

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; 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 Existing law imposes upon sheriffs, chiefs of police and town marshals certain
2 duties relating to the control and care of prisoners in their custody. (NRS 211.140)
3 This bill requires, in a county whose population is 700,000 or more (currently Clark
4 County), a sheriff, chief of police or town marshal to arrange for, and the
5 Department of Health and Human Services to provide, for the purpose of
6 maintaining continuity of care, coordination and oversight of certain care provided
7 to a prisoner while the prisoner is in custody and after the prisoner is released from
8 custody. This bill also requires each such sheriff and the Director of the Department
9 to report to the Legislative Committee on Health Care regarding such coordination
10 and oversight.

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

- 1 **Section 1.** (Deleted by amendment.)
- 2 **Sec. 2.** (Deleted by amendment.)
- 3 **Sec. 3.** (Deleted by amendment.)
- 4 **Sec. 4.** NRS 211.140 is hereby amended to read as follows:
- 5 211.140 1. The sheriff of each county has charge and control
- 6 over all prisoners committed to his or her care in the respective



1 county jails, and the chiefs of police and town marshals in the
2 several cities and towns throughout this State have charge and
3 control over all prisoners committed to their respective city and
4 town jails and detention facilities.

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

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

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

16 ➔ As used in this subsection, "conditions of confinement" includes,
17 but is not limited to, a prisoner's access to the law library, privileges
18 regarding visitation and the use of the telephone, the type of meals
19 provided to the prisoner and the provision of medical care in
20 situations which are not emergencies.

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

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

31 (a) Treatment provided to a prisoner while in custody for
32 injuries incurred by a prisoner while the prisoner is in custody and
33 for injuries incurred during the prisoner's arrest for commission of a
34 public offense if the prisoner is not convicted of that offense;

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

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

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

41 (a) Injuries incurred by the prisoner during his or her
42 commission of a public offense or for injuries incurred during his or
43 her arrest for commission of a public offense if the prisoner is
44 convicted of that offense;



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

3 (c) Self-inflicted injuries; and

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

6 6. A medical facility furnishing treatment pursuant to
7 subsection 5 shall attempt to collect the cost of the treatment from
8 the prisoner or the prisoner's insurance carrier. If the facility is
9 unable to collect the cost and certifies to the appropriate board of
10 county commissioners that it is unable to collect the cost of the
11 medical treatment, the board of county commissioners shall pay the
12 cost of the medical treatment.

13 7. A sheriff, chief of police or town marshal who arranges for
14 the administration of medical care pursuant to this section may
15 attempt to collect from the prisoner or the insurance carrier of the
16 prisoner the cost of arranging for the administration of medical care
17 including the cost of any transportation of the prisoner for the
18 purpose of medical care. The prisoner shall obey the requests of, and
19 fully cooperate with the sheriff, chief of police or town marshal in
20 collecting the costs from the prisoner or the prisoner's insurance
21 carrier.

22 ***8. In a county whose population is 700,000 or more, a sheriff,
23 chief of police or town marshal shall arrange for, and the
24 Department of Health and Human Services and the various
25 divisions thereof shall provide, for the purpose of maintaining
26 continuity of care, coordination and oversight of the care for
27 mental health and substance abuse treatment provided to a
28 prisoner by:***

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

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

33 ***↪ Each such sheriff, or his or her representative, and the Director
34 of the Department of Health and Human Services, or his or her
35 representative, shall, at each meeting of the Legislative Committee
36 on Health Care, appear before the Committee to report on the
37 coordination and oversight provided pursuant to this subsection.***

38 **Sec. 5.** (Deleted by amendment.)

39 **Sec. 6.** (Deleted by amendment.)

40 **Sec. 7.** (Deleted by amendment.)

41 **Sec. 8.** (Deleted by amendment.)

42 **Sec. 9.** (Deleted by amendment.)

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

