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SECOND REPRINT

A.B. 376

ASSEMBLY BILL NO. 376—ASSEMBLYMEN TORRES, ASSEFA, NEAL,  
FLORES, FUMO; CARRILLO, DALY, DURAN, MARTINEZ,  
NGUYEN AND WATTS

MARCH 20, 2019

Referred to Committee on Judiciary

SUMMARY—Revises provisions relating to persons in custody.  
(BDR 14-675)

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

CONTAINS UNFUNDED MANDATE (§ 1)  
(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 persons in custody; requiring certain entities to report annually to the Legislature certain statistics relating to transfers of persons to the custody of federal agencies; providing that before a prisoner who is in the custody of a county or city jail or detention facility is questioned about his or her immigration status, the prisoner must be informed about the purpose of such questions; and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

Existing law provides for the collection and reporting to the Legislature of certain statistical data concerning certain crimes, such as crimes related to prejudice and crimes committed against older persons. (NRS 179A.175, 179A.450) **Section 1** of this bill requires certain entities to submit reports to the Legislature relating to the transfer of persons to the custody of federal agencies by that entity for the purposes of immigration enforcement during the previous calendar year. **Section 1** requires each report to include: (1) the total number of persons who were transferred to the custody of a federal agency for the purposes of immigration enforcement and the specific reasons for those transfers; (2) the nonfelony crimes for which those persons were arrested, including the total number of persons arrested for each specific nonfelony crime; (3) whether those persons had an active judicial warrant for a crime other than a felony; and (4) if those persons were held in custody beyond the date on which they would have otherwise been released had they not been held in custody for the purpose of being transferred to the custody of a federal agency, the number of days they were held in custody beyond the date on



which they would have otherwise been released and the cost for holding them in custody for those days. Under **section 1**, the data acquired or reported must be used only for research or statistical purposes and must not contain any information that may reveal the identity of any person transferred to the custody of a federal agency.

**Section 1.5** of this bill provides that before questioning a prisoner in the custody of a county or city jail or detention facility regarding his or her immigration status, the person seeking to question the prisoner shall inform the prisoner of the purpose of the questions regarding the immigration status of the prisoner.

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

**Section 1.** Chapter 179A of NRS is hereby amended by adding thereto a new section to read as follows:

*1. Within 60 days following the end of the previous calendar year, each designated entity shall submit to the Director of the Legislative Counsel Bureau for transmittal to the Legislature or, if the Legislature is not in session, to the Legislative Commission, a report relating to the transfer of persons to the custody of federal agencies by that designated entity for the purposes of immigration enforcement during the previous calendar year.*

*2. The report must include the following information:*

*(a) The total number of persons who were transferred to the custody of a federal agency for the purposes of immigration enforcement and the specific reasons for those transfers, such as whether the transfers were made pursuant to a judicial warrant for a crime other than a felony, a program implemented pursuant to section 287(g) of the Immigration and Nationality Act, 8 U.S.C. § 1357(g), a detainer issued by the United States Immigration and Customs Enforcement of the Department of Homeland Security or a request by a local law enforcement agency.*

*(b) The crimes other than felonies for which those persons were arrested, including the total number of persons arrested for each specific nonfelony crime.*

*(c) Whether those persons had an active judicial warrant for a crime other than a felony at the time of being transferred.*

*(d) If those persons were held in custody beyond the date on which they would have otherwise been released had they not been held in custody for the purpose of being transferred to the custody of a federal agency, the number of days they were held in custody beyond the date on which they would have otherwise been released and the cost for holding them in custody for those days.*

*3. Data acquired or reported pursuant to this section must be used only for research or statistical purposes and must not contain*



1 *any information that may reveal the identity of any person*  
2 *transferred to the custody of a federal agency.*

3 4. *As used in this section, "designated entity" includes:*

4 (a) *The sheriff's office of a county;*

5 (b) *A metropolitan police department;*

6 (c) *A police department of an incorporated city;*

7 (d) *A county or city jail or detention facility;*

8 (e) *The Department of Corrections; and*

9 (f) *The Division of Parole and Probation of the Department of*  
10 *Public Safety.*

11 **Sec. 1.5.** Chapter 211 of NRS is hereby amended by adding  
12 thereto a new section to read as follows:

13 *Before questioning a prisoner in the custody of a county or city*  
14 *jail or detention facility regarding his or her immigration status,*  
15 *the person seeking to question the prisoner shall inform the*  
16 *prisoner of the purpose of the questions regarding the*  
17 *immigration status of the prisoner.*

18 **Sec. 2.** The provisions of subsection 1 of NRS 218D.380 do  
19 not apply to any provision of this act which adds or revises a  
20 requirement to submit a report to the Legislature.

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

24 **Sec. 4.** This act becomes effective on January 1, 2020.

