

Amendment No. 988

Senate Amendment to Senate Bill No. 236 First Reprint (BDR 14-896)

Proposed by: Senate Committee on Finance**Amends:** Summary: Yes Title: Yes Preamble: No Joint Sponsorship: No Digest: Yes

Adoption of this amendment will REMOVE the 2/3s majority vote requirement from S.B. 236.

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.

EGO



Date: 5/30/2009

S.B. No. 236—Revises provisions relating to certain programs for criminal offenders and parolees. (BDR 14-896)



SENATE BILL NO. 236—SENATORS PARKS, COPENING, HORSFORD; BREEDEN,
CARE, COFFIN, LEE, WIENER AND WOODHOUSE

MARCH 13, 2009

JOINT SPONSOR: ASSEMBLYWOMAN PIERCE

Referred to Committee on Judiciary

SUMMARY—Revises provisions relating to certain programs for ~~{criminal offenders and parolees,}~~ persons released from incarceration. (BDR 14-896)

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 ~~{criminal procedure; requiring a certain fee to be included in the sentence of certain defendants,}~~ convicted persons; creating the Fund for Reentry Programs; ~~{requiring such fees to be credited to}~~ providing for the expenditure of money in the Fund ~~{,}~~ for reentry programs for persons released from incarceration; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

~~{Section 1.5 of this bill requires a judge to include in the sentence of a defendant who pleads guilty or guilty but mentally ill to, or is found guilty or guilty but mentally ill of, a category C, D or E felony or gross misdemeanor a fee of \$250 to be credited to the Fund for Reentry Programs which is created in section 2 of this bill.}~~ Existing law authorizes the establishment by a judicial district and by the Director of the Department of Corrections of programs for reentry of criminal offenders and parolees into the community. (NRS 209.4883, 209.4887) Section 5 of this bill creates the Fund for Reentry Programs to be administered by the Director of the Department of Public Safety or his designee. Money in the Fund {,} may be used only to pay necessary administrative costs and to pay for programs for reentry of {criminal offenders and parolees} persons into the community. {, including correctional programs and judicial programs,} upon their release from incarceration.

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

Section 1. (Deleted by amendment.)

Sec. 1.5. ~~[Chapter 176 of NRS is hereby amended by adding thereto a new section to read as follows:~~

~~1. When a defendant pleads guilty or guilty but mentally ill to, or is found guilty or guilty but mentally ill of, a category C, D or E felony or gross misdemeanor, the judge shall include in the sentence, in addition to any other fine, assessment, fee or restitution, the sum of \$250 as a fee to be deposited into the Fund for Reentry Programs created by section 2 of this act and render a judgment against the defendant for the fee.~~

~~2. The money collected as a fee pursuant to subsection 1:~~

~~(a) Must not be deducted from any fine imposed by the judge;~~

~~(b) Must be taxed against the defendant in addition to the fine; and~~

~~(c) Must be stated separately on the court's docket.~~

~~3. The money collected as fees in district courts must be paid by the clerk of the court to the county treasurer on or before the fifth day of each month for the preceding month. The county treasurer shall distribute, on or before the 15th day of that month, the money received to the State Controller for credit to the Fund for Reentry Programs created by section 2 of this act. (Deleted by amendment.)~~

Sec. 2. ~~[Chapter 209 of NRS is hereby amended by adding thereto a new section to read as follows:~~

~~1. The Fund for Reentry Programs is hereby created in the State Treasury as a special revenue fund, to be administered by the Director.~~

~~2. The Director may apply for and accept any gift, donation, bequest, grant or other source of money for the use of the Fund.~~

~~3. All money received for the use of the Fund pursuant to subsection 2 or NRS 209.4890 or section 1.5 of this act or from any other source must be deposited in the State Treasury for credit to the Fund.~~

~~4. All expenditures from the Fund must be approved by the Director. The money in the Fund may be expended only to pay necessary administrative costs and to pay for programs for reentry of offenders and parolees into the community, including, without limitation, correctional programs and judicial programs.~~

~~5. The interest and income earned on the money in the Fund, after deducting any applicable charges, must be credited to the Fund. All claims against the Fund must be paid as other claims against the State are paid. (Deleted by amendment.)~~

Sec. 3. ~~[NRS 209.4871 is hereby amended to read as follows:~~

~~209.4871 As used in NRS 209.4871 to 209.4890, inclusive, and section 2 of this act, unless the context otherwise requires, the words and terms defined in NRS 209.4872 to 209.489, inclusive, have the meanings ascribed to them in those sections. (Deleted by amendment.)~~

Sec. 4. NRS 209.4889 is hereby amended to read as follows:

209.4889 1. The Director may, after consulting with the Division, enter into one or more contracts with one or more public or private entities to provide any of the following services, as necessary and appropriate, to offenders or parolees participating in a correctional or judicial program:

(a) Transitional housing;

(b) Treatment pertaining to substance abuse or mental health;

(c) Training in life skills;

(d) Vocational rehabilitation and job skills training; and
(e) Any other services required by offenders or parolees who are participating in a correctional or judicial program.

2. The Director shall, as necessary and appropriate, provide referrals and information regarding:

- (a) Any of the services provided pursuant to subsection 1;
- (b) Access and availability of any appropriate self-help groups;
- (c) Social services for families and children; and
- (d) Permanent housing.

3. The Director may apply for and accept any gift, donation, bequest, grant or other source of money to carry out the provisions of this section. ~~Any money~~ Money received pursuant to this subsection ~~must~~ may be deposited in the State Treasury for credit to the Fund for Reentry Programs created by section ~~2~~ 5 of this act.

4. As used in this section, "training in life skills" includes, without limitation, training in the areas of:

- (a) Parenting;
- (b) Improving human relationships;
- (c) Preventing domestic violence;
- (d) Maintaining emotional and physical health;
- (e) Preventing abuse of alcohol and drugs;
- (f) Preparing for and obtaining employment; and
- (g) Budgeting, consumerism and personal finances.

Sec. 5. Chapter 480 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Fund for Reentry Programs is hereby created in the State Treasury as a special revenue fund, to be administered by the Director or his designee.

2. The Director or his designee may apply for and accept any gift, donation, bequest, grant or other source of money for the use of the Fund.

3. All money received for the use of the Fund pursuant to subsection 2 or NRS 209.4889 or from any other source must be deposited in the State Treasury for credit to the Fund.

4. All expenditures from the Fund must be approved by the Director or his designee, in accordance with procedures established by regulation by the Director. The Director may designate an advisory group to assist in the preparation of such procedures. The money in the Fund may be expended only to pay necessary administrative costs and to pay for programs for reentry of persons into the community upon their release from incarceration, including, without limitation, judicial programs, training programs and programs for the treatment of addiction.

5. The interest and income earned on the money in the Fund, after deducting any applicable charges, must be credited to the Fund. All claims against the Fund must be paid as other claims against the State are paid.

6. To the extent money is available in the Fund, the Director or his designee may enter into one or more contracts with one or more public or private entities to provide services to persons participating in a program for reentry into the community upon their release from incarceration.

~~Sec. 5.~~ Sec. 6. This act becomes effective on July 1, 2009.