

SENATE BILL NO. 115—COMMITTEE ON JUDICIARY

(ON BEHALF OF WASHOE COUNTY)

FEBRUARY 4, 1999

Referred to Committee on Judiciary

SUMMARY—Authorizes county or city to seek reimbursement of costs for administering program as alternative to incarceration. (BDR 16-560)

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 ~~for omitted material~~ is material to be omitted.

AN ACT relating to prisoners; authorizing a county or city to seek reimbursement of costs from a nonindigent prisoner sentenced to a program as an alternative to incarceration; 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 211 of NRS is hereby amended by adding thereto
2 the provisions set forth as sections 2 and 3 of this act.
3 **Sec. 2. “Alternative program” means a program to which a prisoner**
4 **may be assigned as an alternative to incarceration.**
5 **Sec. 3. “Prisoner” means a person who has been convicted of a**
6 **crime punishable pursuant to the laws of this state and:**
7 **1. Sentenced to a term of imprisonment in a county or city jail or**
8 **detention facility, including a person sentenced as a condition of**
9 **probation, but not including a person committed to a county jail**
10 **pursuant to NRS 211.060; or**
11 **2. Assigned to an alternative program.**
12 **Sec. 4.** NRS 211.241 is hereby amended to read as follows:
13 211.241 As used in NRS 211.241 to 211.249, inclusive, **and sections 2**
14 **and 3 of this act**, unless the context otherwise requires, ~~“prisoner” means a~~
15 ~~person who has been convicted and sentenced to a term of imprisonment in~~
16 ~~a county or city jail or detention facility for any crime punishable under the~~
17 ~~laws of this state, including a person sentenced as a condition of probation,~~

1 but does not include a person who is committed to a county jail pursuant to
2 NRS 211.060. ***the words and terms defined in sections 2 and 3 of this act***
3 ***have the meanings ascribed to them in those sections.***

4 **Sec. 5.** NRS 211.2415 is hereby amended to read as follows:

5 211.2415 1. A board of county commissioners or the governing body
6 of an incorporated city may seek reimbursement from a nonindigent
7 prisoner for expenses incurred by the county or city for ~~the~~ :

8 ***(a) The maintenance and support of the prisoner in a county or city jail***
9 ***or detention facility ~~to which the prisoner has been assigned~~, including***
10 ***expenses incurred during a period of pretrial detention if time served during***
11 ***the pretrial detention is credited by the court against any sentence imposed***
12 ***~~to~~ ; or***

13 ***(b) The administration of an alternative program to which the***
14 ***prisoner has been assigned, including, without limitation, the costs of***
15 ***supervising the prisoner in the program.***

16 2. The amount of reimbursement sought by a county or city pursuant to
17 ***paragraph (a) of subsection 1*** must not exceed the actual cost per day for
18 the maintenance and support of the prisoner and may include, without
19 limitation, the costs of providing heating, air conditioning, food, clothing,
20 bedding and medical care to a prisoner.

21 **Sec. 6.** NRS 211.243 is hereby amended to read as follows:

22 211.243 If a board of county commissioners or the governing body of
23 an incorporated city so requests, the sheriff of the county, ~~or~~ the
24 administrator of the department of detention of an incorporated city, ~~or~~
25 the person appointed to administer a city jail ~~to~~ ***or the administrator of an***
26 ***alternative program*** shall provide to the board or governing body a list
27 which contains:

28 1. The name of each prisoner currently serving a term of imprisonment
29 in the county or city jail or detention facility ~~to~~ , ***or currently assigned to***
30 ***an alternative program;***

31 2. The length of the term of imprisonment ***or assignment to an***
32 ***alternative program*** of each prisoner, including the number of days served
33 during a period of pretrial detention, if any;

34 3. The date of admission of each prisoner; and

35 4. All available information concerning the financial status of each
36 prisoner.

37 **Sec. 7.** NRS 211.244 is hereby amended to read as follows:

38 211.244 1. At any time after the conviction of a prisoner, and after
39 the financial status of the prisoner has been determined or the prisoner has
40 refused or failed to complete and sign the form required by NRS 211.242,
41 the sheriff of the county, ~~or~~ the administrator of the department of
42 detention of an incorporated city, ~~or~~ the person appointed to administer a
43 city jail ~~to~~ ***or the administrator of an alternative program*** may issue a

1 written demand to the prisoner for reimbursement , **pursuant to NRS**
2 **211.2415**, of the expenses incurred by the county or city for the prisoner's
3 maintenance and support during his period of imprisonment ~~{-}~~ **or**
4 **assignment to an alternative program.**

5 2. Except as otherwise provided in subsection 3, the prisoner shall pay
6 the total amount due when the written demand is issued. The prisoner may
7 arrange to make payments on a monthly basis. If such arrangements are
8 made, the prisoner must be provided with a monthly billing statement
9 which specifies the date on which his next payment is due.

10 3. A court may order a prisoner to perform supervised work for the
11 benefit of the community to satisfy the written demand for reimbursement.
12 Each hour of work performed by the prisoner reduces the amount he owes
13 by \$8. If the prisoner does not satisfy the written demand for
14 reimbursement within the time set by the court, the district attorney for a
15 county or the city attorney for an incorporated city may file a civil action
16 pursuant to NRS 211.245.

17 **Sec. 8.** NRS 211.245 is hereby amended to read as follows:

18 211.245 1. If a prisoner fails to make a payment within 10 days after
19 it is due, the district attorney for a county or the city attorney for an
20 incorporated city may file a civil action in any court of competent
21 jurisdiction within this state seeking recovery of:

22 (a) The amount of reimbursement due;

23 (b) Costs incurred in conducting an investigation of the financial status
24 of the prisoner; and

25 (c) Attorney's fees and costs.

26 2. A civil action brought pursuant to this section must:

27 (a) Be instituted in the name of the county or city in which the jail , ~~{or}~~
28 detention facility **or alternative program** is located;

29 (b) Indicate the date and place of sentencing, including , **without**
30 **limitation**, the name of the court which imposed the sentence;

31 (c) Include the record of judgment of conviction, if available;

32 (d) Indicate the length of time served by the prisoner and, if he has been
33 released, the date of his release; and

34 (e) Indicate the amount of reimbursement that the prisoner owes to the
35 county or city.

36 3. The county or city treasurer of the county or incorporated city in
37 which a prisoner is or was confined shall determine the amount of
38 reimbursement that the prisoner owes to the city or county. The county or
39 city treasurer may render a sworn statement indicating the amount of
40 reimbursement that the prisoner owes and submit the statement in support
41 of a civil action brought pursuant to this section. Such a statement is prima
42 facie evidence of the amount due.

1 4. A court in a civil action brought pursuant to this section may award
2 a money judgment in favor of the county or city in whose name the action
3 was brought.

4 5. If necessary to prevent the disposition of the prisoner's property by
5 the prisoner, or his spouse or agent, a county or city may file a motion for a
6 temporary restraining order. The court may, without a hearing, issue ex
7 parte orders restraining any person from transferring, encumbering,
8 hypothecating, concealing or in any way disposing of any property of the
9 prisoner, real or personal, whether community or separate, except for
10 necessary living expenses.

11 6. The payment, pursuant to a judicial order, of existing obligations
12 for:

13 (a) Child support or alimony;

14 (b) Restitution to victims of crimes; and

15 (c) Any administrative assessment required to be paid pursuant to NRS
16 62.223, 176.059 and 176.062,

17 has priority over the payment of a judgment entered pursuant to this
18 section.

19 **Sec. 9.** NRS 211.246 is hereby amended to read as follows:

20 211.246 1. A prisoner who is or was sentenced to a term of
21 imprisonment in a county or city jail or detention facility **or to an**
22 **alternative program** shall cooperate with the board of county
23 commissioners or the governing body of an incorporated city in satisfying
24 the reimbursement sought by the board or body pursuant to the provisions
25 of NRS 211.241 to 211.249, inclusive.

26 2. A prisoner who willfully refuses to cooperate with the requirement
27 of NRS 211.242 may not receive a reduction of or a credit on his term of
28 imprisonment under any provision of this chapter.

29 **Sec. 10.** NRS 211.247 is hereby amended to read as follows:

30 211.247 The sheriff of the county, ~~for~~ the administrator of the
31 department of detention of an incorporated city, ~~for~~ a person chosen to
32 administer a city jail **or the administrator of an alternative program** shall
33 provide the district attorney of the county or the city attorney of the
34 incorporated city all information and assistance possible to enable the
35 district or city attorney to secure reimbursement for the county or city
36 pursuant to the provisions of NRS 211.241 to 211.249, inclusive.

37 **Sec. 11.** This act becomes effective upon passage and approval.