

SENATE BILL NO. 299—COMMITTEE ON JUDICIARY

(ON BEHALF OF THE ATTORNEY GENERAL)

MARCH 17, 2003

Referred to Committee on Judiciary

SUMMARY—Prohibits prisoners from manufacturing or possessing certain tools or items adapted, designed or commonly used for purpose of escaping or attempting to escape from custody. (BDR 16-433)

FISCAL NOTE: Effect on Local Government: Yes.
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 prisoners; prohibiting prisoners from manufacturing or possessing certain tools or items adapted, designed or commonly used for the purpose of escaping or attempting to escape from custody; providing penalties; 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 212 of NRS is hereby amended by adding
2 thereto a new section to read as follows:
3 1. *Except as otherwise provided in subsection 4, a prisoner*
4 *who is in lawful custody or confinement, other than residential*
5 *confinement, shall not knowingly manufacture, possess or have in*
6 *his custody or control any key, picklock, bolt cutters, wire cutters,*
7 *saw, digging tool, rope, ladder, hook or any other tool or item*
8 *adapted, designed or commonly used for the purpose of escaping*
9 *or attempting to escape from lawful custody or confinement,*
10 *whether or not such an escape or attempted escape actually*
11 *occurs.*



1 2. *A prisoner who violates any provision of subsection 1 and*
2 *who is in lawful custody or confinement for a charge, conviction*
3 *or sentence for:*

4 (a) *A felony, shall be punished for a category B felony by*
5 *imprisonment in the state prison for a minimum term of not less*
6 *than 1 year and a maximum term of not more than 6 years, and*
7 *may be further punished by a fine of not more than \$5,000.*

8 (b) *A gross misdemeanor or misdemeanor, shall be punished*
9 *for a gross misdemeanor.*

10 3. *A sentence imposed upon a prisoner pursuant to this*
11 *section:*

12 (a) *Is not subject to suspension or the granting of probation;*
13 *and*

14 (b) *Must run consecutively after the prisoner has served any*
15 *sentences imposed upon him for the offense or offenses for which*
16 *the prisoner was in lawful custody or confinement when he*
17 *violated the provisions of subsection 1.*

18 4. *The provisions of this section do not apply to a prisoner*
19 *who commits an act described in subsection 1 if the act is*
20 *authorized by the warden, sheriff, administrator or other person*
21 *responsible for administering the prison, or his designee, and the*
22 *prisoner performs the act in accordance with the directions or*
23 *instructions given to him by that person.*

24 **Sec. 2.** This act becomes effective upon passage and approval.

