

**EXECUTIVE AGENCY
FISCAL NOTE**

AGENCY'S ESTIMATES

Date Prepared: January 21, 2015

Agency Submitting: Nevada Department of Corrections

Items of Revenue or Expense, or Both	Fiscal Year 2014-15	Fiscal Year 2015-16	Fiscal Year 2016-17	Effect on Future Biennia
Total	0	0	0	0

Explanation

(Use Additional Sheets of Attachments, if required)

BDR 16-343, an NDOC BDR, proposes to amend NRS 212.187 making it unlawful for a NDOC staff member, a volunteer or contractor for the Department to engage in any type of sexual conduct with a prisoner housed at one of the Nevada Department of Corrections locations. Pursuant to the Prison Rape Elimination Act (28 C.F.R § 115.6), a contractor, volunteer, or employee who is involved with a prisoner in a sexual manner commits sexual abuse and will be guilty of a category D felony.

The amendment clarifies the PREA requirement that the inmate cannot be prosecuted for engaging in voluntary sexual conduct with a NDOC staff member, contractor or volunteer. The law remains in place that if an inmate engages in voluntary sexual conduct with a person other than a staff member, contractor or volunteer, the inmate may also be prosecuted for a category D felony.

Name Scott K. Sisco

Title Deputy Director

DEPARTMENT OF ADMINISTRATION'S COMMENTS

Date Thursday, January 15, 2015

The agency's response appears reasonable.

Name Julia Teska

Title Director