

SENATE BILL NO. 159—SENATOR GUSTAVSON

FEBRUARY 16, 2011

Referred to Committee on Judiciary

SUMMARY—Makes various changes governing offenders.
(BDR 16-74)

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 offenders; requiring the Director of the Department of Corrections to provide to an offender upon his or her release information regarding employment assistance; authorizing a court to require the earnings of a probationer to be held in trust for certain purposes; authorizing a court to require certain offenders to complete an alternative program, treatment or activity as a condition of probation; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the Director of the Department of Corrections to provide certain information to an offender upon the offender's release from prison. (NRS 209.511) **Section 1** of this bill requires the Director to provide such an offender with information relating to assistance for obtaining employment, including information regarding obtaining bonding for employment.

Existing law authorizes a court to set terms and conditions for placing an offender on probation. (NRS 176A.400) **Section 2** of this bill specifies that such terms and conditions may include the requirement that any earnings of the offender while on probation be placed in trust for certain purposes. **Section 2** also authorizes a court to require certain persons, found guilty of certain felonies which do not involve the use or threatened use of force or violence, to complete an alternative program, treatment or activity as a condition of probation.



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

1 **Section 1.** NRS 209.511 is hereby amended to read as follows:
2 209.511 1. When an offender is released from prison by
3 expiration of his or her term of sentence, by pardon or by parole, the
4 Director:

5 (a) May furnish the offender with a sum of money not to exceed
6 \$100, the amount to be based upon the offender's economic need as
7 determined by the Director;

8 (b) Shall give the offender notice of the provisions of chapter
9 179C of NRS and NRS 202.357 and 202.360;

10 (c) Shall require the offender to sign an acknowledgment of the
11 notice required in paragraph (b);

12 (d) Shall give the offender notice of the provisions of NRS
13 179.245 and the provisions of NRS 213.090, 213.155 or 213.157, as
14 applicable;

15 (e) *Shall provide the offender with information relating to*
16 *obtaining employment, including, without limitation, any*
17 *programs which may provide bonding for an offender entering the*
18 *workplace and any organizations which may provide employment*
19 *or bonding assistance to such a person;*

20 (f) May provide the offender with clothing suitable for
21 reentering society;

22 ~~(f)~~ (g) May provide the offender with the cost of
23 transportation to his or her place of residence anywhere within the
24 continental United States, or to the place of his or her conviction;

25 ~~(g)~~ (h) May, but is not required to, release the offender to a
26 facility for transitional living for released offenders that is licensed
27 pursuant to chapter 449 of NRS; and

28 ~~(h)~~ (i) Shall require the offender to submit to at least one test
29 for exposure to the human immunodeficiency virus.

30 2. The costs authorized in paragraphs (a), ~~(e)~~ (f) , (g) and
31 ~~(h)~~ (i) of subsection 1 must be paid out of the appropriate account
32 within the State General Fund for the use of the Department as other
33 claims against the State are paid to the extent that the costs have not
34 been paid in accordance with subsection 5 of NRS 209.221 and
35 NRS 209.246.

36 3. As used in this section, "facility for transitional living for
37 released offenders" has the meaning ascribed to it in NRS 449.0055.

38 **Sec. 2.** NRS 176A.400 is hereby amended to read as follows:

39 176A.400 1. In issuing an order granting probation, the court
40 may fix the terms and conditions thereof, including, without
41 limitation:

42 (a) A requirement for restitution;



(b) *A requirement that any earnings of the probationer be held in a trust:*

(1) *Which is administered by a trustee designated by the court; and*

(2) *From which a portion of the earnings is designated to pay for restitution, child support or any other obligation of the probationer specified by the court;*

(c) An order that the probationer dispose of all the weapons the probationer possesses; or

~~H(e)~~ (d) Any reasonable conditions to protect the health, safety or welfare of the community or to ensure that the probationer will appear at all times and places ordered by the court, including, without limitation:

(1) Requiring the probationer to remain in this State or a certain county within this State;

(2) Prohibiting the probationer from contacting or attempting to contact a specific person or from causing or attempting to cause another person to contact that person on the probationer's behalf;

(3) Prohibiting the probationer from entering a certain geographic area; or

(4) Prohibiting the probationer from engaging in specific conduct that may be harmful to the probationer's own health, safety or welfare, or the health, safety or welfare of another person.

2. In issuing an order granting probation to a person who is found guilty of a category C, D or E felony, *or who is found guilty of a category B felony which does not involve the use or threatened use of force or violence*, the court may require the person as a condition of probation to participate in and complete to the satisfaction of the court any alternative program, treatment or activity deemed appropriate by the court.

3. The court shall not suspend the execution of a sentence of imprisonment after the defendant has begun to serve it.

4. In placing any defendant on probation or in granting a defendant a suspended sentence, the court shall direct that the defendant be placed under the supervision of the Chief Parole and Probation Officer.

