

NEVADA SENTENCING COMMISSION
Outline for Report Required by NRS 176.0134

INTRODUCTION

Statutory Requirement

This report by the Nevada Sentencing Commission (NSC) is the first of the reporting required by NRS 176.0134 since being established in Nevada's Executive Branch but the second of such reporting since being enacted in 2017 via Senate Bill 451 (SB 451). NRS 176.0134 requires the NSC: (1) recommend changes pertaining to sentencing; and (2) make findings and any recommendations for proposed legislation.

History

SB 451 (2017) created within Nevada's Legislative Branch of government the Nevada Sentencing Commission for the general purpose of studying and developing sentencing policy to effectively address inequities and inconsistencies in criminal sentencing. In 2019, the Nevada Legislature enacted AB 80 (2019), which: (1) requires that the NSC function as an independent and stand-alone analytic and oversight body within Nevada's Executive Branch of government for sentencing and related criminal justice data; and (2) created the Nevada Department of Sentencing Policy (NDSP) as an independent agency within Nevada's Executive Branch. Also in 2019, the Nevada Legislature passed Assembly Bill 236 (AB 236) (2019), a comprehensive justice reinvestment initiative intended to address Nevada's prison population growth and its expense to Nevada's taxpayers. AB 236 was the result of and incorporated the collaborative and coordinated efforts of the Advisory Commission on the Administration of Justice (ACAJ) and the Crime and Justice Institute (CJI) to provide recommendations for policy changes to Nevada's criminal justice system. As enacted, AB 236 is expected to reduce Nevada's incarceration rates through a combination of changes to sentencing and release policies and avoid \$640 million in correctional costs over the ten years following its enactment by:

- Strengthening responses to behavioral health needs of offenders
- Focusing prison resources on serious and violent offenders
- Improving efficiency and effectiveness of community supervision
- Minimizing barriers to successful reentry
- Ensuring sustainability of criminal justice reforms.

To meet those goals, AB 236 requires the NSC, for each regular session of the Legislature:

- to provide a comprehensive report to the Governor and the Legislature with the NSC's recommended changes pertaining to sentencing, and its findings and recommendations for proposed legislation (NRS 176.0134); and
- provide to the Governor, the Legislature, and the Chief Justice of the Supreme Court the NSC's recommendations for improvements, changes, budgetary adjustments, and other recommendations based upon the data provided by the Nevada Department of Corrections (NDOC), Nevada Division of Parole and Probation (NPP), and the Nevada

Records Communication and Compliance Division (RCCD) (NRS 176.01343, effective July 1, 2020).

This Comprehensive Report introduces the Nevada Department of Sentencing Policy and describes its activities since its inception, identifies the members of the NSC, outlines the NSC's meeting cycle from August 2019 through July 2021, identifies and explains the NSC's deliverables, and provides any appropriate recommendations for sentencing changes and legislation, as follows:

Summary

- NDSP

In November/December 2019, pursuant to AB 80 (2019)'s mandates, the NSC recommended and, based on that recommendation, the Governor of Nevada appointed Victoria Gonzalez as Executive Director of the NDSP to undertake the statutorily-prescribed duties of that role. NRS 176.01323 and 176.01327. On the heels of that appointment, the Coronavirus pandemic brought the State of Nevada to a standstill and created unforeseen challenges in the early evolution and development of the newly created NDSP. Despite those challenges, and in the year since Ms. Gonzalez was appointed as the NDSP's Executive Director, the NDSP is now a fully functioning state agency.

- Highlight of activities

- Hired Administrative Assistant IV
- Secured and moved into Office Space
- Built Department Infrastructure (computer/software needs, website, office furnishings)
- Ongoing collaboration and communication with CJI
- With the assistance and participation of CJI, initiated and began ongoing communications with NDOC, NPP, and RCCD regarding AB 236 mandates.
- Collected AB 236 data from NDOC, NPP, and RCCD
- Hired Administrative Assistant II and Staff Attorney
- Created data templates for NDOC, NPP, and RCCD

- NSC

- Meetings: 12
- Deliverables: 4
- Recommendations: See other deliverables

NEVADA DEPARTMENT OF SENTENCING POLICY

Staff

Executive Director: Victoria Gonzalez

Staff Attorney: Laura M. Arnold

Administrative Assistant IV: Sherry L. Glick

Administrative Assistant II: Rhonda Buckley

Core Functions of NDSP

- Administrative
- Budget
- Sentencing Commission
- AB 236
- Reports
- Legislative
- Outreach

Summary of Activities Organized by Core Functions

- Details based on reports made to Commission
- Organized by core function

NEVADA SENTENCING COMMISSION

Members

Meetings (Meeting Cycle: August 2019 through July 2021)

- August 16, 2019
- September 25, 2019
- November 15, 2019
- February 19, 2020
- April 13, 2020
- April 29, 2020
- June 24, 2020
- July 29, 2020
- October 28, 2020
- December 9, 2020
- *February 19, 2021*
- *May 21, 2021*

Deliverables

- Projected Amount of Costs Avoided August 2020
- Statement of Costs Avoided December 2020
- *Report required pursuant to NRS 176.0134*
- *Report required pursuant to NRS 176.01343*

RECOMMENDATIONS

- A. The Sentencing Commission recommends the following changes pertaining to sentencing (*will refer to report required pursuant to NRS 176.0134*).
- B. The Sentencing Commission finds and recommends the following for proposed legislation (*will refer to other reports and deliverables*).