

SENATE BILL No. 414—COMMITTEE ON JUDICIARY

(ON BEHALF OF THE JOINT INTERIM STANDING
COMMITTEE ON JUDICIARY)

MARCH 27, 2023

Referred to Committee on Judiciary

SUMMARY—Revises provisions relating to offenders.
(BDR 16-314)

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

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

AN ACT relating to offenders; prohibiting the Department of Corrections from charging or collecting any fee for communication services provided to offenders; removing certain provisions relating to deductions from money credited to the account of an offender for telephone calls; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

1 Existing law requires the Director of the Department of Corrections to establish
2 by regulation a reasonable deduction from the account of an offender to repay
3 certain costs incurred by the Department on behalf of an offender for telephone
4 calls charged to the Department. (NRS 209.246) **Section 1** of this bill prohibits the
5 Department from charging or collecting any fee for communication services
6 provided to an offender. **Section 1** also requires the Director of the Department to
7 adopt such regulations as are necessary to carry out this requirement. **Section 2** of
8 this bill removes certain provisions relating to deductions from money credited to
9 the account of an offender relating to telephone calls charged to the Department.



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 Department shall not charge or collect any fee for communication services provided to an offender, regardless of whether:

(a) The offender initiates or receives the communication; or

(b) The Department is charged a fee for the communication services.

2. The Director shall adopt, with the approval of the Board, such regulations as are necessary to carry out the requirements of this section.

3. As used in this section:

(a) "Communication services" includes, without limitation, any service which enables real-time, two-way voice communication, including, without limitation, Voice over Internet Protocol service.

(b) "Voice over Internet Protocol service" means any service that:

(1) Enables real-time, two-way voice communication originating from or terminating at the user's location in Internet Protocol or a successor protocol;

(2) Uses a broadband connection from the user's location; and

(3) Permits a user to receive a call that originates on the public switched telephone network and to terminate a call to the public switched telephone network.

Sec. 2. NRS 209.246 is hereby amended to read as follows:

209.246 The Director shall, with the approval of the Board, establish by regulation criteria for a reasonable deduction from money credited to the account of an offender to:

1. Repay the cost of:

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

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

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

(2) Which occur during voluntary recreational activities.

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

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

(e) Providing a funeral for an offender.



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

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

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

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

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

(b) Expenses for prescribed medicine and supplies.

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

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

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

(c) Legal supplies;

(d) ~~Telephone calls charged to the Department;~~

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

~~((f))~~ (e) 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))~~ (f) 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. 3. 1. This section becomes effective upon passage and approval.



- 1 2. Sections 1 and 2 of this act become effective:
2 (a) Upon passage and approval for the purpose of adopting any
3 regulations and performing any other preparatory administrative
4 tasks that are necessary to carry out the provisions of this act; and
5 (b) On October 1, 2023, for all other purposes.

