

ASSEMBLY BILL NO. 420—ASSEMBLYMAN OHRENSCHALL

MARCH 27, 2017

Referred to Committee on Corrections,
Parole, and Probation

SUMMARY—Revises provisions governing the use of electronic devices by offenders. (BDR 16-1073)

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; authorizing the Director of the Department of Corrections to establish by regulation a charge on the use of videoconference equipment by offenders to conduct certain visits; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

1 Existing law requires that money received for the benefit of offenders through
2 contributions, that is not required to be deposited elsewhere, be placed in the
3 Offenders' Store Fund and expended for the welfare and benefit of all offenders
4 sentenced to imprisonment in the state prison. (NRS 209.221) Existing law
5 additionally requires the Department of Corrections, under certain circumstances, to
6 allow a prisoner to videoconference with his or her child if such equipment is
7 available. (NRS 209.42305) **Section 1** of this bill authorizes the Director of the
8 Department, with approval of the Board of State Prison Commissioners, to establish
9 by regulation a charge on the use by offenders of videoconferencing equipment for
10 conducting visits and correspondence to defray the costs of operating and
11 maintaining such equipment. **Section 1** also prohibits such a charge on the use of
12 videoconference equipment for an offender to conduct a visit or correspondence
13 with his or her child.

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

1 **Section 1.** NRS 209.221 is hereby amended to read as follows:
2 209.221 1. The Offenders' Store Fund is hereby created as a
3 special revenue fund. All money received for the benefit of



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1 offenders through contributions, and from other sources not
2 otherwise required to be deposited in another fund, must be
3 deposited in the Offenders' Store Fund.

4 2. The Director shall:

5 (a) Keep, or cause to be kept, a full and accurate account of the
6 Fund;

7 (b) Submit reports to the Board relative to money in the Fund as
8 may be required from time to time; and

9 (c) Submit a monthly report to the offenders of the amount of
10 money in the Fund by posting copies of the report at locations
11 accessible to offenders generally or by delivery of copies to the
12 appropriate representatives of the offenders if any are selected.

13 3. Except as otherwise provided in subsections 4 to ~~9~~ 10,
14 inclusive, money in the Offenders' Store Fund, except interest
15 earned upon it, must be expended for the welfare and benefit of all
16 offenders.

17 4. If necessary to cover a shortfall of money in the Prisoners'
18 Personal Property Fund, the Director may, after obtaining the
19 approval of the Interim Finance Committee, authorize the State
20 Controller to transfer money from the Offenders' Store Fund to the
21 Prisoners' Personal Property Fund, and the State Controller shall
22 make the transfer.

23 5. If an offender has insufficient money in his or her individual
24 account in the Prisoners' Personal Property Fund to repay or defray
25 costs assessed to the offender pursuant to NRS 209.246, the Director
26 shall authorize the State Controller to transfer sufficient money from
27 the Offenders' Store Fund to the appropriate account in the State
28 General Fund to pay costs remaining unpaid, and the State
29 Controller shall make the transfer. Any money so transferred must
30 be accounted for separately. The Director shall cause the Offenders'
31 Store Fund to be reimbursed from the offender's individual account
32 in the Prisoners' Personal Property Fund, as money becomes
33 available.

34 6. If the Department incurs costs related to state property that
35 has been willfully damaged, destroyed or lost or incurs costs related
36 to medical examination, diagnosis or treatment for an injury to an
37 offender, the Director may authorize the State Controller to transfer
38 money from the Offenders' Store Fund to the appropriate account in
39 the State General Fund to repay or defray those costs if:

40 (a) The Director has reason to believe that an offender caused
41 the damage, destruction, loss or injury; and

42 (b) The identity of the offender is unknown or cannot be
43 determined by the Director with reasonable certainty.

44 ➔ The State Controller shall make the transfer if authorized by the
45 Director. Any money transferred must be accounted for separately.



1 If the identity of the offender is determined after money has been
2 transferred, the Director shall cause the Offenders' Store Fund to be
3 reimbursed from the offender's individual account in the Prisoners'
4 Personal Property Fund, as money becomes available.

5 7. The Director may, with approval of the Board, establish by
6 regulation criteria for a reasonable deduction from money credited
7 to the Offenders' Store Fund to repay or defray the costs relating to
8 the operation and maintenance of the offenders' store, coffee shop,
9 gymnasium and correctional officers' salaries for visitation posts
10 where they exist in each facility. Any regulations adopted pursuant
11 to this subsection must be adopted in accordance with the provisions
12 of chapter 233B of NRS.

13 8. The Director may, with approval of the Board, establish by
14 regulation a charge on the purchase of electronic devices by
15 offenders to defray the costs relating to the operation of the devices.
16 The Director shall utilize the proceeds collected from the charge
17 established for operation of the devices to offset the energy costs of
18 the facilities within the Department. Any regulations adopted
19 pursuant to this subsection must be adopted in accordance with the
20 provisions of chapter 233B of NRS.

21 9. *The Director may, with approval of the Board, establish by*
22 *regulation a charge on the use by offenders of videoconferencing*
23 *equipment for conducting visits or correspondence which is*
24 *authorized pursuant to NRS 209.423 and subject to the limitations*
25 *set forth in NRS 209.419, to defray the costs relating to the*
26 *operation and maintenance of the equipment. Such charges must*
27 *not include a charge on the use by an offender of*
28 *videoconferencing equipment for conducting visits or*
29 *correspondence with his or her child pursuant to NRS 209.42305.*
30 *The Director shall utilize the proceeds collected from the charge*
31 *established for the operation and maintenance of the equipment to*
32 *offset the costs of operating and maintaining the*
33 *videoconferencing equipment and correctional officers' salaries*
34 *for posts for conducting visits by videoconference where the posts*
35 *exist in each facility.*

36 10. If an offender who has been assigned to a center for the
37 purpose of making restitution is returned to an institution for
38 committing an infraction of the regulations of the Department and
39 the center has not been fully compensated for the cost of providing
40 the offender with housing, transportation, meals, or medical or
41 dental services at the center, the Director may authorize the State
42 Controller to transfer money from the Offenders' Store Fund to the
43 appropriate account in the State General Fund to repay or defray
44 those costs. The State Controller shall make the transfer if
45 authorized by the Director. Any money transferred must be



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1 accounted for separately. The Director shall cause the Offenders'
2 Store Fund to be reimbursed from the offender's individual account
3 in the Prisoners' Personal Property Fund, as money becomes
4 available.

5 ~~H0~~ 11. If an offender has insufficient money in his or her
6 individual account in the Prisoners' Personal Property Fund to repay
7 or defray costs assessed to the offender pursuant to NRS 209.246,
8 the offender shall sign a statement under penalty of perjury
9 concerning his or her financial situation. Such a statement must
10 include, but is not limited to, the following information:

- 11 (a) The value of any interest the offender has in real estate;
- 12 (b) The value of the personal property of the offender;
- 13 (c) The assets in any bank account of the offender; and
- 14 (d) The employment status of the offender.

15 ~~H1~~ 12. The statement required by subsection ~~H0~~ 11 must
16 also authorize the Department to access any relevant document, for
17 the purpose of verifying the accuracy of the information provided by
18 the offender pursuant to this section, including, but not limited to,
19 information regarding any bank account of the offender, information
20 regarding any bank account held in trust for the offender and any
21 federal income tax return, report or withholding form of the
22 offender.

23 ~~H2~~ 13. An offender who conceals assets from the
24 Department or provides false or misleading information on a
25 statement prepared pursuant to this section is guilty of a gross
26 misdemeanor.

27 ~~H3~~ 14. A person who aids or encourages an offender to
28 conceal assets from the Department or to provide false or
29 misleading information on a statement prepared pursuant to this
30 section is guilty of a gross misdemeanor.

31 **Sec. 2.** (Deleted by amendment.)

32 **Sec. 3.** (Deleted by amendment.)

33 **Sec. 4.** This act becomes effective:

34 1. Upon passage and approval for the purpose of adopting any
35 regulations and performing any other preparatory administrative
36 tasks that are necessary to carry out the provisions of this act; and

37 2. On January 1, 2018, for all other purposes.

