

Amendment No. 96

Senate Amendment to Senate Bill No. 234	(BDR S-810)
Proposed by: Senate Committee on Judiciary	
Amends: Summary: No Title: No 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.

KMD/KRO



Date: 4/21/2023

S.B. No. 234—Revises provisions governing communications with offenders.
(BDR S-810)



SENATE BILL NO. 234—SENATORS SCHEIBLE,
D. HARRIS, NGUYEN AND OHRENSCHALL

MARCH 8, 2023

Referred to Committee on Judiciary

SUMMARY—Revises provisions governing communications with offenders.
(BDR S-810)

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 offenders; providing for the establishment of a pilot program to provide communication services free of charge between offenders and the children of offenders; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Section 1 of this bill requires the Department of Corrections ~~[, to the extent money is available,]~~ to establish and administer a pilot program to provide communication services free of charge between offenders in the custody of the Department and the children of such offenders. **Section 1** also: (1) authorizes the Director of the Department to apply for and accept any gift, donation, bequest, grant or other source of money to carry out the pilot program; and (2) requires any money received by the Director to be accounted for separately and used only to carry out the pilot program. **If there is an insufficient amount of money from gifts, donations, bequests, grants or other sources of money received by the Director to carry out the pilot program, section 1: (1) requires the Director to authorize the State Controller to transfer money from the Offenders’ Store Fund to pay the cost of the pilot program; and (2) requires the State Controller to make the transfer.** Finally, **section 1** requires the Department to prepare and submit to the Director of the Legislative Counsel Bureau for transmittal to the 83rd Session of the Legislature a report concerning the pilot program.

Section 2 of this bill expires the provisions of **section 1** on June 30, 2025.

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

Section 1. 1. The Department of Corrections shall ~~[, to the extent money is available for this purpose,]~~ establish and administer a pilot program to provide communication services between offenders in the custody of the Department and the children of such offenders. The program must:

(a) Be designed to facilitate and encourage a continuing relationship between offenders and the children of offenders; and

1 (b) Provide communication services free of charge between an offender and
2 the child of the offender, regardless of whether the offender or child initiates or
3 receives any communication provided through the service.

4 2. The Director of the Department may apply for and accept any gift,
5 donation, bequest, grant or other source of money to carry out the pilot program .
6 ~~established pursuant to subsection 1.~~ Any money so received must be accounted
7 for separately and may only be used by the Department to carry out the pilot
8 program . ~~established pursuant to section 1.~~ **If there is an insufficient amount of**
9 **money from gifts, donations, bequests, grants or other sources of money to**
10 **carry out the pilot program, the Director shall authorize the State Controller**
11 **to transfer sufficient money from the Offenders' Store Fund to pay the cost of**
12 **the pilot program, and the State Controller shall make the transfer if so**
13 **authorized.**

14 3. The Department may adopt regulations to administer the provisions of this
15 section.

16 4. Nothing in this section shall be construed to authorize an offender to
17 communicate with his or her child if the offender is otherwise prohibited by law or
18 court order from communicating with the child.

19 5. On or before January 1, 2025, the Department shall submit to the Director
20 of the Legislative Counsel Bureau for transmittal to the 83rd Session of the
21 Legislature a report with its findings and any recommendations . ~~(b)~~ **The report**
22 **must include, without limitation:**

23 (a) **The number of children to whom communication services were**
24 **provided as part of the pilot program, if known;**

25 (b) **A statistical comparison of the conduct of offenders who participated**
26 **in the pilot program and offenders who did not participate in the pilot**
27 **program, if practicable;**

28 (c) **A list of all grants applied for by the Director pursuant to subsection 2**
29 **and all such grants that were received; and**

30 (d) **Any recommendations;**

31 (1) Relating to the pilot program; or

32 ~~(b)~~ (2) For expanding opportunities for communication between offenders in
33 the custody of the Department and the children of such offenders.

34 6. As used in this section:

35 (a) "Child" means a person who is less than 18 years of age.

36 (b) "Communication services" includes, without limitation, any service which
37 enables real-time, two-way voice **or audio-video** communication, including,
38 without limitation, Voice over Internet Protocol service.

39 (c) "Voice over Internet Protocol service" means any service that:

40 (1) Enables real-time, two-way voice communication originating from or
41 terminating at the user's location in Internet Protocol or a successor protocol;

42 (2) Uses a broadband connection from the user's location; and

43 (3) Permits a user to receive a call that originates on the public switched
44 telephone network and to terminate a call to the public switched telephone network.

45 **Sec. 2.** 1. This section becomes effective upon passage and approval.

46 2. Section 1 of this act becomes effective upon passage and approval for the
47 purpose of adopting any regulations and performing any other preparatory
48 administrative tasks that are necessary to carry out the provisions of this act, and on
49 July 1, 2023, for all other purposes, and expires by limitation on June 30, 2025.