

SENATE BILL NO. 252—SENATOR HARDY

MARCH 5, 2019

Referred to Committee on Judiciary

SUMMARY—Authorizes the residential confinement or other appropriate supervision of certain older offenders. (BDR 16-1050)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: No.

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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 offenders; authorizing the residential confinement or other appropriate supervision of certain older offenders; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes the Director of the Department of Corrections to assign any offender who has not been sentenced to death or imprisonment for life without the possibility of parole to the custody of the Division of Parole and Probation of the Department of Public Safety to serve a term of residential confinement or other appropriate supervision as determined by the Division for not longer than the remainder of the offender's sentence if: (1) the Director has reason to believe that the offender is physically incapacitated or in ill health to such a degree that the offender is not likely to pose a threat to the safety of the public and at least two licensed physicians verify such incapacitation or ill health; or (2) the offender is in ill health and expected to die within 12 months. If the Director intends to assign such an offender to the custody of the Division, the Director is required to notify the Division and the board of county commissioners of the county in which the offender will reside at least 45 days before the offender's expected date of release. Additionally, the Division is required to notify any victim of a crime committed by the offender who has requested to be notified of the consideration of a prisoner for parole. If such an offender escapes or violates any of the terms or conditions of his or her residential confinement or other appropriate supervision as determined by the Division, the Division is authorized to return the offender to the custody of the Department and any credits for good behavior earned by the offender before the escape or violation are subject to forfeiture, as determined by the Director. (NRS 209.3925)

Section 1 of this bill additionally authorizes the Director to assign any offender who has not been sentenced to death or imprisonment for life without the possibility of parole to the custody of the Division to serve a term of residential



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confinement or other appropriate supervision as determined by the Division for not longer than the remainder of the offender's sentence if the offender: (1) is 65 years of age or older; (2) has not been convicted of a crime of violence, certain offenses committed against a child, a sexual offense, vehicular homicide or driving under the influence of alcohol or a prohibited substance and causing the death of or substantial bodily harm to another person; and (3) has served 8 consecutive years in the custody of the Department of Corrections or at least a majority of the maximum term or maximum aggregate term of his or her sentence, whichever occurs earlier. Sections 2-8 of this bill make conforming changes.

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

Section 1. Chapter 209 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Except as otherwise provided in subsection 6, the Director may assign an offender to the custody of the Division of Parole and Probation of the Department of Public Safety to serve a term of residential confinement pursuant to NRS 213.380 or other appropriate supervision as determined by the Division of Parole and Probation, for not longer than the remainder of his or her sentence, if the offender:

(a) Is 65 years of age or older;

(b) Has not been convicted of:

(1) A crime of violence;

(2) A crime against a child as defined in NRS 179D.0357;

(3) A sexual offense as defined in NRS 179D.097;

(4) Vehicular homicide pursuant to NRS 484C.130; or

(5) A violation of NRS 484C.430; and

(c) Has served 8 consecutive years in the custody of the Department, including any credit earned for time served in a county jail as ordered by the court, or at least a majority of the maximum term or maximum aggregate term, as applicable, of his or her sentence, whichever occurs earlier.

2. If the Director intends to assign an offender to the custody of the Division of Parole and Probation pursuant to this section, at least 45 days before the date the offender is expected to be released from the custody of the Department, the Director shall notify:

(a) The board of county commissioners of the county in which the offender will reside; and

(b) The Division of Parole and Probation.

3. Except as otherwise provided in NRS 213.10915, if any victim of a crime committed by the offender has, pursuant to subsection 4 of NRS 213.131, requested to be notified of the consideration of a prisoner for parole and has provided a current



address, the Division of Parole and Probation shall notify the victim that:

(a) The Director intends to assign the offender to the custody of the Division of Parole and Probation pursuant to this section; and

(b) The victim may submit documents to the Division of Parole and Probation regarding such an assignment.

➤ If a current address has not been provided by a victim as required by subsection 4 of NRS 213.131, the Division of Parole and Probation must not be held responsible if notification is not received by the victim. All personal information, including, without limitation, a current or former address, which pertains to a victim and which is received by the Division of Parole and Probation pursuant to this subsection is confidential.

4. If an offender assigned to the custody of the Division of Parole and Probation pursuant to this section escapes or violates any of the terms or conditions of his or her residential confinement or other appropriate supervision as determined by the Division of Parole and Probation:

(a) The Division of Parole and Probation may, pursuant to the procedure set forth in NRS 213.410, return the offender to the custody of the Department.

(b) The offender forfeits all or part of the credits for good behavior earned by the offender before the escape or violation, as determined by the Director. The Director may provide for a forfeiture of credits pursuant to this paragraph only after proof of the offense and notice to the offender and may restore credits forfeited for such reasons as the Director considers proper. The decision of the Director regarding such a forfeiture is final.

5. The assignment of an offender to the custody of the Division of Parole and Probation pursuant to this section shall be deemed:

(a) A continuation of the offender's imprisonment and not a release on parole; and

(b) For the purposes of NRS 209.341, an assignment to a facility of the Department,

➤ except that the offender is not entitled to obtain any benefits or to participate in any programs provided to offenders in the custody of the Department.

6. The Director may not assign an offender to the custody of the Division of Parole and Probation pursuant to this section if the offender is sentenced to death or imprisonment for life without the possibility of parole.

7. An offender does not have a right to be assigned to the custody of the Division of Parole and Probation pursuant to this



1 *section, or to remain in that custody after such an assignment, and*
2 *it is not intended that the provisions of this section or of NRS*
3 *213.371 to 213.410, inclusive, create any right or interest in liberty*
4 *or property or establish a basis for any cause of action against the*
5 *State, its political subdivisions, agencies, boards, commissions,*
6 *departments, officers or employees.*

7 *8. The Division of Parole and Probation may receive and*
8 *distribute restitution paid by an offender assigned to the custody of*
9 *the Division of Parole and Probation pursuant to this section.*

10 *9. As used in this section, "crime of violence" means any*
11 *offense involving the use or threatened use of force or violence*
12 *against another person.*

13 **Sec. 2.** NRS 209.241 is hereby amended to read as follows:

14 209.241 1. The Director may accept money, including the net
15 amount of any wages earned during the incarceration of an offender
16 after any deductions made by the Director and valuables belonging
17 to an offender at the time of his or her incarceration or afterward
18 received by gift, inheritance or the like or earned during the
19 incarceration of an offender, and shall deposit the money in the
20 Prisoners' Personal Property Fund, which is hereby created as a trust
21 fund.

22 2. An offender shall deposit all money that the offender
23 receives into his or her individual account in the Prisoners' Personal
24 Property Fund.

25 3. The Director:

26 (a) Shall keep, or cause to be kept, a full and accurate account of
27 the money and valuables, and shall submit reports to the Board
28 relating to the money and valuables as may be required from time to
29 time.

30 (b) May permit withdrawals for immediate expenditure by an
31 offender for personal needs.

32 (c) May permit the distribution of money to a governmental
33 entity for any applicable deduction authorized pursuant to NRS
34 209.247 or any other deduction authorized by law from any money
35 deposited in the individual account of an offender from any source
36 other than the offender's wages.

37 (d) Shall pay over to each offender upon his or her release any
38 remaining balance in his or her individual account.

39 4. The interest and income earned on the money in the
40 Prisoners' Personal Property Fund, after deducting any applicable
41 bank charges, must be credited each calendar quarter as follows:

42 (a) If an offender's share of the cost of administering the
43 Prisoners' Personal Property Fund for the quarter is less than the
44 amount of interest and income earned by the offender, the Director
45 shall credit the individual account of the offender with an amount



equal to the difference between the amount of interest and income earned by the offender and the offender's share of the cost of administering the Prisoners' Personal Property Fund.

(b) If an offender's share of the cost of administering the Prisoners' Personal Property Fund for the quarter is equal to or greater than the amount of interest and income earned by the offender, the Director shall credit the interest and income to the Offenders' Store Fund.

5. An offender who does not deposit all money that the offender receives into his or her individual account in the Prisoners' Personal Property Fund as required in this section is guilty of a gross misdemeanor.

6. A person who aids or encourages an offender not to deposit all money the offender receives into the individual account of the offender in the Prisoners' Personal Property Fund as required in this section is guilty of a gross misdemeanor.

7. The Director may exempt an offender from the provisions of this section if the offender is:

(a) Confined in an institution outside this State pursuant to chapter 215A of NRS; or

(b) Assigned to the custody of the Division of Parole and Probation of the Department of Public Safety to:

(1) Serve a term of residential confinement pursuant to NRS 209.392, 209.3925 or 209.429 ~~or~~ *or section 1 of this act*; or

(2) Participate in a correctional program for reentry into the community pursuant to NRS 209.4887.

Sec. 3. NRS 209.392 is hereby amended to read as follows:

209.392 1. Except as otherwise provided in NRS 209.3925 and 209.429 ~~or~~ *and section 1 of this act*, the Director may, at the request of an offender who is eligible for residential confinement pursuant to the standards adopted by the Director pursuant to subsection 3 and who has:

(a) Demonstrated a willingness and ability to establish a position of employment in the community;

(b) Demonstrated a willingness and ability to enroll in a program for education or rehabilitation; or

(c) Demonstrated an ability to pay for all or part of the costs of the offender's confinement and to meet any existing obligation for restitution to any victim of his or her crime,

➡ assign the offender to the custody of the Division of Parole and Probation of the Department of Public Safety to serve a term of residential confinement, pursuant to NRS 213.380, for not longer than the remainder of his or her sentence.

2. Upon receiving a request to serve a term of residential confinement from an eligible offender, the Director shall notify the



1 Division of Parole and Probation. Except as otherwise provided in
2 NRS 213.10915, if any victim of a crime committed by the offender
3 has, pursuant to subsection 4 of NRS 213.131, requested to be
4 notified of the consideration of a prisoner for parole and has
5 provided a current address, the Division of Parole and Probation
6 shall notify the victim of the offender's request and advise the
7 victim that the victim may submit documents regarding the request
8 to the Division of Parole and Probation. If a current address has not
9 been provided as required by subsection 4 of NRS 213.131, the
10 Division of Parole and Probation must not be held responsible if
11 such notification is not received by the victim. All personal
12 information, including, but not limited to, a current or former
13 address, which pertains to a victim and which is received by the
14 Division of Parole and Probation pursuant to this subsection is
15 confidential.

16 3. The Director, after consulting with the Division of Parole
17 and Probation, shall adopt, by regulation, standards providing which
18 offenders are eligible for residential confinement. The standards
19 adopted by the Director must provide that an offender who:

20 (a) Has recently committed a serious infraction of the rules of an
21 institution or facility of the Department;

22 (b) Has not performed the duties assigned to the offender in a
23 faithful and orderly manner;

24 (c) Has been convicted of:

25 (1) Any crime that is punishable as a felony involving the use
26 or threatened use of force or violence against the victim within the
27 immediately preceding 3 years;

28 (2) A sexual offense that is punishable as a felony; or

29 (3) Except as otherwise provided in subsection 4, a category
30 A or B felony;

31 (d) Has more than one prior conviction for any felony in this
32 State or any offense in another state that would be a felony if
33 committed in this State, not including a violation of NRS 484C.110,
34 484C.120, 484C.130, 484C.430, 488.420, 488.425 or 488.427; or

35 (e) Has escaped or attempted to escape from any jail or
36 correctional institution for adults,

37 ➤ is not eligible for assignment to the custody of the Division of
38 Parole and Probation to serve a term of residential confinement
39 pursuant to this section.

40 4. The standards adopted by the Director pursuant to
41 subsection 3 must provide that an offender who has been convicted
42 of a category B felony is eligible for assignment to the custody of
43 the Division of Parole and Probation to serve a term of residential
44 confinement pursuant to this section if:



(a) The offender is not otherwise ineligible pursuant to subsection 3 for an assignment to serve a term of residential confinement; and

(b) The Director makes a written finding that such an assignment of the offender is not likely to pose a threat to the safety of the public.

5. If an offender assigned to the custody of the Division of Parole and Probation pursuant to this section escapes or violates any of the terms or conditions of the offender's residential confinement:

(a) The Division of Parole and Probation may, pursuant to the procedure set forth in NRS 213.410, return the offender to the custody of the Department.

(b) The offender forfeits all or part of the credits for good behavior earned by the offender before the escape or violation, as determined by the Director. The Director may provide for a forfeiture of credits pursuant to this paragraph only after proof of the offense and notice to the offender and may restore credits forfeited for such reasons as the Director considers proper. The decision of the Director regarding such a forfeiture is final.

6. The assignment of an offender to the custody of the Division of Parole and Probation pursuant to this section shall be deemed:

(a) A continuation of the offender's imprisonment and not a release on parole; and

(b) For the purposes of NRS 209.341, an assignment to a facility of the Department,

except that the offender is not entitled to obtain any benefits or to participate in any programs provided to offenders in the custody of the Department.

7. An offender does not have a right to be assigned to the custody of the Division of Parole and Probation pursuant to this section, or to remain in that custody after such an assignment, and it is not intended that the provisions of this section or of NRS 213.371 to 213.410, inclusive, create any right or interest in liberty or property or establish a basis for any cause of action against the State, its political subdivisions, agencies, boards, commissions, departments, officers or employees.

8. The Division of Parole and Probation may receive and distribute restitution paid by an offender assigned to the custody of the Division of Parole and Probation pursuant to this section.

Sec. 4. NRS 213.10915 is hereby amended to read as follows:

213.10915 1. The Board, in consultation with the Division, may enter into an agreement with the manager of an automated victim notification system to notify victims of the information described in NRS 209.392 and 209.3925 and subsections 4 and 7 of



NRS 213.131 *and section 1 of this act* through the system if the system is capable of:

(a) Automatically notifying by telephone or electronic means a victim registered with the system of the information described in NRS 209.392 and 209.3925 and subsections 4 and 7 of NRS 213.131 *and section 1 of this act* with the timeliness required by NRS 209.392 and 209.3925 and subsections 4 and 7 of NRS 213.131 ~~§~~ *and section 1 of this act*; and

(b) Notifying victims registered with the system, using language provided by the Board, if the Board decides that it will discontinue the use of the system to notify victims of the information described in NRS 209.392 and 209.3925 and subsections 4 and 7 of NRS 213.131 ~~§~~ *and section 1 of this act*. The notice must:

(1) Be provided to each victim registered with the system not less than 90 days before the date on which the Board will discontinue use of the system; and

(2) Advise each victim to submit a written request for notification pursuant to subsection 4 of NRS 213.131 if the victim wishes to receive notice of the information described in NRS 209.392 and 209.3925 and subsections 4 and 7 of NRS 213.131 ~~§~~ *and section 1 of this act*.

2. The Division is not required to notify the victim of an offender of the information described in NRS 209.392 and 209.3925 *and section 1 of this act* and the Board is not required to notify the victim of a prisoner of the information described in subsections 4 and 7 of NRS 213.131 if:

(a) The Board has entered into an agreement pursuant to subsection 1; and

(b) Before discontinuing the notification of victims pursuant to NRS 209.392 and 209.3925 and subsections 4 and 7 of NRS 213.131 ~~§~~ *and section 1 of this act*, the Board, not less than two times and not less than 60 days apart, has notified each victim who has requested notification pursuant to subsection 4 of NRS 213.131 and who has provided his or her current address or whose current address is otherwise known by the Board of the change in the manner in which a victim is notified of the information described in NRS 209.392 and 209.3925 and subsections 4 and 7 of NRS 213.131 ~~§~~ *and section 1 of this act*. The notice must:

(1) Advise the victim that the Division will no longer notify the victim of the information described in NRS 209.392 and 209.3925 ~~§~~ *and section 1 of this act*, that the Board will no longer notify the victim of the information described in subsections 4 and 7 of NRS 213.131, and that the victim may register with the automated victim notification system if he or she wishes to be notified of the information described in NRS 209.392 and 209.3925



1 and subsections 4 and 7 of NRS 213.131 ~~§~~ *and section 1 of this*
2 *act*; and

3 (2) Include instructions for registering with the automated
4 victim notification system to receive notice of the information
5 described in NRS 209.392 and 209.3925 and subsections 4 and 7 of
6 NRS 213.131 ~~§~~ *and section 1 of this act*.

7 3. For the purposes of this section, "victim" has the meaning
8 ascribed to it in NRS 213.005.

9 **Sec. 5.** NRS 213.371 is hereby amended to read as follows:

10 213.371 As used in NRS 213.371 to 213.410, inclusive, unless
11 the context otherwise requires:

12 1. "Division" means the Division of Parole and Probation of
13 the Department of Public Safety.

14 2. "Offender" means a prisoner assigned to the custody of the
15 Division pursuant to NRS 209.392, 209.3925 or 209.429 ~~§~~ *or*
16 *section 1 of this act*.

17 3. "Residential confinement" means the confinement of an
18 offender to his or her place of residence under the terms and
19 conditions established by the Division.

20 **Sec. 6.** NRS 213.380 is hereby amended to read as follows:

21 213.380 1. The Division shall establish procedures for the
22 residential confinement of offenders.

23 2. The Division may establish, and at any time modify, the
24 terms and conditions of the residential confinement, except that the
25 Division shall:

26 (a) Require the offender to participate in regular sessions of
27 education, counseling and any other necessary or desirable treatment
28 in the community, unless the offender is assigned to the custody of
29 the Division pursuant to NRS 209.3925 ~~§~~ *or section 1 of this act*;

30 (b) Require the offender to be confined to his or her residence
31 during the time the offender is not:

32 (1) Engaged in employment or an activity listed in paragraph
33 (a) that is authorized by the Division;

34 (2) Receiving medical treatment that is authorized by the
35 Division; or

36 (3) Engaged in any other activity that is authorized by the
37 Division; and

38 (c) Require intensive supervision of the offender, including
39 unannounced visits to his or her residence or other locations where
40 the offender is expected to be in order to determine whether the
41 offender is complying with the terms and conditions of his or her
42 confinement.

43 3. An electronic device approved by the Division may be used
44 to supervise an offender. The device may be capable of using the
45 Global Positioning System, but must be minimally intrusive and



1 limited in capability to recording or transmitting information
2 concerning the offender's location, including, but not limited to, the
3 transmission of still visual images which do not concern the
4 offender's activities, and producing, upon request, reports or records
5 of the offender's presence near or within a crime scene or prohibited
6 area or his or her departure from a specified geographic location. A
7 device which is capable of recording or transmitting:

8 (a) Oral or wire communications or any auditory sound; or

9 (b) Information concerning the offender's activities,
10 ➤ must not be used.

11 **Sec. 7.** NRS 178.5698 is hereby amended to read as follows:

12 178.5698 1. The prosecuting attorney, sheriff or chief of
13 police shall, upon the request of a victim or witness, inform the
14 victim or witness:

15 (a) When the defendant is released from custody at any time
16 before or during the trial, including, without limitation, when the
17 defendant is released pending trial or subject to electronic
18 supervision;

19 (b) If the defendant is so released, the amount of bail required, if
20 any; and

21 (c) Of the final disposition of the criminal case in which the
22 victim or witness was directly involved.

23 2. A request for information pursuant to subsection 1 must be
24 made:

25 (a) In writing; or

26 (b) By telephone through an automated or computerized system
27 of notification, if such a system is available.

28 3. If an offender is convicted of a sexual offense or an offense
29 involving the use or threatened use of force or violence against the
30 victim, the court shall provide:

31 (a) To each witness, documentation that includes:

32 (1) A form advising the witness of the right to be notified
33 pursuant to subsection 5;

34 (2) The form that the witness must use to request notification
35 in writing; and

36 (3) The form or procedure that the witness must use to
37 provide a change of address after a request for notification has been
38 submitted.

39 (b) To each person listed in subsection 4, documentation that
40 includes:

41 (1) A form advising the person of the right to be notified
42 pursuant to subsection 5 or 6 and NRS 176.015, 176A.630,
43 178.4715, 209.392, 209.3925, 209.521, 213.010, 213.040, 213.095
44 and 213.131 *and section 1 of this act* or NRS 213.10915;



(2) The forms that the person must use to request notification; and

(3) The forms or procedures that the person must use to provide a change of address after a request for notification has been submitted.

4. The following persons are entitled to receive documentation pursuant to paragraph (b) of subsection 3:

(a) A person against whom the offense is committed.

(b) A person who is injured as a direct result of the commission of the offense.

(c) If a person listed in paragraph (a) or (b) is under the age of 18 years, each parent or guardian who is not the offender.

(d) Each surviving spouse, parent and child of a person who is killed as a direct result of the commission of the offense.

(e) A relative of a person listed in paragraphs (a) to (d), inclusive, if the relative requests in writing to be provided with the documentation.

5. Except as otherwise provided in subsection 6, if the offense was a felony and the offender is imprisoned, the warden of the prison shall, if the victim or witness so requests in writing and provides a current address, notify the victim or witness at that address when the offender is released from the prison.

6. If the offender was convicted of a violation of subsection 3 of NRS 200.366 or a violation of subsection 1, paragraph (a) of subsection 2 or subparagraph (2) of paragraph (b) of subsection 2 of NRS 200.508, the warden of the prison shall notify:

(a) The immediate family of the victim if the immediate family provides their current address;

(b) Any member of the victim's family related within the third degree of consanguinity, if the member of the victim's family so requests in writing and provides a current address; and

(c) The victim, if the victim will be 18 years of age or older at the time of the release and has provided a current address, before the offender is released from prison.

7. The warden must not be held responsible for any injury proximately caused by the failure to give any notice required pursuant to this section if no address was provided to the warden or if the address provided is inaccurate or not current.

8. As used in this section:

(a) "Immediate family" means any adult relative of the victim living in the victim's household.

(b) "Sexual offense" means:

(1) Sexual assault pursuant to NRS 200.366;

(2) Statutory sexual seduction pursuant to NRS 200.368;



(3) Battery with intent to commit sexual assault pursuant to NRS 200.400;

(4) An offense involving pornography and a minor pursuant to NRS 200.710 to 200.730, inclusive;

(5) Incest pursuant to NRS 201.180;

(6) Open or gross lewdness pursuant to NRS 201.210;

(7) Indecent or obscene exposure pursuant to NRS 201.220;

(8) Lewdness with a child pursuant to NRS 201.230;

(9) Sexual penetration of a dead human body pursuant to NRS 201.450;

(10) Sexual conduct between certain employees of a school or volunteers at a school and a pupil pursuant to NRS 201.540;

(11) Sexual conduct between certain employees of a college or university and a student pursuant to NRS 201.550;

(12) Luring a child or a person with mental illness pursuant to NRS 201.560, if punished as a felony;

(13) An offense that, pursuant to a specific statute, is determined to be sexually motivated; or

(14) An attempt to commit an offense listed in this paragraph.

Sec. 8. NRS 239.010 is hereby amended to read as follows:

239.010 1. Except as otherwise provided in this section and NRS 1.4683, 1.4687, 1A.110, 3.2203, 41.071, 49.095, 49.293, 62D.420, 62D.440, 62E.516, 62E.620, 62H.025, 62H.030, 62H.170, 62H.220, 62H.320, 75A.100, 75A.150, 76.160, 78.152, 80.113, 81.850, 82.183, 86.246, 86.54615, 87.515, 87.5413, 87A.200, 87A.580, 87A.640, 88.3355, 88.5927, 88.6067, 88A.345, 88A.7345, 89.045, 89.251, 90.730, 91.160, 116.757, 116A.270, 116B.880, 118B.026, 119.260, 119.265, 119.267, 119.280, 119A.280, 119A.653, 119B.370, 119B.382, 120A.690, 125.130, 125B.140, 126.141, 126.161, 126.163, 126.730, 127.007, 127.057, 127.130, 127.140, 127.2817, 128.090, 130.312, 130.712, 136.050, 159.044, 159A.044, 172.075, 172.245, 176.01249, 176.015, 176.0625, 176.09129, 176.156, 176A.630, 178.39801, 178.4715, 178.5691, 179.495, 179A.070, 179A.165, 179D.160, 200.3771, 200.3772, 200.5095, 200.604, 202.3662, 205.4651, 209.392, 209.3925, 209.419, 209.521, 211A.140, 213.010, 213.040, 213.095, 213.131, 217.105, 217.110, 217.464, 217.475, 218A.350, 218E.625, 218F.150, 218G.130, 218G.240, 218G.350, 228.270, 228.450, 228.495, 228.570, 231.069, 231.1473, 233.190, 237.300, 239.0105, 239.0113, 239B.030, 239B.040, 239B.050, 239C.140, 239C.210, 239C.230, 239C.250, 239C.270, 240.007, 241.020, 241.030, 241.039, 242.105, 244.264, 244.335, 247.540, 247.550, 247.560, 250.087, 250.130, 250.140, 250.150, 268.095, 268.490, 268.910, 271A.105, 281.195, 281.805, 281A.350, 281A.680, 281A.685,



1 281A.750, 281A.755, 281A.780, 284.4068, 286.110, 287.0438,
2 289.025, 289.080, 289.387, 289.830, 293.4855, 293.5002, 293.503,
3 293.504, 293.558, 293.906, 293.908, 293.910, 293B.135, 293D.510,
4 331.110, 332.061, 332.351, 333.333, 333.335, 338.070, 338.1379,
5 338.1593, 338.1725, 338.1727, 348.420, 349.597, 349.775, 353.205,
6 353A.049, 353A.085, 353A.100, 353C.240, 360.240, 360.247,
7 360.255, 360.755, 361.044, 361.610, 365.138, 366.160, 368A.180,
8 370.257, 370.327, 372A.080, 378.290, 378.300, 379.008, 379.1495,
9 385A.830, 385B.100, 387.626, 387.631, 388.1455, 388.259,
10 388.501, 388.503, 388.513, 388.750, 388A.247, 388A.249, 391.035,
11 391.120, 391.925, 392.029, 392.147, 392.264, 392.271, 392.315,
12 392.317, 392.325, 392.327, 392.335, 392.850, 394.167, 394.1698,
13 394.447, 394.460, 394.465, 396.3295, 396.405, 396.525, 396.535,
14 396.9685, 398A.115, 408.3885, 408.3886, 408.3888, 408.5484,
15 412.153, 416.070, 422.2749, 422.305, 422A.342, 422A.350,
16 425.400, 427A.1236, 427A.872, 432.028, 432.205, 432B.175,
17 432B.280, 432B.290, 432B.407, 432B.430, 432B.560, 432B.5902,
18 433.534, 433A.360, 437.145, 439.840, 439B.420, 440.170,
19 441A.195, 441A.220, 441A.230, 442.330, 442.395, 442.735,
20 445A.665, 445B.570, 449.209, 449.245, 449A.112, 450.140,
21 453.164, 453.720, 453A.610, 453A.700, 458.055, 458.280, 459.050,
22 459.3866, 459.555, 459.7056, 459.846, 463.120, 463.15993,
23 463.240, 463.3403, 463.3407, 463.790, 467.1005, 480.365, 480.940,
24 481.063, 481.091, 481.093, 482.170, 482.5536, 483.340, 483.363,
25 483.575, 483.659, 483.800, 484E.070, 485.316, 501.344, 503.452,
26 522.040, 534A.031, 561.285, 571.160, 584.655, 587.877, 598.0964,
27 598.098, 598A.110, 599B.090, 603.070, 603A.210, 604A.710,
28 612.265, 616B.012, 616B.015, 616B.315, 616B.350, 618.341,
29 618.425, 622.310, 623.131, 623A.137, 624.110, 624.265, 624.327,
30 625.425, 625A.185, 628.418, 628B.230, 628B.760, 629.047,
31 629.069, 630.133, 630.30665, 630.336, 630A.555, 631.368,
32 632.121, 632.125, 632.405, 633.283, 633.301, 633.524, 634.055,
33 634.214, 634A.185, 635.158, 636.107, 637.085, 637B.288, 638.087,
34 638.089, 639.2485, 639.570, 640.075, 640A.220, 640B.730,
35 640C.400, 640C.600, 640C.620, 640C.745, 640C.760, 640D.190,
36 640E.340, 641.090, 641.325, 641A.191, 641A.289, 641B.170,
37 641B.460, 641C.760, 641C.800, 642.524, 643.189, 644A.870,
38 645.180, 645.625, 645A.050, 645A.082, 645B.060, 645B.092,
39 645C.220, 645C.225, 645D.130, 645D.135, 645E.300, 645E.375,
40 645G.510, 645H.320, 645H.330, 647.0945, 647.0947, 648.033,
41 648.197, 649.065, 649.067, 652.228, 654.110, 656.105, 661.115,
42 665.130, 665.133, 669.275, 669.285, 669A.310, 671.170, 673.450,
43 673.480, 675.380, 676A.340, 676A.370, 677.243, 679B.122,
44 679B.152, 679B.159, 679B.190, 679B.285, 679B.690, 680A.270,
45 681A.440, 681B.260, 681B.410, 681B.540, 683A.0873, 685A.077,



1 686A.289, 686B.170, 686C.306, 687A.110, 687A.115, 687C.010,
2 688C.230, 688C.480, 688C.490, 689A.696, 692A.117, 692C.190,
3 692C.3507, 692C.3536, 692C.3538, 692C.354, 692C.420,
4 693A.480, 693A.615, 696B.550, 696C.120, 703.196, 704B.320,
5 704B.325, 706.1725, 706A.230, 710.159, 711.600, *and section 1 of*
6 *this act*, sections 35, 38 and 41 of chapter 478, Statutes of Nevada
7 2011 and section 2 of chapter 391, Statutes of Nevada 2013 and
8 unless otherwise declared by law to be confidential, all public books
9 and public records of a governmental entity must be open at all
10 times during office hours to inspection by any person, and may be
11 fully copied or an abstract or memorandum may be prepared from
12 those public books and public records. Any such copies, abstracts or
13 memoranda may be used to supply the general public with copies,
14 abstracts or memoranda of the records or may be used in any other
15 way to the advantage of the governmental entity or of the general
16 public. This section does not supersede or in any manner affect the
17 federal laws governing copyrights or enlarge, diminish or affect in
18 any other manner the rights of a person in any written book or
19 record which is copyrighted pursuant to federal law.

20 2. A governmental entity may not reject a book or record
21 which is copyrighted solely because it is copyrighted.

22 3. A governmental entity that has legal custody or control of a
23 public book or record shall not deny a request made pursuant to
24 subsection 1 to inspect or copy or receive a copy of a public book or
25 record on the basis that the requested public book or record contains
26 information that is confidential if the governmental entity can
27 redact, delete, conceal or separate the confidential information from
28 the information included in the public book or record that is not
29 otherwise confidential.

30 4. A person may request a copy of a public record in any
31 medium in which the public record is readily available. An officer,
32 employee or agent of a governmental entity who has legal custody
33 or control of a public record:

34 (a) Shall not refuse to provide a copy of that public record in a
35 readily available medium because the officer, employee or agent has
36 already prepared or would prefer to provide the copy in a different
37 medium.

38 (b) Except as otherwise provided in NRS 239.030, shall, upon
39 request, prepare the copy of the public record and shall not require
40 the person who has requested the copy to prepare the copy himself
41 or herself.

42 **Sec. 9.** This act becomes effective on July 1, 2019.

