

SENATE BILL NO. 413—COMMITTEE ON JUDICIARY

(ON BEHALF OF THE JOINT INTERIM STANDING
COMMITTEE ON JUDICIARY)

MARCH 27, 2023

Referred to Committee on Judiciary

SUMMARY—Revises provisions relating to credits to reduce the sentence of an offender. (BDR 16-313)

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 sentencing; revising the method for determining credits to reduce the sentence of an offender; requiring the Board of State Prison Commissioners to adopt regulations to carry out the revised method for determining credits to reduce the sentence of an offender; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 Existing law allows an offender to earn certain credits to reduce his or her
2 sentence of imprisonment. (NRS 209.432-209.453) For example, under existing
3 law, an offender who is sentenced to prison for a crime committed on or after
4 July 17, 1997, may, under certain circumstances, be allowed: (1) a deduction of 20
5 days from his or her sentence for each month the offender serves; (2) up to 10 days
6 of credit each month for diligence in labor and study; (3) certain credits for
7 educational achievement; (4) up to 10 days of credit each month for participation in
8 a center for the purpose of making restitution, program for reentry of offenders and
9 parolees into the community, conservation camp, program of work release or
10 another program conducted outside of the prison; (5) up to 90 days of credit each
11 year for exceptional meritorious service; and (6) if the Governor determines, by
12 executive order, that it is necessary, a deduction of up to 5 days from his or her
13 sentence for each month the offender serves. Existing law provides that such credits
14 must be deducted from the maximum term or the maximum aggregate term
15 imposed by the sentence, as applicable, and apply to eligibility for parole unless the
16 offender was sentenced pursuant to a statute which specifies a minimum sentence
17 that must be served before a person becomes eligible for parole. Existing law also
18 provides that, unless an offender has been convicted of certain crimes, such credits
19 must also be deducted from the minimum term or the minimum aggregate term



20 imposed by the sentence, as applicable, until the offender becomes eligible for
21 parole. (NRS 209.4465) Existing law also allows certain offenders to earn credit
22 for: (1) being incarcerated during a state of emergency due to communicable or
23 infectious disease; (2) completing a program of treatment for an alcohol or other
24 substance use disorder; and (3) completing a vocational education and training or
25 other program. (NRS 209.4477, 209.448, 209.449)

26 This bill provides a revised method for determining credits to reduce the
27 sentence of an offender that applies to an offender sentenced to prison for a crime
28 committed: (1) on or after January 1, 2025; or (2) before January 1, 2025, if the
29 offender elects to be subject to the revised method.

30 **Section 1** of this bill provides that an offender who complies with the
31 programming and placement identified in the risk and needs assessment
32 administered to the offender, as determined by the Director of the Department of
33 Corrections, must be allowed credit against the minimum term or minimum
34 aggregate term, as applicable, of his or her sentence for good behavior in an amount
35 of days that is equivalent to 25 percent of the minimum term or minimum aggregate
36 term, as applicable, of the sentence of the offender. **Section 1** does not apply to an
37 offender who has been convicted of: (1) any crime that is punishable as a felony
38 involving the use or threatened use of force or violence against the victim; (2) a
39 sexual offense that is punishable as a felony; (3) certain offenses relating to driving
40 under the influence of alcohol or a controlled substance that are punishable as a
41 felony; or (4) a category A or B felony. Therefore, under **section 1**, an offender
42 convicted of such an offense is not eligible for credit to reduce the minimum term
43 or minimum aggregate term, as applicable, of his or her sentence.

44 **Section 1** also provides for the allowance of credit against the maximum term
45 or maximum aggregate term, as applicable, of the sentence of an offender. Under
46 **section 1**, an offender who complies with the programming and placement
47 identified in the risk and needs assessment administered to the offender, as
48 determined by the Director, must be allowed credit against the maximum term or
49 maximum aggregate term, as applicable, of his or her sentence for good behavior in
50 an amount of days that is equivalent to 25 percent of the maximum term or
51 maximum aggregate term, as applicable, of his or her sentence.

52 **Section 2** of this bill makes a conforming change to indicate the proper
53 placement of **section 1** in the Nevada Revised Statutes. **Sections 3-10** of this bill
54 make conforming changes to include necessary references to **section 1** and to
55 reflect the changes in **section 1**.

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 *1. Except as otherwise provided in this subsection, an*
4 *offender who complies with the programming and placement*
5 *identified in the risk and needs assessment administered pursuant*
6 *to NRS 209.341, as determined by the Director, must be allowed*
7 *credit against the minimum term or minimum aggregate term, as*
8 *applicable, of his or her sentence for good behavior in an amount*
9 *of days that is equivalent to 25 percent of the minimum term or*
10 *minimum aggregate term, as applicable, of the sentence of the*
11 *offender. Any credit allowed pursuant to this subsection may*



1 *reduce the minimum term or the minimum aggregate term*
2 *imposed by the sentence, as applicable, by not more than 58*
3 *percent. Credit must be allowed for the period the offender is*
4 *actually incarcerated pursuant to his or her sentence and applies*
5 *to eligibility for parole, unless the offender was sentenced*
6 *pursuant to a specific statute which specifies that a minimum*
7 *sentence must be served before the offender becomes eligible for*
8 *parole. Any forfeiture of credit pursuant to a specific statute must*
9 *be applied after the credit allowed in this subsection. This*
10 *subsection does not apply to an offender who has been convicted*
11 *of:*

12 (a) *Any crime that is punishable as a felony involving the use*
13 *or threatened use of force or violence against the victim.*

14 (b) *A sexual offense that is punishable as a felony.*

15 (c) *A violation of NRS 484C.110, 484C.120, 484C.130 or*
16 *484C.430 that is punishable as a felony.*

17 (d) *A category A or B felony.*

18 2. *Except as otherwise provided in this subsection, an*
19 *offender who complies with the programming and placement*
20 *identified in the risk and needs assessment administered pursuant*
21 *to NRS 209.341, as determined by the Director, must be allowed*
22 *credit against the maximum term or maximum aggregate term, as*
23 *applicable, of his or her sentence for good behavior in an amount*
24 *of days that is equivalent to 25 percent of the maximum term or*
25 *maximum aggregate term, as applicable, of his or her sentence.*
26 *Any forfeiture of credit pursuant to a specific statute must be*
27 *applied after the credit allowed in this subsection. Credit allowed*
28 *pursuant to this subsection:*

29 (a) *Must be allowed only for any period the offender is:*

30 (1) *Actually incarcerated pursuant to his or her sentence;*

31 (2) *In residential confinement; or*

32 (3) *In the custody of the Division of Parole and Probation*
33 *of the Department of Public Safety pursuant to NRS 209.4886 or*
34 *209.4888.*

35 (b) *Is in addition to any credit allowed to reduce the sentence*
36 *of the offender that is authorized pursuant to a specific statute.*

37 3. *An offender who is sentenced to prison for a crime*
38 *committed before January 1, 2025, may irrevocably elect to be*
39 *subject to the provisions of this section. The election by an*
40 *offender to be subject to the provisions of this section must not:*

41 (a) *Extend the sentence of the offender; or*

42 (b) *Otherwise reduce retroactively the amount of credit*
43 *allowed to reduce the sentence of the offender under the laws of*
44 *this State as those laws existed before January 1, 2025, if doing so*



1 *would constitute a violation under the United States Constitution*
2 *or the Nevada Constitution.*

3 **4. The Board shall adopt regulations to carry out the**
4 **provisions of this section.**

5 **Sec. 2.** NRS 209.432 is hereby amended to read as follows:

6 209.432 As used in NRS 209.432 to 209.453, inclusive, *and*
7 *section 1 of this act*, unless 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.540, 176A.550, 176A.560, 176A.660 to 176A.690, inclusive,
21 213.15105, 213.15193 or 213.152 to 213.1528, inclusive.

22 **Sec. 3.** NRS 209.4465 is hereby amended to read as follows:

23 209.4465 1. An offender who is sentenced to prison for a
24 crime committed on or after July 17, 1997, *but before January 1,*
25 *2025*, who has no serious infraction of the regulations of the
26 Department, the terms and conditions of his or her residential
27 confinement or the laws of the State recorded against the offender,
28 and who performs in a faithful, orderly and peaceable manner the
29 duties assigned to the offender, must be allowed:

30 (a) For the period the offender is actually incarcerated pursuant
31 to his or her 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 pursuant
35 to NRS 209.4886 or 209.4888,

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

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

44 (a) For earning a general educational development certificate or
45 an equivalent document, 60 days.



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

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

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

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

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

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

18 7. Except as otherwise provided in subsections 8 and 9, credits
19 earned pursuant to this section:

20 (a) Must be deducted from the maximum term or the maximum
21 aggregate term imposed by the sentence, as applicable; and

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

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

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

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

30 (c) A violation of NRS 484C.110, 484C.120, 484C.130 or
31 484C.430 that is punishable as a felony; or

32 (d) A category A or B felony,

33 ↪ apply to eligibility for parole and, except as otherwise provided
34 in subsection 9, must be deducted from the minimum term or the
35 minimum aggregate term imposed by the sentence, as applicable,
36 until the offender becomes eligible for parole and must be deducted
37 from the maximum term or the maximum aggregate term imposed
38 by the sentence, as applicable.

39 9. Credits deducted pursuant to subsection 8 may reduce the
40 minimum term or the minimum aggregate term imposed by the
41 sentence, as applicable, by not more than 58 percent for an offender
42 who:

43 (a) Is serving a sentence for an offense committed on or after
44 July 1, 2014; or



1 (b) On or after July 1, 2014, makes an irrevocable election to
2 have his or her consecutive sentences aggregated pursuant to
3 NRS 213.1212.

4 10. In addition to the credits allowed pursuant to this section, if
5 the Governor determines, by executive order, that it is necessary, the
6 Governor may authorize the deduction of not more than 5 days from
7 a sentence for each month an offender serves. This subsection must
8 be uniformly applied to all offenders under a sentence at the time
9 the Governor makes such a determination.

10 **Sec. 4.** NRS 209.4475 is hereby amended to read as follows:

11 209.4475 1. In addition to any credits earned pursuant to
12 NRS 209.447 ~~§~~ *and section 1 of this act*, an offender who is on
13 parole as of January 1, 2004, or who is released on parole on or after
14 January 1, 2004, for a term less than life must be allowed for the
15 period the offender is actually on parole a deduction of 20 days from
16 the offender's sentence for each month the offender serves if:

17 (a) The offender is current with any fee to defray the costs of his
18 or her supervision charged by the Division of Parole and Probation
19 of the Department of Public Safety pursuant to NRS 213.1076; and

20 (b) The offender is current with any payment of restitution
21 required by the State Board of Parole Commissioners pursuant to
22 NRS 213.126.

23 2. An offender shall be deemed to be current with any fee and
24 payment of restitution described in subsection 1 for any given
25 month if, during that month, the offender makes at least the
26 minimum monthly payment established by:

27 (a) The Division of Parole and Probation of the Department of
28 Public Safety, if any; and

29 (b) The State Board of Parole Commissioners, if any.

30 3. In addition to any credits earned pursuant to subsection 1 ,
31 ~~and~~ NRS 209.447 ~~§~~ *and section 1 of this act*, the Director may
32 allow not more than 10 days of credit each month for an offender:

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

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

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

42 5. Credits earned pursuant to this section must, in addition to
43 any credits earned pursuant to NRS 209.443, 209.446, 209.4465,
44 209.447, 209.448 and 209.449, *and section 1 of this act*, be



1 deducted from the maximum term or the maximum aggregate term
2 imposed by the sentence, as applicable.

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

5 **Sec. 5.** NRS 209.4477 is hereby amended to read as follows:

6 209.4477 1. An offender who *is serving a sentence for a*
7 *crime committed before January 1, 2025, and who* is actually
8 incarcerated in an institution or facility of the Department pursuant
9 to his or her sentence during a period in which a state of emergency
10 due to a communicable or infectious disease has been declared by
11 the Governor and remains in effect must be allowed, in addition to
12 the credits provided pursuant to NRS 209.433, 209.443, 209.446 or
13 209.4465, a deduction of 5 days from his or her sentence for each
14 month the offender serves during the state of emergency. An
15 offender shall not be allowed more than 60 days of credit pursuant
16 to this section.

17 2. Credits earned pursuant to this section:

18 (a) Apply to eligibility for parole and must be deducted from the
19 minimum term or the minimum aggregate term imposed by the
20 sentence, as applicable, until the offender becomes eligible for
21 parole, unless the offender was sentenced pursuant to a statute
22 which specifies a minimum sentence which must be served before a
23 person becomes eligible for parole; and

24 (b) Must be deducted from the maximum term or the maximum
25 aggregate term imposed by the sentence, as applicable.

26 3. Not later than 60 days after a state of emergency due to a
27 communicable or infectious disease has been declared by the
28 Governor, the Director shall submit a report containing a list of the
29 offenders who have received credits pursuant to this section to
30 the Chief Justice of the Nevada Supreme Court, the State Public
31 Defender, the Attorney General, the Executive Director of the
32 Department of Sentencing Policy and the Director of the Legislative
33 Counsel Bureau for transmittal to the Legislature or, if the
34 Legislature is not in session, to the Joint Interim Standing
35 Committee on the Judiciary.

36 4. As used in this section:


37 (a) "Communicable disease" means an infectious disease that
38 can be transmitted from person to person, animal to person or insect
39 to person.

40 (b) "Infectious disease" means a disease caused by a living
41 organism or other pathogen, including a fungus, bacillus, parasite,
42 protozoan or virus. An infectious disease may or may not be
43 transmissible from person to person, animal to person or insect to
44 person.



1 **Sec. 6.** NRS 209.448 is hereby amended to read as follows:

2 209.448 1. An offender who has no serious infraction of the
3 regulations of the Department or the laws of the State recorded
4 against the offender must be allowed, in addition to the credits
5 provided pursuant to NRS 209.433, 209.443, 209.446 or 209.4465, a
6 deduction of not more than 60 days from the maximum term or the
7 maximum aggregate term of the offender's sentence, as applicable,
8 for the successful completion of a program of treatment for an
9 alcohol or other substance use disorder which is conducted jointly
10 by the Department and a person who is licensed as a clinical alcohol
11 and drug counselor, licensed or certified as an alcohol and drug
12 counselor or certified as an alcohol and drug counselor intern or a
13 clinical alcohol and drug counselor intern, pursuant to chapter 641C
14 of NRS.

15 2. The provisions of this section apply to any offender who is
16 sentenced on or after October 1, 1991 , *for a crime committed*
17 *before January 1, 2025.*

18 **Sec. 7.** NRS 209.449 is hereby amended to read as follows:

19 209.449 1. An offender *who is serving a sentence for a*
20 *crime committed before January 1, 2025, and* who has no serious
21 infraction of the regulations of the Department, the terms and
22 conditions of his or her residential confinement or the laws of the
23 State recorded against the offender must be allowed, in addition to
24 the credits provided pursuant to NRS 209.433, 209.443, 209.446 or
25 209.4465, a deduction of 60 days from the maximum term or the
26 maximum aggregate term of the offender's sentence, as applicable,
27 for the successful completion of:

28 (a) A program of vocational education and training; or

29 (b) Any other program approved by the Director.

30 2. If the offender completes such a program with meritorious
31 or exceptional achievement, the Director may allow not more than
32 60 days of credit in addition to the 60 days allowed for completion
33 of the program.

34 **Sec. 8.** NRS 209.4495 is hereby amended to read as follows:

35 209.4495 1. Notwithstanding any provision of NRS 209.432
36 to 209.453, inclusive, *and section 1 of this act*, which entitles an
37 offender to receive credit or which authorizes the Director to allow
38 credit for an offender, an offender may not earn more than the
39 amount of credit required to expire his or her sentence.

40 2. Nothing in this section shall be construed to reduce
41 retroactively the amount of credit earned by an offender if doing so
42 would constitute a violation under the Constitution of the United
43 States or the Constitution of the State of Nevada.



1 **Sec. 9.** NRS 213.120 is hereby amended to read as follows:

2 213.120 1. Except as otherwise provided in NRS 213.1213
3 and as limited by statute for certain specified offenses, a prisoner
4 who was sentenced to prison for a crime committed before July 1,
5 1995, may be paroled when the prisoner has served one-third of the
6 definite period of time for which the prisoner has been sentenced
7 pursuant to NRS 176.033, less any credits earned to reduce his or
8 her sentence pursuant to chapter 209 of NRS.

9 2. Except as otherwise provided in NRS 213.1213 and as
10 limited by statute for certain specified offenses, a prisoner who was
11 sentenced to prison for a crime committed on or after July 1, 1995,
12 may be paroled when the prisoner has served the minimum term or
13 minimum aggregate term of imprisonment imposed by the court.
14 Except as otherwise provided in NRS 209.4465 ~~§~~ *and section 1 of*
15 *this act*, any credits earned to reduce his or her sentence pursuant to
16 chapter 209 of NRS while the prisoner serves the minimum term or
17 minimum aggregate term of imprisonment may reduce only the
18 maximum term or the maximum aggregate term of imprisonment
19 imposed, as applicable, and must not reduce the minimum term or
20 the minimum aggregate term of imprisonment, as applicable.

21 **Sec. 10.** NRS 213.1212 is hereby amended to read as follows:

22 213.1212 1. Notwithstanding any other provision of law, if a
23 prisoner is sentenced pursuant to NRS 176.035 to serve two or more
24 consecutive sentences, the terms of which have been aggregated:

25 (a) The prisoner shall be deemed to be eligible for parole from
26 all such sentences after serving the minimum aggregate term of
27 imprisonment; and

28 (b) The Board is not required to consider the prisoner for parole
29 until the prisoner has served the minimum aggregate term of
30 imprisonment.

31 2. Except as otherwise provided in subsection 3, for purposes
32 of determining parole eligibility, a prisoner whose sentences have
33 been aggregated may earn credit pursuant to NRS 209.433 to
34 209.449, inclusive, *and section 1 of this act*, which must be
35 deducted from the minimum aggregate term of imprisonment or the
36 maximum aggregate term of imprisonment, as applicable. Such
37 credits may be earned only to the extent that the credits would
38 otherwise be earned had the sentences not been aggregated.

39 3. For purposes of determining parole eligibility, if the
40 sentences of a prisoner are governed by different provisions of law
41 concerning the earning of credits pursuant to NRS 209.433 to
42 209.4465, inclusive, *and section 1 of this act*, the Department of
43 Corrections shall determine the minimum term of each sentence to
44 be aggregated for the purpose of establishing a minimum aggregate
45 term of imprisonment as follows:



1 (a) If the parole eligibility of a prisoner is based on credits
2 earned pursuant to NRS 209.433 or 209.443, the Department of
3 Corrections shall establish a fixed minimum term for that sentence
4 based on the assumption that the prisoner will earn all future credits
5 to reduce that sentence as provided in NRS 209.433 or 209.443, as
6 applicable, except for credits earned for donating blood or for
7 educational achievements in accordance with any regulations
8 adopted by the Board pursuant to subsection 2 of NRS 209.433 or
9 subsection 3 of NRS 209.443. Any such credits earned by a prisoner
10 for donating blood or for educational achievements that are awarded
11 after a minimum aggregate term of imprisonment is established
12 must be applied only to the maximum aggregate term of
13 imprisonment.

14 (b) If the parole eligibility of a prisoner is based on credits
15 earned pursuant to NRS 209.446, the Department of Corrections
16 shall establish a fixed minimum term for that sentence based on the
17 assumption that the prisoner will earn all future credits to reduce
18 that sentence as provided in NRS 209.446, except for credits earned
19 for educational achievements pursuant to subsection 2 of NRS
20 209.446 or for meritorious service pursuant to subsection 4 of NRS
21 209.446. Any such credits earned for educational achievements or
22 meritorious service that are awarded after a minimum aggregate
23 term of imprisonment is established must be applied only to the
24 maximum aggregate term of imprisonment.

25 (c) If a prisoner is eligible to earn a deduction from the
26 minimum term of his or her sentence pursuant to subsection 8 of
27 NRS 209.4465 ~~§~~ *or section 1 of this act*, the minimum term of the
28 sentence to be aggregated must be the minimum term set by the
29 court, and the provisions of subsection 9 of NRS 209.4465 *or*
30 *section 1 of this act, as applicable*, must be applied to the
31 aggregated sentence.

32 (d) If a prisoner is not eligible to earn a deduction from the
33 minimum term of his or her sentence, the minimum term of the
34 sentence to be aggregated must be the term set by the court or, if
35 the court does not set the minimum term, the minimum term
36 required by law.

37 4. A prisoner whose sentences have been aggregated pursuant
38 to subsection 3 may earn credits to reduce the maximum aggregate
39 term of imprisonment, as already reduced by any presentence credits
40 stipulated in the judgment of conviction or other applicable court
41 order, pursuant to NRS 209.4465 or 209.4475 *or section 1 of this*
42 *act* beginning on the date the prisoner elected to have the sentences
43 aggregated or on the date of sentencing.

44 5. Except as otherwise provided in subsection 6 and subsection
45 3 of NRS 176.035, a prisoner who is serving consecutive sentences



1 which have not been aggregated may, by submitting a written
2 request to the Director of the Department of Corrections, make an
3 irrevocable election to have the sentences aggregated. If the prisoner
4 makes such an irrevocable election to have the sentences aggregated
5 and:

6 (a) The prisoner has not been considered for parole on any of the
7 sentences requested to be aggregated, the Department of Corrections
8 shall aggregate the sentences in the manner set forth in this section
9 and NRS 176.035 and the Board is not required to consider the
10 prisoner for parole until the prisoner has served the minimum
11 aggregate term of imprisonment.

12 (b) The prisoner has been considered for parole on one or more
13 of the sentences requested to be aggregated, the Department of
14 Corrections shall aggregate only the sentences for which parole has
15 not been considered. The Board is not required to consider the
16 prisoner for parole on the aggregated sentences until the prisoner
17 has served the minimum aggregate term of imprisonment.

18 6. At the request of a prisoner, the Department of Corrections
19 may disaggregate any aggregated sentences for which parole has not
20 been considered for the purpose of aggregating such sentences with
21 other sentences pursuant to this section or NRS 176.035.

22 7. Except as otherwise provided in subsection 3 of NRS
23 176.035, if the Department of Corrections aggregates sentences that
24 are comprised of separate aggregated sentences, the Department of
25 Corrections may aggregate all the consecutive sentences to create a
26 single aggregated sentence.

27 8. The provisions of this section do not establish a basis for any
28 cause of action by a prisoner against the State or its political
29 subdivisions, agencies, boards, commissions, departments, officers
30 or employees relating to any credits the prisoner might have earned
31 if the sentences of the prisoner had not been aggregated.

32 **Sec. 11.** 1. This section becomes effective upon passage and
33 approval.

34 2. Sections 1 to 10, inclusive, of this act become effective:

35 (a) Upon passage and approval for the purpose of adopting any
36 regulations and performing any other preparatory administrative
37 tasks that are necessary to carry out the provisions of this act; and

38 (b) On January 1, 2025, for all other purposes.

