

Amendment No. 147

Senate Amendment to Senate Bill No. 268 (BDR 16-546)

Proposed by: Senate Committee on Judiciary

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

Adoption of this amendment will REMOVE the unfunded mandate from S.B. 268.

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: 4/10/2017

S.B. No. 268—Revises various provisions relating to corrections. (BDR 16-546)



SENATE BILL NO. 268—COMMITTEE ON JUDICIARY

MARCH 15, 2017

Referred to Committee on Judiciary

SUMMARY—Revises various provisions relating to corrections. (BDR 16-546)

FISCAL NOTE: Effect on Local Government: May have Fiscal Impact.
Effect on the State: Yes.

~~{CONTAINS UNFUNDED MANDATE (§ 2)
(Not Requested by Affected Local Government)}~~

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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 the Director of the Department of Corrections to verify the full legal name and age of an offender who is to be released by obtaining certain documents before providing a photo identification card to the offender; ~~requiring~~ authorizing a sheriff, chief of police, town marshal or director of a facility for the detention of children, upon request, to provide ~~a photo identification card~~ certain information and assistance to a person who is to be released from a jail or detention facility; revising provisions governing the allowance of credits to a prisoner of a local detention facility who successfully completes a program of education ~~for~~ a program of vocational education and training; a program of treatment for alcohol or drug abuse ~~or~~ or another approved program; revising the documents which may be furnished to the Department of Motor Vehicles as proof of the full legal name and age of the offender to apply for a driver's license or identification card; providing for the waiver of certain fees relating to driver's licenses and identification cards for certain persons who are released from a jail or detention facility; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the Director of the Department of Corrections to provide to an offender upon the offender's release from prison and if the offender requests it: (1) a photo identification card containing the name, the date of birth and a color picture of the offender; and (2) information and reasonable assistance relating to acquiring a valid driver's license or identification card to enable the offender to obtain employment if the offender is eligible to acquire a driver's license or identification card from the Department of Motor Vehicles. (NRS 209.511) **Section 1** of this bill requires the Director to verify the full legal name and age of the offender by obtaining certain documents to prove the name and age of the offender before providing the photo identification card. **Section 2** of this bill ~~similarly requires~~ authorizes the sheriff of a county, the chief of police of a city, a town marshal or a director of a facility

for the detention of children, if requested, to provide a prisoner or child, as applicable, with ~~photo identification card and~~ certain information and assistance upon the person's release from the county, city or town jail or detention facility because of the expiration of the person's sentence or term of detention or commitment.

Existing law requires the deduction of 5 days from a prisoner's term of imprisonment in a county or municipal detention facility if the prisoner earns a general educational development certificate or an equivalent document for successfully completing an educational program for adults that is conducted jointly by the local detention facility and the school district in which the facility is located. (NRS 211.330) **Section 3** of this bill provides that, under certain circumstances, a prisoner of a county, city or town jail or detention facility must be allowed a deduction of not more than 5 days from his or her term of imprisonment for: (1) earning a general educational development certificate or an equivalent document for successfully completing an educational program for adults; or (2) successfully completing a program of vocational education and training or another approved program.

Existing law authorizes the deduction of not more than 5 days from a prisoner's term of imprisonment in a county or municipal detention facility if the prisoner is awarded a certificate for successfully completing a program of treatment for the abuse of alcohol or drugs which is conducted jointly by the local detention facility and a person who holds a license or certificate as an alcohol and drug abuse counselor or counselor intern. (NRS 211.340) **Section 4** of this bill provides that, under certain circumstances, a prisoner of a county, city or town jail or detention facility must be allowed a deduction of 5 days from his or her term of imprisonment for receiving a certificate for successfully completing a program of treatment for the abuse of alcohol or drugs.

Sections 3 and 4 also provide that if the prisoner completes the applicable program ~~of treatment or education, as applicable,~~ with meritorious or exceptional achievement, the prisoner may be allowed up to an additional 5 days of credit.

Existing law sets forth the documents that an applicant is required to present to the Department of Motor Vehicles as proof of his or her full legal name and age to apply for an instruction permit, driver's license or identification card. (NRS 483.290, 483.860) **Sections 5 and 8** of this bill revise these provisions to authorize as such proof the presentation of the photo identification card issued to a person by a county, city or town jail or facility for the detention of children in this State upon the person's release from a county, city or town jail or detention facility as set forth in **section 2**.

Existing law provides for the waiver of: (1) certain fees for furnishing a duplicate driver's license for a person who was released from prison within the 90 days immediately preceding the person's application for the driver's license or identification card; and (2) the cost of producing a photograph for a driver's license or identification card. (NRS 483.417 ~~483.825~~) **Sections 6 and 7** of this bill authorize the waiver of the fees for a person who was released from a county, city or town jail or a detention facility within the immediately preceding 90 days.

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

Section 1. NRS 209.511 is hereby amended to read as follows:

209.511 1. ~~When~~ *Except as otherwise provided in subsection 2, when* an offender is released from prison by expiration of his or her term of sentence, by pardon or by parole, the Director:

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

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

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

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

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

(f) Shall provide the offender with a photo identification card issued by the Department and information and reasonable assistance relating to acquiring a valid driver's license or identification card to enable the offender to obtain employment, if the offender:

(1) Requests a photo identification card; or

(2) Requests such information and assistance and is eligible to acquire a valid driver's license or identification card from the Department of Motor Vehicles;

(g) May provide the offender with clothing suitable for reentering society;

(h) May provide the offender with the cost of transportation to his or her place of residence anywhere within the continental United States, or to the place of his or her conviction;

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

(j) Shall require the offender to submit to at least one test for exposure to the human immunodeficiency virus.

2. *The Director shall not provide an offender with a photo identification card pursuant to paragraph (f) of subsection 1 unless the Director has verified the full legal name and age of the offender by obtaining an original or certified copy of the documents required by the Department of Motor Vehicles pursuant to NRS 483.290 or 483.860, as applicable, furnished as proof of the full legal name and age of an applicant for a driver's license or identification card.*

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

~~3-4~~ 4. As used in this section:

(a) "Facility for transitional living for released offenders" has the meaning ascribed to it in NRS 449.0055.

(b) "Photo identification card" means a document which includes the name, date of birth and a color picture of the offender.

Sec. 2. Chapter 211 of NRS is hereby amended by adding thereto a new section to read as follows:

1. *Except as otherwise provided in subsection 2, when a prisoner is released from a county, city or town jail or detention facility or when a child is released from a juvenile detention facility by expiration of his or her term of imprisonment, detention or commitment, as applicable, the sheriff, chief of police, town marshal or director of the juvenile detention facility, as applicable, shall, at the expense of the county, city, town or juvenile detention facility, as applicable, may provide the prisoner or child, as applicable, with a photo identification card issued by the county, city, town or juvenile detention facility, as applicable, and information and reasonable assistance relating to acquiring information and reasonable assistance relating to acquiring a valid driver's license or identification card to enable the prisoner or child to obtain employment or participate in transitional programming, if the prisoner or child requests a*

~~(a) A photo identification card; or~~

1 ~~— (b) Such~~ such information and assistance and , if applicable, is eligible to
2 acquire a valid driver's license or identification card from the Department of
3 Motor Vehicles.

4 2. The sheriff, chief of police, town marshal or director of a juvenile
5 detention facility, as applicable, shall not provide a prisoner or child with
6 information or assistance relating to acquiring a driver's license or a photo
7 identification card pursuant to ~~paragraph (a) of~~ subsection 1 unless ~~the~~
8 ~~Director~~ he or she has verified the full legal name and age of the prisoner or
9 child by obtaining an original or certified copy of the documents required by the
10 Department of Motor Vehicles pursuant to NRS 483.290 or 483.860, as
11 applicable, furnished as proof of the full legal name and age of an applicant for a
12 driver's license or identification card.

13 3. As used in this section:

14 (a) "Juvenile detention facility" means:

15 (1) A local facility for the detention of children as defined in NRS
16 62A.190; or

17 (2) A regional facility for the detention of children as defined in NRS
18 62A.280.

19 (b) "Photo identification card" means a document which includes the name,
20 the date of birth and a color picture of the prisoner or child.

21 Sec. 3. NRS 211.330 is hereby amended to read as follows:

22 211.330 1. ~~¶¶~~ A prisoner who has no serious infraction of the
23 regulations of the county, city or town jail or detention facility in which the
24 prisoner is incarcerated or detained, the terms and conditions of his or her
25 residential confinement or the laws of this State recorded against the prisoner
26 must be allowed, in addition to the credits on a term of imprisonment provided for
27 in NRS 211.310, 211.320 and 211.340, ~~the sheriff of the county or the chief of~~
28 police of the municipality in which a prisoner is incarcerated shall deduct a
29 deduction of not more than 5 days from the prisoner's term of imprisonment for
30 earning :

31 (a) Earning a general educational development certificate or an equivalent
32 document by successfully completing an educational program for adults ~~+~~
33 ~~conducted jointly by the local detention facility in which the prisoner is~~
34 ~~incarcerated and the school district in which the facility is located.~~ ; or

35 (b) Successfully completing:

36 (1) A program of vocational education and training; or

37 (2) Any other program approved by the sheriff of the county, the chief of
38 police of the municipality or the director, as applicable, for the county, city or
39 town jail or detention facility, as applicable, in which the prisoner is incarcerated
40 or detained.

41 2. ~~¶ The provisions of this section apply to any prisoner who is sentenced on or~~
42 ~~after October 1, 1991, to a term of imprisonment of 90 days or more.~~ If the
43 prisoner completes such a program with meritorious or exceptional achievement,
44 the prisoner may be allowed not more than 5 days of credit for each such
45 program in addition to the days allowed for the successful completion of the
46 program pursuant to subsection 1.

47 Sec. 4. NRS 211.340 is hereby amended to read as follows:

48 211.340 1. ~~¶¶~~ A prisoner who has no serious infraction of the
49 regulations of the county, city or town jail or detention facility in which the
50 prisoner is incarcerated or detained, the terms and conditions of his or her
51 residential confinement or the laws of this State recorded against the prisoner
52 must be allowed, in addition to the credits on a term of imprisonment provided for
53 in NRS 211.310, 211.320 and 211.330, ~~the sheriff of the county or the chief of~~

1 ~~police of the municipality in which a prisoner is incarcerated may deduct~~ not more
2 than 5 days from the prisoner's term of imprisonment if the prisoner:

3 (a) Successfully completes a program of treatment for the abuse of alcohol or
4 drugs ; ~~which is conducted jointly by the local detention facility in which the~~
5 ~~prisoner is incarcerated and a person who is licensed as a clinical alcohol and drug~~
6 ~~abuse counselor, licensed or certified as an alcohol and drug abuse counselor or~~
7 ~~certified as an alcohol and drug abuse counselor intern or a clinical alcohol and~~
8 ~~drug abuse counselor intern, pursuant to chapter 641C of NRS;~~ and

9 (b) Is awarded a certificate evidencing the prisoner's successful completion of
10 the program.

11 2. ~~The provisions of this section apply to any prisoner who is sentenced on or~~
12 ~~after October 1, 1991, to a term of imprisonment of 90 days or more.~~ *If the*
13 *prisoner completes such a program with meritorious or exceptional achievement,*
14 *the prisoner may be allowed not more than 5 days of credit in addition to the days*
15 *allowed for the successful completion of the program pursuant to subsection 1.*

16 **Sec. 5.** NRS 483.290 is hereby amended to read as follows:

17 483.290 1. An application for an instruction permit or for a driver's license
18 must:

19 (a) Be made upon a form furnished by the Department.

20 (b) Be verified by the applicant before a person authorized to administer oaths.
21 Officers and employees of the Department may administer those oaths without
22 charge.

23 (c) Be accompanied by the required fee.

24 (d) State the full legal name, date of birth, sex, address of principal residence
25 and mailing address, if different from the address of principal residence, of the
26 applicant and briefly describe the applicant.

27 (e) State whether the applicant has theretofore been licensed as a driver, and, if
28 so, when and by what state or country, and whether any such license has ever been
29 suspended or revoked, or whether an application has ever been refused, and, if so,
30 the date of and reason for the suspension, revocation or refusal.

31 (f) Include such other information as the Department may require to determine
32 the competency and eligibility of the applicant.

33 2. Every applicant must furnish proof of his or her full legal name and age by
34 displaying:

35 (a) An original or certified copy of the required documents as prescribed by
36 regulation; or

37 (b) A photo identification card issued by ~~the~~ :

38 (1) *The* Department of Corrections pursuant to NRS 209.511 ~~H~~ ; or

39 (2) *A county, city or town jail or detention facility or a juvenile detention*
40 *facility in this State pursuant to section 2 of this act.*

41 3. The Department shall adopt regulations prescribing the documents an
42 applicant may use to furnish proof of his or her full legal name and age to the
43 Department pursuant to paragraph (a) of subsection 2.

44 4. At the time of applying for a driver's license, an applicant may, if eligible,
45 register to vote pursuant to NRS 293.524.

46 5. Every applicant who has been assigned a social security number must
47 furnish proof of his or her social security number by displaying:

48 (a) An original card issued to the applicant by the Social Security
49 Administration bearing the social security number of the applicant; or

50 (b) Other proof acceptable to the Department, including, without limitation,
51 records of employment or federal income tax returns.

52 6. The Department may refuse to accept a driver's license issued by another
53 state, the District of Columbia or any territory of the United States if the

1 Department determines that the other state, the District of Columbia or the territory
2 of the United States has less stringent standards than the State of Nevada for the
3 issuance of a driver's license.

4 7. With respect to any document presented by a person who was born outside
5 of the United States to prove his or her full legal name and age, the Department:

6 (a) May, if the document has expired, refuse to accept the document or refuse
7 to issue a driver's license to the person presenting the document, or both; and

8 (b) Shall issue to the person presenting the document a driver's license that is
9 valid only during the time the applicant is authorized to stay in the United States, or
10 if there is no definite end to the time the applicant is authorized to stay, the driver's
11 license is valid for 1 year beginning on the date of issuance.

12 8. The Administrator shall adopt regulations setting forth criteria pursuant to
13 which the Department will issue or refuse to issue a driver's license in accordance
14 with this section to a person who is a citizen of any state, the District of Columbia,
15 any territory of the United States or a foreign country. The criteria pursuant to
16 which the Department shall issue or refuse to issue a driver's license to a citizen of
17 a foreign country must be based upon the purpose for which that person is present
18 within the United States.

19 9. Notwithstanding any other provision of this section, the Department shall
20 not accept a consular identification card as proof of the age or identity of an
21 applicant for an instruction permit or for a driver's license. As used in this
22 subsection, "consular identification card" has the meaning ascribed to it in NRS
23 232.006.

24 **Sec. 6.** NRS 483.417 is hereby amended to read as follows:

25 483.417 1. The Department shall waive the fee prescribed by NRS 483.410
26 and the increase in the fee required by NRS 483.347 not more than one time for
27 furnishing a duplicate driver's license to:

28 (a) A homeless person who submits a signed affidavit on a form prescribed by
29 the Department stating that the person is homeless.

30 (b) A person who submits documentation from the Department of Corrections
31 verifying that the person was released from prison within the immediately
32 preceding 90 days.

33 (c) *A person who submits documentation from a county, city or town jail or*
34 *detention facility or a juvenile detention facility verifying that the person was*
35 *released from the county, city or town jail or detention facility or the juvenile*
36 *detention facility, as applicable, within the immediately preceding 90 days.*

37 2. A vendor that has entered into an agreement with the Department to
38 produce photographs for drivers' licenses pursuant to NRS 483.347 may waive the
39 cost it charges the Department to produce the photograph of a homeless person or
40 person released from prison *or a county, city or town jail or detention facility or a*
41 *juvenile detention facility* for a duplicate driver's license.

42 3. If the vendor does not waive pursuant to subsection 2 the cost it charges the
43 Department and the Department has waived the increase in the fee required by NRS
44 483.347 for a duplicate driver's license furnished to a person pursuant to subsection
45 1, the person shall reimburse the Department in an amount equal to the increase in
46 the fee required by NRS 483.347 if the person:

47 (a) Applies to the Department for the renewal of his or her driver's license; and

48 (b) Is employed at the time of such application.

49 4. The Department may accept gifts, grants and donations of money to fund
50 the provision of duplicate drivers' licenses without a fee to persons pursuant to
51 subsection 1.

52 5. *As used in this section, "juvenile detention facility" means:*

1 (a) *A local facility for the detention of children as defined in NRS 62A.190;*
2 or

3 (b) *A regional facility for the detention of children as defined in NRS*
4 *62A.280.*

5 Sec. 7. NRS 483.825 is hereby amended to read as follows:

6 483.825 1. The Department shall waive the fee prescribed by NRS 483.820
7 and the increase in the fee required by NRS 483.347 not more than one time for
8 furnishing a duplicate identification card to:

9 (a) A homeless person who submits a signed affidavit on a form prescribed by
10 the Department stating that the person is homeless.

11 (b) A person who submits documentation from the Department of Corrections
12 verifying that the person was released from prison within the immediately
13 preceding 90 days.

14 (c) *A person who submits documentation from a county, city or town jail or*
15 *detention facility or a juvenile detention facility verifying that the person was*
16 *released from the county, city or town jail or the juvenile detention facility, as*
17 *applicable, within the immediately preceding 90 days.*

18 2. A vendor that has entered into an agreement with the Department to
19 produce photographs for identification cards pursuant to NRS 483.347 may waive
20 the cost it charges the Department to produce the photograph of a homeless person
21 or person released from prison , *a county, city or town jail or detention facility or a*
22 *juvenile detention facility* for a duplicate identification card.

23 3. If the vendor does not waive pursuant to subsection 2 the cost it charges the
24 Department and the Department has waived the increase in the fee required by NRS
25 483.347 for a duplicate identification card furnished to a person pursuant to
26 subsection 1, the person shall reimburse the Department in an amount equal to the
27 increase in the fee required by NRS 483.347 if the person:

28 (a) Applies to the Department for the renewal of his or her identification card;
29 and

30 (b) Is employed at the time of such application.

31 4. The Department may accept gifts, grants and donations of money to fund
32 the provision of duplicate identification cards without a fee to persons pursuant to
33 subsection 1.

34 5. As used in this section ~~1, "photograph"~~ :

35 (a) *"Juvenile detention facility" means:*

36 (1) *A local facility for the detention of children as defined in NRS*
37 *62A.190; or*

38 (2) *A regional facility for the detention of children as defined in NRS*
39 *62A.280.*

40 (b) *"Photograph"* has the meaning ascribed to it in NRS 483.125.

41 Sec. 8. NRS 483.860 is hereby amended to read as follows:

42 483.860 1. Every applicant for an identification card must furnish proof of
43 his or her full legal name and age by presenting:

44 (a) An original or certified copy of the required documents as prescribed by
45 regulation; or

46 (b) A photo identification card issued by ~~the~~ :

47 (1) *The Department of Corrections pursuant to NRS 209.511 ~~1~~ ; or*

48 (2) *A county, city or town jail or detention facility or juvenile detention*
49 *facility in this State pursuant to section 2 of this act.*

50 2. The Director shall adopt regulations:

51 (a) Prescribing the documents an applicant may use to furnish proof of his or
52 her full legal name and age to the Department pursuant to paragraph (a) of
53 subsection 1; and

(b) Setting forth criteria pursuant to which the Department will issue or refuse to issue an identification card in accordance with this section to a person who is a citizen of a state, the District of Columbia, any territory of the United States or a foreign country. The criteria pursuant to which the Department shall issue or refuse to issue an identification card to a citizen of a foreign country must be based upon the purpose for which that person is present within the United States.

3. Notwithstanding any other provision of this section, the Department shall not accept a consular identification card as proof of the age or identity of an applicant for an identification card. As used in this subsection, "consular identification card" has the meaning ascribed to it in NRS 232.006.

Sec. 9. ~~[[The provisions of NRS 254.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.]]~~
(Deleted by amendment.)

Sec. 10. This act becomes effective:

1. Upon passage and approval for the purpose of performing any preparatory administrative tasks that are necessary to carry out the provisions of this act; and

2. On October 1, 2017, for all other purposes.