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FIRST REPRINT

A.B. 376

ASSEMBLY BILL NO. 376—ASSEMBLYMEN TORRES, ASSEFA, NEAL,
FLORES, FUMO; CARRILLO, DALY, DURAN, MARTINEZ,
NGUYEN AND WATTS

MARCH 20, 2019

Referred to Committee on Judiciary

SUMMARY—Revises provisions relating to persons in custody.
(BDR 14-675)

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

CONTAINS UNFUNDED MANDATE (§ 1)
(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 persons in custody; requiring certain entities to report annually to the Legislature certain statistics relating to transfers of persons to the custody of federal agencies; providing that before a prisoner who is in the custody of a county or city jail or detention facility is questioned about his or her immigration status, the prisoner must be informed about the purpose of such questions; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

1 Existing law provides for the collection and reporting to the Legislature of
2 certain statistical data concerning certain crimes, such as crimes related to prejudice
3 and crimes committed against older persons. (NRS 179A.175, 179A.450) **Section 1**
4 of this bill requires certain entities to submit reports to the Legislature relating to
5 the transfer of persons to the custody of federal agencies by that entity for the
6 purposes of immigration enforcement during the previous calendar year. **Section 1**
7 requires each report to include: (1) the total number of persons who were
8 transferred to the custody of a federal agency for the purposes of immigration
9 enforcement and the specific reasons for those transfers; (2) the crimes for which
10 those persons were arrested, including the total number of persons arrested for each
11 specific crime; (3) the most serious crime for which those persons were convicted
12 in the past, if any; (4) whether those persons had an active judicial warrant; and (5)
13 if those persons were held in custody beyond the date on which they would have
14 otherwise been released had they not been held in custody for the purpose of being
15 transferred to the custody of a federal agency, the number of days they were held in



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16 custody beyond the date on which they would have otherwise been released and the
17 cost for holding them in custody for those days. Under **section 1**, the data acquired
18 or reported must be used only for research or statistical purposes and must not
19 contain any information that may reveal the identity of any person transferred to the
20 custody of a federal agency.

21 **Section 1.5** of this bill provides that before questioning a prisoner in the
22 custody of a county or city jail or detention facility regarding his or her
23 immigration status, the person seeking to question the prisoner shall inform the
24 prisoner of the purpose of the questions regarding the immigration status of the
25 prisoner.

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

1 **Section 1.** Chapter 179A of NRS is hereby amended by
2 adding thereto a new section to read as follows:

3 *1. Within 60 days following the end of the previous calendar*
4 *year, each designated entity shall submit to the Director of the*
5 *Legislative Counsel Bureau for transmittal to the Legislature or, if*
6 *the Legislature is not in session, to the Legislative Commission, a*
7 *report relating to the transfer of persons to the custody of federal*
8 *agencies by that designated entity for the purposes of immigration*
9 *enforcement during the previous calendar year.*

10 *2. The report must include the following information:*

11 *(a) The total number of persons who were transferred to the*
12 *custody of a federal agency for the purposes of immigration*
13 *enforcement and the specific reasons for those transfers, such as*
14 *whether the transfers were made pursuant to a judicial warrant, a*
15 *program implemented pursuant to section 287(g) of the*
16 *Immigration and Nationality Act, 8 U.S.C. § 1357(g), a detainer*
17 *issued by the United States Immigration and Customs*
18 *Enforcement of the Department of Homeland Security or a*
19 *request by a local law enforcement agency.*

20 *(b) The crimes for which those persons were arrested,*
21 *including the total number of persons arrested for each specific*
22 *crime.*

23 *(c) The most serious crime for which those persons were*
24 *convicted in the past, if any.*

25 *(d) Whether those persons had an active judicial warrant at*
26 *the time of being transferred.*

27 *(e) If those persons were held in custody beyond the date on*
28 *which they would have otherwise been released had they not been*
29 *held in custody for the purpose of being transferred to the custody*
30 *of a federal agency, the number of days they were held in custody*
31 *beyond the date on which they would have otherwise been released*
32 *and the cost for holding them in custody for those days.*



1 **3. Data acquired or reported pursuant to this section must be**
2 **used only for research or statistical purposes and must not contain**
3 **any information that may reveal the identity of any person**
4 **transferred to the custody of a federal agency.**

5 **4. As used in this section, "designated entity" includes:**

6 **(a) The sheriff's office of a county;**

7 **(b) A metropolitan police department;**

8 **(c) A police department of an incorporated city;**

9 **(d) A county or city jail or detention facility;**

10 **(e) The Department of Corrections; and**

11 **(f) The Division of Parole and Probation of the Department of**
12 **Public Safety.**

13 **Sec. 1.5.** Chapter 211 of NRS is hereby amended by adding
14 thereto a new section to read as follows:

15 ***Before questioning a prisoner in the custody of a county or city***
16 ***jail or detention facility regarding his or her immigration status,***
17 ***the person seeking to question the prisoner shall inform the***
18 ***prisoner of the purpose of the questions regarding the***
19 ***immigration status of the prisoner.***

20 **Sec. 2.** The provisions of subsection 1 of NRS 218D.380 do
21 not apply to any provision of this act which adds or revises a
22 requirement to submit a report to the Legislature.

23 **Sec. 3.** The provisions of NRS 354.599 do not apply to any
24 additional expenses of a local government that are related to the
25 provisions of this act.

26 **Sec. 4.** This act becomes effective on January 1, 2020.



