

SENATE BILL NO. 57—COMMITTEE ON JUDICIARY

(ON BEHALF OF THE DEPARTMENT OF CORRECTIONS)

PREFILED DECEMBER 20, 2014

Referred to Committee on Judiciary

SUMMARY—Revises provisions concerning access to public records by offenders subject to the jurisdiction of the Department of Corrections. (BDR 16-342)

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

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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; providing that certain records and documents pertaining to offenders are confidential and are not public books or records except under certain circumstances; prohibiting access by offenders to public books and records under certain circumstances; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides that members of the public may inspect and copy and request and receive copies of public books and records unless those books and records have been declared by law to be confidential. (NRS 239.001, 239.010) **Sections 2 and 4** of this bill make records and documents maintained by the Department of Corrections that pertain to individual offenders confidential. Therefore, they are not public books or records subject to a public records request except to the extent that the Department has adopted regulations that permit public access to such records and documents.

Section 3 of this bill provides that an offender who is imprisoned subject to the jurisdiction of the Department may not, during the period of his or her imprisonment, request or receive a copy of a public book or record. **Section 3** also provides, however, that this restriction does not prevent an offender from exercising any right, privilege or immunity secured by the Constitution of the United States or the Nevada Constitution, including, without limitation, requesting or receiving a public book or record for certain evidentiary purposes by following rules of evidence.



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 the provisions set forth as sections 2 and 3 of this act.

Sec. 2. *Except as otherwise provided by a regulation adopted by the Director pursuant to this section, a record or document maintained by the Department that pertains to an offender is confidential and is not a public book or record within the meaning of NRS 239.010.*

Sec. 3. 1. *Except as otherwise provided in this section, an offender may not, during the period of his or her imprisonment, request or receive a copy of a public book or record pursuant to the provisions of chapter 239 of NRS.*

2. *This section does not prevent an offender from exercising any right, privilege or immunity secured by the Constitution of the United States or the Nevada Constitution, including, without limitation, the right of an offender to request or receive a copy of a public book or record pursuant to the provisions of chapter 239 of NRS for evidentiary purposes in any criminal proceeding or appeal concerning the offender.*

Sec. 4. NRS 239.010 is hereby amended to read as follows:

239.010 1. Except as otherwise provided in this section and NRS 1.4683, 1A.110, 49.095, 62D.420, 62D.440, 62E.516, 62E.620, 62H.025, 62H.030, 62H.170, 62H.220, 62H.320, 76.160, 78.152, 80.113, 81.850, 82.183, 86.246, 86.54615, 87.515, 87.5413, 87A.200, 87A.580, 87A.640, 88.3355, 88.5927, 88.6067, 88A.345, 88A.7345, 89.045, 89.251, 90.730, 91.160, 116.757, 116A.270, 116B.880, 118B.026, 119.260, 119.265, 119.267, 119.280, 119A.280, 119A.653, 119B.370, 119B.382, 120A.690, 125.130, 125B.140, 126.141, 126.161, 126.163, 126.730, 127.007, 127.057, 127.130, 127.140, 127.2817, 130.312, 159.044, 172.075, 172.245, 176.015, 176.0625, 176.09129, 176.156, 176A.630, 178.39801, 178.4715, 178.5691, 179.495, 179A.070, 179A.165, 179A.450, 179D.160, 200.3771, 200.3772, 200.5095, 200.604, 202.3662, 205.4651, 209.392, 209.3925, 209.419, 209.521, 211A.140, 213.010, 213.040, 213.095, 213.131, 217.105, 217.110, 217.464, 217.475, 218E.625, 218F.150, 218G.130, 218G.240, 218G.350, 228.270, 228.450, 228.495, 228.570, 231.069, 233.190, 237.300, 239.0105, 239.0113, 239B.030, 239B.040, 239B.050, 239C.140, 239C.210, 239C.230, 239C.250, 239C.270, 240.007, 241.020, 241.030, 242.105, 244.264, 244.335, 250.087, 250.130, 250.140, 250.150, 268.095, 268.490, 268.910, 271A.105, 281.195, 281A.350, 281A.440, 281A.550, 284.4068, 286.110, 287.0438, 289.025, 289.080, 289.387, 293.5002, 293.503, 293.558, 293B.135,



1 293D.510, 331.110, 332.061, 332.351, 333.333, 333.335, 338.070,
2 338.1379, 338.1725, 338.1727, 348.420, 349.597, 349.775, 353.205,
3 353A.085, 353A.100, 353C.240, 360.240, 360.247, 360.255,
4 360.755, 361.044, 361.610, 365.138, 366.160, 368A.180, 372A.080,
5 378.290, 378.300, 379.008, 386.655, 387.626, 387.631, 388.5275,
6 388.528, 388.5315, 388.750, 391.035, 392.029, 392.147, 392.264,
7 392.271, 392.652, 392.850, 394.167, 394.1698, 394.447, 394.460,
8 394.465, 396.3295, 396.405, 396.525, 396.535, 398.403, 408.3885,
9 408.3886, 412.153, 416.070, 422.290, 422.305, 422A.320,
10 422A.350, 425.400, 427A.1236, 427A.872, 432.205, 432B.175,
11 432B.280, 432B.290, 432B.407, 432B.430, 432B.560, 433.534,
12 433A.360, 439.270, 439.840, 439B.420, 440.170, 441A.195,
13 441A.220, 441A.230, 442.330, 442.395, 445A.665, 445B.570,
14 449.209, 449.245, 449.720, 453.1545, 453.720, 453A.610,
15 453A.700, 458.055, 458.280, 459.050, 459.3866, 459.555,
16 459.7056, 459.846, 463.120, 463.15993, 463.240, 463.3403,
17 463.3407, 463.790, 467.1005, 467.137, 481.063, 482.170, 482.5536,
18 483.340, 483.363, 483.800, 484E.070, 485.316, 503.452, 522.040,
19 534A.031, 561.285, 571.160, 584.583, 584.655, 598.0964,
20 598.0979, 598.098, 598A.110, 599B.090, 603.070, 603A.210,
21 604A.710, 612.265, 616B.012, 616B.015, 616B.315, 616B.350,
22 618.341, 618.425, 622.310, 623.131, 623A.353, 624.110, 624.265,
23 624.327, 625.425, 625A.185, 628.418, 629.069, 630.133,
24 630.30665, 630.336, 630A.555, 631.368, 632.121, 632.125,
25 632.405, 633.283, 633.301, 633.524, 634.212, 634.214, 634A.185,
26 635.158, 636.107, 637.085, 637A.315, 637B.288, 638.087, 638.089,
27 639.2485, 639.570, 640.075, 640A.220, 640B.730, 640C.400,
28 640C.745, 640C.760, 640D.190, 640E.340, 641.090, 641A.191,
29 641B.170, 641C.760, 642.524, 643.189, 644.446, 645.180, 645.625,
30 645A.050, 645A.082, 645B.060, 645B.092, 645C.220, 645C.225,
31 645D.130, 645D.135, 645E.300, 645E.375, 645G.510, 645H.320,
32 645H.330, 647.0945, 647.0947, 648.033, 648.197, 649.065,
33 649.067, 652.228, 654.110, 656.105, 661.115, 665.130, 665.133,
34 669.275, 669.285, 669A.310, 671.170, 673.430, 675.380, 676A.340,
35 676A.370, 677.243, 679B.122, 679B.152, 679B.159, 679B.190,
36 679B.285, 679B.690, 680A.270, 681A.440, 681B.260, 681B.280,
37 683A.0873, 685A.077, 686A.289, 686B.170, 686C.306, 687A.110,
38 687A.115, 687C.010, 688C.230, 688C.480, 688C.490, 692A.117,
39 692C.190, 692C.420, 693A.480, 693A.615, 696B.550, 703.196,
40 704B.320, 704B.325, 706.1725, 710.159, 711.600, *and section 2 of*
41 *this act*, sections 35, 38 and 41 of chapter 478, Statutes of Nevada
42 2011 and section 2 of chapter 391, Statutes of Nevada 2013 and
43 unless otherwise declared by law to be confidential, all public books
44 and public records of a governmental entity must be open at all
45 times during office hours to inspection by any person, and may be



1 fully copied or an abstract or memorandum may be prepared from
2 those public books and public records. Any such copies, abstracts or
3 memoranda may be used to supply the general public with copies,
4 abstracts or memoranda of the records or may be used in any other
5 way to the advantage of the governmental entity or of the general
6 public. This section does not supersede or in any manner affect the
7 federal laws governing copyrights or enlarge, diminish or affect in
8 any other manner the rights of a person in any written book or
9 record which is copyrighted pursuant to federal law.

10 2. A governmental entity may not reject a book or record
11 which is copyrighted solely because it is copyrighted.

12 3. A governmental entity that has legal custody or control of a
13 public book or record shall not deny a request made pursuant to
14 subsection 1 to inspect or copy or receive a copy of a public book or
15 record on the basis that the requested public book or record contains
16 information that is confidential if the governmental entity can
17 redact, delete, conceal or separate the confidential information from
18 the information included in the public book or record that is not
19 otherwise confidential.

20 4. A person may request a copy of a public record in any
21 medium in which the public record is readily available. An officer,
22 employee or agent of a governmental entity who has legal custody
23 or control of a public record:

24 (a) Shall not refuse to provide a copy of that public record in a
25 readily available medium because the officer, employee or agent has
26 already prepared or would prefer to provide the copy in a different
27 medium.

28 (b) Except as otherwise provided in NRS 239.030, shall, upon
29 request, prepare the copy of the public record and shall not require
30 the person who has requested the copy to prepare the copy himself
31 or herself.

32 **Sec. 5.** This act becomes effective on July 1, 2015.

