

SENATE BILL NO. 187—SENATOR NEAL

FEBRUARY 22, 2023

Referred to Committee on Judiciary

SUMMARY—Revises provisions related to the employment of offenders. (BDR 16-376)

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

~

EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to correctional institutions; creating the Offenders' Release Fund; revising provisions relating to deductions made from the wages of offenders; limiting the amount of copayment that an offender may be charged for medical examinations or treatments; requiring offenders who are employed in certain capacities to be paid a living wage; requiring the placement of offenders in certain programs which facilitate their employment upon their release in positions which utilize skills similar to those used 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 7** of this bill requires offenders to be paid a living wage, which is an hourly wage that is equivalent to the state minimum wage or, if applicable, the prevailing wage that is required pursuant to the federal Prison Industry Enhancement Certification Program of the Bureau of Justice Assistance of the United States Department of Justice.

Existing law requires the State Forester Firewarden to establish and carry out a program for operating conservation camps in this State, which may use offenders to perform certain tasks. (NRS 209.457) Existing law also requires the State Forester Firewarden to determine the amount of wages that must be paid to offenders who participate in conservation camps. (NRS 209.231, 472.040) **Sections 3 and 10** of this bill require that these wages be a living wage.

Existing law authorizes the Director of the Department of Corrections to make certain deductions from the wages earned by an offender, including deductions for: (1) restitution by the offender to victims of his or her crime; (2) obligations for the support of the family of the offender; 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 8** of this bill: (1) eliminates all existing categories of deductions currently authorized to be taken from the wages of an offender, except those deductions relating to obligations for the support of family and restitution for victims; and (2) establishes a deduction for an amount to be deposited in the individual account of the offender, the contents of which will be disbursed to the offender upon his or her release from prison. Thus, **section 8** now requires, in the following order of priority, deductions from wages earned by an offender for: (1) restitution for victims of his or her crime; (2) obligations for the support of his or her family; and (3) an amount to be placed into the described individual account for the offender. **Section 8** also provides that the amount deducted for deposit into such an individual account must be equal to the difference between the wages remaining after any deductions for obligations for the support of the offender's family and restitution for victims of his or her crime and the amount of wages that would have been earned by the offender based on the wages that were effective on July 1, 2023. **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 administer the Fund and 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 into the community. (NRS 209.511) **Section 9** 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 programs for the employment of offenders. (NRS 209.192) Existing law also 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 2 and 4-6** of this bill make conforming changes as a result of the creation of the Offenders' Release Fund and to reflect the elimination of certain deductions into the other funds pursuant to **section 8**.

Existing law requires the Director to establish by regulation criteria for a reasonable deduction from money credited to the account of an offender to defray, as determined by the Director, a portion of the costs paid by the Department for medical care of the offender. (NRS 209.246) **Section 4** of this bill provides that an offender shall not be required to pay more than a copayment of \$3.47 for each medical care treatment. **Section 9** requires the Director to discharge the balance of debts owed by the offender to the Department for copayments for medical care treatment when an offender is released from prison by expiration of his or her term of sentence, by pardon or by parole.



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 in the State Treasury as a trust fund. The Director shall administer the Offenders' Release 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 subparagraph (3) of paragraph (a) of subsection 3 or subparagraph (2) of paragraph (a) of subsection 4 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



1 security or to provide additional employment or training of
2 offenders;

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

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

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

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

13 2. Before money in the Fund may be expended:

14 (a) As described in paragraphs (b) to (e), inclusive, of subsection
15 1, the Director shall submit a proposal for the expenditure to the
16 Joint Interim Standing Committee on the Judiciary and the State
17 Board of Examiners.

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

20 3. Upon making a determination that the proposed expenditure
21 is appropriate and necessary, the State Board of Examiners shall
22 recommend to the Interim Finance Committee, or the Senate
23 Standing Committee on Finance and the Assembly Standing
24 Committee on Ways and Means when the Legislature is in general
25 session, that the expenditure be approved. Upon approval of the
26 appropriate committee or committees, the money may be so
27 expended.

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

31 5. The interest and income earned on the money in the Fund,
32 after deducting any applicable charges, must be credited to the
33 Fund.

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

36 **Sec. 3.** NRS 209.231 is hereby amended to read as follows:

37 209.231 1. Any money received from the operation of any
38 conservation camp established under this chapter or from the
39 assignment of any crew of a conservation camp to the extent that the
40 money is not used for salaries, overhead or operating expenses of
41 any camp or crew must be placed in the Division of Forestry
42 Account.

43 2. The State Forester Firewarden, as executive head of the
44 Division of Forestry of the State Department of Conservation and
45 Natural Resources, may:



1 (a) Expend the money received pursuant to subsection 1 for:
2 (1) The renovation, repair or improvement of buildings and
3 real property for any conservation camp.

4 (2) The acquisition of special clothing, tools and equipment,
5 and payment of expenses directly related to work projects performed
6 by a crew of a conservation camp such as, but not limited to, the
7 costs of utilities and operation of equipment.

8 (b) Direct all activities in connection with any renovation, repair
9 or improvement of buildings and real property for any conservation
10 camp or work project of a conservation camp.

11 3. The State Forester Firewarden shall determine the amount of
12 wages that must be paid to offenders who participate in conservation
13 camps as provided in NRS 472.040. *The amount must be a living*
14 *wage, as defined in NRS 209.461.*

15 **Sec. 4.** NRS 209.246 is hereby amended to read as follows:

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

20 1. Repay the cost of:

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

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

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

26 (2) Which occur during voluntary recreational activities.

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

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

31 (e) Providing a funeral for an offender.

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

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

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

42 2. ~~{Defray,}~~ *Except as otherwise provided in this subsection,*
43 *defray*, as determined by the Director, a portion of the costs paid by
44 the Department for medical care for the offender, including, but not
45 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.

↪ *An offender shall not be required to pay a copayment of more than \$3.47 for medical examinations or treatments for the offender.*

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. 5. NRS 209.247 is hereby amended to read as follows:

209.247 1. Except as otherwise provided in NRS 209.2475 and subsection 4 of NRS 209.249 and subject to the limitation set forth in subsection 2, the Director may make the deductions described in subsection 3 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.

2. The Director may not deduct more than 25 percent of each deposit described in subsection 1.

3. The Director may deduct:

(a) In the following order of priority:



(1) An amount the Director considers reasonable to meet an existing obligation of the offender for restitution to a victim of his or her crime;

(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, and any amount deducted pursuant to this subparagraph 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 program of treatment for offenders with substance use or co-occurring disorders or a program of aftercare, or both;

(4) A deduction pursuant to NRS 209.246;

(5) 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 the offender's funeral;

(6) 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 by NRS 217.260;

(7) 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;

(8) 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, and any amount deducted from a source other than the wages earned by the offender during his or her incarceration, pursuant to this subparagraph, must be submitted:

(I) 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 he or she is incarcerated; or

(II) 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; and

(9) 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, and any amount deducted from any source other than the wages earned by the offender during his or her incarceration, pursuant to this subparagraph, must be submitted:

(I) 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 he or she is incarcerated; or

(II) 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 any fine or administrative assessment is owing, until the balance owing has been paid; and

(b) Any other deduction authorized by law from any source other than the wages earned by the offender during his or her incarceration, the deduction of which must be made in an order of priority determined by the Director.

Sec. 6. NRS 209.2475 is hereby amended to read as follows:

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

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

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

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

Sec. 7. NRS 209.461 is hereby amended to read as follows:

209.461 1. The Director shall:



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

(b) Except as otherwise provided in this section, to the extent practicable, require each offender, except those whose behavior is found by the Director to preclude participation, to spend 40 hours each week in vocational training or employment, unless excused for a medical reason or to attend educational classes in accordance with NRS 209.396. The Director shall require as a condition of employment that an offender sign an authorization for the deductions from his or her wages made pursuant to NRS 209.463. Authorization to make the deductions pursuant to NRS 209.463 is implied from the employment of an offender and a signed authorization from the offender is not required for the Director to make the deductions pursuant to NRS 209.463.

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

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

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

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

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

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

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

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

(a) Employ the maximum number of offenders possible;

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



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

(d) Provide occupational training for offenders ~~and~~; and
(e) Ensure offenders are paid a living wage.

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

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

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

4. Each fiscal year, the cumulative profits and losses, if any, of the programs for the employment of offenders established by the Director must result in a profit for the Department. The following must not be included in determining whether there is a profit for the Department:

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

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

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

5. If any state-sponsored program incurs a net loss for 2 consecutive fiscal years, the Director shall appear before the Joint Interim Standing Committee on the Judiciary to explain the reasons for the net loss and provide a plan for the generation of a profit in the next fiscal year. If the program does not generate a profit in the third fiscal year, the Director shall take appropriate steps to resolve the issue.

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

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



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

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

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

(1) For a contract that does not relate to construction, 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, a surety bond made payable to the State of Nevada in an 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 Joint Interim Standing Committee on the Judiciary 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 or, if applicable, the prevailing wage that is required pursuant to the federal Prison Industry Enhancement Certification Program of the Bureau of Justice Assistance of the United States Department of Justice.*

(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. 8. NRS 209.463 is hereby amended to read as follows:

209.463 ~~[(1)]~~ Except as otherwise provided in NRS 209.2475, ~~[and subject to the limitation set forth in subsection 2,]~~ the Director ~~[may]~~ shall make the following deductions ~~[described in subsection 3 or 4, as applicable,]~~ in the following order of priority from the wages earned by an offender from any source during the offender's incarceration ~~[-~~

~~—2. The Director may not deduct more than 50 percent of the wages described in subsection 1 for each pay period of the offender.~~

~~—3. If the hourly wage of the offender is equal to or greater than the federal minimum wage, the Director may deduct:~~

~~—(a) In the following order of priority:~~

~~—(1)]:~~

1. An amount the Director considers reasonable to meet an existing obligation of the offender for restitution to a victim of his or her crime;

~~[(2)]~~ 2. An amount the Director considers reasonable to meet an existing obligation of the offender for the support of his or her family;

~~[(3) 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;~~

~~—(4) 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, and any amount deducted pursuant to this subparagraph 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 program of treatment for offenders with substance use or co-occurring disorders or a program of aftercare, or both;~~

~~—(5) A deduction pursuant to NRS 209.246;~~



~~—— (6) An amount determined by the Director for deposit in the individual account of the offender in the Prisoners' Personal Property Fund;~~

~~—— (7) 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;~~

~~—— (8) An amount the Director considers reasonable for deposit with the State Treasurer for credit to the Fund for the Compensation of Victims of Crime;~~

~~—— (9) 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;~~

~~—— (10) 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, and any amount deducted from the wages of the offender pursuant to this subparagraph must be submitted:~~

~~—— (I) 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; or~~

~~—— (II) 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; and~~

~~—— (11) 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, and any amount deducted from the wages of the offender pursuant to this subparagraph must be submitted:~~

~~—— (I) 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; or~~



~~(H) 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; and~~

~~(b) Any other deduction authorized by law from the wages earned by the offender from any source during the offender's incarceration, the deduction of which must be made in an order of priority determined by the Director.~~

~~4. If the hourly wage of the offender is less than the federal minimum wage, the Director may deduct:~~

~~(a) In the following order of priority:~~

~~(1) An amount the Director considers reasonable to meet an existing obligation of the offender for restitution to a victim of his or her crime;~~

~~(2) 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;~~

~~(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, and any amount deducted pursuant to this subparagraph 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 program of treatment for offenders with substance use or co-occurring disorders or a program of aftercare, or both;~~

~~(4) A deduction pursuant to NRS 209.246;~~

~~(5) An amount determined by the Director for deposit in the individual account of the offender in the Prisoners' Personal Property Fund;~~

~~(6) 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;~~

~~(7) An amount the Director deems reasonable for deposit with the State Treasurer for credit to the Fund for the Compensation of Victims of Crime; and~~

~~(8) 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; and~~

~~(b) Any other deduction authorized by law from the wages earned by the offender from any source during the offender's~~



~~incarceration, the deduction of which must be made in an order of priority determined by the Director.] and~~

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 remaining after any deductions are made pursuant to subsections 1 and 2 and the amount of wages that would have been earned by the offender, based on the wages that were effective on July 1, 2023.

Sec. 9. 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. As soon as practicable after an offender is authorized to apply for enrollment in Medicaid pursuant to NRS 422.27487, the Director shall complete the paperwork for the application if the offender may be eligible for Medicaid upon release.

3. 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.

4. 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 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 ~~and~~; and

(l) Shall discharge the balance of any debts owed by the offender to the Department for copayments for medical examinations or treatments for the offender that were imposed pursuant to subsection 2 of NRS 209.246.

5. The Director shall not provide an offender with a photo identification card pursuant to paragraph (e) of subsection 4 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).

6. The costs authorized or required in paragraphs (a), (e), (f), (g), (i), ~~and~~ (k) *and (l)* of subsection 4 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 have not been paid in accordance with subsection 5 of NRS 209.221 and NRS 209.246.

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



8. *The Director shall, to the extent practicable, provide for the placement of an offender in a program for reentry of offenders or other like program that facilitates the employment of an 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 while incarcerated.*

9. As used in this section:

(a) "Eligible offender" means an offender who is:

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

(2) Enrolled in:

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

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

(b) "Facility for transitional living for released offenders" has the meaning ascribed to it in NRS 449.0055.

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

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

Sec. 10. NRS 472.040 is hereby amended to read as follows:

472.040 1. The State Forester Firewarden shall:

(a) Supervise or coordinate all forestry, rangeland and watershed work on state-owned and privately owned lands, including fire control, in Nevada, working with federal agencies, private associations, counties, towns, cities or private persons.

(b) Administer all fire control laws and all forestry laws in Nevada outside of townsite boundaries, and perform any other duties designated by the Director of the State Department of Conservation and Natural Resources or by state law.

(c) Assist and encourage county or local fire protection districts to create legally constituted fire protection districts where they are needed and offer guidance and advice in their operation.

(d) Purchase communication equipment which can use the microwave channels of the state communications system and store this equipment in regional locations for use in emergencies.

(e) Administer money appropriated and grants awarded for fire prevention, fire control and the education of firefighters and award grants of money for those purposes to fire departments and educational institutions in this State.



(f) Determine the amount of wages that must be paid to offenders who participate in conservation camps and who perform work relating to fire fighting and other work projects of conservation camps. *The amount must be a living wage, as defined in NRS 209.461.*

(g) Cooperate with the State Fire Marshal in the enforcement of all laws and the adoption of regulations relating to the prevention of fire through the management of vegetation in this State.

(h) Ensure that any adopted regulations are consistent with those of fire protection districts created pursuant to chapter 318 or 474 of NRS.

(i) Upon the request of the State Engineer, review a plan submitted with an application for the issuance of a temporary permit pursuant to NRS 533.436.

(j) Work collaboratively with and provide technical assistance to federal, state and local agencies and property owners to:

(1) Identify and mitigate the risks of wildfire to life, property and ecosystems;

(2) Restore and maintain landscape resiliency;

(3) Create and maintain fire-adapted communities and ignition-resistant communities; and

(4) Improve and support safe and effective responses to wildfire.

2. The State Forester Firewarden in carrying out the provisions of this chapter may:

(a) Appoint paid foresters and firewardens to enforce the provisions of the laws of this State respecting forest, rangeland and watershed management or the protection of lands from fire, subject to the approval of the board of county commissioners of each county concerned.

(b) Appoint suitable citizen-wardens. Citizen-wardens serve voluntarily except that they may receive compensation when an emergency is declared by the State Forester Firewarden.

(c) Appoint, upon the recommendation of the appropriate federal officials, resident officers of the United States Forest Service and the United States Bureau of Land Management as voluntary firewardens. Voluntary firewardens are not entitled to compensation for their services.

(d) Appoint certain paid foresters or firewardens to be arson investigators.

(e) Employ, with the consent of the Director of the State Department of Conservation and Natural Resources, clerical assistance, county and district coordinators, patrol officers, firefighters, and other employees as needed, and expend such sums as may be necessarily incurred for this purpose.



(f) Purchase, or acquire by donation, supplies, material, equipment and improvements necessary for fire protection, fire prevention and forest, rangeland and watershed management, including, without limitation, cameras or other equipment necessary for the early warning or detection of wildfires.

(g) With the approval of the Director of the State Department of Conservation and Natural Resources and the State Board of Examiners, purchase or accept the donation of real property to be used for lookout sites and for other administrative, experimental or demonstration purposes. No real property may be purchased or accepted unless an examination of the title shows the property to be free from encumbrances, with title vested in the grantor. The title to the real property must be examined and approved by the Attorney General.

(h) Expend any money appropriated by the State to the Division of Forestry of the State Department of Conservation and Natural Resources for paying expenses incurred in fighting fires or in emergencies which threaten human life.

3. The State Forester Firewarden, in carrying out the powers and duties granted in this section, is subject to administrative supervision by the Director of the State Department of Conservation and Natural Resources.

