SENATE BILL NO. 153–SENATORS SCHEIBLE, D. HARRIS, SPEARMAN; FLORES AND NEAL

JOINT SPONSORS: ASSEMBLYWOMEN GONZÁLEZ AND PETERS

FEBRUARY 14, 2023

Referred to Committee on Judiciary

SUMMARY—Makes various changes relating to corrections. (BDR 16-126)

FISCAL NOTE: Effect on Local Government: No.
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 corrections; requiring the Director of the Department of Corrections to adopt regulations prescribing certain standards concerning offenders who are transgender, gender non-conforming, gender non-binary and intersex; requiring a program of facility training for correctional staff to include training in cultural competency for interacting with offenders who are transgender, gender non-conforming, gender non-binary and intersex; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the Director of the Department of Corrections, with the approval of the Board of State Prison Commissioners, to establish regulations governing the custody and care of offenders. (NRS 209.131) **Section 6** of this bill requires the Director, with the approval of the Board of State Prison Commissioners, to also adopt regulations prescribing standards in each institution and facility of the Department for the supervision, custody, care, security, housing and medical and mental health treatment of offenders who are transgender, gender non-conforming, gender non-binary and intersex.

Existing law authorizes the Director to develop and implement a program of facility training, which includes certain training and courses for the correctional staff in each institution and facility of the Department. (NRS 209.1315) **Section 8** of this bill adds training in cultural competency for interacting with offenders who

are transgender, gender non-conforming, gender non-binary and intersex to the list of training and courses constituting a program of facility training.

Sections 2-5 of this bill define the terms "gender non-binary," "gender non-conforming," "intersex" and "transgender" for the purposes of adopting regulations and developing and implementing a program of facility training. **Section 7** of this bill makes a conforming change to indicate the proper placement of **sections 2-5** within the Nevada Revised Statutes.

Section 9 of this bill requires the Director to adopt any regulations which are required by or necessary to carry out the provisions of this bill on or before January 1, 2024.

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

Section 1. Chapter 209 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 6, inclusive, of this act.

Sec. 2. ***"Gender non-binary" means a person whose gender identity does not conform to the traditional gender binary of male and female.***

Sec. 3. ***"Gender non-conforming" means a person whose gender characteristics or behaviors do not conform to those characteristics or behaviors traditionally associated with the biological sex of the person.***

Sec. 4. ***"Intersex" means a condition in which a person is born with external genitals, internal reproductive organs, chromosome patterns or an endocrine system that does not conform to the traditional gender binary of male or female.***

Sec. 5. ***"Transgender" means a person whose gender identity or expression differs from the sex assigned to the person at birth.***

Sec. 6. ***The Director shall, with the approval of the Board, adopt regulations prescribing standards in each institution and facility of the Department for the supervision, custody, care, security, housing and medical and mental health treatment of offenders who are transgender, gender non-conforming, gender non-binary and intersex. The regulations must:***

1. Apply the generally accepted standards of care and best practices for the supervision, custody, care, security, housing and medical and mental health treatment of offenders who are transgender, gender non-conforming, gender non-binary and intersex;

2. Use respectful language and currently accepted terminology that accounts for and protects the rights of offenders who are transgender, gender non-conforming, gender non-binary and intersex; and

3. Prohibit the discrimination of offenders who are transgender, gender non-conforming, gender non-binary and intersex.

Sec. 7. NRS 209.011 is hereby amended to read as follows:

209.011 As used in this chapter, unless the context otherwise requires, the terms defined in NRS 209.021 to 209.085, inclusive, ***and sections 2 to 5, inclusive, of this act*** have the meanings ascribed to them in those sections.

Sec. 8. NRS 209.1315 is hereby amended to read as follows:

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

1. Training in evidence-based practices, including, without limitation, principles of effective intervention, effective case management and core correctional practices **.** ~~[; and]~~

2. Courses on interacting with victims of domestic violence and trauma and people with behavioral health needs and both physical and intellectual disabilities.

3. Training in cultural competency for interacting with offenders who are transgender, gender non-conforming, gender non-binary and intersex.

Sec. 9. The Director of the Department of Corrections shall, on or before January 1, 2024, adopt any regulations which are required by or necessary to carry out the provisions of this act.

Sec. 10. This act becomes effective upon passage and approval.

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