

ASSEMBLY BILL NO. 421—ASSEMBLYMAN OHRENSCHALL

MARCH 27, 2017

Referred to Committee on Corrections,
Parole, and Probation

SUMMARY—Revises provisions relating to corrections.
(BDR 16-1058)

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 residential confinement of certain offenders who have been granted parole but are not yet eligible for release on parole; requiring the provision of psychiatric care or other mental health care for a prisoner in the custody of a sheriff, chief of police or town marshal in certain counties; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 **Section 1** of this bill: (1) requires the Director of the Department of
2 Corrections, with the approval of the Board of State Prison Commissioners, to
3 establish a program for the residential confinement of offenders who have been
4 granted parole but are not yet eligible for release on parole; (2) authorizes the
5 Director to assign an offender who has been granted parole but is not yet eligible
6 for release on parole to the custody of the Division of Parole and Probation of the
7 Department of Public Safety to serve a term of residential confinement under
8 certain circumstances; (3) requires the Director to notify the Division and certain
9 victims of the offender of the Director’s intent to assign the offender to the custody
10 of the Division for residential confinement; (4) prohibits the Director from
11 assigning an offender to the custody of the Division until the Division has approved
12 the offender’s proposed plan for placement upon release; (5) requires an offender to
13 submit to the Division a signed document concerning his or her compliance with
14 the terms or conditions of the residential confinement; and (6) sets forth certain
15 terms, limitations and effects applicable to an offender who is assigned to the
16 custody of the Division to serve a term of residential confinement.

17 Existing law imposes upon sheriffs, chiefs of police and town marshals certain
18 duties relating to the control and care of prisoners in their custody. (NRS 211.140)

19 **Section 4** of this bill requires, in a county whose population is 700,000 or more
20 (currently Clark County), a sheriff, chief of police or town marshal to arrange for



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21 psychiatric care or other mental health care for a prisoner to be provided by, and at
22 the expense of, the Division of Public and Behavioral Health of the Department of
23 Health and Human Services.

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

1 **Section 1.** Chapter 209 of NRS is hereby amended by adding
2 thereto a new section to read as follows:

3 1. *The Director shall, with the approval of the Board,*
4 *establish a program for the residential confinement of offenders*
5 *who have been granted parole but are not yet eligible for release*
6 *on parole.*

7 2. *The program established pursuant to this section may*
8 *authorize the payment by the State of any costs and expenses*
9 *related to the residential confinement and active electronic*
10 *monitoring of an offender who is placed in the program.*

11 3. *Except as otherwise provided in subsection 5, and in*
12 *accordance with the program established by the Director pursuant*
13 *to subsection 1, the Director may assign an offender to the custody*
14 *of the Division of Parole and Probation of the Department of*
15 *Public Safety to serve a term of residential confinement pursuant*
16 *to NRS 213.380 if the offender:*

17 (a) *Has been granted parole by the State Board of Parole*
18 *Commissioners pursuant to NRS 213.1099 or 213.1215;*

19 (b) *Does not have a consecutive sentence to serve;*

20 (c) *Is not under another jurisdiction's order to be detained;*
21 *and*

22 (d) *Is not yet eligible for release on parole.*

23 4. *If the Director intends to assign an offender to the custody*
24 *of the Division of Parole and Probation pursuant to this section,*
25 *the Director shall notify:*

26 (a) *The Division of Parole and Probation; and*

27 (b) *In accordance with the provisions of NRS 209.521, every*
28 *victim of the offender who has requested notification of the release*
29 *of the offender.*

30 5. *The Director shall not assign an offender to the custody of*
31 *the Division of Parole and Probation pursuant to this section until*
32 *the Division has approved the offender's proposed plan for*
33 *placement upon release in accordance with subsection 2 of*
34 *NRS 213.140.*

35 6. *Before an offender may be assigned to the custody of the*
36 *Division of Parole and Probation to serve a term of residential*
37 *confinement pursuant to this section, he or she must submit to the*
38 *Division a signed document stating that:*



1 (a) He or she will comply with the terms or conditions of the
2 residential confinement; and

3 (b) If he or she fails to comply with the terms or conditions of
4 the residential confinement and is taken into custody outside of
5 this State, he or she waives all rights relating to extradition
6 proceedings.

7 7. If an offender assigned to the custody of the Division of
8 Parole and Probation pursuant to this section escapes or violates
9 any of the terms or conditions of his or her residential
10 confinement or other appropriate supervision as determined by the
11 Division:

12 (a) The Division of Parole and Probation may, pursuant
13 to the procedure set forth in NRS 213.410, return the offender to
14 the custody of the Department. If the offender is returned to the
15 custody of the Department, the Division shall provide to the
16 Department a copy of the allegations and findings made pursuant
17 to NRS 213.410 within 1 business day after the return of the
18 offender to the custody of the Department.

19 (b) The offender forfeits all or part of the credits for good
20 behavior earned by the offender before the escape or violation, as
21 determined by the Director. The Director may provide for a
22 forfeiture of credits pursuant to this paragraph only after proof of
23 the offense and notice to the offender and may restore credits
24 forfeited for such reasons as the Director considers proper. The
25 decision of the Director regarding such a forfeiture is final.

26 8. The assignment of an offender to the custody of the
27 Division of Parole and Probation pursuant to this section shall be
28 deemed:

29 (a) A continuation of the offender's imprisonment and not a
30 release on parole; and

31 (b) For the purposes of NRS 209.341, an assignment to a
32 facility of the Department,

33 ↪ except that the offender is not entitled to obtain any benefits or
34 to participate in any programs provided to offenders in the custody
35 of the Department.

36 9. An offender does not have a right to be assigned to the
37 custody of the Division of Parole and Probation pursuant to this
38 section, or to remain in that custody after such an assignment, and
39 it is not intended that the provisions of this section or of NRS
40 213.371 to 213.410, inclusive, create any right or interest in liberty
41 or property or establish a basis for any cause of action against the
42 State, its political subdivisions, agencies, boards, commissions,
43 departments, officers or employees.



1 ***10. The Division of Parole and Probation may receive and***
2 ***distribute restitution paid by an offender assigned to the custody of***
3 ***the Division pursuant to this section.***

4 **Sec. 2.** NRS 209.241 is hereby amended to read as follows:

5 209.241 1. The Director may accept money, including the net
6 amount of any wages earned during the incarceration of an offender
7 after any deductions made by the Director and valuables belonging
8 to an offender at the time of his or her incarceration or afterward
9 received by gift, inheritance or the like or earned during the
10 incarceration of an offender, and shall deposit the money in the
11 Prisoners' Personal Property Fund, which is hereby created as a trust
12 fund.

13 2. An offender shall deposit all money that the offender
14 receives into his or her individual account in the Prisoners' Personal
15 Property Fund.

16 3. The Director:

17 (a) Shall keep, or cause to be kept, a full and accurate account of
18 the money and valuables, and shall submit reports to the Board
19 relating to the money and valuables as may be required from time to
20 time.

21 (b) May permit withdrawals for immediate expenditure by an
22 offender for personal needs.

23 (c) May permit the distribution of money to a governmental
24 entity for any applicable deduction authorized pursuant to NRS
25 209.247 or any other deduction authorized by law from any money
26 deposited in the individual account of an offender from any source
27 other than the offender's wages.

28 (d) Shall pay over to each offender upon his or her release any
29 remaining balance in his or her individual account.

30 4. The interest and income earned on the money in the
31 Prisoners' Personal Property Fund, after deducting any applicable
32 bank charges, must be credited each calendar quarter as follows:

33 (a) If an offender's share of the cost of administering the
34 Prisoners' Personal Property Fund for the quarter is less than the
35 amount of interest and income earned by the offender, the Director
36 shall credit the individual account of the offender with an amount
37 equal to the difference between the amount of interest and income
38 earned by the offender and the offender's share of the cost of
39 administering the Prisoners' Personal Property Fund.

40 (b) If an offender's share of the cost of administering the
41 Prisoners' Personal Property Fund for the quarter is equal to or
42 greater than the amount of interest and income earned by the
43 offender, the Director shall credit the interest and income to the
44 Offenders' Store Fund.



1 5. An offender who does not deposit all money that the
2 offender receives into his or her individual account in the Prisoners'
3 Personal Property Fund as required in this section is guilty of a
4 gross misdemeanor.

5 6. A person who aids or encourages an offender not to deposit
6 all money the offender receives into the individual account of the
7 offender in the Prisoners' Personal Property Fund as required in this
8 section is guilty of a gross misdemeanor.

9 7. The Director may exempt an offender from the provisions of
10 this section if the offender is:

11 (a) Confined in an institution outside this State pursuant to
12 chapter 215A of NRS; or

13 (b) Assigned to the custody of the Division of Parole and
14 Probation of the Department of Public Safety to:

15 (1) Serve a term of residential confinement pursuant to NRS
16 209.392, 209.3925 or 209.429 ~~§~~ *or section 1 of this act*; or

17 (2) Participate in a correctional program for reentry into the
18 community pursuant to NRS 209.4887.

19 **Sec. 3.** NRS 209.392 is hereby amended to read as follows:

20 209.392 1. Except as otherwise provided in NRS 209.3925
21 and 209.429 ~~§~~ *and section 1 of this act*, the Director may, at the
22 request of an offender who is eligible for residential confinement
23 pursuant to the standards adopted by the Director pursuant to
24 subsection 3 and who has:

25 (a) Demonstrated a willingness and ability to establish a position
26 of employment in the community;

27 (b) Demonstrated a willingness and ability to enroll in a
28 program for education or rehabilitation; or

29 (c) Demonstrated an ability to pay for all or part of the costs of
30 the offender's confinement and to meet any existing obligation for
31 restitution to any victim of his or her crime,

32 ➔ assign the offender to the custody of the Division of Parole and
33 Probation of the Department of Public Safety to serve a term of
34 residential confinement, pursuant to NRS 213.380, for not longer
35 than the remainder of his or her sentence.

36 2. Upon receiving a request to serve a term of residential
37 confinement from an eligible offender, the Director shall notify the
38 Division of Parole and Probation. Except as otherwise provided in
39 NRS 213.10915, if any victim of a crime committed by the offender
40 has, pursuant to subsection 4 of NRS 213.131, requested to be
41 notified of the consideration of a prisoner for parole and has
42 provided a current address, the Division of Parole and Probation
43 shall notify the victim of the offender's request and advise the
44 victim that the victim may submit documents regarding the request
45 to the Division of Parole and Probation. If a current address has not



1 been provided as required by subsection 4 of NRS 213.131, the
2 Division of Parole and Probation must not be held responsible if
3 such notification is not received by the victim. All personal
4 information, including, but not limited to, a current or former
5 address, which pertains to a victim and which is received by the
6 Division of Parole and Probation pursuant to this subsection is
7 confidential.

8 3. The Director, after consulting with the Division of Parole
9 and Probation, shall adopt, by regulation, standards providing which
10 offenders are eligible for residential confinement. The standards
11 adopted by the Director must provide that an offender who:

12 (a) Has recently committed a serious infraction of the rules of an
13 institution or facility of the Department;

14 (b) Has not performed the duties assigned to the offender in a
15 faithful and orderly manner;

16 (c) Has been convicted of:

17 (1) Any crime that is punishable as a felony involving the use
18 or threatened use of force or violence against the victim within the
19 immediately preceding 3 years;

20 (2) A sexual offense that is punishable as a felony; or

21 (3) Except as otherwise provided in subsection 4, a category
22 A or B felony;

23 (d) Has more than one prior conviction for any felony in this
24 State or any offense in another state that would be a felony if
25 committed in this State, not including a violation of NRS 484C.110,
26 484C.120, 484C.130, 484C.430, 488.420, 488.425 or 488.427; or

27 (e) Has escaped or attempted to escape from any jail or
28 correctional institution for adults,

29 ➤ is not eligible for assignment to the custody of the Division of
30 Parole and Probation to serve a term of residential confinement
31 pursuant to this section.

32 4. The standards adopted by the Director pursuant to
33 subsection 3 must provide that an offender who has been convicted
34 of a category B felony is eligible for assignment to the custody of
35 the Division of Parole and Probation to serve a term of residential
36 confinement pursuant to this section if:

37 (a) The offender is not otherwise ineligible pursuant to
38 subsection 3 for an assignment to serve a term of residential
39 confinement; and

40 (b) The Director makes a written finding that such an
41 assignment of the offender is not likely to pose a threat to the safety
42 of the public.

43 5. If an offender assigned to the custody of the Division of
44 Parole and Probation pursuant to this section escapes or violates any
45 of the terms or conditions of the offender's residential confinement:



1 (a) The Division of Parole and Probation may, pursuant to the
2 procedure set forth in NRS 213.410, return the offender to the
3 custody of the Department.

4 (b) The offender forfeits all or part of the credits for good
5 behavior earned by the offender before the escape or violation, as
6 determined by the Director. The Director may provide for a
7 forfeiture of credits pursuant to this paragraph only after proof of the
8 offense and notice to the offender and may restore credits forfeited
9 for such reasons as the Director considers proper. The decision of
10 the Director regarding such a forfeiture is final.

11 6. The assignment of an offender to the custody of the Division
12 of Parole and Probation pursuant to this section shall be deemed:

13 (a) A continuation of the offender's imprisonment and not a
14 release on parole; and

15 (b) For the purposes of NRS 209.341, an assignment to a facility
16 of the Department,

17 ↪ except that the offender is not entitled to obtain any benefits or to
18 participate in any programs provided to offenders in the custody of
19 the Department.

20 7. An offender does not have a right to be assigned to the
21 custody of the Division of Parole and Probation pursuant to this
22 section, or to remain in that custody after such an assignment, and it
23 is not intended that the provisions of this section or of NRS 213.371
24 to 213.410, inclusive, create any right or interest in liberty or
25 property or establish a basis for any cause of action against the
26 State, its political subdivisions, agencies, boards, commissions,
27 departments, officers or employees.

28 8. The Division of Parole and Probation may receive and
29 distribute restitution paid by an offender assigned to the custody of
30 the Division of Parole and Probation pursuant to this section.

31 **Sec. 4.** NRS 211.140 is hereby amended to read as follows:

32 211.140 1. The sheriff of each county has charge and control
33 over all prisoners committed to his or her care in the respective
34 county jails, and the chiefs of police and town marshals in the
35 several cities and towns throughout this State have charge and
36 control over all prisoners committed to their respective city and
37 town jails and detention facilities.

38 2. A court shall not, at the request of any prisoner in a county,
39 city or town jail, issue an order which affects the conditions of
40 confinement of the prisoner unless, except as otherwise provided in
41 this subsection, the court provides the sheriff, chief of police or
42 town marshal having control over the prisoner with:

43 (a) Sufficient prior notice of the court's intention to enter the
44 order. Notice by the court is not necessary if the prisoner has filed
45 an action with the court challenging his or her conditions of



1 confinement and has served a copy of the action on the sheriff, chief
2 of police or town marshal.

3 (b) An opportunity to be heard on the issue.

4 ➔ As used in this subsection, “conditions of confinement” includes,
5 but is not limited to, a prisoner’s access to the law library, privileges
6 regarding visitation and the use of the telephone, the type of meals
7 provided to the prisoner and the provision of medical care in
8 situations which are not emergencies.

9 3. The sheriffs, chiefs of police and town marshals shall see
10 that the prisoners under their care are kept at labor for reasonable
11 amounts of time within the jail or detention facility, on public works
12 in the county, city or town, or as part of a program of release for
13 work established pursuant to NRS 211.120 or 211.171 to 211.200,
14 inclusive.

15 4. The sheriff, chief of police or town marshal shall arrange for
16 the administration of medical care required by prisoners while in his
17 or her custody. The county, city or town shall pay the cost of
18 appropriate medical:

19 (a) Treatment provided to a prisoner while in custody for
20 injuries incurred by a prisoner while the prisoner is in custody and
21 for injuries incurred during the prisoner’s arrest for commission of a
22 public offense if the prisoner is not convicted of that offense;

23 (b) Treatment provided to a prisoner while in custody for any
24 infectious, contagious or communicable disease which the prisoner
25 contracts while the prisoner is in custody; and

26 (c) Examinations required by law or by court order conducted
27 while the prisoner is in custody unless the order otherwise provides.

28 5. A prisoner shall pay the cost of medical treatment for:

29 (a) Injuries incurred by the prisoner during his or her
30 commission of a public offense or for injuries incurred during his or
31 her arrest for commission of a public offense if the prisoner is
32 convicted of that offense;

33 (b) ~~Injuries~~ *Except treatment provided pursuant to subsection*
34 *8, injuries* or illnesses which existed before the prisoner was taken
35 into custody;

36 (c) Self-inflicted injuries; and

37 (d) Except treatment provided pursuant to subsection 4 ~~H~~ *or 8,*
38 any other injury or illness incurred by the prisoner.

39 6. *Except as otherwise provided in subsection 8:*

40 (a) A medical facility furnishing treatment pursuant to
41 subsection 5 shall attempt to collect the cost of the treatment from
42 the prisoner or the prisoner’s insurance carrier.

43 (b) If the facility is unable to collect the cost and certifies to the
44 appropriate board of county commissioners that it is unable to



1 collect the cost of the medical treatment, the board of county
2 commissioners shall pay the cost of the medical treatment.

3 **7. *Except as otherwise provided in subsection 8:***

4 **(a)** A sheriff, chief of police or town marshal who arranges for
5 the administration of medical care pursuant to this section may
6 attempt to collect from the prisoner or the insurance carrier of the
7 prisoner the cost of arranging for the administration of medical care
8 including the cost of any transportation of the prisoner for the
9 purpose of medical care.

10 **(b)** The prisoner shall obey the requests of, and fully cooperate
11 with the sheriff, chief of police or town marshal in collecting the
12 costs from the prisoner or the prisoner's insurance carrier.

13 **8. *In a county whose population is 700,000 or more, a sheriff,***
14 ***chief of police or town marshal shall arrange for, and the Division***
15 ***of Public and Behavioral Health of the Department of Health and***
16 ***Human Services shall provide, the psychiatric care or other***
17 ***mental health care required by a prisoner while in the custody of***
18 ***the sheriff, chief of police or town marshal. The Division shall***
19 ***bear the cost of that care.***

20 **Sec. 5.** NRS 213.10915 is hereby amended to read as follows:

21 213.10915 1. The Board, in consultation with the Division,
22 may enter into an agreement with the manager of an automated
23 victim notification system to notify victims of the information
24 described in NRS 209.392 and 209.3925 ***and section 1 of this act***
25 and subsections 4 and 7 of NRS 213.131 through the system if the
26 system is capable of:

27 (a) Automatically notifying by telephone or electronic means a
28 victim registered with the system of the information described in
29 NRS 209.392 and 209.3925 ***and section 1 of this act*** and
30 subsections 4 and 7 of NRS 213.131 with the timeliness required by
31 NRS 209.392 and 209.3925 ***and section 1 of this act*** and
32 subsections 4 and 7 of NRS 213.131; and

33 (b) Notifying victims registered with the system, using language
34 provided by the Board, if the Board decides that it will discontinue
35 the use of the system to notify victims of the information described
36 in NRS 209.392 and 209.3925 ***and section 1 of this act*** and
37 subsections 4 and 7 of NRS 213.131. The notice must:

38 (1) Be provided to each victim registered with the system not
39 less than 90 days before the date on which the Board will
40 discontinue use of the system; and

41 (2) Advise each victim to submit a written request for
42 notification pursuant to subsection 4 of NRS 213.131 if the victim
43 wishes to receive notice of the information described in NRS
44 209.392 and 209.3925 ***and section 1 of this act*** and subsections 4
45 and 7 of NRS 213.131.



1 2. The Division is not required to notify the victim of an
2 offender of the information described in NRS 209.392 and 209.3925
3 *and section 1 of this act* and the Board is not required to notify the
4 victim of a prisoner of the information described in subsections 4
5 and 7 of NRS 213.131 if:

6 (a) The Board has entered into an agreement pursuant to
7 subsection 1; and

8 (b) Before discontinuing the notification of victims pursuant to
9 NRS 209.392 and 209.3925 *and section 1 of this act* and
10 subsections 4 and 7 of NRS 213.131, the Board, not less than two
11 times and not less than 60 days apart, has notified each victim who
12 has requested notification pursuant to subsection 4 of NRS 213.131
13 and who has provided his or her current address or whose current
14 address is otherwise known by the Board of the change in the
15 manner in which a victim is notified of the information described in
16 NRS 209.392 and 209.3925 *and section 1 of this act* and
17 subsections 4 and 7 of NRS 213.131. The notice must:

18 (1) Advise the victim that the Division will no longer notify
19 the victim of the information described in NRS 209.392 and
20 209.3925 *and section 1 of this act*, that the Board will no longer
21 notify the victim of the information described in subsections 4 and 7
22 of NRS 213.131, and that the victim may register with the
23 automated victim notification system if he or she wishes to be
24 notified of the information described in NRS 209.392 and 209.3925
25 *and section 1 of this act* and subsections 4 and 7 of NRS 213.131;
26 and

27 (2) Include instructions for registering with the automated
28 victim notification system to receive notice of the information
29 described in NRS 209.392 and 209.3925 *and section 1 of this act*
30 and subsections 4 and 7 of NRS 213.131.

31 3. For the purposes of this section, “victim” has the meaning
32 ascribed to it in NRS 213.005.

33 **Sec. 6.** NRS 213.371 is hereby amended to read as follows:

34 213.371 As used in NRS 213.371 to 213.410, inclusive, unless
35 the context otherwise requires:

36 1. “Division” means the Division of Parole and Probation of
37 the Department of Public Safety.

38 2. “Offender” means a prisoner assigned to the custody of the
39 Division pursuant to NRS 209.392, 209.3925 or 209.429 *or*
40 *section 1 of this act.*

41 3. “Residential confinement” means the confinement of an
42 offender to his or her place of residence under the terms and
43 conditions established by the Division.



1 **Sec. 7.** NRS 213.380 is hereby amended to read as follows:

2 213.380 1. The Division shall establish procedures for the
3 residential confinement of offenders.

4 2. The Division may establish, and at any time modify, the
5 terms and conditions of the residential confinement, except that the
6 Division shall:

7 (a) Require the offender to participate in regular sessions of
8 education, counseling and any other necessary or desirable treatment
9 in the community, unless the offender is assigned to the custody of
10 the Division pursuant to NRS 209.3925 ~~H~~ *or section 1 of this act;*

11 (b) Require the offender to be confined to his or her residence
12 during the time the offender is not:

13 (1) Engaged in employment or an activity listed in paragraph
14 (a) that is authorized by the Division;

15 (2) Receiving medical treatment that is authorized by the
16 Division; or

17 (3) Engaged in any other activity that is authorized by the
18 Division; and

19 (c) Require intensive supervision of the offender, including
20 unannounced visits to his or her residence or other locations where
21 the offender is expected to be in order to determine whether the
22 offender is complying with the terms and conditions of his or her
23 confinement.

24 3. An electronic device approved by the Division may be used
25 to supervise an offender. The device may be capable of using the
26 Global Positioning System, but must be minimally intrusive and
27 limited in capability to recording or transmitting information
28 concerning the offender's location, including, but not limited to, the
29 transmission of still visual images which do not concern the
30 offender's activities, and producing, upon request, reports or records
31 of the offender's presence near or within a crime scene or prohibited
32 area or his or her departure from a specified geographic location. A
33 device which is capable of recording or transmitting:

34 (a) Oral or wire communications or any auditory sound; or

35 (b) Information concerning the offender's activities,

36 ↪ must not be used.

37 **Sec. 8.** NRS 178.5698 is hereby amended to read as follows:

38 178.5698 1. The prosecuting attorney, sheriff or chief of
39 police shall, upon the request of a victim or witness, inform the
40 victim or witness:

41 (a) When the defendant is released from custody at any time
42 before or during the trial, including, without limitation, when the
43 defendant is released pending trial or subject to electronic
44 supervision;



- 1 (b) If the defendant is so released, the amount of bail required, if
2 any; and
- 3 (c) Of the final disposition of the criminal case in which the
4 victim or witness was directly involved.
- 5 2. A request for information pursuant to subsection 1 must be
6 made:
- 7 (a) In writing; or
- 8 (b) By telephone through an automated or computerized system
9 of notification, if such a system is available.
- 10 3. If an offender is convicted of a sexual offense or an offense
11 involving the use or threatened use of force or violence against the
12 victim, the court shall provide:
- 13 (a) To each witness, documentation that includes:
- 14 (1) A form advising the witness of the right to be notified
15 pursuant to subsection 5;
- 16 (2) The form that the witness must use to request notification
17 in writing; and
- 18 (3) The form or procedure that the witness must use to
19 provide a change of address after a request for notification has been
20 submitted.
- 21 (b) To each person listed in subsection 4, documentation that
22 includes:
- 23 (1) A form advising the person of the right to be notified
24 pursuant to subsection 5 or 6 and NRS 176.015, 176A.630,
25 178.4715, 209.392, 209.3925, 209.521, 213.010, 213.040, 213.095
26 and 213.131 *and section 1 of this act* or NRS 213.10915;
- 27 (2) The forms that the person must use to request
28 notification; and
- 29 (3) The forms or procedures that the person must use to
30 provide a change of address after a request for notification has been
31 submitted.
- 32 4. The following persons are entitled to receive documentation
33 pursuant to paragraph (b) of subsection 3:
- 34 (a) A person against whom the offense is committed.
- 35 (b) A person who is injured as a direct result of the commission
36 of the offense.
- 37 (c) If a person listed in paragraph (a) or (b) is under the age of
38 18 years, each parent or guardian who is not the offender.
- 39 (d) Each surviving spouse, parent and child of a person who is
40 killed as a direct result of the commission of the offense.
- 41 (e) A relative of a person listed in paragraphs (a) to (d),
42 inclusive, if the relative requests in writing to be provided with the
43 documentation.
- 44 5. Except as otherwise provided in subsection 6, if the offense
45 was a felony and the offender is imprisoned, the warden of the



1 prison shall, if the victim or witness so requests in writing and
2 provides a current address, notify the victim or witness at that
3 address when the offender is released from the prison.

4 6. If the offender was convicted of a violation of subsection 3
5 of NRS 200.366 or a violation of subsection 1, paragraph (a) of
6 subsection 2 or subparagraph (2) of paragraph (b) of subsection 2 of
7 NRS 200.508, the warden of the prison shall notify:

8 (a) The immediate family of the victim if the immediate family
9 provides their current address;

10 (b) Any member of the victim's family related within the third
11 degree of consanguinity, if the member of the victim's family so
12 requests in writing and provides a current address; and

13 (c) The victim, if the victim will be 18 years of age or older at
14 the time of the release and has provided a current address,
15 before the offender is released from prison.

16 7. The warden must not be held responsible for any injury
17 proximately caused by the failure to give any notice required
18 pursuant to this section if no address was provided to the warden or
19 if the address provided is inaccurate or not current.

20 8. As used in this section:

21 (a) "Immediate family" means any adult relative of the victim
22 living in the victim's household.

23 (b) "Sexual offense" means:

24 (1) Sexual assault pursuant to NRS 200.366;

25 (2) Statutory sexual seduction pursuant to NRS 200.368;

26 (3) Battery with intent to commit sexual assault pursuant to
27 NRS 200.400;

28 (4) An offense involving pornography and a minor pursuant
29 to NRS 200.710 to 200.730, inclusive;

30 (5) Incest pursuant to NRS 201.180;

31 (6) Open or gross lewdness pursuant to NRS 201.210;

32 (7) Indecent or obscene exposure pursuant to NRS 201.220;

33 (8) Lewdness with a child pursuant to NRS 201.230;

34 (9) Sexual penetration of a dead human body pursuant to
35 NRS 201.450;

36 (10) Sexual conduct between certain employees of a school
37 or volunteers at a school and a pupil pursuant to NRS 201.540;

38 (11) Sexual conduct between certain employees of a college
39 or university and a student pursuant to NRS 201.550;

40 (12) Luring a child or a person with mental illness pursuant
41 to NRS 201.560, if punished as a felony;

42 (13) An offense that, pursuant to a specific statute, is
43 determined to be sexually motivated; or

44 (14) An attempt to commit an offense listed in this
45 paragraph.



1 **Sec. 9.** NRS 239.010 is hereby amended to read as follows:
2 239.010 1. Except as otherwise provided in this section and
3 NRS 1.4683, 1.4687, 1A.110, 41.071, 49.095, 62D.420, 62D.440,
4 62E.516, 62E.620, 62H.025, 62H.030, 62H.170, 62H.220, 62H.320,
5 75A.100, 75A.150, 76.160, 78.152, 80.113, 81.850, 82.183, 86.246,
6 86.54615, 87.515, 87.5413, 87A.200, 87A.580, 87A.640, 88.3355,
7 88.5927, 88.6067, 88A.345, 88A.7345, 89.045, 89.251, 90.730,
8 91.160, 116.757, 116A.270, 116B.880, 118B.026, 119.260,
9 119.265, 119.267, 119.280, 119A.280, 119A.653, 119B.370,
10 119B.382, 120A.690, 125.130, 125B.140, 126.141, 126.161,
11 126.163, 126.730, 127.007, 127.057, 127.130, 127.140, 127.2817,
12 130.312, 130.712, 136.050, 159.044, 172.075, 172.245, 176.015,
13 176.0625, 176.09129, 176.156, 176A.630, 178.39801, 178.4715,
14 178.5691, 179.495, 179A.070, 179A.165, 179A.450, 179D.160,
15 200.3771, 200.3772, 200.5095, 200.604, 202.3662, 205.4651,
16 209.392, 209.3925, 209.419, 209.521, 211A.140, 213.010, 213.040,
17 213.095, 213.131, 217.105, 217.110, 217.464, 217.475, 218A.350,
18 218E.625, 218F.150, 218G.130, 218G.240, 218G.350, 228.270,
19 228.450, 228.495, 228.570, 231.069, 231.1473, 233.190, 237.300,
20 239.0105, 239.0113, 239B.030, 239B.040, 239B.050, 239C.140,
21 239C.210, 239C.230, 239C.250, 239C.270, 240.007, 241.020,
22 241.030, 241.039, 242.105, 244.264, 244.335, 250.087, 250.130,
23 250.140, 250.150, 268.095, 268.490, 268.910, 271A.105, 281.195,
24 281A.350, 281A.440, 281A.550, 284.4068, 286.110, 287.0438,
25 289.025, 289.080, 289.387, 289.830, 293.5002, 293.503, 293.558,
26 293B.135, 293D.510, 331.110, 332.061, 332.351, 333.333, 333.335,
27 338.070, 338.1379, 338.16925, 338.1725, 338.1727, 348.420,
28 349.597, 349.775, 353.205, 353A.049, 353A.085, 353A.100,
29 353C.240, 360.240, 360.247, 360.255, 360.755, 361.044, 361.610,
30 365.138, 366.160, 368A.180, 372A.080, 378.290, 378.300, 379.008,
31 385A.830, 385B.100, 387.626, 387.631, 388.1455, 388.259,
32 388.501, 388.503, 388.513, 388.750, 391.035, 392.029, 392.147,
33 392.264, 392.271, 392.850, 394.167, 394.1698, 394.447, 394.460,
34 394.465, 396.3295, 396.405, 396.525, 396.535, 398.403, 408.3885,
35 408.3886, 408.3888, 408.5484, 412.153, 416.070, 422.2749,
36 422.305, 422A.342, 422A.350, 425.400, 427A.1236, 427A.872,
37 432.205, 432B.175, 432B.280, 432B.290, 432B.407, 432B.430,
38 432B.560, 433.534, 433A.360, 439.840, 439B.420, 440.170,
39 441A.195, 441A.220, 441A.230, 442.330, 442.395, 445A.665,
40 445B.570, 449.209, 449.245, 449.720, 450.140, 453.164, 453.720,
41 453A.610, 453A.700, 458.055, 458.280, 459.050, 459.3866,
42 459.555, 459.7056, 459.846, 463.120, 463.15993, 463.240,
43 463.3403, 463.3407, 463.790, 467.1005, 480.365, 481.063, 482.170,
44 482.5536, 483.340, 483.363, 483.575, 483.659, 483.800, 484E.070,
45 485.316, 503.452, 522.040, 534A.031, 561.285, 571.160, 584.655,



1 587.877, 598.0964, 598.098, 598A.110, 599B.090, 603.070,
2 603A.210, 604A.710, 612.265, 616B.012, 616B.015, 616B.315,
3 616B.350, 618.341, 618.425, 622.310, 623.131, 623A.137, 624.110,
4 624.265, 624.327, 625.425, 625A.185, 628.418, 628B.230,
5 628B.760, 629.047, 629.069, 630.133, 630.30665, 630.336,
6 630A.555, 631.368, 632.121, 632.125, 632.405, 633.283, 633.301,
7 633.524, 634.055, 634.214, 634A.185, 635.158, 636.107, 637.085,
8 637B.288, 638.087, 638.089, 639.2485, 639.570, 640.075,
9 640A.220, 640B.730, 640C.400, 640C.745, 640C.760, 640D.190,
10 640E.340, 641.090, 641A.191, 641B.170, 641C.760, 642.524,
11 643.189, 644.446, 645.180, 645.625, 645A.050, 645A.082,
12 645B.060, 645B.092, 645C.220, 645C.225, 645D.130, 645D.135,
13 645E.300, 645E.375, 645G.510, 645H.320, 645H.330, 647.0945,
14 647.0947, 648.033, 648.197, 649.065, 649.067, 652.228, 654.110,
15 656.105, 661.115, 665.130, 665.133, 669.275, 669.285, 669A.310,
16 671.170, 673.430, 675.380, 676A.340, 676A.370, 677.243,
17 679B.122, 679B.152, 679B.159, 679B.190, 679B.285, 679B.690,
18 680A.270, 681A.440, 681B.260, 681B.410, 681B.540, 683A.0873,
19 685A.077, 686A.289, 686B.170, 686C.306, 687A.110, 687A.115,
20 687C.010, 688C.230, 688C.480, 688C.490, 692A.117, 692C.190,
21 692C.3536, 692C.3538, 692C.354, 692C.420, 693A.480, 693A.615,
22 696B.550, 703.196, 704B.320, 704B.325, 706.1725, 706A.230,
23 710.159, 711.600, *and section 1 of this act*, sections 35, 38 and 41
24 of chapter 478, Statutes of Nevada 2011 and section 2 of chapter
25 391, Statutes of Nevada 2013 and unless otherwise declared by law
26 to be confidential, all public books and public records of a
27 governmental entity must be open at all times during office hours to
28 inspection by any person, and may be fully copied or an abstract or
29 memorandum may be prepared from those public books and public
30 records. Any such copies, abstracts or memoranda may be used to
31 supply the general public with copies, abstracts or memoranda of the
32 records or may be used in any other way to the advantage of the
33 governmental entity or of the general public. This section does not
34 supersede or in any manner affect the federal laws governing
35 copyrights or enlarge, diminish or affect in any other manner the
36 rights of a person in any written book or record which is
37 copyrighted pursuant to federal law.

38 2. A governmental entity may not reject a book or record
39 which is copyrighted solely because it is copyrighted.

40 3. A governmental entity that has legal custody or control of a
41 public book or record shall not deny a request made pursuant to
42 subsection 1 to inspect or copy or receive a copy of a public book or
43 record on the basis that the requested public book or record contains
44 information that is confidential if the governmental entity can
45 redact, delete, conceal or separate the confidential information from



1 the information included in the public book or record that is not
2 otherwise confidential.

3 4. A person may request a copy of a public record in any
4 medium in which the public record is readily available. An officer,
5 employee or agent of a governmental entity who has legal custody
6 or control of a public record:

7 (a) Shall not refuse to provide a copy of that public record in a
8 readily available medium because the officer, employee or agent has
9 already prepared or would prefer to provide the copy in a different
10 medium.

11 (b) Except as otherwise provided in NRS 239.030, shall, upon
12 request, prepare the copy of the public record and shall not require
13 the person who has requested the copy to prepare the copy himself
14 or herself.

15 **Sec. 10.** This act becomes effective on July 1, 2017.

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* A B 4 2 1 *