

Amendment No. 952

Assembly Amendment to Assembly Bill No. 385 First Reprint (BDR 16-523)

Proposed by: Assembly Committee on Ways and Means**Amends:** Summary: Yes Title: Yes Preamble: No Joint Sponsorship: No Digest: Yes

ASSEMBLY ACTION			Initial and Date	SENATE ACTION			Initial and Date
Adopted	☐	Lost	☐ _____	Adopted	☐	Lost	☐ _____
Concurred In	☐	Not	☐ _____	Concurred In	☐	Not	☐ _____
Receded	☐	Not	☐ _____	Receded	☐	Not	☐ _____

EXPLANATION: Matter in (1) ***blue bold italics*** is new language in the original bill; (2) ***green bold italic underlining*** is new language proposed in this amendment; (3) ~~red strikethrough~~ is deleted language in the original bill; (4) ~~purple double strikethrough~~ is language proposed to be deleted in this amendment; (5) ~~orange double underlining~~ is deleted language in the original bill that is proposed to be retained in this amendment; and (6) ***green bold dashed underlining*** is newly added transitory language.

BAW



Date: 5/27/2009

A.B. No. 385—Makes various changes concerning the supervision of convicted persons by correctional officers and parole and probation officers. (BDR 16-523)



ASSEMBLY BILL NO. 385—ASSEMBLYMAN HORNE

MARCH 16, 2009

Referred to Committee on Corrections, Parole, and Probation

SUMMARY—Makes various changes concerning ~~the supervision of convicted persons by correctional officers and parole and probation officers.~~ **private prisons.** (BDR 16-523)

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 ~~supervision of convicted persons;~~ **prisons;** requiring the Board of State Prison Commissioners to ~~establish guidelines setting forth the maximum number of prisoners who may be supervised by a correctional officer; making various changes concerning the maximum caseload of each parole and probation officer who supervises convicted persons;~~ **adopt regulations pertaining to a facility or institution operated by a private organization; providing that certain provisions relating to a prisoner confined in a facility or institution also apply to a prisoner confined in a private facility or institution operated by a private organization;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the Board of State Prison Commissioners to ~~regulate the number of officers and employees of the Department of Corrections. (NRS 200.111) Section 1 of this bill requires the Board to adopt a policy, in consultation with the Director of the Department and the State of Nevada Employees' Association, establishing guidelines for the maximum number of prisoners who may be supervised by a correctional officer at each facility and institution of the Department.~~

Under existing law, the Chief Parole and Probation Officer is appointed by the Director of the Department of Public Safety and is responsible, among other things, for supervising the fiscal affairs and responsibilities of the Division of Parole and Probation of the Department, for appointing personnel, assistants and employees for the Division, for formulating methods of investigation, supervision, recordkeeping and reporting, and for developing policies of parole and probation. (NRS 213.1002, 213.1005) Section 2 of this bill requires the Chief Parole and Probation Officer to adopt a policy establishing guidelines for the maximum caseload for each parole and probation officer. Section 2 further requires the Governor to establish the budget for the Division of Parole and Probation each biennium at an amount which anticipates staffing the Division to comply with those guidelines. The Chief Parole and Probation Officer is then required to report to the Interim Finance Committee at the end of each fiscal year setting forth the maximum caseloads that were established for parole and probation officers and, if the maximum caseload per officer was not achieved during the last fiscal year, setting forth the amount of money needed to comply with that requirement. **adopt**

regulations for carrying out the business of the Board and of the Department of Corrections. (NRS 209.111) Section 1.3 of this bill requires the Board to adopt additional regulations: (1) establishing the maximum number of prisoners that may be incarcerated in a private facility or institution; and (2) requiring that a private facility or institution must meet or exceed the standards set forth in the inmate housing plan approved in the budget of the Department for the biennium, including, without limitation, any associated line-item costs.

Existing law makes it a crime for: (1) a prisoner to escape from prison or to manufacture or possess certain items used in an escape; (2) a person to aid a prisoner in escaping from prison; (3) a person who has custody of a prisoner to allow the prisoner to escape; and (4) a person to conceal an escaped prisoner. (NRS 212.080, 212.090, 212.093, 212.100-212.130) Existing law also provides certain procedures for issuing a warrant for the arrest of an escaped prisoner and the manner in which expenses for recapturing the prisoner must be paid. (NRS 212.030-212.080) Further, existing law makes it a crime to: (1) provide certain items to a prisoner, including certain weapons, an intoxicant or a controlled substance and certain communications devices; or (2) engage in certain behavior concerning a prisoner, such as engaging in sexual conduct or certain unlawful acts relating to human excrement or bodily fluid. (NRS 212.160-212.189) Section 1.7 of this bill provides that those provisions also apply to a prisoner incarcerated in a private prison operated by a private organization as well as to certain other persons. Section 1.7 also provides that the private organization which operates a private facility or institution must: (1) reimburse the State for expenses incurred by the State in recapturing a prisoner who escapes from the private facility or institution; and (2) provide training to its employees that is equivalent to the training provided to a correctional officer in this State.

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

Section 1. ~~(NRS 209.111 is hereby amended to read as follows:~~

~~209.111 1. The Board has full control of all grounds, buildings, labor, and property of the Department, and shall:~~

~~[1.] (a) Purchase, or cause to be purchased, all commissary supplies, materials and tools necessary for any lawful purpose carried on at any institution or facility of the Department;~~

~~[2.] (b) Regulate the number of officers and employees of the Department;~~

~~[3.] (c) Prescribe regulations for carrying on the business of the Board and the Department;~~

~~2. The Board shall adopt a policy which establishes guidelines for the maximum number of prisoners who may be supervised by a correctional officer at each facility and institution of the Department. The Board shall establish the guidelines in consultation with the Director and the State of Nevada Employees' Association, or its successor organization. The Director, the State of Nevada Employees' Association or any other interested person may request the Board to review and revise the guidelines established pursuant to this subsection. The decision whether to revise the guidelines pursuant to such a request is in the sole discretion of the Board.~~ (Deleted by amendment.)

Sec. 1.3. Chapter 209 of NRS is hereby amended by adding thereto a new section to read as follows:

1. To ensure the safety of the residents of the State of Nevada, the Board shall adopt regulations:

(a) Establishing the maximum number of prisoners who may be incarcerated in a private facility or institution; and

(b) Requiring that a private facility or institution must meet or exceed the standards set forth in the inmate housing plan approved in the budget of the Department for the biennium, including, without limitation, any associated line-item costs.

2. As used in this section:

(a) "Prisoner" has the meaning ascribed to it in section 1.7 of this act.

(b) "Private facility or institution" has the meaning ascribed to it in section 1.7 of this act.

Sec. 1.7. Chapter 212 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The provisions of this section and NRS 212.030 to 212.130, inclusive, and 212.160 to 212.189, inclusive, apply to:

(a) A person who has custody of a prisoner assigned to a private facility or institution in this State; and

(b) A prisoner assigned to a private facility or institution in this State, to the same extent that those provisions would apply if the prisoner had been assigned to a facility or institution operated by the Department.

2. A private organization that operates a private facility or institution must provide training to any person employed by the private facility or institution to perform the duties of a correctional officer described in subsection 5 of NRS 209.131. The training must be equivalent to the training provided to a correctional officer in this State.

3. The private organization that operates a private facility or institution must reimburse the State for any expenses charged against the State or paid by the State pursuant to NRS 212.040, 212.050 or 212.070 concerning a prisoner who escapes from the private facility or institution.

4. As used in this section:

(a) "Prisoner" means any person who is:

(1) Convicted of a crime under the laws of this State and sentenced to imprisonment in the state prison; or

(2) Convicted of a crime under the laws of another jurisdiction and sentenced to imprisonment by that jurisdiction.

(b) "Private facility or institution" means a facility or institution operated by a private organization to house prisoners.

~~Sec. 2. [Chapter 213 of NRS is hereby amended by adding thereto a new section to read as follows:~~

~~1. The Chief shall adopt a policy which establishes guidelines for a maximum caseload for each parole and probation officer of:~~

~~(a) Not more than 30 offenders who are subject to intensive supervision or residential confinement or who are otherwise deemed high risk to reoffend;~~

~~(b) Not more than 45 offenders who are required to register as sex offenders if they are not subject to paragraph (a); or~~

~~(c) Not more than 70 offenders who are not subject to paragraph (a) or (b).~~

~~2. The budget submitted to the Legislature by the Governor for the Division for each biennium must be set at an amount reasonably anticipated to allow the Division to achieve the maximum caseloads for parole and probation officers set forth in subsection 1.~~

~~3. The Chief shall submit a report to the Interim Finance Committee at the end of each fiscal year setting forth the maximum caseloads that were established for parole and probation officers pursuant to subsection 1 and, if the maximum caseloads set forth in that subsection were not achieved for that fiscal year, setting forth the amount of money needed in order to comply with the provisions of subsection 1.] (Deleted by amendment.)~~

1 **Sec. 3.** ~~NRS 213.107 is hereby amended to read as follows:~~
2 ~~213.107 As used in NRS 213.107 to 213.157, inclusive, and section 2 of this~~
3 ~~act, unless the context otherwise requires:~~

4 ~~1. "Board" means the State Board of Parole Commissioners;~~

5 ~~2. "Chief" means the Chief Parole and Probation Officer;~~

6 ~~3. "Division" means the Division of Parole and Probation of the Department~~
7 ~~of Public Safety;~~

8 ~~4. "Residential confinement" means the confinement of a person convicted of~~
9 ~~a crime to his place of residence under the terms and conditions established by the~~
10 ~~Board;~~

11 ~~5. "Sex offender" means any person who has been or is convicted of a sexual~~
12 ~~offense;~~

13 ~~6. "Sexual offense" means:~~

14 ~~(a) A violation of NRS 200.366, subsection 4 of NRS 200.400, NRS 200.710,~~
15 ~~200.720, subsection 2 of NRS 200.730, NRS 201.180, paragraph (a) or~~
16 ~~subparagraph (2) of paragraph (b) of subsection 1 of NRS 201.195, NRS 201.230 or~~
17 ~~201.450, or paragraph (a) or (b) of subsection 4 or paragraph (a) or (b) of~~
18 ~~subsection 5 of NRS 201.560;~~

19 ~~(b) An attempt to commit any offense listed in paragraph (a); or~~

20 ~~(c) An act of murder in the first or second degree, kidnapping in the first or~~
21 ~~second degree, false imprisonment, burglary or invasion of the home if the act is~~
22 ~~determined to be sexually motivated at a hearing conducted pursuant to NRS~~
23 ~~475.547;~~

24 ~~7. "Standards" means the objective standards for granting or revoking parole~~
25 ~~or probation which are adopted by the Board or the Chief.] **(Deleted by**~~
26 ~~**amendment.)**~~

27 **Sec. 4.** This act becomes effective on July 1, 2009.