

Senate Bill No. 141–Senator Scheible

CHAPTER.....

AN ACT relating to corrections; providing for the development and implementation of certain policies relating to prisoners in a county, city or town jail or detention facility who are transgender, gender non-conforming, gender non-binary and intersex; authorizing the development and implementation of certain training relating to such prisoners; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law requires the Director of the Department of Corrections to adopt regulations prescribing certain standards 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. (NRS 209.358) **Section 1** of this bill similarly requires the sheriff, chief of police or town marshal responsible for the operation of a county, city or town jail or detention facility to develop and implement a policy concerning the supervision, custody, care, security, housing and medical and mental health treatment of prisoners who are transgender, gender non-conforming, gender non-binary and intersex.

Existing law authorizes the Director of the Department to develop and implement a program of facility training for the correctional staff in each institution and facility of the Department, which includes training in cultural competency for interacting with offenders who are transgender, gender non-conforming, gender non-binary and intersex. (NRS 209.1315) **Section 1** likewise authorizes the sheriff, chief of police or town marshal responsible for the operation of a county, city or town jail or detention facility to develop and implement training for members of the staff of the jail or detention facility in cultural competency for interacting with prisoners who are transgender, gender non-conforming, gender non-binary and intersex.

EXPLANATION – Matter in ***bolded italics*** is new; matter between brackets ~~omitted material~~ is material to be omitted.

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

Section 1. Chapter 211 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The sheriff, chief of police or town marshal responsible for the operation of a county, city or town jail or detention facility shall develop and implement a policy concerning the supervision, custody, care, security, housing and medical and mental health treatment of prisoners who are transgender, gender non-conforming, gender non-binary and intersex. The policy must:

(a) Use respectful language and currently accepted terminology that accounts for and protects the rights of prisoners



who are transgender, gender non-conforming, gender non-binary and intersex;

(b) Prohibit the discrimination of prisoners who are transgender, gender non-conforming, gender non-binary and intersex;

(c) Include, or incorporate by reference, a provision which designates the factors to be considered when assigning housing, which must, without limitation, take into account the preference of prisoners;

(d) Include, or incorporate by reference, a protocol for searches, which:

(1) Includes considering the preference of a prisoner when determining the gender of the officer assigned to conduct a search; and

(2) Prohibits an unclothed search for the purpose of observing the genitalia of a prisoner after initial intake into the jail or detention facility, unless reasonable grounds exist;

(e) Require medical personnel to follow the applicable standard of care when treating a prisoner who is transgender, gender non-conforming, gender non-binary or intersex;

(f) Require, to the extent practicable, that a prisoner who is transgender, gender non-conforming, gender non-binary or intersex have access to preferred clothing, undergarments and hygiene items, regardless of housing assignment;

(g) Include, or incorporate by reference, provisions that apply to adult prisoners and juvenile prisoners; and

(h) Include, or incorporate by reference, a timely and fair grievance or appeal process for any violation of the policy.

2. The sheriff, chief of police or town marshal responsible for the operation of a county, city or town jail or detention facility may develop and implement training for members of the staff of the jail or detention facility in cultural competency for interacting with prisoners who are transgender, gender non-conforming, gender non-binary and intersex.

3. Nothing in this section shall be construed to require a county, city or town jail or detention facility to construct additional buildings or facilities or to implement any additional training for staff to comply with a policy developed pursuant to this section.

4. As used in this section:

(a) “Gender non-binary” means a person whose gender identity does not conform to the traditional gender binary of male and female.



(b) “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.

(c) “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.

(d) “Transgender” means a person whose gender identity or expression differs from the sex assigned to the person at birth.

Sec. 2. (Deleted by amendment.)

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