

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

**August 24, 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 3:08 p.m. at the Grant Sawyer Building, Room 4412, 555 East Washington Avenue, Las Vegas, Nevada, and via videoconference at the Legislative Building, 401 South Carson Street, Room 3138, Carson City, Nevada. Exhibit A is the Agenda, and Exhibit B is the Attendance Roster. All exhibits are available and on file in the Research Library of the Legislative Counsel Bureau.

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

Assemblyman Steve Yeager, Assembly District No. 9, Chair  
Senator Kelvin Atkinson, Senatorial District No. 4  
Senator Tick Segerblom, Senatorial District No. 3  
Assemblywoman Dina Neal, Assembly District No. 7

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

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

**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:**

Leslie Turner  
Roger Pharr  
Ralph Williamson  
Allison Pharr  
Jagada Chambers  
Claudia Larios  
Justice Camille Vecchiarelli, Justice of the Peace, Dayton Township Justice Court

Yesenia Moya Garay  
ShaRhonda Ramos  
Daniel Thompson  
Michael McDonald  
Laura Martin  
Dizzell Turmon  
Korey Tillman  
Bianca Balderas  
Maria Rebolledo  
Jose Macias  
Robert Strawder  
Erika Castro  
Janet Marta  
Lisa Mosley  
Judge Thomas Armstrong, Carson City Justice of the Peace and Municipal Court Judge

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

I will now open the fifth meeting of the Committee to Study the Advisability and Feasibility of Treating Certain Traffic and Related Violations as Civil Infractions. For purposes of the record, we have all Committee members present with the exception of Senator Segerblom. I believe he will be joining us shortly.

I will now open agenda item III, which is public comment.

**Leslie Turner:**

I am a community organizer with Planned Action, the Mass Liberation Project. We're working on criminal justice reform, really focused on the decriminalization of communities of color. When my son was 4 months old, I was—I am—a single mother. I was just getting back to work. I was arrested for traffic tickets that had went into warrant. They went into warrant because I had just given birth and I just didn't have the money. I was separated from my newborn. I was in jail for about a week and half. I was breast-feeding at the time, so my breast milk dried up, so I couldn't breast-feed him when I got out. It's just an example of kind of just the people, everyday people, who are trying to get by, who are put into jail for being unable to pay. I went to court, and I remember my judge saying, "Oh well, you just could have come to court." At the time, I had just given birth. I had a C-section. I didn't have money to pay the ticket, and I also didn't have money for parking. I didn't have money for bus fare to get there. I think all those things need to be considered. I just think, in general—what is it, 37 states now have decriminalized traffic? I think we should pretty much stop funding the government, county and city off the backs of black and brown people in poor communities. The impact of incarceration, separation from children, Child Protective Services (CPS), kids going into foster care while their parents are in jail on traffic tickets, loss of housing, eviction, loss of jobs: it impacts your driver's

license. Because I was in warrant, for instance, I had to pay \$75, which was another fine that I didn't have to get my driver's license reinstated. Now I have those arrests on my background. Those come up whenever I apply for a job. They come up on my background check, so it impacts future sustainability, future income, and then also just the stigma of arrest. It basically traps people in a cycle of being unable to pay. We really hope that this Committee can recommend that traffic is moved to civil court so that people can no longer be arrested for this. Thank you.

**Roger Pharr:**

I'm a volunteer with the Mass Liberation Movement, working with Leslie. As a Mass Liberation Movement, we tracked statistics on the local jail population in the Las Vegas area. I want to share some of those statistics with you today, as it applies to traffic offenses. Today, Friday, there are 349 people in local jails for traffic offenses. Those local jails are Henderson, Las Vegas and the Clark County Detention Center. Nine of them are there for bicycle infractions, for riding their bicycle on the sidewalk and the like, so in jail for riding a bicycle, another 29 for pedestrian violations like jaywalking, and an incredible 95 for license and registration issues, so not filling out their paperwork for whatever reason, 95 people in jail. These people are clearly not a public threat, they're just in jail because they don't have money. Besides the abysmal human rights problem this constitutes, it's also an economic problem. If Clark County is representational of the state, we can expect that taxpayers are being billed around \$26,000,000 a year to house and feed these detainees. In addition, we lose the economic contribution of these citizens. People in jail for traffic offenses generally have jobs, they pay taxes, but when we put them in jail, they lose those jobs, stop paying those taxes and have effects on the economy long after their jail time is over. In 2016, traffic violations comprised 52 percent of the statewide judicial caseload, for an incredible 413,868 violations. That's one for every six or seven citizens of this state. Knowing this number and the number of people currently incarcerated in the Las Vegas area, we can guess that about 6 percent of traffic cases result in some jail time, either pre or post-trial. But one of the things I'm asking is, I would love to know the actual statistics. Some of these are guesses. If this Committee is able to produce a study that shows stuff like demographic information, how many people go to jail, how many offenses there are, we would love to see that. I think that's absolutely important to be able to shine a proper light on this issue. One jail in particular, the Las Vegas Detention Center, 25 percent of the people there are in jail for traffic offenses. It's their main business. Lastly, in 1975, the National Traffic Highway Safety Association (NTSHA) recommended the decriminalization of most traffic offenses. We've had three generations of drivers since then, and we're still criminalizing this. We are one of the last states to do so. Please, I'm asking this Committee, get it done. Thank you.

**Chair Yeager:**

Thank you for your public comment, Mr. Pharr. I'll note as well, I think we had this as an exhibit for this meeting, but if not we'll add it, but the American Bar Association (ABA)

recently made recommendations in the same regard that essentially—I don't want to say that they didn't recommend, necessarily, civil, but they had recommendations about when it's appropriate to incarcerate people for not paying fines and fees, and I think their recommendation was that it was never really appropriate and that you have to find a way to put safeguards in your systems. That might be something, if you get a chance to look that up. You can find it on the internet. They just had a vote, I think, last month. The American Bar Association had a working committee on this. I put that out there for informational purposes. If we don't have that yet in the meeting materials online, I will make sure that we have that after today's meeting (Agenda Item III).

**Ralph Williamson:**

I am the Pastor of the First African Methodist Episcopal Church. I am also the Executive Director of the Organizing Alliance. We are currently working on progressive policies on criminal justice issues, specifically bill reform and low-infraction violations. As stated earlier in some of the statistics—as a pastor, first of all, I'd just like to say that one of the biggest and the greatest challenges that I have to deal with oftentimes is dealing with individual parishioners that come into the office. Because they have work issues, family issues and transportation issues, then they end up not being able to get to court on time, and then their traffic ticket, which was a low infraction, ends up escalating, and then they have all these additional fines. We end up trying to find ways to satisfy that violation and to keep them from going to jail, and sometimes we can and sometimes we can't, so the person ends up spending some time in jail. Las Vegas 74 ZIP Codes, which are black and Latinics, account for two-thirds of those that owe payments to the courts. Nationally, people of color are more likely than whites to receive a traffic ticket. The administrative assessment fee for most misdemeanor offenses in Nevada is \$123. North Las Vegas, a city with a high rate of poverty and a high concentration of minority communities, collected \$5,700,000 in fines, fees and assessments out of the \$7,200,000 originally imposed by its municipal courts for misdemeanors in Fiscal Year 2017. Indicating an inability to collect from the defendant, its imposed fees on judicial expenses in North Las Vegas for 2017 were about \$6,000,000, revealing that the municipal court is entirely self-funded by the fines, fees and assessments it imposes. We are looking at how we can correct this, because they are building their case on the individuals that really can't afford it. They are getting left out, these individuals that are being put in jails and opposed on fines. We need you to look at how we can correct this situation.

**Allison Pharr:**

I am also with the Mass Liberation Movement, and I want to thank you for convening this Commission. My experience is going to be pretty different than a lot of people are going to testify to this afternoon. I grew up in a white, middle class suburb. As a teenager, I habitually drove fast and had a very heavy foot. I thought speeding was fun and very cool, and I got a few tickets and warnings because of it. I also crashed a couple cars. Frankly, I was a menace. Eventually I did slow down, but it wasn't because of the tickets or possibly

going to jail. It was because I realized that I could kill myself or someone else. For better or worse, my parents paid all of my tickets when I was a kid, and as an adult, I still sometimes get a ticket. I've paid all of my tickets because I can, and I think that's true for most people. When they get a ticket, they pay it, if they can. I was lucky to be born into the privilege that comes with being white and middle class. For example, I was given warnings instead of speeding tickets, which means that I was given the benefit of the doubt and a second chance. Those tickets didn't ruin my life because I couldn't pay. We should all be so lucky. We live in a world where most people need a car to survive, and almost everyone who drives gets a traffic ticket at some point. This means that traffic tickets are essentially a flat tax, and as we all learned in economics, flat taxes are regressive taxes. If you're poor, it hurts you more, and if you live in an area that is mostly populated by people of color, you get police more, and you get more tickets. White people routinely are given warnings 20 or 30 percent more than people of color for speeding, so this is a triple tax due to the poverty, due to more policing and due to more ticketing. This means that we literally set up a system that taxes people who are poor and black and brown more, and the consequences are huge. I know you hear a lot about public safety and that maybe if people think that they might be going to jail that maybe they'll drive faster, but I'm here to tell you, that did not work for me. I want the Committee to think about public safety in a different way. When people go to jail, they can lose their job, their house, their kids. This is extraordinarily destabilizing and traumatic for the families. Then, there is a ripple effect into the community, the city, the state, the nation. In my view, the best way to increase public safety is to set people up to succeed, not to kick them while they're down. Plus, since parking tickets are criminalized, that means that it's a deportable offense. To quote Michael Kagan over at the University of Nevada, Las Vegas (UNLV) Immigration Center, we are literally deporting people whose worst crime is unpaid parking tickets. Are these really the people that we want to deport? These are the people that we want here, putting down roots and contributing to the community. After decades of a war on drugs, which is really a war on poor people and people of color, I think it's time for a new approach. What if we thought about this in a different way? What if we thought about the people in this country in the stat, as our neighbors, as our family? What would it be like if our public policy was meant to lift people up, like we do for friends and family? To that end, I would ask the Committee to please move traffic tickets to civil court and to submit a bill to that effect for vote in the next legislative session. Thank you.

### **Jagada Chambers:**

I am a Clark County community resident. I'm also a fellow for the Mass Liberation Movement through People's Action. My testimony is more firsthand. I'm formerly incarcerated. I came home from prison in 2004, and the only 2 infractions I've had in the last nearly 15 years are traffic infractions. I got a speeding ticket in Tennessee back in 2005, and I got another speeding ticket in Northern California in 2008. Those two moments were literally the most frightening moments I've had since I've been released from prison. The anxiety, I couldn't even describe in words, literally brought me to tears at the one in Nashville, just out of fear. I was scared. Speeding tickets are part of life, but

as a formerly incarcerated person, that is definitely not just part of the course. Oftentimes in our traffic stops, that anxiety comes in, and people don't often handle it in the correct manner. Never, ever making an excuse for anybody who's breaking the law, but the anxiety that comes in for formerly incarcerated people during the routine traffic stops really has to be taken into consideration by this Committee. I hope in our quest to try to right what I deem as a wrong, the portion of our government being funded by penalties and taxpayers penalties through taxpayers—we have to find another way. I think it also is a positive way to let a person who might get into the contact of law enforcement or get pulled over really realize that it might not be the end of the world, it might not cost you your job, it might not cost you even a night in jail or a moment away from your family. I just wanted to offer just about that much as a perspective, as a formerly incarcerated person, what kind of fear comes into those traffic stops.

**Claudia Larios:**

I am a volunteer with Mass Liberation, as well as a local community member. I was born and raised—this is my city, this is a city I take pride in, and because of that, I am here today because I love my city. I love Las Vegas. My testimony is a little bit different. I have never received a parking ticket. I have never received a traffic ticket, for that matter. I believe that it's easy to care about something and to be interested in something when it is something that personally affects you. But I want my testimony to be that, that I'm not personally affected but I deeply care, because I don't need to be personally affected when those around me are affected. As you will hear today and as you have heard, there are many in this room that have been affected, and that's enough for me to be here today. That's enough for me to sit here and voice my concern about the criminalization of traffic violations. I simply am here to ask that you all would consider turning traffic violations into a civil matter, that you would consider creating a bill draft request (BDR) so that we can support that in the following legislative session. That's all I have to say, so thank you.

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

I hear the concerns of many individuals. I am from rural Nevada, a very small court. We don't deal with the problems that you see in the larger courts, but we do deal with them on a smaller scale. I appreciate that the Committee has gotten together, but what I would like this Committee to also consider is what happens if it is a civil infraction. We hear about individuals losing—while incarceration may not be the answer, but they lose their homes, they lose jobs, they may lose a vehicle because of the incarceration. With a civil infraction, there's going to be an impact on that also, and we need to take that into consideration. This Committee should look into that. Currently, when a civil judgment has been entered, and in this case the civil infraction, if somebody is a show-up, it would be a default judgment. Those default judgments are collectible, and the problem is that the best way to collect on a civil judgment is garnishment of wages, garnishment and attachment of the assets. An abstract of judgment can be filed on somebody's home. That's a lien on your home. Order for supplementary proceedings hearings: these are

asset hearings. These cost the individual money to come in for an order for supplementary proceedings to find out what their assets are. Also, in a civil case there is a statute, and I believe it's Nevada Revised Statutes (NRS) 99.070, where interest is allowed. So, now we've got fees and interest, and I think this Committee really needs to look at that, that civil infractions sound like a great idea but there is also going to be costs involved—not incarceration, the cost to individuals that cannot pay a citation. We have to find a solution, but it's got to be the right solution. It's got to be the best for everyone, whether it's a rural court or whether it's a large city population such as Las Vegas, but we've got to find a solution. Thank you.

**Yesenia Moya Garay:**

I am a local community member. I am here on behalf of my sister and myself. My sister was recently incarcerated and then was placed on an Immigration and Customs Enforcement (ICE) hold and was in detention for 30 days for nothing but traffic violations based on not having a driver's license. She has now been evicted and her children now have to be zoned for a different school. We did have to place a Go Fund Me to help with legal fees that are continuing, because it goes far beyond the repercussions of booking fees and other legal fees and phone calls. We accrued \$240 in 2 days on phone calls within just 5 minutes to each of her family members in 2 days, and we were flagged. We were able to have that access to money, and people don't have that kind of access to money on their books. I am here to ask, please, send traffic violations as a civil matter. It really is a—people lose their livelihood; people lose their lives. Families are being separated because of traffic violations. A simple traffic stop can cost you your entire life. That is all. Thank you.

**ShaRhonda Ramos:**

I am also born and raised—a representative with Mass Liberation and the field organizer for the Black Census Project. My story is a little different as well. I received a jaywalking ticket in a crosswalk not far from here, downtown, with a green light. I started crossing the street when two other people were crossing. There was a protest rally in front of the Foley Building, and I was leaving the rally to go to work. I work downtown, so quite a few people in that neighborhood knew me. The light was green, I'm crossing the street, waving goodbye to friends, and the police came behind me and flashed his signals. I thought he must be talking to the people coming across, because the street drove one way on Clark. Sure enough, he screeched that truck over and screamed at me to stop walking. When I say screamed, I mean screamed, because the people across the street started taking pictures and yelling because they were making sure I was okay. I stopped, kind of shocked, like, I was in the crosswalk because the light is green, why am I getting a jaywalking ticket, and he specifically looked at me and said, "My lieutenant said I had to make an example of someone, and you crossed when the hand was flashing." I said, "Oh, okay." I apologized. I thought since the light was green, as long as I made it to the sidewalk. He decided I needed to put my hands on the truck and make a full example and

issue me the ticket and ask for ID; you know, the whole nine. I was in the situation where, having left that rally, there were several people there in law, and they came across the street to make sure that I had representation at that moment. That ticket, which was \$175, I was able to have taken care of because there were so many lawyers there, because they knew me, because they saw the situation. It never made it to court. I didn't go to jail. Being the age of social media, I posted what happened to me and the ticket, and I got an inbox from a friend of a friend who said something similar had happened to him a little farther down, two blocks away. He was sending me this from his sister's Facebook account because he couldn't afford his phone because he had to pay not \$175 but twice that amount because of the area he got the ticket. I thought, "That's silly." I said, "So, why did you?" He said he had to hock his phone and he had to sell a couple of other things because he did not have \$325, and if he didn't pay the ticket, the officer told him he would go to jail. He didn't have time to go to court because of his work schedule, working several jobs, which meant that if he didn't go, he was going to go to jail. He just weighed the options, lose my phone and not drive the car for a little while because he couldn't pay the insurance, to pay the ticket. I just thought, wow, what if between the two of us, those are both bad situations. Nobody wants a ticket. But there is a worse situation of somebody getting in trouble for walking across the street and getting a ticket that they can't pay. Even if it's \$25, if it's \$25 more than I have and I have to go to jail for that amount, it just doesn't seem like the punishment is matching the crime. All we are asking of this Committee is to consider, are you really taking hardened criminals off the street by putting them in jail for crossing at the wrong time, or are we really doing a service in that matter? If we can ask this Committee to please make it a civil infraction rather than something worth being incarcerated for so we don't have to see this situation happen again. Thank you.

**Daniel Thompson:**

I'm from the National Association for the Advancement of Colored People (NAACP), Local 1111. It really affects our community a lot. You see a lot of people come in with complaints about traffic tickets, getting stopped by the police. It really affects our community, I think, and I hope that you guys will make a decision. Move it to civil court.

**Michael McDonald:**

I am the Assembly District 20 candidate, a member of Veterans in Politics, Restoring Freedoms, the Director of Restoring Families and several other groups. I'd like to give some testimony as to the despotism that's occurring in our family and our criminal courts. Our criminal courts through traffic violations are enslaving the people and taxing the most vulnerable citizens. I've got a story of a few veterans that have been thrown in jail. They usually never went to jail before, had no criminal record. They get thrown in on a simple traffic violation or a small accident, they go into the whole booking process, which is devastating. They have to go into a fish tank of 20 to 30 people. I know one gentleman, he had diabetes and his legs were swelling up. He wasn't getting medical care. They kept



him in that fish tank for over 48 hours, and he was swelling up. He had to have medical attention after the fact. You have to wait in that fish tank for almost 2 days just to see a judge or to get a violation. There's another kid, a 19-year-old kid rolling up in a big truck, he got in an accident. The cops rolled up and thought he was driving under the influence (DUI), took him to jail. The kid had never been to jail before and had no criminal record, and they throw him in jail in a tank to observe him. He then plays around, he doesn't know what's going on, gets thrown into an isolation chamber where he stays there for almost 6 days. He tries to commit suicide by wrapping a sheet around his neck. They then take him, strip him naked, put him in an observation cell. The officers then go and beat him up and spray him with mace several times. This is just hearing what's going on and the amount of money that they impose on these people. The citizens have never been in jail before, had no criminal record. It devastates lives. They lose their livelihood, they lose their house, their kids, their family, and if we don't fix this now, it's going to cause a rippling effect. Just to go and fund, what, a new courthouse? That's coming up. It's ridiculous. We need to address the problem and stop enslaving our own citizens. I ask this Committee to please stop throwing people in jail for simple violations or traffic infractions, and also for low-level crimes that they shouldn't be in jail for. It devastates lives and it's causing so much havoc. When you get stay out of trouble orders or you get one order or classes, you have to keep going back and forth and getting charged parking tickets. It just insinuates the recidivism rate. Then, constantly going back to the court to make money off these people, that devastate lives. So, please consider these things when you guys rule on this, and help us to be free again. Thank you.

**Laura Martin:**

I work for Plan Action. We are a statewide social justice organization. I appreciate you all having this hearing, because ending mass incarceration is something that Plan has worked on for the nearly 25 years we've been here in Nevada. I have my own story. I learned here quickly when I moved here from Colorado that the police here want you to renew license plates. There was one day where I was pulled over three times asking about my Colorado license plate, and when they discovered I now was a Nevada resident, I received a ticket, three tickets in one day. More recently, I was driving westbound on Sahara, wanting to go to Starbucks on Paradise. There was a group of four police officers on motorcycles, and as soon as I drove past them, I knew I was going to get a ticket. Sure enough, lights flashing, so I pulled into Starbucks, where I planned to go, and he gave me a ticket for not turning at the intersection, which I had no plan to do. I was going to Starbucks. While I'm sitting there waiting for my ticket, there's somebody next to me getting a ticket, there's somebody behind me getting a ticket, there's somebody on the other side of the parking lot getting a ticket. I see that too, as I live in North Las Vegas behind Craig Ranch Park. I drive down MLK every day to go home from work, and I see lines of motorcycle police pulling people over. I have been pulled over and a police officer asked me if I was on my phone, and when I say no, he just tells me to go home. It brings into question, is this problem so pervasive because there is an incentive to extract these fees from our community? Is their incentive to be posted up in certain communities

because they know these fees will roll over, they know that there is revenue coming in here? One thing I hope the Committee could possibly do, if it hasn't already been done, I know when there is the fourth of July, there was a heat map of all the areas police received calls. I would like to see all the areas where people with minor traffic infractions have been pulled over. I would like to see a heat map of where these areas are, that the police are either finding them most or just pulling them over the most. This is not the only entry point into mass incarceration. One thing our organization did was, thanks to Fame Church in North Las Vegas, we were able to have a brake light clinic where volunteers taught themselves via YouTube how to change brake lights and turn lights and spent a day in the church parking lot changing those lights and hearing the stories of people who are pulled over just because of the light. Really, if you have to go to work, do you want to spend 2 hours on the bus or risk that 15-minute drive to work? It's also an entry point into mass deportation, as we heard from Yesenia. In the age of Trump, they are looking for more and more ways to deport people. They are changing the definition of what a criminal is. We know with Sheriff Lombardo participating in 287(g), anybody that goes to Clark County Jail, if you're foreign-born or unable to be identified, they are going to run an ICE check on you, and that means you are most likely to be deported if you do not have legal representation or if you do not have connections in the community to support you. It's really important to take a look at why we criminalize traffic violations and how we can fix that and what it means to lives of Nevadans, and who is just trying to go to school, go to work, and live here and plant roots, as somebody said earlier. Thank you.

**Dizzell Turmon:**

I am originally from Los Angeles, California. I have deep roots in Las Vegas, Nevada. My family has been here since the 1960s. I came here as a little girl. I remember walking, I remember riding horses, I remember how fun Las Vegas was, and not as a gambling town. I moved back here. I set my sights to move here from Los Angeles. Immediately when I got here, I got a traffic ticket, and I'll never forget it. I dismissed it, threw it in my glove compartment and kept it to pushing, because in LA, you get a ticket, eventually you take care of it, but you hardly don't go to jail for it. Maybe the city's too large and they have bigger fish to fry, I don't know. But anyway, that particular ticket, like I said, I threw it in my glove compartment and kept going, registered my car, did some other stuff. I think about 4 years went by, and after that 4-year period, I got stopped again and I ended up going to jail for a warrant at 9 months pregnant. I was devastated, because I couldn't understand why. Why, it just didn't make sense to me. I knew nothing about the Mass Incarceration Liberation, which I work with now. But I knew something was wrong even back then with that, and now seeing the effect that it has on people overall, I just ask that this Committee take a serious look at this issue. It really needs to be looked at.

**Korey Tillman:**

I am a committee organizer with the Mass Liberation Project here. Through the various testimonies we have heard, in summation, the revenue that comes from traffic tickets and

traffic violations are on the backs of people of color in this county and throughout the state. It ruins lives and it separates families and takes folks apart from their loved ones. Even a simple traffic violation can lead to an ICE hold or, therefore, deportation. I'm here to give our demands and to say a few things beforehand. One: debt should not be criminalized. Also, being poor should not be criminalized. Being a person of color should not be criminalized. Our demands are simple from the community. We want the Committee to recommend that we move traffic tickets from criminal court to civil court. Two: we want those on the Committee to create a BDR that we can support through this legislative session that is coming up on us to keep in mind what honorable said earlier about the setbacks to putting into civil court and keeping those in mind as you build out that BDR. The third is that we want, as Laura said earlier, Metro—or we want the data in the form of a heat map to show the traffic violations by ZIP Code in Clark County so we can see where the communities are impacted the most. Thank you.

**Bianca Balderas:**

I am a community organizer for Make the Road Nevada. I am here to testify. First of all, thank you so much for your time and paying attention to me. I would like to testify on a recent incident that happened with a family friend. He is a father of five children with a wife, both work, and immigrants. They work jobs, minimum wage jobs, where one time he had to rush to his workplace and jaywalked. He was just trying to get to his job. He was stopped by the police, saw that he had no record. Of course, because of the collaboration with ICE, they took him in. Weeks later, he was deported, leaving his wife and five children to fend for themselves. This is why I am asking you to make traffic tickets, these types of incidents, civil and not criminal. Thank you.

**Maria Rebolledo:**

I am representing Make the Road Nevada. I am an organizer there. I am testifying on behalf of my brother. I believe everyone can agree here when I say that growing up as a minority you already grow up fearing the police, so that's already something to take in counter. My brother was—we had arranged payments for his minor traffic ticket, but he was still being looked at as a criminal, so they took to the extent to even going to look for him at my house. He's working, obviously, trying to make money so he can pay this traffic ticket. I'm just asking that you guys can take in counter and make this a civil court, not a criminal court, thing. Thank you.

**Jose Macias:**

Thank you for having this public hearing for the community. I am an organizer with Make the Road Nevada. I am here, as I talk as an organizer in the community and talk to the community every day. We hear about how hard it is sometimes working, our wages are already too low. People can't make enough to live, and having traffic tickets makes it turn to worse and makes them a lot of times getting incarcerated. I just wanted to say that this

is affecting a lot of communities, especially in the immigrant community where there's a lot that happens, especially work programs like 287(g). Having these programs really affects the communities, especially in the immigrant community where people are getting incarcerated and detained, separated a lot of times from their families just because they couldn't pay a traffic ticket. I think that needs to be changed, because you can't be making a lot of people—making money out of people just because they're poor, and the effects, it's a trauma, that cause families. I want to make sure that we give more opportunities to the community instead of incarcerating them, instead of making it hard for people to live through. I just want to say thank you, and hopefully you can hear what the communities hear, because it's an issue we need to fix now, and thank you for the hearing.

**Robert Strawder:**

I'm running for Congress, District 1, but I'm here because I have a lot of friends that committed different traffic offenses and they always end up in jail, and then when they go to jail, they get out and go back because they don't pay their fines because they don't have any money or job or whatnot. I feel like if we made it civil, it would help with the crime rate in Las Vegas, because a lot of my friends, they were criminals, and they revert to criminal activity because when they can't eat, it's like a lion in a jungle. If you're hungry, you eat an elephant or anything, even though it seems strange. When it comes to a ticket, if it comes to a person that doesn't have the money or the know-how to pay a ticket or pay their light bill, they're going to pay their light bill and just take chances on their ticket. I feel like if we put it in the civil court it will help the families, because I know a lot of individuals that their families were evicted when their mom, when their father was incarcerated because of a \$250 speeding ticket. They lose their job, they can't pay rent, they have to be in a homeless shelter with the kids. I feel like you guys up here, you guys could help individuals out like that, because there really is an epidemic that's going on with poverty, and you guys would be a big influence of a change in Las Vegas. Other states are doing it, so why not us? Thank you guys for listening to the community, because that's how we grow and be a better community because of you guys.

**Erika Castro:**

I am a community member. I also work with Plan Action. I am here today because I think that this is an issue that's really important, not only for our entire community here but for the undocumented community as well. I see my mom and my father constantly being afraid of driving because they are afraid if they get pulled over and if they get a ticket that could potentially land them in jail and in deportation. As it was mentioned earlier, this current administration changed the way that we deport people. They removed exemptions and made it easier to deport people without criminal records. When we are facing traffic violations that are criminal and people are ending up in jails because of programs like 287(g), those people are then transferred to the detention center and are subject to deportation. There has been a 203 percent hike in the amount of people that have been deported without prior criminal convictions. That's a drastic jump, between 200,000

people in the last 14 months of the previous administration to 60,000 people in the first 14 months of this administration. That's 16,000 families across the country that are being torn apart and they're being separated. We have the opportunity here, and we also have responsibility to protect those families that are living in our state by switching from criminal traffic violations to civil. Thank you.

**Janet Marta:**

I am here as a resident of Las Vegas, and I do work currently with Make the Road as their communications director. I just thought it was good to tell you guys my story. I have worked very hard to get where I am today. I was a journalist with the City of Las Vegas for two years and a half. I was part of the news coverage for the October 1 shooting. That was very important to keep people informed, what was going on. At that time on the third of October, we still had the coverage. I was at a blood drive and I actually had to go to court for a ticket, a ticket that I didn't make a right turn when I was supposed to. I was in that lane, and I come from California, where this doesn't happen, where you get a warrant the next day. I did not know that was going to happen. I called to pay my ticket, but they told me I already had a warrant, and I told them I want to let the judge know why I couldn't pay this ticket. I don't want to just pay the warrant. It happened that they didn't give me a court date until a month, and as a journalist I had to be driving all around town with the fear of getting stopped and being taken to jail just simply for that reason, and I am a hard worker, a resident of Las Vegas. I tried to serve our community as much as I can. Now if I have that fear of getting stopped, I can only imagine how our immigrant community, our immigrant families here in Las Vegas are fearful for that. I ask that you change the traffic violations to be taken from criminal court to civil court.

**Lisa Mosley:**

I am representing the Clark County Black Caucus today. In reviewing the recommendations for the Committee to consider under certain circumstances whether remains under the criminal code or is moved to the civil code. One recommendation that I have personally advocated for that I don't see is an implementation of a grace period. Currently the way this system is set up, if someone has traffic violations and they have been set up on a payment plan through the court, if that payment is due today, by 12 a.m. midnight that payment has not been made, they are automatically back in warrant status and subject to additional warrant fees and also subject to arrest. I think many of the situations that we're hearing about are due to people having outstanding warrants that they were not able to pay. I believe that with the implementation of a 7-day grace period, 7 to 10-day grace period, would give people more time to pay that fee. Let's face it, most of us live paycheck to paycheck. If my payment is due today but my payday isn't until, say, Monday, if I have some additional time between the day my payment is due and the time that I get paid, I may be able to come up with that money to pay that warrant. What's happening is people aren't able to do that, and because there is no additional time from the time that payment is due until the time someone may get the money to pay it, they

are automatically back in warrant status. Those warrant fees add up, those additional fees to get back on a payment plan should you be able to come up with it, those all add up, and so what happens is people are just not paying it. Again, I think the implementation of a 7 to 10-day grace period would give people additional time, and I would like to see that as one of the recommendations that the Committee takes under consideration. Thank you.

**Chair Yeager:**

Out of those of you who gave public comment here in Las Vegas, if I could just have a show of hands, for how many of you was it the first time you've given public comment at a hearing like this? We have at least a few, so I just want to say thank you for being here and participating in this process. As you can see, this Committee is made up entirely of legislators, but we depend upon community members to come and give us your perspective. I want to thank you for spending part of your Friday afternoon with us, and I also want to encourage you, in the future if you see other committee meetings either in the interim or during the legislative session, to continue to be involved. Thank all of you for being here. I should let folks know, there will be public comment at the end of the meeting as well. I don't see any other public comment at this time, so I'm going to go ahead and close agenda item III, public comment.

I will now open agenda item IV, which is approval of the minutes of the June 26, 2018 meeting. Committee members, you do have the minutes (Agenda Item IV). Before I take a motion, I did want to let Committee members know, as always, I reviewed the minutes and I had just a couple of quick corrections that I've been told I have to put on the record, so if you'll bear with me for just a moment. If you want to follow along, that would be great. If not, then you can trust what I'm going to say. On page 2 of the minutes, second paragraph down, there is a reference to Senator Atkinson being absent-unexcused. That should be absent-excused, if we could change unexcused to excused.

The next correction I have would be on page 7, second paragraph down. This is me speaking, I would say about 7 or 8 lines down. I have the word "involuntarily" and it really should be two words, "in voluntarily." I understand I probably spoke very quickly when I said that, but if we could have that corrected to be two separate words.

I promise there's just a couple more. On page 41 of the minutes, we have the third paragraph down, starting with "we've talked." Second line down, towards the end, right before the word "paying," it should say "not." That second sentence should read "our statutes talk a lot about not being able to incarcerate indigent people for not paying fees and fines." Finally, the last correction would be on page 44. We have Assemblywoman Neal talking at the top of the page, and I think at the end of her first sentence, she can correct me if I'm wrong, but I think she probably said "trying to clean this up" rather than "frame it up."

**Assemblywoman Dina Neal (Assembly District No. 7):**

Yes.

**Chair Yeager:**

So, we just change the word “frame” to “clean.” With that, I want to say: this is 49 pages of minutes, and maybe I’m the only person who actually reads through these, but I want to thank our wonderful staff for doing these minutes. Just so you know, I read through them because I actually kind of find it interesting to go back and look at some of the presentations. I’m a little more of a visual person sometimes than an audio person. I will now take a motion to approve the minutes with those four corrections that were noted.

SENATOR SEGERBLOM MOVED TO APPROVE THE MINUTES OF THE  
JUNE 26, 2018 MEETING WITH CORRECTIONS.

ASSEMBLYWOMAN NEAL SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY

\*\*\*\*\*

**Chair Yeager:**

The minutes are approved with the noted corrections, so I will now close agenda item IV. I will now open up agenda item V. Committee members, you may remember at the last meeting that I had talked about creating a survey and sending that out to the limited jurisdiction courts in the state, so I did that. I put together a survey, and what you have behind most of the tabs in your booklet are responses to that survey. As you can tell from the responses, I asked all kinds of questions, ranging from what are your revenues, what’s your collection rate, how much is remitted to the state, how many warrants are issued, do you use a collection agency, how do you decide whether somebody is indigent. It was sort of the whole panoply of topics that we’ve talked about and were trying to get information about. We received a number of responses, and I want to publicly thank the courts who took the time to respond to the survey. I know everyone has plenty of work to do. It wasn’t my intent to make anyone do work that wasn’t going to be useful, so the surveys that we received, I thought, were extremely enlightening. Most of the surveys received were from the larger jurisdictions, but I want to let the courts and the administrators know publicly that this information is useful and was useful in formulating some of the recommendations, so I do want to publicly acknowledge you and thank you for taking the time to do those surveys.

Committee members, I know there's a lot of information there. I asked our very able legal counsel, Mr. Fernley, to try to summarize in some sense what we have in the surveys. I'm going to turn it over to him to just kind of very briefly on a high level talk about some of the topics that were in the survey and some of the responses, and then at that point I will open it up for any discussion or questions.

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

The first document that the Committee has is a compilation of the responses that we received from the limited jurisdiction courts (Agenda Item V A). Mr. Peinado and myself put that together. I will now try to summarize those responses.

You'll see that the first question asked the courts to provide the amount of traffic fines assessed and collected in Fiscal Year 2016 and Fiscal Year 2017. The question also asked for the amount remitted to the State Treasury for deposit into the state's permanent school fund. You'll see those responses compiled in that summary. Some of the courts were not able to provide the amount assessed because their case management system did not allow that information to be provided. Also, it appears that some of the courts were not able to distinguish between fines for traffic offenses and fines for other criminal offenses, so the information provided by those courts will reflect all criminal fines, not just fines for traffic offenses. You will also see that the amounts distributed to the State Treasury vary. This is because the amount remitted to the State Treasury depends on the violation for which the fine is imposed. If the fine is imposed for violation of the Nevada Revised Statutes (NRS), those fines are remitted to the State Treasury for deposit into the permanent school fund. However, if the fine is imposed for a violation of a county or city ordinance, the amount is not required to be remitted to the State Treasury and instead is remitted to the local government. Also, for municipal courts, no amount would be remitted to the State Treasury because those courts do not have jurisdiction over NRS violations. They have jurisdiction only over ordinance violations, so anything collected in municipal courts is going to be characterized as an ordinance violation.

The second question concerns the fees imposed by courts in connection with traffic violations. These are amounts charged to a person who receives a traffic ticket. These are amounts that are in addition to the fine and administrative assessments. You'll see there's a variation in the types of fees and amounts of fees. The most common types of fees are convenience fees, fees of credit and debit cards, fees entered into payment plans, late fees, collection fees to cover costs of collection, and warrant fees to cover the administrative costs of issuing bench warrants. The order in which partial payments are applied to these fees, fines and administrative assessments is also provided. Some of those were provided in the attachments that were provided by the courts, so you would see those in the information provided by the courts.



The third question asked about bail forfeitures. That question just asks for amounts collected in Fiscal Years 2016 through 2017. You can see the amounts collected in the summary.

The fourth question asked about fine and bail schedules. The courts provided their fine and bail schedules as attachments, so you will see those in the packet of information that follows the summary.

The fifth question asked about whether courts use a collection agency to engage in collection activity for unpaid fines, fees and assessments. Most of the courts do use a collection agency, and the contracts were provided as attachments that you can see in the packet.

The sixth question asked about whether courts distinguished between first party collection activity and third party collection activity. First party collection activity is the activities that are taken by the court itself, and third party collection activity is the activities that are taken by the collection agency contracted with the courts. You can see their responses below as to how the courts distinguish between those two types of activity.

The seventh question was about collection rates. Some courts were not able to provide this information because of limitations in the case management system, but for those courts who provided the information you'll see the variation rates set forth in the summary.

The eighth question asked about uncollectible fines. Under NRS, fines may be canceled if they are deemed to be uncollectible. Some courts do not make the assessment of whether a fine is uncollectible. Other courts deem a fine uncollectible if there's been no activity on the fine for a certain number of years. Other courts do not have established criteria for determining uncollectibility but will periodically conduct an assessment to determine whether any fines are uncollectible.

The ninth question asked for the courts to provide criteria used to determine whether amounts due to the courts can be paid in installments because the amount is not within the ability of the defendant to pay. There is no criteria set forth in statutes, and the courts to use varying criteria. Most courts would require the defendant to self-report and provide information to the court, including information related to income and employment and whether the defendant is receiving public assistance. Some courts make payment plans available to any defendant. There's usually a fee for entering into a payment plan, and the amount of the fee and whether the fee is imposed per case or per offense is set forth in the tenth question.

The eleventh question asked courts to provide information on community service to earn credit against fines and fees imposed for a traffic offense. So, NRS 176.087 authorizes a court to order a convicted person to perform community service in lieu of all or part of the fine imposed for a traffic offense. The most common response from courts was that the

defendant would receive \$10 of credit toward a fine for each hour of community service performed, but there was some variation in those amounts.

The twelfth question asked about incarceration in lieu of the payment of a fine. So, NRS 176.075 authorizes the court to order a person into incarceration in local jail with a minimum of \$75 per day of incarceration credited toward the fine. Most courts credit that \$75 per day of incarceration towards the fine. Some courts do go up to \$100 per day.

The thirteenth question asked courts to provide information related to warrants for failure to appear and warrants for failure to pay. Some courts distinguish between these types and others do not. You also see the number of warrants issued by courts in Fiscal Year 2016 and Fiscal Year 2017. I provided information for Fiscal Year 2018 as well.

The fourteenth question asked about the negotiation of traffic citations. The Commission on Judicial Discipline issued an opinion in 2015 saying that judges should not engage in plea negotiations for traffic offenses. You'll see in the responses that some judges assign all negotiations to the district attorney's office or city attorney's office. In some courts, the district attorney or city attorney has provided a matrix of the reductions that judges may allow, and those matrices are provided in the attachments.

The fifteenth question asked courts whether they received traffic citations in a timely fashion. The most common response was that when electronic citations are used, citations are received in a timely fashion, but handwritten citations can cause delays in case processing.

The sixteenth question asked about collection agencies and the contracts, and I did cover that in an earlier question. The contracts were provided by the courts and the information is attached.

**Chair Yeager:**

Thank you, Mr. Fernley, for that explanation. I will open it up now if there is any discussion or any questions from Committee members about the information provided by the courts in the surveys. We can discuss that as a Committee, and I'll certainly try to answer any questions that I can. Does anybody have any discussion or questions on what we just heard?

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

It's pretty clear that they're all over the book as far as how they handle this, which is one of the things I don't think we should do in the criminal justice system is having different places handle things differently, so that will be one more reason why I would support making these things civil.

**Assemblywoman Neal:**

On the payment plan for fees, I think, I was looking at—well, it ranges from Reno to the Las Vegas Municipal Court. I want to know, did you guys find out where the credit card fee that they charge goes? I didn't even know that they did this until I went to go help a constituent with a warrant, and then they had a payment plan and they charge them for the payment plan, they charge them for using the credit card. So, on top of what they had to pay for the ticket, and then they came in and had two additional charges that they had to pay, but where does that money go?

**Mr. Fernley:**

Those fees are authorized by statute, and the money that is collected from those fees would go to pay the cost of the fees basically charged to the court by the credit card company, the fees the credit card company charges to the court for the ability to use the payment system, and also to cover the cost of the technology needed to take cards. It's really to cover the cost of what it costs the court to be able to use credit cards or debit cards to pay tickets.

**Assemblywoman Neal:**

I guess my follow-up question to that is after a certain amount of time, outside of us being able to now slide in the card versus the swipe, the hardware and the programming is actually paid for after a certain amount of time, so there is a flat dollar amount that is being paid. In excess of that, where does the other money go? It just goes into this nice little bucket of money, because they don't seem to be giving anything back to the state, and they're collecting all of these fees and everything. There are a lot of zeros, and so I'm just wondering if we had a recommendation where it's like, if you already paid your software and programming, you need to stop charging that fee.

**Mr. Fernley:**

I will just refer to NRS 1.113, and this statute authorizes courts to enter into a contract with issuers of credit cards or debit cards to provide for the acceptance of credit cards or debit cards by the court for the payment of money owed to the court. If the issuer charges the court a fee for each use of the credit card or debit card—that's the credit card issuer charges the court a fee each time a card is used—the court can then impose that charge on the card holder, and the total amount of the fees charged by the court in a fiscal year cannot exceed the amount charged to the court by the issuer in that fiscal year. The courts are, under that statute, supposed to limit the amount of their fees to the amount that the court actually has to pay to the credit card issuer for that use. Also, there are other provisions in the NRS that authorize convenience fees for use of technology and things like that. The combination of this fee charged to the courts by the credit card issuers and the technology fees are kind of where you get the convenience fee for credit cards.

**Assemblywoman Neal:**

I won't beat a dead horse with that one, because I know that's probably a contractual arrangement that they pay one lump sum for the year. It's not a monthly fee. That would be the smart way. But going to the bail forfeitures, should I look at this like I'm looking at the Las Vegas Justice Court bail forfeiture amount? Should I look at that amount and then also look at the fees? Is this an addition problem or am I taking the \$1,000,000 and then adding it to the \$12,000,000?

**Chair Yeager:**

There's a trick in trying to frame the questions the right way, and I think I realize in getting some of the responses that perhaps some of the questions should have been clearer, but my intent was to separate bail forfeitures from fines and fees. I think the way the question was worded, it said to not include fees and fines in bail forfeitures, because you might remember we had talked about and will talk about in a little bit as well this idea that when individuals just pay the amount, usually online, that's considered a bail forfeiture and not characterized as a fine. I was trying to separate those two to get a sense of what kind of dollar volume we are talking about, essentially for people who just don't contest the ticket and they just pay it. That was the intent of the question. I can't answer for all courts because, I think in reading some of the responses, it's clear that either my questions weren't concise or maybe they weren't interpreted appropriately, but the intent was that those amounts would essentially be added together to get the actual amounts collected. Hopefully that makes sense.

**Assemblywoman Neal:**

It does make sense. I appreciate that you did that, because I know I was asking around bail forfeiture. But for warrants, is that a separate pot of money that you're going in because there is other interest that's accumulated on the warrant on top of that? Is that in this money, or is that in some other pot?

**Chair Yeager:**

I think the warrant fee itself would be question number two, which was to identify the fees. My intent in asking question number two was for courts to identify all the various fees that are imposed, one of those being warrant fees, so you will see some of the courts identified just a couple of fees and some of them identified quite a few fees. My question there was essentially, if you have a warrant fee, how much is that fee, and then how much was actually collected in the last two fiscal years? I think we have that. We have that from some of the courts, but the monies asked for in bail forfeiture and fines, I specifically said don't tell me about the fees. I want to see the fees broken out separately so we can get a sense of what they are. I'm trying to find one in front of me. There's a lot of information here, but some of the courts did indicate—for instance, the Las Vegas Justice Court. I

have that one in front of me. It looks like there's a warrant administration fee that's \$150, and so your amount collected is around \$2,700,000 in Fiscal Year 2017 (Agenda Item V B-1). My intent in asking that question was just how much do you get in warrant fees, and so, not surprisingly I think, the Las Vegas Justice Court is probably going to be among the highest in the state. When you look at some other courts, they have listed them as well, but they're not nearly as high of a total amount of revenue. Again, this is why I say some of the questions may have been unclear, because some of the courts only indicated one or two fees, but I think really when you look at all the different fees I was trying to get behind, tell me about all the different fees that might exist. I think the Las Vegas Justice Court probably did the best job of that. They gave quite a few in their response, and then they had an addendum which listed some various fees and collection priority as well.

**Assemblywoman Neal:**

I know this was discussed early on, like how much does it cost to run your court. I think that was at one of the first couple of meetings. I'm going to do the comparison over the weekend with how much money you raked in and how much it is to actually run your court for salaries so we can get an idea how much money on top are you actually raising, because I don't believe that it takes all this to run the court, or I need to move. I need a job at the courts. It just seems really excessive, and then the treasury amount of money where there is a whole lot of zeros, because clearly what we knew from the beginning is that how they were writing the ticket allowed them to keep the fines. I'm just starting to think this inherent power of the court, although that's the third part of government, I'm just wondering which part of their power is maybe legitimate versus something that may be in NRS that's legislative.

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

My comments are similar to Assemblywoman Neal's. I had asked the question of a few different people about the fines, and it seems to be one the biggest—and I'm sure Assemblywoman Neal would echo this—complaints from the folks that we represent is the fines with respect to how much court fees, etc., are associated with it, and it seems to be pretty high. Mr. Chairman, you and I spoke about this last week as well, and it just appears if you're the average citizen that these fines are being balanced off the backs of the people. I know you said maybe it wasn't really addressed in any of these recommendations, and I know we haven't gotten to them yet, but I do hope at some point they are. It's probably going to end up ruffling a few feathers, but Assemblywoman Neal is absolutely right that there needs to be something that suggests how much it costs to run the courts and how much of these funds are actually funding things that have absolutely nothing to do with the fines. If we're saying that, and I'm just throwing a number out there, it costs \$100,000 to run the court and we're saying we need that because of these fines and tickets, etc.—obviously reducing some of this from criminal to civil should lower some of this dramatically, but if there is a number associated with it, then we probably need to know what that is, and not just, "Oh, we need this because we need to

make sure that the courts are operating because of other things not even associated with these fines.” I think that with some of what’s going on, we would be naïve to not believe that is the case, but I think that we definitely need to take a look at that if it’s not addressed in any of these. If it’s not going to be addressed in one of yours, maybe some of us will have to do that. I would hate to have to do that, because that seems to be counterproductive to what we’re doing in this Committee, but there is a hope that it is being addressed.

**Chair Yeager:**

Are there any comments or questions about this agenda item from Committee members in Carson City?

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

I’m just listening to your discussion down there about the fines and fees and court costs and everything. What I’ve been hearing in the past and over our previous meetings is that the majority of all these fines and fees and everything, they don’t go to the courts, they go elsewhere throughout the court system. I haven’t seen the numbers yet, but I don’t believe the courts themselves are getting anywhere near what it costs to operate their courts. The fines and fees are going somewhere else. Isn’t that true?

**Chair Yeager:**

I’m not sure if you wanted me to comment on that. I think the issue is that under the Blackjack Bonding case, the courts certainly have the ability, the inherent judicial authority, to assess fees related to the operations of the court, so I think you’re right in a sense. A lot of the administrative assessment fees and the fines are going somewhere else. They are either going where they’re statutorily supposed to go or the fines would be going to the state or the local government. But I think one of the questions for our Committee to consider is these other fees that are essentially court-imposed rather than legislatively imposed. The question becomes are they inherently related to a court function, and if so, how are the amounts established? If I’m not mistaken, we heard the warrant fees can range, I believe, anywhere from \$100 to \$300 per warrant depending on which jurisdiction you’re in. I think that’s one of the things for us to potentially look at, and I don’t know that we’ve gotten any real good testimony on how those amounts were arrived at. I certainly understand that it’s complex. When you’re talking about the cost of a warrant, it’s hard to quantify that cost because there are a lot of different aspects that play into it. But with that being said, I think there is definitely some concern about the disparity among the different jurisdictions.

**Senator Gustavson:**

We do still have the judge here in our room that might be able to answer some of those questions for us. Is it all right if we call her up here?

**Chair Yeager:**

I don't mind if we call her up, and if she wants, at least with respect to her court, she might be able to provide testimony about how the warrant fee was arrived at and if that number is tied to any particular outlay of resources. I would be happy to take that testimony.

**Judge Vecchiarelli:**

How that warrant fee came up was contempt. You're allowed to charge an individual up to \$500 for contempt of court or 25 days' jail. It's one or the other, not both. Back in the early 1990s, most warrants were \$500. Well, the judges have the discretion. They can charge from \$0 up to \$500 for that contempt. What you see is different communities figuring out what their communities can afford. That's why you see such a different range. We charge \$200 for a warrant fee. It used to be \$500, but it's dropped down to \$200. Other courts charge \$50, and some charge \$100. We waive them when it's necessary. We may waive that warrant fee if individuals show up and surrender themselves on bench warrants. We have Thursday morning where anybody can surrender themselves on a bench warrant without arrest, and I can waive that fee if they have a legitimate reason why they didn't show up for court or they didn't pay their fine. I have that discretion.

The court does not keep the money. At least, the Dayton Justice Court doesn't. The fees go to the county or to the state. Some of the fees that are collected, the \$60 chemical analysis fee, that's the blood or breath test that is taken at the time of arrest on a DUI, that money is given to the sheriff's office to reimburse them for the cost of those chemical analysis tests. The court does get \$7 for every administrative assessment fee. That money does go into the court administrative assessment account. There are only, I believe, four things we can use it for. We can use it for capital improvements, technology, audits and I've lost the fourth one, but we're limited on what we can do with that admin fee. Also, 25 percent of the civil fees are kept by the court. It's actually a little bit broader what we can use that on, but it's set by statute what we can use it on. One of the things that's nice with the civil fee, that 25 percent, is we can use it for staff. We're understaffed. We're running courts with minimal people and trying to do all of it. It gets difficult, and that amount helps us to hire staff. But it's a very small portion that is kept by the court. We're not making money, at least the smaller courts, and again, I'm talking for myself. We don't make money. Our budget is higher than what we actually bring in as revenue. I think our budget is about \$550,000 and we bring in about \$420,000 a year, so we're not making money. We get charged every month for credit card fees. Every transaction has a credit card charge, and so what we've done is we've gone to a business that provides the credit card so the court's not collecting any more credit card fees. If you would like the

convenience of using your credit card, you can go through GovPay and use their credit card system. Otherwise, we will take personal checks and cash because we were losing revenue when we were running credit cards. It's convenient, but we weren't making any money off of it, at least with the Dayton Justice Court. Any other questions?

**Assemblywoman Neal:**

When the person is issued a warrant in Dayton, and let's say they come back in and they get on a payment plan and they fail the payment plan, how soon does this trigger the Department of Motor Vehicles (DMV) suspending their license?

**Judge Vecchiarelli:**

We do give a grace period. Anybody who is on a payment plan has 10 days to make the payment without a letter of intent, which is what we send out. We send them a reminder notice, a letter of intent, that we are going to issue a warrant. "Please contact this court within 10 days so a warrant won't be issued." We then wait 30 days before we even issue a warrant, sometimes up to 2 months. We're busy, we don't have time to do these warrants, and we have other things we need to take care of. Sometimes it goes 2 months. In the interim, if the individual contacts the court, we have them come back in personally and we set up a new payment plan.

**Assemblywoman Neal:**

Do you charge them for the new payment plan?

**Judge Vecchiarelli:**

We do not. When an individual wants to make a payment plan and they'd like to make monthly payments, we do charge a \$25 payment plan fee, one time and one time only. If they make the payment in full within 30 days, we waive the \$25 fee as an incentive.

**Assemblywoman Neal:**

I was asking because—I think sometimes God's testing me—I went with a constituent that had warrants in two courts. They had warrants in municipal court which were old, and then they had warrants in justice court, so we had to go to both. I went with her so she could get the warrants cleared in municipal court. They offered her a payment plan which was reduced, because I was like, "She has a hardship," so then they allowed the payment plan. She was on a \$100 a month payment plan. She was on welfare, and she was getting \$330 a month on Temporary Assistance for Needy Families (TANF). They were able to drop it down to \$35 a month for the one court to clear up the warrants, but then she had to go to the DMV that day and clear up with the DMV the license suspension because it was going to happen on August 18. It was literally just this month. When I went to justice



court, she had the same payment plan. I asked them to reduce it. They wouldn't, but then they charged her again for the new payment plan, charged her for the credit card payment and then her payment remained \$100, which she could not afford, and it was clear she couldn't afford it but there was no wiggle room to make it. They were like, "Well, you can go back to the judge and you can set an appointment," and I was just like, "How is she supposed to go back to the judge? You can't just walk into the court and say, 'I'm here, I'm on a payment plan, and I really need to have a new discussion.'" That's a whole other potential 30 days to go back and set another appointment to then have the discussion about the hardship, which was known from the beginning that this was the hardship. I was just curious how you do it. I know smaller towns are different, but I was just thinking about the collateral effects of everything that happens and how it builds up, because literally if she had not gone to the DMV that day then she would have had another charge, which would have been trying to get the license reissued. They would have charged her more money. Plus, she had the payment plans and all of these other things. I understand, but I just feel like the problem that we're trying to solve is that these are actual poor people. The rich people are not being phased with the multiple collateral consequences of what's happening. What's happening is the people who are barely making it who are like, "I have to pay rent but I have this warrant and I can't pay both."

**Judge Vecchiarelli:**

It sounds to me that she should have been offered community service. The bottom-line is if you can't make a \$100 payment and you set somebody up with that with a \$300 income, you've just now set them up for failure, and I don't think that's what we're here for. It's consequences for a crime that was committed, but we're not here to set people up for failure. I also want to see success. I want to close the cases. I want to then concentrate on some of the more serious crimes that I do have to face. If she was offered the community service, which we do in our community at the food bank—these individuals are using the food bank and they know what it's like to have to go in there and use it, so I offer them to go in there and now work and give back to your community. Help those other families out, because they need it just as much as you do. They are welcome, open and receptive. We have a number of individuals that go to the library and work there, or at Parks and Recreation or the youth coalition. We have nurseries that are done by the youth coalitions and they love to go over there and water and nurture it. So, that community service work, I think, is the next step. It should be offered, but also the programs have to be available. The other issue is that small communities, we're able to be a little bit more human with the individuals that come in. That human factor comes in with the smaller communities. I could not even fathom what it's like with those kind of numbers that you read off for the Las Vegas Justice Court. I cannot even fathom that amount of money or the volume of citations that they receive. We have two stoplights in Dayton. We don't have jaywalking citations. I don't see that.

**Senator Atkinson:**

I have a quick question, Your Honor. One of the folks that spoke earlier asked about a grace period. Does Dayton do that for payment plans or anything? Do they have grace periods? I guess I'm having a problem, and I was going to ask that later too, but when a ticket is issued, how fast do they come? It's been a while since I've had one, like a long while. I'm trying to figure out from when it's issued to when it actually ends up in court, a grace period for them to pay on the payment plan.

**Judge Vecchiarelli:**

Citations are issued electronically now, so we get them quite quickly. Their court date is usually 4 to 5 weeks from the date of citation. If they do not appear for that court date, they are given a 10-day grace period. They can appear the following week without any penalties, and they can pay it without any penalties. After that following week, we then issue a 10-day late notice. It's called a letter of intent, that we are intending on issuing a bench warrant for their failure to appear. Some people forget. They get the letter and then they contact the court immediately. They're told to come in on the next following Thursday to take care of that letter of intent and citation. Sometimes they ask for longer time. All they have to do is submit a letter asking for a specific court date and we'll send them a notice, but I make them do it in writing because too many phone calls and there is no documentation, so I do make them do it in writing. After the letter of intent has been issued and we have no contact with them, it's 30 days to 60 days before we issue an actual bench warrant. Once the bench warrant is issued and signed by myself, then the DMV is notified of the suspension. How long it takes for the DMV to suspend the license, I'm not quite sure. That is the process in the Dayton Justice Court.

**Chair Yeager:**

Thank you, Your Honor, for the additional testimony. Is there anything else under this agenda item?

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

A couple of things that I do have is—not one is going to fix all. You see the problems that they've got in Clark County and Washoe versus the rest of the state, and you look at the testimony that has come through this whole process from rural Nevada, Elko, Sparks, everybody that's come up and did testimony, how they work with these people that get fines or whatever. I'll give you an example of the people that abuse the system and then they fall through the cracks. I had one guy that worked for us, he had eight tickets and they sent letter after letter after letter to this guy. We didn't know anything about it until they took him to jail. He makes 30-some dollars an hour, so did he have the money to pay for it? Yes, he did. Some of these people fall into this. He should have went to jail. He abused the system, but in rural Nevada, you see these judges work with almost

everybody. They give them a chance to do community service, or they allow them to do payments. Our office is set up with half of these guys that get a ticket or whatever. They make their payments because they don't want to go to jail. The problem we have is that we can't have—this is oranges and apples with the system that's proposed and the small counties and the fees. You heard Judge Simon say, "We'll lower these, or if they'll do community service we'll just get rid of them totally altogether." I'll tell you, this is one of the big things that scares me the most is these small communities like Wells, Wendover, Elko, Carlin, that use this money to do the programs, the upgrades in the computers, and that's unfunded mandates by the State of Nevada that they have to do this. Where are they supposed to get this money now? Go back to the taxpayers? No, I disagree with that. These are unfunded mandates coming down. The assessment fees, the \$7 and the 25 percent you were talking about, doesn't that pay for part-time help to do the data reports that they need to do? I mean, it's not something you want to do, it's something that's mandated by the NRS, is that correct?

**Judge Vecchiarelli:**

Yes, it is correct. We're a small volume, but yet we're really busy. The bottom line is that we are here to uphold the laws. Individuals do get in trouble, and I'm talking about the more serious crimes, but on these traffic tickets there are some—a seatbelt violation, to go to jail for a seatbelt violation, and then you have to look at that aspect of it. If I have a warrant for, let's say, \$300—the individual is picked up, he's put in jail and he spends now 4 days in jail. He gets credit for the fines, fines are all paid in full, citation case is closed, he is done with everything but he just lost 4 days of his freedom and the taxpayers have to pay for him to be incarcerated. It's a system that needs to be looked at. It's broken and it needs some fixing. There should be maybe mandatory caps on some of the fines instead of—a traffic citation in my jurisdiction is \$25 plus the admin fees comes out to \$75. In Las Vegas, it's \$300, \$200. Again, on the demographics of the individuals in my community is how we based our bail schedule. What can our community pay? My community cannot pay \$200 for a 1 to 10 mile an hour speed limit. It's not going to happen. It's \$75 or \$115, that's it. Then, when they come to court, that amount is usually reduced. I reduce it. I help people out.

**Assemblyman Ellison:**

Some of the problems I've run into watching the court systems, being a County Commissioner and City Councilmen, is every time I turn around they're changing the programs for the State Computer Recording System. You don't get that from the county, you have to depend on that fee out of this, is that not correct?

**Judge Vecchiarelli:**

We use the administrative assessment accounts for our technology security update. I just had to put ballistic glass in to keep my staff safe. Ballistic glass, can you imagine that that has to be done because we're worried about the individuals that we're dealing with?

**Assemblyman Ellison:**

If this goes away, how are you going to do that?

**Judge Vecchiarelli:**

Well, I would have to go before the county commissioners, beg for money and hope that they would give it to me. If they say no, then I do without. That small portion does help the court to be a little independent on its needs. The ballistic glass cost me \$25,000 to protect my court staff. It was something that I thought was necessary in this time, in this world. But that money came out of the administrative assessment fees that I've been collecting for years. I have \$45,000 in that account, that's it, and I've been collecting it for years.

**Assemblyman Ellison:**

I was hoping, Mr. Chair, when we look at this that we don't have one-fit-all, that we can look at these and look at the rural areas. It's a whole different ballgame versus what's happening in the cities. I understand some of these things. If I got thrown in jail for jaywalking, I would be a little upset myself. So, I'm hoping that we'll look at these problems that are out in rural Nevada that don't have this kind of money.

**Chair Yeager:**

Is there any other discussion on this agenda item? I don't see any. That may be because we're quickly approaching 5 p.m. and it is Friday. I'm going to close agenda item V and we're going to move to agenda item VI. Before we look at some of the recommendations, I did want to make a few introductory comments. In the work session document itself (Agenda Item VI A-1), which largely was created based on the discussion—or maybe the soliloquy—I gave at the last hearing about some of the issues that were going on. You're going to see different kinds of recommendations. Essentially, it would be my request of this Committee to potentially advance all of these recommendations, and I'll explain that as an overview. There are four different bill draft requests that are being requested in these recommendations. We'll go through them individually, but I wanted to let the Committee know that bill draft request number one, which is listed as number one on the work session document (Agenda Item VI A-1), would be to transition to a civil system of infractions for minor traffic citations, and then bill draft requests two, three and four with those respective numbers really talk about if we are unable to go to a civil system, here

are some ways we might perhaps improve the current system that is being operated. Number two talks more about procedure in these cases. Number three talks more about the penalties, the assessments and the fees. Number four is really the collection or backend of the process. The last few proposals listed, numbers 5 to 10, all of them involve drafting letters and sending those letters to various entities. We can take those up when we get there. I think the idea behind this is we can advance all of these. Keep in mind that what we're doing today is submitting a bill draft request. Obviously, what we do today does not ensure passage of these issues, that these would be debated in the legislative process. We would obviously need quite a bit of input that we probably haven't had the benefit yet of on this Committee, but these would allow us to get that process started. I also want to let Committee members know that if you agree to submit a particular bill draft request, you are not agreeing to support the bill itself in the legislative process, because as Assemblyman Ellison noted, perhaps there are some things that don't work for every community. I don't want to give anyone the impression that you're voting to actually do this. We are at the stage where we're asking that a bill draft be prepared for consideration in the next legislative session. That being said, I've left some of these items a little bit vague, admittedly, because I think this is a very technical approach, and it's somewhat hard. We're not drafting the bill today; we are asking for the request. So, with that being said, my intent was, so folks know, to go through each bill draft request. We are going to take the four bill draft requests one at a time and vote on them. If there is a motion to pass and a second, then we will vote on advancing those, and then we will take the letters one at a time as well, just for clarity of the record. We essentially could be voting on as many as 10 recommendations, 4 being bill draft requests and 6 being letters.

**Senator Segerblom:**

Why don't we cut to the chase? It's 5 p.m. At least down here, we all support your recommendations. Whether we have the individual vote for each one or not seems kind of irrelevant because, as you said, it's just going to be bill draft requests. They're going to go to Carson City, and you're going to have a whole other process. I think it would be simpler just to vote up or down.

**Senator Atkinson:**

My remarks were going to be along those same lines. I think you answered my question, because in reading them, it sounds like if number one went through there kind of wouldn't be a need for the other three, correct?

**Chair Yeager:**

I think that's correct, with the cautionary note that I guess we could decide—and we don't have to decide this today, but we could decide that a civil system is appropriate, but it might take us some time to get there. It might not be a flip-a-switch solution. In that scenario, we could look at potentially implementing some of the criminal—

**Senator Atkinson:**

That's where I was going, Assemblyman. What will we do in the interim? That was just answered. My remarks are going to be shorter. Along the lines of what Senator Segerblom just said, that's where I am, as long as—because I think the community sometimes doesn't understand that we do these, and then they automatically think because we're doing this today that that kind of is what we're going to pursue. But I think we need to make it abundantly clear to them that we want them involved in this process and that this process is just at stage one today and that these are just requests and that there will be a lot of time to work with the community, and hopefully as we move forward, Mr. Chairman, I would assume that these bills would come from this Committee and will be submitted as a request and they would go to the Assembly Judiciary Committee, more than likely. More than likely, it will go to the Assembly Judiciary Committee, which is a committee you chair, and that we will solicit the community support all the way through this process with these bill drafts, not only in the Assembly but also in the Senate as they come through so they can continuously be heard on these matters and continually have their issues be addressed. I'm good with that if you are, and as long as the other members on the Committee are, I'm not sure we need to go through them as long as we just do them, and make sure that everyone understands that these are just a work in progress and that we're going to continue to work on them. I think that's really, really, really important that they understand that.

**Assemblywoman Neal:**

I agree. I understand that it's getting close to 5 p.m., but on the proposal for number one, I just want to make sure the issues around the default judgment—I totally agree, and I thought about this last meeting about the liens, the garnishment and all those things that can kick up, and I agree with the justice who's out of Dayton. I want to know how we would work out those kinks, because that language is not necessarily addressed here. Also, the grace period statement that was made in public comment is not reflected in here. I thought with the revision of the payment plans and all of that stuff, maybe it could be assumed that a grace period would be in there in proposal 1D. I just want to know how we are going to work out that stuff, because I don't want civil and then we end up with garnishment and the same problem on the backend where we're putting liens on folks.

**Chair Yeager:**

That's a very fair question. I left it purposefully vague in this document. The use of the default judgment obviously is borrowed from civil, but I think we would also have the ability to look at what the implication of that default judgment would be in a minor traffic infraction arena. I don't necessarily think we have to use all the procedures that are in place now for your typical civil litigation default judgment. My hope would be that as we move through this process of the actual drafting of the bill, as Senator Atkinson said, we can bring in some expertise, speak with individuals, for instance our judge who's joining us from

Carson City and other folks here today to figure out how best to do that, because I think those concerns are obviously legitimate. If we are just changing systems to change systems but we have the same outcome, what have we really achieved? Your point is well taken, and I certainly would invite more input as we go forward into how to create that system. Again, we may get to a point where we just can't figure out a way to do this in the 2019 Session, and if so, then it may not pass, or we may have to consider it in future sessions. But I think that's the intent, to try to do it, and thankfully we have some other jurisdictions to look at as well that have done it.

**Assemblyman Ellison:**

We got some problems within it. Two, three and four, I think we could clean that up. But number one, is this going to be the last hearing that we're going to have on this prior to the bill being put into a BDR or are we going to be able to meet one more time on this?

**Chair Yeager:**

We will not be able to meet as a Committee because our bill drafts have to be in September 1, only through the grace of the Legislative Commission. It was really supposed to be, I think, July 1 or August 1. We won't have a formal meeting, but certainly I would commit to you and other Committee members that we should continue to talk to one another and potentially convene some stakeholders in the drafting process, but today will be our last formal meeting of this Interim Committee.

**Assemblymen Ellison:**

If I may, what I'd like to do is to get with our judges in rural Nevada and see if we can come up with a compromise on number one and then get that to you and also the Legislative Counsel Bureau.

**Chair Yeager:**

I appreciate that, Assemblyman Ellison. What we can do today, if it is the will of the Committee, we certainly can pass these recommendations. But again, I'm willing to sit down with anybody at any time to talk about how to make this happen. Unfortunately I can't bring us back for another meeting to consider additional ideas, so it would be my preference that we advance bill draft request number one, realizing that there may be some additional input that needs to be considered for the drafting process. If that works for you, I certainly would appreciate that. I do note for the record, I didn't get any survey responses from I don't think any of the courts that you referenced, so I was not able to take some of their practices into consideration. But the offer is still open for them to submit information or to continue discussions on this. Unfortunately, at this time, we have to vote up or down on what we have in front of us, so we will have to do that today.

If it's the Committee's preference, I would take a motion at this time to advance all 10 recommendations. Again, one would be the request of a civil BDR, three BDR's relating to improvement of the criminal process, and then six letters to various stakeholders, including the urging of a working group to talk about Senator Segerblom's idea of traffic infractions and traffic payments on the side of the road. The last recommendation, and I don't think that is something we can do this session, is to convene stakeholders after the session once we figure out which direction, could we really do that, and if so, how. I appreciate your input on that, and I think it's going to take a little bit of work, but I'd like to continue looking at that idea.

We have a motion from Senator Segerblom, do I have a second? I have a second from Senator Atkinson. Now would be time for any discussion on the motion.

SENATOR SEGERBLOM MOVED TO APPROVE THE RECOMMENDATIONS.

SENATOR ATKINSON SECONDED THE MOTION.

**Senator Gustavson:**

Mr. Chairman, could you repeat that motion please, just to make sure I'm clear? I thought, originally you said you were going to take these proposals separately, but are you taking just one motion for everything now?

**Chair Yeager:**

Correct, Senator Gustavson. The will of the Committee, at least the will of the members down here, was to make a motion to advance all 10 of the recommendations, which were the 4 individual bill draft requests and the 6 letters. The motion on the table right now is for approval of all 10 of those. There is a second, and then I'll remind the Committee that under the rules of the Committee, we need two yes votes from the Assembly and two yes votes from the Senate to advance any motion. Seeing no additional comments, let's go ahead and take a vote on the motion.

THE MOTION PASSED (SENATOR GUSTAVSON AND ASSEMBLYMAN  
ELLISON VOTED NO.)

\*\*\*\*\*

The motion does carry, four votes to two. As Chair of the Committee, I will request these BDR's formally from the Legislative Counsel Bureau. I want to obviously let Assemblyman



Ellison and Senator Gustavson know that, again, this is the beginning of the process, and I hope we can work together to figure this out going forward. I would invite that at any time from this point forward.

At this point, I'm going to close agenda item VI. We are going to go to agenda item VII, which is our second round of public comment.

**Judge Thomas Armstrong (Carson City Justice of the Peace and Municipal Court Judge):**

I am currently the President of the Nevada Judges of Limited Jurisdiction (NJLJ). I'll keep this brief. I know we're winding things up here. I just want to say that the NJLJ is available for input at all stages of these proceedings when you guys are considering options here. The impact on the courts and the various courts and the different types of courts—rural, urban, municipal, justice—are varied and different. The courts would appreciate a chance to weigh in on the potential impact. It might not be so apparent to this Committee and other members of the legislative body in issues of granting discretion, withholding discretion and issues of procedures when you're setting up and making changes to these sorts of things and how the procedures are going to work in the courts themselves. The NJLJ is neutral on this. We recognize that the legislative prerogative is yours and yours alone, but when it impacts the court, we appreciate as a stakeholder being included in those discussions, and you gave an opportunity for input at every step of the way. I want to say, in that vein, we appreciate you taking the testimony of our various members throughout these different committees going forward and incorporating some of those comments, and it is truly appreciated. With that, I just want to say I'm here if you need me. I'll be happy to help as we go forward.

**Chair Yeager:**

Thank you for being here, and thank you for that offer. I'm certain we will take you up on that.

**Mr. McDonald:**

I know it's getting late, so I'll be brief. There's a couple more things. There's so much related to this civil infraction and traffic violations. I do a lot of court observing through Veterans in Politics and other groups, and I can tell you I see a lot of tyranny going on in the courtrooms. People begging the judge to release them or what's going to happen with their kids or their house or job, and they show them no empathy. They go to jail and their lives are devastated. A lot of constituents have been telling me that cops have been entrapping them. The police are trying to meet quotas where they'll set speed traps at the end of hills. They'll purposely go to stop signs just to meet those quotas, and I think that's another part that should be looked into, just an enslavement of the people, bait purses and DUI checkpoints and whatnot. In my opinion, the judges really need training on

empathy and compassion for people. They need to look at why are we profiting off our own citizens and throwing them in jail when they could be being productive members of society and not losing so much being incarcerated. Another thing is it should be about reformation and not punishment, to go and help this person. Maybe this person has a speeding problem, maybe this person has that, but I also think that the excessive fines that people are being charged is just an enslavement of the people like I said. The parking is crazy. You go downtown, you have to keep coming back for court dates, getting charged \$20. You miss your parking. The court system, as you probably well know, it doesn't exactly go on time too. These people are trying to rush out and come back up, not get bench warrants. Going to the meter, you can't put more money in the meter. You have to go and redo the whole thing. Another thing is the probable cause and discretion of our officers. I think we need more training on that. Judges are worried that what they're doing in the courtroom and putting in ballistic glass. Why would they be afraid? What are they doing to the citizens? What would cause that fear? That is what I would ask that they look at. Like I said, you should focus on reformation, not punishment. The plea deals, bail amounts, excessive eighth amendments—it's against the Eighth Amendment to cause excessive bail and keep people in a thing where it constitutes no bail. They can't get out of jail. Then they have to wait trial if they don't take a plea deal and they have to force—even if they're not guilty, they go and have to await trial for 21 days, so most people will go in there and take the plea deal. Civil infractions I don't think is the answer because as civil infractions, they'll still get bench warrants. You'll go over there and get a civil infraction, the judges will go and give contempt orders for not paying the fine and then they'll put them in debtor's prison, which was eliminated in 1833. Classes and stay out of trouble orders—forcing someone to pay and go to classes is a heavy burden on people, especially going to work and taking care of their families, and if they don't complete it, they go to jail. The jails and prisons are being completely filled up. It's completely inhumane. I could tell you some horror stories and conditions for profiting off of the people with 25 cents a minute in phone calls and \$1.20 in ramen soup and starving the people, and that is inedible and cancerous. So please, this is a really big issue and there are so many people filling up our jails and prisons for profit. We should be the land of the free, yet we have 25 percent of the world's incarcerated.

**Chair Yeager:**

Seeing no one else, I will close public comment. Before I adjourn the meeting, I just want to thank Committee members for your service to this Committee and for your service to the state. I want to thank our incredible staff who has done a tremendous job of pulling these resources together, and I also want to thank those of you who have come in front of this Committee, whether it be the various judges, court administrators, members of the public, law enforcement. I know we've come a long way since our first meeting, which I think was last year if I remember correctly, maybe back in December. We've been at it for a while, and I just want to thank all of you for your service.

**Assemblyman Ellison:**

I want to thank you. I think you've done a great job. I really, honestly can say that I think the people down there that are with you have done a great job. I think we can get to where we're trying to get at because we've got a big state. But you were fair, you were open, you allowed everybody to speak. Therefore, I want to thank you and the colleagues and the Senators that are down there and Assembly people, that they've done a great job and I think they did their homework, and I want to thank you for that.

**Chair Yeager:**

Thank you for your kind words, Assemblyman Ellison, and thank you to you and Senator Gustavson for driving into Carson City for all these meetings. I know it's not necessarily right next door, so I appreciate your time and effort and service to the Committee. Senator Gustavson, obviously you won't be returning next session to be able to vote on these proposals, but I certainly would welcome your input as you see it as we go forward in this process because you've been around a long time and I know we would value your perspective going forward. I want to wish you the best and a very happy retirement from the Legislature.

**Senator Gustavson:**

Thank you, Mr. Chairman. I echo the comments that Assemblyman Ellison has made. I think you've all done a great job down there. I don't agree with everything. I would like to have voted on these separately and I wouldn't have voted no on all of them, just probably the first one. But anyway, it's been a pleasure working with you. I only have, I think, one legislative interim committee meeting left, and that's next week. I just want to say it's been a pleasure working with all of you down there, and everyone else in the staff here has been great. It's been an honor and a privilege just to be able to serve in this body. I just want to thank all of you again for all the help that I've received from you and for working with me on other issues too. I will say goodbye to most of you. We'll be back next session. It won't be in a voting position, but I'm sure you're not going to get rid of me that easy.

**Senator Segerblom:**

I just want to say to Senator Gustavson, you will always go down in history with your 80 miles per hour speed limit. That's the most fantastic thing anyone's ever done. Secondly, sorry about the civil forfeiture. We never got there, but keep pushing that issue.

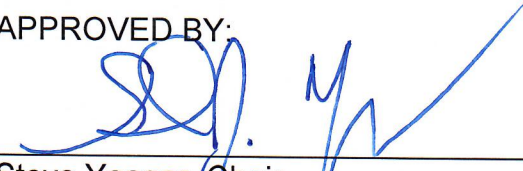
**Chair Yeager:**

Seeing nothing else, again, I want to thank you all. This meeting is adjourned at 5:11 p.m.

RESPECTFULLY SUBMITTED:

  
\_\_\_\_\_  
Jordan Haas, Interim Secretary

APPROVED BY:

  
\_\_\_\_\_  
Steve Yeager, Chair

Date: 4/28/19

<b>Exhibit</b>	<b>Witness/Agency</b>	<b>Description</b>
A		Agenda
B		Attendance Roster
Agenda Item III	American Bar Association	Ten Guidelines on Court Fines and Fees
Agenda Item IV	Jordan Haas, Committee Secretary	Draft Minutes of the June 26, 2018 Meeting
Agenda Item V A	Bryan Fernley, Committee Counsel	Summary of Data Received from Various Courts
Agenda Item V B-1	Las Vegas Justice Court	Responses to Requests for Information
Agenda Item V B-2	Las Vegas Justice Court	Analysis of Traffic Fees
Agenda Item V B-3	Las Vegas Justice Court	Fee Code Priority
Agenda Item V B-4	Las Vegas Justice Court	Opinion by the Standing Committee on Judicial Ethics
Agenda Item V B-5	Las Vegas Justice Court	Traffic Citation Matrix for Moving Violations
Agenda Item V B-6	Las Vegas Justice Court	Traffic Citation Matrix for Non-Moving Violations
Agenda Item V B-7	Las Vegas Justice Court	Contract for Collection Agency Services
Agenda Item V B-8	Las Vegas Justice Court	Contract for Renewal of Collection Agency Services
Agenda Item V C	Las Vegas Municipal Court	Responses to Requests for Information
Agenda Item V D	North Las Vegas Justice Court	Responses to Requests for Information

Agenda Item V E	Henderson Justice Court	Responses to Requests for Information
Agenda Item V F-1	Henderson Municipal Court	Responses to Requests for Information
Agenda Item V F-2	Henderson Municipal Court	Bail Schedule
Agenda Item V G-1	Carson City Justice and Municipal Courts	Responses to Requests for Information
Agenda Item V G-2	Carson City Justice and Municipal Courts	Bail Schedule
Agenda Item V G-3	Carson City Justice and Municipal Courts	Contract for Collection Services
Agenda Item V H	Dayton Justice Court	Data from the Dayton Justice Court
Agenda Item V I	Reno Municipal Court	Responses to Requests for Information
Agenda Item V J	Sparks Justice Court	Responses to Requests for Information
Agenda Item V K	Tonopah Justice Court	Responses to Requests for Information
Agenda Item VI A-1		Work Session Document
Agenda Item VI A-2		Work Session Document Attachment A