

Amendment No. 23

Assembly Amendment to Assembly Bill No. 121	(BDR 16-138)
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. 121—ASSEMBLYWOMEN CONSIDINE,
~~[AND]~~ ANDERSON AND BILBRAY-AXELROD

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 ~~[]~~ and facilities and city or county jails and detention facilities to provide notification to certain persons of a ~~[serious or]~~ critical medical condition of an incarcerated person; requiring such institutions, facilities and jails to provide an opportunity for an incarcerated person to call a friend, relative or other person to provide notification of a critical medical condition of the incarcerated person under certain circumstances; 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, including
3 regulations relating to the custody, care, training, health and safety of offenders. (NRS
4 209.131) **Section 2** of this bill requires the Department to provide to an offender the original,
5 physical copy of any physical mail addressed to the offender that the offender is entitled and
6 allowed to receive. **Section 3** of this bill requires the Department to ensure that an offender
7 completes a medical release of information form at the time of intake and has the ability to
8 update the completed form as necessary. If an offender in the custody of the Department is
9 hospitalized for or diagnosed with a ~~[serious or]~~ critical medical condition ~~[]~~ which requires
10 the offender to stay in a medical facility overnight, section 3 requires the Department,
11 within ~~[4]~~ 24 hours ~~[]~~ after such hospitalization or diagnosis, to attempt to inform all
12 persons authorized by the current medical release of information form about the health status
13 of the offender. If an offender in the custody of the Department is hospitalized for or
14 diagnosed with a critical medical condition which does not require the offender to stay in
15 a medical facility overnight, section 3 requires the Department, within 4 hours after the
16 return of the offender to the institution or facility at which the offender is incarcerated,
17 to provide the offender with the opportunity to make a telephone call to a friend, relative
18 or other person to inform the person about the health status of the offender.

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Section 4 of this bill requires the Department to ensure that if an offender requires prescription medication, the prescription will be filled in a timely manner.
Sections ~~6-8~~ 7 and 8 of this bill impose upon county and city jails and detention facilities requirements similar to those contained in sections ~~2-4~~ 3 and 4.
Section 9 of this bill requires the Department to revise its regulations to conform with the provisions of sections 2-4.

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

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Section 1. Chapter 209 of NRS is hereby amended by adding thereto the provisions set forth as sections 2, 3 and 4 of this act.
Sec. 2. 1. An institution or facility shall provide an offender with the original, physical copy of any mail addressed to the offender that the offender is entitled and allowed to receive.
2. As used in this section, "original, physical copy" means a letter, card or other document received by the institution or facility from the United States Postal Service or other delivery service. The term does not include mail that is scanned, photocopied or otherwise duplicated by the institution or facility or any entity contracted by the institution or facility to provide such a service.
Sec. 3. 1. The Department shall ensure that each offender:
(a) Completes a medical release of information form at the time of intake; and
(b) Has the ability to update a completed medical release of information form as necessary.
2. If an offender in the custody of the Department is hospitalized for or diagnosed with a ~~serious or~~ critical medical condition ~~for~~ which requires the offender to stay in a medical facility overnight, the Department shall, within ~~44~~ 24 hours ~~off~~ after such hospitalization or diagnosis, attempt to inform all persons authorized by the current medical release of information form about the health status of the offender.
3. If an offender in the custody of the Department is hospitalized for or diagnosed with a critical medical condition which does not require the offender to stay in a medical facility overnight, the Department shall, within 4 hours after the return of the offender to the institution or facility at which the offender is incarcerated, provide the offender with the opportunity to make a telephone call to a friend, relative or other person to inform the person about the health status of the offender.
4. As used in this section ~~for~~ "serious or critical":
(a) "Critical medical condition" means ~~for~~
~~(a) A~~ a condition diagnosed by a provider of health care that:
(1) Is terminal; ~~for~~
(2) Requires life-sustaining medical treatment; ~~for~~
(3) Involves a significant risk of death; or
(4) Involves extreme physical illness.
(b) ~~An injury or illness that requires an offender to be admitted to a hospital for treatment.~~ "Medical facility" has the meaning ascribed to it in NRS 449.0151.
Sec. 4. If an offender in the custody of the Department requires prescription medication for any physical or mental illness, the Department shall ensure that:

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

3 2. If the prescription is a refill, the prescription is refilled on or before the
4 date on which the current supply of the prescription medication is exhausted.

5 Sec. 5. Chapter 211 of NRS is hereby amended by adding thereto the
6 provisions set forth as sections ~~[6.]~~ 7 and 8 of this act.

7 Sec. 6. ~~[1. A county or city jail or detention facility shall provide a
8 prisoner the original, physical copy of any mail addressed to the prisoner that the
9 prisoner is entitled and allowed to receive.~~

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

15 ~~(Deleted by amendment.)~~

16 Sec. 7. 1. Each county or city jail or detention facility shall ensure that
17 each prisoner:

18 (a) Completes a medical release of information form at the time of intake;
19 and

20 (b) Has the ability to update a completed medical release of information form
21 as necessary.

22 2. If a prisoner in the custody of a jail or detention facility is hospitalized
23 for or diagnosed with a ~~[serious or]~~ critical medical condition ~~[,]~~ which requires
24 the prisoner to stay in a medical facility overnight, the jail or detention facility
25 shall, within ~~[4]~~ 24 hours ~~[of]~~ after such hospitalization or diagnosis, attempt to
26 inform all persons listed on the current medical release of information form
27 about the health status of the prisoner.

28 3. If a prisoner in the custody of a jail or detention facility is hospitalized
29 for or diagnosed with a critical medical condition which does not require the
30 prisoner to stay in a medical facility overnight, the jail or detention facility shall,
31 within 4 hours after the return of the prisoner to the jail or detention facility at
32 which the prisoner is imprisoned, provide the prisoner with the opportunity to
33 make a telephone call to a friend, relative or other person to inform the person
34 about the health status of the prisoner.

35 4. As used in this section ~~[, "serious or critical"]~~ :

36 ~~(a) "Critical medical condition" means [~~

37 ~~(a) A] a condition diagnosed by a provider of health care that:~~

38 ~~(1) Is terminal; [or]~~

39 ~~(2) Requires life-sustaining medical treatment; [or]~~

40 ~~(3) Involves a significant risk of death; or~~

41 ~~(4) Involves extreme physical illness.~~

42 ~~(b) [An injury or illness that requires a prisoner to be admitted to a hospital~~
43 ~~for treatment.] "Medical facility" has the meaning ascribed to it in NRS~~
44 ~~449.0151.~~

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

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

50 2. If the prescription is a refill, the prescription is refilled on or before the
51 date on which the current supply of the prescription medication is exhausted.

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