

ASSEMBLY BILL NO. 361—ASSEMBLYWOMAN WEBER

MARCH 15, 2007

Referred to Select Committee on Corrections, Parole, and Probation

SUMMARY—Providing for the establishment of certain standards for state correctional institutions and facilities. (BDR 16-1014)

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 correctional institutions; creating the Commission on Standards for State Correctional Institutions; requiring the Director of the Department of Corrections to establish certain minimum standards for state correctional institutions and facilities; requiring the Commission to review the standards; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

1 This bill creates the Commission on Standards for State Correctional
2 Institutions within the Department of Corrections. **Sections 3 and 4** of this bill
3 provide for the membership of the Commission and their terms and for the
4 compensation of the members of the Commission. The Commission is made up of
5 seven members, including the Director of the Department of Corrections, who
6 serves as the Executive Secretary and is a nonvoting member of the Commission,
7 and seven voting members appointed by the Governor. **Section 5** of this bill
8 requires the Director to establish certain minimum standards for state correctional
9 institutions and facilities, including, without limitation, standards for: (1) health and
10 sanitary conditions; (2) fire and life safety; (3) security of facilities and institutions;
11 (4) rehabilitation programs for offenders; (5) recreation programs for offenders; (6)
12 treatment programs for offenders; (7) personnel training; and (8) preparation of
13 offenders for reentry into the community. Further, **section 5** requires the Director to
14 submit the standards to the Commission for its review and approval. **Section 5**
15 requires the Commission to review the standards on a biennial basis and to revise
16 any standards which the Commission determines are not effective. **Section 7** of
17 this bill requires the Commission to adopt the minimum standards on or before
18 January 1, 2008.



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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 5, inclusive, of this act.

Sec. 2. *“Commission” means the Commission on Standards for State Correctional Institutions created pursuant to section 3 of this act.*

Sec. 3. 1. *The Commission on Standards for State Correctional Institutions is hereby created.*

2. *The Commission consists of:*

(a) *Seven members appointed by the Governor; and*

(b) *The Director, who serves as the Executive Secretary and a nonvoting member of the Commission.*

3. *Each member of the Commission appointed by the Governor must have at least:*

(a) *A bachelor’s degree in criminal justice, law enforcement, sociology, psychology, social work, law, or the administration of correctional or rehabilitative facilities and programs and not less than 3 years of experience working in one or several of these fields; or*

(b) *Four years of experience in one or several of the fields specified in paragraph (a).*

4. *When making an appointment to the Commission, the Governor shall, to the extent practicable:*

(a) *Appoint a person who has experience in the field of:*

(1) *Health and sanitation issues;*

(2) *Fire and life safety;*

(3) *Rehabilitation, recreation and treatment programs;*

(4) *Probation, parole and preparation of offenders for reentry into the community;*

(5) *Security;*

(6) *Personnel training; or*

(7) *Women’s health issues; and*

(b) *Ensure to the extent practicable that each of the fields listed in paragraph (a) is represented by at least one member of the Board who has experience in the field.*

Sec. 4. 1. *The term of each member of the Commission is 4 years. A member may be reappointed for an additional term of 4 years in the same manner as the original appointment. A vacancy occurring in the membership of the Commission must be filled in the same manner as the original appointment.*

2. *At its first meeting and annually thereafter, the Commission shall elect a Chairman from among its members.*



3. The voting members of the Commission shall elect a Chairman and Vice Chairman by majority vote. After the initial election, the Chairman and Vice Chairman shall hold office for a term of 1 year beginning on July 1 of each year. If a vacancy occurs in the chairmanship or vice chairmanship, the voting members of the Commission shall elect a Chairman or Vice Chairman, as appropriate, from among its members for the remainder of the unexpired term.

4. The Commission shall meet at least once each year and at the times and places specified by a call of the Chairman or a majority of the voting members of the Commission.

5. Four voting members of the Commission constitute a quorum. A quorum may exercise all the power and authority conferred on the Commission.

6. The members of the Commission:

(a) Serve without compensation; and

(b) May, upon written request, receive the per diem allowance and travel expenses provided for state officers and employees generally while engaged in the business of the Commission.

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

Sec. 5. 1. The Director shall establish minimum standards for facilities and institutions, including, without limitation, standards for:

(a) Health and sanitary conditions;

(b) Fire and life safety;

(c) Security of facilities and institutions;

(d) Rehabilitation programs for offenders;

(e) Recreation programs for offenders;

(f) Treatment programs for offenders;

(g) Personnel training; and

(h) Preparation of offenders for reentry into the community.

2. The standards established pursuant to subsection 1 must:

(a) Require that at least one person on duty at each facility or institution is knowledgeable in the area of fire and life safety procedures;



(b) Include requirements relating to the acquisition, storage, labeling, packaging and dispensing of drugs; and

(c) Require documentation to certify that personnel at each facility or institution are adequately trained and familiar with the standards.

3. The standards established pursuant to subsection 1 must provide that:

(a) An offender who is received by a facility or institution while she is pregnant is provided while she is in the care or custody of the facility or institution:

(1) A balanced, nutritious diet approved by a physician;

(2) Prenatal and postpartum information and health care, including, without limitation, access to necessary vitamins as recommended by a physician;

(3) Information concerning childbirth education and infant care; and

(4) A dental cleaning; and

(b) An offender who is in labor shall not be shackled by the wrists or ankles, or both, during transport to a hospital, delivery or while in recovery after giving birth, unless deemed necessary for the safety and security of the offender, the staff or the public.

4. In establishing standards required by this section, the Director shall seek the advice of the following:

(a) For health and sanitary conditions, the State Health Officer, the Department of Health and Human Services, physicians, psychiatrists, public health officials and other interested persons;

(b) For fire and life safety, the State Fire Marshal, local fire officials and other interested persons;

(c) For security and for programs for rehabilitation, recreation and treatment of offenders, the Department, state correctional officials, experts in criminology and penology and other interested persons;

(d) For personnel training, the Department of Public Safety, the Department of Corrections, psychiatrists, experts in criminology and penology, state correctional officials and other interested persons; and

(e) For standards concerning female offenders and pregnant offenders, physicians, psychiatrists, the Department, state correctional officials and other interested persons.

5. The Director shall submit the standards established pursuant to this section to the Commission for review and approval. The Commission shall review and approve or disapprove the standards. The Director shall adopt only the standards approved by the Commission.



1 **6. On or before January 1 of each even-numbered year, the**
2 **Commission shall review comprehensively the standards approved**
3 **by the Commission. The review must include, without limitation, a**
4 **determination of whether the standards are effective. If a standard**
5 **is found to be ineffective, the Commission shall adopt revised**
6 **standards as soon as practicable after the review.**

7 **Sec. 6.** NRS 209.011 is hereby amended to read as follows:

8 209.011 As used in this chapter, unless the context otherwise
9 requires, the **words and** terms defined in NRS 209.021 to 209.085,
10 inclusive, **and section 2 of this act** have the meanings ascribed to
11 them in those sections.

12 **Sec. 7.** The Director of the Department of Corrections shall
13 establish the minimum standards required pursuant to section 5 of
14 this act on or before January 1, 2008.

