

Amendment No. 788

Senate Amendment to Senate Bill No. 323	(BDR 16-709)
<b>Proposed by:</b> Senate Committee on Finance	
<b>Amends:</b> Summary: No Title: Yes Preamble: No Joint Sponsorship: No Digest: Yes	

Adoption of this amendment will ADD an appropriation where one does not currently exist in S.B. 323.
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ASSEMBLY ACTION			Initial and Date	SENATE ACTION			Initial and Date		
Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____	Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____
Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____	Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____
Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____	Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____

EXPLANATION: Matter in (1) *blue bold italics* is new language in the original bill; (2) variations of green bold underlining is language proposed to be added in this amendment; (3) ~~red strikethrough~~ is deleted language in the original bill; (4) ~~purple double strikethrough~~ is language proposed to be deleted in this amendment; (5) orange double underlining is deleted language in the original bill proposed to be retained in this amendment.

BAW



Date: 5/23/2025

S.B. No. 323—Revises provisions relating to offenders. (BDR 16-709)





SENATE BILL NO. 323—SENATORS SCHEIBLE, CRUZ-CRAWFORD; DOÑATE, NGUYEN AND TAYLOR

MARCH 11, 2025

Referred to Committee on Judiciary

SUMMARY—Revises provisions relating to offenders. (BDR 16-709)

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; providing for the establishment of a program to provide telephone calls free of charge between certain offenders and the families of such offenders; revising provisions relating to charges for audio and video calls made by or to offenders; making an appropriation; and providing other matters properly relating thereto.

**Legislative Counsel’s Digest:**

Senate Bill No. 234 of the 2023 Legislative Session (S.B. 234) required the Department of Corrections to establish and administer a pilot program to provide telephone calls between offenders in the custody of the Department who have been assigned to Florence McClure Women’s Correctional Center and the families of such offenders. S.B. 234 required the program to: (1) be designed to facilitate and encourage a continuing relationship between the offenders and the families of such offenders; and (2) provide each offender with a 15-minute telephone call each day to a member of the family of the offender free of charge. S.B. 234 expired by limitation on January 1, 2025. (Chapter 443, Statutes of Nevada 2023, at page 2727) **Section 1** of this bill codifies and makes permanent the pilot program established pursuant to S.B. 234. Section 2.5 of this bill makes an appropriation to the Department to carry out the provisions of section 1.

Existing law requires the Director of the Department, with the approval of the Board of State Prison Commissioners, to establish by regulation criteria for a reasonable deduction from money credited to the account of an offender to repay the cost incurred by the Department on behalf of the offender for telephone calls charged to the Department. (NRS 209.246) Existing federal regulations require a provider of Incarcerated People’s Communication Services (IPCS) to make a reasonable effort to refund money deposited into an IPCS Account under certain circumstances. (47 C.F.R. § 64.6130) **Section 2** of this bill: (1) prohibits the Department from charging an offender more than the actual cost to the Department for any audio or video calls made by or to an offender; and (2) requires that if the Department enters into a contract with a provider of communications services to provide communications services to offenders, the contract must include, without limitation, a provision requiring the provider to comply with the provisions of federal regulations relating to the return of money deposited into an IPCS Account, as those regulations existed on January 1, 2025.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN  
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1       **Section 1.** Chapter 209 of NRS is hereby amended by adding thereto a new  
2 section to read as follows:

3       **1. The Department shall establish and administer a program to provide**  
4 **telephone calls between offenders in the custody of the Department who have**  
5 **been assigned to Florence McClure Women's Correctional Center and the**  
6 **families of such offenders. The program must:**

7       **(a) Be designed to facilitate and encourage a continuing relationship**  
8 **between the offenders and the families of such offenders; and**

9       **(b) Provide each offender with a 15-minute telephone call each day to a**  
10 **member of the family of the offender free of charge.**

11       **2. The Department may adopt regulations to administer the provisions of**  
12 **this section.**

13       **3. Nothing in this section shall be construed to authorize an offender to**  
14 **communicate with a person if the offender is otherwise prohibited by law or court**  
15 **order from communicating with the person.**

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

17       209.246 1. Except as otherwise provided in this section, the Director shall,  
18 with the approval of the Board, establish by regulation criteria for a reasonable  
19 deduction from money credited to the account of an offender to:

20       (a) Repay the cost of:

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

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

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

25 or

26               (II) Which occur during voluntary recreational activities.

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

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

31           (5) Providing a funeral for an offender.

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

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

38           (8) Monetary sanctions imposed under the code of penal discipline adopted  
39 by the Department.

40       (b) Defray, as determined by the Director, a portion of the costs paid by the  
41 Department for medical care for the offender, including, but not limited to:

42           (1) Except as otherwise provided in subparagraph (2) of paragraph (a) and  
43 subsection 2, expenses for medical or dental care, prosthetic devices and  
44 pharmaceutical items; and

45           (2) Expenses for prescribed medicine and supplies.

46       (c) Repay the costs incurred by the Department on behalf of the offender for:

47           (1) Postage for personal items and items related to litigation. ~~†~~

1 (2) Photocopying of personal documents and legal documents, for which  
2 the offender must be charged a reasonable fee not to exceed the actual costs  
3 incurred by the Department. ~~{}~~

4 (3) Legal supplies. ~~{}~~

5 (4) ~~{Telephone}~~ *Except as otherwise provided in section 1 of this act,*  
6 *audio or video* calls charged to the Department . ~~{}~~ *The Department shall not*  
7 *charge an offender more than the actual cost to the Department for any audio or*  
8 *video calls made by or to an offender. If the Department enters into a contract*  
9 *with a provider of communications services to provide communications services*  
10 *to offenders, the contract must include, without limitation, a provision requiring*  
11 *the provider to comply with the provisions of 47 C.F.R. § 64.6130 relating to the*  
12 *return of money deposited into an IPCS Account, as that section existed on*  
13 *January 1, 2025.*

14 (5) Charges relating to checks returned for insufficient funds and checks  
15 for which an order to stop payment has been made . ~~{}~~

16 (6) Items related to the offender’s work, including, but not limited to,  
17 clothing, shoes, boots, tools, a driver’s license or identification card issued by the  
18 Department of Motor Vehicles, a work card issued by a law enforcement agency  
19 and a health card . ~~{ and }~~

20 (7) The replacement of an identification card or prepaid ticket for bus  
21 transportation issued to the offender by the Department.

22 (d) Repay any cost to the State of Nevada or any agency or political  
23 subdivision thereof that is incurred in defending the State against an action filed by  
24 an offender in federal court alleging a violation of his or her civil rights which is  
25 determined by the court to be frivolous.

26 2. The Director shall not adopt any regulations which authorize a deduction  
27 from money credited to the account of an offender for the payment of any  
28 copayment for any routine or emergency medical care provided to an offender.

29 3. All money collected pursuant to this section must be deposited in the  
30 appropriate account in the State General Fund for reimbursement of the related  
31 expenditure.

32 **Sec. 2.5. 1. There is hereby appropriated from the State General Fund**  
33 **to the Department of Corrections to carry out the provisions of section 1 of this**  
34 **act the following sums:**

35 **For the Fiscal Year 2025-2026 ..... \$246,046**

36 **For the Fiscal Year 2026-2027 ..... \$253,602**

37 **2. Any balance of the sums appropriated by subsection 1 remaining at**  
38 **the end of the respective fiscal years must not be committed for expenditure**  
39 **after June 30 of the respective fiscal years by the entity to which the**  
40 **appropriation is made or any entity to which money from the appropriation is**  
41 **granted or otherwise transferred in any manner, and any portion of the**  
42 **appropriated money remaining must not be spent for any purpose after**  
43 **September 18, 2026, and September 17, 2027, respectively, by either the entity**  
44 **to which the money was appropriated or the entity to which the money was**  
45 **subsequently granted or transferred, and must be reverted to the State**  
46 **General Fund on or before September 18, 2026, and September 17, 2027,**  
47 **respectively.**

48 **Sec. 3.** This act becomes effective on July 1, 2025.