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FIRST REPRINT

A.B. 10

ASSEMBLY BILL NO. 10—COMMITTEE ON JUDICIARY

(ON BEHALF OF THE DEPARTMENT OF CORRECTIONS)

PREFILED NOVEMBER 15, 2018

Referred to Committee on Judiciary

SUMMARY—Revises provisions governing the duties of the Director of the Department of Corrections when an offender is released from prison. (BDR 16-204)

FISCAL NOTE: Effect on Local Government: No.
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 clearly indicate whether or not the full legal name and age of the offender has been verified upon the issuance of a photo identification card to an offender who is to be released; revising the documents which may be furnished to the Department of Motor Vehicles as proof of the full legal name and age of an applicant for a driver's license or identification card; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the Director of the Department of Corrections to provide to an offender upon the offender's release from prison and if the prisoner requests it: (1) a photo identification card containing the name, the date of birth and a color picture of the offender; and (2) 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 is eligible to acquire a driver's license or identification card from the Department of Motor Vehicles. Existing law also requires the Director to verify the full legal name and age of an offender by obtaining certain documents to prove the name and age of the offender before providing such a photo identification card. (NRS 209.511) **Section 1** of this bill requires the Director to clearly indicate on the photo identification card whether or not the full legal name and age of the offender has been verified pursuant to existing law.

Existing law requires an applicant for a driver's license or identification card to furnish proof of his or her full legal name and age by providing either: (1) an original or certified copy of certain documents; or (2) a photo identification card



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issued by the Department of Corrections. (NRS 483.290, 483.860) **Sections 2 and 3** of this bill require a photo identification card issued by the Department of Corrections used for this purpose to clearly indicate that the full legal name and age of the applicant was verified pursuant to existing law.

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. Before an offender is released from prison by expiration of his or her term of sentence, by pardon or parole, the Director may provide mediation services to the offender and the family members and friends of the offender who provide emotional, psychological and financial support to the offender.

2. Not later than 3 months before an offender is projected to be released from prison by expiration of his or her term of sentence, by pardon or parole, the Director may, if space is available, provide an eligible offender with one or more evidence-based or promising practice reentry programs to obtain 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.

3. ~~Except as otherwise provided in subsection 4, when~~ **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 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;

(f) May provide the offender with clothing suitable for reentering society;



(g) 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;

(h) 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

(i) Shall require the offender to submit to at least one test for exposure to the human immunodeficiency virus.

4. The Director shall not provide an offender with a photo identification card pursuant to paragraph (e) of subsection 3 unless *the photo identification card clearly indicates whether* the Director ~~has~~ :

(a) 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 ~~H~~ ;
or

(b) Has not verified the full legal name and age of the offender pursuant to paragraph (a).

5. The costs authorized in paragraphs (a), (e), (f), (g) and (i) of subsection 3 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.

6. The Director is encouraged to work with the Nevada Community Re-Entry Task Force established by the Governor pursuant to executive order, or its successor body, if any, to align statewide strategies for the reentry of offenders into the community and the implementation of those strategies.

7. As used in this section:

(a) "Eligible offender" means an offender who is:

(1) Determined to be eligible for reentry programming based on the Nevada Risk Assessment Services instrument, or its successor risk assessment tool; and

(2) Enrolled in:

(I) Programming services under a reentry program at a correctional facility which has staff designated to provide the services; or

(II) A community-based program to assist offenders to reenter the community.

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



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

(d) "Promising practice reentry program" means a reentry program that has strong quantitative and qualitative data showing positive outcomes, but does not have sufficient research or replication to support recognition as an evidence-based practice.

Sec. 2. 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 Department of Corrections pursuant to NRS 209.511 ~~H~~ *which indicates that the Director of the Department of Corrections has verified the full legal name and age of the applicant pursuant to subsection 4 of that section.*

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, including, without limitation, a document issued by the Department pursuant to NRS 483.375 or 483.8605.

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

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



1 (a) An original card issued to the applicant by the Social
2 Security Administration bearing the social security number of the
3 applicant; or

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

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

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

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

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

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

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

36 **Sec. 3.** NRS 483.860 is hereby amended to read as follows:

37 483.860 1. Every applicant for an identification card must
38 furnish proof of his or her full legal name and age by presenting:

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

41 (b) A photo identification card issued by the Department of
42 Corrections pursuant to NRS 209.511 ~~H~~ *which indicates that the*
43 *Director of the Department of Corrections has verified the full*
44 *legal name and age of the applicant pursuant to subsection 4 of*
45 *that section.*



1 2. The Director shall adopt regulations:

2 (a) Prescribing the documents an applicant may use to furnish
3 proof of his or her full legal name and age to the Department
4 pursuant to paragraph (a) of subsection 1, including, without
5 limitation, a document issued by the Department pursuant to NRS
6 483.375 or 483.8605; and

7 (b) Setting forth criteria pursuant to which the Department will
8 issue or refuse to issue an identification card in accordance with this
9 section to a person who is a citizen of a state, the District of
10 Columbia, any territory of the United States or a foreign country.
11 The criteria pursuant to which the Department shall issue or refuse
12 to issue an identification card to a citizen of a foreign country must
13 be based upon the purpose for which that person is present within
14 the United States.

15 3. Notwithstanding any other provision of this section, the
16 Department shall not accept a consular identification card as proof
17 of the age or identity of an applicant for an identification card. As
18 used in this subsection, "consular identification card" has the
19 meaning ascribed to it in NRS 232.006.

20 **Sec. 4.** This act becomes effective upon passage and approval.

