

SENATE BILL NO. 140—SENATOR HARDY

PREFILED FEBRUARY 13, 2017

Referred to Committee on Judiciary

SUMMARY—Authorizes the residential confinement or other appropriate supervision of certain older offenders. (BDR 16-798)

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; authorizing the residential confinement or other appropriate supervision of certain older offenders; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes the Director of the Department of Corrections to assign any offender who has not been sentenced to death or imprisonment for life without the possibility of parole to the custody of the Division of Parole and Probation of the Department of Public Safety to serve a term of residential confinement or other appropriate supervision as determined by the Division for not longer than the remainder of the offender's sentence if: (1) the Director has reason to believe that the offender is physically incapacitated or in ill health to such a degree that the offender is not likely to pose a threat to the safety of the public and at least two licensed physicians verify such incapacitation or ill health; or (2) the offender is in ill health and expected to die within 12 months. If the Director intends to assign such an offender to the custody of the Division, the Director is required to notify the Division and the board of county commissioners of the county in which the offender will reside at least 45 days before the offender's expected date of release. Additionally, the Division is required to notify any victim of a crime committed by the offender who has requested to be notified of the consideration of a prisoner for parole. If such an offender escapes or violates any of the terms or conditions of his or her residential confinement or other appropriate supervision as determined by the Division, the Division is authorized to return the offender to the custody of the Department and any credits for good behavior earned by the offender before the escape or violation are subject to forfeiture, as determined by the Director. (NRS 209.3925)

Section 1 of this bill additionally authorizes the Director to assign any offender who has not been sentenced to death or imprisonment for life without the possibility of parole to the custody of the Division to serve a term of residential



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confinement or other appropriate supervision as determined by the Division for not longer than the remainder of the offender's sentence if the offender: (1) is 65 years of age or older; (2) has not been convicted of a crime of violence; and (3) has served at least a majority of the maximum term or maximum aggregate term of his or her sentence. **Sections 2-8** of this bill make conforming changes.

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 a new section to read as follows:

1. Except as otherwise provided in subsection 6, the Director may assign an offender to the custody of the Division of Parole and Probation of the Department of Public Safety to serve a term of residential confinement pursuant to NRS 213.380 or other appropriate supervision as determined by the Division of Parole and Probation, for not longer than the remainder of his or her sentence, if the offender:

(a) Is 65 years of age or older;

(b) Has not been convicted of a crime of violence; and

(c) Has served at least a majority of the maximum term or maximum aggregate term, as applicable, of his or her sentence.

2. If the Director intends to assign an offender to the custody of the Division of Parole and Probation pursuant to this section, at least 45 days before the date the offender is expected to be released from the custody of the Department, the Director shall notify:

(a) The board of county commissioners of the county in which the offender will reside; and

(b) The Division of Parole and Probation.

3. Except as otherwise provided in NRS 213.10915, if any victim of a crime committed by the offender has, pursuant to subsection 4 of NRS 213.131, requested to be notified of the consideration of a prisoner for parole and has provided a current address, the Division of Parole and Probation shall notify the victim that:

(a) The Director intends to assign the offender to the custody of the Division of Parole and Probation pursuant to this section; and

(b) The victim may submit documents to the Division of Parole and Probation regarding such an assignment.

↪ If a current address has not been provided by a victim as required by subsection 4 of NRS 213.131, the Division of Parole and Probation must not be held responsible if notification is not received by the victim. All personal information, including, without limitation, a current or former address, which pertains to



1 a victim and which is received by the Division of Parole and
2 Probation pursuant to this subsection is confidential.

3 4. If an offender assigned to the custody of the Division of
4 Parole and Probation pursuant to this section escapes or violates
5 any of the terms or conditions of his or her residential
6 confinement or other appropriate supervision as determined by the
7 Division of Parole and Probation:

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

11 (b) The offender forfeits all or part of the credits for good
12 behavior earned by the offender before the escape or violation, as
13 determined by the Director. The Director may provide for a
14 forfeiture of credits pursuant to this paragraph only after proof of
15 the offense and notice to the offender and may restore credits
16 forfeited for such reasons as the Director considers proper. The
17 decision of the Director regarding such a forfeiture is final.

18 5. The assignment of an offender to the custody of the
19 Division of Parole and Probation pursuant to this section shall be
20 deemed:

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

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

25 ↪ except that the offender is not entitled to obtain any benefits or
26 to participate in any programs provided to offenders in the custody
27 of the Department.

28 6. The Director may not assign an offender to the custody of
29 the Division of Parole and Probation pursuant to this section if the
30 offender is sentenced to death or imprisonment for life without the
31 possibility of parole.

32 7. An offender does not have a right to be assigned to the
33 custody of the Division of Parole and Probation pursuant to this
34 section, or to remain in that custody after such an assignment, and
35 it is not intended that the provisions of this section or of NRS
36 213.371 to 213.410, inclusive, create any right or interest in liberty
37 or property or establish a basis for any cause of action against the
38 State, its political subdivisions, agencies, boards, commissions,
39 departments, officers or employees.

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

43 9. As used in this section, "crime of violence" means any
44 offense involving the use or threatened use of force or violence
45 against another person.



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

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

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

3. The Director:

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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



1 address, which pertains to a victim and which is received by the
2 Division of Parole and Probation pursuant to this subsection is
3 confidential.

4 3. The Director, after consulting with the Division of Parole
5 and Probation, shall adopt, by regulation, standards providing which
6 offenders are eligible for residential confinement. The standards
7 adopted by the Director must provide that an offender who:

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

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

12 (c) Has been convicted of:

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

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

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

19 (d) Has more than one prior conviction for any felony in this
20 State or any offense in another state that would be a felony if
21 committed in this State, not including a violation of NRS 484C.110,
22 484C.120, 484C.130, 484C.430, 488.420, 488.425 or 488.427; or

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

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

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

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

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

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

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



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

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

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

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

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

7. An offender does not have a right to be assigned to the custody of the Division of Parole and Probation pursuant to this section, or to remain in that custody after such an assignment, and it is not intended that the provisions of this section or of NRS 213.371 to 213.410, inclusive, create any right or interest in 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 213.10915 is hereby amended to read as follows:

213.10915 1. The Board, in consultation with the Division, may enter into an agreement with the manager of an automated victim notification system to notify victims 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 through the system if the system is capable of:

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

(b) Notifying victims registered with the system, using language provided by the Board, if the Board decides that it will discontinue the use of the system to notify victims 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) Be provided to each victim registered with the system not less than 90 days before the date on which the Board will discontinue use of the system; and

(2) Advise each victim to submit a written request for notification pursuant to subsection 4 of NRS 213.131 if the victim wishes 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.

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 ~~H~~ *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. 5. 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 ~~H~~ *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. 6. 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 ~~H~~ *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.



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Sec. 7. 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.



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1 (c) If a person listed in paragraph (a) or (b) is under the age of
2 18 years, each parent or guardian who is not the offender.

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

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

8 5. Except as otherwise provided in subsection 6, if the offense
9 was a felony and the offender is imprisoned, the warden of the
10 prison shall, if the victim or witness so requests in writing and
11 provides a current address, notify the victim or witness at that
12 address when the offender is released from the prison.

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

17 (a) The immediate family of the victim if the immediate family
18 provides their current address;

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

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

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

29 8. As used in this section:

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

32 (b) "Sexual offense" means:

33 (1) Sexual assault pursuant to NRS 200.366;

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

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

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

39 (5) Incest pursuant to NRS 201.180;

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

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

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

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



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

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

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

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

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

Sec. 8. NRS 239.010 is hereby amended to read as follows:

239.010 1. Except as otherwise provided in this section and NRS 1.4683, 1.4687, 1A.110, 41.071, 49.095, 62D.420, 62D.440, 62E.516, 62E.620, 62H.025, 62H.030, 62H.170, 62H.220, 62H.320, 75A.100, 75A.150, 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, 130.712, 136.050, 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, 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,



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18 637B.288, 638.087, 638.089, 639.2485, 639.570, 640.075,
19 640A.220, 640B.730, 640C.400, 640C.745, 640C.760, 640D.190,
20 640E.340, 641.090, 641A.191, 641B.170, 641C.760, 642.524,
21 643.189, 644.446, 645.180, 645.625, 645A.050, 645A.082,
22 645B.060, 645B.092, 645C.220, 645C.225, 645D.130, 645D.135,
23 645E.300, 645E.375, 645G.510, 645H.320, 645H.330, 647.0945,
24 647.0947, 648.033, 648.197, 649.065, 649.067, 652.228, 654.110,
25 656.105, 661.115, 665.130, 665.133, 669.275, 669.285, 669A.310,
26 671.170, 673.430, 675.380, 676A.340, 676A.370, 677.243,
27 679B.122, 679B.152, 679B.159, 679B.190, 679B.285, 679B.690,
28 680A.270, 681A.440, 681B.260, 681B.410, 681B.540, 683A.0873,
29 685A.077, 686A.289, 686B.170, 686C.306, 687A.110, 687A.115,
30 687C.010, 688C.230, 688C.480, 688C.490, 692A.117, 692C.190,
31 692C.3536, 692C.3538, 692C.354, 692C.420, 693A.480, 693A.615,
32 696B.550, 703.196, 704B.320, 704B.325, 706.1725, 706A.230,
33 710.159, 711.600, *and section 1 of this act*, sections 35, 38 and 41
34 of chapter 478, Statutes of Nevada 2011 and section 2 of chapter
35 391, Statutes of Nevada 2013 and unless otherwise declared by law
36 to be confidential, all public books and public records of a
37 governmental entity must be open at all times during office hours to
38 inspection by any person, and may be fully copied or an abstract or
39 memorandum may be prepared from those public books and public
40 records. Any such copies, abstracts or memoranda may be used to
41 supply the general public with copies, abstracts or memoranda of the
42 records or may be used in any other way to the advantage of the
43 governmental entity or of the general public. This section does not
44 supersede or in any manner affect the federal laws governing
45 copyrights or enlarge, diminish or affect in any other manner the



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

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

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

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

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

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

25 **Sec. 9.** This act becomes effective on July 1, 2017.

