
SENATE BILL NO. 149—COMMITTEE ON JUDICIARY

FEBRUARY 10, 1999

Referred to Committee on Judiciary

SUMMARY—Creates crime for commission of certain acts by prisoner against employee of correctional institution. (BDR 16-512)

FISCAL NOTE: Effect on Local Government: Yes.
Effect on the State or on Industrial Insurance: Yes.

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

AN ACT relating to prisoners; creating a crime for the commission of certain acts by a prisoner against an employee of a correctional institution; requiring the person in charge of administering a correctional institution to investigate any such crime that is reported or suspected; requiring an offender believed to have committed such a crime to submit to an examination and testing for communicable diseases; providing a penalty; 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 212 of NRS is hereby amended by adding thereto a
2 new section to read as follows:
3 ***1. Except under circumstances where a greater penalty is provided by***
4 ***a specific statute, a prisoner who is in lawful custody or confinement,***
5 ***other than residential confinement, and who intentionally propels or***
6 ***places, or causes to be propelled or placed, any human excrement or***
7 ***bodily fluid upon the person of an employee of a prison, is guilty of a***
8 ***category B felony and shall be punished by imprisonment in the state***
9 ***prison for a minimum term of not less than 2 years and a maximum term***
10 ***of not more than 10 years, or by a fine of not more than \$10,000, or by***
11 ***both fine and imprisonment. In addition to any other penalty, the court***
12 ***shall order the prisoner to reimburse the State of Nevada, a county or a***
13 ***city, whichever may be applicable, for the cost of any examination or***
14 ***testing performed pursuant to paragraph (a) of subsection 2.***

1 **2. The warden, sheriff, administrator or other person responsible for**
2 **administering a prison shall immediately and fully investigate a reported**
3 **or suspected violation of subsection 1. If there is probable cause to**
4 **believe that a violation of subsection 1 has occurred:**

5 **(a) A prisoner believed to have violated subsection 1 must submit to**
6 **any appropriate examination and testing to determine whether the**
7 **prisoner has any communicable diseases. The results of any examination**
8 **and testing of a prisoner must be provided to each employee of the prison**
9 **who was involved in the reported or suspected violation, and the**
10 **employee may, without charge to himself, undergo any appropriate**
11 **examination and testing to determine whether he has contracted a**
12 **communicable disease from the prisoner.**

13 **(b) The results of the investigation and the results of the testing and**
14 **examination of the prisoner must be submitted to the district attorney of**
15 **the county in which the reported or suspected violation occurred and to**
16 **the office of the attorney general for possible prosecution.**

17 **3. A prosecuting attorney shall not dismiss a charge of violating the**
18 **provisions of subsection 1 in exchange for a plea of guilty, guilty but**
19 **mentally ill or nolo contendere to a lesser charge or for any other reason**
20 **unless he knows or it is obvious that the charge is not supported by**
21 **probable cause or cannot be proved at the time of trial.**

22 **Sec. 2.** The amendatory provisions of this act do not apply to any acts
23 committed by a prisoner before October 1, 1999.