

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.

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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 sentencing; revising the method for determining credits to reduce the sentence of an offender; requiring the Director of the Department of Corrections to provide an offender with a list of certain programs; requiring the Director of the Department to submit a report to the Board of State Prison Commissioners which includes certain information concerning the institutional programming and placement of an offender under certain circumstances; 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 Existing law requires the Director of the Department of Corrections to
27 administer a risk and needs assessment to each person in the custody of the
28 Department to measure criminal risk factors and individual needs for the purpose of
29 guiding institutional programming and placement. (NRS 209.341) Before a meeting
30 to consider a prisoner for parole, existing law requires the Department to compile
31 and provide to the State Board of Parole Commissioners data that will assist the
32 Board in determining whether parole should be granted to the prisoner.
33 (NRS 213.131)

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

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

52 **Section 1** also provides for the allowance of credit against the maximum term
53 or maximum aggregate term, as applicable, of the sentence of an offender. Under
54 **section 1**, an offender who complies with the programming and placement
55 identified in the risk and needs assessment administered to the offender, as
56 determined by the Director, must be allowed credit against the maximum term or
57 maximum aggregate term, as applicable, of his or her sentence for good behavior in
58 an amount of days that is equivalent to 35 percent of the maximum term or
59 maximum aggregate term, as applicable, of his or her sentence.

60 **Section 1** requires the Director to provide each offender in the custody of the
61 Department with a list that includes: (1) the programs identified in the risk and
62 needs assessment administered to the offender, as determined by the Director; (2)
63 the programs available at the institution or facility to which the offender has been
64 assigned; and (3) which of the programs identified in the risk and needs assessment
65 are available at the institution or facility to which the offender has been assigned.
66 At the time the Department compiles and provides to the State Board of Parole
67 Commissioners data that will assist the Board in determining whether parole should



68 be granted to an offender, **section 1** requires the Director to additionally submit to
69 the Board a report that includes: (1) the list of programs provided to each offender
70 in the custody of the Department; and (2) the programs the offender has
71 successfully completed.

72 **Section 2** of this bill makes a conforming change to indicate the proper
73 placement of **section 1** in the Nevada Revised Statutes. **Sections 3-10** of this bill
74 make conforming changes to include necessary references to **section 1** and to
75 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 35 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*
12 *reduce the minimum term or the minimum aggregate term*
13 *imposed by the sentence, as applicable, by not more than 58*
14 *percent. Credit must be allowed for the period the offender is*
15 *actually incarcerated pursuant to his or her sentence and applies*
16 *to eligibility for parole, unless the offender was sentenced*
17 *pursuant to a specific statute which specifies that a minimum*
18 *sentence must be served before the offender becomes eligible for*
19 *parole. Any forfeiture of credit pursuant to a specific statute must*
20 *be applied after the credit allowed in this subsection. This*
21 *subsection does not apply to an offender who has been convicted*
22 *of:*

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

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

26 *(c) A violation of NRS 484C.110, 484C.120, 484C.130 or*
27 *484C.430 that is punishable as a felony.*

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

29 *2. Except as otherwise provided in this subsection, an*
30 *offender who complies with the programming and placement*
31 *identified in the risk and needs assessment administered pursuant*
32 *to NRS 209.341, as determined by the Director, must be allowed*
33 *credit against the maximum term or maximum aggregate term, as*
34 *applicable, of his or her sentence for good behavior in an amount*



1 of days that is equivalent to 35 percent of the maximum term or
2 maximum aggregate term, as applicable, of his or her sentence.
3 Any forfeiture of credit pursuant to a specific statute must be
4 applied after the credit allowed in this subsection. Credit allowed
5 pursuant to this subsection:

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

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

8 (2) In residential confinement; or

9 (3) In the custody of the Division of Parole and Probation
10 of the Department of Public Safety pursuant to NRS 209.4886 or
11 209.4888.

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

14 3. An offender who is sentenced to prison for a crime
15 committed before January 1, 2025, may irrevocably elect to be
16 subject to the provisions of this section. The election by an
17 offender to be subject to the provisions of this section must not:

18 (a) Extend the sentence of the offender; or

19 (b) Otherwise reduce retroactively the amount of credit
20 allowed to reduce the sentence of the offender under the laws of
21 this State as those laws existed before January 1, 2025, if doing so
22 would constitute a violation under the United States Constitution
23 or the Nevada Constitution.

24 4. The Director shall:

25 (a) Provide each offender in the custody of the Department
26 with a list that includes:

27 (1) The programs identified in the risk and needs
28 assessment administered to the offender pursuant to NRS 209.341,
29 as determined by the Director;

30 (2) The programs available at the institution or facility to
31 which the offender has been assigned; and

32 (3) Which of the programs described in subparagraph (1)
33 are available at the institution or facility to which the offender has
34 been assigned; and

35 (b) At the time the Department compiles and provides to
36 the State Board of Parole Commissioners data that will assist the
37 Board in determining whether parole should be granted to the
38 offender pursuant to NRS 213.131, submit a report to the Board
39 that includes:

40 (1) The list of programs provided to the offender pursuant
41 to paragraph (a); and

42 (2) The programs provided to the offender pursuant to
43 paragraph (a) that the offender successfully completed.

44 5. The Board shall adopt regulations to carry out the
45 provisions of this section.



1 **Sec. 2.** NRS 209.432 is hereby amended to read as follows:
2 209.432 As used in NRS 209.432 to 209.453, inclusive, *and*
3 *section 1 of this act*, unless the context otherwise requires:

4 1. "Offender" includes:

5 (a) A person who is convicted of a felony under the laws of this
6 State and sentenced, ordered or otherwise assigned to serve a term
7 of residential confinement.

8 (b) A person who is convicted of a felony under the laws of this
9 State and assigned to the custody of the Division of Parole and
10 Probation of the Department of Public Safety pursuant to NRS
11 209.4886 or 209.4888.

12 2. "Residential confinement" means the confinement of a
13 person convicted of a felony to his or her place of residence under
14 the terms and conditions established pursuant to specific statute. The
15 term does not include any confinement ordered pursuant to NRS
16 176A.540, 176A.550, 176A.560, 176A.660 to 176A.690, inclusive,
17 213.15105, 213.15193 or 213.152 to 213.1528, inclusive.

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

19 209.4465 1. ~~[Am]~~ *Unless an offender has elected to be*
20 *subject to the provisions of section 1 of this act, an* offender who is
21 sentenced to prison for a crime committed on or after July 17, 1997,
22 *but before January 1, 2025*, who has no serious infraction of the
23 regulations of the Department, the terms and conditions of his or her
24 residential confinement or the laws of the State recorded against the
25 offender, and who performs in a faithful, orderly and peaceable
26 manner the duties assigned to the offender, must be allowed:

27 (a) For the period the offender is actually incarcerated pursuant
28 to his or her sentence;

29 (b) For the period the offender is in residential confinement; and

30 (c) For the period the offender is in the custody of the Division
31 of Parole and Probation of the Department of Public Safety pursuant
32 to NRS 209.4886 or 209.4888,

33 ↳ a deduction of 20 days from his or her sentence for each month
34 the offender serves.

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

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

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

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



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

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

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

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

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

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

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

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

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

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

28 (c) A violation of NRS 484C.110, 484C.120, 484C.130 or
29 484C.430 that is punishable as a felony; or

30 (d) A category A or B felony,

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

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

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

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



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

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

8 209.4475 1. In addition to any credits earned pursuant to
9 NRS 209.447 ~~and~~ *and section 1 of this act*, an offender who is on
10 parole as of January 1, 2004, or who is released on parole on or after
11 January 1, 2004, for a term less than life must be allowed for the
12 period the offender is actually on parole a deduction of 20 days from
13 the offender's sentence for each month the offender serves if:

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

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

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

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

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

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

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

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

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

39 5. Credits earned pursuant to this section must, in addition to
40 any credits earned pursuant to NRS 209.443, 209.446, 209.4465,
41 209.447, 209.448 and 209.449, *and section 1 of this act*, be
42 deducted from the maximum term or the maximum aggregate term
43 imposed by the sentence, as applicable.

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



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

2 209.4477 1. ~~[Am]~~ *Unless an offender has elected to be*
3 *subject to the provisions of section 1 of this act, an* offender who *is*
4 *servng a sentence for a crime committed before January 1, 2025,*
5 *and who* is actually incarcerated in an institution or facility of the
6 Department pursuant to his or her sentence during a period in which
7 a state of emergency due to a communicable or infectious disease
8 has been declared by the Governor and remains in effect must be
9 allowed, in addition to the credits provided pursuant to NRS
10 209.433, 209.443, 209.446 or 209.4465, a deduction of 5 days from
11 his or her sentence for each month the offender serves during the
12 state of emergency. An offender shall not be allowed more than 60
13 days of credit pursuant to this section.

14 2. Credits earned pursuant to this section:

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

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

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

33 4. As used in this section:

34 (a) "Communicable disease" means an infectious disease that
35 can be transmitted from person to person, animal to person or insect
36 to person.

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

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

43 209.448 1. An offender who has no serious infraction of the
44 regulations of the Department or the laws of the State recorded
45 against the offender must be allowed, in addition to the credits



1 provided pursuant to NRS 209.433, 209.443, 209.446 or 209.4465, a
2 deduction of not more than 60 days from the maximum term or the
3 maximum aggregate term of the offender's sentence, as applicable,
4 for the successful completion of a program of treatment for an
5 alcohol or other substance use disorder which is conducted jointly
6 by the Department and a person who is licensed as a clinical alcohol
7 and drug counselor, licensed or certified as an alcohol and drug
8 counselor or certified as an alcohol and drug counselor intern or a
9 clinical alcohol and drug counselor intern, pursuant to chapter 641C
10 of NRS.

11 2. ~~The~~ *Unless an offender has elected to be subject to the*
12 *provisions of section 1 of this act, the* provisions of this section
13 apply to any offender who is sentenced on or after October 1, 1991
14 ~~],~~ *for a crime committed before January 1, 2025.*

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

16 209.449 1. ~~An~~ *Unless an offender has elected to be subject*
17 *to the provisions of section 1 of this act, an offender who is serving*
18 *a sentence for a crime committed before January 1, 2025, and* who
19 has no serious infraction of the regulations of the Department, the
20 terms and conditions of his or her residential confinement or the
21 laws of the State recorded against the offender must be allowed, in
22 addition to the credits provided pursuant to NRS 209.433, 209.443,
23 209.446 or 209.4465, a deduction of 60 days from the maximum
24 term or the maximum aggregate term of the offender's sentence, as
25 applicable, for the successful completion of:

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

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

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

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

33 209.4495 1. Notwithstanding any provision of NRS 209.432
34 to 209.453, inclusive, *and section 1 of this act,* which entitles an
35 offender to receive credit or which authorizes the Director to allow
36 credit for an offender, an offender may not earn more than the
37 amount of credit required to expire his or her sentence.

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

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

43 213.120 1. Except as otherwise provided in NRS 213.1213 *or*
44 *section 1 of this act* and as limited by statute for certain specified
45 offenses, a prisoner who was sentenced to prison for a crime



1 committed before July 1, 1995, may be paroled when the prisoner
2 has served one-third of the definite period of time for which the
3 prisoner has been sentenced pursuant to NRS 176.033, less any
4 credits earned to reduce his or her sentence pursuant to chapter 209
5 of NRS.

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

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

19 213.1212 1. Notwithstanding any other provision of law, if a
20 prisoner is sentenced pursuant to NRS 176.035 to serve two or more
21 consecutive sentences, the terms of which have been aggregated:

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

25 (b) The Board is not required to consider the prisoner for parole
26 until the prisoner has served the minimum aggregate term of
27 imprisonment.

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

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

43 (a) If the parole eligibility of a prisoner is based on credits
44 earned pursuant to NRS 209.433 or 209.443, the Department of
45 Corrections shall establish a fixed minimum term for that sentence



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

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

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

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

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

41 5. Except as otherwise provided in subsection 6 and subsection
42 3 of NRS 176.035, a prisoner who is serving consecutive sentences
43 which have not been aggregated may, by submitting a written
44 request to the Director of the Department of Corrections, make an
45 irrevocable election to have the sentences aggregated. If the prisoner



1 makes such an irrevocable election to have the sentences aggregated
2 and:

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

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

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

19 7. Except as otherwise provided in subsection 3 of NRS
20 176.035, if the Department of Corrections aggregates sentences that
21 are comprised of separate aggregated sentences, the Department of
22 Corrections may aggregate all the consecutive sentences to create a
23 single aggregated sentence.

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

29 **Sec. 11.** 1. This section becomes effective upon passage and
30 approval.

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

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

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

