

ASSEMBLY BILL NO. 91—COMMITTEE ON JUDICIARY

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

PREFILED JANUARY 6, 2025

Referred to Committee on Judiciary

SUMMARY—Revises provisions relating to parole. (BDR 16-500)

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 parole; authorizing the State Board of Parole Commissioners to grant second look parole to certain persons; making certain persons convicted of certain crimes committed when the person was less than 25 years of age eligible for parole after serving a certain number of years of incarceration; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law authorizes the State Board of Parole Commissioners to grant geriatric parole to a person who is 65 years of age or older and meets certain criteria. (NRS 213.12155) **Section 1** of this bill likewise authorizes the Board to grant second look parole to a person convicted of a category A or B felony if the person: (1) does not pose a significant and articulable risk to public safety; (2) has served a certain number of years of the minimum term or minimum aggregate term of imprisonment, as applicable, imposed by the court; and (3) meets certain other criteria. **Section 1** also prescribes: (1) the procedure for initiating consideration for second look parole; and (2) certain requirements relating to scheduling and conducting a second look parole hearing. Finally, **section 1** requires the Board to prescribe the terms and conditions of second look parole for each person to whom the Board grants second look parole and provides that any such person is under the supervision of the Division of Parole and Probation of the Department of Public Safety. **Section 2** of this bill makes a conforming change to make certain existing definitions applicable to **section 1**.

Existing law makes a prisoner who was sentenced for certain offenses that were committed when he or she was less than 18 years of age eligible for parole after the prisoner has served: (1) 15 calendar years of incarceration, if the prisoner is incarcerated for having been convicted of an offense that did not result in the death



20 of a victim; or (2) 20 calendar years of incarceration, if the prisoner is incarcerated
21 for having been convicted of an offense that resulted in the death of only one
22 victim. (NRS 213.12135) **Section 3** of this bill makes a prisoner eligible for parole
23 under these conditions when the prisoner was sentenced for an offense that was
24 committed when he or she was less than 25 years of age, rather than 18 years of
25 age.

26 **Section 4** of this bill provides that the amendatory provisions of **sections 1 and**
27 **3** apply to an offense committed before, on or after January 1, 2026.

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

1 **Section 1.** Chapter 213 of NRS is hereby amended by adding
2 thereto a new section to read as follows:

3 *1. Notwithstanding any other provision of law, the Board may*
4 *grant second look parole to a prisoner convicted of a:*

5 *(a) Category A felony if the prisoner:*

6 *(1) Is not serving a sentence of life imprisonment without*
7 *the possibility of parole and has not been sentenced to death;*

8 *(2) Does not pose a significant and articulable risk to*
9 *public safety; and*

10 *(3) Has served not less than 25 years of the minimum term*
11 *or minimum aggregate term of imprisonment, as applicable,*
12 *imposed by the court; or*

13 *(b) Category B felony if the prisoner:*

14 *(1) Does not pose a significant and articulable risk to*
15 *public safety; and*

16 *(2) Has served not less than 15 years of the minimum term*
17 *or minimum aggregate term of imprisonment, as applicable,*
18 *imposed by the court.*

19 *2. Consideration for second look parole may be initiated by*
20 *the submission of a written application and supporting*
21 *documentation to the Board, including, without limitation,*
22 *relevant medical records, plans for parole, program participation*
23 *records, institutional records and any other relevant documents,*
24 *from:*

25 *(a) A prison official or employee;*

26 *(b) A prisoner;*

27 *(c) An attorney or representative of a prisoner;*

28 *(d) A family member of a prisoner; or*

29 *(e) A medical or mental health professional.*

30 *3. Not later than 15 days after receipt of an application*
31 *submitted pursuant to subsection 2, the Board shall notify*
32 *the Department of the application and request verification of the*
33 *length of time the prisoner has spent in the custody of the*
34 *Department.*



1 4. Upon receipt of a request from the Board submitted
2 pursuant to subsection 3, if the Department determines that the
3 prisoner:

4 (a) Meets the criteria set forth in subsection 1, the Department
5 shall:

6 (1) Notify the Board of the prisoner's eligibility for
7 consideration of second look parole;

8 (2) Place the prisoner on the next available list of persons
9 eligible for parole pursuant to NRS 209.254; and

10 (3) Provide to the Board a report prepared in accordance
11 with paragraph (c) of subsection 1 of NRS 213.131.

12 (b) Does not meet the criteria set forth in subsection 1, the
13 Department shall notify the Board and explain the reasons for
14 such a determination.

15 5. Upon receipt of the list prepared pursuant to NRS 209.254,
16 the Board shall, after sending copies of the list to all law
17 enforcement agencies in this State and other appropriate persons
18 in accordance with subsection 5 of NRS 213.1085, schedule a
19 hearing to consider the second look parole of an eligible prisoner
20 whose name appears on the list.

21 6. Except as otherwise provided in subsection 7, the Board
22 shall schedule and conduct the second look parole hearing of a
23 prisoner in the same general manner in which other prisoners are
24 considered for parole. The Board shall notify the prisoner and, if
25 applicable, the person who submitted the application pursuant to
26 subsection 2 of the date, time and location of the second look
27 parole hearing.

28 7. In determining whether to grant second look parole to a
29 prisoner, the Board shall consider:

30 (a) The written application and supporting documentation
31 submitted to the Board pursuant to subsection 2;

32 (b) The age of the prisoner at the time the offense was
33 committed in conjunction with any relevant research presented at
34 the hearing concerning the developmental maturity of persons at
35 that age;

36 (c) The age of the prisoner at the time the application was
37 submitted pursuant to subsection 2 in conjunction with any
38 relevant research presented at the hearing concerning the impact
39 of aging on the behavior of a person;

40 (d) Whether the prisoner had less involvement in the
41 commission of the crime for which parole is being considered than
42 other persons who participated in the commission of the crime;

43 (e) The behavior of the prisoner while in custody, including,
44 without limitation:

45 (1) Any disciplinary action taken against the prisoner; and



1 (2) *Whether the prisoner has completed a program of*
2 *general education, an industrial or vocational training program or*
3 *any other program for rehabilitation or treatment;*

4 (f) *Information on the background, personal history and*
5 *characteristics of the prisoner, including, without limitation,*
6 *whether, at the time the offense was committed, the prisoner was a*
7 *victim of domestic violence or sexual abuse;*

8 (g) *Any victim impact statement, other documents or testimony*
9 *submitted by the victim;*

10 (h) *Any evidence indicating that the sentence imposed was:*

11 (1) *Enhanced because the offender exercised his or her*
12 *constitutional right to a trial; or*

13 (2) *Inconsistent with the public policy set forth in NRS*
14 *176.0131 or any state laws, regulations or guidelines relating to*
15 *sentencing;*

16 (i) *Whether a stable plan for the release of the prisoner exists;*

17 (j) *Whether the prisoner has support available to him or her in*
18 *the community or from his or her family; and*

19 (k) *Any other evidence the Board deems relevant for purposes*
20 *of determining whether the release of the prisoner on parole*
21 *would benefit, or would not be dangerous to, society or the*
22 *prisoner.*

23 8. *The Board shall notify a prisoner of the Board's decision*
24 *as to whether to grant second look parole in accordance with*
25 *subsection 11 of NRS 213.131.*

26 9. *At the time of the release of a prisoner on second look*
27 *parole, the Board shall prescribe the terms and conditions of the*
28 *second look parole.*

29 10. *A person who is granted second look parole pursuant to*
30 *this section is under the supervision of the Division. The Division*
31 *is responsible for supervising the person's compliance with the*
32 *terms and conditions prescribed by the Board.*

33 11. *Except as otherwise provided in this subsection, the*
34 *Board shall not take any action on an application submitted*
35 *pursuant to subsection 2 if the prisoner to whom the application*
36 *pertains was previously denied second look parole and less than 24*
37 *months have elapsed since the most recent denial. The Board may*
38 *take action on such an application if a shorter period has been*
39 *prescribed by the Board or a request is made by the Director of the*
40 *Department.*

41 12. *The provisions of this section are not intended to replace*
42 *the provisions relating to the general eligibility and consideration*
43 *of parole provided in NRS 213.1099 and 213.1215.*

44 13. *The Board shall adopt any regulations necessary to carry*
45 *out the provisions of this section.*



1 **14. As used in this section:**

2 (a) *“Department” means the Department of Corrections.*

3 (b) *“Domestic violence” means the commission of any act*
4 *described in NRS 33.018.*

5 (c) *“Relative” of a person includes:*

6 (1) *A spouse, parent, grandparent or stepparent;*

7 (2) *A natural born child, stepchild or adopted child;*

8 (3) *A grandchild, brother, sister, half brother or half sister;*

9 *or*

10 (4) *A parent of a spouse.*

11 (d) *“Sexual abuse” has the meaning ascribed to it in*
12 *NRS 432B.100.*

13 (e) *“Victim” includes:*

14 (1) *A person against whom a crime has been committed;*
15 *and*

16 (2) *A relative of a person described in subparagraph (1).*

17 **Sec. 2.** NRS 213.107 is hereby amended to read as follows:

18 213.107 As used in NRS 213.107 to 213.157, inclusive, *and*
19 *section 1 of this act*, unless the context otherwise requires:

20 1. “Board” means the State Board of Parole Commissioners.

21 2. “Chief” means the Chief Parole and Probation Officer.

22 3. “Division” means the Division of Parole and Probation of
23 the Department of Public Safety.

24 4. “Residential confinement” means the confinement of a
25 person convicted of a crime to his or her place of residence under
26 the terms and conditions established by the Board.

27 5. “Responsivity factors” means characteristics of a person that
28 affect his or her ability to respond favorably or unfavorably to any
29 treatment goals.

30 6. “Risk and needs assessment” means a validated,
31 standardized actuarial tool that identifies risk factors that increase
32 the likelihood of a person reoffending and factors that, when
33 properly addressed, can reduce the likelihood of a person
34 reoffending.

35 7. “Sex offender” means any person who has been or is
36 convicted of a sexual offense.

37 8. “Sexual offense” has the meaning ascribed to it in
38 NRS 179D.097.

39 9. “Standards” means the objective standards for granting or
40 revoking parole or probation which are adopted by the Board or the
41 Chief.

42 **Sec. 3.** NRS 213.12135 is hereby amended to read as follows:

43 213.12135 1. Notwithstanding any other provision of law,
44 except as otherwise provided in subsection 2 or unless a prisoner is
45 subject to earlier eligibility for parole pursuant to any other



1 provision of law, a prisoner who was sentenced ~~as an adult~~ for an
2 offense that was committed when he or she was less than ~~18~~ 25
3 years of age is eligible for parole as follows:

4 (a) For a prisoner who is serving a period of incarceration for
5 having been convicted of an offense or offenses that did not result in
6 the death of a victim, after the prisoner has served 15 calendar years
7 of incarceration, including any time served in a county jail.

8 (b) For a prisoner who is serving a period of incarceration for
9 having been convicted of an offense or offenses that resulted in the
10 death of only one victim, after the prisoner has served 20 calendar
11 years of incarceration, including any time served in a county jail.

12 2. The provisions of this section do not apply to a prisoner who
13 is serving a period of incarceration for having been convicted of an
14 offense or offenses that resulted in the death of two or more victims.

15 **Sec. 4.** The amendatory provisions of sections 1 and 3 of this
16 act apply to an offense committed before, on or after January 1,
17 2026.

18 **Sec. 5.** 1. This section becomes effective upon passage and
19 approval.

20 2. Sections 1 to 4, inclusive, of this act become effective:

21 (a) Upon passage and approval for the purpose of adopting any
22 regulations and performing any administrative tasks that are
23 necessary to carry out the provisions of this act; and

24 (b) On January 1, 2026, for all other purposes.



