Interim Report of the Misdemeanor Subcommittee of the Nevada Sentencing Commission

November 20, 2026
John McCormick, Chair

The Misdemeanor Subcommittee (Subcommittee) of the Nevada Sentencing Commission (Commission) was created by Section 1.5 of SB103 of the 82nd (2023) Session of the Nevada Legislature. In this legislation the Subcommittee is charged to, "Study the existing laws, policies, and practices relating to misdemeanor offenses in this State and other states, including, without limitation, the sentences imposed for misdemeanor offenses in this State and other states."

Under this broad charge the Subcommittee began meeting in 2024 with support from the Nevada Department of Sentencing Policy (NDSP) and initially discussed the potential repeal of antiquated or otherwise obsolete misdemeanor offenses throughout Nevada Revised Statutes but chose not to make recommendations at that time. The Subcommittee then began discussing the need for comprehensive and reliable data around misdemeanor offenses in Nevada and the possibility of creating a classification system for petty offenses in Nevada, like already exists in many states including a number of Nevada's western neighbors.

The Subcommittee effectively went on hiatus during the 2025 Nevada Legislative Session and resumed meeting in early 2026. Upon resumption, the Subcommittee determined that the establishment of working groups to study classification of misdemeanor offenses and examine the available and missing data elements around misdemeanors in Nevada. These efforts, however, ran into the same problem that has plagued the Subcommittee since its inception: a lack of available data to inform decisions regarding recommendations for a misdemeanor classification system, and a lack of comprehensive data that Subcommittee members feel is crucial to inform decision making.

NDSP has also identified the fractured criminal justice data landscape in Nevada and, with the guidance of the Commission, is taking steps to improve data collection and availability including offering a BDR for the 2027 Legislative Session that would implement a unique identifier to allow longitudinal tracking of justice involved individuals.

With this in mind, the Subcommittee has pivoted and at its last meeting on November 10, 2026, the membership approved focusing on the following three areas to develop recommendations to the Commission that are not contingent upon data:

- Reviewing and make recommendations regarding the repeal or revision of antiquated or problematic misdemeanor offenses such as that in NRS 428.110 which makes it a misdemeanor to transport a non-resident indigent person across county lines for the purposes of, "imposing the indigent person as a public charge…"
- Review and make recommendations for the improvement of the system for misdemeanor probation in the State. The current statutory framework and the vast disparities in the resources available for misdemeanor probation across counties create an unequal landscape of supervision and status hearings.

- Review and make recommendations about community service as a sanction for misdemeanor offenses, including examining recent trends from across the country to broaden the definition of what constitutes community service to encourage defendants to do things like receive a GED or engage in a wider range of volunteer and pro-social activities.

The Subcommittee will work on these three areas as a whole to facilitate serious conversation and reflection, and convene working groups as necessary for additional input.

With the assistance of NDSP, it is the intent of the Subcommittee to forward recommendations on the three topics listed above to the Commission as soon as reasonably practicable, while being mindful of the 2027 Nevada Legislative Session.