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Specializing in Governmental Relations

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Amendment to Assembly Bill 303 proposed by Washoe County Sheriff's Office

Amend the bill as a whole by deleting existing language and inserting the following:

NRS 211.130 Prisoners deemed sentenced to labor; exceptions; establishment of program for prisoners to exchange labor for confinement.

1. Except as otherwise provided in subsection 2, all prisoners sentenced by the judge of any district court, ~~or by the~~ any justice of the peace of any justice's court, ~~or by any judge of a city's municipal court~~ and sentenced to a term of imprisonment in any county, city or town jail or detention facility shall be deemed to have been also sentenced to labor during such term, ~~unless the judge or justice of the peace sentencing the prisoner, for good cause, orders otherwise.~~

2. A board of county commissioners or the governing body of a city may authorize the sheriff or chief of police of the municipality to establish a program pursuant to NRS 211.171 to 211.200, inclusive, for the voluntary exchange by a prisoner sentenced to confinement in a jail or detention facility of 10 hours of labor on public works for 1 day of physical confinement, unless the sentencing court has otherwise ordered in a particular case or has restricted the prisoner's eligibility.

NRS 211.240 Early release of prisoners to relieve overcrowding.

1. The sheriff with respect to a county jail, or the officer in charge with respect to a city jail, may apply to the ~~presiding judge,~~ **chief district court judge**, or to the judges jointly if there is no ~~presiding~~ **chief district court** judge, for authority to release prisoners pursuant to the provisions of this section. ~~The duration of this authority if granted must not exceed 30 days.~~

~~2. At any time within the duration of an authority granted when the number of prisoners exceeds the number of beds available in the jail, the sheriff or other officer in charge may release the lesser of:~~

~~— (a) The number of prisoners eligible under this section; or~~

~~— (b) The difference between the number of prisoners and the number of beds.~~

~~3. A prisoner is eligible for release only if:~~

~~— (a) He is serving a sentence of fixed duration and has already served at least 90 percent of the sentence after deduction of any credit; and~~

~~— (b) His sentence would expire or he would otherwise be released within 5 days.~~

~~4. Among prisoners eligible, priority must be given to those whose expiration of sentence or other release is closest. **to an order entered by the chief district court judge.**~~

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ASSEMBLY JUDICIARY

DATE: 4/1/03 ROOM: 3138 EXHIBIT C

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