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Criminal Procedure; Credit Towards Parole

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Criminal Procedure; credit towards parole

NEV. REV. STAT. §§179.225, 209.011, 209.071, 209.111, 209.131, 209.151, 209.161, 209.171, 209.181, 209.211, 209.239, 209.261, 209.291, 209.301, 209.311, 209.331, 209.341, 209.361, 209.381, 209.423, 209.433, 209.461, 209.511, 211.040, 212.030, 213.115, 213.1511, 213.1515, 213.160, 228.170, 444.330, 482.368, 617.135, 644.460 (amended); §209.091 (repealed).

SB 118 (Committee on Judiciary); 1983 STAT. Ch 295

Existing law provides that every offender sentenced to prison after June 30, 1969, will be allowed to deduct "good time credits"¹ from the maximum term imposed by the sentence.² In addition, these credits can be applied toward eligibility for parole.³ In *Demosthenes v. Williams*,⁴ the Nevada Supreme Court held that good time credits must be allowed to reduce an offender's minimum term regardless of whether a statute prescribes a minimum term that must be completed before the offender is eligible for parole.⁵ In an apparent response to this decision, Chapter 295 provides that good time credits cannot be applied to eligibility for parole if a statute specifies a minimum sentence that must be served before the offender can become eligible for parole.⁶

1. See NEV. REV. STAT. §209.443(1) (amended by 1983 Nev. Stat. c. 295, §25(1), at 723) (defines "good time" credits as credit for an incarcerated offender who has not recorded any serious infractions of the regulations of the institution, or laws of the state, and who performs assigned duties in a faithful, orderly, and peaceful manner). Chapter 295 also changes the definition of "facility", "manager", and "warden". 1983 Nev. Stat. c. 295, §§2, 4, at 719.

2. NEV. REV. STAT. §§209.443(1)-(2) (amended by 1983 Nev. Stat. c. 295, §25(2), at 724).

3. *Id.*; see also *Biffath v. Warden*, 95 Nev. 260, 262-63, 593 P.2d 51, 52 (1979) (interpreting these provisions as requiring that an enhanced penalty for use of a firearm in the commission of a crime be combined with the term of imprisonment imposed for the primary offense for purposes of computing credits).

4. 97 Nev. 611, 637 P.2d 1203 (1981).

5. *Id.* at 615, 637 P.2d at 1205.

6. NEV. REV. STAT. §209.443(5) (amended by 1983 Nev. Stat. c. 295, §25(5), at 724).

Criminal Procedure; credit against unpaid fines or assessments

NEV. REV. STAT. §176.— (new); §§176.065, 176.075, 176.085, 176.275 (amended).

AB 44 (Committee on Judiciary); 1983 STAT. Ch 375