

SENATE BILL NO. 30—COMMITTEE ON JUDICIARY

(ON BEHALF OF WASHOE COUNTY)

PREFILED JANUARY 26, 2007

Referred to Committee on Judiciary

SUMMARY—Revises the provisions governing the early release of prisoners from county or city jails to relieve overcrowding. (BDR 16-362)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: No.

~

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

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:

- 1 Existing law authorizes the chief judge of a judicial district to grant authority to
- 2 the sheriff or other officer in charge of a jail to release certain prisoners when the
- 3 number of prisoners exceeds the number of beds available in the jail. (NRS
- 4 211.240) This bill changes the standard from the number of beds available in the
- 5 jail to the operational capacity of the jail.

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

- 1 **Section 1.** NRS 211.240 is hereby amended to read as follows:
- 2 211.240 1. Except as otherwise provided in subsection 2, the
- 3 sheriff with respect to a county jail, or the officer in charge with
- 4 respect to a city jail, may apply to the chief judge of the judicial
- 5 district for authority to release prisoners pursuant to the provisions
- 6 of this section. After considering the application, the chief judge
- 7 may enter an order consistent with the provisions of this section



* S B 3 0 R 1 *

1 granting authority to release prisoners in the manner set forth in the
2 order. The duration of this authority, if granted, must not exceed 30
3 days.

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

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

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

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

21 4. A prisoner is eligible for release only if:

22 (a) He has served at least 75 percent of his sentence;

23 (b) He is not serving a sentence for a crime for which a
24 mandatory sentence is required by statute;

25 (c) He is not serving a sentence for a crime which involved an
26 act of violence; and

27 (d) He does not pose a danger to the community.

28 5. Among prisoners eligible, priority must be given to those
29 whose expiration of sentence or other release is closest.

30 6. A prisoner released pursuant to this section may be required
31 to remain on residential confinement for the remainder of his
32 sentence or may be required to participate in another alternative
33 program of supervision.

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

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

