
ASSEMBLY BILL NO. 301—ASSEMBLYWOMAN BENITEZ-THOMPSON

MARCH 18, 2019

Referred to Committee on Judiciary

SUMMARY—Revises provisions relating to jails. (BDR 16-769)

FISCAL NOTE: Effect on Local Government: May have Fiscal Impact.
Effect on the State: No.

CONTAINS UNFUNDED MANDATE (§ 6)
(NOT REQUESTED BY AFFECTED LOCAL GOVERNMENT)

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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 jails; requiring the person appointed to administer a city jail and the sheriff of a county to report, as applicable, certain information concerning deaths in the city jail or county jail to the governing body of the city or the board of county commissioners; requiring the person appointed to administer a city jail and the sheriff to investigate certain deaths in the city jail or county jail, as applicable; requiring each governing body of a city and board of county commissioners to take certain actions relating to reports regarding deaths in the city jail or county jail, as applicable; revising provisions relating to the coordination of care for mental health and substance abuse treatment provided to a prisoner under certain circumstances; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

1 Existing law requires each board of county commissioners to: (1) at least once
2 every 3 months, inquire into the security of the county jail and the treatment and
3 condition of the prisoners; and (2) take all necessary precautions against escape,
4 sickness and infection in the county jail. (NRS 211.020) Existing law also gives the
5 sheriff the responsibility for the daily operation of the county jail. (NRS 211.030)
6 **Section 6** of this bill requires the sheriff to: (1) report each death of a prisoner in
7 the county jail or any branch county jail to the board; and (2) submit to the board a
8 biannual report that contains aggregate data concerning deaths of prisoners in the
9 county jail and any branch county jail. **Section 5** of this bill requires the board to
10 review all available information concerning deaths of prisoners in the county jail



11 and any branch county jail. At least twice each year, **section 5** also requires the
12 board to include as an item on the agenda of a public meeting of the board
13 consideration of the conditions of the county jail and any branch county jail and the
14 number of deaths of prisoners in the county jail or any branch county jail during the
15 immediately preceding 6 months and the known circumstances surrounding any
16 such deaths. **Section 5** additionally requires the board to take necessary precautions
17 against suicide and death in the county jail and any branch county jail.

18 **Sections 3 and 4** of this bill apply the amendatory provisions of **sections 5 and**
19 **6**, respectively, to city jails and impose conforming requirements on the person
20 appointed to administer a city jail and the governing body of a city, as applicable.

21 In a county whose population is 700,000 or more, existing law: (1) requires a
22 sheriff, chief of police or town marshal, in collaboration with the Department of
23 Health and Human Services, to arrange for the coordination of care for mental
24 health and substance abuse treatment provided to a prisoner in the custody of
25 certain jails or detention facilities; (2) requires the Department to arrange for the
26 coordination of such care after the prisoner is released from custody; and (3)
27 provides that the sheriff, chief of police or town marshal is not responsible for
28 arranging the coordination of such care after the prisoner is released from custody.
29 (NRS 211.140) **Section 6.5** of this bill removes the 700,000 or more population
30 reference, thereby making the provisions of existing law concerning the
31 coordination of care applicable to all counties in this State.

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

1 **Section 1.** Chapter 211 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.** *As used in this chapter, unless the context otherwise*
4 *requires, "basic demographics" includes, without limitation:*

5 1. *A prisoner's:*

6 (a) *Name;*

7 (b) *Inmate number;*

8 (c) *Age at the time of his or her death; and*

9 (d) *Gender;*

10 2. *The date of the admission of a prisoner to a county or city*
11 *jail;*

12 3. *The date of the death of a prisoner;*

13 4. *The location of a prisoner at the time of his or her death;*
14 *and*

15 5. *The probable cause of the death of a prisoner.*

16 **Sec. 3.** *The governing body of a city:*

17 1. *Shall take all necessary precautions against escape from*
18 *the city jail and sickness, infection, suicide and death in the city*
19 *jail.*

20 2. *Shall review all available information concerning deaths*
21 *of prisoners in the city jail, including, without limitation,*
22 *information received from the person appointed to administer the*
23 *city jail pursuant to section 4 of this act. At least twice each year,*



1 *the governing body shall include as an item on the agenda of a*
2 *public meeting of the governing body consideration of the*
3 *conditions of the city jail and the number of deaths of prisoners in*
4 *the city jail and the known circumstances surrounding any such*
5 *deaths, including, without limitation, basic demographics and*
6 *information submitted pursuant to the Death in Custody Reporting*
7 *Act of 2013, Public Law 113-242, during the immediately*
8 *preceding 6 months.*

9 **Sec. 4. 1.** *Not later than 48 hours after the death of a*
10 *prisoner in a city jail, the person appointed to administer the city*
11 *jail shall report the death to the governing body of the city. The*
12 *report must include, without limitation, basic demographics.*

13 **2.** *The person appointed to administer the city jail shall*
14 *submit to the governing body of the city a biannual report that*
15 *contains aggregated data similar to the information submitted*
16 *pursuant to the Death in Custody Reporting Act of 2013, Public*
17 *Law 113-242, concerning the deaths of prisoners in the city jail*
18 *during the immediately preceding 6 months and the circumstances*
19 *surrounding any such deaths.*

20 **Sec. 5.** NRS 211.020 is hereby amended to read as follows:

21 211.020 The board of county commissioners:

22 1. Is responsible for building, inspecting and repairing any
23 county or branch county jail located in its county.

24 2. Once every 3 months, shall inquire into the security of the
25 jail and the treatment and condition of the prisoners.

26 3. Shall take all necessary precautions against escape, sickness
27 ~~for~~, infection ~~and~~, *suicide and death.*

28 **4.** *Shall review all available information concerning deaths*
29 *of prisoners in the county jail and any branch county jail,*
30 *including, without limitation, information received from the*
31 *sheriff pursuant to NRS 211.030. At least twice each year, the*
32 *board shall include as an item on the agenda of a public meeting*
33 *of the board, consideration of the conditions of the county jail and*
34 *any branch county jail and the number of deaths of prisoners in*
35 *the county jail and any branch county jail and the known*
36 *circumstances surrounding any such deaths, including, without*
37 *limitation, basic demographics and information submitted*
38 *pursuant to the Death in Custody Reporting Act of 2013, Public*
39 *Law 113-242, during the immediately preceding 6 months.*

40 **Sec. 6.** NRS 211.030 is hereby amended to read as follows:

41 211.030 1. The sheriff is the custodian of the jail in his or her
42 county, and of the prisoners therein, and shall keep the jail
43 personally, or by his or her deputy, or by a jailer or jailers appointed
44 by the sheriff for that purpose, for whose acts the sheriff is
45 responsible.



1 2. All jailers employed or appointed by the sheriff are entitled
2 to receive a fair and adequate monthly compensation, to be paid out
3 of the county treasury, for their services.

4 *3. Not later than 48 hours after the death of a prisoner in the*
5 *county jail or any branch county jail in his or her county, the*
6 *sheriff shall report the death to the board of county*
7 *commissioners. The report must include, without limitation, basic*
8 *demographics.*

9 *4. The sheriff shall submit to the board a biannual report that*
10 *contains aggregated data similar to the information submitted*
11 *pursuant to the Death in Custody Reporting Act of 2013, Public*
12 *Law 113-242, concerning the deaths of prisoners in the county jail*
13 *and any branch county jail in his or her county during the*
14 *immediately preceding 6 months and the circumstances*
15 *surrounding any such deaths.*

16 **Sec. 6.5.** NRS 211.140 is hereby amended to read as follows:

17 211.140 1. The sheriff of each county has charge and control
18 over all prisoners committed to his or her care in the respective
19 county jails, and the chiefs of police and town marshals in the
20 several cities and towns throughout this State have charge and
21 control over all prisoners committed to their respective city and
22 town jails and detention facilities.

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

28 (a) Sufficient prior notice of the court's intention to enter the
29 order. Notice by the court is not necessary if the prisoner has filed
30 an action with the court challenging his or her conditions of
31 confinement and has served a copy of the action on the sheriff, chief
32 of police or town marshal.

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

34 ➤ As used in this subsection, "conditions of confinement" includes,
35 but is not limited to, a prisoner's access to the law library, privileges
36 regarding visitation and the use of the telephone, the type of meals
37 provided to the prisoner and the provision of medical care in
38 situations which are not emergencies.

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



1 4. The sheriff, chief of police or town marshal shall arrange for
2 the administration of medical care required by prisoners while in his
3 or her custody. The county, city or town shall pay the cost of
4 appropriate medical:

5 (a) Treatment provided to a prisoner while in custody for
6 injuries incurred by a prisoner while the prisoner is in custody and
7 for injuries incurred during the prisoner's arrest for commission of a
8 public offense if the prisoner is not convicted of that offense;

9 (b) Treatment provided to a prisoner while in custody for any
10 infectious, contagious or communicable disease which the prisoner
11 contracts while the prisoner is in custody; and

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

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

15 (a) Injuries incurred by the prisoner during his or her
16 commission of a public offense or for injuries incurred during his or
17 her arrest for commission of a public offense if the prisoner is
18 convicted of that offense;

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

21 (c) Self-inflicted injuries; and

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

24 6. A medical facility furnishing treatment pursuant to
25 subsection 5 shall attempt to collect the cost of the treatment from
26 the prisoner or the prisoner's insurance carrier. If the facility is
27 unable to collect the cost and certifies to the appropriate board of
28 county commissioners that it is unable to collect the cost of the
29 medical treatment, the board of county commissioners shall pay the
30 cost of the medical treatment.

31 7. A sheriff, chief of police or town marshal who arranges for
32 the administration of medical care pursuant to this section may
33 attempt to collect from the prisoner or the insurance carrier of the
34 prisoner the cost of arranging for the administration of medical care
35 including the cost of any transportation of the prisoner for the
36 purpose of medical care. The prisoner shall obey the requests of, and
37 fully cooperate with the sheriff, chief of police or town marshal in
38 collecting the costs from the prisoner or the prisoner's insurance
39 carrier.

40 8. ~~In a county whose population is 700,000 or more:~~

41 ~~—(a)~~ While a prisoner is in custody, a sheriff, chief of police or
42 town marshal, in collaboration with the Department of Health and
43 Human Services and the various divisions thereof, for the purpose of
44 maintaining continuity of care, shall arrange for the coordination of
45 the care for mental health and substance abuse treatment provided to



1 the prisoner by all providers of such care in the county, city or town
2 jail or detention facility.

3 ~~[(b)]~~ After a prisoner is released from custody:

4 ~~[(1)]~~ (a) The Department and the various divisions thereof
5 shall arrange for the coordination of the care for mental health and
6 substance abuse treatment provided to the prisoner.

7 ~~[(2)]~~ (b) The sheriff, chief of police or town marshal is no
8 longer responsible for arranging the coordination of such care.

9 9. Each sheriff described in subsection 8, or his or her
10 representative, and the Director of the Department of Health and
11 Human Services, or his or her representative, shall, at the request of
12 the Legislative Committee on Health Care, appear before the
13 Committee during the legislative interim to report on the
14 collaboration and coordination provided pursuant to subsection 8.

15 10. Mental health and substance abuse treatment provided
16 pursuant to subsection 8 may include any medication that has been:

17 (a) Approved by the United States Food and Drug
18 Administration; and

19 (b) Prescribed by a treating physician as medically necessary for
20 use by the prisoner to address mental health or substance abuse
21 issues.

22 **Sec. 7.** The provisions of NRS 354.599 do not apply to any
23 additional expenses of a local government that are related to the
24 provisions of this act.



