

SENATE JOINT RESOLUTION NO. 1—SENATOR PARKS

PREFILED JANUARY 23, 2009

Referred to Committee on Judiciary

SUMMARY—Proposes to amend the Nevada Constitution to replace the State Board of Pardons Commissioners with the Clemency Board and to require the Legislature to provide for the organization and duties of the Clemency Board. (BDR C-552)

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.

SENATE JOINT RESOLUTION—Proposing to amend the Nevada Constitution to replace the State Board of Pardons Commissioners with the Clemency Board and to require the Legislature to provide for the organization and duties of the Clemency Board.

Legislative Counsel’s Digest:

- 1 Under the Nevada Constitution and existing law, the State Board of Pardons
- 2 Commissioners consists of the Governor, the justices of the Supreme Court and the
- 3 Attorney General. (Nev. Const. Art. 5, § 14; NRS 213.010)
- 4 This joint resolution proposes to amend the Nevada Constitution to: (1) replace
- 5 the State Board of Pardons Commissioners with the Clemency Board consisting of
- 6 nine members appointed by the Governor, the Chief Justice of the Supreme Court
- 7 and the Attorney General to carry out the duties currently carried out by the State
- 8 Board of Pardons Commissioners; (2) provide that at least five members appointed
- 9 to the Clemency Board must have experience working in the criminal justice
- 10 system; (3) require the Legislature to provide for the organization and duties of the
- 11 Clemency Board; and (4) require the Clemency Board to meet at least quarterly.
- 12 (Nev. Const. Art. 5, § 14)

1 RESOLVED BY THE SENATE AND ASSEMBLY OF THE STATE OF
2 NEVADA, JOINTLY, That Section 14 of Article 5 of the Nevada
3 Constitution be amended to read as follows:

4 Sec. 14. 1. ~~The governor, justices of the supreme~~
5 ~~court, and attorney general, or a major part of them, of whom~~



1 ~~the governor shall be one,] There is hereby created a~~
2 ~~Clemency Board.~~

3 2. *The Clemency Board consists of nine members, at*
4 *least five of whom must have experience working in the*
5 *criminal justice system. The Governor, the Chief Justice of*
6 *the Supreme Court and the Attorney General shall each*
7 *appoint three members to the Clemency Board. The*
8 *legislature shall provide by law for:*

9 (a) *The organization of the Clemency Board, including,*
10 *without limitation, the qualifications and terms of the*
11 *members of the Clemency Board; and*

12 (b) *The duties of the Clemency Board and its members.*

13 3. *The Clemency Board* may, upon such conditions and
14 with such limitations and restrictions as they may think
15 proper, remit fines and forfeitures, commute punishments,
16 except as provided in subsection ~~[2.]~~ 4, and grant pardons,
17 after convictions, in all cases, except treason and
18 impeachments, subject to such regulations as may be
19 provided by law relative to the manner of applying for
20 pardons.

21 ~~[2.]~~ 4. Except as may be provided by law, a sentence of
22 death or a sentence of life imprisonment without possibility
23 of parole may not be commuted to a sentence which would
24 allow parole.

25 ~~[3.]~~ 5. *The Clemency Board shall meet at least*
26 *quarterly.*

27 6. The legislature is authorized to pass laws conferring
28 upon the district courts authority to suspend the execution of
29 sentences, fix the conditions for, and to grant probation, and
30 within the minimum and maximum periods authorized by
31 law, fix the sentence to be served by the person convicted of
32 crime in said courts.

