

ASSEMBLY BILL NO. 106—SELECT COMMITTEE ON
CORRECTIONS, PAROLE, AND PROBATION

(ON BEHALF OF THE DEPARTMENT OF CORRECTIONS)

FEBRUARY 14, 2007

Referred to Select Committee on Corrections, Parole, and Probation

SUMMARY—Prohibits prisoners in the custody of the Department of Corrections from obtaining or possessing portable telecommunications devices. (BDR 16-616)

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.

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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 prisons; prohibiting a person from furnishing a portable telecommunications device to a prisoner; prohibiting a person from carrying a portable telecommunications device into an institution or a facility of the Department of Corrections; prohibiting a prisoner from possessing a portable telecommunications device; expanding the definition of “telecommunications device”; providing penalties; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Section 1 of this bill expands the definition of “telecommunications device” to include an apparatus associated with a device.

Section 2 of this bill makes it unlawful for a person to, without lawful authorization, knowingly furnish, attempt to furnish or aid or assist in furnishing or attempting to furnish a portable telecommunications device to a prisoner. A person who commits this crime is guilty of a category E felony, punishable by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 4 years, and a fine of up to \$5,000. (NRS 193.130)

Section 2 also makes it unlawful for a person to, without lawful authorization, carry a portable telecommunications device into an institution or a facility of the Department of Corrections. A person who commits this crime is guilty of a misdemeanor, punishable by imprisonment in the county jail for a term of not more



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than 6 months, or a fine of up to \$1,000, or both. (NRS 193.150) Additionally, **section 2** also makes it unlawful for a prisoner to, without lawful authorization, possess a portable telecommunications device. A prisoner who commits this crime is guilty of a category D felony, punishable by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 4 years, and a fine of up to \$5,000. (NRS 193.130) **Section 2** also provides that this sentence is not subject to suspension or the granting of probation and that the sentence must be served consecutive to the term the prisoner is currently serving.

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

Section 1. NRS 209.417 is hereby amended to read as follows:

209.417 1. Except as otherwise provided in subsection 2, the warden or manager of an institution or facility shall ensure that no offender in the institution or facility has access to a telecommunications device.

2. An offender may use a telephone subject to the limitations set forth in NRS 209.419.

3. As used in this section, "telecommunications device" means a device , *or an apparatus associated with a device*, that can ~~be used by~~ *enable* an offender to communicate with a person outside of the institution or facility at which the offender is incarcerated. The term includes, without limitation, a telephone, a cellular telephone , *a personal digital assistant, a transmitting radio* or a computer that is connected to a computer network , *is capable of connecting to a computer network through the use of wireless technology* or is otherwise capable of communicating with a person or device outside of the *institution or* facility.

Sec. 2. Chapter 212 of NRS is hereby amended by adding thereto a new section to read as follows:

1. A person shall not, without lawful authorization, knowingly furnish, attempt to furnish, or aid or assist in furnishing or attempting to furnish to a prisoner confined in an institution or a facility of the Department of Corrections, or any other place where prisoners are authorized to be or are assigned by the Director of the Department, a portable telecommunications device. A person who violates this subsection is guilty of a category E felony and shall be punished as provided in NRS 193.130.

2. A person shall not, without lawful authorization, carry into an institution or a facility of the Department, or any other place where prisoners are authorized to be or are assigned by the Director of the Department, a portable telecommunications device. A person who violates this subsection is guilty of a misdemeanor.

3. A prisoner confined in an institution or a facility of the Department, or any other place where prisoners are authorized to



1 *be or are assigned by the Director of the Department, shall not,*
2 *without lawful authorization, possess or have in his custody or*
3 *control a portable telecommunications device. A prisoner who*
4 *violates this subsection is guilty of a category D felony and shall*
5 *be punished as provided in NRS 193.130.*

6 *4. A sentence imposed upon a prisoner pursuant to*
7 *subsection 3:*

8 *(a) Is not subject to suspension or the granting of probation;*
9 *and*

10 *(b) Must run consecutively after the prisoner has served any*
11 *sentences imposed upon him for the offense or offenses for which*
12 *the prisoner was in lawful custody or confinement when he*
13 *violated the provisions of subsection 3.*

14 *5. As used in this section:*

15 *(a) "Facility" has the meaning ascribed to it in NRS 209.065.*

16 *(b) "Institution" has the meaning ascribed to it in*
17 *NRS 209.071.*

18 *(c) "Telecommunications device" has the meaning ascribed to*
19 *it in subsection 3 of NRS 209.417.*

20 **Sec. 3.** This act becomes effective upon passage and approval.

