

SENATE BILL NO. 395—SENATOR SEGERBLOM

MARCH 18, 2013

Referred to Committee on Judiciary

SUMMARY—Requires the Advisory Commission on the Administration of Justice to identify and study certain information. (BDR 14-22)

FISCAL NOTE: Effect on Local Government: May have Fiscal Impact.  
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 criminal procedure; requiring the Advisory Commission on the Administration of Justice to identify and study certain information concerning the collateral consequences of a conviction; and providing other matters properly relating thereto.

**Legislative Counsel’s Digest:**

1 **Section 4** of this bill requires the Advisory Commission on the Administration  
2 of Justice to identify and study the provisions of existing law which impose or  
3 authorize a collateral consequence of conviction and any provisions of existing law  
4 allowing relief from those collateral consequences.

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

1 **Section 1.** (Deleted by amendment.)  
2 **Sec. 2.** (Deleted by amendment.)  
3 **Sec. 3.** (Deleted by amendment.)  
4 **Sec. 4.** NRS 176.0125 is hereby amended to read as follows:  
5 176.0125 The Commission shall:  
6 1. Identify and study the elements of this State’s system of  
7 criminal justice which affect the sentences imposed for felonies and  
8 gross misdemeanors.  
9 2. Evaluate the effectiveness and fiscal impact of various  
10 policies and practices regarding sentencing which are employed in  
11 this State and other states, including, but not limited to, the use of



\* S B 3 9 5 R 2 \*

1 plea bargaining, probation, programs of intensive supervision,  
2 programs of regimental discipline, imprisonment, sentencing  
3 recommendations, mandatory and minimum sentencing, mandatory  
4 sentencing for crimes involving the possession, manufacture and  
5 distribution of controlled substances, structured or tiered sentencing,  
6 enhanced penalties for habitual criminals, parole, credits against  
7 sentences, residential confinement and alternatives to incarceration.

8 3. Recommend changes in the structure of sentencing in this  
9 State which, to the extent practicable and with consideration for  
10 their fiscal impact, incorporate general objectives and goals for  
11 sentencing, including, but not limited to, the following:

12 (a) Offenders must receive sentences that increase in direct  
13 proportion to the severity of their crimes and their histories of  
14 criminality.

15 (b) Offenders who have extensive histories of criminality or  
16 who have exhibited a propensity to commit crimes of a predatory or  
17 violent nature must receive sentences which reflect the need to  
18 ensure the safety and protection of the public and which allow for  
19 the imprisonment for life of such offenders.

20 (c) Offenders who have committed offenses that do not include  
21 acts of violence and who have limited histories of criminality must  
22 receive sentences which reflect the need to conserve scarce  
23 economic resources through the use of various alternatives to  
24 traditional forms of incarceration.

25 (d) Offenders with similar histories of criminality who are  
26 convicted of similar crimes must receive sentences that are generally  
27 similar.

28 (e) Offenders sentenced to imprisonment must receive sentences  
29 which do not confuse or mislead the public as to the actual time  
30 those offenders must serve while incarcerated or before being  
31 released from confinement or supervision.

32 (f) Offenders must not receive disparate sentences based upon  
33 factors such as race, gender or economic status.

34 (g) Offenders must receive sentences which are based upon the  
35 specific circumstances and facts of their offenses, including the  
36 nature of the offense and any aggravating factors, the savagery of  
37 the offense, as evidenced by the extent of any injury to the victim,  
38 and the degree of criminal sophistication demonstrated by the  
39 offender's acts before, during and after commission of the offense.

40 4. Evaluate the effectiveness and efficiency of the Department  
41 of Corrections and the State Board of Parole Commissioners with  
42 consideration as to whether it is feasible and advisable to establish  
43 an oversight or advisory board to perform various functions and  
44 make recommendations concerning:

45 (a) Policies relating to parole;



- 1 (b) Regulatory procedures and policies of the State Board of  
2 Parole Commissioners;
- 3 (c) Policies for the operation of the Department of Corrections;
- 4 (d) Budgetary issues; and
- 5 (e) Other related matters.
- 6 5. Evaluate the effectiveness of specialty court programs in this  
7 State with consideration as to whether such programs have the effect  
8 of limiting or precluding reentry of offenders and parolees into the  
9 community.
- 10 6. Evaluate the policies and practices concerning presentence  
11 investigations and reports made by the Division of Parole and  
12 Probation of the Department of Public Safety, including, without  
13 limitation, the resources relied on in preparing such investigations  
14 and reports and the extent to which judges in this State rely on and  
15 follow the recommendations contained in such presentence  
16 investigations and reports.
- 17 7. Evaluate, review and comment upon issues relating to  
18 juvenile justice in this State, including, but not limited to:
  - 19 (a) The need for the establishment and implementation of  
20 evidence-based programs and a continuum of sanctions for children  
21 who are subject to the jurisdiction of the juvenile court; and
  - 22 (b) The impact on the criminal justice system of the policies and  
23 programs of the juvenile justice system.
- 24 8. Compile and develop statistical information concerning  
25 sentencing in this State.
- 26 9. Identify and study issues relating to the application of  
27 chapter 241 of NRS to meetings held by the:
  - 28 (a) State Board of Pardons Commissioners to consider an  
29 application for clemency; and
  - 30 (b) State Board of Parole Commissioners to consider an  
31 offender for parole.
- 32 10. Identify and study issues relating to the operation of the  
33 Department of Corrections, including, without limitation, the system  
34 for allowing credits against the sentences of offenders, the  
35 accounting of such credits and any other policies and procedures of  
36 the Department which pertain to the operation of the Department.
- 37 11. Evaluate the policies and practices relating to the  
38 involuntary civil commitment of sexually dangerous persons.
- 39 12. *Identify and study the impacts and effects of collateral*  
40 *consequences of convictions in this State. Such identification and*  
41 *study:*
  - 42 (a) *Must cause to be identified any provision in the Nevada*  
43 *Constitution, the Nevada Revised Statutes and the Nevada*  
44 *Administrative Code which imposes a collateral sanction or*



1 *authorizes the imposition of a disqualification, and any provision*  
2 *of law that may afford relief from a collateral consequence;*

3 *(b) May rely on the study of this State's collateral sanctions,*  
4 *disqualifications and relief provisions prepared by the National*  
5 *Institute of Justice described in section 510 of the Court Security*  
6 *Improvement Act of 2007, Public Law 110-177; and*

7 *(c) Must include the posting of a hyperlink on the*  
8 *Commission's website to any study of this State's collateral*  
9 *sanctions, disqualifications and relief provisions prepared by the*  
10 *National Institute of Justice described in section 510 of the Court*  
11 *Security Improvement Act of 2007, Public Law 110-177.*

12 **13.** For each regular session of the Legislature, prepare a  
13 comprehensive report including the Commission's recommended  
14 changes pertaining to the administration of justice in this State, the  
15 Commission's findings and any recommendations of the  
16 Commission for proposed legislation. The report must be submitted  
17 to the Director of the Legislative Counsel Bureau for distribution to  
18 the Legislature not later than September 1 of each even-numbered  
19 year.

