

**MINUTES OF THE 2017-2018 INTERIM  
COMMITTEE TO STUDY THE ADVISABILITY AND FEASIBILITY OF TREATING  
CERTAIN TRAFFIC AND RELATED VIOLATIONS AS CIVIL INFRACTIONS**

**December 21, 2017**

The meeting of the Committee to Study the Advisability and Feasibility of Treating Certain Traffic and Related Violations as Civil Infractions was called to order by Chair Steve Yeager at 9:12 a.m. at the Grant Sawyer Building, Room 4412, 555 East Washington Avenue, Las Vegas, Nevada, and via videoconference at the Legislative Building, 401 South Carson Street, Room 3138, Carson City, Nevada. Exhibit A is the Agenda, and Exhibit B is the Attendance Roster. All exhibits are available and on file in the Research Library of the Legislative Counsel Bureau.

**COMMITTEE MEMBERS PRESENT (LAS VEGAS):**

Assemblyman Steve Yeager, Assembly District No. 9, Chair  
Senator Kelvin Atkinson, Senatorial District No. 4  
Senator Tick Segerblom, Senatorial District No. 3

**COMMITTEE MEMBERS PRESENT (CARSON CITY):**

Senator Donald Gustavson, Senatorial District No. 14  
Assemblyman John Ellison, Assembly District No. 33

**COMMITTEE MEMBERS EXCUSED:**

Assemblywoman Dina Neal, Assembly District No. 7

**STAFF MEMBERS**

Bryan Fernley, Senior Principal Deputy Legislative Counsel, Legal Division, Legislative Counsel Bureau  
Daniel Peinado, Senior Deputy Legislative Counsel, Legal Division, Legislative Counsel Bureau  
Angela Hartzler, Secretary, Legal Division, Legislative Counsel Bureau  
Jordan Haas, Interim Secretary, Legal Division, Legislative Counsel Bureau

**OTHERS PRESENT:**

Amanda Essex, Policy Associate, National Conference of State Legislatures  
John McCormick, Assistant Court Administrator, Administrative Office of the Courts  
Judge Kevin Higgins, Chief Judge, Sparks Justice Court  
Judge Camille Vecchiarelli, Justice of the Peace, Dayton Township Justice Court

Chuck Callaway, Director of Intergovernmental Services, Las Vegas Metropolitan Police  
Department

Adam Page, Captain, Nevada Highway Patrol

Sheriff Mike Allen, Humboldt County

Joseph Trotter, Deputy Sheriff, Carson City Sheriff's Office

Michael Jerauld, Deputy Sheriff, Carson City Sheriff's Office

Kevin Cook, Deputy Sheriff, Carson City Sheriff's Office

Colleen Baharav, Chief Deputy District Attorney, Clark County District Attorney's Office

Jennifer Noble, Deputy District Attorney, Washoe County District Attorney's Office

Cheryl Wilson, Chief Deputy District Attorney, Washoe County District Attorney's Office

Assemblyman Al Kramer, Assembly District No. 40

**Assemblyman Steve Yeager (Assembly District No. 9, Chair):**

I will now open the first meeting of the Committee to Study the Advisability and Feasibility of Treating Certain Traffic and Related Violations as Civil Infractions.

Most of you probably know the Legislators on this Committee, but you may not know our Committee staff, so I'll have them introduce themselves.

**Bryan Fernley (Senior Principal Deputy Legislative Counsel, Legal Division, Legislative Counsel Bureau):**

I have been in the Legal Division of the Legislative Counsel Bureau (LCB) since 2005. I've also been committee counsel for the Senate Revenue and Economic Development Committee, the Assembly Taxation Committee and the Senate Commerce, Labor and Energy Committee. I've staffed a few interim committees in previous interims. I've staffed the Legislative Committee on Child Welfare and Juvenile Justice and the Committee on Energy. I will be legal counsel for the Committee.

**Daniel Peinado (Senior Deputy Legislative Counsel, Legal Division, Legislative Counsel Bureau):**

I've been working with the LCB since 2007. Most recently, I've been supporting the Judiciary Committees, primarily on the Assembly side, but also on the Senate side, drafting bills. I also often work supporting commerce issues, professional boards and labor issues.

**Mr. Fernley:**

For additional Committee staff, we have Angela Hartzler, who is the Committee secretary in Carson City, and Jordan Haas, who is the Committee secretary in Las Vegas.

**Chair Yeager:**

If anyone has any issues, or wants to present in front of the Committee in the future, feel free to reach out to any of the staff members or any of the Committee members.

I will now open public comment. Seeing none, I will close public comment. I will now open agenda item IV, which is a review of the duties and responsibilities of the Committee.

**Mr. Fernley:**

I will give a brief overview of the duties and responsibilities of the Committee. Assembly Concurrent Resolution (ACR) 9 actually directed the Legislative Commission to create this Committee.

**ASSEMBLY CONCURRENT RESOLUTION 9:** Directs the Legislative Commission to conduct an interim study concerning treating certain traffic and related violations as civil infractions. (BDR R-1064)

A concurrent resolution is an expression of the will of the Legislature that is concurred in by both houses. So, this was really a direction from the Legislature to have this Committee formed and to conduct a study of the advisability and feasibility of treating certain criminal violations of traffic laws and laws relating to driver's licenses and the registration and insurance of motor vehicles as civil infractions. Currently, these matters are treated as criminal matters, and this Committee is directed to study transforming that into a system of civil infractions.

The Committee's specific duties in performing this study are to examine existing laws concerning traffic laws, laws relating to driver's licenses and the registration and insurance of motor vehicles and the treatment of those laws as criminal offenses. The Committee is directed to study laws of other states in this area. The Committee is directed to study the appropriate and necessary elements of a system to treat violations of these laws as civil infractions, including, without limitation, computer systems, court procedures, training and staffing. Finally, the Committee is directed to study anticipated fiscal effects of moving to a system to treat these violations as civil infractions. That would include the effects on both the State and its political subdivisions: local governments, counties, cities, etc.

As a study committee, the Committee does not have a bill draft request (BDR) allocated to it. The Committee is directed to submit a report to the Legislative Commission, and the Legislative Commission will then submit that report to the next session of the Legislature. As I said, the Committee does not have any BDRs, but if legislation is recommended by this Committee, individual Legislators or committees could submit a BDR based on those recommendations. Finally, if there are any recommendations for

legislation proposed by this Committee, those recommendations must be approved by a majority of members of the Assembly and a majority of the members of the Senate appointed to the Committee. So, in order to recommend any legislation proposed by the Committee to the Legislature, it would need to be approved by two Assembly members on the Committee and two Senators on the Committee.

**Chair Yeager:**

Assembly Concurrent Resolution 9 was a measure I sponsored during the session. I know some of you in the room know this, but just to give a little bit of background, this idea is not new in Nevada. There were bills in both 2013 and 2015 that, in some sense, sought to do this, and I think both of those bills failed ultimately because there just wasn't enough work that was done before the bill was introduced. So, in introducing this resolution, my recognition there was that I didn't think we had enough time to really look at this issue during a 120-day session. So, the hope that I have for this Committee is to be able to gather the facts and decide—keep in mind, there are two parts to this. One is the feasibility, “Can we do this?” The second one is the advisability, “If we can, should we do it?” I want to assure members of the public and those that are here that this is not a done deal by any means. I think what we're here to do today and in future meetings is to make sure we have all the facts, we understand how these citations are processed in the real world in courts, and what potential impact it would have if we make this change. So, in inviting folks to testify, it certainly would be helpful to give us the facts, but also if you have views about real-world experience about where the sticking points would be, where the difficulties would be, we certainly would appreciate that information as well. I don't think any of us up here are in the trenches day to day on these issues, which is why we have all of you here with us today and in future meetings to help us work through that. As you heard, we don't have a BDR, so if, at the end of this process, we ultimately decide to make recommendations, obviously that legislation would still have to be vetted in the 2019 Session through the regular process, so there would still be time to weigh in there. So, that's my hope for the Committee, and I didn't want to give anyone the impression that we'd already come to a decision, because I know, speaking for myself, I certainly haven't come to a decision. I don't think I have the information that I need to make that decision at this point.

I will now open agenda item V, which is an overview of the treatment of traffic and certain related violations in other states. We're fortunate this morning to have with us Amanda Essex from the National Conference of State Legislatures (NCSL). Thank you for joining us here this morning.

**Amanda Essex (Policy Associate, National Conference of State Legislatures):**

I am a senior policy specialist in the Transportation and Criminal Justice programs at the NCSL. I'm going to provide an overview of the treatment of traffic violations around the country. For those who are not aware of the NCSL, we are a non-profit, bipartisan

organization ([Agenda Item V](#)). We serve all 50 state legislatures, including 7,383 legislators and over 30,000 legislative staff around the country. We have offices in both Denver and Washington, D.C., and we provide research and information on a wide range of policy topics, including topics related to criminal justice and transportation.

Here's a brief outline of what I plan to address during this presentation ([Agenda Item V](#)). I will start with some background on criminal justice reform efforts around the country in a range of areas. Generally, reform has resulted in states redefining penalties for certain offenses, and one of the leading outcomes of this reform more broadly, and decriminalization specifically, is to decrease the incarcerated population of a state. When offenses are decriminalized, individuals are not subject to being jailed for an offense, although there is the potentiality for incarceration if someone fails to pay a fine. I will then provide specific context regarding the history of traffic offense decriminalization around the country, and wrap up with some comparative examples of decriminalization or comparable approaches in other states.

Every state has established a criminal code and sentencing system that includes motor vehicle violations. This is really where the similarities end. Each state, territory and the federal system are unique. Criminal codes define what constitutes a crime and outline punishments allowed for that crime. Most states have a general classification according to severity, typically A, B, C, 1, 2, 3, for instance. Where a crime is punished does have fiscal implications. For instance, felony prison sentences generally have state responsibility, whereas misdemeanors result in local control and local costs.

Goals of state sentencing and corrections policies are to hold offenders accountable and protect public safety. There has also been a recent focus on ensuring the responsible use of public funds. In recent years, we've seen states lowering penalties for possession of small amounts of drugs, while maintaining or increasing penalties for larger quantities and drug trafficking offenses. In the last 5 years, more than one-third of states have amended drug penalty thresholds, generally increasing the amount of drugs that qualify for each penalty range. The clearest example that comes to mind for many people is the decriminalization of marijuana. This generally means that certain small, personal consumption amounts are a civil or local infraction, rather than a state crime, or the lowest level misdemeanor without the possibility of jail time. So, while this information is specific to marijuana decriminalization, it really does help illustrate the larger picture that states have taken a range of approaches to decriminalization. Twenty-two states and Washington, D.C. have decriminalized marijuana, and this does include the states that have legalized possession. In a number of states, the decriminalized amount is 1 ounce or less. However, in Maine, the amount is 2 1/2 ounces. In Minnesota, it's 1 1/2 ounces. North Carolina makes 1/2 ounce or less of marijuana possession a no-jail misdemeanor. Similarly, in Missouri, it's a no-jail misdemeanor for a first offense possession of 1/3 ounce. In Colorado, public use is a petty offense, as is possession of more than 1 ounce but less than 2. So, this really does illustrate that there's quite a bit of variation here. A handful of states have also

enacted laws reducing non-marijuana personal possession penalties, from a felony to a misdemeanor.

One other change that we've seen in a number of states involves raising the thresholds for felony theft. By increasing the value amount for theft that results in felony charges, this has the effect of lowering penalties for smaller-dollar-value thefts. Since 2005, about 30 states have increased the dollar threshold for theft offenses. States have done this to modernize the law, as well as to keep up with the rate of inflation. While concerns have been raised that this could result in increased property crime, a study from the Pew Charitable Trust found that raising the felony theft threshold has shown no impact on overall property crimes or larceny rates.

A 2012 national poll of registered voters actually found overwhelming support for policy changes that provide more effective and less expensive alternatives to prison. State-specific polls have found the same thing. A 2016 poll of crime victims similarly found that 6 in 10 prefer shorter prison sentences, more spending on prevention and rehabilitation rather than prison sentences that keep offenders for as long as possible. Legislative action has really focused on preserving costly prison space for the most serious offenders and offering treatment-based alternatives for others. I already touched on a few of the specific policy changes we've seen in order to further this goal.

So, we started out here by looking at the big picture and looking at how states have been modifying their criminal justice systems. However, this background does help to frame the discussion related to traffic offense decriminalization. As I've mentioned, much of the legislation within the realm of decriminalization has related to drug possession. However, a number of states have taken action to decriminalize traffic violations. In the early 1970s, it was recommended that moving violations be reclassified as noncriminal infractions by the National Highway Safety Advisory Committee. According to a 2015 law review article by Jordan Blair Woods entitled "Decriminalization, Police Authority, and Routine Traffic Stops," since 1970, 22 states have decriminalized the bulk of minor traffic offenses by removing criminal penalties and reclassifying the offenses as noncriminal offenses. Decriminalization in 14 of those states actually took place in the 1970s, in 6 states in the 1980s, in Vermont in 1990, and Hawaii had two separate decriminalization efforts in 1978 and 1993. According to the article, in each of these states, noncriminal traffic violations are not punishable by incarceration. There have also been additional decriminalization efforts more recently in states such as California and Utah. It should be noted that some traffic violations in these states do remain criminal offenses. Driving under the influence (DUI) is one of the clearest examples of offenses that remain criminal. One of the most significant benefits inherent within these changes is a reduction in costs of criminal proceedings and detention. Violators do not have to go through the criminal justice system in order to address a ticket. The result is less burden on court dockets. Similarly, when the violation is not criminal, the right to counsel does not attach.

So, I imagine you all are quite familiar with the relevant penalties in Nevada for traffic violations, given the duties of this Committee, but here is a statutory excerpt addressing this. This statute, NRS 484A.900 (Nevada Revised Statutes), makes it a misdemeanor to violate any portion of the vehicle code. The language of this statute is actually very similar to statutory language in other states, defaulting to a misdemeanor if the level of offense is not otherwise specified. However, many states do specify within individual statutes that they are a traffic violation or a civil offense.

Georgia's traffic penalty system is similar to that of Nevada. In Georgia, currently all traffic violations are criminal offenses. Nevada and Georgia are actually both fairly unique in this sense. Georgia has studied the possibility of reclassifying certain traffic offenses to civil infractions, but it doesn't appear that they've taken action on this topic yet, at least not that I have been able to locate. The state convened an Interim Traffic Reform Proposals Study Committee to the House Comprehensive Motor Vehicle and Traffic Reform Study Committee of the Georgia House of Representatives in 2012. The proposals from that committee included reclassifying certain equipment and nonmoving misdemeanors to fine only criminal offenses. Some of the offenses they recommended for change included minimum speed in the left-hand lanes, laws related to brake lights and turn signals, and exhaust system requirements, among others. As you can see, Georgia also has statutes specifying that any violations relating to the registration and licensing of motor vehicles or the uniform rules of the road are misdemeanors punishable by up to 12 months in jail plus a fine ([Agenda Item V](#)).

So, now I'm going to transition into states that really have decriminalized their motor vehicle code. The first example here is among the most traditional approaches. Utah's justice reinvestment initiative in 2015, House Bill 348, really ties together the background information that I started with, along with this decriminalization trend. The legislation reclassified certain misdemeanor traffic offenses from class B to class C misdemeanors, and from class C misdemeanors to infractions. This allowed the state to focus their jail resources on more serious offenders. In this legislation, the state lowered the penalty for most first and second drug possession offenses to misdemeanors. That meant that the burden for housing these offenders would be shifted to local jails. So, in order to balance this resource shift, they also decreased the penalties for most traffic offenses down a level, resulting in little to no jail time. The state did not change the penalties for reckless driving and DUI.

Earlier this year, the Commission on the Future of California's Court System published a report to the Chief Justice. One of the primary recommendations of the report included creating a civil model for adjudication of motor vehicle infractions in order to free up court and law enforcement resources and simplify procedures for defendants. According to the report, the state already allows certain offenses to be charged as either a misdemeanor or infraction, and this recommendation would result in expanding that authority. The report explains that the average cost to adjudicate a misdemeanor is \$380, while it is approximately \$35 for an infraction. The state had an experimental

program in 1979, the Traffic Adjudication Board, that was created as an independent state agency to test the feasibility of decriminalizing offenses. The program was met with approval, but funding wasn't available to pursue expansion at that time. It's worth noting that the commission sought public input on this concept, and according to the report, the recommendation generally received full support, as well as support with some suggested modifications, although there was some opposition expressed.

Massachusetts has taken a different approach to decriminalization. The state provides discretion for district attorneys regarding the levels of certain traffic offenses. Legislation in 2006 modified the state statute shown ([Agenda Item V](#)) to allow district attorneys to treat some misdemeanors as civil infractions, including operating after a driver's license or vehicle registration is suspended and operating an uninsured motor vehicle. The statute specifies a number of offenses that cannot be downgraded, but many traffic violations are eligible for this modification.

Another approach that we have seen in states to expand discretion can be found in the form of citation in lieu of arrest. The NCSL has a 50-state resource online with information regarding citation in lieu of arrest laws around the country. This gives law enforcement the discretion to issue a citation rather than arresting an individual or holding them for continued detention. The citation releases the person on the promise to appear in court at a specified day and time. Nearly all states provide discretion for misdemeanor crimes or petty offenses. In 24 states, there is a presumption that law enforcement will issue a citation in lieu of arrest for certain crimes. Four states allow them for some felonies, and eight states do not specify the types of crimes for which an officer has discretion. The law in Nevada on this topic is generally similar to the laws of many other states. The image in the presentation ([Agenda Item V](#)) includes a hyperlink to the NCSL's webpage on this.

There is a class of misdemeanor known as a petty misdemeanor in Minnesota. Violations of traffic regulations are classified as petty misdemeanors, unless the violation is committed under circumstances so as to endanger or be likely to endanger any person or property, or if it's preceded by two or more petty misdemeanor convictions in the prior 12 months. If someone is convicted of a petty misdemeanor, they're subject to a fine of up to \$300 and not subject to incarceration. This is a different approach that doesn't fully decriminalize traffic offenses, and it keeps them in the criminal system, rather than moving them to the civil system. But it does ensure that for minor traffic offenses, the offender is not subject to incarceration.

I will be happy to answer any questions you have, and if I don't have an answer, I'm happy to take it back to the NCSL office and look into it for you.

**Chair Yeager:**

Thank you for your presentation.

**Senator Tick Segerblom (Senatorial District No. 3):**

I recall that when this issue first came to the Legislature, the primary concern seemed to be by the local governments, that they were going to lose a ton of money if they didn't have a criminal penalty to help collect these fines. Do you have any states where they've switched to civil to see if they in fact lost revenue because of that?

**Ms. Essex:**

I don't know the answer to that for sure, but I would certainly be happy to look into it and see what states' experiences have been on that aspect.

**Senator Segerblom:**

Thank you. If I can ask the Committee Chair to make that directive?

**Assemblyman John Ellison (Assembly District No. 33):**

For one of the ones that talks about lowering penalties, it says "theft threshold." You said there was going to be an amount put to that. Is that correct? Is that how you put that?

**Ms. Essex:**

Yes. A theft threshold is the level they put on an offense indicating at what point it becomes a felony. So, if someone stole \$100 worth of goods, if they had increased the theft threshold, then that would result in a lower penalty for that. I was using that more as an example of other approaches that states have taken in the broader topic, so I apologize that it's not exactly on point to this topic. But I hope that helps clarify. Please let me know if you'd like me to explain further.

**Assemblyman Ellison:**

I'm trying to get into this thing more and more. One thing I do want to ask is, if somebody did not show up but they did get a citation, at that point in time, what do the courts do? Because if they got a citation for some of these, like marijuana possession or theft or whatever the citation offense is, these tickets have got to go somewhere. At that point in time, if they don't appear in court, then what do you do? Do you go ahead and issue a bench warrant at that point in time?

**Ms. Essex:**

I can't answer specifically for every state. I know that in some states that is the case, but there is variation in that.

**Chair Yeager:**

I had a few questions, looking at the presentation. For instance, I can't remember which state it was, but you mentioned that one state essentially has misdemeanors, which I take it are criminal, but they're no-jail misdemeanors. So, along the lines of what Assemblyman Ellison asked—and if you don't know, that's certainly okay—I'm just wondering, in states like that, what happens if you don't pay the fine? If you don't know, maybe it's something you could look at as to how they approach that. They're criminal in the first place, but could there be jail time in terms of what the enforcement mechanism is? Because obviously, mostly with these misdemeanors, if you don't pay, you get a bench warrant, then you get picked up on the bench warrant, meaning you get arrested. You come in and you work something out with the judge, whether it's making a payment plan or spending time incarcerated. Do you know on that particular one, the no-jail misdemeanors, whether incarceration is possible down the road if they continue to willfully not pay or not show up in court?

**Ms. Essex:**

In some states, that is the case. I believe the two I mentioned for no-jail misdemeanors were Missouri and North Carolina. I don't know specifically for those two, but I can certainly look into that and get you that information.

**Chair Yeager:**

In Utah, you had mentioned that they have classes of misdemeanors, and I know other states do that as well. Here, we really don't. We just have your run-of-the-mill misdemeanor, which is up to 6 months. For some, we have gross misdemeanors, which are 12 months, but we really don't have a classification system. I take it that in Utah, I assume that, for instance, between a class B and class C, maybe the penalties or the jail time that's potentially possible is different or aggregated as you go higher up in the scheme of misdemeanors. Is that right?

**Ms. Essex:**

I believe that is accurate. I'm trying to remember specifically. I apologize, some of these did get mixed up in my head as to what the specifics are for each state.

**Chair Yeager:**

No, that's okay, and I didn't expect you to anticipate that we'd have these kinds of questions beforehand. I think it would be useful, if you're able to, for a couple of those states you referenced, whether it's criminal misdemeanors without the potential for incarceration, or whether it's Utah that has classes of misdemeanors, or even Minnesota with the petty misdemeanors, what happens if the person doesn't comply?

How do they try to assure compliance? Is it solely a civil matter in that it gets referred to collections and goes through that process, or is there some way that the court, at some point, can intervene and sort of say, "Enough is enough," and potentially look at other options? I think that would be helpful for those.

This is sort of beyond the scope of your presentation, but I'll ask it anyway, just in case you know, or maybe you can refer us to someone who does. I'm curious about background checks that are done, both on state levels and the federal level in terms of whether traffic infractions, and we're talking about the states that hold them as criminal infractions, just your run-of-the-mill misdemeanors, whether those kinds of things come up on background checks, or if there's some sort of threshold where the background check's not going to include speeding tickets and parking tickets and that sort of thing. The reason I ask is because, at one point a number of years back, I had heard of a case, and I think it had a Nevada connection, where someone was attempting to complete an adoption, and a background check showed some misdemeanor traffic infractions which caused some problems for that individual in terms of the background check. So, I'm just wondering if there's information out there about those sorts of issues. If it's beyond the scope of what you're doing, that's fine, but I just wondered if there was maybe someone at the NCSL or one of the organizations who might have a focus on that. It's a long-winded question, but I'm just throwing it out there. Maybe other folks in the audience who are coming up later can weigh in on that as well. But if you have any particular thoughts or ideas, I'd certainly welcome them on that topic.

**Ms. Essex:**

I think there likely is someone at the NCSL who would have this information. In some of my reading, I did come across this as a concern, that when they continue to be labeled as a misdemeanor, they do come up in background checks, at least in some states. So, that has been a concern, but I don't have more specifics on that.

**Chair Yeager:**

Seeing no additional questions from Committee members, I want to again thank you for joining us here this morning. Thank you for preparing and being here and sharing information with us. We appreciate it.

I will now open agenda item VI. We have presentations by representatives of the court in the State on the manner in which these violations are handled.

**John McCormick (Assistant Court Administrator, Administrative Office of the Courts):**

With me are Judge Kevin Higgins from the Sparks Justice Court and Judge Camille Vecchiarelli from the Dayton Justice Court. The judges are much more prepared to

answer specific process questions and will be giving a presentation on that. I have a brief overview of the topic of traffic misdemeanors and Nevada's courts that I'll go into. This first slide ([Agenda Item VI A-1](#)) points out where the traffic laws reside in the NRS in Title 43. Just of note, in 2009, Chapter 484 was reorganized into these different subchapters of 484A, etc., by A.B. 475, which was primarily sponsored by the limited-jurisdiction courts because we had found that Chapter 484 was just getting too big and convoluted to understand or charge.

**ASSEMBLY BILL 475:** Makes various changes concerning the revision of statutes.  
(BDR 17-47)

Also of note, sentencing on misdemeanors is primarily in Chapter 176, and we'll talk a little bit about that later when I get to administrative assessments, and I believe criminal disposition reporting is in Chapter 176A, just for your information.

For jurisdiction, in Chapter 4, justice courts have misdemeanor jurisdiction in their township or county, depending on how many justice courts exist within the county ([Agenda Item VI A-1](#)). Again, Judge Higgins will talk a little bit more about how citations get filed into the various courts. Municipal courts have misdemeanor jurisdiction within city limits, and I neglected to put in the presentation that juvenile traffic offenses, because they are considered delinquency matters, are handled by the district court pursuant to Title 5, which states that the district court has exclusive jurisdiction over juvenile matters. Some district courts have chosen to appoint some of the local justices of the peace or municipal court judges as juvenile traffic masters, but again, the primary authority resides within the district court.

This is a brief overview of traffic case processing ([Agenda Item VI A-1](#)). As I indicated, the judges here with me will be able to get much deeper into that and explain the process in a little more detail. But again, this is just a broad overview. There's a citation, the citation has to get to the court, there's the option for forfeiture of bail or the appearance to enter a plea, go to trial, sentence—and administrative assessments are a big part of that, and I think that's one of the funding concerns that's associated with this study—and then obviously collections enforcement and the various options for that.

I have provided you with a handout on traffic offenses ([Agenda Item VI A-2](#)). You can see here that we have the offenses statewide, by urban and rural jurisdictions, then by judicial district, and of course, that's just a geographic representation, but you can see that adult traffic has declined from a high of 619,000 cases in Fiscal Year 2009 to a low in 2016 of 403,000, and 411,000 in 2017. I think the decline has a number of causes. There have been a number of law enforcement agencies that have had fewer officers. There have been issues as far as doing traffic enforcement and issuing citations. Along with the fall in traffic offenses, there has been a commensurate reduction in administrative assessment revenue. I'll mention again that the administrative assessment revenue funds the state judicial branch, local courts and local juvenile

courts, as well as a number of executive branch programs and specialty courts, so that funding source has become somewhat unstable and has declined.

Here you can see that there are cases and charges ([Agenda Item VI A-2](#)). The reason charges are presented is because the administrative assessment and the fine are attached to each charge, not just to each case. But the overall trend in traffic violations in the last 10 fiscal years has been substantially downward across the state.

Again, I keep mentioning administrative assessments, but those are the fees that are attached to misdemeanor offenses within the State of Nevada, and that includes traffic misdemeanors, as well as more general misdemeanors ([Agenda Item VI A-1](#)). The general assessment is found in NRS 176.059, and the first \$5 of that assessment goes directly to the State general fund pursuant to the legislative action in the 2010 Special Session. Of the remaining part of that, \$3 and \$7 stay local, with \$3 for the juvenile court and \$7 for the local court. Then, the State portion, \$5, comes off the top. Of the remaining State portion, at least 51 percent goes to the Supreme Court to fund the judicial branch at the State level, and then the remaining portion of that funds a number of executive branch programs, including the Peace Officer's Standards and Training (POST) Commission, the criminal history repository and domestic violence programs at the Attorney General's office. So, as traffic citations and violations have gone down, those funding sources have gone down as well. Also attached as an administrative assessment, and now every county in the State has imposed this, is a court facility fee that can be imposed for up to 50 years, and this is \$10 that goes to the local court to improve court facilities. This helped pay for the Regional Justice Center in Las Vegas. It's one of the few sources that courts have to improve their facility, remodel, get new furniture, fixtures, etc., and the revenue also supports court technology. There's an additional assessment of \$7 that goes to specialty courts. That goes to the Supreme Court and is distributed statewide to our specialty court programs to fund those therapeutic courts. There is the DNA fee, and this administrative assessment attaches not only to misdemeanors but felonies and gross misdemeanors as well. It's a fee of \$3 to support DNA testing of felony arrestees.

So, I think one of the concerns that this Committee is going to want to examine is the impact on the funding of these programs through potential decriminalization and enforcement efforts. Unfortunately, we've had some turnover at the Supreme Court recently, and I do not have good administrative assessment revenue numbers for you. I promise I will have those for the next meeting or as soon as I can get those pulled together. You will see that they obviously kind of mirror the trends in traffic filings. Here's a list of high-level things we think about as potential impacts to the State and local governments as far as the conversion of these misdemeanor offenses to civil infractions ([Agenda Item VI A-1](#)). Obviously, I've belabored the point on administrative assessment funding. For case processing changes, to update court processes, there's obviously going to be training of court staff and training of judges. Additionally, we're going to have to update our case management systems, and that could be a substantial

cost to modify the system to process cases in a civil matter rather than a criminal matter.

Collection enforcement, of course, is always a question. Currently, courts have the options to send these fines and fees to collections, and a lot of courts do that because, at least anecdotally, issuing bench warrants and putting people in jail for this is not what courts want to do. It's the option they're afforded. As Chair Yeager commented, folks who failed to comply willfully are the ones who end up in jail, or else we run afoul of federal Supreme Court case law. So, what are the enforcement mechanisms? What do other states use? For example, Arizona has done some decriminalization, and they've created a state office that's funded by the state to collect these civil penalties, and they use driver's license suspension, traditional collection calls, letters, etc. There's also an option for additional court sanctions. One thing I want to look at and haven't looked at yet is collection rates between the decriminalized and the criminalized, for lack of a better term, states. Collection rates nationally, according to the National Center for State Courts, when averaged out are around 40 to 50 percent on misdemeanor fines and fees. Obviously, it varies greatly by jurisdiction. Since the economic downturn in 2009, we've found that it's harder to collect, and judges have been needing to or compelled to convert a lot of these fines and fees to more community service, as allowed in Chapter 176.

Another impact we want to bring to the Committee's attention is the impact on revenue to local governments and the Distributive School Account (DSA). On a traffic citation that's cited against a county ordinance, the administrative assessment goes pursuant to Chapter 176, but then for the fine, the monetary penalty goes to the county. If it's an NRS citation, an NRS offense, that money actually goes to the DSA pursuant to statute.

Another question that has been brought up is the public perception of the seriousness of the offenses. Obviously, and it was kind of hit on previously here, reporting of these criminal dispositions, electronic transmission of data—for the criminal history repository, how does the repository's responsibility change? Does it make reporting electronically more important to the Department of Motor Vehicles (DMV) if we're going to use the suspension of driver's licenses as a potential sanction to compel payment? Additionally, there's a broad heading of other impacts and changes ([Agenda Item VI A-1](#)). I'll invite the judges to jump in here with some of their thoughts on that, but again, if we're changing a standard of proof from a criminal to a civil standard, obviously those are different standards of proof, so does that increase the number of people who are found responsible for the infractions because there's a lower standard of proof? How does that impact traffic stops that lead to drug interdiction types of things? If we're messing with the probable cause, for lack of a better term, does that impact those things? I'm sure the law enforcement folks here will be able to speak to that a little more intelligently than I.

Additionally, it's a big deal, and there are some concerns about, if this study committee determines they want to ask the Legislative Commission to move forward, etc., with this,

there needs to be some time to get our case management systems upgraded, all the staff trained and everything kind of turned over. That's my overview of the issues and potential impacts that could come from taking this action.

**Senator Segerblom:**

Do you know what justification there is to use these administrative fees on traffic citations to fund specialty courts, court buildings and things which obviously have a greater impact on society than just the fact that somebody was 10 miles per hour over the speed limit?

**Mr. McCormick:**

There are a couple of Nevada cases that address that issue. Not being a lawyer, I believe it's *McKay v City of Las Vegas* and *Board of County Commissioners (Clark County) v White*. I'd be happy to ship those over to you. But those talk about the nexus between the use of the fee and the court enforcement of it. Additionally, statutorily the Legislature has promulgated the uses in Chapter 176.

**Senator Segerblom:**

I think you also indicated that the regular fines go to the school districts. Can you get some information about how much money that involves?

**Mr. McCormick:**

Yes, I will certainly try to. It's hit and miss by jurisdiction. Again, it depends on whether the violation was charged under NRS or under a local ordinance adopting Chapter 484 and its progeny, for lack of a better term, as a local offense. It kind of gets muddy.

**Senator Segerblom:**

Is there any limitation on what the local jurisdiction can add as an administrative assessment?

**Mr. McCormick:**

The local jurisdiction, in Chapter 176, is limited to that local decision of whether or not to impose the court facility fee. I don't believe any other authority exists for a local administrative assessment. There is an ability for local courts to create fees necessary and proper for the administration of the court under Nevada case law. I could be wrong, but I don't believe any courts have added a misdemeanor assessment at a local level beyond those allowed in Chapter 176.

**Chair Yeager:**

On the chart that you presented with the number of traffic citations ([Agenda Item VI A-2](#)), I understand the cases versus charges, that makes sense now that you've explained it, but what's the difference between the misdemeanor and the adult traffic?

**Mr. McCormick:**

What we did there is that misdemeanors are the non-traffic misdemeanors. So, petty larceny, all those non-traffic-related petty offenses. The adult traffic includes all the traffic-related misdemeanors, as well as parking tickets. So, that's the difference there. It's kind of the non-traffic, general misdemeanor versus the traffic misdemeanor.

**Chair Yeager:**

So, just to make sure I'm clear, on the statewide totals, if you look at Fiscal Year 2017, for misdemeanor cases, we have approximately 85,000. For adult traffic, we have 411,000 cases. Are those number mutually exclusive, or does the 411,000 include the 85,000?

**Mr. McCormick:**

Those are broken out. The 411,000 are exclusively traffic cases, and the 85,000 are exclusively non-traffic misdemeanors. So, if you wanted to get an idea of the entire misdemeanor caseload, you would add those two together.

**Chair Yeager:**

Thank you. It sounds like you might have some difficulty doing this, but I know it would be beneficial to the Committee to get a sense of what kind of numbers we're talking about with those administrative assessment fees and where that money is going. I don't think you can answer another question I had today, but I'm just curious about what the actual amount is that an offender has to pay, fines plus fees. Is there some kind of uniform percentage that it ends up being on the State basis? For instance, administrative assessment fees generally are 25 percent of the total amount that's owed by the offender. My guess is that it probably varies, but if you're able in any kind of way to break that down, I think it would be helpful to see. I know over the years, as you mentioned, we've added all kinds of administrative assessment fees, most recently the \$3 DNA fee. So, I'd imagine that percentage has increased as we've moved forward in time. But if it's possible to maybe even just, for illustrative purposes, show a few examples of that, I think it would be helpful for the Committee.

**Mr. McCormick:**

We will come up with the administrative assessment revenue numbers. Frankly, we've just had a staffing issue with the people available to put them together, but we'll have that for the next meeting. Also, as far as a percentage, in NRS 176.059, there's actually a schedule of the general administrative assessment that the Legislature has set forth based upon the fine amount for the offense. So, if it's a rural speed, which is traditionally a lower fine amount, then a lower administrative assessment attaches. As the fine for the offense amount goes up, the administrative assessment does as well. I think the best way for me to show that would be to show you the chart from NRS 176.059 and, like you said, perhaps an example of a typical or hypothetical traffic citation. I have that back at the office. I don't have it off the top of my head, unfortunately. I can go ahead and ship that over to you when I get back, or we can look at that in more detail at the next meeting.

**Chair Yeager:**

Thank you. I think it would be helpful if you could send it over, and we can of course discuss it, perhaps in the context of the administrative assessment fees as well. But I think it would be helpful to see that when you're able to get it over to us.

**Senator Segerblom:**

Could you also look at how feasible it would be to analyze where the money's coming from, as far as whether poor people are having to pay more than rich people, or what the breakdown as far as where the fines or assessments are coming from?

**Mr. McCormick:**

I don't know that we have the capacity to break down who's paying the fines and fees, as our statistical reporting model doesn't necessarily consider the socioeconomic status of the offender who's paying the fine or fee. We could probably come up with some anecdotal data. I don't know if we can come up with some real hard and fast numbers on that.

**Senator Segerblom:**

I appreciate that, but maybe you could come up with, say, if we gave you \$100,000, you could do a statistical analysis by zip codes or something?

**Mr. McCormick:**

Honestly, I don't know enough to comment on whether or not that's feasible, but I'll certainly get back to you.

**Senator Segerblom:**

Because the reality is that we have the people who are paying the fines, because we have their driver's licenses, so we know at least where they claim they live, so that would be a way to try to figure it out.

**Assemblyman Ellison:**

Mr. McCormick, you did bring up that you'd have to create a new data system or another agency maybe to track some of this stuff. Is that correct, what you said?

**Mr. McCormick:**

Not necessarily a data system or an agency, but we would have to go back in and make changes to the courts' case management system to properly process these cases as civil matters, because they're currently set up to process them as criminal matters and to follow that procedure. So, there would have to be case management system alterations to process them as civil infractions.

**Assemblyman Ellison:**

Can you do that with your existing database that you've got now?

**Mr. McCormick:**

We don't necessarily have a statewide database, as we're a non-unified judiciary. A number of local courts maintain their own records. We have infrastructure in place, so it wouldn't necessarily be new systems. It would be retrofitting, for lack of a better term, the existing systems across the State.

**Judge Kevin Higgins (Chief Judge, Sparks Justice Court):**

I've been serving at the Sparks Justice Court for 14 years. Our court statistically tends to be the third or fourth busiest court in the State. We've waited for years to add additional judges. We just finally added a new judge. So, I'm just going to walk through the citation process we use and explain. I think it's fair to say that we work very hard on not issuing bench warrants, and I'll show you the processes we go through to do that. As a justice court, our jurisdiction is based on township. We include not only the city of Sparks, but our jurisdiction extends clear up to the western and southern ends of Pyramid Lake, including Palomino Valley, Sun Valley and all the unincorporated areas north of there. So, probably about one-third of our population is outside the city limits.

We commonly see citations from several people ([Agenda Item VI B](#)). Any citation issued by the Sheriff comes to the justice court, and we generally get quite a few citations from

the Highway Patrol. They can file in either the justice court or the municipal court. As far as the police department, all their citations in the city limits of course go to the municipal court. We would see anything that was issued outside of the city limits. We also get, not so commonly, citations for traffic from the school police and the tribal police. I have some examples here of those non-traffic misdemeanors that would be included. I think, Chair Yeager, you were asking Mr. McCormick about this a minute ago. Commonly, that includes things like trespassing and battery. We're seeing a lot of marijuana possession citations these days. I believe in the urban municipal courts, you'd see a lot of trespassing, urinating in public and those public nuisance types of citations that they issue thousands of. We also see citations from over 37 outside agencies, such as Fish and Wildlife, Gaming Control, the Railroad Police, the Taxicab Authority and the Brand Inspector. I've had one brand ticket in 14 years.

Sometimes, people ask me about the oddest cases I've ever seen, and the Railroad Police case comes to mind. A young man was cited for sleeping on the railroad tracks. He was released, and then when he did it again the next day, he was arrested. So, I saw him in custody for having slept on the railroad tracks twice. Sometimes people do things that would be citable, but there are various reasons why they need to be arrested. In that particular case, I think it was for his own safety.

Lots of agencies issue citations to our court. This is a copy of a citation we get ([Agenda Item VI B](#)). Most of our citations are electronically transmitted. The Highway Patrol and the Sheriff's Department basically use a small computer device to issue the citations. At the end of the day, they're transmitted to us. We're doing away with and using less and less paper. I'll just draw your attention down towards the bottom. In this case, the person cited has signed the ticket. It's not a confession of guilt, it's only a promise to appear when you sign a ticket, and there's an appearance date on the very bottom. It tells you the court, the date and time you're expected to appear. With the amendment last legislative session, law enforcement now can indicate that tickets have been personally served. A lot of people would refuse to sign the tickets, thinking they were admitting guilt, which generally resulted in their arrest if they wouldn't acknowledge the ticket. So, now law enforcement can indicate on the ticket that somebody was personally served, and that eliminates a lot of those arrests. Most citations that are issued only result in a promise to appear, although they can be arrested under certain circumstances. For instance, somebody with no identification or lots of tickets for the same thing can end up getting arrested for a citation, or someone who is generally uncooperative. Otherwise, they're given a date to appear. We work with law enforcement on an appearance schedule. Generally, those dates are 30 to 60 days after the issuance of the ticket.

On the ticket, it tells them some of their options. They can mail in the payment, they can pay online, or they can come to court on the arraignment date. If they come to court on the arraignment date, statistically, and I've got some of our stats later on, almost 36 percent of the people who just walk in the door and check in at the counter pay their

citation at the counter. Our clerks are authorized, and we've got a schedule of things they're allowed to do, to try and soften the blow, so to speak. So, for somebody with no points on their license with a one-point ticket, generally if they pay in full, we'll take that point off their ticket, which makes the sour pill a little easier to go down. But they've got a list of things they can do, and otherwise they go into the court.

We hold arraignments once a week. Generally, based upon the number of citations issued, we would have between 100 and 150 people scheduled to come. Usually only 35 to 50 show up. So, I explain to them what the process is. They can enter a guilty plea or a no-contest plea, and I give them some options. For anything that can be fixed, like a lack of insurance, no registration or no title, I'll give somebody 30 days to fix, particularly with insurance. That's a mandatory \$600-plus assessment fine, so if they can bring in proof of the insurance, that they had it at the time, I'd dismiss it, or if it's a new policy it significantly reduces the rate. One in particular is if they've been cited for a suspended driver's license. The conviction goes in as a suspended driver's license ticket, and that adds another year after any current suspension. So, I'll give people the opportunity to go fix whatever has caused their license to be suspended. I'll give them a month to come back in, and if they do that, the citation is reduced to, "No valid driver's license," and they don't lose their license then.

Everybody with a moving violation who hasn't been to traffic school in the last year is given the opportunity to do that. It's good for up to three points. At this point, citations have not been processed and sent to the DMV. So, if you have a one, two or three-point ticket and you go to traffic school, that ticket is not reported to the DMV, at least in our court. Not every court does traffic school. So, you would not be reported to the DMV. For anything above three points, we take it off. So, a five-point ticket would be reduced to a two-point ticket. They can do that online or in person, and there are dozens of options, even traffic court in Spanish and other languages. That would get the points off if they chose to do it.

We allow them to set up a payment plan on the tickets. We'll take \$25 or less a month in payments, or we'll convert the fine to community service. We give people a \$10-an-hour credit and they can do community service to pay those tickets. If they want to plead not guilty, if they're adamant about not entering a plea, we'll set a pretrial hearing date with a deputy district attorney. Currently, that's on a different day. After the first of the year, we're working to have the deputy district attorney there on the day of traffic arraignments. They can meet with a deputy district attorney and try to negotiate the ticket. I would say that 99 percent of the time, the tickets are negotiated with the deputy district attorney for people. A lot of the time, people want to tell me their side of the story and just pay the ticket. That resolves a lot of it. But some people are adamant about not being guilty and wanting to talk to somebody. I have to say a large category of those would be for cellphone tickets. Anecdotally, people are not happy with the cellphone ticket statute. Although from the number of people I saw on their cellphones this morning when I was driving down to Carson, I don't know if that's affecting everybody.

If they can't resolve it, we set a trial date. After those dates, if they plead not guilty in court and we give them a date to come see the DA and they don't appear, or if they don't appear at the trial date, that will result in a bench warrant being issued for their arrest. We do issue bench warrant letters in Sparks ([Agenda Item VI B](#)). But before we issue warrants in Sparks, we send everybody a letter that says, "You've got 10 days to come into court, or we're going to issue a warrant," and it lists what they are charged with and how they can make the payments. We're in the process of trying to convert that to an electronic method. There are companies that will allow us to text people or email them to advise them that they've missed their court date or they need to come to court. One challenge on that is that we have a system that interfaces with our case management system. We'd also have to start capturing cellphone numbers or email addresses, and that isn't commonly captured on tickets now, whether we can tie that in with driver's licenses or capture it on a ticket. I'd say at least one-third of the bench warrant letters we send out come back as undeliverable because they have a bad address.

The next slide indicates when we issue citations ([Agenda Item VI B](#)). So, if they fail to appear on an arraignment date, we wait for 2 business days for them to come in. If they don't appear, we send the bench warrant letter to the address on the ticket alerting them that the bench warrant will be issued. I don't know what the percentage is, but I'd say that for a significant percentage of people in Nevada, the address on their driver's license is inaccurate. They've moved and haven't changed the license. So, the only address we have is the one that's on the citation, which came from the driver's license.

So, we give them the letter that goes out. If they appear in the 10 days, they can just come to the counter and pay the same way they otherwise would have, or ask to see the judge. They do incur a \$25 late fee. Ten days after the bench warrant letter, we issue a bench warrant for the amount on the face of the ticket. There's a \$100 bench warrant fee and a \$25 late fee. They can still come to court. I think a lot of people are worried or upset that if they've had a bench warrant issued, then they're going to be arrested by walking in the door of the courthouse. We don't do that. I don't know of a court that does. I suppose it's possible. They can still come to the counter, pay the amount in full or ask to see the judge. We'll still try and resolve that citation without the need to arrest someone. From my point of view, it doesn't help anybody. I believe the counties now estimate \$140 a day to incarcerate somebody, to put somebody in jail over a \$100 ticket. So, we work to try not to do that, but there are citizens where there's no other way for them to pay tickets, unless the attention of law enforcement is brought upon them.

Now, if they have been arrested, I'll see them the next morning. I do Monday morning arraignments, so the possibility is that they've been in jail for the weekend. I'll see them during the arraignment calendar, and I'll take their plea. Generally, most people want to enter a plea at that date. I'll give them the same opportunities. I'll say, "If you bring me your driver's license or your registration or your insurance within 30 days, I'll still reduce

the fines the same amount.” We do give them \$100 a day in credit. So, if you’ve been in jail over the weekend, you were potentially arrested on a Friday and I see you on Monday, then in jail time, that’s called 4 days. You have a \$400 credit coming. So, I see a significant number of people on Monday mornings that have been arrested and are given credit for time served and then released. If they’re serving time on other sentences, sometimes it’s hard. I feel like I’m trying to talk somebody into something, but somebody can have a \$1,000 or \$1,200 ticket, for instance, if they’re in custody on a trafficking charge. It’s got a \$20,000 bail, and they have no way to post the bail. I’ll tell them, “If you want to convert that to a fine, I’ll give you \$100 a day in credit for the next week until it’s paid off. It runs concurrently to your other time. It won’t cost you anything, and the case will close.” Our more experienced members of our criminal community know how that works, and they’ll take the deal and just close it out for time served, because they’re not getting out of jail anyway. I don’t know what some people think I’m trying to, but they don’t understand what’s going on and they won’t do it. So, we’ll give them credit and convert the balance to a fine.

Now, if somebody’s been arrested over the weekend or posted bail and comes out, they’ll see us in court. If they posted bail, the statute requires me to post the bail to the fine and close it. For people who do get arrested on bench warrants that have been issued, if it’s a first-time bench warrant in Washoe County, our Washoe County pretrial services releases them as soon as they get to the jail. They aren’t run through intake, they’re not printed, they’re not put in orange, and they don’t go through the health check. If it’s a first-time bench warrant, they get to the jail, they’re advised of a court date and released. If it’s a second or subsequent bench warrant, and we do have bench warrants that have been issued on people four, five or six times, it’s a cash-only bail. They have to post that bail to be released. Otherwise, they’re seen at the next court arraignment date.

Now, if somebody has come in, made arrangements, has a payment plan and doesn’t make the payment plan, that does result in a bench warrant if they quit making their payments. We don’t give them any warning on that. Warrants also result in a notification being sent to the DMV which results in the suspension of somebody’s driver’s license. We don’t do that immediately. We’re usually about 30 days behind in reporting to the DMV, but if they don’t come in and resolve it within that time period, the DMV is notified. That results in the suspension of their driver’s license. As soon as somebody comes into court and makes payment arrangements—and we’re not even talking about paying anything. In our court, as long as they show up and take care of the ticket, we give them a release letter. They can go down to the DMV and get their license back. Now, returning licenses is complicated. For suspended driver’s licenses, generally somebody will tell me if they’re trying to get their license back so I don’t have to re-suspend it. They’ll say, “I’ve got unpaid fines in Tonopah and Las Vegas. I have unpaid fines in California.” The payment plan here will release you, and you don’t have to pay anything. In California, you might owe \$10,000. They’re not going to release your driver’s license until you pay your entire amount owed. Also, unpaid child support causes licenses to be

suspended, and holds from licensing boards can cause that. So, it's not always possible to get these things resolved and get people's licenses back based only on the citation we have here.

I have a few statistics to run through. This is from this last fiscal year, Fiscal Year 2017 ([Agenda Item VI B](#)). In the Sparks Justice Court, we had 221 misdemeanor citations, which were batteries, marijuana possession, and I would occasionally see a child neglect case. That would include fishing without a license and all those other things. There were 7,695 traffic citations issued. That's a total of a little over 8,000 citations in the Sparks township. Out of that 8,000, 1,470 people came to court. A little over 10 percent of those resulted in failure to appear warrants, so despite sending out the notice letter and the warning letter, about 10 percent of those went to a warrant because people didn't appear or contact us. Less than that went to warrant because they wouldn't pay the fine or fee they owed. So, out of that 8,000, about 90 percent of our cases were concluded in that time. The next set of statistics shows how they were disposed of. So, bail forfeiture is if somebody goes online and pays or just sends the money in. Somebody coming to the counter or seeing the judge and paying before a trial, that's almost 50 percent of the tickets. So, 80 percent of our cases are resolved without needing to go to trial. When we pulled these stats yesterday, I kind of snorted. Our trial rate for Fiscal Year 2017 is—after seeing the counter, the judge and the deputy district attorney and refusing to resolve the case, we had four citations go to trial, so we had a .0004 percent trial rate. I'll challenge any other justice court to beat that. We had 313 dismissed tickets. So, if somebody came in with proof of insurance, proof of registration or proof of any of those fix-it tickets, like headlights and taillights, those tickets were dismissed, and they didn't have anything on their record because of it.

This is the collection rate for the Sparks Justice Court ([Agenda Item VI B](#)). The total fees and fines assessed for that period were \$1,600,000. We had a little over \$1,000,000 paid. I was surprised when I heard that nationwide, there's about a 40 percent collection rate. We have a 66 percent collection rate. We were given \$104,000 in issued credits, so those are credits for time served in jail or community service, leaving a \$450,000 balance owed from that time period.

I don't have this in my presentation, but I'd just like to talk briefly about the breakdowns on a citation. So, we have a base citation. As Mr. McCormick said, that fine for a base citation goes to the political entity that it's issued to. So, if it's an NRS, that fine goes to the State. I'd say the vast majority of the tickets we see in the justice court are in the NRS. For county ordinances, those are probably things like barking dog tickets. Those go to the county. So, for a \$5 ticket, which is the lowest ticket I can issue, there's a \$45 general administrative assessment on the schedule. Out of that administrative assessment, the court gets \$7.50. The rest of it goes to the State to fund the Supreme Court and those other agencies. There's a court facility fee of \$10. We moved into a new building about 5 years ago. We saved our court facility fees for over 20 years, and we were able to add \$1,000,000 for purchasing the building. Those court facility fees

are useful. The drug court fee goes to fund the drug court, and the DNA fee goes to the State as well for disbursement to the local entities. So, for a \$5 ticket, that's a total of a \$75 fine. That's the minimum fine I can propose. The maximum fine is \$1,000. The administrative assessments are on a sliding scale, so rather than a \$45 administrative assessment, there's a \$125 administrative assessment. Again, the court only gets \$7.50 of that. So, the total on that again is \$11.45, with a \$10 court facility fee, a \$7 drug court fee and a \$3 DNA fee. So, if this was a State ticket, the court would get \$7.50 and we'd get a \$10 court facility fee, so \$17.50. The rest of that goes to the State. So, we aren't making money for the county for the most part, and I'd say the majority of our citations

Chair Yeager, you asked if we had any suggestions. As a judge, when I come to the Legislature, I don't try to testify on policies. I just try to testify on effects. But I think it really opens the entire question of how we fund the courts, whether courts should be generally funded and everything should come out of the general fund, or in the past, when there wasn't general funding available, that's where these administrative assessments came from. "Okay, we know they need new courthouses in rural Nevada, but there's no money to give them, so start saving your \$10 court facility fee," or "We need money for specialty courts." If there's no general fund money for that, that's where the \$7 fee came from. We decided a few years ago that everybody gets DNA testing, but there was no money to pay for that, so there's a \$3 DNA fee that's attached to every citation. So, I don't think I'm speaking out of turn. I believe the Supreme Court would agree with me on this, that courts should be generally funded and not based upon administrative assessments.

The last thing I'd offer is, if anybody wants to come by the Sparks Justice Court on Wednesdays at 8:45 a.m., I'm happy to host you in court and show you how the citation process works. I'm sure the local judges in Las Vegas would do the same thing. The volume's a little bit different. In the Las Vegas municipal court, they have hundreds of people show up for traffic arraignments. I have 50, but I think the process should be pretty similar.

**Chair Yeager:**

I appreciate your last comment on the funding of the courts. I think that's an issue we've talked about for several years now. In terms of that bench warrant letter that you indicated you mailed out, I assume the address that's on there is from the individual's driver's license. That information is taken at the time of the traffic stop. Is that right?

**Judge Higgins:**

That's correct, unless we otherwise have them in the system and have a more recent address. If our case management system has a newer address, we'd use that. But generally, it's the one off the driver's license.

**Chair Yeager:**

In those cases where your case management system has a newer address, how would that address have been put into your system? Would that have been a self-disclosed address from the individual or a prior license, or something like that?

**Judge Higgins:**

A self-disclosed address, if they had a civil matter where they'd filed a small claims action and provided an address. When you become an entity in the case management system, we capture your address. But we get stacks of returned "not at this address" mail every day for those letters we send out.

**Chair Yeager:**

You had mentioned that, when someone does go into a bench warrant, there's a \$125 bench warrant fee and also a late fee of \$25. Are those amounts set somewhere in statute or local code, or is that just kind of a local preference in terms of the amount of those?

**Chair Higgins:**

Those are set by the county. The \$25 late fee is included in that \$125, so there's only one \$25 late fee and a \$100 bench warrant fee. There's a case called *Blackjack Bonding v City of Las Vegas Municipal Court* that gave us the authority to issue those kinds of assessments. I think different courts have different amounts. Regular criminal court bench warrants are higher than that. Frankly, those are forgiven a lot of the time, much to the dismay of my accounting clerk. So, if somebody comes into court and they've got a \$400 ticket and a \$125 bench warrant fee, and they say, "I've got \$400 in my pocket," I'll tell them, "Go pay the \$400 and I'll wipe the bench warrant fee off and we'll close it." I think a bird in the hand is worth two in the bush. It's an area for discretion. You see somebody who can clearly afford it and you see people where there's no way they can afford what's on the ticket. I adjust tickets. I usually take 25 percent off if somebody comes into court and pleads guilty. So, there's some leeway there.

**Chair Yeager:**

So, for the \$125 bench warrant fee, when that's paid, does that stay locally with your court?

**Judge Higgins:**

Yes. Well, it goes to the county, but yes.

**Chair Yeager:**

You had mentioned that you give \$100 a day in credit for individuals who have been incarcerated. Is that likewise something that is decided at the court level and differs between courts?

**Judge Higgins:**

Well, yes and no. I think the NRS says a minimum of \$75 a day in credit. We just do \$100, maybe because the math's easier. It hasn't been changed in a long time, so that's how we do it.

**Chair Yeager:**

You had mentioned that the license suspension happens for bench warrants. Is that only for traffic-related bench warrants, or is your license suspended if you get a bench warrant at all for anything? For example, an assault misdemeanor that has no traffic component—do you know if that results in a suspension?

**Judge Higgins:**

I'm almost absolutely sure it only applies to traffic offenses, but I'd have to check on that.

**Chair Yeager:**

What's a brand inspector? I've never heard of that. You said you had one case. What was that?

**Judge Higgins:**

Here in Northern Nevada, the ranchers like to keep track of their cows, and every cow gets branded. But there are a lot of rules. You can't use somebody else's brand. Some people put their brand on top of somebody else's brand and claim it's their cow. As part of the Department of Agriculture, there is a State Brand Inspector who will go out and issue citations if you're not doing that right.

**Chair Yeager:**

And here I was thinking we were talking about counterfeit commercial goods, so I was way off base.

**Assemblyman Ellison:**

I really liked your presentation. You gave us a lot of insights about what you're doing. My wife works for the Elko Justice Court, so I see this a lot. The facility fee is probably one of the best things they've ever done. I'm scared that might be impacted with some of the changes that might happen. It seems like, if somebody's on hard times, the justice courts and the courts allow them to make payments. Isn't that correct?

**Judge Higgins:**

Yes. We allow payment plans. I think our clerks try to get them to start at \$50. If they come and see me, we'll take \$25, and I've even taken \$5 a month as payment. We also do community service. It's \$10 an hour for community service. It's on a case-by-case basis. If it's clearly someone who cannot make the payments or do the community service, we'll just close the ticket. It's like a business decision. Is it worth spending \$500 to collect \$25? The answer is no. So, we'll close tickets for hardship cases.

**Senator Segerblom:**

I wasn't clear, was that four trials you had or four convictions you got?

**Judge Higgins:**

That was four citation trials. So, by the time it went through the counter, me and the deputy district attorney negotiating, only four people insisted on having that trial last year.

**Senator Segerblom:**

Were they all convicted?

**Judge Higgins:**

I would speculate yes, but I don't have that number in front of me.

**Chair Yeager:**

I remember, maybe 5 or 6 years ago, when I regularly appeared in the justice court down here in Las Vegas, there was a break in the calendar, and then the traffic tickets would be called. Usually, that involved—and this is my take—a little bit of the judge strong-arming the individual to just take some kind of deal. If I'm not mistaken, wasn't there some kind of ruling from the Supreme Court that indicated that judges were no longer allowed to negotiate directly, and that's where the district attorneys got involved? Is that your recollection of what happened?

**Judge Higgins:**

Yes. We're not supposed to negotiate. Sometimes I tell people I feel like I'm selling used cars. "If you pay the \$100, your case is closed, or it's going to be \$200 for the bench warrant fee. What do you want to do?" Yes, we can't negotiate and strong-arm. But people come in and they don't know what to do. I had someone in arraignments yesterday who had gotten arrested on a trespassing citation. They were still in their civilian clothes. They'd been in booking overnight. They'd never been booked. I explained the process to them, and I said, "Well, if you plead guilty, here's the fine. We'll let you out of jail and you can come down and make payment arrangements. Or if you want to plead not guilty, I'll give you a date to come back and talk to the deputy district attorney. How would you like to plead?" They thought I was trying to trick them. They refused to enter a plea because they thought they were admitting to something, and they had an explanation. I said, "That's for a different day," but we eventually convinced them to take a daytime serve and close the case."

**Chair Yeager:**

Thank you again for being here, Judge Higgins. We'll turn it over to your colleague. I imagine it's probably a little different in your courtroom, Judge Vecchiarelli, and if you could maybe highlight some of the areas of difference, I think that would be really helpful.

**Judge Camille Vecchiarelli (Justice of the Peace, Dayton Township Justice Court):**

What I am here for is to represent the rural courts. So, I contacted a number of courts prior to coming today, just to find out some of the differences that a rural court would have compared to an urban court. Your presentation, Judge Higgins, was spot on. We follow the exact same guidelines, with just a few exceptions. First of all, on that negotiation question that was asked, in that case, it did state that if the court had a matrix with the district attorney then they would be allowed to reduce some of the charges. In other words, if it was a speeding violation, it would be reduced to a non-moving rural speed if it was 1 to 10. A number of courts have a matrix with the district attorney allowing them to reduce some of the traffic citations without the district attorney being present. In a number of rural courts, the district attorney is there for traffic court. They actually meet with every individual prior to coming to court, and then they negotiate it, put it on record, and the judge then follows through with those recommendations. In some cases, the district attorneys are doing counter pleas. This is helping some of the rural courts that don't have a lot of room in their courtroom to get the individual in and out of the courtroom so they're not there for 2 or 3 hours for traffic court. So, the district attorney is doing counter policy, and then the judge signs off on that and a Faretta Canvas.

For the other question that was asked regarding the suspension of driver's license, if it's a failure to appear, the driver's license is suspended through the DMV on traffic matters only. If it's a failure to comply—in other words, if an individual doesn't pay a fine or doesn't comply with a court order, the suspension of the driver's license can be for any misdemeanor offense. I hope that clears that question up.

In some of the rural courts, the grace period varies. In other words, your court was 2 days, and then notice is sent out. Some courts were 7 days, and some courts were 10-day grace periods. It seems like the rural courts give a little bit more time for individuals to take care of a failure to appear on a traffic citation. All courts that I spoke with have self-surrender days once a week, sometimes twice a week. You can surrender yourself on a warrant without arrest, go right before the judge, and then take care of your failure to appear and your original traffic citation. The notices also varied in the rural courts. Ten-day notices were normal. However, they don't act on them in 10 days. A lot of the courts waited 15 days to act on them. Even though the notice says, "Warrant will be issued in 10 days," they don't issue warrants until 15 days. Some of them up to 30 days before they issue warrants. So, they give them a little bit more time. They don't tell the individual that, but they do give them more time to take care of the matter.

Regarding the suspension of driver's licenses or sending notices, I want to go to sending the notice, where Judge Higgins did say that one-third of them come back. That is correct. The issue we have with the DMV is that, on your driver's license, they will put your physical address. They will not put your mailing address. So, if you have a P.O. box, you're not going to get any mail from the DMV, and you're not going to get any mail from the courts. So, that is an issue we have been dealing with for a long time. A number of the individuals that come to court are there over and over and over. So, we do have updated addresses for them because they fill out forms and they update their address on every form. We try to get that.

Some of the rural courts also stated that their case management system has a way to contact the individual prior to their court date to remind them that they have an arraignment coming up. I thought that was quite interesting, that they were able to do that. The problem is getting a phone number. When a citation is issued, most law enforcement do not get a phone number. So, although that's available, we have to have a phone number to be able to use that function.

The district attorney will dismiss or amend, and usually an individual who comes to court gets a reduction, either in the fine amount or in the demerit amount if the district attorney's involved, and again, if the judge has a matrix with their district attorney's office, then they can reduce, and of course the court has the discretion to impose the fines. There are some mandatory fines that we must impose which are set by statute. A number of the courts also will actually allow the individual to file an affidavit of indigency if there is hardship. Medical hardship is probably the biggest one I heard about. The

court will then review that, and the judge will waive all fees if there is an affidavit of indigency.

Notice that most courts do send their cases to warrant. Now, issuing a bench warrant and entering it into the data system, which is the Nevada Criminal Justice Information System (NCJIS) data system, those are two different things. So, some courts enter a bench warrant right off the bench. They actually sign a bench warrant, but they don't enter it into the data system. If it's not in the data system, nobody will get arrested. Some of the courts are sending them to collections, or signing a bench warrant and then sending it to collections. The individual's not going to get arrested on that. It's not in the data base, so law enforcement would not even know it existed. Other courts do both. They enter their warrant into the database and send it to collections. Thirdly, some courts just enter the warrant into the system without collections. Regarding the credit for jail time, most of the courts I talked to converted at \$75, which is what the statute is. It hasn't been changed in a number of years, and every court that I spoke with gives credit for \$75. Most rural courts will allow community service. You can convert your fines to community service. The problem with the rural courts is that they don't have a program director, someone to monitor the individuals who are on community service, so they rely on court staff. That could be time consuming, and some of them just don't have the staff to do it. So, in the rural courts, it's harder to get community service done, from the discussions that I had.

**Chair Yeager:**

You'd mentioned the difficulty with having email addresses or phone numbers, and that certainly makes sense. This is something I'll ask law enforcement as well, but if there was a way on the actual citation that's issued to capture either a phone number or an email address, would that be adequate, generally speaking, for your staff to be able to input that into your computer system so there would be a phone number or an email address to contact the individual?

**Judge Vecchiarelli:**

Based on the case management system, there are a number of courts that have that availability. But without a phone number, it's going to be useless. So, yes, they do have the ability. In some courts, the case management system does not.

**Chair Yeager:**

Judge Higgins, this could be a question you want to chime in on. I know, maybe about 6 or 7 years ago, it seemed like there was a change in the justice court, at least in Las Vegas, where at that time, routinely, judges would convert the entirety of the fine, as well as the administrative assessment fees, to community service. Then, I sensed kind of a shift somewhere along the way where at least some of the justices of the peace in

Las Vegas had said, "You know, we're not really supposed to convert administrative assessment fees to community service," so they would convert the fine portion but not the administrative assessment fees. Is there uniformity among the courts, and is there some kind of statutory prohibition to converting those administrative assessment fees, or is it really just a policy decision?

**Judge Higgins:**

The statute does require that the funds be collected in a specific sequence, and the fine is the last thing. The administrative assessments are ranked, and those have to be collected in that sequence and paid out in that sequence. Unless you convert the whole thing to community service, I don't think you can piece it out. Mr. McCormick might have more on that.

**Mr. McCormick:**

That's kind of an open question. I think a lot of courts have their own interpretation of that. As far as I know, there's no real statutory or case law guidance on how that works, so it's a decision made at the individual court level.

**Senator Segerblom:**

Are administrative assessments the same for the \$10 ticket as they are for the \$1,000 ticket, or did I hear you say that they increase based on the value of the fine?

**Mr. McCormick:**

There's a schedule in NRS 176.059 that ties the amount of the administrative assessment to the amount of the fine assessed for the offense. I don't have that one memorized, but we can certainly shoot that over to you.

**Senator Segerblom:**

When you get a ticket, the cop hands it to you and says, "You pay x amount of money." Somehow or other, his computer has figured out what the fine is plus the assessment for that particular jurisdiction?

**Mr. McCormick:**

That's generally the bail schedule that the court which they're filing into has promulgated. A lot of our courts by region have standardized bail schedules. For example, in the north-central region, from Lovelock all the way to the State line, most of the tickets are standardized on that bail, so you'll get that amount. But again, that

amount is based on the entire amount of bail set by the local court, and generally that amount includes the fine and the assessments.

**Senator Donald Gustavson (Senatorial District No. 14):**

I know the physical address in on the driver's licenses, but the DMV obviously has the mailing address for these people too. Can you work with them to get that mailing address?

**Judge Vecchiarelli:**

Contacting them and asking them is very time consuming. We don't have a direct line to them. We would have to go through the same process as everyone else, which would be a good 15-minute wait or more just to get a more updated address. We do send out these notices. They are produced by the court clerk on a weekly basis. When they come back, they take a double check and look at the citation. Maybe an apartment number is missing, or something to that effect. They also look to see if there's a phone number on the citation. They also look in the database to see if there are any recent, updated addresses. So, I think we do our due diligence to a certain extent, but how much time and effort can we put into finding someone's address? We have the internet. My clerks search individuals constantly, especially if they need to serve them with a document. So, there are resources out there. They're just time consuming.

**Senator Gustavson:**

I understand that, but it sounds to me like we need to have a better connection with the DMV. I realize that for the general public, you sit on the phone and wait, generally, but for law enforcement agencies and certain people, they should have a more direct line so they can get this information. Obviously, the first letter you send out is just going to go to the address on the license, but once it's returned, I think that would be the time to maybe sit down and talk with the DMV to see if they can work something out.

**Judge Vecchiarelli:**

We do have some public that move around an awful lot. They only have 30 days to change their address. It costs \$7 to do it, and they've moved three or four times before they even come to court. So, some people just don't have a steady address.

**Senator Segerblom:**

As far as putting the bench warrant into a computer—so, if you're stopped by a police officer, that will flag. How does the municipal court or the justice court get that information into the State database, or is it by county? How does that work?

**Judge Vecchiarelli:**

It depends on the court. Some courts enter their own warrants, other courts send them to law enforcement. If it's a Highway Patrol warrant, Highway Patrol will enter the warrant for them. If it's a county or city, then usually their local law enforcement would enter it, or the courts are entering them themselves.

**Senator Segerblom:**

Does it all go into the statewide system?

**Judge Vecchiarelli:**

It does go into NCJIS.

**Chair Yeager:**

Seeing no further questions from the Committee, I want to thank the three of you for being here this morning and presenting. I will now open agenda item VII, a presentation from law enforcement agencies in the State.

**Chuck Callaway (Director of Intergovernmental Services, Las Vegas Metropolitan Police Department):**

I'm here to give you two perspectives, one from the cop in the field from our agency, and the other from the Clark County Detention Center, which is obviously under the purview of the Sheriff. But before we get started with those specific areas and some statistics related to those, I wanted to give you a broader look so you get the global picture here. The Las Vegas Metropolitan Police Department (Metro) covers 7,560 square miles, roughly the size of New Jersey. We have a population of 2,000,000 and 43,000,000 tourists per year. Our officers drive about 20,000,000 miles per year. We handle over 3,000,000 calls for service. Right now, depending on whose statistics you look at, we're around the ninth-largest police department in the country.

I also wanted to cover a couple common myths about traffic citations that I often hear when I'm out talking with the public. The first one is that law enforcement has a quota, that our officers are told to go out there and get 50 tickets or whatever. That is not true. In fact, we have a policy against that. We do encourage our officers to be proactive and to take enforcement action when they witness a crime occur, but we do not have a quota for our officers. The second common myth is that we get direct revenue from writing tickets, that an officer goes out and writes a ticket, and because of that, there's more money for the Policeman's Ball or something to that effect. That is also not true. The money from the citations, as you've heard, goes to the local government or to the State. Obviously, we at Metro are funded through a formula between the City of Las

Vegas and Clark County. So, in a roundabout way, some of that revenue does come back to fund our budget, but we don't get direct revenue.

**Senator Segerblom:**

Has it ever come up that, while we've received \$10,000,000 this year from traffic tickets—so Metro's going to get another \$1,000,000, or has that even come up in the financial discussions?

**Mr. Callaway:**

No, I've not heard that direct correlation of, "Oh look, traffic tickets are up, so that means you get more money, Metro." But I've actually heard comments from the local governments—and I certainly don't want to speak for them, I'm just saying what I've personally heard in the past about this particular year—that there weren't as many citations written, and why is that? Why were there not as many tickets written? Obviously, there are a lot of answers to that. As was stated earlier, during the recession, we lost close to 500 police officers, which now we're starting to regain those numbers. Obviously, when you lose that many officers, it affects your ability to do proactive work in the field, including traffic enforcement. But no, I haven't heard that direct correlation, that we've got more tickets written so we're going to get more money.

I wanted to touch on some of what I would call little-known facts about traffic violations in general. The first one may not be so unknown, but excessive speed is the leading cause of traffic accidents, so I think we should keep that in mind. Also, traffic issues are one of the most common complaints we get from citizens. When you have a First Tuesday meeting or you have a town hall and citizens come, you would think they would say, "You know, I'm upset because there are murderers or rapists running around out there." But what they commonly say is, "We're upset because somebody's speeding through my neighborhood. Somebody's flying past stop signs and they're doing crazy stuff in school zones. You law enforcement need to get out there and address this and deal with it." It's very common that we hear that. Second is that very minor traffic stops often lead to us finding major criminal violators. Some perfect examples of this, as you well know, are the terrorist Timothy McVeigh, serial killer Ted Bundy and serial killer David Berkowitz. David Berkowitz was caught due to a parking violation. He parked by a fire hydrant or in a fire zone. But often, a minor traffic offense leads to the capture of a very serious offender, so that's something to keep in mind. There was also a study done through the Journal of Policy Analysis in 2014, and there are many studies like this. Obviously, studies can kind of say what you want them to say sometimes, but this particular study showed that a traffic citation changes someone's behavior much more than a warning does. So, if a citizen is stopped for speeding or driving erratically and they get a ticket, their behavior changes for a much longer period of time than if you just give them a warning and let them go. Within a short amount of time, they would typically

be right back to doing the same behavior again. So, it does have an impact on public safety on our roadways.

Now to some traffic citation statistics. To give you an idea, so far for this year, I pulled these numbers last week, so obviously they're dynamic and they change, but for 2017 year to date, we have written 155,219 traffic citations, and on those citations, there were 207,881 violations. Our officers operate on two different systems. Traffic officers, who do mostly traffic enforcement, use an electronic e-writing device. It's an electronic citation device kind of like an iPad. They write the citation on this device and it gets electronically submitted directly to the courts. I have a picture of what they look like here. Our patrol officers don't have that technology, so they use the standard press-hard-three-copies version. I actually pulled this citation out of my own ticket book, and I realized I haven't written a ticket since 2006. There's actually room on here to put two violations, and that's why you can see that we have almost double the amount of violations as citations. Out of that number, to break it down, 98,645 of those tickets were written by traffic enforcement. Their primary role is to do traffic enforcement and handle accident investigations. Our patrol section issued 56,574 tickets. Our total tickets written for 2016 was 149,788, so we're slightly above this year what we wrote last year, but they tend to hover in that 150,000 to 160,000 range total.

Now, on that, I will make a note, and I don't know if it's a factor or not, but the study seemed to show that it was. You might have seen in the news that there was a recent study done on body cameras through the Department of Justice. That study showed that you are more likely to receive a citation or to be arrested if you encounter an officer who is wearing a body camera than if you encounter an officer who is not wearing a body camera. I'm speculating, but I'm not sure why that may be, other than that the officer thinks your action are caught on film so there's a better likelihood you'll be convicted of that offense, or that the officer may feel that his actions are caught on film and if he doesn't take action, someone will question why he didn't enforce the law. So, those are just two speculations as to why that must be. But at Metro, all of our officers are equipped with body cameras, so that may be affecting our citation numbers. I would also throw in that those numbers of citations I gave you do not include traffic accident citations. I did not include those in the numbers. We typically handle about 20,000 traffic accidents a year. As you know, the person at fault for the accident will routinely be cited, so those would be separate citations.

I wanted to touch really quick on a question that was raised earlier. Number one was phone numbers and why officers don't ask for phone numbers. Phone numbers and social security numbers, those are two areas where, on occasion, if an officer is trying to identify someone or trying to locate family, they may ask for those, but typically citizens don't like to give up phone numbers or social security numbers. If an officer says, "Hey, what's your phone number," it's highly likely they'll hear, "Well, why do you need my phone number, officer? Why do you want to know my phone number?" Or they'll give a fake phone number, so I don't know how helpful that would be to include having officers

ask for phone numbers in the field, just from my personal experience on that. Also, the officer in the field, as was stated, just to clarify, does not know what the ultimate fine of the citation will be. Our officers are issued a citation guide, and it has all the traffic offenses in it, the booking code and whether it's a city ordinance or a county ordinance so the officer can properly cite to the appropriate jurisdiction. On the back is a calendar so the officer can pick the court date for the person to appear. They tell us to do it 2 or 3 weeks out, depending on how busy the court is. Then, there's a bail schedule that the officer uses to put on the ticket. In some cases, we're told not to put a bail schedule on there. So, the courts ultimately decide that, and the officer may often get asked, "How much is this one going to cost me," and the officer may speculate and say, "Well, it's probably going to be a couple hundred bucks or \$1,000," but they don't know for sure what the ultimate fine will be.

So, to move on to the jail, I wanted to give you some numbers from the jail. Again, I pulled these numbers last week. They're also dynamic. But, year to date, we have arrested 5,457 people for a traffic warrant only. That does not include DUI warrants. This is just specifically speeding, running stop signs and that sort of thing. The justice court has a system where, when you're booked in, you have the opportunity to immediately post bail and be released on your own recognizance, versus sitting in jail waiting to go to court. Nine hundred and sixty-eight of those folks posted bail immediately and were released. The rest remained in our custody until they could see the judge, and that averaged 1 1/2 to 2 days. So, I'm not a math whiz, but based on 2 days, with \$150 a day to house someone, when I crunched the numbers, for year to date it came to about \$1,300,000 in costs. I'll get back to why that's important in a second.

Also, we had 503 misdemeanor probable cause traffic bookings, not including DUI, so those would be cases where the officer made an arrest on probable cause, not on a warrant, for strictly a traffic violation. Now, our department policy prohibits officers from making a low-level misdemeanor booking without approval from a supervisor, so again, as was stated earlier, usually when those folks—and we book 60,000 people a year into the Clark County Detention Center (CCDC). So, 503 people is a fairly low number of people being booked for a traffic offense. To give you an example, a pedestrian in a roadway may seem like a pretty minor offense. Somebody steps off the curb and they're out in the street and an officer sees them. Ninety-nine percent of the time, if the officer's even going to enforce that, they would give them a ticket. But let's say somebody's out walking in the middle of the freeway. Maybe they have mental health issues, or maybe there are other issues there. Who knows? Maybe they're intoxicated. The officer shows up and they haven't committed any other crime, but they're out in the middle of the freeway and the officer believes that if they don't take action, this person is going to get hit by a car and there's going to be a public safety issue. As a result, that person in that case needs to be arrested. So, there are times, as was stated, where the officer needs to make an arrest in those cases. As I said, of those 503 probable cause bookings, 75 percent of those folks are immediately released, so they'll receive a class II citation or

they'll be released on their own recognizance pending a court date. Approximately 128 of those folks, based on my numbers, remained in custody for about 1 1/2 to 2 days, depending on how fast we could process them out. So, the approximate cost for those probable cause traffic arrests was about \$28,800 to us at the CCDC year to date.

I should also mention that not just Metro books into the CCDC. Our friends at Highway Patrol book into the CCDC. North Las Vegas books into the CCDC. Some other entities out there may book into the CCDC. Henderson has their own facility, but felonies—and we're not talking about those here—come to the CCDC as well. They're not underneath our budget, but I did reach out to the City of Las Vegas to try to get an idea of their numbers for the city jail, because our officers will book into the city jail if the offense occurs in the city. As of today, I was not able to get numbers back from them.

I also wanted to make a couple important points on the topic of the jail. Currently, we have a 0.2 percent vacancy rate at the CCDC. We have approximately 4,000 beds, and on any given day, we've got 3,900 or more people in there. So, if somebody comes in the front door, somebody goes out the backdoor, and that's why we have that policy where we don't book misdemeanors in unless it's approved by a supervisor and it's absolutely necessary. There was also a recent study done on the CCDC regarding our bed numbers. For the western states, we are actually below the average for bed numbers versus ratio of population. If I remember correctly, I believe most western states had one jail bed for every 700-and-some residents or population. We have one for every 500-and-some population, so we're well-below that national rate of bed availability.

Also, I wanted to touch base really quickly on the warrants in general. My own experience as a police officer is that officers have limited resources. Officers are running call to call. We get busy out there. You may come across someone who has a very minor traffic offense, like a seatbelt ticket or a speeding ticket, and it's very common for the officer to say, "You know what, I'm not going to book you for this. You need to go down to the courts and handle this. I've got your address here. I'm going to come back in a week or so when I'm not busy and knock on your door and see if you've taken care of this. But you need to go handle it so you don't end up going to jail." They won't necessarily book that person, but keep in mind that a warrant is an order from the courts that the officer is supposed to take that person into custody, so technically, when an officer encounters someone with a warrant, they are being mandated by the courts to book that person in.

Also, as Chair Yeager stated earlier, traffic offenses have a wide range. You have everything from that simple step-off-the-curb scenario I described to more serious offenses such as reckless driving and vehicular manslaughter, so I think it's important that when we talk about making things civil that we look at that scope and how things fit into that scope. Some potential areas of impact or concern that I'll talk about, as I was just alluding to, I think that serious traffic offenses should remain criminal. Just to throw

out some that I would consider in that realm: driving with a suspended or revoked license, driving without a license, reckless driving, having fictitious plates or fraudulent registration, failure to surrender your driver's license or registration to a police officer upon demand, certain school zone violations and failure to obey a police officer or a flag person who's doing traffic control at, say, a construction site. Those are all things that can risk life and limb to the folks out there who are doing the job. Also, leaving the scene of an accident, failure to yield to an emergency vehicle, passing a stopped school bus, obviously DUI and vehicular manslaughter, just to name a few. Also, I believe that multiple offenses should become criminal at some point. If we make speeding a civil infraction and somebody has 15 speeding violations, at some point you have to say, "Okay, enough is enough. We need to send a message." Maybe after a certain threshold, these violations become criminal in nature. I also believe that procedures for an officer in the field should not change, that the officer should cite the person just like we always do. Then, on the court side, it would either be handled through civil means or criminal means. In my mind, we wouldn't want to change the procedure for an officer in the field.

To that point, it was touched on earlier about probable cause. I think that's very important, because we need to maintain that threat of a civil infraction that leads to a greater offense. You stop a person for a stop sign violation and there's a dead body in the backseat that you see when you walk up there. Obviously, we need to have that ability, that that civil infraction is probable cause which leads to the more serious crime. In addition to that, an officer can't arrest for a civil infraction. Again, as was stated earlier, there are times when an officer needs to arrest. I'll give you one scenario, and this scenario kind of unthreads the whole system if we don't address it. If an officer pulls somebody over for a simple, minor violation, and that person says, "Well, you know what officer, I left my driver's license at home. I don't have any identification on me." "Well, what's your name?" "John Smith." "What's your date of birth?" "January 1, 1961." The officer can't find him in the computer and can't find him in the DMV. "Well, I don't show a driver's license for you." "Well, it should be in there. I have one." Obviously in that scenario, we don't know who this person is that we're dealing with, and if we issue them some type of civil infraction, they're gone. Basically, word gets out to folks, "Hey, just tell them a false name and you don't ever have to be held accountable for anything." So, at some point, even if it's the class II process where they're just transported to the jail, they're fingerprinted and photographed and then given the civil infraction, there has to be the ability for the officer in the field to positively identify that the person they've stopped is the person they claim they are. Again, otherwise it just unravels the whole process of holding folks accountable for these infractions, whether they're criminal or civil.

Also, while we do believe there would be a potential cost savings for the jail, the \$1,300,000 that I mentioned for the warrants and then the \$28,000 for the probable cause bookings, who handles the civil processes on the back side? Currently, the constables and the sheriff's civil bureau, which is under the sheriff's purview—again, so

if we say, “Okay, we’re going to garnish folks’ wages because they don’t pay the civil infraction,” or “We’re going to serve them with civil papers because now they’re going to have to pay a fee or put a lien on their property.” If you have the constables do that or you have the sheriff’s civil bureau do that and then we have to hire more personnel to do that, we quickly negate that cost savings that we would have on the jail bed side. So, we would ask that you keep that in mind.

I would just say that I do believe the background check issue is important, although I don’t believe that someone who applies for a certain job should not get that job because they have a traffic infraction. I think it’s also important to keep in mind that there are jobs out there where your driving history is very important. If you’re going to be a taxicab driver or a United Parcel Service (UPS) driver, or even a police officer where you’re in a car driving 20,000,000 miles a year, we’d like to know what your driving history is. So, that’s relevant to some jobs, and even if it’s not criminal in nature, entities where driving is vital should, I believe, be able to have access to that in determining if you’re fit for the type of job that requires that.

**Chair Yeager:**

Thank you for being here and for your presentation.

**Senator Segerblom:**

Have you had a chance to look at any states where they do have civil infractions to see how they handle these issues that you just talked about?

**Mr. Callaway:**

I have not. I am aware that Arizona has been doing this, and during the last legislative session this came up. There was a gentleman who testified from Arizona about how it works there. I briefly had a conversation with him, but I’ve not had an opportunity to really dig into how they handle some of these issues, such as the probable cause issue.

**Senator Kelvin Atkinson (Senatorial District No. 4):**

When you were saying that you don’t necessarily arrest someone on civil penalties unless you can identify them—we all hear stuff, but I was just wondering, would, like, someone’s registration be a way to—I mean, it’s not pictured, obviously, but could that be a mechanism, or is it? I’ve actually heard of someone who was driving some else’s car who did that and the officer wrote the ticket, but it was not for the person. It was for the person who the car is actually registered with. Like I said, people tell us stuff all the time.

**Mr. Callaway:**

First, I'll cover the registration piece, because that's the easy one. I don't know what the violation was for, but there are actually certain crimes that require the registered owner to receive the ticket. For example, if I'm driving your car and you don't have insurance in the car, the ticket would actually go to you, the registered owner. I don't know what that violation was for, but it's possible it was for that.

For the identification, maybe I should clarify a little bit. As an officer in the field, you're going to take steps to try to determine reasonably that the person you're talking to is who they say they are. There are a lot of methods we do that. A common way is if we say, "Where do you work?" "I work at Mandalay Bay." We can check easily through our SCOPE (Shared Computer Operation for Protection and Enforcement) system to see if they have a work card, because workers there are required to have a work card. Okay, the work card shows up for John Smith at Mandalay Bay. We know the guy's telling the truth. We give him a ticket and he's on his way. We look for tattoos and we look for other things that identify, but there are some cases out there where we can't positively identify who the person is. If they presented registration for the car, we would take that registration and ask them some questions. "What year is the car? What's your address?" If they can't answer the questions that are on the registration, we would have reason to believe they might be lying and they might not be who they really say they are. Those cases are rare. It's not every day that we're taking people because they don't have identification on them. But if we cannot prove who they are, giving them a ticket would not serve justice, because if, for example, I claim that I'm you and they write me a ticket in your name and I go free, then 3 months from now you get a warrant out for your arrest for something you didn't do, that's why it's imperative that we identify properly who they are.

**Senator Gustavson:**

Going back to warrants, I was kind of curious, when you make a traffic stop and you have their plate number and you call that in, because you always do that because obviously for safety reasons, so that you know who you're stopping or whatever's being done. But anyway, is it automatic or do you have to ask for a warrant search? When you call in their driver's license number, do they do a search at that time and see if there are any warrants, or do you have to ask for that?

**Mr. Callaway:**

The process could unfold a couple ways, but let's just take your routine traffic stop. The officer's doing slow patrol or headed to a call and he runs a license plate of a car in front of him. That license plate comes back, and in the DMV hit it says that the registered owner of that vehicle is wanted for some type of traffic warrant, like a failure to appear for speeding or reckless driving. The officer then would make a decision whether or not

he even wants to pull the person over. But if he believes that that person in the hit is the driver, he looks in there for a physical description. Our dispatch now automatically runs that registered owner of the vehicle through the computer system. So, if the dispatch comes back and says, "Yep, the registered owner of that vehicle is a white male, shoulder-length blonde hair, tattoo of a sword on his arm, 5'8" and with a goatee," the officer would then look at the driver of that vehicle and try to determine if he fits the description and if he believes that the person driving the car is the registered owner. Then, if the officer makes the stop and confirms through the person's identification that they are the person with the warrant, we then confirm the warrant through our dispatch. So, we would call dispatch, dispatch would then verify that the warrant is still active, and then once dispatch comes back and says, "Yes, the warrant is active," then the officer would make the arrest. I don't know if that answers your question, but that's kind of like the A to Z of how it would unfold. The most common way it unfolds is that the officer does a routine traffic stop, or the officer maybe encounters someone on a call. You go on a domestic violence call, and while you're on the call, you've got both parties there, the male half and the female half. You ask the male half, "Do you have your identification," and he says, "Yep." You have dispatch run that person. You want to make sure they're not an axe murderer, and dispatch comes back and says, "Oh, he's got a traffic warrant out for his arrest." Then, again, the officer would take the steps to confirm the warrant and make a determination based on the totality of the circumstances if an arrest needs to be made.

**Chair Yeager:**

Seeing no further questions from the Committee, thank you again for your presentation, Mr. Callaway.

**Adam Page (Captain, Nevada Highway Patrol):**

I will give you a brief overview as to what we do at the Nevada Highway Patrol specific to traffic violations. Here's an overview as to the statutory authority for us to make arrests on warrants ([Agenda Item VII A](#)). We believe that this particular statute gives us the mandatory requirement to arrest people when we do discover a warrant. On this slide is our department policy in terms of issuing citations. As you can see, we ensure that when our officers make a traffic stop that we are addressing a traffic violation, that we are going to address that traffic violation through means other than arrest. We do not make arrests for traffic violations. That is in our department policy, unless there is a warrant for their arrest.

The next slide talks about our division practices ([Agenda Item VII A](#)). Contrary to what Mr. Callaway just said, at the Nevada Highway Patrol, we generally do not run people for warrants. If the encounter with the citizen is through a traffic violation, a traffic event, we do not generally run them through warrants. So, the only time we ever discover that there is a warrant is if we run them through a warrant check, and we would only do that

if there was some suspicion that there might have been a warrant, or if we needed to verify their driver's license status. Then, we'll run them through a driver's license check, and a lot of times, traffic warrants are attached to their driver's license. So, although we may not be running them for warrants, when we run them to find out their driver's license status, a warrant may pop up.

On this slide, I captured all the enforcement action that the Nevada Highway Patrol did in 2016. I want to emphasize that these are violations, not actual cases. For example, last week I had a traffic stop. One person had eight bench warrants for her arrest, all for traffic. That included 17 different violations. So, that one person ended up, with the additional four charges she got, with a total of approximately 21 charges. So, these are charges, not individual cases. So, for 2016, we had over 202,000 actual law enforcement events. That includes everything from citations to written warnings to actual arrests. Only one percent of the time is the law enforcement action that we enforce an actual arrest for a misdemeanor failure to appear warrant. I want to be clear that this is all misdemeanor failure to appear warrants, not specifically just traffic violations. We were unable to distinguish between traffic failure to appear warrants and all other misdemeanor warrants, so this is the all-encompassing failure to appear misdemeanors for the Nevada Highway Patrol in 2016. The next slide is really the same statistics, just for this year up until December 12, 2017. So, we are tracking to a very similar number as we were last year. Once again, we encounter a failure to appear warrant about 1 percent when compared to all of our other law enforcement activity. The next slide just talks about the 2016 arrests. So, these are all the arrests that the Nevada Highway Patrol did in 2016. Again, these are charges, not actual cases. Only 13 percent of the time did all of our arrests actually encompass a failure to appear misdemeanor warrant. All of our other arrests are for other things ranging from felonies—we had some vehicular manslaughter charges—all the way down to DUI. That number is specific to 2016. I was not able to capture the data for this particular year. For 2017, this data reflects what we do for our traffic-only law enforcement actions. So, we do give our troopers the discretion to actually issue written warnings versus citations. As you can see by this slide, we issue a written warning only seven percent of the time, but we do use that mechanism sometimes to actually address traffic violations.

I did do a breakdown for the 2017 citations to date as to what the majority of our citations are for. As you can see, nearly half of all of our traffic enforcement is for speed-related offenses. Then, there's a breakdown in terms of the number, going down to hazardous moving violations, registration violations, no driver's license or violations of a driver's license, cellphones, so on and so forth, and then 11 percent encompasses really over 200 other violations, which I captured the bulk of on the following slide ([Agenda Item VII A](#)).

There was a question asked by Mr. Fernley regarding what kind of computer systems we use. The Nevada Highway Patrol uses two systems to track this data. We use our ticket system. It's called the Brazos system, and it's all electronic. Although the troopers

do have the ability to write written citations, 99 percent or more are going to be through an electronic means. Then, all that data goes into our data warehouse system called Spillman. As I said earlier, we were not able to capture the difference between traffic violations versus other misdemeanor violations, mainly because we don't have a system that captures the data as to where we actually booked the person. So, we did try to reach out to our court partners, and it was difficult for us to achieve that ability to figure out how many arrests we actually made for traffic warrants.

The only other comment I wanted to make is that, in Las Vegas specifically, one of the things we do to try not to arrest people for traffic warrants, when we have a city warrant, the city has a system in place where the person with the warrant—so we make a traffic stop and we find out that the person has a city warrant. We talk to the person and ask them if they have the financial means to resolve the warrant right then and there on the side of the highway. If they do, through an electronic means like a credit card or a debit card, we'll have them actually call the court, and they'll actually make a payment over the phone and resolve the warrant without us making an arrest. I can tell you that the Nevada Highway Patrol would much rather make that phone call and allow that person to resolve the warrant before we arrest them. I just found out today that the justice court system here also has a similar process, so I'm really eager to start to deploy that as well.

**Chair Yeager:**

That system you just talked about with the city and apparently with the justice court, is that a 24-hours-a-day option, or just business hours? I'm getting a nod yes from the audience members that it's available 24 hours a day, so that's helpful. For your particular two systems, Brazos and Spillman, when you're in the field and you have an electronic ticket, does that go into your system and then get transmitted directly to the appropriate court as well, or does it go into the Nevada Highway Patrol system and then sometime later get transferred over?

**Mr. Page:**

It's a little bit of both. So, when we put our mobile data computer into the docking station, it goes to both places. It electronically gets sent over and it also gets routed over to our Spillman system at the same time. So, yes, it does both.

**Senator Gustavson:**

Just for clarification purposes, while Mr. Callaway was making his presentation, he mentioned that he was trying to dispel a couple myths about the quota system, etc. Apparently with Metro, there's no quota system for citing tickets. Do you have that same policy, or do you have any type of quota system that'll keep your boss happy so you know you're doing your job right?

**Mr. Page:**

We absolutely, 100 percent do not have a quota system at the Nevada Highway Patrol. We pride ourselves in expressing to the troopers that they enforce with a purpose only. So, when they actually make a traffic stop, it's to address some kind of negative traffic behavior that puts our community at risk.

**Chair Yeager:**

Thank you for your presentation. We have a few more presentations from the sheriffs' departments.

**Sheriff Mike Allen (Humboldt County):**

I wanted to raise some of my concerns if traffic violations all moved to civil. I do concur with what Metro's Mr. Chuck Callaway said on a majority of his stuff. I think that was a very good presentation that he had. Humboldt County is located in Northern Nevada, north-central Nevada, and our population is about 17,000 on 10,000 square miles. My figures are only 2017 year to date. We made 4,629 traffic stops, where 2,598 of those stops were cleared by a warning alone. Out of that 4,629, there were 66 probable cause arrests made as a result of the traffic stops, which I feel is a very low number. Out of that, there were 1,564 individuals cited. From that 1,564 cited, 36 of those went to a failure to appear warrant. So, overall, there's a very low number that is affected by arrest in our jurisdiction. Our jail is also an 88-bed jail. About 10 days ago, we had 19 people in that jail. Just this week, we had 30 people. So, we're way under the averages. We don't have an overcrowding issue at all. If traffic violations are viewed as a civil violation or infraction, my utmost concern is public safety. Public safety has to be our utmost concern on this. Are people going to go out and drive without a valid driver's license or taking the proper testing that's required for all of us? I'm sure all of us have taken the driver's test to ensure that we know the safety precautions we need to take. So, I'm very concerned on the overall impact that it would have. Additionally, would this have any impact on our insurance rates if the insurance companies know that we're now going to switch some of these infractions to a civil issue? The other issue that a person or organization that's not here might be able to provide some good data on would be the fatal accident reporting system from the Office of Traffic Safety. Are there a lot of fatal accidents as a result of people not having the proper training to drive?

I do agree with Mr. Callaway that there are strategic issues that go into account when we do pull people over. He cited some good examples of some cases out there that have happened. Mr. McCormick also cited some criminal interdiction examples or issues, and I think those would all be diminished if civil penalties go into place rather than criminal violations. Mr. Callaway covered a lot of stuff. I feel that he stated a lot of good issues from the law enforcement perspective.

**Chair Yeager:**

Seeing no questions from the Committee, thank you, Sheriff Allen, for your presentation and your observations. I hadn't thought yet about the insurance aspect of it, so that's probably something we can take up in another meeting about how the states that have done this, whether they've seen increased insurance rates, or how that works. Particularly, at least for me, whenever I go to get insurance renewed, they always run some kind of check on me to see how my driving has been. So, I'm not sure if that would be affected as well if those are criminal versus civil, but that's certainly something I think we should take up at one of the future meetings.

**Joseph Trotter (Deputy Sheriff, Carson City Sheriff's Office):**

I'm here with Deputy Jerauld and Deputy Cook. Together, we have a combined law enforcement experience of about 20 years. With our presentation, we're going to go over what our primary function is for the sheriff's office and some of our statistics. Some of the larger agencies have both patrol and traffic. We have patrol, with some units that are specially trained for traffic ([Agenda Item VII B](#)). Unfortunately, because of our staffing levels, our primary focus is patrol. With patrol comes calls for service, serving our civil paperwork, jail responsibilities and traffic enforcement. Deputy Jerauld is going to go over some statistics that we have for some of the last couple years for traffic crashes and citations.

**Michael Jerauld (Deputy Sheriff, Carson City Sheriff's Office):**

This is just a quick overview of 2016 to 2017. We just highlighted a couple of the top offenders for 2016. We have 6,042 traffic citations. Obviously, the majority of those are speeding, no proof of insurance, expired registration and so forth. As of 2017, we now have 5,993 citations. The numbers are still coming up relatively similar to last year. We have a few weeks to go, but we expect a match for what we have. As of 2016, we now have 858 total accidents, 46 percent of which were non-injury, 20 percent were injury and 33 percent were hit and run. As of 2017, we have 572, with 36 percent non-injury, 20 percent injury and 43 percent hit and run.

**Kevin Cook (Deputy Sheriff, Carson City Sheriff's Office):**

I'm going to briefly look at some of our capture rates. Unfortunately, we were not able to get the number of traffic citations that went from citation and turned into a failure to appear warrant. However, last year, one of our deputies conducted a 3-year study. Now, this is a dollar amount from our department through the justice court. The reason for this study was a justification for a traffic unit out of Carson City, instead of just having a patrol unit with a focus on traffic. The calls for service obviously take away from traffic enforcement. We were trying to justify having a separate unit just for traffic enforcement to try to limit the number of traffic accidents we had during the year. That's why we

highlighted those numbers. Taking a look at the numbers we have posted, the total amount issued or assessed was \$603,780. Those were 2016 numbers. That was the total assessed amount for traffic citations for 2016. For the total amount collected through the justice court, the number they provided was \$275,540, which is roughly 46 percent of the assessed amount. The total amount that went to default, which is the amount that was not captured through a failure to appear or through a dismissed case, was \$328,240, which is roughly 54 percent.

In our opinion, I believe that the problem with the decriminalization for the traffic offenses, one of the things is that it could take away the ability for law enforcement to take enforcement action. Multiple people have come up and testified about taking enforcement action on someone who has failed to appear multiple times. There are circumstances where, very rarely, a deputy with the Carson City Sheriff's Office will take anyone into custody for strictly a traffic offense. That is not a practice that we do. We don't take people into custody for basic speed, things like that. However, there have been instances, and I personally can speak to that. I have stopped a violator for a basic traffic offense. After finding out that he had multiple failures to appear on simple traffic offenses after running him, he didn't have a valid license. He had an expired registration. There was no proof of insurance. At that time, I actually did take him into custody, because there's a repeated factor for him to fail to appear, just on those simple traffic offenses. So, my worry would be that with the decriminalization of that, I would not be able to take the enforcement action at that time. What would stop him from failing to appear on the next one and the next one? At some point, there has to be a stop to items like that.

The other thing that others have brought up is the probable cause for the stop. As multiple people attested to, just a simple traffic offense can lead to a much larger offense. I would be worried that, if it is just a civil matter at that time, would the stop be challenged at that point for the time of stop? We have a time that we are allowed to detain someone and conduct our criminal investigation at that point. My worry is that that would be taken away, for us to conduct the criminal activity that may be going on at that time.

**Chair Yeager:**

On the citation capture rate for the 2016 slide ([Agenda Item VII B](#)), I'm just trying to get a sense of what exactly that is. Is that all the monies that were owed as a result of citations that were issued in 2016 and then how much was collected? In theory, you could have a traffic infraction that happens in 2015, but maybe the person takes 1 or 2 years to pay it off. So, I'm just trying to get a sense of what exactly this slide captures. For the amount collected versus the amount defaulted, when were those numbers pulled in relation to 2016?

**Mr. Cook:**

I spoke to the deputy who pulled the numbers this morning. He did the 3-year study. He actually has all 3 years. The 2016 numbers are the most relevant numbers in front of me. The \$275,540 was just the amount in 2016, and the captured amount was just for that year. The defaulted amount was just for that year. So, if I look back, in 2014, the captured amount was \$342,150 and the defaulted amount was \$368,085. So, the numbers on that slide were for the actual 2016 numbers.

**Chair Yeager:**

But you said it was a 3-year study. Is it accurate to say that, in the 2 other years, the captured collected versus defaulted amount was approximately 50 percent for each of those years?

**Mr. Cook:**

Yes. In the 3 years, the defaulted amount is actually higher than the captured amount. But it's pretty close to about 50 or 55 percent.

**Chair Yeager:**

There was a slide on traffic accidents, I think in 2016 and 2017. We had a breakdown of none injury versus injury and hit and run cases. On the non-injury versus injury, is that information that was centrally gathered by the officer at the time of the auto accident that injuries were reported? Is that where that data comes from, or does it come from somewhere else?

**Mr. Trotter:**

Those are coming from our actual reporting system. So, one would be if the accident is hit and run, the other would be if there was an injury listed in the report versus the other reports that have no injuries.

**Assemblyman Ellison:**

Chair Yeager, you hit it right on the head. Some of the questions you just asked, I'd like to know if we can get the information, the citation capture rate, for the whole State. That's got to be millions of dollars that aren't captured that people aren't showing up or aren't appearing in court, and here we're looking at making changes. This could be devastating to the State of Nevada. So, I'd really like to see those numbers if possible. Of course, with the hit and run accidents, it seems to be an increase, not a decrease. One thing I want to say is that I talked to one of your colleagues a while back. He'd been in the force for 20 years and never arrested a guilty person. They all said they're

innocent. Is that true or not? I think there's a lot of great information coming out of this Committee today, but I sure would like to know what the actual default loss to the State would be.

**Chair Yeager:**

Seeing no further questions for our law enforcement partners, thank you again for being here. We now have a presentation from the prosecuting attorneys in the State.

**Colleen Baharav (Chief Deputy District Attorney, Clark County District Attorney's Office):**

My boss is Steve Wolfson. At this point, I also work in the Vehicular Crimes Unit. So, I do have some focus on things like DUIs and leaving the scene and those types of things. But I've worked in the office now as a prosecutor for over 6 years. During that time, I was also on a regular track which handled most of our traffic offenses, which is ultimately what is relevant to you today.

As Chair Yeager indicated, when he was appearing in court regularly with me 6 years ago, we did have some breaks in the calendar where traffic offenses were being called. But it's my understanding that that process has changed and is a little bit different now. My understanding is that once a ticket is written— as the officers have already indicated to you, they're rarely arrested for those moving violations, unless they're DUIs or leaving the scene or hit and runs and those types of things. The reason for the difference is that, as you're aware, the DUIs require mandatorily that the person be arrested. That's in the statute.

For things like speeding, stop signs and that kind of stuff, they typically write citations. When a citation is written, the officer will often give them a date on the bottom of that citation. Sometimes that date is very specific, "Appear at this time and this location." Sometimes it just says, "Appear on this date." When that happens, the justice courts down here don't issue a bench warrant, because of course that person wasn't given proper notice of where to be and what time to be there. So, they issue a summons for them on the address that they provided. That is the honor system, unfortunately. We have to use the address that's provided by the person who's given a citation to issue a summons for them to avoid a bench warrant for that situation.

So, ultimately, a summons will issue. If a summons issues, which is a letter from the court to that person at their address that we have on file, and they fail to appear, then and only then will a bench warrant issue for them. Once the citation is issued for them, they have the opportunity to appear in front of our Traffic Unit. They're on the fourth floor of the courthouse here in Clark County. The offender can walk in there and they have the chance to see somebody at the traffic window, and they can talk to them about their case. It's my understanding that there is a traffic commissioner down there, maybe

one or more, who can resolve those cases. They've been provided some sort of ability to do so. Maybe it's a matrix from our office, but they've been provided some sort of ability to reduce those offenses to either no points or fewer points based upon going to traffic school or paying a fine. However, they have the right to bypass that system if they choose. The offenders have the right to ask for a pretrial conference.

Some offenders don't even have to come downtown, because recently the justice court has instituted a website, Justice Court Odyssey, where a person can look up their own ticket and their own name. They can see if they have any offenses. Sometimes if they look that up, they can see that their offense has been reduced already and that there have been some requirements and the fee has been changed for them to do that without having to come downtown. That ultimately saves traffic downtown as well. People aren't necessarily required to drive all the way down there. Since most of us have cellphones or computers at home and credit cards or debit cards, that eases the process for collection from folks who really just can't come down there.

Ultimately, if they decline the traffic commissioner's offer—they're very similar across the board. It's rare that they digress from a very specific set of traffic school plus a fine. They're given a date to come back and have a pretrial conference with the district attorney's office. I can't speak for the municipalities. I'm not sure how they do things. But at least in our office, I can tell you that every Friday, we're getting frantic emails because there are 50 to 100 people down there wanting to speak to a prosecutor about their case, so they need prosecutors to come down there and talk to folks. That's fine. That's obviously community involvement. That's something our office is required to do. We are a community agency. So, we go down there and we talk to folks. Sometimes they give us their information. Sometimes we've been able to show that, at that point, maybe the person didn't do the crime. I've been shown photographs personally where it looks like maybe the citation wasn't valid, but it's rare that it's resolved in a dismissal there. Mostly what happens down there is that cases are negotiated. We have a strong incentive to negotiate those cases. Like I said, we're getting frantic emails on Friday mornings asking for persons to come down there. If we don't negotiate those cases, then those cases are shuffled about to the 14 different justice courts for the trial calendar. Then, the deputy who is assigned to that trial calendar is responsible for that. I can tell you that, in my own personal experience going down to those traffic Fridays, there are between 50 to 100 tickets. Some people have multiple tickets. So, while there may be fewer people, we could be dealing with more citations and trying to get those out of the system. Unfortunately, we don't have a lot of information at those sessions. We're given the traffic citation, usually just the front. Sometimes we're not even given the narrative at the back. Sometimes we're only given the charge if the citation hasn't printed for whatever reason. So, that's really a chance for us to listen to folks and see if there's anything we can come to. Sometimes we have those fix-it tickets where they're able to bring in their registration, license or insurance, and then we're able to resolve those as well.

If they decline the offer, which is 100 percent their right, and we don't strong-arm them at any point in time in taking negotiations because that's not what we're about, then we set the case for trial. At that point, that's when the subpoena process comes in. So, now we're given some information, sometimes a little bit more than that citation. Sometimes we are required to look into it a little bit further if there's an accident. But mostly, it's still similar to that citation, like failure to stop at a stop sign. We issue a subpoena for the officer. The officers come or they don't. We're able to prove whatever we can. If we can prove it, we maybe make an offer again, or maybe we don't. It just really depends on what's happening on that calendar. As Chair Yeager could probably explain to you from his own time doing this, there are typically anywhere from zero to six traffic trials on a regular calendar. That's not including the burglaries, assaults, batteries and anything else that might be happening on that particular court calendar that day. So, I say zero to six because sometimes there aren't any, but of course, sometimes there are six or seven. When the witnesses are subpoenaed and if they appear and we're able to prove it, we still try to negotiate, because we obviously understand that some citizens just needed really the chance to speak to us.

If we're unable to negotiate, then of course we put the witnesses on and the court listens to the testimony and makes an ultimate decision. Rarely if ever are those cases called off, and by that I mean, most of the time, the witnesses have to appear. So, we can't ask for continuances. We can't not issue subpoenas. We must have witnesses there to go forward that day, because most of these people aren't represented by attorneys, and as a general practice, most of us don't feel comfortable contacting private citizens and asking them about their traffic tickets when really we'd just rather talk to them in court. So, most of the time, those cases are left on.

Ultimately, if a trial does go forward and a person is convicted, they are given the opportunity to appeal. Here, they appeal up to the district court. Currently, that's Judge Bare down here in Clark County. There are fines and fees associated with that, however. There's a filing fee to file an appeal. There's a transcript fee that the offender must pay, because they have to request a transcript from that particular hearing. Most of the time, if a person is convicted, the sentence is such that the appeals may be a little prohibitively expensive. They're rarely given a suspended sentence, so for the most part, unless a person has a reckless driving or aggressive driving or a DUI or a misdemeanor evading, there's no suspended sentence, so the right to counsel doesn't attach. So, what we're really talking about are fines and fees. From my own experience, those fines can range anywhere from \$250, which seems like a pretty common number given to offenders, upwards to \$1,000. I rarely see \$1,000 on these. I've only seen it when a person was convicted of reckless driving. They're also typically assessed traffic school, because as you are aware, some of that is statutory. Some convictions for certain traffic offenses require a person to complete traffic school. If they appeal, however, and their appeal is granted, that suspended sentence or that sentence itself is stayed. We can retry it but, practically, we don't retry those. If their appeal is granted, then the case is ultimately dismissed.

If a person fails to appear after they've already come before the judge and now we've got a trial and those types of things, there is a bench warrant that can issue for them. I believe someone already addressed this, but at least here in Clark County, it's my understanding that we have to send those bench warrants to the jail, and somebody at the jail has to input those. We do have to have them signed by the court before they can be sent to the jail, so it's a three-step process: from our office to write up the bench warrant, to the court to sign the bench warrant and to the jail to enter in the bench warrant. Officers down here don't arrest unless that bench warrant's been in their system, not the idea that there's a bench warrant out there. They must have that in their system before they will arrest. A lot of judges, however, do cash-bail-only bench warrants, and as I believe one of the officers was saying, if they post that bail, that's the fine that they were ordered, and their case is ultimately just closed. They don't have to come back before the court.

Some of the issues that have been raised by the other presenters are some things that would address us. Fiscally, for the Clark County District Attorney's Office, it's my understanding that we do not receive funding from any of these tickets. We don't have a stake in whether or not these people pay their fines. We are just there because we're statutorily required to prosecute. However, we are an agency that helps protect public safety, and as one of the other presenters was indicating, crimes like DUIs, reckless driving, leaving the scene and evading, those types of things increase the risk to the public. So, we take those crimes very seriously, which is why we do have a vehicular crimes unit that is responsible for prosecuting most of those.

We would agree that any infractions, if you choose to go that route, still must remain as issues to be used as probable cause to stop a person. Because ultimately, you can't stop a person unless you have probable cause that they've committed some sort of infraction. So, as long as that still remains something that can be used for probable cause later, I think that would decrease some of the impact on some of our cases. Based upon my own conversations with some of my friends who work in Henderson or the justice courts or even the City of Las Vegas, they may have a fiscal impact that the cities need to address with you all. Specifically, I know Henderson gets some of its funding for some of its specialty courts through some of these fines and assessments, and that could ultimately impact specialty courts.

**Chair Yeager:**

In the Clark County Justice Court, for these retrial conferences, it sounds like they only take place on Fridays. Is it every Friday?

**Ms. Baharav:**

Usually it's payday Friday, but I believe they also have an attorney session in the afternoon. So, in the morning, it's just private citizens coming in. Attorneys can come in and speak to the district attorneys with their chunk of traffic tickets in the afternoon.

**Chair Yeager:**

So, approximately two Fridays a month. Was it 50 to 100 people who show up, or 50 to 100 tickets?

**Ms. Baharav:**

It was 50 to 100 tickets or more each time. That's also for the attorney sessions, so a total per day could be anywhere from 200. It's possible they go every Friday. I just remember that the attorney sessions are every payday Friday.

**Chair Yeager:**

Could you estimate, when you have these sessions on Friday, how many district attorneys typically end up down there trying to handle these?

**Ms. Baharav:**

It depends on who sends the email, but usually when we get that email, we run down there. There could be anywhere from 10, and 10 is a really generous number, to 20. I've seen 20 when the email came down from someone very, very, very important. Ten is usually when the whole team shows up.

**Chair Yeager:**

I take it that people aren't running down there, typically, to handle these cases on a Friday?

**Ms. Baharav:**

No, not on a Friday.

**Chair Yeager:**

So, in the case that you do have a trial in front of a judge on a traffic infraction and someone's actually convicted, does the justice of the peace down here typically ask the prosecutor for a recommendation in terms of the fine, or do they tend to just make up their own mind about what it should be?

**Ms. Baharav:**

As you know, we are allowed to make a recommendation as to the fine. Some of us make a recommendation for \$250. Some of us just submit it to the court because, really, it's ultimately the court's decision. So, it just depends on the prosecutor. There are about 150 of us down here, so you can get a range from \$250 up to higher. But it's rare that somebody comes in and asks for \$1,000.

**Jennifer Noble (Deputy District Attorney, Washoe County District Attorney's Office):**

With me is our chief deputy district attorney, Cheryl Wilson. Ms. Wilson oversees the unit that handles all misdemeanor prosecutions, including traffic cases, and she is here to make some general comments about the practical considerations of handling those citations in Washoe County, how our office approaches it and answer any questions you may have.

**Cheryl Wilson (Chief Deputy District Attorney, Washoe County District Attorney's Office):**

I've been a deputy district attorney for Washoe County for 24 years. During my 24 years, I started out in traffic court prosecuting speeding tickets. I've handled major crimes, and now I have the privilege of training our new attorneys who typically start out in our Misdemeanor Prosecution Unit. Currently, we do not have the staff, and actually throughout my entire career in Washoe County, we have not had the staff to actually appear at the traffic arraignment calendar. Shortly after I joined the Washoe County District Attorney's Office in the early mid-1990s, we made an agreement with our local justice court to appear at the justice court following the traffic arraignment calendar and meet with any individuals who pled not guilty. We did this because we didn't have the resources to staff and prosecute all the traffic citations that were getting set for trial, nor did the court calendars have enough spots available to set all the traffic trials that were resulting from the not guilty pleas.

When we put this process in place originally, we had some pretty strict guidelines, that either we took the demerits and divided them in half, or we offered the traffic offender half off on the fine, but you still get all the traffic demerits. I noticed that in 2009 or 2010, when the economy had taken such a significant downturn, people came to court and they used to be worried about being able to pay a fine, but they weren't able to pay the fine because their homes were in foreclosure and they didn't really care what the points were because they weren't sure they were going to keep their cars insured anyways. We lost staff, so when we were faced with all those circumstances, we did away with the matrix of half off on the fine or half off on the points. It's bargain-basement pricing on the demerits and on the fines that have been offered.

While the economy has improved, staffing has not, and we haven't returned to the pre-2007 or 2008 circumstances that we had where we had a pretty strict matrix. We're to the point where, unfortunately, we have competing concerns of trying to prosecute everything from traffic tickets to homicides and having a limited amount of personnel to do so. I have six attorneys that work on my team prosecuting all of the misdemeanors booked into the township of Washoe County, Reno, Sparks, Wadsworth and Incline Village. So, our traffic calendar is still competing with DUI cases and domestic violence cases. The reason why Judge Higgins had four trials is because of the very aggressive plea bargaining that we engage in when we meet with the people after they've seen the judge and pled not guilty. Our negotiations often involve removing all demerits and often involve a huge discount on the points. So, while there may not be a lot of traffic trials set in the Washoe County township courts, it's at the hands of a quality conclusion, because the things that we have to do to manage the calendar aren't resulting in quality conclusions on traffic tickets.

It's a different circumstance when we're talking about accidents. Accidents are a challenge because sometimes we have civilians out there with property damage, through no fault of their own. Perhaps they've been hit by an uninsured or underinsured motorist. Perhaps there was a facially valid insurance tag out in the field, but as it turns out, it was canceled for nonpayment. So, while the offender might not have been cited for no insurance, the reality is that, after the fact, we learn that they were not insured. Because traffic offenses are crimes, the criminal restitution statutes apply and you could potentially have—and we have had—restitution judgments on traffic citations on pro per defendants in excess of \$20,000 when an uninsured motorist has hit a vehicle that was not insured as well, and the owner of the crashed vehicle is out that money from the totaled vehicle. So, when we have a ticket that involves an accident, we do not engage in plea-bargaining yet. We bring the offender back on a different date. We request the documentation from our investigating agency reports, witness statements and photography, if we need it, to determine what, if any, property damage exists. We reach out to the victim, typically through written correspondence advising that the court has the authority to order restitution and to please advise us of any out-of-pocket losses they suffered as a result of this collision.

So, as a result of these efforts that we are taking to try to protect the victims in our community that might have suffered an out-of-pocket loss due to a traffic event, we end up starting to burn a lot of time and resources to try to get that information for the court and for the victims. So, as the head of our misdemeanor prosecution team, we have competing challenges. We're trying to deliver justice, we're trying to deliver quality justice, and we're doing it with a limited number of resources. We're trying not to cheat the members of the community that are due restitution. Because these are crimes that bring with them all the protections that come with being accused of a crime, these offenders are entitled to proof beyond a reasonable doubt. Sometimes that's problematic to deliver on a traffic offense, particularly if we have a multi-car pileup. Perhaps the most at fault person gets a pass because of the proof beyond a reasonable

doubt, and there were a few other competing vehicles involved that contributed to the event, even though they weren't the most at fault. So, sometimes the most egregious driving patterns resulting in collisions walk with an acquittal.

The next issue that we've been dealing with more recently on traffic citations, because they are crimes, is discovery obligations on crimes. With all of our law enforcement agencies moving from dashcam to bodycam, with the massive volume of data that's available, the defendant that is charged with a criminal speeding ticket is entitled to all of the evidence that we have available against them that's within the control of the State. So, as a result, my attorneys are working with our law enforcement agency partners to chase down any video documentation they have of the citation event, whether it's the basis for the stop or the investigation that ensues thereafter. So, these are some of the challenges that we try to manage in managing our citation dockets with limited resources.

I think our fellow prosecutors within Washoe County—we have the Sparks City Attorney's Office, the Reno City Attorney's Office, and they handle the citation events that are happening within the incorporated areas of our counties. That's where most of our population lies. Whether or not any part of the citations were decriminalized and made infractions and what that would ultimately look like in terms of, are the courts involved and where the revenue is going, may have massive impacts on our municipalities that may not have the same impact on the township. That's the overview of what we do in Washoe County in our township courts on citations.

**Chair Yeager:**

You brought up an interesting idea that hasn't really been touched upon yet today, which is the discovery obligation and the standard of proof because these are criminal matters. So, that may be something we can look at in future meetings, in terms of what's happened in other states. In theory, for the cases that are contested, it should be easier to prove with a civil standard and you wouldn't have, at least not to the extent, the discovery obligations. That's something we'll probably take up at another meeting.

I had one question that relates to your presentation. You had mentioned that, at times, offenders are ordered to pay restitution for property damage. Once those orders of restitution are entered by the justice courts, does that typically become a civil matter at that point, or will the court tend to keep jurisdiction over the case and bring the offender in on a regular basis to try to get an update on how restitution is going? I guess the other side of that is, what if they don't pay restitution? What usually happens in terms of the court's involvement?

**Ms. Noble:**

With respect to the restitution issue, how it's handled is not uniform throughout our courts, or even between judges within a particular court. Some of the judges look at these large restitution amounts and say, "It's a civil matter, pursue your claims in civil court. They're really beyond the realities of traffic court." With respect to other judges, they'll order everything because the victim is entitled to it under the statutes as they're currently written relating to criminal restitution. There was a legislative change, and I apologize that I don't have the statute number or the bill off the top of my head, but I believe it was in 2015, or possibly 2013. The criminal judgments are not just a lien. Maybe lien is the proper term, but it is a judgment for civil purposes too if it sets forth a particular sum of restitution due to a particular victim. Those used to expire after 6 years, and they no longer expire. They are valid indefinitely. So, if a traffic victim receives the benefit of a criminal judgment being filed in that traffic offense setting forth the restitution amount, they can use that paper to pursue their civil remedies that we aren't able to pursue for them. We don't garnish wages. That's not part of the criminal restitution mechanism. But it does give the victim a piece of paper that they can go out and pursue. As a result of that change that happened in the statute a couple years ago, the judges in my county are not uniform in how they proceed with unpaid restitution orders. Some of the judges who are inclined to order a large amount in the first place are also inclined to try to monitor the case and make sure there's some compliance with the restitution order. If there's not compliance, there's an expectation that my attorneys will pursue the matter during the court's jurisdiction with show cause hearings, where we're asking the court to determine whether the person should be held in contempt for their failure to pay. In other words, is it a willful failure to pay the restitution that is due? So, I guess the answer to your question is that it depends. It depends on the judge and how closely they want to manage any particular restitution order that they offer.

**Assemblyman Ellison:**

How many justices of the peace do you have? How many courts are down there that on Friday seem like they're pretty active?

**Ms. Noble:**

In Washoe County, the Washoe County District Attorney's Office serves our four justice courts. That's the Reno Justice Court, which is the largest, followed by the Sparks Justice Court, the Incline Justice Court and the Wadsworth Justice Court. We appear in Wadsworth monthly, Incline weekly and Sparks and Reno daily. The traffic docket in Reno is a daily docket every morning at 8:30 a.m. The Sparks docket is weekly. It's moving from Wednesday mornings to Thursday mornings at the beginning of 2018. We have six judges in Reno, three judges in Sparks and one judge each in Incline and Wadsworth.

**Chair Yeager:**

If I'm not mistaken, I think down here in the Las Vegas Justice Court we have 14 justices of the peace. That's just in the Las Vegas township. Of course, we have Henderson and North Las Vegas. I think North Las Vegas has three.

**Ms. Baharav:**

Henderson also has three as well. There are outlying courts that have one or two apiece.

**Chair Yeager:**

Seeing no further questions from the Committee, thank you again for joining us. I will now open the agenda item in which we will discuss potential topics, dates and locations for future meetings. Maybe to start with the easy one, as for dates of future meetings, my guess would be that we're looking at a February timeframe, or maybe the end of January, depending on how the scheduling goes. I might take up Judge Higgins on checking out the Sparks Justice Court at some point, but I think we'll probably continue to host the meetings down here most likely, because that's where the majority of the members are. In terms of discussion of potential topics, before I get to that, to the members of the audience, if you feel like you have something pertinent to say, please reach out to us. We'd be happy to schedule you at a future meeting to hear your thoughts. I think we've gotten a pretty good overview today, but I think there are also some nuts and bolts things that we need to talk about in terms of what we didn't hear from the Las Vegas Justice Court or the Las Vegas Municipal Court. We didn't hear from the Reno Municipal Court or the Reno Justice Court in terms of their procedures internally. I think that would be helpful. We've got a really good overview, but those are probably potential topics. Again, if you have something to add, we're happy to hear from you, so just reach out and we will agendize that. In the future meetings, we're probably going to consider, as Assemblyman Ellison mentioned, the idea of what the administrative assessment fees and fines are on a State basis. What is the collection rate? I think the auto insurance issue that was raised is a pertinent one as well. Law enforcement and the district attorneys raised the question of probable cause and how is that going to work. I think that's something where we can potentially look at other states as to how they have dealt with that, because I certainly understand where you're coming from there. It makes sense.

At this point, I would ask any other Committee members, are there particular topics that you'd like to address in light of today's meeting, or would you like further detail on some of the topics we heard today?

**Senator Gustavson:**

Some information I think would be very helpful to the Committee would be knowing what other states—we know that several of the states now, 20 or whatever it was, have changed their policy to this. How has it affected their legal proceedings, procedures and collection rates, some type of history from these other states that have already done this. I think that'd be very helpful for this Committee to get this information before the next meeting some time.

**Chair Yeager:**

Thank you. I agree with you on that, and I believe it was Director Callaway, and I recall as well that maybe in the 2015 Session there was someone from Arizona who presented in the context of a bill similar to this one about their experience. We could try to figure out who that person was. Hopefully they're still in the same position and they could join us at a future meeting, because I do think, particularly with some of the other western states, it might be helpful just to know, really on the ground, what their experience was in terms of collections enforcement and that sort of thing. So, we'll definitely look for presenters who can share information about that. Assemblyman Ellison, I know you mentioned a couple additional topics in some of your questions that you'd like to see covered?

**Assemblyman Ellison:**

I think you covered that quite well. That's going to be a great start. I'm pretty proud of the Committee, how it went, the information that was presented. The first one was kind of confusing because it was more national than state. So, I think we got a good start. If we could get some of that information back, it gives us an idea what to look forward to in the future.

**Chair Yeager:**

I think that gives us a good start. Again, I'd welcome any comments from audience members as well as we go forward about things we might be missing. The goal here is to make sure we have all the information we need.

I will now open agenda item X, public comment.

**Assemblyman Al Kramer (Assembly District No. 40):**

I listened with great interest on your discussion. Just one question that I didn't hear addressed, maybe slightly addressed, was the question of whether a defendant has the right to a public defender if this is made civil instead of criminal, and whether that has the potential of any savings to the county in appointing public defenders. My

understanding is that if you're not subject to jail time, you don't have the right to a public defender. I just wanted to make sure that was brought into the equation as well.

**Chair Yeager:**

Thank you for joining us and listening in. I think you're right about that. Typically, unless you're facing jail time, the right to counsel does not attach. I have seen circumstances down here in Las Vegas, however, where someone was picked up on a bench warrant, and if the judge is maybe considering whether to keep them there or release them, the judge might appoint a public defender. Although I will say, normally the judge just appoints the public defender who happens to be in court that morning to handle that case, so normally, it's not really a drawn out process, but I'll definitely talk to our justice partners to figure out if that's the same around the State or not, because that is an interesting question and it's a cost issue as well.

Seeing no further public comment, I will now adjourn this meeting at 12:22 p.m.

RESPECTFULLY SUBMITTED:

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Jordan Haas, Interim Secretary

APPROVED BY:

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Steve Yeager, Chair

Date: \_\_\_\_\_

<b>Exhibit</b>	<b>Witness/Agency</b>	<b>Description</b>
A		Agenda
B		Attendance Roster
<a href="#">Agenda Item V</a>	Amanda Essex, National Conference of State Legislatures	State Activity Addressing the Decriminalization of Traffic Offenses
<a href="#">Agenda Item VI A-1</a>	John McCormick, Administrative Office of the Courts	Traffic Misdemeanors in Nevada's Courts
<a href="#">Agenda Item VI A-2</a>	John McCormick, Administrative Office of the Courts	Statistics on Misdemeanor Traffic Cases and Charges
<a href="#">Agenda Item VI B</a>	Chief Judge Kevin Higgins, Sparks Justice Court	The Citation Process
<a href="#">Agenda Item VII A</a>	Adam Page, Captain, Nevada Highway Patrol	Review of Traffic Violations
<a href="#">Agenda Item VII B</a>	Carson City Sheriff's Office	Presentation on the Carson City Sheriff's Office