Assembly Bill No. 687–Committee on Ways and Means

CHAPTER........

AN ACT relating to prisons; authorizing the director of the department of prisons to allow the transfer of funds from the offenders' store fund to compensate a center for the purpose of making restitution for certain costs incurred by the center under certain circumstances; 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. NRS 209.221 is hereby amended to read as follows:

209.221 1. The offenders' store fund is hereby created as a special revenue fund. All money received for the benefit of offenders through contributions, and from other sources not otherwise required to be deposited in another fund, must be deposited in the offenders' store fund.

2. The director shall:

(a) Keep, or cause to be kept, a full and accurate account of the fund;

(b) Submit reports to the board relative to money in the fund as may be required from time to time; and

(c) Submit a monthly report to the offenders of the amount of money in the fund by posting copies of the report at locations accessible to offenders generally or by delivery of copies to the appropriate representatives of the offenders if any are selected.

3. Except as otherwise provided in subsections 4 ~~[, 5 and 6,]~~ ***to 7, inclusive,*** money in the offenders' store fund, except interest earned upon it, must be expended for the welfare and benefit of all offenders.

4. If necessary to cover a shortfall of money in the prisoners' personal property fund, the director may, after obtaining the approval of the interim finance committee, authorize the state controller to transfer money from the offenders' store fund to the prisoners' personal property fund, and the state controller shall make the transfer.

5. If an offender has insufficient money in his individual account in the prisoners' personal property fund to repay or defray costs assessed to the offender pursuant to NRS 209.246, the director shall authorize the state controller to transfer sufficient money from the offenders' store fund to the appropriate account in the state general fund to pay costs remaining unpaid, and the state controller shall make the transfer. Any money so transferred must be accounted for separately. The director shall cause the offenders' store fund to be reimbursed from the offender's individual account in the prisoners' personal property fund, as money becomes available.

6. If the department incurs costs related to state property that has been willfully damaged, destroyed or lost or incurs costs related to medical examination, diagnosis or treatment for an injury to an offender, the director may authorize the state controller to transfer money from the

offenders' store fund to the appropriate account in the state general fund to repay or defray those costs if:

(a) The director has reason to believe that an offender caused the damage, destruction, loss or injury; and

(b) The identity of the offender is unknown or cannot be determined by the director with reasonable certainty.

The state controller shall make the transfer if authorized by the director. Any money transferred must be accounted for separately. If the identity of the offender is determined after money has been transferred, the director shall cause the offenders' store fund to be reimbursed from the offender's individual account in the prisoners' personal property fund, as money becomes available.

7. ***If an offender who has been assigned to a center for the purpose of making restitution is returned to an institution for committing an infraction of the regulations of the department and the center has not been fully compensated for the cost of providing the offender with housing, transportation, meals or medical or dental services at the center, the director may authorize the state controller to transfer money from the offenders' store fund to the appropriate account in the state general fund to repay or defray those costs. The state controller shall make the transfer if authorized by the director. Any money transferred must be accounted for separately. The director shall cause the offenders' store fund to be reimbursed from the offender's individual account in the prisoners' personal property fund, as money becomes available.***

8. If an offender has insufficient money in his individual account in the prisoners' personal property fund to repay or defray costs assessed to the offender pursuant to NRS 209.246, the offender shall sign a statement under penalty of perjury concerning his financial situation. Such a statement must include, but is not limited to, the following information:

(a) The value of any interest the offender has in real estate;

(b) The value of the personal property of the offender;

(c) The assets in any bank account of the offender; and

(d) The employment status of the offender.

~~[8.]~~ ***9.*** The statement required by subsection ~~[7]~~ ***8*** must also authorize the department to access any relevant document, for the purpose of verifying the accuracy of the information provided by the offender pursuant to this section, including, but not limited to, information regarding any bank account of the offender, information regarding any bank account held in trust for the offender and any federal income tax return, report or withholding form of the offender.

~~[9.]~~ ***10.*** An offender who conceals assets from the department or provides false or misleading information on a statement prepared pursuant to this section is guilty of a gross misdemeanor.

~~[10.]~~ ***11.*** A person who aids or encourages an offender to conceal assets from the department or to provide false or misleading information on a statement prepared pursuant to this section is guilty of a gross misdemeanor.

Sec. 2. This act becomes effective upon passage and approval.

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