

Amendment No. 384

Assembly Amendment to Assembly Bill No. 376 Proposed by: Assembly Committee on Judiciary Amends: Summary: Yes Title: Yes Preamble: No Joint Sponsorship: No Digest: Yes	(BDR 14-675)
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Adoption of this amendment will MAINTAIN the unfunded mandate not requested by the affected local government to A.B. 376 (§ 1).

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.

BAW/BJE



Date: 4/20/2019

A.B. No. 376—Requires local law enforcement agencies to report annually to the Legislature certain statistics relating to transfers of undocumented persons to the custody of federal agencies.
(BDR 14-675)



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—~~[Requires local law enforcement agencies to report annually to the Legislature certain statistics relating to transfers of undocumented]~~ **Revises provisions relating to persons [to the] in custody.** ~~[of federal agencies.]~~ (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 ~~[Law enforcement agencies;]~~ **persons in custody;** requiring ~~[local law enforcement agencies;]~~ **certain entities** to report annually to the Legislature certain statistics relating to transfers of ~~[undocumented]~~ 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 ~~[each local law enforcement agency]~~ **certain entities** to submit ~~[an annual report]~~ **reports** to the Legislature relating to the transfer of ~~[undocumented]~~ persons to the custody of federal agencies by that ~~[local law enforcement agency]~~ **entity for the purposes of immigration enforcement** during the previous ~~[fiscal]~~ **calendar** year. **Section 1** requires ~~[the]~~ **each** report to include: (1) the total number of ~~[undocumented]~~ 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 crimes for which those ~~[undocumented]~~ persons were arrested, including the total number of ~~[undocumented]~~ persons arrested for each specific crime; ~~[and]~~ (3) the ~~[name of each federal agency to whose custody an undocumented person was transferred and the total number of undocumented persons transferred to that federal agency.]~~ **most serious crime for which those persons were convicted in the past, if any;** (4) **whether those persons had an active judicial warrant; and (5) 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**

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

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

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

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

3 1. ~~On or before the last day of the third month~~ Within 60 days following
4 the end of the previous ~~fiscal~~ calendar year, each ~~local law enforcement~~
5 ~~agency~~ designated entity shall submit to the Director of the Legislative Counsel
6 Bureau for transmittal to the Legislature or, if the Legislature is not in session, to
7 the Legislative Commission, a report relating to the transfer of ~~undocumented~~
8 persons to the custody of federal agencies by that ~~local law enforcement agency~~
9 designated entity for the purposes of immigration enforcement during the
10 previous ~~fiscal~~ calendar year.

11 2. The report must include the following information:

12 (a) The total number of ~~undocumented~~ persons who were transferred to the
13 custody of a federal agency for the purposes of immigration enforcement and the
14 specific reasons for those transfers ~~transferred~~, such as whether the transfers were made
15 pursuant to a judicial warrant, a program implemented pursuant to section
16 287(g) of the Immigration and Nationality Act, 8 U.S.C. § 1357(g), a detainer
17 issued by the United States Immigration and Customs Enforcement of the
18 Department of Homeland Security or a request by a local law enforcement
19 agency.

20 (b) The crimes for which those ~~undocumented~~ persons were arrested,
21 including the total number of ~~undocumented~~ persons arrested for each specific
22 crime.

23 (c) ~~The name of each federal agency to whose custody an undocumented~~
24 ~~person was transferred and the total number of undocumented persons~~
25 ~~transferred to that federal agency.~~ most serious crime for which those persons
26 were convicted in the past, if any.

27 (d) Whether those persons had an active judicial warrant at the time of being
28 transferred.

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

34 3. Data acquired or reported pursuant to this section must be used only for
35 research or statistical purposes and must not contain any information that may
36 reveal the identity of any ~~undocumented~~ person ~~transferred to the custody of~~
37 ~~a federal agency.~~

38 4. As used in this section, ~~“local law enforcement agency” means:~~
39 “designated entity” includes:

40 (a) The sheriff's office of a county;

1 *(b) A metropolitan police department; ~~for~~*

2 *(c) A police department of an incorporated city ~~for~~;*

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

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

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

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

8 *Before questioning a prisoner in the custody of a county or city jail or*
9 *detention facility regarding his or her immigration status, the person seeking to*
10 *question the prisoner shall inform the prisoner of the purpose of the questions*
11 *regarding the immigration status of the prisoner.*

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

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

17 ***Sec. 4.*** This act becomes effective on ~~July 1, 2019.~~ ***January 1, 2020.***