

SENATE BILL NO. 140—SENATOR NEAL

FEBRUARY 23, 2021

Referred to Committee on Judiciary

SUMMARY—Revises provisions related to the employment of offenders. (BDR 16-39)

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 correctional institutions; requiring offenders who are employed in programs for the employment of offenders to be paid a living wage; creating the Offenders' Release Fund; revising provisions relating to deductions made from the wages of offenders; requiring the placement of offenders in certain programs which facilitate their employment in positions upon their release which utilize skills similar to those employed by the offender while incarcerated; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law does not require offenders to be paid the federal or state minimum wage for their employment in a program for the employment of offenders. (NRS 209.461) **Section 6** of this bill requires such offenders to be paid a living wage and defines "living wage" as an hourly wage that is equivalent to the state minimum wage.

Existing law authorizes the Director of the Department of Corrections to make certain deductions from the wages of offenders, including deductions for: (1) obligations for the support of the family of the offender; (2) restitution by the offender for victims of his or her crime; and (3) deposits into the Fund for New Construction of Facilities for Prison Industries. Existing law also sets forth the order of priority for such deductions. (NRS 209.463) **Section 7** of this bill: (1) eliminates all existing categories of deductions currently authorized to be taken from the wages of offenders, except those deductions relating to obligations for support of family and restitution for victims; and (2) establishes a deduction for an amount to be placed in an individual account for the offender, the contents of which will be disbursed to the offender upon his or her release from prison. Thus, **section 7** now requires, in the following order of priority, deductions from wages for: (1) obligations for the support of his or her family; (2) restitution for victims of his or



her crime; and (3) an amount to be placed into the described individual account for the offender. Specifically, **section 7** provides that the amount deducted for deposit into such an individual account must be equal to the difference between the wages remaining after the deductions for obligations for the support of the offender's family and restitution for victims of his or her crime and the average wages earned by any offender in the pay period encompassing July 1, 2021. **Section 1** of this bill: (1) creates the Offenders' Release Fund, which is the Fund that houses the described individual accounts of the offenders; (2) requires the Director to perform certain duties relating to the Fund, including the duty to distribute the balance of each individual account to the respective offender upon his or her release from prison; and (3) delineates the distribution of interest and income earned on money in the Fund.

Existing law places certain duties on the Director related to the release of offenders from prison, including several duties related to the reentry of offenders. (NRS 209.511) **Section 8** of this bill requires the Director, to the extent practicable, to place an offender in certain programs that aim to facilitate the employment of the offender upon his or her release from prison in a position that utilizes skills similar to those used by the offender in a program for the employment of offenders.

Existing law creates the Fund for New Construction of Facilities for Prison Industries and requires money in the Fund to be expended for certain purposes related to certain programs for the employment of offenders. (NRS 209.192) **Section 2** of this bill makes a conforming change to reflect the elimination of deductions from offenders' wages for deposit in the Fund.

Existing law creates the Prisoners' Personal Property Fund as a trust fund for the deposit of certain money received by offenders in individual accounts. (NRS 209.241) **Sections 3-5** of this bill make conforming changes related to the Prisoners' Personal Property Fund as a result of the creation of the Offenders' Release Fund.

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. The Offenders' Release Fund is hereby created as a trust fund.

2. The Director shall:

(a) Deposit the amount described in subsection 3 of NRS 209.463 into the individual account of the offender in the Offenders' Release Fund;

(b) Keep, or cause to be kept, a full and accurate account of the money deposited in the individual account of each offender in the Offenders' Release Fund; and

(c) Pay over to each offender upon his or her release from prison the balance in his or her individual account in the Offenders' Release Fund.

3. The interest and income earned on the money in the Offenders' Release Fund, after deducting any applicable bank charges, must be credited each calendar quarter as follows:



(a) *If the share of an offender in the cost of administering the Offenders' Release Fund for the quarter is less than the amount of interest and income earned by the offender, the Director 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 share of the offender in the cost of administering the Offenders' Release Fund.*

(b) *If the share of an offender in the cost of administering the Offenders' Release 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.*

Sec. 2. NRS 209.192 is hereby amended to read as follows:

209.192 1. There is hereby created in the State Treasury a Fund for New Construction of Facilities for Prison Industries as a capital projects fund. ~~[The Director shall deposit in the Fund the deductions made pursuant to paragraph (c) of subsection 1 or paragraph (b) of subsection 2 of NRS 209.463.]~~ The money in the Fund must only be expended:

(a) To house new industries or expand existing industries in the industrial program to provide additional employment of offenders;

(b) To relocate, expand, upgrade or modify an existing industry in the industrial program to enhance or improve operations or security or to provide additional employment or training of offenders;

(c) To purchase or lease equipment to be used for the training of offenders or in the operations of prison industries;

(d) To pay or fund the operations of prison industries, including, without limitation, paying the salaries of staff and wages of offenders if the cash balance in the Fund for Prison Industries is below the average monthly expenses for the operation of prison industries;

(e) To advertise and promote the goods produced and services provided by prison industries; or

(f) For any other purpose authorized by the Legislature.

2. Before money in the Fund may be expended:

(a) As described in paragraphs (b) to (e), inclusive, of subsection 1, the Director shall submit a proposal for the expenditure to the Committee on Industrial Programs and the State Board of Examiners.

(b) For construction, the Director shall submit a proposal for the expenditure to the State Board of Examiners.

3. Upon making a determination that the proposed expenditure is appropriate and necessary, the State Board of Examiners shall recommend to the Interim Finance Committee, or the Senate



1 Standing Committee on Finance and the Assembly Standing
2 Committee on Ways and Means when the Legislature is in general
3 session, that the expenditure be approved. Upon approval of the
4 appropriate committee or committees, the money may be so
5 expended.

6 4. If any money in the Fund is used as described in paragraph
7 (d) of subsection 1, the Director shall repay the amount used as soon
8 as sufficient money is available in the Fund for Prison Industries.

9 5. The interest and income earned on the money in the Fund,
10 after deducting any applicable charges, must be credited to the
11 Fund.

12 6. As used in this section, "Fund" means Fund for New
13 Construction of Facilities for Prison Industries.

14 **Sec. 3.** NRS 209.246 is hereby amended to read as follows:

15 209.246 The Director shall, with the approval of the Board,
16 establish by regulation criteria for a reasonable deduction from
17 money credited to the *individual* account of an offender *in the*
18 *Prisoners' Personal Property Fund* to:

19 1. Repay the cost of:

20 (a) State property willfully damaged, destroyed or lost by the
21 offender during his or her incarceration.

22 (b) Medical examination, diagnosis or treatment for injuries:

23 (1) Inflicted by the offender upon himself or herself or other
24 offenders; or

25 (2) Which occur during voluntary recreational activities.

26 (c) Searching for and apprehending the offender when he or she
27 escapes or attempts to escape.

28 (d) Quelling any riot or other disturbance in which the offender
29 is unlawfully involved.

30 (e) Providing a funeral for an offender.

31 (f) Providing an offender with clothing, transportation and
32 money upon his or her release from prison pursuant to
33 NRS 209.511.

34 (g) Transportation of an offender pursuant to a court order in
35 cases other than a criminal prosecution, a proceeding for
36 postconviction relief involving the offender or a proceeding in
37 which the offender has challenged the conditions of his or her
38 confinement.

39 (h) Monetary sanctions imposed under the code of penal
40 discipline adopted by the Department.

41 2. Defray, as determined by the Director, a portion of the costs
42 paid by the Department for medical care for the offender, including,
43 but not limited to:



(a) Except as otherwise provided in paragraph (b) of subsection 1, expenses for medical or dental care, prosthetic devices and pharmaceutical items; and

(b) Expenses for prescribed medicine and supplies.

3. Repay the costs incurred by the Department on behalf of the offender for:

(a) Postage for personal items and items related to litigation;

(b) Photocopying of personal documents and legal documents, for which the offender must be charged a reasonable fee not to exceed the actual costs incurred by the Department;

(c) Legal supplies;

(d) Telephone calls charged to the Department;

(e) Charges relating to checks returned for insufficient funds and checks for which an order to stop payment has been made;

(f) Items related to the offender's work, including, but not limited to, clothing, shoes, boots, tools, a driver's license or identification card issued by the Department of Motor Vehicles, a work card issued by a law enforcement agency and a health card; and

(g) The replacement of an identification card or prepaid ticket for bus transportation issued to the offender by the Department.

4. Repay any cost to the State of Nevada or any agency or political subdivision thereof that is incurred in defending the State against an action filed by an offender in federal court alleging a violation of his or her civil rights which is determined by the court to be frivolous.

➤ All money collected pursuant to this section must be deposited in the appropriate account in the State General Fund for reimbursement of the related expenditure.

Sec. 4. NRS 209.247 is hereby amended to read as follows:

209.247 Except as otherwise provided in NRS 209.2475, the Director may make the following deductions, in the following order of priority, from any money deposited in the individual account of an offender *in the Prisoners' Personal Property Fund* from any source other than the offender's wages:

1. An amount the Director deems reasonable for deposit with the State Treasurer for credit to the Fund for the Compensation of Victims of Crime created pursuant to NRS 217.260.

2. An amount the Director considers reasonable to meet an existing obligation of the offender for the support of the offender's family.

3. An amount determined by the Director, with the approval of the Board, to offset the cost of maintaining the offender in the institution, as reflected in the budget of the Department. An amount deducted pursuant to this subsection may include, but is not limited



1 to, an amount to offset the cost of participation by the offender
2 pursuant to NRS 209.4231 to 209.4244, inclusive, in a therapeutic
3 community or a program of aftercare, or both.

4 4. A deduction pursuant to NRS 209.246.

5 5. An amount determined by the Director for deposit in a
6 savings account for the offender, in which interest on the money
7 deposited does not accrue, to be used for the payment of the
8 expenses of the offender related to his or her release or, if the
9 offender dies before his or her release, to defray expenses related to
10 arrangements for the offender's funeral.

11 6. An amount the Director considers reasonable to meet an
12 existing obligation of the offender for restitution to a victim of his or
13 her crime.

14 7. An amount the Director considers reasonable to pay the
15 balance of an administrative assessment included in the judgment
16 entered against the offender for each crime for which the offender is
17 incarcerated and the balance of an unpaid administrative assessment
18 included in a judgment entered against the offender for a crime
19 committed in this state for which the offender was previously
20 convicted. An amount deducted from a source other than the wages
21 earned by the offender during his or her incarceration, pursuant to
22 this subsection, must be submitted:

23 (a) If the offender does not have an administrative assessment
24 owing from a judgment entered for a crime previously committed in
25 this state, to the court that entered the judgment against the offender
26 for which he or she is incarcerated.

27 (b) If the offender has an administrative assessment owing from
28 a judgment entered for a crime previously committed in this state, to
29 the court that first entered a judgment for which an administrative
30 assessment is owing, until the balance owing has been paid.

31 8. An amount the Director considers reasonable to pay the
32 balance of a fine included in the judgment entered against the
33 offender for each crime for which the offender is incarcerated and
34 the balance of an unpaid fine included in a judgment entered against
35 the offender for a crime committed in this state for which the
36 offender was previously convicted. An amount deducted from any
37 source other than the wages earned by the offender during his or her
38 incarceration, pursuant to this subsection, must be submitted:

39 (a) If the offender does not have a fine owing from a judgment
40 entered for a crime previously committed in this state, to the court
41 that entered the judgment against the offender for which he or she is
42 incarcerated.

43 (b) If the offender has a fine owing from a judgment entered for
44 a crime previously committed in this state, to the court that first



1 entered a judgment for which any fine or administrative assessment
2 is owing, until the balance owing has been paid.

3 9. An amount the Director considers reasonable to pay the
4 balance of any fee imposed upon the offender for genetic marker
5 analysis and included in the judgment entered against the offender
6 pursuant to NRS 176.0915.

7 ➡ The Director shall determine the priority of any other deduction
8 authorized by law from any source other than the wages earned by
9 the offender during his or her incarceration.

10 **Sec. 5.** NRS 209.2475 is hereby amended to read as follows:

11 209.2475 1. The Director shall not make any deduction from
12 the individual account of an offender in the Prisoners' Personal
13 Property Fund if the balance in the account is below the minimum
14 balance designated by the Director pursuant to this subsection. The
15 Director shall designate the minimum balance of an account of an
16 offender required before such other deductions or withdrawals from
17 the account may be made by the Director or the offender.

18 2. Upon the release of an offender, any money from any source
19 remaining in ~~the~~ *the individual* account of the offender *in the*
20 *Prisoners' Personal Property Fund* may be used to reimburse the
21 Department for any expenses related to his or her release, including,
22 but not limited to, any expenses incurred by the Department
23 pursuant to NRS 209.511 or for transportation of the offender.

24 3. The Director may reduce or eliminate a deduction authorized
25 pursuant to NRS 209.247 or 209.463 to the extent necessary to
26 comply with a restriction imposed by federal law on deductions
27 from wages of an offender or from the account of an offender.

28 4. The Director may, if appropriate, transmit a deduction made
29 pursuant to NRS 209.247 or 209.463 directly to the person, entity or
30 fund for whom the deduction was made.

31 **Sec. 6.** NRS 209.461 is hereby amended to read as follows:

32 209.461 1. The Director shall:

33 (a) To the greatest extent possible, approximate the normal
34 conditions of training and employment in the community.

35 (b) Except as otherwise provided in this section, to the extent
36 practicable, require each offender, except those whose behavior is
37 found by the Director to preclude participation, to spend 40 hours
38 each week in vocational training or employment, unless excused for
39 a medical reason or to attend educational classes in accordance with
40 NRS 209.396. The Director shall require as a condition of
41 employment that an offender sign an authorization for the
42 deductions from his or her wages made pursuant to NRS 209.463.
43 Authorization to make the deductions pursuant to NRS 209.463 is
44 implied from the employment of an offender and a signed



1 authorization from the offender is not required for the Director to
2 make the deductions pursuant to NRS 209.463.

3 (c) Use the earnings from services and manufacturing conducted
4 by the institutions and the money paid by private employers who
5 employ the offenders to offset the costs of operating the prison
6 system and to provide wages for the offenders being trained or
7 employed.

8 (d) Provide equipment, space and management for services and
9 manufacturing by offenders.

10 (e) Employ craftsmen and other personnel to supervise and
11 instruct offenders.

12 (f) Contract with governmental agencies and private employers
13 for the employment of offenders, including their employment on
14 public works projects under contracts with the State and with local
15 governments.

16 (g) Contract for the use of offenders' services and for the sale of
17 goods manufactured by offenders.

18 (h) On or before January 1, 2014, and every 5 years thereafter,
19 submit a report to the Director of the Legislative Counsel Bureau for
20 distribution to the Committee on Industrial Programs. The report
21 must include, without limitation, an analysis of existing contracts
22 with private employers for the employment of offenders and the
23 potential impact of those contracts on private industry in this State.

24 (i) Submit a report to each meeting of the Interim Finance
25 Committee identifying any accounts receivable related to a program
26 for the employment of offenders.

27 2. Every program for the employment of offenders established
28 by the Director must:

29 (a) Employ the maximum number of offenders possible;

30 (b) Except as otherwise provided in NRS 209.192, provide for
31 the use of money produced by the program to reduce the cost of
32 maintaining the offenders in the institutions;

33 (c) Have an insignificant effect on the number of jobs available
34 to the residents of this State; ~~and~~

35 (d) Provide occupational training for offenders ~~and~~; and

36 *(e) Pay offenders a living wage.*

37 3. An offender may not engage in vocational training,
38 employment or a business that requires or permits the offender to:

39 (a) Telemarket or conduct opinion polls by telephone; or

40 (b) Acquire, review, use or have control over or access to
41 personal information concerning any person who is not incarcerated.

42 4. Each fiscal year, the cumulative profits and losses, if any, of
43 the programs for the employment of offenders established by the
44 Director must result in a profit for the Department. The following



1 must not be included in determining whether there is a profit for the
2 Department:

3 (a) Fees credited to the Fund for Prison Industries pursuant to
4 NRS 482.268, any revenue collected by the Department for the
5 leasing of space, facilities or equipment within the institutions or
6 facilities of the Department, and any interest or income earned on
7 the money in the Fund for Prison Industries.

8 (b) The selling expenses of the Central Administrative Office of
9 the programs for the employment of offenders. As used in this
10 paragraph, "selling expenses" means delivery expenses, salaries of
11 sales personnel and related payroll taxes and costs, the costs of
12 advertising and the costs of display models.

13 (c) The general and administrative expenses of the Central
14 Administrative Office of the programs for the employment of
15 offenders. As used in this paragraph, "general and administrative
16 expenses" means the salary of the Deputy Director of Industrial
17 Programs and the salaries of any other personnel of the Central
18 Administrative Office and related payroll taxes and costs, the costs
19 of telephone usage, and the costs of office supplies used and postage
20 used.

21 5. If any state-sponsored program incurs a net loss for 2
22 consecutive fiscal years, the Director shall appear before the
23 Committee on Industrial Programs to explain the reasons for the net
24 loss and provide a plan for the generation of a profit in the next
25 fiscal year. If the program does not generate a profit in the third
26 fiscal year, the Director shall take appropriate steps to resolve the
27 issue.

28 6. Except as otherwise provided in subsection 3, the Director
29 may, with the approval of the Board:

30 (a) Lease spaces and facilities within any institution of the
31 Department to private employers to be used for the vocational
32 training and employment of offenders.

33 (b) Grant to reliable offenders the privilege of leaving
34 institutions or facilities of the Department at certain times for the
35 purpose of vocational training or employment.

36 7. Before entering into any contract with a private employer for
37 the employment of offenders pursuant to subsection 1, the Director
38 shall obtain from the private employer:

39 (a) A personal guarantee to secure an amount fixed by the
40 Director of:

41 (1) For a contract that does not relate to construction, not less
42 than 25 percent of the prorated annual amount of the contract but
43 not more than 100 percent of the prorated annual amount of the
44 contract, a surety bond made payable to the State of Nevada in an
45 amount fixed by the Director of not less than 25 percent of the



prorated annual amount of the contract but not more than 100 percent of the prorated annual amount of the contract and conditioned upon the faithful performance of the contract in accordance with the terms and conditions of the contract; or

(2) For a contract that relates to construction, not less than 100 percent of the prorated annual amount of the contract, a surety bond made payable to the State of Nevada in an amount fixed by the Director of not less than 100 percent of the prorated annual amount of the contract and conditioned upon the faithful performance of the contract in accordance with the terms and conditions of the contract, or a security agreement to secure any debt, obligation or other liability of the private employer under the contract, including, without limitation, lease payments, wages earned by offenders and compensation earned by personnel of the Department. The Director shall appear before the Committee on Industrial Programs to explain the reasons for the amount fixed by the Director for any personal guarantee or surety bond.

(b) A detailed written analysis on the estimated impact of the contract on private industry in this State. The written analysis must include, without limitation:

(1) The number of private companies in this State currently providing the types of products and services offered in the proposed contract.

(2) The number of residents of this State currently employed by such private companies.

(3) The number of offenders that would be employed under the contract.

(4) The skills that the offenders would acquire under the contract.

8. The provisions of this chapter do not create a right on behalf of the offender to employment or to receive the federal or state minimum wage for any employment and do not establish a basis for any cause of action against the State or its officers or employees for employment of an offender or for payment of the federal or state minimum wage to an offender.

9. As used in this section ~~[, “state-sponsored”]~~ :

(a) *“Living wage” means an hourly wage that is equivalent to the state minimum wage.*

(b) *“State-sponsored” program* means a program for the vocational training or employment of offenders which does not include a contract of employment with a private employer.

Sec. 7. NRS 209.463 is hereby amended to read as follows:

209.463 Except as otherwise provided in NRS 209.2475, the Director ~~[may]~~ *shall* make the following deductions, in the



following order of priority, from the wages earned by an offender from any source during the offender's incarceration:

1. ~~If the hourly wage of the offender is equal to or greater than the federal minimum wage:~~

~~—(a) An amount the Director deems reasonable for deposit with the State Treasurer for credit to the Fund for the Compensation of Victims of Crime.~~

~~—(b) An amount the Director considers reasonable to meet an existing obligation of the offender for the support of his or her family.~~

~~[(c) An amount determined by the Director, with the approval of the Board, for deposit in the State Treasury for credit to the Fund for New Construction of Facilities for Prison Industries, but only if the offender is employed through a program for prison industries.~~

~~—(d) An amount determined by the Director for deposit in the individual account of the offender in the Prisoners' Personal Property Fund.~~

~~—(e) An amount determined by the Director, with the approval of the Board, to offset the cost of maintaining the offender in the institution, as reflected in the budget of the Department. An amount deducted pursuant to this paragraph may include, but is not limited to, an amount to offset the cost of participation by the offender pursuant to NRS 209.4231 to 209.4244, inclusive, in a therapeutic community or a program of aftercare, or both.~~

~~—(f) A deduction pursuant to NRS 209.246.~~

~~—(g) An amount determined by the Director for deposit in a savings account for the offender, in which interest on the money deposited does not accrue, to be used for the payment of the expenses of the offender related to his or her release or, if the offender dies before his or her release, to defray expenses related to arrangements for his or her funeral.~~

~~—(h) 2. An amount the Director considers reasonable to meet an existing obligation of the offender for restitution to any victim of his or her crime.~~

~~[(i) An amount the Director considers reasonable to pay the balance of any fee imposed upon the offender for genetic marker analysis and included in the judgment entered against the offender pursuant to NRS 176.0915.~~

~~—(j) An amount the Director considers reasonable to pay the balance of an administrative assessment included in the judgment entered against the offender for each crime for which the offender is incarcerated and the balance of an unpaid administrative assessment included in a judgment entered against the offender for a crime committed in this state for which the offender was previously~~



convicted. An amount deducted from the wages of the offender pursuant to this paragraph must be submitted:

— (1) If the offender does not have an administrative assessment owing from a judgment entered for a crime previously committed in this state, to the court that entered the judgment against the offender for which the offender is incarcerated.

— (2) If the offender has an administrative assessment owing from a judgment entered for a crime previously committed in this state, to the court that first entered a judgment for which an administrative assessment is owing, until the balance owing has been paid.

— (k) An amount the Director considers reasonable to pay the balance of a fine included in the judgment entered against the offender for each crime for which the offender is incarcerated and the balance of an unpaid fine included in a judgment entered against the offender for a crime committed in this state for which the offender was previously convicted. An amount deducted from the wages of the offender pursuant to this paragraph must be submitted:

— (1) If the offender does not have a fine owing from a judgment entered for a crime previously committed in this state, to the court that entered the judgment against the offender for which the offender is incarcerated.

— (2) If the offender has a fine owing from a judgment entered for a crime previously committed in this state, to the court that first entered a judgment for which a fine or administrative assessment is owing, until the balance owing has been paid.

➔ The Director shall determine the priority of any other deduction authorized by law from the wages earned by the offender from any source during the offender's incarceration.

— 2. If the hourly wage of the offender is less than the federal minimum wage:

— (a) An amount the Director deems reasonable for deposit with the State Treasurer for credit to the Fund for the Compensation of Victims of Crime.

— (b) An amount determined by the Director, with the approval of the Board, for deposit in the State Treasury for credit to the Fund for New Construction of Facilities for Prison Industries, but only if the offender is employed through a program for prison industries.

— (c) An amount determined by the Director for deposit in the individual account of the offender in the Prisoners' Personal Property Fund.

— (d) An amount determined by the Director, with the approval of the Board, to offset the cost of maintaining the offender in the institution, as reflected in the budget of the Department. An amount deducted pursuant to this paragraph may include, but is not limited



~~to, an amount to offset the cost of participation by the offender pursuant to NRS 209.4231 to 209.4244, inclusive, in a therapeutic community or a program of aftercare, or both.~~

~~—(e) A deduction pursuant to NRS 209.246.~~

~~—(f) An amount the Director considers reasonable to pay the balance of any fee imposed upon the offender for genetic marker analysis and included in the judgment entered against the offender pursuant to NRS 176.0915.~~

~~—(g) An amount determined by the Director for deposit in a savings account for the offender, in which interest on the money deposited does not accrue, to be used for the payment of the expenses of the offender related to the offender's release or, if the offender dies before the offender's release, to defray expenses related to arrangements for the offender's funeral.~~

~~➔ The Director shall determine the priority of any other deduction authorized by law from the wages earned by the offender from any source during the offender's incarceration.]~~

3. An amount to be deposited into the individual account of the offender in the Offenders' Release Fund which must be equal to the difference between the balance of the wages after any deductions are made pursuant to subsections 1 and 2 and the total of the average wage earned by an offender in the pay period encompassing July 1, 2021.

Sec. 8. NRS 209.511 is hereby amended to read as follows:

209.511 1. Before an offender is released from prison by expiration of his or her term of sentence, by pardon or parole, the Director may provide mediation services to the offender and the family members and friends of the offender who provide emotional, psychological and financial support to the offender.

2. Not later than 3 months before an offender is projected to be released from prison by expiration of his or her term of sentence, by pardon or parole, the Director may, if space is available, provide an eligible offender with one or more evidence-based or promising practice reentry programs to obtain employment, including, without limitation, any programs which may provide bonding for an offender entering the workplace and any organizations which may provide employment or bonding assistance to such a person.

3. When an offender is released from prison by expiration of his or her term of sentence, by pardon or by parole, the Director:

(a) May furnish the offender with a sum of money not to exceed \$100, the amount to be based upon the offender's economic need as determined by the Director;

(b) Shall give the offender notice of the provisions of chapter 179C of NRS and NRS 202.357 and 202.360;



(c) Shall require the offender to sign an acknowledgment of the notice required in paragraph (b);

(d) Shall give the offender notice of the provisions of NRS 179.245 and the provisions of NRS 213.090, 213.155 or 213.157, as applicable;

(e) Shall provide the offender with a photo identification card issued by the Department and information and reasonable assistance relating to acquiring a valid driver's license or identification card to enable the offender to obtain employment, if the offender:

(1) Requests a photo identification card;

(2) Requests such information and assistance and is eligible to acquire a valid driver's license or identification card from the Department of Motor Vehicles; or

(3) Is not currently in possession of a photo identification card;

(f) Shall provide the offender with clothing suitable for reentering society;

(g) Shall provide the offender with the cost of transportation to his or her place of residence anywhere within the continental United States, or to the place of his or her conviction;

(h) If appropriate, shall release the offender to a facility for transitional living for released offenders that is licensed pursuant to chapter 449 of NRS;

(i) Shall require the offender to submit to at least one test for exposure to the human immunodeficiency virus;

(j) If the offender is eligible for Medicaid or Medicare, shall complete enrollment application paperwork for the offender; and

(k) If the offender was receiving a prescribed medication while in custody, shall ensure that the offender is provided with a 30-day supply of any such prescribed medication.

4. The Director shall not provide an offender with a photo identification card pursuant to paragraph (e) of subsection 3 unless the photo identification card clearly indicates whether the Director:

(a) Has verified the full legal name and age of the offender by obtaining an original or certified copy of the documents required by the Department of Motor Vehicles pursuant to NRS 483.290 or 483.860, as applicable, furnished as proof of the full legal name and age of an applicant for a driver's license or identification card; or

(b) Has not verified the full legal name and age of the offender pursuant to paragraph (a).

5. The costs authorized or required in paragraphs (a), (e), (f), (g), (i) and (k) of subsection 3 must be paid out of the appropriate account within the State General Fund for the use of the Department as other claims against the State are paid to the extent that the costs



1 have not been paid in accordance with subsection 5 of NRS 209.221
2 and NRS 209.246.

3 6. The Director is encouraged to work with the Nevada
4 Community Re-Entry Task Force established by the Governor
5 pursuant to executive order, or its successor body, if any, to align
6 statewide strategies for the reentry of offenders into the community
7 and the implementation of those strategies.

8 7. *The Director shall, to the extent practicable, provide for*
9 *the placement of an offender in a program for reentry or other like*
10 *program that facilitates the employment of an offender upon his*
11 *or her release from prison in a position that utilizes skills similar*
12 *to those used by the offender in a program for the employment of*
13 *offenders while incarcerated.*

14 8. As used in this section:

15 (a) “Eligible offender” means an offender who is:

16 (1) Determined to be eligible for reentry programming based
17 on the Nevada Risk Assessment Services instrument, or its
18 successor risk assessment tool; and

19 (2) Enrolled in:

20 (I) Programming services under a reentry program at a
21 correctional facility which has staff designated to provide the
22 services; or

23 (II) A community-based program to assist offenders to
24 reenter the community.

25 (b) “Facility for transitional living for released offenders” has
26 the meaning ascribed to it in NRS 449.0055.

27 (c) “Photo identification card” means a document which
28 includes the name, date of birth and a color picture of the offender.

29 (d) “Promising practice reentry program” means a reentry
30 program that has strong quantitative and qualitative data showing
31 positive outcomes, but does not have sufficient research or
32 replication to support recognition as an evidence-based practice.

