

SENATE BILL NO. 57—SENATOR WIENER

PREFILED JANUARY 29, 1999

Referred to Committee on Judiciary

SUMMARY—Makes various changes concerning therapeutic communities in prisons.
(BDR 16-950)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State or on Industrial Insurance: Yes.

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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; allowing the director of the department of prisons to assign certain prisoners to a therapeutic community without their consent; revising the provisions governing assignment to and eligibility for participation in a therapeutic community; 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.** NRS 209.4237 is hereby amended to read as follows:
2 209.4237 1. The director shall, in conjunction with the bureau and
3 with the approval of the board, establish a program to evaluate an offender
4 in the custody of the department to determine whether the offender is a
5 substance abuser and whether the offender may benefit from participation
6 in a therapeutic community.
7 2. An evaluation of an offender must be conducted pursuant to
8 subsection 1 if ~~the~~:
9 ~~—(a) The offender requests the evaluation; and~~
10 ~~—(b) The~~ ***the*** offender is eligible to be assigned to a therapeutic
11 community.
12 3. After an evaluation is conducted pursuant to subsection 1, the
13 director or a person designated by the director shall determine whether the
14 offender is a substance abuser and whether the offender may benefit from
15 participation in a therapeutic community.
16 4. If a determination is made that the offender is a substance abuser
17 and that the offender may benefit from participation in a therapeutic
18 community, the director or a person designated by the director ~~may offer~~

1 ~~the offender the choice of participating]~~ **shall determine whether to assign**
2 **the offender to participate** in a therapeutic community. In determining
3 whether to ~~[offer]~~ **assign** an offender ~~[the choice of participating]~~ **to**
4 **participate** in a therapeutic community, the director or a person designated
5 by the director shall:

6 (a) Consider the severity of the problem of substance abuse by the
7 offender and the availability of space in each therapeutic community; and

8 (b) Give preference, to the extent practicable, to those offenders who
9 appear to be most capable of successfully participating in and completing
10 treatment in a therapeutic community.

11 5. If an offender ~~[accepts an offer]~~ **is assigned** to participate in a
12 therapeutic community ~~[-~~:

13 ~~—(a) The offender must sign an authorization form, prepared by the~~
14 ~~director or a person designated by the director, in which the offender agrees~~
15 ~~to and accepts the conditions of participation in the therapeutic community~~
16 ~~and a program of aftercare; and~~

17 ~~—(b) The~~ **, the** offender must be assigned to participate in the therapeutic
18 community for the year immediately preceding the date on which ~~[his term~~
19 ~~of imprisonment expires or the date on which he is due to be released on~~
20 ~~parole, whichever is likely to occur earlier.]~~ **he is reasonably expected to**
21 **be released, as determined by the director.**

22 **Sec. 2.** NRS 209.424 is hereby amended to read as follows:

23 209.424 An offender may not participate in a therapeutic community if
24 the offender:

25 1. Was sentenced to death or a term of imprisonment for life without
26 the possibility of parole; **or**

27 2. ~~[Has been convicted of more than one felony, unless all of the~~
28 ~~felonies for which the offender has been convicted arose out of the same~~
29 ~~act, transaction or occurrence; or~~

30 ~~—3.]~~ Is or was eligible to participate in the program of treatment
31 established pursuant to NRS 209.425, whether or not the offender actually
32 participated in or completed that program of treatment.