

**PROPOSED REGULATION OF THE  
NEVADA DEPARTMENT OF CORRECTIONS**

**LCB FILE NO. R097-24I**

**The following document is the initial draft regulation proposed  
by the agency submitted on 05/03/2024**

**NAC 209 Department of Corrections - Offenders' Store Fund and Inmate Welfare Fund**

Pursuant to NRS 209.221, the Offenders' Store Fund is 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.

Additionally, the Director may, with approval of the Board, establish by regulation criteria for a reasonable deduction from money credited to the Offenders' Store Fund to repay or defray the costs relating to the operation and maintenance of the offenders' store, a charge on the purchase of electronic devices by offenders to defray the costs relating to the operation of the devices, and 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 at each facility.

Establishment of fees and charges, pursuant to NRS 209.221:

**Fees and charges:**

1. The Department shall establish a schedule of fees and charges assessed on the offender's trust account related to the operation of the Offenders Store Fund. The fees/markup for the following items must not exceed the following amounts:

<u>Fee/Charge</u>	<u>Cost</u>
Food product mark-up .....	35 percent
Hygiene product mark-up .....	No Markup
Clothing product mark-up .....	35 percent
Vending machine mark-up.....	35 percent
Religious product mark-up.....	10 percent
Telephone calls.....	\$0.11 per minute
Tablet fees.....	
Standard usage (includes outbound messaging from the inmate to friends/family, standard streaming music ,media ,and games).....	\$.05 per minute
Bulk per minute purchases.....	\$.01 per minute
Video Visitation Services.....	\$.25 per minute
Replacement Headphones.....	\$3.99
Chargers .....	\$7.99
Messaging from Inmate Family (external electronic mail)..	\$.20 per written message
Photo message .....	\$.20 per photo attached
Video message .....	\$.60 per video message
Premium movies.....	\$19.99 per subscription
Ancillary service charges.....	
Automated payment fee for credit card, debit cards and billing processing.....	\$3.00 per transaction
Live agent fee.....	\$5.95 per transaction
Paper-bill statement fee.....	\$2.00 per transaction
Third-Party Financial Transaction Fee .....	\$5.95 per transaction
Third-Party Financial Transaction Fee w/autopay .....	\$3.00 per transaction
Fees for Single-Call and Related Services.....	\$5.95 per transaction plus the effective per-minute rate when transaction is paid via live agent

Fees for Single-Call and Related Services w/autopay .....\$3.00 per transaction plus the effective per minute rate

Deposits/Trust Services (For cash, credit/debit card and ACH transactions for Trust deposits)

<b>Deposit Amount</b>	<b>Cash Lobby Kiosks</b>	<b>Credit or Debit Card Countertop Terminal, Lobby Kiosk, IVR, or Web</b>
\$0.01 - \$9.99	\$2.50	\$0.90
\$10.00 - \$19.99	\$2.50	\$1.75
\$20.00 - \$99.99	\$2.50	\$5.95
\$100.00 - \$199.99	\$2.50	\$6.95
\$200.00 – \$300.00	\$2.50	\$7.95

<b>Walk in Retail Deposit</b>	<b>Credit/Debit</b>	<b>Cash</b>
\$0.01 - \$300.00	\$4.95	\$4.95

Self-Release - This Service allows a sender to deposit funds using cash, credit or debit card into a proprietary Kiosk or Web for the exclusive use in posting bail, and in accordance with state and federal money transmitter regulations

<b>Deposit Amount</b>	<b>Cash Lobby Kiosks</b>	<b>Credit or Debit Card Countertop Terminal, Lobby Kiosk, IVR, or Web</b>
\$0.01 - \$100.00	\$5.00	\$5.00 + 5.0%
\$100.01 - \$2,999.99	\$5.00 base plus an additional \$5.00 per \$100 deposited.	\$5.00 + 5.0%

2. The Board of Prison Commission shall review the schedule of fees and charges on a yearly basis that are charged to offenders.
3. Each year the awarded vendor that supplies the goods and products sold to offenders through the Offender Store fund will have a third party provide a comprehensive national market analysis regarding the trends, and comparative markups that are being charged in correctional systems and national consumer markets. The department will then use this analysis to make pricing recommendations for approval by the Director.

4. The department will contract with multiple package vendors for the offender package program.
5. The department shall set up process for indigent offender commissary program with awarded commissary vendor which allows for indigent offenders to have access to the commissary program.
6. Additionally, the department may not carry more than 6 month's worth of reserves. If the department exceeds these reserves, they will recommend price decreases, and adjustments at the next year schedule of fees and charges changes.
7. The awarded vendor for the telephone/tablet contract reserves the right to bill any and all applicable state, local, and federal taxes, fees, and surcharges in addition to normal usage charges, including, but not limited to: Federal Excise Tax, State Sales Tax, Municipal Taxes, Federal Universal Service Fund Surcharge, State Universal Service Fund Surcharge, Regulatory Surcharges, and Gross Receipts Tax. All applicable taxes, fees, and surcharges are billed as separate line items and are not included in the rates quoted herein. All taxes, fees, and surcharges are subject to periodic adjustment. Federal Universal Service Fund Surcharges are calculated by multiplying the gross invoice amount attributable to interstate and international inmate calling services during each billing period by a percentage as determined by the FCC each calendar quarter.

The Prisoners' Personal Property Fund, which is a trust fund that the Department Director may accept money, including the net amount of any wages earned during the incarceration of an offender after any deductions made by the Director and valuables belonging to an offender at the time of his or her incarceration or afterward received by gift, inheritance or the like or earned during the incarceration of an offender.

Fees and charges:

8. The Department shall establish a schedule of fees and charges assessed on the offenders trust account. The fees for the following items must not exceed the following amounts:

<u>Fee/Charge</u>	<u>Cost</u>
AB 389 altercations and self-infliction medical costs .....	Direct reimbursement
Birth Certificates .....	Direct reimbursement
Building and Grounds Damage .....	Direct reimbursement
Clothing, Tools, and Work Fees.....	Direct reimbursement
Legal Copy cost.....	\$0.10 per copy
Drug test/toxicology test.....	\$8.50 per test
Replacement of bus pass.....	\$8.50 per test
Mattress, clothing, towel, and bedding damage.....	\$8.50 per test
Legal postage .....	\$8.50 per test
Legal supplies.....	\$8.50 per test
Health card .....	\$35
Escape charges.....	Direct reimbursement
Recreational injury .....	Direct reimbursement
Statement Fees .....	\$2.00 per statement
Check copies .....	\$2.00 each
ID Card replacement.....	\$5.00
Cremation/burial.....	\$950.00

