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Amendment to Senate Bill 317

Proposed by Washoe County Sheriff's Office and the 2nd Judicial District Court

May 2, 2003

Amend Chapter 211 of NRS as follows:

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 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.

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.

Amend NRS 211.240 by deleting the following language and adding a new section as follows:

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, or to the judges jointly if there is no presiding 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.

(New Section) The sheriff with respect to a county jail, if the general prisoner population of the county jail exceeds the maximum operational capacity for 7 consecutive days, shall certify in writing, by first class mail or personal delivery, to the administrative judge of the justice court, the chief district court judge, and in counties where no city jails exist, the administrative judge of the municipal courts, that a jail overcrowding emergency exists.

jnadeau associates, Inc.
May 1, 2003
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ASSEMBLY JUDICIARY

DATE: 5/2/03 ROOM: 3138 EXHIBIT D

SUBMITTED BY: Jim Nadeau

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Upon receipt of the notification, the chief district court or the judges jointly if there is no chief district court judge, shall issue an order from the court authorizing the sheriff to release prisoners pursuant to the order. The court order may not extend beyond thirty days without review by the court of issuance.

At the time the overcrowding emergency no longer exists, the sheriff shall certify that fact by first class mail or personal delivery to the previously notified judges.

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