

ASSEMBLY BILL NO. 22—ASSEMBLYWOMAN CEGAVSKE

PREFILED JANUARY 8, 1999

Referred to Committee on Judiciary

SUMMARY—Revises provisions concerning certain lawsuits brought by and settlements entered into by prisoners. (BDR 14-509)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State or on Industrial Insurance: No.

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

AN ACT relating to prisoners; requiring a court to deduct money owed for restitution from a monetary judgment awarded to or settlement entered into by a person who is or was imprisoned in the state prison or a county jail in a civil action brought against the State of Nevada or a county; requiring a prisoner who has filed an action for small claims to pay the estimated costs of his transportation to the department of prisons in advance; and providing other matters properly relating thereto.

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

- 1 **Section 1.** Chapter 176 of NRS is hereby amended by adding thereto
2 a new section to read as follows:
3 ***1. Except as otherwise provided in subsection 4, if a person who is or***
4 ***was imprisoned in the state prison or a county jail is awarded a judgment***
5 ***against the State of Nevada or a county or a department, commission,***
6 ***board or other agency of the State of Nevada or a county or a current or***
7 ***former officer, employee or contractor of the State of Nevada or a county***
8 ***arising from a civil action that accrued while the person was imprisoned***
9 ***in the state prison or county jail, the person or governmental entity that***
10 ***pays the judgment shall deposit the money for the judgment with the***
11 ***court. The court shall deduct from the money received from the judgment***
12 ***any amount of money owed by the person for restitution and send the***
13 ***money to the appropriate person, governmental agency or political***
14 ***subdivision of a governmental agency to whom restitution is owed.***

1 2. *Except as otherwise provided in subsection 4, if a person enters*
2 *into a settlement for money in an action described in subsection 1, the*
3 *person or governmental entity that pays the settlement shall deposit the*
4 *money for the settlement with the court in which the action was filed or*
5 *the district court of the county in which the person resides if no action*
6 *was filed. The court shall deduct from the money deposited with the court*
7 *any amount of money owed by the person for restitution and send the*
8 *money to the appropriate person, governmental agency or political*
9 *subdivision of a governmental agency to whom restitution is owed.*

10 3. *If any money remains after the court makes the deduction*
11 *pursuant to subsection 1 or 2, the court shall forward the remaining*
12 *money to the person who initiated the action.*

13 4. *The provisions of this section do not apply to a judgment or*
14 *settlement in a case that involves the death of a person who was*
15 *imprisoned.*

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

18 1. *Except as otherwise provided in subsection 3, if an offender has*
19 *filed an action for small claims pursuant to chapter 73 of NRS and the*
20 *offender requests to appear as a witness in the action, he shall pay the*
21 *department in advance for the costs the department estimates will be*
22 *incurred in providing transportation for the offender to appear in court.*

23 2. *Within 30 days after providing transportation for an offender to*
24 *appear in court pursuant to subsection 1, the department shall:*

25 (a) *Reimburse the offender for any amount paid by him that exceeds*
26 *the actual cost incurred by the department in providing transportation for*
27 *the offender; or*

28 (b) *Charge the offender for any cost incurred by the department in*
29 *providing transportation for the offender that exceeds the amount paid by*
30 *the defendant pursuant to subsection 1.*

31 3. *The provisions of this section do not apply to indigent offenders.*