

Amendment No. 621

Assembly Amendment to Assembly Bill No. 421	(BDR 16-1058)
Proposed by: Assembly Committee on Corrections, Parole, and Probation	
Amendment Box: Replaces Amendment No. 418.	
Amends: Summary: No 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.



ASSEMBLY BILL NO. 421—ASSEMBLYMAN OHRENSCHALL

MARCH 27, 2017

Referred to Committee on Corrections,
Parole, and Probation

SUMMARY—Revises provisions relating to corrections. (BDR 16-1058)

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; authorizing the residential confinement of certain offenders who have been granted parole but are not yet eligible for release on parole; requiring the ~~provision of psychiatric care or other mental health~~ ***coordination and oversight of certain care*** for a prisoner ~~in the custody of~~ ***by*** a sheriff, chief of police or town marshal in certain counties ~~and the Department of Health and Human Services~~; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Section 1 of this bill: (1) requires the Director of the Department of Corrections, with the approval of the Board of State Prison Commissioners, to establish a program for the residential confinement of offenders who have been granted parole but are not yet eligible for release on parole; (2) authorizes the Director to assign an offender who has been granted parole but is not yet eligible for release on parole to the custody of the Division of Parole and Probation of the Department of Public Safety to serve a term of residential confinement under certain circumstances; (3) requires the Director to notify the Division and certain victims of the offender of the Director's intent to assign the offender to the custody of the Division for residential confinement; (4) prohibits the Director from assigning an offender to the custody of the Division until the Division has approved the offender's proposed plan for placement upon release; (5) requires an offender to submit to the Division a signed document concerning his or her compliance with the terms or conditions of the residential confinement; and (6) sets forth certain terms, limitations and effects applicable to an offender who is assigned to the custody of the Division to serve a term of residential confinement.

Existing law imposes upon sheriffs, chiefs of police and town marshals certain duties relating to the control and care of prisoners in their custody. (NRS 211.140) **Section 4** of this bill requires, in a county whose population is 700,000 or more (currently Clark County), a sheriff, chief of police or town marshal to arrange for ~~psychiatric care or other mental health care for a prisoner to be provided by, and at the expense of, the Division of Public and Behavioral Health of~~ ***and the Department of Health and Human Services to provide, for the purpose of maintaining continuity of care, coordination and oversight of certain care provided to a prisoner while the prisoner is in custody and after the prisoner is released from custody. Section 4 also requires each such sheriff and the Director of the Department to report to the Legislative Committee on Health Care regarding such coordination and oversight.***

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

1 **Section 1.** Chapter 209 of NRS is hereby amended by adding thereto a new
2 section to read as follows:

3 1. *The Director shall, with the approval of the Board, establish a program*
4 *for the residential confinement of offenders who have been granted parole but*
5 *are not yet eligible for release on parole.*

6 2. *The program established pursuant to this section may authorize the*
7 *payment by the State of any costs and expenses related to the residential*
8 *confinement and active electronic monitoring of an offender who is placed in the*
9 *program.*

10 3. *Except as otherwise provided in subsection 5, and in accordance with the*
11 *program established by the Director pursuant to subsection 1, the Director may*
12 *assign an offender to the custody of the Division of Parole and Probation of the*
13 *Department of Public Safety to serve a term of residential confinement pursuant*
14 *to NRS 213.380 if the offender:*

15 (a) *Has been granted parole by the State Board of Parole Commissioners*
16 *pursuant to NRS 213.1099 or 213.1215;*

17 (b) *Does not have a consecutive sentence to serve;*

18 (c) *Is not under another jurisdiction's order to be detained; and*

19 (d) *Is not yet eligible for release on parole.*

20 4. *If the Director intends to assign an offender to the custody of the*
21 *Division of Parole and Probation pursuant to this section, the Director shall*
22 *notify:*

23 (a) *The Division of Parole and Probation; and*

24 (b) *In accordance with the provisions of NRS 209.521, every victim of the*
25 *offender who has requested notification of the release of the offender.*

26 5. *The Director shall not assign an offender to the custody of the Division*
27 *of Parole and Probation pursuant to this section until the Division has approved*
28 *the offender's proposed plan for placement upon release in accordance with*
29 *subsection 2 of NRS 213.140.*

30 6. *Before an offender may be assigned to the custody of the Division of*
31 *Parole and Probation to serve a term of residential confinement pursuant to this*
32 *section, he or she must submit to the Division a signed document stating that:*

33 (a) *He or she will comply with the terms or conditions of the residential*
34 *confinement; and*

35 (b) *If he or she fails to comply with the terms or conditions of the residential*
36 *confinement and is taken into custody outside of this State, he or she waives all*
37 *rights relating to extradition proceedings.*

38 7. *If an offender assigned to the custody of the Division of Parole and*
39 *Probation pursuant to this section escapes or violates any of the terms or*
40 *conditions of his or her residential confinement or other appropriate supervision*
41 *as determined by the Division:*

42 (a) *The Division of Parole and Probation may, pursuant to the procedure set*
43 *forth in NRS 213.410, return the offender to the custody of the Department. If the*
44 *offender is returned to the custody of the Department, the Division shall provide*
45 *to the Department a copy of the allegations and findings made pursuant to NRS*
46 *213.410 within 1 business day after the return of the offender to the custody of*
47 *the Department.*

1 ***(b) The offender forfeits all or part of the credits for good behavior earned by***
2 ***the offender before the escape or violation, as determined by the Director. The***
3 ***Director may provide for a forfeiture of credits pursuant to this paragraph only***
4 ***after proof of the offense and notice to the offender and may restore credits***
5 ***forfeited for such reasons as the Director considers proper. The decision of the***
6 ***Director regarding such a forfeiture is final.***

7 ***8. The assignment of an offender to the custody of the Division of Parole***
8 ***and Probation pursuant to this section shall be deemed:***

9 ***(a) A continuation of the offender's imprisonment and not a release on***
10 ***parole; and***

11 ***(b) For the purposes of NRS 209.341, an assignment to a facility of the***
12 ***Department,***

13 ***except that the offender is not entitled to obtain any benefits or to participate***
14 ***in any programs provided to offenders in the custody of the Department.***

15 ***9. An offender does not have a right to be assigned to the custody of the***
16 ***Division of Parole and Probation pursuant to this section, or to remain in that***
17 ***custody after such an assignment, and it is not intended that the provisions of this***
18 ***section or of NRS 213.371 to 213.410, inclusive, create any right or interest in***
19 ***liberty or property or establish a basis for any cause of action against the State,***
20 ***its political subdivisions, agencies, boards, commissions, departments, officers or***
21 ***employees.***

22 ***10. The Division of Parole and Probation may receive and distribute***
23 ***restitution paid by an offender assigned to the custody of the Division pursuant to***
24 ***this section.***

25 **Sec. 2.** NRS 209.241 is hereby amended to read as follows:

26 209.241 1. The Director may accept money, including the net amount of
27 any wages earned during the incarceration of an offender after any deductions made
28 by the Director and valuables belonging to an offender at the time of his or her
29 incarceration or afterward received by gift, inheritance or the like or earned during
30 the incarceration of an offender, and shall deposit the money in the Prisoners'
31 Personal Property Fund, which is hereby created as a trust fund.

32 2. An offender shall deposit all money that the offender receives into his or
33 her individual account in the Prisoners' Personal Property Fund.

34 3. The Director:

35 (a) Shall keep, or cause to be kept, a full and accurate account of the money
36 and valuables, and shall submit reports to the Board relating to the money and
37 valuables as may be required from time to time.

38 (b) May permit withdrawals for immediate expenditure by an offender for
39 personal needs.

40 (c) May permit the distribution of money to a governmental entity for any
41 applicable deduction authorized pursuant to NRS 209.247 or any other deduction
42 authorized by law from any money deposited in the individual account of an
43 offender from any source other than the offender's wages.

44 (d) Shall pay over to each offender upon his or her release any remaining
45 balance in his or her individual account.

46 4. The interest and income earned on the money in the Prisoners' Personal
47 Property Fund, after deducting any applicable bank charges, must be credited each
48 calendar quarter as follows:

49 (a) If an offender's share of the cost of administering the Prisoners' Personal
50 Property Fund for the quarter is less than the amount of interest and income earned
51 by the offender, the Director shall credit the individual account of the offender with
52 an amount equal to the difference between the amount of interest and income

1 earned by the offender and the offender's share of the cost of administering the
2 Prisoners' Personal Property Fund.

3 (b) If an offender's share of the cost of administering the Prisoners' Personal
4 Property Fund for the quarter is equal to or greater than the amount of interest and
5 income earned by the offender, the Director shall credit the interest and income to
6 the Offenders' Store Fund.

7 5. An offender who does not deposit all money that the offender receives into
8 his or her individual account in the Prisoners' Personal Property Fund as required in
9 this section is guilty of a gross misdemeanor.

10 6. A person who aids or encourages an offender not to deposit all money the
11 offender receives into the individual account of the offender in the Prisoners'
12 Personal Property Fund as required in this section is guilty of a gross misdemeanor.

13 7. The Director may exempt an offender from the provisions of this section if
14 the offender is:

15 (a) Confined in an institution outside this State pursuant to chapter 215A of
16 NRS; or

17 (b) Assigned to the custody of the Division of Parole and Probation of the
18 Department of Public Safety to:

19 (1) Serve a term of residential confinement pursuant to NRS 209.392,
20 209.3925 or 209.429 **H or section 1 of this act;** or

21 (2) Participate in a correctional program for reentry into the community
22 pursuant to NRS 209.4887.

23 **Sec. 3.** NRS 209.392 is hereby amended to read as follows:

24 209.392 1. Except as otherwise provided in NRS 209.3925 and 209.429 **H**
25 **and section 1 of this act,** the Director may, at the request of an offender who is
26 eligible for residential confinement pursuant to the standards adopted by the
27 Director pursuant to subsection 3 and who has:

28 (a) Demonstrated a willingness and ability to establish a position of
29 employment in the community;

30 (b) Demonstrated a willingness and ability to enroll in a program for education
31 or rehabilitation; or

32 (c) Demonstrated an ability to pay for all or part of the costs of the offender's
33 confinement and to meet any existing obligation for restitution to any victim of his
34 or her crime,

35 **—** assign the offender to the custody of the Division of Parole and Probation of the
36 Department of Public Safety to serve a term of residential confinement, pursuant to
37 NRS 213.380, for not longer than the remainder of his or her sentence.

38 2. Upon receiving a request to serve a term of residential confinement from an
39 eligible offender, the Director shall notify the Division of Parole and Probation.
40 Except as otherwise provided in NRS 213.10915, if any victim of a crime
41 committed by the offender has, pursuant to subsection 4 of NRS 213.131, requested
42 to be notified of the consideration of a prisoner for parole and has provided a
43 current address, the Division of Parole and Probation shall notify the victim of the
44 offender's request and advise the victim that the victim may submit documents
45 regarding the request to the Division of Parole and Probation. If a current address
46 has not been provided as required by subsection 4 of NRS 213.131, the Division of
47 Parole and Probation must not be held responsible if such notification is not
48 received by the victim. All personal information, including, but not limited to, a
49 current or former address, which pertains to a victim and which is received by the
50 Division of Parole and Probation pursuant to this subsection is confidential.

51 3. The Director, after consulting with the Division of Parole and Probation,
52 shall adopt, by regulation, standards providing which offenders are eligible for

1 residential confinement. The standards adopted by the Director must provide that an
2 offender who:

3 (a) Has recently committed a serious infraction of the rules of an institution or
4 facility of the Department;

5 (b) Has not performed the duties assigned to the offender in a faithful and
6 orderly manner;

7 (c) Has been convicted of:

8 (1) Any crime that is punishable as a felony involving the use or threatened
9 use of force or violence against the victim within the immediately preceding 3
10 years;

11 (2) A sexual offense that is punishable as a felony; or

12 (3) Except as otherwise provided in subsection 4, a category A or B felony;

13 (d) Has more than one prior conviction for any felony in this State or any
14 offense in another state that would be a felony if committed in this State, not
15 including a violation of NRS 484C.110, 484C.120, 484C.130, 484C.430, 488.420,
16 488.425 or 488.427; or

17 (e) Has escaped or attempted to escape from any jail or correctional institution
18 for adults,

19 ➤ is not eligible for assignment to the custody of the Division of Parole and
20 Probation to serve a term of residential confinement pursuant to this section.

21 4. The standards adopted by the Director pursuant to subsection 3 must
22 provide that an offender who has been convicted of a category B felony is eligible
23 for assignment to the custody of the Division of Parole and Probation to serve a
24 term of residential confinement pursuant to this section if:

25 (a) The offender is not otherwise ineligible pursuant to subsection 3 for an
26 assignment to serve a term of residential confinement; and

27 (b) The Director makes a written finding that such an assignment of the
28 offender is not likely to pose a threat to the safety of the public.

29 5. If an offender assigned to the custody of the Division of Parole and
30 Probation pursuant to this section escapes or violates any of the terms or conditions
31 of the offender's residential confinement:

32 (a) The Division of Parole and Probation may, pursuant to the procedure set
33 forth in NRS 213.410, return the offender to the custody of the Department.

34 (b) The offender forfeits all or part of the credits for good behavior earned by
35 the offender before the escape or violation, as determined by the Director. The
36 Director may provide for a forfeiture of credits pursuant to this paragraph only after
37 proof of the offense and notice to the offender and may restore credits forfeited for
38 such reasons as the Director considers proper. The decision of the Director
39 regarding such a forfeiture is final.

40 6. The assignment of an offender to the custody of the Division of Parole and
41 Probation pursuant to this section shall be deemed:

42 (a) A continuation of the offender's imprisonment and not a release on parole;
43 and

44 (b) For the purposes of NRS 209.341, an assignment to a facility of the
45 Department,

46 ➤ except that the offender is not entitled to obtain any benefits or to participate in
47 any programs provided to offenders in the custody of the Department.

48 7. An offender does not have a right to be assigned to the custody of the
49 Division of Parole and Probation pursuant to this section, or to remain in that
50 custody after such an assignment, and it is not intended that the provisions of this
51 section or of NRS 213.371 to 213.410, inclusive, create any right or interest in
52 liberty or property or establish a basis for any cause of action against the State, its

political subdivisions, agencies, boards, commissions, departments, officers or employees.

8. The Division of Parole and Probation may receive and distribute restitution paid by an offender assigned to the custody of the Division of Parole and Probation pursuant to this section.

Sec. 4. NRS 211.140 is hereby amended to read as follows:

211.140 1. The sheriff of each county has charge and control over all prisoners committed to his or her care in the respective county jails, and the chiefs of police and town marshals in the several cities and towns throughout this State have charge and control over all prisoners committed to their respective city and town jails and detention facilities.

2. A court shall not, at the request of any prisoner in a county, city or town jail, issue an order which affects the conditions of confinement of the prisoner unless, except as otherwise provided in this subsection, the court provides the sheriff, chief of police or town marshal having control over the prisoner with:

(a) Sufficient prior notice of the court's intention to enter the order. Notice by the court is not necessary if the prisoner has filed an action with the court challenging his or her conditions of confinement and has served a copy of the action on the sheriff, chief of police or town marshal.

(b) An opportunity to be heard on the issue.

As used in this subsection, "conditions of confinement" includes, but is not limited to, a prisoner's access to the law library, privileges regarding visitation and the use of the telephone, the type of meals provided to the prisoner and the provision of medical care in situations which are not emergencies.

3. The sheriffs, chiefs of police and town marshals shall see that the prisoners under their care are kept at labor for reasonable amounts of time within the jail or detention facility, on public works in the county, city or town, or as part of a program of release for work established pursuant to NRS 211.120 or 211.171 to 211.200, inclusive.

4. The sheriff, chief of police or town marshal shall arrange for the administration of medical care required by prisoners while in his or her custody. The county, city or town shall pay the cost of appropriate medical:

(a) Treatment provided to a prisoner while in custody for injuries incurred by a prisoner while the prisoner is in custody and for injuries incurred during the prisoner's arrest for commission of a public offense if the prisoner is not convicted of that offense;

(b) Treatment provided to a prisoner while in custody for any infectious, contagious or communicable disease which the prisoner contracts while the prisoner is in custody; and

(c) Examinations required by law or by court order conducted while the prisoner is in custody unless the order otherwise provides.

5. A prisoner shall pay the cost of medical treatment for:

(a) Injuries incurred by the prisoner during his or her commission of a public offense or for injuries incurred during his or her arrest for commission of a public offense if the prisoner is convicted of that offense;

(b) ~~Injuries~~ ~~Except treatment provided pursuant to subsection 8, injuries~~ or illnesses which existed before the prisoner was taken into custody;

(c) Self-inflicted injuries; and

(d) Except treatment provided pursuant to subsection 4 ~~for 8,~~ any other injury or illness incurred by the prisoner.

6. ~~Except as otherwise provided in subsection 8:~~

1 ~~—(a)~~ A medical facility furnishing treatment pursuant to subsection 5 shall
2 attempt to collect the cost of the treatment from the prisoner or the prisoner's
3 insurance carrier. ~~†~~

4 ~~—(b)~~ If the facility is unable to collect the cost and certifies to the appropriate
5 board of county commissioners that it is unable to collect the cost of the medical
6 treatment, the board of county commissioners shall pay the cost of the medical
7 treatment.

8 7. ~~{Except as otherwise provided in subsection 8:~~

9 ~~—(a)~~ A sheriff, chief of police or town marshal who arranges for the
10 administration of medical care pursuant to this section may attempt to collect from
11 the prisoner or the insurance carrier of the prisoner the cost of arranging for the
12 administration of medical care including the cost of any transportation of the
13 prisoner for the purpose of medical care. ~~†~~

14 ~~—(b)~~ The prisoner shall obey the requests of, and fully cooperate with the
15 sheriff, chief of police or town marshal in collecting the costs from the prisoner or
16 the prisoner's insurance carrier.

17 8. *In a county whose population is 700,000 or more, a sheriff, chief of*
18 *police or town marshal shall arrange for, and ~~the Division of Public and~~*
19 *~~Behavioral Health~~ of the Department of Health and Human Services and the*
20 *various divisions thereof shall provide, for the purpose of maintaining continuity*
21 *of care, ~~the psychiatric care or other mental health~~ coordination and oversight*
22 *of the care ~~required by~~ for mental health and substance abuse treatment*
23 *provided to a prisoner ~~while in the custody of the sheriff, chief of police or town~~*
24 *~~marshal. The Division shall bear the cost of that care.~~ by:*

25 *(a) All providers of such care in the county, city or town jail or detention*
26 *facility while the prisoner is in custody; and*

27 *(b) All providers of such care after the prisoner is released from custody.*
28 *↪ Each such sheriff, or his or her representative, and the Director of the*
29 *Department of Health and Human Services, or his or her representative, shall, at*
30 *each meeting of the Legislative Committee on Health Care, appear before the*
31 *Committee to report on the coordination and oversight provided pursuant to this*
32 *subsection.*

33 **Sec. 5.** NRS 213.10915 is hereby amended to read as follows:

34 213.10915 1. The Board, in consultation with the Division, may enter into
35 an agreement with the manager of an automated victim notification system to notify
36 victims of the information described in NRS 209.392 and 209.3925 *and section 1*
37 *of this act* and subsections 4 and 7 of NRS 213.131 through the system if the
38 system is capable of:

39 (a) Automatically notifying by telephone or electronic means a victim
40 registered with the system of the information described in NRS 209.392 and
41 209.3925 *and section 1 of this act* and subsections 4 and 7 of NRS 213.131 with
42 the timeliness required by NRS 209.392 and 209.3925 *and section 1 of this act* and
43 subsections 4 and 7 of NRS 213.131; and

44 (b) Notifying victims registered with the system, using language provided by
45 the Board, if the Board decides that it will discontinue the use of the system to
46 notify victims of the information described in NRS 209.392 and 209.3925 *and*
47 *section 1 of this act* and subsections 4 and 7 of NRS 213.131. The notice must:

48 (1) Be provided to each victim registered with the system not less than 90
49 days before the date on which the Board will discontinue use of the system; and

50 (2) Advise each victim to submit a written request for notification pursuant
51 to subsection 4 of NRS 213.131 if the victim wishes to receive notice of the
52 information described in NRS 209.392 and 209.3925 *and section 1 of this act* and
53 subsections 4 and 7 of NRS 213.131.

2. The Division is not required to notify the victim of an offender of the information described in NRS 209.392 and 209.3925 *and section 1 of this act* and the Board is not required to notify the victim of a prisoner of the information described in subsections 4 and 7 of NRS 213.131 if:

(a) The Board has entered into an agreement pursuant to subsection 1; and

(b) Before discontinuing the notification of victims pursuant to NRS 209.392 and 209.3925 *and section 1 of this act* and subsections 4 and 7 of NRS 213.131, the Board, not less than two times and not less than 60 days apart, has notified each victim who has requested notification pursuant to subsection 4 of NRS 213.131 and who has provided his or her current address or whose current address is otherwise known by the Board of the change in the manner in which a victim is notified of the information described in NRS 209.392 and 209.3925 *and section 1 of this act* and subsections 4 and 7 of NRS 213.131. The notice must:

(1) Advise the victim that the Division will no longer notify the victim of the information described in NRS 209.392 and 209.3925 *and section 1 of this act*, that the Board will no longer notify the victim of the information described in subsections 4 and 7 of NRS 213.131, and that the victim may register with the automated victim notification system if he or she wishes to be notified of the information described in NRS 209.392 and 209.3925 *and section 1 of this act* and subsections 4 and 7 of NRS 213.131; and

(2) Include instructions for registering with the automated victim notification system to receive notice of the information described in NRS 209.392 and 209.3925 *and section 1 of this act* and subsections 4 and 7 of NRS 213.131.

3. For the purposes of this section, "victim" has the meaning ascribed to it in NRS 213.005.

Sec. 6. NRS 213.371 is hereby amended to read as follows:

213.371 As used in NRS 213.371 to 213.410, inclusive, unless the context otherwise requires:

1. "Division" means the Division of Parole and Probation of the Department of Public Safety.

2. "Offender" means a prisoner assigned to the custody of the Division pursuant to NRS 209.392, 209.3925 or 209.429 *or section 1 of this act*.

3. "Residential confinement" means the confinement of an offender to his or her place of residence under the terms and conditions established by the Division.

Sec. 7. NRS 213.380 is hereby amended to read as follows:

213.380 1. The Division shall establish procedures for the residential confinement of offenders.

2. The Division may establish, and at any time modify, the terms and conditions of the residential confinement, except that the Division shall:

(a) Require the offender to participate in regular sessions of education, counseling and any other necessary or desirable treatment in the community, unless the offender is assigned to the custody of the Division pursuant to NRS 209.3925 *or section 1 of this act*;

(b) Require the offender to be confined to his or her residence during the time the offender is not:

(1) Engaged in employment or an activity listed in paragraph (a) that is authorized by the Division;

(2) Receiving medical treatment that is authorized by the Division; or

(3) Engaged in any other activity that is authorized by the Division; and

(c) Require intensive supervision of the offender, including unannounced visits to his or her residence or other locations where the offender is expected to be in order to determine whether the offender is complying with the terms and conditions of his or her confinement.

3. An electronic device approved by the Division may be used to supervise an offender. The device may be capable of using the Global Positioning System, but must be minimally intrusive and limited in capability to recording or transmitting information concerning the offender's location, including, but not limited to, the transmission of still visual images which do not concern the offender's activities, and producing, upon request, reports or records of the offender's presence near or within a crime scene or prohibited area or his or her departure from a specified geographic location. A device which is capable of recording or transmitting:

- (a) Oral or wire communications or any auditory sound; or
 - (b) Information concerning the offender's activities,
- must not be used.

Sec. 8. NRS 178.5698 is hereby amended to read as follows:

178.5698 1. The prosecuting attorney, sheriff or chief of police shall, upon the request of a victim or witness, inform the victim or witness:

- (a) When the defendant is released from custody at any time before or during the trial, including, without limitation, when the defendant is released pending trial or subject to electronic supervision;
- (b) If the defendant is so released, the amount of bail required, if any; and
- (c) Of the final disposition of the criminal case in which the victim or witness was directly involved.

2. A request for information pursuant to subsection 1 must be made:

- (a) In writing; or
- (b) By telephone through an automated or computerized system of notification, if such a system is available.

3. If an offender is convicted of a sexual offense or an offense involving the use or threatened use of force or violence against the victim, the court shall provide:

- (a) To each witness, documentation that includes:

- (1) A form advising the witness of the right to be notified pursuant to subsection 5;

- (2) The form that the witness must use to request notification in writing; and

- (3) The form or procedure that the witness must use to provide a change of address after a request for notification has been submitted.

- (b) To each person listed in subsection 4, documentation that includes:

- (1) A form advising the person of the right to be notified pursuant to subsection 5 or 6 and NRS 176.015, 176A.630, 178.4715, 209.392, 209.3925, 209.521, 213.010, 213.040, 213.095 and 213.131 *and section 1 of this act* or NRS 213.10915;

- (2) The forms that the person must use to request notification; and

- (3) The forms or procedures that the person must use to provide a change of address after a request for notification has been submitted.

4. The following persons are entitled to receive documentation pursuant to paragraph (b) of subsection 3:

- (a) A person against whom the offense is committed.

- (b) A person who is injured as a direct result of the commission of the offense.

- (c) If a person listed in paragraph (a) or (b) is under the age of 18 years, each parent or guardian who is not the offender.

- (d) Each surviving spouse, parent and child of a person who is killed as a direct result of the commission of the offense.

- (e) A relative of a person listed in paragraphs (a) to (d), inclusive, if the relative requests in writing to be provided with the documentation.

5. Except as otherwise provided in subsection 6, if the offense was a felony and the offender is imprisoned, the warden of the prison shall, if the victim or

1 witness so requests in writing and provides a current address, notify the victim or
2 witness at that address when the offender is released from the prison.

3 6. If the offender was convicted of a violation of subsection 3 of NRS
4 200.366 or a violation of subsection 1, paragraph (a) of subsection 2 or
5 subparagraph (2) of paragraph (b) of subsection 2 of NRS 200.508, the warden of
6 the prison shall notify:

7 (a) The immediate family of the victim if the immediate family provides their
8 current address;

9 (b) Any member of the victim's family related within the third degree of
10 consanguinity, if the member of the victim's family so requests in writing and
11 provides a current address; and

12 (c) The victim, if the victim will be 18 years of age or older at the time of the
13 release and has provided a current address,
14 before the offender is released from prison.

15 7. The warden must not be held responsible for any injury proximately caused
16 by the failure to give any notice required pursuant to this section if no address was
17 provided to the warden or if the address provided is inaccurate or not current.

18 8. As used in this section:

19 (a) "Immediate family" means any adult relative of the victim living in the
20 victim's household.

21 (b) "Sexual offense" means:

22 (1) Sexual assault pursuant to NRS 200.366;

23 (2) Statutory sexual seduction pursuant to NRS 200.368;

24 (3) Battery with intent to commit sexual assault pursuant to NRS 200.400;

25 (4) An offense involving pornography and a minor pursuant to NRS
26 200.710 to 200.730, inclusive;

27 (5) Incest pursuant to NRS 201.180;

28 (6) Open or gross lewdness pursuant to NRS 201.210;

29 (7) Indecent or obscene exposure pursuant to NRS 201.220;

30 (8) Lewdness with a child pursuant to NRS 201.230;

31 (9) Sexual penetration of a dead human body pursuant to NRS 201.450;

32 (10) Sexual conduct between certain employees of a school or volunteers
33 at a school and a pupil pursuant to NRS 201.540;

34 (11) Sexual conduct between certain employees of a college or university
35 and a student pursuant to NRS 201.550;

36 (12) Luring a child or a person with mental illness pursuant to NRS
37 201.560, if punished as a felony;

38 (13) An offense that, pursuant to a specific statute, is determined to be
39 sexually motivated; or

40 (14) An attempt to commit an offense listed in this paragraph.

41 **Sec. 9.** NRS 239.010 is hereby amended to read as follows:

42 239.010 1. Except as otherwise provided in this section and NRS 1.4683,
43 1.4687, 1A.110, 41.071, 49.095, 62D.420, 62D.440, 62E.516, 62E.620, 62H.025,
44 62H.030, 62H.170, 62H.220, 62H.320, 75A.100, 75A.150, 76.160, 78.152, 80.113,
45 81.850, 82.183, 86.246, 86.54615, 87.515, 87.5413, 87A.200, 87A.580, 87A.640,
46 88.3355, 88.5927, 88.6067, 88A.345, 88A.7345, 89.045, 89.251, 90.730, 91.160,
47 116.757, 116A.270, 116B.880, 118B.026, 119.260, 119.265, 119.267, 119.280,
48 119A.280, 119A.653, 119B.370, 119B.382, 120A.690, 125.130, 125B.140,
49 126.141, 126.161, 126.163, 126.730, 127.007, 127.057, 127.130, 127.140,
50 127.2817, 130.312, 130.712, 136.050, 159.044, 172.075, 172.245, 176.015,
51 176.0625, 176.09129, 176.156, 176A.630, 178.39801, 178.4715, 178.5691,
52 179.495, 179A.070, 179A.165, 179A.450, 179D.160, 200.3771, 200.3772,
53 200.5095, 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, 218A.350, 218E.625, 218F.150, 218G.130, 218G.240, 218G.350,
228.270, 228.450, 228.495, 228.570, 231.069, 231.1473, 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, 241.039, 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, 289.830, 293.5002, 293.503, 293.558, 293B.135,
293D.510, 331.110, 332.061, 332.351, 333.333, 333.335, 338.070, 338.1379,
338.16925, 338.1725, 338.1727, 348.420, 349.597, 349.775, 353.205, 353A.049,
353A.085, 353A.100, 353C.240, 360.240, 360.247, 360.255, 360.755, 361.044,
361.610, 365.138, 366.160, 368A.180, 372A.080, 378.290, 378.300, 379.008,
385A.830, 385B.100, 387.626, 387.631, 388.1455, 388.259, 388.501, 388.503,
388.513, 388.750, 391.035, 392.029, 392.147, 392.264, 392.271, 392.850, 394.167,
394.1698, 394.447, 394.460, 394.465, 396.3295, 396.405, 396.525, 396.535,
398.403, 408.3885, 408.3886, 408.3888, 408.5484, 412.153, 416.070, 422.2749,
422.305, 422A.342, 422A.350, 425.400, 427A.1236, 427A.872, 432.205,
432B.175, 432B.280, 432B.290, 432B.407, 432B.430, 432B.560, 433.534,
433A.360, 439.840, 439B.420, 440.170, 441A.195, 441A.220, 441A.230, 442.330,
442.395, 445A.665, 445B.570, 449.209, 449.245, 449.720, 450.140, 453.164,
453.720, 453A.610, 453A.700, 458.055, 458.280, 459.050, 459.3866, 459.555,
459.7056, 459.846, 463.120, 463.15993, 463.240, 463.3403, 463.3407, 463.790,
467.1005, 480.365, 481.063, 482.170, 482.5536, 483.340, 483.363, 483.575,
483.659, 483.800, 484E.070, 485.316, 503.452, 522.040, 534A.031, 561.285,
571.160, 584.655, 587.877, 598.0964, 598.098, 598A.110, 599B.090, 603.070,
603A.210, 604A.710, 612.265, 616B.012, 616B.015, 616B.315, 616B.350,
618.341, 618.425, 622.310, 623.131, 623A.137, 624.110, 624.265, 624.327,
625.425, 625A.185, 628.418, 628B.230, 628B.760, 629.047, 629.069, 630.133,
630.30665, 630.336, 630A.555, 631.368, 632.121, 632.125, 632.405, 633.283,
633.301, 633.524, 634.055, 634.214, 634A.185, 635.158, 636.107, 637.085,
637B.288, 638.087, 638.089, 639.2485, 639.570, 640.075, 640A.220, 640B.730,
640C.400, 640C.745, 640C.760, 640D.190, 640E.340, 641.090, 641A.191,
641B.170, 641C.760, 642.524, 643.189, 644.446, 645.180, 645.625, 645A.050,
645A.082, 645B.060, 645B.092, 645C.220, 645C.225, 645D.130, 645D.135,
645E.300, 645E.375, 645G.510, 645H.320, 645H.330, 647.0945, 647.0947,
648.033, 648.197, 649.065, 649.067, 652.228, 654.110, 656.105, 661.115, 665.130,
665.133, 669.275, 669.285, 669A.310, 671.170, 673.430, 675.380, 676A.340,
676A.370, 677.243, 679B.122, 679B.152, 679B.159, 679B.190, 679B.285,
679B.690, 680A.270, 681A.440, 681B.260, 681B.610, 681B.540, 683A.0873,
685A.077, 686A.289, 686B.170, 686C.306, 687A.110, 687A.115, 687C.010,
688C.230, 688C.480, 688C.490, 692A.117, 692C.190, 692C.3536, 692C.3538,
692C.354, 692C.420, 693A.480, 693A.615, 696B.550, 703.196, 704B.320,
704B.325, 706.1725, 706A.230, 710.159, 711.600, *and section 1 of this act*,
sections 35, 38 and 41 of chapter 478, Statutes of Nevada 2011 and section 2 of
chapter 391, Statutes of Nevada 2013 and unless otherwise declared by law to be
confidential, all public books and public records of a governmental entity must be
open at all times during office hours to inspection by any person, and may be fully
copied or an abstract or memorandum may be prepared from those public books
and public records. Any such copies, abstracts or memoranda may be used to
supply the general public with copies, abstracts or memoranda of the records or
may be used in any other way to the advantage of the governmental entity or of the
general public. This section does not supersede or in any manner affect the federal
laws governing copyrights or enlarge, diminish or affect in any other manner the

1 rights of a person in any written book or record which is copyrighted pursuant to
2 federal law.

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

5 3. A governmental entity that has legal custody or control of a public book or
6 record shall not deny a request made pursuant to subsection 1 to inspect or copy or
7 receive a copy of a public book or record on the basis that the requested public
8 book or record contains information that is confidential if the governmental entity
9 can redact, delete, conceal or separate the confidential information from the
10 information included in the public book or record that is not otherwise confidential.

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

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

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

20 **Sec. 10.** This act becomes effective on July 1, 2017.