

ASSEMBLY BILL NO. 35—COMMITTEE ON JUDICIARY

(ON BEHALF OF THE DEPARTMENT OF CORRECTIONS)

PREFILED NOVEMBER 16, 2022

Referred to Committee on Judiciary

SUMMARY—Revises provisions governing the access of offenders to telecommunications devices. (BDR 16-261)

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 corrections; requiring the Director of the Department of Corrections to adopt regulations authorizing an offender to possess, have in his or her custody or control and use a telecommunications device for certain purposes; revising the definition of a telecommunications device to include certain tablets; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

With certain exceptions, existing law prohibits an offender from having access to a telecommunications device. Existing law authorizes an offender to use a telecommunications device to conduct certain visits and correspondence. Existing law also authorizes certain offenders to use telecommunications devices: (1) pursuant to an agreement with the Department of Corrections; or (2) in accordance with any regulations governing the use of such devices adopted by the Department of Corrections. Finally, existing law defines the term “telecommunications device” to include a telephone, a cellular telephone, a personal digital assistant, a transmitting radio or a computer with certain capabilities. (NRS 209.417)

This bill revises the definition of “telecommunications device” to include a tablet with certain capabilities. This bill also removes statutory provisions authorizing offenders to have access to a telecommunications device and instead requires the Director of the Department, with the approval of the Board of State Prison Commissioners, to adopt regulations authorizing an offender to possess, have in his or her custody or control and use a telecommunications device for certain purposes, including for the purposes of: (1) conducting certain visits and correspondence; (2) appearing in court; (3) receiving medical care; (4) applying for or enrolling in a benefit from a governmental program; (5) performing legal research; (6) obtaining a GED, credential, certificate or certification; and (7) taking



20 a vocational assessment. This bill authorizes the Director of the Department, with
21 the approval of the Board, to adopt regulations authorizing an offender to possess,
22 have in his or her custody or control and use a telecommunications device for any
23 purpose other than these specified purposes. The bill requires such regulations to:
24 (1) prescribe the criteria for eligibility for an offender to use a telecommunications
25 device; (2) set forth the circumstances under which an offender is authorized to use
26 such a device to access the Internet; and (3) prescribe standards for the use of such
27 a device by an offender.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 **Section 1.** NRS 209.417 is hereby amended to read as follows:
2 209.417 1. Except as otherwise provided in this section, the
3 warden or manager of an institution or facility shall ensure that no
4 offender in the institution or facility, or in a vehicle of the
5 Department, has access to a telecommunications device.
6 2. ~~[An offender may use a telephone or, for the purpose of~~
7 ~~communicating with his or her child pursuant to NRS 209.42305,~~
8 ~~any other approved telecommunications device subject to the~~
9 ~~limitations set forth in NRS 209.419.~~
10 ~~—3.— An offender may use an approved telecommunications~~
11 ~~device for the purpose of conducting a visit or correspondence~~
12 ~~which is authorized pursuant to NRS 209.423, subject to the~~
13 ~~limitations set forth in NRS 209.419.~~
14 ~~—4.— The Department may enter into an agreement with an~~
15 ~~offender authorizing the offender to use a telecommunications~~
16 ~~device to facilitate or participate in correctional activities or to~~
17 ~~perform educational, vocational or legal research, subject to the~~
18 ~~limitations set forth in NRS 209.419.~~
19 ~~—5.]~~ The Director ~~[may,]~~ *shall*, with the approval of the Board,
20 adopt regulations authorizing an offender ~~[who is assigned to~~
21 ~~transitional housing, a center for the purpose of making restitution~~
22 ~~pursuant to NRS 209.4827 to 209.4843, inclusive, or a specific~~
23 ~~program of education or vocational training authorizing the~~
24 ~~offender]~~ to *possess, have in his or her custody or control and* use
25 a telecommunications device ~~[-~~
26 ~~—(a) To access a network, including, without limitation, the~~
27 ~~Internet,]~~ for the purpose of:
28 ~~[(1)]~~ (a) *Communicating with his or her child pursuant to*
29 *NRS 209.42305;*
30 (b) *Conducting a visit or correspondence which is authorized*
31 *pursuant to NRS 209.423;*
32 (c) *Appearing in court;*
33 (d) *Receiving medical care;*



1 (e) *Applying for or enrolling in a benefit from a governmental*
2 *program;*

3 (f) *Performing legal research;*

4 (g) *Obtaining [educational]:*

5 (1) *Educational* or vocational training that is approved by
6 the Department;

7 (2) *A general equivalency diploma or an equivalent*
8 *document; or*

9 (3) *A credential, certificate or certification;*

10 (h) *Taking a vocational assessment;*

11 (i) *Searching for or applying for employment; [or*

12 ~~*(3)] and*~~

13 (j) *Performing essential job functions.*

14 ~~*[(b) For any other purpose if a telecommunications device is*~~
15 ~~*required by an employer of the offender to perform essential job*~~
16 ~~*functions.]*~~

17 3. *The Director may, with the approval of the Board, adopt*
18 *regulations authorizing an offender to use a telecommunications*
19 *device for any purpose other than a purpose listed in subsection 2.*

20 4. *An offender may possess, have in his or her custody or*
21 *control and use a telecommunications device in accordance with*
22 *any regulations adopted by the Director pursuant to subsection 2*
23 *or 3. Any communication made by an offender using a*
24 *telecommunications device pursuant to this section is subject to*
25 *the limitations set forth in NRS 209.419.*

26 5. *The regulations adopted by the Director pursuant to*
27 *subsections 2 and 3 must:*

28 (a) *Prescribe the criteria for eligibility for an offender to use a*
29 *telecommunications device;*

30 (b) *Set forth the circumstances under which an offender may*
31 *use a telecommunications device to access a network, including,*
32 *without limitation, the Internet; and*

33 (c) *Prescribe standards for the use of a telecommunications*
34 *device by an offender.*

35 6. As used in this section ~~*[, “telecommunications]:*~~

36 (a) *“Benefits from a governmental program” means any*
37 *benefit, program or assistance provided by a governmental entity*
38 *pursuant to statute or regulation, including, without limitation,*
39 *Social Security, Medicare and Medicaid.*

40 (b) *“Medicaid” has the meaning ascribed to it in*
41 *NRS 439B.120.*

42 (c) *“Medicare” has the meaning ascribed to it in*
43 *NRS 439B.130.*

44 (d) *“Telecommunications device” means a device, or an*
45 *apparatus associated with a device, that can enable an offender to*



1 communicate with a person outside of the institution or facility at
2 which the offender is incarcerated. The term includes, without
3 limitation, a telephone, a cellular telephone, a personal digital
4 assistant, a transmitting radio or a computer *or tablet* that is
5 connected to a computer network, is capable of connecting to a
6 computer network through the use of wireless technology or is
7 otherwise capable of communicating with a person or device outside
8 of the institution or facility.

9 **Sec. 2.** 1. This section becomes effective upon passage and
10 approval.

11 2. Section 1 of this act becomes effective:

12 (a) Upon passage and approval for the purpose of adopting
13 regulations and performing any other preparatory administrative
14 tasks that are necessary to carry out the provisions of this act; and

15 (b) On January 1, 2024, for all other purposes.

