
SENATE BILL NO. 282—SENATOR WASHINGTON

MARCH 23, 2005

Referred to Committee on Judiciary

SUMMARY—Makes various changes concerning halfway houses.
(BDR 16-622)

FISCAL NOTE: Effect on Local Government: Increases or Newly
Provides for Term of Imprisonment in County or City
Jail or Detention Facility.
Effect on the State: Yes.

~

EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to halfway houses; creating the Nevada State Board of Examiners for Halfway Houses for Persons Who Have Been Released From Prison within the Department of Corrections; prohibiting a natural person, firm, corporation, association, state or local government or agency thereof from operating or maintaining a halfway house for persons who have been released from prison without licensure by the Board; requiring the Board to adopt standards and regulations governing the licensure of such halfway houses; authorizing the Board to impose fees for the issuance and renewal of a license to operate such a halfway house; requiring each alcohol and drug abuse program operated by a halfway house for persons who have been released from prison to be certified by the Health Division of the Department of Human Resources; requiring the definition of “single-family residence” to include a halfway house for persons who have been released from prison; revising the definition of “halfway house for recovering alcohol and drug abusers”; providing a penalty; and providing other matters properly relating thereto.



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

Section 1. Chapter 209 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 18, inclusive, of this act.

Sec. 2. *As used in sections 2 to 18, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 3 to 6, inclusive, of this act have the meanings ascribed to them in those sections.*

Sec. 3. *“Administrator of a halfway house for persons who have been released from prison” means a person who manages, supervises and is in general administrative charge of a halfway house for persons who have been released from prison.*

Sec. 4. *“Board” means the Nevada State Board of Examiners for Halfway Houses for Persons Who Have Been Released From Prison created pursuant to section 7 of this act.*

Sec. 5. *“Halfway house for persons who have been released from prison” means a residence that provides housing and a living environment for persons who have been released from prison and who require assistance with reintegration into the community. The term does not include a halfway house for recovering alcohol and drug abusers, as defined in NRS 449.008.*

Sec. 6. *“Person who has been released from prison” means:*

1. A parolee.

2. A probationer.

3. A person who is participating in:

(a) A judicial program pursuant to NRS 209.4886 or 213.625;

or

(b) A correctional program pursuant to NRS 209.4888 or 213.632.

4. A person who is supervised by the Division of Parole and Probation of the Department of Public Safety through residential confinement pursuant to NRS 213.371 to 213.410, inclusive.

5. A person who has been released from prison by expiration of his term of sentence.

Sec. 7. *1. The Nevada State Board of Examiners for Halfway Houses for Persons Who Have Been Released From Prison is hereby created within the Department.*

2. The Board consists of:

(a) The Director.

(b) The Chief Parole and Probation Officer of the Division of Parole and Probation of the Department of Public Safety.

(c) The Chief of the Housing Division of the Department of Business and Industry.



1 (d) *A representative of the Office of the Attorney General,*
2 *appointed by the Attorney General.*

3 (e) *Two representatives of the Department of Human*
4 *Resources, appointed by the Director of the Department of Human*
5 *Resources. One of the representatives appointed pursuant to this*
6 *paragraph must represent the Division of Mental Health and*
7 *Developmental Services of the Department of Human Resources.*

8 (f) *A representative of a law enforcement agency, appointed by*
9 *the Governor.*

10 3. *Each member of the Board may designate a representative*
11 *to serve in his place on the Board or to replace him at a meeting of*
12 *the Board.*

13 4. *Each member of the Board who is appointed to the Board*
14 *serves for a term of 4 years. If a vacancy occurs in the*
15 *membership of the Board, the vacancy must be filled in the same*
16 *manner as the original selection for the remainder of the*
17 *unexpired term.*

18 **Sec. 8. 1. The Board shall:**

19 (a) *At its first meeting and annually thereafter, elect a*
20 *Chairman and Vice Chairman from among its members; and*

21 (b) *Meet throughout each year at the times and places*
22 *specified by a call of the Chairman or a majority of the Board.*

23 2. *The Board shall prescribe regulations for its own*
24 *management and government.*

25 3. *A majority of the members of the Board constitutes a*
26 *quorum for the transaction of business, and a majority of the*
27 *members of a quorum present at any meeting is sufficient for any*
28 *official action taken by the Board.*

29 4. *Members of the Board serve without compensation, except*
30 *that each member is entitled, while engaged in the business of the*
31 *Board, to the per diem allowance and travel expenses provided for*
32 *state officers and employees generally.*

33 5. *A member of the Board who is an officer or employee of*
34 *this State or a political subdivision of this State must be relieved*
35 *from his duties without loss of his regular compensation so that he*
36 *may prepare for and attend meetings of the Board and perform*
37 *any work necessary to carry out the duties of the Board in the*
38 *most timely manner practicable. A state agency or political*
39 *subdivision of this State shall not require an officer or employee*
40 *who is a member of the Board to make up the time he is absent*
41 *from work to carry out his duties as a member of the Board or use*
42 *annual vacation or compensatory time for the absence.*

43 **Sec. 9. No natural person, partnership, firm, corporation,**
44 *association, state or local government or agency thereof may*
45 *operate or maintain in this State any halfway house for persons*



1 *who have been released from prison without first obtaining a*
2 *license issued by the Board pursuant to the provisions of sections*
3 *2 to 18, inclusive, of this act.*

4 **Sec. 10.** *The Board shall adopt:*

5 *1. Licensing standards for halfway houses for persons who*
6 *have been released from prison;*

7 *2. Standards for administrators of halfway houses for*
8 *persons who have been released from prison;*

9 *3. Regulations governing the licensing of halfway houses for*
10 *persons who have been released from prison, including, without*
11 *limitation, the requirements for the issuance and renewal of a*
12 *license to operate or maintain a halfway house for persons who*
13 *have been released from prison; and*

14 *4. Any other regulations as the Board deems necessary or*
15 *convenient to carry out the provisions of sections 2 to 18,*
16 *inclusive, of this act.*

17 **Sec. 11.** *1. The Board may, by regulation, prescribe a fee*
18 *for:*

19 *(a) The issuance of a license; and*

20 *(b) The renewal of a license.*

21 *2. A fee prescribed pursuant to subsection 1 must be*
22 *calculated to produce the revenue estimated to cover the costs*
23 *related to the licenses and renewals, but in no case may a fee for a*
24 *license or renewal of a license exceed the actual cost to the Board*
25 *of issuing or renewing the license, as applicable.*

26 **Sec. 12.** *A natural person who or a partnership, firm,*
27 *corporation or association that violates the provision of section 9*
28 *of this act is guilty of a misdemeanor.*

29 **Sec. 13.** *The Board may:*

30 *1. Upon receipt of an application for a license, conduct an*
31 *investigation into the premises, facilities, qualifications of*
32 *personnel, methods of operation, policies and purposes of any*
33 *natural person, partnership, firm, corporation, association, state*
34 *or local government or agency thereof proposing to engage in the*
35 *operation of a halfway house for persons who have been released*
36 *from prison;*

37 *2. Upon receipt of a complaint against a natural person,*
38 *partnership, firm, corporation, association, state or local*
39 *government or agency thereof operating a halfway house for*
40 *persons who have been released from prison, conduct an*
41 *investigation into the premises, facilities, qualifications of*
42 *personnel, methods of operation, policies, procedures and records*
43 *of the halfway house for persons who have been released from*
44 *prison; and*



1 3. *Employ such professional, technical and clerical*
2 *assistance as it deems necessary to carry out the provisions of*
3 *sections 2 to 18, inclusive, of this act and any regulations adopted*
4 *pursuant thereto.*

5 **Sec. 14.** *1. The Board may bring an action in the name of*
6 *the State to enjoin any natural person, partnership, firm,*
7 *corporation, association, state or local government or agency*
8 *thereof from operating or maintaining a halfway house for*
9 *persons who have been released from prison:*

10 (i) *Without first obtaining a license from the Board; or*

11 (ii) *After his license has been revoked or suspended by the*
12 *Board.*

13 2. *It is sufficient in such action to allege that the defendant*
14 *did, on a certain date and in a certain place, operate or maintain a*
15 *halfway house for persons who have been released from prison*
16 *without a license.*

17 **Sec. 15.** *1. A natural person who applies for the issuance*
18 *or renewal of a license shall submit to the Board the statement*
19 *prescribed by the Welfare Division of the Department of Human*
20 *Resources pursuant to NRS 425.520. The statement must be*
21 *completed and signed by the applicant.*

22 2. *The Board shall include the statement required pursuant to*
23 *subsection 1 in:*

24 (i) *The application or any other forms that must be submitted*
25 *for the issuance or renewal of the license; or*

26 (ii) *A separate form prescribed by the Board.*

27 3. *A license may not be issued or renewed by the Board if the*
28 *applicant is a natural person who:*

29 (i) *Fails to submit the statement required pursuant to*
30 *subsection 1; or*

31 (ii) *Indicates on the statement submitted pursuant to*
32 *subsection 1 that he is subject to a court order for the support of a*
33 *child and is not in compliance with the order or a plan approved*
34 *by the district attorney or other public agency enforcing the order*
35 *for the repayment of the amount owed pursuant to the order.*

36 4. *If an applicant indicates on the statement submitted*
37 *pursuant to subsection 1 that he is subject to a court order for the*
38 *support of a child and is not in compliance with the order or a*
39 *plan approved by the district attorney or other public agency*
40 *enforcing the order for the repayment of the amount owed*
41 *pursuant to the order, the Board shall advise the applicant to*
42 *contact the district attorney or other public agency enforcing the*
43 *order to determine the actions that the applicant may take to*
44 *satisfy the arrearage.*



1 **Sec. 16.** *The application of a natural person who applies for*
2 *the issuance of a license must include the social security number*
3 *of the applicant.*

4 **Sec. 17.** *1. If the Board receives a copy of a court order*
5 *issued pursuant to NRS 425.540 that provides for the suspension*
6 *of all professional, occupational and recreational licenses,*
7 *certificates and permits issued to a natural person who is the*
8 *holder of a license, the Board shall deem the license issued to that*
9 *person to be suspended at the end of the 30th day after the date the*
10 *court order was issued unless the Board receives a letter issued to*
11 *the holder of the license by the district attorney or other public*
12 *agency pursuant to NRS 425.550 stating that the holder of the*
13 *license has complied with the subpoena or warrant or has satisfied*
14 *the arrearage pursuant to NRS 425.560.*

15 *2. The Board shall reinstate a license that has been*
16 *suspended by a district court pursuant to NRS 425.540 if the*
17 *Board receives a letter issued by the district attorney or other*
18 *public agency pursuant to NRS 425.550 to the person whose*
19 *license was suspended stating that the person whose license was*
20 *suspended has complied with the subpoena or warrant or has*
21 *satisfied the arrearage pursuant to NRS 425.560.*

22 **Sec. 18.** *Each alcohol and drug abuse program operated or*
23 *provided by a halfway house for persons who have been released*
24 *from prison must be certified by the Health Division of the*
25 *Department of Human Resources in accordance with the*
26 *requirements set forth in chapter 458 of NRS and any regulations*
27 *adopted pursuant thereto. As used in this section, "alcohol and*
28 *drug abuse program" has the meaning ascribed to it in*
29 *NRS 458.010.*

30 **Sec. 19.** NRS 278.021 is hereby amended to read as follows:

31 278.021 1. In any ordinance adopted by a city or county, the
32 definition of "single-family residence" must include a:

33 (a) Residential facility for groups in which 10 or fewer unrelated
34 persons with disabilities reside with:

35 (1) House parents or guardians who need not be related to
36 any of the persons with disabilities; and

37 (2) If applicable, additional persons who are related to the
38 house parents or guardians within the third degree of consanguinity
39 or affinity.

40 (b) Home for individual residential care.

41 (c) *Halfway house for persons who have been released from*
42 *prison.*

43 (d) Halfway house for recovering alcohol and drug abusers.

44 2. The provisions of subsection 1 do not prohibit a definition of
45 "single-family residence" which permits more persons to reside in a



1 residential facility for groups, nor does it prohibit regulation of
2 homes which are operated on a commercial basis. For the purposes
3 of this subsection, a residential facility for groups, *a halfway house*
4 *for persons who have been released from prison*, a halfway house
5 for recovering alcohol and drug abusers or a home for individual
6 residential care shall not be deemed to be a home that is operated on
7 a commercial basis for any purposes relating to building codes or
8 zoning.

9 3. The Health Division of the Department of Human Resources
10 shall compile and maintain a registry of information relating to each
11 residential establishment that exists in this State and shall make
12 available for access on the Internet or its successor, if any, the
13 information contained in the registry. The registry must include with
14 respect to each residential establishment:

15 (a) The name of the owner of the establishment;

16 (b) The name of the administrator of the establishment;

17 (c) The address of the establishment; and

18 (d) The number of clients for which the establishment is
19 licensed.

20 ➤ Any department or agency of a county or city that becomes aware
21 of the existence of a residential establishment that is not included in
22 the registry shall transmit such information to the Health Division,
23 as is necessary, for inclusion in the registry within 30 days after
24 obtaining the information.

25 4. The governing body of a county whose population is
26 100,000 or more or the governing body of a city in such a county or
27 any department or agency of the city or county shall approve the
28 first application submitted on or after July 1, 2000, to operate a
29 residential establishment within a particular neighborhood in the
30 jurisdiction of the governing body. If a subsequent application is
31 submitted to operate an additional residential establishment at a
32 location that is within the minimum distance established by the
33 governing body pursuant to this subsection from an existing
34 residential establishment, the governing body shall review the
35 application based on applicable zoning ordinances. The
36 requirements of this subsection do not require the relocation or
37 displacement of any residential establishment which existed before
38 July 1, 2001, from its location on that date. The provisions of this
39 subsection do not create or impose a presumption that the location
40 of more than one residential establishment within the minimum
41 distance of each other established by the governing body pursuant to
42 this subsection is inappropriate under all circumstances with respect
43 to the enforcement of zoning ordinances and regulations. For
44 purposes of this subsection, each governing body shall establish by



1 ordinance a minimum distance between residential establishments
2 that is at least 660 feet but not more than 1,500 feet.

3 5. The governing body of a county or city shall not refuse to
4 issue a special use permit to a residential establishment that meets
5 local public health and safety standards.

6 6. The provisions of this section must not be applied in any
7 manner which would result in a loss of money from the Federal
8 Government for programs relating to housing.

9 7. As used in this section:

10 (a) *“Halfway house for persons who have been released from*
11 *prison” has the meaning ascribed to it in section 5 of this act.*

12 (b) “Halfway house for recovering alcohol and drug abusers”
13 has the meaning ascribed to it in NRS 449.008.

14 ~~[(b)]~~ (c) “Home for individual residential care” has the meaning
15 ascribed to it in NRS 449.0105.

16 ~~[(e)]~~ (d) “Person with a disability” means a person:

17 (1) With a physical or mental impairment that substantially
18 limits one or more of the major life activities of the person;

19 (2) With a record of such an impairment; or

20 (3) Who is regarded as having such an impairment.

21 ~~[(d)]~~ (e) “Residential establishment” means a home for
22 individual residential care in a county whose population is 100,000
23 or more, *a halfway house for persons who have been released from*
24 *prison*, a halfway house for recovering alcohol and drug abusers or
25 a residential facility for groups.

26 ~~[(e)]~~ (f) “Residential facility for groups” has the meaning
27 ascribed to it in NRS 449.017.

28 **Sec. 20.** NRS 449.008 is hereby amended to read as follows:

29 449.008 “Halfway house for recovering alcohol and drug
30 abusers” means a residence that provides housing and a living
31 environment for *recovering* alcohol and drug abusers and is
32 operated to facilitate their reintegration into the community, but
33 does not provide any treatment for alcohol or drug abuse.

34 **Sec. 21.** Notwithstanding the provisions of sections 9 and 12
35 of this act, a natural person, partnership, firm, corporation,
36 association, state or local government or agency thereof is not
37 required to possess a license issued by the Board to operate or
38 maintain a halfway house for persons who have been released from
39 prison in this State before January 1, 2006, unless the Board
40 establishes, by regulation, an earlier date for compliance with
41 section 9 of this act.

42 **Sec. 22.** 1. This section and section 21 of this act become
43 effective upon passage and approval.



1 2. Sections 1 to 20, inclusive, of this act become effective upon
2 passage and approval for the purpose of adopting regulations and on
3 October 1, 2005, for all other purposes.

4 3. Sections 15, 16 and 17 of this act expire by limitation on the
5 date on which the provisions of 42 U.S.C. § 666 requiring each state
6 to establish procedures under which the state has authority to
7 withhold or suspend, or to restrict the use of professional,
8 occupational and recreational licenses of persons who:

9 (a) Have failed to comply with the subpoena or warrant relating
10 to a proceeding to determine the paternity of a child or to establish
11 or enforce an obligation for the support of a child; or

12 (b) Are in arrears in the payment for the support of one or more
13 children,

14 ➤ are repealed by the Congress of the United States.



