

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 or city jail or detention facility in a civil action brought against the State of Nevada, a county or a city; 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 or city jail or detention***
5 ***facility is awarded a judgment against:***
6 ***(a) The State of Nevada, a county or a city;***
7 ***(b) A department, commission, board or other agency of the State of***
8 ***Nevada, a county or a city; or***
9 ***(c) A current or former officer, employee or contractor of the State of***
10 ***Nevada, a county or a city,***
11 ***arising from a civil action that accrued while the person was imprisoned***
12 ***in the state prison or county or city jail or detention facility, the person or***
13 ***governmental entity that pays the judgment shall deposit the money for***
14 ***the judgment with the court. The court shall deduct from the money***
15 ***received from the judgment any amount of money owed by the person for***

1 *restitution and send the money to the appropriate person, governmental*
2 *agency or political subdivision of a governmental agency to whom*
3 *restitution is owed.*

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

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

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

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

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

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

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

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

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