
ASSEMBLY BILL NO. 159—ASSEMBLYMEN O’NEILL, DICKMAN,
KASAMA, CONSIDINE, HARDY; ANDERSON, DELONG,
GALLANT, GRAY, GURR, HANSEN AND HIBBETTS

FEBRUARY 14, 2023

Referred to Committee on Judiciary

SUMMARY—Revises provisions relating to cruelty to animals.
(BDR 16-71)

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 offenders; adding certain offenses relating to cruelty to animals to the list of offenses for which credits earned by offenders may not be deducted from the minimum term or the minimum aggregate term imposed by a sentence; adding certain offenses relating to cruelty to animals to the list of offenses for which a court may not defer judgment; revising the maximum period for which a court may set or extend probation or suspension of a sentence for certain offenses; adding certain offenses relating to cruelty to animals to the list of offenses a person must not be convicted of to be eligible for a petition for early discharge; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 Existing law provides that under certain circumstances an offender may earn
2 credits to reduce his or her sentence of imprisonment, which must be deducted from
3 the maximum term or the maximum aggregate term imposed by a sentence. For
4 certain offenders, credits must also be deducted from the minimum term or
5 minimum aggregate term imposed by a sentence and apply to eligibility for parole.
6 However, credits earned by offenders convicted of certain offenses may not be
7 deducted from the minimum term or the minimum aggregate term imposed by a
8 sentence. (NRS 209.4465) **Section 1** of this bill adds certain offenses relating to
9 cruelty to animals to the list of offenses for which credits earned by offenders may
10 not be deducted from the minimum term or the minimum aggregate term imposed
11 by a sentence.



12 Existing law provides that a court may defer judgment on a case under certain
13 circumstances. However, the court may not defer judgment for offenders who have
14 been convicted of certain crimes. (NRS 176.211) **Section 2** of this bill adds certain
15 offenses relating to cruelty to animals to the list of offenses for which the court may
16 not defer judgment.

17 Existing law establishes a maximum period of probation or suspension of a
18 sentence for certain crimes, based generally upon the severity of the crime. (NRS
19 176A.500) **Section 3** of this bill sets the maximum period of probation or
20 suspension of sentence for certain offenses relating to cruelty to animals at 60
21 months.

22 Existing law requires the Division of Parole and Probation of the Department of
23 Public Safety to petition a court to recommend the early discharge of a person from
24 probation, unless the person has been convicted of certain violent or sexual
25 offenses. (NRS 176A.840) **Section 4** of this bill adds certain offenses relating to
26 cruelty to animals to the list of offenses for which a person must not have been
27 convicted in order to be eligible for such early discharge from probation.

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

1 **Section 1.** NRS 209.4465 is hereby amended to read as
2 follows:

3 209.4465 1. An offender who is sentenced to prison for a
4 crime committed on or after July 17, 1997, who has no serious
5 infraction of the regulations of the Department, the terms and
6 conditions of his or her residential confinement or the laws of the
7 State recorded against the offender, and who performs in a faithful,
8 orderly and peaceable manner the duties assigned to the offender,
9 must be allowed:

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

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

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

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

18 2. In addition to the credits allowed pursuant to subsection 1,
19 the Director may allow not more than 10 days of credit each month
20 for an offender whose diligence in labor and study merits such
21 credits. In addition to the credits allowed pursuant to this subsection,
22 an offender is entitled to the following credits for educational
23 achievement:

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

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

27 (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 ~~;~~; *or*

31 *(e) A violation of NRS 574.100 that is punishable pursuant to*
32 *subsection 6 of that section,*

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. 2.** NRS 176.211 is hereby amended to read as follows:

11 176.211 1. Except as otherwise provided in this subsection,
12 upon a plea of guilty, guilty but mentally ill or nolo contendere, but
13 before a judgment of guilt, the court may, without entering a
14 judgment of guilt and with the consent of the defendant, defer
15 judgment on the case to a specified future date and set forth specific
16 terms and conditions for the defendant. The duration of the deferral
17 period must not exceed the applicable period set forth in subsection
18 1 of NRS 176A.500 or the extension of the period pursuant to
19 subsection 2 of NRS 176A.500. The court may not defer judgment
20 pursuant to this subsection if the defendant has entered into a plea
21 agreement with a prosecuting attorney unless the plea agreement
22 allows the deferral.

23 2. The terms and conditions set forth for the defendant during
24 the deferral period may include, without limitation, the:

- 25 (a) Payment of restitution;
- 26 (b) Payment of court costs;
- 27 (c) Payment of an assessment in lieu of any fine authorized by
28 law for the offense;
- 29 (d) Payment of any other assessment or cost authorized by law;
- 30 (e) Completion of a term of community service;
- 31 (f) Placement on probation pursuant to NRS 176A.500 and the
32 ordering of any conditions which can be imposed for probation
33 pursuant to NRS 176A.400; or
- 34 (g) Completion of a specialty court program.

35 3. The court:

- 36 (a) Upon the consent of the defendant:
 - 37 (1) Shall defer judgment for any defendant who has entered a
38 plea of guilty, guilty but mentally ill or nolo contendere to a
39 violation of paragraph (a) of subsection 2 of NRS 453.336; or
 - 40 (2) May defer judgment for any defendant who is placed in a
41 specialty court program. The court may extend any deferral period
42 for not more than 12 months to allow for the completion of a
43 specialty court program.

44 (b) Shall not defer judgment for any defendant who has been
45 convicted of a violent or sexual offense as defined in NRS 202.876,



1 a crime against a child as defined in NRS 179D.0357 , ~~for~~ a
2 violation of NRS 200.508 ~~or~~ *or a violation of NRS 574.100 that is*
3 *punishable pursuant to subsection 6 of that section.*

4 4. Upon violation of a term or condition:

5 (a) Except as otherwise provided in paragraph (b):

6 (1) The court may enter a judgment of conviction and
7 proceed as provided in the section pursuant to which the defendant
8 was charged.

9 (2) Notwithstanding the provisions of paragraph (e) of
10 subsection 2 of NRS 193.130, the court may order the defendant to
11 the custody of the Department of Corrections if the offense is
12 punishable by imprisonment in the state prison.

13 (b) If the defendant has been placed in the program for a first or
14 second violation of paragraph (a) of subsection 2 of NRS 453.336,
15 the court may allow the defendant to continue to participate in the
16 program or terminate the participation of the defendant in the
17 program. If the court terminates the participation of the defendant in
18 the program, the court shall allow the defendant to withdraw his or
19 her plea.

20 5. Upon completion of the terms and conditions of the deferred
21 judgment, and upon a finding by the court that the terms and
22 conditions have been met, the court shall discharge the defendant
23 and dismiss the proceedings. Discharge and dismissal pursuant to
24 this section is without adjudication of guilt and is not a conviction
25 for purposes of employment, civil rights or any statute or regulation
26 or license or questionnaire or for any other public or private
27 purpose, but is a conviction for the purpose of additional penalties
28 imposed for second or subsequent convictions or the setting of bail.
29 Discharge and dismissal restores the defendant, in the contemplation
30 of the law, to the status occupied before the arrest, indictment or
31 information.

32 6. The court shall order sealed all documents, papers and
33 exhibits in the defendant's record, minute book entries and entries
34 on dockets, and other documents relating to the case in the custody
35 of such other agencies and officers as are named in the court's order
36 if the defendant fulfills the terms and conditions imposed by the
37 court and the Division. The court shall order those records sealed
38 without a hearing unless the Division or the prosecutor petitions the
39 court, for good cause shown, not to seal the records and requests a
40 hearing thereon.

41 7. If the court orders sealed the record of a defendant
42 discharged pursuant to this section, the court shall send a copy of the
43 order to each agency or officer named in the order. Each such
44 agency or officer shall notify the court in writing of its compliance
45 with the order.



1 8. As used in this section:

2 (a) "Court" means a district court of the State of Nevada.

3 (b) "Specialty court program" has the meaning ascribed to it in
4 NRS 176A.065.

5 **Sec. 3.** NRS 176A.500 is hereby amended to read as follows:

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

11 (a) Twelve months for a:

12 (1) Gross misdemeanor; or

13 (2) Suspension of sentence pursuant to NRS 176A.240,
14 176A.260, 176A.290 or 453.3363;

15 (b) Eighteen months for a category E felony;

16 (c) Twenty-four months for a category C or D felony;

17 (d) Thirty-six months for a category B felony; or

18 (e) Notwithstanding the provisions of paragraphs (a) to (d),
19 inclusive, 60 months for a violent or sexual offense as defined in
20 NRS 202.876, ~~for~~ a violation of NRS 200.508 ~~or~~ *or a violation of*
21 *NRS 574.100 that is punishable pursuant to subsection 6 of that*
22 *section.*

23 2. The court may extend the period of probation or suspension
24 of sentence ordered pursuant to subsection 1 for a period of not
25 more than 12 months if such an extension is necessary for the
26 defendant to complete his or her participation in a specialty court
27 program.

28 3. At any time during probation or suspension of sentence, the
29 court may issue a warrant for violating any of the conditions of
30 probation or suspension of sentence and cause the defendant to be
31 arrested. Except for the purpose of giving a dishonorable discharge
32 from probation, and except as otherwise provided in this subsection,
33 the time during which a warrant for violating any of the conditions
34 of probation is in effect is not part of the period of probation. If the
35 warrant is cancelled or probation is reinstated, the court may include
36 any amount of that time as part of the period of probation.

37 4. Any parole and probation officer or any peace officer with
38 power to arrest may arrest a probationer without a warrant, or may
39 deputize any other officer with power to arrest to do so by giving the
40 probationer a written statement setting forth that the probationer has,
41 in the judgment of the parole and probation officer, violated the
42 conditions of probation. Except as otherwise provided in subsection
43 5, the parole and probation officer or the peace officer, after making
44 an arrest, shall present to the detaining authorities, if any, a
45 statement of the charges against the probationer. The parole and



1 probation officer shall at once notify the court which granted
2 probation of the arrest and detention or residential confinement of
3 the probationer and shall submit a report in writing showing in what
4 manner the probationer has violated the conditions of probation.

5 5. A parole and probation officer or a peace officer may
6 immediately release from custody without any further proceedings
7 any person the officer arrests without a warrant for violating a
8 condition of probation if the parole and probation officer or peace
9 officer determines that there is no probable cause to believe that the
10 person violated the condition of probation.

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

14 (a) Ten days from that period for each month the person serves
15 and is current with any fee to defray the costs of his or her
16 supervision charged by the Division of Parole and Probation of the
17 Department of Public Safety pursuant to NRS 213.1076 and with
18 any payment of restitution ordered by the court, including, without
19 limitation, any payment of restitution required pursuant to NRS
20 176A.430. A person shall be deemed to be current with any such fee
21 and payment of restitution for any given month if, during that
22 month, the person makes at least the minimum monthly payment
23 established by the court or, if the court does not establish a
24 minimum monthly payment, by the Division.

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

29 7. A person must be allowed a deduction pursuant to paragraph
30 (a) or (b) of subsection 6 regardless of whether the person has
31 satisfied the requirements of the other paragraph and must be
32 allowed a deduction pursuant to paragraphs (a) and (b) of subsection
33 6 if the person has satisfied the requirements of both paragraphs of
34 that subsection.

35 8. A person who is sentenced to serve a period of probation for
36 a felony or a gross misdemeanor and who is a participant in a
37 specialty court program must be allowed a deduction from the
38 period of probation for being actively involved in employment or
39 enrolled in a program of education, rehabilitation or any other
40 program approved by the Division only if the person successfully
41 completes the specialty court program. Such a deduction must not
42 exceed the length of time remaining on the person's period of
43 probation.



1 **Sec. 4.** NRS 176A.840 is hereby amended to read as follows:
2 176A.840 1. The Division shall petition the court to
3 recommend the early discharge of a person from probation if the
4 person:

5 (a) Has not violated any condition of probation during the
6 immediately preceding 12 months;

7 (b) Is current with any fee to defray the costs of his or her
8 supervision charged by the Division pursuant to NRS 213.1076;

9 (c) Has paid restitution in full or, because of economic hardship
10 that is verified by the Division, has been unable to make restitution
11 as ordered by the court;

12 (d) Has completed any program of substance use treatment or
13 mental health treatment or a specialty court program as mandated by
14 the court or the Division; and

15 (e) Has not been convicted of a violent or sexual offense as
16 defined in NRS 202.876 , ~~or~~ a violation of NRS 200.508 ~~or~~ *or a*
17 *violation of NRS 574.100 that is punishable pursuant to*
18 *subsection 6 of that section.*

19 2. This section must not be construed to prohibit the court from
20 allowing the early discharge of a person from probation if the person
21 does not meet the requirements set forth in subsection 1.

22 **Sec. 5.** The amendatory provisions of this act apply
23 prospectively to offenses committed on or after the effective date of
24 this act for all purposes, including, without limitation, the purpose
25 of calculating credits earned by a person pursuant to NRS 209.4465,
26 as amended by section 1 of this act.

27 **Sec. 6.** This act becomes effective upon passage and approval.

