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SECOND REPRINT

A.B. 301

ASSEMBLY BILL NO. 301—ASSEMBLYWOMAN BENITEZ-THOMPSON

MARCH 18, 2019

Referred to Committee on Judiciary

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

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

CONTAINS UNFUNDED MANDATE (§ 6)
(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 jails; requiring the person appointed to administer a city jail and the sheriff of a county to report, as applicable, certain information concerning deaths in the city jail or county jail to the governing body of the city or the board of county commissioners; requiring the person appointed to administer a city jail and the sheriff to investigate certain deaths in the city jail or county jail, as applicable; requiring each governing body of a city and board of county commissioners to take certain actions relating to reports regarding deaths in the city jail or county jail, as applicable; revising provisions relating to the coordination of care for mental health and substance abuse treatment provided to a prisoner under certain circumstances; 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 6** 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; and (2) submit to the board a biannual report that contains aggregate data concerning deaths of prisoners in the county jail and any branch county jail. **Section 5** of this bill requires the board to review all available information concerning deaths of prisoners in the county jail



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and any branch county jail. At least twice each year, **section 5** 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 6 months and the known circumstances surrounding any such deaths. **Section 5** additionally requires the board to take necessary precautions against suicide and death in the county jail and any branch county jail.

Sections 3 and 4 of this bill apply the amendatory provisions of **sections 5 and 6**, respectively, to city jails and impose conforming requirements on the person appointed to administer a city jail and the governing body of a city, as applicable.

In a county whose population is 700,000 or more, existing law: (1) requires a sheriff, chief of police or town marshal, in collaboration with the Department of Health and Human Services, to arrange for the coordination of care for mental health and substance abuse treatment provided to a prisoner in the custody of certain jails or detention facilities; (2) requires the Department to arrange for the coordination of such care after the prisoner is released from custody; and (3) provides that the sheriff, chief of police or town marshal is not responsible for arranging the coordination of such care after the prisoner is released from custody. (NRS 211.140) **Section 6.5** of this bill removes the 700,000 or more population reference, thereby making the provisions of existing law concerning the coordination of care applicable to all counties in this State.

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

Section 1. Chapter 211 of NRS is hereby amended by adding thereto the provisions set forth as sections 2, 3 and 4 of this act.

Sec. 2. *As used in this chapter, unless the context otherwise requires, "basic demographics" includes, without limitation:*

- 1. A prisoner's:*
 - (a) Name;*
 - (b) Inmate number;*
 - (c) Age at the time of his or her death; and*
 - (d) Gender;*
- 2. The date of the admission of a prisoner to a county or city jail;*
- 3. The date of the death of a prisoner;*
- 4. The location of a prisoner at the time of his or her death;*
- and*
- 5. The probable cause of the death of a prisoner.*

Sec. 3. *The governing body of a city:*

- 1. Shall take all necessary precautions against escape from the city jail and sickness, infection, suicide and death in the city jail.*
- 2. Shall review all available information concerning deaths of prisoners in the city jail, including, without limitation, information received from the person appointed to administer the city jail pursuant to section 4 of this act. At least twice each year,*



1 *the governing body shall include as an item on the agenda of a*
2 *public meeting of the governing body consideration of the*
3 *conditions of the city jail and the number of deaths of prisoners in*
4 *the city jail and the known circumstances surrounding any such*
5 *deaths, including, without limitation, basic demographics and*
6 *information submitted pursuant to the Death in Custody Reporting*
7 *Act of 2013, Public Law 113-242, during the immediately*
8 *preceding 6 months.*

9 **Sec. 4. 1.** *Not later than 48 hours after the death of a*
10 *prisoner in a city jail, the person appointed to administer the city*
11 *jail shall report the death to the governing body of the city. The*
12 *report must include, without limitation, basic demographics.*

13 **2.** *The person appointed to administer the city jail shall*
14 *submit to the governing body of the city a biannual report that*
15 *contains aggregated data similar to the information submitted*
16 *pursuant to the Death in Custody Reporting Act of 2013, Public*
17 *Law 113-242, concerning the deaths of prisoners in the city jail*
18 *during the immediately preceding 6 months and the circumstances*
19 *surrounding any such deaths.*

20 **Sec. 5.** NRS 211.020 is hereby amended to read as follows:

21 211.020 The board of county commissioners:

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

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

26 3. Shall take all necessary precautions against escape, sickness
27 ~~for~~, infection ~~and~~, suicide and death.

28 **4.** *Shall review all available information concerning deaths*
29 *of prisoners in the county jail and any branch county jail,*
30 *including, without limitation, information received from the*
31 *sheriff pursuant to NRS 211.030. At least twice each year, the*
32 *board shall include as an item on the agenda of a public meeting*
33 *of the board, consideration of the conditions of the county jail and*
34 *any branch county jail and the number of deaths of prisoners in*
35 *the county jail and any branch county jail and the known*
36 *circumstances surrounding any such deaths, including, without*
37 *limitation, basic demographics and information submitted*
38 *pursuant to the Death in Custody Reporting Act of 2013, Public*
39 *Law 113-242, during the immediately preceding 6 months.*

40 **Sec. 6.** NRS 211.030 is hereby amended to read as follows:

41 211.030 1. The sheriff is the custodian of the jail in his or her
42 county, and of the prisoners therein, and shall keep the jail
43 personally, or by his or her deputy, or by a jailer or jailers appointed
44 by the sheriff for that purpose, for whose acts the sheriff is
45 responsible.



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

3. Not later than 48 hours after the death of a prisoner in the county jail or any branch county jail in his or her county, the sheriff shall report the death to the board of county commissioners. The report must include, without limitation, basic demographics.

4. The sheriff shall submit to the board a biannual report that contains aggregated data similar to the information submitted pursuant to the Death in Custody Reporting Act of 2013, Public Law 113-242, concerning the deaths of prisoners in the county jail and any branch county jail in his or her county during the immediately preceding 6 months and the circumstances surrounding any such deaths.

Sec. 6.5. NRS 211.140 is hereby amended to read as follows:

211.140 1. The sheriff of each county has charge and control over all prisoners committed to his or her care in the respective county jails, and the chiefs of police and town marshals in the several cities and towns throughout this State have charge and control over all prisoners committed to their respective city and town jails and detention facilities.

2. A court shall not, at the request of any prisoner in a county, city or town jail, issue an order which affects the conditions of confinement of the prisoner unless, except as otherwise provided in this subsection, the court provides the sheriff, chief of police or town marshal having control over the prisoner with:

(a) Sufficient prior notice of the court's intention to enter the order. Notice by the court is not necessary if the prisoner has filed an action with the court challenging his or her conditions of confinement and has served a copy of the action on the sheriff, chief of police or town marshal.

(b) An opportunity to be heard on the issue.

➤ As used in this subsection, "conditions of confinement" includes, but is not limited to, a prisoner's access to the law library, privileges regarding visitation and the use of the telephone, the type of meals provided to the prisoner and the provision of medical care in situations which are not emergencies.

3. The sheriffs, chiefs of police and town marshals shall see that the prisoners under their care are kept at labor for reasonable amounts of time within the jail or detention facility, on public works in the county, city or town, or as part of a program of release for work established pursuant to NRS 211.120 or 211.171 to 211.200, inclusive.



4. The sheriff, chief of police or town marshal shall arrange for the administration of medical care required by prisoners while in his or her custody. The county, city or town shall pay the cost of appropriate medical:

(a) Treatment provided to a prisoner while in custody for injuries incurred by a prisoner while the prisoner is in custody and for injuries incurred during the prisoner's arrest for commission of a public offense if the prisoner is not convicted of that offense;

(b) Treatment provided to a prisoner while in custody for any infectious, contagious or communicable disease which the prisoner contracts while the prisoner is in custody; and

(c) Examinations required by law or by court order conducted while the prisoner is in custody unless the order otherwise provides.

5. A prisoner shall pay the cost of medical treatment for:

(a) Injuries incurred by the prisoner during his or her commission of a public offense or for injuries incurred during his or her arrest for commission of a public offense if the prisoner is convicted of that offense;

(b) Injuries or illnesses which existed before the prisoner was taken into custody;

(c) Self-inflicted injuries; and

(d) Except treatment provided pursuant to subsection 4, any other injury or illness incurred by the prisoner.

6. A medical facility furnishing treatment pursuant to subsection 5 shall attempt to collect the cost of the treatment from the prisoner or the prisoner's insurance carrier. If the facility is unable to collect the cost and certifies to the appropriate board of county commissioners that it is unable to collect the cost of the medical treatment, the board of county commissioners shall pay the cost of the medical treatment.

7. A sheriff, chief of police or town marshal who arranges for the administration of medical care pursuant to this section may attempt to collect from the prisoner or the insurance carrier of the prisoner the cost of arranging for the administration of medical care including the cost of any transportation of the prisoner for the purpose of medical care. The prisoner shall obey the requests of, and fully cooperate with the sheriff, chief of police or town marshal in collecting the costs from the prisoner or the prisoner's insurance carrier.

8. ~~In a county whose population is 700,000 or more:~~

~~(a)~~ While a prisoner is in custody, a sheriff, chief of police or town marshal, in collaboration with the Department of Health and Human Services and the various divisions thereof, for the purpose of maintaining continuity of care, shall arrange for the coordination of the care for mental health and substance abuse treatment provided to



1 the prisoner by all providers of such care in the county, city or town
2 jail or detention facility.

3 ~~[(b)]~~ After a prisoner is released from custody:

4 ~~[(1)]~~ (a) The Department and the various divisions thereof
5 shall arrange for the coordination of the care for mental health and
6 substance abuse treatment provided to the prisoner.

7 ~~[(2)]~~ (b) The sheriff, chief of police or town marshal is no
8 longer responsible for arranging the coordination of such care.

9 9. Each sheriff described in subsection 8, or his or her
10 representative, and the Director of the Department of Health and
11 Human Services, or his or her representative, shall, at the request of
12 the Legislative Committee on Health Care, appear before the
13 Committee during the legislative interim to report on the
14 collaboration and coordination provided pursuant to subsection 8.

15 10. Mental health and substance abuse treatment provided
16 pursuant to subsection 8 may include any medication that has been:

17 (a) Approved by the United States Food and Drug
18 Administration; and

19 (b) Prescribed by a treating physician as medically necessary for
20 use by the prisoner to address mental health or substance abuse
21 issues.

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

