



1 commencement or termination of his or her enrollment at an
2 institution of higher education. As used in this paragraph,
3 "institution of higher education" has the meaning ascribed to it in
4 NRS 179D.045.

5 2. A written agreement entered into pursuant to paragraph (h)
6 of subsection 1 must state that the contact or communication is in
7 the best interest of the victim or witness, and specify the type of
8 contact or communication authorized. The written agreement must
9 be signed and agreed to by:

10 (a) The victim or the witness;

11 (b) The parolee;

12 (c) The parolee ~~{and probation officer}~~ *agent* assigned to the
13 parolee;

14 (d) The psychiatrist, psychologist or counselor treating the
15 parolee, victim or witness, if any;

16 (e) If the victim or witness is a child under 18 years of age, each
17 parent, guardian or custodian of the child; and

18 (f) The ~~{Chief}~~ *Director* or his or her designee.

19 3. The Board is not required to impose a condition of parole
20 listed in subsection 1 if the Board finds that extraordinary
21 circumstances are present and the Board states those extraordinary
22 circumstances in writing.

23 **Sec. 38.** NRS 213.1255 is hereby amended to read as follows:

24 213.1255 1. Except as otherwise provided in subsection 4, in
25 addition to any conditions of parole required to be imposed pursuant
26 to NRS 213.1245, as a condition of releasing on parole a prisoner
27 who was convicted of committing an offense listed in subsection 6
28 against a child under the age of 14 years and who is a Tier 3
29 offender, the Board shall require that the parolee:

30 (a) Reside at a location only if the residence is not located
31 within 1,000 feet of any place, or if the place is a structure, within
32 1,000 feet of the actual structure, that is designed primarily for use
33 by or for children, including, without limitation, a public or private
34 school, a school bus stop, a center or facility that provides day care
35 services, a video arcade, an amusement park, a playground, a park,
36 an athletic field or a facility for youth sports, or a motion picture
37 theater.

38 (b) As deemed appropriate by the ~~{Chief}~~ *Director*, be placed
39 under a system of active electronic monitoring that is capable of
40 identifying his or her location and producing, upon request, reports
41 or records of his or her presence near or within a crime scene or
42 prohibited area or his or her departure from a specified geographic
43 location.



1 (c) Pay any costs associated with his or her participation under
2 the system of active electronic monitoring, to the extent of his or her
3 ability to pay.

4 2. A parolee placed under the system of active electronic
5 monitoring pursuant to subsection 1 shall:

6 (a) Follow the instructions provided by the Division to maintain
7 the electronic monitoring device in working order.

8 (b) Report any incidental damage or defacement of the
9 electronic monitoring device to the Division within 2 hours after the
10 occurrence of the damage or defacement.

11 (c) Abide by any other conditions set forth by the Division with
12 regard to his or her participation under the system of active
13 electronic monitoring.

14 3. Except as otherwise provided in this subsection, a person
15 who intentionally removes or disables or attempts to remove or
16 disable an electronic monitoring device placed on a parolee pursuant
17 to this section is guilty of a gross misdemeanor. The provisions of
18 this subsection do not prohibit a person authorized by the Division
19 from performing maintenance or repairs to an electronic monitoring
20 device.

21 4. The Board is not required to impose a condition of parole
22 listed in subsection 1 if the Board finds that extraordinary
23 circumstances are present and the Board states those extraordinary
24 circumstances in writing.

25 5. In addition to any conditions of parole required to be
26 imposed pursuant to subsection 1 and NRS 213.1245, as a condition
27 of releasing on parole a prisoner who was convicted of committing
28 an offense listed in subsection 6 against a child under the age of 14
29 years, the Board shall, when appropriate:

30 (a) Require the parolee to participate in psychological
31 counseling.

32 (b) Prohibit the parolee from being alone with a child unless
33 another adult who has never been convicted of a sexual offense is
34 present.

35 6. The provisions of subsections 1 and 5 apply to a prisoner
36 who was convicted of:

37 (a) Sexual assault pursuant to paragraph (c) of subsection 3 of
38 NRS 200.366;

39 (b) Abuse or neglect of a child pursuant to subparagraph (1) of
40 paragraph (a) of subsection 1 or subparagraph (1) of paragraph (a)
41 of subsection 2 of NRS 200.508;

42 (c) An offense punishable pursuant to subsection 2 of
43 NRS 200.750;



1 (d) Solicitation of a minor to engage in acts constituting the
2 infamous crime against nature pursuant to subparagraph (I) of
3 paragraph (a) of subsection 1 of NRS 201.195;

4 (e) Lewdness with a child pursuant to NRS 201.230;

5 (f) Luring a child or a person with mental illness pursuant to
6 NRS 201.560, if punished as a felony; or

7 (g) Any combination of the crimes listed in paragraphs (a) to (f),
8 inclusive.

9 **Sec. 39.** NRS 213.151 is hereby amended to read as follows:

10 213.151 1. The Board's written order, certified to by the
11 ~~{Chief Parole and Probation Officer,}~~ *Director*, is sufficient warrant
12 for any parole ~~{and probation officer}~~ *agent* or other peace officer to
13 arrest any conditionally released or paroled prisoner.

14 2. Every sheriff, constable, chief of police, prison officer or
15 other peace officer shall execute any such order in like manner as
16 ordinary criminal process.

17 3. Any parole ~~{and probation officer}~~ *agent* or any peace
18 officer with power to arrest may arrest a parolee without a warrant if
19 there is probable cause to believe that the parolee has committed
20 acts that would constitute a violation of his or her parole.

21 4. Except as otherwise provided in subsection 5, after arresting
22 a paroled prisoner for violation of a condition of his or her parole
23 and placing the parolee in detention or, pursuant to NRS 213.15105,
24 in residential confinement, the arresting officer shall:

25 (a) Present to the detaining authorities, if any, a statement of the
26 charges against the parolee; and

27 (b) Notify the Board of the arrest and detention or residential
28 confinement of the parolee and submit a written report showing in
29 what manner the parolee violated a condition of his or her parole.

30 5. A parole ~~{and probation officer}~~ *agent* or a peace officer
31 may immediately release from custody without any further
32 proceedings any person he or she arrests without a warrant for
33 violating a condition of parole if the parole ~~{and probation officer}~~
34 *agent* or peace officer determines that there is no probable cause to
35 believe that the person violated the condition of parole.

36 **Sec. 40.** NRS 213.15103 is hereby amended to read as
37 follows:

38 213.15103 1. If a parolee is incarcerated in a county jail for a
39 violation of a condition of his or her parole or because his or her
40 residential confinement is terminated pursuant to NRS 213.15198,
41 the sheriff of that county shall notify the ~~{Chief,}~~ *Director*. If there
42 are no other criminal charges pending or warrants outstanding for
43 the parolee, the Division shall take custody of the parolee within:

44 (a) Five working days after the inquiry held pursuant to NRS
45 213.1511 is conducted.



1 (b) Five working days after receiving notice from the sheriff if
2 the parolee was paroled by another state and is under supervision in
3 this State pursuant to NRS 213.215.

4 2. If the Division fails to take custody of a parolee within the
5 time required by subsection 1, the Division shall reimburse the
6 county in which the jail is situated, at a daily rate to be determined
7 by the board of county commissioners for that county, for the cost of
8 housing the parolee each day the parolee is incarcerated in the jail. If
9 the Division does not certify in writing within:

10 (a) Five working days after the inquiry held pursuant to NRS
11 213.1511 is conducted; or

12 (b) Five working days after receiving notice from the sheriff if
13 the parolee was paroled by another state and is under supervision in
14 this State pursuant to NRS 213.215,

15 ➔ that continued incarceration of the parolee is necessary, the
16 sheriff may, if there are no other criminal charges pending or
17 warrants outstanding for the parolee, release the parolee from
18 custody.

19 3. The provisions of this section do not apply if the Division
20 has entered into an agreement with a county that provides otherwise.

21 **Sec. 41.** NRS 213.15105 is hereby amended to read as
22 follows:

23 213.15105 The ~~{Chief Parole and Probation Officer}~~ *Director*
24 may, in accordance with the provisions of NRS 213.15193,
25 213.15195 and 213.15198, order any parolee who is arrested
26 pursuant to NRS 213.151 to be placed in residential confinement in
27 lieu of detention in a county jail pending an inquiry to determine
28 whether there is probable cause to believe that the parolee has
29 committed any act which would constitute a violation of his or her
30 parole.

31 **Sec. 42.** NRS 213.1517 is hereby amended to read as follows:

32 213.1517 1. Where the inquiring officer has determined that
33 there is probable cause for a hearing by the Board, the ~~{Chief}~~
34 *Director* may, after consideration of the case and pending the next
35 meeting of the Board:

36 (a) Release the arrested parolee again upon parole;

37 (b) Order the parolee to be placed in residential confinement in
38 accordance with the provisions of NRS 213.15193, 213.15195 and
39 213.15198; or

40 (c) Suspend his or her parole and return the parolee to
41 confinement.

42 2. The ~~{Chief}~~ *Director* shall take whichever action under
43 subsection 1 the ~~{Chief}~~ *Director* deems appropriate within:

44 (a) Fifteen days if the prisoner was paroled by the Board.



1 (b) Thirty days if the prisoner was paroled by the authority of
2 another state and is under supervision in this state pursuant to NRS
3 213.215. This paragraph does not apply to a parolee who is retaken
4 by an officer of the sending state.

5 3. Except as otherwise provided in subsection 4, if a
6 determination has been made that probable cause exists for the
7 continued detention of a paroled prisoner, the Board shall consider
8 the prisoner's case within 60 days after his or her return to the
9 custody of the Department of Corrections or his or her placement in
10 residential confinement pursuant to subsection 1.

11 4. If probable cause for continued detention of a paroled
12 prisoner is based on conduct which is the subject of a new criminal
13 charge, the Board may consider the prisoner's case under the
14 provisions of subsection 3 or defer consideration until not more than
15 60 days after his or her return to the custody of the Department of
16 Corrections following the final adjudication of the new criminal
17 charge.

18 **Sec. 43.** NRS 213.1518 is hereby amended to read as follows:

19 213.1518 1. If a parolee violates a condition of his or her
20 parole, the parolee forfeits all or part of the credits for good
21 behavior earned by the parolee pursuant to chapter 209 of NRS after
22 his or her release on parole, in the discretion of the Board.

23 2. A forfeiture may be made only by the Board after proof of
24 the violation and notice to the parolee.

25 3. The Board may restore credits forfeited for such reasons as it
26 considers proper.

27 4. The ~~Chief~~ *Director* shall report to the Director of the
28 Department of Corrections any forfeiture or restoration of credits
29 pursuant to this section.

30 **Sec. 44.** NRS 213.15193 is hereby amended to read as
31 follows:

32 213.15193 1. Except as otherwise provided in subsection 6,
33 the ~~Chief~~ *Director* may order the residential confinement of a
34 parolee if the ~~Chief~~ *Director* believes that the parolee does not
35 pose a danger to the community and will appear at a scheduled
36 inquiry or hearing.

37 2. In ordering the residential confinement of a parolee, the
38 ~~Chief~~ *Director* shall:

39 (a) Require the parolee to be confined to his or her residence
40 during the time the parolee is away from his or her employment,
41 community service or other activity authorized by the Division; and

42 (b) Require intensive supervision of the parolee, including,
43 without limitation, unannounced visits to his or her residence or
44 other locations where the parolee is expected to be to determine



1 whether the parolee is complying with the terms of his or her
2 confinement.

3 3. An electronic device approved by the Division may be used
4 to supervise a parolee who is ordered to be placed in residential
5 confinement. The device must be minimally intrusive and limited in
6 capability to recording or transmitting information concerning the
7 presence of the parolee at his or her residence, including, without
8 limitation, the transmission of still visual images which do not
9 concern the activities of the parolee while inside his or her
10 residence. A device which is capable of recording or transmitting:

11 (a) Oral or wire communications or any auditory sound; or

12 (b) Information concerning the activities of the parolee while
13 inside his or her residence,

14 ↪ must not be used.

15 4. The ~~{Chief}~~ *Director* shall not order a parolee to be placed in
16 residential confinement unless the parolee agrees to the order.

17 5. Any residential confinement must not extend beyond the
18 unexpired maximum term of the original sentence of the parolee.

19 6. The ~~{Chief}~~ *Director* shall not order a parolee who is serving
20 a sentence for committing a battery which constitutes domestic
21 violence pursuant to NRS 33.018 to be placed in residential
22 confinement unless the ~~{Chief}~~ *Director* makes a finding that the
23 parolee is not likely to pose a threat to the victim of the battery.

24 **Sec. 45.** NRS 213.15195 is hereby amended to read as
25 follows:

26 213.15195 1. In ordering a parolee to be placed in residential
27 confinement, the ~~{Chief Parole and Probation Officer}~~ *Director* may
28 establish the terms and conditions of that confinement.

29 2. The ~~{Chief Parole and Probation Officer}~~ *Director* may, at
30 any time, modify the terms and conditions of the residential
31 confinement.

32 3. The ~~{Chief Parole and Probation Officer}~~ *Director* shall
33 cause a copy of his or her order to be delivered to the parolee.

34 **Sec. 46.** NRS 213.15198 is hereby amended to read as
35 follows:

36 213.15198 1. The ~~{Chief Parole and Probation Officer}~~
37 *Director* may terminate the residential confinement of a parolee and
38 order the detention of the parolee in a county jail pending an inquiry
39 or hearing if:

40 (a) The parolee violates the terms or conditions of his or her
41 residential confinement; or

42 (b) The ~~{Chief Parole and Probation Officer}~~ *Director*, in his or
43 her discretion, determines that the parolee poses a danger to the
44 community or that there is a reasonable doubt that the parolee will
45 appear at the inquiry or hearing.



1 2. A parolee has no right to dispute a decision to terminate his
2 or her residential confinement.

3 **Sec. 47.** NRS 213.154 is hereby amended to read as follows:

4 213.154 1. The Division shall issue an honorable discharge to
5 a parolee whose term of sentence has expired if the parolee has:

6 (a) Fulfilled the conditions of his or her parole for the entire
7 period of his or her parole; or

8 (b) Demonstrated his or her fitness for honorable discharge but
9 because of economic hardship, verified by a parole ~~and probation~~
10 ~~officer,~~ *agent*, has been unable to make restitution as ordered by the
11 court.

12 2. The Division shall issue a dishonorable discharge to a
13 parolee whose term of sentence has expired if:

14 (a) The whereabouts of the parolee are unknown;

15 (b) The parolee has failed to make full restitution as ordered by
16 the court, without a verified showing of economic hardship; or

17 (c) The parolee has otherwise failed to qualify for an honorable
18 discharge pursuant to subsection 1.

19 3. Any amount of restitution that remains unpaid by a person
20 after the person has been discharged from parole constitutes a civil
21 liability as of the date of discharge.

22 **Sec. 48.** NRS 213.310 is hereby amended to read as follows:

23 213.310 1. If a program is established by the Department
24 pursuant to NRS 213.300, the Director shall, by appropriate means
25 of classification and selection, determine which of the offenders,
26 during the last 6 months' confinement, are suitable for the program,
27 excluding those sentenced to life imprisonment who are not eligible
28 for parole and those imprisoned for violations of chapter 201 of
29 NRS who have not been certified by the designated board as eligible
30 for parole.

31 2. The Director shall then select the names of those offenders
32 the Director determines to be eligible for the program, and the
33 Director shall refer the names of those offenders to the Chair of the
34 State Board of Parole Commissioners for release into the program
35 and, if appropriate, for residential confinement or other appropriate
36 supervision as determined by the *Correctional Community Services*
37 Division of ~~{Parole and Probation of}~~ the Department of ~~{Public~~
38 ~~Safety}~~ *Corrections*.

39 **Sec. 49.** NRS 213.371 is hereby amended to read as follows:

40 213.371 As used in NRS 213.371 to 213.410, inclusive, unless
41 the context otherwise requires:

42 1. "Division" means the *Correctional Community Services*
43 Division ~~{of Parole and Probation}~~ of the Department of ~~{Public~~
44 ~~Safety}~~ *Corrections*.



1 2. "Offender" means a prisoner assigned to the custody of the
2 Division pursuant to NRS 209.392, 209.3925 or 209.429.

3 3. "Residential confinement" means the confinement of an
4 offender to his or her place of residence under the terms and
5 conditions established by the Division.

6 **Sec. 50.** NRS 213.390 is hereby amended to read as follows:

7 213.390 The ~~{Chief Parole and Probation Officer}~~ *Director of*
8 *the Division* shall:

9 1. Furnish to an offender a written statement of the terms and
10 conditions of his or her residential confinement;

11 2. Instruct the offender regarding those terms and conditions;
12 and

13 3. Advise the Director of the Department of Corrections of any
14 violation of those terms and conditions and of the escape of the
15 offender.

16 **Sec. 51.** NRS 213.400 is hereby amended to read as follows:

17 213.400 1. If an offender is absent, without authorization,
18 from his or her residence, employment, treatment, including, but not
19 limited to, medical treatment, or any other activity authorized by the
20 Division, the offender shall be deemed an escaped prisoner and shall
21 be punished as provided in NRS 212.090.

22 2. The ~~{Chief Parole and Probation Officer}~~ *Director of the*
23 *Division* may issue a warrant for the arrest of the offender. The
24 warrant must be executed by a peace officer in the same manner as
25 ordinary criminal process.

26 **Sec. 52.** NRS 213.410 is hereby amended to read as follows:

27 213.410 1. Whenever it is alleged that an offender has
28 escaped or otherwise violated the terms or conditions of his or her
29 residential confinement, the Division shall conduct an inquiry to
30 determine whether the offender has committed acts that would
31 constitute such an escape or violation.

32 2. An offender may be returned to the custody of the
33 Department of Corrections pending the completion of the inquiry
34 conducted by the Division pursuant to the provisions of this section.

35 3. The inquiry must be conducted before an inquiring officer
36 who:

37 (a) Is not directly involved in the case;

38 (b) Has not made the report of the escape or violation; and

39 (c) Has not recommended the return of the offender to the
40 custody of the Department of Corrections.

41 4. The inquiring officer shall:

42 (a) Provide the offender with notice of the inquiry and of the
43 acts alleged to constitute his or her escape or violation of a term or
44 condition of his or her residential confinement, and with an
45 opportunity to be heard on the matter.



1 (b) Upon completion of the inquiry, submit to the ~~{Chief Parole~~
2 ~~and Probation Officer}~~ *Director of the Division* his or her findings
3 and recommendation regarding the disposition of the custody of the
4 offender.

5 5. After considering the findings and recommendation of the
6 inquiring officer, the ~~{Chief Parole and Probation Officer}~~ *Director*
7 *of the Division* shall determine the disposition of the custody of the
8 offender. The decision of the ~~{Chief Parole and Probation Officer}~~
9 *Director of the Division* is final.

10 6. Before a final determination is made to return an offender to
11 the custody of the Department of Corrections, the Division shall
12 provide the offender with a copy of the findings of the inquiring
13 officer.

14 **Sec. 53.** NRS 213.610 is hereby amended to read as follows:

15 213.610 "Division" means the *Correctional Community*
16 *Services* Division ~~{of Parole and Probation}~~ of the Department of
17 ~~{Public Safety.}~~ *Corrections.*

18 **Sec. 54.** NRS 62A.100 is hereby amended to read as follows:

19 62A.100 "Division of ~~{Parole and}~~ *Adult* Probation" means the
20 Division of ~~{Parole and}~~ *Adult* Probation of the Department of
21 Public Safety.

22 **Sec. 55.** NRS 62H.030 is hereby amended to read as follows:

23 62H.030 1. The juvenile court shall make and keep records
24 of all cases brought before the juvenile court.

25 2. Except as otherwise provided in this section and NRS
26 217.110, records of any case brought before the juvenile court may
27 be opened to inspection only by court order to persons who have a
28 legitimate interest in the records.

29 3. The following records and information may be opened to
30 inspection without a court order:

31 (a) Records of traffic violations which are being forwarded to
32 the Department of Motor Vehicles;

33 (b) Records which have not been sealed and which are required
34 by the Division of ~~{Parole and}~~ *Adult* Probation for preparation of
35 presentence investigations and reports pursuant to NRS 176.135 or
36 general investigations and reports pursuant to NRS 176.151;

37 (c) Records which have not been sealed and which are to be
38 used, pursuant to chapter 179D of NRS, by:

39 (1) The Central Repository;

40 (2) The Division of ~~{Parole and}~~ *Adult* Probation; ~~{or}~~

41 (3) *The Correctional Community Services Division of the*
42 *Department of Corrections; or*

43 (4) A person who is conducting an assessment of the risk of
44 recidivism of an adult or juvenile sex offender;



1 (d) Information maintained in the standardized system
2 established pursuant to NRS 62H.200; and

3 (e) Information that must be collected by the Division of Child
4 and Family Services pursuant to NRS 62H.220.

5 4. The clerk of the court shall prepare and cause to be printed
6 forms for social and legal records and other papers as may be
7 required.

8 **Sec. 56.** NRS 174.063 is hereby amended to read as follows:

9 174.063 1. If a plea of guilty or guilty but mentally ill is
10 made in a written plea agreement, the agreement must be
11 substantially in the following form:

12
13 Case No.
14 Dept. No.

15
16 IN THE JUDICIAL DISTRICT COURT OF THE
17 STATE OF NEVADA IN AND FOR THE COUNTY OF.....,

18
19 The State of Nevada,
20 PLAINTIFF,

21
22 v.

23
24 (Name of defendant),
25 DEFENDANT.

26
27 GUILTY OR GUILTY BUT MENTALLY
28 ILL PLEA AGREEMENT

29 I hereby agree to plead guilty or guilty but mentally ill to: (List
30 charges to which defendant is pleading guilty or guilty but mentally
31 ill), as more fully alleged in the charging document attached hereto
32 as Exhibit 1.

33 My decision to plead guilty or guilty but mentally ill is based
34 upon the plea agreement in this case which is as follows:

35 (State the terms of the agreement.)
36

37 CONSEQUENCES OF THE PLEA

38 I understand that by pleading guilty or guilty but mentally ill I
39 admit the facts which support all the elements of the offenses to
40 which I now plead as set forth in Exhibit 1.

41 I understand that as a consequence of my plea of guilty or guilty
42 but mentally ill I may be imprisoned for a period of not more than
43 (maximum term of imprisonment) and that I (may or will) be fined
44 up to (maximum amount of fine). I understand that the law requires
45 me to pay an administrative assessment fee.



1 I understand that, if appropriate, I will be ordered to make
2 restitution to the victim of the offenses to which I am pleading
3 guilty or guilty but mentally ill and to the victim of any related
4 offense which is being dismissed or not prosecuted pursuant to this
5 agreement. I will also be ordered to reimburse the State of Nevada
6 for expenses relating to my extradition, if any.

7 I understand that I (am or am not) eligible for probation for the
8 offense to which I am pleading guilty or guilty but mentally ill. (I
9 understand that, except as otherwise provided by statute, the
10 question of whether I receive probation is in the discretion of the
11 sentencing judge, or I understand that I must serve a mandatory
12 minimum term of (term of imprisonment) or pay a minimum
13 mandatory fine of (amount of fine) or serve a mandatory minimum
14 term (term of imprisonment) and pay a minimum mandatory fine of
15 (amount of fine).)

16 I understand that if more than one sentence of imprisonment is
17 imposed and I am eligible to serve the sentences concurrently, the
18 sentencing judge has the discretion to order the sentences served
19 concurrently or consecutively.

20 I understand that information regarding charges not filed,
21 dismissed charges or charges to be dismissed pursuant to this
22 agreement may be considered by the judge at sentencing.

23 I have not been promised or guaranteed any particular sentence
24 by anyone. I know that my sentence is to be determined by the court
25 within the limits prescribed by statute. I understand that if my
26 attorney or the State of Nevada or both recommend any specific
27 punishment to the court, the court is not obligated to accept the
28 recommendation.

29 I understand that the Division of ~~Parole and~~ Adult Probation of
30 the Department of Public Safety may or will prepare a report for the
31 sentencing judge before sentencing. This report will include matters
32 relevant to the issue of sentencing, including my criminal history. I
33 understand that this report may contain hearsay information
34 regarding my background and criminal history. My attorney (if
35 represented by counsel) and I will each have the opportunity to
36 comment on the information contained in the report at the time of
37 sentencing.

38 39 WAIVER OF RIGHTS

40 By entering my plea of guilty or guilty but mentally ill, I
41 understand that I have waived the following rights and privileges:

42 1. The constitutional privilege against self-incrimination,
43 including the right to refuse to testify at trial, in which event the
44 prosecution would not be allowed to comment to the jury about my
45 refusal to testify.



1 2. The constitutional right to a speedy and public trial by an
2 impartial jury, free of excessive pretrial publicity prejudicial to the
3 defense, at which trial I would be entitled to the assistance of an
4 attorney, either appointed or retained. At trial, the State would bear
5 the burden of proving beyond a reasonable doubt each element of
6 the offense charged.

7 3. The constitutional right to confront and cross-examine any
8 witnesses who would testify against me.

9 4. The constitutional right to subpoena witnesses to testify on
10 my behalf.

11 5. The constitutional right to testify in my own defense.

12 6. The right to appeal the conviction, with the assistance of an
13 attorney, either appointed or retained, unless the appeal is based
14 upon reasonable constitutional, jurisdictional or other grounds that
15 challenge the legality of the proceedings and except as otherwise
16 provided in subsection 3 of NRS 174.035.

17

18

VOLUNTARINESS OF PLEA

19 I have discussed the elements of all the original charges against
20 me with my attorney (if represented by counsel) and I understand
21 the nature of these charges against me.

22 I understand that the State would have to prove each element of
23 the charge against me at trial.

24 I have discussed with my attorney (if represented by counsel)
25 any possible defenses and circumstances which might be in my
26 favor.

27 All of the foregoing elements, consequences, rights and waiver
28 of rights have been thoroughly explained to me by my attorney (if
29 represented by counsel).

30 I believe that pleading guilty or guilty but mentally ill and
31 accepting this plea bargain is in my best interest and that a trial
32 would be contrary to my best interest.

33 I am signing this agreement voluntarily, after consultation with
34 my attorney (if represented by counsel) and I am not acting under
35 duress or coercion or by virtue of any promises of leniency, except
36 for those set forth in this agreement.

37 I am not now under the influence of intoxicating liquor, a
38 controlled substance or other drug which would in any manner
39 impair my ability to comprehend or understand this agreement or
40 the proceedings surrounding my entry of this plea.

41 My attorney (if represented by counsel) has answered all my
42 questions regarding this guilty or guilty but mentally ill plea
43 agreement and its consequences to my satisfaction and I am satisfied
44 with the services provided by my attorney.



1 Dated: This day of the month of of the year
2

3
4
5 Defendant.

6
7 Agreed to on this day of the month of of the year
8

9
10
11 Deputy District Attorney.

12
13 2. If the defendant is represented by counsel, the written plea
14 agreement must also include a certificate of counsel that is
15 substantially in the following form:

16
17 CERTIFICATE OF COUNSEL

18 I, the undersigned, as the attorney for the defendant named
19 herein and as an officer of the court hereby certify that:

20 1. I have fully explained to the defendant the allegations
21 contained in the charges to which guilty or guilty but mentally ill
22 pleas are being entered.

23 2. I have advised the defendant of the penalties for each charge
24 and the restitution that the defendant may be ordered to pay.

25 3. All pleas of guilty or guilty but mentally ill offered by the
26 defendant pursuant to this agreement are consistent with all the facts
27 known to me and are made with my advice to the defendant and are
28 in the best interest of the defendant.

29 4. To the best of my knowledge and belief, the defendant:

30 (a) Is competent and understands the charges and the
31 consequences of pleading guilty or guilty but mentally ill as
32 provided in this agreement.

33 (b) Executed this agreement and will enter all guilty or guilty
34 but mentally ill pleas pursuant hereto voluntarily.

35 (c) Was not under the influence of intoxicating liquor, a
36 controlled substance or other drug at the time of the execution of
37 this agreement.

38
39 Dated: This day of the month of of the year
40

41
42 Attorney for defendant.
43



1 **Sec. 57.** NRS 176.002 is hereby amended to read as follows:
2 176.002 As used in this chapter, unless the context otherwise
3 requires, "Division" means the Division of ~~{Parole and}~~ **Adult**
4 Probation of the Department of Public Safety.

5 **Sec. 58.** NRS 176.0123 is hereby amended to read as follows:
6 176.0123 1. The Advisory Commission on the
7 Administration of Justice is hereby created. The Commission
8 consists of:

9 (a) One member who is a district judge, appointed by the
10 governing body of the Nevada District Judges Association;

11 (b) One member who is a justice of the Supreme Court of
12 Nevada or a retired justice of the Supreme Court of Nevada,
13 appointed by the Chief Justice of the Supreme Court of Nevada;

14 (c) One member who is a district attorney, appointed by the
15 governing body of the Nevada District Attorneys Association;

16 (d) One member who is an attorney in private practice,
17 experienced in defending criminal actions, appointed by the
18 governing body of the State Bar of Nevada;

19 (e) One member who is a public defender, appointed by the
20 governing body of the State Bar of Nevada;

21 (f) One member who is a representative of a law enforcement
22 agency, appointed by the Governor;

23 (g) One member who is a representative of the Division of
24 ~~{Parole and}~~ **Adult** Probation of the Department of Public Safety,
25 appointed by the Governor;

26 (h) *One member who is a representative of the Correctional
27 Community Services Division of the Department of Corrections,
28 appointed by the Governor;*

29 (i) One member who has been a victim of a crime or is a
30 representative of an organization supporting the rights of victims of
31 crime, appointed by the Governor;

32 ~~{(j)}~~ (j) One member who is a representative of an organization
33 that advocates on behalf of inmates, appointed by the Governor;

34 ~~{(k)}~~ (k) One member who is a representative of the Nevada
35 Sheriffs' and Chiefs' Association, appointed by the Nevada
36 Sheriffs' and Chiefs' Association;

37 ~~{(l)}~~ (l) One member who is a member of the State Board of
38 Parole Commissioners, appointed by the State Board of Parole
39 Commissioners;

40 ~~{(m)}~~ (m) The Director of the Department of Corrections;

41 ~~{(n)}~~ (n) Two members who are Senators, one of whom is
42 appointed by the Majority Leader of the Senate and one of whom is
43 appointed by the Minority Leader of the Senate; and



1 ~~(a)~~ (o) Two members who are members of the Assembly, one
2 of whom is appointed by the Speaker of the Assembly and one of
3 whom is appointed by the Minority Leader of the Assembly.

4 ➔ If any association listed in this subsection ceases to exist, the
5 appointment required by this subsection must be made by the
6 association's successor in interest or, if there is no successor in
7 interest, by the Governor.

8 2. The Attorney General is an ex officio voting member of the
9 Commission.

10 3. Each appointed member serves a term of 2 years. Members
11 may be reappointed for additional terms of 2 years in the same
12 manner as the original appointments. Any vacancy occurring in the
13 membership of the Commission must be filled in the same manner
14 as the original appointment not later than 30 days after the vacancy
15 occurs.

16 4. The Legislators who are members of the Commission are
17 entitled to receive the salary provided for a majority of the members
18 of the Legislature during the first 60 days of the preceding session
19 for each day's attendance at a meeting of the Commission.

20 5. At the first regular meeting of each odd-numbered year, the
21 members of the Commission shall elect a Chair by majority vote
22 who shall serve until the next Chair is elected.

23 6. The Commission shall meet at least once every 3 months
24 and may meet at such further times as deemed necessary by the
25 Chair.

26 7. A majority of the members of the Commission constitutes a
27 quorum for the transaction of business, and a majority of those
28 members present at any meeting is sufficient for any official action
29 taken by the Commission.

30 8. While engaged in the business of the Commission, to the
31 extent of legislative appropriation, each member of the Commission
32 is entitled to receive the per diem allowance and travel expenses
33 provided for state officers and employees generally.

34 9. To the extent of legislative appropriation, the Director of the
35 Legislative Counsel Bureau shall provide the Commission with such
36 staff as is necessary to carry out the duties of the Commission.

37 **Sec. 59.** NRS 176.0125 is hereby amended to read as follows:

38 176.0125 The Commission shall:

39 1. Identify and study the elements of this State's system of
40 criminal justice which affect the sentences imposed for felonies and
41 gross misdemeanors.

42 2. Evaluate the effectiveness and fiscal impact of various
43 policies and practices regarding sentencing which are employed in
44 this State and other states, including, but not limited to, the use of
45 plea bargaining, probation, programs of intensive supervision,



1 programs of regimental discipline, imprisonment, sentencing
2 recommendations, mandatory and minimum sentencing, mandatory
3 sentencing for crimes involving the possession, manufacture and
4 distribution of controlled substances, structured or tiered sentencing,
5 enhanced penalties for habitual criminals, parole, credits against
6 sentences, residential confinement and alternatives to incarceration.

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

11 (a) Offenders must receive sentences that increase in direct
12 proportion to the severity of their crimes and their histories of
13 criminality.

14 (b) Offenders who have extensive histories of criminality or
15 who have exhibited a propensity to commit crimes of a predatory or
16 violent nature must receive sentences which reflect the need to
17 ensure the safety and protection of the public and which allow for
18 the imprisonment for life of such offenders.

19 (c) Offenders who have committed offenses that do not include
20 acts of violence and who have limited histories of criminality must
21 receive sentences which reflect the need to conserve scarce
22 economic resources through the use of various alternatives to
23 traditional forms of incarceration.

24 (d) Offenders with similar histories of criminality who are
25 convicted of similar crimes must receive sentences that are generally
26 similar.

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

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

33 (g) Offenders must receive sentences which are based upon the
34 specific circumstances and facts of their offenses, including the
35 nature of the offense and any aggravating factors, the savagery of
36 the offense, as evidenced by the extent of any injury to the victim,
37 and the degree of criminal sophistication demonstrated by the
38 offender's acts before, during and after commission of the offense.

39 4. Evaluate the effectiveness and efficiency of the Department
40 of Corrections and the State Board of Parole Commissioners with
41 consideration as to whether it is feasible and advisable to establish
42 an oversight or advisory board to perform various functions and
43 make recommendations concerning:

44 (a) Policies relating to parole;



- 1 (b) Regulatory procedures and policies of the State Board of
2 Parole Commissioners;
- 3 (c) Policies for the operation of the Department of Corrections;
- 4 (d) Budgetary issues; and
- 5 (e) Other related matters.
- 6 5. Evaluate the effectiveness of specialty court programs in this
7 State with consideration as to whether such programs have the effect
8 of limiting or precluding reentry of offenders and parolees into the
9 community.
- 10 6. Evaluate the policies and practices concerning presentence
11 investigations and reports made by the Division of ~~Parole and~~
12 **Adult** Probation of the Department of Public Safety, including,
13 without limitation, the resources relied on in preparing such
14 investigations and reports and the extent to which judges in this
15 State rely on and follow the recommendations contained in such
16 presentence investigations and reports.
- 17 7. Evaluate, review and comment upon issues relating to
18 juvenile justice in this State, including, but not limited to:
 - 19 (a) The need for the establishment and implementation of
20 evidence-based programs and a continuum of sanctions for children
21 who are subject to the jurisdiction of the juvenile court; and
 - 22 (b) The impact on the criminal justice system of the policies and
23 programs of the juvenile justice system.
- 24 8. Compile and develop statistical information concerning
25 sentencing in this State.
- 26 9. Identify and study issues relating to the application of
27 chapter 241 of NRS to meetings held by the:
 - 28 (a) State Board of Pardons Commissioners to consider an
29 application for clemency; and
 - 30 (b) State Board of Parole Commissioners to consider an
31 offender for parole.
- 32 10. Identify and study issues relating to the operation of the
33 Department of Corrections, including, without limitation, the system
34 for allowing credits against the sentences of offenders, the
35 accounting of such credits and any other policies and procedures of
36 the Department which pertain to the operation of the Department.
- 37 11. Evaluate the policies and practices relating to the
38 involuntary civil commitment of sexually dangerous persons.
- 39 12. For each regular session of the Legislature, prepare a
40 comprehensive report including the Commission's recommended
41 changes pertaining to the administration of justice in this State, the
42 Commission's findings and any recommendations of the
43 Commission for proposed legislation. The report must be submitted
44 to the Director of the Legislative Counsel Bureau for distribution to



1 the Legislature not later than September 1 of each even-numbered
2 year.

3 **Sec. 60.** NRS 176.0127 is hereby amended to read as follows:

4 176.0127 1. The Department of Corrections shall:

5 (a) Provide the Commission with any available statistical
6 information or research requested by the Commission and assist the
7 Commission in the compilation and development of information
8 requested by the Commission, including, but not limited to,
9 information or research concerning the facilities and institutions of
10 the Department of Corrections, the offenders who are or were within
11 those facilities or institutions, rates of recidivism, the effectiveness
12 of educational and vocational programs and the sentences which are
13 being served or were served by those offenders;

14 (b) If requested by the Commission, make available to the
15 Commission the use of the computers and programs which are
16 owned by the Department of Corrections; and

17 (c) Provide the independent contractor retained by the
18 Department of Administration pursuant to NRS 176.0129 with any
19 available statistical information requested by the independent
20 contractor for the purpose of performing the projections required by
21 NRS 176.0129.

22 2. The Division *and the Correctional Community Services*
23 *Division of the Department of Corrections* shall:

24 (a) Provide the Commission with any available statistical
25 information or research requested by the Commission and assist the
26 Commission in the compilation and development of information
27 concerning sentencing, probation, parole and any offenders who are
28 or were subject to supervision by the Division ~~H~~ *or the*
29 *Correctional Community Services Division of the Department of*
30 *Corrections, as applicable;*

31 (b) If requested by the Commission, make available to the
32 Commission the use of the computers and programs which are
33 owned by the Division ~~H~~ *or the Correctional Community Services*
34 *Division of the Department of Corrections, as applicable;* and

35 (c) Provide the independent contractor retained by the
36 Department of Administration pursuant to NRS 176.0129 with any
37 available statistical information requested by the independent
38 contractor for the purpose of performing the projections required by
39 NRS 176.0129.

40 **Sec. 61.** NRS 176.0916 is hereby amended to read as follows:

41 176.0916 1. If the Division is supervising a probationer or
42 *the Correctional Community Services Division of the Department*
43 *of Corrections is supervising a* parolee pursuant to an interstate
44 compact and the probationer or parolee is or has been convicted in
45 another jurisdiction of violating a law that prohibits the same or



1 similar conduct as an offense listed in subsection 4 of NRS
2 176.0913, the Division *or the Correctional Community Services*
3 *Division of the Department of Corrections, as applicable*, shall
4 arrange for a biological specimen to be obtained from the
5 probationer or parolee.

6 2. After a biological specimen is obtained from a probationer
7 or parolee pursuant to this section, the Division *or the Correctional*
8 *Community Services Division of the Department of Corrections, as*
9 *applicable*, shall:

10 (a) Provide the biological specimen to the forensic laboratory
11 that has been designated by the county in which the probationer or
12 parolee is residing to conduct or oversee genetic marker testing for
13 the county pursuant to NRS 176.0917; and

14 (b) Submit the name, social security number, date of birth and
15 any other information identifying the probationer or parolee to the
16 Central Repository.

17 3. Except as otherwise authorized by federal law or by specific
18 statute, a biological specimen obtained pursuant to this section, the
19 results of a genetic marker analysis and any information identifying
20 or matching a biological specimen with a person must not be shared
21 with or disclosed to any person other than the authorized personnel
22 who have possession and control of the biological specimen, results
23 of a genetic marker analysis or information identifying or matching
24 a biological specimen with a person, except pursuant to:

25 (a) A court order; or

26 (b) A request from a law enforcement agency during the course
27 of an investigation.

28 4. A person who violates any provision of subsection 3 is
29 guilty of a misdemeanor.

30 5. A probationer or parolee, to the extent of his or her financial
31 ability, shall pay the sum of \$150 to the Division as a fee for
32 obtaining the biological specimen and for conducting the analysis to
33 determine the genetic markers of the biological specimen. Except as
34 otherwise provided in subsection 6, the fee required pursuant to this
35 subsection must be collected from a probationer or parolee at the
36 time the biological specimen is obtained from the probationer or
37 parolee.

38 6. A probationer or parolee may arrange to make monthly
39 payments of the fee required pursuant to subsection 5. If such
40 arrangements are made, the Division *or the Correctional*
41 *Community Services Division of the Department of Corrections, as*
42 *applicable*, shall provide a probationer or parolee with a monthly
43 statement that specifies the date on which the next payment is due.

44 7. Any unpaid balance for a fee required pursuant to subsection
45 5 is a charge against the Division **H** *or the Correctional*



1 *Community Services Division of the Department of Corrections, as*
2 *applicable.*

3 8. The Division *or the Correctional Community Services*
4 *Division of the Department of Corrections, as applicable*, shall
5 deposit money that is collected pursuant to this section in the Fund
6 for Genetic Marker Testing, which is hereby created in the State
7 General Fund. The money deposited in the Fund for Genetic Marker
8 Testing must be used to pay for the actual amount charged to the
9 Division *or the Correctional Community Services Division of the*
10 *Department of Corrections, as applicable*, for obtaining biological
11 specimens from probationers ~~and~~ *or* parolees, and for conducting
12 an analysis to determine the genetic markers of the specimens.

13 **Sec. 62.** Chapter 176A of NRS is hereby amended by adding
14 thereto the provisions set forth as sections 63 to 73, inclusive, of this
15 act.

16 **Sec. 63.** *The Legislature finds and declares that the release*
17 *or continuation of a person on probation is an act of grace of the*
18 *State. No person has a right to probation, or to be placed in*
19 *residential confinement, and it is not intended that the*
20 *establishment of standards relating thereto create any such right*
21 *or interest in liberty or property or establish a basis for any cause*
22 *of action against the State, its political subdivisions, agencies,*
23 *boards, commissions, departments, officers or employees.*

24 **Sec. 64.** 1. *There is hereby created the Division of Adult*
25 *Probation of the Department of Public Safety.*

26 2. *The Division consists of the Chief Adult Probation Officer*
27 *and such sections as the Chief may create with the approval of the*
28 *Director of the Department of Public Safety.*

29 3. *The Chief of the Division is the Chief Adult Probation*
30 *Officer.*

31 **Sec. 65.** 1. *The Division shall:*

32 (a) *Except as otherwise provided in this section, charge each*
33 *probationer or person supervised by the Division through*
34 *residential confinement a fee to defray the cost of his or her*
35 *supervision.*

36 (b) *Adopt by regulation a schedule of fees to defray the costs of*
37 *supervision of a probationer or person supervised by the Division*
38 *through residential confinement. The regulations must provide for*
39 *a monthly fee of at least \$30.*

40 2. *The Chief Adult Probation Officer may waive the fee to*
41 *defray the cost of supervision, in whole or in part, if the Chief*
42 *determines that payment of the fee would create an economic*
43 *hardship on the probationer or person supervised by the Division*
44 *through residential confinement.*



1 3. *Unless waived pursuant to subsection 2, the payment by a*
2 *probationer or person supervised by the Division through*
3 *residential confinement of a fee charged pursuant to subsection 1*
4 *is a condition of his or her probation or residential confinement.*

5 **Sec. 66.** *1. Except as otherwise provided in subsection 2,*
6 *the Division shall set a level of supervision for each probationer.*
7 *At least once every 6 months, or more often if necessary, the*
8 *Division shall review the probationer's level of supervision to*
9 *determine whether a change in the level of supervision is*
10 *necessary. The Division shall specify in each review the reasons*
11 *for maintaining or changing the level of supervision. If the*
12 *Division changes the level of supervision, the Division shall notify*
13 *the probationer of the change.*

14 2. *The provisions of subsection 1 are not applicable if:*

15 (a) *The level of supervision for the probationer is set by the*
16 *court or by law; or*

17 (b) *The probationer is ordered to participate in a program of*
18 *probation secured by a surety bond pursuant to NRS 176A.300 to*
19 *176A.370, inclusive.*

20 **Sec. 67.** *1. The Director of the Department of Public Safety*
21 *shall appoint the Chief Adult Probation Officer, who is in the*
22 *unclassified service of the State.*

23 2. *The Chief Adult Probation Officer must:*

24 (a) *Be selected on the basis of his or her training, experience,*
25 *capacity and interest in correctional services.*

26 (b) *Have had at least 5 years of experience in correctional*
27 *programs, of which at least 3 years were in a responsible*
28 *administrative position.*

29 **Sec. 68.** *The Chief Adult Probation Officer shall devote his*
30 *or her entire time and attention to the business of his or her office*
31 *and shall not pursue any other business or occupation or hold any*
32 *other office of profit.*

33 **Sec. 69.** *The Chief Adult Probation Officer:*

34 1. *Is responsible for and shall supervise the fiscal affairs and*
35 *responsibilities of the Division.*

36 2. *May establish, consolidate and abolish sections within the*
37 *Division.*

38 3. *May establish, consolidate and abolish districts within the*
39 *State to which assistant adult probation officers are assigned.*

40 4. *Shall appoint the necessary supervisory personnel and*
41 *other assistants and employees as may be necessary for the*
42 *efficient discharge of the responsibilities of the Division.*

43 5. *Is responsible for such reports of investigation and*
44 *supervision and other reports as may be requested by the courts.*



1 6. *Shall direct the work of all assistants and employees*
2 *assigned to him or her.*

3 7. *Shall formulate methods of investigation, supervision,*
4 *recordkeeping and reporting.*

5 8. *Shall develop policies of parole and probation after*
6 *considering other acceptable and recognized correctional*
7 *programs and conduct training courses for the staff.*

8 9. *Shall furnish to each person released under his or her*
9 *supervision a written statement of the conditions of parole or*
10 *probation, instruct any probationer regarding those conditions,*
11 *and advise the court of any violation of the conditions of*
12 *probation.*

13 10. *At the close of each biennium, shall submit to the*
14 *Governor a report, with statistical and other data, of his or her*
15 *work.*

16 **Sec. 70.** *Assistant adult probation officers shall:*

17 1. *Investigate all cases referred to them for investigation by*
18 *the Chief Adult Probation Officer or by any court in which they*
19 *are authorized to serve.*

20 2. *Supervise all persons released on probation by any such*
21 *court or released to them for supervision by the Chief Adult*
22 *Probation Officer.*

23 3. *Furnish to each person released under their supervision a*
24 *written statement of the conditions of probation and instruct the*
25 *person regarding those conditions.*

26 4. *Keep informed concerning the conduct and condition of all*
27 *persons under their supervision and use all suitable methods to aid*
28 *and encourage them and to bring about improvement in their*
29 *conduct and conditions.*

30 5. *Keep detailed records of their work.*

31 6. *Collect and disburse all money in accordance with the*
32 *orders of the Chief Adult Probation Officer or the court.*

33 7. *Keep accurate and complete accounts of all money*
34 *received and disbursed in accordance with such orders and give*
35 *receipts therefor.*

36 8. *Make such reports in writing as the court or the Chief*
37 *Adult Probation Officer may require.*

38 9. *Coordinate their work with that of other social agencies.*

39 10. *File identifying information regarding their cases with*
40 *any social service index or exchange operating in the area to*
41 *which they are assigned.*

42 **Sec. 71.** 1. *A probation officer shall immediately deliver to*
43 *the Division any seized, abandoned or unclaimed property, other*
44 *than an instrument or weapon described in NRS 202.350, which*
45 *the probation officer obtains in the pursuance of his or her duty,*



1 *unless the probation officer is required to retain the property as*
2 *evidence pursuant to a court order or directive of the Attorney*
3 *General or a district attorney. Property retained as evidence must*
4 *be placed in a secured locker for evidence at a law enforcement*
5 *agency in this State and when released from evidence must be*
6 *immediately delivered to the Division.*

7 2. *The Division shall keep the property for return to the*
8 *owner and, unless it is contraband, return it to the owner if the*
9 *owner submits a claim to the Division and establishes his or her*
10 *ownership within 1 year after the Division comes into possession of*
11 *it. Contraband includes any property which, if possessed by a*
12 *probationer, would constitute a violation of the terms of his or her*
13 *probation or any federal or state law. Contraband becomes the*
14 *property of the Division.*

15 3. *Any contraband consisting of controlled substances or*
16 *dangerous drugs must be disposed of or destroyed as provided by*
17 *law.*

18 4. *If the Division is not able to determine the owner of the*
19 *property within the 1-year period, the Division acquires title to it*
20 *and the Chief Adult Probation Officer shall:*

21 (a) *Sell the property at a public auction at the same times and*
22 *places that confiscated instruments and weapons are sold; or*

23 (b) *Retain the property for the official use of the Division.*

24 5. *The Division shall keep accurate records of all property*
25 *governed by this section.*

26 **Sec. 72. 1.** *A probation officer shall immediately deliver to*
27 *the Division any seized, abandoned or unclaimed instrument or*
28 *weapon described in NRS 202.350 which the probation officer*
29 *obtains in the pursuance of his or her duty, unless the probation*
30 *officer is required to retain it as evidence pursuant to a court order*
31 *or directive of the Attorney General or a district attorney. Property*
32 *retained as evidence must be placed in a secured locker for*
33 *evidence at a law enforcement agency in this State and when*
34 *released from evidence must be immediately delivered to the*
35 *Division.*

36 2. *The Division shall:*

37 (a) *Destroy or direct to be destroyed the instrument or weapon*
38 *if it is determined to be dangerous to the safety of the public.*

39 (b) *Return an instrument or weapon which has not been*
40 *destroyed pursuant to paragraph (a), upon demand, to any person*
41 *other than a probationer:*

42 (1) *From whom it was confiscated if that person is*
43 *acquitted of the public offense or crime of which that person was*
44 *charged; or*



1 (2) *Who otherwise claims and establishes ownership of it.*
2 *Any such instrument or weapon which is not destroyed, returned*
3 *or claimed within 1 year after the Division comes into possession*
4 *of it becomes the property of the Division.*

5 3. *The Chief Adult Probation Officer shall at least once a*
6 *year order the assistant adult probation officers who have custody*
7 *of such instruments and weapons that have become the property of*
8 *the Division to:*

9 (a) *Retain the instrument or weapon for official use by the*
10 *Division.*

11 (b) *Deliver the instruments and weapons to another custodial*
12 *officer of the Division to be sold.*

13 (c) *Sell any such instrument or weapon to another law*
14 *enforcement agency at a price not less than its prevailing market*
15 *value.*

16 (d) *Sell all unretained and unsold instruments and weapons at*
17 *a public auction to be held at least once in each year, after notice*
18 *of such public auction describing the instrument or weapons to be*
19 *sold is published once a week for 2 weeks immediately preceding*
20 *the date of the auction in a newspaper of general circulation in the*
21 *county or city of the sale.*

22 4. *All proceeds of the sales provided for in subsection 3 must*
23 *be deposited with the State Treasurer for credit to the State*
24 *General Fund.*

25 5. *Any probation officer receiving an order as provided in*
26 *subsection 3 shall comply with such order as soon as practicable.*

27 6. *The Division shall keep accurate records of all instruments*
28 *and weapons governed by this section.*

29 **Sec. 73.** 1. *The Chief Adult Probation Officer shall adopt*
30 *by regulation standards to assist him or her in formulating a*
31 *recommendation regarding the granting of probation or the*
32 *revocation of probation to a convicted person who is otherwise*
33 *eligible for or on probation. The standards must be based upon*
34 *objective criteria for determining the person's probability of*
35 *success on probation.*

36 2. *In establishing standards, the Chief Adult Probation*
37 *Officer shall first consider all factors which are relevant in*
38 *determining the probability that a convicted person will live and*
39 *remain at liberty without violating the law if probation is granted*
40 *or continued.*

41 3. *The Chief Adult Probation Officer shall adjust the*
42 *standards to provide a recommendation of greater punishment for*
43 *a convicted person who has a history of repetitive criminal*
44 *conduct or who commits a serious crime, with a violent crime*
45 *considered the most serious, than for a convicted person who does*



1 *not have a history of repetitive crimes and did not commit a*
2 *serious crime.*

3 *4. When adopting regulations pursuant to this section, the*
4 *Chief Adult Probation Officer shall follow the procedure set forth*
5 *in chapter 233B of NRS for the adoption of regulations.*

6 *5. The Chief Adult Probation Officer shall report to each*
7 *regular session of the Legislature:*

8 *(a) The number and percentage of recommendations made*
9 *regarding probation which conflicted with the standards; and*

10 *(b) Any recommendations regarding the standards.*

11 **Sec. 74.** NRS 176A.010 is hereby amended to read as follows:

12 176A.010 As used in this chapter, unless the context otherwise
13 requires, the words and terms defined in NRS ~~176A.020~~ **176A.030**
14 to 176A.090, inclusive, have the meanings ascribed to them in those
15 sections.

16 **Sec. 75.** NRS 176A.040 is hereby amended to read as follows:

17 176A.040 “Division” means the Division of ~~Parole and~~ **Adult**
18 Probation of the Department of Public Safety.

19 **Sec. 76.** NRS 176A.050 is hereby amended to read as follows:

20 176A.050 ~~“Parole and probation”~~ **“Probation** officer” means
21 the Chief ~~Parole and~~ **Adult** Probation Officer or an assistant
22 ~~parole and~~ **adult** probation officer appointed in accordance with
23 the provisions of *this* chapter. ~~{213 of NRS.}~~

24 **Sec. 77.** NRS 176A.070 is hereby amended to read as follows:

25 176A.070 “Standards” means the objective standards for
26 granting or revoking ~~parole or~~ probation which are adopted by the
27 ~~Board or~~ Chief ~~Parole and~~ **Adult** Probation Officer.

28 **Sec. 78.** NRS 176A.100 is hereby amended to read as follows:

29 176A.100 1. Except as otherwise provided in this section and
30 NRS 176A.110 and 176A.120, if a person is found guilty in a
31 district court upon verdict or plea of:

32 (a) Murder of the first or second degree, kidnapping in the first
33 degree, sexual assault, attempted sexual assault of a child who is
34 less than 16 years of age, lewdness with a child pursuant to NRS
35 201.230, an offense for which the suspension of sentence or the
36 granting of probation is expressly forbidden, or if the person is
37 found to be a habitual criminal pursuant to NRS 207.010, a
38 habitually fraudulent felon pursuant to NRS 207.014 or a habitual
39 felon pursuant to NRS 207.012, the court shall not suspend the
40 execution of the sentence imposed or grant probation to the person.

41 (b) A category E felony, except as otherwise provided in this
42 paragraph, the court shall suspend the execution of the sentence
43 imposed and grant probation to the person. The court may, as it
44 deems advisable, decide not to suspend the execution of the



1 sentence imposed and grant probation to the person if, at the time of
2 sentencing, it is established that the person:

3 (1) Was serving a term of probation or was on parole at the
4 time the crime was committed, whether in this State or elsewhere,
5 for a felony conviction;

6 (2) Had previously had the person's probation or parole
7 revoked, whether in this State or elsewhere, for a felony conviction;

8 (3) Had previously been assigned to a program of treatment
9 and rehabilitation pursuant to NRS 453.580 and failed to
10 successfully complete that program; or

11 (4) Had previously been two times convicted, whether in this
12 State or elsewhere, of a crime that under the laws of the situs of the
13 crime or of this State would amount to a felony.

14 ➤ If the person denies the existence of a previous conviction, the
15 court shall determine the issue of the previous conviction after
16 hearing all relevant evidence presented on the issue by the
17 prosecution and the person. At such a hearing, the person may not
18 challenge the validity of a previous conviction. For the purposes of
19 this paragraph, a certified copy of a felony conviction is prima facie
20 evidence of conviction of a prior felony.

21 (c) Another felony, a gross misdemeanor or a misdemeanor, the
22 court may suspend the execution of the sentence imposed and grant
23 probation as the court deems advisable.

24 2. In determining whether to grant probation to a person, the
25 court shall not consider whether the person has the financial ability
26 to participate in a program of probation secured by a surety bond
27 established pursuant to NRS 176A.300 to 176A.370, inclusive.

28 3. The court shall consider the standards adopted pursuant to
29 NRS 213.10988 and the recommendation of the Chief ~~Parole and~~
30 **Adult** Probation Officer, if any, in determining whether to grant
31 probation to a person.

32 4. If the court determines that a person is otherwise eligible for
33 probation but requires more supervision than would normally be
34 provided to a person granted probation, the court may, in lieu of
35 sentencing the person to a term of imprisonment, grant probation
36 pursuant to the Program of Intensive Supervision established
37 pursuant to NRS 176A.440.

38 5. Except as otherwise provided in this subsection, if a person
39 is convicted of a felony and the Division is required to make a
40 presentence investigation and report to the court pursuant to NRS
41 176.135, the court shall not grant probation to the person until the
42 court receives the report of the presentence investigation from the
43 Chief ~~Parole and~~ **Adult** Probation Officer. The Chief ~~Parole and~~
44 **Adult** Probation Officer shall submit the report of the presentence
45 investigation to the court not later than 45 days after receiving a



1 request for a presentence investigation from the county clerk. If the
2 report of the presentence investigation is not submitted by the Chief
3 ~~Parole and~~ Adult Probation Officer within 45 days, the court may
4 grant probation without the report.

5 6. If the court determines that a person is otherwise eligible for
6 probation, the court shall, when determining the conditions of that
7 probation, consider the imposition of such conditions as would
8 facilitate timely payments by the person of an obligation, if any, for
9 the support of a child and the payment of any such obligation which
10 is in arrears.

11 **Sec. 79.** NRS 176A.220 is hereby amended to read as follows:

12 176A.220 The court shall, upon the entering of an order of
13 probation or suspension of sentence, as provided for in this chapter,
14 direct the clerk of the court to certify a copy of the records in the
15 case and deliver the copy to the Chief ~~Parole and~~ Adult Probation
16 Officer.

17 **Sec. 80.** NRS 176A.400 is hereby amended to read as follows:

18 176A.400 1. In issuing an order granting probation, the court
19 may fix the terms and conditions thereof, including, without
20 limitation:

21 (a) A requirement for restitution;

22 (b) An order that the probationer dispose of all the weapons the
23 probationer possesses; or

24 (c) Any reasonable conditions to protect the health, safety or
25 welfare of the community or to ensure that the probationer will
26 appear at all times and places ordered by the court, including,
27 without limitation:

28 (1) Requiring the probationer to remain in this State or a
29 certain county within this State;

30 (2) Prohibiting the probationer from contacting or attempting
31 to contact a specific person or from causing or attempting to cause
32 another person to contact that person on the probationer's behalf;

33 (3) Prohibiting the probationer from entering a certain
34 geographic area; or

35 (4) Prohibiting the probationer from engaging in specific
36 conduct that may be harmful to the probationer's own health, safety
37 or welfare, or the health, safety or welfare of another person.

38 2. In issuing an order granting probation to a person who is
39 found guilty of a category C, D or E felony, the court may require
40 the person as a condition of probation to participate in and complete
41 to the satisfaction of the court any alternative program, treatment or
42 activity deemed appropriate by the court.

43 3. The court shall not suspend the execution of a sentence of
44 imprisonment after the defendant has begun to serve it.



1 4. In placing any defendant on probation or in granting a
2 defendant a suspended sentence, the court shall direct that the
3 defendant be placed under the supervision of the Chief ~~{Parole and}~~
4 *Adult* Probation Officer.

5 **Sec. 81.** NRS 176A.410 is hereby amended to read as follows:

6 176A.410 1. Except as otherwise provided in subsection 6, if
7 a defendant is convicted of a sexual offense and the court grants
8 probation or suspends the sentence, the court shall, in addition to
9 any other condition ordered pursuant to NRS 176A.400, order as a
10 condition of probation or suspension of sentence that the defendant:

11 (a) Submit to a search and seizure of the defendant's person,
12 residence or vehicle or any property under the defendant's control,
13 at any time of the day or night, without a warrant, by any ~~{parole~~
14 ~~and}~~ probation officer or any peace officer, for the purpose of
15 determining whether the defendant has violated any condition of
16 probation or suspension of sentence or committed any crime.

17 (b) Reside at a location only if:

18 (1) The residence has been approved by the ~~{parole and}~~
19 probation officer assigned to the defendant.

20 (2) If the residence is a facility that houses more than three
21 persons who have been released from prison, the facility is a facility
22 for transitional living for released offenders that is licensed pursuant
23 to chapter 449 of NRS.

24 (3) The defendant keeps the ~~{parole and}~~ probation officer
25 assigned to the defendant informed of the defendant's current
26 address.

27 (c) Accept a position of employment or a position as a volunteer
28 only if it has been approved by the ~~{parole and}~~ probation officer
29 assigned to the defendant and keep the ~~{parole and}~~ probation
30 officer informed of the location of the defendant's position of
31 employment or position as a volunteer.

32 (d) Abide by any curfew imposed by the ~~{parole and}~~ probation
33 officer assigned to the defendant.

34 (e) Participate in and complete a program of professional
35 counseling approved by the Division.

36 (f) Submit to periodic tests, as requested by the ~~{parole and}~~
37 probation officer assigned to the defendant, to determine whether
38 the defendant is using a controlled substance.

39 (g) Submit to periodic polygraph examinations, as requested by
40 the ~~{parole and}~~ probation officer assigned to the defendant.

41 (h) Abstain from consuming, possessing or having under the
42 defendant's control any alcohol.

43 (i) Not have contact or communicate with a victim of the sexual
44 offense or a witness who testified against the defendant or solicit
45 another person to engage in such contact or communication on



1 behalf of the defendant, unless approved by the Chief ~~{Parole and}~~
2 *Adult* Probation Officer or ~~{the Chief Parole and Probation~~
3 ~~Officer's}~~ *his or her* designee and a written agreement is entered
4 into and signed in the manner set forth in subsection 5.

5 (j) Not use aliases or fictitious names.

6 (k) Not obtain a post office box unless the defendant receives
7 permission from the ~~{parole and}~~ probation officer assigned to the
8 defendant.

9 (l) Not have contact with a person less than 18 years of age in a
10 secluded environment unless another adult who has never been
11 convicted of a sexual offense is present and permission has been
12 obtained from the ~~{parole and}~~ probation officer assigned to the
13 defendant in advance of each such contact.

14 (m) Unless approved by the ~~{parole and}~~ probation officer
15 assigned to the defendant and by a psychiatrist, psychologist or
16 counselor treating the defendant, if any, not knowingly be within
17 500 feet of any place, or if the place is a structure, within 500 feet of
18 the actual structure, that is designed primarily for use by or for
19 children, including, without limitation, a public or private school, a
20 school bus stop, a center or facility that provides day care services, a
21 video arcade, an amusement park, a playground, a park, an athletic
22 field or a facility for youth sports, or a motion picture theater. The
23 provisions of this paragraph apply only to a defendant who is a Tier
24 III offender.

25 (n) Comply with any protocol concerning the use of prescription
26 medication prescribed by a treating physician, including, without
27 limitation, any protocol concerning the use of psychotropic
28 medication.

29 (o) Not possess any sexually explicit material that is deemed
30 inappropriate by the ~~{parole and}~~ probation officer assigned to the
31 defendant.

32 (p) Not patronize a business which offers a sexually related form
33 of entertainment and which is deemed inappropriate by the ~~{parole~~
34 ~~and}~~ probation officer assigned to the defendant.

35 (q) Not possess any electronic device capable of accessing the
36 Internet and not access the Internet through any such device or any
37 other means, unless possession of such a device or such access is
38 approved by the ~~{parole and}~~ probation officer assigned to the
39 defendant.

40 (r) Inform the ~~{parole and}~~ probation officer assigned to the
41 defendant if the defendant expects to be or becomes enrolled as a
42 student at an institution of higher education or changes the date of
43 commencement or termination of the defendant's enrollment at an
44 institution of higher education. As used in this paragraph,



1 “institution of higher education” has the meaning ascribed to it in
2 NRS 179D.045.

3 2. Except as otherwise provided in subsection 6, if a defendant
4 is convicted of an offense listed in subsection 6 of NRS 213.1255
5 against a child under the age of 14 years, the defendant is a Tier III
6 offender and the court grants probation or suspends the sentence of
7 the defendant, the court shall, in addition to any other condition
8 ordered pursuant to subsection 1, order as a condition of probation
9 or suspension of sentence that the defendant:

10 (a) Reside at a location only if the residence is not located
11 within 1,000 feet of any place, or if the place is a structure, within
12 1,000 feet of the actual structure, that is designed primarily for use
13 by or for children, including, without limitation, a public or private
14 school, a school bus stop, a center or facility that provides day care
15 services, a video arcade, an amusement park, a playground, a park,
16 an athletic field or a facility for youth sports, or a motion picture
17 theater.

18 (b) As deemed appropriate by the Chief ~~{Parole and}~~ **Adult**
19 Probation Officer, be placed under a system of active electronic
20 monitoring that is capable of identifying the defendant’s location
21 and producing, upon request, reports or records of the defendant’s
22 presence near or within a crime scene or prohibited area or the
23 defendant’s departure from a specified geographic location.

24 (c) Pay any costs associated with the defendant’s participation
25 under the system of active electronic monitoring, to the extent of the
26 defendant’s ability to pay.

27 3. A defendant placed under the system of active electronic
28 monitoring pursuant to subsection 2 shall:

29 (a) Follow the instructions provided by the Division to maintain
30 the electronic monitoring device in working order.

31 (b) Report any incidental damage or defacement of the
32 electronic monitoring device to the Division within 2 hours after the
33 occurrence of the damage or defacement.

34 (c) Abide by any other conditions set forth by the Division with
35 regard to the defendant’s participation under the system of active
36 electronic monitoring.

37 4. Except as otherwise provided in this subsection, a person
38 who intentionally removes or disables or attempts to remove or
39 disable an electronic monitoring device placed on a defendant
40 pursuant to this section is guilty of a gross misdemeanor. The
41 provisions of this subsection do not prohibit a person authorized by
42 the Division from performing maintenance or repairs to an
43 electronic monitoring device.

44 5. A written agreement entered into pursuant to paragraph (i) of
45 subsection 1 must state that the contact or communication is in the



1 best interest of the victim or witness, and specify the type of contact
2 or communication authorized. The written agreement must be
3 signed and agreed to by:

4 (a) The victim or the witness;

5 (b) The defendant;

6 (c) The ~~parole and~~ probation officer assigned to the defendant;

7 (d) The psychiatrist, psychologist or counselor treating the
8 defendant, victim or witness, if any;

9 (e) If the victim or witness is a child under 18 years of age, each
10 parent, guardian or custodian of the child; and

11 (f) The Chief ~~Parole and~~ Adult Probation Officer or ~~the Chief~~
12 ~~Parole and Probation Officer's~~ *his or her* designee.

13 6. The court is not required to impose a condition of probation
14 or suspension of sentence listed in subsections 1 and 2 if the court
15 finds that extraordinary circumstances are present and the court
16 enters those extraordinary circumstances in the record.

17 7. As used in this section, "sexual offense" has the meaning
18 ascribed to it in NRS 179D.097.

19 **Sec. 82.** NRS 176A.440 is hereby amended to read as follows:

20 176A.440 1. The Chief ~~Parole and~~ Adult Probation Officer
21 shall develop a program for the intensive supervision of a person
22 granted probation pursuant to subsection 4 of NRS 176A.100.

23 2. The Program of Intensive Supervision must include an initial
24 period of electronic supervision of the probationer with an electronic
25 device approved by the Division. The device must be minimally
26 intrusive and limited in capability to recording or transmitting
27 information concerning the probationer's presence at the
28 probationer's residence, including, but not limited to, the
29 transmission of still visual images which do not concern
30 the probationer's activities while inside the residence. A device
31 which is capable of recording or transmitting:

32 (a) Oral or wire communications or any auditory sound; or

33 (b) Information concerning the probationer's activities while
34 inside the residence,

35 ↪ must not be used.

36 **Sec. 83.** NRS 176A.450 is hereby amended to read as follows:

37 176A.450 1. Except as otherwise provided in this section, by
38 order duly entered, the court may impose, and may at any time
39 modify, any conditions of probation or suspension of sentence. The
40 court shall cause a copy of any such order to be delivered to the
41 ~~parole and~~ probation officer and the probationer. A copy of the
42 order must also be sent to the Director of the Department of
43 Corrections if the probationer is under the supervision of the
44 Director pursuant to NRS 176A.780.



1 2. If the probationer is participating in a program of probation
2 secured by a surety bond, the court shall not impose or modify the
3 conditions of probation unless the court notifies the surety and:

4 (a) Causes the original bond to be revoked and requires a new
5 bond to which the original and the new conditions are appended and
6 made part; or

7 (b) Requires an additional bond to which the new conditions are
8 appended and made part.

9 3. The court shall not modify a condition of probation or
10 suspension of sentence that was imposed pursuant to NRS
11 176A.410, unless the court finds that extraordinary circumstances
12 are present and the court enters those extraordinary circumstances in
13 the record.

14 **Sec. 84.** NRS 176A.500 is hereby amended to read as follows:

15 176A.500 1. The period of probation or suspension of
16 sentence may be indeterminate or may be fixed by the court and
17 may at any time be extended or terminated by the court, but the
18 period, including any extensions thereof, must not be more than:

19 (a) Three years for a:

20 (1) Gross misdemeanor; or

21 (2) Suspension of sentence pursuant to NRS 176A.260,
22 176A.290 or 453.3363; or

23 (b) Five years for a felony.

24 2. At any time during probation or suspension of sentence, the
25 court may issue a warrant for violating any of the conditions of
26 probation or suspension of sentence and cause the defendant to be
27 arrested. Except for the purpose of giving a dishonorable discharge
28 from probation, and except as otherwise provided in this subsection,
29 the time during which a warrant for violating any of the conditions
30 of probation is in effect is not part of the period of probation. If the
31 warrant is cancelled or probation is reinstated, the court may include
32 any amount of that time as part of the period of probation.

33 3. Any ~~parole and~~ probation officer or any peace officer with
34 power to arrest may arrest a probationer without a warrant, or may
35 deputize any other officer with power to arrest to do so by giving the
36 probationer a written statement setting forth that the probationer has,
37 in the judgment of the ~~parole and~~ probation officer, violated the
38 conditions of probation. Except as otherwise provided in subsection
39 4, the ~~parole and~~ probation officer or the peace officer, after
40 making an arrest, shall present to the detaining authorities, if any, a
41 statement of the charges against the probationer. The ~~parole and~~
42 probation officer shall at once notify the court which granted
43 probation of the arrest and detention or residential confinement of
44 the probationer and shall submit a report in writing showing in what
45 manner the probationer has violated the conditions of probation.



1 4. A ~~parole and~~ probation officer or a peace officer may
2 immediately release from custody without any further proceedings
3 any person the officer arrests without a warrant for violating a
4 condition of probation if the ~~parole and~~ probation officer or peace
5 officer determines that there is no probable cause to believe that the
6 person violated the condition of probation.

7 5. A person who is sentenced to serve a period of probation for
8 a felony or a gross misdemeanor must be allowed for the period of
9 the probation a deduction as set forth in subsection 6 if the offender
10 is in compliance with the terms and conditions of the probation as
11 determined by the Division and is:

12 (a) Current with any fee to defray the cost of the supervision
13 charged pursuant to NRS 213.1076 and with any fines, fees and
14 restitution ordered by the court, including, without limitation, any
15 payment of restitution required pursuant to NRS 176A.430; and

16 (b) Actively involved in employment or enrolled in a program of
17 education, rehabilitation or any other program approved by the
18 Division.

19 6. A person described in subsection 5 must be allowed for the
20 period of the probation a deduction of:

21 (a) Ten days from that period for each month the person serves
22 and is current on any fees to defray the cost of the supervision owed
23 and on any fines, fees and restitution ordered by the court; and

24 (b) Except as otherwise provided in subsection 7, an additional
25 10 days from that period for each month the person serves and is
26 actively involved in employment or enrolled in a program of
27 education, rehabilitation or any other program approved by the
28 Division.

29 7. A person who is sentenced to serve a period of probation for
30 a felony or a gross misdemeanor and who is a participant in a
31 specialty court program must be allowed a deduction from the
32 period of probation for being actively involved in employment or
33 enrolled in a program of education, rehabilitation or any other
34 program approved by the Division only if the person successfully
35 completes the specialty court program. Such a deduction must not
36 exceed the length of time remaining on the person's period of
37 probation.

38 8. As used in this section, "specialty court program" means a
39 program established by a court to facilitate testing, treatment and
40 oversight of certain persons over whom the court has jurisdiction
41 and who the court has determined suffer from mental illnesses or
42 abuse alcohol or drugs. Such a program includes, without limitation,
43 a program established pursuant to NRS 176A.250 or 453.580.



1 **Sec. 85.** NRS 176A.530 is hereby amended to read as follows:
2 176A.530 The Chief ~~{Parole and}~~ **Adult** Probation Officer may,
3 in accordance with the provisions of NRS 176A.530 to 176A.560,
4 inclusive, order any probationer who is arrested pursuant to NRS
5 176A.500 to be placed in residential confinement in lieu of
6 detention in a county jail pending an inquiry to determine whether
7 there is probable cause to believe that the probationer has committed
8 any act which would constitute a violation of a condition of the
9 probation.

10 **Sec. 86.** NRS 176A.540 is hereby amended to read as follows:
11 176A.540 1. The Chief ~~{Parole and}~~ **Adult** Probation Officer
12 may order the residential confinement of a probationer if the Chief
13 ~~{Parole and}~~ **Adult** Probation Officer believes that the probationer
14 poses no danger to the community and will appear at a scheduled
15 inquiry or court hearing.

16 2. In ordering the residential confinement of a probationer, the
17 Chief ~~{Parole and}~~ **Adult** Probation Officer shall:

18 (a) Require the probationer to be confined to the probationer's
19 residence during the time the probationer is away from any
20 employment, community service or other activity authorized by the
21 Division; and

22 (b) Require intensive supervision of the probationer, including,
23 without limitation, unannounced visits to the probationer's residence
24 or other locations where the probationer is expected to be to
25 determine whether the probationer is complying with the terms of
26 confinement.

27 3. An electronic device approved by the Division may be used
28 to supervise a probationer who is ordered to be placed in residential
29 confinement. The device must be minimally intrusive and limited in
30 capability to recording or transmitting information concerning
31 the probationer's presence at the probationer's residence, including
32 the transmission of still visual images which do not concern the
33 probationer's activities while inside the residence. A device which is
34 capable of recording or transmitting:

35 (a) Oral or wire communications or any auditory sound; or

36 (b) Information concerning the probationer's activities while
37 inside the residence,
38 ↪ must not be used.

39 4. The Chief ~~{Parole and}~~ **Adult** Probation Officer shall not
40 order a probationer to be placed in residential confinement unless
41 the probationer agrees to the order.

42 5. Any residential confinement must not extend beyond the
43 unexpired maximum term of the original sentence.



1 **Sec. 87.** NRS 176A.550 is hereby amended to read as follows:
2 176A.550 1. In ordering a probationer to be placed in
3 residential confinement, the Chief ~~{Parole and}~~ **Adult** Probation
4 Officer may establish the terms and conditions of that confinement.
5 2. The Chief ~~{Parole and}~~ **Adult** Probation Officer may, at any
6 time, modify the terms and conditions of the residential
7 confinement.
8 3. The Chief ~~{Parole and}~~ **Adult** Probation Officer shall cause a
9 copy of the order to be delivered to the probationer.

10 **Sec. 88.** NRS 176A.560 is hereby amended to read as follows:
11 176A.560 1. The Chief ~~{Parole and}~~ **Adult** Probation Officer
12 may terminate the residential confinement of a probationer and
13 order the detention of the probationer in a county jail pending an
14 inquiry or court hearing if:
15 (a) The probationer violates the terms or conditions of the
16 residential confinement; or
17 (b) The Chief ~~{Parole and}~~ **Adult** Probation Officer, in his or her
18 discretion, determines that the probationer poses a danger to the
19 community or that there is a reasonable doubt that the probationer
20 will appear at the inquiry or hearing.

21 2. A probationer has no right to dispute a decision to terminate
22 the residential confinement.

23 **Sec. 89.** NRS 176A.600 is hereby amended to read as follows:
24 176A.600 1. The ~~{parole and}~~ probation officer or detaining
25 authority shall give the arrested probationer advance notice of:

- 26 (a) The place and time of the inquiry.
27 (b) The purpose of the inquiry.
28 (c) What violations of probation have been alleged.
29 2. The inquiring officer shall allow the probationer to:
30 (a) Appear and speak on the probationer's own behalf.
31 (b) Obtain counsel.
32 (c) Present any relevant letters or other documents and any
33 person who can give relevant information.
34 (d) Confront and question any person who appears against the
35 probationer, unless in the opinion of the inquiring officer the person
36 would be subjected to a risk of harm by disclosure of the person's
37 identity.

38 **Sec. 90.** NRS 176A.610 is hereby amended to read as follows:
39 176A.610 1. Upon completion of the inquiry, the inquiring
40 officer shall:

- 41 (a) Make a written summary of what occurred at the inquiry,
42 noting the substance of the evidence given to support a revocation of
43 the probation and the probationer's position and responses.
44 (b) Determine whether there is probable cause to hold the
45 probationer for a court hearing on revocation.



1 2. If the inquiring officer determines that there is probable
2 cause:

3 (a) The inquiring officer's determination is sufficient to warrant
4 the continued detention of the probationer pending the court's
5 hearing; or

6 (b) The Chief ~~Parole and~~ Adult Probation Officer may order
7 the probationer to be placed in residential confinement in
8 accordance with the provisions of NRS 176A.530 to 176A.560,
9 inclusive.

10 **Sec. 91.** NRS 176A.630 is hereby amended to read as follows:

11 176A.630 If the probationer is arrested, by or without warrant,
12 in another judicial district of this state, the court which granted the
13 probation may assign the case to the district court of that district,
14 with the consent of that court. The court retaining or thus acquiring
15 jurisdiction shall cause the defendant to be brought before it,
16 consider the standards adopted pursuant to NRS 213.10988 and the
17 recommendation, if any, of the Chief ~~Parole and~~ Adult Probation
18 Officer. Upon determining that the probationer has violated a
19 condition of probation, the court shall, if practicable, order the
20 probationer to make restitution for any necessary expenses incurred
21 by a governmental entity in returning the probationer to the court for
22 violation of the probation. The court may:

23 1. Continue or revoke the probation or suspension of sentence;

24 2. Order the probationer to a term of residential confinement
25 pursuant to NRS 176A.660;

26 3. Order the probationer to undergo a program of regimental
27 discipline pursuant to NRS 176A.780;

28 4. Cause the sentence imposed to be executed; or

29 5. Modify the original sentence imposed by reducing the term
30 of imprisonment and cause the modified sentence to be executed.

31 The court shall not make the term of imprisonment less than the
32 minimum term of imprisonment prescribed by the applicable penal
33 statute. If the Chief ~~Parole and~~ Adult Probation Officer
34 recommends that the sentence of a probationer be modified and the
35 modified sentence be executed, the Chief ~~Parole and~~ Adult
36 Probation Officer shall provide notice of the recommendation to any
37 victim of the crime for which the probationer was convicted who
38 has requested in writing to be notified and who has provided a
39 current address to the Division. The notice must inform the victim
40 that he or she has the right to submit documents to the court and to
41 be present and heard at the hearing to determine whether the
42 sentence of a probationer who has violated a condition of probation
43 should be modified. The court shall not modify the sentence of a
44 probationer and cause the sentence to be executed until it has
45 confirmed that the Chief ~~Parole and~~ Adult Probation Officer has



1 complied with the provisions of this subsection. The Chief ~~Parole~~
2 ~~and~~ Adult Probation Officer must not be held responsible when
3 such notification is not received by the victim if the victim has not
4 provided a current address. All personal information, including, but
5 not limited to, a current or former address, which pertains to a
6 victim and which is received by the Division pursuant to this
7 subsection is confidential.

8 **Sec. 92.** NRS 176A.635 is hereby amended to read as follows:

9 176A.635 1. If a court before which a probationer is brought
10 pursuant to NRS 176A.630 determines that the probationer has
11 violated a condition of probation, the probationer forfeits all or part
12 of the credits for good behavior earned pursuant to NRS 176A.500
13 during probation, in the discretion of the court.

14 2. A forfeiture may be made only by the court after proof of the
15 violation and notice to the probationer.

16 3. The court may restore credits forfeited for such reasons as it
17 considers proper.

18 4. If the court provides for the forfeiture or restoration of
19 credits for good behavior of a probationer pursuant to this section,
20 the clerk of the court shall notify the Chief ~~Parole and~~ Adult
21 Probation Officer of the forfeiture or restoration of credits.

22 **Sec. 93.** NRS 176A.780 is hereby amended to read as follows:

23 176A.780 1. If a defendant:

24 (a) Is male;

25 (b) Has been convicted of a felony that does not involve an act
26 of violence;

27 (c) Is at least 18 years of age;

28 (d) Has never been incarcerated in jail or prison as an adult for
29 more than 6 months; and

30 (e) Is otherwise eligible for probation,

31 ➔ the court may order the defendant satisfactorily to complete a
32 program of regimental discipline for 150 days before sentencing the
33 defendant or in lieu of causing the sentence imposed to be executed
34 upon violation of a condition of probation or suspension of sentence.

35 2. If the court orders the defendant to undergo a program of
36 regimental discipline, it:

37 (a) Shall place the defendant under the supervision of the
38 Director of the Department of Corrections for not more than 190
39 days, not more than the first 30 days of which must be used to
40 determine the defendant's eligibility to participate in the program.

41 (b) Shall, if appropriate, direct the Chief ~~Parole and~~ Adult
42 Probation Officer to provide a copy of the defendant's records to the
43 Director of the Department of Corrections.

44 (c) Shall require the defendant to be returned to the court not
45 later than 30 days after the defendant is placed under the supervision



1 of the Director, if the defendant is determined to be ineligible for the
2 program.

3 (d) May require such reports concerning the defendant's
4 participation in the program as it deems desirable.

5 3. If the defendant is ordered to complete the program before
6 sentencing, the Director of the Department of Corrections shall
7 return the defendant to the court not later than 150 days after the
8 defendant began the program. The Director shall certify either that
9 the defendant satisfactorily completed the program or that the
10 defendant did not, and shall report the results of the Director's
11 evaluation, including any recommendations which will be helpful in
12 determining the proper sentence. Upon receiving the report, the
13 court shall sentence the defendant.

14 4. If the defendant is ordered to complete the program in lieu of
15 causing the sentence imposed to be executed upon the violation of a
16 condition of probation and the defendant satisfactorily completes the
17 program, the Director of the Department of Corrections shall, not
18 later than 150 days after the defendant began the program, return the
19 defendant to the court with certification that the defendant
20 satisfactorily completed the program. The court shall direct that:

21 (a) The defendant be placed under the supervision of the Chief
22 ~~Parole and~~ Adult Probation Officer; and

23 (b) The Director of the Department of Corrections cause a copy
24 of the records concerning the defendant's participation in the
25 program to be provided to the Chief ~~Parole and~~ Adult Probation
26 Officer.

27 5. If a defendant is ordered to complete the program of
28 regimental discipline in lieu of causing the sentence imposed to be
29 executed upon the violation of a condition of probation, a failure by
30 the defendant satisfactorily to complete the program constitutes a
31 violation of that condition of probation and the Director of the
32 Department of Corrections shall return the defendant to the court.

33 6. Time spent in the program must be deducted from any
34 sentence which may thereafter be imposed.

35 **Sec. 94.** NRS 178.484 is hereby amended to read as follows:

36 178.484 1. Except as otherwise provided in this section, a
37 person arrested for an offense other than murder of the first degree
38 must be admitted to bail.

39 2. A person arrested for a felony who has been released on
40 probation or parole for a different offense must not be admitted to
41 bail unless:

42 (a) A court issues an order directing that the person be admitted
43 to bail;

44 (b) The State Board of Parole Commissioners directs the
45 detention facility to admit the person to bail; or



1 (c) The Division of ~~Parole and~~ Adult Probation of the
2 Department of Public Safety directs the detention facility to admit
3 the person to bail.

4 3. A person arrested for a felony whose sentence has been
5 suspended pursuant to NRS 4.373 or 5.055 for a different offense or
6 who has been sentenced to a term of residential confinement
7 pursuant to NRS 4.3762 or 5.076 for a different offense must not be
8 admitted to bail unless:

9 (a) A court issues an order directing that the person be admitted
10 to bail; or

11 (b) A department of alternative sentencing directs the detention
12 facility to admit the person to bail.

13 4. A person arrested for murder of the first degree may be
14 admitted to bail unless the proof is evident or the presumption great
15 by any competent court or magistrate authorized by law to do so in
16 the exercise of discretion, giving due weight to the evidence and to
17 the nature and circumstances of the offense.

18 5. A person arrested for a violation of NRS 484C.110,
19 484C.120, 484C.130, 484C.430, 488.410, 488.420 or 488.425 who
20 is under the influence of intoxicating liquor must not be admitted to
21 bail or released on the person's own recognizance unless the person
22 has a concentration of alcohol of less than 0.04 in his or her breath.
23 A test of the person's breath pursuant to this subsection to determine
24 the concentration of alcohol in his or her breath as a condition of
25 admission to bail or release is not admissible as evidence against the
26 person.

27 6. A person arrested for a violation of NRS 484C.110,
28 484C.120, 484C.130, 484C.430, 488.410, 488.420 or 488.425 who
29 is under the influence of a controlled substance, is under the
30 combined influence of intoxicating liquor and a controlled
31 substance, or inhales, ingests, applies or otherwise uses any
32 chemical, poison or organic solvent, or any compound or
33 combination of any of these, to a degree which renders the person
34 incapable of safely driving or exercising actual physical control of a
35 vehicle or vessel under power or sail must not be admitted to bail or
36 released on the person's own recognizance sooner than 12 hours
37 after arrest.

38 7. A person arrested for a battery that constitutes domestic
39 violence pursuant to NRS 33.018 must not be admitted to bail
40 sooner than 12 hours after arrest. If the person is admitted to bail
41 more than 12 hours after arrest, without appearing personally before
42 a magistrate or without the amount of bail having been otherwise set
43 by a magistrate or a court, the amount of bail must be:

44 (a) Three thousand dollars, if the person has no previous
45 convictions of battery that constitute domestic violence pursuant to



1 NRS 33.018 and there is no reason to believe that the battery for
2 which the person has been arrested resulted in substantial bodily
3 harm or was committed by strangulation;

4 (b) Five thousand dollars, if the person has:

5 (1) No previous convictions of battery that constitute
6 domestic violence pursuant to NRS 33.018, but there is reason to
7 believe that the battery for which the person has been arrested
8 resulted in substantial bodily harm or was committed by
9 strangulation; or

10 (2) One previous conviction of battery that constitutes
11 domestic violence pursuant to NRS 33.018, but there is no reason to
12 believe that the battery for which the person has been arrested
13 resulted in substantial bodily harm or was committed by
14 strangulation; or

15 (c) Fifteen thousand dollars, if the person has:

16 (1) One previous conviction of battery that constitutes
17 domestic violence pursuant to NRS 33.018 and there is reason to
18 believe that the battery for which the person has been arrested
19 resulted in substantial bodily harm or was committed by
20 strangulation; or

21 (2) Two or more previous convictions of battery that
22 constitute domestic violence pursuant to NRS 33.018.

23 ➔ The provisions of this subsection do not affect the authority of a
24 magistrate or a court to set the amount of bail when the person
25 personally appears before the magistrate or the court, or when a
26 magistrate or a court has otherwise been contacted to set the amount
27 of bail. For the purposes of this subsection, a person shall be
28 deemed to have a previous conviction of battery that constitutes
29 domestic violence pursuant to NRS 33.018 if the person has been
30 convicted of such an offense in this State or has been convicted of
31 violating a law of any other jurisdiction that prohibits the same or
32 similar conduct.

33 8. A person arrested for violating a temporary or extended
34 order for protection against domestic violence issued pursuant to
35 NRS 33.017 to 33.100, inclusive, or for violating a restraining order
36 or injunction that is in the nature of a temporary or extended order
37 for protection against domestic violence issued in an action or
38 proceeding brought pursuant to title 11 of NRS, or for violating a
39 temporary or extended order for protection against stalking,
40 aggravated stalking or harassment issued pursuant to NRS 200.591,
41 or for violating a temporary or extended order for protection against
42 sexual assault pursuant to NRS 200.378 must not be admitted to bail
43 sooner than 12 hours after arrest if:

44 (a) The arresting officer determines that such a violation is
45 accompanied by a direct or indirect threat of harm;



1 (b) The person has previously violated a temporary or extended
2 order for protection of the type for which the person has been
3 arrested; or

4 (c) At the time of the violation or within 2 hours after the
5 violation, the person has:

6 (1) A concentration of alcohol of 0.08 or more in the
7 person's blood or breath; or

8 (2) An amount of a prohibited substance in the person's
9 blood or urine that is equal to or greater than the amount set forth in
10 subsection 3 of NRS 484C.110.

11 9. If a person is admitted to bail more than 12 hours after
12 arrest, pursuant to subsection 8, without appearing personally before
13 a magistrate or without the amount of bail having been otherwise set
14 by a magistrate or a court, the amount of bail must be:

15 (a) Three thousand dollars, if the person has no previous
16 convictions of violating a temporary or extended order for
17 protection against domestic violence issued pursuant to NRS 33.017
18 to 33.100, inclusive, or of violating a restraining order or injunction
19 that is in the nature of a temporary or extended order for protection
20 against domestic violence issued in an action or proceeding brought
21 pursuant to title 11 of NRS, or of violating a temporary or extended
22 order for protection against stalking, aggravated stalking or
23 harassment issued pursuant to NRS 200.591, or of violating a
24 temporary or extended order for protection against sexual assault
25 pursuant to NRS 200.378;

26 (b) Five thousand dollars, if the person has one previous
27 conviction of violating a temporary or extended order for protection
28 against domestic violence issued pursuant to NRS 33.017 to 33.100,
29 inclusive, or of violating a restraining order or injunction that is in
30 the nature of a temporary or extended order for protection against
31 domestic violence issued in an action or proceeding brought
32 pursuant to title 11 of NRS, or of violating a temporary or extended
33 order for protection against stalking, aggravated stalking or
34 harassment issued pursuant to NRS 200.591, or of violating a
35 temporary or extended order for protection against sexual assault
36 pursuant to NRS 200.378; or

37 (c) Fifteen thousand dollars, if the person has two or more
38 previous convictions of violating a temporary or extended order for
39 protection against domestic violence issued pursuant to NRS 33.017
40 to 33.100, inclusive, or of violating a restraining order or injunction
41 that is in the nature of a temporary or extended order for protection
42 against domestic violence issued in an action or proceeding brought
43 pursuant to title 11 of NRS, or of violating a temporary or extended
44 order for protection against stalking, aggravated stalking or
45 harassment issued pursuant to NRS 200.591, or of violating a



1 temporary or extended order for protection against sexual assault
2 pursuant to NRS 200.378.

3 ↪ The provisions of this subsection do not affect the authority of a
4 magistrate or a court to set the amount of bail when the person
5 personally appears before the magistrate or the court or when a
6 magistrate or a court has otherwise been contacted to set the amount
7 of bail. For the purposes of this subsection, a person shall be
8 deemed to have a previous conviction of violating a temporary or
9 extended order for protection against domestic violence issued
10 pursuant to NRS 33.017 to 33.100, inclusive, or of violating a
11 restraining order or injunction that is in the nature of a temporary or
12 extended order for protection against domestic violence issued in an
13 action or proceeding brought pursuant to title 11 of NRS, or of
14 violating a temporary or extended order for protection against
15 stalking, aggravated stalking or harassment issued pursuant to NRS
16 200.591, or of violating a temporary or extended order for
17 protection against sexual assault pursuant to NRS 200.378, if the
18 person has been convicted of such an offense in this State or has
19 been convicted of violating a law of any other jurisdiction that
20 prohibits the same or similar conduct.

21 10. The court may, before releasing a person arrested for an
22 offense punishable as a felony, require the surrender to the court of
23 any passport the person possesses.

24 11. Before releasing a person arrested for any crime, the court
25 may impose such reasonable conditions on the person as it deems
26 necessary to protect the health, safety and welfare of the community
27 and to ensure that the person will appear at all times and places
28 ordered by the court, including, without limitation:

29 (a) Requiring the person to remain in this State or a certain
30 county within this State;

31 (b) Prohibiting the person from contacting or attempting to
32 contact a specific person or from causing or attempting to cause
33 another person to contact that person on the person's behalf;

34 (c) Prohibiting the person from entering a certain geographic
35 area; or

36 (d) Prohibiting the person from engaging in specific conduct
37 that may be harmful to the person's own health, safety or welfare, or
38 the health, safety or welfare of another person.

39 ↪ In determining whether a condition is reasonable, the court shall
40 consider the factors listed in NRS 178.4853.

41 12. If a person fails to comply with a condition imposed
42 pursuant to subsection 11, the court may, after providing the person
43 with reasonable notice and an opportunity for a hearing:

44 (a) Deem such conduct a contempt pursuant to NRS 22.010; or

45 (b) Increase the amount of bail pursuant to NRS 178.499.



1 13. An order issued pursuant to this section that imposes a
2 condition on a person admitted to bail must include a provision
3 ordering any law enforcement officer to arrest the person if the
4 officer has probable cause to believe that the person has violated a
5 condition of bail.

6 14. Before a person may be admitted to bail, the person must
7 sign a document stating that:

8 (a) The person will appear at all times and places as ordered by
9 the court releasing the person and as ordered by any court before
10 which the charge is subsequently heard;

11 (b) The person will comply with the other conditions which
12 have been imposed by the court and are stated in the document; and

13 (c) If the person fails to appear when so ordered and is taken
14 into custody outside of this State, the person waives all rights
15 relating to extradition proceedings.

16 ➔ The signed document must be filed with the clerk of the court of
17 competent jurisdiction as soon as practicable, but in no event later
18 than the next business day.

19 15. If a person admitted to bail fails to appear as ordered by a
20 court and the jurisdiction incurs any cost in returning the person to
21 the jurisdiction to stand trial, the person who failed to appear is
22 responsible for paying those costs as restitution.

23 16. For the purposes of subsections 8 and 9, an order or
24 injunction is in the nature of a temporary or extended order for
25 protection against domestic violence if it grants relief that might be
26 given in a temporary or extended order issued pursuant to NRS
27 33.017 to 33.100, inclusive.

28 17. As used in this section, "strangulation" has the meaning
29 ascribed to it in NRS 200.481.

30 **Sec. 95.** NRS 179.223 is hereby amended to read as follows:

31 179.223 1. When the return to this state of a person charged
32 with crime in this state is required, the district attorney shall present
33 to the Governor a written application for a requisition for the return
34 of the person charged in which application must be stated:

35 (a) The name of the person so charged;

36 (b) The crime charged against the person;

37 (c) The approximate time, place and circumstances of its
38 commission;

39 (d) The state in which the person is believed to be, including the
40 location of the accused therein at the time the application is made;
41 and

42 (e) A certification that, in the opinion of the district attorney, the
43 ends of justice require the arrest and return of the accused to this
44 state for trial and that the proceeding is not instituted to enforce a
45 private claim.



1 2. When the return to this state is required of a person who has
2 been convicted of a crime in this state and has escaped from
3 confinement or broken the terms of the person's bail, probation or
4 parole, the district attorney of the county in which the offense was
5 committed, the State Board of Parole Commissioners, the Chief
6 ~~{Parole and}~~ *Adult* Probation Officer, the Director of the
7 Department of Corrections or the sheriff of the county from which
8 escape was made shall present to the Governor a written application
9 for a requisition for the return of the person, in which application
10 must be stated:

- 11 (a) The name of the person;
- 12 (b) The crime of which the person was convicted;
- 13 (c) The circumstances of the person's escape from confinement
14 or of the breach of the terms of bail, probation or parole; and
- 15 (d) The state in which the person is believed to be, including the
16 location of the person therein at the time application is made.

17 3. The application must be verified by affidavit, executed in
18 duplicate and accompanied by two certified copies of the indictment
19 returned, or information and affidavit filed, or of the complaint
20 made to the judge or magistrate, stating the offense with which the
21 accused is charged, or of the judgment of conviction or of the
22 sentence. The district attorney, State Board of Parole
23 Commissioners, Chief ~~{Parole and}~~ *Adult* Probation Officer,
24 Director of the Department of Corrections or sheriff may also attach
25 such further affidavits and other documents in duplicate as deemed
26 proper to be submitted with the application. One copy of the
27 application, with the action of the Governor indicated by
28 endorsement thereon, and one of the certified copies of the
29 indictment, complaint, information and affidavits, or of the
30 judgment of conviction or of the sentence must be filed in the Office
31 of the Secretary of State of the State of Nevada to remain of record
32 in that office. The other copies of all papers must be forwarded with
33 the Governor's requisition.

34 **Sec. 96.** NRS 179.259 is hereby amended to read as follows:

35 179.259 1. Except as otherwise provided in subsections 3 and
36 4, 5 years after an eligible person completes a program for reentry,
37 the court may order sealed all documents, papers and exhibits in the
38 eligible person's record, minute book entries and entries on dockets,
39 and other documents relating to the case in the custody of such other
40 agencies and officers as are named in the court's order. The court
41 may order those records sealed without a hearing unless the
42 Division of ~~{Parole and}~~ *Adult* Probation of the Department of
43 Public Safety *or the Correctional Community Services Division of*
44 *the Department of Corrections* petitions the court, for good cause
45 shown, not to seal the records and requests a hearing thereon.



1 2. If the court orders sealed the record of an eligible person, the
2 court shall send a copy of the order to each agency or officer named
3 in the order. Each such agency or officer shall notify the court in
4 writing of its compliance with the order.

5 3. A professional licensing board is entitled, for the purpose of
6 determining suitability for a license or liability to discipline for
7 misconduct, to inspect and to copy from a record sealed pursuant to
8 this section.

9 4. A person may not petition the court to seal records relating
10 to a conviction of a crime against a child or a sexual offense.

11 5. As used in this section:

12 (a) "Crime against a child" has the meaning ascribed to it in
13 NRS 179D.0357.

14 (b) "Eligible person" means a person who has:

15 (1) Successfully completed a program for reentry to which
16 the person participated in pursuant to NRS 209.4886, 209.4888,
17 213.625 or 213.632; and

18 (2) Been convicted of a single offense which was punishable
19 as a felony and which did not involve the use or threatened use of
20 force or violence against the victim. For the purposes of this
21 subparagraph, multiple convictions for an offense punishable as a
22 felony shall be deemed to constitute a single offense if those
23 offenses arose out of the same transaction or occurrence.

24 (c) "Program for reentry" means:

25 (1) A correctional program for reentry of offenders and
26 parolees into the community that is established by the Director of
27 the Department of Corrections pursuant to NRS 209.4887; or

28 (2) A judicial program for reentry of offenders and parolees
29 into the community that is established in a judicial district pursuant
30 to NRS 209.4883.

31 (d) "Sexual offense" has the meaning ascribed to it in paragraph
32 (b) of subsection 7 of NRS 179.245.

33 **Sec. 97.** NRS 179A.070 is hereby amended to read as follows:

34 179A.070 1. "Record of criminal history" means information
35 contained in records collected and maintained by agencies of
36 criminal justice, the subject of which is a natural person, consisting
37 of descriptions which identify the subject and notations of summons
38 in a criminal action, warrants, arrests, citations for misdemeanors
39 issued pursuant to NRS 171.1773, citations issued for violations of
40 NRS 484C.110, 484C.120, 484C.130 and 484C.430, detentions,
41 decisions of a district attorney or the Attorney General not to
42 prosecute the subject, indictments, informations or other formal
43 criminal charges and dispositions of charges, including, without
44 limitation, dismissals, acquittals, convictions, sentences, information
45 set forth in NRS 209.353 concerning an offender in prison, any



1 postconviction relief, correctional supervision occurring in Nevada,
2 information concerning the status of an offender on parole or
3 probation, and information concerning a convicted person who has
4 registered as such pursuant to chapter 179C of NRS. The term
5 includes only information contained in a record, maintained in
6 written or electronic form, of a formal transaction between a person
7 and an agency of criminal justice in this State, including, without
8 limitation, the fingerprints of a person who is arrested and taken into
9 custody and of a person who is placed on parole *and supervised by*
10 *the Correctional Community Services Division of the Department*
11 *of Corrections* or *who is placed on* probation and supervised by the
12 Division of ~~Parole and~~ Adult Probation of the Department ~~of~~ *of*
13 *Public Safety*.

14 2. "Record of criminal history" does not include:

15 (a) Investigative or intelligence information, reports of crime or
16 other information concerning specific persons collected in the
17 course of the enforcement of criminal laws;

18 (b) Information concerning juveniles;

19 (c) Posters, announcements or lists intended to identify fugitives
20 or wanted persons and aid in their apprehension;

21 (d) Original records of entry maintained by agencies of criminal
22 justice if the records are chronological and not cross-indexed;

23 (e) Records of application for and issuance, suspension,
24 revocation or renewal of occupational licenses, including, without
25 limitation, permits to work in the gaming industry;

26 (f) Except as otherwise provided in subsection 1, court indexes
27 and records of public judicial proceedings, court decisions and
28 opinions, and information disclosed during public judicial
29 proceedings;

30 (g) Except as otherwise provided in subsection 1, records of
31 traffic violations constituting misdemeanors;

32 (h) Records of traffic offenses maintained by the Department to
33 regulate the issuance, suspension, revocation or renewal of drivers'
34 or other operators' licenses;

35 (i) Announcements of actions by the State Board of Pardons
36 Commissioners and the State Board of Parole Commissioners,
37 except information concerning the status of an offender on parole or
38 probation; or

39 (j) Records which originated in an agency other than an agency
40 of criminal justice in this State.

41 **Sec. 98.** NRS 179B.060 is hereby amended to read as follows:

42 179B.060 "Division" means the Division of ~~Parole and~~ Adult
43 Probation of the Department.



1 **Sec. 99.** NRS 179B.070 is hereby amended to read as follows:
2 179B.070 “Law enforcement officer” includes, but is not
3 limited to:

4 1. A prosecuting attorney or an attorney from the Office of the
5 Attorney General;

6 2. A sheriff of a county or a sheriff’s deputy;

7 3. An officer of a metropolitan police department or a police
8 department of an incorporated city;

9 4. An officer of the Division;

10 5. An officer of the Department of Corrections;

11 6. *The Director, or a parole agent, of the Correctional*
12 *Community Services Division of the Department of Corrections;*

13 7. An officer of a law enforcement agency from another
14 jurisdiction; or

15 ~~7~~ 8. Any other person upon whom some or all of the powers
16 of a peace officer are conferred pursuant to NRS 289.150 to
17 289.360, inclusive, if the person is seeking information as part of a
18 criminal investigation.

19 **Sec. 100.** NRS 179D.040 is hereby amended to read as
20 follows:

21 179D.040 “Division” means the Division of ~~Parole and~~ *Adult*
22 Probation of the Department of Public Safety.

23 **Sec. 101.** NRS 179D.160 is hereby amended to read as
24 follows:

25 179D.160 1. Except as otherwise provided by specific
26 statute, a record of registration may be inspected only by a law
27 enforcement officer in the regular course of the law enforcement
28 officer’s duties or by the offender named in the record of
29 registration.

30 2. As used in this section, “law enforcement officer” includes,
31 but is not limited to:

32 (a) A prosecuting attorney or an attorney from the Office of the
33 Attorney General;

34 (b) A sheriff of a county or a sheriff’s deputy;

35 (c) An officer of a metropolitan police department or a police
36 department of an incorporated city;

37 (d) An officer of the Division;

38 (e) An officer of the Department of Corrections;

39 (f) *The Director, or a parole agent, of the Correctional*
40 *Community Services Division of the Department of Corrections;*

41 (g) An officer of a law enforcement agency from another
42 jurisdiction; or

43 ~~(g)~~ (h) Any other person upon whom some or all of the
44 powers of a peace officer are conferred pursuant to NRS 289.150 to



1 289.360, inclusive, if the person is seeking information as part of a
2 criminal investigation.

3 **Sec. 102.** NRS 289.180 is hereby amended to read as follows:

4 289.180 1. The following persons have the powers of a peace
5 officer:

6 (a) The Chief ~~{Parole and}~~ *Adult* Probation Officer appointed
7 pursuant to ~~{NRS 213.1092;}~~ *section 67 of this act;*

8 (b) Assistant ~~{parole and}~~ *adult* probation officers appointed
9 pursuant to ~~{NRS 213.1095;}~~ *section 69 of this act;*

10 (c) *The Director of the Correctional Community Services*
11 *Division of the Department of Corrections appointed pursuant to*
12 *NRS 213.1092;*

13 (d) *Parole agents appointed pursuant to NRS 213.1073;*

14 (e) The chief of a department of alternative sentencing
15 established pursuant to NRS 211A.080; and

16 ~~{(d)}~~ (f) Assistant alternative sentencing officers of a
17 department of alternative sentencing.

18 2. A juvenile probation officer or assistant juvenile probation
19 officer whose official duties require such officer to enforce court
20 orders on juvenile offenders and make arrests has the same powers
21 as a peace officer when performing duties pursuant to title 5 of NRS
22 or chapter 432B of NRS, including the power to arrest an adult
23 criminal offender encountered while in the performance of those
24 duties.

25 3. A director of juvenile services has the powers of a peace
26 officer in the director's judicial district when performing duties
27 pursuant to title 5 of NRS or chapter 432B of NRS, including the
28 power to arrest an adult criminal offender encountered while in the
29 performance of those duties.

30 4. The Chief of the Youth Parole Bureau of the Division of
31 Child and Family Services in the Department of Health and Human
32 Services and the parole officers of the Bureau have the powers of a
33 peace officer in carrying out the functions of the Bureau.

34 5. A director of a department of juvenile justice services
35 established by ordinance pursuant to NRS 62G.210 has the powers
36 of a peace officer in the county when carrying out duties pursuant to
37 title 5 of NRS or chapter 432B of NRS, including the power to
38 arrest an adult criminal offender encountered while carrying out
39 those duties.

40 **Sec. 103.** NRS 289.480 is hereby amended to read as follows:

41 289.480 "Category III peace officer" means a peace officer
42 whose authority is limited to correctional services, including the
43 superintendents and correctional officers of the Department of
44 Corrections. The term does not include a person described in
45 subsection 20 of NRS 289.470 ~~{H}~~, *the Director of the Correctional*



1 *Community Services Division of the Department of Corrections or*
2 *parole agents appointed pursuant to NRS 213.1073.*

3 **Sec. 104.** NRS 289.550 is hereby amended to read as follows:

4 289.550 1. Except as otherwise provided in subsection 2 and
5 NRS 3.310 and 4.353, a person upon whom some or all of the
6 powers of a peace officer are conferred pursuant to NRS 289.150 to
7 289.360, inclusive, must be certified by the Commission within 1
8 year after the date on which the person commences employment as a
9 peace officer unless the Commission, for good cause shown, grants
10 in writing an extension of time, which must not exceed 6 months, by
11 which the person must become certified. A person who fails to
12 become certified within the required time shall not exercise any of
13 the powers of a peace officer after the time for becoming certified
14 has expired.

15 2. The following persons are not required to be certified by the
16 Commission:

17 (a) The Chief ~~{Parole and}~~ *Adult* Probation Officer;

18 (b) *The Director of the Correctional Community Services*
19 *Division of the Department of Corrections;*

20 (c) The Director of the Department of Corrections;

21 ~~{(e)}~~ (d) The Director of the Department of Public Safety, the
22 deputy directors of the Department, the chiefs of the divisions of the
23 Department other than the Investigation Division and the Nevada
24 Highway Patrol, and the members of the State Disaster
25 Identification Team of the Division of Emergency Management of
26 the Department;

27 ~~{(d)}~~ (e) The Commissioner of Insurance and the chief deputy
28 of the Commissioner of Insurance;

29 ~~{(e)}~~ (f) Railroad police officers; and

30 ~~{(f)}~~ (g) California correctional officers.

31 **Sec. 105.** NRS 334.010 is hereby amended to read as follows:

32 334.010 1. No automobile may be purchased by any
33 department, office, bureau, officer or employee of the State without
34 prior written consent of the State Board of Examiners.

35 2. All such automobiles must be used for official purposes
36 only.

37 3. All such automobiles, except:

38 (a) Automobiles maintained for and used by the Governor;

39 (b) Automobiles used by or under the authority and direction of
40 the Chief ~~{Parole and}~~ *Adult* Probation Officer, *the Director of the*
41 *Correctional Community Services Division of the Department of*
42 *Corrections*, the State Contractors' Board and auditors, the State
43 Fire Marshal, the Investigation Division of the Department of Public
44 Safety, the investigators of the State Gaming Control Board, the



1 investigators of the Securities Division of the Office of the Secretary
2 of State and the investigators of the Attorney General;

3 (c) One automobile used by the Department of Corrections;

4 (d) Two automobiles used by the Caliente Youth Center;

5 (e) Three automobiles used by the Nevada Youth Training
6 Center; and

7 (f) Four automobiles used by the Youth Parole Bureau of the
8 Division of Child and Family Services of the Department of Health
9 and Human Services,

10 ➔ must be labeled by painting the words "State of Nevada" and
11 "For Official Use Only" on the automobiles in plain lettering. The
12 Director of the Department of Administration or a representative of
13 the Director shall prescribe the size and location of the label for all
14 such automobiles.

15 4. Any officer or employee of the State of Nevada who violates
16 any provision of this section is guilty of a misdemeanor.

17 **Sec. 106.** NRS 432B.215 is hereby amended to read as
18 follows:

19 432B.215 1. An agency which provides child welfare
20 services may request the Division of ~~Parole and~~ Adult Probation of
21 the Department of Public Safety to provide information concerning
22 a probationer or *the Correctional Community Services Division of*
23 *the Department of Corrections to provide information concerning*
24 *a parolee that may assist the agency in carrying out the provisions of*
25 *this chapter. The Division of ~~Parole and~~ Adult Probation or the*
26 *Correctional Community Services Division* shall provide such
27 information upon request.

28 2. The agency which provides child welfare services may use
29 the information obtained pursuant to subsection 1 only for the
30 limited purpose of carrying out the provisions of this chapter.

31 **Sec. 107.** NRS 432B.290 is hereby amended to read as
32 follows:

33 432B.290 1. Except as otherwise provided in subsections 2
34 and 3 and NRS 432B.165, 432B.175 and 432B.513, data or
35 information concerning reports and investigations thereof made
36 pursuant to this chapter may be made available only to:

37 (a) A physician, if the physician has before him or her a child
38 who the physician has reasonable cause to believe has been abused
39 or neglected;

40 (b) A person authorized to place a child in protective custody, if
41 the person has before him or her a child who the person has
42 reasonable cause to believe has been abused or neglected and the
43 person requires the information to determine whether to place the
44 child in protective custody;



- 1 (c) An agency, including, without limitation, an agency in
2 another jurisdiction, responsible for or authorized to undertake the
3 care, treatment or supervision of:
- 4 (1) The child; or
5 (2) The person responsible for the welfare of the child;
- 6 (d) A district attorney or other law enforcement officer who
7 requires the information in connection with an investigation or
8 prosecution of the abuse or neglect of a child;
- 9 (e) Except as otherwise provided in paragraph (f), a court, for in
10 camera inspection only, unless the court determines that public
11 disclosure of the information is necessary for the determination of
12 an issue before it;
- 13 (f) A court as defined in NRS 159.015 to determine whether a
14 guardian or successor guardian of a child should be appointed
15 pursuant to chapter 159 of NRS or NRS 432B.466 to 432B.468,
16 inclusive;
- 17 (g) A person engaged in bona fide research or an audit, but
18 information identifying the subjects of a report must not be made
19 available to the person;
- 20 (h) The attorney and the guardian ad litem of the child;
- 21 (i) A person who files or intends to file a petition for the
22 appointment of a guardian or successor guardian of a child pursuant
23 to chapter 159 of NRS or NRS 432B.466 to 432B.468, inclusive, if
24 the identity of the person responsible for reporting the abuse or
25 neglect of the child to a public agency is kept confidential;
- 26 (j) The proposed guardian or proposed successor guardian of a
27 child over whom a guardianship is sought pursuant to chapter 159 of
28 NRS or NRS 432B.466 to 432B.468, inclusive, if the identity of the
29 person responsible for reporting the abuse or neglect of the child to
30 a public agency is kept confidential;
- 31 (k) A grand jury upon its determination that access to these
32 records is necessary in the conduct of its official business;
- 33 (l) A federal, state or local governmental entity, or an agency of
34 such an entity, that needs access to the information to carry out its
35 legal responsibilities to protect children from abuse and neglect;
- 36 (m) A person or an organization that has entered into a written
37 agreement with an agency which provides child welfare services to
38 provide assessments or services and that has been trained to make
39 such assessments or provide such services;
- 40 (n) A team organized pursuant to NRS 432B.350 for the
41 protection of a child;
- 42 (o) A team organized pursuant to NRS 432B.405 to review the
43 death of a child;
- 44 (p) A parent or legal guardian of the child and an attorney of a
45 parent or guardian of the child, including, without limitation, the



- 1 parent or guardian of a child over whom a guardianship is sought
2 pursuant to chapter 159 of NRS or NRS 432B.466 to 432B.468,
3 inclusive, if the identity of the person responsible for reporting the
4 abuse or neglect of the child to a public agency is kept confidential;
- 5 (q) The child over whom a guardianship is sought pursuant to
6 chapter 159 of NRS or NRS 432B.466 to 432B.468, inclusive, if:
7 (1) The child is 14 years of age or older; and
8 (2) The identity of the person responsible for reporting the
9 abuse or neglect of the child to a public agency is kept confidential;
- 10 (r) The persons who are the subject of a report;
- 11 (s) An agency that is authorized by law to license foster homes
12 or facilities for children or to investigate persons applying for
13 approval to adopt a child, if the agency has before it an application
14 for that license or is investigating an applicant to adopt a child;
- 15 (t) Upon written consent of the parent, any officer of this State
16 or a city or county thereof or Legislator authorized, by the agency or
17 department having jurisdiction or by the Legislature, acting within
18 its jurisdiction, to investigate the activities or programs of an agency
19 which provides child welfare services if:
20 (1) The identity of the person making the report is kept
21 confidential; and
22 (2) The officer, Legislator or a member of the family of the
23 officer or Legislator is not the person alleged to have committed the
24 abuse or neglect;
- 25 (u) The Division of ~~Parole and~~ **Adult** Probation of the
26 Department of Public Safety for use pursuant to NRS 176.135 in
27 making a presentence investigation and report to the district court or
28 pursuant to NRS 176.151 in making a general investigation and
29 report;
- 30 (v) Any person who is required pursuant to NRS 432B.220 to
31 make a report to an agency which provides child welfare services or
32 to a law enforcement agency;
- 33 (w) The Rural Advisory Board to Expedite Proceedings for the
34 Placement of Children created pursuant to NRS 432B.602 or a local
35 advisory board to expedite proceedings for the placement of
36 children created pursuant to NRS 432B.604;
- 37 (x) The panel established pursuant to NRS 432B.396 to evaluate
38 agencies which provide child welfare services;
- 39 (y) An employer in accordance with subsection 3 of NRS
40 432.100; or
- 41 (z) A team organized or sponsored pursuant to NRS 217.475 or
42 228.495 to review the death of the victim of a crime that constitutes
43 domestic violence.



1 2. An agency investigating a report of the abuse or neglect of a
2 child shall, upon request, provide to a person named in the report as
3 allegedly causing the abuse or neglect of the child:

4 (a) A copy of:

5 (1) Any statement made in writing to an investigator for the
6 agency by the person named in the report as allegedly causing the
7 abuse or neglect of the child; or

8 (2) Any recording made by the agency of any statement
9 made orally to an investigator for the agency by the person named in
10 the report as allegedly causing the abuse or neglect of the child; or

11 (b) A written summary of the allegations made against the
12 person who is named in the report as allegedly causing the abuse or
13 neglect of the child. The summary must not identify the person
14 responsible for reporting the alleged abuse or neglect.

15 3. An agency which provides child welfare services shall
16 disclose the identity of a person who makes a report or otherwise
17 initiates an investigation pursuant to this chapter if a court, after
18 reviewing the record in camera and determining that there is reason
19 to believe that the person knowingly made a false report, orders the
20 disclosure.

21 4. Any person, except for:

22 (a) The subject of a report;

23 (b) A district attorney or other law enforcement officer initiating
24 legal proceedings; or

25 (c) An employee of the Division of ~~Parole and~~ **Adult** Probation
26 of the Department of Public Safety making a presentence
27 investigation and report to the district court pursuant to NRS
28 176.135 or making a general investigation and report pursuant to
29 NRS 176.151,

30 who is given access, pursuant to subsection 1, to information
31 identifying the subjects of a report and who makes this information
32 public is guilty of a misdemeanor.

33 5. The Division of Child and Family Services shall adopt
34 regulations to carry out the provisions of this section.

35 **Sec. 108.** NRS 449.0055 is hereby amended to read as
36 follows:

37 449.0055 1. "Facility for transitional living for released
38 offenders" means a residence that provides housing and a living
39 environment for persons who have been released from prison and
40 who require assistance with reintegration into the community, other
41 than such a residence that is operated or maintained by a state or
42 local government or an agency thereof. The term does not include a
43 halfway house for recovering alcohol and drug abusers or a facility
44 for the treatment of abuse of alcohol or drugs.



1 2. As used in this section, “person who has been released from
2 prison” means:

3 (a) A parolee.

4 (b) A person who is participating in:

5 (1) A judicial program pursuant to NRS 209.4886 or
6 213.625; or

7 (2) A correctional program pursuant to NRS 209.4888
8 or 213.632.

9 (c) A person who is supervised by the *Correctional Community*
10 *Services* Division ~~{of Parole and Probation}~~ of the Department of
11 ~~{Public Safety}~~ *Corrections* through residential confinement
12 pursuant to NRS 213.371 to 213.410, inclusive.

13 (d) A person who has been released from prison by expiration of
14 his or her term of sentence.

15 **Sec. 109.** NRS 453.3363 is hereby amended to read as
16 follows:

17 453.3363 1. If a person who has not previously been
18 convicted of any offense pursuant to NRS 453.011 to 453.552,
19 inclusive, or pursuant to any statute of the United States or of any
20 state relating to narcotic drugs, marijuana, or stimulant, depressant
21 or hallucinogenic substances tenders a plea of guilty, guilty but
22 mentally ill, nolo contendere or similar plea to a charge pursuant to
23 subparagraph (1) of paragraph (a) of subsection 2 of NRS 453.3325,
24 subsection 2 or 3 of NRS 453.336, NRS 453.411 or 454.351, or is
25 found guilty or guilty but mentally ill of one of those charges, the
26 court, without entering a judgment of conviction and with the
27 consent of the accused, may suspend further proceedings and place
28 the person on probation upon terms and conditions that must include
29 attendance and successful completion of an educational program or,
30 in the case of a person dependent upon drugs, of a program of
31 treatment and rehabilitation pursuant to NRS 453.580.

32 2. Upon violation of a term or condition, the court may enter a
33 judgment of conviction and proceed as provided in the section
34 pursuant to which the accused was charged. Notwithstanding the
35 provisions of paragraph (e) of subsection 2 of NRS 193.130, upon
36 violation of a term or condition, the court may order the person to
37 the custody of the Department of Corrections.

38 3. Upon fulfillment of the terms and conditions, the court shall
39 discharge the accused and dismiss the proceedings against him or
40 her. A nonpublic record of the dismissal must be transmitted to and
41 retained by the Division of ~~{Parole and}~~ *Adult* Probation of the
42 Department of Public Safety solely for the use of the courts in
43 determining whether, in later proceedings, the person qualifies
44 under this section.



1 4. Except as otherwise provided in subsection 5, discharge and
2 dismissal under this section is without adjudication of guilt and is
3 not a conviction for purposes of this section or for purposes of
4 employment, civil rights or any statute or regulation or license or
5 questionnaire or for any other public or private purpose, but is a
6 conviction for the purpose of additional penalties imposed for
7 second or subsequent convictions or the setting of bail. Discharge
8 and dismissal restores the person discharged, in the contemplation
9 of the law, to the status occupied before the arrest, indictment or
10 information. The person may not be held thereafter under any law to
11 be guilty of perjury or otherwise giving a false statement by reason
12 of failure to recite or acknowledge that arrest, indictment,
13 information or trial in response to an inquiry made of the person for
14 any purpose. Discharge and dismissal under this section may occur
15 only once with respect to any person.

16 5. A professional licensing board may consider a proceeding
17 under this section in determining suitability for a license or liability
18 to discipline for misconduct. Such a board is entitled for those
19 purposes to a truthful answer from the applicant or licensee
20 concerning any such proceeding with respect to the applicant or
21 licensee.

22 **Sec. 110.** NRS 453.3365 is hereby amended to read as
23 follows:

24 453.3365 1. Three years after a person is convicted and
25 sentenced pursuant to subsection 3 of NRS 453.336, the court may
26 order sealed all documents, papers and exhibits in that person's
27 record, minute book entries and entries on dockets, and other
28 documents relating to the case in the custody of such other agencies
29 and officers as are named in the court's order, if the:

30 (a) Person fulfills the terms and conditions imposed by the court
31 and the ~~Parole and~~ **Assistant Adult** probation officer; and

32 (b) Court, after a hearing, is satisfied that the person is
33 rehabilitated.

34 2. Except as limited by subsection 4, after an accused is
35 discharged from probation pursuant to NRS 453.3363, the court
36 shall order sealed all documents, papers and exhibits in that person's
37 record, minute book entries and entries on dockets, and other
38 documents relating to the case in the custody of such other agencies
39 and officers as are named in the court's order if the person fulfills
40 the terms and conditions imposed by the court and the Division of
41 ~~Parole and~~ **Adult** Probation of the Department of Public Safety.
42 The court shall order those records sealed without a hearing unless
43 the Division of ~~Parole and~~ **Adult** Probation petitions the court, for
44 good cause shown, not to seal the records and requests a hearing
45 thereon.



1 3. If the court orders sealed the record of a person discharged
2 pursuant to NRS 453.3363, it shall cause a copy of the order to be
3 sent to each agency or officer named in the order. Each such agency
4 or officer shall notify the court in writing of its compliance with the
5 order.

6 4. A professional licensing board is entitled, for the purpose of
7 determining suitability for a license or liability to discipline for
8 misconduct, to inspect and to copy from a record sealed pursuant to
9 this section.

10 **Sec. 111.** NRS 480.110 is hereby amended to read as follows:

11 480.110 Except as otherwise provided therein, the Department
12 shall execute, administer and enforce, and perform the functions and
13 duties provided in:

14 1. ~~{Chapters}~~ *Chapter* 176A ~~{and 213}~~ of NRS relating to
15 ~~{parole and}~~ *adult* probation;

16 2. Chapter 414 of NRS relating to emergency management;

17 3. Chapter 453 of NRS relating to controlled substances and
18 chapter 454 of NRS relating to dangerous drugs;

19 4. Chapter 459 of NRS relating to the transportation of
20 hazardous materials;

21 5. Chapter 477 of NRS relating to the State Fire Marshal; and

22 6. NRS 486.363 to 486.377, inclusive, relating to the education
23 and safety of motorcycle riders.

24 **Sec. 112.** NRS 480.130 is hereby amended to read as follows:

25 480.130 The Department consists of:

26 1. An Investigation Division;

27 2. A Nevada Highway Patrol Division;

28 3. A Division of Emergency Management;

29 4. A State Fire Marshal Division;

30 5. A Division of ~~{Parole and}~~ *Adult* Probation;

31 6. A Capitol Police Division;

32 7. A Training Division; and

33 8. A Records and Technology Division.

34 **Sec. 113.** NRS 480.140 is hereby amended to read as follows:

35 480.140 The primary functions and responsibilities of the
36 divisions of the Department are as follows:

37 1. The Investigation Division shall:

38 (a) Execute, administer and enforce the provisions of chapter
39 453 of NRS relating to controlled substances and chapter 454 of
40 NRS relating to dangerous drugs;

41 (b) Assist the Secretary of State in carrying out an investigation
42 pursuant to NRS 293.124; and

43 (c) Perform such duties and exercise such powers as may be
44 conferred upon it pursuant to this chapter and any other specific
45 statute.



1 2. The Nevada Highway Patrol Division shall, in conjunction
2 with the Department of Motor Vehicles, execute, administer and
3 enforce the provisions of chapters 484A to 484E, inclusive, of NRS
4 and perform such duties and exercise such powers as may be
5 conferred upon it pursuant to NRS 480.360 and any other specific
6 statute.

7 3. The Division of Emergency Management shall execute,
8 administer and enforce the provisions of chapter 414 of NRS and
9 perform such duties and exercise such powers as may be conferred
10 upon it pursuant to chapter 414 of NRS and any other specific
11 statute.

12 4. The State Fire Marshal Division shall execute, administer
13 and enforce the provisions of chapter 477 of NRS and perform such
14 duties and exercise such powers as may be conferred upon it
15 pursuant to chapter 477 of NRS and any other specific statute.

16 5. The Division of ~~Parole and~~ Adult Probation shall execute,
17 administer and enforce the provisions of ~~chapters~~ chapter 176A
18 ~~and 213~~ of NRS relating to ~~parole and~~ adult probation and
19 perform such duties and exercise such powers as may be conferred
20 upon it pursuant to those chapters and any other specific statute.

21 6. The Capitol Police Division shall assist in the enforcement
22 of subsection 1 of NRS 331.140.

23 7. The Training Division shall provide training to the
24 employees of the Department.

25 8. The Records and Technology Division shall:

26 (a) Execute, administer and enforce the provisions of chapter
27 179A of NRS and perform such duties and exercise such powers as
28 may be conferred upon it pursuant to chapter 179A of NRS and any
29 other specific statute; and

30 (b) Provide technology support services to the Director, the
31 divisions of the Department and the Nevada Criminal Justice
32 Information System and offer technology services as may be
33 imposed by the Director.

34 **Sec. 114.** NRS 482.368 is hereby amended to read as follows:

35 482.368 1. Except as otherwise provided in subsection 2, the
36 Department shall provide suitable distinguishing license plates for
37 exempt vehicles. These plates must be displayed on the vehicles in
38 the same manner as provided for privately owned vehicles. The fee
39 for the issuance of the plates is \$5. Any license plates authorized by
40 this section must be immediately returned to the Department when
41 the vehicle for which they were issued ceases to be used exclusively
42 for the purpose for which it was exempted from the governmental
43 services tax.

44 2. License plates furnished for:



1 (a) Those vehicles which are maintained for and used by the
2 Governor or under the authority and direction of the Chief ~~Parole~~
3 ~~and~~ *Adult Probation Officer, the Correctional Community*
4 *Services Division of the Department of Corrections*, the State
5 Contractors' Board and auditors, the State Fire Marshal, the
6 Investigation Division of the Department of Public Safety and any
7 authorized federal law enforcement agency or law enforcement
8 agency from another state;

9 (b) One vehicle used by the Department of Corrections, three
10 vehicles used by the Department of Wildlife, two vehicles used by
11 the Caliente Youth Center and four vehicles used by the Nevada
12 Youth Training Center;

13 (c) Vehicles of a city, county or the State, if authorized by the
14 Department for the purposes of law enforcement or work related
15 thereto or such other purposes as are approved upon proper
16 application and justification;

17 (d) Two vehicles used by the office of the county coroner of any
18 county which has created that office pursuant to NRS 244.163; and

19 (e) Vehicles maintained for and used by investigators of the
20 following:

- 21 (1) The State Gaming Control Board;
- 22 (2) The State Department of Agriculture;
- 23 (3) The Attorney General;
- 24 (4) City or county juvenile officers;
- 25 (5) District attorneys' offices;
- 26 (6) Public administrators' offices;
- 27 (7) Public guardians' offices;
- 28 (8) Sheriffs' offices;
- 29 (9) Police departments in the State; and
- 30 (10) The Securities Division of the Office of the Secretary of

31 State,

32 ➔ must not bear any distinguishing mark which would serve to
33 identify the vehicles as owned by the State, county or city. These
34 license plates must be issued annually for \$12 per plate or, if issued
35 in sets, per set.

36 3. The Director may enter into agreements with departments of
37 motor vehicles of other states providing for exchanges of license
38 plates of regular series for vehicles maintained for and used by
39 investigators of the law enforcement agencies enumerated in
40 paragraph (e) of subsection 2, subject to all of the requirements
41 imposed by that paragraph, except that the fee required by that
42 paragraph must not be charged.

43 4. Applications for the licenses must be made through the head
44 of the department, board, bureau, commission, school district or
45 irrigation district, or through the chair of the board of county



1 commissioners of the county or town or through the mayor of the
2 city, owning or controlling the vehicles, and no plate or plates may
3 be issued until a certificate has been filed with the Department
4 showing that the name of the department, board, bureau,
5 commission, county, city, town, school district or irrigation district,
6 as the case may be, and the words "For Official Use Only" have
7 been permanently and legibly affixed to each side of the vehicle,
8 except those vehicles enumerated in subsection 2.

9 5. As used in this section, "exempt vehicle" means a vehicle
10 exempt from the governmental services tax, except a vehicle owned
11 by the United States.

12 6. The Department shall adopt regulations governing the use of
13 all license plates provided for in this section. Upon a finding by the
14 Department of any violation of its regulations, it may revoke the
15 violator's privilege of registering vehicles pursuant to this section.

16 **Sec. 115.** NRS 617.135 is hereby amended to read as follows:

17 617.135 "Police officer" includes:

18 1. A sheriff, deputy sheriff, officer of a metropolitan police
19 department or city police officer;

20 2. A chief, inspector, supervisor, commercial officer or trooper
21 of the Nevada Highway Patrol Division of the Department of Public
22 Safety;

23 3. A chief, investigator or agent of the Investigation Division
24 of the Department of Public Safety;

25 4. A chief, supervisor, investigator or training officer of the
26 Training Division of the Department of Public Safety;

27 5. A chief or investigator of an office of the Department of
28 Public Safety that conducts internal investigations of employees of
29 the Department of Public Safety or investigates other issues relating
30 to the professional responsibility of those employees;

31 6. A chief or investigator of the Department of Public Safety
32 whose duties include, without limitation:

33 (a) The execution, administration or enforcement of the
34 provisions of chapter 179A of NRS; and

35 (b) The provision of technology support services to the Director
36 and the divisions of the Department of Public Safety;

37 7. An officer or investigator of the Section for the Control of
38 Emissions From Vehicles and the Enforcement of Matters Related
39 to the Use of Special Fuel of the Department of Motor Vehicles;

40 8. An investigator of the Division of Compliance Enforcement
41 of the Department of Motor Vehicles;

42 9. A member of the police department of the Nevada System of
43 Higher Education;

44 10. A:

45 (a) Uniformed employee of; or



1 (b) Forensic specialist employed by,
2 → the Department of Corrections whose position requires regular
3 and frequent contact with the offenders imprisoned and subjects the
4 employee to recall in emergencies;

5 11. A ~~parole and~~ probation officer of the Division of ~~Parole~~
6 ~~and~~ Adult Probation of the Department of Public Safety;

7 12. *The Director, or a parole agent, of the Correctional*
8 *Community Services Division of the Department of Corrections;*

9 13. A forensic specialist or correctional officer employed by
10 the Division of Mental Health and Developmental Services of the
11 Department of Health and Human Services at facilities for mentally
12 disordered offenders;

13 ~~H3-~~ 14. The State Fire Marshal and his or her assistant and
14 deputies;

15 ~~H4-~~ 15. A game warden of the Department of Wildlife who
16 has the powers of a peace officer pursuant to NRS 289.280; and

17 ~~H5-~~ 16. A ranger or employee of the Division of State Parks
18 of the State Department of Conservation and Natural Resources who
19 has the powers of a peace officer pursuant to NRS 289.260.

20 **Sec. 116.** NRS 176A.020 and 209.4874 are hereby repealed.

21 **Sec. 117.** 1. Any administrative regulations adopted by an
22 officer, agency or other entity whose name has been changed or
23 whose responsibilities have been transferred pursuant to the
24 provisions of this act to another officer, agency or other entity
25 remain in force until amended by the officer, agency or other entity
26 to which the responsibility for the adoption of the regulations has
27 been transferred.

28 2. Any contracts or other agreements entered into by an officer,
29 agency or other entity whose name has been changed or whose
30 responsibilities have been transferred pursuant to the provisions of
31 this act to another officer, agency or other entity are binding upon
32 the officer, agency or other entity to which the responsibility for the
33 administration of the provisions of the contract or other agreement
34 has been transferred. Such contracts and other agreements may be
35 enforced by the officer, agency or other entity to which the
36 responsibility for the enforcement of the provisions of the contract
37 or other agreement has been transferred.

38 3. Any action taken by an officer, agency or other entity whose
39 name has been changed or whose responsibilities have been
40 transferred pursuant to the provisions of this act to another officer,
41 agency or other entity remains in effect as if taken by the officer,
42 agency or other entity to which the responsibility for the
43 enforcement of such actions has been transferred.

44 **Sec. 118.** The Legislative Counsel shall, in preparing
45 supplements to the Nevada Administrative Code, appropriately



1 change any references to an officer, agency or other entity whose
2 name is changed or whose responsibilities are transferred pursuant
3 to the provisions of this act to refer to the appropriate officer,
4 agency or other entity.

5 **Sec. 119.** This act becomes effective on July 1, 2013.

TEXT OF REPEALED SECTIONS

176A.020 “Board” defined. “Board” means the State Board of Parole Commissioners.

209.4874 “Division” defined. “Division” means the Division of Parole and Probation of the Department of Public Safety.

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