

Amendment No. 341

Assembly Amendment to Assembly Bill No. 303 (BDR 16-1103)

Proposed by: Assembly Committee on Corrections, Parole, and Probation

Amends: Summary: Yes Title: Yes Preamble: No Joint Sponsorship: No Digest: Yes

ASSEMBLY ACTION				Initial and Date	SENATE ACTION				Initial and Date
Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____	Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____
Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____	Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____
Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____	Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____

EXPLANATION: Matter in (1) *blue bold italics* is new language in the original bill; (2) variations of green bold underlining is language proposed to be added 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 proposed to be retained in this amendment.

DP/BAW



Date: 4/22/2017

A.B. No. 303—Requires that core correctional services be provided only by the State or a local government. (BDR 16-1103)



ASSEMBLY BILL NO. 303—ASSEMBLYMEN MONROE-MORENO, OHRENSCHALL, CARRILLO, DIAZ, YEAGER; ARAUJO, BILBRAY-AXELROD, COHEN, DALY, FRIERSON, FUMO, MCCURDY II, MILLER, NEAL AND THOMPSON

MARCH 16, 2017

JOINT SPONSORS: SENATORS SEGERBLOM,
SPEARMAN, FORD; AND CANCELA

Referred to Committee on Corrections,
Parole, and Probation

SUMMARY—Requires that core correctional services be provided only by the State or a local government ~~++~~ with certain exceptions. (BDR 16-1103)

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 corrections; requiring core correctional services to be provided only by the State or a local government ~~++ repealing provisions relating to the operation of private facilities and institutions that house prisoners; ++~~ with certain exceptions; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Section ~~++~~ Except as otherwise authorized by section 1.7 of this bill, section 1.3 of this bill requires: (1) state and local prisons, jails and detention facilities which house prisoners to be under the administrative and direct operational control of the State or a local government, as applicable; and (2) core correctional services to be performed by employees of the State or local government. Section ~~++~~ 1.3 also prohibits the performance of core correctional services by private entities. ~~++ Section 5 of this bill repeals provisions which relate to the operation of private facilities and institutions that house prisoners; ++~~ except as otherwise authorized by section 1.7.

Section 1.7 authorizes the Department of Corrections, until June 30, 2022, to enter into contracts with private entities to perform core correctional services to promote the safety of prisoners, employees of prisons and the public by reducing overcrowding in prisons. Section 1.7 requires such a private entity to comply with certain requirements for housing, custody, medical and mental health treatment, and programming. Section 1.7 sets forth certain requirements governing the transfer of a prisoner to a facility that is located outside of this State. Section 1.7 also requires the Director of the Department to prepare and submit for transmittal to the Legislative Commission an annual report which includes certain information relating to prisoners who are housed outside of this State. Finally, section 1.7 requires the Department to conduct biannual on-site

inspections of facilities of private entities to ensure the compliance of such entities with the terms of the contract.

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

~~Section 1.~~ Chapter 208 of NRS is hereby amended by adding thereto ~~a new section to read as follows:~~ the provisions set forth as sections 1.3 and 1.7 of this act.

Sec. 1.3. 1. Except as otherwise provided in section 1.7 of this act:

(a) Each prison that houses prisoners who are in the custody of the State or a local government must be under the administrative and direct operational control of the State or local government, as applicable. The core correctional services at each such prison must be performed only by employees of the State or local government, as applicable.

~~1.7~~ (b) The core correctional services of a prison must not be performed by a private entity.

~~1.7~~ 2. A condition, stipulation or provision in a contract that conflicts with this section is against the public policy of this State and is void and unenforceable.

~~1.7~~ 3. As used in this section, "core correctional services" means the housing, safeguarding, protection and disciplining of prisoners.

Sec. 1.7. 1. The Department of Corrections may enter into one or more contracts with one or more private entities to perform core correctional services to promote the safety of prisoners, employees of prisons and the public by reducing overcrowding in prisons.

2. A private entity which performs core correctional services pursuant to a contract entered into pursuant to this section shall comply with the requirements for housing, custody, medical and mental health treatment, and programming set forth in law and regulation and approved by the Board of State Prison Commissioners. Such requirements must be included in any contract entered into pursuant to this section.

3. If, pursuant to a contract entered into with a private entity pursuant to this section, the Department of Corrections proposes to transfer a prisoner to a facility that is located outside of this State:

(a) The Department must give first priority for any such transfer to a prisoner who is not a permanent resident of this State and who meets such other qualifications for such a transfer as are established by the Director of the Department; and

(b) The Department must ensure that the prisoner is provided with the ability to conduct visits by videoconferencing.

4. The Director of the Department of Corrections shall, on or before December 31 of each year, prepare and submit to the Director of the Legislative Counsel Bureau for transmittal to the Legislative Commission a report which includes, without limitation, the number of prisoners who are housed out of this State and, for each prisoner:

(a) The identification number assigned to the prisoner;

(b) The state of residence of the prisoner;

(c) The level of security restrictions imposed on the prisoner;

(d) The category of offense for which the prisoner was convicted;

(e) A statement as to whether the prisoner is a veteran, as defined in NRS 176A.090;

(f) Any programs which are available to the prisoner;

(g) Any programs which the prisoner completed; and

(h) The date on which the prisoner is projected to be released by expiration of his or her term of sentence or by parole.

5. The Department of Corrections shall biannually conduct an on-site inspection of each facility where a prisoner is housed by a private entity with which the Department has contracted to perform core correctional services pursuant to this section to ensure the compliance of the entity with the terms of the contract.

6. As used in this section, "core correctional services" means the housing, safeguarding, protection and disciplining of prisoners.

Sec. 2. NRS 209.141 is hereby amended to read as follows:

209.141 The Director may, with the approval of the Board ~~and~~ **and except as otherwise provided pursuant to section ~~HH~~ 1.3 of this act**, enter into agreements with other governmental agencies and with private organizations to carry out the purposes of this chapter.

Sec. 3. NRS 209.4889 is hereby amended to read as follows:

209.4889 1. ~~The~~ **Except as otherwise provided in section ~~HH~~ 1.3 of this act**, the Director may 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 may consult with the Division before entering into a contract with a public or private entity pursuant to subsection 1.

3. 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.

4. 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. Money received pursuant to this subsection may be deposited with the State Treasurer for credit to the Account for Reentry Programs in the State General Fund created by NRS 480.810.

5. A contract entered into between the Director and a public or private entity pursuant to subsection 1 must require the entity to:

- (a) Provide a budget concerning all services the entity will provide during the duration of any grant received.
- (b) Provide all services required by any grant received.
- (c) Provide to the Department for its approval a curriculum for any program of services the entity will provide.
- (d) Provide to the Division, if appropriate, a list of the parolees who have completed or are currently participating in a program of services provided by the entity pursuant to any grant received.

(e) Provide to any offender or parolee who completes a program of services provided by the entity a certificate of completion, and provide a copy of such a certificate to the Division or the Department, as appropriate.

(f) To the extent financially practicable and necessary, assess the risk levels and needs of offenders and parolees by using a validated assessment tool.

(g) Share with the Director information concerning assessments of the risk levels and needs of offenders and parolees so the Director can ensure that adequate assessments are being conducted.

(h) While the entity is providing services pursuant to the contract, meet annually with the Director, a representative of the Division, and other entities that have entered into a contract with the Director pursuant to subsection 1 to discuss, without limitation:

(1) The services provided by the entities, including the growth and success of the services, any problems with the services and any potential solutions to such problems;

(2) Issues relating to the reentry of offenders and parolees into the community and reducing the risk of recidivism; and

(3) Issues relating to offenders and parolees who receive services from an entity and are subsequently convicted of another crime.

6. 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. 3.5. Section 1.3 of this act is hereby amended to read as follows:

~~Sec. 1.3. 1. Except as otherwise provided in section 1.7 of this act:~~

~~(a) Each prison that houses prisoners who are in the custody of the State or a local government must be under the administrative and direct operational control of the State or local government, as applicable. The core correctional services at each such prison must be performed only by employees of the State or local government, as applicable.~~

~~(b) 2. The core correctional services of a prison must not be performed by a private entity.~~

~~(c) 3. A condition, stipulation or provision in a contract that conflicts with this section is against the public policy of this State and is void and unenforceable.~~

~~(d) 4. As used in this section, "core correctional services" means the housing, safeguarding, protection and disciplining of prisoners.~~

~~Sec. 4. The provisions of section 1 of this act apply to a contract or agreement entered into before, on or after July 1, 2017. (Deleted by amendment.)~~

~~Sec. 5. NRS 209.083, 209.116, 209.354 and 212.1895 are hereby repealed. (Deleted by amendment.)~~

~~Sec. 6. This act becomes~~

1. This section and sections 1 to 3, inclusive, 4 and 5 of this act become effective on July 1, 2017.

2. Section 1.7 of this act expires by limitation on June 30, 2022.

3. Section 3.5 of this act becomes effective on July 1, 2022.

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LEADLINES OF REPEALED SECTIONS

~~200.083 “Private facility or institution” defined.~~
~~200.116 Board to adopt regulations establishing maximum number of prisoners who may be incarcerated in private facility or institution.~~
~~200.354 Department to monitor each private facility or institution which houses prisoners who are incarcerated pursuant to authority of another state; reimbursement for costs of such monitoring.~~
~~212.1895 Applicability of certain provisions to custodian and prisoner assigned to private facility or institution; training to perform duties of correctional officer at private facility or institution; reimbursement to State for expenses relating to prisoner who escapes from private facility or institution.]~~