

Section 1. Chapter 212 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Except as otherwise provided in subsection 9, a prisoner who is in lawful custody or confinement, other than residential confinement, shall not knowingly:

(a) Store or stockpile any human excrement or bodily fluid;

(b) Sell, supply or provide any human excrement or bodily fluid to any other person;

(c) Buy, receive or acquire any human excrement or bodily fluid from any other person; or

(d) Use, propel, discharge, spread or conceal, or cause to be used, propelled, discharged, spread or concealed, any human excrement or bodily fluid:

(1) With the intent to have the excrement or bodily fluid come into physical contact with any portion of the body of an officer or employee of a prison or any other person, whether or not such physical contact actually occurs;

1 (2) Under circumstances in which the excrement or bodily fluid is
2 reasonably likely to come into physical contact with any portion of the
3 body of an officer or employee of a prison or any other person, whether
4 or not such physical contact actually occurs.

5 2. Except as otherwise provided in subsection 3, if a prisoner violates
6 any provision of subsection 1, the prisoner is guilty of a category B felony
7 and shall be punished by imprisonment in the state prison for a
8 minimum term of not less than 2 years and a maximum term of not more
9 than 10 years, and may be further punished by a fine of not more than
10 \$10,000.

11 3. If a prisoner violates any provision of paragraph (d) of subsection
12 1 and, at the time of the offense, the prisoner knew that any portion of
13 the excrement or bodily fluid involved in the offense contained a
14 communicable disease that causes or is reasonably likely to cause
15 substantial bodily harm, whether or not the communicable disease was
16 transmitted to a victim as a result of the offense, the prisoner is guilty of
17 a category A felony and shall be punished by imprisonment in the state
18 prison:

19 (a) For life with the possibility of parole, with eligibility for parole
20 beginning when a minimum of 10 years has been served; or

21 (b) For a definite term of 25 years, with eligibility for parole
22 beginning when a minimum of 10 years has been served,
23 and may be further punished by a fine of not more than \$50,000.

24 4. A sentence imposed upon a prisoner pursuant to subsection 2 or 3:

25 (a) Is not subject to suspension or the granting of probation; and

26 (b) Must run consecutively after the prisoner has served any sentences
27 imposed upon him for the offense or offenses for which the prisoner was
28 in lawful custody or confinement when he violated the provisions of
29 subsection 1.

30 5. In addition to any other penalty, the court shall order a prisoner
31 who violates any provision of paragraph (d) of subsection 1 to reimburse
32 the appropriate person or governmental body for the cost of any
33 examinations or testing:

34 (a) Conducted pursuant to paragraphs (a) and (b) of subsection 7; or

35 (b) Paid for pursuant to subparagraph (2) of paragraph (c) of
36 subsection 7.

37 6. The warden, sheriff, administrator or other person responsible for
38 administering a prison shall immediately and fully investigate any act
39 described in subsection 1 that is reported or suspected to have been
40 committed in the prison.

41 7. If there is probable cause to believe that an act described in
42 paragraph (d) of subsection 1 has been committed in a prison:

1 (a) Each prisoner believed to have committed the act or to have been
2 the bodily source of any portion of the excrement or bodily fluid involved
3 in the act must submit to any appropriate examinations and testing to
4 determine whether each such prisoner has any communicable disease.

5 (b) If possible, a sample of the excrement or bodily fluid involved in
6 the act must be recovered and tested to determine whether any
7 communicable disease is present in the excrement or bodily fluid.

8 (c) If the excrement or bodily fluid involved in the act came into
9 physical contact with any portion of the body of an officer or employee of
10 a prison or any other person:

11 (1) The results of any examinations or testing conducted pursuant
12 to paragraphs (a) and (b) must be provided to each such officer,
13 employee or other person; and

14 (2) For each such officer or employee, the person or governmental
15 body operating the prison where the act was committed shall pay for any
16 appropriate examinations and testing requested by the officer or
17 employee to determine whether a communicable disease was transmitted
18 to him as a result of the act.

19 (d) The results of the investigation conducted pursuant to subsection 6
20 and the results of any examinations or testing conducted pursuant to
21 paragraphs (a) and (b) must be submitted to the district attorney of the
22 county in which the act was committed or to the office of the attorney
23 general for possible prosecution of each prisoner who committed the act.

24 8. If a prisoner is charged with committing an act described in
25 paragraph (d) of subsection 1 and a victim or an intended victim of the
26 act was an officer or employee of a prison, the prosecuting attorney shall
27 not dismiss the charge in exchange for a plea of guilty, guilty but
28 mentally ill or nolo contendere to a lesser charge or for any other reason
29 unless the prosecuting attorney knows or it is obvious that the charge is
30 not supported by probable cause or cannot be proved at the time of trial.

31 9. The provisions of this section do not apply to a prisoner who
32 commits an act described in subsection 1 if the act:

33 (a) Is otherwise lawful and is authorized by the warden, sheriff,
34 administrator or other person responsible for administering the prison,
35 or his designee, and the prisoner performs the act in accordance with the
36 directions or instructions given to him by that person;

37 (b) Involves the discharge of human excrement or bodily fluid directly
38 from the body of the prisoner and the discharge is the direct result of a
39 temporary or permanent injury, disease or medical condition afflicting
40 the prisoner that prevents the prisoner from having physical control over
41 the discharge of his own excrement or bodily fluid; or

42 (c) Constitutes voluntary sexual conduct with another person in
43 violation of the provisions of NRS 212.187.

- 1 **Sec. 2.** The amendatory provisions of this act do not apply to offenses
- 2 committed before the effective date of this act.
- 3 **Sec. 3.** This act becomes effective upon passage and approval.

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