

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 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 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 or a program of treatment for alcohol or drug abuse; 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:

- 1 Existing law requires the Director of the Department of Corrections to provide
- 2 to an offender upon the offender's release from prison and if the offender requests
- 3 it: (1) a photo identification card containing the name, the date of birth and a color



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4 picture of the offender; and (2) information and reasonable assistance relating to
5 acquiring a valid driver's license or identification card to enable the offender to
6 obtain employment if the offender is eligible to acquire a driver's license or
7 identification card from the Department of Motor Vehicles. (NRS 209.511) **Section**
8 **1** of this bill requires the Director to verify the full legal name and age of the
9 offender by obtaining certain documents to prove the name and age of the offender
10 before providing the photo identification card. **Section 2** of this bill similarly
11 requires the sheriff of a county, the chief of police of a city, a town marshal or a
12 director of a facility for the detention of children, if requested, to provide a prisoner
13 or child, as applicable, with a photo identification card and certain information and
14 assistance upon the person's release from the county, city or town jail or detention
15 facility because of the expiration of the person's sentence or term of detention or
16 commitment.

17 Existing law requires the deduction of 5 days from a prisoner's term of
18 imprisonment in a county or municipal detention facility if the prisoner earns a
19 general educational development certificate or an equivalent document for
20 successfully completing an educational program for adults that is conducted jointly
21 by the local detention facility and the school district in which the facility is located.
22 (NRS 211.330) **Section 3** of this bill provides that, under certain circumstances, a
23 prisoner of a county, city or town jail or detention facility must be allowed a
24 deduction of 5 days from his or her term of imprisonment for earning a general
25 educational development certificate or an equivalent document for successfully
26 completing an educational program for adults.

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

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

40 Existing law sets forth the documents that an applicant is required to present to
41 the Department of Motor Vehicles as proof of his or her full legal name and age to
42 apply for an instruction permit, driver's license or identification card. (NRS
43 483.290, 483.860) **Sections 5 and 8** of this bill revise these provisions to authorize
44 as such proof the presentation of the photo identification card issued to a person by
45 a county, city or town jail or facility for the detention of children in this State upon
46 the person's release from a county, city or town jail or detention facility as set forth
47 in **section 2**.

48 Existing law provides for the waiver of: (1) certain fees for furnishing a
49 duplicate driver's license for a person who was released from prison within the 90
50 days immediately preceding the person's application for the driver's license or
51 identification card; and (2) the cost of producing a photograph for a driver's license
52 or identification card. (NRS 483.417) **Sections 6 and 7** of this bill authorize the
53 waiver of the fees for a person who was released from a county, city or town jail or
54 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.

~~3-1~~ 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, 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 a valid driver's license or identification card to enable the prisoner or child to obtain employment, if the prisoner or child requests:

(a) A photo identification card; or

(b) Such information and assistance and is eligible to acquire a valid driver's license or identification card from the Department of Motor Vehicles.

2. The sheriff, chief of police, town marshal or director of a juvenile detention facility, as applicable, shall not provide a prisoner or child with a photo identification card pursuant to paragraph (a) of subsection 1 unless the Director has verified the full legal name and age of the prisoner or child 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. As used in this section:



(a) "Juvenile detention facility" means:

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

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

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

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

211.330 1. ~~[[H]]~~ A prisoner who has no serious infraction of the regulations of the county, city or town jail or detention facility in which the prisoner is incarcerated or detained, the terms and conditions of his or her residential confinement or the laws of this State recorded against the prisoner must be allowed, in addition to the credits on a term of imprisonment provided for in NRS 211.310, 211.320 and 211.340, ~~[the sheriff of the county or the chief of police of the municipality in which a prisoner is incarcerated shall deduct]~~ a deduction of not more than 5 days from the prisoner's term of imprisonment for earning a general educational development certificate or an equivalent document by successfully completing an educational program for adults . ~~[conducted jointly by the local detention facility in which the prisoner is incarcerated and the school district in which the facility is located.]~~

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

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

211.340 1. ~~[[H]]~~ A prisoner who has no serious infraction of the regulations of the county, city or town jail or detention facility in which the prisoner is incarcerated or detained, the terms and conditions of his or her residential confinement or the laws of the State recorded against the prisoner must be allowed, in addition to the credits on a term of imprisonment provided for in NRS 211.310, 211.320 and 211.330, ~~[the sheriff of the county or the chief of police of the municipality in which a prisoner is incarcerated may deduct]~~ not more than 5 days from the prisoner's term of imprisonment if the prisoner:

(a) Successfully completes a program of treatment for the abuse of alcohol or drugs ; ~~[which is conducted jointly by the local detention facility in which the prisoner is incarcerated and a person who is licensed as a clinical alcohol and drug abuse counselor,~~



~~licensed or certified as an alcohol and drug abuse counselor or
certified as an alcohol and drug abuse counselor intern or a clinical
alcohol and drug abuse counselor intern, pursuant to chapter 641C
of NRS;~~ and

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

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

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

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

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

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

(c) Be accompanied by the required fee.

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

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

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

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

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

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

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

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

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



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

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

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

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

11 6. The Department may refuse to accept a driver's license
12 issued by another state, the District of Columbia or any territory of
13 the United States if the Department determines that the other state,
14 the District of Columbia or the territory of the United States has less
15 stringent standards than the State of Nevada for the issuance of a
16 driver's license.

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

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

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

28 8. The Administrator shall adopt regulations setting forth
29 criteria pursuant to which the Department will issue or refuse to
30 issue a driver's license in accordance with this section to a person
31 who is a citizen of any state, the District of Columbia, any territory
32 of the United States or a foreign country. The criteria pursuant to
33 which the Department shall issue or refuse to issue a driver's license
34 to a citizen of a foreign country must be based upon the purpose for
35 which that person is present within the United States.

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

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

42 483.417 1. The Department shall waive the fee prescribed by
43 NRS 483.410 and the increase in the fee required by NRS 483.347
44 not more than one time for furnishing a duplicate driver's license to:



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

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

6 *(c) A person who submits documentation from a county, city*
7 *or town jail or a juvenile detention facility verifying that the*
8 *person was released from the county, city or town jail or the*
9 *juvenile detention facility, as applicable, within the immediately*
10 *preceding 90 days.*

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

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

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

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

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

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

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

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

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

35 483.825 1. The Department shall waive the fee prescribed by
36 NRS 483.820 and the increase in the fee required by NRS 483.347
37 not more than one time for furnishing a duplicate identification card
38 to:

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

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

44 *(c) A person who submits documentation from a county, city*
45 *or town jail or a juvenile detention facility verifying that the*



1 *person was released from the county, city or town jail or the*
2 *juvenile detention facility, as applicable, within the immediately*
3 *preceding 90 days.*

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

10 3. If the vendor does not waive pursuant to subsection 2 the
11 cost it charges the Department and the Department has waived the
12 increase in the fee required by NRS 483.347 for a duplicate
13 identification card furnished to a person pursuant to subsection 1,
14 the person shall reimburse the Department in an amount equal to the
15 increase in the fee required by NRS 483.347 if the person:

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

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

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

22 5. As used in this section ~~the~~ *“photograph”* :

23 (a) *“Juvenile detention facility” means:*

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

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

28 (b) *“Photograph”* has the meaning ascribed to it in
29 NRS 483.125.

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

31 483.860 1. Every applicant for an identification card must
32 furnish proof of his or her full legal name and age by presenting:

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

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

36 (1) *The* Department of Corrections pursuant to NRS 209.511
37 ~~the~~ ; or

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

40 2. The Director shall adopt regulations:

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

44 (b) Setting forth criteria pursuant to which the Department will
45 issue or refuse to issue an identification card in accordance with this



1 section to a person who is a citizen of a state, the District of
2 Columbia, any territory of the United States or a foreign country.
3 The criteria pursuant to which the Department shall issue or refuse
4 to issue an identification card to a citizen of a foreign country must
5 be based upon the purpose for which that person is present within
6 the United States.

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

12 **Sec. 9.** The provisions of NRS 354.599 do not apply to any
13 additional expenses of a local government that are related to the
14 provisions of this act.

15 **Sec. 10.** This act becomes effective:

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

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

