

# BDR 18-106

## SB 188

### EXECUTIVE AGENCY FISCAL NOTE

AGENCY'S ESTIMATES

Date Prepared: March 5, 2017

Agency Submitting: Nevada Department of Corrections

Items of Revenue or Expense, or Both	Fiscal Year 2016-17	Fiscal Year 2017-18	Fiscal Year 2018-19	Effect on Future Biennia
Total	0	0	0	0

Explanation

(Use Additional Sheets of Attachments, if required)

Please, refer to the attached exhibit. The Nevada Department of Corrections (NDOC) has reviewed BDR 18-106, S.B. 188 which makes proposed revisions to various statutes of Nevada to make it unlawful to discriminate against an individual because of his or her sexual orientation, gender expression or identity. Based on current language of the proposed statute change, the NDOC is unable to forecast the increase, if any, in the number of offenders admitted to the NDOC system at this time. The Governor's Recommended budget provides an average of \$18,719 in variable expenses per inmate for SFY18-19. The fiscal impact of this proposal would be this amount for each year of a new prison sentence. As a result, the fiscal impact of this proposed law cannot be quantified at this time.

Name Scott Ewart

Title Chief of Fiscal Services

GOVERNOR'S OFFICE OF FINANCE COMMENTS

Date Wednesday, February 22, 2017

The agency's response appears reasonable.

Name Paul Nicks

Title Exec. Branch Budget Officer

**DESCRIPTION OF FISCAL EFFECT:** Revises various statutes of Nevada to make it unlawful to discriminate against an individual because of his or her sexual orientation, gender expression or identity.

**BDR/Bill/Amendment Number:** BDR 18-106 SB 188

**Name of Agency:** Nevada Department of Corrections

**Date:** 02/21/17      **Effective Date:** July 1<sup>st</sup>, 2017

#### **Analysis of the Proposed Law**

Senate Bill 188 proposes to revise various statutes of Nevada to make it unlawful to discriminate against an individual because of his or her sexual orientation, gender expression or identity. Select sections of this bill that could directly affect the NDOC have been analyzed to determine their possible fiscal and operational impacts. **Section 9** proposes to amend NRS 200.033 to add that murder of first degree that is committed upon a person because of gender identity or expression will be an aggravating circumstance. The statute, as written, establishes that murder committed upon a person because of his or her sexual orientation is unlawful and an aggregating factor that is punishable with a longer sentence. According to The Leadership Conference on Human Rights (2007) crimes against individuals due to their sexual orientation increased by 16.6% in 2007, and LGBT individuals has been the third most frequent target of hate violence over the past decade. In the 2015 publication release of Hate Crime Statistics, the FBI points that 17.7% of incidents were the result of the offender's sexual-orientation bias. The increase in crime against and discrimination against these individuals has resulted in elevated fear and sense of insecurity for them. In Nevada, 17 incidents of sexual orientation bias motivation were reported to the FBI for Calendar Year 2015. However, research staff analyzed all sentences of offenders currently incarcerated who have committed first degree murder and determined that none of their cases involved murder that was sexually motivated as per the existing law. Murder committed against an individual that is motivated because of the offender's bias towards the victim's sexual orientation is unlawful and an aggregating factor. Thus, the NDOC concludes that the amendment of the law shouldn't have an impact on the prison population in the foreseeable future. **Section 10** revises NRS 209.365 requiring the Director of the NDOC to revise its administrative regulations to prevent an inmate from having in his or her possession publications that promote violence against individuals because of bias against their sexual orientation or gender identity or expression. This bill will require revisions to select administrative regulations in the 700s series, such as 707.1 the Inmate Disciplinary Manual and 707.2 the Chart of Disciplinary Sanctions. Revisions to these administrative regulations will require some administrative time and training of staff and the inmate population.