

Amendment No. 44

Assembly Amendment to Assembly Bill No. 183	(BDR 16-290)
Proposed by: Assembly Committee on Judiciary	
Amends: Summary: Yes Title: No Preamble: No Joint Sponsorship: No Digest: Yes	

ASSEMBLY ACTION				Initial and Date	SENATE ACTION				Initial and Date
Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____	Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____
Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____	Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____
Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____	Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____

EXPLANATION: Matter in (1) *blue bold italics* is new language in the original bill; (2) variations of green bold underlining is language proposed to be added in this amendment; (3) ~~red strikethrough~~ is deleted language in the original bill; (4) ~~purple double strikethrough~~ is language proposed to be deleted in this amendment; (5) orange double underlining is deleted language in the original bill proposed to be retained in this amendment.

MNM/BAW



Date: 4/3/2019

A.B. No. 183—Prohibiting certain correctional services from being provided by private entities. (BDR 16-290)



ASSEMBLY BILL NO. 183—ASSEMBLYMEN MONROE-MORENO, ASSEFA, FRIERSON, THOMPSON, FLORES; BACKUS, BILBRAY-AXELROD, CARLTON, CARRILLO, COHEN, DURAN, FUMO, MCCURDY, MILLER, MUNK, SPIEGEL AND WATTS

FEBRUARY 18, 2019

JOINT SPONSORS: SENATORS BROOKS, HARRIS
AND CANCELA

Referred to Committee on Judiciary

SUMMARY—~~[Prohibiting]~~ **Prohibits** certain correctional services from being provided by private entities. (BDR 16-290)

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; prohibiting certain correctional services from being provided by a private entity; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Except as otherwise authorized by **section 3** of this bill, **section 2** of this bill requires: (1) state and local prisons, jails and detention facilities to be under the administrative and direct operational control of the State or a local government, as applicable; and (2) services relating to the housing, safeguarding, protecting and disciplining of prisoners to be performed by employees of the State or a local government ~~[Section 2 also prohibits the performance of core correctional services]~~ **and not** by private entities ~~[except as otherwise authorized by section 3.]~~

Section 3 authorizes the Department of Corrections, until June 30, ~~[2024.]~~ **2022**, to enter into contracts with private entities to perform core correctional services to promote the safety of prisoners, employees of prisons and the public by reducing overcrowding in prisons. **Section 3** requires such a private entity to comply with certain requirements for housing, custody, medical and mental health treatment, and programming. **Section 3** sets forth certain requirements governing the transfer of a prisoner to a facility that is located outside of this State. **Section 3** also requires the Director of the Department to prepare and submit for transmittal to the Legislative Commission an annual report which includes certain information relating to prisoners who are housed outside of this State. Finally, **section 3** requires the Department to conduct biannual on-site inspections of facilities of private entities to ensure the compliance of such entities with the terms of the contract.

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

Section 1. Chapter 208 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this act.

Sec. 2. *1. Except as otherwise provided in section 3 of this act, each prison that houses prisoners who are in the custody of the State or a local government must be under the administrative and direct operational control of the State or the local government, as applicable. The core correctional services at each such prison ~~for jail~~ must be performed only by employees of the State or a local government, as applicable, and not by a private entity.*

2. A condition, stipulation or provision in a contract that conflicts with this section is against the public policy of this State and is void and unenforceable.

3. As used in this section, "core correctional services" means the housing, safeguarding, protecting and disciplining of prisoners.

Sec. 3. *1. The Department of Corrections may enter into one or more contracts with one or more private entities to perform core correctional services to promote the safety of prisoners, employees of prisons and the public by reducing overcrowding in prisons.*

2. A private entity which performs core correctional services pursuant to a contract entered into pursuant to this section shall comply with the requirements for housing, custody, medical and mental health treatment, and programming set forth in law and regulation and approved by the Board of State Prison Commissioners. Such requirements must be included in any contract entered into pursuant to this section.

3. If, pursuant to a contract entered into with a private entity pursuant to this section, the Department of Corrections proposes to transfer a prisoner to a facility that is located outside of this State:

(a) The Department must give first priority for any such transfer to a prisoner who is not a permanent resident of this State and who meets such other qualifications for such a transfer as are established by the Director of the Department; and

(b) The Department must ensure that the prisoner is provided with the ability to conduct visits by videoconferencing.

4. The Director of the Department of Corrections shall, on or before December 31 of each year, prepare and submit to the Director of the Legislative Counsel Bureau for transmittal to the Legislative Commission a report which includes, without limitation, the number of prisoners who are housed outside of this State and, for each such prisoner:

(a) The identification number assigned to the prisoner;

(b) The state of residence of the prisoner;

(c) The level of security restrictions imposed on the prisoner;

(d) The category of offense for which the prisoner was convicted;

(e) A statement as to whether the prisoner is a veteran, as defined in NRS 176A.090;

(f) Any programs which are available to the prisoner;

(g) Any programs which the prisoner completed; and

(h) The date on which the prisoner is projected to be released by expiration of his or her term of sentence or by parole.

5. The Department of Corrections shall biannually conduct an on-site inspection of each facility where a prisoner is housed by a private entity with which the Department has contracted to perform core correctional services

1 *pursuant to this section to ensure the compliance of the entity with the terms of*
2 *the contract.*

3 **6. As used in this section, “core correctional services” means the housing,**
4 **safeguarding, protecting and disciplining of prisoners.**

5 **Sec. 4.** NRS 209.141 is hereby amended to read as follows:

6 209.141 The Director may, with the approval of the Board ~~and~~ **and except as**
7 **otherwise provided in section 2 of this act**, enter into agreements with other
8 governmental agencies and with private organizations to carry out the purposes of
9 this chapter.

10 **Sec. 5.** NRS 209.4889 is hereby amended to read as follows:

11 209.4889 1. ~~The~~ **Except as otherwise provided in section 2 of this act, the**
12 Director may enter into one or more contracts with one or more public or private
13 entities to provide any of the following services, as necessary and appropriate, to
14 offenders or parolees participating in a correctional or judicial program:

- 15 (a) Transitional housing;
16 (b) Treatment pertaining to substance abuse or mental health;
17 (c) Training in life skills;
18 (d) Vocational rehabilitation and job skills training; and
19 (e) Any other services required by offenders or parolees who are participating
20 in a correctional or judicial program.

21 2. The Director may consult with the Division before entering into a contract
22 with a public or private entity pursuant to subsection 1.

23 3. The Director shall, as necessary and appropriate, provide referrals and
24 information regarding:

- 25 (a) Any of the services provided pursuant to subsection 1;
26 (b) Access and availability of any appropriate self-help groups;
27 (c) Social services for families and children; and
28 (d) Permanent housing.

29 4. The Director may apply for and accept any gift, donation, bequest, grant or
30 other source of money to carry out the provisions of this section. Money received
31 pursuant to this subsection may be deposited with the State Treasurer for credit to
32 the Account for Reentry Programs in the State General Fund created by NRS
33 480.810.

34 5. A contract entered into between the Director and a public or private entity
35 pursuant to subsection 1 must require the entity to:

36 (a) Provide a budget concerning all services the entity will provide during the
37 duration of any grant received.

38 (b) Provide all services required by any grant received.

39 (c) Provide to the Department for its approval a curriculum for any program of
40 services the entity will provide.

41 (d) Provide to the Division, if appropriate, a list of the parolees who have
42 completed or are currently participating in a program of services provided by the
43 entity pursuant to any grant received.

44 (e) Provide to any offender or parolee who completes a program of services
45 provided by the entity a certificate of completion, and provide a copy of such a
46 certificate to the Division or the Department, as appropriate.

47 (f) To the extent financially practicable and necessary, assess the risk levels
48 and needs of offenders and parolees by using a validated assessment tool.

49 (g) Share with the Director information concerning assessments of the risk
50 levels and needs of offenders and parolees so the Director can ensure that adequate
51 assessments are being conducted.

52 (h) While the entity is providing services pursuant to the contract, meet
53 annually with the Director, a representative of the Division, and other entities that

1 have entered into a contract with the Director pursuant to subsection 1 to discuss,
2 without limitation:

3 (1) The services provided by the entities, including the growth and success
4 of the services, any problems with the services and any potential solutions to such
5 problems;

6 (2) Issues relating to the reentry of offenders and parolees into the
7 community and reducing the risk of recidivism; and

8 (3) Issues relating to offenders and parolees who receive services from an
9 entity and are subsequently convicted of another crime.

10 6. As used in this section, "training in life skills" includes, without limitation,
11 training in the areas of:

12 (a) Parenting;

13 (b) Improving human relationships;

14 (c) Preventing domestic violence;

15 (d) Maintaining emotional and physical health;

16 (e) Preventing abuse of alcohol and drugs;

17 (f) Preparing for and obtaining employment; and

18 (g) Budgeting, consumerism and personal finances.

19 **Sec. 6.** Section 2 of this act is hereby amended to read as follows:

20 Sec. 2. 1. ~~Except as otherwise provided in section 3 of this act:~~

21 ~~(a)~~ Each prison that houses prisoners who are in the custody of the
22 State or a local government must be under the administrative and direct
23 operational control of the State or the local government, as applicable. The
24 core correctional services at each such prison must be performed only by
25 employees of the State or a local government, as applicable.

26 ~~(b) 2. The core correctional services of a prison must~~, and not ~~be~~
27 ~~performed~~ by a private entity.

28 2. 3. A condition, stipulation or provision in a contract that
29 conflicts with this section is against the public policy of this State and is
30 void and unenforceable.

31 3. 4. As used in this section, "core correctional services" means the
32 housing, safeguarding, protecting and disciplining of prisoners.

33 **Sec. 7.** 1. This section and sections 1 to 5, inclusive, of this act become
34 effective on July 1, 2019.

35 2. Section 3 of this act expires by limitation on June 30, ~~2024~~, 2022.

36 3. Section 6 of this act becomes effective on July 1, ~~2024~~, 2022.