

Amendment No. 337

Assembly Amendment to Assembly Bill No. 292	(BDR 16-252)
<b>Proposed by:</b> Assembly Committee on Judiciary	
<b>Amends:</b> Summary: No Title: Yes Preamble: No Joint Sponsorship: No Digest: Yes	

Adoption of this amendment will REMOVE the unfunded mandate from A.B. 292.

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. 292—ASSEMBLYWOMEN GONZÁLEZ;  
AND SUMMERS-ARMSTRONG

MARCH 14, 2023

JOINT SPONSORS: SENATORS SPEARMAN, NEAL;  
AND SCHEIBLE

Referred to Committee on Judiciary

SUMMARY—Revises provisions governing offenders. (BDR 16-252)

FISCAL NOTE: Effect on Local Government: May have Fiscal Impact.  
Effect on the State: Yes.~~[CONTAINS UNFUNDED MANDATE (§§ 13, 14, 15, 17, 18)  
(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 incarceration; ~~[setting forth certain rights of offenders and prisoners; requiring certain persons and governmental entities to take certain actions relating to such rights; providing for the designation of an ombudsman for each institution, facility or jail and prescribing the powers and duties relating to that position; revising provisions relating to training for correctional staff; revising provisions relating to a risk and needs assessment; prohibiting the use of]~~ **requiring the Department of Corrections to adopt certain regulations relating to the care of women who are in the custody of the Department; requiring the warden of an institution or manager of a facility to adopt policies relating to conduct between male correctional officers and women who are incarcerated; requiring the warden of an institution or manager of a facility to adopt policies relating to the care of a pregnant offender; requiring the Department to develop and adopt certain policies and regulations relating to the care of a pregnant offender; requiring a correctional officer to submit a written report if restraints are used on a pregnant offender; for prisoner who is being transferred or transported under certain circumstances;** and providing other matters properly relating thereto.

## Legislative Counsel's Digest:

1 ~~[Sections]~~ **Section 2** ~~[and 13]~~ of this bill ~~[set forth certain rights of offenders in the~~  
2 ~~custody of the Department of Corrections and prisoners in the custody of a jail or detention~~  
3 ~~facility. Sections 3 and 14 of this bill require each institution or facility of the Department and~~

each county, city or town jail or detention facility to treat each offender or prisoner, as applicable, in accordance with the gender identity or expression of the offender or prisoner. Sections 3 and 14 also require certain persons responsible for an institution or facility of the Department or a jail or detention facility to establish appropriate policies to carry out these requirements.

Sections 4 and 15 of this bill require certain persons responsible for the operation of an institution or facility of the Department and certain persons responsible for the operation of a jail or detention facility to designate an ombudsman for the institution, jail or facility, as applicable. Sections 4 and 15 also prescribe certain powers and duties of an ombudsman. Sections requires the Department of Corrections to: (1) ensure that a woman who is assigned to an institution or facility completes a form to assess the needs of the woman while in the custody of the Department; (2) provide a woman who is incarcerated access to certain necessary medical and behavioral health services; and (3) provide a woman who is incarcerated with a sufficient supply of feminine hygiene products at no cost. Section 2 additionally requires the Department to provide the woman with a preferred type of feminine hygiene products upon request. Section 2 also requires the Department to adopt any regulations necessary to carry out the provisions of section 2.

Section 5 [and 16] of this bill [require] requires certain persons responsible for the operation of an institution or facility of the Department [and certain persons responsible for the operation of a jail or detention facility] to adopt a policy setting forth standards of conduct for interactions between a male staff member and [an offender or prisoner of] a [different gender identity or expression than the staff member. Sections] woman who is incarcerated in the institution or facility. Section 5 [and 16 require] also requires any such policy to [include a requirement that] prohibit a male staff member [who searches an offender or prisoner of a different gender identity or expression or views an offender or prisoner of a different gender identity or expression] from inspecting or searching a woman who is incarcerated in an institution or facility and who is in a state of undress while [the offender or prisoner is showering, performing bodily functions or changing clothing] located in a private location, unless: (1) there are extraordinary circumstances; and (2) a female correctional staff member, or any female staff member of the institution or facility if a female correctional staff member is unavailable, is present at the time of the inspection or search. Section 5 additionally requires a male correctional staff member who conducts such an inspection or search to [file] submit a written report concerning the [incident] inspection or search with the [ombudsman appointed pursuant to section 4 or 15, as applicable].

Sections] warden of the institution or manager of the facility within 72 hours. Section 6 [and 17] of this bill [-(1) require] requires the Department to provide a woman who is pregnant and in the custody of the Department access to necessary medical and behavioral health care services, including obstetrical services. Section 6 also: (1) requires certain persons responsible for the operation of an institution or facility of the Department [for a jail or detention facility] to adopt a policy for the prenatal and postnatal care of an offender; [for prisoner]; and (2) [prescribe] prescribes requirements for such a policy.

[Existing law requires the Director of the Department to include certain topics and courses in a program of facility training for correctional staff. (NRS 209.1315) Section 7 of this bill requires training provided through the program to be trauma informed. Section 7 also requires the program to include a course on interacting with offenders who have diverse gender identities or expressions.

Existing law requires the Director of the Department to: (1) establish a system of classification and evaluation for offenders who are sentenced to imprisonment in the state prison; and (2) assign a person who is sentenced to imprisonment in the state prison to an appropriate institution or facility of the Department based on certain criteria. (NRS 209.341) Section 8 of this bill instead requires the Department to adopt regulations: (1) establishing such a system; and (2) prescribing procedures for the assignment of a person to an appropriate institution or facility of the Department, which must be based, in part, on the proximity of the institution or facility to the address at which any child or other dependent of the offender resides. Section 8 also requires the Department to adopt regulations which establish protocols for an institution or facility to follow when placing an offender within the institution or facility.

62 — Existing law requires the Director of the Department to administer a risk and needs  
63 assessment to each offender for the purpose of guiding institutional programming and  
64 placement. (NRS 209.341) Section 8 requires any such assessment to be valid and appropriate  
65 for assessing the risks and needs of an offender, regardless of the gender identity or expression  
66 of the offender.

67 — In general, existing ~~Section 6~~ Section 6 additionally requires the Department to adopt any  
68 regulations necessary to carry out the provisions of section 6. Section 6 additionally  
69 requires the Department to develop and adopt a policy to be carried out in each  
70 institution and facility concerning the physical and mental health of offenders who are  
71 pregnant.

72 Existing law prohibits the use of restraints on an offender ~~[prisoner or child]~~ confined in  
73 a facility or institution ~~[for the detention of children]~~ who is in labor, delivering a baby or  
74 recuperating from delivery. Under existing law, if restraints are used on such a person, the  
75 restraints used must be the least restrictive restraints which are necessary to ensure safety and  
76 security. (NRS ~~[62B.230, 63.185,]~~ 209.376 ~~[, 211.155]~~ Sections ) Section 9 [and 20-22] of  
77 this bill ~~[additionally prohibit]~~ requires a correctional staff member who orders the use of  
78 restraints on such an offender ~~[prisoner or child who is being transferred or transported while~~  
79 ~~the offender is pregnant.~~

80 — Existing law entitles each offender in an institution or facility of the Department to  
81 appropriate, sanitary housing. (NRS 209.381) Section 10 of this bill provides that housing for  
82 an offender who is pregnant or recuperating from delivery is not appropriate if the housing is  
83 more restrictive than necessary to ensure the safety and security of the offender, other  
84 offenders and correctional staff members. Sections 20-22 similarly prohibit a prisoner or child  
85 confined in a facility or institution for the detention of children who is pregnant or  
86 recuperating from delivery from being held in more restrictive housing than necessary to  
87 ensure the safety and security of the prisoner or child, as applicable, and certain other persons.

88 — Existing law requires the Director of the Department to establish standards for personal  
89 hygiene of offenders and for the medical and dental services of each institution or facility.  
90 (NRS 209.381) Section 10 requires such standards to: (1) ensure the protection of the rights  
91 prescribed by section 2; (2) provide for annual gynecological examinations upon request; (3)  
92 ensure access to appropriate follow-up care under certain circumstances; and (4) to the extent  
93 practicable, ensure that certain communications concerning medical or dental services are  
94 provided in the primary language of an offender.

95 — Existing law requires the sheriff, chief of police or town marshal responsible for the  
96 operation of a jail or facility to arrange for the administration of medical care required by  
97 prisoners. (NRS 211.140) With certain exceptions, section 19 of this bill requires a sheriff,  
98 chief of police or town marshal to ensure that any significant communication concerning such  
99 care is provided in the primary language of a prisoner.

100 — Section 11 of this bill requires the Department to adopt regulations relating to visits  
101 between offenders and certain other persons. Section 11 requires such regulations to prescribe  
102 requirements for: (1) a visitation schedule established by an institution or facility; and (2) a  
103 visitation policy for offenders who are parents. Section 18 of this bill similarly requires the  
104 sheriff, chief of police or town marshal responsible for the operation of a jail or facility to  
105 adopt a policy relating to visits between prisoners and appropriate friends and other persons.  
106 Section 18 requires such a policy to prescribe requirements for: (1) a visitation schedule  
107 established by the jail or facility; and (2) a visitation policy for prisoners who are parents.] to  
108 submit a report to the warden of the institution or manager of the facility which: (1)  
109 describes the reasons for the use of the restraints; and (2) must be submitted to the  
110 warden or manager within 5 hours after the use of the restraints.

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 the provisions set forth as sections 2 to 6, inclusive, of this act.

**Sec. 2. 1.** ~~Except as otherwise provided in subsection 2, an offender in the custody of the Department has the right:~~

~~(a) To be treated with basic human dignity and respect, without intentional infliction of humiliation, including, without limitation, the right to:~~

~~(1) Be searched by a correctional staff member of the same gender identity or expression;~~

~~(2) Shower, perform bodily functions and change clothes without having a correctional staff member who has a different gender identity or expression than the offender view the unclothed genitals, pubic area, anus, buttocks or breasts of the offender; and~~

~~(3) Be treated in accordance with the gender identity or expression of the offender;~~

~~(b) To receive adequate, appropriate and accessible basic necessities free of charge, including, without limitation:~~

~~(1) Clean clothing, undergarments and socks; and~~

~~(2) Personal hygiene products;~~

~~(c) To have;~~ The Department shall ensure that each woman who is assigned to an institution or facility completes a form at the time of intake to assess the needs of the woman while in the custody of the Department. The form must include, without limitation, questions relating to:

(a) How recently the woman has received preventative gynecological care and, if applicable, obstetrical care; and

(b) The needs of the woman for feminine hygiene products for the purpose of providing the woman with a suitable supply of feminine hygiene products.

2. The Department shall provide a woman who is in the custody of the Department access to necessary medical and behavioral health care services, including, without limitation:

~~(1) Treatment;~~

(a) Counseling pertaining to mental health or a substance use disorder;

~~(2) Gynecological or obstetrical services, including, without limitation, prenatal and postnatal health care services; and~~

~~(3) Mammography;~~

~~(d) To be free from:~~

~~(1) Discrimination or harassment on the basis of the sex, sexual orientation or gender identity or expression of the offender; and~~

~~(2) Being searched for the purpose of harassment or as a form of punishment or discipline;~~

~~(e) To communicate with other persons, including, without limitation, the right:~~

~~(1) To have regular contact through visits, telephone calls and mail with any children of the offender; and~~

~~(2) Other adults with whom the offender has established a mentoring relationship, including, without limitation, persons released from incarceration, upon approval of an institution or facility;~~

~~(f) To report an alleged violation of any of the rights set forth in this subsection without being threatened or punished.~~

~~2. An institution or facility may impose reasonable restrictions on the time, place and manner in which an offender may exercise the rights set forth in subsection 1 if such restrictions are necessary to preserve the order, security or safety of the offender, the public, correctional staff members or other offenders in the institution or facility.~~

(b) Medication prescribed for the treatment for mental health issues;

(c) An annual pelvic examination and mammography; and

(d) Any appropriate follow-up care necessary for a woman who receives an examination pursuant to paragraph (c).

3. The Department shall provide a woman who is in the custody of the Department with a sufficient supply of feminine hygiene products at no cost. The Department shall provide the woman with a preferred type of feminine hygiene products upon request. A woman may at any time inform the Department of a need to adjust the supply of feminine hygiene products necessary to constitute a sufficient supply for the needs of the woman.

4. The Department shall adopt [such] regulations [as it determines are] necessary to [ensure the protection of the rights set forth in] carry out the provisions of this section.

~~4.1~~ 5. As used in this section:

(a) "Feminine hygiene product" means a sanitary napkin, tampon or other similar item used during a menstrual cycle.

(b) "Mammography" has the meaning ascribed to it in NRS 457.182.

~~[(b) "Personal hygiene products" includes, without limitation, soap, deodorant, a toothbrush, toothpaste or powder, toilet paper, shampoo, incontinence products and feminine hygiene products.]~~

~~Sec. 3. [1. Each institution or facility shall treat each offender in all respects in accordance with the gender identity or expression of the offender, including, without limitation, by:~~

~~(a) Addressing each offender in a manner that is consistent with the gender identity or expression of the offender; and~~

~~(b) Providing each offender with access to commissary items, clothing and institutional programming consistent with the gender identity or expression of the offender.~~

~~2. Subject to the approval of the Director, the warden of each institution and the manager of each facility shall establish appropriate policies to carry out the requirements of subsection 1. Any such policy must be consistent with the regulations adopted by the Department pursuant to section 2 of this act and any other applicable laws or regulations.~~

~~3. Each institution or facility shall follow the protocols established in the regulations adopted pursuant to NRS 209.341 when placing an offender within the institution or facility.] (Deleted by amendment.)~~

~~Sec. 4. [1. The warden of each institution and the manager of each facility shall designate an ombudsman for the institution or facility.~~

~~2. An ombudsman designated pursuant to subsection 1:~~

~~(a) Shall:~~

~~(1) Assist offenders to understand the rights prescribed by section 2 of this act;~~

~~(2) Monitor the implementation of the policy adopted pursuant to section 3 of this act; and~~

~~(3) Receive and review each report filed pursuant to section 5 of this act and reports concerning the alleged violations of the rights set forth in section 2 of this act; and~~

~~(b) May:~~

~~(1) Investigate apparent violations of the rights set forth in section 2 of this act; and~~

~~(2) Act to resolve disputes relating to apparent violations. (Deleted by amendment.)~~

Sec. 5. 1. Subject to the approval of the Director, the warden of each institution and the manager of each facility shall adopt a policy setting forth standards of conduct for interactions between a male correctional staff member and ~~an offender of a different gender identity or expression than the correctional staff member.~~ woman who is incarcerated in the institution or facility.

2. The policy adopted pursuant to subsection 1 must:

(a) Be consistent with ~~the regulations adopted by the Department pursuant to section 2 of this act and~~ any other applicable laws or regulations; ~~and~~

(b) Prohibit a male correctional staff member from conducting an inspection or search of a woman who is incarcerated in the institution or facility and is in a state of undress in a private location, unless:

(1) There are extraordinary circumstances; and

(2) A female correctional staff member, or any female staff member of the institution or facility if a female correctional staff member is unavailable, is present at the time of the inspection or search; and

(c) Include, without limitation, a requirement that a male correctional staff member who inspects or searches ~~an offender of a different gender identity or expression or views an offender of a different gender identity or expression while the offender is showering, performing bodily functions or changing clothes prepare and file with~~ a woman pursuant to paragraph (b) submit to the ~~ombudsman appointed pursuant to section 4~~ warden of ~~this act~~ the institution or manager of the facility a written report concerning the ~~incident,~~ inspection or search.

3. A written report filed pursuant to subsection 2 must:

(a) Be filed not later than ~~3 days~~ 72 hours after the ~~date on which the incident~~ inspection or search occurs; and

(b) Include a description of the ~~incident~~ inspection or search and any other information requested by the warden or manager, as applicable.

4. As used in this section:

(a) "Private location" means an area in an institution or facility in which a woman has a reasonable expectation of privacy, including, without limitation, an area which contains a shower or toilet, a medical examination room or an area in which body cavity searches are conducted.

(b) "State of undress" means that the naked or undergarment-clad genitals, pubic area, buttocks or breast of a woman are exposed.

Sec. 6. 1. The Department shall provide an offender who is pregnant and in the custody of the Department access to necessary medical and behavioral health care services, including, without limitation, obstetrical services.

2. Subject to the approval of the Director, the warden of each institution and the manager of each facility shall adopt a policy for the prenatal and postnatal care of offenders. Any such policy must be consistent with ~~the regulations adopted by the Department pursuant to section 2 of this act and~~ any other applicable laws or regulations.

~~2.~~ 3. A policy adopted pursuant to subsection ~~1~~ 2 must include, without limitation:

(a) A requirement that each offender who is pregnant receive:

(1) ~~Counseling and~~ Training, educational programming or written materials concerning prenatal care, pregnancy, hygiene and health concerns



relating to pregnancy, the impact of alcohol and drugs on a fetus, labor, the care of newborns and the postpartum period;

~~(2) Appropriate, trauma-informed prenatal health care services, including, without limitation, periodic monitoring and evaluation of the health of the offender and the unborn child of the offender;~~

~~=====~~ ~~(3) Prenatal vitamins or supplements, as deemed necessary by the Medical Director;~~

~~=====~~ ~~(4) (3) A diet containing the nutrients necessary to maintain a healthy pregnancy, as deemed necessary by the Medical Director; and~~

(4) Any hygiene products which are reasonably necessary and specifically designed for a person who is pregnant; and

~~(5) Counseling regarding parenting skills upon the request of the offender; and~~

(b) A requirement that each offender who delivers a baby while in the custody of the Department:

(1) Receives appropriate, trauma-informed medical care at the institution or facility, including, without limitation, treatment for postpartum depression;

(2) Receives counseling regarding parenting skills upon the request of the offender; and

(3) To the extent reasonably practicable, be provided an opportunity to reside bond with a baby delivered while in the custody of the Department ~~in a safe and secure location within the institution or facility~~ for ~~at~~

~~=====~~ (I) A a minimum period ~~not to exceed 30 months, if the offender is assigned to an institution or facility~~ of ~~minimum security~~; or

~~=====~~ (II) A period of time appropriate to facilitate bonding between the offender and the child, if the offender is not assigned to an institution or facility of minimum security; and

~~=====~~ (c) A lactation policy, not less than 72 hours after delivery.

~~=====~~ ~~(3) 4. The counseling and written materials required by subsection (2) 3 must ~~be~~~~

~~=====~~ (a) ~~Be~~ be communicated or written in easily understood language ~~;~~ and

~~=====~~ (b) ~~Include, without limitation, information regarding~~

~~=====~~ (1) Available options concerning the pregnancy, including, without limitation, abortion, alternatives to abortion and adoption;

~~=====~~ (2) Prenatal nutrition;

~~=====~~ (3) Maintaining a healthy pregnancy;

~~=====~~ (4) The policy adopted pursuant to subsection 1; and

~~=====~~ (5) The limitation on the use of restraints on a pregnant offender prescribed by NRS 209.376.

~~=====~~ 4. 5. The Department shall develop and adopt a policy to be carried out in each institution and facility concerning the physical and mental health of offenders who are pregnant. In developing such a policy, the Department shall take into consideration the impact of certain actions on the offender and the fetus, including, without limitation, the impact of:

~~=====~~ (a) The use of restraints; and

~~=====~~ (b) An invasive body cavity search.

~~=====~~ 6. The Department shall adopt any regulations necessary to carry out the provisions of this section.

~~=====~~ 7. Nothing in this section shall be construed to require an institution or facility to adopt any policy that does not comply with federal law or regulation.

1       **Sec. 7.** ~~[NRS 209.1315 is hereby amended to read as follows:~~

2       ~~209.1315 The Director [may continue to] shall develop and implement, in~~  
3 ~~each institution and facility of the Department, a program of facility training for the~~  
4 ~~correctional staff. Such training must include:~~

5       ~~1. Training in **trauma-informed**, evidence-based practices, including, without~~  
6 ~~limitation, principles of [effective];~~

7       ~~(a) **Effective** intervention [, effective];~~

8       ~~(b) **Effective** case management;~~

9       ~~(c) **Gender-responsive strategies**; and [core]~~

10       ~~(d) **Core** correctional practices; and~~

11       ~~2. Courses on interacting with [victims] **offenders who:**~~

12       ~~(a) **Are victims** of domestic violence and trauma [and people with];~~

13       ~~(b) **Have** behavioral health needs [and both];~~

14       ~~(c) **Have** physical and intellectual disabilities [.]]; and~~

15       ~~(d) **Have diverse gender identities or expressions**. (**Deleted by amendment.**)~~

16       **Sec. 8.** ~~[NRS 209.341 is hereby amended to read as follows:~~

17       ~~209.341 1. The [Director shall:~~

18       ~~(a) Establish, with the approval of the Board,] **Department shall adopt**~~  
19 ~~**regulations which establish** a system of initial classification and evaluation for~~  
20 ~~offenders who are sentenced to imprisonment in the state prison.~~

21       ~~[(b) Assign every] **Such regulations must include, without limitation,**~~  
22 ~~**procedures for the assignment of a person who is sentenced to imprisonment in the**~~  
23 ~~state prison to an appropriate institution or facility of the Department [.~~ ~~The~~  
24 ~~assignment must be] based [on an evaluation of the] upon;~~

25       ~~(a) **The offender's records [.]];**~~

26       ~~(b) **The particular needs of the offender;**~~

27       ~~(c) **The proximity of the institution or facility to the address at which any**~~  
28 ~~**child or other dependent of the offender resides, if known;** and~~

29       ~~(d) **Any applicable requirements for custody;**~~

30       ~~[(e) Administer]~~

31       ~~2. **The Director shall assign every person who is sentenced to imprisonment**~~  
32 ~~**in the state prison in accordance with the regulations adopted pursuant to**~~  
33 ~~**subsection 1.**~~

34       ~~3. **The Department shall adopt regulations which establish protocols for an**~~  
35 ~~**institution or facility to follow when placing an offender within the institution or**~~  
36 ~~**facility. Such regulations must be designed to ensure that each offender is placed**~~  
37 ~~**in a manner that is appropriate for the gender identity or expression of the**~~  
38 ~~**offender.**~~

39       ~~4. **The Department shall cause to be administered** a risk and needs~~  
40 ~~assessment to each offender for the purpose of guiding institutional programming~~  
41 ~~and placement. The Department may consider the responsibility factors of an~~  
42 ~~offender when making decisions concerning such programming and placement.~~

43       ~~[2.] 5. Any risk and needs assessment used by the Department pursuant to~~  
44 ~~this section must [undergo].~~

45       ~~(a) **Be valid and appropriate for assessing the risks and needs of an offender,**~~  
46 ~~**regardless of the gender identity or expression of the offender; and**~~

47       ~~(b) **Undergo** a validation study not less than once every 3 years.~~

48       ~~6. The Department shall establish quality assurance procedures to ensure~~  
49 ~~proper and consistent scoring of any risk and needs assessment used pursuant to~~  
50 ~~this section.~~

51       ~~[3.] 7. As used in this section:~~

52       ~~(a) "Responsivity factors" has the meaning ascribed to it in NRS 213.107.~~

~~(b) "Risk and needs assessment" has the meaning ascribed to it in NRS 213.107.~~ **(Deleted by amendment.)**

**Sec. 9.** NRS 209.376 is hereby amended to read as follows:

209.376 1. ~~No~~ **(Except as otherwise provided in subsection 2, no)** restraints of any kind may be used on an offender who is ~~in~~ **in**

~~(a) Being transferred or transported by a correctional staff member or other authorized person while the offender is pregnant; or~~

~~(b) In~~ labor, delivering ~~her~~ **her** baby or ~~recuperating from delivery~~ **in the postpartum period, unless**

~~(2. Restraints may be used on an offender who is pregnant if)~~ there are compelling reasons to believe that the offender presents:

(a) A serious and immediate threat of harm to ~~herself, the offender, correctional~~ staff ~~members~~ or others; or

(b) A substantial flight risk and cannot be reasonably confined by other means.

**2. If an offender who is in labor, delivering her baby or recuperating from delivery in the postpartum period is restrained, only**

~~(3. Any restraints used on an offender who is pregnant must be)~~ the least restrictive restraints which are necessary to ensure safety and security ~~it~~ **may be used.**

**3. A correctional staff member who orders the use of restraints on an offender who is pregnant or in the postpartum period shall submit a written report to the warden of the institution or manager of the facility. The report must:**

**(a) Describe the reasons for the use of the restraints on the offender; and**

**(b) Be submitted to the warden or manager within 5 hours after the use of the restraints.**

**4. As used in this section:**

**(a) "Postpartum period" means the period of time an offender is recuperating from delivering a baby, as determined by the physician of the offender, immediately following delivery and directly related to the birth, including the period an offender is in a hospital or infirmary after birth.**

**(b) "Restraints" means any physical restraint or mechanical device used to control the movement of the limbs of a person, including, without limitation, flex cuffs, soft restraints, hard metal handcuffs, a black box, Chubb cuffs, leg irons, belly chains, a security tether chain or a convex shield.**

**Sec. 10.** ~~[NRS 209.381 is hereby amended to read as follows:~~

~~209.381 1. Each offender in an institution or facility of the Department must be provided a healthful diet and appropriate, sanitary housing. For purposes of this subsection, housing for an offender who is pregnant or recuperating from delivery is not appropriate if the housing is more restrictive than necessary to ensure safety and security.~~

~~2. The Director with the approval of the Board shall establish standards for:~~

~~(a) The personal hygiene of offenders, which must ensure the protection of the rights set forth in section 2 of this act; and [for the]~~

~~(b) The medical and dental services of each institution or facility [ ], which must:~~

~~(1) Ensure the protection of the rights set forth in section 2 of this act;~~

~~(2) Provide for annual gynecological examinations of offenders upon request;~~

~~(3) Ensure access to appropriate follow up care is provided to an offender who receives an annual gynecological examination; and~~

~~(4) To the extent practicable, ensure that any significant communication concerning medical or dental services is provided in the primary language of the offender.~~ **(Deleted by amendment.)**

1        **Sec. 11.** ~~[NRS 209.423 is hereby amended to read as follows:~~

2        ~~209.423 1. The Department shall adopt regulations relating to visits~~  
3 ~~between offenders and appropriate friends, relatives and other persons. Such~~  
4 ~~regulations must prescribe requirements for:~~

5        ~~(a) A visitation schedule established by an institution or facility, including,~~  
6 ~~without limitation, a requirement that any such schedule allow visitors for at least~~  
7 ~~8 hours per day on:~~

8        ~~(1) Saturday and Sunday; and~~

9        ~~(2) At least 4 other days per week; and~~

10        ~~(b) A visitation policy for offenders who are parents of children who are~~  
11 ~~under 18 years of age, which must:~~

12        ~~(1) Authorize in-person visits between such offenders and their children~~  
13 ~~to the greatest extent possible;~~

14        ~~(2) Not limit the number of children on the authorized visitor list of an~~  
15 ~~offender; and~~

16        ~~(3) Not limit the number of children an offender may receive at a given~~  
17 ~~time.~~

18        ~~2. Wardens and managers may authorize visits and correspondence between~~  
19 ~~offenders and appropriate friends, relatives, and others [under] in accordance with~~  
20 ~~the regulations adopted by the [Director and approved by the Board.] Department~~  
21 ~~pursuant to subsection 1.] (Deleted by amendment.)~~

22        **Sec. 12.** ~~[Chapter 211 of NRS is hereby amended by adding thereto the~~  
23 ~~provisions set forth as sections 13 to 18, inclusive, of this act.] (Deleted by~~  
24 ~~amendment.)~~

25        **Sec. 13.** ~~[1. Except as otherwise provided in subsection 2, a prisoner in~~  
26 ~~the custody of a county, city or town jail or detention facility has the right:~~

27        ~~(a) To be treated with basic human dignity and respect, without intentional~~  
28 ~~infliction of humiliation, including, without limitation, the right to:~~

29        ~~(1) Be searched by a staff member of the same gender identity or~~  
30 ~~expression;~~

31        ~~(2) Shower, perform bodily functions and change clothes without having~~  
32 ~~a staff member who has a different gender identity or expression than the~~  
33 ~~prisoner view the unclothed genitals, pubic area, anus, buttocks or breasts of the~~  
34 ~~prisoner; and~~

35        ~~(3) Be treated in accordance with the gender identity or expression of the~~  
36 ~~prisoner.~~

37        ~~(b) To receive adequate, appropriate and accessible basic necessities free of~~  
38 ~~charge, including, without limitation:~~

39        ~~(1) Clean clothing, undergarments and socks; and~~

40        ~~(2) Personal hygiene products.~~

41        ~~(c) To have access to necessary medical and behavioral health care services,~~  
42 ~~including, without limitation:~~

43        ~~(1) Treatment pertaining to mental health or a substance use disorder;~~

44        ~~(2) Gynecological or obstetrical services, including, without limitation,~~  
45 ~~prenatal and postnatal health care services; and~~

46        ~~(3) Mammography.~~

47        ~~(d) To be free from:~~

48        ~~(1) Discrimination or harassment on the basis of the sex, sexual~~  
49 ~~orientation or gender identity or expression of the prisoner; and~~

50        ~~(2) Being searched for the purpose of harassment or as a form of~~  
51 ~~punishment or discipline.~~

52        ~~(e) To communicate with other persons, including, without limitation, the~~  
53 ~~right.~~

~~(1) To have regular contact through visits, telephone calls and mail with any children of the prisoner; and~~

~~(2) Other adults with whom the prisoner has established a mentoring relationship, including, without limitation, persons released from incarceration, upon approval of a county, city or town jail or detention facility.~~

~~(f) To report an alleged violation of any of the rights set forth in this subsection without being threatened or punished.~~

~~2. A county, city or town jail or detention facility may impose reasonable restrictions on the time, place and manner in which a prisoner may exercise the rights set forth in subsection 1 if such restrictions are necessary to preserve the order, security or safety of the prisoner, the public, staff members or other prisoners in the jail or detention facility.~~

~~3. The sheriff, chief of police or town marshal responsible for the operation of a county, city or town jail or detention facility shall establish appropriate policies to ensure the protection of the rights set forth in this section.~~

~~4. As used in this section:~~

~~(a) "Mammography" has the meaning ascribed to it in NRS 457.182.~~

~~(b) "Personal hygiene products" includes, without limitation, soap, deodorant, a toothbrush, toothpaste or powder, toilet paper, shampoo, incontinence products and feminine hygiene products.] (Deleted by amendment.)~~

~~Sec. 14. [1. Each county, city or town jail or detention facility shall treat each prisoner in all respects in accordance with the gender identity or expression of the prisoner, including, without limitation, by:~~

~~(a) Addressing each prisoner in a manner that is consistent with the gender identity or expression of the prisoner; and~~

~~(b) Providing each prisoner with access to commissary items, clothing and institutional programming consistent with the gender identity or expression of the prisoner.~~

~~2. The sheriff, chief of police or town marshal responsible for the operation of a county, city or town jail or detention facility shall establish appropriate policies to carry out the requirements of subsection 1.] (Deleted by amendment.)~~

~~Sec. 15. [1. The sheriff, chief of police or town marshal responsible for the operation of a county, city or town jail or detention facility shall designate an ombudsman for each jail or facility.~~

~~2. An ombudsman designated pursuant to subsection 1:~~

~~(a) Shall:~~

~~(1) Assist prisoners to understand the rights prescribed by section 13 of this act;~~

~~(2) Monitor the implementation of the policy adopted pursuant to section 14 of this act; and~~

~~(3) Receive and review each report filed pursuant to section 16 of this act and reports concerning the alleged violations of the rights set forth in section 13 of this act; and~~

~~(b) May:~~

~~(1) Investigate apparent violations of the rights set forth in section 13 of this act; and~~

~~(2) Act to resolve disputes relating to apparent violations.] (Deleted by amendment.)~~

~~Sec. 16. [1. A staff member of a city, county or town jail or detention facility who searches a prisoner of a different gender identity or expression or views a prisoner of a different gender identity or expression while the prisoner is showering, performing bodily functions or changing clothes shall prepare and~~

1 ~~file with the ombudsman appointed pursuant to section 15 of this act a report~~  
2 ~~concerning the incident.~~

3 ~~2. A written report filed pursuant to subsection 1 must be filed not later~~  
4 ~~than 3 days after the date on which the incident occurs.] (Deleted by~~  
5 ~~amendment.)~~

6 **Sec. 17.** ~~[1. The sheriff, chief of police or town marshal responsible for~~  
7 ~~the operation of a county, city or town jail or detention facility shall adopt a~~  
8 ~~policy concerning the prenatal and postnatal care of prisoners.~~

9 ~~2. The policy adopted pursuant to subsection 1 must include, without~~  
10 ~~limitation:~~

11 ~~(a) A requirement that each prisoner who is pregnant receive:~~

12 ~~(1) Counseling and written materials concerning pregnancy, labor, the~~  
13 ~~care of newborns and the postpartum period;~~

14 ~~(2) Appropriate, trauma-informed prenatal health care services,~~  
15 ~~including, without limitation, periodic monitoring and evaluation of the health of~~  
16 ~~the prisoner and the unborn child of the prisoner;~~

17 ~~(3) Prenatal vitamins or supplements, as deemed necessary by a treating~~  
18 ~~physician;~~

19 ~~(4) A diet containing the nutrients necessary to maintain a healthy~~  
20 ~~pregnancy, as deemed necessary by a treating physician; and~~

21 ~~(5) Counseling regarding parenting skills upon the request of the~~  
22 ~~prisoner;~~

23 ~~(b) A requirement that each prisoner who delivers a baby while in the~~  
24 ~~custody of a jail or detention facility:~~

25 ~~(1) Receives appropriate, trauma-informed medical care at the jail or~~  
26 ~~detention facility, including, without limitation, treatment for postpartum~~  
27 ~~depression;~~

28 ~~(2) Receives counseling regarding parenting skills upon the request of~~  
29 ~~the prisoner; and~~

30 ~~(3) To the extent reasonably practicable, be provided an opportunity to~~  
31 ~~reside with a baby delivered while in the custody of the jail or detention facility in~~  
32 ~~a safe and secure location within the jail or detention facility for a period of time~~  
33 ~~appropriate to facilitate bonding between the prisoner and the baby; and~~

34 ~~(c) A lactation policy.~~

35 ~~3. The counseling and written materials required by subsection 2 must:~~

36 ~~(a) Be communicated or written in easily understood language; and~~

37 ~~(b) Include, without limitation, information regarding:~~

38 ~~(1) Available options concerning the pregnancy, including, without~~  
39 ~~limitation, abortion, alternatives to abortion and adoption;~~

40 ~~(2) Prenatal nutrition;~~

41 ~~(3) Maintaining a healthy pregnancy;~~

42 ~~(4) The policy adopted pursuant to subsection 1; and~~

43 ~~(5) The limitation on the use of restraints on a prisoner who is pregnant~~  
44 ~~prescribed by NRS 211.155.~~

45 ~~4. Nothing in this section shall be construed to require a jail or detention~~  
46 ~~facility to adopt any policy that does not comply with federal law or regulation.]~~  
47 ~~(Deleted by amendment.)~~

48 **Sec. 18.** ~~[1. The sheriff, chief of police or town marshal responsible for~~  
49 ~~the operation of a county, city or town jail or detention facility shall adopt a~~  
50 ~~policy relating to visits between prisoners and appropriate friends, relatives and~~  
51 ~~other persons.~~

52 ~~2. The policy adopted pursuant to subsection 1 must prescribe requirements~~  
53 ~~for:~~

~~1. (a) A visitation schedule that allows visitors for at least 8 hours per day on:~~

~~2. (1) Saturday and Sunday; and~~

~~3. (2) At least 4 other days per week; and~~

~~4. (b) A visitation policy that must:~~

~~5. (1) Authorize in person visits between prisoners who are parents of children who are under 18 years of age and the children of such prisoners to the greatest extent possible;~~

~~6. (2) Not limit the number of children on the authorized visitor list of a prisoner; and~~

~~7. (3) Not limit the number of children a prisoner may receive at a given time.~~ **(Deleted by amendment.)**

**Sec. 19.** ~~NRS 211.140 is hereby amended to read as follows:~~

~~211.140. 1. The sheriff of each county has charge and control over all prisoners committed to his or her care in the respective county jails, and the chiefs of police and town marshals in the several cities and towns throughout this State have charge and control over all prisoners committed to their respective city and town jails and detention facilities.~~

~~2. A court shall not, at the request of any prisoner in a county, city or town jail, issue an order which affects the conditions of confinement of the prisoner unless, except as otherwise provided in this subsection, the court provides the sheriff, chief of police or town marshal having control over the prisoner with:~~

~~(a) Sufficient prior notice of the court's intention to enter the order. Notice by the court is not necessary if the prisoner has filed an action with the court challenging his or her conditions of confinement and has served a copy of the action on the sheriff, chief of police or town marshal.~~

~~(b) An opportunity to be heard on the issue.~~

~~As used in this subsection, "conditions of confinement" includes, but is not limited to, a prisoner's access to the law library, privileges regarding visitation and the use of the telephone, the type of meals provided to the prisoner and the provision of medical care in situations which are not emergencies.~~

~~3. The sheriffs, chiefs of police and town marshals shall see that the prisoners under their care are kept at labor for reasonable amounts of time within the jail or detention facility, on public works in the county, city or town, or as part of a program of release for work established pursuant to NRS 211.120 or 211.171 to 211.200, inclusive.~~

~~4. The sheriff, chief of police or town marshal shall arrange for the administration of medical care required by prisoners while in his or her custody. The county, city or town shall pay the cost of appropriate medical.~~

~~(a) Treatment provided to a prisoner while in custody for injuries incurred by a prisoner while the prisoner is in custody and for injuries incurred during the prisoner's arrest for commission of a public offense if the prisoner is not convicted of that offense;~~

~~(b) Treatment provided to a prisoner while in custody for any infectious, contagious or communicable disease which the prisoner contracts while the prisoner is in custody; and~~

~~(c) Examinations required by law or by court order conducted while the prisoner is in custody unless the order otherwise provides.~~

~~5. A prisoner shall pay the cost of medical treatment for:~~

~~(a) Injuries incurred by the prisoner during his or her commission of a public offense or for injuries incurred during his or her arrest for commission of a public offense if the prisoner is convicted of that offense;~~

~~(b) Injuries or illnesses which existed before the prisoner was taken into custody;~~



~~— (c) Self-inflicted injuries; and~~

~~— (d) Except treatment provided pursuant to subsection 4, any other injury or illness incurred by the prisoner.~~

~~— 6. A medical facility furnishing treatment pursuant to subsection 5 shall attempt to collect the cost of the treatment from the prisoner or the prisoner's insurance carrier. If the facility is unable to collect the cost and certifies to the appropriate board of county commissioners that it is unable to collect the cost of the medical treatment, the board of county commissioners shall pay the cost of the medical treatment.~~

~~— 7. A sheriff, chief of police or town marshal who arranges for the administration of medical care pursuant to this section may attempt to collect from the prisoner or the insurance carrier of the prisoner the cost of arranging for the administration of medical care including the cost of any transportation of the prisoner for the purpose of medical care. The prisoner shall obey the requests of, and fully cooperate with the sheriff, chief of police or town marshal in collecting the costs from the prisoner or the prisoner's insurance carrier.~~

~~— 8. While a prisoner is in custody, a sheriff, chief of police or town marshal, in collaboration with the Department of Health and Human Services and the various divisions thereof, for the purpose of maintaining continuity of care, shall arrange for the coordination of the care for treatment of mental health and substance use disorders provided to the prisoner by all providers of such care in the county, city or town jail or detention facility. After a prisoner is released from custody:~~

~~— (a) The Department and the various divisions thereof shall arrange for the coordination of the care for treatment of mental health and substance use disorders provided to the prisoner.~~

~~— (b) The sheriff, chief of police or town marshal is no longer responsible for arranging the coordination of such care.~~

~~— 9. Each sheriff described in subsection 8, or his or her representative, and the Director of the Department of Health and Human Services, or his or her representative, shall, at the request of the Joint Interim Standing Committee on Health and Human Services, appear before the Committee during the legislative interim to report on the collaboration and coordination provided pursuant to subsection 8.~~

~~— 10. Treatment of mental health and substance use disorders provided pursuant to subsection 8 may include any medication that has been:~~

~~— (a) Approved by the United States Food and Drug Administration; and~~

~~— (b) Prescribed by a treating physician as medically necessary for use by the prisoner to address issues relating to mental health or a substance use disorder.~~

~~— 11. A sheriff, chief of police or town marshal who arranges for the administration of medical care pursuant to this section shall, to the greatest extent practicable, ensure that any significant communication concerning such care is provided in the primary language of the prisoner.] (Deleted by amendment.)~~

**Sec. 20.** [NRS 211.155 is hereby amended to read as follows:

~~— 211.155 1. [No] Except as otherwise provided in subsection 2, no restraints of any kind may be used on a prisoner who is [in]:~~

~~— (a) Being transferred or transported by a staff member or other authorized person while the prisoner is pregnant; or~~

~~— (b) In labor, delivering [her] a baby or recuperating from delivery. [unless]~~

~~2. Restraints may be used on a prisoner who is pregnant if there are compelling reasons to believe that the prisoner presents:~~

~~— (a) A serious and immediate threat of harm to [herself,] the prisoner, a staff member or others; or~~



~~1. (b) A substantial flight risk and cannot be reasonably confined by other means.  
[2. If a prisoner who is in labor, delivering her baby or recuperating from delivery is restrained, only]~~

~~3. Any restraints used on a prisoner who is pregnant must be the least restrictive restraints which are necessary to ensure safety and security. [may be used.]~~

~~4. A prisoner who is pregnant or recuperating from delivery must not be held in more restrictive housing than necessary to ensure safety and security.]~~  
**(Deleted by amendment.)**

**Sec. 21.** ~~[NRS 62B.230 is hereby amended to read as follows:]~~

~~62B.230 1. [No] Except as otherwise provided in subsection 2, no restraints of any kind may be used on a child who is [in]:~~

~~(a) Being transferred or transported by a staff member or other authorized person while the child is pregnant; or~~

~~(b) In labor, delivering [her] a baby or recuperating from delivery. [unless:]~~

~~2. Restraints may be used on a child who is pregnant if there are compelling reasons to believe that the child presents:~~

~~(a) A serious and immediate threat of harm to [herself,] the child, a staff member or others; or~~

~~(b) A substantial flight risk and cannot be reasonably confined by other means.  
[2. If]~~

~~3. Any restraints used on a child who is [in labor, delivering her baby or recuperating from delivery is restrained, only] pregnant must be the least restrictive restraints which are necessary to ensure safety and security. [may be used.]~~

~~4. A child who is pregnant or recuperating from delivery must not be held in more restrictive housing than necessary to ensure the safety and security of the child, other children held in the institution and staff members of the institution.]~~  
**(Deleted by amendment.)**

**Sec. 22.** ~~[NRS 63.185 is hereby amended to read as follows:]~~

~~63.185 1. [No] Except as otherwise provided in subsection 2, no restraints of any kind may be used on a child who is [in]:~~

~~(a) Being transferred or transported by a staff member or other authorized person while the child is pregnant; or~~

~~(b) In labor, delivering [her] a baby or recuperating from delivery. [unless:]~~

~~2. Restraints may be used on a child who is pregnant if there are compelling reasons to believe that the child presents:~~

~~(a) A serious and immediate threat of harm to [herself,] the child, a staff member or others; or~~

~~(b) A substantial flight risk and cannot be reasonably confined by other means.  
[2. If]~~

~~3. Any restraints used on a child who is [in labor, delivering her baby or recuperating from delivery is restrained, only] pregnant must be the least restrictive restraints which are necessary to ensure safety and security. [may be used.]~~

~~4. A child who is pregnant or recuperating from delivery must not be held in more restrictive housing than necessary to ensure the safety and security of the child, other children held in the facility and the staff members of the facility.]~~  
**(Deleted by amendment.)**

**Sec. 23.** ~~[The provisions of NRS 354.500 do not apply to any additional expenses of a local government that are related to the provisions of this act.]~~  
**(Deleted by amendment.)**

**Sec. 24.** 1. This section becomes effective upon passage and approval.

2. Sections 1 to 23, inclusive, of this act become effective:

1           (a) Upon passage and approval for the purpose of adopting any regulations or  
2 policies and performing any other preparatory administrative tasks that are  
3 necessary to carry out the provisions of this act; and

4           (b) On October 1, 2023, for all other purposes.