

Senate Bill No. 4—Joint Rules Committee

CHAPTER.....

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:

Section 1. Chapter 209 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this act.

Sec. 2. *The director may establish, with the approval of the board, a system for offender management, to be implemented in each institution and facility of the department, which consists of structured living programs for offenders and the management of units by the staff, with levels of custody, security and privileges and opportunities for offenders based upon the assessed needs of the offenders as determined by their initial and ongoing classification and evaluation.*

Sec. 3. *The director may continue to develop and implement, in each institution and facility of the department, a program of facility training for the correctional staff.*

Sec. 4. NRS 209.051 is hereby amended to read as follows:

209.051 “Department” means the department of ~~prisons~~ **corrections**.

Sec. 5. NRS 209.061 is hereby amended to read as follows:

209.061 “Director” means the director of the department. ~~of prisons~~

Sec. 6. NRS 209.101 is hereby amended to read as follows:

209.101 1. The department of ~~prisons~~ **corrections** is hereby created.

2. The head of the department is the board of state prison commissioners.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

209.183 In addition to his regular salary, each person employed by the department of ~~{prisons}~~ *corrections* or the division of forestry of the state department of conservation and natural resources at the Southern Nevada Correctional Center, the Southern Desert Correctional Center, the Indian Springs Conservation Camp, the correctional institution identified as the Men's Prison No. 7 in chapter 656, Statutes of Nevada 1995, and chapter 478, Statutes of Nevada 1997, or the Jean Conservation Camp is entitled to receive, as compensation for travel expenses, not more than \$7.50 for each day he reports to work if his residence is more than 25 miles from the respective facility. The total cost for compensation for travel expenses authorized by this section must not exceed the amount specially appropriated for this purpose.

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

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

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

3. Subject to the approval of the state board of examiners, the director may expend money deposited in this fund for the promotion and development of these programs and the prison farm. The director shall expend money deposited in this fund to pay the premiums required for

coverage of offenders under the modified program of industrial insurance adopted pursuant to NRS 616B.028.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(a) The offender has:

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

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

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

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

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

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

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

If an offender assigned to the program of treatment pursuant to NRS 209.427, completes the initial phase of the program and thereafter refuses to enter the remainder of the program of treatment pursuant to this section, the offender forfeits all or part of the credits earned by him to reduce his sentence pursuant to this chapter before this refusal, as determined by the director. The director may provide for a forfeiture of credits pursuant to this paragraph only after proof of the offense and notice to the offender, and may restore credits forfeited for such reasons as he considers proper. The decision of the director regarding such a forfeiture is final.

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

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

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

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

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

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

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

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

(b) For the purposes of NRS 209.341, an assignment to a facility of the department, ~~to a prison;~~ except that the offender is not entitled to obtain any benefits or to participate in any programs provided to offenders in the custody of the department. ~~to a prison.~~

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

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

Sec. 16. NRS 209.481 is hereby amended to read as follows:

209.481 1. The director shall not assign any prisoner to an institution or facility of minimum security if the prisoner:

(a) Except as otherwise provided in NRS 484.3792 and 484.3795, is not eligible for parole or release from prison within a reasonable period;

(b) Has recently committed a serious infraction of the rules of an institution or facility of the department ; ~~to a prison;~~

(c) Has not performed the duties assigned to him in a faithful and orderly manner;

(d) Has been convicted of a sexual offense;

(e) Has committed an act of serious violence during the previous year; or

(f) Has attempted to escape or has escaped from an institution of the department. ~~to a prison.~~

2. The director shall, by regulation, establish procedures for classifying and selecting qualified prisoners.

Sec. 17. NRS 209.4813 is hereby amended to read as follows:

209.4813 1. The advisory board on industrial programs is hereby created.

2. The advisory board consists of the director of the department , ~~to a prison;~~ the chief of the purchasing division of the department of administration and eight members appointed by the interim finance committee as follows:

- (a) Two members of the senate.
- (b) Two members of the assembly.
- (c) Two persons who represent manufacturing in this state.
- (d) One person who represents business in this state.
- (e) One person who represents organized labor in this state.

3. The members of the advisory board shall select a chairman from among their membership.

4. Each member of the advisory board appointed by the interim finance committee must be appointed to a term of 2 years and may be reappointed.

5. Except during a regular or special session of the legislature, each legislator who is a member of the advisory board is entitled to receive the compensation provided for a majority of the members of the legislature during the first 60 days of the preceding regular session for each day or portion of a day during which he attends a meeting of the advisory board or is otherwise engaged in the work of the advisory board. Each nonlegislative member appointed by the interim finance committee is entitled to receive compensation for his service on the advisory board in the same amount and manner as the legislative members whether or not the legislature is in session. Each nonlegislative member of the advisory board is entitled to receive the per diem allowance and travel expenses provided for state officers and employees generally. Each legislator who is a member of the advisory board is entitled to receive the per diem allowance provided for state officers and employees generally and the travel expenses provided pursuant to NRS 218.2207. All compensation, allowances and travel expenses must be paid from the fund for prison industries.

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

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

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

(b) Has escaped from the custody of the department . ~~for prisons.~~

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

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

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

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

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

211.040 1. Payment of expenses and the method of transporting a prisoner from a county jail to an institution or facility of the department of

~~prisons~~ **corrections** must be as provided in chapter 209 of NRS. When a prisoner is transferred from the county jail to such an institution or facility, the sheriff shall provide the director of the department of ~~prisons~~ **corrections** with a written report pertaining to the medical, psychiatric, behavioral or criminal aspects of the prisoner's history. This report may be based upon observations of the prisoner while confined in the county jail and must note in particular any medication or medical treatment administered in the jail, including the type, dosage and frequency of administration.

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

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

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

212.030 1. When any prisoner escapes from an institution or facility of the department of ~~prisons~~ **corrections**, the director of the department may issue a warrant for the recapture of the escaped prisoner. The warrant is effective in any county in this state, and may command the sheriff of any county in this state, or any constable thereof, or any police officer of any city in this state, to arrest the prisoner and return him to the director.

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

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

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

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

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

212.150 1. A person shall not visit, or in any manner communicate with, any prisoner convicted of or charged with any felony, imprisoned in the county jail, other than the officer having such prisoner in charge, his attorney, or the district attorney, unless the person has a written permission

so to do, signed by the district attorney, or has the consent of the director of the department of ~~prisons~~ **corrections** or the constable or sheriff having such prisoner in charge.

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

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

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

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

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

2. Knowingly leaving or causing to be left any deadly weapon, explosive, facsimile of a firearm or explosive, controlled substance or intoxicating liquor where it may be obtained by any prisoner constitutes, within the meaning of this section, the furnishing of the article to the prisoner.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(d) The goals and objectives of the board;

(e) The programs administered by the board;

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

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

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

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

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

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

- (a) The role and function of the board within the criminal justice system;
- (b) Changes in the law, including judicial decisions affecting parole;
- (c) Developing skills in communicating, making decisions and solving problems;
- (d) The interpretation and use of research, data and reports;
- (e) Correctional policies and programs, including programs for the treatment of prisoners and parolees;
- (f) Alternative punishments for disobedience;
- (g) The selection of prisoners for parole;
- (h) The supervision of parolees;
- (i) The designation of and programs for repeating or professional offenders;
- (j) Problems related to gangs;
- (k) The abuse of alcohol and drugs;
- (l) The acquired immune deficiency syndrome;
- (m) Domestic violence; and
- (n) Mental illness and mental retardation.

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

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

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

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

- (a) Whether there is a reasonable probability that the prisoner will live and remain at liberty without violating the laws;
- (b) Whether the release is incompatible with the welfare of society;
- (c) The seriousness of the offense and the history of criminal conduct of the prisoner;
- (d) The standards adopted pursuant to NRS 213.10885 and the recommendation, if any, of the chief; and
- (e) Any documents or testimony submitted by a victim notified pursuant to NRS 213.130.

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

4. Except as otherwise provided in NRS 213.1215, the board may not release on parole a prisoner whose sentence to death or to life without possibility of parole has been commuted to a lesser penalty unless it finds that the prisoner has served at least 20 consecutive years in the state prison,

is not under an order to be detained to answer for a crime or violation of parole or probation in another jurisdiction, and that he does not have a history of:

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

(b) Repetitive criminal conduct;

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

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

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

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

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

Sec. 29. NRS 213.115 is hereby amended to read as follows:

213.115 Notwithstanding the provisions of any other law, any prisoner may be released conditionally on parole at the request of the appropriate authority of another jurisdiction for prosecution for any crime of a magnitude equal to or greater than that for which he was imprisoned, as determined by the severity of the sentences for the two crimes. If after such conditional parole and prosecution by another jurisdiction the prisoner is found not guilty of the crime as charged he must, pursuant to the board's written order, be returned to the actual custody of the department of ~~prisons;~~ **corrections** and shall serve such part of the unexpired term of his original sentence as may be determined by the board.

Sec. 30. NRS 213.1214 is hereby amended to read as follows:

213.1214 1. The board shall not release on parole a prisoner convicted of an offense listed in subsection 5 unless a panel consisting of:

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

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

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

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

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

4. This section does not create a right in any prisoner to be certified or continue to be certified. No prisoner may bring a cause of action against

the state, its political subdivisions, agencies, boards, commissions, departments, officers or employees for not certifying or refusing to place a prisoner before a panel for certification pursuant to this section.

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

- (a) Sexual assault pursuant to NRS 200.366.
- (b) Statutory sexual seduction pursuant to NRS 200.368.
- (c) Battery with intent to commit sexual assault pursuant to NRS 200.400.
- (d) Abuse or neglect of a child pursuant to NRS 200.508.
- (e) An offense involving pornography and a minor pursuant to NRS 200.710 to 200.730, inclusive.
- (f) Incest pursuant to NRS 201.180.
- (g) Solicitation of a minor to engage in acts constituting the infamous crime against nature pursuant to NRS 201.195.
- (h) Open or gross lewdness pursuant to NRS 201.210.
- (i) Indecent or obscene exposure pursuant to NRS 201.220.
- (j) Lewdness with a child pursuant to NRS 201.230.
- (k) Sexual penetration of a dead human body pursuant to NRS 201.450.
- (l) An attempt to commit an offense listed in paragraphs (a) to ~~(i)~~ (k), inclusive.
- (m) Coercion or attempted coercion that is determined to be sexually motivated pursuant to NRS 207.193.

Sec. 31. NRS 213.130 is hereby amended to read as follows:

213.130 1. The department of ~~prisons~~ *corrections* shall:

- (a) Determine when a prisoner sentenced to imprisonment in the state prison is eligible to be considered for parole;
- (b) Notify the state board of parole commissioners of the eligibility of the prisoner to be considered for parole; and
- (c) Before a meeting to consider the prisoner for parole, compile and provide to the board data that will assist the board in determining whether parole should be granted.

2. If a prisoner is being considered for parole from a sentence imposed for conviction of a crime which involved the use of force or violence against a victim and which resulted in bodily harm to a victim and if original or duplicate photographs that depict the injuries of the victim or the scene of the crime were admitted at the trial of the prisoner or were part of the report of the presentence investigation and are reasonably available, a representative sample of such photographs must be included with the information submitted to the board at the meeting. A prisoner may not bring a cause of action against the State of Nevada, its political subdivisions, agencies, boards, commissions, departments, officers or employees for any action that is taken pursuant to this subsection or for failing to take any action pursuant to this subsection, including, without limitation, failing to include photographs or including only certain photographs. As used in this subsection, “photograph” includes any video, digital or other photographic image.

3. Meetings to consider prisoners for parole may be held semiannually or more often, on such dates as may be fixed by the board. All meetings must be open to the public.

4. Not later than 5 days after the date on which the board fixes the date of the meeting to consider a prisoner for parole, the board shall notify the victim of the prisoner who is being considered for parole of the date of the meeting and of his rights pursuant to this subsection, if the victim has requested notification in writing and has provided his current address or if the victim's current address is otherwise known by the board. The victim of a prisoner being considered for parole may submit documents to the board and may testify at the meeting held to consider the prisoner for parole. A prisoner must not be considered for parole until the board has notified any victim of his rights pursuant to this subsection and he is given the opportunity to exercise those rights. If a current address is not provided to or otherwise known by the board, the board must not be held responsible if such notification is not received by the victim.

5. The board may deliberate in private after a public meeting held to consider a prisoner for parole.

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

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

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

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

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

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

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

- (a) Is not directly involved in the case;
- (b) Has not made the report of the violation; and
- (c) Has not recommended revocation of the parole,

but he need not be a judicial officer.

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

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

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

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

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

- (a) Release the arrested parolee again upon parole;

(b) Order the parolee to be placed in residential confinement in accordance with the provisions of NRS 213.15193, 213.15195 and 213.15198; or

(c) Suspend his parole and return him to confinement.

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

(a) Fifteen days if the prisoner was paroled by the board.

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

3. If a determination has been made that probable cause exists for the continued detention of a paroled prisoner, the board shall consider the prisoner's case within 60 days after his return to the custody of the department of ~~prisons~~ **corrections** or his placement in residential confinement pursuant to subsection 1.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

2. An offender whose:

(a) Native language is not English;

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

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

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

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

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

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

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

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

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

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

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

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

(a) Locate employment for qualified applicants;

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

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

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

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

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

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

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

Sec. 40. NRS 213.350 is hereby amended to read as follows:

213.350 1. An offender enrolled in the program of work release is not an agent, employee or servant of the department of ~~{prisons}~~ **corrections** while he is:

(a) Working in the program or seeking such employment; or

(b) Going to such employment from the place where he is quartered or returning therefrom.

2. An offender enrolled in the program is considered to be an offender in an institution of the department of ~~{prisons}~~ **corrections**.

Sec. 41. NRS 213.360 is hereby amended to read as follows:

213.360 1. The director of the department of ~~{prisons}~~ **corrections** may immediately terminate any offender's enrollment in the program of work release and transfer him to an institution of the department of ~~{prisons}~~ **corrections** if, in his judgment, the best interests of the state or the offender require such action.

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

(a) Immediately terminates his enrollment in the program.

(b) Constitutes an escape from prison, and the offender shall be punished as provided in NRS 212.090.

Sec. 42. NRS 213.390 is hereby amended to read as follows:

213.390 The chief parole and probation officer shall:

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

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

3. Advise the director of the department of ~~{prisons}~~ **corrections** of any violation of those terms and conditions and of the escape of the offender.

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

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

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

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

(a) Is not directly involved in the case;

- (b) Has not made the report of the escape or violation; and
- (c) Has not recommended the return of the offender to the custody of the department of ~~prisons~~ **corrections**.

4. The inquiring officer shall:

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

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

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

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

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

6.020 1. 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 ~~prisons~~ **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.

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

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

Case No.
Dept. No.

IN THE JUDICIAL DISTRICT COURT OF THE
STATE OF NEVADA IN AND FOR THE COUNTY OF

.....
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:

3. Date of judgment of conviction:

4. Case number:

5. (a) Length of sentence:

(b) If sentence is death, state any date upon which execution is scheduled:

6. Are you presently serving a sentence for a conviction other than the conviction under attack in this motion? Yes No

If "yes," list crime, case number and sentence being served at this time:

7. Nature of offense involved in conviction being challenged:

8. What was your plea? (check one)

(a) Not guilty

(b) Guilty

(c) Guilty but mentally ill

(d) Nolo contendere

9. If you entered a plea of guilty or guilty but mentally ill to one count of an indictment or information, and a plea of not guilty to another count of an indictment or information, or if a plea of guilty or guilty but mentally ill was negotiated, give details:

10. If you were found guilty after a plea of not guilty, was the finding made by: (check one)

(a) Jury

(b) Judge without a jury

11. Did you testify at the trial? Yes No

12. Did you appeal from the judgment of conviction? Yes
No

13. If you did appeal, answer the following:

(a) Name of court:

(b) Case number or citation:

(c) Result:

(d) Date of result:

(Attach copy of order or decision, if available.)

14. If you did not appeal, explain briefly why you did not:

15. Other than a direct appeal from the judgment of conviction and sentence, have you previously filed any petitions, applications or motions with respect to this judgment in any court, state or federal? Yes No

16. If your answer to No. 15 was “yes,” give the following information:

(a)(1) Name of court:

(2) Nature of proceeding:

(3) Grounds raised:

(4) Did you receive an evidentiary hearing on your petition, application or motion? Yes No

(5) Result:

(6) Date of result:

(7) If known, citations of any written opinion or date of orders entered pursuant to such result:

(b) As to any second petition, application or motion, give the same information:

(1) Name of court:

(2) Nature of proceeding:

(3) Grounds raised:

(4) Did you receive an evidentiary hearing on your petition, application or motion? Yes No

(5) Result:

(6) Date of result:

(7) If known, citations of any written opinion or date of orders entered pursuant to such result:

(c) As to any third or subsequent additional applications or motions, give the same information as above, list them on a separate sheet and attach.

(d) Did you appeal to the highest state or federal court having jurisdiction, the result or action taken on any petition, application or motion?

(1) First petition, application or motion? Yes No

Citation or date of decision:

(2) Second petition, application or motion? Yes No

Citation or date of decision:

(3) Third or subsequent petitions, applications or motions? Yes No

Citation or date of decision:

(e) If you did not appeal from the adverse action on any petition, application or motion, explain briefly why you did not. (You must relate specific facts in response to this question. Your response may be included on paper which is 8 1/2 by 11 inches attached to the petition. Your

response may not exceed five handwritten or typewritten pages in length.)

17. Has any ground being raised in this petition been previously presented to this or any other court by way of petition for habeas corpus, motion, application or any other post-conviction proceeding? If so, identify:

(a) Which of the grounds is the same:

(b) The proceedings in which these grounds were raised:

(c) Briefly explain why you are again raising these grounds. (You must relate specific facts in response to this question. Your response may be included on paper which is 8 1/2 by 11 inches attached to the petition. Your response may not exceed five handwritten or typewritten pages in length.)

18. If any of the grounds listed in Nos. 23(a), (b), (c) and (d), or listed on any additional pages you have attached, were not previously presented in any other court, state or federal, list briefly what grounds were not so presented, and give your reasons for not presenting them. (You must relate specific facts in response to this question. Your response may be included on paper which is 8 1/2 by 11 inches attached to the petition. Your response may not exceed five handwritten or typewritten pages in length.)

19. Are you filing this petition more than 1 year following the filing of the judgment of conviction or the filing of a decision on direct appeal? If so, state briefly the reasons for the delay. (You must relate specific facts in response to this question. Your response may be included on paper which is 8 1/2 by 11 inches attached to the petition. Your response may not exceed five handwritten or typewritten pages in length.)

20. Do you have any petition or appeal now pending in any court, either state or federal, as to the judgment under attack? Yes No If yes, state what court and the case number:

21. Give the name of each attorney who represented you in the proceeding resulting in your conviction and on direct appeal:

22. Do you have any future sentences to serve after you complete the sentence imposed by the judgment under attack? Yes No If yes, specify where and when it is to be served, if you know:

23. State concisely every ground on which you claim that you are being held unlawfully. Summarize briefly the facts supporting each ground. If necessary you may attach pages stating additional grounds and facts supporting same.

(a) Ground one:

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

(b) Ground two:

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

(c) Ground three:

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

(d) Ground four:

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

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

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

.....
Signature of petitioner

.....
Address

.....
Signature of attorney (if any)

.....
Attorney for petitioner

.....
Address

VERIFICATION

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

.....
Petitioner

.....
Attorney for petitioner

CERTIFICATE OF SERVICE BY MAIL

I,, hereby certify pursuant to N.R.C.P. 5(b), that on 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 damage, personal injuries or any other claim arising out of a tort pursuant to NRS 41.031 unless the person has exhausted his administrative remedies provided by NRS 209.243 and the regulations adopted pursuant thereto.

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

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

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

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

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

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

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

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

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

- (1) In a prison located not more than 65 miles from Carson City;
- (2) In a prison located not more than 40 miles from Las Vegas; or
- (3) In a prison located not more than 95 miles from Ely.

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

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

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

(a) Provide the commission with any available statistical information or research requested by the commission and assist the commission in the compilation and development of information requested by the commission, including, but not limited to, information or research concerning the facilities and institutions of the department of ~~prisons;~~ **corrections**, the offenders who are or were within those facilities or institutions and the sentences which are being served or were served by those offenders;

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

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

2. The division shall:

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

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

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

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

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

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

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

(b) On probation;

(c) On parole; and

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

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

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

(b) On probation;

(c) On parole; and
(d) Serving a term of residential confinement,
during the 10 years immediately following the date of the projection,
assuming the preliminary proposals were recommended by the commission
and enacted by the legislature.

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

176.045 1. Whenever a person convicted of a public offense in this state is under sentence of imprisonment pronounced by another jurisdiction, federal or state, whether or not the prior sentence is for the same offense, the court in imposing any sentence for the offense committed in this state may, in its discretion, provide that such sentence shall run either concurrently or consecutively with the prior sentence.

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

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

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

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

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

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

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

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

3. If the defendant is not committed to the custody of the department of ~~prisons~~ **corrections**, the division shall arrange for the samples of blood to be obtained from the defendant. The division shall provide the samples of blood to the forensic laboratory that has been designated by the county in which the defendant was convicted to conduct or oversee genetic marker testing for the county pursuant to NRS 176.0917. Any cost that is incurred to obtain the samples of blood from the defendant pursuant to this

subsection is a charge against the county in which the defendant was convicted and must be paid as provided in NRS 176.0915.

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

- (a) A crime against a child as defined in NRS 179D.210.
- (b) A sexual offense as defined in NRS 179D.410.
- (c) Murder, manslaughter or any other unlawful killing pursuant to NRS 200.010 to 200.260, inclusive.
- (d) Mayhem pursuant to NRS 200.280.
- (e) Administering poison or another noxious or destructive substance or liquid with intent to cause death pursuant to NRS 200.390.
- (f) Battery with intent to commit a crime pursuant to NRS 200.400.
- (g) Battery which is committed with the use of a deadly weapon or which results in substantial bodily harm pursuant to NRS 200.481.
- (h) Abuse or neglect of an older person pursuant to NRS 200.5099.
- (i) A second or subsequent offense for stalking pursuant to NRS 200.575.
- (j) Burglary pursuant to NRS 205.060.
- (k) Invasion of the home pursuant to NRS 205.067.
- (l) An attempt to commit an offense listed in this subsection.

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

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

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

3. If the court finds:

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

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

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

176.159 1. Except as otherwise provided in subsection 2, when a court imposes a sentence of imprisonment in the state prison or revokes a program of probation and orders a sentence of imprisonment to the state prison to be executed, the court shall cause a copy of the report of the

presentence investigation to be delivered to the director of the department of ~~prisons,~~ **corrections**, if such a report was made. The report must be delivered when the judgment of imprisonment is delivered pursuant to NRS 176.335.

2. If a presentence investigation and report were not required pursuant to paragraph (b) of subsection 3 of NRS 176.135 or pursuant to subsection 1 of NRS 176.151, the court shall cause a copy of the previous report of the presentence investigation or a copy of the report of the general investigation, as appropriate, to be delivered to the director of the department of ~~prisons,~~ **corrections** in the manner provided pursuant to subsection 1.

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

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

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

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

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

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

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

- (a) Recites the fact of the conviction and judgment;
- (b) Appoints a week, the first day being Monday and the last day being Sunday, within which the judgment is to be executed, which must not be less than 60 days nor more than 90 days from the time of judgment; and
- (c) Directs the sheriff to deliver the prisoner to such authorized person as the director of the department of ~~prisons,~~ **corrections** designates to

receive the prisoner, for execution. The prison must be designated in the warrant.

2. The original of the triplicate copies of the judgment of conviction and warrant must be filed in the office of the county clerk, and two of the triplicate copies must be immediately delivered by the clerk to the sheriff of the county. One of the triplicate copies must be delivered by the sheriff, with the prisoner, to such authorized person as the director of the department of ~~prisons~~ **corrections** designates, and is the warrant and authority of the director for the imprisonment and execution of the prisoner, as therein provided and commanded. The director shall return his certified copy of the judgment of conviction to the county clerk of the county in which it was issued. The other triplicate copy is the warrant and authority of the sheriff to deliver the prisoner to the authorized person designated by the director. The final triplicate copy must be returned to the county clerk by the sheriff with his proceedings endorsed thereon.

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

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

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

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

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

(c) Be present at the execution.

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

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

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

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

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

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

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

176.425 1. If, after judgment of death, there is a good reason to believe that the defendant has become insane, the director of the department of ~~prisons~~ **corrections** to whom the convicted person has been delivered for execution may by a petition in writing, verified by a

physician, petition a district judge of the district court of the county in which the state prison is situated, alleging the present insanity of such person, whereupon such judge shall:

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

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

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

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

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

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

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

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

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

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

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

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

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

3. If the convicted person thereafter becomes sane, notice of this fact shall be given by the director to a judge of the court staying the execution

of the judgment, and the judge, upon being satisfied that such person is then sane, shall enter an order vacating the order staying the execution of the judgment.

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

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

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

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

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

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

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

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

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

176.488 A stay of execution must be entered by the court in writing and copies sent as soon as practicable to the director of the department of ~~prisons~~ *corrections*, the warden of the institution in which the offender is

imprisoned and the office of the attorney general in Carson City. The court shall also enter an order and take all necessary actions to expedite further proceeding before that court.

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

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

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

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

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

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

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

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

Sec. 68. NRS 176A.450 is hereby amended to read as follows:

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

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

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

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

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

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

176A.780 1. If a defendant:

(a) Is male;

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

(c) Is at least 18 years of age;

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

(e) Is otherwise eligible for probation,

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

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

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

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

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

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

3. If the defendant is ordered to complete the program before sentencing, the director of the department of ~~prisons~~ **corrections** shall return the defendant to the court not later than 150 days after the defendant began the program. The director shall certify either that the defendant

satisfactorily completed the program or that he did not, and shall report of the results of his evaluation, including any recommendations which will be helpful in determining the proper sentence. Upon receiving the report, the court shall sentence the defendant.

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

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

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

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

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

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

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

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

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

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

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

2. If the attorney general, a prosecuting attorney or an agency of criminal justice indicates in its response pursuant to subsection 1 that felony charges are pending against an offender, it shall, or if misdemeanor charges are pending against an offender, it may, request in the response

that upon release of the offender from the custody of the department of ~~{prisons}~~ **corrections**, the department release the offender to an agency of criminal justice in this state that is authorized to detain a person pending prosecution. The attorney general, a prosecuting attorney or an agency of criminal justice may submit such a request to the department of ~~{prisons}~~ **corrections** at any other time, if charges are filed against an offender.

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

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

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

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

- (a) The name of the person so charged;
- (b) The crime charged against him;
- (c) The approximate time, place and circumstances of its commission;
- (d) The state in which he is believed to be, including the location of the accused therein at the time the application is made; and
- (e) A certification that, in the opinion of the district attorney, the ends of justice require the arrest and return of the accused to this state for trial and that the proceeding is not instituted to enforce a private claim.

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

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

3. The application must be verified by affidavit, executed in duplicate and accompanied by two certified copies of the indictment returned, or information and affidavit filed, or of the complaint made to the judge or magistrate, stating the offense with which the accused is charged, or of the judgment of conviction or of the sentence. The district attorney, state board of parole commissioners, chief parole and probation officer, director of the

department of ~~prisons~~ **corrections** or sheriff may also attach such further affidavits and other documents in duplicate as he deems proper to be submitted with the application. One copy of the application, with the action of the governor indicated by endorsement thereon, and one of the certified copies of the indictment, complaint, information and affidavits, or of the judgment of conviction or of the sentence must be filed in the office of the secretary of state of the State of Nevada to remain of record in that office. The other copies of all papers must be forwarded with the governor's requisition.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

2. A sheriff of a county or his deputy;

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

4. An officer of the division;

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

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

or

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

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

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

2. As used in this section, “law enforcement officer” includes, but is not limited to:

- (a) A prosecuting attorney or an attorney from the office of the attorney general;
- (b) A sheriff of a county or his deputy;
- (c) An officer of a metropolitan police department or a police department of an incorporated city;
- (d) An officer of the division;
- (e) An officer of the department of ~~prisons;~~ **corrections;**
- (f) An officer of a law enforcement agency from another jurisdiction; or
- (g) Any other person upon whom some or all of the powers of a peace officer are conferred pursuant to NRS 289.150 to 289.360, inclusive, if the person is seeking information as part of a criminal investigation.

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

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

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

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

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

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

(a) The division shall:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(a) The central repository shall immediately provide notification concerning the sex offender to the appropriate local law enforcement agencies and, if the sex offender resides in a jurisdiction which is outside of this state, to the appropriate law enforcement agency in that jurisdiction; and

(b) If the sex offender is subject to community notification, the division shall arrange for the assessment of the risk of recidivism of the sex

offender pursuant to the guidelines and procedures for community notification established by the attorney general pursuant to NRS 179D.600 to 179D.800, inclusive.

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

(a) The division shall:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(1) Judge;

(2) Peace officer;

(3) Parole or probation officer;

(4) Prosecuting attorney;

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

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

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

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

2. As used in this section, “victim of a crime” means a person against whom a crime has been committed.

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

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

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

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

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

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

For the purposes of this subsection, a person shall be deemed to have been convicted at the time the jury verdict of guilt is rendered or upon pronouncement of guilt by a judge or judges sitting without a jury.

3. The murder was committed by a person who knowingly created a great risk of death to more than one person by means of a weapon, device or course of action which would normally be hazardous to the lives of more than one person.

4. The murder was committed while the person was engaged, alone or with others, in the commission of or an attempt to commit or flight after committing or attempting to commit, any robbery, arson in the first degree, burglary, invasion of the home or kidnapping in the first degree, and the person charged:

- (a) Killed or attempted to kill the person murdered; or
- (b) Knew or had reason to know that life would be taken or lethal force used.

5. The murder was committed to avoid or prevent a lawful arrest or to effect an escape from custody.

6. The murder was committed by a person, for himself or another, to receive money or any other thing of monetary value.

7. The murder was committed upon a peace officer or fireman who was killed while engaged in the performance of his official duty or because of an act performed in his official capacity, and the defendant knew or reasonably should have known that the victim was a peace officer or fireman. For the purposes of this subsection, “peace officer” means:

(a) An employee of the department of ~~prisons~~ **corrections** who does not exercise general control over offenders imprisoned within the institutions and facilities of the department but whose normal duties require him to come into contact with those offenders, when carrying out the duties prescribed by the director of the department.

(b) Any person upon whom some or all of the powers of a peace officer are conferred pursuant to NRS 289.150 to 289.360, inclusive, when carrying out those powers.

8. The murder involved torture or the mutilation of the victim.

9. The murder was committed upon one or more persons at random and without apparent motive.

10. The murder was committed upon a person less than 14 years of age.

11. The murder was committed upon a person because of the actual or perceived race, color, religion, national origin, physical or mental disability or sexual orientation of that person.

12. The defendant has, in the immediate proceeding, been convicted of more than one offense of murder in the first or second degree. For the purposes of this subsection, a person shall be deemed to have been convicted of a murder at the time the jury verdict of guilt is rendered or upon pronouncement of guilt by a judge or judges sitting without a jury.

13. The person, alone or with others, subjected or attempted to subject the victim of the murder to nonconsensual sexual penetration immediately before, during or immediately after the commission of the murder. For the purposes of this subsection:

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

(b) “Sexual penetration” means cunnilingus, fellatio or any intrusion, however slight, of any part of the victim’s body or any object manipulated

or inserted by a person, alone or with others, into the genital or anal openings of the body of the victim, whether or not the victim is alive. The term includes, but is not limited to, anal intercourse and sexual intercourse in what would be its ordinary meaning.

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

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

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

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

2. The person in control of an area listed in paragraph (c), (d), (e), (f) or (g) of subsection 1:

(a) Shall post in the area signs prohibiting smoking in any place not designated for that purpose as provided in paragraph (b).

(b) May designate separate rooms or portions of the area which may be used for smoking, except for a room or portion of the area of a store described in paragraph (e) of subsection 1 if the room or portion of the area:

(1) Is leased to or operated by a person licensed pursuant to NRS 463.160; and

(2) Does not otherwise qualify for an exemption set forth in NRS 202.24915.

3. The person in control of a public building:

(a) Shall post in the area signs prohibiting smoking in any place not designated for that purpose as provided in paragraph (b).

(b) Shall, except as otherwise provided in this subsection, designate a separate area which may be used for smoking.

A school district which prohibits the use of tobacco by pupils need not designate an area which may be used by the pupils to smoke.

4. The operator of a restaurant with a seating capacity of 50 or more shall maintain a flexible nonsmoking area within the restaurant and offer each patron the opportunity to be seated in a smoking or nonsmoking area.

5. A business which derives more than 50 percent of its gross receipts from the sale of alcoholic beverages or 50 percent of its gross receipts from gaming operations may be designated as a smoking area in its entirety by the operator of the business.

6. The smoking of tobacco is not prohibited in:

(a) Any room or area designated for smoking pursuant to paragraph (b) of subsection 2 or paragraph (b) of subsection 3.

(b) A licensed gaming establishment. A licensed gaming establishment may designate separate rooms or areas within the establishment which may or may not be used for smoking.

7. The person in control of a child care facility shall not allow children in any room or area he designates for smoking pursuant to paragraph (b) of subsection 2. Any such room or area must be sufficiently separate or ventilated so that there are no irritating or toxic effects of smoke in the other areas of the facility.

8. As used in this section:

(a) “Child care facility” means an establishment licensed pursuant to chapter 432A of NRS to provide care for 13 or more children.

(b) “Licensed gaming establishment” has the meaning ascribed to it in NRS 463.0169.

(c) “Public building” means any building or office space owned or occupied by:

(1) Any component of the University and Community College System of Nevada and used for any purpose related to the system.

(2) The State of Nevada and used for any public purpose, other than that used by the department of ~~prisons~~ *corrections* to house or provide other services to offenders.

(3) Any county, city, school district or other political subdivision of the state and used for any public purpose.

If only part of a building is owned or occupied by an entity described in this paragraph, the term means only that portion of the building which is so owned or occupied.

(d) “School bus” has the meaning ascribed to it in NRS 483.160.

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

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

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

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

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

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

4. As used in this section, “CS” tear gas means a crystalline powder containing ortho-chlorobenzalmalononitrile.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- (a) The governor.
- (b) The department of ~~prisons~~ *corrections*.
- (c) The University and Community College System of Nevada.
- (d) The office of the military.
- (e) The state gaming control board.
- (f) The Nevada gaming commission.
- (g) The welfare division of the department of human resources.
- (h) The division of health care financing and policy of the department of human resources.
- (i) The state board of examiners acting pursuant to chapter 217 of NRS.
- (j) Except as otherwise provided in NRS 533.365, the office of the state engineer.
- (k) The division of industrial relations of the department of business and industry acting to enforce the provisions of NRS 618.375.
- (l) The board to review claims in adopting resolutions to carry out its duties pursuant to NRS 590.830.

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

3. The special provisions of:

- (a) Chapter 612 of NRS for the distribution of regulations by and the judicial review of decisions of the employment security division of the department of employment, training and rehabilitation;
- (b) Chapters 616A to 617, inclusive, of NRS for the determination of contested claims;
- (c) Chapter 703 of NRS for the judicial review of decisions of the public utilities commission of Nevada;
- (d) Chapter 91 of NRS for the judicial review of decisions of the administrator of the securities division of the office of the secretary of state; and
- (e) NRS 90.800 for the use of summary orders in contested cases, prevail over the general provisions of this chapter.

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

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

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

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

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

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

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

2. This section does not apply:

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

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

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

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

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

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

3. Nothing in this section:

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

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

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

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

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

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

2. This section does not apply:

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

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

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

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

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

3. Nothing in this section:

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

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

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

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

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

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

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

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

289.480 “Category III peace officer” means a peace officer whose authority is limited to correctional services, including the superintendents and correctional officers of the department of ~~{prisons;}~~ **corrections.**

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

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

1. The chief parole and probation officer;
2. The director of the department of ~~{prisons;}~~ **corrections;**
3. The state fire marshal;
4. The director of the department of motor vehicles and public safety, the deputy directors of the department, the chiefs of the divisions of the department other than the investigation division, and the members of the state disaster identification team of the division of emergency management of the department;
5. The commissioner of insurance and his chief deputy;
6. Railroad policemen; and
7. California correctional officers.

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

333.175 The chief may exempt from the provisions of this chapter purchases made by the department of ~~{prisons;}~~ **corrections**, with money from the offenders’ store fund, for the provision and maintenance of canteens for offenders.

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

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

2. All such automobiles must be used for official purposes only.
 3. All such automobiles, except:
 - (a) Automobiles maintained for and used by the governor;
 - (b) Automobiles used by or under the authority and direction of the chief parole and probation officer, the state contractors’ board and auditors, the state fire marshal, the investigation division of the department of motor vehicles and public safety, the investigators of the state gaming control board, the investigators of the securities division of the office of the secretary of state and the investigators of the attorney general;
 - (c) One automobile used by the department of ~~{prisons;}~~ **corrections;**
 - (d) Two automobiles used by the Caliente youth center;
 - (e) Three automobiles used by the Nevada youth training center; and
 - (f) Four automobiles used by the youth parole bureau of the division of child and family services of the department of human resources,
- must be labeled by painting the words “State of Nevada” and “For Official Use Only” on the automobiles in plain lettering. The director of the department of administration or his representative shall prescribe the size and location of the label for all such automobiles.

4. Any officer or employee of the State of Nevada who violates any provision of this section is guilty of a misdemeanor.

Sec. 93. NRS 380A.041 is hereby amended to read as follows:

380A.041 1. The governor shall appoint to the council:

- (a) A representative of public libraries;
- (b) A trustee of a legally established library or library system;
- (c) A representative of school libraries;
- (d) A representative of academic libraries;
- (e) A representative of special libraries or institutional libraries;
- (f) A representative of persons with disabilities;
- (g) A representative of the public who uses these libraries;
- (h) A representative of recognized state labor organizations;
- (i) A representative of private sector employers;
- (j) A representative of private literacy organizations, voluntary literacy organizations or community-based literacy organizations; and
- (k) A classroom teacher who has demonstrated outstanding results in teaching children or adults to read.

2. The director of the following state agencies or their designees shall serve as ex officio members of the council:

- (a) The department of cultural affairs;
- (b) The department of education;
- (c) The state job training office;
- (d) The department of human resources;
- (e) The commission on economic development; and
- (f) The department of ~~prisons~~ **corrections**.

3. Officers of state government whose agencies provide funding for literacy services may be designated by the governor or the chairman of the council to serve whenever matters within the jurisdiction of the agency are considered by the council.

4. The governor shall ensure that there is appropriate representation on the council of urban and rural areas of the state, women, persons with disabilities and racial and ethnic minorities.

5. A person may not serve as a member of the council for more than two consecutive terms.

Sec. 94. NRS 387.1233 is hereby amended to read as follows:

387.1233 1. Except as otherwise provided in subsection 2, basic support of each school district must be computed by:

(a) Multiplying the basic support guarantee per pupil established for that school district for that school year by the sum of:

(1) Six-tenths the count of pupils enrolled in the kindergarten department on the last day of the first school month of the school district for the school year, including, without limitation, the count of pupils who reside in the county and are enrolled in any charter school on the last day of the first school month of the school district for the school year.

(2) The count of pupils enrolled in grades 1 to 12, inclusive, on the last day of the first school month of the school district for the school year, including, without limitation, the count of pupils who reside in the county and are enrolled in any charter school on the last day of the first school month of the school district for the school year.

(3) The count of pupils not included under subparagraph (1) or (2) who are receiving special education pursuant to the provisions of NRS 388.440 to 388.520, inclusive, on the last day of the first school month of the school district for the school year, excluding the count of pupils who have not attained the age of 5 years and who are receiving special education pursuant to subsection 1 of NRS 388.490 on that day.

(4) Six-tenths the count of pupils who have not attained the age of 5 years and who are receiving special education pursuant to subsection 1 of NRS 388.490 on the last day of the first school month of the school district for the school year.

(5) The count of children detained in detention homes, alternative programs and juvenile forestry camps receiving instruction pursuant to the provisions of NRS 388.550, 388.560 and 388.570 on the last day of the first school month of the school district for the school year.

(6) The count of pupils who are enrolled in classes for at least one semester pursuant to subsection 4 of NRS 386.560 or subsection 3 of NRS 392.070, expressed as a percentage of the total time services are provided to those pupils per school day in proportion to the total time services are provided during a school day to pupils who are counted pursuant to subparagraph (2).

(b) Multiplying the number of special education program units maintained and operated by the amount per program established for that school year.

(c) Adding the amounts computed in paragraphs (a) and (b).

2. If the enrollment of pupils in a school district or a charter school that is located within the school district on the last day of the first school month of the school district for the school year is less than the enrollment of pupils in the same school district or charter school on the last day of the first school month of the school district for the immediately preceding school year, the larger number must be used for purposes of apportioning money from the state distributive school account to that school district or charter school pursuant to NRS 387.124.

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

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

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

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

391.090 1. Any person who is:

(a) Granted a license to teach or perform other educational functions in the public schools of Nevada, in the school conducted at the Nevada youth training center or the Caliente youth center or for any program of

instruction for kindergarten or grades 1 to 12, inclusive, conducted at any correctional institution in the department of ~~{prisons;}~~ **corrections;** or

(b) Charged with the duty at the Nevada youth training center or the Caliente youth center of giving instruction in the Constitution of the United States and the constitution of the State of Nevada,

must show, by examination or credentials showing college, university or normal school study, satisfactory evidence of adequate knowledge of the origin, history, provisions and principles of the Constitution of the United States and the constitution of the State of Nevada.

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

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

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

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

(1) The state registrar of vital statistics;

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

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

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

(5) The secretary of state;

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

(7) Agencies that administer public assistance;

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

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

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

(b) The names and addresses of:

(1) The customers of public utilities and community antenna television companies; and

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

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

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

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

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

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

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

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

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

3. “Vending stand” means:

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

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

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

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

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

433A.450 When a psychiatrist and one other person professionally qualified in the field of psychiatric mental health determines that an offender confined in an institution of the department of ~~prisons~~ **corrections** is mentally ill, the director of the department of ~~prisons~~ **corrections** shall apply to the administrator for the offender’s detention and treatment at a division facility selected by the administrator. If the administrator determines that adequate security or treatment is not available in a division facility, the administrator shall provide, within the resources available to the division and as he deems necessary, consultation and other appropriate services for the offender at the place where he is confined. It is the director’s decision whether to accept such services.

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

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

(a) Institutions and facilities of the department of ~~prisons~~ **corrections**.

(b) Northern Nevada adult mental health services.

(c) Nevada youth training center.

(d) Caliente youth center.

(e) Northern Nevada children’s home.

(f) Southern Nevada children’s home.

(g) University and Community College System of Nevada.

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

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

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

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

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

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

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

2. Upon violation of a term or condition, the court may enter a judgment of conviction and proceed as provided in the section pursuant to which the accused was charged. Notwithstanding the provisions of paragraph (e) of subsection 2 of NRS 193.130, upon violation of a term or condition, the court may order the person to the custody of the department of ~~prisons~~ **corrections**.

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

4. Except as otherwise provided in subsection 5, discharge and dismissal under this section is without adjudication of guilt and is not a conviction for purposes of this section or for purposes of employment, civil rights or any statute or regulation or license or questionnaire or for any other public or private purpose, but is a conviction for the purpose of additional penalties imposed for second or subsequent convictions or the setting of bail. Discharge and dismissal restores the person discharged, in the contemplation of the law, to the status occupied before the arrest, indictment or information. He may not be held thereafter under any law to be guilty of perjury or otherwise giving a false statement by reason of failure to recite or acknowledge that arrest, indictment, information or trial

in response to an inquiry made of him for any purpose. Discharge and dismissal under this section may occur only once with respect to any person.

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

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

453.377 A controlled substance may be dispensed by:

1. A registered pharmacist upon a legal prescription from a practitioner or to a pharmacy in a correctional institution upon the 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 ~~prisons~~ **corrections** to a person designated by the director of the department of ~~prisons~~ **corrections** to administer a lethal injection to a person who has been sentenced to death.

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

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

454.215 A dangerous drug may be dispensed by:

1. A registered pharmacist upon the legal prescription from a practitioner or to a pharmacy in a correctional institution upon the 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, or a physician assistant if authorized by the board;

4. A registered nurse, when the nurse is engaged in the performance of any public health program approved by the board;

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 dangerous drugs;

7. A registered nurse employed at an institution of the department of ~~prisons~~ **corrections** to an offender in that institution; or

8. A registered pharmacist from an institutional pharmacy pursuant to regulations adopted by the board, except that no person may dispense a dangerous drug in violation of a regulation adopted by the board.

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

454.221 1. A person who furnishes any dangerous drug except upon the prescription of a practitioner is guilty of a category D felony and shall be punished as provided in NRS 193.130, unless the dangerous drug was obtained originally by a legal prescription.

2. The provisions of this section do not apply to the furnishing of any dangerous drug by:

- (a) A practitioner to his patients;
- (b) A physician assistant if authorized by the board;
- (c) A registered nurse while participating in a public health program approved by the board, or 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 dangerous drugs;
- (d) A manufacturer or wholesaler or pharmacy to each other or to a practitioner or to a laboratory under records of sales and purchases that correctly give the date, the names and addresses of the supplier and the buyer, the drug and its quantity;
- (e) A hospital pharmacy or a pharmacy so designated by a county health officer in a county whose population is 100,000 or more, or by a district health officer in any county within its jurisdiction or, in the absence of either, by the state health officer or his designated medical director of emergency medical services, to a person or agency described in subsection 3 of NRS 639.268 to stock ambulances or other authorized vehicles or replenish the stock; or
- (f) A pharmacy in a correctional institution to a person designated by the director of the department of ~~prisons~~ **corrections** to administer a lethal injection to a person who has been sentenced to death.

Sec. 104. NRS 458.380 is hereby amended to read as follows:

458.380 1. The commission on substance abuse education, prevention, enforcement and treatment is hereby created within the department of motor vehicles and public safety.

2. The governor shall appoint as voting members of the commission:

- (a) Three members who represent the criminal justice system and are knowledgeable in the areas of the enforcement of laws relating to drugs, parole and probation and the judicial system, at least one of whom is a peace officer;
- (b) Three members who represent education and are knowledgeable about programs for the prevention of abuse of drugs and alcohol, at least one of whom is a licensed employee of a local school district;
- (c) Three members who represent programs and organizations for the rehabilitation of persons who abuse drugs and alcohol, at least one of whom is a manager of a program accredited by this state to treat persons who abuse drugs and alcohol;
- (d) One member who is employed by the health division and has experience in matters concerning budgeting and experience in working with the alcohol and drug abuse programs of the health division;
- (e) One member who is employed by the division of mental health and developmental services of the department of human resources who has relevant experience, which may include, without limitation, experience in matters concerning budgeting and experience in working with programs of

the division of mental health and developmental services of the department of human resources;

(f) One member who represents the interests of private businesses concerning substance abuse in the workplace; and

(g) Three members who represent the general public, one of whom is the parent of a child who has a mental illness or who has or has had a problem with substance abuse.

3. At least three of the voting members of the commission must be representatives of northern Nevada, three must be representatives of southern Nevada and three must be representatives of rural Nevada.

4. The legislative commission shall appoint one member of the senate and one member of the assembly to serve as nonvoting members of the commission. Those members must be appointed with appropriate regard for their experience with and knowledge of matters relating to substance abuse education, prevention, enforcement and treatment.

5. The director of the department of human resources, the superintendent of public instruction, the director of the department of employment, training and rehabilitation, the director of the department of ~~prisons~~ **corrections**, the attorney general and the director of the department of motor vehicles and public safety are ex officio nonvoting members of the commission. An ex officio member may designate a representative to serve in his place on the commission or to attend a meeting of the commission in his place. Each ex officio member or his representative shall attend each meeting of the commission and provide any information which the commission requests.

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

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

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

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

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

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

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

482.368 1. Except as otherwise provided in subsection 2, the department shall provide suitable distinguishing license plates for exempt vehicles. These plates must be displayed on the vehicles in the same manner as provided for privately owned vehicles. The fee for the issuance

of the plates is \$5. Any license plates authorized by this section must be immediately returned to the department when the vehicle for which they were issued ceases to be used exclusively for the purpose for which it was exempted from the governmental services tax.

2. License plates furnished for:

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

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

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

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

- (1) The state gaming control board;
- (2) The state department of agriculture;
- (3) The attorney general;
- (4) City or county juvenile officers;
- (5) District attorneys' offices;
- (6) Public administrators' offices;
- (7) Public guardians' offices;
- (8) Sheriffs' offices;
- (9) Police departments in the state; and
- (10) The securities division of the office of the secretary of state,

must not bear any distinguishing mark which would serve to identify the vehicles as owned by the state, county or city. These license plates must be issued annually for \$12 per plate or, if issued in sets, per set.

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

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

5. As used in this section, “exempt vehicle” means a vehicle exempt from the governmental services tax, except a vehicle owned by the United States.

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

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

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

2. The evaluation must be conducted by:

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

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

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

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

Sec. 108. NRS 488.430 is hereby amended to read as follows:

488.430 1. Before sentencing a defendant pursuant to NRS 488.420, the court shall require that the defendant be evaluated to determine whether he is an abuser of alcohol or drugs and whether he can be treated successfully for his condition.

2. The evaluation must be conducted by:

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

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

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

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

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

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

2. An offender is limited to the rights and remedies established by the provisions of the modified program of industrial insurance established by regulations adopted by the division. The offender is not entitled to any

rights and remedies established by the provisions of chapters 616A to 617, inclusive, of NRS.

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

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

617.135 “Police officer” includes:

1. A sheriff, deputy sheriff, officer of a metropolitan police department or city policeman;
2. A chief, inspector, supervisor, commercial officer or trooper of the Nevada highway patrol;
3. A chief, investigator or agent of the investigation division of the department of motor vehicles and public safety;
4. An officer or investigator of the section for the control of emissions from vehicles of the motor vehicles branch of the department of motor vehicles and public safety;
5. An investigator of the division of compliance enforcement of the motor vehicles branch of the department of motor vehicles and public safety;
6. A member of the police department of the University and Community College System of Nevada;
7. A:
 - (a) Uniformed employee of; or
 - (b) Forensic specialist employed by,the department of ~~prisons~~ **corrections** whose position requires regular and frequent contact with the offenders imprisoned and subjects the employee to recall in emergencies;
8. A parole and probation officer of the division of parole and probation of the department of motor vehicles and public safety;
9. A forensic specialist or correctional officer employed by the division of mental health and development services of the department of human resources at facilities for mentally disordered offenders; and
10. The state fire marshal, his assistant and his deputies.

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

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

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

- (a) The offender named in the records has consented in writing to their use; or
- (b) Appropriate procedures are utilized to protect the identity of the offender from public disclosure.

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

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

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

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

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

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

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

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

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

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

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

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

4. For the purposes of this section:

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

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

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

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

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

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

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

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

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

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

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

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

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

(d) Retailers, at a retail establishment, insofar as their usual and ordinary vocation and profession is concerned, when engaged in the 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.

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

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

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

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

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

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

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

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

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

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

(d) Retailers, at a retail establishment, insofar as their usual and ordinary vocation and profession is concerned, when engaged in the demonstration of ~~make-up~~ *cosmetics* 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~~ *cosmetics* 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 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. 117. Section 11 of Senate Bill No. 52 of the 71st session of the Nevada Legislature is hereby amended to read as follows:

Sec. 11. NRS 453.377 is hereby amended to read as follows:

453.377 A controlled substance may be dispensed by:

1. A registered pharmacist upon a legal prescription from a practitioner or to a pharmacy in a correctional institution upon the 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. ~~18-1 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.~~

~~7-1~~ 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.

~~18-1~~ 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.