

ASSEMBLY BILL NO. 301—ASSEMBLYWOMAN BENITEZ-THOMPSON

MARCH 18, 2019

Referred to Committee on Judiciary

SUMMARY—Revises provisions relating to county jails.
(BDR 16-769)

FISCAL NOTE: Effect on Local Government: May have Fiscal Impact.
Effect on the State: No.

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 county jails; requiring the sheriff of a county to report certain information concerning deaths in the county jail to the board of county commissioners; requiring the sheriff to investigate certain deaths in the county jail; requiring each board of county commissioners to take certain actions relating to reports regarding deaths in the county jail; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires each board of county commissioners to: (1) at least once every 3 months, inquire into the security of the county jail and the treatment and condition of the prisoners; and (2) take all necessary precautions against escape, sickness and infection in the county jail. (NRS 211.020) Existing law also gives the sheriff the responsibility for the daily operation of the county jail. (NRS 211.030) **Section 2** of this bill requires the sheriff to: (1) report each death of a prisoner in the county jail or any branch county jail to the board; (2) investigate each suspicious death or death with an unknown cause in the county jail or any branch county jail; and (3) submit to the board a quarterly report that contains aggregate data concerning deaths of prisoners in the county jail and any branch county jail. **Section 1** of this bill requires the board to review all available information concerning deaths of prisoners in the county jail and any branch county jail. At least once each quarter, **section 1** also requires the board to include as an item on the agenda of a public meeting of the board consideration of the conditions of the county jail and any branch county jail and the number of deaths of prisoners in the county jail or any branch county jail during the immediately preceding quarter and the circumstances surrounding any such deaths. **Section 1** additionally requires the



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18 board to take necessary precautions against suicide and death in the county jail and
19 any branch county jail.

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

1 **Section 1.** NRS 211.020 is hereby amended to read as follows:

2 211.020 The board of county commissioners:

3 1. Is responsible for building, inspecting and repairing any
4 county or branch county jail located in its county.

5 2. Once every 3 months, shall inquire into the security of the
6 jail and the treatment and condition of the prisoners.

7 3. Shall take all necessary precautions against escape, sickness
8 ~~for~~, infection ~~for~~, *suicide and death.*

9 *4. Shall review all available information concerning deaths*
10 *of prisoners in the county jail and any branch county jail,*
11 *including, without limitation, information received from the*
12 *sheriff pursuant to NRS 211.030. At least once each quarter, the*
13 *board shall include as an item on the agenda of a public meeting*
14 *of the board consideration of the conditions of the county jail and*
15 *any branch county jail and the number of deaths of prisoners in*
16 *the county jail and any branch county jail and the circumstances*
17 *surrounding any such deaths during the immediately preceding*
18 *quarter.*

19 **Sec. 2.** NRS 211.030 is hereby amended to read as follows:

20 211.030 1. The sheriff is the custodian of the jail in his or her
21 county, and of the prisoners therein, and shall keep the jail
22 personally, or by his or her deputy, or by a jailer or jailers appointed
23 by the sheriff for that purpose, for whose acts the sheriff is
24 responsible.

25 2. All jailers employed or appointed by the sheriff are entitled
26 to receive a fair and adequate monthly compensation, to be paid out
27 of the county treasury, for their services.

28 *3. Not later than 48 hours after the death of a prisoner in the*
29 *county jail or any branch county jail in his or her county, the*
30 *sheriff shall report the death to the board of county*
31 *commissioners. The report must include, without limitation, the*
32 *probable cause of the death and a statement of any medical care*
33 *that the prisoner received within the 12 months immediately*
34 *preceding the death.*

35 *4. If the sheriff determines that the death of a prisoner in the*
36 *county jail or any branch county jail in his or her county is*
37 *suspicious or the cause of the death is unknown, the sheriff must*
38 *investigate the death and report the results of the investigation to*
39 *the board.*



1 **5.** *The sheriff shall submit to the board a quarterly report that*
2 *contains aggregated data concerning the deaths of prisoners in the*
3 *county jail and any branch county jail in his or her county during*
4 *the immediately preceding quarter and the circumstances*
5 *surrounding any such deaths.*

6 **Sec. 3.** The provisions of NRS 354.599 do not apply to any
7 additional expenses of a local government that are related to the
8 provisions of this act.

