

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

**February 2, 2018**

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 9:07 a.m. at the Grant Sawyer Building, Room 4401, 555 East Washington Avenue, Las Vegas, Nevada, and via videoconference at the Legislative Building, 401 South Carson Street, Room 4100, 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  
Judge Melissa Saragosa, Justice of the Peace, Department Four, Las Vegas Township Justice Court  
Kim Kampling, Court Administrator, Las Vegas Justice Court

Mark Stevens, Chief Judge, Henderson Municipal Court  
Bill Zihlmann, Court Administrator, Henderson Municipal Court  
Dana Hlavac, Court Administrator, Las Vegas Municipal Court  
Judge Dorothy Nash Holmes, Reno Municipal Court  
Mindy McKay, Records Bureau Chief, Records, Communications and Compliance  
Division of the Department of Public Safety  
Tammy Trio, Administrative Services Officer, Records, Communication and Compliance  
Division of the Department of Public Safety

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

I will now open the second meeting of the Committee to Study the Advisability and Feasibility of Treating Certain Traffic and Related Violations as Civil Infractions. I hear things here and there about the work that the Committee's doing, and I just wanted to assure anybody who's here in Las Vegas or in Carson City or watching on the internet that the purpose of this Committee is to gather information, to get the facts, and then perhaps we'll make some sort of recommendation to the Legislature. Perhaps we won't. But I want to let everyone know that certainly we have not made up our mind yet what we're going to do. I think we don't have all the information we need yet to do that. The reason we have these meetings, and we'll have at least a couple more, is to make sure we do have the facts that we need. That's where all of you come in. If we're missing something, please reach out. We're happy to put you on the agenda. If you'd rather talk to me but not be on the agenda, that's fine as well. I'm certainly available. It's very easy to find my email and my cell phone as well, so please feel free to call and to help us make a good decision. Also, keep in mind that we do not have a bill draft request (BDR), so whatever recommendation we make to the Legislature, that would have to be picked up by a legislator and of course would go through the normal legislative process where that potential legislation could be vetted. I just wanted to put that out there. I think I speak for all of us on the Committee, we're too busy just to have a committee to have a committee. If we had our minds made up, I'm sure that we all have other things we could be doing, so the purpose of being here is to make sure we get all the facts we need. With that being said, I again want to thank all of you for being here. I know, just like us, you're all busy. You all have things going on. This is probably not the place you want to be on a Friday morning, but we appreciate you being here and appreciate your input.

I will now open agenda item III for public comment. Seeing none, I will close public comment.

I will now open agenda item IV, approval of the minutes of our December 21, 2017 meeting ([Agenda Item IV](#)).

SENATOR SEGERBLOM MOVED TO APPROVE THE MINUTES OF THE  
DECEMBER 21, 2017 MEETING.

ASSEMBLYMAN ELLISON SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

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Next, I will open agenda item V. I believe we have Amanda Essex on the phone, who you may recall provided some testimony at the first meeting. We have asked her to join us today just to provide some follow-up information. I know there were some questions asked by Committee members.

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

I am a Senior Policy Specialist with the Criminal Justice Program at the National Conference of State Legislatures (NCSL). I'd like to begin by thanking you for inviting me back to share the information I have compiled in response to your questions at the conclusion of my presentation in December. As I go through the three questions that I looked into, I will repeat the question and then share the information we've gathered.

The first question came from Senator Segerblom. The question was whether states have seen a loss of revenue after the decriminalization of traffic offenses. Regarding the question, we were able to locate a couple of examples. There is a report from the Commission on the Future of California's Court System evaluating the impact of creating a simple model for adjudication of motor vehicle infractions ([Agenda Item V A-1](#)). That report found that in Fiscal Year 2014-2015 in California, there were 922,730 misdemeanors filed. If 5 percent of those had been adjudicated as infractions, the state would save nearly \$17,000,000 annually in administrative court costs. That projection went up to almost \$48,000,000 if 15 percent were infractions rather than misdemeanors. This difference results from the fact that the average court cost for a misdemeanor is \$380 and the average administrative cost for an infraction is \$35. The report also looked more specifically at the financial impact from the decrease in revenue to the Victim Restitution Fund. There is a standard victim restitution fee for every conviction in California between \$150 and \$1,000 for misdemeanors. The report determined that for every 50,000 cases which would have been subject to a \$150 fine, \$7,500,000 would no longer be imposed. The report indicates that the recommendation of adjudicating cases as violations could also result in a reduction to the general fund and various other funds from lost fine revenue, though this depends on a number of factors, including the rate of collection.

Most of the resources that we were able to locate evaluated the impact of decriminalization in the context of these reduced costs rather than the potential loss in revenue. Another analysis found decriminalization results in reduced expenditures in certain areas, specifically costs related to prosecution, incarceration and defense counsel when an offense is decriminalized.

The next question came from you, Chair Yeager. The question was what happens in decriminalized or no-jail states when fines are not paid? Is a bench warrant issued, or is it sent to collections? In general, it is unconstitutional for courts to incarcerate someone for failure to pay, except if the court finds that the failure to pay was willful or the person failed to make bona fide efforts to pay. Some statutes specifically state that if an offense is not subject to jail time, the individual cannot be incarcerated for a failure to pay the fines unless it was a willful failure. Given this limitation, often these unpaid fines are sent to collection agencies. The following are a few specific state examples: An Illinois statute provides that an offender may be held in contempt at a prison for non-payment, unless the offender shows that the failure to pay was not due to an intentional refusal to pay. The state may collect a default and the payment of fines in any way authorized for the collection of money judgments in the state, including utilizing private collection agents. The statute in Indiana allows three actions for a default of payment of a fine. The first action: An attorney representing the county may bring an action on a debt for the unpaid amount. The second option specifies that, if the person is not indigent, the court may require incarceration in the county jail and credit towards payment at the rate of \$20 for each 24-hour period the person is confined until the amount paid plus the amount credited equals the entire amount due. The third option allows the court to institute contempt proceedings or order the convicted person's wages, salary or other income garnished in order to enforce the court's order of payment of the fine. Statutes generally specify that someone may be incarcerated for failure to pay if it's a willful failure, but cannot be incarcerated if they are unable to pay due to indigency, and a number of statutes have a process to collect that judgment.

In North Carolina statute regarding the response to default on a crime, when a defendant who has been required to pay a fine or cost or both defaults in payment or in any installment, the court may require the defendant to appear and show cause why he should not be imprisoned.

In the Georgia Council on Criminal Justice Reform's 2016 report, it was recommended that judges and prosecutors be given more tools to encourage and compel satisfaction of judgments and the payment of fines and fees. Specific possibilities included intercepting tax returns and lottery proceeds. According to the report, some counties in Georgia allow prosecutors to file a writ to convert a fine into a civil suit, thereby extending the life of the debt and impacting a person's credit score. Georgia statute specifies that if a fine is not paid in full, the judgment may be enforced through levy, foreclosure, garnishment or other actions.

Additionally, some states provide the possibility of serving community service hours when someone is unable to pay their fines.

The final question also came from you, Chair Yeager, and that question was whether criminal traffic violations show up on background checks. In the national database maintained by the Federal Bureau of Investigations (FBI), the National Instant Criminal Background Check System, which is used in connection with purchasing a firearm, felony and serious misdemeanors are accepted by the FBI and entered into the Bureau's files. Serious misdemeanor is defined to exclude certain minor offenses, such as drunkenness or minor traffic offenses. Based on that information, minor criminal traffic violations are not included on a background check through the FBI system. According to a national background check company in Arizona, the information that is included in a background check can vary depending on what is provided in the state, but that generally a background check will actually include both civil and criminal violations. We were offered the following examples of what shows up on a report depending on the state. Information from California will simply indicate someone has a misdemeanor conviction without providing information. Information from Nevada, on the other hand, includes the type of misdemeanor. For instance, it would indicate if it is a traffic misdemeanor or another type of offense. Basically, what we found is that inclusion of traffic records in interstate databases is inconsistent and varies with the state.

Thank you again for providing this opportunity for NCSL to share the information that we have compiled in response to your questions.

**Chair Yeager:**

Thank you for the additional information. It doesn't look like we have any questions. Thank you again, Ms. Essex, for looking into that and for reporting back to us. I have a feeling we may have some additional requests of you, but we don't have any at the moment, so when we have those, we will reach out.

We're going to go a little out of order. I will now open agenda item VII, which is presentations by the justice and municipal courts. I'm going to invite Judge Saragosa to come up first to present because she has some court obligations. Just to give the members a lay of the land, in this agenda item, we're going to hear from four or five of the municipalities, justice courts, municipal courts, just to kind of build upon what we learned last meeting, where I think we heard from the Sparks Justice Court in particular, just to get a sense of what other courts are doing and how they're processing these infractions.

**Judge Melissa Saragosa (Justice of the Peace, Department Four, Las Vegas Township Justice Court):**

The Las Vegas Justice Court is basically three main, big divisions: Criminal, Civil and then we have our Traffic Division. I'm the presiding judge in our Civil Division, but I also am the chair of our legislative committee, which is why I've been nominated to speak today. I had undertaken a task and was not available at the first hearing you had previously, because I've been learning a lot about our Traffic Division. The information I have today is what I've gathered since then, mostly procedural, some statutory, which I'll go through fairly quickly. You're familiar with that, but I left those slides in for reference purposes. With me today I have Kim Kampling, who is our Court Administrator for the Las Vegas Justice Court. I also have with me Elizabeth Cota, who has recently been assigned as the Division Manager for the Traffic Division. She took that position over about the same time as the first hearing on this matter, so she is now just learning the ins and outs of that procedure. She's our previous Criminal Division Manager.

Starting, I guess I will point out some of the facts and data to answer the questions that were posed in the email we received prior to the first hearing. I would note that in the event that I offer any opinion or highlight any issue in this presentation, it doesn't reflect the feeling of the entire Las Vegas Justice Court, as we've not gotten together as a group to discuss these, but they're my own. First, obviously, this is just the statute that talks about the arrest for certain offenses ([Agenda Item VII A-1](#)). These cases don't follow a typical traffic case path in the Las Vegas Justice Court. Instead, they're really handled by our Criminal Division. These are more serious traffic offenses. Excepting those out of the rest of my presentation, I wanted you to understand that. The next slide is really just the statute that gives that officer the authority to make that arrest. The other issues are appearance before a magistrate. This statute or area highlights when we have an individual on a traffic offense that's brought before the magistrate, these are the various cases. One is when a defendant demands or there's insufficient proof of identity, and I know that's one our law enforcement are particularly concerned about. They make a traffic stop and they can't identify someone sufficiently. They do bring them to the jail and attempt to identify them through their system. If they are able to identify them, then they do issue a citation and release, unless there's some other issue, like there's a warrant out for another offense or they're combative or otherwise.

This is the statutory language for when a person is immediately brought before the magistrate, just the statutory reference ([Agenda Item VII A-1](#)). In the next slide, I kind of highlight some issues that I noted when I was first looking at this stuff. It's not really clear to me, when we go back to my very first slide, I'm talking about an arrest of an individual, and then there's this other statute that talks about immediately being brought before a magistrate. Well, I guess as a criminal law practitioner, a judge for the past 24 years, I've scratched my head and said, "Well, what's the difference?" If you take someone into custody and you bring them to the jail and you book them and process

them and bring them before a magistrate, that is an arrest. I'm not sure if the Legislature intended that to be different, or if there was, I don't know what was anticipated by "immediately brought before the magistrate" or "without unnecessary delay." It kind of seems to imply that you're going to bypass the jail and the booking process and just bring them right on over to the courthouse, and of course we don't have magistrates sitting 24/7 in any court in the State of Nevada. I'm not sure what was meant, if that's just bringing them on a walk-in basis, or what was intended to happen at that hearing. Is that intended to be an arraignment, a release decision or a setting of bail? Those are questions I had when I read through the statute. I just noted to myself, Judge Saragosa and no one else, "Why does the defendant get to demand to be brought before the court? Why do we let the defendant demand the court schedule and how things are going to go?" I just thought that was curious. Those are some of the issues that I saw with that particular statute and I thought I'd highlight those for you.

The next slide talks about the rest of the cases. The majority of the cases are an individual stopped for a traffic violation and they're issued a citation. That citation will be signed as a promise to appear or serve if there is a refusal to sign. I know that recently, since the legislative change last session, we've noted a lot from the Nevada Highway Patrol (NHP) where they note in that signature block, they'll just write in the word "served," indicating that they have provided them. I've heard anecdotally that there is just a practice that they don't attempt to request to sign for a promise to appear. First, they serve them all. I don't know if that's an issue or not, but I've noticed on all of our NHP citations they will issue a note that they're served. The form of the citation in the State of Nevada takes two forms. The officer can issue a hand-written citation, or they can issue an electronic citation. The big difference here is the speed with which it gets input into our system in the Las Vegas Justice Court. Some other jurisdictions that perhaps don't have the volume that we do may not see the difference, but we do about 150,000 traffic citations a year in the Las Vegas Justice Court. It's a high volume, as you can imagine. If they're electronic, I'm told there's an interface system between that and the courts' database or our court case management system. It takes about a week to get it input in there, just fairly quick. On the other hand, the hand-written citations go through a different process and have some quality control things that happen to make sure that what's on the citation is what was data entered. That takes approximately 6 to 8 weeks. This is going to be a theme throughout my presentation, that any delay in that affects collection. When your information on the citation is stale, people are transient, people move, any time there's a delay, it causes a collection issue or a potential collection issue. The other thing I note is that when the citation is issued, it is the officer or the agency, whether it's NHP or the Las Vegas Metropolitan Police Department, who dictates the notice to appear date. We try to coordinate that with them, and some of that is dictated by this delay, because we know hand-written citations take 6 to 8 weeks and we want a fairly good standard. It's generally 90 days out. Many other jurisdictions in my review were, you get a citation and you need to pay it within 30 days. We don't even have a court date for 90 days, so people forget, people lose their citations, a lot of

things can happen in that 90-day lengthy window that will cause a failure to appear and a bench warrant to be issued. So, just some of the procedural issues we deal with.

The next slide is kind of our procedures. When someone is actually taken into custody to be brought before a magistrate, they're actually treated, as I stated, like an arrest. They are booked in the Clark County Detention Center on the traffic offense. Once they're booked, their bail is set not by an individual decision of a magistrate, but by a standard bail schedule that we use for traffic offenses. In general, that standard bail amount is the standard fine amount that we would impose should that individual ultimately be found guilty and convicted of the misdemeanor traffic offense. However, pursuant to an administrative order of our Chief Judge, we don't hold people on traffic offenses. You may have heard or read that our Clark County Detention Center is quite packed. We have a lot of criminal defendants that need to occupy that space, and a traffic offense is considered obviously the lowest of those, albeit criminal. If someone is arrested on a traffic violation, our administrative order, even though a bail would get set temporarily, we'll give them their own recognizance release and they are given a return to court date, again, about 90 days down the road. The only time that they're not, the administrative order would kick in and have them released, would be if they're uncooperative, they're combative, or they're being held on other offenses. Oftentimes, someone will get arrested for a traffic violation and come to find out they also have an outstanding warrant on another matter and they need to be held on that. Even if they are held in custody, these are criminal matters. Criminal law requires a magistrate to conduct a probable cause review of the arrest circumstances within 48 hours. I could tell you as a practical matter, we also process about 60,000 criminal cases per year in the Las Vegas Justice Court, and we do not do a probable cause review on traffic matters, so we understand that even if they're being held, and even if the administrative order doesn't kick in, they will never be held more than 48 hours without being released and given a new court date. Practically speaking, I don't think cash bail is actually rarely posted to get someone out of custody, because of all of these administrative releases and other reasons for release. It's just not common to actually see money posted to get released from custody.

The next slide talks about what happens before that 90-day appearance date on their citation ([Agenda Item VII A-1](#)). What happens during that window of time? Well, the defendant can contact the court. I will say that there's not a vast amount of information on the hand-written tickets because they're trying to cram a lot of information on one little, small sheet of paper that's about 4 by 6 inches, maybe 5 by 7. It has a phone number for the court. Some of them, they have an electronic citation that will have the website of the court, but they contact the court. The electronic citations have more information on them, in terms of means of contacting the court. Currently, our citations do not, because of the varying courts and jurisdictions that our law enforcement agencies deal with, every court has its own bail schedule or fine schedule, so there is no amount for that traffic offense listed on our citation currently. Other jurisdictions do that. Our jurisdiction and our statutes kind of contemplate that that could happen. We do



not have that. The Nevada Highway Patrol and Metro couldn't figure out, they have an entire matrix of what amount to write down for all of the various courts, the municipal courts, Las Vegas and North Las Vegas, Henderson, outliers, so they don't currently put an amount on those. If they contact the court, the court can tell them what the cost is, if you will, whether you call it a bail in lieu of their appearance in court or whether you call it a fine even though they haven't entered a plea yet, they'll call and say, "How much is my ticket?" We give them that amount. There are individuals who will say, "You know, I don't want to fight this. I don't want to come to court. It's a matter of convenience to me. I'm going to mail you in or pay my amount," whatever it is, let's just use \$250 as an example. "I'm going to give the \$250 to the court and I'm done with my ticket." That happens. I tried to get some statistics on that, but I was unable to get that information. I'm not sure that we'll ever be able to, given our information technology (IT) constraints, but I don't have the percent of how many people do that, in other words. If they pay this amount in full, as a convenience and in lieu of their court appearance that's 90 days out, then we will forfeit that. We consider that their bail amount that they have posted, and we will forfeit that and consider that offense disposed of and report it as a conviction. They have the means of paying online through an interactive voice response (IVR) telephone system and through appearance at court where they can mail the money. There are many different ways they can pay that.

There is technically no plea taken, but it is reported as a conviction under the statute that I've noted here on the next slide ([Agenda Item VII A-1](#)). This statute specifically talks about the way in which a line for a traffic citation may be disposed of, and it says, "Only by trial in that court or other official action by the judge, including the forfeiture of bail," so we read that statute to say the forfeiture of that bail amount prior to that first court appearance disposes of the ticket and we report it as a conviction, albeit that there is no technical plea entered to that traffic offense.

The next slide talks about what happens when that court date comes. Ninety days pass, the date on their citation is here, and they don't appear in court. This particular statute, while it's really busy, the essential part is paragraph three down there that says, "A warrant may issue," and we do utilize that. We issue a bench warrant for an individual who fails to appear at the time of their citation. The next slide talks about what happens if they get picked up on that warrant, this failure to appear warrant. Our court administrative order again says that if it's a first pick up on a bench warrant for a traffic offense or the second time they've been picked up for that same traffic offense, then they are automatically again given their own recognizance release and a 30-day return to court date. Again, that release is dictated in part by an overall view of the varying offenses that we deal with in the jail and the overcrowding at the jail that this is not the kind of person that we necessarily need occupying a bed when there may be other violent criminals that need to occupy that space. However, if you're a frequent individual who fails to appear in court or fails to make court appearances, on that third bench warrant, you will be brought before a magistrate at that time. I know here, the Las Vegas Justice Court currently uses Nevada Revised Statutes (NRS) 4.355, a referee

statute, and we don't have an actual justice of the peace that hears these traffic matters and the like. We have a referee that hears those under that statutory authority. I would note on this, I know my slide looks different. We made some corrections and the corrections didn't get sent over, so please note that it is on the first and second bench warrant that they're given that immediate administrative order, and it's on the third that they're brought before the magistrate. I apologize for that error. When someone is arrested on a bench warrant for a failure to appear or for failure to pay, as we'll get to later, we do an average of 30 bench warrant hearings a day in the Las Vegas Justice Court, so it is pretty busy. That's a calendar that gets heard every day, Monday through Friday, by the referee.

The next slide gives you some statistical information. What this shows you is the actual open citations by number of counts in the Las Vegas Justice Court. This is current as of December 20. Those that are actually in warrant status, there's 187,000 outstanding traffic citations in warrant status, another 143,000 that are not in warrant status. The balance in that right-hand column reflects potential revenue. If they were to pay for the offenses charged in that account, this is the amount that the Las Vegas Justice Court has assigned to it as a potential fine amount, and that is the potential revenue. You can see for those that are in warrant, there's a hefty \$163,000,000-plus in potential revenue out there. The next slide you can peruse at your leisure, gives kind of a breakdown of the number of active warrants that were issued in each of these past fiscal years. The balance again is potential revenue. The following slide shows the number of warrants that are recalled each fiscal year. These can be recalled for a number of reasons. Either the person contacts the court and wants to be placed back on calendar and take care of their matter, they may come to court or use the system to make a payment, or they may contact the collection agency that we hire, and I'll talk about that in a few minutes. You'll see that 2012 is a very high number of warrants that were recalled, and I will tell you that that is an effort. It was kind of due to a cleanup project that was done by the courts. There were very, very old warrants dating back many, many, many years that at that point our chief judge determined to be uncollectable after review. That is one of the things that the statute authorizes our court to do, and they were dismissed at that time.

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

Is there a way that with the computer you could just wipe out the warrants?

**Judge Saragosa:**

Yes. We recalled all of those warrants, and that was done in that particular instance.

**Senator Segerblom:**

You're able to do it without individually identifying each person? You can just hit a button and they're gone?

**Judge Saragosa:**

I will say that we have our IT Department that can build a program to identify by certain features of that case. They might say a query of all cases in the system that a warrant was issued more than 15 years ago and there's been no activity on the case since that time. They might show those are the parameters. If those are the parameters, IT can drum up a list and then all of those that fit those parameters on that list can have warrants recalled at the same time. Does that answer your question?

**Senator Segerblom:**

Yes, thank you.

**Judge Saragosa:**

The next slide is kind of a cost analysis of the warrants that we see ([Agenda Item VII A-1](#)). What we found, and I had our IT Department do an average, if they could tell from our records the amount of time that an individual spent in custody from the moment that they were booked into the Clark County Detention Center to the moment they were released, only on a traffic matter, he determined that there was an average of 60 hours. I will say that another initiative that our court is embarking upon will shorten that. The average happens, it's probably falsely high, if you will, only because it's an average. The majority of the people are seen the next day in court, except if you're arrested on a Friday or a 3-day weekend or something like that and we don't have a court hearing, that drives that number to be a little bit artificially high. But assuming that the average is at 60 hours, that's 2 1/2 days in the Clark County Detention Center, and the jail tells us their cost for housing 1 inmate for 1 day, one 24-hour period, is \$150. Based upon that, you can see the number of bench warrant hearings tells me the number of individuals that we had in custody in the fiscal years that are noted. The potential revenue associated with each of those is noted. When they came before the magistrate, in many cases they were given credit for time served. Some of that comes from NRS 176.065 and 176.075, which talk about giving a person \$75 a day in credit towards their outstanding traffic fines for a single day in the Clark County Detention Center or in jail. The credit time served amount is listed, the number of average days that those spent in custody and the actual cost of jailing them.

**Senator Segerblom:**

So, I'm arrested on a bench warrant, I go to jail, I appear a day or two later. If I say I don't have any money, what happens?

**Judge Saragosa:**

The magistrate should review the situation, how many days you've already done in jail, apply the appropriate credit by statute. I will say, many times our judges, depending upon the circumstance, will credit more time. The statute says \$75 dollars a day. It costs us \$150 a day to jail someone and we give them credit for \$75, maybe another statutory change that might be worthy of looking at. I don't know what the average is across the state, I just know what it is at the Clark County Detention Center. They will look at and question the individual, query about indigency. Of course, if they're deemed to be indigent, they won't hold them in custody any longer. The statute would prohibit that. They may give them full credit for time served or deem the remaining amount uncollectible due to indigency and waive it.

**Senator Segerblom:**

But potentially, stay in jail until you've worked off \$75 a day?

**Judge Saragosa:**

Or waive the remaining balance because it's uncollectible due to indigency.

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

On this, with the \$150 a day, if somebody's arrested and they get taken down to the facility and bailed right out, that still counts as a day. Is that not correct?

**Judge Saragosa:**

Well, I would say yes, they were in custody for a day and they should be given credit for that. I will tell you as a practical matter, there is no means currently of gathering that information from the jail into this system, giving that credit on each and every time that they're in custody. If they're brought before a magistrate and they're released, if they've paid in full, their case is just going to be closed, and their bail if they posted it would be forfeit. One other thing I'd like to mention, this might be a good time, there is a practice in the Clark County Detention Center and through our court that if someone is arrested on a warrant, they will be brought to the facility. They're given an hour to make some phone calls if they need to, or gather their personal belongings, make a payment via credit card or other means. They give them an hour to attempt to pay it to avoid ever being booked at all, so we do everything we can to try to avoid putting someone in jail and giving them that opportunity. Maybe they forgot about it, and it happens frequently that people will come down, they'll provide a payment, and there's a scale of how much they need to pay. They don't necessarily need to pay it in full, but many people will make that payment and avoid being arrested all together. If they are arrested, however, I think you're correct that they would be entitled to that. But that contemplates an order

of confinement for failure to pay, and the order of confinement never actually comes if they post their bail and they're released, which is kind of another question that I have later, and I can circle back to this point again, but as a practical matter I don't think that happens. If they post and they're released, the case is just closed. We forfeit the amount that they've posted.

The next slide just kind of delineates the number of warrants that our court issues per fiscal year based on nonappearance, like that failure to appear at that actual first court date that they're given on their citation, and those warrants that are issued after the fact when they fail to meet their sentencing obligation, which is their payment or fine ([Agenda Item VII A-1](#)).

The next few statutes are all going to talk about the statutory guidelines that are there for collections, and then I'm going to talk about what our court does. The first statute here is NRS 176.064. This particular statute outlines all of the collection efforts that exist in the State of Nevada for criminal offenses and, traffic currently being a criminal offense, we would fall right under this for traffic violations, and these are the guidelines that we use. I included the pertinent paragraphs, so paragraph one is deleted, but it's not relevant to this discussion. Paragraph two states, "A state or local entity that is responsible for collecting the delinquent fines, administrative assessments, restitution, etc. may do the following things." So, paragraph (a) is report it to credit agencies, paragraph (b) is request that the court do a certain thing under subsection three, which we'll get to in a future slide, then paragraph (c) is contract with a collection agency. Of these three things, they can do any or all of the following. Clark County has engaged in a contract with a collection agency. Harris & Harris is the agency we use. I understand the Las Vegas Municipal Court uses the same agency, and they also do collection efforts for various court entities across the state and across the nation. They are contracted. We are kind of their focal point, although it is a contract between the county and Harris & Harris. Within that contract, the collection agency undertakes that reporting to the credit agency aspect of this. So, paragraph (a) and paragraph (c) are done both at the same time, if you will. I don't know the timing off the top of my head based on the contract on when that is reported to the credit agency. I don't believe it happens right away when we turn a case over to them, but at some point that happens.

The next slide kind of reiterates some of that ([Agenda Item VII A-1](#)). We do have this contract. I will note that I've had conversations with Susan Allen. She's the local person who's a focal point at Harris & Harris for collection efforts, and she's here today listening in as her business is interested in this process as well. Some of the obstacles from my conversation with her that she noted to me, and she may have others, but one she noted that really stood out to me was that she felt their biggest hurdle to collections was finding the person. Making contact was the biggest hurdle. Once they make contact with the individual who owes this delinquency to the court, then they have a pretty good success rate. But making contact was one of the biggest hurdles that they had, and I thought that was interesting to note, and should you consider any changes at all,

perhaps something along the lines of giving more explicit authority to collect this personal identifying information, either whether it's on the scene from an officer or when they do show up to court, might be helpful to collection efforts.

Another aspect of collections that she noted to me could be problematic and maybe, more particularly with my court, and I'm not sure how the other courts handle their contracts, but when we have someone in warrant for failure to pay and they're sent into collections, then when they get picked up on that warrant, now they're back before the court again and now the judge has control over the case again, and the judge might, as we stated, make credit for time served, for the time they did spend in the jail. They may waive certain fees due to indigency, and all of those things sometimes happen over and over again, because they may offer a new payment plan. "Okay, I'm going to give you credit for the day you spent in jail. I'm going to release you. I'm going to put you back on a payment plan. You need to pay whatever X dollars a month," and then they fail to pay again and another warrant gets issued and they get sent back to collections. It's kind of this ping pong ball going back and forth between collections and the court, collections and the court, and sometimes that can be frustrating for the collection agency, as they might have expended many hours attempting to contact that person, only to get them picked up and then get it pulled away from them, and months later get sent back to them again and their trail has gone cold, if you will, to contact that person.

The next slide talks about that paragraph three. If you remember, in paragraph two, it began with, "The state or local government or entity that's responsible for collecting these outstanding amounts can do the following three things," any and all of those three things, and paragraph (b) of those was, "Ask the court to take action under paragraph three." Now we're at paragraph three, and this is what the court can do. There are four subparagraphs to what the court can do: paragraph (a) is enter a civil judgment for the amount due. I've inquired many courts around our state, and I know that the Las Vegas Justice Court does not utilize this yet. I know also that this is a fairly new addition to our statute. I want to say it's within the last 5 years that it was amended to authorize this. I don't have the date. However, it's not as simple as it sounds, and it can be a little cumbersome. I'm currently working with our IT Department to see if this is even feasible, and I've spoken with Ms. Allen about how this would affect their collection efforts. Essentially what you do is you'd have the amount that's due and left over on a criminal traffic citation, and then you would have to convert that to a civil judgment. It would be given now a new caption, because instead of the State of Nevada versus defendant traffic driver, now it's going to be the local entity, Clark County in this case, versus the local traffic driver as a civil judgment, and it would be a judgment issued based upon this delinquency for a specific dollar amount. Our statute doesn't authorize an interest amount unless you consider it a civil statutory interest, but that's not really clear in the statute. If we were to do it, I would envision you'd take those amounts, you'd issue a judgment, and then you would file that judgment with the Las Vegas Justice Court's Civil Division, and then you'd work it like any other civil case. In this matter, in the very last sentence, it kind of talks about, if the court entered a judgment and the

person is not indigent, so there would have to be some method, hearing or otherwise, to determine indigency at that point, and there's already a civil judgment against them. I would note that there are already built into statute provisions that would exempt certain monies from an individual. A percent of their wages, for example, is exempt from any sort of collection efforts. That's intended to not collect monies for someone who is indigent. All of their money is exempt if they fall below federal poverty guidelines. Then it says, "If they've not satisfied the judgment within the time established by the court," so that envisions an oddity from a civil judgment. They don't normally have a time period to pay. They're just good for the life of the civil judgment. It envisions at that point that there's a time period within the judgment itself for someone to pay, and then if they don't pay by that timeframe, it says the defendant should be dealt with as contempt of court. I would note that with contempt of court, the punishment for that under the statute is either an additional \$500 fine or 25 days in the Clark County Detention Center. One: 25 days in the Clark County Detention Center may exceed the \$75 a day for their bench warrant, but the court doesn't have to give 25, they can give any amount. Two: Contempt of court, because it has the possibility of jail time, requires the appointment of counsel. They're facing a loss of liberty. I believe they would be entitled to counsel at that point. Our court has absolutely no means right now of appointing someone from the Public Defender's Office, or they can hire their own if they're able to afford it, to even represent someone in these hearings. That process just has never happened because we've never turned anything into a judgment. The other thing, as this says, the judgment would be enforceable as any other civil action. Well, civil actions, civil judgments, are good for 6 years. It would require someone somewhere in this big process of these millions of outstanding traffic citations or hundreds of thousands of traffic citations, I should say, with millions of dollars of attached to them, to monitor those and have to file renewals of judgment every 6 years, and then there's a filing fee with that. There's also a filing fee to obtain a writ of garnishment or writ of execution, so there's now another cost layer added to that that I'm not sure how the Legislature intended that to work in this scenario or who was supposed to pay that, how that was supposed to happen. Is it supposed to just get added on like any other civil judgment? Collection fees would be added on. There are a lot of questions there.

The next thing is the contempt of court statute on the next slide ([Agenda Item VII A-1](#)). The contempt of court statutes under NRS 22 are a little difficult when it comes to someone who's already out of custody. In a civil setting, we don't issue a bench warrant for someone until they've been served with an order to show cause and failed to appear at that order to show cause. In the traffic situation, taking something that's criminal, and you would be turning it civil, I guess closing the criminal case so there wouldn't be. It's a little questionable as to whether you issue the warrant and then hold a contempt hearing, or whether you have to issue the order to show cause and then have them serve. Who's going to serve them? Is Metro going to serve them? Is the Constable's Office going to serve them? These are all questions I have with this idea of only handling it as a civil judgment and how that would work, so I think there are definitely a lot of questions on how you would envision that working, should you decide they're civil



altogether, and two, if you decide to stay with our current statutory scheme, how is this supposed to work? This particular statute, especially 22.040, uses a lot of language like “a warrant of attachment” or “a warrant of commitment” that frankly just aren’t even used in our vernacular in the court system today. I’m not entirely sure what was intended by those statutes given their age and the practice of law at that time, so they may need some more modern language that would be a little clearer and more in line with the way in which we handle the cases today.

Okay, so we talked about paragraph (a). That was an issue of civil judgment. The court may issue a civil judgment. One more thing I’d like to point out before I get to paragraph (b) is, under 176.064, this paragraph three of what the court can do, it specifically says to do these things in this order of priority if practicable. The court is supposed to look at paragraph (a) first, then go to paragraph (b) and on down the line. So, paragraph (a) is the civil judgment. No court that I’m aware of is actually doing that now, but that is the first matter of priority if practicable. Paragraph (b) is request that the prosecuting attorney undertake collections. I thought this was important to point out because it appears to kind of contradict with the collection efforts with the county or local entity or the state or local entity that’s responsible for collecting can contract with someone like Harris & Harris and we have that contract in place, but if we turn it to a judgment and we turn the judgment over for collections, that doesn’t appear to follow the statute. It appears that I’m supposed to give that to the prosecuting attorney, who in my case would be the District Attorney’s Office, and I can assure you the District Attorney’s Office has no manpower nor any desire to undertake a collection division, and they just don’t have that. It renders kind of paragraph (a) and paragraph (b) many times impracticable for courts. I think that’s probably an unintended side effect of the way this came about, but I would suggest at a minimum that this authorize the courts should we enter a judgment, you can always I guess say, “Well, the prosecuting agency is a department of the county, so the county can still take over that responsibility and contract with a collection agency,” but it might need some cleanup that would make that a little more obvious.

The next is paragraph (c). So, now we’ve talked about order of priority, paragraph (a) being the civil judgment, paragraph (b) being turn it over to the prosecuting agency for collection, paragraph (c) being order the suspension of the driver’s license. I’ve highlighted in red here another aspect of that ([Agenda Item VII A-1](#)). Not only do we suspend the license, but the Department of Motor Vehicles (DMV) is then required to report that to the insurance company. I know it happens in Las Vegas Justice Court. I believe it happens in most jurisdictions, but that’s paragraph (c) in priority. I do know from talking with my local Traffic Division staff, one of the biggest factors causing people to come to the window to take care of their traffic matters is this suspended driver’s license. They’re informed of it from the DMV. That is a concern for there, so I really think this is a big aspect of driving collections or driving compliance. It’s paragraph (c) on the list of priority. It may be a consideration for the Legislature to move that up to paragraph



(a). Again, the thought of me alone and not my court as a bench but just a thought after talking with my staff.

Paragraph (d) in the priority of listing is on the next slide and this is, for a delinquent fine or administrative assessment, order the confinement of the person in the appropriate facility under the next two statutes. Those statutes are the \$75-a-day credit that we have spoken of, and it does not apply to indigent persons, which goes along with what Ms. Essex stated earlier, that it would be unconstitutional to put someone in jail just for the purpose of payment if they are indigent. But yet, there's no specific definition of indigent. I think many courts use that federal poverty guideline. I don't know if the Legislature intends anything different than that. There is a different indigency standard when you're talking about affording someone counsel for criminal defense purpose that's been set forth by our court as 200 percent of the federal poverty guideline. That isn't outlined in the statute, and it's generally left up to the courts. There's no real means or authorization of gathering information, other than if a person wants to be put on a payment plan or an installment plan to pay off their fine because they can't afford everything all at once, then they need to be given authorization from the court. The court can undertake an application process for that, if you will, that would outline their assets and information to determine should you be on a payment plan, and two, be used perhaps to determine indigency. It would be certainly clearer for the courts if we were given specific authority to do that, but I think inherently we are already.

The next slide is just some things to consider and I have recommendations ([Agenda Item VII A-1](#)). I kind of changed that to considerations. I don't think that makes any substantive difference, but again, from my review, this order of confinement isn't really outlined. Courts don't really use an order of confinement, we issue a bench warrant. Is that meant to be the same thing by the Legislature, this order of confinement, is that intended to be a bench warrant? I think most courts would view it that way, but the order of confinement, or the bench warrant, outlines the fine amount. It doesn't outline a number of days. Is that intended? Should it be? I don't really know. Just questions that came to mind as I was reading through this and preparing. My next thought was, when a bail amount is normally issued on any bench warrant, it's issued in a cash amount or a surety amount, and we allow people—it's usually 10 times the amount of the cash. Let's say the outstanding fine is \$250. It would be cash of \$250 to post, or 10 times that in the amount of the bond, but the bond can be forfeit through the bond companies. It might be cleaner just to deal with cash only, I don't know what an appetite would be for that, but that's a thought. Currently we do the fine amount and then 10 times that. Obviously, I stated in our jurisdiction, it's \$150 a day to house someone in jail and we give them credit towards their fine of \$75. That seems to be a net loss to any county or local entity of \$75 for every day in jail. That doesn't seem to make fiscal sense, so perhaps it's time to maybe look statewide at the cost of jailing someone and what that credit towards their fine really should be. That's a rather old statute that hasn't been amended in some time. I would also recognize that even if we put someone in custody, we have to be cognizant of the crowding of the jail. So, if we apply a dollar amount, \$75 a day, for the fine and

they owe \$1,000, that's a lot of bed days in the jail that are taking up space, and these are relatively low-level offenders. The jail has certain criteria that they can convert any jail sentence for a criminal offense, which this would be, to house arrest or some other work program or the like. They have those means in place, and I'm quite certain with the crowding of the Clark County Detention Center the jail would be looking at any means possible to get these traffic offenders out. That's just a practical matter to think about. Then we'd be monitoring these people on house arrest. It's just the way our jail is. It's overcrowded.

The other thing that I thought was interesting, if we're going to talk about determining whether someone's indigent or whether they can pay or whether their failure to pay is willful, as Ms. Essex pointed out in terms of jailing someone for failure to pay, we don't really have a lot of access to information unless we simply just ask the defendant, and then we trust them at their word because we have no way of verifying any of the information that they give us. It kind of puts us in a little bit of a conundrum. It might be helpful for collection purposes and determination of indigency to have access or some sort of connection between Temporary Assistance for Needy Families (TANF), food stamps, unemployment, all of these things that would tell me that someone is definitely on the indigency scale and would be a helpful determination in whether or not we ever even expend collection efforts. If I know an individual is receiving social service benefits and I can tell from that that they can't afford to pay and I can do that through a cross-communication between computer systems, or maybe a query of just a yes or a no. I mean, I understand there are certain protections, Privacy Act information, Health Insurance Portability and Accountability Act (HIPAA), things like that that we wouldn't want released to the court, but perhaps just a query of, "Yes or no, are they receiving social services benefits?" If so, that gives us a lot of information and says, "Maybe this is not the case we want to undertake collection efforts for, because it's going to be a dead-end or because even if we turned it into a civil judgment, all of their assets are exempt under other statutes." I think that's an important consideration.

The next few slides are just statistics. I'll run through them fairly quickly and how our court undertakes collections. We have two processes, two phases. There's first-party collections in which our collection efforts are deemed through in-house. They're done by contract. The contracting agency contacts the individual and represents themselves as an agent of Las Vegas Justice Court. After a certain period of time, it's 120 days in first-party collections, then that matter is closed for first-party and turned over to third-party collections in which Harris & Harris will continue those collection efforts as a third-party entity. We don't send our cases to collections until 49 days after the failure to meet the financial obligation. We have a 50-day or 49-day kind of grace period. Within that 49 days, at the 14-day point we send them a reminder letter. We do certain steps to try to keep someone out of collections to begin with and to take care of their matter and out of a warrant. It's not until that 49th day until the warrant is issued and that the matter is sent to first-party collections. When that happens, there is an additional \$150 bench warrant fee that's added onto their outstanding delinquent amounts, as well as a \$100

collection fee, which is the \$100 that's outlined in the collection statute. This program for us with Harris & Harris began in February of 2016. We had another entity contracted with prior to that that was not as successful as Harris & Harris has been. On the right-hand column, you'll see the outstanding revenue that we assigned to Harris & Harris. That figure is kind of probably arbitrarily high because this was a big bucket all at once. We don't have an annual amount of that. But it's \$89,000,000 we turned over to them. Some of that was very old, so while the 5.5 percent collection rate and the \$4,900,000 that was collected might seem rather low, it's actually a decent amount when you're considering the age of these \$89,000,000 of outstanding that some of them were 7, 8, 9 years old and they're undertaking collection efforts. Overall, it just outlines the rest of it, how much they're working, how much was cancelled. For cancelled, the majority of that is because it was closed and sent to third-party collections. The next slide outlines the same data for third-party collections. So, a total of \$230,000,000 assigned to them in third-party collections, a lower collection rate for third-party as I've noted. They're most successful on that first 120 days, so it's really important to act with these things I think fairly quickly. The collection increases the earlier they're involved. Two, the age of these particular cases that were assigned to them. The next slide shows just the overall monies. This is not collection effort only, this is all monies collected over the internet, the telephone service, mail, at the traffic window, by the court, by the collection agency, total monies, and this includes fines, administrative assessments, cash bail forfeitures, traffic school fees, collection fees, bench warrant fees, all money collected no matter what bucket it goes into, all monies for these fiscal years. Last year the Las Vegas Justice Court collected \$32,800,000.

**Senator Segerblom:**

Have you indicated before or somewhere what your Traffic Division cost last year?

**Judge Saragosa:**

No, I don't have that figure.

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

I do have a question on these collection agencies. Once it's turned over to collections, what percentage does the jurisdiction receive from the collection? How much does the collection agency receive? I don't see that anywhere in any of your charts.

**Judge Saragosa:**

That's a good question. The amount of money that is attributable to fines, administrative assessments, those types of things that are statutorily driven, and they are by statute driven to be collected in a certain order, those are collected in that order and we would keep 100 percent of that. There's a \$100 collection fee that's built into the statute NRS

176.064. That appears in paragraph one, although I didn't put that on the slide. That amount, whatever the percent of the contract would be for their particular collection efforts would go to the collection agency. We get it all and then the county pays the collection agency back that percentage. Am I correct about that, Ms. Kampling?

**Kim Kampling (Court Administrator, Las Vegas Justice Court):**

Yes.

**Judge Saragosa:**

Okay. We get it all from the collection agency and then we attribute it where it's supposed to go according to the statute, and then the county will pay the percentage of the amount collected back to the collection agency. That percentage runs anywhere—it's my understanding, and I'm sure Ms. Kampling will correct me if I'm wrong, that it can range anywhere from I believe like 5 percent to 9 percent. It all depends on whether it's first-party collections, third-party collections, the amount that's collected, the timing, and there's a whole kind of a matrix built into the contract of how much they get. I think there's also a difference in old warrants or outstanding delinquencies. As I stated, we gave them this big, huge pot in February of 2016, so that original case because those were so old, they had a certain percentage attached to them, and those going forward have a higher percentage attached to them. Anywhere in that 5 to 9 percent range is of the amount that they collected.

**Senator Gustavson:**

Thank you very much.

**Judge Saragosa:**

The next slide talks about the point system ([Agenda Item VII A-1](#)). This is the DMV driver's license point system. It's important because this particular point system kind of drives, in my view and my view alone, the negotiation of the case. Many individuals that come, they're worried about points on their license. It tends to involve the court even though the DMV point system was intended to be a demerit system within the DMV. These two statutes talk about what the statute says. When they get a certain amount of points they're associated for each moving violation depending upon what it is. For example, a speeding 1 to 10 miles over the speed limit might be one point, whereas if it's 11 to 20 miles over it's two points, and so on. Everything has a varying point scale. The DMV is required to notify the driver when there are three or more points on their license, and those three points for every 12-month period can be cancelled by taking traffic school. They go to traffic school, they provide their certificate to the DMV and they get those three points removed. It does not apply when traffic school was required pursuant to a plea agreement with the court, however, which is interesting, because if

they can enter a plea agreement with the court and the court deems them to be an unsafe driver and we want to require them to go to traffic school, if they go to traffic school, they're not allowed to use that traffic school in order to reduce their demerit points. It might be helpful to kind of link those programs together, kind of consolidate those, because what happens now, people don't want those points on their license. If they go to traffic school for the court, then the court will—well, I shouldn't even say the court. We don't drive the negotiation. Judges by our judicial canons cannot make offers on traffic citations. There's a judicial advisory opinion on that as well. The District Attorney's Office or the prosecuting entity when it's considered a criminal matter must make the offer to the defendant. They can do so personally, or this particular judicial opinion from a couple of years back cites that they can create a matrix, and if this matrix give a certain offer then the judge can take their offer that's in the matrix and extend that offer to the defendant. That happens frequently in our court. There is a matrix the District Attorney's Office has provided and given to the court so that we pass that along to the defendant. Many times that offer includes reducing a traffic charge down to a nonmoving violation so that there are no points attached to it if they pay a certain amount of a fine or a certain amount of a fine and attend traffic school. That point system drives the negotiation on the frontend. Many times if they do it on the frontend with the court, they don't have any points with the DMV.

My last slide is just kind of a timeline that I thought was interesting. I've already noted the time to court appearance. You get stopped on the street, get issued a citation, that notice to appear date is 90 days out. If they enter a not guilty plea to that traffic offense, then our current process is to send them to a pretrial conference with the District Attorney's Office in an effort to have the District Attorney negotiate with the defendant and resolve that matter. That pretrial conference is set 4 months out from the time that they enter their not guilty plea. They hear those sessions two times a month. The District Attorney makes themselves available twice a month. They hear about 100 citations each session, so about 200 citations a month are reviewed for this pretrial conference. If it is unresolved at that pretrial conference, it's set for trial. That trial date is set another 3 months out. If they're found guilty at that trial, then the fine would be imposed. You can see there's this 90 days on the frontend, 4 months if they plead not guilty, 3 months to set for trial, so those that go through the whole system take quite a while. Even those that end up negotiating at the pretrial conference take a while. The faster we handle these cases, the better the collection effort is. Delays due to these processing times that are just inherent by the volume that we do, and the failures to appear have a significant impact on the court's ability to have accurate, good information to turn over to the collection agency. As I stated, we wait 49 days before we turn them over to collections to try to avoid the issuance of the warrant, and we wait that same 49 days before issuing a warrant.

I'm happy to answer any questions.

**Chair Yeager:**

Thank you for that presentation. It was very thorough, lots of information. I just had a couple of quick questions. Do you have any sense of how many of these minor traffic infractions actually go to a trial in front of a judge? I'm assuming it's very few, but I don't know if you have numbers, or just anecdotally what kind of number we're talking about?

**Judge Saragosa:**

I can get that information for you, Chair Yeager. I don't have that available today, but anecdotally, yes, it is a very low percentage of the amount that actually go to trial. The majority of them even that go to that pretrial conference will get resolved. It's a very small number that go to trial, and then of course it all depends upon whether the officer's subpoenaed to appear at trial, the trial date, whether they show up, as to whether the trial actually happens. But I can tell you in 11 years on the Las Vegas Justice Court bench and several years doing all criminal calendars, I maybe presided over less than five traffic trials.

**Chair Yeager:**

I think Sparks told us at the last meeting they had four go to trial last year, so not very many. Another question I have is, the \$150 bench warrant fee that you mentioned, is the amount of that bench warrant fee set somewhere or is that just court discretion in terms of how much to issue the warrant?

**Judge Saragosa:**

It is not set in statute. It is established by the individual court and it's established by what we would deem our inherent power of the court to set fees under the *Blackjack Bonding* case. Based upon just the workload and the effort that the court has to put into it, it's a fee that we impose.

**Assemblyman Ellison:**

One of the things that I didn't see in here, but does the court allow for community service on fines in Clark County? That was one of the questions I've got, and the reason I ask is because that usually happens in some of the rural areas, that they go out and do community service to work off these fines. Do you guys do that in Clark County?

**Judge Saragosa:**

Yes, we do. Statutorily, it is authorized to the court to allow an individual to do community service work to work off the fine. In our court we give them \$10 credit for each one hour of community service that they do.

**Assemblyman Ellison:**

Okay. The other question is, you didn't mention what the court assessment fees are, what you guys use for when you do fines, how much money goes back into the court systems. I know a lot of them use to build buildings, they replace the computer system, upgrades and stuff. You didn't mention that in here.

**Judge Saragosa:**

Those are all set by statute, the various fees. The fine itself has certain directives on where that should go. Those state fines go into the state permanent education fund, county fines go into the county general fund, cash bail forfeitures go into the county general fund. There is an administrative assessment fee for specialty courts goes to the Administrative Office of the Courts, and on an annual basis they determine all funding for the various specialty courts throughout the state. There is a \$10 facility fee that goes, as you stated, into construction, remodel, purchase of buildings, the like, for court facilities. There is a state administrative assessment fee that is established on a sliding scale that's pursuant to NRS 176.059. That particular sliding scale depends upon the amount of the base fine. It drives the administrative assessment fee. That was what we call the state administrative assessment fee. It is then further broken down into a number of areas, \$7 of each one of them I know goes to the court for an administrative assessment for a variety of authorized expenditures, the biggest being IT expenses I would say for the court. Otherwise, technical services, things like that. The court collection fee is \$100 set by statute that goes according to NRS 176.064(1) outlines the uses for that. That can be for court facilities as well, or for staff that help us with the collection efforts internally before we turn it over to collections. It also allows for court security, many of these fees. I do have it broken down. There's about, I would say, 10 different places these different segments of the fee go, but they're all driven by statute. We follow the statute and then the statute specifically says the order and priority in which you collect them as well.

**Assemblyman Ellison:**

Thank you very much. Very good job.

**Judge Saragosa:**

Thank you.

**Senator Gustavson:**

On these, do you have any records or do you keep track of all these uncollectible fines and assessments that are not collected that are from residents from outside of the State of Nevada?

**Judge Saragosa:**

No. I have no data on that, and I have no ability to collect data on that without drilling down into each individual citation and looking to see what their address is. We don't capture that as a data field, so it's not something that would be searchable.

**Senator Gustavson:**

Obviously Nevada and Las Vegas is one of the tourist areas in the world. A lot of these people that come from out of state, you could understand why we wouldn't be collecting these fees, so I just wondered if you had a number on that. Thank you.

**Judge Saragosa:**

I would say, I don't know whether the collection agency keeps any sort of statistic on that once they get it turned over to collections. I don't know the answer to that, but we internally do not.

**Senator Segerblom:**

Just a comment. It seems like the computer programmer could program in all the zip codes in Nevada, and then just say everyone that doesn't fit that would be an out of state one. I'm sure you mentioned this, but in the Justice Court's budget every year, is a certain amount allocated to be paid for by traffic ticket fines or traffic tickets?

**Judge Saragosa:**

No. All money that's collected in terms of this goes either by statute to the specific areas that I've spoken about or it goes to the county general fund. So, the two pots that the court would have some control over, if you will, are the court facility fee, which is dedicated to facilities, and that currently is exhausted every year by the bond on the Regional Justice Center. We pay every penny of that \$10 goes to pay the bond right now. It has for as long as I can remember since long before the building even opened. The \$7 part of the state administrative assessment fee, we do keep that in a separate pot that's kind of internal, if you will. It still is held by the county, but it's our money that we use for IT purposes. I can tell you in the future years, given our constraints of space in the Regional Justice Center, that that money in the future will be used for court facilities as well.

**Senator Segerblom:**

But do you have that amount of money as a dollar amount for both the bond fee and then this \$7 fee?



**Judge Saragosa:**

Oh, do I know how much it was?

**Senator Segerblom:**

Yeah, per year.

**Judge Saragosa:**

For Fiscal Year 2017, I can get you that. For Fiscal Year 2017, it was the state administrative assessment fee, \$6,300,000.

**Senator Segerblom:**

And that's what was actually collected? That's what was collected, not just what was on the ticket?

**Judge Saragosa:**

That is what was collected, not what's out there. That's correct. I don't have the breakdown for the uncollectible potential revenue. The court facility fee was \$1,300,000.

**Senator Segerblom:**

Then you said there's a \$150 bench warrant fee?

**Judge Saragosa:**

Yes. That figure for Fiscal Year 2017 was \$2,700,000.

**Senator Segerblom:**

And again, you don't have a number for what the actual cost is for the court to enforce the traffic tickets?

**Judge Saragosa:**

I may be able to. Ms. Kampling is whispering in my ear that we could probably generate that based upon the number of employees that we have in the Traffic Division. I'm sure that we could get that, and I'd be happy to do that if you'd like to see that.

**Senator Segerblom:**

I'd appreciate that.

**Judge Saragosa:**

Yes.

**Senator Segerblom:**

We don't want to destroy anything, but we'd like to know what we're destroying.

**Judge Saragosa:**

Yes.

**Chair Yeager:**

Thank you for your presentation. I'm afraid we've probably kept you here longer than we should have. I know you need to get back for your trials.

**Judge Saragosa:**

No problem. Thank you for the opportunity to present.

**Chair Yeager:**

Thank you for the presentation and your time, and we'll follow up with any additional questions.

**Judge Saragosa:**

Thank you.

**Chair Yeager:**

I think next on our docket, if it works with everyone, we were going to take Henderson, I believe, so we'll call representatives from Henderson up to the table. Thank you for being here this morning and for your patience.

**Mark Stevens (Chief Judge, Henderson Municipal Court):**

Thanks for the opportunity to be here. I'm going to turn this over in a little bit here to Bill Zihlmann. He's the Court Administrator for Henderson. I'm the Chief Judge for the

Henderson Municipal Court. I'm also the President of the Nevada Judges of Limited Jurisdictions. However, I'm not here testifying on behalf of that organization, only as a Henderson Municipal Court Judge. I also have Judge Rodney Burr next to me as well.

My portion is going to be brief, but in Henderson we also have overcrowding issues in our jail and concerns with regard to traffic and whether individuals with traffic warrants for either failure to pay or failure to appear are in courts are in jail. Some of the things that Mr. Zihlmann's going to be talking about here are some of the notices of pending warrants that we do to try to avoid the actual arrest of any individuals. The work program that we offer through our alternative sentencing and light-duty community service to work off fines, the walking program also to try to avoid individuals actually getting arrested for a failure to appear or failure to pay warrants that they might have. One thing we've done I guess for about 11 years now is we do credit \$100 a day for anybody that's in custody towards fines. I think in part, because overcrowding is why it came about, giving higher amounts in agreement with the city attorneys and the police departments and everybody's in agreement that \$100 a day for our purposes were appropriate, so we've done that for a number of years. Also, it's a whole lot easier calculating credits when it's \$100 a day than \$75 a day if you're as mathematically challenged as I might be. It's also another reason why we utilize that. But Mr. Zihlmann's going to talk about procedurally how we do things in Henderson to try to provide the notices and avoid as many warrants as possible and what we do after the warrants are issued to try to avoid arrest as well.

**Bill Zihlmann (Court Administrator, Henderson Municipal Court):**

Thank you for allowing us to come to you today and present an overview of the court processes for traffic citations in Henderson. I've been with the Court coming up on 25 years, so I've seen us grow from a one-judge to a three-judge panel now.

To give you an overview, last fiscal year we received and processed over 18,600 traffic and parking citations ([Agenda Item VII B-1](#)). About 70 percent at this point have been received electronically, with the remaining 30 percent being received manually. Our police department is in a transition period, which is why that number is a lot lower than I would prefer it to be. They're switching to a new vendor for their electronic citation writers. They're going to Brazos, and they should hopefully be deploying that in the next 30 to 45 days if everything goes well. Our goal and our preference of course as a court, we would be in the high-90s as far as electronic communication there. Probably as far as filings come to our court, probably 95 percent are from our own police department. Of course, there are grant-funded programs, Joining Forces they call them, where other jurisdictions will either come to our city or they'll go to another city and do specific enforcement, generally for speeding, could be for cellphone use. We've seen that a couple times. So, we will get a percentage of our citations written by officers that actually work for North Las Vegas or the Metropolitan Police Department as part of that program. One of the goals we have with having it more electronic-based is we would

like to tighten the timeframe from date of issuance to court date. Similar to the other presentations and other courts you've heard about, sometimes the delay in getting the cases to the court is, in our opinion, very much longer than it needs to be. Realistically, we're going to try out of the chute with Brazos to go to 28 days. Realistically, if we can stabilize electronic communication, I'd like to see it 14 days from date of issuance to court date. I think that gives everybody a better chance of remembering, "Hey, I just got a ticket, I go to court right away," getting it taken care of through whatever means for resolution, and keeping the data fresh for everybody as well. Our three judges hold seven traffic arraignment hearings over 3 days each week. Six are for adult offenders and one is for juvenile traffic. In District Court, they do have an administrative order that they've published for processing what they consider minor traffic offenses that allows our court to handle that, and Judge Burr, that is one of his calendars.

What we tried to do in our presentation is just give you kind of a workflow on the different things that can happen ([Agenda Item VII B-1](#)). The first slide here is for the electronic versus manual process where the officer issues a citation to the individual. We do in our jurisdiction have an assigned court date and time that the officer uses to tell that person that this is the date and time you need to appear in court if that's what you desire to do. If the electronic citation is written, it's synced by the officer either during their shift or at the end of their shift, and then that data comes to our case management system electronically and we now have it set for arraignment calendar. If it's a manual citation, then of course we have to get it via interoffice mail, so that could take up to a week from our police department, but similarly handled. It has an assigned court date and time on it. The resolution options that we have really flow from two things. Is it a mandatory court appearance? If yes, then the offender is required to appear in court. If it's not a mandatory appearance, then they have basically five different ways that they can resolve the citation. They can appear in court on the date and time noted on their citation, they can appear at our customer service counter to see if it's a qualifying violation, they can pay online, they can mail in a payment, or if they decide to hire an attorney, they can do negotiations with the attorney through our city attorney's office. The mandatory court appearances that we have, some are statutory, most of them are. Others are just judges' discretion. We've decided that these are the items that we'd like the offenders to appear in front of a judge for. Some of these have escalating penalties based on NRS, so we need to see them in front of us, including aggressive driving, reckless hit and run, leaving the scene, child restraints is I think a three-level enhancement, revoked license for DUI, failure to obey a police officer and such.

Once they're scheduled for the court appearance, we do allow the offender to reschedule that one time. They can do that in person. They can call us and we will reschedule that for them. They do have, as Judge Stevens referred to, payment options. They can pay it in full, they can request time payments, they can be placed on the work program after a *Gilbert* hearing is conducted by the judges. Of course, on a lot of our violations, what we call our paper tickets, insurance, registration and license, it's not

about the penalty, it's about getting the offender into compliance. We want them to drive with a valid license, to have valid registration, to have insurance, so we want to give them the opportunity to get that fixed and corrected before they're formally sentenced by the court. Our first option is that they come in by court appearance. They appear in court before the judge. At this time, our city attorney's office does not have an attorney at the courtroom for possible negotiation, so if the offender pleads, the judge opposes the sentence at that point. Again, they can pay in full, they can get a payment plan, they can be assigned to the work program for their fines. The matter could be continued for them to show the valid documentation. They can request traffic school for moving violations if that's what they'd like to do. If they plead not guilty, we schedule a traffic trial, and those are generally 6 weeks out is our minimum on traffic trial scheduling.

For those that are able to process certain violations at our customer service counters for moving violations, this chart kind of shows you how that happens ([Agenda Item VII B-1](#)). We have the offender sign a plea waiver explaining their rights and that they're choosing to plead no contest or guilty to the charge. We look at, if it's a moving violation, if it's traffic school that they want to do, we check to see if they've been to traffic school in the last 12 months. If they have, then they're eligible to go to Level II, the more enhanced traffic safety school. Same thing for the fines. They can pay that today or get on payments at the customer service windows. Our process in our court is if they choose to do traffic school, as long as they do the school and pay the fine by the 35-day date that we status it, then the moving violation would be amended to improper parking so that the points and conviction are not reported to the DMV.

For insurance specifically, again, we're looking to get compliance. If they come to our window with proof of insurance that was valid the day of the violation, by statute that charge is dismissed. If they have insurance now but it wasn't in effect, then by statute that can be reduced. But the mandatory fine on that is \$600 by NRS. It can be reduced down to \$100 plus costs after the fact. Again, we go through the same payment plans.

For registration, the judges have given us several variables on this as well. On my workflow, depending upon what type of violation for registration kind of depends how it's handled, but again, the focus from this court is compliance. If it's not in the vehicle, as long as you show valid registration, this court dismisses that charge. If it was suspended, as long as they can bring proof from DMV that it was an error, they can be addressed. If it was failure to change address, we're looking just to get the address changed. It could be a non-Nevada resident that has moved here and hasn't changed over their registration on their out-of-state plates. We want to get them registered in Nevada. But again, the workflow tells you, very similar processes for all that.

Same for driver's license. Again, we're trying to get people in compliance. We know that there's a large number of individuals driving on suspended licenses or cancelled licenses, so depending upon what the officer cited them for, we have discretion as far as how that's handled.

Internally, there are some miscellaneous processes for what we consider really minor. You know, somebody's cited for a windshield-tinting violation. Could be handled through the customer service window. They don't really need to see the judge for that. Again, we're looking just to get it fixed. If they had a windshield or a window obstructed, bicycle violations, tail lamp out, headlights out, license plates on display, our staff has the ability through the judge's order to handle those without judicial input.

If the offender wants to not come to court, we do have an online payment process available. We have a third-party vendor that we've contracted with. They can go to a link on our court webpage, make the choice and it takes them through the process where they select their payment type. They accept the terms and conditions. We actually have them enter a guilty plea at that point. They can select traffic school and complete the payment, and then we get it the next day and update our case management system with the data there. That has been a popular item obviously with people nowadays. The other methodology that can be used for resolving a traffic citation is attorney negotiation. As others have indicated, the judges do not get involved with negotiations. A defense attorney will contact the court to enter a not guilty plea via electronic, fillable PDF form. That form will be forwarded down to our city attorney's office, who then handles the one-on-one negotiation with the defense attorney. They respond back and either accept or deny the negotiation, the offer, and then it's presented back to the court for the judge to review and approve. Once that happens, we update the file. The defense attorney contacts his or her client and lets them know the due date if it's a fine, traffic school, whatever it is, but it does stay out of our judges' hands as far as that goes.

The last resolution is a traffic trial ([Agenda Item VII B-1](#)). If the offender comes in and pleads not guilty before the judge, we set it for trial, again, 6 weeks out. At any time during that, they can speak with our city attorney's office and negotiate the traffic citation and possibly bring it back before the court even before the trial date. Otherwise, it would go to a bench trial. We heard in calendar year 2017 35 traffic trials over the 3 departments and 25 the year before that. I would say the majority of those were probably pro per defendants doing that rather than defense attorneys, but a small number compared to what we actually have filed. Going back to the attorney negotiation numbers, over the last 2 years we've tracked over 9,000 requests for attorney negotiation, and 96 percent were resolved by negotiation and the remaining 4 percent were sent to trial. I don't have any hard figures as far as what those findings were, of course, but that's a good number. It's a very efficient process for us to get those citations resolved.

Should an offender fail to appear for their court appearance, similar to other courts' testimony, we had over 12,400 arraignments calendared last year, and 35 percent of those calendared resulted in nonappearance for that day. We the court then issued an electronic bench warrant notice the next day that we're able to send over and have mailed out. We do give them 21 days to respond. It's like, "Hey, you missed your court

date. Contact us, we'll give you a new date, or maybe you want to go online and pay it." They have all the same options available to them. Of that 35 percent, which was just over 4,300 last year, 38 percent of those resulted in warrants. So, either they ignored the notice or it came back "bad address." We don't have specific numbers on how many are returned, but quite a few. Out of all of our citations that were received in calendar year 2017, roughly 10 percent actually ended up in warrant where the offender totally ignored the court, never came to us for whatever reason and eventually ended up in warrant. Once we get past sentencing, and if somebody is placed on either a "due in full" date or a time payment schedule from the bench, when they are late, we do initiate an in-house collections process. Again, we send a notice out to the offenders giving them another 21 days to respond. At that point, according to NRS 176, we add \$100 collection fee for that. As long as they come in and pay that \$100 fee, they are either put back on payments or they can get scheduled to see a judge to see if a work program is more appropriate for them. Should they ignore that notice, then sometime after the 21 days we issue the warrant for the arrest as they've ignored the orders of the court.

Some of the considerations that we've heard and reading through the materials of the December meetings and for this Committee is we just had some concerns as far as just accountability on offenders. If the ability to issue a warrant is taken away from the court through the civil, how are they going to be held accountable for the action? Our job is not revenue based. It's one of the key things that we've kind of really emphasized with our city is, "Don't look at us as potential revenue." One of the learning processes we had with them a few years ago was, if we have X amount of warrants outstanding with a dollar value of this as bail, that is not necessarily revenue. It's only revenue once the judge opposes sentencing and becomes accounts receivable. Bail is not a fine. Other courts have had an aggressive approach to try to go through our backlog of warrants, and we've gone through what we call a purge cycle the last 3 years, actually 4 years now. Four years ago, we had over 17,000 active warrants in Henderson dating back to 2003 and prior. We're at about high-12,000 from 2009 to prior, save for some cases the city attorney wants to keep on the books for some higher criminal matters for us.

One of the other options when somebody fails to appear in court or fails to pay their fines through discussion with the judges and the city attorney's office, we wanted to have the ability for individuals to get back in front of the bench without having to be arrested to save all the resources. A couple years ago we started a warrant walk-in program, is what we called it, and we designated some clerical staff to do an outreach generally by phone to offenders that just had warrants issued. What these individuals are able to do is, either through direct contact from us or them calling into our staff, they are able to be scheduled either the next day or within a day and come in and appear to the judge without the fear of being arrested. We've cleared probably over the last 2 years close to 3,000 warrants by having the offender do this rather than spending all the time and effort of being booked, going through. The judge can see the offender, see their history. He can make a determination on what he wants to do with the warrant, either recalling it or finding them in contempt. They can assess for those that have a fine

balance if they want to continue with the payment plan, if they want to go on community service. If it's a failure to appear, they can take a plea and sentence the individual in front of the bench at that point.

With that, I'm open to questions.

**Senator Segerblom:**

Do you have any idea of how many people come forward once you contact the DMV?

**Judge Stevens:**

Can you repeat the question?

**Senator Segerblom:**

As part of the process when there's no payment, you reach out to the DMV and inform them that there's an outstanding traffic infraction. I wonder how many people come forward once they know the DMV has—

**Judge Stevens:**

Suspended their driver's license or registration?

**Senator Segerblom:**

Right.

**Judge Stevens:**

I think a large portion of them, that's when they contact us, but we also try to contact them and let them know they have a warrant for the walk-in program before that even gets to that stage as well, if they have a failure to appear or failure to pay.

**Senator Segerblom:**

Do you contact the DMV after the warrant?

**Judge Stevens:**

If it already went to warrant and the DMV was already notified, then they're given a slip to take to the DMV to get their driver's license or registration reinstated. They're given a slip, a clearance, through DMV. But we don't personally reinstate the driver's license or



registration. That's the DMV function. They're just given a clearance slip to take to the DMV. Does that answer your question?

**Senator Segerblom:**

I apologize. Last time I saw you, we were talking about trying to do domestic violence things with veterans. What'd we end up doing on that?

**Judge Stevens:**

Veterans' treatment court, that statute passed.

**Senator Segerblom:**

Is it working?

**Judge Stevens:**

Very much so. Thank you. Our concern really is deterrence and however that works, as long as we can deter individuals from committing those offenses. The fines, it's not about that. It's about getting compliance and getting deterrence for the future. That's why we found it important to use light-duty community service or the work program so there is a deterrent even if financially it's a burden, we give them other options so that at least there's still a deterrent to stop running red lights or stop signs. That's our biggest concern as judges, I think, is deterrence.

**Assemblyman Ellison:**

I just have one question about the insurance. If somebody comes in and they've got a citation for no proof of insurance and you have a repeat offender, does that fine of \$600 increase, or do you have a lot of them that are over and over repeat offenders? But does that fine go up each time, or does it stay the same?

**Judge Stevens:**

The statute provides \$600. It is what the statute is. There's nothing in the statute that provides for an enhancement for repeat offenders on insurance. So the answer is no, it's set by statute, \$600 plus assessments. It's reduced down to \$100 if they get it within the 30-day timeframe, or if they show proof at the time, it's dismissed. But there is no enhancement built into the statute.

**Chair Yeager:**

I think I heard you mention a *Gilbert* hearing in the context of the work program. Did I get that right, and can you just tell me a little bit about what that hearing looks like?

**Judge Stevens:**

It's really them saying, "I can't afford the fines. I have all these bills. I can't afford the fines. Can I do work program or community service?" That's really what it is. Because of the volume in traffic, it's pretty limited. We don't have the time or the opportunity to research their actual financial situation, so it's based on their statements that they're having difficulty. We don't want to set them up for failure. If they can't pay the fines at \$50 a month or whatever the fine payment might be, then we certainly encourage them to do the work program.

**Chair Yeager:**

Is the work program different from community service, or is it the same thing?

**Judge Stevens:**

The work program we have through our misdemeanor probation folks, alternative sentencing. They're now called Special Programs and Services Bureau. They handle the work program, which is the City of Henderson based. They go out with a crew in the City of Henderson, clean a park or whatever they have them doing, at \$10 an hour, and they have to work 5 hours minimum a week. We offer them different days of the week. But then also, there's the light-duty community service that also works. So, someone can't do that and they need light-duty, they're not capable, then they're afforded that opportunity as well to work off the fines.

**Chair Yeager:**

When you have offenders who have actually appeared in court, or I guess when they come to the window as well, is there any capture at that point of telephone, cellphone number, email addresses? My follow up to that was, when you're notifying folks about warrants or what have you, is that notification also relayed through those means, or is it primarily by mail?

**Mr. Zihlmann:**

When they do come to the court, our customer service staff does capture an update. We have basically a little card that we provide to the individual saying, "Hey we just want to make sure we have your correct address." We do capture email and phones. Our future hope is to do a better effort at using that data. So we've captured it now and

it's in our case management system, but we don't have the resources internally to necessarily utilize it like we need to. We're actually looking and in development right now with a third-party vendor that will do that work for us. The data will be provided, they'll have the ability, because we're looking to actually be a little bit more aggressive in trying to get a system in place where phone calls are made within 48 hours of a court date saying, "Hey, don't forget you got court in 2 days," get that reminder. Then we can exercise that to phone calls or emails, "Hey, you have a payment due." Texting is an option, but apparently that is an opt-in process only. We'd like to of course have them do that as well. We're just not at the point in house where we're going to be able to do that, but it's on our radar for by the end of this year.

**Chair Yeager:**

When you have attorneys who negotiate on behalf of a client—and I'd had experience doing that—normally it's a speeding ticket, but it gets reduced maybe down to a parking infraction, and then there's a fine associated with that. When that negotiation happens, is the offender required to make good on their obligations to get the benefit of the reduction of the charge, or does the reduction of the charge happen at the time of negotiation and then later on you deal with what happens if the offender doesn't pay the fine or do the traffic school or what have you?

**Judge Stevens:**

I'll let Mr. Zihlmann talk about this a little bit more, but my understanding of the procedure is nothing happens until that deadline hits. Let's say the fine was supposed to be paid within 60 days. Once that hits, then that would be relayed to the DMV as a conviction if that wasn't taken care of in time, or if they were supposed to do traffic safety school by a certain date and sometime after that then it's transmitted to the DMV, so it would be following the deadline.

**Mr. Zihlmann:**

But generally the action has to take place before the amendment. If it's a fine, the fine has to be paid, then it's amended. If it's a traffic school fine, those have to be completed before the court would amend the case and charge.

**Judge Stevens:**

So, conviction's never sent until that deadline when it was required.

**Chair Yeager:**

That might be a scenario where I think different jurisdictions handle that differently, because I think some other ones, you essentially get the benefit of the bargain up front

and then later on if the person doesn't make good, you can take whatever remedies you have under the statute. I just mention that for the Committee because I know a couple of jurisdictions I've been in, once the attorney shows up, it sort of goes in the books as what it goes in, and then maybe the offender doesn't actually come through with obligations. That may be something we want to look at in the future, but I think Henderson's doing it probably the preferred way, which is you have to actually perform on your side of the bargain before you get the benefit of the reduction.

**Judge Stevens:**

I think we have a system that basically once that deadline hits, then that's what triggers the reporting to DMV.

**Chair Yeager:**

Great. Thank you again for being here this morning, for your patience and your presentation. I'm sure we'll reach out if we have additional questions or concerns. Please feel free to do the same on your side. If you think of something that you really think we should have covered and we didn't, please feel free to reach out. We can either put you on a future agenda, or if you can get us the information, we'll make sure we distribute it to Committee members.

**Mr. Zihlmann:**

I do have one thing I'll submit after the meeting. I know there's been discussion at both meetings about the fines and administrative assessment structures. I've got a document that I will submit electronically where it kind of gives an example of, if the fine amount is this, here's the corresponding administrative assessments, how the seven breakdowns are, where they go, and if the fine, say, is \$500, what the corresponding administrative assessment ([Agenda Item VII B-2](#)). I thought that might be helpful for the Committee based on what I've heard and seen in prior testimony.

**Judge Stevens:**

Just a brief example, I know when the texting law passed, it's a \$50 fine, and everybody came in. It's like, "Why is my fine \$115?" Because it's a \$50 fine, but with all the administrative assessments to the state, it ends up being \$115 ticket. A \$100 fine is \$195. The administrative assessments really add up on all these fines. Might only be \$50, but you have to pay \$115. That was a big uproar. I know the media saying, "Oh, the fines are \$50," and telling everybody that, so then they're all screaming at us and we have nothing to do with what the fine structure was. But we'll provide that as well.

**Chair Yeager:**

Thank you again for being here. We appreciate it. I think we wanted to do Las Vegas Municipal Court next, and then I know we have Reno on deck. I'm not sure if we have Elko in Carson City or not, but we'll find out. For now, let's do Las Vegas Municipal Court.

**Assemblyman Ellison:**

I did get a text, and the court will not be here today from Elko. Judge Simons had a family emergency, so he had to cancel at the last minute.

**Chair Yeager:**

Thank you. I received that email as well, so we'll look for them on a future agenda. I know it's not always the easiest to get from Elko to Carson City, especially when you have unanticipated family issues. Thank you for the update. I think what we'll do then is we'll take City of Las Vegas then we'll have Reno presentations. Thank you for your patience and please go ahead.

**Dana Hlavac (Court Administrator, Las Vegas Municipal Court):**

For the most part, there's a lot of commonality between Las Vegas Justice Court, Henderson Municipal Court and Las Vegas Municipal Court. However, with the Committee's indulgence, I would just go over some of the distinguishing points or some issues that were raised and questions and presentations just for clarification before I get into my actual presentation. The question was raised about notification of defendants regarding whether they had gone into warrant or they had upcoming court dates. I would notice that we had dealt with the issue of calling cellphones. We had an outbound calling system that calls every defendant, notifies them in advance of their court dates. We were put on notice that if we're calling a cellphone, we may be in violation of the Federal Telephone Consumer Protection Act because that is an opt-in system. There's actually a gray area. It's unclear whether a court is calling, if that's actually covered by the act, but we've taken a very conservative approach and made sure that if something looks like a cell number, we're not calling. In addition to those outgoing telephone calls, we're also sending postcards notifying defendants if they've gone into warrants. Those postcards include instructions on how they can clear the warrant, fulfill their obligations, but I would note we get a four or five-inch stack of those postcards returned every week as a result of bad information.

I would also note that in our warrants that are entered into the SCOPE (Shared Computer Operation for Protection and Enforcement) system for Southern Nevada, if it's a failure to pay a warrant or a failure to comply with a financial obligation, the actual language on the warrant includes the phone number of the court, which goes to our

Pretrial Department which is open 20 hours a day. If an officer stops a defendant, that's what appears on the warrant. They can actually call the court and clear the warrant right there on-site. We did that in response to the fact that the outlying jurisdictions, particularly Metro and NHP, as well as frankly the City Marshal, really didn't want to be transporting defendants, booking them in, so we instituted that process to make it easier and make sure people did not get arrested.

There was also a question about reporting of debts. Regarding the Fair Credit Reporting Act, criminal debts are not reportable. They used to be, but they are no longer reportable. If somebody owes us money, no matter how much it is, even when we turn it over to a collection agency, that is not reportable. We would note that civil judgments, on the other hand, are reportable.

This is perhaps more suited for a closing statement, but I would note that there's some reliance on the fact that DMV and driver's license suspension is kind of an enforcement tool. I would suggest that the Committee look at some of the ongoing litigation. There's been litigation in Tennessee and other states saying that the suspension of a driver's license is a violation of equal protection. In fact, some of the federal district courts have agreed with that argument and banned the suspension of driver's licenses unless there is an option to pay given, which I would note every court that has been before you today has stated there is, and which Las Vegas Municipal Court has. Regarding the indigency screening for defendants who do owe a financial obligation, I would note that when I first got to the Las Vegas Municipal Court, we kind of looked at the effort we put into screening people versus the return we were getting, and it took a phenomenal amount of effort. We were requiring people to bring W-2 forms, rental agreements, utility bills, if they were on any kind of federal or government assistance to bring those statements. What we would get is defendants that just gave up and said, "It's too much," and they would go into warrant. We have literally simplified that process. If you say you can't pay, we put you on a work program. There is no additional screening process. We have found that the work program itself is the screening process. When someone is out picking up garbage on Fremont Street or in a park or cleaning graffiti, if they have the ability to pay, they in fact choose to pay over participating in that work program. In the study we did in 2015, we found that given that option, in reality, 80 percent of the people who chose work program actually ended up paying and not doing the work program.

With that being said, anecdotally, and that's the best we can do, reference whether people were actually arrested for an initial charge, so when they're speeding and they show up in jail for that speeding offense, we cannot tell if they were actually arrested because of that speeding offense, or did they in fact have a warrant from somewhere else? We can't tell. All we know is we have somebody, they've been arrested, they have a speeding offense. We don't know if there's anything ancillary. Anecdotally, we hear from law enforcement, defendants, there are other things going on if they in fact showed up in jail on an initial traffic offense, something else going on in their life that actually caused that arrest. However, we were concerned in Las Vegas Municipal Court that we

wanted to make sure that people were not being held in custody as a result of a traffic offense unnecessarily long, even if something else in their life had precipitated that arrest. We instituted a little over 2 years ago what we call our Traffic OR program. The Traffic OR program basically says if somebody's in our city jail and the only thing they're being held in our city jail for is a traffic offense, our goal is to screen them and grant them their release on their own recognizance within 2 hours. It's a very successful program. We right now released roughly 1,300 people last year on that program. The return rates of those people begin at roughly 80 percent, so 80 percent of them show up. The show up date is literally the day after release. We believe it has to be swift. We have to have good follow up and make that happen. There are standards for whether you can be released. Those standards follow evidence-based practices and we're evaluating somebody. Are they a risk to reoffend if we release them, or are they a risk not to show up? There's a series of 12 factors that are laid out in a judicial order for our pretrial officers to consider.

We then looked at a smaller snapshot of those people that got released, the 1,300 people. Over a 3-month period, we released 321 people. Of those 321 people that had been arrested, 78 percent of them had failed to appear for their first appearance. Their warrants were for failure to show up the first time when they were asked to show up. The other 22 percent that had gotten arrested were actually arrested because they had showed up, they'd pled guilty, they'd been given obligations and failed to meet those obligations. After 12 months, of all the people who showed up, over half of them went back into warrant. We have this kind of recurring cycle. Only 5.5 percent of all the people that we'd released on that fast program actually fulfilled their obligations and closed their cases, the difference where people are still on some sort of work program or continuing payment program. Now, those numbers may seem big, but overall, when you look for instance at calendar year 2016, we had 125,000 traffic citations filed. Of that, we had 43,000 warrants issued. Almost one-third of the people just didn't show up on their first date. During the course of the year, and unfortunately you'll hear about technology always being kind of an obstacle, I can tell what cases came in that year and I can tell how many warrants were issued in a year, but I can't link the two together. When I say a warrant was issued, it may actually have been on a case that started in a prior year, so that's difficult to tell. But we only issued 1,900 warrants for failure to comply. That would be somebody who was ordered to take a driving class or something else and failed to do that as a condition of their plea, and 22,000 were issued for failure to pay or comply with their financial obligation. The interesting thing is 14,000 of those cases of the 43,000 cases were placed into warrant more than once during the same year, so roughly one-third of those people are continuous noncompliant people. During calendar year 2017, we had 115,000 traffic citations, and an increase, up to 55,000 of those, went into warrant, which was roughly 48 percent of those. Of those 55,000, roughly 16,000 went into warrant more than once during the course of the year.

During the prior hearing and as well as the circles I've been in and the things that you've heard as well as others, there have been two subjects that I just wanted to comment.

One was the success of statewide processes, and particularly the Arizona process and their statewide-centralized collection project. Having served in the justice system in Arizona for over a decade, I'm familiar with their process. But it has a distinct advantage over what could be put in place in Nevada in that it relies on a mechanism called the Fines/Fees and Restitution Enforcement (FARE) Program, and it's a state income tax intercept program. Nevada has no such tool as far as I'm aware of, no ability to intercept any kind of a benefit or tracking as was shown by somebody else. There have been proposals in the past for a federal income tax intercept program. Bills have been written, but they've never even reached assignment in committee.

The second topic I've heard of is the fines should be based on an individual's ability to pay. If you make a lot of money, you've got a good job, your fine should be higher. That is a system commonly known as a day-fine system. It's used in countries such as Sweden and I believe Finland. The difficulty there is those are heavily regulated and reported countries where everybody knows what somebody makes and how they're doing. Again, we don't have that mechanism. A lot of our business is cash under the table. You really don't know what somebody's income level is.

To echo Judge Stevens' comments, it's not about the revenue. I think that historically it has been revenue. People have heard the stories, "Be careful of driving through that town, that's a speed trap. That's how they support their town, they collect citations." I don't believe that's the case for any of the courts that have been before you today. I know it's not the case for the Las Vegas Municipal Court. Much to the dismay of my city finance officer, we no longer budget—we don't project revenue, we don't talk about revenue and budget discussions. I don't care about revenue and budget discussions. We care about accountability. Our key performance indicator for the City of Las Vegas is the percentage of cases that successfully resolve. "Successfully resolve" simply means they got through in a timely manner and the individuals did what the judge asked them to do. If it's a financial requirement, I don't care if they pay, I don't care if they work it off. Candidly, I don't care if they come before the judge and the judge uses their discretion and says, "You know what, you have so much stuff going on in your personal life, I'm going to waive your fines and fees." As long as there's been a judicial determination that they've successfully completed, we have done our job. Our job is to ensure that people are held accountable, that they don't just continue to go out and violate the law without being held basically accountable for the things that go on.

I would note that on a consistent basis, over 20 percent of all of our warrants for traffic cases are related to what I would call status offenses. No insurance, no driver's license, 20 percent every year. There clearly is a segment that does get overwhelmed by the obligations. We recognize as a court, we do not want to do that. Our goal is to make sure those individuals are given every opportunity to get back on track with their lives. Our Compliance Unit, our Judicial Enforcement Unit, are all directed, "Get that person back on track." It's only when they show a willful disobedience or a total disregard or "who cares?" attitude for their obligations to the court and/or society that we look to that



last resort of warrants. We do have the walk-in system similar to what Henderson said, and I can tell you that I had reports just this week of people who would walk in with four warrants. You walk in the fourth time in warrant, generally the policy is you're somebody we should give up on trying to reform and you get to serve your time in jail. Even our marshals don't do that. They use their discretion as law enforcement officers, and if they see a way to help that person get through—there was a mother with three children, we're not going to burden that family. We're not going to put them through that, and they sent that woman out and said, "Come back, find another way. Call a bond company, let them post or pay them. There's other ways to take care of things. Work it off." So, at least on behalf of Las Vegas Municipal Court, I can tell you that we are committed to ensuring those things happen.

I think the last thing that I would comment on, there's a portion of the traffic laws that gets very complicated because of federal regulations, and that's commercial driver's licenses. We talked about the options and can you have a fix-it ticket or go to traffic school and the conviction won't get reported, and does it get reported up front or does it get reported when you fulfill your obligations? Does it get amended? The Federal Highway Authority is becoming very, very diligent in its enforcement of what they call non-masking process. They consider that if a commercial driver's license holder or operator commits an offense, it has to be reported, period. Even if you then give the opportunity to work that offense down, they think of that as masking. We've been told by Ms. Albertson, the Director of the DMV, that if the Federal Highway Department comes down and sees us not accurately reporting those, we stand at risk of losing federal highway dollars, so I would just ask the Committee to kind of think of the fact that some of these offenses don't have to require a commercial vehicle, but they could be committed by an individual holding a commercial driver's license, and that has collateral impacts potentially on our federal highway dollars.

That's all I have. I hope it's added something to the discussion, and I'm available for questions.

**Chair Yeager:**

Thank you. I do think it has added something to the discussion. You mentioned at least a few areas that I don't think we had touched upon before relating to particularly the Arizona state income tax interception, and then also, it is intriguing, the idea that we should assess fines based on one's ability to pay, but I agree with you that it's very labor intensive to get that information. But we hadn't discussed that before, nor had we discussed the commercial driver's license and federal interplay, so I think those are helpful topics.

**Senator Segerblom:**

I'll just say for the record, having negotiated a lot of traffic tickets, justice court is easy to negotiate. Municipal court, it's like, "Here's the fine and you've got to pay it." Is there a reason why municipal court doesn't deal down whereas justice court does?

**Mr. Hlavoc:**

I would say that's really not the court. It's really the prosecutor, the city attorney. They have a different view of the traffic laws within the city, and the court really doesn't get involved in that negotiation. To the extent that it's at the window or it does not involve the city attorney, the judge can only follow the matrix basically that the city attorney has agreed on, and that was kind of reinforced by a Supreme Court case I think within the last year or two. The court simply cannot get involved in negotiations. All the court can do is use its discretion after a plea and after a sentence to possibly modify things.

**Senator Segerblom:**

The rumor is that the city needs the money for revenue, so that's why they won't negotiate those. Is there any correlation between what the fine is, and does that go into the city's coffers at some point?

**Mr. Hlavoc:**

We collect a total of around \$26,000,000, \$27,000,000 a year. We send about \$500,000 a month or about \$6,000,000 a year to other outside agencies. Of the remainder of that money, almost \$3,000,000 of it goes just to support essentially the rent in the building we're in. That figure is down roughly 50 percent from what it was in the early 2000s. I can't speak for the city, but as I've said, I'm not about the revenue. I'm just not. What we want to do as a court, and I think every one of our judges at the municipal level are absolutely dedicated to, is changing behaviors to make our streets safe and our community safe for citizens.

**Chair Yeager:**

Seeing no further questions from the Committee, thank you again for being here and for your presentation. We appreciate your time and your input, and we'll reach out with any additional questions or concerns. I think that brings us to Reno. Hopefully we have the Reno Municipal Court on deck next. Thank you for your patience and for being here this morning.

**Judge Dorothy Nash Holmes (Reno Municipal Court):**

I've been with Reno Municipal Court 7 years now. I was in the criminal justice system a total of 40 years, so I've been around the block. I've prepared a little bit of a different presentation because I anticipated that the larger entities would put up all the statutes and all the flowcharts and everything like that, and I'm going to try to not duplicate things that you've already heard. What I'm going to do is try to highlight some of the things that were discussed previously. This Committee is talking about certain traffic and related violations. I put this up ([Agenda Item VII C](#)) to let you know that citation is our choice in the lower courts before jail, and our police officers cite, cite, cite, cite on everything from camping in the parks to trespassing to pedestrian violations, unless the person has a history of failure to appear or they're intoxicated or stoned or they have some other criminal charges with them. So, citation is always our first choice. An observation I want to make based on having heard the other presentations is that I feel a little bit like Andy of Mayberry up here compared to what happens in Las Vegas. Maybe that's the perspective you need, because I just want to point out to you, there already is an NRS on the books, NRS 268.019 from 2013, and it says, "Except as otherwise provided in subsection 2, the governing body of an incorporated city," and I suspect there is a similar statute with regard to counties, "may by ordinance provide that the violation of a particular ordinance of such governing body imposes a civil liability to the city in an amount not to exceed \$500 instead of a criminal sanction." If there is a particular problem within a particular city, local government already has the solution to fix that. If there's a court abusing its process and trying to rake people over the coals financially, the city can change that right now. I suspect there's a similar law section as to the county. Henderson put up their numbers for traffic and parking—

**Senator Segerblom:**

Excuse me, Judge. Could I ask the Chair to ask our legal staff if that would apply to traffic tickets in our NRS? I apologize Judge, but you and I are the only two that've been around for 50 years.

**Chair Yeager:**

We'll have Legal look at that to get the exact parameters of it. Thank you Judge for bringing that particular statute to our attention. I think that's most helpful.

**Judge Nash Holmes:**

I sometimes read the older statutes and I found one, and I think it was in the county section similar to this, that actually is still on the books unless they took it away last session that still provides for a debtors' prison, by the way, and that should come off the books. I'll find that and let Senator Segerblom know that that would be a good thing for

this Committee to do. It provides for chain gangs and \$4 a day towards debt, so that needs to be fixed.

In any case, we have a number of agencies that cite into our court, as do all the other courts. I put our particular citation on there to point out that part marked in yellow ([Agenda Item VII C](#)). We do have text messaging now, an opt-in program. The police give out the citation and ask the person, "Do you want the court to notify you before your court hearing and before your payments? If so, give us your cellphone number." They check it off. The day we get that ticket, we create that person and staff is assigned to do that. We have tried to automate or create digital processes for a lot. I think our traffic court is probably one of the ones that is the fastest and most efficient and works in a lot of areas that I'm hearing other courts don't necessarily.

Here are our numbers, and I put this up just to show you a possibility. In 2010, we had 27,700 citations. Last year, we had 9,478. We are 100 percent dependent on how many officers are on the streets and what they're doing. If our officers have been ordered to focus on something else like DUIs, then they're not giving traffic citations, or if they're in some kind of a grant operation for pedestrians that are getting killed in crosswalks, they're not giving out other traffic citations. I put these various years up from the Annual Report of the Judiciary just to show you what our range is. We never know in a given year what it's going to be. When I first came to this court in 2010, Reno had lost one-third of its police officers due to the economy, and they still don't have all those back up yet. Whenever the city finance people try to talk to us about revenue, the first thing we say is, "We dispense justice. We are not your cash cow." What the police give us to do is handled in our courts. We have no control over any of that.

Somebody asked how many cases go to trial. These are the numbers for our court, just for last year ([Agenda Item VII C](#)). You can see that about 27 percent post and forfeit, which is they just pay the bail of the amount and it's gone. Plead guilty before trial, that would be mostly people that show up on the day of their arraignment and say, "Oh heck, I'll just post and forfeit right now," or they've negotiated with the prosecutor and they come up with a deal and the judge stamps it and they pay. We only had 45 bench trials last year, and that's less than one-half of a percent. Quite frankly, it's usually less than that, but we have two brand new judges and this was their first year last year. A lot of people try to push it to trial during when you've got a new, rookie judge because they're a little more lenient the first couple of years. I bet you next year and the years after we won't have quite as many. They'll quit trying to take us to school. Dismissed without trial is important, 12 percent, because those are fix-its. Those are people that have come to the window and shown that they did have insurance that night but they didn't have the card in their car, or those are the ones that have now gotten a license or registered. What doesn't seem possible here but is, our total disposition rate for last year was 102 percent, and that's because we're collecting on cases from the previous year that got delayed for some reason, so we're pretty efficient. We're pretty effective in our Traffic Division.

Traffic revenues, the amount assessed in fines for—this is an average now of the last—I think we took 5 years. Say it's \$4,500,000. The amount paid, \$3,200,000. The amount credited, this is the person who said, "I can't pay." Every time I sentence someone, "The fine is \$253. Can you pay that or do you want to do community service?" It's 24 hours of community service or \$253. These are credited because of community service, because fines or fees or assessments are waived due to hardship, disability or because they ended up spending a day in jail and got credit for time served at \$100 towards the ticket. A good amount, 352,000 average—we collect an average of 71 percent of ours. Maybe that means we're too nice in our traffic court, I don't know. In the 7 years I've been there, we've had two amnesty weeks. We called them clean-up days, where anybody could come in with any warrant and we agree to 50 percent off. That's a little bit of financial justice if you will, but we clean up a couple hundred cases every time we do that. As with the other courts, if someone shows up before they're arrested on our warrant, they come in, we dismiss the warrant, we talk to them right then and there and we resolve the case just like if they had come in. There are a lot of different ways to handle this that aren't as punitive as some people seem to be presenting the system to be.

Here's our citation process. The cop gives you the citation. You can give him your text number if you want. They have our calendar electronically on their little machine, so they come in. They're given 30 days out to come in. They can go online. We have a chat-line system and we have an online where a motorist can go online and just say, "I can't make it that day, that's my sister's wedding. Can I have a continuance?" and we'll automatically give them a 30-day continuance if they want. We also have a chat-line where they can go online and type in and ask our staff about that. Again, we've done a lot electronically so people don't have to come in if they don't want to.

Of course, the last choice is they'll go to traffic court. These are our mandatories ([Agenda Item VII C](#)). The other courts talked about mandatories. One of the ones that we put you must appear in court on is cellphone violations. You're going like, "Why would you do that?" Well, because a second offense carries demerits on your license. It's three points. The fine goes up. The fine on a first one is \$50 plus assessments. As Judge Stevens said, that's \$115. The second one's \$195. The third one's \$350-something. We have them come in because we actually do run a DMV on the people that come in to see if they're repeat offenders on the cellphone. Police don't do it when they stop them. They just cite them for cellphone. That's a mandatory for us, and I think that helps explain the law to people. You can't even be holding the thing even if you're looking at a map on where to drive. You cannot do that. You've got to have your hands on the wheel and your eyes on the road. We make that one of our mandatories. These other ones are for obvious reasons, I think.

Now, I'm going to apologize a little bit for my cartoons on this slide, but these kind of presentations can be so boring and so didactic. I just wanted to break it up a little bit. You can resolve your non-mandatory cases by paying a number of ways: online, by

phone, drop it in the courthouse drop box, come to the clerk's office anytime. You can also negotiate with a city attorney. The justice courts have indicated they have a day that they set out a month later, several weeks later, sounds like in Las Vegas it's as much as 3 or 4 months later, where the person comes in and has a pretrial conference with the district attorney to see if they're going to resolve that. We don't. We do have a city prosecutor at every traffic court session, which we hold 3 days a week. We might have 20 people show up that day and we might have 200 show up the next day. We never know what we're going to get, but we get them all handled at the counter and those that want to see the judge come tell it to the judge. But first, we tell them, "If you've got something you want to try to negotiate about points or about fines or hardship or whatever, talk to the city attorney first." They have a little office right outside the court. That's very effective, and that keeps a lot of our cases from going to trial because they're already talking to the person they'd have to go to trial with. Last, they can request a trial date if none of those things resolve it. We schedule them within 30 days, but they can also waive the speedy trial rule and say, "I'm going to be out of town, can I have it in 60 days?" Again, for the convenience of the motorist, not for the court.

These are your choices at traffic arraignment. I'm not going to go over all of them. The previous judge did just mention, judges are not allowed to plea bargain traffic. We have to have a city attorney there. There was an ethics opinion by the Judicial Commission in 2015, and it was mostly aimed at the rural counties that don't have a prosecutor in their office every day, but the rule applies to all of us. It said the judge cannot be prosecutor, judge and jury. The judge cannot dismiss charges, only the prosecutor can. Back in the day, people used to say, "Okay, you plead to speeding, I'll dismiss the no-lights thing." We can't do that, only the city attorney can do that, or as the other judges indicated, the prosecutors' offices have given a matrix of which ones you can do and what you can do with it. They're not telling us what to do, they're just saying what they would agree to if they were there handling it. Another problem for us because we have people that are handling it for the most part, they have 30 days to complete their fix-its or whatever they have to do to get their registration back. Generally, if they come in and say, "Judge, I flunked the driver's test twice. I'm studying the book now," we'll give them another continuance or two. If there's a way to fix it, we let them do that. Again, they're sentenced to a fine or community service at \$10 an hour. If they request a pay plan, they get it. If they come in and they can't afford to pay it right now, they do a motion to the court, and we did this right after the Ferguson thing happened. We looked at all of our fines and fees and said, "Look, if a guy is coming in with a request to extend his time to pay, obviously he can't afford to pay it now. Why would we charge \$10 or \$20 for them to ask that?" We got rid of the extension payments. Some courts around still have those as one of their administrative assessments. We do not. If they end up going to jail, as Judge Stevens said they do, we do \$100 a day, not \$75. The statute does say \$75, but we do \$100 a day for any time they've had to spend in jail. Again, it's the DMV. They can do DMV traffic school and that reduces three points. At our traffic court hearings, if restitution is involved because there's been a traffic accident, the city attorney has to notify the victim that the motorist is coming in on this given day, "If you have proof of

damages and you want to bring it in, be here that day. If you don't come, oh well. Go through a civil suit. If you don't have proof, oh well." Sometimes we resolve restitution issues. Probably a majority of the time we do not. Then there's the trial date.

A point I want to make is that the consideration by this Committee seems to be the idea that changing this all to a civil procedure would be less onerous on the citizen and would be better for them. I believe from what we've seen in our court that the criminal justice system is faster, more efficient and protects the civil rights more, because a criminal trial even on a traffic misdemeanor is proof beyond a reasonable doubt. If the prosecutor puts a cop up who says, "Hey, I saw it and he ran the light," and the defendant gets up and says, "Hey, I was there and the guys in my car with me and we did not run the light," that's not proof beyond a reasonable doubt. Whereas, remember, if this was turned into a civil hearing the judge would have to do, that burden of proof is lower. It's like 51 percent. Right now, the process we do protects the rights of motorists more. Also, a motorist can come with their own attorney or self-represent. They get discovery from the city attorney's office ahead of time so they get to see the police reports, they know which cop's coming. If they want to call a different cop that wasn't going to be brought by the city, they can do that. If the cop is not going to bring the information about the radar gun, they can subpoena it from the police once they see in the report that that's how they got caught. So, their rights to present and identify evidence are more protected in the criminal process. They can get subpoenas for anybody. If the cop doesn't appear and he's the one that cited, the case is gone. A problem that I could see if this was civil is, okay, everybody that got a ticket on this day shows up in court 30 days later and the cop's got to be there because it's going to be a civil trial right then and there or not. We're going to have cops lining the hallways. Right now, we are resolving most of them without trial. Again, a judge can find a person guilty on one charge but not on another. Where we can do that at trial, we can't do that by plea-bargaining ourselves ahead of time.

If a motorist fails to appear, we do our text message 10 days after they've failed to appear saying, "Come on in and help resolve it." Then we send them a postcard 7 days later and say, "You failed to appear, now we mean it. Come in or there's going to be a warrant." A warrant is issued for failure to appear because that is contempt of court, and yes, that could be a fine or 25 days in jail. But a court with no authority, a court that's not respected, a court that people don't care and nothing happens if they ever show up is not a court. We can't do justice, we can't hold people accountable. The NRS says that the courts can file for contempt. Our city code says, "A municipal judge shall issue and have delivered an execution for warrant within 20 days after the failure to appear." We send a text, we send them a postcard and then we wait 20 more days too. We do notify DMV electronically of the failure to appear. They suspend the license. That is in DMV's laws. It's required as a way to get them into court, and in my experience, it's very effective. People come in all the time and say, "Geez, I just got this letter from DMV and I lost my license and I didn't know it, so I'm here to take care of it." Again, they show up ahead of time, the warrant is dismissed. We don't even act on it, and then we handle

the problem. So at this point, before we issue a warrant, the motorist has had 34 days to come forward and resolve the matter. If they find out about it ahead of time and do it, that's all good. If they're arrested on the failure to appear (FTA) warrant, they go to jail overnight. The reason they stay in overnight is because they've already failed to appear in court once. As a previous judge said, these are very often recycling cases. You don't see anybody's record with one failure to appear, you see twenty of them. That's just as a practical matter. But they're kept overnight and seen the very next day in videos by judges. By the way, our court does probable cause reviews every day. We see everyone in court within 48 hours on video arraignments. We are one of the trial courts that is working with the Supreme Court on this bail assessment OR project, and we do them every single day. You're in and out of our court if you go to jail. Unless you're a danger to the community or unless you're held for other reasons, you're in and out within 48 hours generally. At the hearing in the jail, a public defender is there, so now they automatically have a lawyer to represent them on the failure to appear, or even the failure to pay if that same thing happens. That wouldn't happen in a civil thing. They'd have to hire a lawyer, because civil means civil litigation. They've got to hire a lawyer. They don't get appointed counsel.

The judge has to inquire why they failed to appear. If there's good cause, the warrant's quashed, the fine's reduced for \$100 for every day they spent in jail and then we give them community service or whatever. We resolve the matter. If no good cause, "Oh Judge, I don't know. I just didn't think about it. I forgot about it," or whatever, then we give them contempt of court. Sometimes we give them a fine, sometimes we don't, sometimes you've got credit for time served because you spent in jail, and always from our judges, they get the lecture: "If you'd have just shown up and taken care of this, you wouldn't be in jail. We are here to try to teach you responsibility and to hold you accountable." That's the purpose of that. It is so the court has some authority and respect, and it is to get these people to comply with the law. It's very simple.

If they fail to pay a fine, it's a similar procedure, but we give them more time. We text message them 7 days before the fine is due. We text them 7 days after they've missed a payment, then we send them a late notice 10 days after that. That's when they get their first late fee, \$25, because all this costs us time and money and staff to do this. Then we issue a contempt warrant 30 days later. At this point in time, the motorist has had 54 days to come in and make a payment. We are, like, majorly generous. Maybe that's why we only collect 71 percent. The DMV is notified and they suspend the license. Our case can be sent to collections within 60 days after a failure to pay, and there is a \$100 collection fee because we also have a contract with a private agency, and we have to pay them \$100 per case whether the guy pays it to us or not. Judges are instructed, and they don't always do that, "Please don't dismiss a case that's already in collection, because that's something we've got to find, the \$100 to pay the collection company." By the time it goes to collections, the person has had 114 days under our system to make a payment. We're not out arresting them, chasing them around. We are giving them every benefit of the doubt. If they do come in and we clear



the warrant, you've heard a couple of different courts say we give them a piece of paper and they can take it to the DMV. We can do that, but we don't. We do electronic reports to the DMV every night at 10 p.m. If they come in today and they paid it, we notify DMV they showed up and they get that report overnight and they've got it the next day. Even on a drunk driving sentencing, by the way, if we order a breath interlock device, that night the DMV gets that message by 10 p.m. and they know about it. We have come up with a very efficient way of handling this.

If they fail to respond again, they're arrested for the contempt, not for the nonpayment at this point. You have to see a judge. When you have to go to court, you have to go to court, again, so they're seen the next day. They have legal counsel that represents them, which they would not have in the civil system. The judge has to inquire why they didn't pay. The judge has to find that they had the ability to pay and did not in order to be punitive in this situation. If the motorist did not have the ability to pay, the judge can waive the fines, fees, assessments, hardship, disability. I've had people come in that had been to court five or six different times because they eke out the payments, and then finally they just can't make another one and they come in and I pull up the file and we've got five or six different motions, and I say, "Why didn't you tell us that you were on disability and really couldn't pay that?" Some people are embarrassed. They don't want to say in a courtroom full of people that they can't pay it. "Yeah Judge, I can pay it. I don't want to do community service," and they can't pay it. I said, "For heaven's sake, you're on permanent disability. You make \$700 a month, you're on crutches, whatever. Dismissed, inability to pay." If they'd have told us that to begin with, we'd have saved a lot of time. But again, this is part of our job, to teach responsibility and accountability to these people. Again, the court can give community service or restart the payment plan and take off the late fees. Our staff hates it when we do that because that's part of what we pay our IT system that does all this fancy stuff for us, but we can do that. The judge has the discretion. If the judge does have to fine contempt because, "I had the money and I just didn't want to pay it and I'm tired of the system and I hate government and blah blah blah," well then it's contempt of court and they can get 25 days in jail or a \$500 fine.

Our issue is to resolve the matter. Our court as I see it compared to others now is quite efficient, quick. You have a number of systems in play that make this easier to resolve. I do believe that we give more due process to the person than what happens if this was a civil situation. When I first came in November of 2010, we had over 30,000 warrants unserved in our files, and we started a warrant purging process. We found warrants going back 15 years, it's crazy. We brought all of our marshals in off the road. They weren't out doing house arrests or checking on people, and we made them sit there with our Warrant Division which we've now formed. They went through all those files. They made phone calls every day for a month. Everyone was on the phone. Our marshals brought more money in by saying, "Hey, you have a fine here for \$300. Come in and pay it and we'll dismiss the warrant." They brought in more money in 1 month than they would have if they'd have gone out serving warrants and knocking on doors. We have a

permanent warrant program now. We have a business process to purge. We check our warrants constantly and we go back into the backlog and we purge traffic warrants on undone traffic warrants in about 3 or 4 years because we don't want somebody who got a ticket—we do have some files that are still out there where they got the ticket 5 years ago, but we don't want that person being arrested on the highway with their kids in the car. We just don't.

I just wanted to let you know that what I heard here about Las Vegas, 11 months to go to trial on a traffic case, ours is 2 months or less. If the defendant doesn't want a 60-day extension, they're in court in 30 days. They could have it all done. They go 60 days to collections. We go 114 before we go that far, so we are a system that maybe, obviously because we're smaller, but we have had sometimes 27,000 cases. I just want to point out again, there is a statute on the books that could allow the cities individually to resolve particular problems in their communities that may not require a lot of statewide decision making on this, but if you have it, we're certainly here to provide any information to you.

**Chair Yeager:**

Thank you for your presentation.

**Senator Gustavson:**

I have a question for any one of the presenters. We've talked about the demerit system, and if you go to traffic school you get three points knocked off your points. If you don't do that, if you get demerits, how long do they stay on your record? Forever, or a certain amount of time?

**Judge Nash Holmes:**

Twelve demerits in a year can cause you to lose your license. That's in the DMV part of the law. We don't have anything to do with that. There are certain moving violations with demerits but these other traffic ones that are moving necessarily don't get demerits. You can't take a DMV—you can get seven points on your license for reckless driving, and I don't think—there are certain ones where there's an accident or something like that where you cannot do it. But DMV has on the website a list of approved schools, and you can do it online, some of them. But we tell them, "That's between you and them. That's not between us. We have to deal with the law that applies from our city code, and the points are between you and the prosecutor if they want to change it to a less-point crime, or the DMV. Regardless of what we do, the DMV will take three points off if you do one of their approved schools."

**Senator Gustavson:**

I guess my question is, if you don't do a school, something like that, they just stay on your record forever?

**Judge Nash Holmes:**

No, I think they count them a year at a time is my understanding.

**Senator Gustavson:**

So, if you accumulate so many in 1 year then?

**Judge Nash Holmes:**

Yeah. One year, because they look at them at the end of the year and take your license away if you have 12 or more.

**Senator Gustavson:**

Okay. Well, I haven't had to worry about that, but I was just curious.

**Judge Nash Holmes:**

Me neither.

**Assemblyman Ellison:**

One of the things I was going to ask you, apparently you see a lot of tickets, mostly cellphone, but I'm getting a lot of complaints that if somebody pulls up at the stop sign and the cellphone falls down on the floor and they pick it up and set it down even though they've got voice-activated equipment, or they pick it up and plug it in while they're waiting for the stoplight, they still get a citation.

**Judge Nash Holmes:**

And we see those. Those are the kind that come into the courtroom. My diagram said "Tell it to the judge" because the law only provides for certain emergency exceptions, like if you're calling to get an ambulance or something, or if you're the power company and you're on the phone because you're being told where the fallen line is. We can then take that into consideration in assigning a penalty if we do at all. We can also find that that case is not proved beyond a reasonable doubt if that's what happened. Sometimes the police report will say, "The person pulled up at the stop sign. I saw him lift up his phone." Well, then you obviously have an issue. So that's where the judge has to do his

or her job. Nevada has a law from last session I think about distracted driving as well, and it was kind of intended to fill in that thing where people are driving or putting on eye makeup or watching a movie or something. All of those are areas where the judge really has to look at the facts of a case and make a decision. Those are the ones for the most part that people are righteously indignant and they want to come to trial or want to come argue with the prosecutor about it. The prosecutor will come up to us in traffic court and say, "Judge, this guy really was just plugging it in," and that kind of thing. That's a call for the judge at that time.

I do want to answer your question about increasing fines for insurance. The statute says \$600 plus fees and assessments, so in our court that makes it \$743. There is a part of the same Nevada statute that says the judge can impose a \$1,000 fine and suspend it for 1 year and require the person to show proof of insurance every month for 12 months. That means they've got to come to court every month for 12 months. Most people don't want to do that. But that is available for someone that can't pay a \$1,000 fine. You could do that. We could order it. It's not done very often, but it's in the law and we're allowed to do that. The thing about getting a reduced insurance if you got it within a reasonable time after you got the citation, the fine can be reduced to \$195. That's a one-time deal only. We do run that to see if they've gotten that deal before or not, because there are some people that are chronic.

**Assemblyman Ellison:**

I was kind of surprised at some of the ones that they're saying these guys are buying insurance for 6 months and they'll get picked up 1 year or 2 years later and they'll have no insurance, which is a citation. They'll go pay it and then they'll get insurance again for another 6 months. It used to be the DMV used to report that, but it doesn't go to the courts. Is that correct?

**Judge Nash Holmes:**

It doesn't go to the courts. We notify them when someone doesn't pay or doesn't show up. They don't notify us. They could be cited. When the officer catches them, when he stops them, they can be cited for driving without insurance or failing to surrender a license when DMV required it or something like that, but it's not reciprocal. They do their part of the job and we do our part of the job, but there are some people that are very chronic. I had one guy in my court a couple years ago, and he said, "Judge, I will never get a license again. I've got \$10,000 in fines in different states," and of course all the 50 DMVs are connected electronically, so if your license is pulled for not paying child support in California, Nevada won't give you a license. I had a woman fly in from Georgia because she had a case from 2 or 3 years earlier and she didn't pay her fines in Nevada and she couldn't get a license in Georgia unless she took care of that here. She came in because she had to meet with the DMV and she had to come to court first. Some of those clearly are onerous and there are reasons, like if you don't pay child

support, but as a judge, we usually ask them, "Why was the license suspended?" If it was suspended for DUI, well that's a mandatory 30 days in jail or 60 days house arrest, plus DMV takes it for an extra year. If it was suspended because of child support, that's more an administrative matter. We're not looking at that as somebody that's a scofflaw, if you will. But the connection of all the DMVs does make it difficult for people, there's no doubt.

**Chair Yeager:**

I don't think we have any further questions, so I want to thank you for being here and giving us the perspective from Reno Municipal Court. I think that is helpful, particularly in contrast with what we've heard from the Las Vegas-based courts this morning. Again, we'll reach out to you if we have any further need for information, and please do the same for us.

**Judge Nash Holmes:**

We will. Thank you very much.

**Chair Yeager:**

That brings us to agenda item VI, which is a presentation from the Central Records Repository. Thank you, Ms. McKay. I know you've been very patient this morning as we've gotten through all this. I will note that we have another meeting in this room a little bit later on this afternoon, so if possible, I'm going to ask if you can keep your presentation to around 15 minutes and perhaps give us some of the highlights about how the Central Repository handles traffic infractions. We do have the presentation as well, so thank you for providing that.

**Mindy McKay (Records Bureau Chief, Records, Communications and Compliance Division of the Department of Public Safety):**

I anticipated that, so I can really just keep it to 2 minutes, unless you want to know more about the fiscal piece of it, because that's really going to be the biggest impact. Within my Division, we house the Central Repository. All the slides that we gave you, they were packed full of information so we don't have to go through them all ([Agenda Item VI](#)). We can just skip if you'd like. We have numerous amounts of programs within my Division that are funded by the administrative assessments. Those are listed on the first few slides there for you. We do have a slide further on down that talks about what records of criminal traffic violations are kept within the Central Repository. Pretty much in a nutshell, we don't keep criminal traffic violations, with the exception of DUIs and reckless driving. If this were to result in those criminal violations being treated as civil infractions, then there would be an impact to the Central Repository, whereas those would no longer show up on the state record or the FBI criminal history record.

If you want to go into background checks, I think that was covered in the first meeting that you had in December and then there was another coverage of it again today. But if you'd like me to talk about background checks, I'm happy to do that, just stop me. Pretty much, if you go to the slide that on the top it says "What do you think would be the impacts on the RCCD of moving to a system of civil penalties for minor traffic violations?" So, two parts. The least of the two is our Nevada Offense Code (NOC) program. We take the statutes and we create Nevada Offense Codes from those statutes that the criminal justice agencies use, that law enforcement uses to book on the charges, the Nevada Offense Codes. Then we use those to move that through the criminal justice system. There are approximately 3,088 NOCs in our system for traffic. If this were to result in those criminal being changed to civil infractions, then our staff and our NOC program would have to modify those NOCs to the tune of approximately 366 hours of staff time.

Really, the biggest impact to our agency that we want to present today is in regard to the administrative assessment fees. We provided some slides for you that pointed out how my Records Bureau is funded. We do have fees that we collect. We do have transfers that we collect. We do have federal grants that we collect. But you'll see at the very top of the slide that talks about "What is the Division's budget?" We call them court assessments. They're approximately \$3,800,000 in State Fiscal Year 2018. We give you a breakdown from the previous state fiscal years. I have with me today Tammy Trio, and she is our Chief Financial Officer. She is our budget guru, so if you'd like more information in regard to the way that we handle our assessments, she'd be happy to provide some more information for you. These are actually her slides. If you wouldn't mind, I'd like to turn it over to her so she can be more articulate with this.

**Chair Yeager:**

That'd be fine, thank you.

**Tammy Trio (Administrative Services Officer, Records, Communication and Compliance Division of the Department of Public Safety):**

We have in our Budget Account 4709, which is the Criminal History Repository, 118 positions ([Agenda Item VI](#)). We have 67.5 positions or full-time equivalents of that 118. That equates to 57.2 percent that are funded with the administrative assessments. The following page that says "RCCD Staffing Levels" breaks down our fees, our revenues that are collected and how I assign those positions to which feed they draw from for their expenditures. I'm going very quickly just to get us through this. The next slide does indicate the expenditures. That represents the 57.2 percent of our budget. I've also identified the revenue source, which is the administrative assessments, as compared to our expenditures. I just want to point out that highlighted area. We are always at a shortfall of over \$2,000,000. When you ask, "What do you think would be the impacts on the Division of moving to a system of civil penalties for minor traffic violations," from the

fiscal perspective, the Division could lose the majority of our administrative assessments it receives. Since the Division does not know the number of citations issued that are or will remain at the criminal level, it's hard to determine the exact impact to our Division. We believe some of those citations would remain on the criminal side and others would then be converted or moved to that civil side.

Number two, this is probably the biggest impact as we move towards building our budgets in this base year. We would lose the court assessments. In addition, we would go deeper into the shortfall over \$2,000,000. This would more than likely lead us to the general fund, so we would have to request additional general funds to cover over half of our staff, or 57.2 percent of our expenditures, to cover the loss.

That pretty much sums it up. I can answer any questions if you have anything for me.

**Chair Yeager:**

Thank you for the presentation. I did have a question based on what you just said. I certainly understand that the administrative assessments make up a large part of the funding, but for instance, if we were to convert traffic infractions or some subset of them to civil infractions, as long as the administrative assessment fees were put into place, the ones that exist now were put into place, that should alleviate the concern that you would have, as long as the collection rate sort of remains what it is currently in the status. Is that correct?

**Ms. Trio:**

So, if I understand the question correctly, you're saying that those penalties or fees that are imposed from the criminal violations would mirror on the civil side if those were to move over? Absolutely. Of course, again, right now the assessments that are being collected, as was stated back in December 21 at your first meeting, those fees have declined. So again, we are at the mercy of how much is collected as to how much is distributed down to us. But if it were to stay the same, absolutely.

**Chair Yeager:**

I had a question, probably for Ms. McKay. I understand that under the statute, the Central Repository doesn't essentially need to maintain information about convictions related to minor traffic infractions. My question is, does the Central Repository still get that information from courts? Do they report the convictions to you, and then it's a matter of, "We don't need to maintain these ones or collect them," or do you just not get them in the first instance?

**Ms. McKay:**

We typically don't get those. If we do, because of the NOC model, they're kicked out of our system. We don't even see them. If they try to come through, say with other actual criminal violations, we'll keep those other criminal violations, but those traffic, we do not retain those.

**Chair Yeager:**

Thank you.

**Senator Segerblom:**

So you're saying that, with respect to traffic tickets, your agency doesn't do anything to put those into the computer, but yet you're getting the fee to run your agency?

**Ms. McKay:**

We do not maintain most traffic criminal violations. We do get assessed a portion of those administrative assessments for the other portions of our business that we run that are criminal justice related. In the budget slides, we do point out what those programs are that receive those administrative assessment fees that we get.

**Senator Segerblom:**

Correct. But I'm saying you don't do any effort related to traffic tickets that would justify getting the fees? That was just something the Legislature decided, that that's a good source of money for you?

**Ms. McKay:**

If I'm following along with you, in regard to the actual traffic citations, no, we don't retain those. However, we do retain—and when all the presentations were talking about putting in warrants into the system, if they're talking about putting warrants into the state system, that is our Criminal Justice Information System that they're putting it into.

**Senator Segerblom:**

So you have to have manpower to put those into your system, the warrants?

**Ms. McKay:**

Not in my shop, we don't. It's the computer system that needs to be maintained, however. We do pay for the maintenance on that system.



**Senator Segerblom:**

Do you have any estimate of how much of that maintenance is related to traffic warrants?

**Ms. McKay:**

I do not have that off the top of my head for you. I'm sorry.

**Senator Segerblom:**

It's fine. I was just curious.

**Chair Yeager:**

Seeing no further questions, again, thank you. I know you've been waiting patiently all morning as we transition to the afternoon. Thank you for the presentation and the information. We will follow up with you if we have additional questions, and please do the same with us.

**Ms. McKay:**

Chair, may I just request if you could please contact me directly? Julie Butler is out of the office for a number of weeks. Thank you very much.

**Chair Yeager:**

Thank you for that information. We'll make a note of that.

I think that concludes agenda item VI. Now we'll go to agenda item VIII, which is a discussion of potential topics, dates and locations for future meetings. I will let the Committee members know, the intent with this particular Committee is to likely have two additional meetings and then a work session. I'll reach out to coordinate, but we're likely looking at having another meeting in the March-April timeframe, followed by one in the April-June timeframe, and then probably a work session somewhere mid-to-late July, which falls right in the summer. I know folks have travel plans, but we'll coordinate that. Thankfully with this Committee, we only have a few members so it's a little easier to coordinate.

I want to open it up though. If other Committee members have any suggestions about potential topics that you'd like to see covered in future meetings, now would be the time to go ahead and mention those and we'll try to make that happen.

**Senator Segerblom:**

I just would like to analyze Arizona or one state that has actually gone to civil and see what issues they have, if they have any issues.

**Chair Yeager:**

Thank you, Senator Segerblom. I know we talked about that at the last meeting, and we're still trying to find someone who can shed some light on that, so we'll continue to look towards Arizona. At least we did get some information today from the municipal court about some of the Arizona differences, but we'll look at that.

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

If we could take a closer look, and maybe this is more so to be able to just explain this to our constituents, because when they were going over a slide earlier and talking about \$50 for a ticket, and then by the end of it by the time it's \$112 or \$120, I don't remember the number, but it's absolutely the biggest complaint I get from folks, that fees kind of outweigh the fine. I know we all kind of know it and know why that's the case, but we've got to have something better that we can explain, if certain things go away, what happens? If we take this fee away, what happens? So, maybe some better explanation on that, or maybe better presentations on that would be helpful for me.

**Assemblyman Ellison:**

Right now, we're getting a lot of information in on how the courts operate and where the money goes, but I'd really like to see their input for ideas and how to address some of these issues. We're not hearing that. I don't know if they just think they're happy to give us the bottom line of where they're at, but I'd really like to see their input. There are some great ideas I've heard out there, but I'd like to see these courts come forward and say, "Hey, you know, we've got an idea. We could save money this way. We could get rid of this." But I think that would be really important between now and at the very end, if the judges give us input, what their ideas are to try to resolve this issue.

**Chair Yeager:**

Thank you for that. I have been making a note of some of these things. For instance, I think for the first time today we saw from Reno Municipal Court that the tickets themselves actually have sort of an opt-in box for cellphones and for cellphone notification. I don't know that we necessarily need to do something on the state level there, but certainly there are best practices that I think we can urge courts to adopt. I've been kind of keeping a running list of some of these things and would ask you to do the same. In the discussions we're going to have in the future, I'll continue to ask the courts. Today, I think Judge Saragosa presented some things for consideration about how the

statutes read, how they're applied, why they're written the way they are, so those are things obviously on the state level we might have a chance to look at. Looking at those statutes, if they're not working, how can we make them better? If they are written well and just not being followed, then that's a different conversation. I think your input is very well taken, and I hope in the next couple of meetings we can transition to more solutions rather than information. But I thought it made sense to try to get as much information as we could about the very obvious differences between how our courts in this state address this issue. Senator Gustavson, anything you want to add?

**Senator Gustavson:**

No, not at this time.

**Chair Yeager:**

So, we'll go ahead and close agenda item VIII. We'll take public comment under agenda item IX. Seeing no public comment, we'll go ahead and close public comment.

Again, I will reach out to the members to let you know when the next meeting will be, but look for the March-April timeframe. Again, I want to thank the members and staff for your attention this morning wading through a lot of information. With that being said, we will adjourn this meeting at 12:10 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="#"><u>Agenda Item IV</u></a>	Jordan Haas, Interim Secretary	Draft Minutes from the December 21, 2017 Meeting
<a href="#"><u>Agenda Item V A-1</u></a>	Amanda Essex, National Conference of State Legislatures	2017 Report to the Chief Justice, Commission on the Future of California's Court System
<a href="#"><u>Agenda Item V A-2</u></a>	Amanda Essex, National Conference of State Legislatures	Los Angeles Superior Court's Talking Traffic Avatar
<a href="#"><u>Agenda Item VI</u></a>	Mindy McKay, Records Bureau Chief, Records, Compliance and Communications Division	Presentation on the Central Repository's Role
<a href="#"><u>Agenda Item VII A-1</u></a>	Las Vegas Justice Court	Presentation on Traffic Citations
<a href="#"><u>Agenda Item VII A-2</u></a>	Las Vegas Justice Court	Additional Information
<a href="#"><u>Agenda Item VII B-1</u></a>	Henderson Municipal Court	The Life of a Traffic Citation
<a href="#"><u>Agenda Item VII B-2</u></a>	Henderson Municipal Court	Breakdown of Administrative Assessments
<a href="#"><u>Agenda Item VII C</u></a>	Reno Municipal Court	Presentation on Traffic Citations