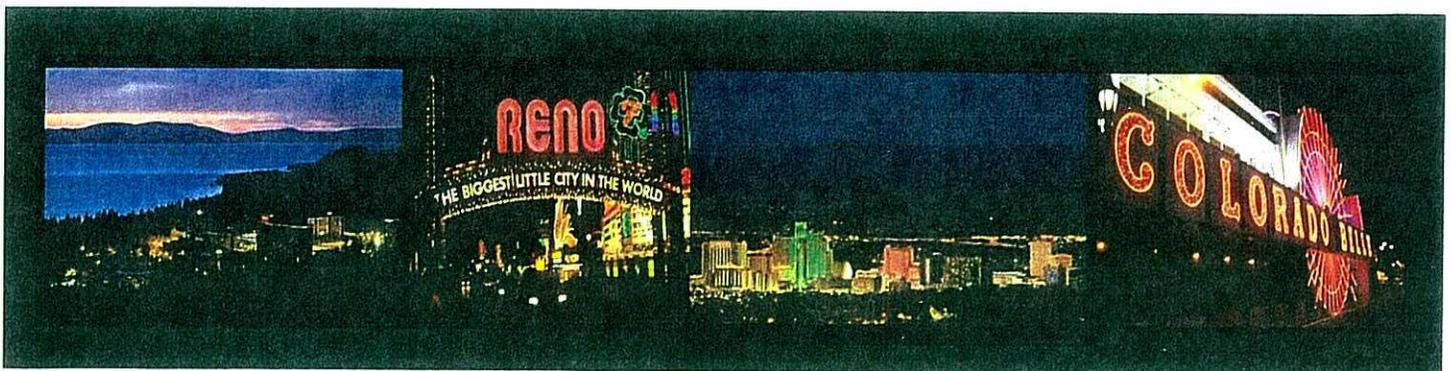


## Nevada Gaming Commission



## Nevada State Gaming Control Board

November 2012







BRIAN SANDOVAL  
*Governor*

STATE OF NEVADA

**GAMING CONTROL BOARD**

1919 College Parkway, P.O. Box 8003, Carson City, Nevada 89702  
555 E. Washington Avenue, Suite 2600, Las Vegas, Nevada 89101  
3650 S. Pointe Circle, Suite 203, P.O. Box 31109, Laughlin, Nevada 89028  
557 W. Silver Street, Suite 207, Elko, Nevada 89801  
9790 Gateway Drive, Suite 100, Reno, Nevada 89521  
750 Pilot Road, Suite H, Las Vegas, Nevada 89119

A.G. BURNETT, *Chairman*  
SHAWN R. REID, *Member*  
TERRY JOHNSON, *Member*

November 2012

Thank you for your interest in Nevada's gaming regulatory structure. The Nevada Gaming Commission and the State Gaming Control Board are empowered by law to regulate Nevada's gaming industry. Established in 1931 and bolstered by the creation of our agency in 1955, our evolving laws and regulations have been an integral element of the success of gaming in Nevada. The gaming industry is declared to be vitally important to the economy of our State and the general welfare of our inhabitants.

During the fiscal year ending June 30, 2011, our 256 non-restricted licensees who grossed more than \$1 million in gaming revenue, generated total revenues of \$22.0 billion, with \$10.2 billion, or 46.2%, coming from gaming activities. These 256 non-restricted licensees reported an employee base of 174,381 people. As is evident by these data points, the contribution of gaming and tourism to Nevada is substantial.

Over the past 25 years, casino gaming has become legal in many jurisdictions throughout the United States, and, more recently, around the globe. Our model of regulation is one that has been adopted successfully by a number of other jurisdictions.

On behalf of our agency we hope the information contained herein is helpful to you. You will find more information on our agency's website ([gaming.nv.gov](http://gaming.nv.gov)).

Sincerely,

Handwritten signature of Peter C. Bernhard in black ink.

Peter C. Bernhard

Chairman

Nevada Gaming Commission

Handwritten signature of A.G. Burnett in black ink.

A.G. Burnett

Chairman

State Gaming Control Board



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## INTRODUCTION

Throughout the Gaming Control Board's (Board) history, Nevada's gaming regulatory framework and the long standing contributions of legislative and government leaders, gaming commissioners, board members and dedicated employees have developed a reputation around the globe as the leader in the governance of gaming. This reputation has been enhanced by the continued contributions of gaming lawyers, accountants, advisors and members of the academic community who have challenged the system with new ideas.

The Gaming Control Board's reputation is based on the philosophy: gaming when properly regulated, can thrive and be an important contributor to the economic welfare of Nevada. The Board's reputation has been built around a philosophy of consistent legal, ethical and fair-minded practices and actions, bolstered through highly rigorous standards for licensing, suitability and operation. Maintaining a balance between rigorous standards for the industry and the kind of flexibility permitting innovation and prudent expansion is an overarching goal guiding not only day-to-day decision making, but also the consideration of changes to regulations and statutes.

## MISSION AND PRINCIPLES

### Mission

The Nevada Gaming Commission ("Commission") and the State Gaming Control Board ("Board") govern Nevada's gaming industry through strict regulation of all persons, locations, practices, associations and related activities. The Board is charged with protecting the integrity and stability of the industry through in depth investigative procedures, exacting licensing practices, strict enforcement of laws and regulations holding gaming licensees to high standards. Through these practices, the Board ensures the proper collection of taxes and fees, an essential source of revenue for the State of Nevada.

### Guiding Principles

1. In all decisions and in the performance of our jobs, our highest priority is to protect the citizens of Nevada and visitors to Nevada by ensuring the interests of the agency, employees or licensees are not placed above our duty to our citizens and visitors.
2. We act with a high degree of integrity, honesty and respect in carrying out our duties and in our interactions with our stakeholders.
3. We are committed to protecting the confidentiality of all information entrusted to us by applicants, licensees and other stakeholders.

4. Our objectivity, independence and impartiality are beyond reproach. We avoid all personal or professional circumstances or conflicts calling these into question.
5. Our processes ensure all actions, decisions and policies are consistently applied and do not result in advantages or disadvantages to any party to the detriment of another.
6. Our investigations, audits and tests, while comprehensive, are objective and fair-minded. Written reports of such actions are made with a high degree of care with special attention to accuracy.
7. We carry out our duties in a rigorous and thorough manner and utilize the resources provided to us wisely and only for the legitimate purposes of the agency.
8. We continuously challenge ourselves to improve the practices and processes of the agency to keep pace with the industry's change, growth and innovation and our legislative mandates.
9. We continuously improve our public communication and public access to provide guidance and assistance to those we hold accountable for compliance.
10. We foster and maintain cooperative relationships with other governmental bodies, domestic and foreign, and our professionalism and competence bolsters our reputation as world class participants in gaming regulation.
11. Our professional work environment is demanding and respects the individual differences of our employees. We set a high standard for hiring and advancing employees based on demonstrated achievement.

**NEVADA GAMING COMMISSION  
STATE GAMING CONTROL BOARD**

**Gaming Commission**

Peter C. Bernhard, Chairman  
Joseph W. Brown, Vice Chairman/Member  
Tony Alamo, M.D., Member  
John T. Moran, Jr., Member  
Randolph J. Townsend, Member

**Term Expires**

April 27, 2015  
April 27, 2013  
April 27, 2016  
April 27, 2013  
April 27, 2014

**Gaming Control Board**

A.G. Burnett , Chairman  
Shawn R. Reid , Member  
Terry Johnson, Member

**Term Expires**

January 25, 2015  
January 25, 2015  
January 29, 2017

Pursuant to state law, members of the Board and Commission are appointed by the Governor of Nevada to four-year terms. In addition to other requirements, each member must be a resident of Nevada and no member may hold elective office while serving. Members are also not permitted to possess any direct pecuniary interest in gaming activities while serving in their capacity as members.

The Board and Commission conduct public meetings at least once monthly and special meetings as required. The Executive Secretary, who is appointed by the Board with the approval of the Commission, assists the Board and the Commission in administrative matters and facilitates the monthly meetings.

EXECUTIVE SECRETARY:

Sally Elloyan

e-mail: [Selloyan@gcb.nv.gov](mailto:Selloyan@gcb.nv.gov)

**Current and Past Chairs**

**Commission**

Peter Bernhard (2001-current)  
Brian Sandoval (1999-2001)  
William Curran (1991-1999)  
John O'Reilly (1987-1991)  
Paul Bible (1983-1987)  
Carl Dodge (1981-1983)  
Harry Reid (1977-1981)  
Peter Echeverria (1973-1977)  
John Diehl (1968-1973)  
George Dickerson (1967-1968)  
Milton Keefer (1965-1967)  
Norman Brown (1961-1965)  
Milton Keefer (1959-1961)  
Miles Pike (1959-1959)

**Board**

A.G. Burnett (2012-current)  
Mark Lipparelli (2011-2012)  
Dennis Neilander (2001-2010)  
Steve DuCharme (1998-2000)  
William Bible (1989-1998)  
Michael Rumbolz (1987-1989)  
Barton Jacka (1985-1987)  
James Avance (1983-1984)  
Richard Bunker (1980-1982)  
Roger Trounday (1977-1979)  
Philip Hannifin (1971-1977)  
Frank Johnson (1967-1971)  
Alan Abner (1967-1967)  
Ed Olsen (1961-1966)  
Ray Abbaticchio (1959-1961)  
Robbins Cahill (1955-1959)

**Gaming Regulation in Nevada:**  
**An Overview**

## **GAMING REGULATION IN NEVADA**

### **History**

In 1861, while Nevada was a territory, the first prohibition on all forms of gaming was passed into law. In 1869, the Nevada Legislature legalized gaming in spite of the Governor's veto. This law approved numerous games and imposed the first licensing fee.

Between 1869 and 1907, many changes in gambling regulations and license fees were made, with the main concern being where and when gaming could be conducted. The 1907 Legislature redistributed gaming fee revenues so all fees, except those from slot machines, were retained by the county, while slot machine fees went into the state coffers. The change was short-lived, as the 1909 Legislature prohibited gaming in all forms effective October 1, 1910.

It was not until 1931 when Nevada's modern era of legalized gaming began with the passage of the "Wide Open Gambling" bill signed into law by Governor Fred Balzar. The bill established a schedule of license fees for all games and machines, with the counties assuming the responsibility for the licensing and the collection of fees.

At about the same time, the State Legislature introduced a new concept in licensing. A state licensing requirement was enacted with fees based on a percentage of gross gaming win. This fee was in addition to the previously established county license fees, which were based on the number of games and machines in operation.

The Nevada Tax Commission was designated as the administrative agency under this new licensing requirement. The fees collected went into the state general fund, with a maximum of five percent of total collections set apart for administrative costs.

### **State Gaming Control Board**

The 1955 Legislature created the State Gaming Control Board ("Board") within the Nevada Tax Commission, whose purpose was to inaugurate a policy to eliminate the undesirable elements in Nevada gaming and to provide regulations for the licensing and the operation of gaming. The Board was also to establish rules and regulations for all tax reports to be submitted to the state by gaming licensees.

The Board consists of three full-time members appointed by the Governor for four-year terms, with one member acting as Chairman, and is responsible for regulating all aspects of Nevada's gaming industry.

The primary purpose of the Board is to protect the stability of the gaming industry through investigations, licensing, and enforcement of laws and regulations; to ensure the collection of gaming taxes and fees an essential source of state revenue; and to maintain public confidence in gaming. The Board implements policy enforcing State laws and regulations governing gaming through six

divisions (Administration, Audit, Enforcement, Investigations, Tax and License and Technology). The Board currently has 418.5 full-time equivalent positions, and maintains offices in Carson City, Elko, Las Vegas, Laughlin and Reno.

### **Nevada Gaming Commission**

In 1959, the Nevada Gaming Commission (“Commission”) was created by the passage of the Gaming Control Act (“Act”). The Act laid the foundation for what would become modern gaming regulation.

The Commission consists of five members appointed by the Governor to four-year terms, with one member acting as Chairman. The Commission members serve in a part-time capacity.

The primary responsibilities of the Commission include acting on the recommendations of the Board in licensing matters and ruling upon work permit appeal cases. The Commission is the final authority on licensing matters, having the ability to approve, restrict, limit, condition, deny, revoke or suspend any gaming license.

The Commission is also charged with the responsibility of adopting regulations to implement and enforce the State laws governing gaming.

When the Board believes discipline against a gaming licensee is appropriate, the Board acts in the prosecutorial capacity, while the Commission acts in the judicial capacity to determine whether any sanctions should be imposed.

### **Gaming Policy Committee**

The Gaming Policy Committee (“Committee”) was created by the Nevada Legislature in 1961 and meets at the call of the Governor to discuss matters of gaming policy. Recommendations made by this committee are advisory to the Commission and are not binding on the Board or the Commission in the performance of their duties.

The Committee consists of eleven members including: the Governor (who chairs the Committee); one member of the State Senate; one member of the State Assembly; one member of the Nevada Gaming Commission; one member of the State Gaming Control Board; one member of a Nevada Native American Tribe; and five members appointed by the Governor (two representatives of the general public, two representatives of nonrestricted gaming licensees and one representative of a restricted gaming licensee).

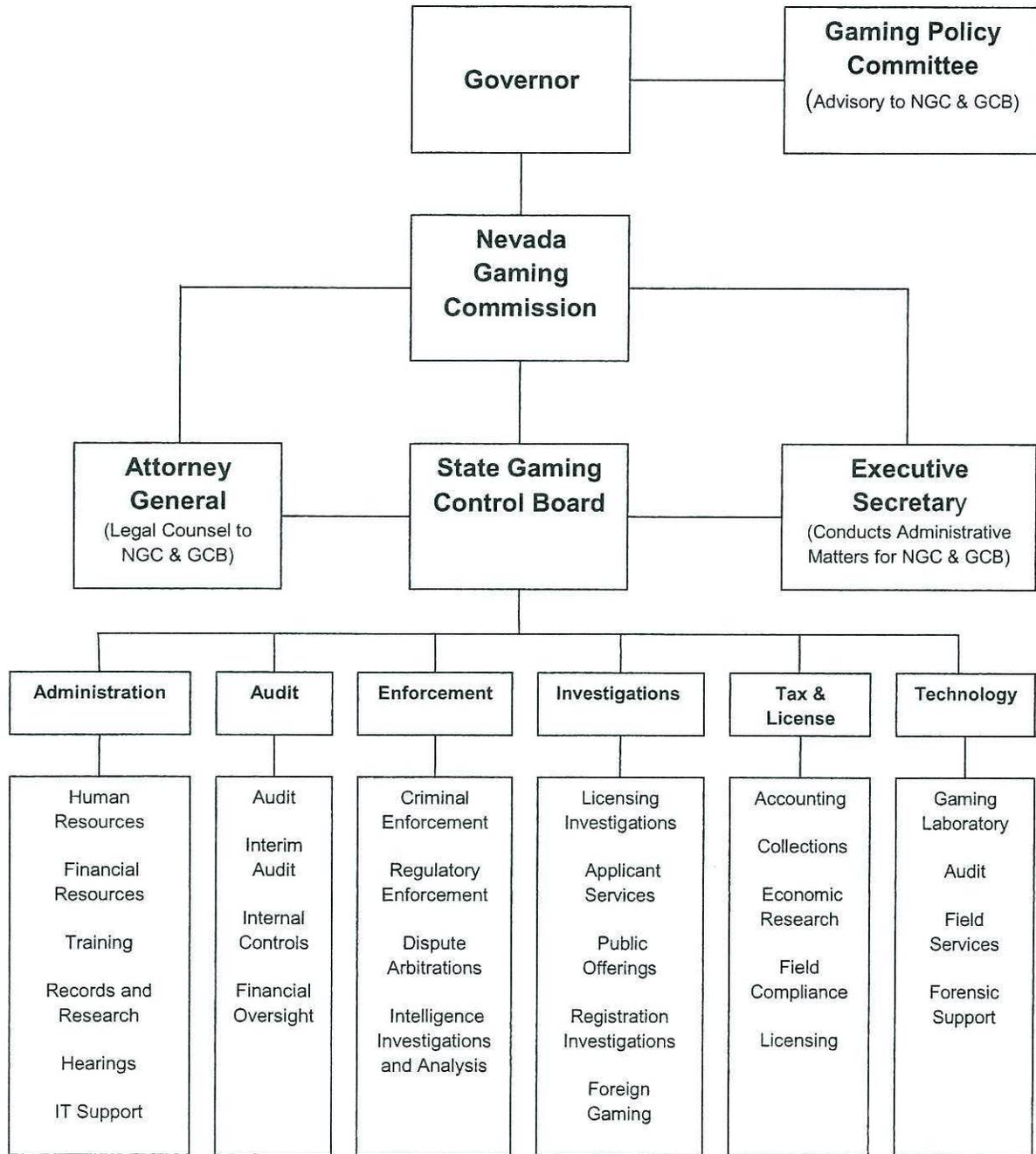
## **Gaming Laws**

The Commission and the Board make up the two-tiered system responsible for regulating the Nevada gaming industry. Gaming in Nevada is primarily governed by Chapters 462, 463, 463B, 464, 465, and 466 of the Nevada Revised Statutes. These statutes are supported by the regulations of the Commission and Board. The Commission and Board administer the State laws and regulations governing gaming for the protection of the public in accordance with the policy of the State.

Nevada Revised Statute 463.0129(1) sets forth the public policy of Nevada regarding gaming. All gaming regulatory decisions must reflect these public policy mandates. Specifically, this statute includes the following statements:

- (a) The gaming industry is vitally important to the economy of the State and the general welfare of the inhabitants.
- (b) The continued growth and success of gaming is dependent upon public confidence and trust; licensed gaming and the manufacture, sale and distribution of gaming devices and associated equipment are conducted honestly and competitively, establishments holding restricted and nonrestricted licenses where gaming is conducted and gambling devices are operated do not unduly impact the quality of life enjoyed by the residents of the surrounding neighborhoods, the rights of the creditors of the licensees are protected and gaming is free from criminal and corruptive elements.
- (c) Public confidence and trust can only be maintained by strict regulation of all; persons, locations, practices, associations and activities related to the operation of licensed gaming establishments, the manufacture, sale or distribution of gaming devices and associated equipment and the operation of online gaming and inter-casino linked systems.
- (d) All establishments where gaming is conducted and where gaming devices are operated, and manufacturers, sellers and distributors of certain gaming devices and equipment, and operators of online gaming and inter-casino linked systems must be licensed, controlled and assisted to protect the public health, safety, morals, good order and general welfare of the inhabitants of the Nevada, to foster the stability and success of gaming and to preserve the competitive economy and policies of free competition in the State of Nevada.
- (e) To ensure gaming is conducted honestly, competitively and free of criminal and corruptive elements, all gaming establishments in Nevada must remain open to the general public and the access of the general public to gaming activities must not be restricted in any manner except as provided by the Legislature.

# NEVADA GAMING REGULATION ORGANIZATIONAL STRUCTURE



## **Section A**

### **Overview of Nevada Gaming Agencies**

## **ADMINISTRATION DIVISION**

### **Division Leadership**

CHIEF:	Brian Duffrin	e-mail: Bduffrin@gcb.nv.gov
DEPUTY CHIEF:	Mary Ashley	e-mail: Mashley@gcb.nv.gov
IT MANAGER:	Andrew Tucker	email: Atucker@gcb.nv.gov
HUMAN RESOURCES:	Robert Leedom	email: Rleedom@gcb.nv.gov

### **Administration Division Staff**

The Administration Division currently has 30.5 professional staff positions and a support staff of 20.

### **Administration Division Responsibilities**

The Administration Division (Administration) supports the operating divisions of the Board with regard to human resources management, training, facilities, contracts, purchasing, accounting, budgeting, and records retention. Professional Standards (internal affairs) and the Board's administrative hearings officers are assigned within Administration. Administration is also responsible for providing information technology services for the Board, including maintenance of all computer hardware, software, and computer related needs. Additionally, administrative services for the Board and Commission are provided by Administration.

Administration is responsible for the preparation of the Commission's and the Board's biennial operating budgets and for providing management oversight of the Board's facilities in six locations; Carson City, Las Vegas (two locations), Elko, Reno and Laughlin. The Accounting office oversees payroll, expenditures, licensee billing reimbursements, purchasing, inventory, contracts, supply acquisition and mail services.

The Information Technology Section is responsible for the general information technology support and the internal maintenance and development of applications used by the agency. The section also develops online applications allowing online processing of agency submissions such as gaming employee registrations. The Section has two primary groups; Network Services and Applications development.

The Division's Human Resources Section is responsible for: recruitment, employee relations, compensation, training, compliance and serves as the liaison for employees with the Public Employees' Benefits Program (PEBP) and the Public Employees' Retirement System (PERS). Most of the Board's employees are in the unclassified service. Based on this unique structure, Nevada law authorizes the Board to adopt a Gaming Control Board Personnel Manual to establish rules for the management of employees.

The Records and Research Services Office is responsible for maintaining the security and confidentiality of all information received from the various Board divisions for historical preservation and retrieval. It is the principal repository for data maintained on all Nevada gaming applicants and licensees. All custodial services including court-ordered subpoenas are processed through Records and Research.

The Professional Standards Section performs two investigative functions: conducting employment background investigations to determine suitability for employment with the Board and conducting internal investigations of alleged employee misconduct.

The Administration Division provides Hearings Officers to conduct hearings and submit recommended decisions to the Board regarding disputes between players and licensed gaming establishments on all licensed gambling games and devices. Hearings Officers also conduct hearings and submit recommended decisions to the Board concerning persons whose applications for a gaming employee work permit have been denied because of an objection.

## AUDIT DIVISION

### Division Leadership

#### Las Vegas

CHIEF:	Shirley Springer	e-mail: Sspringer@gcb.nv.gov
DEPUTY CHIEF:	Dayne Rainey	e-mail: Drainey@gcb.nv.gov
DEPUTY CHIEF:	Joy English	e-mail: Jenglish@gcb.nv.gov
AUDIT MANAGER:	Kelly Colvin	e-mail: Kcolvin@gcb.nv.gov
AUDIT MANAGER:	Vanessa Vuong	e-mail: Vvuong@gcb.nv.gov
AUDIT MANAGER:	Linda Tobin	e-mail: Ltobin@gcb.nv.gov

#### Reno

DEPUTY CHIEF:	Rian Isom	e-mail: Risom@gcb.nv.gov
AUDIT MANAGER:	John Leeming	e-mail: Jleeming@gcb.nv.gov

### Audit Division Staff

The Audit Division currently has 85 professional staff members, and a clerical staff of 6. All professionals have college degrees and, as Agents of the Board, are peace officers of the State of Nevada.

### Certification

Employment as an Auditor in the Audit Division qualifies a person to apply for a certified public accountant (CPA) designation in Nevada. The requisite college degree, four years of experience with the Audit Division and approximately 120 hours of supplemental training (currently provided by the Board) are required to become certified. More than 63% of the Audit Division's professional staff are either CPAs, or have passed the CPA exam and are in the process of satisfying their experience requirement.

## **Audit Division Responsibilities**

### **Audits**

The Audit Division is primarily responsible for auditing Group I casinos throughout the state (the definition of a Group I casino is based upon a gross gaming revenue threshold which is adjusted annually in accordance with the consumer price index). The frequency of audits performed by the Audit Division is determined by the available manpower in relation to the inventory of Group I licensees and is therefore subject to fluctuations. The Audit Division maintains a cycle allowing for each Group I licensee to be audited approximately once every two-and-one-half years.

The Audit Division employs a comprehensive and structured model for determining risk and meets three times per year with one or more Board Members to review the risk ratings assigned to each property and to brief the Members on issues of regulatory significance. The risk ratings assist the Division in allocating Audit staff in relation to perceived risk.

The primary objectives of a Board audit are to determine the proper reporting of gaming and entertainment revenue and to determine if the casino is in compliance with all applicable gaming and live entertainment laws and regulations. Internal accounting controls are thoroughly analyzed, in-depth analytical review of operating statistics is undertaken and detail tests of transactions are performed to gather sufficient audit evidence to render an audit opinion. At the conclusion of an audit, the division issues a written report to the Board including the audit opinion. The Audit Division is required by regulation to perform audits in accordance with generally accepted auditing standards.

The division employs various means in gathering audit evidence. Covert or surprise observations of casino procedures are routinely conducted on an interim basis throughout the audit period. Interviews with casino staff are periodically performed to ensure a casino is complying with documented internal accounting controls. For those casinos with branch offices outside of Nevada (including those outside of the country), inspections of these offices are performed by Audit Division agents to ensure that proper operating procedures are being followed.

## **Compliance Reviews**

Operators of slot machine routes, slot machine manufacturers and distributors, disseminators of racing information, operators of inter-casino linked gaming systems and pari-mutuel systems operators are required to be licensed by the Board and to comply with a number of statutes and regulations. The Audit Division periodically reviews these operations for regulatory and statutory compliance.

## **Other Responsibilities**

The Audit Division has a number of additional responsibilities, including but not limited to:

- periodically performing cash counts to ensure that the casinos have sufficient funds, pursuant to Regulation 6.150, to operate.
- analyzing annual financial statements submitted by Group I Licensees to monitor the entities' continuing financial viability.
- preparing reports for the Board summarizing the key details of certain transactions (eg., loans and leases) made with licensees, including the source of funds, which have been reported as required by regulation ensuring that licensees receive funds only from reputable sources.
- routinely monitoring the performance of all casino games in the state. If substandard performance is observed, various types of follow-up work are performed to determine the reasons for this poor performance.

## **ENFORCEMENT DIVISION**

### **Division Leadership**

#### **Las Vegas**

CHIEF:	Jerry Markling	e-mail: Jmarkling@gcb.nv.gov
DEPUTY CHIEF:	Dave Salas	e-mail: Dsalas@gcb.nv.gov
DEPUTY CHIEF:	James Taylor	e-mail: Jtaylor@gcb.nv.gov

#### **Carson City**

SUPERVISOR:	Dave Andrews	e-mail: Dandrews@gcb.nv.gov
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#### **Elko**

SUPERVISOR:	Brian McIntosh	e-mail: Bmcintosh@gcb.nv.gov
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#### **Laughlin**

SUPERVISOR:	Joseph Gilleo	e-mail: Jgilleo@gcb.nv.gov
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#### **Reno**

DEPUTY CHIEF:	Karl Bennison	e-mail: Kbennison@gcb.nv.gov
SUPERVISOR:	Russell Niel	e-mail: Rniel@gcb.nv.gov

### **Enforcement Division Staff**

The Enforcement Division currently has 90 sworn personnel and 28 clerical staff located in five offices throughout the state. Sworn agents have a college degree or a combination of education and investigative experience. The division is made up of agents from diverse backgrounds including law enforcement, gaming, accounting, computer science and law.

### **Certification**

Enforcement Division agents are required to be certified peace officers in Nevada. Agents are required to perform the duties of a peace officer and meet all requirements, including physical fitness and firearms proficiency. Agents are also required to successfully complete a Gaming Academy and a Field Training Program. Once certified, agents are required to retain their certification by completing 24 hours of approved training each calendar year. Agents receive new and updated training on a variety of subjects including licensed games, cheating techniques, arbitration of disputes, defensive tactics, arrest techniques, criminal law, detention and firearms use and safety.

### **Enforcement Division Responsibilities**

The Board's Enforcement Division operates 24 hours a day, seven days a week. Primary responsibilities are to conduct criminal and regulatory investigations and to arbitrate disputes between patrons and licensees. Investigations range from simple to detailed and complex involving violations of gaming regulations and/or statutes. The division is also responsible for processing and conducting background investigations and registering all gaming employees who work in the State of Nevada.

The division collects intelligence information regarding criminals and criminally oriented persons, as well as individuals engaged in organized crime and other activities relating to the gaming industry. It also makes recommendations on potential candidates for the "List of Excluded Persons" also known as the "Black Book". In their investigative capacity, agents are responsible for interviewing witnesses and complainants, interrogating suspects, conducting covert surveillance operations and obtaining information from confidential informants and other cooperating individuals.

The Enforcement Division's Operations Section conducts inspections of licensee's surveillance systems, various gaming devices including slot machines, cards and dice. The section is also responsible for inspecting and approving new games, chips and tokens, charitable lotteries and bingo.

The division provides assistance to other domestic and international jurisdictions in gaming-related matters and works closely with federal, state and local law enforcement agencies on cases of mutual interest and in the exchange of information as appropriate.

### **Special Investigations**

Special investigations often entail developing evidence to prove skimming (the diversion of funds to avoid the payment of taxes) or money laundering in a casino. This work may be performed in conjunction with other state or federal agencies such as the Federal Bureau of Investigation, Internal Revenue Service, etc.

## INVESTIGATIONS DIVISION

### Division Leadership

#### Carson City

CHIEF:	Mike LaBadie	e-mail: Mlabadie@gcb.nv.gov
DEPUTY CHIEF:	Thomas Hanna	e-mail: Thanna@gcb.nv.gov
DEPUTY CHIEF OF CORPORATE SECURITIES:	Marc Warren	e-mail: Mwarren@gcb.nv.gov
COORDINATOR OF APPLICANT SERVICES:	Barry Chilton	e-mail: Bchilton@gcb.nv.gov

#### Las Vegas

DEPUTY CHIEF:	Robert Grozenski	e-mail: Rgrozenski@gcb.nv.gov
AGENCY LIAISON:	Diane Presson	e-mail: Dpresson@gcb.nv.gov

### Investigations Division Staff

The Investigations Division currently has a professional staff of 83 agents and a clerical staff of 13.

### Certification

Investigative agents generally have college degrees in business or financial disciplines, criminal justice, or extensive law enforcement experience. As agents of the Board, investigators are peace officers of the State of Nevada.

### Investigations Division Responsibilities

#### **Finding of Suitability/Licensing Application Investigations**

The Investigations Division is charged with investigating all individuals and companies seeking a privileged Nevada gaming license, registration, finding of suitability or other approval. Applicants for these approvals are subject to extensive investigation of personal background and financial activity to verify suitability.

Agents further investigate and analyze the activities of all privately held business entities seeking a gaming license or registration in the State of Nevada. Division investigators produce detailed reports used by the Board and the Commission as the basis for licensing and approval recommendations or decisions.

The Investigation Division is also charged with the following program responsibilities:

### **Applicant Services and Agency Liaison**

The Investigations Division provides and receives all application forms and ensures each application is properly completed and all necessary forms are filed in accordance with statutory and regulatory requirements. The division also collects all required application fees. The Agency Liaison responds to requests for information from governmental agencies around the world.

### **NGC Regulation 25 Independent Agents**

The Investigations Division registers and investigates individuals who bring patrons to Nevada casinos through junket programs. This is performed by receiving all application forms for Independent Agents and ensuring each application is properly completed, in accordance with statutory and regulatory requirements and all application fees are collected.

### **NGC Regulation 3.100 Employee Reports**

The Investigations Division receives, inputs and monitors all semi-annual reports on key employees submitted by nonrestricted gaming licensees.

### **NGC Regulation 22.035 Race & Sports Books**

The Investigations Division receives, inputs and monitors all reports on Race & Sports Book key personnel submitted for registration by nonrestricted gaming licensees.

### **Corporate Securities Section Responsibilities**

#### **Finding of Suitability/Licensing Application Investigations**

The Corporate Securities Section monitors, investigates and analyzes activities of registered, publicly traded corporations and their subsidiaries involved in the Nevada gaming industry. Actions which might affect the industry, such as changes in control, public offerings, involvement in foreign gaming and recapitalization plans are scrutinized by the Section and reported to the Board.

Section investigators produce detailed reports used by the Board and the Commission as the basis for licensing/approval recommendations/decisions.

### **Publicly Traded Corporations**

The Corporate Securities Section is responsible for investigating and analyzing publicly traded corporations for suitability, licensing and financial viability. At the conclusion of an investigation, a written report is issued which is used by the Board and the Commission as the basis for licensing/approval recommendations/decisions.

### **Compliance Reviews**

Publicly traded corporations are required by their Orders of Registration to establish and maintain a regulatory compliance plan. The Corporate Securities Section evaluates plans and periodically performs reviews of these companies for compliance with the requirements of their plan.

### **Monitoring**

Publicly traded corporations' activities are continually monitored for any changes to company structure, management and financial viability through review of Securities and Exchange Commission filings, Board submissions, press releases and news articles.

### **Special Projects/Investigations**

On occasion, the Corporate Securities Section is assigned special projects and investigative work such as debt analysis, litigation review or financial viability.

### **Foreign Gaming Reporting**

The Corporate Securities Section monitors foreign gaming reporting submission reports required to be filed by any Nevada licensee who conducts gaming activity outside the State of Nevada. These quarterly and annual submissions detail foreign gaming locations, violations in foreign gaming jurisdictions and fines levied.

## **TAX & LICENSE DIVISION**

### **Division Leadership**

#### **Carson City**

CHIEF: Frank Streshley e-mail: Fstreshley@gcb.nv.gov

#### **Las Vegas**

DEPUTY CHIEF: Dan Douglas e-mail: Ddouglas@gcb.nv.gov

### **Tax & License Division Staff**

The Tax & License Division currently has 23 professional staff, including three CPAs, and a clerical staff of six. The division is split into four sections; Collections, Compliance, Licensing and Economic Research.

### **Tax & License Division Responsibilities**

#### **Collections Section**

The Collections Section is responsible for all deposits (with the exception of Gaming Employee Registration) and distributes gaming taxes, fees, penalties, interest and fines. Responsibilities include the management of accounts receivables, collecting on delinquent accounts and performing write-offs on bad accounts.

Additionally, the Collections Section is responsible for processing Holiday or Special Event applications (NGC-16), requests for Temporary Closures (Nevada Gaming Commission Regulation 9.010), requests to add licensed games, requests to allow fee-based gaming and the monitoring of such locations (Nevada Gaming Commission Regulation 5.120) and holding surety bonds for new nonrestricted locations.

#### **Compliance Section**

The Compliance Section performs reviews on Group II casinos throughout the state and conducts reviews on all manufacturers, distributors, slot route operators, operators of inter-casino linked systems and mobile gaming operators (not associated with a Group I casino). The section also completes reviews of restricted locations reporting live entertainment revenue.

The primary objectives of a Board review are to determine the proper reporting of revenue (casinos and restricted locations with live entertainment revenue) and to determine if the licensee is in compliance with all applicable gaming statutes and regulations. Internal accounting controls are thoroughly analyzed, in-depth analytical review of operating statistics is undertaken and detail tests of transactions are performed. At the conclusion of a review, the section issues a written report to the Chairman of the Board.

The section employs various means in gathering audit evidence. Covert or surprise observations of casino procedures are routinely conducted on an interim basis throughout the audit period. Interviews with casino personnel are periodically performed to ensure the casino is complying with documented internal accounting controls.

The Compliance Section has a number of additional responsibilities, including but not limited to:

- Performing periodic cash counts to ensure casino licensees (and restricted locations when necessary) have sufficient funds, pursuant to Nevada Gaming Commission Regulation 6.150, to operate.
- Analyzing annual financial statements submitted by operators of inter-casino linked systems to monitor continuing financial viability. The section also reviews reports from external auditors performing reviews on the licensees' systems (Wide Area Progressive Agreed Upon Procedures).
- Approval of diagrams and any subsequent changes for all restricted locations.
- Processing violation letters for restricted locations with the assistance of the Technology Division.
- Monitor Indian Gaming which includes the gaming compacts and developments in other jurisdictions.

## **Licensing Section**

The Licensing Section issues all gaming licenses approved by the Commission. Additionally, this section is tasked with maintaining the license database, which includes owners, key employees and conditions. Annually the section sends requests to all licensees to verify the owners and conditions placed on their licenses. Any requests for licensing history are also processed through this section. In addition, trusts are processed through this section.

## **Economic Research Section**

The Economic Research Section is responsible for forecasting gaming tax and fee revenues. Those forecasts are presented to the State's Economic Forum as part of the General Fund revenue projection process. In addition, the section prepares the Legislative Report which takes into account net incomes and assessed values of licensees. This section also prepares the monthly press releases on Gaming Win and the Percentage Fee Collections. Additionally, it compiles the Nevada Gaming Abstract including financial statements, rate of room occupancy, square foot analysis and ratios and average number of employees. Furthermore, the section performs special research projects at the request of the Board, the Nevada Legislature and/or the Governor.

## TECHNOLOGY DIVISION

### Division Leadership

#### Las Vegas:

CHIEF:	Jim Barbee	e-mail: Jbarbee@gcb.nv.gov
LAB MANAGER:	Jason Elison	e-mail: Jelison@gcb.nv.gov

### Technology Division Staff

The Technology Division currently has 21 professional staff and a clerical staff of two.

### Technology Division Responsibilities

#### **Technology Approvals**

The Technology Lab is primarily responsible for the review and approval of all new and modified gaming technology used by casino licensees in Nevada, including traditional gaming devices and multi-player devices as well as associated equipment such as keno systems, bingo systems, and race and sports systems. With constantly changing conditions in technology, the Lab also regularly conducts meetings with applicants, licensees, trade association representatives and fellow regulators to assess possible changes to technical standards and regulations.

#### **Technology Field Inspections**

Technology Lab staff inspect every licensed location at least once every two-and-one-half to three years to ensure compliance and identifying products which are no longer approved for use. The Technology Lab also assists the Enforcement Division in analyzing circumstances relating to patron disputes and complaints regarding gaming technology.

#### **Other Responsibilities**

The Technology Division performs technical forensic analysis in support of criminal investigations and mathematical analysis as part of the new game approval process, and providing support to the applicant investigation process through data acquisitions and manufacturer practice assessments.

## **Section B**

### **Selected Data and Information**

## SELECTED DATA AND INFORMATION

### GAMING LICENSES (June 30, 2012)

Nonrestricted (Group I)	150
Nonrestricted (Group II)	293
Slot Route Operator	60
Manufacturer/Distributor	349
Other	21
Restricted	<u>1,986</u>
<b>Total</b>	<b><u>2,859</u></b>

#### License Descriptions

There are four primary gaming licenses approved by the Commission including: (1) nonrestricted gaming license; (2) slot route operator's license; (3) manufacturer's and/or distributor's license; and (4) restricted gaming license.

A nonrestricted gaming license is typically granted for the operation of: (1) a property having 16 or more slot devices; (2) a property having any number of slot devices together with any other live game, gaming device, race book or sports pool; (3) a slot machine route, (4) an inter-casino linked system; or (5) a mobile gaming system.

A slot route operator license is a nonrestricted license authorizing the holder to place slot devices in a licensed location and share in the gaming revenues without being on the license issued for the location. An operator's license will normally be issued only to an applicant already licensed at three locations or having firm commitments to place machines at three licensed locations upon licensing.

A manufacturer's license authorizes the holder to manufacture, assemble or produce any device, equipment, material or machines used in gambling, except pinball machines, in the State of Nevada in accordance with Nevada Gaming Commission Regulation 14.

A distributor's license authorizes the holder to sell, distribute or market any gambling device, machine or equipment in the State of Nevada in accordance with Nevada Gaming Commission Regulation 14.

Restricted gaming licenses are granted to the operator of 15 or fewer gaming devices (and no table games) at certain locations within Nevada such as bars, taverns, supper clubs, and convenience stores.

The Board and the Commission also have statutory authority to require the licensure of any individual or entity that: (1) has influence over any gaming operations in the State of Nevada; (2) shares in gaming revenues with a licensee; (3) is a lender to a gaming licensee; or (4) is the owner of land upon which gaming is conducted.

Nevada also requires approvals and licenses for transactions which affect the ownership and/or control of any gaming operation in the State and for any individual who could exert any similar influence.

**SLOT DEVICES AND TABLE GAMES****Slot Devices****Nonrestricted Locations (by Denomination)**

\$0.01	47,238
\$0.25	13,317
Multi-denom	84,301
Other	<u>20,294</u>
<b>Total</b>	<b><u>165,150</u></b>

**Restricted Locations (by Denomination)**

\$0.01	366
\$0.25	2,343
Multi-denom	6,165
Other	<u>10,126</u>
<b>Total</b>	<b><u>19,000</u></b>

**Grand Total Slot Devices**                    **184,150**

**Table Games/Race Pools and Sports Books**

Twenty-One	2,963
Roulette	479
Craps	420
Baccarat	311
Mini-Baccarat	148
Race Books	167
Sports Pools	216
Keno	103
Poker	1,016
Other Games	1,080
<b>Grand Total Table Games</b>	<b><u>6,903</u></b>

**GAMING REVENUES**

Five Year Gaming Win (Statewide by County) (in thousands)

	<u>FY 2012</u>	<u>FY 2011</u>	<u>FY 2010</u>	<u>FY 2009</u>	<u>FY 2008</u>
Clark	\$ 9,240,293	\$ 9,162,503	\$ 8,806,177	\$ 9,108,504	\$10,590,748
SLT/CV	305,477	303,614	320,874	369,826	437,125
Elko	265,031	261,139	260,026	278,558	300,432
Washoe	738,152	751,467	788,546	867,202	996,614
Balance	<u>156,876</u>	<u>155,975</u>	<u>151,824</u>	<u>162,539</u>	<u>176,029</u>
<b>Statewide</b>	<b><u>\$10,705,829</u></b>	<b><u>\$10,634,698</u></b>	<b><u>\$10,327,447</u></b>	<b><u>\$10,786,629</u></b>	<b><u>\$12,500,948</u></b>

Five Year Gaming Win (by Revenue Category) (in thousands)

<u>Type</u>	<u>FY 2012</u>	<u>FY 2011</u>	<u>FY 2010</u>	<u>FY 2009</u>	<u>FY 2008</u>
Slot Devices	\$ 6,769,778	\$ 6,685,162	\$ 6,676,259	\$ 7,216,657	\$ 8,269,722
Tables and Games	<u>3,936,051</u>	<u>3,949,537</u>	<u>3,651,188</u>	<u>3,569,972</u>	<u>4,231,226</u>
<b>Total</b>	<b><u>\$10,705,829</u></b>	<b><u>\$10,634,699</u></b>	<b><u>\$10,327,447</u></b>	<b><u>\$10,786,629</u></b>	<b><u>\$12,500,948</u></b>

Five Year Overall Revenues<sup>1</sup> (Nonrestricted Licensees/\$1 million and over) (in thousands)

<u>Revenue</u>	<u>FY 2011</u>	<u>FY 2010</u>	<u>FY 2009</u>	<u>FY 2008</u>	<u>FY 2007</u>
Gaming	\$10,168,621	\$ 9,906,559	\$10,514,718	\$12,040,880	\$12,480,791
Rooms	4,345,020	3,938,031	4,264,648	5,113,021	5,129,980
Food	3,252,131	3,040,918	3,191,257	3,518,857	3,401,217
Beverage	1,503,719	1,370,074	1,328,325	1,331,969	1,398,854
Other	<u>2,742,573</u>	<u>2,597,979</u>	<u>2,712,418</u>	<u>3,000,097</u>	<u>2,846,185</u>
<b>Total</b>	<b><u>\$22,012,064</u></b>	<b><u>\$20,853,561</u></b>	<b><u>\$22,011,365</u></b>	<b><u>\$25,004,824</u></b>	<b><u>\$25,257,027</u></b>

<sup>1</sup> - Overall Revenues are derived from Nonrestricted Licensees grossing \$1 million or more in gaming revenue during the applicable year.

## **TAXES AND LICENSE FEE COLLECTIONS**

The gaming industry in Nevada produces a substantial portion of the overall revenues to the state's General Fund. The Board and Commission function as the taxing authority on behalf of the state. Generally, the largest share of gaming taxes are generated from a tax on the gaming revenue or "house win" with other fees and taxes associated with equipment placement and live entertainment. Casino licensees are also responsible for other federal, state and local taxes not administered by the Board or Commission.

Gaming fees on gross revenues are applied monthly under a graduated rate schedule:

- 3.5% on the first \$50,000 of gross gaming revenue, plus
- 4.5% on the next \$84,000 of gross gaming revenue, plus
- 6.75% on gross gaming revenues exceeding \$134,000.

Annual and quarterly taxes are also collected on each gaming device and table game exposed for play in a nonrestricted gaming location within the state:

- An annual fee of \$250 per slot device, plus
- A quarterly fee of \$20 per slot device.
- Table games are taxed on a quarterly and annual basis based on the number of table games available for play during each fiscal year and each quarter.

Restricted gaming locations are required to pay the following annual and quarterly taxes:

- An annual fee of \$250 per slot device, plus
- A quarterly fee of \$81 per slot device for the first five slot devices, plus
- A quarterly fee of \$141 per slot device for each slot device after the first five.

Under Nevada Gaming Law, the failure to pay such taxes within 30 days will automatically result in the surrender of the gaming license and require immediate closure of the gaming operations.

**Five Year Tax Collections (Statewide by County)**

<b><u>County</u></b>	<b><u>FY2012</u></b>	<b><u>FY2011</u></b>	<b><u>FY2010</u></b>	<b><u>FY2009</u></b>	<b><u>FY2008</u></b>
Clark	\$ 750,628,068	\$ 737,773,155	\$ 709,993,045	\$ 730,603,021	\$ 831,400,762
SLT/CV	23,135,519	23,257,287	24,512,665	27,269,106	34,330,280
Elko	20,489,524	20,077,789	20,288,918	21,020,580	23,189,474
Washoe	58,266,966	60,064,414	62,452,974	66,435,646	77,529,505
Balance	<u>12,101,714</u>	<u>12,282,702</u>	<u>12,056,234</u>	<u>12,679,360</u>	<u>13,602,406</u>
<b>Statewide</b>	<b><u>\$ 864,621,791</u></b>	<b><u>\$ 853,455,347</u></b>	<b><u>\$ 829,303,836</u></b>	<b><u>\$ 858,007,713</u></b>	<b><u>\$ 980,052,427</u></b>

**Five Year Tax Collections (Statewide by Category)**

<b><u>Category</u></b>	<b><u>FY2012</u></b>	<b><u>FY2011</u></b>	<b><u>FY2010</u></b>	<b><u>FY2009</u></b>	<b><u>FY2008</u></b>
Percentage Fees	\$ 653,544,640	\$ 652,013,226	\$ 630,788,144	\$ 655,155,974	\$ 771,324,301
Entertainment Tax	125,337,855	118,536,496	108,244,011	112,405,395	121,638,259
Quarterly Non-Restricted Slot Tax	12,628,582	12,275,845	12,425,211	12,662,476	12,771,871
Quarterly Games Tax	6,592,935	6,673,087	6,699,150	6,926,985	6,990,365
Quarterly Restricted Slot Tax	8,485,702	8,417,549	8,578,006	8,999,245	9,507,690
Annual Slot Tax	46,619,836	47,438,586	48,390,092	49,581,281	49,931,555
Annual Games Tax	2,581,760	2,580,167	2,638,667	2,689,625	2,732,000
Other Collections	<u>8,830,481</u>	<u>5,520,391</u>	<u>11,540,555</u>	<u>9,586,732</u>	<u>5,156,386</u>
<b>Statewide</b>	<b><u>\$ 864,621,791</u></b>	<b><u>\$ 853,455,347</u></b>	<b><u>\$ 829,303,836</u></b>	<b><u>\$ 858,007,713</u></b>	<b><u>\$ 980,052,427</u></b>

While the Board acts as the taxing authority for the State of Nevada with respect to gaming activities, the revenues derived are not retained by the agency and, instead, are remitted to the state General Fund and other dedicated accounts.

### Distribution of Tax Collections

<u>Fund</u>	<u>FY2012</u>	<u>FY2011</u>	<u>FY2010</u>	<u>FY2009</u>	<u>FY2008</u>
General Fund	814,794,480	802,064,909	\$ 776,725,582	\$ 804,166,335	\$ 925,926,097
Problem Gambling <sup>1</sup>	742,139	1,494,981	1,535,172	1,570,472	1,582,108
Dedicated Fund <sup>2</sup>	<u>49,085,172</u>	<u>49,895,457</u>	<u>51,043,082</u>	<u>52,270,906</u>	<u>52,544,222</u>
<b>Statewide</b>	<b><u>\$ 864,621,791</u></b>	<b><u>\$ 853,455,347</u></b>	<b><u>\$ 829,303,836</u></b>	<b><u>\$ 858,007,713</u></b>	<b><u>\$ 980,052,427</u></b>

*1 – Problem Gambling – Distributions are from the General Fund*

*2 – Dedicated Fund – Distributed to Schools and Counties*

## **Section C**

### **Resources**

## LIST OF PUBLICATIONS

The publications listed below are available at no charge for downloading or printing on the Gaming Control Board website (<http://gaming.nv.gov>). Questions regarding these publications can be e-mailed to: [publications@gcb.nv.gov](mailto:publications@gcb.nv.gov).

<b><u>Publication</u></b>	<b><u>Description</u></b>
Abbreviated Revenue Release	Two-page abbreviated monthly release reflecting total gaming win and percentage fee tax collections for nonrestricted licensees for the month and the comparative data from one year earlier.
Board Agenda	Meeting agenda of the State Gaming Control Board.
Chip and Token Report	Listing of approved/disapproved chips and tokens submitted by Nevada licensees.
Commission Agenda	Meeting agenda of the Nevada Gaming Commission.
Corporate Securities Orders	Sets forth a description of Registered Publicly Traded Corporations affiliated companies and intermediary companies, and the various gaming licenses and approvals obtained by those entities. Orders included are from April 1993 to present. For Orders prior to April 1993, contact Corporate Securities at (775) 684-7860.
Detailed Report of Locations - Distributors	Listing of distributors, addresses and licensed individuals.
Detailed Report of Locations - Manufacturers	Listing of manufacturers, addresses and licensed individuals.
Detailed Report of Locations - Mobile Gaming Operators	Listing of mobile gaming operators, addresses and licensed individuals.
Detailed Report of Locations - Nonrestricted	Listing of nonrestricted locations, addresses and licensed individuals.
Detailed Report of Locations - Operator of Inter-Casino Linked Systems	Listing of operators of inter-casino linked systems, addresses and licensed individuals.

<b><u>Publication</u></b>	<b><u>Description</u></b>
Detailed Report of Locations - Restricted	Listing of restricted locations, addresses and licensed individuals.
Detailed Report of Locations - Slot Route Operators	Listing of slot route operators, addresses and licensed individuals.
Disposition Agenda	Agenda of Gaming Control Board and Nevada Gaming Commission meetings, reflecting Board recommendation and Commission final action.
Distributors	Listing of distributors and addresses.
Gaming Regulation in Nevada: An Update	A primer regarding the gaming regulators in the State of Nevada.
Gaming Revenue Report	Summary of gaming revenue information for nonrestricted gaming activity; each report reflects 1-month, 2-month and 3-month data.
List of Excluded Persons	Listing of persons who are required to be excluded or ejected from licensed gaming establishments that conduct pari-mutuel wagering or operate any horse race book, sports pool or games, other than slot machines only.
Manufacturers	Listing of manufacturers and addresses.
Minimum Internal Control Standards	Minimum requirements for internal controls over gaming operations.
Mobile Gaming Operators	Listing of mobile gaming operators and addresses.
Nevada Gaming Abstract	An annual financial analysis of nonrestricted gaming licensees producing \$1 million or more in gaming revenue (July-June), issued each February.
Nevada Gaming Control Act	Nevada Revised Statutes regarding gaming, horse racing and sporting events (NRS Chapters 462 - 466).
Nonrestricted/Nonrestricted Slots Only Locations	Listing of nonrestricted and nonrestricted slots only locations including addresses.
Nonrestricted Count Report	Listing of nonrestricted locations reflecting the quantity and denomination of gaming devices and the type and quantity of table games. (Also available in comma-delimited text format, which can be imported into spreadsheets.)
Nonrestricted Square Footage Report	Annual list of nonrestricted locations reflecting the square footage allotted to specific types of gaming activities at each location. (Also available in comma-delimited text format, which can be imported into spreadsheets.)

**Publication**

**Description**

Notices to Licensees

Industry notices, newsletters and policy memoranda released by the State Gaming Control Board and Nevada Gaming Commission.

Operators of Inter-Casino Linked Systems

Listing of operators of inter-casino linked systems and addresses.

Quarterly Statistical Report

General summary of Nevada's taxable gaming revenue and fee and tax collections.

Racebooks/Sports Pools

Listing of racebook/sportsbook pool locations and addresses.

Regulations of the Nevada Gaming Commission and State Gaming Control Board

Gaming regulations adopted by the Nevada Gaming Commission.

Restricted Locations

Listing of restricted locations and addresses.

Slot Route Operators

Listing of slot machine route operators and addresses.

## OFFICE LOCATIONS AND MAILING ADDRESSES

**Carson City Office Address:**

1919 College Parkway  
Carson City, NV 89706

**Carson City Mailing Address:**

P.O. Box 8003  
Carson City, NV 89702-8003

**Elko Office & Mailing Address:**

557 West Silver Street, Suite 207  
Elko, NV 89801

**Las Vegas Main Office & Mailing Address:**

555 East Washington Avenue, Suite 2600  
Las Vegas, NV 89101

**Las Vegas Technology Division Lab Address & Mailing Address:**

750 Pilot Road, Suite H  
Las Vegas, NV 89119

**Laughlin Office Address:**

3650 South Pointe Circle, Suite 203  
Laughlin, NV 89029

**Laughlin Mailing Address:**

P.O. Box 31109  
Laughlin, NV 89028

**Reno Office & Mailing Address:**

9790 Gateway Drive, Suite 100  
Reno, NV 89521

## OFFICE PHONE AND FAX NUMBERS

### **Carson City Office**

	<b><u>Phone Numbers</u></b>	<b><u>Fax Numbers</u></b>
Nevada Gaming Commission	(775) 684-7750	(775) 687-8221
State Gaming Control Board	(775) 684-7740	(775) 687-8221
Administration Division	(775) 684-7700	(775) 687-5817
Administration Division – Human Resources	(775) 684-7704	(775) 687-5817
Enforcement Division	(775) 684-7900	(775) 687-5362
Investigations Division	(775) 684-7800	(775) 687-1372
Investigations Division – Applicant Services	(775) 684-7840	(775) 687-1372
Investigations Division – Corporate Securities Section	(775) 684-7860	(775) 687-1219
Legal – Attorney General’s Office	(775) 850-4154	
Tax & License Division	(775) 684-7770	(775) 684-7787
Technology Division	(775) 684-7731	
TDD Service	(775) 687-6116	

### **Elko Office**

	<b><u>Phone Number</u></b>	<b><u>Fax Number</u></b>
<b>Enforcement Division</b>	(775) 738-7191	(775) 738-3608

### **Las Vegas Office**

	<b><u>Phone Numbers</u></b>	<b><u>Fax Numbers</u></b>
State Gaming Control Board	(702) 486-2000	(702) 486-2045
Administration Division	(702) 486-2000	(702) 486-2045
Administration Division - Training	(702) 486-2071	(702) 486-2045
Audit Division	(702) 486-2060	(702) 486-3543
Employee Registration Unit	(702) 486-3340	(702) 486-2591
Enforcement Division	(702) 486-2020	(702) 486-2230
Investigations Division	(702) 486-2260	(702) 486-2011
Investigations Division – Applicant Services	(702) 486-2007	(702) 486-2011
Investigations Division – Corporate Securities Section	(702) 486-2365	
Legal - Attorney General’s Office	(702) 486-3420	(702) 486-2377
Tax & License Division	(702) 486-2008	(702) 486-3727

**Las Vegas Office (cont'd)**

	<b><u>Phone Numbers</u></b>	<b><u>Fax Numbers</u></b>
Technology Division	(702) 486-3274	(702) 486-2241
Technology Division – Lab	(702) 486-2043	(702) 486-2241
TDD Service	(702) 486-2497	

**Laughlin Office**

	<b><u>Phone Number</u></b>	<b><u>Fax Number</u></b>
Enforcement Division	(702) 298-0669	(702) 298-6049

**Reno Office**

	<b><u>Phone Numbers</u></b>	<b><u>Fax Numbers</u></b>
Audit Division	(775) 823-7200	(775) 823-7272
Enforcement Division	(775) 823-7250	(775) 823-7272
Legal – Attorney General's Office	(775) 850-4154	(775) 850-1150
Tax & License Division	(775) 823-7240	(775) 823-7272
Technology Division	(775) 823-7290	(775) 823-7295

## GAMING LINKS ON THE INTERNET

### Nevada Gaming Control Board

Gaming Control Board Website	<a href="http://www.gaming.nv.gov">www.gaming.nv.gov</a>
About the Gaming Control Board	<a href="http://www.gaming.nv.gov/about_board.htm">www.gaming.nv.gov/about_board.htm</a>
Agency Forms and Applications	<a href="http://www.gaming.nv.gov/agency_forms.htm">www.gaming.nv.gov/agency_forms.htm</a>
Excluded, Wanted and Denied Persons	<a href="http://www.gaming.nv.gov/loep_main.htm">www.gaming.nv.gov/loep_main.htm</a>
Gaming License Fees and Tax Rate Schedule	<a href="http://www.gaming.nv.gov/taxfees.htm">www.gaming.nv.gov/taxfees.htm</a>
Gaming Revenue Information	<a href="http://www.gaming.nv.gov/gaming_revenue_rpt.htm">www.gaming.nv.gov/gaming_revenue_rpt.htm</a>
Gaming Statutes and Regulations	<a href="http://www.gaming.nv.gov/stats_regs.htm">www.gaming.nv.gov/stats_regs.htm</a>
Notices, Press Releases, etc.	<a href="http://www.gaming.nv.gov/industry_notices.htm">www.gaming.nv.gov/industry_notices.htm</a>
Problem Gambling	<a href="http://www.gaming.nv.gov/problem_gambling.htm">www.gaming.nv.gov/problem_gambling.htm</a>

### Associations, Boards and Commissions

American Gaming Association	<a href="http://www.americangaming.org">www.americangaming.org</a>
Gaming Commission and Boards	<a href="http://www.gamingfloor.com/Commissions.htm">www.gamingfloor.com/Commissions.htm</a>
Gaming Regulators European Forum	<a href="http://www.gref.net">www.gref.net</a>
International Association of Gaming Advisors	<a href="http://www.theiaga.org">www.theiaga.org</a>
International Association of Gaming Regulators	<a href="http://www.iagr.org">www.iagr.org</a>
North American Association of State and Provincial Lotteries	<a href="http://www.naspl.org">www.naspl.org</a>
State Gambling Agency Sites	<a href="http://www.gambling-law-us.com">www.gambling-law-us.com</a>
Association of Gaming Equipment Manufacturers	<a href="http://www.agem.org">www.agem.org</a>
Gaming Standards Association	<a href="http://www.gamingstandards.com">www.gamingstandards.com</a>

**Nevada University and College Links**

UNLV Institute	<a href="http://www.igi.unlv.edu">www.igi.unlv.edu</a>
UNR Institute	<a href="http://www.business.unr.edu/gaming/">www.business.unr.edu/gaming/</a>
College of Southern Nevada Casino Management Program	<a href="http://www.csn.edu/pages/204.asp#3">www.csn.edu/pages/204.asp#3</a>

**Problem Gambling**

Gam-Anon.org	<a href="http://www.gam-anon.org">www.gam-anon.org</a>
Gamblers Anonymous	<a href="http://www.gamblersanonymous.org">www.gamblersanonymous.org</a>
National Center for Responsible Gaming	<a href="http://www.blog.ncrg.org">www.blog.ncrg.org</a>
National Council on Problem Gambling	<a href="http://www.ncpgambling.org">www.ncpgambling.org</a>
National Gambling Impact Study	<a href="http://www.govinfo.library.unt.edu/ngisc/index.htm">www.govinfo.library.unt.edu/ngisc/index.htm</a>
National Gambling Impact Study Commission	<a href="http://www.govinfo.library.unt.edu/ngisc/reports">www.govinfo.library.unt.edu/ngisc/reports</a>
Nevada Council on Problem Gaming	<a href="http://www.nevadacouncil.org">www.nevadacouncil.org</a>

**Tribal Gaming**

National Congress of American Indians	<a href="http://www.ncai.org">www.ncai.org</a>
National Indian Gaming Association	<a href="http://www.indiangaming.org">www.indiangaming.org</a>
National Indian Gaming Commission	<a href="http://www.nigc.gov">www.nigc.gov</a>



**ADVISORY COMMISSION**  
on the  
**ADMINISTRATION of JUSTICE**



**Presentation and Overview**

**December 6, 2012**



**2011-2012  
ADVISORY COMMISSION  
ON THE ADMINISTRATION OF JUSTICE**

Members

**2011-2012  
ADVISORY COMMISSION  
ON THE ADMINISTRATION OF JUSTICE**

**MEMBERS**

- **ASSEMBLYMAN WILLIAM HORNE**, Chair
- **JUSTICE JAMES W. HARDESTY**, Nevada Supreme Court, Vice Chair
- **SENATOR GREG BROWER**
- **SENATOR DAVID R. PARKS**
- **ASSEMBLYMAN RICHARD MCARTHUR**
- **JUDGE DAVID BARKER**, Eighth Judicial District Court
- **CONNIE BISBEE**, Chairman, Board of Parole Commissioners
- **CHUCK CALLAWAY**, Police Director, Office of Intergovernmental Services, Las Vegas Metropolitan Police Department
- **CATHERINE CORTEZ MASTO**, Attorney General
- **JAMES "GREG" COX**, Director, Department of Corrections
- **LARRY DIGESTI**, Representative, State Bar of Nevada
- **LISA MORRIS HIBBLER**, Victims Rights Advocate
- **MARK JACKSON**, Douglas County District Attorney
- **PHIL KOHN**, Clark County Public Defender
- **JORGE PIERROTT**, Sergeant, Parole and Probation
- **RICHARD SPIEGEL**, Legislative Chairperson, ACLU of Nevada, Inmate Advocate
- **D. ERIC SPRATLEY**, Lieutenant, Washoe County Sheriff's Office

**2011-2012**  
**ADVISORY COMMISSION**  
**ON THE ADMINISTRATION OF JUSTICE**

Statutory Authority

**NRS 176.0121 "Commission" defined.** As used in NRS **176.0121** to 176.0129, inclusive, "Commission" means the Advisory Commission on the Administration of Justice.

(Added to NRS by 1995, 1353; A 2007, 2818; 2009, 1351, 2569)

**NRS 176.0123 Creation; members and appointing authorities; Chair; terms; vacancies; salaries and per diem; staff.**

1. The Advisory Commission on the Administration of Justice is hereby created. The Commission consists of:

(a) One member who is a district judge, appointed by the governing body of the Nevada District Judges Association;

(b) One member who is a justice of the Supreme Court of Nevada or a retired justice of the Supreme Court of Nevada, appointed by the Chief Justice of the Supreme Court of Nevada;

(c) One member who is a district attorney, appointed by the governing body of the Nevada District Attorneys Association;

(d) One member who is an attorney in private practice, experienced in defending criminal actions, appointed by the governing body of the State Bar of Nevada;

(e) One member who is a public defender, appointed by the governing body of the State Bar of Nevada;

(f) One member who is a representative of a law enforcement agency, appointed by the Governor;

(g) One member who is a representative of the Division of Parole and Probation of the Department of Public Safety, appointed by the Governor;

(h) One member who has been a victim of a crime or is a representative of an organization supporting the rights of victims of crime, appointed by the Governor;

(i) One member who is a representative of an organization that advocates on behalf of inmates, appointed by the Governor;

(j) One member who is a representative of the Nevada Sheriffs' and Chiefs' Association, appointed by the Nevada Sheriffs' and Chiefs' Association;

(k) One member who is a member of the State Board of Parole Commissioners, appointed by the State Board of Parole Commissioners;

(l) The Director of the Department of Corrections;

(m) Two members who are Senators, one of whom is appointed by the Majority Leader of the Senate and one of whom is appointed by the Minority Leader of the Senate; and

(n) Two members who are members of the Assembly, one of whom is appointed by the Speaker of the Assembly and one of whom is appointed by the Minority Leader of the Assembly.

➡ If any association listed in this subsection ceases to exist, the appointment required by this subsection must be made by the association's successor in interest or, if there is no successor in interest, by the Governor.

2. The Attorney General is an ex officio voting member of the Commission.

3. Each appointed member serves a term of 2 years. Members may be reappointed for additional terms of 2 years in the same manner as the original appointments. Any vacancy occurring in the membership of the Commission must be filled in the same manner as the original appointment not later than 30 days after the vacancy occurs.

4. The Legislators who are members of the Commission are entitled to receive the salary provided for a majority of the members of the Legislature during the first 60 days of the preceding session for each day's attendance at a meeting of the Commission.

5. At the first regular meeting of each odd-numbered year, the members of the Commission shall elect a Chair by majority vote who shall serve until the next Chair is elected.

6. The Commission shall meet at least once every 3 months and may meet at such further times as deemed necessary by the Chair.

7. A majority of the members of the Commission constitutes a quorum for the transaction of business, and a majority of those members present at any meeting is sufficient for any official action taken by the Commission.

8. While engaged in the business of the Commission, to the extent of legislative appropriation, each member of the Commission is entitled to receive the per diem allowance and travel expenses provided for state officers and employees generally.

9. To the extent of legislative appropriation, the Director of the Legislative Counsel Bureau shall provide the Commission with such staff as is necessary to carry out the duties of the Commission.

(Added to NRS by 1995, 1353; A 2001, 2568; 2005, 581; 2007, 2818; 2009, 2569)

#### **NRS CROSS REFERENCES.**

Governor's appointees, residency requirements, vacancies. NRS 232A.020

#### **NRS 176.0124 Subcommittee on Juvenile Justice; creation; Chair; members; duties; salaries and per diem.**

1. There is hereby created the Subcommittee on Juvenile Justice of the Commission.

2. The Chair of the Commission shall appoint the members of the Subcommittee and designate one of the members of the Subcommittee as Chair of the Subcommittee. The Chair of the Subcommittee must be a member of the Commission.

3. The Subcommittee shall meet at the times and places specified by a call of the Chair. A majority of the members of the Subcommittee constitutes a quorum, and a quorum may exercise any power or authority conferred on the Subcommittee.

4. The Subcommittee shall consider issues related to juvenile justice and shall evaluate, review and submit a report to the Commission with recommendations concerning such issues.

5. Any Legislators who are members of the Subcommittee are entitled to receive the salary provided for a majority of the members of the Legislature during the first 60 days of the preceding session for each day's attendance at a meeting of the Subcommittee.

6. While engaged in the business of the Subcommittee, to the extent of legislative appropriation, each member of the Subcommittee is entitled to receive the per diem allowance and travel expenses provided for state officers and employees generally.

(Added to NRS by 2009, 2568)

#### **NRS 176.0125 Subcommittee on Victims of Crime; creation; Chair; members; duties; salaries and per diem.**

1. There is hereby created the Subcommittee on Victims of Crime of the Commission.

2. The Chair of the Commission shall appoint the members of the Subcommittee and designate one of the members of the Subcommittee as Chair of the Subcommittee. The Chair of the Subcommittee must be a member of the Commission.

3. The Subcommittee shall meet at the times and places specified by a call of the Chair. A majority of the members of the Subcommittee constitutes a quorum, and a quorum may exercise any power or authority conferred on the Subcommittee.

4. The Subcommittee shall consider issues related to victims of crime and shall evaluate, review and submit a report to the Commission with recommendations concerning such issues.

5. Any Legislators who are members of the Subcommittee are entitled to receive the salary provided for a majority of the members of the Legislature during the first 60 days of the preceding session for each day's attendance at a meeting of the Subcommittee.

6. While engaged in the business of the Subcommittee, to the extent of legislative appropriation, each member of the Subcommittee is entitled to receive the per diem allowance and travel expenses provided for state officers and employees generally.

(Added to NRS by 2009, 2569)

**NRS 176.0125 Duties of Commission.** The Commission shall:

1. Identify and study the elements of this State's system of criminal justice which affect the sentences imposed for felonies and gross misdemeanors.

2. Evaluate the effectiveness and fiscal impact of various policies and practices regarding sentencing which are employed in this State and other states, including, but not limited to, the use of plea bargaining, probation, programs of intensive supervision, programs of regimental discipline, imprisonment, sentencing recommendations, mandatory and minimum sentencing, mandatory sentencing for crimes involving the possession, manufacture and distribution of controlled substances, structured or tiered sentencing, enhanced penalties for habitual criminals, parole, credits against sentences, residential confinement and alternatives to incarceration.

3. Recommend changes in the structure of sentencing in this State which, to the extent practicable and with consideration for their fiscal impact, incorporate general objectives and goals for sentencing, including, but not limited to, the following:

(a) Offenders must receive sentences that increase in direct proportion to the severity of their crimes and their histories of criminality.

(b) Offenders who have extensive histories of criminality or who have exhibited a propensity to commit crimes of a predatory or violent nature must receive sentences which reflect the need to ensure the safety and protection of the public and which allow for the imprisonment for life of such offenders.

(c) Offenders who have committed offenses that do not include acts of violence and who have limited histories of criminality must receive sentences which reflect the need to conserve scarce economic resources through the use of various alternatives to traditional forms of incarceration.

(d) Offenders with similar histories of criminality who are convicted of similar crimes must receive sentences that are generally similar.

(e) Offenders sentenced to imprisonment must receive sentences which do not confuse or mislead the public as to the actual time those offenders must serve while incarcerated or before being released from confinement or supervision.

(f) Offenders must not receive disparate sentences based upon factors such as race, gender or economic status.

(g) Offenders must receive sentences which are based upon the specific circumstances and facts of their offenses, including the nature of the offense and any aggravating factors, the savagery of the offense, as evidenced by the extent of any injury to the victim, and the degree of criminal sophistication demonstrated by the offender's acts before, during and after commission of the offense.

4. Evaluate the effectiveness and efficiency of the Department of Corrections and the State Board of Parole Commissioners with consideration as to whether it is feasible and advisable to establish an oversight or advisory board to perform various functions and make recommendations concerning:

(a) Policies relating to parole;

(b) Regulatory procedures and policies of the State Board of Parole Commissioners;

(c) Policies for the operation of the Department of Corrections;

(d) Budgetary issues; and

(e) Other related matters.

5. Evaluate the effectiveness of specialty court programs in this State with consideration as to whether such programs have the effect of limiting or precluding reentry of offenders and parolees into the community.

6. Evaluate the policies and practices concerning presentence investigations and reports made by the Division of Parole and Probation of the Department of Public Safety, including, without limitation, the resources relied on in preparing such investigations and reports and the extent to which judges in this State rely on and follow the recommendations contained in such presentence investigations and reports.

7. Evaluate, review and comment upon issues relating to juvenile justice in this State, including, but not limited to:

(a) The need for the establishment and implementation of evidence-based programs and a continuum of sanctions for children who are subject to the jurisdiction of the juvenile court; and

- (b) The impact on the criminal justice system of the policies and programs of the juvenile justice system.
- 8. Compile and develop statistical information concerning sentencing in this State.
- 9. Identify and study issues relating to the application of chapter 241 of NRS to meetings held by the:
  - (a) State Board of Pardons Commissioners to consider an application for clemency; and
  - (b) State Board of Parole Commissioners to consider an offender for parole.
- 10. Identify and study issues relating to the operation of the Department of Corrections, including, without limitation, the system for allowing credits against the sentences of offenders, the accounting of such credits and any other policies and procedures of the Department which pertain to the operation of the Department.
- 11. Evaluate the policies and practices relating to the involuntary civil commitment of sexually dangerous persons.
- 12. For each regular session of the Legislature, prepare a comprehensive report including the Commission's recommended changes pertaining to the administration of justice in this State, the Commission's findings and any recommendations of the Commission for proposed legislation. The report must be submitted to the Director of the Legislative Counsel Bureau for distribution to the Legislature not later than September 1 of each even-numbered year.

(Added to NRS by 1995, 1354; A 2007, 2819, 3194; 2011, 231)

**NRS 176.0126 Subpoenas: Power to issue; compelling performance.**

- 1. To carry out its powers and duties pursuant to NRS 176.0121 to 176.0129, inclusive, the Commission, or any member thereof acting on behalf of the Commission with a concurrence of a majority of the members of the Commission, may issue subpoenas to compel the attendance of witnesses and the production of books, records, documents or other papers and testimony.
- 2. If any person fails to comply with a subpoena issued by the Commission or any member thereof pursuant to this section within 20 days after the date of service of the subpoena, the Commission may petition the district court for an order of the court compelling compliance with the subpoena.
- 3. Upon such a petition, the court shall enter an order directing the person subpoenaed to appear before the court at a time and place to be fixed by the court in its order, the time to be not more than 20 days after the date of service of the order, and show cause why the person has not complied with the subpoena. A certified copy of the order must be served upon the person subpoenaed.
- 4. If it appears to the court that the subpoena was regularly issued by the Commission or a member thereof pursuant to this section, the court shall enter an order compelling compliance with the subpoena, and upon failure to obey the order the person shall be dealt with as for contempt of court.

(Added to NRS by 2007, 2817)

**NRS 176.0127 Department of Corrections and Division of Parole and Probation to provide information to and assist Commission.**

- 1. The Department of Corrections shall:
  - (a) Provide the Commission with any available statistical information or research requested by the Commission and assist the Commission in the compilation and development of information requested by the Commission, including, but not limited to, information or research concerning the facilities and institutions of the Department of Corrections, the offenders who are or were within those facilities or institutions, rates of recidivism, the effectiveness of educational and vocational programs and the sentences which are being served or were served by those offenders;
  - (b) If requested by the Commission, make available to the Commission the use of the computers and programs which are owned by the Department of Corrections; and
  - (c) Provide the independent contractor retained by the Department of Administration pursuant to NRS 176.0129 with any available statistical information requested by the independent contractor for the purpose of performing the projections required by NRS 176.0129.

2. The Division shall:

(a) Provide the Commission with any available statistical information or research requested by the Commission and assist the Commission in the compilation and development of information concerning sentencing, probation, parole and any offenders who are or were subject to supervision by the Division;

(b) If requested by the Commission, make available to the Commission the use of the computers and programs which are owned by the Division; and

(c) Provide the independent contractor retained by the Department of Administration pursuant to NRS 176.0129 with any available statistical information requested by the independent contractor for the purpose of performing the projections required by NRS 176.0129.

(Added to NRS by 1995, 1355; A 2001 Special Session, 214; 2009, 1352)

**NRS 176.0128 Central Repository for Nevada Records of Criminal History to facilitate data collection and provide data and information to Commission.** The Central Repository for Nevada Records of Criminal History shall:

1. Facilitate the collection of statistical data in the manner approved by the Director of the Department of Public Safety and coordinate the exchange of such data with agencies of criminal justice within this State, including:

(a) State and local law enforcement agencies;

(b) The Office of the Attorney General;

(c) The Court Administrator;

(d) The Department of Corrections; and

(e) The Division.

2. Provide the Commission with available statistical data and information requested by the Commission.

(Added to NRS by 2009, 1351)

**NRS 176.0129 Annual projections of persons imprisoned, on probation, on parole and in residential confinement.** The Department of Administration shall, on an annual basis, contract for the services of an independent contractor, in accordance with the provisions of NRS 333.700, to:

1. Review sentences imposed in this State and the practices of the State Board of Parole Commissioners and project annually the number of persons who will be:

(a) In a facility or institution of the Department of Corrections;

(b) On probation;

(c) On parole; and

(d) Serving a term of residential confinement,

↳ during the 10 years immediately following the date of the projection; and

2. Review preliminary proposals and information provided by the Commission and project annually the number of persons who will be:

(a) In a facility or institution of the Department of Corrections;

(b) On probation;

(c) On parole; and

(d) Serving a term of residential confinement,

↳ during the 10 years immediately following the date of the projection, assuming the preliminary proposals were recommended by the Commission and enacted by the Legislature.

(Added to NRS by 1995, 1355; A 2001 Special Session, 215; 2009, 2231)

# **ADVISORY COMMISSION ON THE ADMINISTRATION OF JUSTICE**

## Meetings Held On:

- January 24, 2012
- March 7, 2012
- April 17, 2012
- June 6, 2012
- July 17, 2012
- August 28, 2012
- October 10, 2012

### MEETING NOTICE AND AGENDA

Name of Organization: Advisory Commission on the Administration of Justice (NRS 176.0123)

Date and Time of Meeting: Tuesday, January 24, 2012  
9:30 a.m.

Place of Meeting: Grant Sawyer State Office Building  
Room 4412  
555 East Washington Avenue  
Las Vegas, Nevada

Note: Some members of the Commission may be attending the meeting and other persons may observe the meeting and provide testimony through a simultaneous videoconference conducted at the following locations:

Legislative Building  
Room 3137  
401 South Carson Street  
Carson City, Nevada

*If you cannot attend the meeting, you can listen or view it live over the Internet. The address for the Nevada Legislature website is <http://www.leg.state.nv.us>. Click on the link "Live Meetings – Listen or View."*

**Note: Please provide the secretary with electronic or written copies of testimony and visual presentations if you wish to have complete versions included as exhibits with the minutes.**

## AGENDA

**Note:** Items on this agenda may be taken in a different order than listed. Two or more agenda items may be combined for consideration. An item may be removed from this agenda or discussion relating to an item on this agenda may be delayed at any time.

I. Call to Order.

II. Roll Call.

*For  
Possible  
Action*

III. Public Comment.

(Because of time considerations, the period for public comment by each speaker may be limited, and speakers are urged to avoid repetition of comments made by previous speakers.)

*For  
Possible  
Action*

IV. Selection of Chair.

*For  
Possible  
Action*

V. Approval of the Minutes of the Meeting of the Advisory Commission held on September 24, 2010.

*For  
Possible  
Action*

VI. Review and Discussion of Legislation Creating and Revising the Responsibilities and Authority of the Advisory Commission.

- A. The Mission and Scope of the Commission and its Statutory Subcommittees.
- B. The Deadlines for Submission of Reports of the Commission.
- C. The Staffing of the Commission.

*For  
Possible  
Action*

VII. Distribution and Discussion of the Final Report Provided to the 2011 Nevada Legislature, and Report on Legislation Introduced During the 2011 Legislative Session on Behalf of the Commission.

*For  
Possible  
Action*

VIII. Presentation by the Nevada Department of Corrections Concerning:

- A. The Status of Inmate Population.
- B. The Impact of Legislation Enacted by the 2011 Legislature on the Department.
- C. Prison Facilities.
- D. Staffing Issues.
- E. Budgetary Issues.

*For  
Possible  
Action*

IX. Presentation by the State Board of Parole Commissioners Concerning:

- A. The Statutory Duties and Regulatory Procedures of the Board.
- B. The Case Load of the Board and Case Processing.
- C. The Impact of Legislation Enacted by the 2011 Legislature on the Parole Board and the Pardons Board.
- D. Staffing Issues.
- E. Budgetary Issues.

*For  
Possible  
Action*

- X. Presentation by the Division of Parole and Probation of the Department of Public Safety Concerning:
- A. The Statutory Duties and Regulatory Procedures of the Division.
  - B. Current Supervision Case Loads.
  - C. The Impact of Legislation Enacted by the 2011 Legislature on the Division of Parole and Probation.
  - D. Staffing Issues.
  - E. Budgetary Issues.

*For  
Possible  
Action*

- XI. Discussion of Potential Topics, Dates and Locations for Future Meetings.
- XII. Public Comment.  
(Because of time considerations, the period for public comment by each speaker may be limited, and speakers are urged to avoid repetition of comments made by previous speakers.)
- XIII. Adjournment.

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Note: We are pleased to make reasonable accommodations for members of the public who are disabled and wish to attend the meeting. If special arrangements for the meeting are necessary, please notify the Legal Division of the Legislative Counsel Bureau, in writing, at the Legislative Building, 401 South Carson Street, Carson City, Nevada 89701-4747, or call (775) 684-6830 as soon as possible.

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Notice of this meeting was posted in the following Carson City, Nevada, locations: Blasdel Building, 209 East Musser Street; Capitol Press Corps, Basement, Capitol Building; City Hall, 201 North Carson Street; Legislative Building, 401 South Carson Street; and Nevada State Library, 100 Stewart Street. Notice of this meeting was e-mailed or faxed for posting to the following Las Vegas, Nevada, locations: Clark County Office, 500 South Grand Central Parkway; and Grant Sawyer State Office Building, 555 East Washington Avenue. Notice of this meeting was posted on the Internet through the Nevada Legislature's Web site at [www.leg.state.nv.us](http://www.leg.state.nv.us).

**MEETING NOTICE AND AGENDA**

Name of Organization: Advisory Commission on the Administration of Justice (NRS 176.0123)

Date and Time of Meeting: Wednesday, March 7, 2012  
9:30 a.m.

Place of Meeting: Legislative Building  
Room 4100  
401 South Carson Street  
Carson City, Nevada

Note: Some members of the Commission may be attending the meeting and other persons may observe the meeting and provide testimony through a simultaneous videoconference conducted at the following locations:

Grant Sawyer State Office Building  
Room 4412  
555 East Washington Avenue  
Las Vegas, Nevada

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## AGENDA

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I. Call to Order.

II. Roll Call.

III. Public Comment.

(Because of time considerations, the period for public comment by each speaker may be limited, and speakers are urged to avoid repetition of comments made by previous speakers.)

*For  
Possible  
Action*

IV. Approval of the Minutes of the Meeting of the Advisory Commission held on January 24, 2012.

*For  
Possible  
Action*

V. Possible Appointment of Subcommittees of the Advisory Commission.

- A. Subcommittee on Juvenile Justice.
- B. Subcommittee on Victims of Crime.

*For  
Possible  
Action*

VI. Presentation Concerning Other Criminal Justice Committees with Similar Jurisdiction to the Advisory Commission.

Nicolas Anthony, Commission Counsel, Legislative Counsel Bureau.

*For  
Possible  
Action*

VII. Presentation Concerning the Use of Boot Camp.

Greg Cox, Director, Nevada Department of Corrections.

*For  
Possible  
Action*

VIII. Presentation Concerning a Diagnostic 120 Day Prison Sentence and Former NRS 176.158.

Greg Cox, Director, Nevada Department of Corrections.

*For  
Possible  
Action*

IX. Presentation Concerning the Ely Prison Settlement on Medical Health Care.

Greg Cox, Director, Nevada Department of Corrections.  
Brett Kandt, Special Deputy Attorney General, Office of the Nevada Attorney General.

*For  
Possible  
Action*

X. Update on the Status of Litigation and Nevada's Compliance with the Sex Offender Registration and Notification Act.

Brett Kandt, Special Deputy Attorney General, Office of the Nevada Attorney General.

*For  
Possible  
Action*

XI. Discussion of Potential Topics, Dates and Locations for Future Meetings.

XII. Public Comment.

(Because of time considerations, the period for public comment by each speaker may be limited, and speakers are urged to avoid repetition of comments made by previous speakers.)

XIII. Adjournment.

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**MEETING NOTICE AND AGENDA**

Name of Organization: Advisory Commission on the Administration of Justice (NRS  
176.0123)

Date and Time of Meeting: Tuesday, April 17, 2012  
9:30 a.m.

Place of Meeting: Grant Sawyer State Office Building  
Room 4401  
555 East Washington Avenue  
Las Vegas, Nevada

Note: Some members of the Commission may be attending the meeting and other persons may observe the meeting and provide testimony through a simultaneous videoconference conducted at the following locations:

Legislative Building  
Room 2135  
401 South Carson Street  
Carson City, Nevada

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## AGENDA

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I. Call to Order.

II. Roll Call

III. Public Comment.

(Because of time considerations, the period for public comment by each speaker may be limited, and speakers are urged to avoid repetition of comments made by previous speakers.)

*For  
Possible  
Action*

IV. Approval of the Minutes of the Meeting of the Advisory Commission held on March 7, 2012.

*For  
Possible  
Action*

V. Presentation on Good Time Credits for Persons Convicted of Certain Category B Felonies and Review of Governor's Veto on Assembly Bill No. 136 (2011).

James Austin, Ph.D., President, JFA Institute.  
Greg Cox, Director, Nevada Department of Corrections.

*For  
Possible  
Action*

VI. Presentation on Sentencing and Nevada Prison Population Forecasts.

James Austin, Ph.D., President, JFA Institute.  
Greg Cox, Director, Nevada Department of Corrections.

*For  
Possible  
Action*

VII. Presentation Concerning the Projected Increase of Female Inmates and Possible Approaches to Mitigate Such Outcomes.

James Austin, Ph.D., President, JFA Institute.  
Greg Cox, Director, Nevada Department of Corrections.

*For  
Possible  
Action*

VIII. Presentation on Offender Recidivism Rates in Nevada.

James Austin, Ph.D., President, JFA Institute.  
Greg Cox, Director, Nevada Department of Corrections.

*For  
Possible  
Action*

IX. Presentation on the Reclassification of Certain Category B Felonies.

James Austin, Ph.D., President, JFA Institute.

*For  
Possible  
Action*

X. Presentation and Update on PEW Research and Reform Proposals.

James Austin, Ph.D., President, JFA Institute.

*For  
Possible  
Action*

- XI. Status Report From the Advisory Commission on the Administration of Justice's Subcommittee to Review Presentence Investigation Report Process.

Phil Kohn, Chair.

*For  
Possible  
Action*

- XII. Discussion of Potential Topics, Dates and Locations for Future Meetings.

- XIII. Public Comment.

(Because of time considerations, the period for public comment by each speaker may be limited, and speakers are urged to avoid repetition of comments made by previous speakers.)

- XIV. Adjournment.

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### **MEETING NOTICE AND AGENDA**

Name of Organization: Advisory Commission on the Administration of Justice (NRS 176.0123)

Date and Time of Meeting: Wednesday, June 6, 2012  
9:30 a.m.

Place of Meeting: Legislative Building  
Room 4100  
401 South Carson Street  
Carson City, Nevada

Note: Some members of the Commission may be attending the meeting and other persons may observe the meeting and provide testimony through a teleconference or simultaneous videoconference conducted at the following locations:

Grant Sawyer State Office Building  
Room 4412  
555 East Washington Avenue  
Las Vegas, Nevada

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I. Call to Order.

II. Roll Call.

III. Public Comment.

(Because of time considerations, the period for public comment by each speaker may be limited, and speakers are urged to avoid repetition of comments made by previous speakers.)

*For  
Possible  
Action*

IV. Approval of the Minutes of the Meeting of the Advisory Commission held on April 17, 2012.

*For  
Possible  
Action*

V. Presentation on the Washington Intensive Supervision Project (WISP).

Anmarie Aylward, Assistant Secretary Community Corrections, Washington State Department of Corrections.

Sandy Mullins, Acting Assistant Secretary Policy Support Division, Washington State Department of Corrections.

*For  
Possible  
Action*

VI. Presentation on the Opportunity Probation Enforcement Nevada Program (OPEN).

Lieutenant James Scally, Nevada Department of Corrections.

Bradford Glover, Reentry Program Coordinator, Nevada Department of Corrections.

*For  
Possible  
Action*

VII. Presentation Concerning the Coroner's Inquest Process in Clark County.

Michael Murphy, Coroner, Clark County.

Chuck Callaway, Las Vegas Metropolitan Police Department.

David Roger, Kirk Hooten, and Josh Reisman, LVPPA.

Christopher Laurent, Chief Deputy District Attorney, Clark County.

Richard Boulware, NAACP of Las Vegas.

Katrina Rogers, ACLU of Nevada.

Phil Kohn, Public Defender, Clark County.

*For  
Possible  
Action*

VIII. Presentation on Legislation Sponsored by the 2009-10 Advisory Commission on the Administration of Justice that Did Not Pass During the 2011 Legislative Session.

Nicolas Anthony, Committee Counsel, Legislative Counsel Bureau.

*For  
Possible  
Action*

IX. Status Report From the Advisory Commission on the Administration of Justice's Subcommittee to Review Presentence Investigation Report Process.

Phil Kohn, Chair.

*For  
Possible  
Action*

- X. Status Report From the Advisory Commission on the Administration of Justice's Subcommittee on Victims of Crime.

Catherine Cortez Masto, Chair.

*For  
Possible  
Action*

- XI. Discussion of Potential Topics, Dates and Locations for Future Meetings.

- XII. Public Comment.

(Because of time considerations, the period for public comment by each speaker may be limited, and speakers are urged to avoid repetition of comments made by previous speakers.)

- XIII. Adjournment.

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Note: We are pleased to make reasonable accommodations for members of the public who are disabled and wish to attend the meeting. If special arrangements for the meeting are necessary, please notify the Legal Division of the Legislative Counsel Bureau, in writing, at the Legislative Building, 401 South Carson Street, Carson City, Nevada 89701-4747, or call (775) 684-6830 as soon as possible.

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Notice of this meeting was posted in the following Carson City, Nevada, locations: Blasdel Building, 209 East Musser Street; Capitol Press Corps, Basement, Capitol Building; City Hall, 201 North Carson Street; Legislative Building, 401 South Carson Street; and Nevada State Library, 100 Stewart Street. Notice of this meeting was e-mailed or faxed for posting to the following Las Vegas, Nevada, locations: Clark County Office, 500 South Grand Central Parkway; and Grant Sawyer State Office Building, 555 East Washington Avenue. Notice of this meeting was posted on the Internet through the Nevada Legislature's Web site at [www.leg.state.nv.us](http://www.leg.state.nv.us).

### **MEETING NOTICE AND AGENDA**

Name of Organization: Advisory Commission on the Administration of Justice (NRS 176.0123)

Date and Time of Meeting: Tuesday, July 17, 2012  
9:00 a.m.

Place of Meeting: Grant Sawyer State Office Building  
Room 4401  
555 East Washington Avenue  
Las Vegas, Nevada

Note: Some members of the Commission may be attending the meeting and other persons may observe the meeting and provide testimony through a teleconference or simultaneous videoconference conducted at the following locations:

Legislative Building  
Room 3138  
401 South Carson Street  
Carson City, Nevada

*If you cannot attend the meeting, you can listen or view it live over the Internet. The address for the Nevada Legislature website is <http://www.leg.state.nv.us>. Click on the link "Live Meetings – Listen or View."*

**Note: Please provide the secretary with electronic or written copies of testimony and visual presentations if you wish to have complete versions included as exhibits with the minutes.**

## AGENDA

**Note:** Items on this agenda may be taken in a different order than listed. Two or more agenda items may be combined for consideration. An item may be removed from this agenda or discussion relating to an item on this agenda may be delayed at any time.

I. Call to Order.

II. Roll Call.

III. Public Comment.

(Because of time considerations, the period for public comment by each speaker may be limited, and speakers are urged to avoid repetition of comments made by previous speakers.)

*For  
Possible  
Action*

IV. Approval of the Minutes of the Meeting of the Advisory Commission held on June 6, 2012.

*For  
Possible  
Action*

V. Presentation on Lifetime Supervision and Impacts on the Department of Parole and Probation.

Thomas Ely, Captain, Department of Public Safety.

David Helgerman, Lieutenant, Department of Public Safety.

*For  
Possible  
Action*

VI. Presentation on Policies and Procedures for the Identification of Criminal Suspects (Assembly Bill No. 107, 2011).

Robert Roshak, Executive Director, Nevada Sheriffs and Chiefs Association.

*For  
Possible  
Action*

VII. Presentation on Post-Conviction Reports.

Connie Bisbee, Chair, Board of Parole Commissioners.

Thomas Ely, Captain, Department of Public Safety.

*For  
Possible  
Action*

VIII. Status Report From the Advisory Commission on the Administration of Justice's Subcommittee to Review Presentence Investigation Report Process.

Phil Kohn, Chair.

*For  
Possible  
Action*

IX. Status Report From the Advisory Commission on the Administration of Justice's Subcommittee on Victims of Crime.

Catherine Cortez Masto, Chair.

*For  
Possible  
Action*

X. Discussion and Solicitation of Final Recommendations to be Included in the Work Session.

XI. Public Comment.

(Because of time considerations, the period for public comment by each speaker may be limited, and speakers are urged to avoid repetition of comments made by previous speakers.)

XII. Adjournment.

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Note: We are pleased to make reasonable accommodations for members of the public who are disabled and wish to attend the meeting. If special arrangements for the meeting are necessary, please notify the Legal Division of the Legislative Counsel Bureau, in writing, at the Legislative Building, 401 South Carson Street, Carson City, Nevada 89701-4747, or call (775) 684-6830 as soon as possible.

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**SECOND REVISED (8/24/12)**

**MEETING NOTICE AND AGENDA**

Name of Organization: Advisory Commission on the Administration of Justice (NRS 176.0123)

Date and Time of Meeting: Tuesday, August 28, 2012  
9:00 a.m.

Place of Meeting: Legislative Building  
Room 3137  
401 South Carson Street  
Carson City, Nevada

Note: Some members of the Commission may be attending the meeting and other persons may observe the meeting and provide testimony through a teleconference or simultaneous videoconference conducted at the following locations:

Grant Sawyer State Office Building  
Room 4412  
555 East Washington Avenue  
Las Vegas, Nevada

University of Nevada School of Medicine  
Room 25  
Griswold Hall  
701 Walnut Street  
Elko, Nevada

*If you cannot attend the meeting, you can listen or view it live over the Internet. The address for the Nevada Legislature website is <http://www.leg.state.nv.us>. Click on the link "Live Meetings – Listen or View."*

**Note: Please provide the secretary with electronic or written copies of testimony and visual presentations if you wish to have complete versions included as exhibits with the minutes.**

## AGENDA

**Note:** Items on this agenda may be taken in a different order than listed. Two or more agenda items may be combined for consideration. An item may be removed from this agenda or discussion relating to an item on this agenda may be delayed at any time.

I. Call to Order.

II. Roll Call.

III. Public Comment.

(Because of time considerations, the period for public comment by each speaker may be limited, and speakers are urged to avoid repetition of comments made by previous speakers.)

*For  
Possible  
Action*

IV. Approval of the Minutes of the Meeting of the Advisory Commission held on July 17, 2012.

*For  
Possible  
Action*

V. Final Report From the Advisory Commission on the Administration of Justice's Subcommittee to Review Presentence Investigation Report Process.

Phil Kohn, Chair.

*For  
Possible  
Action*

VI. Final Report From the Advisory Commission on the Administration of Justice's Subcommittee on Victims of Crime.

Catherine Cortez Masto, Chair.

*For  
Possible  
Action*

VII. Presentation on Policies and Procedures for the Identification of Criminal Suspects (Assembly Bill No. 107, 2011).

Robert Roshak, Executive Director, Nevada Sheriffs and Chiefs Association.

*For  
Possible  
Action*

VIII. Presentation on Assault Weapons Laws.

Robert Roshak, Executive Director, Nevada Sheriffs and Chiefs Association.  
Laura Cutilletta, Senior Staff Attorney, Law Center to Prevent Gun Violence.  
Steve Helsley, Consultant, National Rifle Association.

IX. Public Comment.

(Because of time considerations, the period for public comment by each speaker may be limited, and speakers are urged to avoid repetition of comments made by previous speakers.)

X. Adjournment.

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**MEETING NOTICE AND AGENDA**

Name of Organization: Advisory Commission on the Administration of Justice (NRS 176.0123)

Date and Time of Meeting: Wednesday, October 10, 2012  
9:30 a.m.

Place of Meeting: Grant Sawyer State Office Building  
Room 4401  
555 East Washington Avenue  
Las Vegas, Nevada

Note: Some members of the Commission may be attending the meeting and other persons may observe the meeting and provide testimony through a simultaneous videoconference conducted at the following location:

Legislative Building  
Room 3137  
401 South Carson Street  
Carson City, Nevada

*If you cannot attend the meeting, you can listen or view it live over the Internet. The address for the Nevada Legislature website is <http://www.leg.state.nv.us>. Click on the link "Live Meetings – Listen or View."*

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## AGENDA

**Note:** Items on this agenda may be taken in a different order than listed. Two or more agenda items may be combined for consideration. An item may be removed from this agenda or discussion relating to an item on this agenda may be delayed at any time.

I. Call to Order.

II. Roll Call.

III. Public Comment.

(Because of time considerations, the period for public comment by each speaker may be limited, and speakers are urged to avoid repetition of comments made by previous speakers.)

*For  
Possible  
Action*

IV. Approval of the Minutes of the Meeting of the Advisory Commission held on August 28, 2012.

*For  
Possible  
Action*

V. Work Session - Discussion and Action on Recommendations  
(See "Work Session Document" for a summary of recommendations.)

*The Work Session Document Summary of Recommendations is attached below. The full document with supporting attachments is available on the Commission's web page, Advisory Commission on the Administration of Justice, or a copy may be obtained by contacting Nicolas C. Anthony, Senior Principal Deputy Legislative Counsel, Legal Division, Legislative Counsel Bureau at (775) 684-6830.*

VI. Public Comment.

(Because of time considerations, the period for public comment by each speaker may be limited, and speakers are urged to avoid repetition of comments made by previous speakers.)

VII. Adjournment.

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Note: We are pleased to make reasonable accommodations for members of the public who are disabled and wish to attend the meeting. If special arrangements for the meeting are necessary, please notify the Legal Division of the Legislative Counsel Bureau, in writing, at the Legislative Building, 401 South Carson Street, Carson City, Nevada 89701-4747, or call (775) 684-6830 as soon as possible.

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## WORK SESSION DOCUMENT

Advisory Commission on the Administration of Justice  
[Nevada Revised Statutes 176.0123]

October 10, 2012

The following “Work Session Document” was prepared by staff of the Advisory Commission on the Administration of Justice (“Advisory Commission”) (*Nevada Revised Statutes* 176.0123). The document contains a compilation of recommendations within the scope of the Advisory Commission that were presented during hearings or submitted in writing during the course of the 2011-2012 interim.

The possible recommendations listed in the document do not necessarily have the support or opposition of the Advisory Commission. Rather, these possible recommendations are compiled and organized to assist the members in considering the recommendations during the work session. The Advisory Commission may adopt, change, reject or further consider any recommendation. The individual sponsor or joint sponsors of each recommendation are referenced in parentheses after each recommendation.

Under NRS 176.0125, the Advisory Commission is charged with examining various aspects of the criminal justice system and, prior to the next regular session of the Legislature, must prepare and submit to the Director of the Legislative Counsel Bureau a comprehensive report including the Advisory Commission’s findings and any recommendations for proposed legislation. The Advisory Commission does not have any bill draft requests allocated by statute; however, individual legislators or the Chair of any standing committee may choose to sponsor any Advisory Commission recommendation for legislation.

For purposes of this document, the recommendations have been organized by topic and are not listed in any preferential order. Additionally, although possible actions may be identified within each recommendation, the Advisory Commission may choose to recommend any of the following actions: (1) draft legislation to amend the Nevada Revised Statutes; (2) draft a resolution; (3) draft a letter; or (4) include a statement of support in the final report. It should also be noted that any potential recommendations listed may or may not have a fiscal impact. Any potential fiscal impacts have not been determined by staff at this time.

**RECOMMENDATION NO. 1** — Draft legislation to expand the use of boot camps. (Commissioner Kohn)

**Background Information for Recommendation No. 1**

**Tab A – NRS 176A.780.**

During the Advisory Commission meeting held on January 24, 2012, Commissioner Kohn asked Ms. Sheryl Foster, Deputy Director of the Nevada Department of Corrections (NDOC), how many inmates are involved in the boot camp program provided for by Nevada law (Tab A). Ms. Foster said that there are approximately 60 to 62 people in the program. There used to be more, but the number was reduced because of less available staffing. Commissioner Kohn commented that boot camp programs are incredibly effective and reduce recidivism, and that members of the district court are concerned with the reduction of the program in Nevada. He also indicated that he hoped the number of people participating in the boot camp can increase, and that the scope of the boot camp can be widened with regard to who may participate.

In furtherance, Ms. Foster gave a presentation on the boot camp program during the Advisory Commission meeting held on March 7, 2012. Ms. Foster indicated that the boot camp was originally designed as a type of diversion program used instead of the imposition of a sentence, and described the program as a type of "shock probation" program. The program is a maximum of 190 days, and involves strenuous physical exercise, hard labor and military-style drills, and sessions of instruction on stress management, building good character, rational behavior thinking, and preparing for and obtaining employment. To participate in the program, a person must be a male who is at least 18 years of age, convicted of a nonviolent felony, eligible for probation, and must never have been in jail or prison as an adult for more than 6 months. Ms. Foster said that there was research that several other states and the Bureau of Prisons discontinued the use of boot camps because there was not enough of a positive effect on recidivism to justify the costs of the program. Ms. Foster noted that one of the biggest negatives of the program is the lack of transitional support available to a person once he completes the program. Therefore, aftercare and transitional housing is needed for success of the program. Upon inquiry by Chairman Horne, Mr. Rex Reed from the NDOC indicated that there is available capacity for recent graduates of boot camp at the Casa Grande Transitional Center.

Commissioner Kohn said that it is time to reevaluate who qualifies to participate in boot camp, and he said that he is concerned with a blanket restriction that prohibits offenders who have committed a violent crime from participation in the program. Commissioner Kohn indicated that some first time offenders who have committed a violent crime are exactly the type of people to be placed in the boot camp program. Chairman Horne commented that while such a blanket provision is problematic, there also should not be wide-open discretion with regard to who may participate. Therefore, a discussion of the definition of a crime of violence is important. Commissioner Hardesty suggested possibly amending the regimental discipline statute (Tab A) to expand judicial discretion with some felonies.

**RECOMMENDATION NO. 2 — Draft legislation to expand the use of boot camps to youthful offenders. (Commissioner Digesti)**

**Background Information for Recommendation No. 2**

During the Advisory Commission meeting held on January 24, 2012, Commissioner Digesti asked Ms. Foster to explain the distinction between the boot camp program and the youthful offender placement at High Desert Prison. Ms. Foster explained that the boot camp is a diversion program, while the youthful offender placement is for inmates who are convicted and sentenced to prison terms. Ms. Foster indicated that the boot camp is productive and positive for young offenders. However, the problem with the boot camp is the lack of transition support for participants when they are released and go back into the community. Commissioner Digesti suggested that because the boot camp is a positive program, it should work for several groups, including youthful offenders. Ms. Foster explained that the youthful offender program maintains structure for participants because they are involved in education and programming suitable for them. The boot camp works because the program is limited to 190 days, so participants do not spend lengthy periods in prison. However, participants in the youthful offender program who are sentenced to prison do not have the ability to be released after 190 days. Commissioner Digesti commented that the boot camp is more severe than the youthful offender program.

During the Advisory Commission meeting held on March 7, 2012, Ms. Foster noted several issues with the youthful offender program becoming a boot camp style program. First, inmates in the youthful offender program do not meet the criteria for boot camp because most of them are violent offenders and some have served prior prison sentences, so they do not qualify for minimum custody. Second, it would require a large increase in staff and resources.

**RECOMMENDATION NO. 3 — Draft legislation to reinstate the 120-day diagnostic NDOC “Safe Keeper Evaluation Program.” (Commissioner Kohn)**

**Background Information for Recommendation No. 3**

**Tab B —** Background information on Senate Bill No. 74 (1997), which eliminated the NDOC “Safe Keeper Evaluation Program”, Former NRS 176.158.

During the Advisory Commission meeting held on March 7, 2012, Ms. Sheryl Foster gave a presentation on the former 120-day NDOC “Safe Keeper Evaluation Program” (see former NRS 176.158) (Tab B), which was originally designed as an evaluation program. Under the Program, an offender would enter the system, go through an intake process and remain in the Program for 120 days, during which time the offender’s prior criminal record, his mental and physical health, and the rehabilitation resources available to him were evaluated. The only people eligible for the Program were those who had been convicted of a felony for which they might be sentenced to imprisonment and who had never been sentenced to imprisonment as an adult for more than 6 months.

The Program was eliminated in 1997 because of budgetary concerns and limited bed space. Ms. Foster testified that the positive aspects of the Program included the fact that an offender only spent 120 days in incarceration, and that the Program emphasized education. The negative aspects of the Program included there never having been an appropriation for staffing or resources. Ms. Foster said that if the Program is reinstated, there needs to be an appropriation for staffing, which would include a caseworker, mental health counselor, re-entry staff and additional custody staff.

Commissioner Kohn stated his belief that the Program was one of the most important programs in the criminal justice system. He said this "scared straight program" gave young offenders who were not able to go to boot camp an idea of how serious prison is. Commissioner Kohn also indicated that he would like the courts to have as much discretion as possible. Chairman Horne requested that Commissioner Barker ask his colleagues of their thoughts of the 120-day diagnostic prison sentence.

**RECOMMENDATION NO. 4 — Draft legislation to combine the Division of Parole and Probation of the Department of Public Safety with the Nevada Department of Corrections. (Dr. James Austin)**

**Background Information for Recommendation No. 4**

During the Advisory Commission meeting held on April 17, 2012, Dr. James Austin, President of the JFA Institute, indicated that for many years, the Division of Parole and Probation has been unable to analyze information about parolees on a regular basis due to a lack of resources. Dr. Austin encouraged the Commission to look at the organizational structure of the system and recommended that the Division of Parole and Probation be combined with the NDOC so that there is one system to obtain information on parolees and risk assessments. He also suggested that parole agents should be moved to the NDOC or under the Parole Board. Dr. Austin also indicated that Nevada is out of step with the rest of the country with regard to the organizational alignment of correctional resources. Dr. Austin suggested that by combining the Division of Parole and Probation with the NDOC, bureaucratic delays would be eliminated and there would be a better transition of assessment as people go through the system.

**RECOMMENDATION NO. 5 — Draft legislation to enact statutory time frames relating to when presentence investigation reports must be given to counsel before sentencing. (Advisory Commission on the Administration of Justice's Subcommittee to Review Presentence Investigation Report Process)**

**Background Information for Recommendation No. 5**

**Tab C** – Proposed conceptual language to amend Chapter 176 of NRS submitted by the Subcommittee to Review Presentence Investigation Report Process (Revised per action taken May 22, 2012); NRS 176.133 to 176.161, inclusive; Letter from David Sommer, Department of Public Safety Captain, regarding timing and delivery of presentence investigation reports.

During the Advisory Commission meeting held on March 7, 2012, Commissioner Hardesty suggested forming a subcommittee to examine the area concerning the correction of presentence investigation reports as a result of a recent Nevada Supreme Court case, *Stockmeier v. State*, 255 P.3d 209 (2011). A subcommittee was appointed and Commissioner Kohn was appointed as Chair.

The Advisory Commission's Subcommittee to Review Presentence Investigation Report Process held meetings on April 9, 2012, and May 22, 2012, during which the Subcommittee examined the presentence investigation report process in this State and the inherent problems with presentence investigation reports that contain errors or omissions. Commissioner Kohn explained that the Nevada Supreme Court held in *Stockmeier* that any perceived errors or omissions in a presentence investigation report must be addressed prior to sentencing.

Commissioner Kohn indicated during the Advisory Commission meeting held on April 17, 2012, that the Nevada Supreme Court in *Stockmeier* suggested that the federal system could be used as a guideline in Nevada. Under the federal system, probation reports are given to attorneys 35 days before sentencing. Commissioner Kohn noted that this 35 day time limit would be difficult for the Division of Parole and Probation, but he stressed the importance of having the time to make any necessary corrections.

The Subcommittee is proposing language for a bill draft (**Tab C**) that requires a presentence investigation report to be given to the parties at least 21 days before sentencing. Within 7 days of the parties receiving the report, the parties must state any objections to the report. At least 7 days prior to sentencing, the Division must submit to the court the presentence report and an addendum containing any unresolved objections. If a party fails to challenge the accuracy of a presentence investigation report at the time of sentencing, then the matter must be considered to be waived. Alternatively, Captain Sommer from the Division of Parole and Probation has recommended that presentence investigation reports be delivered to all criminal justice partners 7 days prior to sentencing (**Tab C**).

**RECOMMENDATION NO. 6** — Draft a letter to the Governor urging him to provide additional funding in the Executive Budget for the Division of Parole and Probation of the Department of Public Safety to be used for personnel positions to assist with the compilation of presentence investigation reports. (Commissioner Kohn)

**Background Information for Recommendation No. 6**

During the Advisory Commission meeting held on June 6, 2012, Commissioner Kohn suggested that the Division of Parole and Probation should be given more resources. Referring to the proposed changes to the presentence investigation report process being set forth in Recommendation No. 5 by the Subcommittee to Review Presentence Investigation Report Process, Commissioner Kohn recognized that it would cost money for the Division. He would like the Division to have more time to prepare presentence investigation reports for people not in custody, and to receive presentence investigation reports sooner for people who are in custody. Commissioner Kohn indicated that the Division needs enough time to ensure that the reports are looked at accurately.

**RECOMMENDATION NO. 7** — Draft a letter to the Governor urging him to include additional funding in the Executive Budget for the Division of Parole and Probation of the Department of Public Safety to be used for additional personnel positions to assist with the compilation of postconviction reports. (Commissioner Siegel)

**Background Information for Recommendation No. 7**

Tab D — Document from the Division of Parole and Probation concerning postconviction reports

During the Advisory Commission meeting held on July 17, 2012, Commissioner Bisbee provided the Commission with information concerning postconviction reports. Commissioner Bisbee said that as a result of an increase in waived presentence investigation reports, the Parole Board began asking for postconviction reports. Commissioner Bisbee indicated that the number of postconviction reports requested by the Parole Board has been increasing every month, which has resulted in a backlog. Therefore, many hearings before the Board have had to be continued. Commissioner Bisbee also indicated that at the time, there was only one person working on postconviction reports. She stressed that the Division of Parole and Probation needs additional staff to help with the reports. Mr. Tom Ely, Department of Public Safety Captain, testified that without additional staffing, the Division of Parole and Probation will be unable to keep up with the demand for postconviction reports and there will continue to be a backlog. Mr. Ely also said that the Division would probably only need 2 or 3 additional employees to keep up with the demand for postconviction reports. Commissioner Siegel noted that when a parole is delayed that would have happened otherwise, the delay is contributing to a state expenditure. Additional staffing should therefore be provided to avoid such delays.

**RECOMMENDATION NO. 8** — Draft legislation to extend the sunset date and/or expand the pilot diversionary program pursuant to Assembly Bill No. 93 (2011) for offenders who have alcohol or drug dependence or mental illness. (Advisory Commission on the Administration of Justice)

**Background Information for Recommendation No. 8**

Tab E — Assembly Bill No. 93 (2011), as enrolled; PowerPoint presentation on Nevada's O.P.E.N. program; Fact sheet on the O.P.E.N. program.

Assembly Bill No. 93 requires the NDOC to establish a pilot diversion program within the facilities maintained by the Department to provide treatment to certain probation violators if a court has reasonable cause to believe that the probation violators are alcoholics or drug addicts or in need of treatment for a mental illness, and if the probation violators are ordered to the custody of the NDOC to receive such treatment. The housing of such probation violators in the program is limited to no more than 50 at one time. The provisions of Assembly Bill No. 93 expire by limitation on July 1, 2015.

During the Advisory Commission meeting held on January 24, 2012, Ms. Sheryl Foster explained that probation violators participating in this pilot diversion program, the Opportunity for Probation with Enforcement in Nevada (known as the O.P.E.N. program), are housed at the Casa Grande Transitional Center.

During the Advisory Commission meeting held on June 6, 2012, a PowerPoint presentation was given on the O.P.E.N. program by Mr. Bradford Glover from the NDOC (Tab E). Mr. Glover also provided a fact sheet on the O.P.E.N. program (Tab E). Mr. Glover explained that O.P.E.N. is a one-year long, high intensity supervision program that is currently only being used for drug offenders, but that could also be used for non-violent offenders. The program is an extension of a program initially started by Eighth Judicial District Court Judge Jackie Glass. Ms. Kim Madris, Deputy Chief of the Division of Parole and Probation in Southern Nevada, explained that because only individuals in a status of non-compliance with the terms of their probation are referred to the program, a Parole and Probation officer is the only one to refer such an offender to a judge for acceptance into the program. However, she also explained that it would be ideal for officers to be able to refer offenders to the program who they believed were in need of more structured supervision. Ms. Madris stated that there are several obstacles with the program, such as the fact that it is unfunded. Due to funding cuts, the Division of Parole and Probation has only been able to have one officer work with the program. Problems with staffing, lack of involvement by the courts, and available space at Casa Grande make it difficult for the program to continue. Mr. Rex Reed from the NDOC noted that because of the layout of Casa Grande, if the program is expanded, the number of participants needs to be increased in units of 50.

This recommendation may include the extension of the sunset and/or an expansion of the pilot diversion program (O.P.E.N.) to accommodate more than 50 offenders.

**RECOMMENDATION NO. 9** — Draft legislation to reintroduce Assembly Bill No. 135 (2011), as enrolled, concerning violations of probation through intermediate sanctions. (Commissioner Siegel)

**Background Information for Recommendation No. 9**

Tab F – Assembly Bill No. 135 (2011), as enrolled; Governor Sandoval's veto letter dated June 1, 2011.

Assembly Bill No. 135 provides that a court may not revoke the probation and suspend the sentence of a probationer who has violated a condition of probation and cause the sentence to be executed unless the court makes certain findings and states those findings on the record. Assembly Bill No. 135 also: (1) provides that a court may not revoke the probation and suspend the sentence of such a probationer and cause the sentence imposed to be executed solely based on the probationer's failure to pay an administrative assessment or certain fees and expenses; and (2) authorizes the court to provide for the forfeiture of certain credits for good behavior of the probationer or extend the period of probation of the probationer if the probationer willfully fails to pay those assessments, fees or expenses. Assembly Bill No. 135 passed the 2011 Legislature, but was vetoed by the Governor.

During the Advisory Commission meeting held on July 17, 2012, Commissioner Siegel requested that the Commission further examine Assembly Bill No. 135, in addition to Assembly Bill No. 93 (O.P.E.N.), and consider making a recommendation on intermediate sanctions.

**RECOMMENDATION NO. 10** — Draft legislation authorizing the Director of the Department of Administration to enter into interlocal agreements to use the Fund for Compensation of Victims of Crime to reimburse counties for the fees associated with sexual assault exams. The proposal also seeks to expand the list of potential applicants to the Fund. (Advisory Commission on the Administration of Justice's Subcommittee on Victims of Crime)

**Background Information for Recommendation No. 10**

Tab G - Draft bill draft proposal, submitted by the Subcommittee on Victims of Crime, relating to payment of medical expenses and forensic medical examinations for victims of sexual assault.

During the Advisory Commission meeting held on June 6, 2012, Commissioner Mastro explained that, by statute, victims of sexual assaults do not pay for sexual assault exams; rather those fees are charged to the county. Fees charged by counties range from \$200 to several thousand dollars. Commissioner Mastro further asserted that conditions should not be attached to sexual assault victims seeking exams. This recommendation by the Victims of Crime Subcommittee (Tab G) proposes to authorize the Director of the Department of Administration to enter into interlocal agreements with counties to provide for forensic medical examination costs to be submitted and reimbursed from the

Fund for Compensation of Victims of Crime. The bill draft proposal also permits the payment of medical treatment for sexual assaults without requiring the victim to file a police report, and authorizes certain eligible persons to apply for emotional and psychological treatment. The bill draft proposal also extends the time for submitting to a forensic medical examination from three days to seven days after the occurrence. Finally, the proposal permits non-citizens and persons who were not lawfully entitled to reside in the United States at the time of the incident to be awarded compensation from the Fund for Compensation of Victims of Crime, and authorizes a guardian ad litem to make an application to the Fund on behalf of a minor.

**RECOMMENDATION NO. 11** — Draft legislation to establish an independent arm of the prosecutor's office or the Attorney General's Office to conduct coroner's inquests. (Advisory Commission on the Administration of Justice)

**Background Information for Recommendation No. 11**

During the Advisory Commission meeting held on January 24, 2012, Chairman Horne mentioned the possibility of the Attorney General's Office overseeing coroner's inquests. Chairman Horne commented that while the Attorney General's Office works closely with law enforcement, it does not work as closely with law enforcement as the District Attorney's offices.

There was significant testimony heard regarding the issues with coroner's inquests in Clark County during the Advisory Commission meeting held on June 6, 2012. Chairman Horne stated that there cannot be a process that allows police officers and district attorneys to be the sole determiners of whether an officer-involved shooting was justified, and there cannot be a process in which an officer is exposed to an inquisition process. Chairman Horne suggested exploring the possibility of having an independent arm of the prosecutor's office or the Attorney General's office handle coroner's inquests.

**RECOMMENDATION NO. 12** — Include a statement in the final report recognizing the need for the continued study of Nevada's criminal justice system, and for the identification of additional outside funding sources for such study. (Advisory Commission on the Administration of Justice)

**Background Information for Recommendation No. 12**

This recommendation was approved and included as a statement of support for continued study of Nevada's criminal justice system in the Final Report by the 2009-10 Advisory Commission. At that time, Chairman Horne and Commissioner Hardesty were working to schedule a future meeting with Dr. James Austin and the Pew Charitable Trust to examine the possibility of a financial collaboration to further explore Nevada's criminal justice system, including the current sentencing structure.

During the 2011 Legislative Session and resulting months, Dr. Austin was funded by the Pew Charitable Trust to more closely examine certain category B felonies in Nevada.

This recommendation would indicate a statement of support in the final report for the continued ongoing research and study of Nevada's criminal justice system and for the continued pursuit of additional funding sources for such study.

**RECOMMENDATION NO. 13** — Draft legislation to reintroduce Assembly Bill No. 136 (2011), as enrolled, relating to credits for certain persons convicted of category B felonies. (Advisory Commission on the Administration of Justice)

**Background Information for Recommendation No. 13**

**Tab H** — Assembly Bill No. 136 (2011), as enrolled. Governor Sandoval's veto letter dated June 16, 2011.

Assembly Bill No. 136 was requested on behalf of the 2009-10 Advisory Commission on the Administration of Justice and was passed by the 2011 Legislature. However, the bill was subsequently vetoed by the Governor.

Assembly Bill No. 136 requires the NDOC to apply credits earned by an offender convicted of a category B felony to the offender's eligibility for parole if the offender satisfies the criteria in the bill. The offender must not have been convicted of a felony involving the use of force or violence, a felony sexual offense, or felony driving under the influence. In addition, the offender must not have served three or more separate prison terms for felony convictions in Nevada or five or more terms for felony convictions in any jurisdiction, must not be serving an enhanced sentence for use of a firearm, and must not be serving a sentence for possession of a firearm by a person prohibited from doing so. The bill also prohibits the NDOC from applying credits earned by any offender convicted as a habitual criminal to the offender's eligibility for parole.

Assembly Bill No. 136 also authorizes a person who was arrested for alleged criminal conduct to petition the court to seal the records relating to the arrest if the prosecuting attorney declined to prosecute the charges. If records are sealed under these circumstances, the bill allows the prosecuting attorney to file the charges before the statute of limitations has run out and, if charges are filed, requires the court to order the inspection of the records without the filing of a petition.

**RECOMMENDATION NO. 14** — Draft legislation to reintroduce Assembly Bill No. 96 (2011), as introduced, relating to the use of psychological or psychiatric examinations of victims or witnesses to an alleged sexual offense. (Advisory Commission on the Administration of Justice)

**Background Information for Recommendation No. 14**

**Tab I**— Assembly Bill No. 96 (2011), as introduced.

Assembly Bill No. 96 was originally recommended by the Subcommittee on Victims of Crime and was subsequently approved for recommendation by the 2009-10 Advisory Commission on the Administration of Justice, however, the measure was not passed by the 2011 Legislature.

Assembly Bill No. 96 prohibits a court from ordering a victim of or a witness to an alleged sexual offense to submit to a psychological or psychiatric examination. Assembly Bill No. 96 also authorizes a court to exclude certain testimony concerning a previous psychological or psychiatric examination of a victim of or a witness to an alleged sexual offense upon a showing of a compelling need for an additional psychological or psychiatric examination and a refusal by the victim or witness to consent to the additional examination.

**RECOMMENDATION NO. 15** — Draft legislation to reintroduce Senate Bill No. 123 (2011), as introduced, relating to the Office of State Public Defender. (Advisory Commission on the Administration of Justice)

**Background Information for Recommendation No. 15**

**Tab J**— Senate Bill No. 123 (2011), as introduced.

Senate Bill No. 123 was requested on behalf of the 2009-10 Advisory Commission on the Administration of Justice but was not passed by the 2011 Legislature.

Under existing law, the Office of State Public Defender exists within the Department of Health and Human Services to represent indigent persons charged with a public offense. Senate Bill No. 123 moves the Office of State Public Defender from the Department of Health and Human Services to the Office of the Governor.

**RECOMMENDATION NO. 16** — Draft legislation to reintroduce Senate Bill No. 265 (2011), first reprint, relating to the aggregation of consecutive sentences. (Advisory Commission on the Administration of Justice)

**Background Information for Recommendation No. 16**

**Tab K**— Senate Bill No. 265 (2011), first reprint.

Senate Bill No. 265 was requested on behalf of the 2009-10 Advisory Commission on the Administration of Justice but was not passed by the 2011 Legislature.

Senate Bill No. 265 requires the aggregation of consecutive sentences for offenders whose crimes were committed on or after July 1, 2012, unless any of the sentences includes life without the possibility of parole or death. Inmates already serving consecutive sentences may submit a request to the NDOC to make an irrevocable election to aggregate any remaining sentences for which parole has not previously been considered. The aggregation of sentences does not apply to sentences for offenses entered into at different times.

Senate Bill No. 265 also limits the current aggregation of multiple life sentences so the sentences for any crime committed on or after July 1, 2012 will be aggregated, and revises the manner in which credits are applied toward the minimum term of imprisonment and aggregated sentences.

Additionally, Senate Bill No. 265 revises provisions for inmates who were 16 years of age when the crime was committed and who are sentenced to life in prison with the possibility of parole. First, the measure provides that the Board of Parole Commissioners is not required to release the inmate on parole if he or she is considered a high risk to reoffend or if there is a reasonable probability that the inmate will pose a danger to the public safety. Second, if the inmate is released on parole and then violates the conditions of parole, he or she will not be considered for release on parole pursuant to the original qualification as an inmate under age 16, but must instead be considered pursuant to other provisions of law.

**RECOMMENDATION NO. 17** — Draft legislation to reintroduce Senate Joint Resolution No. 1 (2009), as enrolled, relating to the establishment of a Clemency Board. (Advisory Commission on the Administration of Justice)

**Background Information for Recommendation No. 17**

**Tab E** — Senate Joint Resolution No. 1 (2009), as enrolled.

Senate Joint Resolution No. 1 was originally requested by the 2007-08 Advisory Commission on the Administration of Justice and was passed by the 2009 Legislature. However, it was not passed in identical form during the 2011 Legislature.

Senate Joint Resolution No. 1 proposes to amend the Nevada Constitution to replace the State Board of Pardons Commissioners with the Clemency Board consisting of nine members appointed by the Governor, the Chief Justice of the Supreme Court and the Attorney General. Senate Joint Resolution No. 1 also requires that: (1) at least five members of the Clemency Board must have experience working in the criminal justice system; (2) the Legislature must provide for the organization and duties of the Clemency Board; and (3) the Clemency Board must meet at least quarterly.

**RECOMMENDATION NO. 18** — Draft legislation to authorize an inmate to pay for genetic marker testing at his or her own expense if a court denies a petition for genetic marker testing of the inmate. (Tonja Brown, Advocate for the Innocent)

**Background Information for Recommendation No. 18**

**Tab M** – Letter from Ms. Brown to the Commission, NRS 176.0918.

During the Advisory Commission meeting held on April 17, 2012, Ms. Tonja Brown, Advocate for the Innocent, requested that the Commission consider recommending legislation that would authorize an inmate to pay for DNA testing at his or her own expense if a court denies state-ordered DNA testing for the inmate. Under current NRS 176.0918, a person under a sentence of imprisonment for a category A or B felony may petition the court for genetic marker analysis. This recommendation would authorize an inmate to pay for such testing at his or her own expense.

**RECOMMENDATION NO. 19** — Draft a letter to the Legislative Commission encouraging the Legislative Commission to create a study and/or to hire an independent contractor to investigate the alleged Nevada Department of Corrections “computer glitch.” (Tonja Brown, Advocate for the Innocent)

**Background Information for Recommendation No. 19**

**Tab N** – News 4 article by Joe Hart dated March 2, 2012; Nevada Appeal article by Geoff Dorman dated March 4, 2012; Copy of Nolan Klem’s Offender Information Summary showing alleged error; Emails from Ms. Brown; Letter from Ms. Brown to the Commission dated June 4, 2012; Affidavit of John Witherow.

During the Advisory Commission meeting held on March 7, 2012, Ms. Tonja Brown testified about a computer glitch from 2007 in the NDOC. Ms. Brown indicated that the NDOC had installed a computer system in 2007 that was unable to handle life sentences, and as a result, additional crimes were erroneously added to inmates’ records. The NDOC lacked the manpower to compare the files of 13,000 inmates with the original criminal history and presentence reports. Ms. Brown referred to one report that alleged that such errors had occurred as many as 1,300 times since 2007 (Tab N). Chairman Horne stated that he was interested in how many inmates may have been affected by the

computer glitch, as well as remedies to the problem. He indicated that he was requesting information from Director Cox of the NDOC, Chair Bisbee of the Parole Board and Attorney General Masto on the issue.

Commissioner Hardesty said that the NDOC had suffered many problems in the transition of their computer system, and he wondered if a report or summary had been generated about the various consequences and difficulties encountered in the transition. He was also interested in how the problems were catalogued and corrected. Mr. Rex Reed from the NDOC asserted that while he knew of several errors, they were taken care of quickly. He said that the errors which some people thought had occurred actually did not occur, and he requested that Ms. Brown put her concerns in writing for him. Chairman Horne asked Ms. Brown to do as Mr. Reed requested. Commissioner Hardesty asked Mr. Reed if a report had been generated, but Mr. Reed was unaware of an overall report. The two errors he was aware of were corrected quickly, and they were to the benefit of the inmate. Mr. Reed said that the biggest problem with the errors was not due to the computer system, but to human error.

Chairman Horne asked Ms. Brown at the Advisory Commission meeting held on April 17, 2012 to get the information from the NDOC concerning the alleged excessive convictions on inmates' records and to get the names of the inmates who had convictions on their records that were not supposed to be there. He stated that the Commission would like to look at specific cases of the problem so they could deal with whoever was being harmed now in the NDOC. Ms. Brown addressed this request in a letter to the Commission dated June 4, 2012 (Tab N).

During the Advisory Commission meeting held on June 6, 2012, Chairman Horne indicated that as Chairman of the Assembly Judiciary Committee he was requesting the Audit Division of the LCB to prepare an audit of the NDOC on the computer glitch issue. He said the audit was planned after July 1, 2012, and that the Audit Division would look into the allegations on the charges that may or may not have been placed on inmates' records.

**RECOMMENDATION NO. 20** — Draft legislation to reintroduce Senate Bill No. 201 (2011), as introduced, relating to the establishment of an Ombudsman for Offenders within the Office of the Attorney General. (Tonja Brown, Advocate for the Innocent)

**Background Information for Recommendation No. 20**

**Tab O – Senate Bill No. 201 (2011), as introduced.**

Senate Bill No. 201, as introduced, would have established an Ombudsman for Offenders within the Office of the Attorney General. Senate Bill No. 201, as enrolled, deleted the provisions relating to an Ombudsman for Offenders and instead gives the authority to the Attorney General to establish a program for mediating complaints from an offender concerning: (1) administrative acts which are alleged to be contrary to law or a policy of the NDOC; or (2) significant issues relating to the health or safety of offenders and other matters for which there is no effective administrative remedy.

During the Advisory Commission meeting held on June 6, 2012, Ms. Tonja Brown testified that Senate Bill No. 201 was brought to the Commission in 2010, but that most of the information she wanted to have in the bill was deleted. Ms. Brown requested that the bill be reintroduced as it had been initially written, establishing an Ombudsman for Offenders within the Attorney General's Office. Ms. Brown indicated that having an Ombudsman for Offenders would eliminate future litigation, and she suggested that if there had been an Ombudsman for Offenders, the errors from the computer glitch that occurred in 2007 could have been resolved.

**RECOMMENDATION NO. 21** — Draft legislation to require a best practices review every three to five years with regard to eyewitness identification of criminal suspects. (Commissioner Siegel)

**Background Information for Recommendation No. 21**

**Tab P**— Assembly Bill No. 107 (2011), as enrolled.

During the Advisory Commission meeting held on July 17, 2012, testimony was heard regarding Assembly Bill No. 107 and best practices with regard to eyewitness identification. Assembly Bill No. 107 (Tab P) requires each law enforcement agency to adopt policies and procedures governing the use of live lineups, photo lineups and show-ups. Commissioner Callaway commented that in the field of law enforcement, best practices and techniques change. He suggested that specific procedural practices need to be left in policy so that they can be updated as practices rather than having to be changed in law. In response to Commissioner Callaway, Commissioner Siegel acknowledged that best practices change from year to year, and that eyewitness identification requires best practices and reports from everyone. Commissioner Siegel therefore recommended drafting legislation that requires a best practices review every three to five years.

**ADVISORY COMMISSION  
ON THE ADMINISTRATION OF JUSTICE**

Summary of Recommendations

## ADVISORY COMMISSION ON THE ADMINISTRATION OF JUSTICE

### SUMMARY OF FINAL RECOMMENDATIONS

The 2011-12 Advisory Commission on the Administration of Justice held a final work session on October 10, 2012. At that work session, the Advisory Commission voted to approve six recommendations for the drafting of legislation, two recommendations for the drafting of a letter, and one recommendation to include a statement in the final report.

### BILL DRAFT REQUESTS

1. **Draft legislation to revise provisions relating to the eligibility of certain convicted persons to complete a program of regimental discipline (NRS 176A.780).**
2. **Draft legislation to reinstate a 90 day diagnostic "Safe Keeper Evaluation" prison term (See former NRS 176.158).**
3. **Draft legislation to amend chapter 176 of NRS to require certain time periods for submittal of presentence investigation reports.**
4. **Draft legislation to expand (by 50 persons) and extend the sunset date (by two years) of the pilot diversionary program for alcohol/drug abuse and mental illness established by Assembly Bill 93 (2011).**
5. **Draft legislation authorizing the Director of the Department of Administration to enter into interlocal agreements to use the Fund for Compensation of Victims of Crime to reimburse counties for the fees associated with sexual assault exams. The proposal also seeks to expand the list of potential applicants to the Fund.**
6. **Draft legislation to reintroduce Senate Bill No. 265 (2011), first reprint, relating to the aggregation of consecutive sentences.**

### DRAFT A LETTER

7. **Draft a letter to the Governor and the Chairs of the Assembly Committee on Ways and Means and the Senate Committee on Finance, requesting the Governor and the Legislature to consider sufficiently funding all of the policy recommendations from the Advisory Commission on the Administration of Justice. This letter would include requests for funding relating to: regimental discipline, the safe keeper program, presentence and postconviction reports, the pilot diversionary program, and funding of the Office of State Public Defender.**

8. **Draft a letter to the Chairs of the Assembly and Senate Committees on Judiciary and the Chairs of the Assembly and Senate Committees on Government Affairs requesting that the respective legislative committees examine the appropriate location, assignment and delegation of the Office of Sate Public Defender and to provide adequate funding for the operation of that Office (NRS 180.010).**

**INCLUDE A STATEMENT**

9. **Include a statement in the final report recognizing the need to continue to investigate and support the future study of Nevada's criminal justice system, and to continue to identify possible outside non-state resources for the funding of such technical assistance.**





# NV Judicial Branch

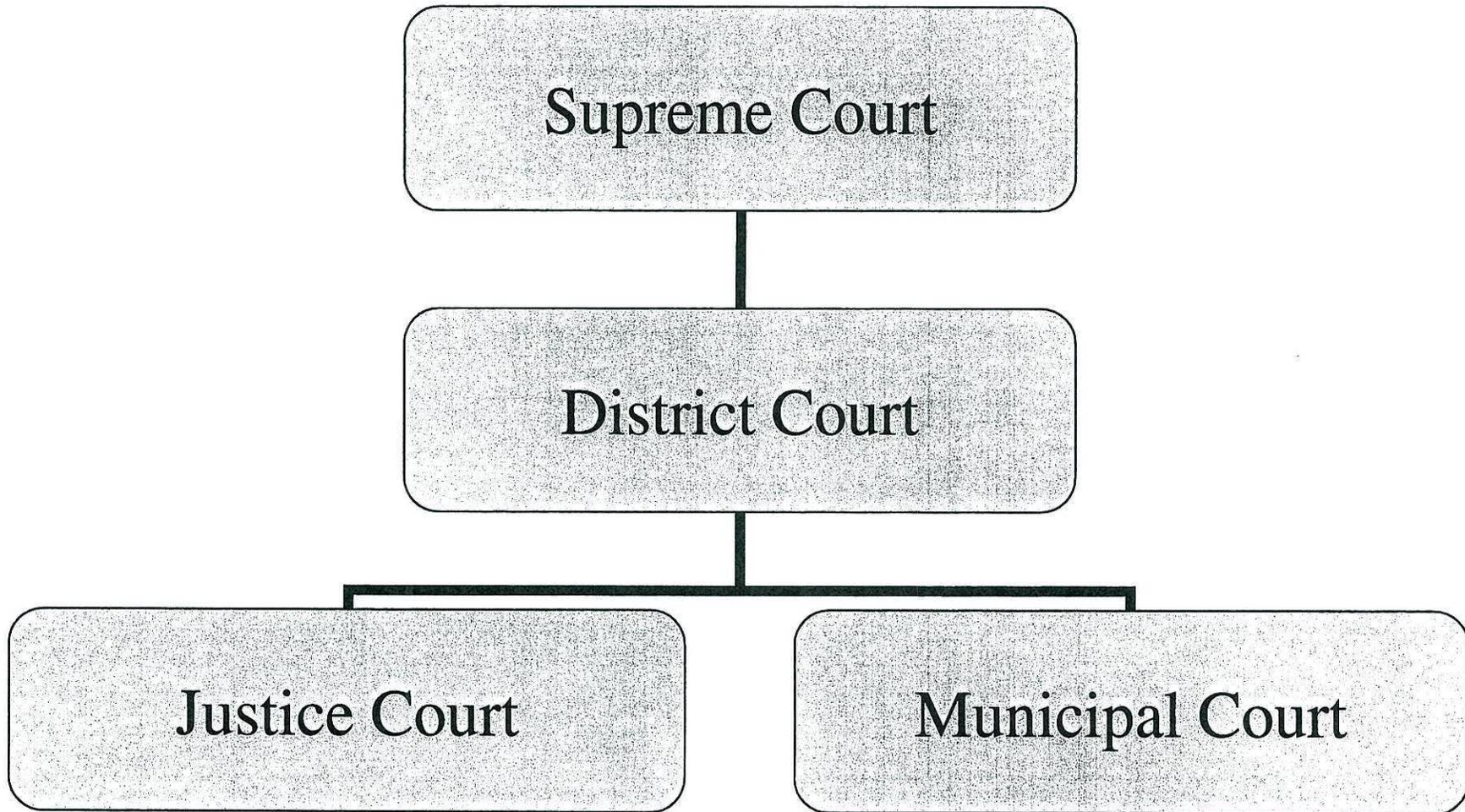
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Nevada Supreme Court  
Administrative Office of the Courts

John McCormick  
775-687-8913  
[jmccormick@nvcourts.nv.gov](mailto:jmccormick@nvcourts.nv.gov)

# Nevada Judicial Branch

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# Nevada Judicial Branch

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- **The Nevada Supreme Court** is the State's final appellate court, and hears all appeals from the District Courts. The court serves as both an error correction court and the court of last resort in the development of Nevada's law.
- There are 7 Justices on the Supreme Court.

# Supreme Court Duties and Jurisdiction

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- ❑ The Supreme Court administers the Nevada Judicial Branch.
- ❑ The Court has appellate jurisdiction over all civil and criminal cases from District Court.
- ❑ The Court has the power to issue *writs of mandamus, certiorari, prohibition, quo warranto, and habeas corpus*.
- ❑ The Court is in charge of licensure and discipline of lawyers.
- ❑ The Court has appellate review for judicial discipline cases.

# Nevada Judicial Branch

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- **Nevada's District Courts** are trial courts of general jurisdiction. The District Courts hear all felony and gross misdemeanor criminal cases; and hear all family, juvenile, and civil cases with a value of over \$10,000. All appeals of District Court decisions go to the Supreme Court.
- There are 10 Judicial District Courts in Nevada with 82 District Judges.

# Nevada Judicial Branch

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- **Justice Courts** handle misdemeanor criminal matters, traffic cases, and preliminary hearings and arraignments for gross misdemeanors and felonies. Justice Courts also hear traffic cases, civil matters, protection orders, and landlord/tenant cases. Justice Courts are referred to as limited jurisdiction courts.
- There are 43 Justice Courts with 67 Justices of the Peace.
- District Court has appellate jurisdiction over Justice Court.

# Nevada Judicial Branch

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- **Municipal Courts** handle misdemeanors and traffic cases in cities. Municipal Courts are referred to as limited jurisdiction courts.
- There are 18 Municipal Courts with 21 Judges, and additionally 9 Judges serve as both Municipal Court Judge and Justice of the Peace.
- District Court has appellate jurisdiction over Municipal Court.



# SJR14

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Michael L. Douglas, Chief Justice  
Nevada Supreme Court



# SJR14

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- SJR14– Proposes to amend the Nevada Constitution to create a court of appeals.
- This court of appeals would help reduce the Supreme Court’s time to disposition of appeals.
- The appellate court would allow the Supreme Court to focus on matters of first-impression, constitutional matters, and death penalty cases.



# Supreme Court

Article 6, Sec. 1, 2, 3, 4, & 19; NRS Chapter 2

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Fiscal Year	Cases Filed	Cases Disposed	Published Opinions
2006	2,086	2,129	122
2007	2,132	2,193	98
2008	2,238	1,959	90
2009	2,152	2,167	98
2010	2,266	2,419	63

# Nevada Supreme Court Caseload Compared with Selected Other States

## Characteristics of Nevada and Other Selected Appellate Courts With and Without Courts of Appeals.

All data from respective states' most recent annual report or web page (2008, 2009).

	Nevada	Montana <sup>a</sup>	Maine <sup>a</sup>	Arizona <sup>a,b</sup>	New Mexico <sup>a</sup>	Kansas <sup>a</sup>	Utah <sup>a,b</sup>
Population rank <sup>c</sup>	35	44	41	14	36	33	34
<b>Court of Appeals</b>							
Justices				22	10	13	7
En banc or panels				Panels	Panels	Both	Panels
Cases filed & granted <sup>d</sup>				3,535 <sup>f</sup>	928 <sup>f</sup>	1,830 <sup>f</sup>	871 <sup>f</sup>
Cases per justice				161	93	141	124
<b>Supreme Court</b>							
Justices	7	7	7	5	5	7	5
En banc or panels	Both	Both	En Banc	Both	En Banc	En Banc	En Banc
Cases filed & granted <sup>d</sup>	2,266	627 <sup>f</sup>	733 <sup>f</sup>	1,023 <sup>f</sup>	601 <sup>f</sup>	1,215 <sup>f</sup>	593 <sup>f</sup>
Cases per justice	324	90	105	205	120	174	119

<sup>a</sup> Supreme Court has discretion in case review.

<sup>b</sup> Court of Appeals has discretion in case review.

<sup>c</sup> Source: U.S. Census Bureau, Population Estimates Program: September 2009 website  
<http://factfinder.census.gov>.

<sup>d</sup> Includes mandatory cases and discretionary petitions filed and granted, unless otherwise noted.

<sup>f</sup> Includes mandatory cases and total discretionary petitions filed. Number of filings granted for review not available.



## Nevada Supreme Court's Court of Appeals Business Plan

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- Use the model of Supreme Court 'push down' or deflecting authority
- 3 new judges and staff
- Use existing space at the Regional Justice Center in Las Vegas
- Current costs for implementation \$1.6 million for personnel (2007 estimate)
- The earliest any cost would be incurred for the court of appeals would be the year 2016
- 2007 Report, 2009 white paper, and other resources available at:  
<http://www.nevadajudiciary.us/index.php/courtofappeals>

**BRIAN SANDOVAL**  
*Governor*

STATE OF NEVADA



**BRUCE H. BRESLOW**  
*Director*

**GAIL J. ANDERSON**  
*Administrator*

DEPARTMENT OF BUSINESS AND INDUSTRY  
**REAL ESTATE DIVISION**

[www.red.state.nv.us](http://www.red.state.nv.us)

**Bio Gail J. Anderson**  
**Administrator, Real Estate Division**

Gail Anderson has served as Administrator of the Real Estate Division within the Department of Business and Industry since July 2002, during which time she also served as Deputy Director for the Department of Business and Industry from July 2007 to February 2009. She returned as Administrator of the Real Estate Division shortly after the 2009 Legislative Session had convened. She has had the privilege of participating in five legislative sessions working with budgets and policy matters on the ten chapters of law under the Division's jurisdiction.

Ms. Anderson served as the Education Officer for the Real Estate Division from 1996 to 1998, and served as Principal and Administrator of Schools for a K through 12 private school in Las Vegas.

Ms. Anderson completed her Master of Education in Educational Leadership at the University of Nevada, Las Vegas in 1997 and earned a Bachelor of Arts from Seattle Pacific University...many years before that.

Ms. Anderson moved to the sunshine of the Silver State in 1993 from Seattle, Washington and is active in the community through involvement in Trinity Educational Foundation and her church.

**Description of Programs**

The Real Estate Division carries out the statutory duties of administration and enforcement of laws and regulations governing real estate licensees, appraisers of real estate, appraisal management companies, community managers for homeowner associations, reserve study specialists, timeshare agents and representatives, property managers, inspectors of structures, energy auditors, business brokers, and asset management companies and asset managers acting in behalf of a bank or lending institution before a foreclosure or in preparation of liquidation of real property owned by the bank or lending institution.

The Division registers and regulates the sale of subdivided land, timeshare development and sales, and membership campgrounds. Homeowner associations in common-interest communities and their boards as well as condominium hotels also come under the jurisdiction of the Real Estate Division.

The Real Estate Division works with three Governor-appointed Commissions – the Real Estate Commission, Commission of Appraisers of Real Estate and Commission for Common-Interest Communities and Condominium Hotels.



DEPARTMENT OF BUSINESS AND INDUSTRY  
REAL ESTATE DIVISION

[www.red.state.nv.us](http://www.red.state.nv.us)

Overview of the Common-Interest Communities Program – NRS 116  
Gail J. Anderson, Administrator  
December 6, 2012

**HOA Registration** (As of October 31, 2012)

- 2,993 Registered Homeowner Associations
- 492,674 Total Units

**Ombudsman's Conference Program**

All complaints against association boards or unit owners are filed with the Ombudsman for Owners in Common-Interest Communities pursuant to NRS 116.760. From July 1 through November 26, 2012, 127 affidavits have been filed with the Ombudsman. The Ombudsman offers to meet with parties regarding the filed intervention affidavit to attempt to resolve the issue. If the parties do not agree to meet with the Ombudsman, or if they meet and are unable to resolve the matter, the affidavit is forwarded to the Compliance Section for investigation if it involves a violation of law. If it involves a dispute over a governing documents issue, the complaining parties' only option is the Alternative Dispute Resolution Program for arbitration.

**Referee Pilot Program**

The Ombudsman is participating in a pilot referee program through the Department of Business & Industry for complaints that concern governing document issues. The Ombudsman refers matters that are not resolved to an arbitrator who holds a hearing on the matter and issues a non-binding decision. Parties are not required to attend and there is no-cost to participants. [The program is funded through the Department of Business & Industry by a grant which ends June 30, 2013.] As of November 14, 2012, 21 referee hearings have been held. The feedback on this pilot program from participants has been very positive.

**Compliance Investigation Section**

The Compliance Section had 296 open investigations as of October 31, 2012. One-hundred forty-nine of those were opened since July 1, 2012. [116 of those are regarding community managers; 180 are regarding boards or unit owners] Complaints against licensed community managers are filed directly with the Compliance Section. Licensees hold a privileged license and take mandatory pre-licensing education, pass an examination, and take continuing education to maintain their license.

**Education**

The program offers a proactive state-wide education outreach program for board members and owners. Each month, ten to twelve classes are offered in the south, and the program training officer travels north at least quarterly to offer multiple classes. In addition, commencing in October, "Q & A" sessions are scheduled each week in the south to provide constituents with an opportunity to ask questions and get answers from Division staff. Questions and Answers which come in by e-mail are posted on the Division's web site. The program continues to enhance video and audio web content on specific topics and questions to make information broadly available.