

ASSEMBLY BILL NO. 121—ASSEMBLYWOMEN CONSIDINE
AND ANDERSON

FEBRUARY 9, 2023

Referred to Committee on Judiciary

SUMMARY—Revises provisions relating to incarcerated persons.
(BDR 16-138)

FISCAL NOTE: Effect on Local Government: May have Fiscal Impact.
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 incarcerated persons; requiring institutions and facilities of the Department of Corrections and city or county jails and detention facilities to provide incarcerated persons with original, physical copies of mail under certain circumstances; requiring such institutions, facilities and jails to provide notification to certain persons of a serious or critical medical condition of an incarcerated person; requiring such institutions, facilities and jails to ensure the timely filling of prescriptions; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 Existing law requires the Director of the Department of Corrections to establish
2 regulations with the approval of the Board of State Prison Commissioners,
3 including regulations relating to the custody, care, training, health and safety of
4 offenders. (NRS 209.131) **Section 2** of this bill requires the Department to provide
5 to an offender the original, physical copy of any physical mail addressed to the
6 offender that the offender is entitled and allowed to receive. **Section 3** of this bill
7 requires the Department to ensure that an offender completes a medical release of
8 information form at the time of intake and has the ability to update the completed
9 form as necessary. If an offender in the custody of the Department is hospitalized
10 for or diagnosed with a serious or critical medical condition, **section 3** requires the
11 Department, within 4 hours of such hospitalization or diagnosis, to attempt to
12 inform all persons authorized by the current medical release of information form
13 about the health status of the offender.

14 **Section 4** of this bill requires the Department to ensure that if an offender
15 requires prescription medication, the prescription will be filled in a timely manner.

16 **Sections 6-8** of this bill impose upon county and city jails and detention
17 facilities requirements similar to those contained in **sections 2-4**.



18 **Section 9** of this bill requires the Department to revise its regulations to
19 conform with the provisions of **sections 2-4**.

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

1 **Section 1.** Chapter 209 of NRS is hereby amended by adding
2 thereto the provisions set forth as sections 2, 3 and 4 of this act.

3 **Sec. 2. 1.** *An institution or facility shall provide an*
4 *offender with the original, physical copy of any mail addressed to*
5 *the offender that the offender is entitled and allowed to receive.*

6 *2. As used in this section, "original, physical copy" means a*
7 *letter, card or other document received by the institution or facility*
8 *from the United States Postal Service or other delivery service.*
9 *The term does not include mail that is scanned, photocopied or*
10 *otherwise duplicated by the institution or facility or any entity*
11 *contracted by the institution or facility to provide such a service.*

12 **Sec. 3. 1.** *The Department shall ensure that each offender:*

13 *(a) Completes a medical release of information form at the*
14 *time of intake; and*

15 *(b) Has the ability to update a completed medical release of*
16 *information form as necessary.*

17 *2. If an offender in the custody of the Department is*
18 *hospitalized for or diagnosed with a serious or critical medical*
19 *condition, the Department shall, within 4 hours of such*
20 *hospitalization or diagnosis, attempt to inform all persons*
21 *authorized by the current medical release of information form*
22 *about the health status of the offender.*

23 *3. As used in this section, "serious or critical medical*
24 *condition" means:*

25 *(a) A condition diagnosed by a provider of health care that:*

26 *(1) Is terminal; or*

27 *(2) Requires life-sustaining medical treatment; or*

28 *(b) An injury or illness that requires an offender to be*
29 *admitted to a hospital for treatment.*

30 **Sec. 4.** *If an offender in the custody of the Department*
31 *requires prescription medication for any physical or mental*
32 *illness, the Department shall ensure that:*

33 *1. If the prescription is new, the prescription is transmitted to*
34 *a licensed pharmacy and filled as soon as possible; or*

35 *2. If the prescription is a refill, the prescription is refilled on*
36 *or before the date on which the current supply of the prescription*
37 *medication is exhausted.*



1 **Sec. 5.** Chapter 211 of NRS is hereby amended by adding
2 thereto the provisions set forth as sections 6, 7 and 8 of this act.

3 **Sec. 6. 1.** *A county or city jail or detention facility shall*
4 *provide a prisoner the original, physical copy of any mail*
5 *addressed to the prisoner that the prisoner is entitled and allowed*
6 *to receive.*

7 2. *As used in this section, "original, physical copy" means a*
8 *letter, card or other document received by the jail or detention*
9 *facility from the United States Postal Service or other delivery*
10 *service. The term does not include mail that is scanned,*
11 *photocopied or otherwise duplicated by the jail or detention facility*
12 *or any entity contracted by the jail or detention facility to provide*
13 *such a service.*

14 **Sec. 7. 1.** *Each county or city jail or detention facility shall*
15 *ensure that each prisoner:*

16 (a) *Completes a medical release of information form at the*
17 *time of intake; and*

18 (b) *Has the ability to update a completed medical release of*
19 *information form as necessary.*

20 2. *If a prisoner in the custody of a jail or detention facility is*
21 *hospitalized for or diagnosed with a serious or critical medical*
22 *condition, the jail or detention facility shall, within 4 hours of*
23 *such hospitalization or diagnosis, attempt to inform all persons*
24 *listed on the current medical release of information form about*
25 *the health status of the prisoner.*

26 3. *As used in this section, "serious or critical medical*
27 *condition" means:*

28 (a) *A condition diagnosed by a provider of health care that:*

29 (1) *Is terminal; or*

30 (2) *Requires life-sustaining medical treatment; or*

31 (b) *An injury or illness that requires a prisoner to be admitted*
32 *to a hospital for treatment.*

33 **Sec. 8.** *If a prisoner in the custody of a county or city jail or*
34 *detention facility requires prescription medication for any physical*
35 *or mental illness, the jail or detention facility shall ensure that:*

36 1. *If the prescription is new, the prescription is transmitted to*
37 *a licensed pharmacy and filled as soon as possible; or*

38 2. *If the prescription is a refill, the prescription is refilled on*
39 *or before the date on which the current supply of the prescription*
40 *medication is exhausted.*

41 **Sec. 9.** The Department of Corrections shall, as soon as
42 practicable, amend or repeal any existing regulations that conflict or
43 are inconsistent with the provisions of sections 2, 3 and 4 of this act.

