

Amendment No. 385

Assembly Amendment to Assembly Bill No. 301
(BDR 16-769)

Proposed by: Assembly Committee on Judiciary

Amends: Summary: Yes Title: Yes Preamble: No Joint Sponsorship: No Digest: Yes

Adoption of this amendment will MAINTAIN the unfunded mandate not requested by the affected local government to A.B. 301 (§ 2).

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.



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 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; 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}~~ 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) ~~{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}~~ biannual report that contains aggregate data concerning deaths of prisoners in the county jail and any branch county jail. **Section ~~{4}~~ 5** 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}~~ twice each ~~{quarter,}~~ year, **section ~~{4}~~ 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 ~~{quarter}~~ 6 months and the known circumstances surrounding any such deaths. **Section ~~{4}~~ 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.

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

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

2. The person appointed to administer the city jail shall submit to the governing body of the city 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 city jail during the immediately preceding 6 months and the circumstances surrounding any such deaths.

~~[Section 1.]~~ Sec. 5. NRS 211.020 is hereby amended to read as follows:

211.020 The board of county commissioners:

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

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

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

4. Shall review all available information concerning deaths of prisoners in the county jail and any branch county jail, including, without limitation, information received from the sheriff pursuant to NRS 211.030. At least ~~once~~

twice each ~~[quarter]~~ year, the board shall 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 and any branch county jail and the known circumstances surrounding any such deaths, including, without limitation, basic demographics and information submitted pursuant to the Death in Custody Reporting Act of 2013, Public Law 113-242, during the immediately preceding ~~[quarter]~~ 6 months.

~~[Sec. 2.]~~ Sec. 6. NRS 211.030 is hereby amended to read as follows:

211.030 1. The sheriff is the custodian of the jail in his or her county, and of the prisoners therein, and shall keep the jail personally, or by his or her deputy, or by a jailer or jailers appointed by the sheriff for that purpose, for whose acts the sheriff is 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, ~~[the probable cause of the death and a statement of any medical care that the prisoner received within the 12 months immediately preceding the death.]~~ basic demographics.*

4. ~~[If the sheriff determines that the death of a prisoner in the county jail or any branch county jail in his or her county is suspicious or the cause of the death is unknown, the sheriff must investigate the death and report the results of the investigation to the board.]~~

~~—5.]~~ The sheriff shall submit to the board a ~~[quarterly]~~ 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 ~~[quarter]~~ 6 months and the circumstances surrounding any such deaths.

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