

ASSEMBLY BILL NO. 421—ASSEMBLYMAN OHRENSCHALL

MARCH 27, 2017

Referred to Committee on Corrections,  
Parole, and Probation

SUMMARY—Revises provisions relating to corrections.  
(BDR 16-1058)

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 corrections; authorizing the residential confinement of certain offenders who have been granted parole but are not yet eligible for release on parole; requiring the coordination and oversight of certain care for a prisoner by a sheriff, chief of police or town marshal in certain counties and the Department of Health and Human Services; and providing other matters properly relating thereto.

**Legislative Counsel’s Digest:**

1 **Section 1** of this bill: (1) requires the Director of the Department of  
2 Corrections, with the approval of the Board of State Prison Commissioners, to  
3 establish a program for the residential confinement of offenders who have been  
4 granted parole but are not yet eligible for release on parole; (2) authorizes the  
5 Director to assign an offender who has been granted parole but is not yet eligible  
6 for release on parole to the custody of the Division of Parole and Probation of the  
7 Department of Public Safety to serve a term of residential confinement under  
8 certain circumstances; (3) requires the Director to notify the Division and certain  
9 victims of the offender of the Director’s intent to assign the offender to the custody  
10 of the Division for residential confinement; (4) prohibits the Director from  
11 assigning an offender to the custody of the Division until the Division has approved  
12 the offender’s proposed plan for placement upon release; (5) requires an offender to  
13 submit to the Division a signed document concerning his or her compliance with  
14 the terms or conditions of the residential confinement; and (6) sets forth certain  
15 terms, limitations and effects applicable to an offender who is assigned to the  
16 custody of the Division to serve a term of residential confinement.

17 Existing law imposes upon sheriffs, chiefs of police and town marshals certain  
18 duties relating to the control and care of prisoners in their custody. (NRS 211.140)  
19 **Section 4** of this bill requires, in a county whose population is 700,000 or more



\* A B 4 2 1 R 1 \*

20 (currently Clark County), a sheriff, chief of police or town marshal to arrange for,  
21 and the Department of Health and Human Services to provide, for the purpose of  
22 maintaining continuity of care, coordination and oversight of certain care provided  
23 to a prisoner while the prisoner is in custody and after the prisoner is released from  
24 custody. **Section 4** also requires each such sheriff and the Director of the  
25 Department to report to the Legislative Committee on Health Care regarding such  
26 coordination and oversight.

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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  
2 thereto a new section to read as follows:

3 *1. The Director shall, with the approval of the Board,*  
4 *establish a program for the residential confinement of offenders*  
5 *who have been granted parole but are not yet eligible for release*  
6 *on parole.*

7 *2. The program established pursuant to this section may*  
8 *authorize the payment by the State of any costs and expenses*  
9 *related to the residential confinement and active electronic*  
10 *monitoring of an offender who is placed in the program.*

11 *3. Except as otherwise provided in subsection 5, and in*  
12 *accordance with the program established by the Director pursuant*  
13 *to subsection 1, the Director may assign an offender to the custody*  
14 *of the Division of Parole and Probation of the Department of*  
15 *Public Safety to serve a term of residential confinement pursuant*  
16 *to NRS 213.380 if the offender:*

17 *(a) Has been granted parole by the State Board of Parole*  
18 *Commissioners pursuant to NRS 213.1099 or 213.1215;*

19 *(b) Does not have a consecutive sentence to serve;*

20 *(c) Is not under another jurisdiction's order to be detained;*  
21 *and*

22 *(d) Is not yet eligible for release on parole.*

23 *4. If the Director intends to assign an offender to the custody*  
24 *of the Division of Parole and Probation pursuant to this section,*  
25 *the Director shall notify:*

26 *(a) The Division of Parole and Probation; and*

27 *(b) In accordance with the provisions of NRS 209.521, every*  
28 *victim of the offender who has requested notification of the release*  
29 *of the offender.*

30 *5. The Director shall not assign an offender to the custody of*  
31 *the Division of Parole and Probation pursuant to this section until*  
32 *the Division has approved the offender's proposed plan for*  
33 *placement upon release in accordance with subsection 2 of*  
34 *NRS 213.140.*



1 6. Before an offender may be assigned to the custody of the  
2 Division of Parole and Probation to serve a term of residential  
3 confinement pursuant to this section, he or she must submit to the  
4 Division a signed document stating that:

5 (a) He or she will comply with the terms or conditions of the  
6 residential confinement; and

7 (b) If he or she fails to comply with the terms or conditions of  
8 the residential confinement and is taken into custody outside of  
9 this State, he or she waives all rights relating to extradition  
10 proceedings.

11 7. If an offender assigned to the custody of the Division of  
12 Parole and Probation pursuant to this section escapes or violates  
13 any of the terms or conditions of his or her residential  
14 confinement or other appropriate supervision as determined by the  
15 Division:

16 (a) The Division of Parole and Probation may, pursuant  
17 to the procedure set forth in NRS 213.410, return the offender to  
18 the custody of the Department. If the offender is returned to the  
19 custody of the Department, the Division shall provide to the  
20 Department a copy of the allegations and findings made pursuant  
21 to NRS 213.410 within 1 business day after the return of the  
22 offender to the custody of the Department.

23 (b) The offender forfeits all or part of the credits for good  
24 behavior earned by the offender before the escape or violation, as  
25 determined by the Director. The Director may provide for a  
26 forfeiture of credits pursuant to this paragraph only after proof of  
27 the offense and notice to the offender and may restore credits  
28 forfeited for such reasons as the Director considers proper. The  
29 decision of the Director regarding such a forfeiture is final.

30 8. The assignment of an offender to the custody of the  
31 Division of Parole and Probation pursuant to this section shall be  
32 deemed:

33 (a) A continuation of the offender's imprisonment and not a  
34 release on parole; and

35 (b) For the purposes of NRS 209.341, an assignment to a  
36 facility of the Department,

37 ↪ except that the offender is not entitled to obtain any benefits or  
38 to participate in any programs provided to offenders in the custody  
39 of the Department.

40 9. An offender does not have a right to be assigned to the  
41 custody of the Division of Parole and Probation pursuant to this  
42 section, or to remain in that custody after such an assignment, and  
43 it is not intended that the provisions of this section or of NRS  
44 213.371 to 213.410, inclusive, create any right or interest in liberty  
45 or property or establish a basis for any cause of action against the



1 *State, its political subdivisions, agencies, boards, commissions,*  
2 *departments, officers or employees.*

3 *10. The Division of Parole and Probation may receive and*  
4 *distribute restitution paid by an offender assigned to the custody of*  
5 *the Division pursuant to this section.*

6 **Sec. 2.** NRS 209.241 is hereby amended to read as follows:

7 209.241 1. The Director may accept money, including the net  
8 amount of any wages earned during the incarceration of an offender  
9 after any deductions made by the Director and valuables belonging  
10 to an offender at the time of his or her incarceration or afterward  
11 received by gift, inheritance or the like or earned during the  
12 incarceration of an offender, and shall deposit the money in the  
13 Prisoners' Personal Property Fund, which is hereby created as a trust  
14 fund.

15 2. An offender shall deposit all money that the offender  
16 receives into his or her individual account in the Prisoners' Personal  
17 Property Fund.

18 3. The Director:

19 (a) Shall keep, or cause to be kept, a full and accurate account of  
20 the money and valuables, and shall submit reports to the Board  
21 relating to the money and valuables as may be required from time to  
22 time.

23 (b) May permit withdrawals for immediate expenditure by an  
24 offender for personal needs.

25 (c) May permit the distribution of money to a governmental  
26 entity for any applicable deduction authorized pursuant to NRS  
27 209.247 or any other deduction authorized by law from any money  
28 deposited in the individual account of an offender from any source  
29 other than the offender's wages.

30 (d) Shall pay over to each offender upon his or her release any  
31 remaining balance in his or her individual account.

32 4. The interest and income earned on the money in the  
33 Prisoners' Personal Property Fund, after deducting any applicable  
34 bank charges, must be credited each calendar quarter as follows:

35 (a) If an offender's share of the cost of administering the  
36 Prisoners' Personal Property Fund for the quarter is less than the  
37 amount of interest and income earned by the offender, the Director  
38 shall credit the individual account of the offender with an amount  
39 equal to the difference between the amount of interest and income  
40 earned by the offender and the offender's share of the cost of  
41 administering the Prisoners' Personal Property Fund.

42 (b) If an offender's share of the cost of administering the  
43 Prisoners' Personal Property Fund for the quarter is equal to or  
44 greater than the amount of interest and income earned by the



1 offender, the Director shall credit the interest and income to the  
2 Offenders' Store Fund.

3 5. An offender who does not deposit all money that the  
4 offender receives into his or her individual account in the Prisoners'  
5 Personal Property Fund as required in this section is guilty of a  
6 gross misdemeanor.

7 6. A person who aids or encourages an offender not to deposit  
8 all money the offender receives into the individual account of the  
9 offender in the Prisoners' Personal Property Fund as required in this  
10 section is guilty of a gross misdemeanor.

11 7. The Director may exempt an offender from the provisions of  
12 this section if the offender is:

13 (a) Confined in an institution outside this State pursuant to  
14 chapter 215A of NRS; or

15 (b) Assigned to the custody of the Division of Parole and  
16 Probation of the Department of Public Safety to:

17 (1) Serve a term of residential confinement pursuant to NRS  
18 209.392, 209.3925 or 209.429 ~~†~~ *or section 1 of this act*; or

19 (2) Participate in a correctional program for reentry into the  
20 community pursuant to NRS 209.4887.

21 **Sec. 3.** NRS 209.392 is hereby amended to read as follows:

22 209.392 1. Except as otherwise provided in NRS 209.3925  
23 and 209.429 ~~†~~ *and section 1 of this act*, the Director may, at the  
24 request of an offender who is eligible for residential confinement  
25 pursuant to the standards adopted by the Director pursuant to  
26 subsection 3 and who has:

27 (a) Demonstrated a willingness and ability to establish a position  
28 of employment in the community;

29 (b) Demonstrated a willingness and ability to enroll in a  
30 program for education or rehabilitation; or

31 (c) Demonstrated an ability to pay for all or part of the costs of  
32 the offender's confinement and to meet any existing obligation for  
33 restitution to any victim of his or her crime,

34 ➔ assign the offender to the custody of the Division of Parole and  
35 Probation of the Department of Public Safety to serve a term of  
36 residential confinement, pursuant to NRS 213.380, for not longer  
37 than the remainder of his or her sentence.

38 2. Upon receiving a request to serve a term of residential  
39 confinement from an eligible offender, the Director shall notify the  
40 Division of Parole and Probation. Except as otherwise provided in  
41 NRS 213.10915, if any victim of a crime committed by the offender  
42 has, pursuant to subsection 4 of NRS 213.131, requested to be  
43 notified of the consideration of a prisoner for parole and has  
44 provided a current address, the Division of Parole and Probation  
45 shall notify the victim of the offender's request and advise the



1 victim that the victim may submit documents regarding the request  
2 to the Division of Parole and Probation. If a current address has not  
3 been provided as required by subsection 4 of NRS 213.131, the  
4 Division of Parole and Probation must not be held responsible if  
5 such notification is not received by the victim. All personal  
6 information, including, but not limited to, a current or former  
7 address, which pertains to a victim and which is received by the  
8 Division of Parole and Probation pursuant to this subsection is  
9 confidential.

10 3. The Director, after consulting with the Division of Parole  
11 and Probation, shall adopt, by regulation, standards providing which  
12 offenders are eligible for residential confinement. The standards  
13 adopted by the Director must provide that an offender who:

14 (a) Has recently committed a serious infraction of the rules of an  
15 institution or facility of the Department;

16 (b) Has not performed the duties assigned to the offender in a  
17 faithful and orderly manner;

18 (c) Has been convicted of:

19 (1) Any crime that is punishable as a felony involving the use  
20 or threatened use of force or violence against the victim within the  
21 immediately preceding 3 years;

22 (2) A sexual offense that is punishable as a felony; or

23 (3) Except as otherwise provided in subsection 4, a category  
24 A or B felony;

25 (d) Has more than one prior conviction for any felony in this  
26 State or any offense in another state that would be a felony if  
27 committed in this State, not including a violation of NRS 484C.110,  
28 484C.120, 484C.130, 484C.430, 488.420, 488.425 or 488.427; or

29 (e) Has escaped or attempted to escape from any jail or  
30 correctional institution for adults,

31 ➤ is not eligible for assignment to the custody of the Division of  
32 Parole and Probation to serve a term of residential confinement  
33 pursuant to this section.

34 4. The standards adopted by the Director pursuant to  
35 subsection 3 must provide that an offender who has been convicted  
36 of a category B felony is eligible for assignment to the custody of  
37 the Division of Parole and Probation to serve a term of residential  
38 confinement pursuant to this section if:

39 (a) The offender is not otherwise ineligible pursuant to  
40 subsection 3 for an assignment to serve a term of residential  
41 confinement; and

42 (b) The Director makes a written finding that such an  
43 assignment of the offender is not likely to pose a threat to the safety  
44 of the public.



1 5. If an offender assigned to the custody of the Division of  
2 Parole and Probation pursuant to this section escapes or violates any  
3 of the terms or conditions of the offender's residential confinement:

4 (a) The Division of Parole and Probation may, pursuant to the  
5 procedure set forth in NRS 213.410, return the offender to the  
6 custody of the Department.

7 (b) The offender forfeits all or part of the credits for good  
8 behavior earned by the offender before the escape or violation, as  
9 determined by the Director. The Director may provide for a  
10 forfeiture of credits pursuant to this paragraph only after proof of the  
11 offense and notice to the offender and may restore credits forfeited  
12 for such reasons as the Director considers proper. The decision of  
13 the Director regarding such a forfeiture is final.

14 6. The assignment of an offender to the custody of the Division  
15 of Parole and Probation pursuant to this section shall be deemed:

16 (a) A continuation of the offender's imprisonment and not a  
17 release on parole; and

18 (b) For the purposes of NRS 209.341, an assignment to a facility  
19 of the Department,

20 ↪ except that the offender is not entitled to obtain any benefits or to  
21 participate in any programs provided to offenders in the custody of  
22 the Department.

23 7. An offender does not have a right to be assigned to the  
24 custody of the Division of Parole and Probation pursuant to this  
25 section, or to remain in that custody after such an assignment, and it  
26 is not intended that the provisions of this section or of NRS 213.371  
27 to 213.410, inclusive, create any right or interest in liberty or  
28 property or establish a basis for any cause of action against the  
29 State, its political subdivisions, agencies, boards, commissions,  
30 departments, officers or employees.

31 8. The Division of Parole and Probation may receive and  
32 distribute restitution paid by an offender assigned to the custody of  
33 the Division of Parole and Probation pursuant to this section.

34 **Sec. 4.** NRS 211.140 is hereby amended to read as follows:

35 211.140 1. The sheriff of each county has charge and control  
36 over all prisoners committed to his or her care in the respective  
37 county jails, and the chiefs of police and town marshals in the  
38 several cities and towns throughout this State have charge and  
39 control over all prisoners committed to their respective city and  
40 town jails and detention facilities.

41 2. A court shall not, at the request of any prisoner in a county,  
42 city or town jail, issue an order which affects the conditions of  
43 confinement of the prisoner unless, except as otherwise provided in  
44 this subsection, the court provides the sheriff, chief of police or  
45 town marshal having control over the prisoner with:



1 (a) Sufficient prior notice of the court's intention to enter the  
2 order. Notice by the court is not necessary if the prisoner has filed  
3 an action with the court challenging his or her conditions of  
4 confinement and has served a copy of the action on the sheriff, chief  
5 of police or town marshal.

6 (b) An opportunity to be heard on the issue.

7 ➤ As used in this subsection, "conditions of confinement" includes,  
8 but is not limited to, a prisoner's access to the law library, privileges  
9 regarding visitation and the use of the telephone, the type of meals  
10 provided to the prisoner and the provision of medical care in  
11 situations which are not emergencies.

12 3. The sheriffs, chiefs of police and town marshals shall see  
13 that the prisoners under their care are kept at labor for reasonable  
14 amounts of time within the jail or detention facility, on public works  
15 in the county, city or town, or as part of a program of release for  
16 work established pursuant to NRS 211.120 or 211.171 to 211.200,  
17 inclusive.

18 4. The sheriff, chief of police or town marshal shall arrange for  
19 the administration of medical care required by prisoners while in his  
20 or her custody. The county, city or town shall pay the cost of  
21 appropriate medical:

22 (a) Treatment provided to a prisoner while in custody for  
23 injuries incurred by a prisoner while the prisoner is in custody and  
24 for injuries incurred during the prisoner's arrest for commission of a  
25 public offense if the prisoner is not convicted of that offense;

26 (b) Treatment provided to a prisoner while in custody for any  
27 infectious, contagious or communicable disease which the prisoner  
28 contracts while the prisoner is in custody; and

29 (c) Examinations required by law or by court order conducted  
30 while the prisoner is in custody unless the order otherwise provides.

31 5. A prisoner shall pay the cost of medical treatment for:

32 (a) Injuries incurred by the prisoner during his or her  
33 commission of a public offense or for injuries incurred during his or  
34 her arrest for commission of a public offense if the prisoner is  
35 convicted of that offense;

36 (b) Injuries or illnesses which existed before the prisoner was  
37 taken into custody;

38 (c) Self-inflicted injuries; and

39 (d) Except treatment provided pursuant to subsection 4, any  
40 other injury or illness incurred by the prisoner.

41 6. A medical facility furnishing treatment pursuant to  
42 subsection 5 shall attempt to collect the cost of the treatment from  
43 the prisoner or the prisoner's insurance carrier. If the facility is  
44 unable to collect the cost and certifies to the appropriate board of  
45 county commissioners that it is unable to collect the cost of the





1 medical treatment, the board of county commissioners shall pay the  
2 cost of the medical treatment.

3 7. A sheriff, chief of police or town marshal who arranges for  
4 the administration of medical care pursuant to this section may  
5 attempt to collect from the prisoner or the insurance carrier of the  
6 prisoner the cost of arranging for the administration of medical care  
7 including the cost of any transportation of the prisoner for the  
8 purpose of medical care. The prisoner shall obey the requests of, and  
9 fully cooperate with the sheriff, chief of police or town marshal in  
10 collecting the costs from the prisoner or the prisoner's insurance  
11 carrier.

12 *8. In a county whose population is 700,000 or more, a sheriff,*  
13 *chief of police or town marshal shall arrange for, and the*  
14 *Department of Health and Human Services and the various*  
15 *divisions thereof shall provide, for the purpose of maintaining*  
16 *continuity of care, coordination and oversight of the care for*  
17 *mental health and substance abuse treatment provided to a*  
18 *prisoner by:*

19 (a) *All providers of such care in the county, city or town jail or*  
20 *detention facility while the prisoner is in custody; and*

21 (b) *All providers of such care after the prisoner is released*  
22 *from custody.*

23 *↳ Each such sheriff, or his or her representative, and the Director*  
24 *of the Department of Health and Human Services, or his or her*  
25 *representative, shall, at each meeting of the Legislative Committee*  
26 *on Health Care, appear before the Committee to report on the*  
27 *coordination and oversight provided pursuant to this subsection.*

28 **Sec. 5.** NRS 213.10915 is hereby amended to read as follows:

29 213.10915 1. The Board, in consultation with the Division,  
30 may enter into an agreement with the manager of an automated  
31 victim notification system to notify victims of the information  
32 described in NRS 209.392 and 209.3925 *and section 1 of this act*  
33 and subsections 4 and 7 of NRS 213.131 through the system if the  
34 system is capable of:

35 (a) Automatically notifying by telephone or electronic means a  
36 victim registered with the system of the information described in  
37 NRS 209.392 and 209.3925 *and section 1 of this act* and  
38 subsections 4 and 7 of NRS 213.131 with the timeliness required by  
39 NRS 209.392 and 209.3925 *and section 1 of this act* and  
40 subsections 4 and 7 of NRS 213.131; and

41 (b) Notifying victims registered with the system, using language  
42 provided by the Board, if the Board decides that it will discontinue  
43 the use of the system to notify victims of the information described  
44 in NRS 209.392 and 209.3925 *and section 1 of this act* and  
45 subsections 4 and 7 of NRS 213.131. The notice must:



1 (1) Be provided to each victim registered with the system not  
2 less than 90 days before the date on which the Board will  
3 discontinue use of the system; and

4 (2) Advise each victim to submit a written request for  
5 notification pursuant to subsection 4 of NRS 213.131 if the victim  
6 wishes to receive notice of the information described in NRS  
7 209.392 and 209.3925 *and section 1 of this act* and subsections 4  
8 and 7 of NRS 213.131.

9 2. The Division is not required to notify the victim of an  
10 offender of the information described in NRS 209.392 and 209.3925  
11 *and section 1 of this act* and the Board is not required to notify the  
12 victim of a prisoner of the information described in subsections 4  
13 and 7 of NRS 213.131 if:

14 (a) The Board has entered into an agreement pursuant to  
15 subsection 1; and

16 (b) Before discontinuing the notification of victims pursuant to  
17 NRS 209.392 and 209.3925 *and section 1 of this act* and  
18 subsections 4 and 7 of NRS 213.131, the Board, not less than two  
19 times and not less than 60 days apart, has notified each victim who  
20 has requested notification pursuant to subsection 4 of NRS 213.131  
21 and who has provided his or her current address or whose current  
22 address is otherwise known by the Board of the change in the  
23 manner in which a victim is notified of the information described in  
24 NRS 209.392 and 209.3925 *and section 1 of this act* and  
25 subsections 4 and 7 of NRS 213.131. The notice must:

26 (1) Advise the victim that the Division will no longer notify  
27 the victim of the information described in NRS 209.392 and  
28 209.3925 ~~H~~ *and section 1 of this act*, that the Board will no longer  
29 notify the victim of the information described in subsections 4 and 7  
30 of NRS 213.131, and that the victim may register with the  
31 automated victim notification system if he or she wishes to be  
32 notified of the information described in NRS 209.392 and 209.3925  
33 *and section 1 of this act* and subsections 4 and 7 of NRS 213.131;  
34 and

35 (2) Include instructions for registering with the automated  
36 victim notification system to receive notice of the information  
37 described in NRS 209.392 and 209.3925 *and section 1 of this act*  
38 and subsections 4 and 7 of NRS 213.131.

39 3. For the purposes of this section, “victim” has the meaning  
40 ascribed to it in NRS 213.005.

41 **Sec. 6.** NRS 213.371 is hereby amended to read as follows:

42 213.371 As used in NRS 213.371 to 213.410, inclusive, unless  
43 the context otherwise requires:

44 1. “Division” means the Division of Parole and Probation of  
45 the Department of Public Safety.



1 2. "Offender" means a prisoner assigned to the custody of the  
2 Division pursuant to NRS 209.392, 209.3925 or 209.429 **H or**  
3 **section 1 of this act.**

4 3. "Residential confinement" means the confinement of an  
5 offender to his or her place of residence under the terms and  
6 conditions established by the Division.

7 **Sec. 7.** NRS 213.380 is hereby amended to read as follows:

8 213.380 1. The Division shall establish procedures for the  
9 residential confinement of offenders.

10 2. The Division may establish, and at any time modify, the  
11 terms and conditions of the residential confinement, except that the  
12 Division shall:

13 (a) Require the offender to participate in regular sessions of  
14 education, counseling and any other necessary or desirable treatment  
15 in the community, unless the offender is assigned to the custody of  
16 the Division pursuant to NRS 209.3925 **H or section 1 of this act;**

17 (b) Require the offender to be confined to his or her residence  
18 during the time the offender is not:

19 (1) Engaged in employment or an activity listed in paragraph  
20 (a) that is authorized by the Division;

21 (2) Receiving medical treatment that is authorized by the  
22 Division; or

23 (3) Engaged in any other activity that is authorized by the  
24 Division; and

25 (c) Require intensive supervision of the offender, including  
26 unannounced visits to his or her residence or other locations where  
27 the offender is expected to be in order to determine whether the  
28 offender is complying with the terms and conditions of his or her  
29 confinement.

30 3. An electronic device approved by the Division may be used  
31 to supervise an offender. The device may be capable of using the  
32 Global Positioning System, but must be minimally intrusive and  
33 limited in capability to recording or transmitting information  
34 concerning the offender's location, including, but not limited to, the  
35 transmission of still visual images which do not concern the  
36 offender's activities, and producing, upon request, reports or records  
37 of the offender's presence near or within a crime scene or prohibited  
38 area or his or her departure from a specified geographic location. A  
39 device which is capable of recording or transmitting:

40 (a) Oral or wire communications or any auditory sound; or

41 (b) Information concerning the offender's activities,

42 ↪ must not be used.



1     **Sec. 8.** NRS 178.5698 is hereby amended to read as follows:

2     178.5698 1. The prosecuting attorney, sheriff or chief of  
3 police shall, upon the request of a victim or witness, inform the  
4 victim or witness:

5     (a) When the defendant is released from custody at any time  
6 before or during the trial, including, without limitation, when the  
7 defendant is released pending trial or subject to electronic  
8 supervision;

9     (b) If the defendant is so released, the amount of bail required, if  
10 any; and

11     (c) Of the final disposition of the criminal case in which the  
12 victim or witness was directly involved.

13     2. A request for information pursuant to subsection 1 must be  
14 made:

15     (a) In writing; or

16     (b) By telephone through an automated or computerized system  
17 of notification, if such a system is available.

18     3. If an offender is convicted of a sexual offense or an offense  
19 involving the use or threatened use of force or violence against the  
20 victim, the court shall provide:

21     (a) To each witness, documentation that includes:

22         (1) A form advising the witness of the right to be notified  
23 pursuant to subsection 5;

24         (2) The form that the witness must use to request notification  
25 in writing; and

26         (3) The form or procedure that the witness must use to  
27 provide a change of address after a request for notification has been  
28 submitted.

29     (b) To each person listed in subsection 4, documentation that  
30 includes:

31         (1) A form advising the person of the right to be notified  
32 pursuant to subsection 5 or 6 and NRS 176.015, 176A.630,  
33 178.4715, 209.392, 209.3925, 209.521, 213.010, 213.040, 213.095  
34 and 213.131 *and section 1 of this act* or NRS 213.10915;

35         (2) The forms that the person must use to request  
36 notification; and

37         (3) The forms or procedures that the person must use to  
38 provide a change of address after a request for notification has been  
39 submitted.

40     4. The following persons are entitled to receive documentation  
41 pursuant to paragraph (b) of subsection 3:

42         (a) A person against whom the offense is committed.

43         (b) A person who is injured as a direct result of the commission  
44 of the offense.



\* A B 4 2 1 R 1 \*

1 (c) If a person listed in paragraph (a) or (b) is under the age of  
2 18 years, each parent or guardian who is not the offender.

3 (d) Each surviving spouse, parent and child of a person who is  
4 killed as a direct result of the commission of the offense.

5 (e) A relative of a person listed in paragraphs (a) to (d),  
6 inclusive, if the relative requests in writing to be provided with the  
7 documentation.

8 5. Except as otherwise provided in subsection 6, if the offense  
9 was a felony and the offender is imprisoned, the warden of the  
10 prison shall, if the victim or witness so requests in writing and  
11 provides a current address, notify the victim or witness at that  
12 address when the offender is released from the prison.

13 6. If the offender was convicted of a violation of subsection 3  
14 of NRS 200.366 or a violation of subsection 1, paragraph (a) of  
15 subsection 2 or subparagraph (2) of paragraph (b) of subsection 2 of  
16 NRS 200.508, the warden of the prison shall notify:

17 (a) The immediate family of the victim if the immediate family  
18 provides their current address;

19 (b) Any member of the victim's family related within the third  
20 degree of consanguinity, if the member of the victim's family so  
21 requests in writing and provides a current address; and

22 (c) The victim, if the victim will be 18 years of age or older at  
23 the time of the release and has provided a current address,  
24 → before the offender is released from prison.

25 7. The warden must not be held responsible for any injury  
26 proximately caused by the failure to give any notice required  
27 pursuant to this section if no address was provided to the warden or  
28 if the address provided is inaccurate or not current.

29 8. As used in this section:

30 (a) "Immediate family" means any adult relative of the victim  
31 living in the victim's household.

32 (b) "Sexual offense" means:

33 (1) Sexual assault pursuant to NRS 200.366;

34 (2) Statutory sexual seduction pursuant to NRS 200.368;

35 (3) Battery with intent to commit sexual assault pursuant to  
36 NRS 200.400;

37 (4) An offense involving pornography and a minor pursuant  
38 to NRS 200.710 to 200.730, inclusive;

39 (5) Incest pursuant to NRS 201.180;

40 (6) Open or gross lewdness pursuant to NRS 201.210;

41 (7) Indecent or obscene exposure pursuant to NRS 201.220;

42 (8) Lewdness with a child pursuant to NRS 201.230;

43 (9) Sexual penetration of a dead human body pursuant to  
44 NRS 201.450;



1 (10) Sexual conduct between certain employees of a school  
2 or volunteers at a school and a pupil pursuant to NRS 201.540;

3 (11) Sexual conduct between certain employees of a college  
4 or university and a student pursuant to NRS 201.550;

5 (12) Luring a child or a person with mental illness pursuant  
6 to NRS 201.560, if punished as a felony;

7 (13) An offense that, pursuant to a specific statute, is  
8 determined to be sexually motivated; or

9 (14) An attempt to commit an offense listed in this  
10 paragraph.

11 **Sec. 9.** NRS 239.010 is hereby amended to read as follows:

12 239.010 1. Except as otherwise provided in this section and  
13 NRS 1.4683, 1.4687, 1A.110, 41.071, 49.095, 62D.420, 62D.440,  
14 62E.516, 62E.620, 62H.025, 62H.030, 62H.170, 62H.220, 62H.320,  
15 75A.100, 75A.150, 76.160, 78.152, 80.113, 81.850, 82.183, 86.246,  
16 86.54615, 87.515, 87.5413, 87A.200, 87A.580, 87A.640, 88.3355,  
17 88.5927, 88.6067, 88A.345, 88A.7345, 89.045, 89.251, 90.730,  
18 91.160, 116.757, 116A.270, 116B.880, 118B.026, 119.260,  
19 119.265, 119.267, 119.280, 119A.280, 119A.653, 119B.370,  
20 119B.382, 120A.690, 125.130, 125B.140, 126.141, 126.161,  
21 126.163, 126.730, 127.007, 127.057, 127.130, 127.140, 127.2817,  
22 130.312, 130.712, 136.050, 159.044, 172.075, 172.245, 176.015,  
23 176.0625, 176.09129, 176.156, 176A.630, 178.39801, 178.4715,  
24 178.5691, 179.495, 179A.070, 179A.165, 179A.450, 179D.160,  
25 200.3771, 200.3772, 200.5095, 200.604, 202.3662, 205.4651,  
26 209.392, 209.3925, 209.419, 209.521, 211A.140, 213.010, 213.040,  
27 213.095, 213.131, 217.105, 217.110, 217.464, 217.475, 218A.350,  
28 218E.625, 218F.150, 218G.130, 218G.240, 218G.350, 228.270,  
29 228.450, 228.495, 228.570, 231.069, 231.1473, 233.190, 237.300,  
30 239.0105, 239.0113, 239B.030, 239B.040, 239B.050, 239C.140,  
31 239C.210, 239C.230, 239C.250, 239C.270, 240.007, 241.020,  
32 241.030, 241.039, 242.105, 244.264, 244.335, 250.087, 250.130,  
33 250.140, 250.150, 268.095, 268.490, 268.910, 271A.105, 281.195,  
34 281A.350, 281A.440, 281A.550, 284.4068, 286.110, 287.0438,  
35 289.025, 289.080, 289.387, 289.830, 293.5002, 293.503, 293.558,  
36 293B.135, 293D.510, 331.110, 332.061, 332.351, 333.333, 333.335,  
37 338.070, 338.1379, 338.16925, 338.1725, 338.1727, 348.420,  
38 349.597, 349.775, 353.205, 353A.049, 353A.085, 353A.100,  
39 353C.240, 360.240, 360.247, 360.255, 360.755, 361.044, 361.610,  
40 365.138, 366.160, 368A.180, 372A.080, 378.290, 378.300, 379.008,  
41 385A.830, 385B.100, 387.626, 387.631, 388.1455, 388.259,  
42 388.501, 388.503, 388.513, 388.750, 391.035, 392.029, 392.147,  
43 392.264, 392.271, 392.850, 394.167, 394.1698, 394.447, 394.460,  
44 394.465, 396.3295, 396.405, 396.525, 396.535, 398.403, 408.3885,  
45 408.3886, 408.3888, 408.5484, 412.153, 416.070, 422.2749,



1 422.305, 422A.342, 422A.350, 425.400, 427A.1236, 427A.872,  
2 432.205, 432B.175, 432B.280, 432B.290, 432B.407, 432B.430,  
3 432B.560, 433.534, 433A.360, 439.840, 439B.420, 440.170,  
4 441A.195, 441A.220, 441A.230, 442.330, 442.395, 445A.665,  
5 445B.570, 449.209, 449.245, 449.720, 450.140, 453.164, 453.720,  
6 453A.610, 453A.700, 458.055, 458.280, 459.050, 459.3866,  
7 459.555, 459.7056, 459.846, 463.120, 463.15993, 463.240,  
8 463.3403, 463.3407, 463.790, 467.1005, 480.365, 481.063, 482.170,  
9 482.5536, 483.340, 483.363, 483.575, 483.659, 483.800, 484E.070,  
10 485.316, 503.452, 522.040, 534A.031, 561.285, 571.160, 584.655,  
11 587.877, 598.0964, 598.098, 598A.110, 599B.090, 603.070,  
12 603A.210, 604A.710, 612.265, 616B.012, 616B.015, 616B.315,  
13 616B.350, 618.341, 618.425, 622.310, 623.131, 623A.137, 624.110,  
14 624.265, 624.327, 625.425, 625A.185, 628.418, 628B.230,  
15 628B.760, 629.047, 629.069, 630.133, 630.30665, 630.336,  
16 630A.555, 631.368, 632.121, 632.125, 632.405, 633.283, 633.301,  
17 633.524, 634.055, 634.214, 634A.185, 635.158, 636.107, 637.085,  
18 637B.288, 638.087, 638.089, 639.2485, 639.570, 640.075,  
19 640A.220, 640B.730, 640C.400, 640C.745, 640C.760, 640D.190,  
20 640E.340, 641.090, 641A.191, 641B.170, 641C.760, 642.524,  
21 643.189, 644.446, 645.180, 645.625, 645A.050, 645A.082,  
22 645B.060, 645B.092, 645C.220, 645C.225, 645D.130, 645D.135,  
23 645E.300, 645E.375, 645G.510, 645H.320, 645H.330, 647.0945,  
24 647.0947, 648.033, 648.197, 649.065, 649.067, 652.228, 654.110,  
25 656.105, 661.115, 665.130, 665.133, 669.275, 669.285, 669A.310,  
26 671.170, 673.430, 675.380, 676A.340, 676A.370, 677.243,  
27 679B.122, 679B.152, 679B.159, 679B.190, 679B.285, 679B.690,  
28 680A.270, 681A.440, 681B.260, 681B.410, 681B.540, 683A.0873,  
29 685A.077, 686A.289, 686B.170, 686C.306, 687A.110, 687A.115,  
30 687C.010, 688C.230, 688C.480, 688C.490, 692A.117, 692C.190,  
31 692C.3536, 692C.3538, 692C.354, 692C.420, 693A.480, 693A.615,  
32 696B.550, 703.196, 704B.320, 704B.325, 706.1725, 706A.230,  
33 710.159, 711.600, *and section 1 of this act*, sections 35, 38 and 41  
34 of chapter 478, Statutes of Nevada 2011 and section 2 of chapter  
35 391, Statutes of Nevada 2013 and unless otherwise declared by law  
36 to be confidential, all public books and public records of a  
37 governmental entity must be open at all times during office hours to  
38 inspection by any person, and may be fully copied or an abstract or  
39 memorandum may be prepared from those public books and public  
40 records. Any such copies, abstracts or memoranda may be used to  
41 supply the general public with copies, abstracts or memoranda of the  
42 records or may be used in any other way to the advantage of the  
43 governmental entity or of the general public. This section does not  
44 supersede or in any manner affect the federal laws governing  
45 copyrights or enlarge, diminish or affect in any other manner the



1 rights of a person in any written book or record which is  
2 copyrighted pursuant to federal law.

3 2. A governmental entity may not reject a book or record  
4 which is copyrighted solely because it is copyrighted.

5 3. A governmental entity that has legal custody or control of a  
6 public book or record shall not deny a request made pursuant to  
7 subsection 1 to inspect or copy or receive a copy of a public book or  
8 record on the basis that the requested public book or record contains  
9 information that is confidential if the governmental entity can  
10 redact, delete, conceal or separate the confidential information from  
11 the information included in the public book or record that is not  
12 otherwise confidential.

13 4. A person may request a copy of a public record in any  
14 medium in which the public record is readily available. An officer,  
15 employee or agent of a governmental entity who has legal custody  
16 or control of a public record:

17 (a) Shall not refuse to provide a copy of that public record in a  
18 readily available medium because the officer, employee or agent has  
19 already prepared or would prefer to provide the copy in a different  
20 medium.

21 (b) Except as otherwise provided in NRS 239.030, shall, upon  
22 request, prepare the copy of the public record and shall not require  
23 the person who has requested the copy to prepare the copy himself  
24 or herself.

25 **Sec. 10.** This act becomes effective on July 1, 2017.

