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Office of the Governor

June 8, 2017

The Honorable Barbara Cegavske
Nevada Secretary of State
101 South Carson Street
Carson City, NV 89701

RE: Assembly Bill 303 of the 79th Legislative Session

Dear Secretary Cegavske:

I am herewith forwarding to you, for filing within the constitutional time limit and without my approval, Assembly Bill 303 ("AB 303"), which is entitled:

AN ACT relating to corrections; requiring core correctional services to be provided only by the State or a local government with certain exceptions; and providing other matters properly relating thereto.

AB 303 bans the use of private prisons in Nevada. It also appears to ban the State from contracting with out-of-state private prisons to take inmates when needed, beginning in 2022. To the extent that the intent of AB 303 is to ensure that Nevada maintains complete control over its prisons and prison population, there is some merit to the bill. But because the bill improperly encroaches on the authority and discretion of the executive branch of State government, including the State Board of Prison Commissioners, I cannot support it.

The Nevada Constitution tasks the executive branch with operating the State's prison system. These responsibilities include budgeting for the Department of Corrections, appointing a Director of the Department of Corrections, and overseeing all matters connected to the prison system through the State Board of Prison Commissioners. Admittedly, the Legislature must also approve the budget, and it may pass laws regulating the prison system.

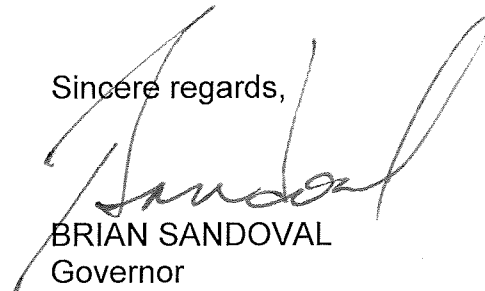
Where AB 303 goes too far, however, is by limiting the discretion of the Director of the Department of Corrections by prohibiting the use of private prisons, starting in 2022. Between now and 2022, much can happen, and there is no way to predict whether private prisons may need to play a critical part in Nevada's future prison needs. For example, Nevada is currently suffering from overcrowding in its prisons due to actual custody sentencings exceeding projections. Short of spending tens of millions of dollars building new prisons, which would do

nothing to fix the immediate problem, the best solution to mitigate overcrowding was to contract with out-of-state private prisons to take some of Nevada's inmates. It would be ill-advised to foreclose all available options now, should there be similar, or other unexpected, problems in the future. Moreover, often there are inmates with unique backgrounds, needs, or segregation issues for which the Director must have options to send to other custodial environments for health and safety purposes. Such options are critical for the management of our state prison system.

Finally, the Legislature will be meeting in 2019 and 2021, which gives it sufficient opportunity to review policy and issues related to corrections if and when they arise.

For these reasons I veto AB 303 and return it without my signature or approval.

Sincere regards,

A handwritten signature in black ink, appearing to read "Sandoval", is written over the typed name and title.

BRIAN SANDOVAL
Governor

Enclosure

cc: *The Honorable Mark Hutchison, President of the Senate (without enclosure)*
The Honorable Jason Frierson, Speaker of the Nevada Assembly (without enclosure)
The Honorable Aaron Ford, Senate Majority Leader (without enclosure)
Claire J. Clift, Secretary of the Senate (without enclosure)
Susan Furlong, Chief Clerk of the Assembly (without enclosure)
Brenda Erdoes, Esq., Legislative Counsel (without enclosure)