

SENATE BILL NO. 416—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 the Department of Corrections. (BDR 16-322)

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 the Department of Corrections; requiring the Director of the Department of Corrections to adopt regulations concerning the retrieval of the remains of an offender; requiring the Director to adopt regulations governing the operation of a commissary in an institution or facility; requiring certain regulations adopted by the Director to be subject to the Nevada Administrative Procedure Act; requiring the Department to maintain certain accounts and trust funds in certain institutions in this State; revising provisions relating to the deduction of certain costs from the individual account of an offender; revising provisions governing the operation of the package program; revising provisions relating to the deduction of money from the wages earned by an offender; revising the duties of the Director relating to the release of an offender from prison; requiring the Director to discharge certain debts upon the release of an offender from prison; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

- 1 Existing law authorizes the Director of the Department of Corrections to make
- 2 deductions from the individual account of an offender to repay or defray certain
- 3 expenses accrued by the Department on behalf of the offender. (NRS 209.221,



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209.246) Existing law authorizes the Director to establish by regulation criteria for a reasonable deduction from money credited to the account of an offender to, among other things, repay the cost of medical examinations and the diagnosis or treatment for injuries inflicted by the offender upon himself or herself or other offenders or which occur during voluntary recreational activities. With certain exceptions, existing law additionally authorizes the Director to establish such criteria to defray a portion of the costs paid by the Department for the medical care of the offender, including without limitation, expenses for medical or dental care, prosthetic devices, pharmaceutical items and prescribed medicine and supplies. (NRS 209.246) **Section 6** of this bill limits the ability of the Director to deduct money credited to the account of an offender by authorizing the Director to allow such deductions only to: (1) repay the cost of medical diagnosis or treatment for injuries which are inflicted by the offender upon other offenders and require treatment to be provided outside of the institution or facility; and (2) defray a portion of the costs paid by the Department for medical care for the offender which is provided outside of the institution or facility, including, without limitation, expenses for medical or dental care. **Section 6** additionally limits the ability of the Director to establish criteria for such a deduction for providing an offender with clothing, transportation and money upon his or her release from prison by prohibiting the Director from authorizing such a deduction for an offender who has been given a sentence of death or life imprisonment without the possibility of parole. **Section 6** also clarifies that the Director may not establish regulations which authorize deductions that are not expressly described in **section 6** or any regulations which authorize the imposition of a deduction of money for medical care received inside an institution or facility other than the infirmary. **Section 5** of this bill makes a conforming change relating to the elimination of the ability of the Director to deduct money credited to the account of the offender for injuries inflicted by the offender upon himself or herself. **Section 5** also limits the ability of the Director to establish criteria for reasonable deductions to repay or defray the costs relating to the operation and maintenance of the offenders' store, coffee shop, gymnasium and correctional officers' salaries for visitation posts by removing the correctional officers' salaries for visitation posts from the list of costs for which the Director may authorize such deductions.

Existing law authorizes the Director to make certain deductions, including, without limitation, deductions for the maintenance of an offender in an institution, from the wages earned by an offender from any source during the incarceration of the offender. (NRS 209.463) **Section 8** of this bill prohibits the Director from authorizing such a deduction for the cost for room and board if the hourly wage of the offender is less than the federal minimum wage.

Existing law authorizes and requires the Director to take certain actions upon the release of an offender who is released from prison by expiration of his or her term of sentence, by pardon or by parole. Existing law authorizes the Director to furnish such an offender with a sum of money not to exceed \$100 based on the economic need of the offender. (NRS 209.511) **Section 9** of this bill instead requires the Director to furnish an offender with a sum of money to bring the balance of the offender's account in the Prisoners' Personal Property Fund to \$100 upon such release. **Section 9** additionally requires the Director to give an offender the choice to receive such money in the form of a check or debit card and requires the Department to take reasonable steps to ensure that any debit card provided to an offender under such circumstances does not charge fees which are significantly more than standard market rate fees. **Section 9** also requires, with certain exceptions, the Director to discharge all outstanding debt owed by an offender to the Department upon his or her release. **Section 11** of this bill cancels such debt that any offender who has been released from prison by the expiration of his or her



term of sentence or by pardon or by parole before October 1, 2023, owes the Department.

Section 2 of this bill requires the Director, with the approval of the Board of State Prison Commissioners, to adopt regulations concerning the retrieval of the remains of an offender which establish the requirements and standards of eligibility for financial assistance to indigent relatives of the offender and prohibit the Department from authorizing the imposition of any cost to the offender or any relative of the offender if the relative of the offender is considered indigent. **Section 2** also requires that such regulations be adopted in accordance with the Nevada Administrative Procedure Act. **Section 10** of this bill makes a conforming change relating to the requirement that such regulations be subject to the Act.

Existing law requires the Director to establish and maintain a package program for offenders. (NRS 209.249) **Section 7** of this bill prohibits the Director from authorizing the adoption of any policy which allows: (1) the receipt of a kickback or commission which is 5 percent or more on packages sold through the program; or (2) any monetary limitation on the ability of an offender to receive or purchase goods or services from the program. **Section 3** of this bill requires the Director, with the approval of the Board, to adopt regulations to be instituted in each institution or facility governing the operation of a commissary in the institution or facility and prohibits the Director from adopting regulations which: (1) place a monetary limitation on the ability of an offender to receive or purchase goods or services from the commissary; or (2) authorize the markup of the price of an item or service sold at the commissary by 5 percent or more of the cost to the Department for the acquisition of the item or provision of the service. **Sections 3 and 7** additionally prohibit the Department from entering into an exclusive contract for the purpose of supplying the commissary or carrying out the package program and require the Department to contract with two or more entities for such purposes.

Existing law creates the Prisoners' Personal Property Fund as a trust fund. Existing law requires the Director and offenders to deposit all money that the offender receives during his or her incarceration in his or her individual account in the Prisoners' Personal Property Fund. (NRS 209.241) Existing law also authorizes certain deposits in the savings account of an offender to be used for the payment of expenses of the offender related to the release or funeral of the offender. (NRS 209.247, 209.463) **Section 4** of this bill requires the Department to maintain any account or trust fund which is controlled by the Department and contains money earned or received by an offender during his or her time in the custody of the Department, including the Prisoners' Personal Property Fund and any savings account, in an insured bank, credit union, savings and loan association or savings bank doing business in this State.

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, 3 and 4, inclusive, of this act.

Sec. 2. 1. *The Director shall, with the approval of the Board, adopt regulations concerning the retrieval of the remains of an offender. Such regulations must:*

(a) Establish the requirements and standards of eligibility for financial assistance to indigent relatives of an offender; and



(b) Prohibit the Department from authorizing the imposition of any cost to the offender or any relative of the offender if the relative is considered indigent.

2. The regulations adopted pursuant to subsection 1 must be adopted in accordance with the provisions of chapter 233B of NRS.

Sec. 3. 1. The Director shall, with the approval of the Board, adopt regulations to be instituted in each institution or facility which govern the operation of a commissary in the institution or facility. The Director shall not adopt regulations which:

(a) Place a monetary limitation on the ability of an offender to receive or purchase goods or services from the commissary.

(b) Authorize the markup of the price of an item or service sold at the commissary by 5 percent or more of the cost to the Department for the acquisition of the item or provision of service.

2. The Department shall not enter into any exclusive contract for the purpose of supplying the commissary. The Department shall contract with two or more entities for the purpose of supplying the commissary.

Sec. 4. Any account or trust fund which is controlled by the Department and contains money earned or received by an offender during his or her time in the custody of the Department, including, without limitation, the Prisoners' Personal Property Fund and any savings account, must be maintained in an insured bank, credit union, savings and loan association or savings bank doing business in this State.

Sec. 5. NRS 209.221 is hereby amended to read as follows:

209.221 1. The Offenders' Store Fund is hereby created as a special revenue fund. All money received for the benefit of offenders through contributions, and from other sources not otherwise required to be deposited in another fund, must be deposited in the Offenders' Store Fund.

2. The Director shall:

(a) Keep, or cause to be kept, a full and accurate account of the Fund;

(b) Submit reports to the Board relative to money in the Fund as may be required from time to time; and

(c) Submit a monthly report to the offenders of the amount of money in the Fund by posting copies of the report at locations accessible to offenders generally or by delivery of copies to the appropriate representatives of the offenders if any are selected.

3. Except as otherwise provided in subsections 4 to 10, inclusive, money in the Offenders' Store Fund, except interest



1 earned upon it, must be expended for the welfare and benefit of all
2 offenders or for any other purpose authorized by the Legislature.

3 4. If necessary to cover a shortfall of money in the Prisoners'
4 Personal Property Fund, the Director may, after obtaining the
5 approval of the Interim Finance Committee, authorize the State
6 Controller to transfer money from the Offenders' Store Fund to the
7 Prisoners' Personal Property Fund, and the State Controller shall
8 make the transfer.

9 5. If an offender has insufficient money in his or her individual
10 account in the Prisoners' Personal Property Fund to repay or defray
11 costs assessed to the offender pursuant to NRS 209.246, the Director
12 shall authorize the State Controller to transfer sufficient money from
13 the Offenders' Store Fund to the appropriate account in the State
14 General Fund to pay costs remaining unpaid, and the State
15 Controller shall make the transfer. Any money so transferred must
16 be accounted for separately. The Director shall cause the Offenders'
17 Store Fund to be reimbursed from the offender's individual account
18 in the Prisoners' Personal Property Fund, as money becomes
19 available.

20 6. If the Department incurs costs related to state property that
21 has been willfully damaged, destroyed or lost or incurs costs related
22 to medical examination, diagnosis or treatment for an injury ~~[to an]~~
23 *that an offender inflicted upon another* offender, the Director may
24 authorize the State Controller to transfer money from the Offenders'
25 Store Fund to the appropriate account in the State General Fund to
26 repay or defray those costs if:

27 (a) The Director has reason to believe that an offender caused
28 the damage, destruction, loss or injury; and

29 (b) The identity of the offender is unknown or cannot be
30 determined by the Director with reasonable certainty.

31 ➤ The State Controller shall make the transfer if authorized by the
32 Director. Any money transferred must be accounted for separately.
33 If the identity of the offender is determined after money has been
34 transferred, the Director shall cause the Offenders' Store Fund to be
35 reimbursed from the offender's individual account in the Prisoners'
36 Personal Property Fund, as money becomes available.

37 7. The Director may, with approval of the Board, establish by
38 regulation criteria for a reasonable deduction from money credited
39 to the Offenders' Store Fund to repay or defray the costs relating to
40 the operation and maintenance of the offenders' store, coffee shop
41 ~~[.] and~~ *gymnasium . [and correctional officers' salaries for visitation*
42 *posts where they exist in each facility.]* Any regulations adopted
43 pursuant to this subsection must be adopted in accordance with the
44 provisions of chapter 233B of NRS.



8. The Director may, with approval of the Board, establish by regulation a charge on the purchase of electronic devices by offenders to defray the costs relating to the operation of the devices. The Director shall utilize the proceeds collected from the charge established for operation of the devices to offset the energy costs of the facilities within the Department. Any regulations adopted pursuant to this subsection must be adopted in accordance with the provisions of chapter 233B of NRS.

9. The Director may, with approval of the Board, establish by regulation a charge on the use by offenders of videoconferencing equipment for conducting visits to defray the costs relating to the operation and maintenance of the equipment. The Director shall utilize the proceeds collected from the charge established for the operation and maintenance of the equipment to offset the costs of operating and maintaining the videoconferencing equipment and correctional officers' salaries for posts for conducting visits by videoconference where the posts exist in each facility.

10. If an offender who has been assigned to a center for the purpose of making restitution is returned to an institution for committing an infraction of the regulations of the Department and the center has not been fully compensated for the cost of providing the offender with housing, transportation, meals, or medical or dental services at the center, the Director may authorize the State Controller to transfer money from the Offenders' Store Fund to the appropriate account in the State General Fund to repay or defray those costs. The State Controller shall make the transfer if authorized by the Director. Any money transferred must be accounted for separately. The Director shall cause the Offenders' Store Fund to be reimbursed from the offender's individual account in the Prisoners' Personal Property Fund, as money becomes available.

11. If an offender has insufficient money in his or her individual account in the Prisoners' Personal Property Fund to repay or defray costs assessed to the offender pursuant to NRS 209.246, the offender shall sign a statement under penalty of perjury concerning his or her financial situation. Such a statement must include, but is not limited to, the following information:

- (a) The value of any interest the offender has in real estate;
- (b) The value of the personal property of the offender;
- (c) The assets in any bank account of the offender; and
- (d) The employment status of the offender.

12. The statement required by subsection 11 must also authorize the Department to access any relevant document, for the purpose of verifying the accuracy of the information provided by the offender pursuant to this section, including, but not limited to,



information regarding any bank account of the offender, information regarding any bank account held in trust for the offender and any federal income tax return, report or withholding form of the offender.

13. An offender who conceals assets from the Department or provides false or misleading information on a statement prepared pursuant to this section is guilty of a gross misdemeanor.

14. A person who aids or encourages an offender to conceal assets from the Department or to provide false or misleading information on a statement prepared pursuant to this section is guilty of a gross misdemeanor.

Sec. 6. NRS 209.246 is hereby amended to read as follows:

209.246 ~~[The]~~

1. Except as otherwise provided in this section; 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:

~~[(a)]~~ (a) Repay the cost of:

~~[(a)]~~ (1) State property willfully damaged, destroyed or lost by the offender during his or her incarceration.

~~[(b)]~~ (2) Medical examination, diagnosis or treatment for injuries ~~[-]~~

~~—(1) Inflicted]~~ *that are inflicted* by the offender upon ~~[himself or herself or]~~ other offenders ~~[-; or~~

~~—(2) Which occur during voluntary recreational activities.~~

~~—(c)]~~ *and require that treatment be provided outside of the institution or facility pursuant to NRS 209.331.*

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

~~[(d)]~~ (4) Quelling any riot or other disturbance in which the offender is unlawfully involved.

~~[(e)]~~ (5) Providing a funeral for an offender.

~~[(f)]~~ (6) Providing an offender with clothing, transportation and money upon his or her release from prison pursuant to NRS 209.511 ~~[-]~~, *unless the offender has been given a sentence of death or life imprisonment without the possibility of parole.*

~~[(g)]~~ (7) 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)]~~ (8) Monetary sanctions imposed under the code of penal discipline adopted by the Department.

~~[(2)]~~ (b) Defray, as determined by the Director, a portion of the costs paid by the Department for medical care for the offender ~~[-]~~



which is provided outside of the institution or facility pursuant to NRS 209.331, including, but not limited to, ~~1.~~

~~—(a) Except as otherwise provided in paragraph (b) of subsection 1., expenses for medical or dental care . ~~2.~~ prosthetic devices and pharmaceutical items; and~~

~~—(b) Expenses for prescribed medicine and supplies.~~

~~—3.] (c)~~ Repay the costs incurred by the Department on behalf of the offender for:

~~[(a)] (1)~~ Postage for personal items and items related to litigation;

~~[(b)] (2)~~ 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)] (3)~~ Legal supplies;

~~[(d)] (4)~~ Telephone calls charged to the Department;

~~[(e)] (5)~~ Charges relating to checks returned for insufficient funds and checks for which an order to stop payment has been made;

~~[(f)] (6)~~ 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)] (7)~~ The replacement of an identification card or prepaid ticket for bus transportation issued to the offender by the Department.

~~[(4)] (d)~~ 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.

~~[(2)]~~

2. The Director shall not adopt any regulations which authorize a deduction from money credited to the account of an offender to repay or defray the cost of any medical care for an offender that is not expressly authorized pursuant to paragraph (a) or (b) of subsection 1.

3. Nothing in this section shall be construed to authorize a deduction from money credited to the account of an offender to repay or defray the cost of any medical care which is provided in an institution or facility, including, without limitation, treatment which is provided:

(a) Outside of the normal operating hours of the infirmary; or

(b) At a location inside the institution or facility other than the infirmary.



4. 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. 7. NRS 209.249 is hereby amended to read as follows:

209.249 1. Except as otherwise provided in subsections 2 and 3, the Director shall establish and maintain a package program for offenders.

2. The Director may prohibit an offender from participating in the package program if the offender is in:

(a) Disciplinary segregation; or

(b) Administrative segregation and the prohibition is necessary to ensure the safety of other offenders in administrative segregation.

3. The Medical Director may prohibit an offender from participating in the package program if:

(a) The offender is receiving medical care from the Medical Director; and

(b) The prohibition is necessary to ensure the health of the offender.

4. The contents of a package received by an offender participating in the package program are not subject to any deduction described in NRS 209.247.

5. *In carrying out the duties prescribed in subsection 1, the Director may not authorize the adoption of any policy which allows:*

(a) The receipt of a kickback or commission which is 5 percent or more on packages sold through the package program.

(b) Any monetary limitation on the ability of an offender to receive or purchase goods or services from the package program.

6. *The Department shall not enter into an exclusive contract for the purpose of carrying out the package program. The Department shall contract with two or more entities to carry out the purposes of the package program.*

7. As used in this section:

(a) "Administrative segregation" means the separation of an offender from the general population which is imposed by classification when the continued presence of the offender in the general population or protective segregation would pose a serious threat to life, property, self, staff, other offenders or to the security or orderly operation of the facility or institution.

(b) "Disciplinary segregation" means the separation of an offender from the general population for a specified period when an offender has committed a serious violation of the rules of a facility or an institution.

(c) "General population" means the status of offenders who are incarcerated and do not have a special status.



(d) "Package program" means a program which authorizes an offender to order at least one clothing package and one food package, respectively, per quarter.

(e) "Protective segregation" means the separation of an offender from the general population when the offender requests or requires protection from other offenders for reasons relating to health or safety.

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 make the deductions described in subsection 3 or 4, as applicable, 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) 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 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

(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 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, *other than the cost for room and board*, 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.

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~~ *If an offender does not have more than \$100 in his or her individual account in the Prisoners' Personal Property Fund after all deductions authorized pursuant to this chapter have been assessed, shall* furnish the offender with a sum of money ~~not to exceed~~ *to bring the balance of the account of the offender to \$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 all outstanding debt owed by the offender to the Department pursuant to this chapter, unless such money is owed by the offender to the Department pursuant to subparagraphs 1, 3 or 4 of paragraph (a) of subsection 1 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) 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 provide an offender with the choice to receive the money provided to the offender pursuant to paragraph (a) of subsection 4 or paragraph (e) of subsection 3 of NRS 209.241 in the form of a check or debit card. The Department shall take reasonable steps to ensure that any debit card provided*



to an offender does not charge fees which are significantly more than standard market rate fees.

9. Nothing in this section shall be construed to affect the existing obligation of an offender to pay restitution to a victim of his or her crime.

10. 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 233B.039 is hereby amended to read as follows:

233B.039 1. The following agencies are entirely exempted from the requirements of this chapter:

(a) The Governor.

(b) Except as otherwise provided in NRS 209.221 and 209.2473, *and section 2 of this act*, the Department of Corrections.

(c) The Nevada System of Higher Education.

(d) The Office of the Military.

(e) The Nevada Gaming Control Board.

(f) Except as otherwise provided in NRS 368A.140 and 463.765, the Nevada Gaming Commission.

(g) Except as otherwise provided in NRS 425.620, the Division of Welfare and Supportive Services of the Department of Health and Human Services.

(h) Except as otherwise provided in NRS 422.390, the Division of Health Care Financing and Policy of the Department of Health and Human Services.

(i) Except as otherwise provided in NRS 533.365, the Office of the State Engineer.



(j) The Division of Industrial Relations of the Department of Business and Industry acting to enforce the provisions of NRS 618.375.

(k) The Administrator of the Division of Industrial Relations of the Department of Business and Industry in establishing and adjusting the schedule of fees and charges for accident benefits pursuant to subsection 2 of NRS 616C.260.

(l) The Board to Review Claims in adopting resolutions to carry out its duties pursuant to NRS 445C.310.

(m) The Silver State Health Insurance Exchange.

(n) The Cannabis Compliance Board.

2. Except as otherwise provided in subsection 5 and NRS 391.323, the Department of Education, the Board of the Public Employees' Benefits Program and the Commission on Professional Standards in Education are subject to the provisions of this chapter for the purpose of adopting regulations but not with respect to any contested case.

3. The special provisions of:

(a) Chapter 612 of NRS for the adoption of an emergency regulation or the distribution of regulations by and the judicial review of decisions of the Employment Security Division of the Department of Employment, Training and Rehabilitation;

(b) Chapters 616A to 617, inclusive, of NRS for the determination of contested claims;

(c) Chapter 91 of NRS for the judicial review of decisions of the Administrator of the Securities Division of the Office of the Secretary of State; and

(d) NRS 90.800 for the use of summary orders in contested cases,

➤ prevail over the general provisions of this chapter.

4. The provisions of NRS 233B.122, 233B.124, 233B.125 and 233B.126 do not apply to the Department of Health and Human Services in the adjudication of contested cases involving the issuance of letters of approval for health facilities and agencies.

5. The provisions of this chapter do not apply to:

(a) Any order for immediate action, including, but not limited to, quarantine and the treatment or cleansing of infected or infested animals, objects or premises, made under the authority of the State Board of Agriculture, the State Board of Health, or any other agency of this State in the discharge of a responsibility for the preservation of human or animal health or for insect or pest control;

(b) An extraordinary regulation of the State Board of Pharmacy adopted pursuant to NRS 453.2184;

(c) A regulation adopted by the State Board of Education pursuant to NRS 388.255 or 394.1694;



(d) The judicial review of decisions of the Public Utilities Commission of Nevada;

(e) The adoption, amendment or repeal of policies by the Rehabilitation Division of the Department of Employment, Training and Rehabilitation pursuant to NRS 426.561 or 615.178;

(f) The adoption or amendment of a rule or regulation to be included in the State Plan for Services for Victims of Crime by the Department of Health and Human Services pursuant to NRS 217.130;

(g) The adoption, amendment or repeal of rules governing the conduct of contests and exhibitions of unarmed combat by the Nevada Athletic Commission pursuant to NRS 467.075;

(h) The adoption, amendment or repeal of regulations by the Director of the Department of Health and Human Services pursuant to NRS 447.335 to 447.350, inclusive;

(i) The adoption, amendment or repeal of standards of content and performance for courses of study in public schools by the Council to Establish Academic Standards for Public Schools and the State Board of Education pursuant to NRS 389.520;

(j) The adoption, amendment or repeal of the statewide plan to allocate money from the Fund for a Resilient Nevada created by NRS 433.732 established by the Department of Health and Human Services pursuant to paragraph (b) of subsection 1 of NRS 433.734; or

(k) The adoption or amendment of a data request by the Commissioner of Insurance pursuant to NRS 687B.404.

6. The State Board of Parole Commissioners is subject to the provisions of this chapter for the purpose of adopting regulations but not with respect to any contested case.

Sec. 11. The Department of Corrections shall cancel any outstanding debt owed by an offender who has been released from prison before October 1, 2023, by expiration of his or her term of sentence, by pardon or by parole unless such money is owed by the offender to the Department pursuant to subparagraph 1, 3 or 4 of paragraph (a) of subsection 1 of NRS 209.246, as amended by section 6 of this act. Nothing in this section shall be construed to affect the obligation of the offender to pay restitution to a victim of his or her crime.

Sec. 12. 1. This section becomes effective upon passage and approval.

2. Sections 1 to 11 of this act become effective:

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



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

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