

SENATE BILL NO. 241—COMMITTEE ON JUDICIARY

(ON BEHALF OF LEGISLATIVE COMMISSION'S
AUDIT SUBCOMMITTEE)

FEBRUARY 26, 2001

Referred to Committee on Judiciary

SUMMARY—Revises provisions relating to certification panels that must determine whether certain prisoners who are eligible for parole constitute menace to health, safety or morals of others. (BDR 16-435)

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 prisoners; revising provisions relating to certification panels that must determine whether certain prisoners who are eligible for parole constitute a menace to the health, safety or morals of others; requiring the department of prisons to administer such panels and the process of certification; revising the qualifications for certain members of such panels; and providing other matters properly relating thereto.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

- 1 **Section 1.** NRS 213.1214 is hereby amended to read as follows:
2 213.1214 1. The board shall not release on parole a prisoner
3 convicted of an offense listed in subsection ~~15~~ 7 unless a *certification*
4 panel ~~consisting of~~ *certifies that the prisoner was under observation*
5 *while confined in an institution of the department of prisons and is not a*
6 *menace to the health, safety or morals of others.*
7 2. *The department of prisons shall administer each certification*
8 *panel and the process of certification. The director of the department of*
9 *prisons may adopt regulations necessary to carry out the provisions of*
10 *this section.*
11 3. *Each certification panel must consist of:*
12 (a) The administrator of the division of mental health and
13 developmental services of the department of human resources , or his
14 designee ~~15~~ *who must be a psychologist licensed to practice in this state*
15 *or a psychiatrist licensed to practice medicine in this state;*



- 1 (b) The director of the department of prisons , or his designee ~~†; and~~
2 *who must be a psychologist licensed to practice in this state or a*
3 *psychiatrist licensed to practice medicine in this state; and*
4 (c) A *person selected by the director of the department of prisons who*
5 *must be a* psychologist *employed by the department of prisons and*
6 licensed to practice in this state or a psychiatrist *employed by the*
7 *department of prisons and* licensed to practice medicine in this
8 state. ~~†~~
9 ~~certifies that the prisoner was under observation while confined in an~~
10 ~~institution of the department of prisons and is not a menace to the health,~~
11 ~~safety or morals of others.~~
12 ~~—2.†~~ 4. A prisoner who has been certified pursuant to subsection 1 and
13 who returns for any reason to the custody of the department of prisons may
14 not be paroled unless a *certification* panel recertifies him in the manner set
15 forth in subsection 1.
16 ~~†3.†~~ 5. The *certification* panel may revoke the certification of a
17 prisoner certified pursuant to subsection 1 at any time.
18 ~~†4.†~~ 6. This section does not create a right in any prisoner to be
19 certified or *to* continue to be certified. No prisoner may bring a cause of
20 action against the state, its political subdivisions, *or the* agencies, boards,
21 commissions, departments, officers or employees *of the state or its*
22 *political subdivisions* for not certifying *a prisoner pursuant to this section*
23 or *for* refusing to place a prisoner before a *certification* panel for
24 certification pursuant to this section.
25 ~~†5.†~~ 7. The provisions of this section apply to a prisoner convicted of
26 any of the following offenses:
27 (a) Sexual assault pursuant to NRS 200.366.
28 (b) Statutory sexual seduction pursuant to NRS 200.368.
29 (c) Battery with intent to commit sexual assault pursuant to NRS
30 200.400.
31 (d) Abuse or neglect of a child pursuant to NRS 200.508.
32 (e) An offense involving pornography and a minor pursuant to NRS
33 200.710 to 200.730, inclusive.
34 (f) Incest pursuant to NRS 201.180.
35 (g) Solicitation of a minor to engage in acts constituting the infamous
36 crime against nature pursuant to NRS 201.195.
37 (h) Open or gross lewdness pursuant to NRS 201.210.
38 (i) Indecent or obscene exposure pursuant to NRS 201.220.
39 (j) Lewdness with a child pursuant to NRS 201.230.
40 (k) Sexual penetration of a dead human body pursuant to NRS 201.450.
41 (l) An attempt to commit an offense listed in paragraphs (a) to ~~†(†)†~~ *(k)*,
42 inclusive.
43 (m) Coercion or attempted coercion that is determined to be sexually
44 motivated pursuant to NRS 207.193.
45 **Sec. 2.** This act becomes effective on July 1, 2001.

