
ASSEMBLY BILL NO. 434—COMMITTEE ON WAYS AND MEANS

(ON BEHALF OF THE OFFICE OF FINANCE
IN THE OFFICE OF THE GOVERNOR)

MARCH 26, 2021

Referred to Committee on Ways and Means

SUMMARY—Revises provisions relating to the Nevada Sentencing Commission. (BDR 14-1080)

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 Nevada Sentencing Commission; providing that the salaries for Legislators who are members of the Sentencing Commission must be paid from the Legislative Fund; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 Under Existing law, Legislators who are members of the Nevada Sentencing
2 Commission are entitled to receive a salary for attending meetings of the
3 Sentencing Commission. (NRS 176.0133) This bill provides that the salaries of
4 Legislators who are members of the Sentencing Commission must be paid from the
5 Legislative Fund.

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

1 **Section 1.** NRS 176.0133 is hereby amended to read as
2 follows:
3 176.0133 1. The Nevada Sentencing Commission is hereby
4 created within the Department. The Sentencing Commission
5 consists of:
6 (a) One member appointed by the Governor;



1 (b) One member who is a justice of the Supreme Court of
2 Nevada or a retired justice of the Supreme Court of Nevada,
3 appointed by the Chief Justice of the Supreme Court of Nevada;

4 (c) Two members who are judges appointed by the Chief Justice
5 of the Supreme Court of Nevada;

6 (d) One member who is a representative of the Administrative
7 Office of the Courts appointed by the Chief Justice of the Supreme
8 Court of Nevada;

9 (e) The Director of the Department of Corrections;

10 (f) One member who is a representative of the Office of the
11 Attorney General, appointed by the Attorney General;

12 (g) One member who is a district attorney, appointed by the
13 governing body of the Nevada District Attorneys Association;

14 (h) One member who is a representative of the Office of the
15 Clark County Public Defender, appointed by the head of the Office
16 of the Clark County Public Defender;

17 (i) One member who is a representative of the Office of the
18 Washoe County Public Defender, appointed by the head of the
19 Office of the Washoe County Public Defender;

20 (j) One member who is an attorney in private practice,
21 experienced in defending criminal actions, appointed by the
22 governing body of the State Bar of Nevada;

23 (k) One member who has been a victim of a crime or is a
24 representative of an organization supporting the rights of victims of
25 crime, appointed by the Governor;

26 (l) One member who is a member of the State Board of Parole
27 Commissioners, appointed by the State Board of Parole
28 Commissioners;

29 (m) One member who is a representative of the Division of
30 Parole and Probation of the Department of Public Safety, appointed
31 by the Governor;

32 (n) One member who is a representative of the Nevada Sheriffs'
33 and Chiefs' Association, appointed by the Nevada Sheriffs' and
34 Chiefs' Association;

35 (o) One member who is a representative of the Las Vegas
36 Metropolitan Police Department, appointed by the Sheriff of Clark
37 County;

38 (p) One member who is a representative of the Division of
39 Public and Behavioral Health of the Department of Health and
40 Human Services;

41 (q) One member who is a representative of an organization that
42 advocates on behalf of inmates, appointed by the Governor;

43 (r) Two members who are Senators, one of whom is appointed
44 by the Majority Leader of the Senate and one of whom is appointed
45 by the Minority Leader of the Senate;



1 (s) Two members who are members of the Assembly, one of
2 whom is appointed by the Speaker of the Assembly and one of
3 whom is appointed by the Minority Leader of the Assembly;

4 (t) The Director of the Department of Employment, Training
5 and Rehabilitation; and

6 (u) One member who is a representative of an organization that
7 works with offenders upon release from incarceration to assist in
8 reentry into the community appointed by the Chair of the
9 Legislative Commission.

10 2. The Executive Director shall serve as the Executive
11 Secretary of the Sentencing Commission.

12 3. If any organization listed in subsection 1 ceases to exist, the
13 appointment required pursuant to that subsection must be made by
14 the association's successor in interest, or, if there is no successor in
15 interest, by the Governor.

16 4. Each appointed member serves a term of 2 years. Members
17 may be reappointed for additional terms of 2 years in the same
18 manner as the original appointments. Any vacancy occurring in the
19 membership of the Sentencing Commission must be filled in the
20 same manner as the original appointment not later than 30 days after
21 the vacancy occurs.

22 5. The Legislators who are members of the Sentencing
23 Commission are entitled to receive the salary provided for a
24 majority of the members of the Legislature during the first 60 days
25 of the preceding session for each day's attendance at a meeting of
26 the Sentencing Commission. *The salary provided for in this*
27 *subsection must be paid from the Legislative Fund.*

28 6. At the first regular meeting of each odd-numbered year, the
29 members of the Sentencing Commission shall elect a Chair by
30 majority vote who shall serve until the next Chair is elected.

31 7. The Sentencing Commission shall:

32 (a) Hold its first meeting on or before September 1 of each odd-
33 numbered year; and

34 (b) Meet at least once every 3 months and may meet at such
35 further times as deemed necessary by the Chair.

36 8. A member of the Sentencing Commission may designate a
37 nonvoting alternate to attend a meeting in his or her place.

38 9. A majority of the members of the Sentencing Commission
39 constitutes a quorum for the transaction of business, and a majority
40 of those members present at any meeting is sufficient for any
41 official action taken by the Sentencing Commission. A nonvoting
42 alternate designated by a member pursuant to subsection 8 who
43 attends a meeting of the Sentencing Commission for which the
44 alternate is designated shall be deemed to be a member of the



1 Sentencing Commission for the purpose of determining whether a
2 quorum exists.

3 10. While engaged in the business of the Sentencing
4 Commission, to the extent of legislative appropriation, each member
5 of the Sentencing Commission is entitled to receive the per diem
6 allowance and travel expenses provided for state officers and
7 employees generally.

8 **Sec. 2.** Notwithstanding the provisions of NRS 218D.430 and
9 218D.435, a committee, other than the Assembly Standing
10 Committee on Ways and Means and the Senate Standing Committee
11 on Finance, may vote on this act before the expiration of the period
12 prescribed for the return of a fiscal note in NRS 218D.475. This
13 section applies retroactively from and after March 22, 2021.

