

ASSEMBLY BILL NO. 303—ASSEMBLYMEN MONROE-MORENO, OHRENSCHALL, CARRILLO, DIAZ, YEAGER; ARAUJO, BILBRAY-AXELROD, COHEN, DALY, FRIERSON, FUMO, MCCURDY II, MILLER, NEAL AND THOMPSON

MARCH 16, 2017

JOINT SPONSORS: SENATORS SEGERBLOM, SPEARMAN, FORD; AND CANCELA

Referred to Committee on Corrections, Parole, and Probation

SUMMARY—Requires that core correctional services be provided only by the State or a local government with certain exceptions. (BDR 16-1103)

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

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

AN ACT relating to corrections; requiring core correctional services to be provided only by the State or a local government with certain exceptions; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 Except as otherwise authorized by **section 1.7** of this bill, **section 1.3** of this
2 bill requires: (1) state and local prisons, jails and detention facilities which house
3 prisoners to be under the administrative and direct operational control of the State
4 or a local government, as applicable; and (2) core correctional services to be
5 performed by employees of the State or local government. **Section 1.3** also
6 prohibits the performance of core correctional services by private entities except as
7 otherwise authorized by **section 1.7**.

8 **Section 1.7** authorizes the Department of Corrections, until June 30, 2022, to
9 enter into contracts with private entities to perform core correctional services to
10 promote the safety of prisoners, employees of prisons and the public by reducing
11 overcrowding in prisons. **Section 1.7** requires such a private entity to comply with
12 certain requirements for housing, custody, medical and mental health treatment, and
13 programming. **Section 1.7** sets forth certain requirements governing the transfer of
14 a prisoner to a facility that is located outside of this State. **Section 1.7** also requires



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15 the Director of the Department to prepare and submit for transmittal to the
16 Legislative Commission an annual report which includes certain information
17 relating to prisoners who are housed outside of this State. Finally, **section 1.7**
18 requires the Department to conduct biannual on-site inspections of facilities of
19 private entities to ensure the compliance of such entities with the terms of the
20 contract.

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

1 **Section 1.** Chapter 208 of NRS is hereby amended by adding
2 thereto the provisions set forth as sections 1.3 and 1.7 of this act.

3 **Sec. 1.3. 1.** *Except as otherwise provided in section 1.7 of*
4 *this act:*

5 *(a) Each prison that houses prisoners who are in the custody*
6 *of the State or a local government must be under the*
7 *administrative and direct operational control of the State or local*
8 *government, as applicable. The core correctional services at each*
9 *such prison must be performed only by employees of the State or*
10 *local government, as applicable.*

11 *(b) The core correctional services of a prison must not be*
12 *performed by a private entity.*

13 **2.** *A condition, stipulation or provision in a contract that*
14 *conflicts with this section is against the public policy of this State*
15 *and is void and unenforceable.*

16 **3.** *As used in this section, "core correctional services" means*
17 *the housing, safeguarding, protection and disciplining of*
18 *prisoners.*

19 **Sec. 1.7. 1.** *The Department of Corrections may enter into*
20 *one or more contracts with one or more private entities to perform*
21 *core correctional services to promote the safety of prisoners,*
22 *employees of prisons and the public by reducing overcrowding in*
23 *prisons.*

24 **2.** *A private entity which performs core correctional services*
25 *pursuant to a contract entered into pursuant to this section shall*
26 *comply with the requirements for housing, custody, medical and*
27 *mental health treatment, and programming set forth in law and*
28 *regulation and approved by the Board of State Prison*
29 *Commissioners. Such requirements must be included in any*
30 *contract entered into pursuant to this section.*

31 **3.** *If, pursuant to a contract entered into with a private entity*
32 *pursuant to this section, the Department of Corrections proposes*
33 *to transfer a prisoner to a facility that is located outside of this*
34 *State:*



1 (a) *The Department must give first priority for any such*
2 *transfer to a prisoner who is not a permanent resident of this State*
3 *and who meets such other qualifications for such a transfer as are*
4 *established by the Director of the Department; and*

5 (b) *The Department must ensure that the prisoner is provided*
6 *with the ability to conduct visits by videoconferencing.*

7 4. *The Director of the Department of Corrections shall, on or*
8 *before December 31 of each year, prepare and submit to the*
9 *Director of the Legislative Counsel Bureau for transmittal to the*
10 *Legislative Commission a report which includes, without*
11 *limitation, the number of prisoners who are housed out of this*
12 *State and, for each prisoner:*

13 (a) *The identification number assigned to the prisoner;*

14 (b) *The state of residence of the prisoner;*

15 (c) *The level of security restrictions imposed on the prisoner;*

16 (d) *The category of offense for which the prisoner was*
17 *convicted;*

18 (e) *A statement as to whether the prisoner is a veteran, as*
19 *defined in NRS 176A.090;*

20 (f) *Any programs which are available to the prisoner;*

21 (g) *Any programs which the prisoner completed; and*

22 (h) *The date on which the prisoner is projected to be released*
23 *by expiration of his or her term of sentence or by parole.*

24 5. *The Department of Corrections shall biannually conduct*
25 *an on-site inspection of each facility where a prisoner is housed by*
26 *a private entity with which the Department has contracted to*
27 *perform core correctional services pursuant to this section to*
28 *ensure the compliance of the entity with the terms of the contract.*

29 6. *As used in this section, "core correctional services" means*
30 *the housing, safeguarding, protection and disciplining of*
31 *prisoners.*

32 **Sec. 2.** NRS 209.141 is hereby amended to read as follows:

33 209.141 The Director may, with the approval of the Board **H**
34 *and except as otherwise provided pursuant to section 1.3 of this*
35 *act*, enter into agreements with other governmental agencies and
36 with private organizations to carry out the purposes of this chapter.

37 **Sec. 3.** NRS 209.4889 is hereby amended to read as follows:

38 209.4889 1. ~~The~~ *Except as otherwise provided in section*
39 *1.3 of this act, the* Director may enter into one or more contracts
40 with one or more public or private entities to provide any of the
41 following services, as necessary and appropriate, to offenders or
42 parolees participating in a correctional or judicial program:

43 (a) Transitional housing;

44 (b) Treatment pertaining to substance abuse or mental health;

45 (c) Training in life skills;



- 1 (d) Vocational rehabilitation and job skills training; and
- 2 (e) Any other services required by offenders or parolees who are
- 3 participating in a correctional or judicial program.

4 2. The Director may consult with the Division before
5 entering into a contract with a public or private entity pursuant to
6 subsection 1.

7 3. The Director shall, as necessary and appropriate, provide
8 referrals and information regarding:

- 9 (a) Any of the services provided pursuant to subsection 1;
- 10 (b) Access and availability of any appropriate self-help groups;
- 11 (c) Social services for families and children; and
- 12 (d) Permanent housing.

13 4. The Director may apply for and accept any gift, donation,
14 bequest, grant or other source of money to carry out the provisions
15 of this section. Money received pursuant to this subsection may be
16 deposited with the State Treasurer for credit to the Account for
17 Reentry Programs in the State General Fund created by
18 NRS 480.810.

19 5. A contract entered into between the Director and a public or
20 private entity pursuant to subsection 1 must require the entity to:

- 21 (a) Provide a budget concerning all services the entity will
- 22 provide during the duration of any grant received.
- 23 (b) Provide all services required by any grant received.
- 24 (c) Provide to the Department for its approval a curriculum for
- 25 any program of services the entity will provide.
- 26 (d) Provide to the Division, if appropriate, a list of the parolees
- 27 who have completed or are currently participating in a program of
- 28 services provided by the entity pursuant to any grant received.
- 29 (e) Provide to any offender or parolee who completes a program
- 30 of services provided by the entity a certificate of completion, and
- 31 provide a copy of such a certificate to the Division or the
- 32 Department, as appropriate.

33 (f) To the extent financially practicable and necessary, assess the
34 risk levels and needs of offenders and parolees by using a validated
35 assessment tool.

36 (g) Share with the Director information concerning assessments
37 of the risk levels and needs of offenders and parolees so the Director
38 can ensure that adequate assessments are being conducted.

39 (h) While the entity is providing services pursuant to the
40 contract, meet annually with the Director, a representative of the
41 Division, and other entities that have entered into a contract with
42 the Director pursuant to subsection 1 to discuss, without limitation:

- 43 (1) The services provided by the entities, including the
- 44 growth and success of the services, any problems with the services
- 45 and any potential solutions to such problems;



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1 (2) Issues relating to the reentry of offenders and parolees
2 into the community and reducing the risk of recidivism; and

3 (3) Issues relating to offenders and parolees who receive
4 services from an entity and are subsequently convicted of another
5 crime.

6 6. As used in this section, “training in life skills” includes,
7 without limitation, training in the areas of:

8 (a) Parenting;

9 (b) Improving human relationships;

10 (c) Preventing domestic violence;

11 (d) Maintaining emotional and physical health;

12 (e) Preventing abuse of alcohol and drugs;

13 (f) Preparing for and obtaining employment; and

14 (g) Budgeting, consumerism and personal finances.

15 **Sec. 3.5.** Section 1.3 of this act is hereby amended to read as
16 follows:

17 Sec. 1.3. 1. ~~Except as otherwise provided in this act:~~

18 ~~(a)~~ Each prison that houses prisoners who are in the
19 custody of the State or a local government must be under the
20 administrative and direct operational control of the State or
21 local government, as applicable. The core correctional
22 services at each such prison must be performed only by
23 employees of the State or local government, as applicable.

24 ~~(b)~~ 2. The core correctional services of a prison must
25 not be performed by a private entity.

26 ~~2~~ 3. A condition, stipulation or provision in a contract
27 that conflicts with this section is against the public policy of
28 this State and is void and unenforceable.

29 ~~3~~ 4. As used in this section, “core correctional
30 services” means the housing, safeguarding, protection and
31 disciplining of prisoners.

32 **Sec. 4.** (Deleted by amendment.)

33 **Sec. 5.** (Deleted by amendment.)

34 **Sec. 6.** 1. This section and sections 1 to 3, inclusive, 4 and 5
35 of this act become effective on July 1, 2017.

36 2. Section 1.7 of this act expires by limitation on June 30,
37 2022.

38 3. Section 3.5 of this act becomes effective on July 1, 2022.



