
ASSEMBLY BILL NO. 228—ASSEMBLYMEN SETTELMEYER,
CHRISTENSEN, COBB; GANSERT, GOEDHART, GOICOECHEA,
GUSTAVSON, STEWART AND WOODBURY

MARCH 3, 2009

JOINT SPONSORS: SENATORS HARDY; AND MCGINNESS

Referred to Committee on Corrections, Parole, and Probation

SUMMARY—Revises the provisions relating to the diet of
prisoners. (BDR 16-774)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: No.

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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; revising the provisions relating to the
diet of prisoners; and providing other matters properly
relating thereto.

Legislative Counsel’s Digest:

- 1 **Section 1** of this bill amends existing law, which requires the Department of
2 Corrections to provide a healthful diet to each offender in an institution or facility
3 of the Department, to provide that the Department shall not provide an offender
4 with more than two hot meals per day, unless the Director of the Department or his
5 designee determines that it is medically necessary for the offender to be provided
6 with more than two hot meals per day. (NRS 209.381)
7 **Section 2** of this bill requires that prisoners in local facilities for detention must
8 not be provided with more than two hot meals per day, unless it is medically
9 necessary for a prisoner to be provided with more than two hot meals per day.
10 (NRS 211.140)

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

- 1 **Section 1.** NRS 209.381 is hereby amended to read as follows:
2 209.381 1. Each offender in an institution or facility of the
3 Department must be provided a healthful diet and appropriate,
4 sanitary housing. *The Department shall not provide any offender*



1 *in an institution or facility of the Department with more than two*
2 *hot meals per day, unless the Director or his designee determines*
3 *that it is medically necessary for the offender to be provided with*
4 *more than two hot meals per day.*

5 2. The Director with the approval of the Board shall establish
6 standards for personal hygiene of offenders and for the medical and
7 dental services of each institution or facility.

8 **Sec. 2.** NRS 211.140 is hereby amended to read as follows:

9 211.140 1. The sheriff of each county has charge and control
10 over all prisoners committed to his care in the respective county
11 jails, and the chiefs of police and town marshals in the several cities
12 and towns throughout this State have charge and control over all
13 prisoners committed to their respective city and town jails and
14 detention facilities.

15 2. A court shall not, at the request of any prisoner in a county,
16 city or town jail, issue an order which affects the conditions of
17 confinement of the prisoner unless, except as otherwise provided in
18 this subsection, the court provides the sheriff, chief of police or
19 town marshal having control over the prisoner with:

20 (a) Sufficient prior notice of the court's intention to enter the
21 order. Notice by the court is not necessary if the prisoner has filed
22 an action with the court challenging his conditions of confinement
23 and has served a copy of the action on the sheriff, chief of police or
24 town marshal.

25 (b) An opportunity to be heard on the issue.

26 ↪ As used in this subsection, "conditions of confinement" includes,
27 but is not limited to, a prisoner's access to the law library, privileges
28 regarding visitation and the use of the telephone, the type of meals
29 provided to the prisoner and the provision of medical care in
30 situations which are not emergencies.

31 3. The sheriffs, chiefs of police and town marshals shall see
32 that the prisoners under their care are kept at labor for reasonable
33 amounts of time within the jail or detention facility, on public works
34 in the county, city or town, or as part of a program of release for
35 work established pursuant to NRS 211.120 or 211.171 to 211.200,
36 inclusive.

37 4. The sheriff, chief of police or town marshal shall arrange for
38 the administration of medical care required by prisoners while in his
39 custody. The county, city or town shall pay the cost of appropriate
40 medical:

41 (a) Treatment provided to a prisoner while in custody for
42 injuries incurred by a prisoner while he is in custody and for injuries
43 incurred during his arrest for commission of a public offense if he is
44 not convicted of that offense;



1 (b) Treatment provided to a prisoner while in custody for any
2 infectious, contagious or communicable disease which the prisoner
3 contracts while he is in custody; and

4 (c) Examinations required by law or by court order conducted
5 while the prisoner is in custody unless the order otherwise provides.

6 5. A prisoner shall pay the cost of medical treatment for:

7 (a) Injuries incurred by the prisoner during his commission of a
8 public offense or for injuries incurred during his arrest for
9 commission of a public offense if he is convicted of that offense;

10 (b) Injuries or illnesses which existed before the prisoner was
11 taken into custody;

12 (c) Self-inflicted injuries; and

13 (d) Except treatment provided pursuant to subsection 4, any
14 other injury or illness incurred by the prisoner.

15 6. A medical facility furnishing treatment pursuant to
16 subsection 5 shall attempt to collect the cost of the treatment from
17 the prisoner or his insurance carrier. If the facility is unable to
18 collect the cost and certifies to the appropriate board of county
19 commissioners that it is unable to collect the cost of the medical
20 treatment, the board of county commissioners shall pay the cost of
21 the medical treatment.

22 7. A sheriff, chief of police or town marshal who arranges for
23 the administration of medical care pursuant to this section may
24 attempt to collect from the prisoner or the insurance carrier of the
25 prisoner the cost of arranging for the administration of medical care
26 including the cost of any transportation of the prisoner for the
27 purpose of medical care. The prisoner shall obey the requests of, and
28 fully cooperate with the sheriff, chief of police or town marshal in
29 collecting the costs from the prisoner or his insurance carrier.

30 *8. The sheriff, chief of police or town marshal shall not*
31 *provide a prisoner under his care with more than two hot meals*
32 *per day, unless the sheriff, chief of police or town marshal, or the*
33 *designee of the sheriff, chief of police or town marshal, determines*
34 *that it is medically necessary for the prisoner to be provided with*
35 *more than two hot meals per day.*

36 **Sec. 3.** This act becomes effective on July 1, 2009.

