

SENATE BILL NO. 306—SENATORS FORD, PARKS, CANCELA,
ATKINSON, FARLEY; DENIS, MANENDO, RATTI,
SEGERBLOM, SPEARMAN AND WOODHOUSE

MARCH 17, 2017

Referred to Committee on Judiciary

SUMMARY—Revises provisions relating to offenders.
(BDR 16-298)

FISCAL NOTE: Effect on Local Government: May have Fiscal Impact.
Effect on the State: Contains Appropriation not included
in Executive Budget.

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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; revising provisions governing the authorization for offenders to have access to telecommunications devices under certain circumstances; authorizing the Department of Corrections to create a pilot program governing certain uses of telecommunications devices by offenders; directing the Board of State Prison Commissioners to create a pilot program of education and training for certain offenders; setting forth the goals and functions of the pilot program of education and training; making an appropriation; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law prohibits offenders from having access to telecommunications devices except under certain circumstances, including pursuant to an agreement with the Department of Corrections. (NRS 209.417) **Section 1** of this bill removes the authority to enter into such agreements and instead authorizes the Director of the Department to adopt regulations, with the approval of the Board of State Prison Commissioners, governing the use of telecommunications devices for certain purposes related to education and employment. **Section 1.7** of this bill provides for the development, creation and operation of a pilot program that will operate in this State from July 1, 2017, through June 30, 2019, for the purpose of authorizing the Department to allow certain offenders to use telecommunications devices for certain reentry programs and services.

Existing law requires the Board of State Prison Commissioners to adopt regulations to establish programs of general education, vocational education and



training and other rehabilitation for offenders. (NRS 209.389) **Section 3** of this bill provides for the development, creation and operation of a pilot program that will operate in this State from July 1, 2017, through June 30, 2019, and focus its efforts on a program of education and training for certain offenders.

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

Section 1. NRS 209.417 is hereby amended to read as follows:

209.417 1. Except as otherwise provided in this section, the warden or manager of an institution or facility shall ensure that no offender in the institution or facility, or in a vehicle of the Department, has access to a telecommunications device.

2. An offender may use a telephone or, for the purpose of communicating with his or her child pursuant to NRS 209.42305, any other approved telecommunications device subject to the limitations set forth in NRS 209.419.

3. The ~~{Department}~~ *Director* may ~~{enter into an agreement with}~~ , *with the approval of the Board, adopt regulations authorizing* an offender who is assigned to transitional housing, a center for the purpose of making restitution pursuant to NRS 209.4827 to 209.4843, inclusive, or a specific program of education or vocational training ~~{authorizing the offender}~~ to use a telecommunications device:

(a) To access a network, including, without limitation, the Internet, for the purpose of:

(1) Obtaining educational or vocational training that is approved by the Department;

(2) Searching for or applying for employment; or

(3) Performing essential job functions.

(b) For any other purpose if a telecommunications device is required by an employer of the offender to perform essential job functions.

4. As used in this section, "telecommunications device" means a device, or an apparatus associated with a device, that can enable an offender to communicate with a person outside of the institution or facility at which the offender is incarcerated. The term includes, without limitation, a telephone, a cellular telephone, a personal digital assistant, a transmitting radio or a computer that is connected to a computer network, is capable of connecting to a computer network through the use of wireless technology or is otherwise capable of communicating with a person or device outside of the institution or facility.

Sec. 1.5. (Deleted by amendment.)



1 **Sec. 1.7.** 1. The Department of Corrections may develop a
2 pilot program authorizing offenders to use a telecommunications
3 device, which may not include direct Internet access, for programs
4 for reentry and direct correctional services.

5 2. An offender authorized to use a telecommunications device
6 pursuant to this section must be determined to be eligible by the
7 Department and meet the minimum criteria to be eligible for
8 programs of reentry into the community, including any appropriate
9 assessment based on the Nevada Risk Assessment Services
10 instrument.

11 3. Any communication made by an offender pursuant to this
12 section is subject to monitoring, security and the limitations set forth
13 in NRS 209.419.

14 4. As used in this section:

15 (a) "Direct correctional service" means a service related to an
16 internal grievance, or a request for medical or mental health.

17 (b) "Program for reentry" means a program for the rehabilitation
18 of offenders for reentry into the community, including without
19 limitation, programs for education, vocational education, mental
20 health or substance abuse treatment.

21 (c) "Telecommunications device" has the meaning ascribed to it
22 in NRS 209.417.

23 **Sec. 2.** The Legislature finds and declares that:

24 1. It is in the interest of the State to enhance the existing
25 programs of education and training for certain offenders for the
26 purpose of:

27 (a) Increasing employment and education opportunities for
28 offenders who are released from custody; and

29 (b) Reducing the risk of recidivism.

30 2. Offenders convicted of a crime under the laws of this State
31 and sentenced to imprisonment in the state prison:

32 (a) Should be offered education and training to prepare the
33 offender for a seamless transition to higher education upon release
34 from custody; and

35 (b) Who receive such education and training will improve his or
36 her quality of life.

37 3. It is the intent of the Legislature that resources be provided
38 for the operation of the pilot program described in section 3 of this
39 act.

40 4. The purpose of the pilot program described in section 3 of
41 this act is to reduce future costs to this State and increase the
42 employability of offenders by enhancing the programs of education
43 and training for certain offenders.

44 **Sec. 3.** 1. The Board in consultation with the College of
45 Southern Nevada shall develop, create and administer a pilot



1 program of education and training for certain offenders with a view
2 towards increasing the employability of those offenders.

3 2. Under the auspices of the pilot program, the College of
4 Southern Nevada shall, in cooperation with the Board:

5 (a) Expand opportunities for offenders in Clark County to:

6 (1) Successfully complete the high school equivalency
7 assessment provided by the State Board of Education;

8 (2) Participate in programs related to college and career
9 readiness;

10 (3) Receive vocational education and training; and

11 (4) Receive counseling related to the reentry of offenders;

12 (b) Provide job placement assistance to offenders upon release
13 of custody; and

14 (c) Partner with the Department of Employment, Training and
15 Rehabilitation, other local agencies and nonprofit organizations
16 whose purpose is to provide counseling, services and assistance
17 relating to the reentry of offenders.

18 3. To the extent possible, the pilot program must:

19 (a) Establish the conditions under which an offender may be
20 selected to participate in the pilot program; and

21 (b) Be conducted with the goal of selecting 50 female offenders
22 and 50 male offenders to participate in the pilot program.

23 4. As used in this section:

24 (a) "Board" means the Board of State Prison Commissioners as
25 defined by Section 21 of Article 5 of the Nevada Constitution.

26 (b) "Offender" means any person convicted of a crime under the
27 laws of this State and sentenced to imprisonment in the state prison.

28 **Sec. 4.** There is hereby appropriated from the State General
29 Fund to the Nevada System of Higher Education the sum of
30 \$300,000 to allow the College of Southern Nevada to carry out the
31 pilot program of education and training for certain offenders
32 pursuant to section 3 of this act.

33 **Sec. 5.** Any remaining balance of the appropriation made by
34 section 4 of this act must not be committed for expenditure after
35 June 30, 2019, by the entity to which the appropriation is made or
36 any entity to which money from the appropriation is granted or
37 otherwise transferred in any manner, and any portion of the
38 appropriated money remaining must not be spent for any purpose
39 after September 20, 2019, by either the entity to which the money
40 was appropriated or the entity to which the money was subsequently
41 granted or transferred, and must be reverted to the State General
42 Fund on or before September 20, 2019.

43 **Sec. 6.** 1. This act becomes effective upon passage and
44 approval for the purpose of performing any preparatory



- 1 administrative tasks necessary to carry out the provisions of this act,
- 2 and on July 1, 2017, for all other purposes.
- 3 2. Sections 1.7, 2 and 3 of this act expire by limitation on
- 4 June 30, 2019.

