

Amendment No. 19

Assembly Amendment to Assembly Bill No. 35	(BDR 16-261)
Proposed by: Assembly Committee on Judiciary	
Amends: Summary: No Title: Yes Preamble: No Joint Sponsorship: No Digest: Yes	

ASSEMBLY ACTION			Initial and Date		SENATE ACTION			Initial and Date		
Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____		Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____
Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____		Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____
Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____		Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____

EXPLANATION: Matter in (1) *blue bold italics* is new language in the original bill; (2) variations of green bold underlining is language proposed to be added in this amendment; (3) ~~red strikethrough~~ is deleted language in the original bill; (4) ~~purple double strikethrough~~ is language proposed to be deleted in this amendment; (5) orange double underlining is deleted language in the original bill proposed to be retained in this amendment.



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 warden or manager of an institution or facility to make certain determinations concerning use of telecommunications devices by offenders; 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 ~~an~~ an authorized 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 ;(1) requires the warden or manager of an institution or facility to determine which telecommunications devices, if any, are authorized for use by an offender; and (2) 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 ~~an~~ an authorized telecommunications device for certain purposes ~~including~~ This bill requires such regulations to authorize an offender to possess, have in his or her custody or control and use an authorized telecommunications device for the purpose 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,]~~ diploma, degree, certificate or

22 ~~[certification,]~~ **similar credential;** and (7) taking a vocational assessment. This bill authorizes
 23 the Director of the Department, with the approval of the Board, to adopt regulations
 24 authorizing an offender to possess, have in his or her custody or control and use ~~the~~ **an**
 25 **authorized** telecommunications device for any purpose other than these specified purposes.
 26 The bill requires such regulations to: (1) **prescribe requirements for determining whether a**
 27 **telecommunications device will be authorized for use by an offender;** (2) prescribe the
 28 criteria for eligibility for an offender to use ~~the~~ **an authorized** telecommunications device;
 29 ~~[(2)]~~ **(3)** set forth the circumstances under which an offender is authorized to use such a device
 30 to access the Internet; and ~~[(3)]~~ **(4)** prescribe standards for the use of such a device by an
 31 offender. **Finally, this bill revises the definition of “telecommunications device” to include**
 32 **a tablet with certain capabilities.**

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

Section 1. NRS 209.417 is hereby amended to read as follows:

209.417 1. ~~Except as otherwise provided in this section, the~~ **The** warden
 or manager of an institution or facility shall ~~ensure~~ **:**

**(a) Determine which telecommunications devices, if any, are authorized for
 use by an offender in accordance with the regulations adopted pursuant to this
 section; and**

(b) Ensure that no offender in the institution or facility, or in a vehicle of the
 Department, has access to a telecommunications device ~~that is not an~~
authorized telecommunications device.

~~2. An offender may use a telephone or, for the purpose of communicating
 with his or her child pursuant to NRS 209.42305, any other approved
 telecommunications device subject to the limitations set forth in NRS 209.419.~~

~~3. An offender may use an approved telecommunications device for the
 purpose of conducting a visit or correspondence which is authorized pursuant to
 NRS 209.423, subject to the limitations set forth in NRS 209.419.~~

~~4. The Department may enter into an agreement with an offender authorizing
 the offender to use a telecommunications device to facilitate or participate in
 correctional activities or to perform educational, vocational or legal research,
 subject to the limitations set forth in NRS 209.419.~~

~~5. The Director may, shall, with the approval of the Board, adopt
 regulations authorizing an offender who is assigned to transitional housing, a
 center for the purpose of making restitution pursuant to NRS 209.4827 to 209.4843,
 inclusive, or a specific program of education or vocational training authorizing the
 offender to possess, have in his or her custody or control and use the an
 authorized telecommunications device to:~~

~~(a) To access a network, including, without limitation, the Internet,] for the
 purpose of:~~

~~[(1)] (a) Communicating with his or her child pursuant to NRS
 209.42305;~~

~~(b) Conducting a visit or correspondence which is authorized pursuant to
 NRS 209.423;~~

~~(c) Appearing in court;~~

~~(d) Receiving medical care;~~

~~(e) Applying for or enrolling in a benefit from a governmental program;~~

~~(f) Performing legal research;~~

~~(g) Obtaining educational] :~~

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

1 (2) A diploma, degree, certificate or similar credential, including, without
2 limitation, a high school diploma, a general ~~equivalency diploma~~ educational
3 development certificate or an equivalent document ~~and~~, an associate degree or a
4 baccalaureate degree;

5 ~~(3) A credential, certificate or certification;~~

6 (h) Taking a vocational assessment;

7 (i) Searching for or applying for employment; ~~for~~

8 ~~(3) and~~

9 (j) Performing essential job functions.

10 ~~(b) For any other purpose if a telecommunications device is required by an~~
11 ~~employer of the offender to perform essential job functions.~~

12 3. The Director may, with the approval of the Board, adopt regulations
13 authorizing an offender to use ~~for~~ an authorized telecommunications device for
14 any purpose other than a purpose listed in subsection 2.

15 4. An offender may possess, have in his or her custody or control and use
16 ~~for~~ an authorized telecommunications device in accordance with any regulations
17 adopted by the Director pursuant to subsection 2 or 3. Any communication made
18 by an offender using ~~for~~ an authorized telecommunications device pursuant to
19 this section is subject to the limitations set forth in NRS 209.419.

20 5. The regulations adopted by the Director pursuant to subsections 2 and 3
21 must:

22 (a) Prescribe the criteria for eligibility for an offender to use ~~for~~ an
23 authorized telecommunications device;

24 (b) Prescribe requirements for determining whether a telecommunications
25 device will be authorized for use by an offender;

26 (c) Set forth the circumstances under which an offender may use ~~for~~ an
27 authorized telecommunications device to access a network, including, without
28 limitation, the Internet; and

29 ~~(d)~~ (d) Prescribe standards for the use of ~~for~~ an authorized
30 telecommunications device by an offender.

31 6. As used in this section ~~[, "telecommunications"]~~ :

32 (a) "Authorized telecommunications device" means a device authorized for
33 use by an offender in accordance with the regulations adopted pursuant to this
34 section.

35 (b) "Benefits from a governmental program" means any benefit, program or
36 assistance provided by a governmental entity pursuant to statute or regulation,
37 including, without limitation, Social Security, Medicare and Medicaid.

38 ~~(b)~~ (c) "Medicaid" has the meaning ascribed to it in NRS 439B.120.

39 ~~(c)~~ (d) "Medicare" has the meaning ascribed to it in NRS 439B.130.

40 ~~(d)~~ (e) "Telecommunications" device" means a device, or an apparatus
41 associated with a device, that can enable an offender to communicate with a person
42 outside of the institution or facility at which the offender is incarcerated. The term
43 includes, without limitation, a telephone, a cellular telephone, a personal digital
44 assistant, a transmitting radio or a computer or tablet that is connected to a
45 computer network, is capable of connecting to a computer network through the use
46 of wireless technology or is otherwise capable of communicating with a person or
47 device outside of the institution or facility.

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

49 2. Section 1 of this act becomes effective:

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

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