

Practitioner Guide to AB 236

*Nevada Advisory Commission on the Administration of Justice –
Justice Reinvestment Initiative*



Version as of April 2020

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In 2018, Governor Brian Sandoval, Supreme Court Chief Justice Michael Douglas, Speaker Jason Frierson, and Senate Majority Leader Aaron Ford charged the Advisory Commission on the Administration of Justice (ACAJ) with developing comprehensive crime- and recidivism-reduction strategies, while shifting resources toward more cost-effective public safety strategies.

The ACAJ, a bipartisan group of criminal justice stakeholders, included representatives from the judiciary, legislature, law enforcement, prosecutorial and defense bars, corrections agencies, and the community. To fulfill the charge by state leadership, the ACAJ completed a comprehensive analysis of the state's sentencing and community supervision data, assessed current policies and practices, evaluated best practices in other states, and deliberated over policy recommendations.

The ACAJ found that over the past decade, Nevada's prison population has grown significantly, resulting in higher spending on prisons and fewer resources available for recidivism reduction measures. In fiscal year 2019, the correctional system cost Nevada taxpayers \$347 million, crowding out the state's ability to fund treatment and services. In addition, the ACAJ found:

- 1) Nonviolent offenders made up two-thirds of those entering prison in 2017, with four out of 10 offenders having no prior felony convictions;
- 2) Thirty-nine percent of prison admissions were due to failures of probation or parole supervision; analysis of violation reports revealed 34 percent were for technical violations and 44 percent derived from a substance use issue;
- 3) Offenders in Nevada were spending 20 percent longer behind bars than they were a decade ago, and despite this, recidivism rates have increased for nearly all offense types;
- 4) The number of women admitted to prison increased 39 percent in the last decade and the female imprisonment rate was 43 percent higher than the national average; and
- 5) The number of people admitted to prison with an identified mental health need increased 35 percent over the last decade, and over 50 percent of the female prison population have an identified mental health need.

Over a period of six months, the ACAJ reviewed data and research, assessed policies and practices, evaluated best practices from other states, and conducted two victim roundtables. The ACAJ used the information gathered to develop 25 policy recommendations to focus prison space on serious and violent offenders, reduce recidivism, strengthen supervision practices, improve release and reentry procedures, ensure oversight and accountability, and strengthen responses to justice-involved individuals with behavioral health needs. These recommendations were included in Assembly Bill 236, which passed with strong bipartisan support. The bill was signed into law by Governor Steve Sisolak on June 14, 2019.



NRS § 205.060 and NRS § 205.067
AB 236 Sections 55 and 56
Effective July 1, 2020 – not retroactive

Under prior statute in Nevada, the penalty for burglary was a Category B felony with a sentence range of 1-10 years and did not require unlawful entry as an element of burglary or distinguish between different types of structures. AB 236 defines dwelling and adds the element of unlawfully entering and unlawfully remaining to the burglary statute and defines “unlawfully enters or unlawfully remains” as a person entering or remaining in a dwelling, structure or motor vehicle or any part thereof, including under false pretenses, when the person is not licensed or privileged to do so. AB 236 further amends the burglary statute to distinguish different types of structures involved by establishing tiered penalties by type of structures as follows:

Name	Description	Felony Class
Residential Burglary	Dwelling - any structure, building, house, room, apartment, tenement, tent, conveyance, vessel, boat, vehicle, house trailer, travel trailer, motor home or railroad car, including, without limitation, any part thereof that is divided into a separately occupied unit in which any person lives or which is customarily used by a person for overnight accommodations, regardless of whether the person is inside at the time of the offense.	Category B felony – 1-10 yrs
Burglary of a Business	Business structure - any structure or building, the primary purpose of which is to carry on any lawful effort for a business, including, without limitation, any business with an educational, industrial, benevolent, social or political purpose, regardless of whether the business is operated for profit	Category C felony – 1-6 years
Burglary of a Motor Vehicle	Motor vehicle or any part thereof - any motorized craft or device designed for the transportation of a person or property across land or water or through the air which does not qualify as a dwelling or business structure	For the first offense: Category E felony – 1-4 years For a second or subsequent offense: Category D felony – 1-4 years
Burglary of a Structure	Structure other than a dwelling, business structure or motor vehicle	Category D felony – 1-4 years
Home Invasion	Forcibly enters a dwelling without permission of owner, resident or lawful occupant	Category B – 2-15 years (unchanged)

In addition, AB 236 expands probation eligibility for those convicted of residential burglary if mitigating circumstances as determined by the court are present and if the individual has not been previously convicted of residential burglary or another crime involving the unlawful entry or invasion of a dwelling.

Statutes listed in Appendix A

AB 236 Section 58, 59, 60, 61-64, 65-83, 85, 126, 131, 132

Effective July 1, 2020 – not retroactive

Theft			
NRS § 205.0835			
Previous Law		Current Law	
Amount	Penalty	Amount	Penalty
<\$650	Misdemeanor – 0-6 months jail	<\$1,200	Misdemeanor – 0-6 months jail
≥\$650 but <\$3,500	Category C felony – 1 -4 years	≥\$1,200 but <\$5,000	Category D felony – 1-4 years
≥\$3,500	Category B felony – 1-10 years	≥\$5,000 but <\$25,000	Category C felony – 1-5 years
		≥\$25,00 but <\$100,000	Category B felony – 1-10 years
		≥\$100,000	Category B felony – 1-20 years

The current tiered penalty structure for theft (NRS § 205.0835) described in the above chart reflects similar changes to thresholds, as applicable, to the following offenses: grand larceny (NRS § 205.220, NRS § 205.222); petit larceny (NRS § 205.240); theft of scrap metal (NRS § 205.267); offense involving stolen property [or receiving stolen property] (NRS § 205.275); obtaining money, property, rent or labor by false pretenses (NRS §205.380); and repayment of benefits received as result of false statement or failure to disclose material fact (NRS § 612.445).

Other changes to property offenses in AB 236 include:

- Repealing the separate offense of **theft from a vending machine** (NRS § 205.2707) which would allow such conduct to be considered under the general theft statute.
- Raising the felony threshold (that is, the dollar amount at which a theft is classified as a felony) from \$650 to \$1,200 for the following offenses:
 - Issuance of check or draft without sufficient money or credit (NRS § 205.130);
 - Fraudulently selling the same real estate twice (NRS § 205.365);
 - Swindling or obtaining credit by false representations (NRS § 205.370);
 - Multiple transactions involving fraud or deceit in course of enterprise or occupation (NRS § 205.377);
 - Collecting for benefit without authority (NRS § 205.415);
 - Defrauding proprietor of hotel, inn, restaurant, motel or similar establishment (NRS § 205.455);
 - Issue of document of title for goods not received (NRS § 205.520);
 - Issuance of duplicate or additional negotiable document of title not so marked (NRS § 205.540);
 - Obtaining or negotiating document of title for goods with intent to defraud (NRS § 205.570);
 - Inducing bailee to issue negotiable document of title when goods have not been received (NRS § 205.580);
 - Negotiation of document of title when goods are not in bailee's possession (NRS § 205.590);
 - Unlawful receipt of fee, salary, deposit or money to obtain loan for another (NRS § 205.950).
 - Theft of device to prevent, control, extinguish or give warning of fire (NRS § 475.105);
 - Unlawful activities concerning traps, snares or similar devices owned by another person (NRS § 501.3765);
- Amending the penalty for **grand larceny of a motor vehicle** (NRS § 205.228) by removing the value threshold and categorizing the offense as a Category C felony regardless of value and establishing a penalty for a second or subsequent offense within 5 years as a Category B felony, with a penalty of 1-6 years regardless of value.
- Amending the penalty for **larceny from a person** (NRS § 205.270) by removing the value thresholds and categorizing the offense as a Category C felony regardless of value.
- Amending the penalty for an **offense involving a stolen vehicle** (NRS § 205.273) by removing the value thresholds and categorizing the offense as a Category C felony regardless of value.
- Reclassifying the felony for the offense of **using scanning device or reencoder to defraud** (NRS § 205.605) from a Category B felony to a Category C felony.
- Clarifying the conduct required by the offense of **possession of scanning device or reencoder for unlawful purpose** (NRS § 205.606) to include installing or affixing, temporarily or permanently, a scanning device within or upon a machine with the intent to use the scanning device for an unlawful purpose or accessing, by electronic or any other means, a scanning device with the intent to use the scanning device for an unlawful purpose, in addition to possession.

NRS § 453.336; NRS § 453.3361

AB 236 Sections 20-22, 113, 115, and 116

Effective July 1, 2020 – not retroactive

Prior law in Nevada did not include weight thresholds for the following drug offenses: possession of a controlled substance; possession for the purpose of sale; or sale, manufacture or delivery of a controlled substance. The only law that included a weight level was the offense of trafficking, which started at 4 grams for schedule I substances. AB 236 establishes a tiered penalty structure for drug possession based on increasing amounts of controlled substances as follows:

Possession of a Controlled Substance Offenses

Schedule	Previous Law			Current Law		
	Amount	Conviction	Felony Class and Penalty	Amount	Conviction	Felony Class and Penalty
Schedule I and II	<4g	1 st or 2 nd	E – 1-4 years, presumptive probation	<14g	1 st or 2 nd	Category E felony – Mandatory deferral
		3 rd or subsequent, or if offender has previously been convicted 2+ times in aggregate of any violation of the law related to controlled substances	D – 1-4 years		3 rd or subsequent	Category D felony – 1-4 years
				≥14g but <28g	Any conviction	Category C felony – 1-6 years
				≥28g but <42g	Any conviction	Category B felony – 1-10 years
		≥42g but <100g	Any conviction	Category B felony – 2-15 years		
Schedule III and IV *Except flunitrazepam and gamma-hydroxybutyrate (GHB)	<4g	1 st or 2 nd	E – 1-4yrs, presumptive probation	<28g	1 st or 2 nd	Category E felony – Mandatory deferral
		3 rd or subsequent, or if offender has previously been convicted 2+ times in aggregate of any violation of the law related to controlled substances	D – 1-4 years		3 rd or subsequent	Category D felony – 1-4 years
				≥28g but <200g	Any conviction	Category C felony – 1-6 years
				≥200g	Any conviction	Category B felony – 1-10 years
Flunitrazepam, GHB, or any immediate precursors to those substances	<4g	Any conviction	B – 1-6 years	<100g	Any conviction	Category B felony – 1-6 years (unchanged) Not eligible for probation or suspended sentence

Schedule V	<4g	1 st	E – 1-4 years, presumptive probation	<28g	1 st or 2 nd	Category E felony – Mandatory deferral
		2 nd or subsequent	D – 1-4 years		3 rd or subsequent	Category D felony – 1-4 years
			≥28g but <200g	Any conviction	Category C felony – 1-6 years	
			≥200g	Any conviction	Category B felony – 1-10 years	
AB 236 authorizes the court to grant probation for possession offenses if there are mitigating circumstances.						

Mandatory Substance Abuse Treatment

Under prior law, an offender convicted for the first or second offense of possession of an ounce or less of marijuana is guilty of a misdemeanor and may be examined by a treatment provider and assigned to a treatment and rehabilitation program.

AB 236 requires the establishment of a program for the treatment of drug or alcohol use to which a court may assign eligible defendants. The assignment must include the terms and conditions for successful completion of the program and provide for periodic progress reports (at intervals set by the court) to ensure the defendant is making satisfactory progress toward completing the program.

AB 236 requires judges defer sentencing for first- and second-time offenders convicted of possession of certain quantities of controlled substances (under 14 grams for a schedule I or II substance, or under 28 grams for a Schedule III-VI substance). If the offender completes the conditions as set by the court, the case must be dismissed.

NRS § 453.316

AB 236 Section 111

Effective July 1, 2020 – not retroactive

AB 236 reclassifies opening or maintaining a drug house as follows:

Previous Law		Current Law	
Conviction	Penalty	Conviction	Penalty
1 st	Category B felony, 1-6 years	1 st	Category C felony, 1-5 years
2 nd or subsequent	Category B felony, 2-10 years	2 nd or subsequent	Category B felony, 1-6 years

NRS § 453.321

AB 236 Section 112

Effective July 1, 2020 – not retroactive

AB 236 reclassifies sale, transport, manufacture or distribution of controlled substances as follows and expands probation eligibility to second and third-time offenders as follows:

Drug Offense	Previous Law		Current Law	
	Conviction	Penalty	Conviction	Penalty
Sch. I or II Controlled Substances	1 st	Category B felony, 1-6 years Probation eligible	1 st	Category C felony, 1-5 years Probation eligible
	2 nd	Category B felony, 2-10 years Not probation eligible	2 nd	Category B felony, 2-10 years Probation eligible if mitigating circumstances exist
	3 rd or subsequent	Category B felony, 3-15 years Not probation eligible	3 rd or subsequent	Category B felony, 3-15 years Probation eligible if mitigating circumstances exist
Sch. III - V Controlled Substances	1 st	Category C felony, 1-5 years Probation eligible	1 st	Category D felony, 1-4 years Probation eligible
	2 nd	Category B felony, 2-10 years Not probation eligible	2 nd	Category C felony, 1-5 years Probation eligible if mitigating circumstances exist
	3 rd or subsequent	Category B felony, 3-15 years Not probation eligible	3 rd or subsequent	Category B felony, 2-10 years Probation eligible if mitigating circumstances exist

NRS § 453.337; NRS § 453.338
 AB 236 Section 116; Section 117
 Effective July 1, 2020 – not retroactive

AB 236 authorizes judges to impose probation for those convicted of unlawful possession for purpose of sale if mitigating circumstances (as defined by the court) exist. However, probation is not available if flunitrazepam or gamma-hydroxybutyrate is the controlled substance involved.

NRS § 453.3385; NRS § 453.339; NRS § 453.3405
 AB 236 Section 119; Section 122
 Effective July 1, 2020 – not retroactive

AB 236 amends the penalties for trafficking in controlled substances as follows:

Trafficking in Controlled Substances Offense	Previous Law			Current Law				
	Weight	Conviction	Penalty	Weight	Conviction	Penalty		
Sch. I Controlled Substances	≥4g but <14g	Any	Category B felony, 1-6 years	Sch. I & II Controlled Substances	≥100g but <400g	Any	Category B felony, 2-20 years	
	≥14g but <28g	Any	Category B felony, 2-15 years					
	≥28g	Any	Category A felony, Life or 25 years, parole eligibility at 10 years					
Sch. II Controlled Substances	≥28g but <200g	Any	Category C felony, 1-5 years		≥400g	Any		Category A felony, 10 years-Life or 25 years, parole eligibility at 10 years
	≥200g but <400g	Any	Category B felony, 2-10 years					
	≥400g	Any	Category A felony, Life/15 years, parole eligibility after 5 years					
Flunitrazepam and GHB, or any immediate precursors to those substances	≥4g but <14g	Any	Category B felony, 1-6 years	≥100g but <400g	Any	Category B felony, 2-20 years		
	≥14g but <28g	Any	Category B felony, 2-15 years				≥400g	Any

Trafficking in Controlled Substances Offense	Previous Law			Current Law			
	≥28g	Any	Category A felony, Life or 25 yrs, parole eligibility at 10 yrs				Category A felony, Life or 25 yrs, parole eligibility at 10 yrs

NRS § 453.411

AB 236 Section 122.5

Effective July 1, 2020 – not retroactive

AB 236 amends the penalties for knowingly using or being under the influence of a controlled substance from a Category E felony for schedule I-IV controlled substances and a gross misdemeanor for schedule V controlled substances to a misdemeanor for all schedules of controlled substances.

NRS § 207.010

AB 236 Section 86

Effective July 1, 2020 – not retroactive

Any offender convicted of a felony may be classified as a habitual criminal if he or she has been previously convicted of a certain number of felonies, in Nevada or elsewhere, as follows:

Previous Law	Current Law	Penalty
Two prior felonies	Five prior felonies*	Category B felony 5-20 years
Three prior felonies	Seven prior felonies*	Category A felony Life without parole, life with possibility of parole with eligibility for parole beginning when min. of 10 years has been served, or definite term of 25 years with eligibility for parole beginning when minimum of 10 years has been served

*A previous or current conviction of certain possession of controlled substance offenses (Section 86, subsection 2, paragraphs a, b, and c of NRS § 453.336 and NRS § 453.411) may not be used as a basis for convicting a person as a habitual criminal, unless the person is violation of NRS § 453.336 for possession of any amount of flunitrazepam, gamma-hydroxybutyrate, or any substance for which flunitrazepam or gamma-hydroxybutyrate is an immediate precursor.

NRS § 465.088

AB 236 Section 125

Effective July 1, 2020 – not retroactive

AB 236 reclassifies the penalties for gaming offenses to a Category C felony for the first offense and a Category B felony for the second offense.

NRS § 484D.335

AB 236 Section 130

Effective July 1, 2020 – not retroactive

AB 236 reclassifies the criminal penalties for knowingly selling a motor vehicle whose odometer has been altered for the purpose of fraud from a Category B felony to a Category C felony.

NRS § 176.145

AB 236 Section 13

Effective July 1, 2020 – not retroactive

AB 236 removes the requirement for the Division of Parole and Probation to include a sentencing recommendation as part of the statutorily required Pre-Sentence Investigation report.



NRS Chapter 176A – New Section

AB 236 Section 16.5

Effective July 1, 2020 – not retroactive

AB 236 defines a Specialty Court Program to include the mental health court program, veterans court program, and new section 20 of this Act for drug treatment programs.

NRS Chapter 176A – New Section

AB 236 Section 20 – Section 23

Effective July 1, 2020 – not retroactive

Under prior law, Nevada’s drug court programs did not have the statutory authority under this Chapter, but rather were authorized in two sections under the controlled substances act in Chapter 453. For consistency and clarity, AB 236 created a section paralleling existing law, which authorized veterans’ treatment courts and mental health treatment courts, and drug and alcohol use disorder treatment courts. The language in AB 236 authorizes a court to establish a program for the treatment of drug or alcohol use disorder, to which the court may assign the defendant. When a defendant is assigned to such a program, the terms and conditions for successful completion of the program must be established and include progress reports at intervals set by the court to ensure the defendant’s satisfactory progress. An individual may be assigned to the program through a deferred sentence or condition of probation through a suspended sentence, or if the individual has been convicted of possession of a controlled substance for the first or second time.

If a participant violates a term or condition of the program, the court may enter a judgement of conviction and sentence the individual according to law, including an order to the custody of the Department of Corrections, if applicable.

If a participant successfully completes the conditions of the program, the court shall dismiss the case and discharge the defendant from probation and the proceedings. However, if the individual has a prior felony conviction and has previously failed a specialty court program, the court is not required to discharge the defendant from probation and dismiss the proceedings. Instead, the court may discharge and dismiss if the circumstances warrant it.

Discharge and dismissal through this process is without adjudication of guilt and is not a conviction for purposes of employment, civil rights or any statute, regulation, license, questionnaire, or for any other public or private purpose, but is a conviction for the purpose of additional penalties imposed for second or subsequent convictions or the setting of bail. The court shall order the sealing of the defendant’s record without a hearing, unless the Division of Parole and Probation or the prosecutor petitions the court for good cause shown not to seal the records and requests a hearing.

Eligibility

A defendant is eligible for participation in this program if the defendant is diagnosed as having a substance use disorder or any co-occurring disorder after an in-person clinical assessment by a counselor or physician who is licensed or certified to make such a diagnosis. A counselor or physician who diagnoses a defendant as having a substance use disorder must submit a report and recommendation to the court concerning the length and type of treatment required for the defendant.

A defendant is not eligible for the program if he or she committed a Category A felony or a Category B felony that is a sexual offense as defined in NRS § 179D.097.

A justice or municipal court may, upon approval of the district court, transfer original jurisdiction to district court for a defendant's case if the defendant has not yet entered a guilty plea or been found guilty of an offense that is a misdemeanor, has been diagnosed as having a substance use disorder after an in-person clinical assessment, and would benefit from a drug or alcohol use disorder treatment program.

*NRS § 176A.250, NRS § 176A.260, NRS 176A.265
AB 236 Section 26; Section 27; Section 28
Effective July 1, 2020 – not retroactive*

AB 236 defines the mechanisms by which a court may assign a defendant to a program for the treatment of mental illness or intellectual disabilities. Under new law, an individual can be assigned to the program as a condition of probation or through a deferred judgment as established by AB 236.

Upon successful completion of the conditions of the program, AB 236 requires the court dismiss the case and discharge the defendant from probation and the proceedings, unless the defendant has a prior felony conviction or has previously failed to complete a specialty court program. In these cases, the court may discharge the defendant from probation and dismiss the proceedings, but is not required to.

Eligibility

To be eligible for the program, AB 236 requires that the individual must have a mental illness or intellectual disability diagnosed by an in-person clinical assessment or a mental health screening. A counselor or physician who diagnoses a defendant as having a mental illness or intellectual disability must submit a report and recommendation to the court concerning the length and type of treatment required for the defendant within the maximum probation term applicable to the defendant.

AB 236 removes prior prohibitions so that defendants who have been convicted of offenses involving the use or threatened use of force or violence in Nevada and elsewhere are eligible for the program. Only individuals who have been convicted of a Category A felony or a Category B felony sexual offense as defined by NRS § 179D.097 are ineligible for the program.

*NRS § 176A.280, NRS § 176A.287, NRS § 176A.290, NRS § 176A.295
AB 236 Section 29; Section 29.5; Section 30; Section 31
Effective July 1, 2020 – not retroactive*

AB 236 defines the mechanisms by which a court may assign a defendant to a program for the treatment of veterans. Treatment includes programs to address mental health needs, substance use disorders, traumatic brain injuries, or military sexual trauma. Under new law, a court may assign a defendant to such a program as a condition of probation or through a deferred judgment as established by AB 236. AB 236 also authorizes the justice court or municipal court to assign individuals to such a program by suspending proceedings of a misdemeanor sentence for a defendant and place upon them terms and conditions that include the attendance and completion of a program pursuant to NRS § 176A.280.

Upon completion of the conditions of the program, AB 236 requires the court dismiss the case and discharge the defendant from probation and the proceedings. However, if the defendant has a prior felony conviction or has previously failed to complete a specialty court program, the court may (but is not required to) discharge the defendant from probation and dismiss the proceedings.

AB 236 removes the requirement that assignment to a veterans court be for a period of at least 12 months, meaning a defendant may be assigned to a veterans court for any length of time at the discretion of the court.

Eligibility

AB 236 also removes some prior eligibility restrictions and creates new ones.

AB 236 *removes* restrictions that excluded the following groups from participation in a veterans court:

- Defendants who have previously been assigned to a veterans court program; and
- Defendants who have committed an offense involving the use or threatened use of force or violence, or if the defendant had previously been convicted in Nevada or another jurisdiction for a felony involving the use or threatened use of force or violence.

AB 236 *adds* eligibility requirements for participation in a veterans court:

- Each veterans court participant must be diagnosed with an assessed need resulting from military service or readjustment to civilian life following military service. Areas for evaluation include: mental illness, alcohol or drug use, posttraumatic stress disorder or a traumatic brain injury. Each participant must be evaluated through an in-person clinical assessment by a counselor or physician, or by the results of a mental health or substance use screening.
- Defendants who have been convicted of a Category A felony or a Category B felony sexual offense as defined by NRS § 179D.097 are excluded from participation.

*NRS Chapter 176A – New Section; NRS § 4.373; NRS § 5.055
AB 236 Section 19; Section 45; Section 49
Effective July 1, 2020 – not retroactive*

AB 236 establishes a deferred sentence option for judges to use when circumstances warrant it (eligibility requirements included below). Under this new sentence, judges may accept a guilty plea but defer entry of judgment and impose terms and conditions upon the defendant. The conditions imposed are at the discretion of the judge and may include: the payment of restitution, court costs or an assessment; the completion of community service; placement on probation; or the completion of a specialty court program.

If the court finds the defendant *has* met the assigned terms and conditions, the court shall discharge the defendant and dismiss the proceedings. Discharge and dismissal through this process is without adjudication of guilt and is not a conviction for purposes of employment, civil rights or any statute or regulation or license or questionnaire or for any other public or private purpose, but is a conviction for the purpose of additional penalties imposed for second or subsequent convictions or the setting of bail. The court shall order the sealing of the defendant's record, without a hearing unless the Division of Parole and Probation or the prosecutor petitions the court for good cause shown not to seal the records and requests a hearing.

If the court finds the defendant *has not* met the assigned terms and conditions, the judge may enter a judgment of conviction and proceed with sentencing pursuant to the section to which the defendant was charged or the court may order the defendant to the custody of the Department of Corrections if the offense is punishable as such.

AB 236 requires that a deferred judgment be imposed for individuals who enter a plea of guilty for possession of a controlled substance for the first and second conviction for schedule I and II substances below 14 grams and for schedule III, IV and V substances below 28 grams. If a defendant violates a term or condition, the court may either allow the defendant to continue to participate in the deferred judgment program, or may terminate the defendant's participation in the program. If the court decides to terminate the defendant's participation in the deferred judgement program, the court shall allow the defendant to withdraw his or her plea.

AB 236 codifies current practice by establishing authority for a justice of the peace to suspend a portion of a sentence for someone convicted of a misdemeanor.

Eligibility

Deferred judgments are prohibited for any defendant who has been convicted of a violent or sexual offense as defined in NRS § 202.876, a crime against a child as defined in NRS § 179D.0357, or abuse, neglect or endangerment of child as defined in NRS § 200.508.

NRS § 176A.100

AB 236 Section 24

Effective July 1, 2020 – not retroactive

AB 236 expands eligibility for presumptive probation for Category E felony offenders by removing restrictions for those offenders who are on supervision at the time the Category E felony was committed, have previously been revoked from supervision for a felony, or have previously failed to complete an assigned treatment program.



NRS § 209.341; NRS § 213.107
AB 236 Section 90; Section 94
Effective July 1, 2020 – not retroactive

AB 236 codifies existing practice by requiring the Department of Corrections to administer a risk and needs assessment (as defined in NRS § 213.107) to all offenders to guide institutional programming decisions. AB 236 requires that such an assessment consider an inmate’s responsivity factors (as defined in NRS § 213.107). The Department is required to complete a validation study of the risk and needs assessment at least once every 3 years and establish quality assurance procedures to ensure proper and consistent scoring of the assessment.

Definition of Risk and Needs Assessment

AB 236 defines “risk and needs assessment” as a validated, standardized, actuarial tool that identifies risk factors that increase the likelihood of a person reoffending and factors that, when properly addressed, can reduce the likelihood of a person reoffending.

*NRS Chapter 176A.840 – New Section
AB 236 Section 17
Effective July 1, 2020 – not retroactive*

Prior law authorized the Division of Parole and Probation to petition the court for early termination at any time during an individual’s supervision. AB 236 requires the Division to petition for early termination for any probationer who:

1. Has not violated any conditions of probation during the immediately preceding 12 months;
2. Is current on the repayment of any fees;
3. Has paid restitution in full, or, because of economic hardship that has been verified by the Division of Parole and Probation, is unable to make restitution;
4. Has completed any program of substance use treatment or mental health treatment or a specialty court program mandated by the court; and
5. Has not been convicted of a violent or sexual offense.

*NRS § 209.511; NRS § 483.290
AB 236 Section 92; Section 126.3
Effective July 1, 2020 – not retroactive*

AB 236 requires the Department of Corrections to provide each inmate with the following upon their release from custody:

- A photo identification card (indicating whether or not the Director has verified the inmate’s legal name with the Department of Motor Vehicles);
- Clothing;
- Transportation;
- Transitional housing, if appropriate;
- Enrollment application paperwork for Medicaid or Medicare, if the offender is eligible; and
- A 30-day supply of any prescribed medication if the offender was on medication while incarcerated.

AB 236 requires that any photo identification card issued by the Department of Corrections indicate that the Director of the Department of Corrections has verified the legal full name and age of the individual. An inmate who has not been able to provide the documentation necessary to have their legal name verified will still be issued a photo identification card but the photo identification card will indicate that the Director of the Department of Corrections was unable to verify the inmate’s legal name.

NRS § 213.140

AB 236 Section 100

Effective July 1, 2020 – not retroactive

AB 236 requires that the Department of Corrections begin reentry planning for an offender 6 months prior to the inmate's parole eligibility date, taking into account the needs, limitations, and capabilities of the offender. The reentry plan must include the proposed residence of the offender upon release, the offender's anticipated employment or means of financial support, any treatment and counseling options available to the offender, any job or educational services available to the offender, and information regarding eligibility for and enrollment in Medicaid and/or Medicare.

The Division of Parole and Probation is required to review the reentry plan, verify information contained within the plan, and coordinate with any other state agencies for available services for housing and treatment for the offender. Prior to an offender's release date, the Department of Corrections is required to provide a copy of the reentry plan to the offender.

NRS § 179.245

AB 236 Section 37

Effective July 1, 2020 – not retroactive

AB 236 prohibits a person from petitioning the court to seal records relating to a conviction of invasion of the home with a deadly weapon pursuant to NRS § 205.067.

NRS § 209.3925

AB 236 Section 91

Effective July 1, 2020 – not retroactive

AB 236 expands the medical release provision to include those who are in ill health and expected to die within 18 months, rather than within 12 months as previously required. AB 236 also expands the individuals who can petition the Department of Corrections for medical release to include a prison official or employee, attorney or representative of an offender, a family member of an offender, a medical or mental health professional, or the offender him or herself. The request must be made in writing and articulate the grounds supporting the appropriateness of medical release for the offender.

NRS Chapter 213 – New Section

AB 236 Section 93.3

Effective July 1, 2020 – not retroactive

AB 236 creates a geriatric parole mechanism for an offender who is 65 years of age or older, has not been convicted of a crime of violence, a crime against a child as defined in NRS § 179D.0357, a sexual offense as defined in NRS § 179D.097, vehicular homicide pursuant to NRS § 484C.130, or a violation of NRS § 484C.430, has not been found to be a habitual criminal pursuant to NRS § 207.010, is not serving a sentence of life imprisonment without the possibility of parole and has not been sentenced to death, does not pose a significant or articulable risk to the public, and has served at least a majority of the maximum term of his or her sentence. Consideration for geriatric parole is initiated by the submission of a written application and supporting documentation to the Board—including relevant medical records, plans for parole, program participation records, institutional records, documents concerning eligibility for Medicaid or Medicare and any other relevant documents—from prison officials, an attorney, the inmate, a family member, or medical professional. Once the application is submitted to the Board, the Board shall notify the Department of Corrections of the application and request verification of the prisoner’s age and the length of time the prisoner has spent incarcerated. If the prisoner satisfies the criteria, the Department shall place the prisoner on the parole hearing docket.

The Board shall schedule and conduct the geriatric parole hearing of a prisoner in the same general manner in which other prisoners are considered for parole. When determining whether to grant geriatric parole, the Board must consider the prisoner’s age, behavior while in custody, potential for violence, illness, and any available alternatives for maintaining geriatric inmates in traditional settings (such as nursing homes, hospitals, or hospice care).

If granted parole, such offenders shall be placed under the supervision of the Division of Parole and Probation. The Board shall set terms and conditions of the prisoner’s release.

Eligibility

Any offender serving a sentence of life without parole, a sentence of death, or who has been convicted of a crime of violence, a crime against a child, a sex offense, vehicular homicide, or a DUI offense is not eligible for consideration by the Board of Parole Commissioners. Additionally, any prisoner who was denied geriatric parole within the previous 24 months is not eligible for consideration.

NRS Chapter 213

AB 236 Section 93.7

Effective July 1, 2020 – not retroactive

AB 236 establishes requirements for the Division of Parole and Probation to petition for early discharge of a person from parole if certain requirements are met. The Division was previously authorized to petition for early termination at any time during the parolee's supervision. AB 236 requires the Division to petition the Parole Board for early termination if the parolee:

- a. Has served at least 12 calendar months on parole and is projected to have 12 months or less of community supervision remaining on any sentence;
- b. Has not violated any condition of parole during the immediately preceding 12 months;
- c. Is current with any fees or fines;
- d. Has paid restitution in full or has been unable to make restitution because of economic hardship that is verified by the Division of Parole and Probation; and,
- e. Has completed any program of substance use treatment, mental health treatment, or a specialty court as mandated by the Parole Board.

Eligibility

Any offender on parole, except those on lifetime supervision, may be granted early termination from parole.

NRS § 213.1215

AB 236 Section 97

Effective July 1, 2020 – not retroactive

If an offender is eligible for mandatory parole as prescribed in NRS § 213.1215, AB 236 authorizes the Board to grant mandatory parole without a Board meeting under certain conditions consistent with the current practice for discretionary parole determinations. These conditions include: no current requests for notification of hearings from a victim or law enforcement, or if the Board has not been notified by the automated victim notification system that a victim of the offender has registered with the system to receive notification of hearings.

NRS § 213.133

AB 236 Section 99

Effective July 1, 2020 – not retroactive

AB 236 codifies the existing practice of granting parole without a hearing for certain eligible offenders. This includes the cases where neither a victim nor law enforcement has requested a parole hearing. If a Board member reviews a case without a meeting and does not recommend the offender be released on parole, a parole hearing must be held.



NRS § 176A.500

AB 236 Section 34

Effective July 1, 2020 – not retroactive

Prior Nevada statute authorized probation sentences of up to 5 years for felony offenses and 3 years for gross misdemeanor offenses. AB 236 establishes new term lengths for probation based on offense class as follows:

- Gross Misdemeanor – 12 months
- Category E Felony – 18 months
- Category C or D Felony – 24 months
- Category B Felony – 36 months
- A violent or sexual offense as defined by NRS § 202.876 or a violation of NRS § 200.508 – 60 months

AB 236 allows for the extension of the period of probation or suspension of sentence for a period of up to 12 months if such an extension is necessary for the defendant to complete participation in a specialty court program.

NRS Chapter 176A – New Section, NRS § 176A.210, NRS § 176A.400, NRS § 176A.420, NRS § 176A.630, NRS § 213.1519

AB 236 Section 18; Section 25; Section 32; Section 33; Section 35; Section 101

Effective July 1, 2020 – not retroactive

AB 236 requires the Division of Parole and Probation to establish a written system of graduated sanctions for parole and probation officers to use when responding to technical violations. The Division shall create a written system of graduated sanctions for the most common technical violations. The sanctions system is required to take into account elements including: responsivity factors impacting an offender's ability to complete any conditions of supervision; the severity of the current violation; the offender's previous criminal record; the number and severity of any previous violations; and the extent to which graduated sanctions have been imposed for previous violations.

Upon the decision to impose a graduated sanction, AB 236 requires the parole or probation officer to provide the parolee or probationer with notice of the alleged violation and the intended sanction to be imposed. Failure of a parolee or probationer to comply with a sanction may constitute a technical violation. AB 236 prohibits the Division of Parole and Probation from seeking revocation of parole or probation for a technical violation until all graduated sanctions have been exhausted. If the Division determines that all graduated sanctions have been exhausted, and decides to pursue revocation, the Division must submit a

report to the court or Board outlining the reasons for the recommendation of revocation and the steps taken by the Division to change the parolee or probationer's behavior in the community.

AB 236 clarifies and imposes limits on conditions imposed upon a probationer or parolee. These include:

- Requiring the probationer or parolee to abide by court-ordered conditions of probation issued by the judge.
- Specifying that any order prohibiting contact or attempts to contact must be established by a no-contact order through the court.
- Changing the condition prohibiting conduct that is harmful to the health, safety, or welfare of the probationer or others from conduct that 'may be' harmful to conduct that the court determines to be harmful.
- Specifying that the condition pertaining to use of any controlled substance or to the failure or refusal to submit to a drug test is to be considered a violation for which a graduated sanction may be imposed by the Division of Parole and Probation.

Lastly, AB 236 requires the Division of Parole and Probation to establish and maintain a program of initial and ongoing training for parole and probation officers on the system of graduated sanctions.

Definitions

Technical Violation

AB 236 defines technical violation as any offense excluding a new felony, a new gross misdemeanor, battery which constitutes domestic violence pursuant to NRS § 200.485, a misdemeanor crime of violence as defined in NRS § 200.408, harassment pursuant to NRS § 200.57, stalking or aggravated stalking pursuant to NRS § 200.575, a violation of a temporary or extended order for protection against domestic violence issued pursuant to NRS § 33.017 to 33.100, the violation of a temporary or extended order for protection against stalking, aggravated stalking or harassment issued pursuant to NRS § 200.591, the violation of a temporary or extended order for protection against sexual assault pursuant to NRS § 200.378, and violation of a stay away order involving a natural person who is the victim of a crime for which the supervised person is being supervised. A technical violation also excludes violations of NRS § 484C.110 or NRS § 484C.120. This term does not include termination from a specialty court program.

Absconding

AB 236 defines absconding as a person actively avoiding supervision by making his or her whereabouts unknown to the Division of Parole and Probation for a continuous period of 60 days or more.

Responsivity Factors

AB 236 defines responsivity factors as characteristics of a person that affect his or her ability to respond favorably or unfavorably to any treatment goals.

*NRS § 176A.630; NRS § 213.1519
AB 236 Section 35; Section 101
Effective July 1, 2020 – not retroactive*

AB 236 places limits on the period of imprisonment that the court can impose for a temporary revocation of probation or parole due to technical violations as follows:

Number Temporary Revocation	Time Period of Detention
First temporary revocation	30 days
Second temporary revocation	90 days
Third temporary revocation	180 days
Fourth and subsequent temporary revocation	Fully revoke and impose imprisonment for remainder of sentence

AB 236 requires any probationer who is arrested and detained for committing a technical violation of the conditions of supervision be brought before the court no later than 15 calendar days after the date of arrest and detention. If the probationer is not brought before the court within 15 calendar days, the probationer must be released from detention and returned to probation status, and the court may subsequently hold a hearing to determine if a technical violation has occurred.

Under AB 236, the following cannot be the sole basis for the revocation of probation:

- Consuming any alcoholic beverage,
- Testing positive on a drug or alcohol test,
- Failing to abide by the requirements of a mental health or substance use treatment program,
- Failing to seek and maintain employment,
- Failing to pay any required fines and fees, and
- Failing to report any changes in residence.

A violation of any or all of these conditions may be included in any violation report; however, AB 236 prohibits them from being the only reason for a report seeking revocation of parole or probation.

NRS § 213.1078

AB 236 Section 94 and 95

Effective July 1, 2020 – not retroactive

AB 236 requires the Division of Parole and Probation to administer a risk and needs assessment for each probationer and parolee and to use the results of the assessment to set each individual's level of supervision. The Division shall administer a subsequent assessment for each supervisee on a schedule determined by the risk and needs assessment, and the Division shall document the reason for any change or maintenance in supervision level.

In addition, the Division of Parole and Probation shall use the results of the risk and needs assessment to develop an individualized case plan for each parolee and probationer that addresses the risk factors identified by the assessment, and if applicable, any responsivity factors for each individual. Risk factors are factors that increase the likelihood of a person reoffending and factors that, when properly addressed, can reduce the likelihood of a person reoffending. Upon determining that a condition of probation or the level of supervision for an individual supervisee does not align with the results of the assessment, the supervising officer must seek a modification of the conditions and terms from the court or Board to address the gap.

To ensure the assessment is scored accurately and consistently, AB 236 requires the risk and needs assessment be statistically validated in accordance with the timeline established by the developer of the assessment tool. The Division of Parole and Probation is required to establish quality assurance procedures for proper and consistent scoring of the risk and needs assessment.

Definition of Risk and Needs Assessment

AB 236 defines "risk and needs assessment" as a validated, standardized, actuarial tool that identifies risk factors that increase the likelihood of a person reoffending and factors that, when properly addressed, can reduce the likelihood of a person reoffending.

NRS § 439.258

Section 110.5

Effective July 1, 2020 – not retroactive

AB 236 requires existing programs that treat offenders convicted of domestic violence include a module specific to victim safety, be based on evidence-based practices, and that program participants be assessed by a supervisor or provider of treatment.



NRS § 176.135

AB 236 Section 12

Effective July 1, 2020 – not retroactive

AB 236 requires District Court judges to be trained on the use at sentencing of the Pre-Sentence Investigation Report. Such training must include education on behavioral health issues as well as intellectual and developmental disabilities.

NRS § 209.1315

AB 236 Section 89

Effective July 1, 2020 – not retroactive

AB 236 requires that any training offered by the Department of Corrections for correctional staff include evidence-based practices such as principles of effective intervention, effective case management, core correctional practices, interacting with victims of domestic violence and trauma, and interacting with people with behavioral health needs and physical and intellectual disabilities.

NRS § 213.1095

AB 236 Section 96

Effective July 1, 2020 – not retroactive

AB 236 requires that any training established by the Division of Parole and Probation include evidence-based practices such as principles of effective intervention, effective case management, effective practices in community supervision, interacting with victims of domestic violence and trauma, and interacting with people with behavioral health needs and physical and intellectual disabilities.

*NRS § 289.510; NRS § 289.650
AB 236 Section 107; Section 108
Effective July 1, 2020 – not retroactive*

AB 236 requires the Peace Officer Standards and Training Commission to develop and approve a standard curriculum of certified training program in crisis intervention, which address specialized responses to persons with mental illness and train officers to identify the signs and symptoms of mental illness, to de-escalate situations involving persons who appear to be experiencing a behavioral health crisis, and to connect such persons to treatment if appropriate. Any peace officer who completes any program developed pursuant to AB 236 is required to be issued a certificate of completion. The Peace Officer Standards and Training Commission will regulate the standards developed for voluntary trainings related to behavioral health crisis intervention.



NRS Chapter 289 – New Section

AB 236 Section 105

Effective July 1, 2020 – not retroactive

AB 236 requires each law enforcement agency to establish a policy and procedure for interacting with individuals who experience from a behavioral health issue and, subject to the availability of funds, contract with or employ a behavioral health specialist.

NRS § 217.070

AB 236 Section 102

Effective July 1, 2020 – not retroactive

AB 236 expands the definition of “victim” to include a person who suffers direct or threatened physical, financial, or psychological harm as a result of the commission of a crime; adds family members of a victim who: is a minor, is physically or mentally incompetent, or was killed; and aligns the language in NRS § 217.70 to include “vulnerable persons” as used in NRS §200.5099 and NRS § 200.50995.



*NRS Chapter 176 – New Section
AB 236 Section 5 – Section 8
Effective July 1, 2020 – not retroactive*

To monitor implementation progress and compliance with AB 236, the legislation provided the Sentencing Commission with the authority to track and assess outcomes resulting from the enactment of the bill. To ensure the Sentencing Commission has the data needed to make a comprehensive assessment of the outcomes of the policy changes, the Department of Corrections, and the Division of Parole and Probation and Records, Communications, and Compliance Division are required to submit certain data elements to the Sentencing Commission. These data elements are listed in Appendix B of this guide. The Sentencing Commission is required to identify gaps in Nevada’s data tracking capabilities related to the criminal justice system and make recommendations for filling any such gaps.

In addition, AB 236 requires the Sentencing Commission to prepare and submit a report no later than the first day of the second full week of each regular legislative session to the Governor, the Director of the Legislative Counsel Bureau for transmittal to the legislature, and the Chief Justice of the Nevada Supreme Court. Such report will include recommendations for improvements, changes, and budgetary adjustments to the state’s criminal justice system. The report may also present additional recommendations for future legislation and policy options to enhance public safety and control corrections costs.

Another piece of legislation in the 80th Session of the Nevada Legislature, AB80, created a Department of Sentencing Policy to support the work of the Sentencing Commission. AB 80 revised the membership and duties of the Sentencing Commission to include providing recommendations to the Executive Director of the Department of Sentencing Policy concerning the budget for the Department, improvements to the criminal justice system and legislation related to the duties of the Sentencing Commission. AB 80 also moved the Sentencing Commission from the legislative to the executive branch.

*NRS Chapter 176 – New Section; NRS Chapter 289 – New Chapter
AB 236 Section 7
Effective July 1, 2020 – not retroactive*

AB 236 requires the Sentencing Commission to develop a formula to calculate the costs avoided by Nevada for each fiscal year because of the provisions of the bill. This formula will include a comparison of the annual projection of people in a Department of Corrections facility as reported by the Office of Finance pursuant to NRS 176.0129 for calendar year 2018 and the actual number of people in a Department of Corrections facility during each year moving forward.

By December 1 of each year, the Sentencing Commission is required to use the formula to calculate the costs avoided by Nevada as a result of AB 236 and submit a statement of the amount of the costs avoided to the Governor and the Director of the Legislative Counsel Bureau for transmittal to the Interim Finance Committee.

AB 236 requires the Sentencing Commission to prepare a report for the Governor and the Director of the Legislative Counsel Bureau for the next regular session by August 1 of every even-numbered year. This report shall include the projected amount of costs avoided by the State for the next biennium and recommendations for the reinvestment of those costs to support programs and services that address the behavioral health needs of justice involved individuals and reduce recidivism. In the report, the Commission shall prioritize providing financial support to:

- The Department of Corrections for programs for reentry into the community, programs for vocational training, employment, education and transitional work;
- The Division of Parole and Probation for services for offenders reentering the community, the supervision of probations and parolees, and programs of treatment for probationers and parolees that are proven by scientific research to reduce recidivism;
- The Behavioral Health Field Response Grant Program established by the act that provides qualifying law enforcement agencies funding to partner with a behavioral health professional to address the growing number of individuals entering the system with a behavioral health need;
- The Housing Division of the Department of Business and Industry to create or provide transitional housing for probationers and parolees and offenders reentering the community; and
- The Nevada Local Justice Reinvestment Coordinating Council for the purpose of making grants to counties for programs and treatment that reduce recidivism of persons involved in the criminal justice system.

NRS Chapter 289 – New Section

AB 236 Section 7, 104, and 105

Effective July 1, 2020 – not retroactive

Behavioral Health Field Response Grant Program

AB 236 requires the Commission on Peace Officer Standards and Training (POST) to develop and implement a Behavioral Health Field Response Grant Program that provides law enforcement with funding to partner with behavioral health professionals to safely respond to crises, including, without limitation, by telephone or video, involving persons with behavioral health issues. The funding for this grant program is subject to availability of resources as a result of averted costs. A portion of the funds appropriated may be used to develop data management capability to support the program.

A local law enforcement agency can become eligible to submit a grant application to POST for this program by incorporating behavioral health professionals into its behavioral health field response program and two or more local law enforcement agencies may submit a joint grant application. Any proposal submitted by law enforcement must provide a plan for improving behavioral health field response and diversion from incarceration through modifying or expanding law enforcement practices in partnership with behavioral health professionals, and if selected, must provide for at least one behavioral health professional who will perform professional services under its plan. A grant recipient is also required to develop and provide or arrange joint training necessary for both law enforcement and behavioral health professionals.

POST shall appoint a peer review panel, in consultation with behavioral health organizations and the Department of Health and Human Services, to review the applications submitted by local law enforcement agencies and select grant recipients. To the extent possible, AB 236 requires that at least one grant recipient must be from a rural county. POST shall distribute grant funds to the selected recipient, making every effort to fund at least three grants each fiscal year. POST is required to consult and coordinate with the Department of Health and Human Services to study and evaluate the grant program, to develop requirements for

participating behavioral health professionals, and to develop and incorporate telephone or dispatch protocols to assist with law enforcement and emergency medical responses involving behavioral health situations. POST is required to submit a report to the Governor, the Chair of the Senate and Assembly Standing Committees on Judiciary concerning the programs.

NRS Chapter 176 – New Section

AB 236 Section 8

Effective July 1, 2020 – not retroactive

AB 236 creates the Nevada Local Justice Reinvestment Coordinating Council, consisting of one member from each county in Nevada whose population is less than 100,000 and two members from each county in Nevada whose population is 100,000 or more, appointed by the governing body of the applicable county. The Chair of the Sentencing Commission shall appoint the Chair of the Council from among the members of the Council.

The Justice Reinvestment Local Coordinating Council is statutorily tasked with:

- Advising the Sentencing Commission on matters related to any legislation, regulations, rules, budgetary changes, and all other actions needed to implement the provisions of AB 236 as they relate to local governments;
- Identifying county-level programming and treatment needs for persons involved in the criminal justice system for the purpose of reducing recidivism;
- Making recommendations to the Sentencing Commission about grants to local governments and nonprofit organizations from the State General Fund;
- Overseeing the implementation of local grants;
- Creating performance measures to assess the effectiveness of the grants; and
- Identifying opportunities for collaboration with the Department of Health and Human Services at the state and county level for treatment services and funding.



The following statutes are affected by the changes made to the theft threshold:

- NRS § 205.0835 (Theft: penalties);
- NRS § 205.130 (Issuance of check or draft without sufficient money or credit: penalties);
- NRS § 205.134 (Issuance of check or draft without sufficient money or credit: posting notices);
- NRS § 205.2175 (Definitions);
- NRS § 205.2195 (“Property” defined)
- NRS § 205.220 (Grand larceny: definition);
- NRS § 205.222 (Grand larceny: penalties);
- NRS § 205.228 (Grand larceny of motor vehicle; penalty);
- NRS § 205.240 (Petit larceny: penalty);
- NRS § 205.251 (Determination of value of property involved in larceny offense);
- NRS § 205.267 (Penalty for theft of scrap metal or utility property);
- NRS § 205.270 (Penalty for taking property from person of another under circumstances not amounting to robbery; limitation on granting of probation or suspension of sentence);
- NRS § 205.2707 (Penalty for theft of money or property of value of \$650 or more from vending machines; determination of value of property taken includes cost to repair any damage to vending machine);
- NRS § 205.273 (Offense involving stolen vehicle: Definition; penalty; restitution; determination of value of vehicle);
- NRS § 205.275 (Offense involving stolen property: Definition; penalty; restitution; prima facie evidence; determination of value of property);
- NRS §205.380 (Obtaining money, property, rent or labor by false pretenses);
- NRS § 205.365 (Fraudulently selling real estate twice);
- NRS § 205.370 (Swindling; credit by false representations);
- NRS § 205.377 (Multiple transactions involving fraud or deceit in course of enterprise or occupation; penalty);
- NRS § 205.415 (Collecting for benefit without authority);
- NRS § 205.445 (Defrauding proprietor of hotel, inn, restaurant, motel or similar establishment);
- NRS § 205.455 (Personating another same as stealing);
- NRS § 205.520 (Issue of document of title for goods not received);
- NRS § 205.540 (Issuance of duplicate or additional negotiable document of title not so marked);
- NRS § 205.570 (Obtaining or negotiating document of title for goods with intent to defraud);
- NRS § 205.580 (Inducing bailee to issue negotiable document of title when goods have not been received);
- NRS § 205.590 (Negotiation of document of title when goods are not in bailee's possession);
- NRS § 205.605 (Using scanning device or reencoder to defraud);

- NRS § 205.606 (Possession of scanning device or reencoder for unlawful purpose);
- NRS § 205.940 (Conversion of rented or leased personal property; penalty; defenses to civil action);
- NRS § 205.950 (Unlawful receipt of fee, salary, deposit or money to obtain loan for another; penalties); and
- NRS § 205.980 (Determination of value of loss from crime; notice to victim; order of restitution deemed judgment to collect damages).

The Sentencing Commission is charged with tracking the following data from the Department of Corrections:

- Admissions
 - Total number of persons admitted to prison by:
 - Type of offense
 - Type of admission
 - Felony category
 - Prior criminal history
 - Gender identity or expression
 - Race
 - Ethnicity
 - Sexual orientation
 - Age
 - If measured upon intake, risk score
 - The average minimum and maximum sentence term by:
 - Type of offense
 - Type of admission
 - Felony category
 - Prior criminal history
 - Gender identity or expression
 - Race
 - Ethnicity
 - Sexual orientation
 - Age
 - Mental health status
 - If measured upon intake, risk score
 - The number of persons who received a clinical assessment identifying a mental health or substance use disorder upon intake.
- Parole and release from prison
 - The average length of stay in prison for each type of release by:
 - Type of offense
 - Felony category
 - Prior criminal history
 - Gender identity or expression
 - Race
 - Ethnicity
 - Sexual orientation
 - Age

- Mental health status
 - If measured upon intake, risk score
- The total number of persons released from prison each year by:
 - Type of release
 - Type of admission
 - Felony category
 - Prior criminal history
 - Gender identity or expression
 - Race
 - Ethnicity
 - Sexual orientation
 - Age
 - Mental health status
 - If measured upon intake, risk score
- The recidivism rate of persons released from prison by type of release
- The total number of persons released from prison each year who return to prison within 36 months by:
 - Type of admission
 - Type of release
 - Type of return to prison, including, without limitation, whether such a subsequent prison admission was the result of a new felony conviction or a revocation of parole due to a technical violation
 - Prior criminal history
 - Gender identity or expression
 - Race
 - Ethnicity
 - Sexual orientation
 - Age
 - Mental health status
 - If measured upon intake, risk score
- The number of persons in prison:
 - The total number of persons held in prison on December 31 of each year (not including those released from prison but residing in a parole housing unit) by:
 - Type of offense
 - Type of admission
 - Felony category
 - Prior criminal history
 - Gender identity or expression
 - Race
 - Ethnicity

- Sexual orientation
- Age
- Mental health status
- If measured upon intake, risk score
- The total number of persons held in prison on December 31 of each year who have been granted parole but remain in custody and the reason therefor
- The total number of persons held in prison on December 31 of each year who are serving a life sentence with or without the possibility of parole or who have been sentenced to death
- The total number of persons as of December 31 of each year who have started a treatment program while in prison, have completed a treatment program while in prison, and are awaiting a treatment program while in prison by:
 - Type of treatment program
 - Type of offense

The Sentencing Commission is charged with tracking the following data from the Division of Parole and Probation:

- With respect to the number of persons on probation or parole:
 - The total number of supervision intakes by:
 - Type of offense
 - Felony category
 - Prior criminal history
 - Gender identity or expression
 - Race
 - Ethnicity
 - Sexual orientation
 - Age
 - Mental health status
 - If measured upon intake, risk score
 - The average term of probation imposed for persons on probation by type of offense
 - The average time served by persons on probation or parole by:
 - Type of discharge
 - Felony category
 - Type of offense
 - The average time credited to a person's term of probation or parole as a result of successful compliance with supervision
 - The total number of supervision discharged by type of discharge, including, without limitation, honorable discharges and dishonorable discharges, and cases resulting in a return to prison
 - The recidivism rate of persons discharged from supervision by type of discharge, according to the Division's internal definition of recidivism
 - The number of persons on probation or parole identified as having a mental health issue or substance use disorder
 - The total number of persons on probation or parole who are located within Nevada on December 31 of each year, not including those under the custody of the Department of Corrections

- With respect to persons on probation or parole who violate a condition of supervision or commit a new offense:
 - The total number of revocations and the reasons therefor, including whether the revocation was the result of a mental health issue or substance use disorder
 - The average amount of time credited to a person’s suspended sentence or the remainder of the person’s sentence from time spent on supervision
 - The total number of persons receiving administrative or jail sanctions, by:
 - Type of offense
 - Felony category
 - The median number of administrative sanctions issued by the Division to persons on supervision, by:
 - Type of offense
 - Felony category

The Sentencing Commission is charged with tracking the following data related to the enactment of AB 236:

- With respect to savings and reinvestment:
 - The total amount of annual savings resulting from the enactment of any legislation relating to the criminal justice system
 - The total annual costs avoided by this State because of the enactment of AB 236
 - The entities that received reinvestment funds, the total amount directed to each such entity and a description of how the funds were used

The Sentencing Commission is charged with tracking and assessing trends observed after the enactment of AB 236, including the following data, which the Central Repository for Nevada Records of Criminal History shall collect and report to the Sentencing Commission as reported to the Federal Bureau of Investigation:

- The uniform crime rates for Nevada and each county in Nevada by:
 - Index crimes
 - Types of crime
- The percentage changes in uniform crime rates for Nevada and each county in Nevada over time by:
 - Index crimes
 - Type of crime