
SENATE BILL NO. 264—SENATORS TIFFANY, CARE,
NEAL AND NOLAN

MARCH 12, 2003

Referred to Committee on Judiciary

SUMMARY—Makes various changes to provisions pertaining to
Department of Corrections. (BDR 16-1182)

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 the Department of Corrections; authorizing the
Director of the Department of Corrections to establish a
correctional program for the reentry of prisoners and
parolees into the community; allowing the Director to
assign certain offenders to serve a term of residential
confinement; authorizing the Director to order an offender
into residential confinement during the period the
offender is enrolled in a program of work release; making
various other changes to provisions pertaining to the
Department; and providing other matters properly relating
thereto.

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 the provisions set forth as sections 2, 3 and 4 of this act.
3 **Sec. 2.** *“Correctional program” means a program for reentry*
4 *of prisoners and parolees into the community that is established by*
5 *the Director pursuant to section 3 of this act.*
6 **Sec. 3.** *1. The Director may establish a correctional*
7 *program for reentry of offenders and parolees into the community*
8 *pursuant to this section.*
9 *2. If the Director establishes a correctional program pursuant*
10 *to this section, the Director shall:*



* S B 2 6 4 *

- 1 (a) Determine whether offenders should be assigned to the
- 2 custody of the Division to participate in a correctional program.
- 3 (b) Determine whether parolees who are referred by the
- 4 Chairman of the State Board of Parole Commissioners pursuant
- 5 to section 24 of this act should be ordered by the Board to
- 6 participate in a correctional program as a condition of their
- 7 parole.
- 8 (c) Supervise offenders and parolees participating in the
- 9 correctional program during their participation in the correctional
- 10 program.
- 11 3. An offender may not be assigned to the custody of the
- 12 Division to participate in a correctional program unless the
- 13 Director grants prior approval of the assignment pursuant to this
- 14 section.
- 15 4. Except as otherwise provided in section 24 of this act, a
- 16 parolee may not participate in a correctional program as a
- 17 condition of his parole unless the Director grants prior approval
- 18 for his participation pursuant to this section.
- 19 **Sec. 4. 1.** Except as otherwise provided in this section, if a
- 20 correctional program has been established by the Director in
- 21 the county in which an offender was sentenced to imprisonment,
- 22 the Director may, after consulting with the Division, approve the
- 23 offender to participate in the correctional program if:
- 24 (a) The Director believes that the offender would participate
- 25 successfully in and benefit from the correctional program;
- 26 (b) The offender has demonstrated a willingness to:
- 27 (1) Engage in employment or participate in vocational
- 28 rehabilitation or job skills training; and
- 29 (2) Meet any existing obligation for restitution to any victim
- 30 of his crime; and
- 31 (c) The offender is within 2 years of his probable release from
- 32 prison, as determined by the Director.
- 33 2. Except as otherwise provided in this section, if the Director
- 34 determines that an offender should be assigned to the custody of
- 35 the Division to participate in the correctional program, the
- 36 Director shall assign the offender to the custody of the Division to
- 37 participate in the correctional program for not longer than the
- 38 remainder of his sentence.
- 39 3. The Director shall, by regulation, adopt standards setting
- 40 forth which offenders are eligible to be assigned to the custody of
- 41 the Division to participate in the correctional program pursuant to
- 42 this section. The standards adopted by the Director must be
- 43 approved by the Board and must provide that an offender who:
- 44 (a) Has recently committed a serious infraction of the rules of
- 45 an institution or facility of the Department;



- 1 ***(b) Has not performed the duties assigned to him in a faithful***
- 2 ***and orderly manner;***
- 3 ***(c) Has, within the immediately preceding 5 years, been***
- 4 ***convicted of any crime involving the use or threatened use of force***
- 5 ***or violence against a victim that is punishable as a felony;***
- 6 ***(d) Has ever been convicted of a sexual offense;***
- 7 ***(e) Has escaped or attempted to escape from any jail or***
- 8 ***correctional institution for adults; or***
- 9 ***(f) Has not made an effort in good faith to participate in or to***
- 10 ***complete any educational or vocational program or any program***
- 11 ***of treatment, as ordered by the Director,***
- 12 ***is not eligible for assignment to the custody of the Division***
- 13 ***pursuant to this section to participate in a correctional program.***
- 14 ***4. The Director shall adopt regulations requiring offenders***
- 15 ***who are assigned to the custody of the Division pursuant to this***
- 16 ***section to reimburse the Division and the Department for the cost***
- 17 ***of their participation in a correctional program, to the extent of***
- 18 ***their ability to pay.***
- 19 ***5. The Director may return the offender to the custody of the***
- 20 ***Department at any time for any violation of the terms and***
- 21 ***conditions imposed by the Director.***
- 22 ***6. If an offender assigned to the custody of the Division***
- 23 ***pursuant to this section violates any of the terms or conditions***
- 24 ***imposed by the Director and is returned to the custody of the***
- 25 ***Department, the offender forfeits all or part of the credits for good***
- 26 ***behavior earned by him before he was returned to the custody of***
- 27 ***the Department, as determined by the Director. The Director may***
- 28 ***provide for a forfeiture of credits pursuant to this subsection only***
- 29 ***after proof of the violation and notice is given to the offender. The***
- 30 ***Director may restore credits so forfeited for such reasons as he***
- 31 ***considers proper. The decision of the Director regarding such a***
- 32 ***forfeiture is final.***
- 33 ***7. The assignment of an offender to the custody of the***
- 34 ***Division pursuant to this section shall be deemed:***
- 35 ***(a) A continuation of his imprisonment and not a release on***
- 36 ***parole; and***
- 37 ***(b) For the purposes of NRS 209.341, an assignment to a***
- 38 ***facility of the Department,***
- 39 ***except that the offender is not entitled to obtain any benefits or to***
- 40 ***participate in any programs provided to offenders in the custody of***
- 41 ***the Department.***
- 42 ***8. An offender does not have a right to be assigned to the***
- 43 ***custody of the Division pursuant to this section, or to remain in***
- 44 ***that custody after such an assignment. It is not intended that the***
- 45 ***establishment or operation of a correctional program creates any***



1 *right or interest in liberty or property or establishes a basis for any*
2 *cause of action against the State of Nevada, its political*
3 *subdivisions, agencies, boards, commissions, departments, officers*
4 *or employees.*

5 **Sec. 5.** NRS 209.3925 is hereby amended to read as follows:

6 209.3925 1. Except as otherwise provided in subsection 6,
7 the Director may assign an offender to the custody of the Division
8 of Parole and Probation of the Department of Public Safety to serve
9 a term of residential confinement pursuant to NRS 213.380, for not
10 longer than the remainder of his sentence, if:

11 (a) The Director has reason to believe that the offender is:

12 (1) Physically incapacitated *or in ill health* to such a degree
13 that he does not presently, and likely will not in the future, pose a
14 threat to the safety of the public; ~~or~~

15 (2) In ill health and expected to die within 12 months, and
16 does not presently, and likely will not in the future, pose a threat to
17 the safety of the public; *or*

18 (3) *Pregnant upon imprisonment*; and

19 (b) At least two physicians licensed pursuant to chapter 630 of
20 NRS, one of whom is not employed by the Department, verify, in
21 writing, that the offender is:

22 (1) Physically incapacitated ~~or~~ *in ill health*;

23 (2) In ill health and expected to die within 12 months ~~or~~; *or*

24 (3) *Pregnant upon imprisonment.*

25 2. If the Director intends to assign an offender to the custody of
26 the Division of Parole and Probation pursuant to this section, at least
27 45 days before the date the offender is expected to be released from
28 the custody of the Department, the Director shall notify:

29 (a) If the offender will reside within this state after he is released
30 from the custody of the Department, the board of county
31 commissioners of the county in which the offender will reside; and

32 (b) The Division of Parole and Probation.

33 3. If any victim of a crime committed by the offender has,
34 pursuant to subsection 4 of NRS 213.130, requested to be notified of
35 the consideration of a prisoner for parole and has provided a current
36 address, the Division of Parole and Probation shall notify the victim
37 that:

38 (a) The Director intends to assign the offender to the custody of
39 the Division of Parole and Probation pursuant to this section; and

40 (b) The victim may submit documents to the Division of Parole
41 and Probation regarding such an assignment.

42 If a current address has not been provided by a victim as required by
43 subsection 4 of NRS 213.130, the Division of Parole and Probation
44 must not be held responsible if notification is not received by the
45 victim. All personal information, including, but not limited to, a



1 current or former address, which pertains to a victim and which is
2 received by the Division of Parole and Probation pursuant to this
3 subsection is confidential.

4 4. If an offender assigned to the custody of the Division of
5 Parole and Probation pursuant to this section escapes or violates any
6 of the terms or conditions of his residential confinement:

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

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

17 5. The assignment of an offender to the custody of the Division
18 of Parole and Probation pursuant to this section shall be deemed:

19 (a) A continuation of his imprisonment and not a release on
20 parole; and

21 (b) For the purposes of NRS 209.341, an assignment to a facility
22 of the Department,
23 except that the offender is not entitled to obtain any benefits or to
24 participate in any programs provided to offenders in the custody of
25 the Department.

26 6. The Director may not assign an offender to the custody of
27 the Division of Parole and Probation pursuant to this section if the
28 offender is sentenced to death or imprisonment for life without the
29 possibility of parole.

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

38 **Sec. 6.** NRS 209.432 is hereby amended to read as follows:
39 209.432 As used in NRS 209.432 to 209.451, inclusive, unless
40 the context otherwise requires:

41 1. "Offender" includes:

42 (a) A person who is convicted of a felony under the laws of this
43 state and sentenced, ordered or otherwise assigned to serve a term of
44 residential confinement.



1 (b) A person who is convicted of a felony under the laws of this
2 state and assigned to the custody of the Division of Parole and
3 Probation of the Department of Public Safety pursuant to NRS
4 209.4886 ~~§~~ *or section 4 of this act.*

5 2. "Residential confinement" means the confinement of a
6 person convicted of a felony to his place of residence under the
7 terms and conditions established pursuant to specific statute. The
8 term does not include any confinement ordered pursuant to NRS
9 176A.530 to 176A.560, inclusive, 176A.660 to 176A.690, inclusive,
10 213.15105, 213.15193 or 213.152 to 213.1528, inclusive.

11 **Sec. 7.** NRS 209.446 is hereby amended to read as follows:

12 209.446 1. Every offender who is sentenced to prison for a
13 crime committed on or after July 1, 1985, but before July 17, 1997,
14 who has no serious infraction of the regulations of the Department,
15 the terms and conditions of his residential confinement, or the laws
16 of the State recorded against him, and who performs in a faithful,
17 orderly and peaceable manner the duties assigned to him, must be
18 allowed:

19 (a) For the period he is actually incarcerated under sentence;

20 (b) For the period he is in residential confinement; and

21 (c) For the period he is in the custody of the Division of Parole
22 and Probation of the Department of Public Safety pursuant to NRS
23 209.4886 ~~§~~ *or section 4 of this act,*

24 a deduction of 10 days from his sentence for each month he serves.

25 2. In addition to the credit provided for in subsection 1, the
26 Director may allow not more than 10 days of credit each month for
27 an offender whose diligence in labor and study merits such credits.
28 In addition to the credits allowed pursuant to this subsection, an
29 offender is entitled to the following credits for educational
30 achievement:

31 (a) For earning a general equivalency diploma, 30 days.

32 (b) For earning a high school diploma, 60 days.

33 (c) For earning an associate degree, 90 days.

34 3. The Director may allow not more than 10 days of credit each
35 month for an offender who participates in a diligent and responsible
36 manner in a center for the purpose of making restitution,
37 conservation camp, program of work release or another program
38 conducted outside of the prison. An offender who earns credit
39 pursuant to this subsection is entitled to the entire 20 days of credit
40 each month which is authorized in subsections 1 and 2.

41 4. The Director may allow not more than 90 days of credit each
42 year for an offender who engages in exceptional meritorious service.

43 5. The Board shall adopt regulations governing the award,
44 forfeiture and restoration of credits pursuant to this section.

45 6. Credits earned pursuant to this section:



1 (a) Must be deducted from the maximum term imposed by the
2 sentence; and

3 (b) Apply to eligibility for parole unless the offender was
4 sentenced pursuant to a statute which specifies a minimum sentence
5 which must be served before a person becomes eligible for parole.

6 **Sec. 8.** NRS 209.4465 is hereby amended to read as follows:

7 209.4465 1. An offender who is sentenced to prison for a
8 crime committed on or after July 17, 1997, who has no serious
9 infraction of the regulations of the Department, the terms and
10 conditions of his residential confinement or the laws of the State
11 recorded against him, and who performs in a faithful, orderly and
12 peaceable manner the duties assigned to him, must be allowed:

13 (a) For the period he is actually incarcerated pursuant to his
14 sentence;

15 (b) For the period he is in residential confinement; and

16 (c) For the period he is in the custody of the Division of Parole
17 and Probation of the Department of Public Safety pursuant to NRS
18 209.4886 ~~§~~ *or section 4 of this act,*

19 a deduction of 10 days from his sentence for each month he serves.

20 2. In addition to the credits allowed pursuant to subsection 1,
21 the Director may allow not more than 10 days of credit each month
22 for an offender whose diligence in labor and study merits such
23 credits. In addition to the credits allowed pursuant to this subsection,
24 an offender is entitled to the following credits for educational
25 achievement:

26 (a) For earning a general equivalency diploma, 30 days.

27 (b) For earning a high school diploma, 60 days.

28 (c) For earning his first associate degree, 90 days.

29 3. The Director may, in his discretion, authorize an offender to
30 receive a maximum of 90 days of credit for each additional degree
31 of higher education earned by the offender.

32 4. The Director may allow not more than 10 days of credit each
33 month for an offender who participates in a diligent and responsible
34 manner in a center for the purpose of making restitution,
35 conservation camp, program of work release or another program
36 conducted outside of the prison. An offender who earns credit
37 pursuant to this subsection is eligible to earn the entire 20 days of
38 credit each month that is allowed pursuant to subsections 1 and 2.

39 5. The Director may allow not more than 90 days of credit each
40 year for an offender who engages in exceptional meritorious service.

41 6. The Board shall adopt regulations governing the award,
42 forfeiture and restoration of credits pursuant to this section.

43 7. Credits earned pursuant to this section:

44 (a) Must be deducted from the maximum term imposed by the
45 sentence; and



1 (b) Apply to eligibility for parole unless the offender was
2 sentenced pursuant to a statute which specifies a minimum sentence
3 that must be served before a person becomes eligible for parole.

4 **Sec. 9.** NRS 209.4871 is hereby amended to read as follows:
5 209.4871 As used in NRS 209.4871 to 209.4889, inclusive,
6 *and sections 2, 3 and 4 of this act*, unless the context otherwise
7 requires, the words and terms defined in NRS 209.4874, 209.4877
8 and 209.488 *and section 2 of this act* have the meanings ascribed to
9 them in those sections.

10 **Sec. 10.** NRS 209.4877 is hereby amended to read as follows:
11 209.4877 [~~“Program”~~] *“Judicial program”* means a program
12 for reentry of prisoners and parolees into the community that is
13 established in a judicial district pursuant to NRS 209.4883.

14 **Sec. 11.** NRS 209.488 is hereby amended to read as follows:
15 209.488 “Reentry court” means the court in a judicial district
16 that has established a *judicial* program.

17 **Sec. 12.** NRS 209.4883 is hereby amended to read as follows:
18 209.4883 1. A judicial district may establish a *judicial*
19 program for reentry of offenders and parolees into the community
20 pursuant to this section.

21 2. If a judicial district establishes a *judicial* program pursuant
22 to this section, the reentry court shall:

23 (a) Determine whether offenders who are referred by the
24 Director pursuant to NRS 209.4886 should be assigned to the
25 custody of the Division to participate in a *judicial* program.

26 (b) Determine whether parolees who are referred by the
27 Chairman of the State Board of Parole Commissioners pursuant to
28 NRS 213.625 should be ordered by the Board to participate in a
29 *judicial* program as a condition of their parole.

30 (c) Supervise offenders and parolees participating in the *judicial*
31 program during their participation in the *judicial* program.

32 3. An offender may not be assigned to the custody of the
33 Division to participate in a *judicial* program unless the reentry court
34 grants prior approval of the assignment pursuant to this section.

35 4. Except as otherwise provided in NRS 213.625, a parolee
36 may not participate in a *judicial* program as a condition of his parole
37 unless the reentry court grants prior approval for his participation
38 pursuant to this section.

39 **Sec. 13.** NRS 209.4886 is hereby amended to read as follows:
40 209.4886 1. Except as otherwise provided in this section, if a
41 *judicial* program has been established in the judicial district in
42 which an offender was sentenced to imprisonment, the Director
43 may, after consulting with the Division, refer the offender to the
44 reentry court if:



- 1 (a) The Director believes that the offender would participate
2 successfully in and benefit from the *judicial* program;
- 3 (b) The offender has demonstrated a willingness to:
- 4 (1) Engage in employment or participate in vocational
5 rehabilitation or job skills training; and
6 (2) Meet any existing obligation for restitution to any victim
7 of his crime; and
- 8 (c) The offender is within 2 years of his probable release from
9 prison, as determined by the Director.
- 10 2. Except as otherwise provided in this section, if the Director
11 is notified by the reentry court pursuant to NRS 209.4883 that an
12 offender should be assigned to the custody of the Division to
13 participate in the *judicial* program, the Director shall assign the
14 offender to the custody of the Division to participate in the *judicial*
15 program for not longer than the remainder of his sentence.
- 16 3. The Director shall, by regulation, adopt standards setting
17 forth which offenders are eligible to be assigned to the custody of
18 the Division to participate in the *judicial* program pursuant to this
19 section. The standards adopted by the Director must be approved by
20 the Board and must provide that an offender who:
- 21 (a) Has recently committed a serious infraction of the rules of an
22 institution or facility of the Department;
- 23 (b) Has not performed the duties assigned to him in a faithful
24 and orderly manner;
- 25 (c) Has, within the immediately preceding 5 years, been
26 convicted of any crime involving the use or threatened use of force
27 or violence against a victim that is punishable as a felony;
- 28 (d) Has ever been convicted of a sexual offense;
- 29 (e) Has escaped or attempted to escape from any jail or
30 correctional institution for adults; or
- 31 (f) Has not made an effort in good faith to participate in or to
32 complete any educational or vocational program or any program of
33 treatment, as ordered by the Director,
34 is not eligible for assignment to the custody of the Division pursuant
35 to this section to participate in a *judicial* program.
- 36 4. The Director shall adopt regulations requiring offenders who
37 are assigned to the custody of the Division pursuant to this section
38 to reimburse the reentry court, the Division and the Department for
39 the cost of their participation in a *judicial* program, to the extent of
40 their ability to pay.
- 41 5. The reentry court may return the offender to the custody of
42 the Department at any time for any violation of the terms and
43 conditions imposed by the reentry court.
- 44 6. If an offender assigned to the custody of the Division
45 pursuant to this section violates any of the terms or conditions



1 imposed by the reentry court and is returned to the custody of the
2 Department, the offender forfeits all or part of the credits for good
3 behavior earned by him before he was returned to the custody of the
4 Department, as determined by the Director. The Director may
5 provide for a forfeiture of credits pursuant to this subsection only
6 after proof of the violation and notice is given to the offender. The
7 Director may restore credits so forfeited for such reasons as he
8 considers proper. The decision of the Director regarding such a
9 forfeiture is final.

10 7. The assignment of an offender to the custody of the Division
11 pursuant to this section shall be deemed:

12 (a) A continuation of his imprisonment and not a release on
13 parole; and

14 (b) For the purposes of NRS 209.341, an assignment to a facility
15 of the Department,
16 except that the offender is not entitled to obtain any benefits or to
17 participate in any programs provided to offenders in the custody of
18 the Department.

19 8. An offender does not have a right to be assigned to the
20 custody of the Division pursuant to this section, or to remain in that
21 custody after such an assignment. It is not intended that the
22 establishment or operation of a *judicial* program creates any right or
23 interest in liberty or property or establishes a basis for any cause of
24 action against the State of Nevada, its political subdivisions,
25 agencies, boards, commissions, departments, officers or employees.

26 **Sec. 14.** NRS 209.4889 is hereby amended to read as follows:

27 209.4889 1. The Director may, after consulting with the
28 Division, enter into one or more contracts with one or more public
29 or private entities to provide any of the following services, as
30 necessary and appropriate, to offenders or parolees participating in a
31 *correctional or judicial* program:

32 (a) Transitional housing;

33 (b) Treatment pertaining to substance abuse or mental health;

34 (c) Training in life skills;

35 (d) Vocational rehabilitation and job skills training; and

36 (e) Any other services required by offenders or parolees who are
37 participating in a *correctional or judicial* program.

38 2. The Director shall, as necessary and appropriate, provide
39 referrals and information regarding:

40 (a) Any of the services provided pursuant to subsection 1;

41 (b) Access and availability of any appropriate self-help groups;

42 (c) Social services for families and children; and

43 (d) Permanent housing.



1 3. The Director may apply for and accept any gift, donation,
2 bequest, grant or other source of money to carry out the provisions
3 of this section.

4 4. As used in this section, "training in life skills" includes,
5 without limitation, training in the areas of:

- 6 (a) Parenting;
- 7 (b) Improving human relationships;
- 8 (c) Preventing domestic violence;
- 9 (d) Maintaining emotional and physical health;
- 10 (e) Preventing abuse of alcohol and drugs;
- 11 (f) Preparing for and obtaining employment; and
- 12 (g) Budgeting, consumerism and personal finances.

13 **Sec. 15.** NRS 212.187 is hereby amended to read as follows:

14 212.187 1. A prisoner who is in lawful custody or
15 confinement, other than in the custody of the Division of Parole and
16 Probation of the Department of Public Safety pursuant to NRS
17 209.4886 *or section 4 of this act* or residential confinement, and
18 who voluntarily engages in sexual conduct with another person is
19 guilty of a category D felony and shall be punished as provided in
20 NRS 193.130.

21 2. A person who voluntarily engages in sexual conduct with a
22 prisoner who is in lawful custody or confinement, other than in the
23 custody of the Division of Parole and Probation of the Department
24 of Public Safety pursuant to NRS 209.4886 *or section 4 of this act*
25 or residential confinement, is guilty of a category D felony and shall
26 be punished as provided in NRS 193.130.

27 3. As used in this section, "sexual conduct":

28 (a) Includes acts of masturbation, homosexuality, sexual
29 intercourse or physical contact with another person's clothed or
30 unclothed genitals or pubic area to arouse, appeal to or gratify the
31 sexual desires of a person.

32 (b) Does not include acts of a person who has custody of a
33 prisoner or an employee of the institution in which the prisoner is
34 confined that are performed to carry out the necessary duties of such
35 a person or employee.

36 **Sec. 16.** Chapter 213 of NRS is hereby amended by adding
37 thereto the provisions set forth as sections 17 to 25, inclusive, of this
38 act.

39 **Sec. 17.** *As used in NRS 213.300 to 213.360, inclusive, and*
40 *sections 17 to 21, inclusive, of this act, unless the context*
41 *otherwise requires, the words and terms defined in sections 18, 19*
42 *and 20 of this act have the meanings ascribed to them in those*
43 *sections.*

44 **Sec. 18.** *"Department" means the Department of*
45 *Corrections.*



- 1 **Sec. 19.** *“Director” means the Director of the Department.*
2 **Sec. 20.** *“Program” means a program of work release that is*
3 *established by the Department pursuant to NRS 213.300.*
4 **Sec. 21.** *1. As an alternative to quartering an offender*
5 *pursuant to NRS 213.300, the Director may order an offender into*
6 *residential confinement during the period the offender is enrolled*
7 *in the program.*
8 *2. The Director may establish, and at any time modify, the*
9 *terms and conditions of the residential confinement.*
10 *3. At the discretion of the Director, an electronic device*
11 *approved by the Director may be used to supervise an offender if it*
12 *is minimally intrusive and limited in capability to recording or*
13 *transmitting information concerning the offender’s presence at*
14 *his residence, including, but not limited to, the transmission of still*
15 *visual images which do not concern the offender’s activities while*
16 *inside his residence. A device which is capable of recording or*
17 *transmitting:*
18 *(a) Oral or wire communications or any auditory sound; or*
19 *(b) Information concerning the offender’s activities while*
20 *inside his residence,*
21 *must not be used.*
22 *4. If an electronic device is used to supervise an offender*
23 *pursuant to subsection 3, the Director may require the offender to*
24 *pay for the cost of using the electronic device, to the extent of his*
25 *ability to pay.*
26 *5. As used in this section, “residential confinement” means*
27 *the confinement of an offender to his place of residence under the*
28 *terms and conditions established by the Director.*
29 **Sec. 22.** *“Correctional program” means a program for*
30 *reentry of prisoners and parolees into the community that is*
31 *established by the Director pursuant to section 3 of this act.*
32 **Sec. 23.** *“Director” means the Director of the Department of*
33 *Corrections.*
34 **Sec. 24.** *1. Except as otherwise provided in this section, if a*
35 *correctional program has been established by the Director in the*
36 *county in which a prisoner or parolee may be paroled, the*
37 *Chairman of the Board may, after consulting with the Division,*
38 *refer a prisoner who is being considered for parole or a parolee*
39 *who has violated a term or condition of his parole to the Director*
40 *if the Chairman believes that the person:*
41 *(a) Would participate successfully in and benefit from a*
42 *correctional program; and*
43 *(b) Has demonstrated a willingness to:*
44 *(1) Engage in employment or participate in vocational*
45 *rehabilitation or job skills training; and*



1 (2) *Meet any existing obligation for restitution to any victim*
2 *of his crime.*
3 2. *Except as otherwise provided in this section, if the*
4 *Chairman is notified by the Director pursuant to section 3 of this*
5 *act that a person should be ordered to participate in a correctional*
6 *program, the Board may, in accordance with the provisions of this*
7 *section:*
8 (a) *If the person is a prisoner who is being considered for*
9 *parole, upon the granting of parole to the prisoner, require as a*
10 *condition of parole that the person participate in and complete the*
11 *correctional program; or*
12 (b) *If the person is a parolee who has violated a term or*
13 *condition of his parole, order him to participate in and complete*
14 *the correctional program as a condition of the continuation of his*
15 *parole and in lieu of revoking his parole and returning him to*
16 *confinement.*
17 3. *If a prisoner who has been assigned to the custody of the*
18 *Division to participate in a correctional program pursuant to*
19 *section 4 of this act is being considered for parole:*
20 (a) *The Board shall, if the Board grants parole to the prisoner,*
21 *require as a condition of parole that the person continue to*
22 *participate in and complete the correctional program.*
23 (b) *The Board is not required to refer the prisoner to the*
24 *Director pursuant to subsection 1 or to obtain prior approval of*
25 *the Director pursuant to section 3 of this act for the prisoner to*
26 *continue participating in the correctional program while he is on*
27 *parole.*
28 4. *In determining whether to order a person to participate in*
29 *and complete a correctional program pursuant to this section, the*
30 *Board shall consider:*
31 (a) *The criminal history of the person; and*
32 (b) *The safety of the public.*
33 5. *The Board shall adopt regulations requiring persons who*
34 *are ordered to participate in and complete a correctional program*
35 *pursuant to this section to reimburse the Department of*
36 *Corrections and the Division for the cost of their participation in a*
37 *correctional program, to the extent of their ability to pay.*
38 6. *The Board shall not order a person to participate in a*
39 *correctional program if the time required to complete the*
40 *correctional program is longer than the unexpired maximum term*
41 *of the person's original sentence.*
42 **Sec. 25. 1. If the Director determines that a parolee has**
43 **violated a term or condition of his participation in the correctional**
44 **program or a term or condition of his parole, the Director shall**
45 **report the violation to the Board.**



1 2. *If a violation of a term or condition of parole is reported to*
2 *the Board pursuant to this section, the Board shall proceed in the*
3 *manner provided in this chapter for any other violation of a term*
4 *or condition of parole.*

5 **Sec. 26.** NRS 213.300 is hereby amended to read as follows:
6 213.300 1. The Department ~~{of Corrections}~~ shall establish
7 and administer a program of work release under which a person
8 sentenced to a term of imprisonment in an institution of the
9 Department may be granted the privilege of leaving secure custody
10 during necessary and reasonable hours to:

11 (a) Work in this state at gainful private employment that has
12 been approved by the Director ~~{of the Department}~~ for that purpose.

13 (b) Obtain in this state additional education, including
14 vocational, technical and general education.

15 2. The program may also include temporary leave for the
16 purpose of seeking employment in this state.

17 3. The Director is responsible for the quartering and
18 supervision of offenders enrolled in the program.

19 **Sec. 27.** NRS 213.310 is hereby amended to read as follows:

20 213.310 1. The Director ~~{of the Department of Corrections}~~
21 shall, by appropriate means of classification and selection,
22 determine which of the offenders, during the last 6 months'
23 confinement, are suitable for the program , ~~{of work release,}~~
24 excluding those sentenced to life imprisonment who are not eligible
25 for parole and those imprisoned for violations of chapter 201 of
26 NRS who have not been certified by the designated board as eligible
27 for parole.

28 2. The Director shall then select the names of those offenders
29 he determines to be eligible for the program.

30 **Sec. 28.** NRS 213.315 is hereby amended to read as follows:

31 213.315 1. Except as otherwise provided in this section, an
32 offender who is illiterate is not eligible to participate in a program
33 ~~{of work release}~~ unless:

34 (a) He is regularly attending and making satisfactory progress in
35 a program for general education; or

36 (b) The Director, for good cause, determines that the limitation
37 on eligibility should be waived under the circumstances with respect
38 to a particular offender.

39 2. An offender whose:

40 (a) Native language is not English;

41 (b) Ability to read and write in his native language is at or above
42 the level of literacy designated by the Board of State Prison
43 Commissioners in its regulations; and



1 (c) Ability to read and write the English language is below the
2 level of literacy designated by the Board of State Prison
3 Commissioners in its regulations,
4 may not be assigned to an industrial or a vocational program unless
5 he is regularly attending and making satisfactory progress in a
6 course which teaches English as a second language or the Director,
7 for good cause, determines that the limitation on eligibility should
8 be waived under the circumstances with respect to a particular
9 offender.

10 3. Upon written documentation that an illiterate offender has a
11 developmental, learning or other similar disability which affects his
12 ability to learn, the Director ~~{of the Department of Corrections}~~
13 may:

14 (a) Adapt or create an educational program or guidelines for
15 evaluating the educational progress of the offender to meet his
16 particular needs; or

17 (b) Exempt the offender from the required participation in an
18 educational program prescribed by this section.

19 4. The provisions of this section do not apply to an offender
20 who:

21 (a) Presents satisfactory evidence that he has a high school or
22 general equivalency diploma; or

23 (b) Is admitted into a program ~~{of work release}~~ for the purpose
24 of obtaining additional education in this state.

25 5. As used in this section, "illiterate" means having an ability
26 to read and write that is below the level of literacy designated by the
27 Board of State Prison Commissioners in its regulations.

28 **Sec. 29.** NRS 213.320 is hereby amended to read as follows:

29 213.320 1. The Director ~~{of the Department of Corrections}~~
30 shall administer the program ~~{of work release}~~ and shall:

31 (a) ~~{Locate}~~ *Refer offenders to employers who offer*
32 *employment or to employment agencies that locate* employment for
33 qualified applicants;

34 (b) Effect placement of offenders under the program; ~~{and}~~

35 (c) *Impose appropriate terms of conduct and reporting by the*
36 *offender while enrolled in the program; and*

37 (d) Generally promote public understanding and acceptance of
38 the program.

39 2. All state agencies shall cooperate with the Director in
40 carrying out this section to such extent as is consistent with their
41 other lawful duties.

42 3. The Director shall adopt rules for administering the
43 program.



1 **Sec. 30.** NRS 213.330 is hereby amended to read as follows:
2 213.330 1. The salaries or wages of an offender employed
3 pursuant to the ~~{work-release-program-shall}~~ *program must* be
4 disbursed in the following order:

5 (a) To pay the cost of quartering, feeding and clothing the
6 offender ~~{}~~ , *unless the offender is ordered into residential*
7 *confinement pursuant to section 21 of this act during the period*
8 *the offender is enrolled in the program.*

9 (b) To allow the offender necessary travel expense to and from
10 work and his other incidental expenses.

11 (c) To support the offender's dependents.

12 (d) To pay, either in full or ratably, the offender's obligations
13 which have been acknowledged by him in writing or which have
14 been reduced to judgment.

15 2. Any balance of an offender's wages remaining after all
16 disbursements have been made pursuant to subsection 1 ~~{shall}~~ *must*
17 be paid to the offender upon his release from custody.

18 **Sec. 31.** NRS 213.340 is hereby amended to read as follows:

19 213.340 1. The Director ~~{of the Department of Corrections}~~
20 may contract with *private persons, nonprofit organizations or* the
21 governing bodies of political subdivisions in this state for quartering
22 in suitable local facilities the offenders enrolled in ~~{programs of~~
23 ~~work-release.}~~ *a program.* Each such facility must satisfy standards
24 established by the Director . ~~{to assure secure custody of offenders~~
25 ~~quartered therein.}~~

26 2. The Director shall not enroll any offender in the program ~~{of~~
27 ~~work-release}~~ unless he has determined that suitable facilities for
28 quartering the offender are available in the locality where the
29 offender has employment or the offer of employment.

30 **Sec. 32.** NRS 213.350 is hereby amended to read as follows:

31 213.350 1. An offender enrolled in the program ~~{of work~~
32 ~~release}~~ is not an agent, employee or servant of the Department ~~{of~~
33 ~~Corrections}~~ while he is:

34 (a) Working in the program or seeking such employment; or

35 (b) Going to such employment from the place where he is
36 quartered or returning therefrom.

37 2. An offender enrolled in the program is considered to be an
38 offender in an institution of the Department . ~~{of Corrections.}~~

39 **Sec. 33.** NRS 213.360 is hereby amended to read as follows:

40 213.360 1. The Director ~~{of the Department of Corrections}~~
41 may immediately terminate any offender's enrollment in the
42 program ~~{of work-release}~~ and transfer him to an institution of the
43 Department ~~{of Corrections}~~ if, in his judgment, the best interests of
44 the State or the offender require such action.



1 2. If an offender enrolled in the program is absent from his
2 place of employment or his designated quarters without a reason
3 acceptable to the Director, the offender's absence:

- 4 (a) Immediately terminates his enrollment in the program.
5 (b) Constitutes an escape from prison, and the offender shall be
6 punished as provided in NRS 212.090.

7 **Sec. 34.** NRS 213.600 is hereby amended to read as follows:
8 213.600 As used in NRS 213.600 to 213.635, inclusive, *and*
9 *sections 22 to 25, inclusive, of this act*, unless the context otherwise
10 requires, the words and terms defined in NRS 213.605 to 213.620,
11 inclusive, *and sections 22 and 23 of this act* have the meanings
12 ascribed to them in those sections.

13 **Sec. 35.** NRS 213.615 is hereby amended to read as follows:
14 213.615 ~~["Program"]~~ *"Judicial program"* means a program for
15 reentry of prisoners and parolees into the community that is
16 established in a judicial district pursuant to NRS 209.4883.

17 **Sec. 36.** NRS 213.620 is hereby amended to read as follows:
18 213.620 "Reentry court" means the court in a judicial district
19 that has established a *judicial* program.

20 **Sec. 37.** NRS 213.625 is hereby amended to read as follows:
21 213.625 1. Except as otherwise provided in this section, if a
22 *judicial* program has been established in the judicial district in
23 which a prisoner or parolee may be paroled, the Chairman of the
24 Board may, after consulting with the Division, refer a prisoner who
25 is being considered for parole or a parolee who has violated a term
26 or condition of his parole to the reentry court if the chairman
27 believes that the person:

- 28 (a) Would participate successfully in and benefit from a *judicial*
29 program; and
30 (b) Has demonstrated a willingness to:
31 (1) Engage in employment or participate in vocational
32 rehabilitation or job skills training; and
33 (2) Meet any existing obligation for restitution to any victim
34 of his crime.

35 2. Except as otherwise provided in this section, if the Chairman
36 is notified by the reentry court pursuant to NRS 209.4883 that a
37 person should be ordered to participate in a *judicial* program, the
38 Board may, in accordance with the provisions of this section:

- 39 (a) If the person is a prisoner who is being considered for parole,
40 upon the granting of parole to the prisoner, require as a condition of
41 parole that the person participate in and complete the *judicial*
42 program; or
43 (b) If the person is a parolee who has violated a term or
44 condition of his parole, order him to participate in and complete the



1 *judicial* program as a condition of the continuation of his parole and
2 in lieu of revoking his parole and returning him to confinement.

3 3. If a prisoner who has been assigned to the custody of the
4 Division to participate in a *judicial* program pursuant to NRS
5 209.4886 is being considered for parole:

6 (a) The Board shall, if the Board grants parole to the prisoner,
7 require as a condition of parole that the person continue to
8 participate in and complete the *judicial* program.

9 (b) The Board is not required to refer the prisoner to the reentry
10 court pursuant to subsection 1 or to obtain prior approval of the
11 reentry court pursuant to NRS 209.4883 for the prisoner to continue
12 participating in the *judicial* program while he is on parole.

13 4. In determining whether to order a person to participate in
14 and complete a *judicial* program pursuant to this section, the Board
15 shall consider:

16 (a) The criminal history of the person; and

17 (b) The safety of the public.

18 5. The Board shall adopt regulations requiring persons who are
19 ordered to participate in and complete a *judicial* program pursuant
20 to this section to reimburse the reentry court and the Division for the
21 cost of their participation in a *judicial* program, to the extent of their
22 ability to pay.

23 6. The Board shall not order a person to participate in a
24 *judicial* program if the time required to complete the *judicial*
25 program is longer than the unexpired maximum term of the person's
26 original sentence.

27 **Sec. 38.** NRS 213.630 is hereby amended to read as follows:

28 213.630 1. If the reentry court determines that a parolee has
29 violated a term or condition of his participation in the *judicial*
30 program or a term or condition of his parole, the court may:

31 (a) Establish and impose any appropriate sanction for the
32 violation; and

33 (b) If necessary, report the violation to the Board.

34 2. If a violation of a term or condition of parole is reported to
35 the Board pursuant to this section, the Board shall proceed in the
36 manner provided in this chapter for any other violation of a term or
37 condition of parole.

38 **Sec. 39.** NRS 213.635 is hereby amended to read as follows:

39 213.635 The Division shall supervise each person who is
40 participating in a *correctional or judicial* program pursuant to NRS
41 209.4886 or 213.625 ~~H~~ *or section 4 or 24 of this act.*

42 **Sec. 40.** NRS 179.259 is hereby amended to read as follows:

43 179.259 1. Except as otherwise provided in subsections 3 and
44 4, 5 years after an eligible person completes a program for reentry,
45 the court may order sealed all documents, papers and exhibits in the



1 eligible person's record, minute book entries and entries on dockets,
2 and other documents relating to the case in the custody of such other
3 agencies and officers as are named in the court's order. The court
4 may order those records sealed without a hearing unless the
5 Division of Parole and Probation of the Department of Public Safety
6 petitions the court, for good cause shown, not to seal the records and
7 requests a hearing thereon.

8 2. If the court orders sealed the record of an eligible person, the
9 court shall send a copy of the order to each agency or officer named
10 in the order. Each such agency or officer shall notify the court in
11 writing of its compliance with the order.

12 3. A professional licensing board is entitled, for the purpose of
13 determining suitability for a license or liability to discipline for
14 misconduct, to inspect and to copy from a record sealed pursuant to
15 this section.

16 4. A person may not petition the court to seal records relating
17 to a conviction of a crime against a child or a sexual offense.

18 5. As used in this section:

19 (a) "Crime against a child" has the meaning ascribed to it in
20 NRS 179D.210.

21 (b) "Eligible person" means a person who has:

22 (1) Successfully completed a program for reentry to which he
23 participated in pursuant to NRS 209.4886 or 213.625 ~~§~~ *or section 4*
24 *or 24 of this act;* and

25 (2) Been convicted of a single offense which was punishable
26 as a felony and which did not involve the use or threatened use of
27 force or violence against the victim. For the purposes of this
28 subparagraph, multiple convictions for an offense punishable as a
29 felony shall be deemed to constitute a single offense if those
30 offenses arose out of the same transaction or occurrence.

31 (c) "Program for reentry" means ~~§~~ :

32 (1) *A correctional program for reentry of prisoners and*
33 *parolees into the community that is established by the Director of*
34 *the Department of Corrections pursuant to section 3 of this act; or*

35 (2) *A judicial* program for reentry of prisoners and parolees
36 into the community that is established in a judicial district pursuant
37 to NRS 209.4883.

38 (d) "Sexual offense" has the meaning ascribed to it in paragraph

39 (b) of subsection 7 of NRS 179.245.

