

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.

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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; authorizing a sheriff, chief of police or town marshal, upon request, to provide 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, a program of vocational education and training, a program of treatment for alcohol or drug abuse 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:

- 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
- 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



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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 authorizes the
11 sheriff of a county, the chief of police of a city or a town marshal, if requested, to
12 provide a prisoner with certain information and assistance upon the person's release
13 from the county, city or town jail or detention facility because of the expiration of
14 the person's sentence or term of detention.

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

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 applicable
38 program with meritorious or exceptional achievement, the prisoner may be allowed
39 up to an additional 5 days of credit.

40 Existing law provides for the waiver of: (1) certain fees for furnishing a
41 duplicate driver's license for a person who was released from prison within the 90
42 days immediately preceding the person's application for the driver's license or
43 identification card; and (2) the cost of producing a photograph for a driver's license
44 or identification card. (NRS 483.417, 483.825) **Sections 6 and 7** of this bill
45 authorize the waiver of the fees for a person who was released from a county, city
46 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:

1 **Section 1.** NRS 209.511 is hereby amended to read as follows:
2 209.511 1. ~~{When}~~ *Except as otherwise provided in*
3 *subsection 2, when* an offender is released from prison by
4 expiration of his or her term of sentence, by pardon or by parole, the
5 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



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1 paid in accordance with subsection 5 of NRS 209.221 and
2 NRS 209.246.

3 ~~13-1~~ 4. As used in this section:

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

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

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

10 *1. Except as otherwise provided in subsection 2, when a*
11 *prisoner is released from a county, city or town jail or detention*
12 *facility by expiration of his or her term of imprisonment, the*
13 *sheriff, chief of police or town marshal, as applicable, may provide*
14 *the prisoner with information and reasonable assistance relating*
15 *to acquiring a valid driver's license or identification card to enable*
16 *the prisoner to obtain employment or participate in transitional*
17 *programming, if the prisoner requests such information and*
18 *assistance and is eligible to acquire a valid driver's license or*
19 *identification card from the Department of Motor Vehicles.*

20 *2. The sheriff, chief of police or town marshal, as applicable,*
21 *shall not provide a prisoner with information or assistance*
22 *relating to acquiring a driver's license or a photo identification*
23 *card pursuant to subsection 1 unless he or she has verified the full*
24 *legal name and age of the prisoner by obtaining an original or*
25 *certified copy of the documents required by the Department of*
26 *Motor Vehicles pursuant to NRS 483.290 or 483.860, as*
27 *applicable, furnished as proof of the full legal name and age of an*
28 *applicant for a driver's license or identification card.*

29 *3. As used in this section, "photo identification card" means*
30 *a document which includes the name, the date of birth and a color*
31 *picture of the prisoner.*

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

33 211.330 1. ~~Ha~~ *A prisoner who has no serious infraction of*
34 *the regulations of the county, city or town jail or detention facility*
35 *in which the prisoner is incarcerated or detained, the terms and*
36 *conditions of his or her residential confinement or the laws of this*
37 *State recorded against the prisoner must be allowed, in addition to*
38 *the credits on a term of imprisonment provided for in NRS 211.310,*
39 *211.320 and 211.340, ~~the sheriff of the county or the chief of police~~*
40 *~~of the municipality in which a prisoner is incarcerated shall deduct~~*
41 *a deduction of not more than 5 days from the prisoner's term of*
42 *imprisonment for ~~earning~~ :*

43 *(a) Earning* a general educational development certificate or an
44 equivalent document by successfully completing an educational
45 program for adults ~~conducted jointly by the local detention facility~~



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1 in which the prisoner is incarcerated and the school district in which
2 the facility is located.} ; or

3 (b) Successfully completing:

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

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

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

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

17 211.340 1. ~~{H+}~~ A prisoner who has no serious infraction of
18 the regulations of the county, city or town jail or detention facility
19 in which the prisoner is incarcerated or detained, the terms and
20 conditions of his or her residential confinement or the laws of this
21 State recorded against the prisoner must be allowed, in addition to
22 the credits on a term of imprisonment provided for in NRS 211.310,
23 211.320 and 211.330, ~~{the sheriff of the county or the chief of police~~
24 ~~of the municipality in which a prisoner is incarcerated may deduct}~~
25 not more than 5 days from the prisoner's term of imprisonment if
26 the prisoner:

27 (a) Successfully completes a program of treatment for the abuse
28 of alcohol or drugs ; ~~{which is conducted jointly by the local~~
29 ~~detention facility in which the prisoner is incarcerated and a person~~
30 ~~who is licensed as a clinical alcohol and drug abuse counselor,~~
31 ~~licensed or certified as an alcohol and drug abuse counselor or~~
32 ~~certified as an alcohol and drug abuse counselor intern or a clinical~~
33 ~~alcohol and drug abuse counselor intern, pursuant to chapter 641C~~
34 ~~of NRS;}~~ and

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

37 2. ~~{The provisions of this section apply to any prisoner who is~~
38 ~~sentenced on or after October 1, 1991, to a term of imprisonment of~~
39 ~~90 days or more.}~~ If the prisoner completes such a program with
40 meritorious or exceptional achievement, the prisoner may be
41 allowed not more than 5 days of credit in addition to the days
42 allowed for the successful completion of the program pursuant to
43 subsection 1.

44 Sec. 5. (Deleted by amendment.)



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

5. As used in this section, "photograph" has the meaning ascribed to it in NRS 483.125.

Sec. 8. (Deleted by amendment.)

Sec. 9. (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.

