

Amendment No. 792

Assembly Amendment to Senate Joint Resolution No. 1 (BDR C-567)

Proposed by: Assembly Committee on Corrections, Parole, and Probation

Amends: Summary: Yes Title: Yes Preamble: No Joint Sponsorship: No Digest: Yes

ASSEMBLY ACTION		Initial and Date		SENATE ACTION		Initial and Date			
Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____	Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____
Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____	Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____
Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____	Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____

EXPLANATION: Matter in (1) *blue bold italics* is new language in the original bill; (2) variations of green bold underlining is language proposed to be added in this amendment; (3) ~~red strikethrough~~ is deleted language in the original bill; (4) ~~purple double strikethrough~~ is language proposed to be deleted in this amendment; (5) orange double underlining is deleted language in the original bill proposed to be retained in this amendment.

VG/NCA



Date: 5/21/2017

S.J.R. No. 1—Proposes to amend the Nevada Constitution to replace the State Board of Pardons Commissioners with the Clemency Board and requires the Legislature to provide for the organization and duties of the Clemency Board. (BDR C-567)



SENATE JOINT RESOLUTION NO. 1—SENATORS
PARKS, SEGERBLOM AND MANENDO

PREFILED FEBRUARY 7, 2017

JOINT SPONSOR: ASSEMBLYMAN OHRENSCHALL

Referred to Committee on Judiciary

SUMMARY—Proposes to amend the Nevada Constitution to ~~replace~~ **expressly provide for** the State Board of Pardons Commissioners ~~with the Clemency Board~~ and ~~requires the Legislature to provide for~~ **revise** the ~~organization and~~ duties of the ~~Clemency~~ **State Board of Pardons Commissioners.** (BDR C-567)

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.

SENATE JOINT RESOLUTION—Proposing to amend the Nevada Constitution to ~~replace~~ **expressly provide for** the State Board of Pardons Commissioners ~~with the Clemency Board~~ and ~~to require the Legislature to provide for~~ **revise** the ~~organization and~~ duties of the ~~Clemency~~ **State Board of Pardons Commissioners.**

Legislative Counsel’s Digest:

1 Under the Nevada Constitution and existing law, the State Board of Pardons
2 Commissioners consists of the Governor, the justices of the Supreme Court and the Attorney
3 General. (Nev. Const. Art. 5, § 14; NRS 213.010) **The Nevada Constitution does not**
4 **expressly provide for a State Board of Pardons Commissioners, but rather establishes**
5 **the authority, powers and duties of the Board. Further, the Nevada Constitution**
6 **requires the Governor to vote in the majority for any action. (Nev. Const. Art. 5, § 14)**

7 This joint resolution proposes to amend the Nevada Constitution to: (1) ~~replace~~
8 **expressly provide for** the State Board of Pardons Commissioners; ~~with the Clemency Board~~
9 ~~consisting of nine members appointed by the Governor, the Chief Justice of the Supreme~~
10 ~~Court and the Attorney General to carry out the duties currently carried out by the State Board~~
11 ~~of Pardons Commissioners;~~ (2) ~~provide that at least five members appointed to the~~
12 ~~Clemency Board must have experience working in the criminal justice system;~~ **eliminate the**
13 **requirement that the Governor vote in the majority for any action;** (3) ~~require the~~
14 ~~Legislature to provide for the organization and duties of the Clemency Board;~~ and (4) ~~require the~~
15 ~~Clemency~~ **State Board of Pardons Commissioners** to meet at least quarterly; ~~;~~ (4)
16 **authorize any member of the State Board of Pardons Commissioners to submit matters**
17 **for consideration by the Board;** and (5) **provide that a majority of the members of the**
18 **State Board of Pardons Commissioners is sufficient for any action taken by the Board.**
19 (Nev. Const. Art. 5, § 14)

1 RESOLVED BY THE SENATE AND ASSEMBLY OF THE STATE OF NEVADA, JOINTLY,
2 That Section 14 of Article 5 of the Nevada Constitution be amended to read as
3 follows:

4 Sec. 14. 1. The governor, justices of the supreme court, and
5 attorney general ~~}, or a major part of them, of whom the governor} shall be~~
6 ~~one. There is hereby created a Clemency}~~ constitute the State Board } of
7 Pardons Commissioners.

8 ~~2. {The Clemency Board consists of nine members, at least five of~~
9 ~~whom must have experience working in the criminal justice system. The~~
10 ~~Governor, the Chief Justice of the Supreme Court and the Attorney~~
11 ~~General shall each appoint three members to the Clemency Board. The~~
12 ~~Legislature shall provide by law for:~~

13 ~~—(a) The organization of the Clemency Board, including, without~~
14 ~~limitation, the qualifications and terms of the members of the Clemency~~
15 ~~Board; and~~

16 ~~—(b) The duties of the Clemency Board and its members.~~

17 ~~3-} The {Clemency} State Board of Pardons Commissioners~~ may,
18 upon such conditions and with such limitations and restrictions as they may
19 think proper, remit fines and forfeitures, commute punishments, except as
20 provided in subsection ~~12, 4}~~ 3, and grant pardons, after convictions, in all
21 cases, except treason and impeachments, subject to such regulations as may
22 be provided by law relative to the manner of applying for pardons.

23 ~~12- 4}~~ 3. Except as may be provided by law, a sentence of death or a
24 sentence of life imprisonment without possibility of parole may not be
25 commuted to a sentence which would allow parole.

26 ~~13- 5}~~ 4. The {Clemency} State Board of Pardons Commissioners
27 shall meet at least quarterly.

28 5. Any member of the State Board of Pardons Commissioners may
29 submit matters for consideration by the State Board of Pardons
30 Commissioners.

31 6. A majority of the members of the State Board of Pardons
32 Commissioners is sufficient for any action taken by the State Board of
33 Pardons Commissioners.

34 7. The Legislature is authorized to pass laws conferring upon the
35 district courts authority to suspend the execution of sentences, fix the
36 conditions for, and to grant probation, and within the minimum and
37 maximum periods authorized by law, fix the sentence to be served by the
38 person convicted of crime in said courts.