

(REPRINTED WITH ADOPTED AMENDMENTS)  
THIRD REPRINT

EXEMPT

S.B. 193

SENATE BILL NO. 193—COMMITTEE ON JUDICIARY

FEBRUARY 16, 2001

Referred to Committee on Judiciary

SUMMARY—Makes various changes concerning department of prisons. (BDR 16-311)

FISCAL NOTE: Effect on Local Government: No.  
Effect on the State: 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 the department of prisons; allowing the director to establish a system for offender management in each institution and facility of the department; allowing the director to continue to develop and implement a program of facility training for correctional staff in each institution and facility of the department; changing the name of the department; 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.** Chapter 209 of NRS is hereby amended by adding thereto  
2     the provisions set forth as sections 1.3 and 1.7 of this act.  
3     **Sec. 1.3.** *The director may establish, with the approval of the board,*  
4     *a system for offender management, to be implemented in each institution*  
5     *and facility of the department, which consists of structured living*  
6     *programs for offenders and the management of units by the staff, with*  
7     *levels of custody, security and privileges and opportunities for offenders*  
8     *based upon the assessed needs of the offenders as determined by their*  
9     *initial and ongoing classification and evaluation.*  
10    **Sec. 1.7.** *The director may continue to develop and implement, in*  
11    *each institution and facility of the department, a program of facility*  
12    *training for the correctional staff.*  
13    **Sec. 2.** NRS 209.051 is hereby amended to read as follows:  
14    209.051 “Department” means the department of ~~prisons.~~ *corrections.*  
15    **Sec. 3.** NRS 209.061 is hereby amended to read as follows:  
16    209.061 “Director” means the director of the department . ~~of prisons.~~  
17    **Sec. 4.** NRS 209.101 is hereby amended to read as follows:  
18    209.101 1. The department of ~~prisons.~~ *corrections* is hereby  
19    created.  
20    2. The head of the department is the board of state prison  
21    commissioners.



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1 3. The governor is the president of the board. The secretary of state is  
2 the secretary of the board.  
3 4. Any two members of the board constitute a quorum for the  
4 transaction of business.  
5 5. The secretary shall keep full and correct records of all the  
6 transactions and proceedings of the board.  
7 **Sec. 5.** NRS 209.136 is hereby amended to read as follows:  
8 209.136 The director of the department ~~of prisons~~ shall notify the  
9 senate standing committee on finance and the assembly standing  
10 committee on ways and means during a regular or special session of the  
11 legislature and the interim finance committee when the legislature is not in  
12 session of any:  
13 1. Negotiations entered into by the department to resolve any potential  
14 or existing litigation which could have a fiscal effect that exceeds the  
15 amount budgeted for that purpose by the legislature; and  
16 2. Plans regarding the location of any prison facility or institution.  
17 **Sec. 6.** NRS 209.151 is hereby amended to read as follows:  
18 209.151 1. The director shall appoint an assistant director for  
19 industrial programs who:  
20 (a) Is responsible to the director for the administration of all industrial,  
21 vocational and agricultural programs for the employment of offenders,  
22 except conservation camps and centers for the purpose of making  
23 restitution; and  
24 (b) Shall enforce all policies and regulations of the department relating  
25 to industrial, vocational and agricultural programs.  
26 2. In addition to the assistant director appointed pursuant to subsection  
27 1, the director shall appoint such other assistant directors as are necessary.  
28 3. The assistant directors are in the classified service of the state  
29 except for purposes of retention.  
30 4. During any absence of the director, he shall designate an assistant  
31 director or a warden to act as director of the department without increase in  
32 salary.  
33 5. The assistant directors shall carry out such administrative duties as  
34 may be assigned to them by the director and shall not engage in any other  
35 gainful employment or occupation.  
36 **Sec. 7.** NRS 209.153 is hereby amended to read as follows:  
37 209.153 The assistant director for industrial programs appointed  
38 pursuant to subsection 1 of NRS 209.151 is entitled to receive the same  
39 retirement benefits as police officers and firemen employed by public  
40 employers. For this purpose, the provisions of chapter 286 of NRS  
41 governing the retirement benefits of police officers and firemen apply to  
42 the assistant director ~~+~~ *for industrial programs.*  
43 **Sec. 8.** NRS 209.183 is hereby amended to read as follows:  
44 209.183 In addition to his regular salary, each person employed by the  
45 department of ~~prisons~~ *corrections* or the division of forestry of the state  
46 department of conservation and natural resources at the Southern Nevada  
47 Correctional Center, the Southern Desert Correctional Center, the Indian  
48 Springs Conservation Camp, the correctional institution identified as the  
49 Men's Prison No. 7 in chapter 656, Statutes of Nevada 1995, and chapter



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1 478, Statutes of Nevada 1997, or the Jean Conservation Camp is entitled to  
2 receive, as compensation for travel expenses, not more than \$7.50 for each  
3 day he reports to work if his residence is more than 25 miles from the  
4 respective facility. The total cost for compensation for travel expenses  
5 authorized by this section must not exceed the amount specially  
6 appropriated for this purpose.

7 **Sec. 9.** NRS 209.189 is hereby amended to read as follows:

8 209.189 1. The fund for prison industries is hereby created as an  
9 enterprise fund to receive all revenues derived from programs for  
10 vocational training and employment of offenders and the operation of the  
11 prison farm and to receive all revenues raised by the department from  
12 private employers for the leasing of space, facilities or equipment within  
13 the institutions or facilities of the department. ~~of prisons.~~

14 2. Money in the fund must be maintained in separate budgetary  
15 accounts, including at least one account for industrial programs and one for  
16 the prison farm.

17 3. Subject to the approval of the state board of examiners, the director  
18 may expend money deposited in this fund for the promotion and  
19 development of these programs and the prison farm. The director shall  
20 expend money deposited in this fund to pay the premiums required for  
21 coverage of offenders under the modified program of industrial insurance  
22 adopted pursuant to NRS 616B.028.

23 4. The interest and income earned on the money in the fund, after  
24 deducting any applicable charges, must be credited to the fund.

25 5. If money owed to the department for the leasing of space, facilities  
26 or equipment within the institutions or facilities of the department or for  
27 the purchase of goods or services, which must be deposited into the fund  
28 for prison industries pursuant to subsection 1, is not paid on or before the  
29 date due, the department shall charge and collect, in addition to the money  
30 due, interest on the money due at the rate of 1.5 percent per month or  
31 fraction thereof from the date on which the money became due until the  
32 date of payment.

33 **Sec. 10.** NRS 209.248 is hereby amended to read as follows:

34 209.248 1. The department ~~of prisons~~ shall establish in any insured  
35 bank, credit union or savings and loan association doing business in this  
36 state an account for disbursements to offenders. The balance in the account  
37 must not exceed \$600,000. Money in the account may be expended only  
38 for the payment of transactions involving offenders' trust funds.

39 2. Payments made from the account for disbursements to offenders  
40 must be promptly reimbursed from money in the appropriate fund on  
41 deposit with the state treasurer.

42 **Sec. 11.** NRS 209.274 is hereby amended to read as follows:

43 209.274 1. Except as otherwise provided in this section, when an  
44 offender is required or requested to appear before a court in this state, the  
45 department ~~of prisons~~ shall transport the offender to and from court on  
46 the day scheduled for his appearance.

47 2. If notice is not provided within the time set forth in NRS 50.215, the  
48 department shall transport the offender to court on the date scheduled for  
49 his appearance if it is possible to transport the offender in the usual manner



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1 for the transportation of offenders by the department. If it is not possible  
2 for the department to transport the offender in the usual manner:

3 (a) The department shall make the offender available on the date  
4 scheduled for his appearance to provide testimony by telephone or by  
5 video, if so requested by the court.

6 (b) The department shall provide for special transportation of the  
7 offender to and from the court, if the court so orders. If the court orders  
8 special transportation, it shall order the county in which the court is located  
9 to reimburse the department for any cost incurred for the special  
10 transportation.

11 (c) The court may order the county sheriff to transport the offender to  
12 and from the court at the expense of the county.

13 **Sec. 12.** NRS 209.382 is hereby amended to read as follows:

14 209.382 1. The state health officer shall periodically examine and  
15 shall report to the board semiannually upon the following operations of the  
16 department : ~~of prisons;~~

17 (a) The medical and dental services and places where they are provided,  
18 based upon the standards for medical facilities as provided in chapter 449  
19 of NRS.

20 (b) The nutritional adequacy of the diet of incarcerated offenders taking  
21 into account the religious or medical dietary needs of an offender and the  
22 adjustment of dietary allowances for age, sex and level of activity.

23 (c) The sanitation, healthfulness, cleanliness and safety of its various  
24 institutions and facilities.

25 2. The board shall take appropriate action to remedy any deficiencies  
26 reported ~~under~~ *pursuant to* subsection 1.

27 **Sec. 13.** NRS 209.429 is hereby amended to read as follows:

28 209.429 1. Except as otherwise provided in subsection 6, the director  
29 shall assign an offender to the custody of the division of parole and  
30 probation of the department of motor vehicles and public safety to serve a  
31 term of residential confinement, pursuant to NRS 213.380, for not longer  
32 than the remainder of the maximum term of his sentence if:

33 (a) The offender has:

34 (1) Established a position of employment in the community;

35 (2) Enrolled in a program for education or rehabilitation; or

36 (3) Demonstrated an ability to pay for all or part of the costs of his  
37 confinement and to meet any existing obligation for restitution to any  
38 victim of his crime;

39 (b) The offender has successfully completed the initial period of  
40 treatment required under the program of treatment established pursuant to  
41 NRS 209.425; and

42 (c) The director believes that the offender will be able to:

43 (1) Comply with the terms and conditions required under residential  
44 confinement; and

45 (2) Complete successfully the remainder of the program of treatment  
46 while under residential confinement.

47 If an offender assigned to the program of treatment pursuant to NRS  
48 209.427, completes the initial phase of the program and thereafter refuses  
49 to enter the remainder of the program of treatment pursuant to this section,



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1 the offender forfeits all or part of the credits earned by him to reduce his  
2 sentence pursuant to this chapter before this refusal, as determined by the  
3 director. The director may provide for a forfeiture of credits pursuant to  
4 this paragraph only after proof of the offense and notice to the offender,  
5 and may restore credits forfeited for such reasons as he considers proper.  
6 The decision of the director regarding such a forfeiture is final.

7 2. Before a person may be assigned to serve a term of residential  
8 confinement pursuant to this section, he must submit to the division of  
9 parole and probation a signed document stating that:

10 (a) He will comply with the terms or conditions of his residential  
11 confinement; and

12 (b) If he fails to comply with the terms or conditions of his residential  
13 confinement and is taken into custody outside of this state, he waives all  
14 his rights relating to extradition proceedings.

15 3. If an offender assigned to the custody of the division of parole and  
16 probation pursuant to this section escapes or violates any of the terms or  
17 conditions of his residential confinement:

18 (a) The division of parole and probation may, pursuant to the procedure  
19 set forth in NRS 213.410, return the offender to the custody of the  
20 department. ~~{of prisons;}~~

21 (b) The offender forfeits all or part of the credits earned by him to  
22 reduce his sentence pursuant to this chapter before the escape or violation,  
23 as determined by the director. The director may provide for a forfeiture of  
24 credits pursuant to this paragraph only after proof of the offense and notice  
25 to the offender, and may restore credits forfeited for such reasons as he  
26 considers proper. The decision of the director regarding forfeiture of  
27 credits is final.

28 4. The assignment of an offender to the custody of the division of  
29 parole and probation pursuant to this section shall be deemed:

30 (a) A continuation of his imprisonment and not a release on parole; and

31 (b) For the purposes of NRS 209.341, an assignment to a facility of the  
32 department, ~~{of prisons;}~~

33 except that the offender is not entitled to obtain any benefits or to  
34 participate in any programs provided to offenders in the custody of the  
35 department. ~~{of prisons;}~~

36 5. A person does not have a right to be assigned to the custody of the  
37 division of parole and probation pursuant to this section, or to remain in  
38 that custody after such an assignment, and it is not intended that the  
39 provisions of this section or of NRS 213.371 to 213.410, inclusive, create  
40 any right or interest in liberty or property or establish a basis for any cause  
41 of action against the state, its political subdivisions, agencies, boards,  
42 commissions, departments, officers or employees.

43 6. The director shall not assign an offender who is serving a sentence  
44 for committing a battery which constitutes domestic violence pursuant to  
45 NRS 33.018 to the custody of the division of parole and probation to serve  
46 a term of residential confinement unless the director makes a finding that  
47 the offender is not likely to pose a threat to the victim of the battery.



1     **Sec. 14.** NRS 209.481 is hereby amended to read as follows:  
2     209.481 1. The director shall not assign any prisoner to an institution  
3     or facility of minimum security if the prisoner:  
4     (a) Except as otherwise provided in NRS 484.3792 and 484.3795, is not  
5     eligible for parole or release from prison within a reasonable period;  
6     (b) Has recently committed a serious infraction of the rules of an  
7     institution or facility of the department ; ~~of prisons;~~  
8     (c) Has not performed the duties assigned to him in a faithful and  
9     orderly manner;  
10    (d) Has been convicted of a sexual offense;  
11    (e) Has committed an act of serious violence during the previous year;  
12    or  
13    (f) Has attempted to escape or has escaped from an institution of the  
14    department. ~~of prisons;~~  
15    2. The director shall, by regulation, establish procedures for classifying  
16    and selecting qualified prisoners.  
17    **Sec. 15.** NRS 209.4813 is hereby amended to read as follows:  
18    209.4813 1. The advisory board on industrial programs is hereby  
19    created.  
20    2. The advisory board consists of the director of the department , ~~of~~  
21    ~~prisons;~~ the chief of the purchasing division of the department of  
22    administration and eight members appointed by the interim finance  
23    committee as follows:  
24    (a) Two members of the senate.  
25    (b) Two members of the assembly.  
26    (c) Two persons who represent manufacturing in this state.  
27    (d) One person who represents business in this state.  
28    (e) One person who represents organized labor in this state.  
29    3. The members of the advisory board shall select a chairman from  
30    among their membership.  
31    4. Each member of the advisory board appointed by the interim  
32    finance committee must be appointed to a term of 2 years and may be  
33    reappointed.  
34    5. Except during a regular or special session of the legislature, each  
35    legislator who is a member of the advisory board is entitled to receive the  
36    compensation provided for a majority of the members of the legislature  
37    during the first 60 days of the preceding regular session for each day or  
38    portion of a day during which he attends a meeting of the advisory board or  
39    is otherwise engaged in the work of the advisory board. Each  
40    nonlegislative member appointed by the interim finance committee is  
41    entitled to receive compensation for his service on the advisory board in  
42    the same amount and manner as the legislative members whether or not the  
43    legislature is in session. Each nonlegislative member of the advisory board  
44    is entitled to receive the per diem allowance and travel expenses provided  
45    for state officers and employees generally. Each legislator who is a  
46    member of the advisory board is entitled to receive the per diem allowance  
47    provided for state officers and employees generally and the travel expenses  
48    provided pursuant to NRS 218.2207. All compensation, allowances and  
49    travel expenses must be paid from the fund for prison industries.



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1     **Sec. 16.** NRS 209.521 is hereby amended to read as follows:

2     209.521 1. If a victim of an offender provides his current address to  
3 the director and makes a written request for notification of the offender's  
4 release or escape, the director shall notify the victim if the offender:

5     (a) Will be released into the community for the purpose of employment,  
6 training or education, or for any other purpose for which release is  
7 authorized; or

8     (b) Has escaped from the custody of the department . ~~{of prisons;}~~

9     2. An offender must not be temporarily released into the community  
10 for any purpose unless notification of the release has been given to every  
11 victim of the offender who has requested notification and has provided his  
12 current address.

13     3. The director may not be held responsible for any injury proximately  
14 caused by his failure to give any notice required pursuant to subsection 1 or  
15 2 if no address was provided to the director or the address provided is  
16 inaccurate or not current.

17     4. All personal information, including, but not limited to, a current or  
18 former address, which pertains to a victim and which is received by the  
19 director pursuant to this section is confidential.

20     5. As used in this section, "victim" has the meaning ascribed to it in  
21 NRS 213.005.

22     **Sec. 17.** NRS 211.040 is hereby amended to read as follows:

23     211.040 1. Payment of expenses and the method of transporting a  
24 prisoner from a county jail to an institution or facility of the department of  
25 ~~{prisons;}~~ **corrections** must be as provided in chapter 209 of NRS. When a  
26 prisoner is transferred from the county jail to such an institution or facility,  
27 the sheriff shall provide the director of the department of ~~{prisons;}~~  
28 **corrections** with a written report pertaining to the medical, psychiatric,  
29 behavioral or criminal aspects of the prisoner's history. This report may be  
30 based upon observations of the prisoner while confined in the county jail  
31 and must note in particular any medication or medical treatment  
32 administered in the jail, including the type, dosage and frequency of  
33 administration.

34     2. Except as provided in subsection 1, the sheriff, personally or by his  
35 deputy, or by one or more of his jailers, shall transfer all prisoners within  
36 his county to whatever place of imprisonment the sentence of the court  
37 may require, at as early a date after the sentence as practicable. For that  
38 purpose the board of county commissioners shall pay all necessary costs,  
39 charges and expenses of the prisoner or prisoners, and of the officer or  
40 officers having charge thereof, to which must be added mileage for each  
41 officer, at the rate of 20 cents per mile, one way only.

42     3. The provisions of subsection 2 apply in cases where prisoners are  
43 taken from county jails to be tried in any courts in other counties.

44     **Sec. 18.** NRS 212.030 is hereby amended to read as follows:

45     212.030 1. When any prisoner escapes from an institution or facility  
46 of the department of ~~{prisons;}~~ **corrections**, the director of the department  
47 may issue a warrant for the recapture of the escaped prisoner. The warrant  
48 is effective in any county in this state, and may command the sheriff of any



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1 county in this state, or any constable thereof, or any police officer of any  
2 city in this state, to arrest the prisoner and return him to the director.

3 2. When any prisoner escapes from a jail, branch county jail or other  
4 local detention facility, the sheriff, chief of police or other officer  
5 responsible for the operation of the facility may issue a warrant for the  
6 recapture of the escaped prisoner. The warrant is effective in any county in  
7 this state, and may command the sheriff of any county in this state, or any  
8 constable thereof, or any police officer of any city in this state, to arrest the  
9 prisoner and return him to the officer who issued the warrant.

10 **Sec. 19.** NRS 212.040 is hereby amended to read as follows:

11 212.040 1. If an escape is not the result of carelessness,  
12 incompetency or other official delinquency of the director or other officers  
13 of the department of ~~prisons~~ **corrections**, all expenses of enforcing the  
14 provisions of NRS 212.030 or appertaining to the recapture and return of  
15 escaped convicts are a charge against the state, and must be paid out of the  
16 reserve for statutory contingency account upon approval by the state board  
17 of examiners.

18 2. Except as otherwise provided in NRS 211.060, all expenses of  
19 enforcing the provisions of NRS 212.030 or appertaining to the recapture  
20 and return of escaped convicts are a charge against the county, city or other  
21 local government responsible for the operation of that facility.

22 **Sec. 20.** NRS 212.150 is hereby amended to read as follows:

23 212.150 1. A person shall not visit, or in any manner communicate  
24 with, any prisoner convicted of or charged with any felony, imprisoned in  
25 the county jail, other than the officer having such prisoner in charge, his  
26 attorney, or the district attorney, unless the person has a written permission  
27 so to do, signed by the district attorney, or has the consent of the director of  
28 the department of ~~prisons~~ **corrections** or the constable or sheriff having  
29 such prisoner in charge.

30 2. Any person violating, aiding in, conniving at, or participating in the  
31 violation of this section is guilty of a gross misdemeanor.

32 **Sec. 21.** NRS 212.160 is hereby amended to read as follows:

33 212.160 1. A person, who is not authorized by law, who knowingly  
34 furnishes, attempts to furnish, or aids or assists in furnishing or attempting  
35 to furnish to a prisoner confined in an institution of the department of  
36 ~~prisons~~ **corrections**, or any other place where prisoners are authorized to  
37 be or are assigned by the director of the department, any deadly weapon,  
38 explosive, a facsimile of a firearm or an explosive, any controlled  
39 substance or intoxicating liquor, shall be punished:

40 (a) Where a deadly weapon, controlled substance, explosive or a  
41 facsimile of a firearm or explosive is involved, for a category B felony by  
42 imprisonment in the state prison for a minimum term of not less than 1 year  
43 and a maximum term of not more than 6 years, and may be further  
44 punished by a fine of not more than \$5,000.

45 (b) Where an intoxicant is involved, for a gross misdemeanor.

46 2. Knowingly leaving or causing to be left any deadly weapon,  
47 explosive, facsimile of a firearm or explosive, controlled substance or  
48 intoxicating liquor where it may be obtained by any prisoner constitutes,



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1 within the meaning of this section, the furnishing of the article to the  
2 prisoner.

3 3. A prisoner confined in an institution of the department of ~~prisons,~~  
4 **corrections**, or any other place where prisoners are authorized to be or are  
5 assigned by the director of the department, who possesses a controlled  
6 substance without lawful authorization is guilty of a category D felony and  
7 shall be punished as provided in NRS 193.130.

8 **Sec. 22.** NRS 212.180 is hereby amended to read as follows:

9 212.180 It is unlawful for any person, unless he was licensed to sell  
10 alcoholic beverages at that address before July 1, 1983, to sell by wholesale  
11 or retail any alcoholic beverage within one-half mile of any institution  
12 under the jurisdiction of the department of ~~prisons,~~ **corrections** which is  
13 designed to house 125 or more offenders within a secure perimeter, and no  
14 license may be granted authorizing the sale of any alcoholic beverage  
15 within one-half mile of such an institution.

16 **Sec. 23.** NRS 213.020 is hereby amended to read as follows:

17 213.020 1. Any person intending to apply to have a fine or forfeiture  
18 remitted, or a punishment commuted, or a pardon granted, or someone in  
19 his behalf, shall make out a notice and four copies in writing of the  
20 application, specifying therein:

- 21 (a) The court in which the judgment was rendered;  
22 (b) The amount of the fine or forfeiture, or kind or character of  
23 punishment;  
24 (c) The name of the person in whose favor the application is to be made;  
25 (d) The particular grounds upon which the application will be based;  
26 and  
27 (e) The time when it will be presented.

28 2. Two of the copies must be served upon the district attorney and one  
29 upon the district judge of the county wherein the conviction was had. The  
30 fourth copy must be served upon the director of the department of ~~prisons,~~  
31 **corrections** and the original must be filed with the clerk of the board. In  
32 cases of fines and forfeitures a similar notice must also be served on the  
33 chairman of the board of county commissioners of the county wherein the  
34 conviction was had.

35 3. The notice must be served, as provided in this section, at least 30  
36 days before the presentation of the application, unless a member of the  
37 board, for good cause, prescribes a shorter time.

38 **Sec. 24.** NRS 213.100 is hereby amended to read as follows:

39 213.100 Whenever clemency is granted by the board, there shall be  
40 served upon the director of the department of ~~prisons,~~ **corrections** or other  
41 officer having the person in custody, an order to discharge him therefrom  
42 upon a day to be named in the order, upon the conditions, limitations or  
43 restrictions named therein.

44 **Sec. 25.** NRS 213.1088 is hereby amended to read as follows:

45 213.1088 1. The department of motor vehicles and public safety in  
46 conjunction with the department of ~~prisons,~~ **corrections** shall establish a  
47 program of orientation that:

- 48 (a) Each member of the board shall attend upon appointment to a first  
49 term; and



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1 (b) Each person named by the board to the list of persons eligible to  
2 serve as a case hearing representative pursuant to NRS 213.135 shall attend  
3 upon being named to the list. A person named to the list may not serve as a  
4 case hearing representative until the person completes the program of  
5 orientation.

6 2. The program of orientation must include a minimum of 40 hours of  
7 training. The information presented during the program of orientation must  
8 include, but is not limited to:

9 (a) A historical perspective of parole, including the objectives of and  
10 reasons for using parole within the criminal justice system;

11 (b) The role and function of the board within the criminal justice  
12 system;

13 (c) The responsibilities of members of the board and case hearing  
14 representatives;

15 (d) The goals and objectives of the board;

16 (e) The programs administered by the board;

17 (f) The policies and procedures of the board; and

18 (g) The laws and regulations governing parole, including the standards  
19 for granting, denying, revoking and continuing parole.

20 3. The chairman of the board shall develop a written plan for the  
21 continuing education of members of the board and case hearing  
22 representatives. The plan must require that:

23 (a) Each member of the board shall attend not less than 16 hours of  
24 courses for continuing education during each year of the member's term.

25 (b) Each case hearing representative shall attend not less than 16 hours  
26 of courses for continuing education during each year that the representative  
27 is on the list of persons eligible to serve as a case hearing representative.

28 4. A member of the board or a case hearing representative may meet  
29 the requirement for continuing education by successfully completing  
30 courses in any combination of the following subjects:

31 (a) The role and function of the board within the criminal justice  
32 system;

33 (b) Changes in the law, including judicial decisions affecting parole;

34 (c) Developing skills in communicating, making decisions and solving  
35 problems;

36 (d) The interpretation and use of research, data and reports;

37 (e) Correctional policies and programs, including programs for the  
38 treatment of prisoners and parolees;

39 (f) Alternative punishments for disobedience;

40 (g) The selection of prisoners for parole;

41 (h) The supervision of parolees;

42 (i) The designation of and programs for repeating or professional  
43 offenders;

44 (j) Problems related to gangs;

45 (k) The abuse of alcohol and drugs;

46 (l) The acquired immune deficiency syndrome;

47 (m) Domestic violence; and

48 (n) Mental illness and mental retardation.



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1     5. The board shall, within the limits of legislative appropriations, pay  
2 the expenses of members of the board and case hearing representatives  
3 attending courses for continuing education.

4     **Sec. 26.** NRS 213.1099 is hereby amended to read as follows:  
5     213.1099 1. Except as otherwise provided in this section and NRS  
6 213.1214 and 213.1215, the board may release on parole a prisoner who is  
7 otherwise eligible for parole pursuant to NRS 213.107 to 213.157,  
8 inclusive.

9     2. In determining whether to release a prisoner on parole, the board  
10 shall consider:  
11     (a) Whether there is a reasonable probability that the prisoner will live  
12 and remain at liberty without violating the laws;  
13     (b) Whether the release is incompatible with the welfare of society;  
14     (c) The seriousness of the offense and the history of criminal conduct of  
15 the prisoner;  
16     (d) The standards adopted pursuant to NRS 213.10885 and the  
17 recommendation, if any, of the chief; and  
18     (e) Any documents or testimony submitted by a victim notified pursuant  
19 to NRS 213.130.

20     3. When a person is convicted of a felony and is punished by a  
21 sentence of imprisonment, he remains subject to the jurisdiction of the  
22 board from the time he is released on parole under the provisions of this  
23 chapter until the expiration of the maximum term of imprisonment imposed  
24 by the court less any credits earned to reduce his sentence pursuant to  
25 chapter 209 of NRS.

26     4. Except as otherwise provided in NRS 213.1215, the board may not  
27 release on parole a prisoner whose sentence to death or to life without  
28 possibility of parole has been commuted to a lesser penalty unless it finds  
29 that the prisoner has served at least 20 consecutive years in the state prison,  
30 is not under an order to be detained to answer for a crime or violation of  
31 parole or probation in another jurisdiction, and that he does not have a  
32 history of:  
33     (a) Recent misconduct in the institution, and that he has been  
34 recommended for parole by the director of the department of ~~prisons;~~  
35 ~~prisons;~~  
36     (b) Repetitive criminal conduct;  
37     (c) Criminal conduct related to the use of alcohol or drugs;  
38     (d) Repetitive sexual deviance, violence or aggression; or  
39     (e) Failure in parole, probation, work release or similar programs.

40     5. In determining whether to release a prisoner on parole pursuant to  
41 this section, the board shall not consider whether the prisoner will soon be  
42 eligible for release pursuant to NRS 213.1215.

43     6. The board shall not release on parole an offender convicted of an  
44 offense listed in NRS 179D.410 until the law enforcement agency in whose  
45 jurisdiction the offender will be released on parole has been provided an  
46 opportunity to give the notice required by the attorney general pursuant to  
47 NRS 179D.600 to 179D.800, inclusive.



1     **Sec. 27.** NRS 213.115 is hereby amended to read as follows:  
2     213.115 Notwithstanding the provisions of any other law, any prisoner  
3     may be released conditionally on parole at the request of the appropriate  
4     authority of another jurisdiction for prosecution for any crime of a  
5     magnitude equal to or greater than that for which he was imprisoned, as  
6     determined by the severity of the sentences for the two crimes. If after such  
7     conditional parole and prosecution by another jurisdiction the prisoner is  
8     found not guilty of the crime as charged he must, pursuant to the board's  
9     written order, be returned to the actual custody of the department of  
10    ~~prisons~~ **corrections** and shall serve such part of the unexpired term of his  
11    original sentence as may be determined by the board.

12    **Sec. 28.** NRS 213.1214 is hereby amended to read as follows:  
13    213.1214 1. The board shall not release on parole a prisoner  
14    convicted of an offense listed in subsection 5 unless a panel consisting of:

15    (a) The administrator of the division of mental health and  
16    developmental services of the department of human resources or his  
17    designee;

18    (b) The director of the department of ~~prisons~~ **corrections** or his  
19    designee; and

20    (c) A psychologist licensed to practice in this state or a psychiatrist  
21    licensed to practice medicine in this state,  
22    certifies that the prisoner was under observation while confined in an  
23    institution of the department of ~~prisons~~ **corrections** and is not a menace to  
24    the health, safety or morals of others.

25    2. A prisoner who has been certified pursuant to subsection 1 and who  
26    returns for any reason to the custody of the department of ~~prisons~~  
27    **corrections** may not be paroled unless a panel recertifies him in the manner  
28    set forth in subsection 1.

29    3. The panel may revoke the certification of a prisoner certified  
30    pursuant to subsection 1 at any time.

31    4. This section does not create a right in any prisoner to be certified or  
32    continue to be certified. No prisoner may bring a cause of action against  
33    the state, its political subdivisions, agencies, boards, commissions,  
34    departments, officers or employees for not certifying or refusing to place a  
35    prisoner before a panel for certification pursuant to this section.

36    5. The provisions of this section apply to a prisoner convicted of any  
37    of the following offenses:

38    (a) Sexual assault pursuant to NRS 200.366.

39    (b) Statutory sexual seduction pursuant to NRS 200.368.

40    (c) Battery with intent to commit sexual assault pursuant to NRS  
41    200.400.

42    (d) Abuse or neglect of a child pursuant to NRS 200.508.

43    (e) An offense involving pornography and a minor pursuant to NRS  
44    200.710 to 200.730, inclusive.

45    (f) Incest pursuant to NRS 201.180.

46    (g) Solicitation of a minor to engage in acts constituting the infamous  
47    crime against nature pursuant to NRS 201.195.

48    (h) Open or gross lewdness pursuant to NRS 201.210.

49    (i) Indecent or obscene exposure pursuant to NRS 201.220.



- 1 (j) Lewdness with a child pursuant to NRS 201.230.  
2 (k) Sexual penetration of a dead human body pursuant to NRS 201.450.  
3 (l) An attempt to commit an offense listed in paragraphs (a) to ~~(i)~~ (k),  
4 inclusive.  
5 (m) Coercion or attempted coercion that is determined to be sexually  
6 motivated pursuant to NRS 207.193.  
7 **Sec. 29.** NRS 213.130 is hereby amended to read as follows:  
8 213.130 1. The department of ~~prisons~~ **corrections** shall:  
9 (a) Determine when a prisoner sentenced to imprisonment in the state  
10 prison is eligible to be considered for parole;  
11 (b) Notify the state board of parole commissioners of the eligibility of  
12 the prisoner to be considered for parole; and  
13 (c) Before a meeting to consider the prisoner for parole, compile and  
14 provide to the board data that will assist the board in determining whether  
15 parole should be granted.  
16 2. If a prisoner is being considered for parole from a sentence imposed  
17 for conviction of a crime which involved the use of force or violence  
18 against a victim and which resulted in bodily harm to a victim and if  
19 original or duplicate photographs that depict the injuries of the victim or  
20 the scene of the crime were admitted at the trial of the prisoner or were part  
21 of the report of the presentence investigation and are reasonably available,  
22 a representative sample of such photographs must be included with the  
23 information submitted to the board at the meeting. A prisoner may not  
24 bring a cause of action against the State of Nevada, its political  
25 subdivisions, agencies, boards, commissions, departments, officers or  
26 employees for any action that is taken pursuant to this subsection or for  
27 failing to take any action pursuant to this subsection, including, without  
28 limitation, failing to include photographs or including only certain  
29 photographs. As used in this subsection, "photograph" includes any video,  
30 digital or other photographic image.  
31 3. Meetings to consider prisoners for parole may be held semiannually  
32 or more often, on such dates as may be fixed by the board. All meetings  
33 must be open to the public.  
34 4. Not later than 5 days after the date on which the board fixes the date  
35 of the meeting to consider a prisoner for parole, the board shall notify the  
36 victim of the prisoner who is being considered for parole of the date of the  
37 meeting and of his rights pursuant to this subsection, if the victim has  
38 requested notification in writing and has provided his current address or if  
39 the victim's current address is otherwise known by the board. The victim  
40 of a prisoner being considered for parole may submit documents to the  
41 board and may testify at the meeting held to consider the prisoner for  
42 parole. A prisoner must not be considered for parole until the board has  
43 notified any victim of his rights pursuant to this subsection and he is given  
44 the opportunity to exercise those rights. If a current address is not provided  
45 to or otherwise known by the board, the board must not be held responsible  
46 if such notification is not received by the victim.  
47 5. The board may deliberate in private after a public meeting held to  
48 consider a prisoner for parole.



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1 6. The board of state prison commissioners shall provide suitable and  
2 convenient rooms or space for use of the board.

3 7. If a victim is notified of a meeting to consider a prisoner for parole  
4 pursuant to subsection 4, the board shall, upon making a final decision  
5 concerning the parole of the prisoner, notify the victim of its final decision.

6 8. All personal information, including, but not limited to, a current or  
7 former address, which pertains to a victim and which is received by the  
8 board pursuant to this section is confidential.

9 9. For the purposes of this section, "victim" has the meaning ascribed  
10 to it in NRS 213.005.

11 **Sec. 30.** NRS 213.1511 is hereby amended to read as follows:

12 213.1511 1. Before a parolee who has been arrested and is in custody  
13 for a violation of his parole may be returned to the custody of the  
14 department of ~~prisons~~ **corrections** for that violation, an inquiry must be  
15 conducted to determine whether there is probable cause to believe that he  
16 has committed acts that would constitute such a violation.

17 2. The inquiry must be conducted before an inquiring officer who:

- 18 (a) Is not directly involved in the case;  
19 (b) Has not made the report of the violation; and  
20 (c) Has not recommended revocation of the parole,  
21 but he need not be a judicial officer.

22 3. Except in a case where the parolee is a fugitive, the inquiry must be  
23 held at or reasonably near the place of the alleged violation or the arrest  
24 and within 15 working days after the arrest.

25 4. Any conviction for violating a federal or state law or a local  
26 ordinance, except a minor traffic offense, which is committed while the  
27 prisoner is on parole constitutes probable cause for the purposes of  
28 subsection 1 and the inquiry required therein need not be held.

29 5. For the purposes of this section, the inquiring officer may  
30 administer oaths.

31 **Sec. 31.** NRS 213.1517 is hereby amended to read as follows:

32 213.1517 1. Where the inquiring officer has determined that there is  
33 probable cause for a hearing by the board, the chief may, after  
34 consideration of the case and pending the next meeting of the board:

- 35 (a) Release the arrested parolee again upon parole;  
36 (b) Order the parolee to be placed in residential confinement in  
37 accordance with the provisions of NRS 213.15193, 213.15195 and  
38 213.15198; or  
39 (c) Suspend his parole and return him to confinement.

40 2. The chief shall take whichever action under subsection 1 he deems  
41 appropriate within:

- 42 (a) Fifteen days if the prisoner was paroled by the board.  
43 (b) Thirty days if the prisoner was paroled by the authority of another  
44 state and is under supervision in this state pursuant to NRS 213.180 to  
45 213.210, inclusive. This paragraph does not apply to a parolee who is  
46 retaken by an officer of the sending state.

47 3. If a determination has been made that probable cause exists for the  
48 continued detention of a paroled prisoner, the board shall consider the  
49 prisoner's case within 60 days after his return to the custody of the



1 department of ~~prisons~~ *corrections* or his placement in residential  
2 confinement pursuant to subsection 1.

3 **Sec. 32.** NRS 213.1518 is hereby amended to read as follows:

4 213.1518 1. If a parolee violates a condition of his parole, he forfeits  
5 all or part of the credits earned by him pursuant to NRS 209.447 after his  
6 release on parole, in the discretion of the board.

7 2. A forfeiture may be made only by the board after proof of the  
8 violation and notice to the parolee.

9 3. The board may restore credits forfeited for such reasons as it  
10 considers proper.

11 4. The chief parole and probation officer shall report to the director of  
12 the department of ~~prisons~~ *corrections* any forfeiture or restoration of  
13 credits pursuant to this section.

14 **Sec. 33.** NRS 213.300 is hereby amended to read as follows:

15 213.300 1. The department of ~~prisons~~ *corrections* shall establish  
16 and administer a program of work release under which a person sentenced  
17 to a term of imprisonment in an institution of the department may be  
18 granted the privilege of leaving secure custody during necessary and  
19 reasonable hours to:

20 (a) Work in this state at gainful private employment that has been  
21 approved by the director of the department for that purpose.

22 (b) Obtain in this state additional education, including vocational,  
23 technical and general education.

24 2. The program may also include temporary leave for the purpose of  
25 seeking employment in this state.

26 3. The director is responsible for the quartering and supervision of  
27 offenders enrolled in the program.

28 **Sec. 34.** NRS 213.310 is hereby amended to read as follows:

29 213.310 1. The director of the department of ~~prisons~~ *corrections*  
30 shall, by appropriate means of classification and selection, determine  
31 which of the offenders, during the last 6 months' confinement, are suitable  
32 for the program of work release, excluding those sentenced to life  
33 imprisonment who are not eligible for parole and those imprisoned for  
34 violations of chapter 201 of NRS who have not been certified by the  
35 designated board as eligible for parole.

36 2. The director shall then select the names of those offenders he  
37 determines to be eligible for the program.

38 **Sec. 35.** NRS 213.315 is hereby amended to read as follows:

39 213.315 1. Except as otherwise provided in this section, an offender  
40 who is illiterate is not eligible to participate in a program of work release  
41 unless:

42 (a) He is regularly attending and making satisfactory progress in a  
43 program for general education; or

44 (b) The director for good cause determines that the limitation on  
45 eligibility should be waived under the circumstances with respect to a  
46 particular offender.

47 2. An offender whose:

48 (a) Native language is not English;



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1 (b) Ability to read and write in his native language is at or above the  
2 level of literacy designated by the board of state prison commissioners in  
3 its regulations; and

4 (c) Ability to read and write the English language is below the level of  
5 literacy designated by the board of state prison commissioners in its  
6 regulations,

7 may not be assigned to an industrial or a vocational program unless he is  
8 regularly attending and making satisfactory progress in a course which  
9 teaches English as a second language or the director for good cause  
10 determines that the limitation on eligibility should be waived under the  
11 circumstances with respect to a particular offender.

12 3. Upon written documentation that an illiterate offender has a  
13 developmental, learning or other similar disability which affects his ability  
14 to learn, the director of the department of ~~prisons~~ *corrections* may:

15 (a) Adapt or create an educational program or guidelines for evaluating  
16 the educational progress of the offender to meet his particular needs; or

17 (b) Exempt the offender from the required participation in an  
18 educational program prescribed by this section.

19 4. The provisions of this section do not apply to an offender who:

20 (a) Presents satisfactory evidence that he has a high school or general  
21 equivalency diploma; or

22 (b) Is admitted into a program of work release for the purpose of  
23 obtaining additional education in this state.

24 5. As used in this section, “illiterate” means having an ability to read  
25 and write that is below the level of literacy designated by the board of state  
26 prison commissioners in its regulations.

27 **Sec. 36.** NRS 213.320 is hereby amended to read as follows:

28 213.320 1. The director of the department of ~~prisons~~ *corrections*  
29 shall administer the program of work release and shall:

30 (a) Locate employment for qualified applicants;

31 (b) Effect placement of offenders under the program; and

32 (c) Generally promote public understanding and acceptance of the  
33 program.

34 2. All state agencies shall cooperate with the director in carrying out  
35 this section to such extent as is consistent with their other lawful duties.

36 3. The director shall adopt rules for administering the program.

37 **Sec. 37.** NRS 213.340 is hereby amended to read as follows:

38 213.340 1. The director of the department of ~~prisons~~ *corrections*  
39 may contract with the governing bodies of political subdivisions in this  
40 state for quartering in suitable local facilities the offenders enrolled in  
41 programs of work release. Each such facility must satisfy standards  
42 established by the director to assure secure custody of offenders quartered  
43 therein.

44 2. The director shall not enroll any offender in the program of work  
45 release unless he has determined that suitable facilities for quartering the  
46 offender are available in the locality where the offender has employment or  
47 the offer of employment.



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1     **Sec. 38.** NRS 213.350 is hereby amended to read as follows:  
2     213.350 1. An offender enrolled in the program of work release is  
3     not an agent, employee or servant of the department of ~~prisons~~  
4     *corrections* while he is:  
5     (a) Working in the program or seeking such employment; or  
6     (b) Going to such employment from the place where he is quartered or  
7     returning therefrom.  
8     2. An offender enrolled in the program is considered to be an offender  
9     in an institution of the department of ~~prisons~~ *corrections*.  
10    **Sec. 39.** NRS 213.360 is hereby amended to read as follows:  
11    213.360 1. The director of the department of ~~prisons~~ *corrections*  
12    may immediately terminate any offender's enrollment in the program of  
13    work release and transfer him to an institution of the department of  
14    ~~prisons~~ *corrections* if, in his judgment, the best interests of the state or  
15    the offender require such action.  
16    2. If an offender enrolled in the program is absent from his place of  
17    employment or his designated quarters without a reason acceptable to the  
18    director, the offender's absence:  
19    (a) Immediately terminates his enrollment in the program.  
20    (b) Constitutes an escape from prison, and the offender shall be  
21    punished as provided in NRS 212.090.  
22    **Sec. 40.** NRS 213.390 is hereby amended to read as follows:  
23    213.390 The chief parole and probation officer shall:  
24    1. Furnish to an offender a written statement of the terms and  
25    conditions of his residential confinement;  
26    2. Instruct the offender regarding those terms and conditions; and  
27    3. Advise the director of the department of ~~prisons~~ *corrections* of any  
28    violation of those terms and conditions and of the escape of the offender.  
29    **Sec. 41.** NRS 213.410 is hereby amended to read as follows:  
30    213.410 1. Whenever it is alleged that an offender has escaped or  
31    otherwise violated the terms or conditions of his residential confinement,  
32    the division shall conduct an inquiry to determine whether the offender has  
33    committed acts that would constitute such an escape or violation.  
34    2. An offender may be returned to the custody of the department of  
35    ~~prisons~~ *corrections* pending the completion of the inquiry conducted by  
36    the division pursuant to the provisions of this section.  
37    3. The inquiry must be conducted before an inquiring officer who:  
38    (a) Is not directly involved in the case;  
39    (b) Has not made the report of the escape or violation; and  
40    (c) Has not recommended the return of the offender to the custody of  
41    the department of ~~prisons~~ *corrections*.  
42    4. The inquiring officer shall:  
43    (a) Provide the offender with notice of the inquiry and of the acts  
44    alleged to constitute his escape or violation of a term or condition of his  
45    residential confinement, and with an opportunity to be heard on the matter.  
46    (b) Upon completion of the inquiry, submit to the chief parole and  
47    probation officer his findings and recommendation regarding the  
48    disposition of the custody of the offender.



1 5. After considering the findings and recommendation of the inquiring  
2 officer, the chief parole and probation officer shall determine the  
3 disposition of the custody of the offender. The decision of the chief parole  
4 and probation officer is final.

5 6. Before a final determination is made to return an offender to the  
6 custody of the department of ~~prisons~~ **corrections**, the division shall  
7 provide the offender with a copy of the findings of the inquiring officer.

8 **Sec. 42.** NRS 6.020 is hereby amended to read as follows:

9 6.020 1. Upon satisfactory proof, made by affidavit or otherwise, the  
10 following-named persons, and no others except as otherwise provided in  
11 subsections 2 and 3, are exempt from service as grand or trial jurors:

12 (a) Any federal or state officer.

13 (b) Any judge, justice of the peace or attorney at law.

14 (c) Any county clerk, recorder, assessor, sheriff, deputy sheriff,  
15 constable or police officer.

16 (d) Any locomotive engineer, locomotive fireman, conductor,  
17 brakeman, switchman or engine foreman.

18 (e) Any officer or correctional officer employed by the department of  
19 ~~prisons~~ **corrections**.

20 (f) Any employee of the legislature or the legislative counsel bureau  
21 while the legislature is in session.

22 (g) Any physician, optometrist or dentist who is licensed to practice in  
23 this state.

24 (h) Any person who has a fictitious address pursuant to NRS 217.462 to  
25 217.471, inclusive.

26 2. All persons of the age of 70 years or over are exempt from serving  
27 as grand or trial jurors. Whenever it appears to the satisfaction of the court,  
28 by affidavit or otherwise, that a juror is over the age of 70 years, the court  
29 shall order the juror excused from all service as a grand or trial juror, if the  
30 juror so desires.

31 3. A person who is the age of 65 years or over who lives 65 miles or  
32 more from the court is exempt from serving as a grand or trial juror.  
33 Whenever it appears to the satisfaction of the court, by affidavit or  
34 otherwise, that a juror is the age of 65 years or over and lives 65 miles or  
35 more from the court, the court shall order the juror excused from all service  
36 as a grand or trial juror, if the juror so desires.

37 **Sec. 43.** NRS 34.735 is hereby amended to read as follows:

38 34.735 A petition must be in substantially the following form, with  
39 appropriate modifications if the petition is filed in the supreme court:

40 Case No. ....

41 Dept. No. ....

42  
43  
44 IN THE ..... JUDICIAL DISTRICT COURT OF THE  
45 STATE OF NEVADA IN AND FOR THE COUNTY OF.....

46  
47 .....

48 Petitioner,



v.

PETITION FOR WRIT  
OF HABEAS CORPUS  
(POST-CONVICTION)

Respondent.

INSTRUCTIONS:

(1) This petition must be legibly handwritten or typewritten, signed by the petitioner and verified.

(2) Additional pages are not permitted except where noted or with respect to the facts which you rely upon to support your grounds for relief. No citation of authorities need be furnished. If briefs or arguments are submitted, they should be submitted in the form of a separate memorandum.

(3) If you want an attorney appointed, you must complete the Affidavit in Support of Request to Proceed in Forma Pauperis. You must have an authorized officer at the prison complete the certificate as to the amount of money and securities on deposit to your credit in any account in the institution.

(4) You must name as respondent the person by whom you are confined or restrained. If you are in a specific institution of the department of ~~prisons~~ **corrections**, name the warden or head of the institution. If you are not in a specific institution of the department but within its custody, name the director of the department of ~~prisons~~ **corrections**.

(5) You must include all grounds or claims for relief which you may have regarding your conviction or sentence. Failure to raise all grounds in this petition may preclude you from filing future petitions challenging your conviction and sentence.

(6) You must allege specific facts supporting the claims in the petition you file seeking relief from any conviction or sentence. Failure to allege specific facts rather than just conclusions may cause your petition to be dismissed. If your petition contains a claim of ineffective assistance of counsel, that claim will operate to waive the attorney-client privilege for the proceeding in which you claim your counsel was ineffective.

(7) When the petition is fully completed, the original and one copy must be filed with the clerk of the state district court for the county in which you were convicted. One copy must be mailed to the respondent, one copy to the attorney general's office, and one copy to the district attorney of the county in which you were convicted or to the original prosecutor if you are challenging your original conviction or sentence. Copies must conform in all particulars to the original submitted for filing.

PETITION

1. Name of institution and county in which you are presently imprisoned or where and how you are presently restrained of your liberty: .....

2. Name and location of court which entered the judgment of conviction under attack: .....



- 1 3. Date of judgment of conviction: .....  
2 4. Case number: .....  
3 5. (a) Length of sentence: .....  
4 .....  
5 (b) If sentence is death, state any date upon which execution is  
6 scheduled: .....  
7 6. Are you presently serving a sentence for a conviction other than the  
8 conviction under attack in this motion? Yes ..... No .....  
9 If "yes," list crime, case number and sentence being served at this time: ....  
10 .....  
11 .....  
12 .....  
13 7. Nature of offense involved in conviction being challenged: .....  
14 .....  
15 8. What was your plea? (check one)  
16 (a) Not guilty .....  
17 (b) Guilty .....  
18 (c) Guilty but mentally ill .....  
19 (d) Nolo contendere .....  
20 9. If you entered a plea of guilty or guilty but mentally ill to one count  
21 of an indictment or information, and a plea of not guilty to another count of  
22 an indictment or information, or if a plea of guilty or guilty but mentally ill  
23 was negotiated, give details: .....  
24 .....  
25 .....  
26 10. If you were found guilty after a plea of not guilty, was the finding  
27 made by: (check one)  
28 (a) Jury .....  
29 (b) Judge without a jury .....  
30 11. Did you testify at the trial? Yes ..... No .....  
31 12. Did you appeal from the judgment of conviction? Yes .....  
32 No .....  
33 13. If you did appeal, answer the following:  
34 (a) Name of court: .....  
35 (b) Case number or citation: .....  
36 (c) Result: .....  
37 (d) Date of result: .....  
38 (Attach copy of order or decision, if available.)  
39 14. If you did not appeal, explain briefly why you did not: .....  
40 .....  
41 .....  
42 15. Other than a direct appeal from the judgment of conviction  
43 and sentence, have you previously filed any petitions, applications  
44 or motions with respect to this judgment in any court, state or federal?  
45 Yes ..... No .....  
46 16. If your answer to No. 15 was "yes," give the following  
47 information: .....  
48 (a)(1) Name of court: .....  
49 (2) Nature of proceeding: .....



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- 1 .....  
2 (3) Grounds raised: .....  
3 .....  
4 .....  
5 (4) Did you receive an evidentiary hearing on your petition,  
6 application or motion? Yes ..... No .....  
7 (5) Result: .....  
8 (6) Date of result: .....  
9 (7) If known, citations of any written opinion or date of orders  
10 entered pursuant to such result: .....  
11 .....  
12 (b) As to any second petition, application or motion, give the same  
13 information:  
14 (1) Name of court: .....  
15 (2) Nature of proceeding: .....  
16 (3) Grounds raised: .....  
17 (4) Did you receive an evidentiary hearing on your petition,  
18 application or motion? Yes ..... No .....  
19 (5) Result: .....  
20 (6) Date of result: .....  
21 (7) If known, citations of any written opinion or date of orders  
22 entered pursuant to such result: .....  
23 .....  
24 (c) As to any third or subsequent additional applications or motions,  
25 give the same information as above, list them on a separate sheet and  
26 attach.  
27 (d) Did you appeal to the highest state or federal court having  
28 jurisdiction, the result or action taken on any petition, application or  
29 motion?  
30 (1) First petition, application or motion? Yes ..... No .....  
31 Citation or date of decision: .....  
32 (2) Second petition, application or motion? Yes ..... No .....  
33 Citation or date of decision: .....  
34 (3) Third or subsequent petitions, applications or motions?  
35 Yes ..... No .....  
36 Citation or date of decision: .....  
37 (e) If you did not appeal from the adverse action on any petition,  
38 application or motion, explain briefly why you did not. (You must relate  
39 specific facts in response to this question. Your response may be included  
40 on paper which is 8 1/2 by 11 inches attached to the petition. Your  
41 response may not exceed five handwritten or typewritten pages in  
42 length.) .....  
43 .....  
44 .....  
45 17. Has any ground being raised in this petition been previously  
46 presented to this or any other court by way of petition for habeas corpus,  
47 motion, application or any other post-conviction proceeding? If so,  
48 identify:  
49 (a) Which of the grounds is the same: .....



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- 1 .....  
2 (b) The proceedings in which these grounds were raised: .....  
3 .....  
4 (c) Briefly explain why you are again raising these grounds. (You must  
5 relate specific facts in response to this question. Your response may be  
6 included on paper which is 8 1/2 by 11 inches attached to the petition.  
7 Your response may not exceed five handwritten or typewritten pages in  
8 length.) .....  
9 .....  
10 18. If any of the grounds listed in Nos. 23(a), (b), (c) and (d), or listed  
11 on any additional pages you have attached, were not previously presented  
12 in any other court, state or federal, list briefly what grounds were not so  
13 presented, and give your reasons for not presenting them. (You must relate  
14 specific facts in response to this question. Your response may be included  
15 on paper which is 8 1/2 by 11 inches attached to the petition.  
16 Your response may not exceed five handwritten or typewritten pages in  
17 length.) .....  
18 .....  
19 19. Are you filing this petition more than 1 year following the filing of  
20 the judgment of conviction or the filing of a decision on direct appeal? If  
21 so, state briefly the reasons for the delay. (You must relate specific facts in  
22 response to this question. Your response may be included on paper which  
23 is 8 1/2 by 11 inches attached to the petition. Your response may not  
24 exceed five handwritten or typewritten pages in length.) .....  
25 .....  
26 20. Do you have any petition or appeal now pending in any court,  
27 either state or federal, as to the judgment under attack? Yes ..... No .....  
28 If yes, state what court and the case number: .....  
29 .....  
30 21. Give the name of each attorney who represented you in the  
31 proceeding resulting in your conviction and on direct appeal: .....  
32 .....  
33 22. Do you have any future sentences to serve after you complete the  
34 sentence imposed by the judgment under attack? Yes ..... No .....  
35 If yes, specify where and when it is to be served, if you know: .....  
36 .....  
37 23. State concisely every ground on which you claim that you are  
38 being held unlawfully. Summarize briefly the facts supporting each  
39 ground. If necessary you may attach pages stating additional grounds and  
40 facts supporting same.  
41 (a) Ground one: .....  
42 .....  
43 Supporting FACTS (Tell your story briefly without citing cases or  
44 law.): .....  
45 .....  
46 .....  
47 (b) Ground two: .....  
48 .....



1 Supporting FACTS (Tell your story briefly without citing cases or  
2 law.): .....

3 .....  
4 .....

5 (c) Ground three: .....

6 .....

7 Supporting FACTS (Tell your story briefly without citing cases or  
8 law.): .....

9 .....

10 .....

11 (d) Ground four: .....

12 .....

13 Supporting FACTS (Tell your story briefly without citing cases or  
14 law.): .....

15 .....

16 .....

17 WHEREFORE, petitioner prays that the court grant petitioner relief to  
18 which he may be entitled in this proceeding.

19 EXECUTED at ..... on the ..... day of the month of ..... of the  
20 year .....

21 .....

22 Signature of petitioner

23 .....

24 Address

25 .....

26 Signature of attorney (if any)

27 .....

28 Attorney for petitioner

29 .....

30 Address

31 .....

32 VERIFICATION

33 .....

34 Under penalty of perjury, the undersigned declares that he is the  
35 petitioner named in the foregoing petition and knows the contents thereof;  
36 that the pleading is true of his own knowledge, except as to those matters  
37 stated on information and belief, and as to such matters he believes them to  
38 be true.

39 .....

40 Petitioner

41 .....

42 Attorney for petitioner

43 .....

44 CERTIFICATE OF SERVICE BY MAIL

45 .....

46 I, ....., hereby certify pursuant to N.R.C.P. 5(b), that on  
47 this ..... day of the month of ..... of the year ....., I mailed a true and



correct copy of the foregoing PETITION FOR WRIT OF HABEAS  
CORPUS addressed to:

Respondent prison or jail official

Address

Attorney General  
Heroes' Memorial Building  
Capitol Complex  
Carson City, Nevada 89710

District Attorney of County of Conviction

Address

Signature of Petitioner

**Sec. 44.** NRS 41.0307 is hereby amended to read as follows:  
41.0307 As used in NRS 41.0305 to 41.039, inclusive:

1. "Employee" includes an employee of a:

(a) Part-time or full-time board, commission or similar body of the state  
or a political subdivision of the state which is created by law.

(b) Charter school.

2. "Employment" includes any services performed by an immune  
contractor.

3. "Immune contractor" means any natural person, professional  
corporation or professional association which:

(a) Is an independent contractor with the state pursuant to NRS 284.173;  
and

(b) Contracts to provide medical services for the department of  
~~prisons~~ **corrections**.

As used in this subsection, "professional corporation" and "professional  
association" have the meanings ascribed to them in NRS 89.020.

4. "Public officer" or "officer" includes:

(a) A member of a part-time or full-time board, commission or similar  
body of the state or a political subdivision of the state which is created by  
law.

(b) A public defender and any deputy or assistant attorney of a public  
defender or an attorney appointed to defend a person for a limited duration  
with limited jurisdiction.

(c) A district attorney and any deputy or assistant district attorney or an  
attorney appointed to prosecute a person for a limited duration with limited  
jurisdiction.

**Sec. 45.** NRS 41.0322 is hereby amended to read as follows:

41.0322 1. A person who is or was in the custody of the department  
of ~~prisons~~ **corrections** may not proceed with any action against the  
department or any of its agents, former officers, employees or contractors  
to recover compensation for the loss of his personal property, property



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1 damage, personal injuries or any other claim arising out of a tort pursuant  
2 to NRS 41.031 unless the person has exhausted his administrative remedies  
3 provided by NRS 209.243 and the regulations adopted pursuant thereto.

4 2. The filing of an administrative claim pursuant to NRS 209.243 is  
5 not a condition precedent to the filing of an action pursuant to NRS 41.031.

6 3. An action filed by a person in accordance with this section before  
7 the exhaustion of his administrative remedies must be stayed by the court  
8 in which the action is filed until the administrative remedies are exhausted.

9 The court shall dismiss the action if the person has not timely filed his  
10 administrative claim pursuant to NRS 209.243.

11 4. If a person has exhausted his administrative remedies and has filed  
12 and is proceeding with a civil action to recover compensation for the loss  
13 of his personal property, property damage, personal injuries or any other  
14 claim arising out of a tort, the office of the attorney general must initiate  
15 and conduct all negotiations for settlement relating to that action.

16 **Sec. 46.** NRS 50.215 is hereby amended to read as follows:

17 50.215 1. A person imprisoned in the state prison or in a county jail  
18 may be examined as a witness in the district court pursuant to this section.  
19 The examination may only be made on motion of a party upon affidavit  
20 showing the nature of the action or proceeding, the testimony expected  
21 from the witness, and its materiality.

22 2. In a civil action, if the witness is imprisoned in the county where the  
23 action or proceeding is pending, his production may be required by the  
24 court or judge. In all other cases his examination, when allowed, must be  
25 taken upon deposition.

26 3. In a criminal action, an order for that purpose may be made by the  
27 district court or district judge, at chambers, and executed by the sheriff of  
28 the county where the action is pending. Except as otherwise provided by  
29 NRS 209.274, the judge may order the sheriff to bring the prisoner before  
30 the court at the expense of the state or at the expense of the defendant.

31 4. If a person imprisoned in the state prison is required or requested to  
32 appear as a witness in any action, the department of ~~prisons~~ **corrections**  
33 must be notified in writing:

34 (a) Not less than 7 business days before the date scheduled for his  
35 appearance in court if the offender is incarcerated:

36 (1) In a prison located not more than 65 miles from Carson City;

37 (2) In a prison located not more than 40 miles from Las Vegas; or

38 (3) In a prison located not more than 95 miles from Ely.

39 (b) Not less than 14 business days before the date scheduled for his  
40 appearance in court if the offender is incarcerated in a prison which is  
41 located at a distance which exceeds those specified in paragraph (a).

42 **Sec. 47.** NRS 176.0127 is hereby amended to read as follows:

43 176.0127 1. The department of ~~prisons~~ **corrections** shall:

44 (a) Provide the commission with any available statistical information or  
45 research requested by the commission and assist the commission in the  
46 compilation and development of information requested by the commission,  
47 including, but not limited to, information or research concerning the  
48 facilities and institutions of the department of ~~prisons~~ **corrections**, the



1 offenders who are or were within those facilities or institutions and the  
2 sentences which are being served or were served by those offenders;

3 (b) If requested by the commission, make available to the commission  
4 the use of the computers and programs which are owned by the department  
5 of ~~prisons;~~ **corrections;** and

6 (c) Provide the independent contractor retained by the department of  
7 administration pursuant to NRS 176.0129 with any available statistical  
8 information requested by the independent contractor for the purpose of  
9 performing the projections required by NRS 176.0129.

10 2. The division shall:

11 (a) Provide the commission with any available statistical information or  
12 research requested by the commission and assist the commission in the  
13 compilation and development of information concerning sentencing,  
14 probation, parole and any offenders who are or were subject to supervision  
15 by the division;

16 (b) If requested by the commission, make available to the commission  
17 the use of the computers and programs which are owned by the division;  
18 and

19 (c) Provide the independent contractor retained by the department of  
20 administration pursuant to NRS 176.0129 with any available statistical  
21 information requested by the independent contractor for the purpose of  
22 performing the projections required by NRS 176.0129.

23 **Sec. 48.** NRS 176.0129 is hereby amended to read as follows:

24 176.0129 The department of administration shall, on an annual basis,  
25 contract for the services of an independent contractor, in accordance with  
26 the provisions of NRS 284.173, to:

27 1. Review sentences imposed in this state and the practices of the state  
28 board of parole commissioners and project annually the number of persons  
29 who will be:

30 (a) In a facility or institution of the department of ~~prisons;~~  
31 **corrections;**

32 (b) On probation;

33 (c) On parole; and

34 (d) Serving a term of residential confinement,  
35 during the 10 years immediately following the date of the projection; and

36 2. Review preliminary proposals and information provided by the  
37 commission and project annually the number of persons who will be:

38 (a) In a facility or institution of the department of ~~prisons;~~  
39 **corrections;**

40 (b) On probation;

41 (c) On parole; and

42 (d) Serving a term of residential confinement,  
43 during the 10 years immediately following the date of the projection,  
44 assuming the preliminary proposals were recommended by the commission  
45 and enacted by the legislature.

46 **Sec. 49.** NRS 176.045 is hereby amended to read as follows:

47 176.045 1. Whenever a person convicted of a public offense in this  
48 state is under sentence of imprisonment pronounced by another  
49 jurisdiction, federal or state, whether or not the prior sentence is for the



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1 same offense, the court in imposing any sentence for the offense committed  
2 in this state may, in its discretion, provide that such sentence shall run  
3 either concurrently or consecutively with the prior sentence.

4 2. If the court provides that the sentence shall run concurrently, and the  
5 defendant is released by the other jurisdiction prior to the expiration of the  
6 sentence imposed in this state, the defendant shall be returned to the State  
7 of Nevada to serve out the balance of such sentence, unless the defendant is  
8 eligible for parole under the provisions of chapter 213 of NRS, and the  
9 board of parole commissioners directs that he be released on parole as  
10 provided in that chapter.

11 3. If the court makes an order pursuant to this section, the clerk of the  
12 court shall provide the director of the department of ~~prisons~~ **corrections**  
13 with a certified copy of judgment and notification of the place of out-of-  
14 state confinement.

15 4. If the court makes no order pursuant to this section, the sentence  
16 imposed in this state shall not begin until the expiration of all prior  
17 sentences imposed by other jurisdictions.

18 **Sec. 50.** NRS 176.0913 is hereby amended to read as follows:

19 176.0913 1. If a defendant is convicted of an offense listed in  
20 subsection 4, the court, at sentencing, shall order that:

21 (a) The name, social security number, date of birth and any other  
22 information identifying the defendant be submitted to the central repository  
23 for Nevada records of criminal history; and

24 (b) Samples of blood be obtained from the defendant pursuant to the  
25 provisions of this section and that the samples be used for an analysis to  
26 determine the genetic markers of the blood.

27 2. If the defendant is committed to the custody of the department of  
28 ~~prisons~~ **corrections**, the department of ~~prisons~~ **corrections** shall arrange  
29 for the samples of blood to be obtained from the defendant. The  
30 department of ~~prisons~~ **corrections** shall provide the samples of blood to  
31 the forensic laboratory that has been designated by the county in which the  
32 defendant was convicted to conduct or oversee genetic marker testing for  
33 the county pursuant to NRS 176.0917.

34 3. If the defendant is not committed to the custody of the department  
35 of ~~prisons~~ **corrections**, the division shall arrange for the samples of  
36 blood to be obtained from the defendant. The division shall provide the  
37 samples of blood to the forensic laboratory that has been designated by the  
38 county in which the defendant was convicted to conduct or oversee genetic  
39 marker testing for the county pursuant to NRS 176.0917. Any cost that is  
40 incurred to obtain the samples of blood from the defendant pursuant to this  
41 subsection is a charge against the county in which the defendant was  
42 convicted and must be paid as provided in NRS 176.0915.

43 4. The provisions of subsection 1 apply to a defendant who is  
44 convicted of any of the following offenses:

45 (a) A crime against a child as defined in NRS 179D.210.

46 (b) A sexual offense as defined in NRS 179D.410.

47 (c) Murder, manslaughter or any other unlawful killing pursuant to NRS  
48 200.010 to 200.260, inclusive.

49 (d) Mayhem pursuant to NRS 200.280.



1 (e) Administering poison or another noxious or destructive substance or  
2 liquid with intent to cause death pursuant to NRS 200.390.

3 (f) Battery with intent to commit a crime pursuant to NRS 200.400.

4 (g) Battery which is committed with the use of a deadly weapon or  
5 which results in substantial bodily harm pursuant to NRS 200.481.

6 (h) Abuse or neglect of an older person pursuant to NRS 200.5099.

7 (i) A second or subsequent offense for stalking pursuant to NRS  
8 200.575.

9 (j) Burglary pursuant to NRS 205.060.

10 (k) Invasion of the home pursuant to NRS 205.067.

11 (l) An attempt to commit an offense listed in this subsection.

12 **Sec. 51.** NRS 176.127 is hereby amended to read as follows:

13 176.127 1. If a court accepts a plea of guilty but mentally ill pursuant  
14 to NRS 174.041, the court shall, before imposing sentence, afford the  
15 defendant an opportunity to present evidence of his present mental  
16 condition. If the defendant claims that he is mentally ill at the time of  
17 sentencing, the burden of proof is upon the defendant to establish that fact  
18 by a preponderance of the evidence.

19 2. If the defendant has been ordered to the custody of the department  
20 of ~~prisons,~~ **corrections**, the court may order the department to cause an  
21 examination of the defendant to be conducted to determine his mental  
22 condition, and may receive the evidence of any expert witness offered by  
23 the defendant or the prosecuting attorney.

24 3. If the court finds:

25 (a) That the defendant is not mentally ill at the time of sentencing, it  
26 shall impose any sentence that it is authorized to impose upon a defendant  
27 who pleads or is found guilty of the same offense.

28 (b) By a preponderance of the evidence that the defendant is mentally ill  
29 at the time of sentencing, it shall impose any sentence that it is authorized  
30 to impose upon a defendant who pleads or is found guilty of the same  
31 offense and include in that sentence an order that the defendant, during the  
32 period of his confinement or probation, be given such treatment as is  
33 available for his mental illness if the court determines that the relative risks  
34 and benefits of the available treatment are such that a reasonable person  
35 would consent to such treatment. The treatment must be provided by the  
36 department of ~~prisons,~~ **corrections**.

37 **Sec. 52.** NRS 176.159 is hereby amended to read as follows:

38 176.159 1. Except as otherwise provided in subsection 2, when a  
39 court imposes a sentence of imprisonment in the state prison or revokes a  
40 program of probation and orders a sentence of imprisonment to the state  
41 prison to be executed, the court shall cause a copy of the report of the  
42 presentence investigation to be delivered to the director of the department  
43 of ~~prisons,~~ **corrections**, if such a report was made. The report must be  
44 delivered when the judgment of imprisonment is delivered pursuant to  
45 NRS 176.335.

46 2. If a presentence investigation and report were not required pursuant  
47 to paragraph (b) of subsection 3 of NRS 176.135 or pursuant to subsection  
48 1 of NRS 176.151, the court shall cause a copy of the previous report of the  
49 presentence investigation or a copy of the report of the general



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1 investigation, as appropriate, to be delivered to the director of the  
2 department of ~~prisons~~ *corrections* in the manner provided pursuant to  
3 subsection 1.

4 **Sec. 53.** NRS 176.335 is hereby amended to read as follows:

5 176.335 1. If a judgment is for imprisonment in the state prison, the  
6 sheriff of the county shall, on receipt of the triplicate certified copies of the  
7 judgment of conviction, immediately notify the director of the department  
8 of ~~prisons~~ *corrections* and the director shall, without delay, send some  
9 authorized person to the county where the prisoner is held for commitment  
10 to receive the prisoner.

11 2. When such an authorized person presents to the sheriff holding the  
12 prisoner his order for the delivery of the prisoner, the sheriff shall deliver  
13 to the authorized person two of the certified copies of the judgment of  
14 conviction and a copy of the report of the presentence investigation or  
15 general investigation, as appropriate, if required pursuant to NRS 176.159,  
16 and take from the person a receipt for the prisoner, and the sheriff shall  
17 make return upon his certified copy of the judgment of conviction, showing  
18 his proceedings thereunder, and both that copy with the return affixed  
19 thereto and the receipt from the authorized person must be filed with the  
20 county clerk.

21 3. The term of imprisonment designated in the judgment of conviction  
22 must begin on the date of sentence of the prisoner by the court.

23 4. Upon the expiration of the term of imprisonment of the prisoner, or  
24 the termination thereof for any legal reason, the director of the department  
25 of ~~prisons~~ *corrections* shall return one of his certified copies of the  
26 judgment of conviction to the county clerk of the county from whence it  
27 was issued, with a brief report of his proceedings thereunder endorsed  
28 thereon, and the endorsed copy must be filed with the county clerk. The  
29 return must show the cause of the termination of such imprisonment,  
30 whether by death, legal discharge or otherwise.

31 **Sec. 54.** NRS 176.345 is hereby amended to read as follows:

32 176.345 1. When a judgment of death has been pronounced, a  
33 certified copy of the judgment of conviction must be forthwith executed  
34 and attested in triplicate by the clerk under the seal of the court. There must  
35 be attached to the triplicate copies a warrant signed by the judge, attested  
36 by the clerk, under the seal of the court, which:

- 37 (a) Recites the fact of the conviction and judgment;  
38 (b) Appoints a week, the first day being Monday and the last day being  
39 Sunday, within which the judgment is to be executed, which must not be  
40 less than 60 days nor more than 90 days from the time of judgment; and  
41 (c) Directs the sheriff to deliver the prisoner to such authorized person  
42 as the director of the department of ~~prisons~~ *corrections* designates to  
43 receive the prisoner, for execution. The prison must be designated in the  
44 warrant.

45 2. The original of the triplicate copies of the judgment of conviction  
46 and warrant must be filed in the office of the county clerk, and two of the  
47 triplicate copies must be immediately delivered by the clerk to the sheriff  
48 of the county. One of the triplicate copies must be delivered by the sheriff,  
49 with the prisoner, to such authorized person as the director of the



1 department of ~~prisons~~ **corrections** designates, and is the warrant and  
2 authority of the director for the imprisonment and execution of the  
3 prisoner, as therein provided and commanded. The director shall return his  
4 certified copy of the judgment of conviction to the county clerk of the  
5 county in which it was issued. The other triplicate copy is the warrant and  
6 authority of the sheriff to deliver the prisoner to the authorized person  
7 designated by the director. The final triplicate copy must be returned to the  
8 county clerk by the sheriff with his proceedings endorsed thereon.

9 **Sec. 55.** NRS 176.355 is hereby amended to read as follows:

10 176.355 1. The judgment of death must be inflicted by an injection  
11 of a lethal drug.

12 2. The director of the department of ~~prisons~~ **corrections** shall:

13 (a) Execute a sentence of death within the week, the first day being  
14 Monday and the last day being Sunday, that the judgment is to be executed,  
15 as designated by the district court. The director may execute the judgment  
16 at any time during that week if a stay of execution is not entered by a court  
17 of appropriate jurisdiction.

18 (b) Select the drug or combination of drugs to be used for the execution  
19 after consulting with the state health officer.

20 (c) Be present at the execution.

21 (d) Notify those members of the immediate family of the victim who  
22 have, pursuant to NRS 176.357, requested to be informed of the time, date  
23 and place scheduled for the execution.

24 (e) Invite a competent physician, the county coroner, a psychiatrist and  
25 not less than six reputable citizens over the age of 21 years to be present at  
26 the execution. The director shall determine the maximum number of  
27 persons who may be present for the execution. The director shall give  
28 preference to those eligible members or representatives of the immediate  
29 family of the victim who requested, pursuant to NRS 176.357, to attend the  
30 execution.

31 3. The execution must take place at the state prison.

32 4. A person who has not been invited by the director may not witness  
33 the execution.

34 **Sec. 56.** NRS 176.365 is hereby amended to read as follows:

35 176.365 After the execution, the director of the department of ~~prisons~~  
36 **corrections** must make a return upon the death warrant to the court by  
37 which the judgment was rendered, showing the time, place, mode and  
38 manner in which it was executed.

39 **Sec. 57.** NRS 176.425 is hereby amended to read as follows:

40 176.425 1. If, after judgment of death, there is a good reason to  
41 believe that the defendant has become insane, the director of the  
42 department of ~~prisons~~ **corrections** to whom the convicted person has been  
43 delivered for execution may by a petition in writing, verified by a  
44 physician, petition a district judge of the district court of the county in  
45 which the state prison is situated, alleging the present insanity of such  
46 person, whereupon such judge shall:

47 (a) Fix a day for a hearing to determine whether the convicted person is  
48 insane;



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1 (b) Appoint two psychiatrists, two psychologists, or one psychiatrist and  
2 one psychologist, to examine the convicted person; and

3 (c) Give immediate notice of the hearing to the attorney general and to  
4 the district attorney of the county in which the conviction was had.

5 2. If the judge determines that the hearing on and the determination of  
6 the sanity of the convicted person cannot be had before the date of the  
7 execution of such person, the judge may stay the execution of the judgment  
8 of death pending the determination of the sanity of the convicted person.

9 **Sec. 58.** NRS 176.435 is hereby amended to read as follows:

10 176.435 1. On the day fixed, the director of the department of  
11 ~~prisons~~ corrections shall bring the convicted person before the court, and  
12 the attorney general or his deputy shall attend the hearing. The district  
13 attorney of the county in which the conviction was had, and an attorney for  
14 the convicted person, may attend the hearing.

15 2. The court shall receive the report of the examining physicians and  
16 may require the production of other evidence. The attorney general or his  
17 deputy, the district attorney, and the attorney for the convicted person or  
18 such person if he is without counsel may introduce evidence and cross-  
19 examine any witness, including the examining physicians.

20 3. The court shall then make and enter its finding of sanity or insanity.

21 **Sec. 59.** NRS 176.445 is hereby amended to read as follows:

22 176.445 If it is found by the court that the convicted person is sane, the  
23 director of the department of ~~prisons~~ corrections must execute the  
24 judgment of death; but if the judgment has been stayed, as provided in  
25 NRS 176.425, the judge shall cause a certified copy of his order staying the  
26 execution of the judgment, together with a certified copy of his finding that  
27 the convicted person is sane, to be immediately forwarded by the clerk of  
28 the court to the clerk of the district court of the county in which the  
29 conviction was had, who shall give notice thereof to the district attorney of  
30 such county. Proceedings shall then be instituted in the last mentioned  
31 district court for the issuance of a new warrant of execution of the  
32 judgment of death in the manner provided in NRS 176.495.

33 **Sec. 60.** NRS 176.455 is hereby amended to read as follows:

34 176.455 1. If it is found by the court that the convicted person is  
35 insane, the judge shall make and enter an order staying the execution of the  
36 judgment of death until the convicted person becomes sane, and shall  
37 therein order the director of the department of ~~prisons~~ corrections to  
38 confine such person in a safe place of confinement until his reason is  
39 restored.

40 2. The clerk of the court shall serve or cause to be served three  
41 certified copies of the order, one on the director, one on the governor, for  
42 the use of the state board of pardons commissioners, and one on the clerk  
43 of the district court of the county in which the conviction was had.

44 3. If the convicted person thereafter becomes sane, notice of this fact  
45 shall be given by the director to a judge of the court staying the execution  
46 of the judgment, and the judge, upon being satisfied that such person is  
47 then sane, shall enter an order vacating the order staying the execution of  
48 the judgment.



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1 4. The clerk of the court shall immediately serve or cause to be served  
2 three certified copies of such vacating order as follows: One on the  
3 director, one on the governor, for the use of the state board of pardons  
4 commissioners, and one on the clerk of the district court of the county in  
5 which the conviction was had, who shall give notice thereof to the district  
6 attorney of such county, whereupon proceedings shall be instituted in the  
7 last mentioned district court for the issuance of a new warrant of execution  
8 of the judgment of death in the manner provided in NRS 176.495.

9 **Sec. 61.** NRS 176.465 is hereby amended to read as follows:

10 176.465 1. If there is good reason to believe that a female against  
11 whom a judgment of death has been rendered is pregnant, the director of  
12 the department of ~~prisons~~ **corrections** to whom she has been delivered for  
13 execution shall petition a judge of the district court of the county in which  
14 the state prison is situated, in writing, alleging such pregnancy, whereupon  
15 such judge shall summon a jury of three physicians to inquire into the  
16 alleged pregnancy and fix a day for the hearing thereon, and give  
17 immediate notice thereof to the attorney general and to the district attorney  
18 of the county in which the conviction was had.

19 2. The provisions of NRS 176.425 and 176.435 apply to the  
20 proceedings upon the inquisition, except that three physicians shall be  
21 summoned. They shall certify in writing to the court their findings as to  
22 pregnancy.

23 **Sec. 62.** NRS 176.475 is hereby amended to read as follows:

24 176.475 1. If it is found by the court that the female is not pregnant,  
25 the director of the department of ~~prisons~~ **corrections** must execute the  
26 judgment of death; but if a stay of execution has been granted pursuant to  
27 NRS 176.425 the procedure provided in NRS 176.445 is applicable.

28 2. If the female is found to be pregnant, the judge shall enter an order  
29 staying the execution of the judgment of death, and shall therein order the  
30 director to confine such female in a safe place of confinement  
31 commensurate with her condition until further order of the court.

32 3. When such female is no longer pregnant, notice of this fact shall be  
33 given by the director to a judge of the court staying the execution of the  
34 judgment. Thereupon the judge, upon being satisfied that the pregnancy no  
35 longer exists, shall enter an order vacating the order staying the execution  
36 of the judgment and shall direct the clerk of such court to serve or cause to  
37 be served three certified copies of such order, one on the director, one on  
38 the governor, for the use of the state board of pardons commissioners, and  
39 one on the clerk of the district court of the county in which the conviction  
40 was had, who shall give notice thereof to the district attorney of such  
41 county, whereupon proceedings shall be instituted in the last mentioned  
42 district court for the issuance of a new warrant of execution of the  
43 judgment in the manner provided in NRS 176.495.

44 **Sec. 63.** NRS 176.488 is hereby amended to read as follows:

45 176.488 A stay of execution must be entered by the court in writing  
46 and copies sent as soon as practicable to the director of the department of  
47 ~~prisons~~ **corrections**, the warden of the institution in which the offender is  
48 imprisoned and the office of the attorney general in Carson City. The court



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1 shall also enter an order and take all necessary actions to expedite further  
2 proceeding before that court.

3 **Sec. 64.** NRS 176.495 is hereby amended to read as follows:

4 176.495 1. If for any reason a judgment of death has not been  
5 executed, and it remains in force, the court in which the conviction was had  
6 must, upon the application of the attorney general or the district attorney of  
7 the county in which the conviction was had, cause another warrant to be  
8 drawn, signed by the judge and attested by the clerk under the seal of the  
9 court, and delivered to the director of the department of ~~prisons~~  
10 **corrections**.

11 2. The warrant must state the conviction and judgment and appoint a  
12 week, the first day being Monday and the last day being Sunday, within  
13 which the judgment is to be executed. The first day of that week must be  
14 not less than 15 days nor more than 30 days after the date of the warrant.  
15 The director shall execute a sentence of death within the week the  
16 judgment is to be executed, as designated by the district court. The director  
17 may execute the judgment at any time during that week if a stay of  
18 execution is not entered by a court of appropriate jurisdiction.

19 3. Where sentence was imposed by a district court composed of three  
20 judges, the district judge before whom the confession or plea was made, or  
21 his successor in office, shall designate the week of execution, the first day  
22 being Monday and the last day being Sunday, and sign the warrant.

23 **Sec. 65.** NRS 176.505 is hereby amended to read as follows:

24 176.505 1. When a remittitur showing the affirmation of a judgment  
25 of death has been filed with the clerk of the court from which the appeal  
26 has been taken, the court in which the conviction was obtained shall  
27 inquire into the facts, and, if no legal reasons exist prohibiting the  
28 execution of the judgment, shall make and enter an order requiring the  
29 director of the department of ~~prisons~~ **corrections** to execute the judgment  
30 at a specified time. The presence of the defendant in the court at the time  
31 the order of execution is made and entered, or the warrant is issued, is not  
32 required.

33 2. When an opinion, order dismissing appeal or other order upholding  
34 a sentence of death is issued by the supreme court pursuant to chapter 34 or  
35 177 of NRS, the court in which the sentence of death was obtained shall  
36 inquire into the facts and, if no legal reason exists prohibiting the execution  
37 of the judgment, shall make and enter an order requiring the director of the  
38 department of ~~prisons~~ **corrections** to execute the judgment during a  
39 specified week. The presence of the defendant in the court when the order  
40 of execution is made and entered, or the warrant is issued, is not required.

41 3. Notwithstanding the entry of a stay of issuance of a remittitur in the  
42 supreme court following denial of appellate relief in a proceeding brought  
43 pursuant to chapter 34 or 177 of NRS, the court in which the conviction  
44 was obtained shall, upon application of the attorney general or the district  
45 attorney of the county in which the conviction was obtained, cause another  
46 warrant to be drawn, signed by the judge and attested by the clerk under  
47 the seal of the court, and delivered to the director of the department of  
48 ~~prisons~~ **corrections**.



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1     **Sec. 66.** NRS 176A.450 is hereby amended to read as follows:  
2     176A.450 1. Except as otherwise provided in this section, by order  
3     duly entered, the court may impose, and may at any time modify, any  
4     conditions of probation or suspension of sentence. The court shall cause a  
5     copy of any such order to be delivered to the parole and probation officer  
6     and the probationer. A copy of the order must also be sent to the director of  
7     the department of ~~prisons~~ **corrections** if the probationer is under the  
8     supervision of the director pursuant to NRS 176A.780.

9     2. If the probationer is participating in a program of probation secured  
10    by a surety bond, the court shall not impose or modify the conditions of  
11    probation unless the court notifies the surety and:

12    (a) Causes the original bond to be revoked and requires a new bond to  
13    which the original and the new conditions are appended and made part; or

14    (b) Requires an additional bond to which the new conditions are  
15    appended and made part.

16    3. The court shall not modify a condition of probation or suspension of  
17    sentence that was imposed pursuant to NRS 176A.410, unless the court  
18    finds that extraordinary circumstances are present and the court enters  
19    those extraordinary circumstances in the record.

20    **Sec. 67.** NRS 176A.780 is hereby amended to read as follows:

21    176A.780 1. If a defendant:

22    (a) Is male;

23    (b) Has been convicted of a felony that does not involve an act of  
24    violence;

25    (c) Is at least 18 years of age;

26    (d) Has never been incarcerated in jail or prison as an adult for more  
27    than 6 months; and

28    (e) Is otherwise eligible for probation,

29    the court may order the defendant satisfactorily to complete a program of  
30    regimental discipline for 150 days before sentencing the defendant or in  
31    lieu of causing the sentence imposed to be executed upon violation of a  
32    condition of probation or suspension of sentence.

33    2. If the court orders the defendant to undergo a program of regimental  
34    discipline, it:

35    (a) Shall place the defendant under the supervision of the director of the  
36    department of ~~prisons~~ **corrections** for not more than 190 days, not more  
37    than the first 30 days of which must be used to determine the defendant's  
38    eligibility to participate in the program.

39    (b) Shall, if appropriate, direct the chief parole and probation officer to  
40    provide a copy of the defendant's records to the director of the department  
41    of ~~prisons~~ **corrections**.

42    (c) Shall require the defendant to be returned to the court not later than  
43    30 days after he is placed under the supervision of the director, if he is  
44    determined to be ineligible for the program.

45    (d) May require such reports concerning the defendant's participation in  
46    the program as it deems desirable.

47    3. If the defendant is ordered to complete the program before  
48    sentencing, the director of the department of ~~prisons~~ **corrections** shall  
49    return the defendant to the court not later than 150 days after the defendant



1 began the program. The director shall certify either that the defendant  
2 satisfactorily completed the program or that he did not, and shall report of  
3 the results of his evaluation, including any recommendations which will be  
4 helpful in determining the proper sentence. Upon receiving the report, the  
5 court shall sentence the defendant.

6 4. If the defendant is ordered to complete the program in lieu of  
7 causing the sentence imposed to be executed upon the violation of a  
8 condition of probation and the defendant satisfactorily completes the  
9 program, the director of the department of ~~prisons~~ **corrections** shall, not  
10 later than 150 days after the defendant began the program, return the  
11 defendant to the court with certification that the defendant satisfactorily  
12 completed the program. The court shall direct that:

13 (a) The defendant be placed under supervision of the chief parole and  
14 probation officer; and

15 (b) The director of the department of ~~prisons~~ **corrections** cause a copy  
16 of the records concerning the defendant's participation in the program to be  
17 provided to the chief parole and probation officer.

18 5. If a defendant is ordered to complete the program of regimental  
19 discipline in lieu of causing the sentence imposed to be executed upon the  
20 violation of a condition of probation, a failure by the defendant  
21 satisfactorily to complete the program constitutes a violation of that  
22 condition of probation and the director of the department of ~~prisons~~  
23 **corrections** shall return the defendant to the court.

24 6. Time spent in the program must be deducted from any sentence  
25 which may thereafter be imposed.

26 **Sec. 68.** NRS 178.524 is hereby amended to read as follows:

27 178.524 If the defendant surrenders himself to, is apprehended by or is  
28 in the custody of a peace officer in the State of Nevada or the director of  
29 the department of ~~prisons~~ **corrections** other than the officer to whose  
30 custody he was committed at the time of giving bail, the bail may make  
31 application to the court for the discharge of his bail bond, and shall then  
32 give to the court an amount in cash or a surety bond sufficient in amount to  
33 guarantee reimbursement of any costs that may be expended in returning  
34 the defendant to the officer to whose custody the defendant was committed  
35 at the time of giving bail.

36 **Sec. 69.** NRS 178.630 is hereby amended to read as follows:

37 178.630 The director of the department of ~~prisons~~ **corrections** shall  
38 comply with the provisions of Articles III and IV of The Agreement on  
39 Detainers whenever he has in his custody a prisoner who has detainers  
40 lodged against him from other jurisdictions which are parties to such  
41 agreement.

42 **Sec. 70.** NRS 178.700 is hereby amended to read as follows:

43 178.700 1. If the attorney general, a prosecuting attorney or an  
44 agency of criminal justice in this state receives a request from the  
45 department of ~~prisons~~ **corrections**, it shall respond in writing within 14  
46 working days setting forth any charges that are pending against the  
47 offender.

48 2. If the attorney general, a prosecuting attorney or an agency of  
49 criminal justice indicates in its response pursuant to subsection 1 that



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1 felony charges are pending against an offender, it shall, or if misdemeanor  
2 charges are pending against an offender, it may, request in the response  
3 that upon release of the offender from the custody of the department of  
4 ~~prisons~~ **corrections**, the department release the offender to an agency of  
5 criminal justice in this state that is authorized to detain a person pending  
6 prosecution. The attorney general, a prosecuting attorney or an agency of  
7 criminal justice may submit such a request to the department of ~~prisons~~  
8 **corrections** at any other time, if charges are filed against an offender.

9 3. If an offender is convicted, acquitted or the charges against him are  
10 dropped after a request was submitted pursuant to this section, the attorney  
11 general, prosecuting attorney or agency of criminal justice who submitted  
12 the request shall withdraw the request by providing a certified copy of the  
13 judgment to the department of ~~prisons~~ **corrections** if the offender was  
14 convicted or acquitted, or by providing proof to the department that the  
15 charges were dropped.

16 4. The attorney general, a prosecuting attorney or an agency of  
17 criminal justice shall notify the department of ~~prisons~~ **corrections** upon  
18 receipt of a detainer against an inmate from another jurisdiction who is  
19 transferred to the custody of the department of ~~prisons~~ **corrections**.

20 **Sec. 71.** NRS 179.223 is hereby amended to read as follows:

21 179.223 1. When the return to this state of a person charged with  
22 crime in this state is required, the district attorney shall present to the  
23 governor his written application for a requisition for the return of the  
24 person charged in which application must be stated:

- 25 (a) The name of the person so charged;  
26 (b) The crime charged against him;  
27 (c) The approximate time, place and circumstances of its commission;  
28 (d) The state in which he is believed to be, including the location of the  
29 accused therein at the time the application is made; and  
30 (e) A certification that, in the opinion of the district attorney, the ends of  
31 justice require the arrest and return of the accused to this state for trial and  
32 that the proceeding is not instituted to enforce a private claim.

33 2. When the return to this state is required of a person who has been  
34 convicted of a crime in this state and has escaped from confinement or  
35 broken the terms of his bail, probation or parole, the district attorney of the  
36 county in which the offense was committed, the state board of parole  
37 commissioners, the chief parole and probation officer, the director of the  
38 department of ~~prisons~~ **corrections** or the sheriff of the county from which  
39 escape was made shall present to the governor a written application for a  
40 requisition for the return of the person, in which application must be stated:

- 41 (a) The name of the person;  
42 (b) The crime of which he was convicted;  
43 (c) The circumstances of his escape from confinement or of the breach  
44 of the terms of his bail, probation or parole; and  
45 (d) The state in which he is believed to be, including the location of the  
46 person therein at the time application is made.

47 3. The application must be verified by affidavit, executed in duplicate  
48 and accompanied by two certified copies of the indictment returned, or  
49 information and affidavit filed, or of the complaint made to the judge or



1 magistrate, stating the offense with which the accused is charged, or of the  
2 judgment of conviction or of the sentence. The district attorney, state board  
3 of parole commissioners, chief parole and probation officer, director of the  
4 department of ~~prisons~~ **corrections** or sheriff may also attach such further  
5 affidavits and other documents in duplicate as he deems proper to be  
6 submitted with the application. One copy of the application, with the action  
7 of the governor indicated by endorsement thereon, and one of the certified  
8 copies of the indictment, complaint, information and affidavits, or of the  
9 judgment of conviction or of the sentence must be filed in the office of the  
10 secretary of state of the State of Nevada to remain of record in that office.  
11 The other copies of all papers must be forwarded with the governor's  
12 requisition.

13 **Sec. 72.** NRS 179A.290 is hereby amended to read as follows:

14 179A.290 1. The director of the department shall establish within the  
15 central repository a program to compile and analyze data concerning  
16 offenders who commit sexual offenses. The program must be designed to:

17 (a) Provide statistical data relating to the recidivism of offenders who  
18 commit sexual offenses; and

19 (b) Use the data provided by the division of child and family services of  
20 the department of human resources pursuant to NRS 62.920 to:

21 (1) Provide statistical data relating to the recidivism of juvenile sex  
22 offenders after they become adults; and

23 (2) Assess the effectiveness of programs for the treatment of juvenile  
24 sex offenders.

25 2. The division of parole and probation and the department of ~~prisons~~  
26 **corrections** shall assist the director of the department in obtaining data and  
27 in carrying out the program.

28 3. The director of the department shall report the statistical data and  
29 findings from the program to:

30 (a) The legislature at the beginning of each regular session.

31 (b) The advisory commission on sentencing on or before January 31 of  
32 each even-numbered year.

33 4. The data acquired pursuant to this section is confidential and must  
34 be used only for the purpose of research. The data and findings generated  
35 pursuant to this section must not contain information that may reveal the  
36 identity of a juvenile sex offender or the identity of an individual victim of  
37 a crime.

38 **Sec. 73.** NRS 179B.070 is hereby amended to read as follows:

39 179B.070 "Law enforcement officer" includes, but is not limited to:

40 1. A prosecuting attorney or an attorney from the office of the attorney  
41 general;

42 2. A sheriff of a county or his deputy;

43 3. An officer of a metropolitan police department or a police  
44 department of an incorporated city;

45 4. An officer of the division;

46 5. An officer of the department of ~~prisons~~ **corrections**;

47 6. An officer of a law enforcement agency from another jurisdiction;

48 or



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1 7. Any other person upon whom some or all of the powers of a peace  
2 officer are conferred pursuant to NRS 289.150 to 289.360, inclusive, if the  
3 person is seeking information as part of a criminal investigation.

4 **Sec. 74.** NRS 179D.160 is hereby amended to read as follows:

5 179D.160 1. Except as otherwise provided by specific statute, a  
6 record of registration may be inspected only by a law enforcement officer  
7 in the regular course of his duties or by the offender named in the record of  
8 registration.

9 2. As used in this section, "law enforcement officer" includes, but is  
10 not limited to:

11 (a) A prosecuting attorney or an attorney from the office of the attorney  
12 general;

13 (b) A sheriff of a county or his deputy;

14 (c) An officer of a metropolitan police department or a police  
15 department of an incorporated city;

16 (d) An officer of the division;

17 (e) An officer of the department of ~~prisons;~~ **corrections;**

18 (f) An officer of a law enforcement agency from another jurisdiction; or

19 (g) Any other person upon whom some or all of the powers of a peace  
20 officer are conferred pursuant to NRS 289.150 to 289.360, inclusive, if the  
21 person is seeking information as part of a criminal investigation.

22 **Sec. 75.** NRS 179D.230 is hereby amended to read as follows:

23 179D.230 1. If the division receives notice from a court pursuant to  
24 NRS 176.0926 that an offender has been convicted of a crime against a  
25 child, the division shall:

26 (a) If a record of registration has not previously been established for the  
27 offender by the division, establish a record of registration for the offender  
28 and forward the record of registration to the central repository; or

29 (b) If a record of registration has previously been established for the  
30 offender by the division, update the record of registration for the offender  
31 and forward the record of registration to the central repository.

32 2. If the offender named in the notice is granted probation or otherwise  
33 will not be incarcerated or confined, the central repository shall  
34 immediately provide notification concerning the offender to the appropriate  
35 local law enforcement agencies and, if the offender resides in a jurisdiction  
36 which is outside of this state, to the appropriate law enforcement agency in  
37 that jurisdiction.

38 3. If the offender named in the notice is incarcerated or confined,  
39 before the offender is released:

40 (a) The division shall:

41 (1) Inform the offender of the requirements for registration,  
42 including, but not limited to:

43 (I) The duty to register in this state during any period in which he  
44 is a resident of this state or a nonresident who is a student or worker within  
45 this state and the time within which he is required to register pursuant to  
46 NRS 179D.240;

47 (II) The duty to register in any other jurisdiction during any period  
48 in which he is a resident of the other jurisdiction or a nonresident who is a  
49 student or worker within the other jurisdiction;



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1 (III) If he moves from this state to another jurisdiction, the duty to  
2 register with the appropriate law enforcement agency in the other  
3 jurisdiction; and

4 (IV) The duty to notify the division, in writing, if he changes the  
5 address at which he resides, including if he moves from this state to  
6 another jurisdiction, or changes the primary address at which he is a  
7 student or worker;

8 (2) Require the offender to read and sign a form confirming that the  
9 requirements for registration have been explained to him; and

10 (3) Update the record of registration for the offender and forward the  
11 record of registration to the central repository; and

12 (b) The central repository shall provide notification concerning the  
13 offender to the appropriate local law enforcement agencies and, if the  
14 offender will reside upon release in a jurisdiction which is outside of this  
15 state, to the appropriate law enforcement agency in that jurisdiction.

16 4. If requested by the division, the department of ~~prisons~~ **corrections**  
17 or a local law enforcement agency in whose facility the offender is  
18 incarcerated shall provide the offender with the information and the  
19 confirmation form required by paragraph (a) of subsection 3.

20 5. The failure to provide an offender with the information or  
21 confirmation form required by paragraph (a) of subsection 3 does not affect  
22 the duty of the offender to register and to comply with all other provisions  
23 for registration.

24 6. If the central repository receives notice from another jurisdiction or  
25 the Federal Bureau of Investigation that an offender convicted of a crime  
26 against a child is now residing or is a student or worker within this state:

27 (a) The central repository shall immediately provide notification  
28 concerning the offender to the division and to the appropriate local law  
29 enforcement agencies; and

30 (b) The division shall establish a record of registration for the offender  
31 and forward the record of registration to the central repository.

32 **Sec. 76.** NRS 179D.450 is hereby amended to read as follows:

33 179D.450 1. If the division receives notice from a court pursuant to  
34 NRS 176.0927 that a sex offender has been convicted of a sexual offense  
35 or pursuant to NRS 62.590 that a juvenile sex offender has been deemed to  
36 be an adult sex offender, the division shall:

37 (a) If a record of registration has not previously been established for the  
38 sex offender by the division, establish a record of registration for the sex  
39 offender and forward the record of registration to the central repository; or

40 (b) If a record of registration has previously been established for the sex  
41 offender by the division, update the record of registration for the sex  
42 offender and forward the record of registration to the central repository.

43 2. If the sex offender named in the notice is granted probation or  
44 otherwise will not be incarcerated or confined or if the sex offender named  
45 in the notice has been deemed to be an adult sex offender pursuant to NRS  
46 62.590 and is not otherwise incarcerated or confined:

47 (a) The central repository shall immediately provide notification  
48 concerning the sex offender to the appropriate local law enforcement  
49 agencies and, if the sex offender resides in a jurisdiction which is outside



1 of this state, to the appropriate law enforcement agency in that jurisdiction;  
2 and

3 (b) If the sex offender is subject to community notification, the division  
4 shall arrange for the assessment of the risk of recidivism of the sex  
5 offender pursuant to the guidelines and procedures for community  
6 notification established by the attorney general pursuant to NRS 179D.600  
7 to 179D.800, inclusive.

8 3. If the sex offender named in the notice is incarcerated or confined,  
9 before the sex offender is released:

10 (a) The division shall:

11 (1) Inform the sex offender of the requirements for registration,  
12 including, but not limited to:

13 (I) The duty to register in this state during any period in which he  
14 is a resident of this state or a nonresident who is a student or worker within  
15 this state and the time within which he is required to register pursuant to  
16 NRS 179D.460;

17 (II) The duty to register in any other jurisdiction during any period  
18 in which he is a resident of the other jurisdiction or a nonresident who is a  
19 student or worker within the other jurisdiction;

20 (III) If he moves from this state to another jurisdiction, the duty to  
21 register with the appropriate law enforcement agency in the other  
22 jurisdiction; and

23 (IV) The duty to notify the division, in writing, if he changes the  
24 address at which he resides, including if he moves from this state to  
25 another jurisdiction, or changes the primary address at which he is a  
26 student or worker;

27 (2) Require the sex offender to read and sign a form confirming that  
28 the requirements for registration have been explained to him;

29 (3) Update the record of registration for the sex offender and forward  
30 the record of registration to the central repository; and

31 (4) If the sex offender is subject to community notification, arrange  
32 for the assessment of the risk of recidivism of the sex offender pursuant to  
33 the guidelines and procedures for community notification established by  
34 the attorney general pursuant to NRS 179D.600 to 179D.800, inclusive;  
35 and

36 (b) The central repository shall provide notification concerning the sex  
37 offender to the appropriate local law enforcement agencies and, if the sex  
38 offender will reside upon release in a jurisdiction which is outside of this  
39 state, to the appropriate law enforcement agency in that jurisdiction.

40 4. If requested by the division, the department of ~~prisons~~ *corrections*  
41 or a local law enforcement agency in whose facility the sex offender is  
42 incarcerated shall provide the sex offender with the information and the  
43 confirmation form required by paragraph (a) of subsection 3.

44 5. The failure to provide a sex offender with the information or  
45 confirmation form required by paragraph (a) of subsection 3 does not affect  
46 the duty of the sex offender to register and to comply with all other  
47 provisions for registration.



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1       6. If the central repository receives notice from another jurisdiction or  
2 the Federal Bureau of Investigation that a sex offender is now residing or is  
3 a student or worker within this state:

4       (a) The central repository shall immediately provide notification  
5 concerning the sex offender to the division and to the appropriate local law  
6 enforcement agencies;

7       (b) The division shall establish a record of registration for the sex  
8 offender and forward the record of registration to the central repository;  
9 and

10       (c) If the sex offender is subject to community notification, the division  
11 shall arrange for the assessment of the risk of recidivism of the sex  
12 offender pursuant to the guidelines and procedures for community  
13 notification established by the attorney general pursuant to NRS 179D.600  
14 to 179D.800, inclusive.

15       **Sec. 77.** NRS 199.305 is hereby amended to read as follows:

16       199.305 1. A person who, by intimidating or threatening another  
17 person, prevents or dissuades a victim of a crime, a person acting on his  
18 behalf or a witness from:

19       (a) Reporting a crime or possible crime to a:

20           (1) Judge;

21           (2) Peace officer;

22           (3) Parole or probation officer;

23           (4) Prosecuting attorney;

24           (5) Warden or other employee at an institution of the department of  
25 ~~prisons;~~ **corrections;** or

26       (6) Superintendent or other employee at a juvenile correctional  
27 institution;

28       (b) Commencing a criminal prosecution or a proceeding for the  
29 revocation of a parole or probation, or seeking or assisting in such a  
30 prosecution or proceeding; or

31       (c) Causing the arrest of a person in connection with a crime,  
32 or who hinders or delays such a victim, agent or witness in his effort to  
33 carry out any of those actions is guilty of a category D felony and shall be  
34 punished as provided in NRS 193.130.

35       2. As used in this section, “victim of a crime” means a person against  
36 whom a crime has been committed.

37       **Sec. 78.** NRS 200.033 is hereby amended to read as follows:

38       200.033 The only circumstances by which murder of the first degree  
39 may be aggravated are:

40       1. The murder was committed by a person under sentence of  
41 imprisonment.

42       2. The murder was committed by a person who, at any time before a  
43 penalty hearing is conducted for the murder pursuant to NRS 175.552, is or  
44 has been convicted of:

45       (a) Another murder and the provisions of subsection 12 do not  
46 otherwise apply to that other murder; or

47       (b) A felony involving the use or threat of violence to the person of  
48 another and the provisions of subsection 4 do not otherwise apply to that  
49 felony.



- 1 For the purposes of this subsection, a person shall be deemed to have been  
2 convicted at the time the jury verdict of guilt is rendered or upon  
3 pronouncement of guilt by a judge or judges sitting without a jury.
- 4 3. The murder was committed by a person who knowingly created a  
5 great risk of death to more than one person by means of a weapon, device  
6 or course of action which would normally be hazardous to the lives of  
7 more than one person.
- 8 4. The murder was committed while the person was engaged, alone or  
9 with others, in the commission of or an attempt to commit or flight after  
10 committing or attempting to commit, any robbery, arson in the first degree,  
11 burglary, invasion of the home or kidnapping in the first degree, and the  
12 person charged:
- 13 (a) Killed or attempted to kill the person murdered; or  
14 (b) Knew or had reason to know that life would be taken or lethal force  
15 used.
- 16 5. The murder was committed to avoid or prevent a lawful arrest or to  
17 effect an escape from custody.
- 18 6. The murder was committed by a person, for himself or another, to  
19 receive money or any other thing of monetary value.
- 20 7. The murder was committed upon a peace officer or fireman who  
21 was killed while engaged in the performance of his official duty or because  
22 of an act performed in his official capacity, and the defendant knew or  
23 reasonably should have known that the victim was a peace officer or  
24 fireman. For the purposes of this subsection, "peace officer" means:
- 25 (a) An employee of the department of ~~prisons~~ *corrections* who does  
26 not exercise general control over offenders imprisoned within the  
27 institutions and facilities of the department but whose normal duties require  
28 him to come into contact with those offenders, when carrying out the duties  
29 prescribed by the director of the department.
- 30 (b) Any person upon whom some or all of the powers of a peace officer  
31 are conferred pursuant to NRS 289.150 to 289.360, inclusive, when  
32 carrying out those powers.
- 33 8. The murder involved torture or the mutilation of the victim.
- 34 9. The murder was committed upon one or more persons at random  
35 and without apparent motive.
- 36 10. The murder was committed upon a person less than 14 years of  
37 age.
- 38 11. The murder was committed upon a person because of the actual or  
39 perceived race, color, religion, national origin, physical or mental disability  
40 or sexual orientation of that person.
- 41 12. The defendant has, in the immediate proceeding, been convicted of  
42 more than one offense of murder in the first or second degree. For the  
43 purposes of this subsection, a person shall be deemed to have been  
44 convicted of a murder at the time the jury verdict of guilt is rendered or  
45 upon pronouncement of guilt by a judge or judges sitting without a jury.
- 46 13. The person, alone or with others, subjected or attempted to subject  
47 the victim of the murder to nonconsensual sexual penetration immediately  
48 before, during or immediately after the commission of the murder. For the  
49 purposes of this subsection:



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1 (a) “Nonconsensual” means against the victim’s will or under  
2 conditions in which the person knows or reasonably should know that the  
3 victim is mentally or physically incapable of resisting, consenting or  
4 understanding the nature of his conduct, including, but not limited to,  
5 conditions in which the person knows or reasonably should know that the  
6 victim is dead.

7 (b) “Sexual penetration” means cunnilingus, fellatio or any intrusion,  
8 however slight, of any part of the victim’s body or any object manipulated  
9 or inserted by a person, alone or with others, into the genital or anal  
10 openings of the body of the victim, whether or not the victim is alive. The  
11 term includes, but is not limited to, anal intercourse and sexual intercourse  
12 in what would be its ordinary meaning.

13 14. The murder was committed on the property of a public or private  
14 school, at an activity sponsored by a public or private school or on a school  
15 bus while the bus was engaged in its official duties by a person who  
16 intended to create a great risk of death or substantial bodily harm to more  
17 than one person by means of a weapon, device or course of action that  
18 would normally be hazardous to the lives of more than one person. For the  
19 purposes of this subsection, “school bus” has the meaning ascribed to it in  
20 NRS 483.160.

21 **Sec. 79.** NRS 202.2491 is hereby amended to read as follows:

22 202.2491 1. Except as otherwise provided in subsections 5 and 6 and  
23 NRS 202.24915, the smoking of tobacco in any form is prohibited if done  
24 in any:

- 25 (a) Public elevator.
- 26 (b) Public building.
- 27 (c) Public waiting room, lobby or hallway of any:
  - 28 (1) Medical facility or facility for the dependent as defined in chapter
  - 29 449 of NRS; or
  - 30 (2) Office of any chiropractor, dentist, physical therapist, physician,
  - 31 podiatric physician, psychologist, optician, optometrist, doctor of Oriental
  - 32 medicine or doctor of acupuncture.
- 33 (d) Hotel or motel when so designated by the operator thereof.
- 34 (e) Public area of a store principally devoted to the sale of food for
- 35 human consumption off the premises.
- 36 (f) Child care facility.
- 37 (g) Bus used by the general public, other than a chartered bus, or in any
- 38 maintenance facility or office associated with a bus system operated by any
- 39 regional transportation commission.
- 40 (h) School bus.

41 2. The person in control of an area listed in paragraph (c), (d), (e), (f)  
42 or (g) of subsection 1:

43 (a) Shall post in the area signs prohibiting smoking in any place not  
44 designated for that purpose as provided in paragraph (b).

45 (b) May designate separate rooms or portions of the area which may be  
46 used for smoking, except for a room or portion of the area of a store  
47 described in paragraph (e) of subsection 1 if the room or portion of the  
48 area:



- 1 (1) Is leased to or operated by a person licensed pursuant to NRS  
2 463.160; and
- 3 (2) Does not otherwise qualify for an exemption set forth in NRS  
4 202.24915.
- 5 3. The person in control of a public building:
- 6 (a) Shall post in the area signs prohibiting smoking in any place not  
7 designated for that purpose as provided in paragraph (b).
- 8 (b) Shall, except as otherwise provided in this subsection, designate a  
9 separate area which may be used for smoking.
- 10 A school district which prohibits the use of tobacco by pupils need not  
11 designate an area which may be used by the pupils to smoke.
- 12 4. The operator of a restaurant with a seating capacity of 50 or more  
13 shall maintain a flexible nonsmoking area within the restaurant and offer  
14 each patron the opportunity to be seated in a smoking or nonsmoking area.
- 15 5. A business which derives more than 50 percent of its gross receipts  
16 from the sale of alcoholic beverages or 50 percent of its gross receipts from  
17 gaming operations may be designated as a smoking area in its entirety by  
18 the operator of the business.
- 19 6. The smoking of tobacco is not prohibited in:
- 20 (a) Any room or area designated for smoking pursuant to paragraph (b)  
21 of subsection 2 or paragraph (b) of subsection 3.
- 22 (b) A licensed gaming establishment. A licensed gaming establishment  
23 may designate separate rooms or areas within the establishment which may  
24 or may not be used for smoking.
- 25 7. The person in control of a child care facility shall not allow children  
26 in any room or area he designates for smoking pursuant to paragraph (b) of  
27 subsection 2. Any such room or area must be sufficiently separate or  
28 ventilated so that there are no irritating or toxic effects of smoke in the  
29 other areas of the facility.
- 30 8. As used in this section:
- 31 (a) “Child care facility” means an establishment licensed pursuant to  
32 chapter 432A of NRS to provide care for 13 or more children.
- 33 (b) “Licensed gaming establishment” has the meaning ascribed to it in  
34 NRS 463.0169.
- 35 (c) “Public building” means any building or office space owned or  
36 occupied by:
- 37 (1) Any component of the University and Community College  
38 System of Nevada and used for any purpose related to the system.
- 39 (2) The State of Nevada and used for any public purpose, other than  
40 that used by the department of ~~prisons~~ *corrections* to house or provide  
41 other services to offenders.
- 42 (3) Any county, city, school district or other political subdivision of  
43 the state and used for any public purpose.
- 44 If only part of a building is owned or occupied by an entity described in  
45 this paragraph, the term means only that portion of the building which is so  
46 owned or occupied.
- 47 (d) “School bus” has the meaning ascribed to it in NRS 483.160.



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1     **Sec. 80.** NRS 202.375 is hereby amended to read as follows:  
2     202.375 1. The provisions of NRS 202.370 to 202.440, inclusive, do  
3     not apply to the sale or purchase by any adult, or the possession or use by  
4     any person, including a minor but not including a convicted person as  
5     defined in NRS 179C.010, of any form of:

6     (a) Cartridge which contains not more than 2 fluid ounces in volume of  
7     “CS” tear gas that may be propelled by air or another gas, but not an  
8     explosive, in the form of an aerosol spray; or

9     (b) Weapon designed for the use of such a cartridge which does not  
10    exceed that size,  
11    and which is designed and intended for use as an instrument of self-  
12    defense.

13    2. A seller, before delivering to a purchaser a cartridge or weapon  
14    which may be sold pursuant to subsection 1, must record and maintain for  
15    not less than 2 years the name and address of the purchaser and the brand  
16    name, model number or type, and serial number if there is one, of the  
17    weapon or cartridge, or both.

18    3. The provisions of NRS 202.370 to 202.440, inclusive, do not  
19    prohibit police departments or regular salaried peace officers thereof,  
20    sheriffs and their regular salaried deputies, the director, deputy director and  
21    superintendents of, and guards employed by, the department of ~~prisons,~~  
22    ~~corrections,~~ personnel of the Nevada highway patrol or the military or  
23    naval forces of this state or of the United States from purchasing,  
24    possessing or transporting any shells, cartridges, bombs or weapons for  
25    official use in the discharge of their duties.

26    4. As used in this section, “CS” tear gas means a crystalline powder  
27    containing ortho-chlorobenzalmalononitrile.

28    **Sec. 81.** NRS 228.150 is hereby amended to read as follows:

29    228.150 1. When requested, the attorney general shall give his  
30    opinion, in writing, upon any question of law, to the governor, the secretary  
31    of state, the state controller, the state treasurer, the director of the  
32    department of ~~prisons,~~ ~~corrections,~~ to the head of any state department,  
33    agency, board or commission, to any district attorney and to any city  
34    attorney of any incorporated city within the State of Nevada, upon any  
35    question of law relating to their respective offices, departments, agencies,  
36    boards or commissions.

37    2. Nothing contained in subsection 1 requires the attorney general to  
38    give his written opinion to any city attorney concerning questions relating  
39    to the interpretation or construction of city ordinances.

40    3. The attorney general is not entitled to receive any fee for the  
41    performance of any duty required of him by law, but money may be paid to  
42    his office or pursuant to law or an agreement with an agency of the state  
43    for the performance of any duty or service by his office.

44    **Sec. 82.** NRS 228.170 is hereby amended to read as follows:

45    228.170 1. Whenever the governor directs or when, in the opinion of  
46    the attorney general, to protect and secure the interest of the state it is  
47    necessary that a suit be commenced or defended in any federal or state  
48    court, the attorney general shall commence the action or make the defense.



1 2. The attorney general may investigate and prosecute any crime  
2 committed by a person:

3 (a) Confined in or committed to an institution or facility of the  
4 department of ~~prisons;~~ **corrections.**

5 (b) Acting in concert with, whether as a principal or accessory, any  
6 person confined in or committed to an institution or facility of the  
7 department of ~~prisons;~~ **corrections.**

8 (c) In violation of chapter 212 of NRS, if the crime involves:

9 (1) An institution or facility of the department of ~~prisons;~~  
10 **corrections;** or

11 (2) A person confined in or committed to such an institution or  
12 facility.

13 **Sec. 83.** NRS 233B.039 is hereby amended to read as follows:

14 233B.039 1. The following agencies are entirely exempted from the  
15 requirements of this chapter:

16 (a) The governor.

17 (b) The department of ~~prisons;~~ **corrections.**

18 (c) The University and Community College System of Nevada.

19 (d) The office of the military.

20 (e) The state gaming control board.

21 (f) The Nevada gaming commission.

22 (g) The welfare division of the department of human resources.

23 (h) The division of health care financing and policy of the department of  
24 human resources.

25 (i) The state board of examiners acting pursuant to chapter 217 of NRS.

26 (j) Except as otherwise provided in NRS 533.365, the office of the state  
27 engineer.

28 (k) The division of industrial relations of the department of business and  
29 industry acting to enforce the provisions of NRS 618.375.

30 (l) The board to review claims in adopting resolutions to carry out its  
31 duties pursuant to NRS 590.830.

32 2. Except as otherwise provided in NRS 391.323, the department of  
33 education, the board of the public employees' benefits program and the  
34 commission on professional standards in education are subject to the  
35 provisions of this chapter for the purpose of adopting regulations but not  
36 with respect to any contested case.

37 3. The special provisions of:

38 (a) Chapter 612 of NRS for the distribution of regulations by and the  
39 judicial review of decisions of the employment security division of the  
40 department of employment, training and rehabilitation;

41 (b) Chapters 616A to 617, inclusive, of NRS for the determination of  
42 contested claims;

43 (c) Chapter 703 of NRS for the judicial review of decisions of the  
44 public utilities commission of Nevada;

45 (d) Chapter 91 of NRS for the judicial review of decisions of the  
46 administrator of the securities division of the office of the secretary of  
47 state; and

48 (e) NRS 90.800 for the use of summary orders in contested cases,  
49 prevail over the general provisions of this chapter.



1 4. The provisions of NRS 233B.122, 233B.124, 233B.125 and  
2 233B.126 do not apply to the department of human resources in the  
3 adjudication of contested cases involving the issuance of letters of approval  
4 for health facilities and agencies.

5 5. The provisions of this chapter do not apply to:

6 (a) Any order for immediate action, including, but not limited to,  
7 quarantine and the treatment or cleansing of infected or infested animals,  
8 objects or premises, made under the authority of the state board of  
9 agriculture, the state board of health, the state board of sheep  
10 commissioners or any other agency of this state in the discharge of a  
11 responsibility for the preservation of human or animal health or for insect  
12 or pest control; or

13 (b) An extraordinary regulation of the state board of pharmacy adopted  
14 pursuant to NRS 453.2184.

15 6. The state board of parole commissioners is subject to the provisions  
16 of this chapter for the purpose of adopting regulations but not with respect  
17 to any contested case.

18 **Sec. 84.** NRS 281.210 is hereby amended to read as follows:

19 281.210 1. Except as otherwise provided in this section, it is  
20 unlawful for any person acting as a school trustee, state, township,  
21 municipal or county officer, or as an employing authority of the University  
22 and Community College System of Nevada, any school district or of the  
23 state, any town, city or county, or for any state or local board, agency or  
24 commission, elected or appointed, to employ in any capacity on behalf of  
25 the State of Nevada, or any county, township, municipality or school  
26 district thereof, or the University and Community College System of  
27 Nevada, any relative of such a person or of any member of such a board,  
28 agency or commission who is within the third degree of consanguinity or  
29 affinity.

30 2. This section does not apply:

31 (a) To school districts, when the teacher or other school employee is not  
32 related to more than one of the trustees or person who is an employing  
33 authority by consanguinity or affinity and receives a unanimous vote of all  
34 members of the board of trustees and approval by the state department of  
35 education.

36 (b) To school districts, when the teacher or other school employee has  
37 been employed by an abolished school district or educational district,  
38 which constitutes a part of the employing county school district, and the  
39 county school district for 4 years or more before April 1, 1957.

40 (c) To the spouse of the warden of an institution or manager of a facility  
41 of the department of ~~prisons~~ **corrections**.

42 (d) To the spouse of the superintendent of the Caliente youth center.

43 (e) To relatives of blind officers and employees of the bureau of  
44 services to the blind and visually impaired of the rehabilitation division of  
45 the department of employment, training and rehabilitation when those  
46 relatives are employed as automobile drivers for those officers and  
47 employees.

48 (f) To relatives of a member of a town board of a town whose  
49 population is less than 300.



1 3. Nothing in this section:

2 (a) Prevents any officer in this state, employed under a flat salary, from  
3 employing any suitable person to assist in any such employment, when the  
4 payment for the service is met out of the personal money of the officer.

5 (b) Disqualifies any widow with a dependent as an employee of any  
6 officer or board in this state, or any of its counties, townships,  
7 municipalities or school districts.

8 4. A person employed contrary to the provisions of this section must  
9 not be compensated for the employment.

10 5. Any person violating any provisions of this section is guilty of a  
11 gross misdemeanor.

12 **Sec. 85.** NRS 281.210 is hereby amended to read as follows:

13 281.210 1. Except as otherwise provided in this section, it is  
14 unlawful for any person acting as a school trustee, state, township,  
15 municipal or county officer, or as an employing authority of the University  
16 and Community College System of Nevada, any school district or of the  
17 state, any town, city or county, or for any state or local board, agency or  
18 commission, elected or appointed, to employ in any capacity on behalf of  
19 the State of Nevada, or any county, township, municipality or school  
20 district thereof, or the University and Community College System of  
21 Nevada, any relative of such a person or of any member of such a board,  
22 agency or commission who is within the third degree of consanguinity or  
23 affinity.

24 2. This section does not apply:

25 (a) To school districts, when the teacher or other school employee is not  
26 related to more than one of the trustees or person who is an employing  
27 authority by consanguinity or affinity and receives a unanimous vote of all  
28 members of the board of trustees and approval by the state department of  
29 education.

30 (b) To school districts, when the teacher or other school employee has  
31 been employed by an abolished school district or educational district,  
32 which constitutes a part of the employing county school district, and the  
33 county school district for 4 years or more before April 1, 1957.

34 (c) To the spouse of the warden of an institution or manager of a facility  
35 of the department of ~~prisons~~ **corrections**.

36 (d) To the spouse of the superintendent of the Caliente youth center.

37 (e) To relatives of blind officers and employees of the bureau of  
38 services to the blind and visually impaired of the rehabilitation division of  
39 the department of employment, training and rehabilitation when those  
40 relatives are employed as automobile drivers for those officers and  
41 employees.

42 3. Nothing in this section:

43 (a) Prevents any officer in this state, employed under a flat salary, from  
44 employing any suitable person to assist in any such employment, when the  
45 payment for the service is met out of the personal money of the officer.

46 (b) Disqualifies any widow with a dependent as an employee of any  
47 officer or board in this state, or any of its counties, townships,  
48 municipalities or school districts.



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1 4. A person employed contrary to the provisions of this section must  
2 not be compensated for the employment.

3 5. Any person violating any provisions of this section is guilty of a  
4 gross misdemeanor.

5 **Sec. 86.** NRS 289.220 is hereby amended to read as follows:

6 289.220 1. The director of the department of ~~prisons~~ **corrections**,  
7 and any officer or employee of the department so designated by the  
8 director, have the powers of a peace officer when performing duties  
9 prescribed by the director. For the purposes of this subsection, the duties  
10 which may be prescribed by the director include, but are not limited to,  
11 pursuit and return of escaped offenders, transportation and escort of  
12 offenders and the general exercise of control over offenders within or  
13 outside the confines of the institutions and facilities of the department.

14 2. A person appointed pursuant to NRS 211.115 to administer  
15 detention facilities or a jail, and his subordinate jailers, corrections officers  
16 and other employees whose duties involve law enforcement have the  
17 powers of a peace officer.

18 **Sec. 87.** NRS 289.480 is hereby amended to read as follows:

19 289.480 “Category III peace officer” means a peace officer whose  
20 authority is limited to correctional services, including the superintendents  
21 and correctional officers of the department of ~~prisons~~ **corrections**.

22 **Sec. 88.** NRS 289.550 is hereby amended to read as follows:

23 289.550 The persons upon whom some or all of the powers of a peace  
24 officer are conferred pursuant to NRS 289.150 to 289.360, inclusive, must  
25 be certified by the commission, except:

- 26 1. The chief parole and probation officer;
- 27 2. The director of the department of ~~prisons~~ **corrections**;
- 28 3. The state fire marshal;
- 29 4. The director of the department of motor vehicles and public safety,  
30 the deputy directors of the department, the chiefs of the divisions of the  
31 department other than the investigation division, and the members of the  
32 state disaster identification team of the division of emergency management  
33 of the department;
- 34 5. The commissioner of insurance and his chief deputy;
- 35 6. Railroad policemen; and
- 36 7. California correctional officers.

37 **Sec. 89.** NRS 333.175 is hereby amended to read as follows:

38 333.175 The chief may exempt from the provisions of this chapter  
39 purchases made by the department of ~~prisons~~ **corrections**, with money  
40 from the offenders’ store fund, for the provision and maintenance of  
41 canteens for offenders.

42 **Sec. 90.** NRS 334.010 is hereby amended to read as follows:

43 334.010 1. No automobile may be purchased by any department,  
44 office, bureau, officer or employee of the state without prior written  
45 consent of the state board of examiners.

46 2. All such automobiles must be used for official purposes only.

47 3. All such automobiles, except:

48 (a) Automobiles maintained for and used by the governor;



- 1 (b) Automobiles used by or under the authority and direction of the  
2 chief parole and probation officer, the state contractors' board and auditors,  
3 the state fire marshal, the investigation division of the department of motor  
4 vehicles and public safety, the investigators of the state gaming control  
5 board, the investigators of the securities division of the office of the  
6 secretary of state and the investigators of the attorney general;
- 7 (c) One automobile used by the department of ~~prisons;~~ **corrections;**  
8 (d) Two automobiles used by the Caliente youth center;  
9 (e) Three automobiles used by the Nevada youth training center; and  
10 (f) Four automobiles used by the youth parole bureau of the division of  
11 child and family services of the department of human resources,  
12 must be labeled by painting the words "State of Nevada" and "For Official  
13 Use Only" on the automobiles in plain lettering. The director of the  
14 department of administration or his representative shall prescribe the size  
15 and location of the label for all such automobiles.
- 16 4. Any officer or employee of the State of Nevada who violates any  
17 provision of this section is guilty of a misdemeanor.
- 18 **Sec. 91.** NRS 380A.041 is hereby amended to read as follows:  
19 380A.041 1. The governor shall appoint to the council:  
20 (a) A representative of public libraries;  
21 (b) A trustee of a legally established library or library system;  
22 (c) A representative of school libraries;  
23 (d) A representative of academic libraries;  
24 (e) A representative of special libraries or institutional libraries;  
25 (f) A representative of persons with disabilities;  
26 (g) A representative of the public who uses these libraries;  
27 (h) A representative of recognized state labor organizations;  
28 (i) A representative of private sector employers;  
29 (j) A representative of private literacy organizations, voluntary literacy  
30 organizations or community-based literacy organizations; and  
31 (k) A classroom teacher who has demonstrated outstanding results in  
32 teaching children or adults to read.
- 33 2. The director of the following state agencies or their designees shall  
34 serve as ex officio members of the council:  
35 (a) The department of cultural affairs;  
36 (b) The department of education;  
37 (c) The state job training office;  
38 (d) The department of human resources;  
39 (e) The commission on economic development; and  
40 (f) The department of ~~prisons;~~ **corrections.**
- 41 3. Officers of state government whose agencies provide funding for  
42 literacy services may be designated by the governor or the chairman of the  
43 council to serve whenever matters within the jurisdiction of the agency are  
44 considered by the council.
- 45 4. The governor shall ensure that there is appropriate representation on  
46 the council of urban and rural areas of the state, women, persons with  
47 disabilities and racial and ethnic minorities.
- 48 5. A person may not serve as a member of the council for more than  
49 two consecutive terms.



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1     **Sec. 92.** NRS 387.1233 is hereby amended to read as follows:  
2     387.1233 1. Except as otherwise provided in subsection 2, basic  
3     support of each school district must be computed by:  
4     (a) Multiplying the basic support guarantee per pupil established for that  
5     school district for that school year by the sum of:  
6     (1) Six-tenths the count of pupils enrolled in the kindergarten  
7     department on the last day of the first school month of the school district  
8     for the school year, including, without limitation, the count of pupils who  
9     reside in the county and are enrolled in any charter school on the last day  
10    of the first school month of the school district for the school year.  
11    (2) The count of pupils enrolled in grades 1 to 12, inclusive, on the  
12    last day of the first school month of the school district for the school year,  
13    including, without limitation, the count of pupils who reside in the county  
14    and are enrolled in any charter school on the last day of the first school  
15    month of the school district for the school year.  
16    (3) The count of pupils not included under subparagraph (1) or (2)  
17    who are receiving special education pursuant to the provisions of NRS  
18    388.440 to 388.520, inclusive, on the last day of the first school month of  
19    the school district for the school year, excluding the count of pupils who  
20    have not attained the age of 5 years and who are receiving special  
21    education pursuant to subsection 1 of NRS 388.490 on that day.  
22    (4) Six-tenths the count of pupils who have not attained the age of 5  
23    years and who are receiving special education pursuant to subsection 1 of  
24    NRS 388.490 on the last day of the first school month of the school district  
25    for the school year.  
26    (5) The count of children detained in detention homes, alternative  
27    programs and juvenile forestry camps receiving instruction pursuant to the  
28    provisions of NRS 388.550, 388.560 and 388.570 on the last day of the  
29    first school month of the school district for the school year.  
30    (6) The count of pupils who are enrolled in classes for at least one  
31    semester pursuant to subsection 4 of NRS 386.560 or subsection 3 of NRS  
32    392.070, expressed as a percentage of the total time services are provided  
33    to those pupils per school day in proportion to the total time services are  
34    provided during a school day to pupils who are counted pursuant to  
35    subparagraph (2).  
36    (b) Multiplying the number of special education program units  
37    maintained and operated by the amount per program established for that  
38    school year.  
39    (c) Adding the amounts computed in paragraphs (a) and (b).  
40    2. If the enrollment of pupils in a school district or a charter school  
41    that is located within the school district on the last day of the first school  
42    month of the school district for the school year is less than the enrollment  
43    of pupils in the same school district or charter school on the last day of the  
44    first school month of the school district for the immediately preceding  
45    school year, the larger number must be used for purposes of apportioning  
46    money from the state distributive school account to that school district or  
47    charter school pursuant to NRS 387.124.



3. Pupils who are excused from attendance at examinations or have completed their work in accordance with the rules of the board of trustees must be credited with attendance during that period.

4. Pupils who are incarcerated in a facility or institution operated by the department of ~~prisons~~ **corrections** must not be counted for the purpose of computing basic support pursuant to this section. The average daily attendance for such pupils must be reported to the department of education.

5. Part-time pupils who are enrolled in courses which are approved by the department as meeting the requirements for an adult to earn a high school diploma must not be counted for the purpose of computing basic support pursuant to this section. The average daily attendance for such pupils must be reported to the department.

**Sec. 93.** NRS 391.090 is hereby amended to read as follows:

391.090 1. Any person who is:

(a) Granted a license to teach or perform other educational functions in the public schools of Nevada, in the school conducted at the Nevada youth training center or the Caliente youth center or for any program of instruction for kindergarten or grades 1 to 12, inclusive, conducted at any correctional institution in the department of ~~prisons~~ **corrections**; or

(b) Charged with the duty at the Nevada youth training center or the Caliente youth center of giving instruction in the Constitution of the United States and the constitution of the State of Nevada, must show, by examination or credentials showing college, university or normal school study, satisfactory evidence of adequate knowledge of the origin, history, provisions and principles of the Constitution of the United States and the constitution of the State of Nevada.

2. The commission may grant a reasonable time for compliance with the terms of this section.

**Sec. 94.** NRS 425.393 is hereby amended to read as follows:

425.393 1. The chief may request the following information to carry out the provisions of this chapter:

(a) The records of the following public officers and state, county and local agencies:

(1) The state registrar of vital statistics;

(2) Agencies responsible for maintaining records relating to state and local taxes and revenue;

(3) Agencies responsible for keeping records concerning real property and personal property for which a title must be obtained;

(4) All boards, commissions and agencies that issue occupational or professional licenses, certificates or permits;

(5) The secretary of state;

(6) The employment security division of the department of employment, training and rehabilitation;

(7) Agencies that administer public assistance;

(8) The department of motor vehicles and public safety;

(9) The department of ~~prisons~~ **corrections**; and

(10) Law enforcement agencies and any other agencies that maintain records of criminal history.



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1 (b) The names and addresses of:  
2 (1) The customers of public utilities and community antenna  
3 television companies; and  
4 (2) The employers of the customers described in subparagraph (1).  
5 (c) Information in the possession of financial institutions relating to the  
6 assets, liabilities and any other details of the finances of a person.  
7 (d) Information in the possession of a public or private employer  
8 relating to the employment, compensation and benefits of a person  
9 employed by the employer as an employee or independent contractor.  
10 2. If a person or other entity fails to supply the information requested  
11 pursuant to subsection 1, the administrator may issue a subpoena to compel  
12 the person or entity to provide that information. A person or entity who  
13 fails to comply with a request made pursuant to subsection 1 is subject to a  
14 civil penalty not to exceed \$500 for each failure to comply.  
15 3. A disclosure made in good faith pursuant to subsection 1 does not  
16 give rise to any action for damages for the disclosure.  
17 **Sec. 95.** NRS 426.630 is hereby amended to read as follows:  
18 426.630 As used in NRS 426.630 to 426.720, inclusive, unless the  
19 context otherwise requires:  
20 1. "Operator" means the individual blind person responsible for the  
21 day-to-day operation of the vending stand.  
22 2. "Public building" or "property" means any building, land or other  
23 real property, owned, leased or occupied by any department or agency of  
24 the state or any of its political subdivisions except public elementary and  
25 secondary schools, the University and Community College System of  
26 Nevada, the Nevada state park system and the department of ~~prisons.~~  
27 **corrections.**  
28 3. "Vending stand" means:  
29 (a) Such buildings, shelters, counters, shelving, display and wall cases,  
30 refrigerating apparatus and other appropriate auxiliary equipment as are  
31 necessary or customarily used for the vending of such articles or the  
32 provision of such services as may be approved by the bureau and the  
33 department or agency having care, custody and control of the building or  
34 property in or on which the vending stand is located;  
35 (b) Manual or coin-operated vending machines or similar devices for  
36 vending such articles, operated in a particular building, even though no  
37 person is physically present on the premises except to service the  
38 machines;  
39 (c) A cafeteria or snack bar for the dispensing of foodstuffs and  
40 beverages; or  
41 (d) Portable shelters which can be disassembled and reassembled, and  
42 the equipment therein, used for the vending of approved articles, foodstuffs  
43 or beverages or the provision of approved services.  
44 **Sec. 96.** NRS 433A.450 is hereby amended to read as follows:  
45 433A.450 When a psychiatrist and one other person professionally  
46 qualified in the field of psychiatric mental health determines that an  
47 offender confined in an institution of the department of ~~prisons.~~  
48 **corrections** is mentally ill, the director of the department of ~~prisons.~~  
49 **corrections** shall apply to the administrator for the offender's detention and



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1 treatment at a division facility selected by the administrator. If the  
2 administrator determines that adequate security or treatment is not  
3 available in a division facility, the administrator shall provide, within the  
4 resources available to the division and as he deems necessary, consultation  
5 and other appropriate services for the offender at the place where he is  
6 confined. It is the director's decision whether to accept such services.

7 **Sec. 97.** NRS 444.330 is hereby amended to read as follows:  
8 444.330 1. The health division has supervision over the sanitation,  
9 healthfulness, cleanliness and safety, as it pertains to the foregoing matters,  
10 of the following state institutions:

- 11 (a) Institutions and facilities of the department of ~~prisons~~ **corrections**.
- 12 (b) Northern Nevada adult mental health services.
- 13 (c) Nevada youth training center.
- 14 (d) Caliente youth center.
- 15 (e) Northern Nevada children's home.
- 16 (f) Southern Nevada children's home.
- 17 (g) University and Community College System of Nevada.

18 2. The state board of health may adopt regulations pertaining thereto as  
19 are necessary to promote properly the sanitation, healthfulness, cleanliness  
20 and, as it pertains to the foregoing matters, the safety of those institutions.

21 3. The state health officer or his authorized agent shall inspect those  
22 institutions at least once each calendar year and whenever he deems an  
23 inspection necessary to carry out the provisions of this section.

24 4. The state health officer may publish reports of the inspections.

25 5. All persons charged with the duty of maintenance and operation of  
26 the institutions named in this section shall operate the institutions in  
27 conformity with the regulations adopted by the state board of health  
28 pursuant to subsection 2.

29 6. The state health officer or his authorized agent may, in carrying out  
30 the provisions of this section, enter upon any part of the premises of any of  
31 the institutions named in this section over which he has jurisdiction, to  
32 determine the sanitary conditions of the institutions and to determine  
33 whether the provisions of this section and the regulations of the state board  
34 of health pertaining thereto are being violated.

35 **Sec. 98.** NRS 453.3363 is hereby amended to read as follows:

36 453.3363 1. If a person who has not previously been convicted of  
37 any offense pursuant to NRS 453.011 to 453.552, inclusive, or pursuant to  
38 any statute of the United States or of any state relating to narcotic drugs,  
39 marijuana, or stimulant, depressant or hallucinogenic substances tenders a  
40 plea of guilty, guilty but mentally ill, nolo contendere or similar plea to a  
41 charge pursuant to NRS 453.336, 453.411 or 454.351, or is found guilty of  
42 one of those charges, the court, without entering a judgment of conviction  
43 and with the consent of the accused, may suspend further proceedings and  
44 place him on probation upon terms and conditions that must include  
45 attendance and successful completion of an educational program or, in the  
46 case of a person dependent upon drugs, of a program of treatment and  
47 rehabilitation pursuant to NRS 453.580.

48 2. Upon violation of a term or condition, the court may enter a  
49 judgment of conviction and proceed as provided in the section pursuant to



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1 which the accused was charged. Notwithstanding the provisions of  
2 paragraph (e) of subsection 2 of NRS 193.130, upon violation of a term or  
3 condition, the court may order the person to the custody of the department  
4 of ~~prisons~~ **corrections**.

5 3. Upon fulfillment of the terms and conditions, the court shall  
6 discharge the accused and dismiss the proceedings against him. A  
7 nonpublic record of the dismissal must be transmitted to and retained by  
8 the division of parole and probation of the department of motor vehicles  
9 and public safety solely for the use of the courts in determining whether, in  
10 later proceedings, the person qualifies under this section.

11 4. Except as otherwise provided in subsection 5, discharge and  
12 dismissal under this section is without adjudication of guilt and is not a  
13 conviction for purposes of this section or for purposes of employment, civil  
14 rights or any statute or regulation or license or questionnaire or for any  
15 other public or private purpose, but is a conviction for the purpose of  
16 additional penalties imposed for second or subsequent convictions or the  
17 setting of bail. Discharge and dismissal restores the person discharged, in  
18 the contemplation of the law, to the status occupied before the arrest,  
19 indictment or information. He may not be held thereafter under any law to  
20 be guilty of perjury or otherwise giving a false statement by reason of  
21 failure to recite or acknowledge that arrest, indictment, information or trial  
22 in response to an inquiry made of him for any purpose. Discharge and  
23 dismissal under this section may occur only once with respect to any  
24 person.

25 5. A professional licensing board may consider a proceeding under this  
26 section in determining suitability for a license or liability to discipline for  
27 misconduct. Such a board is entitled for those purposes to a truthful answer  
28 from the applicant or licensee concerning any such proceeding with respect  
29 to him.

30 **Sec. 99.** NRS 453.377 is hereby amended to read as follows:

31 453.377 A controlled substance may be dispensed by:

32 1. A registered pharmacist upon a legal prescription from a practitioner  
33 or to a pharmacy in a correctional institution upon the written order of the  
34 prescribing practitioner in charge.

35 2. A pharmacy in a correctional institution, in case of emergency, upon  
36 a written order signed by the chief medical officer.

37 3. A practitioner.

38 4. A registered nurse, when the state, county, city or district health  
39 officer has declared a state of emergency.

40 5. A medical intern in the course of his internship.

41 6. An advanced practitioner of nursing who holds a certificate from the  
42 state board of nursing and a certificate from the state board of pharmacy  
43 permitting him to dispense controlled substances.

44 7. A pharmacy in an institution of the department of ~~prisons~~  
45 **corrections** to a person designated by the director of the department of  
46 ~~prisons~~ **corrections** to administer a lethal injection to a person who has  
47 been sentenced to death.

48 8. A registered pharmacist from an institutional pharmacy, pursuant to  
49 regulations adopted by the board.



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1     **Sec. 100.** NRS 454.215 is hereby amended to read as follows:

2     454.215 A dangerous drug may be dispensed by:

- 3     1. A registered pharmacist upon the legal prescription from a
- 4     practitioner or to a pharmacy in a correctional institution upon the written
- 5     order of the prescribing practitioner in charge;
- 6     2. A pharmacy in a correctional institution, in case of emergency, upon
- 7     a written order signed by the chief medical officer;
- 8     3. A practitioner, or a physician assistant if authorized by the board;
- 9     4. A registered nurse, when the nurse is engaged in the performance of
- 10    any public health program approved by the board;
- 11    5. A medical intern in the course of his internship;
- 12    6. An advanced practitioner of nursing who holds a certificate from the
- 13    state board of nursing and a certificate from the state board of pharmacy
- 14    permitting him to dispense dangerous drugs;
- 15    7. A registered nurse employed at an institution of the department of
- 16    ~~prisons~~ **corrections** to an offender in that institution; or
- 17    8. A registered pharmacist from an institutional pharmacy pursuant to
- 18    regulations adopted by the board,
- 19    except that no person may dispense a dangerous drug in violation of a
- 20    regulation adopted by the board.

21    **Sec. 101.** NRS 454.221 is hereby amended to read as follows:

22    454.221 1. A person who furnishes any dangerous drug except upon

23    the prescription of a practitioner is guilty of a category D felony and shall

24    be punished as provided in NRS 193.130, unless the dangerous drug was

25    obtained originally by a legal prescription.

26    2. The provisions of this section do not apply to the furnishing of any

27    dangerous drug by:

- 28    (a) A practitioner to his patients;
- 29    (b) A physician assistant if authorized by the board;
- 30    (c) A registered nurse while participating in a public health program
- 31    approved by the board, or an advanced practitioner of nursing who holds a
- 32    certificate from the state board of nursing and a certificate from the state
- 33    board of pharmacy permitting him to dispense dangerous drugs;
- 34    (d) A manufacturer or wholesaler or pharmacy to each other or to a
- 35    practitioner or to a laboratory under records of sales and purchases that
- 36    correctly give the date, the names and addresses of the supplier and the
- 37    buyer, the drug and its quantity;
- 38    (e) A hospital pharmacy or a pharmacy so designated by a county health
- 39    officer in a county whose population is 100,000 or more, or by a district
- 40    health officer in any county within its jurisdiction or, in the absence of
- 41    either, by the state health officer or his designated medical director of
- 42    emergency medical services, to a person or agency described in subsection
- 43    3 of NRS 639.268 to stock ambulances or other authorized vehicles or
- 44    replenish the stock; or
- 45    (f) A pharmacy in a correctional institution to a person designated by
- 46    the director of the department of ~~prisons~~ **corrections** to administer a
- 47    lethal injection to a person who has been sentenced to death.



1     **Sec. 102.** NRS 458.380 is hereby amended to read as follows:  
2     458.380 1. The commission on substance abuse education,  
3     prevention, enforcement and treatment is hereby created within the  
4     department of motor vehicles and public safety.  
5     2. The governor shall appoint as voting members of the commission:  
6     (a) Three members who represent the criminal justice system and are  
7     knowledgeable in the areas of the enforcement of laws relating to drugs,  
8     parole and probation and the judicial system, at least one of whom is a  
9     peace officer;  
10    (b) Three members who represent education and are knowledgeable  
11    about programs for the prevention of abuse of drugs and alcohol, at least  
12    one of whom is a licensed employee of a local school district;  
13    (c) Three members who represent programs and organizations for the  
14    rehabilitation of persons who abuse drugs and alcohol, at least one of  
15    whom is a manager of a program accredited by this state to treat persons  
16    who abuse drugs and alcohol;  
17    (d) One member who is employed by the health division and has  
18    experience in matters concerning budgeting and experience in working  
19    with the alcohol and drug abuse programs of the health division;  
20    (e) One member who is employed by the division of mental health and  
21    developmental services of the department of human resources who has  
22    relevant experience, which may include, without limitation, experience in  
23    matters concerning budgeting and experience in working with programs of  
24    the division of mental health and developmental services of the department  
25    of human resources;  
26    (f) One member who represents the interests of private businesses  
27    concerning substance abuse in the workplace; and  
28    (g) Three members who represent the general public, one of whom is  
29    the parent of a child who has a mental illness or who has or has had a  
30    problem with substance abuse.  
31    3. At least three of the voting members of the commission must be  
32    representatives of northern Nevada, three must be representatives of  
33    southern Nevada and three must be representatives of rural Nevada.  
34    4. The legislative commission shall appoint one member of the senate  
35    and one member of the assembly to serve as nonvoting members of the  
36    commission. Those members must be appointed with appropriate regard  
37    for their experience with and knowledge of matters relating to substance  
38    abuse education, prevention, enforcement and treatment.  
39    5. The director of the department of human resources, the  
40    superintendent of public instruction, the director of the department of  
41    employment, training and rehabilitation, the director of the department of  
42    ~~prisons~~ **corrections**, the attorney general and the director of the  
43    department of motor vehicles and public safety are ex officio nonvoting  
44    members of the commission. An ex officio member may designate a  
45    representative to serve in his place on the commission or to attend a  
46    meeting of the commission in his place. Each ex officio member or his  
47    representative shall attend each meeting of the commission and provide  
48    any information which the commission requests.



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1 6. The term of office of each voting member of the commission is 2  
2 years.

3 7. The governor shall appoint one member who is not an elected  
4 officer to serve as chairman of the commission.

5 8. Each member of the commission is entitled to receive the per diem  
6 allowance and travel expenses provided for state officers and employees  
7 generally.

8 9. Except during a regular or special session of the legislature, each  
9 legislative member of the commission is entitled to receive the  
10 compensation provided for a majority of the members of the legislature  
11 during the first 60 days of the preceding regular session for each day or  
12 portion of a day during which he attends a meeting of the commission or is  
13 otherwise engaged in the business of the commission. The salaries and  
14 expenses of the legislative members of the commission must be paid from  
15 the legislative fund.

16 **Sec. 103.** NRS 482.267 is hereby amended to read as follows:

17 482.267 The director shall utilize the facility for the production of  
18 license plates which is located at the department of ~~prisons~~ **corrections** to  
19 produce all license plates required by the department of motor vehicles and  
20 public safety.

21 **Sec. 104.** NRS 482.368 is hereby amended to read as follows:

22 482.368 1. Except as otherwise provided in subsection 2, the  
23 department shall provide suitable distinguishing license plates for exempt  
24 vehicles. These plates must be displayed on the vehicles in the same  
25 manner as provided for privately owned vehicles. The fee for the issuance  
26 of the plates is \$5. Any license plates authorized by this section must be  
27 immediately returned to the department when the vehicle for which they  
28 were issued ceases to be used exclusively for the purpose for which it was  
29 exempted from the governmental services tax.

30 2. License plates furnished for:

31 (a) Those vehicles which are maintained for and used by the governor  
32 or under the authority and direction of the chief parole and probation  
33 officer, the state contractors' board and auditors, the state fire marshal, the  
34 investigation division of the department and any authorized federal law  
35 enforcement agency or law enforcement agency from another state;

36 (b) One vehicle used by the department of ~~prisons~~ **corrections**, three  
37 vehicles used by the division of wildlife of the state department of  
38 conservation and natural resources, two vehicles used by the Caliente  
39 youth center and four vehicles used by the Nevada youth training center;

40 (c) Vehicles of a city, county or the state, if authorized by the  
41 department for the purposes of law enforcement or work related thereto or  
42 such other purposes as are approved upon proper application and  
43 justification; and

44 (d) Vehicles maintained for and used by investigators of the following:

- 45 (1) The state gaming control board;  
46 (2) The state department of agriculture;  
47 (3) The attorney general;  
48 (4) City or county juvenile officers;  
49 (5) District attorneys' offices;



1 (6) Public administrators' offices;  
2 (7) Public guardians' offices;  
3 (8) Sheriffs' offices;  
4 (9) Police departments in the state; and  
5 (10) The securities division of the office of the secretary of state,  
6 must not bear any distinguishing mark which would serve to identify the  
7 vehicles as owned by the state, county or city. These license plates must be  
8 issued annually for \$12 per plate or, if issued in sets, per set.

9 3. The director may enter into agreements with departments of motor  
10 vehicles of other states providing for exchanges of license plates of regular  
11 series for vehicles maintained for and used by investigators of the law  
12 enforcement agencies enumerated in paragraph (d) of subsection 2, subject  
13 to all of the requirements imposed by that paragraph, except that the fee  
14 required by that paragraph must not be charged.

15 4. Applications for the licenses must be made through the head of the  
16 department, board, bureau, commission, school district or irrigation  
17 district, or through the chairman of the board of county commissioners of  
18 the county or town or through the mayor of the city, owning or controlling  
19 the vehicles, and no plate or plates may be issued until a certificate has  
20 been filed with the department showing that the name of the department,  
21 board, bureau, commission, county, city, town, school district or irrigation  
22 district, as the case may be, and the words "For Official Use Only" have  
23 been permanently and legibly affixed to each side of the vehicle, except  
24 those vehicles enumerated in subsection 2.

25 5. As used in this section, "exempt vehicle" means a vehicle exempt  
26 from the governmental services tax, except a vehicle owned by the United  
27 States.

28 6. The department shall adopt regulations governing the use of all  
29 license plates provided for in this section. Upon a finding by the  
30 department of any violation of its regulations, it may revoke the violator's  
31 privilege of registering vehicles pursuant to this section.

32 **Sec. 105.** NRS 484.3796 is hereby amended to read as follows:

33 484.3796 1. Before sentencing an offender pursuant to NRS  
34 484.3795 or paragraph (c) of subsection 1 of NRS 484.3792, the court shall  
35 require that the offender be evaluated to determine whether he is an abuser  
36 of alcohol or drugs and whether he can be treated successfully for his  
37 condition.

38 2. The evaluation must be conducted by:

39 (a) An alcohol and drug abuse counselor who is licensed or certified  
40 pursuant to chapter 641C of NRS to make such an evaluation;

41 (b) A physician who is certified to make such an evaluation by the  
42 board of medical examiners; or

43 (c) A psychologist who is certified to make such an evaluation by the  
44 board of psychological examiners.

45 3. The alcohol and drug abuse counselor, physician or psychologist  
46 who conducts the evaluation shall immediately forward the results of the  
47 evaluation to the director of the department of ~~prisons.~~ *corrections.*



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1     **Sec. 106.** NRS 488.430 is hereby amended to read as follows:  
2     488.430 1. Before sentencing a defendant pursuant to NRS 488.420,  
3     the court shall require that the defendant be evaluated to determine whether  
4     he is an abuser of alcohol or drugs and whether he can be treated  
5     successfully for his condition.

6     2. The evaluation must be conducted by:

7     (a) An alcohol and drug abuse counselor who is licensed or certified  
8     pursuant to chapter 641C of NRS to make such an evaluation;

9     (b) A physician who is certified to make such an evaluation by the  
10    board of medical examiners; or

11   (c) A psychologist who is certified to make such an evaluation by the  
12   board of psychological examiners.

13   3. The alcohol and drug abuse counselor, physician or psychologist  
14   who conducts the evaluation shall immediately forward the results of the  
15   evaluation to the director of the department of ~~prisons~~ **corrections**.

16   **Sec. 107.** NRS 616B.028 is hereby amended to read as follows:

17   616B.028 1. Any offender confined at the state prison, while  
18   engaged in work in a prison industry or work program, whether the  
19   program is operated by an institution of the department of ~~prisons~~ **corrections**,  
20   by contract with a public entity or by a private employer, is  
21   entitled to coverage under the modified program of industrial insurance  
22   established by regulations adopted by the division if the director of the  
23   department of ~~prisons~~ **corrections** complies with the provisions of the  
24   regulations, and coverage is approved by a private carrier.

25   2. An offender is limited to the rights and remedies established by the  
26   provisions of the modified program of industrial insurance established by  
27   regulations adopted by the division. The offender is not entitled to any  
28   rights and remedies established by the provisions of chapters 616A to 617,  
29   inclusive, of NRS.

30   3. The division shall, in cooperation with the department of ~~prisons~~ **corrections**  
31   and the risk management division of the department of  
32   administration, adopt regulations setting forth a modified program of  
33   industrial insurance to provide offenders with industrial insurance against  
34   personal injuries arising out of and in the course of their work in a prison  
35   industry or work program.

36   **Sec. 108.** NRS 617.135 is hereby amended to read as follows:

37   617.135 "Police officer" includes:

38   1. A sheriff, deputy sheriff, officer of a metropolitan police department  
39   or city policeman;

40   2. A chief, inspector, supervisor, commercial officer or trooper of the  
41   Nevada highway patrol;

42   3. A chief, investigator or agent of the investigation division of the  
43   department of motor vehicles and public safety;

44   4. An officer or investigator of the section for the control of emissions  
45   from vehicles of the motor vehicles branch of the department of motor  
46   vehicles and public safety;

47   5. An investigator of the division of compliance enforcement of the  
48   motor vehicles branch of the department of motor vehicles and public  
49   safety;



1 6. A member of the police department of the University and  
2 Community College System of Nevada;

3 7. A:

4 (a) Uniformed employee of; or

5 (b) Forensic specialist employed by,

6 the department of ~~prisons~~ **corrections** whose position requires regular and  
7 frequent contact with the offenders imprisoned and subjects the employee  
8 to recall in emergencies;

9 8. A parole and probation officer of the division of parole and  
10 probation of the department of motor vehicles and public safety;

11 9. A forensic specialist or correctional officer employed by the  
12 division of mental health and development services of the department of  
13 human resources at facilities for mentally disordered offenders; and

14 10. The state fire marshal, his assistant and his deputies.

15 **Sec. 109.** NRS 629.068 is hereby amended to read as follows:

16 629.068 1. A provider of health care shall, upon request of the  
17 director of the department of ~~prisons~~ **corrections** or his designee, provide  
18 the department of ~~prisons~~ **corrections** with a complete copy of the health  
19 care records of an offender confined at the state prison.

20 2. Records provided to the department of ~~prisons~~ **corrections** must  
21 not be used at any public hearing unless:

22 (a) The offender named in the records has consented in writing to their  
23 use; or

24 (b) Appropriate procedures are utilized to protect the identity of the  
25 offender from public disclosure.

26 3. A provider of health care and an agent or employee of a provider of  
27 health care are immune from civil liability for a disclosure made in  
28 accordance with the provisions of this section.

29 **Sec. 110.** NRS 630.272 is hereby amended to read as follows:

30 630.272 1. A physician's assistant employed at an institution of the  
31 department of ~~prisons~~ **corrections** may give orders for treatments to a  
32 nurse working at that institution for the treatment of a patient, including the  
33 administration of a dangerous drug, poison or related device, if:

34 (a) The orders are given pursuant to a protocol approved by the board  
35 and the supervising physician;

36 (b) The physician's assistant has been awarded a bachelor's degree from  
37 a college or university recognized by the board; and

38 (c) The physician's assistant has received at least 40 hours of instruction  
39 regarding the prescription of medication as a part of either his basic  
40 educational qualifications or a program of continuing education approved  
41 by the board.

42 2. This section does not authorize a physician's assistant to give orders  
43 for the administration of any controlled substance.

44 3. For the purposes of this section, "treatments" means the use,  
45 insertion or application of instruments, apparatus and contrivances,  
46 including their components, parts and accessories, which do not require a  
47 prescription for their use and are not included within "device" as defined in  
48 NRS 585.070.



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**Sec. 111.** NRS 632.473 is hereby amended to read as follows:

1. A nurse licensed pursuant to the provisions of this chapter, while working at an institution of the department of ~~prisons;~~ **corrections**, may treat patients, including the administration of a dangerous drug, poison or related device, pursuant to orders given by a physician assistant if those orders are given pursuant to a protocol approved by the board of medical examiners and the supervising physician. The orders must be cosigned by the supervising physician or another physician within 72 hours after treatment.

2. A copy of the protocol under which orders are given by a physician assistant must be available at the institution for review by the nurse.

3. This section does not authorize a physician assistant to give orders for the administration of any controlled substance.

4. For the purposes of this section:

(a) "Physician assistant" means a physician assistant licensed by the board of medical examiners pursuant to chapter 630 of NRS who:

(1) Is employed at an institution of the department of ~~prisons;~~ **corrections;**

(2) Has been awarded a bachelor's degree from a college or university recognized by the board of medical examiners; and

(3) Has received at least 40 hours of instruction regarding the prescription of medication as a part of either his basic educational qualifications or a program of continuing education approved by the board of medical examiners.

(b) "Protocol" means the written directions for the assessment and management of specified medical conditions, including the drugs and devices the physician assistant is authorized to order, which the physician assistant and the supervision have agreed upon as a basis for their practice.

(c) "Supervising physician" has the meaning ascribed to it in NRS 630.025.

**Sec. 112.** NRS 644.460 is hereby amended to read as follows:

644.460 1. The following persons are exempt from the provisions of this chapter:

(a) All persons authorized by the laws of this state to practice medicine, dentistry, osteopathic medicine, chiropractic or podiatry.

(b) Commissioned medical officers of the United States Army, Navy, or Marine Hospital Service when engaged in the actual performance of their official duties, and attendants attached to those services.

(c) Barbers, insofar as their usual and ordinary vocation and profession is concerned, when engaged in any of the following practices:

(1) Cleansing or singeing the hair of any person.

(2) Massaging, cleansing, stimulating, exercising or similar work upon the scalp, face or neck of any person, with the hands or with mechanical or electrical apparatus or appliances, or by the use of cosmetic preparations, antiseptics, tonics, lotions or creams.

(d) Retailers, at a retail establishment, insofar as their usual and ordinary vocation and profession is concerned, when engaged in the demonstration of make-up if:



\* S B 1 9 3 R 3 \*

(1) The demonstration is without charge to the person to whom the demonstration is given; and

(2) The retailer does not advertise or provide a cosmetological service except make-up and fragrances.

(e) Photographers or their employees, insofar as their usual and ordinary vocation and profession is concerned, if the photographer or his employee does not advertise cosmetological services and provides cosmetics without charge to the customer.

2. Any school of cosmetology conducted as part of the vocational rehabilitation training program of the department of ~~prisons~~ *corrections* or the Caliente youth center:

(a) Is exempt from the requirements of paragraph (c) of subsection 2 of NRS 644.400.

(b) Notwithstanding the provisions of NRS 644.395, shall maintain a staff of at least one licensed instructor.

**Sec. 113.** Sections 5 and 6 of Assembly Bill No. 110 of this session are hereby amended to read as follows:

Sec. 5. NRS 6.020 is hereby amended to read as follows:

6.020 1. ~~Upon~~ *Except as otherwise provided in subsections 2 and 3 and section 2 of this act, upon* satisfactory proof, made by affidavit or otherwise, the following-named persons, and no others, ~~except as otherwise provided in subsections 2 and 3,~~ are exempt from service as grand or trial jurors:

(a) Any federal or state officer.

(b) Any judge, justice of the peace or attorney at law.

(c) Any county clerk, recorder, assessor, sheriff, deputy sheriff, constable or police officer.

(d) Any locomotive engineer, locomotive fireman, conductor, brakeman, switchman or engine foreman.

(e) Any officer or correctional officer employed by the department of corrections.

(f) Any employee of the legislature or the legislative counsel bureau while the legislature is in session.

(g) Any physician, optometrist or dentist who is licensed to practice in this state.

(h) Any person who has a fictitious address pursuant to NRS 217.462 to 217.471, inclusive.

2. All persons of the age of 70 years or over are exempt from serving as grand or trial jurors. Whenever it appears to the satisfaction of the court, by affidavit or otherwise, that a juror is over the age of 70 years, the court shall order the juror excused from all service as a grand or trial juror, if the juror so desires.

3. A person who is the age of 65 years or over who lives 65 miles or more from the court is exempt from serving as a grand or trial juror. Whenever it appears to the satisfaction of the court, by affidavit or otherwise, that a juror is the age of 65 years or over and lives 65 miles or more from the court, the court shall order the juror excused from all service as a grand or trial juror, if the juror so desires.



\* S B 1 9 3 R 3 \*

1       Sec. 6. 1. This section and sections 1 to 4, inclusive, of this act  
2       become effective on July 1, 2001.

3       2. Section 5 of this act becomes effective at 12:01 a.m. on July 1,  
4       2001.

5       **Sec. 114.** Section 24 of Assembly Bill No. 551 of this session is  
6       hereby amended to read as follows:

7       Sec. 24. NRS 644.460 is hereby amended to read as follows:

8       644.460 1. The following persons are exempt from the  
9       provisions of this chapter:

10      (a) All persons authorized by the laws of this state to practice  
11      medicine, dentistry, osteopathic medicine, chiropractic or podiatry.

12      (b) Commissioned medical officers of the United States Army,  
13      Navy, or Marine Hospital Service when engaged in the actual  
14      performance of their official duties, and attendants attached to those  
15      services.

16      (c) Barbers, insofar as their usual and ordinary vocation and  
17      profession is concerned, when engaged in any of the following  
18      practices:

19          (1) Cleansing or singeing the hair of any person.

20          (2) Massaging, cleansing, stimulating, exercising or similar  
21      work upon the scalp, face or neck of any person, with the hands or  
22      with mechanical or electrical apparatus or appliances, or by the use of  
23      cosmetic preparations, antiseptics, tonics, lotions or creams.

24      (d) Retailers, at a retail establishment, insofar as their usual and  
25      ordinary vocation and profession is concerned, when engaged in the  
26      demonstration of ~~make-up~~ *cosmetics* if:

27          (1) The demonstration is without charge to the person to whom  
28      the demonstration is given; and

29          (2) The retailer does not advertise or provide a cosmetological  
30      service except ~~make-up~~ *cosmetics* and fragrances.

31      (e) Photographers or their employees, insofar as their usual and  
32      ordinary vocation and profession is concerned, if the photographer or  
33      his employee does not advertise cosmetological services and provides  
34      cosmetics without charge to the customer.

35      2. Any school of cosmetology conducted as part of the vocational  
36      rehabilitation training program of the department of corrections or the  
37      Caliente youth center:

38          (a) Is exempt from the requirements of paragraph (c) of subsection  
39      2 of NRS 644.400.

40          (b) Notwithstanding the provisions of NRS 644.395, shall maintain  
41      a staff of at least one licensed instructor.

42       **Sec. 115.** Section 11 of Senate Bill No. 52 of this session is hereby  
43       amended to read as follows:

44       Sec. 11. NRS 453.377 is hereby amended to read as follows:

45       453.377 A controlled substance may be dispensed by:

46       1. A registered pharmacist upon a legal prescription from a  
47       practitioner or to a pharmacy in a correctional institution upon the  
48       written order of the prescribing practitioner in charge.



2. A pharmacy in a correctional institution, in case of emergency, upon a written order signed by the chief medical officer.

3. A practitioner.

4. A registered nurse, when the state, county, city or district health officer has declared a state of emergency.

5. A medical intern in the course of his internship.

~~6. An advanced practitioner of nursing who holds a certificate from the state board of nursing and a certificate from the state board of pharmacy permitting him to dispense controlled substances.~~

~~7. A pharmacy in an institution of the department of corrections to a person designated by the director of the department of corrections to administer a lethal injection to a person who has been sentenced to death.~~

~~8. 7.~~ A registered pharmacist from an institutional pharmacy, pursuant to regulations adopted by the board.

**Sec. 116.** Section 91 of Senate Bill No. 91 of this session is hereby amended to read as follows:

Sec. 91. 1. NRS 630.274, 640B.010, 640B.020, 640B.030, 640B.040, 640B.050, 640B.080, 640B.100, 640B.110 and 640B.150 are hereby repealed.

2. NRS 630.256 and 630.272 are hereby repealed.

**Sec. 117.** The legislative counsel shall:

1. In preparing the reprint and supplements to the Nevada Revised Statutes, appropriately change any references to an officer, agency or other entity whose name is changed or whose responsibilities are transferred pursuant to the provisions of this act to refer to the appropriate officer, agency or other entity.

2. In preparing supplements to the Nevada Administrative Code, appropriately change any references to an officer, agency or other entity whose name is changed or whose responsibilities are transferred pursuant to the provisions of this act to refer to the appropriate officer, agency or other entity.

**Sec. 118.** 1. This section and sections 1 to 84, inclusive, and 86 to 99, inclusive, 102, 103, 105, 106, 107, 109, 110, and 112 to 116, inclusive, of this act become effective on July 1, 2001.

2. Sections 100, 101, 104, 108 and 111 of this act become effective at 12:01 a.m. on July 1, 2001.

3. Section 84 of this act expires by limitation on July 1, 2009.

4. Section 85 of this act becomes effective on July 2, 2009.

