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ASSEMBLY BILL NO. 267—ASSEMBLYMEN HAMBRICK, HICKEY,  
PAUL ANDERSON; ELLIOT ANDERSON, ARAUJO, DIAZ,  
OHRENSCHALL, O’NEILL, SEAMAN AND TITUS

MARCH 12, 2015

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JOINT SPONSORS: SENATORS HAMMOND, PARKS,  
FORD; MANENDO AND SETTELMAYER

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Referred to Committee on Judiciary

SUMMARY—Revises provisions concerning the sentencing and parole of persons convicted as an adult for a crime committed when the person was less than 18 years of age. (BDR 14-641)

FISCAL NOTE: Effect on Local Government: No.  
Effect on the State: No.

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EXPLANATION – Matter in *bolded italics* is new; matter between brackets **omitted material** is material to be omitted.

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AN ACT relating to criminal procedure; requiring a court to consider the differences between juvenile and adult offenders when determining an appropriate sentence for a person convicted as an adult for an offense committed when the person was less than 18 years of age; eliminating the imposition of a sentence of life without the possibility of parole upon a person convicted of a crime committed when the person was less than 18 years of age; providing that a prisoner who was sentenced as an adult for certain offenses that were committed when he or she was less than 18 years of age is eligible for parole after the prisoner has served a certain number of years; and providing other matters properly relating thereto.

**Legislative Counsel’s Digest:**

- 1 Existing law prohibits a sentence of death from being imposed or inflicted upon
- 2 any person convicted of certain crimes who was less than 18 years of age at the
- 3 time the crime was committed. The maximum punishment that may be imposed
- 4 upon such a person is life imprisonment without the possibility of parole. Existing
- 5 law also prohibits a sentence of life imprisonment without the possibility of parole



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6 from being imposed or inflicted upon any person convicted of a non-homicide  
7 crime who was less than 18 years of age at the time the crime was committed. The  
8 maximum punishment that may be imposed upon such a person is life  
9 imprisonment with the possibility of parole. (NRS 176.025)

10 **Section 2** of this bill eliminates the imposition of a sentence of life without the  
11 possibility of parole upon a person convicted of certain crimes who was less than  
12 18 years of age at the time the crime was committed, thereby making life  
13 imprisonment with the possibility of parole the maximum punishment that may be  
14 imposed upon a person convicted of any crime who was less than 18 years of age at  
15 the time the crime was committed.

16 **Section 1** of this bill requires a court to consider the differences between  
17 juvenile and adult offenders in determining an appropriate sentence to be imposed  
18 upon a person who is convicted as an adult for an offense that was committed when  
19 he or she was less than 18 years of age.

20 **Section 3** of this bill establishes certain minimum periods of incarceration  
21 which must be served by a prisoner who was sentenced as an adult for certain  
22 offenses that were committed when he or she was less than 18 years of age before  
23 the prisoner is eligible for parole.

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

1 **Section 1.** Chapter 176 of NRS is hereby amended by adding  
2 thereto a new section to read as follows:

3 *If a person is convicted as an adult for an offense that the*  
4 *person committed when he or she was less than 18 years of age, in*  
5 *addition to any other factor that the court is required to consider*  
6 *before imposing a sentence upon such a person, the court shall*  
7 *consider the differences between juvenile and adult offenders,*  
8 *including, without limitation, the diminished culpability of*  
9 *juveniles as compared to that of adults and the typical*  
10 *characteristics of youth.*

11 **Sec. 2.** NRS 176.025 is hereby amended to read as follows:

12 176.025 ~~{+}~~ A sentence of death *or life imprisonment*  
13 *without the possibility of parole* must not be imposed or inflicted  
14 upon any person convicted of a crime now punishable by death *or*  
15 *life imprisonment without the possibility of parole* who at the time  
16 of the commission of the crime was less than 18 years of age. As to  
17 such a person, the maximum punishment that may be imposed is life  
18 imprisonment ~~{without}~~ *with* the possibility of parole.

19 ~~{2. — A sentence of life imprisonment without the possibility of~~  
20 ~~parole must not be imposed or inflicted upon any person convicted~~  
21 ~~of a non-homicide crime now punishable by life imprisonment~~  
22 ~~without the possibility of parole who at the time of the commission~~  
23 ~~of the crime was less than 18 years of age. As to such a person, the~~  
24 ~~maximum punishment that may be imposed is life imprisonment~~  
25 ~~with the possibility of parole.}~~



1       **Sec. 3.** Chapter 213 of NRS is hereby amended by adding  
2 thereto a new section to read as follows:

3       1. *Notwithstanding any other provision of law, except as*  
4 *otherwise provided in subsection 2 or unless a prisoner is subject*  
5 *to earlier eligibility for parole pursuant to any other provision of*  
6 *law, a prisoner who was sentenced as an adult for an offense that*  
7 *was committed when he or she was less than 18 years of age is*  
8 *eligible for parole as follows:*

9       (a) *For a prisoner who is serving a period of incarceration for*  
10 *having been convicted of an offense or offenses that did not result*  
11 *in the death of a victim, after the prisoner has served 15 calendar*  
12 *years of incarceration, including any time served in a county jail.*

13       (b) *For a prisoner who is serving a period of incarceration for*  
14 *having been convicted of an offense or offenses that resulted in*  
15 *the death of only one victim, after the prisoner has served 20*  
16 *calendar years of incarceration, including any time served in a*  
17 *county jail.*

18       2. *The provisions of this section do not apply to a prisoner*  
19 *who is serving a period of incarceration for having been convicted*  
20 *of an offense or offenses that resulted in the death of two or more*  
21 *victims.*

22       **Sec. 4.** NRS 213.107 is hereby amended to read as follows:

23       213.107 As used in NRS 213.107 to 213.157, inclusive, **and**  
24 **section 3 of this act**, unless the context otherwise requires:

25       1. "Board" means the State Board of Parole Commissioners.

26       2. "Chief" means the Chief Parole and Probation Officer.

27       3. "Division" means the Division of Parole and Probation of  
28 the Department of Public Safety.

29       4. "Residential confinement" means the confinement of a  
30 person convicted of a crime to his or her place of residence under  
31 the terms and conditions established by the Board.

32       5. "Sex offender" means any person who has been or is  
33 convicted of a sexual offense.

34       6. "Sexual offense" means:

35       (a) A violation of NRS 200.366, subsection 4 of NRS 200.400,  
36 NRS 200.710, 200.720, subsection 2 of NRS 200.730, NRS  
37 201.180, 201.230 or 201.450, or paragraph (a) or (b) of subsection 4  
38 or paragraph (a) or (b) of subsection 5 of NRS 201.560;

39       (b) An attempt to commit any offense listed in paragraph (a); or

40       (c) An act of murder in the first or second degree, kidnapping in  
41 the first or second degree, false imprisonment, burglary or invasion  
42 of the home if the act is determined to be sexually motivated at a  
43 hearing conducted pursuant to NRS 175.547.



1 7. "Standards" means the objective standards for granting or  
2 revoking parole or probation which are adopted by the Board or the  
3 Chief.

4 **Sec. 5.** 1. The amendatory provisions of sections 1 and 2 of  
5 this act apply to:

6 (a) An offense committed on or after October 1, 2015; and

7 (b) An offense committed before October 1, 2015, if the person  
8 is convicted on or after October 1, 2015.

9 2. The amendatory provisions of section 3 of this act apply to  
10 an offense committed before, on or after October 1, 2015.

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