

ASSEMBLY BILL No. 580—COMMITTEE ON JUDICIARY

(ON BEHALF OF DEPARTMENT OF PRISONS)

MARCH 26, 2001

Referred to Committee on Judiciary

SUMMARY—Eliminates provisions pertaining to contracts concerning sale or donation of blood or blood plasma by offenders. (BDR 16-622)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: No.

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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 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:

- 1 **Section 1.** NRS 209.461 is hereby amended to read as follows:
2 209.461 1. The director shall:
3 (a) To the greatest extent possible, approximate the normal conditions
4 of training and employment in the community.
5 (b) Except as otherwise provided in this section, to the extent
6 practicable, require each offender, except those whose behavior is found by
7 the director to preclude participation, to spend 40 hours each week in
8 vocational training or employment, unless excused for a medical reason or
9 to attend educational classes in accordance with NRS 209.396. The director
10 shall require as a condition of employment that an offender sign an
11 authorization for the deductions from his wages made pursuant to NRS
12 209.463. Authorization to make the deductions pursuant to NRS 209.463 is
13 implied from the employment of an offender and a signed authorization
14 from the offender is not required for the director to make the deductions
15 pursuant to NRS 209.463.
16 (c) Use the earnings from services and manufacturing conducted by the
17 institutions and the money paid by private employers who employ the
18 offenders to offset the costs of operating the prison system and to provide
19 wages for the offenders being trained or employed.



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- 1 (d) Provide equipment, space and management for services and
2 manufacturing by offenders.
- 3 (e) Employ craftsmen and other personnel to supervise and instruct
4 offenders.
- 5 (f) ~~Except as otherwise provided in NRS 209.383, contract~~ **Contract**
6 with governmental agencies and private employers for the employment of
7 offenders, including their employment on public works projects under
8 contracts with the state and with local governments.
- 9 (g) Contract for the use of offenders' services and for the sale of goods
10 manufactured by offenders.
- 11 2. Every program for the employment of offenders established by the
12 director must:
- 13 (a) Employ the maximum number of offenders possible;
- 14 (b) Except as otherwise provided in NRS 209.192, provide for the use
15 of money produced by the program to reduce the cost of maintaining the
16 offenders in the institutions;
- 17 (c) Have an insignificant effect on the number of jobs available to the
18 residents of this state; and
- 19 (d) Provide occupational training for offenders.
- 20 3. An offender may not engage in vocational training, employment or
21 a business that requires or permits the offender to:
- 22 (a) Telemarket or conduct opinion polls by telephone; or
- 23 (b) Acquire, review, use or have control over or access to personal
24 information concerning any person who is not incarcerated.
- 25 4. Each fiscal year, the cumulative profits and losses, if any, of the
26 programs for the employment of offenders established by the director must
27 result in a profit for the department. The following must not be included in
28 determining whether there is a profit for the department:
- 29 (a) Fees credited to the fund for prison industries pursuant to NRS
30 482.268, any revenue collected by the department for the leasing of space,
31 facilities or equipment within the institutions or facilities of the department
32 and any interest or income earned on the money in the fund for prison
33 industries.
- 34 (b) The selling expenses of the central administrative office of the
35 programs for the employment of offenders. As used in this paragraph,
36 "selling expenses" means delivery expenses, salaries of sales personnel and
37 related payroll taxes and costs, the costs of advertising and the costs of
38 display models.
- 39 (c) The general and administrative expenses of the central
40 administrative office of the programs for the employment of offenders. As
41 used in this paragraph, "general and administrative expenses" means the
42 salary of the assistant director of industrial programs and the salaries of any
43 other personnel of the central administrative office and related payroll
44 taxes and costs, the costs of telephone usage and the costs of office
45 supplies used and postage used.
- 46 5. Except as otherwise provided in subsection 3, the director may, with
47 the approval of the board:



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

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

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

12 **Sec. 2.** NRS 209.383 is hereby repealed.

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

TEXT OF REPEALED SECTION

209.383 Director authorized to suspend, terminate or renegotiate contracts for sale or donation of blood by offenders; requirements for contract; account for destitute prisoners.

1. The director may suspend or terminate operations and obligations or renegotiate the terms of any contract concerning the sale or donation by offenders of blood or blood plasma. Before suspending or terminating operations and obligations or renegotiating the terms of an agreement pursuant to this subsection, the director must obtain the approval of:

(a) The legislature, by concurrent resolution, when the legislature is in regular or special session; or

(b) The interim finance committee, when the legislature is not in regular or special session.

2. A contract concerning the sale or donation by offenders of blood or blood plasma entered into or renegotiated by the director must:

(a) Have a definite term; and

(b) Be subject to an absolute right on the part of the director to suspend or terminate operations and obligations or renegotiate the terms of the contract.

The director must consider the expenses of administration and the profits to be derived by the state before entering into or renegotiating a contract pursuant to this subsection.

3. All revenue from a program for the sale by offenders of blood or blood plasma in excess of the cost of the program must be placed in the account for destitute prisoners which is hereby created in the prisoners' personal property fund. The interest and income earned on money in the account after deducting any applicable charges, must be credited to the account. Money in the account may only be withdrawn by:



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- (a) The director to pay monthly stipends to destitute offenders;
- (b) The legislature, by concurrent resolution, when the legislature is in regular or special session; and
- (c) The interim finance committee, when the legislature is not in regular or special session.

