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ASSEMBLY BILL NO. 30—COMMITTEE ON JUDICIARY

(ON BEHALF OF THE DIVISION OF PUBLIC AND  
BEHAVIORAL HEALTH OF THE DEPARTMENT  
OF HEALTH AND HUMAN SERVICES)

PREFILED NOVEMBER 14, 2024

Referred to Committee on Judiciary

**SUMMARY**—Revises provisions relating to records of defendants who have been found incompetent. (BDR 14-293)

**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.

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AN ACT relating to criminal procedure; authorizing the Administrator of the Division of Public and Behavioral Health of the Department of Health and Human Services to request from a local detention facility access to any records in its possession which contain information that may assist in evaluating and treating a defendant who is committed to the custody of or ordered to report to the Administrator based upon a finding of incompetence; requiring a local detention facility to provide access to any such records for the limited purpose of allowing the Administrator to evaluate and treat the defendant; and providing other matters properly relating thereto.

**Legislative Counsel’s Digest:**

1 Existing law authorizes the Administrator of the Division of Public and  
2 Behavioral Health of the Department of Health and Human Services or the  
3 Administrator’s designee to request from the Department of Corrections access to  
4 any records in its possession which contain information that may assist in  
5 evaluating and treating a defendant who previously has served a term of  
6 imprisonment under the supervision of the Department of Corrections and who is  
7 committed to the custody of or ordered to report to the Administrator or the  
8 Administrator’s designee based upon a finding of incompetence. Existing law  
9 requires the Department of Corrections, upon receiving such a request, to provide  
10 access to any such records, including, without limitation, relevant medical and



11 mental health records, for the limited purpose of allowing the Administrator or the  
12 Administrator's designee to evaluate and treat the defendant. (NRS 178.453)

13 This bill similarly: (1) authorizes the Administrator or the Administrator's  
14 designee to request from a local detention facility access to any records in its  
15 possession which contain information that may assist in evaluating and treating a  
16 defendant who has previously been detained or ordered to serve a term of  
17 imprisonment in the local detention facility and who is committed to the custody of  
18 or ordered to report to the Administrator or the Administrator's designee based  
19 upon a finding of incompetence; and (2) requires the local detention facility, upon  
20 receiving such a request, to provide access to any such records, including, without  
21 limitation, relevant medical and mental health records, for the limited purpose of  
22 allowing the Administrator or the Administrator's designee to evaluate and treat the  
23 defendant.

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

1 **Section 1.** NRS 178.453 is hereby amended to read as follows:

2 178.453 1. The Administrator or the Administrator's  
3 designee may request from the Department of Corrections access to  
4 any records in its possession which contain information that may  
5 assist in evaluating and treating a defendant who previously has  
6 served a term of imprisonment under the supervision of the  
7 Department of Corrections and who is committed to the custody of  
8 or ordered to report to the Administrator or the Administrator's  
9 designee pursuant to NRS 178.425, 178.460, 178.461 or 178.464.

10 2. Unless otherwise ordered by a court, upon request of the  
11 Administrator or the Administrator's designee for access to records  
12 of a defendant pursuant to subsection 1, the Department of  
13 Corrections, through the Medical Director, shall provide access to  
14 any such records, including, without limitation, relevant medical and  
15 mental health records, for the limited purpose of allowing the  
16 Administrator or the Administrator's designee to evaluate and treat  
17 the defendant.

18 3. *The Administrator or the Administrator's designee may*  
19 *request from a local detention facility access to any records in its*  
20 *possession which contain information that may assist in*  
21 *evaluating and treating a defendant who has previously been*  
22 *detained or ordered to serve a term of imprisonment in the local*  
23 *detention facility and who is committed to the custody of or*  
24 *ordered to report to the Administrator or the Administrator's*  
25 *designee pursuant to NRS 178.425, 178.460, 178.461 or 178.464.*

26 4. *Unless otherwise ordered by a court, upon request of the*  
27 *Administrator or the Administrator's designee for access to*  
28 *records of a defendant pursuant to subsection 3, a local detention*  
29 *facility shall provide access to any such records, including,*  
30 *without limitation, relevant medical and mental health records, for*



1 *the limited purpose of allowing the Administrator or the*  
2 *Administrator's designee to evaluate and treat the defendant.*

3 5. No oral or written consent of the defendant is required for  
4 the Administrator or the Administrator's designee to obtain access  
5 to records from the Department of Corrections *or a local detention*  
6 *facility* pursuant to this section.

7 ~~[4.]~~ 6. As used in this section ~~[.]~~:

8 (a) *"Local detention facility" means a county, city or town jail*  
9 *or detention facility.*

10 (b) "Medical Director" has the meaning ascribed to it in  
11 NRS 209.077.

12 **Sec. 2.** This act becomes effective upon passage and approval.



