
ASSEMBLY BILL NO. 292—ASSEMBLYWOMEN GONZÁLEZ;
AND SUMMERS-ARMSTRONG

MARCH 14, 2023

JOINT SPONSORS: SENATORS SPEARMAN, NEAL;
AND SCHEIBLE

Referred to Committee on Judiciary

SUMMARY—Revises provisions governing offenders.
(BDR 16-252)

FISCAL NOTE: Effect on Local Government: May have Fiscal Impact.
Effect on the State: Yes.

CONTAINS UNFUNDED MANDATE (§§ 13, 14, 15, 17, 18)
(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 incarceration; setting forth certain rights of offenders and prisoners; requiring certain persons and governmental entities to take certain actions relating to such rights; providing for the designation of an ombudsman for each institution, facility or jail and prescribing the powers and duties relating to that position; revising provisions relating to training for correctional staff; revising provisions relating to a risk and needs assessment; prohibiting the use of restraints on a pregnant offender or prisoner who is being transferred or transported under certain circumstances; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 **Sections 2 and 13** of this bill set forth certain rights of offenders in the custody
2 of the Department of Corrections and prisoners in the custody of a jail or detention
3 facility. **Sections 3 and 14** of this bill require each institution or facility of the
4 Department and each county, city or town jail or detention facility to treat each
5 offender or prisoner, as applicable, in accordance with the gender identity or
6 expression of the offender or prisoner. **Sections 3 and 14** also require certain



7 persons responsible for an institution or facility of the Department or a jail or
8 detention facility to establish appropriate policies to carry out these requirements.

9 **Sections 4 and 15** of this bill require certain persons responsible for the
10 operation of an institution or facility of the Department and certain persons
11 responsible for the operation of a jail or detention facility to designate an
12 ombudsman for the institution, jail or facility, as applicable. **Sections 4 and 15** also
13 prescribe certain powers and duties of an ombudsman.

14 **Sections 5 and 16** of this bill require certain persons responsible for the
15 operation of an institution or facility of the Department and certain persons
16 responsible for the operation of a jail or detention facility to adopt a policy setting
17 forth standards of conduct for interactions between a staff member and an offender
18 or prisoner of a different gender identity or expression than the staff member.
19 **Sections 5 and 16** require any such policy to include a requirement that a staff
20 member who searches an offender or prisoner of a different gender identity or
21 expression or views an offender or prisoner of a different gender identity or
22 expression while the offender or prisoner is showering, performing bodily functions
23 or changing clothing to file a written report concerning the incident with the
24 ombudsman appointed pursuant to **section 4 or 15**, as applicable.

25 **Sections 6 and 17** of this bill: (1) require certain persons responsible for the
26 operation of an institution or facility of the Department or a jail or detention facility
27 to adopt a policy for the prenatal and postnatal care of an offender or prisoner; and
28 (2) prescribe requirements for such a policy.

29 Existing law requires the Director of the Department to include certain topics
30 and courses in a program of facility training for correctional staff. (NRS 209.1315)
31 **Section 7** of this bill requires training provided through the program to be trauma-
32 informed. **Section 7** also requires the program to include a course on interacting
33 with offenders who have diverse gender identities or expressions.

34 Existing law requires the Director of the Department to: (1) establish a system
35 of classification and evaluation for offenders who are sentenced to imprisonment in
36 the state prison; and (2) assign a person who is sentenced to imprisonment in the
37 state prison to an appropriate institution or facility of the Department based on
38 certain criteria. (NRS 209.341) **Section 8** of this bill instead requires the
39 Department to adopt regulations: (1) establishing such a system; and (2) prescribing
40 procedures for the assignment of a person to an appropriate institution or facility of
41 the Department, which must be based, in part, on the proximity of the institution or
42 facility to the address at which any child or other dependent of the offender resides.
43 **Section 8** also requires the Department to adopt regulations which establish
44 protocols for an institution or facility to follow when placing an offender within the
45 institution or facility.

46 Existing law requires the Director of the Department to administer a risk and
47 needs assessment to each offender for the purpose of guiding institutional
48 programming and placement. (NRS 209.341) **Section 8** requires any such
49 assessment to be valid and appropriate for assessing the risks and needs of an
50 offender, regardless of the gender identity or expression of the offender.

51 In general, existing law prohibits the use of restraints on an offender, prisoner
52 or child confined in a facility or institution for the detention of children who is in
53 labor, delivering a baby or recuperating from delivery. Under existing law, if
54 restraints are used on such a person, the restraints used must be the least restrictive
55 restraints which are necessary to ensure safety and security. (NRS 62B.230, 63.185,
56 209.376, 211.155) **Sections 9 and 20-22** of this bill additionally prohibit the use of
57 restraints on an offender, prisoner or child who is being transferred or transported
58 while the offender is pregnant.

59 Existing law entitles each offender in an institution or facility of the
60 Department to appropriate, sanitary housing. (NRS 209.381) **Section 10** of this bill
61 provides that housing for an offender who is pregnant or recuperating from delivery



62 is not appropriate if the housing is more restrictive than necessary to ensure the
63 safety and security of the offender, other offenders and correctional staff members.
64 **Sections 20-22** similarly prohibit a prisoner or child confined in a facility or
65 institution for the detention of children who is pregnant or recuperating from
66 delivery from being held in more restrictive housing than necessary to ensure the
67 safety and security of the prisoner or child, as applicable, and certain other persons.

68 Existing law requires the Director of the Department to establish standards for
69 personal hygiene of offenders and for the medical and dental services of each
70 institution or facility. (NRS 209.381) **Section 10** requires such standards to: (1)
71 ensure the protection of the rights prescribed by **section 2**; (2) provide for annual
72 gynecological examinations upon request; (3) ensure access to appropriate follow-
73 up care under certain circumstances; and (4) to the extent practicable, ensure that
74 certain communications concerning medical or dental services are provided in the
75 primary language of an offender.

76 Existing law requires the sheriff, chief of police or town marshal responsible
77 for the operation of a jail or facility to arrange for the administration of medical
78 care required by prisoners. (NRS 211.140) With certain exceptions, **section 19** of
79 this bill requires a sheriff, chief of police or town marshal to ensure that any
80 significant communication concerning such care is provided in the primary
81 language of a prisoner.

82 **Section 11** of this bill requires the Department to adopt regulations relating to
83 visits between offenders and certain other persons. **Section 11** requires such
84 regulations to prescribe requirements for: (1) a visitation schedule established by an
85 institution or facility; and (2) a visitation policy for offenders who are parents.

86 **Section 18** of this bill similarly requires the sheriff, chief of police or town marshal
87 responsible for the operation of a jail or facility to adopt a policy relating to visits
88 between prisoners and appropriate friends and other persons. **Section 18** requires
89 such a policy to prescribe requirements for: (1) a visitation schedule established by
90 the jail or facility; and (2) a visitation policy for prisoners who are parents.

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 to 6, inclusive, of this
3 act.

4 **Sec. 2. 1. Except as otherwise provided in subsection 2, an**
5 **offender in the custody of the Department has the right:**

6 **(a) To be treated with basic human dignity and respect,**
7 **without intentional infliction of humiliation, including, without**
8 **limitation, the right to:**

9 **(1) Be searched by a correctional staff member of the same**
10 **gender identity or expression;**

11 **(2) Shower, perform bodily functions and change clothes**
12 **without having a correctional staff member who has a different**
13 **gender identity or expression than the offender view the unclothed**
14 **genitals, pubic area, anus, buttocks or breasts of the offender; and**

15 **(3) Be treated in accordance with the gender identity or**
16 **expression of the offender.**



1 (b) To receive adequate, appropriate and accessible basic
2 necessities free of charge, including, without limitation:

3 (1) Clean clothing, undergarments and socks; and

4 (2) Personal hygiene products.

5 (c) To have access to necessary medical and behavioral health
6 care services, including, without limitation:

7 (1) Treatment pertaining to mental health or a substance
8 use disorder;

9 (2) Gynecological or obstetrical services, including, without
10 limitation, prenatal and postnatal health care services; and

11 (3) Mammography.

12 (d) To be free from:

13 (1) Discrimination or harassment on the basis of the sex,
14 sexual orientation or gender identity or expression of the offender;
15 and

16 (2) Being searched for the purpose of harassment or as a
17 form of punishment or discipline.

18 (e) To communicate with other persons, including, without
19 limitation, the right:

20 (1) To have regular contact through visits, telephone calls
21 and mail with any children of the offender; and

22 (2) Other adults with whom the offender has established a
23 mentoring relationship, including, without limitation, persons
24 released from incarceration, upon approval of an institution or
25 facility.

26 (f) To report an alleged violation of any of the rights set forth
27 in this subsection without being threatened or punished.

28 2. An institution or facility may impose reasonable
29 restrictions on the time, place and manner in which an offender
30 may exercise the rights set forth in subsection 1 if such restrictions
31 are necessary to preserve the order, security or safety of the
32 offender, the public, correctional staff members or other offenders
33 in the institution or facility.

34 3. The Department shall adopt such regulations as it
35 determines are necessary to ensure the protection of the rights set
36 forth in this section.

37 4. As used in this section:

38 (a) "Mammography" has the meaning ascribed to it in
39 NRS 457.182.

40 (b) "Personal hygiene products" includes, without limitation,
41 soap, deodorant, a toothbrush, toothpaste or powder, toilet paper,
42 shampoo, incontinence products and feminine hygiene products.

43 **Sec. 3. 1.** Each institution or facility shall treat each
44 offender in all respects in accordance with the gender identity or
45 expression of the offender, including, without limitation, by:



1 (a) Addressing each offender in a manner that is consistent
2 with the gender identity or expression of the offender; and

3 (b) Providing each offender with access to commissary items,
4 clothing and institutional programming consistent with the gender
5 identity or expression of the offender.

6 2. Subject to the approval of the Director, the warden of each
7 institution and the manager of each facility shall establish
8 appropriate policies to carry out the requirements of subsection 1.
9 Any such policy must be consistent with the regulations adopted by
10 the Department pursuant to section 2 of this act and any other
11 applicable laws or regulations.

12 3. Each institution or facility shall follow the protocols
13 established in the regulations adopted pursuant to NRS 209.341
14 when placing an offender within the institution or facility.

15 **Sec. 4.** 1. The warden of each institution and the manager
16 of each facility shall designate an ombudsman for the institution
17 or facility.

18 2. An ombudsman designated pursuant to subsection 1:

19 (a) Shall:

20 (1) Assist offenders to understand the rights prescribed by
21 section 2 of this act;

22 (2) Monitor the implementation of the policy adopted
23 pursuant to section 3 of this act; and

24 (3) Receive and review each report filed pursuant to section
25 5 of this act and reports concerning the alleged violations of the
26 rights set forth in section 2 of this act; and

27 (b) May:

28 (1) Investigate apparent violations of the rights set forth in
29 section 2 of this act; and

30 (2) Act to resolve disputes relating to apparent violations.

31 **Sec. 5.** 1. Subject to the approval of the Director, the
32 warden of each institution and the manager of each facility shall
33 adopt a policy setting forth standards of conduct for interactions
34 between a correctional staff member and an offender of a different
35 gender identity or expression than the correctional staff member.

36 2. The policy adopted pursuant to subsection 1 must:

37 (a) Be consistent with the regulations adopted by the
38 Department pursuant to section 2 of this act and any other
39 applicable laws or regulations; and

40 (b) Include, without limitation, a requirement that a
41 correctional staff member who searches an offender of a different
42 gender identity or expression or views an offender of a different
43 gender identity or expression while the offender is showering,
44 performing bodily functions or changing clothes prepare and file



1 *with the ombudsman appointed pursuant to section 4 of this act a*
2 *written report concerning the incident.*

3 3. *A written report filed pursuant to subsection 2 must:*

4 (a) *Be filed not later than 3 days after the date on which the*
5 *incident occurs; and*

6 (b) *Include a description of the incident and any other*
7 *information requested by the warden or manager, as applicable.*

8 **Sec. 6. 1.** *Subject to the approval of the Director, the*
9 *warden of each institution and the manager of each facility shall*
10 *adopt a policy for the prenatal and postnatal care of offenders.*
11 *Any such policy must be consistent with the regulations adopted by*
12 *the Department pursuant to section 2 of this act and any other*
13 *applicable laws or regulations.*

14 2. *A policy adopted pursuant to subsection 1 must include,*
15 *without limitation:*

16 (a) *A requirement that each offender who is pregnant receive:*

17 (1) *Counseling and written materials concerning*
18 *pregnancy, labor, the care of newborns and the postpartum*
19 *period;*

20 (2) *Appropriate, trauma-informed prenatal health care*
21 *services, including, without limitation, periodic monitoring and*
22 *evaluation of the health of the offender and the unborn child of*
23 *the offender;*

24 (3) *Prenatal vitamins or supplements, as deemed necessary*
25 *by the Medical Director;*

26 (4) *A diet containing the nutrients necessary to maintain a*
27 *healthy pregnancy, as deemed necessary by the Medical Director;*
28 *and*

29 (5) *Counseling regarding parenting skills upon the request*
30 *of the offender;*

31 (b) *A requirement that each offender who delivers a baby*
32 *while in the custody of the Department:*

33 (1) *Receives appropriate, trauma-informed medical care at*
34 *the institution or facility, including, without limitation, treatment*
35 *for postpartum depression;*

36 (2) *Receives counseling regarding parenting skills upon the*
37 *request of the offender; and*

38 (3) *To the extent reasonably practicable, be provided an*
39 *opportunity to reside with a baby delivered while in the custody of*
40 *the Department in a safe and secure location within the institution*
41 *or facility for:*

42 (I) *A period not to exceed 30 months, if the offender is*
43 *assigned to an institution or facility of minimum security; or*



1 (II) A period of time appropriate to facilitate bonding
2 between the offender and the child, if the offender is not assigned
3 to an institution or facility of minimum security; and

4 (c) A lactation policy.

5 3. The counseling and written materials required by
6 subsection 2 must:

7 (a) Be communicated or written in easily understood
8 language; and

9 (b) Include, without limitation, information regarding:

10 (1) Available options concerning the pregnancy, including,
11 without limitation, abortion, alternatives to abortion and adoption;

12 (2) Prenatal nutrition;

13 (3) Maintaining a healthy pregnancy;

14 (4) The policy adopted pursuant to subsection 1; and

15 (5) The limitation on the use of restraints on a pregnant
16 offender prescribed by NRS 209.376.

17 4. Nothing in this section shall be construed to require an
18 institution or facility to adopt any policy that does not comply with
19 federal law or regulation.

20 **Sec. 7.** NRS 209.1315 is hereby amended to read as follows:

21 209.1315 The Director ~~may continue to~~ shall develop and
22 implement, in each institution and facility of the Department, a
23 program of facility training for the correctional staff. Such training
24 must include:

25 1. Training in *trauma-informed*, evidence-based practices,
26 including, without limitation, principles of ~~effective~~ :

27 (a) *Effective* intervention ~~effective~~ ;

28 (b) *Effective* case management ;

29 (c) *Gender-responsive strategies*; and ~~core~~

30 (d) *Core* correctional practices; and

31 2. Courses on interacting with ~~victims~~ offenders who:

32 (a) *Are victims* of domestic violence and trauma ~~and people~~
33 ~~with~~ ;

34 (b) *Have* behavioral health needs ~~and both~~ ;

35 (c) *Have* physical and intellectual disabilities ~~and~~ ; and

36 (d) *Have diverse gender identities or expressions*.

37 **Sec. 8.** NRS 209.341 is hereby amended to read as follows:

38 209.341 1. The ~~Director shall:~~

39 ~~(a) Establish, with the approval of the Board,~~ Department shall
40 adopt regulations which establish a system of initial classification
41 and evaluation for offenders who are sentenced to imprisonment in
42 the state prison.

43 ~~(b) Assign every~~ Such regulations must include, without
44 limitation, procedures for the assignment of a person who is
45 sentenced to imprisonment in the state prison to an appropriate



1 institution or facility of the Department ~~[-The assignment must be]~~
2 based ~~[on an evaluation of the]~~ upon:

3 (a) *The offender's records* ~~[-]~~;

4 (b) *The particular needs of the offender*;

5 (c) *The proximity of the institution or facility to the address at*
6 *which any child or other dependent of the offender resides, if*
7 *known*; and

8 (d) *Any applicable* requirements for custody.

9 ~~[(e) Administer]~~

10 2. *The Director shall assign every person who is sentenced to*
11 *imprisonment in the state prison in accordance with the*
12 *regulations adopted pursuant to subsection 1.*

13 3. *The Department shall adopt regulations which establish*
14 *protocols for an institution or facility to follow when placing an*
15 *offender within the institution or facility. Such regulations must*
16 *be designed to ensure that each offender is placed in a manner*
17 *that is appropriate for the gender identity or expression of the*
18 *offender.*

19 4. *The Department shall cause to be administered* a risk and
20 needs assessment to each offender for the purpose of guiding
21 institutional programming and placement. The Department may
22 consider the responsivity factors of an offender when making
23 decisions concerning such programming and placement.

24 ~~[-]~~ 5. Any risk and needs assessment used by the Department
25 pursuant to this section must ~~[undergo]~~ :

26 (a) *Be valid and appropriate for assessing the risks and needs*
27 *of an offender, regardless of the gender identity or expression of*
28 *the offender; and*

29 (b) *Undergo* a validation study not less than once every 3 years.

30 6. The Department shall establish quality assurance procedures
31 to ensure proper and consistent scoring of any risk and needs
32 assessment used pursuant to this section.

33 ~~[-]~~ 7. As used in this section:

34 (a) "Responsivity factors" has the meaning ascribed to it in
35 NRS 213.107.

36 (b) "Risk and needs assessment" has the meaning ascribed to it
37 in NRS 213.107.

38 **Sec. 9.** NRS 209.376 is hereby amended to read as follows:

39 209.376 1. ~~[No]~~ *Except as otherwise provided in subsection*
40 *2, no restraints of any kind may be used on an offender who is* ~~[in]~~ :

41 (a) *Being transferred or transported by a correctional staff*
42 *member or other authorized person while the offender is*
43 *pregnant; or*

44 (b) *In labor, delivering* ~~[her]~~ *a baby or recuperating from*
45 *delivery.* ~~[unless]~~



1 **2. Restraints may be used on an offender who is pregnant if**
2 there are compelling reasons to believe that the offender presents:

3 (a) A serious and immediate threat of harm to ~~herself.~~ **the**
4 **offender, correctional staff members** or others; or

5 (b) A substantial flight risk and cannot be reasonably confined
6 by other means.

7 ~~2. If an offender who is in labor, delivering her baby or~~
8 ~~recuperating from delivery is restrained, only]~~

9 **3. Any restraints used on an offender who is pregnant must**
10 **be** the least restrictive restraints which are necessary to ensure safety
11 and security. ~~may be used.]~~

12 **Sec. 10.** NRS 209.381 is hereby amended to read as follows:

13 209.381 1. Each offender in an institution or facility of the
14 Department must be provided a healthful diet and appropriate,
15 sanitary housing. **For purposes of this subsection, housing for an**
16 **offender who is pregnant or recuperating from delivery is not**
17 **appropriate if the housing is more restrictive than necessary to**
18 **ensure safety and security.**

19 2. The Director with the approval of the Board shall establish
20 standards for :

21 (a) **The** personal hygiene of offenders , **which must ensure the**
22 **protection of the rights set forth in section 2 of this act;** and ~~for~~
23 ~~the]~~

24 (b) **The** medical and dental services of each institution or facility
25 ~~],~~ **which must:**

26 (1) **Ensure the protection of the rights set forth in section 2**
27 **of this act;**

28 (2) **Provide for annual gynecological examinations of**
29 **offenders upon request;**

30 (3) **Ensure access to appropriate follow-up care is provided**
31 **to an offender who receives an annual gynecological examination;**
32 **and**

33 (4) **To the extent practicable, ensure that any significant**
34 **communication concerning medical or dental services is provided**
35 **in the primary language of the offender.**

36 **Sec. 11.** NRS 209.423 is hereby amended to read as follows:

37 209.423 1. **The Department shall adopt regulations relating**
38 **to visits between offenders and appropriate friends, relatives and**
39 **other persons. Such regulations must prescribe requirements for:**

40 (a) **A visitation schedule established by an institution or**
41 **facility, including, without limitation, a requirement that any such**
42 **schedule allow visitors for at least 8 hours per day on:**

43 (1) **Saturday and Sunday; and**

44 (2) **At least 4 other days per week; and**



1 (b) A visitation policy for offenders who are parents of
2 children who are under 18 years of age, which must:

3 (1) Authorize in-person visits between such offenders and
4 their children to the greatest extent possible;

5 (2) Not limit the number of children on the authorized
6 visitor list of an offender; and

7 (3) Not limit the number of children an offender may
8 receive at a given time.

9 2. Wardens and managers may authorize visits and
10 correspondence between offenders and appropriate friends,
11 relatives, and others ~~[under]~~ in accordance with the regulations
12 adopted by the ~~[Director and approved by the Board.]~~ Department
13 pursuant to subsection 1.

14 **Sec. 12.** Chapter 211 of NRS is hereby amended by adding
15 thereto the provisions set forth as sections 13 to 18, inclusive, of this
16 act.

17 **Sec. 13. 1.** Except as otherwise provided in subsection 2, a
18 prisoner in the custody of a county, city or town jail or detention
19 facility has the right:

20 (a) To be treated with basic human dignity and respect,
21 without intentional infliction of humiliation, including, without
22 limitation, the right to:

23 (1) Be searched by a staff member of the same gender
24 identity or expression;

25 (2) Shower, perform bodily functions and change clothes
26 without having a staff member who has a different gender identity
27 or expression than the prisoner view the unclothed genitals, pubic
28 area, anus, buttocks or breasts of the prisoner; and

29 (3) Be treated in accordance with the gender identity or
30 expression of the prisoner.

31 (b) To receive adequate, appropriate and accessible basic
32 necessities free of charge, including, without limitation:

33 (1) Clean clothing, undergarments and socks; and

34 (2) Personal hygiene products.

35 (c) To have access to necessary medical and behavioral health
36 care services, including, without limitation:

37 (1) Treatment pertaining to mental health or a substance
38 use disorder;

39 (2) Gynecological or obstetrical services, including, without
40 limitation, prenatal and postnatal health care services; and

41 (3) Mammography.

42 (d) To be free from:

43 (1) Discrimination or harassment on the basis of the sex,
44 sexual orientation or gender identity or expression of the prisoner;
45 and



1 (2) *Being searched for the purpose of harassment or as a*
2 *form of punishment or discipline.*

3 (e) *To communicate with other persons, including, without*
4 *limitation, the right:*

5 (1) *To have regular contact through visits, telephone calls*
6 *and mail with any children of the prisoner; and*

7 (2) *Other adults with whom the prisoner has established a*
8 *mentoring relationship, including, without limitation, persons*
9 *released from incarceration, upon approval of a county, city or*
10 *town jail or detention facility.*

11 (f) *To report an alleged violation of any of the rights set forth*
12 *in this subsection without being threatened or punished.*

13 2. *A county, city or town jail or detention facility may impose*
14 *reasonable restrictions on the time, place and manner in which a*
15 *prisoner may exercise the rights set forth in subsection 1 if such*
16 *restrictions are necessary to preserve the order, security or safety*
17 *of the prisoner, the public, staff members or other prisoners in the*
18 *jail or detention facility.*

19 3. *The sheriff, chief of police or town marshal responsible for*
20 *the operation of a county, city or town jail or detention facility*
21 *shall establish appropriate policies to ensure the protection of the*
22 *rights set forth in this section.*

23 4. *As used in this section:*

24 (a) *“Mammography” has the meaning ascribed to it in*
25 *NRS 457.182.*

26 (b) *“Personal hygiene products” includes, without limitation,*
27 *soap, deodorant, a toothbrush, toothpaste or powder, toilet paper,*
28 *shampoo, incontinence products and feminine hygiene products.*

29 **Sec. 14.** *1. Each county, city or town jail or detention*
30 *facility shall treat each prisoner in all respects in accordance with*
31 *the gender identity or expression of the prisoner, including,*
32 *without limitation, by:*

33 (a) *Addressing each prisoner in a manner that is consistent*
34 *with the gender identity or expression of the prisoner; and*

35 (b) *Providing each prisoner with access to commissary items,*
36 *clothing and institutional programming consistent with the gender*
37 *identity or expression of the prisoner.*

38 2. *The sheriff, chief of police or town marshal responsible for*
39 *the operation of a county, city or town jail or detention facility*
40 *shall establish appropriate policies to carry out the requirements*
41 *of subsection 1.*

42 **Sec. 15.** *1. The sheriff, chief of police or town marshal*
43 *responsible for the operation of a county, city or town jail or*
44 *detention facility shall designate an ombudsman for each jail or*
45 *facility.*



2. *An ombudsman designated pursuant to subsection 1:*

(a) *Shall:*

(1) *Assist prisoners to understand the rights prescribed by section 13 of this act;*

(2) *Monitor the implementation of the policy adopted pursuant to section 14 of this act; and*

(3) *Receive and review each report filed pursuant to section 16 of this act and reports concerning the alleged violations of the rights set forth in section 13 of this act; and*

(b) *May:*

(1) *Investigate apparent violations of the rights set forth in section 13 of this act; and*

(2) *Act to resolve disputes relating to apparent violations.*

Sec. 16. 1. *A staff member of a city, county or town jail or detention facility who searches a prisoner of a different gender identity or expression or views a prisoner of a different gender identity or expression while the prisoner is showering, performing bodily functions or changing clothes shall prepare and file with the ombudsman appointed pursuant to section 15 of this act a report concerning the incident.*

2. *A written report filed pursuant to subsection 1 must be filed not later than 3 days after the date on which the incident occurs.*

Sec. 17. 1. *The sheriff, chief of police or town marshal responsible for the operation of a county, city or town jail or detention facility shall adopt a policy concerning the prenatal and postnatal care of prisoners.*

2. *The policy adopted pursuant to subsection 1 must include, without limitation:*

(a) *A requirement that each prisoner who is pregnant receive:*

(1) *Counseling and written materials concerning pregnancy, labor, the care of newborns and the postpartum period;*

(2) *Appropriate, trauma-informed prenatal health care services, including, without limitation, periodic monitoring and evaluation of the health of the prisoner and the unborn child of the prisoner;*

(3) *Prenatal vitamins or supplements, as deemed necessary by a treating physician;*

(4) *A diet containing the nutrients necessary to maintain a healthy pregnancy, as deemed necessary by a treating physician; and*

(5) *Counseling regarding parenting skills upon the request of the prisoner;*



1 (b) A requirement that each prisoner who delivers a baby while
2 in the custody of a jail or detention facility:

3 (1) Receives appropriate, trauma-informed medical care at
4 the jail or detention facility, including, without limitation,
5 treatment for postpartum depression;

6 (2) Receives counseling regarding parenting skills upon the
7 request of the prisoner; and

8 (3) To the extent reasonably practicable, be provided an
9 opportunity to reside with a baby delivered while in the custody of
10 the jail or detention facility in a safe and secure location within
11 the jail or detention facility for a period of time appropriate to
12 facilitate bonding between the prisoner and the baby; and

13 (c) A lactation policy.

14 3. The counseling and written materials required by
15 subsection 2 must:

16 (a) Be communicated or written in easily understood
17 language; and

18 (b) Include, without limitation, information regarding:

19 (1) Available options concerning the pregnancy, including,
20 without limitation, abortion, alternatives to abortion and adoption;

21 (2) Prenatal nutrition;

22 (3) Maintaining a healthy pregnancy;

23 (4) The policy adopted pursuant to subsection 1; and

24 (5) The limitation on the use of restraints on a prisoner
25 who is pregnant prescribed by NRS 211.155.

26 4. Nothing in this section shall be construed to require a jail
27 or detention facility to adopt any policy that does not comply with
28 federal law or regulation.

29 **Sec. 18.** 1. The sheriff, chief of police or town marshal
30 responsible for the operation of a county, city or town jail or
31 detention facility shall adopt a policy relating to visits between
32 prisoners and appropriate friends, relatives and other persons.

33 2. The policy adopted pursuant to subsection 1 must prescribe
34 requirements for:

35 (a) A visitation schedule that allows visitors for at least 8 hours
36 per day on:

37 (1) Saturday and Sunday; and

38 (2) At least 4 other days per week; and

39 (b) A visitation policy that must:

40 (1) Authorize in-person visits between prisoners who are
41 parents of children who are under 18 years of age and the
42 children of such prisoners to the greatest extent possible;

43 (2) Not limit the number of children on the authorized
44 visitor list of a prisoner; and



1 ***(3) Not limit the number of children a prisoner may receive***
2 ***at a given time.***

3 **Sec. 19.** NRS 211.140 is hereby amended to read as follows:

4 211.140 1. The sheriff of each county has charge and control
5 over all prisoners committed to his or her care in the respective
6 county jails, and the chiefs of police and town marshals in the
7 several cities and towns throughout this State have charge and
8 control over all prisoners committed to their respective city and
9 town jails and detention facilities.

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

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

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

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

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

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

36 (a) Treatment provided to a prisoner while in custody for
37 injuries incurred by a prisoner while the prisoner is in custody and
38 for injuries incurred during the prisoner's arrest for commission of a
39 public offense if the prisoner is not convicted of that offense;

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

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

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



1 (a) Injuries incurred by the prisoner during his or her
2 commission of a public offense or for injuries incurred during his or
3 her arrest for commission of a public offense if the prisoner is
4 convicted of that offense;

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

7 (c) Self-inflicted injuries; and

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

10 6. A medical facility furnishing treatment pursuant to
11 subsection 5 shall attempt to collect the cost of the treatment from
12 the prisoner or the prisoner's insurance carrier. If the facility is
13 unable to collect the cost and certifies to the appropriate board of
14 county commissioners that it is unable to collect the cost of the
15 medical treatment, the board of county commissioners shall pay the
16 cost of the medical treatment.

17 7. A sheriff, chief of police or town marshal who arranges for
18 the administration of medical care pursuant to this section may
19 attempt to collect from the prisoner or the insurance carrier of the
20 prisoner the cost of arranging for the administration of medical care
21 including the cost of any transportation of the prisoner for the
22 purpose of medical care. The prisoner shall obey the requests of, and
23 fully cooperate with the sheriff, chief of police or town marshal in
24 collecting the costs from the prisoner or the prisoner's insurance
25 carrier.

26 8. While a prisoner is in custody, a sheriff, chief of police or
27 town marshal, in collaboration with the Department of Health and
28 Human Services and the various divisions thereof, for the purpose of
29 maintaining continuity of care, shall arrange for the coordination of
30 the care for treatment of mental health and substance use disorders
31 provided to the prisoner by all providers of such care in the county,
32 city or town jail or detention facility. After a prisoner is released
33 from custody:

34 (a) The Department and the various divisions thereof shall
35 arrange for the coordination of the care for treatment of mental
36 health and substance use disorders provided to the prisoner.

37 (b) The sheriff, chief of police or town marshal is no longer
38 responsible for arranging the coordination of such care.

39 9. Each sheriff described in subsection 8, or his or her
40 representative, and the Director of the Department of Health and
41 Human Services, or his or her representative, shall, at the request of
42 the Joint Interim Standing Committee on Health and Human
43 Services, appear before the Committee during the legislative interim
44 to report on the collaboration and coordination provided pursuant to
45 subsection 8.



1 10. Treatment of mental health and substance use disorders
2 provided pursuant to subsection 8 may include any medication that
3 has been:

4 (a) Approved by the United States Food and Drug
5 Administration; and

6 (b) Prescribed by a treating physician as medically necessary for
7 use by the prisoner to address issues relating to mental health or a
8 substance use disorder.

9 *11. A sheriff, chief of police or town marshal who arranges
10 for the administration of medical care pursuant to this section
11 shall, to the greatest extent practicable, ensure that any significant
12 communication concerning such care is provided in the primary
13 language of the prisoner.*

14 **Sec. 20.** NRS 211.155 is hereby amended to read as follows:

15 211.155 1. ~~[No]~~ *Except as otherwise provided in subsection*
16 *2, no restraints of any kind may be used on a prisoner who is [in] :*

17 *(a) Being transferred or transported by a staff member or*
18 *other authorized person while the prisoner is pregnant; or*

19 *(b) In labor, delivering [her] a baby or recuperating from*
20 *delivery. [unless]*

21 *2. Restraints may be used on a prisoner who is pregnant if*
22 *there are compelling reasons to believe that the prisoner presents:*

23 *(a) A serious and immediate threat of harm to [herself,] the*
24 *prisoner, a staff member or others; or*

25 *(b) A substantial flight risk and cannot be reasonably confined*
26 *by other means.*

27 ~~*[2. If a prisoner who is in labor, delivering her baby or*~~
28 ~~*recuperating from delivery is restrained, only]*~~

29 *3. Any restraints used on a prisoner who is pregnant must be*
30 *the least restrictive restraints which are necessary to ensure safety*
31 *and security. [may be used.]*

32 *4. A prisoner who is pregnant or recuperating from delivery*
33 *must not be held in more restrictive housing than necessary to*
34 *ensure safety and security.*

35 **Sec. 21.** NRS 62B.230 is hereby amended to read as follows:

36 62B.230 1. ~~[No]~~ *Except as otherwise provided in subsection*
37 *2, no restraints of any kind may be used on a child who is [in] :*

38 *(a) Being transferred or transported by a staff member or*
39 *other authorized person while the child is pregnant; or*

40 *(b) In labor, delivering [her] a baby or recuperating from*
41 *delivery. [unless]*

42 *2. Restraints may be used on a child who is pregnant if there*
43 *are compelling reasons to believe that the child presents:*

44 *(a) A serious and immediate threat of harm to [herself,] the*
45 *child, a staff member or others; or*



1 (b) A substantial flight risk and cannot be reasonably confined
2 by other means.

3 ~~[2.—If]~~

4 3. *Any restraints used on* a child who is ~~[in labor, delivering~~
5 ~~her baby or recuperating from delivery is restrained, only]~~ *pregnant*
6 *must be* the least restrictive restraints which are necessary to ensure
7 safety and security. ~~[may be used.]~~

8 4. *A child who is pregnant or recuperating from delivery*
9 *must not be held in more restrictive housing than necessary to*
10 *ensure the safety and security of the child, other children held in*
11 *the institution and staff members of the institution.*

12 **Sec. 22.** NRS 63.185 is hereby amended to read as follows:

13 63.185 1. ~~[No]~~ *Except as otherwise provided in subsection*
14 *2, no* restraints of any kind may be used on a child who is ~~[in]~~:

15 (a) *Being transferred or transported by a staff member or*
16 *other authorized person while the child is pregnant; or*

17 (b) *In* labor, delivering ~~[her]~~ *a* baby or recuperating from
18 delivery. ~~[unless]~~

19 2. *Restraints may be used on a child who is pregnant if* there
20 are compelling reasons to believe that the child presents:

21 (a) A serious and immediate threat of harm to ~~[herself.]~~ *the*
22 *child, a staff member* or others; or

23 (b) A substantial flight risk and cannot be reasonably confined
24 by other means.

25 ~~[2.—If]~~

26 3. *Any restraints used on* a child who is ~~[in labor, delivering~~
27 ~~her baby or recuperating from delivery is restrained, only]~~ *pregnant*
28 *must be* the least restrictive restraints which are necessary to ensure
29 safety and security. ~~[may be used.]~~

30 4. *A child who is pregnant or recuperating from delivery*
31 *must not be held in more restrictive housing than necessary to*
32 *ensure the safety and security of the child, other children held in*
33 *the facility and the staff members of the facility.*

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

37 **Sec. 24.** 1. This section becomes effective upon passage and
38 approval.

39 2. Sections 1 to 23, inclusive, of this act become effective:

40 (a) Upon passage and approval for the purpose of adopting any
41 regulations or policies and performing any other preparatory
42 administrative tasks that are necessary to carry out the provisions of
43 this act; and



1 (b) On October 1, 2023, for all other purposes.

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