

SENATE BILL NO. 89—SENATOR HARDY

FEBRUARY 3, 2021

Referred to Committee on Judiciary

SUMMARY—Increases the maximum period of probation or suspension of sentence for a category C felony. (BDR 14-617)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: Yes.

~

EXPLANATION – Matter in *bolded italics* is new; matter between brackets [omitted material] is material to be omitted.

AN ACT relating to crimes; increasing the maximum period of probation or suspension of sentence for a category C felony; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 Existing law generally allows a judge to order a maximum period of probation
2 or suspension of sentence of 24 months for a criminal defendant who has been
3 convicted of a category C felony. (NRS 176A.500) This bill increases the
4 maximum period of probation or suspension of sentence for a category C felony
5 that is generally allowed from 24 months to 36 months.

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

1 **Section 1.** NRS 176A.500 is hereby amended to read as
2 follows:

3 176A.500 1. Except as otherwise provided in subsection 2,
4 the period of probation or suspension of sentence may be
5 indeterminate or may be fixed by the court and may at any time be
6 extended or terminated by the court, but the period, including any
7 extensions thereof, must not be more than:

- 8 (a) Twelve months for a:
 - 9 (1) Gross misdemeanor; or
 - 10 (2) Suspension of sentence pursuant to NRS 176A.240,
 - 11 176A.260, 176A.290 or 453.3363;



- 1 (b) Eighteen months for a category E felony;
- 2 (c) Twenty-four months for a category ~~C~~ D felony;
- 3 (d) Thirty-six months for a category B ~~or~~ C felony; or
- 4 (e) Notwithstanding the provisions of paragraphs (a) to (d),
5 inclusive, 60 months for a violent or sexual offense as defined in
6 NRS 202.876 or a violation of NRS 200.508.

7 2. The court may extend the period of probation or suspension
8 of sentence ordered pursuant to subsection 1 for a period of not
9 more than 12 months if such an extension is necessary for the
10 defendant to complete his or her participation in a specialty court
11 program.

12 3. At any time during probation or suspension of sentence, the
13 court may issue a warrant for violating any of the conditions of
14 probation or suspension of sentence and cause the defendant to be
15 arrested. Except for the purpose of giving a dishonorable discharge
16 from probation, and except as otherwise provided in this subsection,
17 the time during which a warrant for violating any of the conditions
18 of probation is in effect is not part of the period of probation. If the
19 warrant is cancelled or probation is reinstated, the court may include
20 any amount of that time as part of the period of probation.

21 4. Any parole and probation officer or any peace officer with
22 power to arrest may arrest a probationer without a warrant, or may
23 deputize any other officer with power to arrest to do so by giving the
24 probationer a written statement setting forth that the probationer has,
25 in the judgment of the parole and probation officer, violated the
26 conditions of probation. Except as otherwise provided in subsection
27 5, the parole and probation officer or the peace officer, after making
28 an arrest, shall present to the detaining authorities, if any, a
29 statement of the charges against the probationer. The parole and
30 probation officer shall at once notify the court which granted
31 probation of the arrest and detention or residential confinement of
32 the probationer and shall submit a report in writing showing in what
33 manner the probationer has violated the conditions of probation.

34 5. A parole and probation officer or a peace officer may
35 immediately release from custody without any further proceedings
36 any person the officer arrests without a warrant for violating a
37 condition of probation if the parole and probation officer or peace
38 officer determines that there is no probable cause to believe that the
39 person violated the condition of probation.

40 6. A person who is sentenced to serve a period of probation for
41 a felony or a gross misdemeanor must be allowed for the period of
42 the probation a deduction of:

- 43 (a) Ten days from that period for each month the person serves
44 and is current with any fee to defray the costs of his or her
45 supervision charged by the Division of Parole and Probation of the



1 Department of Public Safety pursuant to NRS 213.1076 and with
2 any payment of restitution ordered by the court, including, without
3 limitation, any payment of restitution required pursuant to NRS
4 176A.430. A person shall be deemed to be current with any such fee
5 and payment of restitution for any given month if, during that
6 month, the person makes at least the minimum monthly payment
7 established by the court or, if the court does not establish a
8 minimum monthly payment, by the Division.

9 (b) Except as otherwise provided in subsection 8, 10 days from
10 that period for each month the person serves and is actively involved
11 in employment or enrolled in a program of education, rehabilitation
12 or any other program approved by the Division.

13 7. A person must be allowed a deduction pursuant to paragraph
14 (a) or (b) of subsection 6 regardless of whether the person has
15 satisfied the requirements of the other paragraph and must be
16 allowed a deduction pursuant to paragraphs (a) and (b) of subsection
17 6 if the person has satisfied the requirements of both paragraphs of
18 that subsection.

19 8. A person who is sentenced to serve a period of probation for
20 a felony or a gross misdemeanor and who is a participant in a
21 specialty court program must be allowed a deduction from the
22 period of probation for being actively involved in employment or
23 enrolled in a program of education, rehabilitation or any other
24 program approved by the Division only if the person successfully
25 completes the specialty court program. Such a deduction must not
26 exceed the length of time remaining on the person's period of
27 probation.

28 **Sec. 2.** This act becomes effective on July 1, 2021.

