

**SUMMARY OF 77th (2013) LEGISLATIVE SESSION**

**BILLS SUBMITTED OR SPONSORED BY NDOC**

<b>Bill #</b>	<b>Effective</b>	<b>Summary of Bill</b>	<b>Impact on the Department</b>
AB17	5/28/13	Revises provisions governing interagency panels convened when a school district employee operating a program of education for incarcerated persons is excluded from a facility or institution operated by the NDOC. (BDR 34-319).	This bill removes the reference to a manager or warden excluding a school district employee from a facility or institution and instead authorizes the Director of the NDOC, upon good cause shown, to restrict the access of such an employee to a facility or institution for not more than 30 days. This bills impacts Operations.
AB43	5/10/13	Clarifies provisions governing credits earned by an offender which reduce the offender's term of imprisonment. (BDR 16-318)	This bill: (1) clarifies that an offender may not earn more than the amount of credit required to expire his or her sentence; and (2) specifies that such a provision shall not be construed to reduce retroactively the amount of credit earned by an offender if doing so would constitute a violation under the Constitution of the United States or the Constitution of the State of Nevada. This bills impacts Operations.
AB422	6/2/13	AN ACT relating to offenders; requiring an autopsy upon the death of an offender under certain circumstances; and providing other matters properly relating thereto. (BDR 16-1143)	Existing regulations provide that when an offender committed to the custody of the NDOC dies, the coroner is required to determine the necessity of an autopsy where the death may be suspicious or unnatural. (NDOC AR 420.09) This bill requires the Director of the Department to request an autopsy upon the death of an offender where the next of kin of the offender consents or fails to object to the autopsy within 72 hours after the death. This bills impacts Operations and Fiscal/Support Services.
SB32	5/22/13	Revises various provisions relating to the Department of Corrections and the Division of Parole and Probation of the Department of Public Safety. (BDR 16-317)	This bill revises provisions relating to the authority of the Director of the NDOC; authorizing the Director to exempt certain offenders from provisions relating to the Prisoners' Personal Property Fund; revising provisions concerning the transfer of a person detained in a local facility to an institution or facility of the Department; expanding the eligibility for a program established by the Director for the treatment of an abuser of alcohol or drugs; authorizing the Division of P&P of the DPS to receive and distribute restitution paid by certain offenders; revising provisions pertaining to restitution received by the Division from certain other persons; repealing the provisions governing the Prison Revolving Account; and makes certain technical changes clarifying that an offender assigned to the custody of the Division of P&P to serve a term of residential confinement cannot reside in another state. This bill impacts Operations and Fiscal/Support Services.

**BILLS WITH IMPACT ON OPERATIONS**

<b>Bill #</b>	<b>Effective</b>	<b>Summary of Bill</b>	<b>Impact on the Department</b>
AB64	6/1/13	Revises provisions concerning the delivery of copies of reports of presentence investigations and certain judgments of conviction; and providing other matters properly relating thereto. (BDR 14-338)	The court is required to provide a copy of any report of a presentence investigation be delivered to the Director of the NDOC when the judgment of imprisonment is delivered by the sheriff to an authorized person designated by the Director to receive the prisoner from the county where the prisoner is held for commitment. Changes made to this bill will make it possible for NDOC to be provided the documents electronically instead of multiple certified paper documents.
AB67	7/1/13	AN ACT relating to crimes; authorizing victims of human trafficking to bring a civil action; amending various provisions concerning the investigation and prosecution of sex trafficking, involuntary servitude and trafficking in persons; amending various provisions concerning the crimes of pandering, sex trafficking, involuntary servitude and trafficking in persons; revising various provisions governing the penalties; and other related matters. (BDR 3-403)	The two most applicable sections that could potentially impact the NDOC prison capacity and costs are Sections 30 and 42. In all, per the Department's fiscal note the NDOC could incur as many as an additional 410.85 inmates by the end of Fiscal Year 2019 amounting to \$7,102.90.
AB74	6/3/13	Establishes provisions governing document preparation services. (BDR 19-84)	Even though it is against AR 722 for inmates to receive compensation for providing legal assistance at any time to another inmate they could still potentially violate this regulation. It is not clear if inmates who violate could be subjected to more than just the Inmate Penal Code of Discipline for such behavior. Inmates do not meet the definition of a "document preparation service" per se because the bill states "for compensation", but again this could be applicable if an inmate chooses to provide legal/paralegal assistance for some sort of fee to other inmate(s).
AB84	1/1/14	Requires certain district courts to establish a specialty court program for veterans (BDR 14-124).	Requires Clark County's district court to establish a treatment program for offenders who are veterans or who are members of the military. All other counties will retain their option to make such program available. The program will be intended to assign offenders who plead guilty but mentally and/or who have a substance or alcohol abuse problems and don't have a history of violence. The court will grant qualifying offenders probation and any violations of the terms of the conditions for probation may result in the person becoming incarcerated at the NDOC. The NDOC estimates admissions levels would be reduced by 3.58 to 88.67 offenders per calendar years based on the effective date.

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**BILLS WITH IMPACT ON OPERATIONS**

<b>Bill #</b>	<b>Effective</b>	<b>Summary of Bill</b>	<b>Impact on the Department</b>
AB91	10/1/13	Revises certain provisions relating to programs of regimental discipline. (BDR 14-740)	This bill revises the eligibility requirements for the boot camp by allowing male offenders involved in an act of violence, but the district attorney stipulates to the defendant's eligibility to participate in a program of regimental discipline; has not been incarcerated in jail during his lifetime for accumulative total of more than 365 days. 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.
AB170	Multiple eff dates APRN eff 7/1/13	Revises provisions relating to the advanced practice of nursing. (BDR 54-778)	Advance Practice Nurses (APN) are now called Advanced Practice Registered Nurses (APRN) and are required to be licensed, instead of getting a certificate of recognition. APRN do not need a collaborating physician to practice which might drive up the market salary for mid-level practitioners.
SB4	5/27/13	Revises provisions governing the testing of a person or decedent who may have exposed certain public employers, employees or volunteers to a contagious disease. (BDR 40-265)	This bill adds volunteers to list of employees covered by NRS 441A.195. Volunteers who are approved to enter NDOC facilities or institutions are considered "adjunct employees" and are covered by Worker's Compensation. Now they will have the same ability to petition the court for testing of an inmate who may have potentially exposed them to a "contagious disease" This could result in additional involvement from the IG's staff as they would pursue court petitions should a volunteer be exposed to bodily fluids. This bill should provide the Department some added protection from lawsuits by volunteers by providing some protection to volunteers who may be exposed to contagious diseases.
SB31	7/1/13	Provides for the sharing of information regarding certain children among child welfare agencies, schools, courts, probation departments and treatment providers. (BDR 5-385)	Due to NDOC housing offenders under the age of 18, it might be necessary to provide records to the court regarding educational achievement while incarcerated or reports concerning completion of or participation in substance abuse programs. There would be no fiscal impact on NDOC.
SB71	7/1/14	Revises provisions governing sentencing of certain criminal offenders and determining eligibility of certain prisoners for parole. (BDR 14-447)	This bill requires the aggregation of certain consecutive sentences of imprisonment imposed on an offender; making credits earned by a prisoner to reduce his or her sentence applicable to an aggregated sentence; revising the manner in which certain credits are deducted to reduce the minimum term of imprisonment; revising provisions relating to the parole of certain prisoners; and providing other matters properly relating thereto. NDOC analysis of the impact of this bill concurs with the Parole Board assessment concerning the potential effect to 3,357 inmates and has the potential to reduce Parole Board hearings by approximately 350 a year. Requires programming of NOTIS Phase II sentence calculations.
SB74	10/1/13	Revises provisions relating to public records. (BDR 19-603)	This bill requires the public book or record to be made available upon request if the public book or record is readily available. Except as otherwise provided in NRS 239.030, shall, upon request, prepare the copy of the public record and shall not require the person who has requested the copy to prepare the copy himself or herself. Section 4.5 adds that the fee not exceed 50 cents per page.
SB83	10/1/13	Revises provisions relating to animal fighting. (BDR 50-148)	Section 1 revises NRS 574.060 which dictates that it is unlawful to support the keeping of animals for purposes of fighting or baiting. For the first violation, the penalty will be increased from a gross misdemeanor to a category E felony. A second offense will be increased from a category E felony to a category D felony. Section 2 increases penalties and makes it a category E felony to "knowingly" witness animal fighting events or (b) to manufacture, own, possess, sell, etc. gaffs or spurs designed to be attached to certain animals for animal fighting purposes. The NDOC research staff acquired data from Clark County and Washoe County as these are the two largest counties in the state. It is estimated that the revision of Subsection 2 (a) could result in 6.9 new prison incarcerations per year. These incarcerations will be an average of 11 months and 23 days in length. Assuming that the NDOC begins to admit inmates as a result of the new arrests, the cumulative cost by the end of FY14 will amount to \$43,360 and \$146,121 by the end of FY15.
SB104	7/1/13	Revises provisions governing parole. (BDR 241)	Existing law: (1) prohibits the State Board of Parole Commissioners from granting or continuing the parole of a prisoner convicted of certain sexual offenses unless a panel first evaluates the prisoner to determine the prisoner's likelihood to reoffend in a sexual manner; and (2) authorizes the Board to require an evaluation of such a prisoner if the evaluation may assist the Board in determining whether parole should be granted or continued. (NRS 213.1214) This bill replaces the requirement for such evaluations to be conducted by a panel with a process that requires the NDOC to assess the risk of a prisoner convicted of certain sexual offenses to reoffend in a sexual manner. This frees up time for the Psychology staff by eliminating the Psych Panel, however, this adds additional duties to the Caseworkers which will also require additional training.
SB141	Effective 7/1/13, and expires by limitation on 6/30/15	Revises provisions governing the dissemination of records of criminal history. (BDR 14-881)	Added to NRS 179A.150, section 1.7 (x) A court appointed special advocate program in a county whose population is less than 100,000, as needed to ensure the safety of a child for whom a special advocate has been appointed by a court. NDOC will have to provide information/records to these groups if requested. AR 569.02 section 4 will need updating.

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**BILLS WITH IMPACT ON OPERATIONS**

Bill #	Effective	Summary of Bill	Impact on the Department
SB423	5/30/13 and 1/1/14 to carry out the provisions of this act.	AN ACT relating to offenders; requiring the Director of the NDOC to provide certain information upon the release of an offender; and providing other matters properly relating thereto.. (BDR 16-1112)	Existing law requires the Director of the NDOC to provide certain information to an offender upon the offender's release from prison. (NRS 209.511) Section 1 of this bill requires the Director to provide a photo identification card, including the name, date of birth and a color photograph of the offender, to an offender upon his or her release if the offender requests such identification and is eligible to acquire a driver's license or identification card. Note: Fiscal note indicates that the photo ID would be an inmate driven expense costing approximately .50 cents each page to produce.
SB519	6/11/13	Authorizes the Director of the NDOC to apply on behalf of a prisoner for a determination of Medicaid eligibility. (BDR 16-1230)	This bill authorizes the NDOC or his or her designee, after informing a prisoner, to apply for a determination of Medicaid eligibility on behalf of the prisoner.
SCR9	Resolution read and adopted 6/3/13. 6/12/13 No further action taken.	Directs the Legislative Commission to appoint a committee to conduct an interim study regarding working conditions at state correctional institutions and facilities and relating to the supervision of offenders. (BDR R-1223)	SCR 9 which directed the Legislative Commission to appoint a committee to conduct an interim study regarding working conditions at the state correctional institutions and facilities was not passed by both the Senate and the Assembly. However, since the Department as well as the State Board of Prison Commissioners has indicated a desire to conduct such a study, the Department is still pursuing funding options which would allow an independent study by the Association of State Correctional Administrators (ASCA) be conducted resulting in a thorough staffing assessment of NDOC facilities. Ultimately if funding is secured, NDOC hopes to use the results of such an assessment to create a short and long term plan to address the staffing needs within the NDOC facilities.

**BILLS CONCERNING PRISON INDUSTRIES**

Bill #	Effective	Summary of Bill	Impact on the Department
SB478	7/1/13	This bill requires the Director of the NDOC to provide certain information to the Committee on Industrial Programs; requiring private employers who enter into contracts for the employment of offenders to comply with certain requirements; revising the membership of the Committee; revising the duties of the Committee; and other related matters. (BDR 16-1202)	This bill requires the Director to: (1) provide to the Committee on Industrial Programs certain information concerning the potential impacts the employment of offenders may have on private employers and labor in this State; and (2) submit any contract regarding such employment to the State Board of Examiners for approval. This bill additionally requires: (1) the Director to submit to the Director of the LCB a report every 5 years concerning contracts with private employers for the employment of offenders and the impacts such employment may have on private industry; (2) the Director to appear before the Committee and submit certain information if a state-sponsored program for the employment of offenders does not operate profitably under certain circumstances; and (3) all private employers who contract for the employment of offenders to comply with certain requirements.

**BILLS CONCERNING MIS**

Bill #	Effective	Summary of Bill	Impact on the Department
AB468	6/12/13	Makes an appropriation from the State General Fund to the NDOC for an upgrade to and end user training for the Nevada Offender Tracking Information System. (BDR S-1182)	Appropriates from the State General Fund to the NDOC the sum of \$1,902,000 for an upgrade to and end-user training for the Nevada Offender Tracking Information System and any funds not spent by 9/18/2015 must be reverted. This bill also impacts Fiscal/Support Services.
SB71	7/1/14	Revises provisions governing sentencing of certain criminal offenders and determining eligibility of certain prisoners for parole. (BDR 14-447)	This bill requires the aggregation of certain consecutive sentences of imprisonment imposed on an offender; making credits earned by a prisoner to reduce his or her sentence applicable to an aggregated sentence; revising the manner in which certain credits are deducted to reduce the minimum term of imprisonment; revising provisions relating to the parole of certain prisoners; and providing other matters properly relating thereto. NDOC analysis of the impact of this bill concurs with the Parole Board assessment concerning the potential effect to 3,357 inmates and has the potential to reduce Parole Board hearings by approximately 350 a year. Requires programming of NOTIS Phase II sentence calculations.
AB40	5/24/13	Authorizes the State Board of Parole Commissioners to notify victims of crime of certain information through the use of an automated victim notification system. (BDR 16-346)	This bill does not directly impact the NDOC operationally, however, funding in the amount of \$35,000 in each year of the 2013-15 biennium was appropriated in the Director's budget for the biennium to transfer to the AG's Office to support ongoing operations of the Victim Information Notification Everyday System (VINE) system.

**BILLS WITH INFORMATIONAL ITEMS OF INTEREST**

Bill #	Effective	Summary of Bill	Impact on the Department
AB356	7/1/13	Provides access to Nevada State Prison for operation of non-profit education museum by Nevada State Prison Preservation Society. (BDR S-493)	This bill encourages the development of recommendations for the preservation of the Nevada State Prison for use as a historical, educational and scientific resource for the State of Nevada.
AB444	6/10/13	Provides for an audit of the fiscal costs of the death penalty. (BDR S-817)	This bill requires the Legislative Auditor to conduct an audit of the fiscal costs of the death penalty in Nevada. This audit includes pretrial costs, trial costs, appellate and post conviction costs and costs of incarceration. The NDOC will likely be requested to provide various data. The Legislative Auditor is required to present a final written report of the audit to the Audit Subcommittee of the Legislative Commission on or before January 31, 2015.