

CHAPTER.....

AN ACT relating to local facilities for detention; revising the provisions governing the early release of prisoners from county or city jails to relieve overcrowding; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes the chief judge of a judicial district to grant authority to the sheriff or other officer in charge of a jail to release certain prisoners when the number of prisoners exceeds the number of beds available in the jail. (NRS 211.240) This bill changes the standard from the number of beds available in the jail to the operational capacity of the jail.

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

Section 1. NRS 211.240 is hereby amended to read as follows:

211.240 1. Except as otherwise provided in subsection 2, the sheriff with respect to a county jail, or the officer in charge with respect to a city jail, may apply to the chief judge of the judicial district for authority to release prisoners pursuant to the provisions of this section. After considering the application, the chief judge may enter an order consistent with the provisions of this section granting authority to release prisoners in the manner set forth in the order. The duration of this authority, if granted, must not exceed 30 days.

2. In a county in which there is not a city jail, the sheriff may apply to the chief judge of the judicial district for authority to release prisoners pursuant to the provisions of this section. Upon receipt of such an application, the chief judge shall consult with a justice of the peace designated by the justices of the peace for the county and a judge designated by the municipal courts for the county. After the consultation, the chief judge may enter an order consistent with the provisions of this section granting authority to release prisoners in the manner set forth in the order. The duration of this authority, if granted, must not exceed 30 days.

3. At any time within the duration of an authority granted when the number of prisoners exceeds the ~~{number of beds available in}~~ **operational capacity of** the jail, the sheriff or other officer in charge may release the lesser of:

(a) The number of prisoners eligible under this section; or

(b) The difference between the number of prisoners and the ~~{number of beds.}~~ **operational capacity of the jail.**



4. A prisoner is eligible for release only if:
 - (a) He has served at least 75 percent of his sentence;
 - (b) He is not serving a sentence for a crime for which a mandatory sentence is required by statute;
 - (c) He is not serving a sentence for a crime which involved an act of violence; and
 - (d) He does not pose a danger to the community.
5. Among prisoners eligible, priority must be given to those whose expiration of sentence or other release is closest.
6. A prisoner released pursuant to this section may be required to remain on residential confinement for the remainder of his sentence or may be required to participate in another alternative program of supervision.

7. As used in this section, "operational capacity" means the number of prisoners that may be safely housed in a jail in compliance with the regulations governing the sanitation, healthfulness, cleanliness and safety of the jail that are adopted by the State Board of Health pursuant to NRS 444.335.

Sec. 2. This act becomes effective upon passage and approval.

