

ASSEMBLY BILL NO. 25—COMMITTEE ON JUDICIARY

(ON BEHALF OF THE DEPARTMENT OF CORRECTIONS)

PREFILED NOVEMBER 12, 2024

Referred to Committee on Judiciary

SUMMARY—Revises provisions relating to offenders. (BDR 16-296)

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 offenders; revising requirements relating to the provision of certain medical services to women in the custody of the Department of Corrections; revising provisions relating to notarial acts performed for persons incarcerated in the state prison; eliminating the requirement that the Director of the Department establish and administer a program of regimental discipline; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 Existing law requires the Department of Corrections to provide a woman who
2 is incarcerated access to certain necessary medical and behavioral health care
3 services. (NRS 209.3817) **Section 1** of this bill requires that any such access be
4 provided in accordance with community standards of care and national guidelines
5 for the provision of such services. **Section 1** also removes specific language
6 requiring this access to include an annual pelvic examination and mammography,
7 thereby requiring the Department to provide a woman who is incarcerated access to
8 a pelvic examination and mammography in accordance with community standards
9 of care and national guidelines for the provision of pelvic examinations and
10 mammography, rather than on an annual basis.

11 Existing law contains the Uniform Law on Notarial Acts, which provides the
12 manner in which notarial acts must be performed, including that a notarial officer
13 determine, from personal knowledge or satisfactory evidence, that a person is the
14 person whose signature is on a document. (NRS 240.161-240.169, 240.1655)
15 **Section 5** of this bill provides that a notarial officer has satisfactory evidence that a
16 person who is incarcerated in the state prison is the person whose signature is on a
17 document if the person is identified upon the basis of: (1) an inmate identification
18 card that is issued by the Department in accordance with regulations adopted by the



19 Department and includes the name and a picture of the person; or (2) a declaration
20 signed by the person under penalty of perjury attesting to his or her identity.
21 Existing law: (1) requires the Director of the Department to establish and
22 administer a program of regimental discipline to be used as an alternative to
23 incarceration; and (2) authorizes a court to order certain defendants to undergo the
24 program as an alternative to incarceration. (NRS 176A.630, 176A.770, 176A.780,
25 209.356) **Sections 4 and 6** of this bill repeal this requirement and authorization.
26 **Sections 2 and 3** of this bill make conforming changes by removing references to a
27 provision repealed by **section 6**.

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

1 **Section 1.** NRS 209.3817 is hereby amended to read as
2 follows:
3 209.3817 1. The Department shall ensure that each woman
4 who is assigned to an institution or facility completes a form at the
5 time of intake to assess the needs of the woman while in the custody
6 of the Department. The form must include, without limitation,
7 questions relating to:
8 (a) How recently the woman has received preventative
9 gynecological care and, if applicable, obstetrical care; and
10 (b) The needs of the woman for feminine hygiene products for
11 the purpose of providing the woman with a suitable supply of
12 feminine hygiene products.
13 2. The Department shall provide a woman who is in the
14 custody of the Department access to necessary medical and
15 behavioral health care services, including:
16 (a) Counseling pertaining to mental health or a substance use
17 disorder;
18 (b) Medication prescribed for the treatment for mental health
19 issues;
20 (c) ~~[An annual pelvic examination and mammography;]~~ *Pelvic*
21 *examinations;*
22 *(d) Mammography;* and
23 ~~[(d)]~~ *(e) Any appropriate follow-up care necessary for a woman*
24 *who receives an examination or mammography pursuant to*
25 *paragraph (c) [(c)] or (d).*
26 3. *The Department shall provide any necessary medical and*
27 *behavioral health care services required by subsection 2 in*
28 *accordance with community standards of care and national*
29 *guidelines for the provision of medical and behavioral health care*
30 *services to incarcerated women.*
31 4. The Department shall provide a woman who is in the
32 custody of the Department with a sufficient supply of feminine
33 hygiene products at no cost. The Department shall provide the



1 woman with a preferred type of feminine hygiene products upon
2 request. A woman may at any time inform the Department of a need
3 to adjust the supply of feminine hygiene products necessary to
4 constitute a sufficient supply for the needs of the woman.

5 ~~[4.]~~ 5. The Department shall adopt regulations necessary to
6 carry out the provisions of this section.

7 ~~[5.]~~ 6. As used in this section:

8 (a) "Feminine hygiene product" means a sanitary napkin,
9 tampon or other similar item used during a menstrual cycle.

10 (b) "Mammography" has the meaning ascribed to it in
11 NRS 457.182.

12 **Sec. 2.** NRS 209.481 is hereby amended to read as follows:

13 209.481 1. ~~[Except as otherwise provided in NRS 176A.780,~~
14 ~~the]~~ **The** Director shall not assign any prisoner to an institution or
15 facility of minimum security if the prisoner:

16 (a) Except as otherwise provided in NRS 484C.400, 484C.410,
17 484C.430, 484C.440, 488.420, 488.425 and 488.427, is not eligible
18 for parole or release from prison within a reasonable period;

19 (b) Has recently committed a serious infraction of the rules of an
20 institution or facility of the Department;

21 (c) Has not performed the duties assigned to him or her in a
22 faithful and orderly manner;

23 (d) Has ever been convicted of a sexual offense that is
24 punishable as a felony;

25 (e) Has, within the immediately preceding year, been convicted
26 of any crime involving the use or threatened use of force or violence
27 against a victim that is punishable as a felony; or

28 (f) Has attempted to escape or has escaped from an institution of
29 the Department.

30 2. The Director shall, by regulation, establish procedures for
31 classifying and selecting qualified prisoners.

32 **Sec. 3.** NRS 176A.450 is hereby amended to read as follows:

33 176A.450 1. Except as otherwise provided in this section, by
34 order duly entered, the court may impose, and may at any time
35 modify, any conditions of probation or suspension of sentence. The
36 court shall cause a copy of any such order to be delivered to the
37 parole and probation officer and the probationer. ~~[A copy of the~~
38 ~~order must also be sent to the Director of the Department of~~
39 ~~Corrections if the probationer is under the supervision of the~~
40 ~~Director pursuant to NRS 176A.780.]~~

41 2. If the probationer is participating in a program of probation
42 secured by a surety bond, the court shall not impose or modify the
43 conditions of probation unless the court notifies the surety and:



1 (a) Causes the original bond to be revoked and requires a new
2 bond to which the original and the new conditions are appended and
3 made part; or

4 (b) Requires an additional bond to which the new conditions are
5 appended and made part.

6 3. The court shall not modify a condition of probation or
7 suspension of sentence that was imposed pursuant to NRS
8 176A.410, unless the court finds that extraordinary circumstances
9 are present and the court enters those extraordinary circumstances in
10 the record.

11 **Sec. 4.** NRS 176A.630 is hereby amended to read as follows:

12 176A.630 1. If the probationer is arrested, by or without
13 warrant, in another judicial district of this state, the court which
14 granted the probation may assign the case to the district court of that
15 district, with the consent of that court. The court retaining or thus
16 acquiring jurisdiction shall cause the defendant to be brought before
17 it and consider the system of graduated sanctions adopted pursuant
18 to NRS 176A.510, if applicable. Upon determining that the
19 probationer has violated a condition of probation, the court shall, if
20 practicable, order the probationer to make restitution for any
21 necessary expenses incurred by a governmental entity in returning
22 the probationer to the court for violation of the probation. If the
23 court finds that the probationer committed a violation of a condition
24 of probation that is not a technical violation, the court may:

25 (a) Continue or revoke the probation or suspension of sentence;

26 (b) Order the probationer to a term of residential confinement
27 pursuant to NRS 176A.660;

28 (c) ~~Order the probationer to undergo a program of regimental~~
29 ~~discipline pursuant to NRS 176A.780;~~

30 ~~—(d)—~~ Cause the sentence imposed to be executed; or

31 ~~{(e)}~~ (d) Modify the original sentence imposed by reducing the
32 term of imprisonment and cause the modified sentence to be
33 executed. The court shall not make the term of imprisonment less
34 than the minimum term of imprisonment prescribed by the
35 applicable penal statute. If the Chief Parole and Probation Officer
36 recommends that the sentence of a probationer be modified and the
37 modified sentence be executed, the Chief Parole and Probation
38 Officer shall provide notice of the recommendation to any victim of
39 the crime for which the probationer was convicted who has
40 requested in writing to be notified and who has provided a current
41 address to the Division. The notice must inform the victim that he or
42 she has the right to submit documents to the court and to be present
43 and heard at the hearing to determine whether the sentence of a
44 probationer who has violated a condition of probation should be
45 modified. The court shall not modify the sentence of a probationer



1 and cause the sentence to be executed until it has confirmed that the
2 Chief Parole and Probation Officer has complied with the provisions
3 of this paragraph. The Chief Parole and Probation Officer must not
4 be held responsible when such notification is not received by the
5 victim if the victim has not provided a current address. All personal
6 information, including, but not limited to, a current or former
7 address, which pertains to a victim and which is received by the
8 Division pursuant to this paragraph is confidential.

9 2. If the court finds that the probationer committed one or more
10 technical violations of the conditions of probation and the Division
11 has determined that the graduated sanctions adopted pursuant to
12 NRS 176A.510 have been exhausted, the court may:

13 (a) Continue the probation or suspension of sentence;

14 (b) Order the probationer to a term of residential confinement
15 pursuant to NRS 176A.660;

16 (c) Temporarily revoke the probation or suspension of sentence
17 and impose a term of imprisonment of not more than:

18 (1) Thirty days for the first temporary revocation;

19 (2) Ninety days for the second temporary revocation; or

20 (3) One hundred and eighty days for the third temporary
21 revocation;

22 (d) Fully revoke the probation or suspension of sentence and
23 impose imprisonment for the remainder of the sentence for a fourth
24 or subsequent revocation; or

25 (e) Revoke the probation or suspension of sentence at the
26 request of the probationer. If the probation or suspension of sentence
27 is revoked pursuant to this paragraph, the probationer must serve
28 such part of the unexpired maximum term or the maximum
29 aggregate term, as applicable, of his or her original sentence as may
30 be determined by the court.

31 3. Notwithstanding any other provision of law, a probationer
32 who is arrested and detained for committing a technical violation of
33 the conditions of probation must be brought before the court not
34 later than 15 calendar days after the date of arrest and detention. If
35 the person is not brought before the court within 15 calendar days,
36 the probationer must be released from detention and returned to
37 probation status. Following a probationer's release from detention,
38 the court may subsequently hold a hearing to determine if a
39 technical violation has occurred. If the court finds that such a
40 technical violation occurred, the court may:

41 (a) Continue probation and modify the terms and conditions of
42 probation; or

43 (b) Fully or temporarily revoke probation in accordance with the
44 provisions of subsection 2.



1 4. A probationer who is arrested and detained for committing a
2 technical violation of the conditions of probation must receive credit
3 for any time served while the probationer is waiting for a hearing to
4 determine if a technical violation has occurred. The court must
5 apply such credit to any term of imprisonment imposed pursuant to
6 subsection 2.

7 5. Any time served by a probationer while waiting for a
8 hearing, as set forth in subsection 4, and any time served in
9 accordance with any term of imprisonment imposed pursuant to
10 subsection 2 must be applied toward the original sentence of the
11 probationer.

12 6. The commission of one of the following acts by a
13 probationer must not, by itself, be used as the only basis for the
14 revocation of probation:

- 15 (a) Consuming any alcoholic beverage.
- 16 (b) Testing positive on a drug or alcohol test.
- 17 (c) Failing to abide by the requirements of a mental health or
18 substance use treatment program.
- 19 (d) Failing to seek and maintain employment.
- 20 (e) Failing to pay any required fines or fees.
- 21 (f) Failing to report any changes in residence.

22 7. As used in this section, "technical violation" has the
23 meaning ascribed to it in NRS 176A.510.

24 **Sec. 5.** NRS 240.1655 is hereby amended to read as follows:

25 240.1655 1. A notarial act must be evidenced by a certificate
26 that:

27 (a) Identifies the county, including, without limitation, Carson
28 City, in this State in which the notarial act was performed in
29 substantially the following form:

30
31 State of Nevada
32 County of

33
34 (b) Except as otherwise provided in this paragraph, includes the
35 name of the person whose signature is being notarized. If the
36 certificate is for certifying a copy of a document, the certificate must
37 include the name of the person presenting the document. If the
38 certificate is for the jurat of a subscribing witness, the certificate
39 must include the name of the subscribing witness.

40 (c) Is signed and dated in ink by the notarial officer performing
41 the notarial act. If the notarial officer is a notary public, the
42 certificate must be signed in the same manner as the signature of the
43 notarial officer that is on file with the Secretary of State.



1 (d) If the notarial officer performing the notarial act is a notary
2 public, includes the statement imprinted with the stamp of the notary
3 public, as described in NRS 240.040.

4 (e) If the notarial officer performing the notarial act is not a
5 notary public, includes the title of the office of the notarial officer
6 and may include the official stamp or seal of that office. If the
7 officer is a commissioned officer on active duty in the military
8 service of the United States, the certificate must also include the
9 officer's rank.

10 2. Except as otherwise provided in subsection 8, a notarial
11 officer shall:

12 (a) In taking an acknowledgment, determine, from personal
13 knowledge or satisfactory evidence, that the person making the
14 acknowledgment is the person whose signature is on the document.
15 The person who signed the document shall present the document to
16 the notarial officer in person.

17 (b) In administering an oath or affirmation, determine, from
18 personal knowledge or satisfactory evidence, the identity of the
19 person taking the oath or affirmation.

20 (c) In certifying a copy of a document, photocopy the entire
21 document and certify that the photocopy is a true and correct copy
22 of the document that was presented to the notarial officer.

23 (d) In making or noting a protest of a negotiable instrument,
24 verify compliance with the provisions of subsection 2 of
25 NRS 104.3505.

26 (e) In executing a jurat, administer an oath or affirmation to the
27 affiant and determine, from personal knowledge or satisfactory
28 evidence, that the affiant is the person named in the document. The
29 affiant shall sign the document in the presence of the notarial
30 officer. The notarial officer shall administer the oath or affirmation
31 required pursuant to this paragraph in substantially the following
32 form:

33
34 Do you (solemnly swear, or affirm) that the statements in
35 this document are true, (so help you God)?
36

37 3. A certificate of a notarial act is sufficient if it meets the
38 requirements of subsections 1 and 2 and it:

39 (a) Is in the short form set forth in NRS 240.166 to 240.169,
40 inclusive;

41 (b) Is in a form otherwise prescribed by the law of this State;

42 (c) Is in a form prescribed by the laws or regulations applicable
43 in the place in which the notarial act was performed; or

44 (d) Sets forth the actions of the notarial officer and those are
45 sufficient to meet the requirements of the designated notarial act.



1 4. For the purposes of paragraphs (a), (b) and (e) of subsection
2 2, a notarial officer has satisfactory evidence that a person is the
3 person whose signature is on a document if the person:

4 (a) Is personally known to the notarial officer;

5 (b) Is identified upon the oath or affirmation of a credible
6 witness who personally appears before the notarial officer;

7 (c) Is identified on the basis of an identifying document which
8 contains a signature and a photograph;

9 (d) Is identified on the basis of a consular identification card;

10 (e) Is identified upon an oath or affirmation of a subscribing
11 witness who is personally known to the notarial officer; ~~(or)~~

12 (f) In the case of a person who is 65 years of age or older and
13 cannot satisfy the requirements of paragraphs (a) to (e), inclusive, is
14 identified upon the basis of an identification card issued by a
15 governmental agency or a senior citizen center ~~(or)~~; *or*

16 *(g) In the case of a person who is incarcerated in the state
17 prison and cannot satisfy the requirements of paragraphs (a) to
18 (e), inclusive, is identified upon the basis of:*

19 *(1) An inmate identification card which:*

20 *(I) Is issued to the person by the Department of
21 Corrections in accordance with regulations adopted by the
22 Department; and*

23 *(II) Includes the name of the person and a picture of the
24 person; or*

25 *(2) A declaration signed by the person under penalty of
26 perjury in accordance with NRS 208.165 attesting to his or her
27 identity.*

28 5. An oath or affirmation administered pursuant to paragraph
29 (b) of subsection 4 must be in substantially the following form:

30
31 Do you (solemnly swear, or affirm) that you personally
32 know(name of person who signed the
33 document)....., (so help you God)?
34

35 6. A notarial officer shall not affix his or her signature over
36 printed material.

37 7. By executing a certificate of a notarial act, the notarial
38 officer certifies that the notarial officer has complied with all the
39 requirements of this section.

40 8. If a person is physically unable to sign a document that is
41 presented to a notarial officer pursuant to this section, the person
42 may direct a person other than the notarial officer to sign the
43 person's name on the document. The notarial officer shall insert
44 "Signature affixed by (insert name of other person) at the direction
45 of (insert name of person)" or words of similar import.



1 9. As used in this section, unless the context otherwise
2 requires, "consular identification card" means an identification card
3 issued by a consulate of a foreign government, which consulate is
4 located within the State of Nevada.

5 **Sec. 6.** NRS 176A.770, 176A.780 and 209.356 are hereby
6 repealed.

7 **Sec. 7.** This act becomes effective upon passage and approval.

TEXT OF REPEALED SECTIONS

176A.770 Legislative declaration. The Legislature hereby determines and declares that a program of regimental discipline is not to be used as an alternative to probation, but as an alternative to incarceration.

176A.780 Eligibility; procedure; completion; deduction of time from sentence.

1. If a defendant:

(a) Is male;

(b) Has been convicted of a felony that:

(1) Does not involve an act of violence; or

(2) Involves an act of violence, but the district attorney stipulates to the defendant's eligibility to participate in a program of regimental discipline;

(c) Is at least 18 years of age;

(d) Has not been incarcerated in jail during his lifetime for a cumulative total of more than 365 days;

(e) Has never been incarcerated in prison; and

(f) Is otherwise eligible for probation,

↳ the court may order the defendant satisfactorily to complete a program of regimental discipline for 150 days before sentencing the defendant or in lieu of causing the sentence imposed to be executed upon violation of a condition of probation or suspension of sentence.

2. If the court orders the defendant to undergo a program of regimental discipline, it:

(a) Shall place the defendant under the supervision of the Director of the Department of Corrections for not more than 190 days, not more than the first 30 days of which must be used to determine the defendant's eligibility to participate in the program. In determining the defendant's eligibility to participate in the program, the Director shall:

(1) Make all reasonable efforts to accommodate the defendant in the program; and



(2) Consider the facts and circumstances of the defendant's offense based on the police report, the report of the presentence investigation and any other information available to the Director.

(b) Shall, if appropriate, direct the Chief Parole and Probation Officer to provide a copy of the defendant's records to the Director of the Department of Corrections.

(c) Shall require the defendant to be returned to the court not later than 30 days after the defendant is placed under the supervision of the Director, if the defendant is determined to be ineligible for the program.

(d) May require such reports concerning the defendant's participation in the program as it deems desirable.

3. If the defendant is ordered to complete the program before sentencing, the Director of the Department of Corrections shall return the defendant to the court not later than 150 days after the defendant began the program. The Director shall certify either that the defendant satisfactorily completed the program or that the defendant did not, and shall report the results of the Director's evaluation, including any recommendations which will be helpful in determining the proper sentence. Upon receiving the report, the court shall sentence the defendant.

4. If the defendant is ordered to complete the program in lieu of causing the sentence imposed to be executed upon the violation of a condition of probation and the defendant satisfactorily completes the program, the Director of the Department of Corrections shall, not later than 150 days after the defendant began the program, return the defendant to the court with certification that the defendant satisfactorily completed the program. The court shall direct that:

(a) The defendant be placed under the supervision of the Chief Parole and Probation Officer; and

(b) The Director of the Department of Corrections cause a copy of the records concerning the defendant's participation in the program to be provided to the Chief Parole and Probation Officer.

5. If a defendant is ordered to complete the program of regimental discipline in lieu of causing the sentence imposed to be executed upon the violation of a condition of probation, a failure by the defendant satisfactorily to complete the program constitutes a violation of that condition of probation and the Director of the Department of Corrections shall return the defendant to the court.

6. Time spent in the program must be deducted from any sentence which may thereafter be imposed.

209.356 Director to establish program of regimental discipline. The Director, with the approval of the Board, shall establish and administer a program of regimental discipline for



persons who are ordered to undergo such a program pursuant to NRS 176A.780. The program must include:

1. Incarceration and segregation of the persons in an appropriate facility of the Department;
2. Strenuous physical exercise and hard labor;
3. Military drills; and
4. Sessions for instruction in:
 - (a) The recognition and prevention of alcohol and other substance use disorders;
 - (b) The management of stress;
 - (c) Building character;
 - (d) Learning to behave in a rational manner; and
 - (e) Preparing for and obtaining employment.



