

Assembly Bill No. 580—Committee on Judiciary

CHAPTER.....

AN ACT relating to the department of prisons; eliminating the provisions pertaining to contracts concerning the sale or donation of blood or blood plasma by offenders; providing for the transfer of money between certain accounts within the prisoners' personal property fund; 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 209.461 is hereby amended to read as follows:

209.461 1. The director shall:

(a) To the greatest extent possible, approximate the normal conditions of training and employment in the community.

(b) Except as otherwise provided in this section, to the extent practicable, require each offender, except those whose behavior is found by the director to preclude participation, to spend 40 hours each week in vocational training or employment, unless excused for a medical reason or to attend educational classes in accordance with NRS 209.396. The director shall require as a condition of employment that an offender sign an authorization for the deductions from his wages made pursuant to NRS 209.463. Authorization to make the deductions pursuant to NRS 209.463 is implied from the employment of an offender and a signed authorization from the offender is not required for the director to make the deductions pursuant to NRS 209.463.

(c) Use the earnings from services and manufacturing conducted by the institutions and the money paid by private employers who employ the offenders to offset the costs of operating the prison system and to provide wages for the offenders being trained or employed.

(d) Provide equipment, space and management for services and manufacturing by offenders.

(e) Employ craftsmen and other personnel to supervise and instruct offenders.

(f) ~~Except as otherwise provided in NRS 209.383, contract~~ **Contract** with governmental agencies and private employers for the employment of offenders, including their employment on public works projects under contracts with the state and with local governments.

(g) Contract for the use of offenders' services and for the sale of goods manufactured by offenders.

2. Every program for the employment of offenders established by the director must:

(a) Employ the maximum number of offenders possible;

(b) Except as otherwise provided in NRS 209.192, provide for the use of money produced by the program to reduce the cost of maintaining the offenders in the institutions;

(c) Have an insignificant effect on the number of jobs available to the residents of this state; and

(d) Provide occupational training for offenders.

3. An offender may not engage in vocational training, employment or a business that requires or permits the offender to:

(a) Telemarket or conduct opinion polls by telephone; or

(b) Acquire, review, use or have control over or access to personal information concerning any person who is not incarcerated.

4. Each fiscal year, the cumulative profits and losses, if any, of the programs for the employment of offenders established by the director must result in a profit for the department. The following must not be included in determining whether there is a profit for the department:

(a) Fees credited to the fund for prison industries pursuant to NRS 482.268, any revenue collected by the department for the leasing of space, facilities or equipment within the institutions or facilities of the department and any interest or income earned on the money in the fund for prison industries.

(b) The selling expenses of the central administrative office of the programs for the employment of offenders. As used in this paragraph, "selling expenses" means delivery expenses, salaries of sales personnel and related payroll taxes and costs, the costs of advertising and the costs of display models.

(c) The general and administrative expenses of the central administrative office of the programs for the employment of offenders. As used in this paragraph, "general and administrative expenses" means the salary of the assistant director of industrial programs and the salaries of any other personnel of the central administrative office and related payroll taxes and costs, the costs of telephone usage and the costs of office supplies used and postage used.

5. Except as otherwise provided in subsection 3, the director may, with the approval of the board:

(a) Lease spaces and facilities within any institution of the department to private employers to be used for the vocational training and employment of offenders.

(b) Grant to reliable offenders the privilege of leaving institutions or facilities of the department at certain times for the purpose of vocational training or employment.

6. The provisions of this chapter do not create a right on behalf of the offender to employment or to receive the federal or state minimum wage for any employment and do not establish a basis for any cause of action against the state or its officers or employees for employment of an offender or for payment of the federal or state minimum wage to an offender.

Sec. 2. NRS 209.383 is hereby repealed.

Sec. 3. As soon as practicable on October 1, 2001, the state controller shall transfer the balance in the account for destitute prisoners in the prisoners' personal property fund to the inmate welfare account within that fund.