

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 offenders and  
parolees into the community; allowing the Director to  
assign certain offenders to serve a term of residential  
confinement or other appropriate supervision; making  
various changes to the provisions governing programs 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 R 1 \*

1 (a) Determine whether offenders in the custody of the  
2 Department are suitable 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 23 of this act are suitable to participate in a correctional  
6 program as a condition of their parole.

7 (c) Request that the Chairman of the State Board of Parole  
8 Commissioners assign to a correctional program offenders and  
9 parolees determined by the Director to be suitable to participate in  
10 a correctional program, under the terms and conditions agreed  
11 upon by the Director and the Chairman, including, if appropriate,  
12 supervision of the offenders and parolees by the Division during  
13 their participation in the correctional program.

14 3. An offender or parolee may not be assigned to the custody  
15 of the Division to participate in a correctional program unless the  
16 Director grants prior approval of the assignment pursuant to this  
17 section.

18 **Sec. 4. 1.** Except as otherwise provided in this section, if a  
19 correctional program has been established by the Director in the  
20 county in which an offender was sentenced to imprisonment, the  
21 Director may, after consulting with the Division, determine that an  
22 offender is suitable to participate in the correctional program if:

23 (a) The Director believes that the offender would participate  
24 successfully in and benefit from the correctional program;

25 (b) The offender has demonstrated a willingness to:

26 (1) Engage in employment or participate in vocational  
27 rehabilitation or job skills training; and

28 (2) Meet any existing obligation for restitution to any victim  
29 of his crime; and

30 (c) The offender is within 2 years of his probable release from  
31 prison, as determined by the Director.

32 2. Except as otherwise provided in this section, if the Director  
33 determines that an offender is suitable to participate in the  
34 correctional program, the Director shall request that the  
35 Chairman of the State Board of Parole Commissioners assign  
36 the offender to the custody of the Division to participate in the  
37 correctional program. The Chairman may assign the offender to  
38 the custody of the Division to participate in the correctional  
39 program for not longer than the remainder of his sentence.

40 3. The Director shall, by regulation, adopt standards setting  
41 forth which offenders are suitable to participate in the  
42 correctional program pursuant to this section. The standards  
43 adopted by the Director must be approved by the Board and must  
44 provide that an offender who:



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



1 *that custody after such an assignment. It is not intended that the*  
2 *establishment or operation of a correctional program creates any*  
3 *right or interest in liberty or property or establishes a basis for any*  
4 *cause of action against the State of Nevada, its political*  
5 *subdivisions, agencies, boards, commissions, departments, officers*  
6 *or employees.*

7 **Sec. 5.** NRS 209.3925 is hereby amended to read as follows:  
8 209.3925 1. Except as otherwise provided in subsection 6,  
9 the Director may assign an offender to the custody of the Division  
10 of Parole and Probation of the Department of Public Safety to serve  
11 a term of residential confinement pursuant to NRS 213.380 ~~or~~ *or*  
12 *other appropriate supervision as determined by the Division of*  
13 *Parole and Probation*, for not longer than the remainder of his  
14 sentence, if:

15 (a) The Director has reason to believe that the offender is:  
16 (1) Physically incapacitated *or in ill health* to such a degree  
17 that he does not presently, and likely will not in the future, pose a  
18 threat to the safety of the public; ~~or~~

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

22 (3) *Pregnant upon imprisonment*; and

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

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

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

28 (3) *Pregnant upon imprisonment.*

29 2. If the Director intends to assign an offender to the custody of  
30 the Division of Parole and Probation pursuant to this section, at least  
31 45 days before the date the offender is expected to be released from  
32 the custody of the Department, the Director shall notify:

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

36 (b) The Division of Parole and Probation.

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

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

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



1 If a current address has not been provided by a victim as required by  
2 subsection 4 of NRS 213.130, the Division of Parole and Probation  
3 must not be held responsible if notification is not received by the  
4 victim. All personal information, including, but not limited to, a  
5 current or former address, which pertains to a victim and which is  
6 received by the Division of Parole and Probation pursuant to this  
7 subsection is confidential.

8 4. If an offender assigned to the custody of the Division of  
9 Parole and Probation pursuant to this section escapes or violates any  
10 of the terms or conditions of his residential confinement ~~[-]~~ *or other*  
11 *appropriate supervision as determined by the Division of Parole*  
12 *and Probation:*

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

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

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

25 (a) A continuation of his imprisonment and not a release on  
26 parole; and

27 (b) For the purposes of NRS 209.341, an assignment to a facility  
28 of the Department,  
29 except that the offender is not entitled to obtain any benefits or to  
30 participate in any programs provided to offenders in the custody of  
31 the Department.

32 6. The Director may not assign an offender to the custody of  
33 the Division of Parole and Probation pursuant to this section if the  
34 offender is sentenced to death or imprisonment for life without the  
35 possibility of parole.

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



1       **Sec. 6.** NRS 209.432 is hereby amended to read as follows:  
2       209.432 As used in NRS 209.432 to 209.451, inclusive, unless  
3 the context otherwise requires:

4       1. "Offender" includes:

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

8       (b) A person who is convicted of a felony under the laws of this  
9 state and assigned to the custody of the Division of Parole and  
10 Probation of the Department of Public Safety pursuant to NRS  
11 209.4886 ~~§~~ *or section 4 of this act.*

12       2. "Residential confinement" means the confinement of a  
13 person convicted of a felony to his place of residence under the  
14 terms and conditions established pursuant to specific statute. The  
15 term does not include any confinement ordered pursuant to NRS  
16 176A.530 to 176A.560, inclusive, 176A.660 to 176A.690, inclusive,  
17 213.15105, 213.15193 or 213.152 to 213.1528, inclusive.

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

19       209.446 1. Every offender who is sentenced to prison for a  
20 crime committed on or after July 1, 1985, but before July 17, 1997,  
21 who has no serious infraction of the regulations of the Department,  
22 the terms and conditions of his residential confinement, or the laws  
23 of the State recorded against him, and who performs in a faithful,  
24 orderly and peaceable manner the duties assigned to him, must be  
25 allowed:

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

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

28       (c) For the period he is in the custody of the Division of Parole  
29 and Probation of the Department of Public Safety pursuant to NRS  
30 209.4886 ~~§~~ *or section 4 of this act,*  
31 a deduction of 10 days from his sentence for each month he serves.

32       2. In addition to the credit provided for in subsection 1, the  
33 Director may allow not more than 10 days of credit each month for  
34 an offender whose diligence in labor and study merits such credits.  
35 In addition to the credits allowed pursuant to this subsection, an  
36 offender is entitled to the following credits for educational  
37 achievement:

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

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

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

41       3. The Director may allow not more than 10 days of credit each  
42 month for an offender who participates in a diligent and responsible  
43 manner in a center for the purpose of making restitution,  
44 conservation camp, program of work release or another program  
45 conducted outside of the prison. An offender who earns credit



1 pursuant to this subsection is entitled to the entire 20 days of credit  
2 each month which is authorized in subsections 1 and 2.

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

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

7 6. Credits earned pursuant to this section:

8 (a) Must be deducted from the maximum term imposed by the  
9 sentence; and

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

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

14 209.4465 1. An offender who is sentenced to prison for a  
15 crime committed on or after July 17, 1997, who has no serious  
16 infraction of the regulations of the Department, the terms and  
17 conditions of his residential confinement or the laws of the State  
18 recorded against him, and who performs in a faithful, orderly and  
19 peaceable manner the duties assigned to him, must be allowed:

20 (a) For the period he is actually incarcerated pursuant to his  
21 sentence;

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

23 (c) For the period he is in the custody of the Division of Parole  
24 and Probation of the Department of Public Safety pursuant to NRS  
25 209.4886 ~~§~~ *or section 4 of this act,*

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

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

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

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

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

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

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





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

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

5 7. Credits earned pursuant to this section:

6 (a) Must be deducted from the maximum term imposed by the  
7 sentence; and

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

11 **Sec. 9.** NRS 209.4871 is hereby amended to read as follows:

12 209.4871 As used in NRS 209.4871 to 209.4889, inclusive,  
13 *and sections 2, 3 and 4 of this act*, unless the context otherwise  
14 requires, the words and terms defined in NRS 209.4874, 209.4877  
15 and 209.488 *and section 2 of this act* have the meanings ascribed to  
16 them in those sections.

17 **Sec. 10.** NRS 209.4877 is hereby amended to read as follows:

18 209.4877 [~~“Program”~~] *“Judicial program”* means a program  
19 for reentry of [~~prisoners~~] *offenders* and parolees into the community  
20 that is established in a judicial district pursuant to NRS 209.4883.

21 **Sec. 11.** NRS 209.488 is hereby amended to read as follows:

22 209.488 “Reentry court” means the court in a judicial district  
23 that has established a *judicial* program.

24 **Sec. 12.** NRS 209.4883 is hereby amended to read as follows:

25 209.4883 1. A judicial district may establish a *judicial*  
26 program for reentry of offenders and parolees into the community  
27 pursuant to this section.

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

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

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

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

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

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





1       **Sec. 13.** NRS 209.4886 is hereby amended to read as follows:  
2       209.4886 1. Except as otherwise provided in this section, if a  
3       *judicial* program has been established in the judicial district in  
4       which an offender was sentenced to imprisonment, the Director  
5       may, after consulting with the Division, refer the offender to the  
6       reentry court if:  
7       (a) The Director believes that the offender would participate  
8       successfully in and benefit from the *judicial* program;  
9       (b) The offender has demonstrated a willingness to:  
10       (1) Engage in employment or participate in vocational  
11       rehabilitation or job skills training; and  
12       (2) Meet any existing obligation for restitution to any victim  
13       of his crime; and  
14       (c) The offender is within 2 years of his probable release from  
15       prison, as determined by the Director.  
16       2. Except as otherwise provided in this section, if the Director  
17       is notified by the reentry court pursuant to NRS 209.4883 that an  
18       offender should be assigned to the custody of the Division to  
19       participate in the *judicial* program, the Director shall assign the  
20       offender to the custody of the Division to participate in the *judicial*  
21       program for not longer than the remainder of his sentence.  
22       3. The Director shall, by regulation, adopt standards setting  
23       forth which offenders are eligible to be assigned to the custody of  
24       the Division to participate in the *judicial* program pursuant to this  
25       section. The standards adopted by the Director must be approved by  
26       the Board and must provide that an offender who:  
27       (a) Has recently committed a serious infraction of the rules of an  
28       institution or facility of the Department;  
29       (b) Has not performed the duties assigned to him in a faithful  
30       and orderly manner;  
31       (c) Has, within the immediately preceding 5 years, been  
32       convicted of any crime involving the use or threatened use of force  
33       or violence against a victim that is punishable as a felony;  
34       (d) Has ever been convicted of a sexual offense;  
35       (e) Has escaped or attempted to escape from any jail or  
36       correctional institution for adults; or  
37       (f) Has not made an effort in good faith to participate in or to  
38       complete any educational or vocational program or any program of  
39       treatment, as ordered by the Director,  
40       is not eligible for assignment to the custody of the Division pursuant  
41       to this section to participate in a *judicial* program.  
42       4. The Director shall adopt regulations requiring offenders who  
43       are assigned to the custody of the Division pursuant to this section  
44       to reimburse the reentry court, the Division and the Department for



1 the cost of their participation in a *judicial* program, to the extent of  
2 their ability to pay.

3 5. The reentry court may return the offender to the custody of  
4 the Department at any time for any violation of the terms and  
5 conditions imposed by the reentry court.

6 6. If an offender assigned to the custody of the Division  
7 pursuant to this section violates any of the terms or conditions  
8 imposed by the reentry court and is returned to the custody of the  
9 Department, the offender forfeits all or part of the credits for good  
10 behavior earned by him before he was returned to the custody of the  
11 Department, as determined by the Director. The Director may  
12 provide for a forfeiture of credits pursuant to this subsection only  
13 after proof of the violation and notice is given to the offender. The  
14 Director may restore credits so forfeited for such reasons as he  
15 considers proper. The decision of the Director regarding such a  
16 forfeiture is final.

17 7. The assignment of an offender to the custody of the Division  
18 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 8. An offender does not have a right to be assigned to the  
27 custody of the Division pursuant to this section, or to remain in that  
28 custody after such an assignment. It is not intended that the  
29 establishment or operation of a *judicial* program creates any right or  
30 interest in liberty or property or establishes a basis for any cause of  
31 action against the State of Nevada, its political subdivisions,  
32 agencies, boards, commissions, departments, officers or employees.

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

34 209.4889 1. The Director may, after consulting with the  
35 Division, enter into one or more contracts with one or more public  
36 or private entities to provide any of the following services, as  
37 necessary and appropriate, to offenders or parolees participating in a  
38 *correctional or judicial* program:

39 (a) Transitional housing;

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

41 (c) Training in life skills;

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

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



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

- 3 (a) Any of the services provided pursuant to subsection 1;
- 4 (b) Access and availability of any appropriate self-help groups;
- 5 (c) Social services for families and children; and
- 6 (d) Permanent housing.

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

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

- 12 (a) Parenting;
- 13 (b) Improving human relationships;
- 14 (c) Preventing domestic violence;
- 15 (d) Maintaining emotional and physical health;
- 16 (e) Preventing abuse of alcohol and drugs;
- 17 (f) Preparing for and obtaining employment; and
- 18 (g) Budgeting, consumerism and personal finances.

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

20 212.187 1. A prisoner who is in lawful custody or  
21 confinement, other than in the custody of the Division of Parole and  
22 Probation of the Department of Public Safety pursuant to NRS  
23 209.4886 *or section 4 of this act* or residential confinement, and  
24 who voluntarily engages in sexual conduct with another person is  
25 guilty of a category D felony and shall be punished as provided in  
26 NRS 193.130.

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

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

34 (a) Includes acts of masturbation, homosexuality, sexual  
35 intercourse or physical contact with another person's clothed or  
36 unclothed genitals or pubic area to arouse, appeal to or gratify the  
37 sexual desires of a person.

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



1     **Sec. 16.** Chapter 213 of NRS is hereby amended by adding  
2 thereto the provisions set forth as sections 17 to 24, inclusive, of this  
3 act.

4     **Sec. 17.** *As used in NRS 213.300 to 213.360, inclusive, and*  
5 *sections 17 to 20, inclusive, of this act, unless the context*  
6 *otherwise requires, the words and terms defined in sections 18, 19*  
7 *and 20 of this act have the meanings ascribed to them in those*  
8 *sections.*

9     **Sec. 18.** *“Department” means the Department of*  
10 *Corrections.*

11     **Sec. 19.** *“Director” means the Director of the Department.*

12     **Sec. 20.** *“Program” means a program of work release that is*  
13 *established by the Department pursuant to NRS 213.300.*

14     **Sec. 21.** *“Correctional program” means a program for*  
15 *reentry of offenders and parolees into the community that is*  
16 *established by the Director pursuant to section 3 of this act.*

17     **Sec. 22.** *“Director” means the Director of the Department of*  
18 *Corrections.*

19     **Sec. 23.** *1. Except as otherwise provided in this section, if a*  
20 *correctional program has been established by the Director in the*  
21 *county in which an offender or parolee may be paroled, the*  
22 *Chairman of the Board may, after consulting with the Division,*  
23 *refer a prisoner who is being considered for parole or a parolee*  
24 *who has violated a term or condition of his parole to the Director*  
25 *if the Chairman believes that the person:*

26         *(a) Would participate successfully in and benefit from a*  
27 *correctional program; and*

28         *(b) Has demonstrated a willingness to:*

29             *(1) Engage in employment or participate in vocational*  
30 *rehabilitation or job skills training; and*

31             *(2) Meet any existing obligation for restitution to any victim*  
32 *of his crime.*

33     *2. Except as otherwise provided in this section, if the*  
34 *Chairman is notified by the Director pursuant to section 3 of this*  
35 *act that a person is suitable to participate in a correctional*  
36 *program, the Board may, in accordance with the provisions of this*  
37 *section:*

38         *(a) If the person is an offender who is being considered for*  
39 *parole, upon the granting of parole to the offender, require as a*  
40 *condition of parole that the offender participate in and complete*  
41 *the correctional program; or*

42         *(b) If the person is a parolee who has violated a term or*  
43 *condition of his parole, order him to participate in and complete*  
44 *the correctional program as a condition of the continuation of his*



1 *parole and in lieu of revoking his parole and returning him to*  
2 *confinement.*

3 *3. If an offender who has been assigned to the custody of the*  
4 *Division to participate in a correctional program pursuant to*  
5 *section 4 of this act is being considered for parole, the Board shall,*  
6 *if the Board grants parole to the offender, require as a condition*  
7 *of parole that he continue to participate in and complete the*  
8 *correctional program.*

9 *4. In determining whether to order a person to participate in*  
10 *and complete a correctional program pursuant to this section, the*  
11 *Board shall consider:*

12 *(a) The criminal history of the person; and*

13 *(b) The safety of the public.*

14 *5. The Board shall adopt regulations requiring persons who*  
15 *are ordered to participate in and complete a correctional program*  
16 *pursuant to this section to reimburse the Department of*  
17 *Corrections and the Division for the cost of their participation in a*  
18 *correctional program, to the extent of their ability to pay.*

19 *6. The Board shall not order a person to participate in a*  
20 *correctional program if the time required to complete the*  
21 *correctional program is longer than the unexpired maximum term*  
22 *of the person's original sentence.*

23 **Sec. 24. 1. If the Director determines that a parolee has**  
24 **violated a term or condition of his participation in the correctional**  
25 **program or a term or condition of his parole, the Director shall**  
26 **report the violation to the Board.**

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

31 **Sec. 25. NRS 213.300 is hereby amended to read as follows:**

32 213.300 1. The Department of Corrections ~~{shall}~~ **may**  
33 establish and administer a program of work release under which a  
34 person sentenced to a term of imprisonment in an institution of the  
35 Department may be granted the privilege of leaving secure custody  
36 during necessary and reasonable hours to:

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

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

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

43 ~~{3. The Director is responsible for the quartering and~~  
44 ~~supervision of offenders enrolled in the program.}~~



1       **Sec. 26.** NRS 213.310 is hereby amended to read as follows:  
2       213.310 1. ~~{The Director of the Department of Corrections}~~  
3       *If a program is established by the Department pursuant to NRS*  
4       *213.300, the Director* shall, by appropriate means of classification  
5       and selection, determine which of the offenders, during the last 6  
6       months' confinement, are suitable for the program , ~~{of work~~  
7       ~~release.}~~ excluding those sentenced to life imprisonment who are not  
8       eligible for parole and those imprisoned for violations of chapter  
9       201 of NRS who have not been certified by the designated board as  
10      eligible for parole.

11      2. The Director shall then select the names of those offenders  
12      he determines to be eligible for the program ~~{}~~ , *and the Director*  
13      *shall refer the names of those offenders to the Chairman of the*  
14      *State Board of Parole Commissioners for release into the program*  
15      *and, if appropriate, for residential confinement or other*  
16      *appropriate supervision as determined by the Division of Parole*  
17      *and Probation of the Department of Public Safety.*

18      **Sec. 27.** NRS 213.315 is hereby amended to read as follows:

19      213.315 1. Except as otherwise provided in this section, an  
20      offender who is illiterate is not eligible to participate in a program  
21      ~~{of work release}~~ unless:

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

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

27      2. An offender whose:

28      (a) Native language is not English;

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

32      (c) Ability to read and write the English language is below the  
33      level of literacy designated by the Board of State Prison  
34      Commissioners in its regulations,

35      may not be assigned to an industrial or a vocational program unless  
36      he is regularly attending and making satisfactory progress in a  
37      course which teaches English as a second language or the Director,  
38      for good cause, determines that the limitation on eligibility should  
39      be waived under the circumstances with respect to a particular  
40      offender.

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



1 (a) Adapt or create an educational program or guidelines for  
2 evaluating the educational progress of the offender to meet his  
3 particular needs; or

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

6 4. The provisions of this section do not apply to an offender  
7 who:

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

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

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

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

16 213.320 1. ~~{The Director of the Department of Corrections}~~  
17 *If a program is established by the Department pursuant to NRS*  
18 *213.300, the Director* shall administer the program ~~{of work release}~~  
19 and shall:

20 (a) ~~{Locate}~~ *Refer offenders to employers who offer*  
21 *employment or to employment agencies that locate* employment for  
22 qualified applicants;

23 (b) Effect placement of offenders under the program; and

24 (c) Generally promote public understanding and acceptance of  
25 the program.

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

29 3. The Director shall adopt rules for administering the  
30 program.

31 **Sec. 29.** NRS 213.330 is hereby amended to read as follows:

32 213.330 1. The salaries or wages of an offender employed  
33 pursuant to the ~~{work release program shall}~~ *program must* be  
34 disbursed in the following order:

35 (a) ~~{To pay the cost of quartering, feeding and clothing the~~  
36 ~~offender.~~

37 ~~{(b)}~~ To allow the offender necessary travel expense to and from  
38 work and his other incidental expenses.

39 ~~{(e)}~~ *(b)* To support the offender's dependents.

40 ~~{(d)}~~ *(c)* To pay, either in full or ratably, the offender's  
41 obligations which have been acknowledged by him in writing or  
42 which have been reduced to judgment.

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





1     **Sec. 30.** NRS 213.350 is hereby amended to read as follows:  
2     213.350 1. An offender enrolled in the program ~~{of work~~  
3 ~~release}~~ is not an agent, employee or servant of the Department ~~{of~~  
4 ~~Corrections}~~ while he is:  
5     (a) Working in the program or seeking such employment; or  
6     (b) Going to such employment . ~~{from the place where he is~~  
7 ~~quartered or returning therefrom.}~~  
8     2. An offender enrolled in the program is considered to be an  
9 offender in an institution of the Department . ~~{of Corrections.}~~  
10    **Sec. 31.** NRS 213.360 is hereby amended to read as follows:  
11    213.360 1. The Director ~~{of the Department of Corrections}~~  
12 may immediately terminate any offender’s enrollment in the  
13 program ~~{of work release}~~ and transfer him to an institution of the  
14 Department ~~{of Corrections}~~ if, in his judgment, the best interests of  
15 the State or the offender require such action.  
16    2. If an offender enrolled in the program is absent from his  
17 place of employment ~~{or his designated quarters}~~ without a reason  
18 acceptable to the Director, the offender’s absence:  
19     (a) Immediately terminates his enrollment in the program.  
20     (b) Constitutes an escape from prison, and the offender shall be  
21 punished as provided in NRS 212.090.  
22    **Sec. 32.** NRS 213.600 is hereby amended to read as follows:  
23    213.600 As used in NRS 213.600 to 213.635, inclusive, *and*  
24 *sections 21 to 24, inclusive, of this act*, unless the context otherwise  
25 requires, the words and terms defined in NRS 213.605 to 213.620,  
26 inclusive, *and sections 21 and 22 of this act* have the meanings  
27 ascribed to them in those sections.  
28    **Sec. 33.** NRS 213.615 is hereby amended to read as follows:  
29    213.615 ~~“Program”~~ *“Judicial program”* means a program for  
30 reentry of prisoners and parolees into the community that is  
31 established in a judicial district pursuant to NRS 209.4883.  
32    **Sec. 34.** NRS 213.620 is hereby amended to read as follows:  
33    213.620 “Reentry court” means the court in a judicial district  
34 that has established a *judicial* program.  
35    **Sec. 35.** NRS 213.625 is hereby amended to read as follows:  
36    213.625 1. Except as otherwise provided in this section, if a  
37 *judicial* program has been established in the judicial district in  
38 which a prisoner or parolee may be paroled, the Chairman of the  
39 Board may, after consulting with the Division, refer a prisoner who  
40 is being considered for parole or a parolee who has violated a term  
41 or condition of his parole to the reentry court if the chairman  
42 believes that the person:  
43     (a) Would participate successfully in and benefit from a *judicial*  
44 program; and  
45     (b) Has demonstrated a willingness to:



1 (1) Engage in employment or participate in vocational  
2 rehabilitation or job skills training; and

3 (2) Meet any existing obligation for restitution to any victim  
4 of his crime.

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

9 (a) If the person is a prisoner who is being considered for parole,  
10 upon the granting of parole to the prisoner, require as a condition of  
11 parole that the person participate in and complete the *judicial*  
12 program; or

13 (b) If the person is a parolee who has violated a term or  
14 condition of his parole, order him to participate in and complete the  
15 *judicial* program as a condition of the continuation of his parole and  
16 in lieu of revoking his parole and returning him to confinement.

17 3. If a prisoner who has been assigned to the custody of the  
18 Division to participate in a *judicial* program pursuant to NRS  
19 209.4886 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 *judicial* program.

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

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

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

31 (b) The safety of the public.

32 5. The Board shall adopt regulations requiring persons who are  
33 ordered to participate in and complete a *judicial* program pursuant  
34 to this section to reimburse the reentry court and the Division for the  
35 cost of their participation in a *judicial* program, to the extent of their  
36 ability to pay.

37 6. The Board shall not order a person to participate in a  
38 *judicial* program if the time required to complete the *judicial*  
39 program is longer than the unexpired maximum term of the person's  
40 original sentence.

41 **Sec. 36.** NRS 213.630 is hereby amended to read as follows:

42 213.630 1. If the reentry court determines that a parolee has  
43 violated a term or condition of his participation in the *judicial*  
44 program or a term or condition of his parole, the court may:



1 (a) Establish and impose any appropriate sanction for the  
2 violation; and

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

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

8 **Sec. 37.** NRS 213.635 is hereby amended to read as follows:

9 213.635 The Division shall supervise each person who is  
10 participating in a *correctional or judicial* program pursuant to NRS  
11 209.4886 or 213.625 ~~§~~ *or section 4 or 23 of this act.*

12 **Sec. 38.** NRS 179.259 is hereby amended to read as follows:

13 179.259 1. Except as otherwise provided in subsections 3 and  
14 4, 5 years after an eligible person completes a program for reentry,  
15 the court may order sealed all documents, papers and exhibits in the  
16 eligible person's record, minute book entries and entries on dockets,  
17 and other documents relating to the case in the custody of such other  
18 agencies and officers as are named in the court's order. The court  
19 may order those records sealed without a hearing unless the  
20 Division of Parole and Probation of the Department of Public Safety  
21 petitions the court, for good cause shown, not to seal the records and  
22 requests a hearing thereon.

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

27 3. A professional licensing board is entitled, for the purpose of  
28 determining suitability for a license or liability to discipline for  
29 misconduct, to inspect and to copy from a record sealed pursuant to  
30 this section.

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

33 5. As used in this section:

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

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

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

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



- 1 (c) "Program for reentry" means ~~at~~ :
- 2 (1) *A correctional program for reentry of offenders and*
- 3 *parolees into the community that is established by the Director of*
- 4 *the Department of Corrections pursuant to section 3 of this act; or*
- 5 (2) *A judicial* program for reentry of ~~prisoners~~ offenders
- 6 and parolees into the community that is established in a judicial
- 7 district pursuant to NRS 209.4883.
- 8 (d) "Sexual offense" has the meaning ascribed to it in paragraph
- 9 (b) of subsection 7 of NRS 179.245.
- 10 **Sec. 39.** NRS 213.340 is hereby repealed.

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**TEXT OF REPEALED SECTION**

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**213.340 Contracts for quartering enrollees; suitable facilities required.**

1. The Director of the Department of Corrections may contract with the governing bodies of political subdivisions in this state for quartering in suitable local facilities the offenders enrolled in programs of work release. Each such facility must satisfy standards established by the Director to assure secure custody of offenders quartered therein.

2. The Director shall not enroll any offender in the program of work release unless he has determined that suitable facilities for quartering the offender are available in the locality where the offender has employment or the offer of employment.

