

Amendment No. 46

Senate Amendment to Senate Joint Resolution No. 1 (BDR C-552)

**Proposed by:** Senate Committee on Judiciary

**Amends:** Summary: Yes Title: Yes Preamble: No Joint Sponsorship: No Digest: Yes

ASSEMBLY ACTION		Initial and Date		SENATE ACTION		Initial and Date			
Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____	Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____
Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____	Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____
Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____	Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____

EXPLANATION: Matter in (1) *blue bold italics* is new language in the original bill; (2) *green bold italic underlining* is new language proposed in this amendment; (3) ~~red strikethrough~~ is deleted language in the original bill; (4) ~~purple double strikethrough~~ is language proposed to be deleted in this amendment; (5) orange double underlining is deleted language in the original bill that is proposed to be retained in this amendment; and (6) *green bold dashed underlining* is newly added transitory language.

BAW



Date: 3/27/2009

S.J.R. No. 1—Proposes to amend the Nevada Constitution to replace the State Board of Pardons Commissioners with the Clemency Board appointed by the Governor and to require the Legislature to provide for the organization and duties of the Clemency Board. (BDR C-552)



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

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

3 Sec. 14. 1. ~~[The governor, justices of the supreme court, and~~  
4 ~~attorney general, or a major part of them, of whom the governor shall be~~  
5 ~~one.] There is hereby created a Clemency Board.~~  
6 2. The Clemency Board consists of nine members, [appointed by  
7 the Governor.] at least five of whom must have experience working in the  
8 criminal justice system. The Governor, the Chief Justice of the Supreme  
9 Court and the Attorney General shall each appoint three members to the  
10 Clemency Board. The legislature shall provide by law for:

1           ***(a) The organization of the Clemency Board, including, without***  
2           ***limitation, the qualifications and terms of the members of the Clemency***  
3           ***Board; and***

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

5           **3. The Clemency Board** may, upon such conditions and with such  
6 limitations and restrictions as they may think proper, remit fines and  
7 forfeitures, commute punishments, except as provided in subsection ~~2~~ **4**,  
8 and grant pardons, after convictions, in all cases, except treason and  
9 impeachments, subject to such regulations as may be provided by law  
10 relative to the manner of applying for pardons.

11           ~~2~~ **4.** Except as may be provided by law, a sentence of death or a  
12 sentence of life imprisonment without possibility of parole may not be  
13 commuted to a sentence which would allow parole.

14           ~~3~~ **5. The Clemency Board shall meet at least quarterly.**

15           **6.** The legislature is authorized to pass laws conferring upon the  
16 district courts authority to suspend the execution of sentences, fix the  
17 conditions for, and to grant probation, and within the minimum and  
18 maximum periods authorized by law, fix the sentence to be served by the  
19 person convicted of crime in said courts.