

MINUTES

ASSEMBLY JUDICIARY COMMITTEE

March 15, 1977

8:00 a.m.

Members Present: Chairman Barengo  
Vice Chairman Hayes  
Mr. Price  
Mrs. Wagner  
Mr. Sena  
Mr. Ross  
Mr. Polish  
Mr. Banner

Members Absent: Mr. Coulter

This meeting was called to order by Chairman Barengo at 8:00 a.m.

Assembly Bill 256:

Assemblyman Tom Hickey testified on this bill stating that a problem that has come up, at least in southern Nevada, has been the inclusion of all drugs, rather than just marijuana. He referred to a few sessions ago when the Judiciary Committee had given rights to these people to defer their sentences and to put them on probation. What has actually occurred is that other drugs were being included and this bill is to address that, to exclude those particular drugs.

Assembly Joint Resolution 21:

Assemblyman Tom Hickey informed the committee that he did speak with Senator Close about this and that he is interested in passing this out. This bill, he stated, has to do with capital offenses or murders punishable by life imprisonment without possibility of parole. This allows people to vote not to give bail to those type of people and the key words are "where the proof is evident and the presumption is great".

Assembly Bill 182:

Assemblyman Darrell Dreyer testified on this bill stating that this bill is generally substituting the interdeterminent sentence law system whereby the judge can select a term of imprisonment from three (3) statutory choices. He then explained to the committee what our existing law entails. This bill would specify for numerous crimes fixed and the alternative sentences such as 2,3, 4 - 3,4,5, etc., the judge would have his choice. This bill covers a variety of crimes and the punishment put in there is not as strong. He stated that these figures are based on the California Penal Code.

Assembly Bills 182, 195, 196, 197, 198, 199, 255, 256, 257 and Senate Bill 116, were testified on by Mr. Roy V. Peoples of the Nevada Parole and Probation Department and an outline of his testimony is attached hereto and marked as Exhibit "A".

Assembly Bill 255:

Mr. Larry Hicks, Washoe County District Attorney and President of the Nevada District Attorney Association, testified on this bill stating that this particularly concerns him in light of some cases he has had in Washoe County.

This is the bill which is designed to provide that if a person is convicted of a felony or gross misdemeanor offense while he is out on probation that he cannot get probation again. It goes on to further provide that if he is arrested while on probation for a felony offense he shall be arrested on the probation hold and brought before the Court. It goes on to provide that his probation or sentence shall be immediately revoked if he is convicted of a crime while he is out on probation or parole. The reason Mr. Hicks stated that he is concerned about this is that he agrees with the concept stated on page 2, lines 11 through 14, inasmuch as he feels that the criminal justice system needs to focus on repeat offenders. In regard to page 2, line 33 through 36, he stated that he thinks a person should be brought before the Court whenever he is arrested for a felony offense while on probation. This section requires a mandatory arrest which would bring him before the Court, it doesn't provide that he automatically would have his probation revoked. He stated that he believes it is important to get them into the Court and have the Court take a look at what they have done as soon as they are arrested. His main concern with this bill is that he thinks it needs an added section which would provide that nothing will prohibit a Court from revoking a man's probation for the commission of a criminal offense prior to the conviction for that criminal offense. To summarize what Mr. Hicks is saying is that he thinks that this is a good bill, but he thinks it needs another section which states to the effect that nothing shall prohibit a Court from revoking probation or parole prior to the time of the conviction of a subsequent offense and he also thinks it needs to be more clearly spelled out in here that nothing should prohibit the Court from revoking a probation based upon grounds which constitute a violation of probation other than a criminal offense. Some discussion and questions followed. Upon request of Mrs. Wagner, both Mr. Mike Fondi and Mr. Larry Hicks gave the committee some examples of when the Court is free to revoke a probation at any time on grounds other than the conviction on a subsequent crime. Mr. Mike Fondi, Carson City District Attorney, then stated that he would have to say he is in disagreement with Mr. Hicks in regard to this bill. He feels no need to change the bill around and feels that it is a good piece of legislation. Mr. Hicks clarified that the thing he is mostly concerned about in this bill is that nothing should suggest that the Court has to wait until a defendant is convicted before you can revoke his probation for a crime committed while on probation. Mr. Hicks stated that he would rather see A.B. 255 become law than not become law, but just to add a short section that would say as above.

Assembly Bill 197:

Mr. Mike Fondi, Carson City District Attorney, stated that the change that is prescribed therein in the existing law is considered in Washoe County as not a change. It is a change, however, in the First Judicial District. He then gave examples to the committee. Mrs. Wagner asked of Mr. Fondi if he would agree with Mr. Fondi that the only thing that would be applicable here would be the section dealing with probation (line 11). Mr. Fondi stated that § C would be new in this district, it would depend upon which district.

Mr. Larry Hicks stated in regard to the bill that they have different

interpretations throughout the state and he personally feels that A.B. 197 is needed just so the judges will be operating under the same standards. Mr. Hicks stated that a hard and fast rule that sentences will automatically be consecutive for a second conviction, is a good one. He gave his reasoning to the committee. Mr. Hicks stated, in summary of these two bill, 255 and 197, that of the two, he thinks AB 197 is the better of the two bills and that if 255 did not go out of committee, he doesn't think it would have a major effect either way.

Assembly Bill 182 :

Mr. Larry Hicks, Washoe County District Attorney , testified on this bill stating that if this bill were enacted it would be a strong bill because most of the sentences that are set forth here are stronger than what are given already in the average case. More importantly, he feels that this type of approach is a major change in our sentencing laws inthe state of Nevada and he feels that when they are looking at something like this, they are in need of a study and long-term consideration. He is not of the view that major changes should be undertaken without input from all of those people who are effected and he doesn't think that has happened on this bill. He feels that this should be added to the interim study committee. Mr. Mike Fondi, Carson City District Attorney, concurred with Mr. Hicks' sentiments. Considerable discussion and questioning followed.

Assembly Joint Resolution 21:

Mr. Larry Hicks testified on this stating that generally this is a good approach. He stated that they certainly need this right now. If the capital penalty law is enacted, the question of the need for this will come up, but, for right now it is needed.

Assembly Bill 256:

Mr. Larry Hicks testified on this bill stating that this is relating to drug convictions and essentially talking about the deferred sentencing type of procedure. This limitation stated on page 3, lines 3 to 5 is the essence of the bill and his problem with this is that he doesn't think anyone can tell you which controlled substance are of a type which may lead to severe physical dependence. He stated that if there was an appetite to enact something like this, he thinks that the substances should be listed by the legislature and specified rather than just stated in general terms of substance of a type which may lead to severe physical dependence. Mr. Ross asked that Mr. Hicks confer with Mr. Fondi and furnish the committee with said list.

Assembly Bill 195:

Mr. Larry Hicks testified on this bill stating that it is beyond him to understand why we need something like this. He is not aware of any case arising within the state of Nevada which would indicate there is such a need. He stated that he could see it leading to a lot of problems in domestic dispute situations.

Assembly Bill 196:

Mr. Larry Hicks testified on this bill making reference to page 2, lines 10 to 12, stating that he has no objection to the bill nor does he have any

objection to "shall be presented to the Court by the District Attorney", which was the amendment suggested by the Parole and Probation Department. Mr. Hicks agreed with Mr. Ross' comments that maybe a more appropriate terminology would be ". . . by the Prosecuting Attorney".

Assembly Bill 198:

Mr. Larry Hicks testified on this bill stating that he doesn't have any position on this bill in that he does not work with the law in this particular area that often, however, he sees nothing objectionable in the bill and if someone feels a need for it, he would not oppose it. Mr. Fondi concurred with Mr. Hicks.

Assembly Bill 199:

Mr. Larry Hicks testified on this bill stating, once again, that he does not really have a position on this bill and sees no problem with it one way or the other, and has no objection to it. Mr. Mike Fondi stated that the only comment he has on this is in the interest of clarity when you are trying to decide as a result of the restoration of civil rights if a man has to register as an ex-felon, if he can carry a concealed firearm, if that prior conviction can be used for conviction purposes, etc. He feels these areas should be clarified, as long as, you are going to work in this particular area of law. As prosecutors, they would certainly like, even though civil rights have been restored, to continue to be able to use that prior conviction for those factors.

Assembly Bill 257:

Mr. Larry Hicks testified on this bill stating that he agrees with the Parole and Probation Department in opposition to this bill. He feels that first, he thinks the judges are doing a good job of imposing the search and seizure provisions where they need to be imposed. He is not aware of any abuses in discretion. He thinks that this law is probably unconstitutional anyway because it would extend search and seizure provisions to cases which may have no bearing upon a search and seizure matter. He feels that this doesn't really add anything to what we already have. Mr. Mike Fondi concurred with Mr. Hicks' statements.

Chairman Barengo had a brief recess at this point of 9:45 a.m., stating that the committee should return at 10:00 for purposes of taking some action.

COMMITTEE ACTION:

It might be noted, once again, Assemblyman Coulter was absent for this meeting and absent for this voting.

Assembly Bill 182, Mrs. Wagner moved to send this bill to study committee, Mr. Ross seconded the motion. The motion carried unanimously.

Assembly Bill 195, Mr. Ross moved for INDEFINITE POSTPONEMENT, Mr. Polish seconded the motion. The motion carried unanimously.

Assembly Bill 196, Mr. Banner moved for INDEFINITE POSTPONEMENT, Mr. Polish seconded the motion. The motion carried unanimously.

It might be noted, Assemblyman Hayes left the meeting at this point and was not present for the rest of the voting this date.

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Assembly Bill 198, Mr. Ross moved for a DO PASS, Mr. Sena seconded the motion. The motion carried unanimously.

Assembly Bill 199, Mr. Ross moved for a DO PASS and TO PLACE ON THE CONSENT CALENDAR, Mr. Polish seconded the motion. The motion carried unanimously.

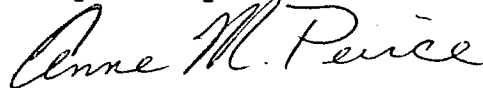
Assembly Bill 255, Mr. Ross moved for an INDEFINITE POSTPONEMENT, Mr. Sena seconded the motion. The motion carried unanimously.

Assembly Bill 257, Mr. Ross moved for an INDEFINITE POSTPONEMENT, Mr. Polish seconded the motion. The motion carried unanimously.

Assembly Joint Resolution 21, Mr. Ross moved for a DO PASS, Mr. Polish seconded the motion. Mr. Banner voted NO. Mrs. Hayes and Mr. Coulter were absent. The motion carried.

There being no further business at hand, Chairman Barengo adjourned this meeting at 10:55 a.m.

Respectfully submitted,



Anne M. Peirce, Secretary

SB 116 Pg 8; line 41 - 43

AB 182 opposed to Bill - Places offenders in 3 categories + TAKES sentencing discretion away from courts - IS NOT needed - DEPT HAS METHOD FOR <sup>ESTABLISHING</sup> UNIFORMITY IN sentencing recommendation - Recommendation IS NOT binding on THE COURT but is usually followed by THE COURT - BECAUSE OF THE increase in THE penalties in THIS bill, THE courts will lean more toward THE GRANTING OF PROBATION.

AB 195 not for or against - DO FEEL THAT THIS LAW could be abused + THAT THERE ARE OTHER LAWS BOTH civil + criminal THAT could be used in APPROPRIATE CASES - PERHAPS bill SHOULD be broadened to include RAPE OF NUSKAND -

AB 196 SUPPORT Bill - Pg 2, Ln 10-13 "BY THE DISTRICT ATTORNEY" SHOULD be ADDED.

AB 197 OPPOSE Bill (Bill KASSILL REPORT) - DISCRETION SHOULD lie WITH COURT.

AB 198 <sup>OPINION</sup> NO FEELING ON THIS bill.

AB 199 SUPPORT Bill FEELS THIS Bill WILL CLARIFY PAST CONFUSION BY PROPERLY IDENTIFYING CIVIL RIGHTS AS SUCH.

AB 255 OPPOSE Bill: Pg 3 - line 15-18 - WILL NOT WITHSTAND MORRISBY DECISION: Pg 2, Line 11-13 - TAKES A needed DISCRETION AWAY FROM THE COURT

IN THAT THERE ARE CASES WHERE PROBATION IS APPROPRIATE; PG 2 LINE 33-36 VIOLATION ARREST IS NOT APPROPRIATE IN ALL CASES - BEAT PAPER "NOB" UNTIL ARREST IS EVALUATED ECT. - PG 2 - LINE 44-50

AB 256 SUPPORT BILL - PG 3 LINE 3-3-5 - SUBSTANCE SHOULD BE SPECIFICALLY IDENTIFIED.

AB 257 OPPOSED BILL - PAGE 1 SUB 2 - SEC 2 - FEEL THAT S/S ON PROBATIONERS SHOULD BE RESERVED FOR CASES WHERE THIS IS NEEDED - HAVE NOT EXP. ANY DIFFICULTY IN OBTAINING THIS CONDITION WHEN REQUESTED

EXHIBIT A

DEPARTMENT OF PAROLE AND PROBATION

OFFENDER CHARACTERISTICS AND RISK FACTOR TABLE

<u>LOW</u>	<u>MODERATE</u>	<u>HIGH</u>	<u>VERY HIGH</u>
10-8	7-6	5-4	3-0

SUBJECT'S NAME: \_\_\_\_\_ CASE NO. \_\_\_\_\_

1. No prior convictions = 2 points..... \_\_\_\_\_  
One prior conviction = 1 point  
Two or more prior convictions = 0 points
2. No prior incarcerations = 2 points..... \_\_\_\_\_  
One prior incarceration = 1 point  
Two or more prior incarcerations = 0 points  
  - (a) If previously incarcerated..... \_\_\_\_\_  
subject has remained in free community for  
three or more years continuously since last  
incarceration = 1 point.  
Otherwise = 0 points
3. Age at first commitment - 18 years..... \_\_\_\_\_  
or older = 1 point  
Otherwise - 0 points
4. Offense did not involve personal injury to..... \_\_\_\_\_  
victim = 1 point.  
Otherwise = 0 points
5. Offense did not involve use of a weapon - 1 point \_\_\_\_\_  
Otherwise = 0 points
6. Verified employment (or full time school..... \_\_\_\_\_  
attendance) for a total of at least six months  
during the year immediately preceding offense  
= 1 point.  
Otherwise = 0 points
7. Offender has not been previously convicted..... \_\_\_\_\_  
of same offense = 1 point  
Otherwise = 0 points
8. Never had parole or probation revoked..... \_\_\_\_\_  
or been committed for new offense while on  
probation or parole = 1 point  
Otherwise = 0 points



## INTER-OFFICE

*VB  
Retain.***Memo**

FROM THE DEPARTMENT OF PAROLE AND PROBATION :: STATE OF NEVADA

To: MR. A. A. CAMPOS, CHIEF  
 From: WILLIAM J. KASSEL  
 Re: RESEARCH FOR STATE LEGISLATURE

Date: 2/10/77

Copies:

Deadline:

171 Nevada Probationers were revoked in 1975-1976 and sentenced to Nevada State Prison.

1. 88 of the 171 probationers were revoked on technical violations (rules of probation) or misdemeanor arrests and/or convictions.
2. 83 of the 171 probationers were revoked on new G.M. (Gross Misdemeanor) or F. (Felony) convictions or G.M. or F. arrests committed while on probation.
3. 50 of the 171 probationers were convicted of a new G.M. or F. crime committed while on probation.
4. 16 of the 171 probationers had their probation revoked after sentencing on a new G.M. or F. conviction.
5. 34 of the 171 probationers had their probation revoked before sentencing on a new G.M. or F. conviction.
6. 10 of the 171 probationers were charged with new G.M. or F. drug crimes that were not yet adjudicated at the time of revocation of probation.
7. 50 of the 171 probationers who were revoked and convicted of a new G.M. or F. while on probation. 27 were given concurrent sentences and 23 received consecutive sentences.
8. 4 of the 50 cases mentioned in Item No. 3 above were convicted of new G.M. or F. drug charges while on probation for a drug charge.

It is believed that this survey is about 90-95% accurate for the years 1975-1976.

GENERAL GUIDELINES  
FOR  
PRE-SENTENCING EVALUATION AND RECOMMENDATION

Until now there has been no standard policy by which the Parole and Probation Department evaluates convicted offenders awaiting sentencing by the Court. This absence of established criteria for pre-sentence recommendations can cause inconsistencies and disparities in pre-sentence reports. In order to avoid disparities and formulate a more equitable procedure for recommending probation or periods of incarceration, the Parole and Probation Department has adopted a set of general guidelines which will serve to assess the severity of a particular offense and the prospects for an offender altering his criminal behavior patterns after successfully completing a term on probation or in prison. The guidelines for governing the pre-sentence evaluation process will become standard policy throughout the state. At the same time they have been designed to remain flexible enough so that the individual probation officer will not be prevented from contributing his or her own good judgement to a report.

Briefly, the guidelines are in the form of a two axis chart with four categories of offense severity on one axis and four categories for offender characteristics and risk factor on the other (see attached Appendix I). The severity of an offense should be measured according to the severity scale supplied in the chart.

Occasionally there will be mitigating or aggravating circumstances in a particular case which may suggest an offense is less or more severe than the chart indicates. When an officer, in conducting a pre-sentence investigation, encounters such a case then he or she should make a recommendation that falls outside the general guidelines. In doing so, the officer must also include along with the recommendation a narrative summary supporting his or her findings and citing all the factors which necessitate making a recommendation outside the general guidelines.

The offender character evaluation (see Appendix I) is structured on the basis of a point system which helps to classify the offender's potential risk to the community into one of four general categories: VERY HIGH, HIGH, MODERATE or LOW. In determining this evaluation a simple 8 element examination table of the offenders background and current offense behavior will be made by the investigation officer (see Appendix II).

How many points the officer awards to the subject under examination will determine in which of the four categories the offender's risk factor actually belongs. In order to assess more accurately the future conduct of any offender, it is essential that the probation officer follow certain established criteria. The use of this short table of test elements and the guidelines of which they are a part will serve as adequate criteria. The guidelines themselves should function as an aid and guide for an officer in making an evaluation and should be received as such and not as a rigid pattern of methodology from which the officer must never vary.

No predictive method based wholly on statistical criteria will be one hundred per cent accurate in gauging the success probability of a human behavior. Most experts agree, however, that statistical methods can be very helpful to investigators once they have learned to temper them with the product of their working experience, i.e., their professional opinion. Statistics then, as they are employed in this guideline, should not be regarded as an end in themselves or as something of a final authority which will act to hinder or fetter the discretionary powers of the individual probation officer. General guidelines, such as the one at hand, best work to create a framework within which the professional is better able to make decisions that stand in harmony with a sense of fair play and good judgement.

It is especially important that these guidelines remain contemporary with the progressive aims of society as well as continuing advancements made in the practice of corrections. To insure this end the Chief Parole and Probation Officer, his Deputy, and one officer from each of three Districts within the state and/or anyone else the Chief Parole and Probation Officer may so designate will meet once annually, or as it becomes necessary to provide for the review, revision and modification of pre-sentence guidelines.

APPENDIX I

OFFENSE BEHAVIOR

OFFENDER CHARACTERISTICS

RISK FACTOR:

MODERATE SEVERITY

LOW

MODERATE

HIGH

VERY HIGH

MODERATE SEVERITY	LOW	MODERATE	HIGH	VERY HIGH
Accessory to a Felony 1-5	12 (18) 24	18 (30) 36	24 (36) 48	36 (48) 60
Bigamy 1-6	12 (18) 24	18 (30) 36	24 (42) 60	36 (54) 72
Concealed Weapon 1-6	12 (18) 24	18 (30) 36	24 (42) 60	36 (54) 72
Controlled Substance: 1-6 Possession (value less \$500)	12 (18) 24	18 (30) 36	24 (42) 60	36 (54) 72
Controlled Substance 1-20 or Narcotics: Sales (by dependent user to support own habit-value less than \$500)	12 (24) 30	24 (36) 48	36 (54) 72	60 (78) 96
Counterfeiting 1-10 (value less than \$10,000)	12 (24) 30	18 (30) 42	36 (48) 60	48 (66) 84
Credit Card 1-10 (value less than \$2,500)	12 (24) 30	18 (30) 42	36 (48) 60	48 (66) 84
Defrauding Innkeeper 1-10	12 (24) 30	18 (30) 42	36 (48) 60	48 (66) 84
Falsifying Evidence 1-10	12 (24) 30	18 (30) 42	36 (48) 60	48 (66) 84
Felony Non-Support 1-6	12 (18) 24	18 (30) 36	24 (42) 60	36 (54) 72
Embezzlement 1-10 (less than \$10,000)	12 (24) 30	18 (30) 42	36 (48) 60	48 (66) 84
Forgery 1-10 (less than \$2,500)	12 (24) 30	18 (30) 42	36 (48) 60	48 (66) 84
Gambling Fraud 1-6 (less than \$1,000)	12 (18) 24	18 (30) 36	24 (42) 60	36 (54) 72

APPENDIX I

OFFENSE BEHAVIOR

OFFENDER CHARACTERISTICS

MODERATE SEVERITY

LOW

MODERATE

RISK FACTOR:  
HIGH

VERY HIGH

Burglary (less than \$2,500)	1-10	12 (24) 30	18 (30) 42	24 (42) 60	48 (66) 84
Grand Larceny (less than \$5,000)	1-10	12 (24) 30	18 (30) 42	36 (48) 60	48 (66) 84
Pandering (without force)	1-6	12 (18) 24	18 (30) 36	24 (36) 48	36 (48) 60
Statutory Rape	1-10	12 (24) 30	18 (30) 42	36 (48) 60	48 (66) 84
Stock Fraud (less than \$10,000)	1-10	12 (24) 30	18 (30) 42	36 (48) 60	48 (66) 84
Stolen Property: Possession/Receipt/ Transfer (value less than \$5,000)	1-10	12 (24) 30	18 (30) 42	36 (48) 60	48 (66) 84
Theft of Livestock (Value less than \$5,000)	1-10	12 (24) 30	18 (30) 42	36 (48) 60	48 (66) 84

APPENDIX I

OFFENSE BEHAVIOR

OFFENDER CHARACTERISTICS

RISK FACTOR:

HIGH SEVERITY

LOW

MODERATE

HIGH

VERY HIGH

OFFENSE BEHAVIOR		LOW	MODERATE	HIGH	VERY HIGH
Abortion	1-10	24 (36) 48	36 (54) 72	48 (72) 96	60 (90) 120
Aiding or Concealing Escaped Prisoner	1-10	24 (36) 48	36 (54) 72	48 (72) 96	60 (90) 120
Annoyance or Molestation of Minor Child Under 18	1-6	24 (30) 36	30 (36) 48	36 (48) 60	42 (60) 72
Bomb Threats	1-6	18 (24) 30	24 (36) 42	30 (42) 54	36 (54) 72
Bribing Public Officials	1-10	24 (36) 48	36 (54) 72	48 (72) 96	60 (90) 120
Bribing Witness	1-10	24 (36) 48	36 (54) 72	48 (72) 96	60 (90) 120
Soliciting Bribes	1-10	24 (36) 48	36 (54) 72	48 (72) 96	60 (90) 120
Burglary (value exceeds \$2,500)	1-10	36 (42) 48	42 (54) 72	48 (72) 96	60 (90) 120
Controlled Substance: Possession (value exceeds \$500)	1-6	36 (42) 48	42 (48) 60	48 (60) 66	54 (66) 72
Controlled Substance: Sales (value more than \$500, less than \$2,500)	1-20	24 (48) 60	36 (50) 84	48 (84) 120	60 (120) 18
Counterfeiting (value exceeds \$10,000)	1-10	36 (42) 48	42 (54) 72	60 (78) 96	72 (96) 120
Credit Card (value exceeds \$2,500)	1-10	36 (42) 48	42 (54) 72	60 (78) 96	72 (96) 120

APPENDIX I

OFFENSE BEHAVIOR

OFFENDER CHARACTERISTICS

RISK FACTOR:

HIGH SEVERITY

LOW

MODERATE

HIGH

VERY HIGH

Gross or Open Lewdness	1-6	12 (18) 24	18 (30) 42	24 (42) 54	30 (54) 72
Indecent or Obscene Exposure	1-6	12 (18) 24	18 (30) 42	24 (42) 54	30 (54) 72
Incest	1-6	18 (30) 36	24 (36) 42	30 (48) 54	36 (54) 72
Larceny from Person	1-10	18 (30) 36	24 (36) 42	48 (72) 96	60 (90) 120
Manufacture and Importation of Deadly Weapons	1-6	18 (24) 30	24 (36) 42	30 (48) 54	36 (54) 72
(if causes fatal injury)	1-10	24 (36) 48	36 (54) 72	48 (72) 96	60 (90) 120
Lewd with Minor Under 14	1-10	24 (36) 48	36 (54) 72	48 (72) 96	60 (90) 120
Manslaughter: Involuntary	1-6	12 (24) 30	18 (30) 36	24 (36) 42	30 (48) 72
Narcotics: Possession (by dependent user where value exceeds \$500)	1-6	24 (30) 36	30 (42) 48	36 (48) 60	42 (54) 72
Statutory Rape (defendant over 25)	1-10	36 (42) 48	42 (54) 72	60 (78) 96	72 (96) 120
Narcotics: Sales (by dependent user where value exceeds \$500)	1-20	48 (66) 84	60 (84) 108	72 (96) 120	84 (144) 180
Narcotics: Sales (by non-user value less than \$500)	1-20	48 (66) 84	60 (84) 108	72 (96) 120	84 (144) 180

APPENDIX I

OFFENSE BEHAVIOR

OFFENDER CHARACTERISTICS

HIGH SEVERITY

LOW

RISK FACTOR:  
MODERATE HIGH VERY HIGH

VERY HIGH

OFFENSE BEHAVIOR		LOW	MODERATE	HIGH	VERY HIGH
Embezzlement (value exceeds \$10,000)	1-10	36 (44)	4 (54)72	60 (78)96	72 (96)120
Escape	1-10	12 (24)36	18 (36)60	30 (60)90	48 (84)120
Explosives: Manufacture/Possession/ Disposal	1-6	18 (24)30	24 (36)42	30 (42)54	36 (54)72
Explosives: Transportation for Illegal Purpose	2-10	36 (42)48	42 (54)72	60 (78)96	72 (96)120
Extortion	1-10	24 (36)48	36 (54)72	48 (72)96	60 (90)120
Forgery (value exceeds \$2,500)	1-10	36 (42)48	42 (60)72	60 (78)96	60 (90)120
False Fire Alarms (where death or great bodily harm ensues)	1-5	18 (24)30	24 (36)42	30 (48)54	36 (48)60
Furnishing Narcotics/ Intoxicants/Controlled Substance to Prisoners	1-20	24 (42)60	36 (60)84	48 (84)120	60(144)24
Ex-Felon in Possession of Firearm (previous conviction for crimes other than crime against person)	1-6	12 (18)24	18 (24)30	24 (30)36	30 (42)48
Gambling Fraud (value exceeds \$1,000)	1-6	24 (30)36	30 (42)48	36 (48)60	42 (54)72
Grand Larceny (value exceeds \$5,000)	1-10	36 (42)48	42 (54)72	60 (78)96	72 (96)120



APPENDIX I

OFFENSE BEHAVIOR		OFFENDER CHARACTERISTICS				
		RISK FACTOR:				
HIGH SEVERITY		LOW	MODERATE	HIGH	VERY HIGH	
Pandering (with force)	1-10	36 (42) 48	42 (54) 72	60 (78) 96	72 (96) 120	
Perjury	1-10	18 (30) 36	30 (42) 54	48 (66) 84	60 (90) 120	
Robbery (no weapon)	1-15	18 (30) 36	30 (48) 60	42 (66) 84	54 (78) 96	
Setting Spring Gun or other Deadly Weapon (if causes fatal injury)	1-6	18 (24) 30	24 (36) 42	30 (42) 54	36 (54) 72	
	1-10	48 (60) 70	60 (78) 96	72 (90) 108	84 (102) 120	
Stock Fraud (value exceeds \$10,000)	1-10	36 (42) 48	42 (54) 72	60 (78) 96	72 (96) 120	
Stolen Property: Possession/Receipt/ Transfer (value exceeds \$5,000)	1-10	36 (42) 48	42 (54) 72	60 (78) 96	72 (96) 120	

APPENDIX I

OFFENSE BEHAVIOR

OFFENDER CHARACTERISTICS

RISK FACTOR:

VERY HIGH SEVERITY

LOW

MODERATE

HIGH

VERY HIGH

OFFENSE BEHAVIOR		LOW	MODERATE	HIGH	VERY HIGH
Arson, 1st Degree	1-15	60 (78)96	72 (96)120	84 (120)144	96 (144)180
Assault (aggravated)	2-10	48 (60)72	60 (78)96	72 (90)108	84 (108)120
Battery	2-10	48 (60)72	60 (78)96	72 (90)108	84 (108)120
Robbery (with weapon)	1-15	48 (66)84	60 (84)108	72 (108)144	84 (144)180
Mayhem	1-10	48 (60)72	60 (78)96	72 (90)108	84 (102)120
Controlled Substance: Sales (where value exceeds \$2,500)	1-20	96 (108)120	108 (120)144	120 (144)180	144 (192)24
Ex-felon in Possession of Firearm (where previously con- victed of crimes against person)	1-6	36 (42)48	42 (54)60	48 (60)66	54 (66)72
Manslaughter: Voluntary	1-10	48 (60)72	60 (78)96	72 (90)108	84 (102)120
Narcotics: Sales (where by non-user and value exceeds \$500)	1-20	96 (108)120	108 (120)144	120 (144)180	144 (192)24

APPENDIX I

OFFENSE BEHAVIOR

EXTREME SEVERITY

Aggravated Felonies:  
(i.e. robbery, sexual  
assault where victim  
suffers bodily injury)

Explosives (detonation)

Forcible Rape

Furnishing Weapons to  
State Prisoners

Habitual Criminal

Homicide  
(1st and 2nd degree)

Kidnapping  
(1st and 2nd degree)

Narcotics: Sales  
(multiple prior con-  
victions for sales  
and/or possession)

OFFENDER CHARACTERISTICS

RISK FACTOR:

LOW-MODERATE-HIGH-VERY HIGH

(greater than above-specific  
time ranges and risk factors  
not given because of limited  
number of cases and extreme  
variation of sentencing  
severity within this category)

NOTES:

1. The above chart is not a complete listing of all felonies under statute. If an offense is not listed above, the proper offense severity level and risk category may be obtained by comparing the severity of offense behavior with those of similar offenses that are listed.
2. If an offense behavior involved multiple separate offenses, the severity level may be increased.
3. If an offense can be classified under more than one category, the most serious applicable category is to be used.

4. If an offender has performed an act with intent to commit a crime but has failed to accomplish it, he may be convicted by the Court for attempt to commit that crime under the provisions of NRS 208.070. Attempt to commit a crime punishable by death, carries a sentence not be exceed 20 years. In all other cases of attempt, the sentence imposed may not exceed one-half the maximum penalty for completion of the offence. Severity levels for attempt convictions must be calculated according to the individual nature of each case with an eye toward severity levels of comparable offenses listed on the chart.

APPENDIX II

OFFENDER CHARACTERISTICS AND RISK FACTOR TABLE

<u>LOW</u>	<u>MODERATE</u>	<u>HIGH</u>	<u>VERY HIGH</u>
10-8	7-6	5-4	3-0

OFFENDER NAME: \_\_\_\_\_ Case No. \_\_\_\_\_

1. No prior convictions = 2 points..... \_\_\_\_\_  
One prior conviction = 1 point  
Two or more prior convictions = 0
  
2. No prior incarcerations = 2 points..... \_\_\_\_\_  
One prior incarceration = 1 point  
Two or more prior incarcerations = 0  
  
(a) If previously incarcerated,..... \_\_\_\_\_  
subject has remained in free community for  
three or more years continuously since last  
incarceration = 1 point  
Otherwise = 0 points
  
3. Age at first commitment - 18 years..... \_\_\_\_\_  
or older = 1 point  
Otherwise = 0
  
4. Offense did not involve personal injury to.... \_\_\_\_\_  
victim = 1 point  
Otherwise = 0
  
5. Offense did not involve use of a weapon = 1 point \_\_\_\_\_  
Otherwise = 0
  
6. Verified employment (or full time school..... \_\_\_\_\_  
attendance) for a total of at least six months  
during the year immediately preceding offense  
= 1 point  
Otherwise = 0
  
7. Offender has not been previously convicted..... \_\_\_\_\_  
of same offense = 1 point  
Otherwise = 0
  
8. Never had parole or probation revoked..... \_\_\_\_\_  
or been committed for new offense while on  
probation or parole = 1 point  
Otherwise = 0