

Amendment No. 251

Assembly Amendment to Assembly Bill No. 502

(BDR 16-1129)

Proposed by: Assembly Committee on Corrections, Parole, and Probation**Amends:** Summary: No 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.

NMB/RRY



Date: 4/15/2009

A.B. No. 502—Makes various changes concerning private prisons. (BDR 16-1129)



ASSEMBLY BILL NO. 502—COMMITTEE ON
CORRECTIONS, PAROLE, AND PROBATION

MARCH 23, 2009

Referred to Committee on Corrections, Parole, and Probation

SUMMARY—Makes various changes concerning private prisons. (BDR 16-1129)

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 prisons; ***requiring the Board of State Prison Commissioners to adopt regulations pertaining to a facility or institution operated by a private organization;*** providing that certain provisions relating to ~~the escape of a prisoner from a facility or institution operated by the Department of Corrections~~ ***a prisoner confined in a facility or institution*** also apply to ~~the escape of a prisoner from~~ ***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 adopt regulations for carrying out the business of the Board and of the Department of Corrections. (NRS 209.111) Section 1 of this bill requires the Board to adopt additional regulations establishing the maximum number of prisoners that may be incarcerated in a private facility or institution and the ratio of prisoners to correctional officers that must be maintained in a private facility or institution.

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, 212.110, 212.120, 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) ~~This~~ ***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 2 of this bill provides that those provisions also apply to a prisoner who escapes from*** ***incarcerated in*** a private prison operated by a private organization as well as to certain ~~other~~ ***persons, who allow his escape, aid in his escape or conceal the escaped prisoner. This bill*** ***Section 2*** also provides that the private organization that operates a private facility or institution must: ***(1) reimburse the State for expenses incurred by the State in recapturing the escaped 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. 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 establishing:

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

(b) The ratio of prisoners to correctional officers that must be maintained in such a facility or institution.

2. The ratio of prisoners to correctional officers established pursuant to subsection 1 must not exceed the ratio established for facilities and institutions of the Department for prisoners subject to the same level of security.

3. As used in this section:

(a) "Prisoner" has the meaning ascribed to it in section 2 of this act.

(b) "Private facility or institution" has the meaning ascribed to it in section 2 of this act.

~~Section 1.~~ Sec. 2. 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 escaped from the private facility or institution.

~~2.~~ 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.