

Senate Bill No. 57—Senator Wiener

CHAPTER.....

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:

Section 1. NRS 209.4237 is hereby amended to read as follows:

209.4237 1. The director shall, in conjunction with the bureau and with the approval of the board, establish a program to evaluate an offender in the custody of the department to determine whether the offender is a substance abuser and whether the offender may benefit from participation in a therapeutic community.

2. An evaluation of an offender must be conducted pursuant to subsection 1 if ~~the~~:

~~—(a) The offender requests the evaluation; and~~

~~—(b) The~~ **the** offender is eligible to be assigned to a therapeutic community.

3. After an evaluation is conducted pursuant to subsection 1, the director or a person designated by the director shall determine whether the offender is a substance abuser and whether the offender may benefit from participation in a therapeutic community.

4. If a determination is made that the offender is a substance abuser and that the offender may benefit from participation in a therapeutic community, the director or a person designated by the director ~~may offer the offender the choice of participating~~ **shall determine whether to assign the offender to participate** in a therapeutic community. In determining whether to ~~offer~~ **assign** an offender ~~the choice of participating~~ **to participate** in a therapeutic community, the director or a person designated by the director shall:

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

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

5. If an offender ~~accepts an offer~~ **is assigned** to participate in a therapeutic community ~~the~~:

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

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

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

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

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

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

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

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