

SENATE BILL NO. 93—SENATOR BUCK

PREFILED JANUARY 31, 2023

Referred to Committee on Judiciary

SUMMARY—Revises provisions relating to offenders.
(BDR 16-27)

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 offenders; transferring the duty to issue photo identification cards to offenders from the Department of Corrections to the Department of Motor Vehicles; establishing procedures relating to processing applications for and the delivery of photo identification cards to offenders; requiring the Director of the Department of Corrections to provide an offender with an application for a photo identification card and information and assistance relating to acquiring a valid driver's license or identification card at least 4 months before the projected release of the offender; revising provisions governing the right to vote for convicted persons; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, the Director of the Department of Corrections is required to provide a photo identification card issued by the Department to an offender upon his or her release if the offender: (1) requests the photo identification card; or (2) is not currently in possession of a photo identification card. (NRS 209.511) **Section 1** of this bill transfers the responsibility for the issuance of such photo identification cards from the Director of the Department of Corrections to the Department of Motor Vehicles. **Sections 4 and 5** of this bill make conforming changes related to the transfer of responsibility for issuing photo identification cards. **Section 2** of this bill requires the Director of the Department of Corrections to provide a photo identification card issued by the Department of Motor Vehicles to an offender upon his or her release if the offender completes an application for a photo identification card before the date of his or her release. If the Department of Motor Vehicles cannot process an application for a photo identification card before the release of an offender, **section 1** requires the Department of Motor Vehicles to mail the photo



identification card to the offender if the offender provided the Department of Motor Vehicles with an address for that purpose. If the offender did not provide the Department of Motor Vehicles with such an address, **section 1** authorizes the offender to acquire a photo identification card from the Department of Motor Vehicles after his or her release.

Section 1 also requires the Department of Motor Vehicles to prescribe the form of the application for a photo identification card. **Section 2** requires the Director of the Department of Corrections to provide the offender with the application for a photo identification card and reasonable assistance with acquiring a driver's license or photo identification card at least 4 months before the projected release of the offender. **Section 2** also requires the Director to take a color picture of the offender, not later than 3 months before the projected release of the offender, for use in a photo identification card, regardless of whether the offender has completed an application for a photo identification card.

Existing law requires the restoration of certain civil rights, including the right to vote, to persons who have been convicted of certain felonies. (NRS 176A.850, 213.155, 213.157) Under existing law, a person convicted of a felony who is placed on probation, granted parole or granted a pardon is immediately restored to the right to vote. (NRS 213.157) **Section 3** of this bill instead provides that the right of such a person is restored immediately upon his or her release from prison.

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. An application for a photo identification card must be on a form prescribed by the Department of Motor Vehicles. An offender is not required to provide any information or documentation on the form other than that which is required to appear on the photo identification card or necessary to confirm the accuracy of such information.

2. If an offender completes an application for a photo identification card before his or her release from prison by the expiration of his or her term of sentence, by pardon or by parole, the Department of Corrections shall immediately transmit the application to the Department of Motor Vehicles.

3. Except as otherwise provided in subsection 4, upon receipt of an application for a photo identification card pursuant to subsection 2, the Department of Motor Vehicles shall process the application, issue the photo identification card and transmit the photo identification card to the Director of the Department of Corrections for provision to the relevant offender pursuant to NRS 209.511.

4. If an offender completes an application for a photo identification card pursuant to subsection 2 and the Department of Motor Vehicles is unable to process the application before the release of the offender, the Department of Motor Vehicles shall



1 *mail the issued photo identification card to the address of the*
2 *offender, if an address was so provided by the offender.*

3 *5. If an offender is unable or unwilling to provide the*
4 *Department of Motor Vehicles with the address described in*
5 *subsection 4, the offender may, at any time after his or her release,*
6 *schedule an appointment with the Department of Motor Vehicles*
7 *to acquire a photo identification card.*

8 *6. A photo identification card issued pursuant to this section*
9 *must clearly indicate whether the Department of Motor Vehicles:*

10 *(a) Has verified the full legal name and age of the offender by*
11 *obtaining an original or certified copy of the documents required*
12 *by the Department of Motor Vehicles pursuant to NRS 483.290 or*
13 *483.860, as applicable, furnished as proof of the full legal name*
14 *and age of an applicant for a driver's license or an identification*
15 *card; or*

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

18 *7. As used in this section, "photo identification card" has the*
19 *meaning ascribed to it in NRS 209.511.*

20 **Sec. 2.** NRS 209.511 is hereby amended to read as follows:

21 209.511 1. Before an offender is released from prison by
22 expiration of his or her term of sentence, by pardon or parole, the
23 Director may provide mediation services to the offender and the
24 family members and friends of the offender who provide emotional,
25 psychological and financial support to the offender.

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

30 3. *Not later than 4 months before an offender is projected to*
31 *be released from prison by expiration of his or her term of*
32 *sentence, by pardon or parole, the Director shall provide the*
33 *offender with:*

34 *(a) Reasonable assistance relating to acquiring a valid driver's*
35 *license or photo identification card to enable the offender to*
36 *obtain employment; and*

37 *(b) The application for a photo identification card prescribed*
38 *by section 1 of this act.*

39 4. Not later than 3 months before an offender is projected to be
40 released from prison by expiration of his or her term of sentence, by
41 pardon or parole, the Director ~~may~~:

42 *(a) Shall take a color picture of the offender for use in a photo*
43 *identification card, regardless of whether the offender has*
44 *completed an application for a photo identification card; and*



(b) *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.]~~ 5. 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]~~ *Except as otherwise provided in section 1 of this act, 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,]~~ *of Motor Vehicles* if the offender ~~is~~:

~~— (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]~~ *completes the application for* a photo identification card ~~[;]~~ *before the date of his or her release;*

(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.

~~[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 *paragraph (a) of subsection 3 and* paragraphs (a), (e), (f), (g), (i) and (k) of subsection ~~[4] 5~~ 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. As used in this section:

(a) *“Application for a photo identification card” means the form described in section 1 of this act.*

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

~~[(e)] (d)~~ “Photo identification card” means a document which includes the name, date of birth and a color picture of the offender.

~~[(d)] (e)~~ “Promising practice reentry program” means a reentry program that has strong quantitative and qualitative data showing



1 positive outcomes, but does not have sufficient research or
2 replication to support recognition as an evidence-based practice.

3 **Sec. 3.** NRS 213.157 is hereby amended to read as follows:

4 213.157 1. A person convicted of a felony:

5 (a) Who is placed on probation, granted parole or granted a
6 pardon is immediately restored to the right to vote ~~and~~ *upon his or*
7 *her release from prison.*

8 (b) Who has served his or her sentence and has been released
9 from prison:

10 (1) Is immediately restored to the right to serve as a juror in a
11 civil action.

12 (2) Is immediately restored to the right to vote.

13 (3) Four years after the date of his or her release from prison,
14 is restored to the right to hold office.

15 (4) Six years after the date of his or her release from prison,
16 is restored to the right to serve as a juror in a criminal action.

17 2. Upon his or her release from prison, a person so released
18 must be given an official document which provides:

19 (a) That the person has been released from prison;

20 (b) That the person is restored to his or her civil right to serve as
21 a juror in a civil action as of the date of his or her release from
22 prison;

23 (c) The date on which his or her civil right to hold office will be
24 restored to the person pursuant to subparagraph (3) of paragraph (b)
25 of subsection 1; and

26 (d) The date on which his or her civil right to serve as a juror in
27 a criminal action will be restored to the person pursuant to
28 subparagraph (4) of paragraph (b) of subsection 1.

29 3. A person who has been released from prison in this State or
30 elsewhere and whose official documentation of his or her release
31 from prison is lost, damaged or destroyed may file a written request
32 with a court of competent jurisdiction to restore his or her civil
33 rights pursuant to this section. Upon verification that the person has
34 been released from prison and is eligible to be restored to the civil
35 rights set forth in subsection 1, the court shall issue an order
36 restoring the person to the civil rights set forth in subsection 1. A
37 person must not be required to pay a fee to receive such an order.

38 4. A person who has been released from prison in this State or
39 elsewhere may present:

40 (a) Official documentation of his or her release from prison, if it
41 contains the provisions set forth in subsection 2; or

42 (b) A court order restoring his or her civil rights,
43 ➤ as proof that the person has been restored to the civil rights set
44 forth in subsection 1.



Sec. 4. NRS 483.290 is hereby amended to read as follows:

483.290 1. An application for an instruction permit or for a driver's license must:

(a) Be made upon a form furnished by the Department.

(b) Be verified by the applicant before a person authorized to administer oaths. Officers and employees of the Department may administer those oaths without charge.

(c) Be accompanied by the required fee.

(d) State the full legal name, date of birth, sex, address of principal residence and mailing address, if different from the address of principal residence, of the applicant and briefly describe the applicant.

(e) State whether the applicant has theretofore been licensed as a driver, and, if so, when and by what state or country, and whether any such license has ever been suspended or revoked, or whether an application has ever been refused, and, if so, the date of and reason for the suspension, revocation or refusal.

(f) Include such other information as the Department may require to determine the competency and eligibility of the applicant.

2. Every applicant must furnish proof of his or her full legal name and age by displaying:

(a) An original or certified copy of the required documents as prescribed by regulation; or

(b) A photo identification card issued by the Department ~~of Corrections~~ pursuant to ~~[NRS 209.511]~~ *section 1 of this act* which indicates that the ~~[Director of the]~~ Department ~~of Corrections~~ has verified the full legal name and age of the applicant pursuant to subsection ~~[4]~~ **6** of that section.

3. The Department shall adopt regulations prescribing the documents an applicant may use to furnish proof of his or her full legal name and age to the Department pursuant to paragraph (a) of subsection 2, including, without limitation, a document issued by the Department pursuant to NRS 483.375 or 483.8605.

4. At the time of applying for a driver's license, an applicant may, if eligible, preregister or register to vote pursuant to NRS 293.5727 or 293.5742.

5. Every applicant who has been assigned a social security number must furnish proof of his or her social security number by displaying:

(a) An original card issued to the applicant by the Social Security Administration bearing the social security number of the applicant; or

(b) Other proof acceptable to the Department, including, without limitation, records of employment or federal income tax returns.



6. The Department may refuse to accept a driver's license issued by another state if the Department determines that the other state has less stringent standards than the State of Nevada for the issuance of a driver's license.

7. With respect to any document presented by a person who was born outside of the United States, the Commonwealth of Puerto Rico, American Samoa, Guam, the Northern Mariana Islands or the United States Virgin Islands to prove his or her full legal name and age, the Department:

(a) May, if the document has expired, refuse to accept the document or refuse to issue a driver's license to the person presenting the document, or both; and

(b) Shall issue to the person presenting the document a driver's license that is valid only during the time the applicant is authorized to stay in the United States, or if there is no definite end to the time the applicant is authorized to stay, the driver's license is valid for 1 year beginning on the date of issuance.

8. The Administrator shall adopt regulations setting forth criteria pursuant to which the Department will issue or refuse to issue a driver's license in accordance with this section to a person who is a citizen of any state or a foreign country. The criteria pursuant to which the Department shall issue or refuse to issue a driver's license to a citizen of a foreign country must be based upon the purpose for which that person is present within the United States.

9. Notwithstanding any other provision of this section, the Department shall not accept a consular identification card as proof of the age or identity of an applicant for an instruction permit or for a driver's license. As used in this subsection, "consular identification card" has the meaning ascribed to it in NRS 232.006.

Sec. 5. NRS 483.860 is hereby amended to read as follows:

483.860 1. Every applicant for an identification card must furnish proof of his or her full legal name and age by presenting:

(a) An original or certified copy of the required documents as prescribed by regulation; or

(b) A photo identification card issued by the Department ~~of Corrections~~ pursuant to ~~[NRS 209.511]~~ *section 1 of this act* which indicates that the ~~[Director of the]~~ Department ~~of Corrections~~ has verified the full legal name and age of the applicant pursuant to subsection ~~[5]~~ 6 of that section.

2. The Director shall adopt regulations:

(a) Prescribing the documents an applicant may use to furnish proof of his or her full legal name and age to the Department pursuant to paragraph (a) of subsection 1, including, without



1 limitation, a document issued by the Department pursuant to
2 NRS 483.375 or 483.8605; and

3 (b) Setting forth criteria pursuant to which the Department will
4 issue or refuse to issue an identification card in accordance with this
5 section to a person who is a citizen of a state or a foreign country.
6 The criteria pursuant to which the Department shall issue or refuse
7 to issue an identification card to a citizen of a foreign country must
8 be based upon the purpose for which that person is present within
9 the United States.

10 3. Notwithstanding any other provision of this section, the
11 Department shall not accept a consular identification card as proof
12 of the age or identity of an applicant for an identification card. As
13 used in this subsection, “consular identification card” has the
14 meaning ascribed to it in NRS 232.006.

15 **Sec. 6.** 1. This section becomes effective upon passage and
16 approval.

17 2. Sections 1 to 5, inclusive, of this act become effective:

18 (a) Upon passage and approval for the purpose of performing
19 any preparatory administrative tasks necessary to carry out the
20 provisions of this act; and

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

