

SENATE BILL NO. 4—JOINT RULES COMMITTEE

PREFILED JUNE 13, 2001

Referred to Committee of the Whole

SUMMARY—Makes various changes concerning department of prisons. (BDR 16-3)

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 the department of prisons; allowing the director to establish a system for offender management in each institution and facility of the department; allowing the director to continue to develop and implement a program of facility training for correctional staff in each institution and facility of the department; changing the name of the department; and providing other matters properly relating thereto.

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 thereto
2 the provisions set forth as sections 2 and 3 of this act.
3 **Sec. 2.** *The director may establish, with the approval of the board, a*
4 *system for offender management, to be implemented in each institution*
5 *and facility of the department, which consists of structured living*
6 *programs for offenders and the management of units by the staff, with*
7 *levels of custody, security and privileges and opportunities for offenders*
8 *based upon the assessed needs of the offenders as determined by their*
9 *initial and ongoing classification and evaluation.*
10 **Sec. 3.** *The director may continue to develop and implement, in each*
11 *institution and facility of the department, a program of facility training*
12 *for the correctional staff.*
13 **Sec. 4.** NRS 209.051 is hereby amended to read as follows:
14 209.051 “Department” means the department of ~~prisons.~~ *corrections.*
15 **Sec. 5.** NRS 209.061 is hereby amended to read as follows:
16 209.061 “Director” means the director of the department ~~of prisons.~~
17 **Sec. 6.** NRS 209.101 is hereby amended to read as follows:
18 209.101 1. The department of ~~prisons.~~ *corrections* is hereby
19 created.
20 2. The head of the department is the board of state prison
21 commissioners.



1 3. The governor is the president of the board. The secretary of state is
2 the secretary of the board.

3 4. Any two members of the board constitute a quorum for the
4 transaction of business.

5 5. The secretary shall keep full and correct records of all the
6 transactions and proceedings of the board.

7 **Sec. 7.** NRS 209.136 is hereby amended to read as follows:

8 209.136 The director of the department ~~of prisons~~ shall notify the
9 senate standing committee on finance and the assembly standing
10 committee on ways and means during a regular or special session of the
11 legislature and the interim finance committee when the legislature is not in
12 session of any:

13 1. Negotiations entered into by the department to resolve any potential
14 or existing litigation which could have a fiscal effect that exceeds the
15 amount budgeted for that purpose by the legislature; and

16 2. Plans regarding the location of any prison facility or institution.

17 **Sec. 8.** NRS 209.151 is hereby amended to read as follows:

18 209.151 1. The director shall appoint an assistant director for
19 industrial programs who:

20 (a) Is responsible to the director for the administration of all industrial,
21 vocational and agricultural programs for the employment of offenders,
22 except conservation camps and centers for the purpose of making
23 restitution; and

24 (b) Shall enforce all policies and regulations of the department relating
25 to industrial, vocational and agricultural programs.

26 2. In addition to the assistant director appointed pursuant to subsection
27 1, the director shall appoint such other assistant directors as are necessary.

28 3. The assistant directors are in the classified service of the state
29 except for purposes of retention.

30 4. During any absence of the director, he shall designate an assistant
31 director or a warden to act as director of the department without increase in
32 salary.

33 5. The assistant directors shall carry out such administrative duties as
34 may be assigned to them by the director and shall not engage in any other
35 gainful employment or occupation.

36 **Sec. 9.** NRS 209.153 is hereby amended to read as follows:

37 209.153 The assistant director for industrial programs appointed
38 pursuant to subsection 1 of NRS 209.151 is entitled to receive the same
39 retirement benefits as police officers and firemen employed by public
40 employers. For this purpose, the provisions of chapter 286 of NRS
41 governing the retirement benefits of police officers and firemen apply to
42 the assistant director ~~for industrial programs~~ *for industrial programs*.

43 **Sec. 10.** NRS 209.183 is hereby amended to read as follows:

44 209.183 In addition to his regular salary, each person employed by the
45 department of ~~prisons~~ *corrections* or the division of forestry of the state
46 department of conservation and natural resources at the Southern Nevada
47 Correctional Center, the Southern Desert Correctional Center, the Indian
48 Springs Conservation Camp, the correctional institution identified as the
49 Men's Prison No. 7 in chapter 656, Statutes of Nevada 1995, and chapter



1 478, Statutes of Nevada 1997, or the Jean Conservation Camp is entitled to
2 receive, as compensation for travel expenses, not more than \$7.50 for each
3 day he reports to work if his residence is more than 25 miles from the
4 respective facility. The total cost for compensation for travel expenses
5 authorized by this section must not exceed the amount specially
6 appropriated for this purpose.

7 **Sec. 11.** NRS 209.189 is hereby amended to read as follows:

8 209.189 1. The fund for prison industries is hereby created as an
9 enterprise fund to receive all revenues derived from programs for
10 vocational training and employment of offenders and the operation of the
11 prison farm and to receive all revenues raised by the department from
12 private employers for the leasing of space, facilities or equipment within
13 the institutions or facilities of the department. ~~for prisons.~~

14 2. Money in the fund must be maintained in separate budgetary
15 accounts, including at least one account for industrial programs and one for
16 the prison farm.

17 3. Subject to the approval of the state board of examiners, the director
18 may expend money deposited in this fund for the promotion and
19 development of these programs and the prison farm. The director shall
20 expend money deposited in this fund to pay the premiums required for
21 coverage of offenders under the modified program of industrial insurance
22 adopted pursuant to NRS 616B.028.

23 4. The interest and income earned on the money in the fund, after
24 deducting any applicable charges, must be credited to the fund.

25 5. If money owed to the department for the leasing of space, facilities
26 or equipment within the institutions or facilities of the department or for
27 the purchase of goods or services, which must be deposited into the fund
28 for prison industries pursuant to subsection 1, is not paid on or before the
29 date due, the department shall charge and collect, in addition to the money
30 due, interest on the money due at the rate of 1.5 percent per month or
31 fraction thereof from the date on which the money became due until the
32 date of payment.

33 **Sec. 12.** NRS 209.248 is hereby amended to read as follows:

34 209.248 1. The department ~~for prisons~~ shall establish in any insured
35 bank, credit union or savings and loan association doing business in this
36 state an account for disbursements to offenders. The balance in the account
37 must not exceed \$600,000. Money in the account may be expended only
38 for the payment of transactions involving offenders' trust funds.

39 2. Payments made from the account for disbursements to offenders
40 must be promptly reimbursed from money in the appropriate fund on
41 deposit with the state treasurer.

42 **Sec. 13.** NRS 209.274 is hereby amended to read as follows:

43 209.274 1. Except as otherwise provided in this section, when an
44 offender is required or requested to appear before a court in this state, the
45 department ~~for prisons~~ shall transport the offender to and from court on
46 the day scheduled for his appearance.

47 2. If notice is not provided within the time set forth in NRS 50.215, the
48 department shall transport the offender to court on the date scheduled for
49 his appearance if it is possible to transport the offender in the usual manner



1 for the transportation of offenders by the department. If it is not possible
2 for the department to transport the offender in the usual manner:

3 (a) The department shall make the offender available on the date
4 scheduled for his appearance to provide testimony by telephone or by
5 video, if so requested by the court.

6 (b) The department shall provide for special transportation of the
7 offender to and from the court, if the court so orders. If the court orders
8 special transportation, it shall order the county in which the court is located
9 to reimburse the department for any cost incurred for the special
10 transportation.

11 (c) The court may order the county sheriff to transport the offender to
12 and from the court at the expense of the county.

13 **Sec. 14.** NRS 209.382 is hereby amended to read as follows:

14 209.382 1. The state health officer shall periodically examine and
15 shall report to the board semiannually upon the following operations of the
16 department : ~~of prisons;~~

17 (a) The medical and dental services and places where they are provided,
18 based upon the standards for medical facilities as provided in chapter 449
19 of NRS.

20 (b) The nutritional adequacy of the diet of incarcerated offenders taking
21 into account the religious or medical dietary needs of an offender and the
22 adjustment of dietary allowances for age, sex and level of activity.

23 (c) The sanitation, healthfulness, cleanliness and safety of its various
24 institutions and facilities.

25 2. The board shall take appropriate action to remedy any deficiencies
26 reported ~~under~~ *pursuant to* subsection 1.

27 **Sec. 15.** NRS 209.429 is hereby amended to read as follows:

28 209.429 1. Except as otherwise provided in subsection 6, the director
29 shall assign an offender to the custody of the division of parole and
30 probation of the department of motor vehicles and public safety to serve a
31 term of residential confinement, pursuant to NRS 213.380, for not longer
32 than the remainder of the maximum term of his sentence if:

33 (a) The offender has:

34 (1) Established a position of employment in the community;

35 (2) Enrolled in a program for education or rehabilitation; or

36 (3) Demonstrated an ability to pay for all or part of the costs of his
37 confinement and to meet any existing obligation for restitution to any
38 victim of his crime;

39 (b) The offender has successfully completed the initial period of
40 treatment required under the program of treatment established pursuant to
41 NRS 209.425; and

42 (c) The director believes that the offender will be able to:

43 (1) Comply with the terms and conditions required under residential
44 confinement; and

45 (2) Complete successfully the remainder of the program of treatment
46 while under residential confinement.

47 If an offender assigned to the program of treatment pursuant to NRS
48 209.427, completes the initial phase of the program and thereafter refuses
49 to enter the remainder of the program of treatment pursuant to this section,



1 the offender forfeits all or part of the credits earned by him to reduce his
2 sentence pursuant to this chapter before this refusal, as determined by the
3 director. The director may provide for a forfeiture of credits pursuant to
4 this paragraph only after proof of the offense and notice to the offender,
5 and may restore credits forfeited for such reasons as he considers proper.
6 The decision of the director regarding such a forfeiture is final.

7 2. Before a person may be assigned to serve a term of residential
8 confinement pursuant to this section, he must submit to the division of
9 parole and probation a signed document stating that:

10 (a) He will comply with the terms or conditions of his residential
11 confinement; and

12 (b) If he fails to comply with the terms or conditions of his residential
13 confinement and is taken into custody outside of this state, he waives all
14 his rights relating to extradition proceedings.

15 3. If an offender assigned to the custody of the division of parole and
16 probation pursuant to this section escapes or violates any of the terms or
17 conditions of his residential confinement:

18 (a) The division of parole and probation may, pursuant to the procedure
19 set forth in NRS 213.410, return the offender to the custody of the
20 department. ~~{of prisons.}~~

21 (b) The offender forfeits all or part of the credits earned by him to
22 reduce his sentence pursuant to this chapter before the escape or violation,
23 as determined by the director. The director may provide for a forfeiture of
24 credits pursuant to this paragraph only after proof of the offense and notice
25 to the offender, and may restore credits forfeited for such reasons as he
26 considers proper. The decision of the director regarding forfeiture of
27 credits is final.

28 4. The assignment of an offender to the custody of the division of
29 parole and probation pursuant to this section shall be deemed:

30 (a) A continuation of his imprisonment and not a release on parole; and

31 (b) For the purposes of NRS 209.341, an assignment to a facility of the
32 department, ~~{of prisons.}~~

33 except that the offender is not entitled to obtain any benefits or to
34 participate in any programs provided to offenders in the custody of the
35 department. ~~{of prisons.}~~

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

43 6. The director shall not assign an offender who is serving a sentence
44 for committing a battery which constitutes domestic violence pursuant to
45 NRS 33.018 to the custody of the division of parole and probation to serve
46 a term of residential confinement unless the director makes a finding that
47 the offender is not likely to pose a threat to the victim of the battery.



1 **Sec. 16.** NRS 209.481 is hereby amended to read as follows:
2 209.481 1. The director shall not assign any prisoner to an institution
3 or facility of minimum security if the prisoner:
4 (a) Except as otherwise provided in NRS 484.3792 and 484.3795, is not
5 eligible for parole or release from prison within a reasonable period;
6 (b) Has recently committed a serious infraction of the rules of an
7 institution or facility of the department ; ~~of prisons;~~
8 (c) Has not performed the duties assigned to him in a faithful and
9 orderly manner;
10 (d) Has been convicted of a sexual offense;
11 (e) Has committed an act of serious violence during the previous year;
12 or
13 (f) Has attempted to escape or has escaped from an institution of the
14 department. ~~of prisons;~~
15 2. The director shall, by regulation, establish procedures for classifying
16 and selecting qualified prisoners.
17 **Sec. 17.** NRS 209.4813 is hereby amended to read as follows:
18 209.4813 1. The advisory board on industrial programs is hereby
19 created.
20 2. The advisory board consists of the director of the department , ~~of~~
21 ~~prisons;~~ the chief of the purchasing division of the department of
22 administration and eight members appointed by the interim finance
23 committee as follows:
24 (a) Two members of the senate.
25 (b) Two members of the assembly.
26 (c) Two persons who represent manufacturing in this state.
27 (d) One person who represents business in this state.
28 (e) One person who represents organized labor in this state.
29 3. The members of the advisory board shall select a chairman from
30 among their membership.
31 4. Each member of the advisory board appointed by the interim
32 finance committee must be appointed to a term of 2 years and may be
33 reappointed.
34 5. Except during a regular or special session of the legislature, each
35 legislator who is a member of the advisory board is entitled to receive the
36 compensation provided for a majority of the members of the legislature
37 during the first 60 days of the preceding regular session for each day or
38 portion of a day during which he attends a meeting of the advisory board or
39 is otherwise engaged in the work of the advisory board. Each
40 nonlegislative member appointed by the interim finance committee is
41 entitled to receive compensation for his service on the advisory board in
42 the same amount and manner as the legislative members whether or not the
43 legislature is in session. Each nonlegislative member of the advisory board
44 is entitled to receive the per diem allowance and travel expenses provided
45 for state officers and employees generally. Each legislator who is a
46 member of the advisory board is entitled to receive the per diem allowance
47 provided for state officers and employees generally and the travel expenses
48 provided pursuant to NRS 218.2207. All compensation, allowances and
49 travel expenses must be paid from the fund for prison industries.



1 **Sec. 18.** NRS 209.521 is hereby amended to read as follows:

2 209.521 1. If a victim of an offender provides his current address to
3 the director and makes a written request for notification of the offender's
4 release or escape, the director shall notify the victim if the offender:

5 (a) Will be released into the community for the purpose of employment,
6 training or education, or for any other purpose for which release is
7 authorized; or

8 (b) Has escaped from the custody of the department . ~~{of prisons.}~~

9 2. An offender must not be temporarily released into the community
10 for any purpose unless notification of the release has been given to every
11 victim of the offender who has requested notification and has provided his
12 current address.

13 3. The director may not be held responsible for any injury proximately
14 caused by his failure to give any notice required pursuant to subsection 1 or
15 2 if no address was provided to the director or the address provided is
16 inaccurate or not current.

17 4. All personal information, including, but not limited to, a current or
18 former address, which pertains to a victim and which is received by the
19 director pursuant to this section is confidential.

20 5. As used in this section, "victim" has the meaning ascribed to it in
21 NRS 213.005.

22 **Sec. 19.** NRS 211.040 is hereby amended to read as follows:

23 211.040 1. Payment of expenses and the method of transporting a
24 prisoner from a county jail to an institution or facility of the department of
25 ~~{prisons}~~ **corrections** must be as provided in chapter 209 of NRS. When a
26 prisoner is transferred from the county jail to such an institution or facility,
27 the sheriff shall provide the director of the department of ~~{prisons}~~
28 **corrections** with a written report pertaining to the medical, psychiatric,
29 behavioral or criminal aspects of the prisoner's history. This report may be
30 based upon observations of the prisoner while confined in the county jail
31 and must note in particular any medication or medical treatment
32 administered in the jail, including the type, dosage and frequency of
33 administration.

34 2. Except as provided in subsection 1, the sheriff, personally or by his
35 deputy, or by one or more of his jailers, shall transfer all prisoners within
36 his county to whatever place of imprisonment the sentence of the court
37 may require, at as early a date after the sentence as practicable. For that
38 purpose the board of county commissioners shall pay all necessary costs,
39 charges and expenses of the prisoner or prisoners, and of the officer or
40 officers having charge thereof, to which must be added mileage for each
41 officer, at the rate of 20 cents per mile, one way only.

42 3. The provisions of subsection 2 apply in cases where prisoners are
43 taken from county jails to be tried in any courts in other counties.

44 **Sec. 20.** NRS 212.030 is hereby amended to read as follows:

45 212.030 1. When any prisoner escapes from an institution or facility
46 of the department of ~~{prisons.}~~ **corrections**, the director of the department
47 may issue a warrant for the recapture of the escaped prisoner. The warrant
48 is effective in any county in this state, and may command the sheriff of any



1 county in this state, or any constable thereof, or any police officer of any
2 city in this state, to arrest the prisoner and return him to the director.

3 2. When any prisoner escapes from a jail, branch county jail or other
4 local detention facility, the sheriff, chief of police or other officer
5 responsible for the operation of the facility may issue a warrant for the
6 recapture of the escaped prisoner. The warrant is effective in any county in
7 this state, and may command the sheriff of any county in this state, or any
8 constable thereof, or any police officer of any city in this state, to arrest the
9 prisoner and return him to the officer who issued the warrant.

10 **Sec. 21.** NRS 212.040 is hereby amended to read as follows:

11 212.040 1. If an escape is not the result of carelessness,
12 incompetency or other official delinquency of the director or other officers
13 of the department of ~~prisons~~ **corrections**, all expenses of enforcing the
14 provisions of NRS 212.030 or appertaining to the recapture and return of
15 escaped convicts are a charge against the state, and must be paid out of the
16 reserve for statutory contingency account upon approval by the state board
17 of examiners.

18 2. Except as otherwise provided in NRS 211.060, all expenses of
19 enforcing the provisions of NRS 212.030 or appertaining to the recapture
20 and return of escaped convicts are a charge against the county, city or other
21 local government responsible for the operation of that facility.

22 **Sec. 22.** NRS 212.150 is hereby amended to read as follows:

23 212.150 1. A person shall not visit, or in any manner communicate
24 with, any prisoner convicted of or charged with any felony, imprisoned in
25 the county jail, other than the officer having such prisoner in charge, his
26 attorney, or the district attorney, unless the person has a written permission
27 so to do, signed by the district attorney, or has the consent of the director of
28 the department of ~~prisons~~ **corrections** or the constable or sheriff having
29 such prisoner in charge.

30 2. Any person violating, aiding in, conniving at, or participating in the
31 violation of this section is guilty of a gross misdemeanor.

32 **Sec. 23.** NRS 212.160 is hereby amended to read as follows:

33 212.160 1. A person, who is not authorized by law, who knowingly
34 furnishes, attempts to furnish, or aids or assists in furnishing or attempting
35 to furnish to a prisoner confined in an institution of the department of
36 ~~prisons~~ **corrections**, or any other place where prisoners are authorized to
37 be or are assigned by the director of the department, any deadly weapon,
38 explosive, a facsimile of a firearm or an explosive, any controlled
39 substance or intoxicating liquor, shall be punished:

40 (a) Where a deadly weapon, controlled substance, explosive or a
41 facsimile of a firearm or explosive is involved, for a category B felony by
42 imprisonment in the state prison for a minimum term of not less than 1 year
43 and a maximum term of not more than 6 years, and may be further
44 punished by a fine of not more than \$5,000.

45 (b) Where an intoxicant is involved, for a gross misdemeanor.

46 2. Knowingly leaving or causing to be left any deadly weapon,
47 explosive, facsimile of a firearm or explosive, controlled substance or
48 intoxicating liquor where it may be obtained by any prisoner constitutes,



1 within the meaning of this section, the furnishing of the article to the
2 prisoner.

3 3. A prisoner confined in an institution of the department of ~~prisons,~~
4 **corrections**, or any other place where prisoners are authorized to be or are
5 assigned by the director of the department, who possesses a controlled
6 substance without lawful authorization is guilty of a category D felony and
7 shall be punished as provided in NRS 193.130.

8 **Sec. 24.** NRS 212.180 is hereby amended to read as follows:

9 212.180 It is unlawful for any person, unless he was licensed to sell
10 alcoholic beverages at that address before July 1, 1983, to sell by wholesale
11 or retail any alcoholic beverage within one-half mile of any institution
12 under the jurisdiction of the department of ~~prisons,~~ **corrections** which is
13 designed to house 125 or more offenders within a secure perimeter, and no
14 license may be granted authorizing the sale of any alcoholic beverage
15 within one-half mile of such an institution.

16 **Sec. 25.** NRS 213.020 is hereby amended to read as follows:

17 213.020 1. Any person intending to apply to have a fine or forfeiture
18 remitted, or a punishment commuted, or a pardon granted, or someone in
19 his behalf, shall make out a notice and four copies in writing of the
20 application, specifying therein:

- 21 (a) The court in which the judgment was rendered;
22 (b) The amount of the fine or forfeiture, or kind or character of
23 punishment;
24 (c) The name of the person in whose favor the application is to be made;
25 (d) The particular grounds upon which the application will be based;
26 and
27 (e) The time when it will be presented.

28 2. Two of the copies must be served upon the district attorney and one
29 upon the district judge of the county wherein the conviction was had. The
30 fourth copy must be served upon the director of the department of ~~prisons,~~
31 **corrections** and the original must be filed with the clerk of the board. In
32 cases of fines and forfeitures a similar notice must also be served on the
33 chairman of the board of county commissioners of the county wherein the
34 conviction was had.

35 3. The notice must be served, as provided in this section, at least 30
36 days before the presentation of the application, unless a member of the
37 board, for good cause, prescribes a shorter time.

38 **Sec. 26.** NRS 213.100 is hereby amended to read as follows:

39 213.100 Whenever clemency is granted by the board, there shall be
40 served upon the director of the department of ~~prisons,~~ **corrections** or other
41 officer having the person in custody, an order to discharge him therefrom
42 upon a day to be named in the order, upon the conditions, limitations or
43 restrictions named therein.

44 **Sec. 27.** NRS 213.1088 is hereby amended to read as follows:

45 213.1088 1. The department of motor vehicles and public safety in
46 conjunction with the department of ~~prisons,~~ **corrections** shall establish a
47 program of orientation that:

- 48 (a) Each member of the board shall attend upon appointment to a first
49 term; and



1 (b) Each person named by the board to the list of persons eligible to
2 serve as a case hearing representative pursuant to NRS 213.135 shall attend
3 upon being named to the list. A person named to the list may not serve as a
4 case hearing representative until the person completes the program of
5 orientation.

6 2. The program of orientation must include a minimum of 40 hours of
7 training. The information presented during the program of orientation must
8 include, but is not limited to:

9 (a) A historical perspective of parole, including the objectives of and
10 reasons for using parole within the criminal justice system;

11 (b) The role and function of the board within the criminal justice
12 system;

13 (c) The responsibilities of members of the board and case hearing
14 representatives;

15 (d) The goals and objectives of the board;

16 (e) The programs administered by the board;

17 (f) The policies and procedures of the board; and

18 (g) The laws and regulations governing parole, including the standards
19 for granting, denying, revoking and continuing parole.

20 3. The chairman of the board shall develop a written plan for the
21 continuing education of members of the board and case hearing
22 representatives. The plan must require that:

23 (a) Each member of the board shall attend not less than 16 hours of
24 courses for continuing education during each year of the member's term.

25 (b) Each case hearing representative shall attend not less than 16 hours
26 of courses for continuing education during each year that the representative
27 is on the list of persons eligible to serve as a case hearing representative.

28 4. A member of the board or a case hearing representative may meet
29 the requirement for continuing education by successfully completing
30 courses in any combination of the following subjects:

31 (a) The role and function of the board within the criminal justice
32 system;

33 (b) Changes in the law, including judicial decisions affecting parole;

34 (c) Developing skills in communicating, making decisions and solving
35 problems;

36 (d) The interpretation and use of research, data and reports;

37 (e) Correctional policies and programs, including programs for the
38 treatment of prisoners and parolees;

39 (f) Alternative punishments for disobedience;

40 (g) The selection of prisoners for parole;

41 (h) The supervision of parolees;

42 (i) The designation of and programs for repeating or professional
43 offenders;

44 (j) Problems related to gangs;

45 (k) The abuse of alcohol and drugs;

46 (l) The acquired immune deficiency syndrome;

47 (m) Domestic violence; and

48 (n) Mental illness and mental retardation.



1 5. The board shall, within the limits of legislative appropriations, pay
2 the expenses of members of the board and case hearing representatives
3 attending courses for continuing education.

4 **Sec. 28.** NRS 213.1099 is hereby amended to read as follows:

5 213.1099 1. Except as otherwise provided in this section and NRS
6 213.1214 and 213.1215, the board may release on parole a prisoner who is
7 otherwise eligible for parole pursuant to NRS 213.107 to 213.157,
8 inclusive.

9 2. In determining whether to release a prisoner on parole, the board
10 shall consider:

11 (a) Whether there is a reasonable probability that the prisoner will live
12 and remain at liberty without violating the laws;

13 (b) Whether the release is incompatible with the welfare of society;

14 (c) The seriousness of the offense and the history of criminal conduct of
15 the prisoner;

16 (d) The standards adopted pursuant to NRS 213.10885 and the
17 recommendation, if any, of the chief; and

18 (e) Any documents or testimony submitted by a victim notified pursuant
19 to NRS 213.130.

20 3. When a person is convicted of a felony and is punished by a
21 sentence of imprisonment, he remains subject to the jurisdiction of the
22 board from the time he is released on parole under the provisions of this
23 chapter until the expiration of the maximum term of imprisonment imposed
24 by the court less any credits earned to reduce his sentence pursuant to
25 chapter 209 of NRS.

26 4. Except as otherwise provided in NRS 213.1215, the board may not
27 release on parole a prisoner whose sentence to death or to life without
28 possibility of parole has been commuted to a lesser penalty unless it finds
29 that the prisoner has served at least 20 consecutive years in the state prison,
30 is not under an order to be detained to answer for a crime or violation of
31 parole or probation in another jurisdiction, and that he does not have a
32 history of:

33 (a) Recent misconduct in the institution, and that he has been
34 recommended for parole by the director of the department of ~~prisons;~~
35 *corrections;*

36 (b) Repetitive criminal conduct;

37 (c) Criminal conduct related to the use of alcohol or drugs;

38 (d) Repetitive sexual deviance, violence or aggression; or

39 (e) Failure in parole, probation, work release or similar programs.

40 5. In determining whether to release a prisoner on parole pursuant to
41 this section, the board shall not consider whether the prisoner will soon be
42 eligible for release pursuant to NRS 213.1215.

43 6. The board shall not release on parole an offender convicted of an
44 offense listed in NRS 179D.410 until the law enforcement agency in whose
45 jurisdiction the offender will be released on parole has been provided an
46 opportunity to give the notice required by the attorney general pursuant to
47 NRS 179D.600 to 179D.800, inclusive.



1 **Sec. 29.** NRS 213.115 is hereby amended to read as follows:
2 213.115 Notwithstanding the provisions of any other law, any prisoner
3 may be released conditionally on parole at the request of the appropriate
4 authority of another jurisdiction for prosecution for any crime of a
5 magnitude equal to or greater than that for which he was imprisoned, as
6 determined by the severity of the sentences for the two crimes. If after such
7 conditional parole and prosecution by another jurisdiction the prisoner is
8 found not guilty of the crime as charged he must, pursuant to the board's
9 written order, be returned to the actual custody of the department of
10 ~~prisons~~ **corrections** and shall serve such part of the unexpired term of his
11 original sentence as may be determined by the board.

12 **Sec. 30.** NRS 213.1214 is hereby amended to read as follows:
13 213.1214 1. The board shall not release on parole a prisoner
14 convicted of an offense listed in subsection 5 unless a panel consisting of:

15 (a) The administrator of the division of mental health and
16 developmental services of the department of human resources or his
17 designee;

18 (b) The director of the department of ~~prisons~~ **corrections** or his
19 designee; and

20 (c) A psychologist licensed to practice in this state or a psychiatrist
21 licensed to practice medicine in this state,
22 certifies that the prisoner was under observation while confined in an
23 institution of the department of ~~prisons~~ **corrections** and is not a menace to
24 the health, safety or morals of others.

25 2. A prisoner who has been certified pursuant to subsection 1 and who
26 returns for any reason to the custody of the department of ~~prisons~~
27 **corrections** may not be paroled unless a panel recertifies him in the manner
28 set forth in subsection 1.

29 3. The panel may revoke the certification of a prisoner certified
30 pursuant to subsection 1 at any time.

31 4. This section does not create a right in any prisoner to be certified or
32 continue to be certified. No prisoner may bring a cause of action against
33 the state, its political subdivisions, agencies, boards, commissions,
34 departments, officers or employees for not certifying or refusing to place a
35 prisoner before a panel for certification pursuant to this section.

36 5. The provisions of this section apply to a prisoner convicted of any
37 of the following offenses:

38 (a) Sexual assault pursuant to NRS 200.366.

39 (b) Statutory sexual seduction pursuant to NRS 200.368.

40 (c) Battery with intent to commit sexual assault pursuant to NRS
41 200.400.

42 (d) Abuse or neglect of a child pursuant to NRS 200.508.

43 (e) An offense involving pornography and a minor pursuant to NRS
44 200.710 to 200.730, inclusive.

45 (f) Incest pursuant to NRS 201.180.

46 (g) Solicitation of a minor to engage in acts constituting the infamous
47 crime against nature pursuant to NRS 201.195.

48 (h) Open or gross lewdness pursuant to NRS 201.210.

49 (i) Indecent or obscene exposure pursuant to NRS 201.220.



- 1 (j) Lewdness with a child pursuant to NRS 201.230.
2 (k) Sexual penetration of a dead human body pursuant to NRS 201.450.
3 (l) An attempt to commit an offense listed in paragraphs (a) to ~~(j)~~ (k),
4 inclusive.
5 (m) Coercion or attempted coercion that is determined to be sexually
6 motivated pursuant to NRS 207.193.
7 **Sec. 31.** NRS 213.130 is hereby amended to read as follows:
8 213.130 1. The department of ~~prisons~~ **corrections** shall:
9 (a) Determine when a prisoner sentenced to imprisonment in the state
10 prison is eligible to be considered for parole;
11 (b) Notify the state board of parole commissioners of the eligibility of
12 the prisoner to be considered for parole; and
13 (c) Before a meeting to consider the prisoner for parole, compile and
14 provide to the board data that will assist the board in determining whether
15 parole should be granted.
16 2. If a prisoner is being considered for parole from a sentence imposed
17 for conviction of a crime which involved the use of force or violence
18 against a victim and which resulted in bodily harm to a victim and if
19 original or duplicate photographs that depict the injuries of the victim or
20 the scene of the crime were admitted at the trial of the prisoner or were part
21 of the report of the presentence investigation and are reasonably available,
22 a representative sample of such photographs must be included with the
23 information submitted to the board at the meeting. A prisoner may not
24 bring a cause of action against the State of Nevada, its political
25 subdivisions, agencies, boards, commissions, departments, officers or
26 employees for any action that is taken pursuant to this subsection or for
27 failing to take any action pursuant to this subsection, including, without
28 limitation, failing to include photographs or including only certain
29 photographs. As used in this subsection, "photograph" includes any video,
30 digital or other photographic image.
31 3. Meetings to consider prisoners for parole may be held semiannually
32 or more often, on such dates as may be fixed by the board. All meetings
33 must be open to the public.
34 4. Not later than 5 days after the date on which the board fixes the date
35 of the meeting to consider a prisoner for parole, the board shall notify the
36 victim of the prisoner who is being considered for parole of the date of the
37 meeting and of his rights pursuant to this subsection, if the victim has
38 requested notification in writing and has provided his current address or if
39 the victim's current address is otherwise known by the board. The victim
40 of a prisoner being considered for parole may submit documents to the
41 board and may testify at the meeting held to consider the prisoner for
42 parole. A prisoner must not be considered for parole until the board has
43 notified any victim of his rights pursuant to this subsection and he is given
44 the opportunity to exercise those rights. If a current address is not provided
45 to or otherwise known by the board, the board must not be held responsible
46 if such notification is not received by the victim.
47 5. The board may deliberate in private after a public meeting held to
48 consider a prisoner for parole.



1 6. The board of state prison commissioners shall provide suitable and
2 convenient rooms or space for use of the board.

3 7. If a victim is notified of a meeting to consider a prisoner for parole
4 pursuant to subsection 4, the board shall, upon making a final decision
5 concerning the parole of the prisoner, notify the victim of its final decision.

6 8. All personal information, including, but not limited to, a current or
7 former address, which pertains to a victim and which is received by the
8 board pursuant to this section is confidential.

9 9. For the purposes of this section, "victim" has the meaning ascribed
10 to it in NRS 213.005.

11 **Sec. 32.** NRS 213.1511 is hereby amended to read as follows:

12 213.1511 1. Before a parolee who has been arrested and is in custody
13 for a violation of his parole may be returned to the custody of the
14 department of ~~prisons~~ *corrections* for that violation, an inquiry must be
15 conducted to determine whether there is probable cause to believe that he
16 has committed acts that would constitute such a violation.

17 2. The inquiry must be conducted before an inquiring officer who:

- 18 (a) Is not directly involved in the case;
19 (b) Has not made the report of the violation; and
20 (c) Has not recommended revocation of the parole,
21 but he need not be a judicial officer.

22 3. Except in a case where the parolee is a fugitive, the inquiry must be
23 held at or reasonably near the place of the alleged violation or the arrest
24 and within 15 working days after the arrest.

25 4. Any conviction for violating a federal or state law or a local
26 ordinance, except a minor traffic offense, which is committed while the
27 prisoner is on parole constitutes probable cause for the purposes of
28 subsection 1 and the inquiry required therein need not be held.

29 5. For the purposes of this section, the inquiring officer may
30 administer oaths.

31 **Sec. 33.** NRS 213.1517 is hereby amended to read as follows:

32 213.1517 1. Where the inquiring officer has determined that there is
33 probable cause for a hearing by the board, the chief may, after
34 consideration of the case and pending the next meeting of the board:

- 35 (a) Release the arrested parolee again upon parole;
36 (b) Order the parolee to be placed in residential confinement in
37 accordance with the provisions of NRS 213.15193, 213.15195 and
38 213.15198; or
39 (c) Suspend his parole and return him to confinement.

40 2. The chief shall take whichever action under subsection 1 he deems
41 appropriate within:

- 42 (a) Fifteen days if the prisoner was paroled by the board.
43 (b) Thirty days if the prisoner was paroled by the authority of another
44 state and is under supervision in this state pursuant to NRS 213.180 to
45 213.210, inclusive. This paragraph does not apply to a parolee who is
46 retaken by an officer of the sending state.

47 3. If a determination has been made that probable cause exists for the
48 continued detention of a paroled prisoner, the board shall consider the
49 prisoner's case within 60 days after his return to the custody of the



1 department of ~~prisons~~ **corrections** or his placement in residential
2 confinement pursuant to subsection 1.

3 **Sec. 34.** NRS 213.1518 is hereby amended to read as follows:

4 213.1518 1. If a parolee violates a condition of his parole, he forfeits
5 all or part of the credits earned by him pursuant to NRS 209.447 after his
6 release on parole, in the discretion of the board.

7 2. A forfeiture may be made only by the board after proof of the
8 violation and notice to the parolee.

9 3. The board may restore credits forfeited for such reasons as it
10 considers proper.

11 4. The chief parole and probation officer shall report to the director of
12 the department of ~~prisons~~ **corrections** any forfeiture or restoration of
13 credits pursuant to this section.

14 **Sec. 35.** NRS 213.300 is hereby amended to read as follows:

15 213.300 1. The department of ~~prisons~~ **corrections** shall establish
16 and administer a program of work release under which a person sentenced
17 to a term of imprisonment in an institution of the department may be
18 granted the privilege of leaving secure custody during necessary and
19 reasonable hours to:

20 (a) Work in this state at gainful private employment that has been
21 approved by the director of the department for that purpose.

22 (b) Obtain in this state additional education, including vocational,
23 technical and general education.

24 2. The program may also include temporary leave for the purpose of
25 seeking employment in this state.

26 3. The director is responsible for the quartering and supervision of
27 offenders enrolled in the program.

28 **Sec. 36.** NRS 213.310 is hereby amended to read as follows:

29 213.310 1. The director of the department of ~~prisons~~ **corrections**
30 shall, by appropriate means of classification and selection, determine
31 which of the offenders, during the last 6 months' confinement, are suitable
32 for the program of work release, excluding those sentenced to life
33 imprisonment who are not eligible for parole and those imprisoned for
34 violations of chapter 201 of NRS who have not been certified by the
35 designated board as eligible for parole.

36 2. The director shall then select the names of those offenders he
37 determines to be eligible for the program.

38 **Sec. 37.** NRS 213.315 is hereby amended to read as follows:

39 213.315 1. Except as otherwise provided in this section, an offender
40 who is illiterate is not eligible to participate in a program of work release
41 unless:

42 (a) He is regularly attending and making satisfactory progress in a
43 program for general education; or

44 (b) The director for good cause determines that the limitation on
45 eligibility should be waived under the circumstances with respect to a
46 particular offender.

47 2. An offender whose:

48 (a) Native language is not English;



1 (b) Ability to read and write in his native language is at or above the
2 level of literacy designated by the board of state prison commissioners in
3 its regulations; and

4 (c) Ability to read and write the English language is below the level of
5 literacy designated by the board of state prison commissioners in its
6 regulations,

7 may not be assigned to an industrial or a vocational program unless he is
8 regularly attending and making satisfactory progress in a course which
9 teaches English as a second language or the director for good cause
10 determines that the limitation on eligibility should be waived under the
11 circumstances with respect to a particular offender.

12 3. Upon written documentation that an illiterate offender has a
13 developmental, learning or other similar disability which affects his ability
14 to learn, the director of the department of ~~prisons~~ **corrections** may:

15 (a) Adapt or create an educational program or guidelines for evaluating
16 the educational progress of the offender to meet his particular needs; or

17 (b) Exempt the offender from the required participation in an
18 educational program prescribed by this section.

19 4. The provisions of this section do not apply to an offender who:

20 (a) Presents satisfactory evidence that he has a high school or general
21 equivalency diploma; or

22 (b) Is admitted into a program of work release for the purpose of
23 obtaining additional education in this state.

24 5. As used in this section, "illiterate" means having an ability to read
25 and write that is below the level of literacy designated by the board of state
26 prison commissioners in its regulations.

27 **Sec. 38.** NRS 213.320 is hereby amended to read as follows:

28 213.320 1. The director of the department of ~~prisons~~ **corrections**
29 shall administer the program of work release and shall:

30 (a) Locate employment for qualified applicants;

31 (b) Effect placement of offenders under the program; and

32 (c) Generally promote public understanding and acceptance of the
33 program.

34 2. All state agencies shall cooperate with the director in carrying out
35 this section to such extent as is consistent with their other lawful duties.

36 3. The director shall adopt rules for administering the program.

37 **Sec. 39.** NRS 213.340 is hereby amended to read as follows:

38 213.340 1. The director of the department of ~~prisons~~ **corrections**
39 may contract with the governing bodies of political subdivisions in this
40 state for quartering in suitable local facilities the offenders enrolled in
41 programs of work release. Each such facility must satisfy standards
42 established by the director to assure secure custody of offenders quartered
43 therein.

44 2. The director shall not enroll any offender in the program of work
45 release unless he has determined that suitable facilities for quartering the
46 offender are available in the locality where the offender has employment or
47 the offer of employment.



1 **Sec. 40.** NRS 213.350 is hereby amended to read as follows:
2 213.350 1. An offender enrolled in the program of work release is
3 not an agent, employee or servant of the department of ~~prisons~~
4 ~~corrections~~ while he is:

5 (a) Working in the program or seeking such employment; or
6 (b) Going to such employment from the place where he is quartered or
7 returning therefrom.

8 2. An offender enrolled in the program is considered to be an offender
9 in an institution of the department of ~~prisons~~ ~~corrections~~.

10 **Sec. 41.** NRS 213.360 is hereby amended to read as follows:
11 213.360 1. The director of the department of ~~prisons~~ ~~corrections~~
12 may immediately terminate any offender's enrollment in the program of
13 work release and transfer him to an institution of the department of
14 ~~prisons~~ ~~corrections~~ if, in his judgment, the best interests of the state or
15 the offender require such action.

16 2. If an offender enrolled in the program is absent from his place of
17 employment or his designated quarters without a reason acceptable to the
18 director, the offender's absence:

19 (a) Immediately terminates his enrollment in the program.
20 (b) Constitutes an escape from prison, and the offender shall be
21 punished as provided in NRS 212.090.

22 **Sec. 42.** NRS 213.390 is hereby amended to read as follows:
23 213.390 The chief parole and probation officer shall:

24 1. Furnish to an offender a written statement of the terms and
25 conditions of his residential confinement;

26 2. Instruct the offender regarding those terms and conditions; and

27 3. Advise the director of the department of ~~prisons~~ ~~corrections~~ of any
28 violation of those terms and conditions and of the escape of the offender.

29 **Sec. 43.** NRS 213.410 is hereby amended to read as follows:

30 213.410 1. Whenever it is alleged that an offender has escaped or
31 otherwise violated the terms or conditions of his residential confinement,
32 the division shall conduct an inquiry to determine whether the offender has
33 committed acts that would constitute such an escape or violation.

34 2. An offender may be returned to the custody of the department of
35 ~~prisons~~ ~~corrections~~ pending the completion of the inquiry conducted by
36 the division pursuant to the provisions of this section.

37 3. The inquiry must be conducted before an inquiring officer who:

38 (a) Is not directly involved in the case;

39 (b) Has not made the report of the escape or violation; and

40 (c) Has not recommended the return of the offender to the custody of
41 the department of ~~prisons~~ ~~corrections~~.

42 4. The inquiring officer shall:

43 (a) Provide the offender with notice of the inquiry and of the acts
44 alleged to constitute his escape or violation of a term or condition of his
45 residential confinement, and with an opportunity to be heard on the matter.

46 (b) Upon completion of the inquiry, submit to the chief parole and
47 probation officer his findings and recommendation regarding the
48 disposition of the custody of the offender.



1 5. After considering the findings and recommendation of the inquiring
2 officer, the chief parole and probation officer shall determine the
3 disposition of the custody of the offender. The decision of the chief parole
4 and probation officer is final.

5 6. Before a final determination is made to return an offender to the
6 custody of the department of ~~prisons~~ **corrections**, the division shall
7 provide the offender with a copy of the findings of the inquiring officer.

8 **Sec. 44.** NRS 6.020 is hereby amended to read as follows:

9 6.020 1. Upon satisfactory proof, made by affidavit or otherwise, the
10 following-named persons, and no others except as otherwise provided in
11 subsections 2 and 3, are exempt from service as grand or trial jurors:

12 (a) Any federal or state officer.

13 (b) Any judge, justice of the peace or attorney at law.

14 (c) Any county clerk, recorder, assessor, sheriff, deputy sheriff,
15 constable or police officer.

16 (d) Any locomotive engineer, locomotive fireman, conductor,
17 brakeman, switchman or engine foreman.

18 (e) Any officer or correctional officer employed by the department of
19 ~~prisons~~ **corrections**.

20 (f) Any employee of the legislature or the legislative counsel bureau
21 while the legislature is in session.

22 (g) Any physician, optometrist or dentist who is licensed to practice in
23 this state.

24 (h) Any person who has a fictitious address pursuant to NRS 217.462 to
25 217.471, inclusive.

26 2. All persons of the age of 70 years or over are exempt from serving
27 as grand or trial jurors. Whenever it appears to the satisfaction of the court,
28 by affidavit or otherwise, that a juror is over the age of 70 years, the court
29 shall order the juror excused from all service as a grand or trial juror, if the
30 juror so desires.

31 3. A person who is the age of 65 years or over who lives 65 miles or
32 more from the court is exempt from serving as a grand or trial juror.
33 Whenever it appears to the satisfaction of the court, by affidavit or
34 otherwise, that a juror is the age of 65 years or over and lives 65 miles or
35 more from the court, the court shall order the juror excused from all service
36 as a grand or trial juror, if the juror so desires.

37 **Sec. 45.** NRS 34.735 is hereby amended to read as follows:

38 34.735 A petition must be in substantially the following form, with
39 appropriate modifications if the petition is filed in the supreme court:

40 Case No.

41 Dept. No.

42
43
44 IN THE JUDICIAL DISTRICT COURT OF THE
45 STATE OF NEVADA IN AND FOR THE COUNTY OF.....

46
47

48 Petitioner,



v.

PETITION FOR WRIT
OF HABEAS CORPUS
(POST-CONVICTION)

Respondent.

INSTRUCTIONS:

(1) This petition must be legibly handwritten or typewritten, signed by the petitioner and verified.

(2) Additional pages are not permitted except where noted or with respect to the facts which you rely upon to support your grounds for relief. No citation of authorities need be furnished. If briefs or arguments are submitted, they should be submitted in the form of a separate memorandum.

(3) If you want an attorney appointed, you must complete the Affidavit in Support of Request to Proceed in Forma Pauperis. You must have an authorized officer at the prison complete the certificate as to the amount of money and securities on deposit to your credit in any account in the institution.

(4) You must name as respondent the person by whom you are confined or restrained. If you are in a specific institution of the department of ~~prisons~~ **corrections**, name the warden or head of the institution. If you are not in a specific institution of the department but within its custody, name the director of the department of ~~prisons~~ **corrections**.

(5) You must include all grounds or claims for relief which you may have regarding your conviction or sentence. Failure to raise all grounds in this petition may preclude you from filing future petitions challenging your conviction and sentence.

(6) You must allege specific facts supporting the claims in the petition you file seeking relief from any conviction or sentence. Failure to allege specific facts rather than just conclusions may cause your petition to be dismissed. If your petition contains a claim of ineffective assistance of counsel, that claim will operate to waive the attorney-client privilege for the proceeding in which you claim your counsel was ineffective.

(7) When the petition is fully completed, the original and one copy must be filed with the clerk of the state district court for the county in which you were convicted. One copy must be mailed to the respondent, one copy to the attorney general's office, and one copy to the district attorney of the county in which you were convicted or to the original prosecutor if you are challenging your original conviction or sentence. Copies must conform in all particulars to the original submitted for filing.

PETITION

1. Name of institution and county in which you are presently imprisoned or where and how you are presently restrained of your liberty:

2. Name and location of court which entered the judgment of conviction under attack:



- 1 3. Date of judgment of conviction:
2 4. Case number:
3 5. (a) Length of sentence:
4
5 (b) If sentence is death, state any date upon which execution is
6 scheduled:
7 6. Are you presently serving a sentence for a conviction other than the
8 conviction under attack in this motion? Yes No
9 If "yes," list crime, case number and sentence being served at this time:
10
11
12
13 7. Nature of offense involved in conviction being challenged:
14
15 8. What was your plea? (check one)
16 (a) Not guilty
17 (b) Guilty
18 (c) Guilty but mentally ill
19 (d) Nolo contendere
20 9. If you entered a plea of guilty or guilty but mentally ill to one count
21 of an indictment or information, and a plea of not guilty to another count of
22 an indictment or information, or if a plea of guilty or guilty but mentally ill
23 was negotiated, give details:
24
25
26 10. If you were found guilty after a plea of not guilty, was the finding
27 made by: (check one)
28 (a) Jury
29 (b) Judge without a jury
30 11. Did you testify at the trial? Yes No
31 12. Did you appeal from the judgment of conviction? Yes
32 No
33 13. If you did appeal, answer the following:
34 (a) Name of court:
35 (b) Case number or citation:
36 (c) Result:
37 (d) Date of result:
38 (Attach copy of order or decision, if available.)
39 14. If you did not appeal, explain briefly why you did not:
40
41
42 15. Other than a direct appeal from the judgment of conviction
43 and sentence, have you previously filed any petitions, applications
44 or motions with respect to this judgment in any court, state or federal?
45 Yes No
46 16. If your answer to No. 15 was "yes," give the following
47 information:
48 (a)(1) Name of court:
49 (2) Nature of proceeding:



* S B 4 *

- 1
2 (3) Grounds raised:
3
4
5 (4) Did you receive an evidentiary hearing on your petition,
6 application or motion? Yes No
7 (5) Result:
8 (6) Date of result:
9 (7) If known, citations of any written opinion or date of orders
10 entered pursuant to such result:
11
12 (b) As to any second petition, application or motion, give the same
13 information:
14 (1) Name of court:
15 (2) Nature of proceeding:
16 (3) Grounds raised:
17 (4) Did you receive an evidentiary hearing on your petition,
18 application or motion? Yes No
19 (5) Result:
20 (6) Date of result:
21 (7) If known, citations of any written opinion or date of orders
22 entered pursuant to such result:
23
24 (c) As to any third or subsequent additional applications or motions,
25 give the same information as above, list them on a separate sheet and
26 attach.
27 (d) Did you appeal to the highest state or federal court having
28 jurisdiction, the result or action taken on any petition, application or
29 motion?
30 (1) First petition, application or motion? Yes No
31 Citation or date of decision:
32 (2) Second petition, application or motion? Yes No
33 Citation or date of decision:
34 (3) Third or subsequent petitions, applications or motions?
35 Yes No
36 Citation or date of decision:
37 (e) If you did not appeal from the adverse action on any petition,
38 application or motion, explain briefly why you did not. (You must relate
39 specific facts in response to this question. Your response may be included
40 on paper which is 8 1/2 by 11 inches attached to the petition. Your
41 response may not exceed five handwritten or typewritten pages in
42 length.)
43
44
45 17. Has any ground being raised in this petition been previously
46 presented to this or any other court by way of petition for habeas corpus,
47 motion, application or any other post-conviction proceeding? If so,
48 identify:
49 (a) Which of the grounds is the same:



- 1
2 (b) The proceedings in which these grounds were raised:
3
4 (c) Briefly explain why you are again raising these grounds. (You must
5 relate specific facts in response to this question. Your response may be
6 included on paper which is 8 1/2 by 11 inches attached to the petition.
7 Your response may not exceed five handwritten or typewritten pages in
8 length.)
9
10 18. If any of the grounds listed in Nos. 23(a), (b), (c) and (d), or listed
11 on any additional pages you have attached, were not previously presented
12 in any other court, state or federal, list briefly what grounds were not so
13 presented, and give your reasons for not presenting them. (You must relate
14 specific facts in response to this question. Your response may be included
15 on paper which is 8 1/2 by 11 inches attached to the petition.
16 Your response may not exceed five handwritten or typewritten pages in
17 length.)
18
19 19. Are you filing this petition more than 1 year following the filing of
20 the judgment of conviction or the filing of a decision on direct appeal? If
21 so, state briefly the reasons for the delay. (You must relate specific facts in
22 response to this question. Your response may be included on paper which
23 is 8 1/2 by 11 inches attached to the petition. Your response may not
24 exceed five handwritten or typewritten pages in length.)
25
26 20. Do you have any petition or appeal now pending in any court,
27 either state or federal, as to the judgment under attack? Yes No
28 If yes, state what court and the case number:
29
30 21. Give the name of each attorney who represented you in the
31 proceeding resulting in your conviction and on direct appeal:
32
33 22. Do you have any future sentences to serve after you complete the
34 sentence imposed by the judgment under attack? Yes No
35 If yes, specify where and when it is to be served, if you know:
36
37 23. State concisely every ground on which you claim that you are
38 being held unlawfully. Summarize briefly the facts supporting each
39 ground. If necessary you may attach pages stating additional grounds and
40 facts supporting same.
41 (a) Ground one:
42
43 Supporting FACTS (Tell your story briefly without citing cases or
44 law.):
45
46
47 (b) Ground two:
48



1 Supporting FACTS (Tell your story briefly without citing cases or
2 law.):

3
4

5 (c) Ground three:

6

7 Supporting FACTS (Tell your story briefly without citing cases or
8 law.):

9
10

11 (d) Ground four:

12

13 Supporting FACTS (Tell your story briefly without citing cases or
14 law.):

15
16

17 WHEREFORE, petitioner prays that the court grant petitioner relief to
18 which he may be entitled in this proceeding.

19 EXECUTED at on the day of the month of of the
20 year

21
22 Signature of petitioner

23
24 Address

25
26 Signature of attorney (if any)

27
28 Attorney for petitioner

29
30 Address

31
32 VERIFICATION

33
34 Under penalty of perjury, the undersigned declares that he is the
35 petitioner named in the foregoing petition and knows the contents thereof;
36 that the pleading is true of his own knowledge, except as to those matters
37 stated on information and belief, and as to such matters he believes them to
38 be true.

39
40 Petitioner

41
42 Attorney for petitioner

43
44 CERTIFICATE OF SERVICE BY MAIL

45
46 I,, hereby certify pursuant to N.R.C.P. 5(b), that on
47 this day of the month of of the year, I mailed a true and



correct copy of the foregoing PETITION FOR WRIT OF HABEAS
CORPUS addressed to:

Respondent prison or jail official

Address

Attorney General
Heroes' Memorial Building
Capitol Complex
Carson City, Nevada 89710

District Attorney of County of Conviction

Address

Signature of Petitioner

Sec. 46. NRS 41.0307 is hereby amended to read as follows:
41.0307 As used in NRS 41.0305 to 41.039, inclusive:

1. "Employee" includes an employee of a:

(a) Part-time or full-time board, commission or similar body of the state
or a political subdivision of the state which is created by law.

(b) Charter school.

2. "Employment" includes any services performed by an immune
contractor.

3. "Immune contractor" means any natural person, professional
corporation or professional association which:

(a) Is an independent contractor with the state pursuant to NRS 284.173;
and

(b) Contracts to provide medical services for the department of
~~prisons~~ **corrections**.

As used in this subsection, "professional corporation" and "professional
association" have the meanings ascribed to them in NRS 89.020.

4. "Public officer" or "officer" includes:

(a) A member of a part-time or full-time board, commission or similar
body of the state or a political subdivision of the state which is created by
law.

(b) A public defender and any deputy or assistant attorney of a public
defender or an attorney appointed to defend a person for a limited duration
with limited jurisdiction.

(c) A district attorney and any deputy or assistant district attorney or an
attorney appointed to prosecute a person for a limited duration with limited
jurisdiction.

Sec. 47. NRS 41.0322 is hereby amended to read as follows:

41.0322 1. A person who is or was in the custody of the department
of ~~prisons~~ **corrections** may not proceed with any action against the
department or any of its agents, former officers, employees or contractors
to recover compensation for the loss of his personal property, property



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1 damage, personal injuries or any other claim arising out of a tort pursuant
2 to NRS 41.031 unless the person has exhausted his administrative remedies
3 provided by NRS 209.243 and the regulations adopted pursuant thereto.

4 2. The filing of an administrative claim pursuant to NRS 209.243 is
5 not a condition precedent to the filing of an action pursuant to NRS 41.031.

6 3. An action filed by a person in accordance with this section before
7 the exhaustion of his administrative remedies must be stayed by the court
8 in which the action is filed until the administrative remedies are exhausted.
9 The court shall dismiss the action if the person has not timely filed his
10 administrative claim pursuant to NRS 209.243.

11 4. If a person has exhausted his administrative remedies and has filed
12 and is proceeding with a civil action to recover compensation for the loss
13 of his personal property, property damage, personal injuries or any other
14 claim arising out of a tort, the office of the attorney general must initiate
15 and conduct all negotiations for settlement relating to that action.

16 **Sec. 48.** NRS 50.215 is hereby amended to read as follows:

17 50.215 1. A person imprisoned in the state prison or in a county jail
18 may be examined as a witness in the district court pursuant to this section.
19 The examination may only be made on motion of a party upon affidavit
20 showing the nature of the action or proceeding, the testimony expected
21 from the witness, and its materiality.

22 2. In a civil action, if the witness is imprisoned in the county where the
23 action or proceeding is pending, his production may be required by the
24 court or judge. In all other cases his examination, when allowed, must be
25 taken upon deposition.

26 3. In a criminal action, an order for that purpose may be made by the
27 district court or district judge, at chambers, and executed by the sheriff of
28 the county where the action is pending. Except as otherwise provided by
29 NRS 209.274, the judge may order the sheriff to bring the prisoner before
30 the court at the expense of the state or at the expense of the defendant.

31 4. If a person imprisoned in the state prison is required or requested to
32 appear as a witness in any action, the department of ~~prisons~~ **corrections**
33 must be notified in writing:

34 (a) Not less than 7 business days before the date scheduled for his
35 appearance in court if the offender is incarcerated:

36 (1) In a prison located not more than 65 miles from Carson City;

37 (2) In a prison located not more than 40 miles from Las Vegas; or

38 (3) In a prison located not more than 95 miles from Ely.

39 (b) Not less than 14 business days before the date scheduled for his
40 appearance in court if the offender is incarcerated in a prison which is
41 located at a distance which exceeds those specified in paragraph (a).

42 **Sec. 49.** NRS 176.0127 is hereby amended to read as follows:

43 176.0127 1. The department of ~~prisons~~ **corrections** shall:

44 (a) Provide the commission with any available statistical information or
45 research requested by the commission and assist the commission in the
46 compilation and development of information requested by the commission,
47 including, but not limited to, information or research concerning the
48 facilities and institutions of the department of ~~prisons~~ **corrections**, the



1 offenders who are or were within those facilities or institutions and the
2 sentences which are being served or were served by those offenders;

3 (b) If requested by the commission, make available to the commission
4 the use of the computers and programs which are owned by the department
5 of ~~prisons;~~ **corrections;** and

6 (c) Provide the independent contractor retained by the department of
7 administration pursuant to NRS 176.0129 with any available statistical
8 information requested by the independent contractor for the purpose of
9 performing the projections required by NRS 176.0129.

10 2. The division shall:

11 (a) Provide the commission with any available statistical information or
12 research requested by the commission and assist the commission in the
13 compilation and development of information concerning sentencing,
14 probation, parole and any offenders who are or were subject to supervision
15 by the division;

16 (b) If requested by the commission, make available to the commission
17 the use of the computers and programs which are owned by the division;
18 and

19 (c) Provide the independent contractor retained by the department of
20 administration pursuant to NRS 176.0129 with any available statistical
21 information requested by the independent contractor for the purpose of
22 performing the projections required by NRS 176.0129.

23 **Sec. 50.** NRS 176.0129 is hereby amended to read as follows:

24 176.0129 The department of administration shall, on an annual basis,
25 contract for the services of an independent contractor, in accordance with
26 the provisions of NRS 284.173, to:

27 1. Review sentences imposed in this state and the practices of the state
28 board of parole commissioners and project annually the number of persons
29 who will be:

30 (a) In a facility or institution of the department of ~~prisons;~~
31 **corrections;**

32 (b) On probation;

33 (c) On parole; and

34 (d) Serving a term of residential confinement,
35 during the 10 years immediately following the date of the projection; and

36 2. Review preliminary proposals and information provided by the
37 commission and project annually the number of persons who will be:

38 (a) In a facility or institution of the department of ~~prisons;~~
39 **corrections;**

40 (b) On probation;

41 (c) On parole; and

42 (d) Serving a term of residential confinement,
43 during the 10 years immediately following the date of the projection,
44 assuming the preliminary proposals were recommended by the commission
45 and enacted by the legislature.

46 **Sec. 51.** NRS 176.045 is hereby amended to read as follows:

47 176.045 1. Whenever a person convicted of a public offense in this
48 state is under sentence of imprisonment pronounced by another
49 jurisdiction, federal or state, whether or not the prior sentence is for the



1 same offense, the court in imposing any sentence for the offense committed
2 in this state may, in its discretion, provide that such sentence shall run
3 either concurrently or consecutively with the prior sentence.

4 2. If the court provides that the sentence shall run concurrently, and the
5 defendant is released by the other jurisdiction prior to the expiration of the
6 sentence imposed in this state, the defendant shall be returned to the State
7 of Nevada to serve out the balance of such sentence, unless the defendant is
8 eligible for parole under the provisions of chapter 213 of NRS, and the
9 board of parole commissioners directs that he be released on parole as
10 provided in that chapter.

11 3. If the court makes an order pursuant to this section, the clerk of the
12 court shall provide the director of the department of ~~prisons~~ **corrections**
13 with a certified copy of judgment and notification of the place of out-of-
14 state confinement.

15 4. If the court makes no order pursuant to this section, the sentence
16 imposed in this state shall not begin until the expiration of all prior
17 sentences imposed by other jurisdictions.

18 **Sec. 52.** NRS 176.0913 is hereby amended to read as follows:

19 176.0913 1. If a defendant is convicted of an offense listed in
20 subsection 4, the court, at sentencing, shall order that:

21 (a) The name, social security number, date of birth and any other
22 information identifying the defendant be submitted to the central repository
23 for Nevada records of criminal history; and

24 (b) Samples of blood be obtained from the defendant pursuant to the
25 provisions of this section and that the samples be used for an analysis to
26 determine the genetic markers of the blood.

27 2. If the defendant is committed to the custody of the department of
28 ~~prisons~~ **corrections**, the department of ~~prisons~~ **corrections** shall arrange
29 for the samples of blood to be obtained from the defendant. The
30 department of ~~prisons~~ **corrections** shall provide the samples of blood to
31 the forensic laboratory that has been designated by the county in which the
32 defendant was convicted to conduct or oversee genetic marker testing for
33 the county pursuant to NRS 176.0917.

34 3. If the defendant is not committed to the custody of the department
35 of ~~prisons~~ **corrections**, the division shall arrange for the samples of
36 blood to be obtained from the defendant. The division shall provide the
37 samples of blood to the forensic laboratory that has been designated by the
38 county in which the defendant was convicted to conduct or oversee genetic
39 marker testing for the county pursuant to NRS 176.0917. Any cost that is
40 incurred to obtain the samples of blood from the defendant pursuant to this
41 subsection is a charge against the county in which the defendant was
42 convicted and must be paid as provided in NRS 176.0915.

43 4. The provisions of subsection 1 apply to a defendant who is
44 convicted of any of the following offenses:

45 (a) A crime against a child as defined in NRS 179D.210.

46 (b) A sexual offense as defined in NRS 179D.410.

47 (c) Murder, manslaughter or any other unlawful killing pursuant to NRS
48 200.010 to 200.260, inclusive.

49 (d) Mayhem pursuant to NRS 200.280.



1 (e) Administering poison or another noxious or destructive substance or
2 liquid with intent to cause death pursuant to NRS 200.390.

3 (f) Battery with intent to commit a crime pursuant to NRS 200.400.

4 (g) Battery which is committed with the use of a deadly weapon or
5 which results in substantial bodily harm pursuant to NRS 200.481.

6 (h) Abuse or neglect of an older person pursuant to NRS 200.5099.

7 (i) A second or subsequent offense for stalking pursuant to NRS
8 200.575.

9 (j) Burglary pursuant to NRS 205.060.

10 (k) Invasion of the home pursuant to NRS 205.067.

11 (l) An attempt to commit an offense listed in this subsection.

12 **Sec. 53.** NRS 176.127 is hereby amended to read as follows:

13 176.127 1. If a court accepts a plea of guilty but mentally ill pursuant
14 to NRS 174.041, the court shall, before imposing sentence, afford the
15 defendant an opportunity to present evidence of his present mental
16 condition. If the defendant claims that he is mentally ill at the time of
17 sentencing, the burden of proof is upon the defendant to establish that fact
18 by a preponderance of the evidence.

19 2. If the defendant has been ordered to the custody of the department
20 of ~~prisons,~~ **corrections**, the court may order the department to cause an
21 examination of the defendant to be conducted to determine his mental
22 condition, and may receive the evidence of any expert witness offered by
23 the defendant or the prosecuting attorney.

24 3. If the court finds:

25 (a) That the defendant is not mentally ill at the time of sentencing, it
26 shall impose any sentence that it is authorized to impose upon a defendant
27 who pleads or is found guilty of the same offense.

28 (b) By a preponderance of the evidence that the defendant is mentally ill
29 at the time of sentencing, it shall impose any sentence that it is authorized
30 to impose upon a defendant who pleads or is found guilty of the same
31 offense and include in that sentence an order that the defendant, during the
32 period of his confinement or probation, be given such treatment as is
33 available for his mental illness if the court determines that the relative risks
34 and benefits of the available treatment are such that a reasonable person
35 would consent to such treatment. The treatment must be provided by the
36 department of ~~prisons,~~ **corrections**.

37 **Sec. 54.** NRS 176.159 is hereby amended to read as follows:

38 176.159 1. Except as otherwise provided in subsection 2, when a
39 court imposes a sentence of imprisonment in the state prison or revokes a
40 program of probation and orders a sentence of imprisonment to the state
41 prison to be executed, the court shall cause a copy of the report of the
42 presentence investigation to be delivered to the director of the department
43 of ~~prisons,~~ **corrections**, if such a report was made. The report must be
44 delivered when the judgment of imprisonment is delivered pursuant to
45 NRS 176.335.

46 2. If a presentence investigation and report were not required pursuant
47 to paragraph (b) of subsection 3 of NRS 176.135 or pursuant to subsection
48 1 of NRS 176.151, the court shall cause a copy of the previous report of the
49 presentence investigation or a copy of the report of the general



1 investigation, as appropriate, to be delivered to the director of the
2 department of ~~prisons~~ *corrections* in the manner provided pursuant to
3 subsection 1.

4 **Sec. 55.** NRS 176.335 is hereby amended to read as follows:

5 176.335 1. If a judgment is for imprisonment in the state prison, the
6 sheriff of the county shall, on receipt of the triplicate certified copies of the
7 judgment of conviction, immediately notify the director of the department
8 of ~~prisons~~ *corrections* and the director shall, without delay, send some
9 authorized person to the county where the prisoner is held for commitment
10 to receive the prisoner.

11 2. When such an authorized person presents to the sheriff holding the
12 prisoner his order for the delivery of the prisoner, the sheriff shall deliver
13 to the authorized person two of the certified copies of the judgment of
14 conviction and a copy of the report of the presentence investigation or
15 general investigation, as appropriate, if required pursuant to NRS 176.159,
16 and take from the person a receipt for the prisoner, and the sheriff shall
17 make return upon his certified copy of the judgment of conviction, showing
18 his proceedings thereunder, and both that copy with the return affixed
19 thereto and the receipt from the authorized person must be filed with the
20 county clerk.

21 3. The term of imprisonment designated in the judgment of conviction
22 must begin on the date of sentence of the prisoner by the court.

23 4. Upon the expiration of the term of imprisonment of the prisoner, or
24 the termination thereof for any legal reason, the director of the department
25 of ~~prisons~~ *corrections* shall return one of his certified copies of the
26 judgment of conviction to the county clerk of the county from whence it
27 was issued, with a brief report of his proceedings thereunder endorsed
28 thereon, and the endorsed copy must be filed with the county clerk. The
29 return must show the cause of the termination of such imprisonment,
30 whether by death, legal discharge or otherwise.

31 **Sec. 56.** NRS 176.345 is hereby amended to read as follows:

32 176.345 1. When a judgment of death has been pronounced, a
33 certified copy of the judgment of conviction must be forthwith executed
34 and attested in triplicate by the clerk under the seal of the court. There must
35 be attached to the triplicate copies a warrant signed by the judge, attested
36 by the clerk, under the seal of the court, which:

- 37 (a) Recites the fact of the conviction and judgment;
38 (b) Appoints a week, the first day being Monday and the last day being
39 Sunday, within which the judgment is to be executed, which must not be
40 less than 60 days nor more than 90 days from the time of judgment; and
41 (c) Directs the sheriff to deliver the prisoner to such authorized person
42 as the director of the department of ~~prisons~~ *corrections* designates to
43 receive the prisoner, for execution. The prison must be designated in the
44 warrant.

45 2. The original of the triplicate copies of the judgment of conviction
46 and warrant must be filed in the office of the county clerk, and two of the
47 triplicate copies must be immediately delivered by the clerk to the sheriff
48 of the county. One of the triplicate copies must be delivered by the sheriff,
49 with the prisoner, to such authorized person as the director of the



1 department of ~~prisons~~ **corrections** designates, and is the warrant and
2 authority of the director for the imprisonment and execution of the
3 prisoner, as therein provided and commanded. The director shall return his
4 certified copy of the judgment of conviction to the county clerk of the
5 county in which it was issued. The other triplicate copy is the warrant and
6 authority of the sheriff to deliver the prisoner to the authorized person
7 designated by the director. The final triplicate copy must be returned to the
8 county clerk by the sheriff with his proceedings endorsed thereon.

9 **Sec. 57.** NRS 176.355 is hereby amended to read as follows:

10 176.355 1. The judgment of death must be inflicted by an injection
11 of a lethal drug.

12 2. The director of the department of ~~prisons~~ **corrections** shall:

13 (a) Execute a sentence of death within the week, the first day being
14 Monday and the last day being Sunday, that the judgment is to be executed,
15 as designated by the district court. The director may execute the judgment
16 at any time during that week if a stay of execution is not entered by a court
17 of appropriate jurisdiction.

18 (b) Select the drug or combination of drugs to be used for the execution
19 after consulting with the state health officer.

20 (c) Be present at the execution.

21 (d) Notify those members of the immediate family of the victim who
22 have, pursuant to NRS 176.357, requested to be informed of the time, date
23 and place scheduled for the execution.

24 (e) Invite a competent physician, the county coroner, a psychiatrist and
25 not less than six reputable citizens over the age of 21 years to be present at
26 the execution. The director shall determine the maximum number of
27 persons who may be present for the execution. The director shall give
28 preference to those eligible members or representatives of the immediate
29 family of the victim who requested, pursuant to NRS 176.357, to attend the
30 execution.

31 3. The execution must take place at the state prison.

32 4. A person who has not been invited by the director may not witness
33 the execution.

34 **Sec. 58.** NRS 176.365 is hereby amended to read as follows:

35 176.365 After the execution, the director of the department of ~~prisons~~
36 **corrections** must make a return upon the death warrant to the court by
37 which the judgment was rendered, showing the time, place, mode and
38 manner in which it was executed.

39 **Sec. 59.** NRS 176.425 is hereby amended to read as follows:

40 176.425 1. If, after judgment of death, there is a good reason to
41 believe that the defendant has become insane, the director of the
42 department of ~~prisons~~ **corrections** to whom the convicted person has been
43 delivered for execution may by a petition in writing, verified by a
44 physician, petition a district judge of the district court of the county in
45 which the state prison is situated, alleging the present insanity of such
46 person, whereupon such judge shall:

47 (a) Fix a day for a hearing to determine whether the convicted person is
48 insane;



1 (b) Appoint two psychiatrists, two psychologists, or one psychiatrist and
2 one psychologist, to examine the convicted person; and

3 (c) Give immediate notice of the hearing to the attorney general and to
4 the district attorney of the county in which the conviction was had.

5 2. If the judge determines that the hearing on and the determination of
6 the sanity of the convicted person cannot be had before the date of the
7 execution of such person, the judge may stay the execution of the judgment
8 of death pending the determination of the sanity of the convicted person.

9 **Sec. 60.** NRS 176.435 is hereby amended to read as follows:

10 176.435 1. On the day fixed, the director of the department of
11 ~~prisons~~ **corrections** shall bring the convicted person before the court, and
12 the attorney general or his deputy shall attend the hearing. The district
13 attorney of the county in which the conviction was had, and an attorney for
14 the convicted person, may attend the hearing.

15 2. The court shall receive the report of the examining physicians and
16 may require the production of other evidence. The attorney general or his
17 deputy, the district attorney, and the attorney for the convicted person or
18 such person if he is without counsel may introduce evidence and cross-
19 examine any witness, including the examining physicians.

20 3. The court shall then make and enter its finding of sanity or insanity.

21 **Sec. 61.** NRS 176.445 is hereby amended to read as follows:

22 176.445 If it is found by the court that the convicted person is sane, the
23 director of the department of ~~prisons~~ **corrections** must execute the
24 judgment of death; but if the judgment has been stayed, as provided in
25 NRS 176.425, the judge shall cause a certified copy of his order staying the
26 execution of the judgment, together with a certified copy of his finding that
27 the convicted person is sane, to be immediately forwarded by the clerk of
28 the court to the clerk of the district court of the county in which the
29 conviction was had, who shall give notice thereof to the district attorney of
30 such county. Proceedings shall then be instituted in the last mentioned
31 district court for the issuance of a new warrant of execution of the
32 judgment of death in the manner provided in NRS 176.495.

33 **Sec. 62.** NRS 176.455 is hereby amended to read as follows:

34 176.455 1. If it is found by the court that the convicted person is
35 insane, the judge shall make and enter an order staying the execution of the
36 judgment of death until the convicted person becomes sane, and shall
37 therein order the director of the department of ~~prisons~~ **corrections** to
38 confine such person in a safe place of confinement until his reason is
39 restored.

40 2. The clerk of the court shall serve or cause to be served three
41 certified copies of the order, one on the director, one on the governor, for
42 the use of the state board of pardons commissioners, and one on the clerk
43 of the district court of the county in which the conviction was had.

44 3. If the convicted person thereafter becomes sane, notice of this fact
45 shall be given by the director to a judge of the court staying the execution
46 of the judgment, and the judge, upon being satisfied that such person is
47 then sane, shall enter an order vacating the order staying the execution of
48 the judgment.



1 4. The clerk of the court shall immediately serve or cause to be served
2 three certified copies of such vacating order as follows: One on the
3 director, one on the governor, for the use of the state board of pardons
4 commissioners, and one on the clerk of the district court of the county in
5 which the conviction was had, who shall give notice thereof to the district
6 attorney of such county, whereupon proceedings shall be instituted in the
7 last mentioned district court for the issuance of a new warrant of execution
8 of the judgment of death in the manner provided in NRS 176.495.

9 **Sec. 63.** NRS 176.465 is hereby amended to read as follows:

10 176.465 1. If there is good reason to believe that a female against
11 whom a judgment of death has been rendered is pregnant, the director of
12 the department of ~~prisons~~ **corrections** to whom she has been delivered for
13 execution shall petition a judge of the district court of the county in which
14 the state prison is situated, in writing, alleging such pregnancy, whereupon
15 such judge shall summon a jury of three physicians to inquire into the
16 alleged pregnancy and fix a day for the hearing thereon, and give
17 immediate notice thereof to the attorney general and to the district attorney
18 of the county in which the conviction was had.

19 2. The provisions of NRS 176.425 and 176.435 apply to the
20 proceedings upon the inquisition, except that three physicians shall be
21 summoned. They shall certify in writing to the court their findings as to
22 pregnancy.

23 **Sec. 64.** NRS 176.475 is hereby amended to read as follows:

24 176.475 1. If it is found by the court that the female is not pregnant,
25 the director of the department of ~~prisons~~ **corrections** must execute the
26 judgment of death; but if a stay of execution has been granted pursuant to
27 NRS 176.425 the procedure provided in NRS 176.445 is applicable.

28 2. If the female is found to be pregnant, the judge shall enter an order
29 staying the execution of the judgment of death, and shall therein order the
30 director to confine such female in a safe place of confinement
31 commensurate with her condition until further order of the court.

32 3. When such female is no longer pregnant, notice of this fact shall be
33 given by the director to a judge of the court staying the execution of the
34 judgment. Thereupon the judge, upon being satisfied that the pregnancy no
35 longer exists, shall enter an order vacating the order staying the execution
36 of the judgment and shall direct the clerk of such court to serve or cause to
37 be served three certified copies of such order, one on the director, one on
38 the governor, for the use of the state board of pardons commissioners, and
39 one on the clerk of the district court of the county in which the conviction
40 was had, who shall give notice thereof to the district attorney of such
41 county, whereupon proceedings shall be instituted in the last mentioned
42 district court for the issuance of a new warrant of execution of the
43 judgment in the manner provided in NRS 176.495.

44 **Sec. 65.** NRS 176.488 is hereby amended to read as follows:

45 176.488 A stay of execution must be entered by the court in writing
46 and copies sent as soon as practicable to the director of the department of
47 ~~prisons~~ **corrections**, the warden of the institution in which the offender is
48 imprisoned and the office of the attorney general in Carson City. The court



1 shall also enter an order and take all necessary actions to expedite further
2 proceeding before that court.

3 **Sec. 66.** NRS 176.495 is hereby amended to read as follows:

4 176.495 1. If for any reason a judgment of death has not been
5 executed, and it remains in force, the court in which the conviction was had
6 must, upon the application of the attorney general or the district attorney of
7 the county in which the conviction was had, cause another warrant to be
8 drawn, signed by the judge and attested by the clerk under the seal of the
9 court, and delivered to the director of the department of ~~prisons~~
10 **corrections**.

11 2. The warrant must state the conviction and judgment and appoint a
12 week, the first day being Monday and the last day being Sunday, within
13 which the judgment is to be executed. The first day of that week must be
14 not less than 15 days nor more than 30 days after the date of the warrant.
15 The director shall execute a sentence of death within the week the
16 judgment is to be executed, as designated by the district court. The director
17 may execute the judgment at any time during that week if a stay of
18 execution is not entered by a court of appropriate jurisdiction.

19 3. Where sentence was imposed by a district court composed of three
20 judges, the district judge before whom the confession or plea was made, or
21 his successor in office, shall designate the week of execution, the first day
22 being Monday and the last day being Sunday, and sign the warrant.

23 **Sec. 67.** NRS 176.505 is hereby amended to read as follows:

24 176.505 1. When a remittitur showing the affirmation of a judgment
25 of death has been filed with the clerk of the court from which the appeal
26 has been taken, the court in which the conviction was obtained shall
27 inquire into the facts, and, if no legal reasons exist prohibiting the
28 execution of the judgment, shall make and enter an order requiring the
29 director of the department of ~~prisons~~ **corrections** to execute the judgment
30 at a specified time. The presence of the defendant in the court at the time
31 the order of execution is made and entered, or the warrant is issued, is not
32 required.

33 2. When an opinion, order dismissing appeal or other order upholding
34 a sentence of death is issued by the supreme court pursuant to chapter 34 or
35 177 of NRS, the court in which the sentence of death was obtained shall
36 inquire into the facts and, if no legal reason exists prohibiting the execution
37 of the judgment, shall make and enter an order requiring the director of the
38 department of ~~prisons~~ **corrections** to execute the judgment during a
39 specified week. The presence of the defendant in the court when the order
40 of execution is made and entered, or the warrant is issued, is not required.

41 3. Notwithstanding the entry of a stay of issuance of a remittitur in the
42 supreme court following denial of appellate relief in a proceeding brought
43 pursuant to chapter 34 or 177 of NRS, the court in which the conviction
44 was obtained shall, upon application of the attorney general or the district
45 attorney of the county in which the conviction was obtained, cause another
46 warrant to be drawn, signed by the judge and attested by the clerk under
47 the seal of the court, and delivered to the director of the department of
48 ~~prisons~~ **corrections**.



1 **Sec. 68.** NRS 176A.450 is hereby amended to read as follows:
2 176A.450 1. Except as otherwise provided in this section, by order
3 duly entered, the court may impose, and may at any time modify, any
4 conditions of probation or suspension of sentence. The court shall cause a
5 copy of any such order to be delivered to the parole and probation officer
6 and the probationer. A copy of the order must also be sent to the director of
7 the department of ~~prisons~~ **corrections** if the probationer is under the
8 supervision of the director pursuant to NRS 176A.780.

9 2. If the probationer is participating in a program of probation secured
10 by a surety bond, the court shall not impose or modify the conditions of
11 probation unless the court notifies the surety and:

12 (a) Causes the original bond to be revoked and requires a new bond to
13 which the original and the new conditions are appended and made part; or

14 (b) Requires an additional bond to which the new conditions are
15 appended and made part.

16 3. The court shall not modify a condition of probation or suspension of
17 sentence that was imposed pursuant to NRS 176A.410, unless the court
18 finds that extraordinary circumstances are present and the court enters
19 those extraordinary circumstances in the record.

20 **Sec. 69.** NRS 176A.780 is hereby amended to read as follows:

21 176A.780 1. If a defendant:

22 (a) Is male;

23 (b) Has been convicted of a felony that does not involve an act of
24 violence;

25 (c) Is at least 18 years of age;

26 (d) Has never been incarcerated in jail or prison as an adult for more
27 than 6 months; and

28 (e) Is otherwise eligible for probation,

29 the court may order the defendant satisfactorily to complete a program of
30 regimental discipline for 150 days before sentencing the defendant or in
31 lieu of causing the sentence imposed to be executed upon violation of a
32 condition of probation or suspension of sentence.

33 2. If the court orders the defendant to undergo a program of regimental
34 discipline, it:

35 (a) Shall place the defendant under the supervision of the director of the
36 department of ~~prisons~~ **corrections** for not more than 190 days, not more
37 than the first 30 days of which must be used to determine the defendant's
38 eligibility to participate in the program.

39 (b) Shall, if appropriate, direct the chief parole and probation officer to
40 provide a copy of the defendant's records to the director of the department
41 of ~~prisons~~ **corrections**.

42 (c) Shall require the defendant to be returned to the court not later than
43 30 days after he is placed under the supervision of the director, if he is
44 determined to be ineligible for the program.

45 (d) May require such reports concerning the defendant's participation in
46 the program as it deems desirable.

47 3. If the defendant is ordered to complete the program before
48 sentencing, the director of the department of ~~prisons~~ **corrections** shall
49 return the defendant to the court not later than 150 days after the defendant



1 began the program. The director shall certify either that the defendant
2 satisfactorily completed the program or that he did not, and shall report of
3 the results of his evaluation, including any recommendations which will be
4 helpful in determining the proper sentence. Upon receiving the report, the
5 court shall sentence the defendant.

6 4. If the defendant is ordered to complete the program in lieu of
7 causing the sentence imposed to be executed upon the violation of a
8 condition of probation and the defendant satisfactorily completes the
9 program, the director of the department of ~~prisons~~ *corrections* shall, not
10 later than 150 days after the defendant began the program, return the
11 defendant to the court with certification that the defendant satisfactorily
12 completed the program. The court shall direct that:

13 (a) The defendant be placed under supervision of the chief parole and
14 probation officer; and

15 (b) The director of the department of ~~prisons~~ *corrections* cause a copy
16 of the records concerning the defendant's participation in the program to be
17 provided to the chief parole and probation officer.

18 5. If a defendant is ordered to complete the program of regimental
19 discipline in lieu of causing the sentence imposed to be executed upon the
20 violation of a condition of probation, a failure by the defendant
21 satisfactorily to complete the program constitutes a violation of that
22 condition of probation and the director of the department of ~~prisons~~
23 *corrections* shall return the defendant to the court.

24 6. Time spent in the program must be deducted from any sentence
25 which may thereafter be imposed.

26 **Sec. 70.** NRS 178.524 is hereby amended to read as follows:

27 178.524 If the defendant surrenders himself to, is apprehended by or is
28 in the custody of a peace officer in the State of Nevada or the director of
29 the department of ~~prisons~~ *corrections* other than the officer to whose
30 custody he was committed at the time of giving bail, the bail may make
31 application to the court for the discharge of his bail bond, and shall then
32 give to the court an amount in cash or a surety bond sufficient in amount to
33 guarantee reimbursement of any costs that may be expended in returning
34 the defendant to the officer to whose custody the defendant was committed
35 at the time of giving bail.

36 **Sec. 71.** NRS 178.630 is hereby amended to read as follows:

37 178.630 The director of the department of ~~prisons~~ *corrections* shall
38 comply with the provisions of Articles III and IV of The Agreement on
39 Detainers whenever he has in his custody a prisoner who has detainers
40 lodged against him from other jurisdictions which are parties to such
41 agreement.

42 **Sec. 72.** NRS 178.700 is hereby amended to read as follows:

43 178.700 1. If the attorney general, a prosecuting attorney or an
44 agency of criminal justice in this state receives a request from the
45 department of ~~prisons~~ *corrections*, it shall respond in writing within 14
46 working days setting forth any charges that are pending against the
47 offender.

48 2. If the attorney general, a prosecuting attorney or an agency of
49 criminal justice indicates in its response pursuant to subsection 1 that



1 felony charges are pending against an offender, it shall, or if misdemeanor
2 charges are pending against an offender, it may, request in the response
3 that upon release of the offender from the custody of the department of
4 ~~prisons~~ **corrections**, the department release the offender to an agency of
5 criminal justice in this state that is authorized to detain a person pending
6 prosecution. The attorney general, a prosecuting attorney or an agency of
7 criminal justice may submit such a request to the department of ~~prisons~~
8 **corrections** at any other time, if charges are filed against an offender.

9 3. If an offender is convicted, acquitted or the charges against him are
10 dropped after a request was submitted pursuant to this section, the attorney
11 general, prosecuting attorney or agency of criminal justice who submitted
12 the request shall withdraw the request by providing a certified copy of the
13 judgment to the department of ~~prisons~~ **corrections** if the offender was
14 convicted or acquitted, or by providing proof to the department that the
15 charges were dropped.

16 4. The attorney general, a prosecuting attorney or an agency of
17 criminal justice shall notify the department of ~~prisons~~ **corrections** upon
18 receipt of a detainer against an inmate from another jurisdiction who is
19 transferred to the custody of the department of ~~prisons~~ **corrections**.

20 **Sec. 73.** NRS 179.223 is hereby amended to read as follows:

21 179.223 1. When the return to this state of a person charged with
22 crime in this state is required, the district attorney shall present to the
23 governor his written application for a requisition for the return of the
24 person charged in which application must be stated:

- 25 (a) The name of the person so charged;
26 (b) The crime charged against him;
27 (c) The approximate time, place and circumstances of its commission;
28 (d) The state in which he is believed to be, including the location of the
29 accused therein at the time the application is made; and

30 (e) A certification that, in the opinion of the district attorney, the ends of
31 justice require the arrest and return of the accused to this state for trial and
32 that the proceeding is not instituted to enforce a private claim.

33 2. When the return to this state is required of a person who has been
34 convicted of a crime in this state and has escaped from confinement or
35 broken the terms of his bail, probation or parole, the district attorney of the
36 county in which the offense was committed, the state board of parole
37 commissioners, the chief parole and probation officer, the director of the
38 department of ~~prisons~~ **corrections** or the sheriff of the county from which
39 escape was made shall present to the governor a written application for a
40 requisition for the return of the person, in which application must be stated:

- 41 (a) The name of the person;
42 (b) The crime of which he was convicted;
43 (c) The circumstances of his escape from confinement or of the breach
44 of the terms of his bail, probation or parole; and
45 (d) The state in which he is believed to be, including the location of the
46 person therein at the time application is made.

47 3. The application must be verified by affidavit, executed in duplicate
48 and accompanied by two certified copies of the indictment returned, or
49 information and affidavit filed, or of the complaint made to the judge or



1 magistrate, stating the offense with which the accused is charged, or of the
2 judgment of conviction or of the sentence. The district attorney, state board
3 of parole commissioners, chief parole and probation officer, director of the
4 department of ~~prisons~~ **corrections** or sheriff may also attach such further
5 affidavits and other documents in duplicate as he deems proper to be
6 submitted with the application. One copy of the application, with the action
7 of the governor indicated by endorsement thereon, and one of the certified
8 copies of the indictment, complaint, information and affidavits, or of the
9 judgment of conviction or of the sentence must be filed in the office of the
10 secretary of state of the State of Nevada to remain of record in that office.
11 The other copies of all papers must be forwarded with the governor's
12 requisition.

13 **Sec. 74.** NRS 179A.290 is hereby amended to read as follows:

14 179A.290 1. The director of the department shall establish within the
15 central repository a program to compile and analyze data concerning
16 offenders who commit sexual offenses. The program must be designed to:

17 (a) Provide statistical data relating to the recidivism of offenders who
18 commit sexual offenses; and

19 (b) Use the data provided by the division of child and family services of
20 the department of human resources pursuant to NRS 62.920 to:

21 (1) Provide statistical data relating to the recidivism of juvenile sex
22 offenders after they become adults; and

23 (2) Assess the effectiveness of programs for the treatment of juvenile
24 sex offenders.

25 2. The division of parole and probation and the department of ~~prisons~~
26 **corrections** shall assist the director of the department in obtaining data and
27 in carrying out the program.

28 3. The director of the department shall report the statistical data and
29 findings from the program to:

30 (a) The legislature at the beginning of each regular session.

31 (b) The advisory commission on sentencing on or before January 31 of
32 each even-numbered year.

33 4. The data acquired pursuant to this section is confidential and must
34 be used only for the purpose of research. The data and findings generated
35 pursuant to this section must not contain information that may reveal the
36 identity of a juvenile sex offender or the identity of an individual victim of
37 a crime.

38 **Sec. 75.** NRS 179B.070 is hereby amended to read as follows:

39 179B.070 "Law enforcement officer" includes, but is not limited to:

40 1. A prosecuting attorney or an attorney from the office of the attorney
41 general;

42 2. A sheriff of a county or his deputy;

43 3. An officer of a metropolitan police department or a police
44 department of an incorporated city;

45 4. An officer of the division;

46 5. An officer of the department of ~~prisons~~ **corrections**;

47 6. An officer of a law enforcement agency from another jurisdiction;

48 or



1 7. Any other person upon whom some or all of the powers of a peace
2 officer are conferred pursuant to NRS 289.150 to 289.360, inclusive, if the
3 person is seeking information as part of a criminal investigation.

4 **Sec. 76.** NRS 179D.160 is hereby amended to read as follows:

5 179D.160 1. Except as otherwise provided by specific statute, a
6 record of registration may be inspected only by a law enforcement officer
7 in the regular course of his duties or by the offender named in the record of
8 registration.

9 2. As used in this section, "law enforcement officer" includes, but is
10 not limited to:

11 (a) A prosecuting attorney or an attorney from the office of the attorney
12 general;

13 (b) A sheriff of a county or his deputy;

14 (c) An officer of a metropolitan police department or a police
15 department of an incorporated city;

16 (d) An officer of the division;

17 (e) An officer of the department of ~~prisons;~~ **corrections;**

18 (f) An officer of a law enforcement agency from another jurisdiction; or

19 (g) Any other person upon whom some or all of the powers of a peace
20 officer are conferred pursuant to NRS 289.150 to 289.360, inclusive, if the
21 person is seeking information as part of a criminal investigation.

22 **Sec. 77.** NRS 179D.230 is hereby amended to read as follows:

23 179D.230 1. If the division receives notice from a court pursuant to
24 NRS 176.0926 that an offender has been convicted of a crime against a
25 child, the division shall:

26 (a) If a record of registration has not previously been established for the
27 offender by the division, establish a record of registration for the offender
28 and forward the record of registration to the central repository; or

29 (b) If a record of registration has previously been established for the
30 offender by the division, update the record of registration for the offender
31 and forward the record of registration to the central repository.

32 2. If the offender named in the notice is granted probation or otherwise
33 will not be incarcerated or confined, the central repository shall
34 immediately provide notification concerning the offender to the appropriate
35 local law enforcement agencies and, if the offender resides in a jurisdiction
36 which is outside of this state, to the appropriate law enforcement agency in
37 that jurisdiction.

38 3. If the offender named in the notice is incarcerated or confined,
39 before the offender is released:

40 (a) The division shall:

41 (1) Inform the offender of the requirements for registration,
42 including, but not limited to:

43 (I) The duty to register in this state during any period in which he
44 is a resident of this state or a nonresident who is a student or worker within
45 this state and the time within which he is required to register pursuant to
46 NRS 179D.240;

47 (II) The duty to register in any other jurisdiction during any period
48 in which he is a resident of the other jurisdiction or a nonresident who is a
49 student or worker within the other jurisdiction;



1 (III) If he moves from this state to another jurisdiction, the duty to
2 register with the appropriate law enforcement agency in the other
3 jurisdiction; and

4 (IV) The duty to notify the division, in writing, if he changes the
5 address at which he resides, including if he moves from this state to
6 another jurisdiction, or changes the primary address at which he is a
7 student or worker;

8 (2) Require the offender to read and sign a form confirming that the
9 requirements for registration have been explained to him; and

10 (3) Update the record of registration for the offender and forward the
11 record of registration to the central repository; and

12 (b) The central repository shall provide notification concerning the
13 offender to the appropriate local law enforcement agencies and, if the
14 offender will reside upon release in a jurisdiction which is outside of this
15 state, to the appropriate law enforcement agency in that jurisdiction.

16 4. If requested by the division, the department of ~~prisons~~ **corrections**
17 or a local law enforcement agency in whose facility the offender is
18 incarcerated shall provide the offender with the information and the
19 confirmation form required by paragraph (a) of subsection 3.

20 5. The failure to provide an offender with the information or
21 confirmation form required by paragraph (a) of subsection 3 does not affect
22 the duty of the offender to register and to comply with all other provisions
23 for registration.

24 6. If the central repository receives notice from another jurisdiction or
25 the Federal Bureau of Investigation that an offender convicted of a crime
26 against a child is now residing or is a student or worker within this state:

27 (a) The central repository shall immediately provide notification
28 concerning the offender to the division and to the appropriate local law
29 enforcement agencies; and

30 (b) The division shall establish a record of registration for the offender
31 and forward the record of registration to the central repository.

32 **Sec. 78.** NRS 179D.450 is hereby amended to read as follows:

33 179D.450 1. If the division receives notice from a court pursuant to
34 NRS 176.0927 that a sex offender has been convicted of a sexual offense
35 or pursuant to NRS 62.590 that a juvenile sex offender has been deemed to
36 be an adult sex offender, the division shall:

37 (a) If a record of registration has not previously been established for the
38 sex offender by the division, establish a record of registration for the sex
39 offender and forward the record of registration to the central repository; or

40 (b) If a record of registration has previously been established for the sex
41 offender by the division, update the record of registration for the sex
42 offender and forward the record of registration to the central repository.

43 2. If the sex offender named in the notice is granted probation or
44 otherwise will not be incarcerated or confined or if the sex offender named
45 in the notice has been deemed to be an adult sex offender pursuant to NRS
46 62.590 and is not otherwise incarcerated or confined:

47 (a) The central repository shall immediately provide notification
48 concerning the sex offender to the appropriate local law enforcement
49 agencies and, if the sex offender resides in a jurisdiction which is outside



1 of this state, to the appropriate law enforcement agency in that jurisdiction;
2 and

3 (b) If the sex offender is subject to community notification, the division
4 shall arrange for the assessment of the risk of recidivism of the sex
5 offender pursuant to the guidelines and procedures for community
6 notification established by the attorney general pursuant to NRS 179D.600
7 to 179D.800, inclusive.

8 3. If the sex offender named in the notice is incarcerated or confined,
9 before the sex offender is released:

10 (a) The division shall:

11 (1) Inform the sex offender of the requirements for registration,
12 including, but not limited to:

13 (I) The duty to register in this state during any period in which he
14 is a resident of this state or a nonresident who is a student or worker within
15 this state and the time within which he is required to register pursuant to
16 NRS 179D.460;

17 (II) The duty to register in any other jurisdiction during any period
18 in which he is a resident of the other jurisdiction or a nonresident who is a
19 student or worker within the other jurisdiction;

20 (III) If he moves from this state to another jurisdiction, the duty to
21 register with the appropriate law enforcement agency in the other
22 jurisdiction; and

23 (IV) The duty to notify the division, in writing, if he changes the
24 address at which he resides, including if he moves from this state to
25 another jurisdiction, or changes the primary address at which he is a
26 student or worker;

27 (2) Require the sex offender to read and sign a form confirming that
28 the requirements for registration have been explained to him;

29 (3) Update the record of registration for the sex offender and forward
30 the record of registration to the central repository; and

31 (4) If the sex offender is subject to community notification, arrange
32 for the assessment of the risk of recidivism of the sex offender pursuant to
33 the guidelines and procedures for community notification established by
34 the attorney general pursuant to NRS 179D.600 to 179D.800, inclusive;
35 and

36 (b) The central repository shall provide notification concerning the sex
37 offender to the appropriate local law enforcement agencies and, if the sex
38 offender will reside upon release in a jurisdiction which is outside of this
39 state, to the appropriate law enforcement agency in that jurisdiction.

40 4. If requested by the division, the department of ~~prisons~~ *corrections*
41 or a local law enforcement agency in whose facility the sex offender is
42 incarcerated shall provide the sex offender with the information and the
43 confirmation form required by paragraph (a) of subsection 3.

44 5. The failure to provide a sex offender with the information or
45 confirmation form required by paragraph (a) of subsection 3 does not affect
46 the duty of the sex offender to register and to comply with all other
47 provisions for registration.



1 6. If the central repository receives notice from another jurisdiction or
2 the Federal Bureau of Investigation that a sex offender is now residing or is
3 a student or worker within this state:

4 (a) The central repository shall immediately provide notification
5 concerning the sex offender to the division and to the appropriate local law
6 enforcement agencies;

7 (b) The division shall establish a record of registration for the sex
8 offender and forward the record of registration to the central repository;
9 and

10 (c) If the sex offender is subject to community notification, the division
11 shall arrange for the assessment of the risk of recidivism of the sex
12 offender pursuant to the guidelines and procedures for community
13 notification established by the attorney general pursuant to NRS 179D.600
14 to 179D.800, inclusive.

15 **Sec. 79.** NRS 199.305 is hereby amended to read as follows:

16 199.305 1. A person who, by intimidating or threatening another
17 person, prevents or dissuades a victim of a crime, a person acting on his
18 behalf or a witness from:

19 (a) Reporting a crime or possible crime to a:

20 (1) Judge;

21 (2) Peace officer;

22 (3) Parole or probation officer;

23 (4) Prosecuting attorney;

24 (5) Warden or other employee at an institution of the department of
25 ~~prisons;~~ **corrections;** or

26 (6) Superintendent or other employee at a juvenile correctional
27 institution;

28 (b) Commencing a criminal prosecution or a proceeding for the
29 revocation of a parole or probation, or seeking or assisting in such a
30 prosecution or proceeding; or

31 (c) Causing the arrest of a person in connection with a crime,
32 or who hinders or delays such a victim, agent or witness in his effort to
33 carry out any of those actions is guilty of a category D felony and shall be
34 punished as provided in NRS 193.130.

35 2. As used in this section, "victim of a crime" means a person against
36 whom a crime has been committed.

37 **Sec. 80.** NRS 200.033 is hereby amended to read as follows:

38 200.033 The only circumstances by which murder of the first degree
39 may be aggravated are:

40 1. The murder was committed by a person under sentence of
41 imprisonment.

42 2. The murder was committed by a person who, at any time before a
43 penalty hearing is conducted for the murder pursuant to NRS 175.552, is or
44 has been convicted of:

45 (a) Another murder and the provisions of subsection 12 do not
46 otherwise apply to that other murder; or

47 (b) A felony involving the use or threat of violence to the person of
48 another and the provisions of subsection 4 do not otherwise apply to that
49 felony.



- 1 For the purposes of this subsection, a person shall be deemed to have been
2 convicted at the time the jury verdict of guilt is rendered or upon
3 pronouncement of guilt by a judge or judges sitting without a jury.
- 4 3. The murder was committed by a person who knowingly created a
5 great risk of death to more than one person by means of a weapon, device
6 or course of action which would normally be hazardous to the lives of
7 more than one person.
- 8 4. The murder was committed while the person was engaged, alone or
9 with others, in the commission of or an attempt to commit or flight after
10 committing or attempting to commit, any robbery, arson in the first degree,
11 burglary, invasion of the home or kidnapping in the first degree, and the
12 person charged:
- 13 (a) Killed or attempted to kill the person murdered; or
14 (b) Knew or had reason to know that life would be taken or lethal force
15 used.
- 16 5. The murder was committed to avoid or prevent a lawful arrest or to
17 effect an escape from custody.
- 18 6. The murder was committed by a person, for himself or another, to
19 receive money or any other thing of monetary value.
- 20 7. The murder was committed upon a peace officer or fireman who
21 was killed while engaged in the performance of his official duty or because
22 of an act performed in his official capacity, and the defendant knew or
23 reasonably should have known that the victim was a peace officer or
24 fireman. For the purposes of this subsection, "peace officer" means:
- 25 (a) An employee of the department of ~~prisons~~ *corrections* who does
26 not exercise general control over offenders imprisoned within the
27 institutions and facilities of the department but whose normal duties require
28 him to come into contact with those offenders, when carrying out the duties
29 prescribed by the director of the department.
- 30 (b) Any person upon whom some or all of the powers of a peace officer
31 are conferred pursuant to NRS 289.150 to 289.360, inclusive, when
32 carrying out those powers.
- 33 8. The murder involved torture or the mutilation of the victim.
- 34 9. The murder was committed upon one or more persons at random
35 and without apparent motive.
- 36 10. The murder was committed upon a person less than 14 years of
37 age.
- 38 11. The murder was committed upon a person because of the actual or
39 perceived race, color, religion, national origin, physical or mental disability
40 or sexual orientation of that person.
- 41 12. The defendant has, in the immediate proceeding, been convicted of
42 more than one offense of murder in the first or second degree. For the
43 purposes of this subsection, a person shall be deemed to have been
44 convicted of a murder at the time the jury verdict of guilt is rendered or
45 upon pronouncement of guilt by a judge or judges sitting without a jury.
- 46 13. The person, alone or with others, subjected or attempted to subject
47 the victim of the murder to nonconsensual sexual penetration immediately
48 before, during or immediately after the commission of the murder. For the
49 purposes of this subsection:



1 (a) “Nonconsensual” means against the victim’s will or under
2 conditions in which the person knows or reasonably should know that the
3 victim is mentally or physically incapable of resisting, consenting or
4 understanding the nature of his conduct, including, but not limited to,
5 conditions in which the person knows or reasonably should know that the
6 victim is dead.

7 (b) “Sexual penetration” means cunnilingus, fellatio or any intrusion,
8 however slight, of any part of the victim’s body or any object manipulated
9 or inserted by a person, alone or with others, into the genital or anal
10 openings of the body of the victim, whether or not the victim is alive. The
11 term includes, but is not limited to, anal intercourse and sexual intercourse
12 in what would be its ordinary meaning.

13 14. The murder was committed on the property of a public or private
14 school, at an activity sponsored by a public or private school or on a school
15 bus while the bus was engaged in its official duties by a person who
16 intended to create a great risk of death or substantial bodily harm to more
17 than one person by means of a weapon, device or course of action that
18 would normally be hazardous to the lives of more than one person. For the
19 purposes of this subsection, “school bus” has the meaning ascribed to it in
20 NRS 483.160.

21 **Sec. 81.** NRS 202.2491 is hereby amended to read as follows:

22 202.2491 1. Except as otherwise provided in subsections 5 and 6 and
23 NRS 202.24915, the smoking of tobacco in any form is prohibited if done
24 in any:

- 25 (a) Public elevator.
- 26 (b) Public building.
- 27 (c) Public waiting room, lobby or hallway of any:
 - 28 (1) Medical facility or facility for the dependent as defined in chapter
 - 29 449 of NRS; or
 - 30 (2) Office of any chiropractor, dentist, physical therapist, physician,
 - 31 podiatric physician, psychologist, optician, optometrist, doctor of Oriental
 - 32 medicine or doctor of acupuncture.
- 33 (d) Hotel or motel when so designated by the operator thereof.
- 34 (e) Public area of a store principally devoted to the sale of food for
- 35 human consumption off the premises.
- 36 (f) Child care facility.
- 37 (g) Bus used by the general public, other than a chartered bus, or in any
- 38 maintenance facility or office associated with a bus system operated by any
- 39 regional transportation commission.

40 (h) School bus.

41 2. The person in control of an area listed in paragraph (c), (d), (e), (f)

42 or (g) of subsection 1:

43 (a) Shall post in the area signs prohibiting smoking in any place not

44 designated for that purpose as provided in paragraph (b).

45 (b) May designate separate rooms or portions of the area which may be

46 used for smoking, except for a room or portion of the area of a store

47 described in paragraph (e) of subsection 1 if the room or portion of the

48 area:



- 1 (1) Is leased to or operated by a person licensed pursuant to NRS
2 463.160; and
- 3 (2) Does not otherwise qualify for an exemption set forth in NRS
4 202.24915.
- 5 3. The person in control of a public building:
- 6 (a) Shall post in the area signs prohibiting smoking in any place not
7 designated for that purpose as provided in paragraph (b).
- 8 (b) Shall, except as otherwise provided in this subsection, designate a
9 separate area which may be used for smoking.
- 10 A school district which prohibits the use of tobacco by pupils need not
11 designate an area which may be used by the pupils to smoke.
- 12 4. The operator of a restaurant with a seating capacity of 50 or more
13 shall maintain a flexible nonsmoking area within the restaurant and offer
14 each patron the opportunity to be seated in a smoking or nonsmoking area.
- 15 5. A business which derives more than 50 percent of its gross receipts
16 from the sale of alcoholic beverages or 50 percent of its gross receipts from
17 gaming operations may be designated as a smoking area in its entirety by
18 the operator of the business.
- 19 6. The smoking of tobacco is not prohibited in:
- 20 (a) Any room or area designated for smoking pursuant to paragraph (b)
21 of subsection 2 or paragraph (b) of subsection 3.
- 22 (b) A licensed gaming establishment. A licensed gaming establishment
23 may designate separate rooms or areas within the establishment which may
24 or may not be used for smoking.
- 25 7. The person in control of a child care facility shall not allow children
26 in any room or area he designates for smoking pursuant to paragraph (b) of
27 subsection 2. Any such room or area must be sufficiently separate or
28 ventilated so that there are no irritating or toxic effects of smoke in the
29 other areas of the facility.
- 30 8. As used in this section:
- 31 (a) "Child care facility" means an establishment licensed pursuant to
32 chapter 432A of NRS to provide care for 13 or more children.
- 33 (b) "Licensed gaming establishment" has the meaning ascribed to it in
34 NRS 463.0169.
- 35 (c) "Public building" means any building or office space owned or
36 occupied by:
- 37 (1) Any component of the University and Community College
38 System of Nevada and used for any purpose related to the system.
- 39 (2) The State of Nevada and used for any public purpose, other than
40 that used by the department of ~~prisons~~ *corrections* to house or provide
41 other services to offenders.
- 42 (3) Any county, city, school district or other political subdivision of
43 the state and used for any public purpose.
- 44 If only part of a building is owned or occupied by an entity described in
45 this paragraph, the term means only that portion of the building which is so
46 owned or occupied.
- 47 (d) "School bus" has the meaning ascribed to it in NRS 483.160.



1 **Sec. 82.** NRS 202.375 is hereby amended to read as follows:

2 202.375 1. The provisions of NRS 202.370 to 202.440, inclusive, do
3 not apply to the sale or purchase by any adult, or the possession or use by
4 any person, including a minor but not including a convicted person as
5 defined in NRS 179C.010, of any form of:

6 (a) Cartridge which contains not more than 2 fluid ounces in volume of
7 "CS" tear gas that may be propelled by air or another gas, but not an
8 explosive, in the form of an aerosol spray; or

9 (b) Weapon designed for the use of such a cartridge which does not
10 exceed that size,
11 and which is designed and intended for use as an instrument of self-
12 defense.

13 2. A seller, before delivering to a purchaser a cartridge or weapon
14 which may be sold pursuant to subsection 1, must record and maintain for
15 not less than 2 years the name and address of the purchaser and the brand
16 name, model number or type, and serial number if there is one, of the
17 weapon or cartridge, or both.

18 3. The provisions of NRS 202.370 to 202.440, inclusive, do not
19 prohibit police departments or regular salaried peace officers thereof,
20 sheriffs and their regular salaried deputies, the director, deputy director and
21 superintendents of, and guards employed by, the department of ~~prisons,~~
22 **corrections**, personnel of the Nevada highway patrol or the military or
23 naval forces of this state or of the United States from purchasing,
24 possessing or transporting any shells, cartridges, bombs or weapons for
25 official use in the discharge of their duties.

26 4. As used in this section, "CS" tear gas means a crystalline powder
27 containing ortho-chlorobenzalmalononitrile.

28 **Sec. 83.** NRS 228.150 is hereby amended to read as follows:

29 228.150 1. When requested, the attorney general shall give his
30 opinion, in writing, upon any question of law, to the governor, the secretary
31 of state, the state controller, the state treasurer, the director of the
32 department of ~~prisons,~~ **corrections**, to the head of any state department,
33 agency, board or commission, to any district attorney and to any city
34 attorney of any incorporated city within the State of Nevada, upon any
35 question of law relating to their respective offices, departments, agencies,
36 boards or commissions.

37 2. Nothing contained in subsection 1 requires the attorney general to
38 give his written opinion to any city attorney concerning questions relating
39 to the interpretation or construction of city ordinances.

40 3. The attorney general is not entitled to receive any fee for the
41 performance of any duty required of him by law, but money may be paid to
42 his office or pursuant to law or an agreement with an agency of the state
43 for the performance of any duty or service by his office.

44 **Sec. 84.** NRS 228.170 is hereby amended to read as follows:

45 228.170 1. Whenever the governor directs or when, in the opinion of
46 the attorney general, to protect and secure the interest of the state it is
47 necessary that a suit be commenced or defended in any federal or state
48 court, the attorney general shall commence the action or make the defense.



1 2. The attorney general may investigate and prosecute any crime
2 committed by a person:

3 (a) Confined in or committed to an institution or facility of the
4 department of ~~prisons;~~ **corrections.**

5 (b) Acting in concert with, whether as a principal or accessory, any
6 person confined in or committed to an institution or facility of the
7 department of ~~prisons;~~ **corrections.**

8 (c) In violation of chapter 212 of NRS, if the crime involves:

9 (1) An institution or facility of the department of ~~prisons;~~
10 **corrections;** or

11 (2) A person confined in or committed to such an institution or
12 facility.

13 **Sec. 85.** NRS 233B.039 is hereby amended to read as follows:

14 233B.039 1. The following agencies are entirely exempted from the
15 requirements of this chapter:

16 (a) The governor.

17 (b) The department of ~~prisons;~~ **corrections.**

18 (c) The University and Community College System of Nevada.

19 (d) The office of the military.

20 (e) The state gaming control board.

21 (f) The Nevada gaming commission.

22 (g) The welfare division of the department of human resources.

23 (h) The division of health care financing and policy of the department of
24 human resources.

25 (i) The state board of examiners acting pursuant to chapter 217 of NRS.

26 (j) Except as otherwise provided in NRS 533.365, the office of the state
27 engineer.

28 (k) The division of industrial relations of the department of business and
29 industry acting to enforce the provisions of NRS 618.375.

30 (l) The board to review claims in adopting resolutions to carry out its
31 duties pursuant to NRS 590.830.

32 2. Except as otherwise provided in NRS 391.323, the department of
33 education, the board of the public employees' benefits program and the
34 commission on professional standards in education are subject to the
35 provisions of this chapter for the purpose of adopting regulations but not
36 with respect to any contested case.

37 3. The special provisions of:

38 (a) Chapter 612 of NRS for the distribution of regulations by and the
39 judicial review of decisions of the employment security division of the
40 department of employment, training and rehabilitation;

41 (b) Chapters 616A to 617, inclusive, of NRS for the determination of
42 contested claims;

43 (c) Chapter 703 of NRS for the judicial review of decisions of the
44 public utilities commission of Nevada;

45 (d) Chapter 91 of NRS for the judicial review of decisions of the
46 administrator of the securities division of the office of the secretary of
47 state; and

48 (e) NRS 90.800 for the use of summary orders in contested cases,
49 prevail over the general provisions of this chapter.



1 4. The provisions of NRS 233B.122, 233B.124, 233B.125 and
2 233B.126 do not apply to the department of human resources in the
3 adjudication of contested cases involving the issuance of letters of approval
4 for health facilities and agencies.

5 5. The provisions of this chapter do not apply to:

6 (a) Any order for immediate action, including, but not limited to,
7 quarantine and the treatment or cleansing of infected or infested animals,
8 objects or premises, made under the authority of the state board of
9 agriculture, the state board of health, the state board of sheep
10 commissioners or any other agency of this state in the discharge of a
11 responsibility for the preservation of human or animal health or for insect
12 or pest control; or

13 (b) An extraordinary regulation of the state board of pharmacy adopted
14 pursuant to NRS 453.2184.

15 6. The state board of parole commissioners is subject to the provisions
16 of this chapter for the purpose of adopting regulations but not with respect
17 to any contested case.

18 **Sec. 86.** NRS 281.210 is hereby amended to read as follows:

19 281.210 1. Except as otherwise provided in this section, it is
20 unlawful for any person acting as a school trustee, state, township,
21 municipal or county officer, or as an employing authority of the University
22 and Community College System of Nevada, any school district or of the
23 state, any town, city or county, or for any state or local board, agency or
24 commission, elected or appointed, to employ in any capacity on behalf of
25 the State of Nevada, or any county, township, municipality or school
26 district thereof, or the University and Community College System of
27 Nevada, any relative of such a person or of any member of such a board,
28 agency or commission who is within the third degree of consanguinity or
29 affinity.

30 2. This section does not apply:

31 (a) To school districts, when the teacher or other school employee is not
32 related to more than one of the trustees or person who is an employing
33 authority by consanguinity or affinity and receives a unanimous vote of all
34 members of the board of trustees and approval by the state department of
35 education.

36 (b) To school districts, when the teacher or other school employee has
37 been employed by an abolished school district or educational district,
38 which constitutes a part of the employing county school district, and the
39 county school district for 4 years or more before April 1, 1957.

40 (c) To the spouse of the warden of an institution or manager of a facility
41 of the department of ~~prisons~~ **corrections**.

42 (d) To the spouse of the superintendent of the Caliente youth center.

43 (e) To relatives of blind officers and employees of the bureau of
44 services to the blind and visually impaired of the rehabilitation division of
45 the department of employment, training and rehabilitation when those
46 relatives are employed as automobile drivers for those officers and
47 employees.

48 (f) To relatives of a member of a town board of a town whose
49 population is less than 300.



1 3. Nothing in this section:

2 (a) Prevents any officer in this state, employed under a flat salary, from
3 employing any suitable person to assist in any such employment, when the
4 payment for the service is met out of the personal money of the officer.

5 (b) Disqualifies any widow with a dependent as an employee of any
6 officer or board in this state, or any of its counties, townships,
7 municipalities or school districts.

8 4. A person employed contrary to the provisions of this section must
9 not be compensated for the employment.

10 5. Any person violating any provisions of this section is guilty of a
11 gross misdemeanor.

12 **Sec. 87.** NRS 281.210 is hereby amended to read as follows:

13 281.210 1. Except as otherwise provided in this section, it is
14 unlawful for any person acting as a school trustee, state, township,
15 municipal or county officer, or as an employing authority of the University
16 and Community College System of Nevada, any school district or of the
17 state, any town, city or county, or for any state or local board, agency or
18 commission, elected or appointed, to employ in any capacity on behalf of
19 the State of Nevada, or any county, township, municipality or school
20 district thereof, or the University and Community College System of
21 Nevada, any relative of such a person or of any member of such a board,
22 agency or commission who is within the third degree of consanguinity or
23 affinity.

24 2. This section does not apply:

25 (a) To school districts, when the teacher or other school employee is not
26 related to more than one of the trustees or person who is an employing
27 authority by consanguinity or affinity and receives a unanimous vote of all
28 members of the board of trustees and approval by the state department of
29 education.

30 (b) To school districts, when the teacher or other school employee has
31 been employed by an abolished school district or educational district,
32 which constitutes a part of the employing county school district, and the
33 county school district for 4 years or more before April 1, 1957.

34 (c) To the spouse of the warden of an institution or manager of a facility
35 of the department of ~~prisons~~ **corrections**.

36 (d) To the spouse of the superintendent of the Caliente youth center.

37 (e) To relatives of blind officers and employees of the bureau of
38 services to the blind and visually impaired of the rehabilitation division of
39 the department of employment, training and rehabilitation when those
40 relatives are employed as automobile drivers for those officers and
41 employees.

42 3. Nothing in this section:

43 (a) Prevents any officer in this state, employed under a flat salary, from
44 employing any suitable person to assist in any such employment, when the
45 payment for the service is met out of the personal money of the officer.

46 (b) Disqualifies any widow with a dependent as an employee of any
47 officer or board in this state, or any of its counties, townships,
48 municipalities or school districts.



1 4. A person employed contrary to the provisions of this section must
2 not be compensated for the employment.

3 5. Any person violating any provisions of this section is guilty of a
4 gross misdemeanor.

5 **Sec. 88.** NRS 289.220 is hereby amended to read as follows:

6 289.220 1. The director of the department of ~~prisons~~ **corrections**,
7 and any officer or employee of the department so designated by the
8 director, have the powers of a peace officer when performing duties
9 prescribed by the director. For the purposes of this subsection, the duties
10 which may be prescribed by the director include, but are not limited to,
11 pursuit and return of escaped offenders, transportation and escort of
12 offenders and the general exercise of control over offenders within or
13 outside the confines of the institutions and facilities of the department.

14 2. A person appointed pursuant to NRS 211.115 to administer
15 detention facilities or a jail, and his subordinate jailers, corrections officers
16 and other employees whose duties involve law enforcement have the
17 powers of a peace officer.

18 **Sec. 89.** NRS 289.480 is hereby amended to read as follows:

19 289.480 "Category III peace officer" means a peace officer whose
20 authority is limited to correctional services, including the superintendents
21 and correctional officers of the department of ~~prisons~~ **corrections**.

22 **Sec. 90.** NRS 289.550 is hereby amended to read as follows:

23 289.550 The persons upon whom some or all of the powers of a peace
24 officer are conferred pursuant to NRS 289.150 to 289.360, inclusive, must
25 be certified by the commission, except:

- 26 1. The chief parole and probation officer;
- 27 2. The director of the department of ~~prisons~~ **corrections**;
- 28 3. The state fire marshal;
- 29 4. The director of the department of motor vehicles and public safety,
30 the deputy directors of the department, the chiefs of the divisions of the
31 department other than the investigation division, and the members of the
32 state disaster identification team of the division of emergency management
33 of the department;
- 34 5. The commissioner of insurance and his chief deputy;
- 35 6. Railroad policemen; and
- 36 7. California correctional officers.

37 **Sec. 91.** NRS 333.175 is hereby amended to read as follows:

38 333.175 The chief may exempt from the provisions of this chapter
39 purchases made by the department of ~~prisons~~ **corrections**, with money
40 from the offenders' store fund, for the provision and maintenance of
41 canteens for offenders.

42 **Sec. 92.** NRS 334.010 is hereby amended to read as follows:

43 334.010 1. No automobile may be purchased by any department,
44 office, bureau, officer or employee of the state without prior written
45 consent of the state board of examiners.

46 2. All such automobiles must be used for official purposes only.

47 3. All such automobiles, except:

48 (a) Automobiles maintained for and used by the governor;



- 1 (b) Automobiles used by or under the authority and direction of the
2 chief parole and probation officer, the state contractors' board and auditors,
3 the state fire marshal, the investigation division of the department of motor
4 vehicles and public safety, the investigators of the state gaming control
5 board, the investigators of the securities division of the office of the
6 secretary of state and the investigators of the attorney general;
7 (c) One automobile used by the department of ~~prisons;~~ **corrections;**
8 (d) Two automobiles used by the Caliente youth center;
9 (e) Three automobiles used by the Nevada youth training center; and
10 (f) Four automobiles used by the youth parole bureau of the division of
11 child and family services of the department of human resources,
12 must be labeled by painting the words "State of Nevada" and "For Official
13 Use Only" on the automobiles in plain lettering. The director of the
14 department of administration or his representative shall prescribe the size
15 and location of the label for all such automobiles.
- 16 4. Any officer or employee of the State of Nevada who violates any
17 provision of this section is guilty of a misdemeanor.
- 18 **Sec. 93.** NRS 380A.041 is hereby amended to read as follows:
19 380A.041 1. The governor shall appoint to the council:
20 (a) A representative of public libraries;
21 (b) A trustee of a legally established library or library system;
22 (c) A representative of school libraries;
23 (d) A representative of academic libraries;
24 (e) A representative of special libraries or institutional libraries;
25 (f) A representative of persons with disabilities;
26 (g) A representative of the public who uses these libraries;
27 (h) A representative of recognized state labor organizations;
28 (i) A representative of private sector employers;
29 (j) A representative of private literacy organizations, voluntary literacy
30 organizations or community-based literacy organizations; and
31 (k) A classroom teacher who has demonstrated outstanding results in
32 teaching children or adults to read.
- 33 2. The director of the following state agencies or their designees shall
34 serve as ex officio members of the council:
35 (a) The department of cultural affairs;
36 (b) The department of education;
37 (c) The state job training office;
38 (d) The department of human resources;
39 (e) The commission on economic development; and
40 (f) The department of ~~prisons;~~ **corrections.**
- 41 3. Officers of state government whose agencies provide funding for
42 literacy services may be designated by the governor or the chairman of the
43 council to serve whenever matters within the jurisdiction of the agency are
44 considered by the council.
- 45 4. The governor shall ensure that there is appropriate representation on
46 the council of urban and rural areas of the state, women, persons with
47 disabilities and racial and ethnic minorities.
- 48 5. A person may not serve as a member of the council for more than
49 two consecutive terms.



1 **Sec. 94.** NRS 387.1233 is hereby amended to read as follows:
2 387.1233 1. Except as otherwise provided in subsection 2, basic
3 support of each school district must be computed by:
4 (a) Multiplying the basic support guarantee per pupil established for that
5 school district for that school year by the sum of:
6 (1) Six-tenths the count of pupils enrolled in the kindergarten
7 department on the last day of the first school month of the school district
8 for the school year, including, without limitation, the count of pupils who
9 reside in the county and are enrolled in any charter school on the last day
10 of the first school month of the school district for the school year.
11 (2) The count of pupils enrolled in grades 1 to 12, inclusive, on the
12 last day of the first school month of the school district for the school year,
13 including, without limitation, the count of pupils who reside in the county
14 and are enrolled in any charter school on the last day of the first school
15 month of the school district for the school year.
16 (3) The count of pupils not included under subparagraph (1) or (2)
17 who are receiving special education pursuant to the provisions of NRS
18 388.440 to 388.520, inclusive, on the last day of the first school month of
19 the school district for the school year, excluding the count of pupils who
20 have not attained the age of 5 years and who are receiving special
21 education pursuant to subsection 1 of NRS 388.490 on that day.
22 (4) Six-tenths the count of pupils who have not attained the age of 5
23 years and who are receiving special education pursuant to subsection 1 of
24 NRS 388.490 on the last day of the first school month of the school district
25 for the school year.
26 (5) The count of children detained in detention homes, alternative
27 programs and juvenile forestry camps receiving instruction pursuant to the
28 provisions of NRS 388.550, 388.560 and 388.570 on the last day of the
29 first school month of the school district for the school year.
30 (6) The count of pupils who are enrolled in classes for at least one
31 semester pursuant to subsection 4 of NRS 386.560 or subsection 3 of NRS
32 392.070, expressed as a percentage of the total time services are provided
33 to those pupils per school day in proportion to the total time services are
34 provided during a school day to pupils who are counted pursuant to
35 subparagraph (2).
36 (b) Multiplying the number of special education program units
37 maintained and operated by the amount per program established for that
38 school year.
39 (c) Adding the amounts computed in paragraphs (a) and (b).
40 2. If the enrollment of pupils in a school district or a charter school
41 that is located within the school district on the last day of the first school
42 month of the school district for the school year is less than the enrollment
43 of pupils in the same school district or charter school on the last day of the
44 first school month of the school district for the immediately preceding
45 school year, the larger number must be used for purposes of apportioning
46 money from the state distributive school account to that school district or
47 charter school pursuant to NRS 387.124.



1 3. Pupils who are excused from attendance at examinations or have
2 completed their work in accordance with the rules of the board of trustees
3 must be credited with attendance during that period.

4 4. Pupils who are incarcerated in a facility or institution operated by
5 the department of ~~prisons~~ **corrections** must not be counted for the
6 purpose of computing basic support pursuant to this section. The average
7 daily attendance for such pupils must be reported to the department of
8 education.

9 5. Part-time pupils who are enrolled in courses which are approved by
10 the department as meeting the requirements for an adult to earn a high
11 school diploma must not be counted for the purpose of computing basic
12 support pursuant to this section. The average daily attendance for such
13 pupils must be reported to the department.

14 **Sec. 95.** NRS 391.090 is hereby amended to read as follows:

15 391.090 1. Any person who is:

16 (a) Granted a license to teach or perform other educational functions in
17 the public schools of Nevada, in the school conducted at the Nevada youth
18 training center or the Caliente youth center or for any program of
19 instruction for kindergarten or grades 1 to 12, inclusive, conducted at any
20 correctional institution in the department of ~~prisons~~ **corrections**; or

21 (b) Charged with the duty at the Nevada youth training center or the
22 Caliente youth center of giving instruction in the Constitution of the United
23 States and the constitution of the State of Nevada,
24 must show, by examination or credentials showing college, university or
25 normal school study, satisfactory evidence of adequate knowledge of the
26 origin, history, provisions and principles of the Constitution of the United
27 States and the constitution of the State of Nevada.

28 2. The commission may grant a reasonable time for compliance with
29 the terms of this section.

30 **Sec. 96.** NRS 425.393 is hereby amended to read as follows:

31 425.393 1. The chief may request the following information to carry
32 out the provisions of this chapter:

33 (a) The records of the following public officers and state, county and
34 local agencies:

35 (1) The state registrar of vital statistics;

36 (2) Agencies responsible for maintaining records relating to state and
37 local taxes and revenue;

38 (3) Agencies responsible for keeping records concerning real
39 property and personal property for which a title must be obtained;

40 (4) All boards, commissions and agencies that issue occupational or
41 professional licenses, certificates or permits;

42 (5) The secretary of state;

43 (6) The employment security division of the department of
44 employment, training and rehabilitation;

45 (7) Agencies that administer public assistance;

46 (8) The department of motor vehicles and public safety;

47 (9) The department of ~~prisons~~ **corrections**; and

48 (10) Law enforcement agencies and any other agencies that maintain
49 records of criminal history.



1 (b) The names and addresses of:
2 (1) The customers of public utilities and community antenna
3 television companies; and

4 (2) The employers of the customers described in subparagraph (1).

5 (c) Information in the possession of financial institutions relating to the
6 assets, liabilities and any other details of the finances of a person.

7 (d) Information in the possession of a public or private employer
8 relating to the employment, compensation and benefits of a person
9 employed by the employer as an employee or independent contractor.

10 2. If a person or other entity fails to supply the information requested
11 pursuant to subsection 1, the administrator may issue a subpoena to compel
12 the person or entity to provide that information. A person or entity who
13 fails to comply with a request made pursuant to subsection 1 is subject to a
14 civil penalty not to exceed \$500 for each failure to comply.

15 3. A disclosure made in good faith pursuant to subsection 1 does not
16 give rise to any action for damages for the disclosure.

17 **Sec. 97.** NRS 426.630 is hereby amended to read as follows:

18 426.630 As used in NRS 426.630 to 426.720, inclusive, unless the
19 context otherwise requires:

20 1. “Operator” means the individual blind person responsible for the
21 day-to-day operation of the vending stand.

22 2. “Public building” or “property” means any building, land or other
23 real property, owned, leased or occupied by any department or agency of
24 the state or any of its political subdivisions except public elementary and
25 secondary schools, the University and Community College System of
26 Nevada, the Nevada state park system and the department of ~~prisons.~~
27 **corrections.**

28 3. “Vending stand” means:

29 (a) Such buildings, shelters, counters, shelving, display and wall cases,
30 refrigerating apparatus and other appropriate auxiliary equipment as are
31 necessary or customarily used for the vending of such articles or the
32 provision of such services as may be approved by the bureau and the
33 department or agency having care, custody and control of the building or
34 property in or on which the vending stand is located;

35 (b) Manual or coin-operated vending machines or similar devices for
36 vending such articles, operated in a particular building, even though no
37 person is physically present on the premises except to service the
38 machines;

39 (c) A cafeteria or snack bar for the dispensing of foodstuffs and
40 beverages; or

41 (d) Portable shelters which can be disassembled and reassembled, and
42 the equipment therein, used for the vending of approved articles, foodstuffs
43 or beverages or the provision of approved services.

44 **Sec. 98.** NRS 433A.450 is hereby amended to read as follows:

45 433A.450 When a psychiatrist and one other person professionally
46 qualified in the field of psychiatric mental health determines that an
47 offender confined in an institution of the department of ~~prisons.~~
48 **corrections** is mentally ill, the director of the department of ~~prisons.~~
49 **corrections** shall apply to the administrator for the offender’s detention and



1 treatment at a division facility selected by the administrator. If the
2 administrator determines that adequate security or treatment is not
3 available in a division facility, the administrator shall provide, within the
4 resources available to the division and as he deems necessary, consultation
5 and other appropriate services for the offender at the place where he is
6 confined. It is the director's decision whether to accept such services.

7 **Sec. 99.** NRS 444.330 is hereby amended to read as follows:

8 444.330 1. The health division has supervision over the sanitation,
9 healthfulness, cleanliness and safety, as it pertains to the foregoing matters,
10 of the following state institutions:

- 11 (a) Institutions and facilities of the department of ~~prisons~~ **corrections**.
- 12 (b) Northern Nevada adult mental health services.
- 13 (c) Nevada youth training center.
- 14 (d) Caliente youth center.
- 15 (e) Northern Nevada children's home.
- 16 (f) Southern Nevada children's home.
- 17 (g) University and Community College System of Nevada.

18 2. The state board of health may adopt regulations pertaining thereto as
19 are necessary to promote properly the sanitation, healthfulness, cleanliness
20 and, as it pertains to the foregoing matters, the safety of those institutions.

21 3. The state health officer or his authorized agent shall inspect those
22 institutions at least once each calendar year and whenever he deems an
23 inspection necessary to carry out the provisions of this section.

24 4. The state health officer may publish reports of the inspections.

25 5. All persons charged with the duty of maintenance and operation of
26 the institutions named in this section shall operate the institutions in
27 conformity with the regulations adopted by the state board of health
28 pursuant to subsection 2.

29 6. The state health officer or his authorized agent may, in carrying out
30 the provisions of this section, enter upon any part of the premises of any of
31 the institutions named in this section over which he has jurisdiction, to
32 determine the sanitary conditions of the institutions and to determine
33 whether the provisions of this section and the regulations of the state board
34 of health pertaining thereto are being violated.

35 **Sec. 100.** NRS 453.3363 is hereby amended to read as follows:

36 453.3363 1. If a person who has not previously been convicted of
37 any offense pursuant to NRS 453.011 to 453.552, inclusive, or pursuant to
38 any statute of the United States or of any state relating to narcotic drugs,
39 marijuana, or stimulant, depressant or hallucinogenic substances tenders a
40 plea of guilty, guilty but mentally ill, nolo contendere or similar plea to a
41 charge pursuant to NRS 453.336, 453.411 or 454.351, or is found guilty of
42 one of those charges, the court, without entering a judgment of conviction
43 and with the consent of the accused, may suspend further proceedings and
44 place him on probation upon terms and conditions that must include
45 attendance and successful completion of an educational program or, in the
46 case of a person dependent upon drugs, of a program of treatment and
47 rehabilitation pursuant to NRS 453.580.

48 2. Upon violation of a term or condition, the court may enter a
49 judgment of conviction and proceed as provided in the section pursuant to



1 which the accused was charged. Notwithstanding the provisions of
2 paragraph (e) of subsection 2 of NRS 193.130, upon violation of a term or
3 condition, the court may order the person to the custody of the department
4 of ~~prisons~~ **corrections**.

5 3. Upon fulfillment of the terms and conditions, the court shall
6 discharge the accused and dismiss the proceedings against him. A
7 nonpublic record of the dismissal must be transmitted to and retained by
8 the division of parole and probation of the department of motor vehicles
9 and public safety solely for the use of the courts in determining whether, in
10 later proceedings, the person qualifies under this section.

11 4. Except as otherwise provided in subsection 5, discharge and
12 dismissal under this section is without adjudication of guilt and is not a
13 conviction for purposes of this section or for purposes of employment, civil
14 rights or any statute or regulation or license or questionnaire or for any
15 other public or private purpose, but is a conviction for the purpose of
16 additional penalties imposed for second or subsequent convictions or the
17 setting of bail. Discharge and dismissal restores the person discharged, in
18 the contemplation of the law, to the status occupied before the arrest,
19 indictment or information. He may not be held thereafter under any law to
20 be guilty of perjury or otherwise giving a false statement by reason of
21 failure to recite or acknowledge that arrest, indictment, information or trial
22 in response to an inquiry made of him for any purpose. Discharge and
23 dismissal under this section may occur only once with respect to any
24 person.

25 5. A professional licensing board may consider a proceeding under this
26 section in determining suitability for a license or liability to discipline for
27 misconduct. Such a board is entitled for those purposes to a truthful answer
28 from the applicant or licensee concerning any such proceeding with respect
29 to him.

30 **Sec. 101.** NRS 453.377 is hereby amended to read as follows:

31 453.377 A controlled substance may be dispensed by:

32 1. A registered pharmacist upon a legal prescription from a practitioner
33 or to a pharmacy in a correctional institution upon the written order of the
34 prescribing practitioner in charge.

35 2. A pharmacy in a correctional institution, in case of emergency, upon
36 a written order signed by the chief medical officer.

37 3. A practitioner.

38 4. A registered nurse, when the state, county, city or district health
39 officer has declared a state of emergency.

40 5. A medical intern in the course of his internship.

41 6. An advanced practitioner of nursing who holds a certificate from the
42 state board of nursing and a certificate from the state board of pharmacy
43 permitting him to dispense controlled substances.

44 7. A pharmacy in an institution of the department of ~~prisons~~
45 **corrections** to a person designated by the director of the department of
46 ~~prisons~~ **corrections** to administer a lethal injection to a person who has
47 been sentenced to death.

48 8. A registered pharmacist from an institutional pharmacy, pursuant to
49 regulations adopted by the board.



1 **Sec. 102.** NRS 454.215 is hereby amended to read as follows:

2 454.215 A dangerous drug may be dispensed by:

- 3 1. A registered pharmacist upon the legal prescription from a
- 4 practitioner or to a pharmacy in a correctional institution upon the written
- 5 order of the prescribing practitioner in charge;
- 6 2. A pharmacy in a correctional institution, in case of emergency, upon
- 7 a written order signed by the chief medical officer;
- 8 3. A practitioner, or a physician assistant if authorized by the board;
- 9 4. A registered nurse, when the nurse is engaged in the performance of
- 10 any public health program approved by the board;
- 11 5. A medical intern in the course of his internship;
- 12 6. An advanced practitioner of nursing who holds a certificate from the
- 13 state board of nursing and a certificate from the state board of pharmacy
- 14 permitting him to dispense dangerous drugs;
- 15 7. A registered nurse employed at an institution of the department of
- 16 ~~prisons~~ **corrections** to an offender in that institution; or
- 17 8. A registered pharmacist from an institutional pharmacy pursuant to
- 18 regulations adopted by the board,
- 19 except that no person may dispense a dangerous drug in violation of a
- 20 regulation adopted by the board.

21 **Sec. 103.** NRS 454.221 is hereby amended to read as follows:

22 454.221 1. A person who furnishes any dangerous drug except upon

23 the prescription of a practitioner is guilty of a category D felony and shall

24 be punished as provided in NRS 193.130, unless the dangerous drug was

25 obtained originally by a legal prescription.

26 2. The provisions of this section do not apply to the furnishing of any

27 dangerous drug by:

- 28 (a) A practitioner to his patients;
- 29 (b) A physician assistant if authorized by the board;
- 30 (c) A registered nurse while participating in a public health program
- 31 approved by the board, or an advanced practitioner of nursing who holds a
- 32 certificate from the state board of nursing and a certificate from the state
- 33 board of pharmacy permitting him to dispense dangerous drugs;
- 34 (d) A manufacturer or wholesaler or pharmacy to each other or to a
- 35 practitioner or to a laboratory under records of sales and purchases that
- 36 correctly give the date, the names and addresses of the supplier and the
- 37 buyer, the drug and its quantity;
- 38 (e) A hospital pharmacy or a pharmacy so designated by a county health
- 39 officer in a county whose population is 100,000 or more, or by a district
- 40 health officer in any county within its jurisdiction or, in the absence of
- 41 either, by the state health officer or his designated medical director of
- 42 emergency medical services, to a person or agency described in subsection
- 43 3 of NRS 639.268 to stock ambulances or other authorized vehicles or
- 44 replenish the stock; or
- 45 (f) A pharmacy in a correctional institution to a person designated by
- 46 the director of the department of ~~prisons~~ **corrections** to administer a
- 47 lethal injection to a person who has been sentenced to death.



1 **Sec. 104.** NRS 458.380 is hereby amended to read as follows:
2 458.380 1. The commission on substance abuse education,
3 prevention, enforcement and treatment is hereby created within the
4 department of motor vehicles and public safety.
5 2. The governor shall appoint as voting members of the commission:
6 (a) Three members who represent the criminal justice system and are
7 knowledgeable in the areas of the enforcement of laws relating to drugs,
8 parole and probation and the judicial system, at least one of whom is a
9 peace officer;
10 (b) Three members who represent education and are knowledgeable
11 about programs for the prevention of abuse of drugs and alcohol, at least
12 one of whom is a licensed employee of a local school district;
13 (c) Three members who represent programs and organizations for the
14 rehabilitation of persons who abuse drugs and alcohol, at least one of
15 whom is a manager of a program accredited by this state to treat persons
16 who abuse drugs and alcohol;
17 (d) One member who is employed by the health division and has
18 experience in matters concerning budgeting and experience in working
19 with the alcohol and drug abuse programs of the health division;
20 (e) One member who is employed by the division of mental health and
21 developmental services of the department of human resources who has
22 relevant experience, which may include, without limitation, experience in
23 matters concerning budgeting and experience in working with programs of
24 the division of mental health and developmental services of the department
25 of human resources;
26 (f) One member who represents the interests of private businesses
27 concerning substance abuse in the workplace; and
28 (g) Three members who represent the general public, one of whom is
29 the parent of a child who has a mental illness or who has or has had a
30 problem with substance abuse.
31 3. At least three of the voting members of the commission must be
32 representatives of northern Nevada, three must be representatives of
33 southern Nevada and three must be representatives of rural Nevada.
34 4. The legislative commission shall appoint one member of the senate
35 and one member of the assembly to serve as nonvoting members of the
36 commission. Those members must be appointed with appropriate regard
37 for their experience with and knowledge of matters relating to substance
38 abuse education, prevention, enforcement and treatment.
39 5. The director of the department of human resources, the
40 superintendent of public instruction, the director of the department of
41 employment, training and rehabilitation, the director of the department of
42 ~~prisons~~ **corrections**, the attorney general and the director of the
43 department of motor vehicles and public safety are ex officio nonvoting
44 members of the commission. An ex officio member may designate a
45 representative to serve in his place on the commission or to attend a
46 meeting of the commission in his place. Each ex officio member or his
47 representative shall attend each meeting of the commission and provide
48 any information which the commission requests.



1 6. The term of office of each voting member of the commission is 2
2 years.

3 7. The governor shall appoint one member who is not an elected
4 officer to serve as chairman of the commission.

5 8. Each member of the commission is entitled to receive the per diem
6 allowance and travel expenses provided for state officers and employees
7 generally.

8 9. Except during a regular or special session of the legislature, each
9 legislative member of the commission is entitled to receive the
10 compensation provided for a majority of the members of the legislature
11 during the first 60 days of the preceding regular session for each day or
12 portion of a day during which he attends a meeting of the commission or is
13 otherwise engaged in the business of the commission. The salaries and
14 expenses of the legislative members of the commission must be paid from
15 the legislative fund.

16 **Sec. 105.** NRS 482.267 is hereby amended to read as follows:

17 482.267 The director shall utilize the facility for the production of
18 license plates which is located at the department of ~~prisons~~ **corrections** to
19 produce all license plates required by the department of motor vehicles and
20 public safety.

21 **Sec. 106.** NRS 482.368 is hereby amended to read as follows:

22 482.368 1. Except as otherwise provided in subsection 2, the
23 department shall provide suitable distinguishing license plates for exempt
24 vehicles. These plates must be displayed on the vehicles in the same
25 manner as provided for privately owned vehicles. The fee for the issuance
26 of the plates is \$5. Any license plates authorized by this section must be
27 immediately returned to the department when the vehicle for which they
28 were issued ceases to be used exclusively for the purpose for which it was
29 exempted from the governmental services tax.

30 2. License plates furnished for:

31 (a) Those vehicles which are maintained for and used by the governor
32 or under the authority and direction of the chief parole and probation
33 officer, the state contractors' board and auditors, the state fire marshal, the
34 investigation division of the department and any authorized federal law
35 enforcement agency or law enforcement agency from another state;

36 (b) One vehicle used by the department of ~~prisons~~ **corrections**, three
37 vehicles used by the division of wildlife of the state department of
38 conservation and natural resources, two vehicles used by the Caliente
39 youth center and four vehicles used by the Nevada youth training center;

40 (c) Vehicles of a city, county or the state, if authorized by the
41 department for the purposes of law enforcement or work related thereto or
42 such other purposes as are approved upon proper application and
43 justification; and

44 (d) Vehicles maintained for and used by investigators of the following:

- 45 (1) The state gaming control board;
46 (2) The state department of agriculture;
47 (3) The attorney general;
48 (4) City or county juvenile officers;
49 (5) District attorneys' offices;



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1 (6) Public administrators' offices;
2 (7) Public guardians' offices;
3 (8) Sheriffs' offices;
4 (9) Police departments in the state; and
5 (10) The securities division of the office of the secretary of state,
6 must not bear any distinguishing mark which would serve to identify the
7 vehicles as owned by the state, county or city. These license plates must be
8 issued annually for \$12 per plate or, if issued in sets, per set.

9 3. The director may enter into agreements with departments of motor
10 vehicles of other states providing for exchanges of license plates of regular
11 series for vehicles maintained for and used by investigators of the law
12 enforcement agencies enumerated in paragraph (d) of subsection 2, subject
13 to all of the requirements imposed by that paragraph, except that the fee
14 required by that paragraph must not be charged.

15 4. Applications for the licenses must be made through the head of the
16 department, board, bureau, commission, school district or irrigation
17 district, or through the chairman of the board of county commissioners of
18 the county or town or through the mayor of the city, owning or controlling
19 the vehicles, and no plate or plates may be issued until a certificate has
20 been filed with the department showing that the name of the department,
21 board, bureau, commission, county, city, town, school district or irrigation
22 district, as the case may be, and the words "For Official Use Only" have
23 been permanently and legibly affixed to each side of the vehicle, except
24 those vehicles enumerated in subsection 2.

25 5. As used in this section, "exempt vehicle" means a vehicle exempt
26 from the governmental services tax, except a vehicle owned by the United
27 States.

28 6. The department shall adopt regulations governing the use of all
29 license plates provided for in this section. Upon a finding by the
30 department of any violation of its regulations, it may revoke the violator's
31 privilege of registering vehicles pursuant to this section.

32 **Sec. 107.** NRS 484.3796 is hereby amended to read as follows:

33 484.3796 1. Before sentencing an offender pursuant to NRS
34 484.3795 or paragraph (c) of subsection 1 of NRS 484.3792, the court shall
35 require that the offender be evaluated to determine whether he is an abuser
36 of alcohol or drugs and whether he can be treated successfully for his
37 condition.

38 2. The evaluation must be conducted by:

39 (a) An alcohol and drug abuse counselor who is licensed or certified
40 pursuant to chapter 641C of NRS to make such an evaluation;

41 (b) A physician who is certified to make such an evaluation by the
42 board of medical examiners; or

43 (c) A psychologist who is certified to make such an evaluation by the
44 board of psychological examiners.

45 3. The alcohol and drug abuse counselor, physician or psychologist
46 who conducts the evaluation shall immediately forward the results of the
47 evaluation to the director of the department of ~~prisons.~~ **corrections.**



1 **Sec. 108.** NRS 488.430 is hereby amended to read as follows:
2 488.430 1. Before sentencing a defendant pursuant to NRS 488.420,
3 the court shall require that the defendant be evaluated to determine whether
4 he is an abuser of alcohol or drugs and whether he can be treated
5 successfully for his condition.

6 2. The evaluation must be conducted by:

7 (a) An alcohol and drug abuse counselor who is licensed or certified
8 pursuant to chapter 641C of NRS to make such an evaluation;

9 (b) A physician who is certified to make such an evaluation by the
10 board of medical examiners; or

11 (c) A psychologist who is certified to make such an evaluation by the
12 board of psychological examiners.

13 3. The alcohol and drug abuse counselor, physician or psychologist
14 who conducts the evaluation shall immediately forward the results of the
15 evaluation to the director of the department of ~~prisons~~ **corrections**.

16 **Sec. 109.** NRS 616B.028 is hereby amended to read as follows:

17 616B.028 1. Any offender confined at the state prison, while
18 engaged in work in a prison industry or work program, whether the
19 program is operated by an institution of the department of ~~prisons~~ **corrections**,
20 by contract with a public entity or by a private employer, is
21 entitled to coverage under the modified program of industrial insurance
22 established by regulations adopted by the division if the director of the
23 department of ~~prisons~~ **corrections** complies with the provisions of the
24 regulations, and coverage is approved by a private carrier.

25 2. An offender is limited to the rights and remedies established by the
26 provisions of the modified program of industrial insurance established by
27 regulations adopted by the division. The offender is not entitled to any
28 rights and remedies established by the provisions of chapters 616A to 617,
29 inclusive, of NRS.

30 3. The division shall, in cooperation with the department of ~~prisons~~ **corrections**
31 and the risk management division of the department of
32 administration, adopt regulations setting forth a modified program of
33 industrial insurance to provide offenders with industrial insurance against
34 personal injuries arising out of and in the course of their work in a prison
35 industry or work program.

36 **Sec. 110.** NRS 617.135 is hereby amended to read as follows:

37 617.135 "Police officer" includes:

38 1. A sheriff, deputy sheriff, officer of a metropolitan police department
39 or city policeman;

40 2. A chief, inspector, supervisor, commercial officer or trooper of the
41 Nevada highway patrol;

42 3. A chief, investigator or agent of the investigation division of the
43 department of motor vehicles and public safety;

44 4. An officer or investigator of the section for the control of emissions
45 from vehicles of the motor vehicles branch of the department of motor
46 vehicles and public safety;

47 5. An investigator of the division of compliance enforcement of the
48 motor vehicles branch of the department of motor vehicles and public
49 safety;



1 6. A member of the police department of the University and
2 Community College System of Nevada;

3 7. A:

4 (a) Uniformed employee of; or

5 (b) Forensic specialist employed by,

6 the department of ~~prisons~~ **corrections** whose position requires regular and
7 frequent contact with the offenders imprisoned and subjects the employee
8 to recall in emergencies;

9 8. A parole and probation officer of the division of parole and
10 probation of the department of motor vehicles and public safety;

11 9. A forensic specialist or correctional officer employed by the
12 division of mental health and development services of the department of
13 human resources at facilities for mentally disordered offenders; and

14 10. The state fire marshal, his assistant and his deputies.

15 **Sec. 111.** NRS 629.068 is hereby amended to read as follows:

16 629.068 1. A provider of health care shall, upon request of the
17 director of the department of ~~prisons~~ **corrections** or his designee, provide
18 the department of ~~prisons~~ **corrections** with a complete copy of the health
19 care records of an offender confined at the state prison.

20 2. Records provided to the department of ~~prisons~~ **corrections** must
21 not be used at any public hearing unless:

22 (a) The offender named in the records has consented in writing to their
23 use; or

24 (b) Appropriate procedures are utilized to protect the identity of the
25 offender from public disclosure.

26 3. A provider of health care and an agent or employee of a provider of
27 health care are immune from civil liability for a disclosure made in
28 accordance with the provisions of this section.

29 **Sec. 112.** NRS 630.272 is hereby amended to read as follows:

30 630.272 1. A physician's assistant employed at an institution of the
31 department of ~~prisons~~ **corrections** may give orders for treatments to a
32 nurse working at that institution for the treatment of a patient, including the
33 administration of a dangerous drug, poison or related device, if:

34 (a) The orders are given pursuant to a protocol approved by the board
35 and the supervising physician;

36 (b) The physician's assistant has been awarded a bachelor's degree from
37 a college or university recognized by the board; and

38 (c) The physician's assistant has received at least 40 hours of instruction
39 regarding the prescription of medication as a part of either his basic
40 educational qualifications or a program of continuing education approved
41 by the board.

42 2. This section does not authorize a physician's assistant to give orders
43 for the administration of any controlled substance.

44 3. For the purposes of this section, "treatments" means the use,
45 insertion or application of instruments, apparatus and contrivances,
46 including their components, parts and accessories, which do not require a
47 prescription for their use and are not included within "device" as defined in
48 NRS 585.070.



1 **Sec. 113.** NRS 632.473 is hereby amended to read as follows:

2 632.473 1. A nurse licensed pursuant to the provisions of this
3 chapter, while working at an institution of the department of ~~prisons;~~
4 **corrections**, may treat patients, including the administration of a dangerous
5 drug, poison or related device, pursuant to orders given by a physician
6 assistant if those orders are given pursuant to a protocol approved by the
7 board of medical examiners and the supervising physician. The orders must
8 be cosigned by the supervising physician or another physician within 72
9 hours after treatment.

10 2. A copy of the protocol under which orders are given by a physician
11 assistant must be available at the institution for review by the nurse.

12 3. This section does not authorize a physician assistant to give orders
13 for the administration of any controlled substance.

14 4. For the purposes of this section:

15 (a) "Physician assistant" means a physician assistant licensed by the
16 board of medical examiners pursuant to chapter 630 of NRS who:

17 (1) Is employed at an institution of the department of ~~prisons;~~
18 **corrections;**

19 (2) Has been awarded a bachelor's degree from a college or
20 university recognized by the board of medical examiners; and

21 (3) Has received at least 40 hours of instruction regarding the
22 prescription of medication as a part of either his basic educational
23 qualifications or a program of continuing education approved by the board
24 of medical examiners.

25 (b) "Protocol" means the written directions for the assessment and
26 management of specified medical conditions, including the drugs and
27 devices the physician assistant is authorized to order, which the physician
28 assistant and the supervision have agreed upon as a basis for their practice.

29 (c) "Supervising physician" has the meaning ascribed to it in NRS
30 630.025.

31 **Sec. 114.** NRS 644.460 is hereby amended to read as follows:

32 644.460 1. The following persons are exempt from the provisions of
33 this chapter:

34 (a) All persons authorized by the laws of this state to practice medicine,
35 dentistry, osteopathic medicine, chiropractic or podiatry.

36 (b) Commissioned medical officers of the United States Army, Navy, or
37 Marine Hospital Service when engaged in the actual performance of their
38 official duties, and attendants attached to those services.

39 (c) Barbers, insofar as their usual and ordinary vocation and profession
40 is concerned, when engaged in any of the following practices:

41 (1) Cleansing or singeing the hair of any person.

42 (2) Massaging, cleansing, stimulating, exercising or similar work
43 upon the scalp, face or neck of any person, with the hands or with
44 mechanical or electrical apparatus or appliances, or by the use of cosmetic
45 preparations, antiseptics, tonics, lotions or creams.

46 (d) Retailers, at a retail establishment, insofar as their usual and
47 ordinary vocation and profession is concerned, when engaged in the
48 demonstration of make-up if:



(1) The demonstration is without charge to the person to whom the demonstration is given; and

(2) The retailer does not advertise or provide a cosmetological service except make-up and fragrances.

(e) Photographers or their employees, insofar as their usual and ordinary vocation and profession is concerned, if the photographer or his employee does not advertise cosmetological services and provides cosmetics without charge to the customer.

2. Any school of cosmetology conducted as part of the vocational rehabilitation training program of the department of ~~prisons~~ *corrections* or the Caliente youth center:

(a) Is exempt from the requirements of paragraph (c) of subsection 2 of NRS 644.400.

(b) Notwithstanding the provisions of NRS 644.395, shall maintain a staff of at least one licensed instructor.

Sec. 115. Sections 5 and 6 of Assembly Bill No. 110 of the 71st session of the Nevada Legislature are hereby amended to read as follows:

Sec. 5. NRS 6.020 is hereby amended to read as follows:

6.020 1. ~~Upon~~ *Except as otherwise provided in subsections 2 and 3 and section 2 of this act, upon* satisfactory proof, made by affidavit or otherwise, the following-named persons, and no others, ~~except as otherwise provided in subsections 2 and 3,~~ are exempt from service as grand or trial jurors:

(a) Any federal or state officer.

(b) Any judge, justice of the peace or attorney at law.

(c) Any county clerk, recorder, assessor, sheriff, deputy sheriff, constable or police officer.

(d) Any locomotive engineer, locomotive fireman, conductor, brakeman, switchman or engine foreman.

(e) Any officer or correctional officer employed by the department of corrections.

(f) Any employee of the legislature or the legislative counsel bureau while the legislature is in session.

(g) Any physician, optometrist or dentist who is licensed to practice in this state.

(h) Any person who has a fictitious address pursuant to NRS 217.462 to 217.471, inclusive.

2. All persons of the age of 70 years or over are exempt from serving as grand or trial jurors. Whenever it appears to the satisfaction of the court, by affidavit or otherwise, that a juror is over the age of 70 years, the court shall order the juror excused from all service as a grand or trial juror, if the juror so desires.

3. A person who is the age of 65 years or over who lives 65 miles or more from the court is exempt from serving as a grand or trial juror. Whenever it appears to the satisfaction of the court, by affidavit or otherwise, that a juror is the age of 65 years or over and lives 65 miles or more from the court, the court shall order the juror excused from all service as a grand or trial juror, if the juror so desires.



1 Sec. 6. 1. This section and sections 1 to 4, inclusive, of this act
2 become effective on July 1, 2001.

3 2. Section 5 of this act becomes effective at 12:01 a.m. on July 1,
4 2001.

5 **Sec. 116.** Section 24 of Assembly Bill No. 551 of the 71st session of
6 the Nevada Legislature is hereby amended to read as follows:

7 Sec. 24. NRS 644.460 is hereby amended to read as follows:

8 644.460 1. The following persons are exempt from the
9 provisions of this chapter:

10 (a) All persons authorized by the laws of this state to practice
11 medicine, dentistry, osteopathic medicine, chiropractic or podiatry.

12 (b) Commissioned medical officers of the United States Army,
13 Navy, or Marine Hospital Service when engaged in the actual
14 performance of their official duties, and attendants attached to those
15 services.

16 (c) Barbers, insofar as their usual and ordinary vocation and
17 profession is concerned, when engaged in any of the following
18 practices:

19 (1) Cleansing or singeing the hair of any person.

20 (2) Massaging, cleansing, stimulating, exercising or similar
21 work upon the scalp, face or neck of any person, with the hands or
22 with mechanical or electrical apparatus or appliances, or by the use of
23 cosmetic preparations, antiseptics, tonics, lotions or creams.

24 (d) Retailers, at a retail establishment, insofar as their usual and
25 ordinary vocation and profession is concerned, when engaged in the
26 demonstration of ~~make-up~~ *cosmetics* if:

27 (1) The demonstration is without charge to the person to whom
28 the demonstration is given; and

29 (2) The retailer does not advertise or provide a cosmetological
30 service except ~~make-up~~ *cosmetics* and fragrances.

31 (e) Photographers or their employees, insofar as their usual and
32 ordinary vocation and profession is concerned, if the photographer or
33 his employee does not advertise cosmetological services and provides
34 cosmetics without charge to the customer.

35 2. Any school of cosmetology conducted as part of the vocational
36 rehabilitation training program of the department of corrections or the
37 Caliente youth center:

38 (a) Is exempt from the requirements of paragraph (c) of subsection
39 2 of NRS 644.400.

40 (b) Notwithstanding the provisions of NRS 644.395, shall maintain
41 a staff of at least one licensed instructor.

42 **Sec. 117.** Section 11 of Senate Bill No. 52 of the 71st session of the
43 Nevada Legislature is hereby amended to read as follows:

44 Sec. 11. NRS 453.377 is hereby amended to read as follows:

45 453.377 A controlled substance may be dispensed by:

46 1. A registered pharmacist upon a legal prescription from a
47 practitioner or to a pharmacy in a correctional institution upon the
48 written order of the prescribing practitioner in charge.



2. A pharmacy in a correctional institution, in case of emergency, upon a written order signed by the chief medical officer.

3. A practitioner.

4. A registered nurse, when the state, county, city or district health officer has declared a state of emergency.

5. A medical intern in the course of his internship.

~~6. An advanced practitioner of nursing who holds a certificate from the state board of nursing and a certificate from the state board of pharmacy permitting him to dispense controlled substances.~~

~~7. A pharmacy in an institution of the department of corrections to a person designated by the director of the department of corrections to administer a lethal injection to a person who has been sentenced to death.~~

~~8. 7.~~ A registered pharmacist from an institutional pharmacy, pursuant to regulations adopted by the board.

Sec. 118. Section 91 of Senate Bill No. 91 of the 71st session of the Nevada Legislature is hereby amended to read as follows:

Sec. 91. 1. NRS 630.274, 640B.010, 640B.020, 640B.030, 640B.040, 640B.050, 640B.080, 640B.100, 640B.110 and 640B.150 are hereby repealed.

2. NRS 630.256 and 630.272 are hereby repealed.

Sec. 119. The legislative counsel shall:

1. In preparing the reprint and supplements to the Nevada Revised Statutes, appropriately change any references to an officer, agency or other entity whose name is changed or whose responsibilities are transferred pursuant to the provisions of this act to refer to the appropriate officer, agency or other entity.

2. In preparing supplements to the Nevada Administrative Code, appropriately change any references to an officer, agency or other entity whose name is changed or whose responsibilities are transferred pursuant to the provisions of this act to refer to the appropriate officer, agency or other entity.

Sec. 120. 1. This section and sections 1 to 86, inclusive, 88 to 101, inclusive, 104, 105, 107, 108, 109, 111, 112 and 114 to 119, inclusive, of this act become effective on July 1, 2001.

2. Sections 102, 103, 106, 110 and 113 of this act become effective at 12:01 a.m. on July 1, 2001.

3. Section 86 of this act expires by limitation on July 1, 2009.

4. Section 87 of this act becomes effective on July 2, 2009.

